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HOUSE OF REPRESENTATIVES—*Thursday, May 1, 2008*

The House met at 10 a.m.

Pastor Gary Strickland, Kingdom Place, Lumberton, North Carolina, offered the following prayer:

Our dear Heavenly Father, on this National Day of Prayer, we publicly acknowledge You to be the Lord of the universe, the author of creation, the arbiter in history, and the savior of man.

We bow before Your providence and celebrate Your goodness to our Nation. Thank You for blessing America.

Bless this Chamber of decision-makers, and let each of them seek Your guidance in every matter affecting our country.

Bless this Chamber of legislators, and let each of them vote always according to Your eternal standards, which transcend time and personal preference.

Bless this Chamber of social leaders, and let each of them model for us Your healing virtues of compassion and mercy, integrity, forgiveness and service.

We bow before Your power, celebrating Your goodness to us as a people. Thank You for blessing America.

In the name of Your son, Jesus Christ, we ask and pray for all these things.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Mrs. TAUSCHER) come forward and lead the House in the Pledge of Allegiance.

Mrs. TAUSCHER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1760. An act to amend the Public Health Service Act with respect to the Healthy Start Initiative.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the Second Session of the 110th Congress:

The Senator from Ohio (Mr. VOINOVICH).

The Senator from Alaska (Ms. MURKOWSKI).

INTRODUCTION OF REV. GARY STRICKLAND

(Mr. MCINTYRE asked and was given permission to address the House for 1 minute.)

Mr. MCINTYRE. Madam Speaker, I'm pleased today to introduce the Reverend Gary Strickland who just delivered the invocation for the U.S. House as we, as a Nation, begin this National Day of Prayer, a time when communities across America will be joining in prayer for our country today.

And what better person to begin this day than a man whose ministry has carried him across North Carolina, touching people from all walks of life, from the booming coastal city of Wilmington to rural communities like Pikeville, Wilson, and Little Washington, North Carolina, to the All-American cities of Fayetteville and Lumberton.

The former Christian Education Director for the North Carolina Conference of the International Pentecostal Holiness Church, Gary now pastors a vibrant, nondenominational, multicultural church named Kingdom Place that is growing exponentially and has a wide-ranging ministry that shares God's love and the redeeming power of Jesus Christ.

Born and reared in Southeastern North Carolina, he is married to my sister, Karon McIntyre Strickland, who's with us today, and they have two children, Joel and Amy; two grandsons, Bailey and Bentley; and a son-in-law, Steve.

Gary is a graduate of the University of North Carolina at Pembroke where he served as student body president. He received his master's in religious education at Duke and his master's of divinity from Southeastern Baptist Theological Seminary.

As my brother-in-law, I'm particularly honored to have had him open us today on the National Day of Prayer.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five further 1-minutes on each side.

PRESIDENT BUSH IS 0 FOR 2

(Mr. EMANUEL asked and was given permission to address the House for 1 minute.)

Mr. EMANUEL. Madam Speaker, in 1993, when professional baseball owners were deciding how to rehabilitate the reputation of baseball after the players' strike, they debated whether to enact a wild-card rule to allow the second place team into the playoffs. Only one owner at the time voted against this, Texas Rangers general partner, George Bush.

When the rule passed 27–1, at the time the President said, "I made my arguments and went down in flames. History will prove me right."

Since then, nearly a third of the World Series Champions have been wild-card teams, including the 2004 World Series Champion Boston Red Sox. The rule helped save baseball, as history has shown.

And just like his baseball predictions, President Bush sings a very similar tune about Iraq. He says, as recently as yesterday, "History will prove whether I'm right, and I think I'll be right."

Really? Five years today since his speech on "Mission Accomplished." And let's take stock. More than 4,000 lives have been lost, tens of thousands of American men and women have been injured, we've spent over 475 billion taxpayer dollars in Iraq, with the price tag continually going up.

History will judge whether, once again, George Bush's record and America's reputation will go down in flames. At this rate, he's 0 for 2.

CONGRATULATING ISRAEL ON ITS 60TH ANNIVERSARY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Madam Speaker, I rise today in honor of one of this Nation's strongest allies and friends, Israel.

For 60 years now, Israel has been the pride of her people, and a beacon for those who believe in the transformational power of democracy. Our relationship with Israel is built on the bedrock principle that free people and freedom itself must be defended whenever and wherever it is threatened.

Israel itself faces constant threats to its freedom as her people suffer from the most consistent barrage of terrorist attacks the world over. But that does not stop, does not deter, does not prevent Israel from thriving and standing strong.

As a representative of one of the country's largest Jewish communities, I'm proud to rise today in support of Israel, and to congratulate the great State of Israel on its 60th anniversary. May she live strong and free for years to come.

WE NEED TO GET OUT OF IRAQ AND TAKE CARE OF THINGS HERE AT HOME

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, my colleagues, yes, we're looking at an anniversary of Iraq here. But let's talk about things that the American people can relate to immediately. Cost of eggs going up 35 percent in the last year, cost of milk going up about 23 percent, bread going up about 16 percent.

Now we know that Americans going to the gas pump are paying near $4 a gallon in many areas.

What does this all have to do with Iraq?

Well, we're in Iraq for oil. The oil companies are running our domestic energy policy. It's having an impact on the price of food. It's causing a great transfer of wealth upwards away from the working people and the middle class of this country into the hands of a few wealthy oil company owners.

We need to get out of Iraq. We need to end the occupation, close the bases, bring the troops home. We need to set in motion an international security and peacekeeping force that can stabilize Iraq as our troops leave.

We need to start taking care of things here at home. Americans are losing their homes, they're losing their jobs, they're losing their health care, they're losing their retirement security. It's time we started to take care of things here at home and get out of Iraq.

□ 1015

SAN FRANCISCO ROLLS OUT THE RED CARPET FOR ILLEGALS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, San Francisco city officials are encouraging illegals to find their home in this California town. The city recently began an expensive public relations campaign reminding illegals that it is still a sanctuary city and that local law enforcement will not cooperate with Federal officials to enforce immigration laws.

This bold announcement comes at a good time. Many other American cities actually believe in enforcing the law and cooperating with the Feds to arrest international trespassers. This causes illegals that live in the shadows of those cities to be perplexed as to what to do. They certainly don't want to go home because they cannot receive free social services like health care, welfare, and education.

So to be completely compassionate and caring, San Francisco should expand its PR campaign to include those hardline, narrow-minded, nonsanctuary cities and encourage their illegals to go to San Francisco. The PR campaign should be "The City by the Bay welcomes all, including those that violate the law."

Meanwhile, Congress should prohibit all Federal money from going to sanctuary cities like San Francisco that laugh at the rule of law and pander to illegals.

And that's just the way it is.

HONORING CHRIS LOCKE

(Mr. McNERNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNERNEY. Madam Speaker, today it's my pleasure to extend my congratulations to Chris Locke, a walnut farmer from Lockeford, California, who recently earned an award from the Environmental Protection Agency for sustainable farming practices. He tends 580 acres of walnuts on a plot of land in a town that his great-great grandfather founded and which bears his family's name, Lockeford.

Chris utilizes pest control practices that reduce the need for chemical sprays. His methods include pheromone-based treatments as well as maintaining plants that attract beneficial insects and birds that control rodents.

Chris' motivation is an admirable example of sustainable farming and stands as a shining illustration of the increasing commitment of San Joaquin County farmers and growers to environmentally friendly agricultural techniques. As a pioneer in the field, Chris has generously offered to share his techniques with fellow farmers.

It is my honor to recognize Chris and to congratulate him for his well-deserved award.

HONORING THE JEANNETTE HIGH SCHOOL BASKETBALL TEAM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on Saturday, March 15, the Jeannette High School basketball team from my district won the State's Class AA championship. The Jeannette Jayhawks became the second high school in all of Pennsylvania history to reach the achievement of winning both the state basketball and state football championships. Led by players Terrelle Pryor, Shaw Sunder, and Jordan Hall, and Coach Jim Nesser, the Jayhawks won a game that will go down as one of the best in PIAA history and cap a remarkable season in which the team went 25-4.

This is a great accomplishment for a small school district in southwestern Pennsylvania which has excelled in the classroom. McKee Elementary was named a Blue Ribbon school, and all the district's schools received the Keystone Achievement Recognition this year, with the school district getting the bronze medal.

Congratulations to the entire Jeannette school district and to the entire Jeannette community.

HONORING MARINE LANCE CORPORAL JORDAN CHRISTIAN HAERTER

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, I rise with profound sadness to recognize a fallen marine from my district, Lance Corporal Jordan Christian Haerter who was only 19 years old when he was killed in Iraq last week.

Lance Corporal Haerter was from the small Peconic Bay community of Sag

Harbor, New York, and is the village's first war casualty since World War II. He is the 30th of our brave troops from Long Island, and the eighth constituent of mine, who has fallen in Iraq and Afghanistan.

Lance Corporal Haerter had been in Iraq for only a month when he died a hero while defending a checkpoint in Ramadi. He was killed while firing at the driver of an enemy truck full of explosives that was running a barrier and about to crash into dozens of his fellow marines. His noble sacrifice was honored earlier this week when hundreds of Long Islanders paid their respects outside the Old Whalers Church in Sag Harbor. They remembered his youth, his love of the Marine Corps, and his determination to be the best marine he could be. He was always faithful.

On behalf of New York's First Congressional District, I extend our heartfelt condolences to his family. Their loss will never be forgotten, and we will always remember Jordan's noble sacrifice.

PASS THE "RIPE" ACT

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, recently I introduced a bill to repeal some of the legislative provisions that have led to an artificial demand for ethanol. H.R. 5911, the Remove Incentives for Producing Ethanol Act of 2008, or RIPE Act, repeals the renewable fuel standard, repeals tax credits for ethanol producers, and repeals tariffs and duties on imported ethanol. These incentives are giving ethanol producers a guaranteed market for their product.

Domestic corn, already a heavily subsidized commodity, has been the primary source of biofuel, and the mandate has encouraged farmers to focus agriculture production away from food production toward fuel production. The Department of Agriculture has said that the biofuel mandate has raised fuel prices as much as 20 percent.

In addition, ethanol's role as a supposed savior for our energy woes has been severely overstated. Ethanol as a fuel yields about 30 percent less energy per gallon than a gallon of gasoline. This is what happens when government picks winners and losers in the economy and the marketplace. Just 4 months ago, we were convinced we had a winner. It's turned out to be a big loser.

We need to remove the incentive. I urge support of H.R. 5911.

LET US SALUTE OUR VETERANS

(Mr. CARSON of Indiana asked and was given permission to address the House for 1 minute.)

Mr. CARSON of Indiana. Madam Speaker, I come to the House floor today to honor our Nation's veterans, particularly the thousands of Hoosiers who have risked their lives to protect our Nation and secure our liberty. All Americans owe a great debt to the veterans who have served and, in some cases, made the ultimate sacrifices for our Nation.

As a Member of Congress, I rely on the spirit of these brave men and women to guide me as we work in the Chamber to ensure our troops have the benefits they have earned and deserved when they come home.

This weekend in my hometown of Indianapolis, Indiana, our distinguished House Majority Leader STENY HOYER has graciously agreed to accompany me to meet with a group of our Nation's finest veterans at the American Legion on Guion Road. This visit will provide Leader HOYER and me with the opportunity to personally thank some of our veterans and learn more about how we can better meet the needs of these true American heroes.

I am honored to welcome the majority leader back to Indianapolis, and I look forward to working with him to ensure that we meet the needs of all of our Nation's veterans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). Members are reminded not to traffic the well while another Member is under recognition.

REAUTHORIZE COUNTY PAYMENTS

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute.)

Mr. WALDEN of Oregon. Madam Speaker, of all of the counties in the Second Congressional District, perhaps none has been more profoundly impacted by Congress' refusal to reauthorize county payments than Josephine County.

Nearly half of the county workforce has been cut in recent years. Public safety has been hardest hit. Overnight patrols by the Josephine County Sheriff's Office are down to one 10-hour shift split among six deputies who cover 1,640 square miles. That's six deputies patrolling an area the size of the State of Rhode Island.

Maybe you remember the frantic search after Thanksgiving of 2006 for the James Kim family in the Federal forests off southern Oregon. The search-and-rescue funds for that operation came from this very program that Congress has refused to reauthorize.

Why won't the Democrat leadership bring a vote on H.R. 3058? It's a bipartisan, 4-year reauthorization bill for county payments. It has been 3 months since the committees of jurisdiction have sent it to the full House, and yet no votes have been scheduled.

So I again call on the Democratic leadership to do the right thing. Keep the commitment to the timbered communities of this country and pass a reauthorization or attach it to a vehicle that's moving. Restore faith with rural counties all across America. Keep the Federal commitment to the people of timbered counties like Josephine.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1167 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1167

Resolved, That it shall be in order at any time on the legislative day of Thursday, May 1, 2008, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

(2) The bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

(3) A bill to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1167.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, as the Clerk just described, H. Res. 1167 authorizes the Speaker to entertain motions that the House suspend the rules at any time on the legislative day of Thursday, May 1, 2008, on legislation relating to the following three measures:

(1) H.R. 5715, to protect the Federal student loan program.

(2) H.R. 493, Genetic Information Nondiscrimination Act.

(3) a bill to provide for a temporary extension of the farm bill.

The rule is necessary because under clause 1(a) of rule XV, the Speaker may entertain motions to suspend the rules only on Monday, Tuesday, or Wednesday of each week. In order for suspensions to be considered on other days, the Rules Committee must authorize consideration of these motions.

This is not an unusual procedure. In fact, in the 109th Congress, my friends on the other side of the aisle reported a number of rules that provided for additional suspension days.

This rule limits the suspension of rules to only these three time-sensitive measures. This will help us move these noncontroversial, yet important, legislative initiatives that have widespread bipartisan support.

I urge my colleagues to support this rule.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the chairwoman of the Rules Committee, Ms. SLAUGHTER, for yielding me the customary 30 minutes.

I yield myself as much time as I may consume.

Madam Speaker, on September 28, 2006, the Republicans were in the majority and the Democrats were in the minority. I was managing a rule on the floor similar to what we are considering here today to allow specific bills to be considered under suspensions under the rule on a day that suspensions are not permitted under House rules like today.

During debate on that day in September 2006, the then-ranking member of the Rules Committee, Ms. SLAUGHTER, stated, "It isn't just what the Congress has done with its time that is so disappointing. It is also what the Congress has not done, all of the challenges it has not addressed."

Madam Speaker, the same can be absolutely said today about the Democrat control of the House of Representatives. Earlier this year, House Democrats approved a budget that included a tax hike of $683 billion, the largest in American history. Americans cannot afford the Democrat plans to cut the child tax credit in half, to reinstate the marriage penalty, and raise taxes on every single taxpayer. Instead of record-breaking tax increases, this Congress should work to make those tax cuts permanent.

I'm also dismayed that the Democrat-controlled House of Representatives has not acted to extend the State and local sales tax deduction to States that don't have State income tax. That tax expired on January 1 of this year. The State and local sales tax deduction is important for those States that don't have a State income tax, such as my home State of Washington. Extending this deduction is a matter of fairness that Congress must act to renew as soon as possible.

The Democrat-controlled House of Representatives have also failed to act to give our intelligence community the tools they need to protect our country from new terrorist threats by modernizing the seventies-era FISA laws. For over 74 days now, America has been hobbled in the vital work to monitor terrorist communications and detect new plots despite the fact that the Senate has approved a bipartisan plan and sent it over to the House. House Democrat leaders have refused to allow the House to vote on the Senate plan and have refused to go to conference with the Senate.

Madam Speaker, why, I ask, why is an issue of this magnitude being placed on the back burner by Democrat leaders, despite repeated attempts by Republicans to allow the House to vote on this bipartisan plan?

Madam Speaker, the Democrat-controlled House has also failed to address perhaps the most pressing issue on the minds of Americans today, rising gas prices.

□ 1030

Democrat leaders may not like to hear it, but since they took control of Congress in January of 2007, the cost of a gallon of gas has gone up by over 50 percent. In fact, the cost of gas has gone up by more in 16 months than it had gone up in the prior 6 years:

Instead, they have spent hours giving speeches trying to blame the President and anyone but themselves for the fact that Congress has done nothing to address rising gas prices. But, Madam Speaker, facts are stubborn things.

And the facts are that gas prices have gone up over a dollar a gallon on the Democrat Congress' watch. The facts are that Democrat leaders promised the American people in 2006 that if they were to control Congress that they had a "commonsense plan" to "lower the price at the pump."

It's been 16 months of this Democrat Congress, and the promise is nowhere to be seen. This Congress has put forward no plan, has taken no action, and passed no bills to lower gas prices. They promised relief at the pump to lower gas prices, and they've done nothing.

Madam Speaker, at this time I would like to insert into the RECORD an article by Investor's Business Daily posted April 29, 2008, and it states, "This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy."

[From Investor's Business Daily, Apr. 29, 2008]

Congress Vs. You

Energy: President Bush let the Democrat-led Congress have it with both barrels Tuesday, lambasting lawmakers for fiddling while the energy crisis burns. It was a well-deserved takedown of do-nothing lawmakers.

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction and ignorance in his wide-ranging press conference Tuesday.

"Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills," Bush said. "They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay."

Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:

Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.

Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique "boutique" fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.

Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19% of our total energy. (Many European nations produce 40% or more of their power with nuclear.) Granted, nuclear power plants are expensive—about $3 billion each. But they produce energy at $1.72/kilowatt-hour vs. $2.37 for coal and $6.35 for natural gas.

Raising taxes on energy producers. This is where a basic understanding of economics would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing "windfall" and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.

These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40% by 2030, including a 28% increase in the U.S.

Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.

The current Congress, led on the House side by a speaker who promised a "common sense plan" to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Madam Speaker, we all know that we must work together, Democrats, Republicans, the House, the Senate and the President, to solve America's pain at the pump. Until this happens, however, we should not deny good ideas from being considered.

Therefore, I will be urging my colleagues to defeat the previous question so that I can amend the rule to make in order any bill that would "have the effect of lowering the national average price per gallon of regular unleaded gas." Let's defeat the previous question and show America that Congress is serious about addressing the rising cost at the pump.

With that, I reserve my time.

Ms. SLAUGHTER. Madam Speaker, since I will be the last speaker on this side, I will reserve my time until the gentleman has closed.

Mr. HASTINGS of Washington. At this time, Madam Speaker, I yield myself the balance of the time.

Madam Speaker, Americans don't want a debate on the problems causing gas prices to dramatically increase. They want a debate on solutions.

Therefore, as I stated a moment ago, I will be asking my colleagues to vote "no" on the previous question so that Members can offer solutions that have the effect of lowering the national average price per gallon of regular unleaded gas.

As I mentioned, 2 years ago, then-minority leader, now-Speaker PELOSI promised Americans a Democrat plan to lower gas prices at the pump. They have controlled Congress for 16 months, but we still have not seen this plan. Meanwhile, the cost of gasoline is setting record highs. The time is now for the House to debate ideas and solutions for lowering gas prices, and it is time for the Democrats to reveal their plan that they promised 2 years ago.

So, Madam Speaker, by defeating the previous question, I will move to amend the rule to allow any bill to be offered and considered under suspensions of the rule that would have the effect of lowering the national average price per gallon of regular unleaded gas.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I urge my colleagues to defeat the previous question so that we can have this debate, so that we can consider these vitally important issues that America's families, workers, truckers, small businesses, and our entire economy face with these rising prices of gasoline.

With that, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, while I had not planned to be here at this point to debate gas prices, I feel compelled to put a few things on the record.

Everybody knows that ExxonMobil announced first quarter profits totaling $11 billion, up 17 percent from last year and just shy of record profits last quarter. BP announced profits increased 63 percent; Royal Dutch-Shell 25 percent, and this increases the 5-year trend of record oil profits.

While my colleagues say we have done nothing, the fact is that we've done a great deal and they've almost consistently voted against it. For example, we have tried more than once to take away the Federal subsidies to these oil companies, to the big five, because they are awash in money, and we see no reason for them to get more from the taxpayers than they're already getting at the pump. That has been consistently fought by both the Republican Party and the President. The President calls for the same policies that he has done all along and sort of hopes for the best. For the last 7 years, congressional Republicans and President Bush doled out billions of dollars in subsidies to the big oil companies, instead of working for an energy independence plan for America which was rarely discussed even during their tenure.

We're committed to a new direction. Speaker PELOSI has called on President Bush to suspend purchases of oil for the Strategic Petroleum Reserve temporarily. That would go a long way toward helping us with this. We have done this before, but President Bush says he doesn't think it would affect the price.

On Friday, the New Direction Congress called on the Federal Trade Commission to enforce the law and to investigate record gas prices and possible market manipulation. Under the Energy Independence and Security Act of 2007, the FTC has the authority, but will not take it, to exercise the power to protect the consumer from skyrocketing energy costs. That is the Republican administration.

The Energy Independence and Security Act of 2007 also included landmark provisions to make cars and trucks more efficient and to promote the use of more affordable American biofuels. The new fuel standards will reduce our oil consumption by 1.1 million barrels per day by 2020, and it will save American families $700 to $1,000 per year at the pump. That is under the Democrats in Congress.

We've also passed legislation in this House to crack down on oil price gouging, to hold OPEC accountable for oil price fixing, and then, as I said, to repeal the subsidies for profit-rich Big Oil so we can invest in a renewable energy future. However, President Bush and the Republicans block these efforts every step of the way.

Cracking down on oil price gouging was opposed by 140 Republicans in the House, including all of the Republican leadership except Mr. MCCOTTER. Holding OPEC accountable was opposed by 67 Republicans, including most of the Republican leadership, Mr. BOEHNER, Mr. BLUNT, Mr. COLE, Mr. DREIER, and Ms. GRANGER. Repealing subsidies to the profit-rich oil companies and investing in renewable energy and energy efficiency was opposed by 174 Republicans, almost unanimously, including all of the Republican leadership. And in every case, the Bush administration threatened to veto the bills. Unfortunately, Republicans in the Senate refused to even let them become bills to go to the President.

We have a good and sufficient record here. We have planned to do more. We have done more than was done in the last 7 years to try to do that.

With that, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1167 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following new paragraph:

(4) Any bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline.

The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 493, GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1156 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1156

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Education and Labor or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself as much time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1156.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 1156 provides for consideration of the Senate amendment to H.R. 493, the Genetic Information Nondiscrimination Act. The rule provides 1 hour of general debate on the motion with 20 minutes each controlled by the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Ways and Means.

Madam Speaker, the story of humanity is defined by extraordinary achievements that centuries later are looked upon as having impacted the course of human history. Five years ago, we saw one of these distinguishing achievements: the mapping out of the human genome, a discovery that pries open the door of possibility and presents an opportunity to advance the human race.

This breakthrough in the field of genetics joins the ranks of momentous discoveries that have changed the face of medicine and science for centuries to come, like the discovery of the polio vaccine so many years ago.

Last week, Senator KENNEDY on the Senate floor noted that the mapping of the human genome "may well affect the 21st century as profoundly as how the invention of the computer or the splitting of the atom affected the 20th century."

However, Madam Speaker, such discoveries and achievements do not automatically lead to these extraordinary breakthroughs. In order for us to fully reap the benefits, we must ensure that our social policy keeps pace with the advancement of our science.

That is precisely why I rise today in support of the Genetic Information Nondiscrimination Act. It has been 13 years in the making, and I'm pleased that the House of Representatives is once again considering the bill today, hopefully for the last time, so we may send it to the President to sign into law.

While I'm pleased we're taking it up, I'm saddened that so much time has been lost and that the march toward progress and discovery has been slowed.

The Genetic Information Nondiscrimination Act is the culmination of a broad and bipartisan effort to prohibit the improper use of genetic information in workforce and health insurance decisions.

It prohibits group health plans and health insurers from denying coverage to healthy individuals or charging higher premiums based solely on a genetic predisposition to maybe develop a disease in the future.

Furthermore, it bars employers from using one's genetic information when making hiring, firing, job placement or job promotion decisions.

Madam Speaker, the bill has been described as the first civil rights legislation of the 21st century. I think that assessment is correct because, with the exception of trauma, everything that happens to a person's body has a genetic component. From the color of our eyes to our height, to the illnesses and disorders we are susceptible to, everything happens because of our genes.

No one, not a single living human being, has perfect genes. In fact, each one of us is estimated to be genetically predisposed to between 5 and 50 serious disorders.

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The good news is that since the sequencing of the human genome was completed in April, 2003, thanks to Dr. Francis Collins, who I am happy to say is in the gallery today, researchers have identified genetic markers for a variety of chronic health conditions and increased the potential for early treatment and the prevention of numerous genetic-based diseases. There are already genetic tests for over 1,000 diseases, and hundreds more are under development.

Let me mention just two of them. Just this week we heard from newspapers that in London and work being done in Pittsburgh, and I believe it's the University of Pennsylvania, has restored some eyesight to people who were disposed to a genetic disease that harmed their vision as children. To be able to restore eyesight is something none of us had ever dreamed of being able to do. But by injecting genetic material into the back of the eye behind the retina, they have received some sight. They believe that once they are able to do this in younger children and be able to increase the dose that the success rate will be extremely high, and that, in itself, is such good news.

Also yesterday the New York Times reported that the gene has been isolated for osteoporosis and for fragile bones. I remember when we were fighting for the Office of Women's Health, the statistic we used for osteoporosis was that we spent between $20 and $30 billion a year, and this was years ago, 10 or 15, all that much money to treat osteoporosis. At that point we had no treatment for it. We just tried to do the best we could. We have over time achieved some treatments for osteoporosis, but think what would happen if once we find that gene, we are able to manipulate that gene or change it and prevent osteoporosis altogether?

The great thing about this science is the limitless possibility to cure human conditions without long hospital stays, without invasive surgeries, and there are possibilities there for an entirely new way for us to provide health care.

Now, consider if these tests we know that can tell a woman if she has a family history of breast cancer, if she has a genetic predisposition. For at least the 10 years, I have been told by women who are in that condition and also by their physicians that they have recommended to them that until a bill such as the one we are passing today becomes law in this country, they should not put at risk their health insurance, many of them who are the sole provider for health insurance for their families, or their jobs. We believe, the estimates are, that about 22 percent of Americans have already been discriminated against. We have numerous cases of people who have lost their jobs. So the most important thing to show what rank discrimination that has been is that having the gene is only predictive. It does not say that you are doomed to have it. Indeed, it could be 20 or 30 years away, if at all. To deny a person health insurance and employment on that kind of proposition is nothing but discrimination.

We know now that numbers of people are going to go out to get the tests that they need to be able to plan for the rest of their lives, constituents that we have all had with Alzheimer's who want to plan for their future. So in addition to improving health care for millions, it's going to give the scientists and our medical researchers invaluable insight on how to combat and even cure diseases in the future.

I don't think we're going to realize what a wonderful day this is for us until someone in your family is faced with this and that you can have a cure for them. It is totally remarkable. I honestly believe that, being here in Congress for 22 years, which has meant so much to me and for which I am so grateful to my constituents, that this piece of legislation and what we have done here is the most important thing that I shall ever do in my life and certainly in my time as a legislator.

I'm enormously grateful to everybody who has supported this and all the people who have worked on it all these many years, never getting discouraged, always working every 2 years, refiling the bill, getting all the cosponsors, and fighting for passage. That wonderful day now has come. I especially want to give my thanks to my colleague JUDY BIGGERT for all the wonderful work that she has done.

Madam Speaker, to give you an idea of the potential that exists, consider that genetic tests can tell a woman with a family history of breast cancer if she has the genetic mutation that causes it long before the cancer develops.

Armed with this information, this woman can make important health decisions on when to engage in preventative care and when to seek early treatment.

And in doing so, we can cut down on hospital stays and invasive surgeries while allowing medical treatments to be more personalized.

Madam Speaker, in addition to improving health care for millions of individuals, genetic testing gives our scientists and medical researchers invaluable insight into how to combat and, perhaps, even cure these diseases in the future.

However, for the potential of genetic research to be realized, we need to make genetic testing something that is commonplace, rather than something that is feared.

Unfortunately, because no one has perfect genes, no one is immune to genetic discrimination. And the threat of discrimination is holding men and women back from participating in clinical trials that will lead to the medical breakthroughs of the 21st Century.

Madam Speaker, their fears are not unfounded. Genetic discrimination is real and is happening today.

A 2001 survey of employer medical testing practices found that 1.3 percent of companies test employees for sickle cell anemia, 0.4 percent test for Huntington's Disease, and 20.1 percent ask about family medical history.

During the 1970s, many African Americans were denied jobs and health insurance based on their carrier status for sickle cell anemia.

More recently, many have heard about the 2002 Burlington Northern Santa Fe Corporation case where the company paid a $2.2 million settlement after it tested its employees for a genetic marker dubiously associated with carpel tunnel syndrome.

In North Carolina, a woman was fired after a genetic test revealed her risk for a lung disorder even though she had already begun the treatments that would keep her healthy.

There was even an instance of an adoption agency refusing to allow a woman at risk for Huntington's disease to adopt a child.

These abuses have only fed the public fear of genetic discrimination, leading many Americans to forgo genetic testing even if it may help avert premature death.

Sixty-six percent of Americans are concerned about how their genetic information would be stored and who would have access to it.

Seventy-two percent of the American public believes that the government should establish laws and regulations to protect the privacy of one's genetic information.

Madam Speaker, genetic discrimination is wrong on two fronts.

First, it is critical to remember that simply carrying a given genetic mutation does not guarantee that one will develop the disorder. It merely confers a level of risk upon the carrier.

Given that scientists cannot accurately predict when or whether a carrier will develop a genetic disorder, it is illogical to allow this information to be used by health insurers and employers for discriminatory purposes.

Secondly, and very importantly, if individuals do not participate in clinical trials, we will never be able to reap the real benefits of genetic science.

In a 2003 editorial, Dr. Francis Collins, head of the National Human Genome Research Institute, and James Watson made a persuasive argument in favor of non-discrimination legislation like GINA.

They wrote, and I quote: "Genetic discrimination has the potential to affect people's lives in terms of jobs and insurance, but there is another dimension as well: It can slow the pace of the scientific discovery that will yield crucial medical advances." End quote.

Madam Speaker, as I have mentioned, this legislation began 13 years ago and has had quite a ride going back and forth between the House and the Senate.

I would like to take a moment to speak briefly about the evolution of this bill and the agreements that we have made so that it could end up here today.

In order for us to move forward, we addressed some of the concerns about the legislation, specifically about the threat of frivolous lawsuits.

Several years back, we made sure that if an employer inadvertently receives a person's genetic information, they could not be sued unless they used that information to discriminate against the employee.

Within the past few weeks, we were able to work out a clarification regarding the so-called "firewall" issue.

This agreement makes both sides happy and still preserves 40 years of civil rights law by ensuring that employers are held accountable under civil rights remedies.

In addition, this bill requires that before an individual can go to court, the EEOC has to review their claim and determine if it has merit.

I am very pleased that we were able to work together to ensure the success of this critical legislation.

And, Madam Speaker, while there have been some opponents to this bill over the years, there have mostly been allies.

I hold here in my hand 514 letters of support from a wide spectrum of health, scientific, and medical-related organizations.

Here in Congress, we have over 220 cosponsors, both Democrats and Republicans.

Just over a year ago, this body passed GINA 420–3, and last week, the Senate once again passed this bill unanimously by a vote of 95–0.

Even the White House has come out in support of genetic nondiscrimination legislation.

Before I close, I want to take a moment to thank the lead Republican cosponsor of this bill, Congresswoman JUDY BIGGERT. Without her and her staffs hard work, today would simply not have been possible.

I also want to thank Congresswoman ANNA ESHOO for her strong advocacy on behalf of this bill over the years.

I want to thank Senators KENNEDY, SNOWE and ENZI for championing this bill through the Senate.

And I especially want to thank Dr. Francis Collins for his support. His testimony last year before three House Committees should have swayed even the firmest nonbelievers that genetics has the potential to change our health care system as we know it.

I am so proud to have played a role in making this legislation possible—legislation that not only will stamp out a form of discrimination, but will allow us to realize the tremendous potential of genetic research.

By passing this legislation today, we open the door to usher in a whole new era of health care and change the course of human history.

Millions of Americans have waited far too long for these protections, but I'm so pleased the wait is almost over.

I urge all my colleagues to support this bill once again.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I do want to thank my friend from New York, the gentlewoman and chairman of the Committee on Rules, for yielding me this time to discuss this proposed rule for consideration of H.R. 493, the Genetic Information Nondiscrimination Act.

Like my colleague, I too rise in support of this rule which would allow the House to agree with the Senate compromise and pass H.R. 493, the Genetic Information Nondiscrimination Act of 2008, or GINA.

As the gentlewoman knows, this legislation has a long history. She's worked on it for a long, long time, as we heard in testimony given to the Rules Committee yesterday and the accolades that were given the gentlewoman for her support of this, as well as the gentlewoman from Illinois (Mrs. BIGGERT). First introduced in 1995, it has been cosponsored by 224 of our colleagues in this Congress. The House overwhelmingly passed this legislation last April, and with the Senate's recent approval and President Bush's pledged support, I look forward to seeing this legislation signed into law quickly.

Madam Speaker, genetics are extremely important to determining the health of every single individual. Each of us carries a handful of genetic anomalies, some of which might cause us to be affected by genetic conditions or affect the health of our children. There are currently 1,200 genetic tests that can diagnose thousands of health conditions. This number has grown exponentially from just around 100 genetic tests a short decade ago.

Every day scientists are learning more about the genetic causes of many devastating diseases. Stopping these debilitating illnesses will require the voluntary participation of hundreds of thousands of Americans in the clinical research area needed to identify, test, and approve effective treatments. This information is invaluable to managing our country's health and bringing down the overall cost of health care.

Currently, a few States provide protections for genetic information, but most provide none. This leaves Americans with little to no certainty about how their genetic rights are protected from State to State.

Additionally, genetic information is not properly covered under the current HIPAA regulations. It is necessary for Congress to provide legal protection for genetic information and clinical trials so Americans can get tested for health care concerns without fear of misuse or discrimination. This legislation ensures that all will be protected.

Currently, the fear of misuse of genetic information is preventing people from getting these important genetic tests done. The refusal to utilize effective genetic tests hurts individuals, researchers, and doctors alike. Lack of testing denies individuals important medical information that they could otherwise use to be proactively managing their health with their doctor. The information garnered by these tests also helps doctors to prescribe treatments and lifestyle changes with increased success. The same information can be used by researchers to effectively create targeted drugs and develop treatments.

Fear of discrimination has also caused a large number of people to opt out of clinical trials. With fewer participants in clinical trials, we will see slower development of treatments and beneficial drugs. In addition, clinical trials provide patients in late stages of the diseases with access to breakthrough treatments that might otherwise be unavailable.

This House has correctly recognized this issue by protecting those who obtain genetic tests in addition to those who volunteer to participate in clinical research for genetic diseases. I would like to commend my colleagues SUE MYRICK, KENNY HULSHOF, and Dr. TOM PRICE for leading the efforts to protect the importance of these clinical trials.

But none of this would be any good today, Madam Speaker, if the American public did not overwhelmingly support the Genetic Information Nondiscrimination Act. About 93 percent of Americans believe that if someone has a genetic test, their employer should not have the right to know the results. Republicans and Democrats want to see their genetic information protected.

I rise in support of this rule and the underlying bill and look forward to its passage.

I once again want to thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from New York, the chairman of the Rules Committee, for their hard work.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Madam Speaker, before I begin my remarks, let me extend my heartfelt gratitude to Chairwoman SLAUGHTER for her years of struggle to bring about this day and let everyone know that on this day, May 1 of 2008, we're beginning to apply our constitutional rights to protect us against discrimination to health care so that one day very soon, equal protection may mean equal treatment.

I rise today in strong support of the rule for H.R. 493, the Genetic Information Nondiscrimination Act, and the underlying legislation.

As a physician and a geneticist, I fully understand the critical need to prohibit discrimination based on an individual's genetic profile. Specifically, this bipartisan, Republican-supported and Democrat-supported bill would prohibit employers from using genetic screening results in hiring, in assigning, and promoting people at work. It would also bar insurers from making coverage choices or setting premiums based on results of such genetic testing. By establishing these protections, H.R. 493 will allow every citizen and their physicians to benefit and participate in the progress that gene therapies provide for all of us in early treatment and prevention of countless afflictions, while maintaining their essential insurance coverage.

And perhaps in the near future, I will be able to rise here on the House floor and ask that we support legislation to bring an end to all forms of discrimination in health care. And after all, our constitutional rights to protect us against discrimination should be applied to the area of health care throughout the industry, not just to genetic information, not just to one's skin color or one's skin chemistry or the content and structure of one's bones, but to everything in the human condition and every preexisting condition. Let's begin to put discrimination where it belongs: in the past.

We are moving very quickly out of this information age into a time when physicians will be able to diagnose and even treat your condition before you feel it.

In closing, I urge my colleagues to support the rule and vote in favor of this important and tremendously progressive bill.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 10 minutes to the lead cosponsor from the Republican side, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding to me.

And I thank you for being a cosponsor of this legislation and for all your hard work on it.

Madam Speaker, I rise in support of this rule and the bill that is made in order. And I just want to say that I'll be talking in general debate too, but it was so important for me to come down here today to speak during the rule also.

When the human genome project was completed in 2003, the House of Representatives recognized it as one of the most significant scientific accomplishments of the past 100 years. For the first time, individuals actually could know their genetic risk of developing diseases such as cancer, diabetes, heart disease, Alzheimer's, Parkinson's, and the list goes on. And knowing that, they could take preventative measures to decrease their risk of getting such a disease. Completion of the human genome project and genetic testing spawned the personalized medicine movement, focusing on catching diseases earlier, when they are cheaper and easier to treat, or, even better, preventing the onset of the disease in the first place.

But after investing $3.7 billion in taxpayer money to achieve this breakthrough, Congress walked away and left the job undone. We left people without any assurance that their genetic information wouldn't be used against them. So, understandably, so many avoided this great technology, never realizing the untold health benefits and savings.

This concern even spilled over to NIH, the National Institutes of Health, where fear of genetic discrimination is currently the most common reason for not participating in research on potentially lifesaving genetic testing for breast cancer and colon cancer.

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Fully one-third of those eligible to participate decline to do this for this reason, undermining the development of new treatments and cures.

Madam Speaker, today Congress is here to settle some unfinished business and provide Americans the protection against genetic discrimination in health insurance and employment that they need to utilize genetic testing without fear. It's just a great day that we are here now, and it has been a long, long road to this. When you have got three committees of jurisdiction on the House side and various committees on the Senate side, to get all of these committees together to come up with a bill, to craft a bill that everybody can agree on and everybody will benefit by it, it's just a great day.

I really came to the floor to speak on the rule at this time, to acknowledge my good friend and colleague, esteemed colleague and a true leader on this issue, the chairman of the Rules Committee, Ms. SLAUGHTER. As my colleagues may know, and you just heard from Mr. SESSIONS, Congresswoman SLAUGHTER first introduced a version of this bill in the 104th Congress. For the newest Members of this body, they might not know that was the nineties. In 1995, to be exact.

So that Ms. SLAUGHTER introduced this bill at this time, that far back, is a testament to the foresight of my friend from New York. Just think, the human genome project really was 2003. So she's had the background in this scientific area to really have had that foresight for so long ago. That she introduced it, still amazes me, and the hard work. There were a lot of things that we worked out as far as the path through these years. I first joined her I think it was in 2005 when we introduced the bill again and again and again to reach this day.

So I really applaud her for her dedication to this cause, and her perseverance. Working with her on this bill has been a real joy, and I value our partnership and the historic legislation that it has produced. I look forward to hand delivering this bill to the White House with her. I think that that will be sooner than later.

Let me just say I want to highlight a few things and reasons for why we should pass this rule and why we should pass this bill. Besides the fact that we invested the $3.7 billion in the human genome, the bill is needed to maintain high quality genetic research and clinical trials at NIH. I think we have all emphasized that, that that is so important. They don't have the whole body of people getting into the clinical trials, which will then I think find the cure for these diseases.

Ninety-three percent of Americans believe that insurers and employers should not be able to discriminate based on genetic information. This bill passed the House last year 420–3. It passed the Senate last week 95–0. The bill has received three strong SAPs from the administration. And last year, President Bush said, "I really want to make it clear to the Congress that I hope they pass the legislation that makes genetic discrimination illegal." Newt Gingrich, who has been a strong, strong supporter of genetic nondiscrimination said, and I quote, "To not have this bill is to cripple our ability to save lives." This legislation is supported by over 500 organizations, including BIO and AHIP.

With that, I would urge a "yes" vote on the rule.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Florida, a member of the Rules Committee, Ms. CASTOR.

Ms. CASTOR. Madam Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act, and I would like to thank the chairwoman of the Rules Committee, Chairwoman LOUISE SLAUGHTER, for her leadership, for her perseverance in moving this critical legislation. She has been fighting for the Genetic Information Nondiscrimination Act for over 13 years. So we will herald her leadership today on behalf of American families and all hardworking folks across this country.

I am fortunate to serve on the Committee on Rules under her leadership. The folks across this country should be very proud that we have such a dedicated chairwoman leading the committee in the people's House. I'd also like to salute Congresswoman JUDY BIGGERT for her participation and perseverance as well in moving this legislation and fighting for it for so many years.

Madam Speaker, this New Direction Congress already has done a great deal to strengthen antidiscrimination efforts for our Nation this year, such as legislation that outlaws inequities in medical coverage for mental health care. Today, we will end another form of discrimination in the workplace and by health insurance companies.

The Genetic Information Nondiscrimination Act protects our neighbors from being denied health coverage or being hired or keeping a job based upon their God-given personal genetic traits. In my district in Tampa, Florida, the University of South Florida Regional Genetics Program has been doing great work in genetics research. Now they can do so much more. People will be more willing to participate in genetics research. The testing, the genetic counseling for families with genetic conditions, now they will not be so afraid and hiding because they fear they would be discriminated against if someone learned that they might have an inclination for breast cancer or diabetes or some other disease.

The scientific research opportunities are endless, and under this bill people will be protected and employers will not be able to request or purchase genetic information about employees or their families. Any information found indirectly may not be used against an employee or disclosed. Further, this legislation would outlaw health insurance companies' ability to cancel, deny, or change the terms of individual plans based upon their genetic background.

This is a civil rights issue and a privacy issue, and this legislation is an absolute necessity to provide protection for Americans in the workplace and within their health coverage. The cost of health care in America is burdensome enough without an added concern that coverage may be unethically jeopardized based on genetic information.

Madam Speaker, I urge my colleagues to support this rule and the underlying bill and again salute the leadership of Chairwoman LOUISE SLAUGHTER and Congresswoman JUDY BIGGERT.

Mr. SESSIONS. Madam Speaker, I would like to notify the gentlewoman from New York that we do not have any additional speakers at this time, so we will continue to reserve our time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) and thank him for his help.

Mr. ANDREWS. Madam Speaker, I'd like to thank and congratulate my dear friend from New York for a stellar achievement in her stellar work here in the Congress, and to thank Mrs. BIGGERT, who has fought with great vigor and enthusiasm for this bill.

Madam Speaker, here's what Ms. SLAUGHTER and Mrs. BIGGERT have achieved. Somewhere this morning, a family is going to get news that a biopsy came back with bad news, that someone they love has a tumor, and that family is going to go through the agony of the next couple of months or even years of wondering if that person they love so much is going to live or die.

Now the progress we have made in this country, thank God, has let many more of those people live. But the ultimate progress is to get to the genetic puzzle that makes that person susceptible to that tumor in the first place. The way we are going to find the solution to that puzzle is by gathering data by more and more people being willing to share their genetic information with the brightest men and women in this country.

Right now there's a justifiable fear that if you share your genetic information, someone may misuse it to deny you a job, deny you an insurance policy, or hurt you in some other way. This bill lifts that burden, lifts that fear, and will stimulate millions of Americans to voluntarily, privately and safely participate so they can be part of finding this puzzle.

What Chairwoman SLAUGHTER has accomplished today, Madam Speaker, is that some day is coming, and I hope it's soon, when people will get the right answer all the time to that question, when the cure will be here, the pain will be gone, and the hope will prevail. There's a lot of things we do in this chamber that have transitory significance. What will happen in a few hours will benefit people around the world for years to come.

This is a singular achievement. I congratulate the chairwoman. And as a father and a husband, I thank her for what she's done.

Mr. SESSIONS. We will reserve our time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California, a member of the Energy and Commerce Committee, as Mr. ANDREWS is, Ms. ESHOO, who saw me through many a bad moment on this bill, and to whom I am extremely grateful.

Ms. ESHOO. I want to first begin by saluting our colleague, LOUISE SLAUGHTER, and Mrs. BIGGERT, who has worked so hard on this. This is really all about the future, except we had to struggle for 13 years in order to recognize it. But today, we do. And it is a singular extraordinary achievement, not only on the watch of Chairwoman SLAUGHTER, but today for the full House to pass this legislation.

We know that in the makeup of our humanity is a genetic profile. Researchers and scientists have demonstrated what the potential is if in fact, not only through the human genome project, the sequencing, and the discovery of all that is hidden in it, what that portends for humanity. But there's another side of this, and that is a darker side. The darker side is entitled: Discrimination. That if that information, our genetic makeup is used by insurers to discriminate against people.

So today what we are doing is eliminating that block, that discrimination that stands in the way of the fullness of the potential of our genetic profile and how it can be not only accumulated but used to the benefit of humanity. That is what this legislation represents.

When we pass it and the President signs it into law, this legislation will not only end the discrimination and all that is attendant to it, but that from this day forward the principles of preventive medicine, the reduction of health care costs, the advancement of research, and the saving of lives will be the order of the day.

I salute you, my colleague. Well done. You have earned your keep in the Congress.

Mr. SESSIONS. Madam Speaker, we will reserve our time.

Ms. SLAUGHTER. I have no further requests for time. Let me ask my colleague if he is prepared to close.

Mr. SESSIONS. Yes, ma'am, I am.

Madam Speaker, today I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce our high gas prices that we have in this country, to help consumers, and to require the Speaker of the House to submit her secret plan to lower gas prices.

Back on April 24, 2006, over 2 years ago, Speaker PELOSI issued the following statement, which I quote, "With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price that it was when President Bush first came into office."

☐ 1115

Madam Speaker, most Americans would consider it a blessing if we were only paying $2.91 today for a gallon of gasoline and the only thing they really couldn't afford is this head-in-the-sand Democrat Congress that refuses to consider or to do anything to solve the problem.

In that same press release, Speaker PELOSI went on to claim, "Democrats have a commonsense plan to bring down skyrocketing gas prices."

Well, I am not sure what they are waiting for, because even after passing the no-energy energy bill through the House a number of times, the cost of the Pelosi premium price increase continues to rise, with the average cost of gasoline over $3.62, hitting consumers at the pump every time they go fill up their cars.

In fact, Madam Speaker, as yesterday's Politico article Gas Prices Fuel Effort to Jam GOP makes clear, rather than seizing the opportunity to create opportunities to do something about these high gas prices, to bring in commonsense, bipartisan, supply-side solutions to the problem that help consumers, the Democrats are using them as a wedge issue, as they see it, to score political points, which does nothing to bring down the high cost of gasoline and only contributes to the Congress' abysmal low ratings.

Madam Speaker, I would suggest to you that it really might secretly be this secret plan. This secret plan, even though Speaker PELOSI said it was to bring down gas prices, I think it is all about raising gas prices closer to $5 a gallon. Of course, we know what this does. This causes an American transfer of payments to overseas places, just like Dubai. It is American consumers that are paying for and building Dubai. And the reason why is because the Democratic policies have taken off-limits the opportunity for Americans to be self-independent, because we can't do our own drilling in this country, where billions of barrels of oil reside.

By voting "no" on this previous question, Members can take a stand; a stand against the statements that we have heard about trying to increase gasoline prices, but while only taxing oil companies.

We demand to see this "private" and "secret" plan to reduce gas prices that the Democrats have been hiding from the American people since taking office and control of Congress. I for one would love to see this plan. But I am afraid that, much like their other campaign promises to run the most open, honest and ethical Congress in history, it simply does not exist.

Madam Speaker, American consumers cannot handle the high prices at the pump. We are demanding to know what this secret plan is to reduce gasoline prices below the level of 2 years ago. We need help. Americans all across this country will stand behind those that vote "no" to do something now about the problems, rather than trying to blame it on somebody else. If it was Congress' problem 2 years ago, it certainly should be Congress' problem today.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material placed in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. I encourage a "no" vote on the previous question, and I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I really don't want to do this, because I don't understand this previous question on a bill of this importance, but I do need to say, just for the RECORD, that Speaker PELOSI has brought to the floor three times bills to lower gas prices; to crack down on price gouging, on holding OPEC accountable, and repealing the subsidies for profit-rich Big Oil. Every time, almost unanimously, the Republicans in this House voted against it. She has called to stop filling the Strategic Petroleum Reserve, and she has asked for a study on price gouging.

Give us some help, for heaven's sake, so we can get this done. In the previous 7 years there was nothing here at all, except more and more subsidies to Big Oil.

I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1156

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, insert the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the Senate amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

SEC. 4. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. SLAUGHTER. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and to insert extraneous material on H.R. 493.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to House Resolution 1156, I call up the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Genetic Information Nondiscrimination Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Severability.
Sec. 302. Child labor protections.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major

new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic "defects" such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to "correct" apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case Norman-Bloodsaw v. Lawrence Berkeley Laboratory (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) No Discrimination in Group Premiums Based on Genetic Information.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(2) by adding at the end the following:

"(3) No group-based discrimination on basis of genetic information.—

"(A) In general.—For purposes of this section, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

"(B) Rule of construction.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.".

(b) Limitations on Genetic Testing; Prohibition on Collection of Genetic Information; Application to All Plans.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

"(c) Genetic Testing.—

"(1) Limitation on requesting or requiring genetic testing.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) Rule of construction.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) Rule of construction regarding payment.—

"(A) In general.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) Limitation.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) Research exception.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made, in writing, pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) Prohibition on Collection of Genetic Information.—

"(1) In general.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 733).

"(2) Prohibition on collection of genetic information prior to enrollment.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

"(3) Incidental collection.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) Application to All Plans.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d), and subsection (b)(1) and section 701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 732(a).".

(c) Application to Genetic Information of a Fetus or Embryo.—Such section is further amended by adding at the end the following:

"(f) Genetic Information of a Fetus or Embryo.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(d) Definitions.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

"(5) Family member.—The term 'family member' means, with respect to an individual—

"(A) a dependent (as such term is used for purposes of section 701(f)(2)) of such individual, and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(6) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(7) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(8) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(9) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(e) ERISA ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking "(7), or (8)" and inserting "(7), (8), or (9)";

(2) in subsection (b)(3), by striking "The Secretary" and inserting "Except as provided in subsections (c)(9) and (a)(6) (with respect to collecting civil penalties under subsection (c)(9)), the Secretary"; and

(3) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following new paragraph:

"(9) SECRETARIAL ENFORCEMENT AUTHORITY RELATING TO USE OF GENETIC INFORMATION.—

"(A) GENERAL RULE.—The Secretary may impose a penalty against any plan sponsor of a group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, for any failure by such sponsor or issuer to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information, in connection with the plan.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date the failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to a participant or beneficiary—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such participant or beneficiary shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the plan sponsor (or predecessor plan sponsor) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.

"(F) DEFINITIONS.—Terms used in this paragraph which are defined in section 733 shall have the meanings provided such terms in such section.".

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of Labor shall issue final regulations not later than 12 months after the date of enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg–1(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(B) by adding at the end the following:

"(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

"(A) IN GENERAL.—For purposes of this section, a group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.".

(2) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health *insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:*

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c) , and (d) and subsection (b)(1) and section 2701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 2721(a).".

(3) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg–91(d)) is amended by adding at the end the following:

"(15) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

"(A) a dependent (as such term is used for purposes of section 2701(f)(2)) of such individual; and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(16) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(17) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(18) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(19) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(5) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg–22(b)) is amended by adding at the end the following:

"(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

"(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the succeeding subparagraphs of this paragraph shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 2702 or section 2701 or 2702(b)(1) with respect to genetic information in connection with the plan.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

"(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

"(I) beginning on the date such failure first occurs; and

"(II) ending on the date the failure is corrected.

"(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

"(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

"(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

"(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

"(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

"(D) LIMITATIONS.—

"(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

"(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

"(I) such failure was due to reasonable cause and not to willful neglect; and

"(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

"(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

"(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

"(II) $500,000.

"(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.".

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

"SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

"(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from establishing rules for eligibility for an individual to enroll in individual health insurance coverage based on the manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual.

"(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from adjusting premium or contribution amounts for an individual on the basis of a manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other individuals covered under the policy issued to such individual and to further increase premiums or contribution amounts.

"(c) PROHIBITION ON GENETIC INFORMATION AS PREEXISTING CONDITION.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not, on the basis of genetic information, impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.

"(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from imposing any preexisting condition exclusion for an individual with respect to health insurance coverage on the basis of a manifestation of a disease or disorder in that individual.

"(d) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a health insurance issuer offering health insurance coverage in the individual market from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a) and (c).

"(B) LIMITATION.—For purposes of subparagraph (A), a health insurance issuer offering health insurance coverage in the individual market may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(e) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a health insurance issuer offering health insurance coverage in the individual market obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(2) REMEDIES AND ENFORCEMENT.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg–61(b)) is amended to read as follows:

"(b) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.".

(c) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)) is amended—

(1) in subparagraph (A), by striking "If the plan sponsor" and inserting "Except as provided in subparagraph (D), if the plan sponsor"; and

(2) by adding at the end the following:

"(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (b)(3), (c), and (d) of section 2702 and the provisions of sections 2701 and 2702(b) to the extent that such provisions apply to genetic information.".

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 1 year after the date of enactment of this Act; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 1 year after the date of enactment of this Act.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Subsection (b) of section 9802 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: "except as provided in paragraph (3)"; and

(2) by adding at the end the following:

"(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

"(A) IN GENERAL.—For purposes of this section, a group health plan may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

"(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.".

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 9802 of such Code is amended by redesignating subsection (c) as subsection (f) and by inserting after subsection (b) the following new subsections:

"(c) GENETIC TESTING.—

"(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan may not request or require an individual or a family member of such individual to undergo a genetic test.

"(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

"(B) LIMITATION.—For purposes of subparagraph (A), a group health plan may request only the minimum amount of information necessary to accomplish the intended purpose.

"(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

"(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(B) The plan clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

"(i) compliance with the request is voluntary; and

"(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

"(D) The plan notifies the Secretary in writing that the plan is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

"(E) The plan complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

"(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(1) IN GENERAL.—A group health plan shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 9832).

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or in connection with such enrollment.

"(3) INCIDENTAL COLLECTION.—If a group health plan obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

"(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d) and subsection (b)(1) and section 9801 with respect to genetic information, shall apply to group health plans without regard to section 9831(a)(2).".

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

"(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this chapter to genetic information concerning an individual or family member of an individual shall—

"(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(d) DEFINITIONS.—Subsection (d) of section 9832 of such Code is amended by adding at the end the following:

"(6) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

"(A) a dependent (as such term is used for purposes of section 9801(f)(2)) of such individual, and

"(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

"(7) GENETIC INFORMATION.—

"(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(i) such individual's genetic tests,

"(ii) the genetic tests of family members of such individual, and

"(iii) the manifestation of a disease or disorder in family members of such individual.

"(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

"(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(8) GENETIC TEST.—

"(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(B) EXCEPTIONS.—The term 'genetic test' does not mean—

"(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes, or

"(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(9) GENETIC SERVICES.—The term 'genetic services' means—

"(A) a genetic test;

"(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(C) genetic education.

"(10) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

"(B) the computation of premium or contribution amounts under the plan or coverage;

"(C) the application of any pre-existing condition exclusion under the plan or coverage; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.".

(e) ENFORCEMENT.—

(1) IN GENERAL.—Subchapter C of chapter 100 of the Internal Revenue Code of 1986 (relating to general provisions) is amended by adding at the end the following new section:

"SEC. 9834. ENFORCEMENT.

"For the imposition of tax on any failure of a group health plan to meet the requirements of this chapter, see section 4980D.".

(2) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 100 of such Code is amended by adding at the end the following new item:

"Sec. 9834. Enforcement.".

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of the Treasury shall issue final regulations or other guidance not later than 12 months after the date of the enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of the enactment of this Act.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) NONDISCRIMINATION.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

"(E) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

"(F) RULE OF CONSTRUCTION.—Nothing in subparagraph (E) or in subparagraphs (A) or (B) of subsection (x)(2) shall be construed to limit the ability of an issuer of a medicare supplemental policy from, to the extent otherwise permitted under this title—

"(i) denying or conditioning the issuance or effectiveness of the policy or increasing the premium for an employer based on the manifestation of a disease or disorder of an individual who is covered under the policy; or

"(ii) increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer).".

(b) LIMITATIONS ON GENETIC TESTING AND GENETIC INFORMATION.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

"(x) LIMITATIONS ON GENETIC TESTING AND INFORMATION.—

"(1) GENETIC TESTING.—

"(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

"(C) RULE OF CONSTRUCTION REGARDING PAYMENT.—

"(i) IN GENERAL.—Nothing in subparagraph (A) shall be construed to preclude an issuer of a medicare supplemental policy from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI and section 264 of the Health

Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (s)(2)(E).

"(ii) LIMITATION.—For purposes of clause (i), an issuer of a medicare supplemental policy may request only the minimum amount of information necessary to accomplish the intended purpose.

"(D) RESEARCH EXCEPTION.—Notwithstanding subparagraph (A), an issuer of a medicare supplemental policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

"(i) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

"(ii) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

"(I) compliance with the request is voluntary; and

"(II) non-compliance will have no effect on enrollment status or premium or contribution amounts.

"(iii) No genetic information collected or acquired under this subparagraph shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rating, or the creation, renewal, or replacement of a plan, contract, or coverage for health insurance or health benefits.

"(iv) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subparagraph, including a description of the activities conducted.

"(v) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subparagraph.

"(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

"(A) IN GENERAL.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information for underwriting purposes (as defined in paragraph (3)).

"(B) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

"(C) INCIDENTAL COLLECTION.—If an issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subparagraph (B) if such request, requirement, or purchase is not in violation of subparagraph (A).

"(3) DEFINITIONS.—In this subsection:

"(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

"(B) GENETIC INFORMATION.—

"(i) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

"(I) such individual's genetic tests,

"(II) the genetic tests of family members of such individual, and

"(III) subject to clause (iv), the manifestation of a disease or disorder in family members of such individual.

"(ii) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

"(iii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

"(C) GENETIC TEST.—

"(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

"(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

"(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

"(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

"(D) GENETIC SERVICES.—The term 'genetic services' means—

"(i) a genetic test;

"(ii) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

"(iii) genetic education.

"(E) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a medicare supplemental policy—

"(i) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

"(ii) the computation of premium or contribution amounts under the policy;

"(iii) the application of any pre-existing condition exclusion under the policy; and

"(iv) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

"(F) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.".

(2) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Section 1882(x) of such Act, as added by paragraph (1), is further amended by adding at the end the following:

"(4) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this section to genetic information concerning an individual or family member of an individual shall—

"(A) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

"(B) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.".

(3) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

"(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (x).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 1 year after the date of enactment of this Act.

(d) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2008, the National Association of Insurance Commissioners (in this subsection referred to as the "NAIC") modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2008, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2008.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2008 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2008. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) IN GENERAL.—Part C of title XI of the Social Security Act is amended by adding at the end the following new section:

"APPLICATION OF HIPAA REGULATIONS TO GENETIC INFORMATION

"SEC. 1180. (a) IN GENERAL.—The Secretary shall revise the HIPAA privacy regulation (as defined in subsection (b)) so it is consistent with the following:

"(1) Genetic information shall be treated as health information described in section 1171(4)(B).

"(2) The use or disclosure by a covered entity that is a group health plan, health insurance issuer that issues health insurance coverage, or issuer of a medicare supplemental policy of protected health information that is genetic information about an individual for underwriting purposes under the group health plan, health insurance coverage, or medicare supplemental policy shall not be a permitted use or disclosure.

"(b) DEFINITIONS.—For purposes of this section:

"(1) GENETIC INFORMATION; GENETIC TEST; FAMILY MEMBER.—The terms 'genetic information', 'genetic test', and 'family member' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-

91), as amended by the Genetic Information Nondiscrimination Act of 2007.

"(2) GROUP HEALTH PLAN; HEALTH INSURANCE COVERAGE; MEDICARE SUPPLEMENTAL POLICY.—The terms 'group health plan' and 'health insurance coverage' have the meanings given such terms under section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), and the term 'medicare supplemental policy' has the meaning given such term in section 1882(g).

"(3) HIPAA PRIVACY REGULATION.—The term 'HIPAA privacy regulation' means the regulations promulgated by the Secretary under this part and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

"(4) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a group health plan, health insurance coverage, or a medicare supplemental policy—

"(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for, or determination of, benefits under the plan, coverage, or policy;

"(B) the computation of premium or contribution amounts under the plan, coverage, or policy;

"(C) the application of any pre-existing condition exclusion under the plan, coverage, or policy; and

"(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

"(c) PROCEDURE.—The revisions under subsection (a) shall be made by notice in the Federal Register published not later than 60 days after the date of the enactment of this section and shall be effective upon publication, without opportunity for any prior public comment, but may be revised, consistent with this section, after opportunity for public comment.

"(d) ENFORCEMENT.—In addition to any other sanctions or remedies that may be available under law, a covered entity that is a group health plan, health insurance issuer, or issuer of a medicare supplemental policy and that violates the HIPAA privacy regulation (as revised under subsection (a) or otherwise) with respect to the use or disclosure of genetic information shall be subject to the penalties described in sections 1176 and 1177 in the same manner and to the same extent that such penalties apply to violations of this part.".

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the revision required by section 1180(a) of the Social Security Act, as added by subsection (a). The Secretary has the sole authority to promulgate such regulations, but shall promulgate such regulations in consultation with the Secretaries of Labor and the Treasury.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 106. ASSURING COORDINATION.

Except as provided in section 105(b)(1), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term "employee" means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e-16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term "employer" means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms "employment agency" and "labor organization" have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term "member", with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term "family member" means, with respect to an individual—

(A) a dependent (as such term is used for purposes of section 701(f)(2) of the Employee Retirement Income Security Act of 1974) of such individual, and

(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—The term "genetic information" means, with respect to any individual, information about—

(i) such individual's genetic tests,

(ii) the genetic tests of family members of such individual, and

(iii) the manifestation of a disease or disorder in family members of such individual.

(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

(C) EXCLUSIONS.—The term "genetic information" shall not include information about the sex or age of any individual.

(5) GENETIC MONITORING.—The term "genetic monitoring" means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term "genetic services" means—

(A) a genetic test;

(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term "genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTIONS.—The term "genetic test" does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee; or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's employees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual;

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member; or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment

practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's apprentices or trainees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) TREATMENT OF INFORMATION AS PART OF CONFIDENTIAL MEDICAL RECORD.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member, such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member. An employer, employment agency, labor organization, or joint labor-management committee shall be considered to be in compliance with the maintenance of information requirements of this subsection with respect to genetic information subject to this subsection that is maintained with and treated as a confidential medical record under section 102(d)(3)(B) of the Americans With Disabilities Act (42 U.S.C. 12112(d)(3)(B)).

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member except—

(1) to the employee or member of a labor organization (or family member if the family member is receiving the genetic services) at the written request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall inform the employee or member of the court order and any genetic information that was disclosed pursuant to such order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation;

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws; or

(6) to a Federal, State, or local public health agency only with regard to information that is described in section 201(4)(A)(iii) and that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, and that the employee whose family member or family members is or are the subject of a disclosure under this paragraph is notified of such disclosure.

(c) RELATIONSHIP TO HIPAA REGULATIONS.—With respect to the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), this title does not prohibit a covered entity under such regulations from any use or disclosure of health information that is authorized for the covered entity under such regulations. The previous sentence does not affect the authority of such Secretary to modify such regulations.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, procedures, and remedies provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, procedures, and remedies this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b, 2000e–16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an

employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(f) PROHIBITION AGAINST RETALIATION.—No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this title or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title. The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) DEFINITION.—In this section, the term "Commission" means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, "disparate impact", as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the "Commission") to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and Labor of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title, including the protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112)), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) provide for enforcement of, or penalties for violation of, any requirement or prohibition applicable to any employer, employment agency, labor organization, or joint labor-management committee subject to enforcement for a violation under—

(i) the amendments made by title I of this Act;

(ii)(I) subsection (a) of section 701 of the Employee Retirement Income Security Act of 1974 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 702(a)(1)(F) of such Act; or

(III) section 702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(iii)(I) subsection (a) of section 2701 of the Public Health Service Act as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 2702(a)(1)(F) of such Act; or

(III) section 2702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor; or

(iv)(I) subsection (a) of section 9801 of the Internal Revenue Code of 1986 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 9802(a)(1)(F) of such Act; or

(III) section 9802(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(3) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(4) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule);

(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations; or

(7) require any specific benefit for an employee or member or a family member of an employee or member under any group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan.

(b) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this title to genetic information concerning an individual or family member of an individual shall—

(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.

(c) RELATION TO AUTHORITIES UNDER TITLE I.—With respect to a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, this title does not prohibit any activity of such plan or issuer that is authorized for the plan or issuer under any provision of law referred to in clauses (i) through (iv) of subsection (a)(2)(B).

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

SEC. 302. CHILD LABOR PROTECTIONS.

(a) IN GENERAL.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended to read as follows:

"(e)(1)(A) Any person who violates the provisions of sections 12 or 13(c), relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed—

"(i) $11,000 for each employee who was the subject of such a violation; or

"(ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.

"(B) For purposes of subparagraph (A), the term 'serious injury' means—

"(i) permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation);

"(ii) permanent loss or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand or other body part; or

"(iii) permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part.

"(2) Any person who repeatedly or willfully violates section 6 or 7, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation.

"(3) In determining the amount of any penalty under this subsection, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of any penalty under this subsection, when finally determined, may be—

"(A) deducted from any sums owing by the United States to the person charged;

"(B) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

"(C) ordered by the court, in an action brought for a violation of section 15(a)(4) or a repeated or willful violation of section 15(a)(2), to be paid to the Secretary.

"(4) Any administrative determination by the Secretary of the amount of any penalty under this subsection shall be final, unless within 15 days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary.

"(5) Except for civil penalties collected for violations of section 12, sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provision of section 2 of the Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof and for other purposes' (29 U.S.C. 9a). Civil penalties collected for violations of section 12 shall be deposited in the general fund of the Treasury.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

MOTION OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. GEORGE MILLER of California:

Mr. George Miller of California moves that the House concur in the Senate amendment to H.R. 493.

The SPEAKER pro tempore. Pursuant to House Resolution 1156, the motion shall be debatable for 1 hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. STARK), and the gentleman from Michigan (Mr. CAMP) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent to yield my 10 minutes to the Chair of the Commerce Committee, Mr. DINGELL.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DINGELL. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, today we consider H.R. 493, the Genetic Information Nondiscrimination Act. I first wish to congratulate Representative SLAUGHTER for her leadership on this bill on which she has worked for better than 13 years. It has been a privilege to join her in that work, and I am delighted that it has brought us to today's vote.

Recent advances in research have made it possible to identify the genetic basis for human diseases. These breakthroughs, magnificent as they are, have opened the door to early detection and treatment of diseases and prevention strategies geared to a person's genetic makeup. At the same time, this information can also be used to unfairly discriminate against or stigmatize individuals when it comes to insurance and employment.

To protect individuals from insurance discrimination, H.R. 493 would prohibit health insurers, both in group and individual markets, from canceling, denying, refusing to renew or changing the terms or premiums of coverage based solely on genetic predispositions towards specific diseases.

Additionally, in order to protect individuals from employment discrimination, this bill would make it unlawful for employers or other hiring entities to use an individual's genetic information regarding hiring, firing, promotion or other terms and conditions of employment. The legislation requires that genetic information be treated as a part of the individual's confidential medical record and that employers maintain separate forms or files for any genetic information that they may obtain.

The House of Representatives passed this legislation a year ago with a strong bipartisan vote of 420–3. Unfortunately, the measure has been held up in the Senate, as usual. With these concerns now resolved, we are close to providing Americans the ability to undergo genetic testing that may indicate early treatment and prevention of diseases such as cancer, heart disease, diabetes and Alzheimer's, without fear of losing their health insurance or affecting adversely the conditions of their employment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DINGELL. I yield myself 1 additional minute.

The bill currently before us includes clarifying language intended to ease the concerns of some of my colleagues and is identical to the version passed by the Senate last week. These changes include a firewall between title I and II of the bill. The modifications clarify that employers are not liable for health insurance violations under civil rights laws unless the employer has separately violated a provision of title II governing employers.

The changes also make it clear that while individuals are protected from discrimination based on genetic predisposition, the authority of insurance companies to base coverage and pricing on the actual presence of a disease is not affected.

These changes broaden the base of support for the bill and allow us to bring it to the House floor with the expectation that it will be signed into law by the President.

I thank my colleagues on both sides of the aisle for their hard work on this bill and for coming together to make this legislation a reality.

Madam Speaker, I ask unanimous consent to yield back the remainder of my time to my distinguished friend from California, the Honorable GEORGE MILLER, chairman of the Education and Labor Committee, and that he be permitted to yield that time in accordance with his whims.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McKEON. Madam Speaker, I rise in support of this legislation, and yield myself such time as I may consume.

Madam Speaker, while it is not a perfect bill, I do believe it contains a number of important improvements over prior versions of this legislation, including that which I supported a little over a year ago on the House floor. More importantly, it marks a commitment by this Congress to ensure that the laws of the United States protect American workers and health care consumers from discrimination on the basis of their genetic makeup. Because that goal is so critical, I will vote for this bill today, and urge my colleagues to do likewise.

Before I turn to the substance of my remarks, I would like to commend my colleague and fellow Member on the Committee on Education and Labor, Representative JUDY BIGGERT, for her years of work and dedication on this important issue. She has been persistent and effective on so many issues that have come before this committee and this Congress and she should be commended for adding this important bill to her list of legislative accomplishments. I also want to commend the gentlewoman from New York, the distinguished Chair of the Rules Committee, Ms. SLAUGHTER, who has been Mrs. BIGGERT's partner in this effort.

As I noted during our committee's consideration of this bill last year, I believe the title of the legislation before us, the Genetic Information Nondiscrimination Act, embodies a proposition that all Members of our committee and indeed our Congress would endorse. Simply put, no employee should face discrimination on the basis of his or her genetic makeup or on any other characteristic other than his or her ability to do the job. Similarly, no employee should risk his or her health insurance status simply because of the possibility that they might some day develop an illness.

This bill was drafted with those fundamental principles in mind, and I believe that through the legislative process, we have taken steps toward ensuring that the bill we send the President today ensures that those principles are fulfilled, while minimizing the potential for unintended consequences.

I would take this opportunity to point out a number of improvements in the bill that I think merit attention.

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Foremost, I am pleased that the bill we will send today to the White House for President Bush to sign embodies the same logic as a past executive order issued by President Clinton to ensure that this legislation would not inadvertently serve as a broad new Federal mandate requiring all insurance plans and employers to cover all treatments related to genetic-related conditions. That is exactly the type of unintended consequences we were seeking to avoid, and I am pleased we were able to work this out.

Second, I would highlight a provision in the legislation that ensures that employers who are currently subject to a number of confidentiality and recordkeeping requirements under law are not burdened by yet another redundant set of paperwork requirements. The bill before us today provides that, with respect to genetic information, if an employer maintains employee records and treats them as it does confidential medical records under the Americans With Disabilities Act, it is in compliance with this new genetics law.

Third, I applaud a significant improvement in the bill; namely, its extension of genetic nondiscrimination protection to all Americans.

One of the issues raised during our committee's consideration of the bill was concern that the bill's protections did not adequately extend to cover children in utero or at early stages of development, or in connection with in vitro fertilization and other technologies. I am very pleased that the final bill before us addresses this issue to the satisfaction of all Members on both sides of the aisle who worked in good faith to ensure the broadest protections possible.

The Senate amendment we consider today contains a number of other improvements over prior versions, including important provisions relating to those who participate in genetic clinical testing, providing for use of genetic information in matters of public health safety, and ensuring the most focused scheme of remedies possible. These changes represent issues we were able to work through over the past year and which demonstrate how the legislative process is meant to work. We were presented with well-intentioned legislation, heard meaningful testimony on it and its potential impact on employers and employees alike, raised and debated legitimate concerns, and worked through to bridge the gap between where we began and where we stand today.

I thank the staff from both sides of the aisle and in both chambers for making this a reality.

Before concluding my remarks, I would be remiss if I did not note for the record that I am still concerned that this bill is in some respects potentially overbroad. While we all agree with the goal of nondiscrimination I discussed earlier, the facts remain that we are poised today to adopt a sweeping new expansion to Federal Civil Rights scheme, the most expansive change since the adoption of the Americans With Disabilities Act of 1990.

As we send this bill to the President to sign into law, I would urge my colleagues to join me in remaining vigilant in the months to come in monitoring the administration of this new law to ensure that it addresses the problems it is intended to correct, and does not simply become yet another bureaucratic burden on employers or a lottery ticket for plaintiffs' lawyers.

In that same light, as courts and administrative agencies interpret and enforce these laws, I would urge them to heed the intent of Congress; namely, that this bill's most egregious penalties must be reserved for the most egregious violations of the law. If experience under this new law shows that this is not the case, I trust my colleagues will join me in supporting swift action to correct any mistakes we have made.

With that, I will conclude my comments. As I noted at the outset of my remarks, our actions today will ensure that the law of the United States protects American workers and health care consumers from discrimination on the basis of their genetic makeup, a goal I think is shared by every Member of this House. I urge my colleagues to support this legislation.

I yield the balance of my time to the gentlelady from Illinois (Mrs. BIGGERT) and ask unanimous consent that she be allowed to control the remainder of the time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from California, the subcommittee Chair of Ways and Means, Mr. STARK.

Mr. STARK. Madam Speaker, I would add my congratulations and praise to the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from Illinois (Mrs. BIGGERT) for the work that they have done to bring this bill finally to the floor for passage. It is a bill that has languished for over a decade. It is good to see that times have changed. We moved expeditiously last year through three committees and on to the floor, and it will leave this chamber today and head to the White House for the President's signature. It is a small but long overdue step toward approving our health care system and preventing employment discrimination, and ensures that our laws governing patients' rights are as current as the latest medical technology.

Simply stated, the legislation provides peace of mind, and encourages people to take advantage of the miracles of modern medicine without fear of reprisal or consequences at work or in health care or in qualifying for insurance.

GINA, as it is known, prohibits insurers and employees from using the genetic information to discriminate. Thus, a woman who has decided to find out whether she carries the breast cancer gene need not worry about losing her job or health insurance merely because she sought the test. Enactment of this law is critical to protect patients and is needed to encourage people to use robust genetic research and to encourage more research. Additional research will help us determine when we men will get colon cancer or prostate cancer, and not be afraid to go and receive those tests for fear of being discriminated against.

This legislation enjoys broad bipartisan support of more than 500 groups representing patients, employees, physicians, providers, and others who value the protection that this legislation provides. I urge strong support for this bill.

I ask unanimous consent that I be able to yield the balance of our time for the Ways and Means Committee to the gentleman from California (Mr. GEORGE MILLER), and that he control the balance of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. UPTON. I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this legislation, and want to commend all those that were instrumental in getting its passage to the floor, particularly my good friend, JUDY BIGGERT from Illinois.

We have made some wonderful advances in health care research over the number of years. I can remember helping to lead the charge with my colleague, Mr. WAXMAN, on a bipartisan bill to double the money for the National Institutes of Health back in the nineties, and we had a similar effort in the Senate between JOHN MCCAIN, the Republican leader there of that same issue, and Paul Wellstone, a dear colleague who is no longer with us. But, together we passed that bipartisan legislation. And with those advances, of course we have to look at other things that are pertinent, too, and that is why this Genetic Information Nondiscrimination Act is so important.

I remember traveling to the University of Michigan and meeting with one of the researchers there that in fact had received an NIH grant; and he just weeks before, because of that grant, had identified the breast cancer gene that strikes one in eight women across America. He was excited. And it wouldn't have happened without that NIH money; but with that discovery, it is clear that we have to in fact protect that genetic information from being discriminated against by who knows who.

And I would say that, thanks to my colleagues, Mr. DEAL, the ranking member on the Health Subcommittee who is in a hearing right now, and JOE BARTON, the ranking member, that we have all made advances and worked closely with Chairman DINGELL to mitigate what we believed were some significant problems with the legislation as it was introduced.

Among other items, we wanted to make sure that any use of information by certain entities regulated under the Health Insurance Portability and Accountability Act not also be regulated by the Equal Employment Opportunity Commission under title II of the bill. Such dual regulation of the use of information would have been highly disruptive and certainly inappropriate.

We also made numerous clarifications to make sure that the new regulatory scheme did not disrupt reasonable and needed activities by health plans to improve health care, coordinate benefits, process benefits, or educate beneficiaries. It is important for the Congress to be mindful that we are not writing on a blank slate each and every time that we launch one of these new regulatory and liability schemes. And I certainly join many here that are satisfied that these important improvements made by the Committee on Energy and Commerce are preserved in the bill. I want to commend the bipartisan and bicameral discussions that led to this compromise, and I would urge that we all support it when a roll call vote comes.

At this point, I would yield the balance of our time that our committee controls to my friend from Illinois (Mrs. BIGGERT).

The SPEAKER pro tempore. Without objection, the gentlewoman from Illinois will control the time.

There was no objection.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from Pennsylvania, Ms. ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Today, Americans buy health coverage believing they are doing the right thing and expecting that they have secured access for needed health services for themselves and their family. But, unfortunately, this is simply not always true. Individuals, regardless of their age or circumstances, are denied health coverage every day due to the evidence or existence of preexisting conditions. This could be anything from asthma to heart disease, and it could affect anyone from our Nation's children to our grandparents to each of us.

For more than 10 years, the Health Insurance Portability and Accountability Act has provided protection for some individuals and families to ensure this information is not used to deny health coverage by either an employer or an insurer; but gaps still remain.

With the evolution of biomedical research, our Nation's scientists have discovered opportunities to use genetic information to prevent, diagnose, and more effectively treat some of the most devastating diseases of our lifetime. I am honored to represent some of these most brilliant researchers and scientists in Southeastern Pennsylvania.

In addition to the great medical potential they are exploring, genetic information also has the potential to reduce health care costs with better prevention and disease management. We must ensure that these new revelations do not come with a price: Discrimination by employers, insurers, schools, or others based on genetic information of those who are not even sick but are simply identified as being predisposed to a specific disease. If we do not reassure our fellow Americans that they are safe in taking full advantage of the opportunities provided by exploring the genetic information, then these advances in biomedical research could well be for naught.

For this reason, I applaud my colleague, Representative SLAUGHTER, for introducing the Genetic Information Nondiscrimination Act and for being its champion for so many years. I am proud to support its passage today. It is important for all Americans and their access to health coverage.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

As many of my colleagues have stated, passing this bill is an important step forward in protecting the health of every American. We should be proud of our efforts to work on a bipartisan basis to craft this legislation, and I want to recognize the efforts of the gentlewoman from Illinois, Congresswoman BIGGERT. This bill should be a model for our efforts to reform health care.

We all agree that individuals should not be discriminated against on the basis of their genetic information. Employers and insurers should not be allowed to use genetic markers to deny employment or health coverage simply because they possess a particular gene. But genetic information can also be used to help patients. Health plans have an ability to interact with both patients and providers to highlight recommended tests and courses of action.

For example, a person that has a gene for a certain type of cancer would be recommended to receive more frequent cancer screenings. Knowing this, the health insurer would know to approve coverage for these additional screenings because they would be at a higher risk of developing that type of cancer.

We all preach about transforming medicine to provide more preventative care. Now, we are finally at a point where medical technology can be effectively used to deliver the preventative care that we envision.

I am certain that the use of genetic information is just the tip of the iceberg. As medicine develops, so must our laws and regulations; yet, we must be careful not to stifle these promising medical advances. I am confident that we can both protect patient privacy and improve the delivery of health care as this legislation does.

With that, I yield the remaining time from my committee to the gentlewoman from Illinois to control.

The SPEAKER pro tempore. Without objection, the gentlewoman from Illinois will control the time.

There was no objection.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Madam Speaker, I rise today in support of H.R. 493, the Genetic Information Nondiscrimination Act.

As a member of the Education and Labor Committee, I knew that we had served the American people well when the committee passed this bill and then the House passed it almost unanimously in April 2007. Now, a year later, we are on the verge of sending this important legislation to the President with overwhelming bipartisan support in both Chambers.

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Science and medicine have made great strides in recent years, especially with regard to genetic mapping and research. The potential for finding the answers we desperately seek for so many diseases and afflictions is greatly increased by the research being done. However, in order for these efforts to be successful, the public must be assured that these new discoveries will help and not hurt them.

Science will soon be able to tell us about many more diseases that individuals are genetically predisposed to develop. That information should be used only for the public good. It must not be used by companies to pick and choose who gets insurance or who gets discriminated against. They should not be allowed to charge higher insurance premiums because of somebody's individual genetic makeup.

This critical piece of legislation will protect individuals from discrimination. This is an important step that Congress is taking today, and I am very happy that we are doing this in a unified spirit. I commend Congresswomen Slaughter and Biggert for their efforts here. And I would also like to thank Chairman MILLER and my colleagues on the Education and Labor Committee for their work on this and so many other important issues. I urge my colleagues to vote "yes."

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 493, the Genetic Information Nondiscrimination Act, which will prohibit health insurers and employers from discriminating on the basis of genetic information.

As many of my colleagues are aware, this legislation has been around for quite some time. I have been working on for it more than 7 years, and Congresswoman SLAUGHTER has been working on it for more than 12 years. It's been a long road, and there have been many times I thought this day would never come; but it is here.

Over this period of time, I have heard stories from my constituents and other individuals across the country about how genetic information was affecting their lives. Quite simply, they are stories of how our laws have failed to keep pace with medical science.

A breast cancer survivor in Chicago told me that even though her doctor recommended she undergo a genetic test to see if she had a 60 percent chance of developing ovarian cancer, which was quite common in the type of breast cancer that they had, she refused the test. She said I can't, I will lose my job.

It isn't that she didn't want to know; quite the opposite. She desperately wanted to know, but she feared if she had an adverse result from the test, she would lose her job. She is not alone; studies show that 85 percent of Americans fear employers will use genetic information to discriminate.

And then there is the woman from Missouri whose sister had suffered from cancer was cautioned by her doctor that undergoing genetic testing would cause her to lose her health insurance. She too chose not to undergo a genetic test. She is not alone; studies show that 84 percent of Americans express concern that health insurance companies would deny coverage based on genetic information.

And then there is the man with a family history of PKD, decided to take a genetic test but chose to use an alias and pay cash rather than bill his insurance just to keep the test out of his medical file. And he also is not alone; 26 percent of genetic counselors themselves admit that they would use an alias and 68 percent said they would pay for the test out of their pocket to protect themselves from discrimination.

The dean of a prominent university in Massachusetts told me that the fear of genetic discrimination was hindering clinical trials, slowing the development of life-saving techniques. At

NIH, fear of genetic discrimination is the most common reason people cite for not participating in clinical trials on breast and colon cancers.

Madam Speaker, I have heard these stories over and over again from individuals wanting to know their genetic risk of developing diseases as far ranging as cancer, heart disease, diabetes, Parkinson's, Alzheimer's, Tay-Sachs, and PKD.

The sad fact is that these individuals are avoiding genetic tests that would empower them with the information that could save their lives.

So I want to let all people know that when the House passes GINA today, we will be just one step away, and that would be the signing by the President, from realizing the medical benefits of genetic testing. One step away from ensuring that people will be able to take a genetic test without risking their jobs and health insurance. One step away from ensuring that patients can stop using aliases and paying out of pocket to keep their genetic tests secret. One step away from ensuring that individuals will be able to participate in genetic clinical trials without fear of discrimination.

And the last step is the President's signature, and I am happy to say that he is expected to sign this bill.

Madam Speaker, it is clear to me that by passing GINA and freeing people from fear of genetic discrimination, we can unlock the tremendous life-saving and cost-saving potential of genetic research. More Americans will participate in genetic clinical trials, and more Americans will use these technologies to improve their health.

And with these improvements comes the prospect of dramatically reducing the chronic care costs that cripple our health care system. We now have more than 500 different health advocacy and business organizations supporting this bill. Recent surveys shows that 93 percent of Americans believe that employers and insurers should not be able to use genetic information to discriminate.

With numbers like these, it should be no surprise that the House passed this bill last April 420–3, and the Senate passed it last week 95–0, and the President is expected to sign this measure into law.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a subcommittee Chair in the Committee on Education and Labor.

Ms. WOOLSEY. Madam Speaker, we have been waiting for this day for over a decade. Finally we are here, and we are about to pass H.R. 493, the Genetic Information Nondiscrimination Act that we called GINA which was first introduced by Representative SLAUGHTER in 1995 and which was approved by the Senate last week.

It has been a long road, but the main sponsors of the legislation, Representative SLAUGHTER and Representative BIGGERT have persevered, and I congratulate them both.

I am proud to be an original cosponsor of GINA which will prohibit employers from using genetic information to discriminate against workers, and will also prohibit health insurers from using such information to raise premiums or to deny coverage.

We know that many States, including my home State of California, prohibits employers and health insurers from discriminating on the basis of genetic information, and that is good, but these laws vary widely.

So it is important for the Federal Government, as it has with title VII and the Americans with Disabilities Act, ADA, to step forward to establish a national policy, making it clear that discriminating against workers and others based on genetic information is unacceptable.

Madam Speaker, this bill also contains the provisions of H.R. 2637, the Child Labor Protection Act of 2007. It was a bill I introduced last year that passed the House in June of 2007.

The provisions in H.R. 2637 will increase civil penalties from $11,000 to $50,000 for violations that cause the death or serious injury of a child worker, as if there is any penalty high enough to make up for a child.

The legislation, though, provides that a penalty can be doubled when the violation causing death or injury is repeated or willful. The child labor bill was a narrowly drafted bipartisan effort. It is a good foundation for future action on child labor laws.

So I am delighted that part of GINA includes my legislation, legislation that can be used to offset the costs of GINA.

We are living, Madam Speaker, in an exciting age. We have just begun to tap the potential of genetic testing. This bill adds the protection that is needed so this research can go forward and be used wisely.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank the chairman for yielding, and I rise in strong support of this legislation. I would like to thank all of those involved in bringing us to this point, Ms. SLAUGHTER, Mrs. BIGGERT, and I especially want to mention Mark Zuckerman, Brian Kennedy, Michelle Varnhagen, and Carlos Fenwick from our staff who worked so hard on making this a reality. Thank you very much for your good work.

This is about as basic as it gets. It is a fundamental principle in this country that when you walk in and apply for a job, you shouldn't be judged on the color of your skin, your gender, your sexual orientation, your ethnicity, your age, or your religion. To that today we are adding the notion of your genetic background.

I think most Americans would understand as a matter of simple common sense that if your grandmother had breast cancer, it should be irrelevant as to whether you get a job or not. If your grandfather was diabetic, it should be irrelevant as to whether you get health insurance or not, and under what terms.

This simple, powerful, commonsense idea that is embodied in this legislation will become embodied in the law very shortly because of the good work that is being done here.

Beyond the basic fairness, the basic principle that we should be judged by our abilities and not by our characteristics, is the point that we discussed earlier during the rule debate. Many Americans justifiably fear that if they share their genetic information with researchers, that information may wind up hurting them. It may wind up depriving them of a job, depriving them of health insurance, or raising their health insurance premiums.

The very significant protections that are in this bill, soon to become law, will provide a level of assurance for Americans that when we participate in genetic research, as I have by donating my DNA sample to the Coriell Institute in Camden, New Jersey, that we will be protected against misuse of that information.

This unlocks an exhilarating potential for finding the cure for all kinds of diseases and afflictions that have hurt so many people for so long. So I believe this is a singular achievement. It is an honor to be a part of it, and I know that generations of Americans will benefit not only from the simple fairness that this law will impose in the workplace, but for the great potential that this law will unlock for the investors and inventors and researchers of this country.

No American should ever be denied a job or health insurance or a promotion because of their genetic characteristics. Because of our actions today, this will become the law.

I thank the chairman for his leadership. I thank Mrs. BIGGERT for her leadership and Chairwoman SLAUGHTER as well, and urge a "yes" vote in favor of this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New York (Mr. ENGEL), a member of the Energy and Commerce Committee.

Mr. ENGEL. Madam Speaker, as a member of the Energy and Commerce Committee and a member of the Health Subcommittee, I thank my friend, the distinguished chairman of the Education and Labor Committee, for allowing me time under his leadership.

I am a proud cosponsor of this bill. I am pleased to see it moving forward after more than a decade of advocacy.

While researchers' ability to identify genetic markers for diseases has given hope and promise to millions of people regarding how to make more informed choices about their personal behavior, the promise of this breakthrough is hindered, as many of my colleagues have said, by well-founded fears of how information may be abused in the employment and insurance industries.

While many states, including my own home State of New York, have laws which prohibit discrimination in health insurance, and by employers based on genetic testing and information, it is clear that the laws are not fully comprehensive and that Federal action is necessary, certainly to make it more uniform across all 50 States.

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Fear should not be a deterrent to knowledge. Disregarding available tests for fear of discrimination prevents citizens from making smarter, personalized choices about their own well-being. We know too much to subscribe to one-size-fits-all medicine. And once again, it should be our physicians, not our insurance companies, who influence our health care decisions.

This is a wonderful bill, very much overdue for enactment, years and years and years in the process. It's supported by hundreds of patient advocate groups, and will make a true impact on the health care of our Nation.

I urge all my colleagues to support the bill.

I yield back the balance of my time.

Mrs. BIGGERT. I have no further speakers, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of the Education Committee.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong support of the Genetic Information Non-Discrimination Act, and thank my colleague, Congresswoman SLAUGHTER, for her tireless work term after term to support this bill and ensure that it would eventually become law.

Over the past several years, genetic discoveries have progressed at a remarkable rate. Today, doctors and scientists have the ability to detect genes linked to common conditions like colon cancer and heart disease. Individuals who learn about their genetic risk factors can make lifestyle changes and begin treatments that prevent these conditions altogether.

But too many Americans don't take advantage of these amazing breakthroughs for a very practical reason. They fear that the information will be used to deny them health insurance or even a job.

While the best way to allay those fears would be to enact universal health care coverage for all, this bill is a fantastic first step.

By prohibiting discrimination on the basis of our genes, this bill will improve the chances that average Americans can benefit from cutting edge genetic science. It will promote better health care by helping Americans feel secure enough to learn about their genetic risk factors.

As the daughter of a father who suffers from Alzheimer's and a mother who suffers from arthritis, I personally understand the need to make genetic testing a positive step in understanding one's genetic predispositions and making health care choices. Genetic testing should not be a hindrance to getting or keeping one's job or health care benefits.

While this bill will accomplish many great things, I want to point out just two very important ones. Number 1, it will arm people with necessary and relevant information about their own health. And Number 2, it will ensure that people won't be penalized for seeking and using this valuable information.

I urge all my colleagues to support the Genetic Information Non-Discrimination Act.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Pennsylvania (Mr. SESTAK), a member of the Education and Labor Committee.

Mr. SESTAK. Mr. Speaker, the completion of the human genome project 5 years ago made it possible to identify specific genes that trigger diseases later in life. However, out of at fear of losing their jobs or their health insurance, studies have shown that many Americans forego the potential health benefits of genetic testing.

While involved in a course at the University of Pennsylvania on genetic discrimination, the position paper Dr. Ruth Cowan's students presented to me reemphasized that this concern of genetic discrimination risks stifling further scientific advances in genetic based research.

No genetic nondiscrimination laws in health care, such as in my State of Pennsylvania, may mean foregoing cures based upon genetic research. With a young daughter who underwent treatment for a malignant brain tumor recently, I understand why, as scientific technology advances, discrimination cannot grow with it, or we harm not only the quality of life, but life itself.

With State laws varying in how to maintain the privacy of genetic information, the Genetic Information Nondiscrimination Act will set a national standard and take the first step toward advancing the scientific and health benefits of genetic research and protecting the genetic privacy of Americans.

I urge all my colleagues to support this bill.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, today we are celebrating, or we will shortly with a vote on the Genetic Information Nondiscrimination Act, known as GINA. And today we celebrate it with a great sense of unanimity and agreement about this legislation. But that clearly was not always true over more than the past decade.

This legislation has been controversial to some. It has had a shifting body of opponents to it over those many years. There are many who tried to ascribe attributes to this legislation that either wasn't intended to address or didn't exist at all. But the opposition was formidable.

But when we celebrate the passage of this legislation today, we must also celebrate the spirit of two women in the House of Representatives that persevered through all of the political debate, as hot it was from time to time, through all of the controversy, through much of the ignorance and misinformation about the legislation, but who, throughout that entire decade, understood the promise of this legislation, both to those who would not be discriminated against in the future, but also the promise in terms of medical research and information that would become available to promote, not only cures and treatment, but greater scientific understanding of the genome and our make-ups and its impact on our health.

And those two women were Congresswoman LOUISE SLAUGHTER from New York, and our colleague who is with us in the Chamber today, JUDY BIGGERT from Illinois.

It's one thing to stand here and say we all agree today. But that wasn't the case, and that was what they kept pushing against year after year to get the Congress to understand the importance of this legislation. We come to that understanding rather late, when you consider that many of the States have taken the steps, many Nations have taken this step, but it's terribly important that we do it so people will be assured that no worker will be discriminated against because of his or her genetic information.

As I mentioned, 41 States have already led the way in passing laws to prohibit discrimination to individual health insurance markets. 34 States have passed laws to prohibit employers from discriminating in the workplace. And the Federal Government has banned discrimination against Federal Government employees. Every American deserves this protection.

In the last two decades we've seen incredible scientific advances in the diagnosis and the treatment of once untreatable, undetectable conditions. Scientists now have the incredible ability to identify genetic markers for disease that could and may never occur. Genetic testing can also help prevent diseases by identifying them early.

Despite this amazing potential of genetic testing, advancements have been stifled out of fear of what some may do with the results of those tests. Many Americans forego testing because of that fear, the fear of losing their jobs, the fear of losing their health insurance.

We pit that against the knowledge, the discovery and the treatment that would have been possible to those individuals, but the fear prevented them from coming forward. And this is not an isolated fear.

A 2006 research study showed that 85 percent of the respondents believe that without protections, employers would use genetic information to discriminate. 64 percent believe that insurers would use the information to deny critical coverage.

The Genetic Information Nondiscrimination Act is clear. Title I of the bill prohibits group health plans and insurers from collecting or requesting genetic information with narrow exceptions. It also protects the privacy of this personal information.

Title II of the bill prohibits employers from collecting or using their employees' genetic information. It also prohibits employers from discriminating against employees in hiring, firing and other terms of conditions of employment based upon the genetic information.

This final bill makes it clear that, even though employers may not be held accountable for violations committed by health plans under title I, employers remain fully liable for any violations of title II, including violations involving health benefits.

It is well settled in this country's employment discrimination laws, such as title VII, the Age Discrimination Employment Act and the Americans with Disabilities Act, that it is unlawful for employers to discriminate against employees in their health benefits.

We intend for the courts to continue to interpret employer obligations under GINA similarly to all other civil rights laws. GINA will protect workers like David Escher, a former worker at the Burlington Northern Santa Fe Railroad, who discovered his employer was trying to prove his injury was caused by a genetic disorder rather than work-related injury. This is precisely the type of discrimination and misuse of genetic information that we seek to prohibit in this bill.

The protections provided by GINA are long overdue, and Representatives SLAUGHTER and BIGGERT have fought, over this last decade, for these important changes, these important provisions in the law. And I want to thank them for all of their hard work.

I also want to take a moment to thank the members of my staff, Michelle Varnhagen, Mark Zuckerman, Brian Kennedy, Jody Calemine and Michael Gaffin for all of their efforts.

From Congressman ANDREWS' staff, Carlos Fenwick.

Congresswoman SLAUGHTER's staff, Michelle Adams, Cindy Pelligrini.

From Congresswoman BIGGERT's staff, Brian Petersen, Jaime Vickery.

And from Congressman MCKEON's staff, Ed Gilroy and Jim Paretti.

From Congressman DINGELL's staff, Pete Goodloe, Jeanne Ireland, Jessica McNiece, Gregg Rothchild, and John Ford.

From Congressman FRANK PALLONE's staff, Bobby Clark.

From Congressman RANGEL's and STARK's staff, Cybele Bjorklund and Deb Mizeur for all of their assistance.

And in the Senate, from Senator KENNEDY's staff, Dave Bowen, Portia Wu and Lauren McFerren.

And from Senator SNOWE's staff, Bill Pewen.

And from Senator ENZI's staff, Ilyse Schuman and Keith Flannagan. And legislative counsel, Ed Grossman, Larry Johnson and Henry Christrup, for all of their assistance and all of the effort that they put in to making the changes and the distinctions between the actions in the House and the Senate, and all of the controversy that this brought with them.

With that, I'd like to reserve the balance of my time so that Ms. BIGGERT may make her closing remarks. And again, I want to thank her so much. Her membership on our committee makes us very proud. And her political toughness to see this through to the end, along with LOUISE SLAUGHTER, is a wonderful story that we celebrate also with the passage of this legislation.

I reserve the balance of my time.

Mrs. BIGGERT. I thank you, Mr. Chairman, for your kind words. And it's been a long road, but we're here, and with your help.

Just let me say that there's three benefits that are so important for this bill. Number one is that people will get a genetic test. And if it shows that they have a propensity for having some disease, they can then take preventive measures and take measures that are going to improve the quality of their life. And it's personalized medicine. People have got to take command of their medical lives.

Second of all, because people will take preventive measures, this is going to reduce the cost of health care. It's going to reduce the cost to businesses because their employees will be taking these preventive measures, and it's going to reduce the cost to health care providers because people, again, will be taking these measures.

And as I said before, through the clinical trials, it will increase the ability to find cures for so many diseases if people get into these.

So with that, I would really like to take a moment to thank Representative SLAUGHTER, Chairman SLAUGHTER of the Rules Committee one more time, GREG WALDEN of Oregon who has been a major sponsor of this bill, Congressman ANDREWS of New Jersey, who has been so helpful, and Mrs. ESHOO from California, who has been so involved. And then Senator SNOWE, Senator KENNEDY and Senator ENZI for all their hard work on this issue. It's truly been a pleasure to work with all of them.

I would also like to thank Mr. MCKEON and Mr. MILLER again, the chairman and ranking member of the Education and Labor Committee, for all their support. And then the other chairmen, Congressman DINGELL and Congressman BARTON of the Energy and Commerce Committee, and Mr. UPTON of Michigan for coming down and working on this today. And then Chairman RANGEL and ranking member MCCRERY of the Ways and Means Committee, and then Representative CAMP for being the spokesman for them. I applaud them for all their efforts.

I would also like to thank former Speaker Newt Gingrich, who has been so supportive of this legislation. And I would be remiss if I didn't mention Sharon Terry and the Coalition for Genetic Fairness, as well as all of our other organizational supporters, for all their persistence and their expertise on this issue.

And Dr. Francis Collins of NIH for his testimony before all three committees in the House.

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Finally, I have to thank the staff, all of the staff, who worked so tirelessly for years now behind the scenes on our behalf and put in long, long hours on this legislation. And in particular, my thanks go to Michelle Varnhagen and Jim Paretti from the Education and Labor Committee staff, and then Michelle Adams from Ms. SLAUGHTER's staff, and Brian Peterson of my staff.

There's so many reasons why everybody should vote for this, and certainly having passed the House by 420–3 last April and the Senate 95–0, you say, This is a no-brainer; why didn't this happen a long time ago? And what's been alluded to is to get three committees in the House of Representatives to work on all of the issues, and they are so technical in how they relate to each other and how it relates to privacy and the other HIPAA and ADA and all of the things that had to be brought in here, I think everyone works so hard just to have a wonderful result. And it's no surprise that we're here, but it just took a long time.

With that, I would urge all my colleagues to vote for this measure.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I also would be remiss if I did not thank Dr. Francis Collins for all of his work and assistance and guidance to the Congress on this matter and for everything else he does in such a wonderful fashion.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act.

I would like to thank Congresswoman LOUISE SLAUGHTER for her outstanding leadership on this issue. For 13 years, she has worked to pass this bill to protect Americans from genetic discrimination. She's both the powerful chair of the Rules Committee, and a microbiologist, so she knows what she is talking about.

The sequencing of the human genetic code is one of the great scientific accomplishments in the history of the world. It has the potential to treat and prevent disease. It is evidence of science's almost-biblical power to heal.

But with this scientific breakthrough comes a responsibility to protect Americans from the misuse of their genetic information. Today, the Congress will begin to fulfill that responsibility by passing this legislation.

This legislation prevents health insurers from adverse coverage or pricing decisions based on a person's genetic predisposition toward a disease. It ensures an employer cannot make adverse employment decisions based on what is in a person's genetic code. It also makes it illegal for an insurer or employer to request or demand a gene test.

Because of this legislation, Americans will be free to undergo genetic testing for diseases such as cancer, heart disease, diabetes, and Alzheimer's, without fearing for their job or health insurance. There is life-saving information in those tests. And for scientists, there is information that allows for huge breakthroughs.

This legislation is supported by the vast majority of the American people, 93 percent of whom do not want employers to have access to their genetic information.

This is such good policy that this legislation is supported by more than 500 organizations, including a broad coalition of civil rights and religious organizations. Health advocacy groups ranging from the American Academy of Pediatrics to the March of Dimes to the Susan G. Komen Breast Cancer Foundation have endorsed it.

In the Congress, it has broad bipartisan support. It also has the support of the President.

Let us not wait another day to pass this legislation so it can move to the President's desk for his signature and become law.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 493, the Genetic Non-Discrimination Act. This bill is the product of 10 years of hard work by my colleague Ms. SLAUGHTER and I applaud her for her efforts to pass this bill.

The sequencing of the human genome was an amazing scientific advancement, and has contributed to the rise of genetic testing to inform patients of their proclivity for disease.

Thanks to genetic testing, individuals with a risk of an illness can take precautionary steps ahead of time to ward off disease, which will contribute to lower health care costs over time.

However, it is critical that we protect individuals from any discrimination that could result from the information these tests reveal.

The results should not be used by health insurers to deny anyone coverage or increase their premiums because of a pre-disposition to a certain disease.

And the results should not be used by employers to discriminate against employees based on their predisposition to disease.

The passage of this bill will encourage individuals to seek genetic testing if they so desire without fear of losing their health insurance and give them the ability to seek early medical treatment.

One segment of the health care marketplace was excluded from the bill's protections—the long-term care insurance market. This bill was never intended to regulate the long-term care insurance market, and I understand that current statute treats long-term care insurance differently.

However, individuals that determine that they are at high-risk for developing Alzheimer's disease will undoubtedly begin planning for their long-term care and probably purchase long-term care insurance.

Despite all of the good intentions in this legislation, the bill would allow long-term care insurance underwriters to refuse to cover or charge individuals predisposed to such disease higher premiums for a disease they have yet to develop and may never develop.

As we move forward, Congress should ensure that future legislation extends the patient protections inherent in this bill to consumers who want to plan for their future and purchase long-term care.

With that, I am pleased to support this important legislation and send this bill to the President.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 493, the Genetic Information Nondiscrimination Act, which extends crucial Federal protections against discrimination based on an individual's genetic information.

The new millennium has seen unprecedented scientific advances in genetic research that have brought a renewed hope of solving today's most difficult medical puzzles. Since the human genome was fully mapped in 2003, many in the scientific and medical communities have viewed genetic medicine as the next step toward finding better diagnoses, treatments and possible cures for a wide spectrum of diseases. These advances have also raised legitimate ethical concerns about the potential misuse of genetic information in workforce and insurance related decisions. Although current law already addresses certain aspects of this issue, the importance of protecting individuals from discrimination and safeguarding the right to privacy cannot be overstated.

This bill will guarantee more comprehensive protections from discrimination in health insurance and employment on the basis of genetic information. Specifically, it will prohibit group health plans and health insurers from denying coverage to a healthy individual or charging that person higher premiums based solely on a genetic predisposition to develop a disease in the future. Furthermore, it bars employers, employment agencies, labor organizations or training programs from using an individual's genetic information when making hiring, firing, job placement or promotion decisions.

Genetics is a field of study that offers tremendous promise for medical advancement, but we must give thoughtful consideration to the implications of these emerging discoveries on society. No individual should fear discrimination based on genetic technologies. H.R. 493 will allay concerns about the potential for discrimination, encourage individuals to participate in genetic research, and take advantage of genetic testing, new technologies, and new therapies. I thank Congresswoman SLAUGHTER for her leadership on this issue and urge my colleagues to support its passage.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 493, the Genetic Information Nondiscrimination Act, GINA.

After 13 years—this bill will finally make its way to the President's desk, to help protect families from genetic discrimination.

Congratulations to the Congresswoman from New York, Ms. SLAUGHTER, for her work in drafting this bill and guiding it through the cumbersome referral to three committees.

Together, with Chairman DINGELL, Ms. DEGETTE and Mr. SMITH, we were able to include an important provision to protect families from unfair treatment on the basis of the genetic material of their fetuses or children in the process of adoption.

Without this bill, families may face genetic information discrimination from testing of embryos and fetuses, as well as children who are in the process of adoption.

As genetic testing becomes increasingly common, these provisions will ensure that genetic material gathered through pre-implementation genetic diagnoses, amniocentesis, or other future techniques is not used to limit families' access to health care.

Again, I thank Ms. SLAUGHTER for her commitment to reflect these changes throughout the bill in order to avoid any further confusion as to whether or not families can be discriminated against on the basis of the genetic material of their unborn child or child under consideration for adoption.

I was proud to work with many Members to include this provision.

I encourage my colleagues to vote for this important legislation.

Mr. KENNEDY. Mr. Speaker, I rise today in strong support of H.R. 493, the Genetic Information Nondiscrimination Act. I would like to thank my good friends and colleagues, Representative LOUISE SLAUGHTER and Representative JUDY BIGGERT, for their tireless advocacy to bring this bill to the House floor today and then on to the White House for President Bush's signature.

There is nothing more personal and more deserving of protection than the genetic makeup of each and every individual in our Nation. Advances in science and technology during the past decade have allowed us to map the human genome and opened the doors to treatment and diagnostic capabilities that we are only now beginning to realize. With this power comes great responsibility to protect individuals who learn that they may be more susceptible to diseases such as breast cancer or mental illness.

Just as our Nation does not allow discrimination based on race or disability, we must not allow discrimination based on our own genetic identity. The Genetic Information Nondiscrimination Act will prevent health insurers and employers from improperly using our genetic information to make coverage or employment decisions. I urge my colleagues to support this protection of our most basic human right by voting for H.R. 493.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of the Senate amendment to H.R. 493, the Genetic Information Nondiscrimination Act.

This bipartisan legislation is long overdue. Recent scientific breakthroughs in sequencing the human genetic code have already transformed the battle against a broad range of medical conditions. Scientists have now identified genetic markers for a variety of chronic health conditions which will increase the potential for early treatment and prevention. However, as much as these advances will improve health care delivery in this country, it has increased the potential for employers and insurers to discriminate based on an individual's genetic makeup. Such a threat deters the public and science from taking full advantage of the life-saving and cost-saving potential of genetic research.

That why we need to pass this much-needed bill. Discriminating against someone because of their DNA is simply unacceptable. Mr. Speaker, I urge colleagues to support this bipartisan legislation so that Americans do not have to live in fear of losing their job or health insurance because of their genetic predisposition towards certain medical conditions.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of the Senate amendment to H.R. 493, the Genetic Information Nondiscrimination Act.

The identification of genetic markers for disease is one of the most remarkable scientific accomplishments we have made. And this ability to identify risks for certain conditions holds so much promise for our ability to identify and practice greater preventive health care in this country. I can never emphasize enough just how important preventive health care is to our well-being.

However, as with almost all great scientific advancements, we have also opened the door to a whole slew of unintended consequences. And I fear that preventive health care is put at risk when patients decline genetic testing for fear of insurance or employment discrimination.

This bill before us will put aside those fears by offering protection from employment discrimination and closes the loopholes that deter individuals from pursuing information that can save their lives and the lives of others. After all, the biomedical research community is in dire need of greater clinical trial participation. But many patients are wary because they worry that participation in a clinical trial will reveal a genetic predisposition that employers or insurers can use as a basis for discrimination.

H.R. 493 will provide individuals the security of knowing that they can take advantage of genetic testing and participate in research without the fear that their employment or insurance status be put at risk.

I commend my colleagues LOUISE SLAUGHTER, JUDY BIGGERT and ANNA ESHOO for their tireless work on this bill over the last 13 years. I urge all of my colleagues to vote in favor of H.R. 493.

Ms. SPEIER. Mr. Speaker, Congress today is making an important first step toward protecting Americans from discrimination based on their genetic information. I support this bill and the premise that a predisposition to disease should never be a factor in access to employment or insurance coverage.

However, this is only a first step. I am compelled to remind this House, and all Americans, that this bill does not guarantee genetic information will not be abused by employers or insurers. The passage of this legislation should not give consumers a false sense of security.

Until access to health care is available regardless of current or future health conditions, the potential for genetic discrimination will remain. And until we completely limit access to employee health records, there will be the potential for discrimination by employers.

Mr. Speaker, passage of the Genetic Information Non-Discrimination Act today is a strong step toward protecting sensitive genetic information, but no journey is completed in just one step. I look forward to addressing the underlying problems not fixed by this bill so we can truly protect Americans' privacy and guard against discrimination based on preexisting health conditions.

Ms. BALDWIN. Mr. Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act.

The scientific advancement that has been made in sequencing the human genome is groundbreaking. We have only just begun to understand how we can harness the vast amount of information that is included in our genetic code to benefit human health and longevity. The ability to predict disease will greatly increase our opportunities for early treatment and prevention efforts and this can have a real impact on people's lives.

So I am proud to support the Genetic Information Nondiscrimination Act. This bill will provide strong protections to prevent employers and insurers from denying health coverage or job opportunities on the basis of predictive genetic information. Providing this protection will ensure that Americans are not unfairly penalized, either by health insurers or by employers, for something that is a part of their genetic makeup. In addition, these protections will encourage individuals to participate in genetic research, which will lead to new technologies and new therapies.

This important nondiscrimination protection is necessitated by the advancements in science, like the mapping of the human genome. And Congress is responsible for making sure that our laws keep up with these scientific advancements, so that we can fully realize the value of these discoveries.

Mr. Speaker, I am proud to support the Genetic Nondiscrimination Act, and I urge my colleagues to join me in voting in favor of it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 493, "The Genetic Information Nondiscrimination Act (GINA)". I would like to thank my colleague Congresswoman LOUISE MCINTOSH SLAUGHTER, from NewYork, for introducing this important legislation. I would also like to thank my colleagues on the Energy and Commerce, Ways and Means, Education and Labor committees for their leadership in this highly contentious and complex health issue.

The Genetic Information Nondiscrimination Act (GINA) would restrict health insurers' Title I, and employer's Title II, acquisition and use of genetic information in several ways. It is also supported by consumer groups, the medical profession, researchers, the medical products industry and pharmaceutical companies.

Since the first bills were introduced in the 103d Congress, many of the arguments and positions supporting and opposing genetic nondiscrimination legislation have remained largely unchanged. The simple fact is without protection, people are apprehensive about seeking potentially beneficial genetic services or participating in much needed clinical research.

Alex Haley, the gifted author of Roots, stated on the front page of his book that "In all of us there is a hunger, marrow deep, to know our heritage—to know who we are and where we have come from. Without this enriching knowledge there is a hollow yearning. No matter what our attainment in life, there is still a vacuum, an emptiness and the most disquieting loneliness."

When author Alex Haley revealed his Roots in the late 1970s, everyone in the Nation, it seemed, wondered about their own great-great-great-grandparents. As a result, the genealogical quest fever spread, particularly among African Americans.

It took Haley more than a decade to trace back several generations, but as most Black people realize, not many of similar heritage will be able to unearth their lineage even that soon. That's because few, if any, reliable records of the centuries-long Atlantic slave trade remain to help in the search. That's what became all too apparent to rheumatologist Dr. Paul Plotz in 1992, when "a chance occurrence" pointed his research on a rare muscle disorder to West Africa and "the greatest undocumented migration of modern times."

As Haley pointed out, people have an inherent interest in knowing their heritage. Our investment in modern science, specifically the Human Genome Project, is poised not only to reveal medical truths about ourselves and our potential for health, but also to help us make that connection to our past.

While some of my colleagues are focused that GINA will provide further incentives and additional opportunities for litigation against employers, they seem to forget the very real concern of individual protections. In an age where electronic databases are easily tampered with and private information is passed around like a bad cold, we must focus on the rights of individuals and their families when dealing with such a complex and contentious issue.

At a time when we want people to seek out preventative care and gain greater health literacy, we want to ensure them that they are safe and big brother is not selling their detailed information to the highest bidder.

Researchers at Penn State University have stated that from a medical viewpoint, African genetic diversity is important in understanding genetic diseases of African Americans and for finding treatment methods for contagious diseases that originated in Africa. These researchers have said that if they could identify the genetic changes that provided this protection, then they might be able to find treatment methods for the diseases.

These revolutionary discoveries are due to a diverse group of people feeling secure enough with their doctors, nurses, and health insurance companies that they participate in genetic testing and research studies.

We exclaim that we want better health care, greater incidence of prevention, better understanding of current diseases, and most importantly more cures to the illnesses of Americans. This is what genetic testing and research can do. If we allow employers and health insurance companies manipulate the data to further restrict Americans' access to quality care, then we should not support this bill.

However, if we are for access to quality health care, if we are for greater understanding of infectious diseases and mutations, if we are for privacy protections in medical records and payment systems . . . then we must give our full support to this bill.

Thank you, Mr. Speaker, for your leadership in the area of health care access. This is yet one more area that allows us to support an individual's right to care without fear of retribution by increased health insurance payments or even worse, denial of care altogether. Vote in support of Access, Understanding, and Privacy.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act, H.R. 493.

I am a cosponsor of this important legislation, which bans genetic discrimination in the workplace and in health insurance on the basis of predictive genetic information. It prohibits insurance companies from denying coverage or increasing premiums because of genetic factors. Also, under this bill, employers cannot consider genetic factors in the process of hiring, firing, or promoting workers.

H.R. 493 is similar to Minnesota law, which I voted for when I was a member of the Minnesota House of Representatives. Minnesota law sets basic privacy protections for the collection of genetic information by Government agencies and private entities. Unfortunately, not all States offer protection against genetic discrimination. This leaves most Americans unsure of how their private information will be protected. National legislation needs to be implemented now, before genetic discrimination becomes more widespread as genetic testing comes into greater use.

Discrimination based on a person's genetic information, just like that based on race or disability, should not be tolerated. Genetic discrimination has the potential to affect every person in the United States. Despite advances in modern medical technology, it is impossible to predict with certainty whether a given individual will actually develop a disease. Patients recognize that few laws exist to prevent health insurers or employers from using their predictive genetic information to deny them coverage or jobs. As a result, fear of such discrimination could cause individuals to refuse potentially life-saving testing or participate in genetic research.

Federal employees are already protected from genetic discrimination by an executive order signed by President Clinton. It is time to extend this protection to the rest of our country.

H.R. 493 will give Americans the security they need to take care of their health needs without worrying that they will face discrimination. This bill has been pending for over 13 years now. Under Republican control there were no hearings on this important topic. Within one year of Democrats taking control of the House this bill was passed, and is now on its way to the President's desk.

This bill is the right thing to do to protect access to health care and against genetic discrimination in the workplace. I urge my colleagues to join me in supporting this bill.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PASTOR). All time for debate has expired.

Pursuant to House Resolution 1156, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to concur will be followed by 5-minute votes on ordering the previous question on House Resolution 1167; adopting House Resolution 1165, if ordered; and suspending the rules and adopting House Concurrent Resolution 308.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 16, as follows:

[Roll No. 234]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt

Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—16

Barrow
Blackburn
Burgess
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Gohmert
Honda
Israel
Jones (OH)
LaHood
Payne
Rush
Wilson (NM)

□ 1240

Ms. FOXX and Mr. BURTON of Indiana changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1167, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 190, not voting 15, as follows:

[Roll No. 235]

YEAS—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—15

Barton (TX)
Blackburn
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Gohmert
Honda
Israel
LaHood
Payne
Rush
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1248

Mr. MARCHANT changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 228, nays 189, not voting 14, as follows:

[Roll No. 236]

YEAS—228

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)

Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Bilbray
Blackburn
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Honda
Israel
LaHood
Payne
Rush
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1257

Mr. GOHMERT changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was placed on the table.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 308, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 308.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 237]

YEAS—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)

Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Blackburn
Burgess
Cubin
Deal (GA)
Doggett
Ellison
Forbes
Fossella
Herger
Honda
Hulshof
Israel
LaHood
Pallone
Payne
Rush
Slaughter
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 1304

So the concurrent resolution was agreed to.

The vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 237, I was unavoidably detained. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 992

Ms. FALLIN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 992.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oklahoma?

There was no objection.

CORRECTING ENROLLMENT OF H.R. 493

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 340) to make technical corrections in the enrollment of the bill H.R. 493.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 340

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 493 (to prohibit discrimination on the basis of genetic information with respect to health insurance and employment) the Clerk of the House of Representatives shall make the following technical corrections:

(1) In section 104(d)—

(A) in paragraph (2), strike "June 30, 2008" and insert "October 31, 2008";

(B) in paragraph (3), strike "October 1, 2008" and insert "July 1, 2009"; and

(C) in paragraph (4)—

(i) in subparagraph (A)(ii), strike "October 1, 2008" and insert "July 1, 2009"; and

(ii) in subparagraph (B)(ii)—

(I) strike "in 2008" and insert "in 2009"; and

(II) strike "July 1, 2008" and insert "July 1, 2009".

(2) In section 202(b)(6), strike "law enforcement" and all that follows through "and requests" and insert "law enforcement purposes as a forensic laboratory or for purposes of human remains identification, and requests".

(3) In section 205(b)(6), strike "law enforcement" and all that follows through "and requests" and insert "law enforcement purposes as a forensic laboratory or for purposes of human remains identification, and requests".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may insert extraneous material on House Concurrent Resolution 340 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

This concurrent resolution makes two technical corrections to the GINA legislation just passed. First, with respect to the Department of Defense Labs, in our current bill, section 202(b)(6) and section 205(b)(6) of H.R. 493 provides an exclusion for an employer to conduct DNA analysis for law enforcement purposes as a forensic laboratory, which submits analyses to the Combined DNA Index System, known as CODIS, if the employer only uses that analysis of DNA identification markers for quality control to detect sample contamination.

However, we recently learned that the Armed Forces DNA Identification Laboratory, AFDIL, of the Armed Forces Medical Examiner System, which identifies soldiers' remains, would not be included in this exclusion because it does not submit DNA to the CODIS system.

It was not our intent to prevent the Armed Forces, AFDIL, from using DNA analysis for human remains identification. This technical change would allow them to continue their mission.

With respect to NAIC, the other change is a very minor one. Section 104 of the bill, dealing with Medigap, requires the National Association of Insurance Commissioners to modify their regulations to conform to GINA. The deadline for NAIC to make these modifications is June 30, 2008. If NAIC does not make these modifications by this timeframe, HHS would be required to make the modifications by October 1, 2008.

When this bill moved through the House last April, these deadlines were not a problem. However, with today being May 1, NAIC will not be able to meet the June deadline. Thus, the other change to this bill pushes back the NAIC and HHS deadlines until October 30, 2008, and July 1, 2009.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 340. This resolution makes technical corrections to the Genetic Information Nondiscrimination Act, commonly known as GINA, the act that we just passed. Specifically, this resolution will clarify the use of genetic information at forensic laboratories used by law enforcement agencies. This technical correction ensures the Department of Defense will be able to use genetic information to identify the remains of American servicemen and women.

The recent DNA identification of Staff Sergeant Matt Maupin, missing since his capture in Iraq in 2004, offers us a painful reminder of why genetic information may be needed to identify the heroic men and women who give their lives in service to this Nation.

This is a simple, yet necessary change to a bill that enjoys the support of a vast majority of this body. Adoption of this resolution will allow this legislation to move forward.

The GINA bill marks a commitment by this Congress to ensure that the law protects American workers and health care consumers from discrimination on the basis of their genetic makeup. Because that goal is so critical, I support this resolution today, and urge my colleagues to do likewise.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 340.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

(1) On page 2, line 5, strike “**AND GRADUATE**”

(2) On page 7, line 11, strike “issued” and insert: “first disbursed”.

(3) On page 9, line 12, strike “issued” and insert: “first disbursed”.

(4) On page 9, line 24 through page 10 line 11 strike and insert:

“(B)(i) EXTENUATING CIRCUMSTANCES.—An eligible lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if, during the period beginning January 1, 2007, and ending December 31, 2009, an applicant for a loan under this section—

“(I) is or has been delinquent for 180 days or fewer on mortgage loan payments or on medical bill payments during such period; and

“(II) is not and has not been more than 89 days delinquent on the repayment of any other debt during such period.

“(ii) DEFINITION OF MORTGAGE LOAN.—In this subparagraph, the term ‘mortgage loan’ means an extension of credit to a borrower that is secured by the primary residence of the borrower.

“(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit an eligible lender’s authority under the regulations promulgated pursuant to paragraph (1)(A) to determine that extenuating circumstances exist.”.

(5) On page 10, after line 24 insert:

(1) in paragraph (1), by inserting after the second sentence the following: “No loan under section 428, 428B, or 428H that is made pursuant to this subsection shall be made with interest rates, origination or default fees, or other terms and conditions that are more favorable to the borrower than the maximum interest rates, origination or default fees, or other terms and conditions applicable to that type of loan under this part.”;

(6) On page 12, line 14, strike “lenders willing to make loans” and insert: “eligible lenders willing to make loans under this part”.

(7) On page 13, after line 2 insert:

“(6) EXPIRATION OF AUTHORITY.—The Secretary’s authority under paragraph (4) to designate institutions of higher education for participation in the program under this subsection shall expire on June 30, 2009.

“(7) EXPIRATION OF DESIGNATION.—The eligibility of an institution of higher education, or borrowers from such institution, to participate in the program under this subsection pursuant to a designation of the institution by the Secretary under paragraph (4) shall expire on June 30, 2009. After such date, borrowers from an institution designated under paragraph (4) shall be eligible to participate in the program under this subsection as such program existed on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008.

“(8) PROHIBITION ON INDUCEMENTS AND MARKETING.—Each guaranty agency or eligible lender that serves as a lender-of-last-resort under this subsection—

“(A) shall be subject to the prohibitions on inducements contained in subsection (b)(3) and the requirements of section 435(d)(5); and

“(B) shall not advertise, market, or otherwise promote loans under this subsection, except that nothing in this paragraph shall prohibit a guaranty agency from fulfilling its responsibilities under paragraph (2)(C).

“(9) DISSEMINATION AND REPORTING.—

“(A) IN GENERAL.—The Secretary shall—

“(i) broadly disseminate information regarding the availability of loans made under this subsection;

“(ii) during the period beginning July 1, 2008 and ending June 30, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

“(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection;

“(II) quarterly reports on—

“(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

“(bb) any related payments by the Department, a guaranty agency, or an eligible lender; and

“(III) a budget estimate of the costs to the Federal Government (including subsidy and administrative costs) for each 100 dollars loaned, of loans made pursuant to this subsection between the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008 and June 30, 2009, disaggregated by type of loan, compared to such costs to the Federal Government during such time period of comparable loans under this part and part D, disaggregated by part and by type of loan; and

“(iii) beginning July 1, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

“(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection; and

“(II) annual reports on—

“(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

“(bb) any related payments by the Department, a guaranty agency, or an eligible lender.

“(B) SEPARATE REPORTING.—The information required to be reported under subparagraph (A)(ii)(II) shall be reported separately for loans originated or approved pursuant to paragraph (4), or payments related to such loans, for the time period in which the Secretary is authorized to make designations under paragraph (4).”.

(8) On page 13, line 12, strike “agency’s” and insert: “agencies”.

(9) On page 14, line 3, strike “adding at the end” and insert: “inserting before the matter following paragraph (5)”.

(10) On page 15, line 19, strike “loans originated” and insert: “loans first disbursed”.

(11) On page 15, line 21, after “October 1, 2003,” insert: “and before July 1, 2009,”.

(12) On page 16, line 1, after “Federal Government” insert: “(including the cost of servicing the loans purchased)”.

(13) On page 16, strike lines 5 through 23, and insert the following:

“(2) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any purchase of loans under this section that—

“(A) establishes the terms and conditions governing the purchases authorized by paragraph (1);

“(B) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the price at which to purchase loans made under section 428, 428B, or 428H; and

“(C) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).”.

(14) On page 20, after line 9 insert the following:

SEC. 10. ACADEMIC COMPETITIVENESS GRANTS.

(a) AMENDMENTS.—Section 401A of the Higher Education Act of 1965 (20 U.S.C. 1070a–1) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.”;

(2) in subsection (b)—

(A) by striking “academic year” each place it appears and inserting “year”; and

(B) in paragraph (2), by striking “third or fourth” and inserting “third, fourth, or fifth”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking “full-time”;

(ii) by striking “academic” and inserting “award”; and

(iii) by striking “is made” and inserting “is made for a grant under this section”;

(B) by striking paragraphs (1) and (2) and inserting the following:

“(1) is eligible for a Federal Pell Grant;

“(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and”; and

(C) in paragraph (3)—

(i) by striking “academic” each place the term appears;

(ii) in subparagraph (A)—

(I) by striking the matter preceding clause (i) and inserting the following:

“(A) the first year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than one year for which the institution awards a certificate)—”;

(II) by striking clause (i) and inserting the following:

“(i) has successfully completed, after January 1, 2006, a rigorous secondary school program of study that prepares students for college and is recognized as such by the State official designated for such recognition, or with respect to any private or home school, the school official designated for such recognition for such school, consistent with State law, which recognized program shall be reported to the Secretary; and”; and

(III) in clause (ii), by inserting “, except as part of a secondary school program of study” before the semicolon;

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “year of” and all that follows through “higher education” and inserting “year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than two years for which the institution awards a certificate)”; and

(II) in clause (ii), by striking “or” after the semicolon at the end;

(iv) in subparagraph (C)—

(I) in the matter preceding subclause (I) of clause (i), by inserting “certified by the institution to be” after “is”;

(II) by striking clause (i)(II) and inserting the following:

"(II) a critical foreign language; and"; and

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

"(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)), is attending an institution that demonstrates, to the satisfaction of the Secretary, that the institution—

"(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and the student—

"(I)(aa) studies, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; and

"(bb) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; or

"(II) is required, as part of the student's degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

"(aa) 4 years of study in mathematics; and

"(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

"(ii) offered such curriculum prior to February 8, 2006; or

"(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework, as certified by the appropriate official of the degree-granting institution of higher education, for which a baccalaureate degree is awarded by a degree-granting institution of higher education—

"(i) is certified by the institution of higher education to be pursuing a major in—

"(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

"(II) a critical foreign language; and

"(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking "The" and inserting "IN GENERAL.—The";

(II) in clause (ii), by striking "or" after the semicolon at the end;

(III) in clause (iii), by striking "subsection (c)(3)(C)." and inserting "subparagraph (C) or (D) of subsection (c)(3), for each of the two years described in such subparagraphs; or"; and

(IV) by adding at the end the following:

"(iv) $4,000 for an eligible student under subsection (c)(3)(E)."; and

(ii) in subparagraph (B)—

(I) by striking "Notwithstanding" and inserting "LIMITATION; RATABLE REDUCTION.—Notwithstanding";

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

"(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);";

(B) by striking paragraph (2) and inserting the following:

"(2) LIMITATIONS.—

"(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

"(B) NUMBER OF GRANTS.—The Secretary may not award more than one grant to a student described in subsection (c)(3) for each year of study described in such subsection."; and

(C) by adding at the end the following: and

"(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.";

(5) by striking subsection (e)(2) and inserting the following:

"(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.";

(6) in subsection (f)—

(A) by striking "at least one" and inserting "not less than one"; and

(B) by striking "subsection (c)(3)(A) and (B)" and inserting "subparagraphs (A) and (B) of subsection (c)(3)"; and

(7) in subsection (g), by striking "academic" and inserting "award".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2009.

SEC. 11. INAPPLICABILITY OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to amendments made by sections 2 through 9 of this Act, or to any regulations promulgated under such amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may insert extraneous material on H.R. 5715 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008, as amended by the Senate. Earlier this month the House acted swiftly to pass this bipartisan legislation to ensure that students and families will be able to continue to access Federal loans they need to pay for college, regardless of what happens in the Nation's credit markets.

Over the past few weeks, the President has also voiced his support for this legislation. I am glad that the President has recognized the importance of this legislation, and am very pleased that with today's vote, we will have an opportunity to send to him this bill for his signature.

The bill we are considering today now includes some of the amendments added by the Senate to strengthen the purpose of the legislation. I want to thank Senator KENNEDY and Senator ENZI for all of their support for this legislation and all of their efforts to get it through the Senate on a timely basis.

Because today's vote is timely, the sooner we get this legislation to the President's desk, the sooner it can be implemented by the Department of Education. This week, many incoming freshmen will be reviewing their financial aid packages and making decisions on where they plan to attend college this fall. For many of these students, their families are already worried about paying bills in today's economy. They shouldn't also have to worry about whether Federal aid they depend on to pay for college will actually be there this fall when they need it.

Over the past few months, we have been closely monitoring what has been happening in the financial markets, and we have heard from stakeholders across the political and economic spectrum: The Department of Education, college financial aid officers, lenders, financial analysts, and students. Not surprising, we have heard varying predictions. Some believe that the lenders will continue to face trouble accessing capital for loans, and others believe that the markets will ease up.

Fortunately so far, the credit crunch has not prevented any student parent from getting the Federal loans for which they are eligible. But we believe that it is only prudent to prepare for the possibility that the ongoing stress in the Nation's financial markets could jeopardize access to student loans.

In addition to the provisions already passed overwhelmingly by the House earlier this month, the legislation before us today includes additional measures approved by the Senate amendments. This amended legislation assures that loans made through the lender-of-last-resort program are made with similar terms and conditions as other FFELP loans.

It makes the Secretary's authority to designate entire institutions as a lender-of-last-resort program temporary. It ensures that guaranty agencies and lenders operating under the lender-of-last-resort program are subject to the same rules regarding inducements and conflicts of interest that other FFELP lenders are subject to.

☐ 1315

It safeguards the lender-of-last-resort program from abuses by requiring guaranty agencies and lenders acting as lenders of last resort to report on loans made through the program. It protects taxpayers by requiring reporting on the cost of the lender-of-last-resort program as compared to the current loan program. Finally, the amended legislation reduces low-income students' reliance on Federal student loans by directing all loans generated by this legislation into the Academic Competitiveness and SMART grants.

I believe that these additions will enhance this bill by providing further protection for parent borrowers, boosting aid to low-income students, increasing accountability in the lender-of-last-resort program.

Now more than ever, families deserve every assurance that we are doing all that we can to make sure that they will continue to be able to finance their children's education. I am confident that our efforts, coupled with proper planning in the Department of Education, will help ensure that students are able to get the financial assistance they need to attend college this fall.

I would like to thank Mr. McKEON, our committee's senior Republican, Mr. HINOJOSA, the subcommittee Chair, Mr. KELLER, the senior Republican on the subcommittee, and all of their staff and all my colleagues on both sides of the aisle for their commitment to acting promptly on behalf of America's students and families. Again, thank you to Senator KENNEDY and Senator ENZI for their support.

I urge my colleagues to join us in swiftly passing this legislation.

I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, I rise in support of H.R. 5715, and yield myself such time as I may consume.

I am pleased to be here just 2 weeks after the House voted overwhelmingly in support of this effort to restore confidence in our student loan program. Today we will give final approval to this measure and send it to the President for his signature. It is not often that Congress acts so nimbly to respond to a current market challenge, and I welcome this show of bipartisan cooperation. I hope it is a sign of things to come.

When we debated this bill on the floor 2 weeks ago, I noted that while it is a good start, it is not a complete solution. That continues to be true today. I am particularly interested in exploring a more market-oriented solution to what is obviously a market-based problem. I am hopeful that the administration will pursue steps such as an intervention by the Federal Financing Bank, along with the other proposals that have been offered to restore balance. Still, the steps taken under this bill are important preliminary measures, and I look forward to their swift enactment.

The original bill passed by the House focused on restoring stability to an uncertain market and offering reassurances to students and their families. We did that by establishing the U.S. Department of Education as a temporary backstop to purchase loans and inject modest amounts of liquidity into the market in order to ensure lenders can make new loans in the coming school year. We also offered new loan availability and flexibility, and we called on the Federal financial authorities to exercise their authority to stabilize the market.

I appreciate that the other Chamber chose to move quickly on our bill, rather than taking up a competing bill that would have slowed down this important assistance to students and families. However, some important improvements were made as this bill moved through the other body, and I want to highlight those here today.

In early 2005 and early 2006, Congress approved a budget reconciliation measure that created two new grant programs to help low-income students pursuing a college education. Those two new programs are the Academic Competitiveness Grant and the SMART Grant. These grant programs are meant to promote student academic achievement, particularly in fields that are vital to our continued competitiveness in a changing world.

During the committee deliberations on a comprehensive renewal of the Higher Education Act, Representative ROB BISHOP took a leadership role in clarifying the role of States and not the Federal Government in establishing rigorous high school curricula. The purpose of the Academic Competitiveness Grant was to encourage students to pursue challenging course work to prepare for college, but it was never intended to usurp State and local responsibility for establishing curricula. I am pleased we were able to incorporate his proposed changes into the bill that is moving today.

Mr. Speaker, I support this bill, but I would be remiss if I did not highlight what I believe to be the root causes of the current difficulties in our financial markets. Last year, Federal support for the loan program was slashed, forcing loan providers to scale back on benefits and reevaluate their future participation in the program. This year, disruption in the capital markets have reduced liquidity and shaken investor and consumer confidence.

I appreciate the steps taken in this bill to begin to stabilize a program that has been badly shaken. I am especially pleased that this bill contains no net cost to the American taxpayer and that it does not force colleges and universities to embrace the government-run Direct Loan Program that the vast majority have already rejected. I will remain vigilant in protecting against any efforts to capitalize on the current situation by imposing a big government monopoly on student loans. In fact, it is because I did not support a big government intervention that I favor the bill before us. The fact is that if we fail to act now, we may be forced to take on much greater government role in the future.

We made a commitment more than four decades ago that there are national benefits to an affordable, accessible, higher education system. What we are doing today is restating that commitment and sending a signal to students and families that we continue to believe in this program that has opened the door of higher education to so many millions of aspiring young Americans.

Mr. Speaker, this is a good bill that deserves our support. I want to thank Chairman MILLER, along with the chairman and ranking member of the subcommittee, Representatives HINOJOSA and KELLER, for their leadership on this issue. I would also like to recognize the staff for their hard work as well. I urge all my colleagues to join me in support of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the chairman of the subcommittee.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act. I especially want to thank Chairman GEORGE MILLER and ranking member BUCK McKEON and all the others who have worked with us to be able to resolve the challenge of access and affordability to higher education to all those who wish to go to that level of education.

This is urgent legislation, and I thank the leadership in both the House and the Senate for ensuring its swift passage. We are all united in our commitment to provide every assurance to students and families that there will be no disruption in the Federal student loan programs, regardless of what is happening in the financial markets in our country.

As of today, no student has been unable to find a lender for a Federal student loan. However, we are not going to wait until students and families are denied loans before putting safeguards in place. Today is the day that many incoming freshman students must decide which college they will attend in the fall. Financial aid is a critical consideration for that decision process. We can leave no doubt in the minds of students, families or campuses about the availability of that aid. That is why we must send this legislation to the President for his signature without delay.

Mr. Speaker, this legislation will provide much-needed liquidity to the student loan marketplace by authorizing the Secretary of Education on a temporary basis to purchase student loans so that lenders have the funds to make new loans. The legislation clarifies the lender-of-last-resort option so that, if called upon, guaranty agencies will be able to fulfill their role as lender of last resort as required under the Higher Education Act.

The legislation will reduce the reliance on private loans to fill the gap between Federal student aid and the cost of college by increasing the amount a student can borrow in the unsubsidized loan program.

This contingency plan for the student loan marketplace will come at no cost to the taxpayers. In fact, any savings that may be generated will be directed to the Academic Competitiveness and SMART grants that are available to needy students who complete a rigorous program of study in high school and those students who are pursuing majors in high-need fields, such as science, engineering, technology and foreign languages.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GEORGE MILLER of California. I yield the gentleman 30 more seconds.

Mr. HINOJOSA. Finally, with H.R. 5715 we are signaling that we will bring all of our tools to the task of guaranteeing access to student loans. This legislation also calls upon Treasury and our Federal financial institutions to do their share to ensure that there is sufficient capital in the Federal student loan marketplace.

I urge all my colleagues to vote "yes" on this critical stopgap legislation.

Mr. McKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the ranking member of the Subcommittee on Higher Education.

Mr. KELLER of Florida. I thank the gentleman for yielding.

I rise today in support of the Ensuring Continued Access to Student Loans Act. As the ranking member on the Higher Education Subcommittee and founder and chairman of the Pell Grant Caucus, I am honored to be a cosponsor of this important legislation.

How did we get here? The troubles that began in the subprime mortgage market have had a ripple effect on our economy, impacting all types of consumer credit. Unfortunately, that includes student loans. As a result of these disruptions in the financial markets, students and families all across the country are worrying about how they will pay for college this fall. Through no fault of their own, middle class families are worrying that their children may have a difficult time getting the financing they need for college. At least when it comes to Federal loans, there are steps we can take now to prevent that from happening. That is why I support this bill before us.

This bill will increase loan limits by $2,000 to undergraduate students, it will give students more flexibility in their loan payment options, and it includes provisions that will help generate more low-interest loans. Additionally, the savings achieved in this bill will provide more aid to full- and part-time eligible students through national SMART grants.

This is how SMART grants work. If you are eligible for a traditional Pell Grant and you major in math, science or foreign languages that are critical and you have a B average, you will be able to get an additional $4,000 above and beyond the maximum award of $4,800. This bill expands that to allow full- and part-time students to partake. That means we will be helping a total of approximately 100,000 students who are majoring in math and science and critical languages, and also helping ourselves, because we desperately need more math and science majors.

I have a chart here regarding our strong support for Pell grants on a bipartisan basis to put this bill in perspective. Since I came to Congress in 2000, I have noted that we have increased Pell Grant funding by 149 percent, from $7.6 billion to $18.9 billion.

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We have increased the maximum award from $3,300 to $4,800, an increase of 45 percent. Now, with this new expanded legislation for more part-time students to get these SMART Grants, those particular students in math and science will get, as I said earlier, $8,800 in eligible grants.

And, finally, and particularly significantly, we have made it possible for an additional 1.9 million students to go to college, an increase of 49 percent from 3.9 million students getting Pell Grants in 2000 to 5.8 million today.

Making sure that college is affordable has been a bipartisan priority of this Congress. This bill will help ensure access to college for many worthy students and provide much needed stability to the student loan market at a time when it is most important to our college students.

I want to thank Chairman GEORGE MILLER, Chairman HINOJOSA, and Ranking Member MCKEON for their speedy and bipartisan work on this bill. I want to thank my colleagues in the Senate for turning this legislation around so quickly and adding some key provisions dealing with the SMART Grants. I also want to thank the White House for indicating its strong support of this legislation and their willingness to sign it upon arrival.

For these reasons, I urge my colleagues to vote "yes" on H.R. 5715, and let's make college more affordable for all young people.

Mr. GEORGE MILLER of California. I recognize the gentleman from Connecticut, a member of the committee, for 2 minutes.

Mr. COURTNEY. Mr. Speaker, what a difference 6 weeks makes. On March 14, under Mr. MILLER's leadership, the Education and Labor Committee held a hearing on the question of student loan availability. And at that time, Secretary Spellings from the Department of Education came in and said that the administration was merely "monitoring the situation," and expressed some diffidence and confusion about whether or not in fact the Federal Government really had a role to play in terms of being lender of last resort.

During the last 6 weeks, what we have seen is the collapse of Bear Stearns, we have seen lenders withdrawing from the student loan market, and a clear signal that the subprime mortgage crisis is in fact extending to the student loan market. In Connecticut, the Connecticut Commissioner of Higher Education Mike Meotti and the Director of Financial Aid at University of Connecticut, who I met with, confirmed the fact that they were seeing some withdrawal from the market and a need to step up their activity in terms of giving students more help as they enter a very challenging year, again, because of what is happening in the financial markets.

This legislation, which now the administration has come around in support of, will in fact strengthen the Direct Student Loan program and will confirm that the Federal Government will in fact be a lender of last resort so that it will make sure that, in August and September, students and families will not be running into difficulty and will in fact be able to go to college in the fall.

The Federal Government acted swiftly to help Bear Stearns, an investment bank which frankly morally and ethically didn't deserve the help. Millions of students, however, do. And this legislation, which will clearly confirm that the Federal Government has a role to play going into the summer months as students reach out to get financial assistance, that in fact the doors of colleges and universities will remain open.

I applaud Mr. MILLER for his leadership going back to last March 14 and ensuring that passage of this bill will occur on a bipartisan basis.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in strong support of this bill that I joined with Chairman MILLER in introducing to ensure the current credit crunch does not prevent students from attending college.

Recent decisions to suspend the issuing of student loans by the Pennsylvania Higher Education Assistance Agency and other lenders around the country clearly demonstrate the need for this legislation.

This bill is a model for bipartisan cooperation. Problems in the credit market began affecting the student loan market only 2 months ago, and since that time Congress has quickly moved to identify the problem, craft a responsible solution to that problem, and quickly move that solution through the legislative process. And, today, we are sending this bill to the President for his signature.

Congress can be proud of taking this proactive step to prevent a crisis and I am proud of what we did today, and encourage my colleagues to support this bill.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Speaker, I thank the chairman for yielding, and I thank the chairman and the ranking member of the full committee and also of the subcommittee for working together so quickly and so cooperatively to bring this legislation to the floor. It is very badly needed, and the passage of it will allow us to expand upon the gains that this Congress has made in the dual goals of access and affordability. And let me just quickly reflect on those.

We have significantly reduced student loan interest rates. We have significantly increased the Pell Grant maximum. We have overridden the administration's recommendation to eliminate the SCOG program. We have overridden the administration's recommendation to eliminate the Perkins Loan program. We have done all of this on a bipartisan basis, and we have done all of this with a focus on keeping student need and student interests uppermost in our mind.

There are several very positive features of this bill. Let me talk just about three of them. The first is seeing to it that we maintain liquidity in the student loan market, a situation that is forced upon us by factors that have nothing to do with the Student Loan program. The second is the increase in loan limits on an annual basis. The most important element of this is that it will reduce student reliance on private lending, and that certainly is a goal of ours, to see to it that students have access to government regulated loans as opposed to private loans. And, lastly, the easing of the repayment requirements for the parent loan will be enormously helpful to needy families and the students of those families.

So I again want to commend leadership on both sides of the aisle and both sides of the Capitol for working so quickly on this. I want to commend the Education Department and the administration for their willingness to be supportive, and I urge speedy passage.

Mr. McKEON. Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I congratulate Mr. MILLER and Mr. McKEON for skillfully navigating this legislation to the floor, and I strongly support it.

Our country's economy has been severely affected by a lack of liquidity crisis. In plain language, people who need to borrow money to do good things who are creditworthy are having a very difficult time borrowing that money.

The early tremors are present in the education field that young men and women who need money to go to school are beginning to have trouble borrowing that money; and we are, frankly, concerned that an earthquake may follow those tremors.

Rather than wait for that disaster to occur, Chairman MILLER and Mr. McKEON are taking preventive, action along with the Secretary of Education, to try to prevent such a calamity from occurring.

This legislation is commendable on any number of grounds. First, it strengthens the lender of last resort program so that guarantee agencies around the country will be equipped to quickly move capital to students and schools who find it difficult or impossible to get that capital from the banking institutions. Second, it increases the limits that students can borrow money that is guaranteed under the Federal guaranteed loan programs.

This is especially important, because so many of our students need what are called gap loans. This is the person who has an aid package of $28,000, but who needs 31,000 to go to school. In the past, the way families and students have dealt with this problem is to find a private lender to make a loan to fill that gap. There is increasing evidence that achieving that loan is increasingly difficult. By raising the loan limits in a fiscally responsible way, this bill alleviates that problem.

And, finally, by encouraging the growth of technological progress in the education sector, this bill ramps up the infrastructure that will be necessary to move loans to more students around the country as the time has come.

There is a lot of cynicism, Mr. Speaker, in this country about government, and some of it is quite justified. But I would hope that the cynics would watch the process that has occurred here where two leaders, one Democrat, one Republican, have come together, listened to the Secretary of Education, carefully analyzed the problem, and worked together to produce a piece of legislation that I believe will solve that problem. I commend them for their leadership.

I am proud to support this legislation, and I would urge Republicans and Democrats to vote "yes."

Mr. McKEON. Mr. Speaker, I would like to echo the words of others that have spoken here today, and thank Chairman MILLER, thank Mr. HINOJOSA again, Mr. KELLER, and especially Mr. KENNEDY and Mr. RENZI on the other side for working very closely and deciding to take up our bill, because this could have been delayed. They moved expeditiously, and now we will be able to get this to the President's desk. And, hopefully, the concerns that I have felt for several months now will never come to bear; that we will go through this year, and students will be able to get their loans and we will do this without any hiccups. But, if not, this will be a big help as we move forward.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I associate myself with the remarks of the gentleman.

Mr. SOUDER. Mr. Speaker, I support H.R. 5715, and voted for it when it was first considered on the House floor. Although I have some reservations, I believe it is a reasonable compromise that will provide the student loan market added flexibility and stability going forward. Had I been present, however, I would have voted "aye."

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5715.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2954. An act to amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

TEMPORARY EXTENSION OF FARM PROGRAMS

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2954) to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110–196 (122 Stat. 653) (as amended by Public Law 110–200 (122 Stat. 695) and Public Law 110–205 (122 Stat. 713)) is amended—

(1) in subsection (a), by striking "May 2, 2008" and inserting "May 16, 2008"; and

(2) in subsection (d), by striking "May 2, 2008" and inserting "May 16, 2008".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. HOLDEN. Mr. Speaker, I rise in support of this 2-week extension of the current farm bill. The conferees have been working hard, particularly Chairman PETERSON and Ranking Member GOODLATTE, and the chairman and ranking member in the other body. And we can see the light at the end of the tunnel, but we still need some additional time to dot all the I's and cross all the T's, as we try to prepare the American people for a sound farm policy over the next several years. I think that we are going to present a farm bill to this body and to the American people that will do just that. I think this will gain overwhelming support in both bodies and will be signed by the President of the United States.

In the commodity title, we will not only sustain our safety net, but we will see significant reform. In the conservation title, where I have the privilege of chairing the subcommittee, along with Mr. LUCAS who is the ranking member, we will see significantly more investment of about $4 billion into our conservation programs. And, in nutrition, which has been so important to our leadership, we will see an additional $10 billion in investment in nutrition programs.

And, finally on the energy title; we hear so much talk about our need to be less dependent upon foreign energy, we need to step up to the plate and do something. We should have done it years ago. But we cannot let this farm bill go without having a significant investment in energy. And we are proud of the work that we have been able to do on the energy title, particularly in the area of cellulosic ethanol. We think that we are going to have a program that is going to allow us to begin to wean ourselves off the dependency upon foreign energy.

So, Mr. Speaker, I believe that the conferees are working hard, they are making significant progress, but we need a little bit more time to accomplish our product.

I urge support.

I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I might consume.

I rise in support of the temporary farm bill extension that will extend some of the provisions of the 2002 farm bill so that the conferees can attempt to finalize this bill. I share my colleague's perspective over there. I think progress has been made, and we need to bring this to a conclusion.

With that, I urge my colleagues to support this farm bill extension so that that work can be accomplished.

□ 1345

I yield back the balance of my time.

Mr. HOLDEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. HOLDEN) that the House suspend the rules and pass the Senate bill, S. 2954.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2954.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motion to instruct on H.R. 2419, by the yeas and nays; motion to suspend the rules relating to H.R. 5715, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Arizona (Mr. FLAKE) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 157, nays 259, not voting 15, as follows:

[Roll No. 238]

YEAS—157

Allen
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bono Mack
Boucher
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Castle
Castor
Chabot
Chandler
Conyers
Cooper
Crenshaw
Cubin
Culberson
Davis (CA)
Davis, David
Davis, Tom
DeFazio
Dent
Dreier
Duncan
Ehlers
Ellison
English (PA)
Eshoo
Feeney
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Hall (TX)
Harman
Heller
Hensarling
Hobson
Hodes
Hoekstra
Holt
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
Kirk
Kline (MN)
Knollenberg
Lamborn
Lampson
Langevin
Latta
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lungren, Daniel E.
Mack
Markey
Matheson
McDermott
McGovern
McKeon
Mica
Michaud
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Pallone
Pascrell
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Reichert
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sánchez, Linda T.
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Smith (NE)
Smith (NJ)
Smith (WA)
Speier
Stark
Stearns
Tancredo
Terry
Tiberi
Tierney
Van Hollen
Wamp
Waters
Welch (VT)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—259

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Becerra
Berry
Bilirakis
Bishop (GA)
Blunt
Bonner
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellsworth
Emanuel
Emerson
Engel
Etheridge
Everett
Fallin
Farr
Fattah
Foster
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene

Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Pearce
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wu
Wynn
Yarmuth

NOT VOTING—15

Blackburn
Deal (GA)
Doggett
Forbes
Fossella
Honda
Israel
LaHood
Lewis (KY)
Payne
Rush
Sanchez, Loretta
Slaughter
Weldon (FL)
Wilson (NM)

□ 1410

Messrs. CAMP of Michigan, BONNER, SOUDER, COSTA, OBERSTAR and JONES of North Carolina, Ms. HOOLEY and Mrs. MYRICK changed their vote from "yea" to "nay."

Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Ms. GIFFORDS and Messrs. SHAYS, BERMAN, FRANKS of Arizona, LATTA, MORAN of Virginia, CONYERS and LAMPSON changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore (Mr. SERRANO). The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill, H.R. 5715, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5715.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 21, not voting 22, as follows:

[Roll No. 239]

YEAS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—21

Brady (TX)
Broun (GA)
Campbell (CA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Miller (FL)
Paul
Poe
Price (GA)
Tancredo
Westmoreland

NOT VOTING—22

Blackburn
Boucher
Deal (GA)
Doggett
Forbes
Fossella
Gutierrez
Higgins
Honda
Israel
LaHood
Larsen (WA)
Latham
Lee
Lewis (KY)
Payne
Rush
Sanchez, Loretta
Slaughter
Souder
Weldon (FL)
Wilson (NM)

□ 1417

Mr. GINGREY changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 239, I was detained in Senate on district business. Had I been present, I would have voted "yea."

Ms. LEE. Mr. Speaker, earlier today I missed rollcall vote No. 239 on approving the Senate amendments to H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. Had I been present, I would have voted "yea."

Mr. SOUDER. Had I been present on rollcall 239, I would have voted "aye."

Mr. LATHAM. Mr. Speaker, on rollcall No. 239, I inadvertently missed the vote today on H.R. 5715 due to an unforeseeable conflict. Had I been present, I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, to give us some information about the schedule for next week.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Tuesday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected, and I underline "expected," in the House.

We will consider several bills under suspension of the rules. The final list of suspension bills will be announced, as is our practice, by the close of business tomorrow. We will consider legislation to address the housing crisis, including bills reported out of the Financial Services Committee regarding the Federal Housing Administration and H.R. 5818, the Neighborhood Stabilization Act of 2008. We also hope to consider the farm bill conference report.

Mr. BLUNT. On the housing question, you mentioned one bill. Is there a chance there will be two bills coming out of Financial Services that may be incorporated there in some way?

Mr. HOYER. That is possible that they would be considered separately. I have not conferred with Mr. FRANK, the chairman, so I can't definitively say that. I'm not absolutely sure, but the answer to your question is it's possible.

Mr. BLUNT. I thank the gentleman for that.

The gentleman also mentioned we had a possibility, or at least your hope that we would consider the farm bill conference report. I know there are some other conference reports out there, the budget, higher education, consumer product safety. We've got 11 working days left before we take the District Work Period at Memorial Day. I wonder if the gentleman has the sense of the likelihood that any specific one of those might also be available during that period of time.

Mr. HOYER. If I had my druthers and I could make it happen, all of them would be within the context of that 11 days to which you refer. The chairman of the Budget Committee is on the floor. I know he's been working very, very hard, and I believe that we are close on the budget conference. I think that may well be a possibility.

There may well be other conference reports available as well. I cannot tell you now specifically that there are bills that I am absolutely assured will be ready for that time frame, but I do believe that there will be significant pieces ready.

The DOD authorization bill will, of course, be considered on the week of the 18th, I believe. That's the week of the 18th. The supplemental is obviously on our radar screen, and we hope to pass the supplemental before we leave as well. I was hoping for next week. That still is a possibility, but I'm not assured that they will be in place, "they" being Mr. OBEY in our discussions. I'm not sure what his plans will be, whether he can move it ahead that quickly.

The budget conference, of course the farm bill conference, the supplemental, and the DOD authorization are major pieces of legislation I want to see passed before we leave.

Mr. BLUNT. I have a couple of questions about that.

First of all, on the one you didn't mention, the higher education conference, I think the higher education, the current bill, expired last evening. Will we extend that? Would that be the gentleman's intention that we extend the current bill next week as well as the other work that's been listed?

Mr. HOYER. That is an option as well as in the best of all possible worlds, the conference would be completed and we could pass the bill itself. If that does not happen, we will contemplate an extension.

Mr. BLUNT. On the supplemental, you mentioned Mr. OBEY. Is there now a possibility that the supplemental might be marked up in conference? I know during the 5 weeks now that we've talked about this, you had announced a hope that we would have the supplemental on the floor either in the last week in April or you every time have said, "No later than the first week in May." So we're not there yet but we get there next week.

You now would not anticipate that on the floor, is one question. The other is, where are we on the question whether the committee will mark that supplemental up or it will come to the floor in some other way.

Mr. HOYER. I think that's, candidly, still up in the air. I know that's of concern to you. I understand that concern, but I will tell you again, I think it's still up in the air.

Mr. OBEY has been discussing with the Senate how they think we can best move forward as expeditiously as possible and so that we can try to achieve the end.

As you know, there is substantial discussion about what is in the supplemental. The President, as you know, has indicated that and Mr. Nussel has indicated that if anything above the dollars asked essentially for Iraq and Afghanistan are included for investment here in this country on various different items, perhaps dealing with unemployment insurance, perhaps dealing with energy credits so that we can ensure the expansion of alternative enterprises for alternative fuels, those are all being discussed to see whether they are possibilities in terms of passage and, hopefully, signature by the President.

We think that there are a number of items that are critically important to pass now that we think this bill is appropriate for but we don't have agreement on at this point in time. But Mr. OBEY is working today and hopefully tomorrow, and we have a number of meetings today to see if we can move that forward.

So I regret I do not have a more definitive answer for you, but that is the candid answer.

Mr. BLUNT. I thank my friend for the candidness of that answer.

I also remember and remind him that last week on the topic of the expanded GI benefits, the supplemental, under the rules we've been working with, would be considered, at least the wartime part of that, an emergency spending and not under the PAYGO rules. The GI benefits that have been talked about both here and on the other side of the building, I think last week you suggested that those were related to the Iraq-Afghanistan expenditures in a way that you thought that the majority might waive PAYGO and include those in the supplemental.

I'm wondering if any of those other items that you discussed, like unemployment insurance, might also meet that criteria where if they were in the supplemental, they wouldn't have to comply with the PAYGO provisions of the current rules of the House.

I would yield.

□ 1430

Mr. HOYER. I thank the gentleman for yielding.

As it relates to the first item, the GI Bill, there is a comprehensive GI Bill, as you know, sponsored by Mr. WEBB. Also Ms. HERSETH over here and others have legislation which tries to respond to the critical need that our veterans returning from Afghanistan and Iraq now have because they have substantially less generous benefits and, therefore, less opportunity to reintegrate themselves into the community and stabilize themselves and their families. We believe that is a cost of the war.

I don't believe that under the current suggestion, and I'm not suggesting that it's in or out at this point in time, I'm not suggesting there is anything in or out in terms of proposal, but it is my belief that that would not require a waiver of the PAYGO given the context in which it may be considered. What I mean by that, and not to be too esoteric, is that we may respond to the need this coming year as opposed to a longer term.

Mr. BLUNT. Again, would that apply if we look at it as an economic provision to the bill to the unemployment insurance and other things as well?

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I would.

Mr. HOYER. As you know, we came together and we agreed on the passage of a stimulus package. We passed a stimulus package because we thought our economy was either about to go in recession or was in recession—not at the time when we passed it, but that seems to be the case now—and the stimulus package was designed to either keep us out or to bring us out of a recession and to try to help our people who are at risk. As you know, we did that on an emergency basis. The reason we did that on an emergency basis, we felt, in terms of stimulating the economy, you didn't want to stimulate and depress at the same time. So the answer to your question, for instance, on unemployment insurance, that may well fall in the same category from our perspective.

Mr. BLUNT. I thank the gentleman for that.

I would suggest if that was the criteria, that on the expired research and development credits or the expired deductibility of sales tax from income tax in those States that had that deductibility for a few years ending on December 31, or even on the alternative minimum tax protection for people who don't pay that tax now, it seems to me they would meet that same criteria of having negative economic impact as we let those research and development credits expire or as we no longer allow people in Florida and Texas and other States to deduct their sales tax before they pay their income tax or if we let the AMT patch extend to a number of people. I don't know if there is a way to handle those issues under that same umbrella of economic impact or not, but I would yield.

Mr. HOYER. I thank the gentleman for his observations. I think he and I have a difference on the perception of some of the items that he mentioned as being analogous to some of the other items that we have discussed.

On the AMT, for instance, there is a disagreement on that alternative minimum tax. The alternative minimum tax was not intended, I don't think by any of us, to impact the people that it is now impacting. I believe strongly that we ought to fix the AMT, not just for this coming year, but permanently, and we ought to pay for that. And the reason I think that we ought to do that is, A, it clearly falls within the ambit of PAYGO, and secondly, because I think that our generation incurred this liability and we ought to pay for that liability.

But some of the things that we have already mentioned I think are more analogous, not to tax extenders, giving additional tax relief or fixing the AMT, but are, as the UI is, unemployment insurance, directed to an emergency that confronts us as a result of a substantial downturn in the economy, which is analogous, I think, to the stimulus package, which is why we didn't consider that to be a PAYGO issue and were prepared not to address it in a PAYGO way.

Mr. BLUNT. I hear that answer and I respect it, but I also believe that when we've let these tax policies expire, they have some of the same economic consequences. I suppose that can be debated when we get to that point in the debate. But sort of selective waiving of PAYGO, I hope we have developed some principles here that can maybe apply to some other things as well. I think we've discussed that and I appreciate the fact that we've had a difference on this for some time.

I mentioned a couple of States that are particularly impacted by the credit situation that we face right now on the sales tax deductibility. That's just another burden on taxpayers that may be dealing with another problem that's part of the overall economic challenge we face right now. And just like the stimulus package waived PAYGO to try to help solve this problem, I'd suggest that there may be items beyond unemployment insurance that equally are related and may be even more contributory to the problem than unemployment insurance.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

You mentioned the States. One of the things that we're very concerned about is the very substantial fiscal adverse impact to the States that will be caused by the change in the Medicaid regulations proposed by the administration. That is one of the items under consideration because that change, as I understand it from Mr. WAXMAN—as a matter of fact, we just talked about it—will have a very great adverse financial impact on the States. I'm sure you received a letter similar to the one that I received from both Democratic and Republican Governors asking us to address that.

So there clearly are some items which have impact on the States. Very frankly the discussion is, how many of those do we try to address, if any, in the supplemental? How many do we address in the stimulus package? Or how many do we address in separate legislation?

One of the positive aspects of the stimulus package, as you will recall because you and I were in the room, was that Secretary Paulson, on behalf of the administration, the Speaker, you and I and Mr. BOEHNER sat down together and talked about how we can get from where we were to where we wanted to get, and we came to agreement. We have been unable to do that, as you know, on some of these things that we think are of serious concern, and the Medicaid regulations are an example of that.

Mr. BLUNT. I appreciate that. And I do recall those discussions.

Also, the tax policies that encourage purchases that create jobs are in place. And as all of us on the floor here know, the initial checks that go out as part of the stimulus package are going out in the next few days over the next couple of months. And that, hopefully, will be helpful.

On the supplemental, anything that we can do, that I can do, that our side can do to encourage going through the committee in the regular process, we would like to do that. In the last 20 years, under both Democrats and Republicans, there have been 36 supplementals. All but seven of them went through the committee. And those seven did not go through the committee based on a bipartisan decision that Katrina or 9/11 or some other event had occurred where Members on both sides of the aisle essentially said we know what needs to be done here, we're in agreement with it, let's take a bill to the floor. In the other 29 instances where there was not bipartisan agreement, every supplemental went through the committee.

In the 12 years that we were in the majority, there were 20 supplementals. None of them had a closed rule, all of them except the ones I mentioned by bipartisan agreement went through the committee, and 10 of them had an absolutely open rule where we brought the supplemental to the floor and the rule essentially said bring on every amendment that you want to and we'll debate it until the amendments are exhausted. That's a time-honored process not just under the Democrat majority, but under the Republican majority. I'd like to again encourage that we do whatever we can do to further that discussion that you suggested may be going on now that would have the committee option as one of the options.

Mr. HOYER. I thank the gentleman for his observation. He has made it before. I will say that other Members, for whom I have a great deal of respect, on your side of the aisle have discussed this with me. I think your point is well taken, and that is under discussion.

Mr. BLUNT. I have one other question that wasn't on a list and not on an immediate schedule, but one of our Members from Oregon (Mr. WALDEN) had asked me if I would bring up with you the topic of H.R. 3058. It's a bill sponsored by Mr. DEFAZIO from Oregon on public lands, communities transition. It was introduced last July, voted out of Resources in December. The Agriculture Committee has now discharged the bill. This involves schools in western lands, very important to our western Members on both sides.

Mr. WALDEN has asked me to ask you, first of all, is there any information about when that might be scheduled? And secondly, to make the request that that bill be scheduled.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I don't have information now about the status of that bill, where it is. Obviously it's a bipartisan bill, Mr. DEFAZIO and Mr. WALDEN and others. It is a bill that, very frankly, has been brought up in the context of whether it might be included in some other pieces of legislation, so that it obviously has bipartisan support. I will look at it and discuss it with Mr. DEFAZIO and let you know where we are on it.

Mr. BLUNT. I thank the gentleman for the time.

I do know the gentleman mentioned this week that in the 11 days left before this next work period at home, we might have a flurry of activity. And I would suggest, you've seen lots of interest on our side, that hopefully part of that flurry of activity could be an energy bill. I think now we're in the 18th or 19th straight day of highest gasoline prices ever. Tomorrow may be the 19th or 20th straight day of that. That would be one of the things that we would certainly like to see Members of the House address before we leave here for the Memorial Day break.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Without going into the polemics of the politics that we exchange on this of what legislation we have passed through here, which was, we think, directed at trying to address the short-term problems, dealing with OPEC, dealing with manipulation of prices, dealing with price gouging, which many, if not all of you, on your side voted against. Suffice it to say I think all of us are concerned about the high prices of gasoline. Suffice it to say that all of us, if we're honest, know that in the short term it's going to be very difficult to impact on that. Thirdly, that the solution longer term is obviously moving towards alternative sources of energy and renewable sources of energy.

We passed a major piece of legislation last year. Happily we passed it in somewhat of a bipartisan fashion, not totally, I don't mean everybody unanimously voted for it. But the President did sign it. The President said it was a step forward. For the first time in a very long period of time it said our automobiles need to be more efficient. For the first time in a very long time it required the use of alternative fuels. So that we addressed initially, and there's much more that needs to be done, longer term solutions.

Short-term solutions are tough. There is discussion about the SPR. There are discussions about taxes, gasoline taxes, as you know. There are other discussions. If you have ideas, we would be glad to have them in terms of what can be done in the short term.

Mr. BLUNT. I thank the gentleman.

I think we've brought some ideas in the last couple of weeks to the floor on bills that didn't necessarily relate to this and we will probably have more that we will be talking about.

I yield back.

ADJOURNMENT TO MONDAY, MAY 5, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

☐ 1445

ON THE RETIREMENT OF MARK O'SULLIVAN

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen of the House, many of you have heard me, and Mr. DREIER as well, over the years speak to how extraordinarily advantaged we are in the House of Representatives, and the American people are, by the quality and commitment of the staff that serves this institution.

It doesn't serve Republicans or Democrats, but it serves the purposes of assuring that this institution runs in a way that gets the business of the American people done in a way that's productive and positive for them and for our country.

Regretfully, I am going to observe the retirement of one of those people. Happily, I can extol his virtues. I've known him for a very long period of time. I've seen his work, conscientious, able, and a very positive impact on this institution.

Mark O'Sullivan, who is sitting just to my left on the second-level rostrum, has been with us 31 years in the House, and he commutes from Baltimore every day. I don't know whose district he is in, maybe Mr. CUMMINGS' or Mr. RUPPERSBERGER's. I'm not sure whose district he is in, but I'm sure they are happy that he is living there, although he's totally bipartisan, I'm sure.

He has done an outstanding job. I have always found him to be in even humor, even in the toughest of times. Even in the times when the body sometimes gets more loud and uproarious than at other times, he maintains an even demeanor. And, as I say, the competency and the talent and the commitment and the character he has brought to his job has advantaged our country and the House of Representatives.

Mark, we thank you. Congratulations to you. We wish you the very best, and we look forward to seeing you back here in the near future and repeating it.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. RYAN of Wisconsin. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Ryan of Wisconsin moves that the managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

Mr. RYAN of Wisconsin (during the reading). Mr. Speaker, I ask unanimous consent that the text of the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, it's not my intention to consume the full amount of time, as we had discussed earlier.

At the beginning of this Congress, the Speaker of the House said the following: "After years of deficit spending, this new Congress will commit itself to a higher standard: pay-as-you-go, no new deficit spending."

Well, the majority did follow through on half of their promise. One of the first things they did when they took control of this place was put in a new pay-as-you-go rule.

But things haven't quite worked out as well on the deficit. This year's deficit is projected to double as spending is projected to rise by over $200 billion. But at least they did put in the rule.

And one of the things that makes this rule interesting, that requires this rule, is that the House must use the most recent CBO baseline when determining whether a bill complies with PAYGO. Let me read this rule word for word to be clear:

"The effect of a measure on the deficit or surplus shall be determined on the basis of estimates by the Committee on Budget relative to the most recent baseline supplied by the Congressional Budget Office."

It sounds pretty straightforward, Mr. Speaker. You've got to use the current baseline when you apply PAYGO, no questions asked.

But despite this, everyone I have talked to about this issue, everything I've heard, everything I've read in the newspapers had told me that the farm bill isn't going to use the updated 2008 baseline but instead is going to use the 2007 baseline, an outdated baseline from over a year ago. Now, I hope that this is not the case. I hope that this does not happen. But it sounds like that's the direction they are headed. And that is what this motion is all about.

This motion is very simple. All it would do is require that the House will follow its own rules and use the current CBO baseline when determining whether or not the farm bill complies with PAYGO.

Why should we care? Why does this seemingly technical issue make a difference?

First of all, economic conditions have changed in the past year. Agricultural profits are way up. Food prices are soaring. And it's simply not accurate to use an estimate that's over a year old.

Second, there's a strong possibility that using the old baseline could hide billions and billions of dollars in new spending. We don't have all the details yet, and we don't know exactly how CBO is going to score it, but based on what we've heard, based on rising food prices and other factors, we think it's quite likely that this bill is going to appear to cost billions of dollars less under the old baseline than it really does under the current one.

Now, isn't that convenient? I'm sure that a lot of taxpayers would love to have this type of choice. I'm sure that when they were filling out their taxes a few weeks ago, a lot of people thought it would surely be nice to have the option of paying taxes on either last year's income or this year's income. They could just pick the year where they made less money and save a couple bucks.

But the taxpayers don't have that choice. They are required to play by the rules. They have got to pay taxes on their current income whether they like it or not. And if the majority follows the rules, it doesn't have this choice either. They must use the 2008 baseline, or they will be in clear violation of their PAYGO rules.

Now, the majority has dodged PAYGO before. The farm bill they passed last year had over $5 billion in timing shifts and other gimmicks in it, and I wouldn't be surprised if you saw some of those in the conference report again this year. But if they use an old baseline, this would take it to a whole new level, Mr. Speaker. This would be the first time the majority actually used baseline shopping to violate the PAYGO requirement.

You see things like this, and it's no wonder people think Washington is broken. These types of games are exactly what make people cynical about Congress. And I agree. This just isn't the way the House should operate. The American people deserve better than having the House play games with its own rules and then go home and claim they have entered a new era of fiscal discipline.

You know, some people might find it odd for me to be down here talking about PAYGO, and I will be the first to admit that I have been critical of this rule and don't think it's the best way to proceed with respect to fiscal discipline. But let's put those concerns aside for a minute. Budgetary rules are only as good as the integrity of the numbers that you use to enforce them. So let's enforce those rules with updated CBO estimates. Let's have a strong bipartisan vote for this motion and say that these games have got to end. Let's not manipulate the rules and pick and choose whichever baseline is more convenient.

With that I urge my colleagues to support this motion.

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I rise in strong support of this motion.

My friend has outlined very clearly exactly where we are. And I will tell you from the perspective of the House Rules Committee, while we have not been enthusiastic supporters of this PAYGO procedure, I will say that while my friend used the tax analogy, as I listened to the exchange between the distinguished Republican whip and the majority leader, I couldn't help but think about the gasoline price issue. It would be tantamount to one of our constituents or any of us being able to go up to a gas pump and say, "You know what? I'd like to pay the price of gasoline as it was 6 months ago as opposed to where it is today." This is not the way this should be done.

I urge my colleagues, Democrats and Republicans alike, to come together in support of this motion.

I rise in support of this motion. We don't actually know what's in the Farm Bill Conference Report, because the Conference Report has yet to be finalized, which is precisely why we are here seeking to instruct the conferees on the part of the House. But if press reports are accurate, the Conference Report could be in violation of clause 10 of Rule XXI of the Rules of the House of Representatives, known as the PAYGO rule. Now, I am not a supporter of the PAYGO rule. Ostensibly it is intended to impose fiscal discipline—a worthy goal that I share. But in reality it does nothing more than mandate tax increases. If the Democratic Leadership were to recognize this reality and propose a rule change to eliminate PAYGO, I'd support it. So far, they have not yet recognized the error of their ways, and PAYGO is a rule of the House.

At issue here is the number that is used as the baseline for determining deficit neutrality. The rules of the House are unambiguous. The most current baseline estimate must be used. Clause 10 of Rule XXI provides: "the effect of a measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to the most recent baseline supplied by the Congressional Budget Office."

This does, after all, make perfect sense. If out-of-date and irrelevant numbers can be used, the rule would be a complete farce, even to those who support it in principle. In the case of the Farm Bill, the most up-to-date estimate was released on March 3, 2008. And yet it has been rumored that the Farm Bill's authors may choose to use the fiscal year 2007 numbers.

This would be akin to pulling up to the gas station and rather than having to pay the current 2008 price of $3.62 per gallon, you tell the gas station attendant that that price doesn't apply to you, and you get to pay the 2007 price of $2.97.

If Democrats insist on following this path, their bill will be in violation of PAYGO. And if the Rules Committee chooses to waive PAYGO, I suspect they would have trouble garnering enough support to pass such a rule within their own caucus. While the Democratic Leadership has proven they have no qualms about breaking House rules, or circumventing them altogether, a number of their Members are committed to the current incarnation of PAYGO. The Democratic Leadership knows that failure to comply with this rule is a nonstarter for a large bloc of their caucus.

So if their solution was to simply cook the books, pretend their bill was PAYGO compliant, and hope no one noticed, then I'm sorry to say, we noticed. To all of my colleagues who support PAYGO, and to all of my colleagues who oppose PAYGO but also oppose budget gimmickry and backroom deals to thwart the rules of the House, I urge you to join me in supporting this motion. Let's send the Farm Bill conferees a strong message that a budgetary shell game will not get them their 218 votes. And let's send a message to the Democratic Leadership that they can't piously claim to follow the rules, while perpetrating an end-run around them.

Mr. RYAN of Wisconsin. Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I rise to oppose the motion to instruct.

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for 30 minutes.

Mr. POMEROY. I thank the Speaker.

We agree that under normal circumstances a farm bill considered at this time ought to be scored on the March, 2008, baseline. But let me emphatically emphasize there has been nothing normal about the development of this farm bill.

We're moving into our 17th month of intensive work on this farm bill. I'm telling you we have encountered every barrier you can possibly imagine, and we are almost done. We have almost got this to conference committee and to the floor. As the majority leader indicated, we are hopeful it will be on the floor next week.

During the period of time we have been working on this bill, the House passed this farm bill July 27, 2007, and it took nearly 5 months in addition before the Senate passed its bill, December 14, 2007. If they would have gotten their bill done earlier, we probably could have concluded this. This wouldn't even have come up. We would have had the farm bill out of here by now. The Senate-passed bill, however, is 1,876 pages long; the House bill, 160 pages long. That alone will tell you we had an awful lot of work to reconcile these two bills.

The Senate uses a different rule relative to determining baseline, a rule used by the House in the construction of the 1996 farm bill as well as the 2002 farm bill. This principle is pretty simple: If you have done most of the work on the legislation under the old baseline, you can conclude the work. It would undo everything to suddenly have the new scoring requirement. And if the Senate didn't go along, you would have the crazy situation of trying to do one baseline for the House, another baseline for the Senate, trying to meld those in conference committee, and you will never get this thing done.

So the gentleman's motion to instruct has an intellectual basis for it, but the reality of this farm bill is we have worked now 17 months building the bill, most of that time under the 2007 farm bill. When we passed the bill in the House, we had no idea what the 2008 baseline would be; so it's not like we were forum shopping or trying to pick the most lenient number. It was just the only way we could proceed. And if we would at this point in time do a baseline shift, I'm telling you this project, so close to home, gets put back to square one.

I have asked my friend and colleague Chairman John SPRATT to join me in this discussion because, obviously, when it comes to budget matters, he has broad respect across both sides of the aisle and I believe he can advance a more detailed discussion on some of the rules at issue as we respond in opposition to the motion.

Mr. SPRATT. Will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from South Carolina.

Mr. SPRATT. I thank the gentleman for yielding.

Mr. Speaker, more than a year ago, in meetings with Chairman PETERSON and the Ag Committee staff, the Budget Committee made it clear that the new farm bill had to stay within the CBO baseline for the current farm bill. Policies could be added or altered, but the aggregate cost could not exceed CBO's current baseline. We based that position on the so-called "pay-as-you-go" rule. Pay-as-you-go requires that any new legislation, in the form of mandatory spending, be fully offset, that it not exceed the current baseline.

In this instance, with the new farm bill, which about to come from conference, it appears that the farm bill will be complied with the fiscal year 2007 baseline but perhaps not fully complied with the fiscal year 2008 baseline. I have not seen the numbers yet.

CBO produces many baselines, and for a time the House PAYGO rule was ambiguous about the proper time for switching to a newer, updated baseline. Over time the House Budget Committee, in consultation with the Parliamentarian, came to an agreement to use longstanding scoring principles. These principles or guidelines allowed the Budget Committee discretion so that we could choose the appropriate baseline. This principle evolved over many years as a rule of practicality. It was founded on the rationale that we should not change the rules in the middle of the game or the middle of the legislative process or, in this case, in the middle of a complex conference. This rule was applied in 1996 to the farm bill passed then and again in 2002 to the farm bill which was passed then. Once again, the underlying idea is to avoid changing the rules in the middle of a contested process that is complex and protracted enough already.

The House PAYGO rule, the rule which we adopted in January of 2007, does set a limit to it. It does say that the latest baseline can and should be used until such time as the Budget Committee reports a budget resolution. The Senate has a different rule. The Senate PAYGO rule also sets a limit. It proposes that the last baseline be used until a conference report on the budget is adopted.

□ 1500

So there is a significant disagreement in the position between the two rules in the two bodies. As part of the resolution of all the differences in the conference, this too has to be resolved.

Much of the farm bill about to come before us was hammered out in 2007. The bill passed the House and passed the Senate and the conferees on all sides believed that the final package would emerge certainly no later than March of this year. The Budget Committee determined and informed the conferees that any farm bill would have to be scored against the FY07 baseline up until the Budget Committee reported a budget resolution for fiscal year 2009.

The budget resolution was passed on March 7. Our committee staff informed the conferees that the baseline for measuring compliance with PAYGO would now be the fiscal year 08 baseline. In rendering that advice, we didn't resolve or really consider the pertinent problem. As I said earlier, the rules require that the conferees use the March 07 baseline until the Senate adopts the conference report on the budget for fiscal year 2009. This makes sense because then you will have something done definitively by concurrent budget resolution passed in both Houses. And the purpose of a conference is to resolve disagreements between the two Houses.

Here, we have such a disagreement, as I said earlier. Either we use the FY07 baseline or we use the FY08 baseline. We can't use base because there is a significant difference between the two. It seems fair and reasonable to me to use the FY07 baseline since so much of this conference agreement was written with the FY07 baseline as the yardstick, and to revert to FY08 would require more protracted negotiations and maybe no conference report at all.

I have to say to you I could argue you this either way. But I believe on balance that this is a good application, a proper allocation of the baseline rule, and certainly the rule of practicality in this instance.

Mr. POMEROY. Reclaiming the time——

Mr. RYAN of Wisconsin. If the gentleman is willing to yield back his time, I will just have a 1-minute speaker and then I will close—fast.

Mr. POMEROY. I would just like to point out one quick thing. This is what PAYGO accomplishes. In 2002, pay-as-you-go budget discipline was allowed to expire. The farm bill, when it was passed, added to the baseline $73.5 billion. I believe the gentleman from Wisconsin voted for that farm bill. I did.

Now we have an important restoration of pay-as-you-go discipline, and under the 2007 baseline we have accounted for every dollar of spending in this farm bill. No deficit added, no deepening of the deficit, as figured on the 2007 baseline, compared to a very, very different situation in the 2002 farm bill.

So the gentleman's motion involves, in my view, pointing out that this might not technically jibe with the House rule. I believe that we have learned a lesson from the gentleman's motion. We ought to have our rule like the old rule where the baseline on a discretionary call by the Budget Chair can continue to be the baseline under which you drafted the legislation, because otherwise all of this work could be lost. We need to get this bill done.

And we are this close to getting it done.

So with respect to my friend, Mr. RYAN, I would urge that we reject the motion. I will let this statement serve as the close. Let the Ag Committee finish its work; let's pass the farm bill. Let's reject this motion to instruct.

I yield back.

Mr. RYAN of Wisconsin. I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend for yielding.

He and I and others have tried to introduce the concept of more reform in this next farm bill. But I didn't intend to speak on this motion; I just want to point out a little bit of irony in what this motion would do.

It's my understanding that by using the 2008 numbers, it would result in a lower baseline for the commodity subsidy programs by about $11 billion, which I don't have a problem with because we have introduced a 10-point option plan to find over $10 billion of reasonable savings under these commodity programs already. So it's consistent with that.

But it would also call for an increase of the baseline under the conservation title of close to $2 billion and under the nutrition title of close to $35 billion because of increased food costs and eligibility under these nutrition programs. If the nutrition groups knew what the practical effect of this motion to instruct would be, they will be doing cartwheels all over this town for the next week.

I just wanted to point out the irony of today's baseline versus last year's baseline.

Mr. RYAN of Wisconsin. I am curious, does the gentleman want time from me or time from them?

Four quick points. The war supplemental, been working on it for a year. That is going to be done under the new baseline. Number two, CBO can score this on time. They have already told us they are going to give us simultaneous scores under the 2008 baseline.

Number three, you have had plenty of time to do this. The CBO baseline has been out for 2 months. But number four, and lastly, this isn't an option, this isn't a choice. You don't have discretion. It's the rules. This is your PAYGO rules.

So the question is: Are you going to violate your rules or not?

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. KIND. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Kind moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to—

(1) insist on the amendment contained in section 2401(d) of the House bill (relating to funding for the environmental quality incentive program);

(2) insist on the amendments contained in section 2104 of the House bill (relating to the grassland reserve program) and reject the amendment contained in section 2401(2) of the Senate amendment (relating to funding for the grassland reserve program);

(3) insist on the amendments contained in section 2102 of the House bill (relating to the wetland reserve program); and

(4) insist on the amendments contained in section 2608 of the Senate bill (relating to crop insurance ineligibility relating to crop production on native sod).

Mr. KIND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. KIND) and a Member opposed will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself such time as I may consume.

Mr. Speaker, this is a very simple motion. I understand we are in the waning, perhaps minutes of conclusion of the farm bill. But, nevertheless, I think it's important that we get the policies right. We do need a farm bill. We need it as soon as possible. It's planting season back home. Our farmers need some predictability. They need to know what rules they are being to be operating under, one way or another. But we need a good farm bill, not a bad farm bill; one that tries to get the policy right, not the wrong way.

I still believe there's more room for reform under the commodity programs in light of record high commodity prices. It's tough to justify to the average taxpayer that what is still being considered under the current farm bill is close to $25 billion of direct payments to go out over the next 5 years, bearing no relationship to price or production. It's not a safety net. These are entitlement funding, automatic payments that go to large producers, primarily merely due to their existence and not because of market.

But there's another important feature of this farm bill and that is the conservation title. This farm bill offers this Nation the greatest public investment in private land ownership in regards to anything else we do around here. For a very long time, we have had important land and water conservation programs set up on a voluntary and incentive basis to help our producers be good stewards of the land; good manure management practices so they are not running off and polluting our rivers and streams and lakes and tributaries, making sure we have got buffer strips in place, making sure we have got the ability to absorb more CO_2 from the atmosphere so we don't lose ground on the global warming battle that we are confronting.

This is something that also benefits the American farmer, family farmers in every region. But it also benefits the community at large through enhanced water quality programs, through habitat protection, and wildlife, which is also vital to our own local and regional economies. Yet what is being considered right now in the conference is a dramatic reduction in the level of funding that came out of the House.

The House had an historic passage of conservation funding last year, calling for another over $5 billion in these conservation programs. This, I think, in part, is to address the backlog of demand because today, under current funding, close to two out of every three farmers applying for conversation funding assistance are turned because of the inadequacy of funds. So the demand is there.

But what makes these programs especially attractive is their so-called "green box payments." They are nonmarket, nontrade-distorting, still a way to help our family farmers manage their own land, but in a way that doesn't distort the marketplace. What's being considered now is a dramatic reduction in the level of funding that came out of the House originally.

Our motion to instruct today would merely ask the conferees to try to get back to that House level of funding rather than going even below where the Senate took it. The Senate was proposing a $4.2 billion increase. We were over $5 billion. It's my understanding, and I haven't been privy to the ongoing negotiations, but they are talking about just a $4 billion increase under conservation, substantially below where the House went.

More specifically, this motion would instruct conferees to maintain the

House funding for the Environmental Quality Incentive Program. That is the main program that helps with manure management projects throughout the Nation, especially beneficial to large animal feedlots that have to control that and prevent the spillage into the environment.

It would also maintain the allotment for the Grassland Reserve Program. There is more pressure being put on these highly sensitive and highly erodible lands because of the increase in commodity prices. It would also maintain House funding for the Wetlands Reserve Program. That, of course, is a great filter that exists throughout our communities to enhance quality water supplies but also crucial to water fowl populations in North America.

It would also accept the Senate Sod Saver Provision so that the Federal Government doesn't incentivize the conversion of sensitive virgin prairie land back into crop production. Again, given the pressure that exists with these historically high commodity prices, it's a real concern that more of this virgin prairie land that has been vital for conservation efforts, especially in the Great Plains, are going to be brought back into production with the consequent adverse environmental and conservation effects that would result.

So that is merely what this motion to instruct would do; get back to what the House passed last year under conservation, give the farmers throughout the country the tools they need to be good stewards of the land, and do it in a nonmarket, nontrade-distorting fashion, especially in the tremendous increase in commodity prices today and the pressure that producers are under to bring the land that has been conserved for many years back into production and resulting with a lot more sediment and nutrient runoffs that will be a consequence of that action.

With that, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 30 minutes.

Mr. LUCAS. Mr. Speaker, I would like to now yield half of that time to my colleague, Chairman HOLDEN.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. HOLDEN) will be recognized for 15 minutes.

There was no objection.

Mr. HOLDEN. I thank the gentleman from Oklahoma for yielding me the time.

Mr. Speaker, I say to my friend from Wisconsin and my friend from Oregon that we appreciate their support for the funding for conservation at the House level. I have got to say honestly, though, we wish we would have had your support last July. I also say to my friends, and I mean my friends, that we wish that we could work the will of the House and pass legislation here and send it over to the other body and have them rubber stamp it and send it down to the President and have him sign it, as we have done our work here. But in reality, that is not the way we can operate.

I say to my friend from Wisconsin, who served on the Agriculture Committee, and you know this, to my friend, we do not have partisan disagreements on this committee. My friend from Oklahoma will agree with that. We have regional differences. We have to balance those regional differences and try to figure out a way that those of us on the committee who care strongly about the commodity title are satisfied with the safety net but also realize that there has to be a reform. And those of us who care strongly about the conservation title realize that we need to have increased investment in conservation. You can pair that with energy and nutrition, everything else, but we are here to talk about conservation this afternoon.

I'd say to my friend, sure, we would like to have more money. My father used to always say to me that everybody wants to go to heaven but nobody wants to die. We have to put this together and we have to realize what is possible.

When we debated and discussed this bill in the House of Representatives, we had $13.6 billion in addition to baseline. When we are negotiating in the conference committee, we have $10 billion. So you can see the difference. So everyone had to give and take.

Again, I think when the conferees have done their work, we are going to see significant reform in the commodity title and you're going to see reform in the conservation title. The chairman asked me to make one thing perfectly clear in this motion to instruct. We have consistently said reform would apply to all titles, and we would spread scarce dollars out to more producers.

The conference agreement will do that, and we will fully fund conservation. We believe we have an obligation to do that. But we have limited resources. So we are going to do the best we can, hopefully tonight and tomorrow, to have a fully invested, robust title for conversation.

With that, I reserve the balance of my time.

□ 1515

Mr. KIND. Mr. Speaker, let me be clear. I do appreciate the hard work that our friends from Pennsylvania and Oklahoma have done and the strong support they have shown throughout the years under these important conservation programs under the conservation title, and now that we are getting into closure of this farm bill, I hope that voice of advocacy will rise again in defense of these programs, especially in light of the pressure that exists to bring this land back into production.

Mr. Speaker, I yield 5 minutes to my friend and colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. I appreciate his continued leadership and advocacy in this bill.

I would remind my good friend from Pennsylvania that earlier in this debate, Mr. KIND and I, Mr. RYAN and Mr. FLAKE, we advanced proposals that would have provided more than enough money to fully fund the conservation, would have provided more than enough money to deal for the areas of agriculture that are dramatically underserved.

This does a terrific job for the large corporate enterprises, for the richest of farmers. Lowering the limits to $900,000 may in the minds of some be a draconian reform. But when we know that the average farmer makes twice what the average homeowner makes, the average citizen makes, and I was actually campaigning in Pennsylvania for a campaign in the presidential effort here a couple weeks back, and I was in some very rural parts of Pennsylvania engaged in the discussion there, and I found that Pennsylvania is much like Oregon. We are short-changed dramatically in the farm bill.

Earlier we had my good friend from North Dakota, a State that produces less agricultural value than the State of Oregon and gets one-sixth the subsidy. Pennsylvania is a massive farming effort. Twenty-seven percent of the land area is devoted to farms. But Pennsylvania farmers get one-half of their share of the subsidy nationally, 62 percent of the applications for conservation are not paid for, and the average farmer in Pennsylvania, 83 percent make less than $100,000 a year. So these are small farmers. They are hard pressed. They want conservation, and they don't have the money for the application. It is just like in my State.

I would suggest that we look hard, because I agree with my friend from Pennsylvania and my friend from Oklahoma. This is not necessarily partisan. There are areas that agriculture policy divides, not necessarily partisan, but sometimes it is urban and rural. Sometimes it is east, west, south, midwest. It is more likely the type of agriculture that is practiced, because the vast majority of farmers in this country would have been well served by the reforms that we advocated from here, limiting the payments to $250,000, for instance, like have been advocated by the Bush administration and by many people here.

But we don't even have to get to that point. My friend Mr. KIND's motion to recommit should bring us together, because farmers all across the country, in

States large and small, east and west, are for environmental protection. This is the most important environmental bill that the 110th Congress will address. We should not miss this golden opportunity.

It is frustrating to me that the conferees are talking about cutting what we approved at $5.7 to as low as $4 billion. And who knows what it might end up? There are lots of missing pieces. We need to go on record here strongly supporting maintaining at least a $5 billion level.

I will tell you, farmers in my State regularly identify conservation programs as their top need. They have to comply with all sorts of difficult environmental regulations, and we need to ensure that they get the payments they deserve for environmental protection that they provide.

It is the farm community, the ranchers, that are the source of the cheapest, most cost-effective water quality and water quantity improvement. This money supports programs that protect our most sensitive and ecologically important lands. It keeps pollution out of the lakes, rivers, streams and wetlands. It represents the largest Federal investment in private land, and it should be an investment that our farmers and ranchers can count upon year after year.

It is not just the clean water. It is maintaining abundant wildlife populations. It is storing carbon. Agriculture is one of the largest sources of greenhouse gas emissions, the largest internationally. With the increased pressure on lands from biofuel mandates and high food prices, these programs matter more now than ever before.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KIND. I yield the gentleman 1 additional minute.

Mr. BLUMENAUER. Thank you.

Too often I have watched in the farm legislation that I have seen work through here that conservation ends up being the piggy bank for the farm bill. This is an area that is shortchanged to deal with more powerful political interests.

Well, if the American public knew what was at stake, there would be no more powerful interest than protecting the environment. Two-thirds of the farmers who apply are turned down. This is not right. Increased conservation programs help balance out some of the inequities in the farm program and provide benefits to everybody.

I urge you to support family farmers, the environment and sportsmen, and support a good farm bill by supporting Mr. KIND's motion to instruct.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do rise in opposition to this motion. I think my good and dear friends are well intended. I think they believe that they are sincerely trying to do something positive.

But I would say to you, this process that we are working through is a complicated, challenging process. Ultimately, the final goal of any farm bill is to take the limited resources that we have and use them in a way to achieve the maximum benefit for our fellow Americans, whether that is enhancing the quality of the environment through the conservation programs, or making sure that the world's safest and yet most affordable food supply continues to be available to everyone.

Let's think for a moment about what farm bills represent. The first comprehensive Federal farm bill was not passed until 1933 in the depths of the great economic depression, and, in my region of the country, the great droughts of the 1930s. It was an effort to prevent rural America from disintegrating. It was an effort to make sure that food and fiber remained available to all American consumers at a price that they could afford. We have worked through many policy concepts. We have had many different ways of addressing those needs since 1933.

With time, the focus of the farm bill has shifted. In the 1960s it went from being a farmer's farm bill, as the coffee shop folks back home might think of, to being a major player in meeting the nutritional needs of this program. President Kennedy's pilot program on ultimately what became food stamps adopted by President Johnson and this Congress in the 1960s became a major element. But it was an element of the farm bill. In the 1980s, the focus added conservation to that, CRP, EQIP, all of the things that enable farmers, ranchers and property owners to maximize the positive environmental impacts on their property.

The farm bill evolved. Where are we right now? We have a bill that is the result of one of the most challenging set of circumstances in decades. We were given the baseline last year to write a farm bill, and for those of you who might not remember what the baseline is, that is simply saying you have the money you had 5 years ago, and not a penny more. And, oh, by the way, inflation has chewed a good bit of that up. Go try and write a bill. Then we were told, shift $4 billion of that from wherever in the bill you want, wherever you can, to the food stamp program, the social nutrition program, the feeding programs.

Okay. We worked for months. But as things have gone along, the process has changed. Now, instead of $4 billion, then it was $6 billion, then it was $8 billion. Now I understand we are at $10.6 billion in new social nutrition spending.

I don't disagree with that. But when you are not given any new money to start with, when you are placed under a $10 billion mandate, it makes it hard to do all of the things that need to be done with the few precious resources you have.

Now we have worked in the most creative way to come up with additional revenue, to reallocate resources to meet that $10 billion mandate from senior leadership in the majority. And along the way we have come up with $4 billion extra for conservation, half of that money going to EQIP, the basic cost share program that everyone has an opportunity to apply for to try and justify the benefits that will be generated from it to have the resources to meet those needs.

My friends, I know my colleagues are well-intended. I sincerely believe that. But a farm bill, first and foremost, should be about making sure that every American has access to the safest, highest quality, yes, most affordable food and fiber in the world. Then we can target all of these other programs. Then we can meet all these other needs.

Let's don't lose sight of why we have farm bills. Let's not lose sight of who they help, and that is every American that eats, and a good part of the world that depends on us for their food suppliers also.

The budget times are tough. The circumstances are difficult. It has been a long and arduous conference. We have yet to produce a final report, which we will all then be able to debate and discuss. But don't direct us in a way that makes the process more complicated when it comes to meeting all of those needs. Don't tie our hands in a fashion that will lead, I am afraid, to a net reduction in the ultimate benefit of those taxpayer dollars, so hard for the taxpayers to come by, that need to be spent so carefully to maximize their return.

Let us pursue the agenda of meeting our needs.

Witht that, Mr. Speaker, I reserve what time I might have left.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I certainly appreciate the comments of my good friend from Oklahoma and the hard work that he has done. But these are two individuals who serve on the Agriculture Committee. In fact, my friend from Pennsylvania is the Chair of the subcommittee in charge of this conservation title. My friend from Oklahoma is the ranking member of the subcommittee in charge of the conservation title.

All we are asking them and the conferees from the House to do is to protect their programs and to protect their funding level, that which was contained in the House-passed version of the farm bill last year. That is a simple request, and it received good support in the House when it left last year.

But there is an additional wrinkle that was just introduced, to my knowledge, within the last 24 hours, and that is the consideration to start capping payments under the conservation title. I think that would result in bad policy. I think it is going to result in a lot of unintended consequences, because these conservation practices aren't marketable, unlike the subsidies going to commodity crop producers, where they grow something and they can sell it in the marketplace.

To get a farmer to have a good manure management system in place or to have buffer strips and that, they can't take that outside then and sell it to the private marketplace. So these incentives are important to partner with the individual landowner to get them to do the right thing on their own land. And they want to do the right thing on their own land.

That is why two out of every three of them are being denied funding right now, because of the inadequacy of funds. The demand is exceeding the supply. We are saying let's try to catch up to that demand right now, which brings huge societal benefits at the same time, to enhance quality water supply throughout our country. And I still believe that is going to be one of the major challenges we face, not only in this country, but throughout the world in this century. How are we going to maintain a quality water supply? And if we can't partner to the level they expect in farm country, it is going to make that challenge all the more difficult.

So I would hope the conferees in their discussion and last minute deliberations of where they are going to find a nickel or dime in order to pay for things don't go down that road of trying to cap these conservation payments, like many of us have been proposing under the commodity title.

□ 1530

I think we can pay for what we are requesting in this motion through some more commonsense reasonable reforms under the title I commodity program, starting at another look at these so-called direct payments. They are slated to go for another $25 billion over the next 5 years alone. In fact, unfortunately Mr. FLAKE's motion to instruct failed a little bit earlier, but all he was asking is, let's just keeping those direct payments at the current funding level, a maximum of $40,000 instead of increasing it at a time of high commodity prices. Not an unreasonable request.

But what is being considered now going from $40,000 up to $50,000 for these direct payments and having dual entities on the same farm to qualify for it.

I also believe it is reasonable to take another look, as the President and the administration is asking, for us to have a stricter means test under the commodity programs. Let's face it, a $950,000 adjusted gross income cutoff is in the stratosphere for most individuals in this country. We are talking adjusted gross now, not just gross income. This is after you back out your expenses and all the costs of operating that farm. That is close to $1 million of profit we are talking about that an individual would receive, and still receive these commodity subsidy payments under what is being proposed in the conference.

So I think there is plenty of savings that can still be had without cutting the legs off of our producers while maintaining an important safety net in case things do turn bad in farm country. And Lord knows we have seen that cycle come and go in the past. But let's do it in a more fiscally responsible manner and maximize the scarce resources that we have for the benefit of the community at large, and that includes funding under the conservation title.

A few groups have already weighed in on this motion to instruct and have expressed their support, from the Environmental Defense Fund, National Wildlife Federation, the World Wildlife Fund, Defenders of Wildlife, Environmental Working Group, American Rivers, those who have been actively engaged in participating and trying to shape this next farm bill. We still have an opportunity because the conference has not closed, no report has been filed yet. There is going to be some last-minute negotiations. But ultimately, at the end of the day, if my colleagues are serious about having a farm bill concluded and implemented into law, the President has to be comfortable in doing it, and clearly he is not there yet, the administration is not there. And they are pressing the conference to do more in reforming these commodity programs.

We can choose to ignore that, but at the end of the day the President has got to sign something into law, or we have to try to override a veto, which I think is going to be very, very difficult. So I think there is still a way of working with the administration, trying to produce a product that they feel comfortable with, that the President feels comfortable with. And one of the ways to do it is more reform under commodity, and have a strong conservation title at the end of the day. The President has consistently expressed his support for a strong conservation title. I don't think they would object to the requests that we are making here in this motion to instruct.

And let's remind ourselves, this is another way of providing help and assistance to those who are working the land in our country. This isn't separate from the help in other areas that we try to provide to family farmers; it is in addition to it, it is a supplement. And it is something that benefits every farmer in every region, and including all people throughout the country, instead of the concentrated payments that we see under the current title I commodity program.

With that, I reserve the balance of my time.

For my colleagues' information, I have no further speakers. I believe I have the right to close. I am prepared to do that if they are ready to close, too.

The SPEAKER pro tempore. The gentleman is correct.

Mr. HOLDEN. Mr. Speaker, I yield myself such time as I may consume.

My friend from Oregon has left the Chamber, but I appreciate him looking out after the farmers in Pennsylvania. But I would just like to remind him that Pennsylvania leads the country in farmland preservation, and we have doubled the investment for farmland preservation in this conference report as we are working it through.

I also would like to remind my friend that not only have we preserved the dairy safety net, and dairy being the number one agriculture industry in Pennsylvania, that is very important; we have a new program that we are working on in the conference to have a feed cost adjustment as the cost of feed goes up, and that will be a great benefit to the farmers in Pennsylvania and in Wisconsin for that as the cost of feed goes up.

Also, we have for specialty crops, the first time, a $1.3 billion investment that will help farmers all across the country, but they will help them in Pennsylvania as well. So I appreciate my friend trying to help me out.

And I would just say to my friend from Wisconsin again, and repeating ourselves, that we are restrained. We were working with $13.6 billion; we now are working with $10 billion. The commodity title has been cut by tens of billions of dollars from the last farm bill. There is significant reform that we are going to accomplish. And the gentleman knows, because he served on the committee, that we have regional differences, and it is difficult to get consensus because of the geographical makeup of the committee.

So we are going to get there and we are going to fund conservation, but I would like to make one last point to the gentleman's comments about capping on conservation programs. We have noticed and discovered recently that there have been significant abuses in the conservation title, where wealthy people have purchased farms with no intention of farming and have become eligible to the tune of millions of dollars for conservation programs. That was not the intent, I don't believe, in any farm bill I ever voted for or the gentleman from Wisconsin voted for or the gentleman from Oklahoma. We never intended that. So the way to get around that is to have caps on that. And not only will you stop the abuses if you put caps on it from millionaires taking advantage of it, you will have more dollars to spread around to more people who are on those waiting lists right now.

My friend, we all wish we could do more. The gentleman from Oklahoma chaired the subcommittee when we began having hearings on it. With the last election, I became the chairman and he is now the ranking member. We are working very closely together. But we have limited resources. We are going to do the best we can, but we need a bill that we can get out of committee, get passed on this floor, passed in the Senate, and sent down to the President. And we are working very hard on that. I believe we are going to get a product that will get the majority of support significantly in this body.

I yield back the balance of my time.

Mr. LUCAS. Mr. Speaker, might I inquire how much time, if any, I have left.

The SPEAKER pro tempore. The gentleman from Oklahoma has 9½ minutes remaining.

Mr. LUCAS. Mr. Speaker, I yield myself such time as I might consume.

I would simply note, one of the challenges of any farm bill, certainly every farm bill since the 1960s, has been the payment limitation issue. Every farm bill we tighten the definition, every farm bill we attempt to reflect the will of this body. We will do that again this time.

The question about payment limitations on the conservation programs, that is an inevitable outcome, simply the fact that there will never, ever be enough money to do everything we all want to do. And in a year and a bill when we put 10 billion additional dollars in the nutritional program, no doubt justified, but that was a decision made on high, that makes funding for all these other programs even more challenging. $4 billion in additional conservation spending is an impressive accomplishment in the circumstances we work, but those payment limitations are a necessary thing, just as in conservation as in every other part of the bill to make sure that everyone has a fair and equitable chance at those resources.

When you apply for an EQIP program, you have to demonstrate the benefits of that program. And the more beneficial your efforts are, the greater your chances are, the farther up the list you are to be funded. It is a competitive kind of a process. And that is good. But those payment limitations will make sure that more people have an opportunity to step into the process to utilize those funds. We are dealing with the money that has been given to us. We are working under the circumstances that have been laid out, and we are doing the best we can.

I urge my colleagues to reject the motion to instruct.

I yield back the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I might consume.

Just to wrap up my remarks, let me just reiterate. I truly do appreciate the hard work my colleagues here today on the Agriculture Committee have been doing to try to craft a farm bill that can get accomplished yet this year. It is one of the most difficult things that Members are asked to do in any Congress, is to piece together the parochial and the different interests that span this great country to find an acceptable farm bill that can get signed into law. But we still have a little ways to go.

And I say to my friend from Pennsylvania, as far as the feed factor with dairy production, there is no question that fixed costs are going up right now in agricultural production driven by a variety of factors, not the least of which is the energy debacle that we find ourselves in right now.

But I think once we start going down to that feed route, we are going to get a lot of other groups now chiming in saying: What about us? What about us? How come dairy is being taken care of? What about poultry? What about beef? What about the others that are experiencing the same type of cost increases? And then you are really talking about blowing the lid off of some of these other programs.

But all that I and others who are in support of this motion to instruct are asking is for the members of the committee to defend their work, defend the programs that passed the House last year, defend the funding level that came out of the House last year because of the vital importance that these programs have, not only to the individual land producers, but to the resources that are so precious to all of us in this country.

Now we see disturbing trends; because of the high commodity prices, great pressure to bring more highly erodible sensitive land back into production. And there will be adverse consequences from that, unless we can maintain a viable incentive based system with these conservation programs to deal with that additional pressure that producers are facing throughout the Nation.

I think there is a better way of dealing with the abuses that my friend from Pennsylvania highlighted under the conservation program. Certainly we can do more oversight and get more information with regards to whether individuals are milking the system. No one is in support of that. We want to clamp down on it. But let's work with USDA and NRCS and those agencies in charge of implementing it, rather than calling for a blanket payment limitation cap with crucial conservation funding. Because, again, I am afraid that without these incentives in place, I don't care how wealthy you are, there won't be much incentive for you to engage in these type of programs, which just doesn't benefit the landowner but the community and the watershed area and the wildlife at large. So we need to be careful what road we are going to go down.

And, hopefully, this isn't just a response to some of us who have been asking for meaningful payment limitations and means testing under the commodity program just to get back at those who have been very supportive of conservation funding.

I think there are reasonable means tests we can apply to the commodity title. The fact that LDP and countercyclical payments aren't going up today I think is a good thing. That means farm income is up and commodity prices are up.

Back home in Wisconsin, in the agriculture district that I represent, farmers for years have come up to me and said: You know, I'm not a big fan of these subsidy programs, but I just wish the market would give us a decent price so we wouldn't have to rely on them. Well, that day has come. Now today I have got producers in corn and soybean coming up to me and saying: RON, why are we still receiving these direct subsidy payments when we are getting such a good price in the marketplace? And they are right. Farmers know how these programs are working.

I think we can be a little bolder and more courageous in the reforms that some of us have been advocating, find those savings, so we can deal with conservation, nutrition, world development, speciality crops, and having a good energy title to this farm bill, too. This can happen, and it can happen in a way that the President feels comfortable in signing. And that will truly be a good bipartisan day then in the United States Congress. I encourage my friends to support this motion to instruct the conferees.

Mr. REICHERT. Mr. Speaker, I rise today in support of the Kind motion to instruct conferees and the need for increased conservation funding in the farm bill.

Our farmers are eager to share in the cost of protecting our environment, but currently two out of three farmers are turned away by the USDA due to insufficient funding when they apply to participate in conservation programs. As a result, we continue to lose thousands of acres of valuable farmland, grasslands, wetlands, and private forest lands. We also fall further behind schedule in our efforts to clean up rivers, lakes and streams.

We cannot and should not ask farmers to choose between their bottom line and smart, sensible preservation of the land they protect. The House-passed version of the farm bill contained a landmark increase of $5.7 billion in authorized conservation funding. This money supports programs that protect our most sensitive and ecologically important lands, keeps soil and nutrient pollution out of our rivers, lakes and streams, and safeguards wetlands.

Since the conference committee is weighing various priorities as they try to bring the farm bill process to a close, it is important they know that Members of this House feel that conservation should be at the top of the priority list and that we maintain what the House has already passed.

I strongly encourage my colleagues to support this motion and to support the inclusion of the necessary conservation funding in this farm bill.

Mr. KIND. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. KIND).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. KIND. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

APPOINTMENT OF HON. STENY HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 5, 2008

The SPEAKER pro tempore (Mr. CUELLAR) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 1, 2008.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through May 5, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS RELATED TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–107)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 13047 of May 20, 1997, and expanded in Executive Order 13448 of October 18, 2007.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61) (the "Act") and supplemented that Act with additional restrictions. On October 18, 2007, I determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested at the time in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warranted an expansion of the then-existing sanctions. Executive Order 13448, issued on that date, incorporated existing designation criteria set forth in Executive Order 13310, blocked the property and interests in property of persons listed in the Annex to that Executive Order, and provided additional criteria for designations of certain other persons.

The order supplements the existing designation criteria set forth in Executive Order 13310, as incorporated in and expanded by Executive Order 13448. The order blocks the property and interests in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be owned or controlled by, directly or indirectly, the Government of Burma or an official or officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order; or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

The order authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 30, 2008.*

☐ 1545

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.S. MILITARY READINESS HANGS BY A THREAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, in matters of national security, experienced leaders never forget that the unexpected is always just around the corner and that danger is never far away. The Roman orator Cicero immortalized these ideas in his story about the Sword of Damocles.

Damocles, a citizen of the ancient Greek city of Syracuse, wanted to be king for a day. The king agreed to this request, and Damocles feasted and reveled with wine and fine meals. Only after his merrymaking did Damocles discover that a razor-sharp sword, suspended by a single thread, hung over his head all day. Damocles was immediately cured of his desire to rule.

When I consider the challenges confronting the U.S. national security today, I see not one but two swords of Damocles dangling above us. The first danger concerns the strain current operations place on U.S. military readiness, and the second concerns the deterioration of security and stability in Afghanistan.

Military readiness ratings measure how prepared U.S. forces are to perform their assigned combat missions. Unfortunately, but not surprisingly, more than 6 years of war have resulted in serious readiness shortfalls, with our Army and Marine Corps ground forces experiencing the most acute problems. In spite of efforts to fill the gaps in equipment, training and personnel, readiness deficiencies serious enough to cause alarm last year have only continued to expand.

Today, two-thirds of the Army's combat brigades in the United States are not ready for duty. Units in the U.S. are suffering from shortages of personnel, and units are preparing for deployment without having all of their assigned personnel or equipment during training. To fill shortfalls in Army personnel, the Navy and Air Force are supplying over 20,000 troops to conduct ground force tasks such as convoy security and logistics support.

While U.S. military forces are getting by, painfully, and performing today's missions despite readiness shortfalls, we are simply not prepared for the emergence of a new conflict. Experience tells me that we cannot assume another crisis won't come our way. In my 31 years in Congress, the U.S. has been involved in 12 significant military conflicts, none of which were predicted beforehand. Because we can't know with complete certainty what dangers lurk around the corner or when they might strike, we need the insurance policy military readiness provides for America's security.

Our current readiness situation demands a massive investment in time, effort and money to restore our full capability. Of course, devoting the resources required to solve our readiness problems will force us to make painful tradeoffs with some elements of modernization, which is tomorrow's readiness. But with current readiness levels, this is a predicament our Nation cannot avoid. It is simply a cost we must bear.

The second danger I worry about is the deterioration of security and stability in Afghanistan. For too long, the war in Iraq has overshadowed the real war against terrorism in Afghanistan. While the military effort there is actually a qualified success, the political effort at this point is not, and the benefits of economic progress are far too uneven. Too many Afghan citizens do not yet see tangible improvements in their daily lives. The effort in Afghanistan is not really reconstruction, but the creation of a stable, secure, and unified nation which has never existed.

The recent decision to send an additional 3,200 marines to Afghanistan is a necessary and positive step in the right direction, but that alone will not be sufficient. This undertaking is gargantuan and requires a far more significant effort than the United States or our allies have been willing to commit. History will judge us very harshly if our focus and effort in Afghanistan is insufficient to the task. A failure of the mission there would not only damage our security, it would also seriously damage NATO.

So how do we deal with these twin challenges? To start, we must focus our Nation's strategic priorities to find the right balance between the near-term needs and the long-term health of our military. We must address the imbalance in our deployment and use of troops overseas, because our readiness problems cannot be resolved as long as we continue to deploy in excess of 100,000 troops in Iraq. A responsible redeployment of a large percentage of that force is a strategic necessity.

In addition, we must do first things first by focusing on Afghanistan, just as in World War II we focused more of our resources on Germany and the war in Europe until that war was won. Finally, we must substantially increase the use of our soft power, our diplomatic, economic development, and strategic communications efforts in Afghanistan and around the world.

We can and should receive much more help from our allies. Together, the U.S. and the international community must make the war in Afghanistan a top priority and provide the leadership, strategy, and resources necessary to ensure that Al Qaeda and the Taliban are destroyed for good and that Afghanistan never again becomes a safe harbor for terrorists.

To his great credit, Secretary of Defense Gates has been arguing for several of these solutions. The truth is, though, that the U.S. has as much or more to lose in Afghanistan as any other nation, and the same would be true of whatever new conflicts emerge. Until our country is prepared to lead and act decisively, these problems will fester, and the threads holding up those twin swords will stretch ever thinner.

TRAGIC ANNIVERSARY OF "MISSION ACCOMPLISHED"

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today marks a tragic anniversary. Five years ago President Bush delivered his infamous "Mission Accomplished" speech aboard the USS *Abraham Lincoln.*

Across this country, Americans are holding rallies and vigils to mark this occasion. And members of the International Longshoremen and Warehouse Unions are giving up a day's pay and they are marching in the streets to show their opposition to the failed policies of the Bush administration and of the cost of those policies.

We all remember that the President put on a green flight suit and white helmet and arrived in the copilot seat of a Navy Viking jet. Then he stood at a podium beneath a big "Mission Accomplished" banner and he spoke.

He said the search for weapons of mass destruction had already begun, and he declared that "major combat operations in Iraq have ended."

Obviously, the American people didn't get the real facts that day, Mr. Speaker. So here's what should have been said. He should have said: "My fellow Americans, our soldiers have performed with great skill and courage. But, frankly, the administration doesn't have a clue what to do next."

It didn't have a plan for the occupation. It didn't have an exit strategy. And the people who actually understand the history and culture of Iraq were warning us that there were going to be insurgencies and civil war. He should have said: "Major combat operations have not ended—they have just begun."

Today I joined with my Out-of-Iraq Caucus colleagues, MAXINE WATERS and BARBARA LEE, to send a Dear Colleague Letter that describes the terrible human cost of the bungling in Iraq. It shows that over 96 percent of all American deaths in Iraq and over 98 percent of all casualties have taken place since the "Mission Accomplished" speech.

But you don't have to look, Mr. Speaker, at the cumulative devastation of the past 5 years to know that the occupation is a disaster. Just look at what happened in April, April of 2008, last month: Fifty American soldiers died, the highest number in 7 months. Thousands of innocent civilians were killed or injured in the bloody battle at Sadr City which continues to rage. The Pentagon was forced to extend the "stop-loss" policy because our military is stretched to its limits.

And as the administration acknowledged that al Qaeda is growing stronger in its safe havens in Pakistan, the drumbeat for war against Iran grew louder.

Here at home, the occupation continues to be a factor in driving gas prices higher. The Iraq recession continues in full swing. And every week, billions of dollars continue to be spent on military operations in Iraq that are desperately needed for domestic programs right here.

Sheer incompetence has surely been one reason for this. But the most important reason for our failure in Iraq is the fatally flawed national security policy. It has been a policy marked by arrogance, by the belief that America can go it alone and has the right to strike anywhere and anytime it pleases. And by the idea that military power alone can assure our security.

I hope we will use this "Mission Accomplished" anniversary date in a positive way so we can learn the lessons of the past 5 years and dedicate ourselves to a new foreign policy that will serve us much better. This new policy must be based on diplomacy; international cooperation; the rule of law; rejection of the doctrine of preemption and the use of torture; and, a commitment to helping other nations of the world to build a better life for their citizens.

Finally, Mr. Speaker, on this "Mission Accomplished" day, we must ask ourselves: What is America's mission? The American people believe that our mission is to stand up for the values of democracy, for human rights, and for peace. Those are the values that the dock workers are standing up for today. Those are the values that have been ignored and predictably resulted in disastrous results.

□ 1600

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 1, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,883 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,883 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 1, 2008, 12,883 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

OUR WORSENING HEALTH CARE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CONYERS. Mr. Speaker, we are in the midst of the "Cover the Uninsured Week," and I rise to remind the Chamber of the worsening health care crisis that we face as a Nation, and propose a solution to one of the biggest challenges of the 21st Century facing us.

Lack of health insurance often denies necessary medical care. Forty seven million Americans are uninsured. This problem is not limited to the poor or the unemployed. Researchers have estimated that about four-fifths of the uninsured are either employed or members of a family with an employed adult.

As well, there are an additional 50 million Americans who are underinsured; that is, they have coverage that would not protect them from catastrophic medical expenses. Simply put, an increasing number of Americans lack adequate health insurance because they and their employers simply cannot afford it.

Despite the challenges of the war in Iraq and the slumping economy, we all agree that the uninsured need to be covered. Even the health insurance companies have their own plan for covering the uninsured. I'm glad that we're on the same page, after all these years.

The real question we face is, how do we go about covering the uninsured? And how do we ensure that every American has access to quality medical care when they need it?

I strongly believe in a single-payer national health insurance, an approach that has been too often marginalized in debates on this issue, even though it has been successfully employed in almost every industrial nation except our own.

Mr. Speaker, it's time for Congress to consider single-payer, not only as a viable option to cover the uninsured, but as the preferred solution to fix our broken health care system. And make no mistake about it, it is in very bad shape.

According to a January 2007 article in the Journal of Health Affairs, France, Japan and Australia rated best, and the United States worst in new rankings focusing on preventable deaths due to treatable conditions, in 19 leading industrialized nations.

The article revealed that if the United States health care system performed as well as those top three countries, there'd be 101,000 fewer deaths in the United States each year.

Equally disturbing, the Institute of Medicine reports that 20,000 Americans die each year as a direct result of having no health insurance. How can we, in the Congress, who receive fairly decent health care, tell 47 million uninsured Americans that they cannot have access to health care?

With the knowledge that 20,000 Americans die each year without health insurance, how can we, in Congress, who do have health insurance, not place universal health care as a front burner issue in this chamber?

This is a moral challenge that we all must pick up. And incrementalism will not work. Expanding a broken system or fixing parts of it will not work. We must approach the health care solution the same way a physician approaches the treatment of disease. Doctors do not employ treatments only because they are easy or feasible. They choose evidence-based solutions based upon peer-reviewed research in order to employ the most state-of-the-art care available. And so I propose we take the same approach to crafting a universal health care plan.

So today, I ask the following question: What further disaster must befall us before we face the crisis of the uninsured and the underinsured?

How many more people must die due to the inability to receive care in the world's healthiest Nation before we, in

Congress, take action and create a truly universal health care system?

For those who believe that we are not ready to have a universal health care system, and must delay the formation of a comprehensive, national health insurance program, I ask you to consider the following evidence that demonstrates why we can ill afford delaying action on a universal health care system.

Health care horror stories are cases in which the result is so tragic that it shocks the conscience. We hear about them almost every day, in the newspapers, magazines, the Internet, television, radio, personal encounters with our friends and neighbors.

In the movie "Sicko" we, as a Nation, saw firsthand how even those with health insurance suffer under the current, for profit, employer-based private health insurance system.

In my office, I receive scores of health care horror stories each month, and have binders in my office of health care tragedies that we have collected over the last 8 years. In fact, when Michael Moore was doing research for "Sicko" he received 25,000 health care horror stories himself, after he made an appeal for those horror stories on his website.

I'd like to read a health care horror story sent to us by Adrienne Campbell from Michigan, a story, that, unfortunately, millions of Americans who are underinsured or uninsured can relate to. Here's her story.

My sister, who is 22 years old right now, was diagnosed with cervical cancer, the same cancer I had at the same age. She graduated from college back in December, so she is off my dad's insurance.

Jobs are hard to find here in Michigan, so she's working two part-time jobs, and neither of them provide insurance for part-time workers.

She has to go through what I did, but instead of actually being able to get medical treatment right away, then having to pay for it, she has to put off until she and the hospital can work out a payment plan. They told her the soonest they might be able to perform the surgery will be in April.

We've been calling around seeking other options. She's at Stage 4. I was at Stage 2, when I went through my ordeal, so she's in much worse condition than I was; which worries me.

This is unacceptable. It's like I am living my horror all over again, only this is my sister. This is why we have to fight. We have to shake things up this election year.

There's nothing you can do for my sister at this point, except keep her in your prayers, and I hope that she can get surgery soon. But, for those women who may get cervical cancer down the road, let's fight for universal health care so they don't have to go through the money worries.

I love my sister, Victoria, or as my daughter calls her, Aunt Gickie, because she can't say Vickie.

Please, just keep her in your prayers and thoughts. Thanks for letting me vent. I love her too much to see this happen to her.

Mr. Speaker, we do not have a health care system in this country. What exists is a fragmented, nonsystem of health care. It's a wasteful and inefficient patchwork of different plans and schemes that allow too many people to fall between the cracks.

The complexity of this nonsystem is what makes it unsustainable. Private health insurers are in the business to make a profit. Make no mistake about it. In fact, the real problem is that insurance companies are not as much in the business to provide care as they are in the business to deny care. They keep profits up by avoiding high risk patients, limiting the coverage of those they do insure, and passing costs back to patients through copayments and deductibles.

They deny coverage based on pre-existing conditions, including such costly diseases as athletes foot and yeast infections.

They employ an army of adjusters who go through mountains of paperwork, all mostly working to figure out a way to deny a claim. We have the story of insurance company whistleblower, Dr. Linda Pino, who tells us she was paid a bonus on how many claims that she could deny, and threatened with demotion if she authorized payment on more claims than her peers.

These practices are harmful. They're expensive. All those adjusters and paperwork cost a lot of money. Add to that insurance costs the insurance company's spending on advertising, huge executive salaries, and profits for shareholders, and the result is an average overhead of 15 cents on the dollar. Compare that with Medicare's overhead which is between 2 and 3 cents.

The complexity of this nonsystem not only leads to gaps in coverage and navigating nightmares, but it's underscored by the duplicity and waste created by the multitude of health insurance companies.

Mr. Speaker, I'm pleased now to recognize the gentleman from Ohio, who's been on this plan for—several Congresses ago he was and is the original co-founder and original signer with me to this bill. He's worked relentlessly in the Congress and across the country in making it clear that we're working on a system that some day is going to bring so much joy and benefit to the millions of Americans in this country. He's a fearless, dedicated, articulate leader, and I would now yield to my colleague, DENNIS KUCINICH.

□ 1615

Mr. KUCINICH. Mr. Speaker, I'm so grateful to have the opportunity to work with Mr. CONYERS on this important bill. Years ago, when we were having those meetings where the legislation was being crafted, we both knew what an important moment it would be for the people of the United States to be able to have a health care system they could call their own. So I want to take this opportunity, as I begin my remarks, to salute the work of you, Chairman CONYERS, and all that you have done and your dedication in working to make sure that the American people have a national health care system, a not-for-profit system. That's been your dedication. It has been an honor to work alongside of you in this endeavor.

As we speak today about covering the uninsured, we speak to the American people who are worried about whether loved ones are going to be able to get the care that they need. There is nothing that is more troubling to a family than to have a family member who is ill and yet cannot get the medical care that would be necessary to bring them back to health. There are 50 million Americans who are uninsured. This means that when they see others able to get the care they need, they recognize in their own families that they cannot sustain the health of loved ones or themselves.

Why is it that people are uninsured? Well, there are many reasons, but the principal reason is they simply cannot afford health insurance.

You know and I know, Mr. Chairman, that there are so many families that are called upon to spend $1,000 or more a month for health insurance. The price of gasoline going up to more than $4 a gallon, the cost of bread going up, milk, eggs, meat, all basic staples of an American diet, costs going up, up, up. People are finding that the costs of health insurance is becoming prohibitive. And so they simply can't afford it. So they remain uninsured, thereby leaving their entire family health open to a challenge.

How many of us would be able to survive financially being uninsured? Very few, because what happens is that if you're uninsured and you have health care bills, you're going to have to pay those bills. And you know that the greatest cause of bankruptcy in the United States relates to people not being able to pay their hospital or their doctor bills. That's a fact of life. There is no other issue which touches the American family and touches all of us so uniquely as this issue of health insurance. People can't afford it.

This is a tragic problem, and it's getting worse. About 22,000 people die every year because they're not insured; this, according to the updated Institute of Medicine Statistic. But we cannot talk about the uninsured without talking about the underinsured as well.

There are another 50 million Americans who are underinsured. Now think about it. 50 million uninsured, 50 million underinsured. 100 million Americans. One out of every three Americans is touched by this dilemma, and that means virtually every American family is either uninsured or underinsured. If you're underinsured, premiums are expensive, you may not be able to pay the premium to get the coverage you need, Co-pays and deductibles go higher and higher and higher. The American family is owned by the health insurance companies.

What kind of a country are we becoming where the people of this country can't get the care they need because almost $1 out of every $3 is taken off the top by the for-profit insurance companies for advertising, marketing, the cost of paperwork, corporate profits, stock options, executive salaries, all of those necessary things that Mr. CONYERS has talked about in the past. $700 billion a year goes for expenses that are totally unrelated to the cost of health care. $700 billion a year. Meanwhile, you have 50 million uninsured and another 50 million underinsured. The insurance companies own us. We don't own our own health care system.

And the insurance industry is the reason for the underinsurance problem and all that goes with it. Half of all bankruptcies are tied to medical bills. And of those medical bankruptcies, listen to this, three-quarters of those had insurance before they got sick. So even with insurance, people are going bankrupt because they can't handle the copays and the deductibles.

Of all of the medical bankruptcies in the United States, three of every four people had some kind of insurance before they got sick. They fell victim to insurance companies whose only way to make money is to deny care. How do these insurance companies make so much money? They make money by not providing health care. They make money telling people, We're not going to pay that claim. You're not going to be covered. The more people they can exclude, the more money they will make. It is a racket. Health care is a racket. Health insurance, rather, is a racket.

It is time we took America in a new direction, which is what the Conyers' bill, that I am proud to be a co-author of, is all about. H.R. 676 is to provide for a universal, single payer, not-for-profit health care system. It finally puts health care back in the hands of the doctors and the patients. It eliminates the insurance companies as middle persons, middlemen, who are able to skim almost $1 out of $3 off the top while 50 million Americans are uninsured and another 50 are underinsured.

We need to make a clear distinction between "health care" and "health insurance." The two are very different. Doctors and nurses are not the same as health insurance CEOs. Doctors and nurses provide care. Insurance companies' CEOs, they deny it. There's a difference between health care and health insurance. If you have insurance, it doesn't mean you have health care. There are increasingly creative and complex ways to deny health care: copays, deductibles, premiums, limits on daily coverage, caps on annual amount spent, failing to cover certain medical conditions, failing to cover certain accidents, failing to cover certain drugs, failing to cover certain total spending amounts, like the privatized Medicare Part D donut hole, failing to cover hospital stays, or minimizing the coverage.

What has this hunt for profitability in health insurance cost us? Well, it's cost us a lot of money. It's driving up health care costs beyond the reach of most Americans. Listen to this statistic: between 1970 and 1998, the number of doctors and other clinical personnel increased by 2.5-fold. During the same time, the number of health administrators increased more than 24-fold. There's an explosion of the number of people in the health care system who do not provide care. They instead are told to deny care.

It boils down to this: The insurance industry is the problem. It is not the solution. The only way to truly cover everyone is to guarantee access, not to force working men and women to subsidize the insurance industry whose very presence forces people to pay out of pocket to keep the industry alive. We need health care run by doctors and their patients, not insurance companies. Health care is a basic human right.

So Mr. CONYERS, I just want to express to you my appreciation for the work that you have done to bring this issue before the American people. To have had the opportunity over many of the last few Congresses to work with you on this has really been an honor.

And when we remember when we go back home, you to Detroit and me to Cleveland, and we see people who need care, our hearts break when we realize that they can't get it because insurance has just ended up being a big business and they don't care about people anymore. It's all about making money. All about profit.

So Mr. CONYERS and I know that H.R. 676 stands alone in an increasingly crowded field of ideas that are going to provide health care for people. And this proposal addresses the accessibility problem.

Employer-based insurance requires people to continue to work in order to keep their insurance even if it worsens their health. Now, I know Mr. CONYERS worked with the UAW for years and years before coming into Congress. What happens if you lose your job? People end up, after their COBRA benefits are gone, they lose their health insurance. Our proposal says if you lose your job, you're still insured. If you don't have money, you're still insured. If you have a pre-existing condition, you're still insured. This covers dental care, vision care, mental health, long-term care, prescription drugs. It's all covered.

Mr. CONYERS, thank you. Thank you for your dedication to the American people. Thank you for your willingness to lead the way, and I'm just so grateful that I have the opportunity to work with you.

Mr. CONYERS. Mr. Speaker, may I say to my colleague that I am so flattered that he remembers the days when we started out with just a few Members. We're up somewhere about 90 now and growing every week, every month. More and more people are joining us. And in addition, there are growing numbers of medical professionals, doctors, researchers, health care experts, who are all recognizing how important what you have said is in terms of how we move out of the situation that we're in.

Your description of the pain and suffering of so many of our citizens because of the lack of health care leads to situations so horrible that they truly shock the conscious.

Mr. KUCINICH. Mr. Speaker, if the gentleman will yield, you mentioned, Mr. CONYERS, that many doctors support this. When I first ran for Congress in 1972, doctors generally opposed this idea. But there is a new survey that just came out published in the Annals of Internal Medicine that states that of the physicians that were contacted in this survey, thousands of them, 59 percent of the physicians now support a national health care plan, which is why I believe when you have the physicians supporting it, the patients support it, all we need is to keep adding to the numbers in the House of Representatives; and with Mr. CONYERS' leadership, we're on our way to creating a national health care system.

Once again, I want to thank the gentleman for the opportunity to share some time with you here. And again, the people of the United States owe you a debt of gratitude for your relentlessness and your dedication on this, and I intend to keep working at your side as we move forward to create a universal, single-payer, not-for-profit health care system. H.R. 676, the Conyers bill, is the way to go.

Thank you.

Mr. CONYERS. Thank you, Congressman KUCINICH.

And as our numbers grow in the Congress, you know that the American people have already indicated in policy after policy that they want a universal health care plan. Many are willing to even pay more to get it, but they don't have to. And this is a labor of love which I am so proud that nearly 100 of our colleagues are now working with us.

And I yield again to the gentleman.

Mr. KUCINICH. As the Chairman is always able to do, you bring up another point that I think would be helpful to amplify, and that is that people will say, Well, how are you going to pay for this? Well, guess what? We're already paying for a universal standard of care; we're just not getting it. $2.3 trillion a year goes for health care in the United States. $2.3 trillion.

And when you consider the fact that the for-profit insurance companies take almost $1 out of every $3 or almost $700 billion a year, you take that $700 billion—am I right, Mr. Chairman—you put that money into care and you suddenly have enough money to cover all Americans, the underinsured and the uninsured are covered. So how we pay for it is using the money that's already in the system, and that's how much profit is in health care insurance or health insurance these days.

□ 1630

Mr. Speaker, once again, thank you for bringing out that point about the fact that it is able to be covered without any current change in our system, although we have a funding formula that you've helped to develop that will guarantee that all Americans will be covered far into the future.

So again, Mr. Chairman, I'm grateful the people of Detroit are fortunate to have you representing them in the United States Congress.

Mr. CONYERS. In addition, we are creating a system of preventive health care. We are creating a system in which people, when they initially get sick, can go to a doctor instead of being forced to go to emergency rooms where they get temporary treatment, and then they're back at home or on the streets again. We will make the country healthier. And national health care is an ambition that is very much related to national security. So I'm pleased that all of these things can occur with the consideration of House Resolution 676.

In the last 10 years, the cost of health care to businesses has increased 140 percent. We need an efficient universal health care system that protects American businesses from skyrocketing health care costs so that, as a Nation, we can remain competitive in the global marketplace.

The rising cost of health care in this country has played a significant role in the current economic climate, specifically with regard to the outsourcing of labor to foreign countries. Between 2000 and 2007, United States health premiums have risen 98 percent, while wages have only increased by 23 percent. The average family health insurance plan now costs more than the earnings of a full-time minimum wage worker.

Our fractured non-system of health care is crippling our economy. But don't take my word for it, just ask the United Automobile Workers and the AFL–CIO, or even the automobile makers themselves. Health care has become such a central issue for General Motors that Economists magazine only partly in jest called the company a pension hedge fund wand health insurance business that happens to make cars.

Ford and General Motors pay nearly $1,500 in health care costs for each vehicle they produce, while BMW pays $450 in Germany, and Honda only $150 per vehicle in Japan.

A General Motors executive told former Senator Tom Daschle, a proponent of universal health care, that the high cost of health care is the single largest impediment to creating more jobs in the United States. An IBM executive, Senior Vice President for Human Resources Mr. J. Randall McDonald, recently predicted that 5 years from now this problem will have to be cured or the competitiveness of the United States will be drastically impacted.

Small business employees are one of the fastest growing segments of the uninsured and now comprise about one-fifth of the total uninsured population. Kansas Governor Kathleen Sebelius told the New York Times, "Affordable coverage for small business owners and self-employed individuals is probably the biggest challenge that we have in Kansas and most states."

Incredibly, one-fifth of working age Americans, both insured and uninsured, have medical debt that they are paying off over time. More than two-fifths of these people owe $2,000 or more. Medical bills are the leading cause of bankruptcy in the United States, accounting for half of the personal bankruptcies. If unpaid medical bills are the leading cause of bankruptcy in this country, then how can we in good conscience delay any longer in Congress to create a truly universal health care system?

High deductibles in private health insurance plans are another barrier to consistent care. Eleven million people with health insurance have per-person deductibles of $1,000 or more. One recent study found that 44 percent of adults with deductibles of $1,000 or more did not fill a prescription, declined to see a specialist, skipped a recommended test or treatment, or didn't see a doctor when they had a serious medical problem.

There are additional sums spent by hospitals and doctor's offices to deal with each insurance company's rules, regulations, and forms to fill out. After a number of our satellite industries take a cut, we're looking at up to 50 cents on the dollar being spent on administration, marketing and profits. All this is money we could be spending on health care.

Drug prices in this country are about 60 percent higher than prices in Canada or Britain, and this is not because Big Pharma is doing so much research and development. In fact, data from the pharmaceutical companies' own annual reports show that they spend almost three times as much working on marketing and administrative costs as they do on research and development.

It is not because American companies are carrying the burden of doing research and development for the rest of the world. Drug companies in the European Union put out about the same number of new products each year that American companies do. And our drug industry's research and development gets huge taxpayer subsidies from government-supported research done by the National Institutes of Health and American universities. In fact, only a very small percentage of the new drugs produced in America are in fact innovative developments. Most are varieties of old drugs developed simply to extend patent protections so that they can keep on charging those high, excessive prices.

The reason drugs cost more in America than anywhere else boils down to a single factor: Profit. The drug companies have the highest profit margins of all American corporations. Their profits as a percent of sales run about 19 percent, compared to a median of about 5 percent for Fortune 500 companies.

Mr. Speaker, the American people are concerned about the direction in which our economy is heading. As we spiral headlong toward a recession, if we're not already in one, both large corporations and small businesses have to make difficult decisions to keep their business afloat. For most Americans, the loss of employment means the loss of health insurance.

The bottom line: If we can streamline the operations of the health care system by decreasing wasteful overhead and appropriately allocating funds, we can not only ensure the coverage of everybody in the United States, but we can provide for true health care. And that is an important point; coverage does not equal care.

My plan, H.R. 676, is simple. And its simplicity is the very thing that will allow it to succeed where others will fail. Many of the plans generally add an individual mandate and even more insurance options. Others suggest financial mechanisms like tax credits or savings accounts. These other plans will not guarantee coverage that is universal, affordable or comprehensive. They fail to do anything to decrease administrative costs or complexity, in fact, they add to it. They can't control costs, and so ultimately they will be unsustainable.

Now, I began from the premise that health care is a basic human right, not a privilege, a basic human right. This is the consensus opinion of the international community, as enshrined in the Universal Declaration of Human Rights and other documents.

I also believe that government has a fundamental role to play in guaranteeing this right to each and all of its citizens. This is the view of the other industrialized nations, all of which have single payer health care systems that cover all their people, cost far less than ours and, sadly, get more and better results in terms of health outcomes.

I believe that health care must not be a market commodity. The market dictates that one's ability to consume a particular product is constrained by one's ability to pay for it. This approach may be feasible when one is talking about buying hamburgers or tennis shoes, but it is unacceptable when it comes to health care. Our access to health services should be determined by only one thing, what our doctor thinks we need. Profit should not be a factor.

Let me clarify: I do not advocate socialized or government-run health care, such as the National Health Service in Great Britain. I propose a plan that is publicly financed, but privately delivered, like those in Germany or France or Taiwan.

The role of the government in the H.R. 676 proposal is limited to collecting revenues and disbursing payments to providers. Doctors, hospitals and clinics will continue to be run privately. I believe they will be required to operate as not-for-profit organizations.

In a single payer system, we could do just that. We will do just that. Revenues would flow into the system through an automatic payroll tax, very little paperwork required. Doctors would bill the government electronically and they would be reimbursed electronically, cutting out the middle man, and the savings would be tremendous.

Studies by the Congressional Budget Office, the Government Accountability Office and consultancies such as the Lewin Group consistently find that the savings under a single payer plan would be more than enough to cover all of the uninsured. So, in fact, it's possible to cover all Americans under a comprehensive health plan without spending any more money than we do now. We would just be more efficient with it.

The two other major drivers of health inflation are the increasing use of expensive prescription drugs and the proliferation of new and expensive medical technologies. A single payer system would address both these costs.

By leveraging the buying power of the Federal Government, we can negotiate huge discounts both for drugs and for other major drivers of health inflation such as medical technology. We can bring down the cost of medical technology by allocating it more efficiently. As it is, we have no organizing structure to manage the distribution of health care resources. The result is that we have a glut of medical imaging machines, specialists, and other medical services which are seen as generating the most potential profit for their owners; hospital A has one MRI machine, hospital B then feels it must have two MRI machines, and so on. To end up with MRI machines all over town standing vacant while we continue to spend enormous sums on acquiring more is unwise and impractical and should be ended.

Under a single payer system, we can distribute resources more efficiently so that we are buying MRI machines based on the need for them, not based on how much profit they can generate for a particular hospital.

□1645

A regional board could determine, with the input of doctors and other providers, what number of machines would be appropriate for the population based on demographics and other factors.

Allow an explanation of how a single-payer system under H.R. 676 would work: Existing public health care spending, including government spending for Medicare and Medicaid, would continue, but it would flow into a single trust fund. We would add a payroll tax of about 3.3 percent each to workers and employers. In addition to the 1.45 percent Medicare tax, the total health care tax would be 4.75 percent. This is cheaper than what the private health insurance companies charge; so families and businesses will be spending less than what they are spending now if they have insurance.

We also get revenue from other sources like one quarter of 1 percent tax on certain stock and bond transactions. All these revenue sources add up to more than enough to cover current spending. But just in case there are additional expenses in a particular year, we also authorize an annual appropriation.

Revenue flows from the Federal trust fund into the accounts of the currently existing Medicare regions. Reimbursement is then negotiated with doctors and other providers at the regional level, with current levels being the starting point. Doctors are paid on a fee-for-service basis, while hospitals and other large institutions are paid with monthly lump sums known as global budgets based on current expenditures. Global budgets are cost-control mechanisms that are very effective in other single-payer systems.

Every American would receive a national health insurance card at birth or would be able to apply for one at the post office or other government facility. The application form is limited to 2 pages. Everyone living in the United States would be eligible. All medical necessary services would be covered, including inpatient and outpatient care, mental health care, dental care, and prescription drugs. Patients can go to the doctor or health care provider of their choice.

Private insurance companies are prohibited from duplicating the coverage provided under the plan. They may still offer coverage for nonmedically necessary services, such as cosmetic surgery. They are not prohibited from being hired by the government to do billing services, but overhead costs would be strictly regulated.

This plan relies on the existing Medicare infrastructure for administration. There is no "new government bureaucracy." In fact, there will be far less bureaucracy in health care after the role of the insurance companies has been limited.

Just to let you know, there are nationally recognized health economists and physicians who believe that if we spent more efficiently the money we are already currently spending on health care, then we would cover every American with quality and affordable health insurance right now through a privately delivered, public financed, single-payer system.

Mr. Speaker, I thank you for your cooperation.

Ms. LEE. Mr. Speaker, I rise today in support of Cover the Uninsured Week, to highlight the deplorable fact that over 47 million Americans—including 9 million children, lack health insurance in our country.

Mr. Speaker, I strongly believe that health care is a basic human right. Yet far too many people have no access to even the most basic health services. Contrary to popular belief, 8 out of 10 Americans who lack health insurance come from working families who just can't afford the high cost. Minority communities also disproportionately suffer from a lack of health coverage. More than one-third of the Hispanic population in our country and more than one-quarter of Native Americans live without health insurance. Nearly 22 percent of African Americans and 20 percent of Asian Americans also lack health insurance. These statistics are just plain shameful.

What's worse is that because these individuals lack health coverage they are more likely to wait to seek treatment until they are really sick, which in turn further drives up health care costs and creates a vicious cycle of uninsurance.

Mr. Speaker, the sad truth is that over the last 8 years of this administration, the number of uninsured Americans has been steadily rising. Instead of supporting proposals to expand access to health care, however, this administration has continually supported policies that have driven more people into poverty, placing affordable health care even further out of reach.

Perhaps the clearest example is this President's veto of the SCHIP bill and his refusal to provide health coverage to 10 million children. That is just unconscionable.

As the only industrialized nation in the world that does not guarantee health care for all our people, I believe we must move toward a system of universal health coverage. That is why

I have introduced H.R. 3000, the Josephine Butler United States Health Service Act, to make the United States Health Service its own independent executive branch and establish an Office of the Inspector General for Health Services.

My bill would require the Health Service to ensure that everyone has the right and the ability to access the highest quality health care available regardless of cost. Mr. Speaker, providing universal health care is the right thing to do and it is consistent with our values as a nation and the goals of Cover the Uninsured Week.

Mr. WEXLER. Mr. Speaker, I rise to acknowledge "Cover the Uninsured Week." We must recognize the tragic reality that 47 million Americans, including 9 million children, are uninsured in America. In my home State of Florida, the figures are even more striking, with 20 percent of Floridians lacking health insurance. Millions of hard-working Americans with full-time jobs lack affordable health care options.

For example, a woman in my district, Florianne, has worked as a housekeeper for a local hospital for 3 years and is uninsured. She cannot afford to pay for health insurance for her children despite having a full-time job. In 2004, when Florianne worked directly for the hospital, she received health benefits. Today, the hospital subcontracts its housekeeping operations, causing her to lose her health insurance. With rent, food, gas, and utilities eating up her $692 biweekly paycheck, there is not a dollar to spare for her son's glasses or basic checkups, let alone a $768 monthly premium.

I wish Florianne's predicament was unique. All across Palm Beach County, the State of Florida and throughout the United States, children like Florianne's miss doctor's appointments, forego needed prescriptions, and are denied adequate health care. Their parents work hard but still cannot afford health care for their families. This is totally unacceptable in the wealthiest nation on Earth.

In Congress, I have sponsored legislation to fund insurance for millions of children across the country, introduced legislation to make Medicare more affordable for seniors, and voted to increase funding for community health centers willing to treat uninsured individuals. I am also a sponsor of the U.S. National Health Insurance Act (H.R. 676), which would reform our health care system and provide health insurance for every man, woman, and child. Unfortunately, many of these proposals have been shot down by the Bush administration.

"Cover the Uninsured Week" reminds us all that America desperately needs leadership in the White House and in Congress to work together to achieve the affordable health care that all Americans deserve.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I came early to our office yesterday morning, and I opened the door and took the newspapers inside and put them out on the reading table. And as I took them out, seven of them, four newspapers and three of the kind of inside-the-beltway papers, I noted the lead story above the fold. In the Sun there were two stories: "Demand Eats Supply, swiftly rising food prices are undoing progress in fighting hunger globally"; and another above the fold headline: "Energy Bill Aid Payouts on Rise." Then I picked up the Washington Times and noticed an above the fold headline, "Bush Lays Gas Blame on Congress." And then I picked up the Washington Post, a major headline above the fold: "Syphoning Off Corn to Fuel Our Cars." And then the Wall Street Journal, the biggest headline above the fold, with a graphic and picture above it: "Grain Companies' Profit Soar As Global Food Crisis Mounts."

And then I took the three inside-the-beltway newspapers to put them on the reading table, and I looked at the headlines there, on the front page: "Gas Prices Fuel Effort to Jam GOP." "Alexander Eyes Energy Agenda." The first of those was Politico; the second was Roll Call. And the third, The Hill: "Politics at the Pump."

So, Mr. Speaker, the seven papers that our office gets, every one of them yesterday had as their leading story above the fold something about energy prices and food prices, which, of course, are related.

Also appearing today, and I wanted to make sure that we didn't miss this New York Times column by Thomas Friedman, a very well-known author and commentator, which describes America's energy problems as the "predictable consequences of an energy strategy that would be exacerbated by the most popular proposed changes to maximize demand, minimize supply, and buy the rest from the people who hate us most." In a little bit, I will read some other excerpts from this very interesting op ed piece by Thomas Friedman.

I have here a little book which came across my desk, signed by one of the authors to Representative ROSCOE BARTLETT: "You are a political voice in the dark. Please continue trying to shed light on this critical issue." And the critical issue he's talking about is explained in the title of his book, "A Very Unpleasant Truth . . . Peak Oil Production and Its Global Consequences." And I turned to the little page that talked about who the authors are, about the authors: W.D. Lyle, Jr. holds a Ph.D. in engineering from Purdue University. L. Scott Allen holds a Ph.D. in physics from SMU. Both are retired scientists from the Exploration and Producing Technical Center of a large international oil company. They have been awarded over 40 patents and coauthored or authored more than 50 technical papers with contributions appearing in a variety of journals such as Science, Geophysics, Nuclear Science and Engineering, and the Journal of Petroleum Technology. Both authors, it says, live in the Dallas area. So those are obviously well-respected authorities in their fields.

And I turned to chapter 6: "What About Alternative Energy Sources and What Should We Do Now?" And it begins by saying, "What must we do now to prepare for and respond to the inevitable and impending energy crisis?"

And, Mr. Speaker, the seven papers that I just referred to and the headlines on all of them about energy and food would indicate that maybe, just maybe, we're on the cusp of this crisis.

And then he says, "The first and most important thing that needs to be done is to educate and convince the public that a problem even exists."

Long before I got this book, more than 3 years before I got this book, I thought also that that was the most important thing that needed to be done. And so, Mr. Speaker, I think this is the 43rd time I have come to the floor to spend an hour talking about the challenge. Really it was to explain to the American people the challenge that we face, to educate and convince the public that a problem even exists. Well, I think these seven headlines indicate that at least the editors of those papers thought that a problem existed because they were all talking about the high price of energy and its consequences on food prices.

But education is not the only thing that I have been doing. I have been personally involved in at least four activities, which I think will help to advance America on the path that we need to be treading. I'm sponsoring, in conjunction with the SMART Organization, a Smart Green Showcase on July 18 of this year in Frederick, Maryland, that will offer smart energy solutions for homeowners and small business owners. There is a lot of information out there. There's a lot of new technology that just isn't widely known. Practical ways you can use less energy, save money, and help our country transition to domestic, cleaner, and renewable energy sources. The conference will provide educational and networking opportunities for homeowners and representatives of large and small businesses, academic and nonprofit organizations.

This Smart Green Showcase has its own Web site, and I would encourage you to go to that Web site, *www.smartgreenconference.com*, for a fuller explanation of what will be shown at this Smart Green Showcase.

In the next few days, I will submit a bill that is a companion bill to a Senate bill, S. 2821, that was introduced in the Senate on the 3rd day of last month by Senator MARIA CANTWELL and Senator JOHN ENSIGN, and almost half of the Senators have already signed onto this bill.

☐ 1700

I have a brief summary of the bill, and because what it does is so important to where I think we need to be going, I am going to take just a moment to read this brief summary. This Clean Energy Tax Stimulus Act of 2008 amends the Internal Revenue Code to extend certain tax incentives for energy production and conservation. It extends through 2009 the tax credit for production of electricity from renewable sources. For example, biomass, geothermal energy, landfill gas, and trash combustion.

It includes marine and hydrokinetic renewable energy as a resource eligible for such credit. It allows sales of electricity produced from renewable resources to regulated public utilities. This one is really very important to encourage everybody, even every homeowner, to produce electricity. If they are not using it, sell it back to the power company.

It extends the Energy Investment Tax Credit for solar energy through 2016 for fuel cell and microturbine property through 2017. It repeals the dollar per kilowatt limitation for fuel cell property under the Energy Investment Tax Credit. It allows public electric utilities to qualify for such credit.

It extends through 2009 the tax credit for residential energy-efficient property expenditures. It repeals the 2000 limitation on the tax credit for solar electric property. It allows an offset against the alternative minimum tax of tax credit amounts. It extends through 2009 the tax credit for investment in clean, renewable energy bonds, increases the national limitation amount for such bonds.

It extends through 2009 deferral provisions relating to the recognition of gain by certain electric utilities, and extends to 2009 the tax credit for nonbusiness energy property. It includes residential biomass fuel stoves, that is pellet stoves, as eligible energy property for purposes of such credit.

It extends through 2010 the tax credit for energy-efficient new homes. It extends through 2009 the tax deduction for energy-efficient commercial buildings, and increases the allowable amount of such deductions. Finally, it extends the tax credit for energy-efficient appliances, to include appliances produced in 2008, 2009, and 2010, and it revises and updates energy efficiency standards for such appliances in accordance with the Energy Independence and Security Act of 2007.

As shown on the first chart here, I also have a Self-Powered Farm Energy Bill, H.R. 80. This is really a very significant approach to addressing our energy problems because we are going to have to turn more and more to our farmers for energy and products that are produced by energy, that in the future will have to be produced with less energy. This bill would support Federal research, development, demonstration, and commercial application activities to enable the development of self-powered farms that are net producers of both food and energy. They should be capable of independence from offsite sources of energy. A farm standing all alone.

Mr. Speaker, if our farms can't be energy independent, we really, really have a huge challenge for the future. I think this is very doable, and this bill will offer awards, rewards to those who do that. Offsite sources of energy, fuel and raw materials for fuel. A community resource for food and energy or raw materials for fuel would minimize or eliminate ongoing operating expenditures to offsite entities for fossil fuel-derived energy, employ sustainable farming practices for long-term soil fertility. We mustn't forget that what we do to make our farms energy independent and to get energy from our farms, that we must be really concerned about sustainability. It would be easy for a few years to mine the soil, that is take out of the soil more than you're putting back. But if it is not sustainable, it will not be useful for the long term.

Employ sustainable farming practices for long-term soil fertility and produces at least two times as much energy, including fuel or raw materials, or fuel, as it consumes both onsite and in the transfer of farm products to market.

The next chart shows an additional bill, H.R. 670, that I have introduced, American Energy for America's Future, the bipartisan DRIVE Act, Dependence Reduction through Innovation in Vehicles and Energy Act. What this does is to encourage transition from depending so much on liquid fuels from oil for transportation and move to electricity for transportation.

And the reason for this, Mr. Speaker, is pretty obvious, if you stop to think about it. We use two kinds of energy largely in our lives today; electricity for many, many things, but not much for transportation. Most of our transportation comes from fossil fuels, from oil, and some gas. You see city buses advertising that they are running on clean natural gas.

We have lots of opportunities to produce more electricity. We can do more solar. France produces 75, 80 percent of their electricity from solar. We have enormous opportunities to grow wind and solar. They are now growing at something like 30 percent a year. That is incredible growth rate. But they started very small. So even with that big growth rate, they are still producing a very minimal amount of energy to the grand mix of energy.

We can get a lot more energy in those parts of our country where you're close enough to the molten core of the Earth to get true geothermal energy. You go to Iceland, I have been there, and I did not see a single chimney in Iceland. They may have one. I didn't see it. They get essentially all of their energy there from geothermal energy. That is tapping the molten core of the Earth, which will heat water, and you can do lots and lots of things with it, and hot water.

Then, of course we have lots of opportunities for microhydro, without the kind of impact on the environment that our macro hydro has had with these huge dams and we try to compensate with fish ladders and so forth, compensate for the damage we have done to the environment with fish ladders and so forth so the fish who are spawning can get around to them. So we have lots of opportunities for producing electricity.

Our options for producing more liquid fuels are far more limited. So this is a very important bill. We are going to be talking for the rest of our few moments together today about these opportunities for producing more liquid fuels. You will see that they really are limited. We really do have a challenge there.

So to the extent that we can move transportation dependency from oil to electricity, we will have done a great deal to minimize our dependence on oil and free ourselves from dependence on oil, as the President appropriately said in his State of the Union Message, from people who don't even like us.

I wanted to just spend a couple of moments reading some additional comments from Thomas Friedman's article. I don't read this because I necessarily agree with everything he says, but I read it because I think that it's very important, as this little book said, that the American people understand the seriousness of the challenge that faces us.

So let me read a few more excerpts from his article that appeared today in the New York Times. The title of his little op-ed piece is called: Dumb as We Wanna Be. "Here's what's scary: Our problem is so much worse than you think. We have no energy strategy. If you are going to use tax policy to shape energy strategy, then you want to raise taxes on the things that you want to discourage, gasoline consumption and gas-guzzling cars, and you want to lower taxes on the things you want to encourage, new renewable energy technologies. We are doing, he says, "just the opposite."

"The McCain-Clinton gas holiday proposal is a perfect example of what energy expert Peter Schwartz of Global Business Network describes as the true American energy policy today." Then I quote again, "Maximize demand, minimize supply, and buy the rest from the people who hate us the most."

Then additional excerpts from the article go on to say, "This is not an energy policy. This is money laundering. We borrow money from China and ship it to Saudi Arabia and take a little cut for ourselves as it goes through our gas tanks. No, no, no. We'll just get the money by taxing Big Oil. Even if you could do that," he says, "what a terrible way to spend precious tax dollars.

"For almost a year now, Congress has been bickering over whether and how to renew the investment tax credit to stimulate investment in solar energy and the production of tax credit to encourage investment in wind energy. The Democrats wanted the wind and solar credits to be paid for by taking away tax credits from the oil industry. President Bush said he would veto that. Neither side would back down. Stalemate."

You know, as I said, I read this not because I necessarily agree with everything he says, but I read it because it is a very important voice that is saying what I have been trying to say for more than 3 years now, Hey, we face a problem. We have really got to do something about that problem.

The next chart, this is a little cartoon which I think tells the story that many people don't believe. Just why is gas so expensive, over $3.50 a gallon now? Just why is gas so expensive? The cartoon says it with just two words, a tiny little supply and a huge big demand.

Now there are many people who believe that gas is very expensive at the pump because the major oil companies are gouging us. Many people think that gas is high at the pump because the oil from which we refine it is very expensive because the Arab world is holding back and not producing as much oil as they could produce, or somehow gouging us.

The reality is that neither one of these commonly believed reasons for our high gas prices are probably true. There may be a little gouging here and there by stations and so forth. The price of oil is not determined by our big oil companies, ExxonMobil and Shell and Royal Dutch. The price of oil is determined, as this cartoon indicates, by how much there is and how much we would like to use.

The Arabs don't determine the price of oil. They can affect the price of oil. If they could produce more oil, they could drive down the price of oil by increasing the supply so it would be more consistent with the demand, and that would reduce the price of oil. There is increasing evidence that they could not do this. That is they could not increase their supply.

Russia, a couple of weeks ago, announced that they had peaked in oil production. That they could no longer increase their production. Just last week, Saudi Arabia indicated that they had reached a maximum oil production. They have the granddaddy of all oil fields, the Ghawar, a huge field, producing 5 million barrels a day. They want to bring online a new field. I read a lot about the technicality of that field. It's very interesting, what they have done. This is the field that has a lot of potential oil in it. Khurais, I think. It's hard for me to pronounce words with k-h.

□ 1715

They have hired Halliburton to drill a large number of wells, and what they plan to do, what they hope to do, is to flood that field where the oil will not flow. If you drill down in that field, you will not get any oil, although there is a great deal there, and they hope to make this oil flow by pumping water in at the periphery of the field under considerable pressure.

But this is a very delicate operation, because if they pump at too high a pressure and too large a volume and the water overflows the oil, it could seal off the little interstices through which the oil would flow and it might kill the field, so there would be no oil from the field. But hopefully they won't do this. They are very good at this technology. And if they are able to develop this field, they will get, they hope, 1.2 million barrels a day. This, they hope, will make up for the oil that they are not getting as the present fields they are pumping tail off. They have reached a maximum production of oil.

The next chart is a chart whose history begins in 1956 with a talk which I think will go down as the most famous speech given in the last century by M. King Hubbert to a group of oil engineers and business people at San Antonio, Texas, in 1956, 52 years ago, on the 8th day of March. This was 1956. Here we are, 1956 right here.

He told them that in 1970, this point here. This part of this chart was not available. All they had was this, rapidly increasing oil production. We were the largest producer of oil in the world, the largest consumer of oil in the world, and I think the largest exporter of oil in the world. He said in 14 years, in 1970, the United States will reach its maximum oil production. Shell Oil Company asked him, please don't give that talk. You will make us look silly and make you look silly. He gave the talk, and for a long while was an object of derision. Then, right on schedule, in 1970 we reached our maximum oil production.

Now, they didn't know that in 1970. You only know you have reached a maximum when you look back and see, gee, we were pumping more oil then than we are now. But this was clearly, clearly known by 1980, because you can see by 1980 here we are well down the other side of Hubbert's Peak.

There are a couple of things in this chart that he did not include in his analysis. He couldn't have known that we were going to get so much natural gas liquids, and he looked at only the lower 48. He didn't look at Alaska, and he didn't look at the Gulf of Mexico, where we have found huge amounts of oil.

I have been to Alaska, to Dead Horse, to Prudhoe Bay, and I have seen the very beginning of that 4-foot pipeline through which for a number of years now about one-fourth, about one-fourth of our total domestic production has been flowing.

Well, you can see that even when you add the oil which he did not include in his analysis, the oil that we got from the find in Alaska and from the Gulf of Mexico, that that was just a blip on the slide down the other side of Hubbert's Peak.

Now, we have done a number of things to try and reverse this, because we are not at all comfortable in this country having only 2 percent of the world's oil and using 25 percent of the world's oil. We have very good scientists and engineers, and we have used a lot of enhanced oil recovery. We have used discovery techniques, 3–D, seismic and computer modeling to go out and find more oil, and we have drilled more oil wells than all the rest of the world put together.

In spite of better discovery, of aggressive pumping of these fields with this enhanced oil recovery, in spite of drilling more oil wells than all the rest of the world put together, and in spite of finding oil in Alaska and the Gulf of Mexico, we today are producing about half as much oil as we produced in 1970.

I spent a few moments looking at this chart. I think it is very important to understand what M. King Hubbert predicted and what happened and the reality that no matter what we have done, we have not been able to reverse what he said would happen, and that was in 1970 we would reach our maximum oil production, and that after that, no matter what we did, oil production would fall off.

The next chart, if I can have the next chart, the next chart is a quote from one of four different reports that our government has paid for and not totally ignored, but largely ignored. They all say the same thing, by the way. This is from the first of those four reports done by SAIC, a very large, prestigious international engineering science organization. Dr. Robert Hirsch was the principal author of that, so it is frequently called the Hirsch Report. He says here on page 64, "World oil peaking is going to happen."

Now, the same person that predicted that we would peak in 1970, in 1979 predicted that the world would be peaking about now. I have asked myself a question so many times and asked the question to others, if M. King Hubbert was so right about the United States and if he predicted that the world would be peaking about now, wouldn't it have been appropriate to have a plan B, a plan B which recognized that that might happen, and, gee, you better have some contingency plans preparing for it? When I say "we," I mean the world. That is not what we have done.

There is no indication, as evidenced by the behavior of any company or any country, that any of these entities have been doing anything to address the huge challenge that we would have if in fact the world followed the course that the United States so predictably followed, that the world would peak about now. "World oil peaking is going to happen," this report said. "World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. Oil peaking presents a unique challenge," this report says. "The world has never faced a problem like this. There is no precedent in history to guide us," is what this report says. There is no lesson from the past that you can use to guide you as to what you need to be doing to get you through this challenge.

The next chart, this is a chart of data which is compiled by the two leading entities in the world that track the production and consumption of oil. Now, we store a little, very little, in our strategic reserves in this country and some other countries, but, by and large, all the oil we produce is consumed.

"Peak Oil: Are We There Yet?" These two agencies are the IEA, the International Energy Agency, a part of the UN, and the EIA, the Energy Information Administration, a part of our own Department of Energy.

The IEA, the international one, says that for the last 18 months or so we have reached a plateau in oil production. As a matter of fact, just at the end of the line they have drawn through there up and down, because it is not a constant thing, up today and down tomorrow and so forth, it is actually tipping over just slightly. The EIA, the green line, shows that from their data we have been constant and actually a little lower now, but relatively constant in oil production for the last 3 years.

Now, if in fact the world's production of oil has been flat in the last 3 years, and these are the two best recognized entities in the world for tracking this, if in fact it has been flat for the last 3 years and demand has continued to go up, what would naturally happen to oil prices?

Well, oil prices were, what, when they started, $50-some dollars a barrel. Now, they are off the chart now, about $110 today. It has dropped off a little from the $120 of last week. I think that dropoff, Mr. Speaker, is because $120 oil is just plain too costly for a lot of the world and they haven't been able to use it. They just make do with less. So we have some higher reserves than we thought, and the speculators now are speculating that the price of oil will come down for the moment because of these reserves. Of course, $110 oil, the price is off the chart here.

M. King Hubbert predicted in 1979 that the world would be peaking about now. All four of these studies, the first one I mentioned, the SAIC study, the second one, the Corps of Engineers study, the third one, the Government Accountability study, and the fourth one, one done by the National Petroleum Council, and all four of those say essentially the same thing: Peaking of oil is inevitable, absolutely inevitable; that it is either present or imminent, with potentially devastating consequences.

Now, I say again, if M. King Hubbert was right about the United States, and we spent quite some little while looking at that chart, and in spite of everything that we have done, better oil discovery, aggressive pumping of the oil, enhanced oil recovery, and although we drill more wells than the rest of the world put together, M. King Hubbert 's prediction is still true. Today we are producing about half the oil we produced in 1970. He predicted that the world would be peaking in oil production about now. These four studies all said that peaking of oil is inevitable. They didn't know when it would occur.

These data from the EIA and the IEA would lead you to believe, unless this is just a little plateau and it will take off again, and the next chart we will look at, if we can have the next chart now, the next chart will tell us how likely it is that this is just a little plateau and then it is going to take off again.

If you had only one chart to look at, only one chart to use for informing yourself and talking about this subject, this would be the chart. This chart shows in the bars here going back as far as 1930 the discoveries of oil, and, boy, it was up and down. We found some big fields in some of these years, so we got some huge spikes. But notice the general trend of this. Since about 1970 it has been down, down, down, down, and that is in spite of evermore aggressive and better techniques for finding the oil.

Now, if this peak is just a plateau and is going to take off again, then you need to believe that one of two things is going to happen: Either we are going to find very quickly better ways of teasing out from the reserves we are now pumping more oil, or we are going to find more reserves of oil, more big reserves of oil.

☐ 1730

The solid black line here indicates the oil that we have used. And the world was in a very happy position up until about 1980. Every year until 1980, we found more oil, sometimes a lot more oil, than we used that year. If you integrate under this curve, you will get the total volume of oil that we have used. So this area represents the volume of oil that we have used.

Now, ever since about 1980, of course, we have been finding less oil than we use, so now this area here has been filled in by reserves back here. They are still there. We know they are underground. We know we can pump them.

Now, how much more will we find in the future? Most of the experts believe that we have probably found, of conventional oil—we will talk in a few minutes about unconventional oil. Most experts believe that for conventional oil we have probably found 90 percent, 95 percent of all the oil we will find in the future. Those who made this chart suggest that future discoveries will follow a descending curve, ever less and less, as we go further and further into the future, because once you found some oil, then additional oil is more and more difficult to find. Now, this clearly won't be that smooth, it will be up and down, but they are suggesting it will follow a curve much like that.

Now, what will the future look like? What the future will look like will depend upon your perception of several things: How much more oil you think we will find; it will depend upon how aggressive you think we can be in pumping oil. But one thing is certain: You cannot pump oil you have not found.

Now, the way this chart is drawn, it doesn't go clear out until the end, of course; it goes out another 150 years. Every year, and this has been the experience in the United States, less and less oil, harder and harder to get. And now, with the world situation, not true in our country because nobody else made up the deficit for the oil we didn't pump; and so for a long while, even when our oil production was dropping off, oil was still $10 a barrel because other countries could produce it quickly and easily, and they did, so that made up for our shortfall. But that is not going to happen in the future because, as indicated by a prior chart, as indicated by all four of these studies, paid for by your government, delivered to your government, oil is going to peak.

And if the United States is a microcosm of the world, you would reasonably judge that, no matter how aggressive we become, and we have been really aggressive in our country, like drilling more oil wells than all the rest of the world put together, you still are not going to reverse that decline.

So what the future looks like, and you see the oil that you are using here above the amount of oil that you found is going to have to be filled in by reserves from here. You can use your eye and transfer these reserves there and see reasonably what that curve will look like.

The next chart presents a little schematic. Now, I will point out what is quite obvious: That this peak can be made very sharp if I compress the abscissa and expand that ordinate, that will become a very sharp curve. Here, I have spread it out so it is a very gradual curve. This is a 2 percent growth curve. That is about the rate at which the world has been increasing its use of oil. By the way, 2 percent growth doubles in 35 years; it is four times bigger in 70 years; it is eight times bigger in 105 years; it is 16 times bigger in 140 years.

This led Albert Einstein to answer a question asked by someone after we had discovered nuclear energy: What will be the next big energy force in the universe? And his response was: The most powerful force in the universe is the power of compound interest. And, of course, compound interest is compound growth.

This chart shows a 35-year growth period, the yellow. I think we are about here, and peaking is either present or imminent. And most people are looking at avoiding any problems in the future by filling the gap. If this is what you have available and this is what you would like to use, this yellow area represents the gap.

There are a lot of things out there that we can exploit to get some liquid fuels from. In their totality, most of the experts that are really seriously looking at this, in their totality, most people believe that it will be extremely difficult to produce as much liquid fuel as we now are using, let alone filling the gap. I will say that that will not bring us to any calamitous end. We have enormous opportunities for conservation and efficiency.

The other morning as I came into work, I noticed in one of the lanes in front of me a big SUV with one person in it. In the lane right next to them was a Prius with two people in it. Now, the Prius, I have one, we get about 48 miles per gallon. That is at least three times that SUV. Isn't it? So the Prius gets three times the miles per gallon of the SUV; and there were two people in it; so that means that miles per gallon per person was six times better in the Prius with two people in it than it was in the SUV with one person in it. And the Prius is a very comfortable vehicle, and riding with someone else makes the trip to work more enjoyable. So, we have lots and lots of opportunities to increase our efficiency.

The next chart is an interesting one, because there are a lot of people who believe that somehow we are going to find a huge amount of more oil out there. In a few moments we are going to talk about some of these potentials. And there may be a lot out there. But what I am saying is that we really need to have a plan B, because there is nothing that we have done in our country which has avoided the inevitable slide down the other side of Hubbert's Peak that M. King Hubbert predicted in 1956.

This is a chart again from Robert Hirsch, and he gets this from EIA, Energy Information Administration, and they are predicting here in this chart that we will find as much more oil as all the reserves we now know to be able to be pumped.

Most experts believe that the ultimate amount of oil, the total amount that we will pump in the world from the beginning to the end of the age of oil will be about 2 trillion barrels. Here it is 2.2. They are suggesting here that we will find another nearly 1 trillion, because this curve is based on what they call the main or expected value of 3 trillion barrels. Now, that means that they think we are going to find just about as much more oil as all the oil which we now have in reserves which can be pumped.

Now, even if that curve occurs—and this is because of that exponential growth. Even if this occurs, the peak is pushed out from here to 2016. The dotted line, by the way, and I don't know if it is even doable. The dotted line shows what would happen if you would have an aggressive, enhanced recovery and pump it more quickly. It pushes the peak out a little bit, and then you fall off a cliff after that.

This black curve, by the way, you will recognize from the big black curve on the oil chart, remember, with all the bars going up. This is the recession in the 1970s. If it weren't for that—the old saying, it is an ill wind that brings no good. And that ill wind of those Arab oil price spike hikes and the worldwide recession that followed that, that is this dip here, we actually were using less energy for a while, we really looked at our efficiency. And your air conditioner now is probably three times as efficient as it was then. Your freezer, the same thing. If we had not done that, look at this curve, look where it would be, off the chart.

There was a stunning statistic during the Carter years, and that was that every decade we used as much oil as had been used in all of previous history. That is really different now. This slope you can see is very much less than this slope. So this was kind of a blessing in disguise, because it woke us up, and we now have a much lesser challenge than we would have had if we not had those oil price spikes and that little recession in the 1970s and this call to arms that resulted in a lot of equipment that is now a whole lot more efficient.

The next chart is a fairly recent statement by Shell Oil Company CEO van der Veer. By the year 2100, he says, the world's energy system will be radically different from today's. The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of energy demand. And Shell estimates that, after 2015, supplies of easy-to-access oil and gas will no longer keep up with demand. It may be a little sooner than that, as indicated by these curves from the IEA and the EIA. As a result, he says, society has no choice but to add other energy sources.

The next chart is one that kind of puts this in perspective. This looks at the industrial age.

By the way, there is a fascinating speech that was given. If M. King Hubbert's speech was the most important speech of the last century, I think the most insightful speech of the last century would be the speech given by the father of our nuclear submarine, Hyman Rickover, given 51 years ago the 14th day of this month to a group of physicians in St. Paul, Minnesota. If you do a Google search for "Rickover" and "energy speech," it will pop up.

He noted then that we were about 100 years into the age of oil, which—and he uses just beautiful expressions, which he referred to as the golden age. And truly it has been a golden age. And he had no idea how long the age of oil will last; now we have a much better idea. But he made a very important statement. He said that, how long the age of oil lasted was important in only one regard: That the longer it lasted, the more time that we have to plan for an orderly transition to nonfossil fuels.

About 17 months ago, I was privileged to lead a codel of nine Members of Congress to China to talk about energy. Interestingly, they began their discussion of energy by talking about post-oil. Wow, I thought, these people think in terms of generations and centuries.

We are a great country, and a part of our affluence and our greatness is that we have a near-term focus, essential for our business, but I think it would be nice if we had a little longer term view, too. It is hard for our businesses to see beyond the next quarterly report; hard for elected officials to see beyond the next election. But they were talking about post-oil, and what they would be doing and what the world should be doing now and would be doing in a post-oil world.

Well, Hyman Rickover talked about 8,000 years of recorded history, and he said that the age of oil would be but a blip in the history of man. I only have here about 400 years of that 8,000 years; but if you went back to the rest of the 8,000 years, it would be flat because we use very little energy. Here is the industrial revolution beginning with wood; and then we have coal; and, boy, did it take off when we found gas and oil.

This is the same curve that you have seen before, by the way. This is the dip in the 1970s in the lesser slope now. Here, we have compressed abscissa and expanded the ordinate, so now we have a very sharp curb compared to the very gradual one we have been looking in the past.

If I superimposed on this a graph of population growth, it would explode from roughly ½ billion here, following this up almost exactly to the nearly 7 billion people we have in the world today.

This reality, as the next chart shows us, introduces us to a very challenging geopolitical reality. We have 2 percent of the world's reserves; we use 25 percent of the world's oil; we import almost ⅔ of what we use. We pump four times faster than the rest of the world. We produce, from our 2 percent, 8 percent of the world's oil production. So, we are pumping and our more wells than all the rest of the world put together are working. We are pumping down our reserves faster. We represent a bit less than 5 percent of the world's population, one person in 22, and we use ¼ of the world's energy.

The next chart speaks a little more to this geopolitical challenge that we face. If you look at the top ten owners of oil, that is the bar on the right here, it is mostly countries that own it: Saudi Aramco, National Iranian Oil, Iraqi National Oil, and so forth.

□ 1745

And Luke Oil which is kind of private in Russia has only 2 percent. These are the top ten.

If you now look at the top ten producers of oil, they are really big guys: ExxonMobil, Royal Dutch, BP. They produce only 22 percent of the oil. Most of the oil is produced by countries rather than companies.

The next chart speaks further to this geopolitical challenge that we face. This shows what China is doing around the world. The dollar signs indicate where we own some oil. You don't see very many of them here. This symbol indicates where China owns oil, a lot of it in Russia. Notice they have bought up oil all over the world.

The next chart speaks again to this geopolitical challenge that we have. This is what the world would look like if the size of the country was relative to the amount of oil they have. Very interesting. Saudi Arabia dominates the landscape. They should, they have 22 percent, more than a fifth of all of the oil in the world. Iraq, Kuwait, and you have to get a magnifying glass to see the United Arab Emirates on a map. Russia, not a giant compared to the others, but they are an aggressive pumper of oil. I think they are now the number two producer of oil in the world.

Venezuela, it dwarfs our part of the world. Bigger than everybody else in this part of the world, but notice we get most of our oil from Canada. Our third largest producer of oil is Mexico. Together they have about as much oil as we have. Canada doesn't have very many people, and they are too poor in Mexico to use the oil and so they can export the oil. But this speaks again to the geopolitical challenge that we face.

The last chart, I just wanted to look at the sources from which we are going to get liquid fuels. I have argued that because we face this huge challenge in the future, and because it is going to be very difficult to produce as rapidly as we would like to, the liquid fuels to replace what won't be there as we slide down the other side of the world, Hubbert's peak, that it would be nice to have in reserve a little bit of the oil we know that is out there which is why I have not been enthusiastic about drilling in ANWR or offshore or on our public lands.

Maybe it is because I have 10 kids and 16 grandkids and two great-grandkids. And I came to Congress because I was afraid that my kids and grandkids weren't going to live in the same kind of country that I grew up in. I thought we had too much government, it taxed too much, it regulated too much, and it spent way too much. I would just like for my kids and my grandkids and great-grandkids to have the same opportunity I have had, and energy is so important in our world. So I have been resistant to immediately drilling in ANWR and offshore and on our public lands because it is like money in the bank that is yielding huge interest rates. I don't think you ought to rush to the bank and pull it out and spend it. It will be even more valuable later.

We will get a little of this and a little of that. There is no magic bullet out there. I am sure everybody is familiar with what happened with corn ethanol. We are using so much corn for ethanol, it has raised the price of food around the world. Farmers have diverted land from wheat and soybeans to corn. Rice harvests are down. Costco, I understand, will sell you only one bag of rice now.

Mr. Speaker, let me close by saying I am kind of exhilarated by this. There is no exhilaration like meeting and overcoming a big challenge, and I think America is up to this. With leadership, I think we can once again become an exporting country. We have the technology and the know-how. We are the most innovative, creative society in the world. I think when America understands this challenge, they will be up to the challenge, and America will lead the world in moving from fossil fuels to renewables.

I think I will be here a week from today, and what I want to do at that time is spend most of the time talking about realistic expectations from all of these alternative sources of liquid fuels.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to once again start our 30-Something hour. We will be joined later by Congressman MEEK from Florida to talk about the issues of the day and how what has been happening here in Congress affects what is going on to young people, but not limited to just young people in the 30-something bracket, but also to young people in college, young people in their 20s, young people trying to figure out how they are going to make their way in the American economy in the 21st century.

As we know, Mr. Speaker, we have been given many challenges over the past few years here in Congress dealing with many of the issues that face Americans.

Since Speaker PELOSI took over a short time ago, we have been committed, since this Congress was taken over by the Democratic Party, we have been committed to push initiatives that are consistent with the values that we hold dear in the United States of America. We hear a lot of rhetoric about values in this country, but if the policy initiatives that come out of this beautiful building in Washington, DC do not reflect our values, then we are in the wrong business.

And I am proud to say that since we have taken over here, we have shifted course from policies that many Americans believe have taken us in the wrong direction. And many of us still believe, even those of us here think we have made a shift in policy, but it has been difficult with the President to try to get a complete pivot out of the months and months and months and years and years and years of bad policy.

So I think it is important before we talk a little bit about what we have done is to go back and think about what we are trying to come out of, some of the challenges that this country faces. I think it is important to recognize politically that from 2000 until 2006, the Republican Party controlled the House, controlled the Senate, and controlled the White House. They had an opportunity to implement their policy—the neoconservative foreign policy, the conservative domestic policy, the conservative energy policy, the conservative higher-ed policy in America, the conservative "compassionate conservative" agenda on poverty and inequality—has all been implemented.

So when we talk about what will it look like if the conservative agenda is implemented, I think that is a false analysis of what will it look like. I think we know. I think what we are living with here today is the implementation of the conservative Republican agenda. They controlled the House, they controlled the Senate and the White House. The Bush tax policy, the Bush energy policy, all of these things that I have already mentioned have been implemented.

And if you want to know what it looks like, all you really need to do is go to the gas tank. You need to get your health care bill and see what your premium and the costs look like. You need to pull out the stub of your child's tuition. All of these things are the end result of the Republican domestic agenda being implemented here in the United States of America. You may not like it. I know a lot of Republicans, Mr. Speaker, who don't like it, but that is where we are.

And if you look at the financial situation that this country has been put in, the straightjacket that we have been put in that a lot of the changes that the Democratic Congress wants to make that we are at this point unable to make because of the financial position that we have been put in as a country and as a Nation, the fact of the matter is this: President Bush, Mr. Speaker, and the Republican Congresses that were under his watch borrowed more money from foreign interests than every President and Congress before President Bush combined.

Now think about that. In just those few years, President Bush and the Republican Congress borrowed more money from foreign interests than every President and Congress before them combined. The Republican-controlled Congress and President Bush raised the debt limit five times and borrowed $3 trillion primarily from Japan, China, and OPEC countries.

Now you want to talk about a scam going on and a shell game, we have a situation where we are borrowing money from oil-producing countries to basically give us money to go out and buy their oil, or to borrow money from oil-producing countries and from China so we can fund a war at $12 billion a month and put it on the credit card. Now that seems to me the definition of insanity, Mr. Speaker. Three trillion dollars, and this is as simple as your house payment or your car payment. You borrow money and you have to pay interest on it.

So countries like China will get the interest that the United States is paying on the money that we have borrowed, and the Chinese will take that money and they will sink it into developing and industrializing their own economy. And they are putting up nuclear plants so they have nuclear energy. And they are building roads, bridges and industrial parks. And they are funding their military and their navy. That is what they are doing with money that the United States is borrowing from them. And we take the money and we get ourselves into this war in Iraq at $12 billion a month, that is soon approaching a trillion dollars for the cost of the war, and some economists are saying at the end of the war, the grand total will be $3 trillion.

Now from Youngstown, Ohio, and Niles, Ohio, and Akron, Ohio, the folks that I represent are not really comfortable with the United States taking their tax dollars and paying interest on money they are borrowing from the Chinese so that the Chinese can build manufacturing facilities and manipulate their currency and ship the products back to the United States and put American workers out of work.

□ 1800

Now, there's something ironic about what's happening there. And there's really something sick, Mr. Speaker, about what's happening here. And when you look at the polls and you hear people say that 70 percent of Americans think that we're going in the wrong direction, the President has an approval rating of 28 percent, and the other 72 percent do not approve of the job that he is doing, you have to ask yourself, what is wrong? What is wrong? What is going on to have this dramatic breach in the American body politic?

And so, when Speaker PELOSI, and when we ran our elections in 2006 to come and take over Congress in 2007, it became imperative for us to try to pivot and shift this thing in another direction. So one of the issues is make sure that we pay for programs that we have here in the United States. No deficit spending.

Now, we've had problems, especially with the war, because we're committed over there. And it's been very difficult. We've tried to get out.

The President has vetoed every attempt we've ever tried to make. But we're trying to establish public policy in the United States of America that represent our values.

And if you look at what we have pushed coming out of this body, I think most Americans would agree, these are some pretty basic steps that we want to take. First thing we did when we got in is raise the minimum wage. For the first time since 1997, the American worker got a pay raise. It wasn't much. It should be a lot more. But we did what we could. And we said, this is a priority for us. 10 years without an increase in the minimum wage, but health care and energy and all of these other costs are going up for folks. Let's try to lift some people up, reward work. And we did that.

We have switched and tried to repeal the oil subsidies, corporate welfare, many of us know it as corporate welfare. Everyone hates welfare if we're giving it to poor people. They should go to work. They should work. This is America. We should not give welfare. That's the rhetoric that you hear.

But behind the scenes, our friends on the other side and President Bush are very happy to give the oil companies 14 or $15 billion in oil subsidies, in energy subsidies.

Now, can you imagine, and today when you go to the gas pump and you pay $3.50, $3.75, $4 for a gallon of gas. You think you're frosted just filling up the tank. Think about the fact that President Bush said that he will veto any bill that comes out of this House that repeals the $15 billion that's going in corporate welfare to the oil companies.

Now, can you imagine, in this day and age, where Exxon's profits are through the roof, that the President of the United States says he will veto a bill that strips the corporate welfare out?

They're making tremendous profits. And what we have tried to do on the Democratic side, and Speaker PELOSI has tried to do, is to take that 14 or $15 billion away from the oil companies, away from the energy companies, and invest that money into alternative energy research; into wind, into biomass, into solar.

Now, we all know that these alternative energy forms, there's not one silver bullet. There's not one project or product that's going to come out and save us all and be a panacea for the entire United States of America and the world. We know that.

But Americans invent things. Americans make things better. Americans take a challenge and a problem and they fix it, and they solve it. They put the best and the brightest people that we have in this country, and they set a goal.

I'm not going to go do the research. President Bush certainly isn't going to go do the research. We've got a couple of rocket scientists that belong in this body that have been elected by their constituents here that may be able to actually do some of the research. But, for the most part, our job here is to set the public policy and provide the resources and the leadership for the country. And that's what we're trying to do is to say, invest into the Department of Energy, partner with energy companies.

We know you're not going to get rid of oil overnight. Many of us believe nuclear has a major role in what's going to happen here. But the bottom line is, let's make an investment into the United States, into the people, into the human resources that we have here to figure out what we're going to do, and then get the private sector and private enterprise to partner with us to get this thing kicked off.

It is crucial for us to reduce our dependency on foreign oil, crucial because we can extract ourselves from a lot of these political situations that we find ourselves in. In a lot of the global politics that we see and read, if you read between the lines and you think for yourself, you will see that there is some kind of energy component behind this, behind the politics that are going on, the geopolitics that are going on. And if we can become dependent on the Midwest instead of the Mideast, I think this country will remove itself from a lot of the problems that we have had, and we could help move this country forward. And that's what we are committed to doing here in the United States.

And just today, or yesterday, out of the Education Committee, GEORGE MILLER, who's the Chair of the committee, they passed an authorization, I think, of $6 billion, if I remember correctly, to help schools, new schools. There'll be a formula to make sure that the school is green. So now, you're providing some leadership for the companies that will provide the products for a school or a building to become green. There'll be a little bit of a stimulation.

And I want to tell one quick story that I found interesting. We have a gentleman here in Congress, his name is JIM OBERSTAR, and he's the Chair of the Transportation Committee. He's been here since the late 1970s.

And I may miss a few of the facts here, but the point can be made that in the late 1970s, when he was a Member of Congress, and President Carter was in, he was trying to—the solar panel, there was some money put into the Department of Energy to research and develop alternative energy sources. And something popped out of that, it was called the solar panel.

And Mr. OBERSTAR had a piece of legislation that said we need to retrofit all Federal office buildings in the United States with solar panels. And by the Federal Government coming in and buying the solar panels, it will stimulate the solar panel market because the Federal Government is such a big consumer, and just like buying pens and everything else, and it will drive the cost down of the solar panels. So that was in 1977, 1978.

In 1980, when President Reagan came in, he completely eliminated that part of the Department of Energy that was providing that research and, basically, nothing happened. And he has now went from a rank and file member; Mr. OBERSTAR is now the Chair of the Transportation and Infrastructure Committee. So he now has this bill that he reintroduced, told his staff to go back and get his notes from 30 years ago about what he wanted to do with solar panels.

Now, can you imagine how far behind the 8-ball we are? When you look at production of solar panels, it used to be an industry that the United States excelled in and that we had a great share of the solar panel market in the early 1990s. But now, we have been surpassed because we have not made the investments.

And I'm not here, Mr. Speaker, Mr. MEEK, to say that government somehow has all the answers. But we do have a role to play in stimulating the economy, Mr. MEEK. And when we do that, we will allow the private sector to come in.

So we need to do what we need to do with alternative energy research. We need to do what we need to do with high speed rail. We need to do what we need to do with broadband access. These are the things that government has a role in, infrastructure, education, health care. These are the things that we need to invest in. And that's what we've been trying to do in the area of health care.

One of the things that, I mean, you can't really find a better example or illustration of a difference in values from Speaker PELOSI and President Bush on this one issue. It's the issue of state, the State Children's Health Insurance Program. When we came in, one of Speaker PELOSI's priorities was to provide leadership and resources for the State Children's Health Insurance Program.

This is a program that would provide health care, Mr. MEEK, for 10 million children of modest income, didn't quite qualify for Medicaid, middle class kids, middle class families struggling to provide health care. This was to fill that gap. Bipartisan support here in the House, and in the Senate, tremendous support.

So it passed the House, passed the Senate, President Bush vetoed it. Now, can you imagine where your priorities are when you're willing to spend $12 billion a month in Iraq, and you won't sign a children's health care bill to provide health care for middle class citizens at $35 billion over 5 years?

But you'll spend 12 billion a month in Iraq and not even ask a question as to where the money's going. There's billions of dollars that are lost in Iraq, nobody knows where they are, Mr. Speaker. Nobody knows where that money is.

And we struggle to find $35 billion to provide health care for modest income families. That investment that, at the end of the day, will probably save us billions of dollars because these kids won't go right to the emergency room. They'll have some preventative care. That will save us money in the long run. And the President vetoed it. And he vetoed it.

And in the Senate, 80 Senators overrode the veto. But in the House, we could not override the veto because a handful of Republicans on the other side were committed to support the President in his position.

Now, can you imagine that? In the wealthiest country in the world, the dominant super power, we can't scrape up $35 billion over 5 years to provide health care for middle class kids?

And the President thinks he's taken a stand on this issue and saying he's fiscally responsible, after running up $3 trillion in debt, borrowing it from Japan and China and OPEC countries?

When you're deciding on where your philosophies are, what your values are, this is the issue. This is the defining issue. Health care for kids, $12 billion a month in Iraq. Tax cuts for people who make billions of dollars a year, health care for kids?

This is clear. And our job, as representatives of the people, Mr. MEEK, and I'll kick it to you here in a second, is to make sure that we bring some equity into this system.

And I will say this. The investments that we have made, or tried to make on SCHIP, the minimum wage, alternative energy, the fact that we did pass, and the President did sign a $1,000 increase in Pell Grants over 5 years, for students, and we cut the student loan interest rate in half, from 6.8 percent to 3.4 percent. So if you are going out trying to borrow for your kids, your interest rate is cut in half.

Those are the priorities that we push every day here on this House floor. Those are the priorities that are going to lead to an expansion of our economy.

We only have 300 million people in this country, Mr. MEEK. There's 1.2 or 1.3 billion in China, 1.2 or 1.3 billion in India. We only have 300 million. And the philosophy of our party is to make sure that we invest into those 300 million people, to make sure they're educated and they're healthy. And I feel like if we make sure our kids are educated and healthy, that most everything else will take care of itself.

□ 1815

That's where we are. That's the agenda we're pushing.

Mr. MEEK, I appreciate the fact that you're taking time away from your busy schedule and family to come down here, and I would like to yield to my very good friend from Florida.

Mr. MEEK of Florida. Well, Mr. RYAN, I want to thank you for sharing not only thoughts about the Members, but also reminding them of the work that has been done and work that needs to be done here on this house floor.

I can tell you, Mr. RYAN, that it's very frustrating at times to hear and see some of the finger pointing that goes on not only here under the Capitol dome, but here in Washington, D.C. The work that this 110th Congress has done overshadows the work of the 109th Congress as it relates to accomplishing things on behalf of the American people. And I am very concerned about the fact that Members seem to get a little amnesia on how we got to where we are now.

Last week, I had a chart on the floor here. I don't know what happened to it. I'm not accusing anybody of anything. But I was driving the point home of the colleagues on the other side about gas prices and writing the Speaker a letter saying, What are you going to do? You promised a year ago that you would do something about it. What are you going to do? What are the Democrats going to do? The Republican leadership wrote, We stand firm to be with you as it relates to doing something about energy prices or gas prices.

And it's interesting because these are the individuals who, especially on the Republican side, were a part of supporting and standing up the 2001 plan and the meeting that took place in the White House with Mr. CHENEY and a number of energy companies, which I think was one of the most profitable meetings for the oil industry because they have just hand-over-fist made money since that meeting. And even today I think it was projected or it was announced that it's another record-breaking quarter for oil companies while Americans pay through the nose and small businesses pay through the nose for fuel.

I couldn't help but be on I–75 in Florida on my way back to Miami from St. Petersburg about 3 weeks ago and stopped at a Pilot gas station. And I was driving my uncle's truck, and the guy asked for my ID and credit card and all of those things. And I said, Goodness. I had to give my ID. I was paying with cash. I said, This is interesting. I am paying with cash and I have to show you my ID.

He said, Well, sir, we have had an uptick in truckers in filling up and pulling out without paying. I said, Wow. That's interesting. I mean with all of the tags and identifying markers identifying the company or the private-owned companies. And he said, I can tell you something—of course, he saw me and didn't think that I was anything like a congressman or anything—but he said, Times are hard out there. I mean, these guys, they can't afford to fill up their truck and make a profit and be able to support their family. Not justifying it, but he said, The higher gas goes, the more protection that soon we're going to have to have someone out there getting tags or doing some sort of check to make sure that they actually put in the amount that they paid for.

Saying all of that, that's the reason why, during the self-service days: Pay first, then pump.

I'm saying all of that to make the point that times are hard out there. We know. Bread is $3 a loaf. We know this. The fact that rice, even if you go to Costco now you can't buy a 50-pound bag of rice. I mean, it's like being rationed, in a way. And just the price of food all over the world has really exploded.

Saying all of that, Mr. RYAN, I think that when we start looking at our work here in Congress, now more than ever, Members, we have to hold first the American people and their will, we have to hold that as our number one priority.

Now, let me just mention just a few things, Mr. RYAN, because I'm not going to try to get excited on this issue today because if I do, I may miss something. And I don't want to miss anything because the points have to be made.

And I think it's important, Mr. RYAN, as we look at this, and Members, Mr. Speaker, that when we look at the work that has been done in this Congress this week, sending four key bills to the President for his signature, and we really don't have a lot of time to wait and see if he's going to do something because when you look at it, you have to look at the highway bill, the bill that allows competition for important highway and transit projects outlined in the 2005 highway bill which will help promote 40,000 new good-paying American jobs in transportation and construction. I think it's important that people understand that this bill will help stimulate the economy versus slow it down. It's important that the President signs this.

When you look at the other pieces of legislation that have passed, these are bills that are key bills, ensuring continuing access to student loans, the Student Loan Act. This is a critical bill that provides students and families with continued uninterrupted access to Federal guaranteed student loans. We're talking about not only this generation but the next generation and working families being able to afford higher education.

Traumatic Brain Injury Act of 2008. It comes down to many of our men and women that are in uniform over in Iraq and Afghanistan with explosions that take place and the fact that many of them are affected by the blasts that take place with these IEDs. They will join some 5.3 million Americans that are affected here at home by the same thing. And the Congress has passed this to provide the kind of funding that's needed so they can get the treatment that they deserve. We look forward to the President signing it.

But as we look at issues such as energy and fuel, I think it's important that we talk about some of the things, Mr. RYAN and Mr. Speaker, and I know you mentioned something about this whole gas thing because this is hitting home for many of us.

The Speaker, last week, called on the President to suspend the purchase of oil for the Strategic Petroleum Reserve temporarily. When you look at this issue, you have to look at it from the standpoint of bringing gas down. What the Speaker has asked for would actually bring the gas prices down to 5 to 24 cents a gallon. This is a critical first step, Mr. Speaker, towards bringing gas prices down so the American people can hopefully afford to put gas in their tanks and small businesses.

I met with some independent franchise owners of KFC and Taco Bell establishments, and they were talking about the cost of food and ingredients. One gentleman told us about the fact that his sales are down because American people cannot afford to go into, what you may call these restaurants where you can get a meal under $10, they can't afford to do it as often as they have done it before. Hopefully, the checks and the stimulus package will be able to assist. Not only we're not talking about going out and buying a meal but to be able to provide for their families will help stimulate this economy to help drive down the cost of food and the costs that many small businesses need to survive.

Now, I think it's also important, Members, that we look at it from another standpoint, a standpoint of what farmers are having to look at.

We had a hearing here on Capitol Hill today that talked about food versus fuel, and the price of food costs, how are we going to bring a balance between biofuels and how we're going to feed the American people in the world through our crops that are here. And that's going to be an interesting discussion, especially as we start looking at shifting from the Middle East and investing in Middle Eastern countries as it relates to energy versus the midwest. And we talked about that, Mr. RYAN and I talked about that a lot the previous two Congresses.

But when we started looking at legislation and ideas that will give American people relief now, I think it's important that we look at the letter that the Speaker sent regarding the Strategic Oil Reserve that will bring the price of gas down 5 to 24 cents.

I think it's also important to look at measures that we have passed here in Congress and that many of our friends on the other side of the aisle seem to be standing up in the middle, which we call the "policy door," not allowing us to be able to send good pieces of legislation to the President without the President knowing that he has enough Republicans on this floor to withstand an override.

Now, there were four bills, and I'm going to turn it back over to you, Mr. RYAN, which was an OPEC bill that we passed that was dealing with—well, a NOPEC bill was dealing with not allowing OPEC oil companies to be able to price gouge Americans, and it allowed the Justice Department to carry out even more enforcement efforts against these, what we call, cartels.

Price gouging, also renewable energy and the Energy Security Act, a number of our Republican colleagues on the other side, as you can see this piece of paper here, voted "no." And I think it's important, especially amongst the leadership, it's important that we no longer have that kind of activity going on when the American people are looking for some relief and looking for some enforcement.

Something is not right. Something is not clean in the milk. Something doesn't smell right when it comes down to why gas continues to go up and up and up.

And it's amazing. There's an uproar about gas, and then it will go down for a minute, then it will be back up some 20 to 15 cents a gallon on top of what it used to cost.

So I think, Mr. Speaker and Members, we need to pay very close attention to what is happening on this energy issue but also pay attention to what is getting done. And we're doing a lot here. We've seen a lot.

We've sent a lot of good legislation to the President. We hope the President will sign the legislation versus vetoing to make a point that is pointless when it comes down to the forward progress of the American people.

Mr. RYAN of Ohio. When you look at what the Speaker has been asking the President to do now for weeks, possibly months, to suspend filling the Strategic Petroleum Reserve, we have this reserve in the United States that a certain amount of barrels of oil go in a day. And this is to make sure that in case of a crisis, we have oil for national defense purposes and so forth. This is oil that's going in every day.

The Speaker, based on the history and what the experts and the economists are telling us, is that if you divert that oil that's going in to the petroleum reserve and you allow that oil to be purchased on the market, that it will drive down the cost of oil.

□ 1830

And this will lead to a savings at the pump of about 25 cents per gallon because there will be an increase in the supply of oil in the market and it will drive the cost down.

Now, we're not sitting here saying that this is the magic wand we're going to waive and everything's going to be fine. But what we are saying is, when you implement this and you take some of the pressure off, you can save almost $6 a barrel and 25 cents at the pump. So if you are a truck driver, Mr. MEEK, 25 cents, when you're putting 20 or 30 gallons in, adds up when you're spending your life driving. And throwing the kids in the back of the mini van or filling up the truck and going back and forth, this is a significant savings. And the Speaker has been pressing the President to make this move and put this oil back into the market, Mr. MEEK, but hasn't had any success at all.

I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, I agree with everything you just said, outside of throwing the kids in the back of the mini van; us parents, we don't do that.

But let me just say real quickly that we look at common sense and we look at the needs of the American people. They want to know what's happening. Every time they look at that gas price board that's in front of the gas station they're thinking about, who's running the government? They're thinking about, who's overseeing this? Who's in a magic room somewhere pushing up these gas prices? And I think it's important that we understand that it's bigger than a debate, that this is really dealing with folks having to park their car. This is dealing with folks who are going through some real hard times. And we have to make sure that we stand up for them.

Now, the President may wait a little while and say, well, I'm not going to do what the Speaker asked to do, suspending filling the Strategic Reserve, I'm not going to do it. Maybe he may do it now, I don't know. The first quarter report has come out on the oil revenues. Maybe that may happen, I don't know. I'm not saying that that's the motivation, I'm just saying that the American people need some relief and they need it now. And hopefully they will be able to get it sooner than later because we're having folks, from rising food costs, rising energy costs, finding themselves in a situation where they can't even afford to drive to work or to get their children to school.

Also, Mr. RYAN, as I spoke before about our friends on the other side of the aisle, our Republican leadership, we definitely want them to work with us as it relates to driving these energy costs down and then going after the individuals that may have something to do with jacking up the price on the American people. Last week, I talked about the fact that a gallon of gas in Iraq costs, I believe it was between $1.30 and $1.55. Here in the United States, it costs a lot more. And we all know what those costs are, people are reminded every day when they have to go to the pump. I have constituents that are putting something on it every day. When I say "putting something on it," they can't afford to fill their whole tank up. They're putting in $5, $6, whatever the case may be, and just getting less than a gallon and a half of gas because that's all they can afford. And especially for those individuals that have stepped over their budget, taking the credit card out, filling it up with a credit card. That soon adds up because it's not within their budget to pay the $24 or the $50 they have to pay on these credit cards.

But I go back to say that fuel in Iraq is a lot cheaper than it is here in the United States. And the U.S. military is spending in the neighborhood of $3 and change in filling a gallon of gas in the same country. So when we start looking out how we're helping Iraq and how Iraq is assisting and appreciating our help, we also have to look at the difference and the disparity in the cost of gas between what our troops and civilian personnel have to pay for a gallon of gas there and what everyday Iraqis pay.

So when we look at it from the big picture, Mr. RYAN, we have to look at it from the executive branch level. And I think it's important that the President looks at all of this and takes it all into consideration. But we do need some action.

We talk about a commonsense approach—I said it earlier, I'll say it again—on the No Oil Producing and Exploiting Cartels Act, I think it's important that we see the passage of H.R. 2264 that has passed this House. And the Republican leadership has voted against. When you look at the Energy Price Gouging Act, you have to look at it for what it's worth. And this legislation will reduce the burden of rising gas prices on American families by providing immediate relief to consumers by giving the Federal Trade Commission authority to investigate and punish those who artificially inflate gas prices. I mean, I want that, I want it bad to be honest with you, because I think it's important that if we have these commissions and we have those enforcement agencies, give them what they need.

Right now, as far as I'm concerned, the Federal Trade Commission is like a police officer in a high-crime area without a weapon. And I can tell you, there will be no real enforcement there if they don't have the tools that they need to be able to enforce the law when it comes down to it.

Renewable Energy and Energy Conservation Act of 2008, H.R. 5351, very important piece of legislation. The bill has ended unnecessary subsidies to oil companies in which we're investing in clean and renewable energy. And I think it's important that Americans understand, and also, Mr. RYAN, that every Member of Congress understand, that none of the legislation that I've mentioned thus far would have seen the light of day if it wasn't for the 110th Congress and it wasn't for Democrats allowing it to come to the floor.

Mr. RYAN of Ohio. Absolutely. And I think you've made some great points, Mr. MEEK.

I just would like to say that, if you listen to some of our friends on the other side talk about gas prices, here is a party, Mr. Speaker, and an administration for 6 years—and the President and the Vice President being oil men—not doing a thing on energy, dependence on foreign oil, so on and so forth, to somehow accuse the Democrats of not addressing the issue, and completely oblivious to the fact that we're the ones passing legislation to crack down on price gouging, Mr. MEEK. We're the ones that are passing legislation to hold OPEC accountable for price fixing. It's the Democratic Party that's repealing the subsidies to Big Oil so that we can take that money and invest it into alternative energy sources. It's Speaker PELOSI that's calling on the President to take the barrels of oil that are going into the Strategic Petroleum Reserve and put those in the market to drive down gas by a quarter, that's something easy we can do. But it is the President and the Republican Congress, Mr. Speaker, that have consistently vetoed these bills or put the kibosh on them in the Senate, blocking lower prices every step of the way.

And if you look at what we have done here, pushed by the Speaker, to have fuel efficiency standards being raised for cars and trucks, we will reduce oil consumption by 1.1 million barrels per day in 2020. This is forward-looking. This is something that will save consumers between $700 and $1,000 at the pump in 2020. Now, we know that's not addressing the issues today. We're talking about the Strategic Petroleum Reserve. We're talking about cracking down on OPEC. We're talking about cracking down on price gouging that may be going on in the United States and our local communities. These are the short-term issues. And each one has been opposed by the Republicans and has been opposed by the President of the United States.

So when you ask the folks at home, Mr. Speaker, what the Congress has done, the answers are here. And if anybody wants to know what they are, they can go to the Speaker's Web site. Trying to stop price gouging at the pump, price manipulation from OPEC, divert the oil that's going into the Strategic Petroleum Reserve, that's what we're trying to do here. Repeal the subsidies for Big Oil and put that money and invest it in alternative research. Mr. Speaker, these are the policies of the Democratic Congress. And each one of those has been opposed by the Republican Party and opposed by the President of the United States, period, dot, Mr. MEEK; period, dot.

So let there be no mistake, when common sense tells you we have a couple of oil barons running the executive branch, Mr. Speaker, and the Democrats are trying to push these initiatives to provide some relief for the common good and the common folks that we represent and it's opposed by the Republicans and opposed by this administration, it's important for us to set this record straight, Mr. MEEK.

So as we begin to wrap up here, Mr. MEEK, I would like to yield to you.

Mr. MEEK of Florida. Well, Mr. RYAN, I look forward to next week. I look forward to the hearings that will take place under the Dome. Again, democracy will reign. We will be able to continue to move in this new direction that the American people want us to move in.

Mr. RYAN of Ohio. What's wrong with that?

Mr. MEEK of Florida. Nothing wrong with that at all.

And I also believe, Mr. RYAN, that through the hard work of not only the staff here that provide us with not only the information that we use to fight on behalf of the American people, but also when we go back to our districts, what we hear from our constituents, we give them voice, we are them. We are representatives of the various parts of the country that we're from, and it's important that we bring that level of frustration here.

Speaking of small business men and women, they own a pick-up truck or an SUV, we hear from them, Congressman, it cost me $105 to fill my truck up. And they're still trying to sell their products for the same price, just a little bit more. Everything is going up, up, up, and they're getting priced out. And I think it's important, even from my neck of the woods in Florida, where you have bagel shops, some of them have gone so high up on bagels because of the cost and folks can't afford them.

So when you look at it, this is a major, major issue and every American is being touched by it, especially for those middle class families and for those individuals that are what we call our working poor. And so, Mr. RYAN, every day we come to the floor I think it's important we give light to that.

I also want to give the numbers on Iraq, as I always do. As of today, May 1, in Iraq, the total deaths are 4,064. The total number wounded in action and returned to duty, 16,567. And total number wounded in action not returning to duty is 13,344. Mr. RYAN, you know, every time I come to the floor I like to read that into the RECORD so that Members will understand our responsibility of trying to bring the super majority of our men and women home.

One last point, Mr. RYAN. I think that when we look at this issue called public service, and I'm speaking to all of the Members, we have to look at it from the standpoint that we're only here for a short period of time. Less than 11,000 Americans have actually had an opportunity to serve in this U.S. Congress. And every day Members should take the responsibility to treat it as though it is their last day to serve and not put something off for another day or another week or another month, because there are people out there that are counting on us and depending on us, as it relates to bringing about health care to their children, bringing down these fuel costs and energy costs, and also making sure that we're able to stimulate this economy in the right way.

So with that, I would yield back to Mr. RYAN.

Mr. RYAN of Ohio. Well, I appreciate that. And you brought up those who are serving here. And I think it's worth noting that the veterans measure, another initiative that the Democrats have tried to push for a new G.I. Bill, for free college for our vets, opposed by Defense Secretary Gates, opposed by the administration. This is an opportunity for us to thank those men and women who are serving our country to say, when you get out, you're going to have free college tuition anywhere in the country. And I think that's a small gesture.

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And once again, I think the President and our friends on the other side are out of step with what the American people think we should be doing. It's one thing to wave the flag, and it's another thing to put your money where your mouth is.

So, Mr. MEEK, I want to thank you for the opportunity to join you here on this beautiful Thursday evening in Washington, D.C., and I look forward to coming down here with you next week and continuing to make the case for the programs that Speaker PELOSI and Majority Leader HOYER and Mr. CLYBURN and RAHM EMANUEL and JOHN LARSON are pushing in our caucus. These are the issues that we care about and we're going to continue to push.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1760. An act to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2954. To amend Public Law 110-196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes

p.m.), under its previous order, the House adjourned until Monday, May 5, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6360. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-359, "Electronic Mail Public Record Clarification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6361. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-359, "Electronic Mail Public Record Clarification Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6362. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-360, "Compliance Unit Establishment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6363. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds — received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6364. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — HUMAN RESOURCES MANAGEMENT IN AGENCIES (RIN: 3206-AJ92) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6365. A letter from the Assistant Secretary —— Fish, Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — Public Access, Use, and Recreation Regulations for the Upper Mississippi River National Wildlife and Fish Refuge (RIN: 1018-AV43) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6366. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG86) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6367. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH07) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6368. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH13) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6369. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG59) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6370. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation [Docket No. 071030628-8482-02] (RIN: 0648-AV84) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5579. A bill to remove an impediment to troubled debt restructuring on the part of holders of residential mortgage loans, and for other purposes; with an amendment (Rept. 110–615). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5818. A bill to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs; with an amendment (Rept. 110–616). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of April 30, 2008]

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than May 22, 2008.

[Submitted May 1, 2008]

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than June 6, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOWNS (for himself, Mr. King of New York, Mr. Frank of Massachusetts, Ms. Waters, and Ms. Velázquez):

H.R. 5937. A bill to facilitate the preservation of certain affordable housing dwelling units; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. Smith of Texas, Mr. Scott of Virginia, and Mr. Gohmert):

H.R. 5938. A bill to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes; to the Committee on the Judiciary.

By Mr. CARSON:

H.R. 5939. A bill to amend title 38, United States Code, to extend the time limitation for the use of entitlement to educational assistance under the Montgomery GI Bill for certain persons actively pursuing a qualifying educational degree or certificate; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. Hall of Texas, Mr. Baird, Mr. Ehlers, Ms. Eddie Bernice Johnson of Texas, Mr. Sensenbrenner, Mr. Udall of Colorado, Mr. Smith of Texas, Mr. Wu, Mr. Bartlett of Maryland, Mr. Miller of North Carolina, Mr. Lucas, Mr. Lipinski, Mrs. Biggert, Ms. Giffords, Mr. Akin, Ms. Hooley, Mr. Neugebauer, Mr. Rothman, Mr. Inglis of South Carolina, Mr. Wilson of Ohio, Mr. McCaul of Texas, Mr. Mario Diaz-Balart of Florida, Mr. Gingrey, and Mr. Bilbray):

H.R. 5940. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Science and Technology.

By Mr. FOSTER:

H.R. 5941. A bill to amend title 10, United States Code, to authorize taxpayers to designate a portion of their income tax payments to a National Military Family Relief Fund to be used by the Secretary of Defense to assist the families of members of the Armed Forces who are serving in, or have served in, Iraq or Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. Burgess, Mr. Waxman, and Mrs. Blackburn):

H.R. 5942. A bill to ensure the continued and future availability of lifesaving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, emergency needs, and information technology; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 5943. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives; to the Committee on Science and Technology.

By Mr. PUTNAM (for himself, Mr. Wilson of South Carolina, Mrs. Drake, Mr. Kline of Minnesota, and Mr. English of Pennsylvania):

H.R. 5944. A bill to amend titles 10 and 36, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5945. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the Washington Family Legacy Lands of Jefferson County, West Virginia, as part of Harpers Ferry National Historical Park or designating the lands as a separate unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. WALZ of Minnesota, Mr. OBERSTAR, Mr. CUMMINGS, Mr. FILNER, Mr. JEFFERSON, Mr. WATT, Ms. WATSON, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Ms. BALDWIN, and Mr. KAGEN):

H.R. 5946. A bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration; to the Committee on House Administration.

By Mr. KING of New York (for himself, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. REYNOLDS, and Mr. KUHL of New York):

H.R. 5947. A bill to amend title 38, United States Code, to establish a returning soldiers' bill of rights; to the Committee on Veterans' Affairs.

By Mr. LAMPSON:

H.R. 5948. A bill to amend section 274 of the Immigration and Nationality Act to increase penalties for unlawfully bringing in and harboring aliens with prior felony convictions under Federal law; to the Committee on the Judiciary.

By Mr. LATOURETTE (for himself and Mrs. MILLER of Michigan):

H.R. 5949. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel; to the Committee on Transportation and Infrastructure.

By Ms. ZOE LOFGREN of California:

H.R. 5950. A bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI:

H.R. 5951. A bill to implement a safe and complete streets program; to the Committee on Transportation and Infrastructure.

By Ms. SCHWARTZ:

H.R. 5952. A bill to amend the Internal Revenue Code of 1986 to authorize tax credit bonds for capital improvements for police and fire departments; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DICKS, Mr. MCDERMOTT, Mr. INSLEE, Mr. BAIRD, and Mr. LARSEN of Washington):

H.R. 5953. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. REHBERG):

H.R. 5954. A bill to amend title 38, United States Code, to provide veterans for presumptions of service connection for purposes of benefits under laws administered by Secretary of Veterans Affairs for diseases associated with service in the Armed Forces and exposure to biological, chemical, or other toxic agents as part of Project 112, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. KLINE of Minnesota, Mr. TIAHRT, Mr. CHABOT, and Mr. BARTLETT of Maryland):

H.R. 5955. A bill to provide for comprehensive health reform; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 5956. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUTTERFIELD:

H. Con. Res. 339. Concurrent resolution expressing the sense of Congress regarding the necessity to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California:

H. Con. Res. 340. Concurrent resolution to make technical corrections in the enrollment of the bill H. R. 493; considered and agreed to.

By Mr. BOUSTANY:

H. Res. 1168. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. TOWNS, Mr. MEEK of Florida, Mrs. MALONEY of New York, Mr. HINCHEY, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. HONDA, Mrs. CHRISTENSEN, Mr. RANGEL, Ms. SUTTON, Mr. PAYNE, Mr. COHEN, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. BORDALLO, Mr. KUCINICH, Mr. JEFFERSON, Mr. MICHAUD, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. DAVIS of Alabama, Mr. WYNN, Mr. HASTINGS of Florida, Mr. FATTAH, Ms. WATSON, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. RUSH, Mr. BACA, Mr. CLYBURN, Ms. ZOE LOFGREN of California, Ms. SCHAKOWSKY, Mr. WATT, and Mr. JOHNSON of Georgia):

H. Res. 1169. A resolution expressing the sense of the House of Representatives that the United States should become an international human rights leader by ratifying and implementing certain core international conventions; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H. Res. 1170. A resolution commending Indiana Secretary of State Todd Rokita for his leadership and dedication to protecting the integrity of the election process and increasing voter confidence in all of our elections; to the Committee on House Administration.

By Mr. KING of Iowa (for himself and Ms. HERSETH SANDLIN):

H. Res. 1171. A resolution congratulating the on-premises sign industry for its contributions to the success of small businesses on the occasion of its 62nd Annual International Sign Expo; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. HINCHEY, Ms. SUTTON, Mr. ISRAEL, Mr. BISHOP of New York, and Mr. MICHAUD):

H. Res. 1172. A resolution recognizing and honoring the Firefighter Cancer Support Network; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

260. The SPEAKER presented a memorial of the House of Representatives of the State of Rhode Island, relative to House Resolution No. 8049 urging the Congress of the United States to appoint an independent counsel to investigate the prisoner of war-missing in action issue; to the Committee on Armed Services.

261. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 24 memorializing the Congress of the United States to enact legislation requiring annual publication of a list disclosing companies planning or currently in the practice of outsourcing U.S. jobs to other countries; to the Committee on Education and Labor.

262. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 7 urging the Congress of the United States to take action to help stop children and employees from accessing Internet pornography and to request that legislation be enacted to facilitate a technology-

based solution that allows parents and employers to subscribe to Internet access services that exclude adult content; to the Committee on Energy and Commerce.

263. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 6 urging the Congress of the United States and the Department of Health and Human Services to allow resident advocate groups in Idaho and industry representatives to negotiate on how to improve the survey process in skilled nursing facilities in Idaho; to the Committee on Energy and Commerce.

264. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 38 memorializing the Congress of the United States to take such actions as are necessary to call a convention for the purpose of proposing an amendment to the United States Constitution to include the Posse Comitatus Act as a consitutional prohibition; to the Committee on the Judiciary.

265. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 165 memorializing the Congress of the United States to reverse cuts to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

266. Also, a memorial of the Senate of the State of Rhode Island, relative to Senate Resolution No. 2899 urging the Congress of the United States to appoint an independent counsel to investigate the prisoner of warmissing in action issue; to the Committee on the Judiciary.

267. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 39 memorializing the Congress of the United States and Louisiana's congressional delegation to take such action as are necessary to provide the state of Louisiana with one-hundred-year flood protection; to the Committee on Transportation and Infrastructure.

268. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 22 memorializing the Congress of the United States and Louisiana's congressional delegation to take such actions as are necessary to ensure that sufficient funds are appropriated to provide a one hundred percent federal share of the costs necessary to construct one-hundred-year flood protection for southeast Louisiana; to the Committee on Transportation and Infrastructure.

269. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 13 requesting the Government of the United States establish a funding program to defray the safety equipment and engineering costs incurred by local communities to establish "quiet zones" along light rail lines operating on railroad freight tracks; to the Committee on Transportation and Infrastructure.

270. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1009 urging the Congress of the United States and the Department of Energy to make any changes necessary to reverse the decision that resulted in the dismantling and abandonment of FutureGen; to the Committee on Science and Technology.

271. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 23 urging the Congress of the United States ensure adequate funding for veterans' health care and to express gratitude to veterans for sacrifices made while serving in the United States Armed Forces; to the Committee on Veterans' Affairs.

272. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 11 memorializing the Congress of the United States and the Commissioner of the Internal Revenue Service to take action to provide that refundable credits received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments on their homeowner's insurance premiums because of the unprecedented damage and destruction of homes in the recent hurricanes shall not be considered as income for federal tax purposes; to the Committee on Ways and Means.

273. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 25 urging the Congress of the United States to support the Korea-United States Free Trade Agreement; to the Committee on Ways and Means.

274. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Resolution No. 7 urging the Congress of the United States to support, work to pass, and vote for the immediate and permanent repeal of the federal estate tax; to the Committee on Ways and Means.

275. Also, a memorial of the Legislature of the State of Mississippi, relative to Senate Concurrent Resolution No. 556 urging the President of the United States and the Congress of the United States to support passage of the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Natural Resources.

276. Also, a memorial of the Legislature of the State of New York, relative to a Legislative Resolution urging the New York State Congressional delegation oppose S. 40/H.R. 3200; jointly to the Committees on Financial Services and the Judiciary.

277. Also, a memorial of the House of Representatives of the State of Mississippi, relative to House Resolution No. 66 urging the Federal Government to withdraw water from the Gulf of Mexico for the Strategic Petroleum Reserve; jointly to the Committees on Energy and Commerce and Natural Resources.

278. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution expressing the most forceful and firmest repudiation of the House of Representatives of Puerto Rico to the highly discriminatory expressions of Congresswoman Virginia "Ginny" Brown-Waite from the 5th District of Florida regarding the inclusion of the U.S. Citizens residing in Puerto Rico in the bill for economic stimulus that is presently being considered by the United States Congress; jointly to the Committees on Ways and Means and Financial Services.

279. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 306 memorializing the Congress of the United States to pass and the President of the United States to sign the Foreclosure Prevention Act of 2008; jointly to the Committees on Ways and Means, Financial Services, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. PLATTS.

H.R. 154: Mr. CARSON.

H.R. 405: Mr. CARSON.

H.R. 506: Mr. CARSON.

H.R. 583: Mr. MURTHA.

H.R. 686: Mr. CARSON.

H.R. 724: Mr. BROUN of Georgia.

H.R. 748: Mr. MCGOVERN, Mr. CARSON, Mr. JEFFERSON, Mr. PASCRELL, Mrs. CAPITO, and Mr. BERMAN.

H.R. 895: Mr. KNOLLENBERG.

H.R. 948: Mr. CARSON.

H.R. 971: Mr. SOUDER.

H.R. 1000: Mr. SKELTON, Mr. STUPAK, Mr. CRAMER, Mr. MARSHALL, Mr. MCNULTY, and Mr. HOYER.

H.R. 1014: Mr. CARSON and Mr. LEWIS of Georgia.

H.R. 1023: Mr. SARBANES, Mr. MILLER of North Carolina, Mr. ROSS, Mr. ELLSWORTH, and Mr. JOHNSON of Illinois.

H.R. 1032: Mr. GUTIERREZ.

H.R. 1063: Mr. WHITFIELD of Kentucky and Mr. EVERETT.

H.R. 1072: Mr. CARSON.

H.R. 1076: Mr. ELLSWORTH.

H.R. 1078: Mr. CARSON.

H.R. 1103: Mr. ANDREWS.

H.R. 1108: Mr. CARSON.

H.R. 1172: Mr. WOLF.

H.R. 1185: Ms. WASSERMAN SCHULTZ, Mr. CANTOR, and Mr. LEWIS of Georgia.

H.R. 1192: Mr. CARSON and Mr. KLEIN of Florida.

H.R. 1232: Mr. SHAYS.

H.R. 1238: Mr. CARSON.

H.R. 1282: Mr. CARSON.

H.R. 1343: Mr. CARSON.

H.R. 1346: Mr. CARSON.

H.R. 1419: Mr. ELLSWORTH and Ms. BALDWIN.

H.R. 1422: Ms. GIFFORDS.

H.R. 1428: Mr. ALLEN.

H.R. 1431: Mr. RANGEL, Mr. TERRY, Mr. CARSON, and Mrs. MYRICK.

H.R. 1439: Mr. KAGEN.

H.R. 1440: Mr. CARNEY.

H.R. 1475: Mr. UDALL of Colorado and Mr. BISHOP of New York.

H.R. 1501: Mr. CARSON.

H.R. 1532: Mr. CARSON.

H.R. 1552: Mr. CARSON.

H.R. 1553: Mr. PETRI and Mr. CARSON.

H.R. 1560: Mr. YARMUTH and Mr. CARSON.

H.R. 1576: Ms. BALDWIN and Mr. CARSON.

H.R. 1584: Mrs. MYRICK.

H.R. 1586: Mr. TIM MURPHY of Pennsylvania.

H.R. 1589: Mr. SHAYS, Mr. ALTMIRE, Mr. POE, and Mr. BARTLETT of Maryland.

H.R. 1610: Mr. LAMPSON, Mr. KAGEN, Mr. RODRIGUEZ, and Ms. FALLIN.

H.R. 1621: Mr. CARNEY, Mr. PORTER, Mr. OLVER, Mr. CARSON, Ms. CLARKE, Mr. SESTAK, Mr. TIAHRT, and Ms. VELÁZQUEZ.

H.R. 1629: Mr. BOUSTANY.

H.R. 1643: Mr. MILLER of North Carolina.

H.R. 1647: Mr. CARSON, Mr. JACKSON of Illinois, Mr. LUCAS, Mr. BOUSTANY, and Mrs. MILLER of Michigan.

H.R. 1655: Mr. CARSON and Ms. SUTTON.

H.R. 1671: Mr. CARSON and Mr. ENGLISH of Pennsylvania.

H.R. 1688: Mr. NADLER.

H.R. 1742: Ms. BALDWIN.

H.R. 1783: Mr. KIND and Mr. NADLER.

H.R. 1871: Mr. CARSON.

H.R. 1881: Mr. CARSON, Mr. HINCHEY, and Ms. KAPTUR.

H.R. 1953: Mr. JEFFERSON, Mr. MICHAUD, Mr. BOUCHER, Ms. RICHARDSON, and Mr. GRIJALVA.

H.R. 1968: Mr. CARSON.

H.R. 2012: Mr. SALI.

H.R. 2020: Mr. PUTNAM.

H.R. 2032: Mr. NADLER and Mr. PAYNE.

H.R. 2116: Mr. ROSS Mr. ELLSWORTH, Mr. ALTMIRE, and Mrs. MYRICK.

H.R. 2131: Mr. SHAYS.

H.R. 2138: Mr. DOOLITTLE.

H.R. 2188: Ms. LINDA T. SÁNCHEZ of California and Mr. WILSON of Ohio.

H.R. 2210: Mr. CARSON and Ms. BERKLEY.

H.R. 2236: Mr. COHEN and Ms. KAPTUR.

H.R. 2268: Mr. KELLER, Ms. BORDALLO, Mr. HALL of Texas, Mr. WALSH of New York, Mr. LAMPSON, Mr. HARE, Ms. SUTTON, Mr. BURTON of Indiana, Mr. AKIN, Ms. BERKLEY, Mr. JOHNSON of Illinois, Mr. WITTMAN of Virginia, Mr. CASTLE, Mr. COHEN, Mr. WILSON of Ohio, Mr. GOODLATTE, Mrs. BONO MACK, Mr. MANZULLO, Mr. PRICE of North Carolina, Mr. JORDAN, Mr. ROSKAM, Mr. RADANOVICH, Mr. BONNER, Mr. EHLERS, Mr. SHAYS, Mr. WILSON of South Carolina, and Mr. HOEKSTRA.

H.R. 2332: Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. SHUSTER, and Mr. ROGERS of Michigan.

H.R. 2395: Mr. CARSON.

H.R. 2448: Mrs. GILLIBRAND.

H.R. 2495: Mr. CAPUANO.

H.R. 2512: Mr. CARSON.

H.R. 2550: Mr. KELLER, Mr. BOOZMAN, Ms. KAPTUR, Mr. BUTTERFIELD, and Mr. CAMPBELL of California.

H.R. 2552: Mr. MCNULTY.

H.R. 2723: Mr. CARSON.

H.R. 2734: Mr. BUYER.

H.R. 2762: Mr. CARSON and Mr. FALEOMAVAEGA.

H.R. 2802: Mr. CLEAVER and Ms. HARMAN.

H.R. 2818: Mr. CARSON.

H.R. 2821: Mrs. BOYDA of Kansas.

H.R. 2892: Mr. PRICE of North Carolina.

H.R. 2922: Mr. CARNEY.

H.R. 2928: Ms. CLARKE and Mr. EMANUEL.

H.R. 2955: Mr. EMANUEL.

H.R. 3001: Mr. SPACE.

H.R. 3014: Mr. CAPUANO, Ms. WOOLSEY, Mr. CARSON, and Mr. SESTAK.

H.R. 3063: Mr. BISHOP of New York, Mr. KUHL of New York, and Mr. RANGEL.

H.R. 3089: Mr. TIBERI, Mr. PLATTS, Mr. GOODLATTE, Mr. MCHENRY, Mr. SMITH of Nebraska, Mr. CULBERSON, Mr. LAMBORN, Mr. BUYER, Mr. CONAWAY, and Mr. SHUSTER.

H.R. 3094: Ms. ROS-LEHTINEN.

H.R. 3164: Mr. COLE of Oklahoma.

H.R. 3175: Mrs. MCCARTHY of New York and Mr. UDALL of Colorado.

H.R. 3186: Mr. SPACE, Mr. PRICE of North Carolina, Mr. PICKERING, and Mr. BUTTERFIELD.

H.R. 3191: Ms. MCCOLLUM of Minnesota.

H.R. 3202: Mr. JEFFERSON.

H.R. 3232: Mr. DAVID DAVIS of Tennessee, Mr. SKELTON, and Mr. CARSON.

H.R. 3257: Mr. PETERSON of Minnesota and Mr. LAMPSON.

H.R. 3267: Mr. ORTIZ and Mr. CAPUANO.

H.R. 3282: Mr. CARSON.

H.R. 3326: Ms. VELÁZQUEZ.

H.R. 3334: Ms. BALDWIN.

H.R. 3363: Mr. CARSON.

H.R. 3396: Ms. HERSETH SANDLIN.

H.R. 3453: Mr. KING of New York and Ms. ZOE LOFGREN of California.

H.R. 3471: Ms. MCCOLLUM of Minnesota.

H.R. 3544: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MILLER of North Carolina.

H.R. 3670: Mr. CAMPBELL of California.

H.R. 3700: Mr. CARSON.

H.R. 3817: Mr. KIND.

H.R. 3819: Ms. BERKLEY.

H.R. 3904: Mr. PRICE of North Carolina.

H.R. 4008: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4026: Ms. LINDA T. SÁNCHEZ of California and Mr. CUMMINGS.

H.R. 4044: Ms. MCCOLLUM of Minnesota.

H.R. 4102: Mrs. MALONEY of New York.

H.R. 4109: Mr. PASTOR.

H.R. 4133: Mrs. MYRICK.

H.R. 4138: Mr. CARSON.

H.R. 4141: Mr. FEENEY, Mr. KING of Iowa, and Mr. POE.

H.R. 4204: Mr. UDALL of Colorado, Mr. PERLMUTTER, and Ms. BALDWIN.

H.R. 4218: Mr. CARSON.

H.R. 4237: Mr. AL GREEN of Texas.

H.R. 4464: Mr. BROUN of Georgia, Mr. PICKERING, and Mr. DAVIS of Kentucky.

H.R. 4544: Mr. BUYER.

H.R. 4652: Mr. WATT, Ms. MCCOLLUM of Minnesota, and Ms. SUTTON.

H.R. 4688: Ms. HOOLEY.

H.R. 4775: Mrs. DAVIS of California and Ms. ESHOO.

H.R. 4987: Mr. WITTMAN of Virginia.

H.R. 5032: Mr. INGLIS of South Carolina, Mr. MILLER of Florida, and Mr. DANIEL E. LUNGREN of California.

H.R. 5143: Mr. CARSON.

H.R. 5148: Mr. KLINE of Minnesota.

H.R. 5157: Mr. CARSON.

H.R. 5161: Mr. KAGEN.

H.R. 5174: Mr. SNYDER.

H.R. 5223: Mr. UDALL of Colorado, Ms. MCCOLLUM of Minnesota, and Ms. BALDWIN.

H.R. 5244: Mr. LEVIN.

H.R. 5265: Mr. WALSH of New York, Mr. GONZALEZ, Mr. MCCOTTER, and Mr. HULSHOF.

H.R. 5268: Mrs. DAVIS of California, Mr. FARR, Mrs. NAPOLITANO, Mr. BERMAN, Mr. CARSON, Mr. VAN HOLLEN, and Mr. RYAN of Ohio.

H.R. 5353: Ms. ESHOO, Ms. HARMAN, Mr. WALZ of Minnesota, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. ELLISON, Mr. SESTAK, Ms. ZOE LOFGREN of California, Mr. INSLEE, and Ms. SCHAKOWSKY.

H.R. 5426: Mr. CARSON and Mr. LATTA.

H.R. 5435: Mr. REYES.

H.R. 5441: Mr. HINCHEY.

H.R. 5515: Mr. MITCHELL.

H.R. 5534: Mr. MOORE OF KANSAS and Mr. LIPINSKI.

H.R. 5541: Mr. HONDA, Mrs. CUBIN, and Mr. RUPPERSBERGER.

H.R. 5573: Ms. BERKLEY and Mr. YOUNG of Florida.

H.R. 5580: Ms. MATSUI.

H.R. 5627: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 5662: Mr. ORTIZ, Mr. ROTHMAN, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. BACA, Mr. LANGEVIN, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HOLT, Mr. PASTOR, Mr. DOGGETT, Mr. SIRES, Mrs. NAPOLITANO, Mr. HONDA, Mr. MCINTYRE, Mr. RUPPERSBERGER, Mrs. DAVIS of California, Mr. BLUMENAUER, Mr. BILBRAY, and Mr. KLEIN of Florida.

H.R. 5669: Mr. YARMUTH, Mr. FORTENBERRY, Mr. RECULA, Mr. MCCRERY, and Mr. CAPUANO.

H.R. 5673: Mr. YOUNG of Florida, Mr. WITTMAN of Virginia, Mr. ROGERS of Kentucky, and Mr. CALVERT.

H.R. 5674: Ms. JACKSON-LEE of Texas and Mr. HASTINGS of Florida.

H.R. 5684: Mr. BUYER.

H.R. 5686: Mr. GONZALEZ and Mr. PAYNE.

H.R. 5695: Mr. GARY G. MILLER of California.

H.R. 5700: Mr. RYAN of Ohio.

H.R. 5740: Mr. GALLEGLY, Mr. HOEKSTRA, Mr. SCOTT of Georgia, and Mr. UPTON.

H.R. 5748: Mr. RAMSTAD and Mr. RAHALL.

H.R. 5755: Mr. WEINER.

H.R. 5759: Mr. LUCAS.

H.R. 5761: Mr. PITTS.

H.R. 5775: Mrs. MYRICK.

H.R. 5784: Mr. MARCHANT, Mrs. MYRICK, and Mr. KING of New York.

H.R. 5793: Mr. STEARNS, Mr. FERGUSON, and Mrs. BLACKBURN.

H.R. 5794: Mr. CAMP of Michigan.

H.R. 5797: Mr. WALBERG.

H.R. 5802: Mr. CARSON, Mr. STARK, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. CONYERS, and Mr. AL GREEN of Texas.

H.R. 5805: Mr. WITTMAN of Virginia.

H.R. 5806: Mr. JEFFERSON, Mr. CARSON, and Mr. ETHERIDGE.

H.R. 5818: Mr. MEEK of Florida, Mr. COHEN, Ms. LEE, and Ms. MCCOLLUM of Minnesota.

H.R. 5824: Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. HARE, and Mr. SKELTON.

H.R. 5830: Mr. BACA and Mr. SHERMAN.

H.R. 5833: Mr. BLUMENAUER.

H.R. 5837: Mr. PITTS and Mr. COOPER.

H.R. 5842: Mr. DEFAZIO.

H.R. 5847: Mr. KINGSTON, Mr. GINGREY, Mr. WOLF, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5854: Mr. MCDERMOTT and Mr. GOODE.

H.R. 5857: Mrs. BONO MACK.

H.R. 5868: Ms. FOXX.

H.R. 5881: Ms. MCCOLLUM of Minnesota and Ms. SCHAKOWSKY.

H.R. 5886: Mr. WITTMAN of Virginia and Mr. MARIO DIAZ-BALART of Florida.

H.R. 5892: Mrs. BOYDA of Kansas.

H.R. 5895: Mrs. MALONEY of New York and Mr. CARSON.

H.R. 5898: Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. CARNEY, Ms. CASTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. REICHERT, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.

H.R. 5906: Mr. KUHL of New York.

H.R. 5907: Mr. PLATTS, Mr. ALEXANDER, and Mr. ENGLISH of Pennsylvania.

H.R. 5911: Ms. FOXX.

H.R. 5913: Mr. WATT, Ms. SUTTON, and Mr. JOHNSON of Georgia.

H.R. 5914: Mr. ORTIZ, Mr. SESTAK, Mr. HINOJOSA, and Ms. LEE.

H.R. 5925: Ms. JACKSON-LEE of Texas.

H. Con. Res. 284: Mr. TAYLOR, Mr. HAYES, and Mrs. MUSGRAVE.

H. Con. Res. 285: Ms. SCHWARTZ, Mr. DOYLE, Mr. LEWIS of Kentucky, Mr. SKELTON, Mr. WHITFIELD of Kentucky, Mr. MATHESON, and Mr. ENGLISH of Pennsylvania.

H. Con. Res. 303: Mr. FORTENBERRY.

H. Con. Res. 305: Mr. PLATTS.

H. Con. Res. 328: Ms. ROS-LEHTINEN and Mr. ANDREWS.

H. Con. Res. 331: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Ms. BEAN, Mr. BISHOP of New York, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. CHANDLER, Ms. CLARKE, Mr. CLYBURN, Mr. COBLE, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mrs. CUBIN, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. ELLISON, Mr. ELLSWORTH, Mr. ENGEL, Mr. FALEOMAVAEGA, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Ms. LEE, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LYNCH, Mr. MCNERNEY, Mr. MAHONEY of Florida, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. NADLER, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PERLMUTTER, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mrs. SCHMIDT, Mr. SHULER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SHERMAN, Mr. SIRES, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. TSONGAS, Ms. WATSON, Mr. WATT, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY.

H. Con. Res. 334: Mrs. MYRICK, Mr. BOOZMAN, Mr. BOYD of Florida, and Mr. BUCHANAN.

H. Con. Res. 336: Mr. SPACE, Mr. TOWNS, Mr. HINCHEY, Mr. MEEK of Florida, Mr. HOLDEN, Ms. SHEA-PORTER, Ms. SUTTON, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. DOYLE, Mr. COHEN, Mr. WALZ of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. POE, Ms. KAPTUR, Mr. ALLEN, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. HARE, Ms. BERKLEY, Mr. PAYNE, Mr. HINOJOSA, and Mr. CALVERT.

H. Con. Res. 337: Mr. TIERNEY and Ms. SCHAKOWSKY.

H. Con. Res. 338: Mr. CLEAVER, Mr. BRADY of Pennsylvania, and Mr. COHEN.

H. Res. 339: Mr. WALBERG.

H. Res. 374: Mr. TOWNS and Mr. GRIJALVA.

H. Res. 389: Mr. GENE GREEN of Texas.

H. Res. 620: Mr. GENE GREEN of Texas.

H. Res. 679: Mr. GENE GREEN of Texas.

H. Res. 937: Mr. COURTNEY.

H. Res. 1002: Mrs. CAPPS, Mr. PRICE of North Carolina, and Ms. HERSETH SANDLIN.

H. Res. 1011: Mr. GOODLATTE.

H. Res. 1012: Mr. BRALEY of Iowa.

H. Res. 1017: Mr. TOWNS.

H. Res. 1022: Mr. KENNEDY, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. PAYNE, Mr. BRALEY of Iowa, and Mr. JOHNSON of Georgia.

H. Res. 1056: Mr. KIRK.

H. Res. 1067: Mr. CUMMINGS.

H. Res. 1081: Mr. ISRAEL.

H. Res. 1085: Mr. MEEKS of New York, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. Speier, Ms. CLARKE, Ms. LEE, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Mr. TERRY, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. RICHARDSON, Mr. MCHUGH, Mr. FILNER, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. BUTTERFIELD, and Ms. WATERS.

H. Res. 1106: Mr. MACK, Mrs. BONO MACK, Mr. LATOURETTE, Mr. BLUNT, Mr. TOM DAVIS of Virginia, Mr. TIBERI, Mr. HAYES, Mr. WELDON of Florida, Mr. YOUNG of Florida, Mr. SOUDER, Mr. MORAN of Kansas, Mr. MCHENRY, Mr. TIM MURPHY of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, Mr. SAXTON, Mr. CALVERT, Mrs. MUSGRAVE, Mr. LEWIS of California, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. FORBES, Mr. CANTOR, Ms. CASTOR, Mr. HINOJOSA, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. ROSKAM, Mr. CARTER, Mrs. Wilson of New Mexico, Mr. COBLE, Mr. TURNER, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. ALTMIRE, Mr. PLATTS, Mr. BACHUS, Mr. KING of New York, Mr. BUCHANAN, Ms. GINNY BROWN-WAITE of Florida, and Mr. GILCHREST.

H. Res. 1122: Mrs. MYRICK.

H. Res. 1124: Ms. SOLIS, Mrs. CAPPS, Mr. ENGEL, Mr. ALLEN, Mr. WAXMAN, Ms. WOOLSEY, Mr. BUTTERFIELD, and Mr. DOYLE.

H. Res. 1132: Mr. VISCLOSKY.

H. Res. 1133: Ms. CLARKE and Mr. LOEBSACK.

H. Res. 1143: Mrs. GILLIBRAND.

H. Res. 1146: Mr. KUHL of New York.

H. Res. 1147: Mrs. SCHMIDT, Mr. ROSKAM, Mr. BOUSTANY, Mrs. MYRICK, Mr. COOPER, Mrs. DAVIS of California, Mr. REICHERT, Mr. BACHUS, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. SAXTON, Mr. FEENEY, Mr. SHAYS, Mr. MCCARTHY of California, Mr. GERLACH, Mr. SHIMKUS, Mr. BUTTERFIELD, Mr. TURNER, Mr. PEARCE, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CULBERSON, Mr. PLATTS, Mr. MCHENRY, Mr. BARRETT of South Carolina, and Mr. COBLE.

H. Res. 1153: Ms. WATSON, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. HINOJOSA, Mr. CONYERS, Mrs. NAPOLITANO, Mr. YARMUTH, Mr. KAGEN, Mr. HOYER, Mr. DEFAZIO, Mr. CROWLEY, Mr. TOWNS, Ms. Lee, Mr. CARDOZA, Mr. SIRES, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. BRALEY of Iowa, Ms. KAPTUR, Mr. HOLT, Mr. MURTHA, Mr. MICHAUD, Mr. FARR, Mr. COURTNEY, Mr. HARE, Mr. HINCHEY, Mr. WELCH of Vermont, Mr. THOMPSON of California, Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. PASTOR, Mr. MITCHELL, Ms. CORRINE BROWN of Florida, Mr. SPACE, Ms. BALDWIN, Ms. TSONGAS, Mr. WAXMAN, Mr. RUPPERSBERGER, Mr. RAHALL, Mr. CARNEY, Ms. SUTTON, Mr. SARBANES, and Ms. SCHAKOWSKY.

H. Res. 1155: Mr. BOOZMAN, Mr. SNYDER, and Mr. BERRY.

H. Res. 1166: Mr. MCGOVERN and Ms. JACKSON-LEE of Texas.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 992: Ms. FALLIN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7, by Mr. BOUSTANY on H.R. 5440: Jeff Flake, Marsha Blackburn, Rodney Alexander, John Campbell, Jerry Weller, Mike Rogers, John J. Duncan, Jr., Ginny Brown-Waite, Ray LaHood, Tim Murphy, Tom Feeney, Robert B. Aderhold, Kenny C. Hulshof, and Connie Mack.

Petition 5, by Mrs. DRAKE on H.R. 4088: Bill Sali.

SENATE—*Thursday, May 1, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator of the Universe, help us to find meaning in our work. Train us to see Your purposes behind our task, motivating us to focus on pleasing You.

Empower our Senators. Give them the will and strength they need. Provide them with patience so they will neither despair nor grow weary in well doing. Give them confidence that in following You, Eternal Lord, they are certain of ultimate triumph. Let Your peace guard their hearts and Your wisdom direct their steps.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable AMY KLOBUCHAR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 1, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable AMY KLOBUCHAR, a Senator from the State of Minnesota, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Ms. KLOBUCHAR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following my remarks and those of Senator MCCONNELL, if he decides to make such remarks, there will be a period of morning business for up to 1 hour, with Senators to be allowed to speak for up to 10 minutes each during that time. The Republicans will control the first 30 minutes and the majority will control the final 30 minutes. Following morning business, the Senate will resume consideration of H.R. 2881, the Federal Aviation Administration Reauthorization.

FIFTH ANNIVERSARY OF "MISSION ACCOMPLISHED"

Mr. REID. Madam President, 5 years ago on the deck of an aircraft carrier returning from the Middle East, America and the world witnessed perhaps the greatest act of hubris our country has ever seen in wartime. Resplendent in a flight suit, landing theatrically in a fighter jet, President Bush declared: "In the battle for Iraq, United States and our allies have prevailed." Above him was a banner, printed by the White House, with the idea coming from Karl Rove. That banner proclaimed "Mission Accomplished."

With families fleeing from Iraq by the tens of thousands to live as refugees, now approaching 2½ million—mission accomplished? With no government in place, with towns destroyed, with infrastructure in shambles—mission accomplished?

When President Bush put on his flight suit, 139 American troops had lost their lives. Today, the toll has reached 4,058 or 4,059. In April, with the highest death count in 7 months, 51 Americans were killed.

When President Bush landed on the runway of the USS *Abraham Lincoln*, 548 Americans had been wounded. Today that count is far more than 30,000, many of those grave injuries.

When President Bush announced that "major combat operations have ended," the American taxpayers had spent about $79 billion in Iraq. Today, $526 billion and counting, we are spending $5,000 every second, 7 days a week, every week of the month, every month of the year. Those costs are going up, not down, with experts such as Nobel Prize-winning economist Joseph Stiglitz predicting $3 trillion will be the cost of the war, with every penny of it borrowed—from Japan, from China, from Saudi Arabia, even from Mexico.

In May, 2003, many of our allies had already begun to stand apart from us on the war. Today, our moral authority in the world has been gravely damaged. Not one American looks back on the 5 years since that aircraft stunt with any sense of satisfaction. Our country looks back with grief, sadness, yet with a fierce and unwavering commitment to finally change the mission and responsibly end the war in Iraq and bring our troops home.

That day aboard the USS *Lincoln*, our President told us the war would not be endless. He said: "Americans, following a battle, want nothing more than to return home." He told the brave men and women aboard that carrier that home was their direction that day; that:

> After service in the Afghan and Iraq theaters of the war, after 100,000 miles on the longest carrier deployment in U.S. history, you are homeward bound.

Madam President, let me again read that quote:

> After service in the Afghan and Iraq theaters of the war, after 100,000 miles on the longest carrier deployment in U.S. history, you are homeward bound.

To the men and women aboard the *Lincoln* that day, that speech must seem a distant memory. Could they have imagined that day that many of them, and their brothers and sisters in arms, would now be in their third, fourth, and fifth tours of duty? The "Mission Accomplished" speech will rightly be remembered with great anguish by all.

Look at this. This chart, sadly, is a little behind but it makes the picture. I indicated that wounded troops are more than 30,000 now. Troops in Iraq on that day were 5,000 more then, with the troops, some of them, coming home.

Cost of the war to the taxpayers—you can see that.

What do you American people think about the war in Iraq, was it worth fighting? You can see the numbers.

The estimated number of Iraqi civilians killed—Johns Hopkins University did a study. Their study says over 200,000 Iraqis have been killed. The number of Iraqis who have fled their homes is almost 5 million. The number of Iraqi security forces—we have trained them, we paid for them—is almost half a million.

Iraqi prison population.

Number of daily attacks by insurgents and militias in Iraq: to date it is about 55.

The number of multiple-fatality bombings in Iraq in May of 2003: zero. Now look at that.

Suicide attacks: almost 1000.

The price of oil: in May of 2003, it was $26.03 a barrel. Yesterday we had a little drop in the oil price. It is down from more than $120 a barrel the last few days to only $115 a barrel.

The price of gas then was $1.50. If you are lucky, you can find it someplace in

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the United States for $3.62. That is the average.

George Bush, DICK CHENEY, and Donald Rumsfeld will be written in the pages of history as the men who rushed a peaceful, deliberate nation headfirst into war without the slightest notion of what it meant to run or to end it. Five years later, the cost of their hubris is staggering—in lives lost and damaged, dollars spent, moral authority squandered.

Let's think back to the men and women aboard the USS *Abraham Lincoln* that day 5 years ago; the excitement they must have felt by a Presidential visit; the encouragement of his words; the satisfaction of heading home to their families after a job well done.

They did their jobs, but the Commander in Chief didn't do his—as he has not done his job here at home, with record gas prices, record oil prices, and an economy spiraling into recession. I met with a number of homebuilders yesterday in room S–219. Have we reached the bottom in the housing market? They said: No, we are not close yet. About 50 million Americans are uninsured for health costs.

On this fifth anniversary, a sorry moment in our country's history, we pause to honor the troops aboard the USS *Abraham Lincoln* and all our troops, their brothers and sisters in arms who fought and sacrificed and continue to fight in Iraq. They deserve not the false hope of a slogan engineered by Karl Rove, the President's chief slogan maker, but the real hope of a responsible end to a war that has raged far too long.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Colorado is recognized.

ENERGY PRICES

Mr. ALLARD. Madam President, here we go again. We all know the Senate has limited time left this year to debate important legislation. It is becoming more and more clear the Democratic leadership is staunchly opposed to doing anything that would alleviate the seemingly endless upward pressure on energy prices. Given their unyielding desire to increase taxes on much of the energy industry, I can only assume the Democrats in Congress believe that steadily increasing energy prices simply provide political fodder upon which they can capitalize. Democrats in both Chambers appear beholden to the environmental agenda, a radical agenda that wholly disregards America's economy.

Oblivious to prices at the pump and indifferent to from whom we import our oil, far-left environmentalists and their cohorts in Congress are failing in their duty to the American public. The Congress has stymied efforts to produce trillions of cubic feet of natural gas, trillions of barrels of oil, and prevented the construction of new refineries, nuclear powerplants, and hydroelectric facilities through public policies that limit energy supply. We cannot afford to take any option off the table.

The security concerns of America and our businesses and consumers still demand energy. In oil alone, we consume over 20 million barrels a day. Since we only produce just over 8 million barrels per day, the gap must be made up by purchasing oil from hostile or undemocratic nations, such as Venezuela, Saudi Arabia, and Nigeria to meet our energy needs. We spend over half a trillion dollars each year importing foreign oil, and it is far past time to rectify this unhealthy dependency.

The global price for petroleum reaches new highs every day and petroleum-related imports have caused our trade deficit to increase by billions of dollars.

According to a study by the Congressional Research Service, in 2005 and 2006 alone, our trade deficit rose by $120 billion. As oil prices continue to rise and domestic energy production is further obstructed, America's trade balance will only fall deeper into the red.

As a Senator from energy rich Colorado, I am on the front lines of the battle to increase our domestic energy production. The Democrats continue to delay efforts to tap into a natural gas reserve below the Naval Oil Shale Reserve, often referred to as the Roan Plateau, that contains approximately 8.9 trillion cubic feet. We need this clean source of energy now.

Moreover, below the vast lands of Colorado and Wyoming lies roughly 1.5 trillion barrels of potentially recoverable oil. This amount dwarfs the reserves of Saudi Arabia and other petro-rich nations, and new technologies continually emerging would allow us to responsibly extract this oil to help meet our demands. The benefits to Colorado and the American economy would be tremendous.

Additionally, national environmentalist groups have succeeded in pressuring Members of Congress to mandate a lock-down of what could be an immense treasure chest of oil in the Arctic National Wildlife Refuge.

In subverting the widespread local support of Alaskans and in prohibiting the potential extraction of 5 to 15 billion barrels of oil, environmentalists stubbornly resist even moving forward with comprehensive testing that could result in the environmentally responsible development of parts of the Arctic National Wildlife Refuge.

The U.S. Geological Survey announced this month that 3 to 4 billion barrels of technically recoverable oil exists under North Dakota and Montana's Bakken Formation. This is 25 times more than was estimated to exist in 1995. These numbers are staggering, and there are other examples where our aversion to responsible development defies common sense.

Of course, we must continue our dedicated efforts to explore alternative sources of energy to meet our demands, but it is possible to develop sections of the Arctic National Wildlife Refuge, extract natural gas from the Rocky Mountain west and harvest resources offshore in economically feasible ways and also protect our natural wonders.

We should not take increased production of any domestic oil off the table. The longer we completely deny access to domestic supplies, the more we exacerbate our current energy shortages.

We cannot solve the problem of soaring gas prices facing America today with one solution, but we certainly should not allow the relentless push of environmentalists' narrow agenda to make this crisis even worse. What will the average gallon of gas in America have to cost for the Democratic leadership in Congress to step to the plate with a comprehensive solution for our consumers?

We should seek to develop our renewable resources along with oil, gas, clean coal, nuclear, and hydroelectric energy in a manner that prevents foreign interests from taking over energy for their own purposes.

It is time for congressional leaders to be a part of the solution and not the problem. It is time to put every idea on the table. It is time for common sense.

In the State of Colorado, we have a plethora of energy sources. We obviously rely on renewable energy because we have lots of sun and wind, we have hydroelectric, we have uranium to produce nuclear power. None of these or our rich resources in petroleum and coal that exist throughout the country should be taken off the table.

For us to subject ourselves to a harsh extreme environmental agenda does not make sense. This country should continue to work to develop all of those resources. Obviously, the future of this country is on the renewable side, but we have to deal with today's problems, today's price at the gas pump, and therefore we need to produce domestic resources in addition to supporting the renewable technologies we are currently developing.

If we do that, we will most successfully address the high cost at the gas pump today. Congress should be working with industry to make sure we have more plentiful supplies of gas and petroleum products in addition to developing other sources of renewable energy.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Would you please let me know when 5 minutes has expired?

The ACTING PRESIDENT pro tempore. The Chair will do that.

TVA APPOINTMENTS

Mr. ALEXANDER. Madam President, Tennesseans like our sports teams, whether it is the Lady Vols, or the Memphis Tigers, or Bruce Pearl's team from Knoxville. But John Calipari or Pat Summitt or Bruce Pearl wouldn't think of sending any of our teams into a big game with two players locked up somewhere—two players missing.

That is exactly what my friend, the Democratic leader, has done for 8.7 million Americans who live in the seven-State region of the Tennessee Valley Authority. Our big game, like most Americans, is gas prices, electric prices, climate change, clean air, national security.

Every Senator is on the floor talking about that; some blaming, some with solutions. I am going to Oak Ridge on May 9 to propose a new Manhattan Project to deal with clean energy independence.

But our secret weapon in the TVA region is the Tennessee Valley Authority. That is how we get our clean air so we're in compliance with clean air laws and new jobs can come in. It is how we deal with climate change. They have coal-fired powerplants. It is how we deal with large amounts of electricity at a low cost. That has to do with jobs and it has to do with gas prices as well.

Nissan, Toyota, and General Motors all are about to sell us plug-in hybrids that could, by some estimates, reduce the amount of gasoline we use by up to 40 percent. That would deal with gas prices. But who will supply electricity for the plug-in hybrids? The Tennessee Valley Authority. So what happens? The Democratic leader locks up two of our best players and won't let them play in the biggest game we've got. If he did that to two of our Memphis basketball players, or UT Lady Vols, or two of Bruce Pearl's players, there would be a revolt in Tennessee, and I hope there is a revolt about this.

Here is what has happened: In 2004, after several years of debate, we created a new board for the Nation's largest public utility—the Tennessee Valley Authority. The President appointed nine members. They were unanimously approved. Two had short terms; they served with distinction and the President nominated them for reappointment. The Environment and Public Works Committee unanimously, under Chairman BOXER, brought them to the floor. They are ready for approval, ready to go to work. But the Democratic Leader has sent me a letter that basically says he will not allow them to be confirmed because they are Republicans. That astounds me. I ask unanimous consent to put that letter in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 14, 2008.

Hon. LAMAR ALEXANDER,
Dirksen Senate Office Building,
Washington, DC.

DEAR SENATOR ALEXANDER: I am writing to you to advise you of my concerns regarding appointments to the Tennessee Valley Authority (TVA).

As you know, the TVA was reconfigured in P.L. 108-477, the Omnibus Appropriations bill enacted December 8, 2004. The inclusion of that substantive legislation in this appropriations vehicle expanded TVA membership to 9 members from 3 members. This omnibus legislative rider gave appointive authority entirely to the President with no bipartisan representation.

I expressed my concerns regarding this situation over a year ago when the first slate of 6 TVA nominees was sent to the Senate. I asked the President to consider using one of the remaining positions for a Democratic candidate. Despite that request, the President nominated 3 additional Republicans for the TVA. Before the Easter recess, we confirmed one of those remaining 3 TVA nominees.

Given the inadequacy of bipartisan representation on the TVA and our recent approval of 7 Republican nominations to the TVA, I do not support proceeding with further TVA confirmations at this time.

Sincerely,

HARRY REID,
Majority Leader.

Mr. ALEXANDER. The Democratic leader's decision to block these nominees because of their party affiliation overturns 75 years of Federal law and custom. Since 1933, Federal law has never made politics one of the considerations for TVA appointments.

Most Presidents have appointed members of their own party, sometimes political independents—such as Bishop William Graves, one of the two nominees for reappointment who is being locked up.

Bishop Graves is not even a Republican. He is the most experienced member of the TVA board, coming from the largest customer, Memphis Light, Gas and Water, and he is the presiding bishop of one of the largest religious denominations in America.

I have sent a letter to the majority leader. I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 30, 2008.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: Your decision to block Senate confirmation of the President's renomination of Bishop William Graves of Memphis and Susan Williams of Knoxville to the Tennessee Valley Authority Board of Directors astounds me. If you succeed, you would overturn seventy-five years of federal law and custom.

Your actions insult the Mid-South's largest city, Memphis. Until Bishop Graves' appointment in 2006, a Memphian had never served on the TVA board.

Your actions are an affront to more than one and a half million African Americans in the seven--state TVA region. Until the appointment of Bishop Graves the presiding Bishop of the Christian Methodist Episcopal Church--an African American had never served on the TVA board.

Your actions are the kind of disheartening playpen partisan politics that disappoint the American people and are causing them to cry out for change in the way Washington does its business.

Since the founding of TVA in 1933, federal law has never required presidents to appoint TVA directors from one political party or another.

Almost always, presidents have appointed members of their own political party. As is the case with Bishop Graves, members have often been political independents.

TVA is the nation's largest public utility, with more than $9.2 billion in annual revenues and 8.7 million customers. In 2004, after several years of debate, Congress created a new TVA board and a modern governance structure.

Bishop Graves and Susan Williams were original members of the new board, nominated by the President and confirmed by the Senate. They have served with distinction. The President has now renominated them. The Senate Committee on Environment and Public Works has again unanimously recommended them.

Tennessee Valley residents face no greater challenges today than dealing with energy costs, clean air and climate change. The Tennessee Valley Authority needs a full membership on its board to solve those problems.

I respectfully request that you lift your roadblock, stop trying to change seventy-five years of law and custom, and allow these two outstanding nominees to go back to work on the TVA board helping to provide the large amounts of clean, low cost, reliable electricity Tennessee Valley residents need to keep good jobs and clean air.

Sincerely,

LAMAR ALEXANDER,
United States Senator.

Mr. ALEXANDER. I have said to the majority leader: This is an insult to Memphis. Bishop Graves is the first Memphian ever to serve on the TVA board in its history. It is an affront to the more than 1.5 million African Americans in our region. Bishop Graves is the first African American ever to be on the TVA board.

At a time when there is a stream of Democratic Senators coming to the floor trying to find somebody to blame for high gas prices, why is the majority leader locking up two of the most valuable players on our team whose job it is to deal with high gas prices, high electric prices, climate change, clean air, and national security?

I respectfully suggest that the majority leader, for whom I have the greatest respect, lift this roadblock—stop trying to change 75 years of law and custom. Unlock our two players and let them out and let them into the game against high gas prices and let them go to work.

This is disheartening playpen partisan politics—it disappoints the American people and causes them to cry out for changing the way that we do business in Washington.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. CORKER. Madam President, it is always an honor to be in the presence of the senior Senator from Tennessee who does such an outstanding job in this body of promoting bipartisanship.

I know the Presiding Officer has played a big role in that. I thank you for that. I want to say I came here as did the Senator to solve big problems for our country in a bipartisan way.

I just left a meeting that I think exemplifies that to the highest level, where RON WYDEN and BOB BENNETT are cosponsoring a great piece of legislation in a bipartisan way, to solve the tremendous health care crisis our country is dealing with today.

I am proud to be part of that and to join them in a bipartisan way to solve this major problem. I know many of us are doing the same thing to focus on the energy issues that are before us as a country. That is what I came here to the Senate to do. I know that is exactly the reason, Madam President, you came to the Senate.

That is why today I rise with tremendous frustration over the actions of our majority leader. I have enjoyed working with our majority leader, and he certainly has done a good job in many instances. But, today, strictly on a politically motivated basis, in a letter to the senior Senator he stated he is not going to confirm TVA appointees because they are not Democrats.

We went through a tremendous amount of effort, or this body did prior to me being here, to make sure the TVA board was a professional board, that people there were able to make decisions in the best interests of that body and all the many people who are served by the TVA facility.

These two nominees are outstanding human beings. They have served their State, their cities, and our country with great distinction. Bishop Graves is someone who recently was heralded here in Washington because of his tremendous leadership in making sure that the racial divides that have been a part of our country were swept away.

Susan Williams has done the same, has been a leader in many other ways, in business, and both of them have helped shepherd TVA through some of the finest years TVA has had.

Both of these are reappointments. In other words, they have already served as part of the TVA board, which recently has been expanded geographically to bring in other States, which is a very good thing from the standpoint of board representation.

Both of these members were approved unanimously by EPW, again a bipartisan effort, which I might say also is controlled by the Democratic Party. So I have to tell you while it is frustrating to me to see this body become a proxy in some cases for the Presidential races, I hate to see some of the things we deal with as a result, and that diminishes this body.

I will tell you that our leader taking this position is a tremendous disservice to this body; diminishes this body. I hope the leader will come to his senses, will realize that not only is he doing something that is of tremendous harm to TVA, it damages this body for the majority leader to act in such a politically motivated way.

I hope very soon these nominees will be reappointed. I hope TVA can get about its business in serving the people of Tennessee and other surrounding States in a proper way. I hope the majority leader again will do the right thing, will cause these nominees to come to the floor. I am sure they will be unanimously confirmed.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY POLICY

Mr. MARTINEZ. Madam President, we are facing a real problem as Americans increasingly go to the gas pump to fill the need of energy for their vehicles and they find that the prices at the pump are ever higher, more onerous, and it makes the family budget more difficult to manage. This is a problem for working families, to the typical American family trying to drive children to school, participate in carpools and other activities. It hits everyone at a time when other economic problems are surrounding the American family. We have a problem, and we have to act. Failure to act is not an option. At this point in time, we cannot offer immediate solutions, but we have to recognize where we are. We have to recognize what has not happened.

I recall many days sitting where the Presiding Officer sits today, when our party was in the majority. Democrats would come to the floor and talk about how, if they were in power, because they were not in cahoots with the big oil companies, then things would be better, they would find a way to make things better. There was a bold announcement made by then-House minority leader NANCY PELOSI on April 24, 2006:

> Democrats have a commonsense plan to help bring down skyrocketing gas prices.

That is when prices were tipping at $3 a gallon. They were $2-something a gallon. I wish today we were back to those moments in time.

A commonsense plan to help bring down skyrocketing gas prices? I ask, where is the plan? What happened to that plan? Democrats came into power to lead both Houses of Congress on January 4, 2007. The distinguished Senator from Minnesota proudly took her oath; many others came into office. At that point in time, the price of gas was $2.33 a gallon. Today, it is $3.62 a gallon. Is this what the commonsense plan to bring down prices was supposed to bring us? Is this why someone had a plan that was going to help America? Has it helped us? Have we gone up or down? The fact is, today prices are $3.62.

What we should do is have some plain talk. The fact is, it didn't matter who was in control of Congress because the laws of economics go well above the laws of politics. This is about supply and demand. The fact is, there is not a commonsense plan. The fact is, there is no plan, that America's energy policy continues to flounder for several reasons. We have to act, and we have to act as responsible leaders.

One of the things that is inevitable is that as long as supply and demand stay where they are today, with demand ever increasing and supply topping out, we will continue to have increasing prices. I submit that part of what has to occur is increased production. We have to find ways that we can, within our own borders, produce more energy.

I have been supportive of drilling in 2000 acres of the vast wilderness of Alaska in a way that would be safe. If it had been done back when President Clinton vetoed it, today a million barrels a day would be flowing into the stream of production and would help with this supply problem we have today.

There may be other safe ways. A year or so ago, we made a deal. The deal was that we would drill safely in areas well away from the Florida coast in the Gulf of Mexico—8 million acres for new drilling that are also available and will produce oil and gas.

These are helpful steps, but they are not enough. We have to conserve. We have to find ways to encourage Americans to conserve at the pump, to save by carpooling, to save by finding a way of buying more energy-efficient vehicles.

We as a government should be helping American consumers through our tax system to find a way they can purchase vehicles that are more energy efficient. We know that a hybrid vehicle will get 35 to 38 miles to the gallon. We know that a standard vehicle of similar size would be lucky if it gets 17 or 18 miles to the gallon.

At the end of the day, it is a combination of strategies. The bottom line is, we have to have a multifaceted strategy. We have to work together, not suggesting that there is one party that has a secret plan that, in fact, doesn't exist. We have to find a commonsense way to work together, Democrats and Republicans, to increase production modestly and safely, to encourage conservation and new technologies, and to continue to boldly move forward toward a Manhattan-type project that is going to put all of the resources and energies of this country toward energy independence and energy security so we can discontinue this horrendous practice of wealth transfer that is taking place today between our country—the billions and billions of dollars we are transferring to some of the worst enemies of our country, people such as Hugo Chavez and Ahmadinejad.

The day is coming when we have to find a way to pull together toward a common goal of having a sensible, balanced energy policy, increase production safely, conserve more, and new technology. All working together, we can do this. America can meet this challenge.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

Mr. BROWN. Madam President, I can't quite believe what I just heard. Because Democrats in 2006 said we need a different energy policy than the White House, a President and Vice President who both come out of the oil industry, both top energy executives, where much of the funding for the President's party comes from the oil industry, and in 2006, the Democrats said the Congress betrayed the American people because they let the oil industry write the energy bill, now my friend from Florida is saying it is the Democrats' fault that gas prices are through the roof.

One of the best friends of the President was the CEO of Enron, a major funder to the President, close friend of the President who had a personal nickname, and Enron had gamed the system through speculating and speculating. It cost consumers, especially on the west coast, hundreds of millions, even billions of dollars as people raked off profits from their speculating. We are seeing the same kinds of things. I don't know if they are the President's friends doing it anymore, but I know there are people who have gamed the system. That is the reason, with no major international incident in the last 2 years, no major outage of a refinery or fire of a refinery or pipeline disruption, that prices have spiked so much.

It is clear that a Justice Department working for the President of the United States, that is not beholden to the oil industry, might actually take some action on price fixing and recommend an excess profits tax—all the kinds of things we could be doing in this body and that the executive could do. But in this body, we have seen filibusters.

Every time we try to do something on oil prices, every time we try to do something on long-term alternative energy, the Republicans filibuster. They have filibustered more than 60 times. It is approaching 70. I am not sure of the number; it is hard to keep up. They have filibustered more times already in this congressional session than they did in any 2-year session in history by a lot, and they are continuing to do it.

We would love to sit down with my friend on the other side of the aisle and work on real energy legislation and wean this body and wean the White House from their addiction to oil company campaign dollars, and help wean the American people from our addiction to foreign oil. We would love to work on that.

I introduced legislation yesterday that will help to jump-start the green energy industry in this country. It is clear we need to do a lot of that. But the American public is tired of finger pointing. It is time this Congress did more on energy, and that the Republicans, instead of filibustering—there are 51 Democrats in this body; we need 60 votes to do anything because of the filibuster—instead of the Republicans holding together and blocking things, instead of filibustering, let us work together on energy issues and not have the oil companies dictate to this body, as they did for year after year after year.

When I was in the House of Representatives, the oil companies dictated to the House of Representatives leadership, and everybody in those days in the majority party—which was the Republicans then—went along with their leaders on writing an energy bill that had $18 billion of subsidies and giveaways and tax breaks to the oil industry. Yet they are the most profitable industry in America year after year after year.

Something gives there. It is time for something very different. I want to work together. The finger pointing should end. Let's sit down and do this right, but don't block us to do things that will help stabilize gas prices now and help to bring them down over the short and medium term and long term to come up with a real energy policy so we are not relying on—as my friend Senator MARTINEZ said—not relying on Venezuela and Saudi Arabia and countries that are not so friendly to us.

SMALL BUSINESS EMPOWERMENT ACT

Mr. BROWN. Madam President, earlier this week, I spoke on the Senate floor about Cover the Uninsured Week and a bill I was introducing that would increase access to health coverage for small businesses and self-employed individuals—a group we all too often forget about around here. Today I am formally introducing the Small Business Empowerment Act. I wish to discuss this bill in a bit more depth.

First, why is it necessary?

It is necessary because 82 percent—82 percent—of the uninsured work for a living. They have jobs. The overwhelming majority work in small companies—companies with 2 people, 5 people, 20 people—or they are self-employed.

In Ohio, my State—whether you are in Steubenville or Lima, whether you are in Kent or Chillicothe—99 percent of firms with more than 50 workers sponsor health insurance. So if you are at a relatively midsized or larger company, you have 50 or more workers, 99 percent of those firms offer some kind of fairly decent insurance for their employees. That is for companies above 50 employees.

For companies under 50 employees, only 44 percent of those firms do. Many of them are self-employed. Many of them only have 5 or 10 or 15 employees. Small employers who do offer coverage—and most of them absolutely try to—I have talked to small businesspeople from Springfield to Zanesville, from Bellaire to Delphos, and I hear repeatedly from small businesses they want to insure their employees, but it is getting harder and harder and harder. According to the well-respected RAND Corporation—a nonpartisan group that dispassionately analyzes these kinds of things—small businesses saw the economic burden of health insurance rise by 30 percent between 2000 and 2005. And it is getting worse.

The situation is even worse for the self-employed, who must contend with staggeringly high premiums for individual coverage—they don't get any group-rate break—if they can find an insurer even willing to cover them.

In these small pools, if you have 3 employees or 8 employees or you are self-employed, and there is anybody in this small pool of 1 or 20 who has some major preexisting condition, you probably cannot get insurance at all.

In the meantime, health insurers have been living large, their profits increasing by more than a third over the last 5 years—not much different from the oil industry, where the public recoils from staggeringly high gas prices, and the oil industry is making record high profits. The public—particularly small business—is recoiling from higher health insurance premiums and higher copays and deductibles. Yet health insurance companies are doing better and better.

Middle-class families are shouldering the burden of skyrocketing gas prices and ballooning food prices, even as the equity in their homes erodes and the cost of putting their children through college explodes.

It would be ideal if they could afford to pay a king's ransom for health insurance. They cannot. And they should not have to.

With those realities staring us in the face, inaction from this body is the same as indifference.

My legislation attacks the issue of health coverage access from several different directions.

To ensure widespread access, the bill would establish a national insurance pool modeled after the successful Federal Employees Health Benefits program. The FEHB, Federal Employees Health Benefits program, which enables enrollees to choose from a variety of health plans, with rates and benefits negotiated by the Federal Office of Personnel Management, has served Members of Congress and hundreds of thousands of Federal employees well for many years now.

So understand, there are hundreds and hundreds and hundreds of thousands of Federal employees—whether they work in the Celebrezze Building in Cleveland, whether they work in the Office of Management and Budget in Washington, whether they work in Bethesda for the National Institutes of Health, whether they work at Wright-Patterson Air Force Base; any of these Federal jobs—Federal employees are in a huge pool that negotiates price. So it obviously works in a way that keeps rates in check.

Under my bill, an independent contractor would manage a program that looks like FEHB, with a few modifications to accommodate the market segment it would serve. A few of those modifications are designed to hold down costs.

The bill would establish a reinsurance program to pay claims that fall between $5,000 and $75,000. That is where small business gets hit the hardest. When 1 or 2 or 3 employees, in a company of 50 or 40 or 30 or 100, get hit with a huge bill of hundreds of thousands of dollars, it affects the entire pool, and it affects everyone's premium and, in many cases, it makes insurance for the small business employer simply out of reach.

This bill establishes a reinsurance program to pay claims that fall between $5,000 and $75,000. This approach minimizes premium spikes and it makes coverage affordable for companies regardless of the age and the health of their employees.

The bill establishes what is called a loss-ratio standard for insurers. This means that insurers would be required to spend most of their premium income on claims, and hold down their administrative costs. We know what happens with small employers: the administrative costs the insurance companies take are typically huge and have a major impact on the per-employee cost of health insurance.

The bill would identify and apply strategies to ensure that providers employ "best practices" in health care, which means they are providing the right care at the right time in the right amount.

Finally, the bill would target price gouging by drug manufacturers and manufacturers of other medical products, including medical devices.

Price gouging occurs in U.S. health care when a company exploits American consumers by charging them dramatically higher prices than consumers in other wealthy nations.

Why are we paying so much more for prescription drugs in this country than the Canadians pay, when the Canadians often are buying drugs manufactured in the United States? It is the same drug, same brand name, same packaging, same dosage. Yet they are paying in Canada sometimes half as much.

In fact, for years, I used to take—when I was in the House of Representatives—busloads of constituents to Canada, about 2, 2½ hours away from Lorain, OH, where I lived, to buy prescription drugs at a pharmacy in Ontario. The same drug, same dosage—everything was the same, except for the price.

Other modifications in the bill are designed to ensure that health coverage is nondiscriminatory. Think about it this way: If your next-door neighbor develops a mental illness such as clinical depression, and you develop a medical illness such as heart disease, why should your next-door neighbor be denied health benefits that you get because that is a mental illness versus a physical illness? We both have paid premiums. Your next-door neighbor and you have both paid premiums to cover your health care costs. You both need health care. Why is one condition—the condition of heart disease—more worthy of coverage than the condition of clinical depression?

My bill charges a group representing providers, businesses, consumers, economists, and health policy experts with rethinking health care coverage to eliminate arbitrary differences in the coverage of equally disruptive, disabling, or dangerous health conditions.

The bottom line is this: We have an opportunity to expand access to health coverage in a way that achieves fundamental goals.

One, we reach populations who cannot find a home in the current insurance system because they are small businesses, typically, or self employed.

We stand up for American consumers who are paying absolutely ridiculous prices in many cases for essential health care.

We demand spending discipline on the part of insurers. They have chosen to play a pivotal role in the health of our Nation. They can live with reasonable limits on their administrative costs, as their profits go up and their executive salaries are in the stratosphere.

We can clean up duplication and random variation in the delivery of health care services.

We can end arbitrary coverage rules that turn health protection into a health care crapshoot.

For the sake of small employers, for the sake of their employees, for the sake of self-employed entrepreneurs—whom we need so desperately in this country to compete globally—and for the sake of every American who did not request, did not sign up for a particular health problem, and should not be penalized for having it, I hope Members on both sides of the aisle will support my legislation.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

"MISSION ACCOMPLISHED" ANNIVERSARY

Mrs. BOXER. Mr. President, 5 years ago today, President Bush stood on the deck of the USS *Abraham Lincoln* in front of a banner that said "Mission Accomplished" and he told the Nation that major combat operations ended in Iraq. Those were his words. Now, listening to the radio reports today, I hear that the President's Press Secretary, Dana Perino, said we all—all of America—misunderstood. He didn't really mean the mission in Iraq was accomplished; he was just talking about the fact that the particular aircraft carrier on which he landed, that they had done their mission and that was accomplished.

I don't even know how to react to that. It is beneath the dignity of a White House Press Secretary to reach in that fashion. I will tell you why. I read the speech the President made in its entirety, and I don't see one thing that talks about a mission accomplished by the USS *Abraham Lincoln*, the carrier—not one word, not one thing.

I thought to myself: What would that be like? I thought: Maybe it is as if the Presiding Officer or I were giving a speech on health care, and behind us we had a big banner and the speech was televised and it said: Health care for all. Health care for all. We gave a speech, and then a few days later someone who saw the speech said: Senator, I am really annoyed about your speech. You said health care for all. I already have my health care. I don't like your system. Leave me out of it.

And I responded in this way: I didn't mean anyone outside this room. I only meant the people I was speaking to in the room—even though I had a sign that said: Health Care For All.

So please, please, let's not make matters worse by distorting the truth any more than it has already been distorted from day one of this national nightmare.

What else did the President say on that aircraft carrier that day 5 years ago today? He said: Other nations in history have fought in foreign lands and remain to occupy and exploit. Americans following a battle—

Listen:

> Americans following a battle want nothing more than to return home. Americans following a battle want nothing more than to return home.

He said:

> That is your direction tonight.

Five years ago, the President said we won the battle; it is time to go home. Where are we 5 years later? I just heard 48 deaths last month, which is the highest in 6 months. Since that day 5 years ago, 3,922 troops have died in Iraq, including 796 either from or based in California, and almost 30,000 have been wounded. We have spent more than a half billion dollars, and there is no end in sight.

When the President made his declaration, the price of oil was $26 per barrel. It now stands at $113 per barrel. Remember, the oil was supposed to pay for the war. Remember. Don't forget, the oil was supposed to pay for the war. That is what the administration told us.

The words, "Mission Accomplished," no matter how somebody tries to torture it, have come to symbolize the dishonesty and the incompetence that took our Nation into an ill-advised war of choice—a war with a price in terms of lives and treasure and our Nation's standing in the world only grows higher and higher and higher with each passing day. We cannot afford it.

We recognize the words, "Mission Accomplished," as part of a sad and familiar pattern, another verse in the same song from the people who warned us the smoking gun could be a mushroom cloud. Remember when Secretary Rice said the smoking gun could be a mushroom cloud, even as they knew it wasn't true. They assured us we would be greeted as liberators. They swore we would be turning the corner and that the insurgency was in its last throes.

Then they said, when we asked why isn't this war over: Well, we need to train enough Iraqis, and when they stand up, we will stand down. We have spent so much training the Iraqis—I want to make sure I am right on this—$20 billion we have spent training over 400,000 Iraqis.

I asked General Petraeus: How many al-Qaida are there?

He said: Very few left, a few thousand maybe—not even.

I asked General Petraeus: How many insurgents are there?

He said: In the thousands.

We have trained over 400,000 Iraqi soldiers, but our troops are still dying instead of playing a support role as they should.

I wish to talk about the money that we, the taxpayers, are spending. We are spending $10 billion a month in Iraq. That is $2.5 billion a week. That is $357 million a day. Now, remember, this is all borrowed money and the cost of this is going right to the debt that our grandchildren and their children will have on their backs. The President's policy is being paid for on a credit card, and we are sticking future generations with the bill. That is irresponsible and immoral.

We don't have a plan to get out of Iraq 5 years after "Mission Accomplished." Everybody says this war cannot be won through military means; it has to be won through political means. Yet we sit back, and the Government in Iraq makes very little progress, and they know, because of this President and this administration, they don't have a price to pay for not being effective. They don't pay a price for that, for not solving this politically. They don't pay any price because we are going to be there, and the blood and treasure of this country is on the line.

The President says: Iran and al-Qaida are our biggest enemies. The President of Iraq holds hands with Ahmadinejad of Iran. They kiss each other on the cheek. We spend this money, we lose these lives, our President says Iran is our biggest enemy alongside al-Qaida, and we just keep on sending the money to a government that embraces Iran.

Now, I don't care how you figure this out, it doesn't add up to me. For less than the cost of 3 months in Iraq, we could enroll every eligible child in the Nation in the Head Start Program for a year. For 3 months in Iraq, that is what we could do for our children, and we know the waiting list is long.

For 2 weeks in Iraq we could provide health insurance for 6 million uninsured children for a whole year. The list goes on.

For 7 days in Iraq we could enroll 2.5 million kids in afterschool programs. For 6 weeks in Iraq we could ensure full interoperability of all of our communications systems. We are not protected in America because we don't give our emergency workers the interoperability they need. For the cost of 6 weeks in Iraq we could do that. Oh, no.

For 3 weeks in Iraq we could extend the renewable energy production tax credit for 4 years and see jobs from solar and wind and geothermal energy. We could extend 13 additional weeks of unemployment insurance in this recession for 1 month in Iraq. The list goes on.

We have given so much on this 5-year anniversary. It is time for a change in this country. We need to tell the Iraqis we will stand behind them, but we are not going to stand in front of them, and we are not going to continue to pay these enormous costs. Our country cannot afford it.

I thank you, and I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

FAA REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2881, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal year 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Pending:

Rockefeller amendment No. 4627, in the nature of a substitute.

Reid amendment No. 4628 (to amendment No. 4627), to change the enactment date.

Reid amendment No. 4629 (to amendment No. 4628), of a perfecting nature.

Reid amendment No. 4630 (to the language proposed to be stricken by amendment No. 4627), to change the enactment date.

Reid amendment No. 4631 (to amendment No. 4630), of a perfecting nature.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, the work done on this piece of legislation to bring it to the floor is a good piece of work. Democrats and Republicans worked together to move toward solving one of America's major problems, and that is dealing with our aviation system. Chairman ROCKEFELLER, Senator INOUYE, Senator BAUCUS, Senator STEVENS, Senator GRASSLEY, Senator HUTCHISON, and their staffs understood that ensuring the safety and efficiency of America's air traffic is too important to fall victim to politics, slow walking, or obstruction. It even appeared for a while that this bill was on the path to a relatively smooth and easy final passage.

But now our Republican colleagues have signaled that they plan to let this bipartisan legislation fall victim to more obstruction. We could have moved to the bill yesterday, but the Republicans wouldn't let us do that. They forced us to spend more valuable legislative time not legislating, not trying to strengthen our country for the American people but simply overcoming procedural roadblocks that have been thrown at us time after time.

As we have said on a number of occasions, but certainly it is worth saying again, Republicans broke the 2-year filibuster record in the history of this Senate in just 10 months. We are now up to 68 filibusters. That is not normal filibustering, it is filibustering on steroids.

Democrats want to change our country for the better. We want to change the status quo. We have an economy spiraling into recession. Gas and oil prices are at a record high. We have the war in Iraq that 70 percent of the American people want to end. The problems we have faced and now face can't be solved easily.

But it would not be solved at all if Republicans refuse to let us legislate. The distinguished minority leader raised questions about offering amendments to the aviation modernization bill. As I said several times yesterday, we welcome their amendments. We want them to offer amendments. We understand there is a Bunning amendment dealing with turning coal into aviation fuel. I don't know much about that, but it is something that appears to be germane and relevant to the bill. We should start to debate that amendment. But it appears no matter what I suggest, it is obvious the Republicans don't like this bill and are not going to let us pass it.

It is my understanding that today they are concerned about at least two provisions in the bill. One deals with strengthening the passenger rail system we have in America and also doing something about the depleted highway trust fund, which is leaving States with no money to do road repairs, construction, and modernization. If that is the case, it seems to me the logical thing to do is to offer an amendment to take those provisions out of the bill.

Long ago, when I was an assemblyman in the Nevada State Legislature, it didn't take long to understand that if you don't like something, just move to take it out. If you can muster the votes, that works. If your amendment doesn't pass, at least everybody knows you have tried. Here the Republicans don't even try. They want to just kill things by doing nothing.

I told my Republican counterpart that Democrats are making every effort we can to allow amendments to be offered. We welcome relevant amendments on both sides of the aisle. That is how the legislative process is supposed to work. I even offered to the Republican leader that we can sit down and let him help me be the gatekeeper of what amendments should be offered. That is fair.

Do I want to avoid amendments that have nothing to do with aviation? I don't even care much about that. I want to move this bill forward. The Republicans' obstruction and claims of unfair dealings are not reflective of the facts or reality. I made it clear that the amendment process will be fair, open, and take place in the light of day. This legislation is far too important to fall victim to the gamesmanship we are now seeing. Air travel is about getting from point A to point B, such as going from Las Vegas to San Francisco or from San Francisco to Chicago. That is what it is about—connecting to family and friends, getting goods to businesses, and connecting Americans to the global community.

The Federal Aviation Administration is facing challenges like they have never faced before. A record 770 million passengers flew on U.S. commercial airlines in 2007—nearly double the number who flew just 20 years ago.

If these trends continue, the FAA told us we will have 1 billion passengers in just 12 years.

Las Vegas-McCarran International Airport—the fifth busiest in America—now hosts 4 million passengers every month. At this rate, McCarran will reach maximum capacity in the next 3 to 5 years.

Every American who flies understands what this new congestion means: longer lines, more delays, and a more stressful, less efficient trip.

If growth in air travel in Nevada and throughout America is managed correctly, it represents a tremendous opportunity for airlines, tourism, and our economy. But the risks we face if we don't bring our aviation infrastructure up to speed are clear: Americans could be put at greater risk, our economy could suffer, and air travel could grind to a halt.

This Aviation Investment Modernization Act will help ensure that we manage this growing challenge. It will help passengers take off sooner, land safer, help commerce flow with fewer interruptions, and help carriers lower their fuel costs—which will save us all money.

The Aviation Investment Act will make air travel safer by upgrading aging airport infrastructure, enhancing oversight of airlines and the Federal Aviation Administration, and improving runway safety. There was an article within the past week that most airline accidents—the close calls—are on runways, not in the air.

Right now, the GPS in your car is more sophisticated than the system that guides your flight in an airplane. That is why this bill modernizes an obsolete air traffic control system with modern technology. That is why this bill requires airlines to give passengers better information about arrivals and delays. That is why the bill incorporates elements of the passenger bill of rights to protect consumers and deal with the most egregious flight delays and cancellations. That is why this bill does things that make air travel safer.

As Americans take to the skies in record numbers, they deserve to know the Government is doing everything possible to keep them safe. This legislation will give the American people that confidence. It will also make flying not only safer but less stressful, more efficient, and more enjoyable.

We must not let a crumbling infrastructure grind our economy to a halt. That is what it is doing.

I urge my colleagues, once again, to put politics aside, put obstruction aside, and work with us to pass the Aviation Investment Modernization Act.

Mr. President, if somebody wants to offer an amendment to this bill, they can come down and do that. They can play all the political games they want, saying: Senator REID filled the tree. This is something that is way inside the beltway, Mr. President. On this vehicle now before the Senate, people can offer amendments. All they have to do is come and give us an idea of what the amendment is. I have been in the Senate a long time, and it is no new theory that you would like to know what the amendment is. We always give our amendments to the minority and say here is what it is going to be. They should see it firsthand. This does not prohibit them from doing that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOTION TO COMMIT WITH AMENDMENT NO. 4636

Mr. REID. Mr. President, I move to commit the bill to the Finance Committee with the instruction to report back forthwith, with the following amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada (Mr. REID) moves to commit the bill to the Committee on Finance, with instructions, with the following amendment:

The provision of this act shall become effective 2 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4637

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "2" and insert "1"

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPENDING RECORD

Mr. GREGG. Mr. President, I rise to respond to some attacks relative to my integrity which were run today in a New York newspaper—I think it was the Daily News—which I presume were energized and orchestrated by the staff of the leadership—the Senate office of the senior Senator from New York. The editorial could not have had the fact pattern that it had, had it not been fed that information from the senior Senator's staff. So I think it is appropriate to respond to it.

It implies, obviously, that I am inconsistent in my views on how I approach spending in this Congress. I think that will come as a surprise to most people in this Congress because I doubt anyone in this Congress—I am sure there are a few—does not think my record in trying to control spending and having some resistance to spending which I feel is inappropriate is fairly strong.

As chairman of the Budget Committee, I tried to discipline spending. I tried to make our Government more affordable for our children. I tried not to pass on to our children debts which they should not have to bear so our children can have the opportunity to live as fulfilling a life and have as high quality a life as we have had.

There is in this bill a proposal to spend $1.6 billion on an air train to Kennedy Airport. That is not an aircraft issue. It is clearly an add-on. This proposal is, ironically, paid for using the Tax Code in a very ingenious way. It gives a credit to the State of New York, or the city, for taxes which they don't pay over a period of time, which is fairly extensive. I think it will run into the period 2020. That credit totals about $1.6 billion, $1.7 billion. It is, under any scenario—I did not use this term when I spoke about it first, but I will use it now—it is under any scenario an earmark, and not a very good earmark, to say the least.

The representation is that my opposition to this is an attack on the efforts of this country to address the very serious and legitimate and appropriate concerns of the city of New York that resulted from 9/11.

After 9/11, the people of New Hampshire and the people of this Nation were committed and remain committed to making sure the city of New York is made whole, to the extent it can be. Obviously, it could never be after such a horrific event. We in our State were happy to take our tax dollars and put them toward the city to try to address those problems, and I voted for that. And we in our State were happy to support efforts to rebuild and continue to be happy to support efforts to rebuild Ground Zero because that is a place which has taken on sacred meaning to our Nation. But we are not interested, in New Hampshire—and I suspect most American citizens are not interested—in using dollars which were supposed to be used for 9/11 to help out some other, maybe a legitimate need—but I don't know whether it is—in the city of New York, and that is building a train. I call it the train to nowhere. It is a bit of an exaggeration, but since I was trying to put it in the context of an earmark that was of a questionable purpose, that seemed like a reasonable term to use. That has become sort of like the term "Xerox" when you talk about an earmark about which you have serious questions. But building this air train to Kennedy Airport—by the way, I understand there is some significant disagreement within the city about whether it should even be built, but certainly it should not be on this bill as an attempt to basically get around an authorizing process or a process which would air whether this earmark is appropriate.

It should also not use a brand new exercise in tax policy, which is totally inappropriate, of basically using the tax laws in a way that creates an earmark by saying that you get a credit for a tax you don't even have to pay. That is very bad precedent—horrific precedent, quite honestly.

This earmark should see the light of day, and I don't think it can be defended on the grounds of 9/11. In fact, I think that really does serious damage to the historic and very human perspective of 9/11. To try to defend building an air train to Kennedy Airport and stand behind 9/11 as your reasoning, and then claim, in a way that is most inappropriate, in my opinion, if somebody opposes that proposal, they are attacking the memory and the purpose and the sacredness of the 9/11 event and the Ground Zero reconstruction, is just, even by New York standards of exaggerated politics, carrying it a step too far—more than a step too far, in my opinion. But that is what was done here.

An earmark was created for something which has only marginal relationship to even downtown Manhattan—I guess you have to get there from Manhattan, so I guess it has a relationship—certainly no nexus with Ground Zero from the standpoint of an air tram construction to Kennedy Airport. Using the tax laws in an abusive way to generate this earmark and then claiming, when anybody raises the question of the legitimacy of it, that they are somehow acting in a way that is inconsistent with the commitment to the rebuilding of New York after 9/11 and they are degrading the name of the 9/11 event is beyond the pale.

But that seems to be the goal, the style, and the approach of at least the people who fed the information to the paper—which I presume was the staff of the senior Senator from New York. Maybe it was not his staff. I would like him to come down here and deny it if it wasn't. I would like him to come to the floor and deny it if he didn't basically give this information and set the tone of this position because, very clearly, in my opinion, he has.

Let's return to the fact pattern as it exists. I will stop using the term "train to nowhere" because I can understand how that might irritate. I will accept that term was probably inappropriately applied. I will call it an earmark, a very questionable earmark for a lot of money which does not flow from the original commitment, in my opinion, to the rebuilding of New York—which the citizenry of America made and which we were happy to stand behind.

In fact, ironically, the plans for this train, this elevated train, were begun in 1998, and the actual commitments that this train would go forward, as I understand it, were discussed as early as 1988. The claim this is tied into Ground Zero is to extend credibility quite a bit, in my opinion. To hide behind that and use it in such a personal way which basically questions another Member's integrity is obviously inappropriate.

I think the Senator may have the votes to support his proposal to raid the Tax Code for $1.6 billion. Maybe he has the votes to do that. But it should not be on this bill. It is not an airplane issue. I can tell you right now, if I have anything to say about it, this bill is not going to move forward as long as it is on this bill.

It had not been my intention to engage at this level, but, as, you know, people from New Hampshire know how to play politics. We know how to deal in this Chamber as well as people from New York. We may be from the country, but we know how to engage. It appears engagement has been called upon, so let us go forward and see who is right, see who has the equities on their side, and determine whether the American people believe building a train which was designed in 1988, was committed to, I believe, in 1998, about which there is considerable discussion whether it should even be going forward, which is an elevated train to an airport in, I believe, Queens, is an appropriate use of $1.7 or $1.6 billion of their hard-earned income. Let's see what happens on that issue.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I remember those days in West Virginia when all the major airlines operating large jet aircraft served all of West Virginia's airports—jets, actual jets coming into West Virginia. Airline deregulation was a terrible mistake. It changed the very nature of air travel in this country for all. For millions of Americans in large urban areas, it ushered in an era of affordable air traffic. A trip to New York and Los Angeles went down. In fact, at a number of points, it became much cheaper to go to Los Angeles from New York than to go from West Virginia to Washington. But for West Virginia communities, it meant a loss of service and convenience and often higher prices. It seemed to me that the big jets disappeared from West Virginia within days of deregulation. I remember those nice American, United, and Eastern jets sitting out there on the tarmac, people piling on. Deregulation—boom, they were gone.

For 30 years, small and rural communities have had to cope with very limited and unreliable service. The Presiding Officer knows exactly what I am talking about. Over the last several years, these problems have been exacerbated by the weakened financial condition of the U.S. airlines, which is what this whole effort to get a bill going is about.

After September 11, dozens of communities saw a dramatic decrease in the level of air service. It was measurable, noticeable, and depressing. Many lost service altogether. As the industry recovered from the dramatic downturn in the air traffic that tragic day sparked, small communities did not see the benefits of that resurgence because once they dropped something, it was easier to keep it dropped rather than to help.

Small community air service is facing an unprecedented crisis. If we fail to act to address this problem, dozens of small communities across our Nation will face a future without air service. Consider that for a moment—small communities, viable industries, institutions, people who count. Americans are born equal, but then some don't have air service. That is what we have now. Without access to reliable air service, we throw into question their economic future.

I do not come to the Senate to represent the diminution of possibilities for West Virginia's economic future. I have spoken about the weakened financial condition of our major airlines. But we must also recognize that small regional carriers that provide the air service to rural States such as West Virginia and Montana and parts of Ohio, I am quite certain, also provide the vast majority of air service to midsize communities across the country, and they are teetering on the brink of collapse because of high fuel prices.

As Senator BAUCUS knows all too well, small airlines across the West have folded, leaving at least 17 communities with no air service at all. Seventeen communities would sort of make up the entire State of West Virginia. That is a terrible blow. So few regional airlines are willing to initiate service to small, isolated communities that, when one withdraws service, it is very hard to find replacement air service. In most cases, it is impossible. Hundreds of small and rural communities across our country are facing drastically reduced air service because of this financial turmoil in the industry. Even in the best of times, these communities face a difficult time maintaining and developing new air service options. Today, their challenge is preventing the complete loss of air service. That is effort No. 1: Hold on to whatever you might have. No matter if it is one flight a day, hold on to it. Fight for it.

I strongly believe the Federal Government must continue to assist our most vulnerable communities stay connected to the Nation's aviation network, a network paid for by all Americans.

The reduction or elimination of air service has been devastating in terms of its effect on the economic well-being of many of our communities across the country. Having adequate air service is not only a matter of convenience, it is a matter of economic survival. Without access to reliable air service, businesses will not locate their operations in these areas of the country, no matter how attractive the quality of life or the quality of the workforce. We have, for example, extremely low housing prices, low property taxes, and an extraordinarily highly productive workforce, with an average in manufacturing of 1 percent annual turnover. That is almost unheard of. Airports are economic engines that attract critical new development opportunities and the people who can make those things happen or continue to grow.

West Virginia is a very good place to do business. Toyota and a number of other large industries, chemical and otherwise, have found that out. I can proudly state that countless large U.S. and international companies have facilities in my State. I can even point out that 20 Japanese companies have industries in the State of West Virginia, three in Wayne County, which the Presiding Officer is familiar with. From West Virginia, a business traveler can get to seven airline hubs and from these seven cities can get to any point on the globe. One-stop service to Tokyo, London, Dubai is critical if my State is going to compete in the global economy. West Virginia has been able to attract firms from around the world because corporate executives know they can visit their operations with ease. That is why we have air service. Rural and smalltown America must continue to be adequately linked to the Nation's air transportation network if its people and businesses are to compete with larger urban areas and around the world.

When Congress deregulated the airline industry, we promised small and rural communities we would make sure they would remain connected to the aviation system. We have failed in our commitment to those promises. The Essential Air Service Program, which Congress established when we deregulated the airline industry, is not a huge program, but it provides money to attract airlines into smaller communities and is incredibly valuable.

But, on the other hand, the essential air service has never met the true needs and expectations of rural air service or the necessary requirements of rural air service.

In West Virginia, the essential air service has often been plagued by high fares and limited, sporadic service. For 10 years, I have worked to strengthen small community air service. I do that because I represent a rural State with hard-working people who have an enormous desire to succeed and to work and are deprived of what many other Americans take for granted. That is not fair in Internet connection; you cannot have a rural and urban divide. It is just as true in airline service; you cannot have urban doing well, rurals being left out because we are all Americans, all created by God to be equal.

So I have worked to strengthen small community air service. In the Aviation Investment and Reform Act for the 21st Century, which Congress enacted into law in the distant past of the year 2000, we began to address the need to improve air service in small and rural communities.

I, along with many of my colleagues, supported the creation of something called the Small Community Air Service Development Pilot Program, a competitive grant program to provide communities with the resources they needed to attract new air service to their town. We try everything we can. We try absolutely everything we can. Over 100 communities now have used these grants to secure and retain new air service options. That is good.

I wish to highlight two success stories which happened in my State. Charleston received money under the program I have described and has used it successfully—Charleston is our capital—they have used it very successfully to attract a new service connection for our chemical industry to Houston. Why is that important? Well, our chemical companies do a lot of the training of their people in Houston and then they come back and they work in our chemical companies. Air service to Houston gave West Virginians an important gateway, in addition, therefore, to the markets of Latin America.

Over the past 2 years, Tri-State Airport in Huntington has been reborn because of the money it received under this Small Community Air Service Development Grant Program. Prior to attracting a low-cost charter operator, the airport had seen a steep decline in the number of passengers using the airport. With fewer passengers, airlines cut back flights. Fewer flights meant fewer passengers. It was a death spiral.

Once the community was able to secure a grant, matched with almost as many local dollars, airport officials were able to attract a new carrier that served the critical markets local residents wanted. For the first time in 20 years, large jets roared off the runways in West Virginia, in Huntington. The airport will have 100,000 passengers pass through its gates for the first time in decades.

Now, that is not very impressive if you are from New York or Los Angeles, but in West Virginia it shakes the world, and it gives people new hope. I was there when all this happened, and you could see a new sense of vigor and determination in the population. Air service attracts community ambition.

Improving air service must be a collective effort. Communities are most successful in creating new air service options when everyone—including the Federal and the State governments, airports, airlines, businesses, and citizens—works together to attract, promote, and use the service.

One of the things we learned the hard way in West Virginia was you cannot treat an airport similar to something which is out there which people will automatically go to. We used to have a lot of our people from Charleston driving all the way to Cincinnati and actually not understanding that the cost of traveling to Cincinnati and the fuel and the overnight and all the rest of it actually did not give them that much of a financial break, but they looked at the cost of the airline and off they went. So 16 percent of Charleston's traffic disappeared.

I am now proud to say West Virginia communities have been able to use this important program to rethink their air service needs, to think about marketing airports. You market airports like you market anything else. People have to be aware of it. You have to attract people to it. It is not something which is there. It is something which has to sell itself. LaGuardia does not have to do that. Newark does not have to do that. In West Virginia, we have to do that, and we are doing that.

The FAA bill that is before us extends the authorization for these important programs for 4 more years.

Four West Virginia commercial airports rely solely upon the Essential Air Service program for any service at all. We are extending that and enlarging the amount. No community wants to be dependent on essential air service. It is not a badge of honor. But it is a fact of survival. But for many, it is their only option to maintain air service.

But as I mentioned earlier, the program has not met the needs of many communities. In 2003, as part of the last FAA reauthorization bill, I created a number of new voluntary pilot programs for essential air service communities. I modeled these initiatives after the Small Community Air Service Pilot Program by focusing on incentives rather than punitive approaches.

Under this new plan, a community could receive funds to develop its own marketing plans rather than rely on the airline for one. It could use funds to increase service levels, opt to use different types of aircraft or investigate the use of alternative transportation service. In other words, it said: What is our problem? What are we going to do about it? We cannot wait on other people. We have to make these decisions ourselves. We are doing that in West Virginia.

This year, we have added a number of provisions to strengthen the Essential Air Service program. We have increased the authorization level for the program by $58 million to $175 million a year. We have included provisions to help carriers that provide the essential air service so they can meet the cost of high fuel. It is essential. We have increased the flexibility of the program even further so communities can work with the Department of Transportation and air carriers to find air service that works for them.

Small and rural communities are the very first to bear the brunt of bad economic times. It has always been so. It shall always be so. The Presiding Officer knows exactly what I am talking about. We are always, in West Virginia, at the end of the food chain on everything. We understand that. We do not like it, but that is our current destiny, and so that is why we have to fight harder and try to be more imaginative.

The general economic downturn and the dire straits of the aviation industry have placed exceptional burdens on air service to our most isolated communities. The Federal Government must provide additional resources for small communities to help themselves attract air service. If you have to do the work yourself, you do it. You just do it. The Federal Government must make sure our most vulnerable towns and cities are linked to the rest of the Nation. It is an easy statement to make, but it is a huge statement. We have an obligation in this country to make sure all of our communities and our people are linked to the broad air service opportunities, hubs and spokes. It has to happen.

My legislation builds on existing programs and strengthens them. We must continue to provide our constituents the tools and resources necessary to attract air service, and we are doing that.

So, in closing, I should say a subsidy alone does not solve the problems of small community air service. If our constituents do not use that service, or the airlines take it away—airlines cannot operate unprofitable flights or flights that are marginally profitable, for which they could do better elsewhere. They make a little bit of money or they do not make a little bit of money, and they are gone because their situation is so dire.

I do not know what the future of the U.S. airline industry will look like in 6 months, but our Nation needs a strong airline industry. Our communities need to be connected to the aviation system.

That is why we are going through this most extraordinary exercise of no amendments to be voted on, a good deal of time to sit and talk, a great deal of frustration. But we are trying to pass something called the Federal aviation bill that will provide service to our people. If there is anything in the national interest, it is that. I will not go so far as to say it is more important than the interstate highway system, in terms of economic development and also reaching out to the world, which all our States need now to do on a two-way basis.

So we fight. We continue to fight.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from Georgia.

Mr. ISAKSON. Madam President, while the distinguished Senator from West Virginia is on the floor, I wish to, first of all, commend him for his efforts on behalf of aviation in the United States. I associate myself with his remarks about rural and underserved areas. I associate myself with all the remarks he made in support of our aviation system.

I am one of those people who are frustrated with our inability to deal right now with amendments. I understand a substitute was offered last night and the tree was filled so there are no germane amendments that were—the amendments that were filed yesterday are no longer germane; am I correct?

Mr. ROCKEFELLER. Madam President, I say to my good friend, the Senator from Georgia, things have changed a bit this morning and decisions are being made on that side of the aisle that will determine whether we can move forward. I am hopeful about that process.

Mr. ISAKSON. Madam President, in the hopeful event we can move forward, I wish to, for a minute, with the distinguished Senator, make him aware of an amendment I submitted yesterday but is not pending. It cannot be pending right now. I agree with the Senator entirely on the importance to the American economy of U.S. aviation. In the bill they put out, there is one element that was not addressed that I think should be.

On December 31 of this year, the United States providing terrorism insurance to the airlines sunsets. If it is, there will be no access to terrorism insurance by U.S. domestic carriers because the only private insurers that will offer terrorism insurance offer it with an advanced cancellation provision, which basically means if we went to a code level orange or a code level red, the insurance company in advance of a terrorist attack could actually cancel the insurance. So the aviation industry would be without insurance.

Our competition in Europe does not have that problem. They still have private insurance available for coverage of aviation terrorism. I submitted an amendment yesterday that would extend the date of December 31 of this year—which is the expiration date—to make it December 31, 2011, so airlines can continue to pay the U.S. Government for insurance against terrorism.

If my understandings are correct, those premiums totaled $160 million in the last year and are a revenue source to the United States of America, as it should be. We should not be providing it without cost.

So I would hope, when the meetings that are going on are concluded, and if we can get back to the base bill and if amendments again become relevant, that the distinguished Senator from West Virginia, the Senator from Alaska, and the others who have worked so hard on this legislation will look favorably on an extension of terrorism insurance availability to domestic U.S. carriers.

With that, Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, I say also to my very dear friend from Georgia with whom I have a long and wonderful background because of his strong reaction to our plight in West Virginia with the coal miners—he doesn't have coal in his State but he came into our State and adopted it as his own and we adopted him.

I also wish to tell him that what he is suggesting is something I very much support.

AMENDMENT NO. 4642 TO AMENDMENT NO. 4637

Madam President, I believe there is an amendment at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER] proposes an amendment numbered 4642 to amendment No. 4637.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the amendment, strike "1" and insert "3."

Mr. WYDEN. Madam President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTHY AMERICANS ACT

Mr. WYDEN. Madam President, there is now an historic coalition here in the Senate, a group of 14 Senators. Seven Democrats and 7 Republicans are sponsoring a health bill guaranteeing all Americans quality, affordable health care coverage. There has never been such a coalition in the history of the Senate.

Today our group got some historic news. The Government's go-to officials for budgeting and taxes have thrown decades of conventional wisdom into the trash can. They have informed our group that all Americans can have quality, affordable health care coverage without breaking the bank.

Briefly, here is what the Congressional Budget Office and the Joint Committee on Taxation have found. They found that our legislation, the Healthy Americans Act, can be up and running in 2012. They found the legislation would become budget neutral in 2014. That means our legislation is self-financing in the first year that universal health care coverage would be fully implemented in our country. In the years after 2014, because the legislation holds down health cost increases, it starts to generate budget surpluses for the Federal Government.

This analysis is fresh, independent evidence that health care can be fixed without massive tax increases or boatloads of additional Government spending. It is a chance, in my view, for Congress and our country to look at the issue of health care reform with fresh eyes, because what the Congressional Budget Office and the Joint Committee on Taxation have analyzed doesn't involve a set of lofty principles or some of the oratory from the campaign trail, but it is actual legislation.

Because this report is a historic document, I ask unanimous consent that the letter dated today from the Congressional Budget Office and the Joint Committee on Taxation be printed in the RECORD. The report is available on the CBO Web site www.cbo.gov.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 1, 2008.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.
Hon. ROBERT F. BENNETT,
U.S. Senate,
Washington, DC.

DEAR SENATORS: At your request, the staffs of our two organizations have collaborated on a preliminary analysis of a modified proposal for comprehensive health insurance based on S. 334, the "Healthy Americans Act," which you introduced last year. That modified proposal includes various clarifications and changes that you have indicated you would like to examine as part of the consideration of that bill. Attachment A summarizes our understanding of your modified proposal.

The staffs of the Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) have worked closely together for the past several months to analyze your modified proposal; this collaboration reflects both the novelty of the undertaking and the intimate connection between the revenue and expenditure components of this proposal. We have summarized our conclusions in this joint letter; its purpose is to give you preliminary guidance regarding an approximate range of revenue and cost results that might be expected from your modified proposal. This joint letter does not constitute and should not be interpreted as a formal estimate of your proposal's budgetary impact, which—for the purposes of scoring under the Congressional Budget Act—would ultimately be provided by CBO and would incorporate revenue estimates prepared by the JCT staff.

The basic thrust of your modified proposal is to require individuals to purchase private health insurance and to establish state-run purchasing pools and a system of Federal premium collections and subsidies to facilitate those purchases. The system's premium collection and subsidy mechanisms would be based largely on income tax filings, and the required benefits would initially be based on the Blue Cross/Blue Shield standard plan offered to Federal workers in 2011 and then allowed to grow at the rate of growth of the economy. Although employers would have the option of continuing to offer coverage to their workers, nearly all individuals who were not enrolled in Medicare would obtain their basic health insurance coverage through this new system. Most enrollees in Medicaid and all enrollees in the State Children's Health Insurance Program (SCHIP) would have their primary insurance coverage shifted to the new system.

Your proposal also would replace the current tax exclusion for employer-based health insurance premiums with a fixed income tax deduction for health insurance. (In addition, employers that had provided health insurance would be expected to "cash out" their workers—that is, to increase workers' wages by the average contribution that the employers would have made for their health plan.) The proposal also would require new tax payments from employers to the Federal government and further would seek to recapture the savings to state governments from reduced expenditures on Medicaid and SCHIP.

There are several important distinctions between the proposal we analyzed and S. 334 as it was introduced. For example, our analysis was limited to the operation of the new health insurance purchasing system and did not take into account most of S. 334's provisions regarding the Medicare program or other provisions that would not directly affect the new system. More fundamentally, the modified proposal would tie the premiums collected through the tax system—as well as the premium subsidies for lower-income households—to the cost of the least expensive health plan available in an area that provided required benefits, not to the average premium amount, as under S. 334. Furthermore, the value of the new tax deduction would not vary with the premium of the insurance policy that was actually purchased, and the schedule of employers' payment rates would range from 3 percent to 26 percent (rather than 2 percent to 25 percent) of the average premium. Attachment B describes in more detail the main differences between your modified proposal and S. 334.

The preliminary analysis reflected in this letter is subject to three important limitations. First, the staffs of both JCT and CBO are in the process of enhancing our capabilities to estimate the effects of comprehensive health care proposals. Improvements in our methodologies or more careful analysis of your modified proposal's provisions—particularly as you translate those concepts into formal legislative language—could change our assessment of its consequences.

Second, any formal budget estimate will reflect the macroeconomic assumptions and the baseline projections of current-law tax and spending policies in effect at the time it is issued. That baseline could differ materially from today's baseline.

Third, we focused our analysis on a single future year in which the proposed system would be fully implemented. For that purpose, we settled on 2014, the sixth year of the current 2009–2018 budget window. Under an assumption that the proposal is enacted in 2008, that timeline for full implementation seems to us to be achievable but could be optimistic, as we expect that it would probably take until 2012 for the new system to begin operation, and several years after that for various phase-ins and behavioral adjustments to take place. The new system would involve temporary net budgetary costs in its initial years; we have not analyzed the magnitude of those early-year transition costs.

Overall, our preliminary analysis indicates that the proposal would be roughly budget-neutral in 2014. That is, our analysis suggests that your proposal would be essentially self-financing in the first year that it was fully implemented. That net result reflects large gross changes in Federal revenues and outlays that would roughly offset each other.

More specifically, under your proposal, most health insurance premiums that are now paid privately would flow through the Federal budget. As a result, total Federal outlays for health insurance premiums in 2014 would be on the order of $1.3 trillion to $1.4 trillion. Those costs would be approximately offset by revenues and savings from several sources: premium payments collected from individuals through their tax returns; revenue raised by replacing the current tax exclusion for health insurance with an income tax deduction; new tax payments by employers to the Federal government; Federal savings on Medicaid and SCHIP; and state maintenance-of-effort payments of their savings from Medicaid and SCHIP. Attachment C provides more information about the approximate magnitudes of those components.

For the years after 2014, we anticipate that the fiscal impact would improve gradually, so that the proposal would tend to become more than self-financing and thereby would reduce future budget deficits or increase future surpluses. That improvement would reflect two features of the proposal. First, the amount of the new health insurance deduction would grow at the rate of general price inflation and thus would increase more slowly than the value of the current tax exclusion.

Second, the minimum value of covered benefits that all participating health plans had to provide would initially be set at the level of the Blue Cross/Blue Shield standard option offered to Federal workers in 2011 (we assume that the system's inaugural year would be 2012); but under your proposal that average value would from that point forward be indexed to growth in gross domestic product per capita rather than growth in health care costs. Because Federal premium subsidies would be based on the cost of providing that level of coverage, the cost of those subsidies would grow more slowly over time.

We hope this analysis is useful to you. Not surprisingly, a number of uncertainties arise in attempting to predict the effects of such large-scale changes to the current health insurance system. Although we have provided a range of results that reflect our current expectations about likely outcomes, actual experience—and the results of a formal cost estimate—could differ substantially in either direction. If you have any questions about this analysis, please do not hesitate to contact us; the staff contacts are Pam Moomau and Nikole Flax for JCT and Philip Ellis for CBO.

Sincerely,

PETER R. ORSZAG,
Director, Congressional Budget Office.
EDWARD D. KLEINBARD,
Chief of Staff, Joint Committee on Taxation.

Mr. WYDEN. Madam President, I wish to touch on a few points with respect to this report. Obviously, the key to fixing health care is to contain costs. Our bipartisan legislation does that by making sure all Americans have more clout in the marketplace. We achieve that by making sure that everyone goes into a big pool, because if they are off by themselves, they don't have a lot of ability to get the best deal for their health care dollar. But if they belong to a bigger group, they have a lot better chance of containing costs. We cut the administrative costs of health care. We use a State and regional pooling approach that has been found to cut administrative costs. We get patients out of unnecessary hospital emergency room visits because more would get seen on an outpatient basis. We make progressive changes in tax law and we empower consumers, because for the first time, if they have employer-based health coverage, they could actually find out what is being spent on their health care. Right now, basically all they know is they are not seeing their wages go up because health care costs are eating up all of the employers' resources. We think making sure that the worker knows what is being spent on health care provides them a new set of opportunities to get more for their health care dollar.

My view is that today's health care system is largely driven by employers and insurance companies. Clearly, there is a significant role to play for them. But what we do in our legislation is provide a bigger role for individuals and especially their health care providers—the thousands of doctors and nurses and physician assistants. We make sure that everybody under our legislation could have a health care home. So instead of being lost in an incredibly complicated health care system, there would be one person who would coordinate each individual's care.

A big part of what we are doing in this bill is to modernize the employer-employee relationship in the health care field. What we are doing in 2008 in health care as it relates to employers and employees isn't much different than what was done in 1948. The Chair can remember all of the efforts of President Truman to make changes in American health care. So we modernize that relationship. We continue to let employers who choose to offer coverage, but we give the workers more choices with respect to their health care and we give the employers much needed cost relief, which is especially essential at a time when they are competing in tough global markets.

I want to mention all of my colleagues who are sponsoring this legislation with me. Senator BENNETT of Utah, a member of the Republican leadership, is the principal cosponsor. Senator BENNETT's knowledge of economics, in my view, has few equals and I could not have a better partner for this whole effort. We have seven Democrats and seven Republicans who are on the effort. I am particularly pleased that so many from the Senate Finance Committee, where Senator BAUCUS and Senator GRASSLEY have worked in a bipartisan tradition for years, are part of our effort. From the Senate Finance Committee we have Senator GRASSLEY and Senator CRAPO and Senator STABENOW cosponsoring the legislation, all of them making a great contribution in this area.

As we go forward in the days ahead, Senator STABENOW's expertise and interest, particularly in health information technology, is going to be instrumental. For example, Dr. Orszag, the director of the Congressional Budget Office, who brings great professionalism to this effort to look at health care, this morning when he briefed eight of us in the Senate on the legislation, mentioned the fact that the evidence suggests as much as 30 percent of the health care dollar is spent in a fashion that produces very little value. So what Senator STABENOW is trying to do with health information technology, electronic medical records, and other innovative approaches is to wring more value out of every health care dollar. Her contribution is so very important.

Senator GRASSLEY and I have worked together on many health care issues.

Of course, the partnership we have on the Finance Committee between Chairman BAUCUS and Senator GRASSLEY is a very rare and a very beneficial alliance here in the Senate, and I so appreciate Senator GRASSLEY's involvement.

Senator CRAPO is my partner in the West who has a great interest and longstanding involvement in rural health care, and we are very pleased that he is an additional voice on the Senate Finance Committee for the legislation.

I would also like to credit the other Senators who are involved. We are very pleased that Senator LANDRIEU, who is helping to reinvent health care in her State as a result of destruction caused by Hurricane Katrina and all of the challenges they face, has been particularly interested in and creative in thinking about opening up new opportunities for entrepreneurship in her State and elsewhere. Senator LANDRIEU correctly points out that if you modernize the employer-employee relationship in health care, that is going to mean we are going to have more entrepreneurs. It is going to be good for business. It is going to be good for our economy. We are going to be able to grow our economic base in the country. Senator LANDRIEU argues very eloquently, in my view, that if you provide some cost relief for the employers who got into the business of driving health care by accident in the 1940s, you are going to be able to create jobs and strengthen our economy.

Senator NELSON, a former insurance commissioner, is one of our cosponsors. He has great expertise in insurance regulation. In fact, he pointed out this morning some of the tools that are going to be necessary to prevent price gouging in health insurance and is making a great contribution there.

Senator LIEBERMAN has a long-standing interest in this and is a cosponsor. Of course, his involvement is particularly critical because his State is a center of health insurance and technology and there are a variety of major economic concerns involved.

We are very glad to have Senator GREGG, who is the ranking member on the Budget Committee and a driving force on keeping down health costs to make health care more affordable and available to all. We're also pleased to have the support of Senator INOUYE, who as chairman of the Defense Appropriations Subcommittee, has shown his leadership in health care research for our soldiers and sailors with benefits for all Americans. We also appreciate the support of Senator CORKER, who has been a leading advocate for reforming the tax code to make health insurance more available and affordable. And we're grateful for support from Senator COLEMAN, who has the world renowned Mayo Clinic in his state and himself has been a leader in the area of health technology. And we are especially pleased to have the support of two former governors, Senator CARPER and Senator ALEXANDER. The Healthy Americans Act gives a major role to the states in reforming our health system and it's critical to have the support of Senators with the knowledge of state government and executive leadership experience they have supporting our legislation. It is a group unlike any other we have seen in the history of the Senate. Fourteen Senators—seven Democrats, seven Republicans—actually cosponsoring together a piece of legislation that will guarantee all Americans affordable, good quality coverage.

This legislation ensures that all of our people have choices such as we have here in the Congress. We have choices among a number of very good private sector packages. It ensures that coverage for the first time will be portable. You can take your coverage from job to job to job, which is something that millions of Americans desperately want.

It is our future. The fact is that today, by the time you are 35 years old, you are likely to change your job 7 times. Yet the system almost locks you into your present position. You cannot move. You cannot go to another opportunity. I think to have a portable health system where you can take your coverage from job to job to job and not worry about losing your coverage if you want to take a promotion or start your own business is particularly important.

The best part about it is that the Joint Committee on Taxation and the Congressional Budget Office have said this can be done in a revenue-neutral way.

We have had a number of Senators involved who have longstanding credentials in terms of being tougher on budgets and concerned about fiscal discipline. Now, the Joint Committee on Taxation and the Congressional Budget Office have said that, contrary to popular wisdom that universal coverage is going to break the bank and require tax hikes and new spending, it can be done in a budget-neutral kind of fashion.

Finally, I want to add since I think I really didn't do him justice earlier—Senator INOUYE has been a wonderful addition to our group. He and his staff have had a great interest in looking at a number of health reform issues, particularly ones that make better use of our workforce, focused on prevention and quality. We are thrilled to have him as well.

Madam President, I note that one of our colleagues has come to the floor. I will wrap up simply by saying that I think the entire Senate should be very grateful for the outstanding work done by the Joint Committee on Taxation and the Congressional Budget Office, led by Peter Orszag and Edward Kleinbard. Those two organizations have never issued—in the history of their organizations—an analysis like the one they made available today. Never in the history of the organizations has there been such an analysis.

I submit that if there had been an analysis like this done the last time the Congress debated universal coverage back in 1993 and 1994, if there had been a report like this one from the Congressional Budget Office and the Joint Committee on Taxation, they could have moved forward on a bipartisan basis to actually pass legislation, see it signed into law, and end the disgrace that a country such as ours, which is good and strong and talented, hasn't been able to fix American health care.

This time, I think we are up to it. Senator BENNETT and I have kept apprised the leadership in the Senate on both sides of the aisle. It is our determination to work with colleagues of both political parties. We intend to work with the Presidential candidates. I have talked with Senators CLINTON and OBAMA many times about the Healthy Americans Act. I talked to Senator GRAHAM last night about the Congressional Budget Office briefing. We know of his involvement with Senator MCCAIN. If you are going to deal with a big, important issue, it has to be bipartisan.

Today, the Congressional Budget Office and the Joint Committee on Taxation have made a significant contribution to our effort to move forward and actually enact universal health coverage that works for all Americans. We are indebted to their organizations.

I am particularly grateful to colleagues who have joined as cosponsors in this effort. Senator BENNETT and I will continue to work with colleagues like Senator BAUCUS, Senator KENNEDY and others over the next 6 or 7 months so that this can be ready to go for the next President of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, what is the current state of the floor?

The PRESIDING OFFICER. The Senate is considering H.R. 2881.

Mr. CRAIG. Madam President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 2953 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, the statement by the Senator from Idaho with regard to the need for drilling has been articulated by a very respected columnist, Robert J. Samuelson, who recently wrote his column, published in the Washington Post, that in essence said we ought to put oil rigs off the protected shores of Florida and in the preserved wilds of Alaska.

Once again, we are going to hear statements such as that of the Senator from Idaho and read statements in the written press by Mr. Samuelson as gas prices are hitting record highs. We are going to see the renewed push by the Bush administration and by the oil industry to drill in areas that are protected, such as the Gulf of Mexico off Florida, as articulated by the Senator from Idaho, as well as the area known as ANWR, which is in the preserved wilderness of Alaska. Drilling right away in environmentally protected areas was the centerpiece of Mr. Samuelson's solution to the rising gas prices.

There is not one of us in this Chamber who does not want to do something about those gas prices. What Mr. Samuelson said in his column was that to oppose drilling in those protected areas—as indicated also by the Senator who has just spoken—to oppose drilling in those protected areas, he said, is sheer stupidity. And he said further it is a "prejudice against oil companies."

That is the same thing the oil companies say every time there is a spike in prices. They have their long-term remedy that would expose these wilderness areas, and Florida's beach and tourism-driven economy, our areas of an environmentally sensitive nature, as well as the military interests I asked the Senator from Idaho to acknowledge, and they would put all that at risk. It is these same oil companies that are now, because of the high price of gasoline, going to make another end run—very possibly next week—and try to bust the ban, the longstanding ban on coastal drilling. Of course, they are going to cite what they do every time the oil prices spike high. They are going to cite the high gasoline prices.

I am basing my predictions of what is going to happen in the next couple of weeks, I am basing this assertion on the oil industry's track record and on the comments made Tuesday by the President, renewing his call for drilling. I am basing it on the suggestions we see in this newspaper column.

In advance of this likely new assault, this Senator wants to make clear oil that is still deep in the ground has no direct link—none—to today's pump prices. Any oil in the ground will not be in the marketplace for another 10 years. More important, no matter what anybody says or what anybody writes, the United States only has 3 percent of the world's oil reserves while the United States consumes 25 percent of the world's oil production. In other words, it is, to use Samuelson's term, "sheer stupidity" to think the United States can somehow drill its way out of the energy crisis.

We are a nation that is hooked on oil. Drilling along the Florida shore or in wildlife preserves will not break the habit. By the way, one of the main reasons oil prices have gone up so sharply in recent years is the volatility of major producer nations, such as Iraq and Iran—not even to mention Venezuela and Nigeria. History reflects similar spikes, circa 1973, when we had an OPEC oil embargo related to a war in the Middle East; then again in 1979 with the Iranian revolution; again in 1990 with Iraq's invasion of Kuwait and the first gulf war; and again, since 2003, with the war in Iraq, concomitant with increasing Asian demand.

The common denominator in all these spikes is they are fueled by the subsequent increase in oil speculation. The common denominator is trouble in the Middle East and especially in Iraq and Iran. More drilling along protected U.S. coasts, in bays and harbors and in the pristine wilderness of Alaska, will not stabilize Iraq and it will not guarantee Saudi Arabia's long-term friendship. Nor will it end the unregulated speculation that has driven the price of oil to more than $118 a barrel when the price should have been no more than $55 a barrel, based on present supply and demand, according to an industry leader's testimony before Congress. That means the law of supply and demand has been broken and we are paying at least $63 per barrel over and above what supply and demand would produce—a price of $55. We are paying that extra $63 per barrel to enrich investment bankers, speculators, and oil companies.

As Mr. Samuelson says in his column: "What to do?"

The U.S. failed in the 1970s to enact a real energy program to get us off oil. The result is it is Brazil that runs on ethanol today—not the United States. Germany leads the world in solar power, not the United States. In the meantime, oil companies are awash in record profits, more than $155 billion in profits alone last year, at the same time not spending enough on refineries or alternative energy, while guess who is getting it in the neck: the consumers at the pump.

Then, even worse, it took the United States more than 30 years to raise mileage standards on cars and trucks to a paltry 35 miles per gallon, something that will not even be in effect until the year 2020. And is it not interesting that most of Europe and the cars U.S.-based manufacturers sell there already average 43 miles per gallon, and in Japan the cars are approaching 50-miles-a-gallon.

In other words, we are wasting, flat out wasting billions and billions of gallons of oil. So, again, what are we to do? Well, about half of the oil we consume goes into transportation, and it should not take a rocket scientist to realize that is where we ought to focus. So, first, if we start to enact serious conservation measures, and things such as a 40-miles-per-gallon mandate for the fleet average of our personal vehicles, and if we provided greater tax breaks for hybrid cars, and ultimately hydrogen-powered and electric-powered cars, then we are going to start making a difference.

Second, the Government, our Government, led by our next President, is going to have to enact and subsidize a national energy program to transform us from our energy dependence on oil, especially foreign oil, to alternative and synthetic fuels to power much of the transportation sector.

Members of the Senate, it has been done before. Remember in the 1960s, President Kennedy led us to conquer the bounds of Earth, to go to the Moon and return, and all of that occurred within a decade. So we have got to act with the same urgency. And while we are at it, we are going to have to make ethanol, ethanol that we will make from things we do not eat so we do not reduce our food supply.

While we are at that, we are also going to have to pay attention to how we power not only our cars and our trucks, but our homes and our industry. We are going to need to develop solar, wind, thermal energy, and hydroelectric. And who knows the advances of technology in harnessing renewable energy sources. We are going to have to look for electricity that is from safer nuclear power.

Now, this is what our Presidential candidates ought to be hearing and ultimately before this election they ought to be making a pledge to the American people that they are going to do this. In the 10 years going forward that it would take to bring in new oil rigs fully to market, in that 10 years, if we are good stewards of what we have, we will have conserved more oil than we ever get out of the ground, and we will be mostly free from foreign oil by enacting this energy plan.

Our future will not be realized by looking backward to the short-term polluting and dirty energy solutions of the last century, solutions they still offer for the future, solutions by people who do not want to change their ways, such as oil companies.

So should we start drilling right now in very environmentally sensitive areas? To use Mr. Samuelson's words in his column, "That is sheer stupidity."

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I rise to speak about the provision related to the New York liberty zone that appears in the FAA reauthorization bill. A few of my friends on the other side of the aisle have called this provision an earmark. They have called it a fund to create a train to Kennedy Airport, even though that is not even mentioned in the legislation.

I wish to fill in on the facts. First, after the devastating attacks of 9/11 which scarred my city and our country, Congress and the President generously agreed to provide $20 billion in assistance toward the rebuilding of lower Manhattan. It was a promise the President made to me and Senator CLINTON the day after the attacks. It is a promise that, to his everlasting credit, the President has kept and has never wavered from. The President understood, I think all of my colleagues understand, what happened in New York. But we still live with the scars. That downtown has not recovered. There are fewer square feet of office space today than there were then in downtown. And the families who lost loved ones still grieve every day, as does just about every New Yorker.

There has always been talk about wearing flags. I put this flag on my lapel on 9/12/2001. I have worn it every day since and, God willing, I will wear it every day for the remainder of my life in remembrance of what has happened.

Now, of the $20 billion, the money was divided for various purposes. Some, of course, was to help the families who have lost loved ones. Some was for the cleaning up of the World Trade Center site. It was a massive undertaking—to visit the rubble a day later, to smell death and the burnt flesh in the air, and then to realize that people, not only from New York but from around the whole country came to help us help heal those wounds.

Some of the money was put aside specifically so that downtown would recover; incentives to bring business back and money for transportation, because the entire subway nexus had been destroyed. At that point in time, people worried that people would desert downtown and never come back.

New Yorkers, through efforts and valiance, have struggled, and so that is how the $20 billion came about. Was any part of the $20 billion an earmark? Is there any reason to equate it with a bridge to nowhere? Please. Please, my colleagues, I do appreciate that my friend from New Hampshire—I do consider him my friend—has retracted that specific statement. But to call the $20 billion, or a significant part of it, an earmark is unfair labeling, to be kind. Or the tax preferences for the gulf opportunity zone after Katrina, were they earmarks? They were a benefit, a large benefit, designated for a specific region. When we help a disaster area, is that an earmark? No. And all the hallmarks of earmarks done for only one member, slipped in in secrecy, none of that applies here.

In fact, this exact proposal is in the President's budget this year in the light of day for all to study because the President himself, as I said, has kept his word. Has it been done secretly? Obviously, no. This provision has been around for a while.

As I will show in a few minutes, many of my colleagues who oppose it now have voted for it in other legislation. Why has New York had to wait so long for this provision? It is because it has passed the House a couple of times, it has passed the Senate once, but the bills that passed never hooked up and never made it to the President's desk.

Are we going to tell those who argue that this is an earmark that any aid to any region, no matter how publicly talked about, no matter how desperate the need, is an earmark? With all due respect to my colleagues, it is not fair. It is not right. It is not up to the level of this body or this discourse. It is using a word that has a bad connotation and inappropriately labeling something that has been part of America's nobleness since 9/11.

Let me give you a little bit of history here. After the $20 billion in aid was passed, some of the provisions were not fully realized, others were, and exceeded the amounts of money. So the New York delegation had talked with the President and with OMB leaders about how to make sure those dollars were most wisely spent, and in some places, the amounts of money changed.

A consensus emerged as we went through this that the best way to support private enterprise, or one of the best ways to support private enterprise and rebuild lower Manhattan, was to improve transportation in and around the liberty zone.

As a result, the city and State proposed supporting improvements in transportation infrastructure in or connected with the liberty zone. If you look at the Treasury blue book, my colleagues, it is on pages 47 to 49. This is not something that was slipped in by any Member of the Senate, not by me or anyone else. It was the President who proposed it in this budget, as he has proposed it in previous budgets.

It is not something that was slipped into the bill in the middle of the night. And to equate it with wasteful porkbarrel projects is an in insult to the families of those who survive, to every New Yorker, and I believe to every American.

When New York was struck, we all rallied together. We have sort of kept that tone since, when it comes to helping areas that need help. So this is not about funding porkbarrel projects. This is about keeping our promises and our faith.

Second, my colleague insists that this is a train to Kennedy Airport. I refer him to the language in the FAA bill. There is no reference to a train to Kennedy Airport. There is no reference to an air rail. As I said, it sounded good, but I appreciate the fact that the Senator from New Hampshire has pulled back from calling it a train to nowhere. I personally called him 2 days ago and read the language of the bill to him. It does not mention a rail project. There has been talk in Manhattan, among the mayor and Governor and the city leaders who would be in charge of spending this money, that that is a possibility. But there are many other possibilities as well.

The one thing the legislation states is about improving and rebuilding transportation in the liberty zone. That is all. There is no specific project mentioned in the language. There is no particular project or projects I am supporting. To say otherwise is untrue. It would be totally within the law to use this for some subway improvements or other types of spending. That will be what the city will decide, in consultation with the Governor and the appropriate legislative bodies.

As for the mechanism of funding which allows the city and State to keep part of the Federal income taxes withheld from city and State workers, we have tried various ways of designing this aid, and this is what the administration came up with, with our agreement and consent. If any of my colleagues would like to suggest another way for fulfilling the promise they would support, I am happy to listen. But I remind them that this is a solution supported by the administration. In fact, the Bush administration has supported the $2 billion trade-in for the liberty zone in four consecutive budget proposals. The details of how to do it, again, of how to spend the money, will be left up to the city and State. This is not new money, I remind my colleagues. It is the last part of a solemn promise made by President Bush and supported by this Congress in 2001.

The current version of the language passed the full House in the most recent energy bill. It was part of a Senate energy bill that received 59 votes last year and 58 votes earlier this year. It was also part of the FAA reform package that passed out of committee by broad bipartisan vote. This is not something that was snuck into the bill as it reached the floor of the House. It was passed and debated in the Finance Committee. In fact, two of my colleagues who have raised questions about this—my friends from New Hampshire and South Carolina have both voted for legislation in favor of enacting the liberty zone provision, when it has been previously considered as part of other legislation.

So now to object to this, to the whole FAA bill because it has this provision in it, is a change of view. There was no objection to other legislation that had it on that basis.

The junior Senator from South Carolina voted yes on final passage of two bills in the 109th Congress—S. 2020, and H.R. 4297—that both contained the liberty zone provision. Unfortunately, the provision was not in the final versions of these bills, and the remaining funds for Ground Zero were not allocated. By advocating against this current position, it is clearly a change. There was no specific vote on this rail link, but there were votes on larger packages that contained it, just as this FAA package is a larger package that contains it. The senior Senator from New Hampshire has voted in favor of the liberty zone tax provisions at least three times: First, in favor of the original bill, H.R. 3090; again, in favor of two separate bills—S. 2020 and H.R. 4297—to complete the funding in the 109th Congress.

So it is hard to understand, since this is not an earmark. This is not a specific project. This is supported by the President. It fulfills a promise that, frankly, this Nation made to New York, the last part of it. It is hard to understand why the views have changed. We have been working 4 years to finally complete this promise. Each time objections are raised. If someone doesn't like it on this bill, then make a commitment on what bill we can finally get it done because I am going to try to get this on any piece of legislation that moves in the Senate until the promise to the people of my city and, frankly, the people of America is finally fulfilled.

I say this to the 98 other Senators not from New York: If 9/11 had happened in your State, you would be down here on the floor of the Senate making the same fight we are making. You would not allow anything to get in the way of a promise that had been made to a city or State, particularly when the arguments made don't really apply—not an earmark, not a train to nowhere, and not something that was done in the dark of night.

I want to note again that the Bush administration has been supportive. I have many disagreements with the White House on a host of issues, but they have been helpful and true to their word on this issue. President Bush himself has. I have thanked him for it repeatedly. The President believes it is important to keep his promise. This body should feel the same way. That is why he put his proposal in four consecutive budgets. That is why when the administration issued its statement of administrative policy on this bill, they did not note any objection to this provision.

I know there can be objections. That is part of what we do around here. But I haven't seen a good argument against this other than you don't believe New York City should get the money that was promised to it. This is about keeping a promise. I am going to make sure, to the best of my ability in this body, that this promise is kept. My constituents demand it. Fairness demands it. If this were about your State, you would demand it too.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I rise to talk about an amendment that I hope to offer on the reauthorization of the Federal Aviation Administration. It is an important amendment, and I want to discuss it so that my colleagues understand what this amendment is about.

This is a picture of an airplane that was provided to my office by a U.S. safety inspector. A pilot for a Chinese carrier requested permission and landed in Frankfurt, Germany, for an unscheduled refueling stop. They were running low on fuel. This is what the U.S. safety inspector provided us. This is what German workers found—seatbelts wrapped around fan blades.

There is a seatbelt. There is a seatbelt, as you can see, and the structure behind. They did this to minimize turbulence because there had been an engine that had failed. The inspection found that a total of three engines had to be replaced before the plane was going to be allowed to take off again.

What does this have to do with the amendment? In the latest audit, the Department of Transportation inspector general found that 67 percent of the heavy maintenance—not talking about kicking the tires or changing the oil—of U.S. commercial aircraft is now being performed by foreign repair stations. In a series of reports, the inspector general has identified many gaps in FAA oversight for these foreign repair stations.

What this amendment does is seek to apply the same standards of safety and security to all of these foreign repair stations that U.S. carriers are using. That is a pretty reasonable proposition. If you have a commercial carrier that is serviced in the United States at an FAA certified facility, it is likely an FAA inspector is onsite, a constant presence. There are requirements of drug and alcohol checks. There is perimeter security. There are standards that must be met in terms of these repair stations. How does it make sense that we don't demand those same standards for American carriers that are using foreign repair stations? Most Americans would be surprised to find out that we don't. That is what this amendment is going to fix.

I thank Senator SPECTER for cosponsoring this amendment. I want to spend a little bit of time talking about what the amendment contains, but I want to make sure that not only is the problem just whether the work being done is not up to the standards we would expect in some of these foreign repair stations, I want to talk about security issues.

My mom is going to be 80 this summer. She has had two knee replacements. She can't go through an airport without being wanded, many times her suitcase being opened. We all know that we have to check our shampoo. We have to not carry water bottles through security anymore. I think the American flying public understands and has accepted these incredibly intrusive measures because they want safety. They want security. They want to make sure that when they fly, they are safe. So they have said: OK, I am going to take a bunch of time at the airport. I will stand in lines. I will have a wand. I will have people patting my body. I am going to do all this because I want safety and security.

In 2003, an inspector general report found that there was an al-Qaida member working at a foreign repair station in Singapore. The report discovered easy access to facilities by outsiders and found the FAA was leaving employee background checks and drug and alcohol testing up to individual airlines.

> We note that in December 2001 a senior aircraft technician at a foreign repair station was found to be a member of the terrorist organization Al Qaeda. . . .The aircraft technician photographed U.S. aircraft as potential targets for a terrorist attack.

Really, is it fair that we all are worrying about whether we have 1 ounce too much of shampoo when we have not taken the basic steps to make sure al-Qaida is not under the hood? I think most Americans would be shocked to see this inconsistency in our sense of urgency and caution when it comes to the safety of the flying public.

What does this amendment do? It is pretty simple. First, it requires identification and oversight of foreign repair facilities that are noncertified. The FAA must submit a plan to Congress within 6 months of enactment to identify and expand its oversight of all noncertified facilities used by U.S. air carriers. Keep in mind, these U.S. air carriers are not just outsourcing the labor to foreign repair stations that are FAA certified in foreign nations. They are also outsourcing the work to noncertified FAA facilities.

I keep asking the FAA in hearings: Why do we have certification? I will say: Do you think certification is important?

The FAA officials will say: Yes, we think it is important.

I say: Then why do we have it, if we don't require everybody to have it? What is the point? Why are we letting carriers use noncertified facilities if the certification is important to our safety and security? It doesn't make sense.

This amendment would, in fact, require that those carriers use certified facilities if they are, in fact, going to use foreign repair stations. It will require the FAA to do two inspections a year. I do not think that is a heavy lift: two inspections a year of their facilities, wherever they may be.

It will require drug and alcohol testing of employees performing maintenance at foreign repair stations. It has been interesting to me because we have had some push-backs from some places about this because of some countries that want us not to require this because they currently have work of U.S. carriers and they do not want America to require FAA oversight to this degree. One of the things they protest most—some of these nations—is the drug and alcohol testing. Well, with all due respect, I really do not think Americans are excited about the idea that we would waive drug and alcohol testing for people who are working on airplanes. I think that is a basic. It certainly would be a basic in this country. I think it is certainly something the American people would expect.

It will also enforce the TSA requirements that foreign repair stations comply with security standards issued by the Transportation Security Administration.

It will update foreign repair station fee schedules to ensure taxpayers are not subsidizing the outsourcing of this work.

Here is the part that gets me a little bit cranky about this whole situation. It is one thing for companies to want to outsource labor to other countries because it is cheaper. Now, other than the need to fix our Tax Code, we do not encourage the outsourcing of jobs. It is not as if we can require corporations in our country to keep all their jobs in the United States. That is a tough thing for us to do in an open democracy, in a free market economy. I will tell you what we can do, though. We can sure make absolutely certain these companies are not doing it with the help of taxpayer dollars.

Right now, as to the certified repair facilities that are in foreign countries, the U.S. taxpayers are underwriting the bill for those inspections and that certification. In other words, the companies can outsource the labor to a country where it is less expensive, and taxpayers are footing part of the bill for the safety and security of those facilities.

Now, if you are going to go for a less expensive labor cost, it seems to me that you, at a minimum, ought to add to that savings the cost of the inspections by the U.S. Government. Why should the taxpayers foot the bill for FAA inspectors to fly over to Singapore to inspect a facility? That does not seem fair. So this makes sure the people who are using the foreign repair stations are absorbing the costs of inspecting and keeping those foreign repair stations up to our standards. Obviously, it requires the regular inspector general oversight of the implementation of this provision.

This is very reasonable. The House has similar language in its bill. I think this makes sense. I think it is something, frankly, the American public would be surprised to understand, that we have this huge gap in our safety and security oversight for the flying public.

I look forward to an opportunity for the Members to have a vote on this amendment. I think we all want trade. We all want to make sure we can export American products. We do not want trade agreements that put us at a disadvantage or, frankly, we want to make sure we still have access to other markets. But we cannot outsource safety. We just cannot. This administration is willing to do that. This administration is willing to say: We are going to let these other countries worry about whether their facilities are safe. I do not think this is one area where the American people want this function of our Government outsourced. I think they want us to be on top of it. I think they want to make sure it is being done right. I think they want to make sure it is being done fairly. I think they want to make sure they are not paying the bill to outsource this work.

At the end of the day, I think they have been cheerful, as Americans always are about what is asked of them, but I do not blame them for being a little worried that there has not been more sense of urgency about the safety and security of this situation in light of all of the money we have spent in the name of national security and, importantly, homeland security.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I would like to take a few moments today to discuss what is a catastrophe all across our Nation—and it certainly is in West Virginia—because of the price of gasoline and other transportation fuels.

My State is not wealthy. I think it is either the third or fourth poorest State in our country, and I do not say that with shame, I say that with pride because it was, in a sense, one of the reasons I was a VISTA volunteer. I went there as a VISTA volunteer because I saw a place where I could at least try to help. The people are the best ever. When people have to struggle to make it, day-in and day-out, they are pretty solid people.

As I am sure it is the case for all of my colleagues, for the past few weeks and months I have been hearing from my constituents constantly about rising gasoline prices and the resulting rise in the prices for goods and services throughout our economy.

West Virginians are hurting. West Virginians will always find a way to persevere—always—but right now many are struggling to juggle expenses, making enormous sacrifices to feed and clothe their families, while trying to pay the cost of going to work. We have plants in West Virginia which people drive hours and hours every day to get to. Work is not easily found, so where it is, people have to drive. We are 96 percent mountains, 4 percent flat. We have a lot of roads. People pretty much have canceled the occasional splurge for a movie. We have a baseball team in West Virginia. That has pretty much been pushed off. In other words, if it is a nonemergency purchase, they bypass it. It takes away from their happiness, their stability as a family, but they have no choice. Belts have been tightened just about as far as belts can be tightened.

Yet, this week, we hear that oil company profits are again nearing or exceeding record highs and that these companies have no plan and these companies have no desire to increase domestic refining capacity—one of the very few things we know would actually help bring down prices.

The Energy Information Administration and private sector energy experts tell us to expect gasoline and diesel fuel prices to continue to rise for the foreseeable future. I do not know what that means. I do not think West Virginians care very much what that means. It just means a long time. And a week, a month, is a long time. This is well beyond the usual cyclical annual price fluctuation. And the so-called summer driving season is not even here yet. But other than a brief dip in January, the price West Virginians have been paying at the pump has been climbing steadily since before Christmas—not as noticeable at first, now catastrophic.

The average price for a gallon of regular gasoline in West Virginia has risen from just over $2.70 a gallon in August 2007 to a price on the last day of April 2008 of $3.71. I do not have new wage data for workers in my State. I wish I did. But I am willing to stand on the floor of the Senate and assert that nobody's salary has risen to match that 37-percent increase.

The idea of $4-a-gallon gasoline—which 2, 3, 4, 5 years ago would have sounded crazy—really now is a matter not so much of "if," but "when." The timeframe I just mentioned is relevant, of course, because we are a country that has been at war in Iraq for more than 5 years—spending money, letting people do corruption at all levels. I am always suspicious of oil companies. When our brave American forces set out to impose regime change on that country based upon the false—or at least unforgivably imprecise; I prefer the word "false"—intelligence, West Virginians were paying, on average, $1.63 for regular gasoline. That was not that long ago. It had been as low as $1.26 in the months leading up to the invasion.

It should come as no surprise to anyone within the sound of my voice, but in that time oil industry profits have risen steadily: almost $60 billion in profits in 2003, just over $80 billion in profits in 2004, approximately $110 billion in profits in 2005, just under $120 billion in 2006, and just over $120 billion so far in 2007. ExxonMobil, Shell, and ChevronTexaco have each had increasingly larger profits each of the last 5 years. BP and ConocoPhillips have done nearly as well. In all, the five largest integrated multinational oil companies have reaped almost $560 billion in profits since President Bush and Vice President CHENEY came into town. I don't particularly want to do it that way, because I blame the companies more than I blame them, but there is lots of blame to go around.

Anyone who looks at the numbers can make this about politics, of course. It is easy to do. But this is, in essence, for me, a former Vista volunteer in my 44th year in West Virginia, all about people. It is simply all about people and families who have been struggling anyway. The average salary for the average working family of four in West Virginia is $31,000. That is not a lot of money, before you get to all of this, and then it is even less.

Today, if you are lucky enough to live or work near Sam's Club in Vienna, WV, which is on the Ohio River, and you can afford to become a member there, you can get a gallon of gasoline for $3.49. It is hard for anyone I know in West Virginia to think of that as cheap, but it is the lowest price reported in the entire State. Frankly, based on the data I have seen, it is so much lower than the rest of the State that you almost have to consider it an anomaly.

If you are running low in Spencer, WV, a rural community, however, you need to be prepared to pay $3.82 at the Exxon station on Main Street. It is $3.79 in South Charleston. Residents of Huntington are paying $3.75. In Berkeley Springs, not far from Washington, it is $3.69. No West Virginia county—none—is reporting an average price per gallon of regular gasoline that is below $3.61. Only three of my States' 55 counties are reporting average gasoline prices lower than $3.67.

Individual price quotes at individual stations are ominous enough, but the real stark numbers, the real telling calculation, is how much more West Virginians are paying for gasoline than they were in years past, and that is not even getting into the meteoric rises in food prices and the other costs essential to daily living. Even those in West Virginia who travel by air, which is the subject of the bill we are meant to be on, those prices have gone up.

Since 2001, West Virginia households are paying almost $2,500 per year more for gasoline. If it is a household with children, that makes it $3,000. I take my colleagues back to the average salary for the average family of four, working family of four in West Virginia: $31,000. When you add on health care, food, rent, and all the rest, everything else, it is an enormous matter. If it is a household with teenagers, it is just below $3,600 more. Families, businesses, and farmers in West Virginia will spend $153 million more on gasoline in April 2008 than they spent in January 2001.

If prices remain at current levels, $1.83 billion more will be spent on gasoline in West Virginia this year than was spent in 2001. West Virginia consumers, farmers, and businesses are on a track to pay $2.96 billion for gasoline this year.

So West Virginians are asking two questions: How did we get here; but to them, much more importantly, what can be done to fix this.

Nobody in Government, academia, or the private industry can give us a single definitive equation for what makes the price of oil go up and down. We don't know why, but we can't. Generally, increased demand from China, India, and much of the developing world has set the stage obviously for prices that we have to take into consideration.

Much of our oil comes from an unregulated and unresponsive cartel called OPEC. We also know that since the tragic terrorist attacks of September 11, 2001, the world price for petroleum has been affected by a global struggle against stateless thugs.

The instability brought about by the invasion in Iraq has done nothing but raise the pump price. I don't know a single benefit to our Nation that has been accomplished there. But smaller factors have also had huge consequences. Instability in Nigeria and the outrageous behavior in Venezuela have contributed in similarly negative ways. The recent strike by refinery and pipeline workers in Scotland, unbeknownst to many of our citizens, will not help. Likewise for the very serious refinery explosion in Utah this week.

Economists cannot pinpoint how much speculation in the commodities market is adding to the price of oil, but a congressional study in 2005 suggested it was in the $20 to $25 per barrel range. A more recent study announced by Public Citizen said it is now closer to $30 a barrel. It doesn't matter. Every cent of that is being seen at the gas pumps in West Virginia and around the country, and it hurts, and trying to give a worldwide economic explanation for it doesn't solve anybody's problems or anybody's pain.

We know, too, that the price is manipulated up and down the supply chain. Nobody will ever convince me that there is not a large amount of corruption and manipulation, deliberate, cozy and easy, that goes on around boardrooms in oil companies. From the huge oil companies that find the oil, through more markets and middlemen than we can keep up with, every player has the ability to force the price up for their own bottom line. There is manipulation beyond the reach of my people in West Virginia or the Presiding Officer's people in the State of Colorado. We are at their mercy. We pay the price, we are at the mercy—at the mercy of oil. Federal investigators cannot usually pinpoint collusion, but those acting independently to manipulate prices cost the people of West Virginia all the same. There are a lot of things Federal regulators never manage to find.

In the long term, the things we need to do sound basic—and this is the final part of my remarks and the important part, other than the overriding theme of anger—such as increasing supply and reducing consumption, but achieving these goals has proved to be very difficult.

I have long supported efforts to improve automobile fuel efficiency, and so have most other people—not all. We made a small and long overdue change last year, and I believe we will do more. I think CAFE standards are going to go up and up, as they should; cars will get smaller and smaller, as they should. That will not be good for my legs, but it will be good for my people. But even when Detroit catches up with the rest of the world's automakers on fuel efficiency—I repeat, catches up—we do need to add to our supply now.

That is why in 2006, I supported Senator DOMENICI's legislation to increase oil and gas exploration in the eastern Gulf of Mexico. When these new fields are fully on line, they will add 1.26 billion barrels of oil to our domestic supply. Now, I say that, but I also have to say in all honesty that I voted against virtually every other attempt to do drilling offshore and in ANWR, for example. ANWR to me has always been a shibboleth. People say: Well, we can get lots of supply there, just as many people or more say it is technically feasible or maybe it is economically feasible, but it is not both. In the meantime, the tundra continues to melt.

That is why I have also consistently supported holding off on additional deposits in our Strategic Petroleum Reserve. It is more than 97 percent full as it is, and there is no economic rationale for filling it to the brim with $120 per barrel of oil. That product should be making its way into the market some place.

I joined my colleagues earlier this year to ask the President to suspend deliveries into the petroleum reserve until the price of oil drops below $75 a barrel. Since the President persists in refusing to stop taking oil off the market, I will support legislation to force him to do it.

I also support, as I have in the past on several occasions, the imposition of a windfall profits tax on integrated multinational oil companies. People say this won't have any effect. I would like to try that out to show that they are wrong and to send a message. The oil companies are making so much money maybe they won't even notice it. But I doubt that, because there are now 300 million Americans who are very angry about what very few of them are doing. As I have said, these companies are making huge, perhaps unconscionable—not perhaps—totally unconscionable profits off the hard-working people in my State and off the wages of struggling Americans everywhere. If they refuse to reinvest in additional refining capacity, which has been their habit, the least we can do is use some of those profits to shore up the highway trust fund for the road infrastructure and transportation projects that we need for the 21st century, and perhaps even for something called aviation. Those projects would create jobs.

I will also reintroduce legislation this week that I first introduced in 2001. It is called the Low Income Gasoline Assistance Program, or LIGAP. This will provide some relief to Americans hardest hit by any rise in prices; to wit, the working poor, which describes a lot of my State. For many West Virginia seniors who have no means of getting to work, the grocery store, or to a doctor's appointment other than their cars or trucks, if they have them, LIGAP assistance for gasoline purchases will enable them to weather this crisis with a little more peace of mind. I say "if they have them" because many people in communities I have worked in throughout West Virginia don't have automobiles, so when they have to go somewhere, usually a pretty long distance, they have to hitch a ride. Even though our people are innately good and generous, because they depend on others as others depend on them, they will usually charge a fee for that ride. In any event, whether they can even take that ride will depend on whether they can afford the gasoline price to get there.

So LIGAP eligibility would be linked to and modeled after LIHEAP, the very successful and efficient home heating and cooling assistance program. Funds would be distributed to States as additions to allocations under the existing community development block grant program.

It makes sense. For everyone who qualifies, LIGAP would give stipends of between $100 and $165 a month. Hopefully, this may mean not having to scrimp on their children's food or cut back on prescription drugs and other family needs.

Families are the basis of our country. People are the basis of everything we do. It is just that there are some sectors of our economy that choose to avoid that because they don't have to depend upon those people because those people have no choice but to buy their products.

It is time for Congress and the administration to come together and stop bickering—it would be a majestic accomplishment—and stop fighting over turf, as we are doing on the aviation bill. While we engage in parliamentary tactics that most Americans don't give a hoot about—in fact, they hate us for doing it—West Virginians and citizens in every State are suffering, while oil companies are laughing all the way to their many banks. This must stop. I ask my colleagues to work with me to make this stop.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, we import more than 12.5 million barrels a day of petroleum—over 60 percent of our petroleum energy needs. As a matter of fact, I think it is higher than that now, in the last 2 or 3 days. This is why our economy and the value of the dollar has weakened and our energy costs have skyrocketed. With oil at $117 a barrel—and it is more than that today—the United States spends nearly $1.5 billion each day on foreign oil. That is $533 billion each year that was not invested in our own economy.

Instead, that money is being sent—along with jobs—to other countries, such as Saudi Arabia, Nigeria, and Venezuela. For every million barrels of oil we import, 20,000 American jobs are lost.

Our country needs a real economic stimulus now. That stimulus will come when we stop spending hundreds of billions of dollars each year to import oil and, instead, invest that money in our own economy by increasing domestic production of our energy resources.

The area known as ANWR is a million and a half acres that was reserved for oil and gas development on the Arctic slope in 1980; it is the largest untapped oilfield in North America. We believe that is the largest trap for oil in North America. Oil companies estimate they will spend between $45 billion and $60 billion to develop this area. Combined with the construction of the Alaska natural gas pipeline, which is expected to start soon, it will cost about $40 billion. These resources would deliver a massive influx of jobs and capital investment in the United States. Our economy would be stabilized, and the dollar would be strengthened.

ANWR and the Alaska gas pipeline are only the beginning. This infrastructure would help lead to further development of Alaska's Outer Continental Shelf. We have more than two thirds of that Outer Continental Shelf. It has been expanded another 100 miles north of Alaska, as we discovered a further extension of the shelf. The Chukchi Sea holds an estimated 16 billion barrels of oil, and there is an estimated 7 billion barrels in the Beaufort Sea off our State. Bringing these resources on line would add even more jobs and capital to our economy.

Full development of ANWR would result in at least 60,000 jobs. Opening ANWR alone would require the construction of a fleet of 19 new tankers to transport the oil to the Lower 48. Those would be American-built tankers. Under the law, they must be—under the Jones Act. This alone would create at least 2,000 direct jobs in the U.S. shipbuilding industry and approximately 3,000 additional jobs in other sectors of our economy. The energy industry estimates the Alaska gas pipeline alone will create 400,000 new jobs nationwide.

Senator SCHUMER made an interesting statement the other day. He suggested that opening ANWR would reduce gas prices by only pennies. He took a shot at the President, saying he takes out the old saw of ANWR, that ANWR would not produce a drop of oil in 10 years, and it is estimated that if we drilled in ANWR, in 20 years, it would reduce the price one penny.

I am afraid that shows how little the Senator from New York understands the oil industry. He ignores the long-term economic stimulus domestic production will bring through investment in our own country—raising household incomes and individual buying power, rather than sending money overseas. Senator SCHUMER would ask other nations, such as Saudi Arabia, to increase their production as a solution to our energy crisis.

I agree that increased production would help solve our problem but that production should occur in our own country. I think the Senator should realize what is happening in terms of the oil industry, and the key driver now to the cost of gasoline is not the supply and demand, it is the value of the dollar and the value of oil per se. The value of oil now is represented by paper on the New York Stock Exchange, which has replaced gold. People are speculating in oil. That is also what is causing the price of gasoline to go up at the pump. Senator SCHUMER should visit NYMEX and ask them to do something about that and stop the speculation in oil. I think it should be unlawful to speculate in anything related to energy in this country. I think soon we will do that.

This production has to come from our own country. The position of the Senator from New York would send more money in tax and royalty revenues outside our economy. I don't know how that will strengthen our dollar or lower prices at the pump at all. It is not a question of supply and demand, it is a question of a long-term commitment to restore our capability to produce oil and gas in this country.

Had President Clinton not vetoed the ANWR bill before, we would be producing at least 2 million barrels a day more out of Alaska right now. I don't like to be chided by the Senator from New York about why we don't have more production in this country. He is suggesting we ask the foreign producers to produce more oil and send it to us. That will send more money out of the country and take more of our jobs. I don't understand that.

In 1995, when we approved the amendment allowing development of the Arctic Plain, President Clinton vetoed that legislation, and we are paying for the consequences of that today. Had he not vetoed the legislation, the Trans Alaska Pipeline—which currently operates at less than 50 percent of capacity—as a matter of fact, it is even worse than that, about 38 percent of capacity. We are sending out about 700,000 barrels a day instead of 2.5 million barrels a day. We could easily have that pipeline—we call it a barrel—full and offset imports and keep our trade deficit down and keep jobs and money in our economy. In the long run—not short run—increased production does affect the price at the pump. We would continue to increase domestic production of oil and that, in effect, would give us competition against the price set by foreign producers, and we would be able to reduce the price at the pump in the long run.

Between the Outer Continental Shelf, ANWR, the National Petroleum Reserve in Alaska—which is now ready to be leased—and the resources remaining in Prudhoe Bay, we believe we would have at least 45 billion barrels of oil left to produce. That is an estimate. When they estimated how much oil was in Prudhoe Bay, they estimated 1 billion barrels. We produced 18 billion. I remind the Senate of that. So we have produced more than that, and it is still producing. At full capacity, we ought to be able to deliver at least 2.5 million barrels to the daily market. We have oil from outside the Arctic, by the way. We can reduce the impact of sending more and more money out of the country and affect the American economy as we spend that money here at home. That money would generate tax and royalty revenues, fund research into alternative energy sources, create jobs, help strengthen the dollar, and lower our energy prices in the long run.

The weak dollar is what is causing speculation in oil futures and increasing the price of oil and gas at the pump. We need investment in our own country, which develops our own resources, instead of relying on those from other countries. By increasing domestic production, we would meet our own Nation's needs, strengthen the economy, and begin creating jobs and generating revenue, which would be reinvested back into our economy. That is the way to a strong economy, a stable dollar, lower energy prices, and to reduce the demand on foreign oil and the cost of gasoline at the pump. We have to stop sending our money abroad and sending jobs abroad to pay for energy resources, when we can use the money at home to develop the vast resources we have.

Alaska is the storehouse of energy for the future. It should not be cast aside as it has been. I hope we will find a way to vote on ANWR this year.

I yield the floor.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is the pending business is on the FAA reauthorization bill; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I hope no one is out of breath this week as a result of working on this bill. We had one vote on Monday at 5:30 p.m. and have not voted since. With legislation this important to this country, why are we not able to move ahead and cast votes and finish this legislation?

This is about FAA reauthorization which includes the issue of modernization of our air traffic control system, which is very important. We read in the newspapers these days about the additional inspections that are required of airlines. We read about airlines going bankrupt because of fuel costs. We read that the FAA system for air traffic control is archaic. We are told that the GPS system in your car is more sophisticated than the system by which we move airplanes around this country in the air traffic control system. We hear the problems with the air traffic controllers, the contract problems they have had with the FAA, the shortage of air traffic controllers, the number who will retire in the near future, and the need for training of additional controllers. We read about all these things in the news. We read about systems that still use vacuum tubes in the air traffic control system because it is that old.

The question for this Congress is, can we pass legislation that reauthorizes the FAA functions and then provides the funding to modernize this system of ours?

We have a lot of people who visit this Capital city, and most of them fly in by airplane. This country moves back and forth quickly from coast to coast using, in most cases, commercial air transportation. They don't think very much of it, frankly. You can fly from one coast to the other in 5 or 6 hours. It is not unusual to leave one part of this country and end up in another part before lunch. It is a wonderful thing to have this system of commercial air travel. The fact is, this system will not survive for a number of reasons under the current circumstances.

As I indicated the other day, I believe there are four airlines that have declared bankruptcy in recent weeks. We also understand, in addition, what high fuel costs are doing to the airlines, and we are talking now about the airlines in this legislation before us. But I could talk about the trucking industry, or I could talk about families and farmers. I can talk about what the high fuel prices are doing to all of this country. There is no heavier user of fuel than an airline.

What is happening is the fuel prices are undermining the opportunity for many of these airlines both to continue operating, in some cases, and, in other cases, to continue operating serving smaller areas or less populated areas of the country. So fuel prices are a serious problem.

The other issue is the modernization of the air traffic control system, the system by which we provide for the safety of the American people. There is going to be a catastrophe one of these days, and then everybody is going to stand around thumbing their suspenders, scratching their heads, and saying: Why didn't we do something about it?

We have a bill on the floor of the Senate right now to try to address this situation, to try to modernize this system, and we have been at parade rest since Monday because we are not allowed to move forward. Everything is blocked. Everything is plugged up. This is unbelievable.

This is important. Some people around here treat the serious things far too lightly and then treat the light things too seriously and never understand the difference. Why is it on a Thursday that legislation as important as this, that should have been passed in previous years, cannot even get amendments up and cannot get votes off because we have people who have decided they are just going to block everything?

I told a group in North Dakota a while back about Mark Twain. Mark Twain once was asked if he would engage in a debate. He said: Oh, sure, as long as I can take the negative side.

We haven't even told you the subject of the debate.

He said: It doesn't matter, the negative side is going to require no preparation.

The negative side never requires preparation. Those who are out here saying, no, you can't, they want to block it. That requires no preparation. What requires preparation is to advance public policy that is in the interest of this country. Does anybody really think modernizing our air traffic control system is somehow a backburner issue? We see what is happening in the skies in this country. They are absolutely clogged. In fact, because of fuel prices and other reasons, we have airlines now switching to smaller planes, these little regional jets skirting around the sky, hauling as many people but just takes more planes to do it. So that puts an unbelievable strain on the air traffic system.

The question is, Are we going to modernize it? Are we going to do what is necessary? Are we going to provide the funding? Are we going to finally get off this delaying nonsense that is going on and allow legislation to move forward that is essential for the safety of the air traveling public?

I hope the answer at some point soon is yes. This includes items such as the Airport Improvement Program, what is called the AIP, investing in infrastructure in this country. That is very important. Land at some of these airports and take a look at the infrastructure and ask yourself whether we need this investment.

It is interesting, if you travel around the world. If you go to Tegucigalpa, Honduras, and then get in a car and drive to Juticalpa. Take a look at the roads and ask yourself whether infrastructure matters. Land in some of the airports in some of these remote areas and take a look at what you are landing on and the infrastructure needs of that airport. Then ask yourself whether infrastructure is important.

We have always prided ourselves in this country on the investment in infrastructure. When you come to America, you see infrastructure that is maintained. We have always prided ourselves on that until recently, and now somehow infrastructure doesn't matter. It takes a back seat.

In my little subcommittee on appropriations that I chair, the President says: Let's cut water funding by $1 billion from last year's levels for the Corps of Engineers and the Bureau of Reclamation. These agencies fund much of the nation's water projects and were cut by $1 billion, even as we have 950 water projects in this country which we are paying for in Iraq. Think of that. Let's cut water projects in this country and investment in the future of this country by $1 billion, the President says. However, let's have 950 water projects that the American taxpayers will pay for in Iraq.

I think it is time to start taking care of a few things at home. One of them is the legislation on the floor of the Senate right now, and that is the FAA Reauthorization Act and the investment and the modernization of the air traffic control system. If we do not pay attention to that, we are going to run into very serious problems. I might also say, tragic problems because there is going to be some sort of spectacular tragedy, and then we are all going to sit around and say that somebody should have done something.

We are trying to do something. The fact is, we cannot even get a vote on an amendment on the floor of the Senate. It is unbelievable. As I said in the Mark Twain example, the easiest thing in the world is to oppose. It takes no talent, it takes no time to prepare, just oppose, oppose everything.

My hope is in the next couple of hours, perhaps there will be some here who wish to move ahead. I know Senator REID has been on the floor offering unanimous consent requests. He has talked with the minority to see if there are conditions under which we might be able to move forward and get something done on some legislation. I understand it takes a while to get things done. I understand we should be deliberative. I understand there should be enough research so we don't have unintended consequences to what we do. Nobody has ever accused this body of speeding, ever, But this is ridiculous. This makes a glacier look fast.

My hope is that those of us who are elected to come here, who try to make some improvements in this country, who do what is necessary for the health and safety of the people of this country will soon understand that the FAA reauthorization bill is not just some other piece of legislation, that it is an optional piece of legislation. The modernization of the air traffic control system is not some option that we ought to consider like any other bill. This is urgent and necessary and timely, and we ought to do it now.

ENERGY

Mr. DORGAN. Mr. President, I wish to talk about energy. Several colleagues have spoken about energy prices, and I related energy prices to the airline industry a few moments ago. I mentioned several bankruptcies that have occurred recently, intensive heavy users of energy in the airline industry, and what it might mean. This country needs a commercial airline industry that works. Without it, there will be devastating consequences to our economy. The question is, What do we do here?

My colleague from Alaska made a point with which I agree. He talked about the speculation in these markets with respect to energy. I wish to talk about that issue. I have some charts.

This is a chart that shows the speculator activity in the oil futures market from January 1996 to April 2008. This is the activity by speculators in the futures markets. These are not people who want to buy oil or hold oil. They have no tanks in which to put oil. They are not interested in oil. They want to buy what they will never get from people who never had it. This is what speculating is about.

Here is the increase in speculation in the commodities market for oil. It is an unbelievable ramp-up, an orgy of speculation, having nothing to do with the fundamentals of oil supply and demand. There is no justification for the current price of oil if we simply look at supply and demand. Supply is up a bit; demand is down a bit. There is no justification with the current fundamentals of supply and demand that would seriously justify the current price of oil.

So then what has changed? What is different? Why is this price $115 or $120 a barrel for oil, acting like a yo-yo at the upper end? A couple issues have changed, especially this. We have hedge funds that are now neck deep in the commodities markets speculating on oil. We have investment banks that are speculating on oil. For the first time in history, I believe, investment banks are actually buying oil storage capacity to buy oil and take oil off the market to sell it later when it is more expensive. This is speculation, raw speculation. I suppose everybody is making money. The brokers are making money, the investment banks, the hedge funds—they are all wallowing to the bank full of cash, driving up the price of oil beyond what the fundamentals would suggest the price should be.

We know those people who are winning, but who are the losers? Well, our country. This is something that is providing great damage to our country's economy. Families drive up to the gas pumps, and it hurts to fill the tanks. Farmers, heavy users of energy and fertilizer that comes from energy, are losers. It is an unbelievable burden on family farmers. Airlines, they just cannot fly through this storm. They go belly up. The list goes on and on.

If this is what is happening with the ramp-up of speculation and it is causing an increase in prices, here is what has happened to oil prices. No one needs a chart to know this, but oil prices doubled in just over one year. Speculation goes up, up, way up, and oil prices have doubled in one year.

Let me cite some folks who have talked about this issue. Stephen Simon, senior vice president of ExxonMobil, April 1, a month ago:

"The price of oil should be about $50-$55 per barrel." This from an executive in the oil company. I do not think his company is complaining about where the price is. He is just being candid. According to him, the price of oil ought to be about $50 or $55 per barrel, assuming current fundamentals.

Clarence Cazalot, CEO, Marathon Oil, October 30, 2007:

> $100 oil isn't justified by the physical demand in the market.
>
> Experts, including the former head of ExxonMobil, say financial speculation in the

> energy market has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

Think of that.

Speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

I understand the need for a marketplace futures market. It is required for hedging. It is required for liquidity. I understand it is necessary, and I understand we want one that works so there needs to be a futures market, but I also understand that when the futures market becomes something much more than just something that provides for hedging and liquidity. When it becomes an object of intense speculation, then there is a requirement for some intervention. No one quite knows what that intervention should be, but everyone ought to know that it is unhealthy when you have an unbelievable amount of speculation.

There are books written about bubbles in speculation. We have been through recent speculations. The tech bubble that occurred almost a decade ago. The bubble in housing prices is occurring. We have seen and understand about bubbles. This is a bubble of speculation.

Go back 500 years and read about tulip mania. If you have not read about it, I encourage to you do it. Yes, tulip mania. There was a time you could buy a tulip bulb for $25,000. With the hindsight of 400 or 500 years, we can understand how unbelievably absurd it was, but it was a bubble, a financial speculative binge that was almost indescribable.

What is happening in this marketplace now—and most experts will agree—is we have this unbelievable amount of speculation in the futures market that does not justify the current price. The American people and American industry deserve to have a government, in those cases, that steps in and says: There is something wrong here, and we are going to find a way to set it right. This is one of the areas.

This man—in fact, I talked to this man last evening—Mr. Fadel Gheit, the top energy analyst for Oppenheimer Company. He has been there 30 years, he has testified before the Congress, and he is a very interesting fellow.

> There is absolutely no shortage of oil . . . I'm absolutely convinced that oil prices should not be a dime above $55 a barrel. . . . Oil speculators include the largest financial institutions in the world.

He said further:

> I call it the world's largest gambling hall . . . it's open 24/7 . . . unfortunately it's totally unregulated . . . this is like a highway with no cops and no speed limit and everybody's going 120 miles an hour.

That is pretty well said, it seems to me. It describes this bubble of speculation that does damage to our economy and needs to be addressed by this Government. It is not the case that everybody hurts as a result of this.

This is a Wall Street Journal article of February 28, 2008. This is Andrew Hall. I wouldn't know Andrew Hall from a cord of wood. I just see his picture here. Over the past 5 years, Mr. Hall's compensation has totaled well over a quarter of a billion dollars.

What does Mr. Hall do? He makes money by speculating in the commodities market, according to this article. He is not alone. I pulled this because it is an article about him and he has made a lot of money. He has made a lot of money as someone who speculates in these commodity markets.

Is speculation something that is good for these markets? Absolutely not. When you have a speculative binge that drives these prices way out of sight, well above that which would be justified, it can be devastating to the country's economy.

That describes what is happening with respect to speculation. To address the issue of energy, it requires a lot of things. We must do this. If we do not address the issue of speculation, we are not going to solve the problem. We are just not.

But there are other things to do. For example, this administration is putting close to 70,000 barrels of oil a day, every single day, underground. It is being put in something called the Strategic Petroleum Reserve. The Strategic Petroleum Reserve is a pretty good idea because it saves some oil for a rainy day. But just not for any rainy day, for an emergency, strategic emergency, something unanticipated, so we developed it for this purpose. That makes sense to me. But should we take oil when it costs $115 or $120 a barrel and stick it underground, 70,000 barrels? Of course not. That is absolutely nuts. Why would you take the highest priced oil in history, take it out of the supply, stick it underground and by doing so increase the price of oil and increase the price of gasoline?

A man named Dr. Philip Verleger testified before the Congress. He is an economist and energy expert. He said that, by taking a disproportionate amount of oil, a subset of oil called sweet light crude, out of the supply chain, it has increased the price of oil by 10 percent. You know, with more than $100 a barrel oil, that is at least $10 a barrel for light sweet crude. It is the most Byzantine thing one can imagine.

I have a piece of legislation to stop it. There are now 67 U.S. Senators who have declared themselves to be in support of my approach. There is also a very similar bill that was introduced just the other day by some in the minority, and JOHN McCAIN running for President out in the country said he supports it. So I have 51 who have signed a letter saying they support suspending the SPR fill for 2008. On top of that, some Republican Senators numbering 15, led by Senator HUTCHISON, also sent a letter to the President. That takes it to 66. JOHN McCAIN is out there saying he doesn't believe we should do it, so there are at least 67. That makes it a veto-proof margin. So I say let's do it. End the speculation, and there are ways to do that. Second, stop putting oil underground. That ought to be important.

In addition to all of that, let me just say the other menu of issues is not really very complicated either. Should we produce more? My colleague from Alaska says you have to produce more. I don't disagree with that. I was one of four Senators here in the Senate who introduced legislation, now law, that opens up Lease Sale 181 of the Gulf of Mexico. It opens up an opportunity to substantially increase our production of both oil and natural gas in a new region of the Gulf of Mexico. Frankly, if you look at the offshore capability of the Gulf of Mexico and compare it to the offshore options off the West Coast, East Coast or in Alaska, by far the most significant reserves that are achievable by us are in the Gulf of Mexico. We have not even tapped the potential of the Eastern Gulf either.

I and three others initiated the legislation that opened up a portion of the Gulf of Mexico, Lease Sale 181. But there is a lot more to do because it got too narrow. Ought we go back there and produce? You bet we should. There is more production to be had.

In addition to that, conservation is unbelievably important and so is efficiency. Production, conservation, efficiency, and then renewable energy.

Again, we have new technology that allows us to take energy from the wind. I come from a state that has the most wind potential in America. My state has a distinction of being No. 50 in trees, so we are last in America in trees, and we are first in wind. I am not sure where the merits are there, but all of us who live there lean to the northwest because it blows almost every day. We are the Saudi Arabia of wind, as the Department of Energy suggests, and with the new modern wind turbines, we will continue to take energy from the wind and produce electricity.

We have a great experiment going on in which we produce electricity from wind energy and use that electricity in the process of electrolysis, separating hydrogen from water and storing hydrogen for vehicle fuel. It all makes a lot of sense and helps contribute to our energy future.

There are a lot of things we can and should do. This is not some mysterious illness for which we do not know the cure. This is not some strange disease for which we have no cure. We understand what is happening here, and with a little common sense, perhaps a deep reservoir of common sense, we could begin to fix it. At the very least, we ought to begin to take immediate action to stop putting oil underground, and stop it now. It is time to take some action to stop the unbelievable orgy of speculation in the futures market, and do that soon. Those are the first two steps, and they will reduce the price of gasoline. There is much more to do beyond that, but those are the first two sensible steps we ought to accomplish now.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I am here today to speak on climate change. Before I do that, I commend my colleague, Senator DORGAN, for all of his good work on this oil and gas issue. We have been working together on a number of things he talked about and I do believe that, while I will talk today about the long-term solutions to our energy crisis and the way this can work hand in hand with climate change if we show the kind of leadership we need to show, there are also short-term issues. That means, as he said, cutting down on the speculation, putting things in place, closing down the Enron loophole. In terms of enforcement, to have the Justice Department get some meat on the bone—as a former prosecutor, I know how important that is—and pushing those OPEC nations with which we have business dealings. If we are going to have business dealings with them, then they should not be cutting down or artificially keeping low the production of oil.

CLIMATE CHANGE

Ms. KLOBUCHAR. Mr. President, I think there are a number of things we can do in the short term, but I am here today to talk about the long-term energy future and climate future for this country.

In 1944, President Franklin Delano Roosevelt invited delegates from the Allied Powers to a remote New Hampshire resort called Bretton Woods to discuss the future of the global economy. Although the world was locked in a terrible war, these leaders had fresh memories of the Great Depression, a worldwide panic that had left the world's major economies in tatters. They wanted their countries to emerge from World War II on a more stable financial footing.

Over the course of 3 weeks, they created the World Bank and the International Monetary Fund to battle world poverty and to avert currency crises of the sort that had led to the worldwide economic meltdown in the 1920s. It worked. Both the World Bank and the IMF have had their share of controversies in the last decade, but they succeeded in stabilizing the world's financial systems so that in the ensuing six decades there has never been a global financial disaster comparable to the Great Depression.

I draw on this chapter of history because today the world faces another grave international threat that demands imagination and leadership. This time, the threat is environmental. I am speaking, of course, of global climate change.

The heating of the Earth is a threat every bit as grave as the financial catastrophe that threw the developed world into chaos 80 years ago. The science is clear. Global temperatures are up 1 degree in the last century. That doesn't sound like much, 1 degree in the last century. To put it in perspective, they have risen only 5 degrees since the height of the ice age. The Environmental Protection Agency of this country predicts that temperatures could rise another 3 to 7 degrees in the next 100 years. The consequences are frightening: rising ocean levels, which we are already seeing, increased drought, wildfires, and destructive weather patterns.

The Presiding Officer knows from being in the Midwest that our constituents aren't as focused on rising ocean levels. But I can tell you, in Minnesota they are focused on the fact that last year Lake Superior was at the lowest level in 80 years. Why would the oceans be high and Lake Superior be low? That is because Lake Superior, as you know, is a lake, and when the ice that forms on that lake melts quicker, the water evaporates and the water level goes down. Why do we care about that? You think, are you going to swim in that cold lake? A lot of Minnesotans, probably not, but it matters because our barges cannot get through and it has had a severe economic impact for barge traffic and the economy in the Duluth area.

You can see the rising impacts of global warming and what we are seeing across the country: increasing wildfire risk—remember the fires we had this year in California? We had some in northern Minnesota as well—decreasing water availability. That is in 2007. You go up to the 2020s, increased mortality from heat waves, floods, and droughts; in the 2050s, millions more people face flooding. You go up, if we do not do anything, to some profound and very serious consequences.

Two weeks ago, President Bush gave a speech in the Rose Garden to announce a new initiative on global warming. To be perfectly blunt, I really didn't see anything new in the President's announcement and no initiative that had not been discussed before. The President has proposed that we wait until the year 2025 before we even stop the increase in the emissions of greenhouse gases.

He did not call for a cut in emissions that was immediate. He did not call for concrete steps to meet the goals. He said it would be unwise to do it at this time.

I believe Americans are leaders not followers. When the world faces a crisis, they do not wait for someone else to go first. Our country has always stepped in and taken leadership. When we see a problem in our own backyard—and my people in Minnesota see shrinking wetlands and endangered wildlife, they have seen what has been going on with our ski resorts and ice fishing—they do something about it.

Our friends across the seas in Europe have recognized the challenge. They have introduced a plan to cut greenhouse gas emissions covering 27 countries. It is a plan covering more than 12,000 industrial sites in 27 countries. And they did it using a concept known as cap and trade.

This was actually started in our country. That is how we reduced acid rain. The European Union did not do everything right. They will be the first to admit that. Their emissions targets were too high. They issued too many carbon permits. But they are getting it back into equilibrium. I believe we are going to learn from what they did, and we will do better when we do it in this country. But the point is, many of these European countries rose to the challenge and took leadership.

Here at home, our country's private investors and business leaders already recognize this challenge. Nationally, venture capital investments in green and clean technologies have increased dramatically. In 2006, venture capital investment in green technologies in the United States reached $2.9 billion, up 78 percent from a year earlier.

Not only is clean technology the fastest growing venture capital sector, it is now the third largest category of venture capital investment. So when we talk about some of the things Senator DORGAN and I have been talking about with energy, and we mentioned wind, we invented a lot of that wind technology in our country. But now we have fallen behind in wind production to other countries that have government policies in place that pushed that investment.

From what I can see, wind is going to bring jobs across our country. So is solar. So is biofuels. All of these things that cut our dependency on foreign oil and invest in the next generation of new technologies, that money is starting to filter into that area. But I think we can do better in our country.

CEOs from major corporations such as DuPont, Duke Energy, and General Electric see the opportunities, and they are making investments of their own. More than 200 major U.S. corporations such as American Electric Power and DuPont have started buying carbon offsets that are now traded on the new Chicago Climate Exchange. You can see the global investments I talked about in renewable technologies that have been increased in wind, in solar, and other kinds of renewable technologies.

A company subsidizes a project that reduces greenhouse gas pollution, building a wind turbine, for example, then recoups its investments by selling that offset to another company on the Chicago Exchange. The Chicago Exchange is new, but it reports that it kept 10 million tons of carbon dioxide out of the atmosphere over the last 4 years.

Meanwhile our Nation's Governors and mayors have also stepped up to the challenge. Governors in five Western States, including California and Arizona, have announced they will work together to reduce greenhouse gasses by setting regional targets for lower emissions and establishing a regional cap-and-trade system for buying and selling greenhouse gas credits.

California alone plans to cut its greenhouse gas emissions 25 percent by the year 2020. The Western Greenhouse Gas Initiative builds on other regional initiatives, especially the landmark New England Regional Greenhouse Gas Initiative, with seven Northeastern and Mid-Atlantic States that have also agreed to a regional cap-and-trade system set to take effect next year. You can see all of the States that have been involved.

In my home State of Minnesota, we have one of the most aggressive renewable electric portfolio standards in the country; a 25-percent reduction. We did this on a bipartisan basis. We did it with the support of ExelEnergy, our biggest electricity company. We did it the way we do things in Minnesota, with a focus on results and getting things done—Leadership.

There is also the U.S. Mayors' Climate Protection Agreement. More than 400 mayors representing over 59 million Americans have pledged to meet or beat the Kyoto Protocol greenhouse gas reduction goals in their own communities. Among the signatories to this agreement are cities in my home State of Minnesota: Minneapolis, St. Paul, Rochester, and Duluth.

I admire these States and communities that have signed onto this agreement for their initiatives and what they are doing. They should be an inspiration for this Congress for national action. There is a famous phrase, "the laboratories of democracy." That is what Justice Brandeis said in one of his most famous opinions when he described the special role of States in the Federal system.

He said:

> It is one of the happy incidents of the Federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

But Brandeis did not mean this would serve as an excuse for inaction by the Federal Government. We have States all over this country, Governors, legislatures that have been brave, that have been courageous in taking action on climate change. But never, when Justice Brandeis talked about the one courageous State going above the norm, doing something different, did he mean there should be inaction by the Federal Government. Good ideas and successful innovations are supposed to emerge from the laboratory and serve as a model for national policy in action. That is now our responsibility in Congress.

In about 1 month we will have the chance to take up that responsibility. We will have the opportunity to vote in the Chamber on landmark climate change legislation, the Lieberman-Warner bill. I thank my colleagues, Senator WARNER and Senator LIEBERMAN, for their hard work on this bill. I thank our chairwoman, Senator BOXER for her leadership as it moves forward. At this very moment we are listening to Members make changes to the bill, doing everything we can to make the bill as strong as possible.

The truth is, we can no longer delay. I have been to Greenland and have seen those humongous icebergs melting in the ocean, and I have seen the effect of this in my own State.

The Union of Concerned Scientists estimates if we start today and cut emissions by just 4 percent a year, we could achieve an 80-percent reduction in greenhouse gas emissions by 2050. But if we wait just 10 years, we would have to double that annual rate of reduction.

This is forward-looking, bipartisan legislation. It is comprehensive, and it is carefully tailored. It is our opportunity to show the leadership for which Americans have always been known.

I pledged last week I was going come to the Senate floor and give a speech about this legislation on different aspects of why it is so important to move forward and to show leadership on climate change. Today, I think it is obvious that as we face these long-term consequences of doing nothing with our energy policy, when it comes to electricity or oil, this is our chance. This climate change legislation will play a major role in developing the new technologies we need.

Mr. DORGAN. Will the Senator yield for a question?

Ms. KLOBUCHAR. I will yield.

Mr. DORGAN. Mr. President, the Senator from Minnesota talked about the importance of renewable energy, which I certainly agree with her. Is it the case with renewable energy that we have done a pretty pathetic job as a country to incentivize renewable energy?

In 1916, we put in place tax incentives to produce oil and gas. They have been in place permanently for almost a century now, tax incentives to produce oil and gas. By contrast, with wind and solar and renewable energy, we put them in place in 1992 short term incentives. We have extended them short term five times and have let them expire three times. It has been a pathetic response to renewables.

The current tax incentives expire at the end of this year, and I have introduced legislation to extend the production tax credit for 10 years. I believe our country ought to say to the world and to investors: Here is where America is headed for a decade. Count on it. Believe in it. Renewables, solar, wind, and so on need a clear signal for investment. You can count on these investments because this is where America is going.

Is it not the case, I would ask the Senator from Minnesota, that we have not nearly done the job in incentivizing renewables and establishing a national policy. Does she agree?

Ms. KLOBUCHAR. Senator DORGAN, that is completely accurate. When you look at what we have done with oil companies, with the giveaways that we had for years and years and years, this Senate was one vote short of blocking a filibuster. We tried to change that, tried to take some of those oil giveaways and put them in the hands—we see record profits from the oil companies—put them in the hands of some of these renewables producers.

We were one vote short, but we have another opportunity. That is what the Senator from North Dakota is talking about, extending the tax credits for wind energy, solar, geothermal, and other kinds of renewables.

We did it in the last bill we passed through this Senate. We were able to, with some of the economic work we did with the mortgage crisis, extend that tax credit for 1 year. But we would like to do it for longer. Senator DORGAN has a bill for 10 years. I have a bipartisan bill with Senators SNOWE and CANTWELL expanding it for 5 years. The problem is, it has been a game of red-light, green light. It goes on again, off again. It is hard to follow that investment, to follow in the way that we would like and the way that happens in other countries because they never know. You can show, 8 months before these tax credits go off, that the investment decreases.

This is no way to run a national energy policy. It is no way to run a national environmental policy. And that is why today I spoke about the leadership and the potential for leadership in this country.

We once put a man on the Moon. With that came not just winning the race against Russia, with it came all kinds of technology: the CAT scan, the space sticks that my family would take on camping trips in the 1970s. With that came technology. That is what we are trying to do with this bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

DRUGBUSTERS' SUMMIT

Mr. TESTER. Madam President, I would like to thank the Senator from

Minnesota and the Senator from North Dakota for their comments on renewable energy and climate change. That is definitely an issue I hope we take up sooner rather than later, and hopefully we will have some commonsense solutions to the problem so we can move this country forward both in the area of reducing our effects on climate but also economically because it is a tremendous opportunity with the right piece of legislation.

I rise today to urge the inclusion of the JAG/Byrne grant funding in the emergency supplemental that we will consider in the coming weeks. A week ago, I organized a summit of drugbuster law enforcement in my home State of Montana. I asked all of the leaders of Montana's drug task forces to come together to talk about Federal funding. It is a critically important issue.

Many of them drove hundreds of miles across the State in a spring blizzard to take part in this summit. The drug task forces are made up of dedicated law enforcement officers from every part of Montana: sheriffs' deputies, narcotics officers, local and State police, and undercover agents. They work together across jurisdictions to bust drug smugglers, as well as those who grow or manufacture instate.

Our State of Montana has 56 counties. There are, of course, a lot of different regions that deal with the task forces, that deal with catching the drug manufacturers and smugglers. It is critically important that these folks work together.

There is cause for concern because the President proposes slashing $350 million from the drug task forces nationwide. If that happens, Montana will lose a staggering 70 percent of its national drug fighting money for the upcoming year, and the task forces would probably have to lay off 27 agents, leaving only 22 agents to battle drugs statewide. In a State the size of Montana that is impossible.

We should not let that happen. We should find a way to fund these drug task forces in this supplemental, this spending bill that we are going to be considering in a few weeks. If we do not, these cuts will cripple the progress that we have made up to now in the war on drugs in rural States such as the State of Montana.

These drug task forces are success stories. The officers who are on the front lines keep drugs, the drug smugglers, and the drug dealers off our streets. They make our communities safer; they reduce crime, and they make a place like Montana a whole lot safer to live and raise a family. These drug busters work together to get the job done.

Because drugs are not limited by borders, these tasks forces rely on Federal funding to facilitate the cooperation across the many jurisdictions of Montana, and it works.

Last weekend, folks picking up some trash in Havre, MT, stumbled across a dumped meth lab. They called the police, and within minutes the task force agents were there on the scene to help clean it up and keep the community safe.

A week ago Monday I heard about a drug operation busted in a remote part of southeastern Montana; so remote, in fact, the task force needed the help of the National Guard helicopter to find it. Officers found 3 pounds of methamphetamine.

Last summer, the Northwest Montana Drug Task Force investigated a case that took them across State lines to Salt Lake City, UT. In the end, they seized 2 pounds of cocaine. They took 20 illegal weapons off the streets, and they say they couldn't have done it without their ability to work across jurisdictional lines and work together. For example, one task force busted a meth lab in a home. Through surveillance, they knew children were present. They took the precautions not to put the children in any more danger. When the bust was made, one child inside tested positive for meth because he was living in a house where they were cooking meth. Even his toys were covered with meth resin. This case set the standard for the way officers deal with and protect children in harm's way. In only 1 year, Montana'a drug task forces rescued 84 children from homes where they were being exposed to drugs and drug dealers.

To me, restoring this funding is a no-brainer. As one of the officers put it: We will end up spending much more money in the future if we have to play catchup.

During the summit last week in Montana, officers told me again and again that without Federal funding our small communities will be devastated. Our children will be exposed to more drugs and, therefore, more crime, and families will be torn apart.

I hope we can all work together to restore this funding. Montana and the Nation cannot afford to do otherwise. Americans deserve better.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent to speak as in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY PRICES

Mr. BINGAMAN. Madam President, I wish to take a few minutes to discuss what has become a very tortured topic for the entire country; that is, the prices for oil and gasoline and diesel.

I would like to respond, first, to the President's misstatements about Congress's role in this situation. These are misstatements he made on Tuesday at his press conference. Then I would like to talk about what I believe are some of the real causes of the energy situation and what constructive steps we can take to address those causes.

First, with regard to the President's statements, on Tuesday he suggested the Congress is to blame for the current price situation Americans are seeing when they go to fill up at the gas pump. He cited three reasons to conclude that.

First of all, he was blaming Congress for preventing oil companies from exploring for oil and gas in the United States. Second, he was blaming Congress for blocking efforts to build more refineries in the United States. Third, he was blaming Congress for blocking increases in the U.S. nuclear electricity production capacity.

Frankly, I think the President's comments are disappointing in several regards. First, of course, they are very partisan. But second, the charges the President made are simply not borne out by the facts.

On exploration and production of natural gas in this country, Congress has taken significant steps on a bipartisan basis to enhance oil and gas production. Through enacting the Gulf of Mexico Energy Security Act of 2006, Congress made available 4.74 trillion cubic feet of natural gas and 1.26 billion barrels of oil off the Florida Panhandle.

Ironically, Congress was required to pass that law because of steps that were taken early in the Bush administration. In her first year in office, in 2001, Secretary of the Interior Gale Norton cut the size of the scheduled Outer Continental Shelf lease sale in the area by 75 percent. So with the stroke of a pen, the Secretary of the Interior, in 2001, put off limits over 6 trillion cubic feet of natural gas and over 1 billion barrels of oil from an area that had been proposed for leasing by the Clinton administration, I would say, with the concurrence of our former colleague, Lawton Chiles, who was then the Governor of Florida.

So while, undoubtedly, a politically popular stance for the Bush administration in Florida when this action was taken by Secretary Norton, this was hardly an action that was intended to enhance oil and gas production in the country.

In fact, large areas of the Outer Continental Shelf are currently off limits to oil and gas development and production not just because of congressional moratoria but because of Presidential withdrawals that were first put in place, in 1990, by the first President

Bush. This current President Bush could exercise real leadership in this area, if he wished to, by eliminating these Presidential withdrawals that were first put in place by his father.

We are talking about a significant area. There are some 574 million acres of the OCS, or Outer Continental Shelf, that are unavailable for leasing, and virtually all that is covered by Presidential withdrawals, which could be eliminated by this President with the stroke of a pen.

The Arctic Refuge is another issue raised by the President. He failed to mention drilling in the Refuge will do nothing to address the high price of gas people are faced with today. I think everyone who has looked at the issue recognizes that not a single drop of oil would come to the lower continental United States from the Arctic Refuge for at least 10 years.

The Energy Information Administration has estimated that production from the Arctic Refuge would, at its peak, reduce our reliance on imports by about 4 percent, from 68 percent to 64 percent. That is the estimate the Energy Information Administration has given, which, of course, is part of our own Department of Energy.

Other areas of Federal lands that are much more appropriate for development can and should be drilled. In fact, of the 45.5 million acres of Federal onshore lands currently under lease by industry, there are over 31 million acres of those lands that are not currently being produced. Likewise, there are 33 million acres of Federal Outer Continental Shelf that are under lease; that is, the Government has done what it should do to make these areas available, but they are not being produced.

The processing of drilling permits on Federal lands has surged over the past several years. It has more than doubled between 2001 and 2006. At the same time, the administration reported that in five key basins in the Rocky Mountain States, 85 percent of oil resources and 88 percent of natural gas resources are currently available for leasing and for development.

Congress has also funded important research and development programs to enhance the best of production. It is simply inaccurate finger pointing to say that Congress is impeding oil and gas development in this country.

On refinery capacity, which is the second point the President made in his press conference, refining capacity has increased by about a million barrels per day during President Bush's tenure, from 16.6 million barrels per day in 2001 to 17.5 million barrels per day in 2007 through capacity expansion and existing refineries. There have been no efforts from Congress to try to slow down that expansion. Refiners have been asked whether they would like to build new refineries as opposed to expanding capacity at existing refineries, and those refiners have told us in hearings before our Energy Committee that they would rather expand capacity at existing refineries. We have never heard support from anyone inside the oil industry regarding the President's curious plan to build refineries on former U.S. military bases. As far as I know, no Member of Congress objects to that; it is just that the companies that are in the business of constructing refineries have not decided that it makes good sense for them from an economic point of view.

The economics of refining are not very good at the moment, as gasoline prices are not yet fully reflecting the jump in crude oil prices. U.S. refining capacity is at about 85 percent utilization at the current time, as many refiners are losing money on every gallon of gasoline they produce. Clearly, constraining refinery capacity is not our current problem.

The third issue the President attacked the Congress about was nuclear energy production. Here again, Congress is not standing in the way of increasing nuclear production capacity. In fact, Congress over the past 3 years has put in place one of the most favorable sets of incentives for nuclear power development anywhere in the world.

For example, if a nuclear plant is proposed for licensing and is delayed because of a lack of action by Federal regulators, the proponents of the plant can get Federal payments to compensate for that delay. Now, that was part of the 2005 legislation we passed. No wind power developer can get that kind of a subsidy. No solar power developer can get that kind of a subsidy. We also provided tax incentives for the construction of new nuclear powerplants. So if the Congress passes global warming legislation—I know the administration and the President are opposed to that, but if we do, according to the Energy Information Administration, the most significant impact of that global warming legislation would be to provide a powerful new incentive to promote more nuclear power development in this country.

So let me move on from the discussion of the President's charges to a short discussion of what I consider the real causes of current oil prices. I think to understand what is going on here, it is critical to put these oil prices in the broader economic context. The current increase in oil prices is, to a large degree, a symptom of our ailing economy. Oil prices and the value of the U.S. dollar have been very strongly linked over the last year. As the value of the dollar declines, oil prices go up.

We have heard recent testimony before our Energy Committee that confirms that investors are seeking protection from inflationary risks associated with the weak dollar and from credit and wider financial markets in which they have lost confidence. As one witness put it, oil has become the new gold, and that is why speculators and others are investing in oil. Higher oil prices in turn weaken our economy, so we are caught in a downward spiral in which a weak economy is resulting in high oil prices, and high oil prices are, in turn, further weakening the economy.

So the question is how do we stop this downward spiral. This is a large task. It requires, first and foremost, a return to rational fiscal policy that will restore balance and investor confidence in our markets. That includes an honest accounting of the costs of the war in Iraq, a figure that we now know is going to be in the trillions of dollars. Spending has also been accompanied by the administration's tax policies which have been extremely damaging to the country's long-term fiscal health. Every American family that sits around the kitchen table and tries to balance a budget recognizes the simple fact that spending more than you earn or more than the revenue you can bring in results in, after a period, your creditors eventually coming calling. That is what is happening to the dollar today. Apparently, the stewards of the U.S. economy and this administration have failed to absorb that simple reality.

Let me talk a little about policies to reduce oil prices in the short term. There are modest but important measures we can enact to increase our oil supply and reduce our demand. On the supply side, we need to immediately stop removing oil from the market to fill the Strategic Petroleum Reserve. It simply makes no sense to be putting $120 per barrel oil underground. According to the most recent Energy Information Administration forecast, oil demand in the United States is expected to decline by 90,000 barrels per day in 2008. This is the kind of signal we need to send to the market in order to see some relief from current prices. However, we are taking 70,000 barrels per day off the market to add to the Strategic Petroleum Reserve which we all recognize is about 97 percent full right now. We are basically wiping out any positive effects from the decrease in demand. This is a policy completely wrongheaded and should be stopped immediately. I compliment all three of the candidates for President for embracing this recommendation that we eliminate the filling or we suspend the filling of the Strategic Petroleum Reserve. I wish the administration would support that simple measure.

On the demand side, we need to decide whether we are ready to get serious about educating consumers to take more responsibility to reduce consumption. We know that 5 miles per hour slower that a person drives will increase our fuel efficiency for that individual by about 7.5 percent. We also know that energy-efficient, properly inflated tires increase fuel efficiency by about 4 percent. Regular car maintenance can increase fuel efficiency by about 2 percent. So Americans individually could use about 10 to 15 percent less gasoline by adopting these commonsense measures. But to see we do that, we will need publicity out there to educate folks on the simple steps they can take to reduce consumption. In the medium term, we need to ensure there is a cop on the beat on the oil markets.

There are two key steps we should take to improve Government oversight of the oil markets. First, the Secretary of Energy needs to have a role in overseeing oil markets. It troubles me that the people at the New York Mercantile Exchange on which oil is traded and the Commodity Futures Trading Commission which regulates that exchange seem to be the only people who think that speculators are not influencing oil prices.

Here is a quote from the Wall Street Journal on March 21 of 2006. It says:

> Hedge funds are taking ever-larger bets in a futures market that is smaller than the stock or bond markets, and the funds are using borrowed money to maximize their bets, magnifying the impact on energy market prices.

So clearly, the Secretary of Energy and the 500-plus employees he has there in his Energy Information Administration who work every day to analyze energy data, forecast energy supply and demand, and prices should at a minimum provide insight and advice to market regulators at the Commodities Futures Trading Commission. Perhaps this could help the Commodities Futures Trading Commission come to understand the role of speculators in that market.

Second, we need to shed light on the so-called dark markets. Markets that trade U.S. oil or are located in the United States should be subject to U.S. regulation. It is unacceptable that an exchange that is based in Atlanta, GA and trades U.S. crude oil that is delivered in Oklahoma is regulated in the United Kingdom, not subject to the laws and regulations that we in Congress put in place to govern the U.S. futures market. It is also unacceptable that over-the-counter markets are regulated neither here in the United States nor in the United Kingdom. There is simply no regulatory body that can see these over-the-counter transactions.

Let me also say a few words about policies that will not reduce gasoline prices. First, there is a proposal to suspend the tax on gas and diesel. While I can appreciate the temporary public relations success that might accompany this tax suspension, it would come at the expense of fiscal common sense and sound energy policy. I agree that high gasoline and diesel prices are hurting consumers, but additional deficit spending will only help accelerate the downward trajectory of our economy as a whole. This is simply the latest in a long line of proposals that seek to score political points during an election year at the expense of good energy policy.

There are three main objections to the proposal. First, it would increase deficit spending by nearly $10 billion while saving motorists about $25 per person. If you do the math, you find that even if all of the savings are passed on to the consumer, which is a very unlikely outcome, the savings per person is negligible.

If you assume that the average motorist drives 12,000 miles per year and gets 22 miles per gallon, you can calculate that the amount the average person would save in a 3-month period is $25.50. So adopting the fuel efficiency measures I have discussed earlier, including shaving a few miles per hour off the top highway speed, would be much more effective in reducing the cost of gasoline to the average consumer.

Madam President, how much time remains?

The ACTING PRESIDENT pro tempore. I believe the Senator has used his 15 minutes.

Mr. BINGAMAN. Madam President, I ask unanimous consent for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, the second argument I wanted to raise related to this proposed suspension of the gas tax is the idea that it would be reinstated in September when prices might well be as high or higher than they are today would be very difficult and very unlikely to occur, frankly. We are talking about reinstating the gas tax in September. I think that is the proposal the Senator from Arizona has made: Let's suspend the gas tax now, or at Memorial Day, and let's reinstate it on Labor Day. Well, the problem with that is Labor Day is about 2 months before the election. It would not be politically feasible to have a single-day price increase on September 1st of 18.4 cents per gallon for gasoline and 24.4 cents for diesel. I don't think anybody—any politician in his or her right mind—would vote to impose that kind of a tax increase at that time. Prices could easily be as high or higher on September 1 as they are today. It is simply not possible to me that Congress will then choose to increase the price that consumers pay at the pump.

The third argument is that this tax suspension would stimulate demand for motor fuels without increasing supply. In fact, we would see something in the nature of a price increase. The best explanation of this was done by Paul Krugman, a respected economist who writes for the New York Times and teaches at Princeton, in an article he did on April 29. He said in that article, I think the conclusion was, the McCain gas tax plan is a giveaway to oil companies disguised as a gift to consumers.

The obvious point he was making is that under the basic rules of economics, the fact that Congress would suspend the gas tax would do nothing to ensure that consumers benefited from the suspension of the gas tax. The whole notion that you are going to see the price of gas at the pump drop 18 cents because Congress says the tax is all of a sudden suspended is not realistic.

In conclusion, we as a country and we as a Congress need to get serious about energy policy. It is an election year. While there is always a tendency to take rhetorical stands in the runup to an election, the American people understand that. I think they discount what they hear from Washington as the election date begins to arrive. That is one reason they don't always hold Congress in the highest esteem. Proposals that are mostly feel-good propositions do not fool voters for long—if they fool them at all.

That said, there are a number of concrete steps we can take that will help. We should freeze the filling of the Strategic Petroleum Reserve—suspend that for the time being. We should take some effective actions to bring the oil markets under better control with U.S. laws and regulations. Let's be sure consumers know what they themselves can do to reduce their own demand. I hope that with oil at $110 to $120 per barrel, which it has been for several weeks and which it may well be for several more weeks or months ahead—or even a longer period—I hope we will give this topic the serious attention it deserves.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Madam President, today, marks more than 2 years—by my count, 738 days—since Speaker PELOSI said:

> Democrats have a commonsense plan to help bring down skyrocketing gas prices.

That was on April 24, 2006—738 days ago. I think it is important to look at what has happened to the price of gas and to see whether her prediction was correct.

Lo and behold, we find the average price of a gallon of gasoline in America at $3.62, up $2.33 from the time when Speaker PELOSI became Speaker in January of 2007. Again, that is a rise from $2.33 a gallon to $3.62 a gallon.

I will tell you we have been asking and waiting, and the American people have been waiting and watching, to see what Congress is going to do to help relieve some of this pain at the pump. The American people want us to work together to try to find commonsense solutions to help them with this increasing pain they are feeling in the family budget.

Do you know that taking the difference between $2.33 a gallon and $3.62 a gallon represents roughly a $1,400 increase in the cost for gasoline for the average American family? Of course, I don't have to tell anybody here, or anybody listening, that this is necessary for driving the kids to school, driving to work; it is necessary also to provide fuel for the airplanes Americans fly in. This is an American problem, and I suggest we need to come up with an American solution.

The problem has been that about 60 percent of our energy needs in this country are now satisfied by imported oil and gas from other parts of the world. That is a national security challenge because, of course, to the extent which others supply our energy needs, it means they can turn off the spigot; or if hostilities were to occur that would, let's say, for example, block the Strait of Hormuz, there could be an economic body blow to the United States as a result of the restriction on our energy supply.

We need to recognize there are certain things that are irrefutable or, I should say, maybe unchangeable by Congress. We can pass a lot of laws and repeal laws, but we cannot change the law of supply and demand. Try as we might, Congress has neglected that for these many years. While we have done some good things on conservation, passing fuel efficiency standards recently, and we have also supported renewable fuels, which are an important part of the energy supply, you cannot put wind energy in your tank to drive your kids to school.

We need to recognize that with a fixed supply of oil, which is 70 percent of the price of gasoline, we are competing globally with countries such as China and India, rising economies where people want a better quality of life, and they realize one key to that is affordable energy. America has not had that exclusively, but we have had it pretty much to ourselves, and others want what we have, which is a good quality of life and standard of living. That comes with affordable energy.

So what are we going to do about satisfying the laws of supply and demand? Of course, we know Congress is the primary culprit when it comes to obstructing access to American natural resources. I remember that when I was growing up, we would talk about different countries in school and about how some were blessed with abundant natural resources and how that was a good thing because the citizens of that country could use those natural resources to enhance their quality of life—in this case, provide for affordable energy. But we have simply, by our inaction—and I would say to the extent it applies—actually acted affirmatively to place our natural resources out of bounds in a way that has exacerbated and not solved the problem.

I know how popular it is these days to say it is all big oil's fault. The blame game. Then we have people saying we need another investigation. Well, the blame game and investigations are important, and investigations and oversight is for Congress, but that is not producing a single drop of additional energy. We need to do that and we need to act today.

A moment ago, a group of Senators announced an omnibus energy bill that would satisfy America's need for more American solutions to our energy supply. My hope is that by taking advantage, for example, of the million-barrel-a-day capacity Alaska could supply, by taking advantage of the Outer Continental Shelf, such as we have in the Gulf of Mexico, with the vast oil deposits there, and by taking advantage of our abundant natural resources in the form of oil shale in the West, we could relieve our dependence upon imported oil in this country to the tune of some 3 million barrels a day.

I know there are environmental and safety concerns with developing our oil and gas resources right here at home. But I invite the people who are concerned about that and who do not believe we can do so to come to Fort Worth and see the Barnett shale, which is an abundant, plentiful source of natural gas being developed right in the city of Fort Worth. As a matter of fact, if you fly into DFW Airport, you will see drilling rigs on the airport property. The tract of land in Alaska that is going to be explored and used for producing this million-barrel-a-day-plus oil that is located in the Arctic is going to be on a postage stamp-size piece of property.

I see the distinguished ranking member of the Energy Committee. I was saying the city of Fort Worth is producing the Barnett shale and actually drilling gas at DFW Airport and that you can see the rigs there.

I suggest that if we can produce those natural resources in Texas and in Fort Worth on the DFW Airport property, American energy producers can do it in Alaska. People are concerned, as they should be—and I wish they would act on those concerns and not just complain about it—about $120-a-barrel oil. It has been projected that if we were to take advantage of the natural resources God has blessed us with in the Arctic, we could produce oil there that costs roughly $55 a barrel. So $120 a barrel or $55 a barrel? You pick.

If we are talking about developing oil resources from the Outer Continental Shelf, even beyond the horizon, as we did in lease sale 181 in the Gulf of Mexico—it is 300 miles off the coast of Texas. You cannot even see it. Yet we have a way of producing those abundant resources. If Congress will simply quit the blame game, the finger-pointing and wake up to the fact that the American people are feeling pain not only at the pump but in their family budgets—they are looking for Congress to get out of the way and let the American people produce the natural resources we have been blessed with, in a way that will satisfy the laws of supply and demand, by producing as much as 3 million barrels of additional oil, which will then have a dramatic impact at the pump and help American families meet their energy needs at a reasonable price.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. I didn't hear the Senator from Texas say he was finished.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2958 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORNYN. Yes, I yield the floor.

Mr. DOMENICI. I thank the Senator.

Mr. DOMENICI. Madam President, I ask unanimous consent that the floor time now be given to Senator KENNEDY, who has been patiently waiting, for which I am grateful.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I thank my friend and colleague from New Mexico. We will not have a chance today to talk about mental health parity. But whenever I see him speak on the floor I am further inspired to make sure we are going to get that legislation passed in this Congress. I thank him for all of his good work in that undertaking. We are strongly committed to ensuring that this very important health policy issue is going to be addressed in the Congress.

I see my friend from Illinois. I know he was seeking the floor. I ask unanimous consent that he be recognized after I finish.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNEMPLOYMENT INSURANCE EXTENSION

Mr. KENNEDY. Madam President, tomorrow we are going to have the report by the Bureau of Labor Statistics about the unemployment figures in this country. Those unemployment figures may be statistics to some, but they are lost hopes and dreams to millions of our fellow citizens. They are a key indicator of the state of our economy. I think most of us who have had the opportunity to travel our States and listen to working families understand the extraordinary pressures these families are under, the incredible anxiety that goes to the heart and soul of these families. They really wonder if somehow they are guilty in some way for not being able to deal with the economic challenges they are facing, whether it is the increased cost of gas at the pump, or whether it is the increasing cost of tuition, the increasing cost of health care, or the challenges they are facing with their mortgages.

This afternoon I want to speak for a few minutes about the issue of unemployment and how that has impacted so many of our fellow citizens and what the implications are for so many of our fellow citizens. Even though we do not have the figures, I think we can reliably suggest there is going to be a further increase in the number of unemployed Americans when we get the figures tomorrow morning. These are the figures so far this year: we see 76,000 jobs lost in January; in February, 76,000; some 80,000 in March—232,000 jobs were lost over the period of these 3 months. There were 50,000 construction jobs lost. That sends a message in and of itself.

If we look at this chart, we see the total number of unemployed. These are the Bureau of Labor Statistics figures. In March of 2008 we have 7.8 million unemployed and only 3.9 million jobs. That's two workers for every job. Here we have individuals, Americans, who have worked hard, played by the rules, and, through no fault of their own, because of the failure of fiscal and monetary policy, they have lost their jobs. Yet when we look back at the total number of job openings, they are limited. These Americans are getting squeezed. How are they going to be able to find jobs when the jobs are not available even if they have the skills? We are going to come back to that in just a moment.

These families are hurting. That is why it is so important that we have an increase in the unemployment compensation program that is now in surplus of about $35 billion. That fund has actually been paid into by American workers. They have paid into the fund $35 billion, and the reason they paid in was for circumstances such as this, a fiscal and monetary economic policy which has failed them. They are entitled to receive the unemployment compensation. Yet we have an administration which has consistently opposed extending unemployment benefits. I am going to come to that in just a moment too.

Here are recent veterans who having served, are having a hard time finding work. The total workforce, 5.1 percent unemployed; for these veterans serving after 2001, we can see their unemployment is 6.1 percent. And the young male veterans, serving after September 2001, are at 11.2 percent. These are all veterans, but this is young men—11.2 percent. These young Americans were the ones who had the burden of conflict and now they are facing the burden, at home, of an economy that will not serve them and serve their interests. Where is the burden falling? It is falling on our young veterans, and it is falling particularly hard.

This chart indicates where the burden of this economy is falling. We are finding out it is increasingly falling on adult women, who are seeing a sharper rise in unemployment rates than men. There is a 21-percent increase for women, and 15 percent for men, between March of 2007 and March of 2008. Do we understand how it is squeezing women? Women are more likely to have subprime mortgages than men, despite having slightly better credit scores. Women are having their homes foreclosed at a more rapid rate than men, their unemployment rates are going up, and their savings are lower. They are the ones who are taking the brunt of this recession along with young veterans.

Here we find women's earnings are falling faster than men's. Men's median income in 2007 fell one-half of 1 percent for men, women's fell 3 percent. We see increasing numbers of women are unemployed, and the wages of women who have jobs are being adversely impacted to a much higher and more significant degree.

We see what has happened generally with regard to the economy. The stock market lost $2.7 trillion in value since May of 2007. This crisis has wiped out $2.7 trillion in home values. The dollar has lost one-third of its value, and the Federal debt has nearly doubled since this President took office. Again, we are looking at home values, which is the wealth for so many middle-income and working families—$2.7 trillion effectively has been wiped out during this last year.

All these figures show middle-income families, working families, are taking the heavy brunt of the recession we are facing. We should ask ourselves what are we doing about this. If we look at what we have done at other times, we have granted extended unemployment benefits. Look at the last recessions we have had, from January 1980 to July 1980, and then July 1981 to November 1982, the average number of weeks of unemployment was 16 weeks. And we extended unemployment compensation.

The next recession we had was July 1990 to March of 1991. The average weeks of unemployment was 13.9 weeks, but we had an extension of unemployment compensation.

In March 2001 to November 2001, 15 weeks was the average number of weeks of unemployment, and we had an extension of the unemployment compensation.

Here, look at this: 16.2 weeks is the average number of weeks workers are unemployed today—16.2 weeks—and this administration refuses to say the $35 billion that is in the unemployment compensation fund that you have worked for and contributed into that fund, should be available to you when we have adverse economic conditions. These are just the kind of conditions that they are there for. This administration refuses to do anything about it. It is a striking difference for working families who are trying to make it and provide for their families.

Very briefly, this chart demonstrates that during a recession, among the limited economic stimulus measures, unemployment compensation is among the most promising investments—every dollar we invest in unemployment compensation has the effect of $1.64; for infrastructure it is $1.59 for every dollar invested; and it is $1.73 in food stamps. This is from Moody's chief economist. There is much less impact, obviously, for the Bush extended tax cuts.

We should look at what is happening in food stamps—we do not frequently think about the numbers of our fellow American citizens who are dependent on food stamps, but we should pause now. We certainly should if we have been back home and listened to those who have been running the food banks in our States and we find out the condition of those food banks. 28 million Americans are projected to receive food stamps in fiscal year 2009—28 million Americans are going to be eligible for food stamps in 2009. Look at the indicators. This is another indicator about what is happening in the economy, the kind of pressures that middle-income and working families have.

We could also ask, Why aren't we trying to provide training for these workers who are struggling to find a job? If we improve their skills, they will be able to find a job—is that right? No, it is wrong. What we are finding is Americans cannot access job training programs. This administration has been cutting back virtually every year on job training programs.

Look at this. In Massachusetts alone, for every available slot in a job training program there are 21 workers on a waiting list. Do we understand? There are 21 workers on a waiting list. These are American men and women who want to work, have worked, want to provide for their families, and they cannot even get the training in order to be able to fill the jobs. We have 83,000 jobs in my State that are not being filled today, but we have cut back. This administration has cut back on the training programs. This is the kind of misstep this administration has taken time in and time out.

I just remind the Senate about action that we took just yesterday with regard to students and the student loan program. One urgent step that we must take to ensure that the slumping economy does not prevent young people from going to college is to provide some help and assistance, and we did yesterday.

Right now, in May, students and their parents are applying for financial aid and the loans they need to attend college in the fall. This is happening just as some banks have said they are no longer offering student loans. We cannot allow the slumping economy to limit the horizons of a new generation of Americans. Students and parents need to know we will do everything we can to guarantee that every single student who needs a loan to go to college in the fall will get one, even in these troubled economic times. We will increase the amount of grant aid available to relieve the debt burden on needy students.

Yesterday the Senate passed legislation to do just that. The House of Representatives also passed the legislation just a few hours ago, and President Bush has indicated that he will sign it into law. This is what the emergency legislation does: For students, if private loans through the banks dry up, they can get lower cost government-guaranteed loans to take their place. So no matter what happens in the private loan market, the government loans will be there, and they will be there for them.

This guarantee comes in two ways. First, the bill expands the amount of Federal loans available for a student for 4 years of college from $23,000 to $31,000, an $8,000 increase. Second, it ensures that students will have easy access to Federal loans.

If banks are not willing to make these loans to students, State-based, nonprofit agencies, called the guaranty agencies, will take their place.

So for every student, there will always be someone to provide the loans, either through the private sector or through the Government.

Also, for thousands of low-income students, we increased the grant aid by up to $1,300 a year for underclassmen and $4,000 a year for upperclassmen. That is not a lot, but it is a part of an ongoing commitment to help low-income college students avoid the crushing burdens of debt that inevitably distort their choices for the future.

The bill also helps parents by providing them with better options and better access to the low-cost Federal PLUS loans alternative. This provides help to parents. It allows the parents to delay the repayment on the loans until their child has graduated from college. It makes it easier for parents who have been hit by the mortgage crisis to obtain these low-cost loans; help for the students, help as well for families.

Finally, the bill helps stabilize the overall student loan market by authorizing the Secretary of Education to purchase outstanding federal loans, allowing private lenders to replenish their capital so they can make new loans to students and parents.

For the 6 million students and over 700,000 parents currently relying on low cost federally subsidized loans, these steps mean they will continue to have ready access to these funds, even as the credit markets discourage lender participation in the Federal program. In other words, students and parents will now have multiple avenues to obtain low-cost Federal loans.

Fortunately, Congress has taken prompt action to prevent college students from becoming the next victims of our failing economy, and I commend President Bush for urging us to do so. I am grateful to Senator ENZI, Congressman MILLER, Congressman McKEON for their partnership on this legislation, and for the support and assistance of the Secretary of Education.

I hope we can replicate this bipartisan effort in tackling other urgent economic issues. There is much work to be done to ensure that Main Street is insulated from the problems of Wall Street. It is clear that the Nation faces a serious ongoing economic challenge. We know what we have to do to put our economy and our country back on track. To do that we need to seize the moment and act immediately to help the millions of Americans who need our help the most.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, I see the Senator from Michigan on the floor. I know she is here to address the same topic as the Senator from Massachusetts, and she has a 5 o'clock conference committee on an important bill pending before the Senate. I ask unanimous consent that she be allowed to speak in my place and that I follow her.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan is recognized.

Ms. STABENOW. I thank our distinguished assistant majority leader for allowing me to do this. It is very important. I thank my colleague and friend, the champion from Massachusetts, for all of his efforts as they relate to the efforts to make sure college loans are available. Also I want to speak to the fact that we are working together to extend unemployment insurance benefits, and I greatly appreciate his leadership.

I want to specifically today speak to that piece of the effort we are working on together. Because since my colleagues across the aisle blocked extending critical unemployment benefits from the part of our first stimulus package, frankly, the situation has only gotten worse for families in Michigan and all across the country.

National unemployment is on the rise, with our Nation losing 80,000 jobs in March. It is stunning to me when we look at what is happening across the country. I have to say, these are not new kinds of numbers for us in Michigan. We have been seeing these kinds of numbers now for a number of years but we see nationally, in this last January, 76,000 jobs were lost; in February, 76,000 jobs were lost; in March, the highest number, 80,000 jobs were lost; 232,000 jobs cut in the past 3 months.

I remember coming to the floor and having colleagues say: Well, overall unemployment is not high. We do not have a problem. It is below 5 percent. Well, now it has crept up above 5 percent, and we are being told by Goldman Sachs and the Bureau of Labor Statistics that by January, this coming January, the national unemployment rate will be 6.5 percent.

We in Michigan would actually consider that a decrease, because ours is at 7.2 percent. But nationally when we look at that kind of steep increase in those people who are out of work, we need to be paying attention to this. Families, middle-class families, who have worked hard all their lives are finding themselves in a situation, due to no fault of their own, where they are looking for work, trying to keep their family together and, in fact, are looking for us to do what we have always done in times such as these, which is to extend unemployment benefits across the country for families, and particularly for those States that are hardest hit.

We have 10,000 people right now in Michigan every month who are losing unemployment benefits. That for us relates to the fact that we are one of the highest States in mortgage foreclosures, why people cannot afford to pay for their mortgage. So the ripple effect throughout the economy is staggering when we look at the fact that on top of what is happening to people who are losing their jobs and cannot afford their mortgage, their gas, when we look at what is happening with gas prices.

We in the majority have been coming to this floor and have been doing everything we can in putting forward proposals to deal with the high gas prices. We have not been able to get support from colleagues to truly address this, what needs to be addressed, and even putting food on people's tables and health insurance.

Everything is going up in the wrong direction, including the fact that people are now losing their unemployment benefits. We have been suffering in Michigan through several years of high unemployment, as I mentioned. We have 7.2 percent unemployment right now. In the first half of this year, over

72,000 people exhausted their unemployment benefits. But we are not alone. This is not only a Michigan problem anymore. Alaska, California, Rhode Island, Mississippi, Nevada, Missouri, Oregon, South Carolina, Kentucky, Ohio, all have unemployment rates at or above 5.7 percent. Across the country, millions of Americans are losing what are insurance benefits. We are not talking about public assistance, we are talking about an insurance system that they paid into, that employees come into for these circumstances.

We have not seen the President's willingness, up to this point, to support extending unemployment benefits and, subsequently, my colleagues on the other side of the aisle. This makes absolutely no sense. Frankly, from an economic standpoint, it makes no sense.

Moody's economy.com chief economist Mark Zandi estimates for every $1 spent on unemployment benefits, the economy is stimulated by $1.4. We knew that when we passed the original stimulus package. Rather than a rebate, many of us were arguing that the best way, the fastest way to stimulate the economy was to give dollars directly to people out of work, struggling to make their payments, who on average make 40 percent of their wage from this unemployment insurance system. The people would have to turn right around and go to the grocery store, buy clothes for their children, spend the dollars they receive in unemployment benefits in order to be able to keep going. What we have heard over and over again from colleagues on the other side of the aisle is: We should wait; we should wait; it is not that bad; it is not bad enough. I do not know how many times we have heard the President say, up until recently, "Well, the underlying fundamentals of the economy are good" or "Things really are not as bad as people think."

Well, they are. They are. The American people know that when they are being hit on all sides with rising costs and lower wages. So I am here today to urge my colleagues to come together to understand what American families are going through, and to support, strongly support, an extension of unemployment compensation.

Let me say in conclusion that this unfortunately is a pattern we have seen over and over again when it comes to blocking those programs that are critically important for American families. Over and over again we see colleagues filibustering issues, stopping us from moving forward on what makes a real difference in people's lives.

It is not only extending unemployment insurance for families and workers in Michigan and across the country, but it is part of a pattern of blocking and obstructing what is important to families in this very difficult economy. Last year my colleagues on the other side of the aisle blocked an energy tax bill that would have increased the production of renewable fuels and helped bring more advanced technology vehicles to the marketplace to reduce our dependence on foreign oil and begin to address what is happening on the gas price side of things.

But, unfortunately again, these efforts were blocked time and time again when we brought forward proposals that relate to energy and pricing and accountability for the industry. Moving tax breaks from oil companies to alternative fuels or to consumers, we have been blocked. I have to say also in conclusion today that once again, a critical issue to this safety of the American public has been blocked, and that is the question of whether we are going to modernize air service in this country; whether we are going to truly have a passenger's bill of rights; whether we are going to update a system that is clearly overloaded, clearly in crisis. We have been trying all week to bring to the floor critical changes to upgrade the American airline system, and once again these efforts have been blocked and blocked and blocked. We have a whole range of needs in this country that are urgent for the safety of those of us who are flying with our families and are counting on the fact that everything that is being done to make sure that system is the best in the country and it is safe.

We see that families are struggling with gas prices. We see in my home State again 10,000 people a month losing unemployment insurance who are trying to figure out how to make ends meet while we see blocking after blocking, filibuster after filibuster, here in the Senate stopping us from moving forward on important legislation.

I urge my colleagues to listen to the folks at home and what they are going through, and to join us to extend unemployment insurance, to address what are outrageous gas prices, and also make sure we are being serious and responsible about important issues such as airline safety.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Illinois is recognized.

Mr. DURBIN. My thanks to my colleagues from Massachusetts and Michigan for bringing to our attention the struggle this economy presents to many families across the United States.

You would almost find it hard to imagine that this Senate could meet with such regularity and not address these issues directly. But this administration and its economic policies have not focused on working families. They have focused on tax breaks for those in the highest income categories in America. That is something they do without embarrassment. They suggest that if the wealthy people in America have extra money to spend, it will be good for everyone else. That is a hard message to deliver and even harder to believe.

Elizabeth Warren is a professor of law at Harvard Law School in Cambridge, MA, and has become a good friend and adviser to many of us. She recently made a presentation to a number of Senators and showed an analysis which she had done relating to the middle of the middle class. Professor Warren took a look at real middle-income families and basically asked the question: What has happened to them during the last 7 years?

Her findings are troubling. From 2000 to 2007, she writes, the American family lost ground. Measured in real dollars, incomes declined while basic expenses skyrocketed. By the time today's family makes a few basic purchases—housing, health insurance, food, gasoline, and phone—it has about $5,700 less than it had been in 2000.

Now, this is a family that is making in the range of $40,000 to $45,000. So a decline in buying power of $5,700 over the last 7 years causes real hardship. By every measure, incomes are down for the same hypothetical family for this same period of time; down for fully employed males, fully employed females, down for households.

Adjusted for inflation, median household income has declined across America by $1,175. Prosperity has not arrived to the working class, the working families of America. In fact, the opposite has been true.

Of course, the biggest thing we face going home is the increasing cost of gasoline. The increase in the cost of gasoline has more than doubled since President Bush became President. In that same period, the profits of the oil companies have more than quadrupled. It is no coincidence. They are making more money as families, rich and especially poor, reach deeper into their pockets to pay for gasoline. Families have reduced driving. They have to spend an average of $2,000 more a year for gasoline than they did back in the year 2000, when President Bush was elected. Our friends on the Republican side of the aisle like to talk about cutting people's taxes, sending out rebate checks. Of course, those are all well and good. But it turns out the expense which has been passed along to working families for the cost of gasoline since President Bush became President is more than $2,000 a year. There is a tax. It is a tax families have to pay if they have to drive to work or if they want to take their family on vacation.

Increases in mortgage costs took another big bite out of middle-income families, almost $1,700 each year. Health insurance, food, telephone, appliances, another $750 a year knocked out of the family budget. The increases mean the average family is spending

$4,564 more for basic expenses now than they did in 2000. How about families with kids? Childcare costs under this President have gone up by $1,321 a year, more than $100 a month; afterschool care, $511 a year. All parents, regardless of the age of children, see the rising cost of college. Under this Presidency, the net cost of college, including scholarships and grants, has increased by more than $1,000. Is it any surprise, when Members of the Senate and the House go home over the weekends and run into these families, they want to talk about the latest outrage, which happens to be the price of gasoline?

My understanding is ExxonMobil made its report of quarterly earnings public today. It was a little bit off for them. Their earnings only increased 17 percent, hardly keeping pace with the recordbreaking percentage increases of the past. But trust me, there will be no tag days for those CEOs and members of the executive board and management of the biggest oil companies in America. They are doing quite well. The question is whether this Congress can do well by American families who pay the price for those profits. That is a challenge we will face.

President Bush is going to send us a supplemental appropriations bill. It is because of the emergency in Iraq. He is going to ask for $108 billion for Iraq and Afghanistan. He is not going to ask for the emergency in America, and there is one. He will not be asking for increasing unemployment compensation for families out of work, watching unemployment rates rise by the day. He will not be asking for tax breaks for those struggling families I have described. He focuses on the Middle East.

I am from Illinois. I focus on the Middle West. I try to look at the whole Nation, but I start with my obligation at home. When I look out the window in the morning, I see America. When this administration looks out the window in the morning, it sees Iraq. So when it comes to emergency spending, drop everything, highest priorities, it is not about America. This administration focuses on the Middle East.

I think that is unfortunate. We need to understand a strong America begins at home. It begins with a strong economy, strong families, strong churches, strong temples, strong neighborhoods, strong cities, strong communities that build a great nation. They are suffering at this moment.

During the course of this week, there has been precious little done on the floor of the Senate. Senator after Senator has come to talk about their concerns about energy costs. That is good. We should raise awareness of this particular issue. But we need to do more than give a speech, come up with a quick gimmick or a quick idea. We have to focus on changing some fundamentals, and it ought to start with the Tax Code and programs that help working families.

Mr. President, I have a friend in Illinois whose name is Harold Ramis. Harold Ramis and I share a birth date and a lot of friends. Harold Ramis has done quite well for himself. He ia a writer, a producer of movies. Harold got started writing "Animal House," went on to write "Caddyshack" and a few others. But one of his most famous movies, which he released over 15 years ago, was a movie called "Groundhog Day." I bet every American has seen it. It is hard to believe it has been more than 15 years since it was released. In that movie another Chicagoan, Bill Murray, wakes up every morning in Punxsutawney, PA, and looks over at the clock radio as Sonny and Cher are singing "I Got You, Babe," and relives the same day over and over again, until finally it stops at the end. A fascinating movie, it has been analyzed by so many people. What is the message of the movie? I am not sure. I sure enjoy it and continue to watch it. I drive my wife crazy when she says: How many times have you seen that movie? But I like it a lot.

I am reminded of that movie when I think about what is going on in the Senate. It is almost like "Groundhog Day" around here because every day that you get up in the Senate and every week, it is the same music playing. It is the same script playing. The script that is playing is the strategy on the other side of the aisle, on the Republican side of the aisle. Their strategy is very simple. It involves the use of a filibuster.

A filibuster is a uniquely Senatorial institution that says, historically, any Senator can stand up at any time and stop anything—a nomination, a bill, anything. It gives us a lot of power. But unfortunately, that power can be misused. "Mr. Smith Goes to Washington," Jimmy Stewart on that famous set, the brandnew Senator who stood up and filibustered until he dropped right next to his desk, we all remember that image. It doesn't quite happen that way anymore. I have not seen anybody fall to the floor in the middle of a filibuster, but it does eat up a lot of time, and it slows things down.

In the history of the Senate, there is a record book. The record book says that in the history of this great body, in a 2-year period, the maximum number of filibusters is 57; 57 times in 2 years there was an effort to stop the debate, stop a nomination, and a filibuster was initiated.

For those who follow the history of the Senate, they are watching a historic session. Because in the last year and 4 months, the Republicans in the Senate have broken the record. They have gone beyond 57 filibusters. At this point, they are now up to 68 Republican filibusters and still counting. On 68 different occasions, they have initiated a filibuster to stop us from taking up legislation.

You say to yourself: Maybe that had to be done. Not until you look at the legislation involved. Two weeks ago, we had something called a technical corrections bill. This is a bill that notices there were spelling errors and grammar errors in a highway bill that passed several years ago. They change it with technical corrections. It usually is a bill which passes with no debate, no comment, and not even a record vote. It just goes through when we have to clean up some problems we had in previous legislation.

In this new era of Republican filibusters, they decided to filibuster the technical corrections bill. If there was ever an embarrassing moment in the history of the Senate, it is the notion that we would filibuster a bill that corrects grammatical and spelling errors, but they did it. They held the Senate in session for a full week while we waited to complete the technical corrections bill. Then came the veterans' health benefits bill. Veterans' health benefits? Is this an issue anyone contests, that we would not provide all the benefits promised and all we can afford to the men and women who have served our country so valiantly and continue to? We brought this bill to the floor figuring this was an easy one, a bipartisan bill. It would pass. It was the subject of a Republican filibuster that held that bill on the floor for a full week.

Time and again, we came to the floor and said to the Republicans: Let us call up this bill. If you have an amendment, if there is something you want to change, then let's do it. No. Day after weary day this "Groundhog Day" script played out. We got up every morning. We didn't hear Sonny and Cher. We heard the Republican minority leader singing the same song every morning: We are going to try to get around to looking at this bill. Days passed.

If the Senate was paid for piecework as opposed to a general annual salary, we would be hurting at this point. We don't do much around here, and that is unfortunate. By the end of the week, after they had burned another week off the calendar, a week where we didn't consider the problems with our Nation's energy policy, where we didn't do a thing about gasoline prices but were stuck in a Republican filibuster, we had one vote on one amendment and passed the bill virtually unanimously when it was all over.

There was no controversy.

The object from the Republican side: Slow everything down. Stop it if you can.

So this week comes another bill. This bill is 288 pages. This is the reauthorization of the Federal Aviation Administration. Unfortunately, it is now subject to a Republican filibuster. A motion for cloture is about to be filed.

This week in the Senate, for those who want to keep up with the ongoing and developing saga of our "Groundhog Day" script, Republicans are blocking safer, more efficient air travel. We have spent the entire week here and had one vote. I know it is not a secret. It is in the CONGRESSIONAL RECORD. But it is embarrassing. We tried time and again to get Senate Republicans to give us an amendment, call it up for a vote. Let's get moving on this bill. No, let's wait until next week.

Is there anything else we could have been considering in the Senate this week? We should have passed this in a hurry. First, it is a bipartisan bill. Is it necessary or important? For those of us who live on airplanes, you bet it is. Twenty-five million more passengers flew on U.S. commercial air carriers last year than the previous year. Almost 800 million passengers flew on U.S. commercial carriers in 2007, double the number of 1985. The FAA predicts the aviation system will transport more than 1 billion airline passengers annually by 2020. There is a problem though. As modern as the airplanes may be, as new as some of the airports may be, we are running our air traffic system on radar that was established during World War II. This technology is not equipped to handle the volume increase in air travel we anticipate. We are already seeing it in airports across the country. Passengers are feeling it in my home State in the great airport at O'Hare, where I spend a large portion of my waking hours.

U.S. News and World Report placed O'Hare recently at the top of the airport misery index. In defense of that great airport, we are in the process of modernizing it and things will get better. But it is fat. The magazine cited that almost 30 percent of flights in and out of O'Hare are delayed. One of the main reasons is the incapacity of our air traffic control system to deal with this increase in volume. We need to move to a more modern, satellite-based air traffic control system. This technology, known as NextGen, will give pilots and air traffic controllers the ability to accurately pinpoint aircraft in the sky to avoid any problems, to monitor traffic, to move things more smoothly and efficiently.

The second reason for the increase in delays comes from the lack of capacity in our airports. O'Hare Airport was designed in the 1950s and built in that era. It doesn't handle, as it should most efficiently, the aircraft of today. We have a big expansion under way. But the bill that has been held up all week in the Senate, a bill that was brought to us on a bipartisan basis by Senator JAY ROCKEFELLER of West Virginia, who has worked his heart out to pass this bill, and Senator KAY BAILEY HUTCHISON of Texas, who helped in crafting this bill, will provide funding for programs to give airports the money they need to expand and handle the growth in air traffic.

Lastly, the FAA bill also provides important provisions giving passengers rights when they are stuck in airplanes on the tarmac. Has it ever happened to you—stuck out there for an hour, if you are lucky? It used to be a lot longer. There are some horror stories that have come out of this. I will not go into the details other than to tell you we try to provide in this bill basic protections for airline passengers. We never want an airline to hurry into a circumstance that might compromise safety, but we do believe they should inform their passengers about what is going on and be mindful of the need for basic human comforts that passengers need when they are stuck on the runway for hour after weary hour. That is in this bill. You will not get a chance, if you look at the CONGRESSIONAL RECORD of this week, to hear any debate about it. We did not get to it. We were stuck in a filibuster—stuck for I think it will be the 69th filibuster of this senatorial session.

I believed when I came here that this was the world's greatest deliberative body. Maybe it is self-promotion for us to continue to say that because we have precious few amendments, very little debate, and we really lack the kind of legislative activity that has, I guess, been the hallmark of the Senate for as long as it has existed. We have ground to a halt because we are facing the slowdown strategy from the other side of the aisle.

When you think about how many important issues we need to work on for this country, for the families of this country, important decisions we need to make, it is sad that the Senate rules allow this to continue.

Well, we will return next Tuesday, after a long weekend. After having one vote this week, we need a rest. I hope you understand. We will come back Tuesday in the hopes we can start up this bill again. Maybe in the second week this bipartisan bill just might draw an amendment from the other side of the aisle, just might draw some debate on the floor, and just might get passed, so we can move on to the next issue, which I believe will be energy policy. And I can just guarantee you, it is likely to face another filibuster from the Republican side of the aisle.

The GOP is the, I guess, nickname for the Republican Party. It stands for the "Grand Old Party." When you watch the progress, or at least the strategy of the Republicans in the Senate, you come to believe that GOP stands for "Graveyard Of Progress." That is what they see the Senate. That is unfortunate.

There is a lot of work we need to do. The American people sent us here to do it on a bipartisan basis. I hope we can get it done.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, the custom is to alternate to each side. Senator DEMINT is here. After he has concluded his remarks, I ask unanimous consent to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I thank the Senator.

Mr. President, I need to start by expressing my disappointment at the misleading and distorted information that was just presented on the floor. Actually, I was amazed at what was just said.

The Commerce Committee had come up with an aviation modernization bill with strong bipartisan support. But, like many other bills we have faced with our Democratic colleagues in the majority, some of my Democratic colleagues chose to add special provisions for some interest groups and very wasteful and questionable earmarks, tax earmarks, using unprecedented methods to fund things through changing our Tax Code, things that there is a lot of consternation about: changing a pension plan.

The reason this bill has been held up is the majority decided to add things to it that had nothing to do with aviation. We want this bill to come through, and it has strong support.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DEMINT. Mr. President, no, I will not. I have been down here several times today, and I will continue my remarks. But I will be glad to have the Senator say anything after I complete my remarks.

The Senator mentioned the technical corrections bill for transportation. He said this was just typos. This bill added hundreds of millions of dollars of new earmarks to our transportation budget. It was not a technical correction bill. It was an opportunity for the majority and some others to add things that did not need to be a part of this bill. The Senator even knows, on bills such as consumer product safety where special provisions were added for manufacturers in that bill, we had to slow the bill down in order to get those things taken out.

So there is a reason the majority has not been able to move any significant legislation. It is because they tend to clutter it up with wasteful special interest earmarks that need to be taken out. Hopefully, we can come to an agreement to take out these unnecessary and unprecedented tax provisions in our aviation modernization bill so we can get this thing done.

HEALTH CARE

Mr. President, I did not come down to talk about aviation modernization, as I hope the majority will clean this bill up so we can get it through. But I want to talk a little bit about health care.

Health care is a priority for the Nation. Americans deserve access to affordable health insurance. Yet we are wasting time here and not doing anything to help with the health care crisis in this country today.

Fortunately, one of our colleagues, JOHN MCCAIN, has come out this week strongly for a health care plan that would help every American to be insured. He talks about guaranteed access to health insurance—plans people can own and can afford and keep, plans they choose for themselves and that are not chosen by the Government. This is the direction we need to move.

Unfortunately, my Democratic colleagues—at least many of them—do not want everyone to be insured with personal health insurance policies. They would much rather the Government take over the whole health insurance industry and decide for us what type of health plans we are going to have. The evidence of this is abundant.

There are a number of efforts Republicans have made to try to improve access to private health insurance. One is to allow people in this country to buy health insurance from anywhere in the country. Right now, they are restricted to buying it in the State where they live. So a few insurance companies have a monopoly on the business. We have had a Health Care Choice Act that would give Americans a chance to shop anywhere in the country. Yet the Democrats have blocked this bill.

Only a couple weeks ago, we had an amendment to the budget bill that would allow individuals to deduct the cost of health insurance, just as businesses do. But I believe every Democrat in the Senate voted against that, to give some kind of fair tax treatment to individuals who are buying health care. They blocked it. Yet they complain about individuals being uninsured. They do everything they can to keep individuals from owning health insurance.

Now the Democrats are trying to destroy health savings accounts. It started in the House with a bill that will change the way health savings accounts are set up. The fastest growing way for the uninsured to get insurance is new types of health plans that have health savings accounts and insurance, where people can buy most of their health care with their own dollars or in dollars their employers put in this health savings account that is tax free. It gives them a lot more choices and flexibility, and it takes out, importantly, the cost of third-party administration.

Health savings accounts are a way to restructure health insurance plans so that every time you go to the doctor or the hospital, there is not a third-party insurance company filing claims or dealing with billing and running up the cost of administration. We know today there are more administrative people in a doctor's office or a hospital than there are health care providers. The reason for that is, every time we use the health care system, there is a third party involved, whether it is private health insurance or Medicaid or Medicare, and there are a lot of administrative costs.

Health savings accounts not only give people more flexibility, but they begin to take the cost of administration out of health care. It allows an individual to make their own decisions with their doctors or with their pharmacists as to their health care, and they do not need approval from some health insurance company or from some Government bureaucrat whether they are going to spend this money. Certainly, the way health savings account dollars are spent is restricted to real health care, and that is the way it is working.

But, unfortunately, a company that provides this service of substantiating the way health care dollars are spent has come to Washington and convinced Democrats that we need a third party to determine whether a health savings account spending event can be substantiated. This is definitely a special interest provision that the Democrats have bought into. But what it does is it adds the administrative costs back to health savings accounts and takes away the flexibility we are giving to individuals.

Keep in mind, people who are uninsured and people who did not have insurance before and a number of people who are switching from traditional plans—and we have gone from 1 million people covered by health savings account-type plans to over 6 million in the last few years. It is the fastest growing type of health care plan because that is the kind of plan people want.

Let me just read some statistics. The reason for all this is the Democrats have inserted, on the House side, in the bill they call the Taxpayer Assistance and Simplification Act, provisions that would put an administrative burden on health savings accounts. They are trying to kill health savings accounts so we will all end up with Government health care.

I already mentioned that we have gone from 1 million people covered by health savings account plans in 2005 to over 6 million today. Thirty-one percent of the people who have these health savings account plans plus insurance were previously uninsured. Eighty-four percent of health savings account policies in the group and individual market provide first-dollar coverage for preventative care. So this claim that health savings accounts keep people from seeking preventative care is totally bogus because the plans are designed that when someone seeks preventative care, diagnostic care, the insurance pays for it and it does not come out of the health savings account.

Health savings accounts give people better access to the type of health care they want. We found that it even helps with chronic-disease management. If people have access to $1,000 or $2,000 more per year to use the way they need to for their own health, then they can manage their diabetes or congestive heart failure or other types of illnesses that are often restricted by traditional health insurance.

I want to encourage my colleagues—my colleagues who really believe Americans should have the freedom to own their own health insurance and not have to go to the Government for their health care—to help us preserve and promote and expand health savings accounts for those who want them.

I want to make it clear, health savings accounts are health insurance. They are just health insurance plans that have savings and insurance with them, so that most of health care can be accessed with dollars of patients doing direct business with their physician, with their pharmacist, with the hospital. It will save millions—even billions—as a nation in administrative costs. Already, Americans have well over $3 billion saved in health savings accounts for future health care needs.

This is an idea we need to expand across the country, not to destroy. I would ask particularly my Democratic colleagues on the Senate side not to take up this provision that the House included that will hurt and probably destroy the whole idea of health savings accounts.

Mr. President, I thank the Senator for allowing me to speak, and I yield back the time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, we are here today in the midst of another filibuster in which the FAA reauthorization bill is before us, but we have to wait for a cloture vote and we have to wait many, many days past, I think, what was appropriate. But it does give us an opportunity to talk about the issue that is of most concern to Americans at this moment; that is, the economy.

We have an economy that is heading, unfortunately, toward recession. Some economists have already declared it here. Over the last few months, I have spoken about the situation and particularly, I say to the Presiding Officer, in our home State of Rhode Island where, as we go about, we are stopped constantly by our constituents, our neighbors, our friends who, quite rightly, complain about the current economic situation.

The Senator from Illinois was very accurate and very insightful when he noted that the incomes of most Americans have not risen over the last decade or more and that these individuals—and we are not talking about low-income Americans, entry-level workers; we are talking about going way up close to $100,000 or more—they have seen no real income growth. But what they have seen is accelerating prices.

Now, for several years, they thought they would be buttressed against these accelerating prices and slow income growth by the value of their homes. But, as we know now, we are seeing a huge recession in the real estate market. The values of homes are beginning to fall. They certainly are not rising as they were. The foreclosure situation is deepening everywhere. Again, in Rhode Island, there were traditionally a few notices each week in the paper. Now it seems there is a whole section devoted to foreclosures in the Providence Journal. It is evidence of the worsening of the economic situation.

Now, the pressure of flat wages, flat incomes, housing values falling—these accelerating prices are becoming very difficult to endure by Americans everywhere.

According to a review, a recent survey by the Pew Research Center, fewer Americans now than at any time in the past half century believe they are moving forward in life.

One of the great aspects of my youth in the 1950s, 1960s, and 1970s is not only did families deal with moving forward, they also were of an unshakeable belief that their children would have a much better life than they enjoyed. That belief is being shaken today, seriously. Many parents—again, we are not talking about low-income workers; we are talking about a range of Americans—believe that unless we take positive and effective action, we are going to be in a situation where the next generation of Americans will have it even more difficult than we do today. That is why it is very difficult to bear these filibusters because ultimately, this is not about parliamentary maneuvering. It is about whether we can provide the leadership and the policies to reverse course in America today and provide for that better future for our sons and daughters tomorrow.

Seventy-nine percent of Americans today believe it is more difficult to maintain their middle-class standard of living. In fact, one of the great hallmarks of this country in the last century was the creation and the expansion of the middle class. Again, there are many people who are sensing that the middle class is not expanding any longer, but that it is shrinking. It is shrinking on the load of increasing prices, flat incomes, and decelerating housing values. That is not just the sum of statistics and analysis and reports; that is what people are talking about everywhere in this country.

In Rhode Island, for example, with respect to prices, the average price of gasoline is soaring to record levels. Regular unleaded is currently at more than $3.60 per gallon. Diesel is getting close to $4.50 per gallon. For our trucking industry, for all of the businesses that depend on moving their goods around, for the service people who have to get to their service calls, when prices go up—gasoline and diesel—that is an additional business cost. It is an additional tax on them because of, I think, the failed policies of this administration, and it is a tax that is taking a big bite out of their well-being and the welfare of their families.

One thing we can do, and I think we should do—we could do it immediately—is we can refrain, at least temporarily, from filling the Strategic Petroleum Reserve. That seems to be a very simpleminded approach to lessening, at least in a small way, demand for oil at a time that oil is surging to around $119 per barrel. I think it also will send a signal that we are at least doing something to relieve the pressure on working families, and that can be done with the signature by the President and ordered by the President, and it should be.

At the same time families across this country and businesses across this country are seeing extraordinary price increases, oil companies are seeing extraordinary profits. I think we have to take action, and that action, once again, stalled on the Senate floor several months ago to eliminate some of the tax breaks that oil companies are receiving. I thought that at $119 a barrel, there would be sufficient incentives to go drill, but apparently the oil companies need tax incentives as well. I thought the market would be working in this case, but apparently it works in strange ways for these oil companies.

I think we also have to think about a windfall profits tax. We have huge expenditures. The President, as the Senator from Illinois pointed out, is sending up a supplemental appropriations bill for Iraq for billions of dollars. All of that is expended, and yet we can't tax some of the extraordinary profits of companies that are doing very well and don't seem to be reinvesting it robustly in drilling or searching for alternative sources.

I think we also have to protect consumers from price gouging at the pump, and something else—and that is speculation in the world oil markets. There are experts who suggest that more than 25 percent of the cost of crude oil may be the result not of supply and demand but of market speculation. We need to give the principal regulator for the energy-commodities markets, the Commodities Futures Trading Commission, the tools they need to review these transactions and to ferret out unscrupulous conduct in speculation.

That is why I support the Close the Enron Loophole Act that has been introduced by Senator LEVIN. It has been included in the Senate-passed farm bill, and I continue to advocate that provision should be adopted very quickly because without it, I don't think we can effectively provide regulation to a market that is exacting, in some estimates, a 25-percent premium, not because of supply and demand but because there are financial forces at work speculating in these commodities, and that speculation will go on until we authorize the appropriate regulatory authority to begin to supervise, regulate, and review those transactions.

The price of food is also, in many cases, spinning out of control for so many working Americans. Since March 2007, the price of eggs has jumped 35 percent, a gallon of milk is up 23 percent, a loaf of white bread has gone up 16 percent, and a pound of ground chuck is up 8 percent. Overall, food prices in 2008 are expected to rise 4 to 5 percent, about double the increase of recent years.

Again, this is not just an economic statistic. Talk to the bakers—and the Presiding Officer knows these families, such as the Calise family and other families in Rhode Island who have been baking Italian bread for 70 or 100 years—they have never seen the increase in wheat prices they have seen over the last several months. It is affecting their ability to make ends meet for their businesses. When you have accelerating energy prices, oil prices, gasoline prices, accelerating commodity prices such as wheat, a business such as that, a family-owned bakery, it is very difficult. It is extremely difficult for those families who are struggling to get by to get, frankly, to the supermarket, fill up their basket, and not walk out very much impoverished by the experience.

That is why I have requested the Senate Agriculture Committee to hold a hearing on the food versus fuel balance in U.S. agriculture policy. We have been encouraging ethanol production. That would bar us using some of our commodities, our agricultural commodities, but I believe we have to begin to focus on the tradeoff between energy production and food production.

I have also sent a letter to the Agriculture Secretary expressing concern with the cost of wheat, as I indicated, based upon comments I received from our bakers in Rhode Island, and requested that the Secretary work with the Environmental Protection Agency and the Department of Energy to look at the need to develop a mechanism to balance this tradeoff between food production and fuel production, and requesting information about how the Department of Agriculture is managing the wheat stockpile—which is something that will influence the price of wheat—as well as requesting information on how it is monitoring new speculative investment in commodities and its impact on prices. All of this has to be done.

What is becoming also more difficult to bear on top of everything we have talked about—flat income, rising prices, declining home values—is the fact that now we are seeing unemployment begin to accelerate. In Rhode Island, we are unfortunately experiencing a 6.1-percent unemployment rate—higher than the rest of New England. It is causing real problems, and it is something we have to address. I think we have to begin to recognize that as we lose jobs, we have to think seriously about employing people again.

As I mentioned, Rhode Island has a 6.1 percent unemployment rate right now. It is close to the highest unemployment rate in the United States, only behind Michigan, Alaska, and California. It is the highest unemployment rate in Rhode Island since August of 1995, more than 12 years ago. There are 35,100 people in Rhode Island who are unemployed, and this is a trend that has been going up, unfortunately, not down.

We have also seen a shift in employment recently from February to March of 2008. In just a single month, 3,100 less people were without jobs in Rhode Island, a decrease in 3,100 jobs. For a State with a population of just 1 million, that is a significant factor. It adds not only to the decline in the unemployment, but the velocity of that decline. Things seem to be trending much quicker downward than rebounding.

Now, it is no wonder that the Labor Department announced today that the number of first-time claims for unemployment benefits rose to 380,000 nationwide. That is the highest level in 4 years. Today's announcement concluded that Rhode Island had one of the largest increases in initial claims numbering 1,779. The direction is unfortunate, and it is the wrong direction. Approximately half of those unemployed workers were eligible to collect unemployment insurance benefits, and of this number, nearly 19 percent face long-term unemployment.

The number of Rhode Islanders in 2008 who continue to collect unemployment benefits has also increased—14.1 percent above the number of the same period last year. As a result of this situation of deteriorating employment and longer term unemployment, a significant number of Rhode Islanders are exhausting their benefits. They are receiving their final payment. That has occurred for more than 1,900 people, and that percentage is increasing also.

All of these numbers suggest something very obvious: more and more people need unemployment insurance. More and more people are on unemployment longer. The economy is not responding to their needs. This economy is not generating jobs, it is shredding jobs. That ultimately leads to the fact that the benefits run out if we do not extend unemployment insurance benefits.

Now, I think that is something we have to do. I think we have an obligation in this economy—which is getting worse, not better—to go ahead and provide extended unemployment benefits. By the way, these benefits are one of the best stimulus programs we have because the proportion of the money that is expended that gets reinvested quickly—respent in the economy—is significantly higher than other programs.

I was pleased the Senate passed and the President signed into law the Economic Stimulus Act in February. I voted for this package. It will provide tax rebate checks. They are on their way out to many families across the country. But given the historically high unemployment in Rhode Island and in other parts of the country, I believe we need to do much more. This is a national problem. It needs attention. That is why I believe we have to extend unemployment benefits. In those States that are hit hard by this economic crisis, individuals should be eligible for benefits for an additional 13 weeks and another 13 weeks of emergency benefits in States where the unemployment rate is exceptionally high.

I pressed, as so many did, for inclusion of these extended unemployment insurance benefits last February, and I commend my colleagues who have fought also for this benefit, including Senators KENNEDY and DURBIN and STABENOW.

As I indicated, many economists have also pointed to the extent of unemployment benefits as not only something that helps the individual, but it provides further stimulus for our economy. An extension of these benefits provides a very high rate of return on the money expended, generating approximately $1.64 in gross domestic product per dollar invested in this program. This is especially helpful when we are looking for ways to get the economy moving again.

We get news each day of declining economic statistics. The last notice of our gross domestic product for the last quarter was a very unimpressive .6 percent. We need urgent action to move the economy. We need urgent action to help families who are struggling. They have worked. They have worked hard, and they are running out of their benefits. We can't run out on them.

That is why we need an economic stimulus package that will not only recognize obligations overseas, but we will recognize obligations at home. I hope we will enact a very robust extension of unemployment benefits for all Americans.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

ETHANOL

Mr. BROWNBACK. Mr. President, I appreciate hearing my colleague from Rhode Island. I am standing here thinking: Thank goodness we have ethanol. Without ethanol—we are supplying 8 percent of our fuel needs—it would drive up gasoline prices another 15 percent. I am certainly pleased we have that.

We had a hearing in the Joint Economic Committee today on the price of corn and its impact on food prices. It is interesting from the standpoint that economists are putting it in front of us that a 40-percent increase in corn prices would only lead to a 1.3-percent increase in the price of food, and that is because corn goes into a whole bunch of different substances. Thankfully, with the corn-based ethanol we have, we are holding gasoline prices down approximately 15 percent.

A Merrill Lynch analyst estimated oil and gasoline prices would be 15 percent higher, or $4.14 a gallon at today's prices, if biofuel producers weren't increasing their output. That is significant in this marketplace. Thankfully, we have that.

I also note that on wheat prices something is significant in Kansas. We have had a fall of $4 a bushel in the price of wheat since January, from $12 a bushel to $8 a bushel. Plus, in a loaf of bread, you probably have 10 cents' worth of wheat. I hope they would say the farm is not the problem in the system.

Our oil prices are high and we need to hold them down. Part of the answer to that is domestic production—more oil and gas production in the United States but also biofuels. That is not the reason I came to the floor to speak. It was a good use of time to be able to put that in the RECORD, though, because we are going to debate, apparently, the role of biofuels in the economy and around the world. I wanted to note it has a positive impact.

Mr. President, I will speak on the FAA reauthorization bill. I thank the chairman and ranking member of the relevant committees for bringing to the floor a balanced FAA reauthorization bill. It takes into account the needs of the air traffic control system and pays for them and distributes that in a fair manner.

I am not pleased we are not able to move the bill forward. I wish it wasn't loaded up with extraneous provisions but, rather, that it would stay with the FAA.

I am particularly happy to see the bill contains no user fees for the general aviation industry. It would have placed an inordinate burden on what has been and continues to be a thriving American industry, a true domestic manufacturing success story. I might note to people here and those watching, we are recruiting for jobs. We need people in this industry. We have a number of manufacturing jobs in my State. I have traveled around and they are saying we need more people coming in to work. Some in Hays, KS, were telling me they need a thousand people for jobs they have.

The aircraft industry is recruiting individuals and, hopefully, we can keep that moving forward with a good FAA reauthorization bill. I think it helps the industry further if you don't put a tax on the industry; it will hurt it. This is a domestic industry, and we need to take care of it.

Importantly, however, this bill provides for the needed upgrade of our Nation's air traffic control system, which has been outdated for many years and the technology is outpaced by many countries around the world. That should not be the case.

Aviation and manufacturing are very important to my State. We have five major aviation companies located there, including Cessna, Hawker Beechcraft, Bombardier Learjet, Spirit AeroSystems, and Boeing Integrated Defense Systems.

The aviation industry has a huge ripple effect. Every manufacturing job created adds 2.9 other jobs. It is a vibrant industry that, for the first time this past year, exported more of its product than it sold domestically. This is the first time we have been able to do that.

However, I wish to note some disturbing trends on things I think we need to attack so we don't lose this domestic industry. This is one that a lot of people in the world are trying to get a big piece of. Honda is coming into the aviation manufacturing sector, and others are coming into it. It has high-paying manufacturing jobs of a key product used around the world.

In 1985, the United States produced 80 percent of the world's new aircraft. This past year, that number was down to 60 percent—from 80 to 60 percent. There is increasing competition, and I hope we can address this trend as we move forward. To that end, I intend to offer an amendment to the bill that would create a blue-ribbon commission of experts in aviation manufacturing to study the current trends in the industry and recommend ways in which we, as a Government, can respond to those trends and ensure the vibrancy of this important commercial sector.

Parenthetically, one of the things we should not be doing is exporting our aviation defense jobs—such as sending the major tanker contract to Europe and to Airbus, rather than having it done in the United States. This is a major battle that will engulf this Congress—whether that $40 billion contract, that the base plane should be an Airbus plane, made primarily in Europe, or if the base plane should be a plane primarily made in the United States. It is a key part of the long-term trends of this industry, and we are already losing a lot of that, even as the industry continues to do well and is exporting well. We are not maintaining the market share we have had internationally because the Europeans, through government subsidies, are buying into this, and other countries are following as well.

I think as we look for what can help support our overall exports in our economy, aircraft sales can continue to be that. Presently, they provide a $56 billion trade surplus for our country. We sold $76 billion in airplanes and parts to foreign buyers. I think we need to watch and I think we need to be very aggressive to protect and see that this industry grows. One of the needed things is the FAA reauthorization program. We need a modern air traffic control system, and we need to have a fee structure that doesn't penalize general aviation.

There is one final note. One of my colleagues from Missouri is talking about bringing up an amendment that I think would have some positive impact on a repair and maintenance program but would have in it some features—if it continues in the way I have seen it—that could harm our aviation industry domestically. If that amendment comes up, we are going to look very critically at it, with the possibility of putting forward second-degree amendments to make sure we don't unintentionally harm the domestic U.S. aviation industry.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY HOUSING

Mr. NELSON of Florida. Mr. President, there is a colossal waste of taxpayers' money that is occurring at Patrick Air Force Base in the State of Florida near my home of Melbourne, FL. Happily, the Senate Armed Services Committee has addressed the issue to try to expose the spotlight on the problem to get the U.S. Air Force to come clean as to what has happened in this huge fiasco of waste of taxpayers' money.

It is born out of the privatization of housing for military families. Throughout the country, there has been some success at other military bases, but on a particular contractor, a contractor who got the contract to build housing for the Air Force on four Air Force bases, including Patrick Air Force Base and three others in other places such as Georgia and Arkansas, the contractor went belly up and now, in order to try to keep some semblance of housing being built, what is happening is the Air Force now wants to use all of the land that is supposed to be for housing at Patrick Air Force Base as the equity to build the houses on the other bases in three other States.

You will be surprised when I tell you how bad this is. There were 300 acres on the barrier island south of Patrick Air Force Base. This is in the town of Satellite Beach in Florida. It is near Cape Canaveral and the Cape Canaveral Air Force station. The 300 acres were basically given by the Air Force to a joint venture, a corporation, that included this developer that ultimately went bust. The deal was so bad that the Air Force agrees, of the 300 acres, they are going to outright give 100 acres to the developer. The developer goes off and sells it for something like $13 million or $15 million and pockets the cash. On the remaining 200 acres the developer is supposed to build 550 new homes for airmen and their families and commensurately tear down the old dilapidated housing that had been there for several decades.

The developer only builds 163 houses and then stops, and all these other old dwellings are there, of which the developer has the authority to rent on the market, and since they are run down, almost slum-like conditions, you can imagine the kind of tenants you are now getting living next to Air Force families.

The Air Force's idea of rescuing this is to say we are going to take that remaining 200 acres, we are going to give it to a new developer, and that equity is going to help that developer build additional houses, but not at Patrick, no, in these three other States.

So Patrick Air Force Base and our Air Force families who thought they were going to get 550 new homes now only have 163 homes sitting next to slum dwellings, and the Air Force is going to give away the rest of this 200 acres?

Well, something smells awfully fishy. Fortunately, this has come to this Senator's attention. I am happy to say I had to strain and grunt a little bit to get my point of view across to the Senate Armed Services Committee yesterday in a markup, but when the test came on a recorded vote, it was 22 to 0 in favor of the amendment that would require the Air Force to do a cost-benefit study before they can transfer the property. That is the policy set forth in the Defense authorization bill.

I want to say a word to the U.S. Air Force: No, technically, you don't have to pay attention because legally you can go on and transfer that property now because our Defense authorization bill is not law. It has only been passed out of the Senate Armed Services Committee. But it is going to be law once it gets through the House and the Senate and goes to the President for signature.

I strongly suggest to the U.S. Air Force, and I am memorializing these comments in a letter to the Secretary of the Air Force, Secretary Wynne: Withhold, forbear on any transfer of the title to a new developer utilizing that very valuable asset of barrier island, oceanfront land until you do the cost-benefit analysis so we can bring this out into the full light of day and we will know how we can best protect the taxpayers' investment.

We want to serve the U.S. airmen and their families, we want to serve the U.S. taxpayers and their families, and the best way to do that is get this story out in the open with this cost-benefit analysis.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The distinguished Senator from Vermont is recognized.

ENERGY

Mr. SANDERS. Mr. President, in the last several weeks in a number of venues, I have met with hundreds, in fact thousands, of Vermonters, and to nobody's great surprise, the issue that is uppermost on their minds is the very high price of gas and the price of oil. I know that is true in all 50 States in this country and in thousands of communities. It is especially true in rural States because in rural States, especially cold-weather States, it is not uncommon for people to travel 50 miles to their jobs and then 50 miles back. If you drive 100 miles to work, the mileage runs up.

I should mention, I know it probably didn't snow in Florida, but it did snow in Vermont. We had a small amount of snow. That simply indicates that people know when it gets cold in Vermont it gets very cold. We have a lot of elderly people right now wondering how they are going to heat their homes next winter. We have a combination of working people in a rural State—this is true all over rural America—paying outrageously high prices in order to get to work and, in colder weather States, people very worried about whether they can stay warm next winter.

The arithmetic is not really hard to figure out. If you put 25,000 miles on your car going to work every year and you are paying a buck more than you used to and you get 25 miles per gallon on your car, that is a thousand dollars. If you make $30,000 a year and you get a 3-percent raise, that is 900 bucks. So all of your raise, all of your cost-of-living increase on your job is now in your gas tank. That is happening to millions of American workers. Then these same workers are paying more for health care, are paying more for food, more for education, which, added together, is why the middle class in America is collapsing.

For many years, as good-paying jobs have gone to China, as our people are struggling to make ends meet, people have been worried about how they are going to survive economically. On top of that, we now have the foreclosure crisis and we have the escalating cost of gas and oil in this country, which then leads some 80 percent of the people in this country to believe this country is going in the wrong direction, and one wonders, really, what the other 20 percent are thinking. Clearly, for the middle class in this country, we are facing a very serious problem.

I did an interesting thing a few weeks ago in Vermont. We were having some town meetings on the economy. We brought a professor from Harvard Law School, one of the best writers in America on the economy. Her name is Elizabeth Warren.

In preparation for that meeting, we sent out an e-mail to people in my State and said: Tell me what is going on in terms of the collapse of the middle class and how that impacts your life. Frankly, we expected a few dozen people to reply. As of today, we have received over 700 responses. This is doubly surprising because in Vermont people are quite reticent, not wanting to talk about personal aspects of their lives—700 people. I recommend you and Members of the Senate read some of these responses. They are up on our Web site. The tales people are telling are heartbreaking, they are poignant, they come from the heart, and there are hundreds of them.

Let me just read a few segments of some of the letters we have received and how they touch on gas prices and the general collapse of the middle class in our country.

> We are hard-working people. We want to pay our bills. We want to keep what we worked so hard for. The constantly increasing cost of gas, oil, groceries are drowning us. I hear the same thing from most of our friends on a daily basis—hanging on by a thread, robbing Peter to pay Paul. It is such a stressful way to live. There are days when I get so discouraged I just want to call the banks and say just take it all. I don't have it in me to fight for it anymore.

This is a family in the State of Vermont.

Here is another one. This comes from an elderly couple in Vermont:

> My wife and I are both 77, retired and living on a very limited income. We live in the country, and driving the 60-plus miles round trip for shopping and health care has become a financial hardship.

Traveling 60 miles for shopping and health care has become a financial hardship.

> Even though we drive a car that gets 35 miles to the gallon, a tankful of gas eats up an awfully large amount of our disposable income.

That is true all over America. You have older people who get in their car, they go out to buy groceries, they go to the doctor, and suddenly they are finding that just getting into their car and going where they have gone their whole lives is now a very expensive proposition, in this case eating up a large part of their disposable income.

Another family writes:

> I live in the Northeast Kingdom, which is a very rural area in the northern part of Vermont near the Canadian border, and I have to drive a 30-mile round trip to work in Morrisville and even farther to Stowe, where most of the jobs are now. With the gas prices high and most employers paying $8.50 to maybe $10 per hour, you spend much of your paycheck traveling to and from work.

In other words, in the real world, there are millions of people in rural Vermont and all over this country and in Florida who are making $8.50, $9, $10 an hour, and if you are paying $3.50 a gallon to get to work and you have to travel any kind of distance, what do you have left? Not a lot.

The average price for a gallon of gas recently hit a recordbreaking $3.62 a gallon, which is more than double what it was when President Bush first took office. The price of diesel fuel is now averaging over $4.17 a gallon, which is more than $1.36 higher than it was just a year ago. The price of oil is now $110 a barrel. I think these prices say it all. They tell every Member or should tell every Member of Congress what the American people understand, which is that we have a national emergency on our hands. If we do not act boldly and rapidly to lower gas and oil prices, the economic situation for millions of working families will only deteriorate even further.

What we are talking about is not just the worker who can't afford to fill up his gas tank, it is the entire economy. It is small businesses, it is farmers, it is truckers. The trucking industry is convoluting right now with these high prices. It is the increased cost of groceries, it is tourism. People come to Vermont and people go to Florida to enjoy vacations. They are not going to be able to drive there with these prices. In fact, what we are looking at is a major economic crisis impacting every segment of our economy.

Sadly, as in so many other areas regarding the needs of ordinary Americans, when it comes to gas prices the Bush-Cheney administration is just not there. This is an administration where, in area after area, you can count on them to stand up with the large multinational corporations. You can count on them protecting the wealthiest people in the country. Now, when the middle class is in crisis, when people cannot afford the rapidly rising costs of gas and oil, they are nowhere to be found.

What is particularly interesting, of course, as most people know, is both President Bush and Vice President CHENEY have backgrounds in the oil industry. That is what they did before they assumed the Presidency and Vice Presidency.

Ironically—and this would really be almost funny if it weren't so sad—when President Bush ran for office in the year 2000, he touted his experience in oil as one of the reasons he should be elected President. He knew the oil industry. He would make the energy situation better based on his experience.

Here is a direct quote from what candidate Bush said in the year 2000, in his first campaign, regarding how he would improve our relations with some of the OPEC countries. This is what he said:

> I will use the capital that my administration will earn with the Kuwaitis or the Saudis and convince them to open the spigot.

That is what candidate George Bush said in the year 2000.

Then he said, also in that campaign:

> The President of the United States must jawbone OPEC Members to lower the price.

End of quote from candidate George Bush in the year 2000. That was 8 years ago. When then-candidate Bush made those comments, the price of oil was $30 a barrel. Today, after 7½ years of the Bush-Cheney administration, the price of oil is now $110 a barrel.

It seems to me that it is imperative that among many other things, many other actions Congress must take, one of them is to do what President Bush talked about in 2000 but never did, and that is we must demand that Saudi Arabia and Kuwait produce the kind of oil they can. We must also move forward as a Congress to address the reality that OPEC is a cartel. That is their reason for existence. A cartel is formed in collusion in order, in this case, to prevent production of oil, control the production of oil in order to artificially keep prices high.

This Congress must demand two things: that Saudi Arabia and Kuwait and other OPEC members increase their production so we can lower prices, and second, we must be aggressive in telling the World Trade Organization that OPEC is a cartel; it must be disbanded.

Back to President Bush.

In 2004, when Saudi Arabia led the fight within OPEC to cut production and raise prices, the Miami Herald reported that President Bush "refused to lean on the oil cartel" and "refused to even personally lobby OPEC leaders to change their minds."

It is true that last January President Bush did visit Saudi Arabia to ask OPEC nations to increase production, but guess what. The Associated Press reported that President Bush's request was "ignored."

In 2000, as a candidate, he told us he was going to open the spigot, he was going to get them to produce more oil, but that, of course, has not happened.

Last March, after meeting with Saudi Arabia's oil minister, the Wall Street Journal reported that "Vice President DICK CHENEY suggested there is little more Saudi Arabia can do to increase oil production and relieve price pressures in global markets." But Stephen Brown, the energy economist at the Federal Reserve, has disputed this. He has said that "Saudi Arabia is restraining its production, probably by about 1.8 million barrels a day. And OPEC is probably holding back 2.3 million barrels a day altogether." In other words, despite all of the rhetoric from President Bush, all of his experience in the oil industry, the reality is that Saudi Arabia is not producing the kind of oil it should be producing and we are hurting as a result of that.

Many of us are tired of waiting for the Bush administration to act. Congress must act. There are a number of things we must do in order to lower the price of gas and oil in this country. One of them is to demand that Saudi Arabia, Kuwait, and the other OPEC countries start producing the quantity of oil we know they can produce.

That is one thing we can do, but it is certainly not enough. The national oil emergency we currently face in our country and in many other countries demands both short-term and long-term solutions.

Long term, I think many people in the Senate and the vast majority of the American people understand that we must break our dependency on fossil fuel. We must move to energy efficiency. We must move to such sustainable energies as wind, solar, geothermal, biomass, and others. In my view, the potential is absolutely staggering in terms of the amount of energy we can produce through sustainable energy and the amount of energy we can save through energy efficiency.

Not only that, obviously we need to significantly improve public transportation. Our railroads today lag far behind Europe and Japan. In doing that, building a broad mass-transportation system, we can break our dependency on the automobile.

In terms of automobiles, people are just now beginning—and we must help them—to move to electric cars, move to hybrid plug-in cars. There is just enormous potential out there. Clearly, that is the long-term solution of where we have to go.

But I sometimes hear my friends coming here and they talk about a long-term solution and yet they forget about what is going on in America today for a family making $30,000 or $40,000 a year, and maybe they have two cars because they have two workers, and those people are going broke today.

So I do not think it is an either/or. I think we have got to be aggressive right now in moving toward energy efficiency and sustainable energy, but we have also got to be aggressive today in lowering the price of gas and oil. It is not an either/or. We move forward in parallel tracks.

One of the steps we have to take is to put pressure on OPEC nations to increase the production of oil. I think also we have got to break up OPEC, and let the free market work in that area. But that is only one of the things we have got to do.

Second, I believe it is absolutely imperative that we impose a windfall profits tax on the oil and gas industry. The American people do not understand, nor do I understand, why they are paying record-breaking prices at the gas pump, while ExxonMobil has made more in profits than any corporation in the history of the world for the past 2 consecutive years.

I know ExxonMobil and their propaganda machine will no doubt explain it. But the average person does not believe it and the average person should not believe it. ExxonMobil and the other major oil companies are ripping off the American people. That is clear. We need a windfall profits tax to address that.

Last year alone, ExxonMobil made $40 billion in profits, and rewarded its CEO Rex Tillerson with a $21 million compensation package. That is nothing. He is getting shortchanged, because the guy who went before him, when he retired—his name was Lee Raymond—got a $400 million retirement package. So my suggestion to Mr. Tillerson is: Go back to your board. You are getting ripped off 21 million bucks. How are you going to make it on that?

Here you have a company charging record-breaking prices, having given its former CEO a few years ago $400 million in a retirement package. But ExxonMobil is not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. In fact, the five largest oil companies in this country have made over $600 billion in profits since George W. Bush has been President. Not bad, $600 billion in profits in 7.5 years. And people in Vermont and Florida cannot afford to fill their gas tanks.

Last year alone, the major oil companies in the United States made over $155 billion in profits and, not surprisingly, those profits continue to soar. Today, ExxonMobil reported a 17-percent increase in profits, totaling $10.9 billion, $10.9 billion for one quarter.

Earlier this week, however, BP, British Petroleum, announced a 63-percent increase in their profits. Shell's first quarter profits jumped by 25 percent to over $9 billion; one quarter, 3 months. ConocoPhillips' profits increased by over 16 percent in the first quarter to over $4 billion.

It is hard to come up with the words to describe it, because I know, and I am sure you know, Mr. President, the problems middle-class people are facing today and what these high oil and gas prices are meaning to families, and at the same time this is going on, these major oil companies are enjoying obscene levels of profit. With their profits, among many other things, they are very lavish in the kind of benefits and salaries they provide their CEOs. Last year, Occidental Petroleum, one of the "smaller" companies, gave its CEO

$34.2 million in total compensation. The CEO of Anadarko Petroleum received $26 million. Chevron's CEO made $15 million, as did ConocoPhillips' CEO. He made $15.1 million in compensation.

Let me be clear. I believe oil companies should be allowed to make a reasonable profit and CEOs of big oil companies should enjoy decent compensation. That is a tough job and they should earn a good salary. But they should not be allowed to rip off the American people at the gas pump, especially at this moment in our history when the middle class is stressed out and in many ways collapsing.

The time has come to impose a windfall oil tax on those companies so they cannot continue to gouge the ordinary people of our country. Unfortunately, however, imposing a windfall profits tax on big oil will not be easy. I think we all know the reason, and that is, since 1998 the oil and gas industry has spent over $616 million on lobbyists.

And dare I say that right now on the floors of the Senate, and on the floors of the House, you have very well paid lobbyists, former congressional leaders, big-time law firms, floating all over this place right now trying to convince Members of the House and the Senate to leave big oil alone. Not only have they spent, since 1998, $616 million on lobbying; since 1990 they have spent over $213 million in campaign contributions. That is the way the world goes—lobby, campaign contributions from powerful multinational corporations.

What is the end result? Their profits are soaring and ordinary Americans are hurting. The time has come, it seems to me, for the Senate to stand with working families all over this country, to have the courage to stand up to this very powerful industry and say "yes" to a windfall profits tax and "no" to the continued urges of the oil and gas industry to pat them on the back and do nothing.

While it is true that oil companies and their executives are making money hand over fist, it is also true they are not the only culprits in this situation. We must begin focusing on the very powerful speculators and hedge fund managers who have also been making obscene sums of money by speculating on futures and driving an unregulated market up and up and up.

There are some people who estimate, in fact, that half of the increase in oil costs is attributable to the cost of production but to the speculation that takes place.

In my view, Congress must act to rein in greedy speculators by closing what has been referred to as the Enron loophole and increasing oversight over the energy futures industry.

The Enron loophole was created in 2000 as part of the Commodity Futures Modernization Act. At the behest of Enron lobbyists, a provision in this bill was inserted in the dark of night and with no congressional hearings. Specifically, the Enron loophole exempts electronic energy trading from Federal commodities laws. Virtually overnight, the loophole freed over-the-counter energy trading from Federal oversight requirements, opening the door to excessive speculation and energy price manipulation. Since the Enron loophole has been in effect, crude oil prices jumped from $33 a barrel in 2000, after adjusting for inflation, to over $110 a barrel today.

Last January, a veteran oil analyst at Oppenheimer estimated there is as much as a $57 a barrel "speculative premium" on the price of oil. In other words, he estimates that about half of the price of a barrel of oil is due not to the production and distribution of that product but simply to speculation.

The CEO of Marathon Oil said late last year that $100 oil is not justified by the physical demand in the market. In other words, those guys see that the price of oil is being driven up by speculation.

Closing the Enron loophole would subject electronic energy markets to proper regulatory oversight by the Commodity Futures Trading Commission to prevent price manipulation and excessive speculation.

I thank Senators LEVIN and FEINSTEIN. I know Senator DORGAN and others have been involved in producing legislation and ideas to close this loophole. We must move forward and pass that type of legislation as soon as possible.

In addition—and this is an issue where there appears to be a degree of bipartisan support—some of our Republican friends also agree the Bush administration must stop the flow of oil into the Strategic Petroleum Reserve, and in my view, my view, immediately release oil from this Federal stockpile to reduce gas prices.

This action has been taken in the past. It is not a new idea. Goldman Sachs has estimated that continuing to fill the Strategic Petroleum Reserve has increased gas prices at the pump by as much as 25 cents a gallon, and that clearly is unacceptable.

Releasing oil from the Strategic Petroleum Reserve in the past, under both Democratic and Republican administrations has, in fact, lowered the price of gas and crude oil. For example, when President Clinton ordered the release of 30 million barrels from the SPR in 2000, the price of gas fell by 14 cents a gallon in 2 weeks.

When President George H.W. Bush, the first President Bush, released 13 million barrels of crude oil from the SPR in 1991, crude oil prices dropped by over $10 per barrel.

Let me conclude by saying that the issue we are dealing with today, in my view, is not only the high price of gas and oil. As serious as that is, and as much impact as that is having on our economy, the deeper issue here is the degree to which people in our country, the hard-working citizens of our country, will or will not continue to have faith that their Government represents them.

It is no secret that President Bush will likely go down in history as perhaps the least popular President and, in my view, one of the worst Presidents we have ever had. But it is also true that the ratings of this Congress are extraordinarily low; they are even lower than where President Bush is.

I think the reason for that is people are suffering terrible problems right now. In almost every area you can think of, this country is going in the wrong direction. The middle class is hurting. We talked about oil prices, food prices, the loss of good-paying jobs, the health care system, Social Security falling apart, people are paying 25, 30 percent interest rates on credit cards. People are in trouble. In a Democratic society, when people are in trouble, they look to the people whom they elected, to their Government, to protect their interests. They are looking to Washington right now. They are looking here. They are hurting, and they are asking whether the Congress of the United States has the courage to stand up to the very powerful financial interests which have so much influence over what goes on here.

So I hope very much we have the courage to once again earn the confidence of the American people, that we understand the pain they are feeling, and that we act properly, that we lower gas prices, that we lower oil prices.

We can do this with bold action, and we can move this country to a new energy policy dealing with energy efficiency and sustainable energy. I think the American people want us to do that. I think that is, in fact, what we should do.

I yield the floor, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is really difficult for me to comprehend the reasoning of my friends on the other side of the aisle. All week we have done nothing. One of the most important bills that has been brought before this body this year, the Federal Aviation Administration reauthorization, as we speak there are thousands of airplanes going all across the United States. The equipment that allows those airplanes to take off and land is antiquated and way out of line for making air travel in

America as safe as it should be. This legislation is very important and would be good for America, good for passengers.

We have in this legislation the passengers bill of rights, money to replace antiquated equipment. But the Republicans have stopped us from legislating. We have tried virtually everything.

I wanted to have an orderly process, which I think is not unreasonable. So last night I said: We have filled the different trees to allow amendments, but if you want to offer one, come on. No.

I said: Well, give us a list of the amendments you want to offer. No. They said: Bunning has an amendment. Let us see it. That went on all day yesterday. Finally, they told us today the subject matter of that particular amendment. When I learned about the subject matter, I said fine. It is something about coal being changed so they can use the fuel for flying airplanes. No.

I said: I will tell you what we will do. We will take down the tree. You can offer anything you want. No.

We heard what they didn't like were provisions that would allow rail service in this country to be updated and modernized. They didn't want that. There was some language in the bill that would do something to help make highway safety paramount. Don't want that. Offer an amendment to take it out. No.

Finally, I came to the conclusion that their objection was to a provision contained in the President's budget. I couldn't make up a story that is more ridiculous than the one I am relating, which is the truth. There is a provision in this bill that gives the State of New York the final amount of $20 billion that was promised them after 9/11 by President Bush. That amount of money is in his budget for this year, which he gave us. I talked to the distinguished Republican leader and said: Offer an amendment to take it out. This is in the President's budget. We still oppose it, is what I was told.

So it is obvious. The Republicans don't want to do anything to improve, to modernize the Federal Aviation Administration. I hope people who are within the sound of my voice think about that when they are flying across the country.

We are not going to be able to do it this year, more than likely. There will be room made in the schedule by the Republicans to take up $170-odd billion for funding the war in Iraq from now until a year from this June. With glad hands, they will all come to the Senate floor and spend more money in Iraq. I guess they don't want to pull the plug on spending $5,000 every second. Maybe they are trying to up the ante. I will have more to say about this tomorrow, but it is really a disappointment.

This is not a victory for the Republicans to maintain the status quo, is it? Of course not. Would it be a big victory for the Democrats to pass the Federal aviation reauthorization? No. It would be something good for the American people. I hope the American public sees this for what it is. We Democrats are in the majority. It is a slim majority. It is 51 to 49. The Republicans obviously are upset over the fact that we are in the majority. They want the record to show that this Congress accomplished nothing.

In spite of the obstacles and their obstruction, we have still accomplished quite a few things. We are proud of what we have accomplished, considering all the hoops we had to go through to get where we did.

I never give up hope. I hope there will be a new day in Washington starting next week. One way we can have a new day: We give all the blame to the Republicans in the Senate. They certainly are the ones who are on the firing lines. But do you know how much it would mean if the man down at 1600 Pennsylvania Avenue would call the Republican leader and say our country needs this FAA reauthorization? We need it. The President could call down here and break this logjam, as he could have done on all the other legislation they have stopped. How in the world do these people go to bed at night not worrying about the air traffic system falling apart, because it is going to. It is in desperate shape.

Out in this parking lot there are new automobiles that have GPS systems in them. That is better equipment than the FAA has moving all the airplanes around the country.

CLOTURE MOTIONS

I send a cloture motion to the desk to the substitute amendment No. 4627.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4627 to H.R. 2881, the FAA reauthorization.

Harry Reid, John D. Rockefeller IV, Barbara Boxer, Kent Conrad, Patrick J. Leahy, Robert P. Casey, Jr., Mark L. Pryor, Sherrod Brown, Patty Murray, Ken Salazar, Max Baucus, Thomas R. Carper, Amy Klobuchar, Sheldon Whitehouse, E. Benjamin Nelson, Richard Durbin, Blanche L. Lincoln, Daniel K. Inouye.

Mr. REID. I now send to the desk a cloture motion on the bill.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2881, the FAA reauthorization.

Harry Reid, John D. Rockefeller IV, Barbara Boxer, Kent Conrad, Patrick J. Leahy, Robert P. Casey, Jr., Mark L. Pryor, Sherrod Brown, Patty Murray, Ken Salazar, Max Baucus, Thomas R. Carper, Amy Klobuchar, Sheldon Whitehouse, Blanche L. Lincoln, E. Benjamin Nelson, Richard Durbin, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent that the cloture vote on the substitute amendment No. 4627 occur at 2:30 p.m., Tuesday, May 6; further, that the mandatory quorums for both motions be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are not.

MORNING BUSINESS

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING JOHNNY H. KILLIAN

Mr. BYRD. Mr. President, I am saddened to learn that Mr. Johnny H. Killian has passed away. Mr. Killian was a highly regarded, highly admired, and highly utilized specialist in American public law at the Congressional Research Service. For more than four decades, he advised Members of Congress and our staffs on constitutional issues.

He had an encyclopedic knowledge of constitutional principles that was based on his astute mind, his many years of unbiased research, and his keen analytical skills. With his prodigious memory, he could provide guidance and cite, in detail, case law pertaining to nearly all of the key constitutional issues that came before the Senate. My staff and I depended on him for assistance and advice on a number of issues, including the line-item veto, the War Powers Act, eminent domain, prayer in schools, federal funding for education, and privacy protections under the fourth amendment.

I always appreciated the level of dedication and pride Mr. Killian took in his work. He was never too busy to answer the phone or return a call. He worked tirelessly to make certain that lawmakers and their staffs stayed always attuned to the original intent of the Framers. When presented with a question or a request, he responded quickly and with an amazing grasp of specifics, and with thorough information, even when presented with an unusual inquiry late in the evening, on a weekend, or even during a holiday or when he was ill at home.

All of this professionalism was enhanced by the fact that Mr. Killian was such a pleasant person with whom to work. He was soft-spoken, courteous, and a dedicated public servant. He was a man of incredible patience and kindness, with a warm sense of humor.

Mr. Killian will be truly missed by his Senate family, but his legacy as an academic, and a researcher, blessed with an extraordinary legal mind will be with us for a long time. Senators will remember him for a lifelong, commitment to the Constitution.

Mr. President, I extend my most heartfelt condolences to his family and many friends.

ROTUNDA COMMEMORATION

Mr. STEVENS. Mr. President, today as this Congress commemorated our National Commemoration of the Days of Remembrance for 2008 in the Rotunda of the Capitol of our Nation, Joshua B. Bolten, the Chief of Staff of President Bush, delivered the keynote address.

I note that Josh Bolten noted he will travel with President Bush later this month to Israel to commemorate the 60th anniversary of the founding of Israel, which he pointed out occurred just 3 years after the Holocaust.

I ask unanimous consent that Mr. Bolten's remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Remarks by Joshua B. Bolten, May 1, 2008]

DAYS OF REMEMBRANCE

(United States Capitol Rotunda)

I am deeply honored to be at this podium today, to speak about anniversaries and the moral obligation of memory.

Many who have stood here before me have spoken from their own memory, telling their most personal of stories—the years of suffering, the loss of loved ones, survival and the anguish of haunting memories. I have no such stories to tell. My Jewish grandparents left Europe before the Holocaust, bestowing on my parents the gift of being born in this land of freedom.

But I do stand here as the proud son of a brave young American soldier, decorated for the valor that led to his capture by Nazi forces. Imprisoned in a German POW camp for two years, he refused to hide the dog tag that bore the letter H (for Hebrew). Twenty-five years later, working at the White House near the end of a distinguished career of national service, my father shepherded the work of the President's Commission on the Holocaust and helped bring to fruition the first of these National Days of Remembrance ceremonies, and ultimately the U.S. Holocaust Memorial Museum itself.

We gather at this 29th Days of Remembrance ceremony in a year and season of grim anniversaries. It has been almost exactly 75 years since the Nazis organized a massive nationwide boycott of Jewish businesses that inflamed anti-Semitism throughout Germany. 70 years since Kristallnacht, the night of brutality that, as Fred Zeidman eloquently described, exposed to the world Nazi intentions toward the Jews. 65 years since the Warsaw uprising, as Joel Geiderman reminded us, the best known of many episodes of heroic resistance.

Passover, which ended just a few days ago, commemorates the liberation of Jews from slavery in Egypt thousands of years ago. So 65, 70, even 75 years in our history is not so long a time. But it is almost a lifetime. Had Mordecai Anielewicz, the young commander of the Warsaw uprising, survived, he would be almost 90 today.

With the passage of time, the Rescuers, the Liberators, and the Survivors—like those whom we're blessed to have with us today—are naturally dwindling in numbers. Earlier this year, we lost the beloved Congressman Tom Lantos (so well remembered just now by Ambassador Meridor), whose experiences as a Survivor gave extra gravity to his powerful calls to conscience.

We are transitioning from living memory to historical memory, and that places a great burden of responsibility on the rest of us. As the witnesses to the witnesses, we carry the moral obligation of memory.

And what is that obligation? Surely it is more than fixing blame—for just as the generation of Survivors, Rescuers and Liberators dwindles, so must the Perpetrators, Collaborators and Bystanders. But why must we remember in such painful detail?

In his introduction to the presidential commission report that my father helped shepherd, Elie Wiesel gave an eloquent answer: First, Wiesel wrote, "we cannot grant the killers a posthumous victory. Not only did they humiliate and assassinate their victims, they wanted also to destroy their memory. They killed them twice, reducing them to ashes and then denying their deed."

A Nazi guard once told Simon Wiesenthal that, in time, no one would believe his account of what he saw. Many in this room have devoted a lifetime to proving that prediction wrong. Yet there are still those who challenge the facts surrounding the Holocaust, or even brazenly deny its reality. Whatever form it takes—from cartoons in a newspaper owned by the Syrian government, to statements by leaders of Hamas, to an international conference hosted by the President of Iran—we must stand against every attempt at denial. We have an obligation to condemn these lies for what they are—and remind people of the truth.

Wiesel's second explanation for the moral obligation of memory is that "we cannot deny the victims the fulfillment of their last wish . . . to bear witness." This wish is captured in Emanuel Ringelblum's "Oneg Shabbat" project, which Sara Bloomfield just described. When we read the victims' stories in those long-buried milk cans, we relive their suffering. We honor their defiance. And we fulfill their request never to be forgotten.

Third, and most important, Wiesel wrote, "we must remember . . . for the sake of our own humanity," because "indifference to the victims would result, inevitably, in indifference to ourselves."

We saw this indifference on shameful display at the Evian Conference, which also marks its 70th anniversary this year. At that conference, powerful nations gathered in the heart of Europe to consider the plight of Jews in Nazi Germany. Yet they mustered only excuses for inaction, refusing to make the changes in refugee laws that could have rescued millions of Jews with a simple stamp on a paper. Five years later, with the full horror of the Holocaust primed to unfold, nations again gathered in Bermuda. This time, they produced a mere joint statement—along with a bureaucratic report that arrived long after the killing machines of Auschwitz and Treblinka were operating at full force.

Tragically, the international community has repeated this indifference in the decades since the Holocaust. In Rwanda and elsewhere, the innocent have paid the price.

Our generation has an opportunity—and a moral obligation—to be different. When we say, "Never again," we must mean it. Not in our moment of history and responsibility. We must call evil by its name, and confront it with purpose and courage. We in government service especially must challenge those who have become enamored with process that substitutes for action and who shrink from the hard choices.

This commitment is being tested in Darfur. President Bush is the only world leader to call the killing there "genocide." He has ordered sanctions on those responsible for violence. And he has pledged to provide training and equipment to help African troops deploy to Darfur. Yet America remains too lonely in this effort. In the past three years, the United Nations Human Rights Council has passed more than six times as many resolutions against Israel as it has against Sudan. And despite repeated urging, the UN peacekeeping force has yet to deploy. It is not too late to set this right.

In answering Wiesel's three calls—to deny the killers a posthumous victory . . . to fulfill the last wishes of the victims . . . and to affirm our own humanity—we uphold the moral obligation of memory. And in our responsibility as witnesses to the witnesses, we are blessed to have remarkable assets.

First, of course, are the Survivors themselves, who comprehend evil with a clarity that comes only from direct experience. As they share their stories, they do more than deepen our knowledge of history—they advance the cause of justice.

We are also blessed with the efforts of individuals like Father Patrick Debois. Going door to door, Father Debois has collected the testimony of more than 700 witnesses and bystanders to the Nazi terror in Ukraine. He has identified the burial sites of countless victims shot execution-style in what has been called the "holocaust of bullets." Thanks to this good priest's work, names and stories are replacing the cold anonymity of mass graves. And witnesses who have held these memories in their hearts for 60 years are finding healing. Father Debois, we are honored by your presence today.

For generations to come, a lasting source of learning and memory will be the museums. In the past year, I have had the privilege to visit three with the President—Yad Vashem in Israel, the Kigali Genocide Memorial Center in Rwanda, and the U.S. Holocaust Memorial Museum here in Washington. These museums commemorate loss in distinct ways. Yet they all recognize that genocide is possible only by the denial of individuality. And they recognize that the best way to restore humanity is to retell the victims' stories, one by one.

At Yad Vashem, exhibits commemorate not only the victims lost—but also the lives lived. They show loving homes and cherished possessions—reminders of the richness of humanity stolen away.

At the Kigali Center, a communal grave holds nearly a quarter million victims, and that number continues to grow as Rwandan authorities gather remains from the 1994 genocide. God only knows—literally, only God knows—the identities of those who rest on the site. Yet inside the museum, exhibits display vivid Polaroid photographs of individual victims, most of them children. Beneath the photos are descriptions of simple things like a favorite sport or food—personal details that capture the uniqueness of each unfinished life.

At the U.S. Holocaust Museum, each visitor receives the identity card of a victim—the tragedy of the Holocaust on a personal scale. Already, 27 million visitors there have pursued their obligation of memory. Now and always, the witnesses will far outnumber the victims.

This year marks the 15th anniversary of the Holocaust Museum. Later this month, I will travel with President Bush to commemorate another proud anniversary—the 60th anniversary of the founding of Israel. The birth of Israel just three years after the Holocaust reminds us that the last word need not be death and destruction. When Air Force One touches down at Ben-Gurion airport, we will see the American and Israeli flags waving side-by-side. And we will hear two national anthems: the Star Spangled Banner, and "Hatikvah" . . . "The Hope."

Hope is at the center of Israel's existence. It is at the center of the Jewish faith. And it is at the center of our task during these Days of Remembrance. The Holocaust shows that evil is real—but hope, goodness, and courage are eternal. When we carry this truth in our hearts, we uphold the moral obligation of memory. And we summon the strength to meet our solemn pledge: Never again. Not in our moment of history and responsibility.

IN RECOGNITION OF FRANKLIN D. BARCA

Mr. GREGG. Mr. President, I rise today to express my thanks to Franklin D. Barca, a loyal member of my staff who has chosen to retire after being a public servant to our country for more than four decades. A graduate of Braintree High School in Braintree, MA, and Northeastern University, Frank served a full career as a civilian within the Department of Defense at locations such as the U.S. Army Natick Soldier Systems Center, the Portsmouth Naval Shipyard and the Pentagon. To my good fortune, Frank was assigned to my office as a detailee in 1997 and later agreed to join my staff as my military legislative assistant, a position he has dutifully held ever since.

Serving as my adviser on national security issues, Frank's greatest legacy will be his work as the clerk of the caucus created to save the Portsmouth Naval Shipyard during the 2005 round of base realignment and closure. His tireless work ethic, attention to detail, and leadership were instrumental in our efforts to show the Department of Defense that Portsmouth truly is the gold standard of the Navy. During his work on BRAC, Frank was affectionately given the nickname of "The General."

Walking through the Capitol with Frank you understand his love and respect for history. Whether it's showing someone Lincoln's catafalque for the first time or telling stories of the District during the Civil War, Frank seems to have a bit of trivia for every corner of this building. In the words of another man whom the states of New Hampshire and Massachusetts lay claim, Daniel Webster, "The dignity of history consists in reciting events with truth and accuracy, and in presenting human agents and their actions in an interesting and instructive form. The first element in history, therefore, is truthfulness; and this truthfulness must be displayed in a concrete form." I will certainly miss Frank's advice, straightforwardness, and willingness to go the extra mile to help me serve the people of New Hampshire.

I hope that Frank Barca will enjoy his retirement. It is an achievement that he certainly has earned. I know that Frank will get pleasure from being able to spend more time with his wife Elaine, his daughters, and his four grandchildren Katie, Meredith, Michael, and Sarah.

TRIBUTE TO PAUL BRUHN

Mr. LEAHY. Mr. President, one of the people who has done the most to protect so much in Vermont is Paul Bruhn. We Vermonters know that Paul, as the executive director of the Preservation Trust, has done an enormous service by leading conservation efforts to save the very best of our State.

I ask unanimous consent that the full article by Virginia Lindauer Simmon, from the April edition of Business People Vermont, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Business People Vermont, Apr. 2008]

PAST PERFECT: GUIDING THE CONSERVATION OF ONE OF THE COUNTRY'S 11 MOST ENDANGERED PLACES

(By Virginia Lindauer Simmon)

Paul Bruhn hasn't strayed far from his roots. What he has done is continue to tweak them, to the benefit of us all.

Bruhn is executive director of the Preservation Trust of Vermont, which he helped to found in 1980. The list of properties the organization has helped since then—more than 1,500—reads like a compendium of places that make Vermont . . . well, Vermont.

The organization's story is much broader than preserving historic structures. The work involves, for example, a partnership with Mad River Glen to reconstruct and rehabilitate the single lift chair, an icon of skiing in Vermont; helping people in Starksboro establish a village store—so crucial to community life in small towns and villages; acquiring a geologic site in Isle LaMotte; encouraging large-scale retailers such as Wal-Mart to consider building smaller-scale stores in Vermont's downtowns; underwriting publications that speak to the Vermont way of life; aiding community-supported agriculture or a group in Hardwick that, says Bruhn, with contagious enthusiasm, "figured out that if you're going to have a good community and downtown revitalization project, you need a great small restaurant and pub that serves the entire community."

Bruhn's passion for his work makes perfect sense, especially when it comes to downtowns. He grew up in Burlington, where his family owned Bruhn Office Equipment on Church Street—in the same building where Bruhn's office is today. "I used to hang out this same window when I was a little kid watching parades," he says.

After graduating from Burlington High School in 1965, Bruhn studied at Fairleigh Dickinson and the University of Vermont. "I left without graduating, and just before they were probably going to throw me out," he says with a grin.

At the time, he was working for the Suburban List community newspaper and its founders, Proctor and Ruth Page. "I started out selling advertising at $25 a week," he says, chuckling. "I was a reporter and took care of the paper when they were on vacation. They really gave me my start in life."

That start included backing him when he launched Chittenden Magazine, a monthly publication he poured his life into from 1969 to '73, including mortgaging his house for living expenses. "Proc and Ruth backed it for four years, and it was arguably an artistic success and not a real financial success." He laughs heartily. "That was my real 'college' education."

When the magazine folded, Bruhn found work with his friend Patrick Leahy, the state's attorney for Chittenden County, as a consumer fraud investigator. A year later, he was tapped to run Leahy's campaign for the U.S. Senate.

"That, obviously, was an amazing experience. I went down to Washington and served as his chief of staff for four years. I was 27, and fortunately lots of people took me under their wing and helped me through the intricacies of the operation of the Senate."

Bruhn planned on staying two years, but lasted four, during which his interest in historic preservation grew.

Returning to Vermont in 1978, he went into consulting, first helping to organize the restoration of the Round Church in Richmond. In Washington, he had worked with Leahy on obtaining federal funding for the development of the Church Street Marketplace. Back home, he helped put together the campaign for the required local 10 percent match.

When a group he had encountered during the Round Church project—the Vermont Council of the Society for the Preservation of New England Antiquities—decided to start a statewide preservation organization, Bruhn was hired to run it, "because I was available and inexpensive," he says with typical humility.

The Vermont Division for Historic Preservation had provided a good infrastructure for preservation work in the state, having worked since the early 1970s on the state survey of historic places. More than 30,000 buildings and numerous historic districts are on the state register in Vermont, and 10,000 of those are also on the national register.

Grant-making has been a piece of the organization's work since the early days, starting with small seed grants of $250 to $500.

Funding comes from various sources. In the late 1980s, the organization started the Fund for Vermont's Third Century to encourage people to celebrate the bicentennial in ways that would last. It ran for four years leading up to and through Vermont's bicentennial in 1991.

In 1994, a special partnership was developed with the Freeman Foundation. "It would be impossible to overstate how important it's been," Bruhn says. "We're the nudge, the supporter, the enabler—and are lucky to have partnerships like this." Funding from the Freeman Foundation has provided grants to more than 300 projects and played a key role in over $115 million worth of rehabilitation work, he says.

Bruhn's lively, creative mind, good sense of humor, and ability to inspire affinity have served him well in his chosen career. James Maxwell, a Brattleboro attorney and a member of the board of the Brattleboro Arts Initiative, has seen this first-hand. He was president of the board in 2000-2001, when the BAI became involved in buying the Latchis hotel and theater complex.

"Paul is a man of wide comprehension as to the needs of downtowns in Vermont, and I would venture to say in the country as a whole," says Maxwell. "Not only is his knowledge comprehensive, but he is a feeling human being, someone who resonates with groups that he works with and is of incredible assistance, not only in the nuts and bolts of how you go putting together a deal, but also how you move things along.

"He is a congregator. Without getting up on the pulpit and giving a sermon, he is able to congregate people in a situation."

This talent and Bruhn's understanding of the benefit of being willing to change with the times have helped keep the organization strong.

He inspired change 10 years ago, when the organization entered a nationwide competition sponsored by the National Trust for Historic Preservation and the Mellon Foundation, seeking ideas on how to improve the delivery of services and the effectiveness of the historic preservation movement nationally.

Vermont was one of two states whose submissions were chosen, says Bruhn. "We were selected for developing a program for providing field services, so instead of providing support to local organizations via telephone calls and some visiting in the field, we would hire two part-time people who would spend the vast majority of their time in the field working with local organizations helping them move their projects along."

The Preservation Trust of Vermont received a significant grant "It was $170,000, and that was 10 years ago," says Bruhn—which provided full funding the first year, 70 percent the second year, and 30 percent the final year.

The program so impressed the National Trust, it recently dedicated a $5 million grant it received to helping other statewide organizations establish their own field service programs.

Another big change came, says Bruhn, when Robert Hoehl, the co-founder of IDX, and his wife, Cindy, purchased the former Camp Marycrest from the Sisters of Mercy, then donated it to the Preservation Trust in 1997. "We had not owned property prior to that—hadn't dreamed of owning property—but this was an amazing opportunity."

The organization gratefully accepted and formed a partnership with caterer and former restaurateur and innkeeper Beverly Watson, who leases the property. "We use it largely for weddings on weekends during the summer. During the week, it's used for retreats and training."

A big turning point was in 1993, when Vermont was named an endangered state by the National Trust. This brought the issue of sprawl to the fore. "We became a much more visible organization," he says, and work very closely with citizen groups and partners like the Vermont Natural Resources Council and Smart Growth Vermont on the issue of sprawl and the negative impact that big-box retailing can have on our downtowns and village centers and how they change downtowns. In 2004, the National Trust again named Vermont one of the 11 most endangered places in the nation.

Bruhn was the only staff person early on, and even today, the staff is small, with the equivalent of four full-time employees.

The other full-timers are Elise Seraus, the office manager/administrative assistant, and Ann Cousins, who splits her hours between field services and fund raising. Bill Polk, the financial officer, works one day a week. Eric Gilbertson, who was deputy director of the Vermont Division for Historic Preservation and recently retired after almost 30 years, works half time in field services. Meg Campbell, also half time, manages the facade easement program, does field services in Bennington County, manages the Web site, and produces the electronic newsletter.

Because he's been with the organization for so many years, Bruhn says, "there are people who say, 'Well, the Preservation Trust, it's just Paul Bruhn.' It's not even close to that."

"I've always had a very strong, very involved board of directors who provide a lot of the direction for the organization." The directors, he says, genuinely like each other, are very proud of the organization, "but that doesn't stop them from having good disagreements and good debate."

The secret to keeping a board active and involved, he says, is to have two-day board meetings four times a year. "In February, in the middle of a snowstorm, we went on a two-day tour around the northern part of the state." He counts off eight towns (and multiple projects within them). "We talked all the while on the bus, a great discussion about what's happening in Vermont, how the community's doing, and this work—the support we try to give to local organizations.

On the importance of the organization's downtown work, Bruhn is adamant. "I love downtown Burlington. I grew up here, helped secure funding for the Marketplace when I was working for Sen. Leahy; but downtown Burlington has become one that focuses on entertainment, high-end retail and tourism. We get that there are a lot of people in Vermont who need to be able to shop at a place like Wal-Mart, but wouldn't it be terrific if Wal-Mart would be interested and willing to build a smaller-scale store in downtown Burlington? It would insure that downtown Burlington would serve the entire community.'

Bruhn pauses and takes a breath. "We're not in favor of pickling Vermont," he says. "On the other hand, we've got to find ways to grow that reinforce what's important about our place. It's essential that we are good stewards of our place."

TRIBUTE TO CON HOGAN

Mr. LEAHY. Mr. President, Marcelle and I have a good friend in Vermont named Cornelius Hogan, although everyone knows him as Con Hogan.

In our State, we have been fortunate to have people, of both political parties, who have given a great deal of themselves to serve the people of Vermont, and Con is an excellent example of that.

Recently, the newspaper the Times Argus published an excellent profile of him. I called Con and Jeanette to say how much I enjoyed it. I would like to share the piece with my fellow Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A LIFE WELL SERVED; PLAINFIELD'S CON HOGAN REMININSCES ABOUT TIME IN GOVERNMENT, BUSINESS

(By Susan Allen)

PLAINFIELD.—Every Thursday a 4 p.m., the late Gov. Richard Snelling would invite some of his cabinet members to his office and put a bottle of Wild Turkey bourbon and glasses on his desk.

"You could talk about anything you wanted," recalled Con Hogan last week, seated at the kitchen table in his Plainfield home, with an expansive view that includes the ski slopes of Sugarbush and Mad River Glen.

That was a new one for me. I thought I'd heard most of the behind-the-scenes stories from past—and present—administrations. I've been in the Vermont press that long, and collect interesting and odd-ball recollections like some people collect stamps. I'm fascinated by the people who devote their lives to serving the state.

But Hogan's reminiscences during our conversation proved how many good stories I've missed.

Hogan is retired from his extensive tenure in state government and we started talking about how busy he is during his so-called retirement (more on that later), but quickly began trading accounts of political personalities. Most of his tales were gathered during his professional journey from serving as a guard in a prison in Annandale, N.J., to heading Vermont's massive Human Services Agency under Snelling and former Gov. Howard Dean.

That journey included two significant side trips: An 11-year stint in the private sector helping International Coins and Currency slog its way out of bankruptcy in the 1980s, and an "ill-thought," unsuccessful run for governor as an independent against incumbent Jim Douglas and Democrat Douglas Racine in 2002.

"That was a period of temporary insanity," he said of the gubernatorial race, which almost certainly burned some bridges with the GOP hierarchy. "I don't regret it, but I don't consider it a high point."

Hogan received a degree in psychology from Rutgers, married wife Jeanette in 1965, and took a job as a prison guard in Annandale, rising quickly through the ranks to eventually serve as a division head with the New Jersey Department of Corrections, focusing on the budget.

"I loved it," he recalled of those 7 years. "The people who work in that line are under such professional pressure that you become fast friends, the closest friends."

Hogan and his wife regularly visited a good friend in Vermont who lived on an apple farm in Bennington, and in 1972 at age 28, he applied for the job of corrections commissioner in this State. He chuckles at his own audacity, and the outcome.

Then-Secretary of Administration Richard Mallary (who went on to serve in the U.S. House for Vermont) wrote Hogan a two-page, handwritten letter thanking him for his interest, letting him know the job was already filled, but urging him to contact the new commissioner to talk about becoming his deputy.

Hogan is amazed at the thought of Mallary writing such a long, personal note. But back in 1972, he did apply for deputy commissioner post and got the job.

Those were tumultuous years in corrections, he said. Then-Gov. Thomas Salmon, trying to control a huge state deficit, issued a 10 percent cut in all budgets, to be executed in 60 days—a staggering assignment, Hogan knew.

And the Windsor prison, which had opened in 1808 during the U.S. presidential administration of Thomas Jefferson, was closed in the early 1970s, leaving the State without a maximum security prison for a number of years.

With Snelling's first election in 1976, Hogan moved into the post of commissioner of Social and Rehabilitative Services, again during a difficult time. The Weeks School for juvenile offenders closed, forcing the State to redistribute the 400 youth to smaller group facilities around the State.

Hogan recalled that all but 15 were placed at one point. Those 15, he said, were sent to stay with a Vermont couple who—without the State's knowledge—packed them all into a Winnebago and headed off to see the country.

"The dad called me from New Orleans," Hogan said. "I said, 'What are you doing in New Orleans?' "

Four of the young Vermonters had run off, and the state scrambled to fix the mess. Fortunately the story ended well for everyone and never (until now) became public, Hogan said with a grin.

After his 11-year foray with ICC in the 1980s, Hogan once again received a call from Snelling, who was considering a run for governor and wanted Hogan to head his transition team if elected. Snelling was elected and appointed Hogan his secretary of Human Services in 1991.

"During the transition, I was working from 6 a.m. to midnight, staying in the office—sometimes I slept over," he said. During a meeting one day, Hogan was called out because Jeanette was outside with fresh clothes for her husband. "I need to explain to my wife why I'm spending more time with you than her," Hogan told Snelling, who didn't like meetings interrupted.

"He lit up. 'Let's go meet your wife,' " Hogan recalled. Jeanette had just been to the dentist and had a front tooth removed, flashing a smile that showed a gaping hole. Hogan said Snelling never missed a beat and made a "big show" of graciousness to his wife.

Hogan recalled Snelling's impatience with long presentations. So, as Human Services Secretary, Hogan created a game where he took a deck of cards, and on each wrote a one-line synopsis of a proposed program, the cost, and the supporters and opponents. Fifty-two suggestions.

Snelling loved it; he'd flip through the cards quickly and make two piles: Yes and No. And Hogan knew how to proceed.

"He was at the top of his game," said Hogan of Snelling during that second trip to the governor's office. His recollections of his former boss are nostalgic and reflect his respect and deep admiration for the late governor.

Snelling died in office on Aug. 13, 1991. During his brief second tenure as governor, he worked with Democratic House Speaker Ralph Wright to craft a plan to retire an enormous state deficit, another point of pride for Hogan.

The day after Snelling's death, new Gov. Howard Dean called Hogan into his office for a briefing on the Human Services Agency.

"I was in no shape to go," Hogan recalled. Not only was he mourning Snelling's passing, he didn't know Dean or what to expect from the former lieutenant governor.

Hogan arrived with a list of 50 issues to discuss, and spent an hour running through them all. "Dean didn't say a word, he just listened. He was either getting it . . . or not getting it and he did," Hogan recalled.

The two worked well together for 8 years until Hogan left the administration in November 1999. "There's a half-life to that kind of job," he said of Human Services secretary. After making progress on many social issues, "I had begun to see some of the same problems again."

Then came the ill-fated gubernatorial run.

Followed by retirement—or Hogan's version of retirement: He travels the world working with countries that include Australia, Israel, Chile, Norway, Northern Ireland, Scotland, and in May, Holland, to improve their government structure and programs for children.

He has also become involved in informal lobbying efforts for universal health care (the number of uninsured Vermonters has climbed from 42,000 in 2001 to 69,000 today, he noted; he predicts the increase will continue without serious action). He considers high health care costs a "serious economic threat" to the State.

He serves on the board of Vermont College in Montpelier, which is seeking certification and funding. Hogan also continues to play the banjo with his band, Cold Country Bluegrass (Jeanette plays the string bass).

And he helps Jeannette around the family horse farm, which she started but is now run by their daughter, Ruth.

That's Con Hogan's idea of retirement.

His son lives next door with Hogan's two grandchildren, and Ruth lives around the corner. And in the end, that is his life's ambition achieved.

"Having my family close enough to enjoy their successes, and watch the kids grow up," he said. "Nothing comes close. This to me is what it's all about."

TRIBUTE TO REEVE LINDBERGH

Mr. President, Marcelle and I have many wonderful friends in Vermont. Some were born in Vermont, and others have come to enjoy our very special State. In the latter capacity is our friend Reeve Lindbergh, who lives with her husband, Nat Tripp, in Vermont.

Like her parents, Reeve is a terrific author, and a conversation with Reeve is a conversation worth having. You always learn something from it, but, more importantly, you always leave with a greater sense of what is essential in life. I am extremely proud of her.

Kevin O'Connor recently wrote a profile of Reeve, which I would like to share with my fellow senators. This profile does a good deal to capture her essence, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Mar. 30, 2008]

ONWARD AND UPWARD: DAUGHTER OF LEGENDS, REEVE LINDBERGH LOOKS "FORWARD FROM HERE"

(By Kevin O'Connor)

Vermonter Reeve Lindbergh wrote her first memoir about growing up with her father, aviator Charles Lindbergh, and her second memoir about the final months of her mother, author Anne Morrow Lindbergh. Recently turning 60, she began a third memoir—this one about aging. She aimed to leap fearlessly into the future right from its title: "Forward From Here: Leaving Middle Age—and Other Unexpected Adventures."

That's when she found herself pulled every which way by the past.

First she thought about all the unlisted phone numbers still ringing in her memory—one of many safeguards instituted by her parents after the 1932 kidnapping of her late brother, Charles Jr.

"When you are taught to memorize your home phone number and never to reveal it except to close relatives and maybe the family doctor, you don't forget that number."

Then she thought about the day in 2001 when, after the death of her mother, she drove from her Northeast Kingdom home to a storage building in Stamford, Conn. There she opened box after box to find her parents' 1929 wedding gifts in their original wrappings. Pausing for lunch at a nearby diner, she glanced at a television to discover, 30 miles south, the smoldering remains of New York City's World Trade Center.

It was Sept. 11.

Finally she thought about what her publisher bills as her book's "shocking surprise." Lindbergh long described herself as the youngest of five children. Then in 2003 she learned her late father—the first person to fly solo and nonstop from New York to Paris—later crisscrossed the Atlantic out of a too-literal interest in foreign affairs.

"In one essay that is sure to attract much attention, the author writes about her reaction to learning that her father had three families in Europe, a fact that remained a secret for 50 years," publicity promises. "This is the first time any member of the Lindbergh family has discussed in detail their reaction to the controversial and surprising revelation."

Lindbergh, angry at her father upon learning the news, now can laugh at such hype. New book in hand, she not only has made peace with all her discordant memories but also arranged them into a mosaic of "sly, gentle humor" and "quiet resolve" (says Publishers Weekly) that's reassuringly human.

The modest yet gregarious 5-foot-3 daughter of the 6-foot-3 flyer is drawing the attention of Vanity Fair and the New York Times. But the 40-year Vermonter would be just as happy sticking out mud season at home with her husband, her monthly End-of-the-Road Writers Group (named less for its participants than its location) and her menagerie of dogs, chickens and sheep.

"I'm not so interested in being confessional, but in what certain experiences are like," she says in an interview. "When you're pretty honest and not too fancy, it seems to help people."

HIPPIE FLATLANDER

Lindbergh has long had a thirst for life. Tiny and anemic at birth, she required a pint transfusion of her father's blood. She still remembers her thoughts upon receiving the newly invented polio vaccine as a 1950s schoolchild: "I'd hope that death would be wiped out by the time I grew up."

Alas, mortality remains uncured. So what does aging mean to a 60-year-old woman, wife and mother? Lindbergh put her left hand to yellow-lined paper to pen a series of essays. Reflecting on the present, she found herself rewinding to the past.

Growing up in a Connecticut suburb where "tea hour" led to "sherry hour," Lindbergh nevertheless found her family didn't drink up fame. Her father—a Midwest farm boy who focused on the moment rather than on memories—never talked about his historic 1927 flight. Her mother therefore had to offer reassurance when they watched Jimmy Stewart re-create his grueling 33½-hour crossing on the movie screen at Radio City Music Hall.

"Does he make it?" his little daughter asked.

Her father didn't fly to escape the earth, she knows today. As a conservationist, he just wanted a bird's-eye view. With a similar love of the land, she moved to the Green Mountains upon graduating from Radcliffe College in 1968, taking a teaching job in the southern Vermont town of Readsboro before retreating north in 1971 to the countryside outside St. Johnsbury.

"The optimists among us thought they were harbingers of a quieter, cleaner, saner way of life on the planet, returning to past customs in order to create a better future," she writes. "Some native Vermonters, especially older ones who had spent their early years on farms without electricity or indoor plumbing and had been chopping, stacking and burning firewood all their lives, smiled good-naturedly and shook their heads."

Others just labeled her and her like "hippie flatlanders." Reeve wed a man named Richard, then befriended fellow transplants Nat and Patty. Soon came children, midlife, divorce and a new couple: Reeve and Nat (Tripp, himself an accomplished author). Today the last of the offspring have flown the coop, leaving Lindbergh with a teeming henhouse, sheep barn and sofa for two dogs.

"Why not?" she says of the canine couch. "Nobody else was using it."

Entering the life stage her mother called "the youth of old age," she also faces countless questions.

SIXTIES GENERATION

The first: Can a couple of "hippie homesteaders" who harvest 600 bales of hay a year get a hot tub?

Her brain said no. But her achy right shoulder and her husband's bad knee screamed yes.

What about her view of wrinkles?

"When I say I don't mind looking at my face in the mirror anymore, part of the reason may be that I can't see it," she writes. "Maybe I care less now than I did then about how I look to other people, or maybe I know from long experience that most people ignore our imperfections because they are concentrating upon theirs."

And drugs?

"As I and the other members of this much-publicized 'Sixties Generation' go through our own sixties—and seventies and eighties and (we secretly hope) beyond—the least we can do for ourselves is live up to our own mythology and take lots of drugs."

("Legal drugs," she clarifies.)

Lindbergh, seeking to comment on both the salvation and side effects brought by modern-day pharmaceuticals, devotes a full chapter to listing everything in her medicine cabinet, from the anticonvulsants required after falling off a horse to the antidepressants prescribed during the year her mother was dying.

"I realize there are people who are embarrassed about the medications they take," she says in an interview, "but it was in no way difficult for me to write about that."

Neither does she shy away from the topic of death—not that she has made peace with it. Take the three fuzzy chicks on her property that wandered from their mother and perished.

"Even after 30-odd years of country living, with all the dead chicks, dead lambs, dead dogs and dead horses, the hamsters, the rabbits, the lizards and the turtles (not to mention, dear God, the people!), I still get upset about it."

Lindbergh writes about the burial of her father, who died of cancer in 1974 at age 72, and the cremation of her mother, who died in 2001 at age 94. The resulting ashes led to a question: "Where do you put them?"

Family members scattered them in favorite places around the world—but only after their matriarch, a gardener, first considered a flower bed.

"She said it would be so good for the lilies of the valley," Reeve Lindbergh reports matter-of-factly.

A PRIVATE MATTER

Lindbergh has spent much of this new century wrestling with the old one.

In 2004, she traveled to the Florida island of Captiva where her mother wrote the 1955 book "Gift from the Sea." In that collection of essays, Anne Morrow Lindbergh found meaning in shells—from the channeled whelk that represents "the ideal of a simplified life" to the moon shell that reminded her of solitude.

A half-century later, Reeve Lindbergh discovered many of the same shells—as well as discarded plastic cups, drinking straws and cigarette butts. She tucked away the treasures and threw away the trash. But she can't pitch other remnants of her past so easily.

The kidnapping and death of her parents' first child, 20-month-old Charles Jr., topped world news in 1932. Decades later, people still write to say they're her long-lost brother. That's why she was skeptical when, five years ago, the European press claimed her father had affairs with three German women who gave birth to five boys and two girls.

The headlines proved explosive: "Lindbergh fathered children by three mistresses." Adding fuel, the stories reminded readers that some people had labeled the American hero as a Nazi sympathizer when he opposed the United States' entry into World War II.

Reeve Lindbergh replied with a public statement still pinned to her bulletin board: "The Lindbergh family is treating this situation as a private matter, and has taken steps to open personal channels of communication, with sensitivity to all concerned." (Today she translates that to mean: "We don't know any more than you do, but we're trying to figure this out while causing as little pain as possible.")

DNA tests proved the reports to be true. In her book, Lindbergh recalls her initial feelings of anger and bitterness.

"How do I fold this story into my memories of my father?" she writes. "I certainly could have done without his endless lectures on the Population Explosion, with all those graphs and charts on 'exponential growth curves' (that's a direct quote). How could he have done this with a straight face, let alone a clear conscience? A man who fathered 13—I think, I still have to stop and count us!"

Calmer now, she has visited her European siblings and hosted them in Vermont. Meeting one half brother halfway around the world, she shook her head just like he did, all the while silently sharing the same thought: "This is absolutely normal and completely insane, too."

Lindbergh devotes her book's last chapter to her conflicting emotions about her father's secret. (Kirkus Reviews hails it as "a moving account.") She didn't plan to write about it so publicly. Then she found reason.

"I've noticed how many things there are that people are afraid to talk about," she says in an interview. "If you leave something in the realm of scandal and sensation, it becomes very unreal. I just wanted to write about it and then let it be. I've found, in spite of all the craziness, that my new relatives are just great."

LUCKY . . .'

Life, she has discovered, eventually puts everything in perspective.

Lindbergh wrote one chapter about clutter in her mind. Ten days later, she was diagnosed with a brain tumor. It led to surgery—and something equally unexpected.

"I soon discovered that the effect the two words 'brain tumor' have on people is remarkable: 'I'm sorry, I can't help you/be there/send a contribution just now. I have a brain tumor.' Stunned silence, then instant retreat. With these results it's hard to resist taking advantage of the circumstances."

Even so, Lindbergh gladly agreed to serve as grand marshal of the annual Lyndonville (village population 1,236) Stars and Stripes Festival parade.

She isn't the first in her family to face a medical crisis. Her older sister, Thetford writer Anne Spencer Lindbergh, died of cancer 15 years ago at age 53.

"I worry less and less, not more and more, about getting old myself," Reeve Lindbergh says. "I don't mind if I do. I wish she could, too."

Lindbergh faces a busy spring. She'll serve as narrator next weekend for the Bella Voce Women's Chorus of Vermont premiere of Braintree composer Gwyneth Walker's new work "Lessons from the Sea," inspired by Anne Morrow Lindbergh's "Gift from the Sea."

She'll then appear at more than a dozen New England bookstores as the national media rolls out profiles and reviews. She finds such travel can be exhilarating and exhausting—As a result, she'll no longer attend so many far-flung celebrations of her father and instead stay closer to home to read the unpublished writings of her mother.

"With a family like mine, you have to be careful not to let history take over too much of your life," she says. "I think I could let other people represent my parents at ceremonies. My mother's work has always struck a spark, especially with women. I would love to see some of that unpublished material out in the world."

Leaving middle age, Lindbergh hears the clock ticking. She remembers two framed needlepoint phrases in her grandmother Morrow's home. One said, "It is later than you think!" The other said: "There is still time."

"I don't know what further changes I will enjoy or endure as I age, but I do know the answer to the question I asked myself at 30, and 40, and 50: 'How did I get to be this old?' I was lucky."

ADDITIONAL STATEMENTS

TRIBUTE TO BILL KENNEDY

• Mr. COCHRAN. Mr. President, I am pleased to commend Bill Kennedy of

Inverness, MS, for his distinguished service and exemplary contributions to the Mississippi Delta as president of the Delta Council.

Delta Council, an economic development organization in the Mississippi Delta, represents the business, professional, and agricultural leadership of the region. Bill has commendably fulfilled the role of president during a time when Mississippi agriculture and the economy of the State of Mississippi have faced significant challenges.

As president of the Delta Council, Bill was called upon to commit time and resources to the ever-pressing issues of Mississippi River flooding due to the delta's geographic location at the bottom of a watershed funnel encompassing most of the United States.

Bill Kennedy has set the standard by which other agricultural leaders of the Mississippi Delta are measured. As past president of the MS Ginners Association, past president of the Southern Cotton Ginners Association, and president of Duncan Gin, one of the oldest and most successful agricultural enterprises in the Mississippi Delta, Bill has proven to be an effective advocate on behalf of delta agriculture. Because of his unique understanding of the U.S. cotton industry, his counsel is frequently sought when issues of national, statewide, or regional concern arise.

Additionally, the role which Bill Kennedy has played in wildlife conservation through his leadership as former president of Delta Wildlife is inestimable. Bill is a true sportsman and conservationist who has devoted thousands of hours to making the Mississippi Delta a better place for all those who live and do business in the region.

I congratulate Bill Kennedy, and thank his wife Lanny, his son Larkin, and daughter in law, Jenny Ruth, for the year which they have shared with the delta while Bill has served as president of Delta Council.•

RECOGNIZING BRYAN McDONALD

• Mr. COCHRAN. Mr. President, I am pleased to recognize the service of one of my constituents, Mr. Bryan McDonald. Bryan has served the State of Mississippi and Governor Haley Barbour as director of the Governor's Office of Recovery and Renewal. In his final week as director, I thank him for his outstanding contribution to Mississippi's progress in the aftermath of Hurricane Katrina.

Prior to his appointment, Bryan worked with the Mississippi Emergency Management Agency as director of accounting Oversight, where he helped provide assistance to governmental and nonprofit applicants under the Stafford Act. Bryan's extensive management experience as a CPA and auditor suited the State perfectly in our recovery efforts.

Bryan established a team and a process which ensured FEMA public assistance dollars were accounted for and complied with Federal regulations. The system expedited reimbursements to State and local governments and resulted in over 99 percent of projects being obligated by FEMA. Considering the unprecedented magnitude of this disaster, this was truly a monumental task and one that had never before been undertaken.

As director of the Office of Recovery and Renewal, Bryan again put the right people and processes in place to manage the Federal assistance entrusted to the State of Mississippi. Thousands of homeowners have received direct financial assistance through the homeowners assistance grant program; programs and policies have been implemented which will result in the development of low income housing units in excess of what was available before the storm, and Katrina affected cities and counties have received the much needed Federal resources to rebuild and revitalize their communities.

Bryan has worked to ensure that every Federal taxpayer dollar entrusted to Mississippi has been and continues to be spent efficiently and appropriately. The State of Mississippi and this country owe Bryan a debt of gratitude for taking a leave of absence from his private sector career to serve our great State. As we know, public service can be a strain on our families both financially and emotionally. I want to thank Bryan's wife Michelle and his two children, Matt and Laura Beth, for their sacrifice and support while allowing Bryan to serve our State.

Bryan has reflected great credit on the State of Mississippi and I appreciate his service.•

70TH ANNIVERSARY OF THE OMAHA STAR

• Mr. NELSON of Nebraska. Mr. President, today I wish to honor the Omaha Star, the largest and oldest African-American newspaper in my home State of Nebraska. The Star is celebrating its 70th Anniversary this year.

The Omaha Star is currently distributed in 48 States, as the paper has become legendary for its civil rights work. Since its beginning, the Star has been a champion in the struggle for equal rights.

The Omaha Star was founded in 1938 by the late Mildred Brown, a remarkable person in her own right, who was also the aunt of the current publisher and editor, Dr. Marguerita L. Washington. Mrs. Brown's foresight and pioneering spirit in establishing the Star required not only a dedicated amount of time and effort, but also courage and vigilance. Her efforts paid off, as the paper continues to educate and advocate; and Mrs. Brown was posthumously inducted into the Nebraska Journalism Hall of Fame this past year.

In addition, the building housing the Omaha Star was listed on the National Register of Historic Places in January. Mrs. Brown allowed the Star to provide a home for the De Porres Club, an active civil rights organization within the North Omaha community. The Star also kept its readership apprised of the civil rights movement's successes and failures across the country by researching the issues and urging involvement.

The Omaha Star's mission states that it is "dedicated to the service of the people that no good cause shall lack a champion and that evil shall not go unopposed." My fellow Nebraskans and I take great pride in knowing that the Star has faithfully abided by this mission throughout its 70 years of existence, and we will continue to follow the Omaha Star on its spirited journey to provide a voice for civil rights and equality for all.•

TRIBUTE TO LTC JOHN LUCAS

• Mr. PRYOR. Mr. President, today, I wish to acknowledge the love and support LTC John Lucas's family has shown him during his 24 years of service in the U.S. Air Force. LTC John Lucas, an Arkansas native, will retire from the Air Force on August 1, 2008. Lieutenant Colonel Lucas attended the University of Arkansas, making me particularly proud because that is my alma mater, and his oldest son, John Lucas, is carrying on the tradition as a freshman at the university as well.

Lieutenant Colonel Lucas's wife, Coleen, wrote to me on the occasion of his retirement and asked that I write a note of thanks to their family and her husband in an effort to recognize their sacrifice and support over the last 24 year. She writes:

> While John served his country, his family and mine were both loving and supportive through times of crisis, war and peace. We had times of struggle but both of our families helped me and our children so that my husband could serve our country. Over the past 24 years, we have moved eight times, lived in 11 homes, uprooted the children from schools, moved them away from friends, and endured deployments. Through it all the one constant was family.

Our men and women in uniform have a tremendous responsibility to protect our Nation's freedoms and it is family support that helps them accomplish their mission. Sacrifice, selflessness and perseverance define the special role of a military family such as the Lucas family.

Today, I thank John C. Lucas and his family for their service to our Nation. Our country is blessed to have you John, Coleen, Kevin, Bryan and Andrea Lucas.•

RECOGNIZING DAVID STEVENS

• Mr. THUNE. Mr. President, today, I wish to recognize David Stevens, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

David is a graduate of O'Gorman High School in Sioux Falls, SD, and the University of South Dakota. In the fall he will attend the Sanford School of Medicine at the University of South Dakota. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to David for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING RENÉE LATTERELL

• Mr. THUNE. Mr. President, today, I wish to recognize Renée Latterell, an intern in my Washington, DC, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Renée is a graduate of Central High School in Aberdeen, SD, and of North Dakota State University, where she majored in Spanish and international studies. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Renée for all of the fine work she has done and wish her continued success in the years to come.•

RECOGNIZING SAM GRIFFIN

• Mr. THUNE. Mr. President, today I wish to recognize Sam Griffin, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Sam is a graduate of Jefferson Senior High School in Alexandria, MN. Currently he is attending American University, where he is majoring in Political Science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Sam for all of the fine work he has done and wish him continued success in the years to come.•

RECOGNIZING JONATHAN ABDNOR

• Mr. THUNE. Mr. President, today I recognize Jonathan Abdnor, an intern in my Washington, DC, office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several months.

Jonathan is a graduate of Prospect High School in Mount Prospect, IL. Currently he is attending the University of Illinois at Urbana-Champaign, where he is majoring in news editorial journalism. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jonathan for all of the fine work he has done and wish him continued success in the years to come.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE ISSUANCE OF AN EXECUTIVE ORDER THAT TAKES ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—PM 45

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that takes additional steps with respect to the national emergency declared in Executive Order 13047 of May 20, 1997, and expanded in Executive Order 13448 of October 18, 2007.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) (the "Act") and supplemented that Act with additional restrictions. On October 18, 2007, I determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested at the time in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warranted an expansion of the then-existing sanctions. Executive Order 13448, issued on that date, incorporated existing designation criteria set forth in Executive Order 13310, blocked the property and interests in property of persons listed in the Annex to that Executive Order, and provided additional criteria for designations of certain other persons.

The order supplements the existing designation criteria set forth in Executive Order 13310, as incorporated in and expanded by Executive Order 13448. The order blocks the property and interest in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be owned or controlled by, directly or indirectly, the Government of Burma or an official or officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order; or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

The order authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 30, 2008.*

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 1:35 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

The message further announces that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 340. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 493.

At 2:06 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2954. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

At 2:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

ENROLLED BILL SIGNED

At 4:08 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2954. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 6:25 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1777. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

H.R. 5522. An act to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes.

H.R. 5919. An act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 330. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1777. An act to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; to the Committee on the Judiciary.

H.R. 5522. An act to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 330. Concurrent resolution supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on May 1, 2008, she had presented to the President of the United States the following enrolled bills:

S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

S. 2739. An act to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

S. 2954. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6014. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Supplemental Nutrition Program for Women, Infants and Children: Miscellaneous Vendor-Related Provisions" (RIN0584–AD36) receive on April 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6015. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Transition Payment Program; Release of Records" (RIN0560–AH79) received on April 29, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6016. A communication from the Secretary of the Army, transmitting, pursuant to law, a letter detailing his determination that the Average Procurement Unit Cost metric for the Javelin Advanced Anti-Tank Missile has exceeded the significant cost growth threshold; to the Committee on Armed Services.

EC–6017. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Department's competitive sourcing efforts during fiscal year 2007; to the Committee on Armed Services.

EC–6018. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Authority to Carry Out Certain Prototype Projects" (DFARS Case 2008–D008) received on April 29, 2008; to the Committee on Armed Services.

EC–6019. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Deletion of Obsolete Restriction on Acquisition of Vessel Propellers" (DFARS Case 2007–D027) received on April 29, 2008; to the Committee on Armed Services.

EC–6020. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Earned Value Management Systems" (DFARS Case 2005–D006) received on April 29, 2008; to the Committee on Armed Services.

EC–6021. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, the 2007 annual report relative to the STARBASE Program; to the Committee on Armed Services.

EC–6022. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Dan K. McNeill, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6023. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Burwell B. Bell III, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC–6024. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–6025. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Department's activities during calendar year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–6026. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 19161) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6027. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR Part 65) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6028. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Proposed Flood Elevation Determinations" (Docket No. FEMA–B–7771) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6029. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR Part 67) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6030. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Docket No. FEMA–B–7772) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6031. A communication from the Attorney, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Proposed Flood Elevation Determinations" (Docket No. FEMA–B–7773) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6032. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's Annual Report for calendar year 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–6033. A communication from the Acting Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife; Sea Turtle Conservation" (RIN0648–R84) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6034. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Approve the Georges Bank Cod Hook Sector's 2008 Operations Plan; Northeast Multispecies Fishery Management Plan" (RIN068–AW16) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6035. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Management Measures in the Main Hawaiian Islands" (RIN068–AU22) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6036. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2008 Specifications and Management Measures for Atlantic Mackerel, Squid, Butterfish Fisheries" (RIN068–AV40) received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6037. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual progress report entitled, "Report to Congress on the Fiscal Year 2007 Competitive Sourcing Efforts"; to the Committee on Commerce, Science, and Transportation.

EC–6038. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Aviation and International Affairs, received on April 29, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6039. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information" (RIN3150–AI08) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6040. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue—Section 965 Foreign Earnings Repatriation Directive No. 2" (LMSB–4–0408–021) received on April 29, 2008; to the Committee on Finance.

EC–6041. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Dividends Received Deduction on Separate Accounts of Life Insurance Companies Directive" (LMSB–04–0308–010) received on April 29, 2008; to the Committee on Finance.

EC–6042. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier II Issue—Interchange and Merchant Discount Fees Directive No. 1" (LMSB–04–0208–002) received on April 29, 2008; to the Committee on Finance.

EC–6043. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Special Rules to Reduce Section 1446 Withholding" ((RIN1545–BD80)(TD 9394)) received on April 29, 2008; to the Committee on Finance.

EC–6044. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled, "Finalizing Medicare Regulations under Section 902 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 for Calendar Year 2007"; to the Committee on Finance.

EC–6045. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Arms Traffic in Arms Regulations: North Atlantic Treaty Organization" (22 CFR Part 123) received on April 29, 2008; to the Committee on Foreign Relations.

EC–6046. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's 2007 Buy American Act Report; to the Committee on Health, Education, Labor, and Pensions.

EC–6047. A communication from the Assistant Secretary of Education (Special Education and Rehabilitative Services), transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Projects for a Center on Post-Secondary Education for Students with Intellectual Disabilities—Notice of Final Priority and Definitions" (4000–01–U) received on April 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6048. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Default Investment Alternatives Under Participant Directed Individual Account Plans" (RIN1210–AB10) received on April 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6049. A communication from the Deputy Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on April 29, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6050. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to postmarket surveillance of medical devices used in pediatric populations; to the Committee on Health, Education, Labor, and Pensions.

EC–6051. A communication from the District of Columbia Auditor, transmitting a report entitled, "Audit of Child and Family Services Agency's Contracting and Quality Assurance Procedures"; to the Committee on Homeland Security and Governmental Affairs.

EC–6052. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Justice Programs for fiscal year 2006; to the Committee on the Judiciary.

EC–6053. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Swan Creek Viticultural Area" (RIN1513–AB20) received on April 29, 2008; to the Committee on the Judiciary.

EC-6054. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a vacancy in the position of U.S. Attorney for the District of Connecticut, received on April 29, 2008; to the Committee on the Judiciary.

EC-6055. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Exempt Anabolic Steroid Products" (RIN1117-AA98) received on April 29, 2008; to the Committee on the Judiciary.

EC-6056. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards; Adoption of 2007 North American Industry Classification System for Size Standards" (RIN3245-AF66) received on April 29, 2008; to the Committee on Small Business and Entrepreneurship.

EC-6057. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Notice and Assistance Requirements and Technical Correction" (RIN2900-AM17) received on April 29, 2008; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. TESTER, and Mr. LUGAR):

S. 2951. A bill to require reports on the progress of the Secretary of Veterans Affairs in addressing causes for variances in compensation payments for veterans for service-connected disabilities; to the Committee on Veterans' Affairs.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 2952. A bill to improve food safety through mandatory meat, meat product, poultry, and poultry product recall authority, to require the Secretary of Agriculture to improve communication about recalls with schools participating in the school lunch and breakfast programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CRAIG (for himself, Mr. WARNER, and Mr. INHOFE):

S. 2953. A bill to provide for the development and inventory of certain outer Continental Shelf resources, to suspend petroleum acquisition for the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 2954. A bill to amend Public Law 110-196 to provide for a temporary extension of progress authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008; considered and passed.

By Mr. WHITEHOUSE (for himself and Mr. SPECTER):

S. 2955. A bill to authorize funds to the Local Initiatives Support Corporation to carry out its Community Safety Initiative; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, Mr. COLEMAN, and Mr. OBAMA):

S. 2956. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LIEBERMAN:

S. 2957. A bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI (for himself, Mr. BUNNING, Mr. SESSIONS, Mrs. HUTCHISON, Mr. BOND, Mr. INHOFE, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BENNETT, Mr. WICKER, Mr. CHAMBLISS, Mr. STEVENS, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. THUNE, Mr. VOINOVICH, Mr. ALLARD, and Mr. MCCONNELL):

S. 2958. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Ms. KLOBUCHAR, Mr. TESTER, and Mr. HARKIN):

S. 2959. A bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration; to the Committee on Rules and Administration.

By Mr. DODD:

S. 2960. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to enhance the role of State and local bomb squads, public safety dive teams, explosive detection canine teams, and special weapons and tactics teams in national improvised explosive device prevention policy, to establish a grant program to provide for training, equipment, and staffing of State and local improvised explosive device prevention, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. AKAKA:

S. 2961. A bill to amend title 38, United States Code, to enhance the refinancing of home loans by veterans; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 2962. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in States with more cost-effective health care delivery systems; to the Committee on Finance.

By Mr. BOND (for himself, Mrs. BOXER, Mr. STEVENS, Mr. OBAMA, Mr. DOMENICI, Mrs. DOLE, and Ms. MURKOWSKI):

S. 2963. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. DORGAN, Mr. LEVIN, Mr. CASEY, and Mr. SANDERS):

S. 2964. A bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries; to the Committee on Finance.

By Mrs. BOXER (for herself and Mr. LIEBERMAN):

S. 2965. A bill to require a report on the inclusion of severe and acute Post Traumatic Stress Disorder among the conditions covered by traumatic injury protection coverage under Servicemembers' Group Life Insurance; to the Committee on Veterans' Affairs.

By Mrs. DOLE:

S. 2966. A bill to require the Secretary of the Army to implement the First Sergeants Barracks Initiative (FSBI) throughout the Army in order to improve the quality of life and living environments for single soldiers; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself, Mr. BENNETT, and Mr. REID):

S. 2967. A bill to provide for certain Federal employee benefits to be continued for certain employees of the Senate Restaurants after operations of the Senate Restaurants are contracted to be performed by a private business concern, and for other purposes; to the Committee on Rules and Administration.

By Mr. ROCKEFELLER:

S. 2968. A bill to provide emergency assistance for families receiving assistance under part A of title IV of the Social Security Act and low-income working families; to the Committee on Finance.

By Mr. AKAKA:

S. 2969. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mr. SANDERS):

S. Res. 544. A resolution designating May 5 through 9, 2008, as National Substitute Teacher Recognition Week; considered and agreed to.

By Mr. PRYOR (for himself and Mrs. LINCOLN):

S. Res. 545. A resolution honoring the recipients of the El Dorado Promise scholarship; considered and agreed to.

By Mr. THUNE (for himself and Mr. WYDEN):

S. Res. 546. A resolution designating May 2008 as "National Physical Fitness and Sports Month" and the week of May 1 through May 7, as "National Physical Education and Sports Week"; considered and agreed to.

By Mr. DURBIN (for himself, Mr. ISAKSON, Mr. KENNEDY, and Mr. OBAMA):

S. Res. 547. A resolution designating the week of May 4 through May 10, 2008, as "North American Occupational Safety and Health Week" and May 7, 2008, as "Occupational Safety and Health Professionals Day"; considered and agreed to.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Mrs. MURRAY, Mr. WICKER, Mr. OBAMA, Mr. SMITH, Mr. BROWN, Mr. DURBIN, Mr. ROCKEFELLER, Mr. FEINGOLD, Mr. BAYH, Mr. CASEY, Mr. MENENDEZ, and Mr. LIEBERMAN):

S. Res. 548. A resolution recognizing the accomplishments of the members and alumni of AmeriCorps and the contributions of AmeriCorps to the lives of the people of the United States; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 717

At the request of Mr. AKAKA, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 717, a bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security.

S. 796

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1070

At the request of Mr. HATCH, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1415

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1415, a bill to amend the Public Health Service Act and the Social Security Act to improve screening and treatment of cancers, provide for survivorship services, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 2059

At the request of Mrs. CLINTON, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2067

At the request of Mr. MARTINEZ, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2067, a bill to amend the Federal Water Pollution Control Act relating to recreational vessels.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2372

At the request of Mr. SMITH, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2372, a bill to amend the Harmonized Tariff Schedule of the United States to modify the tariffs on certain footwear.

S. 2408

At the request of Mr. KERRY, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act,

S. 2561

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2561, a bill to require the Secretary of the Interior to conduct a theme study to identify sites and resources to commemorate and interpret the Cold War.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2672

At the request of Mr. CONRAD, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2672, a bill to provide incentives to physicians to practice in rural and medically underserved communities.

S. 2702

At the request of Mr. SALAZAR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2723

At the request of Mr. BROWN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2723, a bill to expand the dental workforce and improve dental access, prevention, and data reporting, and for other purposes.

S. 2772

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S.

2772, a bill to amend title 10, United States Code, to provide for the investigation of suicides committed by members of the Armed Forces, and for other purposes.

S. 2778

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2778, a bill to amend title 37, United States Code, to expand certain bonus and special pay authorities for members of the Armed Forces in order to enhance the recruitment and retention of psychologists, social workers, mental health nurses, and other mental health professionals in the Armed Forces, and for other purposes.

S. 2782

At the request of Mr. SCHUMER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2782, a bill to amend the Internal Revenue Code of 1986 to impose a temporary windfall profit on crude oil and transfer the proceeds of the tax to the Highway Trust Fund, and for other purposes.

S. 2818

At the request of Mr. ENZI, the names of the Senator from Mississippi (Mr. WICKER), the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 2818, a bill to amend the Employee Retirement Income Security Act of 1974 and the Public Health Service Act to provide for enhanced health insurance marketplace pooling and relating market rating.

S. 2863

At the request of Mr. VITTER, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. 2863, a bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain stem cell research expenditures.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2880

At the request of Mr. GREGG, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2880, a bill to provide that funds made available for reconstruction assistance for Iraq may be made available only to the extent that the Government of Iraq matches such assistance on a dollar-for-dollar basis, and for other purposes.

S. 2931

At the request of Ms. STABENOW, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 2931, a bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program.

S. 2938

At the request of Mr. THUNE, his name was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Massachusetts (Mr. KERRY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S.J. RES. 28

At the request of Mr. DORGAN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S.J. Res. 28, a joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership.

S. RES. 483

At the request of Mr. BROWNBACK, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 483, a resolution recognizing the first weekend of May 2008 as "Ten Commandments Weekend".

S. RES. 543

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 543, a resolution designating the week beginning May 11, 2008, as "National Nursing Home Week".

AMENDMENT NO. 4580

At the request of Mr. WYDEN, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of amendment No. 4580 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4586

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4586 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4589

At the request of Mr. DORGAN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No. 4589 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4615

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4615 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4616

At the request of Mr. ENSIGN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of amendment No. 4616 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4618

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of amendment No. 4618 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4621

At the request of Mr. ISAKSON, the names of the Senator from Colorado (Mr. SALAZAR) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 4621 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. WARNER, and Mr. INHOFE):

S. 2953. A bill to provide for the development and inventory of certain outer Continental Shelf resources, to suspend petroleum acquisition for the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, during consideration of the reauthorization of the FAA, a great deal of conversation has gone on on this floor about energy and the cost of energy. It is appropriate that we talk about it at a time when our airlines are struggling and we are attempting to reauthorize FAA. Part of the reason our airlines are struggling is the unprecedented aviation fuel prices. It is only one of the many reasons they are having difficulty today, but clearly the doubling of their costs are putting at risk their corporate structure and their ability to serve an American public.

But it is not just the airlines that are at risk. Every American consumer and every business is finding the tremendous increase in the cost of energy a significant problem. For example, just a few minutes ago, my BlackBerry buzzed. My wife Suzanne is out in Boise, ID. I got an e-mail about the temperature, which is 31 degrees in Boise this morning. At the bottom of the e-mail, she said regular gas just hit $3.53 a gallon. That is a lot of money. Now, that is not as much as others are paying across our Nation, but when an Idahoan fills their tank and they go from community to community, oftentimes they drive hundreds of miles—not just a few miles but literally hundreds of miles. Idaho is a great big Western State. Our distance is oftentimes a significant part of our commerce and our ability to conduct economic activity, and fuel prices have always been significant and important.

Idaho is also a large agricultural State. The cost of the production of foods today has gone up dramatically because of the cost of diesel, if you will, the cost of fertilizer, and all of those components that go into the production of food and the transporting of the food.

Part of the reason food is going up on the retail shelf of the supermarket today is the cost of getting it there, let alone the cost of producing and refining it. Many truckers are saying that just to fill up their truck now can be as much as $1,000. They are not able to change their freight rates to adjust as quickly to the high cost of energy, and they simply have to—this is the term—"eat it." Well, they cannot afford to eat it. Oftentimes, those trucks are simply turning off their motors and sitting idle.

So the impact of energy costs on our economy can be dramatic. I came to the floor yesterday to talk about it and to say that, in large part, the American consumer, in their frustration, is saying: Whom do we blame? I don't think they have to look any further than the U.S. Congress and the failure of this Congress—the House and Senate—over the last 20 years to do the things that were necessary to continue production, to ensure refinery capacity, to ensure exploration and the development of reserves, while we were doing all of the other things in conservation, in CAFE standards, assuring that we had a new form of transportation energy. But, no, we have failed to do the right things, and as a result of that, the American consumer is, in fact, paying a great deal for our failure.

What do we do to change that? Instead of just wringing our hands, there are all kinds of ideas out there about changing it.

Some would suggest that you just tax the big oil companies; if you just tax those big oil companies and put that money somewhere else, that will solve the problem. There is an old adage in economics that is quite simple: You usually get less of that which you tax. In other words, the higher you tax something, the less you are going to get from it. Do you want to, by taxation, nationalize America's independent oil companies? Is that a way to get production and more oil and gas at the pump? Remember, there are not any gas lines out there today. There aren't the kinds of lines we saw in the 1970s during the last energy crisis. There is supply. It is the cost of supply that we are frustrated about and the impact that cost is having on our economy.

Here is one of the problems we have. I talked about a Congress that failed, a public policy that failed, a policy that failed to continue to produce as demand went dramatically up—not just in this country but around the world.

The blue line on this chart is the supply line. As you can see, in the 1990s it peaked and it began to drop. That is, of course, U.S. production versus U.S. consumption. In other words, as a nation we began to produce less and less crude oil into our refineries.

Today, we are near 60 percent dependent upon other sources of energy, from outside our country, to come into our refineries and to go out of the gas pump to the consumer. In fact, you can see that the red line—demand—has gone up dramatically as our economy continued to grow over the years, as more people were driving cars, and as more cars consumed more gas.

The only way you are going to keep price down is when the supply line and the demand line are somewhat in concert, somewhat tracking each other. That simply stopped in the 1950s, as we began to grow increasingly dependent upon foreign nations.

We passed the Energy Policy Act of 2005, but it wasn't really directed at transportation fuels. Last year, we added to that and we began to address transportation fuels. We brought ethanol into the market by subsidizing that and allowing our farmers, and those who take corn from them, to produce ethanol to become increasingly effective in the market. That is working to some degree. In fact, it is estimated today that 20 cents would be put on the price of gas at the pump if it wasn't for national and rural ethanol production. Now, it has caused other problems. Some would argue that it has caused problems in the food chain, and it probably has. I think the marketplace will work that out. So there are things we have been doing.

But I think, most importantly, it is the things we have not done. It is the failure of our country to recognize the increased dependency we were developing from other countries around the world. I think that has become one of our greater frustrations. While you have some on the campaign trail today talking about taxing the big oil companies, the big oil companies don't own the oil. It is the cartels. It is the nations. It is not oil companies, it is oil countries that we have to worry about today.

I didn't coin the phrase, but I use the phrase quite often, "petro-nationalism." If I am a country and I am small but I am sitting on a pool of oil, I become rich overnight. The reason I become rich overnight is because Americans will come and buy my oil. If I want to form a cartel and I want to control the supply of that oil, then they will pay even more for it because Americans quit producing for themselves.

Here is a statistic that I find fascinating, and some have said that if we don't stop this in the near future, we will spend our Nation into poverty as we spend all of this money on oil. We are now spending well over $1 billion a day outside our country to buy oil. That is a phenomenal figure. Our neighbors to the north, we send them $280 million a day; to Saudi Arabia, we send $190 million a day; to Venezuela and Dictator Chavez, we send $160 million; to Nigeria, we send $140 million; to Algeria, we send $70 million. Do

Venezuela and Nigeria and Algeria have our best interests in mind? I don't believe so. They have their own interests in mind. We are literally making them wealthy because we are buying their oil.

Many of us talk about energy independence, and last year when we passed that legislation I was talking about, the Energy Independence and Security Act of 2007, we did some very good things in it. As I said, we looked at increasing production by conservation, by CAFE standards, and by renewable fuels standards. We said to the automobile industry: You have to design cars that burn less, and in doing that, we will improve our overall position on dependency by dropping it significantly by 2030. But it takes a long time to redesign a car, make it efficient, produce it, and then sell it into the market.

Those are the realities of a problem where you cannot just fix this tomorrow. We cannot just change the price of gas at the pump tomorrow because we cannot fix the underlying problems instantly. But as I said earlier, if Congress is at fault, the problem in this, then Congress ought to be doing more about it. And it is not just wringing your hands and wanting to tax. It is doing things that get us back into production while we learn to conserve, while we have cleaner automobiles, while we look at alternative fuel sources, while we get more hybrid cars and electric plug-in cars in the market. That is all coming, but that is 10 years, 15 years, and 20 years out.

What do we do in the interim? I believe there is something we can do, and we ought to do. In America today and in our territorial waters we are sitting still on a lot of oil, a dramatic amount of oil. Some would argue under old U.S. Geological Survey analysis that we are sitting on at least 100 billion barrels of oil. If we are sitting on it, why aren't we using it? Once again, the politics of Congress and the politics of States enter into the debate.

A couple of years ago, I began to talk about an issue I called the no zone. What was I talking about at the time? I was talking about that area of the United States and Outer Continental Shelf of waters that we knew had large volumes of oil. But California said no. We said no in Alaska. We have said no off the east coast. We have said no around Florida. Because we have said no, the American consumer today is paying the highest price for gasoline ever. That is a fact. It is a simple reality. Our dependency on foreign nations grew. As I just expressed, over 60 percent of our oil is coming from outside the continental United States when we know there is a significant amount of oil outside the continent.

When I introduced this chart a couple of years ago and I began to talk about the no zone and there were a few folks wringing their hands, we went to work. We went to work and we looked at oil sales in the gulf and the development in the Outer Continental Shelf in the deep waters of the Gulf of Mexico.

Thanks to our effort, we did something. The American consumer needs to know we went into lease sale 181 off the coast of Florida. We looked at and found a tremendous amount of capability there and we began to develop it and we are developing it today. We have allowed other lease sales to occur. That is tremendously important. We are beginning to tap some of that oil supply that we know is out there and about which we ought to be doing more. That is what I think is important, and that is on what I think we ought to be focused.

To sit and wring our hands and tell the American people there is nothing we can do, and all we are going to do is go out and tax and tax, which will not produce—we ought to be talking about production. The legislation I have introduced today talks about production. It talks about production in a positive way.

I mentioned a few moments ago the action we took last year in lease sale 181. We were successful in bringing Florida along in their cooperation and understanding, which was phenomenally important.

We know there are millions of barrels of oil and trillions of cubic feet of gas out there. What is most significant about oil development in this region is that the infrastructure is in place. What do I mean? Refineries, pipelines, capacity. We don't have to wait 5, 6, and 7 years just to build the infrastructure. It is there, and the oil is under it. That is why we did lease sale 181. But there is a lot more we can and should do. That is why the legislation I have introduced today does just that. It doesn't start drilling, but it says a couple of things that are quite simple.

As we have heard others talk about the fact we are putting money into the Strategic Petroleum Reserve at this time, we are buying oil off the market and putting it underground in the salt domes in the South for a time of necessity, I suggest we stop doing that for the time being, and I suggest we take that money we are using for those purposes and we modernize our inventory of our known reserves, our unknown reserves, and our capacity because the true SPR—SPR means Strategic Petroleum Reserve—the greatest reserve in the world is to know what we have, where it is, and how we can access it. That is one of the most important things we can do for the consumers of America today.

I know it frustrated some of my Floridian friends when I talked about our inability because of policy to allow our companies to go in to the northern area off Cuba and drill because Cuba was allowing other countries to come in and develop. Just 90 miles—45 miles until you hit the zone—90 miles off our coast on the extreme of the Florida Keys there are foreign nations drilling oil today. India is there, and India has now discovered oil. China is there, and China has now discovered oil. We are not there today because our policy is 45 years old and still says: No, no, Americans cannot get involved with Cuba, even though we believe Cuba has phenomenal potential oil reserves. Shame on us.

America, listen up: It is Government policy today in large part that has caused you the pain at the pump, and it is very important that Government act today to reduce that pain.

The legislation I am offering would create an inventory that would do just that. It would allow us to know what our reserves are.

We have moratoriums off the coast of Florida, and yet we know there are huge oil reserves out there. Why are we not doing something about it? Well, it is local politics. It is national politics. It is green politics. It is politics. That is why we have the price of oil we have today, nothing more and nothing less but politics, and our economy is growing more fragile by the moment because of it.

Is it demagogic to say that? I don't think so. I don't think so at all. I pulled out the sign, the no zone. The no is a result of politics, whether it is the politics of the State of Florida or the politics of the State of California or whether it is the national politics of this Senate that will not allow for us to drill for the reserves in what is known as ANWR, the Alaskan national wildlife area, where we know there is phenomenal abundance.

It was all done, all of this no, this political no was all done in the name of the environment. There was some reason at the time these old ideas were put in place. We had the oil spills off the coast of Santa Barbara, and as a result of that, Americans were concerned. So California said no more drilling there, and then we followed up.

A few years ago, we had a great national tragedy in the gulf area of our country. That tragedy was called Katrina. She came rolling up and through the gulf. We know what she did in New Orleans. She did something else nobody wants to talk about today. She knocked offline hundreds of oil wells that were producing out in the gulf—knocked them off. She even set some of the drilling rigs adrift. But not a drop of oil was spilled. Why? Because modern technology today and American know-how and a concern for protecting our environment has produced one of the cleanest deepwater oil drilling industries in the world. We are producing in this area of the gulf off the coast of Texas, off the coast of Louisiana, off the coast of Mississippi, and with 181, we just brought into or soon will be bringing into production off the coast of Alabama. Why not off the coast of Florida? Why not off the coast of California? Why not off the coast of the Carolinas, Virginia, and on up where we believe there is significant gas and oil reserves?

It is old politics of the past that is caught in the ghosts of Santa Barbara of decades ago. Yet our technology today will take us there, but our politics will not take us there. That is why I have introduced the legislation I have. The least we can do is inventory with modern technology to know where our oil is.

I notice the president of Shell said in a press release the other day: If Americans sent a message to the world that we were going to start drilling our own reserves and bringing them into production, the price of gas at the pump would drop dramatically, 25 or 30 cents a gallon or more. That is significant stuff, both short term and long term, to the economy of this country.

I say to my colleagues, I say to our country, and I say to our consumers: Is it a time to act? You bet it is a time to act. While some suggest we tax the big boys out of existence, we do not produce anything by doing that, while we can create all kinds of other structures. Do we produce more, do we build refinery capacity, and do we assure the American public while we are transitioning into hybrid cars and electric cars and hydrogen cars and all of those kinds of activities that we support and are doing research and development on today that they will still have an abundant supply of energy? That is our job. That is the job we failed in doing over the last good number of years, and that is the job we ought to stop and start over and do it right and reward the States that are the boundary States to the production of the Outer Continental Shelf.

We have huge oil reserves in this country, and yet we are letting the rest of the world have our wealth. Why not keep our wealth in this country by the development of these reserves?

The first step is the legislation I have introduced today. Let's at least in the next few years do the inventory, the modern, sophisticated seismographic inventory that USGS can do to let us know how much is out there because what we know today is simply old stuff. Those efforts were done years ago. Already out at the edge of this green line in the deepest waters in the gulf under the newest drilling technologies, we are finding phenomenal oil that just a few years ago we did not even know we could get to. We are getting to it. We are producing it. It is clean, and it is environmentally sound. We ought to be doing that everywhere else.

I have joined my colleague from Louisiana who just came to the floor, who introduced legislation that says when oil gets to $125 a barrel, we ought to give the States the option to allow the development of the Outer Continental Shelf off their State. You darn bet we ought to, and those States ought to be rewarded for it.

There is so much this country can continue to do instead of standing still and wringing our hands and trying to blame somebody else for our failure over the last 20 years to continue to allow this great country to produce for its consumers.

Mr. WARNER. Mr. President, will the Senator yield for 10 seconds?

Mr. CRAIG. I will be happy to yield to the senior Senator from Virginia.

Mr. WARNER. Mr. President, I commend him for this initiative, but I hope he says "oil and gas" because off the east coast there is an abundance of gas, as shown by the previous studies. As he says, they have to be brought up to date. Do let us invoke gas because along the beaches—and I, as the Senator knows, twice tried to get legislation through, and a collection of Senators—and I say this in a lighthearted way; I call them the beach boys—will not permit this for fear that pollution could emanate from the drilling process onto their beaches.

I suggest let's start with gas. There would not be any potential for the erosion of beaches as a consequence of an accidental spill. I do hope the Senator puts in the word "gas."

Mr. CRAIG. Mr. President, I thank the senior Senator from Virginia. He is absolutely right. When I think oil, I think gas because, obviously, in lease sale 181 and in other areas where there is gas, there is oftentimes oil, and oftentimes where there is gas, there is no oil. We believe that to be the case off the coast of Virginia.

The Senator from Virginia has been a leader, without doubt, in that very kind of effort to allow at least the seismographic effort, the exploration that would determine for us the kinds of reserves we have and may have for the future.

I thank the Senator from Virginia for his leadership in this area.

Mr. WARNER. Mr. President, I thank my good friend from Idaho. I also emphasize that the technology to do it safely and not be the victim of a disruption by Mother Nature is there.

Mr. CRAIG. Without question it is there today, and we know that. We are the leaders of clean drilling in deep water for the world, no question.

Mr. WARNER. I thank the Senator. I wish him well. He has my support.

Mr. NELSON of Florida. Mr. President, will the Senator further yield?

Mr. CRAIG. I will be happy to yield to the Senator from Florida.

Mr. NELSON of Florida. Would the Senator mind putting up his map with the State of Florida on it?

Mr. CRAIG. I am more than happy to.

Mr. NELSON of Florida. Would the Senator recognize that the area in yellow there on the west coast of Florida that he indicates for future drilling—would he recognize almost that entire area is the largest testing and training area for the U.S. military in the world? The military is on record at all levels, of all generals and admirals, that drilling should not be done in that area to compromise our training and testing mission for the U.S. military.

Mr. CRAIG. I do recognize that. I do appreciate what our military has said.

I also understand a few years ago we took offline a naval training area in Vieques. Why? It was no longer a popular thing to do.

If there is oil under this area—and we believe there is—and it is a training area, why couldn't we train here? Or why couldn't we train over here? The reality is, what is at this time more valuable?

It is very easy to say don't do it. Or is it possible to say can we do both? There are a good many experts and professionals in the field who said that. We can have a military training area, and guess what we also can do. We can pull the oil out from under. How do you do it? Quite simply. You put a location, a location and you slant drill thousands of feet and you do not have to pepper the area with all kinds of drilling rigs.

Today's technology is amazing. It is politically comfortable, I appreciate that, and I understand the State's politics and I do not deny that—but this is not the oil of the State of Florida. This is the oil of the citizens of our country. It is the politics of Florida today that deny us the oil, not the politics of America. So it is a simple question: Should we inventory it? Should we know what it is? And should we, under modern technology, reward the State of Florida for the potential benefit?

It is ironic we did not move at all to stop drilling 45 miles off the Florida coast. We could even take a 45-mile zone here, or more, consistent with what is going on in Florida today and still protect this.

But the Senator is right. It is a military area. Guess what. I am kind of a modern guy. I believe in technology taking us where we can go and having the best of both worlds. But right now the American consumer has the worst of the world we have created for them—a scarcity of a supply that is driving costs and impacting our economy in a significant way.

I suggest the legislation I have introduced, while it will not impact the State of Florida, will give us a base and an understanding and knowledge of what we have as a reserve. We are spending millions of dollars a day to buy oil and put it in the ground when, in fact, we ought to spend a few million dollars and find out about all the oil we already have.

By Mr. LEVIN (for himself, Mr. COLEMAN, and Mr. OBAMA):

S. 2956. A bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations for criminal gain, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LEVIN. Mr. President, I am introducing today, with my colleagues Senator COLEMAN and Senator OBAMA, the Incorporation Transparency and Law Enforcement Assistance Act. This bill tackles a longstanding homeland security problem involving inadequate State incorporation practices that leave this country unnecessarily vulnerable to terrorists, criminals, and other wrongdoers, hinder law enforcement, and damage the international stature of the U.S.

The problem is straightforward. Each year, the States allow persons to form nearly 2 million corporations and limited liability companies in this country without knowing—or even asking—who the beneficial owners are behind those corporations. Right now, a person forming a U.S. corporation or limited liability company, LLC, provides less information to the State than is required to open a bank account or obtain a driver's license. Instead, States routinely permit persons to form corporations and LLCs under State laws without disclosing the names of any of the people who will control or benefit from them.

It is a fact that criminals are exploiting this weakness in our State incorporation practices. They are forming new U.S. corporations and LLCs, and using these entities to commit crimes ranging from terrorism to drug trafficking, money laundering, tax evasion, financial fraud, and corruption. Law enforcement authorities investigating these crimes have complained loudly for years about the lack of beneficial ownership information.

Last year, for example, the U.S. Department of the Treasury sent a letter to the States stating: "the lack of transparency with respect to the individuals who control privately held for-profit legal entities created in the U.S. continues to represent a substantial vulnerability in the U.S. anti-money laundering/counter terrorist financing, AML/CFT, regime. . . . [T]he use of U.S. companies to mask the identity of criminals presents an ongoing and substantial problem . . . for U.S. and global law enforcement authorities."

Last month, Secretary Michael Chertoff, head of the U.S. Department of Homeland Security, wrote the following: "In countless investigations, where the criminal targets utilize shell corporations, the lack of law enforcement's ability to gain access to true beneficial ownership information slows, confuses or impedes the efforts by investigators to follow criminal proceeds. This is the case in financial fraud, terrorist financing and money laundering investigations. . . . It is imperative that States maintain beneficial ownership information while the company is active and to have a set time frame for preserving those records. . . . Shell companies can be sold and resold to several beneficial owners in the course of a year or less. . . . By maintaining records not only of the initial beneficial ownership but of the subsequent beneficial owners, States will provide law enforcement the tools necessary to clearly identify the individuals who utilized the company at any given period of time."

These types of complaints by U.S. law enforcement, their pleas for assistance, and their warnings about the dangers of anonymous U.S. corporations operating here and abroad are catalogued in a stack of reports and hearing testimony from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and others.

To add insult to injury, our law enforcement officials have too often had to stand silent when asked by their counterparts in other countries for information about who owns a U.S. corporation committing crimes in their jurisdictions. The reality is that the United States is as bad as any offshore jurisdiction when it comes to responding to those requests—we can't answer them because we don't have the information.

In 2006, the leading international anti-money laundering body in the world, the Financial Action Task Force on Money Laundering—known as FATF—issued a report criticizing the U.S. for its failure to comply with a FATF standard requiring countries to obtain beneficial ownership information for the corporations formed under their laws. This standard is one of 40 FATF standards that this country has publicly committed itself to implementing as part of its efforts to promote strong anti-money laundering laws around the world.

FATF gave the U.S. 2 years, until July 2008, to make progress toward coming into compliance with the FATF standard on beneficial ownership information. That deadline is right around the comer, but we have yet to make any real progress. That is another reason why we are introducing this bill today. Enacting the bill would bring the U.S. into compliance with the FATF standard by requiring the States to obtain beneficial ownership information for the corporations formed under their laws. It would ensure that the U.S. met its international commitment to comply with FATF anti-money laundering standards.

The bill being introduced today is the product of years of work by the U.S. Senate Permanent Subcommittee on Investigations, on which I, Senator COLEMAN, and Senator OBAMA serve together. As long ago as 2000, the Government Accountability Office, GAO, at my request, conducted an investigation and released a report entitled, Suspicious Banking Activities: Possible Money Laundering by U.S. Corporations Formed for Russian Entities. This report revealed that one person was able to set up more than 2,000 Delaware shell corporations and, without disclosing the identity of the beneficial owners, open U.S. bank accounts for those corporations, which then collectively moved about $1.4 billion through the accounts. It is one of the earliest Government reports to give some sense of the law enforcement problems caused by U.S. corporations with unknown owners. It sounded the alarm sounded 8 years ago, but to little effect.

In April 2006, in response to a Levin-Coleman request, GAO released a report entitled, Company Formations: Minimal Ownership Information Is Collected and Available, which reviewed the corporate formation laws in all 50 States. GAO disclosed that the vast majority of the States don't collect any information at all on the beneficial owners of the corporations and LLCs formed under their laws. The report also found that many States have established automated procedures that allow a person to form a new corporation or LLC within the State within 24 hours of filing an online application without any prior review of that application by a State official. In exchange for a substantial fee, two States will even form a corporation or LLC within one hour of a request. After examining these State incorporation practices, the GAO report described the problems that the lack of beneficial ownership information has caused for a range of law enforcement investigations.

In November 2006, our Subcommittee held a hearing further exploring this issue. At that hearing, representatives of the U.S. Department of Justice, DOJ, the Internal Revenue Service, and the Department of Treasury's Financial Crimes Enforcement Network, FinCEN, testified that the failure of States to collect adequate information on the beneficial owners of the legal entities they form has impeded Federal efforts to investigate and prosecute criminal acts such as terrorism, money laundering, securities fraud, and tax evasion. At the hearing, DOJ testified: "We had allegations of corrupt foreign officials using these [U.S.] shell accounts to launder money, but were unable—due to lack of identifying information in the corporate records—to fully investigate this area." The IRS testified: "Within our own borders, the laws of some states regarding the formation of legal entities have significant transparency gaps which may even rival the secrecy afforded in the most attractive tax havens." FinCEN identified 768 incidents of suspicious international wire transfer activity involving U.S. shell companies.

In addition, last year, when listing the "Dirty Dozen" tax scams for 2007, the IRS highlighted shell companies with unknown owners as number four on the list, as follows:

> "4. Disguised Corporate Ownership: Domestic shell corporations and other entities are being formed and operated in certain states for the purpose of disguising the ownership of the business or financial activity. Once formed, these anonymous entities can be, and are being, used to facilitate underreporting of income, non-filing of tax returns, listed transactions, money laundering, financial crimes and possibly terrorist financing. The IRS is working with state authorities to identify these entities and to bring their owners into compliance."

That is not all. Dozens of Internet websites advertising corporate formation services highlight the fact that some of our States allow corporations to be formed under their laws without asking for the identity of the beneficial owners. These websites explicitly point to anonymous ownership as a reason to incorporate within the U.S., and often list certain States alongside notorious offshore jurisdictions as preferred locations for the formation of new corporations, essentially providing an open invitation for wrongdoers to form entities within the U.S.

One website, for example, set up by an international incorporation firm, advocates setting up companies in Delaware by saying: "DELAWARE—An Offshore Tax Haven for Non US Residents." It cites as one of Delaware's advantages that: "Owners' names are not disclosed to the state." Another website, from a U.K. firm called "formacompany-offshore.com," lists the advantages to incorporating in Nevada. Those advantages include: "No I.R.S. Information Sharing Agreement" and "Stockholders are not on Public Record allowing complete anonymity."

Despite this type of advertising, years of law enforcement complaints, and mounting evidence of abuse, many of our States are reluctant to admit there is a problem with establishing U.S. corporations and LLCs with unknown owners. Too many of our States are eager to explain how quick and easy it is to set up corporations within their borders, without acknowledging that those same quick and easy procedures enable wrongdoers to utilize U.S. corporations in a variety of crimes and tax dodges both here and abroad.

Since 2006, the Subcommittee has worked with the States to encourage them to recognize the homeland security problem they've created and to come up with their own solution. After the Subcommittee's hearing on this issue, for example, the National Association of Secretaries of State, NASS, convened a 2007 task force to examine State incorporation practices. At the request of NASS and several States, I delayed introducing legislation while they worked on a proposal to require the collection of beneficial ownership information. My Subcommittee staff participated in multiple conferences, telephone calls, and meetings; suggested key principles; and provided comments to the Task Force.

In July 2007, the NASS task force issued a proposal. Rather than cure the problem, however, the proposal was full of deficiencies, leading the Treasury Department to state in a letter that the NASS proposal "falls short" and "does not fully address the problem of legal entities masking the identity of criminals."

Among other shortcomings, the NASS proposal does not require States to obtain the names of the natural individuals who would be the beneficial owners of a U.S. corporation or LLC. Instead, it would allow States to obtain a list of a company's "owners of record" who can be, and often are, offshore corporations or trusts. The NASS proposal also doesn't require the States themselves to maintain the beneficial ownership information, or to supply it to law enforcement upon receipt of a subpoena or summons. The proposal also fails to require the beneficial ownership information to be updated over time. These and other flaws in the proposal have been identified by the Treasury Department, the Department of Justice, myself, and others, but NASS has given no indication that the flaws will be corrected.

It is deeply disappointing that the States, despite the passage of more than one year, have been unable to devise an effective proposal. Part of the difficulty is that the States have a wide range of practices, differ on the extent to which they rely on incorporation fees as a major source of revenue, and differ on the extent to which they attract non-U.S. persons as incorporators. In addition, the States are competing against each other to attract persons who want to set up U.S. corporations, and that competition creates pressure for each individual State to favor procedures that allow quick and easy incorporations. It is a classic case of competition causing a race to the bottom, making it difficult for any one State to do the right thing and request the names of the beneficial owners.

That is why we are introducing Federal legislation today. Federal legislation is needed to level the playing field among the States, set minimum standards for obtaining beneficial ownership information, put an end to the practice of States forming millions of legal entities each year without knowing who is behind them, and bring the U.S. into compliance with its international commitments.

The bill's provisions would require the States to obtain a list of the beneficial owners of each corporation or LLC formed under their laws, to maintain this information for 5 years after the corporation is terminated, and to provide the information to law enforcement upon receipt of a subpoena or summons. If enacted, this bill would ensure, for the first time, that law enforcement seeking beneficial ownership information from a State about one of its corporations or LLCs would not be turned away empty-handed.

The bill would also require corporations and LLCs to update their beneficial ownership information in an annual filing with the State of incorporation. If a State did not require an annual filing, the information would have to be updated each time the beneficial ownership changed.

In the special case of U.S. corporations formed by non-U.S. persons, the bill would go farther. Following the lead of the Patriot Act which imposed additional due diligence requirements on certain financial accounts opened by non-U.S. persons, our bill would require additional due diligence for corporations beneficially owned by non-U.S. persons. This added due diligence would have to be performed—not by the States—but by the persons seeking to establish the corporations. These incorporators would have to file with the State a written certification from a corporate formation agent residing within the State attesting to the fact that the agent had verified the identity of the non-U.S. beneficial owners of the corporation by obtaining their names, addresses, and passport photographs. The formation agent would be required to retain this information for a specified period of time and produce it upon request.

The bill would not require the States to verify the ownership information provided to them by a formation agent, corporation, LLC, or other person filing an incorporation application. Instead, the bill would establish Federal civil and criminal penalties for anyone who knowingly provided a State with false beneficial ownership information or intentionally failed to provide the State with the information requested.

The bill would also exempt certain corporations from the disclosure obligation. For example, it would exempt all publicly-traded corporations and the entities they form, since these corporations are already overseen by the Security and Exchange Commission SEC. It would also allow the States, with the written concurrence of the Homeland Security Secretary and the U.S. Attorney General, to identify certain corporations, either individually or as a class, that would not have to list their beneficial owners, if requiring such ownership information would not serve the public interest or assist law enforcement in their investigations. These exemptions are expected to be narrowly drafted and rarely granted, but are intended to provide the States and Federal law enforcement added flexibility to fine-tune the disclosure obligation and focus it where it is most needed to stop crime, tax evasion, and other wrongdoing.

Another area of flexibility in the bill involves privacy issues. The bill deliberately does not take a position on the issue of whether the States should make the beneficial ownership information they receive available to the public. Instead, the bill leaves it entirely up to the States to decide whether and under what circumstances to make beneficial ownership information available to the public. The bill explicitly permits the States to place restrictions on providing beneficial ownership information to persons other than government officials. The bill focuses instead only on ensuring that law enforcement and Congress, when equipped with a subpoena or summons, are given ready access to the beneficial ownership information collected by the States.

To ensure that the States have the funds needed to meet the new beneficial ownership information requirements, the bill makes it clear that States can use their DHS State grant funds for this purpose. Every State is guaranteed a minimum amount of DHS grant funds every year and may receive funds substantially above that minimum. Every State will be able to use all or a portion of these funds to modify their incorporation practices to meet the requirements in the Act. The bill also authorizes DHS to use appropriated funds to carry out its responsibilities under the Act. These provisions will ensure that the States have the funds needed for the modest compliance costs involved with amending their incorporation forms to request the names of beneficial owners.

It is common for bills establishing Federal standards to seek to ensure State action by making some Federal funding dependent upon a State's meeting the specified standards. This bill, however, states explicitly that nothing in the bill authorizes DHS to withhold funds from a State for failing to modify its incorporation practices to meet the beneficial ownership information requirements in the Act. Instead, the bill simply calls for a GAO report in 2012 to identify which States, if any, have failed to strengthen their incorporation practices as required by the Act. After getting this status report, a future Congress can decide what steps to take, including whether to reduce any DHS funding going to the noncompliant States.

Finally, the bill would require the U.S. Department of the Treasury to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or LLCs for criminals or other wrongdoers. GAO would also be asked to conduct a study of existing State formation procedures for partnerships and trusts.

We have worked hard to craft a bill that would address, in a fair and reasonable way, the homeland security problem created by States allowing the formation of millions of U.S. corporations and LLCs with unknown owners. What the bill comes down to is a simple requirement that States change their incorporation applications to add a question requesting the names and addresses of the prospective beneficial owners. That is not too much to ask to protect this country and the international community from U.S. corporations engaged in wrongdoing and to help law enforcement track down the wrongdoers.

For those who say that, if the United States tightens its incorporation rules, new companies will be formed elsewhere, it is appropriate to ask exactly where they will go? Every country in the European Union is already required to get beneficial information for the corporations formed under their laws. Most offshore jurisdictions already request this information as well, including the Bahamas, Cayman Islands, Jersey, and the Island of Man. Our States should be asking for the same ownership information, but they don't, and there is no indication that they will any time in the near future, unless required to do so.

I wish Federal legislation weren't necessary. I wish the States could solve this homeland security problem on their own, but ongoing competitive pressures make it unlikely that the States will reach agreement. We have waited more than a year already with no real progress to show for it, despite repeated pleas from law enforcement.

Federal legislation is necessary to reduce the vulnerability of the United States to wrongdoing by U.S. corporations with unknown owners, to protect interstate and international commerce from criminals misusing U.S. corporations, to strengthen the ability of law enforcement to investigate suspect U.S. corporations, to level the playing field among the States, and to bring the U.S. into compliance with its international anti-money laundering obligations.

There is also an issue of consistency. For years, I have been fighting offshore corporate secrecy laws and practices that enable wrongdoers to secretly control offshore corporations involved in money laundering, tax evasion, and other misconduct. I have pointed out on more than one occasion that corporations were not created to hide ownership, but to shield owners from personal liability for corporate acts. Unfortunately, today, the corporate form has too often been corrupted into serving those wishing to conceal their identities and commit crimes or dodge taxes without alerting authorities. It is past time to stop this misuse of the corporate form. But if we want to stop inappropriate corporate secrecy offshore, we need to stop it here at home as well.

For these reasons, I urge my colleagues to support this legislation and put an end to incorporation practices that promote corporate secrecy and render the United States and other countries vulnerable to abuse by U.S. corporations with unknown owners.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

S. 2956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Incorporation Transparency and Law Enforcement Assistance Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Nearly 2,000,000 corporations and limited liability companies are being formed under the laws of the States each year.

(2) Very few States obtain meaningful information about the beneficial owners of the corporations and limited liability companies formed under their laws.

(3) A person forming a corporation or limited liability company within the United States typically provides less information to the State of incorporation than is needed to obtain a bank account or driver's license and typically does not name a single beneficial owner.

(4) Criminals have exploited the weaknesses in State formation procedures to conceal their identities when forming corporations or limited liability companies in the United States, and have then used the newly created entities to commit crimes affecting interstate and international commerce such as terrorism, drug trafficking, money laundering, tax evasion, securities fraud, financial fraud, and acts of foreign corruption.

(5) Law enforcement efforts to investigate corporations and limited liability companies suspected of committing crimes have been impeded by the lack of available beneficial ownership information, as documented in reports and testimony by officials from the Department of Justice, the Department of Homeland Security, the Financial Crimes Enforcement Network of the Department of the Treasury, the Internal Revenue Service, and the Government Accountability Office, and others.

(6) In July 2006, a leading international anti-money laundering organization, the Financial Action Task Force on Money Laundering (in this section referred to as the "FATF"), of which the United States is a member, issued a report that criticizes the United States for failing to comply with a FATF standard on the need to collect beneficial ownership information and urged the United States to correct this deficiency by July 2008.

(7) In response to the FATF report, the United States has repeatedly urged the

States to strengthen their incorporation practices by obtaining beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.

(8) Many States have established automated procedures that allow a person to form a new corporation or limited liability company within the State within 24 hours of filing an online application, without any prior review of the application by a State official. In exchange for a substantial fee, 2 States will form a corporation within 1 hour of a request.

(9) Dozens of Internet websites highlight the anonymity of beneficial owners allowed under the incorporation practices of some States, point to those practices as a reason to incorporate in those States, and list those States together with offshore jurisdictions as preferred locations for the formation of new corporations, essentially providing an open invitation to criminals and other wrongdoers to form entities within the United States.

(10) In contrast to practices in the United States, all countries in the European Union are required to identify the beneficial owners of the corporations they form.

(11) To reduce the vulnerability of the United States to wrongdoing by United States corporations and limited liability companies with unknown owners, to protect interstate and international commerce from criminals misusing United States corporations and limited liability companies, to strengthen law enforcement investigations of suspect corporations and limited liability companies, to set minimum standards for and level the playing field among State incorporation practices, and to bring the United States into compliance with its international anti-money laundering obligations, Federal legislation is needed to require the States to obtain beneficial ownership information for the corporations and limited liability companies formed under the laws of such States.

SEC. 3. TRANSPARENT INCORPORATION PRACTICES.

(a) TRANSPARENT INCORPORATION PRACTICES.—

(1) IN GENERAL.—Subtitle A of title XX of the Homeland Security Act of 2002 (6 U.S.C. 601 et seq.) is amended by adding at the end the following:

"SEC. 2009. TRANSPARENT INCORPORATION PRACTICES.

"(a) INCORPORATION SYSTEMS.—

"(1) IN GENERAL.—To protect the security of the United States, each State that receives funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2011, use an incorporation system that meets the following requirements:

"(A) Each applicant to form a corporation or limited liability company under the laws of the State is required to provide to the State during the formation process a list of the beneficial owners of the corporation or limited liability company that—

"(i) identifies each beneficial owner by name and current address; and

"(ii) if any beneficial owner exercises control over the corporation or limited liability company through another legal entity, such as a corporation, partnership, or trust, identifies each such legal entity and each such beneficial owner who will use that entity to exercise control over the corporation or limited liability company.

"(B) Each corporation or limited liability company formed under the laws of the State is required by the State to update the list of the beneficial owners of the corporation or limited liability company by providing the information described in subparagraph (A)—

"(i) in an annual filing with the State; or

"(ii) if no annual filing is required under the law of that State, each time a change is made in the beneficial ownership of the corporation or limited liability company.

"(C) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State is required to be maintained by the State until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates under the laws of the State.

"(D) Beneficial ownership information relating to each corporation or limited liability company formed under the laws of the State shall be provided by the State upon receipt of—

"(i) a civil or criminal subpoena or summons from a State agency, Federal agency, or congressional committee or subcommittee requesting such information; or

"(ii) a written request made by a Federal agency on behalf of another country under an international treaty, agreement, or convention, or section 1782 of title 28, United States Code.

"(2) NON-UNITED STATES BENEFICIAL OWNERS.—To further protect the security of the United States, each State that accepts funding from the Department under section 2004 shall, not later than the beginning of fiscal year 2011, require that, if any beneficial owner of a corporation or limited liability company formed under the laws of the State is not a United States citizen or a lawful permanent resident of the United States, each application described in paragraph (1)(A) and each update described in paragraph (1)(B) shall include a written certification by a formation agent residing in the State that the formation agent—

"(A) has verified the name, address, and identity of each beneficial owner that is not a United States citizen or a lawful permanent resident of the United States;

"(B) has obtained for each beneficial owner that is not a United States citizen or a lawful permanent resident of the United States a copy of the page of the government-issued passport on which a photograph of the beneficial owner appears;

"(C) will provide proof of the verification described in subparagraph (A) and the photograph described in subparagraph (B) upon request; and

"(D) will retain information and documents relating to the verification described in subparagraph (A) and the photograph described in subparagraph (B) until the end of the 5-year period beginning on the date that the corporation or limited liability company terminates, under the laws of the State.

"(b) PENALTIES FOR FALSE BENEFICIAL OWNERSHIP INFORMATION.—In addition to any civil or criminal penalty that may be imposed by a State, any person who affects interstate or foreign commerce by knowingly providing, or attempting to provide, false beneficial ownership information to a State, by intentionally failing to provide beneficial ownership information to a State upon request, or by intentionally failing to provide updated beneficial ownership information to a State—

"(1) shall be liable to the United States for a civil penalty of not more than $10,000; and

"(2) may be fined under title 18, United States Code, imprisoned for not more than 3 years, or both.

"(c) FUNDING AUTHORIZATION.—To carry out this section—

"(1) a State may use all or a portion of the funds made available to the State under section 2004; and

"(2) the Administrator may use funds appropriated to carry out this title, including unobligated or reprogrammed funds, to enable a State to obtain and manage beneficial ownership information for the corporations and limited liability companies formed under the laws of the State, including by funding measures to assess, plan, develop, test, or implement relevant policies, procedures, or system modifications.

"(d) STATE COMPLIANCE REPORT.—Nothing in this section authorizes the Administrator to withhold from a State any funding otherwise available to the State under section 2004 because of a failure by that State to comply with this section. Not later than June 1, 2012, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report identifying which States are in compliance with this section and, for any State not in compliance, what measures must be taken by that State to achieve compliance with this section.

"(e) DEFINITIONS.—In this section:

"(1) BENEFICIAL OWNER.—The term 'beneficial owner' means an individual who has a level of control over, or entitlement to, the funds or assets of a corporation or limited liability company that, as a practical matter, enables the individual, directly or indirectly, to control, manage, or direct the corporation or limited liability company.

"(2) CORPORATION; LIMITED LIABILITY COMPANY.—The terms 'corporation' and 'limited liability company'—

"(A) have the meanings given such terms under the laws of the applicable State;

"(B) do not include any business concern that is an issuer of a class of securities registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) or that is required to file reports under section 15(d) of that Act (15 U.S.C. 78o(d)), or any corporation or limited liability company formed by such a business concern;

"(C) do not include any business concern formed by a State, a political subdivision of a State, under an interstate compact between 2 or more States, by a department or agency of the United States, or under the laws of the United States; and

"(D) do not include any individual business concern or class of business concerns which a State, after obtaining the written concurrence of the Administrator and the Attorney General of the United States, has determined in writing should be exempt from the requirements of subsection (a), because requiring beneficial ownership information from the business concern would not serve the public interest and would not assist law enforcement efforts to detect, prevent, or punish terrorism, money laundering, tax evasion, or other misconduct.

"(3) FORMATION AGENT.—The term 'formation agent' means a person who, for compensation, acts on behalf of another person to assist in the formation of a corporation or limited liability company under the laws of a State.".

(2) TABLE OF CONTENTS.—The table of contents in section 1 of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 2008 the following:

"Sec. 2009. Transparent incorporation practices.".

(b) EFFECT ON STATE LAW.—

(1) IN GENERAL.—This Act and the amendments made by this Act do not supersede, alter, or affect any statute, regulation, order, or interpretation in effect in any State, except where a State has elected to receive funding from the Department of Homeland Security under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605), and then only to the extent that such State statute, regulation, order, or interpretation is inconsistent with this Act or an amendment made by this Act.

(2) NOT INCONSISTENT.—A State statute, regulation, order, or interpretation is not inconsistent with this Act or an amendment made by this Act if such statute, regulation, order, or interpretation—

(A) requires additional information, more frequently updated information, or additional measures to verify information related to a corporation, limited liability company, or beneficial owner, than is specified under this Act or an amendment made by this Act; or

(B) imposes additional limits on public access to the beneficial ownership information obtained by the State than is specified under this Act or an amendment made by this Act.

SEC. 4. ANTI-MONEY LAUNDERING OBLIGATIONS OF FORMATION AGENTS.

(a) ANTI-MONEY LAUNDERING OBLIGATIONS OF FORMATION AGENTS.—Section 5312(a)(2) of title 31, United States Code, is amended—

(1) in subparagraph (Y), by striking "or" at the end;

(2) by redesignating subparagraph (Z) as subparagraph (AA); and

(3) by inserting after subparagraph (Y) the following:

"(Z) any person involved in forming a corporation, limited liability company, partnership, trust, or other legal entity; or".

(b) DEADLINE FOR ANTI-MONEY LAUNDERING RULE FOR FORMATION AGENTS.—

(1) PROPOSED RULE.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Attorney General of the United States, the Secretary of Homeland Security, and the Commissioner of the Internal Revenue Service, shall publish a proposed rule in the Federal Register requiring persons described in section 5312(a)(2)(Z) of title 31, United States Code, as amended by this section, to establish anti-money laundering programs under subsection (h) of section 5318 of that title.

(2) FINAL RULE.—Not later than 270 days after the date of enactment of this Act, the Secretary of the Treasury shall publish the rule described in this subsection in final form in the Federal Register.

SEC. 5. STUDY AND REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report—

(1) identifying each State that has procedures that enable persons to form or register under the laws of the State partnerships, trusts, or other legal entities, and the nature of those procedures;

(2) identifying each State that requires persons seeking to form or register partnerships, trusts, or other legal entities under the laws of the State to provide information about the beneficial owners (as that term is defined in section 2009 of the Homeland Security Act of 2002, as added by this Act) or beneficiaries of such entities, and the nature of the required information;

(3) evaluating whether the lack of available beneficial ownership information for partnerships, trusts, or other legal entities—

(A) raises concerns about the involvement of such entities in terrorism, money laundering, tax evasion, securities fraud, or other misconduct; and

(B) has impeded investigations into entities suspected of such misconduct; and

(4) evaluating whether the failure of the United States to require beneficial ownership information for partnerships and trusts formed or registered in the United States has elicited international criticism and what steps, if any, the United States has taken or is planning to take in response.

SUMMARY OF INCORPORATION TRANSPARENCY AND LAW ENFORCEMENT ASSISTANCE ACT, MAY 1, 2008

To protect the United States from U.S. corporations being misused to commit terrorism, money laundering, tax evasion, or other misconduct, the Incorporation Transparency and Law Enforcement Assistance Act would:

Beneficial Ownership Information. Require the States to obtain a list of the beneficial owners of each corporation or limited liability company (LLC) formed under their laws, ensure this information is updated annually, and provide the information to civil or criminal law enforcement upon receipt of a subpoena or summons.

Non-U.S. Beneficial Owners. Require corporations and LLCs with non-U.S. beneficial owners to provide a certification from an in-State formation agent that the agent has verified the identity of those owners.

Penalties for False Information. Establish civil and criminal penalties under federal law for persons who knowingly provide false beneficial ownership information or intentionally fail to provide required beneficial ownership information to a State.

Exemptions. Provide exemptions for certain corporations, including publicly traded corporations and the corporations and LLCs they form, since the Securities and Exchange Commission already oversees them; and corporations which a State has determined, with concurrence from the Homeland Security and Justice Departments, should be exempt because requiring beneficial ownership information from them would not serve the public interest or assist law enforcement.

Funding. Authorize States to use an existing DHS grant program, and authorize DHS to use already appropriated funds, to meet the requirements of this Act.

State Compliance Report. Clarify that nothing in the Act authorizes DHS to withhold funds from a State for failing to comply with the beneficial ownership requirements. Require a GAO report by 2012 identifying which States are not in compliance so that a future Congress can determine at that time what steps to take.

Transition Period. Give the States until October 2011 to require beneficial ownership information for the corporations and LLCs formed under their laws.

Anti-Money Laundering Rule. Require the Treasury Secretary to issue a rule requiring formation agents to establish anti-money laundering programs to ensure they are not forming U.S. corporations or other entities for criminals or other suspect persons.

GAO Study. Require GAO to complete a study of State beneficial ownership information requirements for in-state partnerships and trusts.

By Mr. LIEBERMAN:

S. 2957. A bill to modernize credit union net worth standards, advance credit union efforts to promote economic growth, and modify credit union regularity standards and reduce burdens, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. LIEBERMAN. Mr. President today more than ever, credit unions are a critical component of our nation's financial landscape. At a time when most financial institutions are retreating from the credit markets, credit unions are among the few lenders in the financial industry demonstrating resiliency and strength. For example, while many mortgage lenders are struggling to stay afloat, the delinquency rate on mortgages issued by credit unions is less than one percent, and credit unions are still lending. Nonetheless, certain outdated regulatory rules impede the ability of credit unions to effectively carry out their role as savings and lending institutions for local communities and small businesses. Because I believe that credit unions are a stabilizing force in the domestic economy and play an important role in providing financial services to local community and underserved groups, I am introducing the Credit Union Regulatory Improvements Act of 2008, CURIA.

The health of credit unions in today's turbulent economy is attributable to a business model that differs significantly from that of other financial institutions. Similar to banks and thrifts, credit unions act as intermediaries in the market for consumer finance. Credit unions, however, are governed by certain rules that take into account their position as cooperative lenders. Notably, credit unions operate as tax-exempt, nonprofit institutions. All credit union earnings are retained as capital or returned to members in the form of higher interest rates on savings accounts, lower interest rates on loans, and other financial benefits. Second, credit unions are member-owned with each member entitled to one vote in selecting board members and other decisions. Third, credit unions do not issue capital stock. Rather, credit unions create capital by retaining earnings. Fourth, credit unions rely on volunteer, generally unpaid boards of directors elected from the membership. Lastly, credit unions are limited to accepting members identified in a credit union's articulated field of membership—usually reflecting occupational, associational, or geographical links or affinity.

In short, through a cooperative ownership structure, credit unions offer access to financial services to millions of Americans. As a result of strong ties to their communities, credit unions help meet local needs, and in the process, encourage economic growth, job creation, savings, and opportunities for small business owners. At the end of 2007, over 88 million individuals were members of state or federally charted credit unions in the United States, including close to a million individuals in the State of Connecticut.

The legislation I am introducing will help modernize the Federal Credit Union Act, bringing antiquated rules into the era of twenty-first century consumer finance. CURIA would remove several instances of statutory micromanagement that place unreasonable constraints on the ability of credit unions and their boards to function efficiently and in the best interests of their members. The first title would update current capital requirements by implementing recommendations from the National Credit Union Administration, NCUA, the Federal regulatory body that oversees credit unions. For purposes of setting capital requirements, CURIA would implement a rigorous, two-part net worth test that would more closely track an institution's actual asset risk. The second title would promote community development and local economic growth by providing for modest expansion in credit union business lending. The title also includes provisions that would permit credit unions to extend services to areas with high unemployment and low incomes. The third title would provide credit unions with relief from outdated regulatory burdens by authorizing the NCUA to increase maximum loan terms and raise interest rate ceilings in response to sustained increases in prevailing market interest rate levels. The title would further allow greater credit union investment in credit union service organizations, allow limited investments in securities, and update credit union governance rules.

Vigorous competition among financial service providers, new technology, and globalization have resulted in a financial marketplace where the products and actors are evolving at a much more rapid rate than the statutes and regulations that govern them. While recent events demonstrate that we must be prudent in our approach to financial regulation, we must not allow our rules to unjustifiably constrain those actors, such as credit unions, that contribute to financial stability, community development, and long-term growth. The Credit Union Regulatory Improvements Act is an important step toward modernizing and calibrating our financial regulatory rules, I encourage my colleagues to support it.

Mr. President, I ask unanimous consent a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

THE CREDIT UNION REGULATORY IMPROVEMENTS ACT OF 2008

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 would establish the short title of the bill as the Credit Union Regulatory Improvements Act of 2008.

TITLE I: CAPITAL REFORM

Section 101. Amendments to net worth categories

The Federal Credit Union Act presently specifies the amount of capital credit unions must hold in order to protect their safety and soundness and the solvency of the National Credit Union Share Insurance Fund ("Insurance Fund"). Many experts, however, have noted that this capital allocation system is inefficient and does not appropriately account for risk. Section 101 incorporates recent recommendations of the National Credit Union Administration, NCUA, to provide a two-tier capital and Prompt Corrective Action, PCA, system for federally insured credit unions involving complementary leverage and risk-based minimum capital requirements. Under the proposed system, a well capitalized credit union must maintain a leverage net worth ratio of 5.25% and a minimum risk-based ratio of 10%. When a credit union's capital deposit to the Insurance Fund (equal to 1% of insured deposits) is added, a credit union's total net worth would equal or exceed the capital requirements for FDIC-insured banks and thrifts.

Section 102. Amendments relating to risk-based net worth categories

Currently, only federally insured credit unions that are considered "complex" must meet a risk-based net worth requirement under the Federal Credit Union Act. Section 102 would instead require all federally insured credit unions to meet a risk-based net worth requirement, and it directs the Board to take into account comparable risk standards for FDIC-insured institutions when designing the risk-based requirements appropriate to credit unions.

Section 103. Treatment based on other criteria

Section 103 would permit the NCUA Board to delegate to regional directors the authority to lower by one level a credit union's net worth category for reasons related to interest-rate risk not captured in the risk-based ratios, with any regional action subject to Board review.

Section 104. Definitions relating to net worth

Net worth, for purposes of prompt corrective action, is currently defined as a credit union's retained earnings balance under generally accepted accounting principles. Section 104 would make three important revisions to this definition. First, it clarifies that credit union net worth ratios must be calculated without a credit union's capital deposit with the Insurance Fund. Second, it provides a new definition for "risk-based net worth ratio" as the ratio of the net worth of the credit union to the risk assets of the credit union. Third, it would permit the NCUA to impose additional limitations on the secondary capital accounts used to determine net worth for low-income community credit unions where necessary to address safety and soundness concerns.

SECTION 105. AMENDMENTS RELATING TO NET WORTH RESTORATION PLANS

Section 105 would provide the NCUA Board with authority to waive temporarily the requirement to implement a net worth restoration plan for a credit union that becomes undercapitalized due to disruption of its operations by a natural disaster or a terrorist act. It would further permit the Board to require any credit union that is no longer well capitalized to implement a net worth restoration plan if it determines the loss of capital is due to safety and soundness concerns and those concerns remain unresolved by the credit union.

This section would also modify the required actions of the Board in the case of critically undercapitalized credit unions in several ways. First, it would authorize the Board to issue an order to a critically undercapitalized credit union. Second, the timing of the period before appointment of a liquidating agent could be shortened. Third, the section would clarify the coordination requirement with state officials in the case of state-chartered credit unions.

TITLE II: ECONOMIC GROWTH

Section 201. Limits on member business loans

Section 201 would increase the current arbitrary asset limit on credit union member business loans from the lesser of 1.75 times actual net worth or 1.75 percent times net worth for a well-capitalized credit union (12.25% of total assets) to a flat limit of 20% of the total assets of a credit union. This update would facilitate added member business lending without jeopardizing safety and soundness at participating credit unions, as the 20% cap would still be equal to or stricter than business lending caps imposed on other depository institutions.

Section 202. Definition of member business loans

Section 202 would give NCUA the authority to exclude loans of $100,000 or less as de minimis, rather than the current $50,000 exclusion, from calculation of the 20% cap on member business loans. This change would thus facilitate the ability of credit unions to make additional loans and encourage them to make very small business loans. It also builds upon the findings in a 2001 study by the Treasury Department that found that ". . . credit union member business loans share many characteristics of consumer loans" and that ". . . these loans are generally smaller and fully collateralized, and borrower risk profiles are more easily determined."

Section 203. Restrictions on member business loans

Section 203 would modify language in the Federal Credit Union Act that currently prohibits a credit union from making any new member business loans if its net worth falls below 6 percent. This change would permit the NCUA to determine if such a policy is appropriate and to oversee all member business loans granted by an undercapitalized institution.

Section 204. Member business loan exclusion for loans to non-profit religious organizations

To facilitate the ability of credit unions to support the community development activities of non-profit religious institutions, Section 204 would exclude loans or loan participations by credit unions to non-profit religious organizations from the member business loan limits contained in the Federal Credit Union Act.

Section 205. Credit unions authorized to lease space in buildings in underserved areas

In order to enhance the ability of federal credit unions to assist underserved communities with their economic revitalization efforts, Section 205 would allow a credit union to lease space in a building or on property on which it maintains a physical presence in an underserved area to other parties on a more permanent basis. It would also permit a federal credit union to acquire, construct, or refurbish a building in an underserved community, then lease out excess space in that building.

Section 206. Amendments relating to credit union service to underserved areas

Section 206 would revise a provision of the 1998 Credit Union Membership Access Act that has been incorrectly interpreted as permitting only federal credit unions with multiple common bond charters to expand services to individuals and groups living or working in areas of high unemployment and below median incomes that typically are underserved by other depository institutions. The change would reestablish prior NCUA policy of permitting all federal credit unions, regardless of charter type, to expand services to eligible communities that the Treasury Department determines meet income, unemployment and other distress criteria.

Section 207. Underserved areas defined

Section 207 would expand the criteria for determining whether a community or rural area qualifies as an underserved area. The definition of a qualified underserved area includes not only areas currently eligible as "investment areas" under the Treasury Department's Community Development Financial Institutions (CDFI) program, but also census tracts qualifying as "low income areas" under the New Markets Tax Credit targeting formula adopted by Congress in 2000.

TITLE III: REGULATORY MODERNIZATION

Section 301. Investments in securities by federal credit unions

The Federal Credit Union Act presently limits the investment authority of federal credit unions to loans, government securities, deposits in other financial institutions, and certain other limited investments. Section 301 would provide additional investment authority to allow credit unions to purchase for the credit union's own account certain investment grade securities. The total amount of the investment securities of any one obligor or maker could not exceed 10% of the credit union's net worth and total investments could not exceed 10% of total assets.

Section 302. Authority of NCUA to establish longer maturities for certain credit union loans

The Federal Credit Union Act was amended in 2006 to allow the NCUA Board to increase the 12-year maturity limit on non-real estate secured loans to 15 years. Section 302 would further provide the Board with additional flexibility to issue regulations providing for loan terms exceeding 15 years for specific types of loans.

Section 303. Increase in 1 percent investment and loan limits in credit union service organizations

The Federal Credit Union Act authorizes federal credit unions to invest in organizations providing services to credit unions and credit union members. Currently, an individual federal credit union may invest in aggregate no more than one percent of its unimpaired capital and surplus in these organizations, commonly known as credit union service organizations or CUSOs. Credit unions also are limited in the amount they may loan to all CUSOs to one percent of unimpaired capital and surplus. Section 303 would double the amount a credit union may invest in all CUSOs, and the aggregate amount it may lend to CUSOs, to two percent of credit union unimpaired capital and surplus.

Section 304. Voluntary mergers involving multiple common bond credit unions

NCUA has identified ambiguous language in the 1998 Credit Union Membership Access Act as creating uncertainty for certain voluntary credit union mergers by requiring that groups of more than 3,000 members be required to start a new credit union rather than be incorporated as a new group within a multiple common-bond credit union. Section 304 would clarify that this numerical limitation would not apply to bar groups of more than 3,000 members that are transferred between two existing credit unions as part of a voluntary merger.

Section 305. Conversions involving certain credit unions to a community charter

In cases when a single or multiple common-bond federal credit union converts to a community credit union charter, there may be groups within the credit union's existing membership that are located outside the new community charter's geographic boundaries, but which desire to remain part of the credit union and can be adequately served by the credit union. Section 305 would require NCUA to establish the criteria whereby it may determine that a member group or other portion of a credit union's existing membership, located outside of the community, can be satisfactorily served and remain within the credit union's field of membership.

Section 306. Credit union governance

Section 306 would provide federal credit union boards the flexibility to expel a member, based on just cause, who is disruptive to the operations of the credit union, including harassing personnel and creating safety concerns, without the need for a two-thirds vote of the membership present at a special meeting as required by current law. The section would also permit federal credit unions to limit the length of service of their boards of directors to ensure broader representation from the membership.

Section 307. Providing the National Credit Union Administration with greater flexibility in responding to market conditions

Currently, the NCUA Board may raise the usury interest rate ceiling on loans by federal credit unions whenever it determines that money market rates have increased over the preceding six-month period and prevailing interest rates threaten the safety and soundness of individual credit unions. Section 307 would give the Board greater flexibility to make such determinations based either on sustained increases in money market interest rates or prevailing market interest rate levels.

Section 308. Credit union conversion voting requirements

Section 308 includes several changes to current law pertaining to credit union conversions to mutual thrift institutions. It would increase the minimum member participation requirement in any vote to approve a conversion to 30% of the credit union's membership. It would require the board of directors of a credit union considering conversion to hold a general membership meeting one month prior to sending out any notices about a conversion vote that contain a voting ballot. It would also prohibit use of raffles, contest, or any other promotions to encourage member voting in a conversion vote.

Section 309. Exemption from pre-merger notification requirement of the Clayton Act

Section 309 would give all federally insured credit unions the same exemption that banks and thrift institutions already have from pre-merger notification requirements and fees for purposes of antitrust review by the Federal Trade Commission under the Clayton Act.

By Mr. DOMENICI (for himself, Mr. BUNNING, Mr. SESSIONS, Mrs. HUTCHISON, Mr. BOND, Mr. INHOFE, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BENNETT, Mr. WICKER, Mr. CHAMBLISS, Mr. STEVENS, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. THUNE, Mr. VOINOVICH, Mr. ALLARD, and Mr. MCCONNELL).

S. 2958. A bill to promote the energy security of the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I have a few remarks about the energy situation I would like to share with the Senate. Two months ago, I came to the floor to deliver a series of speeches on the State of our Nation's energy security. I said then, unequivocally, that our Nation's economic strength had been put in great peril by our growing dependence on foreign oil.

I have been a member of the Energy Committee for 30 years and have served as chairman of that committee, as well as the Budget Committee, for a long period during that time. I have seen my share of serious debate on energy and the economy, and I recognize how vital these issues are to our Nation's well-being.

Unfortunately, in these times of high gas prices and an approaching election, I have also seen my share of not-so-serious debate. The American people deserve better than false promises of short-term fixes, driving season gimmicks, and empty threats to the Middle East.

I said in February—and I say it again today—the American people deserve serious, thoughtful, long-term solutions to our ever-growing energy crisis. If there are short-term solutions, or short-term aids, we ought to share those, too, and get on with adopting them.

Investigating, taxing, and threatening our American oil and gas companies will do nothing to reduce the stranglehold foreign oil dependence has put on our economic strength, national security, and foreign policy agenda.

To blame either side of the aisle for the trouble this Nation is in misses the point. The American people did not send us here to cast blame on one side or the other, and they certainly didn't send us here to put bandaids on serious illnesses that threaten our Nation.

My first year in the Senate was during a Republican administration, when a President set out an aggressive agenda to reduce our Nation's oil imports.

At that time, we were importing 6 million barrels of oil a day, which represented 35 percent of our total oil consumption.

Fast forward 36 years to today. The aggressive agenda through several administrations and Congresses under the control of both parties has failed time and again. Today, we are more than 60 percent dependent on foreign oil which comes from some of the most hostile regimes in the world. Over time, our consumption has grown at a moderate rate, but our imports have more than doubled to 13.4 million barrels per day. The result is a rising cost of energy, a rising threat of disruption in our energy supply, and a rising anger among our already burdened constituents.

As I said today, the average price of gasoline is $3.62 a gallon, an alltime high for the 17th straight day. Crude oil closed above $113 per barrel last night. The average approval rating of Congress has plummeted to 22 percent, and yet we continue to point fingers back and forth.

In the past few years, Congress has achieved significant success in addressing long-term energy security. We passed a 2005 bill that will bring us a nuclear renaissance, a 2006 bill that will bring us greater domestic oil and gas production in the Gulf of Mexico, and a 2007 bill that will bring us increased fuel efficiency. That is a dramatic change in the CAFE standards. These were not little things, and they were hard to do. They were done without finger-pointing and with bipartisan support.

To face this new challenge, however, we must do even more. Debate about energy, oil, and the environment has reached a fever pitch. The challenge of our time will be how we meet a rising demand for energy from the literally billions of new consumers who wish to share in the benefits of a global economy. I think we all know what that means. That means India, China, and other countries are adding to the demand part of the supply-and-demand cycles in mammoth ways. Already, China is moving ahead as one of the largest importers of oil and users of oil in the whole world. Just 10 years ago, or 12, they were hardly on the map. For our Nation's future energy security and the world's, we will need to ensure our supply of energy is reliable, affordable, and abundant.

Today, I introduced the Domestic Energy Production Act of 2008. I ask unanimous consent that title be changed to the American Energy Production Act of 2008.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. I ask that the clerk so change the bill, if they can. If not, the Senator from New Mexico asks for the right to change it.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Madam President, the policies set forth in this bill will begin to move us in the right direction. I urge my colleagues to support its passage and to look at it seriously.

First, the bill allows for States on the Atlantic and Pacific coasts to petition the Federal Government to opt out of the broad moratorium that for two decades has locked up America's assets and forced us to turn toward unstable foreign nations to power our lives. I believe it is time that we ask the Atlantic and Pacific coastal States to take a real look at whether we could drill distances from their shores without doing any harm and adding substantially to the American supply for all our citizens, not just the coastal citizens. I believe the time is ripe. I believe right-headed people will consider that might be a reality. If we were to do it, we were told just that contains literally millions of barrels of crude oil and billions of cubic feet of natural gas for the American energy future.

First, this bill allows these Atlantic and Pacific coasts to petition their Government to opt out, as I said, and these are large quantities of assets that are American. Together, the Atlantic and Pacific Oceans contain oil reserves, and here are the numbers, what we know without doing a detailed reconnaissance. There are reserves of up to 14 billion barrels and natural gas reserves totaling 55 trillion cubic feet. Those are big enough for the American people to demand that everyone who represents States in this Senate look at this, whether they are coastal State Senators or not. America needs an honest evaluation because with these States, if there was no damage—and I believe we can drill without any damage today—we might move in a direction, an honest direction, of reducing dramatically what we must import overseas.

Opening them to leasing would literally bring billions of dollars to the Federal Treasury and billions of dollars to the coastal States because they would share in it 37 percent, as we did with the coastal States of Louisiana, Mississippi, and Texas when we, 2 years ago, did the same thing for Gulf States and opened those areas for drilling. Those States abutting were positively impressed and helped by it because they wanted development and they also wanted to share in the royalties. The new way we build platforms and drill is a far cry from 20 years ago when coastal States were so worried. Actually, we can do it with little or no footprint, little or no seepage or damage, there is no question about it.

Next, the bill opens 2,000 acres of the 19 million acres of the Arctic plain, or ANWR, for oil and gas leasing. In 1995, President Clinton vetoed an ANWR bill, and the price of oil was $19 a barrel. As a result, 1 million barrels of oil continue to sit beneath our ground each day instead of in our gas tanks. I believe the ultimate find, if we are permitted to drill, would be much more than the million barrels, without a question. The footprint is so small, the new directional drilling is so accurate that I believe it deserves an opportunity for the Senate to look again and think again and for the American people to look again and think again with us on what should be done. The price of oil is now $113 a barrel. When we last voted, the price was somewhere above $50 but certainly nothing like this.

Yesterday, I heard a colleague on the other side of the aisle urge OPEC nations to release 500,000 barrels of oil to the global market. Today, in introducing this bill, I respond to my colleagues to release more than 1 million barrels to that supply, from our own lands, by supporting my bill. We don't know how much more we will get if the coastal States join in and begin lifting the moratorium. We may be able to send a message that more than the 500,000 barrels my colleague on the other side sought and far more than the 1 million we would get from Alaska would be released into the American market.

This bill provides for a consolidated permitting process to ease constraints on building refineries in this country. While we improved the capacity over years, we consistently hear the criticism that no new refinery has been built in our country for over 30 years. Our Nation cannot afford to go 30 more years without building additional refineries.

The bill also provides a small measure of relief by suspending delivery to the Strategic Petroleum Reserve. I ask my colleagues to consider their views on certain issues. I remind them that this issue I have reconsidered on my own. I believe it is appropriate in this pricing environment that we stop filling the SPR for up to 6 months, thus providing 70,000 additional barrels of light sweet crude per day. That might have an effect. Although it will be minor, it might be recognizable on the price of oil. I think it is time to do that.

I told the chairman of the Subcommittee on Energy and Water Development, with whom I serve and was the principal sponsor of this, that I would join him in this when he was ready to move on the Senate floor.

By its very nature, this is just a fraction of the oil that will be gained through OCS production. OCS is what I am talking about in the bill I introduced today, and ANWR, oil shale production, and coal-to-liquid production are in this bill. In today's environment, any small amount helps the people of this country.

In the area of alternative resources, this bill requires studies on ethanol to help ensure that smart decisions are made as we move toward cellulosic and other advanced biofuels. This bill provides incentives for the advancement of breakthrough energy technologies, such as battery-powered vehicles. That is important. It is obvious to everyone that we have not moved ahead as rapidly as we should in battery development, and we ought to push hard with our greatest scientists because a change in the right direction there would be a dramatic change in the right direction for automobiles that would be electric-motored and that would be good for our country.

Our Nation is often called the Saudi Arabia of coal, and we should use that domestic resource to help reduce our dependence on foreign oil. This bill creates a mandate for up to 3 billion gallons of clean coal-derived fuels over the next decade and 6 billion gallons over the next 14 years. This will provide diesel and jet fuel to help power our economy and create jobs throughout our coal-producing States.

Additionally, this provision requires that the mandated fuels have life-cycle greenhouse gas emissions no greater than conventional gasoline.

This is a win-win for our economy and our environment. I don't know why it is so violently opposed by some in America. I think they just don't want us to use our own if it means we are going to use it in automobiles, diesel trucks, or the like. I don't understand. If we don't do it, we will be using foreign oil unless and until we find a total new substitute, which will be years from now.

This bill also allows for the long-term procurement of synthetic fuels by the Department of Defense and repeals section 526 of last year's Energy bill. That provision ties greenhouse gas emission requirements to the types of fuels our Air Force can purchase. The practical translation is that in a time of war, this policy would direct our military to purchase oil from the sands of the Middle East rather than the oil sands of Canada.

While this bill takes many steps to strengthen our Nation's energy security, it also repeals several provisions in last year's appropriations bills that threaten to damage our Nation's energy security. At this point, most everyone knows what they are. I will merely mention one of those that is big, and that is a mandate that was imposed on oil shale development in America.

Somebody in conference—I think we know which one but need not say since it is not certain—put a rider on that bill that said the final regulations for shale development have a moratorium imposed. That comes at a time when Shell Oil and others are exploring the great potential of shale converted to oil. I don't see why we should do this. I believe we should take that off and let them proceed. They will be bound by the laws of our land, and obviously, with the high price of crude oil, it is clear to me that they are going to find a way to make oil shale equal to conventional oil and thus usable by Americans as American-produced oil. We should let that happen as rapidly as possible and not deter it. I know some will not agree, but I would think that debate, carried to the American people, would be voted overwhelmingly in favor of letting it happen. That is why we put it in this bill.

Finally, this bill repeals a $4,000 fee for drilling permits. These costs, slipped into a large Omnibus measure without notice or debate, hit the smallest oil and gas companies in our States. Making it more difficult to produce domestic energy for domestic use will only serve to further increase the prices we pay at the pump.

As I complete my final year in the Senate, I look back on the many accomplishments this body has achieved for the American people. This great work has often been done when Members reached across the aisle after thoughtful deliberation, serious debate, and reasoned judgment. I hope, as the Congress makes a serious effort to tackle the energy challenges of our time, that we will address these challenges in the same spirit.

As I said a few months ago on this floor that America faces a serious energy crisis with vital implications for our national security, economic strength, and foreign policy. The American people deserve a serious debate, for our present challenge will require thoughtfulness, vision, and judgment—not just today, but when the cameras are off, the elections are far away, and gas prices subside.

By Mr. FEINGOLD (for himself, Ms.KLOBUCHAR, Mr. TESTER, and Mr. HARKIN):

S. 2959. A bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration; to the Committee on Rules and Administration.

Mr. FEINGOLD. Mr. President, today I will introduce, along with Senators KLOBUCHAR, TESTER, and HARKIN, the Election Day Registration Act of 2008, which would significantly increase voter participation by allowing all eligible citizens to register to vote in Federal elections on Election Day.

In many ways, the machinery of our democracy needs significant repair. We live in an age of low turnout and high cynicism. The American people have lost faith in our election system, in part because they are not confident that their votes will be counted or that the ballot box is accessible to each and every voter regardless of ability, race, or means.

What we see instead are long lines at polling places; faulty voting machines; under-trained, under-paid, over-worked poll workers; partisan election administrators; suspect vote tallies; caging lists; intimidation at the polling place; misleading flyers; illegal voter-file purges; and now, the Supreme Court approving discriminatory voter ID laws. If people cannot trust their elections, why should they trust their elected officials?

Two years ago, Professor Dan Tokaji, a leading election law expert, called for a "moneyball approach to election reform." Named after Michael Lewis's book about the Oakland A's data-driven hiring system, Tokaji's approach is quintessentially progressive, as that term was understood at the turn of the century. "I mean to suggest a research-driven inquiry," Tokaji wrote, "in place of the anecdotal approach that has too often dominated election reform conversations. While anecdotes and intuition have their place, they're no substitute for hard data and rigorous analysis."

This bill embodies the moneyball approach to election reform. In stark contrast to many so-called election reform proposals, this bill addresses a real problem—low voter turnout—it targets a major cause of the problem—archaic registration laws—and it offers a proven solution—Election Day registration.

The bill is very simple: it amends the Help America Vote Act to require every State to allow eligible citizens to register and vote in a Federal election on the day of the election. Voters may register using any form that satisfies the requirements of the National Voter Registration Act, including the Federal mail-in voter registration form and any state's standard registration form. North Dakota, which does not have voter registration, is exempted from the bill's requirements.

The bill itself is simple, but it addresses a significant problem: the low voter turnout that has plagued this country for the last 40 years. We live in a participatory democracy, where our Government derives its power from the consent of the governed, a consent embodied in the people's exercise of their fundamental right to vote. It is self evident that a participatory democracy depends on participation.

This may be a government of the people, but the people are not voting. Since 1968, American political participation has hovered around 50 percent for Presidential elections and 40 percent for congressional elections. Even in 2004, a record-breaking year, turnout was only 55 percent of the voting age population. The U.S. may be the only established democracy where the fact that a little under half of the electorate stayed home is considered cause for celebration.

In fact, our predecessors in the Senate would be surprised to find us celebrating such low turnout: a 1974 report by the Senate Committee on the Post Office and Civil Service bemoaned the "shocking" drop in turnout in the 1972 election. And what was the number that so troubled the Committee—55 percent.

The report went on: "[i]t is the Committee's conviction that our disquieting record of voter participation is in large part due to the hodgepodge of registration barriers put in the way of the voter. Such obstacles have little, if anything, to recommend them. At best, current registration laws in the various states are outmoded and simply inappropriate for a highly mobile population. At worst, registration laws can be construed as a deliberate effort to disenfranchise voters who desperately need entry into the decision-making processes of our country."

What a shame, that the Committee's findings are still valid. Our archaic registration laws have been reformed, but they are still archaic. We have passed a number of important bills designed to combat low turnout, but turnout is still low. America is even more mobile than it was in 1974, and yet our registration laws are still out of touch with the reality that more than 40 million Americans move every year. Worst of all, our registration laws still fall especially hard on the young, the old, and the poor.

We have long known that complicated voter registration requirements constitute one of the major barriers to voting. In fact, many States adopted voter registration in order to prevent certain segments of the population from voting. Alexander Keyssar, the preeminent scholar on the history of the right to vote in this country, writes that although "[r]egistration laws emerged in the nineteenth century as a means of keeping track of voters and preventing fraud; they also served—and were intended to serve—as a means of keeping African-American, working-class, immigrant, and poor voters from the polls."

It is time for a fundamental change. A large body of research tells us that unnecessarily burdensome voter registration requirements are the single largest factor in preventing people from voting. Simply put, voter registration restrictions should not keep eligible Americans from exercising their right to vote. The solution to this problem is Election Day registration.

Decades of empirical research confirm Election Day registration's positive impact on turnout. As one academic paper states, "the evidence on whether EDR augments the electorate is remarkably clear and consistent. Studies finding positive and significant turnout impacts are too numerous to list." Studies indicate that Election Day registration alone increases turnout by roughly 5 to 10 percentage points.

In general, States with Election Day registration boast voter turnout that is 10–12 percentage points higher than States that require voters to register before Election Day. Turnout in Minnesota and Wisconsin, which implemented Election Day registration over 35 years ago, has been especially high: in 2004, for example, 78 percent of eligible Minnesotans and 75 percent of eligible Wisconsinites went to the polls. The last time national voter turnout was above 70 percent, it was 1896, there were only 45 States, and the gold standard was the dominant campaign issue.

Critics might worry about the possibility of fraud, but Election Day registration actually makes the registration process more secure. Voters registering on Election Day do so in the presence of an elections official who verifies the voter's residency and identity on the spot. Mark Ritchie, Minnesota's Secretary of State, points out that Election Day registration "is much more secure because you have the person right in front of you—not a postcard in the mail. That is a no-brainer. We have 33 years of experience with this."

In contrast to most election reforms, the cost of Election Day registration is negligible. A recent survey of 26 local elections officials in six EDR States found that "officials agreed that incidental expense of administering EDR is minimal." In fact, Election Day registration may actually result in a net savings because it significantly reduces the use of provisional ballots. Provisional ballots, which are required by the Help America Vote Act, are expensive to administer. The Congressional Budget Office estimates that provisional ballots cost State and local governments about $25 million a year.

In some states the number of provisional ballots cast is surprisingly large. For example, in 2004, more than 4 percent of California's registered voters cast provisional ballots—that's 644,642 provisional ballots. In Ohio, 157,714 provisional ballots were cast, about 2 percent of all registered voters.

In contrast, in 2004 only 0.03 percent of voters in EDR States cast a provisional ballot. In Wisconsin, only 374 provisional ballots were cast. In Maine, only 95 provisional ballots were cast. In fact, only 952 provisional ballots were cast in all the EDR States combined in 2004. To be sure, this bill is no cure-all: it does not address long lines, deceptive flyers, and faulty voting machines. Other bills, good bills, address those issues.

The bottom line is this: the Election Day Registration Act would substantially increase civic participation, improve the integrity of the electoral process, reduce election administration costs, and reaffirm that voting is a fundamental right. It has been proven effective by more than 30 years of successful implementation in Minnesota and Wisconsin and decades of empirical research. Election Day registration is good for voters, good for taxpayers, and good for democracy.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2959

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Election Day Registration Act".

SEC. 2. ELECTION DAY REGISTRATION.

(a) IN GENERAL.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended—

(1) by redesignating sections 304 and 305 as sections 305 and 306, respectively; and

(2) by inserting after section 303 the following new section:

"SEC. 304. ELECTION DAY REGISTRATION.

"(a) IN GENERAL.—

"(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6), each State shall permit any eligible individual on the day of a Federal election—

"(A) to register to vote in such election at the polling place using a form that meets the requirements under section 9(b) of the National Voter Registration Act of 1993; and

"(B) to cast a vote in such election.

"(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this section, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

"(b) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means any individual who is otherwise qualified to vote in a Federal election in such State.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) for the regularly scheduled general election for Federal office occurring in November 2008 and for any subsequent election for Federal office.".

(b) CONFORMING AMENDMENTS.—

(1) Section 401 of such Act (42 U.S.C. 15511) is amended by striking "and 303" and inserting "303, and 304".

(2) The table of contents of such Act is amended—

(A) by redesignating the items relating to sections 304 and 305 as relating to sections 305 and 306, respectively; and

(B) by inserting after the item relating to section 303 the following new item:

"Sec. 304. Election day registration.".

Ms. KLOBUCHAR. Mr. President, I come to the floor today to speak about a fundamental right in this country: the right to vote. Although it is one of the greatest rights we have built this government on, we have states across the country that still limit that right by not allowing people to vote if they have not met an arbitrary registration deadline. A deadline that is sometimes set months in advance of Election Day. Since 1973, Minnesota has allowed citizens in the state to register to vote on the same day as the election, and, not coincidentally, year after year, my state has the highest voter turnout in the country.

As the Presidential election is fast approaching, we need to ensure that people across the country have the ability to vote when November 4th, 2008, rolls around. This is why, Mr. President, I am happy that this afternoon, Senator FEINGOLD and I introduced legislation that enables voters in every state to register on Election Day for Federal elections. My colleague's home state of Wisconsin, like Minnesota, has put a high price on voter registration, and has allowed Election Day Registration for over 30 years with great success. I am also pleased that we are joined on this bill by Senator HARKIN from Iowa and Senator TESTER from Montana. Both Iowa and Montana recently enacted same-day voter registration laws—significantly improving voter turnout throughout the state.

This legislation comes at a critical time—it is on the heels of a Supreme Court decision that tightens the ability of Indiana citizens to vote by requiring valid photo identification at the polling booth. And just this last week, several election registration volunteers in Florida stopped their registration work for fear that they would be fined upwards of $1000 if they made a mistake.

In Minnesota, some credit the election of Jesse Ventura as Governor in 1998 to our same-day registration voting policy. Voters who had never voted before showed up at the polls and voted in unprecedented numbers. I can't say that I ever imagined that we would have a Governor wear a pink boa at his inaugural celebration, but the ability for the citizens of Minnesota to cast their ballot and enact change is the kind of democracy this country is founded upon.

In the past decade, as states around the country are experimenting with new and innovative ways to combat voter fraud, Election Day Registration has actually helped eliminate voter fraud at the polls. I've worked a great deal with the Secretary of State in Minnesota, Mark Ritchie, and he has found that registering at the polls, instead of by mail with a postcard, decreases the chance for fraud. When citizens are registering right in front of the election official, on the day of the election, chances of fraud are decreased. It's a pretty simple concept, but a fundamental one. As Secretary of State Ritchie has said, it's "a no-brainer."

The myriad of voter registration laws across the country are mind-boggling. In Nevada, you must register by 9 p.m., on the fifth Saturday before the election. A handful of states require registration 25 days before the election, another handful require 29 days. Some have to be postmarked by that date, and others have to be received by the deadline. A few set the cutoff at 20 days, a few at 10 days, and in Vermont, you have until 5 p.m., the Wednesday before the election. If you're in Utah, you must register 30 days before the election by mail, but if you miss that, you can register in person on the 18th or 15th day before the election. Where we have one, national, election day of November 4th this year, it is hard to imagine voters, because of the State they reside, could miss their chance to vote.

There are 8 States that allow citizens to register at the polls: Maine, Minnesota, New Hampshire, Wisconsin, Wyoming, and now Iowa and Montana have joined the list. Historically, these first six States have seen voter turnout that is 8 to 15 percent higher than the national average. In the 2004 Presidential election, only 64 percent of the eligible population voted; but in Minnesota, 79 percent of the population turned out to vote. As Senator FEINGOLD mentioned, the last time we had turnout that high on a national level was 1896, and we only had 45 states. No matter what side of the aisle, we are seeing an unprecedented interest in the upcoming Presidential election, and we need to give the citizens the ability to register on Election Day.

This is a simple, yet fundamental bill. It amends legislation we passed in 2002, the Help America Vote Act, to allow voters to register and cast their ballot on the same day in a Federal election. Where Americans across the country are facing skyrocketing gas prices, health costs that many cannot afford, and an economy that is approaching recession, we need to ensure that every citizen has the right to wake up on Election Day and decide they will cast their ballot for President.

Mr. TESTER. Mr. President, I rise today to join my colleagues, Senators FEINGOLD, HARKIN and KLOBUCHAR in introducing a bill that would significantly increase voter participation. The Election Day Registration Act of 2008, EDR, would allow all eligible citizens to register to vote in federal elections on Election Day.

Studies have shown a strong increase in voter turnout in those States who have EDR. In 2004, 73.8 percent of all eligible voters in EDR states voted, compared with 60.2 percent of eligible voters in states without EDR—a difference of 13.6 percentage points. The top four States for turnout in 2004 had EDR—Minnesota 78 percent, Wisconsin 75 percent, Maine 73 percent, and New Hampshire 71 percent. The fifth highest state was Oregon—the universal vote-by-mail state. Even more compelling, the turnout is higher even when controlling for competitiveness—in terms of voter participation, "safe" states with EDR significantly outperformed "safe" states without EDR. Voter participation in those "Battleground" States with EDR was significantly higher than in those "battleground" states without EDR.

High voter participation is a fundamental part of a healthy democracy. This year we have seen record numbers of voters participating in the presidential primaries. The implementation of EDR for federal elections would build upon this momentum. Montana is expecting record turnout for our presidential primary on June 3rd.

EDR permits eligible citizens to register and vote on Election Day. There are currently 9 states that have some form of EDR: Minnesota, Maine, Wisconsin, Idaho, Wyoming, New Hampshire, Iowa, North Carolina and of course my home state of Montana. Iowa adopted EDR in March 2007 and North Carolina has implemented Same Day Registration at early voting sites. While the version in North Carolina isn't complete EDR, it is a strong move for increased access to the democratic process.

There is nationwide interest in EDR. Last year, 21 States had bills before their legislature to implement, or begin feasibility studies in support of, EDR.

In my home state of Montana we have had Election Day Registration. Montana adopted EDR in 2005 while I was president of the Montana state senate. Montana's version is a little different from EDR in Wisconsin and Minnesota—in Montana, the voter registers, election day, at the county courthouse rather than at the polling place. Whether it is at the polling place or the courthouse, the important fundamentals of access are maintained.

With EDR, the use of and reliance upon provisional ballots would be minimized. Provisional ballots are useful and valuable tools, however with EDR, the costly validation process that takes place after election day could be avoided, as eligibility considerations could be made on election day and the voter would then use a standard ballot. EDR streamlines the administrative process and makes sure that votes are counted.

Enactment of EDR would be a major step in the right direction towards inclusive and fully participatory elections. It's clear that people are more likely to vote when they know their votes will be counted. EDR has proven track record of increasing participation, and those concerns raised have been largely disproven or are easily addressed. In the end EDR allows more Americans to do that which is most fundamental to the democracy we love and the freedom we, as Americans, stand for—vote.

My cosponsors and I think this Election Day Registration Act of 2008 is necessary to strengthen our democracy. We welcome our fellow senators to support this important legislation.

By Mr. DODD:

S. 2960. A bill to amend the Homeland Security Act of 2002, to establish the Office for Bombing Prevention, to enhance the role of State and local bomb squads, public safety dive teams, explosive detection canine teams, and special weapons and tactics teams in national improvised explosive device prevention policy, to establish a grant program to provide for training, equipment, and staffing of State and local improvised explosive device prevention, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. DODD. Mr. President, today I am introducing the National Improvised Explosive Device, IED, Preparedness and Prevention Act of 2008. This bill will ensure that the brave men and women who are called on to respond to bomb threats around the country have the necessary tools, training, and personnel to keep our communities safe.

Furthermore, this bill gives our State and local responders unprecedented access to the federal policy making committees directing the national agencies that keep our homeland secure.

Regrettably, over the years, our people have suffered attacks from homemade bombs, not only on distant battlefields of Iraq and Afghanistan, but here in America. From the 1983 truck bombing of the Beirut Barracks to the Alfred P. Murrah Federal Building bombing in Oklahoma City to the recent Times Square Military Recruiting Office bombing in New York City, we have seen the devastating effects such attacks wield.

These bombs, which have become known in the lexicon of the Pentagon as "Improvised Explosive Devices" or IEDs, are the number one cause of death and injury to our troops overseas. Whether it is in lives lost, economic damage, or the simple loss of feeling safe in our communities, IEDs pose a threat to American security.

We must therefore ensure that our state and local bomb squads, SWAT Teams, K-9 units, and public safety dive teams are sufficiently prepared to meet this challenge, as they most certainly will be the first on the scene to respond to the next IED scare. These courageous public servants put their lives on the line every day to keep us safe. The least we can do is to make certain that they have the resources they need and a seat at the table in critical IED policy making discussions. That is why I have introduced this legislation and have worked hard to address these very real needs.

Beginning in April 2006, I worked with Senator ROBERT BYRD to attach a provision to a Homeland Security Appropriations bill requiring DHS to produce a national strategy for IED preparedness.

After numerous delays, and a letter to Homeland Security Secretary Chertoff from Senator BYRD and me, the National Security Council finally approved the document in late 2007.

Unfortunately, the strategy did not include adequate detail on how state and local input would contribute to the federal government's IED prevention and preparedness. It also failed to create an IED-specific grant program to ensure that State and local governments can carry out their responsibilities under the strategy.

My bill will address the threat of IEDs by:

First, statutorily establishing the Office for Bombing Prevention OBP within FEMA's Grant Programs Directorate.

Second, tbe bill establishes a Senior Advisory Committee, SAC, for IED Prevention and Response as a subcommittee under the Homeland Security Advisory Council.

Third, the bill requires State, Local, and Practicing Professional input in Advisory Committee Selection, giving voice to our First Responders who understand first-hand the needs of our communities.

Fourth, the legislation establishes a risk-based IED Prevention and Response Grant Program within the Homeland Security Department's Grant Program Directorate to specifically provide funds for equipment, training, and personnel in areas where DHS has identified shortfalls.

Last, my bill requires the Coast Guard to assess the preparedness of our Nation's Public Safety Dive Teams, PSDT, in the completion of Area Maritime Transportation Security and Facility Plans.

Mr. President, we can no longer afford to sit on our hands while many of our IED First Responders have to scrape by with antiquated equipment and training.

We have an opportunity to be proactive, to prepare for the unthinkable events that befell the people of London and Madrid, just a few short years ago.

Our Nation needs demonstrated capability in this vital area, and we in Congress need to lead. I urge my colleagues to join me in this endeavor.

By Mr. AKAKA:

S. 2961. A bill to amend title 38, United States Code, to enhance the refinancing of home loans by veterans; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce a bill that will offer veterans more options for refinancing their mortgages. My legislation would raise the guarantee on VA refinance loans and decrease equity requirements for refinancing to a VA loan. These provisions would allow more qualified veterans to refinance their home loans under the VA program.

At present, the maximum VA loan guaranty limit for all loans in excess of $144,000, except regular refinance loans, is equal to 25 percent of the Freddie Mac conforming loan limit for a single family home. Presently this is $104,250. This means lenders making loans up to $417,000 will receive at least a 25 percent guaranty, which is typically required to place the loan on the secondary market.

However, current law limits to $36,000 the guaranty that can be used for a regular refinance loan. This restriction means a refinance over $144,000 will result in a lender not receiving 25 percent backing from VA and probably not making the loan at all. This situation essentially precludes a veteran from being able to refinance his or her existing FHA or conventional loan into a VA guaranteed loan if the loan is greater than $144,000.

To assist veterans in overcoming this obstacle in refinancing, this legislation would increase the maximum guaranty limit for refinance loans to the same level as conventional loans—25 percent limit for a single family home. Importantly, this increase would make the maximum VA home loan guaranty equal across the board.

This bill will also increase the percentage of an existing loan that VA will refinance from the current maximum of 90 percent to 95 percent, thus allowing more veterans to use their VA benefit to refinance their mortgages. Many veterans do not have ten percent equity and thus are precluded from refinancing to a VA home loan. Given the anticipated number of non-VA adjustable mortgages that are approaching the reset time when payments are likely to increase, it seems prudent to facilitate veterans refinancing to VA loans.

In light of today's housing and home loan crises, these further refinancing options will help some veterans to bridge financial gaps and allow them to stay in their homes and escape possible foreclosures.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS.

(a) INCLUSION OF REFINANCING LOANS AMONG LOANS SUBJECT TO GUARANTY MAXIMUM.—Section 3703(a)(1)(A)(i)(IV) of title 38, United States Code, is amended by inserting "(5)," after "(3),".

(b) INCREASE IN MAXIMUM PERCENTAGE OF LOAN-TO-VALUE OF REFINANCING LOANS SUBJECT TO GUARANTY.—Section 3710(b)(8) of such title is amended by striking "90 percent" and inserting "95 percent".

By Mr. BOND (for himself, Mrs. BOXER, Mr. STEVENS, Mr. OBAMA, Mr. DOMENICI, Mrs. DOLE, and Ms. MURKOWSKI):

S. 2963. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. BOND. Mr. President, there is an issue that has been festering in our military ranks for quite some time that we must address now.

America's warriors voluntarily leave the comfort of their homes and families to serve the greater good under very difficult conditions. They are fighting an incredibly complex battle on an asymmetric battlefield, against an enemy that is not bound by rules of war or human decency. They are courageously protecting our freedoms—each and every day—against those who seek to do us harm. As the father of a two-tour Iraq War Veteran, this issue is very close to my heart, and should be at the forefront of the Senate's day-to-day business.

Many of our military service members bear the physical scars of war. Thanks to advances in modern medicine and the efforts of brilliant medical personnel in the field, many of our war-wounded are able to return to a relatively normal life. Our practice of compensating disabled veterans financially helps our heroes reintegrate and assume again civilian status.

A growing concern revolves around those soldiers, sailors, airmen and Marines who return home with invisible injuries, the psychological wounds of war that have had a huge impact on a large percentage of our military forces.

Post Traumatic Stress Disorder, PTSD, Traumatic Brain Injuries, TBI, are not quickly diagnosed because we cannot see them. But we know they exist, and they often manifest years later and wreak all sorts of havoc on our military, on our military families, and on our society.

The recently-released Rand Study and American Psychiatric Association studies acknowledge the issue and paint a bleak social and financial future. The question is: What are we doing to help these men and women? The answer now is: Not enough. There are simply not enough resources available to our combat veterans to deal adequately with the problem.

Today we are proposing legislation that will address this crisis. Our proposal will address both short- and long-term solutions for those suffering from PTSD and TBI. We will increase our troops' access to qualified behavioral-health specialists and increase the number of those specialists annually in an effort to treat our men and women and help them cope with their ailments.

My staff has worked closely with the VA on these proposals and our legislation has the support of the Iraq and Afghanistan Veterans' Association and Veterans for Common Sense.

First, our bill improves veterans' access to care by expanding the use of our Vet Centers. Currently, our Active, Guard, and Reserve military personnel do not have access to the VA's Vet Centers, community-based counseling centers which are successfully providing mental health care to veterans.

An estimated 30 percent of troops return from combat suffering from Post Traumatic Stress Disorder, Traumatic Brain Injury, or other mental health problems. But there are grossly insufficient numbers of military behavioral health specialists to provide the care our troops need. Recent testimony from all military Surgeons General highlighted the shortage of mental health professionals service-wide.

This legislation will give our troops the same access to Vet Centers our veterans receive for mental health care, which not only opens the door to additional resources but also lightens the load on our currently over-tasked specialists. Additionally, the legislation will reduce the stigma associated with behavior disorders by allowing troops to seek treatment outside of conventional military channels.

We also propose to enhance the recruitment and training of Military Behavioral Health Specialists through a scholarship program that targets former service members or service members preparing to separate from the military.

This legislation, overseen by the Veterans Health Administration, will provide incentives for retiring or separating military personnel and veterans to pursue an education in the behavioral health field. Over time, that will alleviate the shortage of behavioral health specialists who serve our troops and veterans.

The estimated cost to recruit an additional 80 to 90 behavioral health specialists a year is $1.5—$2 million annually. This program would pay for itself if it were to save just one veteran from developing 100 percent service-connected PTSD.

We also propose extending the survivor benefits for Service Members who commit suicide and have a medical history of PTSD or TBI.

We know that mental-health issues often manifest long after the service member has left active duty. As a result, Congress has extended free health care to five years for recently-discharged veterans with any condition that may be related to their combat service.

Unfortunately, survivor benefits have not kept up with this logic. Current coverage for veterans who commit suicide does not take into account the time it takes for PTSD and TBI to manifest.

This legislation guarantees benefits for any Service Member who commits suicide within two years of separation or retirement from the military, provided they have a documented medical history of a combat-related mental-health condition, including PTSD or TBI.

The Service Member's survivor will be entitled to the same Social Security, Survivor Benefit Plan, Veteran's Affairs Benefits, and active duty burial benefits that they would have received had the Service Member died on their last day of active duty.

Our legislation also creates a grant program for non-profit organizations to provide support services to the families of our deceased Active, Guard, and Reserve Military personnel and Veterans.

The psychological impact associated with the loss of a loved one in a combat zone is tremendous. Unfortunately, there are not adequate numbers of military Casualty Assistance Officers to serve surviving families. While norofit organizations have professional staff that provide long-term and peer-based emotional support, Department of Defense Casualty Assistance Officers are only temporarily detailed to these duties and often are unfamiliar with the regulations or the emotional needs of surviving families.

This legislation establishes a competitive federal grant program for non-profit support organizations to provide vital support services to the surviving families of deceased military personnel.

Next, our legislation will ensure the fair treatment and care of all of our military personnel, including those whose discharges may have been caused by combat-related mental-health condition, including Post Traumatic Stress Disorder or Traumatic Brain Injury.

Many of those who are forced to leave the military because of performance issues such as substance abuse or anger problems have underlying mental health conditions such as TBI or PTSD that are not being properly diagnosed.

In many cases the military has inappropriately discharged these veterans, and they subsequently lose access to VA care and other benefits.

No veteran that has served this nation in combat should be denied the benefits they earned on the battlefield. This provision allows the VA to screen the veteran's discharge, and, if the veteran is found to have been improperly diagnosed, to take action to correct the problem accordingly.

Specifically, this legislation would reinstate the provision repealed from the law in 1996 giving the Vet Centers the authority to help the new generation of war veterans to resolve any problems presented with the character of their discharges.

Finally, our legislation will better prepare our troops for combat through the creation of a pilot program at Ft.

Leonard Wood, Missouri and Ft. Carson, Colorado. We will provide comprehensive training to educate U.S. military personnel on Post Traumatic Stress Disorder—how to prevent it, how to recognize it when it occurs, and what to do about it when it happens. We hope to build resiliency, enhance performance, and mitigate stress among the troops.

The rise in PTSD cases demands a new approach to preparing U.S. military personnel and their families for the stresses associated with combat.

The pilot program is designed to enhance the individual's neurophysiological understanding of stress and trauma resolution and to equip them with performance-enhancing skills drawn from both the military special-operations community and the elite sports world.

The program will train and support an Army Brigade Combat Team and their families at all stages of a soldier's tour: pre-deployment, mid-deployment and post-deployment.

Addressing PTSD head on through self-awareness training will teach military personnel to cope better with combat-related issues and reduce the need and cost for long-term treatment.

The long-term effects of untreated mental illness are severe: drug and alcohol abuse, job and marital problems, even suicide.

We can prevent much of this unfortunate legacy by prompt and effective treatment when our troops come home.

We are all the beneficiaries of the sacrifices of others. Our responsibility is to continue to improve the ways in which we support our troops and their families.

They do not take our freedom for granted; we should not take their sacrifices for granted.

I ask my colleagues on both sides of the aisle to support these proposals.

By Mr. AKAKA:

S. 2969. A bill to amend title 38, United States Code, to enhance the capacity of the Department of Veterans Affairs to recruit and retain nurses and other critical health-care professionals, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I am introducing legislation to address personnel issues in the Department of Veterans Affairs. This legislation, proposed Veterans' Medical Personnel Recruitment and Retention Act of 2008, would help ensure that VA has the workforce necessary to serve America's veterans most effectively.

Health care providers are the backbone of the VA system. Yet today, the Department faces a shortage of these professionals. Around the country, too many facilities are understaffed, at the cost of services for veterans. A recent report by the Partnership for Public Service gave the Veterans Health Administration poor marks for pay and benefits, and for family support. VHA also rated poorly among younger employees. To be the health care employer of choice, VA must be able to offer competitive salaries, work schedules, and benefits.

As Chairman of the Committee on Veterans' Affairs, I held a hearing on April 9, 2008, that focused on personnel issues within the VA health care system. We heard detailed testimony from VA administrators and health care providers. Their testimony outlined the challenges VA faces, and suggested possible solutions.

This legislation would benefit a wide range of positions within VA. Here are some of the challenges VA faces, and the solutions I propose.

Local labor markets for health care providers vary widely, and VA must be better prepared to compete in every market. Locality pay surveys are a crucial tool in this effort. However, a recent GAO report on nurse anesthetists revealed a locality pay system that is inconsistent and often dysfunctional. The bill I am introducing would make implementation of locality pay surveys more effective by requiring additional training on proper implementation, and improving transparency to allow for better oversight.

This legislation would also encourage retention of experienced professionals by removing salary offsets for retired employees who choose to return to work at VA. In the coming years, a significant portion of the VA workforce will reach the age of retirement. Eliminating the salary offset by the amount of an employee's retirement annuity would encourage these experienced professionals to return to VA.

Education benefits are often among the chief advantages of employment at VA, and I believe these benefits can be used for an even greater effect. VA has extensive programs to encourage further education within their workforce, and to provide financial assistance for employees with educational debt. This legislation would increase yearly benefit limits on the Education Debt Reduction Program—EDRP—and would broaden the goals of that program to include retention as well as recruitment. In so doing, the EDRP would be made available to both long-time VA employees and new hires. It would also reauthorize the Health Professionals Scholarship Program, and would broaden eligibility to a wider range of health professions.

Further, to make VA more attractive to clinical researchers, this legislation would provide VA with authorities similar to the Loan Repayment Program of the National Health Service Corps. VA would be authorized to use funds from medical services appropriations to help researchers in need of financial assistance to payoff their education loans. This program would compliment EDRP, which is not available to researchers.

In recent years, VA has been challenged to retain top administrators, especially those who have spent their careers at VA. Their expert knowledge is indispensable to the effective management of the VA health care system. However, given the high rates of compensation available outside of VA, retention of these professionals is often difficult. This legislation would provide VA with the authority to pay national administrators additional compensation so as to better compete with the private sector. It would also give VA the authority to increase, under limited circumstances, compensation for pharmacists, doctors, and dentists, in order for VA to be more competitive in local labor markets.

VA faces many challenges in recruiting and retaining nurses. I have worked with VA administrators and nurses to develop solutions to these challenges. This legislation would give VA more tools to attract and keep these employees.

Alternative work schedules are now commonly available in other health care systems. At VA, part-time and alternative work schedules are under-utilized, and as a result, VA loses prospective hires and damages employee morale. This legislation would clarify alternative work schedule and weekend duty rules. By making these schedules easier to implement, it is my hope that VA will expand their use.

This bill would also make it easier for VA to hire and retain part-time nurses by limiting probationary periods and expanding eligibility for overtime pay. For nurses who transition from full-time to part-time, this legislation would eliminate the probationary period they are now required to serve. This provision would be extremely helpful in encouraging experienced nurses to extend their careers at VA beyond the customary age of retirement.

In many locations, VA cannot compete with other health care systems for many nursing positions, particularly certified registered nurse anesthetists—CRNAs—and licensed practical and vocational nurses. A recent GAO report on CRNAs in VA noted that VA spends thousands of dollars on contract nurses to cover staffing gaps. The use of contract nurses, while appropriate in some situations, is not a permanent solution to the long-term staffing shortfall. The bill I am introducing would raise or eliminate pay caps currently placed on these difficult-to-fill positions. These provisions are derived directly from testimony the Committee heard from VA nurses and administrators at the April 9, 2008, hearing.

This legislation would also clarify rules about emergency duty for VA nurses. The use of emergency mandatory overtime has been an issue in many VA facilities, and in other health care systems. I believe this legislation provides a reasonable solution. By standardizing the definition of "emergency," it would facilitate more consistent and equitable use of emergency mandatory overtime.

I believe that this legislation will give VA the tools it needs to recruit and retain the best health care professionals in the Nation. I also anticipate that it will improve employee morale, as well as improving transparency and oversight. As we have heard many times, VA faces a looming retirement crisis. The solutions proposed in this legislation seek to address these challenges.

I urge my colleagues to support the proposed Veterans' Medical Personnel Recruitment and Retention Act of 2008.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Medical Personnel Recruitment and Retention Act of 2008".

SEC. 2. ENHANCEMENT OF AUTHORITIES FOR RETENTION OF MEDICAL PROFESSIONALS.

(a) Secretarial Authority to Extend Title 38 Status to Additional Positions.—

(1) In general.—Paragraph (3) of section 7401 of title 38, United States Code, is amended by striking "and blind rehabilitation outpatient specialists." and inserting the following: "blind rehabilitation outpatient specialists, and such other classes of health care occupations as the Secretary considers necessary for the recruitment and retention needs of the Department subject to the following requirements:

"(A) Not later than 45 days before the Secretary appoints any personnel for a class of health care occupations that is not specifically listed in this paragraph, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Office of Management and Budget notice of such appointment.

"(B) Before submitting notice under subparagraph (A), the Secretary shall solicit comments from any labor organization representing employees in such class and include such comments in such notice.".

(2) Appointment of nurse assistants.—Such paragraph is further amended by inserting "nurse assistants," after "licensed practical or vocational nurses,".

(b) Probationary Periods for Nurses.—Section 7403(b) of such title is amended—

(1) in paragraph (1), by striking "Appointments" and inserting "Except as otherwise provided in this subsection, appointments";

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) An appointment of a nurse under this chapter, whether on a full-time basis or a part-time basis, shall be for a probationary period ending upon the completion by the person so appointed of 4,180 hours of work pursuant to such appointment.

"(3) An appointment described in subsection (a) on a part-time basis of a person who has previously served on a full-time basis for the probationary period for the position concerned shall be without a probationary period.".

(c) Prohibition on Temporary Part-Time Nurse Appointments in Excess of 4,180 Hours.—Section 7405(f)(2) of such title is amended by inserting after "year" the following: ", except that a part-time appointment of a nurse shall not exceed 4,180 hours".

(d) Waiver of Offset From Pay for Certain Reemployed Annuitants.—

(1) In general.—Section 7405 of such title is amended by adding at the end the following:

"(g)(1) The Secretary may waive the application of sections 8344 and 8468 of title 5 (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system on a case-by-case basis for an annuitant reemployed on a temporary basis under the authority of subsection (a) in a position described under paragraph (1) of that subsection.

"(2) An annuitant to whom a waiver under paragraph (1) is in effect shall not be considered an employee for purposes of any Government retirement system.

"(3) An annuitant to whom a waiver under paragraph (1) is in effect shall be subject to the provisions of chapter 71 of title 5 (including all labor authority and labor representative collective bargaining agreements) applicable to the position to which appointed.

"(4) In this subsection:

"(A) The term 'annuitant' means an annuitant under a Government retirement system.

"(B) The term 'employee' has the meaning under section 2105 of title 5.

"(C) The term 'Government retirement system' means a retirement system established by law for employees of the Government of the United States.".

(2) Effective date.—The amendment made by paragraph (1) shall take effect on the date that is six months after the date of the enactment of this Act, and shall apply to pay periods beginning on or after such effective date.

(e) Minimum Rate of Basic Pay for Appointees to the Office of the Under Secretary for Health Set to Lowest Rate of Basic Pay Payable for a Senior Executive Service Position.—

(1) In general.—Section 7404(a) of such title is amended—

(A) by striking "The annual" and inserting "(1) The annual";

(B) by striking "The pay" and inserting the following:

"(2) The pay";

(C) by striking "under the preceding sentence" and inserting "under paragraph (1)"; and

(D) by adding at the end the following:

"(3) The minimum rate of basic pay for a position to which an Executive order applies under paragraph (1) and is not described by paragraph (2) may not be less than the lowest rate of basic pay payable for a Senior Executive Service position under section 5382 of title 5.".

(2) Effective date.—The amendments made by paragraph (1) shall take effect on the first day of the first pay period beginning after the day that is 180 days after the date of the enactment of this Act.

(f) Comparability Pay Program for Appointees to the Office of the Under Secretary for Health.—Section 7410 of such title is amended—

(1) by striking "The Secretary may" and inserting "(a) In General.—The Secretary may"; and

(2) by adding at the end the following new subsection:

"(b) Comparability Pay for Appointees to the Office of the Under Secretary for Health.—(1) The Secretary may authorize the Under Secretary for Health to provide comparability pay of not more than $100,000 per year to individuals of the Veterans Health Administration appointed under section 7306 of this title who are not physicians or dentists to achieve annual pay levels for such individuals that are comparable with annual pay levels of individuals with similar positions in the private sector.

"(2) Comparability pay under paragraph (1) for an individual is in addition to all other pay, awards, and performance bonuses paid to such individual under this title.

"(3) Except as provided in paragraph (4), comparability pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

"(4) Comparability pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

"(5) Comparability pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.".

(g) Special Incentive Pay for Department Pharmacist Executives.—Section 7410 of such title, as amended by subsection (f), is further amended by adding at the end the following new subsection:

"(c) Special Incentive Pay for Department Pharmacist Executives.—(1) In order to recruit and retain highly qualified Department pharmacist executives, the Secretary may authorize the Under Secretary for Health to pay special incentive pay of not more than $40,000 per year to an individual of the Veterans Health Administration who is a pharmacist executive.

"(2) In determining whether and how much special pay to provide to such individual, the Under Secretary shall consider the following:

"(A) The grade and step of the position of the individual.

"(B) The scope and complexity of the position of the individual.

"(C) The personal qualifications of the individual.

"(D) The characteristics of the labor market concerned.

"(E) Such other factors as the Secretary considers appropriate.

"(3) Special incentive pay under paragraph (1) for an individual is in addition to all other pay (including basic pay) and allowances to which the individual is entitled.

"(4) Except as provided in paragraph (5), special incentive pay under paragraph (1) for an individual shall be considered basic pay for all purposes, including retirement benefits under chapters 83 and 84 of title 5, and other benefits.

"(5) Special incentive pay under paragraph (1) for an individual shall not be considered basic pay for purposes of adverse actions under subchapter V of this chapter.

"(6) Special incentive pay under paragraph (1) may not be awarded to an individual in an amount that would result in an aggregate amount of pay (including bonuses and awards) received by such individual in a year under this title that is greater than the annual pay of the President.''.

(h) PAY FOR PHYSICIANS AND DENTISTS.—

(1) NON-FOREIGN COST OF LIVING ADJUSTMENT ALLOWANCE.—Section 7431(b) of such title is amended by adding at the end the following:

"(5) The non-foreign cost of living adjustment allowance authorized under section 5941 of title 5 for physicians and dentists whose pay is set under this section shall be determined as a percentage of base pay only.''.

(2) MARKET PAY DETERMINATIONS FOR PHYSICIANS AND DENTISTS IN ADMINISTRATIVE OR EXECUTIVE LEADERSHIP POSITIONS.—Section 7431(c)(4)(B)(i) of such title is amended by adding at the end the following: "The Secretary may exempt physicians and dentists occupying administrative or executive leadership positions from the requirements of the previous sentence.''.

(3) EXCEPTION TO PROHIBITION ON REDUCTION OF MARKET PAY.—Section 7431(c)(7) of such title is amended by striking "concerned.'' and inserting "concerned, unless there is a change in board certification or reduction of privileges.''.

(i) ADJUSTMENT OF PAY CAP FOR NURSES.—Section 7451(c)(2) of such title is amended by striking "title 5'' and inserting "title 5 or the level of GS–15 as prescribed under section 5332 of such title, whichever is greater''.

(j) EXEMPTION FOR CERTIFIED REGISTERED NURSE ANESTHETISTS FROM LIMITATION ON AUTHORIZED COMPETITIVE PAY.—Section 7451(c)(2) of such title is further amended by adding at the end the following new sentence: "The maximum rate of basic pay for a grade for the position of certified registered nurse anesthetist pursuant to an adjustment under subsection (d) may exceed the maximum rate otherwise provided in the preceding sentence.''.

(k) LOCALITY PAY SCALE COMPUTATIONS.—

(1) EDUCATION, TRAINING, AND SUPPORT FOR FACILITY DIRECTORS IN WAGE SURVEYS.—Section 7451(d)(3) of such title is amended by adding at the end the following new subparagraph:

"(F) The Under Secretary for Health shall provide appropriate education, training, and support to directors of Department health-care facilities in the conduct and use of surveys under this paragraph.''.

(2) INFORMATION ON METHODOLOGY USED IN WAGE SURVEYS.—Section 7451(e)(4) of such title is amended—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph (D):

"(D) In any case in which the director conducts such a wage survey during the period covered by the report and makes adjustment in rates of basic pay applicable to one or more covered positions at the facility, information on the methodology used in making such adjustment or adjustments.''.

(3) DISCLOSURE OF INFORMATION TO PERSONS IN COVERED POSITIONS.—Section 7451(e) of such title is further amended by adding at the end the following new paragraph:

"(6)(A) Upon the request of an individual described in subparagraph (B) for a report provided under paragraph (4) with respect to a Department health-care facility, the Under Secretary for Health or the director of such facility shall provide to the individual the most current report for such facility provided under such paragraph.

"(B) An individual described in this subparagraph is—

"(i) an individual in a covered position at a Department health-care facility; or

"(ii) a representative of the labor organization representing that individual who is designated by that individual to make the request.''.

(l) INCREASED LIMITATION ON SPECIAL PAY FOR NURSE EXECUTIVES.—Section 7452(g)(2) of such title is amended by striking "$25,000'' and inserting "$100,000''.

(m) ELIGIBILITY OF PART-TIME NURSES FOR ADDITIONAL NURSE PAY.—

(1) IN GENERAL.—Section 7453 of such title is amended—

(A) in subsection (a), by striking "a nurse'' and inserting "a full-time nurse or part-time nurse'';

(B) in subsection (b)—

(i) in the first sentence—

(I) by striking "on a tour of duty'';

(II) by striking "on such tour''; and

(III) by striking "of such tour'' and inserting "of such service''; and

(ii) in the second sentence, by striking "of such tour'' and inserting "of such service'';

(C) in subsection (c)—

(i) by striking "on a tour of duty''; and

(ii) by striking "on such tour''; and

(D) in subsection (e)—

(i) in paragraph (1), by striking "eight hours in a day'' and inserting "eight consecutive hours''; and

(ii) in paragraph (5)(A), by striking "tour of duty'' and inserting "period of service''.

(2) EXCLUSION OF APPLICATION OF ADDITIONAL NURSE PAY PROVISIONS TO CERTAIN ADDITIONAL EMPLOYEES.—Section 7454(b)(3) of such title is amended to read as follows:

"(3) Employees appointed under section 7408 of this title performing service on a tour of duty, any part of which is within the period commencing at midnight Friday and ending at midnight Sunday, shall receive additional pay in addition to the rate of basic pay provided such employees for each hour of service on such tour at a rate equal to 25 percent of such employee's hourly rate of basic pay.''.

(n) EXEMPTION OF ADDITIONAL NURSE POSITIONS FROM LIMITATION ON INCREASE IN RATES OF BASIC PAY.—Section 7455(c)(1) of such title is amended by inserting after "nurse anesthetists,'' the following: "licensed practical nurses, licensed vocational nurses, and nursing positions otherwise covered by title 5,''.

SEC. 3. LIMITATIONS ON OVERTIME DUTY, WEEKEND DUTY, AND ALTERNATIVE WORK SCHEDULES FOR NURSES.

(a) OVERTIME DUTY.—

(1) IN GENERAL.—Subchapter IV of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

"§7459. Nurses: special rules for overtime duty

"(a) LIMITATION.—Except as provided in subsection (c), the Secretary may not require a nurse to work more than 40 hours (or 24 hours if such nurse is covered under section 7456) in an administrative work week or more than eight consecutive hours (or 12 hours if such nurse is covered under section 7456 or 7456A).

"(b) VOLUNTARY OVERTIME.—(1) A nurse may on a voluntary basis elect to work hours otherwise prohibited by subsection (a).

"(2) The refusal of a nurse to work hours prohibited by subsection (a) shall not be grounds to discriminate (within the meaning of section 704(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–3(a))) against the nurse, dismissal or discharge of the nurse, or any other adverse personnel action against the nurse.

"(c) OVERTIME UNDER EMERGENCY CIRCUMSTANCES.—(1) Subject to paragraph (2), the Secretary may require a nurse to work hours otherwise prohibited by subsection (a) if—

"(A) the work is a consequence of an emergency that could not have been reasonably anticipated;

"(B) the emergency is non-recurring and is not caused by or aggravated by the inattention of the Secretary or lack of reasonable contingency planning by the Secretary;

"(C) the Secretary has exhausted all good faith, reasonable attempts to obtain voluntary workers;

"(D) the nurse has critical skills and expertise that are required for the work; and

"(E) the work involves work for which the standard of care for a patient assignment requires continuity of care through completion of a case, treatment, or procedure.

"(2) A nurse may not be required to work hours under this subsection after the requirement for a direct role by the nurse in responding to medical needs resulting from the emergency ends.

"(d) NURSE DEFINED.—In this section, the term 'nurse' includes the following;

"(1) A registered nurse.

"(2) A licensed practical or vocational nurse.

"(3) A nurse assistant appointed under this chapter or title 5.

"(4) Any other nurse position designated by the Secretary for purposes of this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7458 the following new item:

"7459. Nurses: special rules for overtime duty.''.

(b) WEEKEND DUTY.—Section 7456 of such title is amended—

(1) in subsection (a) by striking "regularly scheduled 12-hour tour of duty'' and inserting "scheduled 12-hour periods of service'';

(2) in subsection (b)—

(A) in paragraph (2), by striking "service'' performed as part of a regularly scheduled 12-hour tour of duty'' and inserting "any service performed''; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "regularly scheduled two 12-hour tours of duty'' and inserting "scheduled 12-hour period of service'';

(ii) in subparagraph (B), by striking "regularly scheduled two 12-hour tour of duty'' and inserting "scheduled 12-hour period of service''; and

(iii) in subparagraph (C), by striking "regularly scheduled two 12-hour tours of duty'' and inserting "scheduled two 12-hour periods of service'';

(3) by striking subsection (c); and

(4) by redesignating subsection (d) as (c).

(c) ALTERNATE WORK SCHEDULES.—

(1) IN GENERAL.—Section 7456A(b)(1)(A) of such title is amended by striking "three regularly scheduled'' and all that follows through the period at the end and inserting "six regularly scheduled 12-hour periods of service within a pay period shall be considered for all purposes to have worked a full 80-hour pay period.''.

(2) CONFORMING AMENDMENTS.—Section 7456A(b) of such title is amended—

(A) in the subsection heading, by striking "36/40'' and inserting "72/80'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "40-hour basic work week" and inserting "80-hour pay period";

(ii) in subparagraph (B), by striking "regularly scheduled 36-hour tour of duty within the work week" and inserting "scheduled 72-hour period of service within the bi-weekly pay period";

(iii) in subparagraph (C)—

(I) in clause (i), by striking "regularly scheduled 36-hour tour of duty within an administrative work week" and inserting "scheduled 72-hour period of service within an administrative pay period";

(II) in clause (ii), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(III) in clause (iii), by striking "regularly scheduled 36-hour tour of duty work week" and inserting "scheduled 72-hour period of service pay period"; and

(iv) in subparagraph (D), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service"; and

(C) in paragraph (3), by striking "regularly scheduled 12-hour tour of duty" and inserting "scheduled 12-hour period of service".

SEC. 4. IMPROVEMENTS TO CERTAIN EDUCATIONAL ASSISTANCE PROGRAMS.

(a) REINSTATEMENT OF HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE SCHOLARSHIP PROGRAM.—

(1) IN GENERAL.—Section 7618 of title 38, United States Code, is amended by striking "December 31, 1998" and inserting "December 31, 2013".

(2) EXPANSION OF ELIGIBILITY REQUIREMENTS.—Paragraph (2) of section 7612(b) of such title is amended by striking "(under section" and all that follows through the period at the end and inserting the following: "as an appointee under paragraph (1) or (3) of section 7401 of this title.".

(b) IMPROVEMENTS TO EDUCATION DEBT REDUCTION PROGRAM.—

(1) INCLUSION OF EMPLOYEE RETENTION AS PURPOSE OF PROGRAM.—Section 7681(a)(2) of such title is amended by inserting "and retention" after "recruitment" the first time it appears.

(2) ELIGIBILITY.—Section 7682 of such title is amended—

(A) in subsection (a)(1), by striking "a recently appointed" and inserting "an"; and

(B) by striking subsection (c).

(3) MAXIMUM AMOUNTS OF ASSISTANCE.—Section 7683(d)(1) of such title is amended—

(A) by striking "$44,000" and inserting "$60,000"; and

(B) by striking "$10,000" and inserting "$12,000".

(c) LOAN REPAYMENT PROGRAM FOR CLINICAL RESEARCHERS FROM DISADVANTAGED BACKGROUNDS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs may, in consultation with the Secretary of Health and Human Services, utilize the authorities available in section 487E of the Public Health Service Act (42 U.S.C. 288-5) for the repayment of the principal and interest of educational loans of appropriately qualified health professionals who are from disadvantaged backgrounds in order to secure clinical research by such professionals for the Veterans Health Administration.

(2) LIMITATIONS.—The exercise by the Secretary of Veterans Affairs of the authorities referred to in paragraph (1) shall be subject to the conditions and limitations specified in paragraphs (2) and (3) of section 487E(a) of the Public Health Service Act (42 U.S.C. 288-5(2) and (3)).

(3) FUNDING.—Amounts for the repayment of principal and interest of educational loans under this subsection shall be derived from amounts available to the Secretary of Veterans for the Veterans Health Administration for Medical Services.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 544—DESIGNATING MAY 5 THROUGH 9, 2008, AS NATIONAL SUBSTITUTE TEACHER RECOGNITION WEEK

Mr. HATCH (for himself, Mrs. CLINTON, Mr. COCHRAN, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 544

Whereas, on average, as much as 1 full year of a child's elementary and secondary education is taught by substitute teachers;

Whereas, on any given day in the United States, more than 270,000 classes are taught by substitute teachers;

Whereas formal training of substitute teachers has been shown to improve the quality of education, lower school district liability, reduce the number of student and faculty complaints, and increase retention rates of substitute teachers;

Whereas a strong, effective system of education for all children and youth is essential to our Nation's continued strength and prosperity;

Whereas much of a child's growth and progress can be attributed to the efforts of dedicated teachers and substitute teachers who are entrusted with the child's educational development;

Whereas substitute teachers play a vital role in maintaining continuity of instruction and a positive learning environment in the absence of a permanent classroom teacher; and

Whereas substitute teachers should be recognized for their dedication and commitment: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5 through 9, 2008, as the 7th annual National Substitute Teacher Recognition Week;

(2) recognizes the important and vital role substitute teachers play in a child's education; and

(3) encourages educational institutions to observe the week with appropriate events and activities.

SENATE RESOLUTION 545—HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

Mr. PRYOR (for himself and Mrs. LINCOLN) submitted the following resolution; which was considered and agreed to:

S. RES. 545

Whereas the 2000 United States Census determined that El Dorado, Arkansas, had a significantly lower percentage of residents with degrees from institutions of higher education and a significantly higher percentage of families who fell below the poverty line than the national average;

Whereas it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce and global economy;

Whereas the El Dorado Promise scholarship is a tuition scholarship, created and funded by Murphy Oil Corporation, which enables all eligible high school graduates of the El Dorado Public School District in El Dorado, Arkansas, to attend any accredited 2- or 4-year, public or private, college or university;

Whereas school enrollment in the El Dorado Public School District has significantly increased since the El Dorado Promise scholarship program was established, despite a 15-year trend of decreasing enrollment;

Whereas the El Dorado Promise scholarship program increased the number of El Dorado High School students who chose to attend college after graduation by 20 percent; and

Whereas, on April 30, 2008, El Dorado High School students who receive El Dorado Promise and other academic scholarships sign academic letters of intent for the colleges they will be attending upon graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the recipients of the El Dorado Promise scholarship for choosing to further their education;

(2) recognizes April 30, 2008, as the second Academic Signing Day for graduating El Dorado High School students receiving El Dorado Promise and other academic scholarships;

(3) acknowledges that the El Dorado Promise scholarship program is important for the revitalization of southern Arkansas; and

(4) recognizes Murphy Oil Corporation for its efforts to ensure that children from southern Arkansas, who might otherwise struggle in financing a college education, are able to attend college.

SENATE RESOLUTION 546—DESIGNATING MAY 2008 AS "NATIONAL PHYSICAL FITNESS AND SPORTS MONTH" AND THE WEEK OF MAY 1 THROUGH MAY 7, AS "NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK"

Mr. THUNE (for himself and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 546

Whereas regular physical activity helps increase endurance, strengthen bones and muscles, control weight, and reduce anxiety and stress, and may improve blood pressure and cholesterol levels;

Whereas about ⅔ of young people in the ninth through 12th grades do not engage in recommended levels of physical activity, and daily participation in high school physical education classes has declined over the last 7 years;

Whereas 39 percent of adults report they are not physically active, and only 3 in 10 adults engage in the recommended amount of physical activity;

Whereas, in 2004, more than 9,000,000 children and adolescents in the United States between the ages of 6 and 19 were considered overweight;

Whereas obesity and inactivity are 2 major risk factors for developing type 2 diabetes, a disease that affects millions of people in the United States;

Whereas many chronic diseases may be prevented by living a healthy lifestyle that includes regular physical activity and a balanced diet;

Whereas, according to the Centers for Disease Control and Prevention, the American Heart Association, and the American College of Sports Medicine, minimum physical activity for adults consists of moderate activity for 30 minutes 5 days a week or vigorous activity for 20 minutes 3 days a week;

Whereas, according to a 1996 report by the Surgeon General, positive experiences with physical activity at a young age help to lay the foundation for being active throughout life;

Whereas the President's Council on Physical Fitness and Sports promotes regular physical activity to achieve and maintain good health and to prevent chronic disease and offers motivational tools through the President's Challenge program for people of all ages to track physical activity; and

Whereas the month of May has been recognized since 1963 as National Physical Fitness and Sports Month to encourage physical fitness and activity and to promote health in children and adults of all ages: Now, therefore, be it

Resolved, That the Senate—

(1) designates—

(A) May 2008 as "National Physical Fitness and Sports Month"; and

(B) the week of May 1 through May 7, 2008, as "National Physical Education and Sports Week"; and

(2) encourages the people of the United States to observe the month and the week with appropriate ceremonies and activities.

SENATE RESOLUTION 547—DESIGNATING THE WEEK OF MAY 4 THROUGH MAY 10, 2008 AS "NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK" AND MAY 7, 2008, AS "OCCUPATIONAL SAFETY AND HEALTH PROFESSIONALS DAY"

Mr. DURBIN (for himself, Mr. ISAKSON, Mr. KENNEDY, and Mr. OBAMA) submitted the following resolution; which was considered and agreed to:

S. RES. 547

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more incur occupational injuries and illnesses in the United States;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were 6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated $230,600,000,000 in tangible costs;

Whereas businesses spend $170,000,000,000 a year on costs associated with occupational injuries and illnesses;

Whereas it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace-wherever that workplace may be, such as on the road, in the air, the classroom, the store, the plant, or the office;

Whereas each year the families, friends, and co-workers of victims of on-the-job accidents suffer intangible losses and grief, especially when proper safety measures could have prevented worker injury or death;

Whereas everyday millions of people go to and return home from work safely due, in part, to the efforts of occupational safety, health, and environmental practitioners who work day in and day out identifying hazards and implementing safety and health advances across industries and workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the purpose of the North American Occupational Safety and Health Week (NAOSH) is to raise awareness among employees, employers, and the general public of the benefits of investing in occupational safety and health;

Whereas the more than 32,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the American Association of Occupational Health Nurses, the American Heart Association, and the National Association of Homebuilders, will be mobilizing to encourage safe practices, and increase the quality of life for employees and employers;

Whereas the theme of NAOSH Week 2008 is "safety is good business", highlighting that businesses operate more efficiently and are more respected when they use effective safety and health management systems; and

Whereas, on May 7, 2008, occupational safety and health professionals will be recognized during the 3rd annual Occupational Safety and Health Professionals Day for the work they do to keep people safe at work: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 4 through 10, 2008, as "North American Occupational Safety and Health Week";

(2) designates May 7, 2008, as "Occupational Safety and Health Professionals Day";

(3) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(4) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(5) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 4 through May 10, 2008, and throughout the year; and

(6) urges all people of the United States to continue to act responsibly and to be safe at work so that the millions of people who go to work return home safely every day to their families and friends.

SENATE RESOLUTION 548—RECOGNIZING THE ACCOMPLISHMENTS OF THE MEMBERS AND ALUMNI OF AMERICORPS AND THE CONTRIBUTIONS OF AMERICORPS TO THE LIVES OF THE PEOPLE OF THE UNITED STATES

Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Ms. MURKOWSKI, Ms. MIKULSKI, Mr. MCCAIN, Mrs. CLINTON, Ms. SNOWE, Mrs. MURRAY, Mr. WICKER, Mr. OBAMA, Mr. SMITH, Mr. BROWN, Mr. DURBIN, Mr. ROCKEFELLER, Mr. FEINGOLD, Mr. BAYH, Mr. CASEY, Mr. MENENDEZ, and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 548

Whereas, since the inception of the AmeriCorps national service program in 1994, AmeriCorps has proven to be highly effective at promoting the ethic of service and volunteering and engaging people in the United States in meeting a wide range of local needs;

Whereas, since 1994, more than $5,000,000,000 in AmeriCorps funds have been invested in nonprofit, community, educational, and faith-based groups, and those funds have led to the contribution of hundreds of millions of dollars of additional funds and in-kind donations from other sources;

Whereas, since 1994, approximately 542,000 people have taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps members;

Whereas, each year, AmeriCorps provides opportunities for 75,000 people across the United States to give back in an intensive way to their districts, their States, and the Nation;

Whereas AmeriCorps members have served a total of more than 705,000,000 hours nationwide, helping to improve the lives of the Nation's most vulnerable citizens, protect the environment, contribute to public safety, respond to disasters, and strengthen the educational system of the United States;

Whereas, in 2007, AmeriCorps members recruited and supervised more than 1,700,000 community volunteers, demonstrating the value of AmeriCorps as a powerful force for encouraging people to become involved in volunteering;

Whereas, in 2007, AmeriCorps members served 4,100 nonprofit organizations, schools, and faith-based and community organizations;

Whereas AmeriCorps members nationwide, in return for their service, have earned nearly $1,430,000,000 to use to further their own educational advancement at the Nation's colleges and universities;

Whereas, after AmeriCorps members complete their terms of service, those members remain engaged in their communities as volunteers, teachers, and nonprofit professionals in exceptionally high levels; and

Whereas "AmeriCorps Week" is observed the week beginning May 11, 2008, and is an opportune time for the people of the United States to salute current and former AmeriCorps members for their powerful impact on the lives of people in the United States, to thank AmeriCorps's community partners for making the program possible, and to encourage more people in the United States to become involved in service and volunteering: Now, therefore, be it

Resolved, That the Senate—

(1) encourages the people of the United States to join in a national effort to salute AmeriCorps members and alumni and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the members, alumni, and community partners of AmeriCorps;

(3) recognizes the important contributions of AmeriCorps members and alumni to the lives of the people of the United States; and

(4) encourages people of all ages to consider opportunities to serve in AmeriCorps.

Mr. DODD. Mr. President, I rise today along with Senator COCHRAN and others to celebrate the achievements of the members and alumni of AmeriCorps and to recognize the week of May 11, 2008, as "AmeriCorps Week."

These young men and women have dedicated their time and efforts toward improving the lives of all Americans by protecting the environment, strengthening education, responding to disasters, and supporting public health and safety.

Since 1994, AmeriCorps has encouraged citizens to volunteer, serve, and address the unmet needs of our Nation. About 542,000 people have become AmeriCorps members and have pledged "to get things done for America." These citizens have provided more than 705,000,000 hours of service, hard work, and dedication to improve our communities. In addition, since its inception, more than $5 billion of AmeriCorps funds have been invested back into our communities and have helped leverage hundreds of millions of dollars of additional funds and in-kind donations from external sources.

Last year, 75,000 AmeriCorps members were able to give back to this Nation, and those members recruited more than 1,700,000 community volunteers to join them in their mission. Their volunteers served in over 4,000 nonprofit organizations, schools, and faith-based and community organizations across the country.

In return for service, AmeriCorps members have earned more than $1.4 billion to go toward furthering their education, and after completing their service, many alumni remain engaged in their communities as volunteers, teachers, and nonprofit professionals.

In my home State of Connecticut, since AmeriCorps was created, more than 7,000 AmeriCorps members have served about 9.5 million hours and earned over $20 million toward their education. From my own experience as a Peace Corps member, I know it takes a tremendous amount of perseverance, commitment, and passion to serve, but I also know the emotional reward achieved in dedicating your time to help others. Emerson wrote, "It is one of the most beautiful compensations of life that no man can sincerely try to help another without helping himself." It is my hope that all Americans take the opportunity to develop a deeper sense of community, a renewed sense of national purpose, and a shared experience of sacrifice to serve our country.

During this "AmeriCorps Week," we must take the time to recognize, salute, and thank those Americans who have answered the call to serve by joining AmeriCorps; we must acknowledge the tremendous accomplishments and important contributions of the AmeriCorps members, alumni, and community partners; and, we must raise awareness about the importance of national and community service. Our collective imaginations, ideas, energy, and resolve are needed to solve our Nation's problems and rekindle our American community. I encourage citizens of all ages to consider serving in AmeriCorps and contributing their skills and talents to bettering this Nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4635. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4636. Mr. REID proposed an amendment to the bill H.R. 2881, supra.

SA 4637. Mr. REID proposed an amendment to amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, supra.

SA 4638. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4639. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4640. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4641. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Ms. COLLINS, Mr. CONRAD, Mr. ENZI, Mr. HAGEL, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. NELSON, of Nebraska, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. WICKER, Mr. JOHNSON, Mr. SPECTER, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4642. Mr. ROCKEFELLER proposed an amendment to amendment SA 4637 proposed by Mr. REID to the amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, supra.

SA 4643. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4644. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4645. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4646. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4647. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4590 submitted by Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) and intended to be proposed to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4648. Mr. VITTER (for himself, Mr. CRAIG, Mr. SPECTER, Mr. THUNE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4649. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4582 submitted by Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) and intended to be proposed to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4650. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4651. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4652. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4653. Ms. CANTWELL (for Mr. REID) proposed an amendment to the resolution S. Res. 494, expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq.

TEXT OF AMENDMENTS

SA 4635. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 12 and 13, insert the following:

SEC. 520. STUDY OF EFFECT OF PROPOSED STRUCTURES NEAR AIRPORTS ON ONE ENGINE INOPERATIVE PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall conduct a study on the effect of buildings and other structures that are proposed to be built near airports on emergency procedures relating to aircraft that have one engine inoperative to determine if such buildings and structures are likely to—

(1) obstruct the flight of aircraft operating under one engine inoperative procedures; or

(2) result in delays in the movement of passengers through airports.

(b) REPORT.—

(1) IN GENERAL.—If the Administrator determines that buildings and other structures proposed to be built near airports are likely to cause an obstruction described in subsection (a)(1) or result in delays described in subsection (a)(2), the Administrator shall, not later than 180 days after the date of the enactment of this Act, submit to Congress a report on the results of the study required under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) an assessment of the extent of any obstructions described in subsection (a)(1) and any delays described in subsection (a)(2);

(B) recommendations for addressing such obstructions and delays; and

(C) recommendations regarding whether the obstacle evaluation process for proposed development near airports should be revised to take into account the effect of development on emergency procedures relating to aircraft that have one engine inoperative.

SA 4636. Mr. REID proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

The provision of this act shall become effective 2 days after enactment.

SA 4637. Mr. REID proposed an amendment to amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike "2" and insert "1".

SA 4638. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 68, strike line 23 and all that follows through page 69, line 2, and insert the following:

"(5)(A) There is established the position of Senior Vice President for the Next Generation Air Transportation System in the Air Traffic Organization of the Federal Aviation Administration, who shall be appointed by the Administrator of the Federal Aviation Administration and report to the Chief Operating Officer of the Federal Aviation Administration.

"(B) The Senior Vice President for the Next Generation Air Transportation System shall—

"(i) be the head of the Office; and

"(ii) be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.";

SA 4639. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 32, line 22, strike "and".

On page 32, line 25, strike the period and insert "; and".

On page 32, after line 25, insert the following:

(4) by adding at the end thereof the following:

"(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 1632)) owned and controlled by disabled veterans.".

SA 4640. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY BY ADMINISTRATOR OF AVIATION SECTOR GREENHOUSE GAS EMISSIONS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall enter into an agreement with the National Academy of Sciences under which the Academy shall conduct a study on greenhouse gas emissions associated with the aviation industry, including—

(1) a determination of appropriate data necessary to make determinations of emission inventories, considering fuel use, airport operations, ground equipment, and all other sources of emissions in the aviation industry;

(2) an estimate of projected industry emissions for the following 5-year, 20-year, and 50-year periods;

(3) based on existing literature, research and surveys to determine the existing best practices for emission reduction in the aviation sector;

(4) recommendations on areas of focus for additional research for technologies and operations with the highest potential to reduce emissions; and

(5) recommendations of actions that the Federal Government could take to encourage or require additional emissions reductions.

(b) CONSULTATION.—In developing the parameters of the study under this section, the Administrator shall conduct the study under this section in consultation with—

(1) the Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration; and

(2) other appropriate Federal agencies and departments.

SA 4641. Mr. BINGAMAN (for himself, Ms. SNOWE, Mr. BAUCUS, Mr. COCHRAN, Mr. CARDIN, Mr. CASEY, Mrs. CLINTON, Ms. COLLINS, Mr. CONRAD, Mr. ENZI, Mr. HAGEL, Mr. HARKIN, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Nebraska, Mr. SALAZAR, Mr. SCHUMER, Ms. STABENOW, Mr. WICKER, Mr. JOHNSON, Mr. SPECTER, and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 14 and 15, insert the following:

SEC. 417. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747.

(b) APPLICABILITY .—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

(c) CLERICAL AMENDMENT.—The chapter analysis for chapter 417 of title 49, United States Code, is amended by striking the item relating to section 41747.

SA 4642. Mr. ROCKEFELLER proposed an amendment to amendment SA 4637 proposed by Mr. REID to the amendment SA 4636 proposed by Mr. REID to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

In the amendment, strike "1" and insert "3."

SA 4643. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITIONS AGAINST VOICE COMMUNICATIONS USING MOBILE COMMUNICATIONS DEVICES ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Subchapter I of chapter 417, as amended by section 714 of this Act, is further amended by adding at the end the following:

"§ 41725. Prohibitions against voice communications using mobile communications devices on scheduled flights

"(a) INTERSTATE AND INTRASTATE AIR TRANSPORTATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an individual may not engage in voice communications using a mobile communications device in an aircraft during a flight in scheduled passenger interstate air transportation or scheduled passenger intrastate air transportation.

"(2) FLIGHT CREW AND FLIGHT ATTENDANTS.—The prohibition described in paragraph (1) shall not apply to a member of the flight crew or flight attendants on an aircraft.

"(b) FOREIGN AIR TRANSPORTATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Transportation shall require all air carriers and foreign air carriers to adopt the prohibition described in subsection (a) with respect to the operation of an aircraft in scheduled passenger foreign air transportation.

"(2) ALTERNATE PROHIBITION.—If a foreign government objects to the application of paragraph (1) on the basis that such paragraph provides for an extraterritorial application of the laws of the United States, the

Secretary shall waive the application of paragraph (1) to a foreign air carrier licensed by that foreign government at such time as an alternative prohibition on voice communications using a mobile communications device during flight is negotiated by the Secretary with such foreign government through bilateral negotiations.

"(c) DEFINITIONS.—In this section:

"(1) FLIGHT.—The term 'flight' means the period beginning when an aircraft takes off and ending when an aircraft lands.

"(2) VOICE COMMUNICATIONS USING A MOBILE COMMUNICATIONS DEVICE.—The term 'voice communications using a mobile communications device'—

"(A) includes voice communications using—

"(i) a commercial mobile radio service or other wireless communications device;

"(ii) a broadband wireless device or other wireless device that transmits data packets using the Internet Protocol or comparable technical standard; or

"(iii) a device having voice override capability; and

"(B) does not include voice communications using a phone installed on an aircraft.

"(d) SAFETY REGULATIONS.—This section may not be construed to affect the authority of the Secretary to impose limitations on voice communications using a mobile communications device for safety reasons.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out this section.".

(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 417, as amended by section 714, is further amended by adding at the end the following:

"Sec. 41725. Prohibitions against voice communications using mobile communications devices on scheduled flights.".

SA 4644. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the City of Willoughby, Ohio to Lake County, Ohio, if Lake County—

(1) meets all applicable requirements for sponsorship of the airport;

(2) agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the City of Willoughby under chapter 471 of title 49, United States Code; and

(3) agrees to operate and maintain the airport in accordance with such obligations and assurances.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may use funds made available under section 48103 of title 49, United States Code, to award a grant to Lake County, Ohio to assist in the purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be equal to the lesser of—

(A) 90 percent of the purchase price for the Lost Nation Airport; and

(B) $1,220,000.

(3) APPROVAL.—The Secretary may not award a grant under this subsection unless the Secretary receives written assurances required under section 47107 of title 49, United States Code, with respect to such grant and the Lost Nation Airport.

(c) TREATMENT OF SALE PROCEEDS.—To the extent necessary to allow the City of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the City of Willoughby, the Secretary may waive—

(1) the provisions of sections 47107 and 47133 of title 49, United States Code;

(2) any obligations to which the City of Willoughby is subject as a result of a grant received from the Federal Aviation Administration; and

(3) any regulation or policy of the Federal Aviation Administration.

SA 4645. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 12 strike everything after "5 operations." through line 19.

SA 4646. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COMMISSION ON THE FUTURE OF THE UNITED STATES COMMERCIAL AND GENERAL AVIATION INDUSTRY.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Commission on the Future of the United States Commercial and General Aviation Industry".

(b) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be comprised of 12 members, appointed not later than October 1, 2008, of whom—

(A) up to 6 shall be appointed by the President;

(B) 2 shall be appointed by the Speaker of the House of Representatives;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 1 shall be appointed by the minority leader of the Senate; and

(E) 1 shall be appointed by the minority leader of the House of Representatives.

(2) QUALIFICATIONS.—The members of the Commission shall be appointed primarily from among persons with extensive private sector experience in commercial aviation manufacturing and persons with extensive private sector experience in general aviation manufacturing, and from among persons with extensive experience in economics, international trade, immigration policy, or labor policy as it relates to the Industry.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) CHAIRMAN.—The President shall designate 1 member of the Commission to serve as the Chairman of the Commission.

(5) MEETINGS.—The Commission shall meet at the call of the Chairman. A majority of the members shall constitute a quorum, but fewer members may hold hearings.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall—

(A) study the issues associated with the future of the Industry in the global economy, particularly with respect to the Industry's international competitiveness; and

(B) assess the future importance of the Industry for the economic growth and export potential of the United States.

(2) TOPICS OF STUDY.—In order to fulfill its responsibilities, the Commission shall study—

(A) current-, short-, and long-term trends in the global commercial aviation industry, including an assessment of—

(i) the effect of existing and recent foreign-based entrants into the commercial aviation market on the Industry; and

(ii) ways in which foreign governments provide incentives or engage in unfair trade practices to the detriment of the Industry;

(B) current-, short-, and long-term trends in the general aviation industry, including an assessment of—

(i) the effect on the Industry of existing and recent foreign-based entrants into the general aviation market;

(ii) the effect of general aviation on the economy of the United States;

(iii) the effect of general aviation on domestic job creation; and

(iv) ways in which general aviation contributes to the global economic competitiveness and balance of trade of the United States;

(C) the effect on the Industry of increasing costs for fossil fuel resources and the applicability of alternative fuels to replace fossil fuels;

(D) the Federal budget process, including an assessment of—

(i) the adequacy of projected budgets of Federal departments and agencies for aerospace research and development;

(ii) the adequacy of the level of communication and coordination between Federal departments and agencies as regards aerospace research and development; and

(iii) the adequacy of current levels of communication and consultation between Federal departments and agencies and industry stakeholders when developing aviation budgets and industry analysis;

(E) the tax laws, regulatory policies, and acquisition process of the Federal Government, including an assessment of their effect on maintaining a growing manufacturing base for all sectors of the Industry;

(F) laws governing international trade and exports, including an assessment of the adequacy of United States and multilateral trade laws and policies for maintaining the international competitiveness of the Industry;

(G) laws governing the immigration of skilled aerospace workers, including an assessment of the impact of current immigration laws on the short-term viability of the aerospace technology workforce; and

(H) the adequacy of—

(i) Federal, State, and local programs for the support of science and engineering education, including current programs for supporting aerospace science and engineering efforts at institutions of higher learning; and

(ii) programs for the support of workforce development at institutions of higher learning or State and local centers for technical training.

(d) Report.—

(1) Submission.—Not later than September 30, 2009, the Commission shall submit a report describing its activities to the President and Congress.

(2) Contents.—The report submitted under paragraph (1) shall include—

(A) the Commission's findings and conclusions;

(B) the Commission's recommendations for actions by Federal departments and agencies and State and local governments to support the maintenance of a robust commercial and general aviation industry in the United States, including any recommendations for legislative or regulatory changes to support the implementation of the Commission's findings; and

(C) a discussion of the appropriate means for implementing the Commission's recommendations.

(e) Powers of the Commission.—

(1) Administrative requirements.—The Director of the Office of Management and Budget shall provide the Commission with sufficient funding to procure such administrative services, facilities, staff, and other support services as may be necessary to carry out the purposes of this section.

(2) Hearings.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this section.

(3) Information from federal agencies.—The Commission may request directly from any Federal department or agency any information that the Commission considers necessary to carry out the provisions of this section. The head of a department or agency receiving a request for information under this paragraph shall furnish such information to the Commission in accordance with applicable law.

(4) Postal services.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal departments and agencies.

(f) Commission Personnel Matters.—

(1) Compensation of members.—Members of the Commission shall serve without additional compensation for their service on the Commission, except that each member who is not an officer or employee of the Federal Government may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service under subchapter I of chapter 57 of title 5, United States Code, while away from their homes and places of business in the performance of services for the Commission.

(2) Staff.—The chairman of the Commission may appoint staff of the Commission, request the detail of Federal employees, and accept temporary and intermittent services in accordance with section 3161 of title 5, United States Code.

(g) Termination.—The Commission shall terminate 30 days after the date of the submission of its report under subsection (d).

(h) Definitions.—

(1) In this section:

(A) Commission.—The term "Commission" means the Commission on the Future of the United States Commercial and General Aviation Industry.

(B) Industry.—The term "Industry" means the commercial and general aviation industry in the United States.

SA 4647. Mr. BROWNBACK submitted an amendment intended to be proposed to amendment SA 4590 submitted by Mrs. McCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) and intended to be proposed to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 4 of the matter proposed to be inserted, strike line 1 and all that follows through page 9, line 2, and insert the following:

"(b) Requirements for Maintenance Personnel Providing Covered Maintenance Work.—Not later than 3 years after the date of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft of a part 121 air carrier to be performed by maintenance personnel employed by—

"(1) a part 145 repair station;

"(2) a part 121 air carrier;

"(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—

"(A) meet the requirements of such repair station or air carrier, as the case may be;

"(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and

"(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be; or

"(4) a holder of a production certificate under part 21 of title 14, Code of Federal Regulations, if such personnel are subcontracted by a part 145 repair station.

"(c) Certification of Inspection of Foreign Repair Stations.—

"(1) In general.—Not later than 2 years after the date of the enactment of this section, annually thereafter, and except as provided in paragraph (2), the Administrator shall certify to Congress that—

"(A) each foreign repair station certified by the Administrator that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and

"(B) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.

"(2) Exception.—The requirements of paragraph (1) shall not apply with respect to foreign repair stations located in countries with which the United States has entered into a bi-lateral maintenance agreement.

"(d) Drug and Alcohol Testing of Foreign Repair Station Personnel.—Not later than 1 year after the date of the enactment of this section, the Administrator shall amend the certification requirements under part 145 of title 14, Code of Federal Regulations, to require alcohol and controlled substance testing in accordance with section 45102 of this title for any individual employed by a foreign repair station who performs a safety-sensitive function on a United States commercial aircraft of a part 121 air carrier.".

(2) Temporary program of identification and oversight of noncertified repair facilities.—

(A) Develop plan.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan—

(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertified maintenance providers that perform covered maintenance work on United States commercial aircraft operated by such part 121 air carriers to provide air transportation;

(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and

(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.

(B) Report on plan for program.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

(C) Implementation of planned program.—Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

(D) Annual report on implementation.—Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

(3) Clerical amendment.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following: "44730. Repairs stations.".

(c) Repair Station Security Requirements.—Section 44924 is amended by striking subsections (a) through (g) and inserting the following:

"(a) In General.—Not later than 180 days after the date of the enactment of this section, the Administrator shall require each part 145 repair station, as a condition of certification or recertification under part 145 of title 14, Code of Federal Regulations, to implement security requirements—

"(1) to ensure that the facilities of such repair station are safe and secure; and

"(2) that include the requirements described in subsection (b).

"(b) Security Requirements.—The security requirements described in this subsection are requirements of a part 145 repair station to implement the following:

"(1) Methods for controlling access to secure areas.

"(2) Methods to insure that an individual is immediately denied entry to secured areas when that person's access authority for that area is withdrawn.

"(3) Methods to ensure that visitors are escorted while on facility premises.

"(4) A program to subject each individual applicant for employment with the repair station to employment history verification.

"(5) A program to ensure the security of protected materials.

"(c) COMPLIANCE OF REPAIR STATIONS WITH SECURITY REQUIREMENTS.—

"(1) PROHIBITION ON CERTIFICATION OF REPAIR STATIONS THAT DO NOT COMPLY WITH SECURITY REQUIREMENTS.—The Administrator may not certify or recertify a repair station under part 145 of title 14, Code of Federal Regulations (or any successor regulation), unless—

"(A) such repair station is in compliance with the security requirements required by subsection (a); and

"(B) such repair station certifies to the Under Secretary for Border and Transportation Security annually that such repair station is in compliance with such security requirements.

"(2) NOTIFICATION TO AIR CARRIERS OF NONCOMPLIANCE BY REPAIR STATIONS.—If the Under Secretary for Border and Transportation Security of the Department of Homeland Security is aware that a part 145 repair station is not in compliance with a security requirement required by subsection (a) or that a security issue or vulnerability has been identified with respect to such repair station, the Under Secretary shall provide notice to each part 121 air carrier of such noncompliance or security issue or vulnerability.

"(d) DEFINITIONS.—In this section:

"(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

"(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a foreign or domestic repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).".

SA 4648. Mr. VITTER (for himself, Mr. CRAIG, Mr. SPECTER, Mr. THUNE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 7____. OIL AND NATURAL GAS LEASING IN NEW PRODUCING AREAS.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PRODUCING STATE.—The term "eligible producing State" means—

(A) a new producing State; and

(B) any other producing State that has, within the offshore administrative boundaries beyond the submerged land of a State, areas available for oil leasing, natural gas leasing, or both.

(2) NEW PRODUCING AREA.—The term "new producing area" means an area that is—

(A) within the offshore administrative boundaries beyond the submerged land of a State; and

(B) not available for oil or natural gas leasing as of the date of enactment of this Act.

(3) NEW PRODUCING STATE.—The term "new producing State" means a State with respect to which a petition has been approved by the Secretary under subsection (b).

(4) QUALIFIED REVENUES.—The term "qualified revenues" means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this Act for new producing areas.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the West Texas Intermediate daily price of crude oil (in dollars per barrel) exceeds 190 percent of the annual price of crude oil (in dollars per barrel) for calendar year 2006, the Governor of a State, with the concurrence of the State legislature, may submit to the Secretary a petition requesting that the Secretary make a new producing area of the State eligible for oil leasing, gas leasing, or both, as determined by the State, in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) and the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(2) NATURAL GAS LEASING ONLY.—The Governor of a State, with the concurrence of the State legislature, may, in a petition submitted under paragraph (1), make a request to allow natural gas leasing only.

(3) ACTION BY SECRETARY.—As soon as practicable after the date on which the Secretary receives a petition under paragraph (1), the Secretary shall approve or disapprove the petition.

(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM ELIGIBLE PRODUCING STATES.—Notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338), for each applicable fiscal year, the Secretary of the Treasury shall deposit—

(1) 50 percent of qualified revenues in the general fund of the Treasury; and

(2) 50 percent of qualified revenues in a special account in the Treasury, from which the Secretary shall disburse—

(A) 37.5 percent to eligible producing States for new producing areas, to be allocated in accordance with subsection (d)(1); and

(B) 12.5 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–8).

(d) ALLOCATION TO ELIGIBLE PRODUCING STATES.—

(1) IN GENERAL.—The amount made available under subsection (c)(2)(A) shall be allocated to eligible producing States in amounts (based on a formula established by the Secretary by regulation) that are inversely proportional to the respective distances between the point on the coastline of each eligible producing State that is closest to the geographic center of the applicable leased tract and the geographic center of the leased tract, as determined by the Secretary.

(2) USE.—Amounts allocated to an eligible producing State under subparagraph (A) shall be used to address the impacts of any oil and natural gas exploration and production activities under this section.

(e) EFFECT.—Nothing in this section affects—

(1) the amount of funds otherwise dedicated to the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–5); or

(2) any authority that permits energy production under any other provision of law.

SA 4649. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, Ms. CANTWELL, Ms. STABENOW, and Mr. SMITH) submitted an amendment intended to be proposed to amendment SA 4582 submitted by Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) and intended to be proposed to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, strike lines 5 through 7, and insert the following: "cargo (other than bulk cargo)—".

On page 3, line 3, strike the end quotation marks and second period and insert the following:

"(4) BULK CARGO.—For purposes of this subsection, the term 'bulk cargo' shall have the meaning given such term by section 53101(1) of title 46, United States Code (as in effect on the date of the enactment of this subsection).".

SA 4650. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE AND ON TIME AIR TRAVEL.

(a) SHORT TITLE.—This section may be cited as the "Safe and On Time Travel Act."

(b) PRIORITIZING AVIATION PROJECTS.—Any congressionally directed spending item (as that term is defined in rule XLIV of the Standing Rules of the Senate, as added by section 521 of the House Leadership in Government Act of 2007 (Public Law 110–81)), designated for administration by the Federal Aviation Administration shall be subject to the Administration's review and selection process. After the Administration completes its review, the Secretary of the Department of Transportation shall determine if the merits of each such congressionally directed spending item outweighs the merits of any backlogged projects and has resulted in flight delays or poses a risk to airline safety. If the Secretary determines that the congressionally directed spending item does not outweigh the backlogged project, the Secretary shall have the authority to reprogram funding provided for any such congressionally directed spending item for an identified backlogged project.

(c) REPORT.—The Secretary shall submit a report to Congress and make available annually on the Department's website the findings of the Federal Aviation Administration reviews of congressionally directed spending items. The report shall identify the following:

(1) A cost estimate and location of each backlogged project that may be affecting flight delays or pose a risk to airline safety.

(2) A cost estimate and location of each congressionally directed spending item designated for administration by the Federal Aviation Administration.

(3) The result of each of the Administration's reviews and selection processes with respect to the merits of each congressionally directed spending item.

(4) A listing of any congressionally directed spending item with respect to which funding was reprogrammed to reduce flight delays or improve airline safety.

(5) A detailed description of how the reprogramming of funding for any congressionally directed spending item was spent to reduce flight delays or improve airline safety.

SA 4651. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

(f) REALIGNMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.—

(1) PROHIBITION.—Notwithstanding any other provision of this section, the Administrator of the Federal Aviation Administration may not carry out, or plan for, the consolidation, deconsolidation, colocation, execution of interfacility reorganization, or facility elimination of the terminal radar approach control (TRACON) at Palm Beach International Airport.

(2) REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.—The Administrator shall ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2007, to replace an air traffic control tower or facility placed into operation before September 30, 2007, includes an operating terminal radar approach control.

SA 4652. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 65, strike line 24 and all that follows through page 66, line 2, and insert the following:

(4) Until the Board's recommendations are completed, the Administrator may not—

(A) consolidate any additional approach control facilities into—

(i) the Southern California TRACON; or

(ii) the Memphis TRACON; or

(B) de-consolidate, relocate, colocate, reorganize, combine, de-combine, split, or otherwise realign—

(i) the Miami International Airport TRACON and Tower;

(ii) the Orlando International Airport TRACON and Tower; or

(iii) the Palm Beach International Airport TRACON and Tower.

SA 4653. Ms. CANTWELL (for Mr. REID) proposed an amendment to the resolution S. Res. 494, expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq; as follows:

On page 3, beginning on line 9, strike "to merge reconstruction assistance funds provided by the United States with funds" and insert "to coordinate United States reconstruction assistance funds, in whatever form they are provided, with funds".

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 1, at 9:30 a.m. in room 562 of the Dirksen Senate Office building to conduct a hearing entitled "Indian Energy Development—Regaining Self-Determination Over Reservation Resources."

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 1, 2008, at 2 p.m. to conduct a Committee hearing entitled "The More You Know, the Better Buyer You Become: Financial Literacy for Today's Homebuyers."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, May 1, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, May 1, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate in order to conduct a hearing on Thursday, May 1, 2008, at 2:15 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 2008, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Keeping America's Children Safe: Preventing Childhood Injury" on Thursday, May 1, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, May 1, at 9:30 a.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled Indian Energy Development—Regaining Self-Determination Over Reservation Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing on Judicial nominations on Thursday, May 1, 2008, at 2:15 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 1, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

TEMPORARY EXTENSION OF THE FARM SECURITY AND RURAL INVESTMENT ACT OF 2002

Mr. ROCKEFELLER. Mr. President, a procedural matter. I ask unanimous consent the Senate proceed to the immediate consideration of S. 2954, introduced earlier today by Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2954) to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

Mr. ROCKEFELLER. Mr. President, I ask if there is objection to proceeding?

Mr. CRAIG. Mr. President, reserving the right to object, and I will not object, I came to the floor last night to speak to a time extension for our colleagues on the farm bill.

Mr. ROCKEFELLER. This would follow both you and Senator NELSON.

Mr. CRAIG. I am speaking to the unanimous consent request and the extension, and I think it is appropriate at this time. It appears our colleagues have labored hard and long. We believe we have a compromise for the farm bill. This gives them adequate time to refine it and bring it to floor as a conference report for final consideration.

Mr. ROCKEFELLER. I am informed we have to get this bill to the House right away.

There being no objection, the Senate proceeded to consider the bill.

Mr. ROCKEFELLER. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with, no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2954) was read the third time and passed, as follows:

S. 2954

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110–196 (122 Stat. 653) (as amended by Public Law 110–200 (122 Stat. 695) and Public Law 110–205 (122 Stat. 713)) is amended—

(1) in subsection (a), by striking "May 2, 2008" and inserting "May 16, 2008"; and

(2) in subsection (d), by striking "May 2, 2008" and inserting "May 16, 2008".

RATIFYING A LAND CONVEYANCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to the consideration of H.R. 3522, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3522) to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3522) was read the third time and passed.

MAKING TECHNICAL CORRECTIONS IN THE ENROLLMENT OF H.R. 493

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 340, received from the House and at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 340) to make technical corrections in the enrollment of the bill H.R. 493.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 340) was agreed to.

NATIONAL CHILD CARE WORTHY WAGE DAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H. Con. Res. 112 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 112) supporting the goals and ideas of a National Child Care Worthy Wage Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 112) was agreed to.

The preamble was agreed to.

REGARDING NEED FOR IRAQ RECONSTRUCTION ASSISTANCE

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 709, S. Res. 494.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 494) expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, without amendment, and with an amendment to the preamble, as follows:

(Omit the part struck through and insert the part printed in italic.)

S. RES. 494

Whereas a sustained flow of international economic reconstruction assistance to the Government of Iraq and provincial and regional authorities in Iraq is essential to the restoration of basic services in Iraq, job creation, and the future stabilization of that country;

Whereas reconstruction assistance should be administered in a transparent, accountable, and equitable manner in order to help alleviate sectarian grievances and facilitate national political reconciliation;

Whereas the United States has already spent approximately **[$29,000,000,000** on reconstruction assistance and Congress has authorized the expenditure of an additional **$16,500,000,000]** *$18,500,000,000 on reconstruction assistance and Congress has authorized the expenditure of $24,000,000,000* for reconstruction assistance;

Whereas, on December 18, 2007, the Government Accountability Office (GAO) reported that, as of October 2007, international donors had pledged a total of approximately $16,400,000,000 in support of Iraq's reconstruction since 2003, of which roughly $13,600,000,000 was pledged at an October 2003 donor conference in Madrid, Spain;

Whereas the GAO reported that international donors have provided only approximately $7,000,000,000 for reconstruction assistance, or less than half of the original pledged amount;

Whereas the conclusion reached by the Iraq Study Group (ISG) in December 2006 that "[i]nternational support for Iraqi reconstruction has been tepid" remains true and reinforces the ISG's subsequent recommendation that "[a]n essential part of reconstruction efforts in Iraq should be greater involvement by and with international partners, who should do more than just contribute money. . . . [t]hey should also actively participate in the design and construction of projects";

Whereas Iraq's regional neighbors, in particular, carry a special imperative to bolster reconstruction assistance efforts to Iraq, given the vital importance of a peaceful and secure Iraq to their security interests and overall regional stability; and

Whereas those countries have prospered in recent years due to the rising price of their oil exports and enjoy expanded government revenue from which funds could be allocated for reconstruction assistance to Iraq: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Iraq's neighbors and other key international partners should fully carry through on previous pledges of reconstruction assistance to the Government of Iraq, working to mitigate and circumvent, where necessary, potential obstacles to the effective implementation of those pledges; and

(2) the United States should consider a recommendation proposed by the Iraq Study Group to merge reconstruction assistance funds provided by the United States with funds from international donors and Iraqi participants to help ensure that assistance projects in Iraq are carried out in the most rapid and efficient manner possible.

Ms. CANTWELL. Mr. President, I further ask that the amendment which is at the desk be agreed to; the resolution, as amended, be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4653) was agreed to, as follows:

On page 3, beginning on line 9, strike "to merge reconstruction assistance funds provided by the United States with funds" and insert "to coordinate United States reconstruction assistance funds, in whatever form they are provided, with funds".

The resolution (S. Res. 494), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

S. RES. 494

Whereas a sustained flow of international economic reconstruction assistance to the Government of Iraq and provincial and regional authorities in Iraq is essential to the restoration of basic services in Iraq, job creation, and the future stabilization of that country;

Whereas reconstruction assistance should be administered in a transparent, accountable, and equitable manner in order to help alleviate sectarian grievances and facilitate national political reconciliation;

Whereas the United States has already spent approximately $18,500,000,000 on reconstruction assistance and Congress has authorized the expenditure of $24,000,000,000 for reconstruction assistance;

Whereas, on December 18, 2007, the Government Accountability Office (GAO) reported that, as of October 2007, international donors had pledged a total of approximately $16,400,000,000 in support of Iraq's reconstruction since 2003, of which roughly $13,600,000,000 was pledged at an October 2003 donor conference in Madrid, Spain;

Whereas the GAO reported that international donors have provided only approximately $7,000,000,000 for reconstruction assistance, or less than half of the original pledged amount;

Whereas the conclusion reached by the Iraq Study Group (ISG) in December 2006 that "[i]nternational support for Iraqi reconstruction has been tepid" remains true and reinforces the ISG's subsequent recommendation that "[a]n essential part of reconstruction efforts in Iraq should be greater involvement by and with international partners, who should do more than just contribute money. . . . [t]hey should also actively participate in the design and construction of projects";

Whereas Iraq's regional neighbors, in particular, carry a special imperative to bolster reconstruction assistance efforts to Iraq, given the vital importance of a peaceful and secure Iraq to their security interests and overall regional stability; and

Whereas those countries have prospered in recent years due to the rising price of their oil exports and enjoy expanded government revenue from which funds could be allocated for reconstruction assistance to Iraq: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Iraq's neighbors and other key international partners should fully carry through on previous pledges of reconstruction assistance to the Government of Iraq, working to mitigate and circumvent, where necessary, potential obstacles to the effective implementation of those pledges; and

(2) the United States should consider a recommendation proposed by the Iraq Study Group to coordinate United States reconstruction assistance funds, in whatever form they are provided, with funds from international donors and Iraqi participants to help ensure that assistance projects in Iraq are carried out in the most rapid and efficient manner possible.

NATIONAL DRUG COURT MONTH

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 534 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 534) designating the month of May 2008 as "National Drug Court Month."

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 534) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 534

Whereas drug courts provide focus and leadership for community-wide partnerships, bringing together public safety and public health professionals in the fight against drug abuse and criminality;

Whereas 60 percent to 80 percent of drug offenders sentenced to prison and over 40 percent sentenced to probation recidivate, and whereas fewer than 17 percent of drug court graduates recidivate;

Whereas the results of more than 100 program evaluations and at least 3 experimental studies have yielded evidence that drug courts greatly improve substance abuse treatment outcomes, substantially reduce crime, and produce significant societal benefits;

Whereas drug courts transform over 120,000 addicts each year in the adult, juvenile, and family court systems into drug-free, productive citizens;

Whereas judges, prosecutors, defense attorneys, substance abuse treatment and rehabilitation professionals, law enforcement and community supervision personnel, researchers and educators, national and community leaders, and others dedicated to drug courts and similar types of treatment programs are healing families and communities across the country; and

Whereas the drug court movement has grown from the 12 original drug courts in 1994 to over 2,000 operational drug courts as of December 2007: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of May 2008 as "National Drug Court Month";

(2) encourages the people of the United States and interested groups to observe the month with appropriate ceremonies and activities;

(3) encourages leaders across the United States to increase the use of drug courts by instituting sustainable drug courts and other treatment-based alternatives to prison in all 3,143 counties in the United States, which serve the vast majority of the highest-need citizens in the justice system; and

(4) supports the goal of robustly funding the Drug Court Discretionary Grant Program and other treatment-based alternatives to prison in order to expand these critical criminal justice programs.

NATIONAL SUBSTITUTE TEACHER RECOGNITION WEEK

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 544 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 544) designating May 5 through 9, 2008, as National Substitute Teacher Recognition Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HATCH. Mr. President, I rise today in recognition of the 7th Annual "National Substitute Teacher Recognition Week," which is celebrated in conjunction with Teacher Appreciation Week. This is a national effort to recognize the approximately 270,000 men and women that fill in for absent permanent teachers every day in the United States.

According to research performed by the Substitute Teaching Institute—STI—at Utah State University, as much as 1 full year of a child's elementary and secondary education is taught by substitute teachers. More often than not, these are talented individuals who are willing to take on the challenge of providing quality education when permanent teachers are out of the classroom. I believe it is only appropriate that we do something to recognize the efforts of these members of our communities who fill a void in the education of our children and play a vital role in maintaining continuity of instruction and a positive learning environment for students throughout our country.

I would also like to recognize and commend the work and dedication of the Substitute Teaching Institute. Established in 1995, STI provides substitute teachers with training materials to improve the quality of their contribution to classroom activities. Over the last 12 years, STI has evolved and grown to become one of our Nation's leaders in the effort to improve substitute teaching, providing training materials and services along with recruitment and retention assistance to school districts and substitute teachers around the world. Having expanded its work over the years, the STI continually works to revolutionize the role of substitute teachers into opportunities for educational excellence.

I am joined by Senators CLINTON and COCHRAN in submitting a resolution designating May 5–9, 2008 as National Substitute Teacher Recognition Week, and I urge all my colleagues to lend their support.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 544) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 544

Whereas, on average, as much as 1 full year of a child's elementary and secondary education is taught by substitute teachers;

Whereas, on any given day in the United States, more than 270,000 classes are taught by substitute teachers;

Whereas formal training of substitute teachers has been shown to improve the quality of education, lower school district liability, reduce the number of student and faculty complaints, and increase retention rates of substitute teachers;

Whereas a strong, effective system of education for all children and youth is essential to our Nation's continued strength and prosperity;

Whereas much of a child's growth and progress can be attributed to the efforts of dedicated teachers and substitute teachers who are entrusted with the child's educational development;

Whereas substitute teachers play a vital role in maintaining continuity of instruction and a positive learning environment in the absence of a permanent classroom teacher; and

Whereas substitute teachers should be recognized for their dedication and commitment: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 5 through 9, 2008, as the 7th annual National Substitute Teacher Recognition Week;

(2) recognizes the important and vital role substitute teachers play in a child's education; and

(3) encourages educational institutions to observe the week with appropriate events and activities.

HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 545, which was submitted earlier today by Senator PRYOR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 545) honoring the recipients of the El Dorado Promise Scholarship.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 545) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 545

Whereas the 2000 United States Census determined that El Dorado, Arkansas, had a significantly lower percentage of residents with degrees from institutions of higher education and a significantly higher percentage of families who fell below the poverty line than the national average;

Whereas it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce and global economy;

Whereas the El Dorado Promise scholarship is a tuition scholarship, created and funded by Murphy Oil Corporation, which enables all eligible high school graduates of the El Dorado Public School District in El Dorado, Arkansas, to attend any accredited 2- or 4-year, public or private, college or university;

Whereas school enrollment in the El Dorado Public School District has significantly increased since the El Dorado Promise scholarship program was established, despite a 15-year trend of decreasing enrollment;

Whereas the El Dorado Promise scholarship program increased the number of El Dorado High School students who chose to attend college after graduation by 20 percent; and

Whereas, on April 30, 2008, El Dorado High School students who receive El Dorado Promise and other academic scholarships sign academic letters of intent for the colleges they will be attending upon graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the recipients of the El Dorado Promise scholarship for choosing to further their education;

(2) recognizes April 30, 2008, as the second Academic Signing Day for graduating El Dorado High School students receiving El Dorado Promise and other academic scholarships;

(3) acknowledges that the El Dorado Promise scholarship program is important for the revitalization of southern Arkansas; and

(4) recognizes Murphy Oil Corporation for its efforts to ensure that children from southern Arkansas, who might otherwise struggle in financing a college education, are able to attend college.

NATIONAL PHYSICAL FITNESS AND SPORTS MONTH AND NATIONAL PHYSICAL EDUCATION AND SPORTS WEEK

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 546, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 546) designating May 2008 as "National Physical Fitness and Sports Month," and the week of May 1 through May 7, 2008, as "National Physical Education and Sports Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. THUNE. Mr. President, I am pleased to submit a resolution today with my colleague, Senator WYDEN OR, designating the month of May as "National Physical Fitness and Sports Month" and the first week of May as "National Physical Education and Sports Week."

Developing healthy habits is important for all of us, as children, young adults, and as we grow older. Current and past Presidents have recognized the month of May, the beginning of spring, as "Physical Fitness and Sports Month" for over 20 years. Around South Dakota and across the country, local YMCAs, afterschool programs, and other organizations take time during the month of May to recognize the need to get fit, stay active, and look at new ways to promote physical activity. This year, I am pleased we are able to recognize the importance of physical fitness through the Senate.

As we talk more about health care reform and the uninsured, it is important to remember that each of us has a responsibility concerning our own care and to educate our children on the importance of staying healthy. Too often I hear from constituencies, such as school groups and health care providers, that childhood obesity and diabetes are on the rise—and it is not just affecting our health, but also our pocketbooks.

According to my State and the Centers for Disease Control, more than 50,000 South Dakotans have diabetes and projections show that number will continue to increase. Diabetes of course can cause severe complications and takes a tremendous toll on our society. The disease is associated with significant personal and social costs due to impaired health and quality of life.

Heart disease is another significant and often related illness to diabetes that effects millions of Americans and costs Medicare and Medicaid, and therefore taxpayers, millions each year. In South Dakota, approximately 1,743 deaths—24.8 percent of all deaths—in 2006 were caused by cardiovascular diseases, including stroke.

Now much of the burden of heart disease is due to smoking—and that is another problem we will continue to tackle through education at the state and local levels. But it is also helpful to know that both heart disease and type 2 diabetes are largely preventable. Also, obesity and inactivity are two of the major risk factors associated with these diseases—which means a healthy diet and regular physical activity at all ages can go a long way toward improving our quality of life and reducing our health care bills.

For adults, it is recommended that minimum physical activity consist of moderate activity for 30 minutes, 5 days a week, or more vigorous activity for 20 minutes, 3 days a week. My daughters and I happen to have a passion for running, which is particularly popular this time of year in South Dakota.

The month of May is also a time to recognize the importance of sports to our State and to our schools. Getting involved in your local school team—high school or college—or in other local teams is a great way to stay motivated and focused through school and to develop healthy habits that will last for many years. It is also a tremendously important part of community life in South Dakota.

I am proud that this resolution has been endorsed by YMCA of the USA, AAHPERD—American Alliance for Health, Physical Education, Recreation & Dance—the American Heart Association, American Diabetes Association, and the National Coalition for Promoting Physical Activity.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 546) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 546

Whereas regular physical activity helps increase endurance, strengthen bones and muscles, control weight, and reduce anxiety and stress, and may improve blood pressure and cholesterol levels;

Whereas about ⅔ of young people in the ninth through 12th grades do not engage in recommended levels of physical activity, and daily participation in high school physical education classes has declined over the last 7 years;

Whereas 39 percent of adults report they are not physically active, and only 3 in 10 adults engage in the recommended amount of physical activity;

Whereas, in 2004, more than 9,000,000 children and adolescents in the United States between the ages of 6 and 19 were considered overweight;

Whereas obesity and inactivity are 2 major risk factors for developing type 2 diabetes, a disease that affects millions of people in the United States;

Whereas many chronic diseases may be prevented by living a healthy lifestyle that includes regular physical activity and a balanced diet;

Whereas, according to the Centers for Disease Control and Prevention, the American Heart Association, and the American College of Sports Medicine, minimum physical activity for adults consists of moderate activity for 30 minutes 5 days a week or vigorous activity for 20 minutes 3 days a week;

Whereas, according to a 1996 report by the Surgeon General, positive experiences with physical activity at a young age help to lay the foundation for being active throughout life;

Whereas the President's Council on Physical Fitness and Sports promotes regular physical activity to achieve and maintain good health and to prevent chronic disease and offers motivational tools through the President's Challenge program for people of all ages to track physical activity; and

Whereas the month of May has been recognized since 1963 as National Physical Fitness and Sports Month to encourage physical fitness and activity and to promote health in children and adults of all ages: Now, therefore, be it

Resolved, That the Senate—

(1) designates—

(A) May 2008 as "National Physical Fitness and Sports Month"; and

(B) the week of May 1 through May 7, 2008, as "National Physical Education and Sports Week"; and

(2) encourages the people of the United States to observe the month and the week with appropriate ceremonies and activities.

NORTH AMERICAN OCCUPATIONAL SAFETY AND HEALTH WEEK AND OCCUPATIONAL SAFETY AND HEALTH PROFESSIONALS DAY

Ms. CANTWELL. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 547, submitted earlier today by Senator DURBIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 547) designating the week of May 4 through May 10, 2008, as "North American Occupational Safety and Health Week" and May 7, 2008, as "Occupational Safety and Health Professionals Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 547) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 547

Whereas every year more than 5,700 people die from job-related injuries and 4,400,000 more incur occupational injuries and illnesses in the United States;

Whereas transportation crashes continue to be the number 1 cause of on-the-job deaths, and overall in 2005 there were 6,159,000 transportation accidents resulting in 43,433 deaths, 2,700,000 injuries, and an estimated $230,600,000,000 in tangible costs;

Whereas businesses spend $170,000,000,000 a year on costs associated with occupational injuries and illnesses;

Whereas it is imperative that employers, employees, and the general public are aware of the importance of preventing illness and injury in the workplace-wherever that workplace may be, such as on the road, in the air, the classroom, the store, the plant, or the office;

Whereas each year the families, friends, and co-workers of victims of on-the-job accidents suffer intangible losses and grief, especially when proper safety measures could have prevented worker injury or death;

Whereas everyday millions of people go to and return home from work safely due, in part, to the efforts of occupational safety, health, and environmental practitioners who work day in and day out identifying hazards and implementing safety and health advances across industries and workplaces, aimed at eliminating workplace fatalities, injuries, and illnesses;

Whereas our society has long recognized that a safe and healthy workplace positively impacts employee morale, health, and productivity;

Whereas the purpose of the North American Occupational Safety and Health Week (NAOSH) is to raise awareness among employees, employers, and the general public of the benefits of investing in occupational safety and health;

Whereas the more than 32,000 members of the American Society of Safety Engineers, along with the more than 150,000 combined members of the American Association of Occupational Health Nurses, the American Heart Association, and the National Association of Homebuilders, will be mobilizing to encourage safe practices, and increase the quality of life for employees and employers;

Whereas the theme of NAOSH Week 2008 is "safety is good business", highlighting that businesses operate more efficiently and are more respected when they use effective safety and health management systems; and

Whereas, on May 7, 2008, occupational safety and health professionals will be recognized during the 3rd annual Occupational Safety and Health Professionals Day for the work they do to keep people safe at work: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 4 through 10, 2008, as "North American Occupational Safety and Health Week";

(2) designates May 7, 2008, as "Occupational Safety and Health Professionals Day";

(3) commends occupational safety, health, and environmental practitioners for their ongoing commitment to protecting people, property, and the environment;

(4) commends those businesses that encourage a strong safety culture and incorporate occupational safety and health into their business strategies;

(5) encourages all industries, organizations, community leaders, employers, and employees to join with the American Society of Safety Engineers to support activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace, during the week of May 4 through May 10, 2008, and throughout the year; and

(6) urges all people of the United States to continue to act responsibly and to be safe at work so that the millions of people who go to work return home safely every day to their families and friends.

ENERGY

Ms. CANTWELL. Mr. President, there are many items we were taking care of, but I think the Senate, including the Presiding Officer, in the last several days has spent a lot of time talking about the high prices of gasoline and how the consumers are being impacted by it.

I come to the floor tonight to continue that discussion and to say to the American people and the people of Washington State whom I represent that we are going to be aggressive and vigilant about looking into the oil market and why gas prices have risen over 100 percent in a year when there has been no disruption of supply, when there has been no shortage, when most oil companies testified that oil should be at $60 a barrel, why we are at these high gas prices.

Many of my colleagues have been out on the floor speaking. I keep pointing to the fact that the price of oil has been at over $118 a barrel. I don't know what they closed at today. Many consumers have been paying anywhere from $3.56 a gallon to $4.22 a gallon for diesel. Oil futures—I keep emphasizing this—oil futures are part of what drives the day-to-day price of oil. When oil futures are so high, that helps set the price in the day-to-day, what is called the spot market. We know oil futures now will be over $100 a barrel for several years. We know this is a very big indicator of the challenge we face in keeping gasoline prices low.

Many of my colleagues have been out here talking about ANWR, how we should drill in the Arctic Wildlife Refuge and we will solve our problems. I do not support drilling in the wildlife refuge because I think it is a very special place because it is a wildlife refuge. More importantly, in this case, it is not going to solve our energy crisis. Drilling in the Arctic Wildlife Refuge will, at the height of its production 10 or 20 years from now, if it actually occurs, will reduce gas prices by about a penny a gallon. We are talking about a few dollars of savings over a year's period of time. We are not talking about a solution.

The United States has 3 percent of the world's oil reserves. We are not going to drill our way out of this problem. So we need to act.

Many of my colleagues have said it is about the fact that there is not enough gas supply; we don't have enough inventory. And we hear from oil analysts who give testimony or write articles in the paper that "gasoline inventories are higher than the historical average at this time of year . . . so there is really no need to worry about the supply being too tight." This is an oil analyst who said this in March. Here is somebody analyzing the market who says it is not about the supply being too tight.

We had some people say it is all about refineries, if we just went ahead with refineries producing more and there are all these environmental regulations and they cannot produce more oil. According to CEOs of oil companies, that is not the issue because the CEO of Shell testified that—this is before a Senate committee—"We are not aware of any environmental regulations that have prevented us from expanding refinery capacity or siting a new refinery." That is not what the problem is either.

We know it is not any existing regulations because here is another CEO of an oil company who said: At this time, we are not aware any projects have been directly prevented as a result of any specific Federal or State regulation.

I have gone over some of these charts, and I am going over them again tonight because I think it is important for us to get to the bottom of what is going on. We owe it to our consumers, to our constituents to make sure that strong Federal statutes are in place that prohibit market manipulation and that they are enforced and that if markets are out of control—and by that I mean there is no justification for the price—we have somebody in the Federal Government, a Federal agency that is going to police that market and hold people accountable for the manipulation of supply and price.

During the summer season, we actually think consumption in the United States is projected to decline. So this notion somehow that the summer driving season is upon us and all of a sudden the price should go up because more people are going to be driving taking vacations and it is going to have an impact and that is why the price should go up is just not correct. This is a statement by the Energy Information Agency that it declined over last year by three-tenths of a percent and is expected to decline by four-tenths of a percent for the summer. It is not really about the fact that all of a sudden just because it is summer we should pay higher gas prices.

I have shown this chart about supply and demand because it shows in the orange color what demand have been and what supply has been, the yellow line. What is interesting is that supply and demand has been fairly consistent over time; that is, we see some anomalies there, but pretty much supply and demand are being met. So someone cannot say we had in 2007 or 2008 a big gap and that is why today prices are 100 times what they were, over 100 percent from where they were a year ago. You cannot say that because supply and demand are basically constant.

That leaves us to say, What is the problem? What is going on and what is causing this problem? When I think about this issue about what America needs to do to make sure oil markets are policed, to make sure oil markets are functioning, to make sure oil, a commodity that is so important to us in the United States as it relates to our economy, is really properly policed by proper Federal agencies, I look at where this is.

I have said a couple times on the floor now it seems to me that hamburger in America has more regulation as it relates to the futures market than oil does. I am sure some will say: What is the Senator from Washington talking about? What I am talking about is basically this chart which is that cattle futures, which are traded on several platforms, basically do not have any exemptions. They have to comply with all the rules and regulations of the futures market. That means they have to register, people have to know who is buying and selling on that market. They have daily reporting requirements. That means there has to be transparency. And there are speculative limits. Those speculative limits in the market for something such as cattle futures basically say if price gets out of control, then they stop the market. They stop the market; they don't let it just careen out of control.

Yet we look at oil—besides the NYMEX, oil has been traded on these mini-platforms, and you ask: Does it have to meet any of these same requirements as beef? No. Look over here and they are exempt. There is no check mark here. They are exempt. They are an exempt commodity. Why? Because in 2000, they were given an exemption called the Enron loophole that basically said those trades don't have to comply with the same daily reporting requirements of the futures market. They don't have registration, so we don't know who is impacting that market. We don't know who is doing it. They certainly don't have daily reporting requirements, so there is no transparency, and they don't have any kind of limitation on the speculation. Basically, we have a totally different regime of how futures are treated.

As I said, the important point is that the oil futures price impacts the day-to-day price of oil as well. So it is very important that we have a futures market that functions, that is not manipulated, that has a certain amount of transparency to it, that there are reporting requirements so that if something is amiss in the marketplace, it can be investigated.

Let me be clear. I don't think any oil company or hedge fund or any other organization wants a disruptive market that does not function properly on market fundamentals. That is not good for anybody. So everybody should think that somehow hamburger cannot be more important to America than oil as it relates to our economy, and yet we have given all of these exemptions to oil and said we don't need to know this. We don't need to know this information. It is apparent at these prices that market fundamentals are not working. Supply and demand is not working.

We as a body basically said we want a prohibition on manipulation of oil. We made it illegal for any person to directly or indirectly use "any manipulative or deceptive device or contrivance" in connection with the wholesale purchase of crude oil or petroleum distillates. And we said any violators of that law could be fined up to $1 million a day. We did that in December. I think that $1 million per day is a pretty stiff fine to deter people from manipulating the market.

We also said anybody who knowingly provides false or misleading information about the wholesale of crude oil or gasoline prices to a Federal department or agency can also be fined up to $1 million per day.

We believe when we look at the Enron case and we look at some of the information that has been provided in these other markets where there has been manipulation, that providing false information was exactly the way we caught and understood exactly how people were manipulating the market.

That is the legislation that Senator REID and the Democrats pushed and got bipartisan support for in the Senate and we passed in December of last year.

What we have been waiting for is the FTC to act. We have been waiting for the administration to enforce that law. We have been waiting for them to enforce that law by writing the rules and regulations that will police the oil market and catch the manipulators of oil prices in this country.

The good news is the FTC is acting. The FTC, within the last half an hour, 40 minutes, has issued their rule. I have it here. This is the new rule.

It has to go through a public comment period. It has to have the input, I am sure it will be from hundreds of people who will want to say this is how I think this rule should work. I certainly encourage consumers and consumer organizations and my colleagues in the Senate to all respond to this rule because it will be critical that we hear from people.

I think the Chairman of the FTC, Chairman Kovacic, has done a good job saying in a press release just issued:

> We understand consumer prices are being hurt by high gas prices and that the Commission remains vigilant in using this authority to prevent unlawful behavior that affects gas prices.

I congratulate the FTC in issuing this rule. But I want people to understand that this rule in its final implementation is what is going to say to those individuals who are manipulating markets—we don't know yet about oil markets. We certainly know we have found manipulation of electricity markets, we have found manipulation of natural gas markets, we have found manipulation of propane, and we are going to use this law and this new rule to police the oil markets and stop any kind of activity that is spiking the price of gasoline and ruining our economy.

I can't say how important it is that we move forward on this rule. I can't tell you how critical it is because without the proper tools, without the proper policing and a market careening out of control—we had an oil analyst who basically said—I don't know if we have that chart—but he basically said Government has to act because there is too much speculative power running around in the market without the oversight, and Government needs to act. If it does not act, prices are going to keep going up.

I wish to give an example because the Amaranth case was a natural gas case where a hedge fund basically manipulated the market and sold a bunch of product into the market, physically a whole month of supply, to crash the price and then basically end up capitalizing on the fact they had so much control of the market.

Back to a chart that we have on beef and cattle futures, it is the issue that when you look at those markets, one of the reasons you police markets and you look at speculative limits and you have exchange registration is because you want to make sure that not one big player has so much market share it ends up using that in a manipulative way, which is what Amaranth did.

After Amaranth basically collapsed and the Federal Energy Regulatory Commission went after them for the manipulation of these prices, the price of natural gas fell 38 percent. After they got out of the market, the natural gas price fell 38 percent.

I am not saying this is going to happen, but imagine if that same thing happened in the oil markets. What would happen if we found out there was a big player such as Amaranth that was helping drive up the price and you actually could see a reduction of 38 percent from where we are today at nearly $118—$110 a barrel. Oil would be about $75 a barrel. Instead of paying $3.60 a gallon, we would be paying more like $2.40 or $2.50 a gallon. That is what would happen.

It is critical we police these markets and we use this new rule and that consumers respond and that we do our job in the Congress in making sure Federal regulators are on top of what is an out-of-control oil market that is not based on supply and demand, that is based on some other market activity that cannot be explained. Where there is smoke I think there is fire. We certainly see a lot of smoke in the oil markets that I hope will lead the FTC to investigate vigorously, with this new rule, the potential manipulation and stop these practices to help save our economy and save consumers who are getting gouged at the pump.

We are going to continue next week by reminding our colleagues of what we need to do. We need to protect consumers by closing the Enron loophole. As I said, beef futures have all these requirements but oil doesn't. We need to require the oversight of all oil futures markets. This was No. 3 on our list, get the FTC to act with new rules. The FTC did it tonight, issued their rule. I have not even read it in full. I am going to do that as soon as I leave the floor. I am going to see how good the rule is in basically enforcing the power we gave them in the December 2007 Energy bill.

We need to get the DOJ in the act because I think the FTC, while they have the new authority, should be with the CFTC, they should work with the SEC. They did a great job on the Enron task force in compiling across multiple agencies the case against the manipulation of the electricity markets. They should do the same for the oil markets.

Then, as I said before, I think making sure the President has emergency authority on price gouging, such as 28 States do, is also an important tool, and I am sure we will be talking more about that in the future.

Bursting the energy price bubble is what we need to do. We need to burst the energy price bubble that we cannot explain. We do not know why it is there. It is not supply and demand. It is something else going on, and we need to get to the bottom of it. After Amaranth, pricing dropped to the lowest level in 2½ years after their getting out of the market, after their manipulation, after a hedge fund came in and tried to manipulate the natural gas market. When we saw the lowest rate for natural gas in 2½ years after we got that manipulator out of the market, it tells us we have to be vigorous in this battle. We have to be aggressive in protecting our consumers, and that is what the Senate is going to continue to do.

I know the Presiding Officer is on board in that effort. I know many of my colleagues are too. I know Senator REID is as well.

I encourage my colleagues to weigh in on this issue of the FTC rule and policing of the oil markets. I hope we have hearings in the Commerce Committee to do that and that we show the American public the Senate is serious about protecting consumers from the high price spikes in oil that cannot be described as simply market supply and demand.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MAY 2, 2008

Ms. CANTWELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Friday, May 2; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each. I further ask that the filing deadline for first-degree amendments be 3:30 p.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. CANTWELL. Mr. President, today we were unable to reach an agreement on the FAA reauthorization bill. As a result, Senator REID filed cloture on the substitute amendment and the bill. The cloture vote on this substitute will occur at 2:30 p.m. on Tuesday. There will be no votes tomorrow and, as previously announced, there will be no votes on Monday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Ms. CANTWELL. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Friday, May 2, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF DEFENSE

SEAN JOSEPH STACKLEY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE DELORES M ETTER, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

STEVEN C. PRESTON, OF ILLINOIS, TO BE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ALPHONSO R. JACKSON, RESIGNED.

DEPARTMENT OF STATE

LILIANA AYALDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

TATIANA C. GFOELLER-VOLKOFF, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KYRGYZ REPUBLIC.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO GENE SEGERBLOM

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Gene Segerblom by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. I rise today to honor Gene Segerblom, who recently celebrated her 90th birthday on March 15th, 2008.

Gene was born in 1918 in Elko County, Nevada. Gene's grandparents had migrated to Nevada as pioneers. She graduated from high school in Winnemucca, and later graduated from the University of Nevada, Reno. She moved to Southern Nevada in 1940 to teach at Boulder City High School. A year later, she resigned from her position at the high school and married Cliff Segerblom, a known judge and talented artist.

Upon the return from their honeymoon, the newlyweds moved to the Republic of Panama, where Cliff was offered a job to be the photographer on the third set of canal locks. They lived there for 6 years, and returned to Boulder City in 1947 where Gene focused on raising her children Robin, Richard, and Tic. After 21 years, she returned to teaching government classes at Boulder City High School. She later embarked on her political career as a city council woman for Boulder City. She worked tirelessly with the Las Vegas Chamber of Commerce as well as the Boulder City Chamber of Commerce to promote Nevada and Boulder City.

In 1991, Gene ran for the Nevada State Assembly and won. She served four terms in the State Assembly and had been the first representative to serve Boulder City in 22 years. Throughout her term, Gene focused on the preservation and restoration of many historical sites, and focused on the development of parks and museums. Gene has dedicated much of her efforts to support the community of Boulder City. She serves on numerous committees including the Boulder City Museum and Historical Association where she serves as the Founding Director and Vice President, the Boulder City Community Club, and the Nevada State Council of Senior Citizens President. Gene was also a champion of the Boulder City Hotel.

Madam Speaker, I am proud to honor Gene Segerblom on this noteworthy occasion for her exemplary life and important contributions to her community. I applaud the way in which she has served Boulder City and congratulate her on this milestone. I wish her a happy birthday and the best of luck in her future endeavors.

REMARKS ON THE ILWU MAY DAY PROTEST OF THE IRAQ WAR

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Ms. SPEIER. Madam Speaker, today many of the 40,000 members of the International Longshore and Warehouse Union—the ILWU—are expressing their outrage at the Administration's war policies and their effect on working families by staging a walkout at ports and other facilities along the West Coast.

I stand in solidarity with these workers whom, like the truckers who mobilized in Washington earlier this week and many other working and middle-class Americans, have simply had enough of the diet of mistruths and deceptions that our President continues to feed the American public.

Madam Speaker, Americans are saying enough is enough. We spend billions every week in Iraq while the government there banks its oil profits and refuses to pitch in to help fund the necessary projects required to get the Iraqi people back on their feet.

Madam Speaker, my tenure in this house is short, but my interest in the institution has been a life-long pursuit. May I say that you have done more to bring peace to our nation and get our troops back home to their families than any other war-time Speaker in our history. I am proud to stand by you and the ILWU as we all do our part to bring an end to this war.

It is time to bring our men and women home to their families and communities. It is time for all Americans, like the Longshore and Warehouse workers, to stand up and tell the President "Enough is enough. End this war before your term is over. Eight tragic years for our country is bad enough, don't saddle future generations with a prolonged commitment in a country we never should have gone into in the first place."

CELEBRATING THE 90TH ANNIVERSARY OF MEMORIAL BAPTIST CHURCH BAYTOWN, TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. POE. Madam Speaker, it is with great honor that I congratulate the members of Memorial Baptist Church in Baytown, Texas as they celebrate their 90th anniversary. This is a remarkable milestone for this community church that modestly began in 1918.

During the 1900s, it was common that church services took place in private homes. In 1918, the Alcorn Family invited John W. Anderson to preach at their home in Goose Creek. Later that year, John W. Anderson became the first pastor of First Baptist Church, Goose Creek known today as Memorial Baptist Church.

Blessed with outstanding leadership and unshakable faith, the congregation continues to be a treasure to the city of Baytown. Memorial Baptist Church is a good example of the positive role that churches play in our communities. Through their ministry and outreach efforts, lead by current pastor Brad Hoffman, they are making a difference in the lives of people.

Today, more than ever, our Nation needs the spiritual nourishment and support that our local churches can provide. It is for this reason that I congratulate the members of Memorial Baptist Church for their dedication and faith as they celebrate 90 years of serving our community.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 29, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 224, rollcall 225, and rollcall 226.

COMMENDING COLE VALLEY CHRISTIAN SCHOOL SCIENCE BOWL TEAM

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. SALI. Madam Speaker, I rise today to recognize an elite group of students from Cole Valley Christian School in Meridian, Idaho. Christopher Barker, Maxwell Greenlee, Timothy Segert, Adam Tucker and Phillip Grafft will represent Idaho in the 18th annual U.S. Department of Energy National Science Bowl competition in Washington, DC.

The National Science Bowl is an academic challenge involving more than 12,000 high school students across the country. From January through March, regional elimination tournaments were held across the country and the group of four seniors and one junior from Cole Valley Christian prevailed. The 67 winning teams have won the opportunity to compete at the national finals in Washington, DC, May 1–6, 2008.

The mission of the National Science Bowl is to encourage students to excel in science and math, and to pursue careers in those fields. I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

am proud to congratulate Christopher, Maxwell, Timothy, Adam and Phillip who represent the best of our next generation of scientists, engineers and educators.

The competition is in a fast-paced question and answer format. The students prepared during their lunch break under the guidance of Coach Lola Lynch. Ms. Lynch is described by the students simply as "awesome." I thank her for all the dedication, support, and encouragement she has lent to the students. Though Ms. Lynch is unable to attend the competition in DC, the students will be diligently coached by Tim Berggren.

When asked if they will win, the students said they hope so. But even more, they hope to represent God and Idaho as best as possible.

Christopher, Maxwell, Timothy, Adam, Phillip, Coach Lynch and Coach Berggren: I wish you the best of luck at the Science Bowl. Congratulations on your efforts thus far, you are fine representatives of Idaho.

HONORING JUDITH A. HORN FOR HER WORK WITH THE KINGS PARTNERSHIP FOR CHILDREN

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. COSTA. Madam Speaker, I rise today to congratulate Mrs. Judith A. Horn, Director of the "Hand in Hand" Family Resource Center for her work with the Home Garden and Lakeside communities. Today, thanks to her efforts, these communities not only have many educational programs but a resonating voice in local politics that addresses their needs.

I have had the pleasure of working with Judy Horn on a variety of projects throughout her time with the Family Resource Center. As the founding director of the center, Judy laid a strong foundation for the organization, focusing on activism, youth advocacy and crime prevention. Her unique ability to work well with a wide variety of individuals has aided the center immeasurably.

The success of the Kings Partnership for Children, which Judy founded in 1991, is evidenced by the presence of a permanent health clinic, a pre-school, an after-school program, a summer program, and a computer lab for youth in the area. These are direct results of the dedication, commitment, and invaluable drive Judy has always exhibited.

It goes without saying that Judy Horn personifies a woman of great principle and integrity. She is a role model for us all, especially our Valley's upcoming generation of activist youth. It is with great pride that I congratulate Judy for all her work with the "Hand in Hand" Family Resource Center and the Kings Partnership for Children, and thank her for all that she does on behalf of Kings County residents.

IN RECOGNITION OF MR. ANTHONY FLOWERS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Anthony Flowers, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and state level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5 minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year award, Anthony moved onto the state level competition, where he refined his essay and prepared for the next round of interviews. Anthony was an extremely qualified candidate for the Youth of the Year 2008. Anthony is a Boy Scout and a Keystone Club Member at the Clarence Fraim Boys & Girls Club. Among the candidates for the state Youth of the Year, Anthony won the Highest GPA Award for his 3.63 GPA at Hodgson Vocational Technical High School.

Once again, I would like to commend Anthony Flowers for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

HONORING SFC RONNIE THOMPSON, JR.

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Sergeant First Class Ronnie Thompson, Jr., a remarkable soldier and citizen from Rineyville, Kentucky. SFC Thompson's recovery from a grave injury sustained while serving in Iraq has made him a source of inspiration among his fellow soldiers and throughout the extended Fort Knox community.

SFC Thompson joined the United States Army in 1991 and was assigned to the First Infantry Division. During his early tenure, he completed a deployment to Bosnia and two additional deployments to Kosovo. He was subsequently deployed to Iraq where he served as a Scout Platoon Sergeant with the Air Assault Quick Reaction Force.

On December 11, 2004, SFC Thompson was severely wounded by an improvised explosive device while participating in Coalition efforts in Iraq. He was air evacuated back to the United States and placed in emergency care at the Walter Reed Medical Center in Washington, DC. In the months and years that have followed, SFC Thompson has defied doctor's expectations, emerging from a coma and enduring countless hours of grueling physical therapy.

In his long convalescence, SFC Thompson continues to demonstrate the unique courage and keen sense of duty that made him such an exemplary soldier. In addition to the daily rigors of rehabilitation therapy, he has found time to serve his fellow soldiers as a volunteer at the Fort Knox Veteran Service Office. On the battlefield and off, SFC Thompson has answered the call of his country in a profound way, making deep personal sacrifices to serve others and preserve our freedom and way of life.

It is my great privilege to recognize Sergeant First Class Ronnie Thompson, Jr. today on the floor of the U.S. House of Representatives for his service to our country, support of our soldiers, and lifelong example of leadership and service. His unique achievements make him an outstanding American worthy of our honor and respect.

INJECTING THE IMPROVEMENT OF EDUCATION INTO THE POLITICAL DIALOGUE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. RANGEL. Madam Speaker, in the interest of our national security, competitive standing in the world, and criminal justice system—I rise today to rouse dialogue on an issue that implicates all three: education. Recent numbers report that as few as 1 out of every 2 youngsters are not earning high school diplomas in our Nation's biggest cities. For those of us from districts where the need is great, these numbers are far from new, let alone startling. But even as they inspired alarm in the wake of the report's release, they have failed to ignite a national conversation on an issue that demands action, not just today, but yesterday. That alarm has already, regrettably, been snuffed out. We remain, still, oddly hush-hush and complacent.

Many will make an argument of the heart, that to fail to equip these kids with the skills and knowledge they need to eschew poverty and criminality demonstrates an abominable lack of compassion. This is true. But allow me to also make an argument of the mind. These children cannot afford failure—and neither can we. As a nation, we drastically shrink our talent pool and our ability to compete on the global stage when we trade bodies in our college classrooms for bodies on the streets, in jails, even underground. We give way to the rise in influence of China and India and saddle the next generation with a workforce unfit for competition, perennially unemployed and underemployed. That is an explicit and direct threat to our national security.

A New York Times editorial—written by Bob Herbert, published on April 22, and titled "Clueless in America"—makes the case for an America that rises to this challenge, that takes note of our lack of progress, and moves with purpose and innovation towards correcting it.

CLUELESS IN AMERICA

We don't hear a great deal about education in the presidential campaign. It's much too serious a topic to compete with such fun stuff as Hillary tossing back a shot of whiskey, or Barack rolling a gutter ball.

The nation's future may depend on how well we educate the current and future generations, but (like the renovation of the nation's infrastructure, or a serious search for better sources of energy) that can wait. At the moment, no one seems to have the will to engage any of the most serious challenges facing the U.S.

An American kid drops out of high school every 26 seconds. That's more than a million every year, a sign of big trouble for these largely clueless youngsters in an era in which a college education is crucial to maintaining a middle-class quality of life—and for the country as a whole in a world that is becoming more hotly competitive every day.

Ignorance in the United States is not just bliss, it's widespread. A recent survey of teenagers by the education advocacy group Common Core found that a quarter could not identify Adolf Hitler, a third did not know that the Bill of Rights guaranteed freedom of speech and religion, and fewer than half knew that the Civil War took place between 1850 and 1900.

"We have one of the highest dropout rates in the industrialized world," said Allan Golston, the president of U.S. programs for the Bill and Melinda Gates Foundation. In a discussion over lunch recently he described the situation as "actually pretty scary, alarming."

Roughly a third of all American high school students drop out. Another third graduate but are not prepared for the next stage of life—either productive work or some form of post-secondary education.

When two-thirds of all teenagers old enough to graduate from high school are incapable of mastering college-level work, the nation is doing something awfully wrong.

Mr. Golston noted that the performance of American students, when compared with their peers in other countries, tends to grow increasingly dismal as they move through the higher grades:

"In math and science, for example, our fourth graders are among the top students globally. By roughly eighth grade, they're in the middle of the pack. And by the 12th grade, U.S. students are scoring generally near the bottom of all industrialized countries."

Many students get a first-rate education in the public schools, but they represent too small a fraction of the whole.

Bill Gates, the founder of Microsoft, offered a brutal critique of the nation's high schools a few years ago, describing them as "obsolete" and saying, "When I compare our high schools with what I see when I'm traveling abroad, I am terrified for our work force of tomorrow."

Said Mr. Gates: "By obsolete, I don't just mean that they are broken, flawed or underfunded, though a case could be made for every one of those points. By obsolete, I mean our high schools—even when they're working as designed—cannot teach all our students what they need to know today."

The Educational Testing Service, in a report titled "America's Perfect Storm," cited three powerful forces that are affecting the quality of life for millions of Americans and already shaping the nation's future. They are:

1. The wide disparity in the literacy and math skills of both the school-age and adult populations. These skills, which play such a tremendous role in the lives of individuals and families, vary widely across racial, ethnic and socioeconomic groups.

2. The "seismic changes" in the U.S. economy that have resulted from globalization, technological advances, shifts in the relationship of labor and capital, and other developments.

3. Sweeping demographic changes. By 2030, the U.S. population is expected to reach 360 million. That population will be older and substantially more diverse, with immigration having a big impact on both the population as a whole and the work force.

These and so many other issues of crucial national importance require an educated populace if they are to be dealt with effectively. At the moment we are not even coming close to equipping the population with the intellectual tools that are needed.

While we're effectively standing in place, other nations are catching up and passing us when it comes to educational achievement. You have to be pretty dopey not to see the implications of that.

But, then, some of us are pretty dopey. In the Common Core survey, nearly 20 percent of respondents did not know who the U.S. fought in World War II. Eleven percent thought that Dwight Eisenhower was the president forced from office by the Watergate scandal. Another 11 percent thought it was Harry Truman.

We've got work to do.

TRIBUTE TO MRS. MINERVA "MINNIE" RAMIREZ

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mrs. Minerva "Minnie" Ramirez for her induction as a laureate in the 2008 Laredo Business Hall of Fame, and for her incredible dedication to her friends and colleagues in the business community of Laredo, Texas.

Minerva Ramirez was born on September 20, 1931, to a hardworking ranch family. She started her first job at the age of 12 sweeping floors at the local schoolhouse, and she began her knack for floral arrangements by making flower arrangements with tin cans and tissue paper in the shape of carnations which were sold for the cemetery. Minerva graduated from high school in 1948 in Hebbronville, Texas, and attended Texas A&I Kingsville. She worked her way through 2 years of college by teaching students at La Alejandrena Elementary School in Zapata County. Minerva was transferred to San Ygnacio, where she met her husband, Robert, and married in 1955. They moved to Laredo, and had three children: Carmen, Minita, and Robert Jr. Minerva taught and served as assistant principal at Ochoa Elementary for 17 years and became principal of Zachry Elementary School in 1981.

She started a flower shop, Carmin's, from the carport of her home in 1965, and the business grew so successful that Minerva retired from her teaching profession in 1986. One of her career highlights was being picked as the florist for the visitation of Pope John Paul II in San Antonio, Texas, in 1988 at the San Fernando Cathedral. Minerva has admirably served the community of Laredo, Texas, through her work as an educator to the youth of Laredo, and her contributions to the business community. For her dedication and hard work as a business entrepreneur, Minerva will be honored by the Junior Achievement League through her induction into the 2008 Business Hall of Fame.

Madam Speaker, I am honored to have had this time to recognize the dedication of Mrs. Minerva Ramirez, and I thank you for this time.

COMMENDING THE EFFORTS OF THE VILLAGE OF BETHALTO, ILLINOIS FOR ENVIRONMENTAL CONSERVATION

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in commending the efforts of the Village of Bethalto for their service to the community and the environment by developing green spaces and parks around its community.

Recently, the Village of Bethalto christened the Culp Lake Park on the northwest portion of the community. This newly opened public space is an inspiration to other cities hoping to brighten their communities and provide their citizens with opportunities to enjoy the outdoors.

In the early 1960's, the Village of Bethalto developed a 17-acre lagoon site that, after years of disregard, became connected with the Alton Sewer Treatment Plant in 1972. While village officials sought to transform the lagoon for many years, it was not until Mayor Steve Bryant began the final push that ultimately led to the gorgeous green space there today.

In 1997, Mayor Bryant and village officials established a park plan that envisioned not just a green space, but a versatile area with recreational facilities, picnic pavilions, and beautiful landscaping. With urban sprawl on the rise, Mayor Bryant and village officials decided it was time to turn this blighted area of the village into a family friendly environment.

In order to keep costs at a minimum, village officials acquired grant funding from Madison County and the State of Illinois that led to the clean-up and filling in of the lagoon, the formation of a 4 acre fishing lake, and the ultimate creation of the park.

Not only was this effort championed by the Village Board, residents of the village took it upon themselves to contribute. The Bethalto

Boys and Girls club, for example, donated and planted trees at the park.

Thanks to this type of effort, the Metro-East, located across the Mississippi River from St. Louis, Missouri, boasts the largest percentage of green spaces among the top 10 metropolitan areas in the State of Illinois.

Madam Speaker, I ask my colleagues to join me in commending the efforts of Mayor Steve Bryant and the village officials from Bethalto, Illinois for their dedication to environmental conservation.

RECOGNIZING ATTORNEY JOHN TUCKER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. POE. Madam Speaker, today I come to recognize the many achievements of the man known as "the wizard of trial law," John G. Tucker, who passed away at the age of 100 in January 2008. With his signature bow tie and flat top hair cut, Tucker was a fixture of the legal profession in Southeast Texas for over 75 years.

Tucker's father was an Army officer serving in Cuba as part of a peacekeeping force where officers were allowed to have their families live with them. His wife was 8 months pregnant when they found out that if born on Cuban soil, their son could never run for President of the United States. Knowing her son was destined for greatness, Tucker's mother set sail for New York City and eventually landed in Kansas City, Kansas, where John was born.

Though he never ascended to the highest office in the United States, Tucker was rather successful in all of his endeavors. He attended college in Pennsylvania and went on to graduate from Harvard Law School. John moved to Southeast Texas in the middle of the Great Depression of the 1930s, determined to take advantage of the boom created by the oil refineries. He joined the law firm created by William Orgain in 1933. The name was changed to Orgain, Bell, and Tucker in 1945 and continues to set the bar for legal excellence to this very day.

John Tucker tried over 90 cases in state and federal court and has argued cases before the Texas Supreme Court. He was deemed a Southeast Texas Legend by the Beaumont Foundation of America scholarship board in February 2007, becoming only the second person at the time to earn such honor.

On behalf of the Second Congressional District of Texas, I want to honor John G. Tucker for his lifetime of accomplishments. Through his diligent efforts and dedication he has made Southeast Texas a better place to live for generations to come.

HONORING MR. MICHAEL J. QUINN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. ANDREWS. Madam Speaker, I rise today to honor Michael J. Quinn, senior news writer for CBS News Philadelphia, who retired on April 24, 2008. Mr. Quinn began working in TV news in 1961 at Channel 10, a CBS affiliate. During his tenure with Channel 10, Mr. Quinn served as a news writer, newscast producer, reporter and news anchor. In 1984, Mr. Quinn began working at CBS 3 Eyewitness News, serving as a senior news writer and as a producer for the "Newsmakers" program.

Mr. Quinn has covered many major events over the past decades, including numerous presidential elections. In 1988, he was the associate producer for coverage of the presidential caucuses in Iowa. Mr. Quinn was the producer of the 2000 Republican National Convention CBS coverage in Philadelphia. Mr. Quinn also was the producer of the inauguration coverage of President George W. Bush in both 2001 and 2005.

Madam Speaker, Mr. Quinn spent his long career providing the people of Philadelphia with compelling news coverage. Mr. Quinn's hard work and dedication to his chosen field has touched the lives of millions of Americans. I commend Mr. Quinn for his commitment to broadcast journalism and wish him the best for his retirement.

FORTIETH ANNIVERSARY OF THE "CHRONICLE OF CURRENT EVENTS"

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. HASTINGS of Florida. Madam Speaker, this week marks the 40th anniversary of the initial publication of the "Chronicle of Current Events," the "underground newspaper of record," if you will, of the Soviet human rights movement in the years before the collapse of the Soviet Union.

The "Chronicle" was a samizdat, or "self-published," journal created to break through the government's monopoly on the flow of information and report to its readers the truth about human rights in the "workers' paradise." Described recently by the Russian human rights organization "Memorial" as the "fullest and most precise compilation of historical information about dissident activity and political persecutions in the USSR between 1968 and 1982," it was distributed via underground channels to readers in the Soviet Union and to foreign journalists and diplomats. In short time, the "Chronicle" gained a reputation for veracity and straight-forward reporting, and when copies reached the West, the contents were broadcast back to the Soviet Union by international radio stations such as Radio Liberty, BBC, Deutschewelle and others.

Meanwhile, the KGB expended a huge amount of effort and time to expose and apprehend the editors, contributors, and distributors of these two dozen or so typewritten sheets of onionskin paper. Possession, and especially distribution, of the "Chronicle" could result in lengthy labor camp sentences and internal exile. As might be expected, the list of persons involved in producing the "Chronicle" is a "Who's Who" of former Soviet dissidents and political prisoners. Despite the hardships and dangers involved, these brave individuals managed to compile and distribute over 60 issues of the publication.

Besides supplying otherwise unavailable information on human rights issues, the "Chronicle" inspired the establishment of similar publications devoted to specific themes and geographic regions. These would include the fate of the Catholic Church in Lithuania, the abuse of psychiatry for political purposes, and the fate of national minorities, such as the Crimean Tatars, under the Soviet system.

Madam Speaker, I would also mention that through the tireless efforts of Mr. Edward Kline, Professor Peter Reddaway, and exiled Soviet dissidents Valery Chalidze and Pavel Litvinov, an English version of the "Chronicle" became available in the West, allowing many non-specialists to become familiar with the deplorable human rights situation in the Soviet Union.

Eventually, with former KGB head Yuri Andropov in command in the Kremlin, the authorities managed to imprison, exile, or neutralize so many contributors to the "Chronicle" that it ceased publication in 1982. However, the folly of insulating the Soviet system from the free flow of information that was encircling the globe while trying to maintain a decent economy, let alone super-power status, was becoming by this time obvious to the more perceptive apparatchiks in the Kremlin's corridors of power. Three years later, Mr. Mikhail Gorbachev was selected to lead the Communist Party, and 6 years later the hammer and sickle banner of Soviet communism was replaced by the tri-color of the Russian Federation.

Today, Russia and the nations that comprised the Soviet Union are now independent and sovereign states. However, the free flow of information and media pluralism, though in immeasurably better condition than during the Soviet period, is still problematic. As Freedom House points out in its recently issued annual survey of press freedom throughout the world, Russia is among several nations of the former Soviet bloc that have suffered setbacks in the area of press freedom. There seems to be a rush by the government to characterize, with little serious justification, as "extremist" certain books and articles, opposition journalists and newspapers have been harassed, and new legislation recently introduced in the Duma would make it easier for the government to close down media outlets for allegedly publishing libel and slander.

Madam Speaker, let us hope that President-elect Medvedev recognizes that if Russia is to prosper in the global community, the free flow of information must be a vital component of the nation's commercial, social, and political infrastructure, and that if Russian citizens wish to view underground publications such as the "Chronicle of Current Events," they might better find them freely available in museums and libraries.

RECOGNIZING PRUDENTIAL SPIRIT OF COMMUNITY AWARDS WINNERS

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. SALI. Madam Speaker, I rise today to recognize three admirable teens from Idaho. Danielle Manning, 15, of Meridian, and Taylor Leavitt, 14 of Melba were recently named the top two youth volunteers in Idaho for 2008 in the 13th annual Prudential Spirit of Community Awards.

The Prudential awards are the country's largest program that recognizes the power of youth volunteerism. Additionally, Katie Williams of Eagle was named a finalist in the program.

Danielle saw a need in her community to help teen mothers. She collected more than 700 packages of diapers and raised almost $1,300 to stock Marian Pritchett High School in Boise, a public school for teen mothers, with diapers.

Taylor saw a need in his community too. The 8th grader worked on several volunteer projects such as rounding up Boy Scouts to mow the lawn, pick up garbage and clean out the garage of a grieving family. They also spent time with local senior citizens and helped folks moving into the community.

Katie worked with a group of high school girls to collect more than $70,000, books and school uniforms for a school in the slums of Nairobi, Kenya. Katie will receive an engraved bronze medallion as a finalist.

These three students deserve our appreciation and gratitude. They represent the greatness that our youth have to offer, demonstrating the power each one of us has to contribute to our communities and help our neighbors. And I note they did so without the aid or intervention of a government agency or federal program.

Thank you Danielle, Taylor and Katie for your willingness to dedicate your time to worthy causes. Your work serves as an example for all of us.

A TRIBUTE TO THE LIFE OF ANNA M. SANDERS

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. COSTA. Madam Speaker, I rise today along with my colleague from California, Congressman DENNIS CARDOZA to pay tribute to the life of Anna M. Sanders of Merced, California, who recently passed away at 88 years of age. Mrs. Sanders was an exceptional lady filled with passion, love and a voracious appetite for knowledge. She leaves behind a loving family including three sons, three grandsons, two granddaughters, and one great granddaughter.

A longtime Democrat, Anna spent nearly 40 years of her life as a teacher with the Atwater Elementary School District. As a zealous educator, she took great pride in the successes of her students. Over the years she was able to encourage and motivate countless young minds.

Anna spent her life in California's Central Valley, where she got both her bachelors and masters degrees. She also tenderly raised her three sons in the area, while maintaining a household which was often described as painstakingly organized.

Anna was the type of woman who took great care in everything she did. Her zest for life included an interest in greeting cards, crossword puzzles, and current politics. It is then to no one's surprise that one of her sons is a teacher, and the other two are actively involved in local and state politics.

A woman described as kindhearted and courageous, Anna worked to advance the causes of groups who were marginalized, oppressed and underserved by volunteering her time with many worthwhile organizations. Anna will be remembered for her formidable spirit and splendid character.

It goes without saying that Mrs. Anna Sanders was a positive influence in the area. Her commitment to family and community will forever live in the lives of the people she so graciously touched. I am honored and humbled to join her family in celebrating the life of this amazing woman who will never be forgotten.

IN RECOGNITION OF MR. CHARLES ROBINSON-SNEAD

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Charles Robinson-Snead, who was nominated to be the 2008 Delaware Boys & Girls Club Youth of the Year.

The Boys & Girls Clubs of America and the Reader's Digest have nationally sponsored the Youth of the Year program since 1947. The goal of Youth of the Year has been to recognize outstanding members of the Boys & Girls Club and their contributions to their Club, community, school, and family. More than 32,000 youth are served by the Boys & Girls Clubs of Delaware.

Twelve students were nominated for the honor of Youth of the Year through an intensive local and State level selection process, including the nominees' personal contribution to home and family, community, school and their Boys & Girls Club. The nominees had to prepare two essays explaining why post-high school education is important and what the Club means to them. Additionally, students had to prepare a 3–5-minute speech and have an interview session with a panel of judges. The candidates attended the Youth of the Year Summit, where they received professional guidance regarding public speaking, writing, and interviewing skills.

After winning the Local Youth of the Year Award, Charles moved on to the State level competition, where he refined his essay and prepared for the next round of interviews. Charles was a highly qualified candidate for the Youth of the Year 2008. At Laurel Boys & Girls Club Charles serves as a tutor and mentor for other club members.

Once again, I would like to commend Charles Robinson-Snead for being nominated as the Boys & Girls Club of Delaware's Youth of the Year.

HONORING BONNIE COX

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to Bonnie Cox, a remarkable employee and public servant at the Department of Disability Determinations in Frankfort, Kentucky. Bonnie is retiring this month, ending her three decade career in Kentucky State government.

Bonnie began her career at the DDS in the operations support branch and advanced through numerous positions to her current executive secretary position in the Commissioner's office. She has spent the last 25 years with the Department of Disability Determinations.

Bonnie has been an invaluable participant in many events outside the realm of her daily job duties. She has been the chairperson for the agency's Kentucky Employees Charitable Campaign and has worked tirelessly in this capacity. Having been touched by the generosity of KECC in her own personal life, Bonnie was the perfect advocate for KECC at the agency and brought a newfound inspiration into the DDS regarding this worthy organization.

In addition to her compassion, dedication, and good works for KECC, Bonnie also organizes appointments for the Red Cross blood drive, is instrumental in preparing information for the PRIDE, People Responsibly Influencing Decisional Excellence awards, and organizes retirement receptions and other noteworthy meetings within the DDS. She has received numerous awards and commendations for her dedication and commitment to these endeavors.

Bonnie has touched countless lives through her contacts with congressional inquiry claims. Her caring attitude and compassionate spirit have made her one of the strongest advocates for Kentucky's disabled citizens.

State government will lose a "voice" for the disabled and a friend to all when Bonnie retires. On behalf of the countless men and women who have benefited from her dedicated service, I would like to express my profound appreciation to Bonnie Cox and wish her a very happy and healthy retirement.

THE UNITED STATES NEEDS TO PROVIDE COUNTER-NARCOTICS ASSISTANCE TO CARIBBEAN COUNTRIES TO ERADICATE ILLEGAL DRUG ACTIVITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. RANGEL. Madam Speaker, I rise today to support H. Res. 865 which urges the United

States Government to consider fully and carefully the recommendations in the UNODC and World Bank Report entitled "Crime, Violence, and Development: Trends, Costs, and Policy Options in the Caribbean."

Although using Caribbean nations as major transit points for illegal drugs is not a new problem, it does shed light on a longstanding issue—the U.S. policy on providing assistance to the Caribbean nations in combating illegal drug activity. A major contributing factor to illegal drug activity remains the lack of resources Caribbean nations possess to combat this growing and menacing problem.

This problem will not resolve itself. Some steps the United States should take to assist the member states of CARICOM and the Dominican Republic include, but are not limited to: coordinating policy development and implementation, providing counter-narcotics assistance, and a continuance of policy initiatives that are working, such as the bilateral cooperation between the United States and the Government of Jamaica. Under this initiative, the U.S. provides training and material support to sections of Jamaican law enforcement agencies to strengthen their counter-narcotics capabilities. This is an excellent example that should be modeled throughout the Caribbean.

It is imperative for the United States to work with CARICOM member states and the Dominican Republic to establish effective programs to mitigate and ultimately, eradicate illegal drug activity. This will take a coordinated and aggressive collaboration by CARICOM member states, the Dominican Republic and the United States to have an impact on drugs being transported through the Caribbean and into the U.S. Even though this is a very daunting problem, working together and fully and carefully considering the recommendations in the UNODC and World Bank report is certainly a major step in the right direction.

TRIBUTE TO MR. FERNANDO "CHITO" SALINAS

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Fernando "Chito" Salinas for his induction as a laureate in the 2008 Laredo Business Hall of Fame, and for his incredible dedication to the city of Laredo, Texas.

Fernando Salinas is a 1942 graduate of Martin High School, and attended Tulane University in New Orleans after transferring from Texas A&M University in College Station, Texas. After attending Tulane, Fernando returned back to work at his family's department store, Los Dos Laredos, in downtown Laredo. Five years later, he worked as a salesman at the famed Joe Brand store, and used his knowledge of men's retail to launch his own new department store, Don Antonio's in 1952. The business flourished during the 1960s, attracting a steady clientele from both sides of the United States-Mexico border.

After his retirement from the retail business in 2005, Fernando established a charitable trust that has donated $1.35 million for causes that enrich education, the arts and human services, and pledged nearly $95,000 in scholarships for college-bound students. The scholarships are given to hard-working students at Laredo Community College and Texas A&M International University. Fernando has admirably served the community of Laredo, Texas, through his philanthropic work at his charitable trust. He has also contributed to the youth of Laredo through his Junior League Achievement sponsorship of Christen Middle School. For his dedication and hard work in making the Laredo business community stronger and better, Fernando will be honored by the Junior Achievement League through his induction into the 2008 Business Hall of Fame.

Madam Speaker, I am honored to have had this time to recognize the bravery and dedication of Mr. Fernando Salinas, and I thank you for this time.

RECOGNIZING THE HONORABLE KENNETH GRAY, RETIRED U.S. CONGRESSMAN FROM ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in recognizing the distinguished career of the Honorable Kenneth Gray and to express appreciation for his years of service to his country and to the residents of southern Illinois.

A native son of West Frankfort, IL, Ken is a man of varied interests and talents. He was both a licensed pilot and auctioneer. From 1942 to 1954, he owned Gray Motors in West Frankfort and also operated an air service in Benton from 1948 to 1954.

In World War II, Ken answered his country's call to service at the age of 18, which took him to North Africa and Italy as well as combat missions over southern France and central Europe. Ken's decorations for his service in World War II included 3 bronze stars.

Upon returning home from the war, Ken became involved in assisting his fellow veterans and it was through these endeavors that he was encouraged to run for the U.S. Congress. Ken won election from the 25th Congressional District of Illinois in 1954 as a freshman member of the 84th Congress and he continued to serve for a total of 10 successive terms. Because of health concerns, Ken did not run for re-election in 1974 but ran again, and won, in 1984 and served another two terms, representing his beloved southern Illinois in the U.S. House of Representatives.

As a U.S. Congressman, Ken was a tireless advocate for the needs of the people of southern Illinois and built a reputation as a member who worked well with his colleagues to get the job done. On a personal note, I have always been grateful to Ken for what he did for me when I was first elected to Congress. I was elected in a special election in August 1988 to complete the term of Mel Price, who passed away that year. Ken resigned his position on the Transportation Committee, which made a seat available for me and gave me seniority over other members who were first elected in 1988 to start the 101st Congress.

Since retiring from Congress in 1988, Ken has continued to work hard for the needs of the people of southern Illinois. He has served on several boards and projects, most notably as a board member of the Rend Lake Conservancy District. He has also worked on a number of initiatives to improve rural health care, especially in Franklin County, IL. Ken is frequently a speaker at local political and charitable events which benefit a number of organizations, such as the Poshard Foundation for Abused Children.

Madam Speaker, I ask my colleagues to join me in an expression of appreciation to the Honorable Kenneth Gray for his years of service to this body and to the people of southern Illinois and to wish him and his family the very best in the future.

WOMEN IN THE PETROCHEMICAL INDUSTRY—LISA VANDER LAAN

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to Lisa Vander Laan, Plant Manager of ExxonMobil's Chemical Polyethylene Plant, in Beaumont, Texas.

Mrs. Vander Laan earned a bachelor's degree in chemical engineering from Louisiana State University, graduating summa cum laude and receiving the University Medal. She joined Exxon Corporation in 1989 as a process engineer in Baton Rouge, Louisiana, and spent her first decade in various manufacturing assignments in engineering and supervision before becoming intermediates technical manager.

Vander Laan spent the next 7 years at the corporation's Houston headquarters for chemicals in marketing and business planning, as global basic chemicals financial manager, americas low density polyethylene product manager; and ExxonMobil Chemicals global manufacturing planning manager. In February 2007, she took over at the polyethylene plant in Beaumont as plant manager.

Mrs. Vander Laan is seeing more women in leadership roles in the petrochemical industry. When she started in engineering, there were very few female supervisors and managers. She now believes there are significantly more women in the petrochemical industry jobs like chemical engineering. She says ExxonMobil encourages girls to get into math and science, and has an "Introduce a Girl to Engineering Day" in the spring.

Chemical Engineering seems to run in the family. Vander Laan's father is a chemical engineer as well as an older and younger sister, in addition, "all the girls married ExxonMobil guys". She is married to Jeffrey Dale Vander Laan and has two children, Cecilia and Abigail. She doesn't know if her daughters will show interest in chemical engineering like she and her sisters, who love math.

Mrs. Vander Laan is on the board of the Beaumont Area United Way and a member of the Southeast Texas Plant Manager's Forum, for which she serves as chairman of the environmental committee.

Madam Speaker, Lisa Vander Laan is a success story in the male dominated petrochemical industry, and I am proud to celebrate her accomplishments.

COMMEMORATING WORLD MALARIA DAY AND THE WORK OF JHPIEGO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize World Malaria Day.

Every 30 seconds, a child dies from malaria. More than 1 million people die of malaria every year, mostly infants, young children and pregnant women and most of them in Africa. Approximately 40 percent of the world's population, mostly those living in the world's poorest countries, is at risk of malaria. Every year, more than 500 million people become severely ill with malaria. Since the 1970s, significant investments have demonstrated that malaria control is working, and given hope for preventing the 1 million deaths caused by malaria each year. With the advent of new tactics, elimination and, ultimately, eradication of malaria may be possible. Because malaria is a massive global scourge and a medically complex disease, the pathway to eradication is a long one. Achieving eradication will depend on carefully coordinated, balanced efforts to build upon malaria control and elimination programs. Building a pathway to eradication will take time, but it is possible if all stakeholders collaborate today to prevent malaria deaths in Africa and elsewhere. Now is the time to begin charting the course.

Organizations like Jhpiego, an affiliate of Johns Hopkins University, reach across borders to fight a disease that has no borders. Jhpiego is working to combat the devastating effects of malaria by bringing innovative approaches and putting research to practice to improve the health of women and families throughout the world. For example, in Nigeria, it is preparing community volunteers in remote areas to extend malaria services to pregnant women who are not in contact with a formal healthcare system. The volunteers are trained to educate pregnant women on the steps necessary to prevent malaria. Additionally, the workers also distribute preventative medicine and insecticide-treated bednets. Once rolled out to full scale, this community based intervention will help break down some of the barriers to high-quality healthcare for the world's most vulnerable populations.

Jhpiego is a leader in developing innovations that break down the barriers and build more sustainable local health care systems globally. Jhpiego works in 12 African countries to support program implementation for malaria in pregnancy (MIP) prevention and case management.

TRIBUTE OF MR. AND MRS. SHASHI AND PRIYA VASWANI

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. and Mrs. Shashi and Priya Vaswani for their induction in the 2008 Laredo Business Hall of Fame, and for their incredible dedication to the youth in the City of Laredo, Texas.

Shashi came to Laredo from Canada with his family in 1981 as a high school sophomore, and married his wife, Priya, in 1987. They lived and worked in the Carribean and the Rio Grande Valley before moving back to Laredo in the early 1990s. Shashi and Priya opened About Time, a video arcade, in the 1990s. In 2004, they were able to open a La Quinta Inn and Suites, which allowed them to use a part of their profits to fulfill their dream of establishing the Laredo Heat soccer franchise. The Heat Youth association now has 28 teams playing in Laredo, and this interest in soccer as a physical activity would not have happened if not for the Vaswanis.

Shashi and Priya plan to fund improvements to Texas A&M International University's two soccer fields with the goal of making the fields the home base for future Laredo Heat games. They strongly believe in the value of physical activity as a complement to the full education of the youth in Laredo. They have learned the value of hard work and sacrifice and have stressed their belief in the importance of a college degree to young soccer players. This couple has admirably served the community of Laredo, Texas, through their business entrepreneurship and their work with the youth in Laredo. For their dedication and hard work in making Laredo a better place for children in exercising their physical talents, they will be honored by the Junior Achievement League through their induction into the 2008 Business Hall of Fame.

Madam Speaker, I am honored to have had this time to recognize the dedication of Mr. and Mrs. Shashi and Priya Vaswani to the City of Laredo.

CONGRATULATING BEDINGTON RURITAN CLUB'S 50TH ANNIVERSARY

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mrs. CAPITO. Madam Speaker, I rise today to honor a civic organization in my district which will celebrate its 50th anniversary on May 6, 2008.

The Bedington Ruritan Club located in Berkeley County, WV, started on April 16, 1958 under the guidance of the nearby Marlowe Ruritan Club.

For half a century now, the Bedington Ruritan Club has served the citizens of the Bedington area community. The club takes on many civic projects including picking up litter on nearby roadways, sponsoring an essay contest and contributing to Bedington Elementary and Potomack Intermediate Schools, maintaining the "Light Ceremony" in Scrabble, and holding fundraisers for various community projects.

The Bedington Ruritan Club building is located on Route 11 North and once a month on Saturday's you can find the Ruritan members serving some of the best BBQ chicken in Berkeley County!

Madam Speaker, I rise today to congratulate the members of the Bedington Ruritan Club for 50 years of civic engagement and service. It is an honor to represent such a dedicated citizenry in West Virginia's eastern panhandle.

RECOGNITION OF WEST VIRGINIA'S ARMY NATIONAL GUARD AS BEST IN THE NATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. RAHALL. Madam Speaker, I rise today to recognize West Virginia's Army National Guard for earning a Special Category "First Place" award in the prestigious Army Communities of Excellence (ACOE) competition.

West Virginia scored highest among 28 states and territories that entered this year's contest. The award recognizes performance excellence in business process improvement, individual and corporate innovation, and dedication to providing support to soldiers and families.

Our heroic men and women in uniform are never far from my thoughts. They are our Nation's consistent example of valor and courage. West Virginia's Army National Guard performance illustrates those qualities in the ACOE competition, during which they were recognized for having a strong strategic planning process, communication that flowed well throughout all levels of the organization, and a customer-driven focus that sought to create value and promote personal learning and social responsibility.

This award reflects the hard work and dedication of the men and women not only of the West Virginia Army National Guard, but also of every family member and friend that stands behind them. It is important to remember that our brave men and women have given so much and have expected so little in return. I am proud to take this moment to recognize the excellence of the West Virginia Army National Guard in all that they do to keep us safe from harm.

Our Armed Forces have paid the debt for the freedom we enjoy today, and I will continue, as I have in the past, to do everything I can to honor their sacrifices and service. Our veterans, just as our soldiers today, remain foremost in the thoughts and minds of Southern West Virginians, and I will continue to devote my all to those who wear or have worn America's uniform.

HONORING THE LIFE OF ARMY SPECIALIST JACOB J. FAIRBANKS

HON. BETTY McCOLLUM

OF MINNESOTTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, I rise to remember and honor the life and courage of U.S. Army Specialist Jacob J. Fairbanks. This 22-year-old native of St. Paul, Minnesota, died in Baghdad on April 9, 2008.

Specialist Fairbanks joined the Army in 2004 after graduating from Johnson High School, where he was a member of the Junior ROTC. His second deployment to Iraq began last October for a tour of duty as a field artilleryman. He was assigned to B Battery, 1st Battalion, 320th Field Artillery Regiment, 2nd Brigade Combat Team of the 101st Airborne Division, Fort Campbell, Kentucky.

Fairbanks served his nation and his fellow soldiers with honor and courage. His commitment to this noble service earned him the Army Commendation Medal, the Good Conduct Medal, the National Defense Service Medal, the Iraqi Campaign Medal, the Army Service Ribbon and the Overseas Service Ribbon. He was a proud member of the Leech Lake Band of Ojibwe and will be remembered as an outgoing man, dedicated to his family.

Madam Speaker, please join me in paying tribute to Specialist Fairbanks. He is a Minnesotan and American hero. His desire to serve his nation is an inspiration to his community. Specialist Fairbanks' wife Dwan, daughter Kayla, stepchildren Alexander, Katelin, and David, his mother Janette, father Steve, stepfather Jeff, his many friends, and his comrades in Iraq have my deepest sympathies for their profound loss.

TRIBUTE TO ELKINS HIGH SCHOOL

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. LAMPSON. Madam Speaker, on May 3–5, 2008, more than 1,200 students from across the country will visit Washington, D.C. to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that a class from Elkins High School will represent the State of Texas at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our Nation's capital and compete at the national level.

While in Washington, the students will participate in a three-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that independent studies of the We the People program indicate that alumni of this nationally acclaimed program display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches.

I am pleased to support such an outstanding program that continues to produce an enlightened and responsible citizenry. Madam Speaker, the names of these outstanding students from Elkins High School are: Krystal Castillo, Andrea Cavazos, Deborah Choate, Andrew Cockroft, Lucy Eiler, Jimmy Guerrero, Josh Hanks, Lara Hogue, Nick Johnson, Tiffany Kell, Curtis Kelso, D.J. Kinneman, Matt Macko, Colton Mendez, Jonny Murthy, Sola Oyewuwo, Tej Pandya, Bryan Philpott, Justina Rodriguez, Deepa Sabu, Nick Shipman, Pia Siaotong, Ivette Soto, Achal Upadhyaya, Courtney Williams, Angela Wu, and Arif Yusuf.

I also wish to commend the teacher of the class, Marilyn Ellington, who is responsible for preparing these young constitutional experts for the national finals. Assisting Mrs. Ellington is her colleague Jan Arrington and former students Emily Lee, Kelsey Smith, and Masha Sharf. Also worthy of special recognition is Jan Miller, the State coordinator, who is among those responsible for implementing the We the People program in my State. I congratulate these students on their exceptional achievement at the We the People national finals.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE CITY OF SOUTHFIELD

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. LEVIN. Madam Speaker, I rise today to commemorate the City of Southfield, Michigan, on the 50th anniversary of its incorporation as a city.

Southfield's city leaders have coined the phrase "center of it all" to describe this diverse community situated in the center of metro-Detroit that has grown to the 13th largest city in the State of Michigan.

The residents of Southfield are what has always made this community strong and independent. For example, 17 days after the area was designated as "Ossewa Township" on July 12, 1830, citizens petitioned the State to change the name to Southfield. And in the 1950s, a group of Southfield Township residents formed the "Save Our Southfield" committee and lent their own money to the group's treasury. This group promoted the incorporation of Southfield and financed the filing for incorporation. Southfield became a city on April 28, 1958.

Southfield has grown from a rural farming community to a premier business and residential address in Michigan. This modern city of beautiful homes and golden skyscrapers has become home to nearly 80,000 residents. Their 26 million square feet of office space brings the city's daytime population to more than 175,000, making Southfield one of the leading business centers in Michigan and the Midwest Region.

Southfield is home to leading manufacturers and other diverse businesses, strong educational institutions, innovative health care institutions, strong community organizations, and a vibrant faith community. It also retrains a feeling of warmth and closeness within its neighborhoods.

I am pleased to have lived in Southfield during a time of transformation of city leadership and institutions which are an increasing representative of the diversity of this wonderful community. I have also been pleased to represent the residents of Southfield since I came to Congress.

As Mayor Brenda Lawrence and other elected officials join the citizens of this exceptional city to celebrate their golden jubilee, I ask my colleagues to join me in congratulating its residents on its 50th year. Let this be the opportunity to pay tribute to the history of Southfield, and re-commit ourselves to a prosperous and progressive future.

HONORING THE SERVICE AND SACRIFICE OF STAFF SERGEANT KEITH MATTHEW MAUPIN

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. ELLSWORTH. Madam Speaker, it is with great sadness and deep respect that I rise today to honor the life of Staff Sergeant Keith Matthew (Matt) Maupin.

Matt Maupin's story has gripped the hearts of thousands of Americans across the country since the 20-year-old Army reservist was captured in Iraq in 2004. Together, we have hoped and prayed for four long years that he would be returned home safely to his family. Sadly, those prayers went unanswered.

Matt Maupin was laid to rest in Cincinnati on Sunday, having given the ultimate sacrifice in service to our country. But the most significant thing about Matt Maupin isn't how he died, it's how he lived.

Matt is a beloved son to Keith and Carolyn and brother to Micah, Stephen, and Lee Ann. A native son of Batavia, Ohio, he understood there is no higher calling than service to others and bravely stepped forward to serve his country in the Army reserve. Matt Maupin is a true American hero.

On behalf of the people of the 8th District of Indiana, I want to extend my deepest condolences to his family and friends who love and miss him today. May God bless Matt, his family, and all of those who continue to sacrifice so much for our country.

HONORING MAURICE PRITCHETT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mr. Maurice Pritchett, who recently retired after more than forty years in the Delaware public education system. Maurice's service to Delawareans will be honored at a community celebration this Sunday, May 4.

Maurice's ties to the Wilmington public school system stretch back to his childhood. Though he now resides in Newark, Delaware with his wife Juanita, Maurice was born and raised on the East Side of Wilmington, where he attended public schools in the city.

At Howard High School, he proved to be an outstanding basketball player and was offered a full scholarship to attend Delaware State University, majoring in elementary education and continuing to excel in basketball, leading the Hornets as team captain during his junior year. Maurice also holds a master's degree from Villanova University.

Following graduation, he taught fifth grade in Cecil County, Maryland and in Wilmington before moving on to his position as community school coordinator of Wilmington's Bancroft Academy, a school that he himself attended. Over the next thirty-two years, Maurice served as vice-principal and then principal of Bancroft Academy. He later served as director of family and community engagement for the Christina School District.

Maurice's leadership at Bancroft, including the initiation of multicultural programs and a clothes closet, earned him the 1994–95 Delaware State National Distinguished Principal Award. His many other honors include the Christina Cultural Arts Center's lifetime achievement award, the Dr. Al O. Plant Lifetime Achievement Award and being named as one of the "100 African American Men of Distinction in Delaware" by the Afro-American Historical Society.

Remembering the difficult times that he faced while growing up inspires Maurice to continuously contribute to the community. He is a long-time volunteer with the Boys and Girls Club of Newark. In addition, as a member of the Delaware State Basketball Hall of Fame and Delaware Afro-American Sports Hall of Fame, Maurice co-sponsored a youth basketball league that provided extracurricular activity to inner-city Wilmington elementary school students.

Following his retirement in January of this year, Maurice established the Maurice Pritchett Education Foundation in partnership with the Delaware Community Foundation to benefit underprivileged children in New Castle County. While his public works are certainly well-known, those who gather for the celebration honoring his achievements will bring with them countless personal stories of Maurice's compassion, including one person for whose family Maurice bought groceries when they were financially unable. His kindness and dedication have touched the lives of many.

I acknowledge and thank my good friend Maurice Pritchett for his numerous contributions to education and the overall well-being of children and families in the State of Delaware. I am confident that as he enjoys his retirement with his family, he will remain an active and influential member of our community.

RECOGNIZING THE CONTRIBUTION OF THE BLACK ACHIEVERS PROGRAM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. RANGEL. Madam Speaker, I rise today to discuss the editorial, "Black Achievers in Industry" which appeared in this week's edition of the New York Carib News.

The editorial praised the Harlem YMCA's 38th National Salute to Black Achievers in Industry (BAI) Awards dinner. The Black Achievers in Industry Awards dinner serves as the organization's premier fundraiser to raise the money necessary to fund countless youth programs. The Black Achievers in Industry Awards serves a vital purpose in the community, as the cooperative has partnered with more than 100 corporations to provide much needed scholarships to New York City high school seniors and college students. The Black Achievers Program recognizes the importance of education and its ability to give children a future filled with possibilities.

It is my sincere hope that other corporations across the Nation will join the Black Achievers Program in providing disadvantaged students from lower- and middle-income families with the financial means required to attend a college or university.

HONORING SUE SAWYER

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. MAHONEY of Florida. Madam Speaker, today I stand before you to talk about a mother, a soldier's mother. This week, Sue Sawyer made the ultimate sacrifice for our United States of America. She lost her son to war.

Sue's son, Marcus Mathes was killed in a mortar attack as he stood on duty, next to his truck, just north of Baghdad. Two fellow crew members were killed with him. Their death was instantaneous.

Marcus Mathes had just turned 25.

On behalf of the entire Congress of the United States, I want to thank Sue Sawyer. By raising your son to value the ideals of the United States of America, you have helped to improve the security of our country and our future.

Sue Sawyer has given an extraordinary gift to our country, for which we should be profoundly grateful. She has reason to be proud of her son's accomplishments and duty. Today, we must remember the accomplishments of the mother who selflessly raised Marcus and influenced him to give.

Representing our country in combat was a gift to all of us from Marcus Mathes and Sue Sawyer.

Thank you, Sue. God bless you.

IN TRIBUTE OF YOM HASHOAH, HOLOCAUST REMEMBRANCE DAY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. MEEK of Florida. Madam Speaker, I rise today to join my colleagues and my constituents in solemn recognition of Yom Hashoah, or Holocaust Martyrs' and Heroes' Remembrance Day; a special day where we mourn the millions of Jews who perished at the hands of the Nazis.

This day has special significance for Jews, the main target of Nazi atrocities. I represent many constituents who are Holocaust survivors and many more that lost friends, relatives and loved ones. We mourn their loss; honor their memory; and unite in opposition to acts of bigotry and intolerance.

We in South Florida are united in outrage that two synagogues in our community have been vandalized in recent weeks. These offensive, hate-inspired acts have no place in our society that values tolerance and diversity. We stand united with the congregants, friends and supporters of The Chabad Shul in Miami Beach and the Chabad of Parkland in North Bonnard. These houses of worship and centers of learning will rise again with a renewed sense of spirit and purpose of mission.

I once again honor South Florida's Holocaust Documentation and Education Center, its founders and museum curators for their fine work in educating and reminding the public about the Holocaust and remembering and honoring its victims. The Center is located in my Congressional District at 2031 Harrison Street in Hollywood, Florida.

To the residents of South Florida, the students enrolled in area schools, and to the millions of visitors to the region, I encourage you to visit the Holocaust Documentation and Education Center to study, understand and contemplate the consequences of man's inhumanity to man which occurred in Europe prior to and during World War II.

May the memory of the six million Jews who perished in the Holocaust be blessed for all eternity.

INTRODUCTION OF THE U.S. RECOMMITMENT TO INTERNATIONAL HUMAN AND CIVIL RIGHTS RESOLUTION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. LEWIS of Georgia. Madam Speaker, I rise today to introduce the attached resolution that calls for the United States to ratify and implement certain fundamental international conventions.

Today, May 1st is the 201st anniversary of the abolition of the transatlantic slave trade. On this day, we must rededicate ourselves to the human and civil rights movement to provide freedom and equality to all people.

This resolution is very simple; it is very clear; it is very basic. Our country was founded on the principles of civil and human rights. Many, many people—men, women, and even children—have sacrificed their lives for the freedoms we enjoy today. Countless others work tirelessly to protect these rights. On this historic day, it is important to reiterate our commitment to combat slavery, torture, racism, discrimination, and xenophobia in all forms.

It takes more than words; this effort needs action. Sixty years ago, the United Nations used our Bill of Rights as a reference in drafting the Universal Declaration of Human Rights. Eleanor Roosevelt, wife of President Franklin Delano Roosevelt, led the United States delegation and the United Nations (U.N.) in helping to draft the Universal Declaration of Human Rights.

Since that time, we've seen so many changes—a global movement towards civil and human rights. In our own country, people have sacrificed everything for key civil rights legislation like the passage of the Voting Rights Act, the Equal Pay Act, and the Americans with Disabilities Act.

But Madam Speaker, somehow along the way, we've pulled away from a global movement that requires constant work, constant attention, and constant action. The U.S. must catch up with so many of our global partners.

How can we combat genocide in Darfur, if we ourselves have not ratified the U.N. Conventions that address the rights of women, children, and forced disappearance? How can we ask for our global trading partners to respect international labor standards, when we ourselves have not ratified ILO standards on the right to organize and bargain collectively, or forced child labor, or age discrimination? It is important to not only speak as global leader, but act as a global leader on key human and civil rights issues.

On this little piece of real estate that we call Earth, we all have our duty to make this world a little cleaner, a little better, and a little safer. This resolution, Madam Speaker, is about common sense, and I hope all of my colleagues will join me as cosponsors.

PAUL SOREFF AND AILA

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. REICHERT. Madam Speaker, I rise to congratulate Paul Soreff on receiving the "Most Significant Work or Work Having the Greatest Impact" award from the Washington State Chapter of American Immigration Lawyers Association, AILA.

Prospective citizens have to jump through many hoops during their journey to becoming a citizen. I am often contacted by hard-working men and women who want nothing more than to be an American. Their courage, tenacity and new found patriotism is inspiring, much like the help Paul provides so many of them.

As the driving force behind AILA's Citizenship Day, Paul's dedication in helping legal permanent residents apply for naturalization is a wonderful, patriotic thing to do. The work Paul invested in Washington State's newest citizens is now being emulated nationwide. The participation level at Citizenship Day is outstanding and it is no doubt a reflection of Paul's leadership and selfless nature. He also serves as a professor of law at Seattle University and his students are very fortunate to have such an advocate as a teacher.

While navigating the immigration system is not easy, the guidance and service Paul provides alleviates stress and anxiety for many. His selfless work is an example for not only immigration attorneys and professors but also for each of us.

RECOGNIZING CAROLYN KULIG

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Carolyn Kulig on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Kulig's leadership, citizenship, and service to her community.

For her Gold Award project, Carolyn Kulig decorated the library at the Easter Seals facility in Carrollton, Texas. Miss Kulig painted book shelves in lively colors and added color to the walls. She also collected books and videos through donations that will be given to low-income families that have children being treated at the facility. Her efforts will liven the spirit of all that use the library at Easter Seals.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Carolyn Kulig in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

CRYSTAL BELL AWARD RECIPIENTS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. VISCLOSKY. Madam Speaker, it is my distinct honor to commend seven exceptional teachers from Northwest Indiana who have been recognized as outstanding educators by their peers for the 2007–2008 school year. These individuals are: Sheri L. Doffin, Tracy Kohler, Kathleen R. Krum, Karen A. Semancik, Nancy J. Smith, Thomas R. Sufana, and Vicki Weber. For their outstanding efforts, these honorees will be presented with the Crystal Bell Award at a reception sponsored by the Indiana State Teachers Association. This prestigious event will take place at the Andorra Restaurant and Banquets in Schererville, Indiana, on Wednesday, May 7, 2008.

Sheri Doffin, a first grade teacher at Lake Village Elementary School, has been in the teaching profession for an astonishing 31 years, 30 of which have been with the North Newton School Corporation. Throughout her tenure, Sheri has always made a point of bringing innovative ideas to her classroom to make sure her students remain interested and actively involved in their studies. Involved in many committees and programs at Lake Village, including the PTO and PL221 team, which is geared toward the improvement of the school, Sheri's dedication is matched only by her constant concern for her students.

Tracy Kohler, from the Crown Point School Corporation, has been a role model and a true inspiration to her students since arriving in Northwest Indiana in 2004. Currently an eighth grade honors algebra and pre-algebra teacher at Colonel John Wheeler Middle School, Tracy is well known for her creativity in the classroom, regularly bringing real-life situations into her lessons. Also recognized for her skills with teaching struggling learners, Tracy was selected to teach a pilot program aimed at improving math scores on the ISTEP exam. Tracy has also shown her unwavering commitment to her students through her service as the sponsor of the Academic Bowl Team and as a volunteer at athletic and after-school events.

Kathleen Krum, this year's recipient from the Hanover Community School Corporation, has been a teacher for an astounding 38 years. A fourth and fifth grade teacher at Hanover, Kathy has received many awards and honors throughout her lifetime of service. Involved in numerous extracurricular activities and special programs with her fourth graders, Kathy has always taught with the goal of making learning fun. With this goal in mind, one of Kathy's greatest sources of pride was the construction of an outdoor learning lab at Lincoln Elementary School, which has helped many young students gain first-hand experience with nature.

Karen Semancik, this year's recipient from the Lake Central School Corporation, has had an outstanding teaching career, which has spanned 29 years. Karen is currently a fifth grade social studies teacher at Clark Middle School, where she is widely known for the unique and interesting activities she brings to her classroom. One example of such an activity is that she provided her students with the opportunity to contact the International Space Station. Additionally, Karen's peers and students have always been impressed with her patience and her ability to adapt her lessons to the individual needs of her students.

This year's recipient of the Crystal Bell Award from the School Town of Munster is Nancy Smith. Nancy, of Wilbur Wright Middle School, has been a seventh grade language arts teacher in Munster for the past 35 years. The passion Nancy has for teaching and for her students goes far beyond the classroom. Through her efforts on the Broad Based Planning Committee, the language arts gifted and talented program has made great strides, allowing these exceptional students the opportunity to enhance their student careers. Furthermore, Nancy has been a true role model to teachers new to the classroom, allowing them to learn from her vast experience and to share her passion for educating young people.

This year's recipient of the Crystal Bell Award from the Tri-Creek School Corporation is Thomas R. Sufana. Tom has been nurturing young minds for an astonishing 32 years and currently serves as the art teacher at Lowell Senior High School. In addition, Tom has served as the Assistant Drama Director for the past 14 years. Throughout his illustrious career, Tom has not only received recognition as a great teacher, but his work has been seen in many public events, both locally and nationally. Because of his love for art, Tom is responsible for bringing many beautiful pieces to Northwest Indiana, many of which are proudly displayed in the halls of Lowell High School today.

Vicki Weber, this year's recipient from the School Town of Highland, is known for her ability to challenge her students in a way few other teachers can. Vicki, currently a third grade teacher at Warren Elementary School, also serves in many other capacities, including: Spellbowl coach, intramural volleyball coach, mentor, mentor faculty facilitator, and as a member of the building school improvement plan steering committee. A testament to Vicki's ability to connect with her students, she has coached two Spellbowl teams that have advanced to higher level competitions.

Madam Speaker, I ask you and my distinguished colleagues to join me in commending these outstanding educators on their receipt of the 2008 Crystal Bell Award. Their years of hard work have played a major role in shaping the minds and futures of Northwest Indiana's young people, and each recipient is truly an inspiration to us all.

SAFE AND COMPLETE STREETS ACT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Ms. MATSUI. Madam Speaker, I rise today to introduce the Safe and Complete Streets Act of 2008.

This needed legislation is based on the principle that our Nation's transportation system should be safe and accessible to all people. Motorists, bicyclists, transit users, pedestrians, the disabled, and the elderly all use our country's transportation network each and every day. The Safe and Complete Streets Act of 2008 will ensure that the needs of all of these users are accommodated during the transportation planning process.

Complete streets are an essential part of well-designed communities that are livable for children, families, the elderly, and people of all ages and abilities. By providing our constituents with sidewalks on which to walk, well-lighted transit stations in which to wait for the bus or light rail, clear lanes in which to drive, and bike lanes in which to ride, we can encourage them to utilize alternative modes of transportation. This can make our transportation system most effective and useful.

Madam Speaker, our constituents are struggling to deal with the skyrocketing cost of gas. As their pocketbooks are hit increasingly hard at the pump, many Americans are turning to alternative methods of transportation. In my hometown of Sacramento, where gasoline is nearly four dollars per gallon, my local newspaper recently reported on the growing number of my constituents who are riding their bicycles to work because of the prohibitive price of filling a car up with fuel.

For these reasons, Americans around the country are eager for transportation alternatives. The Safe and Complete Streets Act of 2008 is a strong step toward a future where travelers are presented with a range of transportation options. By requiring States and metropolitan planning organizations to accommodate the needs of all users of the transportation system in their planning processes, this legislation will broaden access to the streets that tie our communities—and our Nation—together.

Incorporating these kinds of complete streets principles will help us move away from the kinds of transportation planning that causes seniors to avoid walking to the store because of the lack of sidewalks. It will help usher in a day when commuters feel safe riding to work on their bicycles because the streets now accommodate bikes. It will ease the fears of parents across our country who hesitate to allow their children to walk to school because of the danger posed by so many cars driving near sidewalks. It will reduce the risk posed to disabled Americans who are forced to deal with a transportation system short on painted crosswalks and audible walking signals. And it will encourage people to take public transit because they will no longer have to wait for the bus at a stop that is nothing more than a pole in the ground.

Complete streets also have a number of non-transportation-related benefits. In a country where nearly one-third of adults are obese and the number of overweight children has tripled since 1980, giving people options to walk or take public transit can play a major role in reducing these disturbing trends. In terms of fighting global warming, the Intergovernmental Panel on Climate Change recommends as a key climate change mitigation strategy the shifting of travel modes from driving to walking, taking transit, and bicycling. There is ample room for complete streets to help bring about this needed paradigm shift in the way we travel—65 percent of trips in the United States under one mile are now made by automobile. In one Colorado city, local efforts to take transit, use bicycles, and carpool have helped reduce carbon dioxide by half a million pounds. If one city can achieve such success in reducing emissions by changing transportation patterns, the possible emissions reductions through implementing a nationwide complete streets policy are staggering.

Madam Speaker, we live in a time when local governments are strapped for cash. In such a fiscal climate, we should make investments today that will pay out over the long term, and that will help us avoid the need to make costly adjustments to our current transportation system down the line. Incorporating complete streets principles today will help communities save precious dollars in the future by eliminating the need for costly retrofits.

I know this to be true because of the experience of my own congressional district, where the City of Sacramento is preparing to spend $12 million to update a bridge that was built in the 1930s without adequate sidewalks. Another example of the power of complete streets to save money is from Illinois. There, the legislature passed a complete streets law last year after the state was forced to spend nearly a million dollars adding a foot and bike path to a bridge where several pedestrians and bicyclists were hit and killed by motorists.

But the bottom line, Madam Speaker, is that the Safe and Complete Streets Act of 2008 is good policy because of what it can help us do for our communities, not for the costs it can help us avoid. Encouraging people to use all the various modes of transportation available to them will strengthen public health, reduce congestion, improve air quality, and increase the interconnectedness of our communities. It will help create a national transportation network that works for all Americans regardless of their age, income, or preferred mode of getting around town.

The time has come for this Congress to start thinking about what we want the legacy of American transportation to be. I know I speak for many of my colleagues when I say that we want this to be one where all users of our streets feel safe and accommodated. The Safe and Complete Streets Act of 2008 is a first step toward creating this kind of practical, efficient, and inclusive transportation system, and I am proud to introduce it here today.

HONORING DEBORAH MURDOCK

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Ms. HOOLEY. Madam Speaker, I rise today to honor a long-time education advocate and friend, Deborah Murdock. As Special Assistant to the President at Portland State University, Debbie helped make PSU the top-tier university in Oregon that it currently is. We lost our friend Debbie on August 14, 2007, far too soon. I honor her today because on Sunday, May 4, 2008, Portland State University will dedicate the Debbie Murdock Memorial Clock Tower on their campus.

My first day in Washington, DC, as a new Member of Congress, Debbie was a friendly face who knew more about working in Congress than I did. Her experience with Congressman Les AuCoin was a great benefit for both of us. She knew what I needed to do to successfully represent my constituents and specifically a certain university in the state's urban hub.

Debbie came to work for PSU in 1993 and almost immediately set goals for the university that may have seemed overly-optimistic and unattainable. She wanted to help the university provide the programs, research and student experience that the other Oregon institutions of higher learning were offering.

During her tenure, Debbie played a significant role in the building and establishment of the Native American Center, the Urban Center, the engineering building and others. She also was involved in the downtown revitalization and "greening" of the campus.

But Debbie's list of accomplishments doesn't end with facilities and structures.

Debbie managed to affect almost every person she came into contact with by encouraging their professional or academic development and personal growth. She wanted everyone to be the best they could be and felt like she could help make that happen by being a friend, a mentor or a resource.

I am delighted that Portland State University is naming the new clock tower in honor of Debbie. The tower will be a part of PSU's vitality, energy and life for years to come, as will Debbie Murdock's memory.

EXPRESSING APPRECIATION FOR H. MARTIN LANCASTER'S SERVICE AND FRIENDSHIP

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. PRICE of North Carolina. Madam Speaker, I rise today in recognition of the dedicated service of our former colleague, Martin Lancaster, to North Carolina and the Nation.

Martin retires today as President of the North Carolina Community College System, which he has led since 1997. The system enrolls more than 800,000 students in 58 comprehensive community colleges across the State. Internationally recognized for the scope and quality of its programs, the system is one of the largest in the county and North Carolina's primary provider of workforce preparation and adult education.

Martin has worked to increase State and private funding for facilities, equipment, faculty salaries, and instruction and to strengthen the system's essential role in workforce and economic development. He led community college participation in the successful State Higher Education Bond Referendum of 2000, which included $600 million for community college construction, repair and renovation. He has worked successfully with successive presidents of the University of North Carolina system to ensure a seamless transition for students between community colleges and 4-year state institutions.

In his years as president, Martin and I have collaborated on a number of projects. We've worked hard on the Partnership Fellows Program to help address the serious teacher shortage by providing scholarships for individuals transitioning from associate degree programs in education to bachelor-degree granting institutions. He's helped ensure that future Federal scholarships for prospective teachers will be available to community college students.

We also continue to promote funding from the National Science Foundation for the Advanced Technological Education, ATE, program to underwrite innovation and excellence in curriculum development, teaching methods, and public-private partnerships. The North Carolina system and individual campuses compete very successfully for this support.

Most recently, we have secured Department of Education funding for an innovative partnership among the North Carolina Symphony, the community college system, and local public school systems. Soloists and small ensembles from the Symphony will visit far-flung communities and, based in their community colleges, offer performances and classes for aspiring young musicians.

Prior to his work with the North Carolina Community College System, Martin served as assistant secretary of the Army for Civil Works from January 1996 until June 1997. Before that, he served as special advisor to President Bill Clinton on chemical weapons. Many Members of this body will remember his 8 years of distinguished service, representing his home town of Goldsboro and the rest of the Third Congressional District.

With the experience of being on active duty in the Navy during the Vietnam war and continuing to serve as an active Reservist until his retirement as a Navy Captain in November 1993, Martin was an effective member of the Armed Services Committee. During his tenure, he fought to obtain benefits increases for disabled veterans and sponsored Agent Orange compensation measures. He also took a special interest in procurement and other small business issues as a member of the Small Business Committee.

Our friendship stretches across decades, including our years in the House, which we began together in the Class of 1986. Martin's commitment and leadership in his law practice, the North Carolina General Assembly, the U.S. Congress, on many boards and commissions, and especially in our community colleges, have improved the quality of life for people of all ages. We have known each other long enough to watch our grandchildren's generation benefit from his talent and dedication.

It is with the greatest respect and my deepest appreciation that I rise today to honor Martin Lancaster and thank him for his many invaluable contributions to our State and Nation. On behalf of all who have also been fortunate to work with him, I wish him, his wife Alice, and their two daughters, Mary Martin and Ashley Elizabeth and their growing families, the best in all of their future endeavors.

IN HONOR OF BRIAN PERRY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. PICKERING. Madam Speaker, today I would like to honor a member of my staff, Brian Perry, as he leaves to join Mississippians for Economic Progress as executive director. Brian has served as my communications director for the past 5 years and has done an outstanding job handling the press inquiries my office has received from the national, State, and local level. He has served in a composed, calm, and patient manner; which is to be admired in a position so demanding.

Brian grew up in the Nashville, Tennessee area and then moved to Mississippi where he attended Northwest Rankin High School. Once in Mississippi, he settled there and graduated from Belhaven College in 1997 with a bachelor of arts in philosophy and then obtained a masters in communication from Mississippi College. Before starting in my office, Brian was a reporter for the Madison County Journal, creator and editor of the Magnolia Report, and campaign director for Judge Keith Starrett's successful run for election. His personal experience as a journalist helped make him a very effective communications director for me.

In addition to serving as my communications director, Brian also focused on education, human rights, and religious freedom issues. In 2006, Brian moved back to Mississippi to work in my district office in Pearl. We have missed having Brian in the DC office.

Since moving back to Mississippi, Brian has been extremely involved in neighborhood and community activities. He is a loyal alumnus of Belhaven, living just one block from the school. Canoeing, fishing, and camping are among his favorite outdoor activities. He also enjoys listening to bluegrass, grilling with friends, and attending the Neshoba County Fair. Over the past 2 years, the district office has come to really know Brian and will remember him as an ardent 1st amendment defender, Christian advocate, political junkie, and the world's fastest eater. But most significantly, he will be remembered as a dedicated and conscientious member of my staff, a good listener, and a loyal friend to his fellow coworkers.

As a tribute to Brian for his exemplary work, I would like to share some words from people he has worked closely with throughout his career.

> "Brian Perry's five year tenure in Congressman Pickering's office is noteworthy, as his record of public service is marked by a strong commitment to excellence and professionalism. Personally, I am grateful for Brian's willingness to serve as the spokesman for my 2007 re-election campaign; his vision, maturity, and experience were nothing short of exceptional. I commend Brian for his outstanding career and look forward to his continued contributions to government and politics. "—Governor Haley Barbour
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> "Brian Perry has served Congressman Pickering and the Third District with distinction. He is a man of unwavering conviction and his integrity is above reproach. That's why it is my distinct privilege to count Brian among my closest and most trusted friends, a relationship that has developed as I have worked with him professionally. He's always been willing and able to meet the request of our newspapers—and then some. He has always proven to be of the strongest character when dealing with members of the press."—James E. Prince III, president, Prince Newspapers
>
> "Brian Perry has been one of my closest and most trusted friends for well over a decade. We both met as activists in the Mississippi Republican Party. He has served as a loyal member of Congressman Chip Pickering's staff where he facilitated and communicated the various initiatives Congressman Pickering spearheaded in the interest of Mississippi's Third Congressional District. While serving as Republican Chairman of the Third District, and now as MRP Executive Director, Brian has proven himself over and over again to be a man of character whose integrity and professionalism are above reproach. Brian's mark of service to the Republican Party, Congressman Pickering, and Mississippi and even the nation will be long lasting."—Brad White, executive director, Mississippi Republican Party
>
> "Brian Perry worked very hard ensuring that the needs of rural areas were addressed

> along with the many other demands placed on Congress. He took a personal interest in the progress of Noxubee County and assisted us whenever possible. Brian's attention to detail and pride in his work was evident whether at his desk in the Cannon Building or during a much-deserved weekend break to fish the Shenandoah River. Brian Perry's presence on the Hill will be greatly missed by many Mississippians."—Brian Wilson, executive director, Noxubee Economic and Community Development Alliance
>
> "It has truly been a pleasure to get to know Brian Perry during his tenure with Chip. He and I have developed a special friendship. I appreciate his intellect and character. He is an excellent writer and conscientious in his work. His public service has made a difference to our nation, our great state, and to Chip and our family. I will always be grateful."—Judge Charles W. Pickering, Sr.

Madam Speaker, Brian has provided wise counsel, effective communication and a passion for service to Mississippi. He served with poise throughout the aftermath of Katrina and in congressional and confirmation battles. I treasure his faith, reason and friendship. He has my deep respect and appreciation for all the contributions he has made and the work he has done. I wish him the very best and know he has a bright future communicating and fighting for good causes.

CONGRATULATING ISRAEL ON ITS 60TH ANNIVERSARY OF INDEPENDENCE

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. McHUGH. Madam Speaker, I rise today to congratulate and commend the State of Israel on the 60th anniversary of its independence. On May 14, 1948, Israel declared its independence. Within 11 minutes, the United States became the first nation to give de facto recognition to the State of Israel. America's friendship with Israel continues to this day. Having visited Israel several times, I know well that Israelis and Americans share the common values of peace, freedom and democracy.

The modem state of Israel is a safe haven for Jews from all corners of the world. Since its founding, Israel has been a home to Holocaust survivors and their descendants, as well as Jews fleeing oppression. While strides have been made to combat global anti-Semitism, I am disappointed that recent reports indicate a rise in anti-Semitism worldwide.

A strong and secure Israel is vital to America's national interest. Israelis know all too well the terror of indiscriminate homicide attacks by radical terrorists. The enemies of Israel have also targeted their attacks against Americans. The terrorist group Hamas is responsible for the deaths of at least 26 Americans, including teenagers and young children. In 1983 Hezbollah bombed the U.S. embassy in Beirut. Hezbollah was also involved in the bombing of the United States Marine barracks, in an attack that claimed the lives of 241 American servicemen. These groups operate with support and funding from Iran, a country whose president has called for Israel to be "wiped off the map." Hamas continues to launch rockets into Israel, terrorizing innocent civilians living near the Gaza border. However, Israelis have shown tremendous courage in the face of these hostilities. Despite the constant threat of annihilation, Israelis have made the desert bloom. They have created a flourishing culture and society. Israel has also developed a thriving economy and is the world's leader in the development of many cutting edge industries. Israeli technology has even been used to help keep our troops safe in battle in the wars in Iraq and Afghanistan.

Madam Speaker, I join my colleagues in congratulating the State of Israel on its 60th anniversary, and express my sincere hope that the next 60 years come with peace and security for our close friend and ally.

CALLING ON CONGRESS TO REPEAL THE GOVERNMENT PENSION OFFSET AND WINDFALL ELIMINATION PROVISION

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. DELAHUNT. Madam Speaker, I rise today to speak about an extremely important issue facing many retirees in Massachusetts. Throughout my career in the Congress, I have heard from thousands of my constituents who have been penalized by the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP).

Both of these laws currently require that a modified formula be used to calculate the amount of Social Security benefits a retired or disabled worker and/or the worker's family will receive if the worker also receives a pension from local, State or Federal employment not covered by Social Security. This has resulted in some unintended and unfair consequences.

Millions of public service workers in 15 States are allowed to opt out of the Social Security system and my home State of Massachusetts is one of them. Most of these workers are teachers, town and State employees, nurses, police officers and firefighters who are not required or allowed to pay into the Social Security program. Therefore, they do not collect Social Security benefits upon retirement.

However, the GPO and WEP also prevent public servants from receiving Social Security benefits that they earned through other, non-public service employment. Under these provisions, a widow or widower is denied a spousal benefit because their husband or wife was a public service employee. This is unfair and unacceptable.

Every year those who unselfishly give of themselves by serving others in their communities, find their retirement savings slashed by the GPO and WEP, simply because they left the private sector to serve the public. In Massachusetts alone, nearly 18,700 retirees are affected by the GPO, with more than a third of them being widows or widowers. As many as 32,000 individuals are affected by the WEP. These provisions are unfairly penalizing the men and women who contribute the vital services that sustain and improve our communities.

With the retirement population continuing to grow, this issue is of increasing importance to millions of Americans and is not going to go away. I have been contacted by thousands, representing every segment of our community, and I am continually saddened and angered by the stories that I hear. Those who are affected by the GPO and WEP are hardworking Americans that do not deserve to be denied the benefits of a Social Security system that they have already contributed to.

A widow relayed the story of how she and her husband planned their retirement believing that each would be able to take care of their bills should one of them pass. She was stunned to find out when she became widowed that she would not be allowed to collect her husband's full survivor benefits because she collects a small pension from her job as an elementary school teacher in Marshfield. Sadly, she was forced to sell the home where she had raised her family because she could no longer afford it.

A single mother of three on Cape Cod with two full-time jobs as a nurse and teacher wrote me of her dilemma. She has made many sacrifices to independently support her children. She consistently paid into her teacher's retirement fund and Social Security for decades hoping to be able to eventually retire without worry in her later years. She recently found out she will not be allowed to collect both of the full retirement benefits she earned and was counting on.

I have heard from a 63-year-old widow who works for the City of Quincy. She would like to retire before her 70th birthday but cannot afford to do so. Because of her participation in the City retirement program, her Social Security benefits will be immediately and drastically reduced.

A municipal retiree in Plymouth wrote me about his concerns with the rising price of gas and medical expenses. He supports a repeal of the GPO and WEP so that he may supplement his already meager retirement income with his Social Security benefits.

I have heard from police officers and firefighters from all over my district who put their lives on the line each and every day. These brave men and women will not be allowed to collect their full Social Security benefits upon retirement.

These stories are very real, and are just a small sample of the thousands of letters that I have received on this issue.

This is not just about senior citizens who worked all their lives believing they were responsibly planning ahead for retirement. This is not just about retirees finding themselves unable to make ends meet, concerned that they may not be able to afford to heat their homes this winter or buy the medications they need.

It's about retired and widowed public servants, who are denied access to their deceased spouse's Social Security benefits because they chose public service as a career.

It's about penalizing honest, hard-working people who dedicated their careers to public service. At a time when our Nation is searching for talented and dedicated teachers, nurses and other public servants—this penalty discourages the best and the brightest from serving in our community. Madam Speaker, the time is long overdue for Congress to resolve this issue.

I want to urge my colleagues to join me in supporting H.R. 82, the Social Security Fairness Act which would repeal both the GPO and WEP. In addition, I'd like to urge you to support H.R. 2772, the Public Servant Retirement Protection Act, which would eliminate the WEP and establish a more equitable formula for calculating Social Security benefits.

Support for these two pieces of legislation has grown significantly each year and it is imperative that they see long-awaited debate in committee and on the floor of Congress.

RECOGNIZING THE CONTRIBUTIONS OF CONGRESSWOMAN MAXINE WATERS TO SOUTH AFRICA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. RANGEL. Madam Speaker, I rise today to congratulate Congresswoman MAXINE WATERS on receiving the Order of the Companions of OR Tambo Silver Award.

Since 1980, Congresswoman WATERS has worked tirelessly to improve the situation of the South African people. During the long reign of the apartheid regime, Representative WATERS organized marches, participated in rallies and welcomed countless antiapartheid leaders to the United States. Spearheading the national divestment movement, Congresswoman WATERS persuaded countless American corporations to withhold investing money in South Africa until apartheid ceased to exist. When South Africa held its first free elections 1994, Representative WATERS was asked to be a member of the official U.S. delegation that attended the inauguration of the country's first black president, Nelson Mandela. Clearly, Congresswoman MAXINE WATERS played a vital role in ending apartheid.

In my opinion, there is no one more deserving of one of South Africa's most prestigious awards. Congresswoman MAXINE WATERS devoted her career to ensuring that all people no matter their origin, race or culture, have the chance to experience freedom.

IN HONOR OF GABRIELLE THOMPSON OF BUFFALO, MINNESOTA: RECIPIENT OF THE PRUDENTIAL SPIRIT OF COMMUNITY AWARD

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mrs. BACHMANN. Madam Speaker, I rise today to commend seventh grader Gabrielle Thompson of Buffalo Community Middle School for her extraordinary commitment to her community and her compassion for young cancer patients. This week, Gabrielle will be one of only 102 state honorees from across the Nation honored with the Prudential Spirit of Community Award.

Gabrielle has turned a difficult personal story into a story of healing and hope for children facing a life with cancer. When she was only 4 years old, doctors removed a malignant tumor from Gabrielle's abdomen. Now, with that successful surgery not long behind her, Gabrielle has committed to helping others who find themselves in similar situations.

In addition to raising $5,000 for cancer research selling luminaries and to drawing public attention to Buffalo's Relay for Life, Gabrielle has written a book to help children cope with cancer, "The ABCs of Childhood Cancer." Her book relates to children as only a young one can and relates to cancer patients as only one who has walked in their shoes can. But, in so many ways, her book demonstrates a young lady of startling maturity, grace, and poise.

The Prudential Spirit of Community Awards were started in 1995 as a partnership between Prudential Financial and the National Association of Secondary School Principals (NASSP). It is the Nation's largest youth recognition program based solely on volunteerism. Two high school and middle school students from each state and the District of Columbia are honored each year, with an additional 234 distinguished finalists also receiving recognition for their public service.

This year, in addition to Gabrielle, Shanna Decker, a senior at Plainview-Elgin-Millville High School, will represent the great state of Minnesota as recipients of the award for 2008. Shanna has also had a personal experience with cancer as a young child and has also turned her difficult life lesson into a powerful example of hope and courage for other young people in this situation, spending more than 300 hours a year visiting young cancer patients in the hospital.

An additional six outstanding Minnesota teens will be honored as Distinguished Finalists: Daniel Chahla of St. Paul, Carly Fischbeck of Inver Grove Heights, Joshua Hiben of Bloomington, Carissa Loehr of Eagan, Laura Maciosek of Minneapolis, and Aisha Moghul of Fridley. It is a true privilege to join Prudential, the NASSP, and their communities in honoring these outstanding examples of compassion and service. With all the regrettable news stories about the wayward path of today's youth, these young men and women renew our faith and refresh our hope.

HONORING THE ACCOMPLISHMENTS OF MR. THOMAS J. COOPER, SR.

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. GERLACH. Madam Speaker, I rise today to pay tribute to a dedicated community volunteer from Chester County, Pennsylvania, who recently passed away, but whose service is still lauded and remembered.

Each year, the Downingtown Area Chamber of Commerce recognizes an individual who has made an outstanding contribution to the community. This year, the Citizen of the Year Award will be presented posthumously to Thomas J. Cooper, Sr.

Mr. Cooper made substantial contributions to several community organizations throughout our region. He was very active with the Boy Scouts of America, serving as a Cubmaster and Den Leader for Hopewell Pack 8 for a number of years. He also served as the Scoutmaster for Hopewell Troop 8, as well as a Vigil Member of the Order of the Arrow.

Tom was also very active with the Downingtown High School Band Parents organization, making numerous trips hauling the band instruments to local venues and even Florida for band appearances. He also worked the concession stand at the Downingtown High School stadium for numerous athletic events and band competitions, all part of his committed efforts to support our local youth.

No task was too big or too small for Tom. As long as he knew it would benefit area youth, he was there to help.

All of Tom's work and accomplishments will be acknowledged this weekend at the Downingtown Area Chamber of Commerce Annual Dinner on May 2, 2008, at Whitford Country Club. His wife, Winifred, will accept the Citizen of the Year Award on his behalf and area leaders and residents will pay tribute to the life and work of a selfless man.

Madam Speaker, I ask that my colleagues join me today in praising the work of Thomas J. Cooper, Sr., and all those who give of themselves to help others. The Citizen of the Year Award is an acknowledgment of the full and vibrant life that Tom led, and whose work is still remembered and paving the future for tomorrow's generation.

RECOGNIZING THE HOMES FOR OUR TROOPS ORGANIZATION AND PULTE HOMES

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to a program that has provided an invaluable service to our nation's wounded veterans. The Homes For Our Troops organization is a non-partisan, nonprofit 501(c)(3) group that provides specially built homes to veterans who have received debilitating injuries while fighting for our continued freedom in the ongoing military conflicts in Iraq and Afghanistan. These homes are provided at no cost to the family receiving assistance. John Gonsalves founded this wonderful organization with the aim of providing a service for our soldiers which was much needed and even more appreciated. He has dedicated his time to this noble endeavor and his organization has proven to be of the highest standard of excellence. Homes For Our Troops has been awarded the Independent Charities Seal of Excellence. This award, bestowed upon members of the Local Independent Charities of America and the Independent Charities of America is recognition of the highest level for charity work. Fewer than 5 percent of all eligible charities are honored with this award.

Providing these homes for our injured service men and women is a team effort. Recently, ground was broken on a home for Army Staff Sergeant Matthew Keil and his wife Tracy, of Parker Colorado. Numerous organizations have teamed up with Homes For Our Troops and provided their expertise, materials and time to make this home a reality. Pulte Homes, under the guidance of Mike Meneguzzi has designed the Keil's future home. Their organization has graciously donated over $31,000 to the building effort and one of their employees, Bret Hribar, will be operating as the general contractor. Pulte has further demonstrated their dedication to worthy projects such as this by providing their employees 2 paid days of leave annually to participate in charitable projects.

With the help of other local businesses, Homes For Our Troops and Pulte Homes have performed a great service for a great American hero. Their continued dedication to the welfare of our returning veterans is a great example of patriotism which we should all strive to achieve.

CONGRATULATING MRS. DAWN O'CONNOR RECIPIENT OF THE 2008 PRESIDENTIAL AWARD FOR EXCELLENCE IN SCIENCE TEACHING

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. HONDA. Madam Speaker, as a former teacher, school principal, and school board member I am proud to rise today to congratulate Mrs. Dawn O'Connor for receiving the 2008 Presidential Award for Excellence in Science Teaching. Since 1983, the Presidential Awards for Excellence in Mathematics and Science Teaching have honored outstanding kindergarten through 12th grade mathematics or science teachers for their contributions in the classroom and to their profession. On behalf of the people of California's 15th District, I am honored to recognize one of our own as a recipient of the Presidential Award, the highest recognition that a teacher can receive—Mrs. O'Connor teaches Seventh Grade Biology at Ascencion Solorsano Middle School in the Gilroy Unified School District.

Ascencion Solorsano's students are fortunate to have Mrs. O'Connor serve as chair of the Science Department, coach of the Cross Country team, and advisor of the school's MESA program. After graduating from California State University, Humboldt with a B.S. in Biology Mrs. O'Connor completed her multiple subjects credential program at my alma mater, San Jose State University.

Mrs. O'Connor received the 2007 Horace Lucich Award for Outstanding Teachers by the Synopsys science fair and the California State Science Fair Teacher of the Year Award. She was a Summer Institute Fellow at Stanford University's Center for Probing the Nanoparticle and also participated in the Summer Leadership Institute hosted by the National Science Education Leadership Association.

During Mrs. O'Connor's tenure year at Ascencion Solorsano she has helped to expand a traditional science fair into a five-month inquiry-based project involving 98% of the students in the activities of a practicing scientist—problem identification, hypotheses generation, experimental design, experimentation, writing and presenting conclusions. Her inclusion of cross-curricular skills is indeed commendable. Through her encouragement students have performed exceptionally in the Silicon Valley science fair competition and gone on to attain awards at the State level competitions. According to Mrs. O'Connor "It is also my goal to produce a population of capable problem solvers," a goal I share, one that is crucial to ensuring our Nation's competiveness in the 21st century global economy.

Mrs. O'Connor represents the spirit of innovation that is the core of my District, the Silicon Valley and the State of California, and she is dedicated to inspiring and engaging students in science through inquiry. I congratulate her and her colleagues and students for this distinguished achievement.

STATEMENT IN RECOGNITION OF EDIE FRASER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to honor the work of one of the leaders of diversity, entrepreneurship, women in business and mentoring, Edie Fraser, who was honored on April 24 with the Lou Campanelli Award for volunteerism and leadership.

The award, presented by SCORE "Counselors to America's Small Business," honors Edie Fraser for her volunteerism, philanthropic contributions and dedication to entrepreneurship and SCORE.

The Lou Campanelli Award annually recognizes outstanding individual volunteerism, leadership, vision and philanthropy in support of small business, entrepreneurship and SCORE. Edie received the award at SCORE's Afternoon of Vision 2008 in Washington, D.C., on April 24. SCORE CEO Ken Yancey and Lou Campanelli presented Edie with the award.

Edie Fraser has won more than 35 major diversity awards. SCORE is in her blood as her dad, Les Fraser, was a SCORE volunteer and leader for 33 years in Atlanta. Edie has worked with SCORE over the years, now serving on the SCORE Board of Directors.

She was named in 2007 as one of the Top 50 Pioneers in Diversity by Profiles in Diversity Journal and top 46 of America's Top Diversity Advocates by DiversityBusiness.com, along with Oprah Winfrey, Presidents Jimmy Carter and Bill Clinton, and many other senior diversity leaders. Her other awards include: The Enterprising Women Hall of Fame; the eWomen Network International Femtor Award for Lifetime Achievement; the Count-Me-In Leader Entrepreneurial Award; and the Euro-American Women's Council Artemis Award, presented by Athens and the sacred island of Delos. She also received the First Global ATHENA Award in Athens, Greece.

As an advocate for small business and entrepreneurship Edie says, "SCORE is a cornerstone of what is the best of this country. Small business is the most significant part of our economy across this nation." Fraser believes, "SCORE is the premiere source of free counseling and advice, and a source of loan information for America's aspiring entrepreneurs."

Edie's extensive background in support of diversity and women spans four decades, and she is the founder of Diversity Best Practices and Business Women's Network. She is a counselor and champion focusing on business results. She is an advocate for diverse leadership executive talent. Edie has worked to support more than 200 corporate organizations, and she has worked with more than 100 CEOs in support of diversity practices. Talent recruitment and retention are her number one issue.

"To say thanks to SCORE is easy. We know SCORE to be perhaps the most important program that the government has created with millions of donated hours of counseling in communities across America," says Edie Fraser.

On a personal note, Edie has been a dynamic and energetic force for women in business and diversity nationwide. A resident of Washington, D.C., Edie is active in many worthy causes. She currently serves on the Board of Directors of SCORE and Advisory Board of the U.S. Center for Citizen Diplomacy. She received the Big Brothers Public Service Award and was the recipient of the Big Brothers Most Outstanding Service Award for outstanding service to youth. Edie received the United States Peace Corps award and Peace Corps Princess with others from State Department and AID. Her commitment to mentoring and community service is an inspiration to all of us striving for equality and the opportunity to achieve the American dream.

THE DAILY 45: A SUBURBAN YOUTH SNAPS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. And while needless gun-related deaths continue to take place at a savage pace on Chicago's streets, including my district, we're not the only community in crisis.

The 45 people who die somewhere in America come in all shapes, sizes, colors and zip codes. In February of this year, in suburban Cockeysville, Maryland, 16-year-old Nicholas Browning confessed to taking his father's 9 mm Smith and Wesson and walking through his home and taking the lives of both his parents and his two younger brothers. According to his attorney, young Nicholas, an avid Sunday school student, apparently snapped for reasons unknown. One can only imagine what might have been if whatever demons he was confronting did not lead him to grab a gun.

Americans of conscience must come together to stop the senseless death of "The

Daily 45." When will Americans say "enough is enough, stop the killing!"

HONORING DR. LASLEY FOR 45 YEARS OF SERVICE AT BUFFALO RIDGE BAPTIST CHURCH

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to honor Dr. Lasley for his 45 years of service at Buffalo Ridge Baptist Church. Tennessee has been called the "Volunteer" state by the great efforts of our citizens during The War of 1812. Since The War of 1812 people like Dr. Lasley continue to show pride, dedication and service through volunteer efforts.

Dr. Lasley's wife Ellen, daughter Laurie, and sons Torrey and Calvin all embody the same giving and service oriented characteristics their father has bestowed upon them.

Since Dr. Lasley began his tenure in 1963, he grew the church from an average of 135 people per Sunday to over 766 per Sunday today. This is a true accomplishment and highlights his devotion to Buffalo Ridge Baptist Church and the parishioners who call that church home. What's even more is that Dr. Lasley helped spur a new donations program that has grown to receive about 1.7 million in total offerings in the year of 2007.

Dr. Lasley and Buffalo Ridge Baptist Church have continually shown their dedication to the community by leading its followers in five building construction programs. He has also emphasized missions and has even built a mission program that supports over 100 missionaries and mission agencies throughout the world.

Dr. Lasley's strong commitment to God is evident in the numerous hours devoted to studying His Word, preaching it, and encouraging others to become involved. Dr. Lasley has been a strong advocate for faith and has encouraged his church to live the same way leading by example.

Since Dr. Lasley took over Buffalo Ridge Baptist Church in 1963, he has been a true friend, asset, and noble man to Tennessee's First District. I ask that my colleagues join me today honoring Dr. Lasley for his great devotion, dedication, and service to Buffalo Ridge Baptist Church and Tennessee's First District.

HONORING MR. HERB RUBEN

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise to congratulate Herb Ruben, who is being honored by Peninsula Counseling Center at its 95th anniversary celebration on May 13, 2008. Herb Ruben has served with extraordinary devotion and dedication for the past 50 years as executive director of Peninsula Counseling Center, the largest nonprofit community mental health center in Nassau County, New York.

Mr. Ruben has received many awards and has served in many capacities, always striving to strengthen and enhance the lives of individuals of all ages, to strengthen family life and to contribute to the social-psychological well-being of the community. He has served as past president of the Council of Family Service Agencies in New York State. He is the recipient of the Joseph M. Sokol Memorial Award from the Five Towns Community Chest; the recipient of the Distinguished Service Award from the New York Public Health Association, Long Island Region; and the Henry Brill Professional Award from the Nassau County Department of Mental Health for "outstanding achievements and leadership with the Mental Health community of Nassau County." In addition, he was presented with a Lifetime Achievement Award by the New York State Office of Mental Health.

Mr. Ruben has been a columnist with the South Shore Record where his articles "Within the Family" have appeared in the paper for more than 30 years.

Again, I wish to congratulate Herb Ruben and thank him for the leadership and direction he has brought to Peninsula Counseling Center, as its executive director. For 50 years, he has helped to make it the outstanding organization that it is.

TRIBUTE TO DAVID PLOTINSKY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. REYES. Madam Speaker, I rise today to recognize Mr. David Plotinsky who recently left the House of Representatives to take a position with the Department of Justice.

Mr. Plotinsky served in the Office of the General Counsel for 10 years, first as a law clerk while he was a student at Georgetown Law School and, since 2000, as an Assistant Counsel.

Mr. Plotinsky provided frequent and invaluable legal advice and representation to the House Permanent Select Committee on Intelligence. Our staff came to rely on his expertise and guidance in connection with many of their investigative and oversight activities, as well as in the Committee's interactions with the other branches of the federal government.

Over the years, Mr. Plotinsky played a significant role in safeguarding the legal and institutional interests of the House of Representatives, and he served the House with great distinction. I know that he will serve the Department of Justice with that same level of distinction.

On behalf of the House Permanent Select Committee on Intelligence, I thank him for his many years of devoted service, and extend to him our very best wishes for his continued success.

HONORING SPIRIT OF COMMUNITY VOLUNTEERS CONNOR DANTZLER AND CHRISTOPHER ANDERSON

HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. BARTLETT of Maryland. Madam Speaker, I would like to congratulate and honor two young students from my district who have achieved national recognition for exemplary volunteer community service by the 2008 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Connor Dantzler of Damascus has just been named one of the top honorees in Maryland. An eighth-grader at John T. Baker Middle School, Connor is being recognized for his "Health through Humor" program. He has distributed over 5,000 joke books to patients, their families and caregivers at hospitals and care centers throughout Maryland. In addition to delivering books to participating hospitals and health care centers, Connor spends time with patients and their loved ones. "I've shared a smile and positive moment with a lot of people," said Connor. "I hope that these efforts have made a difference to those who really needed something to laugh about." I am sure they did.

Christopher Anderson, a sophomore at Westminster High was named a finalist and will receive a bronze medal. I heartily applaud Christopher for his initiative in seeking to make his community a better place to live by renovating an outdoor break area for the Association for Retarded Citizens of Carroll County to make it accessible to disabled residents. Inspired by his uncle who has Down syndrome, he recruited more than 40 volunteers and raised $3,000 for the project. Christopher and his volunteers removed old rock, built special picnic tables, replaced wooden sidewalks and planted trees and shrubs in order to make the area handicapped-accessible. It will continue to have a positive impact on the lives of others for years to come.

Young volunteers like Connor and Christopher are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow. The dedication and commitment by Connor Dantzler to sick hospital patients and Christopher Anderson to disabled individuals should fill all of us with pride that America's community spirit is strong. On behalf of the residents of Maryland's Sixth District I am honored to publicly thank and congratulate Connor and Christopher for their volunteer efforts. You give us hope and confidence that America's future will be led by a new generation of inspiring and compassionate leaders.

TAIWAN'S LEADERSHIP ON GLOBAL ISSUES

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. ROHRABACHER. Madam Speaker, in the 6½ years since terrorists attacked the American homeland, our government has undertaken a series of steps to prepare for, deter, and ultimately stop future attacks from occurring. In advancing these objectives, it has been essential to partner with like-minded nations to ensure security and freedom for all our citizens. In this regard, I would like to take the opportunity to express the appreciation of many in the Congress to President Chen Shui-bian of Taiwan as he prepares to leave office later this month.

During President Chen's time in office, Taiwan has demonstrated time and again its commitment to global security and cooperation. Such actions have been forthcoming despite the preoccupation of an existential threat facing it from across the Taiwan Strait.

After 9/11, Taiwan immediately opened its airspace to U.S. military aircraft transiting Pacific routes to Afghanistan. It subsequently partnered with our government and others in the Container Security Initiative, which seeks to prevent illicit cargo from reaching rogue entities around the world. Furthermore, Taiwan has committed over $100 million to recovery efforts in Afghanistan, making it one of the most significant contributors to coalition efforts there.

Recognizing that global security can be advanced in a variety of ways, Taiwan has been a leader in addressing public health issues internationally. Struck by SARS in 2003, Taiwan acted swiftly to share information with other nations that helped limit its spread. Soon thereafter, Taiwan's experience in tackling avian flu was again made available to the international community in order to deter that contagion's deadly proliferation.

Beyond these multilateral efforts, Taiwan has also developed one of the most extensive bilateral development assistance programs in the world. For instance, it has established 36 long-term technical missions in 30 partner countries, focusing on capacity building, agriculture, fisheries, horticulture, livestock, handicrafts, medicine, transportation, industry, mining, electricity generation, printing, vocational training, trade and investment. Taiwan allocates approximately 100,000 tons of rice annually as humanitarian foreign aid. After the South Asia tsunami occurred in December 2004, the Taiwanese government provided $50 million in initial relief assistance, and cooperated with international non-governmental organizations in additional relief efforts. It also provided more than 355 tons of relief materials to tsunami-affected countries.

These and other measures undertaken by Taiwan over the past several years are to be commended. Under the leadership of President Chen, his government has served as a model for others seeking to play a constructive role in the international community. I encourage continued leadership by Taiwan as a new president prepares to assume office, and can assure him of America's enduring partnership in these efforts.

THE RISKS AND REWARDS OF THE POPE'S VISIT TO THE U.S.

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. NEAL of Massachusetts. Madam Speaker, it is my privilege to enter into the CONGRESSIONAL RECORD today an article that was written by a constituent of mine, Thomas J. Carty, PhD, Associate Professor of History and American Studies at Springfield College in Springfield, MA. His article is entitled, The Risks and Rewards of the Pope's Visit to the U.S., and it outlines the history of the interaction of politics and religion as it related to papal visits in the past. I thought it was a pertinent piece in light of Pope Benedict's recent visit to Washington, DC and New York City.

THE RISKS AND REWARDS OF THE POPE'S VISIT TO THE U.S.

(By Thomas J. Carty)

Pope Benedict XVI's meeting this week with a U.S. president during an election year demonstrates how Americans increasingly tolerate the confluence of religion and politics. While George Bush does not face the prospect of election this year, his meeting with Pope Benedict may affect the presidential campaign. Bush's policies have both delighted and disappointed the Pope. The president's opposition to legalized abortion and embryonic stem-cell research earned him praise by John Paul II, but this pope also critiqued Bush and his father for resorting excessively to war in Panama, the Persian Gulf, and Iraq. For Bush, this meeting offers an opportunity to burnish his legacy as a defender of traditional values.

Bush can maximize benefit from this meeting by studying the successes and failures of Lyndon Johnson, Ronald Reagan, and Bill Clinton. Johnson's 1965 decision to greet Pope Paul VI strained traditional diplomatic protocol because no pope had previously set foot in the United States. Prior to the pope's landing in New York in order to deliver a speech at the United Nations, therefore, Johnson arranged elaborate plans to avoid appearing biased in favor of the Catholic Church. The president agreed to wait in New York's Waldorf-Astoria hotel for Pope Paul VI to visit Johnson's suite so that the president could deny having initiated the unofficial summit. Johnson certainly hoped such appeals to the pope might have helped his standing among Catholics in an eventual run for reelection. Yet the pope's public criticisms of U.S. bombing in Southeast Asia contributed to Johnson's later decision to withdraw from the 1968 presidential campaign.

By contrast, Pope John Paul II boosted Ronald Reagan's political popularity among Catholics and conservative non-Catholics in the 1980s. Although the U.S. Catholic bishops opposed the construction of nuclear weapons and criticized Reagan's movement to expand U.S. armaments, John Paul and Reagan shared an uncompromising anticommunism. Meeting with the pope allowed the president to deflect attention from the American Catholic hierarchy's opposition to his arms buildup. When Reagan appointed an official, full-time ambassador to the Vatican in 1984, the president had established a direct diplomatic line of communication with the pope, and subverted the American bishops. Reagan showed none of Johnson's protocol concerns when deciding to stay an extra night in Alaska to coordinate an informal meeting with the pope, whose plane arrived the next day, in May 1984, a year in which a majority of Catholics voted to help him win reelection.

In the most analogous case with George Bush's position this year, Bill Clinton met with John Paul II in 1999 as a second term president unable to run again for reelection. Absent the Cold War, Clinton aggressively pursued common cause with Pope John Paul II in other areas. Due to Clinton's unapologetic support of legalized abortion and artificial contraception, the policies of this president clashed with the pope's absolute opposition to late-term, or "partial birth" abortions. Yet Clinton sought closer connections between U.S. and Vatican economic assistance programs while the Republican congress planned to curtail funding for foreign aid. The Catholic Church also endorsed Clinton's ambitions to provide government assistance to the poor and immigrants. These efforts may have helped Clinton obtain the meeting and photo opportunity with John Paul II at the same time as two Papal Knights in Congress (House Judiciary Committee Chairperson Henry J. Hyde and his legal counsel David P. Shippers) prepared the case for the president's eventual impeachment.

Since George W. Bush cannot legally compete in the 2008 presidential election, Pope Benedict may have more to gain or lose than the president in this year's papal-presidential meeting. Some reports indicate that the pope will court controversy by highlighting abortion in this presidential election year visit to the United States. If so, many Americans will charge the pope with a partisan appeal which threatens America's recent tolerance for Catholicism and church-state cooperation. If Benedict addresses respect for immigrants and the poor, as well as the unborn, however, he can avoid the appearance of favoring one political party platform over another.

HONORING GERALD WALKER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Gerald Walker upon his retirement from Clovis Unified School District as the Director of Construction and Engineering. Mr. Walker will be honored at a reception on May 3, 2008.

Gerald Walker graduated from Clovis High School in 1953. Shortly after graduation he began to work for the School District. He has served 23 years with the Clovis Unified School District; 16 of those years as a member of the governing board and the past 17 years as the Director of Construction and Engineering. The District was able to complete over a billion dollars of construction related projects and is recognized as a leader in the area of school facilities in California. Under the direction of Mr. Walker, Clovis Unified has successfully completed over 200 projects, including 16 new elementary schools, 3 new intermediate schools, 3 new high schools, and countless modernization and improvement projects. For these accomplishments, Mr. Walker was recognized by the Builder's Exchange in 2007 for "Outstanding Industry Achievement" and by Darden Architects for "Excellence in Building". In addition, Mr. Walker has been a member of the District's Career Technical Education Advisory Committee.

Clovis schools have received many honors over the years, including being named numerous times as a California Distinguished School, a National Blue Ribbon School and National Drug Free Schools Program. Mr. Walker's dedication to providing exemplary school facilities and grounds has assisted Clovis Unified in attaining these achievements.

Madam Speaker, I rise today to commend and congratulate Gerald Walker upon his retirement from Clovis Unified School District. I invite my colleagues to join me in wishing Mr. Walker many years of continued success.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. COLE of Oklahoma. Madam Speaker, on Wednesday, April 30, 2008, I missed the first vote in a series of two votes. I missed rollcall votes Nos. 230, 231, 232, and 233.

Had I been present and voting, I would have voted as follows: Rollcall vote No. 230: "aye" (on agreeing to the Miller, George amendment to H.R. 5522); rollcall vote No. 231: "aye" (on agreeing to the Wilson (SC) amendment to H.R. 5522); rollcall vote No. 232: "aye" (on motion to recommit H.R. 5522 with instructions); rollcall vote No. 233: "no" (on final passage of H.R. 5522).

SPOKANE TEACHER RECEIVES PRESIDENTIAL AWARD

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mrs. MCMORRIS RODGERS. Madam Speaker, I rise today to congratulate Linda Hutchinson, the Mathematics Department Head at Shadle Park High School in Spokane, Wash., on her outstanding performance as a mathematics teacher. In recognition of her exceptional contribution to the academic wellbeing of her students, Mrs. Hutchinson has been awarded the "Presidential Award for Excellence in Teaching Mathematics and Science."

The Presidential Award for Excellence in Mathematics and Science Teaching, PAEMST, is the highest recognition that a kindergarten through 12th-grade mathematics or science teacher may receive for outstanding teaching in the United States. Mrs. Hutchinson is one of just 108 teachers to receive this honor each year.

Mrs. Hutchinson was evaluated on five dimensions of outstanding teaching. She proved she demonstrated her mastery of mathematics content, and that her teaching methods increase student achievement. In addition, by winning the award, she has demonstrated that she evaluates and improves not only her students' achievement, but how she teaches the material. Finally, Mrs. Hutchinson is committed to improving her personal mastery of the content she teaches. She is also committed to mentoring and supporting other teachers at her school.

Providing quality education is a key to increasing America's competitiveness and creating a skilled, 21st century workforce. Today, over half of China's undergraduate degrees are in math, science, technology and engineering. Yet, only 16 percent of American undergraduates pursue these fields. To meet the demands of an increasingly advanced, global market we must better train and equip our nation's workforce and Mrs. Hutchinson is doing just that. Shadle Park High School is fortunate to have such an inspiring and committed teacher.

Madam Speaker, I rise today to commend Linda Hutchinson for her outstanding work as mathematics teacher. What an honor it is to receive this recognition from the President. I invite my colleagues to join with me in congratulating Mrs. Hutchinson on this great achievement.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. MILLER of Florida. Madam Speaker, I would like to offer a personal explanation of the reason I missed rollcall Vote No. 146 on March 14, 2008. I was meeting off Capitol Hill with over 100 World War II veterans from my district who flew up on the Emerald Coast Honor Flight.

If present, I would have voted: Rollcall vote No. 227, Previous Question on the Rule for H.R. 5522—Worker Protection Against Combustible Dust Explosion and Fire Act, "nay"; Rollcall vote No. 228, Rule for H.R. 5522—Worker Protection Against Combustible Dust Explosion and Fire Act, "nay."

CORSON BUILDING RIBBON CUTTING CEREMONY—FITTING TRIBUTE TO TONY AND CHRISTOPHER SOUZA

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. FRANK of Massachusetts. Madam Speaker, on May 16 there will be a very important event in New Bedford, Massachusetts: the ribbon cutting for the newly renovated Corson Building, which will be dedicated on that date as a key component of the New Bedford Whaling National Historical Park Visitors Center.

I look forward to being joined at the ceremony by my colleague Senator EDWARD KENNEDY and many other people who have played an active role in both the initial establishment of the National Park and in the preservation and restoration of the Corson Building, an important historical structure which was nearly destroyed by fire in 1997. Through a combination of Federal, State and local government financing, along with non-profit funds and efforts, the building, now attached to the existing Visitors Center, will serve as a major educational facility with valuable public meeting space that will be available for both National Park programs and community meetings.

Among those who will be recognized at the celebration on May 16 for their efforts in making the Corson project a reality, there is one individual whose contributions over the years were crucial and deserve special mention. I speak of New Bedford native Tony Souza, who was the long-time Executive Director of the Waterfront Historic Area League, WHALE, the city's leading historic preservation organization.

While Tony and his wife Elsie (who did great work as the Deputy District Director of my Congressional office) moved a couple of years ago to Florida to pursue other opportunities, it is his vision for both the National Park and the Corson Building that we will to a large extent be honoring at the ribbon cutting event. A little known aspect of Tony's efforts to restore the Corson Building and convert it into an educational facility is that he took much of his inspiration for that work from his late son, Christopher Souza, who had been a member of Senator KENNEDY's staff.

Chris, who shared his parents' commitment to both improving New Bedford and preserving its wonderful historical legacy, sadly passed away at the age of 26 in 1994. This was of course a tragic loss for his family, but it was also a loss to the broader community because we were deprived of the talents of a young man who had chosen to dedicate himself to public service. Despite his grief over his son's passing, Tony gave some thought to steps he might take to honor Chris as an individual and also as someone who exemplified the next generation of young leaders. This consideration led ultimately to the idea of establishing the Corson Building, once it was rebuilt, as a facility with a primary focus on education, so that it could, among other purposes, play a key role in helping tell the young people of New Bedford the remarkable history of their city.

Like many complicated projects involving older structures and various levels of government—not to mention both the vagaries of the Congressional appropriations process and the National Park Service's property management regulations—getting the Corson Building to where it is today involved a slow series of steps with numerous detours. Along the way, it was necessary to stabilize the building after the fire; develop the necessary design for the renovation; and begin to assemble the requisite funds, all of which took time. Tony was consistently the driving force behind the efforts to overcome the obstacles that emerged, and I know that his desire to see the project completed was to a large extent a reflection of his love for his son. Indeed, he only decided to seek new challenges outside Massachusetts when it was clear that his vision for the project was well on its way toward completion.

So, the Corson Building ribbon cutting ceremony will be both a physical and a much more personal homecoming for Tony and Elsie. I join with Senator KENNEDY, and the elected officials, National Park Service representatives and area preservation activists and residents who will also be attending the event, in paying tribute to Tony Souza's vital contributions to this important accomplishment, and to his son Christopher, who was such an important inspiration for his father's work on the project.

IN HONOR OF CEIL CIRILLO

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. FARR. Madam Speaker, I rise today to honor an invaluable member of the Santa Cruz community. After two decades of service, Ceil Cirillo has announced her retirement from her post as director of Redevelopment/Economic Development for the City of Santa Cruz. Ceil began her work in the Santa Cruz community after numerous buildings and homes had been destroyed in the Loma Pierta earthquake of 1989. As a part of her work as a director, Ceil acquired the challenge of reconstructing a devastated historic downtown Santa Cruz. Her success is evident today by the vibrant destination for shopping and dining that Pacific Avenue is today. Yet this endeavor was only the beginning of her accomplishments and contributions that continue to benefit the Santa Cruz commnunity.

To rebuild the commerce affected by the quake, Ceil oversaw local building expansion. Under her direction, the agency created a new department for the redevelopment of downtown, as well as a business outreach program to ensure commercial success both downtown and citywide.

Ceil's humanitarian efforts made a great impact on Santa Cruz citizens who needed help the most. One of these accomplishments was overseeing the construction of low-rent units; providing housing for families with limited incomes. She also facilitated the installment of emergency housing units, 26 of which are in their planning stages or already under construction. These projects, along with others, have resulted in 407,000 square feet of newly available housing; placing roofs over the heads of those who would otherwise have no place to call home.

In her reconstruction aid, Ceil has not let her artistic side go but rather channeled her passion for the arts in her efforts. She is keen on preserving and cultivating the rich culture of the community, and instituted the Tannery Arts Center and Pacific Avenue Multi-Modal Station, which today serve as outlets for local artists. In addition, in the unique spirit of Santa Cruz, she instated commercial facade projects, murals, landscaping and similar projects all over the city. These public artworks give significant aesthetic appeal to a city that had once been reduced to shambles.

Prior to coming to Santa Cruz, Ceil was the Director of Redevelopment for the City of Signal Hill, California, and in addition to some private sector employment, was a Special Assistant to the City Manager in Pasadena, California. She has received numerous awards in recognition of her works in the Santa Cruz community and has served on the Board of Directors of several local charities.

Madam Speaker, the City of Santa Cruz will miss Ceil's vision and leadership, but there is no doubt that she has left the City in a better place from when she first arrived. I wish Ceil the best in retirement and look forward to her continued involvement in the Santa Cruz community.

WAMU 88.5'S RAY DAVIS CELEBRATES 60 YEARS ON THE AIR

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Ms. NORTON. Madam Speaker, Ray Davis, host of The Ray Davis Show on WAMU's Bluegrass Country, celebrates 60 years in broadcasting on May 2. Ray Davis joined WAMU 88.5 in 1985 to host Saturday Bluegrass, and shared hosting duties for the weekday afternoon program, Bluegrass Country, until 2001. He currently hosts 3 live hours of traditional bluegrass music on The Ray Davis Show at 3 p.m., weekdays, and 10 a.m., Sundays, on WAMU's Bluegrass Country, heard in Washington, DC, in HD Radio at 88.5, Channel 2, and online at bluegrasscountry.org.

Davis provides area bluegrass fans and online listeners worldwide with a daily dose of the traditional American art form, from prison songs and "plum pitiful" tunes to the great train rides—and train wrecks—of bluegrass music, all delivered with Davis' encyclopedic knowledge of the artists and the music. More than a DJ, Ray Davis is both a musicologist and an archivist who takes listeners on a stroll down bluegrass music's memory lane. His specialties, the plum pitiful tunes, are tearjerkers that explore universal themes of death, betrayal, and jealousy.

"Ray Davis is a legend in music broadcasting. He has helped define bluegrass music on-air since its earliest days as a discrete genre, and has placed a lasting imprint on it with his dedication to playing, promoting, and recording its musicians," said Caryn G. Mathes, WAMU 88.5's General Manager. "His booming, resonant voice is synonymous with the sound of bluegrass at WAMU, and his willingness to explore broadcasting on multiple new media platforms as radio evolves has been an inspiration to me."

Davis began his radio career at the age of 15, when he left his boyhood home in Wango, MD, for a job at WDOV–AM in Dover, DE. He had jobs at other small town stations around the country, as well as a stint south of the border at XERF, the Mexican mail-order station that made Wolfman Jack famous, where he learned to be a radio pitchman. Davis returned to the east coast and spent 38 years hosting a popular bluegrass program from Johnny's Used Cars for WBMD in Baltimore, MD. In 1962, he began recording some of the Nation's finest bluegrass musicians and selling these recordings under his own label, Wango.

Davis hosts bluegrass festivals and concerts around the country, including the Delaware Valley Bluegrass Festival, and the Arcadia Music Festival. He also produces 15 hours of bluegrass music each week for WAMU's Bluegrass Country. When he's not acting as program host or concert emcee, chances are Davis is holed up in his basement studio producing CDs from hundreds of bluegrass tapes he's recorded over the years. Since the 1960s, Davis has been enlisting friends like Carter and Ralph Stanley, Don Reno, Bill Harrell, the Warrior River Boys, the Gillis Brothers, Owen Saunders, and a host of others to make his so-called "basement tapes." The basement tapes include previously unreleased jam sessions with many of these legendary bluegrass artists.

American University's radio station since 1961, WAMU 88.5 is the leading public radio station for NPR news and information in the greater Washington, DC, area with more than 650,000 listeners in the region. WAMU 88.5 is "your NPR news station in the Nation's capital."

HONORING OUR COMMITMENT TO FILIPINO WORLD WAR II VETERANS

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Ms. SPEIER. Madam Speaker, I stand before you this evening to discuss the plight of some 20,000 brave men who defended our country during World War II but have been neglected in their old age. I refer to the Filipino nationals who fought with American soldiers as part of the Recognized Guerilla Forces.

Madam Speaker, the sacrifice and suffering of these brave warriors has been well-documented. Without their support, some say, American forces likely would have been outmanned and outgunned at many of the decisive battles in the Pacific Theater during World War II. But because of an unfair designation set into law, our government treats one class of Filipino veteran differently than another.

In the days and months following the Japanese attack on Pearl Harbor, more than 250,000 Filipino nationals swore allegiance to the United States of America with the same oath each of us took when we became Members of this body. They fought side-by-side with our fathers and grandfathers and suffered casualties at a far higher rate than native-born American forces. In return, the Filipino soldiers were promised the same benefits and support as their American counterparts. In fact, in October of 1945, Gen. Omar Bradley, then Administrator of the Veterans Administration, reaffirmed that they would be treated like any other veterans.

But The Rescission Acts of 1946 changed that. As happens all too often in the halls of power, short-sighted political expediency won out over fairness and common decency. Faced with massive war debts, Congress excluded a class of veteran that had no voice and no vote. Since then, piecemeal attempts have been made to rectify the inequities of The Rescission Acts, but time is clearly working against us.

Today, the few Filipino veterans who are still living are in their eighties. Their number is estimated to be at or around 20,000, with 7,000 living in the United States. Many of those veterans reside in my district, which boasts the largest number of Filipino Americans in the nation.

Madam Speaker, I am not asking for special consideration. I am not seeking an earmark or a windfall or a handout. I am simply asking that we, as a nation, honor the promise we made to the brave souls who put their very lives on the line for the sake of America and all it stands for. Let us show our gratitude to the few remaining Filipino World War II veterans and restore the benefits due them and promised to them when they, like all of us here, raised their right hands and swore: I do solemnly swear that I will bear true faith and allegiance to the United States of America.

PAYING TRIBUTE TO DR. REBECCA MILLS

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Dr. Rebecca Mills, Ed.D by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Dr. Rebecca Mills for her service to the students at the University of Nevada, Las Vegas, and would like to commend her for her dedication and commitment to higher education.

Receiving her doctorate in secondary education, Rebecca attended the University of Arkansas at Fayetteville. After receiving her doctorate degree, she joined the University of Nevada, Las Vegas in 1987 as an assistant professor in the Department of Instructional and Curricular Studies. She would later become associate professor and then a full professor within the College of Education.

In 1998, she was appointed to the position of Senior Advisor to the President of the University, serving for two years before being named the Interim Vice President for Student Life in April 2001, where she served until her retirement in 2008. In this role, Rebecca worked with over 400 individuals to provide services and programs that support out-of-classroom learning for UNLV's more than 27,000 students.

Rebecca has published and presented nationally on such topics as organizational change, middle level education, teacher beliefs, and teacher development. She has also been featured in the National Forum of Teacher Education Journal and the National Forum of Applied Educational Research Journal. She is a recipient of several teaching awards including the Carnegie Foundation's Nevada Professor of the Year. She is active in the National Association of the Student Personnel Administrators (NASOA) serving Region V as the Public Policy Coordinator. She also belongs to the Association of College Personnel Administrators (ACPA) and has presented at several conferences.

Madam Speaker, I am proud to honor Rebecca Mills, Ed.D for her accomplishments at the University of Nevada, Las Vegas and applaud her for her contributions and dedication to the University of Nevada, Las Vegas. I wish her the best of luck in her future endeavors.

HONORING TAIWAN'S OUTGOING PRESIDENT CHEN SHUI-BIAN AND VICE-PRESIDENT ANNETTE LU

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to Taiwan's outgoing President Chen Shui-Bian and Vice-President Annette Lu.

Chen Shui-Bian and Annette Lu became Taiwan's second elected President and Vice-President in the year 2000. Perhaps more importantly, however, their election signified the first peaceful transfer of power from the Chinese Nationalist Party or Kuomintang—which had imposed martial law and ruled Taiwan for over a half-century.

In many ways, President Chen and Vice-President Lu's rise to the highest offices in the country is, itself, the story of Taiwan.

President Chen and Vice-President Lu's paths crossed for the first time among difficult circumstances. Ms. Lu was facing sedition charges for her work on the staff of Formosa Magazine, which had been critical of the Kuomintang dictatorship. Chen Shui-Bian, a young lawyer at the time, was a member of her defense team.

Ms. Lu was ultimately convicted and spent more than five years in prison, but the sentence failed to break her will or extinguish her passion for bringing democracy to Taiwan.

Mr. Chen lost the case, but he was won over by his clients' ideals. The defendants and their lawyers subsequently became the core of the democratic opposition in Taiwan. And Mr. Chen too, would spend time in jail for his political beliefs.

But the democratic movement they helped to spark would ultimately triumph. Martial law was lifted in 1987, and by 1996 then-President Lee Teng-Hui had initiated democratic reforms that allowed for the direct election of Taiwan's President and Vice-President.

After the lifting of martial law in Taiwan, Mr. Chen became a member of the Taipei municipal council, and after the birth of multi-party politics and the formation of the Democratic Progressive Party (DPP), he became the capital city's first popularly elected Mayor in 1994. And in 2000, his election as President of Taiwan marked the first peaceful, democratic transfer of power in the history of either Taiwan or China.

After her release from prison, Ms. Lu was elected to Taiwan's legislature and later, Magistrate of Taoyuan County—the equivalent of a Governor here in the United States. In 2000, she was elected as Vice-President on the DPP ticket with President Chen.

In the span of two decades, Mr. Chen and Ms. Lu had gone from political prisoners to political leaders. Ms. Lu's response to a TIME Magazine reporter's question shortly before she and Mr. Chen were inaugurated in 2000 perhaps summed up this amazing transformation best:

The reporter asked, "Fifteen years ago you were sitting in a jail cell as a political prisoner. When you take the oath of office, what thoughts will be going through your head?"

She responded, "What I'm proud of is that the same party, the KMT, that suppressed me 20 years ago will be transferring power to me, peacefully." –

President Chen and Vice-President Lu spearheaded efforts to amend Taiwan's antiquated constitution to modernize Taiwan's fledgling democracy. They also conducted Taiwan's first ever citizens referendum—a milestone for democracy not just in Taiwan, but in all of Asia. Taiwan's voters rewarded the two for their diligence and commitment by re-electing them in 2004.

Under their leadership, Taiwan has deepened its democratic roots, and has become an even brighter beacon of democracy than when they first took office eight years ago. I hope that very soon, Madam Speaker, the people on the Chinese mainland will see that light, and emulate in that country what the Taiwanese have accomplished in their own.

Later this month, Mr. Ma Ying Jeou and Mr. Vincent Siew will be sworn in as Taiwan's new President and Vice President—signifying yet another peaceful transfer of power from one party to another in Taiwan.

So Madam Speaker, I rise to once again congratulate the people of Taiwan, and to recognize President Chen and Vice-President Lu for their contributions to democracy and human rights. I wish them both the best of luck as they leave office.

HONORING ALESIA HAMILTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize, Ms. Alesia Hamilton, an exemplary individual and first grade teacher at Edison Elementary in St. Joseph, Missouri.

In 2004, Ms. Hamilton, in accordance with her character of compassion and service, invited Mr. Alferd Williams, 70, into her class of 25 students in order that he may finally learn to read. Her generous nature and commitment to the task of working with Mr. Williams demonstrates her willingness to go above and beyond what is required as a public school teacher.

In accordance with my Resolution to recognize the roles and contributions of America's teachers through National Teacher Appreciation Week, I would like to take a moment to individually recognize Ms. Hamilton as an educator selflessly committed to the development of our nation's students.

Madam Speaker, I proudly ask you to join me in commending Alesia Hamilton for her service to America's students and for her efforts put forth in working with Mr. Williams. It is an honor to serve both of these individuals in the United States Congress.

IN HONOR OF POLISH CONSTITUTION DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of the Polish American Congress, Ohio Division, as they celebrate Polish Constitution Day—a day where the Polish Community shares their rich culture with the Greater Cleveland Community.

The first written European constitution, the Governmental Statute of Poland, was instated on May 3, 1971. Poland's Constitution was the result of nearly five centuries of struggle and perseverance by the people of Poland to diminish the power of the King and to create facets and institutions of government vital to the foundation of a constitutional government. Formed in 1949, the Polish American Congress is a national umbrella organization representing over ten million Americans of Polish descent and origin, and serves as a unifying force for both Polish Americans and Polish citizens living in America. Cleveland's Polish American community is deeply rooted and prides itself on their commitment to the values of family, faith, democracy, hard work and fulfillment of the American dream.

The Polish American Congress strives to make Americans of Polish heritage more successful and involved U.S. citizens by encouraging them to assume the responsibilities of leadership. Since its foundation over sixty years ago, the group has created programs to successfully integrate people of Polish decent in the U.S. and enrich Cleveland's social fabric. These programs include the Displaced Persons Program, which allowed almost 150,000 Polish immigrants to enter the U.S. after World War Two. The group also won American veterans benefits for Polish Veterans of both World War One and World War Two.

The Polish American Congress has played a crucial role in the Polish Community, and in its many years of support and service has been an invaluable contribution to the City of Cleveland and this nation. This year, the Greater Cleveland Community can celebrate Poland's rich history and culture by joining Cleveland's Polish community in attending events such as the Polonia Ball, the Grand Parade and the Photographic Exhibition.

Madam Speaker and colleagues, please join me in honor and celebration of the leaders and members of the Polish American Congress, as they celebrate Polish Constitution Day and as they continue to promote and share their heritage, history and culture with the Greater Cleveland community.

HOLOCAUST MEMORIAL DAY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 2008

Mr. GARRETT of New Jersey. Madam Speaker, today, I join with citizens around the world to commemorate Holocaust Memorial Day. On this day, we honor the European Jews who retained their human dignity in the midst of extreme suffering, and in many cases, offered passive resistance.

Some Jews opposed the Third Reich through participation in underground forces. In Warsaw, many banded together to fight the Nazis in the ghettos. Others used what meager means they had to preserve their culture. The U.S. Holocaust Museum, located just a few blocks from here, displays artwork and poetry created by Jews imprisoned in concentration camps—evidences of the prisoners' courage and resilience.

The genocide remains one of the darkest stains on the history of humanity and a testament to the strength of the Jewish people. As both a Member of Congress and a private citizen possessing a strong faith, I vow to always remember and respect those who suffered such a tragic fate.

SENATE—*Friday, May 2, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God, we know not what a day may bring, for we borrow our heartbeats. Remind us that each day is Your gift to us and an opportunity to serve. Keep us from treating any day and its duties with indifference. Make us aware that no period of life is time wasted when we do Your will.

Encourage the Members of this body. Remind them that "those who are faithful in little are also faithful in much." Keep them from becoming distracted by the dream of doing great things when they ought to be busy with the task before them.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SHELDON WHITEHOUSE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 2, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3 of the Standing Rules of the Senate, I hereby appoint the Honorable SHELDON WHITEHOUSE, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WHITEHOUSE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

In my capacity as a Senator from Rhode Island, I note the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REPUBLICAN OBSTRUCTIONISM

Mr. REID. Mr. President, on occasion the Senate must turn to legislation we know will cause controversy: abortion, Social Security, always the war in Iraq, to name a few things that always cause controversy. Sometimes we find common ground on these; other times, after thoughtful, earnest debate, the two sides cannot converge in the middle.

That is okay. But that is how this body was designed to work by the Founding Fathers. So I offer the words that will follow with an understanding that as majority party we cannot expect the Republicans to agree with us on everything. And when the legitimate pursuit of compromise eventually leads to a dead end, we accept that outcome and move on to the next challenge.

But again and again this session our Republican colleagues have refused to work with us at all. They have rejected the difficult but critical job of legislating in favor of the easier but hollow path of obstruction and political gamesmanship.

Sixty-eight times and counting since the beginning of this session the Republicans have filibustered legislation. That means that 68 times the Republicans have stopped us from even debating, even negotiating, even working on legislation for the American people. Think about that, 68 times. That is about once a week if you consider the days and the weeks we are out of session.

Filibustering is far different from voting against a bill. I have no gripe, we have no gripe, with any Senator who objects to legislation and votes against it. But time after time, Republicans have blocked us from even voting on a bill but, even more than that, from even getting to the point where you can negotiate on a bill, even allowing us to legislate on a bill.

Republicans are acting like the kid on the playground who does not like his teammates but owns the ball, and he takes it home to his mother. What is even worse are the bills our Republican friends choose to block. Many of these bills are not major controversial issues. They are not even political hot potatoes. They are fairly straightforward, noncontroversial ideas that can make our country safer, healthier, and more prosperous.

We are now seeing yet another example of this. Earlier this week the Commerce and Finance Committees reported the Aviation Investment and Modernization Act to the floor of this body. Any American who has taken an airplane over the past few years understands we have a problem with our aviation system, and if they knew everything that was going on, they would be even more concerned.

Almost 800 million American passengers took to the skies last year, 800 million, twice the number of 20 years ago. But as the number of passengers was steadily rising over those years, investment in technology and infrastructure did not nearly keep pace. Anyone can see that as a potential for disaster. Thankfully, the aviation industry has seen relatively few disasters, but all of us can see the problem. All of us can see the result of the problems in longer lines, more frequent delays and, I might add, the financial brink these airline companies are on, as to whether they can even stay in business. That is all American airlines. The number of passengers will continue to increase. In 10 years the number will probably reach a billion each year. Las Vegas-McCarren International Airport, the fifth largest in America in the number of passengers coming in and out of that facility, now hosts 4 million every month.

Traffic through the Las Vegas airport has increased so much that it will reach a maximum capacity in the next few years. This growth in air travel, not only in Nevada but throughout America, presents both an opportunity and a major challenge.

If we legislate with foresight and make the necessary investments, it represents an enormous opportunity for the airlines, tourism, and our economy. But if we fail to take the necessary steps today, travelers can be put at greater risk, our economy can suffer, and air travel would grind to a halt.

Chairman ROCKEFELLER, Chairman BAUCUS, Senators INOUYE, STEVENS, GRASSLEY, and HUTCHISON worked in earnest and sent an FAA modernization bill to the floor. They were a model of how the legislative process should work, Democrats and Republicans working through their differences to come up with solutions.

The chairman of the Commerce Committee is Senator DAN INOUYE. There is not a nicer person in the world, not a better legislator in the world. I have been working on an issue with the Speaker for several weeks, the supplemental appropriations bill. One of the issues in that bill was what we are going to do for funding the war in Iraq. She said: You have Senator INOUYE working with our people who have jurisdiction over that aspect of the bill. They will work with him. Everybody loves Senator INOUYE over here. To think that this bill has been stopped when you have someone such as Senator INOUYE as chairman of the committee is hard to comprehend.

All these Senators I have mentioned are a model of how the legislative process should work, Democrats and Republicans working through their differences to come up with solutions. That is how they came up with this bill we are dealing with on the floor now. When the bill reached the floor, though, our Republican colleagues apparently decided this was an opportunity to filibuster again. That is what they have done. This week we have had basically no votes. We had one vote. It was a vote to go to the bill—one vote.

Amendments are considered, debate follows, votes are taken. That is what you do ordinarily. Not here, not with the Republicans in the minority. They have been in a snit ever since we took the majority.

I have made it clear to the minority leader here on the floor many times, Democrats would welcome amendments from both sides of the aisle. What we initially said was: Give us a list of amendments you want to offer. No. Then they said: Well, Senator BUNNING wants to offer an amendment. Fine, let us see it, offer the amendment. We finally learned what it was about yesterday. It was about taking coal and processing that so the fuel from that could be used in jet airplanes. I don't know if it would work, but let's debate the issue here. No. I said: You are complaining about the fact that we want to have some idea of what the amendments are going to be. Why don't we have it so that not myself alone but Senator MCCONNELL and I would look at the amendments. We would together. If he didn't want an amendment to come up, if I didn't want an amendment to come up, we would work together. No, won't do that. I said yesterday: OK, we will take out all the blockage. We will take down the so-called tree. You can offer any amendment you want. They don't want to offer any amendments. I spoke to the Republican leader. I said: We learned you are displeased with the bill because there is a provision in it that gives New York the final payment for the money promised to the State of New York after 9/11. It is in the President's budget. I explained that to my friends over here. It is in the President's budget. They said: We are still against it. So here it is, Friday. We have accomplished nothing.

I don't know how we could make it any clearer that we want to debate and pass this bill fairly and openly. We have reached out to the Republican side every step of the legislative process. Our overtures have gone ignored. On a bill as critical and noncontroversial as making air travel safer and more efficient, Republicans have obstinately refused to negotiate. I don't want to frighten the public, but we have all been told, you can go here to the parking lot and one of the new cars in the last 4 or 5 years has a GPS system in it. That is better equipment than they use to handle all the 800 million airplanes flying around America today. Our equipment is antiquated, inefficient, and unsafe. That is why last week I had come to my office, when we knew we were going to bring the bill up, all the unions representing people who work for airlines—the mechanics, flight attendants, air traffic controllers, on and on. They are concerned. Then an hour or two later, I meet in another building on the same floor with the operators of commercial airlines in America. They are frightened to death. They are going broke. Major airlines—we only have five or six left in America—are on the verge of going broke. Right now their fuel costs equal almost half of their costs. You pay 70 cents for a gallon of flight fuel in Europe. You pay more than a dollar here in America. You can't compete on that basis.

This is a bill that should whip through this body, no problem whatsoever. But the Republicans won't even allow us to reach a point to deal with one of their amendments. If there is something they don't like, tell us what it is. They aren't just blocking the bill, they are blocking even a discussion that could lead to compromise on a bill where they won't tell us what their concern is. It is the amendment relating to New York getting money. It is in the President's budget. I don't know how you negotiate that.

The most serious failure doesn't lie with my Republican colleagues in the Senate. There is plenty there. But it lies with the leader of the Republican Party, the President of the United States, George Bush. Here is what a responsible President would do. First, he would acknowledge the critical importance of legislation to modernize the Federal Aviation Administration; next, possess the political skill and fairness to see that members of his own party are having difficulty reaching compromise on the bill with the majority party. I am being nice by saying reaching a compromise. He should call these people over here and say: Get this bill done. But he is now giving a speech in St. Louis about how great the economy is going. That is where he is today.

One would think the President of the United States would set an example of leadership by bringing the sides to the table to forge a compromise, reach a solution. Using the office of the Presidency to break down barriers and bring sides together is powerful and important. It is one of his most important responsibilities. Unfortunately, tragically, it is a responsibility that President Bush has ignored. He has left his party rudderless. Is it any wonder a poll came out yesterday that shows President Bush as low as President Nixon was in favorability at the height of the Watergate crisis. It is in the 20s. Is there any reason not to believe that is not totally valid? With critical legislation at hand and only one side wanting to pass the law, we are left in a situation where the airline companies, the people who work for the airlines, and the consuming public—this bill has a consumer bill of rights in it so people have some idea what to expect when they are on a runway for hours at a time; what rights do they have when flights are canceled; what information are they entitled to. That is in this bill. No chance. Republicans are holding it up because of a provision in the President's budget.

It is difficult to comprehend why the Republicans in the Senate would go along with this President. I can't understand why they would do that. The American people obviously can see this. They are going to react in November. The challenges we face in our country are too important to do business the way it is being done. I renew my call to my Republican counterpart Senator MCCONNELL to do the right thing, to ignore the President. Let's move on. The status quo in this and many other areas is not a good place to be.

I say to President Bush: If you believe, as we do, that the future of aviation may well lie in the decisions we make now, get off the sidelines and get involved. Urge your Republican colleagues in the Senate to work with us. We stand ready to do the job. The American people deserve no less.

We will have a vote on cloture on the bill on Tuesday. My Republican colleague, my friend Senator MCCONNELL, has said: You are wasting your time. We are all going to vote to block this bill.

I hope the next few days will give them the opportunity to come to reality and understand we need to do something with this bill. If they don't like the new provision, the provision regarding New York, and they want to vote against that provision, even though it is in the President's budget, offer an amendment to get rid of it.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, it is obvious that there is not going to be any legislating done on this bill—until at least the vote on Tuesday. I had hoped we would be doing things today and Monday. Monday is a long-established no-vote day. But it is not fair to Members to have to worry about being back here when there is nothing being done on the bill—they have other things they can do—based on the Republicans' refusal to let us legislate on this most important piece of legislation.

So we are not even going to be in session on Monday, I announce to all the Senators and their staffs. We will be out of session Monday and come back on Tuesday, and, hopefully, the Republicans will see the light of day. Maybe they will get a call from the White House saying the air traffic situation in this country is important. He should notice what is going on in the Senate and make a call to the Republican leadership in the Senate and let us move this bill.

But we will start legislating on Tuesday, hopefully.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

POLICING THE OIL MARKETS

Ms. CANTWELL. Mr. President, I rise this morning to make sure the American people know that Democrats want to make sure that oil markets are policed. Democrats want to make sure the oil markets are not being manipulated, and Democrats are going to make sure the oil markets, in fact, are going to be policed by the Federal Government.

Over the last several years, several energy companies, including Amaranth, Marathon Oil, and British Petroleum have been under investigation for the manipulation of petroleum and natural gas markets. As a result of that investigation, British Petroleum now must pay approximately $373 million for conspiring to corner the market and manipulate the price of propane carried through the Texas pipeline.

In another example, in 2006, a manipulative scheme to game the natural gas market by the now defunct hedge fund Amaranth, cost consumers upwards of $9 billion. In July of last year, Marathon Oil agreed to pay $1 million in fines to the CFTC to settle charges that Marathon's petroleum subsidy had attempted to manipulate crude oil prices.

So we have examples of natural gas and oil markets being manipulated, and Democrats want to make sure that oil markets are going to be policed. We want to make sure there is not manipulation of supply. We want to make sure there is not false reporting of information. We want to make sure there is not cornering of the market. We want to make sure there is not rogue trading.

That is why I am pleased the FTC has taken at least a first step in issuing a rule that I think will help establish the framework by which these markets can be more thoroughly investigated.

The FTC is recognizing in its rule—the rule that it issued last night—that they need to base this on a law that is about manipulative practices or using manipulative devices. There is a large body of case law starting with the Securities and Exchange Commission now being used by the Federal Energy Regulatory Commission, that has become, as the Supreme Court said, "a judicial oak which has grown from little more than a legislative acorn."

What they are talking about is just the simple concept put into Federal statute that you should not have manipulative devices or contrivances as it relates to the stock market, as it relates to commodities, as it relates to now the natural gas and electricity markets, and now, after the FTC's action last night, as it relates to the oil markets.

But Democrats are going to make sure the FTC does its job. I am calling on our leadership to have oversight hearings of this FTC rulemaking process. The American public needs to be in on this process of deciding exactly how this rule is going to be developed. We are going to protect consumers in making sure there is a strong statute on the books. We want to make sure that in this final rule the impact of any kind of manipulative, planned reductions by refineries as a scheme just to reduce supply is covered under this law; that any kind of false or misleading reporting is covered under this law; and that the FTC recognizes the great work that was done by the Federal Energy Regulatory Commission in their adoption of this rule.

In fact, the rule that is being put out by the FTC actually discusses in detail the cases of Amaranth and Enron, which I think is a good sign because it is in those cases that we learned exactly how the manipulation of these markets takes place.

In fact, what we saw with Amaranth and what they did is they ended up selling shares to try to crash the market to lower the price after they already had contracts for a higher price. So they made money by basically getting people to sign up for contracts at a higher expense and then forcing the market to lower the price so they had a higher profit margin. They ended up having a huge position in the natural gas market and, as I said, it cost consumers over $9 billion.

The interesting thing is, when they got out of the market and there was the pursuit by the Federal Regulatory Commission of this issue, natural gas prices dropped 38 percent—38 percent because we had a bad actor out of the marketplace.

So it is critical that we have this aggressive action and probe of the oil markets. It is critical that we give the Federal regulators—the FTC and the FERC, if they need to be involved, the CFTC, as well as the DOJ whom I have called on to be involved—the tools they need. But Democrats are going to make sure we police the oil markets.

If you think about that and you think about the fact that oil prices are 100 times over what they were a year ago, and if you had some sort of activity that was driving up that price—I am saying it is not supply and demand, it is not basic supply and demand. We haven't had a supply disruption. We haven't had that big of a change in the demand. So something is going on in the marketplace.

If we would do our job of investigating, we would make sure there is a bright line there for the consumer, for the American people who are paying too much at the pump right now, to say that these kinds of manipulative behaviors will not be tolerated.

The challenge we have is, when we don't have some of these markets having the transparency and the oversight, or people who are supposed to be the policemen on the beat, as well as the FTC not doing its job, then these markets have a lot of activities that can actually drive up the price. When we think about the Amaranth case, just imagine what would happen if you could actually lower the price because you get bad actors out of the market.

That is what we are simply saying. Let's do our job here and have the oversight hearings of this FTC rule and investigation of the oil markets. Let's do our job in making sure the consumer is represented in the development of this rule and a tough Federal statute so that consumers can have a little relief at the pump.

I noticed last night this was the first time gas prices didn't rise overnight. I also took note in the paper this morning of the CFTC Chairman's comment which was an indication of the fact that oil prices might have moved because, instead of investing in commodities, people have taken money out of those commodities and put them in other places in the stock market. People should be aware that Congress and the FTC are looking into any kind of manipulative practices when it comes to the oil market. Even if the rule isn't in final adoption today, the fact that we are going to be aggressive at protecting consumers and looking into this kind of manipulative practice, I believe, can help give consumers relief at the pump.

So let's get about doing our job. Let's get about protecting consumers in what is not a rational gas market today, and get about helping our economy by doing our job here and having the oversight hearings that it is going to take to make sure this rule gets developed with a strong framework that can be used to root out manipulation in the oil markets.

I thank the President, and I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WORLD FOOD AID

Mr. CASEY. Mr. President, I know we are ready to wrap up for the week. First, I want to make a couple points about a news item in today's paper.

I was looking at the Washington Post this morning, page A4. There is a story about the President seeking $770 million more in world food aid. At first glance, that sounds like very good news, and it is, to a certain extent. But, unfortunately, it is good news about the future in terms of a commitment for 2009, but it doesn't do nearly enough to meet the crisis that has enveloped large parts of the world with regard to the food insecurity we are seeing all over the world.

Here is the point. I and others have asked the President to increase, for this year, our food aid from the $350 million he has proposed earlier by adding another $200 million to that. In the short run, we wanted to go from $350 million to $550 million. This $770 million is great, but it is in 2009. When you think about when the food would hit the ground, so to speak, the difference is that if the President's policy stays in place for the near term, what you are going to have is food hitting the ground, totaling $350 million, in the next couple of months, when we could be adding a lot more to that. The demand really requires that we add $200 million. Even if we add the number the President put on the table, which is $770 million, that food won't hit the ground, at the earliest, until November 2008, maybe December, or maybe not even until January 2009.

We are at a point now where we have news story after news story about instability across the world—governments that are not just at risk of collapse because of the food insecurity, and we have seen all the reports about rioting—but this becomes not just a humanitarian crisis, not only a government instability problem, but it really becomes fertile ground, unfortunately, for terrorism. So food insecurity is becoming a national and international security problem.

We know from our history—world history especially—that in places such as Afghanistan, where there is instability, terrorism flourished. We know the stories in the last couple of years, since before 2001, about the rise of the Taliban and the rise of terrorist elements all over the world.

So I hope the President, as much as he has heralded his announcement for 2009 of $770 million, I hope he will reconsider for the short term so we can add another $200 million in food aid—not a lot of money in the scheme of the aid the United States generously provides to the rest of the world—add another $200 million in the near term so food can hit the ground in these countries maybe at the end of this month or in June or July instead of waiting until November, December, or even January of next year. Not just the hunger pangs and the trauma that this causes to real people across the world but the security implication here is very grave.

I hope the President will bring the same urgency to this funding as he does to his call for more war funding, frankly. I think we need a sense of urgency because of the humanitarian, moral question here but also because of the security implications.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

EPA IN CRISIS

Mr. WHITEHOUSE. Mr. President, for much of last year, as many of us will remember, the Senate Judiciary Committee was engaged in a very troubling inquiry. We were trying to determine whether the Bush administration had fired several U.S. attorneys for political reasons; not because they were not good U.S. attorneys but because they were not loyal "Bushies," to use the phrase a Department of Justice official used.

That inquiry continues at the Department of Justice, but over its course, we already know the incompetence and misjudgments that it uncovered have cost numerous Department of Justice officials their jobs, and properly so, including former Attorney General Alberto Gonzales who made clear that he put loyalty to the President before the faithful exercise of that important office.

Unfortunately, it also cost that proud Department the morale of its officials and, to a sad degree, the trust of the American people, many of whom have been left to wonder whether Federal prosecutions in this country arise from the pursuit of justice or whether under the Bush administration they arise from the pursuit of political advantage.

Here we go again, perhaps. This morning, we awoke to the news that the Environmental Protection Agency's regional administrator for the Midwest, Mary Gade, was forced to resign in the midst of a heated debate over dioxin contamination in waters near Michigan.

Dioxin is an extremely dangerous chemical. According to a report by the Chicago Tribune, Ms. Gade invoked emergency powers last year to force Dow Chemical, headquartered in Michigan, to clean up several areas saturated with this toxic chemical, a dangerous carcinogen which was a byproduct, among other things, of Agent Orange, with which we are sadly familiar.

Ms. Gade later broke off negotiations with Dow Chemical on a more comprehensive cleanup, citing concerns that Dow had been reluctant to take steps to protect health and wildlife. That put the company in a tough position.

At that point, the Tribune's report says the company asked EPA officials in Washington to intervene, although Dow said it had nothing to do with Ms. Gade's dismissal. The paper wrote that Ms. Gade said that high-ranking EPA officials "repeatedly questioned her aggressive action against Dow." It quoted Ms. Gade as saying, "There is no question that this is about Dow."

We do not yet know all the details of Ms. Gade's firing or everything that may have gone on between her office and Dow Chemical. But from everything we have heard and seen so far, it looks like deja vu all over again from an administration that values compliance with its political agenda more than it values the trust or the best interests of the American people.

Last year, we learned this is an administration that would not hesitate to fire capable Federal prosecutors when they would not toe an improper party line. Today it seems the Bush administration might have once again removed a highly qualified and well-regarded official whose only misstep was to disagree with the political bosses.

Unfortunately, the story of Mary Gade is not only a distressing signal that the Bush administration may again be making hiring and firing decisions based on political loyalty, it is also a piece of evidence in a growing pile of evidence of a troubling and destructive force at work within our Government, one with serious consequences for our environment, for our natural resources, and for the health of Americans, for us, for our families.

We have also known that the Bush administration was no friend to the environment. Over and over again for 7 long years, this administration has put forward under false flags policies that would do great harm to the environment. Remember the Clear Skies Initiative that would increase air pollution? Remember the national energy policy written with DICK CHENEY by oil industry lobbyists? The Bush approach to environmental protection has not only been wrong, it has been Orwellian. That pattern continues even to this day.

Not long ago, President Bush stood in the White House Rose Garden and announced what his administration characterized as a "new strategy" to address climate change. As the distinguished Senator from Pennsylvania well knows, Americans all over this country are crying out for a bold and visionary plan to tackle the looming threat of global warming, a problem that threatens to engulf this Nation and the entire world within generations if nothing is done.

So we looked to the Rose Garden for leadership from our President. And what did we find? We found a proposal that was neither new nor even a strategy. Instead, the President announced what he called a new national goal: voluntary action to reduce greenhouse gas emissions by 2025.

Let me say that again. Voluntary action to reduce emissions by 2025, 17 years from now, 17 years of increases.

There are a couple of problems with this approach. First, the obvious problem is if you are allowing greenhouse gas emissions to continue to rise for 17 years, you are not doing much effectively about them, even though overwhelming scientific evidence indicates that unless we take immediate action to cut global warming pollutants, we might be too late to prevent the most serious impacts of global climate change.

Mr. President, you and I are in our fifties. We may be gone when it gets bad. I have met your girls. I have a girl and a boy of my own. I look at the young pages here who are gathered in the well. This will be their world, and the responsibility is on us to take action now while we can to protect the world in which they will live.

On that score, President Bush failed again. He literally offered zero initiatives, none, that might reduce emissions now or in the future. He made it clear that, on what is left of his watch, the U.S. Government will never require polluters to make such reductions. As every American who is not working in the Bush administration understands, voluntary action without strength of will or force of law simply is not enough to tackle a problem of this magnitude.

Finally, even if the President announced this empty so-called renewed commitment to fighting global warming, his administration indicated it would oppose a specific detailed plan for addressing the climate change problem the Senate will likely take up after our Memorial Day recess, the Warner-Lieberman plan Chairman BOXER has worked so hard to get out of our Environment and Public Works Committee.

This trifecta of failure from the White House would be laughable if it were not that the problem itself is so serious. It raises, actually, the distasteful possibility, given this administration's long and destructive history of disregard for environmental concerns, that the President's new strategy is not just a complete failure, a complete nothing, it is actually a stalking horse, intended to prevent real progress on climate change, a way to leave this problem, similar to so many others, for the next President to have to solve.

Regrettably, the President's announcement is also a stunning failure of leadership in a world community that is quickly growing unaccustomed to American leadership—not a good habit for the world to adopt.

We have known for a long time that politics of special interests is at the bottom of this and the Bush White House has repeatedly interfered with the decisionmaking process of the Environmental Protection Agency and other agencies, in thrall to the checkbooks of the oil companies, the gas companies, the chemical companies, the timber companies, the coal companies, the auto companies. If you have a corporate checkbook, they are for you.

A couple of weeks ago, we saw new evidence of how deeply this corrosive political influence has seeped within EPA, the primary Federal agency charged with protecting our environment and our people's public health. A report issued April 23 by the Union of Concerned Scientists, entitled "Interference at the EPA," is a truly scathing indictment of the decisionmaking process at EPA from those who know it best, the scientists inside the Agency. The report consisted largely of a survey of EPA scientists. It found that 60 percent of those surveyed had personally experienced at least one instance of political interference during the past 5 years—60 percent of the scientists. The report documents, among many other things, that many EPA scientists have been directed to inappropriately exclude or alter information from EPA science documents, or have had their work edited in a manner that resulted in changes to their scientific findings. The survey also revealed EPA scientists have often objected to or resigned or removed themselves from EPA projects because of pressure—pressure to change their scientific findings.

The conclusion could not be much clearer: EPA is an agency in crisis. Once upon a time, anyone working at EPA could be proud of their agency's reputation. It was the international gold standard in the area of environmental protection. Indeed, for most of its 40-year history, all Americans could place their trust in EPA's independent, science-based leadership to safeguard our natural resources and our public health.

If you go back to the founding of the Agency, in a 1970 press release by its first administrator, William Ruckelshaus, he stated this role unequivocally:

> EPA is an independent agency. It has no obligation to promote agriculture or commerce, only the critical obligation to protect and enhance the environment.

Administrator Ruckelshaus was a Republican appointed by President Nixon. Yet both he and the President who appointed him intended EPA to be immune from political pressure; to be guided by the twin lodestars of law and science in discharging that critical obligation to protect and enhance the environment.

In recent years, and especially during the tenure of Administrator Johnson, we have seen the EPA's leadership, in cahoots with its White House allies, despoil these basic principles of independence and scientific integrity. Here are only a few examples from the long bill of particulars that indicts the leadership of this once-vaunted agency.

The George Bush Environmental Protection Agency falsified data and fabricated results of studies regarding the safety of the air around the site of the collapse of the World Trade Center on September 11.

The George Bush Environmental Protection Agency selectively edited Government reports, including the EPA's 2003 report on the environment, to support uncertainty in climate change science, placing the imprimatur of the Government of the United States on fringe views, soundly rejected by the vast majority—essentially the entire world scientific community.

The George Bush Environmental Protection Agency has routinely tampered with regulatory and scientific processes to achieve results sought by, guess what, industry—at the expense of our public health and the environment. For example, in 2004, EPA allowed North Dakota to alter the way it measured air quality. That is the way they brought the Theodore Roosevelt National Park in compliance with national air quality standards, not by cleaning up the air but by allowing them to change the way they measured air quality. The George Bush Environmental Protection Agency has hidden, suppressed and delayed the release of scientific findings in order to affect the impacts of EPA decisions. If they have two things going on, if you can slow one down and get the other out first, if it is helpful to industry, there they are—as in the case of a 2002 report on the effects of mercury on children's health that EPA delayed for 9 months and released only after it had been leaked to the media.

The George Bush Environmental Protection Agency has disregarded legally mandated scientific and administrative procedures, as in the case of the Agency's failure to abide by the Supreme Court's recent decision on regulating greenhouse gas emissions.

The George Bush Environmental Protection Agency has stacked the EPA's leadership and its advisory committees with industry allies, removing respected scientists who argued for stronger public protections. A prime example of this is the removal, at the request of the industry lobbying group the American Chemistry Council, of toxicologist Deborah Rice from an EPA toxics advisory committee. Dr. Rice had argued for more stringent EPA standards for regulating certain chemicals used in commercially available plastic products. Not only was Dr. Rice removed from the panel, but her remarks on the panel were retroactively stricken from the record. EPA essentially took the fact that Dr. Rice had ever been on the panel and struck it from the panel's records. They, I guess, administratively "disappeared" her. It is not the kind of thing that happens in the country I know.

The George Bush Environmental Protection Agency has ignored the recommendations of career staff and scientists when they collide with White House political imperatives, as in the case of the Agency's decision on the so-called California waiver—first time ever not to grant the waiver.

The George Bush EPA has reduced enforcement of environmental regulations by opening fewer criminal investigations and filing fewer lawsuits against corporate polluters.

The George Bush EPA has not only failed to protect but sought reprisals against agency employees who pointed out problems, reported legal violations, and attempted to correct factual misrepresentations made by their superiors.

Amazingly, the EPA's Office of General Counsel has invoked the doctrine of sovereign immunity against whistleblowers suing the agency because of actions taken by the agency in reprisal for their whistleblower activity. And, as a lawyer, as somebody who spent a good deal of his life as a government lawyer, it pains me to see how the George Bush EPA has had its lawyering literally mocked, mocked by the U.S. Circuit Courts of Appeal, which, in one case, condemned the EPA's defense of its regulation as possible "only in a Humpty-Dumpty world," and in another case accused the agency of "deploying the logic of the Queen of Hearts" from "Alice in Wonderland" in the agency's interpretation of the law.

It makes one's skin crawl to see the ways in which EPA's leadership under the Bush administration has put the interest of big business and their lobbyists before the health and welfare of our environment and the American people. This has dire consequences.

First, in a world that presents complex challenges to our public health, to our environment, and to our national security, the elevation of corporate interests over independent, science-based decisionmaking threatens America's very ability to respond effectively and to provide the kind of leadership on complex problems that the world expects and that Americans deserve.

Second, the administration's conduct has demoralized EPA's professional workforce—the scientists, the lawyers, the regulatory experts to whom EPA owes its reputation as a champion of environmental protection. And time and time again during this administration they have seen their expert counsel set aside in favor of a partisan political agenda.

Third, President Bush and this administration have compromised the faith of the American people in the integrity of their Government. We can disagree. This is a Chamber that is built for disagreement. We can disagree on policy considerations; we can argue about what the right or the wrong decision is to make. But it is a tragedy when we doubt the integrity of the process of America's agencies of Government.

The President's eagerness to do the bidding of the special interests and the Administrator's willingness to kowtow to the White House, to the detriment of sound public policy, only confirms what too many consider fear that the United States of America is no longer governed by and for the people.

When policy is made for special interests and not for public good, America is left weaker. No matter our partisan or ideological standings, no one in this great Chamber, I hope, would want to do such a thing to this great country.

The Bush administration has done lasting harm both to our environment and to the confidence of the American people. Next Wednesday, May 7, at 9:30 a.m., I will join Senator BARBARA BOXER, the chairman of the Environment and Public Works Committee, for an oversight hearing to look into the actions by this Bush administration and the EPA Administrator which seem to be so badly at odds with the recommendations of the agency's scientists and the best interests of the American people.

Chairman BOXER—we can be so proud of her—has been dogged, relentless in her pursuit of the truth behind the screen of machinations of the EPA's leadership and the Bush White House. And her leadership will continue to be critical as we try to get to the bottom of this issue. We plan to ask the tough questions, and we will expect honest answers because the American people deserve an Environmental Protection Agency that lives up to that name.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Would the Senator yield for a comment and a couple of questions?

Mr. WHITEHOUSE. I will yield.

Mr. NELSON of Florida. Mr. President, I want to commend the Senator from Rhode Island for his extraordinary, eloquent, and very insightful comment into some of the machinations behind closed doors that we have seen going on in this administration that absolutely perplexes the mind; that governmental agencies that are set up for the purpose of serving the people and protecting the public and, indeed, the EPA is supposed to be the Environmental Protection Agency, that they go off on these half-cocked ideological ideas.

The Senator has said it so eloquently. I thank him for it. I thank him for his leadership. I thank him for calling attention to the hearing that is going to be held next week. And as the Senator has been speaking—and I have been mesmerized by what he said—completely off the top of my head I remember, for example, 3 years ago the EPA decided that it was going to do a study in my State, in Jacksonville, FL.

Now, get this. You will not believe this. It was going to expose toddlers to pesticides to see what the effects were. And, of course, where do you think those toddlers were going to be? They were going to be in a minority neighborhood. It was going to be in a low-income neighborhood. And the EPA had concocted this scheme. It was sending out these flyers.

In order to get a household to participate, it said: We want you to participate in this study. I cannot remember the amount of money they would pay, but they were going to give them a T-shirt; they were going to give them a certificate that they completed this process over several months; and they were given a camcorder that then, at the end of the study, if they successfully completed it, they would keep.

And the study was, they were going to put pesticides all over this house and see what the effects were on these toddlers. This was the purpose of the study.

You could not believe it. I happened to discover it about the same time that the chairman of the environment committee—she was not the chair then. Senator BOXER was the ranking member. And the two of us collaborated. We had a press conference. We blew this thing sky high. As a matter of fact, now that it is coming back to me, Senator BOXER held up the nomination of the newly appointed EPA Administrator until he finally relented and said he was not going to have this study before she would allow the confirmation. Yet he "bumfuddled" around and tried to dodge and weave and not even answer the question. I mean, it defies description.

The Senator from Rhode Island has given a number of examples, and that one leapt to my mind. I want to give the Senator from Rhode Island another example.

In the little agency that I cherish so much, the National Aeronautics and Space Administration, can you believe that one of the most distinguished and noted scientists in that institution of NASA, Dr. Hansen, little underlings in the PR department of NASA—and when I say little underlings, I don't remember what their job description was, but I think they were in their twenties. They had the audacity to go in and change the wording on Dr. Hansen's conclusions with regard to a climate change study.

Finally, this came out. Ultimately, his words were restored.

I will give you another example in that little agency. They have an inspector general in NASA who is just running amok. There was a theft of a $2 billion rocket design in the NASA computers, and he refused to investigate. Then when the rest of us tried to get him dismissed, the buddy-buddy club wouldn't allow him to be fired.

I will give you another example. This will just blow your mind. For years, the Florida Everglades have been on the endangered list in a list that is kept by the United Nations, a list of the most environmentally endangered sites in the world. A third-ranking Department of State employee took it upon himself, in a conference in New Zealand, to speak and to have the Florida Everglades stricken from the list of the most endangered environmental sites, something we work on every day in Everglades restoration, in combination, the Federal Government with the State of Florida, in trying to restore the Everglades to something of what Mother Nature intended.

These are things that have popped into my mind of what we have seen over and over again, of the ideological rigidity, the excessive partisanship, which, when you combine the two, is lethal to common sense and to protection of the public. Yet that is what we have seen. Then when some of us, in our role of oversight, try to start changing it and get accountability and responsibility in the executive branch, they won't do anything about it. The NASA IG is still there. That third-tier Department of State employee was there until he finally retired. The EPA Administrator is still there. So here we are.

I thank the Senator for yielding. I thank him again for his eloquence today and for his service to our country in representing his State.

Mr. WHITEHOUSE. I thank my good friend from Florida.

I will close with the following point, which my friend Senator NELSON, the distinguished Senator from Florida, calls to mind, because of his extraordinarily distinguished service to our country. He was willing to put himself at great risk in the extraordinarily challenging pursuit of becoming an astronaut for the United States of America. I mean, talk about the best and brightest. As we know from many tragedies, it is not only an extraordinarily challenging pursuit, it is one where you do put your life very much at risk on behalf of the progress of this country. He, in that very important way, and I, in a much slower way, share an important belief, which is that the Government of the United States of America, our American system of government which has been passed down to us after a revolutionary war, a civil war, two great world wars, the Great Depression, essentially intact and, indeed, improving through the decades and generations, is one of God's great gifts to humankind. It is now in our hands, particularly as we represent our States in this body. It is to be treasured. It is to be viewed with respect. It is, indeed, to be viewed with reverence.

The thing that, to me, is worst of all from his politics, from his corruption, from his debasement of public service, is the lack of respect, the lack of reverence for what we have been given, for what we hold in trust for ourselves and future generations. It has never been as low as it is now. But the light still burns, and we will continue to call attention to the miscreancy that we find. Soon, in January, it will be over.

I thank my friend from Florida and yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

FOREIGN CONTRACT PERSONNEL

Mr. NELSON of Florida. Mr. President, I came to the floor to discuss another matter. I thank the Senator from Rhode Island. As a matter of fact, before the Senator from Rhode Island departs the Chamber, he might want to hear what I came to talk about. It is actually a little success story, but it is borne on another failure we have seen. This, I am sad to say, is a failure for American women who are contractor personnel serving in Iraq and Afghanistan, when sexually assaulted, when raped. They have not been able to have their assailants prosecuted, as contractor personnel.

We dramatically brought this to light in a hearing about 3 weeks ago. Two very courageous Americans stepped forward, one for the first time publicly. In her particular case, she had been drugged and then gang-raped by not only fellow American contractor personnel, KBR, a subsidiary of Halliburton, but in that case also participated in by members of the military. When she tried to seek help, it was all swept under the rug, and in her particular case, she did not even get any medical attention until 3 weeks later.

Well, the little success story we have, Mr. President, is that in the passage of the Defense Authorization Act, which occurred on Wednesday in the Armed Services Committee, there is inserted a new requirement under law. That requirement is that contractors to the Department of Defense—and, mind you, we have tens of thousands of those contractors in Iraq and Afghanistan—No. 1, will be required to report the offenses of sexual assault to the appropriate investigative authorities; No. 2, they will have the responsibility of providing victim and witness protection and assistance to contractor employees.

If we can maintain that position in the Defense authorization bill as it works its way here to the floor of the Senate and then to work out the final product with the House—and I think we will be able to protect this because who is going to vote against it—that is one little happy victory that will give some additional protection to American women who are serving in harm's way, who are not members of the military but, in fact, are Americans serving overseas as contractors to the military.

Over and over, the testimony was they are assaulted, they cannot find someone who will investigate; if they have any evidence—in other words, they have been able to get to a doctor and have the evidence from a rape kit—indeed, that evidence is lost, the counseling is not there, and they are left on their own.

The United States military actually has done a pretty good job of this for military personnel, not so with contractor personnel. There are laws on the books that protect contractor personnel. But out of the 26 known cases we know of, of raping American women—contractor personnel—not one of them has been prosecuted.

So the amending of the Defense Authorization Act with this new requirement will require—you would think common sense would tell you the contractors would do this. But, no. In 26 alleged cases, there has not been one prosecution, and certainly no conviction. So it is my hope this will mandate to the contractors they have to report the offenses and they have to provide the victims and witnesses protection and assistance.

In this one case, which was so dramatic, Mrs. Dawn Leamon had come forth for the first time when she testified to our subcommittee. The intimidation of her not doing anything about this gang rape was so severe that when she finally left the forward operating base to go to another forward operating base, where she could first seek assistance, she was given a thumb drive of photographs. Normally, these would just be photographs of the fellow contractors and so forth.

But let me tell you what one of those photographs was. And one day I am going to bring that photograph over here in its blown-up form, which we showed in the committee, so that the Senate can see how dramatic this is. There are three of her male contractor personnel. As they are all three facing the camera, one of them is like this, another one is like this, and the third one is like this: Hear no evil, see no evil, speak no evil—a message that there is no sense in her trying to do anything, that they do not know anything.

This is the kind of lack of protection that is allowed to have been going on that has to stop. I thank Senator LEVIN, the chairman of the Armed Services Committee, and Senator WARNER, who is the acting ranking member of the Armed Services Committee, for letting this Senator bring that to the attention of our committee when we marked up and amended the Defense authorization bill.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I would ordinarily ask consent to proceed to a bill prior to filing a cloture motion on the motion to proceed. But I will not do so today because there is no one on the other side to object.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 460, S. 2284, the National Flood Insurance Act Amendments.

Before sending a cloture motion to the desk, I told the minority leader yesterday I was filing this and that this would be the thing we would go to as soon as we finish FAA. I hope that it is not necessary to have a vote for cloture. I hope they will allow us to move to FAA on Tuesday. If they do, we will proceed quickly to move to this flood insurance act.

CLOTURE MOTION

Mr. REID. Mr. President, I sent a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 460, S. 2284, the National Floor Insurane Act Amendments.

Harry Reid, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

Mr. REID. Mr. President, I ask unanimous consent, notwithstanding an adjournment of the Senate, that Monday, May 5, count as the intervening day under rule XXII; further, that this cloture vote not occur prior to the previously ordered cloture vote on the Rockefeller substitute amendment No. 4627; provided further, that the mandatory quorum be waived, and I now withdraw the motion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

At 12:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 308. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 2972. A bill to reauthorize and modernize the Federal Aviation Administration.

S. 2973. A bill to promote the energy security of the United States, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mrs. FEINSTEIN):

S. 2970. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. REID (for Mrs. CLINTON (for herself and Mr. MENENDEZ)):

S. 2971. A bill to amend the Internal Revenue Code of 1986 to provide for a suspension of the highway fuel tax, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2972. A bill to reauthorize and modernize the Federal Aviation Administration; read the first time.

By Mr. DOMENICI (for himself, Mr. BUNNING, Mr. SESSIONS, Mrs. HUTCHISON, Mr. BOND, Mr. INHOFE, Ms. MURKOWSKI, Mr. BARRASSO, Mr. BENNETT, Mr. WICKER, Mr. CHAMBLISS, Mr. STEVENS, Mr. CORNYN, Mr. ENZI, Mr. ISAKSON, Mr. THUNE, Mr. VOINOVICH, and Mr. ALLARD):

S. 2973. A bill to promote the energy security of the United States, and for other purposes; read the first time.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 2974. A bill to provide for the construction of the Arkansas Valley Conduit in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. REID (for Ms. LANDRIEU (for herself, Mr. COCHRAN, and Mr. WICKER)):

S. 2975. A bill to provide additional funds for affordable housing for low-income seniors, disabled persons, and others who lost their homes as a result of Hurricanes Katrina and Rita; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself, Mr. CHAMBLISS, Mr. BINGAMAN, and Mr. ISAKSON):

S. Res. 549. A resolution expressing the sense of the Senate with respect to childhood stroke and designating May 3, 2008, as "National Childhood Stroke Awareness Day"; considered and agreed to.

By Mr. BIDEN (for himself, Mr. LUGAR, and Mr. MARTINEZ):

S. Res. 550. A resolution expressing the sense of the Senate regarding provocative and dangerous statements made by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1715

At the request of Ms. SNOWE, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1942

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1942, a bill to amend part D of title V of the Elementary and Secondary Education Act of 1965 to provide grants for the renovation of schools.

S. 2523

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2551

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2551, a bill to provide for the safe development of a repository at the Yucca Mountain site in the State of Nevada, and for other purposes.

S. 2770

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2770, a bill to amend the Federal Meat Inspection Act to strengthen the food safety inspection system by imposing stricter penalties for the slaughter of nonambulatory livestock.

S. 2783

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 2783, a bill to allow for additional flights beyond the perimeter restriction applicable to Ronald Reagan Washington National Airport.

S. 2836

At the request of Mr. CHAMBLISS, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2836, a bill to amend title 10, United States Code, to include service after September 11, 2001, as service qualifying for the determination of a reduced eligibility age for receipt of non-regular service retired pay.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2895

At the request of Mr. DODD, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. 2934

At the request of Mr. MENENDEZ, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2934, a bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries.

S. 2942

At the request of Mr. CARDIN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. RES. 548

At the request of Mr. DODD, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. Res. 548, a resolution recognizing the accomplishments of the members and alumni of AmeriCorps and the contributions of AmeriCorps to the lives of the people of the United States.

AMENDMENT NO. 4616

At the request of Mr. ENSIGN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of amendment No. 4616 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mrs. FEINSTEIN):

S. 2970. A bill to enhance the ability of drinking water utilities in the United States to develop and implement climate change adaptation programs and policies, and for other purposes; to the Committee on Environment and Public Works.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being on objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Climate Change Drinking Water Adaptation Research Act.".

SEC. 2. FINDINGS.

Congress finds that—

(1) the consensus among climate scientists is overwhelming that climate change is occurring more rapidly than can be attributed to natural causes, and that significant impacts to the water supply are already occurring;

(2) among the first and most critical of those impacts will be change to patterns of precipitation around the world, which will affect water availability for the most basic drinking water and domestic water needs of populations in many areas of the United States;

(3) drinking water utilities throughout the United States, as well as those in Europe, Australia, and Asia, are concerned that extended changes in precipitation will lead to extended droughts;

(4) supplying water is highly energy-intensive and will become more so as climate change forces more utilities to turn to alternative supplies;

(5) energy production consumes a significant percentage of the fresh water resources of the United States;

(6) since 2003, the drinking water industry of the United States has sponsored, through a nonprofit water research foundation, various studies to assess the impacts of climate change on drinking water supplies;

(7) those studies demonstrate the need for a comprehensive program of research into the full range of impacts on drinking water utilities, including impacts on water supplies, facilities, and customers;

(8) that nonprofit water research foundation is also coordinating internationally with other drinking water utilities on shared research projects and has hosted international workshops with counterpart European and Asian water research organizations to develop a unified research agenda for applied research on adaptive strategies to address climate change impacts;

(9) research data in existence as of the date of enactment of this Act—

(A) summarize the best available scientific evidence on climate change;

(B) identify the implications of climate change for the water cycle and the availability and quality of water resources; and

(C) provide general guidance on planning and adaptation strategies for water utilities; and

(10) given uncertainties about specific climate changes in particular areas, drinking water utilities need to prepare for a wider range of likely possibilities in managing and delivery of water.

SEC. 3. RESEARCH ON THE EFFECTS OF CLIMATE CHANGE ON DRINKING WATER UTILITIES.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency, in cooperation with the Secretary of Commerce, the Secretary of Energy, and the Secretary of the Interior, shall establish and provide funding for a program of directed and applied research, to be conducted through a nonprofit water research foundation and sponsored by drinking water utilities, to assist suppliers of drinking water in adapting to the effects of climate change.

(b) RESEARCH AREAS.—The research conducted in accordance with subsection (a) shall include research into—

(1) water quality impacts and solutions, including research—

(A) to address probable impacts on raw water quality resulting from—

(i) erosion and turbidity from extreme precipitation events;

(ii) watershed vegetation changes; and

(iii) increasing ranges of pathogens, algae, and nuisance organisms resulting from warmer temperatures; and

(B) on mitigating increasing damage to watersheds and water quality by evaluating extreme events, such as wildfires and hurricanes, to learn and develop management approaches to mitigate—

(i) permanent watershed damage;

(ii) quality and yield impacts on source waters; and

(iii) increased costs of water treatment;

(2) impacts on groundwater supplies from carbon sequestration, including research to evaluate potential water quality consequences of carbon sequestration in various regional aquifers, soil conditions, and mineral deposits;

(3) water quantity impacts and solutions, including research—

(A) to evaluate climate change impacts on water resources throughout hydrological basins of the United States;

(B) to improve the accuracy and resolution of climate change models at a regional level;

(C) to identify and explore options for increasing conjunctive use of aboveground and underground storage of water; and

(D) to optimize operation of existing and new reservoirs in diminished and erratic periods of precipitation and runoff;

(4) infrastructure impacts and solutions for water treatment facilities and underground pipelines, including research—

(A) to evaluate and mitigate the impacts of sea level rise on—

(i) near-shore facilities;

(ii) soil drying and subsidence; and

(iii) reduced flows in water and wastewater pipelines; and

(B) on ways of increasing the resilience of existing infrastructure and development of new design standards for future infrastructure;

(5) desalination, water reuse, and alternative supply technologies, including research—

(A) to improve and optimize existing membrane technologies, and to identify and develop breakthrough technologies, to enable the use of seawater, brackish groundwater, treated wastewater, and other impaired sources;

(B) into new sources of water through more cost-effective water treatment practices in recycling and desalination; and

(C) to improve technologies for use in—

(i) managing and minimizing the volume of desalination and reuse concentrate streams; and

(ii) minimizing the environmental impacts of seawater intake at desalination facilities;

(6) energy efficiency and greenhouse gas minimization, including research—

(A) on optimizing the energy efficiency of water supply and improving water efficiency in energy production; and

(B) to identify and develop renewable, carbon-neutral energy options for the water supply industry;

(7) regional and hydrological basin cooperative water management solutions, including research into—

(A) institutional mechanisms for greater regional cooperation and use of water exchanges, banking, and transfers; and

(B) the economic benefits of sharing risks of shortage across wider areas;

(8) utility management, decision support systems, and water management models, including research—

(A) into improved decision support systems and modeling tools for use by water utility managers to assist with increased water supply uncertainly and adaptation strategies posed by climate change;

(B) to provide financial tools, including new rate structures, to manage financial resources and investments, because increased conservation practices may diminish revenue and increase investments in infrastructure; and

(C) to develop improved systems and models for use in evaluating—

(i) successful alternative methods for conservation and demand management; and

(ii) climate change impacts on groundwater resources;

(9) reducing greenhouse gas emissions and energy demand management, including research to improve energy efficiency in water collection, production, transmission, treatment, distribution, and disposal to provide more sustainability and means to assist drinking water utilities in reducing the production of greenhouse gas emissions in the collection, production, transmission, treatment, distribution, and disposal of drinking water;

(10) water conservation and demand management, including research—

(A) to develop strategic approaches to water demand management that offer the lowest-cost, noninfrastructural options to serve growing populations or manage declining supplies, primarily through—

(i) efficiencies in water use and reallocation of the saved water;

(ii) demand management tools;

(iii) economic incentives; and

(iv) water-saving technologies; and

(B) into efficiencies in water management through integrated water resource management that incorporates—

(i) supply-side and demand-side processes;

(ii) continuous adaptive management; and

(iii) the inclusion of stakeholders in decisionmaking processes; and

(11) communications, education, and public acceptance, including research—

(A) into improved strategies and approaches for communicating with customers, decisionmakers, and other stakeholders about the implications of climate change on water supply; and

(B) to develop effective communication approaches to gain—

(i) public acceptance of alternative water supplies and new policies and practices, including conservation and demand management; and

(ii) public recognition and acceptance of increased costs.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2019.

By Mr. REID (for Ms. LANDRIEU (for herself, Mr. COCHRAN and Mr. WICKER)):

S. 2975. A bill to provide additional funds for affordable housing for low-income seniors, disabled persons, and others who lost their homes as a result of Hurricanes Katrina and Rita; to the Committee on Banking, Housing, and Urban Affairs.

Ms. LANDRIEU. Mr. President, I come to the floor today to speak on behalf of some of our most in need gulf coast residents impacted by Hurricanes Katrina and Rita. As you know the gulf coast was devastated in 2005 by two of the most powerful storms to ever hit the U.S. in recorded history—Hurricanes Katrina and Rita. We also experienced the unprecedented disaster of having a major metropolitan city—the City of New Orleans—under up to 20 feet of water for two weeks when there were 28 separate levee failures which flooded 12,000 acres, or 80 percent of New Orleans, following Katrina.

In particular, I am speaking on behalf of our elderly and disabled residents impacted by these disasters. Many of these people are too frail or fragile to live on their own, yet they do not belong in a hospital. We have many people who been in seen homes or apartments for disabled and elderly residents, for adults who are not older but instead disabled through an accident or injury. In many cities, this type of housing is run by such organizations as Catholic Charities or other nonprofits. Right now in the gulf coast region, we desperately need more of this type of housing to take care of the most fragile people who either are without shelter or are without safe, affordable shelter with appropriate supportive services. One can imagine the challenges of providing sufficient housing for this group under normal circumstances. But here we find ourselves, dealing with the aftermath of a catastrophe, trying to provide additional housing for thousands of people now returning to the region.

According to the Congressional Research Service, 88,000 persons aged 65 or older were displaced by Hurricane Katrina—of that group 45,000 were 75 years of age or older. Furthermore, almost 15 percent of all displaced seniors had incomes below the poverty line. While recovery has primarily focused on restoring owner-occupied and rental housing, U.S. Department of Housing and Urban Development, HUD, assisted housing for our elderly and disabled residents has not received a great deal of attention. In particular, 123 properties of Section 202 housing, which serves elderly residents, and Section 811 housing, which serves disabled residents, were impacted by Hurricanes Katrina and Rita in my State alone. This includes 5,261 total units of 202/811 housing. As of February 2008, 602 of these units were still offline and I am aware that, for every unit of 202 housing, there are 10 eligible low-income seniors on the waiting list.

To further highlight the ongoing needs of the gulf coast, let me provide a snapshot of one community in my State—New Orleans East. In our Vietnamese community in New Orleans East, 6,000 people—or approximately 95 percent of the pre-Katrina population—have returned to the area. Of this 6,000, it is estimated that 2,400 are seniors. The average age of these seniors is 72 years of age and 98 percent are considered extremely low-income according to HUD standards. This means that they earn below 30 percent of the area median income a year, or less than $12,550 a year. Of these seniors 82 percent receive supplemental security income as their only source of income—approximately $637 per month for a single household.

Prior to Katrina, there were six retirement communities in New Orleans East, consisting of about 735 units, serving this community. Presently none of them are in operation. This is not just a short-term recovery problem as the demand for age-restricted housing will continue to increase in the next few years, particularly in New Orleans East.

Given the ongoing needs in the southern part of my State in regard to damaged multifamily and senior/disabled housing, as well as all across the Gulf Coast, I am proud to introduce today the Gulf Coast Multifamily and Assisted Housing Recovery Act of 2008. I am joined on this bill by my colleagues Senator THAD COCHRAN and Senator ROGER WICKER. This legislation includes some key provisions which should target assistance where it is most needed. The bill will also help to cut through some Federal red tape stalling redevelopment efforts in the region.

To address the affordable housing needs in my State, as well as across the gulf coast, our bill authorizes $125 million for additional Section 202 housing and $75 million for new Section 811 housing. This provision would create almost 1,500 new 202/811 units. The bill would also authorize $4 million to cover gaps for the redevelopment of former Section 202 housing in the City of New Orleans and St. Bernard Parish.

Another major problem in New Orleans East is that 50 seniors were living pre-Katrina at Versailles Arms, a project-based Section 8 housing development which has not reopened. I understand that a few weeks ago the community boarded up the development. While this property is sitting vacant—but vacant with a project-based contract still attached to it—Mary Queen of Viet Nam Community Development Corporation, MQVN, and Providence Community Housing have begun work on Phase I of the Mary Queen of Viet Nam Retirement Community. This project would provide 84 units of affordable senior housing. Their problem, however, is with the downturn in the tax credit market in the last 4 months, the equity investment will not be sufficient to cover the development costs. For example, the current rent structure, which is below the market rates, is not sufficient to support a mortgage to cover the development gap, so they are in need of a project-based subsidy to complete the project.

MQVN have been trying to work with our local housing authority, the Housing Authority of New Orleans, HANO, to secure project-based assistance for this project. However, as many of our developers have discovered, HANO has exhausted its 20 percent maximum set aside for project-based subsidies. This is troubling for those of us in Congress, especially for my colleagues and I who are members of the Senate Appropriations Committee. Last year, via the fiscal year 08 Supplemental Appropriations bill, we provided HANO with additional vouchers by allowing HUD to utilize pre-Katrina population figures in allocating Section 8 vouchers, rather than post-Katrina population figures. While there certainly are increased demands for such assistance, the fact that so many developments are in need of this type of assistance and that HANO lacks the necessary resources to fully address needs on the ground raises many questions. For my part, I do not have all the answers but I can provide a commonsense solution to address the need for project-based assistance in New Orleans and the rest of the gulf coast.

Each year, in the Transportation, Housing and Urban Development Appropriations bill, there has regularly been legislative authority for HUD to transfer some or all project-based assistance associated with one or more multifamily housing projects to another multifamily housing project or projects. In the fiscal year 06 Appropriations bill, Public Law 109–115, Section 318 addressed this issue, and in the fiscal year 08 Omnibus Appropriations bill, Public Law 110–161, which passed the Congress in December 2007, this language was contained in Section 215. While this language is discretionary, not mandatory, it does provide HUD with the legislative authority to transfer project-based assistance from a damaged or vacant property to another property, with certain restrictions. However, as I mentioned, this annual language is discretionary so HUD is not required to review and approve transfer requests. This has proven to be the main obstacle for housing organizations. Some of these properties have been destroyed and, rather than asking for new project-based contracts, the developers simply want to transfer the existing ones to new buildings. This would maximize existing resources, and in many cases, could help communities build housing which could better resist future disasters.

While HUD currently has this transfer authority, there have been numerous instances post-Katrina where HUD has failed to quickly implement such transfers. For example, Mississippi Methodist Senior Services, MMSS, is a nonprofit which, despite testifying before Congress last year, ended up having its Section 318 transfer request rejected by HUD. It subsequently lost 65 units of elderly housing. This is even more troubling as MMSS was the first non-profit in Mississippi to provide affordable housing for seniors. So this is a group with extensive experience in senior housing—one with deep roots in the community. The nonprofit had seven properties throughout the State, serving 1,800 seniors daily. One of its properties in Biloxi had significant wind damage and suffered 2 feet of Gulf water on the first floor. Upon further inspection, there was additional damage found and their insurance company determined it would only cover repairs on the first floor. This left MMSS with an uninhabitable building and a $1 million gap between insurance and the amount that was necessary for repairs.

To redevelop the property and provide badly needed housing, MMSS intended to transfer the 65 units of project-based assistance to a new site further inland. The new site would be in a better position to avoid gulf coast waves and weather patterns. As with most gulf coast groups in this situation, MMSS submitted a Section 318 request and started working with HUD to prepay the existing mortgage, sell the property, and transfer the Section 8 contract. However, in December 2006, HUD eventually refused the transfer, forcing MMSS to abandon the contract and sell the property. This resulted in the loss of housing for 65 elderly families. Our observation of these failures has led us to believe there is a need for Congress to enact stronger legislation on this issue.

To address this issue, the legislation I am introducing would tackle this problem in three important ways. First, this bill would require HUD to maintain project-based contracts in declared Katrina and Rita areas until the date specified in the contract or not less than 3 months after the property is made habitable. This provision would ensure that there is no loss of current project-based contracts. Next, the bill would require HUD to review and approve any feasible transfer proposal made by owners of damaged/destroyed multifamily housing. The language in this bill tracks Section 215 language from the fiscal year 08 Omnibus, except that we limit this requirement for Alabama, Mississippi, and Louisiana and sunset it on October 1, 2009. These restrictions are to ensure that it is strictly for recovery purposes. Lastly, to get a full picture of the number of units that may have been lost, the bill requires that HUD report to Congress on the number and location of project-based contracts which have been cancelled since the storms. These key provisions would make a real difference not only for MQVN in New Orleans East but for countless providers of multifamily housing across the gulf coast.

As chairman of the Homeland Security Subcommittee on Disaster Recovery, I have been working with my Senate colleagues to push for better Federal Government disaster preparedness. Therefore, in addition to addressing current needs on the gulf coast, the bill also looks forward to future disasters. This bill requires that, not later than June 1, 2008—the start of the 2008 Atlantic Hurricane season—that HUD provide Congress with a disaster response plan for HUD-assisted Section 202/811 properties. A number of recommendations have been made to HUD by the affordable housing community on regulatory waivers and funding gaps that the agency will face in future disaster situations. There is no reason that HUD, or Congress for that matter, should have to expend future resources, time, and energy to address some of the similar issues which this bill is attempting to address for Katrina and Rita areas. Lessons learned from Katrina and Rita have been well documented by Congress. It is now time that HUD improves its preparedness and response to disasters which could impact assisted properties.

In closing, let me reiterate that this bill addresses one of the most fundamental needs following a disaster: the need to return home. For our elderly and disabled residents, a safe and affordable home is even more essential. Many gulf coast residents lost homes, family members, and pets, among other things. It is our obligation as a city, county/parish, State, and as a nation to help. So I am here today, for my part, to try to put forward legislation which I strongly believe will make a real difference for those most in need in the gulf coast region. I urge my colleagues to support this bipartisan recovery legislation as these disaster victims are counting on the United States Senate for action.

Mr. President, I ask unanimous consent that the text of the bill and supplemental material be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. 2975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gulf Coast Multifamily and Assisted Housing Recovery Act".

SEC. 2. ADDITIONAL SUPPORT FOR HOUSING LOW-INCOME ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following:

"(n) Additional Support for Low-Income Elderly Persons Displaced by Hurricanes Katrina and Rita.—

"(1) In general.—In addition to any amounts authorized under subsection (m), for fiscal year 2009 there is authorized to be appropriated $125,000,000 to the Secretary to provide assistance pursuant to this section to private nonprofit organizations and consumer cooperatives to expand the supply of supportive housing for low-income elderly persons—

"(A) who on August 28, 2005, for Hurricane Katrina and September 24, 2005, for Hurricane Rita, were residents in a designated disaster area;

"(B) whose primary residence—

"(i) was significantly damaged by Hurricane Katrina or Hurricane Rita or by flooding resulting from Hurricane Katrina or Hurricane Rita; or

"(ii) is uninhabitable as a result of damage or flooding resulting from Hurricane Katrina or Hurricane Rita, including uninhabitability resulting from lack of electricity, water, or other services due to such damage or flooding; and

"(C) who cannot, in the discretion of the Secretary, afford to rebuild such residence.

"(2) Allocation of funds.—Of the amounts authorized to be appropriated under paragraph (1), the Secretary shall allocate—

"(A) $55,000,000 to the State of Louisiana;

"(B) $50,000,000 to the State of Mississippi; and

"(C) $20,000,000 to the State of Alabama.

"(3) Definition.—As used in this subsection, the term 'designated disaster area' means any area in the States of Alabama, Mississippi, and Louisiana that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina and Rita of 2005.".

SEC. 3. ADDITIONAL SUPPORT FOR LOW-INCOME PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended by adding at the end the following:

"(o) Additional Support for Low-Income Persons With Disabilities Displaced by Hurricanes Katrina and Rita.—

"(1) In general.—In addition to any amounts authorized under subsection (m), for fiscal year 2009 there is authorized to be appropriated $75,000,000 to the Secretary to provide assistance pursuant to this section to private, nonprofit organizations to expand the supply of supportive housing for persons with disabilities—

"(A) who on August 28, 2005, for Hurricane Katrina and September 24, 2005, for Hurricane Rita, were residents in a designated disaster area;

"(B) whose primary residence—

"(i) was significantly damaged by Hurricane Katrina or Hurricane Rita or by flooding resulting from Hurricane Katrina or Hurricane Rita; or

"(ii) is uninhabitable as a result of damage or flooding resulting from Hurricane Katrina or Hurricane Rita, including uninhabitability resulting from lack of electricity, water, or other services due to such damage or flooding; and

"(C) who cannot, in the discretion of the Secretary, afford to rebuild such residence.

"(2) Allocation of funds.—Of the amounts authorized to be appropriated under paragraph (1), the Secretary shall allocate—

"(A) $35,000,000 to the State of Louisiana;

"(B) $25,000,000 to the State of Mississippi; and

"(C) $15,000,000 to the State of Alabama.

"(3) Definition.—As used in this subsection, the term 'designated disaster area' means any area in the States of Alabama, Mississippi, and Louisiana that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina and Rita of 2005.".

SEC. 4. TARGETED HOUSING SUPPORT FOR LOW-INCOME ELDERLY PERSONS IN NEW ORLEANS AND ST. BERNARD PARISH.

There is authorized to be appropriated for the redevelopment (rebuilding or replacement) of housing authorized under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) which was damaged or destroyed as a result of Hurricane Katrina of 2005—

(1) $2,500,000 to the City of New Orleans; and

(2) $1,500,000 to the Parish of St. Bernard.

SEC. 5. USE OF BUDGET-BASED RENT INCREASES FOR SECTION 202 AND 811 PROJECTS IN A DESIGNATED DISASTER AREA.

(a) Section 202.—Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q), as amended by section 2, is further amended by adding at the end the following:

"(o) Approval of Rent Increases.—

"(1) In general.—The Secretary shall annually adjust the rent levels on a budget-based basis of eligible projects to support the increased cost of operating or rehabilitating such projects.

"(2) Conditions.—Rent adjustments pursuant to this section shall—

"(A) be subject to adjustment by the Secretary based on differences between estimated and actual costs of operating or rehabilitating such projects; and

"(B) not exceed the rent for comparable unassisted units in the area.

"(3) Definitions.—As used in this section—

"(A) the term 'eligible project' means a project that is—

"(i) assisted under subsection (c)(2); and

"(ii) located in a designated disaster area; and

"(B) the term 'designated disaster area' means any area in the States of Alabama, Mississippi, and Louisiana that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina and Rita of 2005.".

(b) Section 811.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended by section 2, is further amended by adding at the end the following:

"(p) Approval of Rent Increases.—

"(1) In general.—The Secretary shall annually adjust the rent levels on a budget-based basis of eligible projects to support the increased cost of operating or rehabilitating such projects.

"(2) Conditions.—Rent adjustments pursuant to this section shall—

"(A) be subject to adjustment by the Secretary based on differences between estimated and actual costs of operating or rehabilitating such projects; and

"(B) not exceed the rent for comparable unassisted units in the area.

"(3) Definitions.—As used in this section—

"(A) the term 'eligible project' means a project that is—

"(i) assisted under subsection (d)(2); and

"(ii) located in a designated disaster area; and

"(B) the term 'designated disaster area' means any area in the States of Alabama, Mississippi, and Louisiana that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina and Rita of 2005.".

SEC. 6. PRESERVATION AND PROVISION OF PROJECT-BASED HOUSING FOR AFFORDABLE HOUSING UNITS DAMAGED OR DESTROYED BY HURRICANES KATRINA OR RITA.

(a) REPORT ON TERMINATED PROJECT-BASED CONTRACTS IN DESIGNATED DISASTER AREA.—Not later than 45 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall provide a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives detailing—

(1) information on the number of project-based assistance contracts and units which were terminated in the designated disaster area after September 30, 2005;

(2) information on the specific developer, project name, location, number of units, and project description for each project-based assistance contract which was terminated in the designated disaster area after September 2005; and

(3) such additional information as the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives shall reasonably require.

(b) TOLLING OF CONTRACT TERM.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a project-based assistance payments contract for a covered assisted multifamily housing project shall not expire or be terminated because of the damage or destruction of dwelling units in the project as a result of Hurricane Katrina or Hurricane Rita.

(2) EXPIRATION DATE.—The expiration date of the contract for a covered assisted multifamily housing project described under paragraph (1) shall be deemed to be the later of—

(A) the date specified in the contract; or

(B) the date that is not less than 3 months after the dwelling units in such project, or in a replacement project, are first made habitable.

(c) OWNER PROPOSALS FOR REUSE OR RESITING OF AFFORDABLE UNITS.—Pursuant to section 215 of title II of division K of Public Law 110-161 (121 Stat. 2433), the Secretary of Housing and Urban Development shall, not later than October 1, 2009, promptly review and approve—

(1) any feasible proposal made by the owner of a covered assisted multifamily housing project submitted to the Secretary that provides for the rehabilitation of such project and the resumption of use of the project-based assistance under the contract for such project; or

(2) the transfer, subject to the conditions established under section 215(b) of title II of division K of Public Law 110-161, of the contract for such covered assisted multifamily housing project, or in the case of a covered assisted multifamily housing project with an interest reduction payments contract, of the remaining budget authority under the contract, to a receiving project or projects.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "covered assisted multifamily housing project" means housing that—

(A) meets one of the conditions established in section 215(c)(2) of title II of division K of Public Law 110-161;

(B) was damaged or destroyed by Hurricane Katrina or Hurricane Rita of 2005; and

(C) is located in an area in the States of Alabama, Mississippi, and Louisiana that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricane Katrina or Hurricane Rita of 2005;

(2) the term "designated disaster area" means any area in the States of Alabama, Mississippi, and Louisiana that was the subject of a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in response to Hurricanes Katrina and Rita of 2005;

(3) the term "project-based assistance" has the same meaning as in section 215(c)(3) of title II of division K of Public Law 110-161; and

(4) the term "receiving project or projects" has the same meaning as in section 215(c)(4) of title II of division K of Public Law 110-161.

SEC. 7. HOUSING DISASTER PLAN.

Not later than June 1, 2008, the Secretary of Housing and Urban Development shall—

(1) develop a written disaster response plan for federally-assisted properties, including for properties that receive assistance pursuant to—

(A) section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); and

(B) section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); and

(2) submit such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

TWO YEARS AFTER THE STORM: HOUSING NEEDS IN THE GULF COAST

(By Mr. Alan Brown)

INTRODUCTION

Chairman Dodd, Ranking Member Shelby and members of the Committee, I want to thank you for the opportunity to testify today. I am Alan Brown, the Vice President of Operations and Chief Operating Officer of Mississippi Methodist Senior Services (MMSS). Mississippi Methodist Senior Services has 11 campuses across the state of Mississippi and we serve 1,800 seniors on a daily basis. Our organization was one of the first in Mississippi to provide HUD housing for seniors and have been for 40 years. Currently, seven of our campuses have HUD subsidized housing communities, serving very low-income seniors.

Our organization is a member of the American Association of Homes and Services for the Aging (AAHSA), a 5,700 member association representing not-for-profit providers throughout the continuum of senior care: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities, and nursing homes. AAHSA members serve as many as two million people every day through mission-driven, not-for-profit organizations dedicated to providing the services people need, when they need them, in the place they call home.

DEMOGRAPHICS AND NEED OF SENIORS IN THE GULF

A Congressional Research Service report from November 2005 found that the "the aged may have been especially affected by Katrina" and estimated that 88,000 persons age 65 or older were displaced by the storm and of those, 45,000 were 75 and older. Almost 15% of all displaced seniors had incomes below the poverty line. Approximately 48% of the displaced seniors reported having at least one disability, and 26% reported two or more types of disabilities, including those that require an array of supportive and health services.

An estimated 70% of seniors throughout the Gulf owned their own homes and most had lived in their homes for 20 or more years. Among the elderly renters that were living in unsubsidized housing, 55% had lived in their rental properties over 20 years. According to HUD there are 1,054 assisted properties, over 47,000 units, in the areas affected by the hurricanes. Of the assisted properties, 228 are Section 202 elderly housing communities with almost 11,000 units. Among those, one hundred properties, with 12,559 units suffered severe damage. Seniors need these affordable, supportive housing communities to be restored and functional before they can return to the Gulf.

MISSISSIPPI METHODIST SENIOR SERVICES' EXPERIENCE

On August 29, 2005, five of our campuses were damaged by Hurricane Katrina. Our Seashore Retirement Community campus in Biloxi, MS received the most damage. Seashore was located on Beach Blvd. (Hwy 90) and consisted of 124 market rate apartments, 42 assisted living units and a 65 unit HUD 202 project with project based Section 8 rental subsidies. All of the buildings had substantial damage but none more so than the HUD building, Gulf Oaks Manor. In addition to significant wind damage, Gulf Oaks had 2 feet of gulf water on the first floor. Fifty-five of our residents refused to leave the campus and rode out the storm with the campus Executive Director who refused to leave them. We were able to evacuate them on August 31, 2005 and provided housing on our other campuses in North Mississippi.

MMSS had what we considered to be good, comprehensive insurance coverage, including flood overage. We immediately began the process of restoring the campus. We deployed resources from across the state and within three weeks had a complete damage assessment of the property. We were able to restore the market rate buildings and assisted living units by mid October. Little did we know that our challenges with our HUD 202 project were just beginning.

Inspections of the HUD building revealed that there was water damage on the upper floors in addition to the flood damage on the first floor. The heat and humidity following the hurricane coupled with days of no utilities and air flow had created a major mold problem. After weeks of inspections and professional opinions, our insurance carrier determined that the damage on the upper floors was pre-existing, not related to the hurricane and would not be a covered loss. Our insurance coverage would only cover the repairs to the first floor. MMSS was left with an uninhabitable building and a $1-million dollar gap between what the insurance covered and what it would take to repair the building. In our initial conversations with HUD representatives about how we could solve this problem, we were told that:

HUD would not loan MMSS the money to cover the insurance gap;

MMSS would not be permitted to borrow money from any other source;

HUD would not forgive any of the debt in our original Section 202 loan;

HUD would not allow MMSS to prepay the mortgage.

In spite of these restrictions, HUD informed us that they did not want to lose the assisted housing units. The Department recommended that MMSS find a buyer for the damaged property and stated that any new buyer must continue the property as a 202 project.

In addition, to our discussions with HUD to save the property, MMSS researched additional resources to meet the funding gap to repair the property. Our FEMA request for help was denied because we were classified as a "non-essential service." With that status, we were advised to seek a Small Business Administration loan, an option that was not available to us because of our HUD financing. Essentially, we had no options.

Eventually, we contacted the American Association of Homes and Services for the Aging (AAHSA) and asked for help. AAHSA immediately contacted senior HUD officials who made us aware of a provision in the FY2006 appropriations legislation, Section 318, which allowed for the relocation of project based Section 8 contracts from non-viable, obsolete HUD projects that had been damaged to new buildings. It seemed to us that the provision was tailor made for our situation and many other hurricane damaged properties. In March 2006, I met with Hank Williams, Deputy Assistant Secretary for Multifamily Housing and he encouraged us to apply for a Section 318 transfer.

On March 31, 2006, we notified our Mississippi HUD office that we would be requesting a Section 318 transfer of the project-based Section 8 contract and provided our initial responses to the Section 318 requirements. About this time, we received an unsolicited offer from a local developer to purchase the entire campus. We accepted, contingent upon our being able to obtain a relocation or release for the property from HUD. We believed it was in the best interest of our residents to build a new campus further inland that would not be affected by future hurricanes. This offer would also give us the opportunity to rebuild the HUD building in a safer location at no additional cost to HUD. We planned to have a new campus with a new HUD building and we could restore 65 subsidized apartments for seniors on the Gulf Coast which had been in existence since 1984.

On July 5, 2006, we submitted our formal Section 318 request to HUD headquarters, outlining our plan and asked HUD for dialogue on how we could make this happen. Weeks passed and we heard nothing from HUD. On August 8, 2006, we once again contacted AAHSA staff and asked for their help. On August 17, 2006 AAHSA had a series of conversations with a senior HUD staff member who assured them they were going to make this happen. On August 29, 2006, after no contact from HUD, we contacted Senator Thad Cochran's office and asked for help. Our business interruption insurance coverage was ending and financially we were fading fast. We needed to complete this process to save the HUD project as well as the entire campus. Senator Cochran's staff responded immediately and HUD assured them that we were a priority. Weeks passed with no response from HUD. At times when MMSS would request an update from HUD, we were told that they were not sure what desk it was on. On one occasion we were told they were waiting because we did not send a hard copy of our paperwork and they only had an electronic copy. We had submitted a hard copy and it was electronically elevated by HUD staff according to their own protocol. Senator Cochran's staff intervened again in mid-September. They were assured our application was in process.

On October 2, 2007, more than six months after our notification of intent to pursue a Section 318 project based Section 8 transfer and almost three months after our formal request was submitted to HUD headquarters, we received a letter form HUD notifying us that our Section 318 request had been denied. I have attached correspondence outlining things that would have to be done for the request to be reconsidered. The items had not been communicated to us previously and were either economically infeasible or incapable of being completed for many months. At this point our request had been denied, our insurance coverage was exhausted and we were in jeopardy of losing the sale of the entire property.

Throughout this process the Jackson, Mississippi HUD office was very helpful. Thanks to that office we learned that our contract, a pre-1984 HUD 202 contract, could actually be pre-paid with 30 days notice and without HUD approval. After much consideration, we felt this was our only option to continue providing senior housing on the Gulf Coast. However, we wanted to make one last effort to save the 65 Section 8 rent subsidies and transfer them to a new building. We notified HUD of our intent to pay-off the 202 mortgage and they gave us the process to follow, including the notification letter that we needed to send former residents to notify them of the sale. In numerous phone conversations with HUD officials in Washington, D.C., we repeatedly asked for permission to transfer the Section 8 rental subsidies to a new building so we could preserve those subsidies and continue serving low-income residents at the new property. HUD informed us that it had never been done before and despite having the legal authority, they would have to get a legal opinion and call us back. The next day they called back and told us the Section 8 subsidies could be moved and they would let us know the process. We were ecstatic that this would allow us to restore the low income units on the Gulf Coast and most importantly, offer our previous residents a chance to return to MMSS on the new campus.

As we got closer to closing on the sale, HUD notified us that the letter used to notify residents of the property sale did not use the correct language. We reminded HUD that we had used the exact letter that they had provided. Just before closing, we inquired again about the process for moving the Section 8 subsidies to a new building as HUD had said we could do. We were told that HUD never agreed to that and that the subsidies had to stay with the damaged building. In the end, despite their insistence that HUD was committed to preserving units and having the authority to transfer the contract to a new, safer building, HUD essentially forced USSM to give up project based Section 8 contract to complete the sale of the campus. More disturbing, HUD had done what the hurricane had not even been able to do, permanently displace those residents that rode out the storm in their homes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 549—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO CHILDHOOD STROKE AND DESIGNATING MAY 3, 2008, AS "NATIONAL CHILDHOOD STROKE AWARENESS DAY"

Mr. CASEY (for himself, Mr. CHAMBLISS, Mr. BINGAMAN, and Mr. ISAKSON) submitted the following resolution; which was considered and agreed to:

S. RES. 549

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a prior stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas The Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 3, 2008 as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.

SENATE RESOLUTION 550—EXPRESSING THE SENSE OF THE SENATE REGARDING PROVOCATIVE AND DANGEROUS STATEMENTS MADE BY THE GOVERNMENT OF THE RUSSIAN FEDERATION THAT UNDERMINE THE TERRITORIAL INTEGRITY OF THE REPUBLIC OF GEORGIA

Mr. BIDEN (for himself, Mr. LUGAR, and Mr. MARTINEZ) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 550

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community and 32 United Nations Security Council resolutions;

Whereas the Government of the Republic of Georgia has pursued with good faith the peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas President of Georgia Mikheil Saakashvili has offered a clear plan for resolving the conflict in Abkhazia and securing legitimate interests of the Abkhaz and South Ossetian people within a unified Georgia;

Whereas, for several years, the Government of Russia has engaged in an ongoing process of usurping the sovereignty of Georgia in Abkhazia and South Ossetia by awarding subsidies, the right to vote in elections in Russia, and Russian passports to people living in those regions;

Whereas the announcement of the Government of the Russian Federation that it will establish "official ties" with the breakaway regions of Abkhazia and South Ossetia and further involve itself in aspects of their government appears to be a thinly veiled attempt at annexation;

Whereas the statements and counter-productive behavior of the Government of the Russian Federation in these regions has undermined the peace and security of those regions, the Republic of Georgia, and the region as a whole; and

Whereas the consistent effort to undermine the sovereignty of a neighbor is incompatible with the role of the Russian Federation as one of the world's leading powers and is inconsistent with the commitments to international peacekeeping made by the Government of the Russian Federation: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent decisions made by the Government of the Russian Federation to establish "official ties" with the breakaway regions of Abkhazia and South Ossetia, a process that further impedes reconciliation between those regions and the Government of Georgia and violates the sovereignty of the Republic of Georgia and the commitments of the Government of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to disavow this policy, which gives the appearance of being motivated by an appetite for annexation;

(3) affirms that the restoration of the territorial integrity of the Republic of Georgia is in the interest of all who seek peace and stability in the region;

(4) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric that escalates tensions and undermines efforts to negotiate a settlement to the conflicts; and

(5) commends the Government of Georgia for acting with restraint in the face of serious provocation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4654. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4655. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4654. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. STUDY ON ADEQUACY OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study, in consultation with representatives of air traffic controllers, to assess the adequacy of training programs for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3); and

(5) an analysis of various training approaches available to ensure that the controller competencies identified under paragraphs (2) and (3) are maintained when airspace is transferred from one air traffic control center to another.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

SA 4655. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 65, line 24, insert "realign engineering services or" after "not".

MAKING TECHNICAL CORRECTIONS TO THE NEWBORN SCREENING SAVES LIVES ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 5919.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5919) to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 5919) was ordered to a third reading, was read the third time, and passed.

NATIONAL CHILDHOOD STROKE AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 549, submitted earlier today by Senator CASEY.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 549) expressing the sense of the Senate with respect to childhood stroke and designating May 3, 2008, as "National Childhood Stroke Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 549) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 549

Whereas a stroke, also known as a "cerebrovascular accident", is an acute neurologic injury that occurs when the blood supply to a part of the brain is interrupted by a clot in the artery or a burst of the artery;

Whereas a stroke is a medical emergency that can cause permanent neurologic damage or even death if not promptly diagnosed and treated;

Whereas 26 out of every 100,000 newborns and almost 3 out of every 100,000 children have a stroke each year;

Whereas an individual can have a stroke before birth;

Whereas stroke is among the top 10 causes of death for children in the United States;

Whereas 12 percent of all children who experience a stroke die as a result;

Whereas stroke recurs in 20 percent of children who have experienced a prior stroke;

Whereas the death rate for children who experience a stroke before the age of 1 year is the highest out of all age groups;

Whereas the average time from onset of symptoms to diagnosis of stroke is 24 hours, putting many affected children outside the window of 3 hours for the most successful treatment;

Whereas many children who experience a stroke will suffer serious, long-term neurological disabilities, including—

(1) hemiplegia, which is paralysis of 1 side of the body;

(2) seizures;

(3) speech and vision problems; and

(4) learning difficulties;

Whereas those disabilities may require ongoing physical therapy and surgeries;

Whereas the permanent health concerns and treatments resulting from strokes that occur during childhood and young adulthood have a considerable impact on children, families, and society;

Whereas very little is known about the cause, treatment, and prevention of childhood stroke;

Whereas medical research is the only means by which the citizens of the United States can identify and develop effective treatment and prevention strategies for childhood stroke;

Whereas early diagnosis and treatment of childhood stroke greatly improves the chances that the affected child will recover and not experience a recurrence; and

Whereas The Children's Hospital of Philadelphia should be commended for its initiative in creating the Nation's first program dedicated to pediatric stroke patients: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 3, 2008 as "National Childhood Stroke Awareness Day"; and

(2) urges the people of the United States to support the efforts, programs, services, and advocacy of organizations that work to enhance public awareness of childhood stroke.

MEASURES READ THE FIRST TIME—S. 2972 AND S. 2973

Mr. REID. Mr. President, there are two bills at the desk. I ask for their first reading en bloc.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2972) to reauthorize and modernize the Federal Aviation Administration.

A bill (S. 2973) to promote the energy security of the United States and for other purposes.

Mr. REID. I now ask for a second reading and, in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be read for the second time on the next legislative day.

ORDER FOR THE RECORD TO REMAIN OPEN

Mr. REID. I ask unanimous consent, notwithstanding adjournment of the Senate today, that the RECORD remain open until 1 p.m. today for the purpose of the introduction of legislation, adding cosponsors, submission of statements, and that committees may file reported legislative and Executive Calendar business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 6, 2008

Mr. REID. I now ask unanimous consent when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, May 6; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of H.R. 2881, the FAA reauthorization bill. I further ask unanimous consent that notwithstanding any adjournment of the Senate, Senators be permitted to file amendments between 2 and 3:30 p.m. on Monday.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as previously ordered, the cloture vote on the substitute amendment will occur at 2:30 p.m., Tuesday, May 6. The filing deadline for first-degree amendments to the FAA bill is 3:30 Monday.

ADJOURNMENT UNTIL TUESDAY, MAY 6, 2008, AT 10 A.M.

Mr. REID. I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:30 p.m., adjourned until Tuesday, May 6, 2008, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Monday, May 5, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. SERRANO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 5, 2008.

I hereby appoint the Honorable JOSÉ E. SERRANO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

EMERGENCY FUNDING FOR THE WAR IN IRAQ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Despite the fact that America has been at war—we are in the sixth year in Iraq—the President is continuing to attempt to hide the true cost to the American people. He is asking Congress to declare an emergency to pay for the troops' salaries, to provide them with body armor, ammunition, and other needs in the war. It is certainly not an emergency. It certainly could have been anticipated, particularly given the fact that he is so stubborn about not setting any plan to get the U.S. out of that quagmire. But, to add insult to injury, the President says the war in Iraq is an emergency, and $108 billion is what he wants to borrow but not a penny more for domestic emergencies or needs; not a penny more, the President says. He will veto the bill if any of that money is spent here in the United States of America to help Americans' suffering, high gas prices, to help my counties and schools that are losing their Federal money, to help fishermen who have been deprived of their living this year with emergency closures. Those aren't emergencies in George Bush's book, but the ongoing war in the sixth year in Iraq is.

Unfortunately, it appears that the Democratic leaders of Congress are going to cave in to Bush's strong-armed tactics and his unreasonable attitude, and will send him a bill that he can sign instead of putting forward Democratic priorities to the President: Extended unemployment benefits, a little bit of energy assistance for the American people who are suffering because they are being gouged by the oil and gas industry, my critical county and school payments, disaster assistance for salmon fishers on the west coast, and others. They appear like they are ready to cave in to the President on this and send him a bill that he can sign. That's wrong.

As Democrats, we are here to defend the priorities and the needs of the American people. We know Bush is there for the corporations. We know he is there for his war in Iraq. Let's demonstrate that. Let's send him a bill.

Now, in terms of the county and school payments, the Republican Congress and the Bush administration allowed the law to expire. That has created a crisis. Last year, we did get emergency spending despite Bush's then veto threat to help the counties and schools through one more year as we worked on a longer term fix. In December, the House did pass a longer term fix. Unfortunately, since the Senate is not a democratic institution, 40 Senators—40 Republican Senators—were able to strip the critical county and school funding out of that bill. So, again, we languish without authorization for payments in the coming year.

So this is an emergency. We are going to see counties that are very large, counties in my district almost the size of New England that are going to be deprived of sheriff's patrols in rural areas. We are going to see jail beds closed and prisoners put out on the streets. We are going to see animal control ended. This is a crisis. These counties have no alternative. They are more than half-owned by the Federal Government. It is the Federal Government's policies that have brought them to this place. That was recognized by the former President as he put in place a plan to make up for the lost revenue from the changes in Federal policies.

It is time for this administration to agree that those counties need some help. I have written to the President. I have asked him to change his mind and allow counties and schools to receive at least some amount of funding this year as a true domestic emergency, not to draw a line in the sand and say he will only borrow money to pursue an open-ended war in Iraq, but he will not borrow a penny for the American people.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 36 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. JACKSON of Illinois) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father of all, here You find in America people whose hearts are open to the message that all human life is sacred and that "each of us is willed, each of us is loved, each of us is necessary."

In a world where some no longer believe that we can distinguish between simple right and wrong, we need to reject any "dictatorship of relativism" and embrace a culture of equal justice and lasting truth.

Since Your very gift of freedom is ever new, Lord, we ask You to challenge this generation to build a world ever more worthy of the human person created in Your image and likeness.

Help us work today for an ever more just and fraternal society where political leaders and those they represent are guided by truth and bring wisdom born of firm moral principle to decisions affecting the life and future of this Nation, we pray, lifting up Your name, now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

forward and lead the House in the Pledge of Allegiance.

Mr. POE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MOTHER GIVES LIFE FOR HER CHILD

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, as Americans across this Nation celebrate Mother's Day this Sunday, there are five children in Crosby, Texas, who mourn the loss of theirs. Tina Davila was murdered as she gave her life to protect her youngest child.

On April 17, Tina left her 4-month-old in the back seat of her car as she quickly ran into a store to pay a bill. But as Tina approached the store, she saw a car pull up beside hers, and a bandit jumped out and tried to steal her vehicle. She fought the outlaw and screamed, "My baby! My baby!" But the carjacker stabbed her, murdering her in front of her child and fled with blood on his hands. All this was caught on video surveillance.

The killer is 22-year-old Timoteo Rios, an illegal trespasser from Mexico. In addition to murdering Tina, Rios and his fellow hijacker, Kennedy Escoto, carjacked four other people. Rios had spent time in jail last year but was never deported.

Rios remains at large. He's believed to be back in the safe sanctuary country for criminals, Mexico, basking in the sun and unaccountable for this murder, while Tina Davila's children are motherless this Mother's Day.

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 2, 2008, at 8:54 a.m.:

That the Senate passed without amendment H.R. 3522.

That the Senate agreed to without amendment H. Con. Res. 112.

That the Senate agreed to without amendment H. Con. Res. 340.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 2, 2008, at 12:54 p.m.:

That the Senate passed without amendment H.R. 5919.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

☐ 1415

FOREIGN SERVICE MEMBER REST

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3658) to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCLUSION OF UNITED STATES TERRITORIES AS ELIGIBLE FOR REST AND RECUPERATION TRAVEL FOR MEMBERS OF THE FOREIGN SERVICE.

The Foreign Service Act of 1980 is amended—

(1) in section 901(6)(B) (22 U.S.C. 4081(6)(B)), by inserting after "United States" the following: "or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands"; and

(2) in section 903(b) (22 U.S.C. 4083(b)), by striking ", its territories and possessions, or the Commonwealth of Puerto Rico" and inserting "or its territories, including American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I want to recognize our colleague from Puerto Rico (Mr. FORTUÑO) and the distinguished chairman of the Subcommittee on Asia, the Pacific and the Global Environment, Mr. FALEOMAVAEGA, for putting forward a very important measure.

H.R. 3658 amends the Foreign Service Act to give the Secretary of State needed authority to ensure that foreign service officers from U.S. territories, including Puerto Rico, American Samoa, Guam and the U.S. Virgin Islands, are provided the same benefits as their colleagues from the 50 States.

Currently, the State Department provides air transportation home from overseas assignments for the purpose of rest and recuperation to all foreign service officers who reside in any of the 50 States. However, current law does not permit the department to provide the same benefit to foreign service officers who reside in any of the territories.

The State Department has informed us that they do not have any objection to this measure. The cost of implementing it would be very small as it would impact very few foreign service officers.

I urge my colleagues to support this important resolution that would rectify an inequity in the treatment of our dedicated foreign service officers.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3658, introduced by my good friend from Puerto Rico (Mr. FORTUÑO).

This bill will make a long overdue clarification to the Foreign Service Act that will allow American foreign service officers to take rest and recuperation travel, commonly referred to as R&R, in American Samoa, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands and, of course, the United States Virgin Islands.

American diplomatic personnel who serve at hardship posts overseas are allowed to take State Department-funded R&R travel either at locations abroad or locations in the United States. But the phrase "locations in the United States" has been interpreted by the State Department regulation to exclude U.S. territories for some reason. That interpretation has placed a distinctly unfair burden on foreign service officers from those territories who might wish to spend their R&R with families at home.

It also puts U.S. territories at a disadvantage compared to other destinations abroad or in the United States where our diplomatic personnel may want to travel to rest and recuperate.

I want to commend our colleagues who have sponsored this legislation to remove this inadvertent and unfair provision. H.R. 3658 is a worthy bill that deserves our unanimous support.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield such time as he may consume to the gentleman from Puerto Rico (Mr. FORTUÑO), the author of this bill.

Mr. FORTUÑO. I thank my colleague.

I want to begin by thanking Chairman BERMAN for ushering H.R. 3658 through the committee process. In his short time as chairman, Mr. BERMAN has shown intelligence, generosity and strong bipartisan spirit, the same leadership qualities displayed by his predecessor, the irreplaceable Tom Lantos.

I want to thank my good friend, Ranking Member ILEANA ROS-LEHTINEN, as well. I continue to marvel at her devotion to her constituents in south Florida and at her tireless efforts to help light the lantern of freedom in dark places around the world.

I also want to thank the representatives from the other U.S. territories, all of whom are original cosponsors of H.R. 3658. And I want to thank you, Ms. WATSON, and you, Judge POE, for your support for this bill. I note that Ms. WATSON served as a U.S. Ambassador to Micronesia and therefore brings a special expertise to this subject.

Mr. Speaker, the specific purpose of H.R. 3658 is to permit Foreign Servicemembers to take rest and recuperation travel, known as R&R, in the five U.S. territories. The broader objective of the bill is to ensure that Federal employees from the U.S. territories enjoy the same rights and privileges as their fellow citizens from the 50 States.

I am pleased that the American Foreign Service Association supports H.R. 3658, and that the State Department does not oppose its passage.

Mr. Speaker, the Foreign Service Act lists the instances in which the State Department may pay the travel-related costs of Foreign Servicemembers. One section of the FSA states that the Department may pay the travel costs incurred by Foreign Service personnel for what is known as home leave. The purpose of the home leave is to ensure that Foreign Servicemembers who have been sent abroad undergo a period of reorientation to the United States. The FSA provides that home leave may be taken in the 50 States and the U.S. territories.

Another section of the FSA states that the Department may pay the costs incurred by Foreign Servicemembers for R&R travel. Unlike home leave, which is granted to all Foreign Servicemembers who serve abroad, R&R is granted only to those stationed at hardship posts. Under the current FSA, R&R may only be taken in locations in the United States. State Department regulations have interpreted this phrase to exclude U.S. territories.

Mr. Speaker, there is no principled basis for allowing Foreign Servicemembers to take home leave but not R&R in the U.S. territories, and H.R. 3658 amends the FSA to eliminate the distinction. Just as they proudly serve in our Nation's Armed Forces, residents of the U.S. territories also represent this great country abroad as diplomats. These men and women from the territories take the same risks and endure the same long absences from their families as their colleagues from the States. Making certain that our laws treat these public servants on equal terms is the only right thing to do.

Mr. Speaker, I ask you to consider the case of Mr. Ramon Negron. Mr. Negron is a U.S. citizen born and raised in Puerto Rico, a graduate of West Point, and a lieutenant colonel in the Army Reserve. Mr. Negron currently serves as a political economic officer at the U.S. Interests section in Havana, Cuba, which is a hardship post. Mr. Negron's next posting, to begin this summer, is as the Embassy Office Director in Basra, Iraq. It is neither sensible, nor fair, that under current law the State Department will not cover the cost of airfare so this U.S. citizen, U.S. soldier and U.S. diplomat can travel home to Puerto Rico to be with his family before leaving for the Middle East. H.R. 3658 will correct this disparity.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Mr. POE. I would inquire of the gentlewoman if she has any other speakers.

Ms. WATSON. I have no other speakers.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3658, to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service, sponsored by my good friend and neighbor, Mr. FORTUÑO of Puerto Rico.

Mr. Speaker, the Foreign Service Act unfortunately is not consistent in the way it treats citizens from the mainland and those from the territories. While it allows for the State Department to pay for Foreign Service members to return home, to any of the 50 states or U.S. territories, after being posted abroad, it only permits residents of the 50 states who are at hardship posts, such as Iraq and Afghanistan, to be granted R & R for a period of time while posted.

This bill, at its core, is about equal and fair treatment for residents of the U.S. territories. When most of us hear the word home, we have a clear picture in our head of where that is. But for these Foreign Service members, it is not that simple. Under current law, these diplomats must pay their own way if they want to visit their family and friends back home in the territories, while diplomats from the states have their travel costs covered.

Although these members are from a U.S. territory, they are our fellow citizens and commit their lives to the diplomatic causes. They join for the love of their country and risk their safety in dangerous posts.

The bill before us today would eliminate this unequal and unfair treatment between Foreign Service members who reside in the territories and those that reside in the states. I urge my colleagues to support passage of H.R. 3658.

Mr. POE. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 3658.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DEVELOPING A COMPREHENSIVE REGIONAL STRATEGY IN CHAD AND DARFUR

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1011) calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1011

Whereas since independence in 1960, Chad's political life has been afflicted by a series of internal conflicts and civil wars as well as conflicts with its neighbors;

Whereas Chad has held several legislative and presidential multiparty elections since 1996, although the Department of State reported that the elections were "orderly, but seriously flawed";

Whereas human rights groups and the most recent Department of State Country Reports on Human Rights Practices stated that "the [Chadian] government's poor human rights record deteriorated further";

Whereas the genocide in Darfur, Sudan, continues to affect neighboring countries, especially Chad;

Whereas the United Nations estimates there are more than 240,000 refugees from Darfur and 52,000 refugees from the Central African Republic in Chad, and more than 180,000 Chadians have been displaced from their homes;

Whereas more than 12,000 new refugees from Darfur arrived in Chad in February 2008 due to increasing attacks against civilians by Sudanese Government forces, even as 30,000 Chadians were forced to flee the N'Djamena area to seek refuge in Cameroon;

Whereas the Government of Chad has provided important support to the many refugees from Darfur and the Central African Republic in Chad, despite serious economic and political difficulties;

Whereas the United States considers the Government of Chad an important ally in the war against terrorism;

Whereas a December 2007 report by the United Nations Secretary General stated that "the security situation in eastern Chad has remained volatile and unpredictable [and t]he renewed violence has put the civilian population living in the area at increased risk and will further impede the work of the humanitarian community";

Whereas an armed rebellion in Chad, supported by the Government of Sudan, has led to a serious humanitarian crisis and political instability in Chad;

Whereas on September 25, 2007, the United Nations Security Council passed Security Council Resolution 1778, authorizing a multidimensional presence intended to help create the security conditions conducive to a voluntary, secure, and sustainable return of internally displaced persons and refugees by contributing to their protection, both by facilitating the provision of humanitarian assistance in eastern Chad and the northern region of the Central African Republic and by creating favorable conditions for the reconstruction and economic and social development of those areas;

Whereas on October 15 and 16, 2007, the Council of the European Union agreed to deploy the military component of the multidimensional presence in the Central African Republic and Chad for a period of 1 year from the date that its initial operational capability is declared;

Whereas in late 2007, the Government of Sudan reportedly gathered several Chadian armed groups in Khartoum in order to bring the armed factions under one coalition for the February 2008 offensive;

Whereas in early February 2008, Chadian rebels armed and supported by the Sudanese Government's armed forces launched a major offensive in Chad's capital, N'Djamena, to overthrow the government of President Idriss Deby Itno;

Whereas in late February, the United Nations reported that the European Union Force began deployment to Chad and that an estimated 400 personnel have been deployed as of late February 2008;

Whereas the United States, the European Union, and the African Union condemn the fighting in Chad and the foreign support for the rebellion; and

Whereas the Department of State issued a press release condemning "the attempt by armed rebels entering from outside the country to seize power extra-constitutionally in Chad": Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses concern about the safety and well-being of innocent civilians in Chad, Chadian refugees and Internally Displaced Persons (IDPs), and refugees from Darfur and the Central African Republic that have taken refuge in Chad;

(2) strongly condemns Sudanese President Omar al-Bashir and the National Congress Party for their support of the armed rebellion and aggressive behavior in Chad and throughout the region;

(3) calls on parties to seek a negotiated settlement;

(4) urges the Government of Chad to—

(A) engage in an inclusive national dialogue with all stakeholders of the current conflict to reach a comprehensive agreement that would address the root causes of the Chadian crisis and strengthen democratic institutions;

(B) protect its civilians from violence and respect and enforce the rule of law in accordance with international norms and standards; and

(C) honor its May 9, 2007, agreement with the United Nations Children's Fund, ensuring its commitment to end all recruitment of persons under the age of 18 and demobilize all children under the age of 18 from its security forces;

(5) urges the Government of the Central African Republic to—

(A) fulfill its obligation under international law to protect civilians; and

(B) engage in constructive and inclusive dialogue with opposition and armed groups;

(6) calls on armed opposition groups to—

(A) renounce violence and respect the rule of law;

(B) engage in political dialogue to resolve the current crisis in their respective countries; and

(C) immediately end cooperation with the Government of Sudan and others that encourage and support armed rebellion;

(7) urges the United Nations Security Council to remain focused on the crises in Chad and the Central African Republic, and to ensure the effective and impartial protection of civilians, including internally displaced persons and refugees, particularly local populations, by preempting, preventing, and deterring attacks on civilians; and

(8) calls on the President to—

(A) continue United States humanitarian assistance to the refugees and internally displaced persons in Chad and the Central African Republic;

(B) provide support to strengthen democratic institutions and respect for human rights and rule of law; and

(C) seek punitive measures against the Government of Sudan by the United Nations Security Council for its aggression and destructive activities in Chad and the region.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself as much time as I may consume.

I would first like to thank Representative WOLF and Chairman PAYNE for recognizing the importance of developing and implementing a strategy to resolve the crisis in Chad.

Chad has been politically unstable for over 40 years, suffering from civil wars as well as ethnic and religious tensions. Human rights conditions remain notably poor, and the government lacks transparency and accountability.

In the past 3 years, as fighting between the government and rebels increased, 180,000 Chadians have been displaced, adding to the inflow of 290,000 refugees from the Central African Republic and Sudan's Darfur region. Although the government developed a plan for reform, and signed a peace agreement with rebel groups in 2007, the conflict has not ceased.

In February 2008, rebel forces, supported by the neighboring Sudanese government, sought to remove President Idriss Déby from power, killing hundreds of civilians in the process.

The 16 U.N. refugee camps suffer from water and firewood shortages, as well as periodic attacks on aid workers. New controls imposed by the Chadian government on humanitarian organizations hinder the movement of assistance and personnel.

In September 2007 the U.N. Security Council, followed by the Council of the European Union, approved the presence of a multinational security force to facilitate assistance and create favorable conditions for reconstruction and development.

The United States has provided over $338 million in humanitarian assistance since 2004 and also provides security assistance to the Chadian Army through the International Military Education and Training funds.

It is imperative that the U.S. work harder to develop and implement a sound strategy to protect and assist Chadians and other refugees and, together with the international community, condemn Sudanese President Omar al-Bashir and the National Congress for their support of the armed rebellion. Further destabilization in

Chad will lead to wider regional instability and hinder the United States' counterterrorism capabilities in a very sensitive region.

Mr. Speaker, I strongly support this measure.

I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm pleased to rise in support of H. Res. 1011, which calls on the United States and the international community to develop, fund, and implement a regional strategy which addresses the increasing intertwined security and humanitarian crisis in Chad, the Darfur region of the Sudan, and the northern region of the Central African Republic.

Borders in this region of the world are more of a concept than a reality. Ethnic groups straddle lines on a map, and conflict with each other or within one country inevitably spills over into the other countries. While this body has been seized by the horrific situation in Darfur, we have devoted far less attention to the broader regional crisis, particularly as it relates to Chad.

Chad has been plagued by intermittent conflict, both internally and with its neighbors since it gained independence in 1960. The current President of Chad, Idriss Déby, took power after launching a coup across the border in neighboring Darfur, Sudan, with the support of Libya and his fellow ethnic Zaghawas who straddle the border between Chad and Sudan. He has since faced at least five coup attempts, including one just this past February.

The Sudanese government's genocidal campaign in Darfur, which forced hundreds of thousands of Sudanese refugees across the border, has made the tensions within Chad, particularly among Déby's fellow Zaghawas, much worse. These tensions became further inflamed as the relationship between Chad and the Sudan deteriorated, with each government accusing the other of funding and supporting rebel movements within their respective borders, as well as in neighboring Central African Republic.

The spillover of conflict from Darfur into Chad and the Central African Republic, from Chad into Darfur, and from Central African Republic into Chad, has led to the displacement of more than 3.1 million people.

In Darfur, an upsurge in fighting among rebel groups, government forces, militias and armed ethnic groups has led to the displacement of more than 80,000 people since this past January.

In February of this year, 12,000 new refugees from Darfur arrived in Chad, bringing the total number of Sudanese refugees in eastern Chad to 250,000. Chad also is hosting an additional 152,000 refugees from Central African Republic.

At the same time, more than 180,000 people from Chad have been displaced by internal conflict, and in February, 30,000 people from Chad were forced to seek refuge in neighboring Cameroon after rebels, backed by the Sudanese government, attacked the capital.

□ 1430

As the wars in Chad, Sudan and Central African Republic become increasingly intertwined, and as the massive displacements take on a regional dimension, the United States and the international community must resist the urge to deal with each crisis in a vacuum. This resolution recognizes that reality and calls for a comprehensive strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance throughout the region with all nations. This is not only a moral imperative, but also a significant strategy requirement.

I thank the sponsor of this resolution, Mr. WOLF, for introducing this important resolution, and I urge Members to support it.

Mr. WOLF. Mr. Speaker, I rise today in strong support of H. Res. 1011, a resolution I sponsored expressing the concern of the House regarding the crisis in Chad.

I want to acknowledge the support of my colleague and Africa subcommittee Chairman DONALD PAYNE in working together to introduce this resolution, and also thank Foreign Affairs Committee Chairman HOWARD BERMAN and ranking member Congresswoman ILEANA ROS-LEHTINEN as well as Africa subcommittee ranking member Congressman CHRIS SMITH for their support in this effort.

Since its independence in 1960, Chad has struggled through civil war and political unrest. Recent fighting in Chad has demonstrated beyond doubt the fragile conditions in the region and the continuing destructive behavior of the Government of Sudan in Chad and Darfur. While Chadian rebel groups and their Sudanese allies who laid siege to the capital in early February have since fled toward the east and Darfur, the fighting claimed the lives of hundreds of civilians and forced tens of thousands more out of the capital city and into neighboring Cameroon.

This resolution calls on the United States government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad.

It also calls for a strategy for the wider region that includes northern Central African Republic and the Darfur region of Sudan, as recent developments in Chad illustrate the terrible threat facing civilians and the risk of another major humanitarian disaster in that region.

The resolution acknowledges the concern about the safety and well being of innocent civilians in Chad, Chadian refugees and internally displaced persons, and refugees from Darfur and the Central African Republic that have taken refuge in Chad and strongly condemns Sudanese President Omar al-Bashir and the National Congress Party for their support of the armed rebellion and aggressive behavior in Chad and throughout the region.

It also urges the Government of Chad to engage in an inclusive national dialogue with all stakeholders of the current conflict to reach a comprehensive agreement that would address the root causes of the Chadian crisis and strengthen democratic institutions. The resolution also urges the government to work to protect its civilians from violence and to honor its May 9, 2007, agreement with the United Nations Children's Fund, ensuring its commitment to end all recruitment of persons under the age of 18 and demobilize all children under the age of 18 from its security forces.

The resolution further urges the Government of the Central African Republic to fulfill its obligation under international law to protect civilians and engage in constructive and inclusive dialogue with opposition and armed groups.

The resolution also calls on armed opposition groups to renounce violence and respect the rule of law, engage in political dialogue to resolve the current crisis in their respective countries, and immediately end cooperation with the Government of Sudan and others that encourage and support armed rebellion.

Recognizing the importance of the United Nations Security Council in ending this crisis, the resolution urges the Security Council to remain focused on the crises in Chad and the Central African Republic, and to ensure the effective and impartial protection of civilians, including internally displaced persons and refugees, particularly local populations, by preempting, preventing, and deterring attacks on civilians.

The United States also has an important role to play in resolving the situation in Chad, and the resolution calls on the president to continue United States humanitarian assistance to the refugees and internally displaced persons in Chad and the Central African Republic, provide support to strengthen democratic institutions and respect for human rights and rule of law, and seek punitive measures against the Government of Sudan by the United Nations Security Council for its aggression and destructive activities in Chad and the region.

Mr. Speaker, it is important for this House to express its concern about the crisis in Chad and how the political instability and humanitarian crisis there is impacting the entire region. I urge my colleagues to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to express my strong support for H. Res. 1011, calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan, introduced by my distinguished colleague from Virginia, Representative WOLF. This timely and important legislation, of which I am proud to be an original cosponsor, not only calls on the governments of Chad and the Central African Republic to fulfill their obligations under international law to protect civilians, but also calls upon the President of the United States to continue humanitarian assistance to refugees and internally displaced persons in the region.

While regional conflicts have proven substantive and continuous, the internal politics of Chad are by no means a beacon of stability and democracy. Since reaching independence in 1960, Chad has been consistently riddled with internal conflicts and civil wars. Unfortunately, despite American assistance to the government, the State Department reported that the last elections were, "orderly, but seriously flawed," as well as stating in the most recent Department of State Country Report on Human Rights Practices that, "the [Chadian] government's poor human rights record deteriorated further." The situation within Chad is even more precarious when one considers that the United Nations estimates that Chad is home to some 240,000 refugees from Darfur, 52,000 refugees from the Central African Republic, and more than 180,000 internally displaced people. In February 2008 alone, over 12,000 new refugees from Darfur entered the country.

Mr. Speaker, in the past three years, as fighting between the government and rebels increased, 180,000 Chadians have been displaced, adding to the inflow of 290,000 refugees from the Central African Republic (CAR) and Sudan's Darfur region. Although the government developed a plan for reform, and signed a peace agreement with rebel groups in 2007, the conflict has not ceased. In February 2008, rebel forces, supported by the neighboring Sudanese government, sought to remove President Idriss Déby from power, killing hundreds of civilians in the process. Despite the United Nation's Security Council Resolution 1778, authorizing a multidimensional presence intended to help create the security conditions necessary for reconstruction and social and economic development, this has not been the case. While the United States has provided over $338 million in humanitarian assistance since 2004 and also provides security assistance to the Chadian army through the International Military Education and Training (IMET) funds, there is still much more that needs to be done.

This resolution is both timely and imperative because it calls on the United States to work harder to develop and implement a sound strategy to protect and assist Chadians and other refugees, and, together with the international community, condemn Sudanese President Omar al-Bashir and the National Congress for their support of the armed rebellion. A further destabilization in Chad will lead to wider regional instability and hinder the United States' counter-terrorism capabilities in a very sensitive region.

By calling on the President of the United States to continue to provide humanitarian assistance to displaced persons in the Chad and the Central African Republic and provide support to strengthen the rule of law, democratic institutions, and respect for human rights, this legislation works to not only alleviate suffering in the short term, but also prevent them from occurring in the long term. I am proud to be an original cosponsor of this legislation and urge my colleagues to join me in supporting it.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my strong support for H. Res. 1011, which calls on the United States and the international community to develop, fund, and implement a regional strategy which addresses the security and humanitarian crisis in Chad, the Darfur region of the Sudan, and the northern region of the Central African Republic.

This timely and important legislation, of which I am proud to be a cosponsor, not only calls on the Governments of Chad and the Central African Republic to fulfill their obligations under international law to protect civilians, but also calls upon the President of the United States to continue humanitarian assistance to refugees and internally displaced persons in the region.

Chad has been plagued by intermittent conflict, both internally and with its neighbors, since it gained independence in 1960. The current President of Chad, Idriss Déby, took power after launching a coup across the border in neighboring Darfur, Sudan. He has since faced at least five coup attempts including one just this past February. Violence spurred by the Sudanese Government has also continued to destabilize Chad and the State Department's most recent Country Report on Human Rights Practices that, "the [Chadian] government's poor human rights record deteriorated further" this past year.

The refugee situation in Chad and the surrounding region continues to worsen. In the past three years, as fighting between the Government and rebels increased and 180,000 Chadians have been displaced, adding to the inflow of 290,000 refugees from the Central African Republic, CAR, and Sudan's Darfur region. The United Nations estimates that Chad is now home to 240,000 refugees from Darfur, 52,000 refugees from the Central African Republic, and more than 180,000 internally displaced people. In February 2008 alone over 12,000 new refugees from Darfur entered the country. We must develop a comprehensive plan to address the refugee crisis as well as the security problems that plague the region.

I visited Darfur and have seen the situation on the ground. Now high-tech GPS satellites and mass media allow everyone to bear witness to the tragedies in Chad, Sudan, and the surrounding areas: the burnt holes where villages used to be, the mass migrations of the internally displaced, starving children, and victims of rape.

With this knowledge comes a duty to act. As the wars in Chad, Sudan, and Central African Republic become increasingly intertwined, and as the massive displacements continue across the region, the United States and the international community must engage the crisis on a regional level.

This resolution recognizes that reality and calls for a comprehensive strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance throughout the region with all nations.

I thank the sponsor of this resolution, Mr. WOLF, for introducing this important resolution, and I urge all of my colleagues to support it.

Mr. POE. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H. Res. 1011, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF HOUSE REGARDING REPUBLIC OF GEORGIA

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1166) expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1166

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community, international law, and 32 United Nations Security Council resolutions;

Whereas the Government of the Republic of Georgia has pursued in good faith a peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas, on March 28, 2008, and on April 12, 2008, Georgian President Mikheil Saakashvili introduced new and far-reaching peace proposals to resolve the territorial conflict in Abkhazia, including international guarantees of Abkhaz autonomy, broad political representation for the Abkhaz, the right to veto legislation related to the constitutional status of Abkhazia as well as its language and culture, the establishment of a joint Free Economic Zone in the Gali region, and an offer for more active involvement by the international community and Russian Federation to help forge a peaceful resolution to the conflict;

Whereas, for several years, the Government of the Russian Federation has carried out policies that seek to undermine the sovereignty of the Republic of Georgia in Abkhazia and South Ossetia by awarding individuals in these regions with Russian citizenship, Russian passports, economic subsidies, and the right to vote in Russian elections;

Whereas the Government of the Russian Federation has also detailed Russian officials to take up positions in the separatist governments, provided military equipment and support to separatists in the regions, and encouraged Russian volunteers to serve in militias in Abkhazia and South Ossetia;

Whereas the announcement from the Government of the Russian Federation on April 16, 2008, that it will establish "official ties" with the regions of Abkhazia and South Ossetia, recognize their official documents and legal entities, and further involve itself in aspects of their governments appears to be a thinly veiled attempt at annexation;

Whereas, on April 20, 2008, tensions between the Russian Federation and the Republic of Georgia further escalated when an unarmed and unmanned Georgian reconnaissance aircraft was shot down over Georgian territory, reportedly by a Russian MIG–29 fighter jet;

Whereas Russian officials have denied any involvement in the downing of the reconnaissance plane, claiming that Abkhazian rebels were responsible for the incident, although neither Georgia nor Abkhazian defense forces have MIG–29 fighter jets;

Whereas the statements and counter-productive actions of the Government of the Russian Federation in these regions has undermined the peace and security in Abkhazia and South Ossetia, the Republic of Georgia, and the Caucasus region as a whole;

Whereas the consistent effort to undermine the sovereignty of a neighbor is incompatible with the role of the Russian Federation as one of the world's leading powers and with its commitments to international peacekeeping made to the United Nations Security Council and the Organization for Security and Cooperation in Europe; and

Whereas, on April 23, 2008, Secretary of State Condoleezza Rice stated that "the United States is firmly committed to the territorial integrity and sovereignty of Georgia, that we support Georgia's efforts to make certain that the people of Abkhazia and South Ossetia feel fully a part of Georgia, and that we are very concerned at the recent move by the Russian Federation, the presidential decree that was issued": Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns recent decisions made by the Government of the Russian Federation to establish "official ties" with the regions of Abkhazia and South Ossetia, a process that further impedes reconciliation between those regions and the Government of the Republic of Georgia and that violates the sovereignty of the Republic of Georgia and the commitments of the Government of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to immediately revoke its decision to establish "official ties" with the regions of Abkhazia and South Ossetia;

(3) strongly supports the restoration of the territorial integrity of the Republic of Georgia and a peaceful resolution of the conflicts within Georgia's internationally recognized borders;

(4) encourages the Government of the Russian Federation to work with the Government of Georgia, the peoples of Abkhazia and South Ossetia, and the international community to find a peaceful solution to the conflict;

(5) welcomes the measured reaction of the Government of the Republic of Georgia to recent developments and commends President Saakashvili's latest initiatives to resolve territorial conflicts through peaceful means;

(6) calls on United Nations Secretary-General Ban Ki-moon to conduct an investigation of the April 20, 2008, incident in which an unarmed Georgian reconnaissance aircraft was shot down by what reports indicate was a missile launched from a Russian MIG–29 fighter jet;

(7) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric and actions that escalate tensions and undermine efforts to negotiate a peaceful settlement to the conflicts; and

(8) supports the declaration of the North Atlantic Treaty Organization's (NATO) Bucharest Summit in Romania, which stated that the Republic of Georgia will become a member of NATO, reiterates its support for the commitment to further enlargement of NATO to include democratic governments that are able and willing to meet the responsibilities of membership, and urges the foreign ministers of NATO member states at their meeting in December 2008 to consider favorably the application of the Government of the Republic of Georgia's Membership Action Plan.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I also rise in strong support of this resolution and yield myself as much time as I may consume.

I am pleased to support this resolution that adds the House's voice to the chorus of condemnation from the administration and our European allies to the provocative actions taken in recent weeks by the Russian Federation against the Republic of Georgia.

I commend my distinguished colleague, Representative WEXLER of Florida and chairman of the European Subcommittee, for promptly introducing this important resolution.

For several years, the Russian Government has promulgated policies that have increasingly sought to undermine the sovereignty of the Georgian Government and its territorial integrity over Abkhazia and South Ossetia. Such harmful policies include awarding residents in these regions with Russian citizenship, Russian passports, and even the right to vote in Russian elections.

In addition, the Kremlin has assigned Russian officials to hold positions in the separatist governments in South Ossetia and Abkhazia. It has also provided military equipment and volunteer fighters to support militias active in these regions. Such behavior is counterproductive to efforts to find a peaceful resolution to these conflicts and contrary to Russia's commitments to international peacekeeping.

Irritated by international recognition of Kosovo's independence despite its objections and incensed by Georgia's clear future in NATO, Russia escalated its dangerous actions towards Georgia in the weeks leading up to and immediately following NATO's Bucharest Summit. On March 6, Russia withdrew from the sanctions regime imposed on Abkhazia in 1996 by the Commonwealth of Independent States thereby eliminating the remaining limits on direct Russian economic relations with Abkhazia.

On March 21, the Russian Duma passed a nonbinding declaration asking the government to consider the "expediency of recognizing the independence of Abkhazia and South Ossetia." On March 25, Dmitry Medvedev, Russia's incoming president, spoke out against NATO membership for Georgia. During the NATO Summit, Russian President Putin sent letters to the separatist leaders of Abkhazia and South Ossetia to express his support for their regimes.

As outlined in this resolution, President Putin instructed his government on April 16 to establish official ties with these separatist regimes. He further ordered his government to recognize legal documents issued by these authorities as well as legal entities registered by them. The tension reached its climax on April 20 when an unarmed and unmanned Russian reconnaissance aircraft was shot down over Georgian territory, reportedly by a Russian MIG–29 fighter. Despite Russian claims of innocence, neither the Georgians nor the Abkhazian rebels have this plane in their fleet.

Last week Russia further strained relations by moving an extra contingent of troops into Abkhazia. The Kremlin claims to be responding to a Georgia military buildup along the border, which the Tbilisi Government denies. Although Russia's troop level remains within the 3,000 soldier limit allowed under the 1994 U.N. ceasefire agreement, NATO has backed Russia's assertion that any increase must be approved by all parties.

Such hostile actions are in stark contrast to the recent attempts made by Georgian President, Mikheil Saakashvili, to find a peaceful and lasting solution to this conflict in the Caucasus. As he rightly stated, "There are no issues that we and the Abkhazians cannot solve through negotiations."

On March 28 and April 12, President Saakashvili introduced new proposals to facilitate a resolution to the conflict. They included international guarantees of Abkhaz autonomy, broad political representation for the Abkhaz, the right to veto legislation related to the constitutional status of Abkhazia as well as its language and culture, and the establishment of a joint Free Economic Zone in the Gali region. President Putin has turned a deaf ear to these suggestions.

I ask my colleagues to join me in calling on the Russian Federation to revoke immediately its decision to establish official ties with these regions and to support the territorial integrity of Georgia's borders.

Rather than engaging in provocative acts, President Putin should respond favorably to President Saakashvili's call for active involvement by the Russian Federation as well as the international community to forge a peaceful and lasting solution to this conflict.

Furthermore, NATO should uphold its Summit promise to Georgia of a future in the Alliance by considering the extension of a Membership Action Plan at its December meeting. This act would welcome the country into the Euro-Atlantic community and could serve as a deterrent to further Russian aggression. I strongly support this resolution and urge my colleagues to join me.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I believe that there was a time when we could honestly hope that Russia was playing a fair and supportive role with regard to the resolution of the separatist conflicts in the Republic of Georgia. Unfortunately, our optimism in that regard is almost exhausted. It now appears obvious that Russia seeks to play a destabilizing role in Georgia, with the goal of undermining Georgia's political and economic development and, ultimately, its own sovereignty.

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Over several years Russia has reportedly supported the separatist forces with arms and trained personnel. It has applied boycotts on Georgian goods and shut off energy supplies to Georgia. It has broadly granted Russian citizenship and issued Russian passports to people living in Georgia's separatist regions. It has provided economic subsidies to the separatist regions and granted residents of those regions the right to vote in Russian elections. Its so-called "peacekeeping" forces in the separatist regions appeared to have played a biased role in favor, of course, of the separatist regime. More recently, on April 16, the Kremlin issued a decree further expanding its "official" ties with the separatist regions.

Most objective observers would affirm that the Georgian Government has tried to be fair and open-minded in its efforts to negotiate a settlement in the separatist conflicts. One has to wonder, however, if sporadic and mysterious incidents involving small-scale attacks on Georgian territory and forces are meant to provoke the Georgian Government.

One such incident occurred on April 20. An unmanned and unarmed Georgian reconnaissance aircraft was shot down over Georgian territory, reportedly by a Russian MIG–29 fighter. Since neither Georgia nor the separatist regimes have MIG–29 jets among their forces, it seems difficult for Russia to deny its involvement.

Mr. Speaker, the Georgian people have made tremendous progress since the "Rose Revolution" of 2003. Georgia is not a perfect democracy, but it's heading in the right direction. It certainly compares very well with the trends in Russia, where a totalitarian regime is steadily being constructed once again.

Georgia deserves the support and encouragement of leading states of Europe and the support of the United States. Democracy and reform in Georgia will only succeed if the European Union, the leading states of Europe, and the United States remain engaged and strongly support it.

The resolution calls for the Kremlin to immediately revoke its decision to expand "official ties" with the separatist regions in Georgia. The resolution expresses strong support for the restoration of the territorial integrity of Georgia and for the peaceful resolution of conflicts within Georgia's borders. It also restates the declaration made by the NATO heads of state at the recent summit in Bucharest, Romania, in which they confidently stated their belief that the Republic of Georgia will become a member of NATO some day. And it urges NATO allies to favorably consider Georgia's application for admission in the Membership Action Plan, or MAP, during the NATO Ministers meeting this December, MAP being a program to simply help interested applicants for membership and prepare them to meet the standards required of all NATO allies.

Mr. Speaker, this resolution is intended to support the sovereignty of Georgia and support an end to any irresponsible actions by the Russian Government that undermine its sovereignty and the prospects for a peaceful resolution of the separatist conflicts in that country.

I note again as well that nothing stated in this resolution with regard to NATO and Georgia's interest in membership in that alliance is any different from what was stated at the recent NATO summit.

I support this resolution and urge all my colleagues to do the same as well.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Speaker, as the co-Chair of the Congressional Georgia Caucus, I rise in support of House Resolution 1166 and to express my strong support for the sovereignty and territorial integrity of the Republic of Georgia.

On April 16, 2008, the Russian Government declared that it would establish legal and official ties with Abkhazia and South Ossetia. This is nothing more than a thinly veiled attempt by Russia to extend these regions, which are part of the sovereign nation of Georgia. This action was denounced by the international community, including the European Union and the North Atlantic Treaty Organization, better known as NATO to all of us. Nonetheless, Russia remained unfazed by international opinion and further escalated tensions in the region just 4 days later by shooting down a Georgian unmanned aerial drone over Georgian territory.

Georgia is one of the strongest allies in the Caucasus region, and it is important for the United States to continue to stand by our allies. I spoke with President Saakashvili on Thursday, and he's very concerned about the situation and, as was mentioned by previous speakers, has offered a number of peace proposals. But he very much appreciates the statements that were made in support of Georgia by our State Department and is grateful for this resolution and the strong bipartisan support it demonstrates from Congress.

Since speaking with the President last week, the situation has become even more difficult for Georgia. The Russian Federation continues to move troops into Abkhazia, and yesterday we heard reports of possibly two more Georgian aircraft being shot down.

Considering our close relationship with Georgia, it is appropriate that the House of Representatives join the international institutions that have condemned Russia's actions and called for a peaceful resolution to the current tensions in the region. This resolution is supported by the chairman and ranking member of the Foreign Affairs Committee, who were original cosponsors of the resolution. And it was introduced by Representative WEXLER, the chairman of the Europe Subcommittee.

I urge my colleagues to support this important resolution and appreciate its bipartisan nature.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today in strong support of H. Res. 1166. The international community has affirmed the territorial integrity of the Republic of Georgia many times, and Georgia has sought in good faith a peaceful resolution of the conflicts with its regions of Abkhazia and South Ossetia. The Georgian Government has made generous proposals regarding internationally guaranteed autonomy, political representation, and the constitutional status of the regions.

I am deeply concerned that the Government of Russia has not responded with equal good faith. It has consistently undermined Georgian sovereignty over these regions, for example, by giving people in these regions Russian citizenship, passports, voting rights, and even economic subsidies. The Russian Government has provided leaders, volunteers, and arms to separatist movements in these regions, and threatened to establish "official ties" with the Abkhazian and South Ossetian regions. According to reliable reports, the Russian Government has shot down unmanned drones over Georgian territory. It is outrageous for one state to undertake such hostile actions against a neighbor.

Mr. Speaker, I have no doubt that the Secretary of State did the right thing when she recently committed the United States to Georgia's territorial integrity and sovereignty, and that the House will reaffirm American support for Georgia and condemn the Russian Government's unjust and destabilizing actions. Over and over again, we have seen how there are always people who are quick to make excuses for the Russian Government's unjust actions toward the small nations on its border—or toward the Russian people themselves. In the communist era, and since 1991, there have always been people who argued that, if we will just look the other way, allowing the Russian Government to do as it likes in some "sphere of influence," the Russian Government will respond by becoming become kinder, gentler, and more peaceful.

The historical record belies this argument. Alexander Solzhenitsyn, President Reagan, Pope John Paul II, Father Gleb Yakunin, the refuseniks in Russia in the 1970s and 1980s, the brave and beleaguered Russian human rights movement today—these people spoke the truth to and about the Russian Government. They have done more to promote peace and justice in the former Soviet Union than all those who argued for silence and compromise. Mr. Speaker, I am glad that this House is today choosing their road. What the Russian Government is doing to undermine Georgia is wrong, it is outrageous, and it must stop.

Mr. POE. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1166.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONDEMNING BURMESE REGIME'S UNDEMOCRATIC CONSTITUTION

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 317) condemning the Burmese regime's undemocratic constitution and scheduled referendum, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 317

Whereas in 1974, then-dictator General Ne Win and his regime redrew the 1947 State Constitution and held a referendum for a military-backed constitution, endorsing a civilian front for military rule, known as the Burmese Socialist Program Party;

Whereas in 1988, the people of Burma came to the streets in a massive popular democracy uprising to call for democracy, human rights, and an end to military rule and a single party system;

Whereas the current military regime violently crushed the mass democracy uprising in 1988, killing more than 3,000 peaceful protesters and taking over power from the previous regime;

Whereas the current military regime, officially known as the State Peace and Development Council (SPDC), known previously as the State Law and Order Restoration Council (SLORC), held multi-party elections in 1990;

Whereas despite the threat and pressure by the military regime to vote for the candidates of the military-backed National Unity Party (NUP), the people of Burma voted 82 percent of Parliament seats for the candidates of the National League for Democracy (NLD) party, led by detained leader Daw Aung San Suu Kyi and allied ethnic political parties;

Whereas the military regime refused to honor the election results and arrested and imprisoned both democracy activists and elected members of parliament;

Whereas the SPDC over a period of 14 years held a National Convention to draft a new constitution in which the process was tightly controlled, repressive and undemocratic;

Whereas the NLD walked out of the convention in 1995 because participants were not allowed to table alternative proposals or voice disagreement with the military regime;

Whereas in 2005, the leaders of the Shan Nationalities League of Democracy (SNLD) were all arrested on false charges and sentenced to more than 90 years in prison each;

Whereas the people of Burma, led by democracy activists and Buddhist monks in August and September 2007, took to the streets in nationwide peaceful protests demanding the military regime participate in a meaningful tri-partite dialogue with Daw Aung San Suu Kyi, the elected political parties from the 1990 elections and representatives of the ethnic nationalities for national reconciliation and a transition to democracy;

Whereas according to the United Nations Special Rapporteur on the Human Rights Situation in Burma, Professor Paulo Sergio Pinheiro, leading human rights groups and foreign diplomats based in Burma estimate the death toll from the August and September 2007 peaceful protests is much higher than reported by the regime;

Whereas the military regime brutally crushed the peaceful protests, killing at least 31 people, leaving nearly 100 missing, and arresting 700 additional political prisoners bringing the number of Burma's political prisoners to approximately 1,800;

Whereas the United Nations Security Council Presidential Statement, issued by unanimous consent of all members of the Council on October 11, 2007, stated that "the Security Council strongly deplores the use of violence against peaceful demonstrators in Myanmar, emphasizes the importance of the early release of all political prisoners and remaining detainees".

Whereas the United Nations Security Council Presidential Statement also stressed "the need for the Government of Myanmar to create the necessary conditions for a genuine dialogue with Daw Aung San Suu Kyi and all concerned parties and ethnic groups, in order to achieve an inclusive national reconciliation with the direct support of the United Nations";

Whereas the United Nations and governments around the world also repeatedly called for the SPDC to hold a political dialogue with Daw Aung San Suu Kyi, her party, the NLD, and representatives of ethnic nationalities to achieve national reconciliation and democratization and reverse the decades-long misrule by the regime which has resulted in a downward spiral of Burma's economic, educational, social, public health and infrastructure sectors;

Whereas the SPDC has ignored the repeated requests of the United Nations and the international community to release all political prisoners, end attacks against civilians, and engage in a meaningful dialogue with Daw Aung San Suu Kyi, her party, the NLD, and representatives of ethnic nationalities;

Whereas at the same time, the SPDC assigned a commission to draft a constitution on October 18, 2007, with 54 hand-picked participants, in an attempt to ignore past election results, to lock in a process that excludes representatives of ethnic nationalities and the NLD from political participation, and to legitimize continued military rule;

Whereas the latest version of the draft constitution seeks to codify military rule by reserving 25 percent of parliamentary seats for military appointees, permits the head of the military to intervene in national politics, and ensures that key government ministries are held by military officers;

Whereas in October 2007, the SPDC appointed Labor Minister U Aung Kyi as liaison minister to engage with Daw Aung San Suu Kyi for possible talks with Senior General Than Shwe, leader of the SPDC, but there has been no true exchange or tangible result from the few talks that were held;

Whereas recently, Daw Aung San Suu Kyi expressed through her party leaders that she is unhappy with the SPDC's unwillingness to establish political dialogue and she even urged the people of Burma to be prepared for the worst;

Whereas on February 9, 2008, the military regime announced that it will hold a constitutional referendum in May 2008 and a general election in 2010;

Whereas on February 12, 2008, the SPDC extended for another year the house arrest of U Tin Oo, Deputy Chairman of the NLD; and

Whereas early reports concerning the referendum voting indicate that Burmese voters were instructed how to vote under supervision of officials, sometimes under threat of physical violence and without an opportunity to read the ballot they were forced to cast: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) denounces the one-sided, undemocratic, and illegitimate actions of the State Peace and Development Council (SPDC) that seek to legitimize military rule through a flawed referendum process to adopt a new, undemocratic constitution;

(2) strongly urges that Burma's military regime begin a meaningful tri-partite dialogue with Daw Aung San Suu Kyi, the 1990 election-winning parties and representatives of ethnic nationalities toward national reconciliation, democracy, freedom of assembly, freedom of movement, freedom of speech, freedom of the press, and internationally recognized human rights for all Burmese citizens;

(3) demands the immediate and unconditional release of Daw Aung San Suu Kyi, detained Buddhist monks, and all other political prisoners and prisoners of conscience;

(4) denounces the SPDC for its failure to comply with the United Nations' recommendations and engage in a meaningful time-bound tri-partite dialogue with Daw Aung San Suu Kyi, the 1990 election winning parties and representatives of ethnic nationalities;

(5) calls for the SPDC to comply fully and immediately with the recommendations made by the United Nations Security Council Presidential Statement issued on October 11, 2007;

(6) urges the President to call for the United Nations Security Council to condemn the undemocratic referendum process and the SPDC's flawed constitution which will be the outcome of the referendum;

(7) urges the President to call for the United Nations Security Council to pass a binding resolution, which will instruct the regime to fully comply with the recommendations made by United Nations Special Envoy Ibrahim Gambari and the United Nations Security Council Presidential Statement, and strengthen the mandate of Secretary-General Ban Ki-moon to engage in a meaningful and time-bound dialogue with Daw Aung San Suu Kyi, the 1990 election winning parties and ethnic nationality representatives towards an inclusive democratic national reconciliation;

(8) urges the President to push for a comprehensive arms embargo against the Burmese military regime at the United Nations Security Council so that weapons produced by foreign countries, including Ukraine, China, and Russia, that currently sell weapons to Burma's military regime, can no longer be used by Burma's military regime against civilians; and

(9) urges the Association of Southeast Asian Nations to involve itself more deeply in reaching out to the Burmese democracy movement and to work with the United Nations Security Council and the Secretary-General to promote meaningful political dialogue.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

I would like to thank my colleague Mr. RUSH HOLT for offering this important measure and for his tireless leadership in promoting human rights and democracy in Burma.

For more than a decade, the military regime in Burma has ignored the democratic aspirations of the Burmese people. As we saw in its bloody repression of last September's "Saffron Revolution," the regime continues to trample on human rights. And it is squandering Burma's vast natural resources through spending on the regime and its weapons, while leaving the overwhelming majority of Burma's people in poverty.

Now the regime plans a May 10 referendum to institutionalize these policies through a sham constitution. The referendum attempts to give democratic legitimacy to a process that was designed by the Burmese military, implemented by the Burmese military, and benefits only the Burmese military. As such, it is anything but democratic.

Today, as Burma recovers from a devastating storm that left thousands dead and missing, with many more homeless, our sympathies are with the Burmese people. But it is not natural disasters but rather the yoke of the Burmese military that has left Burma's people impoverished and calling for greater political participation for more than 20 years.

It is especially appropriate that we stand with the Burmese people today as they face not only the devastation of the cyclone but also the continued devastation caused by this regime. Accordingly, I call on my colleagues to join me in condemning the Burmese junta's sham referendum and constitution.

By passing H. Con. Res. 317 today, we call on the administration, the United Nations, and the international community to support a legitimate, inclusive dialogue between the regime and opposition forces. Only such an inclusive tripartite negotiation can put Burma back on the path to peace and prosperity, where it rightfully belongs.

Please join me in support of H. Con. Res. 317 and offering support for restoration of real democracy in Burma.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, which points out that the smoke screen of a sham constitution and a bogus referendum is not a path leading to free Burma.

It seems a particularly callous decision for the Burmese junta to go forward with its planned referendum on May 10, just 1 week after a tropical cyclone devastated the people of that nation. The generals, by ignoring the almost 4,000 dead and 100,000 homeless, are concerned only about their narrow political agenda.

We in Congress offer our heartfelt condolences to those in Burma who lost family and friends in this tragic natural disaster. We urge the junta to immediately lift its irrational restrictions on international humanitarian organizations operating inside Burma. Only then can they provide the emergency relief necessary for the suffering people of this country.

The generals in Rangoon, however, have cynically determined that time is on their side. They are convinced that, while the world's attention turns away from the bloody events of last fall to other crises in other parts of the world, they can carry on business as usual oppressing their people. That business includes implementing plans for the May 10 referendum on their undemocratic constitution. This constitution ignores the will of the people of Burma as expressed in the streets of Rangoon and other cities last fall. This one-sided constitution seeks to legitimize military dictatorship rule. The current junta seized power by crushing a mass democracy uprising over two decades ago. We and the people of Burma will commemorate the 20th anniversary of that uprising on August 8, the very date the Beijing Olympics begins. On that date, advocates of a free Burma will hold activities around the world to remind the Burmese generals and their Beijing allies that the torch of Miss Liberty shines brighter than any Olympic torch.

The generals have turned to a sham constitutional provision in an effort to ignore the international call for a genuine dialogue with Aung San Suu Kyi and members of the opposition and minority groups. The goal of that dialogue is to achieve "inclusive national reconciliation." This call for dialogue was contained in the statement released by the U.N. Security Council President on October 11, 2007, with the unanimous consent of all members of the council.

Instead of heeding the urgings of the international community, however, these generals have brazenly continued their roundup of those involved in the Saffron Revolution last fall, including Buddhist monks, and they have put them in jail. They have also refused to release Aung San Suu Kyi and other political prisoners.

The Burmese junta treated the U.N. special envoy to Burma with disdain during his last visit. They refused him access to the top leadership and flatly rejected his offer of independent monitoring of the referendum vote. The

U.N. envoy himself has admitted the visit did not yield any tangible results.

The junta's attitude of brazen indifference following its bloody suppression of the Saffron Revolution cannot stand unchallenged by the world community.

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This Congress must raise strong objection to the junta's cynical plan to try to maintain rule through a sham constitution.

I urge that my colleagues stand for a free Burma by voicing vigorous support of this resolution.

I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield as much time as he might consume to the gentleman from New Jersey, Representative RUSH HOLT.

Mr. HOLT. Mr. Speaker, I thank the gentlelady.

Today all of our thoughts and prayers are with the people of Burma. The deaths and destruction caused by the cyclone Nargis which hit Burma over the weekend are still being discovered. Recent reports indicate that maybe 10,000 were killed and hundreds of thousands left without shelter and clean water. Yet despite this horrific natural disaster, the Burmese junta has announced it will go ahead with the scheduled sham constitutional referendum this Saturday.

Today, we are considering our resolution to condemn the Burmese regime's undemocratic constitution and the scheduled sham referendum to legitimize that constitution. As the sponsor of H. Con. Res. 317, I want to thank Chairman BERMAN and Ranking Member ROS-LEHTINEN, who are both lead sponsors of the resolution, for their support in helping to move this.

We sometimes ask, and our constituents sometimes ask, whether governments are relevant to our daily lives, to their daily lives. Well, certainly here we see a negative example of what a difference a government can make. The ruling junta did not warn the people, so I understand, of the oncoming cyclone. They have done little to provide humanitarian assistance.

I strongly encourage our State Department to heed the calls of the international community and provide whatever emergency humanitarian assistance the Government of Burma will accept. I do recall visiting Burma several decades ago following an earthquake that devastated Pagan, and the willful unwillingness of the military dictatorship then to accept international help.

I have long been interested in Burma and the future of the Burmese people. I first traveled there some decades ago, and I was struck by the amazing damage and destruction that a despotic antidemocratic government can inflict on an economy, on a country and on the people.

Under military rule since 1962, Burma was once called the "rice bowl of Asia" because of its rich resources, its fertile land and its productive people. But with the ruling junta, its promise and its potential have steadily declined. This promising country's resources have been channeled into supporting the military, and it is now one of the most impoverished countries in the world.

Prior to this week's scheduled sham constitutional referendum, the junta has allowed an election once before. In 1990 the National League For Democracy, the NLD, led by Aung San Suu Kyi, won an election landslide. Yet despite the NLD winning four out of every five parliamentary seats, the regime locked up the NLD winners, and to this day Aung San Suu Kyi remains under arrest. For her bravery, courage and her fight for true democracy in her home country, she has been awarded the Nobel Prize for Peace. Yet 18 years later, this Nobel laureate remains locked away.

Those are among the reasons that this House today is considering, and should pass, this resolution to condemn the Burmese regime's undemocratic constitution and the sham referendum to legitimize it.

The Burmese people are determined to enjoy the same rights and freedoms that so many across the world, take for granted. The heroic efforts of the opposition leader and Peace Prize winner and others have given hope to victims of terrible oppression, and they deserve our support. This resolution sends a strong signal to the people of Burma that we stand with them in their struggle for democracy. The resolution denounces the one-sided totalitarian and illegal act by the junta to try to legitimize military rule through their unilaterally drafted constitution.

The monks who were detained following the September Saffron Revolution and all other political prisoners and prisoners of conscience should be released. The resolution urges President Bush to call on the world community not to accept or recognize the junta's constitution.

When several of us Members of Congress held a meeting here of the Human Rights Caucus on the Saffron Revolution to hear testimony from the monks who stood up in a nonviolent way to one of the most despotic regimes in the world, the monks told a gripping and heart-rending tale. They called on Congress to approve this resolution as soon as possible, and today the House answers that call.

Earlier this year, for a joint session of Congress, I invited a young man, Richard Chio, a refugee from Burma and a resident of my congressional district, to sit as my guest here in the gallery of this House. He sat and watched the State of the Union address, having resettled only months before in the United States with the help of Lutheran Social Services of New Jersey. He told me that this day in Washington "was like living in a dream." It was the most amazing day in his life to see that a government like ours could exist, because he knew nothing like that in Burma.

Richard's story and the countless others remind us of why now, more than ever, especially following the devastation of this cyclone in Burma, the people of the United States need to stand with the people of Burma and oppose the junta.

This referendum later this week would be a sham, a fake, pretend; it would be bogus, fraudulent, spurious, phony. Use whatever word you want. But it would not be democratic. It would not be to the benefit of the people of Burma who want a true democracy.

I thank the chairman and the ranking member for their support and the many cosponsors of this resolution. I also want to thank Eric Richardson with Mr. BERMAN and Dennis Halpin with the ranking member for their assistance in preparing this resolution. I also want to thank the U.S. Campaign for Burma and Jen Quigley for the excellent work they do every day and have done year in and year out to promote democracy in Burma.

I urge passage of this resolution.

Ms. WATSON. I reserve the balance of my time.

Mr. POE. Mr. Speaker, it should be well noted that China continues to support this military dictatorship in Burma. And as we approach the Chinese Olympics this year, we should remember that China does not burn the torch for liberty and freedom throughout the world, but they continue to support dictatorships like those in North Korea, Darfur and Burma.

Mr. SOUDER. Mr. Speaker, as the representative in Congress of Fort Wayne, Indiana—home to an estimated 3,000 to 3,500 people from Burma, the greatest population of Burmese in the United States—I rise today in support of H. Con. Res. 317.

Over the last year, Indiana's Third Congressional District has seen a marked increase in the number of refugees from Burma, although Burmese have lived in northeast Indiana for some time. To help them immerse as quickly as possible into our community, my office has been working with Federal and State agencies, as well as local resettlement organizations. Over the years, I've had an opportunity to learn about this Southeast Asian country and its diverse, proud, and resilient people.

More than anything, the refugees tell me about the brutal oppression they endured under the military junta in Burma, known as the State Peace and Development Council. Many of these refugees still have loved ones living in destitute, overseas refugee camps, or relatives who have been unable to escape Burma, and they worry greatly about their plight.

They also tell me about Aung San Suu Kyi, the Nobel laureate and democratically elected leader of Burma, who has been under house arrest for years, barred from assuming the Prime Ministerial post to which she was rightly elected. Her consistent advocacy of nonviolent resistance against the military junta is inspiring, and it was for her strong leadership that the Nobel Committee awarded her its Peace Prize. The United States must unequivocally support Aung San Suu Kyi as the legitimate leader of Burma.

Despite international recognition of its gross human rights violations, Burma's regime continues to use violence and murder to terrorize its own people, most recently during last September's demonstrations. I have spoken in opposition to Burma's military junta for a number of years, and today I am once again condemning it for forcing a referendum that seeks to lend false credibility to an undemocratic constitution. As a cosponsor of H. Con. Res. 317, I am deeply concerned by what the regime will do to retain its tight grip on power.

Today, as the House considers this concurrent resolution, I also join my colleagues in being mindful of the terrible devastation caused by a cyclone that ripped through Burma over the weekend. I offer my condolences to the families of those who lost loved ones in this staggering disaster, and I earnestly hope that the regime in Burma will accept international assistance to help Burma's people recover from this tragedy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 317: Condemning Burma's Undemocratic Constitutional Referendum, introduced by my colleague Congressman HOLT, which I am proud to cosponsor. I would like to thank the Chairman of the Committee on Foreign Affairs for bringing this important legislation to the floor today, as well as his ongoing leadership on this issue.

Last year, we witnessed the biggest protests in Burma since the popular uprising in 1988. Initially triggered by a sharp and unexpected increase in fuel, last September's protests, known as the Saffron Resolution, became a statement against the government attacks on Buddhist monks attending a peaceful protest in early September. Following the government's failure to apologize for these appalling actions, Burma's spiritual and nonviolent monks began protesting in large numbers. Burma's monks are highly revered, and have historically played a prominent role in political protests within the country. They form the social foundation of their nation, and it is extremely significant that tens of thousands of monks participated in the recent demonstrations.

The events of last September illustrated the Burmese military regime's ongoing repression of basic human rights. The military has, for many years, ignored the democratic aspirations of the Burmese people, perhaps best seen in the ongoing restrictions on prominent pro-democracy leader and Nobel Peace Prize winner Aung San Suu Kyi, whose party won a landslide electoral victory in 1990 but has never been allowed to govern. In addition, the regime is squandering Burma's natural resources, with proceeds going to the military and its weapons, instead of to the people of Burma, the overwhelming majority of whom live in poverty.

Military-run enterprises continue to control key sectors of the Burmese economy, which, in general, is plagued by corruption, severe mismanagement, and a flourishing black market. Burma is the world's largest exporter of teak, as well as a principal source of jade, pearls, rubies, and sapphires. These resources, combined with extremely fertile soil and offshore oil and gas deposits, are spent in ways that only benefit the military elite why the vast bulk of the Burmese people are increasingly destitute.

Mr. Speaker, this repressive government is now planning a May 10th referendum, which will have the effect of institutionalizing these policies through a sham constitution. The military regime in Burma is attempting to give democratic legitimacy to a process, controlled from start to finish by the Burmese military, which is anything but democratic. A true democracy benefits the people; this referendum will only benefit the Burmese military.

The legislation that we are considering today, H. Con. Res. 317, calls on the Administration, the United Nations, and the international community to support legitimate, inclusive dialogue between the regime and opposition forces. It denounces the regime's one-sided, undemocratic attempt to legalize military rule with the constitution and its related referendum, and insists that Burma's military regime begin a meaningful tri-partite dialogue with Aung San Suu Kyi, winners of the 1990 election, and ethnic nationality representatives toward full restoration of democracy and internationally recognized human rights for all Burmese citizens. Further, it urges the President to call for the U.N. Security Council not to recognize the constitution and to pass a resolution instructing the Burmese regime to enter into meaningful dialogue, and to push for a comprehensive U.N. Security Council arms embargo against the Burmese military regime.

Mr. Speaker, this legislation is an unambiguous call for truly inclusive, tripartite dialogue. Burma possesses one of the most ancient, rich, and ethnically and religiously diverse cultures on earth. Like the indomitable Aung San Suu Kyi, the opposition leader democratically elected to lead the nation in 1990 but who instead has been imprisoned for 12 of the last 18 years, the people of Burma are resilient and draw strength from their convictions and the diversity of their nation. Only through such international negotiation can we hope to put Burma back on the path to peace and prosperity. I strongly urge my colleagues to join me in supporting this important and timely legislation.

Mr. POE. I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Con. Res. 317, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

DITH PRAN

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1109) honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1109

Whereas Dith Pran was born on September 23, 1942, in Siem Reap, Cambodia, a provincial town near the ancient temples at Angkor Wat;

Whereas Mr. Dith, a photojournalist and human rights advocate, became the face of the atrocities in Cambodia carried out by the Khmer Rouge;

Whereas Mr. Dith learned French and English in school and became a translator of Khmer for the United States Armed Forces and visiting film crews while he worked as a receptionist at a hotel near Angkor Wat prior to the escalation of the Vietnam War;

Whereas, during much of the early 1970s, Mr. Dith was a guide, interpreter, and friend of Sydney H. Schanberg of the New York Times;

Whereas the friendship and partnership between Mr. Dith and Mr. Schanberg became the basis for the 1984 film, "The Killing Fields", which showed the brutality perpetrated by the Khmer Rouge from 1975 to 1979 under Pol Pot;

Whereas nearly 2,000,000 Cambodians died from 1975 to 1979 at the hands of the Khmer Rouge;

Whereas Mr. Dith saved Mr. Schanberg and other Western journalists from being executed by persuading Khmer Rouge soldiers that they were journalists sympathetic to the Khmer Rouge cause;

Whereas Mr. Dith's wife and children were able to leave Cambodia for the United States through Mr. Schanberg's connections, but Mr. Dith was unable to obtain a passport or visa to leave the country;

Whereas, for four years, Mr. Dith disguised himself as a peasant, worked in rice fields, and endured regular beatings and harsh labor while living on a diet of a tablespoon of rice a day because the Khmer Rouge would often kill anyone who appeared educated or even wore glasses;

Whereas, in November 1978, Mr. Dith returned to his home of Siem Reap, and discovered that 50 members of his family had been killed;

Whereas Mr. Dith fled 60 miles to the border of Thailand and arrived, on October 3, 1979, where Mr. Schanberg flew to greet him;

Whereas Mr. Dith had an emotional reunion with his wife, Ser Moeun Dith, and their four children when he arrived in San Francisco;

Whereas Mr. Dith moved to New York, New York, and was hired in 1980 as a photographer for The New York Times;

Whereas Mr. Dith was a tireless activist speaking out about the Cambodian genocide and once stating, "I'm a one person crusade";

Whereas soon after the release of the film "The Killing Fields", Mr. Dith became a United States citizen and a goodwill ambassador for the United Nations High Commissioner for Refugees;

Whereas, in 1994, Mr. Dith worked to help pass the Cambodian Genocide Justice Act of 1994, sponsored by former Senator Charles Robb of Virginia, which established an Office of Cambodian Genocide Investigations at the Department of State;

Whereas, on March 30, 2008, Mr. Dith, a resident of Woodbridge, New Jersey, passed away at the age of 65; and

Whereas the Dith Pran Holocaust Awareness Project was established to create awareness about the Cambodian genocide: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and legacy of Mr. Dith for his commitment to raising awareness about the atrocities that took place under the Khmer Rouge in Cambodia;

(2) recognizes his courage and his endless pursuit for justice for the victims of the Cambodian genocide and all peoples around the world who have been victims of genocide; and

(3) honors the memory of Mr. Dith by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the world.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I rise in support of this resolution, and I yield myself as much time as I may consume.

I would like to thank my colleague, Mr. SIRES, for offering this important legislation in memory of a great American, Dith Pran. Through the film "The Killing Fields," Dith Pran is for many Americans the face of the Cambodian genocide. That movie documented Dith Pran's personal struggle, his friendship and cooperation with New York Times reporter Sydney Schanberg, and the larger horror of the Khmer Rouge genocide in Cambodia.

Much as "The Killing Fields" reminded Americans of the Cambodian genocide, Mr. Dith's life work as a photojournalist and U.N. goodwill ambassador raised awareness around the world of the atrocities that took place for those in Cambodia under the Khmer Rouge.

This resolution commemorates the work of Dith Pran's life, including his work as a photojournalist for the New York Times, his bravery in surviving the Cambodian genocide and escaping to Thailand in 1979; his advocacy for the Cambodian refugees and victims of genocide around the world after he became a U.S. citizen and a goodwill ambassador for the United Nations in 1994; and his work with former Senator Charles Robb to help pass the Cambodian Genocide Justice Act establishing an Office of Cambodian Genocide Investigations at the State Department.

Mr. Dith's work laid the foundation for ongoing justice and reconciliation tribunals within Cambodia that continue to this day.

For all these reasons, I support this resolution and urge my colleagues to join me as well.

Mr. Speaker, I reserve the balance of my time.

Mr. POE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution which serves as yet another reminder of the haunting words inscribed in the Holocaust Museum: "Never again."

The Khmer Rouge-led slaughter of over 1 million innocent people took place more than three decades after the Holocaust ended. Yet the world was again largely silent and indifferent to this tragedy. There was no one person who more embodied the tragic and horrific story of this genocide committed by the Khmer Rouge in Cambodia than Dith Pran. His harrowing personal story of courage, abandonment, struggle, escape and ultimate survival was recorded for all time in the gripping Academy Award-winning film "The Killing Fields."

After escaping from the Khmer Rouge and making his way across a treacherous border laden with mines, Dith Pran reached a refugee camp in Thailand and ultimately came to the United States. Here while continuing his career as a photojournalist, Dith Pran was a firm and clear voice appealing to the world's conscience to remember the genocide which occurred in his homeland. He worked tirelessly to achieve the establishment of an Office of Cambodian Genocide. It was officially called the Office of Cambodian Genocide Investigation in the Department of State.

It is a note of some consolation that Dith Pran lived to see the start of the genocide trial last November of surviving leaders of the Khmer Rouge on charges of war crimes and crimes against humanity. Sadly, it took almost 30 years to bring these architects of the killing fields to justice. There is thankfully no statute of limitations for those who carry out world genocide.

Without Dith Pran's steadfast determination, however, this aging Khmer Rouge cadre may have escaped their final hour of judgment. This trial now taking place in the Cambodian capital should give solace to Dith Pran's family and his friends at his passing. It also represents his greatest legacy as an advocate on human rights.

The current trial should also remind us to redouble our efforts to ensure that the words "Never Again" are finally realized. The best final tribute for Dith Pran would be for the world community to work together for a swift end to the current genocide in Darfur and the killing fields in North Korea.

I urge my colleagues to give their whole-hearted support to this resolution.

I reserve the balance of my time.

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Ms. WATSON. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey, Mr. RUSH HOLT.

Mr. HOLT. I thank the gentlelady for yielding.

Mr. Speaker, in countries all over the world, journalists are assisted, in fact, often dependent on local assistance, such as Dith Pran was to Sydney Schanberg, who was working for The New York Times. Such assistance often goes unrecognized.

But Dith Pran did not go unrecognized. His life would be noteworthy if only because of his survival. After the foreign military forces left southeast Asia, and horrific genocide and slaughter enveloped Cambodia, Dith Pran faced a situation that is hard to believe. He would be noteworthy also because of his excellent work as a photographer and photojournalist, but he is most noteworthy and truly admirable because of his work to bring the horrors of the genocide of Cambodia and of genocide anywhere in the world to the attention of the public. It was my honor and good fortune to know Dith Pran.

He covered stories and events in the New Jersey and New York area, and I saw him fairly often. He even accomplished the challenging achievement of sometimes making me look good on film. He was hardly a movie star, but he was always cheerful. In his daily contacts, looking through those smiling eyes, it would be hard to imagine the horrors that were back in his mind.

For months each year, after hours, on weekends, before students, before policymakers, before any audience that would listen, he used his experiences effectively to teach the horrors that humans can do to humans and to work for justice, truth and reconciliation in Cambodia and other countries around the world.

After each mass murder and genocide in history, some have said "Never again." After the Nazi death camps, after Rwanda, after each genocide, we say never again.

Let us all hope, that the example of Dith Pran and his story will help us take action so that truly never again we will see the kind of horror that Dith Pran saw.

Mr. SIRES. Mr. Speaker, today I rise in support of H. Res. 1109, honoring the memory of Mr. Dith Pran, a constituent of mine from Woodbridge, New Jersey, who passed away on March 30, 2008, at the age of 65. Mr. Dith was a photojournalist for the New York Times and a renowned human rights advocate, who became the face of the atrocities in Cambodia carried out by the Khmer Rouge under Pol Pot. After fleeing Cambodia in 1979, Mr. Dith devoted his life to advocating against genocide and finding justice for victims of genocide through his advocacy.

After working as a translator and receptionist in Cambodia, he was hired in the early 1970s by Sydney H. Schanberg of the New York Times to be a guide and interpreter. The incredible friendship and partnership that developed between the two men became the basis for the 1984 film, "The Killing Fields," which helped bring to light the brutality of the Khmer Rouge regime.

In 1985, Mr. Dith became a U.S. citizen and a goodwill ambassador for the United Nations High Commissioner for Refugees. In 1994, he worked with former Senator Charles Robb to help pass the Cambodian Genocide Justice Act. Mr. Dith was a tireless advocate constantly speaking out about the Cambodian genocide, so that the world would know and never forget.

This resolution is to honor Mr. Dith's commitment to raising awareness about the atrocities that took place in Cambodia, as well as to recognize the strength and courage of an ordinary man who lived an extraordinary life. Mr. Speaker, I would urge all my colleagues to support this resolution.

Mr. POE. Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1109, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HIGHER EDUCATION EXTENSION

Mr. TIERNEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2929) to temporarily extend the programs under the Higher Education Act of 1965, as amended.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "April 30, 2008" and inserting "May 31, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on April 30, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. TIERNEY. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to S. 2929 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate 2929, a bill to temporarily extend programs under the Higher Education Act of 1965.

At the beginning of February, the House took the next step in the reauthorization of the Higher Education Act in passing H.R. 4137, the College Opportunity and Affordability Act.

Now we find ourselves in the near final phase of completing the reauthorization of the Higher Education Act as we work towards a compromise bill with the Senate to ensure that the doors of college are truly open to all qualified students. It's our goal to ensure that a final bill encompasses the major issues addressed in H.R. 4137, including the skyrocketing college prices and needlessly complicated student-aid application process and predatory tactics by student lenders.

The bill under consideration today, S. 2929, will extend the programs under the Higher Education Act until May 31, 2008, to allow sufficient time for final deliberations on the two bills reported out of the respective chambers. While the process of reauthorizing the Higher Education Act may be coming to a close, I would like to underscore that this does not mean that we will complete work on higher education altogether.

The committee intends to continue to address issues as needed, which include not only overseeing the proper implementation of the College Cost Reduction and Access Act and the rest of the Higher Education Act, but also, for example, ensuring availability of student loans during this challenging credit market, which the House acted on last week in passing H.R. 5715.

It has been nearly 10 years since the Higher Education Act was last reauthorized, and I believe that Members on both sides of the aisle and in both chambers are anxious to complete work on a compromise bill in this Congress, and we believe it can happen.

I look forward to completing this work with the respective Members on behalf of our Nation's hardworking families and students.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise in support of S. 2929, a 1-month extension of the Higher Education Act.

Over the past several months, a tremendous amount of progress has been made toward reauthorization of the Higher Education Act. The Education and Labor Committee worked in a bipartisan fashion to produce a bill that received strong support here on the House floor.

Chairman MILLER and Ranking Member MCKEON have been leading our efforts to negotiate a final compromise with the other chamber, and I am pleased to report that our work is nearly done. While I support today's temporary extension of programs under the Higher Education Act, I know members of the committee, along with members of the higher education community, will be pleased to hear our assurances that this will be the final extension we have to pass. We expect conference meetings to wrap up in the next several weeks with a conference report to be brought back in the month of May.

As we move toward finalizing this broad overhaul of Federal higher education programs, our top priority must remain college access and affordability. Bolstering our higher education and student aid programs has long been a priority for Congress.

One of the issues that has received a great deal of attention throughout the reauthorization process has been the rising cost of higher education and the high levels of debt that accompany that education for many students.

As a physician, I am keenly aware of the unique challenges faced by new graduates in the medical field, who often carry hundreds of thousands of dollars in debt, yet make an initial wage that is no more than many individuals with a bachelor's degree. I am particularly concerned that high debt levels among medical graduates may be limiting career choices, and that's why I was pleased to partner with another doctor on the committee, the gentleman from Georgia, Dr. PRICE, to call for a study of indebtedness of medical school graduates. It's important that we closely monitor the impact of student loan debt on all the young people pursuing higher education so that we can ensure the value of that investment is not outweighed by the burdens.

I urge my colleagues to retain the House-passed provisions of the reauthorization bill that will help to address our Nation's looming nursing shortage, which makes health care more expensive for all Americans while delaying access to lifesaving treatment. HHS warns that the Nation's nursing shortage could exceed 1 million nursing vacancies by the year 2020. Congress has a duty to address this problem.

I want to thank my colleagues, Congresswoman McCARTHY and Congressman MELANCON, for working across the aisle with me on this issue. This authorization is a long time coming, and I am pleased to be here supporting what we expect to be the final extension before this law is finally renewed.

I urge my colleagues to support this extension.

I reserve the balance of my time.

Mr. TIERNEY. Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I urge support of this extension as we finalize our work on the reauthorization of the Higher Education Act.

I join my colleagues on the other side of the aisle in supporting this measure.

I yield back the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and pass the Senate bill, S. 2929, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING CHARTER SCHOOLS

Mr. TIERNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1168) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1168

Whereas charter schools deliver high-quality education and challenge our students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas over 4,300 charter schools are now serving approximately 1,200,000 children;

Whereas over the last 14 years, Congress has provided over $2,262,257,000 in support to the charter school movement through start-up financing assistance and grants for planning, implementation, and dissemination;

Whereas over 365,000 children are on charter school waiting lists nationally;

Whereas charter schools improve their students' achievement and can stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools must continually demonstrate their ongoing success to parents, policymakers, and their communities, some charter schools routinely measure parental satisfaction levels, and all give parents new freedom to choose their public school;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public system;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the ninth annual National Charter Schools Week, to be held May 5 through May 9, 2008, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education and improving and strengthening our public school system;

(2) supports the ninth annual National Charter Schools Week; and

(3) joins the President in calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this weeklong celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. TIERNEY. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 1168 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this measure supports the designation of May 5 to May 9, 2008, as National Charter Schools Week and recognizes the growing charter school movement in our Nation.

Since their inception in 1991, charter schools have grown by leaps and bounds to address various needs of our Nation's public school students. Diverse charter schools across the country offer innovative instruction.

With site-based control and flexibility, charter schools can make timely decisions about how to structure the school day, which curriculum best suits the needs of their students and, additionally, charter schools may form important partnerships with parents and the surrounding community.

This week charter schools across the country will celebrate the ninth annual National Charter Schools Week. This year's theme, "Growing Excellence," encourages charter schools to share their successes as part of the effort to reform public education in our country.

Today there are almost 4,300 public charter schools operating in 40 States. Their combined force serves over 1.2 million students, and 61 percent of charter schools report significant waiting lists. These waiting lists of nearly 365,000 students nationally are enough to fill over 1,100 new charter schools. Between 300 and 400 new public charter schools open each year, and nearly 150,000 new students enroll in charter schools annually.

The growing charter school movement is said to be providing opportunities for many historically underserved communities. Nationally, it is said that charter schools disproportionately serve minority and low-income students. It is reported that 58 percent of charter school students are minorities, and 52 percent qualify for free and reduced-price lunch, and many charter schools are able to achieve impressive academic results.

H. Res. 1168 expresses support for National Charter Schools Week and recognizes the charter school movement's 16-year history providing public education options based on innovation, flexibility and community partnerships.

The committee urges our colleagues to pass this resolution.

I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in support of House Resolution 1168, congratulating charter schools and their students, parents, teachers and administrators across the United States for their ongoing contributions to education.

This week has been designated as the ninth annual National Charter Schools Week, and it is entirely appropriate that we take a few minutes to recognize the contributions that charter schools make every day in the lives of millions of children. Charter schools are innovative public schools with a simple interest in providing a quality education to children in their community. They explore new educational approaches, such as longer school days or an extended school year, and are free from most rules and regulations governing conventional public schools. Every day, however, charter schools face unarguable facts of free-market pressures.

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Unlike traditional public schools, charter schools must demonstrate the success of their students' academic achievements to parents, policymakers, and their communities or they face closure. From the time the first charter school opened its doors, they have risen to the challenge.

For example, charter schools made an important contribution to rebuild and strengthen Louisiana after Hurricanes Katrina and Rita, particularly in New Orleans.

More often than not, charter schools meet the student achievement and accountability requirements under No Child Left Behind in the same manner as traditional public schools, but often set higher individual goals to ensure that they are of high quality and truly accountable to the public. Yet despite these innovative approaches and promising reports of parental satisfaction, charter schools across the country have struggled through a myriad of obstacles to create successful schools.

We should support the $272.6 million included in the President's fiscal year 2009 budget request for the public charter school programs authorized under No Child Left Behind. These programs provide key points in the development of charter schools, helping cover the extraordinary costs of launching successful charters, disseminating their successful innovations to other public schools, and providing financial incentives to State governments and private lenders that help enable schools to build and renovate facilities. These programs have been a tremendous success helping to create public charter schools all across the country that work to improve academic achievement for low-income students.

It is my hope that the charter community will continue to build on its 15-year history of providing a high-quality option in public education that is based on innovation, freedom from red tape, and partnership between parents and educators, an option that is giving new hope to disadvantaged and minority families across the country.

I urge my colleagues to support the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of New York. Mr. Speaker, I have no doubt that the faculty and staff employed in America's charter schools are working hard to educate their students and give them the tools needed to succeed, I respect their efforts, as well as the overall goal of charter schools to pursue innovative approaches to education that will allow children throughout our Nation to reach their potential. However, in an era when the funding shortfalls under No Child Left Behind have created a burdensome unfunded mandate on public schools and property taxpayers, I am extremely concerned about any diversion of funds, to charter schools or otherwise, from public schools across the country that are already struggling to maintain a diverse curriculum and serve their students. I voted present on H. Res.1168 in order to make sure that this concern was acknowledged.

Mr. TIERNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and agree to the resolution, H. Res. 1168, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

Mr. TIERNEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1155) honoring the recipients of the El Dorado Promise scholarship, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1155

Whereas the 2000 United States Census determined that El Dorado, Arkansas, had a significantly lower percentage of residents with degrees from institutions of higher education and significantly higher percentage of families who fell below the poverty line than the national average;

Whereas it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce and global economy;

Whereas the El Dorado Promise scholarship is a tuition scholarship, created and funded by Murphy Oil Corporation, which enables all eligible high school graduates of the El Dorado Public School District in El Dorado, Arkansas, to attend any accredited 2- or 4-year, public or private, college or university;

Whereas school enrollment in the El Dorado Public School District has significantly increased since the El Dorado Promise scholarship program was established, despite a 15-year trend of decreasing enrollment;

Whereas the El Dorado Promise scholarship program increased the number of El Dorado High School students who chose to attend college after graduation by 20 percent; and

Whereas on April 30, 2008, El Dorado High School students who received El Dorado Promise and other academic scholarships sign academic letters of intent for the colleges they will be attending upon graduation: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the recipients of the El Dorado Promise scholarship for choosing to further their education;

(2) observes that April 30, 2008, is the second academic signing day for graduating El Dorado High School students receiving El Dorado Promise and other academic scholarships;

(3) acknowledges that the El Dorado Promise scholarship program is important for the revitalization of southern Arkansas; and

(4) recognizes the organizations and corporation involved in this program for their efforts to ensure that children from southern Arkansas, who might otherwise struggle in financing a college education, are able to attend college.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. TIERNEY) and the gentleman from Louisiana (Mr. BOUSTANY) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. TIERNEY. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to H. Res. 1155 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TIERNEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to congratulate the recipients of the El Dorado Promise scholarship.

The El Dorado Promise scholarship is a tuition scholarship which allows all students who graduate after attending all 4 years of high school in the El Dorado Public School District to attend any accredited 2- or 4-year college or university. While the enrollment in the El Dorado Public School District has decreased over 15 consecutive years, the establishment of this scholarship has seen enrollment in the district significantly increase. This scholarship program has also increased the number of students going to college after graduating high school by 20 percent.

Mr. Speaker, these numbers are very impressive and I commend the students who have taken advantage of this wonderful opportunity.

As you know, many students are struggling to pay the rising costs of tuition across the country. Additionally, students are graduating with more debt than ever before, and are working harder and harder to pay back their college loans. This growing college crisis has serious implications not just for students and families, but also for our Nation's economic future. In order to maintain our economic leadership in the world, we must make aggressive investments in our current and future workforce.

Scholarships and grants similar to the El Dorado Promise scholarship, such as Georgia's Hope Scholarship, and California's CAL Grant continue to help students achieve their goal of going to college and alleviate the debt burden they carry after college.

Once again, I congratulate the recipients of the El Dorado Promise scholarship, and I thank the gentleman from Arkansas (Mr. ROSS) for offering this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1155 which honors the recipients of the El Dorado Promise scholarship.

On April 30, 2008, El Dorado High School students who received the El Dorado Promise scholarship signed their academic letters of intent for the colleges and universities they will be attending upon graduation.

Thanks to funding provided by the Murphy Oil Corporation, the Promise scholarship gives El Dorado students an additional opportunity to pursue higher education. The scholarship provides up to 5 years of tuition and mandatory fees for undergraduate post-secondary education for students entering college immediately following high school.

To be eligible for the program, students must have attended local schools for at least 4 years. The annual scholarship is limited to the highest yearly rate charged by an Arkansas public university, currently $6,010, but the oil company has factored inflation into the program, and plans to be in place for 20 years.

In this era of global competitiveness, it is increasingly important for students to obtain a college education in order to keep up with the demands of the modern workforce. We know how important higher education is both to individuals and to our Nation. A college degree can be a ticket to the middle class. It helps individuals prepare for good jobs, and it allows them to pursue new skills in a changing economy. Higher education also has important societal benefits. College-educated citizens are healthier, more civically involved, have lower unemployment rates, and use fewer government benefits.

The El Dorado scholarship program has increased the number of high school students who choose to attend college after graduation by 20 percent, so it is my pleasure to acknowledge the El Dorado Promise scholarship program for its important role in the revitalization of southern Arkansas; and to recognize Murphy Oil Corporation for its efforts to ensure that children from southern Arkansas who might otherwise struggle in financing a college education are able to attend college. I urge my colleagues to support the resolution.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TIERNEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and agree to the resolution, H. Res. 1155, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CHARLTON HESTON

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1091) honoring the life, achievements, and contributions of Charlton Heston and extending its deepest sympathies to the family of Charlton Heston for the loss of such a great generous man, husband, and father, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1091

Whereas the United States of America has lost a great patriot with the passing of Charlton Heston;

Whereas Charlton Heston first became beloved by the Nation as a great actor and portrayed many heroic figures, including Moses, Michelangelo, Andrew Jackson, John the Baptist, Mark Antony, and El Cid in epic movies of the 1950s and 1960s, and won the 1959 Best Actor Oscar for the lead character in "Ben-Hur";

Whereas Charlton Heston was a leader in many areas of life outside of acting, including serving as President of the Screen Actors Guild, which he helped to integrate with Ronald Reagan and was Chairman of the American Film Institute;

Whereas Charlton Heston was an active supporter of the civil rights movement, including protesting the showing of his film at a segregated movie theater in Oklahoma City and participating in and leading the Arts Group in the 1963 civil rights march on Washington;

Whereas in the last major public role of his life, Charlton Heston was President of the National Rifle Association from June 1998 until April 2003;

Whereas as President of the National Rifle Association, Charlton Heston was a stalwart advocate of the position that the 2nd Amendment gave citizens the right to keep and bear arms;

Whereas Charlton Heston was an active promoter of wildlife management through hunting;

Whereas, in 2003, Charlton Heston was awarded the Presidential Medal of Freedom, the Nation's highest civilian honor;

Whereas Charlton Heston was born in Illinois on October 4, 1923, and his parents moved to St. Helen, Michigan, where he grew up;

Whereas, in 1943, Charlton Heston enlisted in the Army Air Force and served as a radio-gunner in the Aleutian Islands of Alaska, and in 1947, he was discharged from the Army;

Whereas, in 1944, Charlton Heston married the love of his life, Lydia Clarke, to whom he had been married 64 years at his death;

Whereas the Hestons were the parents of two children, Fraser Heston and Holly Heston Rochell; and

Whereas Charlton Heston passed away on April 5, 2008, and the contributions he made to his family and his Nation will not be forgotten: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life, achievements, and contributions of Charlton Heston; and

(2) extends its deepest sympathies to the family of Charlton Heston for the loss of such a great generous man, husband, and father.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, on behalf of the House Committee on Oversight and Government Reform, I present for consideration H. Res. 1091, which seeks to recognize the life of Charlton Heston for his accomplishments both and off the big screen. Not only did Heston command an overwhelming presence in theaters, but his actions in support of the civil rights movement during the 1960s and on behalf of other social causes throughout his life deserve recognition. For example, Charlton Heston joined Martin Luther King, Jr., in the march on Washington, D.C. in 1963, and was an early civil rights activist long before Hollywood found it fashionable.

H. Res. 1091 was introduced by Representative DON YOUNG of Alaska on April 8, 2008, and was considered by and reported from the Oversight Committee on April 16, 2008, by voice vote after being amended by the panel.

The measure has the support of well over 100 Members of Congress and is evidence of a wide, national appreciation for the enduring legacy that this great American citizen left behind.

Heston was born on October 4, 1923, in No Man's Land, Illinois. In 1944, Heston enlisted in the U.S. Air Force, spending 2 years of his life as a B-25 radio operator and gunner in the Alaskan Aleutian Islands.

In August of 2002, after a long and illustrious acting career, Heston publicly announced that he was diagnosed with Alzheimer's disease. In 2003, Mr. Heston was awarded the Presidential Medal of Freedom in commemoration of the positive impact he has had on our culture and country.

In memory of his life of greatness and activism, I urge swift passage of H. Res. 1091.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, rather than my making a statement, I would like to yield to the sponsor of the resolution, our very distinguished veteran, Mr. YOUNG from Alaska, and just advise him I am going to yield him such time as he may consume, letting him know that the former chairman of the Rules Committee would like some time as well.

Mr. YOUNG of Alaska. Mr. Speaker, I thank my chairman of the subcommittee and Mr. SHAYS and the chairman of the full committee.

It is indeed an honor that I will speak on Charlton Heston today. We have already heard some of the roles that he played in "Planet of the Apes," "Julius Caesar," "Antony and Cleopatra," "Omega Man," and I can go on down the line. His famous roles, of course, were Moses, Michelangelo, Andrew Jackson, John the Baptist, Mark Antony, El Cid, and Ben Hur.

Some people may not remember his role in politics. He became very active as president of the Screen Actors Guild. Before every actor in the world got involved politically, he was involved in the Screen Actors Guild. He was also very active and involved, as mentioned by the chairman, in civil rights. He marched with Martin Luther King. And one of my interests was that he enlisted in the Army Air Force in World War II and served 2 years as a B-25 gunner in the Aleutian chain, a God-awful place it was, but part of my great State of Alaska, and defended against the enemy at that time with great honor.

He had two children. He married the love of his life, Lydia Clarke, in 1944, and was married to her for the rest of his life.

He was the president of the NRA from June 1998 until April 2003, and was awarded the Presidential Medal of Freedom by President Bush.

I have to say I knew him personally. I never called him Chuck or Charles, it was always Mr. Heston or Mr. President because he was president of an organization which I am very proud of, and that is the NRA, the National Rifle Association. He probably did more to protect the freedoms of America in his actions as president of that organization than any other individual. And that may not be proper with certain people in this body, but he did guarantee us, through the second amendment, the right to protect ourselves, the right to protect the castle which we live in, the right to be able to protect those that we love against those who would do us harm. He believed in it, as I believe in it. It is very, very important.

If America were to recognize one individual who probably contributed most to our individual freedoms, it would be Charlton Heston.

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Not his movie and acting career, not his Guild presidency, but his action as the NRA president, National Rifle Association of America; his role in being able to assure that each person could carry, on his hip, if necessary, against those that invade our domicile. And for that alone, we should recognize his great contribution. His civil rights, yes, his activities willing to speak out, and his great acting capability, yes, but the ability, and what he has left us in the legacy under the second amendment, because it will be under attack.

Let's not kid ourselves. It's under attack by those that would like to have the government do everything for you. They want to give you all your health care. Of course you won't have health care. They would like, in fact, to have you taken care of from the birth until the death, and they might decide when you will die and even when you will be born.

And they definitely don't want the American citizen to be armed. They don't want the American citizen to be able to protect themselves from those who would do you harm. It will be under attack.

But he left a great legacy. We have 37 States in the Union today who have the "Right to Carry Law," and it's all because of Charlton Heston, because he saw the need to protect the United States of America against those who would take away the great nation that we know.

So, with great honor, I was able to take and introduce this legislation to just recognize him and his family for what he contributed to those he leaves behind, the freedom of the great United States of America.

Mr. CLAY. Mr. Speaker, I continue to reserve my time.

Mr. SHAYS. Mr. Speaker, I yield such time as he may consume to the former chairman of the Rules Committee, now its ranking member, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I want to begin by expressing my appreciation to Messrs. CLAY and SHAYS for their leadership on this and, most important, to our good friend, DON YOUNG, for having stepped forward to author this resolution.

And I want to say that as I listened to our friend, DON YOUNG, talk about Charlton Heston, I was struck by a story. DON began by taking the acting career, which, since I represent Los Angeles, I'm particularly proud of people who have great acting careers, and Mr. Heston was certainly one of those. I was struck by the fact that DON YOUNG drew from that to the fact that he focused on reality.

And as he was saying that, Mr. Speaker, I'm reminded of a story that Mr. Heston used to enjoy telling with regularity. When he was in the midst of rehearsals for that famous movie, Ben Hur, he would regularly say to people around him, I really want to make sure that I do this right because I want to make sure that I win this race. And he was constantly assured that he was going to win the race because the outcome was clearly predetermined.

But he understood full well that there was a great disparity between the roles that he played, as a great actor, and the fact that the reality of life is something that is much different, and it does take a great deal of vigilance and hard work.

Now, all of my colleagues have spoken about the role that he played as a civil rights leader. Mr. YOUNG has talked about the fact that he played such an important role in preservation of second amendment rights, which was very important.

He was always involved, Mr. Speaker, in public policy issues. Again, as a Representative from Los Angeles, I had the opportunity to regularly discuss with him issues, and he exercised his first amendment rights with me with great regularity. He would call. And I will say that even though he was ill, I had the privilege of talking with him about, I think it was a year and a half, 2 years ago. And I knew that he had been ill, but he still was asking me questions about things that were going on here in this institution, making sure that we were staying on the right path.

And so it's difficult to imagine a greater patriot than Charlton Heston. And I have to say, Mr. Speaker, that still, to this day, our thoughts and prayers are with Lydia and the wonderful Heston family. And I know that at this moment he's probably up there playing tennis, which was one of his great loves, and looking down and working to make sure that we, as Members of the United States Congress, and as leaders in our great Nation, do everything that we can to preserve these very, very precious liberties that he loved so dearly.

I thank my friend for yielding.

Mr. CLAY. I continue to reserve, Mr. Speaker.

Mr. SHAYS. Mr. Speaker, may I ask how much time we have left.

The SPEAKER pro tempore. The gentleman from Connecticut has 13 minutes remaining. The gentleman from Missouri has 18 minutes remaining.

Mr. SHAYS. Mr. Speaker, I yield to the gentleman from Texas (Mr. POE) such time as he may consume.

Mr. POE. Mr. Speaker, I appreciate the gentleman yielding. And I want to thank Mr. YOUNG from Alaska for offering this resolution. I'm certainly proud to support this resolution honoring Charlton Heston's iconic life.

Charlton Heston has done much for this country in many, many different areas of public involvement and public service. He appeared in over 100 films during 60 years, but he's best remembered by me as Moses. To many Americans, Moses died on April 5, 2008.

As a kid, I actually thought Heston was Moses. I can remember sitting in a Sunday school class as a young kid when the teacher asked me if I'd ever read about Moses and the 10 Commandments in the Bible. And I said no, but I saw the movie version.

Charlton Heston brought Moses to life in a way that no one else could. As Moses, Heston lifted his staff in the 10 Commandments to rally the Israelites. But in his personal life he lifted his musket to rally millions of Americans. The second amendment was his tablet of stone, proclaiming the right to bear arms.

Heston was quite the intense actor, and wonderful patriot. Heston once said, "It's been quite a ride. I loved every minute of it." And his life was certainly extraordinary.

So, Mr. Speaker, I thank "Moses Heston" for bringing life to history and for being a great American during his life.

Mr. CLAY. I continue to reserve, Mr. Speaker.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume. I rise today in support of this resolution honoring the life of one of the great American personalities in the century, the late Charlton Heston.

Truly, a man of legends, whether from his epic contributions as an actor, to his passionate and momentous involvement in our politics and society, Mr. Heston touched us all.

Born in 1923 in Evanston, Illinois, John Charles Carter spent his childhood in Michigan. Following his parents' divorce in the 1930s, his mother remarried to Chester Heston, and the family moved to the Chicago suburb of Winnetka. It was here that his acting career took flight.

After enrolling in the theater program at his new high school, he earned a drama scholarship to attend Northwestern University. It was here that he met another aspiring thespian, future wife, and "the queen of his heart," Lydia Clarke.

Enlisting in the Army Air Forces in 1942, he spent 2 years serving as a radio gunner in the Aleutian Islands during World War II.

After experiencing limited success on Broadway after the war, Heston emerged on the big screen in 1950. He captivated audiences with his statuesque appearance and his historic epic roles. He scaled Mt. Sinai as Moses in the 10 Commandments, rebelled against the Romans in his Oscar winning performance in Ben Hur, remained loyal to his king at all costs in El Cid, and masterfully decorated the Sistine Chapel as Michelangelo.

Who can forget his gritty performance in such noir classics as Touch of Evil, and groundbreaking science fiction classics like Planet of the Apes?

Though he spent more than 60 years on camera and appeared in over 100 movies, he is also known by many for his passion for politics and commitment to a life outside of Hollywood.

A staunch supporter of civil rights in the early 1960s, Heston called Dr. Martin Luther King, Jr., the "20th century Moses for his people."

A vocal participant in a number of marches and protests, he demonstrated his support long before Hollywood found it fashionable.

Like his friend, Ronald Reagan, Heston's political views gradually began to align more with the Republican Party, and by the late 1980s, he had become a prominent orator on behalf of conservative politicians and against the debasement of American culture.

In 1998, the passionate Heston, well in his 70s, was elected president and spokesman of the NRA, a position he held until his resignation in 2003.

After a bout with prostate cancer, Heston announced in August 2002 he had been diagnosed with symptoms consistent with Alzheimer's. On April 5, 2008, at the age of 84, Charlton Heston passed away.

He once joked, "I have played three presidents, three saints, and two geniuses. If that does not create an ego problem, nothing does." But arrogance does not describe this humble man, who pursued life as he did each of his roles, a constant pursuit of unattainable perfection.

Despite numerous accolades, including an Oscar, a Kennedy Center Lifetime Achievement Award, and the Presidential Medal of Freedom, the loving husband, devoted father of two and grandfather of three, believed that his family was his proudest achievement.

In his August 2002 announcement regarding his declining health, he emotionally stated that, "For an actor there is no greater loss than his audience. I can part the Red Sea, but I can't part with you."

Though he may have left us in body, his spirit and legacy live on, a lifetime of passionate commitment to freedom in the truest sense.

I urge my colleagues to support this resolution honoring a man who was as much a hero on the big screen as he was a hero in life.

With that, Mr. Speaker, I yield back my time.

Mr. CLAY. Mr. Speaker, I want to first thank my friend, the gentleman from Alaska (Mr. YOUNG), for bringing this resolution, and urge my colleagues to honor this great American by voting in favor of the resolution.

Mr. SOUDER. Mr. Speaker, I rise today to join my colleagues in supporting H. Con. Res. 1091 and honoring the life and contributions of the late Charlton Heston.

A larger than life figure, Charlton Heston was a World War II veteran, president of the Screen Actors Guild, and chairman of the American Film Institute. He was celebrated—as an Academy Award-winning actor and a recipient of the Presidential Medal of Freedom.

Throughout his life, when he saw injustice, Charlton Heston did not hesitate to take action. It did not matter to him whether his position was popular. He protested segregation, marching alongside the Rev. Dr. Martin Luther King during his campaign for civil rights, and described Dr. King as a "20th century Moses for his people."

Never shy to take a stand, Charlton Heston picketed a segregated movie theater premiering one of his own movies. All of us should commend his principled commitment to civil rights.

His support for our Nation's Bill of Rights extended to the second amendment. Indeed, for many of us, Charlton Heston's most memorable contribution may have been his fierce advocacy for our right to keep and bear arms. As president of the National Rifle Association, NRA, Mr. Heston famously rallied millions of Americans by holding a rifle over his head and declaring that the Government would take it only "from my cold, dead hands."

When our rights were threatened by the Federal Government, Charlton Heston—the face of the NRA—inspired millions of us. This legacy is lasting. And it never mattered to him that his stance wasn't fashionable with Hollywood elites.

Not until the onset of Alzheimer's disease did Charlton Heston begin to withdraw from public life.

Mr. Speaker, I extend my heartfelt condolences to the Heston family, especially Lydia, his wife of 64 years. They must be proud of Charlton Heston's life, legacy, and contributions. We all are here.

Mr. CLAY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SUPPORTING THE GOALS AND IDEALS OF MOTHER'S DAY

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1113) celebrating the role of mothers in the United States and supporting the goals and ideals of Mother's Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1113

Whereas Mother's Day is celebrated on the second Sunday of each May;

Whereas the first official Mother's Day was observed on May 10, 1908, in Grafton, West Virginia, and Philadelphia, Pennsylvania;

Whereas 2008 is the 100th anniversary of the first official Mother's Day observation;

Whereas in 1908, Elmer Burkett, a U.S. Senator from Nebraska, proposed making Mother's Day a national holiday;

Whereas in 1914, Congress passed a resolution designating the second Sunday of May as Mother's Day;

Whereas it is estimated that there are more than 82,000,000 mothers in the United States;

Whereas mothers have made immeasurable contributions toward building strong families, thriving communities, and ultimately a strong Nation;

Whereas the services rendered to the children of the United States by their mothers have strengthened and inspired the Nation throughout its history;

Whereas we honor ourselves and mothers in the United States when we revere and emphasize the importance of the role of the home and family as the true foundation of the Nation;

Whereas mothers continue to rise to the challenge of raising their families with love, understanding, and compassion, while overcoming the challenges of modern society; and

Whereas May 11, 2008 is recognized as Mother's Day: Now, therefore, be it

Resolved, That the House of Representatives celebrates the role of mothers in the United States and supports the goals and ideals of Mother's Day.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, with the annual mother's holiday just a few short days away, I am pleased to join in the consideration of H. Res. 1113, which aims to recognize and celebrate the role of mothers in our country by supporting the goals and ideals of Mother's Day.

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H. Res. 1113 was introduced by JEFF FORTENBERRY of Nebraska on April 16, 2008, and was considered and reported from the Oversight Committee on May 1, 2008, by voice vote. Currently, the bill is cosponsored by 54 Members of Congress and provides us all an opportunity to pay tribute to the importance of mothers and motherhood in general.

It was on May 10, 1908, that our country first officially observed Mother's Day. On this day, church services, organized by Mother's Day founder Anna Jarvis in honor of her own recently deceased mother Ann Marie Reeve Jarvis, were held in Grafton, West Virginia, and Philadelphia, Pennsylvania.

Following these services, the notion of celebrating motherhood gained a widespread popularity across the Nation leading to the creation of the Mother's Day International Association, which came into being on December 12, 1912, to promote and encourage meaningful observances of the role of mothers. However, it wasn't until May 9, 1914, that a presidential proclamation was issued that declared the second Sunday of May was to be observed as Mother's Day in America to honor all mothers.

And now, here we are 100 years later and Mother's Day continues to hold a special place in the hearts of countless Americans as they set aside the second Sunday of every May to show their appreciation, love, and gratitude for the role of mothers.

Mr. Speaker, let's also lift our voices in praise and thanks not only for the role in which our own mothers play, but for the contributions the 82.5 million American mothers make on a daily basis for the betterment of their children and the advancement of our country.

I reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I would like to prove to my mother that I am a better son than the gentleman that I need to yield to, given that it's his resolution, Mr. FORTENBERRY. So he gets the prize of being the best son in the Chamber.

I yield the gentleman from Nebraska such time as he may consume.

Mr. FORTENBERRY. Let me add parenthetically before I begin that I am sure the gentleman from Connecticut is a fine son as well. But thank you for your kind introduction.

Mr. Speaker, in 1908, the United States Senator from Nebraska, Elmer Burkett, rose before his colleagues to propose that Mother's Day be recognized as a national holiday. Notably, the Senator's proposal was defeated in a maelstrom of sensitivities concerning the role of women in society and the role of the Federal Government in honoring them. However, despite this setback, most States adopted Mother's Day celebrations 2 year after, and in 1914, due in large part to the unceasing dedication of support of a number of persons around the country, including Mrs. Jarvis that Representative CLAY mentioned, Congress passed a resolution declaring the second Sunday in May as Mother's Day.

President Woodrow Wilson then issued a proclamation directing the flying of the flag as "a public expression of our love and reverence for the mothers of our country." One hundred years later, I now have the honor of rising to renew Senator Burkett's beginning effort to support the goals and ideals of Mother's Day.

Mothers have been celebrated throughout history in many languages, religions, and cultures, yet the practice remains far from antiquated. Few traditions have withstood the test of time as the social celebration of mothers. From its early Egyptian roots to our modern American holiday, the commemoration of mothers is timeless.

We now honor all mothers without debate as to their role in politics or the

Federal justification in doing so because they are mothers and thus make an immeasurable contribution to the very core of our society. Mothers sustain and strengthen our Nation through their leadership in the family and community. Despite the dynamic nature of society, the ability of mothers to rise to the challenge of raising their families, with love and understanding and compassion, remains constant.

As we commemorate mothers for the integral role they play in shaping the course of our Nation's past, present, and future, we also revere and emphasize the importance of the role of the family and the home as the true and ever-present foundation of America.

Each day in Congress, we tirelessly debate the challenges and nuances of maternity with limited time for appropriate philosophical reflection. So, Mr. Speaker, it is refreshing today that we have a resolution as this before us now. This Sunday, I and millions of Americans will thank our mothers who have shaped our lives and our country.

Mr. Speaker, I wish your mother and all mothers a Happy Mother's Day.

Mr. CLAY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume and rise in support of H. Res 1113 supporting the goals and ideals of Mother's Day and to celebrate its 100th anniversary.

This Sunday, May 11, many Americans will take a moment to remember the estimated 82 million mothers for their immeasurable contributions towards building strong families, thriving communities, and frankly, a strong country.

The first Mother's Day was celebrated in Grafton, West Virginia, on May 10, 1908. From there, the custom caught on, quickly spreading to 45 other States. In 1914, President Woodrow Wilson declared the first national Mother's Day as a day for American citizens to show the flag in honor of those mothers whose sons had died in war.

Today, this holiday has grown to include all mothers in times of war and peace. Traditionally, mothers have represented the backbone of families in every culture throughout the world. Mothers are called upon to nurture, teach, and provide guidance to those that have been entrusted in their care. It is their responsibility to raise productive citizens of their communities and ultimately, the world.

As Washington Irving said, "A mother is the truest friend we have, when trials heavy and sudden, fall upon us; when adversity takes the place of prosperity; when friends who rejoice with us in our sunshine desert us; when trouble thickens around us, still will she cling to us, and endeavor by her kind precepts and counsels to dissipate the clouds of darkness, and cause peace to return to our hearts."

It is that very peace in our hearts which brings us to honor the women we hold dear and to show steadfast support of our mother's love that helps shape us throughout our lives.

For this reason, I urge the passage of H. Res 1113. I thank all mothers, and I thank my mother, Margaret Oliver Shays.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, let me thank the gentleman from Nebraska (Mr. FORTENBERRY) for bringing this timely resolution to the floor. And also let me wish all of the sisters, mothers, aunts, nieces, grandmothers, and friends Happy Mother's Day this Sunday.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H. Res. 1113, "Celebrating the Role of Mothers in the United States." I would like to thank my colleague, Congressman JEFF FORTENBERRY of Nebraska, for introducing this heartfelt legislation.

Mr. Speaker, as a Mother myself, I am extremely proud to stand before you on a day recognizing mothers. Mothers are the strongest link in the family chain. She holds the family together, nurturing both child and husband.

I want to thank my own mother and grandmother for their support over the years. I also want to thank all of the mothers who take care of not only their natural children but also the children in the community, the children in foster care, and children overseas.

The annual number of Texas children in foster care has risen steadily in recent years. In November 2003, there were about 16,000 children in foster care and an additional 5,000 in other care, such as kinship care; 2,146 children were served in emergency shelters and homes; 671 children were served in placements outside the foster care system, such as nursing homes, mental health/mental retardation facilities, hospitals and juvenile justice facilities.

In a study by the Texas Health and Human Services Commission, which oversees the Department of Family and Protective Services, they stated that Black children stay in foster care significantly longer, are less likely to be reunited with their families, and wait longer for adoption than white or Hispanic children.

They are everybody's children, and nobody's children. They are the forgotten children in the Texas foster care system. Black, White, Hispanic, Asian—they all need the love of a mother, the nurturing of a family, and the support of their community. Some of them find homes with caring foster parents, or in treatment centers with experienced and caring providers. And some do not.

Some foster children have been moved among 30, 40, or even more all-too-temporary "homes." Some have been sexually, physically, and emotionally abused while in the system; some have run away and joined the ranks of the missing. A few have even died at the hands of those entrusted with their care.

The mission of the Department of Protective and Regulatory Services, DPRS, now called the Department of Family and Protective Services, is to protect the unprotected—children, the elderly and people with disabilities—from abuse, neglect and exploitation. The system responsible for protecting our foster children sometimes is little better than the homes from which they were taken.

Many of these children are not safe, and their futures are uncertain. They didn't ask to be put in foster care, and many endured great suffering before entering the system.

These children need mothers too. They need families. At a time when we are celebrating all that mothers bring, all that grandmothers bring, and all that a real family brings to the upbringing of healthy and successful children; we must remember the children who do not have mothers and we must reach out.

As we near Mother's Day, let me say thank you to all the mothers near and far, in Congress, in my district, and even working in my office. I celebrate you and your children celebrate you. Thank you for all that you do for your children and for the community.

I urge my colleagues to remember not only their mothers but the other women they called mother in their schools, and in their communities. Let's celebrate mothers and H. Res. 1113.

Mr. CLAY. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1113.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BONNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SENSE OF THE HOUSE OF ESTABLISHING A NATIONAL TEACHER DAY

Mr. CLAY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 952) expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 952

Whereas the education of children in the United States is the foundation of the future success of the United States;

Whereas education is critical for the creation of an innovative workforce and for increasing the global competitiveness of the United States;

Whereas teachers help students cultivate the knowledge and principles necessary to be successful in life;

Whereas teachers are held to high expectations, while often receiving little compensation;

Whereas teachers help instill civic responsibility among students in the United States;

Whereas teachers deserve annual national recognition for their knowledge, selfless dedication to their profession, compassion, and sacrifice; and

Whereas the Tuesday of the first full week of May of each year is an appropriate day for the establishment of National Teacher Day: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) there should be established a National Teacher Day to honor and celebrate teachers; and

(2) the President should issue a proclamation calling on the people of the United States to observe such a day with appropriate ceremonies, programs, and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Connecticut (Mr. SHAYS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, at this time I would like to yield as much time as my friend from Florida (Mr. KLEIN) may consume.

Mr. KLEIN of Florida. Mr. Speaker, I rise today in support of H. Res 952, legislation calling for the establishment of a National Teacher Day. Few professionals touch as many lives as teachers do. They provide us with the knowledge and skills that we need to succeed in life, and their compassion, sacrifice, and dedication to their profession deserves national recognition.

As the son of an elementary school teacher, I was proud to introduce this resolution calling for the establishment of a national day of recognition for our Nation's teachers. My mother and so many other teachers across the country spend their lives working to inspire children and open their minds to new ideas so that they can grow up to be successful in whatever path they choose.

I am sure that each and every one of our colleagues can identify a teacher from their past who left a significant mark on their lives. I know that I would not be here where I am today without the motivation and encouragement of teachers from my past who challenged me to aspire to greater things and pursue my dreams of public service.

For me, the teacher who provided the greatest impact of my life is Dr. Leatrice Rabinsky, a teacher at Cleveland Heights High School in Ohio. She was one of the pioneers of Holocaust education. Her teaching and experience left an indelible mark on me and led me to introduce legislation, as a State Senator in Florida, requiring the teaching of the Holocaust in all of Florida's public schools. Florida was one of the first States to pass and implement this policy which is now considered a model for Holocaust education across this country, and I attribute that effort to Dr. Leatrice Rabinsky.

I believe it is important to recognize the hard work of our Nation's teachers who prepare our students to build a stronger America. The education of our children is critical to the success of our country, and despite limited compensation, in many cases, and increasingly high expectations, our teachers rise to the challenge each and every day.

In Florida, the average teacher earns about $43,000 per year, and nationally, teacher salary growth continues to lag behind inflation. This day of recognition is critical for bringing national attention to the pressing need to invest more in our teachers and our public schools. By providing teachers with the support, professional development, and compensation they deserve, we will retain more teachers in the profession and see significant gains in our public schools. No longer can we ask our teachers to increase their workload and raise academic achievement without providing them with the resources they need to do so.

Teachers are a critical component to our increasing global competitiveness, and once again establishing our country as a world leader in the global economy, teachers will play a central role.

I'm proud to have voted for the passage of legislation that invests in our Nation's math and science teachers this year providing roughly 25,000 teachers with assistance in pursuing graduate degrees, summer training, and other types of professional development. I am confident that this is just the beginning of new Federal support investing in science, technology, engineering, and math education and providing incentives to teachers who wish to engage in these specialty areas.

Our teachers are charged with a very difficult task as the pressure continues to grow across the country to increase student achievement. However, they have taken on the challenge with incredible perseverance and determination, and their dedication to our students and their profession deserves thanks and recognition.

I'm hopeful with the passage of this resolution, every American will take time from their day to acknowledge the teachers in their lives, both past and present, for their commitment to this important profession.

Mr. Speaker, I would also like to thank my distinguished colleague, Congressman ROSKAM, for joining me in introducing this legislation, and I thank the overwhelming number of Members who have joined me in support of the establishment of a National Teacher Day.

I urge passage of this important legislation.

Mr. SHAYS. Mr. Speaker, we've heard from the Democratic sponsor of the bill. I would like to yield to the Republican sponsor of the bill, Mr. ROSKAM, who is from Illinois and close to Chicago, such time as he may consume.

☐ 1615

Mr. ROSKAM. Mr. Speaker, I thank the gentleman from Connecticut. I, like many of us, come to the floor and want to congratulate Mr. KLEIN for his leadership on this issue and bringing us together actually in an area that I think most folks, if you reflect back, you can think of a favorite teacher. Let me tell you a little bit about one of my favorite teachers.

My fourth grade teacher was Lillian Anderson. Lillian Anderson was 65 years old and I was in the last class. Maybe I caused her to retire, but I was the last class that Ms. Anderson had. Ms. Anderson was one of those people at Ben Franklin School in Glen Ellyn, Illinois, that began to open up our eyes, myself and my classmates, to the State of Illinois, and that's a tradition that we have in Illinois.

Mr. Speaker, as a fine product of the public schools in Illinois, you know that fourth graders in Illinois begin to learn about the State. We learn the State flower, the violet. We learn the State song, which I will not sing for you. We learn the State bird, the cardinal, and all of these things.

And what happened to me was in Ms. Anderson's class, beginning to learn about the three branches of government, in all of those things, suddenly this was a whole new area that was revealed to me.

I grew up in a family that wasn't active when it came to politics. My mom and dad would vote, but that was pretty much it. So here I was a young student, a young boy in Ms. Anderson's class, and a seed was planted by that dear woman. The seed was later watered for me when I was in eighth grade and took the Constitution test, and I was one of those kids in eighth grade that couldn't get enough of it, absolutely loved it.

My point is that there were teachers along the way that encouraged and nurtured me, and I have a strong suspicion that, as we reflect, every one of us can point to somebody along the way, in addition to those people in our immediate families, but somebody along the way that encouraged us, that saw a little something in us, moved us along, took the time to pull us aside and give us an important word. I think that that legacy is the great benefit of the teaching profession today because they don't know all of the ways in which they've influenced people.

So I want to thank Mr. KLEIN. I want to thank him for bringing this resolution to the floor, for having the Congress today pause and to reflect on those people who were influential in bringing us here today, and I know he's worked very hard to reach out to folks on both sides of the aisle.

I want to thank my friend from Connecticut (Mr. SHAYS) for yielding.

Mr. CLAY. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SHAYS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this resolution urging the establishment of a National Teacher Day. Every day, thousands of men and women in this country wake up in the morning with a tremendous responsibility, this stressful and sometimes daunting task of educating our Nation's youth. We entrust these special people with our most precious resource, our children.

Devoted teachers make a difference in the lives of students from every age and background. Every one of us can point to so many exceptional educators whose impact allowed us to get where we are today.

Support for a national day honoring the hard work of teachers has been brewing since 1944 when an Arkansas schoolteacher, Maddie White Woodridge, began corresponding with education leaders about the need for a teacher's day. In 1953, Eleanor Roosevelt convinced the 81st Congress to establish the first National Teacher Day. Finally, in 1985, the National Parent Teacher Association declared the first week in May as National Teacher Appreciation Week.

Through their dedication and passion for service, teachers bridge the gap between the resources available and the vital need for a strong education, with sometimes too little compensation. They provide the tools necessary for success, and their sacrifice deserves national recognition.

So, in recognition of the crucial role teachers play in trying to make sure every child receives a quality education, it is appropriate we pass this important resolution.

Given the incredible teachers I have been fortunate to have over my life, it is appropriate for me to recognize and thank them. I am extraordinarily grateful for every teacher that I have had. They saw in me opportunities for growth—there sure was—but more important, they helped me to dream and to imagine I could be someone I wanted to be. I thank them for the skills they taught me and for helping me grow in the right direction. And I thank them for their love and care of me.

With that, I yield back my time.

Mr. CLAY. Mr. Speaker, in closing, I'd like to thank my friend from Florida (Mr. KLEIN) for bringing this resolution and to say that, after hearing the speakers today, it made me think about the impact some of my teachers had on my learning throughout my life. In the words of a famed historian and author, Henry Adams, he said, Teachers affect eternity because they can never tell you where their influence stops.

So, today, let us stand in support and recognition of the timeless influence of our country's teachers and educators by passing H. Res. 952, which expresses the sense of the House that there should be established a National Teacher Day to honor and celebrate teachers in the United States, and I urge passage of the bill.

Mr. ETHERIDGE. Mr. Speaker, as the only former state schools' chief serving in Congress, I rise today in appreciation of the lasting impact that teachers make on the lives of all Americans.

Each of us in the House have benefited from the care and guidance of a talented educator. Each of us knows, from personal experience and reports from our district, many of the amazing success stories in our schools today. These successes would not be possible without our dedicated teachers who lend their skills, experience, and passion to the task of educating our children.

I am profoundly thankful to all of my teachers, who pushed me to succeed and taught me valuable lessons. Ms. Flossie Barber, who taught me at the Cleveland School, was the personification of teaching. Stern and tough, but always caring with each and every student, her early lessons enabled me to achieve my goals and more. Coach Bruce Coats taught me what it meant to be a member of a team and how to contribute to the greater good. I hope that everyone has the privilege of great teachers like these, and remembers to give them thanks for their hard work and inspiration.

Too often, we do not give our teachers the respect and esteem that they deserve. This day, and really this whole week, is an opportunity to stop and remember the professional educators who work every day to build a bright future for our children and our Nation. Their efforts shape the world of tomorrow, and they deserve our support every day throughout the year.

Mr. Speaker, with your leadership, the New Direction Congress is ensuring that our teachers get the support they need to continue their work to educate our children. We have committed to fully funding No Child Left Behind and other federal mandates that have been shortchanged by the current administration. We also must pass new teacher training and staff development initiatives to help our educators hone and maintain the skills they need to teach our children well. We have made great strides in recent years to improve our schools, and, on this National Teacher Day should recommit to build on that record of success.

Improving education in this country is about creating a classroom environment where children can learn. My colleagues and I have crafted bipartisan legislation to provide critical investments in school construction and modernization across the country. The RANGEL-RAMSTAD-ETHERIDGE America's Better Classrooms Act will provide $25 billion in interest-free bonds for local schools. This bill will make a real difference for our communities, our children, and their teachers. I have also introduced legislation to ensure that students and teachers have a safe place to learn that is equipped to respond to any disaster. The Schools Empowered to Respond Act will support schools in their efforts to keep children safe and implement robust emergency management plans. On this National Teacher Day, I urge my colleagues to join me in support of this important legislation.

The work of our dedicated teachers inspires our students every day, and I have been inspired by so many educators who give much to our communities. I thank them for their work, and do so every day.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to support the establishment of a National Teacher Day to honor and celebrate teachers.

Teachers are the cornerstone of our Nation's schools. We ask them to be educators and mentors. We ask them to work long hours, keep order in crowded classrooms, and respond creatively to individual student needs. They consistently rise to meet the challenge.

We should recognize their contributions, but we should also take tangible steps to assist them. And that means funding for our schools, high quality training, and fair pay. It means making sure that every teacher is prepared to walk into the classroom and every teacher has support through the school day.

We trust our Nation's teachers with our most important task—caring for and educating our children. National Teacher Day will remind us to honor their commitment and support that mission.

Mrs. BOYDA of Kansas. Mr. Speaker, this week (May 4–May 10) we celebrate Teacher Appreciation Week, and Tuesday, May 6, as National Teacher Day. These days have been set aside as a time for honoring teachers and recognizing the lasting contributions they make to our lives.

Last year, the National Education Association (NEA) conducted an online poll asking teachers what kind of gift would most make them feel appreciated. The answer? A simple "thank you, " according to nearly half (48 percents) of all respondents.

Such humility comes as no surprise. My mother was a public school teacher, so I know firsthand how many sacrifices teachers make both with their own money, their time and their heart. They work long hours and are often underappreciated. Yet, few other professionals touch as many people as teachers do. I bet many of us learned life lessons that we carry with us today because of a special teacher. I don't know that we can ever say "thank-you" enough times to teachers who have made a difference in our lives. This week, I hope we'll all take a minute to tell a special teacher "thank you"—a simple thank you card, a quick phone call—it means a lot.

I recognize that these are small ways to honor teachers, and that we have to put our money where our mouth is. Teachers give so much to support Kansas students—it's high time that Congress repays the favor. Here are some of the ways I have made a commitment to helping teachers:

Providing tax relief for teachers. I co-sponsored H.R. 549, the Teacher Tax Relief Act to increase and make permanent a tax deduction of up to $400 for elementary and secondary school teachers. I am also a co-sponsor of H.R. 3605, introduced after H.R. 549, which will increase the deduction to $500. This deduction would help teachers recoup expenses when they use their own money to buy classroom supplies.

Funding Continuing Education for Teachers. I voted for the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science (COMPETES) Act, which became law in August, 2007. The act provides professional development for teachers, ensures more highly qualified classroom teachers in mathematics, science, engineering, and technology, and provides funding to improve laboratory equipment and facilities.

Student Loan Assistance. The College Cost Reduction and Access Act, which I voted for and was signed into law by the President in September, 2007, includes a tuition assistance program for public school teachers who commit to working in impoverished areas or in high-need subjects.

Public schools are at the heart of any community and I believe we all have to work together to make our schools the best that they can be. That means everyone in the community—parents, business owners, retirees, local government and students must pitch in.

This week is an opportunity for all of us to get involved. That apple on the desk or a thank you card is an important first step. But, let's use this week to learn about and advocate for high standards for our public schools and appropriate compensation for teachers. A community's active support of the work that teachers do, combined with that "thank-you," can make changes that will last for generations to come.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in support of House Resolution 952, to honor and recognize our Nation's teachers. I want to thank my colleague and good friend, Congressman RON KLEIN for sponsoring this resolution. Today marks the beginning of National Teacher Appreciation Week, but America's teachers deserve more than a week of recognition for their investment in our country's most precious resource, our children.

Too often teachers are overworked and underpaid. They spend long hours in the classroom, many hours after the school day coaching our kids and leading their extracurricular groups, and then go home to spend more time grading papers. They invest their own lives in the lives of our children, and every day they empower young people with the knowledge and tools they need to be successful and confident. America's future is in the hands of our children, and we owe our teachers a universe of thanks for their hard work.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 952.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KLEIN of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOHN A. BOEHNER, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2008.

Hon. NANCY PELOSI,
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to 44 U.S.C. 2702, I am pleased to appoint Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress. Mr. Thomas has expressed interest in serving in this capacity and I am pleased to fulfill his request.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 4 o'clock and 22 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCINTYRE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. FLAKE. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed not to recede to the provisions contained in subtitle A of title XII of the Senate amendment (relating to a permanent agriculture disaster assistance program).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 952, by the yeas and nays;

H. Res. 1011, de novo; and

H. Res. 1109, de novo.

Postponed votes on remaining motions to suspend will be taken later in the week.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SENSE OF THE HOUSE OF ESTABLISHING A NATIONAL TEACHER DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 952, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 952.

The vote was taken by electronic device, and there were—yeas 368, nays 0, not voting 63, as follows:

[Roll No. 240]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr

Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—63

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Doolittle
Ehlers
Fossella
Gerlach
Gilchrest
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Moore (WI)
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Terry
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

☐ 1905

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 168, not voting 61, as follows:

[Roll No. 241]

AYES—202

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—61

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln

Dicks
Doolittle
Fossella
Gerlach
Gilchrest
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski

Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush

Saxton
Sessions
Shuler
Smith (WA)
Souder
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

☐ 1912

Mr. CHABOT changed his vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

DEVELOPING A COMPREHENSIVE REGIONAL STRATEGY IN CHAD AND DARFUR

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1011, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1011, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. LEWIS of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 371, noes 0, not voting 60, as follows:

[Roll No. 242]

AYES—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer

Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano

Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Crenshaw
Crowley
Cubin
Cummings
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom

Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind

King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam

Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)

Woolsey
Wu

Wynn
Yarmuth

Young (AK)
Young (FL)

NOT VOTING—60

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Doolittle
Fossella
Gerlach
Gilchrest

Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Murtha
Neal (MA)
Oberstar
Paul

Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

☐ 1921

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 199, noes 168, not voting 64, as follows:

[Roll No. 243]

AYES—199

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano

Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Edwards
Ellison
Ellsworth

Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono

Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—168

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—64

Andrews
Bean
Bishop (UT)
Buchanan
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Dingell
Donnelly
Doolittle
Fossella
Gerlach
Gilchrest
Gohmert
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Marshall
McHenry
Mollohan
Moran (VA)
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

□ 1928

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, I was unable to attend to several votes today. Had I been present, I would have voted "yea" on H. Res. 952—Expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States National Teacher Day; "yea" on H. Res. 1011—Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan; and "yea" on H. Res. 1109—Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Mr. Speaker, on Monday, May 5, 2008, I missed recorded votes. Had I been present, the record would reflect the following votes:

H. Res. 952 Expressing the sense of the House of Representatives that there should be established a National Teacher Day. "Aye."

H. Res. 1011 Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan. "Aye."

H. Res. 1109 Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe. "Aye."

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. HOYER:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 1195. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from New York.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALSH of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 168, not voting 64, as follows:

[Roll No. 244]

AYES—199

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Foster
Frank (MA)
Garrett (NJ)
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)

Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Kirk
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Richardson
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—168

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (FL)

NOT VOTING—64

Andrews
Bean
Bishop (UT)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Costello
Cramer
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis, Lincoln
Dicks
Dingell
Donnelly
Doolittle
Fossella
Gerlach
Gilchrest
Gordon
Heller
Hoekstra
Hulshof
Inslee
Johnson (IL)
Jones (NC)
Jones (OH)
Kilpatrick
King (NY)
Lipinski
Maloney (NY)
Marchant
Markey
Marshall
McHenry
Mollohan
Moran (VA)
Murtha
Neal (MA)
Oberstar
Paul
Payne
Peterson (PA)
Pryce (OH)
Radanovich
Rogers (MI)
Rohrabacher
Rush
Ryan (OH)
Saxton
Sessions
Shuler
Smith (WA)
Speier
Stark
Thompson (MS)
Tiberi
Wamp
Weiner
Weldon (FL)
Wexler
Wolf

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

☐ 1945

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 7 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 6, 2008, at 10:30 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6371. A letter from the FEMA OCC Attorney Regulations & Policy, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7772] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6372. A letter from the FEMA OCC Attorney, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6373. A letter from the OCC (FEMA) Attorney, Department of Homeland Security, transmitting the Department's final rule — Proposed Flood Elevation Determinations [Docket No. FEMA-B-7773] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6374. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6375. A letter from the FEMA OCC Attorney Regulations & Policy, Department of Homeland Security, transmitting the Department's final rule — Proposed Flood Elevation Determinations [Docket No. FEMA-B-7771] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6376. A letter from the Attorney, FEMA OCC Regulations & Policy, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6377. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Standard for the Flammability of Clothing Textiles — received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6378. A letter from the Director, Office of Management, Department of Energy, transmitting the Department's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2007, pursuant to Public Law 109-115, section 837; to the Committee on Energy and Commerce.

6379. A letter from the Inspector General, Department of Health and Human Services, transmitting the Department's report to Congress for Fiscal Year 2007, pursuant to Section 6034 of the Deficit Reducation Act of 2005; to the Committee on Energy and Commerce.

6380. A letter from the Secretaries, Departments of Agriculture and Health and Human Services, transmitting the Departments' report on Thefts, Losses, or Releases of Select Agents or Toxins for the period February 7, 2003 to December 31, 2006, as required by the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107-188; to the Committee on Energy and Commerce.

6381. A letter from the Legal Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands [WT Docket No. 03-66 RM-10586] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6382. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities E911 Requirements for IP-Enabled Service Providers [CG Docket No. 03-123 WC Docket No. 05-196] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6383. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service [MB Docket No. 87-268] received March 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6384. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Interlocutory Review of Rulings on Requests by Potential Parties for Access to Sensitive Unclassified Non-Safeguards Information and Safeguards Information (RIN: 3150-AI08) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6385. A letter from the Acting Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Technical Corrections to the Export Administration Regulations based upon a Systematic Review of the CCL [Docket No. 080307395-8515-01] (RIN: 0694-AE32) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6386. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Child and Family Services Agency's Congregate Care Contract Expenditures," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6387. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of Child and Family Services Agency's Contracting and Quality Assurance Procedures," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6388. A letter from the Secretary, Department of Transportation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

6389. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's annual report for FY 2007 prepared in accordance with the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Public Law 107-174; to the Committee on Oversight and Government Reform.

6390. A letter from the Director, Administrative Office of the U.S. Courts, transmitting two reports on the 2007 Activities of the Administrative Office of the United States Courts and the 2007 Judicial Business of the United States Courts, pursuant to 28 U.S.C. 604(a)(4); to the Committee on the Judiciary.

6391. A letter from the Chairman, Commission on Civil Rights, transmitting the Commission's report entitled, "Reinvigorating the Nation's Civil Rights Debate: The Strategic Plan of the United States Commission on Civil Rights for Fiscal Years 2008-2013"; to the Committee on the Judiciary.

6392. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the growth of violent street gangs in suburban areas, in reference to the Commerce, Justice, Science, and related Agencies Appropriations Bill for 2008; to the Committee on the Judiciary.

6393. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting a letter concerning grants made during FY 2007 under Section 2806(b) of the Paul Coverdell National Forensic Science Improvement Act of 2000 (Pub L. 106-561) to improve forensic science services; to the Committee on the Judiciary.

6394. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's report on the STOP Violence Against Women Formula Grant Program, as required by Section 2004(b) of the Violence Against Women Act of 1994; to the Committee on the Judiciary.

6395. A letter from the Secretary, Department of Labor, transmitting a copy of a draft bill to "authorize the retention by the Secretary of Labor of fees collected to process applications for temporary agricultural employment certification for non-immigrant aliens in the United States, and for other purposes"; to the Committee on the Judiciary.

6396. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property for the period of April 1, 2007 through March 31, 2008; to the Committee on the Judiciary.

6397. A letter from the Secretaries, Departments of Defense, State, Energy and Commerce, transmitting a legislative proposal for Presidential authority to waive Section 1083 of the 2008 National Defense Authorization Act for states that have been removed from the list of state sponsors of terrorism; to the Committee on the Judiciary.

6398. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — Import Restrictions Imposed on Archaeological and Ethnological Material of Iraq [CBP Dec. 08-17] (RIN: 1505-AB91) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6399. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue — Backdated Stock Options Directive #2 [LMSB Control No. 4-0308-017] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6400. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "National Coverage Determinations for Fiscal Year 2006," pursuant to Public Law 106-554 section 522(a); jointly to the Committees on Energy and Commerce and Ways and Means.

6401. A letter from the Program Manager, Department of Health and Human Service, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities [CMS-3818-F] (RIN: 0938-AG82) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. H.R. 4279. A bill to enhance remedies for violations of intellectual property laws, and for other purposes; with an amendment (Rept. 110–617). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 1512. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; with an amendment (Rept. 110–618). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5830. A bill to create a voluntary FHA program that provides mortgage refinancing assistance to allow families to stay in their homes, protect neighborhoods, and help stabilize the housing market; with an amendment (Rept. 110–619). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on the Judiciary. H.R. 5690. A bill to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; with an amendment (Rept. 110–620 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Foreign Affairs discharged from further consideration. H.R. 5690 referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ROYCE:

H.R. 5957. A bill to reduce subsidies for agricultural commodity programs; to the Committee on Agriculture.

By Mr. MCNERNEY (for himself and Mr. GARY G. MILLER of California):

H.R. 5958. A bill to make permanent the increases made by the Economic Stimulus Act of 2008 in the loan limits for the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the FHA; to the Committee on Financial Services.

By Mr. REYES:

H.R. 5959. A bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mr. ALTMIRE (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 5960. A bill to amend the Trade Act of 1974 to provide for a limitation on presidential discretion with respect to actions to address market disruption; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. FEENEY, Mr. WALDEN of Oregon, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. KINGSTON, Mr. BROUN of Georgia, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. PRICE of Georgia, Mr. WESTMORELAND, and Mr. DEAL of Georgia):

H.R. 5961. A bill to amend titles XIX and XXI of the Social Security Act to place a general eligibility ceiling of 250 percent of the poverty level on gross income for eligibility for benefits under Medicaid and SCHIP; to the Committee on Energy and Commerce.

By Mr. MARIO DIAZ-BALART of Florida (for himself, Mr. DAVIS of Illinois, Mr. LINCOLN DIAZ-BALART of Florida, Mr. TIM MURPHY of Pennsylvania, Mr. PAUL, Ms. ROS-LEHTINEN, and Mr. TURNER):

H.R. 5962. A bill to amend the Internal Revenue Code of 1986 to provide temporary housing related tax relief for individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mrs. McCARTHY of New York, and Mr. CAPUANO):

H.R. 5963. A bill to protect the interests of bona fide tenants in the case of any foreclosure on any dwelling or residential real property, and for other purposes; to the Committee on Financial Services.

By Mr. GONZALEZ (for himself and Mr. UPTON):

H.R. 5964. A bill to amend the Clean Air Act to extend the compliance period for persons subject to the renewable fuel mandate in the years 2008, 2009, and 2010; to the Committee on Energy and Commerce.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5965. A bill to encourage small businesses to provide continuing financial education to their employees by providing a credit against income tax to cover a portion of the costs of providing that education and by giving such businesses and corporations providing such financial education preferential status when applying for Federal contracts, loans, and other assistance; to the Committee on Ways and Means, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself and Mr. LaTOURETTE):

H.R. 5966. A bill to target housing counseling funding based upon levels of residential mortgage foreclosures and delinquencies; to the Committee on Financial Services.

By Mr. WEINER:

H.R. 5967. A bill to amend the Internal Revenue Code of 1986 to provide for reallocation of abandoned private activity bond volume cap; to the Committee on Ways and Means.

By Mr. WITTMAN of Virginia:

H.R. 5968. A bill to require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

By Mr. WITTMAN of Virginia:

H.R. 5969. A bill to amend the Small Business Act to make service-disabled veterans eligible under the 8(a) business development program; to the Committee on Small Business.

By Mr. STUPAK (for himself and Mr. COBLE):

H. Con. Res. 341. Concurrent resolution celebrating 75 years of effective State-based alcohol regulation and recognizing State lawmakers, regulators, law enforcement officers, the public health community and industry members for creating a workable, legal, and successful system of alcoholic beverage regulation, distribution, and sale; to the Committee on the Judiciary.

By Ms. MATSUI (for herself, Mr. SHAYS, Mr. PLATTS, and Mr. PRICE of North Carolina):

H. Res. 1173. A resolution recognizing AmeriCorps Week; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. CULBERSON and Mrs. MYRICK.

H.R. 643: Mr. PRICE of Georgia.

H.R. 661: Mr. SESTAK and Mr. BROWN of South Carolina.

H.R. 914: Mr. PITTS.

H.R. 992: Mr. SHAYS.

H.R. 1032: Mrs. MALONEY of New York, Mr. SPRATT, Mr. CONYERS, and Mr. MILLER of North Carolina.

H.R. 1072: Ms. WASSERMAN SCHULTZ.

H.R. 1078: Ms. BERKLEY.

H.R. 1188: Mr. CARSON.

H.R. 1283: Mr. LARSON of Connecticut, Mr. CARSON, and Mr. DICKS.

H.R. 1392: Mr. GONZALEZ.

H.R. 1536: Mr. CARSON.

H.R. 1542: Mr. SARBANES.

H.R. 1606: Mr. BRALEY of Iowa.

H.R. 1643: Mr. ABERCROMBIE.

H.R. 1772: Mr. SHAYS.

H.R. 1776: Mr. DOYLE, Mr. LIPINSKI, and Mr. ALLEN.

H.R. 1843: Mr. INGLIS of South Carolina.

H.R. 1957: Mr. PRICE of North Carolina.

H.R. 1983: Mr. CONYERS and Mrs. SCHMIDT.

H.R. 2032: Mrs. EMERSON, Mr. SERRANO, and Mr. KILDEE.

H.R. 2049: Mr. CARSON, Mr. SERRANO, Ms. ESHOO, and Ms. LEE.

H.R. 2092: Mr. LaTOURETTE and Mr. BRADY of Pennsylvania.

H.R. 2189: Ms. BALDWIN.

H.R. 2361: Mr. CARSON.

H.R. 2392: Mr. CARSON.

H.R. 2477: Mr. FORTUÑO.

H.R. 2552: Mr. WEXLER and Mr. PASTOR.

H.R. 2632: Ms. LEE.

H.R. 2676: Mr. PRICE of North Carolina.

H.R. 2712: Mr. THORNBERRY.

H.R. 2812: Mr. CONAWAY and Mr. HINOJOSA.

H.R. 2859: Mr. ELLISON.

H.R. 2894: Mr. BACHUS.

H.R. 2942: Mr. ANDREWS.

H.R. 2990: Mr. CARSON.

H.R. 2994: Mr. McGOVERN.

H.R. 3047: Mr. SALI.

H.R. 3063: Mr. SERRANO.

H.R. 3089: Mr. SALI, Mr. ROYCE, and Mr. NEUGEBAUER.

H.R. 3164: Mr. HONDA.

H.R. 3257: Mr. JEFFERSON, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. OLVER, Mr. BISHOP of New York, and Mr. ANDREWS.

H.R. 3267: Mr. BUTTERFIELD.

H.R. 3309: Mr. CONYERS.

H.R. 3480: Mrs. LOWEY and Mr. CARSON.

H.R. 3543: Mr. BACA and Ms. WASSERMAN SCHULTZ.

H.R. 3544: Mr. WEXLER and Mr. DICKS.

H.R. 3636: Mr. CONYERS.

H.R. 3870: Mr. ALTMIRE and Mr. WAXMAN.

H.R. 3896: Mr. BRALEY of Iowa.

H.R. 4071: Mr. SHULER.

H.R. 4081: Mr. DOGGETT and Mr. KING of New York.

H.R. 4105: Ms. SOLIS, Mr. SIRES, Mr. WELCH of Vermont, Mr. PLATTS, and Ms. CORRINE BROWN of Florida.

H.R. 4114: Mr. SESTAK and Ms. ESHOO.

H.R. 4141: Mr. SMITH of New Jersey.

H.R. 4206: Mr. KUHL of New York and Mr. YARMUTH.

H.R. 4236: Mr. LARSON of Connecticut, Mr. EDWARDS, Mr. SPACE, Mrs. NAPOLITANO, and Mrs. GILLIBRAND.

H.R. 4296: Mr. PRICE of North Carolina.

H.R. 4318: Mr. CHABOT and Mr. TURNER.

H.R. 4335: Mr. LYNCH.

H.R. 4790: Mr. CONYERS.

H.R. 4900: Mrs. DRAKE, Mr. FORBES, Mr. SENSENBRENNER, Mr. WALZ of Minnesota, Mr. BILIRAKIS, and Mr. BACHUS.

H.R. 4990: Ms. SLAUGHTER.

H.R. 5106: Mr. GRIJALVA.

H.R. 5174: Mr. BRALEY of Iowa.

H.R. 5180: Mr. CONYERS.

H.R. 5265: Ms. SCHAKOWSKY, Mr. ANDREWS, and Mrs. TAUSCHER.

H.R. 5315: Mr. ROGERS of Michigan, Mr. REYES, and Mrs. GILLIBRAND.

H.R. 5401: Ms. LEE.

H.R. 5442: Ms. MATSUI.

H.R. 5447: Mr. CAPUANO and Mr. McNULTY.

H.R. 5450: Mr. BRALEY of Iowa and Mr. REHBERG.

H.R. 5461: Mr. FORTUÑO.

H.R. 5464: Mr. CARSON.

H.R. 5465: Mr. MILLER of North Carolina and Mrs. BOYDA of Kansas.

H.R. 5496: Mr. CONYERS.

H.R. 5515: Mr. REYNOLDS.

H.R. 5532: Ms. BALDWIN.

H.R. 5534: Mr. SHAYS.

H.R. 5561: Mr. HIGGINS.

H.R. 5568: Mrs. BLACKBURN and Mr. HULSHOF.

H.R. 5586: Mr. ABERCROMBIE.

H.R. 5595: Ms. McCOLLUM of Minnesota, Mrs. LOWEY, and Mr. McGOVERN.

H.R. 5604: Mr. SOUDER, Mrs. BOYDA of Kansas, Mrs. MUSGRAVE, and Mr. MICHAUD.

H.R. 5605: Mr. CONYERS.

H.R. 5606: Mr. KING of New York and Mr. ROYCE.

H.R. 5609: Mr. GENE GREEN of Texas.

H.R. 5611: Ms. FOXX.

H.R. 5626: Mr. JOHNSON of Georgia.

H.R. 5635: Mr. ALTMIRE.

H.R. 5664: Mr. WALZ of Minnesota.

H.R. 5672: Mr. BERRY.

H.R. 5696: Mr. FILNER.

H.R. 5716: Ms. SCHAKOWSKY.

H.R. 5717: Mr. FEENEY.

H.R. 5723: Mr. McKEON.

H.R. 5731: Mr. FEENEY.

H.R. 5734: Mr. BUTTERFIELD, Ms. McCOLLUM of Minnesota, Mr. RANGEL, Mr. WALZ of Minnesota, Ms. SCHAKOWSKY, Mr. TAYLOR, Mr. GRIJALVA, and Mr. BISHOP of Georgia.

H.R. 5740: Mr. LYNCH, Mr. INSLEE, Mr. WILSON of Ohio, Mrs. BONO MACK, Mr. LARSEN of Washington, Mr. FALEOMAVAEGA, Ms. VELÁZQUEZ, Mrs. JONES of Ohio, Ms. CASTOR, and Ms. BEAN.

H.R. 5752: Mr. SHAYS.

H.R. 5753: Ms. BALDWIN.

H.R. 5762: Mr. SERRANO, Mr. SESTAK, and Mr. KLEIN of Florida.

H.R. 5765: Mr. PORTER and Mr. HERGER.

H.R. 5766: Mr. RUSH and Mr. BRALEY of Iowa.

H.R. 5784: Mr. RENZI.

H.R. 5798: Mr. ALTMIRE.

H.R. 5824: Mr. TAYLOR, Mrs. BOYDA of Kansas, Ms. CLARKE, and Mrs. McCARTHY of New York.

H.R. 5825: Mr. CARNAHAN.

H.R. 5826: Mr. BILIRAKIS and Mr. WALZ of Minnesota.

H.R. 5831: Ms. SCHAKOWSKY, Ms. BORDALLO, Mr. BOREN, and Mrs. CHRISTENSEN.

H.R. 5837: Mr. ISRAEL.

H.R. 5847: Mr. WILSON of South Carolina.

H.R. 5854: Mr. SMITH of Washington.

H.R. 5857: Mr. CAMP of Michigan, Mr. FORTUÑO, Mr. SOUDER, and Mrs. MUSGRAVE.

H.R. 5869: Mr. UDALL of Colorado.

H.R. 5895: Mr. SESTAK.

H.R. 5898: Mr. JEFFERSON.

H.R. 5904: Mr. TERRY and Mr. REGULA.

H.R. 5911: Mr. RADANOVICH.

H.R. 5912: Mr. SHERMAN.

H.R. 5914: Mr. McKEON.

H.R. 5916: Mr. CROWLEY.

H.R. 5934: Mr. ELLSWORTH.

H.R. 5954: Mr. FILNER.

H. Con. Res. 267: Mr. ALTMIRE.

H. Con. Res. 276: Ms. JACKSON-LEE of Texas.

H. Con. Res. 295: Mr. SALI.

H. Con. Res. 299: Mr. ENGEL, Mr. ALTMIRE, Mr. LoBIONDO, and Mr. BACHUS.

H. Con. Res. 332: Mr. KUCINICH, Mr. MARIO DIAZ-BALART of Florida, and Mr. DANIEL E. LUNGREN of California.

H. Con. Res. 334: Mr. CARNAHAN, Mr. LATTA, and Mr. WALDEN of Oregon.

H. Con. Res. 337: Mr. CONYERS.

H. Con. Res. 338: Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Ms. CLARKE, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Ms. NORTON, and Mr. GRIJALVA.

H. Res. 68: Mr. CONYERS.

H. Res. 227: Mr. CONYERS.

H. Res. 353: Mr. RYAN of Ohio, Mr. FORTUÑO, Mr. KUCINICH, and Ms. SUTTON.

H. Res. 356: Mr. MURPHY of Connecticut and Mr. KNOLLENBERG.

H. Res. 369: Mr. TOWNS.

H. Res. 374: Mr. CONYERS.

H. Res. 757: Ms. SUTTON.

H. Res. 779: Ms. BALDWIN.

H. Res. 937: Mr. BOREN, Ms. JACKSON-LEE of Texas, Mr. LATTA, and Mr. BRADY of Pennsylvania.

H. Res. 977: Mr. JOHNSON of Georgia, Ms. MOORE of Wisconsin, Ms. MCCOLLUM of Minnesota, Mr. BOOZMAN, Mr. DELAHUNT, Mr. FOSTER, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. MAHONEY of Florida, Mr. PAYNE, Mr. BOUCHER, Mrs. CHRISTENSEN, Mr. LAMPSON, Mr. HILL, Mr. GRIJALVA, and Mr. JEFFERSON.

H. Res. 1008: Ms. SCHAKOWSKY.

H. Res. 1011: Mr. TIM MURPHY of Pennsylvania.

H. Res. 1022: Mr. WAXMAN, Mr. GENE GREEN of Texas, Ms. SUTTON, and Mr. THOMPSON of Mississippi.

H. Res. 1026: Mr. MOORE of Kansas and Mr. BOREN.

H. Res. 1048: Mr. MCCOTTER.

H. Res. 1069: Mr. LINDER.

H. Res. 1075: Mr. CALVERT.

H. Res. 1086: Mr. HINCHEY, Mr. MCCOTTER, Mr. LIPINSKI, Mr. CONYERS, and Mr. GINGREY.

H. Res. 1090: Ms. MOORE of Wisconsin, Mr. WATT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Ms. NORTON, Mr. CLYBURN, Ms. CLARKE, Ms. KILPATRICK, Mr. CLEAVER, Mr. BISHOP of Georgia, Mr. DAVIS of Illinois, Mr. TOWNS, Mr. CLAY, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. JOHNSON of Georgia, Mr. CARSON, Mr. WYNN, Mr. THOMPSON of Mississippi, Mr. SCOTT of Georgia, Ms. WATSON, Mrs. JONES of Ohio, Mr. AL GREEN of Texas, Mr. HASTINGS of Florida, Ms. LEE, Mr. DAVIS of Alabama, Ms. JACKSON-LEE of Texas, Mr. DINGELL, Ms. WATERS, Mr. MEEK of Florida, Mr. CUMMINGS, Ms. RICHARDSON, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Virginia, Mr. MEEKS of New York, Mr. FATTAH, Mr. RANGEL, and Mr. CONYERS.

H. Res. 1109: Mr. DAVIS of Illinois.

H. Res. 1111: Ms. WASSERMAN SCHULTZ and Mrs. BOYDA of Kansas.

H. Res. 1122: Mr. WALDEN of Oregon.

H. Res. 1124: Mr. GONZALEZ, Mr. MCCOTTER, Mr. BOOZMAN, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. SAXTON, Ms. GINNY BROWN-WAITE of Florida, Ms. BEAN, Mr. ROTHMAN, Mrs. LOWEY, Mr. CROWLEY, Mr. TAYLOR, Mr. ROSS, Mr. HODES, Mr. CARNAHAN, Mr. DOGGETT, Mr. HALL of New York, Ms. DELAURO, Mrs. WILSON of New Mexico, Mr. SHAYS, Mr. WELCH of Vermont, Ms. JACKSON-LEE of Texas, and Ms. LINDA T. SÁNCHEZ of California.

H. Res. 1132: Mr. STUPAK and Mr. BRALEY of Iowa.

H. Res. 1134: Ms. DELAURO, Mr. MARIO DIAZ-BALART of Florida, Mr. LARSON of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. PRICE of Georgia, Mr. SERRANO, and Mr. SESTAK.

H. Res. 1146: Ms. SCHAKOWSKY and Mr. EHLERS.

H. Res. 1155: Mr. MATHESON, Mr. BARROW, Mr. NUNES, Mrs. BLACKBURN, Mr. ALEXANDER, Mr. BOUSTANY, Mr. DAVIS of Alabama, Mr. MELANCON, Mr. WEINER, Mr. CUELLAR, Mr. GONZALEZ, Mr. JEFFERSON, Mr. MOORE of Kansas, Mr. BOSWELL, Ms. BALDWIN, Mr. SULLIVAN, Mr. BOYD of Florida, Mr. TANNER, Mr. BOREN, Mr. CARDOZA, Mr. ARCURI, Mr. CHANDLER, Mr. ISRAEL, Mr. PETERSON of Minnesota, Mr. COOPER, Mr. MICHAUD, Mr. SHULER, Ms. HERSETH SANDLIN, Mr. LINCOLN DAVIS of Tennessee, and Mr. ELLSWORTH.

H. Res. 1160: Mr. ETHERIDGE.

H. Res. 1164: Ms. BORDALLO.

H. Res. 1170: Mr. MCCARTHY of California, Mr. DANIEL E. LUNGREN of California, Mr. PENCE, Mr. SOUDER, and Mr. BUYER.

EXTENSIONS OF REMARKS

HONORING CHAD EVAN DALE ROBERTS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Chad Evan Dale Roberts, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 135, and in earning the most prestigious award of Eagle Scout.

Chad has been very active with his troop, participating in many scout activities. Over the many years Chad has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Chad Evan Dale Roberts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATIONS TO SALLIE AIJALEN MARX

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mrs. McCARTHY of New York. Madam Speaker, I rise today to say congratulations to Sallie Marx on the occasion of her Bat Mitzvah.

In Judaism, Bat Mitzvah celebrates the coming of age of a Jewish girl. According to Jewish law, when Jewish children reach the age of majority (twelve for girls) they become responsible for their actions, Jewish ritual law, tradition, and ethics and are privileged to participate in all areas of Jewish community life. The celebrant is asked to perform a mitzvah project, providing a service to the greater community.

Sallie Aijalen Marx, 12 years old, from Bainbridge Island, Washington will celebrate her Bat Mitzvah on May 17th, 2008 along with Grandmother Ruth Marx, Grandparents Gary and Phyllis Marx, Grandparents Mary Ellen and Andy Mendelsohn, Parents Josh and Stacey Marx, and lots of friends and relatives. As a mitzvah project she has raised $5,500 for the Susan G. Komen Breast Cancer Foundation and traveled across the state to run in the 5 K "Race for a Cure" in Spokane in April. Sallie raised more money than any other individual and all but two groups for the April event.

The Susan G. Komen for the Cure was founded in 1982 and launched the global breast cancer movement. Today, Komen for the Cure is the world's largest grassroots network of breast cancer survivors and activists fighting to save lives, empower people, ensure quality care for all and energize science to find the cures. Thanks to events like the Komen Race for the Cure, they have invested nearly $1 billion to fulfill their promise, becoming the largest source of nonprofit funds dedicated to the fight against breast cancer.

For the past 25 years, Komen for the Cure has played a critical role in every major advance in the fight against breast cancer—transforming how the world talks about and treats this disease and helping to turn millions of breast cancer patients into breast cancer survivors. Their contributions include more early detection, more hope, more research and more survivors.

On her web page Sallie said "One of the things that inspires me is that my grandma has had breast cancer since 1982. Unfortunately, I know many others who have been affected by breast cancer as well." Raising money for the Komen for the Cure Foundation and running in the Race for a Cure was the perfect mitzvah project given her sensitivity to breast cancer issues, her fund raising talent, and her athleticism.

Sallie is a bright young woman who excels in soccer, basketball, and lacrosse. Her middle name, Aijalen, means happiness in a Chilean indigenous language; a product of her parents' service in the Peace Corps in Chile. She enjoys cooking, loves to read Sports Illustrated, rooting for the Red Sox, and is an outstanding student. Sallie's mother Stacey joined her in the Race for a Cure while her father Josh and younger brother Nate cheered them on.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing Sallie and her family on her important day.

HONORING PAUL CODY JAMESON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Paul Cody Jameson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 135, and in earning the most prestigious award of Eagle Scout.

Paul has been very active with his troop, participating in many scout activities. Over the many years Paul has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Paul Cody Jameson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMENDING JOCKEY KENT DESORMEAUX FOR WINNING THE 134TH KENTUCKY DERBY

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. BOUSTANY. Madam Speaker, this past Saturday afternoon, with more than 157,000 people watching from the stands and millions watching from their homes, Big Brown won the 134th Kentucky Derby at Louisville, Kentucky's Churchill Downs. Ridden by Louisiana-native Kent Desormeaux, Big Brown proved his ability yet again, as the favorite became the seventh undefeated horse to win horse racing's most prestigious prize. Big Brown's trainer and owners now look ahead to the Preakness, the second leg of the Triple Crown.

Leading his third horse to the red roses of a Kentucky Derby win, Kent Desormeaux is no stranger to winning. Born in Maurice, Louisiana, Kent's first race was at Evangeline Downs with his first win coming aboard Miss Tavern on July 13, 1986. At 25 years old, the jockey became the youngest ever to notch 3,000 career wins. His successful career is a testament to hard work, determination and a love of his sport.

I know I join Kent's family and many in Acadiana in congratulating him on this most recent win and wishing him the best for continued success. Louisiana has a well-established record of producing winning jockeys and Kent certainly continues our legacy.

Unfortunately, Saturday's race did have sadness as second place, Eight Belles, was euthanized on the track. The filly, who ran an impressive race, collapsed after crossing the finish line. It was a tragic scene that reminds us all of the dangers of the sport.

The story Saturday though was Big Brown's big win. Desormeaux shepherded the horse from the outside gate through a crowded field and dictated the pace to give Big Brown the best shot at victory. As the lead pack rounded the final turn of the mile and a quarter race, Desormeaux gave Big Brown the signal, and the horse's effort left his competitors in the dust.

Again, congratulations to Kent Desormeaux, winning jockey of the 134th Kentucky Derby.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING THE THIRTIETH QUADRENNIAL CONVENTION OF THE SLAVONIC BENEVOLENT ORDER OF THE STATE OF TEXAS

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. CARTER. Madam Speaker, I would like to take this opportunity to recognize the Thirtieth Quadrennial Convention of the Slavonic Benevolent Order of the State of Texas (SPJST), which will be held on June 8–11, 2008. For 111 years, SPJST has served as a fraternal organization and an educational tool for Czech immigrants to learn the democratic process, the value of free speech, and the importance of voting in their newly adopted homeland.

Today, there are more than 47,000 members of the SPJST in 120 lodges throughout the state of Texas. In recent years, SPJST has expanded to include youth activities and community service programs. As a result, many SPJST projects and members have been recognized by the Texas Fraternal Congress for their service and contribution to communities throughout Texas. SPJST has provided its members with identity and support throughout the years. In lodges all over the state of Texas members are committed to helping those in need by working in hospitals, providing scholarships, and supporting drug abuse programs and other charities. The members of SPJST have upheld the tradition of helping people to care for their families and their communities.

With its great commitment to its members, communities, and organizations that it serves, SPJST embodies the value and tradition of the great state of Texas.

HONORING JOSEPH K. JOHNSEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph K. Johnsen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 135, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph K. Johnsen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A TRIBUTE TO RIO LINDA UNION SCHOOL DISTRICT

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. MATSUI. Madam Speaker, I rise today in recognition of the staff and volunteers of the Rio Linda Union School District and the services they provided to local students. For 94 years, the dedicated staff of the Rio Linda Union School District has carefully selected fully credentialed teachers, involved the community in the education process and worked tirelessly to meet the needs of students. I ask all my colleagues to join me in honoring some of Sacramento's finest educators.

Established in 1914 as a one-room school house, the district has grown into a 22 school, K–6 district. This award winning district is now Sacramento County's largest elementary school district, teaching 10,500 elementary students in the northern Sacramento area. These communities include Rio Linda, Foothill Farms, North Natomas, North Highlands, and McClellan Park.

Rio Linda Union School District offers rigorous educational programs for all students and aligns their curriculum and textbooks to state standards with the integration of arts and sciences into the classroom. The district prides itself on sustaining a quality learning environment, maintaining school grounds and ensuring a safe place for children to learn. Students have succeeded due to improved special education classes, expanded summer school, Reading Recovery program, family outreach workers, and before and after school activities to keep the children engaged in learning.

This district is made of a diverse population of students, bridging ethnicities and backgrounds. More than 36 different languages are spoken in this district and 26 percent of students have a limited proficiency in English. This is a challenge facing educators across our Nation, and the Rio Linda Union School District has met the challenge head on.

Rio Linda Union School District is driven by community volunteers. The efforts of the volunteers that help this district run are truly admirable. Approximately 3,000 parents volunteer each year to work in classrooms, chaperone field trips and serve on committees. Two annual events that showcase the dedication of volunteers in this district are the Volunteer Luncheon and the Principal for a Day program. More than 400 parents attend the annual Volunteer Luncheon where a "Volunteer of the Year" from each school is chosen. Their Principal for a Day program attracts community leaders making the program a state model.

This school district will soon be seeing a change due to the passage of Measure B which consolidates four northern Sacramento County school districts. In July of 2008, Rio Linda Union School District, Grant Joint Union High School, North Sacramento School District, and Del Paso Heights School District will merge to become Twin Rivers Union School District. Frank Porter, who is currently the Superintendent for Rio Linda Union School District has been hired as Interim Superintendent for this new district. Mr. Porter has worked as Superintendent for more than 6 years, during which eight Rio Linda schools received California Distinguished School Awards.

Madam Speaker, I am honored to pay tribute to the Rio Linda Union School District's commitment to education and our community. Over the past 90 years, their success stories have been truly inspiring. As members of the Sacramento community gather at the Aerospace Museum, I ask my colleagues to come together and honor the tireless dedication shown by the Rio Linda Union School District's staff and volunteers in providing quality education for our children.

CONGRATULATING THE 2008 AMERICAN JUNIOR CURLING TEAM

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. OBERSTAR. Madam Speaker, I want to congratulate the American Junior Curling Team for winning the 2008 World Junior Curling Championship in Osterlund, Sweden on March 9, 2008. The Plys Team, named after its captain, Chris Plys, had previously won the United States Junior National Championship to qualify to be the American team in the world championship.

Despite strong competition from the other teams at the championship, including Canada, Norway, Switzerland, Germany, Denmark, China, Scotland, Czech Republic and Sweden, which had home-field advantage, the American team persevered and took the title, the first for an American team since 1984. They defeated Sweden 7–5 for the title.

I want to commend Coach Phil Drobnick, Captain Chris Plys, Danny Plys and Aanders Brorson, of Duluth, Minnesota, Matt Perushek of Eveleth, Minnesota, and Matt Hamilton of McFarland, Wisconsin for their outstanding accomplishments. They bring great credit upon themselves, their communities, the United States and the sport of curling. I wish them well in their future endeavors.

HONORING MICHAEL ANDREW GORSKI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Michael Andrew Gorski, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Michael has been very active with his troop, participating in many scout activities. Over the many years Michael has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Michael Andrew Gorski for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

U.S.-TAIWAN ACHIEVEMENTS AND CHALLENGES

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. BILIRAKIS. Madam Speaker, for the past 60 years, the United States and Taiwan have enjoyed a unique and vital relationship. Forged during a period of mutual confrontation with communism, our ties have flourished over the years. Indeed, what began as primarily a security-focused partnership has become one based on a wide range of mutual interests.

The growth of our relations was in no way a coincidence. Instead, the common values of freedom, democracy and prosperity have guided both our peoples over the years. During the past two decades in particular, America's support has helped Taiwan develop a vibrant democratic government and strong economy, which in turn have provided hope and inspiration to others in the region and around the world.

Today, as Taiwan prepares for yet another milestone in its democratic progression—the inauguration of a new President later this month—I would like to recognize some of the successes we have had together under the leadership of its outgoing President, Chen Shui-bian.

From President Chen's first months in office, the United States and Taiwan worked to advance its rightful role in the international community. This began with cooperative efforts to first call for and later secure Taiwan's entry into the World Trade Organization.

Our governments also worked closely together during this period of increasing global health awareness and activity. Over the past several years. America has consistantly pushed to have Taiwan included in international forums where it can convey lessons learned from its experience with SARS and the Avian flu. In addition, our senior diplomats—backed by strong congressional direction in 2003—have sought a meaningful role for Taiwan in the World Health Organization.

Our security interests have also been closely aligned during President Chen's tenure. The tragedy that befell the United States on September 11, 2001 was met with a swift response by Taiwan, which assisted with resources for coalition efforts in Afghanistan, cooperative efforts to track and shut down terrorist financial networks, participation in our government's Container Security Initiative, and many other joint efforts. Taiwan even contributed generously to the Pentagon Memorial Fund, in recognition of those who lost their lives on 9/11.

The partnership we have built with Taiwan has also served both governments well as we have been compelled to respond to hostile Chinese gestures in recent years. Perhaps the starkest example of this during President Chen's time in office occurred in December 2004, when China unveiled and subsequently enacted its Anti-Secession Law, a measure providing legal authority for the People's Liberation Army to invade Taiwan without provocation. A steady and determined response by President Chen was matched by strong statements of concern from the international community, signaling to China that hostile action would be met with strong resistance.

America has also sought ways to counter a wide range of other Chinese measures that seek to isolate Taiwan:

Militarily, China has noticeably increased its threat to Taiwan's security through the steady deployment of missiles targeting Taiwan, in numbers that have grown by more than 100 per year and now far exceed 1,000 in number.

Diplomatically, China has attempted to block at every turn Taiwan's efforts to participate in the global community. It opposed Taiwan's recent application to join the United Nations as a full member, and has repeatedly thwarted Taiwan's attempts to join the UN and its affiliate organizations—such as the World Health Organization—even as an observer.

Economically, China has sought to prevent Taiwan from expanding its role in international markets—using the dependence created by their over $80 billion in annual bilateral trade as a means to advancing unification. At the same time, it has been working to build bilateral and regional free trade agreements (FTAs) that deliberately exclude Taiwan.

Politically, China's authorities refused to communicate with Taiwan's elected leadership during President Chen's tenure, despite repeated offers by him to engage in open dialogue.

As evidenced by the constructive efforts cited earlier, the United States and Taiwan have worked closely to address each of these threats as they have arisen. And we will continue to do so when President Ma Ying-jeou assumes office on May 20th, building on the record of achievement that our governments have amassed in just the first years of this new century. I look forward to working with President Ma's government as we seek to further advance our common values and interests.

PULLMAN HIGH SCHOOL COMPETES IN NATIONAL SCIENCE BOWL

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to join with the Pullman community in congratulating the Pullman High School Science Bowl team on being selected to compete in the 18th annual U.S. Department of Energy National Science Bowl.

The U.S. Department of Energy National Science Bowl is a nationwide academic competition that tests students' knowledge in all areas of science. Much like Jeopardy, the students put their science knowledge to the test as they are quizzed in a fast paced question-and-answer format.

Led by their coach, Barbara Harding, the Pullman High School team includes Randy Xun, Shashank Dwivedi, Suman Jandhyala, Xingyu Zhang, and Prastuti Singh. These outstanding students won their regional tournament and now join 66 other teams from throughout the nation to compete for the opportunity to travel to the International Youth Science Forum in England and a trip to visit nuclear power generation facilities in France.

The accomplishments of the Pullman High School team bring attention to the great need we have in our country to continue to encourage high school students to pursue careers in the fields of science, technology, engineering and mathematics. In order for our country to remain competitive, we need more young, bright students like these who will grow up to be our future doctors, scientists and engineers. I am certain these students would agree that a career in science is one that holds infinite potential.

Madam Speaker, I invite my colleagues to join me in commending the Pullman High School Science Bowl team for their commitment to academic excellence and for their exceptional performance in the National Science Bowl.

HONORING WILLIAM S. ROBBINS III

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize William S. Robbins III, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

William has been very active with his troop, participating in many scout activities. Over the many years William has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending William S. Robbins III for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE 60TH ANNIVERSARY OF THE STATE OF ISRAEL

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. HENSARLING. Madam Speaker, May 14th marks the 60th anniversary of the modern State of Israel. For six decades, America has stood by Israel's side as her partner in peace and defended her as a beacon of democracy in a region dominated by war, authoritarian regimes, and religious conflict.

In 1948, the United States became the first country to welcome Israel into the community of nations, and we have stood with and supported her as she has defended herself from those who seek her destruction each and every day.

Israel has been our staunchest ally in the Middle East, as well as a full partner in the global war against radical jihadists—individuals who attack our Nation, our children, our values, and the very existence of Western civilization.

The Old Testament teaches us the foundation of Israel's storied past. For three thousand years, the Jewish people have created a cultural, religious, and national identity, a connection rooted in their unbroken ties to the Holy Land. When the modern State of Israel was created 60 years ago, that Jewish heritage was renewed.

Madam Speaker, Israel has a legal, moral, and historical right to exist in peace with secure and defensible borders.

Make no mistake, Israel's challenges are vast. Each day Israelis face the verbal and physical threat of annihilation looming on the horizon. From Tehran, Damascus, and Hebron come unrelenting calls for the destruction of the State of Israel. Meantime, rockets from Gaza rain down on the homes and schools of Sderot, Ashkelon, and other Israeli cities, all the while the United Nations sits idle and echoes anti-Israel, anti-Semitic proclamations. Israel remains a nation under siege.

Therefore, Madam Speaker, today I come to this floor, our own altar of democracy, to celebrate a nation that has turned adversity into triumph and took a dispersed population and made them whole. Like America, Israel is a country of immigrants and has opened its doors to every Jewish immigrant to become a citizen. This story has now united people from over 70 countries and has turned Israel into a society of multi-ethnic communities living side by side with one another.

As the world's oldest democracy, today we celebrate the success of a democratic relative. Israel exists in a part of the world that knows little democracy, yet Israel has displayed the hope and dignity that accompanies rule by the people and personal freedom. Although blessed with few natural resources, this young nation has seen the fruits of its labor pay off through an incredible amount of economic prosperity and cultural creativity.

Yet as Israel works for peace with security, we must not forget that peace can never be achieved by asking Israel to put at risk its sovereignty and the safety of its people.

We must constantly reaffirm our own ties to this democratic society in a part of the world so desperately in need of democracy. This is vitally important to our own security. And we must all realize this.

Thus, I will continue to support Israel and pray she one day will live in peace within secure and recognized boundaries free from threats or acts of force.

I am honored to come to the floor today to celebrate the 60th anniversary of our ally, the nation of Israel.

IN RECOGNITION OF ASIAN PACIFIC AMERICAN HERITAGE MONTH HONOREES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. MATSUI. Madam Speaker, I rise today to recognize the everyday heroes in Sacramento whose commitment in the areas of business, education, and community involvement are unparalleled. The men and women being honored this afternoon are dedicated to a diverse Sacramento and their tireless efforts have made a substantial difference in our neighborhoods. As they gather to celebrate Asian Pacific American Heritage Month, I ask all my colleagues to join me in honoring these fine Sacramentans.

With the month of May being Asian Pacific American Heritage month, it is important that we take time to honor individual members of the Asian Pacific Islander Community who go above and beyond in their commitment to community service. One such individual is a Moses Auwae, a retired Army serviceman. Upon his departure from the military, Mr. Auwae dedicated himself to improving the lives of future generations. Mr. Auwae's work with developmentally disabled children at the Laurel Ruff School helped him win the Outstanding Service to Children and Adults with Developmental Disabilities Award in 1991 from the Association for Retarded Citizens. Additionally, Mr. Auwae has been an active community volunteer, making a difference in many lives.

Over the last few decades, Tom Fujimoto has been a diligent advocate for preserving the heritage of Japanese Americans. Working as the trustee to the Wakamatsu Tea & Silk Colony, Mr. Fujimoto has been instrumental in safeguarding this historical landmark, one of the first Japanese settlements in the United States. In addition to his efforts in ensuring Japanese American's proper place in history, Mr. Fujimoto has lent his expertise and knowledge to numerous Sacramento groups. He has served on the Board of the Sacramento Regional Historical Project, the National Japanese American Historical Society, the Tule Lake/Linkville Cemetery Project and was President of the Sacramento Japanese American Citizens League. Mr. Fujimoto has served the community admirably and his efforts have made significant strides for the betterment of our region.

Throughout the years, Ms. Aeyon Lee has been a leader in the Sacramento community helping to promote healthy living to ensure that the concerns of the neediest among us are heard by policymakers. From her work encouraging civic participation to her volunteering at the WIND Youth Services, Ms. Lee recognizes the importance of giving back to the community. Serving on the board for the Placer County American Cancer Society and currently as the President of the Sacramento Korean American Cancer Support Group, Ms. Lee has been a fundamental link in connecting community organizations with the resources they need to succeed.

Ms. Linda Ng has actively worked to ensure the civil rights of all Sacramentans and has strived to end discrimination in our neighborhoods. From her work with the Satendar Singh Justice Coalition to her appointment by Governor Schwarzenegger to the Fair Employment and Housing Commission, Ms. Ng has provided a steady and unwavering voice for every ethnicity. As President of the Organization of Chinese Americans, Sacramento, Ms. Ng organized Chinese New Year celebrations and the Pacific Rim Street Festival, both which have helped raise cultural awareness and encouraged community participation. Ms. Ng's leadership also accounted for a very successful OCA National Convention this past summer in Sacramento.

As the only Vietnamese American to attain the rank of captain in all law enforcement in California, Captain Trang Tro has been an inspiration to Asian Pacifc Americans everywhere. As a community leader and member of the Sacramento County Sheriff's Department, Captain Tro understands the need to protect and serve all of Sacramento's neighborhoods. Working as a public safety liaison, Captain Tro has been involved in many worthy endeavors such as OCA's Hate Crime Conference and the District Attorney's Citizens Academy.. I thank Captain Tro for his efforts to strengthen the ties between law enforcement and Sacramento's diverse neighborhoods.

Madam Speaker, I am honored to recognize these worthy honorees who have worked tirelessly and often behind the scenes to ensure that Sacramento is a better place to live. As we celebrate Asian Pacific American Heritage Month, I applaud the spirit embodied by these local heroes. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in acknowledging the efforts and important role these individuals have played in helping Sacramento flourish.

HONORING DAVID JAMES KING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David James King, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 900, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David James King for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

REMEMBERING THE LIFE OF DR. THELMA EVELYN GOODRICH-HILL, PHD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. RANGEL. Madam Speaker, I rise with great sadness as I pay tribute to Dr. Thelma Evelyn Goodrich-Hill, an outstanding daughter of Harlem who recently passed away at the age of 85. As I speak with profound sorrow, I ascend to celebrate a life well lived and to remember with fondness the accomplishments of a remarkable woman who, over her many years and under much adversity, was a leader in the sphere of business.

Thelma was born on April 19, 1923, in the City of New York. She was one of four daughters born to James E. Daniel Goodrich. Thelma was a lifelong resident of Harlem and was a product of New York City's public school system, graduating from Wadleigh High School. She received her professional training at the Harlem Academy of Business, City University of New York's Baruch School of Business, and the College of Insurance.

As a daughter of a real estate entrepreneur, Thelma inherited her father's interest in the world of business, becoming one of the first women in Harlem to own and operate her own brokerage firm, Thelma E. Goodrich Real Estate & Insurance Inc.

In January 1960, she united with Lawrence Dudley Hill in holy matrimony. Their marriage was a loving and committed union, lasting 45 years until his passing in September 2005.

Over the years, Thelma emerged as a stabilizing force in the Harlem community in addition to blazing many new trails as a female entrepreneur. In 1982, after many years of the company's growth, Thelma E. Goodrich Inc., merged with the firm of Ernest E. Johnson Insurance Inc., forming Goodrich Johnson Brokerage. This company, a full service insurance brokerage business, continues to effectively handle the needs of businesses and churches throughout the State of New York.

Throughout her busy and involved career, Thelma shared her knowledge of the insurance business by serving on corporate boards and in corporate leadership positions. In 1988 she was elected chair of the board of directors of the United Mutual Life Insurance Company, the first African-American woman to hold that position. She was also the first woman to serve as president of the Council of Insurance Brokers of Greater New York, Inc.

Thelma was also involved with many different organizations. She was an active member of the Iota Phi Lambda Sorority and a lifelong member and past president of the New York Club of the National Association of Negro Business and Professional Women's Clubs Inc., a former chair of the board of the Greater Harlem Real Estate Board, and a founding member and past president of the Harlem Business Alliance. In April 1986 she was elected to the board of trustees at Shaw University in Raleigh, North Carolina, and in 1998, she was awarded a Doctorate of Humane Letters by Shaw University.

Over the years, Thelma was recognized by the business and religious communities for her professional achievements and volunteer work to improve the quality of life for others, including the NAACP, United Insurance Brokers of Greater New York, Harlem Commonwealth Council, Shaw University School of Divinity, The YWCA, and most recently, the Council of Insurance Brokers of Greater New York, Inc.

Thelma leaves behind a wealth of family and friends to honor her memory. She will be greatly missed by her sister, Irene McKenzie; 2 nephews, 1 niece, and a blessed abundance of cousins, friends and colleagues.

Madam Speaker, rather than mourn her passing, I hope that my colleagues will join me in celebrating the life of Dr. Thelma Goodrich-Hill by remembering that she exemplified greatness in every way.

HONORING CHERYL PETTY

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mrs. BLACKBURN. Madam Speaker, this weekend at its State convention, Alpha Delta Kappa, an international honorary organization of women educators dedicated to educational excellence, honored my dear friend Cheryl Petty with its Distinguished Teacher Award. I ask my colleagues to please join me in extending sincere congratulations.

Cheryl is a native of Franklin, Tennessee, and has given back to that community by educating its children—first at Johnson Elementary for 21 years, and now at Moore Elementary for the past 18. Cheryl began her teaching career after receiving a bachelor's degree in education from Vanderbilt University. She would later add a master's in education from Middle Tennessee State University.

Not content with her service to the Franklin Special School District and raising a family, Cheryl has become a cornerstone of our community through her membership in not only Alpha Delta Kappa, but also the Williamson County Cultural Arts Commission, Williamson County Republican Career Women, the Women's Club of Nashville, the Professional Educators of Tennessee and the Heritage Foundation.

Madam Speaker, I ask my colleagues to join me in celebrating the accomplishments of my friend Cheryl Petty and congratulating her and her family on this wonderful occasion.

HONORING CHRISTOPHER SAVING

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christopher Saving, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 395, and in earning the most prestigious award of Eagle Scout.

Christopher has been very active with his troop, participating in many scout activities. Over the many years Christopher has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christopher Saving for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO DALLAS COMMUNITY MOTHERS AND THE LEGACY THEY LEAVE BEHIND

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to eight beloved mothers of the Dallas community who passed away this year. These women made a lasting impact not only in the lives of their own families but in their churches, neighborhoods and throughout the Dallas community.

Mrs. Bessie Nash will be remembered as the full-fledged "church mother." She was active in driving the church bus, in charge of the primary Sunday school and primary choir. Children were truly her heart. She devoted her life to children not only in her actions but in her words by offering her wisdom and guidance to make sure they stayed on the right path in life.

Mrs. Lillie Fuller will be remembered as the "neighborhood mother." Known for being kind, gentle, and generous, her love extended beyond her own children to anyone in need. Her heart and door were always open to help others. She especially loved children, and her life reflected it well.

Mrs. Ruby Page will be remembered as the "feisty mother." As the unofficial neighborhood crime watch captain, she kept a watchful eye on crime. She also looked out for her guests. When anyone visited, her culinary skills not only produced food for their body, but the warmth and care she prepared it with was food for the soul.

Mrs. Barbara Hogg will be remembered as the "mother whose love traveled across great distances." Despite the many miles between her and her children, her love went beyond borders and boundaries to the hearts of those that loved her most. Her compassion for her children could not be contained. Her love knew no limits.

Mrs. Ruthie Davis will be remembered as the "mother that held out hope in the midst of impossible odds." The love she exhibited exemplified the biblical scripture "love covereth all things." Whether it was her children or anyone else's, her motherly eyes saw beyond the crust of contrary behavior, to the core of humanity.

Mrs. China Randle will be remembered as the "gentle-hearted mother." Although gentle, her resilience allowed her heartstrings to be stretched by those she loved the most, yet still return to original shape. Her love never failed. Her gentleness was her strength.

Mrs. Peggy Washington will be remembered as the "mother who forged a path through life for her children to follow." She led by example in hopes that her children would follow. Along the way, she planted seeds of values and principles. May the seeds that she planted bring a fruitful harvest.

Mrs. Florine Anderson will be remembered as the "mother with enduring strength." The love she had for her children endured throughout her lifetime. Through the stresses and strains of motherhood, her strength and love were steadfast and unmovable. Her life reflected the quote that true character is shown under pressure. Her strength stands as a pillar for all to see.

On behalf of the 30th Congressional District of Texas, I am honored to pay respect to these honorable women. Individually, they were invaluable members of the Dallas area.

HONORING AARON PAUL PRICE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron Paul Price, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 205, and in earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron Paul Price for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ALESIA HAMILTON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ms. Alesia Hamilton, an exemplary individual and first grade teacher at Edison Elementary in St. Joseph, Missouri.

In 2004, Ms. Hamilton, in accordance with her character of compassion and service, invited Mr. Alferd Williams, 70, into her class of 25 students in order that he may finally learn to read. Her generous nature and commitment to the task of working with Mr. Williams demonstrates her willingness to go above and beyond what is required as a public school teacher. Ms. Hamilton was also recently recognized as the St. Joseph School District Teacher of the Year.

In accordance with my Resolution to recognize the roles and contributions of America's teachers through National Teacher Appreciation Week, I would like to take a moment to individually recognize Ms. Hamilton as an educator selflessly committed to the development of our Nation's students.

Madam Speaker, I proudly ask you to join me in commending Alesia Hamilton for her service to America's students and for her efforts put forth in working with Mr. Williams. It is an honor to serve both of these individuals in the United States Congress.

IN HONOR OF ELEANOR GELFAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor of Eleanor Gelfand as she and her family celebrate her 90th birthday.

Eleanor Gelfand, the daughter of immigrants from Hungary, was born in Cleveland, Ohio, on May 2, 1918. She grew up along with her two siblings in the Glenville neighborhood of Cleveland during the great depression. Her parents, Zigmund and Mary Adler, worked as a union baker and a homemaker and were active in the Glenville community. Their activism and ability to work with fellow community members on social issues during a time of economic strife instilled a strong sense of social consciousness in their young children.

Mrs. Gelfand attended Glenville High School and later went on to earn her degree in cosmetology, becoming a licensed beautician. She continued to work in local salons until World War II. Shortly after the attack on Pearl Harbor, she married Ernest Gelfand who was drafted into the Navy after U.S. involvement in the war. Mrs. Gelfand left her career as a beautician and began working at the Fisher Body plant in Cleveland making airplanes for the war. Shortly after her husband returned from serving his country in the war, they started a family and she stayed home to raise their 3 children. In 1969, she returned to her first career in cosmetology, where she would continue to work until her retirement in 1980. She and her husband were active together in the Jewish War Veterans Post 44. She continues to work closely with them by raising money to help other veterans in the community. Just as her parents instilled strong values of social activism in her, she too continues to serve as an example to her 3 children, 6 grandchildren and 8 great-grandchildren.

Madam Speaker and colleagues, please join me in honor of Eleanor Gelfand as she celebrates her 90th birthday party. May her story and continued activism in the Greater Cleveland community serve as an example for all of us to follow.

COMMEMORATING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. FILNER. Madam Speaker, I rise today to honor the survivors of the Armenian Genocide and their descendants. This year marks the 93rd anniversary of the Armenian Genocide.

The genocide of the Armenian people by the Ottoman Empire during World War I represents a major tragedy of the modern age. Carried out between 1915 and 1923, the Armenian Genocide was a systematic and deliberate campaign by the Turkish Ottoman Empire to destroy its Armenian minority. While there is no consensus as to how many Armenians lost their lives, there is general agreement among western scholars that between 500,000 and 1,500,000 Armenians died and that nearly all Armenians were exiled from their homeland.

The date of the onset of the genocide is conventionally held to be April 24, 1915, the day that Ottoman authorities arrested some 250 Armenian intellectuals and community leaders in Istanbul. These Armenian political, religious, educational, and intellectual leaders were arrested, deported, and mercilessly put to death. Over the next few years, many Armenians were murdered outright or were deported via forced marches under such agonizing conditions that they died from exhaustion or starvation before they reached their destination.

At that time, the word "genocide" had not yet been coined. Nonetheless, many governments decried the mass murder of the Armenians as extermination of a people, a crime against humanity, and the murder of a nation.

We must honor the truth of the past because denial makes it more likely that genocide will happen again. We must recognize and condemn the atrocities that took place against the Armenian people. The time has come to pass the Armenian Genocide Resolution. I urge my colleagues to support this important piece of legislation and give the Armenian people the respect and recognition they deserve.

KOREAN FREE TRADE AGREEMENT

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. REICHERT. Madam Speaker, I am proud to represent the Eighth District of Washington State, which is the most trade dependent state in the Nation. We have a growing and vibrant economy based on technology and small business. Opening new global markets gives these businesses incentives to improve their products, produce more goods, and ultimately employ more American workers.

The Korean Free Trade Agreement will benefit Washington State. We cannot afford to lose South Korea as a trade partner; in Washington State, one in three jobs relies on trade. In these uncertain economic times, we need to open markets, not reduce them. Congress must act now to preserve our trade relations and preserve American jobs. I respectfully submit the following article from the Seattle Times for the RECORD:

[From the Seattle Times]

KOREAN FREE-TRADE PACT IMPORTANT FOR WASHINGTON

(By Kathleen Connors)

Two years ago, government and business leaders from across the state welcomed U.S.

and Korean officials to Seattle for a week of trade negotiations. Seattle was chosen for a reason: Washington is the most trade-dependent state in the country, and there are already strong ties between Washington state and Korea.

The U.S.-Korea Free Trade Agreement is now signed and awaits congressional consideration. Last week, President Bush welcomed to Washington, D.C., for the first time, newly elected South Korean President Lee Myung-bak, who brought with him an important present: an agreement to fully reopen the Korean market to U.S. beef.

South Korea had been the third-largest export market for U.S. beef until 2003, when U.S. producers were effectively shut out of the market. Washington state exported $50 million of beef products to Korea that year, so the resumption of exports beginning in May will be a welcome boon to local producers.

Lee's visit comes at a time when American trade policy is again at a crossroads. Our continued ability to open foreign markets and expand trade opportunities through trade agreements is seriously at risk.

There has been a long debate about the impact of trade on America's economy. Despite political challenges, presidents of both parties—supported by Congress—have consistently promoted trade.

Despite 95 percent of America's potential customers being outside our borders, the era of trade cooperation may be over. Trade has become a presidential campaign issue, with candidates suggesting they would consider pulling the United States out of the North American Free Trade Agreement. And congressional leaders are threatening to defeat all pending trade agreements, including agreements with Colombia, Panama and Korea.

Does the Korea agreement matter? It does for Washington state. The Korea agreement is part of a broader Asia-Pacific strategy for Washington, and Asian nations welcome their relationship with the state. In 2007, Korea was Washington's fifth-largest export market. The U.S.-Korea FTA would allow nearly 95 percent of U.S. consumer and industrial exports to become duty free within the first three years of the agreement, and two-thirds of U.S. agricultural products will become duty free immediately.

Microsoft and Washington's many high-tech companies will benefit from Korea's eliminating duties on all products in this sector, as well as Korea's commitment to treat digital products equally regardless of whether they are transmitted in physical form or electronically. The agreement locks in and improves an open trade regime for technology-related services, such as telecommunications, computer and related services, and audiovisual and recreational services. It also strengthens protections for intellectual property by deterring piracy and unauthorized sharing of music, video, software and other content over the Internet.

Korea is a long-term customer for Boeing. In April 2005, Korean Air placed an order for up to 20 Boeing 787 Dreamliners in a deal worth approximately $2.6 billion at list prices.

For Starbucks, this agreement will reverse a very bad trend. Coffee exporters had been excluded from previous trade agreements, including NAFTA and the Central American Free Trade Agreement. Under the Korea agreement, the bound tariff of nearly 30 percent will go immediately to zero.

Many of these products will be shipped through the ports of Seattle and Tacoma, which already benefit from strong relationships with Korean shippers Hanjin and Hyundai.

But it's not just large businesses and their workers that will benefit. In 2005, 89 percent of U.S. companies exporting to Korea were small or medium-sized. Washington beneficiaries include companies like Kaiser Aluminum in Spokane, and Trinity Glass International in Tacoma.

For Washington's farmers, the current 24-percent tariff on cherries would be immediately eliminated in the industry's top overseas growth market. The state's wine producers would finally have a fair chance to compete for Korean consumers. And Washington potato growers would immediately benefit from an 18-percent tariff reduction in a market that generated $23 million in sales in 2006.

So what's next? This agreement will not pass without our active support. And we simply cannot take for granted the votes of our congressional delegation. Those who oppose trade have consistently been louder and more organized. And now they use a stagnant economy as their latest argument for voting down any trade agreement, despite export figures being the bright spot in our current economic data.

Washington state knows better. This agreement will have clear benefits for our region. But we must overcome a tough political season and an effective opposition to make this agreement a reality.

For Washington state, the agreement is a clear winner.

IN HONOR OF THE U.S. CHAMPION MOORPARK HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. GALLEGLY. Madam Speaker, I rise to recognize the Moorpark High School Academic Decathlon Team as the United States Academic Decathlon Champions.

This is the third time in 9 years that Moorpark High School's team has won this premier scholastic contest. Prior to its win in 1999, no team from Ventura County, California, had even competed in the nationals.

This year's team made history, scoring 53,119 points, the highest ever scored in the decathlon's 40-year history. In winning the national title, the Moorpark team broke the record it set as California champions by 240 points.

Team members Angela Chen, Jonah Buck, Christie Calle, Colin Calle, Anaamika Campeau, Justine Levan, Chrissa Rutkai, Kris Sankaran, and Paul Watanabe are now recognized as the best and the brightest in the country. They are the pride of their school, their community and their country.

These youngsters won by literally dedicating their lives to the challenge. For 9 months they put in up to 40 hours a week beyond their school days to study and hone their skills. They gave up weekends, vacations, part-time jobs, and time with their families.

Their hard work paid off. Moorpark came home with more medals than any of the other 41 teams from throughout the country, including 36 for individual subjects.

Special honors go to Colin Calle, the top-scoring varsity student; Chrissa Rutkai, top scorer in the scholastic division; and Kris Sankaran, the second-highest individual scorer in the honors division.

Their coach, Larry Jones, worked as hard, if not harder, than his students and is as deserving of high praise. Coach Jones has coached all three U.S. Championship teams. He is a man of outstanding strength, patience, and perseverance.

Madam Speaker, I know my colleagues will join me in applauding nine outstanding students who made history while achieving a very prestigious goal—Angela Chen, Jonah Buck, Christie Calle, Colin Calle, Anaamika Campeau, Justine Levan, Chrissa Rutkai, Kris Sankaran, and Paul Watanabe—the 2008 U.S. Champion Moorpark High School Academic Decathlon Team.

WORKERS MEMORIAL DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. WOOLSEY. Madam Speaker, April 28, 2008, was Workers Memorial Day. The day is dedicated to remembering those who have lost their lives or have been injured as a result of unsafe health and safety conditions. However, it is also a day for us to recommit to the fight for safer working conditions for all who go to work every day.

On April 23, 2008, the Workforce Protections Subcommittee, which I chair, held a hearing on strengthening OSHA enforcement at companies with multistate facilities. Specifically, we examined the tragedies that have occurred at the Cintas industrial plants across the country and focused on the heartbreaking and preventable death of Eleazar Torres-Gomez, a 46-year-old washroom employee in Cintas's Tulsa, Oklahoma plant. His son, Emmanuel Torres, testified at the hearing about his father and his senseless death.

OSHA has fined Cintas $2.78 million for the tragedy in Tulsa, the largest OSHA fine ever assessed in the service sector. And Cintas has also been cited by OSHA for hazards at a handful of their other facilities in Columbus, Ohio, Central Islip, New York, and Mobile, Alabama.

However, as Randy Rabinowitz, one of our witnesses, testified, OSHA fails to address these hazards on a "company-wide" basis. In addition, she said that: "These large companies have the organizational resources to make health and safety improvements." Sadly, many companies choose not to make such improvements.

What we discovered at the hearing is that Cintas as a company has failed to address deadly hazards that it was aware of, and OSHA has failed to adequately enforce safe working conditions beyond the facility level until after a terrible tragedy occurs.

The subcommittee will be following up our hearing with actions to ensure that no other families have to go through what the Torres-Gomez family did. We must end these tragic and preventable accidents.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. HIGGINS. Madam Speaker, I regrettably missed a number of votes to attend to a family emergency. Had I been present for these votes I would have voted as follows:

On rollcall No. 224, Motion to Suspend the Rules and Agree to H. Res. 1079, I would have voted "yea".

On rollcall No. 225, Motion to Suspend the Rules and Agree to H.R. 4332, I would have voted "yea."

On rollcall No. 226, Motion to Suspend the Rules and Agree to S. 2739, I would have voted "yea."

On rollcall No. 227, Ordering the Previous Question for H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act, I would have voted "yea."

On rollcall No. 228, Providing for the consideration of H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act, I would have voted "yea."

On rollcall No. 229, Motion to Suspend the Rules and Agree to the Senate Amendment to the SAFETEA–LU Technical Corrections Act, I would have voted "yea."

On rollcall No. 230, the George Miller of California Amendment, I would have voted "aye."

On rollcall No. 231, the Wilson of South Carolina Substitute Amendment, I would have voted "no."

On rollcall No. 238, the Flake Motion to Instruct Conferees, I would have voted "no."

On rollcall No. 239, to Suspend Rules and Agree to Senate Amendments, I would have voted "yea."

CINCO DE MAYO

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. REICHERT. Madam Speaker, I rise to recognize Cinco de Mayo, a date which is celebrated by Americans, Mexicans, and many others around the world.

The victory of the Mexican army over the French at the Battle of Puebla on May 5, 1862, came to represent unity and patriotism for the Mexican people, which is now celebrated today as Cinco de Mayo. That same spirit of unity and patriotism exists in this country, and sharing it with as many as possible is an honorable and notable goal.

Millions of Hispanic Americans thrive and contribute in our country, with over 18 million residing in the Western United States, 65 percent of them of Mexican descent. These citizens bring their unique culture to communities throughout the United States. This is the epitome of what this Nation is all about—having the freedom to come together and celebrate so many different cultures.

On Cinco de Mayo, we reflect on the contributions of the country of Mexico, the battle for unity and patriotism, and that our freedom to celebrate is not something we can take for granted.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 30, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 227, rollcall 228, rollcall 229, rollcall 230, rollcall 233.

I would have voted "nay" on the following: rollcall 232.

HONORING JENNIFER AND JAMES GRIFFIN ON THE OCCASION OF THEIR MARRIAGE

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor two of my constituents who were married Saturday, March 8, 2008. Jennifer Lewis Fowlkes and James Sean Griffin celebrated their commitment to each other at a wedding ceremony held at the Griffin home in Land O'Lakes, Florida. A couple firmly dedicated to the Pasco County region, Jennifer works for Verizon and James is an entrepreneur.

As George Eliot once said, "What greater thing is there for two human souls than to feel that they are joined together to strengthen each other in all labour, to minister to each other in all sorrow, to share with each other in all gladness, to be one with each other in the silent unspoken memories?" Having known the Griffin family for many years, Jennifer and James will have a lifetime of wedded joy ahead of them. I can only hope that their marriage is as long-lasting and full of love as that of James' parents, Danielle and Jeff Griffin.

Madam Speaker, we should all be jealous of newlyweds like Jennifer and James. Their lifelong journey began with the first step of a marriage ceremony, and they have yet to see the ups and downs and joys and sorrows that come with every union of man and woman. Their commitment to each other is one to be celebrated and commended and one in which I offer my congratulations and wish them well as they begin their new life together.

HONORING RYAN HOPKIN AND JAMES ETIER

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mrs. CUBIN. Madam Speaker, I rise today in recognition of Ryan Hopkin and James Etier, Wyoming's State Honorees for the Prudential Spirit of Community Awards. These students were selected in a highly competitive, nationwide program, recognizing their outstanding acts of volunteerism.

Ryan Hopkin, a senior at Powell High School, installed crosswalk flags for younger children at dangerous intersections around the town's elementary schools. This innovative idea placed canisters on either side of the street, with cans provided for picking up and depositing the flag after use. That way, each student has a neon orange flag to carry, alerting drivers of their presence, and increasing their safety on the trip to school.

James Etier, an eighth-grader at Rock Springs East Junior High School, did a variety of volunteer activities at an after-school program. He helped out at the Humane Society shelter, worked at an elementary school with young children, and volunteered with the Salvation Army. James also assisted a group of senior citizens with yard work, in addition to visiting the local nursing home to meet residents.

Volunteerism is a community activity that is important to instill in our youth and these two individuals embody the spirit of service. I applaud them for their hard work and dedication to helping others. I hope they serve as role models for their fellow students, leading by example.

In addition, I would like to recognize Wyoming's Distinguished Finalists, Elizabeth Whetstone of Cheyenne, Wyoming, and Walter Wilson of Albin, Wyoming, for their commendable efforts.

A CELEBRATION OF LIFE: RAYBURN "RAY" KNABE PASSES AT AGE 90

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Ms. HARMAN. Madam Speaker, death pulls hard at our heartstrings, whether it comes after a long, full life or one cut tragically short. Rayburn "Ray" Knabe lived a life mature in length and rich in contribution.

Ray Knabe embodied the values and ambition of his generation, commonly referred to as the greatest in our Nation's history. His hard work, military service, and the large, loving family that survives him are testaments to a remarkable life.

Born and raised in Mackinaw, Illinois, with his five siblings, Ray married Lucille Hermann. The couple lived in Illinois, California, and finally Idaho, and produced three children—one of whom, Don, is a dear friend and Los Angeles County supervisor. The couple celebrated their 67th anniversary in November.

Ray served admirably in the United States Navy during World War II.

Ray had a knack for precise craftsmanship, a skill he honed during his career which began at the J.I. Case Tractor Company in Illinois through his tenure at Western Gear Corporation in Southern California, where he ultimately retired. Ray was a registered professional engineer, mason, and member of the American Society of Manufacturing Engineers.

In his later years, Ray finally decided to relax, and dedicated more time to golf, travel, and the occasional trip to the casino with Lucille. Sunday mornings in Idaho were spent at the Eagle Christian Church, where the pews now feel a little emptier.

My heart goes out to Lucille, Don, and the rest of Ray's wonderful family.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 5, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,887 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment encapsules our entire Constitution; it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,887 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 5, 2008, 12,887 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

RECOGNIZING THE CONTRIBUTIONS OF WILLIAM F. BUCKLEY, JR., TO INTELLECTUAL AND PHILOSOPHICAL DISCOURSE

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. BONNER. Madam Speaker, last month the Senate of Alabama including Alabama Senators Pittman, French, Griffith, Brooks, Marsh, Glover, Butler, Waggoner, Bedford, Mitchem, Barron, Bishop, Lindsey, Benefield, McClain, Preuitt, Orr, and Mitchell, passed a resolution recognizing the contributions of William F. Buckley, Jr., to intellectual and philosophical discourse.

Today, I rise to ask that this resolution be entered into the CONGRESSIONAL RECORD in its entirety:

> Whereas, the death of William F. Buckley, Jr., on February 27, 2008, brings to a close a public career of enormous productivity and significance in the United States and around the world; and
>
> Whereas, educated by private tutors in Connecticut, in European Catholic schools, and at Yale University, he was an intellectual giant with an intimidating vocabulary, finely tuned debating skills, and a fearless pen; he was at the forefront of the coalescence of a conservative movement in the 1960s, introducing a rhetoric still relevant today; and
>
> Whereas, Mr. Buckley founded a magazine, the National Review; wrote some 55 books, both fiction and nonfiction; authored editorials published around the country and abroad; entered into debate on the public stage; and hosted Firing Line, a long-running television interview and debate program; and
>
> Whereas, as chief spokesman for a conservative philosophy which found favor with such political figures as presidential candidate Barry Goldwater and then-California Governor Ronald Reagan, Mr. Buckley road the wave of public support to prominence at home and around the globe, luring converts in his wake; and
>
> Whereas, described by his son, the novelist Christopher Buckley, as not leaving any stone unturned, Mr. Buckley also directed his attention to religion where he applied his conservative mind-set to the tenets of Anglican and Roman Catholicism, writing expositions in defense of a traditionalistic theology; and
>
> Whereas, rarely does an individual of the modern era succeed in being heralded as a philosopher of immense influence in his lifetime; Mr. Buckley's prolific work will continue to bear scrutiny as western thought evolves; now therefore, be it
>
> *Resolved by the Senate of the Legislature of Alabama*, that we recognize and applaud the contributions of William F. Buckley, Jr. to the intellectual and philosophical discourse of the twentieth century, and we offer this resolution in tribute to an accomplished and distinguished American.

RECOGNIZING TEACHER APPRECIATION WEEK

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. SALI. Madam Speaker, I rise today in recognition of National Teacher Appreciation Week, May 4–10, 2008.

This week we take a moment to thank educators who are committed to enriching the lives of the children they teach.

I want to thank the teachers in Idaho dedicated to paving the road for the next generation's success. Educators have a unique opportunity to play a vital role in the lives of Idaho students and provide a powerful role model through their patience, dedication and knowledge.

Several teachers from my youth left a lasting impression that has shaped who I am today. I want to express my gratitude to those teachers who taught me lifelong lessons. I am in debt to them for their wisdom and vision.

Benjamin Franklin once said, "Genius without education is like silver in the mine." I'm confident in the ability of Idaho educators to cultivate the minds of our youth and inspire them to greatness.

Idaho teachers face a unique challenge in that the Gem State includes 63 percent Federally administered land and this has left many of our counties and schools without an adequate tax base. In light of this, I will continue to dedicate my time in Congress to ensure Idaho's rural counties get a fair shake and the

Federal Government meets its responsibilities to them fully.

It is through the innovation and hard work of parents, teachers, local administrators and the community as a whole that the educational needs of all children will be served. I remain confidant that Idaho's students will reap all the benefits that our teachers have to offer.

THE ABOLISHMENT BY THE CITY OF EDCOUCH, TEXAS, OF A 1931 CITY ORDINANCE "ESTABLISHING A LINE SEPARATING RESIDENTS OF MEXICAN OR SPANISH ORIGIN FROM AMERICAN RESIDENTS"

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 2008

Mr. HINOJOSA. Madam Speaker, on this Cinco de Mayo, it is quite appropriate that the City of Edcouch, in my Congressional district, is repealing a 1931 city ordinance that should have never been approved. This ordinance segregated the city into two portions based strictly on racial and national origin. It was this type of prejudice, sanctioned by local government, which created fear and insecurity among the residents of Edcouch and the surrounding region. It was this type of discrimination that caused my family to move from Edcouch to Mercedes, Texas.

I recall how my brothers and I had to attend segregated schools in Edcouch. It did not matter that my parents and family were upstanding citizens of Edcouch or that my father started and ran a business. It didn't matter that we were hardworking and wanted to help the community grow, and it did not matter that we were U.S. citizens. No, it was our last name and family lineage that defined who we were and where we could live. That type of treatment stays in your mind forever. That is why this Nation has to constantly strive to improve civil rights for everyone in 2008 and beyond.

The struggle for civil rights by Mexican-Americans and other Hispanics throughout the southwest is well documented. In my district, it was the 1968 Edcouch-Elsa high school walkouts that sent a loud message that justice had not yet been achieved for all. Those walkouts eventually led to a Federal court declaring the ban on Spanish speaking in schools to be unconstitutional. That demonstration and legal action led to the establishment of bilingual education in public schools.

Back in the 1930s and 1940s, little did anyone expect that a Mexican-American, born in Edcouch, would one day be the U.S. Congressman representing the Edcouch community. But, we should not focus completely on the past. We must look forward, because many challenges remain.

The ugly head of prejudice still shows itself, especially against immigrants. My parents were immigrants and many others like them are greatly responsible for much of the Nation's economic growth. That is why comprehensive immigration reform is so important.

At the local level, much remains to be done to help Edcouch and the surrounding Delta region reach its potential. Projects such as the Mercado Delta and the future Gran Parque will raise the quality of life in this community to another level.

I congratulate the City of Edcouch for being a full partner in these projects and for seeing a greater future for itself. Today, it has taken a very symbolic and significant step to correct an injustice from its past. For that, I commend the community and its city leaders and am confident that Edcouch will become a model of success in the Rio Grande Valley region.

SENATE—*Tuesday, May 6, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, our God, You have called us to represent You. May our lives bring honor and glory to your holy Name. Strengthen our lawmakers with Your spirit's power. Empower and guide them to serve You by serving the lost, the lonely and the least. Be in their minds and understanding. Be also in their mouths and their speaking.

Fill them with Your truth and give them sufficient abilities to deal with the changing issues they face. Lord, show them the doors of opportunity through which You would have them pass. And, Lord, we ask that You would be with the cyclone victims of Myanmar. We pray in Your wonderful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 6, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Washington State is recognized.

SCHEDULE

Mrs. MURRAY. Mr. President, today there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first half, the majority will control the final half.

After morning business, the Senate will resume consideration of H.R. 2881, a bill to reauthorize the Federal Aviation Administration. At 2:30 p.m., there will be a rollcall vote on the motion to invoke cloture on the substitute amendment.

As a reminder, the filing deadline for second-degree amendments on the FAA bill is 1:30 p.m. today. If cloture is not invoked on the substitute, we expect to vitiate the cloture vote on the underlying bill and immediately proceed to a cloture vote on the motion to proceed to S. 2284, a bill to restore the financial solvency of the national flood insurance fund.

MEASURES PLACED ON THE CALENDAR—S. 2972 and S. 2973

Mrs. MURRAY. Mr. President, I understand that there are two bills at the desk for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the titles of the bills for a second time.

The legislative clerk read as follows:

> A bill (S. 2972) to reauthorize and modernize the Federal Aviation Administration.
>
> A bill (S. 2973) to promote the energy security of the United States and for other purposes.

Mrs. MURRAY. Mr. President, I object to any further proceedings with respect to these bills en bloc.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

FAA MODERNIZATION

Mr. MCCONNELL. Mr. President, the underlying FAA bill that came out of the Commerce Committee had wide bipartisan support. The provisions that came out of the Finance Committee that are directly related to aviation financing have wide bipartisan support.

This bill was on a fast track to passage and to improving airline safety in our country. Unfortunately, our friends across the aisle bogged it down with extraneous provisions that do nothing to improve airline safety and that do not belong on this bill.

And then, to prevent any changes to those provisions, they used a procedure that used to be rare to block amendments and improvements to the bill. So rather than quickly passing an airline safety bill that has broad bipartisan support, our friends on the other side have decided it is more important to fight for a few pet projects.

Rather than quickly finish the bill and move on to gas prices, they have decided to dig in and fight for a few extra provisions for a few extra Senators. The right choice is clear: We should quickly pass the bipartisan aviation-related portions of the FAA bill and move on to legislation that addresses the high price Americans are paying at the pump.

Republicans put forward an energy proposal, a plan that gets at the root of the problem rather than at increased dependence on OPEC. The Republican plan would increase the supply of American energy and bolster American jobs while lowering our dependence on foreign oil.

Meanwhile, Democratic suggestions for addressing high gas prices ranged from driving slower to more frequent oil changes. This is a debate we are eager to have. One wonders if the reason our friends are stalling on the FAA bill is that they are worried about exposing the fact that they have no plan for gas prices.

But Americans who are paying close to $4 a gallon for gasoline do not particularly care which party comes up with the idea; they would like some action.

CYCLONE DEATHS IN BURMA

Mr. MCCONNELL. Mr. President, my prayers go out to the families of those killed in Burma in this past weekend's natural disaster. Initial estimates reported the cyclone killed more than 22,000 people and tens of thousands more are missing.

Yesterday, First Lady Laura Bush announced that the United States is prepared to provide assistance and supplies to Burma, but at this time the Government has not accepted our offer.

I urge the Burmese Government to move quickly and accept the offer of the American people and act in the best interests of the population.

CONGRESSIONAL GOLD MEDAL FOR AUNG SAN SUU KYI

Mr. MCCONNELL. Mr. President, I had a chance earlier this morning to attend the signing ceremony for legislation to award Aung San Suu Kyi the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Congressional Gold Medal. I wish to thank the President and the First Lady for their continued support on this issue.

For more than 20 years, Aung San Suu Kyi's support for justice and democracy has placed her at odds with the tyranny and oppression of the Burmese junta. She and her supporters have combated the brutality of the junta with peaceful protests and resistance. Suu Kyi has chosen dignity as her weapon, and she has found allies around the world to aid her in this struggle.

By awarding Suu Kyi the Congressional Gold Medal, we are letting the world know the American people would stand with her and the freedom-loving people of Burma.

HONORING OUR ARMED FORCES

SERGEANT CHRISTOPHER T. HEFLIN

Mr. McCONNELL. Mr. President, I rise today because there is a family in Kentucky that has lost their beloved son in this time of war. SGT Christopher T. Heflin of Paducah, KY, was killed on November 16, 2004, during combat operations in the Al Anbar Province of Iraq. He was 26 years old.

For his valor in service as a U.S. marine, Sergeant Heflin earned several medals, awards and decorations, including the Navy and Marine Corps Commendation Medal, two Navy and Marine Corps Achievement Medals, the National Defense Service Medal, two Meritorious Masts and the Purple Heart.

Sergeant Heflin's mother, Meleasa Ellis, still remembers well the day Chris told her he intended to enlist in the Marine Corps. "When he was a senior [in high school], he came home [and] said, 'Mom, I need to talk to you,'" she says. "'I want to join the Marines,' he said. I said why? His response: 'I want to serve my country.'"

Before the Marines, there was football, Chris's first love as a child. He started playing in sixth grade and by high school had become the starting center on the team, wearing the No. 50 jersey.

"He was a young man who led by example . . . . He played center and was always one of the hardest-working players I had," says Jeff Sturm, Chris's head football coach at Reidland High School in Paducah. "He was just a quality young man. I just hate to see it happen, but I'm proud that he was over there defending his country. That's the way he led his life."

Growing up, Chris also was a member of the National Hockey League Association of Ohio and of Mount Zion Baptist Church in Paducah. He had an afterschool job at Taco John's. He enjoyed riding his four-wheeler, which he called his "country Cadillac," and he had recently taken up deer hunting.

The vigorous life suited Chris, who was always on the go. "If he sat still, it was just because he had to eat," remembers his brother Cory Heflin. "If I had any problems, I could come to him. He was always there if I needed someone to talk to. We always stuck together. Now he's going to a better home."

Cory and other family members also remember how active Chris was in volunteer work. His favorite program was the Marine Corps Reserves' Toys for Tots, which collects toys for needy children at Christmas. Chris made sure to do his part every year.

"He missed a lot of Thanksgivings with us to make sure the kids had Christmas," his mother Meleasa recalls. "During Thanksgiving, he was helping wherever he was with Toys for Tots; he had a passion for kids. He would have been a great dad someday."

Chris graduated from Reidland High School in 1997 and signed up with the Marine Corps 5 days afterwards. He would go on to serve with them for nearly 8 years. By the time he deployed to Iraq, Chris was assigned to the 3rd Battalion, 1st Marine Regiment, 1st Marine Division, 1st Marine Expeditionary Force, based at Camp Pendleton, CA.

One of his first assignments put him behind a desk. Chris communicated his displeasure to his friend, the Reverend Larry Davidson, the man who had baptized Chris when he was a young teenager. "He said that was not what he wanted to be here for," the Reverend Davidson says. "He wanted to be on the battlefield."

Chris would move on to spend 3 years training reservists in weapons and equipment use in Moundsville, WV. While there, he worked with John Nanny, commandant of the Wheeling, WV, Marine Corps League.

Chris "was a Marine's Marine," John says. "He was always gung-ho and fired up about what he did."

In June 2004, Chris was deployed to Iraq in support of Operation Iraqi Freedom. His mother Meleasa remembers the day Chris gave her the news, in April 2004.

Meleasa says Chris "told me he was leaving for Iraq. I could do nothing but weep," Meleasa says. "He told me, remember the reason I joined the Marines? I have to go and fight for our country. He fought till the last day, November 16, 2004."

Our thoughts and prayers are with the Heflin family after the tragic loss of this brave Marine. We are thinking of Chris's mother Meleasa Ellis; his brothers, Cory Heflin, Josh Hicks, and Derek Ellis; his grandparents, Marvin and Marie Salsbury; his aunts and uncles, Lisa and Pete Witenberger and Tim and Diane Salsbury; and many other beloved family members and friends.

More than 200 people turned out for Chris's funeral at the Mount Zion Baptist Church, officiated by Chris's friend, the Reverend Davidson. Later, at the Woodlawn Memorial Gardens cemetery, Chris was laid to rest with a 21-gun salute.

Two marines folded the flag that had draped over his casket and presented it to his brother Derek, who is also serving in the Marine Corps as a lance corporal.

When Chris was a small child, his grandfather, Marvin, would take him fishing. Chris had so much fun that when the visits were over, he would tell his mother to go get his clothes and bring them back to his grandparents' house so he could stay with them.

Marvin still remembers the last time he spoke to his grandson, just before Chris deployed to Iraq. "Son, I want to ask you something," Marvin said. "Are you right with the Lord?"

"Yes, Pa, I am," Chris replied, using the nickname for his grandfather he had used since childhood.

The loss that the Heflin family has suffered can never be fully healed. But it is my hope that every person who hears Chris's story is inspired by and draws strength from it.

The little boy Marvin once took fishing grew up to become a man, a patriot and a marine who stepped forward to serve his country. This Senate salutes SGT Christopher T. Heflin's service, and we will forever honor his sacrifice. Our Nation is richer today for what he did on behalf of freedom's cause.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

Mrs. MURRAY. Mr. President, I ask unanimous consent to use leader time for our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered

FAA AND GAS PRICES

Mrs. MURRAY. Mr. President, I want to respond to some of the opening remarks of the Republican leader.

The Senate is going to vote this afternoon on cloture on the FAA modernization bill. This is an extremely important piece of legislation. It is bipartisan. We agreed unanimously last week to go to this bill. It has been stalled on procedural motions ever since. This is a critical piece of legislation that all of us know we need to get to. I will be speaking later this morning on that bill. But I wanted to address the remarks of the Republican leader in particular, who said the Republicans were going to block the motion to invoke cloture this afternoon because of "extraneous measures" in the bill.

I remind my colleagues, the majority leader was on the floor of the Senate last week offering numerous alternatives to the Republican side to allow them to offer amendments, to allow them to move forward on this bill, to come to some agreement to move forward.

It is disappointing to hear they still object. Of the extraneous amendments, one has to do with the highway trust fund and the fact that we are out of money and need to address that issue. It is addressed in a bipartisan way in this bill. It is badly needed for roads, bridges, and highway construction, and it is a responsibility with which we should proceed. The other one has to do with reimbursing New York for money from 9/11. This is not controversial. It was agreed upon after 9/11.

The budget the President sent to us says it is necessary, and it is in this bill because it is important that we get that done and move it forward. This legislation allows us the opportunity to do so.

These are not controversial issues. It is important that we move forward on this legislation. I hope our colleagues will agree to do that this afternoon.

Finally, I heard this morning that our Republican colleagues say that Democrats aren't going to deal with the gas tax issue. I assure everyone, we understand this issue. When we go home and see gas prices nearing $4 a gallon, when we hear from truck drivers and people who are trying to get to work or to grocery stores, the price is really hurting them. We are doing everything we can on this side—and have been—to try to move us forward in a way that addresses this crisis, but we recognize there are no short-term, easy, quick fixes. We know the same-old, same-old of promising drilling that would not produce anything for 10 years or giving away more money to the oil companies as an incentive is not the right way to get constituents to a place where they believe gas prices are again affordable. We are in the process of putting together a comprehensive piece of legislation that the Democratic leader will announce this week. I look forward to having our colleagues on the other side move forward with us on that comprehensive package to address the gas price issue facing our constituents.

With that, we will be now moving to a period of morning business. I look forward to addressing the Senate later on the FAA authorization bill.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Pennsylvania.

NOMINATION PROCESS

Mr. SPECTER. Mr. President, I have sought recognition to speak about the nomination process, to be followed by Senators CORNYN and KYL.

The situation is desperate at the present time, as the Senate has reverted to a longstanding policy in the last 2 years where the White House is controlled by one party and the Senate by another. The nominees of President Bush are being inappropriately blocked. During the course of the last 2 years of the Clinton administration, there were 15 circuit judges confirmed, 57 district judges, contrasted with only 7 circuit judges confirmed during the last 2 years of the Bush administration, and 38 district judges. For the entire 8 years, President Clinton has 65 circuit confirmations contrasted with only 58 for President Bush. President Clinton had 305 district confirmations contrasted with only 241.

Regrettably, this has been the pattern for the past 20 years—in the last 2 years of President Reagan's administration, when the Senate was controlled by Democrats; in the last 2 years of President Bush the first; and in the 6 years Republicans controlled the Senate during President Clinton's administration.

The issue has been raised by Democrats about the inappropriate blocking by Republicans of the Clinton administration. I have agreed with them. I voted to confirm the Clinton judges who were qualified. The action taken was not appropriate, and I disagreed with my caucus. But now my caucus is right.

An agreement had been reached—a good-faith agreement, so to speak—by leadership to confirm three circuit judges between now and Memorial Day. The Democrats had chosen three nominees: Judge Helene White, Mr. Kethledge, and Justice Agee, who are really out of turn. It would be much more appropriate to take up Judge Conrad who has been waiting 290 days for a hearing; Mr. Matthews, who has been waiting 240 days for a hearing; or Mr. Keisler, who has been waiting 675 days for a committee vote.

The chairman obviously has the right to make the selection on the calendar, but it is important to note that this selection was made without any consultation with the Republicans, which is a sharp shift in practice from what happened during the last Congress when I chaired the committee and Senator LEAHY was ranking. The White House wanted the confirmation hearings of Chief Justice Roberts to start on August 29. I had serious questions about the wisdom of doing that and consulted with Senator LEAHY extensively. Senator LEAHY was totally opposed. I made the decision to start the hearings after Labor Day, after due and appropriate consultation with the Democrats.

Similarly, on the nomination of Justice Alito, the White House wanted the confirmation completed by Christmas. Again, I had severe concerns about hurrying the process. I consulted extensively with Senator LEAHY, and then I made the decision to start the hearings in January. Let the record show after the confirmations were completed successfully, President Bush agreed with the judgment to hold the hearings when they were scheduled. That is the sort of comity which is indispensable if this body is to function.

There are grave concerns raised about the scheduling of the confirmation of Judge Helene White because, simply stated, there is not enough time to do it and do it right. Judge White was nominated on April 15, less than a month ago. Her questionnaire was not received until April 25. The FBI investigation was not begun until April 25. The ABA report cannot be completed until May 19 at the earliest. After Judge White's hearing, which is scheduled hastily for May 7, the committee typically leaves the record open for 1 week, which would close the record on May 14. If there are questions for the record, Judge White would have 1 week to answer those questions, which would bring us to May 21. If the nomination is held over for a week, that would put us into June. Assuming the nomination is not held over for a week, that leaves only 2 days before May 23 for the committee to review her answers, schedule and hold a committee vote, and for the full Senate to vote on her nomination. No circuit court nominee has had hearings prior to their ABA report being received. The ABA report is not expected until at least May 19.

In the past, the Democrats have been very vocal in opposing this kind of a schedule. When the schedule was set for Peter Keisler 33 days after his nomination, the Democrats cited the concern that the Keisler hearing should not be held so quickly in advance of the ABA recommendations: "We should not be scheduling hearings for nominees before the Committee has received their ABA ratings," all of which is violated here.

Senator SCHUMER said:

> So let me reiterate some of the concerns we expressed about proceeding so hastily on this nomination. First, we have barely had time to consider the nominee's record. Mr. Keisler was named to this seat 33 days ago. So, we are having this hearing with astonishing and inexplicable speed.

Well, this hearing is even more astonishing and even more inexplicable. When we do not follow regular order, we tend to get into trouble. The appropriate course would be to move to the nominations of Judge Conrad and Mr. Matthews in the Fourth Circuit where there is a judicial emergency.

How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. The Senator has 2 minutes 20 seconds.

FILIBUSTERING

Mr. SPECTER. I want to comment briefly about what I consider the disintegration of the standing of the Senate as the world's greatest deliberative body. There was a time, when someone wanted to filibuster, that they had to stand up and speak. The Democrats brought to the floor legislation to alter the Supreme Court decision which cut short the statute of limitations on women's pay. I voted for cloture to take up that issue. The issue came and went in the course of a few hours one day. Under the traditional rules of the Senate, when a matter is raised, it is presented. It is argued. If someone opposes and wants to object and filibuster, they have to speak.

The cost of a filibuster today is very cheap. All you have to do is say: I am going to filibuster. Then there is a cloture vote, and 60 votes are not obtained, and the issue goes away.

That is not the way the Senate has traditionally functioned. If the Democrats had been serious about trying to change the rule that the Supreme Court handed down, which I thought was a bad decision—bad on the law, and it certainly can be changed by legislation—they would have argued the matter. They would have compelled opponents to come to the Senate floor and oppose the matter. There would have been a public debate. Had there been an extended debate, the American people would have understood the wrong Supreme Court decision and insisted the Congress take corrective action.

Similarly, we have found the Senate has now been overwhelmed by procedural motions on filling the tree which preclude any meaningful, traditional Senate approach to our function where Senators should be able to offer amendments at any time on any issue. Senator REID, who now has the distinction of having the record on filling the tree the most times, has it in heavy competition. Senator Mitchell established a new record in the 103rd Congress with nine. Senator Lott tied him in the 106th Congress with nine. Senator Frist tied him in the 109th Congress with nine. But Senator REID is now the champion.

The problem with filling the tree is that Senators are precluded from coming to the floor and offering amendments. The American people do not understand what is happening in the Senate because nothing is happening in the Senate. Last week we had one cloture vote at 5:30 on Monday. We didn't vote on Tuesday, Wednesday, Thursday, or Friday—one vote, and not a peep in the news media about the inactive Senate. So what we are seeing—and I intend to speak at length on this at a later date—is the disintegration of what the Senate is supposed to be.

If legislation is needed to change the statute of limitations on enforcing women's employment rights for equal pay, let the Senate take it up and debate. If we are on the FAA Act, let's have Senators come forward and consider it.

It is time we declared a truce on the judge issue. It has been exacerbated continuously over the last 20 years. It is time for a truce because the American people are caught in the crossfire.

Mr. President, I ask unanimous consent that a survey of the filling of the tree, compiled by CRS, be printed in the RECORD. I urge my colleagues to study it to see how the business of the Senate has been thwarted, stymied, and eliminated by this procedural, inappropriate activity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE "AMENDMENT TREE": 1987–2008 [1]

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
100th (1987–1988)	Robert C. Byrd (D–WV)	S. 1420, Omnibus Trade and Competitiveness Act of 1987.	Sen. Byrd, working in concert with Sen. Howard M. Metzenbaum, filled the "strike and insert" tree with a series of amendments, SA435–439. (Congressional Record, vol. 133, July 8, 1987, pp. 18871–18876.) Media reports indicate the goal was to obtain a straight vote on a compromise proposal requiring advance notice of certain plant closings. ("Senate Passes Measure on Plant-Closing Notice," The Washington Post, July 9, 1987, p. E1.)
		S. 2, Senatorial Election Campaign Act of 1987.	Sen. Byrd, working in concert with Sen. David L. Boren, filled the "motion to recommit" tree with amendments, SA1403–1405 In debate, Sen. Byrd indicated his goal was to displace several non-germane amendments to S. 1 relating to funding for the Nicaraguan contras, thus returning the Senate to consideration of the subject of the underlying bill. (Congressional Record, vol 134, Feb. 17, 1988, p. 1481.)
		S. 2488, Parental and Medical Leave Act of 1988.	Sen. Byrd filled the "motion to recommit" tree with amendments, SA3308–3310. In floor debate, Sen. Byrd indicated that he had done so in response to a continued inability to secure a time agreement on amendments, including a requirement for germaneness or relevancy. He characterized the motion and the amendments to it as an attempt to place S. 2488 back before the Senate in a form containing several specific policy provisions. (Congressional Record, vol. 134, Sep. 29, 1988, pp. 26523–26588.)
101st (1989–1990)	George J. Mitchell (D–ME)	None identified	None identified
102nd (1991–1992)	George J. Mitchell (D–ME)	S. Con. Res. 106, Concurrent resolution setting forth the congressional budget for FY 1993, 1994, 1995, 1996, & 1997.	Sen. Mitchell filled the "insert" tree with two amendments, SA1778–1779 offered to a substitute amendment for S. Con. Res. 106, SA1777, which appears to have been treated as an original text for the purposes of amendment. Floor debate suggests a unanimous consent agreement was entered into laying out this approach with the goal of controlling and structuring the consideration of policy alternatives relating to entitlement reform. (Congressional Record, vol. 134, Apr. 10, 1992, pp. 9283–9284.)
103rd (1993–1994)	George J. Mitchell (D–ME)	H.R. 1335, Emergency Supplemental Appropriations for FY 1993.	Sen. Robert C. Byrd, acting on behalf of the majority leader, filled the tree on the substitute to the measure, offering SA271–272 (Congressional Record, daily edition, vol. 139, Mar. 25, 1993, p. S3715.)
		S. 1491, FAA Authorization Act of 1994.	On multiple occasions during consideration of this measure, Sen. Mitchell or his designee offered second-degree amendments, for example, SA1776, 1779, and 1781, to non-germane first-degree amendments dealing with the subject of President William J. Clinton and the Whitewater Development Corporation. On each occasion, this action filled the "insert" tree and prevented a vote on the first-degree amendment. (Congressional Record, daily edition, vol. 140, June 15, 1994, pp. S6890–6894.)
104th (1995–1996)	Robert Dole (R–KS)	S.J. Res. 21, Constitutional Amendment to Limit Congressional Terms.	Acting as the designee of the majority leader, Sen. Fred Thompson offered a series of amendments, SA3692–3397, to the committee substitute for S.J. Res 21, filling the amendment tree. He then offered a motion to recommit the joint resolution and proceeded to offer amendments SA3698–3699 to the motion, filling the tree on the motion. In debate, Sen. Thompson indicated that he did so to prevent non-germane amendments from being offered to the measure and to ensure the Senate would debate only the subject of congressional term limits. (Congressional Record, daily edition, vol. 142, Apr. 19, 1996, pp. S3715–3717.)
		S. 1664, Immigration Control and Financial Responsibility Act of 1996.	Acting as the designee of the majority leader, Sen. Alan K. Simpson offered a series of second-degree amendments to a number of "stacked" first degree amendments, filling the amendment tree on them. He also filled the recommit tree on the underlying bill, offering SA3725–3726. In debate, Sen. Simpson indicated that he did so to prevent the offering of non-germane second-degree amendments on subjects such as the minimum wage and Social Security. (Congressional Record, daily edition, vol. 142, Apr. 24, 1996, pp. S4012–4016.)
		H.R. 2937, White House Travel Office Reimbursement.	Sen. Dole offered a series of amendments, SA3952–3956, first to the bill and then to a motion to refer the bill, filling the tree on both. Sen. Dole indicated that he took this action to prevent non-germane amendments to the measure. Sen. Dole filed for cloture on the measure and indicated his willingness to enter into negotiations on possibly permitting a non-germane amendment relating to the minimum wage to be offered. (Congressional Record, daily edition, vol. 142, May 3, 1996, pp. S4670–4672.)
		H.R. 1296, To provide for the administration of certain Presidio properties at minimal cost to the federal taxpayer.	On Mar. 26, 1996, Sen. Dole filled the tree on the motion to commit the bill SA3653–3654 and immediately filed cloture on the motion. The floor debate suggests that this action was taken in an attempt to block amendments to the measure on the subject of the minimum wage. (Congressional Record, daily edition, vol. 142, Mar. 26, 1996, pp. S2898–2899.)
105th (1997–1998)	Trent Lott (R–MS)	S. 25, Bipartisan Campaign Reform Act of 1997.	Sen. Lott offered a series of amendments, SA1258–1265, to the bill and to a motion to recommit the bill, filling both the "strike and insert" tree and the recommit tree. In debate, Sen. Lott indicated he did so to bar all amendments to the measure except those negotiated between himself and supporters of S. 25. The agreement provided for a modified form of the bill and one Lott amendment to it containing provisions of the "Paycheck Protection Act," (Congressional Record, daily edition, vol. 143, Sept. 29, 1997, pp. S10106–10114.)
		S. 1663, Paycheck Protection Act	On Feb. 24, 1998, Sen. Lott offered a series of amendments SA1648–1650 along with a motion to commit, which he then filled with amendments SA1651–1653. The leader then filed cloture on the motion. (Congressional Record, daily edition, vol. 143, Feb. 24, 1997, pp. S939–940.)

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE "AMENDMENT TREE": 1987–2008 [1]—Continued

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
106th (1999–2000)	Trent Lott (R–MS)	S. 280, Education Flexibility Partnership Act of 1999.	Sen. James Jeffords, as the designee of Sen. Lott filled the tree on the measure on Mar. 10, 1999 with SA66–68. (Congressional Record, daily edition, vol. 145, Mar. 10, 1999, p. S2489–2490.) Media reports claimed he did so to prevent certain minority party Senators, "from offering amendments reflecting their education goals including the hiring of 100,000 additional teachers." (Matthew Tully, "Both Sides Used Senate Rules Effectively to Tie Things Up," CQ Daily Monitor, Nov. 29, 1999.)
		S. 557, An original bill to provide guidance for the designation of emergencies as a part of the budget process.	On Apr. 20, 1999, Sen. Lott filled this tree by offering two amendments on behalf of another Senator SA254–255 and then immediately filing for cloture. Floor debate suggests he did this to block the offering of amendments relating to a Social Security and Medicare "lockbox." (Congressional Record, daily edition, vol. 145, Apr. 20, 1999, p. S3896.)
		S. 544, Emergency Supplemental Appropriations Act for Fiscal Year 1999.	On Mar. 19, 1999, Sen. Lott proposed a second-degree amendment (SA124) "prohibiting the use of funds for military operations in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress enacts specific authorization in law for the conduct of those operations." This amendment filled the insert tree and he then filed cloture on the amendment. In floor debate. Sen. Lott indicated he took this action to ensure that there would be a debate on the subject of Yugoslavia, but added that he wanted to continue to negotiate a time agreement for Senate consideration of the subject. (Congressional Record, daily edition, vol. 145, Mar. 19, 1999, pp. S2995–2996.)
		S. 96, The Y2K Act	Sen. Lott filled the tree on the measure, offering SA268–271. In debate, he indicated his willingness to have a pending amendment on the filled tree laid aside so that germane amendments could be offered. (Congressional Record, daily edition, vol. 145, Apr. 27, 1999, pp. S4232–4234.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from offering non-germane amendments relating to gun control. (Matthew Tully, "Both Sides Used Senate Rules Effectively to Tie Things Up," CQ Daily Monitor, Nov. 29, 1999.)
		H.R. 1501, Juvenile Justice Reform Act of 1999.	On July 26, 1999, Sen. Lott filled the tree on the measure, offering amendments SA1344–1348. In debate, Sen. Lott indicated he filled the tree with amendments consisting of the Senate version of the bill with the intention of going to conference with the House. (Congressional Record, daily edition, vol. 146, July 26, 1999, pp. S9209–9210.)
		H.R. 434, African Growth and Opportunity Act.	Sen. Lott filled the tree on the measure on Oct. 27, 1999, offering SA2332–2335. In debate, he expressed regret at "having to" do so, and indicated he would agree to lay aside a pending amendment if a Senator wished to offer relevant amendments. (Congressional Record, daily edition, vol. 146, Oct. 27, 1999, pp. S13202–13203.) A media account stated that Sen. Lott pursued this strategy in part to prevent minority party Senators from offering nongermane amendments on the subjects of minimum wage and campaign finance reform. (Matthew Tully, "Both Sides Used Senate Rules Effectively to Tie Things Up," CQ Daily Monitor, Nov. 29, 1999.)
		H.R. 4577, Labor-HHS-Education Appropriations.	Sen. Lott filled the tree on the motion to commit the bill, offering amendments SA3598–3600. During debate, he indicated his desire to negotiate a time agreement for the consideration of amendments dealing with the ergonomic standard issued by the Occupational Safety and Health Administration (OSHA). The motion to commit was later withdrawn when a time agreement was accepted. (Congressional Record, daily edition, vol. 146, June 22, 2000, pp. S5628–5629.)
		S. 2045, American Competitiveness in the Twenty-First Century Act.	Sen. Lott filled the "strike and insert" tree twice on this bill as well as a tree on a motion to recommit the measure. In doing so, Sen. Lott called up an amendment filed by a minority party Senator, SA 4183. In debate, Sen. Lott indicated followed this course because of an inability to reach a time agreement governing consideration of the measure. (Congressional Record, daily edition, vol. 146, Sept. 15, 2000, pp. S9026–9029.)
107th (2001–2002)	Thomas A. Daschle (D–SD)	H.R. 5005, Homeland Security Act of 2002.	Sen. Daschle filled the tree on the motion to commit with instructions by offering amendments SA4742–4743. In debate, he indicated he did so to "keep in place the current parliamentary circumstances" while Senators tried to negotiate a time agreement for the further consideration of amendments. (Congressional Record, daily edition, vol. 148, Sept. 25, 2002, pp. S9205.)
108th (2003–2004)	William H. Frist (R–TN)	S. 14, Energy Policy Act of 2003	On July 30, 2003, the majority leader offered a motion to commit the bill to the Energy and Natural Resources Committee with instructions. He filled the tree on the motion to commit with instructions with amendments SA1433–1434 and filed cloture on the motion. In debate, the leader indicated he did so to try to bring the underlying bill to a final vote prior to the August recess period. (Congressional Record, daily edition, vol. 149, July 30, 2003, p. S10251.)
		S. 2062, Class Action Fairness Act.	On July 7, the majority leader offered two amendments to the bill (SA3548–3549) filling the insert tree. He then offered a motion to commit the bill with instructions and filled the tree on the motion with amendments SA3551–3551. The majority leader filed cloture on the bill. Floor debate suggests that Sen. Frist pursued this course in response to an inability to secure a time agreement structuring the offering of amendments to the bill, including a relevancy requirement. (Congressional Record, daily edition, vol. 150, July 7, 2004, pp. S7698–7699.)
		S. 1637, Jumpstart our Business Strength Act.	On Mar. 22, 2004, the majority leader offered a motion to commit the bill with instructions that the committee report back the measure with an amendment specified in the motion. Senators filed amendments SA2898–2899 to those instructions, filling the tree. After cloture on the motion subsequently failed, the majority leader offered another motion to commit, and offered amendments SA3011–3013 to it, filling the tree on the motion. Floor debate suggests these efforts were attempts to expedite consideration of the bill. (Congressional Record, daily edition, vol. 150, Mar. 22, 2004, pp. S2852–2853.)
109th (2005–2006)	William H. Frist (R–TN)	S. 397, Protection of Lawful Commerce in Arms Act.	On July 27, 2005, the majority leader offered amendments to the bill SA1605–1606 filling the tree. Senators came to the floor to ask unanimous consent to set aside the pending amendments to be able to consider their amendment. This request was objected to each time. Floor debate suggests that this action was undertaken pending the negotiation of a time agreement relating to the consideration of amendments, including a germaneness requirement. (Congressional Record, daily edition, vol. 151, July 27, 2005, p. 9087.)
		H.R. 4297, Tax Relief Extension Reconciliation.	On Feb. 2, 2006, the majority leader offered amendments SA2707–2709, filling the tree on the bill. He then offered a motion to commit the bill with instructions, and proceeded to fill the tree on the motion with amendments SA2710–2711. In floor debate, Sen. Frist indicated he did this in order to structure floor consideration and potentially reach a final vote on the measure. (Congressional Record, daily edition, vol. 152, Feb. 2, 2006, pp. 472–473.)
		S. 2271, USA PATRIOT Act Amendments.	On Feb. 16, 2006, the majority leader filled the insert tree on the measure with amendments SA2895–2896. The majority leader then filed a cloture petition on the bill and objected to unanimous consent requests to lay aside any of the pending amendments. In debate, one Senator charged that the leader undertook this action to block amendments to the bill. (Congressional Record, daily edition, vol. 152, Feb. 16, 2006, pp. 1379–1380.)
		S. 1955, Health Insurance Marketplace Modernization Act.	On May 10, 2006, the majority leader filled the insert tree with amendments SA3886–3887. He then offered a motion to recommit the bill with instructions and immediately offered amendments SA3888–3890 to fill the tree on the motion. In debate, Sen. Frist explained that he did this because there had, ". . . been attempts or suggestions that we use this bill as a Christmas tree for all sorts of amendments . . . amendments that don't relate to the underlying bill." (Congressional Record, daily edition, vol. 152, May 10, 2006, pp. S4285–4295.)
		S. 3711, Gulf of Mexico Energy Security Act of 2006.	On July 27, 2006, the majority leader filled the insert tree with amendments SA4713–4714. The majority leader then filed cloture on the bill. Remarks made in floor debate suggests he did so to exert some control over the subject of energy amendments offered to the bill. (Congressional Record, daily edition, vol. 152, July 27, 2006, p. S8334.)
		S. 2454, Securing America's Borders Act.	On Mar. 29, 2006, SA3192 was offered as a substitute to the measure. Senators then offered amendments to SA3192, filling the tree. Senators attempted to offer additional amendments by asking unanimous consent to set aside the pending amendments, but objection was heard in each instance. On Apr. 5, 2006 the majority leader moved to commit the bill to the Judiciary Committee with instructions that the committee report forthwith with an amendment. He then offered amendments to the motion SA3424–3426 filling the tree on it. (Congressional Record, daily edition, vol. 152, Apr. 5, 2006, p. S2895–2896.)
		H.R. 6061, Secure Fence Act of 2006.	On Sep. 21, 2006, the majority leader filled the insert tree on the bill with amendments SA5031–5032. On Sep. 25, 2006, the majority leader withdrew his first degree amendment (rendering the second degree amendment moot), and then filled the tree again with amendments SA5036–5037. He then filed cloture on the first degree amendment and offered a motion to commit the bill with instructions, and filled the tree on that motion, offering amendments, SA5038–5040. Floor debate suggests this action was taken while the leaders attempted to negotiate an agreement for the consideration of amendments relating to terrorist detainees. (Congressional Record, daily edition, vol. 152, Sept. 21, 2006, pp. 10097–10098)
		S. 403, Child Interstate Abortion Notification Act.	On Sep. 27, 2006, Sen. Bennett, acting on behalf of the majority leader, filled the tree on the House amendment to the measure with amendments SA5090–5091. He also filed for cloture on the House amendment. (Congressional Record, daily edition, vol. 152, Sept. 27, 2006, pp. S10616–10618.)
		H.R. 6111, Tax Relief and Health Care Act of 2006.	On Dec. 8, 2006, Sen. Frist filled the tree on the motion to concur in the House amendment to the Senate amendment to the measure, with SA5236–5237. He also filed for cloture on the motion. (Congressional Record, daily edition, vol. 152, Dec. 8, 2006, pp. S11658–11659.)
110th (2007–2008)	Harry M. Reid (D–NV)	H.J.Res. 20, Revised Continuing Appropriations Resolution 2007.	On Feb. 8, 2007, Sen. Reid filled the tree on the measure with the offering of SA237–241. Debate suggests the strategy was pursued in order to speed consideration of the measure. (Congressional Record, daily edition, vol. 153, Feb. 8, 2007, p. S1746.)
		H.R. 2206, U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007.	On May 15, 2007, Sen. Reid filled the tree on the measure and the motion to commit, offering SA1123–1128. Floor debate indicates this was an action taken with the knowledge and cooperation of the minority leader, in an attempt to structure floor consideration and move the measure to conference. (Congressional Record, daily edition, vol. 153, May 15, 2007, p. S6116–S6117.)
		S. 1348, Comprehensive Immigration Reform Act of 2007. PARTIAL TREE	On June 7, 2007, Sen. Reid used his right of first recognition to offer two amendments to the measure, SA1492–1493. While this action does not appear to have completely filled the amendment tree, remarks made by the Senator in debate ("What I am going to do is send a couple of amendments to the desk so there is some control over amendments that are offered") suggest it was done to limit or obtain a measure of control over the next amendment offered by filling some available limbs and refusing consent to lay aside amendments. (Congressional Record, daily edition, vol. 153, June 7, 2007, p. S7303–7304)

TABLE 1.—INSTANCES WHERE OPPORTUNITIES FOR FLOOR AMENDMENT WERE LIMITED BY THE SENATE MAJORITY LEADER OR HIS DESIGNEE FILLING OF PARTIALLY FILLING THE "AMENDMENT TREE": 1987–2008 [1]—Continued

Congress & Years	Senate Majority Leader	Measure(s)	Notes & Citations
		S. 1639, A bill to provide comprehensive immigration reform, and for other purposes..	On June 26, 2007, Sen. Reid proposed SA1934, and filled the "insert" tree multiple times when the amendment was subsequently divided into several components, an action which some colloquially referred to as the "clay pigeon."
		S.1, Honest Leadership and Open Government Act of 2007.	On July 31, 2007, Sen. Reid filled the tree on the motion to concur in the House amendment to the measure, offering amendments SA2589–2590. The leader then filed cloture on the motion. (Congressional Record, daily edition, vol. 153, July 31, 2007, pp. S10400–10401.)
		H.R. 1585, FY 2008 National Defense Authorization Act.	On Sept. 25, 2007, Sen. Reid offered SA3038–3040 to the motion to commit the bill, filling the recommit tree. (Congressional Record, daily edition, vol. 153, Sept. 25, 2007, p. S12024.)
		H.R. 976, Children's Health Insurance Program Reauthorization Act of 2007.	On Sept. 26, 2007, Sen. Reid moved to concur in the House amendments to the Senate amendments to H.R. 976. He then filed cloture on the motion and filled that tree, offering SA3071–3072. (Congressional Record, daily edition, vol. 153, Sept. 26, 2007, pp. S12122–12123.)
		H.R. 2419 Farm, Nutrition, and Bioenergy Act of 2007.	On Nov. 6, 2007, Sen. Reid filled the "strike and insert" tree as well as the motion to commit tree, offering SA3509–3514. In debate, the Senator indicated he would be willing to lay aside pending amendments in order for Senators to offer germane or relevant amendments. (Congressional Record, daily edition, vol. 153, Nov. 6, 2007, pp. S13946–13949.)
		H.R. 6, Energy Independence and Security Act of 2007.	On Dec. 12, 2007, Sen. Reid filled the tree on the motion to concur with two amendments SA3841–3842 and immediately filed cloture on the motion. (Congressional Record, daily edition, vol. 153, Dec. 12, 2007, p. S15218.)
		H.R. 5140, Economic Stimulus Act of 2008.	On Feb. 5, 2008, Sen. Reid filled the insert tree as well as on the motion to commit tree with amendments SA3983–3987. (Congressional Record, daily edition, vol. 154, Feb. 5, 2008, p. S656.)
		H.R. 2881, FAA Reauthorization Act of 2007.	On May 1, 2008, Sen. Reid filled the tree on the measure with amendments SA4628–4631 and on the motion to commit with instructions with SA4636–4637. (Congressional Record, daily edition, vol. 154, May 1, 2008, p. S3581–3582.)

[1] As of May 2, 2008. Information from the Legislative information System of the U.S. Congress (LIS) and cited issues of the Congressional Record.

Mr. SPECTER. I again call on the Rules Committee to take up my pending rule change which would stop this abhorrent practice.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

GASOLINE PRICES

Mr. CORNYN. Mr. President, I wish to join my distinguished colleague, the ranking member of the Judiciary Committee, in talking about the importance of moving judicial nominations through the Senate.

I also, though, wish to start by briefly mentioning a couple numbers. The first is $3.61. This is the average price of a gallon of gasoline in America today. The next number I would like to show my colleagues is 743. That is how many days it has been since Speaker PELOSI said she would—if elected Speaker—how long ago she said the Democrats would offer their commonsense plan for bringing down prices of gasoline at the pump. I would note we continue to wait for that commonsense plan, and Americans across this country are waiting for Congress to do something about it.

I would note last Friday I joined a number of my colleagues, including the Senator from New Mexico, Mr. DOMENICI, and others in introducing a plan we think will help bring down the price of gasoline at the pump. Our colleagues, not surprisingly, may disagree. But we are waiting for their plan, all these 743 days. I think the American people are wondering and watching and wondering why we have not acted and why Speaker PELOSI, in particular, has not followed through on her commitment made more than 2 years ago.

JUDICIAL NOMINATIONS

Mr. CORNYN. Mr. President, this morning, in North Carolina, Senator JOHN MCCAIN, the presumptive Republican nominee for President of the United States, is giving a very important speech. He may be speaking even as I am speaking. But he is talking about the role of judges in our Government. I think it is a very important speech. I hope our colleagues and the American people will pay close attention to what Senator MCCAIN is saying when he talks about the important role Federal judges play in our American Government.

I hope Senator OBAMA and Senator CLINTON will likewise take the opportunity, at the first chance they have, to talk about their philosophy, about the types of judges they believe should be nominated by the next President of the United States, were they to have that privilege and that opportunity.

Five years ago, on April 30, 2003, I, along with nine other of the newest Members of the Senate, wrote a letter on this issue to Senator Frist and Senator Daschle, the respective leaders of our parties. That letter was important not only because it was a bipartisan statement acknowledging the judicial confirmation process was broken and needed fixing but also important because it called, on a bipartisan basis, by the newest Members of the Senate, for a clean break or as we called it, a fresh start when it came to the issue of judicial confirmations and, notably, we said to "leave the bitterness of the past behind us."

Mr. President, I ask unanimous consent that letter be printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. I would like to read from a passage in that letter, signed by we 10 freshmen at the time. In 2003, we wrote to our leaders:

> In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees—typically, the nominees of a previous President—were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us [actually] arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Unfortunately, 5 years later, when it comes to judicial nominations, the grievances of the past are still dictating the terms and direction of the future when it comes to judicial nominees. There is still time for that fresh start we called for, still time for a clean slate but, unfortunately, no signs that is likely to occur in the current environment.

So it will likely come to pass once again that last year's and the previous year's grievances will be used again, not without some justification, by Senate Republicans to justify the obstruction of a future Democratic President's judicial nominees, which shows the death spiral we are involved in when it comes to not taking care of the Nation's work, not allowing an up-or-down vote of judicial nominees on the floor of the Senate.

When it comes to judicial nominations, the Senate is supposed to be, as Senator SPECTER said, the world's greatest deliberative body. But it often acts more like the Hatfields and the McCoys, or perhaps, for those who remember Huck Finn, the Grangerfords and the Shepherdsons, who do not know how the feud began but, nonetheless, continue to escalate the violence.

Let's step back and consider the basic facts. Right now across America there are 46 Federal judicial vacancies—12 on the circuit court of appeals, 34 on the district courts. Of these 46 vacancies, 13 are considered "judicial emergencies," including a handful on the Fourth Circuit Court of Appeals, where a full 33 percent of the bench is vacant because we in the Senate have not done our job.

The simple fact of the matter is, thus far, during President Bush's final 2 years in office, we have seen a record-low number of Federal judges approved by the Senate.

Since our friends on the other side of the aisle took over the Senate in 2007, a total of only 7 circuit court nominees have been approved—and only one this year. It would be most unfortunate and indeed, I daresay, precedent setting if this Senate set this new low-water mark.

For my part, I have been pleased to work with the chairman of the Judiciary Committee, Senator LEAHY, to gain confirmation of the last two Texans to be nominated and confirmed to the Fifth Circuit Court of Appeals. Most recently, I appreciated the chairman's cooperation and assistance in confirming Catharina Haynes to the Fifth Circuit.

But despite my appreciation, I must also express my regret that Ms. Haynes is the only circuit nominee confirmed this year. I would not be fulfilling my oath of office if I did not press for fair treatment not only for judicial nominees who come from my State, Texas, but for my colleagues' home State nominees as well.

There are many other critical judicial positions that demand our immediate action. I mentioned the Fourth Circuit, which serves the States of Virginia, Maryland, North Carolina, South Carolina, and West Virginia.

The Fourth Circuit is currently operating, as I indicated, with one-third less than a full complement of judges on the bench. That is why the Judicial Conference has called this a judicial emergency. The Senate can and must act to alleviate this strain and this denial of access to justice on behalf of the people of those States, who are denied access to justice because there are simply not enough judges who have been confirmed to sit and hear their cases.

The Judiciary Committee is poised to act this Thursday on Justice Stephen Agee of Virginia, a Fourth Circuit nominee, and it should at the very least move forward with the nominations of other Fourth Circuit nominees who have the support of both home State Senators.

Even the Washington Post, in December 2007, decried the situation on the Fourth Circuit saying:

> [T]he Senate should act in good faith to fill vacancies—not as a favor to the president but out of respect for the residents, businesses, defendants and victims of crime in the region the 4th Circuit covers.

I am greatly disappointed the Judiciary Committee has been so slow to act on these important nominations. I would ask the chairman again to push forward with hearings and give the nominees an opportunity for an up-or-down vote on the Senate floor.

There is no doubt the American people deserve, and our very concept of American Government requires, qualified judges who understand the proper role of a judge, which is not to be another branch of the legislature dispensing their view of justice, sort of on an ad hoc basis, but, rather, judges who believe their job is to interpret and enforce the Constitution, not to make up the law as they go along.

As such, we should exercise due diligence to properly review nominees. But the constitutionally mandated process of advice and consent should be done expeditiously, and debates on these nominees should be done openly, as the Senator from Pennsylvania suggested.

> We have before us numerous well-qualified nominees who have offered themselves to serve our citizens. We must endeavor to minimize the role of partisan politics in judicial nominations, and we should work harder to ensure the judicial vacancies are filled in a more timely manner.

I know my time is up, and I know the distinguished Senator from Arizona is here to speak, perhaps on the same subject. But I am glad Senator McCAIN, the presumptive Republican nominee, is speaking on this important issue today. I repeat my hope that Senator OBAMA and Senator CLINTON would address this very important responsibility of the next President of the United States. But I would submit, again, it is our responsibility to promptly move on these nominations and to give these nominees a fair up-or-down vote. That has not been happening.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 30, 2003.

DEAR SENATORS FRIST AND DASCHLE: As the ten newest members of the United States Senate, we write to express our concerns about the state of the federal judicial nomination and confirmation process. The apparent breakdown in this process reflects poorly on the ability of the Senate and the Administration to work together in the best interests of our country. The breakdown also disserves the qualified nominees to the federal bench whose confirmations have been delayed or blocked, and the American people who rely on our federal courts for justice.

We, the ten freshmen of the United States Senate for the 108th Congress, are a diverse group. Among our ranks are former federal executive branch officials, members of the U.S. House of Representatives, and state attorneys general. We include state and local officials, and a former trial and appellate judge. We have different viewpoints on a variety of important issues currently facing our country. But we are united in our commitment to maintaining and preserving a fair and effective justice system for all Americans. And we are united in our concern that the judicial confirmation process is broken and needs to be fixed.

In some instances, when a well qualified nominee for the federal bench is denied a vote, the obstruction is justified on the ground of how prior nominees—typically, the nominees of a previous President—were treated. All of these recriminations, made by members on both sides of the aisle, relate to circumstances which occurred before any of us arrived in the United States Senate. None of us were parties to any of the reported past offenses, whether real or perceived. None of us believe that the ill will of the past should dictate the terms and direction of the future.

Each of us firmly believes that the United States Senate needs a fresh start. And each of us believes strongly that we were elected to this body in order to do a job for the citizens of our respective states—to enact legislation to stimulate our economy, protect national security, and promote the national welfare, and to provide advice and consent, and to vote on the President's nominations to important positions in the executive branch and on our nation's courts.

Accordingly, the ten freshmen of the United States Senate for the 108th Congress urge you to work toward improving the Senate's use of the current process or establishing a better process for the Senate's consideration of judicial nominations. We acknowledge that the White House should be included in repairing this process.

All of us were elected to do a job. Unfortunately, the current state of our judicial confirmation process prevents us from doing an important part of that job. We seek a bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us.

Yours truly,
John Cornyn, Lisa Murkowski, Elizabeth Dole, Norm Coleman, Lamar Alexander, Mark Pryor, Lindsey Graham, Saxby Chambliss, Jim Talent, John E. Sununu.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, might I inquire how much time is remaining on this side?

The ACTING PRESIDENT pro tempore. Six and a half minutes.

Mr. KYL. Thank you, Mr. President.

I appreciate the comments of my colleague from Texas and would note, as he did, my colleague from Arizona, JOHN McCAIN, is making an important statement today respecting the need to confirm good judges for our court of appeals and Federal district courts—something which he will be committed to when he is President of the United States.

Our friends around the country might be wondering: What exactly is going on around here? Why are we talking about the need to confirm judges? It is a good question. The answer is this: It is interesting that in most of the Presidencies—in fact, in the last four Presidencies—in the last 2 years of the Presidency, the other party is in charge of the Senate. You had that situation with Ronald Reagan; with George Bush, the 41st President; with Bill Clinton; and with the current President Bush. In each case, the other party was in charge of the Senate the last 2 years of their Presidency.

Now, on the average, between 15 and 17 circuit court judges have been confirmed in the last 2 years, even though it is the other party in charge of the Senate. That is because we have a responsibility under the Constitution to act on the nominees the President, regardless of party, has made.

That is his job, and this is our job. Both of us have to do our jobs. It would not be appropriate for the Senate to simply sit on our hands and not act on the nominees of the President, even though he may be of the other party.

So between 15 and 17 nominees of the President have been confirmed each of the last 2 years for these last Presidencies. But, unfortunately, that is not the case with the current President. We are not on track to get that number confirmed. In fact, we have only had six confirmed.

That is why our leader, Senator McCONNELL, sought to have an agreement with the majority leader to try to get more circuit judges confirmed. An agreement was reached that at least three judges would be confirmed by the end of this month.

Now, what is interesting is that up to now, there has been sort of a sense that: Well, it is not possible to get very many judges confirmed. It takes a long time, and there is a lot of process involved. But what this latest agreement demonstrates, as Senator SPECTER, who spoke earlier, pointed out, is that when the majority party wants to, it can act very quickly to confirm judges. In fact, it can move very quickly.

That is what Senator LEAHY, the chairman of the Senate Judiciary Committee, is now doing because, unfortunately, he does not want to take the judges who are in the queue and get those judges considered by the committee on the floor of the Senate and voted on by the Senate. He has judges that he would rather get considered, but they were way behind in the process. So he is speeding them up, getting them through the process very quickly, in breach of what had been the policy in the past.

Nevertheless, he is moving them along very quickly with an intention, I gather, to try to comply with this agreement and get them confirmed by the end of the month. That is a good thing in the sense that we will get three more circuit court nominees.

I suspect it does illustrate that the Judiciary Committee and the Senate can act quickly when we want to get these confirmations accomplished. But that will leave us several more judges who have been pending a long time. That will leave us the months of June, July, and September, at least, when we can confirm additional nominees. The question will be, what will happen then? Will we act with similar alacrity?

We have one judge nominee, Peter Keisler, who has been pending for almost 2 years now. His hearing has been held. All he has to do is come before the committee. That will take 1 or 2 weeks at the most, and he could be on the floor of the Senate. We have other nominees from the Fourth Circuit Court of Appeals, four nominees pending in the Judiciary Committee. Judge Robert Conrad and Steve Matthews are ready for hearings. Mr. Rod Rosenstein of Maryland could be ready but is being blocked by the two Senators from his State. Judge Steven Agee had a hearing last week.

So there are judges in the queue who could be dealt with. There is no reason to hold them back except a possible desire not to get them confirmed or politics. I don't know what is behind it. There is no reason not to move forward with these nominees.

The Washington Post, no big supporter of the President, said recently, after we confirmed one court of appeals nominee:

> That should be only the beginning. . . .In the past two years, the Senate has confirmed seven nominees to the Court of Appeals; 16 such nominees were confirmed during President Bill Clinton's final two years in office.
>
> It appears unlikely that Democratic Senators will match that number, but they should at least give every current nominee an up-or-down vote and expeditiously process the nominees to the U.S. Court of Appeals for the 4th Circuit, where five of the court's 15 seats are vacant.

That was an editorial entitled, "Judges, and Justice, Delayed: The Senate Needs To Move Faster On Court Nominations," of April 15, 2008. That is obviously very true. There is no reason these other judges cannot be considered as well. When we ask the question, what is really going on, it is that the chairman of the committee apparently is desirous of picking and choosing which nominees move forward. It is not a matter that the nominees cannot move forward.

In one case, or in two or three cases, they are ready to have the hearings. In one case, the hearing has already been held. So it is literally only a matter of a week or two before those nominees could be brought to the Senate floor. As illustrated by the current process, to get these other judges confirmed by Memorial Day, it is clear that when we want to we can accelerate the process and get the job done.

I will close by noting that regarding the nominee who has been pending now for almost 2 years, Peter Keisler, the Washington Post had this to say:

> Peter Keisler was nominated in 2006 to the U.S. Court of Appeals for the DC Circuit; his confirmation hearing was in August of that year. It is a travesty that he has yet to get a vote from the Senate Judiciary Committee.

Here, I will interpose, what is the holdup? Going back to the editorial:

> Mr. Keisler, who was chief of the Justice Department's Civil Division before joining a private law firm, earns plaudits from the right and left for stellar intellect and his judicial demeanor. Democrats have held up Mr. Keisler's nomination over a squabble about whether the DC Circuit needs 12 full-time judges. That dispute is over: Congress eliminated the 12th seat this year. Mr. Keisler should be confirmed forthwith.

So, clearly, we have nominees who should be confirmed. They are in the queue waiting. They could be easily taken up this week or next week. Their hearings need to be held. They need to be brought to the Senate floor and I urge my colleagues to work with us to move this process forward so these important nominees can be considered by the full Senate.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

FAA MODERNIZATION ACT

Mrs. MURRAY. Mr. President, the FAA Modernization Act, which we are debating in the Senate today, makes critical improvements that will ensure our aviation system is safe and efficient. That will put us on a path to modernizing our air traffic control system.

Now, in a short while, early this afternoon, the Senate will vote on whether we will finish this bill and send it to conference or whether Republicans are again going to refuse to work with us and force us to take this bill off the Senate floor.

I hope we are going to vote to move forward this afternoon. My colleagues on the Commerce and Finance Committees worked very hard on this important bill because it is critical to our Nation's economy that our aviation system work smoothly. We have some serious problems that we need to address.

Our air travel infrastructure is aging fast. It needs to be updated. The bill before us will help us modernize our aviation system to ensure that it continues to be the safest in the world.

We also have to take action to help carriers deal with rising fuel costs and, of course, to protect our passengers by reducing flight delays and cancellations.

Unfortunately, as we speak this morning, the Senate is essentially deadlocked. Republicans say they object to certain tax provisions, even though this bill, I remind everyone, was supported overwhelmingly when it was marked up in the Finance Committee. But our Republican colleagues insist that we strip out every provision that isn't directly linked to aviation. If that isn't done, they say they are going to filibuster this bill and keep us from ever getting to a final vote on it.

The majority leader has said time and again that he would welcome amendments to the bill, but Republicans have refused. Instead of working with us to come to an agreement on the points they oppose, they are going to block the whole bill.

What is most unfortunate about the Republican filibuster today is that this is a vitally important piece of legislation. Although my job as chairman of the Transportation Appropriations Subcommittee is to deal with appropriations, not authorizations, I can also tell you that this FAA bill is not just a bill that would be nice to have, it is a bill we must have.

Some of our most important aviation authorities expire at the end of this June. That means by the end of next month, if this bill is not enacted, the FAA will no longer have the authority to spend money out of the Airport and Airway Trust Fund.

Every penny that has been appropriated for purchasing and modernization at the FAA is paid for out of that fund. So if this bill doesn't become law at the end of next month, billions of dollars in projects at the FAA are going to grind to a halt.

If this bill doesn't become law, all of the employees who work on those projects will be told to stay home because the agency would not be able to pay them.

Mr. President, that is not all. Republican obstruction of this bill would cost billions of dollars in capital projects at our Nation's airports. The entire Airport Improvement Program, or AIP, would be shut down, and billions of dollars in critical safety improvements at airports across the country would go unspent.

Finally, our ability to collect ticket taxes from air travelers in order to fund our trust fund will run out. That would push the FAA's primary source of funding closer to bankruptcy.

Mr. President, these are not just small things. These programs ensure that airplanes and airports operate safely, and nobody can argue that safety would not be harmed if we shut down the ability of the FAA to modernize its long-outdated radar infrastructure.

I wish to talk about one of the non-aviation provisions that the Republicans say is a reason they are standing in the way of this important critical piece of legislation. I want to tell you why I believe it is critical to keep it in this legislation. The provision I am referring to addresses an urgent problem with the highway trust fund.

If we don't act now, the highway trust fund will go bankrupt sometime next year. If that happens, it will put a stop to Federal road projects across our entire country. That means bridge improvements, turn lanes, highway widenings, and countless projects would no longer get the Federal funding that has been promised. These are vital projects to all of our communities. They ensure that our highways are safe. They are essential to commerce and economic development.

It is critical to every State in our Nation and everybody who drives on our Federal highway system that we find a way to keep this trust fund solvent.

I have been sounding the alarm over this looming disaster for almost 2 years. We are at a point now where we have to find a fix to ensure that we don't have to make disastrous cuts in our highway spending next year.

Very early in this Congress, both Chairman BAUCUS and Ranking Member GRASSLEY committed in writing to myself and my ranking member, Senator BOND, that they would make this fix that is now contained in this bill.

I ask unanimous consent that the letter to Senator BOND and myself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, January 25, 2007.

Hon. PATTY MURRAY,
Chairman, Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Washington, DC.

Hon. CHRISTOPHER BOND,
Ranking Member, Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Washington, DC.

DEAR SENATORS MURRAY AND BOND: Meeting the funding obligations laid out in SAFETEA-LU is of vital importance to our nation's transportation system. According to the recent CBO projections, the Highway Trust Fund shows a shortfall of several billion dollars in fiscal year 2009, the last year of SAFETEA-LU. The Senate Finance Committee is dedicated to finding the necessary revenues to keep the Highway Trust Fund whole for the life of the current authorization. We are actively working on several options to accomplish this task.

We appreciate this opportunity to share our commitment to meeting the nation's transportation needs.

Sincerely yours,
MAX BAUCUS,
Chairman.
CHARLES E. GRASSLEY,
Ranking Member.

Mrs. MURRAY. Mr. President, in the tax portion of the aviation bill, Chairman BAUCUS and Senator GRASSLEY are keeping their word. This provision in this bill authorizes that there will be enough money to continue highway projects under SAFETEA-LU—the Federal transportation planning bill.

As I said, this addresses an urgent need. If the highway trust fund provision is stripped from this bill, my subcommittee could be required to cut highway spending for 2009 by $14 billion just to keep the trust fund out of bankruptcy next year. That will represent a cut of more than one-third in a single year.

I think all of our colleagues should know exactly what is being put at risk if the highway trust fund provisions were to be stripped out of this bill.

I ask unanimous consent that a table that has been prepared by the Federal Highway Administration be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF TRANSPORTATION—FEDERAL HIGHWAY ADMINISTRATION—COMPARISION OF DISTRIBUTION OF OBLIGATION LIMITATION

[Scenario 1: Obligation Limitation Distribution for FY 2008 Based on Consolidated Appropriations Act, 2008. Scenario 2: Obligation Limitation Distribution for FY 2009 Based on Obligation Limitation of $27.2 Billion]

State	Total obligation limitation		
	Scenario 1	Scenario 2	Difference
Alabama	652,726,547	454,824,733	(197,901,814)
Alaska	282,066,711	213,461,360	(68,605,351)
Arizona	645,075,344	423,184,887	(221,890,457)
Arkansas	408,704,023	286,719,068	(121,984,955)
California	3,027,693,941	2,162,914,748	(864,779,193)
Colorado	439,113,155	305,442,339	(133,670,816)
Connecticut	448,398,704	298,155,051	(150,243,653)
Delaware	128,377,882	89,408,810	(38,969,072)
Dist. of Col.	131,278,091	89,055,744	(42,222,347)
Florida	1,646,926,789	1,102,615,868	(544,310,921)
Georgia	1,189,444,266	808,957,462	(380,486,804)
Hawaii	138,186,609	92,455,082	(45,731,527)
Idaho	240,341,940	168,827,927	(71,514,013)
Illinois	1,116,883,893	783,330,484	(333,553,409)
Indiana	837,221,544	581,195,810	(256,025,734)
Iowa	376,023,626	242,857,239	(133,166,387)
Kansas	331,623,187	223,029,846	(108,593,341)
Kentucky	563,101,468	388,477,945	(174,623,523)
Louisiana	525,533,278	351,623,950	(173,909,328)
Maine	145,807,693	101,473,221	(44,334,472)
Maryland	526,801,824	351,819,107	(174,982,717)
Massachusetts	563,444,067	365,897,655	(197,546,412)
Michigan	949,589,055	722,171,474	(227,417,581)
Minnesota	516,029,374	391,306,319	(124,723,055)
Mississippi	386,729,693	267,581,968	(119,147,725)
Missouri	762,557,035	530,486,038	(232,070,997)
Montana	307,593,579	218,174,703	(89,418,876)
Nebraska	241,810,163	163,744,876	(78,065,287)
Nevada	235,089,219	145,744,407	(89,344,812)
New Hampshire	148,716,449	100,205,953	(48,510,496)
New Jersey	869,636,446	582,846,004	(286,790,442)
New Mexico	302,478,979	217,029,410	(85,449,569)
New York	1,520,182,342	990,367,322	(529,815,020)

U.S. DEPARTMENT OF TRANSPORTATION—FEDERAL HIGHWAY ADMINISTRATION—COMPARISION OF DISTRIBUTION OF OBLIGATION LIMITATION—Continued

[Scenario 1: Obligation Limitation Distribution for FY 2008 Based on Consolidated Appropriations Act, 2008. Scenario 2: Obligation Limitation Distribution for FY 2009 Based on Obligation Limitation of $27.2 Billion]

State	Total obligation limitation		
	Scenario 1	Scenario 2	Difference
North Carolina	926,525,517	651,798,430	(274,727,087)
North Dakota	202,565,774	139,213,152	(63,352,622)
Ohio	1,166,229,708	840,803,111	(325,426,597)
Oklahoma	503,342,513	342,367,319	(160,975,194)
Oregon	377,426,038	255,186,729	(122,239,309)
Pennsylvania	1,505,915,429	992,854,989	(513,060,440)
Rhode Island	169,131,952	109,296,597	(59,835,355)
South Carolina	533,174,501	362,727,197	(170,447,304)
South Dakota	212,627,616	151,170,837	(61,456,779)
Tennessee	705,609,706	488,908,923	(216,700,783)
Texas	2,676,992,892	1,855,034,583	(821,958,309)
Utah	234,081,641	160,420,055	(73,661,586)
Vermont	136,260,491	96,554,996	(39,705,495)
Virginia	856,744,956	600,370,965	(256,373,991)
Washington	572,683,600	380,729,769	(191,953,831)
West Virginia	352,622,384	244,799,450	(107,822,934)
Wisconsin	625,583,865	444,299,449	(181,284,416)
Wyoming	210,639,995	153,148,013	(57,491,982)
Subtotal	32,573,345,494	22,485,071,374	(10,088,274,120)
Allocated Programs	4,127,089,170	1,909,255,590	(2,217,833,580)
High Priority Projects	2,740,953,600	1,922,227,200	(818,726,400)
Projects of National & Regional Significance	410,949,000	230,558,400	(180,390,600)
National Corridor Infrastructure Improvement Program	449,988,000	252,460,800	(197,527,200)
Transportation Projects	590,259,516	331,158,586	(259,100,930)
Bridge (Sec. 144(g))	92,400,000	64,800,000	(27,600,000)
Transfer to Sections 154 & 164	231,066,579	4,468,050	(226,598,529)
Total	41,216,051,359	27,200,000,000	(14,016,051,359)

Mrs. MURRAY. The agency's table shows all of us the amount of money each and every State will see cut next year if the highway trust fund were not fixed and if we are required to fix it through the appropriations process for 2009. No State will be spared. Look up your own State. Texas will lose $822 million. Kentucky will lose $175 million. Minnesota will lose $125 million. Maine would lose $44 million. The list goes on. Look up your State and learn what is at risk if we don't vote to move this bill forward and solve this problem.

I remind my colleagues that the provisions in this bill do not fix the trust fund on the long-term basis. The fix that is in this bill will only be sufficient to keep the highway trust fund in the black through 2009. But cutting this provision would not just mean States would lose the ability to make urgent road improvements, it would also mean a loss of a half million jobs across our Nation.

Many of my colleagues have talked about the terrible impact felt in the construction sector by the recent economic slowdown. Some have called for economic stimulus proposals to get the sector back on its feet.

I have to say, stripping the highway trust provision out of this bill will have the exact opposite effect. It will mean layoffs at a time when our economy badly needs help. So I hope our colleagues take that into consideration when we vote this afternoon on whether to move forward on this bill.

In addition, I hope my colleagues remember that earlier this year we learned some disturbing news about the FAA's handling of safety inspections at Southwest Airlines. We learned that the FAA had not reviewed Southwest's system for complying with certain agency safety directives since 1999. That revelation caused a great deal of concern about the FAA's safety inspections across the country, with very good reason. Those inspections are important because they help our airlines and the FAA discover potential problems and address them before there is a tragedy.

But when Congress began looking into the problem, we found it was much more extensive. Last month, at a hearing with the Acting FAA Administrator, Robert Sturgell, and the Department of Transportation inspector general, I learned for well over 5 years the FAA had not examined whether Southwest was using the right safety systems for certain maintenance requirements.

Now, you can imagine I was concerned to hear about that. So I asked him how many other airlines had missed safety inspections. Mr. Sturgell could not answer me. Well, I asked him to get it back to me. I finally received an answer. The FAA now tells us it has failed to perform dozens of mandatory inspections at seven other major air carriers.

In fact, the FAA now says it has missed more than 100 of these required safety inspections at major airlines. Mr. Sturgell said that part of the reason might be "inadequate resources." Well, I am not sure how that could be. I have been working, along with my colleagues, to increase funding for FAA inspections for the last 7 years—in fact and this is true of my appropriations subcommittee, whether I have been chairman or my Republican colleagues have been chairman, for the last 4 years. We have provided more funding for more safety inspectors than the FAA has ever requested of us. So this is a funding issue? The FAA hasn't been honest about the true needs of its agency.

Now, I know Congress has been doing its part to build the inspection workforce without the benefit of a request from the FAA, and as a result, we have hundreds more inspectors across the country than the FAA has ever requested. Either way, I have serious concerns because the agency has insisted that the airlines must be the ones to guarantee the safety of their operations, and it is said that FAA inspectors are best used to ensure that the airlines have assistance to do the job. Now we are being told that the FAA is years behind in inspecting those very systems.

The lesson from the Southwest debacle is that these safety inspections matter. They are one of the best indicators of whether an airline has its act together when it comes to maintenance and safety compliance. Clearly, the FAA needs to bring more focus and leadership to meeting its own self-imposed deadlines, and we will be looking for quarterly reports and answers on this as we move forward.

So with all of these safety concerns as a backdrop, this afternoon we are now facing a filibuster from our Republican colleagues who want to bring down the FAA safety authorization bill. We have a bill before us that clearly offers us a chance to make a difference for safety, for our airlines, for our passengers, for our highways, and for our economy. We are talking about a bill that ensures the safety of our air travel. This is a critically important bill and, by the way, until recently a bipartisan one. But now we are hearing that the Republicans want to wage their 68th filibuster on a bill that is important to all of us.

We have the ability to move forward. I urge our Republican colleagues to work with us and to not obstruct this bill this afternoon because anyone who has stood in an endless line at an airport or had their flight canceled or wanted to have important highway improvements done is counting on us to do the job. So I urge my colleagues to negotiate instead of blocking progress, and I hope they will work with us to do this quickly as we move to the bill today.

Mr. President, I thank you, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first I wish to thank Senator MURRAY for her comments. I couldn't agree with her more. I know the people of Maryland are very much concerned about the FAA reauthorization bill and getting it done. Passenger safety is critically important to the people of Maryland and this Nation. Modernizing our air system is very important. I thank Senator MURRAY for the comments she made.

JUDICIAL APPOINTMENTS

Mr. CARDIN. Mr. Presidentt, I wish to first respond, if I might, to the comments Senator KYL made in regard to consideration of judicial appointments.

Of course, one of the most important responsibilities each one of us in the Senate has is to deal with confirmation of judges who have lifetime appointments to the Federal bench. It seems to me the Republicans are criticizing the Democratic leadership because sometimes they think we move too slowly, and now they are criticizing us for moving too fast on nominations. I don't quite understand it.

I hope the public will look at the record. When President Clinton was President of the United States, when he left office, there were 32 vacancies on the circuit courts of this Nation. Today, that number stands at 12. We have moved the confirmation process forward. I think we have done it in the appropriate manner.

I would also point out that there have been three circuit court judges who have had some controversy surrounding their confirmations in which there was opposition by Democrats, but at no time did Democrats delay the consideration of those nominations on the floor. They came up, they were voted on, there was never a filibuster, and there was never an effort made to slow it down. In fact, on one judicial appointment that was voted for on this floor, it was the Republicans who asked for the delay so they could get the necessary votes to get the nomination out of committee. So I think the record speaks for itself as to the consideration of judicial appointments.

FAA REAUTHORIZATION

Mr. CARDIN. Mr. President, I think it is ironic that the Republican whip used this opportunity to talk about delaying judicial appointments when the Republicans are in their 68th filibuster in this Congress. Sixty-eight filibusters. The most recent, of course, is the Federal Aviation Administration Reauthorization Act, the bill that is on the floor right now that we will have a chance to vote on later today. We have been on this bill for over a week without a vote because the Republicans are filibustering it. This is a bill which is critically important to the people of this Nation—first and foremost because of safety. I think Senator MURRAY pointed this out very clearly.

We need to implement the next generation of an air transportation system that was recommended in 2004. We still haven't implemented that. This legislation provides $290 million annually to modernize our satellite-based system. I am told there are some automobiles that have more sophisticated guidance systems or satellite identification systems than our planes. We need to do a better job.

We have a bill that was crafted in a bipartisan way in our committee that has come forward. Let's consider it on the floor for the sake of the people of this Nation—for their safety. We know that every year millions and millions more people are flying. Air traffic is up. We need to modernize our system for the safety of the people of this country.

We need more safety inspectors; we certainly know that from what has happened this year with the number of aircraft that were not properly inspected. This bill will provide the wherewithal in order to make sure we carry out the inspections in the best interests of the people of this Nation.

I am sure people are very aware of their fellow citizens being stranded on runways for up to 11 hours without being tended to. This legislation provides for a passengers bill of rights so that we have some basic protection for those who travel by air in this country.

It is important for our entire country, but let me just point out what it means in Maryland.

We have 20 million passengers who go through the Baltimore/Washington International Thurgood Marshall Airport, adding $5.1 billion to the economy of my State of Maryland. I could talk about the essential air service which affects one community in my State, the Hagerstown Regional Airport. That is in this bill.

My point is that this bill is a comprehensive bill that affects every part of our country, and it deserves a vote on this floor.

Hagerstown Regional Airport is critically important to the economic development of the people of that region, and the central air service which is extended in this legislation allows it to become the economic stimulus for additional growth in the Hagerstown area. So there is a lot depending upon this bill moving forward.

Yes, later today we are going to have a vote. It is a very simple vote. It is a vote on whether we are going to move forward on the legislation or we are going to allow the filibuster to continue—the 68th filibuster the Republicans have initiated in this Congress.

Majority Leader REID has made it clear that if the Republicans or any Member of the Senate doesn't like a provision in the bill, they can offer an amendment to take it out. We will have a vote on that amendment. There is no effort being made here to stop debate. What we are trying to do is take up a bill, not spend a full week in doing no work on the floor because we are in a filibuster. Let's end this filibuster, let's take up the amendments, let's vote on the amendments, and let the majority rule on this very important subject. That is what we are asking for today.

This is a bipartisan bill. It has enjoyed bipartisan support. The public wants us—Democrats and Republicans—to work together on issues that are critically important to the future of our country. Air traffic and passenger safety is critically important to the future of America. So I urge my colleagues to put aside partisan differences and allow us to let democracy work. Allow us to vote on the issues. Allow us to bring forward this critically important bill to the people of this country. We will have a chance to do that later today, and I hope that the necessary Members of this body will vote to put aside their partisan differences and allow us to have a vote for the sake of the safety of the people of this Nation.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FAA REAUTHORIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2881, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 to 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Pending:

Rockefeller amendment No. 4627, in the nature of a substitute.

Reid amendment No. 4628 (to amendment No. 4627), to change the enactment date.

Reid amendment No. 4629 (to amendment No. 4628), of a perfecting nature.

Reid amendment No. 4630 (to the language proposed to be stricken by amendment No. 4627), to change the enactment date.

Reid amendment No. 4631 (to amendment No. 4630), of a perfecting nature.

Motion to commit the bill to the Committee on Finance, with instructions to report back forthwith, with Reid amendment No. 4636, to change the enactment date.

Reid amendment No. 4637 (to amendment No. 4636), of a perfecting nature.

Rockefeller amendment No. 4642 (to amendment No. 4637), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is an interesting situation in which we find ourselves today.

I guess I have to say last week was the most frustrating week I have spent in the Senate in my 24 years here. We are discussing an aviation bill which has highway provisions. We are discussing, for example, in the Presiding Officer's State, the need for essential air service, shown by its loss of Frontier Airlines, and my State there is a similar situation and other States are in similar situations.

We are also talking about the fact that airlines are not being run in a safe enough manner. We are talking about the fact that we are just behind Mongolia in terms of our air traffic control system, in terms of its relevance to the modern age. It is a very scary situation.

Last week, we did not hold a single vote. We were on the aviation bill all week, but we did not have a single vote on aviation. I find that interesting, and I find it profoundly depressing, and, to a certain extent, it defines what the American people find so inadequate about Congress or, in this case, the Senate.

We have ideas, people work very hard, they work long hours, staff works particularly long hours, we negotiate, Members negotiate, we come to what we think is an agreement, and then days go by and nothing happens.

I repeat, I have never been through a situation where we have been on a bill which is this important and where 1 billion passengers are going to be using this air traffic system in 2015 and they are going to be using it on basically a "Polaroid camera" technology system. We have not had crashes. We did have one in Kentucky, but it is a little bit similar to post-9/11: Unless you have crashes that attract lots of cameras, people begin to lose interest. If there is anything not to lose interest in, it is not only the war on terror, but it is also aviation safety.

I repeat, we had all last week devoted to the aviation bill. We had one vote over the course of 5 days. That vote was a procedural vote—not the kind of thing that raises you out of your seat with excitement. Other than that, we did not vote on one aviation issue for the entire week.

When Senator Lott and I began this process a long time ago, we operated in a completely bipartisan manner. Senator HUTCHISON and myself were doing the same thing. We wanted to work together. We had worked together before on the aviation subcommittee. We had operated in a bipartisan manner. Senator REID wanted to bring the FAA reauthorization bill to the floor. It was timely. It was important. I worked very hard, from my point of view, to compromise.

I have a very large problem with the fact that high-end corporate jets and personal jets that may have one or two people on them, plus stacks of sandwiches and goodies, take the same amount of time for the air traffic controllers to navigate through the skies as some airplane that have 300 people aboard. A plane which is headed somewhere in America with people who have all kinds of work they have to do. Some are on vacation, because we are at that time of year, but most people are traveling because they have to travel—they have to go to a meeting, they have to be somewhere, they have to visit somebody sick in their family.

What is interesting is the general aviation community is paying for about 3 percent of the entire cost of the air traffic control system—3 percent, which means the commercial airlines are paying 97 percent. Yet the general aviation community dominates the skies at any given moment. There are an average of 36,000 planes in the skies during the day, and two-thirds of them are likely to be general aviation.

Of course, as soon as I said that, every Senator got 1,500 telephone calls from high-end jet users. I was on the Commerce Committee. We had to work this out with the Finance Committee. I worked with the Finance Committee, and we came up with a system that didn't put that kind of burden on the general aviation system.

My provision, which they said was really quite a horrendous thing to consider, was when a 737 or GV or GVIII takes off, they have to pay a $25 fee. If they flew to Bonn, which has this system already, obviously—all of Europe does—if they returned, they would have to pay another $25 fee. That would be a total of $50.

They began to talk about the end of general aviation as we know it. I stood back, aghast, at the sense of perspective in all of this. What they very well know is in general aviation we excluded 90 percent of all general aviation aircraft from this provision—crop dusters in Montana up to King Airs, everything was excluded; everything. Single-engine planes that doctors and lawyers fly to calm their nerves and get their heads in order—all those are excluded. Only the high-end jets—rich people, big corporations, big planes getting the full attention of the air traffic control system would have had to pay the fee in my provision.

I negotiated this provision with Senator BAUCUS, the chairman of the Finance Committee. He had a different perspective on this issue. Because he has superb staff and he himself is very good, I understood I was not going to get anywhere with my approach—which is a very small, little item in all of this. So I backed off from my approach and I eliminated this horrendous, Draconian, Attila the Hun-type $25 fee that it would actually take should the Presiding Officer own a G-8, that he wouldn't have to pay that. He simply would not have to pay that. He could just go right off and fly to Bonn and not pay that $25. So I backed off on that.

Then everything began to come together, and I was really encouraged that the full Senate could reach an agreement once the Commerce and Finance Committee bills were reconciled, and this appeared to be happening. But, on the other hand, there were other issues, so I got together with Senator HUTCHISON, and our staffs got together.

Actually, it was Leader REID who came up with a very smart idea. The idea, Senator HUTCHISON told me, was of interest to her. She said that sounds pretty good. It was the following: All aviation taxes, keep them but raise nothing on commercial airlines. Why? Because you have to hold them harmless because they are broke—some are in chapter 11, some in chapter 7—whatever it is they are in a mess. Keep the highway funding provisions. There are those who believe it is pretty important. It creates a lot of jobs. But strike the tax increases to pay for the highway funding, to use general funds—revenues to pay for highway spending. Keep the bonds for New York. Keep railroad bonds. Strike tax increases to pay for bonds.

We take sort of the extraneous financial parts of the aviation bill, which do not deal directly with aviation—and therefore you could say: What are we doing this for? You know you want money in the highway trust fund. I do. We do in West Virginia. The Presiding Officer's people do in Montana. We agreed to say, as we did with the alternative minimum tax—the Republicans voting along with that—that we would do these things, but we would not pay for them. That warmed my heart because it struck me that we were approaching a deal.

Then we agreed—that is, between Senator HUTCHISON and myself—to strike the pension provision, which affected American Airlines and a couple of others, on the basis that it was already settled law. It had been settled last year. It was the law of the land, and you don't just remove it.

Then there was kind of a return offer. It started out with no New York bonds. The New York bonds are in the President's budget. They are part of the commitment the U.S. Government and the President of the United States made to the State of New York after the 9/11 attacks. So that seemed to be something that could be done. But a lot of people, evidently, don't like New York—it would appear to be that way—so they said we have to get rid of those New York things. They also wanted to change the railroad bonds from tax credit bonds to tax-exempt bonds. That is cheaper. Maybe we can live with that. Working with Finance, we could likely work out a deal on railroad bonds, though railroads are not aviation, but they are a serious matter. That would probably be worked out. However, New York bonds we were told are simply off the table. That will affect rather deeply one New York Senator I can think of, who has a way of expressing himself quite strongly on this issue. But other than that, it seemed to me that everything could get pretty well worked out.

The problem was I had not heard from Senator HUTCHISON, and none of my staff had. We didn't really know, therefore, what she was thinking. She had said: That seems like a pretty good idea. Then we get back this other proposal, which complicates things.

Now I understand that Senator HUTCHISON, the Republican leader, Senator MCCONNELL, are in conversation. I pray—I earnestly pray that they are in conversation right now about what to do about this because I really don't want to spend the next week not voting, and I really don't want to come to a cloture vote this afternoon which cannot possibly pass because, in more or less uniform fashion, the other party votes against it.

That is my sense of where we are at the moment. A number of people have come down and spoken about the bill. They have spoken usefully. But the important thing was that we chose not to act. We simply chose not to act. I reiterated that our aviation system is on the brink of collapse. Our air traffic system cannot handle the burdens of today, much less tomorrow.

I repeat my oft-used example of landing at Washington National Airport the other day and it was just wall-to-wall people, from one end of the airport to the other. I really couldn't figure that out what it would look like in about 5 more years and when we were soon going to have 300 or 400 million more people using this airport. What would it look like? How could it expand? What do air traffic control people do? In the meantime, the commercial airline industry is losing billions of dollars, and the increasing cost of fuel could force additional bankruptcies, and that means even more widespread job losses. If we do not pass this bill, essential air service disappears. Airport improvement development programs, which all rural States depend on with every fiber in their body, will disappear. And our constituents whom, the last I heard, we represent, we would be saying to them: You go ahead and wait for 9 hours or 2 days, a lot of cancellations, and that is really OK because we can't agree as between the two sides.

I am boggled by the concept of us ignoring a problem so huge for so long—just in the past week, much less in the last 10 to 15 years. Compromise is the essence of the Senate. I had hoped and I truly believed that we could make the necessary compromises to move this bill. I still hope that. I am always optimistic.

I compromised, as I said, on what are to me a number of really basic core issues in order to move this important legislation forward. Senator BAUCUS and I had a number of serious policy differences over how to fund the modernization of our air traffic control system, but because of the urgency of the legislation and our good working relationship, we reached agreement. Why? Because we had to. I only wish our colleagues shared this sense of urgency.

People sometimes have their particular parts of a bill which they raise to sort of a sainted status.

They are called amendments. And if you are a floor manager of a bill, you are trying to pass a bill. On the other hand, if you are an individual Member of the Senate and you have a particular issue that you care about and you put it up as an amendment, and it becomes your bill. Actually, it is an amendment, but if that amendment passes and it is not agreeable to others, then the whole bill fails. That is not the way democracy is meant to work.

Now, I have very high regard for Senator HUTCHISON, and I really do believe we can work out all of the aviation-related amendments to this bill in a bipartisan fashion. I will not give up on that. I never give up on anything.

We cannot work out the disagreements over nonaviation issues but, then again, maybe we can. As I have indicated, I will come back to this bill at a moment's notice. It should not take a crisis or a major accident, a bankruptcy that strands tens of thousands of passengers, or a long hot summer for this bill to be considered.

I will say also that Senator INOUYE and Senator STEVENS want to continue this as soon as we can. So I do urge my colleagues to take the long view. At the appropriate time I will urge them to vote for cloture. In the mean time, I stand here as manager of the bill without much going on. And I have gotten accustomed to that, but I have not gotten to like it any more.

There are no amusing aspects to it nor, most importantly, for the airlines and the people who travel on them. So since I am here alone, and not challenged by any others, I will continue to make some other remarks, and I will talk about aviation safety because I haven't sufficiently had an opportunity to discuss this. It is a speech that I would either give this afternoon or this morning. So why not give it this morning when I am sure I can give it all.

Aviation safety provisions are obviously at the core of our legislation to reauthorize the FAA and are fundamental to the public's faith in our aviation system. The FAA is responsible for overseeing the largest and most complex aviation system in the entire world.

I am proud to say our country is a global leader in aviation safety. But as I have cautioned before over the last months, that reputation has come under serious doubt and there are always numbers to be looked at underneath—you know, a number of accidents, and the FAA's lax oversight of Southwest Airlines has cast a serious pall over the agency's ability to execute its core mission.

Around that is the safety of the Nation's aviation system. Unfortunately, the agency's casual oversight of Southwest does not appear to be an isolated incident, despite the agency's claims to the contrary. Just the other day the front pages of our Nation's newspapers described another potential FAA coverup, this time on runway safety violations. And nobody has thought about that very much. That simply is airplanes taxiing on runways either to get to the terminal, or to get away from the terminal, and to get into the air. So air traffic controllers do not just look up in the sky, they have to look down on the runways. I know the FAA states it is working to address each new problem that becomes public. But with each new story, we have more questions than answers about the agency's commitment to the ability to address pressing safety issues.

At an aviation subcommittee hearing several weeks ago on this issue, I called for the Secretary of Transportation and the White House to engage on this issue. And I would actually make a point here. I am not aware of any White House involvement on any of these issues about aviation at any point.

I have not talked to anybody from the White House nor has any staff. They are just watching it happen. There is a pattern to this, but the pattern in this case is a cruel one because it is sort of deliberately condemning. I think it is fairly well understood that much of what happens on the Senate floor emanates from directions from the White House.

So I call for the Secretary of Transportation and the White House to engage on the issue. The administration issued a number of statements and committed to undertaking serious review of the FAA's safety oversight.

I am still not convinced it appreciates the severity of the challenges facing the FAA. I get the distinct impression the changes the FAA implemented are in response to our actions in the Congress. I still need reassurances that the senior leadership at the FAA, the DOT, and the White House itself recognize the extent of the FAA's problems and are committed to rectifying them. I do not think that is unreasonable. This is a massive national problem which people take for granted, but they cannot anymore because the system is collapsing.

I know many in the FAA and the industry cite the fact that there has not been a fatal airline accident in almost 2 years, and that statistically this is the safest time in the history of aviation to fly. That is the kind of statement, as soon as I hear it, I automatically start having darker thoughts because it is much too simplistic and optimistic a statement to make under any situation.

They happen to be correct, statistically. I still want to believe and be certain that the United States has the safest and best air transportation system in the world. Although the United States has not experienced a tragic accident since August 2006, the fatal crash of a commuter carrier in Lexington, KY, our aviation nevertheless has experienced a disturbing number of significant safety lapses. Any safety lapse is either inches or feet or seconds away from becoming a tragedy.

Although the FAA's oversight of airline maintenance has dominated the newspapers and the question of whether their maintenance should be done offshore, without particularly rigorous oversight, the number of serious runway incursions remains unacceptably high and, as the General Accountability Office has stated, they are trending in a troubling direction.

I love that phrase, "trending in a troubling direction," which, out of a Government agency, means that you are approaching catastrophe.

As I have said, having the safest system in the world does not mean it is safe enough. I am deeply concerned that the risk of a catastrophic accident is increasing rather than decreasing. We have all read the stories of near misses at our Nation's airports. Let's be honest. Had it not been for the quick thinking and actions of a few controllers and pilots, our Nation would have had at least one if not several major accidents claiming the lives of hundreds of people.

I do not mean to be overly dramatic or to scare the public, but I am growing increasingly concerned that our aviation system is operating on borrowed time. A National Transportation Safety Board member testified before our aviation subcommittee of the Commerce Committee earlier this month, and he stated he believed the next major aviation accident would not likely be in the sky, or some plane crashing into a mountain, it would take place on a runway. That would be the next major accident.

Many, including myself, have criticized the agency for being too close to the industry it regulates. Now, that is an easy statement on my part to make, and not fair in its entirety because we have some very good inspectors. We have some very good people in the industry that are trying, and then there are probably weaknesses on both sides. There certainly are weaknesses on both sides.

In 1996, to stave off efforts to privatize the FAA Congress accepted at that time a provision from both Democratic and Republican administrations so they could operate the FAA more like a business. We gave the agency special authority so it could run more like a private entity. The theory was that by running it like a business, it would cost less to operate. We must recognize that the FAA is not a business; it is a Government agency paid for by the people who it may or may not be protecting.

The FAA does not provide commercial services, it provides public goods, and they are called air traffic control, aircraft certification, and safety oversight.

We, that is the taxpayers of the United States, pay taxes for these services. This is not a private enterprise matter. We need to start thinking about this agency very differently. That is not meant to diminish the people who work for the FAA or run the agency. This is simply a challenge for policymakers.

I believe it is a challenge that this bill begins to address. The Aviation Investment Modernization Act provides the FAA with additional needed resources to do a lot of things. First and foremost, we authorize 200 more safety inspectors. I do not know if that is enough; it probably is not, but the FAA has always been overlooked. It is like the Veterans' Administration which was overlooked until somebody wrote a story in the Washington Post that took this Congress and just shook it from head to toe.

We will never be the same again with respect to veterans, at least I pray that we will not. I do not believe we will. So the Appropriations Committee has already substantially increased FAA funding for inspectors for this fiscal year. And this bill will give the ability to do more in subsequent years because it is a multiyear bill.

I want to take a few minutes and outline the safety provisions in the bill that I believe will strengthen the FAA's oversight of airlines. It makes sure the FAA's voluntary disclosure reporting process requires that inspectors verify that the airlines actually took the corrective actions they stated they would. That is like a teacher correcting a math test. It is one thing to take a math test; it is another thing to have it looked at and graded. You find out whether you passed.

It is very sensitive. It would evaluate if the air carrier had offered a comprehensive solution before accepting the disclosure and confirms that the corrective action is completed and adequately addresses the problem disclosed. That is sensible. That is in the bill. That is in the bill on which we did not have a single vote all last week, except for one procedural one.

It implements a process or second-level supervisory review of self-disclosures before they are accepted and closed. Acceptance would not rest solely with one inspector. This is an important statement. So you do not get coziness; inspectors change.

It revises the FAA's postemployment guidance to require a cooling off period of 2 years before an FAA inspector is hired at an air carrier he or she had previously inspected. While we do that increasingly, I cannot think of a more important place to do it than in the FAA safety inspections. It implements a process to track field office inspectors and alert the local, regional, and headquarters offices to overdue inspections. One of the problems is people get way behind on inspections, the airlines do. The FAA does a lot of paperwork. All of the problems with an underfunded agency, which we in the Congress and administrations, both Republican and Democrat, have tended to put in a secondary category.

The process must incorporate something called ATOS, the Air Transportation Oversight System, reviews to determine full compliance with air worthiness directives at a carrier over a 5-year period that incorporates physical inspection of the sample of their aircrafts.

It establishes an independent review through the Government Accountability Office to review and investigate air safety issues identified by its employees. This develops a new review team under the supervision of the Department of Transportation inspector general; that is, the DOT IG who conducts periodic reviews of FAA oversight of air carriers.

It requires a comprehensive review of the FAA Academy and facility training efforts to clarify responsibility and oversight of the program at the national level and establishes standards to identify the acceptable number of developmental controllers at each facility. That is not a Shakespearean paragraph, but I hope the Presiding Officer and the ranking member of the Finance Committee understand what I am saying.

As a recent New York Times article said:

> One of the most critical challenges in aviation safety is improving safety conditions on our nation's runways.

I am back at them. Over the past year, we have seen a marked increase in the number of serious misses on our Nation's increasingly crowded runways. Again, this legislation includes provisions to reduce the number of runway incursions. It does so in the following manner:

First, the bill requires that the FAA develop a plan for reduction of runway incursions through a review of all commercial airports and establishes a process for tracking and investigating both runway incursions and operational errors that includes random auditing of the oversight process. That is not Shakespearean either, but it is precisely accurate, and it is what needs to be done. It directs the FAA to create a plan for the deployment of an alert system designed to reduce near misses.

This alert system must notify both air traffic controllers and flight crews about potential runway incursions. The establishment of this system is one of the NTSB's highest aviation safety priorities.

In addition, the bill requires a number of other safety provisions, including a provision to reduce the flammability of airplane fuel tanks. This was identified as the direct cause of the TWA 800 crash which occurred over a decade ago. I know the issue is a priority for Senator SCHUMER.

Improving the safety of our Nation's aviation system is one of the most paramount objectives of this bill. I believe we have made substantial progress with respect to this objective. I look forward to further debate on the safety provisions, as Senators come to the floor. I welcome any input that might improve these sections of the bill, but even more importantly, that might actually get us to a point where we can vote on a bill.

I thank the Chair, yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the next Republican speaker be Senator VITTER.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we are in a situation where a couple hours from now we will have a vote. I am sure people across the country watching this debate might be wondering what is going on, on this Federal Aviation Administration reauthorization bill. I would like to shed some light on where we are. As I shed some light, I wish to respond to some of the fiction that has taken the guise of debate.

On Wednesday of last week, two Senators, one Republican and one Democrat—Senator HUTCHISON and Senator DURBIN, respectively—offered an amendment to strike a provision in the substitute amendment then before the Senate. The substitute then pending was the product of extensive staff negotiations and Member discussions between two committees with jurisdiction over the Federal Aviation Administration program. The two committees were the Finance Committee, on which I serve, and the Commerce Committee, on which I do not serve.

People who may not understand how the Senate works or does not may wonder what the situation is. I would like to explain there are certain elementary things about the Senate that are fundamental. First, nothing gets done in the Senate that is not somewhat bipartisan because of the benefit of debate for minorities to hold up legislation until things are accommodated—meaning compromise. It is often difficult to get one committee's Republicans and Democrats together to get agreement to bring something to the floor that can get passed. It is difficult to get Republicans and Democrats on one committee together, but then we have the added benefit of the Commerce Committee getting together for a compromise, and then working out compromises between the Finance Committee and the Commerce Committee makes it doubly or, in a triple manner, difficult to get things done on the Senate floor. So we have two committees that reach accommodation bringing a bill to the floor. After it gets here, then it runs into trouble.

The Finance Committee's involvement in this is determining the aviation excise taxes, and it controls the airport and airway trust fund. We have to raise revenue. Without that money, there would not be much the Federal aviation program could ever accomplish. On the other hand, the Commerce Committee develops all the policy and all the programs that involve airports and aviation. So that is how you get two committees working together to get a bill to the floor. The Finance Committee works out its differences between Republicans and Democrats on financing. The Commerce Committee works out its differences between Democrats and Republicans on the policy of airports and aviation. Then you have to get these two committees together to move things to the floor of the Senate.

Last year, the Commerce Committee acted first. The Finance Committee acted a few weeks later. The Finance Committee, as part of its compromises, addressed airline pensions. We have heard many arguments pro and con about the merits of the Finance Committee provision. I addressed the merits myself at length last week so I will not repeat them now. But in a few moments I wish to respond to some of the points made by opponents of the Finance Committee provision.

As I said earlier, the substitute that was before the Senate until last Thursday was a product of a compromise between the Finance Committee and the Commerce Committee. Under that compromise, the Federal Aviation Subcommittee chairman and ranking Republican were managing the bill. They were, however, at a minimum, under the obligation to consult with the Finance Committee chairman who is Senator BAUCUS of Montana and the ranking member who happens to be this Senator with respect to Finance Committee matters in that substitute. That compromise and understanding was violated when the Democratic floor manager unilaterally modified the substitute. Under the rules of the Senate, he had that right. The modification was directly adverse to the interests of the Finance Committee members' compromise among themselves. So the managers breached that compromise, plain and simple. That compromise was breached.

What matters worse is the Democratic leader backstopped the Democratic floor manager's violation of the Commerce-Finance Committee compromise by filling the amendment tree. Basically, for those watching, that means nothing is going to be brought to the Senate floor as an amendment without the unanimous consent of somebody who has that responsibility on the other side of the aisle. So with tremendous power in one person, what we call the amendment tree is filled.

Now, we all know the proponent of the amendment, the Democratic whip, has a lot of power. That power was displayed when the offending narrow pension provision I have already referred to—the pension provision the Finance Committee was trying to correct—was airdropped into a conference report on Iraq spending last year. There were no hearings. There was no markup. There was no committee process. There was no transparency, just airdropped in a war supplemental conference committee report, something that everybody knew was going to pass and be signed by the President. So airdropped, wam, bam, here it is, take it or leave it, special interest provisions cooked up in the offices of leaders of the Democratic caucus. It is not the way we ought to legislate.

We have been told that by people on the other side of the aisle many times. I wish to make reference to at least one of those times. I seem to recall a lot of outrage when these kinds of narrow provisions were airdropped into a conference report when we Republicans were in the majority. No one was louder than the proponent of the amendment that was last week on the Senate floor than the Democratic whip. If we had a C–SPAN checker, you could roll the tape back a few years. But I will have to settle because I am not going to roll C–SPAN back to demonstrate the inconsistency of what is going on here, for a New York Times article I wish to refer to.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 11, 1997]

SENATE REPEALS TAX BREAK FOR THE TOBACCO INDUSTRY

(By Lizette Alvarez)

In another resounding setback for the tobacco industry, the Senate voted overwhelmingly today to repeal a $50 billion tax break for the industry that was slipped into the tax cut legislation just before it was passed in July.

The repeal amendment, sponsored by Senators Susan Collins, Republican of Maine, and Richard J. Durbin, Democrat of Illinois, passed by a vote of 95 to 3. It would delete a one-sentence provision in the tax package that permitted tobacco producers to subtract $50 billion from the amount they would pay under a proposed legal settlement with a group of state attorneys general.

Senator Durbin hailed the vote as a sign that the tobacco industry's sway was waning on Capitol Hill.

"The overwhelming vote sends a clear message, first to the tobacco companies: Don't try this type of backroom deal and deception in the future," Mr. Durbin said. "It is really an example of the old school of politics, the old style of politics."

As the Senate was dealing a blow to cigarette makers, top White House officials were engaged in a debate over how to approach the proposed nationwide tobacco accord. Some of President Clinton's closest advisers were pushing him to issue a strong endorsement of the $368.5 billion tobacco proposal, while others—including Vice President Al Gore and top officials of the Department of Health and Human Services—were urging a more moderate approach in which the President would spell out his goals without embracing a specific legislative plan for achieving them.

Tension within the Administration over the agreement is not likely to be resolved until next week, when Mr. Clinton is expected to decide whether to back the proposed tobacco agreement, which has powerful critics among public health experts and Democrats in Congress.

Today's vote on the $50 billion tax provision indicates that whichever course the President adopts, a sweeping settlement with the tobacco industry will not be enacted until it faces months of scrutiny in Congress.

Public health advocates began a last-ditch round of lobbying to persuade Mr. Clinton to reject the settlement, which was negotiated by state attorneys general, plaintiffs' lawyers and tobacco industry representatives.

Dr. David A. Kessler, former Commissioner of Food and Drugs, met with top White House aides and members of Congress today to urge them to reject the proposed settlement in favor of a $1.50-a-pack tax on cigarettes.

Dr. Kessler maintained that substantial price increases were the only proven means of reducing smoking by teen-agers. He was preparing to testify before a Senate committee on Thursday that the proposed settlement amounted to a bailout of the tobacco industry and would not significantly reduce minors' use of tobacco.

The tax provision repealed today in the Senate would have effectively allowed tobacco companies to save $50 billion on the proposed settlement by claiming a dollar-for-dollar credit on a 15-cent cigarette tax increase. The tax was approved in July by Congress to underwrite health care for children.

Although the Collins-Durbin amendment won near unanimous support in the Senate today, its survival depends on two things: passage of the massive appropriations bill, to which the amendment is attached, and the House's agreement to go along with the provision.

But the support that the amendment received today, even among senators from many tobacco-growing states, is likely to force the issue in the House, Senator Durbin said.

Representative Nita M. Lowey, Democrat of Westchester, has offered a companion bill in the House. "We're going to make sure we prevail in one form or another form," she said.

Today's vote is also a sign of the escalating frustration and impatience with the tobacco industry's tactics at a time when the industry is working to rehabilitate its image, lawmakers said today. The provision was inserted in the tax bill at the last minute, members said, to stave off discussion and debate.

The three Senators who voted against the amendment were Mitch McConnell of Kentucky and Lauch Faircloth and Jesse Helms of North Carolina, all Republicans. Both Kentucky and North Carolina are large tobacco-producing states.

No one has yet stepped forward to claim authorship of the tax provision that was repealed today.

Senator Durbin, who characterized the tax provision as an "orphan," added that "people said it appeared mysteriously." and was still expressing astonishment over how it materialized at the last minute.

The Senate majority leader, Trent Lott of Mississippi; Speaker Newt Gingrich of Georgia; the White House chief of staff, Erskine B. Bowles, and the chief White House lobbyist, John Hilley, all approved its insertion in the tax cut bill. They were the last ones at the table in the final negotiations over the balanced budget and tax-cutting agreement.

Today, Senator Lott voted to repeal the credit.

Mr. Lott's press secretary, Susan Irby, said there was never a secret conspiracy to keep the $50 billion credit under wraps, noting that it was present in the tax cut bill the weekend before it was voted on. "This garbage about something being slipped in and it being a one-sided agreement is poppycock," Ms. Irby said.

For the tobacco industry, today's vote was one of several recent setbacks. Last week the Senate reversed an earlier decision and agreed to earmark $34 million to pay for a crackdown on illegal sales of cigarettes to underage youths.

The pressure was also stepped up on Tuesday by Senators Tom Harkin, Democrat of Iowa, and Connie Mack, Republican of Florida. The two announced that they planned to introduce legislation to prevent tobacco companies from writing off one-third of the billions they would have to pay under the settlement.

The bill would funnel the money to the National Institutes of Health to help pay for research on cancer, emphysema and other diseases linked to smoking.

Mr. GRASSLEY. It is dated September 11, 1997. That article deals with a very successful effort on the part of the present Senate Democratic whip to remove any extraneous matter that had been airdropped into a conference report on a popular tax relief bill by the then-Republican majority of the Senate. The offensive measure was a tax credit for payments made by tobacco companies in the tobacco court settlement. The Democratic whip successfully repealed that airdropped provision. I happened to think he did the right thing then because I supported his efforts. The Democratic whip noted his victory by saying, quoting from the New York Times article of September 11, 1997:

> Don't try this type of backroom deal and deception in the future. It is really an example of the old school of politics, the old style of politics.

That is a quote from the very same person who is involved in this effort we are speaking about now and that we will be voting on this afternoon.

The distrust of the public for the old school of politics, the old style of politics, is something the junior Senator—not the senior Senator but the junior Senator from Illinois has eloquently raised on the Presidential campaign trail.

To be bipartisan, I might say, the senior Senator from Arizona, also a candidate for the Presidency, has also touched a nerve about the old school of politics and the old style of politics as well.

The Democratic whip was right 12 years ago. I agreed with him 12 years ago. I voted with him 12 years ago. Unfortunately, with respect to this airdrop pension provision, the old school of politics, the old style of politics was applied.

Now, what do I mean? In this case, old school, old style power politics was at play. A powerful member of the Democratic leadership, a key member of the Appropriations Committee, did an end run around the Finance Committee and also the Health, Education, Labor, and Pensions Committee.

Forget about the nearly yearlong conference negotiations that went on to get a pension bill passed in 2006 as well. It was bipartisan and involved the work of two committees, which I have spoken to—that it is often difficult to get one committee together without getting two committees going in the same direction. Forget about the nearly yearlong conference negotiations on that pension bill. Forget about all the hearings the House and Senate tax-writing and labor committees held on pension reform in the year 2006. Forget about the delicate compromise worked out on the way the funding rules affected airlines.

All of a sudden none of that mattered. The Democratic whip noted his victory. None of that mattered. So, consequently, here we are: a person who 11 years ago found fault with the majority party airdropping something—in other words, stuffing something—in conference without debate, without hearings, without committee markup, doing the same thing 10 years later.

What he was able to successfully correct in 1997, we are trying to correct now. We have obstacles put in the way: things such as having a very unusual compromise worked out, junked by the managers of the bill, and backed up by an amendment tree being filled so nobody can get a vote on issues that ought to be voted upon. Compromises that were worked out in 2006 ought to be maintained and backed up, as they overwhelmingly passed at that particular time.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise today to talk about the FAA reauthorization bill and a crucial issue that affects not only the entire airline industry—and is, therefore, at the center of this effort—but also it dramatically affects every Louisiana family, every American family struggling to pay its bills; that is, sky-high energy prices, including dramatically increasing prices at the pump.

I was very much looking forward to bringing up this issue with others and bringing up Vitter amendment No. 4648 to the FAA reauthorization bill to try to move forward in solving this issue. It is really a shame, in my opinion—and I think I am joined by many others in that conclusion—that the majority leader has filled up the amendment tree and shut down all amendments to this important bill.

This is an important matter: FAA reauthorization, the health of the airline industry and aviation. This is an important issue: sky-high energy prices. Of course it affects the aviation industry, but it affects all of Americans' pocketbooks as well.

In that context, I think it is particularly a shame the majority leader would shut down all amendments and shut down this important and healthy debate. But even though my amendment, and so many others germane to this topic, will not be able to be heard and voted upon, I did want to take the floor to outline those amendment ideas and to try to further the important discussion and debate.

When we think about energy prices, how to stabilize them, how to lower them, I start with economics 101. I start with the very first rule of economics I ever learned, the very basic rule that all of us think of in economics; that is, the law of supply and demand. So as with the price of any other commodity, if you are talking about energy, a good way to try to stabilize prices and bring them down over time is to work on two things: decreasing demand and increasing supply.

Again, economics 101 would tell you if you can do that—if you can shift both of those curves, shifting the demand curve by decreasing demand, shifting the supply curve in the opposite direction by increasing supply—you not only stabilize but you bring down prices.

It seems to me we should all be coming together in a bipartisan spirit to do both. I am eager to do both. I support proposals to do both.

There are at least three fundamental ways to help decrease demand on oil and gas specifically; that is, to conserve, to increase efficiency, and to move toward alternative fuels. Our energy picture is so dire, so challenging, we cannot pick one of the three. We need to do all three aggressively, just as we also need to work aggressively on the supply side.

So I support and will continue to aggressively support measures that make sense in terms of conservation, in terms of increasing efficiency, and in terms of promoting, moving toward alternative fuels. Those all lessen the demand on oil and gas.

But too often we get in this stale debate in the Congress, this stale deadlock, where one side of the political fence only wants to attack one side of the problem, and the other side of the political fence only wants to attack the other side of the problem, when our energy picture is so dire we clearly need to do both. So as we attack that demand side, let's not ignore the supply side either. As we move to a new alternative energy future, let's not ignore the fact that we will be dealing with oil and gas and depending on it significantly for many years to come. So let's turn to the supply side too, to increase our supply as we try to decrease demand to stabilize and bring down prices.

My amendment, Vitter amendment No. 4648, would do just that. I will outline that in a minute.

Before I do, though, let me express regret that so many of the suggestions, so much of the push, at least rhetorically in political debate and campaigning on the Democratic side, seems to ignore all these lessons, seems to not think or care about demand, not think or care about supply, not think or care about the issue and doing something about it. It just seems to be designed to go after the easiest and biggest political target in sight, which is the big oil companies, specifically by proposing dramatic tax increases on big oil.

Now, if some dramatic tax increase on big oil would move us down the path of solving our energy challenge, I would look at it very seriously. The fundamental problem I have with it is that it does not solve anything and, in fact, it almost certainly makes the problem worse.

There are two versions of this same political push to just attack the easiest and the biggest political target in sight. First of all, there is a proposal that we have actually voted on several times, and we have blocked several times, that would do away with certain incentives for oil companies to go into deep water, explore, and produce more energy. It would also do away with certain royalty relief designed to do the same thing.

Now, make no mistake about it, these tax incentives are in place to push companies—small, medium, and large—to go into deeper water, more difficult terrain, and extract more energy from the ocean bed to supply us with more energy. It seems beyond debate, in my opinion, that doing away with those incentives and that royalty relief will heighten the bar, will make it more difficult for any company—small, medium, or large—to do just that. So as we are trying to increase supply, this would do just the opposite and decrease supply.

Maybe it makes some people feel good because we are whipping up on some oil companies. Maybe it earns votes and earns favor with voters, particularly in an important primary election season. But I think around here we should perhaps ask the question: Does it do anything to solve our energy picture? And the answer is no. The answer is also no because there is nothing to prevent companies from passing on that tax increase to consumers. So just while we are trying to give consumers some relief at the pump, we would almost certainly be passing a tax increase that would be passed on to them in part or in whole and up the prices at the pump.

Now, the other popular version of this same political attack is a very old idea, dusted off, and apparently given new life this election season; that is, the windfall profits tax. Oil companies make way too much money. They have exorbitant, outrageous profits, so the argument goes, so we are going to attack, we are going to tax that windfall profits.

Just as an example, the leading Democratic candidate for President, our colleague, Senator BARACK OBAMA, has such a proposal to tax the profits made based on a price of oil over $80 a barrel. So we figure what that is on the part of any oil producer. That affects a lot of companies, not just big oil but medium and smaller producers, and for any profit associated with the price of oil over $80 a barrel, we are going to stick a big tax on that and bring that into the Federal Treasury.

Well, again, the fundamental problem with that, in my mind, is it does nothing to solve our energy problem and almost certainly makes that energy problem worse. It does nothing to increase supply. It almost certainly does something to decrease supply by making it less productive, less profitable for energy companies to go after more supply.

There are other problems as well. The first problem is the misnomer, windfall profits tax. The reported profits of the major oil companies are enormous for a very simple and basic reason: the size of the companies and the size of their activity is enormous. But, of course, as any economist would tell you, if you want to analyze a level of profit, you need to define it as a percentage of sales, as a percentage of assets—some percentage number like that—not a gross number which, of course, is going to be very large if you are dealing with an entity or a set of activities that is very large.

The fact is, when you look at that issue, when you look at oil and gas companies' profits as a percentage, it is very much in line with American business. The last figures we have are for the full calendar year 2007. In that calendar year 2007, oil and gas companies' profits were 8.3 percent.

Now, how does that compare? Well, for all of the U.S. manufacturing sector—a sector we always decry as in decline and being outsourced and in decline historically—that profit was 7.3 percent for 2007. If you take out U.S. auto companies—which are hurting, which have a much lower figure—then U.S. manufacturing was 8.9 percent. So, in fact, oil and gas companies are almost exactly in between all U.S. manufacturing, and all U.S. manufacturing except auto. It is reasonable to take out auto because they are in such dire circumstances. So they are not windfall profits at all.

Another important question to ask is, where these profits—whether they are normal or anything else—go because if we are going to stick a big tax on them, perhaps we should ask whom we are really taxing.

There is some notion out there, fueled by these political attacks and this pandering in an election year, that, well, of course, the only folks we are affecting are the executives at the big oil companies. But, of course, the facts are fundamentally different.

As this chart shows, profits of energy companies, oil and gas, go to a wide array of Americans, which today, thanks to the growth and vibrancy of our stock market and our investment opportunities, affects almost every single American. Yes, of course, corporate management owns some of their companies—about 2 percent. Most of the rest is owned by a wide array of Americans through IRAs, through other institutional investors, through mutual funds, and, perhaps most significantly, through pension funds—27 percent. That means about 129 million pension fund participants own these companies and would be taxed and attacked by these proposals. Those accounts are worth an average of $63,000. Twenty-eight million of those pension fund accounts are for public employees—that includes teachers and police and fire personnel, soldiers, government workers—and each of those accounts represents a public servant who owns part of that energy industry. A good example is the New York State Teachers' Retirement System. They report that 6.6 percent of their domestic equity holdings were in energy companies in 2004, the last year for which we could get figures. That includes $1.5 billion in Exxon and $500 million in Chevron. That is in large part 27 percent who own these big, bad companies that some would attack and try to tax into oblivion—average Americans all across America through pension funds, through mutual funds, through IRAs, through other institutionalized investment.

Now, again, let me return to the basic point. If we want to try to really solve our energy picture, stabilize and bring down the price, including the price at the pump, maybe we should focus on that economics 101 lesson. Maybe we should decrease demand with a more sensible policy to conserve, to increase efficiency, to move to alternative fuels, and at the same time maybe we should increase supply. That is what my amendment, the Vitter amendment No. 4648, is all about—to attack that very important supply side. We need to do both. We need to do all of these things at the same time, but we cannot exclude one side of the equation or the other.

The Vitter amendment to this FAA bill would pose a very simple solution to attack the supply side and increase supply domestically in a far more aggressive fashion. The amendment would establish a trigger in the law pegged at a certain level of the price of oil per barrel. That level would represent a 190-percent increase in the price per barrel since 2006. That comes out to just short of $126 per barrel. Now, unfortunately, of course, the price has been rising dramatically for many months, and we are not too shy of that right now. We are roughly at $120 per barrel. But at this trigger, under the Vitter amendment, if we reach and pass the trigger—about $126—then certain aspects of our Federal law would change.

Specifically, we would allow exploration and production in Federal waters, the Outer Continental Shelf off any State that wants to get into that activity. I want to emphasize that last phrase because it is very important. We would allow that activity in the Outer Continental Shelf but only if the host State—the State off whose shores the activity would happen—wants that activity to happen. Then and only then, if the Governor, with the concurrence of the State legislature, says, yes, we want to allow this activity, we would allow energy production in those waters.

We would also demand something else that is very important in terms of fairness and equity and good Federal policy. We would expand upon the revenue-sharing precedent we set about a year and a half ago when we opened new waters in the eastern gulf. That was a very important precedent, a very good energy policy, in my opinion, upon which we should build and expand.

So under this Vitter amendment, if the trigger is pulled, if States say, yes, we want to allow this oil and gas activity, we would allow that to happen. But the host State would recoup a very significant percentage of the revenue to stay in that State's coffers; specifically, 37.5 percent. That is precisely the figure we passed into law for new areas of the gulf that are being developed now because of the action we took about a year and a half ago.

In addition to that 37.5 percent, we would also have revenue sharing for the Federal fund for conservation—12.5 percent. That is an important part of the revenue-sharing precedent we set a year and a half ago as well.

Finally, the Vitter amendment would allow host States to distinguish, if they would like, between exploration production activity for natural gas and exploration production activity for oil. Some States, particularly on the eastern seaboard, would probably act immediately to allow that activity for natural gas. But there is still concern about environmental issues with regard to oil. While I might disagree with them, while I might disagree with those concerns because I believe we have the technology in place to do all of that in a very careful, sensitive, and responsible way, we should leave that up to the States so those host States can, in fact, make the choice and they can choose natural gas or they can choose oil or they can choose both under the Vitter amendment.

Now, unlike these other proposals—mostly tax proposals that have nothing but political motivation behind them and that do nothing at all to change the supply picture for the better, to change the demand picture, and to actually stabilize and bring down energy prices—this proposal would do something to improve that situation.

Resource estimates in those areas of the Outer Continental Shelf that are now off limits, that the Vitter amendment could open up if the host State wants that activity to happen, those resource estimates are staggering: the Atlantic OCS, 3.82 billion barrels of oil and 36.99 trillion cubic feet of natural gas; the central and eastern Gulf of Mexico which is now off limits, 3.65 billion barrels of oil and 21.46 trillion cubic feet of natural gas. That is not counting what we have recently put on the table. The Pacific Outer Continental Shelf, 10.37 billion barrels of oil and 18.02 trillion cubic feet of natural gas. That is enormous total resources of almost 18 billion barrels of oil and 76.5 trillion cubic feet of natural gas. That is enough oil to power 40 million cars and to heat 2 million households for 15 years. It is enough natural gas to heat 16 million households for almost 20 years. Now, that would actually do something about our energy picture. That would actually expand supply and therefore help stabilize and bring down price.

Is it the only thing we need to do? Absolutely not. As I said at the very beginning, our energy challenge is so great that we need to break out of this stale debate where one side of the political fence wants to do one set of things only—basically, to decrease demand—and the other side of the political fence wants to focus on one set of policies only—to increase supply. The simple fact is we need to do all of the above. We need to start immediately. We need to do it aggressively because it is only doing all of these things at once that will adequately address our energy challenges, that has a chance to stabilize and bring down prices, including the prices that rocked the airline industry and are a huge factor in aviation—we are talking about the FAA bill here on the floor now—and, of course, including the prices all Louisianans and all Americans pay at the pump.

For once, let's come together as a Senate and do all of those things. Let's really think about what can actually have an impact on price. Let's move beyond the politics of the moment, which is always to beat up on an easy and big political target such as the oil companies, and let's ask the question: Does that have any impact for the consumer? Does that have any impact in terms of our energy future? Let's do the sorts of things, such as the Vitter amendment, that can actually help the consumer and increase our energy independence.

Again, it is with great regret that I realize I am not able to actually call up this amendment to the FAA reauthorization bill right now. This is a vitally important topic. Whatever you think about it, whatever proposal you put out, certainly we can all agree that energy prices are enormously important for all Americans, for the country, and certainly we can all agree that it is an enormously important issue that goes to aviation as well as other sectors of our economy.

In that light, I think it is particularly regrettable that Senator REID, the majority leader, has filled the amendment tree and therefore shut down the entire amendment process before it even began on a major bill on the Senate floor. The Senate floor is supposed to be renowned for an open amendment process. Yet we have amendments about the key issue facing Americans today—energy prices—and we can't offer a single one. There is something wrong here. There is something out of kilter. That is not the Senate I was told about with an open amendment process, open debate, with great, virtually unlimited opportunity. That is not what the American people expect of Congress—to actually debate and act on real issues that they care about, and certainly that includes energy prices. So it is regrettable that we don't have a fair opportunity on the FAA bill to do just that. I hope we will have those opportunities very soon.

I understand there may be an energy bill that is moved to the floor soon on the Senate side, perhaps as early as next week. I hope that will yield an open, fair opportunity for the sort of open debate and open amendment process that is supposed to be the hallmark of the Senate. If we are given that open, fair opportunity then, as it is being denied now, I will certainly bring this proposal forward again because, unlike a lot of the rhetoric flying around, unlike the tax increase proposals which I believe will increase the price at the pump and decrease supply, I believe these proposals I have presented could do just the opposite. They could be an important step forward in addressing our energy future and the more immediate need to stabilize and bring down energy prices for all Americans.

With that, Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELIMINATING BARRIERS TO CANCER RESEARCH

Mr. BROWN. Mr. President, yesterday, at the James Cancer Hospital at Ohio State University in Columbus, OH, our State capital, I announced legislation to eliminate needless barriers to cancer research.

I was joined by Dr. William Carson, by Dr. James Thomas, by patients, and by nurses, who do the research and the clinical care for patients during these clinical trials. Many have worked on this issue with Congresswoman DEBORAH PRYCE, a Congressional Republican.

Merle Farnsworth, a lymphoma patient from Beverly, OH, shared an emotional story about cancer clinical trials meaning hope—and possibly a lifesaving cure—for him and millions of patients like him.

The goal of both the House and Senate versions of this legislation is simple: to finally identify cures for this merciless killer.

So many of us have been touched by cancer. We all know—all of us, I guess, in this room right now—someone with cancer and have lost someone to cancer or we know someone living with cancer.

Focusing on cancer yesterday at James Cancer Hospital reminded me of what is at stake when we are fighting for broader access to health care. We are fighting to promote and enable early detection of childhood cancers, such as Hodgkin's Disease, leukemia, and bone cancer, and to ensure that every woman can receive mammograms and pap tests.

We are fighting to diagnose cancers as soon as possible, which is the key to saving lives. We recognize everyone should be able to get these preventive measures, regardless of where they live or how much they earn.

We recognize a woman with breast cancer without insurance is 40 percent more likely to die than a woman with breast cancer with insurance.

We need a health care system that is affordable and inclusive, where insurance companies follow through on providing coverage to those who need it.

No American should be driven into bankruptcy by a catastrophic illness such as cancer. And no one should be denied access to clinical trials because insurance companies all too often try to drop them from coverage.

Last year, Sheryl Freeman, a retired schoolteacher, and her husband Craig from Dayton visited my office in Washington. Sheryl had multiple myeloma. Sheryl and Craig brought to my attention the problems they were having with their insurance company.

Sheryl was a retired schoolteacher and was covered under Craig's insurance plan. Craig has been a Federal employee for 20 years. When Sheryl enrolled in a clinical trial to save her life, her insurance company would not cover the routine costs of her care. If she had not enrolled in the clinical trial, they would have covered the costs of her care.

She enrolled in the clinical trial. The insurance company, for all intents and purposes, dropped her from providing routine care for her.

In addition to her clinical trial in Columbus, Sheryl needed to visit her oncologist in Dayton, about 1 hour 45 minutes away, at least once a week for standard cancer monitoring, which included blood tests and scans. But her insurance company would not cover these services if she enrolled in a clinical trial.

Sheryl wanted to take part in a clinical trial because she hoped it would help her, that it might save her life, give her more time, and further cancer research. But rather than devoting her energy toward combating cancer and participating in a clinical trial, Sheryl spent the last months of her life haggling with her insurance company. The delays and the denials from her insurance company probably affected her treatment and her survival. Sheryl died on December 9, 2007.

The story could have ended differently. Sheryl and Craig should not have had to sacrifice their precious time together trying to get the care she deserved, the care she paid for when she signed up for health insurance. People invest in insurance when they are healthy so they have financial protection when they are sick. It is meant to cover the costs of unanticipated health care needs.

Whether a coverage exclusion such as this one, which denies payment for unanticipated health care needs, is written into an insurance contract, it is still a scam.

Unfortunately, Sheryl and Craig are not alone. This is happening across Ohio. It is happening in the Presiding Officer's State of New Jersey, and it is happening in all 50 States. Some 20 percent of cancer patients who attempt to enroll in a clinical trial face the same problem with their insurance companies.

It is because of stories such as these I am introducing the Access to Cancer Clinical Trials Act this week. Similar legislation is on its way to getting passed in the Ohio State Legislature. The Governor plans to sign that bill immediately.

My bill and Congresswoman PRYCE'S bill in the House ensures this protection nationally. The bill simply obligates health plans to pay for routine care costs when a cancer patient enrolls in a clinical trial, something, frankly, we should not have to tell the insurance companies to do. But when they drop coverage for people who signed up for a clinical trial, it is what we have to do.

These are costs, as I said, that would normally be covered if a cancer patient were not participating in a clinical trial.

The legislation is specific in its definition of routine care costs and follows the Medicare definition.

The bill will ensure that cancer patients and their caregivers can use their valuable time together to fight the disease instead of the redtape of insurance companies.

In order to fight cancer and make progress, we need to further scientific advancement, not create barriers for patients who want to participate in lifesaving research.

I am grateful to Merle Farnsworth for yesterday so courageously and passionately sharing his story with us and the public. I am grateful to the nurses who do their clinical care and practice their research for these patients in these clinical trials. I am grateful to Sheryl and Craig for their courage in sharing their story. Their two children joined us yesterday in bringing this issue to my attention.

Sheryl was already very sick when she visited Washington, DC, and I imagine it was not easy for her to be traveling, but she did. She saw how important this issue was. I will keep the Freemans in mind as I advocate to get this bill passed. I will work hard on this legislation so no one has to go through the kind of experience the Freemans had and the kind of experience Mr. Farnsworth had.

Instead of fighting their cancer, too many Americans are forced to fight their insurance company in the late stages of their disease. That has to stop. That is why this legislation is so very important.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL FUNDING

Mr. COCHRAN. Mr. President, 2 weeks ago, I came to the Senate floor to express my concern that Congress had yet to act on the President's fiscal year 2008 request for supplemental funding to support our troops and our efforts in Iraq and Afghanistan. At that time, I also expressed my displeasure with the majority's intention to bypass the Appropriations Committee in writing the supplemental appropriations bill.

Two weeks later, little appears to have changed. Little has changed, except that we are 2 weeks deeper into the fiscal year, and we are 2 weeks closer to the date when accounts that support our Armed Forces and our diplomatic corps begin to run dry.

The majority leader is apparently sanguine about the status of the supplemental because last Thursday, he said:

> I think we'll do our best to finish this before the Memorial Day break, but if we don't, it's no big deal. There's money there.

The leader then went on to say:

> I don't know why there is a rush to judgment. This is moving along quite rapidly. We're not behind schedule. Everything's fine.

Exactly what is "moving along quite rapidly"? No markup of the supplemental has been officially scheduled in either the House or the Senate. There are continued reports of imminent action in the other body, but no bill has been introduced. No bill or report has been circulated to Senate committee members in anticipation of a markup. There is nothing for Members to look at, nothing for Members to consider or to draft amendments to.

A week ago, Republican members of the Appropriations Committee in the Senate wrote to Chairman BYRD to express our concern about the committee being bypassed entirely. I am pleased that the chairman concurred in the sentiments expressed in that letter and has stated his intention to hold a committee markup this week. I am certain that has been his preference all along.

In my memory, I cannot think of any instance where the committee did not mark up a supplemental such as this. I think the chairman has been fighting valiantly to maintain some semblance of regular order, but it is apparent he is meeting resistance from the joint leadership.

That is a shame. We should take advantage of the collective expertise and experience of the members of the Appropriations Committee and bring that knowledge to bear on the supplemental.

I am sorry to say it remains uncertain whether a markup will take place, and if a markup does occur, it remains uncertain whether the committee's work product will be considered by the full Senate.

In the House, it appears the committee will be bypassed altogether. Yet even with that step being skipped, there is still no definite schedule for House floor action. There apparently have been discussions by House and Senate staff in an effort to sort of "precook" agreements on the various chapters of the bill, but there has been little substantive involvement by the minority in those discussions. Very few Members have been involved at all, to my knowledge.

The fact is the Appropriations Committee could have marked up the supplemental several weeks ago, and the Senate likely could have passed the bill by now. We should be in conference with the House already and be well on our way to negotiating a conference report to be sent to the President. But instead, we wait. We wait for more closed-door meetings between and among the Democratic leaders. We wait for more rumors about what extraneous legislative matter is or is not part of the draft being compiled by the majority. And all but a handful of Members wait for an opportunity to shape the bill.

I am a member of the Committee on Agriculture and was appointed as a conferee on the farm bill. That conference has met at least seven times in recent weeks. There have been countless additional meetings among committee principals. It has been a grueling effort, it has been messy, and it remains uncertain whether the President will ultimately sign the conference report once it is presented to him. But we can be fairly confident that the conference report will at least reflect the collective will of Congress and it will be the process of a reasonably transparent process.

At this point, I cannot say that about the supplemental. Eventually, we will approve and the President will sign a supplemental bill. I am confident that ultimately we will not allow our Armed Forces and our diplomatic corps to go wanting for resources. My concern is that the majority's approach to the supplemental places political tactics and strategy ahead of the need for inclusive, timely, and transparent action.

Contrary to the majority leader's assertion, it is a big deal if we do not get this bill done by Memorial Day. It is a big deal, not because the U.S. Army will run out of ammunition on June 1 but because our inaction will represent an unnecessary and completely avoidable process failure on the part of the Congress. It will say to our Armed Forces that we are willing to draw out this process as long as possible, even though we know the likely outcome. We are willing to force the Department of Defense to issue advance furlough notices, delay contract awards, and make inefficient funding transfers in order to keep the money flowing—all because congressional leaders spent these last several weeks devising artful parliamentary schemes rather than simply advancing the bill through the committees, onto the House floor, onto the Senate floor, and into conference.

The April 28 edition of Roll Call included an article by Don Wolfensberger titled "Have House-Senate Conferences Gone the Way of the Dodo?" I commend that article to my colleagues and ask unanimous consent to have a copy printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. COCHRAN. Mr. Wolfensberger reminds us of the promises made by the Senate leadership in 2006 as part of their "honest leadership and open Government" reform plank. Conference meetings were to be open to the public, and members of the conference committee were to have a public opportunity to vote on all amendments. Copies of conference reports were to be available to Members and posted publicly on the Internet 24 hours before consideration. Bills were to be developed following full hearings and open subcommittee and committee markups and were to come to the floor under procedures that allow open, full, and fair debate.

These practices have been followed in some cases. I mentioned the farm bill already as an example of a conference committee in action. But procedures governing the conference process and the markup process are only relevant if there actually is a conference committee or there actually is a committee markup.

As noted in Mr. Wolfensberger's article, the number of instances in which major legislation has been dealt with outside the conference process has increased markedly in this Congress. The supplemental appears destined to become another example. I gather that we are to receive the bill from the House in the form of three amendments to a dormant version of the fiscal year 2008 Military Construction appropriations bill. As I have already noted, it is not certain whether the Senate Appropriations Committee will act on some, all, or none of these amendments or whether the leader intends for there to be an opportunity for Senators to offer amendments on the floor. A conference committee appears out of the question.

It is not easy to be the Speaker of the House or the majority leader of the Senate. Individuals elected to those positions are subjected to enormous pressures. They are besieged constantly by colleagues, constituents, and outside interests with an array of often conflicting demands. In an effort to resolve those competing demands, it is tempting to centralize decisionmaking, construct processes that minimize uncertainty, and generally try to eliminate the untidiness of the legislative process.

A handful of Members and staff are empowered at the expense of the rank and file in both bodies and, by extension, the people whom the rank and file represent. On occasion, such tactics are successful. But over time, these practices tend to become abusive and often result in a messier, more protracted process than would have been the case if more traditional procedures had been followed.

For the sake of our men and women in Iraq and Afghanistan, I hope the process the majority has chosen for the supplemental does not put us any further behind than we already are. But in the 2 weeks since I last came to the floor to speak about the supplemental, little has occurred to inspire such hope.

Our men and women in the field are waiting. We do need to finish this bill by the Memorial Day recess. It is a big deal.

EXHIBIT 1

[From Roll Call, Apr. 28, 2008]

HAVE HOUSE-SENATE CONFERENCES GONE THE WAY OF THE DODO?

(By Don Wolfensberger)

In June 2006, House and Senate Democratic leaders rolled out their "New Direction for America," a campaign platform to take back control of Congress. The "Honest Leadership and Open Government" reform plank, at Page 22, included the promise to require that "all [House-Senate] conference committee meetings be open to the public and that members of the conference committee have a public opportunity to vote on all amendments [in disagreement between the two houses]." Moreover, copies of conference reports would be posted "on the Internet 24 hours before consideration (unless waived by a supermajority vote)."

The minority Democrats' justifiable complaint was that majority Republicans often shut them out of conference committee deliberations after a single, perfunctory public meeting was held to minimally satisfy House rules (aka "the photo op"). After that meeting, all that is necessary to file a conference report is the signatures of a majority of conferees from each house. No formal meeting or votes on final approval are required; nor does the majority even need to consult the minority before finalizing an agreement.

Once they took over Congress in January 2007, House Democrats abandoned their promises of public votes in conference meetings on amendments in disagreement and of 24-hour advance Internet availability of conference reports. Nevertheless, they did adopt some palliative House rules changes on the opening day of the 110th Congress that at least appear to move conference committees in the direction of a more deliberative and participatory public process.

The new rules require: (a) that all conferees be given notice of any conference meeting for the resolution of differences between the houses "and a reasonable opportunity to attend"; (b) that all provisions in disagreement be "considered as open to discussion at any meeting"; (c) that all conferees be provided "a unitary time and place with access to at least one complete copy of the final conference agreement for the purpose of recording their approval (or not)" by affixing their signatures; and (d) that no substantive change in the agreement be made after conferees have signed it.

The Parliamentarian's footnotes to the rules for conference reports indicate that the rules are not enforceable if all points of order are waived against the reports, as is routinely done by a special rule from the Rules Committee. Nevertheless, conference committee chairmen (or vice chairmen) could still be punished by the House adopting a question of privilege resolution for willful disregard of these modest requirements. This is because a blanket waiver of the rules only protects the conference report. It is not a retroactive pardon for malfeasance in the management of the conference.

Unfortunately, these well-intentioned new rules have no relevance when the bicameral majority leadership decides to bypass going to conference altogether, and instead negotiates final agreements behind closed doors. And this is happening with increasing frequency, sometimes even over the public protests of committee chairmen who have been excluded from leadership negotiations.

To determine just how serious the practice of bypassing conferences has become, I compared action on major bills through March of the second session in both this Democratic 110th Congress and the preceding Republican-controlled 109th. (A major bill is defined here as one originally considered under a special rule in the House.)

Of major bills approved by the House and Senate that required some action to resolve differences between the two versions, 11 out of 19 (58 percent) were settled by conferences in the current Congress compared with 18 out of 19 (95 percent) in the previous Congress.

Put another way, the current 110th Congress has been negotiating eight times as many bills as the 109th Congress outside the conference process. This is done by using the "pingpong" approach of bouncing amendments between the houses until a final agreement is achieved.

Among the major bills in this Congress that have bypassed conference consideration are the energy independence bill, State Children's Health Insurance Program, Iraq-Katrina supplemental appropriations, terrorism insurance, the consolidated appropriations act and the tax rebate/stimulus legislation.

While the conference bypass approach is just as legitimate under the rules as going to conference (and sometimes advisable when there are only minor differences to iron out), the procedure is more suspect when used on major bills on which numerous substantive disagreements exist between the houses. That is when House and Senate leaders are more likely to directly intervene, rendering committee chairmen less relevant to the process.

Senate minority Republicans are not entirely blameless in this development. At times they have brought pressures to avoid conferences, under threat of filibuster, in order to better ensure the retention of provisions in which they have a vested interest. However, House and Senate Democratic leaders have been just as culpable in wanting to skip conferences to produce outcomes most beneficial to their party.

While it is too early to declare House-Senate conferences as extinct as the dodo, it is not too early to move them onto the parliamentary endangered-species list. It is one more sign of the decline of the committee system and its attributes of deliberation and expertise. It is especially troubling because the lack of conference deliberations shuts out majority and minority Members alike from having a final say on important policy decisions. Party governance must be better balanced against participatory lawmaking. Both parties need to recognize this.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I come to the floor today in my capacity as the ranking member of the Senate aviation subcommittee. I would like to take a few minutes to discuss the Senate FAA reauthorization bill and the substitute on which we will be voting later this afternoon and respond to some of the recent remarks that have been made on this process.

The lack of progress last week and the parliamentary action of filling the amendment tree are very disappointing to me. Today, for the 19th time this session, we will be asked to vote on cloture on a bill we have not even had open to amendment. In the present situation, we are being asked to vote on cloture before we have cast a single vote on an amendment. What the leader is doing is blocking amendments, preventing debate, forcing a cloture vote, and hoping the Republicans vote against it. Then press releases will be sent out blaming Republicans for obstructionism. But I have to say, what is obstruction? I don't think most Americans would define obstruction as insisting that an FAA bill; that is, the Federal Aviation Administration, not include unnecessary and imprudent tax increases, even worse retroactive tax increases, unrelated to aviation.

I have suggested several options in an attempt to produce an FAA reauthorization package upon which most Members could agree. But those suggestions have been turned down by the other side. Unfortunately, this bill is being bogged down by trying to make it an omnibus tax and special projects package.

It is so important that we pass an aviation bill. That is why I have introduced S. 2972, which is currently at the desk.

I ask unanimous consent that Senator TED STEVENS be added as a cosponsor of S. 2972.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the text of S. 2972 is identical to the substitute we worked on last week. It is the bill that came out of the Commerce Committee with complete bipartisanship, but it does not include the unrelated and extraneous tax provisions. It does have aviation taxes that came out of the Finance Committee to which all of us agreed. It does not have all of the other tax provisions that have nothing to do with aviation—some of which are retroactive—and have nothing to do with FAA.

I have also conveyed to my friends and colleagues on the Finance Committee that I am supportive of moving forward on a bill that would replenish the highway trust fund. I think we could all agree on that. But this is a workable FAA reauthorization bill, and it is very important to me because of the important role of aviation in our country and in my home State.

In Texas alone, aviation accounts for nearly 60,000 jobs and over $8 billion in total economic output. In addition, we are also home to 2 of the top 10 busiest airports in the Nation. We have 23 commercial service airports and over 300 general aviation airports. Beyond infrastructure, we are also the proud home of two legacy airlines, American and Continental, and the home State of the predominant low-cost carrier Southwest. My State has a dynamic aviation footprint and a substantial interest in the future of this challenged industry.

Since the year 2000, the U.S. airline industry has gone through its most fundamental restructuring since Congress deregulated the industry in the late 1970s. We all know so well the horrific impact of 9/11 and what happened to the industry after that, and that is still affecting it today. Put on top of that the high fuel prices which are affecting aviation even more than regular gasoline at the pump and you have a situation in which we have an industry that is really teetering on the brink of disaster.

Since taking over as leader of the aviation subcommittee earlier this year, I have worked closely with my friend and colleague Senator JAY ROCKEFELLER. We have developed a bill upon which all of us agreed, with the complete support of Senator INOUYE, the chairman of the subcommittee, and Senator STEVENS, the vice chairman. We have worked hard to develop a package that would foster air traffic modernization, doing it without doing damage to the commercial airline industry and with the complete support of the general aviation community. We produced a bill that was bipartisan with the support of our committee.

Here are some of the important provisions in the bill we produced:

It has important safety and passenger protections. The U.S. commercial aviation industry is experiencing the safest year in our history. However, recent high-profile aviation safety incidents have given the public some concern. In response, the committee has crafted several new safety initiatives in the substitute, based on the recommendation of the Department of Transportation inspector general.

The new package ensures the FAA's voluntary disclosure reporting process requires inspectors to verify that the airlines actually took the corrective actions they stated they would, evaluate if an air carrier has offered a comprehensive solution before accepting the disclosure, and confirm that the corrective action is completed and adequately addresses the problem disclosed.

The bill implements a process for second-level supervisory review of self-disclosures before they are accepted and closed. Acceptance would not rest solely with one inspector.

It revises post-employment guidance to require a "cooling off" period of 2 years before an FAA inspector is hired at an air carrier he or she previously inspected. I personally would like to see that extended beyond 2 years to 3 or 4 years. If we had an amendment process, that would have been one of my amendments.

The bill implements a process to track field office inspectors and alert the local, regional, and headquarters offices to overdue inspections.

It establishes an independent review through the Government Accountability Office, the GAO, to review and investigate air safety issues identified by its employees.

It develops a national review team under the supervision of the Department of Transportation inspector general to conduct periodic reviews of FAA's oversight of air carriers.

It develops a plan for the reduction of runway incursions through a review of all commercial airports and establishes a process for tracking and investigating both runway incursions and operational errors that includes random auditing of the oversight process.

I am a former Vice Chairman of the National Transportation Safety Board. I understand the crucial mission of the

FAA in overseeing the Nation's airlines and aviation system.

Aviation safety and the public trust that goes along with it is the bedrock of our national aviation policy. We cannot allow the degradation of service to the flying public.

I believe the bill we crafted in the Commerce Committee that is part of the substitute that I would agree with today, and all that is in the bill I have introduced but without the extraneous provisions that have nothing to do with aviation.

The other part of the bill that is in what the Commerce Committee produced and is in my substitute as well is the timely issue of consumer protections or a passenger bill of rights. The substitute includes several crucial reforms directed at making the airlines more accountable and responsive to passengers.

The managers' amendment would incorporate several additional protections to strengthen airline service requirements. The DOT would review and approve the contingency service plans of every air carrier. The Secretary could disapprove an airline's plan and return it to the carrier with the option for modification and resubmittal, and the DOT then would be authorized to establish minimum standards for such contingency plans. It would require a mandate that such contingency plans are to apply to aircraft that are delayed, whether on departure or arrival.

Now, we have all heard stories about people who have been stranded on airplanes for 5 hours without any food service, without the opportunity to use the facilities.

That is cruel and unusual punishment. I myself have been on airplanes that have been delayed 2 hours and more, and I know it is very uncomfortable for passengers. That is why we included in this bill requirements that airlines either have a plan that is approved by the Department of Transportation or there would be a 3-hour maximum or the passengers could get off; the establishment of an Advisory Committee for Aviation Consumer Protection would also be put in this bill.

It would advise the Department of Transportation on carrying out air service improvements and what would be necessary to make them better. The committee would be comprised of four members to be appointed by the Secretary with a requirement to report to Congress annually over a 2-year period on its recommendations to the Department of Transportation to improve this service and an explanation of the Department's action on each of the recommendations.

So these are some of the important provisions in the Commerce Committee bill. They are in the bill that would be before us, and they would be in the bill I would like to see us pass that I have introduced and is being held at the desk.

The substitute also addresses rural air service funding challenges by including additional funding for the Essential Air Service Program for our smaller underserved communities at $175 million annually. These funds would go a long way toward improving access for our most rural communities, communities that had air service, commercial air service, in the past but lost that after deregulation.

As I stated last week, I hope my colleagues will appreciate the months of stalled negotiations that took place in trying to move this legislation forward. There is a very good balance in the Senate bill regarding FAA financing and labor-related provisions. If the Senate wants a final bill, we need to preserve that balance without including highly controversial unrelated provisions that many people would agree do not belong in an FAA bill dealing with aviation.

We have an opportunity to pass FAA legislation this week. The bill I have introduced with Senator STEVENS would be everything the Commerce Committee passed on a bipartisan basis and the provisions of the Finance Committee report on aviation taxes that would go toward modernization.

It does not include the controversial pension provision that changes the previous law this Congress has passed and affects some of our airlines in a way that could be so destructive as to possibly bring that air carrier down. It does not include all the taxes that were put in, all the projects, all the earmarks that have nothing to do with aviation.

It is simply the Senate bipartisan bill on aviation and the Finance Committee package that deals with aviation. We could pass this bill and send it to the President and the President would sign this bill. He would sign the bill Senator STEVENS and I have put forward. He will not sign the bill that would be put forward by my distinguished colleague, Senator ROCKEFELLER.

There are provisions of that bill that would not allow this bill to go forward at all, period, because there are policy matters unrelated to aviation that more than 41 people in this Senate will object to putting on an aviation bill.

So I think we have a way forward. I have introduced a bill that I believe could get the majority of the votes in the Senate. It would be signed by the President, and it would do all that I have mentioned relating to aviation safety improvements, passenger bill of rights, it would modernize our air traffic control system, it would keep the balance in the system we all agree we should have between air carriers and commercial airports, general aviation and general aviation airports.

It is a good bill. We have a way forward. We have made agreements we can all agree would push the bill forward. But the substitute we are going to vote cloture on without the process of amendments being open is not that bill. There is no reason for the Commerce Committee bill on aviation to take on all these taxes and special interest projects that have nothing to do with aviation.

If those projects can stand on their own, let's vote on those projects alone. The Finance Committee has many vehicles on which they can put their legislation. But to try to put nonaviation taxes on an aviation bill is going to bring this bill down.

I hope we will not allow that to happen. We will vote no on cloture. Cloture probably will not be given because it is not an aviation bill we are going to be voting on. But we have an aviation bill. Let's vote on that one. Let's vote on the bipartisan bill from the Commerce Committee and the taxes from the Finance Committee that relate to aviation and let's move forward. I think we can do it.

This is the Senate. We can work on a bipartisan basis. My colleagues, Senator ROCKEFELLER and I and Senator INOUYE and Senator STEVENS and the members of our committee have done an incredibly good job of bringing that balance together. So I hope we will not waste that effort and that we will be able to put up as one of the accomplishments of this session of Congress an FAA reauthorization bill that modernized our system, that created a passenger bill of rights, that created a safety program that further enhanced a good program, that included war risk insurance, a bill that balances all the aviation interests of our country, which are so important to our economic viability.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. What is the situation parliamentarywise?

The PRESIDING OFFICER. H.R. 2881 is pending, with amendments.

Mr. STEVENS. Is there any time agreement at the present time?

The PRESIDING OFFICER. There is a vote scheduled at 2:30.

Mr. STEVENS. Are we still in morning business?

The PRESIDING OFFICER. We are on the bill, not in morning business.

Mr. STEVENS. I thank the Chair.

TRIBUTE TO LEW WILLIAMS, JR.

Our young State, Alaska, this past weekend lost one of our greatest 20th century pioneers when Lew Williams, Jr., the publisher emeritus of the Ketchikan Daily News, died while vacationing in Scottsdale, AZ.

Through his six decades in Alaska journalism, Lew brought news to much of southeast Alaska through a series of newspapers which he edited and owned. Five southeast Alaska towns were home to Lew Williams. Juneau was the first, when, as an 11-year-old boy, he delivered the Empire, the paper on which his dad was a reporter. Wrangell was next. His dad was the new editor-owner of the Wrangell Sentinel, and Lew became his 15-year-old apprentice. Later, after Navy service in World War II, Lew bought the paper from his father. Next the beautiful town of Petersburg, AK, claimed Lew when he and his bride Dorothy bought the Petersburg Press. From that time on, Dorothy remained his partner in newspapering, along with helping Lew to set the path that has been followed by his own three children.

In 1966, Lew took over the editorship of the Ketchikan Daily News and, a decade later, he and Dorothy bought that paper, settling in for the long run and spending the rest of his life in Ketchikan.

When the Daily Sitka Sentinel fell on hard times after major mechanical problems and a fire in 1969, Lew offered assistance to the beleaguered owners. That assistance turned into ownership of that paper also. But in 1975, he sold the Sentinel to the Poulsons, a young couple who had been hired to be editors. Thad Poulson was a former reporter in Juneau and an AP representative in Juneau. He remains with the Sitka paper today.

Despite his close ties to these five towns in our State's beautiful southeastern panhandle, Lew was truly a man for all of Alaska.

He was one of my close friends, and I mourn his passing.

Early in the 1950s, when the larger southeast daily newspapers were against Alaska statehood, Lew Williams joined the small weeklies in our fight to become the 49th State. The concerns that faced Alaska as a territory, and later as a State, Lew adopted as his concerns. No matter where the problem was in our 586,000 square miles, Lew Williams became acquainted with it and tried to do something about the problem. Whether the issue was minerals or timber, fisheries or lands, hundreds of other matters, Lew wrote clearly and forcefully in his paper, as editor, to help his readers understand the solutions he believed were best for all Alaska and Alaskans.

Critics who may have disagreed with his stand on any issue were unanimous in their praise for his writings. His columns were carried in papers throughout our State and many throughout the Nation, and they have continued to run, until a few weeks ago, in what we call Anchorage's Voice of the Times which is printed as an op-ed in the Anchorage Daily News.

Although Lew's paper, the Ketchikan Daily News, is the smallest daily in Alaska, with a weekend edition also, Lew was in the forefront when it came to technology. He beat out what we call "the big boys" in the larger towns when he was the first to offer offset printing and color and among the first with newsroom computers. Along the way, Lew collected dozens of honors for his papers throughout the Nation and for his community service. He served on boards ranging from the chambers of commerce to fish and game advisory boards, school boards, and the Rotary. He was appointed to the board of regents of our University of Alaska. He was a member of the blue ribbon task force for the Alaska National Interest Public Lands Act—we call it ANILCA—which was passed in 1908, and he served on the Alaska Judicial Council and the board of governors of the Alaska Bar Association, although he was not a lawyer.

And "there's more," as the television commercial says. Lew founded the Alaska Newspaper Association. He was named businessman of the year for Alaska a few years ago. He founded the Southeast Alaska Conference and for 29 years was an adult leader of Boy Scouts.

These honors pale beside Lew's greatest gift to our State, and that is his three children who grew up in newspaper offices. What a tribute to their dad that they adopted his profession and are carrying it on. Lew III, Tena, and Kathy, his children, accepted the reins from their dad in 1990. But he still remained in that office and he gave his time to finish writing and editing a 700-page book called "Bent Pins and Chains," a history of Alaska through its newspapers. He had begun this with the late historian wife of the publisher of the Anchorage Times, Evangeline Atwood, for anyone who is interested in Alaska. Alaskans are fortunate that the vibrant Williams younger generation carries on Lew Williams' commitment to good reporting, fine writing, dedication to community service, and making Alaska the greatest place in the United States to live.

Those of us who knew Lew Williams, who shared opinions and laughs and disappointments and triumphs and many wonderful days, are among the luckiest of Alaskans. I always looked up Lew Williams when I was in Ketchikan, and he always had some news and advice for me. I usually followed it.

We do have the knowledge we could not have had delivered to us through a better, more loyal friend. I have to say, it is tough to lose a friend like Lew. The joy he brought to my life and to my family's life and to so many others cannot be measured in a statement of this kind. I tell the Senate that everyone makes a statement like this. Not often do we make a statement pertaining to someone who had so much to do with our lives and what we have done. When I first decided to run for the Senate, I went to Ketchikan to talk to Lew Williams to see if he agreed. That was back in 1962. I have known Lew Williams and Dorothy and the children for a long time. Catherine and I send our love and deepest sympathy. We know our friend and their loved one is gone, but he will not be forgotten by any of us.

I ask unanimous consent that recent editorials and comments about my friend Lew Williams be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEWSMAN LEW WILLIAMS JR. DIES AT 83

KETCHIKAN.—Ketchikan Daily News publisher emeritus Llewellyn "Lew" M. Williams, Jr., 83, died Saturday in Scottsdale, Ariz.

Williams was a pioneer Alaska journalist, active in newspaper, state and local affairs for more than 60 years. He died while vacationing in Arizona, four days after he had been due to return home to Ketchikan.

He and his wife, Dorothy, published newspapers in Wrangell, Petersburg, Sitka and Ketchikan.

They were the first to switch an Alaska newspaper from the hot-type method of printing to photo offset, which later became used universally in the industry.

They were the first to switch an Alaska afternoon daily newspaper to morning publication. They created a successful weekend edition for the Ketchikan Daily News while other small dailies in Alaska remained five-day publications. The Williamses were Alaska pioneers in adapting electronics to newspaper production.

In 1965, Lew Williams was a founder of the Alaska Newspaper Publishers' Association, forerunner to today's Alaska Newspaper Association. He served terms as president of each organization and served a term as director of the regional Allied Daily Newspaper Association.

The Williamses purchased the Ketchikan Daily News from the Paul S. Charles family in 1976, after managing the newspaper for 10 years. They sold their interest to their children, Lew III, Kathy and Tena Williams, after Williams retired as publisher in 1990.

Williams was born in Spokane, Wash., Nov. 26, 1924, to Lew M. Williams Sr. and Winifred (Dow) Williams, who met while both were reporters for Tacoma newspapers. The Williams family moved to Juneau in 1935, where the elder Williams worked for the Juneau Empire. In 1939, the senior Williamses purchased the Wrangell Sentinel.

After serving as a sergeant in the paratroops in World War II, Lew Jr. ran the Sentinel for the family. He married Dorothy M. Baum in Mitchell, Neb., on July 2. 1954.

The couple purchased the Petersburg Press and acquired the Wrangell Sentinel from the senior Williamses when they retired.

They sold both newspapers to Alaska Airlines President Charles Willis, and bought the Daily Sitka Sentinel and an interest in the Ketchikan Daily News. They sold the Sitka paper to Thad and Sandy Paulson to concentrate on publishing the Ketchikan paper when they bought out the Charleses. Although the Petersburg Press was suspended after he sold it, Lew Williams helped the Petersburg Pilot get started. All newspapers he and his wife ran were successful businesses and community leaders.

Williams was a lifetime member of Petersburg Elks Lodge No. 1615, the American Legion and Pioneers of Alaska.

Williams served on the Wrangell School Board, as mayor of Petersburg and on numerous state boards, among them the Alaska Judicial Council, the Board of Governors of the Alaska Bar Association and the Board of Regents of the University of Alaska. He served on boards under every state governor through 1999. He served three years as the first secretary of the Petersburg Fish and Game Advisory Board when Alaska took control of fish and game with statehood.

He was a past president of Rotary, served 29 years as an adult leader in the Boy Scout program, and was active in Democratic Party politics when Bill Egan was governor. For his public service, he was awarded an honorary doctorate of humanities by the University of Alaska Southeast.

As a writer, Williams was noted for his strong editorials and weekly columns. He continued writing his column, "End of the Week," up until his death, and occasionally contributed editorials. He continued to provide background material to Daily News editorial writers, because of his lengthy service in and extensive knowledge of public affairs. His advice was sought not only by reporters and editors at the newspaper, but also by municipal and state leaders.

In 2006, he published "Bent Pins to Chains: Alaska and its newspapers," a book he wrote with the late Evangeline Atwood that is described on its dust jacket as "a journalism course, including a history of Alaska under the American flag."

He believed the editorial was the heart and strength of any newspaper. He editorialized for Alaska statehood, for creation of the state ferry system, for the trans-Alaska pipeline, for power development, in support of the timber and fishing industries, and for airports, harbors and roads.

As a community booster, he was active in chambers of commerce and was a founder and first secretary of the regional Southeast Conference. He was named Citizen of the Year by both the state chamber and the Greater Ketchikan Chamber of Commerce in the early 1980s, and named Alaskan of the Year in 1991 by the nonprofit Alaskan of the Year organization, based in Anchorage.

Williams was a dedicated family man, who in his early days enjoyed hunting and fishing on the Stikine River. After retirement, he liked to vacation with family in Arizona.

He is survived by his wife, Dorothy; daughters, Christena and Kathryn; son, Lew III and daughter-in-law, Vicki; granddaughters, Kristie, Jodi and Melissa Williams; and great-grandson, Milan Browne, all of Ketchikan; sisters, Susan Pagenkopf of Juneau and Jane Ferguson of California; and by cousins in Alaska and Washington.

At his request, no service is scheduled. Messinger Mortuaries of Scottsdale is in charge of cremation.

The family suggests memorials to the First City Council on Cancer.

AN ALASKAN ORIGINAL DIES IN SCOTTSDALE

The Voice of The Times lost a great friend and favorite columnist on Saturday when Ketchikan newsman Lew M. Williams Jr., died at 83 in Scottsdale, Ariz., his vacation home.

Lew was the retired publisher of the Ketchikan Daily News and active in journalism and Alaska's civic life for more than 60 years. He worked on various newspaper jobs as a youth and began his journalism career on a full-time basis after service as a paratrooper sergeant in World War II.

He first ran the Wrangell Sentinel for his family, worked at the Sitka Sentinel and the old Petersburg Press, and managed the Ketchikan Daily News for 10 years before buying it in 1976. His daughter, Tena, is now the Ketchikan publisher, taking over when he retired.

He was a principal author of "Bent Pins to Chains," a comprehensive history of the newspaper business in Alaska. He researched and wrote the book after taking over the original research done by the late Evangeline Atwood, who was an Alaska historian and widow of Robert B. Atwood, publisher of The Anchorage Times and another giant of Alaska journalism.

Most long-time Alaska journalists knew him and many can recount personal experiences with him. Most will testify to the friendly and helpful attitude he had toward others in the profession.

Lew's death was unexpected and came after sending an e-mail in late April saying he wouldn't be writing columns for a while because he had the flu. His wife, Dorothy, insisted he see a doctor and they learned just a week before his death that it was cancer.

His family gathered in Scottsdale and he was apparently comfortable until the end. By one account he was still tracking the stock market during his last week. With his inquiring and untiring mind, that would be no surprise.

Lew's list of good friends includes Sen. Ted Stevens, who is preparing a tribute to him for delivery on the floor of the U.S. Senate on Tuesday.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is my understanding that the Federal Aviation Administration reauthorization is the pending business before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I thank the Chair.

Mr. President, this is a bipartisan bill that Senator ROCKEFELLER of West Virginia, Senator HUTCHISON of Texas, and many others worked on very long and hard. We voted unanimously to go forward with this bill last week. This is long overdue. It is to modernize the air traffic control system, to establish a basic set of rights for airline passengers, and so many other things that are included in this bill, to move the technology of air traffic control forward so America can be on the same page as many other developed nations that have found more efficient, safer ways to guide aircraft. You would think that sort of thing would be nonpartisan when it came to the floor of the Senate. I am sorry to say we haven't had much luck.

If Senators were paid by the vote, last week we would have been on short rations. We had one vote last week. We all came out and ceremoniously showed up one time on the floor of the Senate to vote and leave.

I kind of thought when I ran for the Senate there was something involved such as debate, deliberation, that Senators would come forward and offer amendments, and other Senators who disagreed might debate those amendments and maybe even offer an amendment of their own. It is like the Senate was once portrayed in the movies. That is the Senate of "Mr. Smith Goes to Washington" and so many other great depictions of Senate activity. But not this Senate; we are in a different mode. We are in the filibuster mode, imposed on us by the Republican minority.

In the history of the Senate, looking back over 200 years, the maximum number of filibusters in any 2-year period is 57. That is an easy number to remember. Now, unfortunately, in this Senate session, as we go into the second year, the Republican minority has broken that record. We have now had 69 filibusters, and we are not even halfway through this year. Some speculate there will be over 100 filibusters before this session comes to an end.

That is unfortunate because a filibuster basically means the Senate stops. Any Member can stand up, object, and stop the Senate. Then it takes a motion to be filed and some 30 hours to pass before you vote on that motion and start up again, if you are lucky enough to get 60 votes. The Republican minority knows this. So time and time and time again they have started filibusters and caused us to file motions for cloture to try to get to an issue.

Now, for an outsider watching the Senate, they might say: What difference does it make? Why don't you all get over it and try to get something done? Well, unfortunately, we are not having any luck at that. The Republican minority has now reached new heights—or new depths—depending on your point of view when it comes to applying the filibuster.

We have a technical corrections bill that comes around once in a while when we have drafting errors in bills, and we have to change the spelling and grammar. We had a big highway bill. It was a huge bill. Then, over time, people looked at it and said: Wait a minute, that shouldn't have said "road," it should have said "avenue." The spelling is wrong or the punctuation. Let's put these technical corrections in. The Republicans filibustered the bill—a bill such as that they filibustered.

One of the Republican Senators got up on the floor and said: Well, there were some things in there we objected to. Well, the way it works—at least by most tradition in the Senate—is if you object to something, you file a motion to strike that section. You debate it. There is a vote. The Senate moves to the next consideration. That is the orderly process but not the approach being used by the Republican minority. Their approach: Initiate a filibuster. Tie up the Senate. Make us burn 30 hours doing nothing, with as few votes, as few amendments, as few bills as possible. Why? Well, several reasons.

First, they like the world as it currently exists. They do not believe improving aviation safety is worth the effort on the floor to try to work together. Time and again, they have stopped efforts in progress because they do not want us to have, I guess, a record to point to that shows we have achieved something.

Finally, they are afraid of controversial votes. I had the good fortune, many years ago, to serve with a Congressman from Oklahoma named Mike Synar. Mike Synar was a real character. He was a throwback. He invited controversy. He welcomed it, and it eventually did him in. He lost a Democratic primary. He managed to anger enough people that it did not work. But he was a character. He used to say: If you don't want to fight fire, don't be a firefighter. If you don't want to vote on controversial issues, don't run for the House or, I might add, the Senate.

Unfortunately, on the Republican side, they do not want to vote on anything, and they do not want to face anything that might be controversial. So they file filibuster after filibuster.

So we had hoped last week this bill, the Federal Aviation Administration bill, would be different—modernizing air traffic control, making our skies safer, making sure our planes are well inspected. That seems to me to be an issue that is not a Republican or Democratic issue.

So last week, the majority leader, HARRY REID of Nevada, came to the floor and said to the Republican side: If you have amendments, let's see them and let's get going. Let's start dealing with those amendments. If they relate to the Federal Aviation Administration, let's bring them up, let's debate them, let's vote on them.

We had hoped, since we had this "exhausting" week last week, where we voted one time, that maybe the Republicans would have time to come up with a list of amendments they wanted to come forward with. But I am afraid the majority leader's invitation to offer amendments was declined by the other side, and here we are stuck in the middle of another filibuster.

They tell us what is haunting them is a project in this bill that relates to the city of New York. My colleague and friend, Senator CHUCK SCHUMER, and Senator CLINTON, are pushing for something in New York which they feel the President has promised. In fact, the President included it in his budget.

Some Republican Senators do not like it. They do not want it in there. Well, they certainly have the right to offer to strike it. We give them that opportunity. But because this lingering resistance to the bill is there, they will not let us move forward.

I was optimistic that maybe after a long weekend we could finally make some progress, that the Republican Members would come forward, offer some amendments, and start to debate the bill. Well, the weekend is over and we are in Tuesday of this week and nothing is happening. That is regrettable.

There is a portion of this bill that was in the original substitute which has now been removed, which I thought we put behind us last week. It was a measure related to airline pensions. I assumed at some point we would revisit it. I was surprised when my good friend, the ranking member of the Senate Finance Committee, Senator GRASSLEY of Iowa, took to the floor earlier today to reopen the debate.

Senator GRASSLEY said a provision in the original substitute amendment last week would have in some way corrected a provision I had supposedly, in his words, "airdropped" into a conference report last year, as a result of smoky, backroom dealing and that the Finance Committee was trying to right a wrong.

I would like to set the record straight. I do like CHUCK GRASSLEY. I respect him. We have worked on things together. We come from adjoining States. We have been traveling on airplanes together for 20 years-plus. There are times when we do see eye to eye and work very closely. His leadership on a bipartisan basis on the Children's Health Insurance Program was one of the better moments in this Congress. But on this particular one, I have to say I think Senator GRASSLEY is wrong.

Why would we be debating airline pensions or why should people care? If you work for an airline, of course you care. But when you take a look at, overall, what is going on here in America, I think everybody can understand what we are up against.

On this chart is a list of airlines which declared bankruptcy recently: Frontier, 6,000 employees out of work; ATA, 2,230 employees out of work; Skybus, 450 employees; Aloha, 1,900 employees; EOS, 450 employees.

This is an alarming trend, as more airlines declare bankruptcy and people lose their jobs.

Also, many of these people have lost at least some measure of security when it comes to their retirement. So when we talk about airline pensions in today's climate, where our economy has slowed to a crawl, we can understand why this is an issue which we should handle very carefully.

In considering the Pension Protection Act of 2005, the original Senate bill provided near parity for airlines. What we were trying to do in this country was to say to companies all across the board: You promised your employees when they came to work for you, if they worked long enough, they could retire and have a pension. Keep your word. Make sure there are enough funds set aside so you can fund their pensions when they retire.

So we got into this debate and realized for most companies in America certain standards would work, but in one industry—the airline industry—it was a little more difficult because they were struggling. After 9/11, many airlines went into bankruptcy, many were on the edge of bankruptcy, and most were barely getting by. So we created a provision in the bill in how we dealt with airlines when we talked about this Pension Protection Act.

The original bill provided near parity for all airlines, giving all carriers 14 years to catch up in underfunding in their defined benefit pensions. The Senate passed an amendment by voice vote—Senator ISAKSON offered it—that would have provided even more benefits to the airline industry in the way they funded their pensions—again maintaining something close to parity among airlines. We knew we had an industry that was in a delicate situation. We wanted to protect their employees. We did not want to go too far, too fast. The Isakson amendment gave us a way most of us felt was reasonable.

When the conference report for the bill was finalized, the near equality for the airlines was destroyed. In its place, there was a huge disparity in the funding rules for some airlines compared to the rules that even the airlines they competed against had to follow. The conference committee had changed the will and decision of the Senate and decided to pick winners and losers among airlines.

It was interesting, as soon as that came back, there was a lot of floor activity and floor debate and colloquy among Senators about that provision. For example, Senator KENNEDY came to the floor and said:

> Quite frankly, I was disappointed that we didn't treat American and Continental Airlines more fairly in the final recommendations. Without moving ahead at this time on the pension legislation, we have the prospects of one of the major airlines dropping their pension program, with more than 150,000 workers losing their pensions.

You see, that is what the issue came down to. As airlines were facing tough times, some went into bankruptcy, and the first casualty in the bankruptcy was their pension plan. Historically, many companies in America offered a defined benefit pension plan, which meant if you worked a certain number of years and contributed, when you retired, you knew what you would receive in a pension. It was defined: how much each month, whether a cost of living adjustment would apply.

As airlines went into bankruptcy, that was one of the first casualties. They said: We can no longer accept that responsibility for future retirees. We are going to go into a defined contribution plan, known as 401(k)s and similar tax models in order to fund their future pensions. That limited the contribution of the company and left some uncertainty for the employee in retirement. But that was what happened. As airlines went into bankruptcy, the defined benefit pension plans fell by the wayside and the defined contribution plans took their place.

When all the smoke had cleared, there were five airlines that maintained their original basic defined benefit pension plans: American Airlines; Continental; Hawaiian; Alaskan; and Piedmont, which was assumed by US Airways. So these were companies that avoided bankruptcy and said: We are going to try to keep our airlines competitive. We are not going to dump the pension plans of our employees, and we are going to try to hang on. I think those companies did a brave thing and the right thing and the best thing for their employees.

Unfortunately, when it came to the law being passed by Congress, we gave better treatment to those airlines that went into bankruptcy and basically froze their pension plans and would not allow others to come into them. So it was a decision in that conference report which favored some airlines over others.

Senator ENZI spoke to this provision when he said on the floor:

> I am a little disappointed in the language from the House bill because it fails to treat all the legacy airlines equally. . . . The Senate bill gave amortization extensions to all four legacy airlines . . . but under the House bill, frozen plans receive 17 years to amortize their plan debt and an interest rate of 8.85 percent. . . . I prefer the language of the Senate passed bill. . . . I am very sorry that the House did not see fit to accept the Senate language, as it was the result of many and long negotiations.

I had made a statement on the floor as well.

Senator HUTCHISON of Texas addressed the then-majority leader, Bill Frist, a Republican of Tennessee, and said: I hope you know we are going to basically return to this. We can't leave it where some airlines are treated more favorably than others. It creates a competitive advantage in a very competitive marketplace. Senator HUTCHISON spoke for many of us when she said that.

Before the majority leader could even respond to her, other Senators, such as Senators VOINOVICH, CORNYN, and INHOFE, joined in, in support of Senator HUTCHISON.

Senator Frist, the then-Republican majority leader, said:

> . . . I can promise the Senators that I will continue to work with them on this issue after we return from the August recess.

Now fast forward to the middle of 2007 and nothing had been done. So Senator HUTCHISON and I took a small step to improve the situation by adding language to a supplemental appropriations bill that gave the airlines left behind in the original bill a bit more fairness in the rules.

I am troubled when my friend, Senator GRASSLEY, characterizes this as "dark of the night activity." There was fair warning that the original pension bill did not solve the problem and created some real fundamental unfairness, fair warning that many Senators on both sides of the aisle wanted to revisit this issue. So it does not strike me as some underhanded or backroom deal. We let Senator GRASSLEY and all other Senators know this was an unresolved issue. Well, they came back this year and wanted to change the rules again, penalizing even more airlines, such as American Airlines that had avoided bankruptcy, was paying into their defined benefit plans, and had funded their pension plans well beyond 100 percent. American Airlines, for example, has funded their pension plan to the level of 115 percent. So even in a tough economy they are able to do this.

Now, we have warned Senator GRASSLEY and others if they are not careful, we could find other airlines facing bankruptcy. It is pretty common knowledge what is going on. This chart shows what has happened to airline losses in the first quarter of this year. Delta has lost $274 million; American Airlines, $328 million; and United, $537 million. United, my hometown airline in Chicago, announced they may have to lay off 1,000 people because of its losses.

Where do these losses come from? Well, it comes from the cost of jet fuel, as this chart shows. Airlines struggling with fierce competition now have jet fuel costs spiking, as we can see, at a time when they are struggling to survive, and these jet fuel costs are coming right off the bottom line. So as motorists are angry about gasoline prices and truckers are angry about diesel costs, airlines facing jet fuel costs are showing record losses as we go into this.

I make this part of the RECORD because it is fair warning to all of us to be very careful when we are changing the law as related to airlines. It might not take much to push some over the edge into bankruptcy. I don't think America and its economy will be stronger if we have fewer airlines. I think it is far better for us to move toward equitable treatment of all airlines and some sensitivity to the economic realities they face.

As of last week, we removed this contentious provision from the bill. As I said, I was a little surprised that Senator GRASSLEY wanted to revisit this issue again today, but I feel just as strongly this week as I did last week. I think what the committee had proposed would have been fundamentally unfair and would have created a hardship on many of these airlines that are struggling to survive.

In just a short time now the Senate will vote on a cloture vote as a result of the 69th Republican Senate filibuster of this session, a recordbreaking number of efforts to slow down and stop legislation—even this bill, a bill to reauthorize the Federal Aviation Administration. One would think this bill would rise above the partisan divisions in this Chamber. But last week, or the week before, we even had a filibuster—a Republican filibuster—of a veterans health benefits program. So it appears they are going to filibuster everything that is moving or everything that tries to move on the floor of the Senate.

I see Senator ROCKEFELLER has returned. As chairman of the aviation subcommittee, he has done a great job on this bill. I am certainly going to support his efforts. I think they will move us forward in the world of airline safety.

If there is no one else seeking recognition at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, as I think everyone on this side of the aisle has made perfectly clear, we do not oppose moving forward with an FAA modernization bill. In fact, we would be more than happy to move forward on the aviation provisions of the Commerce Committee and Finance Committee titles of the bill that are on the Senate floor.

The ranking member of the Aviation Subcommittee, Senator HUTCHISON, has been on the Senate floor for a week flagging the extraneous, nonaviation-related provisions in the Finance Committee package as a problem. She has called repeatedly on the majority bill manager to join her in seeking to remove these extraneous controversial provisions and move forward with a clean FAA bill. Unfortunately, the majority has not accepted her offer to date, and so we find ourselves in a stalemate. I think this is unfortunate and unnecessary. But there is a way to pass this bill in a bipartisan way if our colleagues will only take yes for an answer.

So bearing that in mind, I have indicated to the other side that I would propose a unanimous consent agreement.

I now ask unanimous consent that the Senate proceed to the immediate consideration of S. 2972, a bill to reauthorize and modernize the Federal Aviation Administration. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Mr. President, reserving the right to object, I would ask the Senator to modify his request and include an amendment which includes all of the provisions of my pending amendment.

Mr. McCONNELL. Reserving the right to object, I assume that would put us right back in the same place we are now. I will not restate what I said earlier. But it was my hope, following the advice of the senior Senator from Texas, and our expert on this issue, that we would simply take up and pass those portions of the bill that seemed to be noncontroversial.

The proposal of the Senator from West Virginia puts the controversial measure back before us, upon which we will have the cloture vote shortly. Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Will the minority leader yield for a question?

Mr. McCONNELL. I yield the floor.

Mr. DURBIN. Mr. President, at the risk of asking someone on the Republican side, isn't there such a thing as a motion to strike? Could we not bring this bill up and you could move to strike the provisions you don't like, and we could have a debate on the floor and actually have a vote and actually get this bill moving forward? Isn't that where we were last week when this ground to a halt and nothing has changed? What is wrong with, if you don't like a provision of the bill, moving to strike it? I ask that question through the Chair if any Republican is willing to respond.

The PRESIDING OFFICER. The Senate is to proceed to a vote at 2:30.

Mrs. HUTCHISON. Mr. President, I am happy to go to the vote. But the problem is we don't have the opportunity to amend and strike. That has been taken away from us by the majority. The bottom line is we should go to a vote, reject this bill, and we should go back to the drawing board with the Commerce Committee, to a bipartisan bill for FAA reauthorization.

Thank you.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 4627 to H.R. 2881, the FAA reauthorization.

Harry Reid, Jay Rockefeller, Barbara Boxer, Kent Conrad, Patrick J. Leahy, Robert P. Casey, Jr., Mark Pryor, Sherrod Brown, Patty Murray, Ken Salazar, Max Baucus, Tom Carper, Amy Klobuchar, Sheldon Whitehouse, E. Benjamin Nelson, Dick Durbin, Blanche L. Lincoln, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on amendment No. 4627 to H.R. 2881, the FAA reauthorization bill, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 42, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—42

Alexander
Allard
Barrasso
Bennett
Bond
Bunning
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Isakson
Kyl
Lugar
Martinez
McConnell
Murkowski
Reid
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NOT VOTING—9

Bayh
Burr
Clinton
Craig
Hagel
Inhofe
Landrieu
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on the Rockefeller substitute amendment No. 4627.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I ask unanimous that the cloture motion on H.R. 2881 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, I wish today to urge my colleagues to support the Rockefeller substitute to H.R. 2881, the Aviation Investment and Modernization Act. Aviation is a central element of our globalized economy. The United States is the world's leader in aviation, and if we are to maintain this position, we must invest the proper resources.

I wish to congratulate Senator ROCKEFELLER for bringing together diverse interests and crafting a measure that will bolster oversight of the Federal Aviation Administration's, FAA, safety system, provide guaranteed funding to modernize the air traffic control system, strengthen passenger protections, and fund air service to small communities throughout the Nation.

I am very proud of the efforts of Senator ROCKEFELLER and the members of the Senate Commerce Committee. The Commerce Committee provisions in the substitute before us represent a well-crafted effort that enjoys bipartisan support.

The substitute before us represents a rare opportunity to significantly shape the future of the national air transportation system, and therefore, ensure our standing will remain at the forefront of the aviation industry.

The actions we take to reauthorize the FAA will affect the public for decades to come. Legislation to reauthorize the FAA is long overdue, and it is vital that we pass this bill that addresses the challenges facing our Nation's aviation system. We must ensure that the national airspace system continues to serve the public effectively, and at the same time, we must move forward aggressively with modernization to make certain we do not inhibit our economic growth.

The Nation's existing air transportation system is already stretched to its limits. Current passenger traffic has exceeded all previous records and is expected to exceed 1 billion passengers per year within the next decade.

To accommodate this growth in a safe and cost-effective manner, we must increase capacity by expanding our airports, modernizing our air traffic control, ATC, system, and most importantly, ensuring the FAA has the resources and staffing required to provide effective oversight of the most complicated airspace system in the world.

Recent events highlight the cracks developing in our air transportation system. Domestic air carriers are being crippled by the high price of fuel. Seven airlines have declared bankruptcy since the beginning of the year, and early reports indicate the industry has lost billions of dollars in the first quarter of this year alone.

Most disturbing, however, are the lapses in the FAA's safety oversight system that have been recently highlighted. Over the past few months, air carriers cancelled thousands of flights, leaving passengers stranded after the FAA belatedly discovered air carriers had not performed required safety inspections. Congress must take the necessary steps to ensure that the safety of the U.S. aviation system is never compromised.

With our Nation's aviation system at a critical juncture, I urge my fellow Members to close debate on the Rockefeller substitute and adopt this important legislation.

Mr. INHOFE. Mr. President, as one of the Senate's commercially licensed pilots, I wish to talk about an issue near to my heart—flying. As many in this Chamber know, I have flown thousands of hours, I attend the well-known AirVenture aviation event in Oshkosh, WI, every year, and I have even recreated Wiley Post's trip around the world.

Today, I am here to acknowledge a group of people who share my love of flying—volunteer pilots and nonprofit, charitable associations called Volunteer Pilot Organizations, VPOs, that provide resources to help these self-sacrificing pilots serve people in need. I have introduced an amendment, S.A. 4606, to provide much needed liability protection to these pilots and nonprofit organizations. My legislation is supported by the American Red Cross, the General Aviation Manufacturers Association, and many volunteer pilot organizations throughout the Nation.

Unfortunately, the majority has used a procedural tactic to restrict my ability to offer this amendment to the bill we are currently debating, the FAA Reauthorization Act. However, I would like to take this opportunity to discuss my amendment and to encourage my colleagues to join me in seeking to pass basic liability protection for volunteer pilots into law at the first opportunity.

There are approximately 40 to 50 VPOs in the United States—ranging from small, local groups to large, national associations. Air Charity Network, ACN, is the Nation's largest VPO and has seven member organizations that collectively serve the entire country and perform about 90 percent of all charitable aviation missions in the United States. ACN's volunteer pilots provide free air transportation for people in need of specialized medical treatment at distant locations. They also step in when commercial air service is not available with middle-of-the-night organ transplant patient flights, disaster response missions evacuating special needs patients, and transport of blood or blood products in emergencies.

ACN and its more than 8,000 volunteer pilots use their own planes, pay for their own fuel, and even take time from their "day" jobs to serve people in need. These Good Samaritans provided charitable flights for an estimated 24,000 patients in 2007 and their safety record is phenomenal. In more than 30 years of service, the pilots of ACN have flown over 250,000 missions covering over 80 million miles and have never had a fatal accident.

Following the September 11 terrorist attacks, ACN aircraft were the first to be approved to fly in disaster-response teams and supplies. Similarly, in 2005, ACN pilots flew over 2,600 missions after Hurricanes Katrina and Rita, reuniting families torn apart by the disaster and relocating them to safe housing. Their service was invaluable to thousands of people.

My own State of Oklahoma is served well by a number of volunteer pilot organizations, including Angel Flight South Central and Angel Flight Oklahoma. On a daily basis, they selflessly serve my constituents by flying individuals to get surgeries and treatments.

I would like to share comments from two of my constituents with you. Angela Looney, from Norman, OK, says that, "I could not have received the care I've gotten without Angel Flight. No one in Norman or anywhere in Oklahoma could perform my surgery. I had to get to M.D. Anderson." Tonya Dawson, from Broken Arrow, OK, travels with Angel Flight to treatment at the Mayo Clinic in Rochester, MN. She reports, "The pilots are great. I can't say enough good things."

Despite this goodwill, there is a loophole in the law that subjects these heroes and charitable organizations to frivolous, costly lawsuits. Currently, although volunteer pilots are required to carry liability insurance, if they have an accident, the injured party can sue for any amount of money. It would be up to a jury to decide on an amount. If that amount is higher than the liability limit on a pilot's insurance, then the pilot risks being held personally responsible, potentially bringing him or her financial ruin.

Additionally, the cost of insurance and lack of available nonowned aircraft liability insurance for organizations since the terrorist attacks of September 11 prevents VPOs from acquiring liability protection for their organizations, boards, and staff. Without this insurance, if a volunteer pilot were to have an accident using his or her own aircraft, everyone connected to the organization could be subject to a costly lawsuit, despite the fact that none of those people were directly involved with the dispatch of the flight, the pilot's decisions, or the aircraft itself.

Exposure to this type of risk makes it difficult for these organizations to recruit and retain volunteer pilots and professional staff. It also makes referring medical professionals and disaster agencies like the American Red Cross less likely to tell patients or evacuees that charitable medical air transportation is available for fear of a liability suit against them. Instead of focusing on serving people with medical needs, these organizations are spending time and resources averting a lawsuit and recruiting volunteers.

In order to close this costly loophole, I have introduced Senate amendment 4606. My amendment expands the Volunteer Protection Act of 1997, which was passed into law to increase volunteerism in the United States, to protect from liability volunteer pilot organizations, their boards, paid staff, nonflying volunteers, and referring agencies, should there be an accident. It also provides liability protection for individual volunteer pilots over and above the liability insurance that they are currently required to carry.

My amendment will go a long way to help eliminate unnecessary liability risk and allow volunteer pilots and the charitable organizations for which they fly to concentrate on what they do best—save lives.

I ask unanimous consent to have Senate amendment No. 4606 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

At the appropriate place, insert the following:

SEC. ___. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4)—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by striking "the harm" and inserting "(A) except in the case of subparagraph (B), the harm";

(C) in subparagraph (A)(ii), as redesignated by this paragraph, by striking the period at the end and inserting "; or"; and

(D) by adding at the end the following:

"(B) the volunteer—

"(i) was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit; and

"(ii) was properly licensed and insured for the operation of such aircraft."; and

(2) in subsection (c)—

(A) by striking "Nothing in this section" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section"; and

(B) by adding at the end the following:

"(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

"(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

"(B) is properly licensed for the operation of such aircraft; and

"(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer's operation of such aircraft.".

Mr. SPECTER. Mr. President, I seek recognition to explain my vote against the motion to invoke cloture on the Rockefeller substitute amendment No. 4627 to H.R. 2881, the Federal Aviation Administration Reauthorization Act.

There are many aviation-related provisions in the substitute amendment which are of critical importance to both the Nation and my State, including: $290 million per year to modernize the air traffic control system; a $15.8 billion authorization of funds for the Airport Improvement Program; a requirement that airlines post the on-time performance of chronically delayed flights on their Web sites; a $175 million authorization of funds for Essential Air Service, EAS, to rural areas; and an extension of EAS eligibility for Lancaster, PA; and safety improvements related to the FAA's oversight of aircraft inspections. The legislation also includes nonaviation provisions to restore the solvency of the highway trust fund, which is a matter of critical importance, and to provide tax credit bonds for high-speed rail service, a measure that I helped put together. For these and other reasons, I believe it is imperative that the Senate act on this bill.

However, I do not believe it would be appropriate to act on it without necessary and proper debate, and that is precisely what a vote for cloture on the substitute amendment would have represented. The Senate was precluded from having any meaningful or traditional debate on this legislation due to a decision to fill the so-called "amendment tree" so that no other amendments could be freely debated and considered. I filed two amendments to this bill, one attempting to address overscheduling of airline flights and one prohibiting unnecessary flights over residential areas, which I was precluded from offering. I believe my amendments address critically important issues that deserve the attention and consideration of the Senate, and I am told that other Senators hold similar sentiments with respect to amendments they intended to pursue.

On February 15, 2007, I introduced a resolution which would prohibit this abhorrent practice of filling the "amendment tree" so that the Senate can conduct its business. In the absence of this much-needed reform, I voted against cloture on the substitute amendment, not because I fail to recognize the importance of the provisions contained therein, but because the Senate was effectively blocked from offering and debating any amendments to improve it.

It is my hope that the chairman and ranking members of the relevant committees can work out an agreement that will allow this bill to come back before the Senate, and with it a process for its consideration that will allow for the kind of meaningful and traditional debate fitting of the Senate.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 460, S. 2284, the National Flood Insurance Act Amendments.

Harry Reid, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Ken Salazar, Sheldon Whitehouse, Max Baucus, Daniel K. Inouye.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2284, the National Flood Insurance Act Amendments, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Idaho (Mr. CRAIG), the Senator from Nebraska (Mr. HAGEL), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 90, nays 1, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—90

Akaka
Alexander
Allard
Barrasso
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Coburn

NOT VOTING—9

Bayh
Burr
Clinton
Craig
Hagel
Inhofe
Landrieu
McCain
Obama

The PRESIDING OFFICER. On this vote the yeas are 90, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. SHELBY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I understand now there will be a period of 30 hours of debate on the motion to proceed. My understanding is—and my friend and colleague from Alabama will correct me if I misspeak at all—over this evening people are going to be discussing the various amendments that can be offered.

We have actually had meetings with a number of our colleagues who have amendments they want to offer on this bill. Our sincere hope is all of these amendments will be considered. I have been informed, Senator SHELBY has by the authors of these amendments, their intention is to take whatever limited amount of time they need to make their case.

So my hope tomorrow is we will be able to vitiate the 30 hours, get right to the bill in the morning, and then move forward on these various ideas that are going to be offered by our colleagues, with the goal in mind of completing the work on this legislation hopefully by tomorrow.

There are a number of amendments out there, but I think as the authors of these amendments have indicated, they will not necessarily take a lot of time for debate.

Let me also take advantage, if I can, in offering to our colleagues on this side of the aisle—we have heard from several members. Senator LANDRIEU has some strong interest in this legislation but others may as well. I have asked them to come forward if they would, either this afternoon or early this evening, and let our staffs know what these amendments are so we can go over them with them and try to set up some orderly process by which we can consider the amendments over the course of business tomorrow as well.

I make this request of our colleagues who have amendments to the Flood Insurance Reform and Modernization Act: Would you please let us know as soon as possible what those amendments are so we can consider them, or at least set up a timeframe for you to offer them on the floor.

With that in mind, let me offer some initial thoughts, if I can. First, let me thank the majority leader. We are here today because the majority leader has created some time for us to do this. This is an interest in which all of us should have a deep concern and deep interest; I note with obvious importance my colleague from Alabama and others in the Gulf State areas.

Flood insurance is a critical issue for the coastal region of the country as well as other areas. This is a vitally important piece of legislation we are considering, S. 2284. It is the Flood Insurance Reform and Modernization Act of 2007. As I have indicated, it is a strong bipartisan bill that enhances the long-term viability of the National Flood Insurance Program, helping to provide critical insurance coverage for millions of homes and business owners throughout the country.

The substitute amendment, which I will offer later, will be offered by myself and Senator SHELBY, and contains two parts, both of which passed the Committee on Banking, Housing and Urban Affairs with the support of every member of the committee, Republican and Democrat. The substitute amendment contains the flood insurance reform package exactly as was passed by the committee as well as a bill to establish a Commission on Natural Catastrophe Risk Management and Insurance.

This is a very important issue, I might point out to Members. The unanimous votes on these bills clearly show the importance of flood insurance and the strength of the bill we are considering.

Senator SHELBY and I have joined to urge our colleagues to support our efforts to strengthen flood insurance for three key reasons. The first reason is this bill provides much needed relief to hard-working Americans who have paid flood insurance premiums for years and through no fault of their own will face new stiff premium increases to reduce the massive debt owed by FEMA as a result of Hurricanes Katrina, Rita, and Wilma.

This bill is fiscally responsible, No. 2, and greatly reduces the exposure of the Federal taxpayer under the flood program. No. 3, this bill creates environmentally sound flood policy which is needed to preserve our Nation's most precious natural resources.

I want to touch on each of these three points because I think too often we get so into the details we miss the larger picture that is involved with a piece of legislation such as this. This bill is complicated and it makes a number of significant reforms, but taken all together, it contains key policies that truly help millions of our fellow citizens.

As I said, this bill is needed to provide relief for those who suffered flood losses as a result of the 2005 hurricanes. These home and business owners did exactly what they were supposed to do. They purchased flood insurance and paid premiums—some had done so for decades—to cover their losses in the event of a flood. If we lay the entire $17 billion debt now owed by FEMA at their feet, we will force many of them out of the program. To pay the interest on the debt alone, rates would have to nearly double, and they would have to increase many times over to make a dent in that debt.

Skyrocketing premiums will create massive disincentives to purchasing flood insurance at exactly the time we need to encourage participation. At this time of increased hurricane activity, our efforts should be focused on getting as many people to purchase flood insurance as possible, so they will be able to rebuild after a storm and not have those larger costs be spread out to people across the country.

Discouraging the purchase of flood insurance would also increase the future liability of the American taxpayer. Those who flood will be underinsured or have no insurance at all, and they will turn to the Federal Government for disaster assistance.

Prior to the inception of the National Flood Insurance Program, that is exactly what happened year after year after year. After severe flooding in the 1950s, Congress established the National Flood Insurance Program because there was no private flood insurance and the lack of coverage resulted in significant Federal disaster aid payments.

The flood program was designed to provide insurance while requiring safer development so people were better protected from nature's wrath. And while we are now looking at a significant debt, I want to underscore the fact that the flood program has historically been self-sustaining, paying claims, for the most part, through premiums.

Hurricane Katrina, and the storms that followed, devastated the entire gulf region and produced flooding unlike any other storm in our lifetime. Millions of people were driven from their homes and over 1,800 people were killed.

There was no mechanism in the Federal flood program to pay for the losses of the magnitude experienced in the 2005 storms, so it borrowed funds from the U.S. Treasury to meet those obligations and ensure that families in Louisiana, Mississippi, Texas, Florida, and Alabama could rebuild.

We are now faced with a choice, to forgive the debt so that flood insurance continues to be available to home and business owners throughout the country or substantially raise premiums on all policyholders, an action which would hurt the very people who are trying desperately to rebuild their lives after these hurricanes. The bill before us makes what I believe is the right choice.

The second reason this bill is necessary is that it establishes fiscally responsible policies to ensure that flood insurance will continue to be available, while reducing the likelihood that taxpayers would be on the hook for those flood losses. This bill strengthens flood insurance so the next time a hurricane hits, whether it be in Mississippi, Florida, Texas, Alabama, Connecticut, or any other State that borders on our coasts, flood claims can be paid without relying on taxpayer funds across the country.

It does this by requiring flood insurance in additional at-risk areas, moving the program toward actuarial soundness and requires the program to build up reserves to pay for losses. These changes will help guarantee additional premium income while maintaining affordability for most homeowners.

As I also indicated, this bill contains environmentally sound flood policies. These reforms, especially to the flood mapping program, will allow communities, homes, and business owners throughout the country to accurately assess their flood risk and will encourage responsible and environmentally friendly development decisions.

Communities cannot make decisions to protect fragile areas along our coasts and riverbeds if maps are not accurate and risks are unknown. The mapping provisions contained in this bill ensure that flood maps will be accurate, up to date, and readily available. No longer should communities and homes and business owners have to rely on outdated and inaccurate information.

Senator REED of Rhode Island is to be commended for his work on the mapping provisions of this bill that are critical to the flood insurance program.

This is a strong and needed bill which will extend the flood insurance program for 5 additional years, put it in a financial position to be able to continue to make flood insurance available to the millions of families at risk throughout our Nation, while at the same time reducing the risk of taxpayer assistance.

I want to take a moment to let my colleagues know of the range of support for this bill. This is a very diverse and somewhat unique coalition of organizations that has come out in support of this piece of legislation. These organizations, I believe, are worth mentioning because of their diversity.

We have the support of the following: The Consumer Federation of America, the American Insurance Association, the Council for Citizens Against Government Waste, the Competitive Enterprise Institute, the Defenders of Wildlife, the Environmental Defense Fund, the Financial Services Roundtable, Freedom Works, Friends of the Earth, the National Association of Mutual Insurance Companies, the National Wildlife Federation, the Property Casualty Insurers of America, the Reinsurance Association of America, and Taxpayers for Common Sense.

That is not normally a coalition you put together around a piece of legislation, covering the financial services industry as well as environmental groups and consumer groups as well.

I commend all of them for working with us, going through the long process of developing this bill in the way we figure comprehensively deals with this issue. I realize these groups are not normally united in the support of a single piece of legislation, but they have all come out in favor of a reasonable, balanced approach that we have taken to the flood insurance program.

As I said earlier, the substitute amendment we will be offering also establishes a Commission on Natural Catastrophe Risk Management and Insurance. There has been a good deal of discussion about adding wind and other risks to the flood insurance program. These are arguments hard to answer because there is a very strong and legitimate claim to be made.

However, it was the judgment of the Banking Committee that while these ideas have merit—and I strongly indicate and support that—they deserve further study so we can understand the implications of what a major shift would be in this program and how the natural catastrophes are insured.

To that end, the committee unanimously passed legislation to establish a blue ribbon commission that would in very short order examine the availability and affordability of natural catastrophe insurance and make recommendations posthaste to the Congress and to the administration on whether, how, and to what extent additional Federal action in this area would be appropriate. Until we have that information, I honestly could not stand before my colleagues and give them any idea of the magnitude of the cost of this program. We would literally be in the dark entirely if we tried to expand it. That is not to suggest there is not legitimacy to the request. But we ought to deal with it in as thoughtful a manner as we can so we are not here again next year or the year after, once again forgiving debt, trying to come up with another program to deal with the result of a massive infusion of taxpayers' dollars to deal with disasters with which people are coping. To that end the committee unanimously passed the legislation to establish this commission.

What is clear is that millions of Americans, some of whom were devastated by hurricanes, have seen increased premiums and constrained availability of insurance. We are all committed to doing everything we can to ensure that people at risk are able to insure their homes and businesses. We believe this commission will provide the information we need to undertake that effort in a sensible and effective way.

I thank Senator SHELBY and his staff who worked so closely with us on this bill. Senator SHELBY has been a very strong advocate of flood insurance. Under his leadership and chairmanship of the committee, the Banking Committee passed a similar bill in the last Congress. I also thank Senators REED of Rhode Island, BUNNING, and CARPER for their work on the legislation, particularly on the flood insurance portion. The status quo on flood insurance is not an option. Families in every State rely on flood insurance to rebuild when they are flooded out. The national flood insurance program must be reformed and strengthened. I urge my colleagues to support this legislation so that our constituents can continue to rely on a strong and stable national flood insurance program.

I urge colleagues who have amendments and ideas to offer to this legislation to please let us know of these ideas immediately so we can consider them and put them in a proper order for consideration when we resume consideration of the legislation tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise in support of the managers' amendment. It is a bill that combines the Flood Insurance Reform Act of 2008 with the Catastrophic Commission Act of 2008 that Senator DODD has just outlined. Senator DODD and I worked very closely to develop this important legislation in the Banking Committee, which the Senate Banking Committee, by the way, unanimously passed last year.

The legislation places the national flood insurance program on a stronger financial footing because it requires those living and working in areas vulnerable to flooding to assume more of the financial risk, as it should be. The bill also addresses many other structural and fiscal weaknesses in the program itself.

In addition, the managers' amendment creates a commission to study the current market for catastrophic insurance. The results of this commission should provide Congress with a factual basis for future legislative action, if we deem it necessary.

To fully appreciate the need for significant reform of the national flood insurance program, we must first consider the program's history. The flood insurance program was established in the Congress in 1968 to provide policyholders with some insurance for flood-related damage. The intent of the program was to generate enough revenue through premium dollars to prevent taxpayers from paying for flood-related losses during an average flood loss year. At the inception of this program, Congress included explicit subsidies for business properties and homes known as preflood insurance rate map or pre-FIRM structures. It was determined that it was not fair for the owners of such structures immediately to pay actuarial prices because they received no notice regarding the new mandatory purchase rules.

That said, it was also believed that many, if not all, of the pre-FIRM structures would quickly become ineligible for the subsidies. For this reason, Congress never included a subsidy elimination mechanism. This oversight has had significant financial consequences for the current flood insurance program.

More than 40 years later, a large number of these properties still receive explicit subsidies. Many of these properties have made the greatest claims on the program after suffering repetitive losses. In fact, the Congressional Budget Office has valued the explicit subsidy for grandfathered homes at $1.3 billion per year. There are other key factors beyond the poorly designed financial structure of the program that need to be addressed. For example, the size of the program has expanded exponentially since its inception. In 1978, 10 years after the program started, the program had 1.4 million policyholders and $50 billion in risk exposure. Today there are more than 5 million policyholders and over $1 trillion in risk exposure.

Finally, the maps used to determine the rates for the program are largely out of date just about everywhere. Antiquated maps do not represent accurately the risk that covered structures face.

Without up-to-date maps and, hence, an accurate risk assessment, price is simply reduced to guesswork. Often these guesses have been too low, and the taxpayers have been forced to make up the difference, oftentimes to very wealthy people. This program currently generates $3 billion in premiums, spends roughly $1 billion on administration, and has a liability exposure of more than $1 trillion. Let me repeat that. The program has a liability exposure of more than $1 trillion. In fact, the financial deficiencies of the program are so great that the Government Accountability Office placed it on a list of high-risk programs because it does not generate enough money to cover its liabilities.

Furthermore, Robert Hunter, who is recognized as one of the key individuals in getting the program started, has stated:

> The integrity of the program [must be] restored . . . [or] consideration must be given to ending this . . . hopelessly administered program.

Mr. Hunter was with the Consumer Federation of America for many years.

Mr. Hunter's prescription for restoring the program's integrity is requiring greater mitigation efforts and moving toward actuarial soundness. This is what we have attempted to do today.

I recognize that reforming the flood insurance program presents the Congress with difficult choices. We could end the program, we could dramatically increase fees on program beneficiaries, or we could do nothing. Each of those choices would be unacceptable. That is why Senator DODD and I have crafted a bill that addresses what we believe are the most significant financial weaknesses of the program without dismantling its core features. We struck a realistic balance between the needs of the program's beneficiaries and the taxpayers on the hook for the program's shortfalls.

The legislation before us strengthens the program by immediately eliminating subsidies on vacation homes, businesses, and severe repetitive-loss properties. It then paves the way for eliminating all subsidies in the future. It proceeds in such a way, however, that recognizes immediate elimination of all subsidies is not prudent because flood maps will not be updated for some time.

To address the mapping deficiencies, the bill creates stringent standards that the program must use to complete the map modernization process. Once we have the most accurate and up-to-date flood mapping possible, homeowners will better understand and mitigate their risks.

The program will also transition to more accurate pricing. In addition to eliminating subsidies, the bill requires State-chartered lending institutions to maintain flood insurance coverage for all mortgages located within the 100-year flood plain. It increases enforcement tools available to bank regulators at both the Federal and State levels by requiring escrow of flood insurance premiums throughout the life of the mortgage. The civil monetary penalties that regulators may levy against lenders for failure to comply are also increased. The bill creates a mandatory reserve fund to cover the cost of unusual events. This provision is intended to limit future reliance on the American taxpayer. The bill requires a rulemaking to ensure that the "write your own" carriers are being reimbursed solely for their expenses.

Finally, the legislation creates a commission that Senator DODD outlined earlier to study the effects of natural disasters on our insurance system. The commission must report its findings within 9 months.

Some have suggested that we should add wind insurance coverage to the already bankrupt Federal flood insurance program. I remind my colleagues of certain facts: The Insurance Information Institute estimates that by adding wind as a covered peril, the program will take on an additional $14 to $19 trillion worth of risk exposure. In addition, a Towers-Perrin report indicates that adding wind coverage to the flood program could lead to an additional annual program deficit as high as $1 billion.

Both of these studies point out exactly why we should have a complete understanding of all of the facts before we even contemplate expanding the Federal Government's role as an insurance provider.

Before I conclude, I will take a moment to recognize Senator BUNNING for all of his efforts to reform this program for the past several years. As Senator DODD did, I also recognize Senator JACK REED of Rhode Island and his staff for their efforts to create accurate and up-to-date flood maps which are essential for this program in the future. Lastly, I thank my colleague, Senator DODD, chairman of the committee, and his staff for their efforts in crafting this bipartisan legislation.

I repeat something I said earlier: Reform of the program involves tough choices. We must make these tough choices, however, if this program is going to survive. For the good of the program beneficiaries and the taxpayer, I urge my colleagues to support this legislation.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WICKER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. WICKER. Madam President, this week the Senate will consider the reauthorization of the National Flood Insurance Program. Today, I have filed an amendment to this reauthorization legislation which is of critical need, not only to the gulf coast but to the entire country. My amendment would add a multiple peril insurance provision to create a new option in the National Flood Insurance Program of offering coverage of both wind and flood risk in one policy.

The proposal would require premiums for this new coverage to be risk-based and actuarially sound, so that the program would be required to pay for itself. Indeed, the Congressional Budget Office has estimated that the multiple peril program:

> . . . would increase premium receipts and additional claims payments by about the same amount—resulting in no significant net budgetary impact.

By covering wind and flood risk in one policy, the multiple peril option would allow coastal homeowners to buy insurance and know that hurricane damage would be covered regardless of whether that damage is caused by wind or water.

It has been just over 2½ years since Hurricane Katrina hit the gulf coast with its 30-foot storm surge and winds over 125 miles an hour. Katrina was the most devastating natural disaster ever to hit North America.

The people of Mississippi and Louisiana have made great progress in rebuilding the communities along the gulf coast. Everyone knows the Federal Government's response was not perfect, but the Government and this Congress have done a lot to help to rebuild communities, homes, businesses, and lives along the gulf coast.

As much as the Government and this Congress have done, there is still more work to be done. There are still too many destroyed homes left uninhabited, too many slabs of concrete that represent all that is left of what used to be homes and businesses. A major contributing factor to this problem is the cost and availability of insurance. Since the day I became a Member of this body, the cost of insurance has become an issue I continually hear about. As I stated in my maiden speech, if you can't insure it, you can't build it or finance it. It is that simple. The problem is harming the efforts of small businesses to rebuild and grow and succeed, and it is driving rental rates beyond affordability. It is increasing the cost of home ownership and, in many cases, making it impossible for people who lost their homes to Katrina to rebuild.

Congress needs to act to find a workable solution to this problem, and the National Flood Insurance Program reauthorization gives us an opportunity to do so. I say this not only for the good of the people of Mississippi and Louisiana but also for every single American taxpayer and for every person who lives along the American coastline.

This is not just an issue for the gulf coast. From Bar Harbor, ME, to Brownsville, TX, millions of Americans live on a coastline in the path of future hurricanes. As the Biloxi Sun Herald noted this week in an editorial in support of my amendment:

> More than half of the Nation's population lives within 50 miles of a coastline, and 50 miles is well within harm's way when a major storm makes landfall.

We have not always had a national flood insurance program. In 1968, Congress was forced to act to address the problems associated with flooding from hurricanes. Now the same problem that led to the National Flood Insurance Program is happening with wind. As it did in the past, Congress needs to act to address the problem. The National Flood Insurance Program was created because insurance companies quit offering coverage for flood damage caused by hurricanes. With competing wind and flood policies, the same has happened to wind insurance in these same areas.

Wind versus water—that is the debate which still occurs today in courtrooms on the Mississippi gulf coast between insurance companies and storm victims. It is a debate that necessitated the multibillion-dollar supplemental appropriations package this body approved after Katrina. Unless Congress changes the law, the wind versus water debate will result in a multibillion-dollar supplemental appropriations package after the next big hurricane wherever in the United States it may land. This is driving more and more homeowners and business owners into a State-sponsored wind pool, which is required to provide coverage. But this is not a reasonable long-term solution because too much risk is being placed in too small of a pool. What was initially conceived to be the last resort has now become the only resort for many Mississippians living along the gulf coast. The reality is that State wind pools, especially in my home State of Mississippi, are unable to spread the risk to balance the claims.

As the Government Accountability Office has pointed out, these competing wind and flood policies provide a conflict of interest in determining who is responsible to pay these claims. The flood insurance companies say it was wind. The wind insurance companies say just the opposite. Because of this, my constituents on the gulf coast are paying thousands of dollars to the State wind pool. That doesn't count flood insurance or homeowners insurance on top of that.

The picture I am painting here is quite clear: The unaffordability of insurance is driving people from their homes.

Some of my colleagues may point out that every homeowner can purchase wind insurance. I would argue that, as a practical matter, they cannot. As I mentioned before, this is not just a Mississippi problem, nor is it just a gulf coast problem. For instance, in Massachusetts, since 2003, 10 insurance companies have dropped homeowner coverage in the Cape Cod coastal area. This affects approximately 44,000 homeowners in Massachusetts. The Massachusetts State insurance backstop is now insuring 44 percent of the market.

I hope my colleagues from the following States, in addition to Mississippi and Louisiana and Massachusetts, will pay attention to this debate. States such as New York, Maryland, Virginia, South Carolina, Florida, Alabama, and Texas have all experienced the same problem. In North Carolina, for example, the State insurance plan known as the "BEACH Plan" saw its liability increase over 260 percent in just 4 years. I assure you, I would prefer that the private market write these policies, but this simply is not happening. Every day, more and more liability is being thrust upon the shoulders of the States.

To help address this problem, the best solution available is to allow homeowners to purchase wind and flood insurance coverage in the same policy. This would spread the risk outside of defined State borders and would ensure available, affordable, and total insurance for coastal homeowners. That is exactly what my multiple peril insurance amendment does.

Multiple peril insurance will allow property owners to buy both wind and flood coverage from the National Flood Insurance Program. Residential coverage would be $500,000 for structures and $150,000 for contents and the loss of use. For nonresidential, it would be $1 million for structures and $750,000 for contents and business interruption.

Under this amendment, property owners would be able to buy insurance and know in advance that hurricane damage would be covered without disputes over the cause of damage. No longer would home and business owners have to go to court to try to prove it was either wind or it was water that destroyed their property.

The premiums for this new single coverage would be risk-based and actuarially sound, according to the terms of my legislation. The CBO has agreed that the program will, over the long run, pay for itself.

Windstorm insurance would be available under my amendment only where local governments adopt and enforce the international building code or equivalent building standards. This Federal multiple peril program will spread risk geographically to form a stable insurance pool, compared to State pools that cover only a small area.

Again, I state this issue doesn't just impact the gulf coast. It impacts most directly the 55 percent of our country's population that lives within 50 miles of a hurricane-prone coastline.

Beyond that, however, this is a good-government issue that affects every single taxpayer. Multiple peril coverage would also protect the taxpayers by saving them from having to pay for another giant emergency relief package the next time a hurricane hits. It is not a question of if but when it happens and, I might add, where it happens again.

With the legislation before us, the reauthorization of the National Flood Insurance Program, we have been provided an opportunity to take action to begin to correct this inequality. I believe my multiple peril amendment is a good start.

I realize there are several philosophies about solving the coastal insurance crisis, and I am not wedded to any single approach. I would simply point out that this amendment has already been adopted by the House of Representatives in an amendment offered by my friend and former colleague, Representative Gene Taylor of Mississippi. What I am committed to is providing my constituents relief before the next hurricane hits. I do not believe Congress should take over the entire private market of all insurance. I believe in free market principles, and I believe Congress should look seriously at the State-by-State rate regulatory structure that forces insurers to set their rates on the basis of geographical boundaries within individual States in which they are admitted to do business. I believe Congress should consider other thoughtful proposals such as the one being advanced by the St. Paul Travelers Insurance Company, which would allow limited rate regulation relief for the purpose of creation of a coastal band. This is simply one of a number of good ideas that deserve consideration. But the status quo does not work, and that is what we have an opportunity to correct this week.

Some of my colleagues will argue against my amendment for a number of what they see as problems. Very seldom is legislation error-free or exactly correct at the outset, and my amendment is no different. We should not, however, let the perfect be the enemy of the good.

I ask my colleagues to remember all of the places along the coast of North America and perhaps invite them again to visit Hancock County, in my State of Mississippi, ground zero, where Katrina made landfall, and see for themselves why action is needed now and why we should not miss this opportunity on the reauthorization of the National Flood Insurance Program.

This amendment is badly needed. At the appropriate time during consideration of amendments, I will urge my colleagues to adopt the amendment.

Madam President, I yield the floor.

Mr. COCHRAN. Madam President, I am pleased to support the amendment offered by my colleague from Mississippi. The amendment of Senator WICKER will benefit not only constituents in Mississippi but anyone who lives in the path of future hurricanes.

Two-and-a-half years ago, the most devastating natural disaster in the history of our country, Hurricane Katrina, made landfall on the Mississippi, Louisiana, and Alabama coasts. The devastation that was caused was indescribable.

The people of our State have made significant and impressive progress toward recovery since that fateful day, August 29, 2005, but there is still much work to be done. There are far too many vacant lots and empty slabs that remain around our gulf coast for our recovery to be considered complete.

Mississippians are appreciative of the assistance the Federal Government has provided to aid in their recovery from Hurricane Katrina. However, a significant additional opportunity to assist that recovery will have been lost if the issue of affordable wind insurance is not addressed.

One of the most significant impediments to the recovery of the Mississippi gulf coast is the availability of affordable homeowners insurance. There are many coastal residents who simply cannot afford to insure their homes, and homes cannot be rebuilt until they have secured insurance.

One of the most expensive components of these homeowners insurance premiums is coverage for damage caused by wind.

Most coastal Mississippians are currently being forced to buy their wind coverage from the State-run wind pool. This wind pool is necessary because the private insurance industry has largely discontinued selling wind policies in these coastal communities.

So a program that was designed as an insurer of last resort has become the only available option. Those who are able to buy coverage from this State wind pool have found their premiums increased dramatically over the last 2 years.

Unfortunately, this is a shortsighted solution. There is simply too much risk, in too small of a pool, concentrated into a small geographic area. This is not a problem that is unique to Mississippi. Most State wind pools face the same problem of not being able to spread the risk wide enough to avoid an overwhelming loss in the event of a significant hurricane.

I wish to be clear. This is not only an amendment for those who were impacted by Hurricane Katrina. This amendment would benefit millions of Americans who live on our vast coastlines and face the potential of a future catastrophic hurricane.

This amendment would allow homeowners to buy insurance and know in advance of the storm that they will be covered without a prolonged dispute over whether the damage was caused by wind or water.

This wind coverage will be available only where local governments enforce strict building standards to minimize future loss. The premiums for this coverage would be actuarially sound and would not expose the Federal Government to undue financial risk.

A great deal of thought has gone into my recommendation of this amendment. I urge a vote in support of the amendment. If private insurers or the State-run wind pools could adequately address this problem, then I would not as vigorously advocate the Federal Government expanding its role in the business of insurance.

But Senator WICKER's amendment provides the best available solution for this very serious problem.

As the 2008 hurricane season approaches, I believe we should not miss this opportunity to address this growing problem. The Wicker amendment provides us with the best opportunity to make certain affordable wind insurance is available for those living near our coastlines.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR.) The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CASEY pertaining to the introduction of S. 2980 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CASEY. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

Mr. REID. Mr. President, I have been very patient today. I so wanted to come to the floor, after the FAA bill was destroyed, wiped out by the Republicans not letting us go to that legislation, one of the most important pieces of legislation we could deal with. The reason I had to calm myself down, I listened to a number of Republican Senators say: Well, if we could have offered amendments. I did everything I could to allow people to offer amendments: Agree to a list of amendments; could we see your amendment; we will take down the tree; we will do anything you want; offer amendments.

Finally, I spoke to one of the Republican leaders. I said: It is obvious the only reason you are not supporting this is because of the New York money, the final installment of the $20 billion promised the city of New York, the State of New York, by the President of the United States, George Bush. I said: It is in the President's budget.

One of the Republican leaders said: We still oppose it.

Then, if that were not enough, we now come to an important piece of legislation, flood insurance. This is a result of what happened in Katrina and the other devastating floods we have had in this country in recent years. Insurance companies have gone broke. Individual companies have gone broke. Individual homeowners have suffered significantly. So after months of working on this piece of legislation on a bipartisan basis—Senators DODD and SHELBY are the ones who worked to get the bill here—we bring the bill to the floor. We file cloture on a motion to proceed so we can start offering amendments. It passes 90 to 1. We have been waiting since 3 o'clock today to start legislating. People are waiting to offer amendments. I can't imagine how the Republicans can sleep at night, stopping this country from legislating on most important issues. They act as if it is not important. So in the morning I am going to come here, and we are going to ask consent if we can start legislating on this bill, or do we have to wait until 9 o'clock tomorrow night until the 30 hours runs out before we can start legislating on flood insurance. We are going to finish flood insurance this week. If we have to work Thursday night, Friday, Saturday, and Sunday, we are going to finish this bill.

People will have an opportunity to offer amendments. Maybe they can't start offering amendments until 9 o'clock tomorrow night, but if that is the case, then we are going to start working at 9 o'clock tomorrow night so people can offer their amendments, because tomorrow is Wednesday. We wasted all day today not being able to offer amendments. I am told there are only a couple amendments people want to offer—three or four. It is an issue of whether this legislation should include also wind. That is an issue we can debate and vote on. But we are going to make a decision sometime tomorrow as to when we file cloture, whether we do it Thursday and have a Saturday cloture vote, do it tomorrow and have a Friday cloture vote. We are going to finish this bill this week.

We have so much to do. We have the farm conference coming. We have the consumer product safety conference coming. We have to do the budget. We have the supplemental appropriations bill and a number of other measures we have to do.

I hope we can start moving to allow people to offer amendments. It seems not a very good legislative process dictated by the minority, the Republicans, when you pass something 90 to 1, and they still hold it up.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT MATTHEW R. VANDERGRIFT

Mr. SALAZAR. Mr. President, I rise today to honor the service and sacrifice of Marine 1Lt Matthew Vandergrift, of Littleton, CO. Lieutenant Vandergrift was assigned to 2nd Battalion, 10th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force, out of Camp Lajeune, NC. He was recently killed in Basra, Iraq, by a bomb that exploded near his humvee. He was 28 years old.

Those who knew Matthew Vandergrift describe him as a true patriot, committed to his country, his family, his friends, and to helping those around him. He was full of energy and laughter, and was always looking for the next adventure.

Matthew grew up in Austin, TX, and attended Texas A&M University, where he graduated with honors in 2005. He was a member of the Corps of Cadets and Naval ROTC at Texas A&M, majored in international business, and had a 4.0 grade point average.

When he became a marine in 2005, Matthew joined a proud family tradition of military service. His father was a major in the Marine Corps, his younger brother Barrett is an Air Force helicopter pilot, and his great uncle was GEN Alexander Vandergrift, a World War II Medal of Honor recipient and the 18th Commandant of the U.S. Marine Corps.

When he was killed, Lieutenant Vandergrift was in the middle of a year-long deployment that began last August. Tasked with helping train Iraqi security forces, his team of four marines lived and patrolled together with 50 Iraqis. They were performing sweeps in Basra in an attempt to calm violence, root out pockets of insurgents, and stand up an Iraqi unit that could take charge of the security responsibilities in the area. It was a dangerous mission in one of the most dangerous places in Iraq. But it was also a vital mission, and one that demanded the smarts, courage, and character for which Lieutenant Vandegrift was known.

Each of our men and women in uniform is a patriot—they stand up at the call of their country and assume the task of service. But Matthew Vandergrift was also a patriot in a broader sense. Frances Wright, one of America's most famous lecturers, reminds us that patriotism is not simply one's love and dedication to country. Patriotism, she observes, is a virtue that characterizes an individual's commitment to the public good, to the preference of the interests of the many to the interests of the few, and to the love of liberty. "A patriot," she told an Indiana crowd on July 4, 1828, "is a useful member of society, capable of enlarging all minds and bettering all hearts with which he comes in contact; a useful member of the human family, capable of establishing fundamental principles and of merging his own interests, those of his associates, and those of his nation in the interests of the human race."

We cannot count the hearts that Lieutenant Vandergrift touched nor the lives he bettered—that knowledge rests in the memories of those who knew him and served with him—but we may hope to emulate his model of patriotism. It is no easy task. It is rare that a man puts himself on the line for his country and for those with whom he served with such courage, with such heart, and with such a smile, as Matthew.

Lieutenant Matthew Vandergrift's stature in life is matched only by the depth of his sacrifice—and the void he leaves behind. To Matthew's family, I know no words that can ease the pain of losing a son or a brother. I hope that in time you will find consolation in the pride you must feel for Matthew's service and for the joy he brought to all who knew him. He was a patriot and a hero. His country will always honor his sacrifice.

CELEBRATING NATIONAL SALVATION ARMY WEEK

Mr. LUGAR. Mr. President, I wish to share my enthusiasm for a celebration that is soon to take place across America, National Salvation Army Week. The Salvation Army has been serving and enriching American communities for over 125 years. Since 1954, when President Eisenhower declared the first National Salvation Army Week, local units and State divisions have used this time to celebrate the charitable work they have accomplished and call attention to forthcoming projects. It is a time of heightened activism for the organization and its members. But this week is also an opportunity, a chance for us to thank the corps' members for the wonderful gifts of servanthood and volunteerism they have shown.

I recognize the many lives the Salvation Army has touched through its important work, and I am deeply thankful for the men and women who offer their time and energy in realization of its cause.

Furthermore, I am especially pleased to note that several Indiana communities will be host to their own festivities in honor of this occasion.

In Chesterton, IN, a public concert will be held on Saturday, May 17, with a performance by the Chicago Brass Band. In Bloomington, interested parties will be able to partake in "Donut Day" on May 13 and a family Block Party on May 15. Columbus, IN, will fly the Salvation Army flag over its city hall for the entire week. Indianapolis will witness a "Ramp to Camp" fundraiser organized to send at-risk youth to summer camps. Fort Wayne-based Salvation Army volunteers will hold a Thank-a-Thon. New Albany, IN, will be the site of several open house events. The list continues; these are just a few of the many noteworthy events that I am confident will be a time of joy and fellowship for participants.

I hope you will join me in extending best wishes and fine weather upon all those involved in this year's National Salvation Army Week, May 11 to 17.

AGRICULTURAL TEMPORARY WORKERS

Mr. BARRASSO. Mr. President, every spring season brings many demands on the time of farmers and ranchers in my home State of Wyoming.

They are busy tending to their livestock, newly born calves and lambs, and planting their crops. Many of them rely on the H–2A program to find seasonal and temporary skilled workers to assist them in their time-honored work.

This program is vital to Wyoming's agricultural industry. That is why I joined my friend Senator ENZI in asking the Department of Labor to extend the public comment period on its proposed rule changes to the program.

Many Wyoming employers have not had an opportunity to fully review the proposed changes. I recognize that improvement in the program is needed. We must improve its efficiency for both workers and employers.

Recently, there was a very thoughtful editorial which was printed in the Wyoming Livestock Roundup on April 12.

The editorial was written by Bryce Reece. Bryce is the executive vice-president of the Wyoming Woolgrowers Association and I believe he does a terrific job of summing up the feelings of all Wyoming farmers and ranchers.

I recommend it to my colleagues and ask that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMENT QUICKLY ON IMMIGRATION REFORM

(By Bryce Reece)

Apparently frustrated with Congress and its lack of action regarding our immigration laws, the Bush administration has decided to reform some aspects of our system administratively.

On Feb. 13 the Department of Labor (DOL) issued a 47-page proposal to amend regulations regarding nonimmigrant workers employed in temporary or seasonal agricultural jobs. Contractual enforcement of nonimmigrant workers and employer responsibilities are also addressed. These proposed changes would supposedly "re-engineer" the process by which employers may obtain temporary labor certification from the DOL for use in petitioning the Department of Homeland Security (DHS) to employ a nonimmigrant worker in H–2A (agricultural temporary worker) status.

Workers from outside the U.S. are not only vital to Wyoming and the nation's sheep industry, but are becoming increasingly important to all of Wyoming's livestock industry. As importantly, they are vital to all of U.S. agriculture. As the DOL noted in its proposal, "Data from the National Agricultural Worker Survey (NAWS) . . . shows that in 2006, 19 percent of all agricultural workers were first-time U.S. farm workers." Among the new workers, 85 percent were foreign-born and 15 percent were U.S. citizens. A new worker is defined as anyone with less than a year's experience.

Legally bringing in workers from outside of the United States is a laborious, tedious, time-consuming and expensive proposition. This statement has become increasingly true since 9/11. Increased and heightened security has made the process a bureaucratic and administrative maze, one that many employers are on the verge of abandoning. Faced with the increased difficulty of compliance, smothering and draining regulations and a seemingly endless parade of federal bureaucrats throwing up roadblocks, it's hard for people in the countryside trying to run a business and do things right.

A lack of U.S. workers interested in or seeking employment in agriculture has compounded the problem. While those in agriculture have seemed to be "crying in the wilderness" about this worker shortage, some have been listening. Senator Diane Feinstein (D-Calif.) recently highlighted the unique labor needs of agriculture and the importance of foreign labor in a September 2006 floor statement: "We have one million people who usually work in agriculture. I must tell you they are dominantly undocumented. Senator Craig pointed out the reason they are undocumented is because American workers will not do the jobs. When I started this I did not believe it, so we called all the welfare departments of the major agriculture counties in California and asked—can you provide agricultural workers? Not one worker came from the people who were on welfare who were willing to do this kind of work."

The program, which is most commonly used in Wyoming for bringing in foreign workers, is called the "H–2A Program." The H-2A worker visa program provides a means for U.S. agricultural employers to hire foreign workers on a temporary basis. They fill a labor niche that cannot be met in the U.S. The H–2A program is vital to the western sheep industry; and, it is the H–2A program that has become a nightmare for agricultural producers looking to bring foreign workers to the U.S. legally. It is the H–2A program that the DOL is proposing to modify and "fix."

Senator Larry Craig (R–Idaho) summarized the problem this way: "[T]his economic sector, more than any other, has become dependent for its existence on the labor of immigrants who are here without legal documentation. The only program currently in place to respond to a lack of legal domestic agricultural workers, the H–2A guest worker program, is profoundly broken. Outside of H–2A, farm employers have no effective, reliable assurance that their employees are legal. We all want and need a stable, predictable, legal workforce in American agriculture. Willing American workers deserve a system that puts them first in line for available jobs with fair market wages. All workers should receive decent treatment and protection of fundamental legal rights. Consumers deserve a safe, stable, domestic food supply. American citizens and taxpayers deserve secure borders and a government that works. Last year, we saw millions of dollars' worth of produce rot in the fields for lack of workers. We are beginning to hear talk of farms moving out of the country, moving to the foreign workforce. All Americans face the danger of losing more and more of our safe, domestic food supply to imports. Time is running out for American agriculture, farm workers, and consumers. What was a problem years ago is a crisis today and will be a catastrophe if we do not act immediately."

In the proposal out for comment, DOL claims its purpose in re-engineering the H–2A program and the resulting outcomes will be:

Simplify the process by which employers obtain a labor certification.

Increase employer accountability to further protect against violations of program and worker standards.

Efficiencies in program administration that will significantly encourage increased program participation, resulting in an increased legal farm worker labor.

U.S. workers will be better protected from adverse effects when they are competing with workers who are legally present in the U.S. and who are subject to all of the requirements of the H2–A program.

Institute a new auditing process to verify that employers have, in fact, met their responsibilities under the H2–A program.

Alter the current H2–A housing inspection procedures.

The devil is always in the details, however, and we have identified several areas within the proposed changes where more harm than good could occur. Several agricultural groups have joined forces to analyze and prepare comments on these proposed changes.

The WWGA is asking all agriculture supporters and particularly employers who currently, or may in the future, utilize the H–2A program, to comment. Comments can be submitted electronically, which is the quickest and least expensive method.

For those wishing to secure a copy of the proposed changes, they can be found at http://www.regulations.gov/fdmspublic/component/main?main=DocketDetail&d=ETA-2008-0001 (click on one of the icons in the first row under "views").

With comments due on a very short timeline, April 14, we have posted helpful information including sample comments on our website at www.wyowool.org. Diane Carpenter in our office and I would also be glad to answer questions from those submitting comments on this tremendously important effort.

ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mrs. BOXER. Mr. President, please join me as we celebrate Asian Pacific American Heritage Month this May.

Asian Pacific American Heritage Month was originally established as Asian Pacific American Heritage Week in 1977 by a congressional resolution. In 1992, Congress expanded the week into a month to recognize the countless contributions that Asian Pacific Islander Americans have made to our country.

The month of May is significant to the Asian and Pacific Islander American, APIA, community because it coincides with two important milestones in APIA history: the arrival of the first Japanese immigrants to the U.S., in May of 1843, and the contributions of Chinese workers toward building the transcontinental railroad, which was completed in May of 1869.

The APIA community is one of the fastest growing populations in the United States. With nearly 15 million residents and growing, APIAs contribute greatly to every aspect of life in America, just as they have throughout our history.

This year's Asian Pacific American Heritage Month theme is "Leadership, Diversity, Harmony—Gateway to Success." As the Senator from California, which has 5 million APIA residents, I am working hard to address the many issues of importance to the APIA community, such as human rights, immigration reform, education, and health care.

As the chair of the Senate Foreign Relations Subcommittee on East Asian and Pacific Affairs, I have been working on issues such as peace and stability in East Asia and the Pacific, human rights issues, environmental protection, and the economy.

I hope you visit my Asian Pacific American Heritage Month web feature to learn more about how the APIA community has shaped our Nation's history. I hope that you will find this information useful and that you will celebrate the rich diversity that is America's greatest strength.

ADDITIONAL STATEMENTS

CELEBRATING SAN FRANCISCO GIANTS BASEBALL

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 50th anniversary of the San Francisco Giants in San Francisco, CA.

After relocating from New York to San Francisco, San Francisco Giants pitcher Ruben Gomez threw the historic first pitch from the mound at Seals Stadium in San Francisco on April 15, 1958 and 23,448 enthusiastic fans watched the Giants defeat the Brooklyn Dodgers 8–0 on that special day 50 years ago. San Francisco was now home to a part of our national pastime.

After two seasons at Seals Stadium, the Giants moved to Candlestick Park in 1960. Home to the Giants for 40 seasons, Candlestick Park is located on the San Francisco Bay and carried the reputation for being one of the coldest, windiest, and foggiest ball parks in all the country. Despite these less than favorable playing conditions, Candlestick Park stood strong on one of the most frightening days in San Francisco history: October 17, 1989. Candlestick Park was packed with 62,000 fans before Game 3 of the 1989 Bay Bridge Series between the San Francisco Giants and the Oakland Athletics, when the 7.1 Loma Prieta earthquake struck. Thankfully, Candlestick Park withstood the trembler and no one in attendance was injured.

In 2000, the Giants left Candlestick Park and relocated to the brand new Pacific Bell Park in downtown San Francisco. Now known as AT&T Park, the classically designed ballpark offers picturesque views of the city and bay. Today, the home of the San Francisco Giants is widely regarded as one of America's most beautiful stadiums.

In their first 50 years in San Francisco, the Giants have been a model of excellence on the field. In addition to capturing three National League pennants, several members of the National Baseball Hall of Fame have donned the trademark orange and black colors of the Giants: Willie Mays, Juan Marichal, Orlando Cepeda, Gaylord Perry and Willie McCovey. The San Francisco Giants have been a great source of entertainment and pride to their legion of loyal fans over the past half century.

In addition to their achievements on the field, the San Francisco Giants baseball club is also committed to serving their community through a variety of community service programs. From the Giants Community Fund, which supports summer baseball leagues for low-income children throughout northern California, to the "Read to Win" program which encourages children to keep reading throughout the summer months, the San Francisco Giants baseball club is actively assisting baseball fans and their families throughout northern California.

I congratulate the San Francisco Giants on their many accomplishments over the past 50 years in San Francisco. I send my best wishes for their next 50 years.●

IN HONOR OF DOVER AIR FORCE BASE

● Mr. CARPER. Mr. President, today I congratulate Dover Air Force Base and all the men and women who serve there for winning the Commander In Chief's Installation Excellence Award for 2008.

This prestigious award honors military installations for their outstanding service and dedication, and exemplary support of their missions. In the 23 years that this award has been given, Dover Air Force Base is the first Air Mobility Command to ever win this award.

This is a great honor not only for Dover Air Force Base, but for all of us in Delaware who are enormously proud of the base and all the dedicated men and women who serve there.

This highly coveted award recognizes the excellent working, living and recreational facilities for those men, women and families stationed at the base.

For Dover and for Delaware this means winning it all, like winning the Super Bowl or winning the NCAA championship. It is like a home run with the bases loaded. I could not be more pleased or proud of the men and women serving at Dover.

I am honored that our Delaware facility serves as a national example of how quality installations enable better mission performance and enhance the quality of life for military men and women and their families by providing quality working, housing and recreational conditions.

I would also like to recognize the other winners of this year's award: Fort A.P. Hill, Bowling Green, VA; Marine Corps Base, Camp Pendleton, San Diego, CA; Naval Base Coronado, San Diego, CA; and Defense Supply Center Richmond, Richmond, VA.

Once again, it is my honor to congratulate the men and women of Dover Air Force Base for their service and dedication.●

IN HONOR OF DETECTIVE RONALD GARLAND

● Mr. CARPER. Mr. President, today I commend detective Ronald Garland of the Delaware State Police High Technology Crimes Unit.

Just more than 1 year ago, Detective Garland was assigned to a case involving Internet predators taking advantage of children.

Inspired by his sense of urgency to protect young children, Detective Garland worked late nights and weekends, often without compensation, sifting through voluminous computer data.

Today, we honor him for his exhaustive work to help identify 10 suspects and to coordinate their arrests with local law enforcement agencies. His great efforts ultimately lead to the prosecutions of these culprits in Federal court.

Detective Garland's concern for the children in our community and his willingness to go above and beyond the call of duty has garnered our great respect and admiration.

I salute Detective Garland as a hero for keeping our children safe, and I urge others to follow his brilliant example. His determination and meticulous investigative work are truly commendable.

Detective Garland is truly a hero for the State of Delaware and for our entire Nation and its children.●

RECOGNIZING MICHAEL P. PRICE

● Mr. DODD. Mr. President, it is with great pleasure that today I honor Mr. Michael P. Price on his 40th anniversary as executive director of Goodspeed Musicals in East Haddam, CT.

Since assuming the role of executive director in 1968, Mr. Price has produced more than 200 musicals, including 63 world premiere productions. Sixteen of the musicals Mr. Price premiered at Goodspeed Musicals ultimately made their way to Broadway, including now world-famous productions such as "Shenandoah" and "Annie."

During his 40 years of service at Goodspeed Musicals, Mr. Price has shared his talent and vision with more than 5,000 actors, directors, musicians, and technicians and has touched the lives of 4 million theatergoers, captivating and inspiring audiences of all ages.

Goodspeed Musicals' commitment to the advancement of musical theater is world renowned, and the theatre is considered by many to be the "Home of the American Musical." Goodspeed is also the only theatre in America to have received two Tony Awards for Excellence in Theatre, once in 1980 and again in 1995. These tremendous distinctions are thanks, in no small part, to the leadership, talent, and dedication of its Executive Director.

Mr. Price's dedication to the arts and the community extends well beyond the walls of Goodspeed Opera House. Mr. Price currently serves as chairman of the Connecticut Commission on Culture and Tourism and was the longest serving Connecticut arts commissioner. Mr. Price is also an active member in the national theatrical community, serving as treasurer of the American Theatre Wing and a member of the Tony Management Committee.

Today, I have the distinct pleasure and honor of joining Mr. Price's wife, Jo-Ann Nevas, his children, Daniel and Rebecca, and the many members of the Goodspeed community in extending my most sincere congratulations to Mr. Price for all of his achievements. I know I speak for many across Connecticut and around the world who have been touched by Mr. Price's work when I say that I look forward to many more years of his continued presence and vision at Goodspeed Musicals.●

COLUMBIA PACIFIC BUILDING AND CONSTRUCTION TRADES COUNCIL

● Mr. SMITH. Mr. President, today I wish to congratulate the Columbia Pacific Building and Construction Trades Council on their 100th anniversary. The Columbia Pacific Building and Construction Trades Council represents 25 different crafts across the entire construction spectrum, including: asbestos workers, boilermakers, brick and stone masons, cement masons, carpenters, electricians, elevator constructors, glaziers, ironworkers, laborers, linoleum and carpet layers, millwrights, operating engineers, painters and tapers, pile bucks, plasterers, plumbers, pipe fitters and steamfitters, roofers, sheet metal workers, sprinkler fitters and teamsters. The men and women who fill these jobs are some of the most impressive workers I have seen, devoted not only to their job, but to the safety of their coworkers.

The Columbia Pacific Building and Construction Trades Council is committed to the highest level of professionalism. These building experts have honed their skills through years of practice, starting with an extensive apprenticeship and journey level program. The Columbia Pacific Building and Construction Trades Council is known for its apprenticeship program, recognized as one of the best in the country. It is this professionalism that the men and women of the building and construction trades learn early on and continue to demonstrate throughout their careers.

This Nation will continue to grow and prosper because of our unrivaled workforce. However, workers of this caliber can only be produced in the proper work environment. The Columbia Pacific Building and Construction Trades Council ensures that workers have a voice. They stress the importance of providing a fair wage to those in the building and construction trades. Further, the council advocates for safe working conditions and ensuring Americans are trained workers to meet our country's 21st century needs.

I am very proud to stand on the Senate floor today and commemorate the men and women of the Columbia Pacific Building and Construction Trades Council. Those of us from frontier states are born with the knowledge that we stand on the edge of wilderness. Since the time of the Oregon Trail, we have known civilization to rest on the shoulders of skilled craftsmen like the Columbia Pacific Building and Construction Trades. And now, like then, we owe them our debt of gratitude.●

RECOGNIZING UNIT 70 OF THE AMERICAN LEGION AUXILIARY

● Mr. TESTER. Mr. President, today I recognize American Legion Auxiliary Unit 70 out of Judith Gap, MT. Judith Gap is a small town in central Montana with less than 200 residents, but they have a vibrant community where the American Legion plays a key role. The legion supports a whole host of activities, from supporting veterans throughout Montana to throwing local poppy-themed dinners. They provide a great deal for the area, and I ask unanimous consent that the full activities record of American Legion Auxiliary Unit 70 of Judith Gap, MT, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACTIVITY REPORT OF THE JUDITH GAP AMERICAN LEGION AUXILIARY

I would like you to become acquainted with the American Legion Auxiliary, Unit No. 70 of Judith Cap. It is located between what is called the Gap between the little Belt Mountains, and the Big Snowy Mountains. It is referred to as the "Gap" and is close to the center of Montana. The "Gap" is well known for the terrific winds and snows that close the road from all directions. The "wind farm" on the prairie a few miles south of town attests to the presence of wind.

It is also known for the many activities of the American Legion Auxiliary. I encourage you to visit our town. We have a school, two churches, grocery store, gas station, cafe, post office, American Legion Hall, fire station, and two bars. We are not BIG like New York City, but we too, are on the map.

Our members are proud to be a part of the largest patriotic organization in the world. We are a "goal" unit, and have kept this rating for many years. We really believe in encouraging our eligible girls to join as junior members. Without our youth becoming involved, any organization will die. Like so many worthwhile things, it takes time and effort. We are proud that a member's son only four years old can recite the Pledge of Allegiance and can sing America The Beautiful. Our youth present Old Glory at basketball games and sing the Star Spangled Banner.

I will relate to you a "bird's eye" view of what we do:

Surely everyone has seen the red crepe-paper poppies that are made by our veterans. The little red poppies are distributed in May. The money contributed goes to help our veterans. School students enter the poppy poster contest to remember and honor our veterans. Awards are given to the winners. School students write Americanism essays. Awards are given to the winners. We contribute to our Mt. V.A. hospitals and V.A. facilities at Ft. Harrison, Glendive, Miles City, Columbia Falls, and to the V.A. Clinics in Montana.

We have parties for the Legion's birthday, the Americanism Program, the Mental Health Center, We gave gifts to our WWII lady veteran, and to our "adopted veteran".

We donated to Freedoms Foundation, Spirit of Youth, Children's Miracle Network, Oloha Scholarship, Girls State, Child Welfare, Community Service, emergency fund, Chapel of four Chaplains, and the U.S.O.

We send Christmas cards, easter cards, phone cards, care packages, and neck coolers to our troops. We collect and send coupons to the receiving centers for the use of Veterans families.

We write letters to our Congressmen to ask them to support bills for veterans benefits, and to prevent flag desecration.

The many activities and programs that we accomplish means we have to make money (oh no. we do not counterfeit) we have a "fund raiser". Our main fund raiser is the Memorial Day Dinner. While the legionnaires are performing their ceremony at the cemetery (yes, the wind is blowing and they are holding on to the big American Flag with all of their might) we ladies are getting the dinner ready. The poppy posters made by our students, decorate the hall, poppy centerpieces are on the table, and a basketfull of poppies is in place to receive contributions and to wear a poppy. All has gone well.

We are thankful for all the help we get to finance our programs. The local radio station announces the Memorial Day Dinner—free! The local newspapers publish our meetings and the pictures of Girls State delegates and alternates—free! We have much to be thankful for and are thankful for much.

There is no better feeling, than the feeling we have when we have accomplished the task we set out to do. Through our activities, we have shown we honor and respect our veterans. We shall always remember their sacrifices that have enabled us to live in a free nation, where we are able to express our belief in God, and love of our Country, The United States of America. God bless America.

Dated: April 14, 2008. Respectfully submitted to the office of the Honorable Jon Tester, Senator, United States Senate, Washington, D.C. 20510-2602, for publication in the Congressional Record, From: Avis M. Perry, Unit #70, Judith Gap Legislative Chr., American Legion Auxiliary, Department of Montana, 12 Perry Ranch Ln, Judith Gap, Mt. 59453-81130.●

HONORING THE LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, I wish to acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On May 10, 2008, a group of 103 veterans will reach Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capital City this trip:

Robert M. Aitken, Jr.; Carl J. Andrews; Louis Armes; Douglas C. Augustin; Earl J. Balser; Palmer R. Barras; Roland N. Barrios; Maurice H. Behrnes; Charles C. Bishop; Jack Bond; Thomas A. Booker, Jr.; John L. Boudreaux; Robert S. Boudreaux; Wilbert P. Braud; Thomas A. Breaux; Theodore A. Castillo; Clarence B. Champagne; Cassuis H. Clay; John H. Coco; Joseph A. Courville; Edwin F. Curry.

Daniel M. Danahay; Leory Derouen; Charles E. Dodd; Lloyd Dubois; Clarence Duff; Aldon Duhon; Joseph Duplechain; Clavin L. Elliott; Alva E. English; Henry L. Fewell, Sr.; John J. Filisky; Rayford Fantenot Leroy J. Gedward; Albert K. Germany; Ed A. Godwin; Ernest E. Goff; Willie B. Goforth; Bobby A. Gunn; Gerald D. Ham; William F. Harvey, Jr.; Albert J. Hebert; Allen L. Hebert; Patrick R. Hebert.

Aloysius G. Hellmers; Willie Herron; Burnell C. Hobgood; John W. Holeman; Daniel F. Hrachovy; Robert J. Hufft; Glen W. Hunt; George H. Jones; Earl A. Karl; Thomas W. Kent; Gus O. Lamperez; John W. Landry, Jr.; Joseph B. Landry; Carroll F. LeBlanc; Cleveland J. LeBlanc; Clement O. Lejeune, Sr.; Lawrence J. Lejeune; Robert H. Littell; Henry J. Louviere, Jr.; Carrol E. Lyons.

Oliver W. Markland, Jr.; Leo J. Matte; Orvin A. Maxwell; Earl E. Mayfield; Van R. Mayhall; Joseph D. McBride; Robert J. McDonald; Francis R. Meaux; Carl L. Meriwether; Joseph N. Mire; Raymond W. Moore, Jr.; George Mouton; James R. Neef; Marion W. Newman; Jules U. Olivier; Reed J. Perilloux; Eugene J. Peyton; Joseph H. Philippe; Walter Pilcher; Wallace Primeaux, Jr.

Alex Prudhomm; Wilfred Racca; Richard C. Robert; George O. Schmidt; George M. Shamblin, Sr.; Albert J. Simon; Howard L. Snider; Eldridge Sonnier; Eli Sorkow; Frank Spell, Jr.; George H. Taix; Earl E. Turner; Lawrence J. Tylock; Curliss P. Vincent; James P. Welsh; Gloria T. White; Edwin P. Whitson; Clarence B. Wiley; Edward Young.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the Vietnam Memorial, the Korean Memorial, and the World War II Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, withdrawals and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under authority of the order of the Senate of January 4, 2007, the Secretary of the Senate, on May 5, 2008, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bills:

H.R. 493. An act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

H.R. 1195. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

The enrolled bills were subsequently signed during the session of the Senate by the President pro tempore (Mr. BYRD) on May 6, 2008.

MESSAGE FROM THE HOUSE

At 12:53 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to 44 U.S.C. 2702, the Minority Leader appoints Mr. Jeffrey W. Thomas of Ohio to the Advisory Committee on the Records of Congress.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2972. A bill to reauthorize and modernize the Federal Aviation Administration.

S. 2973. A bill to promote the energy security of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6058. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerance" (FRL No. 8357–3) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6059. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pyridalyl; Pesticide Tolerances" (FRL No. 8361–4) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6060. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spirodiclofen; Pesticide Tolerances" (FRL No. 8362–2) received on May 1, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6061. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled "Acceptance of Contributions for Defense Programs, Projects, and Activities; Defense Cooperation Account"; to the Committee on Armed Services.

EC–6062. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–6063. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals that the Department encourages Congress to adopt as part of the National Defense Authorization Bill for fiscal year 2009; to the Committee on Armed Services.

EC–6064. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Divestment by Registered Investment Companies in Accordance with the Sudan Accountability and Divestment Act of 2007" (RIN3235–AK05) received on April 29, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6065. A communication from the General Counsel, Department of the Treasury, transmitting a draft bill intended to eliminate the four-year limitation on contracts for the manufacture of distinctive paper for U.S. currency and securities; to the Committee on Banking, Housing, and Urban Affairs.

EC–6066. A communication from the Chairman, National Transportation Safety Board, transmitting a legislative proposal relative to authorization for the National Transportation Safety Board; to the Committee on Commerce, Science, and Transportation.

EC–6067. A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing the Potential Sonoran Desert Bald Eagle Distinct Population Segment As Threatened Under the Endangered Species Act" (RIN1018–AW12) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6068. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia: Enhanced Inspection and Maintenance Plan" (FRL No. 8560–3) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6069. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama: Prevention of Significant Deterioration and Nonattainment New Source Review" (FRL No. 8560–2) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6070. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline for Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana" (FRL No. 8559–9) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6071. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Land Disposal Restrictions: Site-Specific Treatment Variance for P and U-Listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the Energy Solutions' Facility in Clive, Utah" (FRL No. 8560–1) received on April 29, 2008; to the Committee on Environment and Public Works.

EC–6072. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; West Virginia: Transportation Conformity Requirement" (FRL No. 8561-2) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6073. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Standards of Performance for Petroleum Refineries" ((RIN2060–AN72) (FRL No. 8563–2)) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6074. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Interstate Transport of Pollution" (FRL No. 8562–9) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6075. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revised PM2.5 Motor Vehicle Emissions Budgets; State of New Jersey" (FRL No. 8562–1) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6076. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Change of Address for Submission of Certain Reports; Technical Correction" (FRL No. 8563–1) received on May 1, 2008; to the Committee on Environment and Public Works.

EC–6077. A communication from the Acting Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Import Restrictions Imposed on Archaeological and Ethnological Material of Iraq" (RIN1505–AB91) received on April 29, 2008; to the Committee on Finance.

EC-6078. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report entitled, "Country Reports on Terrorism 2007"; to the Committee on Foreign Relations.

EC-6079. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a letter detailing the creation of an Accountability Review Board relative to an attack that occurred in Khartoum, Sudan, on January 1, 2008; to the Committee on Foreign Relations.

EC-6080. A communication from the Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Human Capital Management in Agencies" (RIN3206-AJ92) received on April 29, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6081. A communication from the Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's Balance Sheet as of December 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-6082. A communication from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, "Grade Retention Modification Act of 2008"; to the Committee on Homeland Security and Governmental Affairs.

EC-6083. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-360, "Compliance Unit Establishment Act of 2008" received on May 1, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6084. A communication from the President and Chief Scout Executive, Boy Scouts of America, transmitting, pursuant to law, the organization's 2007 annual report; to the Committee on the Judiciary.

EC-6085. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Certification Requirements for Imported Natural Wine" (RIN1513-AB00) received on April 30, 2008; to the Committee on the Judiciary.

EC-6086. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2007-2008 amendment cycle; to the Committee on the Judiciary.

EC-6087. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report on applications made by the Government for authority to conduct electronic surveillance and physical searches during calendar year 2007; to the Committee on the Judiciary.

EC-6088. A communication from the Secretary of Veterans Affairs, transmitting draft legislation intended to expand and enhance veterans' benefits; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LAUTENBERG (for himself, Mr. DORGAN, Mr. LEVIN, Mr. CASEY, Mr. SANDERS, and Mrs. CLINTON):

S. 2976. A bill to require the United States Trade Representative to pursue a complaint of anticompetitive practices against certain oil exporting countries; to the Committee on Finance.

By Mr. SPECTER (for himself and Mr. LIEBERMAN):

S. 2977. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

By Mr. SCHUMER:

S. 2978. A bill to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KERRY (for himself and Mr. WHITEHOUSE):

S. 2979. A bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes; to the Committee on the Judiciary.

By Mr. CASEY:

S. 2980. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mr. ISAKSON):

S. 2981. A bill to amend the Servicemembers Civil Relief Act to provide a one-year period of protection against mortgage foreclosures for certain disabled or severely injured servicemembers, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. ISAKSON, and Ms. STABENOW):

S. 2983. A bill to amend the Public Health Service Act to prevent and cure diabetes and to promote and improve the care of individuals with diabetes for the reduction of health disparities within racial and ethnic minority groups, including the African-American, Hispanic American, Asian American and Pacific Islander, and American Indian and Alaskan Native communities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (by request):

S. 2984. A bill to amend title 38, United States Code, to expand and enhance veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BAUCUS (for himself and Mr. BARRASSO):

S. Res. 551. A resolution celebrating 75 years of successful State-based alcohol regulation; to the Committee on the Judiciary.

By Mr. COLEMAN (for himself and Ms. KLOBUCHAR):

S. Res. 552. A resolution recognizing the 150th anniversary of the State of Minnesota; considered and agreed to.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 553. A resolution congratulating Charles County, Maryland, on the occasion of its 350th anniversary; considered and agreed to.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Con. Res. 79. A concurrent resolution congratulating and saluting Focus: HOPE on its 40th anniversary and for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 329

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 403

At the request of Mr. FEINGOLD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 403, a bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income, and for other purposes.

S. 584

At the request of Mrs. LINCOLN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 584, a bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit.

S. 627

At the request of Mr. HARKIN, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 627, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 661

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 718

At the request of Mr. CRAPO, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 777

At the request of Mr. CRAIG, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 777, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 879

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 879, a bill to amend the Sherman Act to make oil-producing and exporting cartels illegal.

S. 903

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Hawaii (Mr. AKAKA), the Senator from Montana (Mr. TESTER), the Senator from Nevada (Mr. REID), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Rhode Island (Mr. REED), the Senator from Michigan (Ms. STABENOW), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. WYDEN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Florida (Mr. NELSON), the Senator from Delaware (Mr. CARPER), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Indiana (Mr. BAYH), the Senator from Montana (Mr. BAUCUS), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 912

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 912, a bill to amend the Internal Revenue Code of 1986 to expand the incentives for the construction and renovation of public schools.

S. 931

At the request of Mr. MARTINEZ, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 931, a bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 974

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 1406

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1406, a bill to amend the Marine Mammal Protection Act of 1972 to strengthen polar bear conservation efforts, and for other purposes.

S. 1459

At the request of Mr. MENENDEZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 1459, a bill to strengthen the Nation's research efforts to identify the causes and cure of psoriasis and psoriatic arthritis, expand psoriasis and psoriatic arthritis data collection, study access to and quality of care for people with psoriasis and psoriatic arthritis, and for other purposes.

S. 1499

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1499, a bill to amend the Clean Air Act to reduce air pollution from marine vessels.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1627

At the request of Mrs. LINCOLN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1627, a bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1715

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1715, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the Medicare program.

S. 1750

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1750, a bill to amend title XVIII of the Social Security Act to preserve access to community cancer care by Medicare beneficiaries.

S. 1926

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of S. 1926, a bill to establish the National Infrastructure Bank to provide funding for qualified infrastructure projects, and for other purposes.

S. 1954

At the request of Mr. BAUCUS, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 1954, a bill to amend title XVIII of the Social Security Act to improve access to pharmacies under part D.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2004

At the request of Mrs. MURRAY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2004, a bill to amend title 38, United States Code, to establish epilepsy centers of excellence in the Veterans Health Administration of the Department of Veterans Affairs, and for other purposes.

S. 2035

At the request of Mr. SPECTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2035, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 2160

At the request of Mr. AKAKA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2160, a bill to amend title 38, United States Code, to establish a pain care initiative in health care facilities of the Department of Veterans Affairs, and for other purposes.

S. 2162

At the request of Mr. AKAKA, the names of the Senator from Oregon (Mr. SMITH), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2183

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2183, a bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2373

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2373, a bill to amend the Internal Revenue Code of 1986 to provide for residents of Puerto Rico who participate in cafeteria plans under the Puerto Rican tax laws an exclusion from employment taxes which is comparable to the exclusion that applies to cafeteria plans under such Code.

S. 2408

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 2408, a bill to amend title XVIII of the Social Security Act to require physician utilization of the Medicare electronic prescription drug program.

S. 2510

At the request of Mr. ISAKSON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

At the request of Ms. LANDRIEU, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2510, supra.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Missouri (Mr. BOND), the Senator from North Carolina (Mrs. DOLE), the Senator from New Mexico (Mr. DOMENICI) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2595

At the request of Mrs. FEINSTEIN, the names of the Senator from Florida (Mr. NELSON) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 2595, a bill to create a national licensing system for residential mortgage loan originators, to develop minimum standards of conduct to be enforced by State regulators, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2793

At the request of Mr. MENENDEZ, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2793, a bill to direct the Federal Trade Commission to prescribe a rule prohibiting deceptive advertising of abortion services, and for other purposes.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2828

At the request of Mr. BAUCUS, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2828, a bill to require the Secretary of the Treasury to mint and issue coins commemorating the 100th anniversary of the establishment of Glacier National Park, and for other purposes.

S. 2840

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2840, a bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2867

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2867, a bill to authorize additional resources to identify and eliminate illicit sources of firearms smuggled into Mexico for use by violent drug trafficking organizations, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the names of the Senator from New Hampshire (Mr. SUNUNU) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2886

At the request of Mr. BAUCUS, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2886, a bill to amend the Internal Revenue Code of 1986 to amend certain expiring provisions.

S. 2888

At the request of Mr. KOHL, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2888, a bill to protect the property and security of homeowners who are subject to foreclosure proceedings, and for other purposes.

S. 2899

At the request of Mr. HARKIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. 2904

At the request of Mrs. MCCASKILL, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2904, a bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system.

S. 2916

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2963

At the request of Mr. BOND, the names of the Senator from Maine (Ms. COLLINS), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Iowa (Mr. GRASSLEY) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2963, a bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

S. 2972

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2972, a bill to reauthorize and modernize the Federal Aviation Administration.

S.J. RES. 26

At the request of Mrs. DOLE, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S.J. Res. 26, a joint resolution supporting a base Defense Budget that at the very minimum matches 4 percent of gross domestic product.

S. RES. 512

At the request of Mr. DEMINT, the names of the Senator from New Hampshire (Mr. GREGG), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Alaska (Mr. STEVENS), the Senator from Louisiana (Mr. VITTER), the Senator from Idaho (Mr. CRAPO), the Senator from Kansas (Mr. BROWNBACK) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. Res. 512, a resolution honoring the life of Charlton Heston.

S. RES. 541

At the request of Mr. FEINGOLD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 541, a resolution supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity.

S. RES. 548

At the request of Mr. DODD, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. Res. 548, a resolution recognizing the accomplishments of the members and alumni of AmeriCorps and the contributions of AmeriCorps to the lives of the people of the United States.

AMENDMENT NO. 4626

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4626 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4640

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 4640 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4641

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 4641 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4655

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mrs. CLINTON), the Senator from New York (Mr. SCHUMER) and the Senator from California (Mrs. BOXER) were added as cosponsors of amendment No. 4655 intended to be proposed to H. R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4658

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 4658 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

AMENDMENT NO. 4685

At the request of Mr. WYDEN, the names of the Senator from Oklahoma (Mr. INHOFE), the Senator from Oregon (Mr. SMITH) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of amendment No.

4685 intended to be proposed to H.R. 2881, a bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. LIEBERMAN):

S. 2977. A bill to create a Federal cause of action to determine whether defamation exists under United States law in cases in which defamation actions have been brought in foreign courts against United States persons on the basis of publications or speech in the United States; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I am introducing the Free Speech Protection Act of 2008 to address a serious challenge to one of the most basic protections in our Constitution. American journalists and academics must have the freedom to investigate, write, speak, and publish about matters of public importance, limited only by the legal standards laid out in our First Amendment jurisprudence, including precedents such as New York Times v. Sullivan. Despite the protection for free speech under our own law, the rights of the American public, and of American journalists who share information with the public, are being threatened by the forum shopping of defamation suits to foreign courts with less robust protections for free speech.

These suits are filed in, and entertained by, foreign courts, despite the fact that the challenged speech or writing is written in the U.S. by U.S. journalists, and is published or disseminated primarily in the U.S. The plaintiff in these cases may have no particular connection to the country in which the suit is filed. Nevertheless, the U.S. journalists or publications who are named as defendants in these suits must deal with the expense, inconvenience, and distress of being sued in foreign courts, even though their conduct is protected by the First Amendment.

The impetus for this legislation is litigation involving Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy, whose articles have appeared in the Wall Street Journal, the National Review, and the Los Angeles Times. She has been a scholar with Columbia University, the University of New York School of Law, and Johns Hopkins, and has testified before Congress. Dr. Ehrenfeld's 2003 book, Funding Evil: How Terrorism is Financed and How to Stop it, which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported al Qaeda in the years preceding the attacks of September 11. He sued Ehrenfeld for libel in England, although only 23 books were sold there. Why? Because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S.

Dr. Ehrenfeld did not appear, and the English court entered a default judgment for damages, an injunction against publication in the United Kingdom, a "declaration of falsity", and an order that she and her publisher print a correction and an apology.

Dr. Ehrenfeld sought to shield herself with a declaration from both Federal and State courts that her book did not create liability under American law, but jurisdictional barriers prevented both the Federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the "Libel Terrorism Protection Act." Congress must now take similar prompt action. I note that the person who sued Dr. Ehrenfeld has filed dozens of lawsuits in England. There is a real danger that other American writers and researchers will be afraid to address this crucial subject of terror funding and other important matters. England should be free to have its own libel law, but so too should the U.S. England has become a popular venue for defamation plaintiffs from around the world, including those who want to intimidate our journalists. The stakes are high. This legislation is important.

This legislation creates a Federal cause of action and Federal jurisdiction so that Federal courts may determine whether there has been defamation under U.S. law when a U.S. journalist, speaker, or academic is sued in a foreign court for speech or publication in the U.S. The bill authorizes a court to issue an order barring enforcement of a foreign judgment and to award damages.

Freedom of speech, freedom of the press, freedom of expression of ideas, opinions, and research, and freedom of exchange of information are all essential to the functioning of a democracy. They are also essential in the fight against terrorism.

I thank Senator LIEBERMAN for working with me on this important bill.

By Mr. CASEY:

S. 2980. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CASEY. Mr. President, I rise today to speak about our children and, more specifically, children from low-income and working families across the United States who need a good start in life and who need high-quality childcare each and every day while their parents must earn a living.

I believe that here in America every child is born with a bright light shining inside them, and it is our job as Senators to do everything we can, everything we can, to keep that light shining ever brightly.

A child's potential may be limited or boundless, but whatever it is, every child deserves the opportunity to become the person they were born to be. Here in America, every child deserves high-quality childcare and early education.

High-quality childcare gives low-income working families peace of mind while they work. Unfortunately, for the last 7 years, Federal funding for childcare has been essentially frozen. The neglect of Federal funding for childcare during this administration has been unconscionable. What this means is families have been locked out of access to high-quality providers. It means hundreds of thousands of children across the country have been put on waiting lists for childcare because there simply is not enough funding to provide enough slots.

Working parents struggle to find childcare that will be healthy, safe, and affordable. They worry every day about finding quality care. For so many families, this is a very personal issue, especially, of course, for mothers. I remember a mother to whom I spoke in Pennsylvania 10 years ago who was worried about being able to afford childcare for her children. She said something I will never forget. She said because of the worry about childcare, she had a knot in her stomach. I think a lot of families closely identify with and understand what she was talking about.

These are parents who must work. They must therefore leave their children in care that often does not meet all their needs because it is the only choice they can afford.

Here are the facts. The facts show an enormous unmet need in America when it comes to childcare. A couple of points: 365,000 children in America are on waiting lists. In my home State of Pennsylvania, almost 8,000 children are on waiting lists. Across the country, 13.5 million children who are eligible, eligible for Federal childcare assistance, do not get it. That is an abomination. That is an embarrassment. It is a black mark on America.

Let me say that number again: 13.5 million children who are eligible for childcare assistance are not getting it. The population of my home State of Pennsylvania is a little less than 12.5 million. So if that group of children who are eligible but not getting the childcare assistance, if that were considered a State, it would be about the fifth largest State in the country.

So 13.5 million children who should be getting help are not getting it through our childcare system.

Childcare providers working hard every day caring for and educating our children are barely paid above the poverty level, with little or no benefits. The average wage for a childcare worker is $9.05 an hour, which on an annual basis works out to $18,820, barely above the poverty level. Yet we charge them with the responsibility of caring for and nurturing and educating so many of our children.

Finally, the last fact: parents must struggle to afford childcare and face impossible choices between losing their jobs or leaving their children in less-than-ideal care. I believe the price for holding down a good-paying job should not be problems with and worries about childcare.

Low-income families also spend much higher percentages of their income on childcare, often bringing that family to the breaking point. This is all wrong. Our priorities are literally upside down.

That is why I am announcing today a bill I introduced today, the Starting Early, Starting Right Act. The Starting Early, Starting Right Act. I will go through a couple of the provisions.

In summary. First of all, my bill on childcare will move hundreds of thousands of children on State waiting lists into high-quality childcare. The bill will meet the needs of underserved children such as English language learners, children with developmental disabilities and other special needs, children living in very poor communities, and children in rural areas, to ensure we reach children most in need of high-quality childcare.

Next, our bill will ensure States will visit and monitor childcare providers on an announced as well as unannounced basis every year. Fourth, our bill will require childcare providers who are licensed or registered to participate in 40 hours of training before they work with children as well as 24 hours on an ongoing annual basis.

Next we will expand parents' access to high quality childcare opportunities by requiring States to pay childcare providers rates based upon the actual and current cost of care, what advocates know to be the 75th percentile level.

Finally, it encourages States to exceed this rate for special populations of children with greater needs. This bill will improve access to high quality care for infants and toddlers by setting aside 30 percent of the bill's funding for this underserved group of children. Finally, this bill will provide greater funding for quality initiatives and encourage more States to adopt quality rating provisions to improve the quality of their programs. Quality rating improvement systems, known by the acronym QRIS, such as the successful program in Pennsylvania, the Pennsylvania STARS program, give providers benchmarks as well as resources to continually improve the quality of care.

I wanted to share one story before I conclude, a story about the powerful impact of high quality childcare on children and families. This story was shared with our office by a childcare provider from southeastern Pennsylvania about a family I will not identify to respect their privacy. One of the children was a 3-year-old boy. I will call him, for purposes of this presentation, Sammy. Sammy started in childcare along with his older sister and younger brother when his mother was evicted from her house following divorce. Sammy's father did not pay child support but, luckily, Sammy's grandmother took them in. They all lived in a tiny two-bedroom apartment. Dropoffs at the childcare center were difficult for this young child. With all the recent changes and trauma in his life, he was scared about his mother leaving. His mother would apologize to the staff, saying she never worked before and the children were not used to childcare.

The childcare worker always assured Sammy's mother that it was no problem and that no apologies were necessary. Unfortunately, a few weeks later, Sammy's mom showed up one day in tears. She confided to the childcare worker that she had not been able to find a job and was now so desperate she had to use food stamps. She had gone to the store by bus, getting there through the public transit system. The cashier treated her disrespectfully. Because of that, she was understandably humiliated, and she began to feel hopeless and afraid she would never find a job to support her three children. But at that moment, when that mother was at her greatest need and when the family was in need, the childcare center in southeastern Pennsylvania rallied around this mother and her children. Over the next 2 years the staff of the center encouraged and supported her while she found a job, went back to school, and eventually moved out of her mother's house into an apartment of her own.

Her oldest daughter was very successful and attended school with the center through first grade. She was then evaluated for the gifted program when she went to public school and second grade. The youngest son blossomed and made it through family growing pains with little difficulty. Finally, Sammy had some problems, but they were able to get the help needed because of the generosity and commitment of the people who worked in this childcare center. During that time the staff, led by the director, helped raise money for Christmas presents, doctors' bills, and Sammy's mother's application to take her pharmacy assistant's license exam.

When this childcare worker left the center, Sammy's mom told her what a profound difference the staff at the center had made in her life and in the lives of her children. Like so many in our country, this group of skilled, caring, and professional early childhood educators made it possible for this family to overcome so many obstacles.

The childcare worker told our staff recently:

> [Sammy] is the kid I think about when people ask me why I do what I do.

That is what that childcare worker said about her commitment to the care of children and to that child and his family. This is what quality childcare can mean in the real world to a struggling family. It may be the difference between literally failure and success for countless families. Sometimes it can mean sheer survival. This is one example of childcare providers and families such as Sammy's all across the country. These are quiet victories we never hear much about, but they are literally life changing in impact.

Increasing funding for childcare is not only the right thing to do, it is the smart thing, especially for at-risk children and children from low-income families. Research shows that high quality childcare helps low-income children enter school ready to succeed. One study found that children in high quality childcare demonstrated greater mathematical ability and thinking and attention skills and had fewer behavioral problems than any other children in second grade. I won't put the entire report in the RECORD, but the title of that first study is "The Children of the Cost, Quality and Outcome Study Go to School." This is a June 1999 report by the University of North Carolina at Chapel Hill, University of Colorado Health Sciences Center, University of California at Los Angeles, and Yale University. Several others have mentioned this, but other studies have shown that low-income children who enroll in high quality early care and education programs score higher on reading, vocabulary, math, and cognitive tests, and are less likely to be held back a grade or to be arrested as a youth, and are more likely to attend college than their peers who do not enroll in such programs.

Although the peace of mind for parents that comes from knowing their children are well cared for cannot be measured, the impact on stable employment can. Studies show that parents who receive childcare assistance are much more likely to remain in the workforce. The study I refer to that made these findings is a briefing paper by the Economic Policy Institute which is entitled "Staying Employed After Welfare." The subheading is "Work supports and job quality vital to employment tenure and wage growth."

Finally, there is no question that starting early and right is truly the right thing to do. The evidence supporting high quality childcare is overwhelming and irrefutable. The evidence tells us we can keep that bright light alive in the heart and soul of every child. We can give them what they need to get a good, solid start in their lives, if only we make that choice to support high quality childcare, if only we make that a priority.

I urge my colleagues in the Senate to support this bill, the Starting Early, Starting Right Act. As of now nearly 50 national and State organizations across the country have endorsed this legislation. They know, as so many of us do, that investing in early care for children is the right and the smart thing to do. It is time we put our focus and priorities back where they belong, on our children. In doing so, it will help every child become the person they were born to be.

By Mr. LEAHY (for himself and Mr. SPECTER):

S. 2982. A bill to amend the Runaway and Homeless Youth Act to authorize appropriations, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce the bipartisan Runaway and Homeless Youth Protection Act of 2008 along with Senator SPECTER, the ranking Republican on the Judiciary Committee. This legislation would reauthorize and improve the Runaway and Homeless Youth Act, RHYA. The programs authorized during the past 30 years by the RHYA have consistently proven critical to protecting and giving hope to our Nation's runaway and homeless youth.

The prevalence of homelessness among young people in America is shockingly high. The problem is not limited to large cities. Its impact is felt strongly in smaller communities and rural areas as well. It affects our young people directly and reverberates throughout our families and communities. That this problem continues in the richest country in the world means that we need to redouble our commitment and our efforts to safeguard our Nation's youth. We need to support the dedicated people in communities across the country who work to address these problems every day.

On April 29, the Senate Judiciary Committee held a hearing to focus the Senate's attention on these problems and to identify and develop solutions to protect runaway and homeless youth. It was the first Senate hearing on these matters in more than a decade. We heard from a distinguished panel of witnesses, some of whom spoke firsthand about the significant challenges that young people face when they have nowhere to go.

Our witnesses demonstrated that young people can overcome harrowing obstacles and create new opportunities when given the chance. One witness went from living as a homeless youth in his teens to earning two Oscar nominations as a distinguished actor. Another witness is working with homeless youth at the same Vermont organization that enabled him to stop living on the streets and is on his way to great things. Our witness panel gave useful and insightful suggestions on how to improve the Runaway and Homeless Youth Act to make it more effective. We have included many of these recommendations in our bill.

The Justice Department estimated that 1.7 million young people either ran away from home or were thrown out of their homes in 1999. Another study suggested a number closer to 2.8 million in 2002. Whether the true number is one million or five million, young people become homeless for a number of reasons, ranging from abandonment to running away from an abusive home to having no place to go after being released from state care. An estimated 40 to 60 percent of homeless children are expected to experience physical abuse, and 17 to 35 percent experience sexual abuse while on the street, according to a report by the Department of Health and Human Services. Homeless youth are also at greater risk of mental health problems. While many receive vital services in their communities, others remain a hidden population, on the streets of our big cities and in rural areas like Vermont.

The Runaway and Homeless Youth Act is the way in which the Federal Government helps communities across the country protect some of our most vulnerable children. It was first passed the year I was elected to the Senate. We have reauthorized it several times since then, and working with Senator SPECTER and Senators on both sides of the aisle, I hope that we will do so again this year. While some have tried to end these programs, a bipartisan coalition has worked to preserve and continue the good that is accomplished through them. I remember Senator SPECTER's efforts early in his Senate career to preserve these programs when he chaired the Judiciary Committee's Subcommittee on Juvenile Justice. The Runaway and Homeless Youth Act and the programs it funds provide a safety net that helps give young people a chance to build lives for themselves, and helps reunite youngsters with their families. Given the increasingly difficult economic conditions being experienced by so many families around the country, it is time to recommit ourselves to these principles and programs.

Under the Runaway and Homeless Youth Act, every State receives a Basic Center grant to provide housing and crisis services for runaway and homeless youth and their families. Community-based groups around the country can also apply for funding through the Transitional Living Program and the Sexual Abuse Prevention/Street Outreach grant program. The transitional living program grants are used to provide longer-term housing to homeless youth between the ages of 16 and 21, and to help them become self-sufficient. The outreach grants are used to target youth susceptible to engaging in high-risk behaviors while living on the street.

Our bill makes improvements to the Runaway and Homeless Youth Act reauthorizations of past years. It doubles funding for States by instituting a minimum of $200,000, which will allow states to better meet the diverse needs of their communities. This bill also requires the Department of Health and Human Services to develop performance standards for grantees. Providing program guidelines would level the playing field for bidders, ensure consistency among providers, and increase the effectiveness of the services under the Runaway and Homeless Youth Act. In addition, our legislation develops an incidence study to better estimate the number of runaway and homeless youth and to identify trends. The incidence study would provide more accurate estimates of the runaway and homeless youth population and would help lawmakers make better policy decisions and allow communities to provide better outreach.

In my home State of Vermont, the Vermont Coalition for Runaway and Homeless Youth, the New England Network for Child, Youth, and Family Services, and Spectrum Youth and Family Services in Burlington all receive grants under these programs and have provided excellent services. In one recent year, the street outreach programs in Vermont served nearly 10,000 young people.

The overwhelming need for services is not limited to any one state or community. Many transitional living programs are forced to turn away young people seeking shelter. We heard testimony of an exemplary program within blocks of our nation's Capitol that has a waiting list as long as a year. This is unacceptable. The needs in our communities are real, and reauthorizing the law will allow these programs to expand their enormously important work.

These topics are difficult but deserve our attention. Finding solutions to this growing problem is an effort we can all support. I thank Senator SPECTER for joining with me and urge all Senators to support prompt passage of this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2982

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Runaway and Homeless Youth Protection Act".

SEC. 2. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) services to such young people should be developed and provided using a positive youth development approach that ensures a young person a sense of—

"(A) safety and structure;

"(B) belonging and membership;

"(C) self-worth and social contribution;

"(D) independence and control over one's life; and

"(E) closeness in interpersonal relationships.".

SEC. 3. BASIC CENTER PROGRAM.

(a) SERVICES PROVIDED.—Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) in subsection (a)(2)(B), by striking clause (i) and inserting the following:

"(i) safe and appropriate shelter provided for not to exceed 21 days; and"; and

(2) in subsection (b)(2)—

(A) by striking "$100,000" and inserting "$200,000";

(B) by striking "$45,000" and inserting "$70,000"; and

(C) by adding at the end the following: "Whenever the Secretary determines that any part of the amount allotted under paragraph (1) to a State for a fiscal year will not be obligated before the end of the fiscal year, the Secretary shall reallot such part to the remaining States for obligation for the fiscal year.".

(b) ELIGIBILITY.—Section 312(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5712(b)) is amended—

(1) in paragraph (11) by striking "and" at the end;

(2) in paragraph (12) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(13) shall develop an adequate emergency preparedness and management plan.".

SEC. 4. TRANSITIONAL LIVING GRANT PROGRAM.

(a) ELIGIBILITY.—Section 322(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)) is amended—

(1) in paragraph (1)—

(A) by striking "indirectly" and inserting "by contract"; and

(B) by striking "services" the first place it appears and inserting "provide, directly or indirectly, services,";

(2) in paragraph (2), by striking "a continuous period not to exceed 540 days, except that" and all that follows and inserting the following: "a continuous period not to exceed 635 days, except that a youth in a program under this part who has not reached 18 years of age on the last day of the 635-day period may, if otherwise qualified for the program, remain in the program until the earlier of the youth's 18th birthday or the 180th day after the end of the 635-day period;";

(3) in paragraph (14), by striking "and" at the end;

(4) in paragraph (15), by striking the period and inserting "; and"; and

(5) by adding at the end the following:

"(16) to develop an adequate emergency preparedness and management plan.".

SEC. 5. GRANTS FOR RESEARCH EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "give special consideration to" and inserting "prioritize";

(B) by redesignating paragraphs (2) through (9) as paragraphs (3) through (10), respectively; and

(C) by inserting after paragraph (1) the following:

"(2) positive youth development service delivery methods, providing links to community services, promoting mental and physical health development, enabling youth to obtain and maintain housing after program completion, and developing self-sufficiency competencies;"

(2) in subsection (c)—

(A) by inserting "for eligibility and selection" after "priority";

(B) by striking "shall give" and inserting the following: "shall—"

"(A) give";

(C) by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(B) ensure that the applicants selected—

"(i) are geographically representative of regions of the United States; and

"(ii) carry out projects that serve diverse populations of homeless youth.".

SEC. 6. COORDINATING, TRAINING, RESEARCH, AND OTHER ACTIVITIES.

Part D of the Runaway and Homeless Youth Act (42 U.S.C. 5714–21 et seq.) is amended by adding at the end the following:

"SEC. 345. PERIODIC ESTIMATE OF INCIDENCE AND PREVALENCE OF YOUTH HOMELESSNESS.

"(a) PERIODIC ESTIMATE.—Not later than 2 years after the date of enactment of the Runaway and Homeless Youth Protection Act, and at 5-year intervals thereafter, the Secretary shall prepare, and submit to the Speaker of the House of Representatives and the President pro tempore of the Senate, a written report that—

"(1) contains an estimate, obtained by using the best quantitative and qualitative social science research methods available, of the incidence and prevalence of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age; and

"(2) includes with such estimate an assessment of the characteristics of such individuals.

"(b) CONTENT.—Each assessment required by subsection (a) shall include—

"(1) the results of conducting a survey of, and direct interviews with, a representative sample of runaway and homeless individuals who are not less than 13 years of age but less than 26 years of age to determine past and current—

"(A) socioeconomic characteristics of such individuals; and

"(B) barriers to such individuals obtaining—

"(i) safe, quality, and affordable housing;

"(ii) comprehensive and affordable health insurance and health services; and

"(iii) incomes, public benefits, supportive services, and connections to caring adults; and

"(2) such other information as the Secretary determines, in consultation with States, units of local government, and national nongovernmental organizations concerned with homelessness, may be useful.

"(c) IMPLEMENTATION.—If the Secretary enters into any agreement with a non-Federal entity for purposes of carrying out subsection (a), such entity shall be a nongovernmental organization, or an individual, determined by the Secretary to have appropriate expertise in quantitative and qualitative social science research.".

SEC. 7. SEXUAL ABUSE PREVENTION PROGRAM.

Section 351(b) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–41(b)) is amended by inserting "public and" after "priority to".

SEC. 8. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

(1) by redesignating part F as part G; and

(2) by inserting after part E the following:

"PART F—NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN

"SEC. 361. NATIONAL HOMELESS YOUTH AWARENESS CAMPAIGN.

"(a) IN GENERAL.—The Secretary shall, directly or through grants or contracts, conduct a national homeless youth awareness campaign (referred to in this section as the 'national awareness campaign') in accordance with this section for purposes of—

"(1) increasing awareness of individuals of all ages, socioeconomic backgrounds, and geographic locations, of the issues facing runaway and homeless youth (including youth considering running away); and

"(2) encouraging parents and guardians, educators, health care professionals, social service professionals, law enforcement officials, stakeholders, and other community members to assist youth described in paragraph (1) in averting or resolving runaway and homeless situations.

"(b) USE OF FUNDS.—Amounts made available to carry out this section for the national awareness campaign may only be used for the following:

"(1) Dissemination of educational information and materials through various media, including television, radio, the Internet and related technologies, and emerging technologies.

"(2) Evaluation of the effectiveness of the activities described in paragraphs (1) and (5).

"(3) Development of partnerships with national organizations concerned with youth homelessness, community-based youth service organizations, including faith-based organizations, and government organizations to carry out the national awareness campaign.

"(4) Conducting outreach activities to stakeholders and potential stakeholders in the national awareness campaign.

"(5) In accordance with applicable laws (including regulations), development and placement in telecommunications media (including the Internet and related technologies, and emerging technologies) of public service announcements that educate the public on—

"(A) the issues facing runaway and homeless youth (including youth considering running away); and

"(B) the opportunities that adults have to assist youth described in subparagraph (A).

"(c) PROHIBITIONS.—None of the amounts made available to carry out this section may be obligated or expended for any of the following:

"(1) To fund public service time that supplants pro bono public service time donated by national or local broadcasting networks, advertising agencies, or production companies for the national awareness campaign, or to fund activities that supplant pro bono work for the national awareness campaign.

"(2) To carry out partisan political purposes, or express advocacy in support of or opposition to any clearly identified candidate, clearly identified ballot initiative, or clearly identified legislative or regulatory proposal.

"(3) To fund advertising that features any elected official, person seeking elected office, cabinet level official, or other Federal employee employed pursuant to section 213.3301 or 213.3302 of title 5, Code of Federal Regulations (or any corresponding similar regulation or ruling).

"(4) To fund advertising that does not contain a primary message intended to educate the public on the issues and opportunities described in subsection (b)(5).

"(5) To fund advertising that solicits contributions from both public and private sources to support the national awareness campaign.

"(d) FINANCIAL AND PERFORMANCE ACCOUNTABILITY.—The Secretary shall cause to be performed—

"(1) audits and examinations of records, relating to the costs of the national awareness campaign, pursuant to section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d); and

"(2) audits to determine whether the costs of the national awareness campaign are allowable under section 306 of such Act (41 U.S.C. 256).

"(e) REPORT.—The Secretary shall include in each report submitted under section 382(a) a summary of information about the national awareness campaign that describes—

"(1) the strategy of the national awareness campaign and whether specific objectives of the campaign were accomplished;

"(2) steps taken to ensure that the national awareness campaign operated in an effective and efficient manner consistent with the overall strategy and focus of the national awareness campaign; and

"(3) all grants or contracts entered into with a corporation, partnership, or individual working on the national awareness campaign.".

SEC. 9. CONFORMING AMENDMENTS.

(a) REPORTS.—Section 382(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5715(a)) is amended by striking ", and E" and inserting ", E, and F".

(b) CONSOLIDATED REVIEW.—Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5731a) is amended by striking ", and E" and inserting ", E, and F".

(c) EVALUATION AND INFORMATION.—Section 386(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5732(a)) is amended by striking ", or E" and inserting ", E, or F".

SEC. 10. PERFORMANCE STANDARDS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.), as redesignated by section 8, is amended by inserting after section 386 the following:

"SEC. 386A. PERFORMANCE STANDARDS.

"(a) ESTABLISHMENT OF PERFORMANCE STANDARDS.—Not later than 1 year after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall issue rules that specify performance standards for public and nonprofit private entities that receive grants under sections 311, 321, and 351.

"(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the performance standards required by subsection (a).

"(c) IMPLEMENTATION OF PERFORMANCE STANDARDS.—The Secretary shall integrate the performance standards into the processes of the Department of Health and Human Services for grantmaking, monitoring, and evaluation for programs under parts A, B, and E.".

SEC. 11. APPEALS.

Part G of the Runaway and Homeless Youth Act (42 U.S.C. 5714a et seq.) as amended by section 10, is further amended by inserting after section 386A the following:

"SEC. 386B. APPEALS.

"(a) ESTABLISHMENT OF APPEAL PROCEDURE.—Not later than 6 months after the date of enactment of the Runaway and Homeless Youth Protection Act, the Secretary shall establish by rule an appeal procedure to enable applicants to obtain timely reviews of the amounts of grants made, and the denials of grants requested, under this title.

"(b) CONSULTATION.—The Secretary shall consult with representatives of public and nonprofit private entities that receive grants under this title, including statewide and regional nonprofit organizations (including combinations of such organizations) that receive grants under this title, and national nonprofit organizations concerned with youth homelessness, in developing the appeal procedure required by subsection (a).".

SEC. 12. DEFINITIONS.

(a) HOMELESS YOUTH.—Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)) is amended—

(1) in the matter preceding subparagraph (A), by striking "The" and all that follows through "means" and inserting "The term 'homeless', used with respect to a youth, means"; and

(2) in subparagraph (A)(ii), by striking "not less than 16 years of age" and inserting "not less than 16 years of age and not more than 21 years of age, except that nothing in this clause shall prevent a participant who enters the program carried out under part B prior to reaching 22 years of age from being eligible for the 635-day length of stay authorized by section 322(a)(2); and".

(b) RUNAWAY YOUTH.—Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a) is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) RUNAWAY YOUTH.—The term 'runaway', used with respect to a youth, means an individual who is less than 18 years of age and who absents himself or herself from home or a place of legal residence without the permission of a parent or legal guardian.".

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

Section 388(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751(a)) is amended—

(1) in paragraph (1)—

(A) by striking "is authorized" and inserting "are authorized";

(B) by striking "part E) $105,000,000 for fiscal year 2004" and inserting "parts E and F) $150,000,000 for fiscal year 2009"; and

(C) by striking "2005, 2006, 2007, and 2008" and inserting "2010, 2011, 2012, and 2013"; and

(2) in paragraph (4)—

(A) by striking "is authorized" and inserting "are authorized"; and

(B) by striking "such sums as may be necessary for fiscal years 2004, 2005, 2006, 2007, and 2008" and inserting "$30,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013"; and

(3) by adding at the end the following:

"(5) PART F.—There is authorized to be appropriated to carry out part F $3,000,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010, 2011, 2012, and 2013.".

By Mr. AKAKA (by request):

S. 2984. A bill to amend title 38, United States Code, to expand and enhance veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary. Except in unusual circumstances, it is my practice to introduce legislation requested by the Administration so that such measures will be available for review and consideration.

The Veterans' Benefits Enhancement Act of 2008 consists of several provisions addressing a range of VA care and services. Title I entails adjustments to education benefits currently offered by VA. Title II addresses disability claims adjudication, memorials affairs, insurance and specially adapted housing. Title III addresses health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. Title IV addresses VA police officers and VA medical facility leases.

Title I of the bill would make several administrative and housekeeping changes to VA's education programs, allowing for faster and more efficient claims adjudication. Among other changes, this title would eliminate the requirement that a student file an application with VA upon changing his or her program of study while remaining enrolled at the same school and eliminate the requirement that wages must be earned in order to participate in VA's full-time on-job training, OJT, program.

Title II would make changes to disability claims adjudication, memorial affairs, insurance and specially adapted housing. Specifically, it would explicitly authorize VA to stay temporarily its adjudication of a pending claim before a VA regional office or the Board of Veterans' Appeals, when a Federal Circuit appeal on the relevant issue is pending. It would also authorize the Board to decide cases out of docket-number order when a case has been stayed or when there is sufficient evidence to decide a claim, but a claim with an earlier docket number is not ready for decision. This title of the bill would also extend full-time and family SGLI coverage to Individual Ready Reservists.

Title III pertains to health care matters, including nursing home care, contract-care payment, personnel pay and disclosure of private information and medical records. It would make permanent VA's authority to provide non-institutional extended care services either directly, by contract, or by another provider or payor. It would also extend VA's obligation to provide nursing home care to veterans with a service-connected disability rated at 70 percent or greater until December 31, 2013, and VA's authority to establish non-profit research corporations through the same date. This title would also repeal requirements that VA produce certain reports and make permanent VA's authority to assign enrollment priority category 6 to those veterans who participated in chemical and biological warfare testing at DOD's Deseret Test Center from 1962 to 1973.

The fourth and final title of this bill would permit VA police officers to carry firearms and conduct investigations of crimes that occurred on VA property, while off VA property in an official capacity. It also would increase the uniform allowance of VA police officers, to ensure they do not have to pay out-of-pocket for uniform maintenance. Finally, it would raise the threshold for congressional authorization for major medical facility leases from $600,000 to $1,000,000.

I am introducing this bill for the review and consideration of my colleagues at the request of the Administration. As Chairman of the Committee on Veterans' Affairs, I have not taken a position on this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2984

Be it enacted by the Senate and House of Representatives of The United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Benefits Enhancement Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

TITLE I—EDUCATION BENEFITS

Sec. 101. Elimination of reporting requirement for prior training.
Sec. 102. Modification of waiting period before affirmation of enrollment in a correspondence course.
Sec. 103. Elimination of change-of-program application.
Sec. 104. Elimination of wage earning requirement for self-employment on-job training.

TITLE II—OTHER BENEFITS MATTERS

Sec. 201. Staying of Claims.
Sec. 202. Management of Board of Veterans' Appeals Docket.
Sec. 203. Authorization of memorial headstones and markers for deceased remarried surviving spouses of veterans.
Sec. 204. Permanent authority for VA to fund contract medical disability examinations.
Sec. 205. Modification of servicemembers' group life insurance coverage.
Sec. 206. Authorization of Temporary Residence Assistance grants to certain active duty servicemembers.
Sec. 207. Designation of VA Office of Small Business Programs.

TITLE III—HEALTH CARE MATTERS

Sec. 301. Noninstitutional extended care services.
Sec. 302. Extensions of certain authorities.
Sec. 303. Permanent authority for veterans who participated in certain chemical and biological testing conducted by the Department of Defense.
Sec. 304, Repeal of certain annual reporting requirements.
Sec. 305. Amendments to annual Gulf War research report.
Sec. 306. Payment for care furnished by CHAMPVA beneficiaries.
Sec. 307. Payor provisions for care furnished to certain children of Vietnam veterans.
Sec. 308. Disclosures from certain medical records.
Sec. 309. Provision of health-plan contract information and Social Security number.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Expansion of authority for Department of Veterans Affairs police officers.
Sec. 402. Uniform allowance for Department of Veterans Affairs police officers.
Sec. 403. Increase in threshold for major medical facility leases requiring Congressional approval.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—EDUCATION MATTERS

SEC. 101. ELIMINATION OF REPORTING REQUIREMENT FOR PRIOR TRAINING.

Section 3676(c)(4) is amended by striking "and the Secretary".

SEC. 102. MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE.

Section 3686(b) is amended by striking "ten" and inserting "five".

SEC. 103. ELIMINATION OF CHANGE-OF-PROGRAM APPLICATION.

Section 3691(d) is amended—

(1) by inserting "(1)" following "another program if—";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D);

(3) at the end of subparagraph (C), as redesignated by paragraph (2) of this section, by striking "or"; and

(4) by striking the period and inserting "; or

"(2) the change from one program to another is at the same educational institution and that educational institution finds that the new program is suitable to the veteran's or person's aptitudes, interests, and abilities as shall be evidenced by its certification to the Secretary of such veteran's or person's enrollment in the new program."

"In the case of a change of program described in paragraph (2), the veteran or person will not be required to apply to the Secretary for approval of such change.".

SEC. 104. ELIMINATION OF WAGE EARNING REQUIREMENT FOR SELF-EMPLOYMENT ON-JOB TRAINING.

Section 3677(b) is amended by adding at the end the following new paragraph:

"(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2).".

TITLE II—OTHER BENEFITS MATTERS

SEC. 201. STAYING OF CLAIMS.

(a) IN GENERAL.—Chapter 5 is amended by inserting before section 502 the following new section:

§ 501A. Staying of claims

"(a) Notwithstanding any other provision of this title, the Secretary may temporarily stay the adjudication of a claim or claims before the Board of Veterans' Appeals or an agency of original jurisdiction when the Secretary determines that the stay is necessary to preserve the integrity of a program administered under this title.

"(b) The Secretary shall issue regulations describing the factors the Secretary will consider in determining whether and to what extent a stay is warranted.

"(c) A claimant or claimants may petition for review of an action under a regulation prescribed in accordance with this section. Such review may be sought only in the United States Court of Appeals for the Federal Circuit, which may set aside such action if it determines that the action is arbitrary and capricious.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 501 the following new item: "501A. Staying of claims.".

(c) EFFECTIVE DATE.—The provisions of section 501A, as added by subsection (a) of this section, shall apply to—

(1) any claim for benefits under any law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

SEC. 202. MANAGEMENT OF BOARD OF VETERANS' APPEALS DOCKET.

(a) IN GENERAL.—Section 7107(a)(1) is amended by inserting before the period at the end the following: ", but the Board may consider and decide a particular case before another case with an earlier docket number if the earlier case has been stayed, or if a decision on the earlier case has been delayed for any reason and the later case is fully developed and ready for decision".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall apply to—

(1) any claim for benefits under a law administered by the Secretary of Veterans Affairs that is received by the Department of Veterans Affairs on or after the date of enactment of this Act; and

(2) any claim for such benefits that was received by the Department of Veterans Affairs before the date of enactment of this Act but is not finally adjudicated by the Department as of that date.

SEC. 203. AUTHORIZATON OF MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS.

(a) IN GENERAL.—Section 2306(b)(4)(B) is amended by striking "an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce" and inserting "a surviving spouse who had a subsequent remarriage".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to deaths occurring on or after the date of the enactment of this Act.

SEC. 204. PERMANENT AUTHORITY FOR VA TO FUND CONTRACT MEDICAL DISABILITY EXAMINATIONS.

REPEAL OF EXPIRATION OF AUTHORITY TO FUND CONTRACT MEDICAL EXAMINATIONS USING APPROPRIATED FUNDS.—Section 704 of the Veterans Benefits Act of 2003 (Public Law 108-183; 117 Stat. 2651; 38 U.S.C. 5101 note), is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by striking "TEMPORARY" from the heading of section 704.

SEC. 205. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) In general—Subparagraph (C) of section 1967(a)(1) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 1967(a)(5) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (B) or (C) of section 1965(5) of this title"; and

(B) Subparagraph (B) of section 1969(g)(1) is amended by striking "section 1965(5)(B) of this title" and inserting "subparagraph (8) or (C) of section 1965(5) of this title".

(b) REDUCTION IN PERIOD OF DEPENDENTS' COVERAGE AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking "120 days after".

(c) AUTHORITY TO SET PREMIUMS FOR READY RESERVISTS' SPOUSES.—Section 1969(g)(1)(B) is amended by striking "(which shall be the same for all such members)".

(d) FORFEITURE OF VETERANS' GROUP LIFE INSURANCE.—Section 1973 is amended by striking "under this subchapter" and inserting "and Veterans Group Life Insurance under this subchapter".

(e) EFFECTIVE AND APPLICABILITY DATES.—

(1) The amendments made in subsection (a) of this section shall take effect on the date of enactment of this Act.

(2) The amendment made by subsection (b) of this section shall apply with respect to Servicemembers' Group Life Insurance coverage for an insurable dependent of a member, as defined in section 1965(10) of title 38, United States Code, that begins on or after the date of enactment of this Act.

(3) The amendment made by subsection (c) of this section shall take effect as if enacted on June 5, 2001, immediately after the enactment of the Veterans' Survivor Benefits Improvements Act of 2001 (Public Law 107-14; 115 Stat. 25).

(4) The amendment made by subsection (d) of this section shall apply with respect to any act of mutiny, treason, spying, or desertion committed on or after the date of enactment of this Act for which a person is found guilty, or with respect to refusal because of conscientious objections to perform service in, or to wear the uniform of, the United States Armed Forces on or after the date of enactment of this Act.

SEC. 206. PERMIT VA TO PROVIDE TEMPORARY RESIDENCE ASSISTANCE GRANTS TO CERTAIN ACTIVE DUTY SERVICEMEMBERS.

Section 2101(c) is amended to read as follows:

"(c) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability described in this section if such disability is the result of an injury incurred or disease contracted in or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent, and subject to the same limitations, as assistance is provided to veterans under this chapter.".

SEC. 207. DESIGNATON OF VA OFFICE OF SMALL BUSINESS PROGRAMS.

The Office of Small Business Programs of the Department of Veterans Affairs is the office that is established within the Office of the Secretary of Veterans Affairs under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

TITLE III—HEALTH CARE MATTERS

SEC. 301. NONINSTITUTIONAL EXTENDED CARE SERVICES.

(a) Section 1701(10) is repealed.

(b) Section 1701(6) is amended—

(1) by redesignating subparagraphs (E) and (F) as (F) and (G), respectively; and

(2) by adding the following new subparagraph (E):

"(E) Noninstitutional extended care services, including alternatives to institutional extended care which the Secretary may furnish (i) directly. (ii) by contract, or (iii) (through provision of case management) by another provider or payor.".

SEC. 302. EXTENSIONS OF CERTAIN AUTHORITIES.

(a) NURSING HOME CARE.—Subsection (c) of section 1710A is amended by striking "December 31, 2008" and inserting "December 31, 2013".

(b) RESEARCH CORPORATIONS.—Section 7368 is amended by striking "December 31, 2008" and inserting "December 31, 2013".

(c) RECOVERY AUDITS.—Section 1703(d) is amended in paragraph (4) by striking "September 30, 2008" and inserting "September 30, 2013".

SEC. 303. PERMANENT AUTHORITY FOR VETERANS WHO PARTICIPATED IN CERTAIN CHEMICAL AND BIOLOGICAL TESTING CONDUCTED BY THE DEPARTMENT OF DEFENSE.

Subsection (e) of section 1710 is amended by striking paragraph (3)(D).

SEC. 304. REPEAL OF CERTAIN ANNUAL REPORTING REQUIREMENTS.

(a) NURSE PAY REPORT.—Section 7451 is amended—

(1) by striking subsection (f); and

(2) by redesignating subsection (g) as subsection (f).

(b) LONG-TERM PLANNING REPORT.—Section 8107 is repealed.

SEC. 305. AMENDMENTS TO ANNUAL GULF WAR RESEARCH REPORT.

Section 707 of the Persian Gulf War Veterans' Health Status Act (title VII of Public Law 102-585; 106 Stat. 4943; 38 U.S.C. 527 note) is amended in subsection (c)(1), by striking "Not later than March 1 of each year" and inserting "Not later than July 1, 2008, and July 1 of each of the five following years".

SEC. 306. PAYMENT FOR CARE FURNISHED TO CHAMPVA BENEFICIARIES.

Section 1781 is amended at the end by adding the following new subsection:

"(e) Payment by the Secretary under this section on behalf of a covered beneficiary for medical care shall constitute payment in full and extinguish any liability on the part of the beneficiary for that care.".

SEC. 307. PAYOR PROVISIONS FOR CARE FURNISHED TO CERTAIN CHILDREN OF VIETNAM VETERANS.

(a) CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA.—Section 1803 is amended—

(1) by redesignating subsection (c) as (d); and

(2) by inserting new subsection (c) as follows:

"(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

"(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received the medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

"(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

"(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.".

(b) CHILDREN OF WOMEN VIETNAM VETERANS BORN WITH BIRTH DEFECTS.— Section 1813 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting new subsection (c) as follows:

"(c) Where payment by the Secretary under this section is less than the amount of the charges billed, the health care provider or agent of the health care provider may seek payment for the difference between the amount billed and the amount paid by the Secretary from a responsible third party to the extent that the health care provider or agent thereof would be eligible to receive payment for such care or services from such third party, but—

"(1) the health care provider or agent for the health care provider may not impose any additional charge on the beneficiary who received medical care, or the family of such beneficiary, for any service or item for which the Secretary has made payment under this section;

"(2) the total amount of payment a provider or agent of the provider may receive for care and services furnished under this section may not exceed the amount billed to the Secretary; and

"(3) the Secretary, upon request, shall disclose to such third party information received for the purposes of carrying out this section.".

SEC. 308. DISCLOSURES FROM CERTAIN MEDICAL RECORDS.

Section 7332(b)(2) of such title is amended by adding at the end thereof the following new subparagraph:

"(F)(i) To a representative of a patient who lacks decision-making capacity, when a practitioner deems the content of the given record necessary for that representative to make an informed decision regarding the patient's treatment.

"(ii) In this subparagraph, the term 'representative' means an individual, organization or other body authorized under section 7331 of this title and its implementing regulations to give informed consent on behalf of a patient who lacks decision-making capacity.".

SEC. 309. PROVISION OF HEALTH-PLAN CONTRACT INFORMATION AND SOCIAL SECURITY NUMBER.

Subchapter I of Chapter 17 of title 38, United States Code, is amended—

(1) by adding at the end the following new section:

§1709. Provision of health-plan contract information and social security number

"(a) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with such current information as the Secretary may require to identify any health-plan contract, as defined in section 1729 (i)(1) of this title, under which such individual is covered, to include, as applicable, the name, address, and telephone number of such health-plan contract; the name of the individual's spouse, if the individual's coverage is under the spouse's health-plan contract; the plan number, and the plan's group code.

"(b) Any individual who applies for or is in receipt of any hospital, nursing home, or domiciliary care; medical, rehabilitative, or preventive health services; or other medical care and services under laws administered by the Secretary shall, at the time of such application, or otherwise when requested by the Secretary, furnish the Secretary with the individual's social security number and the social security number of any dependent or Department of Veterans Affairs' beneficiary on whose behalf, or based upon whom, such individual applies for or is in receipt of such benefit. This subsection does not require an individual to furnish the Secretary with a social security number for any individual to whom a social security number has not been assigned.

"(c) The Secretary shall deny the individual's application for, or may terminate the individual's enrollment in, the system of patient enrollment established by the Secretary under section 1705 of this title, if the individual does not provide the social security number required or requested to be furnished pursuant to subsection (b) of this section. The Secretary, following such denial or termination, may, upon receipt of the information required or requested under subsection (b), approve the individual's application or reinstate the individual's enrollment (if otherwise in order), for such medical care and services provided on and after the date of such receipt of information.

"(d) Nothing in this section shall be construed as authority to deny medical care and treatment to an individual in a medical emergency.".

(2) by amending the table of sections for such subchapter by adding at the end thereof the following new item: §1709. Provision of health-plan contract information and social security number."

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. EXPANSION OF AUTHORITY FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 902 is amended—

(1) in subsection (a)—

(A) by amending paragraph (1) to read as follows:

"(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property—

"(A) enforce Federal laws;

"(B) enforce the rules prescribed under section 901 of this title;

"(C) enforce traffic and motor vehicle laws of a state or local government within the jurisdiction of which such Department property is located as authorized by an express grant of authority under applicable state or local law. Any such enforcement shall be by issuance of a citation for violation of such law;

"(D) carry the appropriate VA-issued weapons, including firearms, while off Department property in an official capacity or while in an official travel status;

"(E) conduct investigations, on and off Department property, of offenses that may have been committed on property under the original jurisdiction of VA, consistent with agreements or other consultation with affected local, state, or Federal law enforcement agencies; and

"(F) carry out, as needed and appropriate, the duties described in subparagraphs (A)-(E) of this subsection when engaged in duties authorized by other Federal statutes.".

(B) by striking paragraph (2) and renumbering paragraph (3) as paragraph (2) and adding ", and on any arrest warrant issued by competent judicial authority" before the period.

(2) by amending subsection (c) to read:

"(c) The powers granted to Department police officers designated under this section shall be exercised in accordance with guidelines approved by the Secretary and the Attorney General.".

SEC. 402. UNIFORM ALLOWANCE FOR DEPARTMENT OF VETERANS AFFAIRS POLICE OFFICERS.

Section 903 is amended—

(1) by striking the matter in subsection (b) and inserting:

"(b) The amount of the allowance that the Secretary may pay under this section will be the lesser of—

"(1) the amount currently allowed as prescribed by the Office of Personnel Management; or

"(2) estimated costs or actual costs as determined by periodic surveys conducted by the Department.

"During any fiscal year no officer will receive more than the amount established under this subsection.".

(2) by striking the matter in subsection (c) and inserting:

"(c) The allowance established under subsection (b) shall be paid at the beginning of a Department police officer's employment for those appointed on or after October 1, 2008. In the case of any other Department police officer, an allowance in the amount established under subsection (b) shall be paid upon the request of the officer.

SEC. 403. INCREASE IN THRESHOLD FOR MAJOR MEDICAL FACILITY LEASES REQUIRING CONGRESSIONAL APPROVAL.

Section 8104(a)(3)(B) is amended by striking "$600,000" and inserting "$1,000,000".

THE SECRETARY
OF VETERANS AFFAIRS,
Washington, April 25, 2008.

Hon. NANCY PELOSI,
Speaker of the House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: We are transmitting the "Veterans' Benefits Enhancement Act of 2008," a draft bill "[t]o amend title 38, United States Code, to expand and enhance veterans' benefits, and for other purposes." The Department of Veterans Affairs (VA) requests that the bill be referred to the appropriate committee for prompt consideration and enactment.

VA's draft bill contains four titles that address improvements to education, health care, and other benefits, as well as other miscellaneous matters. Enclosed please find a section-by-section analysis, which includes cost estimates.

The provisions of title I dealing with education matters would eliminate the requirement that certain institutions report to VA any credit granted a student for prior training, modify the waiting period before affirmation of enrollment in a program pursued exclusively by correspondence, eliminate the requirement that an individual report to VA for approval a second change of program pursued while enrolled at the same institution, and eliminate the wage-earning requirement for self-employment on-job training.

Title II of the draft bill deals with miscellaneous provisions that would permit VA to stay temporarily its adjudication of claims while awaiting pending court decisions, clarify that the Board of Veterans' Appeals may decide certain cases out of docket-number order, permit VA to furnish a memorial headstone or marker for certain deceased surviving spouses of veterans, make permanent VA authority to contract for medical disability examinations, modify servicemembers' group life insurance coverage, permit VA to provide Temporary Residence Assistance grants to certain active-duty servicemembers, and designate the office required to be established by the Small Business Act (15 U.S.C. §644(k)) as the Office of Small Business Programs.

Title III addresses a number of significant health care matters. One of the major provisions would authorize the Secretary to require that recipients of, and applicants for, medical care and services provide their health-plan contract information and social security numbers upon request. This would allow VA to enhance revenue collection from health insurance carriers and ensure the accurate identification of medical care applicants by a single unique identifier, thus facilitating VA medical care eligibility determinations.

Other key provisions of title III would provide for several needed program extensions, including the Department's mandate to provide nursing home care to veterans with service-connected disabilities of 70 percent or greater and to those who need such care for the treatment of a service-connected disability. Another provision of title III would allow VA to establish additional nonprofit research corporations. There is also a measure to extend VA's authority to conduct its audit-recovery program, which assists in identifying erroneous payments or overpayments made under fee-basis contracts or other medical services contracts. The audit program has achieved notable success in the amounts recovered. All of these are important authorities that should not be allowed to lapse.

We also propose to amend 38 U.S.C. §7332 to allow VA providers to disclose information related to a patient's treatment of drug abuse, alcoholism and alcohol abuse, infection with the human immunodeficiency virus, and sickle cell anemia to that patient's authorized surrogate when the patient lacks decision-making capacity but has not expressly authorized the release of that information to that surrogate. The terms of the provision are very narrowly drawn to permit disclosure of this information only when clinically relevant to the treatment decision that the surrogate is being asked to make and are consistent with widely-accepted ethical standards for informed consent. In its report, Disclosing Patients' Protected Health Information to Surrogates (February 2005), VHA's National Ethics Committee concluded that, in light of significant legal protections now in place regarding employment discrimination based on personal health status and the confidentiality of personal health information, the current section 7332 prohibition against the disclosure of clinically-relevant medical information to surrogate decision makers is no longer justifiable. Moreover, the Committee concluded that 38 U.S.C. §7332 places clinicians in the ethically untenable position of being required to obtain informed consent from the surrogate decision maker on behalf of a patient who lacks decision-making capacity, while being unable to disclose to the surrogate this significant clinical information without which there can be no full and informed consent.

Key provisions of Title IV of the draft bill would make long-needed improvements to VA's Security and Law Enforcement Program, and enable our police officers to more fully perform all of the duties required of their law enforcement positions.

The Office of Management and Budget advises that transmission of this legislative package is in accord with the President's program.

An identical letter has been sent to the President of the Senate.

Sincerely yours,

JAMES B. PEAKE.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 551—CELEBRATING 75 YEARS OF SUCCESSFUL STATE-BASED ALCOHOL REGULATION

Mr. BAUCUS (for himself and Mr. BARRASSO) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 551

Whereas, throughout the history of the United States, alcohol has been consumed by the people of the United States and has been regulated by government;

Whereas, before the passage of the 18th amendment to the Constitution of the United States (commonly known as "National Prohibition"), abuses and insufficient regulation resulted in irresponsible overconsumption of alcohol;

Whereas the passage of the 18th amendment, which prohibited "the manufacture, sale, or transportation of intoxicating liquors" in the United States, resulted in a dramatic increase in illegal activity, including unsafe black market alcohol production, a growth in organized crime, and increasing noncompliance with alcohol laws;

Whereas the platforms of the 2 major political parties in the 1932 presidential campaign advocated ending National Prohibition by repealing the 18th amendment;

Whereas, on February 20, 1933, the second session of the 72nd Congress submitted to conventions of the States the question of repealing the 18th amendment and adding new language to the Constitution requiring the transportation or importation of alcoholic beverages for delivery or use in any State to be carried out in compliance with the laws of that State;

Whereas, on December 5, 1933, Utah became the 36th State to approve what became the 21st amendment to the Constitution of the United States, making the ratification of the 21st amendment the fastest ratification of a constitutional amendment in the history of the United States and the only ratification of a constitutional amendment ever decided by State conventions pursuant to Article V of the Constitution;

Whereas alcohol is the only product in commerce in the United States that has been the subject of 2 constitutional amendments;

Whereas Congress's reenactment in 1935 of the Act entitled "An Act divesting intoxicating liquors of their interstate character in certain cases", approved March 1, 1913 (commonly known as the Webb-Kenyon Act) (27 U.S.C. 122), and the enactment of the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.), section 2004 of Aimee's Law (27 U.S.C. 122a) (relating to 21st amendment enforcement), the Sober Truth on Preventing Underage Drinking Act (Public Law 109–422; 120 Stat. 2890), and annual appropriations to support State enforcement of underage drinking laws demonstrate a longstanding and continuing intent on the part of Congress that States should exercise their primary authority to achieve temperance, the creation and maintenance of orderly and stable markets with respect to alcoholic beverages, and the facilitation of the efficient collection of taxes;

Whereas the legislatures and alcoholic beverage control agencies of the 50 States have worked diligently to implement the powers granted by the 21st amendment for 75 years and to ensure the creation and maintenance of State-based regulatory systems for alcohol distribution made up of producers, importers, wholesale distributors, and retailers;

Whereas the development of a transparent and accountable system for the distribution and sale of alcoholic beverages, an orderly market, temperance in consumption and sales practices, the efficient collection of taxes, and other essential policies have been successfully guided by the collective experience and cooperation of government agencies and licensed industry members throughout the geographically and culturally diverse Nation;

Whereas regulated commerce in alcoholic beverages annually contributes billions of dollars in Federal and State tax revenues and additional billions to the United States economy and supports the employment of millions of people in the United States in more than 2,500 breweries, distilleries, wineries, and import companies, more than 2,700 wholesale distributor facilities, more than 530,000 retail outlets, and numerous agricultural, packaging, and transportation businesses;

Whereas the United States system of State-based alcohol regulation has resulted in a marketplace with unprecedented choice, variety, and selection for consumers;

Whereas members of the licensed alcoholic beverage industry have been constant partners with Federal and State governments in balancing the conduct of competitive businesses with the need to control alcohol in order to provide consumers in the United States with a safe and regulated supply of alcoholic beverages; and

Whereas members of the licensed alcoholic beverage industry have created and supported a wide range of national, State, and community programs to address problems associated with alcohol abuse, including drunk driving and underage drinking: Now, therefore, be it

Resolved, That the Senate—

(1) celebrates 75 years of effective State-based alcohol regulation since the passage of the 21st amendment to the Constitution of the United States;

(2) commends State lawmakers, regulators, law enforcement officers, the public health community, and industry members for successful collaboration in achieving a workable, legal, and successful system for the distribution and sale of alcoholic beverages; and

(3) reaffirms the continued support of the Senate for policies that allow States to effectively regulate alcohol.

SENATE RESOLUTION 552—RECOGNIZING THE 150TH ANNIVERSARY OF THE STATE OF MINNESOTA

Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was considered and agreed to:

S. RES. 552

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the "Gopher State", the "North Star State", and the "Land of 10,000 Lakes";

Whereas Minnesota's name comes from the Dakota word "minesota", meaning "water that reflects the sky", and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the United States military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the United States;

Whereas, in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 companies;

Whereas Minnesota houses over 30 institutions of higher education, including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant were performed in the United States;

Whereas farmland spans over half of Minnesota's 54,000,000 acres and the agriculture industry is Minnesota's 2nd largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the Senate congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

SENATE RESOLUTION 553—CONGRATULATING CHARLES COUNTY, MARYLAND, ON THE OCCASION OF ITS 350TH ANNIVERSARY

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 553

Whereas 2008 marks the 350th anniversary of the establishment of Charles County, Maryland, a historic and memorable event that will be commemorated throughout the year;

Whereas Charles County was chartered in 1658 and named after Charles Calvert, a royal proprietor of the colony of Maryland;

Whereas citizens of Charles County have played an important role in the history of Maryland and our Nation, including Thomas Stone, whose home is maintained by the National Park Service in Port Tobacco and who served as a Continental Congressman, a framer of the Articles of Confederation, and a signer of the Declaration of Independence;

Whereas, under the Articles of Confederation, John Hanson, born in Port Tobacco, served as the President of the United States in Congress Assembled;

Whereas Josiah Henson escaped slavery and fled from Charles County to Canada, where he wrote his autobiography, a narrative that later inspired Harriet Beecher Stowe's famous novel "Uncle Tom's Cabin";

Whereas Josiah Henson's grandnephew, Matthew Henson, left Charles County farmland to become an arctic explorer, venturing to the North Pole and going on to receive international acclaim;

Whereas, following the Civil War, the house of Dr. Samuel A. Mudd in Waldorf was where John Wilkes Booth stopped to have Dr. Mudd reset his leg, broken after he fatally shot President Abraham Lincoln and jumped off the balcony of Ford's Theater in Washington, DC;

Whereas today Charles County has roughly 120,000 residents;

Whereas, while farming and small town life still flourish, particularly along the banks of the Potomac River, the population of the county is growing; and

Whereas the county is home to workers in the National Capital region as well as the county's largest employer, a Department of Defense Energetics Center, the Indian Head Division, Naval Surface Warfare Center: Now, therefore, be it

Resolved, That the Senate—

(a) commends and congratulates Charles County, Maryland, on the occasion of its 350th anniversary; and

(b) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Charles County Anniversary Committee as an expression of the Senate's best wishes for a glorious year of celebration.

SENATE CONCURRENT RESOLUTION 79—CONGRATULATING AND SALUTING FOCUS: HOPE ON ITS 40TH ANNIVERSARY AND FOR ITS REMARKABLE COMMITMENT AND CONTRIBUTIONS TO DETROIT, THE STATE OF MICHIGAN, AND THE UNITED STATES

Mr. LEVIN (for himself and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Whereas Focus: HOPE began as a civil and human rights organization in 1968 in the wake of the devastating Detroit riots, and was cofounded by the late Father William T. Cunningham, a Roman Catholic priest, and Eleanor M. Josaitis, a suburban housewife, who were inspired by the work of Dr. Martin Luther King, Jr.;

Whereas Focus: HOPE is committed to bringing together people of all races, faiths, and economic backgrounds to overcome injustice and build racial harmony, and it has grown into one of the largest nonprofit organizations in Michigan;

Whereas the Focus: HOPE mission statement reads, "Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice. And to build a metropolitan community where all people may live in freedom, harmony, trust, and affection. Black and white, yellow, brown and red, from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this movement.";

Whereas one of Focus: HOPE's early efforts was to support African-American and female employees in a seminal class action suit against the American Automobile Association (AAA), resulting in groundbreaking affirmative action commitments made by AAA;

Whereas Focus: HOPE helped to conceive and develop the Department of Agriculture's Commodity Supplemental Food Program, which has been replicated in more than 32 States, and through this program, Focus: HOPE helps to feed approximately 41,000 people per month throughout southeast Michigan;

Whereas Focus: HOPE has revitalized several city blocks in central Detroit by redeveloping obsolete industrial buildings, beautifying and landscaping Oakman Boulevard, creating pocket parks, and rehabilitating homes in the surrounding areas;

Whereas, since 1981, Focus: HOPE's Machinist Training Institute has been training individuals from Detroit and surrounding areas in careers in advanced manufacturing and precision machining and has produced nearly 2,300 certified graduates, providing an opportunity for minority youth, women, and others who are often underrepresented in such careers to gain access to the financial mainstream and learn in-demand skills;

Whereas Focus: HOPE has recognized that manufacturing and information technologies are key to the economic growth and security of Michigan and the United States, and is committed to designing programs to encourage the participation of underrepresented urban individuals in those critical sectors;

Whereas, in 1982, Focus: HOPE initiated a for-profit subsidiary for community economic development purposes and is now designated with Federal HUBZone status (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p));

Whereas Focus: HOPE created Fast Track, a pioneering skill-enhancing program designed to help individuals improve their reading and math competencies by a minimum of 2 grade levels in 4 to 7 weeks;

Whereas Focus: HOPE's training and education programs have moved more than 9,600 individuals out into the workforce since the inception of those programs and have job placement rates significantly above the national average;

Whereas, in 1987, Focus: HOPE reclaimed and renovated an abandoned building and opened it as the Focus: HOPE Center for Children, which now has served nearly 6,000 children of colleagues, students, and neighbors with quality child care, including latchkey, summer camp, early childhood education, and other educational services;

Whereas Focus: HOPE, through an unprecedented cooperative agreement between the Departments of Defense, Commerce, Education, and Labor, established a national demonstration project, the Center for Advanced Technologies, which integrates hands-on manufacturing training and academic learning and educates advanced manufacturing engineers and technologists at internationally competitive levels;

Whereas Focus: HOPE partnered with 5 universities and 6 industry partners, formerly known as the Greenfield Coalition, to design a unique 21st century curriculum that resulted in students receiving associate's degrees in manufacturing technologies from Lawrence Technological University, or bachelor's degrees in engineering technology or manufacturing engineering from Wayne State University or the University of Detroit Mercy, respectively;

Whereas, due to the unique educational pedagogy at Focus: HOPE's Center for Advanced Technologies, the starting salary of its graduates is higher than the national average of graduates with the same degree from other universities;

Whereas Focus: HOPE has made outstanding contributions in increasing diversity within the traditionally homogenous science, math, engineering, and technology fields, 95 percent of currently enrolled degree candidates are African-American, and the Center for Advanced Technologies is one of the top programs in the United States for graduating minorities with bachelor's degrees in manufacturing engineering;

Whereas Focus: HOPE's unique partnership with the Department of Defense has resulted in several research and development projects, including a nationally recognized demonstration project, the Mobile Parts Hospital, whose Rapid Manufacturing System has been deployed to Kuwait in support of the Armed Forces' operations in Afghanistan, Kuwait, and Iraq;

Whereas, in 1995, Focus: HOPE began a community arts program to present multicultural arts programming and gallery exhibitions designated to educate and encourage area residents, while fostering integration in a culturally diverse metropolitan community, and more than 70,000 people have viewed sponsored exhibits or participated in the program;

Whereas, in 1999, Focus: HOPE established an Informational Technologies Center to provide Detroit students with industry-certified training programs in network administration, network installation, and desktop and server administration, and has graduated nearly 800 students, and initiated, in collaboration with industry and academia, the design of a new bachelor's degree program to educate information management systems engineers;

Whereas, in 2006, the State of Michigan designated Focus: HOPE's campus and the surrounding community a "Cool Cities" neighborhood;

Whereas the Secretary of Labor presented Focus: HOPE with an Exemplary Public Interest Contribution Award in recognition of its success in opening employment opportunities for minorities and women;

Whereas the Village of Oakman Manor, a 55-unit senior citizen apartment building sponsored by the Presbyterian Village of Michigan in collaboration with Focus: HOPE, opened in 2006 near the Focus: HOPE campus as the first new construction in the area in more than 50 years;

Whereas Focus: HOPE's initiatives and programs have been nationally recognized for excellence and leadership by such entities as the Government Accountability Office, the Department of Labor, the International Standards Organization, the National Science Foundation, the Cisco Networking Academy Program, Fortune magazine, Forbes magazine, and the Aspen Institute;

Whereas former Presidents George H.W. Bush and William Jefferson Clinton have visited Focus: HOPE's campus;

Whereas Focus: HOPE's cofounder Eleanor M. Josaitis received honorary degrees from 13 outstanding universities and colleges, was named one of the 100 Most Influential Women in 2002 by Crain's Detroit Business, was inducted into the Michigan Women's Hall of Fame, received the Detroit NAACP Presidential Award, the Arab American Institute Foundation's Kahlil Gibran Spirit of Humanity Award, the Michigan Chamber of Commerce Award for Distinguished Service and Leadership, and the Dr. Charles H. Wright Award for Excellence in Community Activism, the Caring Institute's National Caring Award, and the Clara Barton Ambassador Award from the American Red Cross, as well as many other awards;

Whereas, through generous partnerships with and the support of individuals from all walks of life, the Federal, State, and local governments, and foundations and corporations across the United States, the vision of Focus: HOPE will continue to grow and inspire;

Whereas Focus: HOPE has been fortunate enough to have an active board of directors and advisory board from the most senior levels of corporations and public entities in the United States and has benefitted from thousands of volunteers and supporters;

Whereas Focus: HOPE has been a tremendous force for good in the city of Detroit, the State of Michigan, and in the United States for the past 40 years;

Whereas Focus: HOPE continues to strive to eliminate racism, poverty, and injustice through the use of passion, persistence, and partnerships, and continues to seek improvements in its quality of service and program operations; and

Whereas Focus: HOPE and its colleagues will continue to identify ways in which it can lead Detroit, the State of Michigan, and the United States into the future with creative urban leadership initiatives: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates and salutes Focus: HOPE for its remarkable commitment and contributions to Detroit, the State of Michigan, and the United States; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Focus: HOPE for appropriate display.

Mr. LEVIN. Mr. President, I am joined by my colleague from Michigan, Senator STABENOW, in introducing a resolution today honoring the 40th anniversary of Focus: HOPE. This resolution was initiated in the House by Representative JOHN CONYERS and cosponsored by the entire Michigan Congressional delegation.

Focus: HOPE, a civil and human rights organization, was founded by the late Father William T. Cunningham and Eleanor Josaitis in the aftermath of the 1967 Detroit riots in one of Detroit's most economically depressed areas. This outstanding organization has established itself as an integral part of the history and fabric of southeast Michigan. The mission of Focus: HOPE is "to use intelligent and practical action to fight racism, poverty and injustice" and that mission is as important today as it was when the organization was founded in 1968.

Over the ensuing 40 years, Focus: HOPE has sought to effect positive change in southeast Michigan. I have been honored to witness and take part in the evolution of this fine organization. Education and job training has been at the core of these efforts. By bringing together businesses, foundations, government and individuals in the community, Focus: HOPE has truly made a difference in Detroit and across the state of Michigan and has grown into one of the largest nonprofits in the State. Focus: HOPE has sought to meet the needs of southeast Michigan in a comprehensive fashion through a number of highly successful programs, including the Machinist Training Institute, the Center for Advanced Technology, the Fast Track program, the Center for Children and the Commodity Supplemental Food Program.

Real and meaningful change comes from sustained and committed service. Over the past 40 years, Focus: HOPE has embodied this principle and, along the way, has touched many lives in Southeast Michigan in a profound way. Equipping individuals with the ability to compete and thrive in workplaces that are increasingly technologically advanced is central to its mission. The reward has been thousands of heartwarming success stories from those who have benefitted from the many services Focus: HOPE provides.

This momentous occasion will be marked by several celebrations, including one in the Mansfield Room of the Capitol later today. I know my colleagues join me in congratulating each individual that has contributed to the success of Focus: HOPE from its inception. I wish the organization many more years of successful and committed service to the community.

AMENDMENTS SUBMITTED AND PROPOSED DURING ADJOURNMENT OF THE SENATE

SA 4656. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4657. Mr. KERRY (for himself and Mr. KENNEDY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4658. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4659. Mr. BARRASSO submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4660. Mr. BARRASSO (for himself and Mr. ENSIGN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4661. Mr. KERRY (for himself and Mr. LAUTENBERG) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4662. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4663. Mr. THUNE (for himself and Mrs. BOXER) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4664. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4665. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4666. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr.

BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4667. Mrs. HUTCHISON submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4668. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4669. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BINGAMAN, Ms. SNOWE, Mr. WYDEN, Mr. HARKIN, Mr. THUNE, and Mr. LEVIN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4670. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4671. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4672. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4673. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4674. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4675. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4676. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4677. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4678. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4679. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4680. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4681. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4682. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4683. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4684. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4685. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4686. Mr. CARPER (for himself and Mr. VOINOVICH) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4687. Mr. MARTINEZ submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4688. Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. CLINTON, and Mr. MENENDEZ) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4689. Mrs. MCCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4690. Mrs. BOXER submitted an amendment intended to be proposed, under authority of the order of the Senate of May 2, 2008, to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4691. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4692. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4693. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4694. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4695. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4696. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4697. Mr. HATCH (for himself, Mr. BENNETT, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4698. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4699. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4700. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4701. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4702. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.; which was ordered to lie on the table.

SA 4703. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4704. Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4705. Ms. LANDRIEU (for herself, Mr. PRYOR, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4706. Ms. LANDRIEU (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4707. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4708. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4709. Mr. NELSON of Florida (for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4710. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4711. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4712. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 5493, to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

TEXT OF AMENDMENTS DURING ADJOURNMENT OF THE SENATE

SA 4656. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, line 11, strike "200 additional safety inspectors." and insert "at least 200 additional safety inspectors or such greater number as may be provided for by appropriations Acts".

SA 4657. Mr. KERRY (for himself and Mr. KENNEDY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 2 and 3, insert the following:

(5) The Administrator may not consolidate any additional engineering services from the New England Region's engineering offices in Burlington, Massachusetts, and Nashua, New Hampshire, until the Board's recommendations are completed.

(6) Any Federal Aviation Administration facility, service, or function realignment that has not been completed as of the date of enactment of this Act is subject to the requirements of this section.

SA 4658. Mr. KERRY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 129, between lines 11 and 12, insert the following:

(d) ADDITIONAL TECHNICIANS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration is authorized to hire additional technicians so that the Federal Aviation Administration maintains a minimum of 6,100 technical employees in its Technical Operations Service Unit. The Administrator shall ensure sufficient technicians are employed to account for attrition without falling below the minimum technician staffing level of 6,100.

SA 4659. Mr. BARRASSO submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT OIL ACQUISITION FINANCIAL ACCOUNTABILITY AND CONSUMER RELIEF.

(a) SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, during any period in which the conditions described in paragraph (2) are not met—

(A) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(B) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(2) RESUMPTION.—

(A) IN GENERAL.—The Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program, and the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method, not earlier than 30 days after the date on which the President notifies Congress that the President has determined that, for the most recent consecutive 4-week period—

(i) the weighted average price of retail, regular, all formulations gasoline in the United States is $2.50 or less per gallon (as adjusted under subparagraph (B)); or

(ii) the weighted average price of retail, No. 2 diesel in the United States is $2.75 or less per gallon (as adjusted under subparagraph (B)).

(B) ADJUSTMENT.—For fiscal year 2009 and each subsequent fiscal year, the prices specified in clauses (i) and (ii) of subparagraph (A) for the preceding fiscal year shall be adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(b) ADDITIONAL ACQUISITION REQUIREMENTS.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended by inserting after subsection (c) the following:

"(d) ADDITIONAL ACQUISITION REQUIREMENTS.—

"(1) IN GENERAL.—To the maximum extent practicable, any acquisitions made by the Secretary of the Interior for the Strategic Petroleum Reserve through the royalty-in-kind program and any acquisitions made by the Secretary of Energy for the Reserve through any other acquisition method (referred to in this subsection as the 'respective Secretary') shall reflect a steady monthly dollar value of oil acquired through the royalty-in-kind program or any other acquisition method allowed by law.

"(2) PARTICULAR INCLUSION.—

"(A) DEFINITION OF HEAVY CRUDE OIL.—In this paragraph, the term 'heavy crude oil' means oil with a gravity index of not more than 22 degrees.

"(B) REQUIREMENT.—To the extent technologically feasible, financially beneficial for the Treasury of the United States, and compatible with domestic refining requirements, the respective Secretary shall include at least 10 percent heavy crude oil in making any acquisitions of crude oil for the Reserve.

"(3) NEGOTIATION OF DELIVERY DATES.—Nothing in this subsection limits the ability of the respective Secretary to negotiate delivery dates for crude oil acquired for the Reserve.

"(4) NATIONAL SECURITY NEEDS.—The respective Secretary may waive any requirement under this subsection if the respective Secretary determines that the requirement is inconsistent with the national security needs of the United States.".

SA 4660. Mr. BARRASSO (for himself and Mr. ENSIGN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 717. PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Winter weather in States in cold regions of the United States shortens the period during the year in which construction projects may be carried out in such States.

(2) If review and approval processes for a construction project in such a State is delayed, the project may not be able to be completed in one construction season, adding additional costs to complete the project.

(b) PRIORITY OF REVIEW OF CONSTRUCTION PROJECTS.—

(1) REQUIREMENT TO PRIORITIZE.—The Administrator of the Federal Aviation Administration shall, to the maximum extent practicable, prioritize the review of construction projects by the Administrator in a manner so that such projects to be carried out in a State described in paragraph (2) are reviewed as early as possible.

(2) STATE DESCRIBED.—A State described in this paragraph is a State in which the weather during a typical calendar year prevents major construction projects from being carried out prior to May 1.

SA 4661. Mr. KERRY (for himself and Mr. LAUTENBERG) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address—

(1) the mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other requirements of the Federal Aviation Administration;

(2) the proper level of staffing;

(3) the timeliness of a response;

(4) the handling of hazardous materials incidents at airports;

(5) proper vehicle deployment; and

(6) the need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practicable, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) SMALL AIRPORT EXEMPTION.—

(1) IN GENERAL.—The Administrator may exempt any airport designated as an Index A or Index B under part 139 of title 14, Code of Federal Regulations, from the rule issued under subsection (a) if such airport petitions for such an exemption, in accordance with regulations promulgated by the Administrator.

(2) SAVINGS PROVISION.—Notwithstanding any other provision of this section, airports that file a petition under paragraph (1) shall be subject to the airport rescue and firefighting standards under part 139 of title 14, Code of Federal Regulations, in effect as of the date of the enactment of this Act, until the date on which the Administrator requires that such airports comply with the rule issued under subsection (a).

(g) FINAL RULE.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall issue the final rule required under subsection (a).

SA 4662. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, beginning on line 21, strike through page 214, line 9, and insert the following:

SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) of the Internal Revenue Code of 1986 is amended—

(1) by adding at the end the following new paragraph:

"(7) EMERGENCY SPENDING REPLENISHMENT.—

"(A) IN GENERAL.—There is hereby appropriated to the Highway Trust Fund $3,400,000,000.

"(B) ALLOCATION.—

"(i) ALLOCATION OF EXCESS REPLENISHMENT AMOUNT.—The fiscal year 2008 Highway Trust Fund excess amount shall be allocated among the accounts of the Highway Trust Fund as follows:

"(I) 80 percent of such amount shall be deposited in the Highway Account.

"(II) 20 percent of such amount shall be deposited in the Mass Transit Account.

"(ii) FISCAL YEAR 2008 HIGHWAY TRUST FUND EXCESS AMOUNT.—For purposes of this subparagraph, the term 'fiscal year 2008 Highway Trust Fund excess amount' means an amount equal to the excess of—

"(I) the amount by which the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as estimated by the Secretary as of the day before the date of the enactment of the Aviation Investment and Modernization Act of 2008) is estimated by the Secretary to be increased by the enactment of subtitle B of title VIII of the Aviation Investment and Modernization Act, over

"(II) the amount by which the obligations of the Highway Trust Fund for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act) are estimated by the Secretary to exceed the balance of the Highway Trust Fund that is available for obligations for fiscal year 2008 (as of the day before the date of the enactment of the Aviation Investment and Modernization Act of 2008).", and

(2) by striking "AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES" in the heading and inserting "CERTAIN AMOUNTS".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.

(a) IN GENERAL.—Section 1102 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; Public Law 109–59) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(g) and (h)" and inserting "(g), (h), and (*l*)"; and

(B) in paragraph (4), by amending such paragraph to read as follows:

"(4) the amount that is the sum of—

"(A) $39,585,075,404; and

"(B) the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986);

for fiscal year 2008; and"; and

(2) by adding at the end the following:

"(*l*) OBLIGATION AUTHORITY FOR STIMULUS PROJECTS.—

"(1) IN GENERAL.—Of the obligation authority distributed under subsection (a)(4), an amount that is not less than the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be provided to States for use in carrying out highway projects that the States determine will provide rapid economic stimulus.

"(2) REQUIREMENT.—A State that seeks a distribution of the obligation authority described in paragraph (1) shall agree to obligate funds so received not later than 120 days after the date on which the State receives the funds.

"(3) FLEXIBILITY.—A State that receives a distribution of the obligation authority described in paragraph (1) may use the funds for any highway project described in paragraph (1), regardless of any funding limitation or formula that is otherwise applicable to projects carried out using obligation authority under this section.

"(4) FEDERAL SHARE.—The Federal share of any highway project carried out using funds described in paragraph (1) shall be 100 percent.".

(b) CONFORMING AMENDMENTS.—

(1) The matter under the heading "(INCLUDING TRANSFER OF FUNDS)" under the heading "(HIGHWAY TRUST FUND)" under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "FEDERAL-AID HIGHWAYS" under the heading "FEDERAL HIGHWAY ADMINISTRATION" of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended—

(A) by striking "in excess of $40,216,051,359" and inserting "in excess of the amount that is the sum of $40,216,051,359 and the amount that is 80 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986),"; and

(B) by striking "the $40,216,051,359 obligation limitation" and inserting "the obligation limitation in the amount of such sum".

(2) The matter under the heading "(INCLUDING RESCISSION)" under the heading "(HIGHWAY TRUST FUND)" under the heading "(LIMITATION ON OBLIGATIONS)" under the heading "(LIQUIDATION OF CONTRACT AUTHORITY)" under the heading "FORMULA AND BUS GRANTS" under the heading "FEDERAL TRANSIT ADMINISTRATION" of title I of division K of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1844) is amended by striking "$6,855,000,000" and inserting ", and section 3052 of Public Law 109–59, the amount that is the sum of $6,855,000,000 and the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986)".

(3) Sections 9503(c)(1) and 9503(e)(3) of the Internal Revenue Code of 1986 are each amended by inserting ", as amended by the Aviation Investment and Modernization Act of 2008," after "the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users".

SEC. 813. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

(a) IN GENERAL.—Title III of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1544) is amended by adding at the end the following:

"SEC. 3052. STIMULUS OF MANUFACTURING AND CONSTRUCTION THROUGH PUBLIC TRANSPORTATION INVESTMENT.

"(a) AUTHORIZATION.—The Secretary is authorized to make stimulus grants under this section to public transportation agencies.

"(b) ELIGIBLE RECIPIENTS.—Stimulus grants authorized under subsection (a) may be awarded—

"(1) to public transportation agencies which have a full funding grant agreement in force on the date of enactment of this section with Federal payments scheduled in any year beginning with fiscal year 2008, for activities authorized under the full funding grant agreement that would expedite construction of the project; and

"(2) to designated recipients as defined in section 5307 of title 49, United States Code, for immediate use to address a backlog of existing maintenance needs or to purchase rolling stock or buses, if the contracts for such purchases are in place prior to the grant award.

"(c) USE OF FUNDS.—Of the amounts made available to carry out this section, the Secretary shall use to make grants under this section—

"(1) 30 percent of such amounts for stimulus grants to recipients described in subsection (b)(1); and

"(2) 70 percent of such amounts for stimulus grants to recipients described in subsection (b)(2).

"(d) DISTRIBUTION OF FUNDS.—

"(1) EXPEDITED NEW STARTS GRANTS.—Funds described in subsection (c)(1) shall be distributed among eligible recipients so that each recipient receives an equal percentage increase based on the Federal funding commitment for fiscal year 2008 specified in Attachment 6 of the recipient's full funding grant agreement.

"(2) FORMULA GRANTS.—Of the funds described in subsection (c)(2)—

"(A) 60 percent shall be distributed according to the formula in subsections (a) through (c) of section 5336 of title 49, United States Code; and

"(B) 40 percent shall be distributed according to the formula in section 5340 of title 49, United States Code.

"(3) ALLOCATION.—The Secretary shall determine the allocation of the amounts described in subsection (c)(1) and shall apportion amounts described in subsection (c)(2) not later than 20 days after the date of enactment of this section.

"(4) NOTIFICATION TO CONGRESS.—The Secretary shall notify the committees referred to in section 5334(k) of title 49, United States Code, of the allocations determined under paragraph (3) not later than 3 days after such determination is made.

"(5) OBLIGATION REQUIREMENT.—The Secretary shall obligate the funds described in subsection (c)(1) as expeditiously as practicable, but in no case later than 120 days after the date of enactment of this section.

"(e) PRE-AWARD SPENDING AUTHORITY.—

"(1) IN GENERAL.—A recipient of a grant under this section shall have pre-award spending authority.

"(2) REQUIREMENTS.—Any expenditure made pursuant to pre-award spending authorized by this subsection shall conform with applicable Federal requirements in order to remain eligible for future Federal reimbursement.

"(f) FEDERAL SHARE.—The Federal share of a stimulus grant authorized under this section shall be 100 percent.

"(g) SELF-CERTIFICATION.—

"(1) IN GENERAL.—Prior to the obligation of stimulus grant funds under this section, the recipient of the grant award shall certify—

"(A) for recipients described in subsection (b)(1), that the recipient will comply with the terms and conditions that apply to grants under section 5309 of title 49, United States Code;

"(B) for recipients under subsection (b)(2), that the recipient will comply with the terms and conditions that apply to grants under section 5307 of title 49, United States Code; and

"(C) that the funds will be used in a manner that will stimulate the economy.

"(2) CERTIFICATION.—Required certifications may be made as part of the certification required under section 5307(d)(1) of title 49, United States Code.

"(3) AUDIT.—If, upon the audit of any recipient under this section, the Secretary finds that the recipient has not complied with the requirements of this section and has not made a good-faith effort to comply, the Secretary may withhold not more than 25 percent of the amount required to be appropriated for that recipient under section 5307 of title 49, United States Code, for the following fiscal year if the Secretary notifies the committees referred to in subsection (d)(4) at least 21 days prior to such withholding.".

(b) STIMULUS GRANT FUNDING.—Section 5338 of title 49, United States Code, is amended by adding at the end the following:

"(h) STIMULUS GRANT FUNDING.—For fiscal year 2008, the amount that is 20 percent of the fiscal year 2008 Highway Trust Fund excess amount (as defined in section 9503(b)(7)(B)(ii) of the Internal Revenue Code of 1986) shall be available from the Mass Transit Account of the Highway Trust Fund to carry out section 3052 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.".

(c) EXPANDED BUS SERVICE IN SMALL COMMUNITIES.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the paragraph heading, by striking "2007" and inserting "2009";

(2) in subparagraph (A), by striking "2007" and inserting "2009"; and

(3) by adding at the end the following:

"(E) MAXIMUM AMOUNTS IN FISCAL YEARS 2008 AND 2009.—In fiscal years 2008 and 2009—

"(i) amounts made available to any urbanized area under clause (i) or (ii) of subparagraph (A) shall be not more than 50 percent of the amount apportioned in fiscal year 2002 to the urbanized area with a population of less than 200,000, as determined in the 1990 decennial census of population;

"(ii) amounts made available to any urbanized area under subparagraph (A)(iii) shall be not more than 50 percent of the amount apportioned to the urbanized area under this section for fiscal year 2003; and

"(iii) each portion of any area not designated as an urbanized area, as determined by the 1990 decennial census, and eligible to receive funds under subparagraph (A)(iv), shall receive an amount of funds to carry out this section that is not less than 50 percent of the amount the portion of the area received under section 5311 in fiscal year 2002.".

SA 4663. Mr. THUNE (for himself and Mrs. BOXER) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 88, strike line 3 and all that follows through page 89, line 5, and insert the following:

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

"(f) CHRONICALLY DELAYED FLIGHTS.—

"(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

"(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

"(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

"(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:

"(A) The on-time performance for the flight if the flight is a chronically delayed flight.

"(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

"(3) DEFINITIONS.—In this subsection:

"(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

"(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SA 4664. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTAIN PROVISION IS NULL AND VOID.

Section 313, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4665. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EARMARKS.

(a) IN GENERAL.—It shall not be in order to consider a provision that proposes a congressional earmark of appropriated funds authorized by this Act.

(b) DEFINITIONS.—For the purpose of this section, the term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 4666. Mr. DEMINT submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. CERTAIN PROVISION IS NULL AND VOID.

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4667. Mrs. HUTCHISON submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, after line 25, add the following:

(d) EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.—Section 41718 is amended—

(1) in subsection (a), as amended, by striking "exemptions from the requirements of subparts K and S of part 93," and insert "from the requirements of subparts K and S of part 93 of title 14,"; and

(2) in subsection (c), as amended, by adding at the end the following:

"(5) EXCEPTION TO CERTAIN BEYOND-PERIMETER EXEMPTIONS.—Of the exemptions granted under subsection (a), 4 shall be granted without regard to the competition requirement under subsection (a)(2) to air carriers for select routes originating from or terminating at a medium hub airport that is located—

"(A) outside the perimeter established for civil aircraft operations at Ronald Reagan Washington National Airport under section 49109; and

"(B) within a State that contains not fewer than 2 large hub airports that are located within such perimeter.".

SA 4668. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report regarding, whether the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, will harm air transport services in rural areas.

SA 4669. Mr. BAUCUS (for himself, Mr. TESTER, Mr. BINGAMAN, Ms. SNOWE, Mr. WYDEN, Mr. HARKIN, Mr. THUNE, and Mr. LEVIN) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 4 and 5, insert the following:

"(g) ADJUSTMENT FOR FUEL COSTS.—

"(1) IN GENERAL.—The Secretary shall adjust the rate at which compensation is being paid under this subchapter for fuel costs to ensure that air carriers providing air service or air transportation under this subchapter are adequately compensated, as provided in paragraphs (2) and (3).

"(2) INITIAL ADJUSTMENT.—On the date that is 90 days after the date of the enactment of this Act, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, for the 90-day period beginning on such date of enactment over the average fuel cost per block hour, as reported by the air carrier, during the 90-day period ending on such date of enactment.

"(3) SUBSEQUENT ADJUSTMENTS.—On the date that is 180 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary shall adjust the rate of compensation for fuel costs for each air carrier described in paragraph (1) by the percentage increase or decrease, as the case may be, in the average fuel cost per block hour, as reported by the air carrier, in the most recent 90-day period over the average fuel cost per block hour on which the adjustment for the preceding 90-day period was based.

"(4) APPLICABILITY OF OTHER PROVISIONS.—The Secretary shall make the adjustment under paragraph (1) without regard to any adjustment for significantly increased costs under subsection (e).".

SA 4670. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider any potential adverse effects on competition in urban and rural areas with fewer than 200,000 residents.

SA 4671. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider whether Northwest Airlines or Delta Air Lines would be able to continue business operations if such proposed merger does not occur.

SA 4672. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

(a) IN GENERAL.—For any covered airline merger, the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) for that covered airline merger shall expire on the latter of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date that such waiting period otherwise expires under section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) (including such later date as may be set under subsection (e)(2) or (g)(2) of such section).

(b) DEFINITION OF COVERED AIRLINE MERGER.—In this section, the term "covered airline merger" means any acquisition of voting securities or assets of a person in the air transport services industry—

(1) relating to which—

(A) a notice is filed pursuant to the rules under section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) during the 1-year period beginning on the date of enactment of this Act; or

(B) the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) has not expired on the date of enactment of this Act; and

(2) that the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice determines is likely to result in layoffs in, or reductions in air transport services to, rural areas.

SA 4673. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON IMPACT OF PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES ON AIR TRANSPORTATION MARKET IN EUROPE.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines—

(1) to estimate, if such merger were completed, what share of the air transportation market in Europe such merged entity would have, taking into consideration the Open Skies Initiative; and

(2) to determine whether permitting such merger would violate any trade agreement with respect to which the United States is a party.

SA 4674. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. ACTION BY STATE ATTORNEYS GENERAL AGAINST DELTA AND NORTHWEST MERGER.

Congress encourages the Attorney General of any State adversely impacted by the proposed Delta and Northwest merger to bring an action under the Clayton Act to enjoin the merger or recover any appropriate damages.

SA 4675. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON EXISTING CODE-SHARING AGREEMENTS AND PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines to assess whether, because of existing code-sharing agreements between Northwest Airlines, Air France, and KLM Royal Dutch Airlines—

(1) such merger would provide greater access to United States air transportation markets by Air France and KLM Royal Dutch Airlines; and

(2) such increased access would be in the United States public interest.

SA 4676. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term "rural areas" means areas having fewer than 50,000 residents.

SA 4677. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON NEW COMMERCIAL AIRLINE ENTRIES INTO RURAL MARKETS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on new commercial airline entries into rural markets.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

SA 4678. Mr. BAUCUS submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report to Congress regarding, the effect of the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, on—

(1) the compensation of executives of such companies; and

(2) the liabilities of the employee pension benefit plans of such companies relating to

employees that are not executive-level employees.

SA 4679. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 12, strike "5" and insert "7".

SA 4680. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, strike line 18 and all that follows through page 120, line 21, and insert the following:

SEC. 508. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of the enactment of this Act, all pilots of a helicopter or fixed wing aircraft providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If an aircraft described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that suitable, cost-effective, portable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it such initiation.

(d) IMPROVING SITUATIONAL AWARENESS.—Any helicopter or fixed-wing aircraft used for emergency medical service operations that is ordered after the date of the enactment of this Act shall have on board a device that performs the function of a terrain awareness and warning system that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administration.

(e) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall complete a study that—

(A) analyzes the feasibility of requiring devices that perform the function of recording voice communications and flight data information on helicopters and fixed wing aircraft used for emergency medical service operators; and

(B) addresses issues related to survivability, weight, and financial considerations of the requirement described in subparagraph (A).

(2) RULEMAKING.—Not later than 2 years after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1)(A).

SA 4681. Ms. CANTWELL submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 712 and insert the following:

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at not more than 4 public use airports, under which local airport operators, which have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, will be awarded demonstration grants, from amounts made available under section 47117(e) of title 49, United States Code, and passenger facility revenue collected under section 40117 of title 49, United States Code, to establish partnerships with affected neighboring local jurisdictions—

(1) to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility revenue;

(2) to encourage airport compatible land uses; and

(3) to generate economic benefits to the local airport authority and the adjacent community.

(b) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall award not more than 4 grants for pilot property redevelopment demonstration projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community;

(B) clear economic benefits to the local community; and

(C) financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) IN GENERAL.—The United States Government share of the allowable costs of a project under this section shall be 80 percent.

(B) ALLOWABLE COSTS.—In determining the allowable costs for a project under this section, the Secretary shall deduct, from the total costs of the activities described in subsection (a), the portion of such costs that is equal to the portion of the total property to be redeveloped under this section that is not owned and will not be acquired by the airport operator pursuant to the noise compatibility program, the affected neighboring local jurisdictions, or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 of the amounts made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public use airport.

(4) EXCEPTION.—The amounts paid to the Secretary under paragraph (3)—

(A) shall be in addition to amounts made available under section 48103 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(c) GRANT REQUIREMENTS.—The Administrator may not award a demonstration grant under this section unless—

(1) grant funds are used to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts; and

(2) the grant is subject to a requirement that—

(A) the local jurisdiction governing the property interests in question adopts zoning regulations that permit airport compatible redevelopment; and

(B) in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section is added to the amount of any grants awarded to acquire land.

(d) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.".

(e) USE OF PASSENGER FACILITY REVENUE.—Eligible agencies that own or operate airports designated by the Administrator for participation in the pilot program under this section may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay for any project costs described in subsection (a) that are not financed with a demonstration grants awarded under this section.

(f) REPORT TO CONGRESS.—Not later than 30 months after the date on which the first grant is awarded under this section, the Administrator shall submit a report to Congress that describes the effectiveness of the program.

(g) SUNSET.—This section shall expire on September 30, 2011.

SA 4682. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 190, between lines 2 and 3, insert the following:

SEC. 717. PROHIBITION ON USE OF FUNDS TO REDUCE HOURS AT THE SPOKANE INTERNATIONAL AIRPORT AIR TRAFFIC CONTROL TOWER.

None of the amounts authorized to be appropriated or otherwise made available by this Act may be obligated or expended to reduce the hours of operation of the Spokane International Airport (GEG) Air Traffic Control Tower.

SA 4683. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 131, between lines 13 and 14, insert the following:

SEC. 520. INSPECTOR GENERAL EVALUATION OF SECURITY AT NATIONAL AIRSPACE SYSTEM FACILITIES.

(a) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct an evaluation of physical security at Federal Aviation Administration National Airspace System facilities.

(b) CONTENTS.—The evaluation required under subsection (a) shall include the following:

(1) A comprehensive assessment of the security regulations, processes, and standards of the Federal Aviation Administration for ensuring adequate physical security at National Airspace System facilities.

(2) A comprehensive assessment of the compliance of the Federal Aviation Administration with existing security regulations, processes, and standards at all National Airspace System facilities, including air traffic control towers, terminal radar approach control facilities, and air route traffic control centers.

(3) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring compliance with and enforcement of security regulations, processes, and standards relating to physical security at National Airspace System facilities.

(4) An evaluation of the adequacy of security training, antiterrorism training, and weapons qualifications training provided to contract security guards.

(5) An evaluation of the regulations, processes, and standards of the Federal Aviation Administration relating to drug and alcohol testing and background checks of contract security guards.

(6) An evaluation of the adequacy of the internal controls of the Federal Aviation Administration for ensuring full compliance with and enforcement of regulations, processes, and standards applicable to the hiring and training of contract security guards.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit the Committee on Appropriations and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) the results of the evaluation required under subsection (a); and

(2) any recommendations to the Federal Aviation Administration with respect to improving—

(A) regulations, processes, and standards for ensuring adequate physical security at National Airspace System facilities; and

(B) oversight of and compliance with security measures at National Airspace System facilities.

SA 4684. Mrs. MURRAY submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, between lines 21 through 22, insert the following:

(c) LIMITATION ON LOCAL SHARE.—Section 47124(b)(3) is amended by adding at the end the following:

"(F) LIMITATION ON LOCAL SHARE FOR CERTAIN AIRPORTS.—Notwithstanding any other provision of this section, in the case of an airport that is certified under part 139 of title 14, Code of Federal Regulations, and that has more than 10,000 but fewer than 50,000 passenger enplanements per year, the local share of the costs of carrying out the Contract Tower Program shall not exceed 20 percent.".

SA 4685. Mr. WYDEN submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFINITIONS RELATING TO AMATEUR-BUILT AIRCRAFT.

As used in section 21.191(g) of title 14, Code of Federal Regulations—

(1) the term "fabricated" means to perform work on a part or component, such as gluing, forming, shaping, trimming, drilling, applying protective coatings, riveting, spot welding or heat-treating, transforming the part or component into its finished state for inclusion into a sub-assembly or within a final assembly; and

(2) the term "major portion" means more than ½ of the sum of the applicable fabrication, assembly, and installation tasks needed to complete an airworthy aircraft.

SA 4686. Mr. CARPER (for himself and Mr. VOINOVICH) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle __—Infrastructure Improvement

SEC. ___1. SHORT TITLE.

This subtitle may be cited as the "National Infrastructure Improvement Act of 2008".

SEC. ___2. DEFINITIONS.

In this subtitle:

(1) ACQUISITION.—The term "acquisition" includes any necessary activities for siting a facility, equipment, structures, or rolling stock by purchase, lease-purchase, trade, or donation.

(2) COMMISSION.—The term "Commission" means the National Commission on the Infrastructure of the United States established by section ___3(a).

(3) CONSTRUCTION.—The term "construction" means—

(A) the design, planning, and erection of new infrastructure;

(B) the expansion of existing infrastructure;

(C) the reconstruction of an infrastructure project at an existing site; and

(D) the installation of initial or replacement infrastructure equipment.

(4) INFRASTRUCTURE.—

(A) IN GENERAL.—The term "infrastructure" means a nonmilitary structure or facility, and any equipment and any nonstructural elements associated with such a structure or facility.

(B) INCLUSIONS.—The term "infrastructure" includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, conveyance, or treatment system, and related facilities;

(vii) a stormwater treatment system to manage, reduce, treat, or reuse municipal stormwater;

(viii) waterways, locks, dams, and associated facilities;

(ix) a levee and any related flood damage reduction facility;

(x) a dock or port; and

(xi) a solid waste disposal facility.

(5) NONSTRUCTURAL ELEMENTS.—The term "nonstructural elements" includes —

(A) any feature that preserves and restores a natural process, a landform (including a floodplain), a natural vegetated stream side buffer, wetland, or any other topographical feature that can slow, filter, and naturally store storm water runoff and flood waters;

(B) any natural design technique that percolates, filters, stores, evaporates, and detains water close to the source of the water; and

(C) any feature that minimizes or disconnects impervious surfaces to slow runoff or allow precipitation to percolate.

(6) MAINTENANCE.—The term "maintenance" means any regularly scheduled activity, such as a routine repair, intended to ensure that infrastructure continues to operate efficiently and as intended.

(7) REHABILITATION.—The term "rehabilitation" means an action to extend the useful life or improve the effectiveness of existing infrastructure, including—

(A) the correction of a deficiency;

(B) the modernization or replacement of equipment;

(C) the modernization of, or replacement of parts for, rolling stock relating to infrastructure;

(D) the use of nonstructural elements; and

(E) the removal of infrastructure that is deteriorated or no longer useful.

SEC. ___3. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "National Commission on the Infrastructure of the United States" to ensure that the infrastructure of the United States—

(1) meets current and future demand;

(2) facilitates economic growth;

(3) is maintained in a manner that ensures public safety; and

(4) is developed or modified in a sustainable manner.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 8 members, of whom—

(A) 2 members shall be appointed by the President;

(B) 2 members shall be appointed by the Speaker of the House of Representatives;

(C) 1 member shall be appointed by the minority leader of the House of Representatives;

(D) 2 members shall be appointed by the majority leader of the Senate; and

(E) 1 member shall be appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Each member of the Commission shall—

(A) have experience in 1 or more of the fields of economics, public administration, civil engineering, public works, construction, and related design professions, planning, public investment financing, environmental engineering, or water resources engineering; and

(B) represent a cross-section of geographical regions of the United States.

(3) DATE OF APPOINTMENTS.—The members of the Commission shall be appointed under paragraph (1) not later than 90 days after date of the enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled, not later than 30 days after the date on which the vacancy occurs, in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson or the request of the majority of the Commission members.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

SEC. ___4. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—Not later than February 15, 2010, the Commission shall complete a study of all matters relating to the state of the infrastructure of the United States.

(2) MATTERS TO BE STUDIED.—In carrying out paragraph (1), the Commission shall study matters such as—

(A) the capacity of infrastructure to sustain current and anticipated economic development and competitiveness, including long-term economic growth, including the potential return to the United States economy on investments in new infrastructure as opposed to investments in existing infrastructure;

(B) the age and condition of public infrastructure (including congestion and changes in the condition of that infrastructure as compared with preceding years);

(C) the methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure (including general obligation bonds, tax-credit bonds, revenue bonds, user fees, excise taxes, direct governmental assistance, and private investment);

(D) any trends or innovations in methods used to finance the construction, acquisition, rehabilitation, and maintenance of infrastructure;

(E) investment requirements, by type of infrastructure, that are necessary to maintain the current condition and performance of the infrastructure and the investment needed (adjusted for inflation and expressed in real dollars) to improve infrastructure in the future;

(F) based on the current level of expenditure (calculated as a percentage of total expenditure and in constant dollars) by Federal, State, and local governments—

(i) the projected amount of need the expenditures will meet 5, 15, 30, and 50 years after the date of the enactment of this Act; and

(ii) the levels of investment requirements, as identified under subparagraph (E);

(G) any trends or innovations in infrastructure procurement methods;

(H) any trends or innovations in construction methods or materials for infrastructure;

(I) the impact of local development patterns on demand for Federal funding of infrastructure;

(J) the impact of deferred maintenance; and

(K) the collateral impact of deteriorated infrastructure.

(b) RECOMMENDATIONS.—The Commission shall develop recommendations—

(1) on a Federal infrastructure plan that will detail national infrastructure program priorities, including alternative methods of meeting national infrastructure investment needs to effectuate balanced economic development;

(2) on infrastructure improvements and methods of delivering and providing for infrastructure facilities;

(3) for analysis or criteria and procedures that may be used by Federal agencies and State and local governments in—

(A) inventorying existing and needed infrastructure improvements;

(B) assessing the condition of infrastructure improvements;

(C) developing uniform criteria and procedures for use in conducting the inventories and assessments; and

(D) maintaining publicly accessible data; and

(4) for proposed guidelines for the uniform reporting, by Federal agencies, of construction, acquisition, rehabilitation, and maintenance data with respect to infrastructure improvements.

(c) STATEMENT AND RECOMMENDATIONS.—Not later than February 15, 2010, the Commission shall submit to Congress—

(1) a detailed statement of the findings and conclusions of the Commission; and

(2) the recommendations of the Commission under subsection (b), including recommendations for such legislation and administrative actions for 5-, 15-, 30-, and 50-year time periods as the Commission considers to be appropriate.

SEC. ___5. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission shall hold such hearings, meet and act at such times and places, take such testimony, administer such oaths, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this subtitle.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the Federal agency shall provide the information to the Commission.

(c) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) CONTRACTS.—The Commission may enter into contracts with other entities, including contracts under which 1 or more entities, with the guidance of the Commission, conduct the study required under section ___4(a).

(e) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

SEC. ___6. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission shall serve without pay, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(b) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws, including regulations, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by a majority of the members of the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—In no event shall any employee of the Commission (other than the executive director) receive as compensation an amount in excess of the maximum rate of pay for Executive Level IV under section 5315 of title 5, United States Code.

(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of a Federal employee shall be without interruption or loss of civil service status or privilege.

(d) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—On request of the Commission, the Secretary of the Army, acting through the Chief of Engineers, shall provide, on a reimbursable basis, such office space, supplies, equipment, and other support services to the Commission and staff of the Commission as are necessary for the Commission to carry out the duties of the Commission under this subtitle.

SEC. ___7. REPORTS.

(a) INTERIM REPORTS.—Not later than 1 year after the date of the initial meeting of the Commission, the Commission shall submit an interim report containing a detailed summary of the progress of the Commission, including meetings and hearings conducted during the interim period, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(b) FINAL REPORT.—On termination of the Commission under section ___9, the Commission shall submit a final report containing a detailed statement of the findings and conclusions of the Commission and recommendations for legislation and other policies to implement those findings and conclusions, to—

(1) the President;

(2) the Committees on Transportation and Infrastructure and Natural Resources of the House of Representatives; and

(3) the Committees on Environment and Public Works, Energy and Natural Resources, and Commerce, Science, and Transportation of the Senate.

(c) TRANSPARENCY.—A report submitted under subsection (a) or (b) shall be made available to the public electronically, in a user-friendly format, including on the Internet.

SEC. ___8. FUNDING.

For each of the fiscal years 2009 through 2011, upon request by the Commission—

(1) using amounts made available to the Secretary of Transportation from any source or account other than the Highway Trust Fund, the Secretary of Transportation shall transfer to the Commission $750,000 for use in carrying out this subtitle;

(2) using amounts from the General Expenses account of the Corps of Engineers (other than amounts in that account made available through the Department of Defense), the Secretary of the Army, acting through the Chief of Engineers, shall transfer to the Commission $250,000 for use in carrying out this subtitle; and

(3) the Administrator of the Environmental Protection Agency shall transfer to the Commission $250,000 for use in carrying out this subtitle.

SEC. ___9. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2011.

SA 4687. Mr. MARTINEZ submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PLAN FOR THE EXPANSION OF SPACE TRANSPORTATION SUPPORT SERVICES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the space transportation industry of the United States has matured to the point that civilian and commercial launch requirements can appropriately be served by the private sector;

(2) the Federal Aviation Administration is the appropriate regulatory agency for ensuring the safety of space transportation support services;

(3) like other transportation modes developed before space transportation, space launch is becoming increasingly commercial and increasingly important as a strategic capability for the economic growth of the United States; and

(4) the Nation's space transportation capabilities would benefit from conformity with the Federal Aviation Administration's support systems for aviation management and infrastructure.

(b) PLAN TO EXPAND SPACE TRANSPORTATION SUPPORT SERVICES.—

(1) IN GENERAL.—Not later than February 1, 2009, the Administrator of the Federal Aviation Administration, in consultation with the Administrator of the National Aeronautics and Space Administration, the Secretary of the Air Force, and the Commercial Space Transportation Advisory Committee of the Federal Aviation Administration, shall develop and submit to Congress and the President a plan to expand space transportation support services to improve the international competitiveness of the space transportation providers and spaceports of the United States.

(2) CONTENTS.—The plan required under paragraph (1) shall include the following:

(A) A plan to develop a common civilian range safety system to support commercial and civilian launch and reentry operations at spaceport sites licensed by the Federal Aviation Administration, including such sites currently served by United States military ranges.

(B) A review of laws, regulations, and policies that may impede the development of a common civilian range system and the competitiveness of United States commercial launch providers and spaceports and any recommendations with respect to amending such laws, regulations, and policies.

(C) A plan for adapting existing aviation support systems to support space transportation, including the National Plan of Integrated Airport Systems, the Airport and Airway Trust Fund, the Airport Improvement Program, aerospace workforce technical certifications, and the Air Transportation Centers of Excellence Program.

(D) An identification of technologies necessary to support space transportation.

SA 4688. Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mrs. CLINTON, and Mr. MENENDEZ) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

Subtitle B—Runway Safety

SECTION 521. SHORT TITLE.

This subtitle may be cited as the "Runway Safety Improvement Act of 2008".

SEC. 522. STRATEGIC PLAN FOR RUNWAY SAFETY.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration (referred to in this subtitle as the "Administrator") shall develop and submit to Congress a report that contains a strategic runway safety plan.

(b) CONTENTS OF PLAN.—The strategic runway safety plan submitted under subsection (a) shall—

(1) include—

(A) goals to improve runway safety;

(B) a description of near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

(C) time frames and resources needed for the actions described in subparagraph (B); and

(D) a plan to implement a continuous evaluative process to track performance toward the goals referred to in subparagraph (A); and

(2) address the increased runway safety risk associated with the expected increases in the volume of air traffic.

(c) AUDIT OF STRATEGIC RUNWAY SAFETY PLAN.—The Comptroller General of the United States shall—

(1) conduct an audit of the plan developed under subsection (a); and

(2) submit periodic reports to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describe—

(A) the efficacy of the runway safety plan in reducing runway safety risks; and

(B) the progress of the Federal Aviation Administration in complying with the plan.

SEC. 523. TECHNOLOGY IMPROVEMENTS.

(a) PLAN AND SCHEDULE FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—

(1) DEPLOYMENT PLAN.—Not later than December 31, 2008, the Administrator shall submit to Congress a plan for the installation of and deployment schedule for systems to alert air traffic controllers and flight crews of potential runway incursions at—

(A) the 35 commercial airports in the United States that are most at risk of runway incursions; and

(B) general aviation airports identified by the Administrator as being most at risk of runway incursions.

(2) CONTENTS.—The plan submitted under paragraph (1) shall—

(A) ensure existing technology for improved situational awareness is available to pilots of commercial and large general aviation aircraft;

(B) enhance the value of investments in existing surface movement detection systems by ensuring that runway incursion alert data collected by such systems are automatically and directly transmitted to flight crews; and

(C) ensure that airports most at risk of runway incursions receive priority for the installation of advanced surface movement detection systems.

(3) OBJECTIVES.—The installation and deployment schedule required under paragraph (1) shall ensure that—

(A) not later than March 31, 2009, the Administrator certifies an integrated aircraft and ground-based capability that transmits direct warnings of runway incursions through advanced surface movement detection systems or other detection systems, as appropriate, without controller intervention;

(B) not later than December 31, 2009, capability providing aural indication of own aircraft position relative to airport runways is installed on—

(i) all aircraft operated pursuant to part 121 or 135 of title 14, Code of Federal Regulations, with more than 10 seats; and

(ii) all turbine-powered aircraft operated pursuant to part 91 of such title 14, with more than 6 seats;

(C) not later than June 30, 2010, the Administrator provides the capability described in subparagraph (A) at all airports equipped with advanced surface movement detection systems;

(D) not later than December 31, 2010, all aircraft described in subparagraph (B) at airports equipped with advanced surface movement detection systems are equipped with the capability to receive, process, and present runway incursion alerts to pilots; and

(E) a schedule is published for the equipage of aircraft operated pursuant to part 125 or 129 of title 14, Code of Federal Regulations.

(b) REVIEW OF IMPLEMENTATION OF ADVANCED SURFACE MOVEMENT DETECTION SYSTEMS.—The Inspector General of the Department of Transportation shall—

(1) review the installation of each advanced surface movement detection system funded by the Administrator to ensure that each system functions in accordance with the product's certification by the Administrator; and

(2) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives that describes the status of the proper implementation of each system, including a review of the system's—

(A) reliability to ensure it is not susceptible to failures to generate timely alerts for controllers to take appropriate action; and

(B) ability to successfully operate in all climate conditions in which aircraft operations are conducted at the airport.

SEC. 524. INFRASTRUCTURE UPGRADES.

(a) AUTHORIZATION OF APPROPRIATIONS FOR TECHNOLOGY INVESTMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to install systems designed to reduce the potential for runway incursions through the purchase and installation of advanced surface movement detection systems, and ground-based infrastructure for cockpit-direct audible runway incursion warning systems—

(1) $41,000,000 for fiscal year 2009;

(2) $42,250,000 for fiscal year 2010; and

(3) $45,000,000 for fiscal year 2011.

(b) AUTHORIZATION OF APPROPRIATIONS FOR NEAR-TERM IMPROVEMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airways Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to reduce the potential for runway incursions through the purchase and installation of appropriate automatic equipment, including runway occupancy alerting and warning equipment, perimeter taxiways, and runway status lights—

(1) $40,000,000 for fiscal year 2009;

(2) $45,000,000 for fiscal year 2010; and

(3) $55,000,000 for fiscal year 2011.

(c) AUTHORIZATION OF APPROPRIATIONS FOR RUNWAY SAFETY AREA IMPROVEMENTS.—There are authorized to be appropriated to the Administrator, from amounts deposited in the Airport and Airway Trust Fund established under section 9502(d) of the Internal Revenue Code of 1986, to improve runway safety areas to meet Federal Aviation Administration standards—

(1) $150,000,000 for fiscal year 2009;

(2) $200,000,000 for fiscal year 2010; and

(3) $75,000,000 for fiscal year 2011.

(d) CODIFICATION OF RUNWAY SAFETY DESIGN STANDARD COMPLIANCE REQUIREMENT FROM PUBLIC LAW 109–115.—Section 44727 is amended by adding at the end the following:

"(c) DEADLINE FOR RUNWAY SAFETY AREA DESIGN STANDARD COMPLIANCE.—Not later than December 31, 2015, the owner or operator of each airport described in section 44706(a) shall improve the airport's runway safety areas to comply with the Federal Aviation Administration design standards required under part 139 of title 14, Code of Federal Regulations.".

(e) ANNUAL REPORT ON RUNWAY SAFETY AREA COMPLIANCE.—The Administrator shall annually submit to the Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives a report that describes the progress of the Administration toward improving the runway safety areas at airports described in section 44706(a) of title 49, United States Code.

SEC. 525. REVIEW OF RUNWAY AND TAXIWAY LIGHTING AND MARKINGS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall—

(1) review the type of runway and taxiway lighting (both daytime and nighttime configurations) and markings at large and medium hub airports for compliance with standards issued by the Federal Aviation Administration; and

(2) identify runways on which nonstandard lighting and markings, including variance in illumination levels and standard colors used on runways and taxiways, may contribute, or may have contributed, to operational errors or incidents.

(b) INITIAL REPORT.—Not later than 60 days after the completion of the review under subsection (a), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(1) describes the variance in lighting conditions and markings at airport runways described in subsection (a);

(2) identifies those runways that are most likely to contribute to operational errors and incidents; and

(3) includes a plan for remedying variance in lighting conditions and markings at nonstandard runways, including associated costs.

(c) COMPREHENSIVE REVIEW AND REPORT.—Not later than January 1, 2010, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report covering the subjects described in subsection (b), after conducting a full review of the factors described subsection (a) for all airports described in section 44706(a) of title 49, United States Code.

SEC. 526. MONITORING AND RECORDING EQUIPMENT FOR NAVIGATION AND LIGHTING AIDS.

(a) IN GENERAL.—The Administrator, in consultation with the Chairman of the National Transportation Safety Board, shall evaluate the potential for improving safety and accident investigations through the use of systems, including existing technologies, that record and enable the archival of the operational status of lighting systems on the movement areas of, or that are critical to the safe operations at, airports described in section 44706(a) of title 49, United States Code, and the operational status of ground-based navigation aids at or near airports described in section 44706(a) of title 49, United States Code, which are used to provide approach, departure, takeoff, and landing guidance at such airports.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on

Transportation and Infrastructure of the House of Representatives a report that describes the results of the evaluation required under subsection (a).

SEC. 527. IMPROVED DATA COLLECTION ON RUNWAY OVERRUNS.

The Administrator of the Federal Aviation Administration shall—

(1) collect data, using either existing sources of aircraft operational incidents or a new reporting process, regarding aircraft excursions that do not result in fatalities, injuries, or significant property damage;

(2) examine the data collected pursuant to paragraph (1) on an ongoing basis; and

(3) submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

(A) trends and potential safety risks identified by the data; and

(B) actions taken by airports and the Federal Aviation Administration to reduce those risks.

SA 4689. Mrs. McCASKILL (for herself, Mr. SPECTER, Mr. OBAMA, and Mrs. CLINTON) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ____. ENHANCED OVERSIGHT AND INSPECTION OF REPAIR STATIONS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(2) AIR CARRIER.—The term "air carrier" has the meaning given that term in section 40102(a) of title 49, United States Code.

(3) AIR TRANSPORTATION.—The term "air transportation" has the meaning given that term in such section 40102(a).

(4) AIRCRAFT.—The term "aircraft" has the meaning given that term in such section 40102(a).

(5) COVERED MAINTENANCE WORK.—The term "covered maintenance work" means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

(6) PART 121 AIR CARRIER.—The term "part 121 air carrier" means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

(7) PART 145 REPAIR STATION.—The term "part 145 repair station" means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

(8) UNITED STATES COMMERCIAL AIRCRAFT.—The term "United States commercial aircraft" means an aircraft registered in the United States and owned or leased by a commercial air carrier.

(b) REGULATION OF REPAIR STATIONS FOR SAFETY.—

(1) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

"SEC. 44730. REPAIR STATIONS.

"(a) DEFINITIONS.—In this section:

"(1) COVERED MAINTENANCE WORK.—The term 'covered maintenance work' means maintenance work that is substantial, scheduled, or a required inspection item, as determined by the Administrator.

"(2) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate under part 121 of title 14, Code of Federal Regulations (or any successor regulation).

"(3) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate under part 145 of title 14, Code of Federal Regulations (or any successor regulation).

"(4) UNITED STATES COMMERCIAL AIRCRAFT.—The term 'United States commercial aircraft' means an aircraft registered in the United States and owned or leased by a commercial air carrier.

"(b) REQUIREMENTS FOR MAINTENANCE PERSONNEL PROVIDING COVERED MAINTENANCE WORK.—Not later than 3 years after the date of the enactment of this section, the Administrator shall prescribe regulations requiring all covered maintenance work on United States commercial aircraft to be performed by maintenance personnel employed by—

"(1) a part 145 repair station;

"(2) a part 121 air carrier; or

"(3) a person that provides contract maintenance personnel to a part 145 repair station or a part 121 air carrier, if such personnel—

"(A) meet the requirements of such repair station or air carrier, as the case may be;

"(B) work under the direct supervision and control of such repair station or air carrier, as the case may be; and

"(C) carry out their work in accordance with the quality control manuals of such repair station or the maintenance manual of such air carrier, as the case may be.

"(c) CERTIFICATION OF INSPECTION OF FOREIGN REPAIR STATIONS.—Not later than 2 years after the date of the enactment of this section, and annually thereafter, the Administrator shall certify to Congress that—

"(1) each certified foreign repair station that performs maintenance work on an aircraft or a component of an aircraft for a part 121 air carrier has been inspected not fewer than 2 times in the preceding calendar year by an aviation safety inspector of the Federal Aviation Administration; and

"(2) not fewer than 1 of the inspections required by paragraph (1) for each certified foreign repair station was carried out at such repair station without any advance notice to such foreign repair station.

"(d) DRUG AND ALCOHOL TESTING OF FOREIGN REPAIR STATION PERSONNEL.—Not later than 1 year after the date of the enactment of this section, the Administrator shall modify the certification requirements under part 145 of title 14, Code of Federal Regulations, to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of this title of any individual employed by a foreign repair station and performing a safety-sensitive function on a United States commercial aircraft for a foreign repair station.".

(2) TEMPORARY PROGRAM OF IDENTIFICATION AND OVERSIGHT OF NONCERTIFIED REPAIR FACILITIES.—

(A) DEVELOP PLAN.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall develop a plan for a program—

(i) to require each part 121 air carrier to identify and submit to the Administrator a complete list of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft used by such part 121 air carriers to provide air transportation;

(ii) to validate lists described in clause (i) that are submitted by a part 121 air carrier to the Administrator by sampling the records of part 121 air carriers, such as maintenance activity reports and general vendor listings; and

(iii) to carry out surveillance and oversight by field inspectors of the Federal Aviation Administration of all noncertificated maintenance providers that perform covered maintenance work on United States commercial aircraft for part 121 air carriers.

(B) REPORT ON PLAN FOR PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to Congress a report that contains the plan required by subparagraph (A).

(C) IMPLEMENTATION OF PLANNED PROGRAM.—Not later than 1 year after the date of the enactment of this Act and until regulations are prescribed under section 44730(b) of title 49, United States Code, as added by paragraph (1), the Administrator shall carry out the plan required by subparagraph (A).

(D) ANNUAL REPORT ON IMPLEMENTATION.—Not later than 180 days after the commencement of the plan under subparagraph (C) and each year thereafter until the regulations described in such subparagraph are prescribed, the Administrator shall submit to Congress a report on the implementation of the plan carried out under such subparagraph.

(3) CLERICAL AMENDMENT.—The analysis for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

"44730. Repairs stations.".

(d) UPDATE OF FOREIGN REPAIR FEE SCHEDULE.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall revise the methodology for computation of fees for certification services performed outside the United States under part 187 of title 14, Code of Federal Regulations, to cover fully the costs to the Federal Aviation Administration of such certification services, including—

(A) the costs of all related inspection services;

(B) all travel expenses, salary, and employment benefits of inspectors who provide such services; and

(C) any increased costs to the Administration resulting from requirements of this section.

(2) UPDATES.—The Administrator shall periodically revise such methodology to account for subsequent changes in such costs to the Administration.

(e) ANNUAL REPORT BY INSPECTOR GENERAL.—Not later than 1 year after the date of the enactment of this Act and annually thereafter, the Inspector General of the Department of Transportation shall submit to Congress a report on the implementation of—

(1) section 44730 of title 49, United States Code, as added by subsection (b)(1) of this section;

(2) subsection (b)(2) of this section;

(4) subsection (d) of this section; and

(5) the regulations prescribed or amended under the provisions described in this subsection.

SA 4690. Mrs. BOXER submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 87, between lines 9 and 10, insert the following: "The Secretary may not approve a contingency service plan that does not closely adhere to the standards set forth in subsection (a)(2).".

SA 4691. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 21 and 22, insert the following:

(f) NONPREEMPTION.—Nothing in this section or in section 41713(b) of title 49, United States Code, shall affect the authority of a State or a political subdivision of a State to regulate air ambulance services provided within that State with respect to—

(1) access to and availability of air ambulance services; or

(2) the standards of quality of care by air ambulance services.

SA 4692. Mrs. DOLE submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 65, strike line 24 and all that follows through page 66, line 2, and insert the following:

(4) Until the recommendations of the Board are completed, the Administrator may not—

(A) consolidate any additional approach control facilities into the Southern California TRACON or the Memphis TRACON; or

(B) de-consolidate, de-combine, split, or otherwise realign the approach control facilities at Charlotte Douglas International Airport.

SA 4693. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. FEDERAL FLIGHT DECK OFFICERS.

Section 44921 is amended—

(1) by amending subsection (a) to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence and air piracy. Such deputized pilots shall be known as 'Federal flight deck officers'."; and

(2) by amending subsection (f) to read as follows:

"(f) AUTHORITY TO CARRY FIREARMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall authorize Federal flight deck officers to purchase and carry a firearm on the officer's person in any State and between States, in accordance with this section.

"(2) AUTHORITY.—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

"(3) PROCEDURES.—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

"(4) LOCKED DEVICES.—

"(A) NO REQUIREMENT TO USE.—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

"(B) REQUIREMENT TO PROVIDE.—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

"(5) TRAINING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

"(B) ON-LINE TRAINING.—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.".

SA 4694. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603 and insert the following:

SEC. 603. AVIATION FUEL PRODUCED FROM CLEAN COAL AND ALTERNATIVE AND UNCONVENTIONAL DOMESTIC FEEDSTOCKS FOR CIVILIAN AND MILITARY AIRCRAFT.

(a) ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) PROGRAM REQUIREMENTS.—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(1)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) CLARIFICATION.—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center for Excellence for Coal-to-Jet-Fuel Research.

(e) TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(i) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

"(1) IN GENERAL.—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for sale or use in a trade or business of the taxpayer.

"(2) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel mixture' means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

"(B) is used as a fuel by the taxpayer producing such mixture.

"(3) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel' means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

"(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after December 31, 2016.".

(2) CONFORMING AMENDMENT.—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking "and (e)" and inserting "(e), and (i)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing, evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

SA 4695. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SECTION ___. FEDERAL FLIGHT DECK OFFICERS.

Section 44921 is amended—

(1) by amending subsection (a) to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a Federal flight deck officer program to deputize eligible pilots as Federal law enforcement officers to defend against acts of criminal violence and air piracy. Such deputized pilots shall be known as 'Federal flight deck officers'."; and

(2) by amending subsection (f) to read as follows:

"(f) AUTHORITY TO CARRY FIREARMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall authorize Federal flight deck officers to purchase and carry a firearm on the officer's person in any State and between States, in accordance with this section.

"(2) AUTHORITY.—A Federal flight deck officer shall have the same authority to carry a firearm as the authority granted to other Federal law enforcement officers under Federal law.

"(3) PROCEDURES.—The operational procedures relating to carrying firearms applicable to Federal flight deck officers may not be more restrictive than the procedures that are generally imposed on other Federal law enforcement officers who are legally authorized to carry a firearm.

"(4) LOCKED DEVICES.—

"(A) NO REQUIREMENT TO USE.—Federal flight deck officers may not be required to carry or transport a firearm in a locked bag, box, holster, or any other device.

"(B) REQUIREMENT TO PROVIDE.—Upon the request of a Federal flight deck officer, the Secretary of Homeland Security shall provide a secure locking device or other appropriate container for storage of a firearm by the Federal flight deck officer.

"(5) TRAINING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), Federal flight deck officers may not be required to complete any additional training beyond the training required of such officers as the date of the enactment of the Aviation Investment and Modernization Act of 2008.

"(B) ON-LINE TRAINING.—The Secretary of Homeland Security may require Federal flight deck officers to complete additional web-based online training.".

SA 4696. Mr. BUNNING submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4585 proposed by Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 603 and insert the following:

SEC. 603. AVIATION FUEL PRODUCED FROM CLEAN COAL AND ALTERNATIVE AND UNCONVENTIONAL DOMESTIC FEEDSTOCKS FOR CIVILIAN AND MILITARY AIRCRAFT.

(a) ESTABLISHMENT OF ALTERNATIVE JET FUEL PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation, in consultation with the Secretary of the Air Force, shall establish a program related to developing jet fuel produced from clean coal and from alternative and unconventional domestic feedstocks. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that process coal and alternative and unconventional domestic feedstocks into aviation fuel.

(b) PROGRAM REQUIREMENTS.—Any alternative jet fuel program established by a Federal agency, including the program established under subsection (a) and the Department of the Air Force alternative jet fuel program, may include grants, reimbursable agreements, long-term contracts, and other instruments authorized under section 106(l)(6) of title 49, United States Code. Such program may include long-term contracts or agreements for the acquisition of alternative jet fuel, but only if such contracts or agreements are—

(1) for a term of not more than 25 years;

(2) at a price that is competitive, throughout the term of the contract or agreement, with the market price of petroleum-derived aviation fuel of similar quality; and

(3) for a fuel that has lower lifecycle greenhouse gas emissions as compared to the lifecycle greenhouse gas emissions of the petroleum-based aviation fuel that was displaced.

(c) CLARIFICATION.—In the case of a Federal agency agreement for alternative jet fuel, the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract shall be considered to be less than such emissions from the equivalent conventional fuel produced from conventional petroleum sources if such emissions are determined to be lower—

(1) by peer-reviewed research conducted or reviewed by a National Laboratory; or

(2) by the head of the Federal agency, based on available research and testing.

(d) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center for Excellence for Coal-to-Jet-Fuel Research.

(e) TAX CREDIT FOR ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

(1) IN GENERAL.—Section 6426 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(i) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—

"(1) IN GENERAL.—For purposes of this section, the alternative and unconventional aviation fuel mixture credit is the product of 50 cents and the number of gallons of alternative and unconventional aviation fuel used by the taxpayer in producing any alternative and unconventional aviation fuel mixture for sale or use in a trade or business of the taxpayer.

"(2) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL MIXTURE.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel mixture' means a mixture of alternative and unconventional aviation fuel and aviation-grade kerosene which—

"(A) is sold by the taxpayer producing such mixture to any person for use as a fuel, or

"(B) is used as a fuel by the taxpayer producing such mixture.

"(3) ALTERNATIVE AND UNCONVENTIONAL AVIATION FUEL.—For purposes of this subsection, the term 'alternative and unconventional aviation fuel' means aviation fuel that is produced from unconventional resources (including coal, natural gas, biomass, ethanol, butanol, and hydrogen) and is determined, through peer-reviewed research conducted or reviewed by a National Laboratory, or by the head of a Federal agency, would produce lower lifecycle greenhouse gas emissions, as compared to the lifecycle greenhouse gas emissions of the displaced aviation fuel.

"(4) TERMINATION.—This subsection shall not apply to any sale or use for any period after December 31, 2016.".

(2) CONFORMING AMENDMENT.—Section 6426(a)(1) of the Internal Revenue Code of 1986 is amended by striking "and (e)" and inserting "(e), and (i)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any sale or use after the date of the enactment of this Act.

(f) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Transportation, Federal Aviation Administration, Department of the Air Force, and other Federal agencies should continue research, testing, evaluation, and use of alternative fuels as defined in this section with the goals of—

(1) reducing emissions;

(2) lowering the cost of aviation fuel; and

(3) increasing the performance, reliability, and security of aviation fuel production and supply.

SA 4697. Mr. HATCH (for himself, Mr. BENNETT, Mr. CRAIG, Mr. CRAPO, and Mr. BARRASSO) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PRESERVATION AND EXPANSION OF ACCESS TO RONALD REAGAN WASHINGTON NATIONAL AIRPORT FOR SMALL COMMUNITIES.

(a) IN GENERAL.—Section 41718 is amended by adding at the end the following:

"(g) USE OF AIRPORT SLOTS FOR BEYOND PERIMETER FLIGHTS.—

"(1) IN GENERAL.—Notwithstanding section 49109 or any other provision of law, and subject to the approval of the Secretary under paragraph (2), an air carrier that holds or operates air carrier slots at Ronald Reagan Washington National Airport as of the date of the enactment of this subsection, pursuant to subparts K and S of part 93 of title 14, Code of Federal Regulations, that are being used as of that date for scheduled service between that Airport and a large hub airport (as defined in section 40102(a)(29)), may use not more than 2 of such slots for service between Ronald Reagan Washington National Airport and any large hub airport located outside of the perimeter restriction described in section 49109.

"(2) APPROVAL BY SECRETARY.—The Secretary shall approve the use of air carrier slots described in paragraph (1) if—

"(A) the use of such air carrier slots results in the provision of air transportation from Ronald Reagan Washington National Airport to small communities outside the perimeter restriction through the large hub airport with respect to which the air carrier slots are used; and

"(B) the Secretary determines that approving such use will not result in the reduction of nonstop air transportation between Ronald Reagan Washington National Airport and small or medium hub airports inside the perimeter restriction.".

(b) AUDITS OF SLOT EXCHANGES.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary of Transportation shall conduct an audit of the use of air carrier slots at Ronald Reagan Washington National Airport for air transportation between that Airport and airports located outside of the perimeter restriction described in section 49109 of title 49, United States Code, authorized pursuant to the amendment made by subsection (a), to determine if small communities outside of the perimeter restriction are benefitting from the use of such air carrier slots.

SA 4698. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed to amendment SA 4627 proposed by Mr. ROCKEFELLER to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, insert the following:

SEC. ___. REQUIRED FUNDING OF NEW ACCRUALS UNDER AIR CARRIER PENSION PLANS.

(a) IN GENERAL.—Section 402(a) of the Pension Protection Act of 2006, as amended by section 6615(a) of the U. S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), is amended—

(1) in paragraph (2)—

(A) by striking "to its first taxable year beginning in 2008",

(B) by striking "for such taxable year" and inserting "for its first plan year beginning in 2008", and

(C) by striking "and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)", and

(2) by adding at the end the following new flush matter:

"If the plan sponsor of an eligible plan elects the application of paragraph (2), the plan sponsor may also elect, in determining the funding target for each of the 10 plan years during the period described in paragraph (2), to use an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve). Notwithstanding the preceding sentence, in the case of any plan year of the eligible plan for which such 8.25 percent interest rate is used, the minimum required contribution under section 303 of such Act and section 430 of such Code shall in no event be less than the target normal cost of the plan for such plan year (as determined under section 303(b) of such Act and section 430(b) of such Code). A plan sponsor may revoke the election to use the 8.25 percent interest rate and if the revocation is made, the revocation shall apply to the plan year for which made and all subsequent plan years and the plan sponsor may not elect to use the 8.25 percent interest rate for any subsequent plan year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate.

SA 4699. Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. WARNER, and Mr. WEBB) submitted, under authority of the order of the Senate of May 2, 2008, an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "National Capital Transportation Amendments Act of 2007".

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

"(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

"(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

"(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

"(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

"(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

"(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

"(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

"(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

"(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

"(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

"(B) Not later than 4 years after such date, throughout the rail system.

"(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

"(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

"(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

"(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.".

(c) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the "Transit Authority") shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the "Office"), headed by the Inspector General of the Transit Authority (referred to in this subsection as the "Inspector General").

(B) DEFINITION.—In subparagraph (A), the "Washington Metropolitan Area Transit Authority" means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

TEXT OF AMENDMENTS

SA 4700. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CERTAIN PROVISION IS NULL AND VOID.

Section 831, and the amendments made by such section, are hereby null and void and shall have no effect.

SA 4701. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, strike lines 7 through 21, and insert the following:

(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking "and" after "2006,"; and

(2) by inserting "$9,000,000 for fiscal year 2008, $9,500,000 for fiscal year 2009, $10,000,000 for fiscal year 2010, and $10,500,000 for fiscal year 2011" after "2007,"; and

(3) by inserting after "paragraph." the following: "If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under paragraph (b)(1) of this section.".

(c) LIMITATION ON LOCAL SHARE.—Section 47124(b)(3) is amended by adding at the end the following:

"(F) LIMITATION ON LOCAL SHARE FOR CERTAIN AIRPORTS.—Notwithstanding any other provision of this section, in the case of an airport that is certified under part 139 of title 14, Code of Federal Regulations, and that has more than 10,000 but fewer than 50,000 passenger enplanements per year, the local share of the costs of carrying out the Contract Tower Program shall not exceed 20 percent.".

SA 4702. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 15, insert the following:

SEC. 33. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking "$250,000" and inserting "$335,000";

(2) in paragraph (3), by striking "$100,000" and inserting "$135,000"; and

(3) in paragraph (4)—

(A) by striking "$500,000" each place such term appears and inserting "$670,000"; and

(B) by inserting before "; and" the following: "; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)".

SA 4703. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 24, strike "Any increase" and all that follows through the second period on page 11, line 4, and insert the following: "Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of the updating or remapping described in paragraph (1) that is a result of such updating or remapping shall be phased in over a 5-year period at the rate of 20 percent per year.".

SA 4704. Mr. WICKER (for himself, Mr. COCHRAN, Mr. VITTER, Ms. LANDRIEU, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ______. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

"(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

"(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

"(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

"(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

"(A) cover losses only from physical damage resulting from flooding or windstorm; and

"(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

"(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

"(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

"(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

"(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

"(C) the classification, limitation, and rejection of any risks which may be advisable;

"(D) appropriate minimum premiums;

"(E) appropriate loss deductibles; and

"(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

"(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

"(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

"(i) for any single-family dwelling, $500,000;

"(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

"(iii) $150,000 per dwelling unit for—

"(I) any contents related to such unit; and

"(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

"(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

"(i) $1,000,000 for any single structure; and

"(ii) $750,000 for—

"(I) any contents related to such structure; and

"(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

"(8) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.".

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter 1 of The National Flood Insurance Act of 1968 is amended by adding at the end the following:

"PROHIBITION AGAINST DUPLICATIVE COVERAGE

"SEC. 1325. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).".

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting "(a) FLOOD PROTECTION MEASURES.—" before "No new"; and

(2) by adding at the end the following new subsection:

"(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.".

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

"(d) WINDSTORMS.—

"(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

"(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

"(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.".

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking "and" at the end;

(2) in paragraph (15) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.".

SA 4705. Ms. LANDRIEU (for herself, Mr. PRYOR, and Mrs. LINCOLN) submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike line 20 and all that follows through page 10, line 9, and insert the following:

(c) STUDY ON MANDATORY PURCHASE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct and submit to Congress a study assessing the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system.

(2) CONTENT OF REPORT.—In carrying out the study required under paragraph (1), the Comptroller General shall determine—

(A) the regulatory, financial and economic impacts of extending the mandatory purchase requirements described under paragraph (1) on the costs of homeownership, the actuarial soundness of the National Flood Insurance Program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the National Flood Insurance Program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

SA 4706. Ms. LANDRIEU (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 31 and insert the following:

SEC. 31. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

"(a) ESTABLISHMENT OF POSITION.—

"(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

"(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

"(B) be appointed by the Director without regard to political affiliation;

"(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

"(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

"(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, accounting, auditing, financial analysis, law, management analysis, public administration, investigations, or insurance.

"(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

"(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

"(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

"(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

"(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

"(1) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

"(2) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

"(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

"(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

"(5) conduct, supervise, and coordinate—

"(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer for sale insurance policies against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States, to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program;

"(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

"(C) examinations to ensure that insurance companies and associated entities are properly compiling and preserving documentation for independent biennial financial statement audits as required under section 62.23(1) of title 44, Code of Federal Regulations; and

"(D) any other audit, examination, or investigation that the National Flood Insurance Advocate determines necessary to ensure the effective and efficient operation of the national flood insurance program;

"(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

"(A) promoting economy and efficiency in the administration of such program;

"(B) preventing and detecting fraud and abuse in the program; and

"(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse;

"(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program; and

"(8) investigate allegations of consumer fraud.

"(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

"(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section;

"(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

"(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

"(4) require by subpoena the production of all information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court, provided, that procedures other than subpoenas shall be used by the National Flood Insurance Advocate to obtain documents and information from any Federal agency;

"(5) issue a summons to compel the testimony of any person in the employ of any insurance company or associated entity, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

"(6) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the National Flood Insurance Advocate shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(7) have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

"(8) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(9) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

"(10) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

"(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

"(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

"(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

"(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

"(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

"(e) OTHER RESPONSIBILITIES.—

"(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate shall—

"(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the national flood insurance program reflect damages caused by flooding;

"(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

"(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

"(2) ANNUAL REPORTS.—

"(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

"(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

"(ii) describe the nature of recommendations made to the Director under subsection (i);

"(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

"(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

"(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

"(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

"(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

"(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

"(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

"(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

"(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

"(xii) identify fraud and abuse in the national flood insurance program; and

"(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

"(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

"(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

"(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

"(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

"(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

"(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

"(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

"(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

"(g) PERSONNEL ACTIONS.—

"(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

"(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

"(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

"(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

"(h) OPERATION OF REGIONAL OFFICES.—

"(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

"(A) shall report to the National Flood Insurance Advocate or delegate thereof;

"(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

"(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

"(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

"(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

"(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

"(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

"(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

"(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

"(A) whether such recommendation was followed;

"(B) why such recommendation was or was not followed; and

"(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

"(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

"(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney

General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

"(k) COORDINATION.—

"(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

"(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

"(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

"(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

"(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—In addition to any other action that may be taken by the Attorney General, upon a finding in any investigation or audit conducted by the Office of the National Flood Insurance Advocate under this section, that any insurance company or associated entity has willfully misappropriated funds under the national flood insurance program, the Director may levy a civil fine against such company or entity in an amount not to exceed 3 times the total amount of funds shown to be misappropriated.

"(m) DEFINITIONS.—For purposes of this subsection:

"(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

"(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

"(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

"(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

"(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

SA 4707. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

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Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Definitions.
Sec. 104. Extension of National Flood Insurance Program.
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Sec. 125. Testing of new floodproofing technologies.
Sec. 126. Participation in State disaster claims mediation programs.
Sec. 127. Reiteration of FEMA responsibilities under the 2004 Reform Act.
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Sec. 130. Extension of pilot program for mitigation of severe repetitive loss properties.
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TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

Sec. 201. Short title.
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Sec. 203. Establishment.
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Sec. 208. Commission personnel matters.
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TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Flood Insurance Reform and Modernization Act of 2008".

SEC. 102. FINDINGS.

Congress finds that—

(1) the flood insurance claims resulting from the hurricane season of 2005 will likely exceed all previous claims paid by the National Flood Insurance Program;

(2) in order to pay the legitimate claims of policyholders from the hurricane season of 2005, the Federal Emergency Management Agency has borrowed over $20,000,000,000 from the Treasury;

(3) the interest alone on this debt, is almost $1,000,000,000 annually, and that the Federal Emergency Management Agency has indicated that it will be unable to pay back this debt;

(4) the flood insurance program must be strengthened to ensure it can pay future claims;

(5) while flood insurance is mandatory in the 100-year floodplain, substantial flooding occurs outside of existing special flood hazard areas;

(6) recent events throughout the country involving areas behind man-made structures, known as "residual risk" areas, have produced catastrophic losses;

(7) although such man-made structures produce an added element of safety and therefore lessen the probability that a disaster will occur, they are nevertheless susceptible to catastrophic loss, even though such areas at one time were not included within the 100-year floodplain; and

(8) voluntary participation in the National Flood Insurance Program has been minimal and many families residing outside the 100-year floodplain remain unaware of the potential risk to their lives and property.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) DIRECTOR.—The term "Director" means the Administrator of the Federal Emergency Management Agency.

(2) NATIONAL FLOOD INSURANCE PROGRAM.—The term "National Flood Insurance Program" means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(3) 100-YEAR FLOODPLAIN.—The term "100-year floodplain" means that area which is subject to inundation from a flood having a 1 percent chance of being equaled or exceeded in any given year.

(4) 500-YEAR FLOODPLAIN.—The term "500-year floodplain" means that area which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

(5) WRITE YOUR OWN.—The term "Write Your Own" means the cooperative undertaking between the insurance industry and the Flood Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this title, any terms used in this title shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 104. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking "2008" and inserting "2013.".

SEC. 105. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended by adding at the end the following:

"(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

"(1) IN GENERAL.—The Director shall make flood insurance available to cover residential properties of more than 4 units. Notwithstanding any other provision of law, the maximum coverage amount that the Director may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of more than 4 units to obtain insurance for the contents and personal articles located in such residences.".

SEC. 106. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "; and" and inserting a semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(4) the exclusion of prospective insureds from purchasing flood insurance at rates less than those estimated under paragraph (1), as required by paragraph (2), for certain properties, including for—

"(A) any property which is not the primary residence of an individual;

"(B) any severe repetitive loss property, as defined in section 1361A(b);

"(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

"(D) any business property; and

"(E) any property which on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2008 has experienced or sustained—

"(i) substantial damage exceeding 50 percent of the fair market value of such property; or

"(ii) substantial improvement exceeding 30 percent of the fair market value of such property."; and

(B) by adding at the end the following:

"(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Director shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

"(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2008; and

"(2) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of the enactment of this title.

(b) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking "under this title for any properties within any single" and inserting the following: "under this title for any properties—

"(1) within any single"; and

(2) by striking "10 percent" and inserting "15 percent"; and

(3) by striking the period at the end and inserting the following: "; and

"(2) described in section 1307(a)(4) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).".

SEC. 107. MANDATORY COVERAGE AREAS.

(a) SPECIAL FLOOD HAZARD AREAS.—Not later than 90 days after the date of enactment of this title, the Director shall issue final regulations establishing a revised definition of areas of special flood hazards for purposes of the National Flood Insurance Program.

(b) RESIDUAL RISK AREAS.—The regulations required by subsection (a) shall—

(1) include any area previously identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(2) require the expansion of areas of special flood hazards to include areas of residual risk, including areas that are located behind levees, dams, and other man-made structures.

(c) MANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—Any area described in subsection (b) shall be subject to the mandatory purchase requirements of sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(2) LIMITATION.—The mandatory purchase requirement under paragraph (1) shall have no force or effect until the mapping of all residual risk areas in the United States that the Director determines essential in order to administer the National Flood Insurance Program, as required under section 119, are in the maintenance phase.

SEC. 108. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

"(g) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), and upon completion of the updating of any flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Flood Insurance Reform and Modernization Act of 2008, any property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of such updating or remapping that is a result of such updating or remapping shall be phased in over a 2-year period at the rate of 50 percent per year.".

SEC. 109. STATE CHARTERED FINANCIAL INSTITUTIONS.

Section 1305(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) given satisfactory assurance that by December 31, 2008, lending institutions chartered by a State, and not insured by the Federal Deposit Insurance Corporation, shall be subject to regulations by that State that are consistent with the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).".

SEC. 110. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking "$350" and inserting "$2,000"; and

(2) by striking the second sentence.

SEC. 111. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) REGULATED LENDING INSTITUTIONS.—

"(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that any premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes, shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.

"(B) STATE ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its entity or agency with primary responsibility for the supervision of lending institutions in that State require that premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from such State entity or agency, the Director, or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance."; and

(2) by adding at the end the following:

"(6) NOTICE UPON LOAN TERMINATION.—Upon final payment of the mortgage, a regulated lending institution shall provide notice to the policyholder that insurance coverage may cease with such final payment. The regulated lending institution shall also provide direction as to how the homeowner may continue flood insurance coverage after the life of the loan.".

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of enactment of this title.

SEC. 112. BORROWING AUTHORITY DEBT FORGIVENESS.

(a) IN GENERAL.—The Secretary of the Treasury relinquishes the right to any repayment of amounts due from the Director in connection with the exercise of the authority vested to the Director to borrow such sums under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016), to the extent such borrowed sums were used to fund the payment of flood insurance claims under the National Flood Insurance Program for any damage to or loss of property resulting from the hurricanes of 2005.

(b) CERTIFICATION.—The debt forgiveness described under subsection (a) shall only take effect if the Director certifies to the Secretary of Treasury that all authorized resources or funds available to the Director to operate the National Flood Insurance Program—

(1) have been otherwise obligated to pay claims under the National Flood Insurance Program; and

(2) are not otherwise available to make payments to the Secretary on any outstanding notes or obligations issued by the Director and held by the Secretary.

(c) DECREASE IN BORROWING AUTHORITY.—The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "; except that, through September 30, 2008, clause (2) of this sentence shall be applied by substituting '$20,775,000,000' for '$1,500,000,000' ".

SEC. 113. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking "The Director is" and inserting the following:

"(a) IN GENERAL.—The Director is"; and

(2) by adding at the end the following:

"(b) MINIMUM ANNUAL DEDUCTIBLE.—

"(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

"(A) $1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

"(B) $2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.

"(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, 1974, or after the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

"(A) $750, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

"(B) $1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.".

SEC. 114. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)) is amended—

(1) in subsection (a), by striking ", after consultation with" and all that follows through "by regulation" and inserting "prescribe, after providing notice";

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking ", and" and inserting a semicolon;

(D) in paragraph (4), by striking the period and inserting "; and"; and

(E) by adding at the end the following:

"(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund."; and

(3) by adding at the end the following:

"(h) RULE OF CONSTRUCTION.—For purposes of this section, the calculation of an 'average historical loss year'—

"(1) includes catastrophic loss years; and

"(2) shall be computed in accordance with generally accepted actuarial principles.".

SEC. 115. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 the following:

"SEC. 1310A. RESERVE FUND.

"(a) ESTABLISHMENT OF RESERVE FUND.—In carrying out the flood insurance program authorized by this chapter, the Director shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the 'Reserve Fund') which shall—

"(1) be an account separate from any other accounts or funds available to the Director; and

"(2) be available for meeting the expected future obligations of the flood insurance program.

"(b) RESERVE RATIO.—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

"(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

"(2) such higher percentage as the Director determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

"(c) MAINTENANCE OF RESERVE RATIO.—

"(1) IN GENERAL.—The Director shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

"(A) to maintain the reserve ratio required under subsection (b); and

"(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

"(2) CONSIDERATIONS.—In exercising the authority granted under paragraph (1), the Director shall consider—

"(A) the expected operating expenses of the Reserve Fund;

"(B) the insurance loss expenditures under the flood insurance program;

"(C) any investment income generated under the flood insurance program; and

"(D) any other factor that the Director determines appropriate.

"(3) LIMITATIONS.—In exercising the authority granted under paragraph (1), the Director shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

"(d) PHASE-IN REQUIREMENTS.—The phase-in requirements under this subsection are as follows:

"(1) IN GENERAL.—Beginning in fiscal year 2008 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Director shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

"(2) AMOUNT SATISFIED.—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Director shall not be required to set aside any amounts for the Reserve Fund.

"(3) EXCEPTION.—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Director shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

"(e) LIMITATION ON RESERVE RATIO.—In any given fiscal year, if the Director determines that the reserve ratio required under subsection (b) cannot be achieved, the Director shall submit a report to Congress that—

"(1) describes and details the specific concerns of the Director regarding such consequences;

"(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

"(3) indicates the maximum attainable reserve ratio for that particular fiscal year.".

SEC. 116. REPAYMENT PLAN FOR BORROWING AUTHORITY.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

"(c) Any funds borrowed by the Director under the authority established in subsection (a) shall include a schedule for repayment of such amounts which shall be transmitted to the—

"(1) Secretary of the Treasury;

"(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(3) Committee on Financial Services of the House of Representatives.

"(d) In addition to the requirement under subsection (c), in connection with any funds borrowed by the Director under the authority established in subsection (a), the Director, beginning 6 months after the date on which such borrowed funds are issued, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to the—

"(1) Secretary of the Treasury;

"(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(3) Committee on Financial Services of the House of Representatives.".

SEC. 117. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 113, is further amended by adding at the end the following:

"(c) PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.—The Director may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based, solely or in any part, on the flood insurance coverage of the condominium association or others on the overall property owned by the condominium association. Notwithstanding any regulations, rules, or restrictions established by the Director relating to appeals and filing deadlines, the Director shall ensure that the requirements of this subsection are met with respect to any claims for damages resulting from flooding in 2005 and 2006.".

SEC. 118. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the Director, or the designee thereof, and 12 additional members to be appointed by the Director or the designee of the Director, who shall be—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof);

(B) a member of a recognized professional surveying association or organization

(C) a member of a recognized professional mapping association or organization;

(D) a member of a recognized professional engineering association or organization;

(E) a member of a recognized professional association or organization representing flood hazard determination firms;

(F) a representative of the United States Geological Survey;

(G) a representative of a recognized professional association or organization representing State geographic information;

(H) a representative of State national flood insurance coordination offices;

(I) a representative of the Corps of Engineers;

(J) the Secretary of the Interior (or the designee thereof);

(K) the Secretary of Agriculture (or the designee thereof); and

(L) a member of a recognized regional flood and storm water management organization.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) recommend to the Director how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Director mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Director how to maintain on an ongoing basis flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Director and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Director that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 119; and

(C) a summary of recommendations made by the Council to the Director.

(d) FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.—

(1) IN GENERAL.—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of enactment of this title, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Director.

(2) RESPONSIBILITY OF THE DIRECTOR.—The Director, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 119, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the "Chairperson").

(f) COORDINATION.—To ensure that the Council's recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A–16).

(g) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(i) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) STAFF.—

(1) STAFF OF FEMA.—Upon the request of the Chairperson, the Director may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) STAFF OF OTHER FEDERAL AGENCIES.—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a non-reimbursable basis, personnel to assist the Council in carrying out its duties.

(k) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(l) REPORT TO CONGRESS.—The Director, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council; and

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data.

SEC. 119. NATIONAL FLOOD MAPPING PROGRAM.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Director, in coordination with the Technical Mapping Advisory Council established under section 118, shall establish an ongoing program under which the Director shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Director shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all areas located within the 100-year floodplain;

(ii) all areas located within the 500-year floodplain;

(iii) areas of residual risk that have not previously been identified, including areas that are protected levees, dams, and other man-made structures; and

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other man-made structure;

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968, the most accurate topography and elevation data available.

(2) MAPPING ELEMENTS.—Each map updated under this section shall:

(A) GROUND ELEVATION DATA.—Assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with the existing guidelines and specifications of the Federal Emergency Management Agency.

(B) DATA ON A WATERSHED BASIS.—Develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) OTHER INCLUSIONS.—In updating maps under this section, the Director shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director;

(C) any relevant information on land subsidence, coastal erosion areas, and other floor-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available climate science and the potential for future inundation from sea level rise, increased precipitation, and increased intensity of hurricanes due to global warming; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) STANDARDS.—In updating and maintaining maps under this section, the Director shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Director, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Director; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) compliant with the North American Vertical Datum of 1998 for New Hydrologic and Hydraulic Engineering.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this section $400,000,000 for each of fiscal years 2008 through 2013.

SEC. 120. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking ", but which may not exceed 50 percent of the cost of carrying out the requested revision or update".

SEC. 121. COORDINATION.

(a) INTERAGENCY BUDGET CROSSCUT REPORT.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Director, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 118 and 119 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) REPORT.—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary or head of each such agency, an interagency budget crosscut report that displays the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intraagency transfers.

(b) DUTIES OF THE DIRECTOR.—In carrying out sections 118 and 119, the Director shall—

(1) participate, pursuant to section 216 of Public Law 107-347 (116 Stat. 2945), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906 for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of geospatial data among all governmental users.

SEC. 122. INTERAGENCY COORDINATION STUDY.

(a) IN GENERAL.—The Director shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) TIMING.—Not later than 180 days after the date of enactment of this title, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to the—

(1) Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) Committee on Financial Services of the House of Representatives;

(3) Committee on Appropriations of the Senate; and

(4) Committee on Appropriations of the House of Representatives.

SEC. 123. NONMANDATORY PARTICIPATION.

(a) NONMANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM FOR 500-YEAR FLOODPLAIN.—Any area located within the 500-year floodplain shall not be subject to the mandatory purchase requirements of sections 102 or 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(b) NOTICE.—

(1) BY DIRECTOR.—In carrying out the National Flood Insurance Program, the Director shall provide notice to any community located in an area within the 500-year floodplain.

(2) TIMING OF NOTICE.—The notice required under paragraph (1) shall be made not later than 6 months after the date of completion of the initial mapping of the 500-year floodplain, as required under section 118.

(3) LENDER REQUIRED NOTICE.—

(A) REGULATED LENDING INSTITUTIONS.—Each Federal or State entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by property located in an area within the 500-year floodplain, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area within the 500-year floodplain, in a manner that is consistent with and substantially identical to the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(B) FEDERAL OR STATE AGENCY LENDERS.—Each Federal or State agency lender shall, by regulation, require notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by a Federal or State agency lender and secured by property located in an area within the 500-year floodplain.

(C) PENALTY FOR NONCOMPLIANCE.—Any regulated lending institution or Federal or State agency lender that fails to comply with the notice requirements established by this paragraph shall be subject to the penalties prescribed under section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)).

SEC. 124. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)) is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) an explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program, whether or not the real estate is located in an area having special flood hazards.".

SEC. 125. TESTING OF NEW FLOODPROOFING TECHNOLOGIES.

(a) PERMISSIBLE TESTING.—A temporary residential structure built for the purpose of testing a new flood proofing technology, as described in subsection (b), in any State or community that receives mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) may not be construed to be in violation of any flood risk mitigation plan developed by that State or community and approved by the Director of the Federal Emergency Management Agency.

(b) CONDITIONS ON TESTING.—Testing permitted under subsection (a) shall—

(1) be performed on an uninhabited residential structure;

(2) require dismantling of the structure at the conclusion of such testing; and

(3) require that all costs associated with such testing and dismantling be covered by the individual or entity conducting the testing, or on whose behalf the testing is conducted.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, limit, or extend the availability of flood insurance to any structure that may employ, utilize, or apply any technology tested under subsection (b).

SEC. 126. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 the following:

"SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

"(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) that may have resulted in flood damage under the flood insurance program established under this chapter and other personal lines residential property insurance coverage offered by a State regulated insurer, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Director shall cause representatives of the flood insurance program to participate in such a State program where claims under the flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

"(b) EXTENT OF PARTICIPATION.—In satisfying the requirements of subsection (a), the Director shall require that each representative of the Director—

"(1) be certified for purposes of the flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

"(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

"(3) participate in good faith negotiations toward the settlement of such claims with policyholders of coverage made available under the flood insurance program; and

"(4) finalize the settlement of such claims on behalf of the flood insurance program with such policyholders.

"(c) COORDINATION.—Representatives of the Director shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

"(d) QUALIFICATIONS OF MEDIATORS.—Each State mediator participating in State-sponsored mediation under this section shall be—

"(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

"(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

"(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

"(e) MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

"(f) LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.—Participation in State-sponsored mediation, as described in this section does not—

"(1) affect or expand the liability of any party in contract or in tort; or

"(2) affect the rights or obligations of the parties, as established—

"(A) in any regulation issued by the Director, including any regulation relating to a standard flood insurance policy;

"(B) under this Act; and

"(C) under any other provision of Federal law.

"(g) EXCLUSIVE FEDERAL JURISDICTION.—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this Act.

"(h) COST LIMITATION.—Nothing in this section shall be construed to require the Director or a representative of the Director to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Director participates.

"(i) EXCEPTION.—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

"(1) this section shall not apply; and

"(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

"(j) REPRESENTATIVES OF THE DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).".

SEC. 127. REITERATION OF FEMA RESPONSIBILITIES UNDER THE 2004 REFORM ACT.

(a) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director shall continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies, as such standards were determined by the Director in the notice published in the Federal Register on September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(b) REPORT ON THE OVERALL IMPLEMENTATION OF THE REFORM ACT OF 2004.—Not later than 3 months after the date of the enactment of this title, the Director shall submit a report to Congress—

(1) describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108–264; 118 Stat. 712);

(2) identifying each regulation, order, notice, and other material issued by the Director in implementing each provision of that Act;

(3) explaining any statutory or implied deadlines that have not been met; and

(4) providing an estimate of when the requirements of such missed deadlines will be fulfilled.

SEC. 128. ADDITIONAL AUTHORITY OF FEMA TO COLLECT INFORMATION ON CLAIMS PAYMENTS.

(a) IN GENERAL.—The Director shall collect, from property and casualty insurance companies that are authorized by the Director to participate in the Write Your Own program any information and data needed to determine the accuracy of the resolution of flood claims filed on any property insured with a standard flood insurance policy obtained under the program that was subject to a flood.

(b) TYPE OF INFORMATION TO BE COLLECTED.—The information and data to be collected under subsection (a) may include—

(1) any adjuster estimates made as a result of flood damage, and if the insurance company also insures the property for wind damage—

(A) any adjuster estimates for both wind and flood damage;

(B) the amount paid to the property owner for wind and flood claims;

(C) the total amount paid to the policyholder for damages as a result of the event that caused the flooding and other losses;

(2) any amounts paid to the policyholder by the insurance company for damages to the insured property other than flood damages; and

(3) the total amount paid to the policyholder by the insurance company for all damages incurred to the insured property as a result of the flood.

SEC. 129. EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) SUBMISSION OF BIENNIAL REPORTS.—

(1) TO THE DIRECTOR.—Not later than 20 days after the date of enactment of this title, each property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program shall submit to the Director any biennial report prepared in the prior 5 years by such company.

(2) TO GAO.—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Director shall submit all such reports to the Comptroller General of the United States.

(3) NOTICE TO CONGRESS OF FAILURE TO COMPLY.—The Director shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(b) FEMA RULEMAKING ON EXPENSES OF WYO PROGRAM.—Not later than 180 days after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to devise a data collection methodology to allow the Federal Emergency Management Agency to collect consistent information on the expenses (including the operating and administrative expenses for adjustment of claims) of property and casualty insurance companies participating in the Write Your Own program for selling, writing, and servicing, standard flood insurance policies.

(c) SUBMISSION OF EXPENSE REPORTS.—Not later than 60 days after the effective date of the final rule established pursuant to subsection (b), each property and casualty insurance company participating in the Write Your Own program shall submit a report to the Director that details for the prior 5 years the expense levels of each such company for selling, writing, and servicing standard flood insurance policies based on the methodologies established under subsection (b).

(d) FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WYO PROGRAM.—Not later than 15 months after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to formulate revised expense reimbursements to property and casualty insurance companies participating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and non-catastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as close as practicably possible.

(e) REPORT OF THE DIRECTOR.—Not later than 60 days after the effective date of any final rule established pursuant to subsection (b) or subsection (d), the Director shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) GAO STUDY AND REPORT ON EXPENSES OF WYO PROGRAM.—

(1) STUDY.—Not later than 180 days after the effective date of the final rule established pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules established pursuant to subsections (b) and (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) GAO AUTHORITY.—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General previously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rules established pursuant to subsections (b) and (d) allow the Federal Emergency Management Agency to access adequate information regarding the actual expenses of property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule established in subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of such rules on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 130. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) IN GENERAL.—Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1)—

(A) in the first sentence, by striking "in each of fiscal years 2005, 2006, 2007, 2008, and 2009" and inserting "in each fiscal year through fiscal year 2013"; and

(B) by adding at the end the following new sentence: "For fiscal years 2008 through the 2013, the total amount that the Director may use to provide assistance under this section shall not exceed $240,000,000."; and

(2) by striking subsection (l).

(b) REPORT TO CONGRESS ON IMPLEMENTATION STATUS.—Not later than 6 months after the date of enactment of this title, the Director shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the implementation of the pilot program for severe repetitive loss properties authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

(c) RULEMAKING.—No later than 90 days after the date of enactment of this title, the Director shall issue final rules to carry out the severe repetitive loss pilot program authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

"(a) ESTABLISHMENT OF POSITION.—

"(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall report directly to the Director and shall, to the extent amounts are provided pursuant to subsection (f), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title.

"(2) APPOINTMENT.—The National Flood Insurance Advocate shall be appointed by the Director and the flood insurance advisory committee established pursuant to section 1318 and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or the Senior Executive Service.

"(3) QUALIFICATIONS.—An individual appointed under paragraph (2) shall have—

"(A) a background in customer service as well as insurance; and

"(B) experience in representing individual insureds.

"(4) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

"(5) STAFF.—To the extent amounts are provided pursuant to subsection (f), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

"(b) FUNCTIONS OF OFFICE.—

"(1) IN GENERAL.—It shall be the function of the Office of the Flood Insurance Advocate to—

"(A) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

"(B) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

"(C) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under subparagraph (B); and

"(D) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems.

"(2) ANNUAL REPORTS.—

"(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

"(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

"(ii) describe the nature of recommendations made to the Director under subsection (e);

"(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

"(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

"(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

"(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

"(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (e);

"(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

"(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

"(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes; and

"(xi) include such other information as the National Flood Insurance Advocate may deem advisable.

"(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

"(3) OTHER RESPONSIBILITIES.—The National Flood Insurance Advocate shall—

"(A) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

"(B) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

"(C) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

"(D) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

"(4) PERSONNEL ACTIONS.—

"(A) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

"(i) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

"(ii) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in clause (i).

"(B) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this paragraph.

"(c) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of subsection (e)(3) to all recommendations submitted to the Director by the National Flood Insurance Advocate.

"(d) OPERATION OF REGIONAL OFFICES.—

"(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (b)—

"(A) shall report to the National Flood Insurance Advocate or delegate thereof;

"(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

"(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

"(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

"(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

"(e) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

"(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

"(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

"(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

"(A) whether such recommendation was followed;

"(B) why such recommendation was or was not followed; and

"(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

"(4) DEFINITIONS.—For purposes of this subsection:

"(A) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

"(B) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

"(f) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2008 through 2013, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

SEC. 132. STUDIES AND REPORTS.

(a) REPORT ON EXPANDING THE NATIONAL FLOOD INSURANCE PROGRAM.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of—

(i) $250,000 for the structure; and

(ii) $100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of $500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming loan limit for fiscal year 2006 of $417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) REPORT OF THE DIRECTOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—The Director shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) TIMING.—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) CONTENTS.—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

(i) premiums paid into such Fund;

(ii) policy claims against such Fund; and

(iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

(i) hurricane related damage; and

(ii) nonhurricane related damage;

(E) the amounts made available by the Director for mitigation assistance under section 1366(e)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)) for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Director as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Director as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) GAO STUDY ON PRE-FIRM STRUCTURES.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving discounted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), including the historical basis for the receipt of such subsidy and whether such subsidy has outlasted its purpose;

(2) number and fair market value of such structures;

(3) respective income level of each owner of such structure;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost to the taxpayer, as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the most efficient way to eliminate the subsidy to such structures.

(d) GAO REVIEW OF FEMA CONTRACTORS.—The Comptroller General of the United States, in conjunction with the Department of Homeland Security's Inspectors general Office, shall—

(1) conduct a review of the 3 largest contractors the Director uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of enactment of this title, submit a report on the findings of such review to the Director, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Commission on Natural Catastrophe Risk Management and Insurance Act of 2008".

SEC. 202. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused, by some estimates, in excess of $200,000,000,000 in total economic losses;

(2) many meteorologists predict that the United States is in a period of increased hurricane activity;

(3) the Federal Government and State governments have provided billions of dollars to pay for losses from natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(4) many Americans are finding it increasingly difficult to obtain and afford property and casualty insurance coverage;

(5) some insurers are not renewing insurance policies, are excluding certain risks, such as wind damage, and are increasing rates and deductibles in some markets;

(6) the inability of property and business owners in vulnerable areas to obtain and afford property and casualty insurance coverage endangers the national economy and public health and safety;

(7) almost every State in the United States is at risk of a natural catastrophe, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(8) building codes and land use regulations play an indispensable role in managing catastrophe risks, by preventing building in high risk areas and ensuring that appropriate mitigation efforts are completed where building has taken place;

(9) several proposals have been introduced in Congress to address the affordability and availability of natural catastrophe insurance across the United States, but there is no consensus on what, if any, role the Federal Government should play; and

(10) an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a nonpartisan commission to study the management of natural catastrophe risk, and to require such commission to timely report to Congress on its findings.

SEC. 203. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this title referred to as the "Commission").

SEC. 204. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the minority leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the minority leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1 person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this title shall be approved only by a majority vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this title referred to as the "Chairperson").

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

SEC. 205. DUTIES OF THE COMMISSION.

The Commission shall examine the risks posed to the United States by natural catastrophes, and means for mitigating those risks and for paying for losses caused by natural catastrophes, including assessing—

(1) the condition of the property and casualty insurance and reinsurance markets prior to and in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004;

(2) the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country;

(3) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(4) the ongoing exposure of the United States to natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(5) the catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population;

(6) implementation of a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophic risk management and financing with insurance;

(7) the financial feasibility and sustainability of a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets;

(8) methods to promote public insurance policies to reduce losses caused by natural catastrophes in the uninsured sectors of the American population;

(9) approaches for implementing a public or private insurance scheme for low-income communities, in order to promote risk reduction and insurance coverage in such communities;

(10) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the capacity of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(11) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates;

(12) the role that innovation in financial services could play in improving the affordability and availability of natural catastrophe insurance, specifically addressing measures that would foster the development of financial products designed to cover natural catastrophe risk, such as risked-linked securities;

(13) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(14) the benefits and costs of proposed Federal natural catastrophe insurance programs (including the Federal Government providing reinsurance to State catastrophe funds, private insurers, or other entities), specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs (particularly with regard to charging actuarially sound prices);

(15) the ability of the United States private insurance market—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(16) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(17) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(18) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 205; and

(2) any recommendations for legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 205.

(b) EXTENSION OF TIME.—The Commission may request Congress to extend the period of time for the submission of the report required under subsection (a) for an additional 3 months.

SEC. 207. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this title. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this title.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this title.

(2) PROCEDURE.—Upon request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

SEC. 208. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 206.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this title, to remain available until expended.

SA 4708. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 2, strike "including for—" and all that follows through the period on line 21 and insert the following: "including for any property which is not the primary residence of an individual."

SA 4709. Mr. NELSON of Florida (for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the floor insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—HOMEOWNERS' DEFENSE ACT

SEC. 101. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Homeowners' Defense Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

DIVISION B—HOMEOWNERS' DEFENSE ACT

Sec. 101. Short title; table of contents.
Sec. 102. Findings and purposes.
Sec. 103. Qualified reinsurance programs.
Sec. 104. Definitions.
Sec. 105. Regulations.

TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

Sec. 111. Establishment; status; principal office; membership.
Sec. 112. Functions.
Sec. 113. Powers.
Sec. 114. Nonprofit entity; conflicts of interest; audits.
Sec. 115. Management.
Sec. 116. Staff; experts and consultants.
Sec. 117. Federal liability.
Sec. 118. Authorization of appropriations.

TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

Sec. 201. Establishment.
Sec. 202. Liquidity loans and catastrophic loans for State and regional reinsurance programs.
Sec. 203. Reports and audits.
Sec. 204. Funding.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the United States has a history of catastrophic natural disasters, including hurricanes, tornadoes, flood, fire, earthquakes, and volcanic eruptions;

(2) although catastrophic natural disasters occur infrequently, they will continue to occur and are predictable;

(3) such disasters generate large economic losses and a major component of those losses comes from damage and destruction to homes;

(4) for the majority of Americans, their investment in their home represents their single biggest asset and the protection of that investment is paramount to economic and social stability;

(5) historically, when a natural disaster eclipses the ability of the private industry and a State to manage the loss, the Federal Government has stepped in to provide the funding and services needed for recovery;

(6) the cost of such Federal "bail-outs" are borne by all taxpayers equally, as there is no provision to repay the money and resources provided, which thereby unfairly burdens citizens who live in lower risk communities;

(7) as the risk of catastrophic losses grows, so do the risks that any premiums collected by private insurers for extending coverage will be insufficient to cover future catastrophes (known as timing risk), and private insurers, in an effort to protect their shareholders and policyholders (in the case of mutually-owned companies), have thus significantly raised premiums and curtailed insurance coverage in States exposed to major catastrophes;

(8) such effects on the insurance industry have been harmful to economic activity in States exposed to major catastrophes and have placed significant burdens on existing residents of such States;

(9) Hurricanes Katrina, Rita, and Wilma struck the United States in 2005, causing over $200,000,000,000 in total economic losses, and insured losses to homeowners in excess of $50,000,000,000;

(10) since 2004, the Congress has appropriated more than $58,000,000,000 in disaster relief to the States affected by natural catastrophes;

(11) the Federal Government has provided and will continue to provide resources to pay for losses from future catastrophes;

(12) when Federal assistance is provided to the States, accountability for Federal funds disbursed is paramount;

(13) the Government Accountability Office or other appropriate agencies must have the means in place to confirm that Federal funds for catastrophe relief have reached the appropriate victims and have contributed to the recovery effort as efficiently as possible so that taxpayer funds are not wasted and citizens are enabled to rebuild and resume productive activities as quickly as possible;

(14) States that are recipients of Federal funds must be responsible to account for and provide an efficient means for distribution of funds to homeowners to enable the rapid rebuilding of local economies after a catastrophic event without unduly burdening taxpayers who live in areas seldom affected by natural disasters;

(15) State insurance and reinsurance programs can provide a mechanism for States to exercise that responsibility if they appropriately underwrite and price risk, and if they pay claims quickly and within established contractual terms; and

(16) State insurers and reinsurers, if appropriately backstopped themselves, can absorb catastrophic risk borne by private insurers without bearing timing risk, and thus enable all insurers (whether State-operated or privately owned) to underwrite and price insurance without timing risk and in such a way to encourage property owners to pay for the appropriate insurance to protect themselves and to take steps to mitigate against the risks of disaster by locally appropriate methods.

(b) PURPOSES.—The purposes of this division are to establish a program to provide a Federal backstop for State-sponsored insurance programs to help homeowners prepare for and recover from the damages caused by natural catastrophes, to encourage mitigation and prevention for such catastrophes, to promote the use of private market capital as a means to insure against such catastrophes, to expedite the payment of claims and better assist in the financial recovery from such catastrophes.

SEC. 103. QUALIFIED REINSURANCE PROGRAMS.

(a) IN GENERAL.—For purposes of this division only, a program shall be considered to be a qualified reinsurance program if the program—

(1) is authorized by State law for the purposes described in this section;

(2) is an entity in which the authorizing State maintains a material, financial interest;

(3) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal residential lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners;

(4) has a governing body, a majority of whose members are public officials;

(5) provides reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses in excess of such amount that the Secretary has determined represents a catastrophic event in that particular State;

(6) is authorized by a State that has in effect such laws, regulations, or other requirements, as the Secretary shall by regulation provide, that—

(A) ensure, to the extent that reinsurance coverage made available under the qualified reinsurance program results in any cost savings in providing insurance coverage for risks in such State, such cost savings are reflected in premium rates charged to consumers for such coverage;

(B) require that any new construction, substantial rehabilitation, and renovation insured or reinsured by the program complies with applicable State or local government building, fire, and safety codes;

(C) require State authorized insurance entities within that State to establish an insurance rate structure that takes into account measures to mitigate insurance losses;

(D) require State authorized insurance and reinsurance entities within that State to establish rates at a level that annually produces expected premiums that shall be sufficient to pay the expected annualized cost of all claims, loss adjustment expenses, and all administrative costs of reinsurance coverage offered; and

(E) encourage State authorized insurance and reinsurance entities within that State to establish rates that do not involve cross-subsidization between any separate property and casualty lines covered under the State authorized insurance or reinsurance entity; and

(7) complies with such additional organizational, underwriting, and financial requirements as the Secretary shall, by regulation, provide to carry out the purposes of this division.

(b) TRANSITIONAL MECHANISMS.—For the 5-year period beginning on the date of enactment of this division, in the case of a State that does not have a qualified reinsurance program for the State, a State residual insurance market entity for such State shall be considered to be a qualified reinsurance program, but only if such State residual insurance market entity was in existence before such date of enactment.

(c) PRECERTIFICATION.—The Secretary shall establish procedures and standards for State and regional reinsurance programs and the State residual insurance market entities described in subsection (b) to apply to the Secretary at any time for certification (and recertification) as qualified reinsurance programs.

(d) REINSURANCE TO COVER EXPOSURE.—This section may not be construed to limit or prevent any insurer from obtaining reinsurance coverage for insured losses retained by insurers pursuant to this section, nor shall the obtaining of such coverage affect the calculation of the amount of any loan under this division.

SEC. 104. DEFINITIONS.

For purposes of this division, the following definitions shall apply:

(1) CEILING COVERAGE LEVEL.—The term "ceiling coverage level" means, with respect to a qualified reinsurance program, the maximum liability, under law, that could be incurred at any time by the qualified reinsurance program.

(2) COMMISSION.—The term "Commission" means the National Commission on Natural Catastrophe Preparation and Protection established under title II.

(3) CONSORTIUM.—The term "Consortium" means the National Catastrophic Risk Consortium established under title I.

(4) INSURED LOSS.—The term "insured loss" means any loss insured by a qualified reinsurance program.

(5) QUALIFIED REINSURANCE PROGRAM.—The term "qualified reinsurance program" means a State or regional program that meets the requirements of section 103.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(7) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.

SEC. 105. REGULATIONS.

The Secretary shall issue such regulations as may be necessary to carry out this division.

TITLE I—NATIONAL CATASTROPHE RISK CONSORTIUM

SEC. 111. ESTABLISHMENT; STATUS; PRINCIPAL OFFICE; MEMBERSHIP.

(a) ESTABLISHMENT.—There is established an entity to be known as the "National Catastrophe Risk Consortium".

(b) STATUS.—The Consortium is not a department, agency, or instrumentality of the United States Government.

(c) PRINCIPAL OFFICE.—The principal office and place of business of the Consortium shall be such location within the United States determined by the Board of Directors to be the most advantageous for carrying out the purpose and functions of the Consortium.

(d) MEMBERSHIP.—Any State that has established a reinsurance fund or has authorized the operation of a State residual insurance market entity shall be eligible to participate in the Consortium.

SEC. 112. FUNCTIONS.

The Consortium shall—

(1) work with all States, particularly those participating in the Consortium, to gather and maintain an inventory of catastrophe risk obligations held by State reinsurance funds and State residual insurance market entities;

(2) at the discretion of the affected members and on a conduit basis, issue securities and other financial instruments linked to the catastrophe risks insured or reinsured through members of the Consortium in the capital markets;

(3) coordinate reinsurance contracts between participating, qualified reinsurance funds and private parties;

(4) act as a centralized repository of State risk information that can be accessed by private-market participants seeking to participate in the transactions described in paragraphs (2) and (3) of this section;

(5) use a catastrophe risk database to perform research and analysis that encourages standardization of the risk-linked securities market;

(6) perform any other functions, other than assuming risk or incurring debt, that are deemed necessary to aid in the transfer of catastrophe risk from participating States to private parties; and

(7) submit annual reports to Congress describing the activities of the Consortium for the preceding year.

SEC. 113. POWERS.

The Consortium—

(1) may make and perform such contracts and other agreements with any individual or other private or public entity however designated and wherever situated, as may be necessary for carrying out the functions of the Consortium; and

(2) shall have such other powers, other than the power to assume risk or incur debt, as may be necessary and incident to carrying out this division.

SEC. 114. NONPROFIT ENTITY; CONFLICTS OF INTEREST; AUDITS.

(a) NONPROFIT ENTITY.—The Consortium shall be a nonprofit entity and no part of the net earnings of the Consortium shall inure to the benefit of any member, founder, contributor, or individual.

(b) CONFLICTS OF INTEREST.—No director, officer, or employee of the Consortium shall in any manner, directly or indirectly, participate in the deliberation upon or the determination of any question affecting his or her personal interests or the interests of any Consortium, partnership, or organization in which he or she is directly or indirectly interested.

(c) AUDITS.—

(1) ANNUAL AUDIT.—The financial statements of the Consortium shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants.

(2) REPORTS.—The report of each annual audit pursuant to paragraph (1) shall be included in the annual report submitted in accordance with section 112(7).

SEC. 115. MANAGEMENT.

(a) BOARD OF DIRECTORS; MEMBERSHIP; DESIGNATION OF CHAIRPERSON.—

(1) BOARD OF DIRECTORS.—The management of the Consortium shall be vested in a board of directors (referred to in this title as the "Board") composed of not fewer than 3 members.

(2) CHAIRPERSON.—The Secretary, or the designee of the Secretary, shall serve as the chairperson of the Board.

(3) MEMBERSHIP.—The members of the Board shall include—

(A) the Secretary of Homeland Security and the Secretary of Commerce, or the designees of such Secretaries, respectively, but only during such times as there are fewer than 2 States participating in the Consortium; and

(B) a member from each State participating in the Consortium, who shall be appointed by such State.

(b) BYLAWS.—The Board may prescribe, amend, and repeal such bylaws as may be necessary for carrying out the functions of the Consortium.

(c) COMPENSATION, ACTUAL, NECESSARY, AND TRANSPORTATION EXPENSES.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Board who is not otherwise employed by the Federal Government shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Consortium.

(2) FEDERAL EMPLOYEES.—A member of the Board who is an officer or employee of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Consortium.

(3) TRAVEL EXPENSES.—Members of the Consortium shall be entitled to receive travel expenses, including per diem in lieu of subsistence, equivalent to those set forth in subchapter I of chapter 57 of title 5, United States Code.

(d) QUORUM.—A majority of the Board shall constitute a quorum.

(e) EXECUTIVE DIRECTOR.—The Board shall appoint an executive director of the Consortium, on such terms as the Board may determine.

SEC. 116. STAFF; EXPERTS AND CONSULTANTS.

(a) STAFF.—

(1) APPOINTMENT.—The Board of the Consortium may appoint and terminate such other staff as are necessary to enable the Consortium to perform its duties.

(2) COMPENSATION.—The Board of the Consortium may fix the compensation of the executive director and other staff.

(b) EXPERTS AND CONSULTANTS.—The Board shall procure the services of experts and consultants as the Board considers appropriate.

SEC. 117. FEDERAL LIABILITY.

The Federal Government and the Consortium shall not bear any liabilities arising from the actions of the Consortium. Participating States shall retain all catastrophe risk until the completion of a transaction described in paragraphs (2) and (3) of section 112.

SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $20,000,000 for each of fiscal years 2009 through 2014.

TITLE II—NATIONAL HOMEOWNERS' INSURANCE STABILIZATION PROGRAM

SEC. 201. ESTABLISHMENT.

The Secretary shall carry out a program under this title to make liquidity loans and catastrophic loans under section 202 to qualified reinsurance programs to ensure the solvency of such programs, to improve the availability and affordability of homeowners' insurance, to provide incentive for risk transfer to the private capital and reinsurance markets, and to spread the risk of catastrophic financial loss resulting from natural disasters and catastrophic events.

SEC. 202. LIQUIDITY LOANS AND CATASTROPHIC LOANS FOR STATE AND REGIONAL REINSURANCE PROGRAMS.

(a) CONTRACTS.—The Secretary may enter into a contract with a qualified reinsurance program to carry out this title, as the Secretary may deem appropriate. The contract shall include, at a minimum, the conditions for loan eligibility set forth in this section.

(b) CONDITIONS FOR LOAN ELIGIBILITY.—A loan under this section may be made only to a qualified reinsurance program and only if—

(1) before the loan is made—

(A) the State or regional reinsurance program submits to the Secretary a report setting forth, in such form and including such information as the Secretary shall require, how the program plans to repay the loan; and

(B) based upon the report of the program, the Secretary determines that the program can meet its repayment obligation under the loan and certifies that the program can meet such obligation;

(2) the program cannot access capital in the private market, including through catastrophe bonds and other securities sold through the facility created in title I of this division, as determined by the Secretary, and a loan may be made to such a qualified reinsurance program only to the extent that such program cannot access capital in the private market;

(3) the Secretary determines that an event has resulted in insured losses in a State with a qualified reinsurance program;

(4) the loan complies with the requirements under subsection (d) and or (e), as applicable; and

(5) the loan is afforded the full faith and credit of the State and the State demonstrates to the Secretary that it has the ability to repay the loans.

(c) MANDATORY ASSISTANCE FOR QUALIFIED REINSURANCE PROGRAMS.—The Secretary shall, upon the request of a qualified reinsurance program and subject to subsection (b), make a loan under subsection (d) or (e) for such program in the amount requested by such program (subject to the limitations under subsections (d)(2) and (e)(2), respectively).

(d) LIQUIDITY LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:

(1) PRECONDITIONS.—The Secretary shall have determined that the qualified reinsurance program—

(A) has a capital liquidity shortage, in accordance with regulations that the Secretary shall establish; and

(B) cannot access capital markets at effective rates of interest lower than those provided in paragraph (3).

(2) AMOUNT.—The principal amount of the loan may not exceed the ceiling coverage level for the qualified reinsurance program.

(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 3 percentage points higher than marketable obligations of the Treasury having the same term to maturity as the loan and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.

(4) TERM.—The loan shall have a term to maturity of not less than 5 years and not more than 10 years.

(e) CATASTROPHIC LOANS.—A loan under this subsection for a qualified reinsurance program shall be subject to the following requirements:

(1) PRECONDITIONS.—The Secretary shall have determined that an event has resulted in insured losses in a State with a qualified reinsurance program and that such insured losses in such State are in excess of 150 percent of the aggregate amount of direct written premium for privately issued property and casualty insurance, for risks located in that State, over the calendar year preceding such event, in accordance with regulations that the Secretary shall establish.

(2) AMOUNT.—The principal amount of the loan made pursuant to an event referred to in paragraph (1) may not exceed the amount by which the insured losses sustained as a result of such event exceed the ceiling coverage level for the qualified reinsurance program.

(3) RATE OF INTEREST.—The loan shall bear interest at an annual rate 0.20 percentage points higher than marketable obligations of the United States Treasury having a term to maturity of not less than 10 years and issued during the most recently completed month, as determined by the Secretary, or such higher rate as may be necessary to ensure that the amounts of interest paid under such loans exceed the sum of the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans, the administrative costs involved in carrying out a program under this title for such loans, and any incidental effects on governmental receipts and outlays.

(4) TERM.—The loan shall have a term to maturity of not less than 10 years.

(f) USE OF FUNDS.—Amounts from a loan under this section shall only be used to provide reinsurance or retrocessional coverage to underlying primary insurers or reinsurers for losses arising from all personal real property or homeowners' lines of insurance, as defined in the Uniform Property & Casualty Product Coding Matrix published and maintained by the National Association of Insurance Commissioners. Such amounts shall not be used for any other purpose.

SEC. 203. REPORTS AND AUDITS.

The Secretary shall submit a report to the President and the Congress annually that identifies and describes any loans made under this title during such year and any repayments during such year of loans made under this title, and describes actions taken to ensure accountability of loan funds. The Secretary shall provide for regular audits to be conducted for each loan made under this title, and shall make the results of such audits publicly available.

SEC. 204. FUNDING.

(a) PROGRAM FEE.—

(1) IN GENERAL.—The Secretary may establish and collect, from qualified reinsurance programs that are precertified pursuant to section 103(c), a reasonable fee, as may be necessary to offset the expenses of the Secretary in connection with carrying out the responsibilities of the Secretary under this title, including—

(A) costs of developing, implementing, and carrying out the program under this title; and

(B) costs of providing for precertification pursuant to section 103(c) of State and regional reinsurance programs as qualified reinsurance programs.

(2) ADJUSTMENT.—The Secretary may, from time to time, adjust the fee under paragraph (1) as appropriate based on expenses of the Secretary referred to in such paragraph.

(3) USE.—Any fees collected pursuant to this subsection shall be credited as offsetting collections of the Department of the Treasury and shall be available to the Secretary only for expenses referred to in paragraph (1).

(b) COSTS OF LOANS; ADMINISTRATIVE COSTS.—To the extent that amounts of negative credit subsidy are received by the Secretary in any fiscal year pursuant to loans made under this title, such amounts shall be available for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans and for costs of carrying out the program under this title for such loans.

(c) FULL TAXPAYER REPAYMENT.—The Secretary shall require the full repayment of all loans made under this title. If the Secretary determines at any time that such full repayment will not made, or is likely not to be made, the Secretary shall promptly submit a report to the Congress explaining why such full repayment will not be made or is likely not to be made.

SA 4710. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 6, strike "and".

On page 8, line 9, strike "policy."." and insert the following: "policy; and

"(3) any property purchased on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2007.".

SA 4711. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ______. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

SA 4712. Mr. REID (for himself and Mr. MCCONNELL) proposed an amendment to the bill H.R. 5493, to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; as follows:

At the end of the bill, insert the following:

SEC. ___. TECHNICAL AMENDMENT RELATING TO SENATE PAY PERIODS.

(a) TITLE 18.—Section 207(e)(7) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "at least 60 days" and inserting "more than 2 months"; and

(2) in subparagraph (B), by striking "at least 60 days" and inserting "more than 2 months".

(b) SENATE RULES.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate is amended by striking "more than 60 days in a calendar year" and inserting "more than 2 months, in the aggregate, during the 1-year period before that former officer's or employee's service as such officer or employee was terminated".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 15, 2008, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on development of oil shale resources.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Gina_Weinstock@energy.Senate.gov.

For further information, please contact Patty Beneke at 202–224–5451 or Gina Weinstock at 202–224–5684.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources will hold a business meeting on Wednesday, May 7, at 9:45 a.m., in room 366 of the Dirksen Senate Office Building to consider pending bills on its shortlist of Agenda items.

For further information, please contact Sam Fowler at (202) 224–7571 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 6, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Perchlorate and TCE in Water."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Seizing the New Opportunity for Health Reform".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 6, 2008, at 2:30 p.m. to hold a hearing on Holocaust era insurance restitution.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 6, 2008, at 2:30 p.m. to hold a hearing on the nomination of Michael E. Leiter to be Director of the National Counterterrorism Center, Office of the Director of National Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Administrative Oversight and the Courts, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Policing Lenders and Protecting Homeowners: Is Misconduct in Bankruptcy Fueling the Foreclosure Crisis?" on Tuesday, May 6, 2008, at 2 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Ryan Davis, an intern with the Republican Conference, be granted floor privileges for the remainder of the month.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that Kim Allen, a staffer for the Republican Conference, be granted floor privileges for the remainder of this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent that David Greenwald, of my Finance Committee staff, be granted the privileges of the floor during the month of May.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Maria Honeycutt, a Congressional Science Fellow in the office of Senator BILL NELSON, be granted floor privileges for the duration of the Senate's consideration of S. 2284, the Flood Insurance Reform and Modernization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR PAYMENT OF SALARIES IN OR UNDER THE HOUSE OF REPRESENTATIVES

Mr. REID. Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration of H.R. 5493 and the Senate now proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5493) to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, the amendment that I am offering on behalf of myself and Senator MCCONNELL addresses technical issues with respect to the "cooling-off period" for senior staff members.

Under title 18 and the Senate rules, staff members whose salary is above a certain threshold are prohibited from lobbying the Senate for a period of 1 year. One of the reforms in S. 1, the ethics reform bill we enacted last year, was to broaden the scope of the ban—senior staff members who were previously prohibited from lobbying individual Senate offices for a year are now prohibited from lobbying the entire Senate.

However, we have been made aware of an unintended consequence of the law: some junior staff members who receive salary bonuses over a period of 2 months are inadvertently covered by the lobbying ban, which is now even more sweeping. The Reid-McConnell amendment addresses this problem by providing that a staff member whose salary is above the threshold for only 2 months will not be covered by the ban, even if those 2 months—for example, July and August—have an aggregate of more than 60 days.

Our amendment also makes the criminal law and Senate Rule XXXVII consistent. Both the law and the rule will now look back over the same time period, i.e., 1 year before an employee's termination, and the threshold will be the same, i.e., more than 2 months. Post-employment restrictions will thus be clearer to staff and the public, as well as easier to administer.

Under 2 U.S.C. 60c-1, Members, officers, and employees of the Senate are paid on a semimonthly basis: generally, the 20th of every month for the period of the 1st through the 15th and the 5th of the succeeding month for the period of the 16th through the end of the month. Thus, the language "two months" is intended and shall mean in the Senate equal to four pay periods. If an employee were to be paid above the threshold amount for more than four pay periods, for example, for four and any part of a fifth pay period, he or she would be covered by the restrictions of both the law and the rule.

Mr. President, the amendment is at the desk, and I ask unanimous consent that the amendment be considered and agreed to, the bill, as amended, be read a third time and passed, and the motions to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4712) was agreed to, as follows:

(Purpose: To propose a technical amendment relating to Senate pay periods)

At the end of the bill, insert the following:

SEC. ___. TECHNICAL AMENDMENT RELATING TO SENATE PAY PERIODS.

(a) TITLE 18.—Section 207(e)(7) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "at least 60 days" and inserting "more than 2 months"; and

(2) in subparagraph (B), by striking "at least 60 days" and inserting "more than 2 months".

(b) SENATE RULES.—Paragraph 9(c) of rule XXXVII of the Standing Rules of the Senate is amended by striking "more than 60 days in a calendar year" and inserting "more than 2 months, in the aggregate, during the 1-year period before that former officer's or employee's service as such officer or employee was terminated".

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 5493), as amended, was passed.

RECOGNIZING THE 150TH ANNIVERSARY OF THE STATE OF MINNESOTA

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 552.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 552) recognizing the 150th anniversary of the State of Minnesota.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 552) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 552

Whereas Minnesota was established as a territory on March 2, 1849, and became the 32nd State on May 11, 1858;

Whereas Minnesota is also known as the "Gopher State", the "North Star State", and the "Land of 10,000 Lakes";

Whereas Minnesota's name comes from the Dakota word "minesota", meaning "water that reflects the sky", and Native Americans continue to play a defining role in Minnesota's proud heritage;

Whereas the cities of Minneapolis and St. Paul were established after the completion of nearby Fort Snelling, a frontier outpost and training center for Civil War soldiers;

Whereas more than 338,000,000 tons of Minnesota iron ore were shipped between 1940 and 1945 that contributed to the United States military victory in World War II, and an additional 648,000,000 tons of iron ore were shipped between 1945 and 1955 that boosted post-war economic expansion in the United States;.

Whereas, in 1889, the Saint Mary's Hospital, now known as the Mayo Clinic, opened its doors to patients in Rochester, Minnesota, and is now known worldwide for its cutting-edge care;

Whereas Minnesota continues to be a leader in innovation and is currently home to more than 35 Fortune 500 companies;

Whereas Minnesota houses over 30 institutions of higher education, including the University of Minnesota, a world-class research university where the first open heart surgery and first bone marrow transplant were performed in the United States;

Whereas farmland spans over half of Minnesota's 54,000,000 acres and the agriculture industry is Minnesota's 2nd largest job market, employing nearly 80,000 farmers;

Whereas Minnesota is the Nation's number one producer of sugarbeets and turkeys;

Whereas Minnesota is a national leader in the production and use of renewable energy, which helps our Nation reduce its dependency on foreign sources of oil;

Whereas the Mall of America located in Bloomington, Minnesota, is the Nation's largest retail and entertainment complex, spanning 9,500,000 square feet and providing more than 11,000 jobs;

Whereas Minnesota has 90,000 miles of lake and river shoreline, which includes the coast of Lake Superior, the largest of North America's Great Lakes;

Whereas the Minneapolis-St. Paul area is nationally recognized for its parks, museums, and cultural events; and

Whereas the people of Minnesota have a timeless reputation of compassion, strength, and determination: Now, therefore, be it

Resolved, That the Senate congratulates the State of Minnesota on its 150th anniversary and the contributions it continues to make to America's economy and heritage.

CONGRATULATING CHARLES COUNTY, MARYLAND

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed now to the consideration of S. Res. 553.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 553) congratulating Charles County, Maryland, on the occasion of its 350th anniversary.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, that there be no intervening action or debate, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 553) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 553

Whereas 2008 marks the 350th anniversary of the establishment of Charles County, Maryland, a historic and memorable event that will be commemorated throughout the year;

Whereas Charles County was chartered in 1658 and named after Charles Calvert, a royal proprietor of the colony of Maryland;

Whereas citizens of Charles County have played an important role in the history of Maryland and our Nation, including Thomas Stone, whose home is maintained by the National Park Service in Port Tobacco and who served as a Continental Congressman, a framer of the Articles of Confederation, and a signer of the Declaration of Independence;

Whereas, under the Articles of Confederation, John Hanson, born in Port Tobacco, served as the President of the United States in Congress Assembled;

Whereas Josiah Henson escaped slavery and fled from Charles County to Canada, where he wrote his autobiography, a narrative that later inspired Harriet Beecher Stowe's famous novel "Uncle Tom's Cabin";

Whereas Josiah Henson's grandnephew, Matthew Henson, left Charles County farmland to become an arctic explorer, venturing to the North Pole and going on to receive international acclaim;

Whereas, following the Civil War, the house of Dr. Samuel A. Mudd in Waldorf was where John Wilkes Booth stopped to have Dr. Mudd reset his leg, broken after he fatally shot President Abraham Lincoln and jumped off the balcony of Ford's Theater in Washington, DC;

Whereas today Charles County has roughly 120,000 residents;

Whereas, while farming and small town life still flourish, particularly along the banks of the Potomac River, the population of the county is growing; and

Whereas the county is home to workers in the National Capital region as well as the county's largest employer, a Department of Defense Energetics Center, the Indian Head Division, Naval Surface Warfare Center: Now, therefore, be it

Resolved, That the Senate—

(a) commends and congratulates Charles County, Maryland, on the occasion of its 350th anniversary; and

(b) requests the Secretary of the Senate to transmit an enrolled copy of this resolution to the Charles County Anniversary Committee as an expression of the Senate's best wishes for a glorious year of celebration.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 110–17

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 6 of this year by the President of the United States:

Tax Convention with Iceland (Treaty Document No. 110–17).

I further ask that the treaty be considered as having been read the first time; that it be referred, with the accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention Between the Government of the United States of America and the Government of Iceland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income, and accompanying Protocol, signed on October 23, 2007, at Washington, D.C. (the "proposed Treaty"). The proposed Treaty would replace the existing income tax Convention with Iceland that was concluded in 1975 (the "existing Treaty"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the proposed Treaty.

The proposed Treaty contains a comprehensive provision designed to prevent so-called treaty shopping. The existing Treaty contains no such protections, resulting in substantial abuse of the existing Treaty's provisions by third-country investors. The proposed Treaty also reflects changes to U.S. and Icelandic law and tax treaty policy since 1975.

I recommend that the Senate give early and favorable consideration to the proposed Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 6, 2008.*

ORDERS FOR WEDNESDAY, MAY 7, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later in the day; that there be a period of morning business for up to 1 hour with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half; and that following morning business, the Senate resume consideration of the motion to proceed to S. 2284, the flood insurance legislation, and that all time during the adjournment, recess, or period of morning business count against cloture; I further ask that the Senate recess from 12:30 to 2:15 p.m. to allow for the weekly caucus luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we expect to be in a position tomorrow to work on the flood insurance bill, as I indicated. In the morning there will be a unanimous consent asked immediately upon coming in so we can start legislating on this matter.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate tonight, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, May 7, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

SECURITIES AND EXCHANGE COMMISSION

TROY A. PAREDES, OF MISSOURI, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR A TERM EXPIRING JUNE 5, 2013, VICE PAUL S. ATKINS, RESIGNED.

FEDERAL ELECTION COMMISSION

CYNTHIA L. BAUERLY, OF MINNESOTA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE ROBERT D. LENHARD.

CAROLINE C. HUNTER, OF FLORIDA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2013, VICE MICHAEL E. TONER, RESIGNED.

DONALD F. MCGAHN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, VICE DAVID M. MASON, TERM EXPIRED.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on May 6, 2008, withdrawing from further Senate consideration the following nominations:

DAVID M. MASON, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2009, (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ROBERT D. LENHARD, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2011, VICE DANNY LEE MCDONALD, TERM EXPIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ROBERT J. BATTISTA, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING DECEMBER 16, 2009, VICE DENNIS P. WALSH, WHICH WAS SENT TO THE SENATE ON JANUARY 25, 2008.

HOUSE OF REPRESENTATIVES—*Tuesday, May 6, 2008*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. PASTOR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 6, 2008.

I hereby appoint the Honorable ED PASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

FEDERAL GAS TAX HOLIDAY A BAD IDEA

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you very much, Mr. Speaker.

One of the most disappointing turns in the current campaign has been the proposal of Senator CLINTON and Senator MCCAIN for the "gas tax holiday."

One doesn't want to be cynical, but thinking back to Senator MCCAIN's Straight Talk Express in the year 2000, it would be hard to imagine that he thought it was a good idea back then, that he wouldn't have stooped to this political trick. It wouldn't have been consistent with what he was saying and how he represented himself.

As far as Senator CLINTON is concerned, we don't have to guess about her position in 2000. We know because her opponent in 2000 when she was first running for the Senate, our former colleague, Rick Lazio, called for suspending the 18.3 cent Federal gas tax and actually repealing the 4.3 cent per gallon surcharge that had been enacted. "What Mrs. CLINTON needs to do," he said, "is get out of the motorcade, get out of fantasyland and get in contact with the issues that are affecting real New Yorkers, the prices at the pump."

It's instructive what then candidate CLINTON had to say. She and her aides fired back immediately at Mr. Lazio for offering what they said was a shortsighted solution that could jeopardize money to fix highways. In fact, they handed out fliers that used quotes from Republican leaders to bolster her point that repealing the gas tax surcharge could be harmful. The Republicans discouraged such measures, the flier said, because they could diminish highway construction money.

Senator CLINTON said, in debating Mr. Lazio:

"We're totally reliant on the gas tax to do things like finishing I–86 in the Southern Tier, or the fast-ferry harbor works up in Rochester, as well as work we need to do here in the city. So you can count on me to support infrastructure," as she explained her opposition. And indeed she lashed out at the plan for the outright repeal of the 4.3 cent gas tax, calling it "a bad deal for New York and a potential bonanza for the oil companies."

Well, the facts that Senator CLINTON argued in 2000 are still true today. The timing, if anything, is worse, because for the first time in history, the Federal highway trust fund is going into deficit, and this would call for an additional reduction of $9 billion to $10 billion and 300,000 highway construction jobs. It actually is coming at a time when we should as a country be finding ways to invest more in infrastructure, not less. Virtually every independent expert acknowledges that as well as most people in the House and the Senate.

And, of course, the irony as Senator CLINTON herself intimated is that this gas tax holiday is actually a holiday for the big producers, refiners and importers. They're the ones who pay the tax. The tax is charged to them. In order for any of the savings to trickle down to the pockets of motorists, the oil and gas interests would have to decide that they're going to pass their savings on to the rest of us. As Senator CLINTON pointed out in 2000, it's a potential bonanza for them. There's no indication that they're looking to share. Look at what they did with record profits of $10.6 billion for ExxonMobil. Did they use that extra money to reduce prices at the pump?

The good news is that the American public is not buying this political trick. Even though they are aggravated at spiraling high gas prices and somebody is offering them, in a sense, free money, the American public sees through that. Fifty-one percent agree that it is a bad idea, even in the face of high gas prices. Even more tellingly, in the New York Times survey published yesterday, when the public was asked are politicians proposing this tax holiday because it's good for America or because it's good, they think, for the politicians, 70 percent said CLINTON and MCCAIN are doing this because it's good for the politicians, not for America.

Mr. Speaker, I hope that we can get past the campaign silly season, that people explain to Senator MCCAIN and Senator CLINTON that their earlier opposition is more important today. This is one area ought to be beyond sort of the partisan political warfare: It is time for us to rebuild and renew America, to deal with the first deficit in the trust fund, and not play political games.

NON ENERGY POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE. Mr. Speaker, as gasoline prices soar, as our truckers are about to sit on the side of the road because they can't get enough money to buy fuel for those diesel trucks that they're driving up and down our highways to deliver goods, people are wondering, how did we get here?

Well, there are several reasons how we got in this mess, and Congress is partly to blame. First of all, we had this theory that ethanol is going to save us all, so we subsidized the production of ethanol. What that has done is drive food prices up around the world, because in the United States, instead of eating corn or letting it go to feed our beef, we're burning it in our vehicles, and that's caused world food prices to go up, not just in the United States but all over the world.

Costco and Sam's Club are now rationing rice. Who would have thought in this year, 2008, in America we can't buy rice because we're tilling up our soil and burning crops. We're also finding out that ethanol can't save us all because, promised to be a nonpollutant, that's wrong. Science Magazine has now reported that ethanol causes more pollution than that nasty old crude oil that we produce. There are a lot of reasons for that. One of those reasons is because it takes a lot of fertilizer to produce corn, and that fertilizer runs down the Mississippi River. And when it gets down in the Gulf of Mexico that nitrogen in the fertilizer kills everything, except algae, and that is called a dead zone. Dead, because nothing is there except algae.

So what we ought to do is quit the subsidies to ethanol. Let the world

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

market handle whether we should use ethanol or not and stop those subsidies.

The second thing that's a problem but we don't talk much about is the value of the American dollar gets less and less on the world market. It's less this week than it was last week. Why? Because the Federal Reserve doesn't regulate the dollar. It regulates interest rates. Well, maybe that isn't just what the Constitution says. When in doubt, sometimes we ought to just read the Constitution. It says Congress has the responsibility "to coin money and regulate the value thereof." We have the responsibility to set the price on the dollar and we should do so. Stabilize the dollar so it doesn't cost us more to buy gasoline every week. That is our responsibility and we can't pass it off to someone else.

Third. The crude oil supply in the United States, which we still drive our cars based upon crude oil production, is getting less. It's an economic fact that third graders learn—the less supply you have, the higher rate of cost. And, of course, those oil companies that everybody wants to punish, the American oil companies only control 10 percent of the world market. Foreign countries, foreign dictators like Chavez down there in Venezuela and OPEC, they set the price on crude oil in the world, not American oil companies. So we need to take care of ourselves.

Now here's a map, Mr. Speaker. We drill off the coast of Texas, where I'm from, we drill off Louisiana and part of Mississippi and Alabama. But you see all these red zones here? Even off the sacred coast of California, there's crude oil out there and we can drill for crude oil but this Congress won't let us take care of ourselves. Why? Because the environmental lobby is so strong in this Congress that they have had fear tactics that prevent us from drilling here, off the east coast, and way up here in ANWR in Alaska. Open up the Outer Continental Shelf and start drilling.

You might be interested to know right here off of Florida, 47.5 miles, there's a new rig going out there and it's built by the Chinese and the Cubans because there's an oil field out there. But we won't drill there.

So we need to drill offshore. And we need to let our refineries produce more. They're producing all they can and because they can only produce so much, we're importing gasoline into this country for the first time, or one of the first times in our history.

We haven't built a new refinery in 30 years. Why? Silly environmental restrictions. Nobody wants pollution, but we need to get back to common sense and let our refineries refine.

Right here where I represent in southeast Texas, most of the refineries for this country are right there. Produces 22 percent of the Nation's jet fuel.

Now let's talk about jet fuel. This Congress passed a bill recently that says we cannot explore or take crude oil out of the tar sands in Canada. Canada is one of our biggest importers of crude oil.

Now what does that mean? That means because the crude oil is in the sand, we can't take it into the United States. Well, who uses that? The United States Air Force turns that into jet fuel. Doesn't anybody understand we're at war? Our airplanes need to be flying. But because of this Congress, they cannot import that. And now where are we going to get our jet fuel to fuel the Air Force? Silly restriction passed by this Congress. So let's remove that restriction as well.

Some people say, Well, let's tax those mean old oil companies. We'll show them. Also, we'll tax people to drive. Let me tell you something. That idea is to punish people who drive. Now where I live, down here in southeast Texas, we don't have any subways. Nobody rides a choo-choo train to work. The closest subway is in Dallas, 250 miles away. They drive pickup trucks because they work the land, they farm the land, and they can't buy the diesel fuel to run their trucks.

So here are some ideas, Mr. Speaker, that we ought to do and change the policy that this Congress has implemented.

And that's just the way it is.

ENERGY PLAN NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Carolina (Mr. BARRETT) for 1 minute.

Mr. BARRETT of South Carolina. Thank you, Mr. Speaker.

This past week for the first time, some Americans paid $4 a gallon for gas. The national average for regular unleaded gasoline now is $3.61 a gallon. Americans have never paid such a tremendous amount of their hard-earned dollars on gasoline, Mr. Speaker, and the high gasoline prices are taking a toll on their pocketbooks.

Many issues are responsible for the higher gas prices, but in order to lessen America's dependency on foreign and unstable energy sources, we need to be looking right here at home. We're relying too much on foreign energy sources and our dependency on these sources is a risk for our national security. We have natural and technological resources to support domestic production and find oil sources here at home. We can increase our domestic energy exploration and production in the U.S. while also utilizing alternative energy sources such as hydrogen, wind and solar power.

Citizens can't afford the price of gas. For our people, for our country, the majority must bring an energy solution to the floor now so that American families are no longer paying an unprecedented $4 a gallon for gas.

RECOGNIZING EAGLE SCOUT CHARLES "ANDREW" WILKINS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WITTMAN) for 1 minute.

Mr. WITTMAN. Mr. Speaker, I rise today to recognize Charles "Andrew" Wilkins, a great young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 250, and in earning the most prestigious award of Eagle Scout.

Andrew has been an active member of his Scout troop, participating in many activities. Over the many years Andrew has been involved with Scouting, he has earned 21 merit badges, spent 47 nights camping, and served as Senior Patrol Leader for 2 years. Andrew was also elected to be a member of the Order of the Arrow, scouting's national camping honor society.

For his Eagle Scout project, Andrew coordinated the construction of the Northumberland County Fallen Heroes Memorial located in front of the sheriff's office in Heathsville, Virginia. This monument is a memorial to Deputy Sheriff John Sanford who was killed in the line of duty in 2005.

Andrew is a senior at Northumberland High School, and plans to continue serving his community and our country in the United States Coast Guard.

Mr. Speaker, I proudly ask you to join me in commending Charles "Andrew" Wilkins for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LET'S WORK TOGETHER ON THE SUPPLEMENTAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. TIAHRT) for 5 minutes.

Mr. TIAHRT. I thank the Speaker.

Mr. Speaker, they say that in America all you need to do to be successful is to work a half a day, and you can choose whether it's the first 12 hours or the second 12 hours. The American people probably expect double from their government these days when we have serious challenges to our economic and national security. So what is Congress doing? Are we doing what it takes to be successful to solve these problems? No. We're not starting business today until noon. Congress is sleeping in. Maybe we're on California time, but I will wager we will not be here until midnight.

Any Third World dictator would be pleased at the way we are operating today. Our economy is in a precarious situation. We learned this morning that oil is at $120, could go to $200 per barrel, that gas is at $4, easily could go to $5. We're still denying our intelligence community the tools important to keep this country safe. And Congress is sleeping in.

Many of us came to Washington sacrificing a good, normal lifestyle in our respective States' districts to serve this nation and work hard to help make America stronger, but we're not being given a chance to do our job. Kansans have been asking me for months, "What is the government going to do about the rising cost of gas?" In April 2006, the Democrat house leadership assured Americans they "have a commonsense plan to help bring down skyrocketing gas prices." Well, Mr. Speaker, it is time for the Democrat leadership to unveil this plan. Since 2007 when the Democrats took control of the House, gas prices have risen 50 percent. We have $4 a gallon, going to $5.

Today we hear that the House Democrat leadership has intentions to bring a $250 billion supplemental on the American people without proper input from Congress. I guess we don't have time. Congress is sleeping in till noon. As a body, Republicans and Democrats are very proud of our responsibility to oversee the power of the purse, but the Democrat leadership has completely undermined that power.

What is this defense supplemental appropriations bill about? We don't know. Nor does the chairman of the respective appropriations subcommittees. Why? Because the Speaker doesn't think it's important for Members of Congress to weigh in and oversee the appropriations process. We don't know if this package will give our men and women in uniform the resources that they need to protect themselves. We don't know if this package will address price of gasoline or the price of food. We don't know if this package will ensure that our veterans are properly taken care of.

The experts, the men and women, Democrat and Republican, who serve in Congress on the committee could answer these questions. We spend time overseeing the process, the funding needs of our agencies, but we've been cut out of the process. In other words, the people's representatives have been cut out of the process. How do the American people feel about a $250 billion monstrosity that has no input from their representatives? Unless you're from San Francisco, who will be represented in this bill?

Mr. Speaker, the chairman of the House Appropriations Committee, DAVID OBEY, and I are friends. Last year, as a part of overseeing the national park system, we went to Death Valley National Park in California. As fate would have it on that very hot day, we took a drive into Death Valley and the truck that we were in that the Park Service gave us had not one, not two, but three flat tires. With the capable assistance of Rob Nabors, the committee staff director, Chairman OBEY and I changed all the flat tires and got ourselves back on the road. By working together we got it back on the road.

In many respects, the development of the emergency supplemental reminds me of that day in Death Valley. The environment on the House floor is hot and getting hotter every minute. The Democrat leadership is having a very difficult time getting this legislation on the road. I believe Chairman OBEY would have better success if he enlisted the assistance of his fellow appropriators, Democrats and Republicans. Let us work together on this legislative vehicle, together through the normal process, as we did on that hot day in Death Valley last year.

This has been the most disappointing Congress in recent memory. The Democrat leadership shirks their duty to tackle the real issues facing American families. They've left Congress out of the workload. It's no wonder that we have the lowest approval ratings in history. A banana republic could not do it better. Mr. Speaker, don't slip on the banana peel.

HONORING THE LIFE OF SCOTT BURNS DURING NATIONAL POLICE WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

Mr. Speaker, next week is National Police Week, a time for us to recognize those who boldly serve in municipal, county, State and Federal law enforcement. Furthermore, on May 15, we will observe National Peace Officers Memorial Day to honor those who have been disabled or killed in the line of duty. They have made the ultimate sacrifice for the safety of their fellow citizens.

The peace of mind we are afforded thanks to the dedicated service of our law officers is invaluable, but many times we aren't immediately aware at what price that security comes. However, this past weekend, my constituents and I were painfully reminded me of the very real danger that our law enforcement officers and agents battle daily. On Saturday, May 3, hundreds and hundreds of us mourned the loss of Texas State Trooper James Scott Burns at his funeral in Linden. Scott was killed by shotgun blasts from a killer who he chased and pulled over on April 29 while doing his job of service to his fellow citizens. He left a widow and a 6-month-old daughter, of whom he was extremely proud. He also left a huge family that was both related by blood and related by spirit who care deeply about him.

The overwhelming support shown by family, friends and fellow law enforcement officers was truly a testament to Trooper Burns' lovable nature, his sense of humor, his honorable character, but most important his sense of service for others. His loving family is now forced to carry on without him and the world is worse off without him unless we perpetuate the good that he did in his life through the things that we do in the future so that he will not have lived in vain. Though Scott's being killed by the possibly drug-crazed killer meant that others were not also killed, Scott's greatest contribution came not in the way that he died but in the way that he lived.

The extraordinary choice by Scott Burns and other law officers to protect our communities means that they go to work every day knowing and believing the words that came from Jesus himself when He said, "Greater love hath no one than this, that a person lay down his life for his friends."

Our law enforcement officers dedicate themselves to protecting citizens knowing that they may very well lay down their lives to protect others. No words can adequately express the gratitude that's due them. Scott's family will hopefully find solace from so many who showed their support in the past and will do so in the future. The fact that the funeral processional extended for so many, many miles down Highway 59 from Linden to the cemetery will hopefully provide some solace. It also shows that those who are affected by Scott and his life will not forget. Law officers from around east Texas, from the State of Texas at large as well as from all over the country came and were there.

As a former prosecutor, a former judge and chief justice and now as a member of the House Judiciary Committee and ranking member of the Subcommittee on Crime, Terrorism, and Homeland Security, it is both a sobering privilege and a priority to address issues and legislation regarding the security of our law enforcement community and the American people. There is no greater function of the Federal Government than to provide for the common defense against all enemies, both foreign and domestic.

Therefore, it is imperative that we work to support our law enforcement officers and agents and their families by providing them with the training and resources they need to properly carry out their duties. Furthermore, there should be greater incentives in place to encourage harsher sentences for violent offenders who might otherwise be released to the streets and repeat dangerous offenses.

While law enforcement officers risk their own safety every day for the wellbeing of our Nation and local communities, Congress must do as much as possible to ensure the preparedness and security of our noble crime fighters. As we prepare next week to nationally honor the courage of police officers like our own Texas State Trooper Scott Burns, let us consider the wellbeing of our law enforcement officers and their families with the same persistence and selflessness with which they afford us.

WE NEED AN ENERGY PLAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. AKIN) for 1 minute.

Mr. AKIN. Thank you, Mr. Speaker.

In the last little more than a year, gasoline prices have gone up $1.33 cents a gallon. That's a larger increase than what we've had over the previous 5 years before that. The Democrat leadership said that they had a plan at that time, this is a year ago, to keep the gas prices from going up. Yet the gas prices have gone up.

Now I don't think the American public wants us to bicker between parties. They want us to be solving problems. And I don't believe it's the Democrats' fault necessarily that the gas prices have gone up internationally. But what is a problem is that we're not dealing with the problem. What we should be talking about is how do we move off of our dependence on foreign oil to American energy? What we should be seeing would be movement in the direction, depending on which way people want to go, additional refinement capacity. There have been no new refineries built in over 30 years. Investment in new nuclear technology. Our nuclear technology is old, many, many years old. It's a good source of energy. The idea of getting liquid fuel from coal. We have tremendous coal resources. Shouldn't there be something being done in that area?

But nothing in any of these areas. A lack of a plan is unacceptable. It's not the Democrats' fault that gas prices go up, but it is a problem when we don't have a plan.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. TAUSCHER) at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Eternal Father, drawing us ever closer to You, the spring rains make us mindful of Your presence in our lives.

Water comes down from the heavens as rain. Although it is always the same itself, it produces so many different effects. One in the tree, another in the rose bush, still another in the vine, and so in the whole of creation. Remaining essentially the same, the rain adapts itself to the needs of each creature that receives it with the openness of absorbing life.

In the same way, Your Spirit, Lord, remaining absolutely simple in its integrity, apportions its grace upon each Member of Congress. Your Spirit makes one a teacher of honest facts; another a visionary of the future; to another, the ability to remove obstacles; and yet another the art of compromise. Still others respond with a depth of spirituality and service not easily recognized.

May all respond to this plenitude and accomplish great deeds for this Nation, revealing Your glory at work in the world now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LATTA. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LATTA. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. MORAN) come forward and lead the House in the Pledge of Allegiance.

Mr. MORAN of Virginia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

WHO'S THE "CHUMP" IN THE OIL GAME?

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Madam Speaker, we have a situation today where Americans are paying almost $4 a gallon for gasoline. This morning, Goldman Sachs announced that oil is going to go up to $150 to $200 a barrel, which means that it is not going to stop at $4. It will be about $5 or $6.

Now, think about this: This is a tremendous boom to Iran and Iraq. Iran will gain enormous wealth and political influence. Iraq will get even more revenue than the $72 billion they're anticipating this year. They got $100 billion over the last couple of years, much of it our money.

And yet Americans have already contributed over half a trillion dollars to Iraq's economy. Within the next couple of weeks, we'll appropriate another $170 billion. Iraqis are getting a surplus of oil revenue from us and yet we are paying to pick up their garbage and train their security forces when they've got surpluses they don't even know what to do with.

Who's the chump in this picture, Madam Speaker?

LET'S BE CAUTIOUS WITH MORTGAGE BAIL-OUT PROGRAMS

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Madam Speaker, before I came to Congress, I had an opportunity to serve my constituents in a different way. I was a home builder, a land developer, and even a mortgage lender. I know firsthand some of the problems that the real estate industry and the housing industry is facing today.

Ninety-four percent of the American homeowners are paying their mortgage payments on time and in full. Are some people having a hard time making these mortgage payments? Of course they are. Can the government help? Yes, in some cases. But I urge my colleagues to be very careful here. We do not need for the Federal Government to be the piggy bank for folks that made poor decisions or to bail out the lenders that made loans to people that really didn't have the capacity to pay it back. It is not fair to penalize those folks that made good decisions and played by the rules by taking their tax money and rewarding those who didn't.

For many of my constituents, they are having a hard time just making their own mortgage payment. What we shouldn't be doing is taking their tax money to pay their neighbor's payment.

Madam Speaker, I encourage folks to be very cautious about these bail-out programs.

STUDY REVEALS MIDDLE CLASS WORSE OFF THAN THEY WERE FIVE YEARS AGO

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. Madam Speaker, 7 years of President Bush's economic policies have put a tremendous strain on middle-class families. Since 2001, health care premiums have gone up almost $6,000, college tuition has increased by $2,500, and gas prices have more than doubled. With these increases and paychecks that have, on the average, fallen, it's no wonder that the majority of Americans say their economic situation has not improved in the last 5 years.

While the Bush administration is eager to give tax breaks to the wealthiest of Americans and assist Wall Street firms like Bear Stearns, it does little to help middle-class families. Madam Speaker, the Democratic House recognizes the immediate need to help middle-class families, and that is why our budget prioritized middle-class tax relief and why we are proposing a second economic stimulus package.

It's time for President Bush to put the middle class ahead of the wealthiest few.

WHEN WILL THE DEMOCRAT LEADERSHIP KEEP ITS COMMITMENT TO RURAL COMMUNITIES

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Madam Speaker, by refusing to renew the county payments program, Congress has broken its pledge to rural areas all across this country like Grant County, Oregon, where Federal land covers 61 percent of the county. That's 300 square miles larger than the entire State of Delaware.

The school children of Grant County rely on the Federal Government to be a good neighbor. During my most recent visit to Prairie City School and the eighth grade class of Andy Demko, I was told by the school superintendent, Newell Cleaver, that only the county payments funds through the Road Department have kept the schools going.

Our Speaker has said she would like this to be "The Children's Congress." So why won't the Democratic leadership bring a vote on H.R. 3058, which is a bipartisan, 4-year reauthorization timber program, keeping a 100-year-old commitment from this government to these counties?

It has been 112 days since H.R. 3058 was made eligible for a vote. It's here on the Union Calendar of the House. We have had 51 legislative days when it could have been brought up for a vote to help secure rural schools, and yet the leadership of this House refuses to even schedule it for a vote on the House floor.

When will the Democrat leadership of the House keep its commitment to rural communities?

URGING THE PRESIDENT TO STOP FILLING THE STRATEGIC PETROLEUM RESERVE

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, as gas prices have once again hit record highs, congressional Democrats are urging President Bush to take action. For 7 years he has sat on the sidelines, and even last week at a press conference in the Rose Garden, he concluded that the cost-benefit analysis of immediate action for consumers were not persuasive enough for him to act.

House Democrats are calling on President Bush to stop filling the Strategic Petroleum Reserve. This reserve is 97 percent full, which is more than enough to meet any emergency we would have. Experts believe that tapping the reserve could lower our gas prices by as much as 5 cents to 25 cents per gallon.

Right now, Americans need help. They're hurting. President Bush could take action today that would provide immediate relief to consumers at the pump, but he refuses to act. Once again, House Democrats urge the President to reconsider.

HOOSIERS VOTE WITH MORE CONFIDENCE TODAY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, today America's eyes are turning to Indiana and North Carolina as tens of thousands of Americans are making their decision in primary election days. And thanks to the United States Supreme Court decision in Crawford v. Marion County Election Board, et al., Hoosiers will be voting today with greater confidence than ever before.

The Supreme Court decided last week in a 6–3 decision that Indiana's laws requiring photo identification to vote is constitutional. In its opinion, the Supreme Court noted, "There is no question about the legitimacy or importance of a State's interest in counting only eligible voters' votes." It further stated, "Indiana's interest in protecting public confidence in elections, while closely related to its interest in preventing voter fraud, has independent significance, because such confidence encourages citizen participation in the democratic process."

Indiana's laws had its critics in this body, but I rise to extol the Supreme Court and all of those in Indiana and North Carolina who, with greater confidence today, will exercise their franchise and guide America's future integrity.

TIME FOR ACTION ON RECORD GAS PRICES

(Mr. WELCH of Vermont asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH of Vermont. Madam Speaker, for the past 7 years, President Bush has been delivering an energy policy that has resulted in the highest increase in the cost of energy in the history of this country. Last week, the President continued his call for more of the same when he touted an old plan for domestic drilling in the Arctic that would produce a 6-month supply of oil 10 years from now. It is not going to do anything about the price at the pump now, it is not going to do anything about the price at the pump later.

Instead, the President is blaming congressional Democrats for not addressing the problem, but it's the President who won't suspend purchases of the Strategic Petroleum Reserve which would bring down prices 25 cents immediately. It's the President who won't work with us to get rid of the Enron loophole which is enriching speculators and clobbering middle class families.

This year, in fact, the Democratic Congress has passed energy legislation that's getting nowhere because of being held hostage in the Senate and it has no support from the President of the United States.

The reality is that we have actions we can take in the short term, the Strategic Petroleum Reserve, the Enron loophole, and in the long term, to reduce our reliance on carbon.

INVEST IN AMERICAN ENERGY INDEPENDENCE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, Americans are paying the price at the pump for the inaction of this majority. Democrats promised the American people 2 years ago last week that they had a plan to address rising gas prices. It appears that plan was nothing more than election year politics. That's a shame because right now, Americans are paying nearly $4 a gallon for gas. The effect of the rising prices is felt not just when we fill up our tank. We see the rising prices at the grocery store because our food is shipped in trucks all across this country.

The American people do not expect a quick fix, but they do expect us to work toward energy independence rather than simply pointing fingers and blame. We live in a global market and many nations are competing for oil. Let's start by promoting American alternative energy. Let's invest in American oil. Let's advance American energy exploration. The co-ops of America, led by National President Jack Wolfe, are leading the way.

In conclusion, God bless our troops, and we will never forget September the 11th.

☐ 1215

COMPREHENSIVE HOUSING REFORM

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Madam Speaker, there's no doubt that the housing crisis and the consumer credit crunch are getting worse. Last week, we learned that the number of homes facing foreclosure more than doubled from last year. In my home State of New Hampshire, foreclosures have increased nearly 96 percent.

That is why it is so important that Congress pass the comprehensive housing package that is coming to the floor this week. The legislation is the most innovative and comprehensive solution to the housing crisis yet. It will give relief to the millions of working families struggling to pay their mortgage with the rising price of gas and food. It would help nearly 1.5 million Americans in need. Our package would also offer assistance to State and localities to purchase and rehabilitate foreclosed properties.

Madam Speaker, our economy cannot rebound unless we act now to give relief to millions of Americans in need. We have a bold proposal to take this decisive action. I certainly hope that my colleagues on the other side of the aisle understand the urgent need and that we will receive bipartisan support for this proposal.

POLL RESULTS: MEDIA NOT OBJECTIVE

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Madam Speaker, during a telephone town meeting last night, I asked my constituents, "Do you think the media are fair and objective in their news coverage?" Ninety-one percent of the almost 400 respondents said the media are not fair, and only 7 percent said that they are fair.

This is an amazing result but not a surprising one, since slanted coverage pervades much of the news Americans get every day.

One of the greatest threats America faces is a biased media. If the American people don't get the facts, they can't make good decisions. And if they can't make good decisions, we won't have a democracy.

The national media need to let the American people make up their own minds, not tell them what to think.

ISRAEL'S 60TH ANNIVERSARY CELEBRATION

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, today we have an opportunity to signify an important milestone in Israel's history. We celebrate its 60th anniversary, a truly important time in Jewish history.

My district in the San Joaquin Valley is the bread basket of the Nation, but we have a unique relationship between California State University at Fresno and Ben Gurion University of the Negev. My constituents for years have been partnering with their counterparts in Israel to research water, irrigation technologies and agricultural solutions to problems that face our world.

Fresno State has a long history in working with many leading drip and micro-irrigation equipment manufacturers in Israel, and the university has a long history of exchange of information with the Agricultural Research Organization's Volcani Center in Israel, including exchange programs that have brought research scientists to work on water and salinity issues.

Fresno State continues today to have discussions with Israeli researchers and industry on how to extend a beneficial use of the world's ever shrinking supply of water for the important purpose of feeding our world.

For this and many other reasons, we recognize and celebrate the 60th anniversary of the Nation of Israel.

FAILURE TO PASS THE COLOMBIA TRADE AGREEMENT HAS INCREASED THE COST OF U.S. EXPORTS BY MORE THAN $1 BILLION

(Mr. WELLER of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER of Illinois. Madam Speaker, I rise today to ask this House, why do we continue to punish Illinois and U.S. manufacturers and farmers?

In the 531 days since the U.S.-Colombia Trade Promotion Agreement was signed, U.S. products exported to Colombia have suffered over $1 billion in taxes and tariffs because they were exported to the United States through Colombia. And during that period of time, Colombian products entering the United States come in duty free. That doesn't seem fair.

We have an agreement with Colombia to eliminate those tariffs, and every day we delay it costs almost $190 million a week in higher tariffs on U.S.-made products.

The U.S.-Colombia Trade Promotion Agreement is good for States like Illinois. I represent a State that's dependent on exports. Our biggest product we produce in the district I represent, we have 8,000 union workers who produce yellow bulldozers and construction equipment, something that's common and in need in places like Colombia.

Let's be competitive. Let's eliminate those tariffs. Let's bring up for a vote the U.S.-Colombia Trade Promotion Agreement.

NATIONAL TEACHER DAY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, on this National Teacher Day, I rise to single out just one of the many talented teachers in my congressional district.

Libby Anderson teaches second grade at Grover Heights Elementary School in Grover Beach. It's a national blue ribbon school. She is one of those gifted teachers with a truly unique way of igniting the interest of her students.

A few years ago, she led a class project where each student picked a lighthouse to study from around the country. Through that project one student learned of the Federal efforts to restore the Piedras Blancas lighthouse in my district.

Under her guidance, the class embarked on a campaign called "Pennies for Piedras" to raise money toward this effort. By the end of that school year, the students had raised $1,337.30 in pennies.

I'm happy to say that her students have gone on to lead support for continued restoration of this special place.

This is just one example of the many exceptional ways this teacher touched the lives of her students and expanded their awareness of their community.

Our country is blessed to have teachers like Ms. Anderson who spark students' passions, encouraging them to get involved in the world around them.

ENERGY PRICES

(Mr. LATTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LATTA. Madam Speaker, with no relief in sight for the American public as they continue to endure the costs of skyrocketing energy costs, it's once again time to look at alternative sources to combat this problem.

China has plans to build 40 nuclear power plants in the next 15 years, investing approximately $50 billion in these reactors.

The United States has not licensed a nuclear power plant in 30 years, while the current congressional leadership refuses to even consider the notion of nuclear power as a viable alternative energy source.

Of course we don't have to leave my home State of Ohio to find additional ways to increase domestic energy production. In northwest Ohio, alternative energy is abundant with the only wind turbines in the State, solar panel production, and coal liquefaction technology all adding to our energy production.

Whether we look at other countries, or in our own backyard, we must embrace alternative energy sources as one way to reduce our dependency on Middle Eastern oil and combat skyrocketing energy prices.

HOUSING FORECLOSURE CRISIS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, Federal Chairman Ben Bernanke says Congress should do more to address the housing foreclosure crisis. I agree.

However, let me respectfully suggest to the Fed Chairman that he, too, can do much more to help. Let him use his considerable power to bring to the table the very big banks that aren't coming to do foreclosure workouts at the local level. They just happen to be the firms the Fed has been rewarding handsomely by injecting billions and billions of dollars to rescue them. You know the names: Citigroup, J.P. Morgan Chase, Bank of America, Wachovia.

Firms like Countrywide don't even show up when borrowers at the local level try to renegotiate their loans. Yet, the Federal Reserve has been rewarding them by putting them on their list of select primary dealers. Fancy that.

So, Mr. Bernanke, let me help you out. Here's a list of the firms you can invite right now. They're not responding to Ohioans witnessing foreclosure: Countrywide, Chase Mortgage, Citifinancial, GMAC, HSBC, Sovereign Bank, Indy Mac Bank, Popular Mortgage, Nova Star, Saxon Mortgage Services, Option One Mortgage, EMC Mortgage, ASC Servicing, HomeEq, Wilshire, Nationstar, Equifirst, Litton Loan, Flagstar.

Let's be honest. These mega firms are holding the levers of power over our homeowners. It's time the scales of justice had balance restored on behalf of our people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

HOUSTON POLICE OFFICER RODNEY JOHNSON

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, Houston Police Officer Rodney Johnson was the best of the best, but he was killed by the worst of the worst.

An illegal outlaw from Mexico, Juan Leonardo Quintero-Perez, shot Officer Johnson four times in the back of the head after a routine traffic stop. Officer Johnson would still be alive today, enjoying time with his five children and his wife, Joslyn, a fellow Houston police officer, if our border was protected.

This lawless trespasser had already been deported for indecency with a child in 1998, but he sneaked across the border again to continue his crime spree. After coming to Houston, Quintero finally confessed to murdering one of Houston's finest.

Today, Quintero is on trial for capital murder in Houston, but the Mexican government, rather than pay restitution to the Johnson family, is paying for the battery of defense lawyers representing this cold-blooded cop killer.

Mexico is meddling in the U.S. court system, but Juan Quintero cannot miss his judgment day and his day with his Maker, because justice is what we do in America, even if the Mexican government doesn't like it.

And that's just the way it is.

BUILDING A BETTER NATION

(Mr. KAGEN asked and was given permission to address the House for 1 minute.)

Mr. KAGEN. Madam Speaker, last week the Labor Department reported that for the fourth month in a row our jobs are going south. We are losing more jobs, even as the middle class is struggling just to keep their heads above water.

We're in this mess because the Bush administration and its followers have failed to establish a fiscally responsible budget policy and are continuing to borrow and spend our Nation into the poor house.

In response to this downturn, Democrats are taking action. Today, we're holding an economic summit to determine how best to restore our ailing economy. Also this week we're going to begin to put together a second economic recovery effort directed at rebuilding America's infrastructure, first by enacting a housing package to help establish the floor in the housing market, and then we intend to invest in higher wage construction jobs that will stimulate local economies nationwide.

I hope my colleagues in both parties will join us in this effort to build a better Nation here at home and that, furthermore, the President will understand how important this is and sign the bill we intend to enact.

WASTE TO ENERGY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, yesterday I visited a waste-to-energy facility in Lancaster County, Pennsylvania, and concluded, once again, Lancaster County gets it right.

This facility is a great example of the kind of ingenuity that we need to put America on a path toward energy independence, and it is disposing of waste at the same time. The plant burns solid waste at very hot temperatures, using the heat to turn water into steam which is used to turn a turbine and create electricity.

Ninety percent of that electricity is sold to the local electric utility. Metals, glass and plastics are recycled out in the process.

This process is saving pollution from ending up in the Chesapeake Bay. It's saving land by reducing the need for landfills, and it's creating clean energy in the process.

One ton of solid waste has the energy equivalent of 1 barrel of oil. Last year, over 342,000 tons of waste were processed at the facility, and I'm told that something like 30,000 tons of trash a day is trucked out of New York City to landfills.

Maybe our State and community leaders should take a cue from the people of Lancaster County as we search for more energy to meet our needs.

RECORD HIGH GAS PRICES REQUIRE ACTION, NOT BLAME

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, the price of gasoline is now averaging over $3.60 a gallon. House Democrats are working to provide some relief, but we face stiff opposition from the White House and congressional Republicans who have opposed every single energy bill that we have brought to the floor this year. When it comes to energy, the GOP doesn't want to work with us. They simply want to say "no."

When Democrats voted to repeal unnecessary subsidies to big oil companies so we could instead invest in clean, renewable energy, Republicans overwhelmingly voted "no." It didn't matter that the legislation would reduce our dependence on foreign oil, lower prices at the pump and create new, green jobs. They still preferred the status quo.

When Democrats passed the Energy Price Gouging Act to punish those who take advantage of these record prices by increasing them even further, Republicans overwhelmingly voted "no."

Madam Speaker, Democrats understand the hardship that families are facing every time they go to the gas station, and that is why we've passed six bills that would provide real relief to consumers.

It's time Republicans realized that "no" is not an energy strategy.

☐ 1230

KYLA BASS

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise to recognize Ms. Kyla Bass of Florence, Kentucky. On February 13, 2008, Kyla distinguished herself when her father, Patrick Bass, a Desert Storm veteran, suffered a seizure.

In a display of courage, maturity and composure that far exceeded her 10 years of age, Kyla responded to the emergency quickly and effectively. She administered first aid and then called her mother and grandfather, while simultaneously caring for her younger brother and two cousins who were at home at the time of the emergency.

Kyla attributes her quick thinking and first aid proficiency to the skills she learned in American Heritage Girls Troop KY0727. American Heritage Girls is dedicated to developing young women through service to God, family, community and country.

In recognition of Kyla's heroism, American Heritage Girls has created the Angel Among Us award, which Kyla will receive during the regional awards ceremony on May 16. Her self-control during this event is impressive. Kyla, we're proud of you. Madam Speaker I ask you to join me in commending Kyla Bass for her outstanding actions and character.

"MISSION ACCOMPLISHED"?

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. May 1, just last Thursday, was the fifth anniversary of the famous words, "Mission Accomplished." What a tragedy, when April was the most deadliest month in Iraq that we have seen in a number of months.

Madam Speaker, I rise today to ask the administration to recognize that this unending war must end. And in the backdrop of a newspaper article that suggests that the administration is looking at a $500 million development of hotels and restaurants and amusement parks in Baghdad, I ask the administration, do they get it? That's why it's important for us to support an amendment in the emergency supplemental that says we will bring our troops home with honor. This will go into effect one month after this legislation is passed.

Seven months, deadliest, April, troops dying. This kind of war cannot be an unending war. And so we refuse to give more blank checks to Iraq. We thank our soldiers on the front lines of Iraq and Afghanistan, the war we should win. Bring our troops home with honor. Vote for this amendment. And let's not focus on a $500 million development of hotels and restaurants in Iraq—what are we thinking about?—Let's bring the troops home!

AS JOB LOSSES CONTINUE IN APRIL, DEMOCRATS CONTINUE TO WORK TO STIMULATE THE ECONOMY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, as the first quarter of 2008 ended, it was clear that things are not getting any better for American families struggling to make ends meet. Americans continue to face higher costs for basic necessities, millions of families have lost their homes due to the troubled real estate market, and several million more Americans are uninsured.

Last week, we also learned that April was the fourth month in a row that our economy lost jobs. With 20,000 jobs lost last month, our economy has now shed 260,000 jobs so far this year. That's particularly troublesome considering that experts say the economy must create 150,000 jobs a month just to keep up with the number of Americans entering the job market.

All of these red flags show why it is so important that we worked together in a bipartisan fashion earlier this year to pass the economic stimulus package. As a result of that action, 150 million taxpayers began receiving rebate checks last week. That was a good start, but more needs to be done.

Madam Speaker, with so many Americans struggling and the bad economic news continuing to mount, we urge the President and the Republicans to join us to pass a second economic stimulus package.

MOTION TO ADJOURN

Mr. WALSH of New York. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALSH of New York. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on approval of the Journal; and the motion to instruct on H.R. 2419 offered by the gentleman from Wisconsin (Mr. RYAN).

The vote was taken by electronic device, and there were—yeas 152, nays 255, not voting 24, as follows:

[Roll No. 245]

YEAS—152

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Broun (GA)
Calvert
Cannon
Cantor
Capito
Carter
Castle
Chabot
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Emerson
English (PA)
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Tancredo
Thornberry
Tiahrt
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—255

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Dreier
Edwards

Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Sherman
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—24

Andrews
Baird
Burton (IN)
Butterfield
Camp (MI)
Campbell (CA)
Carson
Cramer
Dingell
Ferguson
Hulshof
Jones (NC)
Jones (OH)
Kuhl (NY)
Marshall
McHenry
Miller, George
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Shuler
Speier
Wynn

☐ 1304

Messrs. GENE GREEN of Texas, STUPAK, MACK, TOWNS, CARNEY, PALLONE, HOYER and Ms. BOYDA of Kansas changed their vote from "yea" to "nay."

Ms. FALLIN, Mr. ROGERS of Alabama and Mr. HAYES changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WAMP. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 182, answered "present" 1, not voting 28, as follows:

[Roll No. 246]

AYES—220

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Capito
Capps
Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Doggett
Doyle
Dreier
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—182

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—28

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Cramer
Delahunt
Dicks
Dingell
Doolittle
Ferguson
Hirono
Hulshof
Jones (NC)
Jones (OH)
Kuhl (NY)
Marshall
McHenry
Miller (FL)
Oberstar
Payne
Pence
Peterson (PA)
Pryce (OH)
Rush
Shuler
Speier
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

☐ 1315

Messrs. HALL of Texas and FORTENBERRY changed their vote from "aye" to "no."

So the Journal was approved.

The result of the vote was announced as above recorded.

Ms. HIRONO. Madam Speaker, on rollcall No. 246, had I been present, I would have voted "aye."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 5, 2008.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Jay Dardenne, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held May 3, 2008, the Honorable Don Cazayoux was elected Representative to Congress for the Sixth Congressional District, State of Louisiana.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF LOUISIANA,
Baton Rouge, LA, May 5, 2008.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Saturday, May 3, 2008, for Representative in Congress from the Sixth Congressional District of Louisiana, show that "Don" Cazayoux received 49,702 or 49.20% of the total number of votes cast for that office.

It would appear from these unofficial results that "Don" Cazayoux was elected as Representative in Congress from the Sixth Congressional District of Louisiana.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all Parishes involved, an official Certificate of Election will be prepared for transmittal as required by law.

If I can ever be of any assistance to you, please do not hesitate contacting me.

With best wishes,

JAY DARDENNE,
Secretary of State.

Enclosure.

ELECTION # 5/03/08 RESULTS FOR OFFICE

Office: U.S. Representative, 6th Congressional District (One to be Elected), Precincts reporting: 512 of 512, Total Votes: 101,011 100%.

SPECIAL ELECTION

Votes	Percent	Candidate name	Pty
448	0.44	Peter J. Aranyosi	N
3,718	3.68	Ashley Casey	N
49,702	49.20	"Don" Cazayoux	D
402	0.40	Randall T. Hayes	O
46,741	46.27	Louis "Woody" Jenkins	R

SWEARING IN OF THE HONORABLE DON CAZAYOUX, OF LOUISIANA, AS A MEMBER OF THE HOUSE

Mr. JEFFERSON. Madam Speaker, I ask unanimous consent that the gentleman from Louisiana, the Honorable DON CAZAYOUX, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Louisiana delegation present themselves in the well.

Mr. CAZAYOUX appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE DON CAZAYOUX TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. JEFFERSON) is recognized for 1 minute.

There was no objection.

Mr. JEFFERSON. Madam Speaker, on behalf of the Louisiana delegation, we are proud to welcome DON CAZAYOUX to this magnificent House.

He understands the values of faith, family and public service. He grew up in New Roads, Louisiana, has been married for 21 years to a retired school teacher, Cherie, and they have three children, Michael, Chavanne and Katie, who are all here today, I am sure. He has served in the State House since 1999, and he has, of course, been well qualified before that, having served in a number of public service offices, including as the District Attorney of Pointe Coupee Parish.

Now, I might say a lot of things about his former preparation for this, but let me say this, as we grow older, we get to know folks through our children. My daughter is the best representative I know of what we all know now about DON CAZAYOUX. When she first started in the Louisiana State House, DON. CAZAYOUX was already there. She told me she met this wonderful young man who was helpful to her.

After she got to know him a bit better, she said he was a very thoughtful representative. As she got to know him even more, she said he was a very decent man.

On the recommendation of my daughter, he was helpful, he was thoughtful, and he is thoroughly decent. Through that description, I think we all will get to know him as well.

I am proud, on behalf of all of us here, to present this wonderful young man, who is a cousin of Lindy Boggs, who is here with us today.

For the last several years, Charlie Melancon and I have met in a phone booth over here as the total Democratic caucus of Louisiana. Now, Madam Speaker, we may need different accommodations because of this election.

May I ask MR. CAZAYOUX to please come to the microphone. We welcome you.

Mr. CAZAYOUX. Thank you, Madam Speaker, Members, for the warm welcome. I am honored to be the newest Member of this body.

I want to thank my family, who is here; my wife, whose goodness inspires me, Cherie; my children, Michael, Chavanne and Katie, who remind me why we are here, why our decisions are so important for the future.

I want to introduce you to my parents, Donald and Ann Cazayoux; Ann, whose compassion taught me to be compassionate; my father, whose sense of humor taught me to have a sense of humor, especially about myself; my Uncle John Wayne Jewell, who has a small-town private practice of law and taught me all about public service. I want to thank him and my Aunt Martha for her commitment to justice; my mother-in-law, Bonnie, for her goodness; Lindy Boggs, my model of leadership. Thank you for being here, and for the rest of my family and friends, without whose help I could not be here, physically here, period.

I also want to thank the members and the constituents of my district for electing me and for challenging me to come here to work with you to meet the demands that they face every day to solve the problems in a commonsense, fiscally prudent manner in terms of health care, the price of gas or what have you.

Thank you so much for welcoming me, and I look forward to working with each of you.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Louisiana, the whole number of the House is 433.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). Without objection, 5-minute voting will continue.

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Wisconsin (Mr. RYAN) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 172, nays 241, not voting 19, as follows:

[Roll No. 247]

YEAS—172

Aderholt
Akin
Alexander
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berman
Biggert
Bilbray
Bilirakis
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boucher
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cooper
Crenshaw
Crowley
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Granger
Hall (TX)
Harman
Hastings (WA)
Heller
Hensarling
Hinchey
Hobson
Hoekstra
Holt
Hunter
Inglis (SC)
Israel
Issa
Johnson, Sam
Jordan
Keller
Kind
King (NY)
Kingston
Kirk
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Linder
Lipinski
LoBiondo
Lungren, Daniel E.
Mack
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
Meeks (NY)
Mica
Miller (FL)
Miller, Gary
Mitchell
Murphy, Patrick
Myrick
Nunes
Paul
Pence
Petri
Pickering
Pitts
Platts
Porter
Price (GA)
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Saxton
Schiff
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Sherman
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stark
Stearns
Sullivan
Tancredo
Terry
Tiberi
Tierney
Turner
Upton
Van Hollen
Walberg
Wamp
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NAYS—241

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrow
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Forbes
Fortenberry
Frank (MA)
Giffords
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
Klein (FL)
Kline (MN)
Kucinich
LaHood
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lewis (KY)
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Poe
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (VA)
Serrano
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Yarmuth

NOT VOTING—19

Andrews
Blackburn
Burton (IN)
Butterfield
Campbell (CA)
Carson
Cramer
Dicks
Hulshof
Jones (NC)
Jones (OH)
Marshall
McHenry
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Speier
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on this vote.

□ 1337

Ms. BERKLEY, Messrs. DAVIS of Illinois, BECERRA, JACKSON of Illinois, JEFFERSON, Mrs. MCMORRIS RODGERS, and Ms. BALDWIN changed their vote from "yea" to "nay."

Messrs. ISRAEL, NUNES and MCCARTHY of California changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

Mr. WALSH of New York. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALSH of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 203, noes 176, not voting 53, as follows:

[Roll No. 248]

AYES—203

Abercrombie
Ackerman
Allen
Altmire
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)

Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sanchez, Loretta
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Yarmuth

NOES—176

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blunt
Boehner
Bonner
Bono Mack
Boozman
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—53

Andrews
Arcuri
Berman
Berry
Blackburn
Boren
Boustany
Burton (IN)
Butterfield
Campbell (CA)
Carson
Chandler
Cooper
Cramer
Deal (GA)
Doyle
Feeney
Gallegly
Gonzalez
Heller
Herger
Hinojosa
Hodes
Hulshof
Jones (NC)
Jones (OH)
Kaptur
Kennedy
Larson (CT)
Marshall
McHenry
Meek (FL)
Michaud
Mollohan
Murtha
Oberstar
Peterson (PA)
Pryce (OH)
Radanovich
Reynolds
Richardson
Rogers (AL)
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schmidt
Solis
Speier
Tiahrt
Wamp
Wu
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining on this vote.

☐ 1344

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. CANTOR. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Cantor moves the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed not to agree to the provisions contained in section 12808 of the Senate amendment (relating to qualified forestry conservation bonds).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

NATIONAL NURSES WEEK

Mr. GENE GREEN of Texas. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1086) recognizing National Nurses Week on May 6 through May 12, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1086

Whereas, since 2003, National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing;

Whereas National Nurses Week is the time each year when nurses are recognized for the critical role they play in providing safe, high-quality, and preventative health care;

Whereas nurses are the cornerstone of the Nation's complex health care system, representing the largest single component of the health care profession, with an estimated over 2,500,000 registered nurses in the United States;

Whereas, according to a study published in the New England Journal of Medicine in May 2002, a higher proportion of nursing care provided by registered nurses and a greater number of hours of care by registered nurses per day are associated with better outcomes for hospitalized patients;

Whereas nurses are experienced researchers and their work encompasses a wide scope of scientific inquiry including clinical research, health systems and outcomes research, and nursing education research;

Whereas nurses are currently serving the Nation admirably in the conflicts in Iraq and Afghanistan;

Whereas nurses help inform and educate the public to improve the practice of all nurses and, more importantly, the health and safety of the patients they care for;

Whereas the Nation continues to face a nursing shortage unprecedented in its depth and duration, with a projection of over 1,000,000 new and replacement nurses needed by 2016;

Whereas the nationwide nursing shortage has caused dedicated nurses to work longer hours and care for more acutely ill patients;

Whereas nurses are strong allies to Congress as they help inform, educate, and work closely with legislators to improve the education, retention, recruitment, and practice of all nurses and, more importantly, the health and safety of the patients they care for; and

Whereas nurses are an integral part of the health care delivery team and provide quality care, support, and education to patients and their families, conduct essential research, and serve as strong patient advocates: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of the United States to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Nebraska (Mr. TERRY) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. GENE GREEN of Texas. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I rise today in support of H. Res. 1086 recognizing today, May 6, through May 12 as National Nurses Week. As a cosponsor of this resolution, I am proud to lend my voice in support of our Nation's nurses.

Continuing in the illustrious tradition of Florence Nightingale, the founder of modern nursing, nurses today continue to attend to our Armed Forces overseas. These brave men and women place themselves at risk in war zones, including the conflicts in Afghanistan and Iraq, to tend to our injured soldiers. Besides tending to the wounded abroad, nurses are also on the front lines of our health care system here at home. Whether their primary function is to care for our aging population or to provide immediate aid to the sick and injured, our nurses provide quality patient care and support to keep our health care system running.

As the Nation continues to face a nursing shortage, with a projected 1 million new nurses needed by 2016, it is especially important that everyone is aware of the sacrifices nurses make on a daily basis for our country. We must continue to encourage more young people and those seeking a change in career to join the nursing profession.

The resolution before us encourages all Americans to observe this week as National Nurses Week by showing appropriate recognition to nurses and creating programs and activities during the week to demonstrate the importance of nurses.

I would like to thank my colleagues and former nurses, Congresswoman EDDIE BERNICE JOHNSON, Congresswoman CAROLYN MCCARTHY, and Congresswoman LOIS CAPPS, for their leadership on this measure. Again, I reiterate, they are former nurses, although I don't know if you are ever a former nurse. I urge my colleagues on both sides of the aisle to join me in support of the resolution and its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. TERRY. I yield myself as much time as I may consume.

I rise today in support of House Resolution 1086, acknowledging May 6 through May 12, 2008, as National Nurses Week. In addition to kicking off National Nurses Week today, we are also celebrating the comforts and care that nurses provide by recognizing May 6 as National Nurses Day. This tradition started in 1982 when President Ronald Reagan signed a proclamation making today National Recognition Day for Nurses.

This is a week to recognize nurses as being the largest single component of the health care profession with over 2.5 million registered nurses in the United States and the critical role they play in providing care to not only the citizens of America but are also serving our Nation in both Iraq and Afghanistan. In addition to the immediate care they provide to patients, they also have helped to educate, inform and improve education and retention of nurses.

I would like to thank the author of this resolution, Ms. EDDIE BERNICE JOHNSON of Texas, for her leadership in honoring nurses that have helped promote health, prevent disease and help other Americans cope with illness. I encourage all of my colleagues to vote in favor of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GENE GREEN of Texas. Madam Speaker, I yield 5 minutes to my good friend and colleague from Texas, Congresswoman EDDIE BERNICE JOHNSON, who literally I have served with since 1973 with just a little break in the service.

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank my colleague and friend of longstanding. I want to also thank the minority side for their assistance, and both Chairman DINGELL and Ranking Member BARTON.

As a registered nurse with a master's degree, it is a privilege and a delight to offer a resolution recognizing National Nurses Week which is May 6 through 12. I have two outstanding colleagues that we have found to have something in common, Congresswoman LOIS CAPPS and Congresswoman CAROLYN MCCARTHY, who are also nurses and champions of this resolution and of the profession, and I thank them for their efforts to encourage more than 110 congressional colleagues to cosponsor this bill honoring nurses.

The Congressional Nursing Caucus was also helpful in promoting the legislation, and I appreciate Members' efforts to rally support for H. Res. 1086.

Nurses are a key component of our Nation's health care system. Whether on the battlefield or at sea, in a skilled nursing facility, in a hospital or even in a patient's own home, the care that a nurse provides is very valuable. Nurses are intelligent individuals who must often make quick decisions in an effort to save the life of a patient, even before the physician arrives. Nurses are recognized as the patient's primary advocate and every poll shows that nurses are always very trusted by the patients. They are tasked with closely monitoring even small changes in a patient's health. Nurses are tough, directed, decision-making people who work under stress and in difficult situations.

For 15 years I provided hands-on patient care as a psychiatric nurse at the Veterans Administration Hospital in Dallas. The work was challenging but fulfilling. That's why I still remain very interested in quality care for all of our veterans. Although more than 2.5 million nurses work in the United States, our Nation has suffered from a nursing shortage. Those currently in the profession are beginning to retire. There are fewer individuals entering the profession. The nursing shortage is unprecedented in its depth and duration, with a projection of over 1 million new and replacement nurses needed by 2016.

Nursing schools need help attracting well-prepared faculty to recruit the best and brightest into their educational programs. Loan forgiveness and educational incentive programs can help, but Congress must do more to encourage bright young minds toward nursing.

Nursing is a career that has been valued for a long time, and it is fitting to recognize the Navy Nurse Corps on its 100th anniversary this year. For nearly 100 years before Congress formally established the Navy Nurse Corps in 1908, women worked as nurses aboard Navy ships and in Navy hospitals. As early as the War of 1812, volunteers performed nursing duty in places that were often dangerous and required courage in the face of adversity. Members of the esteemed Navy Nurse Corps care for those brave men and women who fight for our freedoms. They contribute to relief efforts in all corners of the globe. They serve in lead roles as part of a unified health care team. The Navy Nurse Corps practices progressive patient care. It enjoys a rich heritage, accompanied by high-tech training. A registered nurse in the Navy is also a respected officer, serving in modern facilities at home, at sea, around the country and across the globe.

I am proud to especially recognize the Navy Nurse Corps for its centuries of outstanding service for our military men and women.

Today's resolution honors the good work that all nurses do.

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week as founded by the American Nurses Association; and

(3) encourages the people of this Nation to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

Along with my many supportive colleagues, I want to thank the House leadership for bringing this important resolution to the floor. I urge its support.

Mr. TERRY. Madam Speaker, I would like to yield 2 minutes to one of our physicians in the House of Representatives, the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I rise today in strong support of House Resolution 1086, recognizing National Nurses Week, which is May 6 through May 12 of this year. I am proud to be a cosponsor of this bill. I would like to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON)—Nurse JOHNSON—for advancing this legislation to help educate the American people about the critical role that nurses play in health care delivery.

With May 12 being the birthday of Florence Nightingale, the founder of modern nursing, there is not a more appropriate time to celebrate the work done by nurses. As an OB-GYN physician for almost 30 years, I was fortunate to work with intelligent, hardworking, compassionate nurses, and they were indeed a cornerstone of the high quality health care we provided.

Madam Speaker, nurses are on the front lines of health care delivery not only here at home but also in Iraq and Afghanistan. Therefore, because we are relying on our nurses so heavily and because we currently are experiencing a shortage of nurses, it is critical to support nurse training programs. That is why I recently joined with a number of my colleagues in supporting title VIII funding to provide loans and grants to our Nation's nursing students.

I urge all my colleagues to support the goals of National Nurses Week.

Mr. GENE GREEN of Texas. Madam Speaker, I yield 3 minutes to a colleague on the Energy and Commerce Committee and a good friend, Congresswoman LOIS CAPPS, and also a nurse.

Mrs. CAPPS. I thank my colleague for yielding.

Madam Speaker, I rise in support of House Resolution 1086 and in support of National Nurses Week. I commend my friend and fellow nurse, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for introducing this resolution. As we observe National Nurses Week, I hope we can work together to raise awareness about important issues facing our nursing community and the important impact that nurses make to the lives of patients and their role in the arena of public health. This is central to our delivery of health care.

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We know that nurses advocate for their patients and provide personal care at the bedside. Often, it is life-saving care. They are also community educators, primary care providers, and they serve in our military so often putting themselves in harm's way to carry out their duties.

But we are facing a terrible shortage of nurses. We are jeopardizing our ability to provide the best quality care which each individual and each family deserves in this country of ours. As a registered nurse currently serving in Congress, I feel it is my duty to advocate not only on behalf of my patients, but also on behalf of my fellow nurses.

I am co-Chair of our House Nursing Caucus, and I was honored to be joined by 155 of our colleagues in a letter to the Appropriations Committee requesting additional funding for nurse education programs. These programs have trained thousands of nurses, but we are in desperate need of so many more. And the very fact that we are funding title VIII nurse education at the same exact amount that we did over 30 years ago is, quite frankly, inexcusable.

In addition, nurses face difficult conditions in the workplace such as mandatory overtime, unsafe staffing numbers, hazardous lifting, and other workplace settings. These conditions are directly contributing to our inability to retain many qualified nurses in the hospital setting. As our Baby Boomers retire and our demand for nurses soars, let us use this week as an opportunity to reinforce our commitment to our current and our future nurses and thereby to a safer and healthier Nation.

Mr. TERRY. I continue to reserve. I have no further speakers.

Mr. GENE GREEN of Texas. I yield 3 minutes to our colleague from New York, CAROLYN MCCARTHY.

Mrs. MCCARTHY of New York. Mr. Speaker, I would like to thank LOIS CAPPS and EDDIE BERNICE JOHNSON for bringing this forward on H. Res. 1086, recognizing National Nurses Week.

I have spent over 30 years as a nurse, and it was mentioned earlier, someone said, Once a nurse. Well, let me say, Once a nurse, always a nurse. We carry our duties even here to the House of Representatives.

I sit on the Education Committee, and what I have been working on since I came here was making sure that our nurses get every opportunity to increase our numbers. As has been mentioned before by both of my colleagues, the nursing shortage in this country is of a crisis proportion. We see that our nurses today are a lot older; they're at the retirement age, and we must do everything that we can to make sure that we have our young people coming into a very, very rewarding career. Nursing can be demanding, it can be tiring, it can be physically draining; but it couldn't be a better career.

When I first joined nursing over 30 years ago, I worked in the intensive care unit, and I spent most of my life there and just to be able to help a patient in their greatest need but also to work with their families to comfort them as they saw their loved one going through a traumatic injury.

We need to make sure that this country has a supply of nurses continuously. We have many young people that want to go to nursing school, but what we have found over the years is we don't have enough professors to be able to teach them to be nurses. So in the Higher Education Act, there is going to be funding in there to make sure that those that want to go into a higher education to be able to teach nursing, it can work out for us.

When we look at the future, we're seeing today in our hospitals such a shortage of nurses that a lot of the nurses are doing a lot of overtime. When they take a day off, they're always called to come back in. That is not acceptable, mainly because you have to be totally alert at all times. And I certainly tip my hat to my fellow nurses that go through this every single day.

They stay in the profession because they love the profession. They stay in the profession because it is a calling. Not everyone can be a nurse. It is a calling. I salute those men and women that go into nursing, and I also salute the women and men that are fighting in Iraq and Afghanistan and taking their nursing care to the soldiers and giving them comfort when they need it. There is no greater, in my opinion, profession than to be a nurse.

With that being said, I hope my colleagues will support H. Res. 1086 and recognize National Nurses Week.

Mr. TERRY. May I inquire how much time is remaining.

The SPEAKER pro tempore (Mr. SERRANO). The gentleman from Nebraska has 17 minutes remaining. The gentleman from Texas has 10½ minutes remaining.

Mr. TERRY. We have no further speakers. I continue to reserve.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield 3 minutes to our fellow Energy and Commerce member, Congressman TOWNS from New York.

Mr. TOWNS. Mr. Speaker, first of all, I rise to support my colleague for bringing this resolution forward. I want to congratulate him on that.

I rise today in support of H. Res. 1086, recognizing National Nurses Week on May 6 through May 12. As a cosponsor of this resolution, I'm proud to speak out in honor of our valiant, committed nurses who make our Nation and our loved ones safe and well. I pay special tribute to my esteemed colleagues in Congress who introduced this resolution and who are, themselves, nurses: The Honorable EDDIE BERNICE JOHNSON of Texas, the Honorable LOIS CAPPS of California, and the Honorable CAROLYN MCCARTHY of my home State, New York.

Additionally, I want to pay special tribute to the nurses who are serving in Iraq and Afghanistan and the nurses who generally attend to those who suffer wounds from those conflicts.

Along with other health care professionals, a nurse is responsible for the treatment, safety, and recovery of acutely or chronically ill people. They also help to maintain a patient's health and provide treatment to those who are facing life-threatening emergencies like 9/11 and Hurricane Katrina. Nurses are also involved in medical and nursing research and provide a wide range of nonclinical functions.

Today, there are 2.4 million registered nurses in the United States; 92 percent of the registered nurses are women. There are 531,000 licensed vocational nurses; 1.8 million is the number of nursing psychiatric and home health aides. We cannot do without them.

I greatly commend the American Nurses Association and the American Academy of Nurse Practitioners, and all of the nursing associations and academic institutions who train nurses and promote the advancement of the profession. I look forward to working with members of the associations, academia, and others in making certain that we continue to increase the amount of nurses.

In closing, I wish to thank my colleagues again, Congresswoman JOHNSON, Congresswoman CAPPS, and Congresswoman McCARTHY for their leadership on this issue, and I urge my colleagues to join me in supporting this resolution. And I want to thank very much my colleague from Texas (Mr. GREEN) and, of course, others who have been involved in this resolution.

Mr. TERRY. Mr. Speaker, in our closing, let me once again reiterate our appreciation to the authors of this bill, Ms. JOHNSON from Texas, Mrs. LOIS CAPPS from California, and Mrs. McCARTHY from New York; and, once again, encourage our side of the aisle to vote "yes" on this measure.

We have no further requests for time.

Mr. Speaker, I yield back all of our time.

Mr. GENE GREEN of Texas. Mr. Speaker, in closing, I join my colleague from Nebraska in encouraging all of our Members to support this resolution in recognition of National Nurses Week.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1086, a resolution recognizing the designation of May 6 through May 12, 2008 as the National Nurses Week. I commend my colleague Representative EDDIE BERNICE JOHNSON for introducing this resolution and am honored to be a cosponsor of the legislation. This is an overdue resolution that recognizes the vital service that nurses provide to health of our citizens.

I need to acknowledge that it is because of the efforts of the nurses that are helping the health care system to survive in its fragile state. It is only fitting that the end of National Nurses Week is the birthday of Florence Nightingale who is the founder of modem nursing that has initiated the blossoming of about 2,500,000 registered nurses in the United States.

I would like to specifically recognize the 190,000 registered nurses in Texas for their unprecedented service tending to the needs of my State. This legislation is a testament to our Nation's ability to honor those that dedicate their lives to humanitarian causes.

Mr. Speaker, this resolution allows everyone to realize the foundational contributions that they have and continue to contribute to everyone. I would like to point out that everyone has interacted with a nurse in their lives and nurses should never be taken for granted.

Not only does this recognition honor the servants of humanity, but also paves the way for inspiration and education for those that aspire to serve in humanitarian needs. Our Nation is facing hardship through the shortage of nurses and medical care is essential to the viability of the United States.

Mr. Speaker, it is imperative for the government to recognize the importance of nurses in our country. I urge my colleagues to wholeheartedly support this resolution and other initiatives to properly recognize National Nurses Week.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as a registered nurse with a Master's in Public Administration, it is a privilege and a delight to offer a resolution recognizing National Nurses Week, which is May 6th through the 12th.

My colleagues, Congresswoman LOIS CAPPS and Congresswoman CAROLYN McCARTHY, are also nurses and champions of this resolution, and of the profession.

I thank them for their efforts to encourage more than 110 Congressional colleagues to cosponsor this bill honoring nurses.

The Congressional Nursing Caucus was also helpful in promoting the legislation, and I appreciate Members' efforts to rally support for H. Res. 1086.

National Nurses Week is celebrated annually from May 6, also known as National Nurses Day, through May 12, the birthday of Florence Nightingale, the founder of modern nursing.

Nurses are a key component of our Nation's health care system.

Whether on the battlefield or at sea, in a skilled nursing facility, in a hospital or even in a patient's own home, the care that a nurse provides is so very valuable.

Nurses are intelligent individuals who must often make quick decisions in an effort to save the life of a patient.

Nurses are recognized as the patient's primary advocate.

Nurses are tasked with closely monitoring even small changes in patients' health.

Nurses are tough. They often do their work under duress, and in difficult conditions.

For 15 years, I provided hands-on patient care as a psychiatric nurse.

The work was challenging and fulfilling.

Although more than 2.5 million nurses work in the United States, our Nation has suffered from a nursing shortage.

Those currently in the profession are beginning to retire. There are fewer individuals entering the profession.

The nursing shortage is unprecedented in its depth and duration, with a projection of over 1 million new and replacement nurses needed by 2016.

Nursing schools need help attracting well-prepared faculty to recruit the best and brightest into their educational programs.

Loan forgiveness and educational incentive programs can help, but Congress must do more to encourage bright young minds toward nursing.

Nursing is a career that has been valued for a long time, and it is fitting to recognize the Navy Nurse Corps on its 100th Anniversary this year.

For nearly 100 years before Congress formally established the Navy Nurse Corps in 1908, women worked as nurses aboard Navy ships and in Navy hospitals.

As early as the War of 1812, volunteers performed nursing duty in places that were often dangerous and required courage in the face of adversity.

Members of the esteemed Navy Nurse Corps care for those brave men and women who fight for our freedoms.

They contribute to relief efforts in all corners of the globe.

They serve in lead roles as part of a unified health-care team.

The Navy Nurse Corps practices progressive patient care.

It enjoys a rich heritage accompanied by high-tech training.

A registered nurse in the Navy is also a respected Officer, serving in modern facilities at home, at sea, around the country and across the globe.

I am proud to especially recognize the Navy Nurse Corps for its centuries of outstanding service for our military men and women.

Today's resolution honors the good work that all nurses do.

H. Res. 1086:

(1) recognizes the significant contributions of nurses to the health care system of the United States;

(2) supports the goals and ideals of National Nurses Week, as founded by the American Nurses Association; and

(3) encourages the people of this Nation to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients.

Along with my many supportive colleagues, I want to thank the House leadership for bringing this important resolution to the Floor.

Mr. RAHALL. Mr. Speaker, I rise today to speak on behalf of H. Res. 1086, a resolution in recognition of National Nurses Week, which will be celebrated May 6 through May 12, 2008. As a proud member of the Congressional Nursing Caucus, I added my name as cosponsor to this worthy resolution.

Nurses Week has been celebrated every year since 2003 and coincides with the May 12th birthday of Florence Nightingale, the founder of modern nursing. We recognize this week, as we should all 52 weeks of the year, the critical role nurses play in providing safe, high-quality, and preventative health care.

Providing this type of adequate health care is essential, not only across the Nation, but especially in rural America. As a longtime friend of hard-working West Virginians, I believe all Americans deserve to have access to quality, affordable health care. Throughout my tenure, I have continued to support programs that will improve this access, and I believe that providing quality nurses is part of this goal. This is why I support increased funding for

Nursing Workforce Development Programs so that those who answer the call to serve others through nursing have the support and funding they need to achieve that goal.

Nursing care is an essential and necessary aspect of our health care infrastructure, and it is therefore important that we continue to provide every opportunity to recruit and maintain more nurses, particularly in rural areas like southern West Virginia. Nursing programs in my district such as those at St. Mary's Hospital, Marshall University, and Mountain State University, along with countless others around the State, help to provide a vital service to their fellow citizens.

I encourage the people of West Virginia, and the entire Nation, to observe National Nurses Week with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of nurses to the everyday lives of patients. They make significant contributions to the lives of so many every day without once asking for the recognition they clearly deserve.

Mr. GENE GREEN of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and agree to the resolution, H. Res. 1086.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PRIORITIZING RESOURCES AND ORGANIZATION FOR INTELLECTUAL PROPERTY ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4279) to enhance remedies for violations of intellectual property laws, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prioritizing Resources and Organization for Intellectual Property Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference.
Sec. 3. Definition.

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

Sec. 101. Registration of claim.
Sec. 102. Registration and infringement actions.
Sec. 103. Civil remedies for infringement.
Sec. 104. Treble damages in counterfeiting cases.
Sec. 105. Statutory damages in counterfeiting cases.
Sec. 106. Exportation of goods bearing infringing marks.
Sec. 107. Importation and exportation.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 201. Criminal infringement of a copyright.
Sec. 202. Harmonization of forfeiture procedures for intellectual property offenses.
Sec. 203. Directive to United States Sentencing Commission.
Sec. 204. Trafficking in counterfeit goods or services.

TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND PIRACY

Subtitle A—Office of the United States Intellectual Property Enforcement Representative

Sec. 301. Office of the United States Intellectual Property Enforcement Representative.
Sec. 302. Definition.

Subtitle B—Joint Strategic Plan

Sec. 321. Joint Strategic Plan.
Sec. 322. Reporting.
Sec. 323. Savings and repeals.
Sec. 324. Authorization of appropriations.

TITLE IV—INTERNATIONAL ENFORCEMENT AND COORDINATION

Sec. 401. Intellectual property attachés.
Sec. 402. Duties and responsibilities of intellectual property attachés.
Sec. 403. Training and designation of assignment.
Sec. 404. Coordination.
Sec. 405. Authorization of appropriations.

TITLE V—DEPARTMENT OF JUSTICE PROGRAMS

Subtitle A—Coordination

Sec. 501. Intellectual Property Enforcement Officer.

Subtitle B—Law Enforcement Resources

Sec. 511. Local law enforcement grants.
Sec. 512. CHIP units, training, and additional resources.
Sec. 513. Transparency of prosecutorial decisionmaking.
Sec. 514. Authorization of appropriations.

Subtitle C—International Activities

Sec. 521. International intellectual property law enforcement coordinators.
Sec. 522. International training activities of the computer crime and intellectual property section.

Subtitle D—Coordination, Implementation, and Reporting

Sec. 531. Coordination.
Sec. 532. Annual reports.

SEC. 2. REFERENCE.

Any reference in this Act to the "Trademark Act of 1946" refers to the Act entitled "An Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 3. DEFINITION.

In this Act, the term "United States person" means—

(1) any United States resident or national,

(2) any domestic concern (including any permanent domestic establishment of any foreign concern), and

(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

SEC. 101. REGISTRATION OF CLAIM.

Section 410 of title 17, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c)(1) A certificate of registration satisfies the requirements of section 411 and section 412 regardless of any inaccurate information contained in the certificate, unless—

"(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

"(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

"(2) In any case in which inaccuracies described under paragraph (1) are alleged, the court shall request the Register of Copyrights to advise the court whether the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration. The Register shall respond to the court's request within 45 days after the request is made.

"(3) Nothing in this subsection shall affect any rights, obligations, or requirements of a person related to information contained in a registration certificate except for the institution of and remedies in infringement actions under sections 411 and 412.".

SEC. 102. REGISTRATION AND INFRINGEMENT ACTIONS.

(a) REGISTRATION IN CIVIL INFRINGEMENT ACTIONS.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting "**civil**" after "**and**"; and

(2) in subsection (a), by striking "no action" and inserting "no civil action".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 411(b) of title 17, United States Code, is amended by striking "506 and sections 509 and" and inserting "505 and section".

SEC. 103. CIVIL REMEDIES FOR INFRINGEMENT.

Section 503(a) of title 17, United States Code, is amended—

(1) by striking "and of all plates" and inserting "of all plates"; and

(2) by striking the period at the end and inserting the following: ", and records documenting the manufacture, sale, or receipt of things involved in such violation. The court shall enter an appropriate protective order with respect to discovery by the applicant of any records that have been seized. The protective order shall provide for appropriate procedures to assure that confidential information contained in such records is not improperly disclosed to the applicant.".

SEC. 104. TREBLE DAMAGES IN COUNTERFEITING CASES.

Section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117(b)) is amended to read as follows:

"(b) In assessing damages under subsection (a) for any violation of section 32(1)(a) of this Act or section 220506 of title 36, United States Code, in a case involving use of a counterfeit mark or designation (as defined in section 34(d) of this Act), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney's fee, if the violation consists of—

"(1) intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 34(d) of this Act), in connection with the sale, offering for sale, or distribution of goods or services;

"(2) intentionally inducing another to engage in a violation specified in paragraph (1); or

"(3) providing goods or services necessary to the commission of a violation specified in paragraph (1), with the intent that the recipient of the goods or services would put the goods or services to use in committing the violation.

In such a case, the court may award prejudgment interest on such amount at an annual interest rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, beginning on the date of the service of the claimant's pleadings setting forth the claim for such entry of judgment and ending on the date such entry is made, or for such shorter time as the court considers appropriate.".

SEC. 105. STATUTORY DAMAGES IN COUNTERFEITING CASES.

Section 35(c) of the Trademark Act of 1946 (15 U.S.C. 1117) is amended—

(1) in paragraph (1)—

(A) by striking "$500" and inserting "$1,000"; and

(B) by striking "$100,000" and inserting "$200,000"; and

(2) in paragraph (2), by striking "$1,000,000" and inserting "$2,000,000".

SEC. 106. EXPORTATION OF GOODS BEARING INFRINGING MARKS.

Title VII of the Trademark Act of 1946 (15 U.S.C. 1124) is amended—

(1) in the title heading, by inserting after "IMPORTATION" the following: "OR EXPORTATION"; and

(2) in section 42—

(A) by striking the word "imported"; and

(B) by inserting after "customhouse of the United States" the following: ", nor shall any such article be exported from the United States".

SEC. 107. IMPORTATION AND EXPORTATION.

(a) IN GENERAL.—The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

"CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION".

(b) AMENDMENT ON EXPORTATION.—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking "(a)" and inserting "(a) INFRINGING IMPORTATION AND EXPORTATION.—

"(1) IMPORTATION.—";

(3) by striking "This subsection does not apply to—" and inserting the following:

"(2) IMPORTATION OR EXPORTATION OF INFRINGING ITEMS.—Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright or would have constituted an infringement of copyright if this title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under sections 501 and 506.

"(3) EXCEPTIONS.—This subsection does not apply to—";

(4) in paragraph (3)(A) (as redesignated by this subsection) by inserting "or exportation" after "importation"; and

(5) in paragraph (3)(B) (as redesignated by this subsection)—

(A) by striking "importation, for the private use of the importer" and inserting "importation or exportation, for the private use of the importer or exporter"; and

(B) by inserting "or departing from the United States" after "United States".

(c) CONFORMING AMENDMENTS.—(1) Section 602 of title 17, United States Code, is further amended—

(A) in the section heading, by inserting "**or exportation**" after "**importation**"; and

(B) in subsection (b)—

(i) by striking "(b) In a case" and inserting "(b) IMPORT PROHIBITION.—In a case";

(ii) by striking "the United States Customs Service" and inserting "U.S. Customs and Border Protection"; and

(iii) by striking "the Customs Service" and inserting "U.S. Customs and Border Protection".

(2) Section 601(b)(2) of title 17, United States Code, is amended by striking "the United States Customs Service" and inserting "U.S. Customs and Border Protection".

(3) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

"6. MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION .... 601".

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

SEC. 201. CRIMINAL INFRINGEMENT OF A COPYRIGHT.

Section 2319 of title 18, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by inserting "is a felony and" after "offense" the first place such term appears; and

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(2) in subsection (c)(2)—

(A) by inserting "is a felony and" after "offense" the first place such term appears; and

(B) by striking "paragraph (1)" and inserting "subsection (a)";

(3) in subsection (d)(3)—

(A) by inserting "is a felony and" after "offense" the first place such term appears; and

(B) by inserting "under subsection (a)" before the semicolon; and

(4) in subsection (d)(4), by inserting "is a felony and" after "offense" the first place such term appears.

SEC. 202. HARMONIZATION OF FORFEITURE PROCEDURES FOR INTELLECTUAL PROPERTY OFFENSES.

(a) TRAFFICKING IN COUNTERFEIT LABELS.—Section 2318 of title 18, United States Code, is amended—

(1) by amending subsection (d) to read as follows:

"(d) FORFEITURE AND DESTRUCTION; RESTITUTION.—

"(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

"(i) Any counterfeit documentation or packaging, and any counterfeit label or illicit label and any article to which a counterfeit label or illicit label has been affixed, which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying.

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).

"(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of subsection (a) that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of subsection (a).

"(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under subparagraph (A). At the conclusion of the forfeiture proceedings, the court shall order that any forfeited counterfeit labels or illicit labels and any article to which a counterfeit label or illicit label has been affixed, which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying, be destroyed or otherwise disposed of according to law.

"(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

"(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

"(i) Any counterfeit documentation or packaging, and any counterfeit label or illicit label, that was used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a), and any article to which such a counterfeit label or illicit label has been affixed, which such a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying.

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

"(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

"(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any counterfeit label or illicit label and any article to which a counterfeit label or illicit label has been affixed, which a counterfeit label or illicit label encloses or accompanies, or which was intended to have had such label affixed, enclosing, or accompanying, be destroyed or otherwise disposed of according to law.

"(3) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the marks or copyrighted works involved in the offense and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).'';

(2) by striking subsection (e); and

(3) by redesignating subsection (f) as subsection (e).

(b) CRIMINAL INFRINGEMENT OF A COPYRIGHT.—

(1) IN GENERAL.—Section 2319 of title 18, United States Code, is amended by adding at the end the following:

"(g) FORFEITURE AND DESTRUCTION; RESTITUTION.—

"(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

"(i) Any copies or phonorecords manufactured, reproduced, distributed, sold, or otherwise used, intended for use, or possessed with intent to use in violation of section 506(a) of title 17, any plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies or phonorecords may be made, and any electronic, mechanical, or other devices for manufacturing, reproducing, or assembling such copies or phonorecords.

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of section 506(a) of title 17.

"(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of section 506(a) of title 17 that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of section 506(a) of title 17.

"(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited infringing copies or phonorecords, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

"(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under subsection (a), shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

"(i) Any copies or phonorecords manufactured, reproduced, distributed, sold, or otherwise used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a), any plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which the copies or phonorecords may be reproduced, and any electronic, mechanical, or other devices for manufacturing, reproducing, or assembling such copies or phonorecords.

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

"(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

"(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited infringing copies or phonorecords, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such infringing copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(3) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the copyright owner and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).''.

(2) CONFORMING AMENDMENTS.—(A) Section 506(b) of title 17, United States Code, is amended by striking all that follows "destruction" and inserting the following: "of property as prescribed by section 2319(g) of title 18.''.

(B) Section 509 of title 17, United States Code, relating seizure and forfeiture, and the item relating to section 509 in the table of sections at the beginning of chapter 5 of title 17, United States Code, are repealed.

(c) UNAUTHORIZED FIXATION AND TRAFFICKING.—

(1) IN GENERAL.—Section 2319A of title 18, United States Code, is amended—

(A) by striking subsection (c) and redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and

(B) by amending subsection (b) to read as follows:

"(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—

"(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

"(i) Any copies or phonorecords of a live musical performance described in subsection (a)(1) that are made without the consent of the performer or performers involved, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such copies or phonorecords may be made.

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).

"(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of subsection (a) that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of subsection (a).

"(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under paragraph (1). At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of live musical performances, and any plates, molds, matrices, maters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

"(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

"(i) Any unauthorized copies or phonorecords of a live musical performance that were used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a), and any plates, molds, matrices, masters, tapes, and film negatives by means of which such copies or phonorecords may be made.

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

"(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

"(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of live musical performances, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies of phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(3) NOTIFICATION OF IMPORTATION.—The Secretary of Homeland Security shall issue regulations by which any performer may, upon payment of a specified fee, be entitled to notification by U.S. Customs and Border Protection of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance prohibited by this section.

"(4) RESTITUTION.—When a person is convicted of an offense under this section, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the performer or performers involved, and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).''.

(2) APPLICABILITY.—Section 2319A(e), as redesignated by paragraph (1) of this subsection, is amended by inserting before the period the following: ", except that the forfeiture provisions under subsection (b)(2), as added by the Prioritizing Resources and Organization for Intellectual Property Act, shall apply only in a case in which the underlying act or acts occur on or after the date of the enactment of that Act''.

(d) UNAUTHORIZED RECORDING OF MOTION PICTURES.—Section 2319B(b) of title 18, United States Code, is amended to read as follows:

"(b) FORFEITURE AND DESTRUCTION; RESTITUTION.—

"(1) CIVIL FORFEITURE PROCEEDINGS.—(A) The following property is subject to forfeiture to the United States:

"(i) Any copies of a motion picture or other audiovisual work protected under title 17 that are made without the authorization of the copyright owner.

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).

"(iii) Any property used, or intended to be used, to commit or facilitate the commission of a violation of subsection (a) that is owned or predominantly controlled by the violator or by a person conspiring with or aiding and abetting the violator in committing the violation, except that property is subject to forfeiture under this clause only if the Government establishes that there was a substantial connection between the property and the violation of subsection (a).

"(B) The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of a motion picture or other audiovisual work, or part thereof, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(C) In this paragraph, the term 'aiding and abetting' means knowingly providing aid to the violator with the intent to facilitate the violation.

"(2) CRIMINAL FORFEITURE PROCEEDINGS.—(A) The court, in imposing sentence on a person convicted of an offense under this section, shall order, in addition to any other sentence imposed, that the person forfeit to the United States the following property:

"(i) Any unauthorized copies of a motion picture or other audiovisual work protected under title 17, or part thereof, that were used, intended for use, or possessed with intent to use in the commission of an offense under subsection (a).

"(ii) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of an offense under subsection (a).

"(iii) Any property used, or intended to be used, to commit or substantially facilitate the commission of an offense under subsection (a).

"(B) The forfeiture of property under subparagraph (A), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section. At the conclusion of the forfeiture proceedings, the court shall order that any forfeited unauthorized copies or phonorecords of a motion picture or other audiovisual work, or part thereof, and any plates, molds, matrices, masters, tapes, and film negatives by means of which such unauthorized copies or phonorecords may be made, be destroyed or otherwise disposed of according to law.

"(3) RESTITUTION.—When a person is convicted of an offense under this chapter, the court, pursuant to sections 3556, 3663A, and 3664, shall order the person to pay restitution to the owner of the copyright in the motion picture or other audiovisual work and any other victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii).".

(e) APPLICABILITY.—The amendments made by this section shall apply only in a case in which the underlying act or acts occur on or after the date of the enactment of this Act.

SEC. 203. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

(a) REVIEW AND AMENDMENT.—The United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable in any case sentenced under section 2B5.3 of the Federal sentencing guidelines for exporting infringing items in violation of section 602(a)(2) of title 17, United States Code, to determine whether a defendant in such case should receive an upward adjustment in the offense level, on the grounds that exportation introduces infringing items into the stream of foreign commerce in a manner analogous to the manner in which manufacturing, importing, and uploading such items introduces them into the stream of commerce.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines under subsection (a) in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

SEC. 204. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.

(a) IN GENERAL.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "OFFENSE.—

"(1) IN GENERAL.—Whoever";

(B) by moving the remaining text 2 ems to the right; and

(C) by adding at the end the following:

"(2) SERIOUS BODILY HARM OR DEATH.—

"(A) SERIOUS BODILY HARM.—If the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for not more than 20 years, or both.

"(B) DEATH.—If the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for any term of years or for life, or both."; and

(2) in subsection (b)(1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following:

"(B) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of a violation of subsection (a).".

TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND PIRACY

Subtitle A—Office of the United States Intellectual Property Enforcement Representative

SEC. 301. OFFICE OF THE UNITED STATES INTELLECTUAL PROPERTY ENFORCEMENT REPRESENTATIVE.

(a) ESTABLISHMENT WITHIN EXECUTIVE OFFICE OF THE PRESIDENT.—There is established within the Executive Office of the President the Office of the United States Intellectual Property Enforcement Representative (in this title referred to as "the Office").

(b) UNITED STATES INTELLECTUAL PROPERTY ENFORCEMENT REPRESENTATIVE.—The head of the Office shall be the United States Intellectual Property Enforcement Representative (in this title referred to as the "IP Enforcement Representative") who shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of the IP Enforcement Representative submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on the Judiciary.

(c) DUTIES OF IP ENFORCEMENT REPRESENTATIVE.—

(1) IN GENERAL.—The IP Enforcement Representative shall—

(A) have primary responsibility for developing the Joint Strategic Plan against counterfeiting and piracy under section 321 and facilitating the implementation of the Joint Strategic Plan by the departments and agencies listed in subsection (d)(2)(A);

(B) serve as a principal advisor to the President on domestic and international intellectual property enforcement policy;

(C) assist the United States Trade Representative—

(i) concerning negotiations on behalf of the United States relating to international intellectual property enforcement, including negotiations on any intellectual property enforcement matter considered under the auspices of the World Trade Organization or in the course of commodity or direct investment negotiations in which the United States participates; and

(ii) in the programs of the United States Trade Representative to monitor and enforce intellectual property enforcement obligations of other countries under trade agreements with the United States;

(D) coordinate the issuance of policy guidance to departments and agencies on basic issues of policy and interpretation that arise in the exercise of domestic and international intellectual property enforcement functions, to the extent necessary to assure the coordination of intellectual property enforcement policy and consistency with any other law;

(E) act as a principal spokesperson of the President on domestic and international intellectual property enforcement matters;

(F) report directly to the President and the Congress regarding domestic and international intellectual property enforcement programs;

(G) advise the President and the Congress with respect to domestic and international intellectual property enforcement challenges and priorities;

(H) report to the Congress, as provided in section 322, on the implementation of the Joint Strategic Plan, and make recommendations to the Congress for improvements in Federal intellectual property enforcement efforts;

(I) chair the interagency intellectual property enforcement advisory committee established under subsection (d)(2), and consult with such advisory committee in the performance of the functions of the IP Enforcement Representative; and

(J) carry out such other functions as the President may direct.

(2) LIMITATION ON AUTHORITY.—The IP Enforcement Representative may not control or direct any law enforcement agency in the exercise of its investigative or prosecutorial authority in particular cases.

(3) SENSE OF CONGRESS.—It is the sense of the Congress that the IP Enforcement Representative should—

(A) be a senior representative on any body that the President may establish for the purpose of providing to the President advice on overall policies in which intellectual property enforcement matters predominate; and

(B) be included as a participant in economic summit and other international meetings at which international intellectual property enforcement is a significant topic.

(4) DELEGATION.—The IP Enforcement Representative may—

(A) delegate any of the IP Enforcement Representative's functions, powers, and duties to such officers and employees of the Office as the IP Enforcement Representative may designate; and

(B) authorize such successive redelegations of such functions, powers, and duties to such officers and employees of the Office as the IP Enforcement Representative considers appropriate.

(d) COORDINATION OF INTELLECTUAL PROPERTY ENFORCEMENT ACTIONS.—

(1) IN GENERAL.—In carrying out the functions of the IP Enforcement Representative, the IP Enforcement Representative shall develop recommendations on the allocation of Federal resources for intellectual property enforcement.

(2) ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There is established an interagency intellectual property enforcement advisory committee composed of the IP Enforcement Representative, who shall chair the committee, and senior representatives of the following departments and agencies who are involved in intellectual property enforcement, and are appointed by the respective heads of those departments and agencies:

(i) The Department of Justice (including the Intellectual Property Enforcement Officer appointed under section 501).

(ii) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(iii) The Office of the United States Trade Representative.

(iv) The Department of State (including the United States Agency for International Development and the Bureau of International Narcotics Law Enforcement).

(v) The Department of Homeland Security (including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement).

(vi) The United States International Trade Commission.

(vii) The Food and Drug Administration of the Department of Health and Human Services.

(viii) The United States Copyright Office.

(ix) Such other agencies as the IP Enforcement Representative determines to be substantially involved in the efforts of the Federal Government to combat counterfeiting and piracy.

(B) FUNCTIONS.—The advisory committee established under subparagraph (A) shall, under the guidance of the IP Enforcement Representative, develop the Joint Strategic Plan against counterfeiting and piracy under section 321.

(3) EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act shall not apply to the interagency intellectual property enforcement advisory committee established under paragraph (2) or to any of the activities conducted by the IP Enforcement Representative in developing the Joint Strategic Plan under section 321.

(e) IDENTIFICATION OF COUNTRIES THAT DENY ADEQUATE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.—Section 182(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2242(b)(2)(A)) is amended by inserting "the United States Intellectual Property Enforcement Representative," after "consult with".

(f) POWERS OF IP ENFORCEMENT REPRESENTATIVE.—In carrying out the responsibilities under this title, the IP Enforcement Representative may—

(1) select, appoint, employ, and fix the compensation of such officers and employees as may be necessary to carry out those responsibilities;

(2) request the head of a department, agency, or program of the Federal Government to place personnel of such department, agency, or program who are engaged in intellectual property enforcement activities on temporary detail to the Office of the IP Enforcement Representative to assist in carrying out those responsibilities;

(3) use, with the consent of the Federal, State, and local government agencies concerned, the available services, equipment, personnel, and facilities of such Federal, State, and local government agencies;

(4) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, relating to the procurement of temporary and intermittent services, at rates of compensation for individuals not to exceed the daily equivalent of the rate of pay payable under level IV of the Executive Schedule under section 5315 of title 5, United States Code, and while such experts and consultants are so serving away from their homes or regular place of business, pay such employees travel expenses and per diem in lieu of subsistence at rates authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently;

(5) issue such regulations as may be necessary to carry out the functions vested in the IP Enforcement Representative;

(6) enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the work of the Office and on such terms as the IP Enforcement Representative considers appropriate, with any department, agency, or instrumentality of the United States, or with any public or private person, firm, association, corporation, or institution;

(7) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

(8) adopt an official seal, which shall be judicially noticed; and

(9) accept, hold, administer, and use gifts, devises, and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Office.

(g) COMPENSATION.—Section 5312 of title 5, United States Code, is amended by adding at the end the following:

"United States Intellectual Property Enforcement Representative.".

SEC. 302. DEFINITION.

For purposes of this title, the term "intellectual property enforcement" means matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and pirated goods.

Subtitle B—Joint Strategic Plan

SEC. 321. JOINT STRATEGIC PLAN.

(a) PURPOSE.—The objectives of the Joint Strategic Plan against counterfeiting and piracy that is referred to in section 301(c)(1)(A) (in this section referred to as the "joint strategic plan") are the following:

(1) Reducing counterfeit and pirated goods in the domestic and international supply chain.

(2) Identifying and addressing structural weaknesses, systemic flaws, or other unjustified impediments to effective enforcement action against the financing, production, trafficking, or sale of counterfeit or pirated goods.

(3) Assuring that information is identified and shared among the relevant departments and agencies, to the extent permitted by law and consistent with law enforcement protocols for handling information, to aid in the objective of arresting and prosecuting individuals and entities that are knowingly involved in the financing, production, trafficking, or sale of counterfeit or pirated goods.

(4) Disrupting and eliminating domestic and international counterfeiting and piracy networks.

(5) Strengthening the capacity of other countries to protect and enforce intellectual property rights, and reducing the number of countries that fail to enforce laws preventing the financing, production, trafficking, and sale of counterfeit and pirated goods.

(6) Working with other countries to establish international standards and policies for the effective protection and enforcement of intellectual property rights.

(7) Protecting intellectual property rights overseas by—

(A) working with other countries to ensure that such countries—

(i) have adequate and effective laws protecting copyrights, trademarks, patents, and other forms of intellectual property;

(ii) have legal regimes that enforce their own domestic intellectual property laws, eliminate counterfeit and piracy operations, and arrest and prosecute those who commit intellectual property crimes;

(iii) provide their law enforcement officials with the authority to seize, inspect, and destroy pirated and counterfeit goods, including at ports of entry; and

(iv) provide for the seizure of property used to produce pirated and counterfeit goods;

(B) exchanging information with appropriate law enforcement agencies in other countries relating to individuals and entities involved in the financing, production, trafficking, or sale of pirated or counterfeit goods;

(C) using the information described in subparagraph (B) to conduct enforcement activities in cooperation with appropriate law enforcement agencies in other countries; and

(D) building a formal process for consulting with companies, industry associations, labor unions, and other interested groups in other countries with respect to intellectual property enforcement.

(b) TIMING.—Not later than 12 months after the date of the enactment of this Act, and not later than December 31 of every third year thereafter, the IP Enforcement Representative shall submit the joint strategic plan to the President, to the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives, and to the Committee on the Judiciary and the Committee on Appropriations of the Senate.

(c) RESPONSIBILITY OF THE IP ENFORCEMENT REPRESENTATIVE.—During the development of the joint strategic plan, the IP Enforcement Representative—

(1) shall consult and coordinate with the appropriate officers and employees of departments and agencies represented on the advisory committee appointed under section 301(d)(2) who are involved in intellectual property enforcement; and

(2) may consult with private sector experts in intellectual property enforcement.

(d) RESPONSIBILITIES OF OTHER DEPARTMENTS AND AGENCIES.—To assist in the development and implementation of the joint strategic plan, the heads of the departments and agencies identified under section 301(d)(2)(A) (including the heads of any other agencies identified by the IP Enforcement Representative under section 301(d)(2)(A)(ix)) shall—

(1) designate personnel with expertise and experience in intellectual property enforcement matters to work with the IP Enforcement Representative; and

(2) share relevant department or agency information with the IP Enforcement Representative, including statistical information on the enforcement activities of the department or agency against counterfeiting or piracy, and plans for addressing the joint strategic plan.

(e) CONTENTS OF THE JOINT STRATEGIC PLAN.—Each joint strategic plan shall include the following:

(1) A detailed description of the priorities identified for carrying out the objectives in the joint strategic plan, including activities of the Federal Government relating to intellectual property enforcement.

(2) A detailed description of the means and methods to be employed to achieve the priorities, including the means and methods for improving the efficiency and effectiveness of the Federal Government's enforcement efforts against counterfeiting and piracy.

(3) Estimates of the resources necessary to fulfill the priorities identified under paragraph (1).

(4) The performance measures to be used to monitor results under the joint strategic plan during the following year.

(5) An analysis of the threat posed by violations of intellectual property rights, including targets, risks, and threats of intellectual property infringement, the costs to the economy of the United States resulting from violations of intellectual property laws, and the threats to public health and safety created by counterfeiting and piracy.

(6) An identification of the departments and agencies that will be involved in implementing each priority under paragraph (1).

(7) A strategy for ensuring coordination between the IP Enforcement Representative and the departments and agencies identified under paragraph (6), including a process for oversight by the executive branch of, and accountability among, the departments and agencies responsible for carrying out the strategy.

(8) Such other information as is necessary to convey the costs imposed on the United States economy by, and the threats to public health and safety created by, counterfeiting and piracy, and those steps that the Federal Government intends to take over the period covered by the succeeding joint strategic plan to reduce those costs and counter those threats.

(f) ENHANCING ENFORCEMENT EFFORTS OF FOREIGN GOVERNMENTS.—The joint strategic plan shall include programs to provide training and technical assistance to foreign governments for the purpose of enhancing the efforts of such governments to enforce laws against counterfeiting and piracy. With respect to such programs, the joint strategic plan shall—

(1) seek to enhance the efficiency and consistency with which Federal resources are expended, and seek to minimize duplication, overlap, or inconsistency of efforts;

(2) identify and give priority to those countries where programs of training and technical assistance can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries;

(3) in identifying the priorities under paragraph (2), be guided by the list of countries identified by the United States Trade Representative under section 182(a) of the Trade Act of 1974 (19 U.S.C. 2242(a)); and

(4) develop metrics to measure the effectiveness of the Federal Government's efforts to improve the laws and enforcement practices of foreign governments against counterfeiting and piracy.

(g) DISSEMINATION OF THE JOINT STRATEGIC PLAN.—The joint strategic plan shall be posted for public access on the website of the White House, and shall be disseminated to the public through such other means as the IP Enforcement Representative may identify.

SEC. 322. REPORTING.

(a) ANNUAL REPORT.—Not later than December 31 of each calendar year beginning in 2009, the IP Enforcement Representative shall submit a report on the activities of the Office during the preceding fiscal year. The annual report shall be submitted to the President and the Congress, and disseminated to the people of the United States, in the manner specified in subsections (b) and (g) of section 321.

(b) CONTENTS.—The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the progress toward fulfillment of the priorities identified under section 321(e), including an analysis of the performance measures used to monitor results described in section 321(e)(4).

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the financing, production, trafficking, and sale of counterfeit and pirated goods.

(4) The manner in which the relevant departments and agencies are working together and sharing information to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government, including departments and agencies represented on the committee established under section 301(d)(2)(A), in fulfilling the priorities identified in the applicable joint strategic plan during the preceding fiscal year and in implementing the recommendations developed under section 301(d)(1).

(6) Recommendations for any changes in enforcement statutes, regulations, or funding levels that the IP Representative considers would significantly improve the effectiveness or efficiency of the effort of the Federal Government to combat counterfeiting and piracy and otherwise strengthen intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress of the United States Trade Representative in taking the appropriate action under any trade agreement or treaty to protect intellectual property rights of United States persons and their licensees.

SEC. 323. SAVINGS AND REPEALS.

(a) REPEAL OF COORDINATION COUNCIL.—Section 653 of the Treasury and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed.

(b) CURRENT AUTHORITIES NOT AFFECTED.—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to—

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights; or

(3) the United States trade agreements program or international trade.

(c) REGISTER OF COPYRIGHTS.—Nothing in this title shall derogate from the duties and functions of the Register of Copyrights.

SEC. 324. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

(b) SUBMISSION OF PROJECTED BUDGET.—By not later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the IP Representative shall submit to the Committees on the Judiciary of the House of Representatives and the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.

TITLE IV—INTERNATIONAL ENFORCEMENT AND COORDINATION

SEC. 401. INTELLECTUAL PROPERTY ATTACHÉS.

The Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office (in this title referred to as the "Director"), in consultation with the Director General of the United States and Foreign Commercial Service, shall, within 2 years after the date of the enactment of this Act, appoint at least 10 intellectual property attachés to serve in United States embassies or other diplomatic missions. The appointments under this section shall be in addition to those individuals serving in the capacity of intellectual property attachés at United States embassies or other diplomatic missions on the date of the enactment of this Act. The Director shall provide such managerial, administrative, research, and other services as the Secretary of Commerce considers necessary to assist the intellectual property attachés in carrying out their responsibilities.

SEC. 402. DUTIES AND RESPONSIBILITIES OF INTELLECTUAL PROPERTY ATTACHÉS.

The intellectual property attachés appointed under section 401, as well as others serving as intellectual property attachés of the Department of Commerce, shall have the following responsibilities:

(1) To promote cooperation with foreign governments in the enforcement of intellectual property laws generally, and in the enforcement of laws against counterfeiting and piracy in particular.

(2) To assist United States persons holding intellectual property rights, and the licensees of such United States persons, in their efforts to combat counterfeiting and piracy of their products or works within the host country, including counterfeit or pirated goods exported from or transshipped through that country.

(3) To chair an intellectual property protection task force consisting of representatives from all other relevant sections or bureaus of the embassy or other mission.

(4) To coordinate with representatives of the embassies or missions of other countries in information sharing, private or public communications with the government of the host country, and other forms of cooperation for the purpose of improving enforcement against counterfeiting and piracy.

(5) As appropriate and in accordance with applicable laws and the diplomatic status of the attachés, to engage in public education efforts against counterfeiting and piracy in the host country.

(6) To coordinate training and technical assistance programs of the United States Government within the host country that are aimed at improving the enforcement of laws against counterfeiting and piracy.

(7) To assist in the coordination of the efforts of the United States Intellectual Property Enforcement Representative, Federal agencies, and private organizations engaged in the promotion of United States intellectual property interests abroad so as to maximize their effectiveness and minimize duplicative efforts.

(8) To identify and promote other means to more effectively combat counterfeiting and piracy activities under the jurisdiction of the host country.

SEC. 403. TRAINING AND DESIGNATION OF ASSIGNMENT.

(a) TRAINING OF ATTACHÉS.—The Director shall ensure that each attaché appointed under section 401 is fully trained for the responsibilities of the position before assuming duties at the United States embassy or other mission in question.

(b) PRIORITY ASSIGNMENTS.—In designating the embassies or other missions to which attachés are assigned, the Director shall give priority to those countries where the activities of an attaché can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, or to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

SEC. 404. COORDINATION.

(a) IN GENERAL.—The activities authorized by this title shall be carried out in coordination with the United States Intellectual Property Enforcement Representative appointed under section 301.

(b) REPORT ON ATTACHÉS.—The Inspector General of the Department of Commerce shall perform yearly audits of the intellectual property attachés of the Department, and shall report to the Committees on the Judiciary of the House of Representatives and the Senate the results of each such audit. In addition to an overview of the activities and effectiveness of the intellectual property attaché operations, the audit shall include—

(1) an evaluation of the current placement of foreign-based personnel and recommendations for transferring such personnel in response to newly emerging intellectual property issues abroad; and

(2) an evaluation of the personnel system and its management, including the recruitment, assignment, promotion, and performance appraisal of personnel, and the use of limited appointees.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary for the training and support of the intellectual property attachés appointed under section 401 and of other individuals serving as intellectual property attachés of the Department of Commerce.

TITLE V—DEPARTMENT OF JUSTICE PROGRAMS

Subtitle A—Coordination

SEC. 501. INTELLECTUAL PROPERTY ENFORCEMENT OFFICER.

(a) ESTABLISHMENT.—There is established within the Office of the Deputy Attorney General in the Department of Justice the "Intellectual Property Enforcement Division". The head of the Intellectual Property Enforcement Division shall be the Intellectual Property Enforcement Officer (in this title referred to as the "IP Officer"). The IP Officer shall be appointed by the Attorney General and shall report directly to the Deputy Attorney General.

(b) DUTIES.—The IP Officer shall—

(1) coordinate all efforts of the Department of Justice relating to the enforcement of intellectual property rights and to combating counterfeiting and piracy;

(2) serve as the lead representative of the Department of Justice on the advisory committee provided for in section 301(d)(2) and as the liaison of the Department of Justice with foreign governments with respect to training conducted under section 522; and

(3) carry out such other related duties that may be assigned by the Deputy Attorney General.

(c) TRANSFER OF FUNCTIONS.—

(1) CRIMINAL INTELLECTUAL PROPERTY ENFORCEMENT.—There are transferred to the Intellectual Property Enforcement Division those functions of the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice that relate to the enforcement of criminal laws relating to the protection of intellectual property rights and trade secrets, including the following:

(A) Sections 506 and 1204 of title 17, United States Code.

(B) Sections 2318 through 2320 of title 18, United States Code.

(C) Sections 1831 and 1832 of title 18, United States Code.

(D) Any other provision of law, including the following, to the extent such provision involves the enforcement of any provision of law referred to in subparagraphs (A) through (C) or comparable provision of law:

(i) Section 1341 of title 18, United States Code, relating to frauds and swindles.

(ii) Section 1343 of title 18, United States Code, relating to fraud by wire, radio, or television.

(iii) Section 2512 of title 18, United States Code, relating to trafficking in interception devices.

(iv) Section 633 of the Communications Act of 1934 (47 U.S.C. 553), relating to the unauthorized reception of cable service.

(v) Section 705 of the Communications Act of 1934 (47 U.S.C. 605), relating to the unauthorized publication or use of communications.

(2) INTELLECTUAL PROPERTY ENFORCEMENT COORDINATORS.—The Intellectual Property Law Enforcement Coordinators of the Department of Justice to whom section 521 applies shall also be in the Intellectual Property Enforcement Division.

Subtitle B—Law Enforcement Resources

SEC. 511. LOCAL LAW ENFORCEMENT GRANTS.

(a) AUTHORIZATION.—Section 2 of the Computer Crime Enforcement Act (42 U.S.C. 3713) is amended—

(1) in subsection (b), by inserting after "computer crime" each place it appears the following: ", including infringement of copyrighted works over the Internet"; and

(2) in subsection (e)(1), relating to authorization of appropriations, by striking "fiscal years 2001 through 2004" and inserting "fiscal years 2009 through 2013".

(b) GRANTS.—The Office of Justice Programs of the Department of Justice shall make grants to eligible State or local law enforcement entities, including law enforcement agencies of municipal governments and public educational institutions, for training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes (in this subsection referred to as "IP–TIC grants"), in accordance with the following:

(1) USE OF IP–TIC GRANT AMOUNTS.—IP–TIC grants may be used to establish and develop programs to do the following with respect to the enforcement of State and local true name and address laws and State and local criminal laws on anti-piracy, anti-counterfeiting, and unlawful acts with respect to goods by reason of their protection by a patent, trademark, service mark, trade secret, or other intellectual property right under State or Federal law:

(A) Assist State and local law enforcement agencies in enforcing those laws, including by reimbursing State and local entities for expenses incurred in performing enforcement operations, such as overtime payments and storage fees for seized evidence.

(B) Assist State and local law enforcement agencies in educating the public to prevent, deter, and identify violations of those laws.

(C) Educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(D) Establish task forces that include personnel from State or local law enforcement entities, or both, exclusively to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(E) Assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analyses of evidence in matters involving those laws.

(F) Facilitate and promote the sharing, with State and local law enforcement officers and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving those laws and criminal infringement of copyrighted works, including the use of multi-jurisdictional task forces.

(2) ELIGIBILITY.—To be eligible to receive an IP–TIC grant, a State or local government entity must provide to the Attorney General—

(A) assurances that the State in which the government entity is located has in effect laws described in paragraph (1);

(B) an assessment of the resource needs of the State or local government entity applying for the grant, including information on the need for reimbursements of base salaries and overtime costs, storage fees, and other expenditures to improve the investigation, prevention, or enforcement of laws described in paragraph (1); and

(C) a plan for coordinating the programs funded under this section with other federally funded technical assistance and training programs, including directly funded local programs such as the Edward Byrne Memorial Justice Assistance Grant Program authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(3) MATCHING FUNDS.—The Federal share of an IP-TIC grant may not exceed 90 percent of the costs of the program or proposal funded by the IP-TIC grant, unless the Attorney General waives, in whole or in part, the 90 percent requirement.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There is authorized to be appropriated to carry out this subsection the sum of $25,000,000 for each of fiscal years 2008 through 2012.

(B) LIMITATION.—Of the amount made available to carry out this subsection in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

SEC. 512. CHIP UNITS, TRAINING, AND ADDITIONAL RESOURCES.

(a) EVALUATION OF CHIP UNITS.—The Attorney General shall review the allocation and activities of the Computer Hacking and Intellectual Property (in this section referred to as "CHIP") units that have been established in various Federal judicial districts, with the goals of—

(1) improving the effectiveness of CHIP units in investigating and prosecuting criminal offenses arising from counterfeiting or piracy activities;

(2) ensuring that CHIP units are established and funded in every judicial district in which they can be effectively deployed;

(3) upgrading the training and expertise of Department of Justice personnel participating in CHIP units; and

(4) improving the coordination of the activities of CHIP units with corresponding efforts of State and local law enforcement agencies operating within the Federal judicial district in question.

(b) REQUIREMENTS.—In addition to any initiatives undertaken as a result of the review conducted under subsection (a), the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall ensure that—

(1) each CHIP unit is supported by at least 2 additional agents of the Federal Bureau of Investigation for the purpose of investigating intellectual property crimes;

(2) each CHIP unit is assigned at least 1 additional assistant United States attorney to support such unit for the purpose of prosecuting intellectual property crimes or other crimes involved in counterfeiting or piracy activities;

(3) CHIP units are established and staffed in at least 10 Federal judicial districts in addition to those districts in which CHIP units exist on the date of the enactment of this Act; and

(4) an operational unit is created consisting of not less than 5 agents of the Federal Bureau of Investigation, attached to the headquarters of the Federal Bureau of Investigation in Washington, D.C., and dedicated to working with the Intellectual Property Enforcement Division established by section 501 on the development, investigation, and coordination of complex, multi-district, and international criminal intellectual property cases.

(c) COORDINATION WITH STATE AND LOCAL AUTHORITIES.—The United States attorney for each Federal judicial district in which a CHIP unit is in operation shall ensure that the activities of that unit are coordinated with the corresponding activities of State and local law enforcement agencies operating within that Federal judicial district in the investigation of intellectual property crimes and other crimes involved in counterfeiting or piracy, including by coordinating Federal, State, and local operations and intelligence sharing to the extent appropriate.

(d) ADDITIONAL RESPONSIBILITIES OF THE ATTORNEY GENERAL.—The Attorney General, in consultation with the Director of the Federal Bureau of Investigation as appropriate, shall ensure the following:

(1) All assistant United States attorneys who are assigned to CHIP units, and all agents of the Federal Bureau of Investigation who support those units, have received advanced training, on an annual basis, in the investigation and prosecution of intellectual property crimes and other crimes involved in counterfeiting and piracy.

(2) All relevant units of the Department of Justice are allocated sufficient funding and other resources as may be necessary to provide expert computer forensic assistance, including from nongovernmental entities, in investigating and prosecuting intellectual property crimes in a timely manner. For purposes of this paragraph, the term "all relevant units" includes those officers and employees assigned to carry out the functions transferred by section 501(c)(1), CHIP units, offices of the United States attorneys, and units of the Federal Bureau of Investigation that are engaged in the investigation of intellectual property crimes.

SEC. 513. TRANSPARENCY OF PROSECUTORIAL DECISIONMAKING.

(a) IN GENERAL.—The Attorney General shall direct each United States attorney—

(1) to review the formal or informal standards currently in effect in that Federal judicial district for accepting or declining prosecution of cases involving criminal violations of intellectual property laws;

(2) to consider whether the standards should be modified or applied more flexibly—

(A) to ensure that significant violations are not being declined for prosecution inappropriately; or

(B) in light of the broader impact of individual cases on the overall strategy to combat counterfeiting and piracy; and

(3) to review the practices and procedures currently in place for providing information to complainants and victims in cases and investigations involving criminal violations of intellectual property laws regarding the status of such cases and investigations, including the practices and procedures for apprising interested parties of the decision to decline prosecution of such cases.

(b) CONSTRUCTION.—

(1) PROSECUTORIAL MATTERS.—Nothing in this section shall be construed to impinge on the appropriate exercise of prosecutorial discretion with respect to cases involving criminal violations of intellectual property laws or to require the promulgation of formal standards or thresholds regarding prosecution of any cases.

(2) NO CLAIMS, ETC., MAY BE ASSERTED.—Nothing in the section shall give rise to any claim, cause of action, defense, privilege, or immunity that may be asserted by any party to Federal litigation.

SEC. 514. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this subtitle.

Subtitle C—International Activities

SEC. 521. INTERNATIONAL INTELLECTUAL PROPERTY LAW ENFORCEMENT COORDINATORS.

(a) DEPLOYMENT OF ADDITIONAL COORDINATORS.—The Attorney General shall, within 180 days after the date of the enactment of this Act, deploy 5 Intellectual Property Law Enforcement Coordinators, in addition to those serving in such capacity on such date of enactment. Such deployments shall be made to those countries and regions where the activities of such a coordinator can be carried out most effectively and with the greatest benefit to reducing counterfeit and pirated products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries. The mission of all International Intellectual Property Law Enforcement Coordinators shall include the following:

(1) Acting as liaison with foreign law enforcement agencies and other foreign officials in criminal matters involving intellectual property rights.

(2) Performing outreach and training to build the enforcement capacity of foreign governments against intellectual property-related crime in the regions in which the coordinators serve.

(3) Coordinating United States law enforcement activities against intellectual property-related crimes in the regions in which the coordinators serve.

(4) Coordinating with the activities of the intellectual property attachés appointed under title IV in the countries or regions to which the coordinators are deployed.

(5) Coordinating the activities of the coordinators with the IP Officer.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary for the deployment and support of all International Intellectual Property Enforcement Coordinators of the Department of Justice, including those deployed under subsection (a).

SEC. 522. INTERNATIONAL TRAINING ACTIVITIES OF THE COMPUTER CRIME AND INTELLECTUAL PROPERTY SECTION.

(a) INCREASED TRAINING AND TECHNICAL ASSISTANCE TO FOREIGN GOVERNMENTS.—The Attorney General shall increase the efforts of the Department of Justice to provide training and technical assistance to foreign governments, including foreign law enforcement agencies and foreign courts, to more effectively combat counterfeiting and piracy activities falling within the jurisdiction of such governments.

(b) CONDUCT OF PROGRAMS.—The increased training and technical assistance programs under subsection (a) shall be carried out by the Intellectual Property Enforcement Division established by section 501, as well as through such other divisions, sections, or agencies of the Department of Justice as the Attorney General may direct.

(c) PRIORITY COUNTRIES.—The Attorney General, in providing increased training and technical assistance programs under this section, shall give priority to those countries where such programs can be carried out most effectively and with the greatest likelihood of reducing counterfeit and pirated products in the United States market, of protecting the intellectual property rights of United States persons, or of protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this section.

Subtitle D—Coordination, Implementation, and Reporting

SEC. 531. COORDINATION.

The IP officer shall ensure that activities undertaken under this title are carried out in a manner consistent with the joint strategic plan developed under section 321.

SEC. 532. ANNUAL REPORTS.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on actions taken to carry out this title, including a report on the activities of the IP Officer.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we move to dramatically step up our Nation's intellectual property laws and enforcement efforts. With so much unpleasant economic news in the headlines, the measure before us, H.R. 4279, puts resources towards aiding a sector of the economy that employs an estimated 18 million workers. That is 13 percent of our labor force and accounts for half of all of the United States exports driving 40 percent of the country's growth.

As a result of less-than-effective enforcement, however, counterfeiting and piracy cost the United States' economy somewhere in the neighborhood of $250 billion a year and creates the loss of about 750,000 American jobs.

And so H.R. 4279 will do these important things: It will prioritize intellectual property protection to the highest level of our government by creating an office in the White House that will be responsible for coordinating the intellectual property efforts of eight diverse agencies and producing a national Joint Strategic Plan for IP enforcement. It will elevate IP enforcement within the Department of Justice and provide more resources for investigating and prosecuting IP crimes.

It will make changes to both civil and criminal IP laws to enhance the ability of intellectual property owners to effectively protect their rights, and it will increase penalties for IP violations that endanger public health and safety.

Throughout the process of developing this bill, we heard many expressions of support as well as a number of expressions of concern. But we've been able to work out these issues on a bipartisan basis at every step of the process.

I congratulate the distinguished members of the Judiciary Committee, both Republicans and Democrats, for their cooperation in this process. And so now as a result, the measure is supported by the Consumer Electronics Association, the Digital Media Association, the Net Coalition, the Internet Commerce Coalition, the Coalition for Consumers' Picture Rights, the Printing Industries Association and more.

That is in addition to the support we've already had from the Teamsters, the Directors Guild of America, SEIU, AFTRA, Unite Here, AFM, OPEIU, the Coalition Against Counterfeiting in Piracy, the Motor Equipment Manufacturing Association, the Motion Picture Association of America, PHARMA, and NBC Universal.

Intellectual property protection is among the key issues that will determine American competitiveness in the 21st century. The ability to create, innovate, and generate the best artistic, technological, and knowledge-based intellectual property is the formula for continued growth in the global economy and is fundamental to the promotion of human progress.

This committee of ours, the Judiciary Committee, has given these items involved in the measure extensive consideration, lots of compromise back and forth, and we feel that this bill will make important contributions to the fight against counterfeiting and piracy. It was reported by voice with strong bipartisan statements of support, and I urge my colleagues to vote for its passage.

Mr. Speaker, I reserve the balance of my time.

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Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I want to recognize Chairman CONYERS, Subcommittee Chairman BERMAN and Ranking Member HOWARD COBLE of the subcommittee, each of whom I have enjoyed working with in developing and advancing this legislation.

Mr. Speaker, at a time when many Americans are facing a slowing economy and increasing costs of food and fuel, it is imperative that Congress put aside any differences we may have and work together to promote the interests of U.S. entrepreneurs and industry.

Over the past 25 years, perhaps no group of industries has contributed more to the tremendous and sustained growth in our economy than those who rely on strong patent, trademark and copyright protections.

American intellectual property industries, including entertainment, high-tech and pharmaceutical industries, account for over half of all U.S. exports, represent 40 percent of the country's economic growth and employ 18 million American workers.

American technology, entertainment and productivity-based enterprises serve as the cornerstone of our economic and export strength.

Because of the important role IP industries play in our economy, we cannot take these innovations, or their creativity and investment required to bring them to life, for granted.

Unfortunately, the tremendous success of these innovators, creators and rights-holders has made them prime targets for thieves who seek out items protected by patent, copyright, trademark or trade secret designation. These thieves not only steal the creations of others, but also reap the monetary benefits by reproducing and distributing the products themselves.

And the losses attributed to counterfeiting and piracy affect more than the inventor. According to the U.S. Government, American businesses lose approximately $250 billion each year to pirated and counterfeited goods.

The theft of intellectual property has also cost nearly 750,000 Americans their jobs. Given the current state of the economy, preventing these crimes and enforcing IP laws must be a top priority for the Federal Government.

H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2008, which is also known as PRO-IP, is a measure designed to respond directly to these challenges.

Specifically, the bill strengthens our laws against counterfeiting and piracy; provides new resources to key agencies involved in the enforcement of IP rights; and mandates a new and unprecedented level of coordination and leadership on IP enforcement issues from the White House.

Mr. Speaker, the incentive to innovate and the ability to profit from the creation of new intellectual property cannot be sustained without enforcing the rights that protect the ownership of such valuable, intangible property.

And while our government agencies are doing more today to protect intellectual property than ever before, the reality is that we must do much more. We must make it increasingly difficult, and costly, for counterfeiters and traffickers, some of whom are connected to organized crime, to steal and profit from American innovations.

Because intellectual property is such an important asset for both the inventor and the economy as a whole, Congress has a responsibility to ensure that IP enforcement is made a permanent priority of every administration.

By supporting the PRO-IP bill, the House will send a clear message that there is a bipartisan commitment to ensure the next President and succeeding administrations have the resources, organizations and strategies required to protect our vital national and economic interests.

Mr. Speaker, I urge my colleagues to support this bill, H.R. 4279.

I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise now to yield to my dear friend and chairman of the Intellectual Property Subcommittee who's worked on this subject matter for so many years. HOWARD BERMAN has been a bellwether in bringing together the groups, and I'm happy to yield him as much time as he may consume.

Mr. BERMAN. Thank you, Chairman CONYERS, for those kind words.

I rise today in support of H.R. 4279. American inventors, artists and businesses rely on intellectual property rights to protect the value of their creative works. These works, unfortunately, are being ripped off around the world. The rampant counterfeiting and piracy of U.S. products is having a devastating impact on our economy.

Counterfeit and pirated products may account for up to 8 percent of world trade, and a significant portion of this illicit trade are knock-offs of American products. Latest estimates indicate that U.S. businesses lose up to $250 billion a year due to intellectual property theft. This level of counterfeiting and piracy of U.S. intellectual property rights translates to job losses, lower tax receipts, and a greater trade deficit. It has also led to public health and safety threats ranging from exploding batteries to toxic pharmaceuticals to sawdust brake pads.

The economic threat and safety problems that counterfeit and pirated products pose for U.S. businesses and consumers must be dealt with. Given the difficult economic times we find ourselves in, it is that much more important that we address these problems quickly and effectively.

I am aware of the recent efforts the administration has taken to stem the tide of counterfeit and pirated products. The Department of Homeland Security has seized record numbers of counterfeit and pirated goods coming through the border. The Department of Justice is prosecuting and convicting more intellectual property thieves. The Patent and Trademark Office has stationed representatives in foreign countries to advocate for better enforcement. However, despite these efforts, intellectual property theft is on the rise. More must be done. H.R. 4279 is more.

The Act strengthens our civil and criminal laws in ways that attack the organizational structures intellectual property thieves are using and reduce the economic incentives that thieves have to engage in commercial scale counterfeiting and piracy. The Act devotes more resources to investigate and prosecute intellectual property crimes. The Act also provides more resources for the U.S. Government to work with other governments to improve intellectual property enforcement abroad.

And probably most importantly, H.R. 4279 provides a permanent and effective means of coordinating intellectual property enforcement activities. This includes the creation of an intellectual property enforcement representative in the Executive Office of the President and requiring that a national strategic plan to counter intellectual property theft be created, complete with clear goals and benchmarks that will facilitate accountability.

I'd like very much to thank Chairman CONYERS, Ranking Member SMITH, and Subcommittee Ranking Member COBLE and all of their staffs, as well as mine, for the hard work they've put into crafting this bill. The hard work shows in both the scope of the reforms and in the strong support for the bill by U.S. businesses and labor groups, and Chairman CONYERS outlined a number of those organizations and the broad sweep that they cover and their strong endorsement.

I'm also pleased to say that the amendments adopted in the bill before us go a long way in alleviating concerns raised over the operational independence of agencies like the USTR and the Department of Justice, without compromising the underlying reforms.

H.R. 4279 will bolster U.S. efforts to combat counterfeiting and piracy, and I urge support of the bill.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from North Carolina (Mr. COBLE), the ranking member of the Intellectual Property Subcommittee and the former chairman of the Intellectual Property Subcommittee, as much time as he may consume.

Mr. COBLE. I thank the gentleman from Texas and, Mr. Speaker, at the outset I, too, want to recognize and express thanks to Judiciary Chairman JOHN CONYERS, Ranking Member LAMAR SMITH, and Subcommittee Chairman HOWARD BERMAN for having made every effort to address all concerns raised during the development of this legislation.

Mr. Speaker, the Prioritizing Resources and Organization for Intellectual Property Act of 2008 reflects a bipartisan recognition and shared commitment to the strengthening of our Nation's intellectual property laws.

A comprehensive measure, it is not confined to making marginal improvements in the available civil and criminal authorities. Instead, it incorporates bold and urgently needed provisions that will permanently elevate the importance of intellectual property, IP, enforcement in future administrations.

This is accomplished by providing focused and accountable strategic leadership in the Executive Office of the President and at key enforcement agencies.

Mr. Speaker, in considering why we should take steps to improve the enforcement of U.S. IP rights, Members should be aware that U.S. losses from global copyright piracy and counterfeiting cost our innovators and entrepreneurs from $200 to $250 billion each and every year.

The impact in America has been widespread. More than 750,000 Americans in communities across our land have lost their jobs due to counterfeiting and piracy. Counterfeit goods lack proper quality control and can be dangerous. Toothpaste, medicines, cigarettes, and fake auto parts are but a small sample of the virtually unlimited supply of goods that have been counterfeited.

The United States Chamber of Commerce has done an excellent job of documenting the extent of this problem. I encourage anyone interested in learning about these issues to visit the Chamber's Web site for additional information or to take the time to watch the documentary Illicit which was produced by National Geographic and the Chamber.

Mr. Speaker, fighting piracy and counterfeiting, as you all know, is easier said than done because most of this illicit activity occurs outside our borders. In recent years, the Federal Government has made progress in improving both our domestic and global enforcement efforts, but it is also clear that achieving success in the fight against piracy and counterfeiting requires government-wide coordination and cooperation.

In addition to authorizing the Office of the United States Intellectual Property Enforcement Representative, H.R. 4279 also raises the profile of IP enforcement within the Department of Justice through the creation of a new IP enforcement division. This is absolutely necessary in my opinion.

The bill creates an additional 10 attaches at the United States Patent and Trademark Office who will be assigned to work with foreign countries to better coordinate our international enforcement efforts.

And the bill enhances existing antipiracy and counterfeiting criminal statutes, authorizes grants to assist local anti-piracy and counterfeiting efforts, and directs the Justice Department to refine its policies for investigating and prosecuting piracy and counterfeiting operations.

Before closing, Mr. Speaker, I'd like to note for the RECORD three final amendments the managers agreed to incorporate into the bill. The first is designed to harmonize the cooperative provisions in title II of the bill.

The second, in section 301, places an affirmative limitation on the authority of the new IP enforcement representative that makes clear the official has no authority to control or direct law enforcement agencies in the exercise of their respective investigative or prosecutorial discretion in particular cases.

And the third, which amends section 323 of the bill, simply contains technical and conforming changes to make the text of the bill clearer.

Finally, Mr. Speaker, I want to recognize some of the stakeholders who have worked so diligently on this effort. Specifically, I'd like to note the efforts of the Coalition Against Counterfeiting and Piracy, which has been so ably led by Mr. Rick Cotton; and the U.S. Chamber of Commerce, which, of course, is led by President Tom Donohue; and the Congressional International Anti-Piracy Caucus, which is led by Representatives ADAM SCHIFF of California and BOB GOODLATTE of Virginia.

In closing, I urge my colleagues to support H.R. 4279, and I thank the distinguished gentleman from Texas for having yielded to me.

Mr. CONYERS. Mr. Speaker, I think I have only one speaker left, but might I say a word about the distinguished ranking member, LAMAR SMITH of Texas, who's worked with us incredibly, with deliberation. He's brought parties together. There has been an enormous amount of work behind the scenes for which nobody knows how much he's done to make this possible. I thank him publicly.

I now yield the rest of our time to the gentleman from Tennessee (Mr. COHEN).

☐ 1430

Mr. COHEN. I want to thank the chairman and the chairmen for the work they've done, and for the ranking member, on this bill.

I rise in support of H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2008, or the PRO-IP Act.

Our Nation's intellectual property is the basis for our economic success and security. That is something that can't be undermined by cheap labor prices overseas. It's an American product. Therefore, protecting our intellectual property must be among our highest priorities.

In addition to undermining our global economic primacy, counterfeit and pirated products can threaten the health and safety of American consumers, American pet owners, steal income from legitimate businesses, deprive American workers of good jobs, and undermine the necessary incentive for innovation and creativity which has made America the great country that it is. It is for these reasons I'm an original cosponsor of the PRO-IP Act.

The PRO-IP Act will help strengthen enforcement of intellectual property rights domestically and internationally through enhanced criminal and civil penalties for intellectual property crimes, better high-level coordination among Federal Government agencies, and increased resources to domestic and foreign law enforcement authorities.

This bill, Mr. Speaker, rightfully enjoys broad support from a wide range of industries, including the entertainment, pharmaceutical, food, automobile parts and software industries. It has such diverse partners as the Chamber of Commerce and the Teamsters. When the Chamber of Commerce and the Teamsters come together it's like E.F. Hutton—we listen. We've listened well and need to pass this bill.

This coalition that supports PRO-IP is indicative of the broad support and the need for passage of such legislation. I urge my colleagues to heed the words and vote in favor of this important legislation.

Mr. SMITH of Texas. Mr. Speaker, first of all, I'd like to thank the chairman of the Judiciary Committee, Mr. CONYERS, for his earlier very generous comments.

Mr. Speaker, I submit the following extraneous material for the RECORD:

CONGRESS OF THE UNITED STATES,
Washington, DC, May 5, 2008.

Re support H.R. 4279, the PRO-IP Act.

DEAR COLLEAGUE: We want to alert all Congressional Caucus on Intellectual Property Promotion and Piracy Prevention Members that tomorrow the House will consider H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2007 (PRO IP Act) under suspension of the rules. As a caucus dedicated to enforcing IP rights, it is not only critical that our Members support this legislation, but also make an effort to educate other Members about the value of protecting American IP.

It has become increasingly clear that IP-based industries are the key to the future competitiveness and economic prosperity of the United States. They currently account for between $5–5.5 trillion of the U.S. gross domestic product and this sector is responsible for 40% of the nation's economic growth. It is therefore imperative that our government protect IP industries from criminal networks that engage in counterfeiting and piracy, which cost U.S. businesses $250 billion annually and have caused the loss of 750,000 American jobs.

Unfortunately, the counterfeiting and piracy problem will continue to worsen without strong, resolute action by Congress. The PRO IP Act addresses this disturbing trend by strengthening civil and criminal IP laws to deter offenders and also provides increased government resources and coordination to enforce Americans' IP rights in the U.S. and around the world.

Given the extent of the counterfeiting and piracy problem and its impact on U.S. economic security, jobs, and consumer health and safety, it is not surprising that H.R. 4279 is supported by an array of businesses, trade associations and organized labor groups.

We urge you to support this legislation.

If you have any questions about the Congressional Caucus on Intellectual Property Promotion and Piracy Prevention please feel free to contact the following Member Offices Rep. Robert Wexler (Ellen McLaren, 202–225–3001), Rep. Mary Bono Mack (Paul Cancienne, 202–225–5330), Rep. Tom Feeney (D. Cameron Smith, 202–225–2706), or Rep. Adam Smith (Jonathan Pawlow, 202–225–8901).

Sincerely,

ROBERT WEXLER,
Member of Congress.
TOM FEENEY,
Member of Congress.
MARY BONO MACK,
Member of Congress.
ADAM SMITH,
Member of Congress.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, April 29, 2008.

Hon. JOHN CONYERS, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: The U.S. Chamber of Commerce, the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, would like to thank you for scheduling a full committee markup of H.R. 4279, the "Prioritizing Resources and Organization for Intellectual Property Act of 2007," (PRO–IP Act).

Protection of intellectual property (IP) is critical to America's continued competitiveness and future economic security. Counterfeiting and piracy of IP costs the United States an estimated 750,000 jobs and U.S. companies close to $250 billion in annual revenue. Moreover, counterfeit products such as auto and aviation parts, toothpaste, prescription drugs, and many others pose a severe health and safety risk to American consumers.

Unfortunately, the incidence of counterfeiting and piracy has increased faster than the government resources necessary to stop this problem and current legal penalties are insufficient to deter criminals. H.R. 4279 addresses these concerns by providing increased resources and coordination within the executive branch for IP enforcement and enhancing civil and criminal IP laws.

The Chamber appreciates your leadership on this important issue and supports expeditious approval of the PRO–IP Act by the Judiciary Committee and the full House of Representatives.

Sincerely,

R. BRUCE JOSTEN,
Executive Vice President,
Government Affairs.

APRIL 29, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.
Hon. LAMAR SMITH,
Ranking Member, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR CHAIRMAN CONYERS AND RANKING MEMBER SMITH: The Coalition Against Counterfeiting and Piracy (CACP), which includes more than 500 businesses and associations, thanks you for scheduling a markup of H.R. 4279, the "Prioritizing Resources and Organization for Intellectual Property Act of 2007," (PRO–IP Act).

As you know, intellectual property (IP) accounts for more than $5 trillion of the U.S. gross domestic product, comprises more than half of all U.S. exports, and represents 40 percent of U.S. economic growth. Counterfeiting and piracy of IP are growing problems that threaten the ability of businesses to remain competitive and continue providing quality jobs to Americans. Additionally, unsafe counterfeit products pose a severe risk to U.S. consumer health and safety.

CACP members strongly support passage of the PRO–IP Act because it will help the U.S.

government significantly improve IP protection and enforcement both internationally and domestically. It is crucial that Congress address counterfeiting and piracy before the end of this session. CACP therefore urges the Committee on the Judiciary not to adopt any controversial amendments that might jeopardize swift enactment of this legislation.

The CACP thanks you again for sponsoring the PRO-IP Act and for your continued leadership in moving this critical bill through the legislative process.

Sincerely,

RICK COTTON,
Chairman, The Coalition Against Counterfeiting and Piracy.

INTERNATIONAL TRADEMARK ASSOCIATION,
Washington, DC, May 5, 2008.

DEAR MEMBER, The International Trademark Association (INTA) would like to express its full support for the legislation, "Prioritizing Resources and Organization for Intellectual Property Act of 2007" (H.R. 4279). INTA is a not-for-profit membership association of more than 5,500 trademark owners and professionals dedicated to the support and advancement of trademarks and related intellectual property ("IP") as elements of fair and effective national and international commerce. We urge you to vote "YES" on H.R. 4279.

We commend the House of Representatives for this bill, which seeks to improve the protection of IP and enhances the capacity for enforcement and coordination activities. The protection of intellectual property is a global challenge and requires a focus on strengthening and streamlining U.S. law and policy as well as a mechanism for creating new opportunities for enforcement and collaboration on a global level. H.R. 4279 succeeds in achieving these objectives.

Counterfeiting is a growing problem that is affecting the health and well-being of consumers throughout the world. It steals the identity of trademark owners and robs consumers of a safe and reliable marketplace. For the U.S. economy, it translates into lost jobs and lost tax revenues. Specifically, the cost to the U.S. economy is estimated at $200 to $250 billion per year. Passage of H.R. 4279 is a crucial step to counteract the challenges and burdens presented by counterfeiting.

INTA is pleased to see a united effort by Congress to address this growing problem and INTA looks forward to passage of this legislation in the House of Representatives.

Thank you.

Sincerely,

ALAN C. DREWSEN,
Executive Director.

MOTION PICTURE ASSOCIATION OF AMERICA, INC.,
Washington, DC, May 6, 2008.

Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the Motion Picture Association of America, I write to convey our strong support for House passage of H.R. 4279, the Prioritizing Resources and Organization for Intellectual Property Act of 2007. H.R. 4279 is a comprehensive bi-partisan measure that will strength protections for intellectual property and thereby strengthen our nation's economy and generate more jobs for American workers.

Theft of intellectual property by counterfeiting and copyright piracy have a profoundly detrimental impact on our nation's economy. Theft of intellectual property costs American industry more than $250 billion annually, as well as an estimated 750,000 jobs. Piracy costs the motion picture and television production industries alone over 140,000 U.S. jobs each year. Absent piracy, workers employed by the motion picture and television production industries would earn an additional $5.5 billion per year, and cities, towns and states would receive $837 million in additional tax revenue annually. Protecting intellectual property is vital to our nation's continuing economic strength and H.R. 4279 includes important and much needed provisions that will help do so.

H.R. 4279 will ensure that federal authorities have the resources necessary to investigate and prosecute criminal intellectual property crimes. It will also ensure that intellectual property protection remains a federal priority by creating a new office within the White House dedicated to this important goal. Finally, H.R. 4279 increases the protection of American intellectual property abroad by enhancing critically important international enforcement resources.

Intellectual property is among America's most precious commodities. Protecting intellectual property is good for America's economy, will produce more jobs for U.S. workers and more and better products for consumers. H.R. 4279 is a measured, reasonable and much-needed piece of legislation that will ensure that the American intellectual property system remains the world leader. This important legislation has strong bipartisan support and enjoys broad support from both the American business community, and labor unions. Accordingly, we urge House Members to vote in favor of H.R. 4279.

Sincerely,

DAN GLICKMAN,
Chairman and Chief Executive Officer.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 4279, the "Prioritizing Resources and Organization for Intellectual Property (PRO-IP) Act of 2007." I urge my colleagues to join me in voting for this legislation. I am confident that working together we can address and strengthen criminal and civil enforcement of United States intellectual property law.

The purpose of H.R. 4279 is to strengthen criminal and civil enforcement of United States intellectual property law focusing, in particular, on copyright violations (piracy) and trademark violations (counterfeiting). In addition, the PRO-IP Act seeks to modernize and improve U.S. government efforts for coordination and enforcement of our nation's IP laws.

The knowledge and innovation of American citizens contributes significantly to the economic strength of our nation. Intellectual property law provides the principal incentives that are calculated to lead to the creation and production of new works. This bill is needed because the effect of piracy and counterfeiting on the economy is devastating. Total global losses to United States companies from counterfeiting and copyright piracy amount to $250 billion per year. Every company in every industry is vulnerable.

Because these illegal activities represent a growing public health, safety and law enforcement problem, H.R. 4279 provides additional targeted resources for investigation, enforcement and prosecution; requires the development and promulgation of a national Joint Strategic Plan to combat counterfeiting and piracy; and provides for enhanced Presidential level leadership and coordination among federal agencies involved with preserving and protecting intellectual property rights.

Title I of H.R. 4279 provides enhancements to civil intellectual property laws. Specifically, Title I makes it clear that a certificate of registration will satisfy registration requirements regardless of whether there is any inaccurate information on the registration application, unless the inaccurate information was included with knowledge that it was inaccurate.

Title I also broadens the civil remedies for infringement by broadening the scope of articles that may be ordered impounded by the court upon a finding that the article was made or used in violation of a copyright. This Title also directs the court to enter a protective order to ensure that confidential information is not improperly disclosed.

Title II provides enhancements to criminal intellectual property laws by addressing repeat offender penalties for criminal acts contained within the criminal copyright statute. Title II clarifies that a repeat offender is a person that commits the same criminal act twice. The bill clarifies that any property subject to forfeiture must be owned or predominantly controlled by the violator in order to be seized and directs the United States Sentencing Commission to consider whether the sentencing guidelines should be expanded to include the export of infringing items. There are enhanced maximum statutory penalties for counterfeit offenses that endanger public health and safety.

Title III of H.R. 4279 provides greater coordination and strategic planning of federal efforts against counterfeiting and piracy. Specifically, this Title establishes within the Executive Office of the President, the Office of the United States Intellectual Property Enforcement Representative and, within that Office, the United

States Intellectual Property Enforcement Representative, appointed by the President of the United States. Lastly, Titles IV and V provide international, national, and local enforcement.

The bill has several important enforcement provisions that are worthy to discuss. First, it places a 45-day time limit on the Register of Copyrights' response to a court. Second, it strikes the section allowing for multiple statutory damages for compilation infringement. Third, it clarifies that there must be a substantial nexus between the property and the crime to institute civil forfeiture proceedings. Lastly, it removes the requirements for Federal Bureau of Investigation agents to receive IP related crime training.

While I support the bill, I would have liked to consider ways to ensure diversity in the Computer Hacking and Intellectual Property (CHIPs) units that are established by this bill. I would have liked to work to ensure that minorities be represented in hiring and that special recruitment initiatives be launched at historically black colleges and universities and other minority serving institutions. We should do all within our efforts to guarantee that minorities receive the necessary training and be recruited to help in the IP enforcement at the Executive, State, and local levels.

Mr. Speaker, H.R. 4279 is a first step toward the promotion of the American economy. It ensures that American innovation will remain crucial to the United States economy and that American innovation will allow the United States to remain a global economic power. Indeed, this bill ensures that the United States IP laws are enforced and that the American intellectual property system remains one of the best in the world.

Mr. Speaker, I urge all members to support this much needed and thoughtful legislation.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in opposition to H.R. 4279.

While this administration can and should do more to protect intellectual property rights, I do not think that the answer lies in this bill's creation of new forfeiture provisions, a new "IP Czar," or a new IP-only division within the Department of Justice.

In recent civil actions pursued by some within the content industry, we have seen unduly aggressive tactics that occasionally target innocent individuals. I am concerned that given the bill's thrust toward more aggressive enforcement of copyright infringement, enhanced forfeiture provisions similarly may sweep up wholly innocent students, parents, and consumers in larger enforcement actions.

I regret that more was not done to strike the appropriate balance between protecting copyright owners from those who unlawfully benefit from infringement and ensuring that we do not inadvertently punish innocent bystanders.

I also have concerns with Title III's creation of a new office of the U.S. IP Enforcement Representative. I appreciate the work that has been done to refine the scope of Title III. Nonetheless, Title III still creates a position that is a coequal of the U.S. Trade Representative in the Department of Commerce. There is a strong possibility that the USTR and the "IP Czar" will come to conflicting policy decisions in matters affecting both IP enforcement and international trade.

The bill offers little guidance with respect to how those conflicts will be resolved. Nor does it contain adequate safeguards to ensure that the IP Czar does not target legitimate innovation out of overstated concerns about contributory infringement.

Finally, I share the authors' frustration with this administration's failure to engage in a more constructive dialogue about how best to focus the DOJ's resources on IP enforcement without harming and disrupting equally important law enforcement priorities. Nonetheless, that potential harm and disruption cannot be ignored and has not been addressed adequately.

I share the goals of the authors of this legislation but not the means by which they sought to achieve them. I thank the authors for their work to improve this bill, but regret that it was not improved further.

Mr. GOODLATTE. Mr. Speaker, I rise in strong support of this important legislation to strengthen our nation's laws against counterfeiting and intellectual property violations which passed the House yesterday.

Article I Section 8 of our Constitution lays the framework for our nation's copyright and patent laws. It grants Congress the power to award inventors and creators, for limited periods of time, exclusive rights to their inventions and works. The founding fathers realized that this type of incentive was crucial to ensure that America would become the world's leader in innovation and creativity. As we continue our journey into the digital age, we must be sure to continue to reward our innovators with the exclusive rights to their works for limited periods of time. This incentive is still necessary to maintain America's position as the world leader in innovation.

Because the United States has been the pioneer for intellectual property protections, it is no surprise that the copyright industries are so successful and play such an increasingly crucial role in our national economy. The U.S. copyright industries have created millions of high-skilled, high-paying U.S. jobs and have contributed billions to our economy. However, the proliferation of copyright piracy and counterfeiting in America is growing and is threatening to undermine the very copyright protections our founding fathers envisioned.

In 1999, I introduced legislation with my friend, Representative ZOE LOFGREN, to prohibit the alteration or removal of product identification codes on goods or packaging, prohibit the manufacture and distribution of devices primarily used to alter or remove product identification codes, and allow the seizure of decoded goods and decoding devices.

In addition, for the better part of the past six years I have been pleased to work with retailers and law enforcement agencies to attempt to solve the growing problem of organized retail crime, which has resulted in billions of dollars of loss to retailers, has often resulted in counterfeit, diverted products being placed back on store shelves, has threatened the safety of such products as baby formula and medicine, and has been linked to major organized crime rings.

I am equally pleased to be an original cosponsor of H.R. 4279. This legislation builds on current laws in many ways, including increasing penalties for both civil violations of copyright laws and repeat offenders, allowing treble damages in certain counterfeiting cases, and increasing the maximum penalties for trafficking in counterfeit goods when those offenses endanger public health and safety. The bill also raises the profile of intellectual property within the Administrative Branch by creating an Office of U.S. IP Enforcement Representative within the Executive Office of the President to coordinate all the various agencies and departments that work on IP enforcement issues, and to serve as the President's principal advisor for IP matters. In addition, it increases the number of IP liaisons from the PTO in U.S. embassies around the world and enhances DOJ's computer crime units to make sure they are equipped and being used to prosecute IP violations.

I believe this legislation is a major step in the right direction, and I look forward to continuing to work on this bill as it progresses through the legislative process.

Mr. SMITH of Texas. I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I follow suit and yield back any time remaining on this side.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4279, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AFRICAN NATIONAL CONGRESS EXEMPTION

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5690) to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION OF AFRICAN NATIONAL CONGRESS FROM TREATMENT AS TERRORIST ORGANIZATION FOR CERTAIN ACTS OR EVENTS.

Section 691(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (division J of Public Law 110-161; 121 Stat. 2365) is amended by inserting "the African National Congress (ANC)," after "the Karenni National Progressive Party,".

SEC. 2. RELIEF FOR CERTAIN MEMBERS OF THE AFRICAN NATIONAL CONGRESS REGARDING ADMISSIBILITY.

(a) EXEMPTION AUTHORITY.—The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that paragraphs (2)(A), (2)(B), and (3)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply to an alien with respect to activities undertaken in opposition to apartheid rule in South Africa.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Secretary of State and the Secretary of Homeland Security should immediately exercise in appropriate instances the authority in subsection (a) to exempt the anti-apartheid activities of aliens who are current or former officials of the Government of the Republic of South Africa.

SEC. 3. REMOVAL OF CERTAIN AFFECTED INDIVIDUALS FROM CERTAIN UNITED STATES GOVERNMENT DATABASES.

The Secretary of State, in coordination with the Attorney General, the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, and the Director of National Intelligence, shall take all necessary steps to ensure that databases used to determine admissibility to the United States are updated so *that they are consistent with the exemptions provided under section 2.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and incorporate extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, the African National Congress is a rare example of an oppressed people fighting for their freedom and then leading a successful and peaceful transition to a modern nation. The fight went on for years, underground and in exile, against the morally bankrupt apartheid system in South Africa. And once they prevailed, their response to gaining political power was not retribution and reprisals, but truth and reconciliation.

Notwithstanding this peaceful transition, the United States had not gotten around to giving ANC leaders the opportunity to enter this country because certain provisions in the Immigration and Nationality Act currently require us to consider them still as terrorists.

After the attacks on 9/11, Congress sought to exclude and remove terrorists from the United States by strengthening the terrorism bars in our immigration laws. In doing so, however, we inadvertently covered groups and individuals whom we did not intend to, including allies and even victims of terrorism. These bars have been used against the brave men and women who fought side by side with United States forces in Southeast Asia. They've been used against those who used armed resistance to defend themselves against brutal and repressive regimes, such as those in Cuba and Burma. They've even been used against women who were raped and enslaved by armed militia in Liberia. And as we recognize today, they've been used against members of the African National Congress, including the great leader, Nelson Mandela. This has had profound effects, preventing us from protecting vulnerable refugees and asylum seekers and resulting in embarrassing denials of visas for Nelson Mandela himself and other foreign heads of state.

We all know how Mr. Mandela and other ANC leaders suffered unjust incarceration for decades at the hands of the apartheid regime. We know how the apartheid regime labeled its opponents as terrorists, as communists, and anything else they could invent to accuse them of that was negative in an attempt to deflect criticism of their own institutions of repression and racial separation. And yet these people who steadfastly fought for freedom and chose a path for peace once they came to power are now blocked from entry to the United States. And so that's where this measure comes in.

Congress has begun to take corrective action, and last year were removed a number of freedom-fighting groups from treatment as terrorist organizations. Today, we do the same for the ANC and its members. In addition to specifying that the ANC is not on the list of terrorist organizations under the Immigration and Nationality Act, the bill would also give discretionary authority to Secretaries of State and Homeland Security to admit individuals regardless of activities undertaken in opposition to apartheid rule in South Africa.

Finally, the bill would require the Secretary of State, in coordination with other agencies, to ensure that government databases are updated so that they are consistent with the exemptions provided in the bill.

I'd like to thank committee chairman of the Judiciary, HOWARD BERMAN, but also in his capacity as the Chair of the Foreign Relations Committee, and in memoriam, I'd like to remember the chairman that preceded Mr. BERMAN, Tom Lantos, for their work on this bill. I would like to insert into the RECORD at this point an exchange of letters between our two committees.

And thanks again to the ranking member from Texas, LAMAR SMITH, whose bipartisan discussions have enabled us to reach this point. This is a noncontroversial bill that repairs something that should have been taken care of earlier. It closes the books on the evils of apartheid. And so I'm very proud to bring this to the floor with the Members that I have mentioned.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, May 5, 2008.

Hon. JOHN CONYERS, Jr.,
Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, H.R. 5690, legislation to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes, which I introduced earlier this year. The bill contains provisions within the Rule X jurisdiction of the Committee on Foreign Affairs, and was referred to the Committee when introduced.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation and clear it for the President, I am willing to waive this Committee's right mark up this bill. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has H.R. 5690 under consideration.

Sincerely,

HOWARD L. BERMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, May 6, 2008.

Hon. HOWARD BERMAN,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding your committee's jurisdictional interest in H.R. 5690, a bill to exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

I appreciate your willingness to support expediting floor consideration of this important legislation today. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will place a copy of your letter and this response in the Congressional Record during consideration of H.R. 5690. Thank you for your cooperation as we work towards enactment of this legislation.

Sincerely,

JOHN CONYERS, Jr.,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the African National Congress has played a significant role in history. Nelson Mandela and the ANC for many years fought against the unjust apartheid system in South Africa.

Through a largely peaceful transfer of power, apartheid is a thing of the past and South Africa now has a representative democratic government. Many ANC officials are now, in fact, officials of South Africa's government.

South Africa provides hope that genuine reconciliation between historically opposed groups can, in fact, be achieved. However, real terrorist acts were committed as part of the struggle against apartheid. There were deadly bombings of civilians. There were so-called "necklacings" in which car tires were put around persons' necks and set on fire.

I am pleased that the bill's sponsors, Mr. BERMAN, Ms. LOFGREN and Chairman CONYERS, were willing to ensure that this bill will provide appropriate relief for the African National Congress without excusing the perpetrators of terrorist or criminal acts.

First, the ANC is added to the list of organizations not considered terrorist organizations for immigration purposes. Such a list was created to shield certain organizations from the broad reach of the Immigration Act of 1990.

Under the 1990 legislation, any guerilla group would find itself under the definition of a terrorist organization. The groups currently on the exempt list include the Hmong, who fought alongside U.S. soldiers in the Vietnam War, and groups that are fighting against the repressive Burmese Government today. It is understandable that the ANC be added to that list.

Second, the administration is granted the authority to waive the criminal grounds of inadmissibility with respect to aliens for activities undertaken in opposition to apartheid rule in South Africa. Congress already granted the administration waiver authority for the terrorism-related grounds in last year's omnibus spending bill.

Third, the bill contains a sense of Congress that the administration should immediately exercise "in appropriate instances" the authority granted under the bill to waive grounds of inadmissibility for the anti-apartheid activities of aliens who are current or former officials of the Government of South Africa. I am confident that any administration will use this power wisely.

Finally, the bill directs the administration to ensure that government databases used to determine admissibility to the U.S. be updated to reflect any waivers granted.

Mr. Speaker, I urge my colleagues to support this bill. Again, I want to thank Chairman BERMAN and Chairman CONYERS and Chairman LOFGREN for working in good faith to address concerns with the bill as it was introduced.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am proud now to recognize the subcommittee chairman from whence this bill came, and the chairman of the Foreign Affairs Committee, HOWARD BERMAN, for as much time as he may consume.

Mr. BERMAN. Mr. Speaker, it's an honor to be part of the debate on a bill being managed by the chairman of the Judiciary Committee, who perhaps is one of the first Members of Congress to speak out and lead the effort against the old apartheid regime, going way back into the late sixties and early 1970s, and who, along with Congressman Ron Dellums and many others, led the effort in 1986, I believe it was, to override the veto and provide the first really tough sanctions against investment that helped play a part in the ultimate downfall of that apartheid regime.

Mr. Speaker, this bill is a long overdue one, and it's the direct result of a stunning and, frankly, embarrassing story for the United States. The United States, throughout the 1970s and 1980s, had a much too cozy relationship with the apartheid Government of South Africa which had labeled the ANC as a terrorist organization. The apartheid government banned membership and political activity in the ANC and forced its leaders underground or into exile. A direct result of that ban was that under U.S. law individuals convicted of crimes, including the Nobel Laureate and former President of South Africa, Nelson Mandela, were deemed inadmissible for entry to the United States, along with individuals labeled as terrorists by the former South African government.

Much has changed for South Africa since those dark times. President de Klerk and Nelson Mandela negotiated an end to the conflict and an end to the apartheid system on behalf of the National Party and the African National Congress. In 1994, the country held its first democratic elections in which full enfranchisement was granted.

Today, the ANC serves as the majority party in a diverse ruling coalition. Yet, astonishingly, while South Africa completed its monumental political transition, the U.S. position regarding entry for ANC's leaders remained frozen in time. Leaders such as Nelson Mandela, Walter Sisulu and Govan Mbeki, the father of President Thabo Mbeki, were continually barred from entry to the U.S. and had to apply for special waivers to gain entry.

Even more embarrassing than the original U.S. embrace of apartheid policies was the fact that few of those who opposed apartheid in the United States Government, including many of us in Congress, were even aware of the residual terrorist designations against ANC members.

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Despite recognizing two decades ago that America's place was on the side of those oppressed by apartheid, Congress has never resolved the inconsistency in our immigration code that treats many of those who actively opposed apartheid in South Africa as terrorists and criminals, in part because the apartheid regime labeled them as such.

Increasingly, stringent security measures passed by Congress since 2001 have further ensnared ANC members. Because the ANC used armed force as part of its campaign against the repressive apartheid regime in South Africa, current law continues to regard the ANC as a terrorist organization and to deny entry to members based on their affiliation with the ANC.

The intent of H.R. 5690 is to purge the United States of any residual effect of its former policies with regard to the South African Government and to update U.S. law with regard to the ANC. The bill, as amended, specifically removes the ANC from treatment as a terrorist organization and grants the Secretary of State and the Secretary of Homeland Security the discretionary authority to determine that certain criminal- and security-related grounds of inadmissibility do not apply to an alien with respect to activities undertaken in opposition to apartheid rule in South Africa.

I want to take a moment just to compliment again the ranking member of the Judiciary Committee, who has very strong and passionate views on the issues of immigration and, obviously, also, as we all do in this Chamber, on the issue of terrorist organizations and inadmissibility for those organizations. He has truly understood and internalized the historic transition here and the unfairness of the present situation.

And I do want to affirm one point that he raised. This bill does not have anyone close their eyes to acts committed by the ANC or by the apartheid government, and nothing here would preclude the Secretary, as she exercises her discretion, from considering whether or not civilians were targeted by an individual actor, civilians. We should, also, I think, take into account, as we decide what to do on this, the very powerful and legally binding truth and reconciliation process in South Africa which provided a restorative justice process that salved many of the wounds of the apartheid era.

Once enacted, the ANC will be removed from terrorist watch lists, and the ANC will receive treatment befitting its status as a leading party and a close ally of the United States. I encourage my colleagues to support the legislation.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to say that it's always nice when the gentleman from California (Mr. BERMAN) and I can agree on immigration issues, as we did in this particular instance.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KING), the ranking member of the Immigration Subcommittee of the Judiciary Committee.

Mr. KING of Iowa. I thank Mr. SMITH, the ranking member of the Judiciary Committee, for yielding, and I appreciate the privilege to address this issue before this Congress.

First, I want to point out that I believe there has been a constructive compromise that has been reached across this aisle that has not necessarily closed loopholes but made some clarifications that help protect this country from kind of a blanket waiver, so to speak, with any of those formerly potentially violent members of the ANC.

And for me, I come to this debate with more concern than many because I still maintain vivid memories of what went on in the streets of South Africa during those anti-apartheid riots and demonstrations and strategic actions that took place, black against white,

white against black. I also have vivid memories, Mr. Speaker, of actions taken in this country and positions taken politically and the divesting of investments within South Africa by many American companies as an incentive to end apartheid, which was, I believe, a sin against humanity to have a policy that identified some people as being more equal than others, and I believe it's a sin against humanity to maintain those policies, whether they are in the United States or South Africa or anywhere else.

I offered an amendment to the Judiciary Committee before this bill, and the purpose of it was to send a message because I have traveled to South Africa and I have met with people there who expressed to me some concerns, and because of that, I've also dug a little deeper into the readings in the current events. It will not be a surprise to the members of the committee that I'm concerned about the land transfer that is part of the federal policy of South Africa, to transfer a significant portion of land from, right now, under the deeds held by white South Africans into the deeds of black South Africans. I made it clear in the committee that I do not compare this to the things we see going on in Zimbabwe. That is far different and that is without benefit of the rule of law. But there still remains a concern.

I also want to point out, and I promised Ambassador Welile Nhlapo, who is the Ambassador to the United States from South Africa, that I would make this statement. And he came to my office yesterday. We sat down in my office for a good, strong hour and discussed these issues. And he assured me that there are constitutional protections that exist and statutory protections that exist to protect all property owners in South Africa and that there will not be a transfer of real estate property into the hands of black South Africans at the expense of white South Africans without due process of law and constitutional protections. I voiced my concern about that. He reassured me that that would be the case.

And I pointed out to him that it's difficult for us in this country to reach an objective position on these issues that are racially charged because it's so much wrapped up in who we are. And I would point out, Mr. Speaker, for the observation of the body, to listen to an analysis of the political campaigns that are going on now and, in fact, today to listen to an analysis of the predictions of those going to the polls in the Democrat primary in places like Indiana and North Carolina, which are taking place right now, you cannot hear a political pundit/talking-head analysis without race and gender coming into that debate.

So I challenged Ambassador Nhlapo that that's a very difficult standard, that we can't meet it here in this country. As old as our traditions are for freedom, as much sweat and toil and blood has been spilled to make people free and keep them free, we still can't extricate ourselves from being wrapped up in that debate and have our public policy identified by whom we might side with rather than how we might analyze the Constitution or the law. It's difficult here in the United States with our traditions; it's far more difficult in South Africa. We had that discussion. It was a constructive discussion.

And I rise today, Mr. Speaker, to support this bill and to encourage open dialogue globally and continuing communication and interchange with the people of South Africa and people of all nations on the Earth.

I would remind, also, the body that the record of post-colonial Africa is not a stellar record. There are many problems in the continent, many of those in the southern part of the continent of Africa. And as I travel and visit there and go into the AIDS orphanages in particular and can step into the villages where there isn't a single adult of reproductive age unless they are a missionary, it has been devastating to the continent. We need to have an open dialogue and be frank about our problems and be open in our discussion. Hiding our dialogue because we're afraid we might hurt someone's feelings only pushes the problem further downward instead of letting it surface so that we can all address it together with open eyes, open ears, and open dialogue.

That's what we did yesterday in my meeting, which I so gratefully received Ambassador Nhlapo into my office. And in that engaging conversation, I'm confident that we have opened up communications for a continued dialogue, and I trust that this bill will open communications for further dialogue, and I certainly support this.

Mr. CONYERS. Mr. Speaker, I rise to recognize the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), who has worked with STEVE KING. And I suggest that there may be a codel going to this part of the globe, and I would certainly like to invite the distinguished gentleman Mr. KING to consider joining us on such a codel.

I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) 3½ minutes.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the Judiciary Committee; the distinguished chairman on the Foreign Affairs Committee; and our distinguished ranking member, who has joined us in a very important and historic step that is being made on the floor of the House today. And I appreciate my good friend from Iowa, who has given us a global overview.

Mr. Speaker, I want to remind my colleagues that this is a pointed and focused legislative initiative, along with the leadership of Chairwoman ZOE LOFGREN, that we have gotten to a point that is long overdue. My good friend, Congresswoman BARBARA LEE, and Congressman DON PAYNE are part of those who initiated this effort. And it is pointedly to focus on really what we would call heroes, fighters against apartheid in South Africa, who shed their blood so that South Africa could be the reconciled nation that it is today. President Mbeki; former President Mandela, "Father Mandela," as he is called; and many of the seniors who are now in their retiring years, who, when they come to the United States, are detained, interrogated, and embarrassed by our own treatment of these heroes, this goes to the very point of the expanded use in the United States of the word "terrorism" and the utilization of it by preventing innocent people, people who have been heroes, to come into this country. This is not necessarily a strict immigration bill. It is people who are coming into the country legally, but because they have been freedom fighters, somewhat the way that Dr. Martin Luther King stood nonviolently for rights here in this country, these individuals had to be in the midst of an encounter, if you will, to provide the safety and security for their people.

This particular legislation is an important step forward. But I might suggest to my colleagues that I hope that on the floor today we are making a legislative statement and providing legislative history so that the Department of Homeland Security and the Secretary of State or the State Department will not dillydally around, because, unlike the previous legislation, this does not order it to be done; it gives those departments the discretion for it to be done, as they have requested. So we are entrusting to them this noble responsibility to do well by Father Mandela, to do well by former President Mbeki, and we need to ensure that we do the right thing. And as we look to give this country a different face on terrorism, let us likewise be assured that we recognize that there are other groups that are similarly situated that we should take a look at.

So I rise to support this legislation, Mr. Speaker, because it is an important step forward. It does give the ability to admit these individuals but also to renew the stigma, if you will, of the name of "terrorists" because they were freedom fighters to save and preserve and to free South Africans so that they too might live in a democracy. That is what this legislation does, and I appreciate all of the hard work that has gone on.

I close by simply saying, good day for the freedom fighters of South Africa and the ANC; good day for Father Mandela, who led the fight on reconciliation and peace, along with Bishop Tutu. Good day for all of them as we stand here acknowledging that they are heroes, freedom fighters fighting for democracy and equality.

To the Secretary of State, to the Secretary of Homeland Security, act now once this bill has passed.

Thank you, Mr. Speaker, for your leadership in convening today's markup on H.R. 5690. I support this bill and I urge my colleagues to do the same.

This bill recognizes that the ANC is a nearly 100-year-old party that was created in 1912 to advocate for the rights of black South Africans. It also recognizes that the white Afrikaner government took control of South Africa in 1948 and at the same time instituted its system of de jure apartheid, which had the effect of disenfranchising millions of non-white Africans. The ANC joined with other groups to engage in civil disobedience and it was banned in 1960 by the South African Government. Although the ANC was banned, it led the resistance effort against apartheid in the late 1970s and 1980s.

Between 1990 and 1994, the ANC negotiated with the South African Government for the end of apartheid and the enfranchisement of black South Africans. In 1994, the ANC became a registered political party and Nelson Mandela was elected to be the first black president.

Since the recognition of the ANC as a legitimate political party, several prominent black South Africans have been denied visas to enter the United States on the basis that they were considered to be inadmissible under the INA because they were members of a terrorist group. Nelson Mandela were considered inadmissible under this same law. In the past the Department of State has provided waivers to ANC leaders to enter the United States.

H.R. 5690 would remove certain affected persons from certain U.S. databases. The bill provides that the Secretary of State, Attorney General, Secretary of Homeland Security, the Director of the FBI, and the Director of National Intelligence, shall take steps to update the database concerning admissible persons. The bill provides that the ANC is not treated as a terrorist organization for any act occurring on or before the enactment of the act. The bill still leaves the Secretary of State and the Secretary of Homeland Security with the discretion to deny people entry. Importantly, the bill does not deny present and former members of the ANC admission to the U.S. on the basis of their membership in or affiliation with the ANC or for any apartheid activities occurring from 1948 to 1990.

This bill is long overdue. The ANC has been recognized as a legitimate political party since 1994. There is no reason to treat members of that organization as a terrorist threat. I urge my colleagues to support this bill. My only concern is that the bill singles out the ANC but does not go further in clearing other political parties that were outlawed during the apartheid era from treatment as terrorist organizations.

Mr. SMITH of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I rise to recognize the gentlewoman from Oakland, California (Ms. LEE), who for many years worked as chief of staff with our former colleague Ron Dellums on this subject. So in her capacity as a Member of Congress and former staffer, she has stayed on the course for all of these years, and I yield her such time as she may consume.

Ms. LEE. Let me thank you, Chairman CONYERS, for yielding and for those kind words but also for your leadership on so many issues. You are a true warrior, and we would have never been at this place today had it not been for yourself.

I also want to thank Chairman BERMAN; I want to thank our subcommittee chairman, DON PAYNE; and Chairman BENNIE THOMPSON for their leadership on so many issues and for making sure that this bill came today to this floor in a bipartisan fashion.

As a cosponsor of this legislation and a long advocate against apartheid, I am especially pleased that we are taking this important step to finally right this inexcusable wrong. Many of us were arrested during the anti-apartheid movement, myself included.

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It wasn't until the mid 1980s that finally Congress put our country on the right side of history by overriding President Reagan's veto to impose sanctions.

This is a bill that my predecessor, a great warrior, now the mayor of Oakland, California, Ron Dellums, had introduced for 12 long years. I can remember during that period the ILWU protesting, in fact, I was arrested with them also, the unloading of ships from South Africa which kicked off much of the anti-apartheid movement. Congresswoman MAXINE WATERS, a great leader who just recently received, as did Mayor Ron Dellums, one of the highest honors by the South African Government, led the fight in California against apartheid. And I think we were one of the first States to impose sanctions.

All of us who were involved during that time had to take risks. The ANC couldn't even travel outside of New York and couldn't come to Washington, D.C. because they were considered a terrorist organization. Many of us had to go to Europe just to meet the members of the ANC to talk about how we could help end the brutal regime of apartheid which was killing so many people, dehumanizing the whole country, and was one of the most ruthless systems that we have ever known.

It has been 18 years since Nelson Mandela was released from prison and 14 years since he was elected president of South Africa. And this year he will turn 90 years old. Yet to this day, to this day, despite his legacy as a hero of the anti-apartheid movement, despite the fact that he is a Nobel Peace Prize recipient, he received the Peace Prize in 1993, despite his election as president, we still require Nelson Mandela to apply for a visa waiver to enter into the United States just for a visit. This is just plain wrong.

Last December I traveled to South Africa for World AIDS Day with our colleague, . the Delegate DONNA CHRISTENSEN. And we were asked by many people many times over and over and over again why President Nelson Mandela was still on the terrorist list. Well, we were, quite frankly, very embarrassed and shocked. And we were determined that we would do everything we could to finally, again, put our country on the right side of history. So I am pleased and I am excited that we are taking this step today.

The ANC was fundamentally involved in a war of liberation against the oppressive apartheid regime in South Africa for over four decades. If they hadn't been involved in this war of liberation, apartheid would still be existing in South Africa. So instead of continuing to penalize the ANC for their political struggle against apartheid, we really should be commending them for their work in transforming South Africa into a beacon of democracy. And just look at how they have moved forward in their peace and reconciliation process. I think we could learn a heck of a lot in our own country by the leadership of President Mandela and how the people of South Africa, black and white, have come together to reconcile and to move forward to take South Africa into this new millennium and into a new South Africa.

So let me just thank again Chairman CONYERS and Chairman BERMAN for bringing this bill to the floor today. It's really the right thing to do. And for those of us who have been so long involved in the anti-apartheid movement, and now, of course, in the movement to stop the genocide that is taking place in Darfur, this is a day that we have been waiting for for a long time. This is the only thing that we can do now, to say, first of all, that we understand that this should not have taken so long, but at least it is better late than never. Thank you very much, Mr. CONYERS.

Mr. CONYERS. I thank the gentlelady, BARBARA LEE, of Oakland, California, for closing our statement.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5690 which ensures that African National Congress (ANC) members will no longer be denied visas to enter the United States solely based on their anti-Apartheid activities.

I am proud to have introduced this long-overdue legislation that will remedy a situation that was brought to my attention by my colleague, the gentlelady from the U.S. Virgin Islands, Dr. CHRISTENSEN. A few months ago, Dr. CHRISTENSEN informed me that Nelson Mandela, the South African civil rights icon that won 1993 Nobel Peace Prize, is not eligible for a visa to enter the U.S. because he is a member of the African National Congress. I was stunned. How could one of the giants of the 20th Century who is revered for bringing peace and reconciliation to a country that was torn apart by racism be ineligible to receive a standard visa to visit the United States? I quickly learned that the ANC, which was established in 1923 to advocate for the rights of black South Africans against the brutal Apartheid regime, was designated a "terrorist organization" by the same government that subjected black South Africans to racial segregation and violence.

For decades, ANC leaders, including President Mandela, withstood great hardships to overcome the oppression of Apartheid in South Africa, risking everything for basic principles of fairness and opportunity. By 1994, the ANC was the ruling party in South Africa, yet, some ANC leaders and members are still denied entry into America—today—solely because of their affiliation. H.R. 5690 will remedy this situation and ensure that these leaders and members are no longer deemed to be inadmissible solely because of their membership in the ANC and their anti-apartheid activities.

I am pleased to have worked with my colleague on the Foreign Relations Committee, Mr. BERMAN, to bring this timely legislation to the House floor. I urge all my colleagues to join me and pass this important bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, I am proud to support H.R. 5690, introduced by Chairman HOWARD BERMAN. I applaud Mr. BERMAN and LAMAR SMITH, the ranking member of the Judiciary Committee, for coming together as they have to end the absurdity that now exists with respect to South African government officials who want to visit the U.S.

Like other freedom-fighting groups that should be lauded—not penalized—members of the ANC have been effectively ensnared by the overbroad "terrorism" provisions in our immigration laws. These provisions have prevented the U.S. from admitting and offering protection to many innocent people, including some of the world's most vulnerable refugees.

Caught up in these definitions have been the Hmong and the Montagnards, brave men and women who fought alongside our troops in Vietnam; the Alzados who fought for freedom against Castro's regime in Cuba; and the Chin and the Karen who tried to free themselves from a repressive Burmese government.

Until recently, our immigration laws labeled all of their actions as "terrorist activity," simply because they used weapons to fight for their freedom.

In the 2008 Consolidated Appropriations Act, we finally began to address these issues, freeing many of these groups from this problem. With today's bill we now join the ANC to their ranks.

Like the Hmong and the Montagnards, the Alzados, the Chin and the Karen, many members of the ANC did nothing more than fight for freedom against a repressive government—in this case, a government that severely restricted the rights of its people through apartheid and used brutal and murderous tactics to stay in power.

We should commend their efforts to free themselves and their people, not to mention their spectacularly successful—and peaceful—transition to power.

I strongly support this bill.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I return all unused time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5690, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR COMPENSATION TO STATES INCARCERATING UNDOCUMENTED ALIENS

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1512) to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ASSISTANCE FOR STATES INCARCERATING UNDOCUMENTED ALIENS CHARGED WITH CERTAIN CRIMES.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(A)) is amended by inserting "charged with or" before "convicted".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) and the gentleman from Iowa (Mr. KING) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. LINDA T. SÁNCHEZ of California. I yield myself such time as I may consume.

Mr. Speaker, today we act to restore the State Criminal Alien Assistance Program or SCAAP, to its original meaning, that which Congress originally intended it to have. Introduced by myself, H.R. 1512 will help States obtain much-needed reimbursement for the costs of detaining deportable immigrants charged with or convicted of certain criminal offenses.

SCAAP was created in 1994 to reimburse States and localities for arrest, incarceration and transportation costs incurred in detaining criminal aliens. From the program's inception until 2003, States were able to obtain reimbursement for the costs of detaining deportable illegal immigrants charged with a felony or two or more misdemeanors.

In 2003, however, DOJ reinterpreted the SCAAP statute to require that a criminal alien be actually convicted of a felony or two misdemeanors. Moreover, the reimbursement must be requested in the year in which the conviction takes place, and is limited to that 1 year, regardless of how long the expenses are incurred.

Not surprisingly, this novel reinterpretation, which contradicted Congress' clear intent, as well as DOJ's consistent interpretation, from 1994 to 2003, caused every State's reimbursement to fall dramatically.

H.R. 1512 would amend the Immigration and Nationality Act to return SCAAP to its originally intended meaning. States and localities would be reimbursed for the cost of incarcerating criminal aliens who are either "charged with or convicted" of a felony or two misdemeanors regardless of when the incarceration and conviction occur.

H.R. 1512 corrects the current administration's errant reinterpretation of the law and provides States and localities burdened by the costs of jailing criminal aliens the opportunity to apply for and receive much-needed reimbursement for the costs they bear from detaining deportable immigrants charged with crimes.

The bill has broad bipartisan support and the support of many respected law enforcement groups.

I would like to especially commend ZOE LOFGREN, Chair of the Immigration subcommittee and STEVE KING, the Subcommittee ranking member, for their leadership in helping bring this bill to the floor today.

I urge my colleagues to support this bill.

I reserve the balance of my time.

Mr. KING of Iowa. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Federal Government under the State Criminal Alien Assistance Program, which we refer to as SCAAP, reimburses part of the expenses that States and localities incur in incarcerating illegal immigrants who have been convicted of a felony or of two or more misdemeanors. And, in fact, I would bring the Chamber's attention, Mr. Speaker, to a report that was issued by the GAO in April of 2005 that identifies that the Federal Government is reimbursing 25 percent of the cost of the incarceration of criminal aliens within the institutions in the United States. But H.R. 1512 expands the State Criminal Alien Assistance Program to compensate States for incarcerating illegal immigrants who are charged with, and not only convicted, which is under the current program, charged with a felony or two or more misdemeanors.

I stand here, Mr. Speaker, and applaud the gentlelady from California for bringing this legislation because I think this is a constructive change to our policy, and the language very simply adds the words "charged with or" to the existing language of compensation for those "convicted of." And it recognizes that there are significant costs involved in processing criminal aliens in the investigation stage, the arrest stage and the indictment stage. And as those costs mount and are incurred, we need to be sure that we take this position, that it is the Federal Government's job to guard and protect our borders. That is not the job of a political subdivision. It is essentially the job of the Federal Government.

When we fail to do our job, when we don't have sufficient constraints in place at our borders or at our airports or our ports of entry, then the result of it is that this burden of law enforcement falls upon the political subdivisions, on the States, on the cities and on the counties to enforce the law. And when they do, they incur these costs. This bill, H.R. 1512, seeks to lift off some of that burden. And it certainly wouldn't be all of it.

LAMAR SMITH, the ranking member of the full Judiciary Committee, and I both believe the available statistics on criminal illegal immigrants in the United States leave much to be desired. There is too little data on illegal immigrants imprisoned in the United States. We don't really know how many there are or what crimes they are charged with or convicted of or how much time they spend in our prison systems.

And I particularly can speak to that, since I asked for the GAO study that was completed in April of 2005. I thought in that study I would get the answers to the percentages of our inmate populations that are criminal aliens, what crimes they might be convicted of, and quite a list of things that would help us establish our policy, both law enforcement policy and our immigration policy.

However, that report came back not quite apples to apples. And there are conclusions that can be drawn. There are also gaps to their knowledge base. And because of the inspiration that is brought forward, because of this bill of Ms. SÁNCHEZ, H.R. 1512, we engaged the Judiciary Committee in dialogue about how we can better gather that information. I am really pleased that Ms. LOFGREN, the Chair of the Immigration Subcommittee, of which I am the ranking member, and Mr. SMITH, the ranking member of the full Judiciary Committee, have agreed to send a joint request to the Government Accountability Office to develop additional statistics on criminal alien immigrants. I look forward to working with Ms. LOFGREN, Mr. SMITH and others on this particular subject matter. This is something we vitally need to provide statistics that will help us establish a better immigration policy.

As we move forward with this piece of legislation that I believe is a constructive move in the right direction that helps to compensate, and it won't be all, but it will at least in part help to compensate the political subdivisions for their costs incurred to enforce laws against criminal aliens, it adds to it those charged with a crime, not just those convicted of a crime or two serious misdemeanors.

But into this negotiation also will be the formal request for the GAO study to look further at the effect of crime on the United States of America by criminal aliens. And the question has got to be constantly before us, since we are charged with the responsibility of protecting the American people. And it is very much a constitutional responsibility. We are also constitutionally charged with the responsibility of establishing immigration policy. The executive branch is charged with the responsibility of enforcing that policy, however aggressively or lack of aggression they might have. The result is that some get in through the borders, through our ports of entry. Some commit crimes, and some of those crimes that are committed are of a very heinous nature. And the cost of those crimes against this society can be quantified if we can identify the numbers of crimes that are being committed by criminal aliens and in what categories they are in, where they are being incarcerated, what lengths of terms they are serving, and especially, Mr. Speaker, when they are released, when they are released from a municipal jail, a county jail or a State penitentiary, let alone from a Federal institution, when they are released, we need to know if they are released into the hands of ICE, if they have been processed for deportation, if that happens to be the law, or if they are released back into the streets. And if they are, we need to ask the question, are they committing further crimes?

□ 1515

So what is the level of effectiveness in our law enforcement system? What percentage of our overall crimes are being committed by criminal aliens? What are those crimes? What's the price against society, and how does this break down into all these categories that I have mentioned in a fashion that will allow us, as a Congress, to prudently step back, take the empirical data that we are expecting to receive from the Government Accountability Office and after the submission of this request, and process that into policy that reflects the best interests of the people in the United States of America.

I think this bill is a healthy step in the right direction. I think it's a prudent thing to do, and I think it says the right thing to the people in America. I applaud the gentlelady for bringing H.R. 1512, and I support the expansion of SCAAP funding to those who have also been charged with a crime.

Mr. Speaker, I reserve the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I reserve the right to close.

Mr. KING of Iowa. Mr. Speaker, I yield myself so much time as I may consume.

Just in summation, this is a component of taking this legislation in the right direction, and it's important that we compensate political subdivisions. When the Federal Government is not doing the job they need to be doing, this is the natural result of it.

I expect that this has come from a request of those political subdivisions. Although they aren't making this request necessarily in my district, there are many jails in my district that will be beneficiaries of this piece of legislation.

I urge its adoption, and I yield back the balance of my time.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, you know, immigration is probably the signature Federal policy issue. Try as they might, States simply can't fix failures in Federal immigration policy on their own.

But when we fall down on the job, States, cities and counties bear the burden for an immigration system that simply doesn't work. While Congress is working on a comprehensive solution to our broken immigration system, we must not forget about the local governments who are paying an extremely high cost as a result of our inaction.

In 1994, Congress passed the State Criminal Alien Assistance Program, SCAAP, to reimburse States and localities for the arrest and incarceration and transportation costs associated with criminal aliens, averting a tidal wave of expenses that could have overwhelmed the State and local budgets.

However, in 2003, the Department of Justice reinterpreted the SCAAP statute and caused a drastic drop in every State's reimbursement. Now States no longer receive reimbursements unless, first, the criminal alien is convicted of a criminal felony and two misdemeanors; and, second, the arrest and conviction occur in the same year.

To add insult to injury, President Bush has zeroed out SCAAP in his budget proposals for the last 6 years. This means that State and local governments are left to pick up the tab. Every dollar reduction in SCAAP reimbursements means one less dollar that law enforcement agencies have to hire new officers, provide essential training, make critical equipment purchases and detain other, perhaps more violent, inmates.

Following the SCAAP funding cuts in 2003, the LA County Sheriff's Department implemented a new early-release policy for inmates convicted of misdemeanors. This means the neighborhoods I represent in Southern California are at risk.

Sadly, these communities are not alone. Across the country, the SCAAP reimbursement cuts have had a domino effect, where funding for anti-gang activities, homicide investigations, anti-terrorism activities and even basic maintenance is cut to pay for expenses associated with incarcerating criminal aliens and suspected criminal aliens.

As Arizona county supervisors recently stated, "This is a huge problem because we can't keep up with fixing roads, the other costs of law enforcement, and keeping up with health agencies."

While this bill on its own won't solve the fiscal crisis many States now face, it will help in the long term by covering a greater share of costs that properly belonged to the Federal Government.

H.R. 1512 amends the SCAAP statute so that States and localities can be reimbursed for the cost of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors, just like it was before the DOJ's reinterpretation in 2003. This Federal investment will allow State and local law enforcement agencies to devote more resources to important public safety programs.

Law enforcement agencies and coalitions from all over the country, including the U.S.-Mexico Border Counties Coalition, the National Association of Counties, the California State Association of Counties, the Sheriffs' Association of Texas and the Virginia Sheriffs' Association support this bipartisan legislation.

Lastly, I want to offer thanks and gratitude to my colleagues on both sides of the aisle for passing this bill unanimously through the Judiciary Committee and for bringing it to the floor today without any amendments. We may not agree on many aspects of immigration policy, but this bill accomplishes a larger goal, making our community safer. For that reason, I appreciate your support.

I urge my colleagues to support their local law enforcement agencies by voting for this bill.

Ms. GIFFORDS. Mr. Speaker, thank you Congresswoman SÁNCHEZ. I appreciate your tireless work for ensuring that the Criminal Alien Assistance Program, or SCAAP, is a strong, fully-funded, functional program.

SCAAP is vital to my district in Southern Arizona. There, along 114 miles of our 2,000 mile boundary with Mexico, Federal, State, county and local law enforcement are on the frontlines defending our border.

Last year, 387,000 undocumented immigrants were apprehended in Arizona. And an average of 1,000 illegal immigrants per day were arrested and deported from Tucson. This year, over 180,000 have been apprehended.

The Tucson Sector, which includes my district, is the most porous section of the entire U.S.-Mexico Border. More than 48 percent of the Nation's drug traffic enters our country through Southern Arizona.

Securing our Nation's borders is the Federal Government's exclusive jurisdiction. However, communities through Southern Arizona and the Nation face extraordinary costs from incarcerating undocumented criminals.

SCAAP reimburses States and localities for costs associated with illegal immigrants who commit crimes in our communities.

I am pleased to be a cosponsor of H.R. 1512. This legislation would expand SCAAP's scope. It will ensure that states are more appropriately compensated for the high costs of incarcerating undocumented aliens.

Please join me in supporting our State and local law enforcement by voting to responsibly expand SCAAP by passing H.R. 1512.

Mr. BISHOP of New York. Mr. Speaker, I rise today in strong support of H.R. 1512, the State Criminal Alien Assistance Program (SCAAP) Reimbursement Protection Act.

SCAAP is vital to my district on eastern Long Island by providing much needed assistance to municipal governments that incur the large cost of incarcerating undocumented immigrants. In fact, in my district of Suffolk County, officials estimate that 10 to 12 percent of those incarcerated are undocumented individuals with a cost to the County of approximately $12 million in 2006.

Unfortunately, SCAAP does not reimburse States for all of the costs to incarcerate undocumented individuals. Presently, the only funding that SCAAP provides is the cost of incarcerating undocumented immigrants who have been convicted of a felony or two or more misdemeanors.

This legislation will reimburse States incarcerating undocumented individuals charged with a felony or two or more misdemeanors. This small change will greatly assist local governments who are overburdened by recent escalating costs.

While my district and many others across the Nation have greatly benefited from SCAAP funding, the Bush administration continues to eliminate funding for the program. I was proud to cosign a bipartisan letter to House appropriators asking that they reject the President's short-sighted elimination of the program and increase SCAAP funding.

I am a strong supporter of comprehensive immigration reform and as Congress continues to debate immigration reform, we cannot deny that State and local governments are on the frontlines of immigration enforcement. I will continue to work to ensure that they receive adequate funding and resources for the important role they play.

I want to thank my colleague, Congresswoman SÁNCHEZ, for introducing this much needed legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 1512, to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors, introduced by my distinguished colleague from California, Representative LINDA SÁNCHEZ, of which I am a proud cosponsor.

Mr. Speaker, for over a decade, the States have gone through difficult budgetary times and sometimes the federal government has not done enough to pay its fair share when the States have partnered with it. I am glad H.R. 1512 is a step in the right direction.

The State Criminal Alien Assistance Program (SCAAP) was created in 1994 to reimburse States and localities for the arrest, incarceration, and transportation costs associated with criminal aliens. Currently States and localities are only able to be reimbursed for incarcerating criminal aliens who are "convicted of a felony or two or more misdemeanors" and be incarcerated for at least four consecutive days.

In 2003, the Department of Justice (DOJ) reinterpreted the SCAAP statute in a way that caused a drastic drop in every State's reimbursement. Now States no longer receive reimbursement unless (1) the criminal alien is convicted of a felony or two misdemeanors; and (2) the arrest and conviction occurred in the same fiscal year.

I commend Congresswoman SÁNCHEZ for introducing H.R. 1512, a bipartisan bill which exemplifies the spirit in which we should approach many challenges in the immigration field. H.R. 1512 would amend the Immigration and Nationality Act so that States and localities can be reimbursed for the cost of incarcerating aliens who are either "charged with or convicted" of a felony or two misdemeanors regardless of the fiscal year of the incarceration and conviction.

Mr. Speaker, it is important that H.R. 1512 has been endorsed by the National Sheriffs' Association and the U.S./Mexico Coalition of Border Counties.

The SCAAP program is administered by the Bureau of Justice Assistance (BJA), which is part of DOJ's Office of Justice Programs (OJP). The Department of Homeland Security (DHS) aids BJA in administering the program.

Mr. Speaker, H.R 1512 is an important step toward fulfilling our federal government's obligations to States, many experiencing budgetary pressures, including when partnering with the Federal Government in the immigration field. I urge all my colleagues to join me in supporting this important legislation.

Mr. UDALL of Colorado. Mr. Speaker, I am a cosponsor of this important legislation, which will help State and local governments in Colorado by reimbursing them for the costs of holding aliens charged with crimes.

The State Criminal Alien Assistance Program, or SCAAP, was originally created to provide financial assistance to States and localities for costs they incur as a result of incarcerating criminal aliens. However, now they are only reimbursed for a portion of these expenditures.

H.R. 1512 amends the law to reflect the original intent of Congress, namely to provide financial assistance to States and localities for costs they incur as a result of incarcerating aliens who are either charged with or convicted of a felony or two misdemeanors.

The SCAAP program was created in 1994. It is administered by the Bureau of Justice Assistance, BJA, part of the Justice Department's Office of Justice Programs OJP. The Department of Homeland Security aids BJA in administering the program by verifying the immigration status (or lack of status) of those for whom States seek reimbursement.

Current law authorizes the appropriation of $950 million annually over the 2008–2011 period for SCAAP. For fiscal year 2007, the authorization level for the program was $850 million, and the Congress appropriated about $400 million. In 2007, however, States and localities applied to SCAAP for reimbursements totaling over $950 million.

In 2003, the Department of Justice reinterpreted the statute establishing SCAAP so that reimbursement is made only if: (1) the criminal alien is convicted of a felony or two misdemeanors; and (2) the arrest and conviction occurred in the same fiscal year. The result has been a drastic reduction in the amount of reimbursements received by Colorado and other States.

H.R. 1512 restores SCAAP as it was originally intended by permitting States and localities to be reimbursed for the costs of incarcerating aliens who are either "charged with or convicted" of a felony or two misdemeanors, regardless of the fiscal year of the incarceration and conviction.

I have long supported making this overdue change, which will help many Colorado jurisdictions, and I urge approval of this essential measure.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 1512, legislation to compensate the States for incarcerating undocumented criminal aliens.

The State Criminal Alien Assistance Program, commonly referred to as SCAAP, is a very effective federal-local government partnership that deserves robust funding from the Bush Administration.

Currently, SCAAP funding is about $175 million less than what it was in fiscal year 1998, and falls far short of meeting the actual costs incurred by local jurisdictions. In my home state of California, we received about $110 million for this program in 2007. However, the California Department of Corrections actually spent more than $912.5 million of its own money to arrest and hold these criminal aliens. Like many other states, California is cutting funding in education and other programs in an effort to balance its budget; by underfunding SCAAP, the Bush Administration is forcing California to spend upwards of $800 million of its own money, foisting a federal responsibility on our local governments.

H.R. 1512 restores the original partnership and allows our local law enforcement officials to focus on protecting our communities. If we are truly serious about removing these dangerous criminal aliens from our country, we must make sure that we provide state and local law enforcement officers with all the tools they need to succeed.

Ms. LINDA T. SÁNCHEZ of California. I yield back the remainder of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 1512.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Motions to suspend the rules with regard to H.R. 3658, H. Con. Res. 317, H. Res. 1109, S. 2929—in each case de novo; and motion to instruct on H.R. 2419, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

FOREIGN SERVICE MEMBER REST

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 3658.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 3658.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRELINGHUYSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 249]

YEAS—416

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)

Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Meek (FL)
Oberstar
Pryce (OH)
Rush
Speier
Weiner

□ 1548

Ms. McCOLLUM of Minnesota changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

Mr. ROGERS of Kentucky. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 190, not voting 16, as follows:

[Roll No. 250]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hall (TX)
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1556

Mr. ROYCE changed his vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

CONDEMNING BURMESE REGIME'S UNDEMOCRATIC CONSTITUTION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 317, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 317, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ROGERS of Kentucky. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 1, not voting 18, as follows:

[Roll No. 251]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—1

Paul

NOT VOTING—18

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Miller, George
Oberstar
Pryce (OH)
Rush
Speier
Thompson (MS)
Weiner
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

□ 1603

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title was amended so as to read: "Concurrent resolution condemning the Burmese regime's undemocratic draft constitution and scheduled referendum".

Mr. ROGERS of Kentucky. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Kentucky. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 190, not voting 17, as follows:

[Roll No. 252]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson

Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Cannon
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rangel
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining.

☐ 1611

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

DITH PRAN

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1109, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1109, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. ROGERS of Kentucky. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 1, not voting 18, as follows:

[Roll No. 253]

AYES—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—18

Andrews
Bilbray
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
Kaptur
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

☐ 1619

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. ROGERS of Kentucky. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROGERS of Kentucky. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 186, not voting 21, as follows:

[Roll No. 254]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bishop (UT)
Boehner
Boswell
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Gingrey
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Reyes
Rush
Speier
Waters
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

☐ 1627

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. SIMPSON. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Idaho.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SIMPSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to adjourn will be followed by resumed 5-minute voting.

The vote was taken by electronic device, and there were—ayes 145, noes 271, not voting 16, as follows:

[Roll No. 255]

AYES—145

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conyers
Cooper
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Price (NC)
Radanovich
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wittman (VA)
Wu
Wynn
Yarmuth

NOT VOTING—16

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hulshof
Jones (NC)
Jones (OH)
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1645

Mr. GUTIERREZ changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CORRECTING THE ENGROSSMENT OF TITLE AMENDMENT TO H. CON. RES. 317

The SPEAKER pro tempore. Without objection, in the engrossment of the amendment to the title of H. Con. Res. 317, the Clerk may correct any error in spelling.

There was no objection.

HIGHER EDUCATION EXTENSION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the Senate bill, S. 2929, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and pass the Senate bill, S. 2929, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mrs. EMERSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 24, as follows:

[Roll No. 256]

AYES—408

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg

Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Aderholt
Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Davis, Lincoln
Doggett
Feeney
Hulshof
Jones (NC)
Jones (OH)
Kaptur
Mahoney (FL)
Marchant
Marshall
McHenry
Oberstar
Paul
Pryce (OH)
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

☐ 1652

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

Mrs. EMERSON. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. EMERSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 189, not voting 20, as follows:

[Roll No. 257]

AYES—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—189

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Andrews
Broun (GA)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Clarke
Conaway
Davis, Lincoln
Hulshof
Hunter
Jones (NC)
Jones (OH)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining.

☐ 1701

Ms. McCOLLUM of Minnesota changed her vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Wisconsin (Mr. KIND) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 140, nays 274, not voting 18, as follows:

[Roll No. 258]

YEAS—140

Ackerman
Allen
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Braley (IA)
Brown, Corrine
Cantor
Capps
Capuano
Castle
Castor
Chandler
Coble
Cohen
Cooper
Courtney
Crowley
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Dent
Dingell
Doggett
Ehlers
Ellison
Emanuel
Eshoo
Fattah
Ferguson

Flake
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Green, Gene
Hall (NY)
Harman
Hastings (FL)
Heller
Hensarling
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Issa
Kind
King (NY)
Kirk
Knollenberg
Kucinich
Larson (CT)
Lee
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
Matheson
McCarthy (NY)
McCollum (MN)
McGovern
McNerney
McNulty
Meeks (NY)
Michaud
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Neal (MA)
Obey
Olver
Pallone
Pascrell
Payne
Petri
Platts
Porter
Price (GA)
Ramstad
Reichert
Renzi
Rothman
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Souder
Stark
Tauscher
Taylor
Tierney
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Waters
Waxman
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—274

Abercrombie
Aderholt
Akin
Alexander
Altmire
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Berry
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Cazayoux
Chabot
Clarke
Clay
Cleaver
Clyburn
Cole (OK)
Conyers
Costa
Costello
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ellsworth
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Feeney
Filner
Forbes
Foster
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (TX)
Hare
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hoyer
Hunter
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Nunes
Ortiz
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Poe
Pomeroy
Price (NC)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Salazar
Sali
Sanchez, Loretta
Schmidt
Scott (GA)
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sutton
Tancredo
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wynn

NOT VOTING—18

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Granger
Hulshof
Jones (NC)
Jones (OH)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Speier
Sullivan
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

☐ 1709

Messrs. DAVIS of Illinois, PORTER and COHEN changed their vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on rollcall No. 258, I inadvertently voted "nay." I intended to vote "yea."

Mr. LANGEVIN. Madam Speaker, today my vote on the Kind Motion to Instruct Conferees on H.R. 2419, the Food and Energy Security Act of 2007, rollcall vote 258, was recorded as a "no" vote when I intended to cast a "yes" vote. I wish to clarify on the record my support for the House-passed funding levels for the Grassland Reserve Program, the Environmental Quality Incentives Program, and Wetlands Reserve Program, as well as the Senate's sod saver provision.

PERSONAL EXPLANATION

Ms. JONES of Ohio. Madam Speaker, on Monday, May 5, 2008, I missed recorded votes. Had I been present I would have voted as follows:

No. 247, Ryan Motion to Instruct Conferees on H.R. 2419, "nay."

No. 249, H.R. 3658, To amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service, "yea."

No. 251, H. Con. Res. 317, Condemning the Burmese regime's undemocratic constitution and scheduled referendum, "aye."

No. 253, H. Res. 1109, Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe, "aye."

No. 256, S. 2929, A bill to temporarily extend the programs under the Higher Education Act of 1965, "aye."

No. 258, Kind Motion to Instruct Conferees on H.R. 2419, "nay."

Mr. LATHAM. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 221, noes 192, not voting 19, as follows:

[Roll No. 259]

AYES—221

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell

Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—19

Andrews
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Gutierrez
Hulshof
Jones (NC)
Jones (OH)
Larson (CT)
McDermott
McHenry
Oberstar
Pryce (OH)
Rush
Schakowsky
Speier
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1716

Mr. DELAHUNT changed his vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. SIMPSON. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SIMPSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 149, noes 251, not voting 32, as follows:

[Roll No. 260]

AYES—149

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Taylor
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—251

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—32

Andrews
Baldwin
Boyd (FL)
Burton (IN)
Butterfield
Campbell (CA)
Carson
Conaway
Hall (NY)
Hensarling
Holden
Hulshof
Jones (NC)
Jones (OH)
Kagen
Linder
Lofgren, Zoe
McDermott
McHenry
Oberstar
Price (NC)

Pryce (OH)
Rush
Schakowsky
Sestak
Smith (WA)
Speier
Sullivan
Waters
Waxman
Weiner
Welch (VT)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining in this vote.

☐ 1733

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FACILITATING PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS

Mr. MEEKS of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5937) to facilitate the preservation of certain affordable housing dwelling units.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS.

(a) CONVERSION OF HUD CONTRACTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may, at the request of the owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject, convert such contracts to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) INITIAL RENEWAL.—

(1) ELIGIBILITY.—At the request of the owner made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

(2) REQUEST.—A request by the owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of the owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—The owner shall be deemed to be in compliance with all income-targeting requirements under the United States Housing Act of 1937 by serving low-income families, as such term is defined in the section 3(b)(2) of such Act (42 U.S.C. 1437a(b)(2)).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of the conversion under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term "assisted dwelling unit" means the dwelling units that, on the date of the conversion under this section, were subject to Section 8 Project Number NY 913 VO 0018 or RAP Contract Number 012035NIRAP;

(2) the term "conversion" means the action under which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP become a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term "MAHRA" means the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note);

(4) the term "owner" means Starrett City Associates or any successor owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject;

(5) the term "resulting contract" means the new contract after a conversion of Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a); and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MEEKS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. MEEKS of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MEEKS of New York. Madam Speaker, I yield myself 2 minutes.

Access to affordable housing is one of the most serious challenges facing our Nation today. Working families are experiencing the most trying economic downturn in nearly 25 years. Rising costs in food, household necessities, utilities, along with stagnating wages and daily increases in the price of gasoline are wreaking havoc upon the lives of hardworking American men and women.

The precipitous increases in mortgage delinquencies and foreclosures have caused record numbers of Americans to lose their homes. This crisis has been exacerbated by the unprecedented numbers of people being waitlisted for public housing which has grown significantly.

The lack of affordable housing impacts every region of this Nation. My colleagues and I have been fighting to ensure access to affordable housing in New York and throughout the country. Among my chief responsibilities to the constituents of New York's Sixth Congressional District is to work to help provide affordable housing.

For those reasons, my friend, Congressman ED TOWNS, along with my friends and colleagues, Representatives PETER KING, BARNEY FRANK, MAXINE WATERS and NYDIA VELÁZQUEZ introduced H.R. 5937 which will facilitate the preservation of affordable housing units.

Madam Speaker, at this time I reserve the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, today I rise in support of H.R. 5937, a bill to preserve the affordability of the Starrett City development, the largest federally subsidized housing project in the country. This bill is a bipartisan effort with our colleagues from the New York delegation in the House, as well as Senator SCHUMER, to maintain affordable housing in one of the most unaffordable cities, New York City.

The current owners of Starrett City intend to sell the project. This legislation will ensure that Starrett City remains an affordable housing resource for Brooklyn residents when the sale is completed. H.R. 5937 allows HUD, per the request of the project's private owners, to convert the project's section 8 and rental assistance payments contract into project-based section 8 contracts. All existing tenants receiving housing assistance under the existing contracts will remain eligible for assistance under the new project-based section 8 contracts. If this bill is enacted, 5,881 affordable housing units will be preserved for 14,000 residents.

This bill will not result in any additional cost to the Federal Government. In fact, by preserving existing housing, this bill could result in cost savings. The owners of Starrett City are in favor of this legislation, in addition to the State of New York and the residents of Starrett City.

I urge my colleagues to join me in support of this important piece of legislation.

I reserve the balance of my time.

Mr. MEEKS of New York. Madam Speaker, at this time I would like to yield 5 minutes to my dear friend and colleague and the author of this critically important bill, the Honorable Congressman ED TOWNS, who has been a leader during his tenure in Congress on providing access to affordable housing.

Mr. TOWNS. Madam Speaker, I thank my friend for yielding time to me, and I appreciate his help on this bill. I think it is an important piece of legislation.

I also thank Congresswoman NYDIA VELÁZQUEZ. I guess I better also thank the chairman of the committee, BARNEY FRANK, who also worked very hard on this, and the chairperson of the committee, MAXINE WATERS, on their assistance in getting us to this point.

Access to affordable housing is a serious problem across America, particularly with the weakening economy and rising gas, utility and food costs.

With a rise in mortgage foreclosures leading to people losing their homes and unprecedented waiting lists for public housing—and the list gets longer and longer and longer—the ability to find affordable housing is crucial. Every time I go back to my district, this is the subject that comes up: What can we do about finding an affordable apartment?

Along with my colleagues in New York, I have been working to ensure access to affordable housing throughout my tenure in the United States Congress. But as neighborhoods developed, residents have been priced out of their homes and neighborhoods. And more and more, this is a cry coming from across the land.

For these reasons, along with my colleagues Congressman KING, Congressman FRANK, Congresswoman WATERS, and Congresswoman VELÁZQUEZ, we introduced H.R. 5937 which will facilitate the preservation of affordable housing units.

This bill will convert HUD contracts into a new 20-year housing assistance payment contract under the Multifamily Housing Restructuring and Affordability Act of 1997. Conversion of these HUD contracts will allow purchasers of certain affordable housing developments to secure the long-term financing necessary to purchase the property.

By making these properties affordable to the owners, they can in turn keep the housing affordable for the tenants. I hope that you will join us today in voting "yes" on H.R. 5937 to help preserve affordable housing.

And let me just say to my good friends throughout this body that there is no additional cost. I think what we are doing here is being creative and making it possible that people who are having difficulty will be able to have apartments. I think that during this difficult time of foreclosures and the problems we are having, I think this legislation is crucial. I want to thank my colleagues for supporting this.

Mr. CASTLE. Madam Speaker, at this time I yield back the balance of my time and urge support from all Members for this legislation.

Mr. MEEKS of New York. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ) who is a member of this committee and the chairwoman of the Small Business Committee.

Ms. VELÁZQUEZ. Madam Speaker, let me first commend Chairman FRANK, Chairwoman WATERS, Mr. TOWNS, and Mr. KING for their leadership in moving this necessary legislation forward.

I proudly support H.R. 5937 because it addresses the need for affordable housing for thousands of families in Brooklyn. Across our country, low and moderate-income working families are increasingly finding adequate housing to be out of reach. No place is this disparity more apparent than in New York City where one out of every four families spends over 50 percent of their income on rent. New Yorkers in many ways face the most difficult housing market.

Starrett City is the largest federally subsidized rental complex in the country with 5,800 units and 14,000 residents. Eliminating these units will leave thousands of families stranded and set a dangerous precedent.

H.R. 5937 represents an agreement between government agencies and the owners of Starrett City to keep the development affordable. This is a carefully crafted deal that ensures the long-term vibrancy of a Brooklyn institution.

Starrett City is a strong, hardworking community. The restaurant workers, hotel employees, and seniors who live there are part of Brooklyn's very fabric. If New York loses Starrett City, we all lose a unique chance to preserve this valuable community and set a precedent for generations to come.

Starrett City is the symptom of a much larger problem in New York City and across our Nation. We have an affordability problem that requires immediate action. Today, we are taking a step in the right direction. By saving one Brooklyn development, we lay the groundwork for affordable housing preservation in the future.

I urge a "yes" vote on this legislation.

Mr. MEEKS of New York. Madam Speaker, I now yield 3 minutes to the gentlelady from the great State of New York who is also the Chair of the House Subcommittee on Financial Institutions, the Honorable CAROLYN MALONEY.

Mrs. MALONEY of New York. I thank the gentleman for yielding, and thank him for his leadership on this important legislation and for the city of New York in general.

Madam Speaker, I rise in strong support of this legislation that will help preserve affordable housing units. I commend my colleagues from Brooklyn, Congressman TOWNS and Congresswoman VELÁZQUEZ, for their leadership in drafting this legislation, and I thank my colleagues on the Committee on Financial Services, especially Congresswoman WATERS who is Chair of the Subcommittee on Housing, and also Chairman FRANK for bringing this important bill to the floor today.

☐ 1745

When passed, this legislation would authorize the Secretary of Housing and Urban Development, upon the request of the owner of a multi-family housing project, to convert their contract to a section 8, project-based rental assistance contract. This would have an immediate impact on Starrett City, the Starrett City housing complex in Brooklyn, New York, which is currently serving 14,000 New Yorkers in affordable housing units.

Starrett City is the largest affordable housing complex in our country, and this legislation is innovative, it is helpful, it is collaborative, and it is bipartisan. And I thank my colleague, Mr. CASTLE, for his leadership on the other side of the aisle.

Starrett City was opened in 1974, and recently there have been efforts to sell the complex and potentially leave these affordable housing units and have them sold and re-priced to reflect the current market value. By selling these units, you would put at risk affordable housing for all of the 14,000 residents that are living there. It would endanger their ability to continue as residents living in Starrett City, and I would say, I don't know where they would go. In New York City there is such a housing crisis and we have no affordable housing left. This legislation would help preserve these affordable units for at least the next 20 years.

All of us know that we are facing foreclosures across this country. We are talking about programs to have grants, to have negotiations, to have support, to keep people in their homes. We have before us today creative legislation that the owner supports, that the city supports, and hopefully this Congress supports, that could save 14,000 homes for New Yorkers and keep them in affordable housing.

I congratulate my colleague, Mr. TOWNS, and everyone else who has worked so hard to make this happen.

I urge all of my colleagues to support this tremendously important legislation that will keep people in their homes, affordable homes.

Mr. MEEKS of New York. Madam Speaker, I am now happy to yield 3 minutes to a new Member of the Congress who says that she is in her sophomore year in her freshman term, the Honorable YVETTE CLARKE.

Ms. CLARKE. Madam Speaker, to the manager of this bill, Congressman MEEKS, and to the sponsors of this bill, my colleagues, Congressman TOWNS, Congressman FRANK, Congressman KING, Congresswoman VELÁZQUEZ, and Congresswoman WATERS, I want to say thank you so much for having the vision and the foresight to work across the aisle to do a great service to not only the people of the city of New York, but to this Nation.

Starrett City is the last bastion of federally subsidized housing developments of this nature in this Nation. And as we look at the challenge that it faces today, we are looking at a crisis head-on for affordable housing around this Nation.

Our willingness to come together in the 11th hour to put a remedy in place speaks to our resilience and our ability to address challenges that we face in the 21st century. And as these concerns grow greater and greater and the housing crisis gets more and more in depth, with millions of moderate and low income families in peril's way, today's legislation, H.R. 5937, says that this Congress is willing to stand up and do something, and that we've been sent here to solve the problems that our communities are facing today.

I want to congratulate Congressman CASTLE for standing forward today in a bipartisan way. It may seem to some that this is just a piece of legislation that will impact New York, but when we stand up for New York and Starrett City and Spring Creek, we're standing up for all Americans who are facing such peril.

Mr. MEEKS of New York. Madam Speaker, I yield myself as much time as I may consume.

Let me just say, in conclusion, Madam Speaker, that what this bill does, and what we're talking about around the Nation, in a time of economic crisis, at a time when people are wondering, many, how they could afford or what kind of apartments or homes they can afford, this bill is trying to assure that all Americans can indeed have a decent roof over their head, that all Americans will understand and have the opportunity to really live the American dream. And that's what makes us such a great country.

And by this Congress stepping up to the plate, as it is, making sure that those who may not have as much money as others, but yet still can live in this great country, and can live in a facility such as Starrett City, which is clean, decent, affordable housing, says that we care about all of our people throughout these United States of America.

And so I think it was ingenious, by the authors of this bill, led by Mr. TOWNS, along with Mr. KING, in a bipartisan manner say that we're going to speak up and we're going to stand up, both Democrats and Republicans, that we're going to stand on the interests of making sure that there's affordable housing for those who need it. And that's what this bill does.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 5937.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CULBERSON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MOTION TO ADJOURN

Mr. CULBERSON. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Texas.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CULBERSON. Madam Speaker, I demand a recorded vote.

recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 248, not voting 46, as follows:

[Roll No. 261]

AYES—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Schmidt
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shays
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Taylor
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Wilson (NM)
Wittman (VA)
Wolf
Young (FL)

NOES—248

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Buyer
Capito
Capps
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Dent
Dicks
Dingell
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Van Hollen
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Wilson (SC)
Woolsey
Wu
Yarmuth

NOT VOTING—46

Andrews
Baca
Boehner
Braley (IA)
Brown-Waite, Ginny
Burton (IN)
Butterfield
Campbell (CA)
Capuano
Carson
Conaway
Conyers
Cummings

Davis, Lincoln
Delahunt
DeLauro
Doolittle
Doyle
Hinchey
Holden
Hulshof
Jones (NC)
Jones (OH)
Linder
McHenry
Oberstar
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Reyes
Rush
Sali
Schakowsky
Shimkus
Shuster
Speier
Tiahrt
Udall (CO)
Udall (NM)
Velázquez
Weiner
Weldon (FL)
Whitfield (KY)
Wynn
Young (AK)

☐ 1823

Messrs. POE, CLEAVER and ACKERMAN changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

COIN MODERNIZATION AND TAXPAYER SAVINGS ACT OF 2008

Mr. GUTIERREZ. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 5512) to authorize the Secretary of the Treasury to prescribe the weights and the compositions of circulating coins, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5512

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coin Modernization and Taxpayer Savings Act of 2008".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) International demand along with market speculation for commodity metals has, over the past several years, increased the cost of producing circulating coins in the United States.

(2) In a July 30, 2007, letter to the Congress, the Secretary of the Treasury, with support of the Administration's Office of Management and Budget, requested that legislation be put forward to authorize the Secretary of the Treasury to make changes to the composition of circulating coins.

(3) The United States Mint has studied alternative metals for use in circulating coins, as noticed in its 2004 annual report.

(4) In 1943, the United States Mint produced zinc-coated steel pennies in response to war-time demands for copper.

(5) The United States Mint gained further experience changing the metal content of pennies in 1982, when it began producing copper-coated zinc pennies as a result of rising copper prices.

(6) The Royal Canadian Mint has produced for several years a copper-coated steel 1-cent coin that is similar to the United States penny at a significantly lower cost than the cost to produce the United States penny.

(7) Given the current cost to make a penny and volume of pennies minted, by simply reducing penny production costs to face value, the United States will save more than $500,000,000 in the next 10 years alone.

(8) Reducing the cost to produce a nickel to face value will save the United States an additional $60,000,000 per year.

(9) Commodity metal prices are often cyclical in nature, and can be inflated by speculation, so it is important that a solid trend in the rising price of a commodity metal be established before any change in the metal content of a coin is made.

SEC. 3. IMMEDIATE REDUCTION IN THE COST OF PRODUCING 1-CENT COINS THROUGH THE USE OF STEEL PENNIES.

Subsection (c) of section 5112 of title 31, United States Code, is amended to read as follows:

"(c) COMPOSITION OF 1-CENT AND 5-CENT COINS.—

"(1) 1-CENT COIN.—

"(A) IN GENERAL.—Subject to paragraph (2), beginning 270 days after the date of the enactment of the Coin Modernization and Taxpayer Savings Act of 2008, the 1-cent coin shall—

"(i) be produced primarily of steel; and

"(ii) meet such other specifications as the Secretary may determine to be appropriate, including any change in the weight from that specified in subsection (a)(6).

"(B) TREATMENT.—The 1-cent coin shall be treated to impart a copper color to the appearance of the coins so that the appearance is similar to 1-cent coins produced of a copper-zinc alloy.

"(C) EXCEPTION FOR LINCOLN BICENTENNIAL NUMISMATIC PENNIES.—No provision of this paragraph shall apply with respect to 1-cent coins described in section 304 of the Presidential $1 Coin Act of 2005 that are issued for numismatic purposes.

"(2) ALTERNATIVE 1-CENT COIN COMPOSITION.—

"(A) IN GENERAL.—If, before the end of the 90-day period beginning on the date of the enactment of the Coin Modernization and Taxpayer Savings Act of 2008, the Secretary determines that, with the addition of any other element to any alloy of zinc and copper of which 1-cent coins could have been composed as of the day before such date of enactment, there is a way—

"(i) to produce 1-cent coins of the same diameter, general composition, and general weight as 1-cent coins produced in accordance with this subsection as of the day before such date of enactment; and

"(ii) to achieve the goals of paragraph (1) by reducing the unit cost to produce the 1-cent coin to less than 1 cent while retaining such coin's ease of use and ensuring ease of co-circulation with 1-cent coins of the diameter and weight already circulating as of such date of enactment for ordinary commerce,

the Secretary may add any such element and continue production of 1-cent coins of the same diameter, general composition, and general weight as 1-cent coins produced in accordance with this subsection as of the day before such date of enactment instead of complying with paragraph (1).

"(B) EFFECTIVE PERIOD.—This paragraph shall only apply if the change to the new composition and the subsequent drop in the production cost of the 1-cent coin referred to in subparagraph (A) can be achieved before the end of the 270-day period referred to in paragraph (1).

"(C) REPORT TO THE CONGRESS.—Any determination and action by the Secretary under subparagraph (A) shall be promptly reported to the Congress.".

SEC. 4. AUTHORITY TO CHANGE METALLIC CONTENT OF 5-CENT COINS TO LESS COSTLY ALTERNATIVE.

(a) IN GENERAL.—Subsection (c) of section 5112 of title 31, United States Code, (as amended by section 3) is amended by adding at the end the following new paragraph:

"(3) 5-CENT COIN.—

"(A) IN GENERAL.—After the end of the 2-year period beginning on the date of the enactment of the Coin Modernization and Taxpayer Savings Act of 2008, the Secretary shall produce no 5-cent coin that is not primarily made of steel with a coating of nickel, that can co-circulate with the existing supply of 5-cent coins and work interchangeably in coin handling machines, except that—

"(i) the Secretary shall make no change to the content of the existing 5-cent coin if at that point the unit cost of production of such coins is lower than the face value of the coin; and

"(ii) if the report issued by the Secretary pursuant to section 6 indicates that a different metallic content of circulating 5-cent coins is both functional and interchangeable, and more economical to produce in both the short and long term, the Secretary shall propose such content to the Congress in the form of a legislative recommendation.

"(B) FACTORS TO BE CONSIDERED.—In prescribing the weight and the composition of the 5-cent coin, the Secretary shall consider—

"(i) factors relevant to the potential impact of any revisions to the weight and composition of the material on the current coin suppliers;

"(ii) factors relevant to the acceptability of new coinage materials, including the effect on vending machines and commercial coin processing equipment and making certain, to the greatest extent practicable, that any new coins work without interruption in existing coin acceptance equipment without modification; and

"(iii) such other factors that the Secretary, in consultation with merchants who would be affected by any change in the weight and composition of the 5-cent coin, vending machine and other coin acceptor manufacturers, vending machine owners and operators, transit officials, municipal parking officials, depository institutions, coin and currency handlers, armored-car operators, car wash operators, and American-owned manufacturers of commercial coin processing equipment, considers to be appropriate and in the public interest, after notice and opportunity for comment.

"(C) COMMENT AND SELECTION PROCESS.—In making any determination with respect to any change in the weight and composition of the 5-cent coin, the Secretary shall enter into a formal rulemaking process that includes a hearing on a record in addition to the publication of notice and opportunity for comment.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 5112(a)(5) of title 31, United States Code, is amended by striking "and weighs 5 grams".

SEC. 5. AUTHORITY TO CONDUCT RESEARCH AND DEVELOPMENT ON ALL CIRCULATING COINS.

To accomplish the goals of this Act, the Secretary may conduct any appropriate testing within or without the Department of the Treasury, and may solicit input from or otherwise work in conjunction with entities within or without the Federal government including independent research facilities or current or potential suppliers of the material used in volume production of circulating coins, to complete the report referred to in this Act and to develop, evaluate or begin the use of new metallic material for such production.

SEC. 6. BIENNIAL REPORT TO CONGRESS ON CURRENT STATUS OF COIN PRODUCTION COSTS AND ANALYSIS OF ALTERNATIVE CONTENT REQUIRED.

(a) BIENNIAL REPORT REQUIRED.—Before the end of the 270-day period beginning on enactment of this Act, and at 2-year intervals following the initial report, the Secretary of the Treasury shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate analyzing production costs for each circulating coin, cost trends, and possible new metallic materials or technologies for the production of circulating coins.

(b) DETAILED RECOMMENDATIONS.—The reports required under this section shall contain detailed recommendations for any appropriate changes to the metallic content of circulating coins in such a form that the recommendations could be enacted into law as appropriate.

(c) IMPROVED PRODUCTION EFFICIENCY.—The reports required under this section shall include recommendations for changes in the methods of producing coins at the United States Mint that would further reduce the costs to produce circulating coins, and include notes on any legislative changes that might be necessary to achieve such goals.

(d) MINIMIZING CONVERSION COSTS.—The reports required under this section shall—

(1) include no recommendation for new specifications for producing a circulating coin that would require significant change to coin-accepting and coin-handling equipment to accommodate changes to all circulating coins simultaneously, except for any potential change to the 5-cent coin as authorized under section 4; and

(2) to the greatest extent possible, recommend specifications that, while consistent with other portions of this section and the amendments made by this Act, require no changes to coin-accepting or coin-handling equipment whatsoever to accommodate both coins produced with the new specifications and coins produced as of July 31, 2007.

(e) FRAUD PREVENTION.—The reports required under this section shall make no recommendation for a specification change that would facilitate or allow the use of a coin with a lesser value produced by another country, or the use of any token or other easily or regularly produced metal device of minimal value, in the place of a circulating coin produced by the Secretary.

The SPEAKER pro tempore (Ms. JACKSON-LEE of Texas). Pursuant to the rule, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Illinois (Mr. ROSKAM) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. GUTIERREZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GUTIERREZ. Madam Speaker, I yield myself 5 minutes.

I rise today in strong support of H.R. 5512, the Coin Modernization and Taxpayer Savings Act of 2008, and I want to thank the gentleman from Ohio (Mr. SPACE) for all of his hard work and perseverance in getting this very important piece of legislation to the House floor.

It's not every day that the House considers legislation that has the potential of saving U.S. taxpayers over $100 million a year, but that is exactly what we're doing today with H.R. 5512, and Mr. SPACE should be proud of his efforts and accomplishments on this bill.

Since March of 2003, increasing metal prices, caused by high world demand for core metals, have driven the costs of copper and nickel up by 300 percent, while zinc has increased 450 percent. As a result, the cost of producing our Nation's circulating coins have increased dramatically.

In fiscal year 2007, it cost nearly 2 cents to make each penny and 10 cents for each nickel, needlessly costing the American taxpayers over $100 million last year alone, but by simply bringing the cost of producing pennies and nickels down to their face value, H.R. 5512 will save the government nearly $1 billion over the next 10 years.

In brief, H.R. 5512 requires the U.S. Mint to immediately take steps to lower the production costs of pennies, requires the Mint to research an alternative composition for the nickel in 2 years, and grants the Mint the authority to research lower cost alternative metal content for all U.S. coins.

First, H.R. 5512 requires the Mint to begin production of a steel penny within 9 months of enactment. This should result in immediate and substantial savings to taxpayers. The bill also gives the Mint the flexibility to research other low-cost alternatives to a steel penny within the same 9-month period and report to Congress any alternative recommendation.

Second, the bill requires the Mint to begin producing a nickel-coated steel nickel in 2 years, unless the Mint develops a less costly alternative and recommends such an alternative to Congress or the cost of producing the nickel in its current form is below the coin's face value.

Finally, H.R. 5512 confirms that the Mint has the authority to conduct research and development into alternative composition that will lower production costs for all U.S. coins. This provision, along with the bill's requirement that the Mint issue a biennial report to Congress on the current status of coin production costs and an analysis of alternative content, will ensure that we avoid situations of negative seignorage for U.S. coins in the future.

Bottom line, Madam Speaker, if we continue under the status quo, with each new penny and nickel we issue, we will be contributing to our national debt by almost as much as the coin is worth. These losses are mounting rapidly, and we need to act immediately to lower the costs of producing the penny and the nickel.

H.R. 5512 will give the U.S. Mint the authority it needs to make the necessary changes to our coins without creating an undue burden on the relevant industries or causing a disruption in the minting process.

For these reasons, I urge all Members to support its passage.

I reserve the balance of my time.

□ 1830

Mr. ROSKAM. Madam Speaker, I yield myself such time as I may consume. I am pleased to rise in support of H.R. 5512, the Coin Modernization and Taxpayer Savings Act of 2008.

First, I would like to thank Chairman FRANK, Chairman GUTIERREZ and my colleague from Ohio (Mr. SPACE) for bringing this important bill to the floor. And I would also like to thank Ranking Member BACHUS for his support of my own coin content bill, H.R. 4036, the Cents and Sensibility Act, which I introduced with Mr. CASTLE of Delaware.

Madam Speaker, last year, I took my son to visit the Denver Mint in Colorado, and there we discovered during our tour that the cost of a penny was—actually what the gentleman from Illinois just referred to—1.7 cents, the cost to the government to make each single penny. And that's obviously more than it's worth. At current production rates, the Federal Government spends more than $134 million to produce eight billion pennies annually at a loss of $54 million to the taxpayer. It makes no sense.

Two years ago last Thursday, when I was not yet a Member of this body, the U.S. Mint sent to Congress a letter stating what my son and I discovered on our trip. And since then, a whole lot of nothing has happened. And I think, frankly, the Mint has been a little bit remiss in not bringing up a thoughtful suggestion on cost cutting. This bill will address the short-term problem of the costly penny and I believe the longer term issues of what circulating coins should be made of.

I've got to say I'm flattered in a way in that there are elements of this bill that have taken some of the elements of the bill that I introduced. So when H.R. 5512 was introduced, this bill, in other words, it was done so with some of the provisions that I was pleased to offer. The most important point is to immediately change the composition of the penny from copper-coated zinc to copper-coated steel. This change would slash the cost to make the penny.

For several years, Canada, our neighbors to the north, have been saving money producing its one cent coin, which is essentially identical to the U.S. penny, out of steel in this manner, originally in the same Tennessee plant in which our penny blanks are made.

This provision blends an enormous cost-saving opportunity with ensuring that the content of the penny remains metal and securing American jobs that currently produce the penny.

Two other provisions from my bill are included in H.R. 5512, that is, the provision giving the Mint explicit authority to do research and development with outside firms on potential coin content, an authority that the Mint says now is ambiguous, and this bill takes away that ambiguity. And secondly, requiring regular reports from the Mint to the Congress on production cost trends and strategies to reduce costs, Madam Speaker, either with different content or different production techniques, either one.

These two provisions will ensure that the Mint is performing its due diligence in a timely manner and keeping the cost of production of all circulating coins down while maintaining communication with those who currently are involved in the industry on the production, supply and research sides.

Madam Speaker, without wanting to be overly critical of the Mint, let me just point out that I think that they have not done exactly as I think would be wise as it relates to solving this cost production problem. It sent legislation here proposing to transfer power from Congress to the Mint on the authority to decide what coins should be made of, what they would weigh, authority explicitly held by Congress since the founding of this country.

More recently, the Mint has criticized the bill before us because it would force the Mint to continue making coins out of metal. I don't know about your constituents, Madam Speaker, but I can guess, along with mine, that they're not interested in having coins made out of plastic, and even less enthusiastic if they found out that the decision to switch had been made by a few unelected bureaucrats in a gray building somewhere in Washington, DC. This is our responsibility to make these decisions. And worse, if such a switch were made the wrong way, it could force billions in conversion costs onto coin handlers, vending machines and banks, that would eventually be passed onto customers.

As a Member representing the Land of Lincoln, Madam Speaker, I'm pleased that H.R. 5512 satisfies the need to reduce the cost to taxpayers, retains American jobs, all the while preserving the small one cent coin that has been the foundation of our economic system since its inception.

I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Mr. GUTIERREZ. I would like to yield as much time as he may consume to the author and chief proponent of the bill, Mr. SPACE from Ohio.

Mr. SPACE. Madam Speaker, I'd like to thank the gentleman from Illinois, Subcommittee Chairman GUTIERREZ, for his cooperation and assistance in this legislation. I would also like to thank the ranking member, Mr. PAUL from Texas, as well. And I would further like to extend my gratitude to Chairman FRANK and Ranking Member BACHUS for their work in advancing this important piece of legislation that will, in fact, eliminate wasteful governmental spending, saving the taxpayers a billion dollars over the next 10 years.

Right now, our government is needlessly throwing away money in the production of coins. Estimates, as have been indicated, suggest that we're spending 1.7 cents or more per penny produced in this country, as well as 9.5 cents per nickel.

The content of a penny, as it exists now, is roughly 97½ percent zinc, with the balance copper. The content of a nickel is roughly 25 percent nickel and 75 percent copper. And during the last 5 years, we've seen huge increases in the price of copper, nickel and zinc. As Subcommittee Chairman GUTIERREZ indicated, that is attributable to excess demand throughout the world on those metals, along with speculation in the market. This legislation is designed with an eye toward common sense to save, again, roughly $100 million per year over the next 10 years.

Wasteful spending is especially egregious at a time when Americans are facing the pitfalls of an economic downturn. This legislation will begin the process of eliminating this wasteful spending by mandating changes in the content of the penny and the nickel and giving the Treasury a louder voice in the process.

Based on production numbers, again I want to emphasize these changes will save taxpayers $1 billion over the next 10 years. The legislation will also help Congress be more responsive to market changes in the value of different metals over time, helping it to be more efficient and precise in its expenditures.

The savings can be spent to put money into our schools, improve our infrastructure, increase access to health care, all the things that many Americans—certainly Americans I represent back in Ohio's 18th District—desperately need.

As a Congress, we have a responsibility to use our funds in a responsible fashion. This legislation is a step toward more responsible spending and represents a bipartisan effort to work together on a measure that encompasses a high degree of common sense. Refreshing.

Mr. GUTIERREZ. I congratulate the gentleman from Ohio on that wonderful speech.

Mr. ROSKAM. Madam Speaker, I yield back the balance of my time.

Mr. GUTIERREZ. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 5512, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARTER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

MOTION TO ADJOURN

Mr. CARTER. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Texas.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CARTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on motions to suspend the rules on House Resolution 1168, and House Resolution 1155.

The vote was taken by electronic device, and there were—yeas 149, nays 236, not voting 47, as follows:

[Roll No. 262]

YEAS—149

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Chabot
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hunter
Inglis (SC)
Issa
Johnson (IL)
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCrery
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence

Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—236

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Burgess
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dingell
Doggett
Donnelly
Doyle
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McGovern
McIntyre
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (MI)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Richardson
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sali
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman
Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—47

Andrews
Bachus
Baird
Berry
Braley (IA)
Burton (IN)
Butterfield
Campbell (CA)
Capito
Carson
Conaway
Costa
Cummings
Dicks
Doolittle
Edwards
Gilchrest
Gohmert
Gordon
Gutierrez
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Langevin
McCaul (TX)
McDermott
McHenry
McNerney
Meeks (NY)
Miller (NC)
Murphy, Tim
Oberstar
Peterson (PA)
Pryce (OH)
Ross
Ruppersberger
Rush
Snyder
Speier
Spratt
Udall (NM)
Watt
Weiner
Weldon (FL)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes are remaining.

☐ 1900

Messrs. COHEN, ELLSWORTH, ACKERMAN, WAXMAN, Ms. VELÁZQUEZ and Ms. CLARKE changed their vote from "yea" to "nay."

Ms. GINNY BROWN-WAITE of Florida changed her vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Speaker, on rollcall No. 261 and had I been present, I would have voted "no."

CONGRATULATING CHARTER SCHOOLS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1168, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and agree to the resolution, H. Res. 1168, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 391, noes 2, answered "present" 1, not voting 38, as follows:

[Roll No. 263]

AYES—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes

Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—2

Hinchey
Kucinich

ANSWERED "PRESENT"—1

Hall (NY)

NOT VOTING—38

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Cummings
Dicks
Doolittle
Gilchrest
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Keller
Lampson
Lofgren, Zoe
McHenry
McMorris Rodgers
Meeks (NY)
Miller (NC)
Oberstar
Olver
Ortiz
Peterson (PA)
Pryce (OH)
Rush
Saxton
Snyder
Speier
Udall (NM)
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Less than 2 minutes remain in this vote.

☐ 1912

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. CARTER. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to table the motion to reconsider.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 182, not voting 35, as follows:

[Roll No. 264]

AYES—215

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—182

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—35

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Cummings
Dicks
Doolittle
Gilchrest
Gohmert
Hooley
Hulshof
Johnson, Sam
Jones (NC)
Jones (OH)
Lofgren, Zoe
McHenry
McNerney
Meeks (NY)
Miller (NC)
Oberstar
Peterson (PA)
Pryce (OH)
Rush
Saxton
Snyder
Speier
Udall (NM)
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes left in the vote.

☐ 1919

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

HONORING THE RECIPIENTS OF THE EL DORADO PROMISE SCHOLARSHIP

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1155, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. TIERNEY) that the House suspend the rules and agree to the resolution, H. Res. 1155, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. TIAHRT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 390, noes 1, not voting 41, as follows:

[Roll No. 265]

AYES—390

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Waxman
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—1

Young (AK)

NOT VOTING—41

Andrews
Bachus
Baird
Bilirakis
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
Dicks
Doolittle
Gilchrest
Hall (NY)
Heller
Hinchey
Hinojosa
Hooley
Hulshof
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
McCarthy (CA)
McCarthy (NY)
McHenry
Meeks (NY)
Melancon
Miller (NC)
Oberstar
Pascrell
Peterson (PA)
Pryce (OH)
Rush
Speier
Stark
Udall (NM)
Waters
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1926

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. TIAHRT. Madam Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move that the motion to reconsider be laid on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TIAHRT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 180, not voting 36, as follows:

[Roll No. 266]

AYES—216

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)

Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOES—180

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—36

Andrews
Bachus
Baird
Burton (IN)
Butterfield
Campbell (CA)
Carson
Coble
Cole (OK)
Conaway
DeFazio
Dicks
Doolittle
Garrett (NJ)
Gilchrest
Herger
Hooley
Hulshof
Hunter
Johnson, Sam
Jones (NC)
Jones (OH)
McHenry
Miller (NC)
Oberstar
Peterson (MN)
Peterson (PA)
Pryce (OH)
Rangel
Rush
Speier
Udall (NM)
Watt
Weiner
Weldon (FL)
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes are remaining.

□ 1934

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–621) on the resolution (H. Res. 1174) providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3221, FORECLOSURE PREVENTION ACT OF 2008

Mr. HASTINGS of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 110–622) on the resolution (H. Res. 1175) providing for consideration of the Senate amendments to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, which was referred to the House Calendar and ordered to be printed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. FLAKE. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore (Ms. DEGETTE). The Clerk will report the motion.

The Clerk read as follows:

> Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed not to recede to the provisions contained in subtitle A of title XII of the Senate amendment (relating to a permanent agriculture disaster assistance program).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FLAKE) and the gentleman from North Dakota (Mr. POMEROY) will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Madam Speaker, this motion to instruct conferees is simple. It would urge the farm bill conferees to not include a new permanent disaster program contained in the Senate-passed farm bill. The Senate-passed farm bill included a new and permanent disaster program which has been estimated to cost an additional $5.1 billion.

First of all, I want to commend the House for not including the disaster title. It is not needed. We end up paying far more than we should in the regular subsidy programs; but to add a permanent disaster title is simply heaping too much on the taxpayers. As I go through some of this, you will see why.

According to the Congressional Research Service, since 1989 Congress has passed 35 appropriations authorizations or farm disaster acts that have added more than $60 billion in supplemental funding to USDA programs with just under 8 percent of that coming in the last 10 years. An analysis by the Environmental Working Group showed the Federal Government provided $26 billion in disaster relief payments between 1985 and 2005. Congress spent more than $8 billion in disaster payments between 2002 and 2006, with an additional $3.4 billion being made available for the 2008 omnibus for disaster payments for losses between 2005 and 2007.

So you see, we have regular subsidy programs that are awfully big, and then we are being asked to add a disaster title on top of that. When we debated the bill in 2002, the 2002 farm bill, the idea was to stop the expensive disaster assistance payments. Former Senator Daschle said at that time: "We are getting rid of these ad hoc disaster payments approaches. We are actually bringing down the cost of the Federal program."

So in essence we were basically including permanent disaster relief within the farm program in 2002. Or that is what was said at the time. And now we are being asked again, let's add another disaster title because we simply aren't subsidizing enough.

Representative LUCAS of Oklahoma said during that debate: "On the committee, both Republicans and Democrats worked to find a balanced bill so we would not have to come back to Congress and ask for ad hoc disaster bills year after year. We have found that balance in the manager's amendment." Again, that was in 2002.

We were told if we passed the bill in 2002, we wouldn't have to come back again and again for disaster payments. But guess what, we were back the next year and the next year and the next year with disaster payments; and we are being asked again here to include a permanent disaster title. Now believe me, if we do this, next year we will be asked to add disaster payments again and the next year again and again. This is nothing more than an effort to increase the baseline, to increase more subsidies going out to farmers.

Representative POMEROY said in 2002: "There is a better way to go than to add ad hoc year-to-year disaster bills that leave the farmer and their lenders and their creditors not knowing where they stand. The better way is to put it in the farm bill, just like this bill does."

Let me remind you, that bill was passed. We did exactly what these Members said we should do in order to avoid ad hoc disaster payments henceforth. Guess what, we didn't. We have seen those payments again and again. Now we are being asked to include a permanent disaster title, only to see these payments again and again. It is simply too much.

When do we stand up and say enough is enough? The taxpayer is on the hook for too much.

Madam Speaker, I reserve the balance of my time.

Mr. POMEROY. Madam Speaker, I respond to the constructive tone of the proponent of the motion to instruct with just a few words of explanation.

Essentially there are two risks that farmers cannot control. One of them is if the prices collapse. And we have seen prices collapse often in the years I have been in the House below the cost of raising the crop. In that circumstance, farmers need help.

We also see the risk of production failure where weather and natural disasters produce a broad crop failure. Well, the 2002 farm bill referenced by my friend, Mr. FLAKE, restored protection for farmers when prices collapse. Prior to that restoration, we had a farm bill that did not respond when prices collapsed, and during the late 1990s we sought not one but two, maybe even three disaster bills to respond to the price collapse. The 2002 farm bill fixed that, and with price support payments that trigger when prices hit a certain low level, we have not had to come the disaster route to deal with price collapse again. The result has been a tremendous savings for taxpayers. We have a farm bill that only pays out when farmers need it, and billions of dollars have been reduced from the baseline for agriculture because the pricing environment has not required the Federal Government to step in with price support.

Now as a matter of budget principle, I would think that Mr. FLAKE, and we all know he is ever-vigilant on budget matters, would very much like bringing disaster on the budget where it is paid for rather than rely on ad hoc disaster payments that are not paid for, that are emergency spending. And so that is what I want to focus on during the balance of my time.

We know that in our great Nation there will be production circumstances causing disaster losses, and we know that these are going to move around.

This is the U.S. drought monitor for midsummer 2006. We see a broad pattern of drought. The very next year we had other parts of the country facing a drought threat that really could produce disaster losses.

☐ 1945

So we know that someplace in the country we're going to have extraordinary circumstances that will literally threaten the family farmers in that region.

Well, why don't we just move ahead then and, with this farm bill opportunity, address that issue, and that's precisely where the conferees are in terms of completing their work on this farm bill. They have a disaster component of this bill. It is paid for in the spending of the farm bill; no off-budget, no emergency spending. It's paid for in the farm bill. And what's more, it involves important reforms as well.

I expect my friend, Mr. FLAKE, and I agree that when you have ad hoc program, you don't necessarily have the reins around the spending as you'd like.

This bill is very spelled out. It only pays if the entire farm suffers a disaster loss as defined in the statute. Earlier ad hoc programs will pay if just a portion of the farm is hit with disaster-type losses. This is whole farm loss that's provided for.

And we require the farmer to maintain crop insurance. We don't want anybody relying on this disaster program as their risk protection. They've got to provide for their own risk protection with crop insurance, and this would only cover additional losses in the event of a disaster situation.

You might ask, why do you need that if you've got crop insurance? And it's well known that crop insurance leaves a significant percentage of the farmers' costs exposed.

Now, let me just tell you, as I wrap up, why this is so important. We have farmers putting in the most expensive crop in the history of U.S. agriculture. The bankers that I have been visiting with in recent days have told me that operating loans to our farmers are running 30 percent above the amounts last year because of the extraordinary costs our farmers are encountering.

I had a farmer tell me today that putting in his crop near Edgeley, North Dakota ran $10,000 a day just for the fuel burned by the three tractors. $10,000 a day. That means, while farmers usually put it all on the table and take enormous risk at the beginning of a planting season, this year, more than ever before, they've got it all hanging out there. And if we don't have protections, those farmers that might find themselves in a disaster loss situation would take a hit that might very well threaten the continuation of that family farm.

So we think the best way to deal with this prospect of disaster losses is to put it in the farm bill, make sure that it's paid for, provided in the budget, and that's precisely what we have done.

I would resist the motion to instruct, and urge my colleagues to vote "no."

I yield back the balance of my time.

Mr. FLAKE. The gentleman mentioned that having these permanent disaster titles built into the budget would be a good thing so we don't have the ad hoc disaster programs. I agree, it would be. But we've done that. That's how the last firm bill was sold to us; that yes, it's a bit bloated; yes, it's bigger than you'd like, but it's going to include disaster payment so we don't have to do ad hoc stuff anymore. We're going to build it into the budget.

I read several quotes. There are several more. Let me just read one more. Representative Combest of Texas said, "There is a safety net which is built into the program. I think, to my budget conscious colleagues, of which I am one, this is more of an honest way to deal with this problem than ad hoc disaster bill after disaster bill after disaster bill after disaster bill."

Now, that sounds just like what we heard. This was in 2002. And we've had many ad hoc disaster bills pass since that time. I guarantee you, if we pass this, with this large disaster bill attached to it, we'll see more disaster bills after this time.

The gentleman mentioned that disaster bills come to fill in the gaps when there are bad crop years. That's the purpose of it. In fact, we subsidize crop disaster insurance to the tune of about $3 billion a year, I believe. We've had many programs, many bills to do that. But it hasn't seemed to work because we keep funding on top of that.

If you look at this chart, this chart will show 2002 through 2006, these were not particularly bad years. In the red you will see the subsidies that were given during this time. In the yellow you'll see disaster payments added on top of the programs. So you see, in good years, in bad, it doesn't matter. We seem to have crop disaster programs and money paid out every time, no matter what.

This next chart is quite telling. Shortly before the 2002 Congressional elections, the Bush administration faced growing pressure from ranchers and politicians in a handful of western States that were hit hard by drought. There was pressure to actually do something to help these ranchers.

The USDA responded with a plan to give ranchers cash payments based on how much livestock they owned. Now, to qualify, a rancher had to be in a county that suffered from a drought and declared a disaster by the Agriculture Secretary in 2001 or 2002. Legislation was approved by Congress to extend the livestock program into January of 2003 as well.

Let me just give you one example of how this works. I'll go to this chart later. But all you have to do is to be in a county where some kind of disaster is declared. The rules were loosened so it didn't even have to be a weather-related disaster. Something else could trigger it as well. And all a farmer had to do is say, or a rancher had to do is say, I am from this county, therefore I deserve payment. Per head livestock payment. And that was paid out.

And you had counties that had no disaster at all, or parts of counties, in Arizona we have large counties, only 15 in the State, so you have parts of counties that perhaps weren't suffering any disaster at all where people were collecting payments.

But what you also had, and this will demonstrate the absurdity of the program we have now and the eligibility rules. In Texas here, on February 1, 2003, we had a very unfortunate incident where the Space Shuttle Columbia exploded over Texas, upon re-entry. It scattered over a certain part of the State. The President declared certain counties in Texas a disaster area in order to have emergency services go and collect the debris.

Because that was a national or, I'm sorry, a disaster declared in certain counties, all ranchers had to do in those counties is claim there's a disaster; I'm going to collect benefits for my livestock. And you had, literally, millions of dollars paid out to ranchers for their livestock because of a disaster, a space shuttle exploding over Texas.

Now, that will give you some idea of the eligibility rules that apply here. This, we make no effort in this legislation, nor have we made any effort in any others to really seriously tighten up these eligibility rules. And that is simply wrong to do this.

We are embarking again, let me remind you, in 2002 we were told, let's include a bigger bill, let's have a bigger bill that will include disaster relief, and then we won't need to come back anymore. We'll include it in the base bill. That's better budgeting.

That's exactly what we're hearing today, the same thing, but with no promise that we'll actually get rid, or that we'll actually cut other programs, go into the commodity programs, shave money here to pay it here. No, we're just increasing the baseline substantially.

And I should note, this is not paid for in the bill. The permanent disaster relief is above the base line. We're having to charge fees somewhere else to pay for this. So it's not in the bill. It's not paid for. It's actually above the baseline.

So let me just urge my colleagues, you know, we have a program here that I think all of us, in our candid moments, realizes is out of control. We have subsidies going here that are well beyond what is required and necessary and right and proper. Yet, we continue to do this simply because it makes for good politics. I would think that we're better than that.

I would think that we can rise up, at least now, as the House did, frankly, and say, we shouldn't have a permanent disaster title. Again, I want to commend the House for doing that. But this is why this motion is to instruct the conferees to go with the House version and not the Senate version.

And I would ask my colleague, I would yield for just a minute, if you would, if we felt that a disaster title was so needed, why wasn't it included in the House bill, and why did we rely on the Senate to have it?

I yield 30 seconds to the gentleman.

Mr. POMEROY. I thank the gentleman for yielding. Because I yielded back my time, anticipating you were rising to close, if you would give me leave, I'll have about 2 minutes, 3 minutes of answers to that.

Mr. FLAKE. I will gladly yield.

Mr. POMEROY. I thank my friend.

First, there have been mistakes made in the administration of farm programs. And, for example, the gentleman's illustration about the Texas ranch issue relative to the space shuttle tragedy, that was not under an ad hoc disaster bill, but we believe it was very poor administration of relief under another program called section 32. We would hope that never happens again. Action is taken here to make certain that it doesn't.

The disaster bill precludes losses on livestock. Moreover, they can only go in areas designated by the Secretary as having sustained a disaster loss; at which time, in the legislation, it's specified that the whole farm of the applicant has to suffer a qualifying loss. So no more if you happen to live in an area where somebody else got hit, we got a check for you. That's done, and tightened up considerably under this program.

We think that all of those are good government provisions. We also addressed in the 2002 bill, and expect it to anticipate continuing in this bill, price support protection in the farm bill. So we have not had, since 2002, a disaster bill to respond to collapsed prices in the marketplace. We expect that that would absolutely continue. We've got a provision in the farm bill to respond to that. No ad hoc disaster required for price collapse.

And then the gentleman's question to me, I forgot. I yield back for clarification, and I'll respond directly.

Mr. FLAKE. Well, I'd just like to ask the gentleman. In 2002 didn't we hear exactly what we're hearing today, that if we include a permanent disaster title, that there will be no more need for disaster relief beyond this year?

Mr. POMEROY. Well, I can only speak for the comments the gentleman quoted from my own debate. And what I was so happy about the 2002 bill is we were restoring a safety net for farmers when prices collapsed. During the earlier farm bill, known as Freedom to Farm, that protection had been taken away and we had to resort to ad hoc disaster bills when the prices collapsed. We took care of that in the last firm bill and we have not had a disaster bill on that since.

This disaster bill relates to production loss. And we're always going to have disasters in our country that bedevil some of our farmers relative to disaster dimension losses. We put them in the budget. We specify in tight reform language how the losses would be compensated. And we think it's good budgeting.

Mr. FLAKE. Reclaiming my time, we heard some of these same arguments in 2002, that we had tightened things up, and that we wouldn't have the ability to game the system. Yet I mentioned the shuttle disaster as one of the more egregious examples. There are plenty of others.

For example, after the Katrina disaster, part of the programs that we have allow, if prices drop substantially, that prices can be locked in at a certain price, and then farmers can go sell on the market afterwards. The system was gamed at that point; to the loss, to the tune of a couple of billion dollars. These were imaginary losses. These were not real losses.

Mr. POMEROY. Will the gentleman yield on that?

Mr. FLAKE. Just 15 seconds, if I could.

Mr. POMEROY. We fixed the Katrina issue. That's another provision, not a disaster provision. That's a provision that relates to what's called beneficial interest, and we make adjustments reforms along the lines sought by the White House on that one.

☐ 2000

Mr. FLAKE. Madam Speaker, I would simply say in response to that, this is what we heard in 2002, that we have fixed these loopholes, that this has tightened up. We won't have to have ad hoc disaster payments. There are several types. I mentioned the number of bills that have been passed to provide this type of disaster relief, whether it was for livestock or crop loss or something else. We just passed a myriad of bills to do that. And every time we hear, We've tightened it up; if you just give us a little higher baseline, if you just increase it a little more, then we promise we won't come back again and again and again. And here we are. We're back doing the same thing again.

I would submit, Madam Speaker, that we simply can't do this any more. We simply can't do this.

Let me go to this chart for a minute.

May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman has 15 minutes remaining.

Mr. FLAKE. I assure my colleagues I won't take my entire 15 minutes, but let me point out this chart right here.

These are areas that have received disaster payments in 11 of the past 21 years. When you think disaster payments, you think this is something that happens once every decade or once every century or something that is an odd occurrence. It doesn't always occur. Yet here we see, look at these dots here. One, you can tell they're highly concentrated. Certain areas keep going back for more again and again and again. These areas where you see the dots received disaster payments 11 out of the last 21 years. One dot equals one recipient here.

Now 11 out of the past 21 years, if you do the math right, that's better than once every 2 years people are coming back for disaster payments, catastrophic losses of some type or another. So the notion that we're taking care of it all, that we won't have any more catastrophic disasters, I think is blown away by this chart because we see again and again.

Another thing that's quite notable with this chart is you see there is a very political disbursement here. I will point out one place, right here at the top of Arkansas. You will see a smattering of dots where this represents, believe me, millions and millions and millions of taxpayer dollars going to disaster relief. But something funny happens here. Once you cross the State line into Missouri, virtually no dots at all. Very little was received at all.

Now, unless droughts respect State boundaries right along the State line, or a tornado is deterred by a barbed wire fence, then this is political. There is no other way to explain this. You look down here near the panhandle of Florida into Georgia and whatnot, there are a lot, and then as soon as you cross over that State line, virtually nothing.

What this suggests to me, and I'm sure anybody who looks at it in candor would say, There's probably a very active farm service organization there that is applying for these grants and going after that drought relief for whatever it's for.

But you have to concede there is no other way to explain this than to see that this is extremely political. That's how it happens. That's how it happened after 2002 when the White House was under much pressure to provide disaster relief before the election was coming up. It doesn't just happen under Democrat's administrations; it happens under Republicans and everyone. We shouldn't allow this to happen.

Let me just close by saying, again, we heard this in 2002, we're hearing it again. We bought it then. We shouldn't have. Let's not include this $5.1 billion disaster program. I'm hearing that it's down to $3.8. That's maybe a good sign.

Mr. POMEROY. If the gentleman would yield, I think it's the gentleman's motion so he has the right to close.

Mr. FLAKE. I would yield 15 seconds.

Mr. POMEROY. Actually, I'm going to ask unanimous consent to get a couple of minutes of my time back, 2 minutes of my time back, to basically put in perspective some of the points the gentleman has raised; and then you might want to reserve your time so you have the opportunity to close.

Mr. FLAKE. Madam Speaker, I will reserve.

Mr. POMEROY. Madam Speaker, I ask for 2 minutes of my time back that I yielded.

Mr. FLAKE. Madam Speaker, I will yield 2 minutes to the gentleman.

Mr. POMEROY. Madam Speaker, I will speak under Mr. FLAKE's time, and thank you for yielding.

The reason I yielded back was because I thought this was about ready to draw to a close. There are a couple of points that I do want to make and believe the record needs to make clear.

First, under the last farm bill, we haven't added billions. We've reduced billions from the baseline for agriculture. Because we stopped the ad hoc disaster response when prices collapsed, we had a provision in the farm bill to respond when prices collapsed. Guess what? Prices did not collapse, and the farm bill did not need to extend itself to help farmers. The market took care of the farmers. That saved, over the last farm bill, $18 billion off of the baseline in commodity payments.

Now, what happens as we try to build the farm bill this year? It means we have $18 billion less to do it. We have come up with a farm bill that has additional spending, every dollar of it paid for without raising taxes.

And so this farm bill is a very tightly constructed, paid-for farm bill in contrast to the last farm bill where $73 billion was added to the baseline, none of it paid for, under the Republican majority that previously ruled this Congress.

The final point I would make is that we are going to have disasters. They will threaten the very continuation of family farms across this country. It depends who happens to be afflicted with the disaster at a certain point in time. The option before this Congress is we're either going to prefund, pay for, and budget a disaster response anticipating these losses, or we're going to continue to rely on ad hoc, off-the-budget responses, which we believe is a less responsible way to proceed.

I thank the gentleman for yielding and allowing me to make these rebuttal points.

Mr. FLAKE. Madam Speaker, I would yield 15 seconds. The question I had asked before of the gentleman is why didn't the House include the disaster.

Mr. POMEROY. I thank the gentleman for yielding.

Essentially, we didn't have the funding in place to support a paid-for disaster bill. Later, negotiations between House and Senate negotiators, and I have been right in the middle of it, found ways to fund the bill, and at that point in time, the disaster title came back in.

Mr. FLAKE. Madam Speaker, I thank the gentleman.

I should note, as I did before, this is not below the baseline. There is only room because we're going well above the baseline. We're actually charging fees or doing some other things to free up offset money to actually pay for the disaster.

Mr. POMEROY. If I just can respond briefly.

Mr. FLAKE. Sure.

Mr. POMEROY. Madam Speaker, the ad hoc disaster programs that we have passed did not figure into the agriculture baseline so they have not counted.

Additionally, the baseline that we're operating under for this farm bill is below the baseline that we operated under for the last farm bill.

Mr. FLAKE. I thank the gentleman.

I should note that the gentleman mentioned that we've cut billions of dollars since the last farm bill. We haven't cut anything. The reason that not as much has been paid out under countercyclical or some of the other programs is being a product of high prices, and that's as the program works. But I should note that even though there have been high prices, we're still having disasters seemingly everywhere with very loose definitions of what a disaster is, and I would suggest that we will have those again, whether or not we include a permanent disaster title. That's what experience tells us. That's what we've learned just over the past few years. It doesn't matter if you include a permanent disaster title or you include this under the baseline, you will have disaster payments go out.

And my plea would be let's stand for the taxpayer here. We don't often do that in the Congress. Let's say that enough is enough, that we can't continue to pay out money on top of money that we said we weren't going to pay out.

Again, I thank my colleagues for their indulgence. I know we went a little longer than we thought.

I would urge support for this motion to instruct.

Let's keep what the House did and reject the disaster title that the Senate put in.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. FLAKE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ADJOURNMENT

Mr. POMEROY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 7, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

DONALD J. CAZAYOUX, Jr., Louisiana, Sixth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance for Emergency Exemptions [EPA-HQ-OPP-2008-0003; FRL-83590-7] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2007-0872; FRL-8360-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6404. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerances [EPA-HQ-OPP-2008-0139; FRL-8359-9] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyraclostrobin; Pesticide Tolerance [EPA-HQ-OPP-2007-0906; FRL-8355-4] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerance [EPA-HQ-OPP-2006-0855; FRL-8360-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6407. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting the Department's Evaluation of the TRICARE Program for Fiscal Year 2008, pursuant to 10 U.S.C. 1073 note; to the Committee on Armed Services.

6408. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, Department of Defense, transmitting notice of the completion of a public-private competition at the Fleet Readiness Center — East (formerly Naval Air Systems Command Naval Air Depot — Cherry Point) in Havelock, NC, pursuant to 10 U.S.C. 2462(a); to the Committee on Armed Services.

6409. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Colonel Daniel O. Wyman, United States Air Force, to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6410. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Dan K. McNeill, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6411. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting letter on the approved retirement of General Burwell B. Bell III, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6412. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John G. Castellaw, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6413. A letter from the Director, Administration and Management, Department of Defense, transmitting Certification that the total cost for the planning, design, construction and installation of equipment for the renovation of wedges 2 through 5 of the Pentagon Reservation, cumulatively, will not exceed four times the total cost for the planning, design, construction, and installation of equipment for the renovation of wedge 1, pursuant to Public Law 108-287, section 8055; to the Committee on Armed Services.

6414. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Report to Congress on the Social and Economic Conditions of Native Americans: Fiscal Years 2001 and 2002," pursuant to Section 811A of the Native American Programs Act of 1974; to the Committee on Education and Labor.

6415. A letter from the Secretary, Department of Labor, transmitting a copy of proposed legislation to improve enforcement of the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and Labor.

6416. A letter from the Chairperson, National Council on Disabilities, transmitting the Council's report entitled, "Empowerment for Americans with Disabilities: Breaking Barriers to Careers and Full Employment"; to the Committee on Education and Labor.

6417. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States [EPA-HQ-OAR-2007-0510; FRL-8556-1] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6418. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Petition for Reconsideration and Withdrawal of Findings of Significant Contribution and Rulemaking for Georgia for Purposes of Reducing Ozone Interstate Transport [EPA-HQ-OAR-2004-0439, FRL-8556-2] (RIN: 2060-AN12) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6419. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Incorporation of On-board Diagnostic Testing and Other Amendments to the Motor Vehicle Emission Inspection Program for the Northern Virginia Program Area [EPA-R03-OAR-2007-0185; FRL-8555-5] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6420. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Transportation Conformity Regulations [EPA-R03-OAR-2007-1009; FRL-8555-4] received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6421. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revocation of Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2006-0213; FRL-8358-4] (RIN: 2070-AB27) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6422. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Finding of Failure to Submit State Implementation Plans Required for the 1997 8-hour Ozone NAAQS [FRL-8545-5] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6423. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Georgia: Enhanced Inspection and Maintenance Plan [EPA-R04-

OAR-2008-0116-200807a; FRL-8560-3] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6424. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Volatile Organic Compound Emission Standards for Aerosol Coatings [EPA-HQ-OAR-2006-0971; FRL-8544-2] (RIN: 2060-AO86) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6425. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Montana; Whitefish PM10 Nonattainment Area Control Plan [EPA-R08-OAR-2007-0367; FRL-8552-4] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6426. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Revisions to Particulate Matter Rules [EPA-R05-OAR-2007-1177; FRL-8559-7] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6427. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — LAND DISPOSAL RESTRICTIONS: Site-Specific Treatment Variance for P and U-listed Hazardous Mixed Wastes Treated by Vacuum Thermal Desorption at the EnergySolutions' Facility in Clive, Utah [EPA-HQ-RCRA-2007-0936; FRL-8560-1] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6428. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Extension of Deadline for Action on Section 126 Petition From Warrick County, Indiana, and the Town of Newburgh, Indiana [EPA-HQ-OAR-2008-0314; FRL-8559-9] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6429. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama Prevention of Significant Deterioration and Nonattainment New Source Review [EPA-R04-OAR-2007-0532-200810, FRL-8560-2] received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6430. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions [EPA-R03-OAR-2007-1188 FRL-8559-5] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6431. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Redesignation of the Forest County Potawatomi Community Reservation to a PSD Class 1 Area [EPA-R05-OAR-2004-WI-0002; FRL-8557-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Section 110(a) 8-Hour Ozone Maintenance Plan for the White Top Mountain, Smyth County, Virginia 1-Hour Ozone Nonattainment Area [EPA-R03-OAR-2007-1068; FRL-8559-6] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [EPA-HQ-OAR-2003-0138, FRL-8557-1] (RIN: 2060-A099) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6434. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans Kentucky: Tennessee Valley Authority Paradise Facility State Implementation Plan Revision [EPA-R04-OAR-2007-1091-200813; FRL-8559-1] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6435. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Revised Definition of Substantially Similar Rule for Alaska [EPA-HQ-OAR-2007-0071; FRL-8557-8] (RIN: 2060-AN94) received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6436. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for California [OAR-2004-0091; FRL-8542-3] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression-Ignition Engines Less than 30 Liters per Cylinder [EPA-HQ-OAR-2003-0190; FRL-8545-3] (RIN: 2060-AM06) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6438. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Completeness Findings for Section 110(a) State Implementation Plans for the 8-hour Ozone NAAQS [FRL-8545-6] (RIN: 2060-AP03) received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6439. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Louisiana; Approval of 8-Hour Ozone Section 110(a)(1) Maintenance Plans for the Parishes of Lafayette and Lafourche [EPA-R06-OAR-2006-0871; FRL-8545-2] received March 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6440. A letter from the Attorney-Advisor, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Rural Health Care Support Mechanism [WC Docket No. 02-60] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6441. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Clayton, Oklahoma) [MB Docket No. 07-227 RM-11405] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6442. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Ash Fork and Paulden, Arizona) [MB Docket No. 07-220 rm-11403] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. CASTOR: Committee on Rules. House Resolution 1174. Resolution providing for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs (Rept. 110-621). Referred to the House Calendar.

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1175. Resolution providing for consideration of the Senate amendments to the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation (Rept. 110-622). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of New Jersey (for himself, Mr. HASTINGS of Florida, Mr. MCINTYRE, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCCOTTER, Mr. PALLONE, Mr. HOLT, Mr. SHIMKUS, Mr. MCGOVERN, and Mr. DAVIS of Illinois):

H.R. 5970. A bill to amend the Belarus Democracy Act of 2004 to reauthorize that Act, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HELLER:

H.R. 5971. A bill to require that ballots used in Federal elections be generally printed only in English and to amend the Voting Rights Act of 1965 to modify the requirement that certain jurisdictions provide ballots and other voting materials in languages other than English, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania (for himself, Mr. EHLERS, and Mr. CAPUANO):

H.R. 5972. A bill to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes; to the Committee on House Administration.

By Mr. PRICE of North Carolina (for himself and Ms. SCHAKOWSKY):

H.R. 5973. A bill to enhance transparency and accountability within the intelligence community for activities performed under Federal contracts, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY (for himself, Mr. SESSIONS, Mr. CANTOR, Mr. FOSSELLA, Mr. WILSON of South Carolina, Mrs. CAPITO, Mr. MARCHANT, and Mr. BLUNT):

H.R. 5974. A bill to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases; to the Committee on Ways and Means.

By Mr. ARCURI (for himself, Mr. PATRICK MURPHY of Pennsylvania, Ms. CLARKE, Mr. TOWNS, Mr. ISRAEL, Mrs. GILLIBRAND, Mr. ACKERMAN, Mr. HINCHEY, Mr. SERRANO, Mrs. MALONEY of New York, Mrs. LOWEY, Mr. HIGGINS, Mr. BOSWELL, Mr. FOSSELLA, Mr. CROWLEY, Mr. BISHOP of New York, Mr. REYNOLDS, Mr. MCHUGH, Mr. HALL of Texas, Mr. ENGEL, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. WALSH of New York, Mr. KING of New York, Mr. RANGEL, Ms. VELÁZQUEZ, Mr. MEEKS of New York, Mr. WEINER, Mr. MCNULTY, Mr. KUHL of New York, and Ms. SLAUGHTER):

H.R. 5975. A bill to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the "Cpl. John P. Sigsbee Post Office"; to the Committee on Oversight and Government Reform.

By Mr. BLUMENAUER (for himself, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Ms. VELÁZQUEZ, Mr. RAHALL, Mr. FARR, Mr. FRANK of Massachusetts, Ms. DELAURO, Mrs. LOWEY, Mr. EMANUEL, Mr. BECERRA, Mr. DEFAZIO, Mr. LATOURETTE, Mr. PETRI, Mr. SHAYS, and Mr. WELCH of Vermont):

H.R. 5976. A bill to establish the United States Commission on Rebuilding America for the 21st Century, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Natural Resources, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEFAZIO (for himself, Mr. PETRI, and Mr. ELLSWORTH):

H.R. 5977. A bill to amend title 49, United States Code, to require a motor carrier, broker, or freight forwarder that collects a fuel surcharge to disclose and pay the fuel surcharge to the person responsible for bearing the cost of the fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HALL of New York (for himself and Mr. KUHL of New York):

H.R. 5978. A bill to designate the facility of the United States Postal Service located at 76 Brookside Avenue in Chester, New York, as the "1st Lieutenant Louis Allen Post Office"; to the Committee on Oversight and Government Reform.

By Mr. KING of New York:

H.R. 5979. A bill to amend the Public Health Service Act to provide for the national collection of data on stillbirths in a standardized manner, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H.R. 5980. A bill to establish the Commission on Securing the United States in the 21st Century; to the Committee on Foreign Affairs.

By Mr. WEINER:

H.R. 5981. A bill to reauthorize certain DNA-related grant programs under the Justice For All Act of 2004, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSS (for himself, Mrs. EMERSON, Ms. BALDWIN, Mr. BURGESS, Mr. FARR, Mr. CARTER, and Ms. GIFFORDS):

H. Con. Res. 342. Concurrent resolution expressing the sense of Congress that the Food and Drug Administration's (FDA) new policy restricting women's access to medications containing estriol does not serve the public interest; to the Committee on Energy and Commerce.

By Ms. CORRINE BROWN of Florida:

H. Res. 1176. A resolution supporting the goals and ideals of National Train Day; to the Committee on Transportation and Infrastructure.

By Ms. SUTTON (for herself, Mr. MCDERMOTT, Mr. COHEN, Ms. MCCOLLUM of Minnesota, Mr. MCGOVERN, Ms. BALDWIN, Mr. GRIJALVA, Mr. STARK, Mr. KUCINICH, and Mr. FILNER):

H. Res. 1177. A resolution expressing the sense of the House of Representatives that the practice of the Department of Defense to continue to use stop-loss orders to retain members of the Armed Forces who have completed their contractual obligations runs contrary to the stated policy of the United States to utilize an all-volunteer force; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 82: Mr. CARSON and Mr. FOSTER.

H.R. 96: Mr. SMITH of New Jersey.

H.R. 139: Mr. MARCHANT.

H.R. 154: Mr. JEFFERSON and Mr. CONYERS.

H.R. 158: Mr. DINGELL.

H.R. 245: Mr. SALI and Mr. GOODE.

H.R. 248: Mr. PLATTS.

H.R. 351: Ms. BALDWIN.

H.R. 370: Mr. ADERHOLT.

H.R. 503: Mrs. SCHMIDT.

H.R. 542: Mr. CARSON.

H.R. 552: Ms. TSONGAS, Mrs. CAPITO, Mr. ROGERS of Michigan, Mr. ADERHOLT, Mr. ELLSWORTH, and Mr. CAPUANO.

H.R. 688: Mr. BISHOP of Georgia.

H.R. 882: Mr. CARSON and Mr. GRAVES.

H.R. 1043: Mr. ALEXANDER.

H.R. 1050: Mr. CONYERS.

H.R. 1108: Mr. RENZI.

H.R. 1127: Mr. CARTER.

H.R. 1134: Mr. CARSON, Mr. MOORE of Kansas, Mr. COURTNEY, Mr. PASCRELL, Mr. TIM MURPHY of Pennsylvania, Ms. CORRINE BROWN of Florida, and Mr. WALZ of Minnesota.

H.R. 1146: Mr. SALI.

H.R. 1157: Mr. COSTELLO, Mr. BOEHNER, Mr. WALDEN of Oregon, Mrs. EMERSON, Mr. CARSON, Mr. CULBERSON, Mr. ROSKAM, and Mr. ROYCE.

H.R. 1194: Mr. MCGOVERN.

H.R. 1279: Mr. HODES.

H.R. 1295: Mr. DANIEL E. LUNGREN of California.

H.R. 1343: Mr. JEFFERSON.

H.R. 1440: Mr. NEUGEBAUER.

H.R. 1474: Mr. CARSON.

H.R. 1514: Mr. SENSENBRENNER and Mr. RAMSTAD.

H.R. 1524: Mr. SNYDER.

H.R. 1532: Mr. GORDON.

H.R. 1540: Ms. DEGETTE.

H.R. 1553: Mr. MEEKS of New York.

H.R. 1606: Mrs. TAUSCHER.

H.R. 1609: Mr. SESTAK, Ms. BALDWIN, Mr. BISHOP of New York, Ms. CLARKE, Mr. ELLISON, Mr. FARR, Mr. HALL of New York, Mr. HIGGINS, Mr. KLEIN of Florida, Mr. RODRIGUEZ, Mr. MELANCON, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. OLVER, Mr. ORTIZ, Mr. EMANUEL, Mr. PRICE of North Carolina, Mr. SMITH of Washington, Ms. VELÁZQUEZ, Ms. WATERS, Mr. WATT, Mr. LINCOLN DAVIS of Tennessee, Mr. FOSTER, Mr. CARSON, Mr. PERLMUTTER, Mr. MARSHALL, Mr. POE, Mr. FORTENBERRY, Mr. EDWARDS, Mr. MANZULLO, Ms. GIFFORDS, Mr. LATOURETTE, Mr. SCOTT of Georgia, Mr. LUCAS, Mr. FORTUÑO, Mr. MARCHANT, Mr. INGLIS of South Carolina, Mrs. BACHMANN, Mr. ROYCE, Mr. ROSKAM, Mr. MCCARTHY of California, Mr. LAHOOD, Mr. HENSARLING, Mrs. DAVIS of California, Mr. MEEK of Florida, Mr. HOYER, Mr. SKELTON, and Mrs. GILLIBRAND.

H.R. 1621: Mr. MCCOTTER, Mr. FOSSELLA, and Mr. ENGEL.

H.R. 1665: Ms. WASSERMAN SCHULTZ.

H.R. 1748: Mr. GOODE.

H.R. 1767: Mr. DAVIS of Illinois, Mrs. BACHMANN, and Mr. JOHNSON of Illinois.

H.R. 1820: Ms. BERKLEY.

H.R. 1840: Mr. LYNCH.

H.R. 1845: Mr. CARSON.

H.R. 1884: Mr. TIM MURPHY of Pennsylvania, Mr. SNYDER, Mrs. SCHMIDT, Mr. RUSH, and Mr. KIND.

H.R. 1968: Mr. CONYERS.

H.R. 2017: Mr. CARSON.

H.R. 2052: Mr. BARROW.

H.R. 2074: Ms. ROS-LEHTINEN.

H.R. 2092: Mr. SMITH of Washington, Mr. MCCOTTER, Ms. SUTTON, and Ms. BORDALLO.

H.R. 2111: Mr. ROTHMAN.

H.R. 2164: Mr. KILDEE.

H.R. 2169: Mr. COURTNEY.

H.R. 2205: Mr. KUHL of New York.

H.R. 2244: Mr. MCCOTTER, Mr. HONDA, and Mr. JEFFERSON.

H.R. 2268: Mr. DREIER, Mr. SKELTON, Mrs. TAUSCHER, Mr. BERMAN, Mr. FEENEY, Mr. MAHONEY of Florida, Mr. BOOZMAN, Mr. CLAY, Ms. SCHWARTZ, Mr. SAXTON, Mr. RYAN of Wisconsin, Mr. TANCREDO, Mr. GALLEGLY, Mr.

Nunes, Mr. Calvert, Mr. Tanner, Ms. Waters, Mr. Watt, Mr. Salazar, Ms. Norton, Mrs. Christensen, Mr. Murtha, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Reyes, Mr. Smith of Texas, Mr. Etheridge, Mr. Bachus, Ms. Speier, Ms. Schakowsky, Mr. Neal of Massachusetts, Ms. Castor, Mrs. Myrick, Mr. Lewis of Kentucky, Ms. Bean, Mr. Davis of Kentucky, Mr. Dent, Mr. Issa, Mr. King of New York, Mr. Langevin, Mr. LaTourette, Mr. McCarthy of California, Mr. Marchant, Mr. Meeks of New York, Ms. Moore of Wisconsin, Mr. Pallone, Mr. Sullivan, Mr. Boustany, Mr. Broun of Georgia, Mr. Capuano, Mr. Chabot, Mr. Costello, Mrs. Cubin, Mr. Doolittle, Mr. Duncan, Mr. English of Pennsylvania, Mr. Franks of Arizona, Mr. Frelinghuysen, Mr. Gilchrest, Mr. Graves, Mr. Heller, Mr. Inglis of South Carolina, Mr. Kildee, Mr. King of Iowa, Mr. Lucas, Mr. Daniel E. Lungren of California, Mr. Mica, Mr. Miller of Florida, Mr. Pitts, Mr. Porter, Mr. Regula, Mr. Serrano, Mr. Shimkus, Mr. Weldon of Florida, Mr. Weller, and Mr. Blumenauer.

H.R. 2343: Mr. Kuhl of New York.

H.R. 2357: Mr. Carson.

H.R. 2370: Mr. Kennedy and Mr. Boozman.

H.R. 2412: Mr. Ellison.

H.R. 2502: Mr. McCotter and Mr. Jefferson.

H.R. 2523: Mr. Inslee and Mr. Boswell.

H.R. 2549: Mr. Terry.

H.R. 2593: Ms. Matsui.

H.R. 2711: Mr. McDermott.

H.R. 2896: Mr. Grijalva.

H.R. 2933: Mr. Terry and Mr. Wolf.

H.R. 2942: Mr. Ellsworth.

H.R. 3021: Mr. Loebsack, Mr. Andrews, Mr. Bishop of New York, Mr. Courtney, Mr. Davis of Illinois, Mr. Grijalva, Mr. Hinojosa, Ms. Hirono, Mr. Kucinich, Ms. Linda T. Sánchez of California, Mr. Sarbanes, Ms. Shea-Porter, Mr. Holt, Mr. Altmire, Mrs. McCarthy of New York, Ms. McCollum of Minnesota, Mr. McDermott, Mr. Klein of Florida, Mr. Carson, Mr. Payne, Mr. Stark, Ms. Woolsey, Mrs. Davis of California, Mr. Lewis of Georgia, Mr. Conyers, Mr. Ross, Mr. Welch of Vermont, Mr. Braley of Iowa, Mr. Carney, Mr. Ellison, Mr. Johnson of Georgia, Mr. Perlmutter, Mr. Sires, Ms. Sutton, Mr. Jackson of Illinois, Mr. Pallone, Mr. DeFazio, Mr. Hinchey, Mr. Kind, Mrs. Capps, Ms. Solis, Mr. Lincoln Davis of Tennessee, Mr. Cramer, Mr. Matheson, Mr. Melancon, Mr. Salazar, Mrs. Napolitano, Ms. Herseth Sandlin, Mr. Schiff, Mr. Lipinski, Mr. Cuellar, Mr. Boswell, Mr. Udall of Colorado, Mr. Smith of Washington, Mr. Wexler, Mr. Barrow, Mr. Berry, Mr. Moore of Kansas, Mr. Gordon, Mr. Wu, Mr. Tanner, Mr. Israel, Mr. Snyder, Mr. Hill, Mr. Blumenauer, Ms. Richardson, and Mr. Larson of Connecticut.

H.R. 3036: Mr. Hodes.

H.R. 3041: Mr. Cummings.

H.R. 3054: Mr. McCaul of Texas.

H.R. 3063: Ms. Slaughter.

H.R. 3088: Mr. Fortenberry.

H.R. 3089: Mr. Manzullo, Mr. Boozman, and Mr. Duncan.

H.R. 3132: Mr. Kirk, Ms. McCollum of Minnesota, and Mrs. Boyda of Kansas.

H.R. 3202: Mr. Miller of North Carolina.

H.R. 3267: Mr. Carson and Mr. Brady of Pennsylvania.

H.R. 3282: Ms. Baldwin.

H.R. 3331: Mr. McGovern.

H.R. 3380: Mr. Shays.

H.R. 3404: Mr. Miller of North Carolina.

H.R. 3406: Ms. McCollum of Minnesota.

H.R. 3416: Mr. McGovern.

H.R. 3423: Ms. Matsui.

H.R. 3439: Mr. Lynch.

H.R. 3440: Mr. Price of North Carolina.

H.R. 3609: Mr. Towns, Mr. Courtney, Mr. Kucinich, and Ms. Kaptur.

H.R. 3652: Mr. Space and Mr. Delahunt.

H.R. 3700: Mr. Walz of Minnesota.

H.R. 3757: Ms. Baldwin.

H.R. 3842: Mr. Payne.

H.R. 3934: Mr. Ellsworth.

H.R. 4008: Mr. Lincoln Diaz-Balart of Florida.

H.R. 4026: Mrs. Christensen.

H.R. 4044: Ms. Matsui and Ms. Hirono.

H.R. 4055: Mr. Conyers.

H.R. 4061: Mr. Ellison.

H.R. 4109: Mr. Johnson of Georgia.

H.R. 4236: Ms. Lee.

H.R. 4248: Mr. Sullivan, Mr. Lucas, and Mr. Matheson.

H.R. 4304: Mr. Shimkus.

H.R. 4344: Ms. Ginny Brown-Waite of Florida and Ms. Fallin.

H.R. 4544: Mr. Johnson of Georgia.

H.R. 4900: Mr. Gary G. Miller of California, Mr. Boyd of Florida, Mr. Taylor, Mrs. McMorris Rodgers, and Mr. Walden of Oregon.

H.R. 4926: Mr. Fortuño.

H.R. 5110: Mr. Conyers.

H.R. 5131: Mr. Latta.

H.R. 5179: Mr. LaTourette and Mr. Platts.

H.R. 5244: Mr. Andrews.

H.R. 5267: Mr. LaHood.

H.R. 5312: Mr. Braley of Iowa.

H.R. 5442: Ms. Schakowsky.

H.R. 5473: Mr. Higgins, Mr. Oberstar, Mr. Abercrombie, Mr. Hare, Ms. Slaughter, Ms. Eshoo, Mr. Michaud, Mr. Johnson of Georgia, Mr. McNerney, Mr. Grijalva, Mrs. Boyda of Kansas, Mr. Space, Mr. Rodriguez, Mr. Bishop of New York, Ms. Hirono, Mr. Ellison, Mr. Rothman, Mr. Cohen, Ms. Baldwin, Mr. Doggett, Ms. Harman, Mr. Kildee, Mrs. Tauscher, and Mr. Van Hollen.

H.R. 5536: Mr. Rothman, Mr. Moore of Kansas, and Ms. Hirono.

H.R. 5559: Ms. Granger and Mr. Chabot.

H.R. 5580: Ms. Baldwin.

H.R: 5611: Mr. Kuhl of New York.

H.R. 5617: Mr. DeFazio.

H.R. 5627: Mr. Sali.

H.R. 5656: Mr. Buyer, Mr. Young of Alaska, and Mr. Aderholt.

H.R. 5662: Mr. Welch of Vermont.

H.R. 5673: Mr. Boren.

H.R. 5674: Mr. Walz of Minnesota and Mr. LoBiondo.

H.R. 5677: Mr. Bartlett of Maryland, Mr. Furtuño, Mrs. Bachmann, Mr. Latta, Mr. Goode, Mrs. Musgrave, Mr. Gingrey, Mr. Tancredo, Mr. Sessions, Ms. Fallin, Mr. Franks of Arizona, Mr. David Davis of Tennessee, Mr. Burton of Indiana, Mr. Bishop of Utah, Mr. Kline of Minnesota, Mr. Broun of Georgia, Mr. Hoekstra, Mr. Neugebauer, and Mr. King of Iowa.

H.R. 5681: Mrs. Napolitano and Mr. Paul.

H.R. 5684: Mr. Carnahan.

H.R. 5693: Mr. McHugh.

H.R. 5694: Mr. McHugh.

H.R. 5700: Mr. Bishop of Georgia.

H.R. 5716: Ms. Hirono.

H.R. 5722: Mr. LoBiondo.

H.R. 5731: Mr. McCaul of Texas.

H.R. 5733: Mr. Burgess.

H.R. 5740: Ms. Waters and Mr. Ackerman.

H.R. 5752: Mr. Boozman.

H.R. 5774: Mr. Cleaver, Ms. Woolsey, Mr. Serrano, Ms. Hirono, Mr. McNerney, and Mr. Filner.

H.R. 5775: Mr. Wilson of South Carolina.

H.R. 5784: Mr. Neugebauer.

H.R. 5793: Mrs. Myrick, Mr. Peterson of Minnesota, Mr. Smith of Nebraska, and Mr. Rogers of Michigan.

H.R. 5794: Mr. Gallegly.

H.R. 5802: Ms. Schakowsky and Mr. Jefferson.

H.R. 5825: Mr. Hulshof and Mr. Frank of Massachusetts.

H.R. 5831: Mr. Courtney and Mr. Hall of New York.

H.R. 5848: Mr. Carson.

H.R. 5875: Ms. Hirono and Ms. Bordallo.

H.R. 5876: Mr. Lewis of Georgia, Mr. Cohen, Mr. Sestak, Mr. McDermott, and Ms. Hirono.

H.R. 5878: Mr. Waxman.

H.R. 5881: Mr. Conyers and Mr. Farr.

H.R. 5892: Mrs. Gillibrand.

H.R. 5894: Mr. Davis of Illinois.

H.R. 5898: Mr. Hayes and Mr. LaTourette.

H.R. 5899: Mr. Bishop of Georgia and Mr. Hill.

H.R. 5908: Mr. Latta and Mr. Mack.

H.R. 5941: Mr. Patrick Murphy of Pennsylvania.

H.R. 5946: Ms. Waters.

H.R. 5955: Ms. Ginny Brown-Waite of Florida, Mr. Burton of Indiana, Mr. Goodlatte, Mr. Platts, and Mr. Neugebauer.

H.R. 5958: Mr. Gallegly, Mr. Hall of New York, Mr. Fossella, Mr. Baca, and Mrs. Bono Mack.

H.R. 5965: Mr. Wynn.

H.J. Res. 39: Mr. Sestak.

H. Con. Res. 70: Mr. Tiberi and Mr. Boucher.

H. Con. Res. 163: Ms. Schakowsky and Mr. Barrow.

H. Con. Res. 195: Mr. Platts.

H. Con. Res. 223: Mr. Spratt.

H. Con. Res. 296: Mrs. Blackburn, Mr. Tim Murphy of Pennsylvania, Mr. Wilson of South Carolina, Mr. Boustany, Mr. Sessions, Mr. Brown of South Carolina, Mr. Carter, Mr. Saxton, Mr. Hall of Texas, Mr. Wolf, Mr. Towns, Mr. Miller of Florida, Mr. McGovern, Mr. Marchant, Mr. Roskam, Mr. Crenshaw, Mr. Gingrey, Mr. Shimkus, Mr. Braley of Iowa, Mr. Shays, Ms. Schakowsky, Mr. Latta, Mr. Filner, Mr. Bishop of Georgia and Ms. Bordallo.

H. Con. Res. 305: Mrs. Tauscher and Mr. McCotter.

H. Con. Res. 327: Mr. Berman and Mr. Jefferson.

H. Con. Res. 329: Mr. Lamborn.

H. Con. Res. 331: Mr. Markey, Mr. Boren, Mr. Waxman, Ms. Schakowsky, Mr. Gene Green of Texas, Mr. Schiff, Mr. Berry, Mr. Inslee, Mr. Pastor, Ms. Herseth Sandlin, and Mr. Stupak.

H. Res. 258: Mr. Smith of New Jersey, Mr. Kuhl of New York, Mr. Gene Green of Texas, and Mrs. Davis of California.

H. Res. 369: Mr. Altmire.

H. Res. 373: Mr. Markey.

H. Res. 389: Mr. Ackerman, Mrs. Christensen, and Mr. Jefferson.

H. Res. 795: Mr. Israel and Mr. Miller of North Carolina.

H. Res. 881: Mr. Peterson of Minnesota, Mr. Matheson, Mr. Sali, and Mr. Jordan.

H. Res. 896: Ms. Moore of Wisconsin.

H. Res. 900: Mr. Cohen, Mr. Payne, Ms. Eshoo, Mr. Everett, and Mr. Hinchey.

H. Res. 1002: Mr. Boozman and Mr. Ruppersberger.

H. Res. 1009: Mr. Broun of Georgia.

H. Res. 1019: Mr. Conyers and Mr. Wynn.

H. Res. 1022: Mrs. Biggert, Mrs. Boyda of Kansas, Mrs. Capito, Ms. Castor, Mrs. Emerson, Ms. Giffords, Ms. Hooley, Ms. Kaptur, Mrs. Myrick, Ms. Richardson, Ms. Roybal-Allard, Ms. Shea-Porter, Ms.

VELÁZQUEZ, Ms. WATERS, Mr. OLVER, Mr. ALLEN, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 1026: Mr. CULBERSON.

H. Res. 1028: Mr. CONYERS.

H. Res. 1042: Mr. MCCOTTER.

H. Res. 1067: Mrs. GILLIBRAND and Mr. ELLSWORTH.

H. Res. 1078: Mr. CONYERS and Ms. LEE.

H. Res. 1106: Mr. LEWIS of California, Mr. FORBES, Mr. CANTOR, Ms. CASTOR, Mr. INGLIS of South Carolina, Mr. BOUCHER, Mr. MURPHY of Connecticut, Mr. SALI, Mr. HALL of Texas, Mr. SHIMKUS, Mr. BUYER, Mr. UPTON, Mr. SHADEGG, Mrs. CUBIN, Mrs. SCHMIDT, Ms. HARMAN, Mr. MARKEY, Mr. GORDON, and Mrs. MCMORRIS RODGERS.

H. Res. 1110: Mr. BROUN of Georgia, Mr. HARE, Mr. MOORE of Kansas, and Mr. GOODLATTE.

H. Res. 1124: Mrs. BIGGERT, Ms. WATERS, and Mr. UPTON.

H. Res. 1140: Mr. BLUNT and Mr. SOUDER.

H. Res. 1143: Mr. KIND and Mr. HINCHEY.

H. Res. 1144: Mrs. CAPITO, Mr. WHITFIELD of Kentucky, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. GINGREY, Mrs. WILSON of New Mexico, Mr. GRIJALVA, Mr. PASTOR, Mr. TIAHRT, Mr. MCCOTTER, and Mr. SESSIONS.

H. Res. 1162: Ms. WOOLSEY.

H. Res. 1164: Mr. PETERSON of Pennsylvania and Mr. SKELTON.

H. Res. 1170: Mr. BURTON of Indiana.

H. Res. 1172: Mr. PAYNE.

H. Res. 1173: Mr. ROSS, Mr. YARMUTH, Mr. THOMPSON of California, Mr. LEWIS of Georgia, Mr. ALLEN, Mr. WAXMAN, Mr. SARBANES, Mr. WALSH of New York, Mr. DAVIS of Illinois, Mr. DICKS, Mr. DEFAZIO, Mrs. NAPOLITANO, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. BERRY, Mr. LOEBSACK, Mrs. TAUSCHER, Mr. PERLMUTTER, Mr. MCGOVERN, Mr. MARKEY, Mr. HASTINGS of Florida, Mr. RAHALL, Mr. ALTMIRE, Mr. CARDOZA, Ms. SUTTON, Mr. HILL, Mrs. CAPPS, and Mrs. DAVIS of California.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MS. WATERS

The amendment to be offered by Representative WATERS, or a designee, to H.R. 5818, the Neighborhood Stabilization Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

EXTENSIONS OF REMARKS

PAYING TRIBUTE TO LYNN MARLETT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Mrs. Lynn Marlett by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I honor Mrs. Lynn Marlett for her distinguished and devoted service to her profession and to our community as a registered nurse.

Mrs. Marlett has worked in the Las Vegas area as a Certified Nurse Practitioner since 1999, specializing in gastroenterology. Mrs. Marlett has also closely worked with patients on treatment and collecting data regarding Chronic Hepatitis C.

Mrs. Marlett has extensive knowledge in treating patients with Hepatitis C as well as Cirrhosis and Liver Cancer. Recently, Ms. Marlett has worked with the Health District of Nevada as an Educational Liaison. Her research and knowledge were an invaluable resource for the Health District and her colleagues as a whole. Lynn's professionalism and compassion have earned her the respect of her colleagues and have made her invaluable to her patients.

Mrs. Marlett resides in Las Vegas, Nevada with her husband and two daughters.

Madam Speaker, I am proud to honor Lynn Marlett. Her commitment, passion, and dedication to nursing have improved the lives of countless patients in Las Vegas. I thank her for her dedication and commitment to the community and wish her the best in her future endeavors.

RECOGNIZING THE CONTRIBUTIONS OF HALEY WHATLEY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate and honor a young student from my district who has achieved national recognition for exemplary volunteer service in her community. Haley Whatley of North Richland Hills has just been named one of the top two honorees in Texas by The 2008 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state and the District of Columbia.

Haley, a seventh-grader, was nominated by Smithfield Middle School in North Richland Hills. In honor of this achievement, Haley will receive a $1,000 reward and an engraved silver medallion. She also won a trip to Washington D.C. this May to join the other top nominees from around the country. All the honorees will attend several national recognition events and ten of the participants will be named America's top youth volunteers for 2008.

Haley's passion for volunteering began at a young age. When she was six-years-old, Haley saw a television commercial about kids with cancer, and wanted to do something to cheer up the young patients. She began collecting stuffed bunnies during an Easter campaign, and collected 600 bunnies her first year. Since then, she has found several corporate sponsors, spoken to more than 50 civic groups, and enlisted the help of more than 30 "bunny ambassadors" to help collect bunnies from the community each year. Her tireless efforts have yielded more than 13,000 bunnies for sick children in the last 7 years.

The Prudential Spirit of Community Awards was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 12 years, the program has become the nation's largest youth recognition effort based solely on community service, and has honored more than 80,000 young volunteers at the local, state, and national level.

Ms. Whatley should be extremely proud to have been selected from the thousands of dedicated volunteers who participated in this year's program. I sincerely thank Haley for her initiative in seeking to make her community a better place to live, and for the positive impact she has had on the lives of others. She has demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserves our sincere admiration and respect. It is an honor to represent such an extraordinary young person in the 26th district of Texas, and I earnestly look forward to seeing the present and future results of her tremendous promise.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 243, Motion to Table, had I been present, I would have voted "nay."

ZACHARY PATTERSON OF ST. PETERSBURG, FLORIDA NAMED BRIGGS & STRATTON DIAMOND IN THE ROUGH REGIONAL CHAMPION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. YOUNG of Florida. Madam Speaker, baseball is the great American pastime, but for twelve-year-old Zachary Patterson of St. Petersburg, baseball provided one of the greatest American lessons.

He learned that with the confidence he gained on the ball field, he could overcome the greatest of obstacles including bullying by his classmates at school. Zachary, a seventh-grader at Admiral Farragut Academy, wrote an essay about his experiences for Briggs and Stratton's "Diamonds in the Rough" competition. The essay was to relate how baseball helped players find the power within to overcome great challenges on and off the baseball field.

Zachary's essay earned him first place in the Tampa Bay region and $5,000, and a variety of lawn equipment to help the Azalea Little League, in which he has played for eight years. Following my remarks, I will include an article from The St. Petersburg Times about Zachary's experience and also a copy of his winning essay.

Madam Speaker, last October, this House approved legislation with my support calling attention to the serious problem of bullying in our Nation's schools and commending schools for promoting greatest public awareness about bullying and bullying prevention activities. Zachary Patterson has taken his own initiative to call attention to this national problem by reflecting on the impact bullying has had on his life. Please join me in congratulating Zachary for being honored for his efforts and in thanking him for his willingness to tackle this problem head on at the age of twelve.

[From the St. Petersburg Times, April 4, 2008]

BASEBALL CHANGED HIS LIFE

(By Michael Maharrey)

ST. PETERSBURG.—Laughter drifted across the dusty baseball diamond as Zachary Patterson tossed the ball back and forth with a coach. Joy lit up his face, even in the bright afternoon sun.

Baseball has not only provided Zachary with fun times that will one day become fond childhood memories, but life lessons that make him wise beyond his 12 years.

Now his wisdom has translated to much-needed financial help for the cash-strapped Azalea Little League.

Zachary placed first in the Tampa Bay region in the Briggs and Stratton Diamonds in the Rough competition, winning $5,000 and lawn equipment for his league.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The victory earned him the opportunity to compete against 19 other regional winners for another $5,000 prize and a trip for four to watch the Yankees play in their final season at Yankee Stadium.

Online voting will determine the final winner.

Baseball players ranging from 7 to 14 wrote essays explaining how baseball helped them find the "power within" to overcome challenges on or off the field. Entrants came from within 30 miles of 20 select cities, including Tampa.

Zachary wrote about how kids at the military school he attends used to make fun of him, calling him a nerd and a dork. He said playing baseball gave him the confidence to deal with the taunting.

"Our coach, Joel, always says, 'We have to have confidence in ourselves before we have confidence on the field.' Wow, was he right. After playing baseball for a few years I have come to realize that kids made fun of me because I wasn't confident in myself. I ignored what others said but continued to be respectful to them," he wrote.

The seventh-grader at Admiral Farragut Academy said kids teased him because he's smart, but the confidence he gained on the baseball field taught him to be proud of all of his accomplishments, and that confidence changed his relationship with his classmates.

"Instead of people making fun of me, they are friends with me now. Everything has changed," he said.

Natasha Patterson said she has seen the transformation in her son.

"Now he is willing to try things that he wanted to do but wouldn't because he was picked on," she said. "He's really come out of his shell. Now he's proud of himself academically and strives to do better."

Zachary gets to help decide how the league will use the $5,000 prize money. He said it needs a new tractor for field maintenance, clay to fill in holes in the diamonds, and chalk for lining the playing area.

If he wins the grand prize, he wants the league to install a handicapped-accessible water fountain.

"That way not just regular players can get a drink, but Challenger players, too," he said.

Azalea is one of only two Little League organizations in Pinellas County to feature a Challenger division. More than 100 special-needs children participate in the program, and one of Azalea's fields consists of a special rubber surface that allows kids to play baseball from wheelchairs.

Dana Hess, the league's treasurer, said the prize money couldn't have come at a better time.

Azalea's fields were built in 1969, and all of the structures and fences are original.

"We really need the money. We maintain what we can as good as we can, but everything is so old," Hess said.

But for those involved with the league, the excitement is not just about money.

"To have someone so young to write something from the heart really means a lot," Carol Vallee, a league volunteer and past president, said. "This is a well-deserved honor for him."

Zachary's mother said she hopes area residents will go online and vote for him, not only for his benefit but because of the good the prize money will do for the league.

"Voting for Zach not only helps children here and now; it will help children in the future," she said.

Voting began March 26 and continues through April 20.

ESSAY BY ZACHARY PATTERSON

I attend a small military school. Military school can be tough and the kids can be very mean. Confidence was my challenge in school. "Dork" and "Nerd" are words people used to call me everyday. I would get very angry and come home sad. I didn't have a lot of friends at school. I didn't understand why people made fun of me for doing well. I never joined a sports team at school. I never did anything to draw any more attention to myself. I felt if I did, they would make fun of me more. Luckily, I have played baseball for Azalea Little League for 8 years. None of the kids at baseball go to my school. I am never made fun of while I am there. Every year my teammates become my friends. We treat each other with respect and work together as a team. Our Coach Joel always says "we have to have confidence in ourselves before we have confidence on the field". Wow, was he right! After playing baseball for a few years I have come to realize that kids made fun of me because I wasn't confident in myself. I ignored what others said but continued to be respectful to them. I remembered what Coach always says and built up confidence to join football, soccer, basketball, track and cross country. This year I even joined our school's elite baseball team. I'm the starting pitcher. Throughout time, my confidence in myself has outweighed the teasing of others. They now respect me and don't make fun of me. The kids who made fun of me in the past, now "high five" me! If I win, I'd help repair our field we play on. It needs a lot of work!

INTERNATIONAL GAY AND LESBIAN HUMAN RIGHTS COMMISSION HONORS THE MEMORY OF TOM LANTOS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. FRANK of Massachusetts. Madam Speaker, on Monday, April 28th, the International Gay and Lesbian Human Rights Commission, an organization that fights against prejudice based on sexual orientation and gender expression throughout the world, announced its posthumous recognition of our late colleague Tom Lantos for his extraordinary work on behalf of lesbian, gay, bisexual and transgender victims of bigotry. The IGLHRC awarded our late colleague its OUTSPOKEN Award, in recognition of "the leadership of a global ally to gay, lesbian, bisexual, transgender and intersex community whose outspokenness . . . contributed substantially to advancing the rights and understanding of LGBTI people everywhere."

Madam Speaker, I know how well deserved this award is, because I frequently turned to our greatly respected and much missed friend for help in combating anti-LGBT prejudice whenever such matters came to my attention in various other countries. Much of the time when I came to him I found that he was already hard at work in trying to address the particular injustice because no one here did more to fight for fair treatment in this regard internationally. Drawing on his considerable prestige throughout the world, and his unmatched record as a fierce defender of human rights everywhere, Tom Lantos was an invaluable ally in our fight against prejudice.

Madam Speaker, I ask in recognition of just one aspect of the extraordinary work of this extraordinary man with whom we had the pleasure and honor of serving be printed here.

[April 28, 2008]

IGLHRC HONORS THE LATE REPRESENTATIVE TOM LANTOS

The International Gay and Lesbian Human Rights Commission (IGLHRC) announced today that it is presenting a posthumous OUTSPOKEN Award to Representative Tom Lantos, the 14-term Congressman who lost his life to cancer on February 11, 2008. IGLHRC's OUTSPOKEN Award recognizes the leadership of a global ally to the lesbian, gay, bisexual, transgender and intersex (LGBTI) community whose outspokenness has contributed substantially to advancing the rights and understanding of LGBTI people everywhere.

"We are so deeply grateful for Representative Lantos's unwavering commitment to human rights," said Paula Ettelbrick, IGLHRC's executive director. "Throughout his life, Representative Lantos waged a steadfast fight against injustice. His voice, vision and compassion will be sorely missed by all of us in the LGBTI community."

During his fourteen terms as a member of Congress, Representative Lantos, who rose among the ranks to chair the House Committee on Foreign Affairs, was a strong and consistent voice for the rights of the disenfranchised. As the founding co-chairman of the Congressional Human Rights Caucus, Lantos used his prestige as an internationally respected leader on human rights to hold the very first congressional briefing about the global persecution of sexual minorities. He was the author of the International Human Rights Equality Resolution, which he introduced in the 106th and 107th Congress, condemning human rights violations against lesbian, gay, bisexual, and transgender people throughout the world.

Representative Lantos regularly challenged the abuses meted out by individual countries to their LGBTI citizens. For instance, along with key congressional colleagues, he protested the arrests of allegedly gay men in the United Arab Emirates, and the stoning to death of a Nigerian gay man. He also asked Congress to "withhold any support for a U.S.-Egypt Free Trade Agreement" in light of the roundup, conviction and re-conviction of reportedly gay Egyptian men, and issued a strongly worded statement asking the Nigerian Government to consider the implications of passing the Same-Sex Prohibition Act, which would have severely compromised the rights of the LGBTI community in that country.

Congressman Lantos was also a staunch ally of LGBTI Americans. He opposed a Constitutional Amendment banning gay marriage, worked to amend the Immigration and Nationality Act to allow U.S. citizens and lawful permanent residents to sponsor their "permanent partners" for U.S. residency, and introduced a bill, with Representative Baldwin, to extend basic employment rights to same-sex partners of federal employees. He campaigned for adoption rights and marriage equality for gay and lesbian couples, and supported hate-crimes legislation and anti-discrimination protections in the workplace. This is only a small part of his astounding legacy of work in support of LGBTI rights.

Born in Budapest in 1928, Congressman Lantos was the only Holocaust survivor to serve in the United States Congress. He was a teenager when the Nazi's invaded Hungary in 1944 and started rounding up Jews. After being sent to a labor camp, and escaping twice, he returned to Budapest where he joined the resistance, lived in a safe house established by Swedish diplomat Raoul Wallenberg and secretly distributed food to other Jews in hiding. At the war's end, he discovered that most of his own family had perished in the Nazi death camps. Miraculously, he managed to locate his childhood friend, Annette Tillemann, whom he later married. He first came to the United States on an academic scholarship in 1947. He earned a Master's Degree in economics from the University of Washington in Seattle and a Ph.D. in economics from the University of California at Berkeley, teaching economics at San Francisco State University for several years before being elected to Congress in 1980.

"Representative Lantos's legacy has meant so much to our community," said Ettelbrick. "We are truly grateful for his unwavering commitment to human rights. We send our deepest condolences to his wife and family, and are honored to pay tribute to his extraordinary legacy on LGBTI rights by posthumously presenting him with our OUTSPOKEN Award."

HONORING THE LIFE AND WORKS OF NANCI BURTON

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. WOOLSEY. Madam Speaker, it is with great sadness that I rise today to recognize the passing of one of our notable local officials and a pioneer in public service, former Santa Rosa Mayor Nanci Burton. Mayor Burton died of cancer last month, at the age of 65, leaving a legacy of goodwill and good works throughout the area.

Nanci was the second woman to serve on the Santa Rosa City Council when she won her first election in 1984. She was elected mayor in 1986 and again in 1991. She once said she entered public life at a time when women were asked such questions as, "Sweetheart, do you really understand how a business operates?" As the bookkeeper for her husband's business, she could answer with an honest and resounding, "Yes."

Nanci started her two decades of public service on the Santa Rosa planning commission and other boards. She believed that if you want change, you have to get involved.

"She was a fierce advocate for the city, the neighborhoods and all its citizens," said Dan Galvin, a friend who served on her first election campaign. "She left her mark on projects and causes throughout the city."

Nanci was not only effective, with an impressive resume of accomplishments, but she was fun. "What many people will remember most about Burton," notes the Press Democrat editorial, "was her spirited participation in the job at hand, her hometown pride, the joy she took in her children and grandchildren—and her infectious laugh, which livened many dull meetings."

Madam Speaker, Nanci Burton was a treasure to the city of Santa Rosa and its surrounding areas. She will be greatly missed.

IN RECOGNITION OF SANDY LUCAS

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. CARDOZA. Madam Speaker, it is with the greatest pleasure that I rise today to honor a woman who has become a fixture in local politics in my District. Sandy Lucas is not an elected official or a paid political operative, but has become what can only be described as the voice of common sense in our community.

After graduating from the University of Arizona, with a bachelor's degree in history, Sandy began her career in public service in 1974 as Director of the Counseling Job Corps in San Jose. In 1975, she became Director of Polydrug Abuse and Heroin Detox for Santa Clara County. By 1976, Sandy had obtained her license as a Marriage and Family Therapist. She currently serves as the Director of Family and Probate for Stanislaus County.

While Sandy's list of professional achievements is lengthy, it is her accomplishments as a volunteer on local government boards that make her the "go to" person when gauging the pulse of the community. As a member of the Modesto School Bond Committee, she worked to successfully pass much needed school bonds. She has served for 6 years on the Stanislaus County Commission on Aging, and most recently acted as a member of the Modesto City Charter Review Committee, working hard to update antiquated rules governing a city of more than 200,000.

Sandy Lucas has also been active on a statewide level with the Democratic Party. She spent several years as a California Democratic Party Regional Director, ensuring the voice of California's Central Valley was heard by party leaders.

Being heard has never been a problem for Sandy Lucas. Her quick wit, tempered reactions, and oh so colorful responses to various occurrences in our community have garnered the respect of area leaders. Sandy's training as a mediator has served her well in politics and given her the ability to see highly divisive issues from every angle, thus bringing workable solutions to the table.

On May 2, 2008, Sandy will receive the coveted Liberty Bell Award from the Stanislaus County Bar Association for all of the aforementioned reasons. Sandy has been a gem to our community, and I am honored, Madam Speaker, to have this opportunity to thank her for her selfless service and wish her the very best in continued community involvement.

A TRIBUTE TO JAN SCHORI

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. MATSUI. Madam Speaker, I rise today in recognition of Jan Schori's 14 years of service as general manager of the Sacramento Municipal Utility District. Ms. Schori leaves a lasting legacy in Sacramento and her leadership and expertise will be deeply missed. I ask all my colleagues to join me in honoring one of Sacramento's finest public servants.

After earning her bachelor's degree in political science from the University of California, Berkley, and her law degree from the University of California, Davis, Ms. Schori has spent nearly the last three decades advocating for environmentally friendly and affordable energy in Sacramento. She began her career with SMUD in 1979 as an attorney; and spent 15 years on the utility's legal staff, five of which were as their general council. In February of 1994 she was appointed as SMUD's general manager. During her time with SMUD, Ms. Schori has held various other leadership positions in the utility industry. She has served as chair on the boards of the American Public Power Association, the Large Public Power Council, the California Municipal Utilities Association and the National Business Council for Sustainable Energy. In addition, she has been a tireless advocate for clean energy and is on the board of the California Climate Action Registry and the National Alliance to Save Energy.

Under her leadership, SMUD has made many significant improvements in lowering their rates, improving their reliability, increasing their renewable energy programs and their overall customer satisfaction. Ms. Schori helped keep rates 20 to 30 percent below private energy companies, and earned bond rating upgrades from the major credit rating agencies. During her tenure, Ms. Schori worked to establish and expand SMUD solar programs, new energy efficiency goals, and a Greenergy program that has become one of the largest in the nation. SMUD is now a leader in renewable energy and energy efficiency. Due to these efforts, SMUD has been ranked by JD Power and Associates as one of the top providers in California for residential customers and one of the top in the nation for commercial customers.

Ms. Schori's 14 years as general manager of SMUD is the longest of any general manager in SMUD's 61 year history. Her dedication to our community is apparent through her work both with SMUD and with other local non-profits. She serves on the board and is treasurer of Valley Vision. She also actively supports the United Way California Capitol Region's Foster Youth Initiative and was the 2006 recipient of the DeTocqueville philanthropy award. Personally, Ms. Schori has been a pleasure to work with. Her thoughtfulness and intelligence has empowered employees to work diligently with an open door policy. She has also routinely testified in front of Congressional committees on energy issues.

Madam Speaker, I am honored to pay tribute to Jan Schori's distinguished commitment to Sacramento and our energy needs. Ms. Schori's outstanding leadership and dedication to SMUD, has helped promote the use of clean, renewable energy resources that not only benefits our community, but also sets an example for other providers across the state nation. We all are thankful for her efforts. As Ms. Schori's husband Case Butterman, colleagues, family and friends gather to honor her service, I ask all my colleagues to join me in wishing her continued good fortune in her future endeavors.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker on rollcall No. 244, motion to adjourn, had I been present, I would have voted "nay".

IN MEMORIAL OF SGT. STEPHEN LICZBINSKI

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today with a heavy heart. On Saturday May 3, 2008, Sgt. Stephen Liczbinski, a 12-year veteran of the Philadelphia Police Department and a constituent of the 13th Congressional District, was shot and killed while responding to a bank robbery.

Sgt. Liczbinski, who would have turned 40 today, left behind a wife, Michelle, and three children, Matt, Steven, and Amber. He was known to his friends and colleagues as "the real deal," "a great family man," and "a hero."

Sgt. Liczbinski spent most of his career working South Philadelphia as a beat cop in the Fourth District. In November 2007, he moved to the 24th District where he was promoted to Sergeant and became a valuable asset to his fellow officers. He was known as a great supervisor who treated all of his colleagues equally.

When he wasn't on the clock, Sgt. Liczbinski was known as a dedicated father who would bring his entire family with him to police barbecues.

His last words, according to the brave Northeast Philadelphia residents who ran out of their homes to provide him with comfort and assistance was "Tell my wife I'll miss her."

Like many in Philadelphia, I'm hurt and shocked that we've lost yet another courageous, outstanding officer. Unfortunately this is not an isolated incident. The lack of respect for our law enforcement officers and the failure to respect the life of any human is appalling and intolerable.

Our city owes Sgt. Liczbinski its eternal gratitude for the sacrifice he made to protect the public from these heinous criminals.

In respect of that sacrifice, I ask that the whole House of Representatives extend its condolences to Michelle Liczbinski, her family, and the Philadelphia Police Department for their loss.

May our thoughts and prayers ease their grief and help sustain the dedicated men and women of the Philadelphia Police Department who put themselves in harms way every day to protect the safety of our families and communities.

THE CINCO DE MAYO HOLIDAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. AL GREEN of Texas. Madam Speaker, I am proud to commemorate Cinco de Mayo, the historic celebration of Mexican heritage and pride.

On May 5th, 1862, Mexican General Ignacio Zaragoza Seguin led 4,000 Mexican troops into battle against the French in the Battle of Puebla, just 100 miles from Mexico City. General Seguin led his brave troops to a spirited victory in spite of being badly outnumbered and lacking the modern weaponry possessed by the French.

The Mexican effort in the Battle of Puebla epitomized courage, as the outmanned troops survived three bloody French assaults and finally achieved resounding success. Numerous Mexicans gave their lives not solely for their country, but also for the timeless values of freedom and justice. The tremendous fight put up by the Mexican troops at the Battle of Puebla also had a substantial impact on the United States' history, as the French defeat provided President Lincoln with crucial support as the Civil War descended into chaos.

There can be no doubting the bravery, spirit or patriotism of the thousands of Mexican troops who fought and, all too frequently, gave their lives at the Battle of Puebla. In the spirit of remembering the sacrifices of those troops, Cinco de Mayo provides us with a perfect opportunity to recognize the sacrifice for sovereignty, the importance of courage and, above all, the universal yearning for freedom.

Cinco de Mayo is celebrated throughout Mexico and the United States with a joyous mixture of food, music and dancing. It has also taken on great significance in the United States as a day to celebrate broadly the culture and ancestry of Americans of Mexican heritage.

The Mexican forces who won the Battle of Puebla should not and will not ever be forgotten, nor will the values for which they fought. I commend those forces for their spirit and courage and I wish all those celebrating the holiday across Mexico and the United States a happy Cinco de Mayo.

ON THE PASSING OF YOSSI HAREL

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BERMAN. Madam Speaker, I rise today with great sadness to note the recent passing of Yossi Harel, the legendary Haganah commander responsible for shepherding thousands of Jewish refugees through British blockades and to safety in the nascent Jewish homeland.

Harel was perhaps best known for commanding the ship Exodus 1947, which was intercepted off the coast of Haifa by British warships in July 1947, carrying 4,553 Jewish refugees from Europe.

The unconscionable decision by the British authorities to send these Holocaust survivors aboard the Exodus back to Germany focused the world's attention on the plight of Jewish refugees and their desire to leave the fetid displaced persons camps in Europe for a new life in soon to be sovereign Israel.

Members of the United Nations Special Commission on Palestine saw first hand as these refugees, with their meager possessions, were unloaded from the ramshackle Exodus 1947 in the port of Haifa and prepared for their return to Europe—all just precious feet away from the land they had so desperately yearned to reach.

Incredibly these refugees—just two years removed from the horrors of the Holocaust—were held by the British in a former S.S. concentration camp after their return to Germany. This shocked the conscious of much of the world and further galvanized opinion against the British blockage and in favor of the establishment of a Jewish state in Mandate-era Palestine.

The story of those aboard the Exodus 1947 and their harrowing journey to Haifa was immortalized in Leon Uris's novel Exodus and subsequent film featuring the character Ari Ben-Canaan based on Harel himself and played by Paul Newman.

Though Harel is best known for commanding Exodus 1947, he also led three other ships to the shores of Israel, helping 24,000 refugees find safe harbor in the Promised Land—all by the time he was 28.

Today we mourn the loss of a great hero, who not only touched the lives of these 24,000 refugees and won the admiration of millions of people worldwide, but also came to symbolize the determination and pluck of the modern state of Israel.

IN MEMORY OF CHARLES MEADERS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. PICKERING. Madam Speaker, a man name Charles Meaders from Newton, Mississippi had a soldier's heart, a soldier's honor, and responded to our Nation's call with a soldier's duty. He passed away last month but due to a twist of fate, he did not receive soldier's burial.

Mr. Meaders was in the United States Armed Forces during the Korean conflict. However, he contracted a serious case of pneumonia and was shipped home and discharged, short of the time required to be recognized for veterans' benefits. I've known the Meaders family for a long time and they are educators, soldiers, and hard working Mississippians. Mrs. Bobbie Meaders, who dearly loved her husband Charles, is an active and feisty 72-year-old former nurse.

Madam Speaker, it is my honor to recognize the memory of Charles Meaders and for my office to deliver to his wife her only request, a proper American flag that memorializes her husband's service to the American armed forces. I hope Congress joins me and remembering this patriot and will hold Mrs. Bobbie

Meaders in your thoughts during her time of grief.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately last night, May 5, 2008, I was unable to cast my votes on H. Res. 952, the vote to table the motion to reconsider H. Res. 952, H.Res. 1011, the vote to table the motion to reconsider H. Res. 1011, and the motion to adjourn and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall #240 on suspending the rules and passing H. Res. 952, to establish a National Teacher's Day, I would have voted "aye."

Had I been present for rollcall #241 on tabling the motion to reconsider the vote on H. Res. 952, I would have voted "nay."

Had I been present for rollcall #242 on suspending the rules and passing H. Res. 1011, Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, I would have voted "aye."

Had I been present for rollcall #243 on tabling the motion to reconsider the vote on H. Res. 1011, I would have voted "nay."

Had I been present for rollcall #244 on the motion to adjourn, I would have voted "aye."

CONGRATULATIONS TO THE 2008 SERVICE ACADEMY APPOINTEES

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. SMITH of Texas. Madam Speaker, today I want to congratulate the 2008 Service Academy appointees from the 21st Congressional District. The following individuals have accepted academy appointments:

Harrison Michael Green, Believers Academy, Air Force Academy; Blair William Kessler, Boerne High School, Air Force Academy; Robert Francis Belz, Health Careers High School, Air Force Academy; Lucas Samuel Johnson, Boerne High School, Air Force Academy; Philip Nicholas Valenzo, MacArthur High School, Air Force Academy; David Kirby Ford, Antonian College Preparatory High School, Military Academy; Nicholas Enrique Ocegueda, New Braunfels High School/US Military Prep School, Military Academy; Thomas Reagan Schiller, Vista Ridge High School, Military Academy; Raymond Anthony Gonzales II, Reagan High School, Military Academy; Karen Elaine Gilkey, MacArthur High School, Merchant Marine Academy; and Padraig G. O'Hara, Fredericksburg High School, Merchant Marine Academy.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 240, H. Res. 952—Expressing the sense of the House of Representatives that there should be established a National Teacher Day to honor and celebrate teachers in the United States, had I been present, I would have voted "yea."

HONORING THOMAS S. CONLEY, SR. OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who was wounded in service to our Nation during the conflict in Vietnam. Mr. Thomas S. Conley, Sr. is a Marine who served with honor and distinction on the battlefield. It is truly an honor to present this brave patriot with his long overdue Purple Heart Medal.

Born in Wheeling, West Virginia, Mr. Conley's family moved to Pittsburgh when he was in ninth grade. Enlisting in the Marine Corps at the age of eighteen, Mr. Conley was one of about seventy-eight enlistees dubbed the "Pittsburgh Pirate Platoon" when, all gathered around home plate for the ceremony, they were sworn into the Marines in the 7th inning of a baseball game at Forbes Field.

After completing his basic training at Parris Island, South Carolina, Mr. Conley went on to attend radio operator school in California and then served as the 2531 Field Radio Operator with the 9th Marines in Vietnam. Near the end of his tour of duty, his unit was near the Rock Pile in the Northern Eye Core of Vietnam when a mortar round landed between Mr. Conley and another soldier. The other man was thrown twenty-three feet and killed, while Mr. Conley ended up with shrapnel throughout his body.

A third generation soldier whose grandfather served in World War I and his father in World War II, Mr. Conley's wounds sadly forced him to leave the military. He had planned to make a career in the Marines, but after the blast injured him in Vietnam he returned to Bethesda Naval Hospital where he remained for thirteen months prior to being discharged. Continuing the tradition of military service, Mr. Conley's three sons have all served in the Marine Corps, and one has had four tours of duty in Iraq.

Madam Speaker, it is soldiers like Thomas S. Conley, Sr. who joined the military to protect the freedoms that all Americans hold dear. While brave men like Mr. Conley were wounded fighting for freedom and liberty, his family, friends and loved ones know that this Congress will always remember his bravery and commitment in battle.

PAYING TRIBUTE TO THE LIFE OF DONALD L. ROBINSON

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. NEAL of Massachusetts. Madam Speaker, I would like to use this opportunity today to pay tribute to a great American who just recently and unexpectedly passed away.

Donald Robinson worked in the Office of Naval Intelligence and as a Chief of Staff and Staff Director on Capitol Hill in his younger years, but he is perhaps remembered best as a mentor to the hundreds of young people who came to Washington, DC to pursue an internship on Capitol Hill or with the Federal Government.

For 25 years, Donald L. Robinson worked with his wife, Sara Robinson, as a Director of the Boston University Washington Internship Program.

Madam Speaker, I pay tribute to the contribution he and his wife Sara made to enrich the lives of young people in who came to Washington to try out public service. He will be missed greatly. I would like to take the opportunity to submit his obituary in the CONGRESSIONAL RECORD today and to thank him for assisting in launching many successful, meaningful careers.

[May 2, 2008.]

DONALD L. "ROBBIE" ROBINSON, PH.D., 71, CONGRESSIONAL STAFFER; B.U. POLITICAL SCIENCE PROFESSOR

WELLFLEET.—Donald Louis "Robbie" Robinson, Ph.D., 71, a retired congressional staffer and political science professor at Boston University, died in his sleep at his home in Wellfleet, on Tuesday, April 29, 2008.

Robbie is survived by his wife of 45 years, Sara Moore Robinson. He is also survived by his daughter, Moore, his son, Marshall, his daughter-in-law, Jennifer, and his granddaughter, Aila.

Robbie was born in Ottawa, Ill., in 1936. In his youth, he was a talented trumpet player and tap dancer, who won numerous prizes. He received an academic scholarship to Northwestern University, from which he earned a Bachelor of Arts degree in 1958, and a Master of Arts degree in 1959. While at Northwestern, he earned spending money playing trumpet in a dance band, and was a member of the Alpha Tau Omega fraternity.

Robbie joined the Navy in the Officer Training Program, and moved to Washington, D.C., where he served in the Office of Naval Intelligence for 3½ years. During his tenure in the Navy, he began a doctoral program in International Relations at American University in Washington, D.C. He left the Navy in 1962 and received his Ph.D. in 1963.

It was at a friend's Sunday brunch, over bagels, where he met his future wife, Sara Moore, a congressional staffer. The two fell in love and were married in 1962. They had two children, a son, Marshall, in 1969, and a daughter, Margaret "Moore," born in 1971.

Dr. Robinson worked as a congressional staffer for 13 years, before retiring on disability in 1976 after being diagnosed with Crohn's disease. He was then hired by Boston University to develop a Washington, D.C., Internship Program, which he ran for 25 years. In addition, he developed internship programs for Case Western Reserve and the University of Houston. He was appointed by

President Bill Clinton to be a member of the National Commission on Libraries and Information Science. Dr. Robinson and his wife, an attorney, retired together and moved from Washington, D.C., to Wellfleet in 2001.

Robbie was deeply involved with the Episcopal Church in Washington, D.C., first at St. Stephen and the Incarnation, and then at St. Columba's Church, where he was a lay minister. After retirement, he was a lector, lay minister and administrator of the healing rite at St. Mary of the Harbor, Provincetown.

At the time of his death, he was president of the Wellfleet Historical Society, treasurer of the Cape Cod Opera, the only nonsinging member of the board of the Outer Cape Chorale, a Freemason and a Shriner. Last year, he and his wife joined dear friends on a guided tour through the Baltic States and Russia.

Robbie loved his family very much, and was delighted to meet his adored first grandchild, Aila, in January. Despite his history of chronic illness, his death came suddenly and unexpectedly, and is a great loss for all who knew him for his indomitable good cheer, his delight of conversation and his sheer enjoyment of life. He will be missed tremendously.

A memorial celebration will be held on Saturday, May 17, 2008, at 3 p.m., at St. Mary of the Harbor in Provincetown.

In lieu of flowers, donations may be sent to Wellfleet Historical Society (Please note: Attention Robbie Robinson Fund) at 266 Main St., Wellfleet, MA 02667.

HONORING MAJOR BERNARD WARRINGTON

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mrs. CHRISTENSEN. Madam Speaker, I rise to commend a soldier from my district, the U.S. Virgin Islands, Major Bernard Warrington, Jr., who will be promoted today to lieutenant colonel. Bernard Warrington, Jr., was born in Christiansted, St. Croix, U.S. Virgin Islands in 1970. He attended public school there and graduated from Central High School in 1988. Since that time, he has distinguished himself as a soldier and a scholar, working his way up in the military, first as an infantry officer in 1992, in the 2nd Battalion, 18th Infantry Regiment, 3rd Brigade, 24th Infantry Division at Ft. Benning, Georgia. While assigned to the 3rd Brigade, he deployed to Kuwait in support of Operation Southern Watch.

In 1996, he relocated to Ft. Hood, Texas, where he served with the 1st Cavalry Division Support Command, (DISCOM), as its Plans Officer and Assistant Brigade Operations Officer. He was then reassigned to 615th Aviation Support Battalion (ASB) to command its Headquarters and Supply Company (HSC) and deployed with the 1st Cavalry Division to Bosnia, Herzegovina, in support of Operation Stabilization Forces Four (SPOR4).

Major Warrington then served as the Combat Service Support (CSS) Team Chief for the 348th Training Support Brigade (TSB) Ft. Buchanan, Puerto Rico, responsible for training U.S. Army Reserve and National Guard Forces. He was next assigned within the U.S. Army Forces Command (FORSCOM) as a G4 Power Projection Logistics Planner and Crisis Action Team member for CENTCOM during Operation Enduring Freedom.

He was deployed in 2003 to meet the 101st Corps Support Group (CSG) in Mosul, Iraq, where he served as its Brigade Operations Planner, Deputy Brigade S3 during Operation Iraqi Freedom I during its reconstitution at Ft. Campbell.

From July 2004 to December 2006, he served as both the Battalion Executive Officer and Support Operations Officer for 8th Battalion, 101st Aviation Regiment, during which time he redeployed in 2005, with the battalion to Tikrit, Iraq, in support of Operation Iraqi Freedom IV.

Since December 2006, Major Warrington has been assigned as a plans officer to HQDA DCS g-3/5/7. He also served as an Army Congressional Associate within the office of Senator CLAIRE G. MCCASKILL. He currently serves on the Army Staff in the Army Transformation Office.

During his time in the military, Major Warrington has earned an associate of arts degree in business administration and military science from Georgia Military College, a bachelor of business administration from Georgia College and State University, a masters of business administration in industrial operations management from InterAmerican University in Puerto Rico and has graduated from the Command and General Staff College with the Combined Logistics Officer Advance Course and the Infantry Officer Basic Course.

His awards and decorations include the Bronze Star Medal, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the Meritorious Unit Citation, the Army Superior Unit Award Badge, the U.S. Army Staff Badge, the Honorable Order of St. Michael, and the Honorable Order of St. Martin.

Major Warrington is married to the former TaMekii Clark of Conyers, Georgia, and they have two children, Naomi and Claude Nigel.

Madam Speaker, on behalf of the people of the U.S. Virgin Islands and the 110th Congress, I am pleased to recognize the achievements of Bernard Warrington, Jr., as he is promoted from Major to lieutenant colonel and I wish him continued success in his illustrious military career.

HONORING JERRY PRIETO, JR.

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to honor Jerry Prieto, Jr. upon being honored with the "Fresno County Farm Bureau Distinguished Service Award" at the Fresno County Farm Bureau's Annual Banquet to be held on Thursday, May 8, 2008.

Jerry Prieto, Jr. is a native of Corcoran, California. He is the son of a former migrant farm worker and was raised in a small town with a small family. Mr. Prieto attended California State University, Fresno and obtained his Bachelor's of Science degree in Plant Science. In 1974 he began working for the Fresno County Department of Agriculture and six years later he obtained the position of Deputy Agricultural Commissioner. After nine years he went to work for Fresno County Personnel Department as a Senior Personnel Analyst. In 1993, Mr. Prieto was appointed Fresno County Resource Manager. He was responsible for solid waste issues throughout the county and operated the American Avenue Regional Landfill, the Southeast Regional Landfill and the Coalinga Landfill. He was also responsible for providing road maintenance, street lighting, garbage collection, parks, sewer and water services to ninety special districts.

In 1999, Mr. Prieto was appointed to the position of Fresno County Agricultural Commissioner/Sealer of Weight and Measures exactly twenty-five years after he began working for the department. He was responsible for promoting and regulating the nation's number one agriculture producing area. Mr. Prieto also served as a member of Governor Gray Davis' State Committee on Terrorism and the Western Weights and Measures Association Board of Directors. He served as the first Chairman of the California Agriculture Commissioners and Sealers Association's Food Safety and Agriculture Security Committee. For four years he served as Chairman of the Fresno County Department Heads Council. Currently, Mr. Prieto is a member of the Fresno County Farm Bureau, the Fresno County Council of Governments Farmland Conservation Steering Committee, Chairman of the Fresno County Council of Governments Farmland Preservation Advisory Committee, and the Fresno County Land Conservation Committee. He is the immediate President of the California Agricultural Commissioners and Sealers Association and was the first Agricultural Commissioner to serve two terms as President. Mr. Prieto is the Chairman of Secretary Kawamura's AB 771 Honeybee/Seedless Mandarin Co-Existence Working Group.

Madam Speaker, I rise today to commend and congratulate Jerry Prieto upon being awarded with the "Fresno County Farm Bureau Distinguished Service Award." I invite my colleagues to join me in wishing Mr. Prieto many years of continued success.

IN RECOGNITION OF JEWISH AMERICAN HERITAGE MONTH

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. EMANUEL. Madam Speaker, I rise today in recognition of Jewish American Heritage Month.

In 2006, Congress unanimously passed H. Con. Res. 315, a resolution urging the President to issue a proclamation for the observance of an American Jewish History Month. I was an original co-sponsor of that important legislation, and following our action, President Bush proclaimed May as Jewish American Heritage Month as a means of celebrating the Jewish community's history in America in addition to their contributions to American culture.

On April 29, 2008, President Bush reaffirmed his commitment of celebrating Jewish American heritage by making May 2008 Jewish American Heritage Month.

Since 1654, the American Jews have contributed to American life and society in all walks of life. The achievements of American Jews span all fields including medicine, law, entertainment, public service, technology, and literature. I take this time to celebrate those who have served our nation and propelled it successfully into the 21st century.

Throughout more than 350 years, American Jewish culture has become intertwined with American culture. The Jewish faith and spirit in combination with Jewish history and culture serve as an integral part of what this nation is today.

Madam Speaker, I am proud to commemorate Jewish American Heritage Month and hope that my colleagues will join me in celebrating the American Jewish community and its commitment to enriching American society and culture.

TRIBUTE TO RITA AND JACK SINDER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. SHERMAN. Madam Speaker, I rise today to honor and congratulate my dear friends Rita and Jack Sinder for their invaluable and outstanding service to Valley Beth Shalom Temple.

Jack and Rita have been two of the most productive members of the Valley Beth Shalom community, bringing guidance, spirituality and joy to the congregation. Jack, a former bond chair for the State of Israel Bonds, served as construction chair for the synagogue during its expansion in 1986. As construction chair, Jack planned and oversaw construction of the sanctuary, classrooms, administrative offices, chapel and the parking center. The parking center is now dedicated to the Sinders. Rita is a past president of the San Fernando Valley's Women Division of Israel Bonds and a past president of the Women's Alliance for Israel, and she continues to serve on its executive board. Jack and Rita are also founding members of the American Jewish University Wagner Program and patrons of the Wiesenthal Center.

Valley Beth Shalom continues to make extraordinary contributions to the San Fernando Valley through innovative programs that promote tolerance, increase learning, develop leadership skills, and foster social justice. Valley Beth Shalom has demonstrated a longstanding commitment to developing the community's understanding of the connection between religion and education. The temple empowers individuals, allowing their voices to be heard in our community and around the world.

Madam Speaker, I am proud to recognize Jack and Rita Sinder for their outstanding service to the Valley Beth Shalom community.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 241, Motion to Table, had I been present, I would have voted "nay."

SALUTING BLOOMINGTON, MINNESOTA, ON ITS 150TH BIRTHDAY AND REMARKABLE ROLE IN MINNESOTA HISTORY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RAMSTAD. Madam Speaker, I rise to pay tribute to a truly great community in Minnesota's 3rd Congressional District which has played a crucial role in the history and development of our region and State.

Bloomington is our State's 5th largest city and this special city will celebrate its 150th birthday on May 11, the same day the State of Minnesota was admitted to the Union.

Madam Speaker, we salute Bloomington for its remarkable success, pioneering spirit, record of public service to help people in need and role in positioning both Minnesota and the U.S. for a prosperous future in the global economy.

Bloomington is a place of historic importance situated near the confluence of the Mississippi and the Minnesota Rivers, and in close proximity to Historic Fort Snelling, completed in 1825. The soldiers of Fort Snelling mediated disputes between Minnesota's Dakota and Ojibwe Indians. In 1843, the first European settlers built a cabin near the current 10th Avenue Circle and taught farming methods to Dakota Indians. The territory to the west opened to settlers in 1851.

Bloomington is a city with tremendous historical pride and patriotism and we honor all of Bloomington's courageous members of our armed forces who have fought for freedom. Bloomington was also the home of Tom Burnett, Jr., one of the heroes of Flight 93 on September 11, 2001.

Madam Speaker, Bloomington is home to 85,172 wonderful people and it has been my pleasure to represent all of them in Washington the past 18 years. Bloomington natives have been leaders in commerce, technology, environmental awareness, sports and the arts. Control Data was born in Bloomington and was one of the pioneering supercomputer firms. For most of the 1960s, it built the fastest computers in the world.

It has been my great pleasure to work with the Bloomington Art Center on the 3rd Congressional District High School Arts Competition every year. Bloomington's public schools have produced some of our Nation's best and brightest. Bloomington is also home to the Minnesota Valley National Wildlife Refuge, which has been so critical to preserving water quality throughout the Midwest and the Mississippi River Valley all the way to the Gulf of Mexico.

Madam Speaker, you could travel this entire Nation and not find a more caring, committed, hard-working and innovative community. Bloomington is home to Minnesota's first major league baseball and football teams and the world famous Mall of America, and it is adjacent to Minneapolis-St. Paul International Airport. Bloomington has been the face of Minnesota to many all across this great land. For that we thank all the people of Bloomington for helping boost Minnesota's image in the eyes of the world.

Madam Speaker, in recognition of the historic significance of the Sesquicentennial Celebration to the Community of Bloomington, to the State of Minnesota, and to the United States of America, we are pleased to dedicate May 11, 2008, as the Bloomington Sesquicentennial Day in Minnesota. Happy 150th birthday, Bloomington, Minnesota!

HONORING CAREER OF DR. SARAH N. DENMAN

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RAHALL. Madam Speaker, I rise today to pay tribute to Dr. Sarah N. Denman and her 33 years of service to the students and faculty of Marshall University. Marshall University is home to 14,000 of West Virginia's best and brightest students and one of the finest public universities in the Nation. For the last 9 years, Sarah has served as the Provost and Senior Vice President for Academic Affairs at Marshall University and is now set to retire on May 10, 2008, with Marshall's 171st Commencement.

Born and raised in Kenova, West Virginia, Sarah has devoted her life to improving our State's educational opportunities. She earned both her bachelor's and master's degrees from Marshall University and her doctorate in higher education administration from West Virginia University. She then taught for 6 years at Ceredo-Kenova High School before joining Marshall's faculty. At Marshall, she has served as Coordinator of the Communications Program, Associate Dean for the Community College, Higher Learning Commission Consultant Evaluator, Associate Vice President for Academic Affairs, Vice President of Academic Affairs, and since 1999, Provost and Senior Vice President for Academic Affairs.

During her tenure, Sarah has been a godsend to Marshall University, helping it expand and flourish, and has played a powerful role in transforming a once humble Marshall College into the internationally renowned university it is today. From Associate Professor to Provost, Sarah has left her mark on virtually every aspect of the University and touched countless lives of those around her.

Marshall's academic programs have been blessed by her guidance and, in turn, southern West Virginia has been blessed by Marshall. Thanks to her hard work and dedication at Marshall, the best and brightest of West Virginia's students have access to the higher education they need—without leaving the home they love—to succeed in the global economy.

Sarah's list of accomplishments far exceeds her years of service. She has nurtured generations of young minds and helped shape the higher education system in West Virginia. Her dedication to her work and commitment to helping others are examples to us all.

I again congratulate Sarah for her 33 years of dedicated service at Marshall University and wish her continued success in retirement and all her future endeavors.

IN SUPPORT OF H. RES. 981—RECOGNIZING MARCH 6, 2008, AS THE FIRST-EVER WORLD GLAUCOMA DAY, ESTABLISHED TO INCREASE AWARENESS OF GLAUCOMA, A LEADING CAUSE OF PREVENTABLE BLINDNESS IN THE UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RANGEL. Madam Speaker, I rise today in support of H. Res. 981, recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, a leading cause of preventable blindness. I want to congratulate my colleagues Congresswoman TAMMY BALDWIN for introducing this important resolution and together with Congressman PETE SESSIONS for bringing this measure forward. As a cosponsor of this resolution, I am proud to speak out in favor of adequate Federal funding, legislation when indicated, greater support for glaucoma education and awareness, screenings, regular eye examinations, follow-up, treatment and research. Raising the level of awareness about the effects of this devastating eye disease, and drawing attention toward taking the necessary steps to preserve sight has been of great importance to me, and a special mission for many years.

The resolution expands awareness by calling attention to this dreadful disease that can rob individuals of the priceless gift of sight. Glaucoma, an eye disorder that damages the optic nerve, is a leading cause of irreversible blindness, and affects more than 3 million people. It is often referred to as the "sneak thief of sight," as many are not aware that they have the disease because it has no noticeable early warning signs, symptoms or pain. It is estimated that 1.5 million Americans are losing their sight because they do not know that they have the disease and are not getting the treatment they need.

The resolution also supports early detection of glaucoma for those at risk, enhanced treatment for those affected, and expanded research. Those groups at highest risk for glaucoma include African Americans, Hispanics, people with a family history of glaucoma, as well as individuals with diabetes and/or hypertension. Senior citizens, in general, are also at high risk for glaucoma. Compelling studies and data show that glaucoma is 6 to 8 times more common in African Americans than in Caucasians, and that African Americans between 45 and 65 are 14 to 17 times more likely to go blind from glaucoma than Caucasians in the same age group. Glaucoma is also the most common cause of blindness in Hispanics, the fastest growing ethnic minority in the country, and they too are at particular risk of being blinded by the disease.

I am proud to support the resolution and underscore the use of legislation as a vehicle when necessary, support adequate Federal funding for early detection, treatment, research, annual screenings and comprehensive eye examinations for individuals over 40, and those at highest risk for glaucoma.

I applaud and support the mission and service of those agencies and organizations such as the National Institutes of Health, National Eye Institute, Glaucoma Research Foundation, glaucoma specialists at teaching hospitals, clinics, colleges and universities across the country who demonstrate on a daily basis, their dedication and commitment toward combating this devastating disease.

I am particularly proud of the work of the Friends of the Congressional Glaucoma Caucus Foundation, a non-profit organization and the affiliation that I share with my colleague and friend Congressman ED TOWNS, as founding members of the Congressional Glaucoma Caucus, a non-partisan body of more than 90 congressional members in the House and Senate. I urge my colleagues who are not members of the caucus to join to promote free glaucoma screenings, education and awareness within your districts.

Finally, I join in with my colleague Congressman ED TOWNS of New York and urge the Energy and Commerce Committee to hold a speedy hearing on H.R. 3005, the Glaucoma Screening Act of 2007, a worthy and important bill introduced by our colleagues, Representatives SERRANO and BOOZMAN.

PERSONAL EXPLANATION

HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HELLER of Nevada. Madam Speaker, on rollcall No. 242, H. Res. 1011—Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan—had I been present, I would have voted "yea."

CELEBRATING TEN YEARS AT ALLIANCE OPPORTUNITY CENTER

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize the anniversary of the Alliance Opportunity Center, which has served North Texas for 10 years.

The Alliance Opportunity Center, a non-profit organization supervised by Hillwood, Tarrant County College, Tarrant County Workforce Development Board, Texas Workforce Commission and the Fort Worth Chamber of Commerce, has long been committed to economic growth in Tarrant and Denton Counties, and their impact on the area is certainly cause for celebration.

The Alliance Opportunity Center's main goal is to shorten employee turnaround time, reduce job recruitment costs, and enhance employee skills and retention. This objective is achieved through the many services the AOC offers to the community. The Alliance Opportunity Center advertises Alliance job listings nationwide, maintains a current job-applicant database to best match open positions with available candidates, provides companies with the resumes of candidates best suited for open positions, and screens applicants for qualified referrals.

The organization also hosts the Annual Alliance Texas Hiring fair and coordinates and conducts job fairs for individual companies. The Alliance Opportunity Center staff keeps the interests of the community in mind, allowing area companies more time to focus on their core work and, in the process, making Alliance businesses an even greater success.

Madam Speaker, it is with great honor that I rise today to honor Alliance Opportunity Center for its commitment to playing an active role in the development, improvement and success of the North Texas community. I am proud to represent such a prestigious organization in Texas' 26th Congressional District.

TRIBUTE TO MARTHA KRUETZMANN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Martha Kruetzmann on the celebration of her 100th birthday on April 2, 2008.

Martha was born on April 2, 1908 to Peter and Lydia Wigand in Sheboygan, Wisconsin. She was one of four brothers and three sisters. Martha was married to the late Reverend A.I. Kruetzmann and has three children, Eileen, Evelyn, and Edith; eight grandchildren; and 13 great-grandchildren. She currently lives at the Hubbard Care Center in Hubbard, Iowa.

There have been many changes that have occurred during the past one hundred years. Since Martha's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Martha has lived through eighteen United States Presidents and twenty-four Governors of Iowa. And, in her lifetime, the population of the United States has more than tripled.

I congratulate Martha Kruetzmann for reaching this milestone of a birthday. I am extremely honored to represent Martha in the United States Congress and I wish her happiness and health for many years to come.

FILIPINO WORLD WAR II VETERANS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise to pay recognition to the Filipino veterans who so bravely served under the U.S. flag during World War II.

The Philippine Islands were a U.S. territory from 1902–1946. On July 16, 1941, President Franklin D. Roosevelt called over 200,000 Filipinos to service under the command of General Douglas MacArthur. They courageously fought side-by-side with soldiers from the United States, under the American flag and for a common goal to protect all nations from aggressive governments.

Madam Speaker, despite their patriotism, sacrifice, and service to this nation, the Filipino veterans of World War II have still not received the full benefits they were promised 62 years ago.

The average age of these heroes is 84. Congress has a moral obligation to provide for the Filipino veterans who fought as part of the United States during World War II before it is too late. We must restore dignity and honor to these proud veterans.

HONORING THE PUBLIC SERVICE OF SGT. RICHARD J. "RICK" KASPER

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant from Chester County, Pennsylvania, who is retiring after a nearly 30-year career with the West Whiteland Township Police Department.

Sgt. Richard J. "Rick" Kasper joined the West Whiteland Police as a patrol officer in 1978. He became one of the first members on the force to be promoted to the rank of sergeant in 1988.

As a patrol shift supervisor for 25 years, Sgt. Kasper earned the respect of his colleagues for his ability to think on his feet and his sound judgment at times when officers' lives and the safety of the community were on the line.

Whether it was safely disarming a knife-wielding suspect or responding to a threat of violence at a local mall, the members of the West Whiteland Township Police Department knew they could always depend on the steady hand of Sgt. Kasper to guide them through the tension-filled moments.

In addition to pinning on a badge for work each day, Sgt. Kasper passed on his knowledge about police work as one of the Department's original firearms instructors. Sgt. Kasper's dedication to the Department was surpassed only by his devotion to his family. In a testament to just how well Sgt. Kasper juggled the demands of police work and the needs of his family, his daughter, Heather, followed in her father's footsteps to become a police officer with a department in Florida.

Rick's career and accomplishments will be celebrated on Friday, May 9, 2008 during a dinner at the Downingtown Country Club.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service of Sgt. Richard J. Kasper, and all those who take an oath to serve and protect their communities.

HONORING THE LIFE OF GILBERT GUY FRANCIS

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. McCOTTER. Madam Speaker, today I rise to honor and acknowledge Gilbert Guy Francis upon the occasion of his 80th birthday.

Gilbert Francis dedicated his life to selflessly serving our community and country. Following service in the Air Force, Mr. Francis graduated with a Bachelor of Science Degree in Business Education and subsequently taught for 10 years at Southwestern High School in Detroit. Many happily remember his efforts as he found the time to teach typing and accounting to the continuing education school at night and the regular students during the day.

Gil has many hobbies as well. He faithfully studies the genealogy of the Francis family, tracing their roots back to Wales. Gill also excels at stamp collecting, roller-skate dancing, and playing the piano. As well as being an expert keyboardist, Gil has along the way done much to further the study and appreciation level for pipe organs. Not the first book he has put pen to paper for, "Michigan Pipe Organ Theaters" is his latest anticipated forthcoming publication. He has distinguished himself serving as the Treasurer and then President of the Detroit Theater Organ Society for a number of successful years. These days, lucky listeners can happen upon the organ historian playing the pipe organ at the famed Redford Theatre for classic old films.

Gilbert Francis is a man of integrity, devoted to his family, who has dedicated his life to his wife Penny, his two children Carl and Nancy, and their wonderful grand- and now great-grandchildren.

Madam Speaker, for eighty years Gilbert Guy Francis has faithfully served his family and community. As he enters the next phase of his life, he continues a legacy of dedication, skill of craft, and dignified leadership. Today, I ask my colleagues to join me in congratulating Gilbert upon this momentous day and recognizing his years of loyal service to our community and country.

PERSONAL EXPLANATION

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, on Monday, May 5th, 2008, I was absent for legislative business to attend a Department of Defense event in my district.

Had I been present, on H. Res. 952 to establish a National Teacher's Day, I would have voted "aye."

HONORING MRS. DEBORAH ANN HARRIS

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. CULBERSON. Madam Speaker, I rise today to honor Mrs. Deborah Ann Harris, a teacher at St. Francis Episcopal Day School in Houston, Texas, for receiving a 2008 Presidential Award for Excellence in Mathematics and Science Teaching.

Under a bill Congress passed in 1983, the President selects up to 108 teachers every year to recognize for their exemplary contributions. This Presidential Award is the highest honor a kindergarten through 12th grade math or science teacher can receive for outstanding teaching in the United States.

Anne Chisholm, middle school principal at St. Francis Episcopal Day School, says of Mrs. Harris, "Debbie has a true passion for life and teaching science, the world is her classroom. Debbie sees the goodness in people, and she believes that all children can be great and she exhibits this through her teaching."

Madam Speaker, I ask my colleagues to join me in tribute to Mrs. Deborah Ann Harris for inspiring the students at St. Francis Episcopal Day School, and to congratulate her for earning this prestigious award.

INTRODUCTION OF HOME OWNERSHIP TAX CREDIT LEGISLATION

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. TERRY. Madam Speaker, today I, along with several of my colleagues, am introducing legislation to provide homebuyers with incentives to purchase as a way of eliminating the excess inventory of homes, relieving some of the pressure on falling housing prices, and increasing housing demand at a time when mortgage lenders are tightening up their loan requirements.

According to the Nebraska Business Forecast Council, December 2007, inventories of completed and unsold housing units in Nebraska remain high. Although housing construction in Nebraska did not experience the surge seen on the east and west coasts, it could take the balance of 2008 before new house inventories in Nebraska are drawn down. Reducing these housing stocks in Nebraska is critical to the continued growth of Nebraska home builders and the many other sectors of the economy dependent on the housing construction industry.

According to the National Association of Realtors, total housing inventory rose 5.5 percent at the end of this January to 4.19 million existing homes available for sale, which represents a 10.3-month supply at the current sales pace, up from a 9.7-month supply in December. Former Federal Reserve Chairman Alan Greenspan noted in November 2007 that reducing home inventories is critical for the health of the economy.

Madam Speaker, under the legislation I am introducing today, home buyers who purchase a qualified principal residence within a year of the Act's enactment will be eligible for a one-time tax credit of 10 percent of the home's purchase price, up to $10,000. Mortgages which exceed the maximum original principal obligation of a mortgage the Federal Home Loan Mortgage Corporation will purchase, will not qualify.

American taxpayers should not bear the burden of bailing out scam artists and speculators. This bill provides a market incentive which works to actively reduce local inventory of homes, stimulate the economy and empower homebuyers. I encourage my colleagues in the House to examine this bill and join me in helping provide Americans with a viable pathway to home ownership.

SALUTING MINNESOTA'S TEACHER OF THE YEAR, CARLEEN GULSTAD OF HOPKINS NORTH JR. HIGH SCHOOL

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. ELLISON. Madam Speaker, today is National Teachers Day, and Mr. RAMSTAD and I want to pay tribute to all of America's dedicated, talented and energetic teachers who have so much influence on our Nation's children and our country's future. We thank them for their sacrifice, selfless devotion to young people and their public service.

We want to call special attention today to one such teacher, Minnesota's "Teacher of the Year," Carleen Gulstad. Carleen, who lives in Maple Grove, teaches language arts at Hopkins North Jr. High School in Minnetonka, which serves the families of both the 3rd and 5th Congressional Districts. She has been teaching 8th and 9th grade students in English classes at Hopkins North since 1999.

Carleen is truly most deserving of this distinguished honor from Education Minnesota. The award was announced Sunday, May 4, at its 44th annual awards program in Brooklyn Park, Minnesota.

Madam Speaker, Carleen says that one of her guiding principles as a teacher is to treat each student as an individual. "Every kid counts. Every kid has a story. And every kid has value," Carleen says. "I teach them critical thinking. They need to decide for themselves."

That kind of approach is what makes Carleen a great teacher, and our Nation's outstanding teachers carry those very same traits, teachers who are brilliant in their ability to offer encouragement, who can spark the imagination, instill in young people the drive to reach for excellence in all their varied pursuits and the confidence to speak their minds.

Carleen's principal at Hopkins North Jr. High, Pat Schmidt, says: "Carleen has the courage to lead discussions focusing on racial identity, religious affiliations, cultural and ethnic customs and family membership."

To all of America's teachers, thank you for your steadfast commitment to quality education. Thank you for caring so much about our kids and their future. Thank you for overcoming immense challenges to provide Minnesota's and America's children with the best education.

You hard-working, dedicated educators are Minnesota's and America's unsung heroes. With great challenges ahead, we need more than ever to put partisanship aside, take off our Republican hats and our Democrat hats and come together as Americans. We must find common ground to adequately support public education and provide maximum flexibility at the local level to manage our schools and teach our children.

Madam Speaker, our Nation salutes Carleen Gulstad and all our remarkable teachers who bring an exciting world of opportunity and justice to the door of our children's classrooms each and every day. It is often a thankless and difficult task, but today we thank them for their great perseverance, commitment and inspiration.

ON THE OCCASION OF THE STATE OF ISRAEL'S 60TH ANNIVERSARY

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. COHEN. Madam Speaker, as the State of Israel commemorates its 60th anniversary, I take this opportunity to recognize the long-standing friendship between the State of Israel and the Republic of Turkey.

Turkey was the first country with a predominantly Muslim population to step forward and recognize the Jewish State in 1949. Moreover, for three decades the Republic of Turkey remained the only Muslim country to have full diplomatic representation in Israel. This historical fact alone speaks well for the solid, special, and valuable relationship between Turkey and Israel. It is no wonder this relationship stands on its uniquely own merits—unmatched in the entire Middle East. Historical facts and recollections in the collective memories of both Turkish and Israeli peoples testify this sense of togetherness, standing shoulder to shoulder in testing times.

In recent years, more than 60 agreements have been enacted between the State of Israel and the Republic of Turkey in the economic and military fields. These have not only bolstered the bilateral relationship between the United States and these two close friends and allies, but have also created a legal framework that serves to institutionalize the bonds we have collectively developed. Since Turkey and Israel are the only two countries in the region that have embraced the principles of democracy and liberal market economy, it is easier to develop both the content and the depth of the bilateral relations in a multitude of different fronts.

Also, through a large volume of tourism and cultural sharing, countless citizens of Turkey and Israel, not just the two governments, have developed strong bonds of benevolence, a sense of togetherness, collaboration, and mutual respect.

At a time when dialogue between the parties to the Arab-Israeli conflict is needed, Turkey is once again in the unique position of maintaining positive relations with all the parties to the conflict. This is undoubtedly an asset for the region, and a great contribution to the security of Israel. The Israeli President Shimon Peres and President of the Palestinian Authority Mahmoud Abbas have addressed the Turkish Parliament last year in November and praised Turkey as an important ally in the peace process. President Peres's speech was the first to a parliament by an Israeli head of state anywhere in a predominantly Muslim country.

We also remember too well through what is known as The Ankara Forum, that Turkey has recently sustained Israeli and Palestinian joint efforts to provide support for economic development in the West Bank. Recent reports indicate that Turkey, investing on this ground of mutually earned respect, trust and confidence and taking steps at the request of both parties, has now embarked on facilitating dialogue between Syria and Israel.

Most members of the international community share the goal of a peaceful and prosperous Middle East. The security of all the countries in the region, including Israel, is dependent on this. Turkey believes that dialogue and cooperation are essential tools in working to make this dream a reality, and it is well equipped to chart its course for the benefit of Israel and her Arab neighbors, all for a peaceful and prosperous neighborhood.

On this note, the 60th anniversary of the State of Israel, I commend and encourage the strong relationship between our two allies, Turkey and Israel, which in fact stands stronger and more robust by each day offering hope for peace in the future.

TRIBUTE TO MARY NAUGHTON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Mary Naughton on the celebration of her 90th birthday on April 29, 2008.

Mary was born on April 29, 1918 in Illinois. She moved to Marshalltown, Iowa in 1948 when she married John Naughton. They happily had two daughters, three sons, nine grandchildren and one great-grandson. Mary currently resides in Marshalltown and is an active member of St. Mary's Catholic Church.

There have been many changes that have occurred during the past ninety years.

Since Mary's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Mary has lived through sixteen United States Presidents and twenty Governors of Iowa. And, in her lifetime the population of the United States has nearly tripled.

I congratulate Mary Naughton for reaching this milestone of a birthday. I am extremely honored to represent Mary in the United States Congress and I wish her happiness and health for many years to come.

ON THE PASSING OF MILDRED LOVING

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise to recognize the passing of a great lady and civil rights icon, Mildred Loving.

I did not know Mrs. Loving personally, but I do know of her accomplishments for which she deserves our praise and gratitude.

At a time of Jim Crow and powerful forces of racial hatred and segregation, Mildred Delores Jeter and Richard Perry Loving proved that the power of love and the simple act of living true to their beliefs was stronger and more enduring than base bigotry.

When Mildred and Richard married, they were breaking the law. As an interracial couple, it was illegal for them to be married in the Commonwealth of Virginia. Instead, they obtained a marriage certificate from the District of Columbia but returned to live in Virginia, their home. A short time later, they were arrested, literally in their bedroom, and hauled off to jail. Under a plea bargain, they agreed to a 1-year suspended sentence under the condition that they not return together or at the same time to Virginia.

Inspired by the civil rights movement, the couple challenged Virginia's Racial Integrity Act, taking Loving v. Virginia all the way to the Supreme Court—and winning. As the Washington Post reported today, Richard Loving counseled the couple's ACLU attorneys that the real issue was actually very simple. "Tell the court," he said, "I love my wife, and it is just unfair that I can't live with her in Virginia."

In my efforts to grant federal recognition to Virginia's Native American people, I have come across similar stories of courage, determination and love fighting to overcome Virginia's legacy of racial division and subjugation.

Today we recognize Mrs. Loving, her life, her courage, and her determination for equality under the law. She was an American hero and we mourn her passing.

[From the New York Times, May 6, 2008]

MILDRED LOVING, WHO FOUGHT BAN ON MIXED MARRIAGE, DIES AT 68

(By Douglas Martin)

Mildred Loving, a black woman whose anger over being banished from Virginia for marrying a white man led to a landmark Supreme Court ruling overturning state miscegenation laws, died on May 2 at her home in Central Point, Va. She was 68.

Peggy Fortune, her daughter, said the cause was pneumonia.

The Supreme Court ruling, in 1967, struck down the last group of segregation laws to remain on the books—those requiring separation of the races in marriage. The ruling was unanimous, its opinion written by Chief Justice Earl Warren, who in 1954 wrote the court's opinion in Brown v. Board of Education, declaring segregated public schools unconstitutional.

In Loving v. Virginia, Warren wrote that miscegenation laws violated the Constitution's equal protection clause. "We have consistently denied the constitutionality of measures which restrict the rights of citizens on account of race," he said.

By their own widely reported accounts, Mrs. Loving and her husband, Richard, were in bed in their modest house in Central Point in the early morning of July 11, 1958, five weeks after their wedding, when the county sheriff and two deputies, acting on an anonymous tip, burst into their bedroom and shined flashlights in their eyes. A threatening voice demanded, "Who is this woman you're sleeping with?"

Mrs. Loving answered, "I'm his wife."

Mr. Loving pointed to the couple's marriage certificate hung on the bedroom wall. The sheriff responded, "That's no good here."

The certificate was from Washington, D.C., and under Virginia law, a marriage between people of different races performed outside Virginia was as invalid as one done in Virginia. At the time, it was one of 16 states that barred marriages between races.

After Mr. Loving spent a night in jail and his wife several more, the couple pleaded guilty to violating the Virginia law, the Racial Integrity Act. Under a plea bargain, their one-year prison sentences were suspended on the condition that they leave Virginia and not return together or at the same time for 25 years.

Judge Leon M. Bazile, in language Chief Justice Warren would recall, said that if God had meant for whites and blacks to mix, he would have not placed them on different continents. Judge Bazile reminded the defendants that "as long as you live you will be known as a felon."

They paid court fees of $36.29 each, moved to Washington and had three children. They returned home occasionally, never together. But times were tough financially, and the Lovings missed family, friends and their easy country lifestyle in the rolling Virginia hills.

By 1963, Mrs. Loving could stand the ostracism no longer. Inspired by the civil rights movement and its march on Washington, she wrote Attorney General Robert F. Kennedy and asked for help. He wrote her back, and referred her to the American Civil Liberties Union.

The A.C.L.U. took the case. Its lawyers, Bernard S. Cohen and Philip J. Hirschkop, faced an immediate problem: the Lovings had pleaded guilty and had no right to appeal. So they asked Judge Bazile to set aside his original verdict. When he refused, they appealed. The Virginia Supreme Court of Appeals upheld the lower court, and the case went to the United States Supreme Court.

Mr. Cohen recounted telling Mr. Loving about various legal theories applying to the case. Mr. Loving replied, "Mr. Cohen, tell the court I love my wife, and it is just unfair that I can't live with her in Virginia."

Mildred Delores Jeter's family had lived in Caroline County, Va., for generations, as had the family of Richard Perry Loving. The area was known for friendly relations between races, even though marriages were forbidden. Many people were visibly of mixed race, with Ebony magazine reporting in 1967 that black "youngsters easily passed for white in neighboring towns."

Mildred's mother was part Rappahannock Indian, and her father was part Cherokee. She preferred to think of herself as Indian rather than black.

Mildred and Richard began spending time together when he was a rugged- looking 17 and she was a skinny 11-year-old known as Bean. He attended an all-white high school for a year, and she reached 11th grade at an all-black school.

When Mildred became pregnant at 18, they decided to do what was elsewhere deemed the right thing and get married. They both said their initial motive was not to challenge Virginia law.

"We have thought about other people," Mr. Loving said in an interview with Life magazine in 1966, "but we are not doing it just because somebody had to do it and we wanted to be the ones. We are doing it for us."

In his classic study of segregation, "An American Dilemma," Gunnar Myrdal wrote that "the whole system of segregation and discrimination is designed to prevent eventual inbreeding of the races."

But miscegenation laws struck deeper than other segregation acts, and the theory behind them leads to chaos in other facets of law. This is because they make any affected marriage void from its inception. Thus, all children are illegitimate; spouses have no inheritance rights; and heirs cannot receive death benefits.

"When any society says that I cannot marry a certain person, that society has cut off a segment of my freedom," the Rev. Dr. Martin Luther King Jr. said in 1958.

Virginia's law had been on the books since 1662, adopted a year after Maryland enacted the first such statute. At one time or another, 38 states had miscegenation laws. State and federal courts consistently upheld the prohibitions, until 1948, when the California Supreme Court overturned California's law.

Though the Supreme Court's 1967 decision in the Loving case struck down miscegenation laws, Southern states were sometimes slow to change their constitutions; Alabama became the last state to do so, in 2000.

Mr. Loving died in a car accident in 1975, and the Lovings' son Donald died in 2000. In addition to her daughter, Peggy Fortune, who lives in Milford, Va., Mrs. Loving is survived by her son, Sidney, of Tappahannock, Va.; eight grandchildren; and 11 great-grandchildren.

Mrs. Loving stopped giving interviews, but last year issued a statement on the 40th anniversary of the announcement of the Supreme Court ruling, urging that gay men and lesbians be allowed to marry.

IN HONOR OF COACH PHILIP LEVY

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. PICKERING. Madam Speaker, I would like to honor Coach Philip Levy, as he leaves the Veritas School to pursue his law degree at the University of Mississippi. At the Veritas School, Philip taught both Latin and humanities while also serving as a coach.

Philip Levy grew up in Jackson and has served as head soccer coach at the Veritas School for a year now. He coached both the high school boys and girls soccer teams. This year, he led the girls' team all the way to the State Championship. In his athletes, he built character, leadership, sportsmanship, and teamwork; in the classroom he trained his students to seek truth. The entire Veritas School is thankful for Philip's invaluable example that he provided to all of his students and athletes.

Madam Speaker, I hope the Congress joins me in paying tribute to Coach Philip Levy for his leadership and for serving as a role model. He has touched the lives of many young students, and I know they will be forever grateful. I wish him well in Ole Miss Law School and know that he will be successful in his future endeavors.

RECOGNIZING THE BUCKHEAD COALITION'S INITIATIVE TO EQUIP PHARMACIES WITH BACKUP POWER GENERATORS TO BE USED IN THE EVENT OF AN EMERGENCY

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LEWIS of Georgia. Madam Speaker, I rise today to commend the Buckhead Coalition of Atlanta, Georgia, for its innovative program to ensure that Atlanta residents are able to access prescription medications in the event of a disaster or power outage. Buckhead Coalition is a nonprofit organization of chief executive officers, business owners and community leaders representing part of the Fifth Congressional District of Georgia. Led by its president and my good friend, former Atlanta Mayor Sam Massell, the Buckhead Coalition is advancing a plan to equip pharmacies and drug stores with backup power generators to ensure that people are able to have access to their medications in the event of a disaster, either natural or manmade.

One of the lessons learned from Hurricane Katrina's devastation of New Orleans and the Gulf Coast was the necessity for emergency generators in pharmacies. In today's business environment, pharmacies cannot operate without working computers, refrigerators and other electrical equipment. In the Buckhead area, of the twenty-two pharmacies, now only four do not have emergency generators. According to the American Pharmaceutical Association, the pharmacies of Buckhead provide prescription medications to more than 32,000 of the neighborhood's 70,000 residents. An estimated 6,500 of these medications are dispensed on a daily basis, with many of them being time-sensitive medications for senior citizens.

In order to prevent a potential disaster, the Buckhead Coalition, in conjunction with Home Depot and Georgia Power, has created a subsidy to cover up to seventy-five percent of the cost for purchasing a generator. This subsidy significantly reduces the barriers of cost, making it much easier and more affordable for these pharmacies to be equipped with these possibly life-saving generators.

I commend the Buckhead Coalition, Home Depot and Georgia Power for coming together to provide this opportunity, this safety net, for my community. I encourage other communities to emulate this plan.

INTRODUCING THE U.S. COMMISSION ON REBUILDING AMERICA FOR THE 21ST CENTURY ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. BLUMENAUER. Madam Speaker, today I am introducing the United States Commission on Rebuilding America for the 21st Century Act. The challenges of the 21st century require a renewed national focus on the infrastructure that is essential to our cities, our rural communities, our economy, and the health of our planet. We have neglected the foundations of America's communities, threatening our environment and our future economic prosperity.

This Act will provide a mechanism for Congress to reach out to the American people and develop a national vision to guide infrastructure investment for the twenty-first century. The legislation creates a commission of 17 members appointed by Congress, the Administration, and State and local governments, to synthesize existing reports to identify challenges and needs; to commence a thorough set of public hearings on infrastructure conducted in not fewer than 50 Congressional districts across the United States to ensure geographic and demographic representation; and to articulate a national vision for infrastructure investments.

Those challenges are both myriad and significant. Consider:

To avoid the worst effects of climate change, we must greatly reduce our carbon emissions. Transportation is the second largest—and fastest growing—source of U.S. CO_2 emissions. Personal vehicle use accounts for nearly 60 percent of these emissions.

The National Surface Transportation Policy and Revenue Study Commission recently calculated that maintaining our existing transportation system over the next 50 years will require $225 billion annually.

The American Society of Civil Engineers has given our nation's public infrastructure—water, sewer, and transportation systems—a grade of D-minus, estimating that it will cost $1.6 trillion over the next 5 years merely to repair our existing infrastructure.

More than 72,000 miles of municipal water and sewer pipe are more than 80 years old, threatening the health, environment, and economy of communities large and small.

From 1999 to 2009, the Nation's electricity demand rose nearly 20 percent while our transmission capacity grew only 3.5 percent.

By 2050, we will build 89 million new or replaced homes as well as 190 billion square feet of new offices and other non-residential buildings. Strategic development choices could reduce total transportation-related CO_2 emissions by 7 to 10 percent.

The American people, it should be noted, have met similar challenges in the past. This year marks the bicentennial of the Gallatin Plan, crafted by President Jefferson's Secretary of the Treasury, Albert Gallatin, to develop the infrastructure needed by our new nation. One hundred years later, President Theodore Roosevelt invited every state and territorial governor to join members of his Cabinet and Congress, professional organizations, and government bureaus in a National Conference at the White House to plan for the infrastructure needs for the 20th century. Today, a new national vision and plan is necessary to meet the challenges of the 21st century.

IN APPRECIATION OF THE CONTRIBUTIONS AND ACHIEVEMENTS OF OUR TEACHERS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. HONDA. Madam Speaker, this week we celebrate National Teacher Appreciation Week. It is a time for us to recognize the teachers who are working hard today to prepare students for the future, and the teachers who helped each of us become who we are. As a former teacher, I feel strongly about the work that today's teachers are doing. Beyond the rhetoric of "failing schools" there is a reality in which teachers in classrooms across the country are doing incredible work, with difficult students and limited resources. Many of these teachers are devoting extra hours to help struggling students, to learn new teaching techniques, and to develop innovative strategies and programs to improve student learning, and using their personal financial resources to acquire needed supplies and equipment.

There is no doubt that teachers are the core of our education system. As much as researchers and policymakers debate the values of standards and assessment and incentives and reform, education occurs in a classroom, and consists of an interaction between a teacher and his or her students. Good policy will help these teachers and support them in their work. America's teachers provide instruction in academic subjects, such as English, Math, Science, History, and PE, but they also teach social-behavioral skills, and look out for their students' health and well-being. Good teachers do not just teach a subject, they teach the whole child.

Today's teachers face a unique set of challenges in providing students with the knowledge and skills they will need to be successful in tomorrow's workforce. To be competitive, our students need much more than they did just a decade ago. They now need advanced technology skills and a solid understanding of science. That is why I will soon be introducing legislation to improve the coordination of the Federal science, technology, engineering, and mathematics education efforts, helping foster cooperation between the States and Federal agencies.

As a Member of the House Appropriations Committee, one of my highest priorities is increasing funding for Federal education programs that will ease the burden on States and localities to provide vital education services. We need to give our teachers more than an apple. They need well-equipped classrooms, instructional materials, and up-to-date facilities. They need smaller classes, a diverse curriculum, time to prepare, and adequate compensation. When budgets are tight, teachers are often expected to accomplish the same goals, but without sufficient help. We must increase funding for education.

I would also like to take this opportunity to publicly congratulate Mrs. Dawn O'Connor, who hails from California's 15th District, for receiving the 2008 Presidential Award for Excellence in Science Teaching. Since 1983, the Presidential Awards for Excellence in Mathematics and Science Teaching have honored outstanding kindergarten through 12th grade mathematics and science teachers for their contributions in the classroom and to their profession. I am honored to recognize Mrs. O'Connor as a recipient of the Presidential Award, the highest recognition that a mathematics or science teacher can receive. Mrs. O'Connor teaches seventh grade biology at Ascencion Solorsano Middle School in the Gilroy Unified School District. Mrs. O'Connor and I had the pleasure of meeting last week during her visit to Washington, DC, and I was extremely impressed by her accomplishments.

THE DAILY 45: D.C. RESIDENT MURDERED ON SCHOOL STEPS

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. RUSH. Madam Speaker, every day, somewhere in America, an average of 45 people are shot and killed at the hands of a gun-wielding assailant. This senseless loss of life comes in all shapes, sizes, colors and zip codes.

On March 12, 2008, 23-year-old Anthony Maddox, of Washington, DC, was killed on the steps outside Truesdell Elementary School when small children were still inside. Fortunately, no children were harmed but they were surely traumatized by the fact that a man from their neighborhood, casually socializing with neighbors on a balmy spring night, suddenly lost his life at the hands of a gun.

In the words of the late revolutionary patriot, Thomas Paine, "these are the times that try men's souls." These times require action, right now, from men and women like me who are determined to stop the carnage.

We must stop the senseless murders of "The Daily 45." When will Americans say "enough is enough, stop the killing!"

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 6, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,888 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,888 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 6, 2008, 12,888 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

TRIBUTE TO FLORENCE McCOWN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 2008

Mr. LATHAM. Madam Speaker, I rise today to congratulate Florence McCown on the celebration of her 100th birthday on April 27, 2008.

Florence was born on April 27, 1908 on a farm near Aplington, Iowa. In 1933, she married Burton McCown, and the couple resided in Eldora, Iowa. Florence and her husband owned a hardware store in New Providence and a plumbing and heating store in Eldora She also taught for several years in the New Providence schools. Florence was a member of a state tournament qualifying basketball team and remained active in athletic events for the majority of her life. Florence currently resides at Grandview Heights in Marshalltown, Iowa.

There have been many changes that have occurred during the past ninety years. Since Florence's birth we have revolutionized air travel and walked on the moon. We have invented the television and the Internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and the birth of new democracies. Florence has lived through eighteen United States Presidents and twenty-four Governors of Iowa. And, in her lifetime the population of the United States has more than tripled.

I congratulate Florence McCown for reaching this milestone of a birthday. I am extremely honored to represent Florence in the United States Congress, and I wish her happiness and health for many years to come.

SENATE—*Wednesday, May 7, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplin Monsignor Joseph Quinn of St. Rose of Lima Parish in Carbondale, PA.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

God of compassion and mercy, we pray this day that the esteemed Members of this august Senate of these United States will continue to write into law the story of a country that measures its success by God's standard; by how well it cares for the weakest, the neediest and the most vulnerable among us.

Give this noble body and all who assist it an outpouring of Your guiding spirit that they may forever be wise in their judgments and serve selflessly the best interests of all of the people of our beloved land.

Broaden their personal concerns that they may always seek the common good and be forever attuned to the hopeful cries of the least powerful in our society. Clarify their vision each day as they work together in search of the best ideas and most impactful strategies to meet the greatest needs of our day and age.

Lord, bless all of our Senators. May their faith in You and in the destiny of our great country keep them ever humble in Your service and consciously grateful for the extraordinary privileges and creative authority entrusted to them. And may this United States Senate be always a living sign of our national unity. May it be good news to the poor and instruments of peace for this world.

Lord God, in You we trust now and forever and in Your Holy Name we pray this day and always. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 7, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

SCHEDULE

Mr. CASEY. Mr. President, today there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans will control the final half.

Following morning business, the Senate will resume consideration of the motion to proceed to S. 2284, a bill to restore the financial solvency of the National Flood Insurance Fund.

As a reminder, the Senate will recess from 12:30 until 2:15 today for the weekly caucus luncheons.

WELCOMING GUEST CHAPLAIN

I ask for a couple moments of personal privilege.

Monsignor Joseph Quinn offered our prayer. I wish to say how proud I am to be here this morning to witness that. He is a very dear friend and someone who has, for many years, ministered to my family and to families throughout northeastern Pennsylvania in good times and bad.

We are grateful for his presence today. We are grateful he was able to offer the prayer. I will submit for the RECORD a fuller statement of some background material on his life. But he has been so much a part of the fabric of northeastern Pennsylvania.

He has often said that in large families, the joys are multiplied and sorrows are divided. We are grateful for his leadership as a priest, and now as a monsignor, but in a very personal way, for what he has meant to so many families in northeastern Pennsylvania. I am honored to be here to share a couple minutes with him and am grateful for his presence today in the Senate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington State.

TANKER SURVIVABILITY

Mrs. MURRAY. Mr. President, I think we would all agree, especially in a time of war, that nothing is more important than the safety of our men and women in uniform. And nothing should be more important to our military commanders at the Pentagon.

But I come to the floor this morning because safety was not the priority when the military awarded the contract to build the next generation of refueling tankers. If that decision stands, if the contract goes to the European company Airbus, instead of Boeing, our servicemembers will be flying in planes that they and the military know are less safe. That has me very concerned.

During the tanker competition, the Pentagon considered numerous factors, including survivability; that is, the ability to protect war fighters when they are in harm's way. But even though they found the Boeing tanker was much safer, the Pentagon chose the Airbus tanker anyway.

Awarding a contract for a plane that is less safe makes zero sense to me. Why on Earth would our military choose a tanker that rated lower in safety and in survivability. That is the question I have come to the floor this morning to ask. It is one of the concerns I have raised in a letter I am sending today to the Joint Chiefs of Staff.

I know as well as anyone how important it is that we get these tankers up in the sky. I represent Fairchild Air Force Base in Spokane, WA. The air men and women at Fairchild fly those tankers. Refueling tankers are the backbone of our military. Everywhere we have troops in the world we have tankers. And right now our tanker fleets are in some of the most dangerous regions in the world. We know the war on terrorism will be long and it will be hard and that our servicemembers will continue to be in dangerous regions for some time to come.

We owe it to them to provide planes that will enable them to do their jobs safely and that will keep our aircraft safe as they refuel them.

But with this contract, the Pentagon did not make safety the top priority. Let me take a minute this morning to explain what I am talking about when I say that Boeing's plane was more survivable. Survivability refers to the ability to keep the war fighter safe.

According to Ronald Fogleman, who is a former Air Force Chief of Staff and a retired general: The more survivable tanker would have the systems to identify and defeat threats, avoid threats, and protect the crew in the event of an attack.

General Fogleman said he was surprised the Air Force selected the Airbus tanker, even though it ranked lower in all those areas. I wish to read you his quote:

> When I saw the Air Force's assessment of both candidate aircraft in the survivability area, I was struck by the fact that they clearly saw the KC-767 as the more survivable tanker.

He added he believes the KC-767 is better for the war fighter and for the military. That is how he put it. He said:

> The KC-767 has a superior survivability rating and will have greater operational utility to the joint commander and provide better protection to air crews that must face real-world threats.

By any measure, Boeing's tanker would be easier to operate under hostile conditions, and it would provide the crew with better protection. The KC-767 has the newest defense equipment available. According to the Air Force's own rating, it had better missile defense systems, better cockpit displays that allow our crews to recognize a possible threat, better armor for the flight crew and critical systems on the plane, and better protection against fuel tank explosion, amongst many other advantages.

But survivability is not only about the equipment on that plane, a tanker has to be able to take off and land faster. It has to be able to handle itself in a hostile environment. The best tanker is the one that is harder to shoot down. Our tankers are most vulnerable in situations in which the enemy can use shoulder-fired missiles and smaller gunfire, such as when the tankers are taking off or landing.

Compared to the Boeing 767, Airbus's tanker is massive. It is much bigger than the Air Force originally requested, and its size is problematic for many reasons. Not only are there fewer places for Airbus's tanker to take off and land, but as a larger airplane, it is a bigger target and it is easier to hit. The KC-767 is a much more agile plane, and it is safer for the crew and the aircraft that they are refueling.

Americans want our war fighters flying the best, safest possible plane. So I am asking today: Why would not the Pentagon?

Boeing has appealed the Pentagon's decision to award the tanker contract to Airbus. The GAO is now looking into that process. I look forward to seeing their decision. I think Congress has a responsibility as well. It is our job to check on the administration. We have to look out for the war fighter.

Some of my colleagues have said we need to move the process along quickly so we can get these planes in the hands of our airmen and airwomen. I agree. Refueling tankers are vital to the Air Force. But that is also why it is as important that they get the right planes, the planes that will allow them to do their jobs and keep them safe.

We have a responsibility to ensure we are making the right decision for years to come about the safety of our servicemembers and our Nation. That is why I am raising these concerns today.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

Mr. McCONNELL. Mr. President, I am going to proceed on my leader time.

The ACTING PRESIDENT pro tempore. Without objection, the Republican leader is recognized.

COLOMBIA FREE TRADE AGREEMENT

Mr. McCONNELL. Mr. President, last month, Democratic leaders in the House made a truly terrible decision. They opted to kill a free-trade agreement that had already been reached between the United States and Colombia, one of our closest, if not our closest, ally in Latin America, and a nation that has made great strides at democratic reform.

At the heart of the deal was an agreement that U.S. manufacturers and farmers would no longer have to pay tariffs on U.S. goods that are sold in Colombia. This would have leveled the playing field since most Colombian goods are sold in the United States duty free.

At a time of economic uncertainty at home, the Colombia Free Trade Agreement should have been an obvious bipartisan effort to bolster U.S. manufacturing and agriculture and to expand overseas markets for U.S. goods.

Unfortunately, the House leaders decided that the support of union leaders was, in this case, more important than our relations with a close ally or the state of the U.S. economy. That decision has already had serious and far-reaching consequences, and that is not just the view on this side of the aisle.

Virtually every major paper in the country was swift in condemning the House Democrats for changing the rules and blocking a vote on this trade agreement. They recognized that the decision was bad for our relations with Colombia, bad as a matter of national security, and bad for the U.S. economy.

Here are just a few of the headlines from newspapers across our country:

"Drop Dead, Colombia," said the Washington Post.

"Free Trade Deal is A Winner," said the Charleston Post and Courier.

"Approve Pact with Colombia," said the Los Angeles Times.

"A Trade Deal that All of the Americas Need," said the Rocky Mountain News.

"Our View On Free Trade: Pass the Colombia Pact," USA Today.

"Pelosi's Bad Faith," the Wall Street Journal.

"Time for the Colombian Trade Pact," the New York Times.

"Historical Failure on Colombia Trade Pact," the Denver Post.

"Lose-Lose; House Rejection of Trade Agreement is Bad for U.S. Workers and Colombia," the Houston Chronicle.

"Caving on Colombia," the Chicago Tribune.

And in my own hometown paper, the Louisville Courier Journal, an editorial titled: "Free Trade's Benefits."

Here is how the Courier Journal put it:

> Far from the Washington Beltway, out here in Kentucky, the U.S.-Colombia Trade Promotion Agreement would have real consequences in real people's lives—most of them good, in our view.

I could go on. In the days after the House scuttled the Colombia Free Trade Agreement, the Office of U.S. Trade Representative counted more than 75 editorials opposing that decision. It is still waiting for a single editorial somewhere in America supporting the Speaker's decision to scuttle the free-trade agreement.

A congressional resolution in support of Independence Day would probably draw more criticism than the Colombia Free Trade Agreement has from U.S. newspapers. And the reason is abundantly clear. The decision to block a vote has already had serious and far-reaching consequences. As the San Diego Union Tribune put it in yet another editorial critical of the move: "Bashing Has a Price."

With respect to tariffs, that price is quantifiable. According to an estimate by the Department of Commerce, U.S. goods entering Colombia have been weighted down with more than $1 billion—$1 billion—in tariffs since the Colombia Free Trade Agreement was signed—$1 billion. This is a heavy burden to place on U.S. workers and the businesses they work for.

We hear a lot from the other side about the need for fair trade. Is it fair that U.S. goods have been saddled with more than $1 billion in tariffs just in the last year and a half alone, while more than 90 percent of Colombian-made goods are sold here without any tariffs at all? What is fair about that? This, apparently, is what House Democrats in Congress regard as fair trade.

The trade imbalance between the United States and Colombia is a matter of enormous significance for the many States that rely on exports—States such as Kentucky, which exported about $67 million worth of goods to Colombia last year. Had the FTA been brought up and passed, that figure would have been all but certain to increase this year.

The beef industry is a good example of how the trade imbalance hurts the U.S. Kentucky is the largest beef-cattle-producing State east of the Mississippi River. But at the moment, prime and choice cuts of Kentucky beef face 80 percent duties once they reach Colombian ports. Obviously, an 80-percent markup on beef makes it hard for cattle farmers in my State to compete.

The House failure to take up the Colombia Free Trade Agreement puts States such as Kentucky at a serious competitive disadvantage with Colombia—despite the fact that Colombia itself wants to level the playing field. It is Democrats in the House, not Colombia, who insist on keeping high tariffs on U.S. goods in place.

At a time when the U.S. economy is struggling, we should be doing all we can to help U.S. exporters sell their goods abroad. Instead, House Democrats are burdening our exporters with high tariffs. In these economic times, we should be expanding access to overseas markets for American-made products and American-grown goods, not standing in the way.

This is a consensus view—a consensus view—not just a Republican view. The Senate is ready to vote in favor of the Colombia Free Trade Agreement on a very broad bipartisan basis. For the good of the economy, we should be allowed to take that vote. The House should take up the Colombia Free Trade Agreement and pass it, and they should do it without any further delay.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I am delighted to be able to join today with our leader, Senator MCCONNELL, in urging prompt action on the Colombia Free Trade Agreement because, as he has said, this represents one of the most important foreign policy and economic opportunities before this Congress.

It is both an economic opportunity to increase our exports, particularly at a time when our economy has slowed down—the dollar is weak—and we should be supporting policies that will create jobs and boost exports.

The U.S.-Colombia Free Trade Agreement also represents a key opportunity to strengthen an alliance with a friend and ally in a part of the world full of anti-American socialists led by, of course, Hugo Chavez of Venezuela.

I have long believed that trade and commercial ties are one of the most effective arrows in America's quiver of smart power, to build strong alliances for peace and friendship throughout the world.

But, also, as vice chairman of the Intelligence Committee, and a longtime believer in free trade, I believe this agreement is in our national security interests as well as our economic best interests.

First, let me discuss some of the geopolitical and strategic benefits and why Colombia, as a partner with the United States, has demonstrated that it is worthy of such an agreement.

President Alvaro Uribe's administration finds itself surrounded by states determined to undermine Colombia's growing democracy. These other states provide safe havens to insurgent groups, allow freedom of maneuvering in border areas, and provide monetary support for their drug and terror activities that threaten those countries and our own country.

I am sure Hugo Chavez would love nothing more than to see this deal fail. This would be a huge victory for Hugo Chavez. Such an event would embolden his support for rebels in Colombia and undercut American interests throughout the region. Our credibility would be sadly destroyed among people who should be our friends—our neighbors in the Western Hemisphere.

The question we ought to be asking ourselves is, Do we support Hugo Chavez or do we support President Alvaro Uribe? It is critical for peace and prosperity, not just in Colombia but for all of Latin America, and it is very important for our security that we take the opportunity to show we stand with President Uribe, who has done so much to move his country forward in a positive manner.

President Uribe has implemented far-reaching policies to protect labor union members—policies that have led to a general decline in violence, and an even greater decline in violence against union members.

Murders in Colombia overall have decreased by nearly 40 percent between 2001 and 2007, and murders of union members were reduced by over 80 percent. Legal reforms have been implemented under President Uribe to transform the judicial system and increase the number of prosecutions. These prosecutions and law enforcement are necessary because of the violent terrorists who are still operating in Colombia, though President Uribe deserves great credit for cracking down on them.

In October 2006, a special subunit within the Unit of Human Rights was set up in Colombia to investigate and prosecute over 1,200 criminal cases of violence against trade union members.

President Uribe has pushed back Marxist guerrillas of the Revolutionary Armed Forces of Colombia, or FARC—that we will be referring to later—and the National Liberation Army, or ELN.

Earlier this year, the interdiction of two high-value targets, senior terror planners and former operators, was a testament to President Uribe's commitment to ending terror operations in his country and stopping the threat to his democratic government posed by the socialist Marxist neighbors trying to bring him down.

It is important to remember that the FARC insurgent group holds more than 700 political and military prisoners, including three Americans.

This regime has been behind some of the most disturbing human rights atrocities over the past three decades, and it finances its operations by facilitating the drug trade. Now, that, if nothing else, ought to get our attention.

If the leadership in the House in Congress is concerned about improving America's image abroad, fighting to keep illicit drugs off our streets, and improving America's strategic interests in its own backyard, then why don't they start by giving a helping hand to the one good friend we have surrounded by challenges?

What would the rejection of this agreement say about America's commitment to our friends around the world? It would say: Don't count on the United States. Big talk; no action. Big hat; no cattle. We talk a good game, but we can't come through. And that is a serious indictment of the United States.

Friends such as Colombia, and I might even add Korea, who are helping us fight terrorism, fighting for freedom in their parts of the world, want to open their markets to U.S. goods and embrace America's values.

Under President Uribe's leadership, tremendous strides have been made in the last 5 years. Colombia is a functioning democracy in an area surrounded by socialist anti-American vitriol.

The fact that Colombia still faces challenges and needs continued reforms should not lead us to withdraw support for this agreement. Rather, we should increase our support to help Colombia strengthen its democratic institutions, implement continued social reforms, and strengthen its legal proceedings.

Approving the Colombia FTA will embolden President Uribe to continue to make these positive reforms and keep Colombia on the right path.

As for the economic benefits, as I have said, if the strategic and geopolitical benefits were not enough, I believe the economic interests in supporting free trade are just as compelling.

As anxiety increases about what most analysts agree is the beginning of a recession, a sure way to help head it off is through increasing free trade and opening markets abroad to sell U.S. goods. Yet the Colombia Free Trade agreement, as have other negotiated FTAs, has been held hostage by shortsighted politicians and Presidential election year politics. These politics are denying American producers and exporters expanded markets.

Now, my colleague and good friend, our leader, Senator MCCONNELL, has already talked about an 80-percent tariff on beef going into Colombia. It is not just Kentucky beef producers, it is Missouri beef producers, it is America's beef producers who want to have access to that market because that is going to be an important market to them.

But look at the others. Here is what the U.S. workers have to pay for the goods they produce to export, and that is a tariff—a tax—on what they are exporting.

Automobiles: American workers pay 35 percent in tariffs put on by Colombia. They pay 2.5 percent. Furniture: a 20-percent tax on goods going into Colombia. Mineral fuels: 5 to 15 percent. There is no tax on fuels coming into the United States. Cotton: Our cotton farmers have to pay a 10-percent tariff going into Colombia. They pay less than 4 percent. Metal products: Our workers in the metal products industry are hampered by 5 to 15 percent. They pay zero. Computer products: We are taxed 10 percent on computer products we send to them. They pay no tax. They come in free.

Why is this not a good deal? It makes no sense. These are efforts that could increase by $1 billion our trade with Colombia.

I remember in 1999 going to the battle in Seattle. There were people demonstrating against world trade. There were longshoremen up there. They were out demonstrating against free trade. Without international trade, they have no job. There were workers at Boeing in Washington who were demonstrating against free trade. Over half their business is in world markets. There were teamsters up there demonstrating against free trade. The largest teamster employer in the United States, I understand—at least at the time—was United Parcel Service, UPS, but for every 40 packages UPS sends abroad, they hire another teamster.

We need to get real about economics. Free trade is in our interests.

Some people have been throwing around the term "Hooverism." They are worried about Hoover economic policies, and I think they are right, because President Hoover made some disastrous decisions that kept us not only in recession but deepened it into a long-serving depression we only came out of with World War II. In 1930 he signed the Smoot-Hawley Tariff Act, setting off a wave of protectionist retaliation and damage to the world economy. He damaged it more than the initial stock market crash did in 1929. Two years later, he undid the Coolidge-Mellon tax cuts, raising the top marginal income tax rate from 25 percent to 63 percent. Now, that is Hooverism: When you are in a recession, impose protectionist barriers and raise taxes. That got us the longest depression we have had in the last century and a half.

Unfortunately, we are hearing some people in the campaign talk about raising taxes and withdrawing from NAFTA, withdrawing and stopping free trade. That is a recipe for disaster. We need to look beyond the politics and look at the economics. Free trade expands not only economic and commercial ties, but it strengthens critical cultural ties and strategic alliances.

Yet many in Congress seem to care more about improving our image by talking with rogue regimes such as those in Syria, Venezuela, and Iran than working with and completing trade agreements with friends in places such as Colombia and Korea. Their denial of the Colombia Free Trade Agreement, if we continue on that path, would irreparably damage our ability to maintain and forge new strategic alliances with countries of the world.

To close, Secretary of Defense Robert Gates recently said:

> Continued progress in Colombia is essential to stability in the region . . . the U.S.-Colombia Trade Promotion Agreement will help a neighbor and a long-time ally continue putting its house in order under very difficult circumstances. It offers a pivotal opportunity to help a valued strategic partner consolidate security gains, strengthen its economy, and reduce the regional threat of narco-terrorism. This is an opportunity we cannot—and must not—ignore.

I could not agree more. We cannot continue to delay the U.S.-Colombia Free Trade Agreement. It will disadvantage America's economy and most certainly damage our reputation in Colombia, Latin America, and damage our national security interests. I join my colleagues in urging the House to pass the Colombia Free Trade Agreement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, may I inquire how long remains for morning business on this side of the aisle?

The ACTING PRESIDENT pro tempore. Seventeen minutes.

Mr. CORNYN. I ask unanimous consent that I be given half of that time, and the Senator from Florida, Senator MARTINEZ, be given the other half of that time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I join my distinguished colleague from Missouri in talking about the Colombia Free Trade Agreement.

Last week marked the inauspicious benchmark for American companies that do business in Latin America, and there are a lot of them. Since the Colombian Free Trade Agreement was first signed in 2006—533 days ago—more than $1 billion in tariffs has been exacted against American companies that have sold their goods, their produce, to Colombia. Put another way, that is $1 billion in a missed opportunity.

The reason why that is a problem is because Columbia pays no tariffs or duty on their goods coming into the United States, of which my State is the single largest trading partner. They pay no tariffs or duty on their goods. So we have a decidedly unlevel playing field when it comes to goods and services that are exported from the United States to Colombia. It is something they are willing to level the playing field on if we will simply act, if the Speaker would call up the Colombia Free Trade Agreement for a vote in the United States House of Representatives.

I would think at a time when we are all concerned about the softening of the American economy and jobs here at home, we would want to create more jobs, producing goods for our farmers and greater markets for their produce in places such as Latin America. But instead, we find this has become more or less a chip in a high stakes poker game. It is totally inappropriate to the responsibility we ought to demonstrate with regard to one of our best allies in Latin America and America's national security and economic interests.

As I mentioned, last year Colombia bought about $2.3 billion in goods and services from the State of Texas. This has been good for our economy, good for job creation and, as I said, Colombia has been an important ally in fighting the narcoterrorists, the FARC in particular, who have had it their way unimpeded far too long in Latin America, and particularly in Colombia.

After more than a year of being stalled by Speaker PELOSI, the President was finally left with no option but to send this Free Trade Agreement for fast track approval. But rather than Congress doing its job—acting on this

Free Trade Agreement on an expedited timetable—Speaker PELOSI went to the most extreme lengths to avoid a vote on this critical agreement. The Speaker of the House, instead of following the rules, decided to rewrite the rules to avoid the possibility of this coming up for a vote in the House of Representatives.

Unfortunately, this isn't the first time politics has taken precedence over our national security and economic interests. I remind my colleagues we are still waiting for the House of Representatives' cooperation to finally enact essential reforms our intelligence community needs to timely receive accurate information through something known as the Foreign Intelligence Surveillance Act. I want to come back to that in a moment, but I think it is instructive to look at this chart to see exactly what I was referring to when it comes to the importance of this free trade agreement for the United States from an economic standpoint.

As I indicated, without the passage of this free trade agreement, American goods and services continue to bear a tariff as they are exported to Colombia and imported into Colombia. For automobiles, it is 35 percent; furniture, 20 percent; mineral fuels and coal, 5 to 15 percent; cotton, 10 percent; metal products, 5 to 15 percent; computer products, another 10 percent. If Speaker PELOSI would simply allow the Colombian Free Trade Agreement to be voted on in the House of Representatives, I am confident it would pass, and this 35-percent disadvantage for our domestic auto manufacturers, which are particularly suffering in these slower economic times, would go from a 35-percent tariff down to zero. Likewise for all of the other goods I mentioned a moment ago. This is most decidedly in America's best interests. This is most decidedly in the best interests of a strong economy. Also, as I said, it is in the best interests of our national security as well.

With the current state of the economy, we have passed one or perhaps now two stimulus packages with discussion of passing yet another. But I continue to believe the most effective way to jump-start our economy is to put more money into family budgets. One thing that is clear to me is that giving American businesses a fair path to compete in foreign markets will bring money back to the United States and back to the people, particularly small businesses and farmers who work so hard here in America to keep our country prosperous and provide for their families. Growing businesses mean growing wages, growing jobs, and a growing economy. There is no better way in these uncertain economic times to help our economy grow than to create new markets in places such as Latin America, and particularly with one of our greatest allies in Latin America, the nation of Colombia.

But in addition to helping our own businesses in America, we need to consider the additional benefits of granting a meaningful agreement to our strongest Latin American ally. This agreement would be a strong showing of our support for the reforms that are continuing in Colombia and the leadership, at great risk to President Uribe in particular, when it comes to improving its democracy, respecting the rights of all of its citizens, and fighting against the drug cartels and terrorist organizations and the like.

Unfortunately, I think we too often neglect our Latin American neighbors, both when looking for partnerships and when identifying threats. We are well familiar with the rhetoric of President Hugo Chavez of Venezuela and, frankly, I think there is nothing that Hugo Chavez would like better than for Speaker PELOSI to prevail in her attempt to block a vote on the Colombia Free Trade Agreement. After all, Venezuela is a next-door neighbor, and President Chavez, who has been host to President Ahmadinejad of Iran and who has made himself an enemy of the United States, has to be enjoying the blocking of this free trade agreement, because he can say to President Uribe and like-minded democracies in Latin America: This is what you get when you cooperate with the United States.

That is exactly the opposite message we need. We need a message which portrays that when you cooperate with the United States in terms of developing your democracy, opening your markets to our goods and produce and services, when you cooperate with the United States to fight narcotraffickers and to bring peace and stability to your country, we will be your strongest ally and we will be your best friend. Unfortunately, the message we see being sent by Speaker PELOSI is that rather than treating the nation of Colombia as one of our best friends in Latin America, they are being demeaned into being treated as nothing but a poker chip in a high stakes game of cards. It is not right.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. MARTINEZ. How much time remains in morning business?

The ACTING PRESIDENT pro tempore. Nine minutes.

Mr. MARTINEZ. Mr. President, I wish to follow the comments of my colleague from Texas, Senator CORNYN, who so aptly framed this issue of the Colombia Free Trade Agreement. I wish to focus on a couple of points.

Senator CORNYN pointed out that the differential in tariffs is tremendous. Now, what does it mean to the American worker? It means if an American worker is manufacturing something that is sold overseas, when that product is being sold in the Colombian market—suppose it were a heavy piece of equipment made by Caterpillar and is going to be sold now in Colombia to build roads or other things that are happening there because the country is prospering as a result of President Uribe's leadership—that particular piece of equipment is now competing in the Colombian marketplace with one made in Japan and one made in Germany. The American piece of equipment today has to pay that tariff.

As we speak, Colombia is negotiating a free trade agreement with the European Union. As soon as that is done, they will have the opportunity to then bring their product in at a tremendous advantage over an American product. Canada is in the process of negotiating a similar type agreement with Colombia. Mexico already has negotiated one. So when it comes to American manufacturers, the advantage to the others is going to be that over time, these trading patterns will be set with other countries. Contracts will be made with the others because of the tremendous advantage. While they may prefer an American-made good, they are now going to pay an extra 35 percent for it, and as the American good goes in there with a tariff, the advantage will be to our foreign competitors.

This is a global marketplace. Colombia has other trading opportunities. As they work and create free trade agreements with other marketplaces, they will put American products at a tremendous disadvantage going into the Colombia market. That may not just be for the one particular sale. That is going to be for time on into the future because, as I say, trading patterns will be set and contracts will be made, many of which could have a long-term impact. So it is not good in that respect. It is not good because American jobs would not be created. I was in Tampa with the Ambassador from Colombia on Monday. We have an opportunity in that very important trade city, the port of Tampa, and for the American economy. The fourth largest trading partner using that port is Colombia. For that very reason, the longshoremen's union in Tampa is in favor of this agreement because they know it will mean more jobs.

In the first year this agreement is in place, our trade with Colombia will increase by $1 billion. That increase will translate to not only jobs but good-paying jobs in the cargo area of the airports, as well as in our ports and harbors. These are good-paying jobs, which pay well above the minimum wage. These are the kinds of jobs we need to create in Florida and across the United States so the American worker can benefit from this enhanced trade relationship.

There is another dimension to this problem, which I know has been touched upon, and I wish to put my two cents in. We are in an ideological battle in Latin America. The fact is the Cold War ended, and we pretty well let our guard down in terms of this ideological competition. Well, it is back in a big kind of way. We have the country of Venezuela, under the rule of a tyrant, who is less democratic every day and who has maniacal ambitions of conquering the entire region. He talks of a Bolivian revolution. That ideology is rooted in the Castro brothers in Cuba, who have given him the playbook, if you will. On the other side of Colombia is Ecuador. We know Colombia, for 40 years, has been in a fight with terrorists, with those who would subvert the democratic process. Colombia has had a long and established tradition of democracy. This tradition is now threatened by the FARC, the narcoterrorists who have been kidnapping, killing, and maiming in Colombia for a number of years.

We know, because of recent incidents that have occurred, that the Venezuelan Government, with assistance from the Cubans, has been funding and giving all sorts of resources to the FARC. The fact is the FARC is in existence today in large part because of the support they are getting from Venezuela. Venezuela now is engaging in new negotiations with Russia, and Hugo Chavez will be traveling to Russia in the near future to sign another large arms agreement. With the price of oil at $120 a barrel, Venezuela is awash with cash that it is utilizing to interfere in the internal affairs of other countries in the region, with Colombia, with the FARC, and it is also interfering in the political process in other countries, where large sums of money are being passed to the political candidates of their favor.

The United States is AWOL in the region. We need to engage there. The worst message we can send to those who look to the United States for leadership and partnership and friendship is we are an uncertain ally, that we will not even go into a free-trade agreement which, in fact, is to the great benefit of the United States, simply for politics as usual in Washington. That is unacceptable.

I submit it is in the long-term best interest of the United States, not only from an economic standpoint but also from a geopolitical standpoint, from the regional implications of the trade agreement, and what it would mean to all those in the region who look to the United States for a signal: Are you with us or will you ignore us? Are you going to support democracies or not stand behind democracies?

The time is now. I know the Hispanic community of America looks upon this agreement as a signal. I know there is a great movement afoot by those who deeply care about the region and about the need for this agreement to help create jobs in America, and it is going to be felt and heard throughout this Nation.

So I am pleased to join my colleagues in talking today about the virtues of the free-trade agreement with Colombia. It is important from an economic standpoint, and it is important to create jobs. I know it will create jobs in Florida. I know it will create jobs in other parts of the United States. I know it is good for Colombia. It will tighten and close ranks with a country that is our ally and long-time friend.

I believe the time has come for this agreement to get an up-or-down vote on the floor of the Senate and in the House. It is time for Speaker PELOSI to not play politics with something of this importance, this magnitude. I ask that the free-trade agreement with Colombia be brought to a vote and that we have an opportunity to engage with this close ally and friend.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains on our side for morning business?

The PRESIDING OFFICER. There are 1½ minutes.

Mr. CORNYN. Mr. President, I thank my distinguished colleague from Florida for his leadership on this issue. This is not one of those issues that grabs a headline, but it is certainly one that is very important to the economy of the United States, and it is important to our national security.

There is one other point I wish to make in that regard. For those concerned about the exodus of individuals from Latin America and other parts of the world who are looking for jobs and opportunities because they have none at home, this is an important part of our overall strategy to try to see that people have jobs and they have hope where they live, so they don't feel compelled to have to come to the United States in order to get a job and provide for their family. This is an important part of our strategy across Latin America.

There is another initiative that I think we will be hearing more about soon, called the Meridia Initiative, to help our ally in Mexico, President Calderon, as he fights the drug cartels down there, for the future of that country, which of course is on our southern border, 1,600 miles of which is common border with my State of Texas.

Whether we like it or not—and I know some people don't—our fate, in many ways, and our economy and our security are inextricably tied to countries in Latin America, in the Western Hemisphere. It is not smart—it is perhaps even naive—to think we can ignore what is happening in Colombia, in Mexico, and we can fail to come to the aid of our allies and people who are like-minded in wanting to establish democracy, security, and prosperity in those countries. It is naive to think we can simply turn a blind eye to things such as the Columbia Free Trade Agreement and the Meridia Initiative to help President Calderon in Mexico fight the drug cartels, in what is a fight for the future of that great country on our southern border.

I yield the floor and yield back the rest of our time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the present business of the Senate?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 2284, which the clerk will report.

The assistant legislative clerk read as follows:

> Motion to proceed to S. 2284, a bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Mr. DODD. Mr. President, my colleague from Louisiana would like to enter into a discussion. Before we make any additional motions, I yield the floor to my colleague.

Mr. VITTER. Mr. President, I thank the chairman and ranking member for their cooperation and help on this bill. As they know, this issue and this bill is an enormous concern for all of us in coastal regions. In particular, my colleague from Louisiana and myself and the two distinguished Senators from Mississippi have been very focused on this bill and on several amendments, also, that we believe are absolutely critical to improve it as we reauthorize this necessary program.

As we have told the chairman and the ranking member in discussions over many weeks, we have no intention to obstruct and filibuster and stand in the way of reauthorizing this important program. But we do have to have the ability to have a fair debate and a set of votes on crucial issues, amendments that are important to us.

In that spirit, in that vein, we took all of our amendment ideas and narrowed them down dramatically to a universe of about six or seven amendments between the four Senators from Louisiana and Mississippi. We have had productive discussions in that regard with the chairman and the ranking member. I wanted to engage in this discussion to receive assurances that the chairman and ranking member will do everything possible to ensure that our narrowed-down universe of crucial amendments gets quick, efficient but fair consideration on the Senate floor and a vote.

Mr. DODD. Mr. President, first, let me thank my colleague from Louisiana and the Senators from Mississippi for their willingness to sit down and try to consolidate this so we will have a finite number of amendments that we can work through that are their particular concern. I pledge to him, as I have to his colleagues from the gulf States area as well as other coastal State Senators representing coastal areas of the country, I am determined, as I know Senator SHELBY is, to move through this bill, to give each of these amendments fair consideration, to make sure there is a full opportunity to debate them. There will be a full hearing on them. I cannot pick outcomes, but certainly the right to offer amendments, to be heard and debate them and vote on them, I am determined to make sure that happens. From my conversations with Senator REID, the majority leader, I can tell my colleague that he is determined as well to make sure there is that opportunity, that there is going to be a full discussion and debate. My only advice is the sooner we get going, the greater likelihood we get through that process. He has my assurance that I will do everything to make sure that opportunity will be there.

Mr. VITTER. On behalf of my colleague from Louisiana, my two colleagues from Mississippi, and myself, I thank the Senator and the ranking member again for their cooperation. We look forward to that very efficient but full and fair debate and vote on those amendments that are important to us. I will very quickly confer with the rest of them and make sure they do not have any outstanding issues, so we can move forward and get going.

I yield the floor.

Mr. DODD. Mr. President, I suggest the absence of a quorum. Before I make a motion, I will wait for the Senator to let me know.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. DODD. Mr. President, it has been a half an hour since we had the colloquy about moving forward on the flood insurance bill. My commitment to the Senators from Louisiana and Mississippi was that we would move these amendments along. In fairness, I have to say, if it takes a half an hour to obtain approval on a unanimous consent to vitiate or at least to deem the 30 hours that remain on the motion to proceed to expire so we can move to the body of the bill and amendments—I know the majority leader wants to consider this bill. He would like to do it in the normal, routine way. Amendments are offered, debated, voted on, and move on to the next amendment. But here it is, a half an hour since we entered into that colloquy. We are here on Wednesday to complete the bill. There are about 20 amendments I am aware of—6 or 7 on the Republican side and easily that number on the Democratic side—that Members want to be considered.

If this bill is not done, the program expires. I can't, obviously, predict the schedule. The majority leader has that responsibility. But knowing what work we have to do in the remaining weeks, it may be difficult to get time. The majority leader has been extremely generous in providing this time so we could reconstitute the flood insurance program. In the absence of doing so, the flood insurance program will expire, as we move into hurricane season. This is the opportunity to deal with it. I have made a good-faith commitment that I will allow for these amendments to come up, be debated, and voted on up or down. But it will be hard to fulfill that obligation if I can't even move to have the time on the motion to proceed considered expired.

For those listening, I appreciate if we could get an answer quickly and then bring up the amendments. Then let's move on them.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that all postcloture time be deemed expired, the motion to proceed be agreed to, the motion to reconsider laid upon the table, and the Senate now proceed to the consideration of Calendar No. 460, S. 2284, the National Flood Insurance Act amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Senator SHELBY, my ranking member, will be here shortly. We now invite Members to come and offer amendments. We would like to get time agreements, if we could, under each amendment so we could give our colleagues an indication of how much time may be necessary.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2284) to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

AMENDMENT NO. 4707

(Purpose: In the nature of a substitute)

Mr. DODD. Mr. President, I call up the substitute amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. SHELBY, proposes an amendment numbered 4707.

(The amendment is printed in the RECORD of May 6, 2008, under "Text of Amendments.")

Mr. DODD. Mr. President, again, we would like to have Members come over and offer amendments so we can move along. The leader has indicated he wants to complete this bill over the next day or so. We would like to do it and do it under the normal procedures where amendments are offered and debate and votes occur thereafter. The Senator from Alabama and I are prepared to entertain amendments. There are some 20 of which we are aware. The sooner Senators come over and offer their amendments, the quicker we will be able to dispose of them.

Again, I thank Senator SHELBY and the members of the committee. This is a matter that deserves our attention. We are only a few weeks away from hurricane season. We are literally having to pay on a debt of $17 billion. That is causing the rise in the cost of insurance to a point where people have a hard time paying, if the program exists at all. This bill forgives that debt, which we have to do, and then reestablishes a program that people will pay into so they can have that kind of coverage.

In the alternative, if we don't do that and we end up with the kind of devastation we see happen all too often—you only had to look at the morning newspaper and what happened in Myanmar, where literally thousands lost their lives, but certainly we saw it here in 2005 with the sweeping hurricanes that poured across coastal States and the damage we are still wrestling with in many areas—if we end up not adopting this legislation and getting this work done, those costs could fall on the backs of every taxpayer in the country.

That is why this insurance program exists. That is why it was created some 45 years ago. It has worked tremendously well. We need to once again put it in place. That is our goal and our purpose. The sooner we deal with the amendments, the greater the opportunity to reestablish this critical program for the country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I am happy we are here. Let me ask a question, if I may, of the floor manager, Senator DODD.

I just walked onto the floor from a hearing we are having in Homeland Security and Governmental Affairs. Do I understand we have agreement now to proceed to the bill? I don't have an amendment to offer, but I understand we are ready to accept amendments.

Mr. DODD. We are ready to proceed.

Mr. CARPER. That is good news. What did we have for the vote yesterday?

Mr. DODD. The vote was 90 to 1, a rare occasion.

Mr. CARPER. We are wasting way too much time on the floor. I am delighted that we finally have agreement to go to the bill. I thank you and Senator SHELBY for leading us here today.

Hurricane season in the Atlantic opens officially on June 1. Today is May 7. That is about 25 days from now—less than a month. Thousands of homes, actually tens of thousands of homes along our coast, from Florida up to New York, probably, and down around the gulf coast, are going to be at risk from flooding from what are likely to be more devastating storms. You don't have to live along one of our coasts to be at risk. Many will recall, earlier this year, parts of Missouri, parts of Illinois faced the worst flood they have seen in decades.

In Government, we are often asked to respond to terrible natural disasters, and we do, providing, among other things, emergency shelter and financial aid for people who lost a lot, maybe in some cases have lost everything. Today, we are being asked to step up before the next disaster strikes by overhauling our Nation's flood insurance program.

I was talking with a member of my staff walking over here about how long ago this National Flood Insurance Program was created. It has been 40 years. As I recall from my Bible study as a youngster, that is about how long Moses led the children of Israel through the wilderness trying to look for the Promised Land.

We have been looking for the "Promised Land" with respect to the right balance of premiums, risk abatement, flood mapping—you name it—we have been looking for the "Promised Land" for the National Flood Insurance Program for about 40 years.

For the first 25, maybe 35 years, 37 years of the program, we kind of muddled along. The program pretty much paid for itself but not entirely. There were some efforts back some 20 years ago to actually change the program to try to bring it into the 21st century, and we ultimately were not successful.

About almost 3 years ago—remember the story of the Red Sea, the children of Israel going through the Red Sea in hot pursuit by the Egyptians? The Israelis made it through and the Egyptians did not, as I recall. About 3 years ago, as to the National Flood Insurance Program, we did not make it through the "Red Sea." In fact, we did not make it through Katrina. In fact, the program was engulfed by water, by floodwaters, and to the tune of about $20 billion. That is the amount of money FEMA had to borrow from the Treasury in order to try to write this program. Now we are spending more money. The program is marginally self-supporting. We have a huge interest payment to make on it, the $20 billion loaned by the Federal Government.

So, in any event, enough of my Biblical analogies today. But actually it is not a bad one. We need to find the "Promised Land."

I am encouraged today by the debate on this bill. It is a good bill. It was worked on a year ago in the Banking Committee. It was reported out. It got through the House, got through the Senate, and died. We cannot let that happen again.

But when the flood insurance program was established some 40 years ago, it was established as a three-pronged program involving three things: One, insurance; two, mapping, flood maps; and, three, smart land use.

Today, that same flood insurance program provides insurance to more than 5 million property owners across America.

Before Hurricane Katrina, as I said earlier, the flood insurance program was marginally self-supporting. But the now famous 2005 hurricane season, which included Katrina—not only Katrina but other big storms as well—caused the folks at FEMA to go out and borrow $20 billion from the Treasury. When the Treasury lends $20 billion to FEMA, they do not say: Here, take $20 billion tax free or interest free.

You have to pay the interest. The interest on that debt eats up a big part of the premiums paid by those 5 million property owners.

For 20 years prior to Katrina, the flood insurance program needed to be reformed. It needed to be overhauled. This week, finally, at long last, we can do that, and I hope we will.

Some 20 years ago, I was in the House of Representatives, a Congressman and a member of the House Banking Committee. At that time, Hurricane Hugo was bearing down on the east coast. I was part—along with some of my other Banking Committee colleagues in the House—of an effort to overhaul the National Flood Insurance Program two decades ago.

At the time, we were concerned about a couple matters. We were concerned about the low participation in the flood insurance program. We were concerned that too few people were participating. That meant too big a risk, in my book, for the homeowners as well as the Federal Government, which often bore the cost.

At the time, I proposed to increase participation by requiring mortgage lenders to escrow flood insurance payments, just like they escrow payments for homeowners insurance.

In addition to the low participation rate, we were also concerned that a small percentage of properties had been responsible for more than one-third of all claims, costing roughly $200 million each year to rebuild or repair properties.

To help correct this, our proposal back then included a call for floodproofing or removing from the program high-risk properties, while reserving a small amount of funds collected from the flood insurance premiums to pay for this.

In addition, in 1988, 1989, we sought to limit new construction in coastal areas that were quickly eroding. Our proposal also sought higher risk-based premiums for those who lived in the most vulnerable locations.

In 1989, a bill to reform the flood insurance program passed both the House and the Senate. It was not as far-reaching as the original proposal I and others worked on. I called it at the time "flood insurance reform lite," but it was, nonetheless, a step in the right direction. But, unfortunately, that modest bill never made it to the President's desk, and for almost another 20 years the flood insurance program has continued pretty much as it was—broken and in need of repair.

Last year, the Senate Banking Committee, under the leadership of Senator DODD and Senator SHELBY, approved a truly comprehensive flood insurance reform bill. This is not "flood insurance reform lite." This is the real deal. There is nothing "lite" about it.

Unfortunately, the bill we approved was reported out, came to the Senate floor and stalled and was withdrawn. I think I said earlier our legislation a year ago passed the House and Senate. I was thinking about 20 years ago. That legislation passed the House and Senate, only to die, as I recall, in conference. This flood insurance reform initiative started last year made it to the Senate floor and stalled out.

Today, the Senate has the opportunity to breathe new life into this badly needed legislation. It is imperative we seize the day or, as we say in Delaware, carpe diem: seize the day.

Where are we today? Today, almost 3 years after Hurricane Katrina, and almost 20 years since our attempts in the late 1980s, we have another chance to put the National Flood Insurance Program on solid footing.

So what are our main concerns in 2008? Well, the low subscription rate, for one. The relatively small number of properties that continue to flood year after year is another. And the subsidized premiums that do not reflect the vulnerability of many properties insured under the program remain a big concern.

We need legislation that will require us to better consider where we build and rebuild in this country, how we build, and how we allocate risk.

The bill that is before us today, the Flood Insurance Reform and Modernization Act of 2008, is a bipartisan bill, reported unanimously out of the Senate Banking Committee about a year ago.

I wish to take a moment, if I can, to highlight some components of this bill, some of the major aspects of this bill.

The devastating 2005 hurricanes resulted in FEMA, as I said earlier, borrowing almost $20 billion from the Treasury to pay flood claims. That is more than the flood insurance program has paid out in its entire history. In order to pay their claims, Congress increased FEMA's statutory borrowing authority from about $1.5 billion to some $20 billion. Annual interest on this debt owed by FEMA to the Treasury is about $1 billion a year.

In order to pay the interest on the current debt, flood insurance premiums would have to increase significantly. To prevent that, this bill takes the step of forgiving $20 billion of debt owed by FEMA to the Treasury. This bill also requires that FEMA set aside in a reserve fund an amount equal to 1 percent of all insurance in force to serve as a financial buffer for future disasters. This bill mandates that more property owners be required to purchase flood insurance, including those who live behind levees and dams and property owners in the 100-year flood plain.

Homes in flood plains are in greater danger of flooding, even if there is a levee. Families need to be protected whether the levee works or not. This bill requires that property owners pay the actuarial rate.

No longer will vacation homes and businesses be allowed to pay a subsidized rate, as they have been under the program for years. This is a fair and needed change. Why should vacation homes and businesses pay less than the residents who sit adjacent to them?

Perhaps, most importantly, this bill will compel FEMA to modernize its flood maps. Technology now allows the creation for exact detailed flood maps. Because many of these maps are now decades old, we do not even know who is in danger of flooding and who needs flood insurance in many cases. This has to change. Under this bill, it will.

Again, this bill is a bipartisan product. It seeks to move the flood insurance program to the 21st century before the next "Katrina" strikes.

We have been joined on the floor by Senator SHELBY. I know it is something that is near and dear to his heart. He and I actually served on the House Banking Committee a few years ago. I think he may have actually come to the Senate by the time we were working on this legislation in the House at the time. I know this is something he cares a lot about, and he has been heavily involved in shaping this legislation that is before us today. I especially commend him for the good work he has done.

But for almost 20 years I have worked, along with a bunch of my colleagues, to make some meaningful reforms—badly needed meaningful reforms—to the flood insurance program.

Katrina exposed the problems with this program. Actually, we were aware of them before that time, but it showed the problems for what they are. Now it is time for us to roll up our sleeves and finally fix this program.

Abraham Lincoln used to say: The job for Government is to do for people what they cannot do for themselves. This program is a good example of that. People cannot go to the private sector—homeowners, businesses cannot go to the private sector—and get the kind of flood insurance this legislation provides. This is taking Lincoln's admonition to do for the people what they cannot do for themselves and actually put it into law. It has been part of the law for 40 years. We can do better, and we need to do better with respect to this program. That was driven home very clearly in the summer of 2005.

Going back to my Old Testament example, it has been 40 years since this legislation was passed. For 40 years, those children of Israel were following Moses, trying to find the Promised Land. We have been looking for it too in terms of actually the right kind of language, the right kind of legislation, the right kind of law to meet the insurance needs for folks—businesses, homes, and residents—who face the danger of floods. It has taken us 40 years to get it right. This is an effort I have been involved in for 20 of those years.

Looking out across from the "mountaintop" today, I see the "Promised Land," and I see the "Promised Land" written on a piece of paper that we are going to be voting on today and tomorrow. My hope is a couple days from now—if we do not finish this legislation today—we are going to pass it and we are going to send it over to our friends in the House of Representatives and they will take it up and move it expeditiously.

We can do good for the taxpayers of this country who are literally having to underwrite the cost of this program, and they should not be doing that. We are going to better protect the folks whose businesses and homes are at risk, and we will do it in a way that harnesses common sense, harnesses economic forces and market forces. That will be a very good result.

Mr. President, I yield back the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to make note before the Senator steps aside that last year Senator CARPER of Delaware held a very good hearing on the subject matter, and as chair of the full committee I am very grateful to him, one, for doing that but also for bringing his sense of knowledge and understanding to this issue. It is reflected once again in his comments this morning. So I did not want the RECORD to not include his contribution to this effort. I am very grateful to him for that.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that immediately following my remarks, the distinguished Senator from Ohio, Mr. BROWN, be granted the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAAR ACT

Mr. HATCH. Mr. President, I rise today to speak in support of S. 2313, the Strategies to Address Antimicrobial Resistance, or STAAR Act. I am proud to have introduced this legislation with my colleague from Ohio, Senator SHERROD BROWN. Similar legislation is being championed in the House of Representatives by Representatives MIKE FERGUSON and my dear colleague and fellow Utahn, Representative JIM MATHESON.

For more than 60 years since their discovery, antibiotics have saved millions of lives and helped patients of all populations cope with suffering related to infection. But as we have seen, our country increasingly faces a number of troubling questions about whether we are prepared to address the growing problem of drug-resistant, bacterial infections.

Data from the Centers for Disease Control and Prevention indicate resistant strains of infections have spread rapidly. While antibiotic resistance is an elevated problem for those with compromised immune systems—individuals with HIV and patients in intensive or critical care units, for instance—these infections can strike anyone. Further, this alarming trend continues to worsen and treatment options are sorely lacking.

Antibiotic resistance is not a new development. The news is this: Infections that were once easily cured with antibiotics are now becoming difficult—in some cases, impossible—to treat. National surveillance data and studies show antibiotic-resistant bacteria have multiplied and spread at disquieting rates in recent years.

For example, consider a common bacterial cause of hospital infections—Staphylococcus aureus, also called staph—which can spread to the bloodstream, heart, lungs and bones with potentially fatal results. In the early 1940s, penicillin effectively combated staph infections. However, penicillin-resistant staph bacteria were identified as early as 1942. Subsequently, methicillin was introduced in the 1960s to fight staph-resistant infections, and shortly thereafter methicillin-resistant staphylococcus aureus—or MRSA—was discovered. In 1974, 2 percent of staph bacteria found in our country's hospitals were methicillin-resistant. By 2002 the number had jumped to 57.1 percent, according to CDC data.

And it is not just happening in hospitals. Public health experts are increasingly finding infections developed in the home or community as well. Thus, infections in both settings are increasing and the resultant drug resistance shows no sign of lessening.

The recent problems with MRSA are but one striking example; we are also seeing increases, in extensively-drug resistant—XDR—tuberculosis. There are also numerous reports of soldiers returning home from Iraq with Acinetobacter—a resistant infection that is especially difficult to treat, and the only option is a very toxic antibiotic.

While recent media reports have raised the visibility of this issue, infectious disease doctors have been sounding the alarm for years.

In its 2004 report, "Bad Bugs, No Drugs," the Infectious Diseases Society of America, or IDSA, said: Drug-resistant bacterial infections kill tens of thousands of Americans every year and a growing number of individuals are succumbing to community-acquired infections. An epidemic may harm millions. Unless Congress and the administration move with urgency to address these infections now, there is a very good chance that U.S. patients will suffer greatly in the future.

Resistant infections lead to higher health care costs because they require more expensive treatment and care. According to estimates from the Institutes of Medicine—IOM—and the former Congressional Office of Technology Assessment, the economic burden placed on our national health care system as a result of resistant bacteria totals billions of dollars annually.

IDSA, which represents more than 7,500 physicians, scientists, and other health professionals who specialize in infectious diseases, has issued a stern warning and recommendations. The IOM, CDC, NIH and the FDA have also warned that drug-resistant bacteria are a serious public health threat.

It is time to act.

That is why my good friend Senator BROWN and I introduced S. 2313, the STAAR Act. Our bill is not the sole answer to the complex problem of antibiotic resistance. There are several avenues to address the problem. But our bill focuses on just one: providing adequate infrastructure within the government to collect the data, coordinate the research and conduct the surveillance necessary to stop drug-resistant infections in their tracks.

We believe that jump-starting a greater, stronger organizational focus at the Department of Health and Human Services will help our government and scientists develop an infrastructure that can grow as science develops. The STAAR Act lays out the framework by which we can begin to take action against this serious public health threat. At a minimum, we need better testing, hospital controls, medications and funding to support these efforts, particularly the work of the Centers for Disease Control and Prevention.

In an effort to create this organizational focus, the STAAR Act establishes a new Office of Antimicrobial Resistance at HHS in the Secretary's office. This will give the issue the prominence and the focus it deserves.

Our bill also renews the interagency Antimicrobial Resistance Task Force which expired in 2006. It creates an advisory board of experts to advise the new office and the task force, which was created in 1999, to coordinate Federal efforts to combat antimicrobial resistance and was comprised of representatives from the Centers for Disease Control and Prevention, the Food and Drug Administration, the National Institutes of Health and also includes the Agency for Healthcare Research and Quality, the Health Care Financing Administration, the Health Resources and Services Administration, the Department of Agriculture, the Department of Defense, the Department of Veterans Affairs, and the Environmental Protection Agency.

That task force developed a public health action plan to combat antimicrobial resistance; however, implementation of the plan fell by the wayside. There were no personnel specifically dedicated for executing the plan because all task force members already had full-time responsibilities at their respective Federal agencies. In short, this very important job was assigned to people who already had very important jobs. So our bill recharges that effort. These new bodies will work together to develop a plan to combat antimicrobial resistance, to keep that plan updated and to advise the Secretary on research that should be conducted.

The distinguished Senator from Ohio, Senator BROWN, and I have found that it is difficult to understand the magnitude of the problem because data are sorely lacking. Spotty data exists from many States—for example, from a hospital or a hospital chain—but not data statewide or nationwide. We need to change that. Our bill addresses that problem. The STAAR Act directs drug sponsors and appropriate government agencies to collect data and share them with the Office of Antimicrobial Resistance as the main depot for such data to facilitate interagency planning on antimicrobial resistance. That will provide us with the information we need to begin addressing the real problem of drug-resistant infections.

Finally, we authorize grants for at least 10 Antimicrobial Resistance Clinical Research and Public Health Network sites to strengthen our national capacity to develop the information necessary to assess the extent of the problem and look at effective ways to address it. Currently, there is very little capacity to quickly monitor, assess and address the spread of new or particularly resistant microbes. These network sites will work with the CDC to establish a surveillance system to allow tracking and confirmation of resistant microbes in almost real time. Also, with support from the CDC and the NIH, these sites will conduct research to study the development of antimicrobial resistance. With data from this research, we can better prevent and control and, ultimately, treat the threat of antimicrobial resistance.

I wish to take a moment to stress the real importance of this issue. I mentioned earlier that drug-resistant infections can affect anyone at any age—the young, the old, the healthy or ill. I have read stories about newborns, high school and college athletes and NFL football players who have battled with these resistant infections, and many of them lost the fight.

I would like to read a short excerpt from one of these stories, which I think really stresses the need for attention to this issue. This was written by a woman from New Jersey named Linda Lohsen, who lost her daughter Rebecca to MRSA in August 2006. Ms. Lohsen writes:

> Why do I want to share all of this with you? Because for 15 years I was a public health nurse—I heard all about the diseases that might happen. And, perhaps like some of you, I became jaded. I felt that public health was all about sounding the alarm for things that never come to pass. I'm here to tell you this is real, this does happen and it destroys lives.
>
> Rebecca's death has changed me, and has changed all of us. Once I believed that the dangers that were out there would stay out there. That modern medicine can avert these dangers. I no longer have the confidence in medicine that I did. I believe we have made great advances, that there are cures to be had, but I've watched the dismay in the faces of doctors who are supposed to be the best in their field as they told me they didn't have any more 'cures in their bag.' And I know that it truly is a practice of medicine, not a finished product.

Mr. President, Federal agencies, physicians and scientists who specialize in infectious diseases, and public health nurses like Linda Lohsen, are telling us there is a pressing need to address the problem of antimicrobial resistance. We do not have time to wait, and we cannot quickly fix something that we do not yet understand. As Mrs. Lohsen wrote, the dangers that are out there will not simply stay out there. We need to be aggressive in creating a strategy to prevent loss of life or a serious public health epidemic, and lift the economic burden on our health care system caused by antimicrobial resistance.

The STAAR Act is not the whole answer, but it is a good bill and an important step in the right direction. In addition to IDSA, the STAAR Act has been endorsed by more than a dozen highly regarded professional healthcare associations.

I am very pleased to sponsor this bill with Senator BROWN, and I commend him for his work on this bill, for his interest in national health care, and for the hard work he performs in the Senate. It is a privilege to work with him on this matter.

Of course, I urge my colleagues to support this bill. It is long overdue, and we should do everything in our power to make sure we solve these particular problems.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank my colleague, Senator HATCH, for his leadership on this issue and on so many other health issues. He has had a terrific career in public service, especially on public health issues such as MRSA, and we are all appreciative of that all over the country.

In the last year, as we know, we have seen news reports about outbreaks around the country of a dangerous infection commonly referred to, as Senator HATCH said, by the acronym MRSA. MRSA is a strain of staph infection that is resistant to penicillin and related antibiotics. While MRSA was previously thought to occur only in hospital settings—bad enough—Americans have begun to contract it in schools and communities.

Last year, the Journal of the American Medical Association reported that MRSA infections occur in approximately 94,000 people each year and are associated with approximately 19,000 deaths. Think about that. On September 11, 3,000-plus people were killed in New York, Washington, DC, and in Pennsylvania. Tens of thousands of people die in car accidents. We are talking about 19,000 deaths from MRSA infections, not to mention other kinds of related deaths from similar infections.

That article in the Journal of the American Medical Association is a wake-up call that we must not ignore.

In my State of Ohio, there were 12 outbreaks of MRSA last year alone. Ohioans contracted MRSA in health care settings, in the workplace, on sports teams, and in corrections facilities. The head of the Centers for Disease Control told me on the phone several months ago that high school students sharing towels or getting burns from artificial turf at football practice or coming into the gym and sharing a towel that might have been used the day before that wasn't washed—some students contracted MRSA from that. It is fairly rare that way, but it happens. Most students recover fine from it, but occasionally some do not.

MRSA outbreaks took place in counties across the State of Ohio, including Franklin, Gallia, Madison, Cuyahoga, Allen, Portage, Vinton, Fairfield, and Miami. If you look at a map of Ohio, outbreaks happened in all sections of our State.

Robert Totsch died in his hometown of Coshocton, a community in southeast Ohio, after contracting a hospital-acquired MRSA infection. Here is what happened to him. He was a kind and loving husband, father of two and proud grandfather of five. He was a retired guidance counselor, a Korean war Navy veteran who had served his country during that war. In September of 2006, Robert Totsch suffered a heart attack and needed triple bypass surgery. Once the procedure was over, his doctors told him the surgery couldn't have gone better. They said Robert would be home by the following Saturday in time to watch his alma mater Ohio State playing football on his own TV in his own house.

But Robert had contracted a surgical site MRSA infection that spread to his blood stream. The surgeon told him "5 or 6 others in the intensive care unit had MRSA." Robert was given numerous antibiotics, including an antibiotic of last resort. While he was in the ICU on life support, Robert and his wife celebrated their 50th wedding anniversary.

Robert should have gone home. While he went into the hospital for a heart condition, it was not his heart problems that took his life. Robert's wife and children miss him every day and are still recovering from watching him suffer during those last days of life.

This story is painful, especially because we know this infection, and the deaths that have resulted from it, don't have to happen. MRSA outbreaks are part of the larger problem of what we lay people call "superbugs" that are resistant to antibiotics, which are the cornerstone of modern medicine, but they are under siege.

Over time, fueled by antibiotic misuse and overuse in farm animals and human beings, bacteria mutate to develop resistance to those antibiotics.

In response to this health care crisis, Senator HATCH and I introduced the Strategies to Address Antimicrobial Resistance Act, also known as the STAAR Act. That bill is meant to reinvigorate efforts to combat the so-called superbugs—efforts that accelerated in the late 1990s, and then stalled.

We need to respond more quickly to this problem because it will only grow with time, reversing years of progress in the fight against debilitating and deadly illness.

We know what antibiotics have done to save lives since the discovery of penicillin. Our bill will launch a coordinated effort to prevent outbreaks of MRSA and other dangerous drug-resistant infections. It would jumpstart research on the superbugs and explore strategies to ensure a robust pipeline for new antibiotic drugs.

Drug-resistant bacteria sets back the clock on medical progress. It costs more and, more importantly, it costs lives. No one should go into a hospital for one problem with their health and leave with another—or not leave at all.

We need to take antibiotic resistance seriously and fight it with as much passion as we fight any potential killer.

I thank Senator HATCH for his leadership on this issue and for introducing this bill with me. I look forward to working with him to help get it passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, in a few moments, I will call up amendment No. 4719. I have been asked to withhold on that until the distinguished chairman arrives. At this point, I will simply describe to the Members of the Senate what my amendment does. May I proceed on that, Mr. President?

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. WICKER. Mr. President, my amendment No. 4719 would add an amendment to the National Flood Insurance Reauthorization Program to provide for multiple peril insurance. It would create a new option under the National Flood Insurance Program to offer coverage of both wind and flood risk in one policy. It is an idea that certainly makes sense to most Americans, particularly those along the gulf coast who have suffered the ravages of Hurricane Katrina and are still doing so 2½ years later.

The proposal requires that premiums for this new coverage be risk based and actuarially sound so that the program would be required to pay for itself.

The Congressional Budget Office has issued a statement about similar language that was included in the House legislation. I will come back to that in a moment or two.

CBO estimated that the multiple peril program would increase premium receipts and additional claims payments by about the same amount, resulting in no significant net budgetary impact. By covering wind and flood risk in one policy, the multiple peril option will allow coastal homeowners to buy insurance and know that hurricane damage would be covered.

I am pleased to announce to my colleagues that the Wicker multiple peril insurance program amendment, which I will call up in a few moments, has the backing of the National Association of Realtors. They have endorsed my amendment to add multiple peril insurance to the flood authorization bill.

Now, when we are embarking on a major change to a program, there are concerns that are voiced and need to be discussed. A number of people have expressed fears that multiple peril insurance would cause the displacement of jobs from the property insurance marketplace. In fact, I would contest that allegation and state to my colleagues this: The program will not create a sales force for Federal insurance agents. Indeed, in coastal communities, local insurance does not write wind insurance today. Of course, the local agents do write the traditional fire, theft, and liability insurance, and they earn commissions for the Federal policy, as they do now with the National Flood Insurance Program coverage. They will be able to continue to do so under the Wicker amendment.

Others have expressed concern that wind storm coverage is widely available and Federal involvement is not necessary. I would say this to that assertion: There is a difference between being able to purchase wind insurance under a very expensive, limited State wind pool, which people are able to do, theoretically, and being able to purchase wind insurance and still be able to pay your mortgage because it is so expensive that the typical American family is not able to do so.

Indeed, wind premiums are increasing exponentially because the risk is contained in geographical boundaries of a given State. My amendment would correct that problem. Also, I think another myth with regard to multiple peril insurance is that it would dramatically increase the exposure of the National Flood Insurance Program and the Federal Government to catastrophic loss.

That is where I want to get back to fully quote the Congressional Budget Office in this regard. The explicit language of the Taylor amendment, adopted in the House of Representatives and adopted overwhelmingly in that body, on a bipartisan basis, provides that the premiums coming to the program will be actuarially sound and risk based. I don't think we can be any more explicit than that. If a Member of the Senate would like to come forward and make that a little clearer, I would be happy to have an amendment in that regard.

The House of Representatives said the premiums are based on risk, and they must be actuarially sound. Here is what the CBO had to say about the proposal as it was offered and adopted in the House of Representatives, which is virtually identical to the amendment I am offering today:

> H.R. 3121 would direct FEMA to offer such multiple peril coverage at an actuarial, i.e., unsubsidized rate. Because of the uncertain nature of actuarial pricing, FEMA might collect more receipts than necessary to pay future claims, resulting in a net reduction in direct spending. It is also possible that FEMA might collect less premium income than would be necessary to cover future liabilities from multiple peril policies, which would likely result in the need for additional borrowing authority from the Treasury. In the latter case, the legislation would prohibit FEMA from entering into or renewing any multiple peril policy until such borrowing is repaid.

That is the one difference in my amendment and the House-passed amendment. But, specifically CBO goes on to say:

> CBO expects that the new coverage offering under H.R. 3121 would increase premium receipts and additional claims payments by about the same amount, resulting in no significant net budgetary impact.

Mr. President, so we enter into a debate today on a commonsense proposal to allow the insurance consumer to know when he or she purchases hurricane insurance, there will not be a debate between wind and water in the courtroom, and the insurance customer, homeowner, property owner can purchase insurance with the knowledge that he or she is covered regardless of the nature of the peril and pay a premium that is adequate to purchase such coverage.

AMENDMENT NO. 4719 TO AMENDMENT NO. 4707

Mr. President, at this point, I think it is appropriate—and I am told the chairman has no objection—to call up my amendment No. 4719, which is at the desk. I do so now.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. WICKER] proposes an amendment numbered 4719 to Amendment No. 4707.

Mr. WICKER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the optional purchase of insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm)

At the end, insert the following:

SEC. ______. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

"(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

"(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

"(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

"(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

"(A) cover losses only from physical damage resulting from flooding or windstorm; and

"(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

"(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

"(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

"(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

"(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

"(C) the classification, limitation, and rejection of any risks which may be advisable;

"(D) appropriate minimum premiums;

"(E) appropriate loss deductibles; and

"(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

"(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

"(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

"(i) for any single-family dwelling, $500,000;

"(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

"(iii) $150,000 per dwelling unit for—

"(I) any contents related to such unit; and

"(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

"(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

"(i) $1,000,000 for any single structure; and

"(ii) $750,000 for—

"(I) any contents related to such structure; and

"(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

"(8) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.".

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter 1 of The National Flood Insurance Act of 1968 is amended by adding at the end the following:

"PROHIBITION AGAINST DUPLICATIVE COVERAGE

"SEC. 1325. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).".

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting "(a) FLOOD PROTECTION MEASURES.—" before "No new"; and

(2) by adding at the end the following new subsection:

"(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.".

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

"(d) WINDSTORMS.—

"(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

"(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

"(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.".

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking "and" at the end;

(2) in paragraph (15) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.".

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 4720

Mr. McCONNELL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 4720.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending McConnell amendment to S. 2284.

Mitch McConnell, Pete V. Domenici, Robert F. Bennett, Judd Gregg, Chuck Grassley, Mike Crapo, Johnny Isakson, Norm Coleman, John Barrasso, John Thune, Michael B. Enzi, Lisa Murkowski, Orrin G. Hatch, Jon Kyl, John Cornyn, Lamar Alexander.

Mr. McCONNELL. Mr. President, I support the flood insurance bill that has been reported out of committee. I think it is a good bill.

However, as important as it is that we strengthen the flood insurance program and get it back on sound financial footing, we cannot continue to ignore the No. 1 issue on the minds of the American people, and that is high gas prices.

Two years ago, Democratic leaders told us they had a "commonsense" plan to lower gas prices. But since they took control of the Congress, gas prices have risen by $1.29 a gallon, according to AAA.

At home in Kentucky, the average price of a gallon of gasoline is now $3.58. Diesel fuel—which runs our trucks and farm machinery—is now $4.11. This creates incredible hardships for families, small businesses, and farmers.

Apparently, the Democrats' commonsense plan is not working so well. In fact, the general thrust of their plan is to increase taxes on energy companies which would raise, not lower, gas prices. But Republicans do have a plan to reduce gas prices over the long term by increasing our supply of energy, American energy and American jobs, right here in our own country.

In last year's Energy bill, we passed a number of provisions that most of us supported to reduce the demand for oil, increasing fuel economy standards for both cars and trucks and increasing the use of alternative fuels. All of that was important and needed to be done. Those were important provisions. I certainly supported them and most of the Senate did as well, but we cannot seriously address the root cause of today's high gas prices without also addressing the issue of supply.

The senior Senator from New York, for example, said last week that 500,000 more barrels of oil per day on the world market would bring relief at the pump—500,000 barrels of oil per day would bring relief at the pump. I agree with him. The difference is, I believe we should produce those additional barrels of oil right here in America, with American jobs, to bring prices down. The fact is, if President Clinton had not vetoed a bill to open the Arctic National Wildlife Refuge 13 years ago, 1 million barrels of oil would be flowing from ANWR to American consumers every day—twice what the senior Senator from New York said would bring relief at the pump.

We will have a good debate on the flood insurance bill, and ultimately we will pass it. I certainly support that. But first we are going to discuss the only real plan that would address the root cause of today's high gas prices by increasing America's supply of oil and supporting American jobs here at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 4721 TO AMENDMENT NO. 4720

Mr. ALLARD. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD] proposes an amendment numbered 4721 to amendment number 4720.

Mr. ALLARD. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ALLARD. Mr. President, I compliment the minority leader for stepping forward on the issue of meeting the energy needs of our country and the provision he has just proposed as an amendment to this particular bill.

I think it is very important that we move forward with creating more sources for energy. We have done a lot in this Congress to encourage and promote the development of renewable energy resources. In fact, as chairman and founder of the Energy Renewable Caucus, I have pushed that personally. I think it is extremely important. We have done a lot to promote this new technology, but the reality is, if we want to see pain at the pump immediately relieved, we have to do more.

What we do in the particular amendment that was introduced by the minority leader, we begin to open the more traditional sources of energy that we have here in this country—sources that are supported by an infrastructure that is already in place. Although we do need more of it, there is some degree of it already there. Also, it is supported by technology we have already pretty well developed, to one extent or another, although more technological advances need to be done. Those are the traditional sources we find in the Arctic National Wildlife Refuge, where we have more than 1.2 trillion barrels of oil, and the Outer Continental Shelf, the extent of whose value and resources is huge. I don't know as anybody has ever been able to really anticipate how great are the resources we have, because we have a huge amount.

The provision also provides for opening the oil shale reserves we have in the State of Colorado—it is not only the State of Colorado, it is in the State of Utah and Wyoming. I am told we have well over a trillion barrels of petroleum that could be extracted from this resource. There is a total of somewhere around 1.7 trillion in that basin. Totally in the United States, we have well over 2 trillion barrels of shale.

The technology has been developed now where, in my State, the companies that have been working on it—primarily Shell—have indicated they have come up with a pretty high-quality jet fuel. It needs some additional refining, with sulfur and nitrogen. This particular amendment begins to address that.

In addition, we suspend the filling of the Petroleum Reserve. Right now, I am told there are about 70,000 barrels of oil being put in that Reserve on a daily basis. That will reduce the consumption of the petroleum products we have.

Also, it repeals permitting and drilling fees that have acted as a disincentive for oil companies and gas producers when this particular provision was passed in the 2008 Omnibus appropriations bill. Also, it encourages coal-to-liquid fuels and also talks about increasing our refinery capacity.

Right now, with all the various blends of fuel—some States have mandated 15 percent, in some cases as high as 20 percent—each time you have a different blend requirement mandated by a State, you have one refinery that gets dedicated to that particular blend. So we have a number of different States that are driving different blends of fuel. Then you have a different requirement for diesel fuel. What you do is you create a shortage of refiners. It kind of funnels down, and then, even if you increase production, you don't have the refineries available to kick out the particular blends we need to meet demands.

We need to do a lot in advancing our battery technology. Where you have intermittent renewable energy sources such as wind and solar, the Sun doesn't shine all the time, the wind doesn't blow all the time. We need to have a good battery technology that will carry and supply energy at the times we don't have the adequate supply of wind and solar to carry on the demands on that particular system.

We need to work more on biofuels. I am very excited. We put in incentives in this particular amendment to address that. I am excited; in Colorado, we have a biodiesel plant that takes the oil and grease and fats from restaurants, puts it together, and comes out with a biodiesel. It is a self-sustaining plant; they use the diesel they generate back into the plant to run their own electricity. It could be independent of the power lines, could be a stand-alone facility. It also helps us get rid of a byproduct out there that is a problem for our county dumps and whatnot. The exciting thing about this particular technology is it is to the point where they do not have to have government subsidies, which I think is a huge jump.

I mentioned the oil shale moratorium, removing that, which was in the fiscal year 2008 omnibus bill.

It also provides some reasonable approaches to the regulatory process so we can increase production on an emergency basis because we are facing an emergency situation in this country with the high prices we are facing here in America—and all over the world, as a matter of fact.

We all know the Senate has limited time left this year to debate important legislation. It is becoming more apparent and more clear to me that the Democratic leadership is staunchly opposed to doing anything that would alleviate the seemingly endless upward pressure on energy prices. That is why I am so excited about the fact that the minority leader has introduced this amendment.

Given their unyielding desire to increase taxes on much of the energy industry, I can only assume that the Democrats in Congress believe that steadily increasing energy prices provides political fodder upon which they can capitalize. Democrats in both Chambers appear beholden to the environmentalist agenda, a radical agenda that wholly disregards America's economy. Oblivious to prices at the pump and indifferent to from whom we import our oil, far-left environmentalists and their cohorts in Congress are failing their duty to the American public. The Congress has stymied efforts to produce trillions of cubic feet of natural gas, trillions of barrels of oil, and prevented the construction of new refineries, new powerplants, and hydroelectric facilities. This is bad policy.

America's economy may be struggling, but despite hard times, American businesses and consumers still demand energy. In oil alone, we consume over 20 million barrels a day. Since we only produce over 8 million barrels a day, the gap must be made up by purchasing oil from hostile and undemocratic nations such as Venezuela, Saudi Arabia, and Nigeria to meet our energy needs. We spend over half a trillion dollars each year importing foreign oil and it is far past time to rectify this unhealthy dependency.

The global price for petroleum reaches new highs every day and petroleum-related import have caused our trade deficit to increase by billions of dollar, According to a study by the Congressional Research Service in 2005 and 2006 alone, our trade deficit rose by $120 billion. As oil prices continue to rise and domestic energy production is further obstructed, America's trade balance will only fall deeper into the red.

As a senator from energy rich Colorado, I am on the front lines of the battle to increase our domestic energy production.

The Democrats continue to delay efforts to tap into a natural gas reserve below the Naval Oil Shale Reserve—often referred to as the Roan Plateau—

that contains approximately 8.9 trillion cubic feet. We need this clean source of energy now.

Moreover, below the vast lands of Colorado, Utah and Wyoming lies roughly 1.5 trillion barrels of potentially recoverable oil. This amount dwarfs the reserves of Arabia and other petro-rich nations and new technologies that are continually emerging would allow us to responsibly extract this oil to help meet our demands. The benefits to Colorado and the American economy would be tremendous.

Something else that I don't believe we're talking enough about is the economics of this. Colorado, just like every other state is trying to find a way to pay for the many responsibilities and priorities set by the state legislature. Taxpayers are tapped out and there are still shortfalls. I would think that an infusion from a steady income source would be welcome. The BLM estimate that Federal royalties from production of natural gas within the Naval Oil Shale Reserve would be $857 million to $1.13 billion over the next 20 years.

Because these royalties are split with the state we are talking about—probably conservatively—$400 to $500 million going to Colorado. I think our school districts benefits from that kind of money.

I think that local police forces, fire departments, hospitals, roads and other state and community services benefit from that kind of money. I think the taxpayer benefits from that kind of money.

All of us here also know that national environmentalist groups have succeeded in pressuring members of Congress to mandate a lock down of what could be an immense treasure chest of oil in the Arctic National Wildlife Refuge. Not only have these groups subverted the widespread local support of Alaskans by prohibiting the potential extraction of oil, environmentalists stubbornly resist even moving forward with comprehensive testing that could result in the environmentally responsible development of parts of the ANWR.

There could be 5 to 15 billion barrels of recoverable oil there. There could also be much more, or much less. The point is we do not know because extremist environmentalists have convinced their friends in the House and the Senate to prevent us from finding that out. It makes one wonder what they are afraid we might find.

Moving to another part of the country, in April, the U.S. Geological Survey announced that 3 to 4 billion barrels of technically recoverable oil exists below North Dakota and Montana's Bakken Formation. This is 25 times more than what was estimated to exist in 1995.

These numbers are staggering and there are other examples where our aversion to responsible development defies common sense. Of course, we must continue our dedicated efforts to explore alternative sources of energy to meet our demand.

We have long advocated for a more diversified energy portfolio. But I do believe it is possible to develop sections of the Arctic National Wildlife Refuge, extract natural gas from the Rocky Mountains west and harvest resources in economically feasible ways that also protect our natural wonders.

We should not take increased production of any domestic energy source off the table. The longer we completely deny access to domestic supply, the more we exacerbate our current energy shortages. Possibly most concerning to me is the fact that the less we are able to produce our own energy sources, the more we will rely on foreign and possibly hostile sources for it.

We cannot solve the problem of soaring gas prices facing Americans today with any one solution, but we certainly should not allow the relentless push or environmentalists' narrow agenda to make this crisis even worse.

Mr. President, I ask unanimous consent for an additional 2 minutes to wrap up my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Yesterday the national average for a gallon of gasoline was $3.62. What will the average gallon of gasoline in America have to cost for the leadership in Congress to step up to the plate with a comprehensive solution for consumers?

It is time for Congressional leaders to be a part of the solution and not the problem. It is time to put every idea on the table and responsibly develop some of the vast energy resources we have right here at home. It is time for common sense to prevail.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, we are about to go into recess here for the weekly lunches. I say to my colleague from Mississippi, Senator WICKER, and those who are interested in the addition of wind coverage in this flood insurance bill, I am not sure of the fate of this bill now in light of some of the motions that have been filed on a bill where I hoped we could deal straightforwardly with flood insurance issues. So it may all have come to naught, anyway, in all of this, which I regret deeply. But putting aside that possibility, I want to respond briefly on the wind request. I am very sympathetic to this request. It is a very legitimate issue to be raised about the damage that wind does. There was some $17 billion in claims on flood, of course; in fact, more than that. We are in arrears in that amount. We have no idea what the cost of this program would be with wind, if we add wind.

That is my problem with agreeing to the amendment of Senator WICKER and others. All of us who live in coastal States are fully aware of the kind of damage wind can produce. But in candor to my colleagues, if they turn to me and say to me: "How much does this cost?" I cannot answer. I am stymied in a sense to respond to the question. The estimates run high and low. What I am committed to doing—and I want my colleague from Mississippi and others to know this—we have a commission we have adopted in this legislation specifically for the purpose to getting at the bottom of this so we can develop a program that clearly would cover those kinds of circumstances.

There will be more debate and discussion. But I say to him, in candor, I am sympathetic. He makes a point I have made and others have made over the years, to those of us who live within 100 miles, as so much of the country does, of our coastal regions.

I have listened to GENE TAYLOR, a Congressman from Mississippi. He has come to my office and laid this out for me in detail. Senator SCHUMER of New York has talked about it, as well as Senator MARTINEZ has talked about it, the damage done in their respective constituencies as a result of wind damage.

The simple problem I have, if one of my colleagues turns to me and says: Can you tell me what this will cost under the program? I cannot answer the question. We are right now trying to, of course, excuse the $17 billion worth of debt that FEMA owes. That is part of the premium costs people are paying in. We need to get a program in place, because on June 1 hurricane season starts. In the absence of any program at all, this entire expense can fall in the taxpayers' laps.

We are all painfully aware of how damaging Mother Nature can be. The headlines of every newspaper in the country today are of course about the devastation in Myanmar where thousands have lost their lives. I presume with 120-mile-an-hour winds that ripped through these communities, it was not only flood damage that caused the tremendous destruction.

This can happen. It is happening all over the globe these days. So we need to address this. But in terms of this bill and trying get this piece done, it poses a significant burden for me as the chairman of this committee. This bill passed out of our committee unanimously and not without expressions being made by Senators SCHUMER and MARTINEZ about the wind issue.

Again, I am sensitive to their concerns. The flood program covers 5.5 million homes and businesses, and the wind program would substantially increase the number of policies provided by the Federal Government, taxing the administration of the program and putting taxpayers on the hook for greater losses, without any question.

In 2005, the hurricanes resulted in $17 billion in flood claims, an amount that completely overwhelmed the flood program. We collect $2.5 billion in premiums each year. About $1 billion of that is administrative costs. So when you are down to a fraction, you get $17 billion in claims on flood, how much would you have to raise those premiums to include the potential wind, where wind damage was five times that of flood in 2005, in those hurricanes that ripped through?

Again, I do not know the answer to those questions in terms of cost and what it would be. But it could literally price the program out of the possibility of people affording it. And what makes the program work is that people pay into it here that allows us to deal with these kinds of catastrophes without going to the Federal Treasury to pay for them. So an expansion of this size could literally overwhelm this program, the flood insurance that is at a significant risk of sinking under the weight of wind. Flood insurance is already in a precarious position. I want to make sure anything we do here will work to stabilize that program.

I am committed to finding a solution. In fact, had it not been for the housing crisis I have been literally spending 98 percent of my time on—and the Presiding Officer is a member of our committee—we are consumed with this issue of how we deal with foreclosures, which is also a problem, I might add, in some of the very States we are talking about that are facing these problems coming to hurricane season.

We would have spent a substantial amount of our time on these related issues, the catastrophic issues our colleagues from Florida talk about, my good friend, BILL NELSON, raises all the time that the people of Florida care deeply about. We will get to that. The problem is that the window is closing on our time to do things. This program expires in September, the flood insurance program—there is no program. So we have a limited window to get this right.

I deeply regret that people have come over offering cloture motions. The energy issue is huge. But when you end up messing up a piece of legislation such as this, despite my offers to everyone to have up-or-down votes on related amendments, to wind and flood and these problems here, it does not help.

An awful lot of people are going to get hurt. An awful lot of costs are going to go up. A lot of damage is going to be done because we cannot spend 24 hours around here doing one thing, and that is deal with flood insurance.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m. and reassembled when called to order by the acting president pro tempore.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—Continued

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. MARTINEZ. Mr. President, I rise to speak in support of the Wicker amendment, the multiple peril insurance provision. I want to share some thoughts with the Senate on this provision.

As a Senator from the State of Florida, little is of more importance to the average homeowner than their home insurance and the cost of that insurance.

The multiple peril insurance provision will create a new option in the National Flood Insurance Program to offer coverage of both wind and flood risk in one policy.

The program requires premiums for the new coverage to be risk-based and actuarially sound.

CBO estimates the multiple peril program "would increase premium receipts and additional claims payments by about the same amount—resulting in no significant net budgetary impact."

By covering wind and flood risk in one policy, the multiple peril option will allow coastal homeowners to buy insurance and know that hurricane damage would be covered.

The reason we have to consider this is because in Florida, the gulf coast and throughout the region we have experienced constricting effects in the market.

Insurance companies are pulling out. They are dropping coverage. State Farm, for instance, stopped writing residential, rental, and commercial policies just 2 months ago.

People in my State are finding it increasingly difficult to secure insurance, especially policies that cover both wind and flood damage. People who have paid every premium and never filed a claim are simply locked out of the market.

But insurance is only part of the solution. We also have to encourage mitigation.

The multiple peril program would strengthen coastal mitigation efforts by making the new coverage available only where local governments have adopted building codes consistent with International Code Council standards.

Most of the State-sponsored plans are not able to spread risk efficiently and not able to build up sufficient reserves to cover a major hurricane.

They are forced to charge higher and higher premiums to buy more overpriced reinsurance to keep up with their increasing liability.

The Federal multiple peril program will spread coastal risk geographically, in a much more efficient manner than the state pools.

I strongly support the Wicker amendment, and I encourage my colleagues to do the same.

I remind my colleagues that CBO expects that the new coverage offered under H.R. 3121, the Wicker amendment, would increase premium receipts and additional claim payments by about the same amount, and the CBO claims that the result would be no significant net budgetary impact.

For those reasons, I strongly support the Wicker amendment and urge my colleagues to vote in favor of it.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VITTER. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. VITTER. Mr. President, I rise in very strong support, with so many of my colleagues, of the Wicker amendment. As Senator MARTINEZ has talked about Florida, Senator WICKER has talked so eloquently about Mississippi, so, too, in Louisiana it is an absolute imperative that we address the wind liability coverage issue in this larger debate.

The single greatest obstacle to recovery in both of our States hit by Katrina and Rita is insurance. For so many of my constituents, insurance on the wind liability side is unavailable or, if it is available, completely, absolutely unaffordable. This Wicker amendment will give folks a new option. It won't mandate it, it won't push them into that program, but it will give them an option. Most importantly, it will give them an option without increasing any burden or risk to the taxpayer.

I want to repeat something that has been said, but it is vitally important for everyone to understand before we vote; that is, the CBO has made perfectly clear this amendment does not make the bill more expensive. It does not make the program more expensive. It does not cost the taxpayer for a very simple reason: There is a mandate in the language that premiums be set in an actuarially sound way to cover the risk.

I strongly support the Wicker amendment.

AMENDMENT NO. 4722 TO AMENDMENT NO. 4707

Having said that, I ask unanimous consent to set aside the pending amendment and call up Vitter amendment No. 4722.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 4722 to amendment No. 4707.

The amendment is as follows:

(Purpose: To increase maximum coverage limits)

At the appropriate place, insert the following:

SEC. 33. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking "$250,000" and inserting "$335,000";

(2) in paragraph (3), by striking "$100,000" and inserting "$135,000"; and

(3) in paragraph (4)—

(A) by striking "$500,000" each place such term appears and inserting "$670,000"; and

(B) by inserting before "; and" the following: "; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)".

Mr. VITTER. Mr. President, this amendment is basic and straightforward. This amendment would increase the coverage limits for flood policies under the National Flood Insurance Program. Why do we need to do that? For a very basic reason. Those dollar limits have not been changed in 14 years. They haven't been changed at all, adjusted for inflation or anything else, since 1994. So it is way past overdue to update these coverage limits in a reasonable way. This Vitter amendment 4722 would do just that. But, in fact, it wouldn't even fully take into account inflation since 1994. It would fall a little short of that. We chose the increases because my increases in amendment 4722 are exactly what the House of Representatives has already passed, merely updating those limits to take into account most but not even all of inflation since they were last set in 1994.

I share with the chairman and ranking member the goal of making this program more fiscally sound, more actuarially sound. But we will completely frustrate that goal if we have a program with extremely low coverage limits and people can't buy the coverage they need. What will happen if we allow that? More and more storms will hit, and people who have flood insurance coverage will not have nearly enough coverage, so there will be pressure—every event, every storm—to come to Congress for emergency measures above and beyond the flood insurance program. That isn't a path to fiscal soundness. A path to fiscal soundness must include some reasonable updating of coverage limits. This amendment would do that.

Finally, this was included in the House version of the bill. It did pass the House overwhelmingly. In the context of the House bill, the Congressional Budget Office said it did not add to the cost of the bill in any way because increased premiums go along, of course, with increased coverage limits. The CBO said, in light of those increased premium payments, which go along with increasing coverage limits, there isn't an addition to the cost of the bill. It is a net wash in terms of the cost to the taxpayer and to the bill.

I encourage all of my colleagues on both sides of the aisle to look hard at this amendment. It is a sound, modest amendment to update the program. It is perfectly consistent with fiscal soundness. I would hope we can get a strong resounding vote in favor of the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise to oppose the Vitter amendment and oppose it very strongly. The goal of flood insurance legislation is to move the program to more actuarially sound prices. This amendment would undermine that goal. The Vitter amendment would add significant new liabilities to the program without ensuring the necessary premium increases to cover such liabilities.

I want to remind my colleagues that we are forgiving in this bill nearly $20 billion of debt incurred as a result of failures of the flood insurance program to date. The changes we are making are an attempt to ensure that taxpayers never have to pay off such a debt ever again. This amendment runs contrary to that goal, making it much more likely that we will be back bailing out the program in the near future.

Furthermore, there are currently numerous private insurance carriers providing flood coverage for losses that exceed the maximum amounts provided by the Federal program. In other words, unlike basic coverage, where no private insurance exists, there is a private insurance market available for additional coverage. While I recognize this insurance is expensive, that is because it is actuarially priced. The premium is commensurate with the risk.

This program was designed to address the fact that the market stopped providing primary flood insurance coverage. It was not intended to socialize risks that were otherwise being handled by private markets. The only reason to increase the coverage limits of the program is to crowd out risk-priced private insurance to provide socialized subsidized insurance. I believe it is largely due to the existing subsidies that this program has such problems. We do not need to add more subsidies at this time.

For all these reasons, I oppose the Vitter amendment and urge my colleagues to do the same.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, in response, I respect very much the views of the ranking member. But, No. 1, at least with regard to the House bill on which I have seen the CBO analysis, the CBO said it did not add to the cost of the bill because higher premiums obviously come with a higher coverage limit, if folks choose to buy that.

Secondly, if we have coverage limits which are way too low and a big event hits, that is going to shove us in a direction away from fiscal soundness because it will make extraordinary emergency measures necessary in response to that event by this Congress, rather than having an insurance system capable of covering the loss.

AMENDMENT NO. 4723 TO AMENDMENT NO. 4707

I ask unanimous consent to set aside the pending amendment so I may call up amendment No. 4723.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment No. 4723 to amendment No. 4707.

The amendment is as follows:

(Purpose: To allow for a reasonable 5-year phase-in period for adjusted premiums)

On page 11, line 6, strike "Any increase" and all that follows through the second period on page 11, line 11, and insert the following: "Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of the updating or remapping described in paragraph (1) that is a result of such updating or remapping shall be phased in over a 5-year period at the rate of 20 percent per year.".

Mr. VITTER. Mr. President, in the interest of moving this bill along and moving through as many issues as possible efficiently, I will explain the amendment briefly.

This amendment deals with those properties which have an increased risk because of the issuance of new flood maps. Every time there is an event, of course, whether it is a small event or a huge one, such as Katrina and Rita, there are new flood maps developed over time by FEMA. If a property is a greater risk under those new flood maps, under this underlying bill premiums would go up. I have no objection to that. They should go up. But I do think we need to temper that with a reasonable time period over which to spread out that increase. This underlying bill says that increase would happen all in 2 years. My amendment would change that to mirror the provision in the House bill and would spread that increase over 5 years instead of 2.

This is a reasonable, modest measure to make this movement toward fiscal responsibility and actuarial soundness reasonable and manageable by the premium payer. Some of these changes, particularly after an event such as Katrina or Rita, can be quite dramatic. To say that all of that change, all of that premium increase happens over 2 years is going to be a huge, whopping bill that is going to stop a lot of folks from being able to be insured over time.

I think this change to have that phased in over 5 years is reasonable. It does not lose sight of the goal of fiscal soundness and actuarial soundness, but it is a reasonable accommodation to folks who are in a very different circumstance because of a brandnew flood map.

With that, Mr. President, I encourage my colleagues on both sides of the aisle to support the measure, and I yield back the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me thank my colleague from Louisiana for offering these amendments and handling them as efficiently as he said he would. I appreciate that very much. We are trying to move legislation here, so I am grateful to him.

As to this idea, this last point that was made—like the first amendment he offered—there is value and merit in what he is suggesting. But, as Senator SHELBY has pointed out, we are trying to strike balances. We have an obligation, one, to get this program up and running again. There is $17 billion on which we owe a debt, which is going to raise the cost of premiums if we do not forgive that debt, which is the major thrust of this legislation, as well as trying to deal with some other related issues—but to try to keep this within prudent fiscal conditions.

What we do in this bill—and the point the Senator from Louisiana raises is a valid one. Certainly, we do not want this to occur in 1 year. So what Senator SHELBY and I did with our committee members is to do a 2-year phase-in of this program. It is not 5 but it is 2 years, to try to exactly accommodate the legitimate concerns raised by the Senator from Louisiana. Obviously, it all occurring at once would probably be more than some people could tolerate. If the property is newly mapped in a flood plain, the rates are phased in over a 2-year period to ensure that a home or business can plan for flood insurance costs, obviously. It is not as long as 5 but we think 2 helps.

The bill and this provision are part of our overall effort to balance the need to reform and strengthen the flood program with the need to ensure people can afford to purchase needed flood insurance. Striking that balance is what we are trying to achieve. It is hard not to make a case—we could make it 6 years, 7 years. That would be easier. But the problem is, at the same time we would not be getting the revenue coming in to accommodate covering the additional properties we want to cover with the new mapping. So how do we do that? We thought 2 years would be an adequate amount of time to give people a chance to phase that in and simultaneously meet our obligation of seeing to it that this program would be there to cover the 5.5 million homes we are talking about. I think we struck that right balance.

As to the other members of the Banking Committee, again, we unanimously adopted these provisions, and not without debate and consideration of the very point being raised by the Senator from Louisiana.

I wish to remind my colleagues, again, this bill results in significant savings in the flood program. The bill forgives $17 billion in debt. We are paying interest payments on that $17 billion. That is part of that premium cost. That is a huge cost. Without this debt forgiveness, which is a part of this legislation, policyholders would see rates increase many times over. In fact, rates would have to almost double just to pay the interest on the debt FEMA owes. So that is a major thrust of what we are trying to achieve. So we are saving all policyholders and all homeowners at risk from being priced out of this program with the debt-relief provision.

In exchange, however, the bill contains provisions to move the program to actuarially sound rates to ensure the long-term viability of the flood program, which is also our responsibility with this legislation—to make sure that actuarially this program will have the revenues coming in to support and sustain the risks it tries to cover against.

These reforms stabilize the flood program to make sure that when the next flood hits, homeowners will have flood insurance to be able to rebuild their homes and their lives.

I am concerned that further subsidies in the program undermine our efforts to put this program on sound financial footing. Those are the reasons I would oppose the second Vitter amendment as well. I say that with respect. Again, these are a lot of ideas that neither Senator SHELBY nor I would say lack merit. It is a question of what we can afford to do; where the balance is, where the actuarial soundness is. That is more the thrust of our argument than whether we agree or disagree with the goals stated by the proponents of these amendments.

I make the same point I made earlier as to the amendment offered by Senator WICKER from Mississippi. I would be hard pressed to make a case that we should not try to do something about wind damage. It is a legitimate issue. I will point out in this morning's papers, if you read about that incredible devastation created in Myanmar: 25,000 people lost, 120-mile-an-hour winds ripping through that country, clearly flood damage, clearly water damage, clearly wind damage.

The problem Senator SHELBY and I have is, I could not answer the question. My friend from New Mexico asked me: How much is that going to cost, Senator? I cannot answer you. You have a right to know the answer to that question, so we are trying to find that out. We have asked for a study to look at the wind issue. The Acting President pro tempore comes from a coastal State as well. He knows what can happen with these issues. I think wind is a legitimate issue for us to sort out. But I cannot honestly answer the question actuarially. We are told it is five times the cost. If you take in the four hurricanes in 2005, the $17 billion in flood damage, wind damage would have been five times that cost. Of course, we have a flood insurance program here that puts $2.5 billion into that account on an annual basis.

So we are talking about something we are really not capable of managing under the present circumstances—a legitimate issue. The Senator from Mississippi is absolutely correct in raising it. I pointed out earlier that Senator SCHUMER of New York talked about this passionately. Senator MARTINEZ from Florida talked about this as well. Anybody from a coastal State will tell you what this can mean. But I have to be able to answer—as Senator SHELBY and I do—the question of whether you can actuarially account for this, whether we can have a program that is sustainable, and we cannot answer those questions. In the absence of doing that, we reluctantly oppose these amendments, and because of the importance of getting this program accomplished, in place.

In 3 weeks, or less than 3 weeks, the hurricane season starts. Any of us who live in these eastern coastal areas, the Gulf State areas, Florida, coming up that coast all the way up to New England, know that at any given point over that period of time, we could be hit. We need to have this program in place to begin to take care of these costs. That is why we are here today to try to get this done.

I am going to respectfully say and urge colleagues to come over with their amendments so we can get this work done—to listen to what they have to offer and say, to consider where we can, but we need to complete this bill, and we are going to be most reluctant to be supportive of ideas that violate the actuarial soundness of what Senator SHELBY and I and the other 18 members of our committee endorsed last year when we adopted this bill.

Mr. President, I see my colleague from Alabama on the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

AMENDMENT NO. 4719

Mr. SHELBY. Mr. President, I would like to take a few moments. I rise in opposition to the Wicker amendment that the Senator from Mississippi offered earlier and has spoken to. I recognize that property casualty insurance availability and affordability is a serious concern in some parts of this country, perhaps all parts. The addition of wind coverage, however, to the financially insolvent flood insurance program is not the solution to this problem.

I think we should put this amendment into context. According to the Insurance Information Institute, this amendment would add an additional $10 trillion to $12 trillion in exposure to the bankrupt Federal flood program, as well as annual Federal program deficits that could reach $100 billion or more. Just think about it.

On this, in the Banking Committee, we have had no hearings. We have established no record. We have no understanding in any way, shape, or form as to what the true consequences of the Wicker amendment could be—nothing at all.

Perhaps we should consider this amendment in the context of flood insurance. The National Flood Insurance Program does not charge actuarial rates for anyone within the program. There are direct subsidies to many homeowners and indirect subsidies to all others because the underwriting criteria do not accurately depict the risk. The program is currently bankrupt and has no ability to pay back its $17 billion debt obligation at this point. With a model such as this, I am not convinced that another Government-managed insurance program will well serve the American taxpayer.

There are other considerable flaws to the approach contemplated by the Wicker amendment. Private insurers minimize exposure to catastrophic risk through diversification. The Wicker amendment would concentrate the risk. It provides no ability for reinsurance, retrocessional insurance, or any other means to diversify and lay off risk.

In addition, the Federal wind coverage would face operational challenges that have not been addressed through the Wicker amendment. The flood program currently takes advantage of efficiencies created by the use of public and private resources. No private insurance company would ever sell or solicit a policy that would directly compete with itself. Therefore, the wind portion of this insurance will be marketed, underwritten, and serviced directly by the Federal Government, if you will. This will add significant administrative costs and bureaucracy to the process of claims handling.

The capital markets have begun to show strong willingness to underwrite the risks associated with natural disasters. New innovations, such as catastrophe bonds and sidecar agreements, have been created recently. By allowing more Federal Government involvement, many of the innovative techniques for transferring risk will be crowded out in the marketplace.

While there are some parts of the country where insurance coverage problems have occurred, most of the property casualty insurance market is functioning well in this country. In order to fully understand the problems associated with coverage lapses, I believe we must work to understand the root causes of the problem so we can debate solutions and address the problem without hindering the rest of the market itself.

Our legislation creates a commission intended to provide us much of the necessary information we need to understand the problem of catastrophic risk. For instance, the commission would study "the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country." It would also consider "catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population," as well as many other issues directly relating to the cost and availability of insurance for wind damage.

Given the potential exposure to the taxpayer, I believe we owe them a better process. At a minimum, Mr. President, I think we need to further study this problem prior to committing the resources of the American taxpayer.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry, Mr. President: What is the business before the Senate?

The ACTING PRESIDENT pro tempore. The Vitter amendment is the pending business.

Mr. DOMENICI. Mr. President, that is because we had unanimous consent to set aside the Domenici amendment, or the Allard amendment?

The ACTING PRESIDENT pro tempore. There was a unanimous consent to set aside the pending amendment.

Mr. DOMENICI. Mr. President, I am going to speak on the underlying Domenici amendment for about 15 minutes, and then time will be arranged for that between the leaders for later in the day, so we will not have to have any further interruptions, as I understand it. I do not seek to interrupt your bill. I say to Senator DODD, there will not be any further interruptions until some agreement is reached, perhaps between the leadership.

Mr. DODD. Mr. President, I say to my colleague, I am trying to arrange—we now have three amendments. There may be some people who want to be heard on them, the Wicker amendment and the two Vitter amendments. My hope was to have a vote at around 3:15 on those three amendments.

I am trying to move a bill—Senator SHELBY and I. We are running out of time here. There are about maybe as many as 17 amendments we are going to have to consider. We could be in here late tonight. If that is the case, I would like to do that in order to get this done. I am going to let staff know here—and I am not going to make the motion at this time—just to let them know I would like to make a unanimous consent request that, say, at 3:15 we vote on the Wicker and the two Vitter amendments and to notify the leadership of that so they can consider whether they want to agree to that. But that way, we could move along, if Members want to be heard on these amendments.

The concern, I say to my good friend from New Mexico—and he is one of my best friends here—I am trying to get this done.

Mr. DOMENICI. Sure.

Mr. DODD. If you have 15 or 20 minutes, it will blow me back from 3:15.

Mr. DOMENICI. Mr. President, 3:30 would be early enough. You would be making good time at 3:30 and let me have a little time. This is a big amendment and we have to have some understanding of it before you get your bill finished. You are going to have a vote on it—I won't use more than 15 minutes at this point—on a very big proposition on behalf of almost all of the Republicans. I don't know about your bill in detail, but I think you are doing a terrific job.

Mr. DODD. Here is my problem. If I don't have a vote at 3:15, it will be a lot later than that, and I will be notified by staff and the leader. That is my problem. I know my colleague wants to be heard on the bill and he has every right to be heard. I would like to vote at 3:15, stacking three votes at 3:15.

Mr. DOMENICI. If you get that agreed to, can I have consent to be recognized after those votes for 15 minutes?

Mr. DODD. I am happy to do that.

Mr. DOMENICI. Mr. President, I ask unanimous consent that if votes are called for on the three amendments alluded to by Senator DODD, the Senator from New Mexico would be recognized after those votes for 15 minutes to speak on the energy amendment which is attached to this bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. We have a request to see whether we can have the three stacked votes at 3:15.

Ms. LANDRIEU. Mr. President, reserving the right to object, what are the three votes?

Mr. DODD. Senator WICKER and two amendments offered by Senator VITTER. I don't have the numbers in front of me.

The ACTING PRESIDENT pro tempore. The unanimous consent does not deal with stacking those three votes at this point. The unanimous consent only dealt with the Senator from New Mexico having floor time if there were three votes.

Ms. LANDRIEU. OK. That is the only unanimous consent agreement. That is fine.

Mr. DODD. Pending the agreement on that, at the conclusion of those three votes, the Senator from New Mexico be recognized for 15 minutes to talk about his amendment—assuming we can get an agreement to have a vote at 3:15.

Mr. DOMENICI. If we don't get agreement on that, then I ask that I be recognized at 3:30 for my 15 minutes.

Mr. DODD. Let me try to get an agreement here. One step at a time.

The Senator from Louisiana wants to be heard.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I wish to speak for a moment, if I could, about the wind amendment that is pending that Senator WICKER, myself, Senator VITTER, and Senator COCHRAN have cosponsored. Several of us have been working on this for months now, and our colleagues in the House, particularly from Mississippi and Louisiana, have been very engaged, but there are other delegations that are engaged in this issue as well. The reason is because flood insurance, while it has been helpful—very helpful to some degree—throughout the southern part and coastal areas of the country, is not sufficient. We have to provide some opportunity for our homeowners and businesses to have access to affordable wind insurance, and the operative word here is "affordable."

That is why we have offered this amendment to modify and expand the insurance bill regarding flooding. That is why we have held this bill up—one of the reasons this bill has been held up by several of us for several months now—until we could try to get an opportunity to fix this bill which is still, in my view, greatly flawed in a number of areas, and this is one. This bill is not providing what people need—not just in Louisiana and in Mississippi but in Texas, in Alabama, in South Carolina, in North Carolina, in Florida—in many places around this country that may be subject to storms, particularly along the lines of Katrina and Rita and other storms that have hit recently and are projected, obviously, to continue.

We are making some significant changes. People are building stronger. There are new building codes being adopted county by county, parish by parish, and State by State. There are new ideas about designs and building more safely. Even some communities are moving to higher ground. Neighborhoods are making tough decisions about where we should build and where we shouldn't. All of that is going on throughout many parts of the country.

I wish to read a couple of letters—because I think my colleagues have explained this issue very well—that we are receiving from constituents who have been struggling to get themselves back in their homes and to pay not just their mortgage but their insurance costs as well as the rising cost of fuel and the rising cost of groceries. This is exacerbating a very tough economic situation that we are experiencing in the gulf.

This is an e-mail I received from Chet in Metairie:

> Hello. I live in Old Metairre. My home did receive wind damage from Katrina, with a total insurance claim of just under $30,000. I share my mortgage costs with my mother who is a 79-year-old retired Jefferson Parish school teacher. This year, our homeowners insurance tripled. Thanks to this, the total amount we pay to our mortgage company has almost doubled in 2008. Our monthly payment of loan, property tax, and insurance has gone from about $1,200 before Katrina to $2,093 post-Katrina. My income has not increased. My mother's pension has not increased at all. My brother in Mandeville has experienced similar increases. We know that insurance companies reported record profits in the year following Katrina.

It is very interesting to me that so many people on this floor are screaming and yelling about record oil profits. I didn't hear anyone come to the floor to talk about the strange and unusual situation of after one of the greatest catastrophes in the history of this country, or at least recent catastrophes, the insurance profits hit a record high, but no one from the committee came down to talk about taxing or curbing insurance profits. Yet we can't even get any kind of expansion or affordable rates for wind coverage.

I am not blaming all insurance companies, but there is something to be said for in the same year that there is the largest catastrophe in the country, the companies that are covering the catastrophe had record profits. I don't understand it and most of my constituents don't understand that. So there is a plea from constituents everywhere to try to do something about affordable insurance coverage.

Here is another e-mail from Kim in New Orleans:

> Dear Mary, I'm not really sure what category this falls under. I have owned a home in New Orleans for the past three years. My insurance has gone from $995 a year to $5,133. I am a single mother with one child. I cannot afford an insurance premium of $995 to $5,135. What are we going to do?

Another from Mandeville:

> My homeowners insurance has just increased $1,000. Since my insurance company decided not to cover hail and wind anymore, I will have to buy insurance from the "Fair" plan—

Which is our State's pool—

> at a higher premium.
>
> In addition to keeping the premium low enough to afford my mortgage, I cannot cover everything inside of my home.

Now, again—I know the Presiding Officer has been down to Louisiana—I am not talking about second homes on beaches. I am not talking about homeowners who live on the water. I am talking about people who live in the city, a port city, similar to Baltimore. We have New Orleans, a great port city, that services not just the millions of people who live in and around the metropolitan area and all up and down the lower Mississippi River, but a port city that benefits the whole entire Nation. So basically, with the bill that the committee has brought to the floor, which I have objected to, their basic philosophy is everybody who lives in and around a port that generates profit can pay high rates, so everybody else can pay extra low rates, and the people in the port cities can basically absorb the difference.

I understand about risk. If you are living in Florida on a beach in a condo as a second home or maybe even your first home or you are living on a beach in Alabama or in Mississippi, maybe you should pay a little bit extra. But the people whom I am representing—we only have two beaches. There are only two, 3 miles long, and you can't even get to them basically without a boat. I have people in Mandeville, in St. Tammany Parish, in Tangipahoa Parish and in the city of New Orleans 5 minutes from the Superdome who are seeing their rates quadruple. These people are not living in a vacation area.

This committee is having a hard time understanding this issue. That is why the Members, both Republicans and Democrats, have brought this bill, to try to say what are we going to do to give affordable wind coverage to people who live in and around these port communities.

This is from Robert in Slidell:

> This will be an increase from $500 to $3,887 or an increase of 775 percent. My dwelling coverage increased by more than 21 percent in June of 2007 and another 21 percent in June of 2008. This is in addition to my deductible increasing 775 percent.

He says:

> I am confused.

Well, let me tell Robert that I am confused too, because this is supposed to be a reform bill coming through to give people better insurance and better coverage and it leaves wind out of it completely. That is why we put on a wind amendment. I ask my colleagues to please support the amendment that will allow us to include wind.

This is a final e-mail from Theresa in LaPlace, LA, again, 75 miles from a beach:

> I just received notice from my mortgage company that due to the skyrocketing insurance premiums for my landlord policy, the house note is increasing from $312 per month to $725 per month. The monthly insurance premium is more than the monthly house note. If something is not done, I am going to be forced to sell my house.

Now, I have been to this floor many times before. I am very sensitive to the foreclosure problems going on around this country. I know the counties that are experiencing very high foreclosure rates. Some of them are because lenders speculated. Some of it is because a few home builders got greedy—not all, because most home builders are doing the right thing, but they maybe speculated in a market.

Mr. President, I ask unanimous consent for 3 more minutes.

Mr. DODD. Can I interrupt you for a minute?

Ms. LANDRIEU. Yes.

The ACTING PRESIDENT pro tempore. Does the Senator from Louisiana yield at this time?

Ms. LANDRIEU: Yes, for 1 minute.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I ask unanimous consent that at 3:15 p.m., the Senate proceed to a vote in relation to the following amendments: Wicker amendment No. 4719, the Vitter amendment No. 4722, and the Vitter amendment No. 4723.

Further, I ask that there be 2 minutes of debate equally divided between the two votes and that there be no second-degree amendments in order prior to the vote. Finally, I ask unanimous consent that the first vote be a 15-minute rollcall vote and the remaining votes be 10-minute votes.

Ms. LANDRIEU. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Louisiana is recognized.

Ms. LANDRIEU. Thank you, Mr. President.

As I was saying, the letter goes on to say:

> I have paid enough in insurance premiums to rebuild my house out-of-pocket had it been completely destroyed.

But again, when we try to get decent, affordable coverage for people, both for flood and wind, we are having a difficult time on this floor and in this Congress.

So I hope as we continue to discuss through the afternoon the importance of this that people will understand and recognize that this amendment—there are several but this amendment regarding wind is very important so we can continue our recovery in the gulf coast.

As I was saying before I was asked to pause for a minute, I recognize the foreclosure difficulties throughout the country, and I have said I am sensitive to the concerns of those communities. But I want to please remind everyone again: The people of the gulf coast do not have a foreclosure problem brought on by themselves. In fact, our foreclosure rate is lower, much lower than any—much lower than the national averages. But our people are getting their homes foreclosed and taken away from them because Federal levees that should have held failed and an insurance system we should have regulated has gone in large measure unregulated, and programs such as this that are supposed to be helping people afford insurance are not doing so. It is not right.

Our people have nowhere else to go other than to Congress to help them get a better system in place. That is why I and many of my colleagues have held this bill up for 2 years in committee. We may or may not get to vote on it this afternoon, depending upon how many e-mails I decide to read into the RECORD.

I wish to talk about an amendment I am going to offer and send up, amendment No. 4706, as modified.

The ACTING PRESIDENT pro tempore. Is the Senator requesting to set aside the pending amendment?

Ms. LANDRIEU. Yes, and I will offer another one.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DODD. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Ms. LANDRIEU. I object.

The ACTING PRESIDENT pro tempore. Objection is heard. The clerk will continue with the call of the roll.

The bill clerk continued the call of the roll.

Mr. NELSON of Florida. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 4719

Mr. NELSON of Florida. Madam President, I want to speak to the Wicker amendment. This amendment, which will add wind coverage to the flood insurance policies, is a major policy change with regard to the Federal Government. Wind coverage has always been handled by the private insurance sector and/or the quasi-government sector, covering wind through a catastrophic insurance fund as we have in Florida, or a quasi-insurance company such as we have in Florida.

This is a major policy shift. The bottom line is, I support this amendment because it is an important symbolic amendment. Our people are hurting and they need some help with regard to the potential catastrophic wiping out of not only their lives but their property as well.

What has happened in this day and age of the huge natural catastrophe first came to the fore in the example in 1992 by the monster hurricane, Hurricane Andrew—now they think it was a category 5, which is winds upwards of 150, 155 miles an hour—had insurance losses in 1992 of $16 billion. That was by far the largest insurance loss through a natural catastrophe in the history of the United States. In today's dollars that would be somewhere around a $22 or $23 billion insurance loss.

What really shook up the insurance marketplace at that time was, had Andrew turned 1 degree to the north and drawn a bead on the city of Miami or Fort Lauderdale instead of the city of Homestead—which is way to the south in a relatively undeveloped part of Miami, Dade County—had it turned 1 degree to the north and hit that other area, it would have been a $50-billion-loss storm, and that would have taken down every major insurance company in the country that was doing business in the path of that storm. That is what shook up the markets.

Then we had a few others—not anything upwards of category 4 or 5—in the latter part of the decade in the 1990s. Then along comes 2004 and we get four hurricanes in Florida within a 6-week period. There was virtually no county in the State of Florida that did not have hurricane damage. The only good news coming out of that year was none of them were above category 3—in the range of 120 to 125 miles per hour. Of course, the damage goes up exponentially as winds increase in miles per hour above 110, 115. When you get on up into the range 130, 140, 150, the damage goes up exponentially.

The insurance marketplace was just roiled, and insurance companies could not find what is known as catastrophic coverage, or in this case insuring against catastrophe to insure the insurance company against that catastrophic loss.

Of course, right on the heels of 2004, then we had the awful mess with Hurricane Katrina. That is an interesting storm because it was a typical category 3 storm that can cause the amount of damage that you would expect a storm to do hitting the Mississippi coast with category 3 winds. What people did not expect was, on the back side of that hurricane—remember the hurricane is counterclockwise in the northern hemisphere—the back side of those winds coming across Lake Pontchartrain, as the eye of the hurricane moved over the coast to the east in Mississippi, those winds brought the rain, and that started filling up the canals in New Orleans. The pumps did not work or were inadequate to pump out the canals. The water rose, the water pressure rose, it breached the dikes, and it filled up the bowl of New Orleans so you get so much more water damage, flood damage, with a lot of the people in New Orleans not having flood insurance when, in fact, they were below sea level in the location of their homes.

What the amendment of Senator WICKER, and a companion side-by-side of Senator SCHUMER, is doing is adding wind to the flood insurance policies. Symbolically it is important because our people are hurting. They cannot find available hurricane wind insurance, and they can't find it affordable. That is why I am going to support it.

Now, let me tell you what is wrong with it. Should this legislation pass, it would have to be fixed down the line. It has two major flaws. The first is that it sets up a standard that says the rates for this wind insurance have to be actuarially sound.

That sounds real good. Rates ought to be actuarially sound. But the problem is, there is no check and balance on the person or persons who are going to be doing that as there is in the regulation of insurance by the insurance commissioners of the 50 States. Therefore, what I fear with legislation like this is that some secretive group or Star Chamber outside the normal government in the sunshine, making mathematical calculations that are actuarially sound, would suddenly enact rates that would go through the roof, and the very purpose of what we are trying to do—to have available and affordable insurance for people in the face of hurricanes—would be for naught. It would have exactly the opposite result with no accountability and no insurance regulator that would crack the whip on them.

The other flaw in the requirement of actuarially sound rates is, if a loss occurs and you are covering both wind and flood, the wind losses may well absorb all of the available reserves in the Federal flood insurance program and there is no money left in order to pay the flood insurance claims.

What it does is it translates into higher premiums and a potential loss of flood subsidies. The requirement in the bill that the multiperil rate be actuarial could cause the current flood policyholders, who are eligible to receive subsidized rates through the standard National Flood Insurance Program, through their flood policy, to lose the subsidy that is already there in the National Flood Insurance Program. If this policy in this amendment were to be enacted, it could certainly lead some States with existing wind coverage options—such as my State of Florida—to discontinue that coverage, which would further provoke policyholders to have to purchase the expensive but actuarially sound National Flood Insurance Program multiperil coverage.

This would essentially shift the liability from the State to the Federal Government while at the same time actually limiting consumers' access to affordable wind coverage—exactly the opposite of what is intended by the offeror of the amendment. Nevertheless, it is a logical conclusion unless you clean up this language.

Now, the next concern I have with it is both the Wicker and the Schumer amendments could destroy the financial integrity of the National Flood Insurance Fund. In both these amendments being offered, the multiperil policy would be offered as an optional coverage under the National Flood Insurance Program.

Because the proposals do not expressly separate the premium from the standard flood program, there is a potential for the entire flood fund to be drained without paying the claims for the wind damage. This would put the flood insurance program right back in the situation it finds itself now: relying on borrowing from the U.S. Treasury to pay the claims to flood policyholders.

So this is a complex problem. But as we try to solve it, we must ensure that we do not inadvertently undermine the viability of the National Flood Insurance Program and fail to fulfill the promise we made to 5.5 million current policyholders, and, oh, by the way, 40 percent of all those flood insurance policyholders are in my State of Florida—40 percent of them.

All of us along the gulf have struggled with availability and affordability of homeowners insurance. But, Members of the Senate, this is not only a Florida problem and it is not only a gulf coast problem; insurers are cancelling coverages from Texas to Massachusetts, and those who say the Federal Government does not belong in the catastrophe insurance market are mistaken.

Because when the big one comes, and mark my word, the big one is coming, the big one is a category 5 storm that hits at a high-density urban concentration population on the coast, be that anyplace on the gulf or Atlantic seaboard, when that big one comes, the availability of private markets to handle that natural disaster is not going to be able to be there. And the Federal Government keeps denying the fact that we ought to face this problem.

The Senators in the Midwest say: Well, Hurricanes are Florida's problem or earthquakes are California's problem. What they do not recognize is, no, it is everyone's problem. Because what typically happens when a natural disaster of this magnitude hits, it is the very same Federal Government that picks up the tab.

I remember my first year as a young Congressman back in 1979. I had to vote for what were Federal disaster funds and the cleanup of a natural catastrophe that was the blowing of Mount St. Helens, which spewed ash all over several cities.

I thought to myself at the time, when others were trying to kill that disaster assistance saying: Well, that is not our problem; that is the problem of the State of Washington. No, it is all of our problem. The Federal Government does have the disaster funds to come to that aid.

If you take a State such as Louisiana in the aftermath of Hurricane Katrina, that full hurricane now is something like a $200 billion economic loss. The Federal Government has picked up at least half of that, $100 billion. And we say we do not think there is a Federal responsibility to try to plan ahead for that catastrophe by providing some kind of catastrophe insurance if the States cannot provide it?

This whole instability has repeatedly forced the Federal Government to absorb billions of dollars of uninsured losses, including the most recent ones of Hurricanes Katrina, Rita, and Wilma, just those hurricanes alone.

So as we go on down the line, we have a must-pass bill. We have to reauthorize this Federal Flood Insurance Program. I wish to thank the chairman and the ranking member in that what they have done, if we do not pass anything else—and I have a couple amendments on trying to arrange for a loan program from the Federal Government. It has already passed the House—a loan program at fair market rates; in case the State catastrophe fund, which is a reinsurance fund against catastrophes, in case that goes belly up, that there will be a loan program from the Federal Government at market interest rates.

But if we fail on all these, at least in the bill, thanks to the chairman and to the ranking member, is the setting up of a commission that would have to report back, a commission composed—and the ranking member is coming on the floor. I have been singing his praises, along with the chairman's, of putting in the bill a commission made up of experts, broadly representative of the communities that are affected, to recognize we have a problem on covering catastrophes in the insurance business.

That commission would have a certain day on which to report. What that will signal, if that is the only thing we can get in here, I hope we can get this loan program that I talked about for a State insurance catastrophe fund. If it goes drain dry, that Federal Government would lend money to it at market rates so that at the State level, they can try to take care of that catastrophe.

But if we cannot get that, there is a question of germaneness; therefore, I would have to get a 60-vote threshold to have the amendment considered. But if we cannot do that, at least we have in the bill, in a must-pass bill, the Federal flood insurance bill, for the first time, the Federal Government will have on the table the recognition that we have to understand and do something about the response from the Federal Government when the big one comes. And it is coming.

Madam President, I made a commitment to the Senator from Louisiana that when I yield the floor I will ask for the quorum call. So I would merely take my instructions from the Senator from Louisiana if she wanted me to entertain a question from any Senators standing, without losing my rights to the floor.

The Senator from Louisiana has so indicated. So I would certainly yield for the purpose of a question without losing my right to the floor to the distinguished chairman.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I do not have a question for my colleague. I wish to thank him. For those who want to understand this, I think he is rather eloquent and knowledgeable. As a former insurance commissioner of the State of Florida, he has more than a passing familiarity with these issues. He has described it, made the case more eloquently than I did about the difficulty we have with the wind amendment; not on the substance of whether we ought to do something about it but whether we can and what the effects of this amendment could be.

I commend him as someone who understands that, for laying it out and the problems inherent with it. As he and my colleagues know, the ability to then alter that kind of amendment then becomes almost impossible in this process.

As I said earlier in the presence of my friend from Mississippi, we, Senator SHELBY and I, are deeply involved in the foreclosure issues, as we have been over the last number of months. As our colleagues are aware, this subject matter of catastrophic insurance would have been the major subject matter of the Banking Committee. I regret we were caught up in the foreclosure situation, for obvious reasons.

But that does not minimize at all the situation my colleague from Florida faces—or that other States do. It is not only a Florida issue, this is an issue that affects all of us in this country, and we need to have a far better plan in place on how we deal with it.

I mentioned earlier: Pick up this morning's newspaper. You read the headline in the local newspaper and every newspaper, I presume, across not only this country but around the world on what happened in Myanmar; 120 mile-an-hour winds, devastation, loss of life. These problems are occurring around the globe. We would be naive at best to think it cannot happen here. In fact, it has happened and could happen even worse in this country. So we need to get to those points. I thank him very much for his eloquence and his understanding of these issues.

Mr. NELSON of Florida. Madam President, I would yield for the purposes of a question, without losing my rights to the floor, to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. I thank my friend, the Senator from Florida, for yielding.

I, too, wish to commend him for his statement about the complexity of this issue. I appreciate the reservations he has expressed, while at the same time expressing support for the Wicker amendment today. I would hope the Senator would agree that support for this amendment today, though it might not be a perfect amendment, would send the signal he suggested—that there needs to be a Federal response to this issue.

We know this bill will go to conference. There will be additional work on it. But I would like to send a signal to the executive branch, to the insurance industry, to the homebuilders, to the realtors, we need to get busy on this issue.

Because, as the Senator said, the insurance for wind coverage is not there anymore in the private market at an affordable rate. And the wind pools are not affordable, because the pool is so small that we cannot spread the risk, whether it is Massachusetts, Connecticut, New York, Maryland, North Carolina, Virginia, South Carolina, Florida, Texas, Louisiana, Alabama, or my home State of Mississippi.

This is a problem for people when the next big one comes, as my friend has said. We do not know where or when it will come, but what we do know for a certainty is it will indeed come.

So I appreciate the thoughtfulness of the Senator's remarks. I appreciate his bottom indication that he supports the amendment as a vehicle to move this issue forward.

I yield the floor.

Mr. NELSON of Florida. Madam President, I indicated in my opening remarks that not only do I support the Wicker amendment but the similar Schumer amendment. It is important, symbolically, to get something done.

Now, the Senator from Mississippi has suggested another idea, that at the end of the day, when it is very difficult to enact a national catastrophic fund, what the Federal Government can do is encourage, by giving incentives to the States, enactment of a regional catastrophic fund.

Florida, of course, had to take the lead because we were the ones who got devastated in 1992 by Hurricane Andrew. Florida set up this fund called the Florida Hurricane Catastrophe Fund. It is a reinsurance fund to insure against catastrophes.

But that cost is spread over 18 million Floridians. Does it not make a lot more sense to spread that hurricane catastrophic risk over 50 million Americans, by getting all the Gulf States and the Atlantic coast States to combine in a regional catastrophic fund, since at the end of the day, it is going to be very hard to get a national catastrophic fund?

So as we get on down the line, with the commission, if that is the only thing that survives this legislative process, then certainly that should be an item on the table that the commission would consider when they would report back to the Congress.

I am hopeful for the first time now, we have something on the floor that is going to address this, and I am grateful I can speak out on behalf of 18 million Floridians who are hurting because what they want is available and affordable homeowners insurance.

Right now many times it is not available, and they have to go to a government insurance company such as Citizens or it is unaffordable. Remember, if you can't have homeowners insurance, you can't build homes, make loans on homes, or sell homes. The necessary component for all three of those industries—real estate, construction, and banking—is an available and affordable homeowners insurance policy. We have reached the point that it is either not available or it is not affordable. Finally, we are beginning to address it, right here. I am grateful for that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GREGG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I ask unanimous consent to speak as in morning business for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAP AND TRADE REVENUE

Mr. GREGG. Madam President, I rise on a separate subject that is coming at us that is of even greater significance in many ways because it is going to impact the entire structure of the economy and the lives of everyone in the United States, and that is how we get a handle on the issue of global warming and the issue specifically of the emission of toxic materials from plants which generate energy. The term "cap and trade" is applied to a bill that is going to be brought forward supposedly in early June. Cap and trade is a concept of basically creating areas where energy companies are required to start reducing their emissions but the manner in which they do so is tied to the trading of rights of basically emissions and what sort of chemicals can be emitted through a trading process between different regions and within different communities of emitters.

This cap-and-trade proposal, which is known as the Warner-Lieberman bill, is a huge readjustment of our economy. It represents a massive cost to our economy as well as, hopefully, a massive improvement, if it would work right, in the amount of toxic emissions which we incur and which occur as a result of our production of electricity specifically. The cost of the cap-and-trade program, through the purchasing and selling of allocations of what can be emitted, is estimated to be about $1.2 trillion over the first 10 years of the proposal. This cost, obviously, is going to have a major impact on our economy. It is going to have a major impact on the people who consume the electricity, because the cost is going to be passed on to the people who use electricity in their homes, primarily, and businesses. There are a lot of issues raised by this bill on the substance of whether cap and trade can work—for example, issues of foreign competition, whether the technology necessary to meet the conditions for reduction will be available in time, issues as to whether certain segments of our industrial society are going to be unnecessarily handicapped and create a rush to move jobs offshore. These are big policy issues. I didn't want to address those. I don't want to address the substance of how the actual cap and trade will work. What I want to address instead is the ancillary, sidecar issue of the generation of this huge cost of $1.2 trillion, and it will go on 40 years. So we are talking about literally trillions of dollars passed on to consumers through higher energy costs. It is estimated those energy costs will increase anywhere from $30 to $500 a month.

In any event, the costs are dramatic, and that has two effects. One, the Federal Government is going to make a massive amount of income as a result of these costs. Two, the consumers, the homeowners are going to see their electrical rates go up which is essentially a tax as a result of these costs. So the way I conceive of this is that the Federal Government is going to get a lot of new revenue, and what do we do with that revenue is the first question. Secondly, what about the consumers who are going to have to pay this new consumption cost through the increase in the price of electricity which is essentially a consumption tax.

The bill itself that is being discussed in committee and is supposedly going to be reported on the floor will take the $1.2 trillion over that 10-year period and essentially spend it all, spend it all in a variety of ways. But a large amount of that spending would involve the expansion of Government. It would be a huge infusion of funds into the Federal Treasury at the expense of the consumer who pays those funds.

BARACK OBAMA, who is running for President, who appears to be close to successful in winning his quest for the nomination, has suggested he would pay for an additional $300 billion in new spending annually. He has proposed over $300 billion in new spending annually. He would pay for a large amount of that through generating $30 to $50 billion annually in taxes as a result of cap and trade. It is estimated by some that that revenue to the Federal Treasury might exceed that number and be actually up to $100 billion a year annually of income to the Federal Treasury. But BARACK OBAMA has already suggested that we spend it on the expansion of the Federal Government.

The bill itself proposes that it be spent on the expansion of Government as well as on various other initiatives which the bill suggests we should pursue.

I suggest a different approach. I suggest that if we go down the path of cap and trade and if we end up raising well over $1 trillion over a 10-year period from consumers, we should return those dollars to consumers in some way. I believe since we are basically creating a consumption tax and we are essentially shifting the burden of the Government significantly onto the user of electricity, especially the homeowner, they should receive a commensurate reduction in taxes that they pay in other places. It makes sense to me that if you are going to shift what amounts to a $1.2 trillion increase in consumption taxes, you ought to take those revenues and use them to reduce income taxes to working Americans by pretty much an equal amount. I believe if we did that, if we took the revenue from the consumption tax and moved it over and reduced the income taxes so working Americans could benefit from that reduction in their income taxes, you could end up dramatically reducing income tax rates on working Americans.

That should be our goal with these dollars. We should not use these dollars to significantly expand the size of the Federal Government. If we are going to create this brandnew consumption tax in order to try to energize the effort of the marketplace to control emissions which may be causing global warming, then we ought to use the revenues which are the result of a new tax burden, a consumption tax burden on people using electricity, to reduce the tax burden on working Americans in other places. We should not use it as a windfall to the Federal Government which would expand the size of the Federal Government and expand the size of Government. It is not right to do that.

The overall tax burden on the American people is already significant. It is going to grow, regrettably, over the next few years. If we listen to some of our colleagues on the other side of the aisle, it is going to grow a lot. In fact, the budget that passed this Congress suggests it will grow by almost a trillion dollars over the next 5 years. We don't need to throw on top of that increased burden of taxation, which Americans are already paying, a brandnew consumption tax, the revenues from which are then taken to expand the size of the Federal Government. Rather, let's take those revenues and put them toward a reduction in income taxes. In fact, there are many people who look at tax policy and would argue that this is an intelligent way to structure this, to basically begin the shift from an income tax system to a consumption tax system is a much more efficient way for us to collect revenues and, secondly, a better way to collect revenues from the standpoint of energizing a strong and vibrant economy. But independent of that argument, which has been raging for years, whether a consumption tax makes more sense than an income tax, what doesn't make sense is to raise consumption taxes through cap and trade by $1.2 trillion over 10 years and then spend it to increase the size of Government. Let's use that money to reduce the tax rate on working Americans, to reduce the income tax. That should be our goal as we move forward and debate the issue of cap and trade and how we are going to use the revenues which that bill will generate.

I appreciate the courtesy of the Senator from Louisiana and yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 4706, AS MODIFIED, TO AMENDMENT NO. 4707

Ms. LANDRIEU. Madam President, I ask unanimous consent that the pending amendment be set aside and I call up amendment 4706, as modified, at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 4706, as modified.

Ms. LANDRIEU. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To improve the Office of the Flood Insurance Advocate)

Strike section 131 and insert the following:

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

"(a) ESTABLISHMENT OF POSITION.—

"(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

"(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

"(B) be appointed by the Director without regard to political affiliation;

"(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

"(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

"(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, accounting, auditing, financial analysis, law, management analysis, public administration, investigations, or insurance.

"(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

"(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

"(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

"(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

"(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

"(1) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

"(2) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

"(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

"(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

"(5) conduct, supervise, and coordinate—

"(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer for sale insurance policies against loss resulting from physical damage to or loss of real property or personal property related thereto arising from any flood occurring in the United States, to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program;

"(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

"(C) examinations to ensure that insurance companies and associated entities are properly compiling and preserving documentation for independent biennial financial statement audits as required under section 62.23(l) of title 44, Code of Federal Regulations; and

"(D) any other audit, examination, or investigation that the National Flood Insurance Advocate determines necessary to ensure the effective and efficient operation of the national flood insurance program;

"(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

"(A) promoting economy and efficiency in the administration of such program;

"(B) preventing and detecting fraud and abuse in the program; and

"(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse;

"(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program; and

"(8) investigate allegations of consumer fraud.

"(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

"(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section;

"(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

"(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

"(4) require by subpoena the production of all information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court, provided, that procedures other than subpoenas shall be used by the National Flood Insurance Advocate to obtain documents and information from any Federal agency;

"(5) issue a summons to compel the testimony of any person in the employ of any insurance company or associated entity, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

"(6) administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office designated by the National Flood Insurance Advocate shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(7) have direct and prompt access to the Director when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

"(8) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(9) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

"(10) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

"(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

"(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

"(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

"(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

"(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

"(e) OTHER RESPONSIBILITIES.—

"(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate shall—

“(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the national flood insurance program reflect damages caused by flooding;

“(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

“(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

“(2) ANNUAL REPORTS.—

“(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

“(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

“(ii) describe the nature of recommendations made to the Director under subsection (i);

“(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

“(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

“(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

“(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

“(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

“(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

“(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

“(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

“(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

“(xii) identify fraud and abuse in the national flood insurance program; and

“(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

“(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

“(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

“(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

“(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

“(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

“(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

“(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

“(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

“(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

“(g) PERSONNEL ACTIONS.—

“(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

“(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

“(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

“(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

“(h) OPERATION OF REGIONAL OFFICES.—

“(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

“(A) shall report to the National Flood Insurance Advocate or delegate thereof;

“(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

“(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

“(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

“(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

“(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

“(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

“(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

“(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

“(A) whether such recommendation was followed;

“(B) why such recommendation was or was not followed; and

“(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

“(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

“(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

“(k) COORDINATION.—

“(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

“(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

"(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

"(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

"(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—In addition to any other action that may be taken by the Attorney General, upon a finding in any investigation or audit conducted by the Office of the National Flood Insurance Advocate under this section, that any insurance company or associated entity has willfully misappropriated funds under the national flood insurance program, the Director may levy a civil fine against such company or entity in an amount not to exceed 3 times the total amount of funds shown to be misappropriated.

"(m) DEFINITIONS.—For purposes of this subsection:

"(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

"(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

"(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

"(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

"(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

Ms. LANDRIEU. Madam President, Senator WICKER, Senator VITTER, myself, and Senator COCHRAN to some degree have been working for months literally on this bill. It is a very important bill—as has Senator NELSON of Florida—a very important bill to Mississippi and Louisiana that felt the brunt of these last storms that we will be marking the third anniversary of this August, not too far from today, and in September for Hurricane Rita. As I was saying earlier this morning, thousands and thousands and thousands of homeowners are having a difficult time, the causes of which are very different. In some parts of the country people extended debt beyond what was wise and reasonable and find themselves losing their homes and in some instances it is partly their fault.

In some places, some consumers had bad deals thrust at them, and maybe through fraud or some other abuse they find themselves losing their homes. The people I represent didn't do either of those two things. The people I represent in Louisiana and along the gulf coast did nothing but basically play by the rules, have insurance if they were required to, didn't have insurance when they were not required, for the most part. There were some families who should have had insurance who did not, but that is another subject for another day. But the bulk of the people did exactly what they were supposed to do, and they are still going to lose their homes because of two reasons: The Federal levees that should have held didn't and the insurance paradigm we have established is not sufficient. That is what this bill is about.

To describe this in very clear graphics, I wish to put up this poster that shows why we are on the floor today: $17.53 billion; that is a lot of money. That is why this bill is on the floor today, because we have to "reform the system" because it is obviously not working. We set up a flood insurance program and for years it would basically break even because of the way it was structured. Then in 2004, it went into debt a little bit, $225 million. Then we went into debt a little bit more, $300 million, but still manageable. Then Katrina and Rita hit and the debt goes up to almost $20 billion. So make no mistake about it, that is why this bill is on the floor. This is a taxpayer bailout of $20 billion. At the same time the taxpayers are bailing out the insurance industry, I wanted to show you what the insurance industry profits are. Everybody—some Republicans and a lot of Democrats—has been on this floor talking about oil companies. I guess I can understand why oil companies are making profits, because prices are high. That is a whole other subject for another day. But I wonder how insurance companies can make profits when you are supposed to have a record loss. I understand profits when prices are high; I don't understand profits when losses are great. There is something wrong with this system.

So, in 2005, the insurance profits went up to $48 billion. Katrina and Rita hit; they don't go down. The profits go up. Because it is basically a system where insurance companies just cannot lose money. People can lose money. People can lose their houses. Businesses lose their businesses. Businesses lose their contents and their markets. But for some reason, in this insurance bill we are operating under, insurance companies make money in the middle of a disaster. Some of my constituents, including myself, would like to know how this happens.

As to the National Flood Insurance Program, the GAO did a report that says: "Greater Transparency and Oversight of Wind and Flood Damage Determinations Are Needed." They just issued this report. I would say so, since the taxpayers are going to pick up the $20 billion bill.

You heard the Senator from Florida, Mr. NELSON. They were so desperate in Florida, the State had to sort of insure itself, which, thank goodness, Florida is big enough and maybe wealthy enough to do. It is very risky for the State of Florida to do that. If they have four our five hurricanes in one season, like they did a couple seasons ago, it could bankrupt the State. I am sure this debate went on in the Florida Legislature. But they were so desperate, they actually had no recourse because the Federal Government will not come up with a plan that will work for everyone.

So Florida had a choice: They could either shut down every commercial business, shut down every homebuilder, completely stop the housing market in Florida, or they could self-insure themselves. It was a pretty desperate situation, so Florida went ahead and did that.

But let me explain, Louisiana is not a rich State, and we are not a big State. We cannot insure ourselves that way. If we had another Katrina, the whole State would go bankrupt and our kids could not go to universities, our hospitals would shut down. I know people think I am making this up, but it is the truth. We cannot assume that risk onto ourselves, and neither can Mississippi, and I would suggest neither could Alabama. Maybe California could do it, maybe New York could do it, maybe Texas could do it, and maybe Florida could do it because they are big States, but our little States would go bankrupt.

So our GAO says the insurance business needs some more transparency and oversight. I will tell you why. As shown on this chart, this is what is in the report. As you know, maybe by word of explanation, under the current system—as unbelievable as this might sound—you have the real estate agents who are in the private sector writing wind insurance for their companies, which they can make a profit on. It is private. They are writing the flood insurance policies. So it is "write your own" policy. So the same people who write the Federal, taxpayer-guaranteed flood program write the private program.

So right now—and this bill does not fix this; this bill does not do anything to fix this—right now, according to our own GAO, Government Accountability Office, which is completely neutral, not political:

> In certain damage scenarios, the WYO [write your own] insurer that covers a policyholder for wind losses can have a vested economic interest in the outcome of the damage determination that it performs when the property is subjected to a combination of high winds and flooding.

Which, hello, most often happens in a hurricane. You have winds and water. So it always happens that way.

> In such cases, a conflict of interest exists—

Let me underline "a conflict of interest exists"—

> with the WYO insurer as it determines which damages were caused by wind, to be paid by itself. . . .

So if a house is destroyed and the person comes in and says: This house was destroyed by wind 85 percent—if that is the case—then I have to pay it out of my pocket. If it is actually 85 percent flood, then the Government can pay it. The poor taxpayers can pick up this tab, so the insurance companies move their liability to the taxpayer.

I know, Madam President, as a former auditor, you can most certainly appreciate and understand this situation.

So it says:

> In such cases, a conflict of interest exists with the WYO insurer as it determines which damages were caused by wind, to be paid by itself, and which damages were caused by flooding, to be paid by NFIP [the National Flood Insurance Program].

Which is basically the taxpayers.

> Moreover, the amount WYO insurers are compensated . . .

In addition to that obvious conflict of interest, which is not corrected in this bill, the insurers are compensated for servicing a flood claim, and it increases as the amount of the flood damage increases. So their compensation, their percentage is increased. So if the flood insurance is more, they get a little bit of a premium.

So this bill has been in committee being worked out through the House and Senate, it is finally on the floor, and this problem has not been corrected. So that is why I offer my amendment to try to correct some portion of it.

Let me show you one of the actual transactions we have uncovered. This is an actual blowup of a claim, the paperwork that was done. It talks about the flood that occurred on August 29. Damage appears to be the result of the general condition of flooding. The first inspection revealed an exterior waterline of 15 to 20 feet, an interior waterline of 8 to 12 feet. Damage was extensive. It lists this.

That sounds wonderful and great. That is kind of what one of these documents would look like. The problem is, the adjuster who turned in that document said—this is under oath in one of the court proceedings that is slowly moving through the courts—"I did not put those numbers in there." "There was no house to measure a waterline." "I did not prepare that letter." "They didn't call me about that letter." "That is the document that is sent to the Federal Government." This is an adjuster. We have blocked his name out because he would probably get in trouble if they knew he was sharing this information with us.

So, in other words, again, this is not complicated, because I know insurance can be complicated. I do not really like the subject very much, but I have had to learn more about it than I care to know because of what we are going through.

But we have a system which we are getting ready to vote on right now that allows the same insurance companies to write their own personal policies or their own business policies, and they do the Government a "big favor" by writing the flood insurance policies. They decide when their houses are destroyed, how much they have to pay out of pocket, if it was done by wind, or how much we have to pay if it was done by flood. These documents are barely ever audited, or this system is barely ever audited.

When we went and checked, as shown on this chart, this was the house that supposedly had a water line. Of course, you can see this address. There was no house. There could not possibly have been any measurement because there are no walls to measure. So this is just an example of hundreds that are coming out as these court cases move forward all along the gulf about the very serious problems related to the way the U.S. flood insurance program works.

Now, I know we need a flood insurance program. My State benefits tremendously from having one that is fair and equitable to the people who are paying the premiums, to the homeowners and businesses who rely on it. I also have an obligation to taxpayers generally in this country to support a program that is honest and fair. What I am suggesting is that the bill we are about to vote on—which is probably why I am going to vote no—does not do anything to change this.

So I am going to put up my "$20 billion" sign again. This $20 billion debt exists in large measure because of this system I have just described. Now, this bill is going to pass, and magically the Federal Government is going to just absorb the $20 billion so we kind of get back to even. The bill, then, generally said, to make up for that, we are going to raise rates. But do you know on whom they raise rates? Not on the insurance companies that have already made record profits. Do you know on whom they raise rates? People who cannot afford the rates today. In the underlying bill, they can raise rates 15 percent a year or 25 percent a year.

When we ask the committee to please consider that the people of Mississippi and Louisiana and Alabama cannot afford higher insurance rates, couldn't we possibly consider some kind of catastrophic plan—because we might have hurricanes, but Memphis is going to have an earthquake someday, and Seattle is going to have a tsunami; in 1938, a hurricane 5 slammed into Long Island—we are told no. We cannot even consider such a thing.

So there are many things wrong, and I really cannot correct them. I tried to hold this bill up as long as I could, and everybody decided we needed to have a flood insurance bill, so I said: Fine. Let the bill come to the floor, but I am going to talk against it. That is what I plan to do.

So the purpose of this bill is for the taxpayers to eat $20 billion, to let insurance companies have record profits, and the end result is the people of Alabama, Mississippi, and Louisiana get rates raised every year from now until who knows. And I am supposed to just sit here and say this is a great bill the committee came up with?

So the amendment I am offering—which is not going to fix this bill, but it might fix one problem with this bill—is to establish an ombudsman.

Oh, and this is really ironic, what is in the underlying bill. In the underlying bill, there is a provision that establishes an office to register complaints. It is a flood insurance advocate section of this bill. If I had the section, I would read it. But in the underlying bill, there is a section that talks about that if anybody has a complaint, they could call a 1–800 number and complain.

Now, I have e-mails up to my ceiling in my office from people—not complaining, crying—not complaining, crying because they are getting ready to lose their business or lose their house. But they could, in the underlying bill, call a 1–800 number and make a complaint. But the language is so weak and flimsy, there is really not anything they can do other than complain.

So I have taken that section and strengthened it. That is what my amendment does. It does not just establish a complaint counter. It establishes an office that has some teeth. It establishes an ombudsman's office. We kind of took the language from some of our IG legislation which will allow the establishment of an office with some significant funding attached to it that can review and audit more carefully this National Flood Insurance Program.

I would hope the leaders of this committee would look carefully at this amendment and know that I offer it in very good faith. Again, I do not believe the underlying bill, in this provision just establishing an office to complain, is enough considering the gravity of the situation we are dealing with.

I offer this amendment in good faith. I offer it with Senator NELSON from Florida as a cosponsor. It establishes an office that would conduct audits to ensure that only flood losses are being allocated to the flood insurance program. It ensures that write-your-own insurers are preserving the necessary documentation to justify their payments, to conduct any other examinations to protect the financial integrity of the program, and to prevent fraud and abuse and conflicts of interest.

Now, again, our Government Accounting Office has already established there is an inherent conflict of interest in the current program. So we are not guessing that there might be a conflict of interest; there is a conflict of interest. It says so according to the GAO:

> In certain damage scenarios, the insurer that covers a policyholder for wind losses can have a vested economic interest in the outcome of the damage determination that it performs when the property is subjected to a combination of high winds and flooding. A conflict of interest exists, as it determines whether it says your house was damaged by wind.

So let me go ahead and pay your claim on it, or the insurer says: No, I think it was damaged by flood, which then the taxpayers can pay for, and my insurance company gets off Scot-free. And maybe, just maybe, that might explain why in the worst disaster in the history of the United States, at least recently, taxpayers have to pick up $20 billion and insurance companies file record profits.

Is there anything in this underlying bill that might suggest that we could watch the taxpayers' money a little more carefully? No. They put in an office, a 1-800 number where people might complain.

So instead of the 1-800 number where people might complain, I would like to put in an office where, if something is wrong, people can be criminally prosecuted. If there is fraud, people can be penalized with civil penalties and criminal penalties.

I know this is very tough language, but I am not suggesting this particular document suggests that there is any stealing or any crime. But there is something wrong in our system of justice where somebody goes into a grocery store and steals $100 and gets 3 years in jail, and we have companies that—"fudge" is the word. They didn't really use the word "steal," but they will fudge a little and take $20 billion out of the Treasury and they get nothing—not a slap on the wrist, not a fine. The only thing that happens is the poor homeowners and businesses get increased premiums. So that is one of the things this amendment does.

I hope my colleagues, whether they vote for the bill—I probably will not vote for the bill unless it is amended substantially, which it may be between now and the time we vote on final passage—but I hope my colleagues will look very carefully at this amendment that I offer with Senator NELSON. It establishes basically an IG ombudsman within this program to make sure the taxpayers don't pick up another $20 billion in costs.

I know people will say: Well, Senator LANDRIEU, if we don't have this bill, your people won't have flood insurance. Well, I understand that, but our people have—we are between a rock and a hard place. We need flood insurance, but we need flood insurance that we can afford. We would like to believe we have a flood insurance program that operates honestly. I am not sure that we do. So that is what this amendment does, amendment No. 4706.

AMENDMENT NO. 4705, AS MODIFIED, TO AMENDMENT NO. 4707

I have one final amendment to offer. If I can, I would like to send the amendment, as modified, No. 4705, to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Louisiana [Ms. LANDRIEU], for herself, Mr. PRYOR, and Mrs. LINCOLN, proposes an amendment numbered 4705 to amendment No. 4707.

Ms. LANDRIEU. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 10, strike line 3 and all that follows through page 10, line 16, and insert the following:
>
> (c) STUDY ON MANDATORY PURCHASE REQUIREMENTS.—
>
> (1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct and submit to Congress a study assessing the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system.
>
> (2) CONTENT OF REPORT.—In carrying out the study required under paragraph (1), the Comptroller General shall determine—
>
> (A) the regulatory, financial and economic impacts of extending the mandatory purchase requirements described under paragraph (1) on the costs of homeownership, the actuarial soundness of the National Flood Insurance Program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;
>
> (B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the National Flood Insurance Program; and
>
> (C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

Ms. LANDRIEU. Madam President, I send this amendment to the desk, which is actually on behalf of myself, Senator LINCOLN, and Senator PRYOR, that addresses the mandatory coverage requirements in the underlying bill. I hope my colleagues will not think again that this bill only affects the gulf coast because there are some provisions in this bill that are going to affect the entire country.

One of the provisions is, it is going to be mandatory as FEMA maps home and businesses located beyond levees and dams and floodwalls and other manmade structures into residual risk areas. Once these homes and businesses are mapped into such areas, the legislation would require them to purchase flood insurance.

Now, levees and dams don't just exist in New Orleans, although we have quite a few of them because we are a low-lying area. But we have 14,000 miles of Federal levees throughout the country along many rivers. In fact, I see the Senator from North Dakota, and he himself has had very significant experience with one of his towns being demolished, devastated, almost completely destroyed, I think it was maybe 15 years ago, when their levees broke. So he is well aware.

Whether you are in Michigan or Illinois or Missouri or in many places where there are levees and dams, there are 14,000 miles of Federal levees, 79,000 dams, and 22 percent of all counties and parishes have a levee. So it is one out of every four that will be affected by the underlying bill; that is, once FEMA finishes mapping the whole United States, which they are doing and which we need to do. We need to have better maps using new technology to try to determine who is near sea level and who is above sea level and who is at risk. I have no problem with that. But this bill will mandate that everybody behind those levees pays insurance.

So my amendment will basically establish before that requirement goes into place—and, again, it may be necessary—that there be adequate study about the issue. The amendment strikes the mandatory purchase requirement. In its place, it requires the GAO to study the cost, the regulatory, financial, and economic impacts of extending the mandatory purchase on the cost of home ownership, the actuarial soundness to this program, to the local communities, insurance companies, and local land use; the effectiveness of sending such a purchase requirement in protecting homeowners from financial loss and protecting the financial soundness of the program.

Now, I know this was debated in committee. I am not sure that it has gotten a lot of coverage, but my phone has been ringing off the hook from other Senators who are just waking up and saying: Well, Senator, I thought this flood insurance program only affected those places along the coast, and now I am realizing this flood insurance "reform" bill is going to raise fees—not necessarily taxes but premiums—on thousands and thousands and thousands of homeowners and businesses throughout the country.

We may have to do that. We may have to do that. But let's do it after GAO has studied and laid out what the impact and ramifications are, and let's do it in a system that is fair so it is not just the homeowners who have to pay premiums, the taxpayers who bail them out when there is a problem, and insurance companies that can't lose money under the current system. That is basically the system that we have.

So, again, 43 million people are affected by the underlying bill with this new provision. Twenty-two percent of all counties in the country, and in our case parishes, have levees; 79,000 dams and 14,000 miles of Federal levees.

So these are the two amendments that I offer. This has been done in a package with Senator WICKER and Senator VITTER. We have offered a package of amendments trying to fix and expand wind coverage to this bill, to lift the coverage limits.

Again, a big problem with this bill is it has not kept pace with inflation and only covers homes valued up to $225,000. That might sound like a lot, but it is not keeping pace with inflation. Our amendment would lift the coverage to homes over $325,000.

Then my ombudsman amendment and this mandatory coverage reprieve would be the other amendment.

Mr. DORGAN. Madam President, I wonder if the Senator would yield for a question.

Ms. LANDRIEU. Yes, I will.

Mr. DORGAN. The last amendment that the Senator sent to the desk, my understanding is that it is an amendment very similar to something I was intending to offer, but I am not certain I understand your amendment, so if I could just work through it with you.

My concern about the underlying bill with respect to the mandatory coverage areas is that it requires the expansion of areas of special flood hazards to include areas of residual risks, including areas that are behind levees, dams, and other manmade structures.

Is your amendment designed to strike that provision?

Ms. LANDRIEU. It doesn't strike the mapping requirement. It doesn't strike the mapping requirement, but it strikes the mandatory coverage provision until there is a study done about what the economic impact will be to people living behind those levees and dams.

Mr. DORGAN. But, if I might inquire further, is it the intention of the amendment to provide that there shall not be mandatory requirements on all of these levees, dams, and other manmade structures, which the underlying bill would require?

Ms. LANDRIEU. Yes, it does. That is the intent of the amendment.

Madam President, there are many Senators who feel as though this is a very abrupt requirement. They are not sure of what the outcome of these premiums might be to people who are already struggling with higher costs. And because there is no estimate to my knowledge, we thought it would be better to offer an amendment that would basically require a study so more discussion can be had, and then perhaps later we could insist on mandatory coverage or phase it in as is appropriate. But is that the Senator's concern?

Mr. DORGAN. Madam President, I believe I looked at the amendment, and it does not strike what is in the underlying bill—all of section 7—which I was intending to do with my amendment. I didn't quite understand the consequences of striking just a portion of it. But if the Senator from Connecticut who is on the Senate floor—when the Senator from Louisiana concludes, I would like to make a couple of comments about the reason for my concern about this matter, and perhaps we can visit. If our amendments have exactly the same impact, there is no reason for me to offer mine.

Ms. LANDRIEU. I would be happy to. I appreciate the Senator raising it. I will review the way this amendment is structured. But, again, I would be happy to work with the Senator so we could offer something together because there are many Senators who are concerned, and rightly concerned, about this particular section.

If the Senator would allow me to finish, I will be happy to yield the floor for further discussion because I am about ready to finish my remarks. There are no votes scheduled. There are other amendments that are going to be offered. But, again, a package has been put together by several Senators, both Republicans and Democrats.

I have to say again, in conclusion, I don't like the underlying bill. I did a great deal to keep this bill bottled up in committee for over 2 years. But I have been convinced the better way to proceed is to have this bill come to the floor, which is what I allowed with Senator VITTER and Senator WICKER, as long as we can offer amendments and have some time to air our grievances. The chairman of the committee and the ranking member of the committee have been men of their word and allowed us to do so.

So at some point, Madam Chair, I would request that the Senate vote on these amendments together as a package, but individually the one regarding wind, the one regarding the increased coverage, the one regarding the ombudsman, and the amendment regarding the mandatory coverage, and then the additional coverage options. So there are five amendments in this package that we have been working on. At some point, when that can be agreed to, we can move this bill forward.

In the meantime, I will be happy to work with my colleague from North Dakota to see if the language he has suggested is the same as ours. If not, perhaps we can modify our amendment to accommodate that, or perhaps he will offer the amendment with our acquiescence.

With that, I yield the floor to my friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, I was surprised by what is section 7 in the underlying bill. I understand the substitute at the desk has it on a different page. I am talking about the same provision the Senator from Louisiana spoke about briefly; that is, an expansion of the requirement to have flood insurance in areas of special flood hazards, to include areas of residual risk, areas that are located behind levees, dams, and other manmade structures.

I am not surprised we want people to buy flood insurance if they are at risk of being flooded. That is not my point. But let me give you a case study, if I might, and talk about Grand Forks, ND. Eleven years ago—in fact 11 years ago about this time—the city of Grand Forks, ND, a city of nearly 50,000 people, was nearly completely evacuated. It was the largest evacuation of a city since the Civil War, and it was because of a flood on the Red River. It was a very significant flood; some said it was a 500-year flood.

All of us who went to that city and spent time there and went to the Air Force base—a major Air Force base—15 miles west of the city and visited with the citizens who had been evacuated—tens of thousands of people—we will never forget that. So what happened in the last 10 years—by the way, let me speak about the memory of not only a city being flooded and evacuated, but in the middle of that city there was a raging fire. So there is a flood, and then buildings in the middle of the city that are inundated by water caught fire, and there was a major fire in the middle of the city. To watch firefighters work in a flood to try to see if they can't, in the middle of a significant city, put out a fire that is consuming a number of businesses in the downtown district is quite extraordinary.

Fast forward 10 years, and I think we have spent close to $400 million over a decade to provide unbelievable flood protection for that city. That is not going to happen again. There is a flood protection plan in place for that city that is very significant. That flood protection plan protects against a 250-year flood. The provisions in this bill talk about a 100-year flood. We have now flood protection for a 250-year flood. It is blue ribbon, first rate, brandnew flood protection for this city. So it is a little surprising to me to see a bill that says, by the way, we have just finished spending a lot of money to provide very significant 250-year flood protection and now we have one other decision; we want you to understand you should now buy flood insurance. It is only $1 a day, $300 or $400 a year, they say.

That is going to be pretty surprising to a lot of people who are still paying debts to fix up their houses from 10 or 11 years ago from that flood. They are going to ask the question: Why are we asked to buy flood insurance when you have built a very significant flood protection plan, with 250-year flood protection for our city, and now you say to us we all should go buy flood insurance. Are you daft? What are you thinking of? They would not understand this. I am trying to figure out what the requirement is.

I understand there are some manmade levees and dams and other circumstances that perhaps have risk attached to them, which are old structures. I understand that. There are some circumstances where those who take a look at this believe that more should participate in the flood insurance program. I understand all that. But to simply say that in every circumstance, including areas located behind levees, dams, and other manmade structures, everybody should have flood insurance, that doesn't make any sense to me.

I don't know how you explain that to somebody who was told we completed a terrific flood protection program that gives you a 250-year flood protection, but you need to pony up some money to buy new flood insurance. I think this is not a good provision, and I hope we will be able to remove it.

Ms. LANDRIEU. Will the Senator yield?

Mr. DORGAN. Yes.

Ms. LANDRIEU. I don't know how this will be resolved. I certainly can appreciate that, and I agree with the Senator, because one size doesn't fit all, which has been part of the problem with this bill—that it is pushing everyone into a one-size-fits-all requirement. It is not the appropriate response to our situation. I hope the Senator will consider either modifying the amendment I have laid down, or I would be happy to actually support a narrower amendment that any communities that can establish that they have created protection that is over and above the average, which is 100-year flood protection, might not be subject to this requirement.

As the Senator knows—because he is chairman of the Appropriations Committee that funds levees in the country, so he most certainly is one of the leading experts—the standard in America right now is not sufficient, and it is 1 storm out of 100. Very few communities can boast of being as protected as his community can. I suggest that most certainly I would not object as the main author of the amendment, but there are several cosponsors. I am sure we could work something out.

Mr. DORGAN. Madam President, in my subcommittee that I chair on appropriations, dealing with energy and matter, we spent $2.2 billion on Corps of Engineers construction alone, to say nothing of maintenance, remediation, and other expenses. Just the construction in fiscal year 2008 was $2.244 billion. So we are spending a lot of money working on levees and dikes and other areas of protection. It seems to me—my colleague from Connecticut indicated this and he is absolutely correct—levees do fail, and I understand that. He is absolutely correct about that. Levees do fail. Manmade structures, from time to time, will fail. But it is also the case that some risks are substantially lowered, and there are some risks that are substantially elevated because of the condition of the levy and so on. My colleague from Louisiana is correct when she says let's not do something that is one size fits all.

Again, I will use the example I think is clear. If you just finished a new flood control program that you have worked on for 10 years with a 250-year flood protection, which is more than double the protection normally required to protect against a 100-year flood, at least understand the difference between what you have done there with public funding and what might exist somewhere else, where there is higher risk. It is hard to tell somebody, by the way, you have a new flood control plan, it works, it is terrific and it is new and it costs a lot of money; it will protect you against a 250-year flood, but you must buy some flood insurance, please, because we are worried that you are going to be hit by a 100-year flood. That is the kind of thing I hope we can avoid.

Earlier, I used a word I don't ever use. I don't know why I used it. I used the word "daft." I wasn't applying it to anybody who wrote this legislation. I should quickly explain that.

It appears to me that, if this would pass, we may have to explain to some people something that is not able to be explained. You now have terrific flood protection, but we want you to buy flood insurance, even though we protected you with public funding, with a first-class flood protection system. It is not difficult for me to go to someone in a circumstance where there is risk and say I understand why you have to have flood insurance. You have to have a large number of people paying in. You have risk and you are going to have to buy flood insurance. I understand that.

The Senator is correct that sometimes levees do fail. We should not, it seems to me, with this small section in the bill, on page 9, subsection 2, under (b), we should not say, anyplace in America where you have a levee, a dam, a manmade structure, you are all in the same boat. That is not the right thing for us to do.

I hope that with the concurrence of the Senator from Connecticut, perhaps, we can talk through this as we move along and make some changes to that, which are thoughtful and address the issue of risk.

I thank my colleague from Louisiana, and I thank my colleague from Connecticut for his patience. As I conclude, I am going to visit with the Senator from Louisiana to see whether my amendment is sufficiently similar to hers so maybe we can deal with one amendment. If so, I will not add my amendment. I have filed it, but I will not call it up. If it is not sufficiently similar, I will call up my amendment later today.

I yield the floor.

Mr. DODD. Madam President, now we have had five amendments that will be pending at some point. At an appropriate time, after my colleague from Alabama arrives, in consultation with others and with the leadership, we will work out a time when we may have consideration of these amendments and have votes. Many Members are curious about votes this evening. We would like to give a clear indication of when the votes are likely to occur. Let me take a few minutes and respond.

First of all, all of us in this Chamber, including myself, have expressed ourselves over the years in terms of what has happened when people have been devastated by natural disasters, including those in the gulf area. I have traveled down there reviewing the area and seeing what happened. We all care deeply about what happened to people in the Gulf State areas, in terms of the devastation that occurred. Let me point out quickly that is not the debate, in the sense whether we understand it. It is what we can do about it.

The bulk of this legislation, as presently written—it is a given that most of the 5.5 million properties that are going to be covered are in the Gulf State areas. FEMA borrowed money from the Federal Government to pay the $17 billion in claims. The flood insurance program generates about $2.5 billion each year as a result of premiums as part of the fund, and about $1 billion of that goes to administrative costs. There might be a legitimate amendment as to why there is so much administration in that program. That is how it breaks down. You are left with $1.5 billion to cover this. As a result of natural disasters and floods, here we are left with a debt of $17 billion, which FEMA owes to the Federal Government. In the process of paying that debt, they are increasing the premium costs, unless we take action. So you can have a choice. We can drop the bill, basically—defeat it, as some suggested, who may vote against it—in which case the very people we are concerned about are going to end up with a larger cost because somebody has to pay that debt. That is a bailout otherwise, if we don't do something about it. So the idea is, how do you do that?

The major thrust of the bill is to forgive that debt, take it off the books, so the people who pay these premiums will not have a surcharge added to their costs to meet that obligation. That is the fundamental purpose of the bill, to forgive that $17 billion, which otherwise becomes a cost to the very people paying the premiums. So I began the discussion by saying the thrust of this bill was to do that.

The second part—Senator NELSON has it exactly right, the author of the second part. He came to the committee a number of months ago and asked to include a commission to deal with catastrophic natural disasters. There is a significant debate as to how to handle this. A significant percentage of our population lives within 100 miles of the coast of the United States. Obviously, there are natural disasters that occur inland as well. But how we deal with catastrophic costs, how we set up the mechanism to deal with it is a significant debate, with hardly unanimity around it. Rather than trying to pretend that one committee can solve all that, Senator NELSON suggested a commission made up of people who would bring knowledge about all this and report back to us in 9 months their recommendations as to how we might deal with catastrophic disasters that occur in our country.

That is the second part of this bill. There are a lot of other ideas. I addressed some of them earlier—wind issues and the like. I don't argue about the legitimacy of the issue. The question is, we have a responsibility to be actuarially sound. I know that is not something we have a great reputation on, but we try to do that occasionally, to insist upon having a system that will allow us to collect revenue, pay for a program, keep the costs down, and cover the kind of catastrophe people face.

Our bill does a number of things that are more than just vague terminology in dealing with the insurance industry. I, for one, believe we ought to do more in this area to try to get greater accountability. That is not an issue for debating here.

Let me mention some things we have included in the bill before we accept the notion that nothing is here at all. No. 1, in the program we require the insurance companies to participate in State-sponsored mediation.

We require the insurance industry to submit all data on costs to operate this program and require FEMA to conduct rulemaking so the insurance companies are only paid for actual costs.

We created a flood advocate to help consumers who have problems with the flood program so they can have direct access to it. That was one of the major problems a few years ago.

We also direct FEMA to collect information from the insurance industry on claims where there is both wind and flood damage. I might add, this gets exactly at the problems raised by our colleagues from Louisiana and the other gulf State areas. FEMA will now be required to look at how insurance companies are dividing damages to ensure that companies are not improperly shifting costs to the Federal flood program.

I know others may want to add other things. But to suggest we did nothing to require greater accountability is not to be terribly honest about what is in this bill. Obviously, there are those who would like to get rid of the industry altogether and maybe just have a Federal program where FEMA becomes an insurance company. That is an option, if people want to do it. I don't know there is a will here to do it, but that is one option.

There is no requirement in law that an industry provide this kind of coverage. You have to be somewhat careful that if you become so onerous in your requirements or your indictment of them that getting these very companies to write the policies becomes harder. If they don't write the policies, who does? Does the Federal Government then become an insurance company? I don't think there is a will to do that. Maybe there are some who would like to.

Before you decide to beat this horse into oblivion, be careful about how far you go. If you do it to such a degree there is no one there to write the programs to begin with, we may find ourselves in deeper trouble. But to say they ought to be able to do exactly as they want to do, and not be mindful of some of the egregious examples my colleague from Louisiana referred to, would also be wrong.

In this bill we tried to identify some specific areas that were the subject of hearings that informed us where there were matters clearly the industry and those responsible for overseeing them could demand more and get more out of them.

I believe we have done a good job in this bill on those issues. Could you add some more things? I am not going to argue that. We did try to do our best. Again, we had a unanimous vote in our committee after significant debate on this bill. But the idea of having an ombudsman going in and basically drawing a conclusion about things before actually determining it—be careful what you wish for. If in fact we don't end up with people coming in to provide the coverage, we could find ourselves in even worse shape than we are in today. I invite my colleagues to look at the legislation and the specific provisions I just mentioned that we have included in the legislation to require greater accountability out of the industry.

Now let me address the second point, and that is the mandatory requirement that people within certain high-risk areas be required to pay some premiums. I ask my colleagues to think about the consequences of this amendment should we strike the portion of the bill that requires people who live in areas behind levees or downstream of dams to purchase flood insurance. Currently, home and business owners in these residual risk areas, as they are called, are at great risk of flooding. There are over 122 levees and dams that have already been categorized as weak, failing.

With all due respect to my colleague from North Dakota—and I have been to his community where these problems exist—these manmade projects do not always work. So the fact that taxpayers in Connecticut and elsewhere have paid to build them is a good thing. Maybe we ought to be talking about how those costs of premiums ought to reflect the quality of the levee or the dam that has been built in those areas. But to suggest somehow that since we built the levee anybody living in that residual risk area should not assume any responsibility if it breaks down is maybe going to far.

Let me tell you what we are talking about. Most cost less than $1 a day to cover this. What you get for that is roughly $250,000 to cover structures and $100,000 to cover the contents. That is $350,000 in most cases for less than a dollar a day, for living in a residually high-risk area where a levee or dam exists. This idea somehow that we all can get our levees built and dams built and we bear no other responsibility for trying to cover against those risks and the costs, when they occur, if that levee or dam breaks and it gets flooded out and there is no insurance requirement in those areas—who pays for that damage? Again, we are right back here draining the Treasury instead of requiring an insurance program. A dollar a day for roughly 350,000 dollars' worth of coverage, I do not think that is overly burdensome.

I know people don't like any additional cost. But if you are asking me to craft a program that is actuarially sound, that allows us to build up that fund so we do not have to drain the Treasury or forgive a debt that is now owed by FEMA to the National Government, then requiring some responsibility—I have it in my own State of Connecticut. The Connecticut River in Hartford, we have a huge levee, a dam there. I certainly think my constituents who live along that have to pay something. They made the choice to be there. Some don't make the choice. They live there. But asking for less than $1 a day for over $350,000 in coverage for structure and contents in order to bear some responsibility—Lord forbid it breaks down—I don't see that as being overly burdensome, as some would suggest.

What percentage of problems occur in this area? We are told here—again, I am relying on data that has been given to us—we all know that dams fail, levees fail. What better evidence than what happened to our colleagues from Louisiana, the failure of the levees and the problems that ensued from it. I will provide the lists and put them in the record of the 122 levees we know are failing today. One percent of all flood policies are outside the 100-year floodplain, many of these in residual risk areas. This 1 percent of policies accounts for 25 percent of flood claims. Let me repeat that. One percent of the policies accounts for 25 percent of the flood claims. So 1 percent of policies not currently in mandatory purchase areas are responsible for 25 percent of all the claims that come in—one-quarter of them.

You could just persist in this and say we are not going to have anybody pay anything at all. Yet 25 percent of the entire fund is going off to provide coverage in areas where, again—it is only 1 percent of the policies that are being written. Clearly, the risks outside the 100-year floodplain are significant—25 percent of all claims are coming from them, despite the dams and the levees we have here. We should ensure that adequate insurance coverage for all homes and businesses in these risky areas are covered. That is what we are trying to do.

Flood insurance should not be viewed as punitive. It is a cost to insure against a known risk. Flood insurance premiums for homeowners in these residual risk areas are not prohibitively expensive. The maximum amount of coverage—$250,000 for structures and $100,000 for contents—will cost less than $1 a day. That is the maximum insurance. For a majority of people, the cost will be much less, less than $1 a day to ensure a family can rebuild from a flood.

I ask my colleagues to look at recent experiences in New Orleans, as well as the recent flooding in Missouri along the Black River, in Nevada near Reno, and in Lake County, IN. These are just a few examples, but each caused devastation when levees did not provide the needed protection.

I also ask my colleagues to look at the U.S. Army Corps of Engineers review of levees last year. That review identified 122 levees at risk of failure in the country. Surely, people who believe they are protected should know of their risks and should carry affordable insurance to hedge against those kinds of devastating events that occur even when significant efforts have been made to protect people in those areas.

No one likes to vote for something where you have to have a fee charged. We bear the responsibility of having a program that works, that is actuarially sound, that makes a difference, that doesn't put us in a position of having to constantly bail out—in this case FEMA—as a result of these claims coming in. If there were a way of doing this where I could wave a magic wand and no one would have to pay a nickel and somehow this would all be done by someone else, I would love to achieve that. But miracles do not exist when it comes to costs. We tried to minimize those costs and have a good program that doesn't drain the Treasury and doesn't expose all taxpayers to these costs and asks people to contribute in some degree to get the kind of protection we are looking for. That is what we have designed.

If this bill fails—and there are those recommending by their vote it ought to fail—then those premiums are going to go up, and the very people we are talking about bear a tremendous financial burden. In the absence of this bill, they will pay a tremendous amount to pay off that debt to FEMA. It is not a free charge unless we take action to excuse that obligation.

Then, second, that commission to examine these other very important issues, and then the provisions in this bill itself to achieve greater accountability within the insurance industry—that is why this bill passed unanimously out of the committee, Democrats and Republicans, people from coastal States and noncoastal States working together to craft the legislation that Senator SHELBY and I put together.

I realize we are not going to write something that everybody agrees with every dotted i and crossed t. That is beyond my capabilities. What you have asked me to do as chairman of the committee, with Senator SHELBY, is craft a bill that will allow people to have reasonable costs, get some real help and relief, protect against these kinds of problems that are obviously going to occur again, but this time we will have done something about it ahead of time instead of waiting for it to happen and be back here again trying to come up with some supplemental appropriation where billions of dollars are being asked for out of the Federal Treasury to pay for the damages that might have otherwise been paid for under an intelligent insurance program, balanced and sound.

I apologize if I can't make everybody happy with this bill, but we did our very best to craft legislation that I think accommodates the fundamental points.

If you want me to craft legislation that allows money to be spent and no one has to pay a nickel for it, you are going to have to find someone else. I can't do that for you. I have a proposal of less than $1 a day for 350,000 dollars' worth of coverage. I do not believe that is unreasonable for people living in residual risk areas, particularly where 25 percent of the claims are coming out of those areas where only 1 percent of the policies are being provided for.

With that, at the appropriate time we would like to have some votes on these amendments. I will be urging my colleague to reject these amendments. I appreciate the intentions behind those who offer them, but in good conscience we need to pass a bill that can make some sense, become the law of the land, and provide some protection we are seeking with this legislation.

Madam President, I ask unanimous consent the list of levees of maintenance concern be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. ARMY CORPS OF ENGINEERS LEVEES OF MAINTENANCE CONCERN, FEBRUARY 1, 2007

District	Project Name	Segment Name	State	City
Detroit	Erie Township / Grodi Road	Grodi Road	Michigan	Erie Twp.
Detroit	Labo Island	Labo Island	Michigan	Brown Twp.
Detroit	Milliman Island	Millman Island	Michigan	Brown Twp.
Detroit	Sebewaing, MI Flood Control Project	Sebewaing Flood Control Proj.	Michigan	Sebewaing
Huntington	Levisa and Tug Forks and Upper Cumberland Basin	Matewan, WV LPP	West Virginia	Matewan
Huntington	Maysville, KY	Maysville, KY, LPP	Kentucky	Maysville
Louisville	Brookport Local Flood Protection Project	Brockport LFPP	Illinois	Brockport
Louisville	Levee Unit No. 8	Levee Unit No. 8	Indiana	Plainville
Louisville	Shawneetown Local Flood Protection Project	Shawneetown LFPP	Illinois	Old Shawneetown
Nashville	Loyall, KY Local Protection Project	Loyall, KY Local Protection Project	Kentucky	Loyall / Rio Vista
Nashville	Pineville, KY Local Protection Project	Pineville, KY Local Protection Project	Kentucky	Pineville
Nashville	Wallsend, KY Local Protection Project	Wallsend, KY Local Protection Project	Kentucky	Pineville
Pittsburgh	Kittaning	Kittaning LFPP	Pennsylvania	Kittaning Borough
Pittsburgh	Oil City	Oil City LFPP	Pennsylvania	Oil City
Pittsburgh	Vintondale	South Branch Blacklick	Pennsylvania	Vintondale Borough
Memphis	White River Levees	Augusta to Clarendon, AR	Arkansas	Agriculture
Baltimore	Anacostia River	Left Bank Anacostia River	Maryland	Town of Bladensburg
Baltimore	Anacostia River	Right Bank Anacostia River	Maryland	Town of Hyattsville
Baltimore	Washngton, DC	National Park Service Section	District of Columbia	Washington, DC

U.S. ARMY CORPS OF ENGINEERS LEVEES OF MAINTENANCE CONCERN, FEBRUARY 1, 2007—Continued

District	Project Name	Segment Name	State	City
Baltimore	Washington, DC	Potomac Park Levee	District of Columbia	Washington, DC
Baltimore	Washington, DC	US Naval Air Station Section	District of Columbia	Washington, DC.
Baltimore	Wiliamsport-South Williamsport	South Williamsport	Pennsylvania	Borough of South Williamsport.
New England	East Hartford, CT	East Hartford, CT	Connecticut	East Hartford.
New England	Lincoln, NH	Lincoln NH	New Hampshire	Lincoln.
New England	West Springfield, MA	West Springfield, Ma	Massachusetts	West Springfield.
New England	Canton, MA	Canton, MA	Massachusetts	Canton.
New England	Chicopee, MA	Chic Riv Dike/Wall	Massachusetts	Chicopee.
New England	Lowell, MA	Lakeview	Massachusetts	Lowell.
New England	Springfield, MA	Conn River segment	Massachusetts	Springfield
New England	Torrington, CT (E. Branch)	Torrington, CT (E. Branch)	Connecticut	Torrington.
New England	Torrington, CT (W. Branch)	Torrington, CT (W. Branch)	Connecticut	Torrington.
New England	Waterbury-Watertown, CT	Upper Naugatuck Dike	Connecticut	Waterbury and Watertown.
New England	Woonsocket, RI (lower)	Lower Mill River Dike	Rhode Island	Woonsocket.
New England	Woonsocket, RI (upper)	Singleton St Dike	Rhode Island	Woonsocket.
Kansas City	Bartley	Bartley	Nebraska	Bartley.
Kansas City	Ft Leavenworth, Kansas	Ft. Leavenworth	Kansas	Ft. Leavenworth Airport.
Omaha	Marmarth	Marmarth FCP	North Dakota	Marmarth.
Portland	Clatsop County Drainage District No. 1	Blind Slough	Oregon	Brownsmead.
Portland	Clatsop Diking District No. 9	Youngs River	Oregon	Agriculture.
Portland	Sunset Drainage District	Nehalem	Oregon	Agriculture.
Portland	Svensen Island Diking District	Prairie Channel/Svensen	Oregon	Agriculture.
Seattle	Green River Upper Russell	Upper Russell	Washington	Kent.
Seattle	Cedar River Getchman	Monk	Washington	Kent.
Seattle	Cedar River Rainbow Bend	County Road #8	Washington	Kent.
Seattle	Green River Monk	Getchman	Washington	Renton.
Seattle	Cedar River Alquist	Rainbow Bend	Washington	Renton.
Seattle	Cedar River Herzman	Alquist	Washington	Renton.
Seattle	Cedar River WPA	Herzman	Washington	Renton.
Seattle	Tolt River Frew	WPA	Washington	Carnation.
Seattle	Tolt River Hwy to Bridge	Frew	Washington	Carnation.
Seattle	Green River County Road #8	Hwy to Bridge	Washington	North Bend.
Seattle	SF Snoqualmie River Stanly Carlin	Stanly Carlin	Washington	North Bend.
Seattle	SF Snoqualmie River Prairie Acres	Prairie Acres	Washington	North Bend.
Seattle	SF Snoqualmie River McConkey	McConkey	Washington	North Bend.
Seattle	SF Snoqualmie River Reif Road	Reif Road	Washington	North Bend
Seattle	SF Snoqualmie River Si View	Si View	Washington	North Bend.
Seattle	SF Snoqualmie River Bendigo Left (upper)	Bendigo Left (upper)	Washington	North Bend.
Seattle	SF Snoqualmie River Bendigo Left (lower)	Bendigo Left (lower)	Washington	North Bend.
Seattle	SF Snoqualmie River Bendigo Right (lower)	Bendigo Right (lower)	Washington	North Bend
Seattle	SF Snoqualmie River Bendigo Right (upper)	Bendigo Right (upper)	Washington	North Bend.
Walla Walla	Ballantyne	Ballantyne	Idaho	Mountain Home.
Walla Walla	Milton-Freewater	Milton-Freewater	Oregon	Milton-Freewater.
Walla Walla	Sweetwater	Sweetwater	Idaho	Sweetwater.
Alaska	Salmon River Levee	Salmon River Levee	Alaska	Hyder (unincor orated).
Alaska	Skagway River Levee	Skagway River Levee	Alaska	Skagway.
Honolulu	Hanapepe River FCP	Hanapepe River FCP	Hawaii	Hanapepe.
Honolulu	Moanalua Stream FCP	Moanalua Stream	Hawaii	Moanalua Valley.
Honolulu	Waimea River FCP	Waimea River FCP	Hawaii	Waimea.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 7	Florida	Agriculture area.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 2	Florida	Clewiston.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 3	Florida	Clewiston, S Bay, Belle Glade.
Jacksonville	C&SF Part IV—Herbert Hoover Dike	Reach 1	Florida	Pahokee.
Jacksonville	Humacao	Sec. 205	Puerto Rico	Punta Santiago.
Jacksonville	Portugues & Bucana Flood Control	Sec. 205	Puerto Rico	Ponce.
Jacksonville	Sabana Grande	Sec. 205	Puerto Rico	Sabana Grande.
Jacksonville	Vega Baja	Sec 205	Puerto Rico	Vega Baja.
Savannah	Macon Levee	Macon Levee	Georgia	Macon.
Wilmington	Roanoke, VA, Floodproofing of STP	Roanoke Floodproofing of STP	Virginia	Roanoke Sewage Treatment.
Albuquerque	Granada, Arkansas River	Granada, Arkansas River	Colorado	Granada.
Albuquerque	Abeytas to Bernardo, Rio Grande	Abeytas to Bernardo, Rio Grande	New Mexico	Bernardo.
Albuquerque	Albuquerque Unit, Middle Rio Grande Levee	Albuquerque Unit, Middle Rio Grande Levee	New Mexico	Albuquerque.
Albuquerque	Creede, Willow Creek	Creede Willow Creek	Colorado	Creede.
Albuquerque	Glenwood, Whitewater Creek, Levee Rehabilitation	Glenwood Whitewater Creek	New Mexico	Glenwood.
Los Angeles	Santa Maria River	Santa Maria River	California	Santa Maria
Sacramento	Bear Creek Project	Bear Creek, Stockton	California	Stockton.
Sacramento	Buchanan Dam (Eastman Lake)	Chowchilla River Ash and Berenda Sloughs	California	Madera.
Sacramento	Duck Creek	Duck Creek	California	Farmington, Stockton.
Sacramento	Fairfield Vicinity Streams	Fairfield Vicinity Streams	California	Fairfield.
Sacramento	Farmington Reservoir Project	Littlejohn Creek	California	Stockton·
Sacramento	Green Valley Creek, Solano County	Green Valley Creek, Solano County	California	Vacaville.
Sacramento	Merced County Stream Group	Merced County Stream Group	California	Merced.
Sacramento	Middle Creek	Middle Creek	California	Upper Lake.
Sacramento	Mormon Slough	Mormon Slough	California	Stockton.
Sacramento	North Fork Pit River at Alturas	North Fork Pit River at Alturas	California	Alturas.
Sacramento	Pine Flat Lake & Kings River	Pine Flat Lake & Kings River	California	Riverdale, Hanford.
Sacrament	Redmond Channel	Redmond Channel	Utah	Redmond.
Sacramento	Sacramento River Flood Control	Chico & Mud Creeks; & Sandy Gulch	California	Chico.
Sacramento	Sacramento River Flood Control	City of Marysville	California	Marysville.
Sacramento	Sacramento River Flood Control	Deer Creek, Tehama County	California	Vina.
Sacramento	Sacramento River Flood Control	Elder Creek, Tehama County	California	Gerber.
Sacramento	Sacramento River Flood Control	Interceptor Canal, East, West	California	Sutter.
Sacramento	Sacramento River Flood Control	LD2–Glenn County	California	Princeton.
Sacramento	Sacramento River Flood Control	L03–Glenn County	California	Butte City.
Sacramento	Sacramento River Flood Control	RD 0150–Merritt Island	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0307–Lisbon	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0349–Sutter	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0369–Libby-McNeil	California	Walnut Grove.
Sacramento	Sacramento River Flood Control	RD 0501–Ryer Island	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0556–Upper Andrus	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0563–Tyler Island	California	Walnut Grove.
Sacramento	Sacramento River Flood Control	RD 0755–Randall	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 0827–Elkhorn	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 1600–Mull	California	Agriculture.
Sacramento	Sacramento River Flood Control	RD 2098–Cache & Haas Slough Area	California	Agriculture.
Sacramento	Sacramento River Flood Control	Service Area 6	California	Knights Landing.
Sacramento	San Joaquin River Flood Control	RD 0404–Boggs	California	Stockton.
Sacramento	San Joaquin River Flood Control	RD 0524–Middle Roberts Island	California	Agriculture.
Sacramento	San Joaquin River Flood Control	RD 2063–Crows Landing	California	Agriculture.
Sacramento	San Joaquin River Flood Control	RD 2064–River Junction	California	Ripon.
Sacramento	Walnut Creek, Contra Costa County	Walnut Creek, Contra Costa County	California	Walnut Creek, Concord.
San Francisco	Redwood Creek at Crick	Redwood Creek at Orrick	California	Orrick.
Little Rock	Conway County Levee District No. 8	Conway County Levee No. 8	Arkansas	Atkins.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

AMENDMENT NO. 4706

Mr. SHELBY. Mr. President, I rise in strong opposition to the amendment offered by Senator LANDRIEU, my friend from Louisiana, which would allow the mandatory purchase provision for areas behind levees and dams to be eliminated.

Currently, the flood insurance program suffers from a $17 billion deficit, mostly as a result of payments made to individuals living behind manmade structures such as levees and dams.

The fact that people behind manmade flood protections do not have to purchase flood insurance clearly sends the wrong message. As we all know now, flood protections sometimes fail. Telling people they need not protect themselves from the risks associated with those failures provides a false sense of security.

Keep in mind that all of these individuals will be required to pay a rate that reflects the risk associated with living behind flood mitigation devices. Currently the rates behind many of these structures would suggest an individual homeowner would pay approximately $316 for coverage up to $350,000. That is less than $1 per day for full flood protection; $1 dollar a day. This bill eliminates the entire debt associated with this program that is owed to the Federal Government, but it also demands that in the future people begin to pay a fair price for the risk associated with living in high-risk areas.

This amendment would require that we undertake a study as to the effect of requiring insurance behind manmade structures. I believe we have learned all we need to know about the risk associated with living behind manmade flood protection devices.

The insurance premium takes into account the real risk properties face. Levees fail. They fail all the time. They do not eliminate all risk. Flood insurance protects people against unforeseen risk.

These amendments do not recognize that fact. A prudent course is risk-based premiums for everyone at risk. I strongly oppose this amendment. I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I wish to speak for a few minutes on the bill itself.

The PRESIDING OFFICER. The Senator has that right.

Mr. BUNNING. I wish to speak about the flood insurance bill before the Senate and about the program in general.

The flood insurance program is one I care about a great deal. It is vitally important to States such as Kentucky that are surrounded and crossed by major rivers and exposed to flooding.

In 2004, former Senator Sarbanes, Senator SHELBY, and I sat down to make some important changes to the program and we did. My bill was a step in the right direction for fixing the program. Our reforms established a mitigation program to reduce further losses, charge higher premiums if property owners refused to reduce their risk.

Unfortunately, we were not able to address all of the problems in the bill, but I am glad some of the things we wanted to do back then are being done in this bill before us today.

As we saw from the storms of 2005, the flood insurance program is not financially sound. This bill builds on the reforms of the 2004 law by ending the subsidy for the most costly and least deserving properties. It requires more at-risk people to purchase flood insurance, and increases penalties on the lenders for not following the law.

It also sets up a reserve fund to keep the program from going into debt in future years with significant flood losses. This bill does not fix all of the problems in the program, but it is a strong bill which I support. While I do not like forgiving the program's debt, it is a necessary step to stop policyholders in Kentucky and across this country from having to foot the bill for the gulf coast's problems.

Every Senator should think about that $18 billion we are forgiving when they consider the additional cost of amendments being offered. We have 40 years of experience that says the Government is a terrible insurance company. Adding wind insurance will drive out private insurers and put the taxpayers throughout the entire country on the hook for the risks taken by those who choose to live in the path of hurricanes.

The sponsors of the amendment claim premiums will reflect the actual risk, but I would point out to them the 18 billion reasons why I do not believe that will happen. Several other amendments are worth mentioning. One would create a Federal backstop for State disaster insurance funds. I understand why the Gulf Coast States would want a Federal backstop for the risk, but I do not understand why my State or anyone else's State should be put on the hook for the decisions of coastal State legislators who choose to socialize insurance.

Other amendments would increase coverage limits or decrease the amount policyholders would have to pay. One would even make a certain earmark for an area in Illinois for lower premiums. Those amendments would defeat the entire purpose of this bill. Instead of making the program more financially sound, they would make the current problems worse by charging policyholders less than their actual risk.

After some version of this bill becomes law, we will have to keep an eye on how FEMA acts on these reforms. It took FEMA more than 2 years to implement some of the 2004 reforms, and they did that only after the Vice President and the Secretary of Homeland Security intervened. We must make sure the program is run the way Congress intended, not as the bureaucrats think it should be run.

I congratulate Senator DODD and Senator SHELBY and their staffs for writing a good bill. I also thank former Senator Sarbanes for his help in writing the 2004 bill and setting the foundation for this bill today.

Finally, I wish to say I am glad Senator MCCONNELL has brought up the important issue of energy. The American people are watching gas prices go through the roof, and this summer electric bills are going to do the same. I have heard the other side talk about energy before, but I have not seen them do one thing about the problem. The problem is, we do not have enough supply. The solution is expanding domestic production of energy any way we can. We can drill for oil safely in Alaska, we can get more natural gas from the Gulf of Mexico.

But beyond the usual ways to increase production, we can use new technologies to change the game for energy prices. That is why I have supported and will keep pushing coal-to-liquid fuels. We are sitting on hundreds of years' worth of coal, and through a proven and environmentally sound process, we can turn that coal into gasoline for our cars, diesel for our trucks, and jet fuel for our planes.

I have met with the Air Force many times. This is one of the most important security issues they face. We cannot rely on Middle Eastern oil to provide fuel for our jet fighters and our tanks. With secure domestic alternative fuels, we can guarantee the military the fuel they need.

The American people deserve a Congress that takes action. Every barrel of fuel made in America is a barrel of fuel we do not have to buy from the Middle East. Increasing production of energy in America will bring down energy costs and protect jobs.

For too long we have heard about manufacturers and companies moving good-paying jobs to China or the Middle East because of cheap energy. Today, with this package we can do something about it. We can give American companies the energy they need to build cars, fly planes, and produce goods with American workers.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry: What are we on now?

The PRESIDING OFFICER. The Senate is considering amendment No. 4705 offered by Senator LANDRIEU.

AMERICAN ENERGY PRODUCTION ACT

Mr. DOMENICI. We have been setting aside the pending amendments?

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. I plan to speak for about 15 or 20 minutes here, for those who might be interested.

I rise not to talk about the work that has been done by the committee on flood insurance, although it is obvious that is important, and they have done a great job and we ought to be finding our way through that thicket before too long. But attached to that bill, for the purpose of making an issue and seeing to it that we give everybody in this body an opportunity to vote for the production of more American energy for the American people, for the automobiles that drive on our streets, the trucks that drive on our streets, the airplanes, both domestic and military, that fly, and all other sources of energy, we are going to have a chance to vote on whether we want to produce more energy which we now import, either crude oil or crude oil products or substitute products that can be produced in the United States. Do we want to do that?

The Democrats today had a press conference after we have been talking about this bill that we call the American Energy Production Act, and they are talking about what they might want to do. I regret I cannot talk in detail about what they propose, but I will say I will be very surprised if the sum total of their suggestions produces one new barrel of oil or one cubic foot of natural gas, one cubic foot of American-produced natural gas, because it seems to me they are too busy trying to find out what they can do to the oil companies of the United States and windfall profits and those kinds of things.

But we are going to give everyone this opportunity, an opportunity to take a look at some very simple propositions that could yield large quantities of crude oil, natural gas, derivatives of coal that can be used in trucks, diesel fuel in airplanes, for military and the domestic airplanes.

I want to suggest the following: Last week I introduced a bill which would fundamentally change America's reliance upon foreign oil in a shorter time period than I have seen of any proposal thus far.

The American Energy Production Act is cosponsored by 19 of my colleagues and would produce a minimum of 24 billion barrels of American oil. Americans, in my opinion, are sick and tired of such high prices for gasoline, and unless we take action, the situation is going to only get worse. One can talk all one wants about why it is, but the biggest reason the price is going up and continues up—and we do not even know where it will stop—is because the demand for crude oil in the world is getting bigger than the production of crude oil in the world. So supply and demand is principally the reason for the increasing cost of crude oil.

There may be other things we have to do, but essentially the only way to alter that rising price and cause it to come down and, thus, give the American people some relief is to produce more crude oil and derivatives of coal and otherwise that we can use to take the place of crude oil products. So if the American people are sick and tired of paying high prices and want to know what can be done, we are telling them we think it is time we face up to the fact that we can produce much more in America. But for some reason, we have decided to vote no on some very imposing and powerful supply sources. It is time we take another look at those, especially with crude oil at $120 a barrel and rising.

What we have done is looked around at what we have refused to do in the past, new things we could do that would accomplish what I have suggested. Congress has made a great deal of progress already in promoting conservation and developing renewable energy technology such as wind and solar. I am for doing more of those, if we can and when we are ready. I stand ready to work on those. I have been leading the charge on those fronts as either chairman of the Energy Committee or ranking member. I believe we should develop all our energy sources as soon as we can.

The bottom line is that America is not going to stop using oil in the near term, so we need to take action to make sure the oil we do use is produced domestically, all of it we can, rather than coming from unstable regions. Congress has not done such a good job in this area. In fact, almost every time we have tried to boost domestic production, Democrats—mostly Democrats—have blocked our efforts. But with oil now at $122 a barrel and rising, I implore my colleagues on the other side of the aisle to rethink their position. Times have changed. Now America's response needs to change as well.

The American Energy Production Act, which is an amendment on this bill, which I indicated we will vote on one way or another before this bill is finished, is an excellent place to start. The bill allows for States on the Atlantic and Pacific coasts to petition the Federal Government to opt out of a broad moratorium that for two decades has locked up America's assets and forced us to turn to unstable foreign nations to power our lives.

Together, the Atlantic and Pacific Oceans contain oil reserves of up to 14 billion barrels, and that is a minimum. We know it is a minimum, and we have not been allowed to spend the money to do an in-depth evaluation which I believe would show much more. The reserves of natural gas are thought to be 55 trillion cubic feet. These regions contain substantially more oil and gas than the areas we opened in 2006 in the Gulf of Mexico Energy Security Act. The area that is left, that we had this moratorium on for more than 20 years, is much bigger than the area we opened as part of the Gulf of Mexico Energy Security Act, much bigger, much larger space, and much more in reserves.

This legislation also opens 2,000 of the 19 million acres of the Arctic Plain of ANWR for oil and gas leasing.

Over the past week, I have heard Members from the other side of the aisle say that ANWR won't help because it will take 8 to 10 years to bring it on line. That is the same thing they have been saying for two decades. Had we acted when we had a chance, we would have 1 million barrels of oil a day available to us, oil that we are now forced to buy overseas.

I heard a Member of the Senate from the other side of the aisle, the Senator from New York—the Senator from New York who is not running for President—say that if we could get the OPEC cartel to just add 500,000 barrels of production, it would have a big impact on bringing down the price of oil. If that is the case, if we had a million barrels of oil a day coming from ANWR, that surely would do as much or more. It would bring down the price just as well, if not more than the Senator was speaking of from oil the cartel would produce. That is because it is a supply-demand situation he is talking about. ANWR would yield more than the 500,000 barrels to which he alluded.

Additionally, even after revenue sharing, ANWR oil could bring over $2 billion to our Federal Treasury annually. It is past time that we started producing our own oil and generating revenues for our own Government instead of buying foreign oil and sending billions of dollars to unstable, unfriendly regimes.

The Republican bill I have talked about also makes it easier to build refineries. We haven't built a new refinery for 30 years, and our Nation cannot afford to go 30 more years without doing so. We provide some incentives and some very natural ways to cause that to happen.

While I have resisted calls to suspend filling the Strategic Petroleum Reserve in the past, I have indicated to the chairman of the subcommittee on which I serve, the Energy and Water Committee, I have told the Senator who is promoting discontinuing filling of the SPR for 6 months to a year, providing 70,000 additional barrels of light sweet crude a day to the marketplace, that I would support him on that at this time because the price of oil is so high that it is worth doing. That is in this bill. By its very nature, this 70,000 barrels from SPR is just a fraction of the oil that would be gained through the OCS production and ANWR production, but in today's environment every small amount helps.

In the area of alternative resources, this bill requires studies on ethanol to help ensure that smart decisions are made as we move toward cellulosic and other advanced biofuels. This bill also provides incentives for the advancement of breakthrough energy technologies such as battery-powered vehicles. That is necessary and something we could do. It is ready and right.

It is also important to mention that this bill will promote the use of coal-to-liquids technologies, as long as it results in no more greenhouse gases than the fuels we are already using. Bringing 6 billion gallons of this fuel to market, if we started immediately working on it, could be done quickly. They are already doing it in South Africa. It would reduce our projected imports by 4 percent by the year 2022. The coal-to-liquids mandate is just one-sixth the size of the ethanol mandate placed into law last year. To push the coal-to-liquids technology, we must send a signal to the marketplace that America is serious about using some of its abundant, reliable American energy resource—coal.

In addition, this bill repeals the moratorium on oil shale regulations that was put into an omnibus appropriations bill in the dark of night, when those of us who had been involved were not around and could not object. The shale beneath our Western States amounts to three times the conventional oil reserves in Saudi Arabia. We need to accelerate this project's resources and repeal the $4,000 fee for drilling permits which hit America's smallest family-owned oil and gas companies the hardest. This, too, was done in an appropriations rider. It is time to take it off, while we talk about producing more rather than less. We don't need more taxes and fees on American producers if we want to produce more.

It is my sincere hope that we can act soon on this measure. I have not talked about every provision, but they all are directed at producing more energy rather than directed at more attacks against energy companies and those things included in today's proposal by the Democratic leadership.

The United States needs to send a message to the marketplace, to OPEC, and to consumers that we will no longer continue to let billions of barrels of oil sit underground within our own domain while the price at the pump goes up and up. We must end the cycle of dependence and the flow of money overseas for foreign oil. We must do it as quickly as possible. If we can do it now, we should do it now.

I thank the Republican leader for bringing up this important issue. I urge my colleagues to think about it and ultimately to support it. What a message it would send.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to make a unanimous consent request dealing with a series of amendments we are going to vote on. Then following my unanimous consent request, I know the Senator from Alabama would like to be recognized. I ask unanimous consent that he be recognized at the conclusion of my request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that at 6 p.m., the Senate proceed to a vote in relation to the following amendments: Wicker amendment No. 4719; Vitter amendment No. 4722; Vitter amendment No. 4723; Landrieu amendment No. 4705, as modified further; further, I ask that there be 2 minutes of debate equally divided prior to each vote and that there be no second-degree amendments in order prior to the votes. Finally, I ask consent that the first vote be a 15-minute rollcall vote and the remaining votes be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair and my colleague.

The PRESIDING OFFICER (Mr. WEBB). Under the previous order, the junior Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I see Senator THUNE, who wanted to have 4 minutes to file an amendment. I ask unanimous consent that he be recognized when I finish my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I so much appreciate the remarks of Senator DOMENICI. He has given his career in the Senate to dealing with energy issues. There is no one here who is more deeply steeped in those issues and the history of how we got here and how we could be in better shape today than Senator DOMENICI. We don't want to be in a blame game. We don't want to be saying, "I told you so." In fact, I will admit that I have made decisions, when the price of a barrel of oil was $30 and $40. It is different when it is now $120, as the Senator from New Mexico pointed out. We are facing a crisis, and we need to do some things. We don't need to do a piece of legislation that is pending on this floor, that came out of the EPW Committee, that not only won't help us deal with our crisis in energy but will actually surge the cost of energy, which is the only big piece of legislation I know relevant to the question that is now pending, other than legislation Senator DOMENICI offered.

Gas today is over $3.60 a gallon. That is well over what it was 2 years ago. People are spending $60 to fill up with a tank of gas. The average family who has two cars is spending no doubt $50 to $100 more a month for the same amount of gasoline they were purchasing the previous few years. It is an enormous cost to that family. It is an impediment to economic vitality. It is a very significant, if not the most significant, factor in the economic slowdown we are dealing with. Electricity also will be going up. One expert has said that we could basically be seeing a $100-a-month increase in the average family's electricity bill. If we pass this cap-and-trade bill, it will be a lot more than that. Diesel priced fuel is up—too high, in my view. I can't understand why it is consistently 60 cents more per gallon than regular gasoline. An airline official told me not long ago that jet fuel is double.

So we have a problem. We really do. I know everybody has goals and visions about how we can solve this problem. Senator DOMENICI and I share a deep belief that nuclear power can be a primary source in the years to come to deal with this crisis. In fact, he has written a book about it. We have advocated this for some time. I think that reality is beginning to dawn more clearly on us today. But it is going to be maybe 7, 8, 10 years to get a new nuclear plant up and running. But we can generate large numbers of them if we follow smart procedures and have that come on line. But the point I think we are trying to make is: That is 10 years down the road. It may take 10 years to do ANWR. We can bring on coal-to-liquid technology. That can happen, but it takes some time. But we need to get started.

We are so hopeful we can do more with conservation. I supported the bill last year to raise our fuel standards, CAFE standards, automobile mileage standards up to 37, 35 miles per gallon, the entire fleet, including trucks. That is going to be difficult to achieve, but it will conserve a tremendous amount of fuel and be good for us. But that is not going to solve our problem either.

So what must we do? I think we must have a long-term policy. I believe that policy should focus on investing in the ideas and concepts that have potential to be breakthrough technologies to confront this problem. There are a number of them out there.

Hydrogen. President Bush pushed hydrogen for our automobiles, but from what I can understand, that is coming along slower than we would like. There are a number of very difficult technical problems with hydrogen. It takes some time. We would love to see the hybrid automobiles be able to be converted to plug-in hybrid automobiles, and progress is being made in that regard that is pretty exciting. We may be getting closer there than we think. That would convert from liquid fuel that runs our automobiles to electricity. We can utilize electricity generated in nuclear plants that emits no CO_2, no pollution into the atmosphere, and do that at night when they are not fully engaged and be able to drive, for most people, all they need to drive that day on a battery charge at night, utilizing no fuel in their automobile. What a great thing that would be.

We also have, as Senator DOMENICI has pointed out, though, great reserves of oil and gas and energy in our country. The sad fact is, we are not going to be able to get away from fossil fuels in the next few decades. We are just not going to be able to get away from that. People seem to have no problem that we buy it from foreign countries, some of which are not friendly to us. We can just buy from them. But if you talk about producing that oil and gas here in the United States, in our country, they get, for some reason, to objecting. We have seen it time and time again.

I was so pleased that last year, under Senator DOMENICI's leadership—the year before last, I guess—we passed legislation to open 8.5 million acres in the Gulf of Mexico. But we left closed to drilling huge areas in the Gulf of Mexico, some of which have tremendous reserves of oil and gas. We have opened none off the Pacific coast, where there are huge resources, and none off the Atlantic coast. We have shown in the Gulf of Mexico that even with this powerful hurricane, these billion-dollar rigs can sustain the storm and not provide economic destruction or damage to the gulf. We can do that around the world. So the question is, Are we going to take that step? This legislation helps us go in that direction.

We have seen and shown you can convert coal. We have huge reserves of coal-to-liquid that can burn in our automobiles. That is technology which is ready to go today basically. We just need to prove it out in a large commercial area, and the Government should help establish that technology. But the point I would like to make is that would produce huge amounts of energy we can utilize in our vehicles and keep the money at home.

So there are many other things we can do and are doing.

I believe the concerns over ethanol raising food prices are exaggerated. Even President Bush, who has been somewhat skeptical of this—his own administration said they thought about 2 percent to 3 percent of the price of food was as a result of ethanol being produced from corn and soybeans for biodiesel. It is not the main factor in the rise of farm prices. But it certainly helped us not to have to import lots and lots of foreign oil into the United States.

I will recall for my colleagues that according to the Congressional Research Service, this year we will import into America $400 billion-plus worth of oil. Probably, the next year from this day—the next 12 months—it would be over $500 billion worth of oil. This is the greatest wealth transfer in the history of the world. It is money we have, as American citizens, that is ending up in the pockets of countries—small countries, some of them, building more skyscrapers than they have apartment complexes—unbelievable displays of wealth. We can do better about that. We need to produce more energy here at home, energy that we have. If we do so, we can reduce our dependence on foreign oil. And if we can reduce that amount through conservation, through local American production, the result could be that we could knock down the high demand that is out there, and we might even see the price of oil drop more than people think. Historically, it has been boom and bust in the oil industry. Some say we will not have a bust again because of the world demand, and they may be right. But I think there are some realistic possibilities we can.

So there are biofuels and solar and wind and biomass and new batteries. All of this is good, and I would support research and development on them. But I do not believe we ought to press down on the brow of the American working man some theoretical beliefs about clean energy that will not work or are exceedingly expensive and create only a burden on working families in America. We have to be careful about that.

So I am excited about the proposal that has been put forth. I believe we have great potential to produce more American oil and gas off our Continental Shelf. I have seen it right off from the coast where I live in Alabama. I have seen that production come in for decades now.

We know ANWR has great potential. It could reduce our imports by as much as 10 percent if it is brought on line.

We know coal-to-liquid can be done today for far less than the world price of oil. We know oil can be produced from these huge oil shale deposits in the West for less than the world price of oil today.

We know nuclear power has the potential to help us transform our vehicular traffic from fossil fuels to electricity. But we have to get busy doing it. We have not built a nuclear plant in 30 years. Since I have been in the Senate, for 12 years I have talked about nuclear power, how critical it is to our future. We have done nothing really to make that happen—until Senator DOMENICI, 2 years ago, as chairman of the Energy Committee, finally pushed through some legislation that took us from having zero applications for nuclear plants to over 30 today.

I think we have the potential to see a renewal of nuclear power. The British just announced they are going to build five new nuclear plants. France has 80 percent of their power or more from nuclear power. Japan does.

We also need to figure out how to deal with the question of recycling, which is not at all impossible to do. The British, the French, the Japanese, the Russians recycle. We want to work on legislation to create recycling of nuclear waste. That will both help us create more fuel and reduce the danger of the waste that is left.

These are things we can do. But it is time to get busy and do it, not have a policy of creating a massive bureaucracy, some cap-in-trade bureaucracy that has not worked in Europe. It just has not worked. A massive tax increase is what it amounts to in sheep's clothing.

So, Mr. President, I thank the Chair.

Mr. DOMENICI. Mr. President, before the Senator leaves the floor, will he answer a question?

Mr. SESSIONS. Yes.

Mr. DOMENICI. I ask the Senator, do you know what the price of a barrel of oil was when we sent the ANWR bill to the President of the United States, which was vetoed? Do you know how much it was per barrel?

Mr. SESSIONS. Mr. President, I know it was less, but I do not know.

Mr. DOMENICI. Nineteen dollars a barrel.

Mr. SESSIONS. Nineteen.

Mr. DOMENICI. So for those who do not think it is worth another try—that is, to have a vote and seriously consider ANWR—just think of the difference in economic impact on the United States of tying up that resource when we did it compared to now.

Also, we were estimating only 1 million barrels of oil as the production per day. We have not upped that, brought that current for $120-a-barrel oil. It might very well be that it is more than a million barrels a day just based upon price because it would justify far more investment in that little 2,000-acre footprint. Clearly, with such an increase in price, you probably will get more.

But I think some of the American people may have favored holding that 2,000 acres hostage and saying you cannot use it—they might have said, well, that is all right when it is $19 a barrel—but when we are suffering with $120-a-barrel oil, it may be a very close call even for those who have exaggerated in their dilemma and fear about ANWR. To say we can afford $19-a-barrel oil—lock it up—but should we lock it up for $120 a barrel is a very good question.

Mr. SESSIONS. That is six times as expensive.

Mr. DOMENICI. Right.

Mr. SESSIONS. It has increased six times in price since you first began to discuss it.

Mr. DOMENICI. So a million barrels a day becomes a different thing. A million barrels a day was $19 million. But now a million barrels is 120 times that. That is what you are losing to foreign countries.

You have alluded to the fact that maybe the American economy is suffering irreparable harm. You said it a different way than I. But I happen to believe—and have spoken to it two or three times on the floor—I think we are experiencing irreparable damage to the American economy because of the enormous price of crude oil and our inability to find a way to get along without it. We are just depleting our vitality, and we do not know quite how to figure it out. We do not know why the economy is having trouble. There are just all kinds of things we do not know. But I have an answer for most of them: It is too many dollars going overseas to get crude oil. That is an enormous drain on this economy, as strong as it is. That, plus the big debt we have accrued is hanging out there to be bought by the Chinese and others. You add them up, and it is frightening. If we can do something about it, we should. Isn't that why we are here?

Mr. SESSIONS. I could not agree more, I say to Senator DOMENICI.

Mr. DOMENICI. I yield floor and thank the Senator.

Mr. SESSIONS. It is very troubling to me. I say to the Senator, I know you also are knowledgeable—I do not know if you have a minute; I think you mentioned it in your remarks. But you have pointed out, as I understand it, in the West, in the shale oil areas of the West, we can actually produce shale oil for far less than $120 a barrel; is that correct?

Mr. DOMENICI. That is correct.

Mr. SESSIONS. Under current technology. I assume it will get better in the years to come, but even right now with the technology we have?

Mr. DOMENICI. There is no question. One of the major oil companies has invested a huge amount of money. I think the initial investment allowed was $4 billion to experiment with a project that would in situ, on sight—rather than picking mines, they would boil the oil in the ground and siphon it out. That price was put around $50, $50 to $60 before they would consider it feasible to invest money. We are long past that, for that kind of an experiment. If it works, then the next steps have to be taken. It will be expensive, but $50 a barrel versus $120, there is a lot of room for play.

Mr. SESSIONS. That keeps the money at home, hiring American workers who pay taxes to the United States of America.

Mr. DOMENICI. Yes. And this bill we are talking about here tonight has a provision in it about it. Because in the dead of night, in an appropriations bill in the Department of the Interior, somebody in the House—we think we know who—decided to put a moratorium on the final regulations for shale development, even though in the Energy bill you helped us write, the comprehensive bill, we provided for oil shale leases of the right size to permit activity, permit this research, this experimentation. Well, they put a moratorium on it and that thwarts the company that is putting the investment in it. This bill says no, that has to come off. So I don't know whether we will have a chance to vote on it another way, but maybe since it is one year at a time, we may take it off of appropriations. I don't know.

Mr. SESSIONS. Senator DOMENICI has some interest. We have had talks about coal to liquids. It is my understanding—is it yours—that we have technology today that can take our massive coal reserves and convert that to a good liquid fuel for our automobiles at less than $120 a barrel, the world market price of oil today?

Mr. DOMENICI. Well, I choose to take one step back on that and say, there is no question but that South African technology is available to convert clean coal into liquid diesel. Its principal use at that point would be American airplanes, both commercial and military, American military equipment, and that would be a huge amount. This bill limits it to 9 million, the equivalent of 9 million barrels a day is what we would produce. That would be so we could be sure we weren't having a negative impact on the environment. How do we do that? Well, the energy produced by the conversion would not contribute any more than the crude oil we would buy would contribute and we would use it anyway, so we don't think we are harming the environment. But we are not going to go all out and produce the whole amount that coal can produce but, rather, learn how to do it, do it well, and send a signal that the great American ingenuity is ready to do something, and do something big. That is what that one would be, a big one that would frighten those who have us captive, because they would say they are finally going to do something and something that is important.

The same thing would happen if we had a breakthrough on oil shale. There is no question, that would be an enormous signal. Now I am not saying that is as ready as coal to liquid. One is ready rather quickly, the other one would take a little while. But we only put things in that are doable and that are important, and if they are not doable immediately, they are doable in the sense of sending a signal that the country is doing something.

I thank the Senator for yielding.

Mr. SESSIONS. I thank the Senator.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Landrieu amendment No. 4705 is pending.

Mr. THUNE. Mr. President, I ask unanimous consent to be able to call up amendment No. 4731 which I filed earlier today with my colleague from South Dakota, Senator TIM JOHNSON.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THUNE. Mr. President, I wish to congratulate the Senator from New Mexico for his comprehensive energy bill which he introduced. It is a solution we need to take a hard look at, perhaps moving to it sometime in the not too distant future here in the Senate. I think his bill starts the debate.

Unfortunately, he has tried over and over and over again to start the debate here in the Senate. The legislation he introduced—and I am a cosponsor of that bill last week—is comprehensive in that it addresses the supply issue. We can't address America's high energy costs absent addressing the issue of supply. We are sending, as was already noted, $1.6 billion every single day outside the United States and, in some cases, to countries that would do us harm, in order to meet our demand for energy here at home. The Senator from New Mexico has put forward a solution which is broad based and which addresses the supply issue by making available some of the reserves we have in this country on the North Slope of Alaska, on the Outer Continental Shelf, and he addresses the need for additional refinery capacity. We haven't built a refinery in 30 years, since 1976. He also addresses some of the new technologies such as coal to liquid, which was talked about earlier.

I should say he changes a definition that was modified very late in the Energy bill debate last year that precludes forest waste residues from being a source of cellulosic ethanol because in many respects, the future of renewable energy in this country is transitioning from corn-based ethanol to cellulosic ethanol. We have enormous biomass available in this country in forests in the form of switchgrass that can be grown in abundance on the prairies in this country and other forms of biomass that can be available and can be converted into cellulosic ethanol. So his solution is to create additional supply—the supply of fuels but also the capacity of refineries—in order to be able to process more of those natural resources into refined gasoline. If we don't do that, we are going to continue to send billions and billions and billions of dollars every single year to countries outside the United States which, in many cases, use those very dollars to turn around and fund terrorist organizations that attack Americans, that to the tune of about almost $500 billion. Half a trillion dollars last year left the United States in order to meet the demand we have for energy here at home.

I congratulate the Senator from New Mexico and hope we can get a debate going here in the Senate that addresses the supply issue.

I am all for conservation measures. There are some conservation measures as well, and there are lots of steps we can be taking. Last year as part of the Energy bill, we created the first change in a long time—something like 20 years—in fuel efficiency standards. That is something we need to be pursuing as well. But at the end of the day, our appetite for energy in this country and the world's appetite for energy is not going away. In fact, the Department of Energy estimates that even with intensive conservation efforts in place, maintaining our economic growth through the year 2025 will require a 36-percent increase in energy supply, including a 39-percent increase in oil consumption. Sixty percent of our oil is currently imported. So as demand rises and domestic supply is not increased, we are subject to prices that are set by foreign countries, including, as I mentioned, some hostile regimes.

Senator DOMENICI has put forward several ideas in his plan that are not new. Some of them have been debated previously, some of them blocked by bipartisan politics. But I hope that $3.50, $4-a-gallon gasoline will change some of that. In my State of South Dakota, the average price of gasoline today is $3.60. Oil, of course, traded at an all-time high of $122 per barrel. Diesel is $4.18 a gallon. As the farmers in my State continue another planting season, they are faced with those diesel fuel costs that are substantially higher than previous years. They are faced with higher fertilizer costs because natural gas prices have gone up.

This is a crisis that reaches into the pocketbooks of every American. I was talking in my State of South Dakota this week with someone in the tourism business who was saying the numbers this year are already down 11 percent from the previous year. I think that is a sign of more to come in terms of the economic hardship that is going to be imposed on the economy all across this country. My State of South Dakota, because it is so energy dependent as a result of tourism and agriculture and some of the industries that are very energy intensive, is particularly hard hit. Since I was first elected to Congress over 10 years ago, we voted on opening a small section of ANWR at least five times. Most recently, in the 2006 Defense appropriations bill, we had that vote.

It is important to note at that time the Senate Democrats blocked oil and gas exploration in ANWR oil was trading for just over $50 a barrel. Well, now it is at $122 a barrel, and at that time it was argued it would take at least 10 years to develop the resources in ANWR. But I think it is high time we began the process of authorizing that exploration and production. We have up to 16 billion barrels of oil, we are told, up there, or a million barrels of oil each day that could be coming into our pipeline in this country and taking pressure off of gas prices. So I hope the fact that today the high price of gasoline is impacting more and more consumers across this country, more and more small business owners, more and more families, we will see a change in the mindset that will enable us to move forward with legislation such as that introduced by my colleague from New Mexico that will get at the heart of this problem. The problem is we don't have enough supply to keep up with the demand either at home or around the world, but at a minimum, we ought to be coming up with those solutions that are domestic, that are home grown, and by that I mean the oil reserves we have here in the United States or off our shores, the infinite amounts of coal we have that can be converted into fuels, the enormous potential we have out there for renewable energy such as ethanol made not only from corn but from other sources of biomass, and that we take steps to add refinery capacity.

It is absolutely critical, in my mind and in my view, that we start moving in this direction. I heard a report earlier today that some projections are that oil prices could get up to somewhere around $200 a barrel. I can't imagine that happening or what the impact would be on our economy, but it is never too late to do the right thing, and we need to move quickly now and decisively on an energy policy that will increase our supply, our domestic supply, take pressure off of oil prices and prices at the pump that American consumers are dealing with every single day.

I congratulate again the Senator from New Mexico for his bill. I am happy to be a cosponsor of it. I hope we are able to get a vote on it, and I hope we can do something once and for all about high gas prices and bring some relief to the American consumer.

Mr. President, I yield the floor.

Ms. CANTWELL. Mr. President, I rise to join in this discussion. I know my colleagues on the other side of the aisle have been out here talking about energy issues and the high price of gasoline.

I certainly know when the Senate works together on energy policy, we get things done. The 2000 Senate Energy bill is an example of that, of how we worked in a bipartisan fashion. That bill, when it is fully implemented over the next 20 years, will save families over $1,000 a year at gas stations. That is because we put a good policy into place.

The question is where we are going to go from here. I have listened to some of the things my colleagues on the other side of the aisle have said, and I hope when we are done with our statements, we can sit down and work together on trying to implement more legislation that will help the American consumer. But I think the notion that where we are today is a rational market and that supply and demand is driving what we are seeing, a 100-percent increase over last year in oil prices, is not correct.

We just had a hearing in the Commerce Committee where airline executives were testifying, and they said they don't think this is supply and demand, and it has obviously caused a great impact on their industry. They would like us to be more aggressive in policing the markets, and they offered some suggestions. But many of my colleagues have been out here talking about opening drilling in the Arctic Wildlife Refuge. Well, we have had this debate. We have had it numerous times. I always like the administration's own Energy Information Agency that says drilling in the Arctic Wildlife Refuge would result, when it is fully implemented 10 or 20 years from now, in 1-penny-per-gallon savings. So that means when you take the average driving of a consumer at 400 or 500 gallons of gasoline in a year, you would have saved $5 on your annual gas bill from drilling in the Arctic Wildlife Refuge.

God only gave the United States 3 percent of the world's oil reserves. We are not going to drill our way out of this situation. But I ask my colleagues to look at what is causing this problem because we have oil company executives who are saying oil should be at $50 to $55 a barrel. This is the oil companies testifying in April. So they are saying the market isn't functioning correctly when it is at $120 a barrel.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. CANTWELL. I thank the Chair.

AMENDMENT NO. 4719

Mr. KENNEDY. Mr. President, The issue of wind coverage is important and is a concern of many families across the country and in my home State of Massachusetts and the Cape. Legislation must be developed that helps those families facing the threat of wind damage without harming those who already have flood insurance. I have the assurance from the chairman of the Banking Committee, my friend the senior Senator from Connecticut, that this is his intention as well and that he intends for a commission to study the issue and present to Congress a set of responsible recommendations for addressing this need.

For this reason, I oppose the Wicker amendment at this time in order to allow further study of the matter and that a consensus approach may be put forward in the Senate in the near future.

AMENDMENT NO. 4719

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote in relation to amendment No. 4719 offered by the Senator from Mississippi, Mr. WICKER.

Who yields time?

The Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I understand we now have 1 minute each to close on the amendment; is that the order of the day?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. Mr. President, I tell my colleagues that this is a multiple perils amendment to the National Flood Insurance Program. It is backed by the National Association of Realtors.

The CBO will tell you it is budget neutral because the premiums have to be based on risk and actuarially sound. There are changes that could be made to make a good amendment perfect. We might not have those tonight. But I can assure my colleagues of this: The passage of the Wicker amendment tonight will ensure that a solution will come quicker to the problem of millions and millions of Americans not being able to ensure against wind and water damage at the same time. I urge passage of the Wicker amendment for that reason, if for no other.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The senior Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I have great respect for our colleague from Mississippi. The point we wish to make on this amendment is not that we disagree. The simple question, as pointed out by Senator NELSON from Florida, is that this amendment, as presently crafted, could end up costing billions more than we anticipated. There were $17 billion in claims in excess of the $1.5 billion in funds. Some predict this could be as much as $60 billion to $100 billion.

We have a commission we are working on as part of the bill. We have to grapple with wind. We have to have an actuarially sound program. The last thing we want to do is destroy a flood program, which we could do by overwhelming it as a result of claims under wind, without standards under which we judge those conditions and concerns. Based on what happened in 2005, the claims under wind might have been five times $17 billion.

I am determined as a member of the committee to spend more time on this. In fact, we would have spent more time but for the foreclosure crisis to try to come up with answers. At this juncture, to adopt this amendment would cause the program to be put in great jeopardy.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4719.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent because of illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. McCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 19, nays 74, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—19

Chambliss
Cochran
Craig
Graham
Isakson
Landrieu
Lautenberg
Lincoln
Martinez
McConnell
Menendez
Murkowski
Nelson (FL)
Pryor
Schumer
Snowe
Stevens
Vitter
Wicker

NAYS—74

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Coburn
Coleman
Collins
Conrad
Corker
Cornyn
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Grassley
Gregg
Harkin
Hatch
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Leahy
Levin
Lieberman
Lugar
McCaskill
Murray
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Specter
Stabenow
Sununu
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Hagel
McCain
Mikulski
Obama
Warner

The amendment (No. 4719) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I have had a number of conversations with Senator McCONNELL today. I have had a number of conversations with the two managers of the bill. I think we have a plan for finishing this legislation tomorrow. We have had good cooperation on both sides.

What we are going to try to do is finish this bill. There are a number of Senators who want to offer amendments tonight. We can have the votes tonight or in the morning. The way things are looking, we can have them after morning business in the morning because there are not a lot of amendments.

It is our goal to finish this bill tomorrow. If that is the case, then we wouldn't have to be in Friday. We have a lot of things to do legislatively, hearings, and other such business. What we will do is come in Monday and vote on the amendment that has been filed by the Republican leader dealing with energy. It is the Domenici energy package. We will have a side-by-side. I already explained to the Republican leader and others what that will be. It should be fairly direct and to the point. We will have a 60-vote margin on both of those.

Following that, we will move to legislation that is bipartisan in nature. We will need to invoke cloture on it. It is the JUDD GREGG firefighters legislation. That will get us through Monday.

We have 2 weeks left. Hang on to your hats; we have a lot to do. We do not know if we are going to get the supplemental next week. We thought we would early next week, but we have learned today there may be some problems developing in the House. We are doing our very best to do that.

I congratulate Senators HARKIN and CHAMBLISS and Senators BAUCUS and GRASSLEY. We think—we don't think, we know the farm bill has been put to rest. We are going to be able to bring a bipartisan conference report to the Senate floor, hopefully, next week. There is no reason we should not be able to do that next week. Those are just a few of the moving parts we have.

The supplemental is not going to be easy, as it never is. Once we get it from the House, we can do our job over here fairly rapidly.

Mr. DOMENICI. Mr. President, can the leader explain how he is going to handle the two Energy bills? It seemed he was saying we would be finished with this bill before that. That is not the case, is it? These two amendments will be voted on as part of this bill.

Mr. REID. What we would like to do—we certainly will work with the distinguished Republican leader at a later time. I don't think Senators SHELBY and DODD want energy to be part of this bill. If we can get 60 votes on it, we will be happy to stick it in this bill.

What Senator McCONNELL and I talked about—I think it is fair, and we do a lot of business with 60 votes around here. We are not trying to stop anybody from doing anything.

Mr. DOMENICI. It is going to be freestanding.

Mr. REID. Absolutely.

Mr. DOMENICI. As long as there is ample time to discuss it.

Mr. REID. Absolutely.

Mr. DOMENICI. I thank the Senator.

Mr. REID. Mr. President, I say to Senator DOMENICI, even though he and I have disagreed on a few issues over the years—few in number—I personally know how strongly the Senator from New Mexico feels about this energy issue. I hope the Senator doesn't get 60 votes, but we will do everything we can to ensure he gets a vote.

Mr. President, able staff, both on the majority and minority side, say I may not have phrased everything right regarding the energy legislation. But I think Senator McCONNELL and I understand we are going to have two votes on energy Monday night. The exact terminology procedurally, I may not have outlined it properly, but I think we know where we are going.

AMENDMENT NO. 4722

The PRESIDING OFFICER. Under previous the order, there is now 2 minutes for debate equally divided prior to a vote on amendment No. 4722 offered by the junior Senator from Louisiana. Who yields time?

The junior Senator from Louisiana is recognized for 1 minute.

Mr. VITTER. Mr. President, this amendment is very simple and modest. It simply updates the coverage limits available for a flood policy which have not been updated at all since 1994. It does not even take into account all inflation since then, just most inflation. It is what the House did. And under the CBO study of the House bill, the CBO said it does not increase the cost of the bill because people will obviously pay significantly higher premiums for the higher limits.

This is a very modest updating of the limits. I ask for the support of my colleagues.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Alabama.

Mr. SHELBY. Mr. President, I oppose the Vitter amendment. The purpose of the Dodd-Shelby bill is to increase the actuarial soundness of the flood insurance program. This amendment by Senator VITTER would undermine greatly that effort. The amendment would extend flood insurance subsidies, crowd out private markets, and lead to larger program losses down the road.

I urge my colleagues to join Senator DODD and me in opposing the Vitter amendment.

Mr. VITTER. Mr. President, reclaiming the remainder of my time, again I think it is very important to note the CBO analysis, with regard to this issue in the House bill, said it does not cost any more. It does not get in the way of actuarial soundness at all. This is only updating the limits for less than inflation since 1994.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SHELBY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent due to illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 27, nays 66, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—27

Bingaman
Boxer
Burr
Cantwell
Coburn
Cochran
Feinstein
Graham
Harkin
Hatch
Hutchison
Klobuchar
Landrieu
Lautenberg
Lincoln
Martinez
Menendez
Murkowski
Murray
Nelson (FL)
Pryor
Salazar
Schumer
Stabenow
Stevens
Vitter
Wicker

NAYS—66

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brown
Brownback
Bunning
Byrd
Cardin
Carper
Casey
Chambliss
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Grassley
Gregg
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lugar
McCaskill
McConnell
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Sununu
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Hagel
McCain
Mikulski
Obama
Warner

The amendment (No. 4722) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote and move to reconsider the previous vote as well.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 4723 offered by the Senator from Louisiana, Mr. VITTER.

AMENDMENT NO. 4723

Mr. VITTER. Mr. President, periodically new flood maps are issued by FEMA. When a new flood map comes out, some properties that used to not be in a flood zone may now be in a flood zone, or move from a lesser to a more severe part of a flood zone.

This amendment would simply say we are going to charge higher premiums, absolutely, but we will transition that over 5 years instead of the 2 years in the bill. The 5 years is the same provision as in the House bill. I think it is a reasonable transition, still getting to that new higher premium.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I oppose the Vitter amendment No. 4273. Most homes mapped into the mandatory coverage areas will only see limited increases in their premium rates.

Homes or properties mapped into the higher risk areas should pay higher rates to match the reality of higher risk. Out-of-date maps that have vastly underclassified risk need to be updated, and delay in requiring property owners to pay their full freight is an extension of the inadvertent subsidies provided by inaccurate maps.

I urge my colleagues to join Senator DODD and me in opposing the Vitter amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Mr. OBAMA), and the Senator from Nevada (Mr. REID) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent because of illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 69, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—23

Boxer
Cantwell
Cochran
Cornyn
Craig
Crapo
Durbin
Feinstein
Harkin
Hutchison
Landrieu
Lautenberg
Lincoln
Martinez
McCaskill
Menendez
Murray
Nelson (FL)
Pryor
Schumer
Stabenow
Vitter
Wicker

NAYS—69

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brown
Brownback
Bunning
Burr
Byrd
Cardin
Carper
Casey
Chambliss
Coburn
Coleman
Collins
Conrad
Corker
DeMint
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi

Feingold
Graham
Grassley
Gregg
Hatch
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Leahy
Levin
Lieberman
Lugar
McConnell
Murkowski
Nelson (NE)
Reed
Roberts
Rockefeller
Salazar
Sanders
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—8

Biden
Clinton
Hagel
McCain
Mikulski
Obama
Reid
Warner

The amendment (No. 4723) was rejected.

Mr. DODD. I move to reconsider the vote.

Mrs. LINCOLN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4705, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided in relation to amendment No. 4705, as modified, offered by the Senator from Louisiana, Ms. LANDRIEU.

AMENDMENT NO. 4705, AS FURTHER MODIFIED

Ms. LANDRIEU. Mr. President, I ask unanimous consent that amendment No. 4705 be modified further with the changes at the desk and that Senators DORGAN, LINCOLN, and PRYOR be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as further modified, is as follows:

On page 9, strike line 12 and all that follows through page 10, line 16, and insert the following:

(c) STUDY ON MANDATORY PURCHASE REQUIREMENTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct and submit to Congress a study assessing the impact, effectiveness, and feasibility of amending the provisions of the Flood Disaster Protection Act of 1973 regarding the properties that are subject to the mandatory flood insurance coverage purchase requirements under such Act to extend such requirements to properties located in any area that would be designated as an area having special flood hazards but for the existence of a structural flood protection system.

(2) CONTENT OF REPORT.—In carrying out the study required under paragraph (1), the Comptroller General shall determine—

(A) the regulatory, financial and economic impacts of extending the mandatory purchase requirements described under paragraph (1) on the costs of homeownership, the actuarial soundness of the National Flood Insurance Program, the Federal Emergency Management Agency, local communities, insurance companies, and local land use;

(B) the effectiveness of extending such mandatory purchase requirements in protecting homeowners from financial loss and in protecting the financial soundness of the National Flood Insurance Program; and

(C) any impact on lenders of complying with or enforcing such extended mandatory requirements.

Ms. LANDRIEU. Mr. President, if this amendment does not pass, significant portions of many States will be required to have flood insurance which has never been required before. The underlying bill says everywhere there is a dike, a dam, or a levy, regardless of the situation behind the dike, dam, or levy, regardless of how strong the dike, dam, or levy is, you will be required to have flood insurance. That is a very different jump from where we are today. Our amendment strikes that language and instead says there shall be a study and evaluation to make better determinations.

This is a tough issue because we were behind levees that broke. It would have been a good idea, but this is a tax and fees on people without the appropriate study. That is what our amendment does.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, let me take 30 seconds to say to Members, if they have any amendments on this bill, I will stay around this evening. Anyone who has an amendment, we will consider them this evening. There will be no votes until tomorrow, but I will stay around tonight to engage in debate on amendments.

Let me express my opposition to the Landrieu amendment. This is less than $1 a day; at the most it is $350 a year for 350,000 dollars' worth of insurance. Twenty-five percent of all the claims against the flood insurance program come out of residual risk areas. One percent of the policies are coming out of that area. If we are going to have an actuarially sound program, you have to ask people to contribute.

Here is a list of dikes and dams that are failing right now. There is no guarantee these are going to last forever. We learned that painfully in Louisiana. When they don't, just like homeowner policies, you want to have something in place that will allow people to get back on their feet again other than coming to raid the Treasury to do so. Again, $350,000 for the maximum of less than $1 a day is very little to ask for a program that is actuarially sound. That is what we are trying to do with this bill so we don't end up raiding the Treasury in the long run.

I urge defeat of the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Mrs. MIKULSKI), the Senator from Illinois (Mr. OBAMA), and the Senator from Nevada (Mr. REID) are necessarily absent.

I also announce that the Senator from Delaware (Mr. BIDEN) is absent because of illness.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 30, nays 62, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—30

Baucus
Bingaman
Cantwell
Cochran
Coleman
Conrad
Cornyn
Dorgan
Durbin
Harkin
Hutchison
Inhofe
Klobuchar
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Murray
Nelson (FL)
Nelson (NE)
Pryor
Stabenow
Tester
Vitter
Wicker

NAYS—62

Akaka
Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cardin
Carper
Casey
Chambliss
Coburn
Collins
Corker
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hatch
Inouye
Isakson
Johnson
Kennedy
Kerry
Kohl
Leahy
Lugar
McConnell
Murkowski
Reed
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Voinovich
Webb
Whitehouse
Wyden

NOT VOTING—8

Biden
Clinton
Hagel
McCain
Mikulski
Obama
Reid
Warner

The amendment (No. 4705), as further modified, was rejected.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 4709 TO AMENDMENT NO. 4707

(Purpose: To establish a National Catastrophe Risks Consortium and a National Homeowners' Insurance Stabilization Program, and for other purposes)

Mr. NELSON of Florida. Mr. President, I send amendment No. 4709 to the desk. It has been filed, and I call it up.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself, Mrs. CLINTON, Mr. MARTINEZ, and Ms. LANDRIEU, proposes an amendment numbered 4709 to amendment No. 4707.

(The amendment is printed in the RECORD of Tuesday, May 6, 2008, under "Text of Amendments.")

Mr. NELSON of Florida. Mr. President, this is an amendment to recognize what we have been discussing on this floor earlier: that the big one is coming. The big one is either a category 5 hurricane that is hitting an urbanized area of the coast, of which there is some loss of $50 billion of insurance losses in wind losses, or it is an 8.5 earthquake on the Richter scale that hits downtown San Francisco or downtown Memphis—either one of which no one State could withstand that kind of economic loss. There is no one insurance company that can withstand that economic loss.

It is clear that the package of bills Senator Martinez and I—and he, by the way, is a cosponsor of this amendment—the package of bills we have filed to address the plethora of subjects having to do with catastrophic risk—a national catastrophe fund is one of those bills. That is not going to pass. The White House opposes it. But what could pass is what has already passed the House of Representatives and is down here and is the essence of this amendment; that is, it sets up two things. It sets up, on the one hand, a consortium whereby if a State's catastrophe fund goes dry and they need additional bonding, that State then has set up a consortium where it is easy to go into the private bond market for catastrophe bonds and get that bonding back to the State catastrophe fund. That is one part of this bill. The other part of this bill is also where the State has a State catastrophe fund.

What is a catastrophe fund? It is a reinsurance fund. It reinsures insurance companies against the catastrophic risk. In the case of Florida, it is hurricanes. In the case of California, it is earthquakes. In the case of Memphis, TN, it is earthquakes. In the case of the gulf coast, the Atlantic seaboard, it is hurricanes. That is what a State catastrophe fund is.

Florida has that fund. There are a lot of other States that do not. So this amendment would only apply to those that set up and address the catastrophic risk at the State level first. Therefore, if a State has a State catastrophe fund, it would have another opportunity to have the Federal Government help it. If the well ran dry in its State catastrophe fund and was out of money, it then could borrow cash from the Federal Government at market rates to replenish the cash until it could get its own cash reserves replenished by its mechanism which, in the case of Florida, is that they assess all of the policyholders—the property and casualty policyholders—in the State. Now, that is the way Florida does it.

This is not a new Federal program. This is a Federal incentive to the States solving this problem but recognizing that the big one is coming—either a hurricane or an earthquake—that when the big one does, if the State catastrophe fund, the reinsurance fund cannot handle it, the Federal Government is going to step in but only to the extent of helping the State catastrophe fund facilitate getting bonds in the private marketplace—catastrophe bonds—or, No. 2, help the State catastrophe fund have ready quick access to cash from the Federal Government but lent at fair market rates.

Now, this is utilizing the private marketplace. This is not a new Federal program. It is a commonsense solution. It has already passed the House overwhelmingly. This is the vehicle that we have to offer it all. Even though this is a flood insurance bill, it is an insurance bill. We are not trying to monkey around with the flood insurance program; we are merely trying to have a vehicle by which we can bring this up.

Now, they are going to say it is not germane because it is not flood insurance. So that means we are going to have to get the 60-vote threshold to waive a point of order that it is not germane, and that is a high threshold. But nevertheless, we have to try.

I notice my colleague from Florida is here, and he is a cosponsor. I wish to thank him for that cosponsorship.

I ask unanimous consent that a detailed explanation of my amendment be printed in the Record at this point.

There being no objection, the material was ordered to be printed in the Record, as follows:

SUMMARY OF THE HOMEOWNERS DEFENSE

The Homeowners Defense amendment establishes a Consortium, a non-Federal entity that States may choose to join. The Consortium is designed to encourage and facilitate the transfer of catastrophe risk from State catastrophe reinsurance facilities/funds into the private markets, notably, the catastrophe bond markets.

In addition the bill also creates a Federal loan program to provide financing for qualified reinsurance programs and state residual insurance market entities that choose to participate to help cover the cost of paying out in the event of a disaster.

The bill includes general eligibility and underwriting requirement provisions that would:

Ensure that the savings realized form Titles I and II are passed through to primary policy holders

Encourage compliance with loss mitigation requirements

Ensure that actuarial rates are charged

Ensure that State reinsurance programs only underwrite truly catastrophic events (i.e. Katrina)

TITLE I—THE NATIONAL CATASTROPHE RISK CONSORTIUM

Title I establishes the National Catastrophe Risk Consortium, an organization that States can choose to join for the purposes of transferring catastrophe risk to the private market. To be clear, the Consortium would not assume the States' disaster risk. The risk transfer would be achieved through the issuance of risk-linked securities catastrophe bonds) or through negotiate reinsurance contracts. The consortium is designed to function as a conduit, so that at no time would risk transfer either to or from the Federal government.

The Consortium would be governed by a board comprised of Federal and participating State representatives with all members having a single vote. All States are eligible to join. Much of the Consortium's needs for risk modeling, financial consulting, and relations with the capital markets would be arranged for on a contract basis rather than provided by a permanent staff.

The Consortium offers States and private market participants a unique opportunity to benefit from combining catastrophic risks diversified by the type of peril and geographic regions. The Consortium staff would work in coordination with participating States to catalogue inventories of catastrophic risk.

Catastrophe bond underwriters and other market participants would be able to access this database to structure bonds or reinsurance contracts and treaties.

The Consortium would serve as a conduit issuer of catastrophe bonds on behalf of the participating States, but not actually take possession of any bond proceeds, coupon payments, or underlying risk. Through the aggregation and maintenance of market statistics, the Consortium would develop industry standards for the catastrophe bond and risk transference markets. Such standards include, but are not limited to, the terms of bond offerings, the nature of triggers used and the definitions of risks.

$20,000,000 per year is authorized to cover the costs of the establishing and administering the consortium.

TITLE II—NATIONAL HOMEOWNERS INSURANCE STABILIZATION PROGRAM

This title creates a National Homeowners Insurance Stabilization Program within the Department of Treasury designed to ensure a stable private insurance market by extending Federal loans to qualified reinsurance programs in States wishing to participate in the program. Specifically, the program would make two types of loans of last resort available: liquidity loans and catastrophic loans.

Liquidity loans would be extended to qualified reinsurance programs that have a capital liquidity shortage due to and following an insured catastrophic event.

The amount of the loan cannot exceed the ceiling coverage level for the reinsurance program. The liquidity loan would have an interest rate set at 3 percentage points higher than marketable obligations of the Treasury having the same term to maturity of between 5 and 10 years.

Catastrophic loans would be extended to a qualified reinsurance program when it has sustained losses above its maximum underwriting capacity. The catastrophic loan will have an annual interest rate set at 0.20 percentage points higher than marketable obligations of the Treasury having the same term to maturity and maturity of no less than 10 years.

As a transitional measure, during the first five years of the program, States that do not have a qualified reinsurance plan would be eligible to participate in the Title II program through their residual insurance market entities. Currently 36 states have a residual market entity that would meet the requirements of this bill.

Mr. NELSON of Florida. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, I thank Senator Nelson, my dear colleague from the State of Florida, for bringing this bill forward, of which I am a cosponsor. I wish to associate myself with his comments regarding this very important proposal for the State of Florida. What already passed in the House ought to be given an opportunity to be considered by the Senate. I believe it could make a big difference to a lot of Florida homeowners who today are hurting because of high insurance costs because of unavailability of insurance and this is a way of safeguarding and actually it is a way of planning ahead for the inevitable storm.

Senator NELSON likes to say the big one is coming. The fact is it is inevitable that we will have other storms and some of them are going to be substantially large storms. As that occurs, the Federal Government will have a response. Inevitably, FEMA will be there, and there will be other responses to help people. Wouldn't it make much more sense to have a Federal backstop to an insurance program that could then provide, in an orderly way, the relief that surely will come to Florida or whatever other State is afflicted by the big natural disaster as we know Katrina was and other terrible storms can be.

I met today with the Director of the National Hurricane Center. I presume Senator NELSON may have met him as well. He was coming around to tell us about their programs, the terrific job they do of forecasting, but it is also a reminder that the hurricane season is upon us. About a month from now will be the official beginning of the hurricane season. As that happens, surely I will join with Senator NELSON in saying the big one is sure to come, and when it does it will be nice to have the kinds of funds the Klein-Mahoney legislation envisions and which I fully support.

I thank the Chair and I yield the floor.

Mr. DODD. Mr. President, pending some language to be drafted on a UC request, let me respond to the comments of Senators NELSON and MARTINEZ of Florida.

First, I commend BILL NELSON and the two House Members who crafted this legislative proposal to deal with the national catastrophe events. I commend them because they thought about this in a constructive way as to how they can possibly get resources to come into the States to deal with national catastrophes. Every one of us is confronted with this problem, whether you are in Florida with hurricane season, or in the Midwest with cyclones and tornadoes and floods, or whatever else may occur. We have all been confronted with how to deal with devastating natural disasters. It has been a long-time interest of mine.

Some years ago, going back almost 20 years, Senators STEVENS, INOUYE, others, and I tried to craft exactly something like this. We didn't get very far back in those days. The idea was to try to come up with a national plan that would allow us to be able to deal with these issues.

I begin my comments about the Nelson amendment as a complimentary one. We tried to accommodate it to some degree, because there are a lot of different ideas on how to do this. The authors of the original idea in the other body have a very creative idea. I welcome that. And there are others; it is not the only one. Rather than trying to adopt this in the middle of a flood insurance bill, as you heard Senator NELSON talk about earlier, we adopted a commission study for 9 months to examine these various ideas, and to come back to us with recommendations within that 9-month period. So we will look clearly at this idea, but there are others as well. That is the intention.

We also included in the legislation several other ideas to try and deal with some of these problems. Two initiatives particularly, I admit, don't address the overall problem. They assist homeowners in communities faced with these problems. One is to provide a tax credit to homeowners who live in coastal areas—and it is not in the bill; it is a separate piece of legislation—who have seen property insurance rates substantially increase. That is certainly the case in Florida, where they have seen significant increases in those rates.

The bill I have introduced would give homeowners an immediate relief to offset part of the rise in premiums as we grapple with the long-term solutions. Again, it is not an answer, but it is some financial relief before we sort out this issue. I hope it will be on an appropriate vehicle, and I hope we will have an opportunity to offer that idea in the next several weeks.

I have also introduced a bill to provide grants and loans to home and business owners to undertake mitigation efforts. The best we can do for people in harm's way is to help them lessen the risk in the first place, with things such as storm shutters, hurricane clips, elevating essential utilities, and even elevating an entire house, in some cases. That will not only reduce insurance costs but save lives.

Mitigation costs are not inexpensive. We thought it might be a great help to assist in this so when problems arise, there is an effort to reduce the amount of damage that would occur. First, I admit these are not solutions to the issue raised by our colleague from Florida. I urge my colleagues at this juncture to add a specific idea such as this. But this is going a little beyond where we are prepared to go. That is my note of caution.

There is a vote on this tomorrow. I will be voting against the amendment offered by Senator NELSON, but not because I am opposed to the idea. In fact, I would make a case that I believe there may be legal authority that exists today to do some things already that he is talking about in his amendment. Some may be redundant based on what existing law would allow States to do to assist with funds in these areas. Some would clearly require new authority.

I urge colleagues, when considering this, not to give up. We will get to it. We have to. I think the best way to approach it is in a more comprehensive fashion. I thank them for their ideas, and I commend the two House Members of the Florida delegation, the principal authors of this idea. I commend Senator MARTINEZ, as well, for addressing these issues. I met with both of the House Members in my office several weeks ago and, ironically, at the time they came to my office, the chief executive officer of the Travelers Insurance Company, Jay Fishman, a very good friend of mine, a good fellow, was in the office, and he has authored his own idea that has attracted broad-based interest. Despite the fact that somebody would say it has come from the CEO of an insurance company, he is an original thinker; he thinks outside of the box. In fact, both of the members of the Florida delegation were quite taken with his idea and thought it was very creative as a national model. That is one other idea that is out there that we happened to discuss that day in the lengthy conversation we had on this issue.

There are many ideas, a lot of which have very sound merit, but they need to be thought out. I am a little uneasy about taking an idea and adopting it as an amendment as part of a flood insurance bill without understanding the full implications of what is involved in it. For those reasons, I will be objecting, or at least asking my colleagues to turn down this particular approach—not because it is a bad idea or it may not work but because we are not quite ready to accept that at this juncture.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 4711 TO AMENDMENT NO. 4707

Mr. DEMINT. Mr. President, I wish to call up two amendments and then make some brief comments about them. The first amendment is amendment No. 4711, which I believe is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4711 to amendment No. 4707.

Mr. DEMINT. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Director to conduct a study on the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section)

At the end, add the following:

SEC. ______. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

AMENDMENT NO. 4710, AS MODIFIED, TO AMENDMENT NO. 4707

Mr. DEMINT. Mr. President, my next amendment is actually a modification which I need to send to the desk. It is amendment No. 4710.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 4710, as modified.

Mr. DEMINT. Mr. President, I ask that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 13, strike "and".

On page 8, line 16, strike "policy."." and insert the following: "policy; and

"(3) any property purchased on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2007.".

Mr. DEMINT. Mr. President, if I could take a couple of minutes to explain these, my hope is that I can even get the chairman's support of this.

Amendment No. 4711 is actually a study that I hope we can all agree on. It is a study that would try to determine the feasibility of using incentives of lower flood insurance rates when consumers or businesses have their homes or business locations comply with nationally recognized building codes. A number of codes are out there. If we could encourage better construction of buildings, to make them more resistant to storms, it is likely we could save the flood insurance program a lot of money. So this amendment would simply study the feasibility of those incentives and what it might do to insurance rates, as well as to saving Government money.

My second amendment, No. 4710, ends the practice of permanently subsidizing premiums for older homes in flood zones, which can be as large as 65-percent. The bill does a good job phasing out these subsidies for just about every other property: businesses, vacation rentals, and primary residences that have been renovated since the flood zone mapping was determined. But there are a number of homes that are grandfathered into subsidies up to 65 percent. These are homes that were built before 1975 or when their area's flood mapping was actually done. These primary residences enjoy this subsidy, and will continue to under the current bill.

What my amendment does not do is change the insurance rates or the subsidy for those who are grandfathered into the current rate that we call pre-firm, or before flood insurance rate maps were completed; in other words, these are folks who could legitimately have said they did not know they were in a flood plain when they bought their home. I think their rates and subsidies should stay the same.

What my amendment does is make the premiums for pre-firm properties sold after this bill's enactment the same actuarial rates of homes that were built after the new mapping was complete, or post-firm. So it is a relatively simple amendment, and I think it gives more equity to the total bill by making sure all properties are eventually treated equally.

So I will provide more detail tomorrow, but I hope the chairman will consider both of those amendments because I would love to have his support.

With that, I yield the floor.

Mr. DODD. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT—MOTION TO PROCEED

Mr. DODD. Mr. President, I ask unanimous consent that upon the disposition of H.R. 3121, the House-passed Flood Insurance Act, the Senate proceed to the consideration of Calendar No. 275, H.R. 980, an act to provide collective bargaining rights for public safety officers employed by States and political subdivisions.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of several of my colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, I wonder if consent would be granted to proceed to H.R. 980 at a time to be determined by the majority leader following consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Mr. President, on behalf of several of my colleagues, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, in light of these objections, I now move to proceed to Calendar No. 275, H.R. 980, and I send a cloture motion to the desk.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 275, H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Edward M. Kennedy, Robert Menendez, Russell D. Feingold, Patty Murray, Daniel K. Inouye, Amy Klobuchar, Debbie Stabenow, Ron Wyden, Barbara Boxer, Christopher J. Dodd, John D. Rockefeller, IV, Jon Tester, Sheldon Whitehouse, Frank R. Lautenberg, Sherrod Brown, Jeff Bingaman, John F. Kerry.

Mr. DODD. Mr. President, I now ask unanimous consent that the cloture vote occur on Monday, May 12, upon disposition of H.R. 3121; and that on Monday, May 12, all time after the Senate convenes until 5:30 p.m. be equally divided and controlled between the two leaders or their designees, with the mandatory quorum waived, and I withdraw the motion.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from South Dakota is recognized.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007—Continued

AMENDMENT NO. 4731

Mr. THUNE. Mr. President, I have an amendment which I understand the manager for the majority will object to me calling up, but I would like to make some remarks about it, if I might, at this time.

Mr. DODD. Mr. President, if my colleague would yield, I appreciate his recognition of that. Again, our hope is something can be worked out. The objection is not based on the substance of the amendment as much as it is a question of whether the committee of jurisdiction which this matter is being considered under has raised some concerns with our colleague from South Dakota, and my hope is they can be resolved. So I would have to object if he brought up the amendment, but certainly I welcome his opportunity to talk about this amendment, and my hope is that between now and tomorrow sometime, whatever the differences are can be worked out, and we will be able to consider his amendment.

Mr. THUNE. I thank the chairman, the Senator from Connecticut, for those words. Let me, if I might, make a couple of remarks with regard to the amendment and again suggest that if at all possible, we could figure out a way to make it a part of this Flood Insurance Reform and Modernization Act. I think it is very fitting on this bill. There are some jurisdictional issues that have been raised. But what I would like to point out is that this is a bill which obviously has a lot of important content and legislation that needs to be acted upon by the Congress, by the Senate. The amendment that Senator JOHNSON and I have offered is directly relevant to the bill because it seeks to reduce the potential impact of FEMA's revised flood map for residents of Sioux Falls, SD, which is the largest city in my State. Above all, this amendment allows the City of Sioux Falls to have the ability to advance the funds associated with the Big Sioux Flood Control Project which was authorized by the Congress in 1996.

Keep in mind, roughly 20 years ago, the U.S. Army Corps of Engineers determined that the original flood control project in Sioux Falls was ineffective due to two significant flood events that occurred in 1957 and in 1969. The city and the Federal Government have been working since 2000 to raise the height of the levees and to construct a dam. However, without the authority contained in this amendment, the completion of the Big Sioux Flood Control Project will languish until the Federal Government's remaining share of the project is appropriated.

Effectively, with roughly $21 million in remaining Federal costs and the fact that the average funding provided by Congress over the past 7 years has been about $2 million per year, the city is at the mercy of the Federal Government to complete this important project. If these flood protection improvements are not made, roughly $750 million in property damage could result in homes and businesses in a major flood event.

Adding to the urgency for completing this important flood control project is the fact that following Hurricane Katrina, the Federal Emergency Management Agency proposed modifications to the city's 100-year flood plain, just as FEMA has done in other communities across the country, to ensure that homeowners are aware of potential flood risks. As a result of FEMA's proposed flood plain modifications in Sioux Falls, until the Army Corps certifies completion of its project, roughly 1,600 homeowners and businesses will be required to purchase flood insurance. The quickest way to eliminate or reduce the need for flood insurance for the 1,600 homeowners and businesses is to complete construction of the Big Sioux Flood Control Project as soon as possible.

While the city has expressed a willingness to advance fund the Federal Government's remaining portion of the project, this would require Congress to act in a couple of ways. One is to allow the Army Corps to accept advance funding from the city for the Federal Government's portion of the project; second, to authorize the Army Corps to reimburse the city through future appropriations from the Federal Government's portion of the project.

This straightforward amendment doesn't add any costs to the Federal Government. In fact, allowing the city to advance fund the remainder of the project would actually reduce the Federal Government's overall cost because the project would be completed in a much shorter timeframe.

Such authorities have been extended to other Federal flood control projects in the past. Senator JOHNSON and I are simply seeking additional flexibility that will allow the city to expedite construction of the Big Sioux Flood Control Project. I believe the city's willingness to advance fund this flood control project underscores their commitment to finishing this much needed project.

I look forward to working with the bill managers to try to get this amendment voted on, to get it included in the underlying bill as we work to reform our Nation's flood insurance program.

I hope we can work through this jurisdictional issue because this is an issue of timing. There is another WRDA bill that may come down the road, but the last one took 7 years to get on the floor of the Senate. I don't believe the next one will take that long. In any case, the city of Sioux Falls—the largest community in my State—is looking at 11 years to complete this project.

As soon as FEMA designates this flood plain, 1,600 homeowners will be faced with an insurance bill. All the city is trying to do is take the initiative to complete this project in a more timely way by advance funding it and then allowing the Federal Government, through the Corps, to reimburse through what would be annual appropriations, which could take perhaps 11 or more years to get. I think this is a commonsense, practical solution. The city has stepped forward on this. I hope we can include it in this bill before we get to final passage.

Thank you, Mr. President.

I thank the Senator from Connecticut.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that all amendments to S. 2284 must be offered during Thursday's session, May 8; that the only amendments in order on Monday be the pending substitute amendment; further that a managers' amendment still be in order if cleared by the managers and leaders, the McConnell amendment No. 4720, with the Allard amendment No. 4721 withdrawn prior to a vote in relation to the McConnell amendment; a Reid and others amendment relating to the subject of energy; that the McConnell and Reid amendments be subject to a 60-affirmative-vote threshold; that if either amendment achieves that threshold, then the amendment be agreed to and the motion to reconsider be laid upon the table; that if neither achieves the 60-affirmative-vote threshold, then it be withdrawn; that the vote with respect to the McConnell amendment No. 4720 occur at 5:30 p.m. Monday, May 12, to be followed by a vote in relation to the Reid, et al., amendment; that upon disposition of all amendments, the substitute amendment, as amended, if amended, be agreed to; the bill read a third time, and the Senate then vote on passage of S. 2284, as amended; further that the previous order which referenced H.R. 3121 be changed to reflect passage of a flood insurance bill, either S. 2284 or H.R. 3121, and the cloture motion on amendment No. 4720 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I thank all involved. I thank the majority staff, the minority staff, and the respective Members who helped us put this agreement together. Basically, what it says is we have to offer, debate, and vote on all amendments by the end of business tomorrow, and then leaving off until next week the issue involving the energy issues which the majority leader talked about earlier this evening. That will allow us to hopefully complete consideration of the flood insurance bill.

I know I speak for Senator SHELBY and other members of the committee, as I mentioned earlier, we passed this bill unanimously out of the Banking Committee some months ago. The fact that we will be able to come to closure on the bill by the end of business tomorrow is good news for literally millions of people who are counting on having a good flood insurance program.

I would like to make some unanimous consent requests.

MORNING BUSINESS

Mr. DODD. I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

USS "COLE" INVESTIGATION

Mr. FEINGOLD. Mr. President, this past weekend a front page article in the Washington Post reminded us of the devastating attack on the USS *Cole* and the inability—or unwillingness—of the administration to see the investigation to the finish line. Nearly 8 years since the attack on the *Cole*, and 6½ since September 11, 2001, an attack directly linked to al-Qaida—and to bin Laden himself—remains stalled, at best, with few answers to key questions.

I would like to take a minute to remind my colleagues of the attack I am referring to—an attack perhaps not as seared into our memories as those horrific ones of 9/11, but one that is equally as painful for those who lost loved ones and are still waiting to hold someone to account. On October 12, 2000, as the USS Navy destroyer *Cole* stopped briefly to refuel in the harbor of Aden, Yemen, it was attacked by a small boat loaded with explosives. The attack killed 17 members of the ship's crew, including a sailor from my home State of Wisconsin. At least 39 others were wounded. According to the 9/11 Commission Report, "The plot . . .was a full-fledged al Qaida operation, supervised directly by [Osama] bin Laden." Although teams from the FBI and other U.S. agencies were immediately sent to Yemen to investigate, the Yemeni government was hesitant to participate in the investigation.

While the Yemenis eventually agreed to a joint investigation, the 9/11 Commission Report notes that the CIA described Yemeni support for the investigation as "slow and inadequate" and that in the early stages of the investigation President Clinton, Secretary Albright, and others had to intervene to help. What followed was a number of arrests by the Yemeni government of people connected to the attack—including those found to have close links to al-Qaida—but less than 3 years after their arrest, 10 were able to escape from prison.

Shortly after the jail break, the Justice Department unveiled a 51-count indictment against two of the escapees, including cell leader Jamal al-Badawi. Both were indicted on various terror offenses, included the murder of U.S. nationals and U.S. military personnel. Yet Yemen refused to extradite al-Badawi. Despite a trial in 2004 that condemned him to death—a sentence which was later reduced to 15 years in prison al-Badawi dug his way to freedom in 2006 with a number of other convicts. Although he surrendered 20 months later, al-Badawi was able to strike a deal with the government which rendered him a free man. No one has been charged in U.S. courts and none of those imprisoned remain behind bars. The USS *Cole* investigation remains unfinished as there has been no real accountability for the deaths of 17 Americans.

I am deeply troubled by the message we are sending to our enemies by allowing this investigation to languish, while many of those involved in the attack walk free. Since 2003, I have repeatedly requested information from the State and Defense Departments, CIA, and FBI about these attacks, the circumstances surrounding the detention and escape of the suspects, and efforts to find and detain those involved. In 2006, I wrote to Secretary Rice and the Director of National Intelligence, DNI, expressing grave concern about al-Badawi's multiple escapes and in 2007 I strongly condemned the Yemeni government's decision to release him.

There is little to inspire confidence in our efforts to hold these terrorists to account for their actions and even less to show for our work to date. Our reliance on the government of Yemen to detain and prosecute these known members of al-Qaida—and their inability or unwillingness to do so—calls into question the partnerships and relationships we have secured in our efforts to meet the number one threat we face. The State Department's 2007 "Country Terrorism Report" notes that Yemen has "experienced several setbacks to its counterterrorism efforts" and recounts multiple examples of the Yemeni government's inability to apprehend escaped convicts—many of whom are members of al-Qaida and are associated with the USS *Cole* attack. Furthermore, for the past two years Yemen has been listed as a terrorist safe haven because of al-Qaida's ability to "reconstitute operational cells there" and carry out "several terrorist attacks against tourist targets."

How reliable is the Yemeni government as a partner in the fight against al-Qaida and its affiliates if it has been designated as a safe haven for terrorists? What efforts are being taken to ensure the Yemenis commit to combating terrorists and work with us to hold those responsible for the USS *Cole* attack accountable? Can we assure the American people that the Yemenis will ensure al-Qaida is denied access to resources, opportunities and safe spaces from which to operate? We cannot simply rely on others to do our work—especially when they are clearly not doing the job that needs to be done. We cannot sit back and allow others to take the reins while we remain distracted.

The war in Iraq has brought about a dramatic and regrettable shift in our priorities—a shift away from the top threat to our national security. Despite the persistent calls from the majority of Americans, we remain bogged down in Iraq—while it drains our resources, saps our attention, and depletes us of our ability to focus on our top national security concerns. I am concerned that this same lack of focus may be behind the administration's failures with respect to the attack on the *Cole*. The administration has paid relatively little attention to the marginalization of the USS *Cole* investigation, despite how critically important it remains to our national interest.

The global fight against al-Qaida and its affiliates must be our top priority, and the administration must take seriously its responsibility to ensure that the al-Qaida operatives behind the attack on the USS *Cole* are held to account for their heinous actions.

NATIONAL ARSON AWARENESS WEEK

Mrs. BOXER. Mr. President, I take this opportunity to recognize National Arson Awareness Week, May 4-10, and its theme for 2008: "Toy-like Lighters Playing with Fire."

The major goal of National Arson Awareness Week is to promote national recognition, awareness and understanding of the arson problem in the United States. By creating a new theme each year, the National Arson Awareness Week encourages local communities to come together and promote a different aspect of arson awareness information. Intentionally set fires are a leading cause of fire deaths and a frequent cause of financial losses in the United States. The theme for this year's Arson Awareness Week, "Toy-like Lighters—Playing with Fire," focuses public attention on the dangers of toy-like or novelty lighters in the hands of children.

Novelty lighters are frequently mistaken by children for play toys, some complete with visual effects, flashing lights and musical sounds. Such cases of mistaken identity often carry devastating consequences.

National Arson Awareness Week greatly benefits communities in California and across the Nation, as it highlights awareness of the dangers posed by arson-related issues throughout local communities. I commend the local fire departments and localities that have worked to promote awareness of the dangers posed by toy-like and novelty lighters through the National Arson Awareness Week of 2008.

CELEBRATING PEARL HARBOR NAVAL SHIPYARD'S 100TH ANNIVERSARY

Mr. AKAKA. Mr. President, today, Senator INOUYE and I celebrate the 100th anniversary of the Pearl Harbor Naval Shipyard. The Pearl Harbor Naval Shipyard has held a significant place in both Hawaii and our Nation's history. Even before Congress passed an act in 1908 officially creating the Pearl Harbor Navy Yard, Pearl Harbor has been an important port for ships and sailors from across the world.

Early in the 19th century, Pearl Harbor, or "Wai-Momi," served as a primary port for exploration and trade. By the late 1800s, the United States was looking toward Pearl Harbor to serve as the center of its expanding Pacific Fleet. On May 13, 1908, Congress solidified Pearl Harbor's strategic importance by appropriating $3 million to officially establish the Navy Yard at Pearl Harbor. Over the next 33 years, the new naval facility at Pearl Harbor was transformed into a site capable of basing the then-newly formed U.S. Pacific Fleet, and changed the face of Hawaii in the Pacific forever.

Every schoolchild in the United States learns about the events on the morning of December 7, 1941. That was the day the U.S. Naval forces at Pearl Harbor were devastated by the Imperial Japanese Navy's surprise attack. Nine ships of the U.S. Pacific Fleet sank, and more than 2,300 American lives were lost. However, our children are taught far less often about the courageous resolve and dedication demonstrated by the shipyard's employees. After resurrecting much of the fleet from the bottom of Pearl Harbor, and repairing 18 of 21 severely damaged vessels, the workers earned the motto, "We Keep Them Fit to Fight." Their commitment to duty became a model of the U.S. war effort during World War II.

The effort and hard work by Pearl Harbor Naval Shipyard personnel to maintain the ships of the U.S. Navy helped to turn the tide of war at sea in the Battle of Midway. Their tireless work ultimately ensured that of the ships damaged on December 7, salvaged, repaired, and returned to service, one, the USS *West Virginia*, survived the duration of the war to sail triumphantly into Tokyo Bay in August 1945. The integrity, ethos, and determination of Pearl Harbor Shipyard workers continued throughout the Cold War, and provided the United States with a national treasure and a strategically critical base of operations for Pacific naval and air power.

Mr. INOUYE. Mr. President, the rich history and unflagging service of the men and women at Pearl Harbor Naval Shipyard highlighted by Senator AKAKA continues today.

Once again our Nation is at war, and our Naval Forces engaged in the global war on terror can rely on the shipyard to provide top quality support. The shipyard's work focuses on the U.S. Pacific Fleet, and makes the shipyard the largest repair facility between the west coast of the United States and the Far East. The shipyard provides full-service maintenance for both the Pacific Fleet's ships and submarines throughout the Asia-Pacific theater. In addition to this significant responsibility, the shipyard has demonstrated its diverse capabilities by supporting our nation's space exploration, Antarctic expeditions, missile defense, and its ability to rapidly respond by deploying worldwide to perform emergency repairs.

Pearl Harbor Naval Shipyard is a national treasure, and it is known as "No Ka Oi," or "The Best" Shipyard. In the tradition of upholding this moniker, it has earned multiple national awards for its excellent safety and environmental stewardship programs. These awards include the prestigious Occupational Safety and Health Administration Star, and the White House Closing the Circle Environmental Quality Awards.

Beyond the numerous contributions to our U.S. Navy, the shipyard is also an integral part of Hawaii. It is the largest single industrial employer in the State, and its direct annual economic impact is greater than $600 million in Hawaii. Through its apprentice, engineer co-op, and other student hire programs, Hawaii residents are provided with extraordinary training, employment, and career opportunities. For some families this tradition to keep our ships and submarines "fit to fight" runs throughout a generation and is being passed down to the next generation.

Mr. AKAKA. Honor, courage, and commitment are the core values of the Pearl Harbor Naval Shipyard. These words speak volumes about both the local and national contributions of the proud men and women who have served under its banner. I ask my colleagues to join with me in honoring these outstanding Americans by celebrating the 100th anniversary of the Pearl Harbor Naval Shipyard, and to wish it as much success over the next century as it attained during the last.

Mr. INOUYE. When Congress established the "Navy Yard Pearl Harbor" in 1908, Hawaii and the U.S. Navy were inextricably linked together. Just as it did in 1908, America understands the need for a strong presence in the Asia-Pacific region. Both the shipyard and its achievements are special. However, it is the shipyard's heart, the dedicated men and women who work there, that make those achievements possible. I join my colleague Senator AKAKA in celebrating the 100th anniversary of the Pearl Harbor Naval Shipyard, and I look forward to celebrating its future successes in the next 100 years.

HONORING MONSIGNOR JOSEPH G. QUINN

Mr. CASEY. Mr. President, it is with the greatest respect and personal gratitude that I stand today to honor our guest Chaplain, Monsignor Joseph G. Quinn, and thank him for his humble and moving blessing upon us this morning. I am proud to say that Monsignor Quinn hails from my hometown of Scranton, PA, and lives and works there today as pastor of St. Rose of Lima Parish in Carbondale.

Monsignor Quinn is one of the most dedicated and committed servants of God whom I have ever had the privilege to know. I am honored to say that he is my good friend and has been an invaluable and steadfast friend to my family for decades. He has provided us comfort and strength in times of sorrow and loss. When my father, Governor Casey, was ill and when he died in May of 2000, Monsignor Quinn grieved with us. In times of happiness and celebration like christenings and other occasions or celebrations, he has brought his sense of humor and his warmth.

Monsignor Quinn is a beloved church servant. He has made extraordinary contributions to his family, the city and diocese of Scranton and all of northeastern Pennsylvania. Interestingly, Monsignor Quinn's journey to the priesthood first took a detour through a short, but remarkable, legal career. I would like to highlight just a few of his accomplishments over the last three decades.

After graduating from the University of Scranton and Seton Hall University School of Law in 1976, he was appointed a Federal magistrate-judge for the U.S. District Court for the Middle District of Pennsylvania. Then 25 years of age, he was the youngest person in the country to serve in that position. After 6 years of distinguished service in the judiciary, he answered his call to the priesthood and went on to complete his studies at the North American College in Rome and was ordained in 1985.

Monsignor Quinn's numerous professional contributions include serving as: parish priest and pastor; dean of the

Scranton Central Deanery of the Diocese of Scranton; member of the Pennsylvania State Ethics Commission; diocesan moderator of the Bishop's Annual Appeal for the 1998, 1999 and 2000 campaigns; member of both the Diocesan College of Consultors and the Diocesan Presbyteral Council; chairman of the Diocesan Communications Commission; member of the Board of Trustees of the University of Scranton; and personal representative of the Bishop of Scranton to the Pennsylvania Catholic Conference, a statewide body that addresses and advances public policy issues on behalf of the Pennsylvania Bishops.

Monsignor Quinn has been a key contributor to the community in a wide variety of capacities, and has been honored with numerous awards. The following are just a sampling: the B'nai B'rith Americanism Award; the Scranton Preparatory School Outstanding Alumnus of the Year as well as its most significant honor, The Ignatian Award; a Marywood University Presidential Scholarship in his honor; and the Lackawanna Bar Association's President's Award as well its highest award, the Chief Justice Michael J. Eagan Award. The University of Scranton honored Monsignor Quinn with its O'Hara Award in recognition of his community service, and in the fall of 2004, the Monsignor's nearly 30 years of service by naming a Presidential scholarship in his honor. In 2005, Scranton's Central City Ministerium named Monsignor Quinn its Clergyman of the Year.

These are only a few of Monsignor Quinn's many awards and accomplishments. He should be proud of these commendations but I have no doubt that his tremendous joy in serving God through service to his brothers and sisters in Christ, each and every day is what continues to inspire him. Monsignor Quinn is a truly beloved servant of the Church and its people. It is heartening to me, both personally and as a Member of the Senate, to listen to today's blessing by Monsignor Quinn and to welcome his vision of God's grace for our world into this Chamber.

ADDITIONAL STATEMENTS

RECOGNIZING BRIDGER HIGH SCHOOL

• Mr. BAUCUS. Mr. President, I wish to give special recognition to the music department of Bridger High School for putting together an award-winning music education program. By demonstrating outstanding commitment to music education, Bridger High School won this year's GRAMMY® Signature School Award. This distinction is a national honor and a cause for celebration for the town of Bridger in my home State of Montana.

Music plays an integral part in our daily lives. It helps to define who we are as individuals and as a nation. Through music we celebrate, we laugh, we grieve and we heal. An old song, like an old friend, helps to recall feelings and memories lost in time.

The power of music is undeniable. Music education, therefore, is a sound investment. It teaches discipline and provides an avenue to express deep and powerful emotions. It enhances a student's performance in other subject areas. It makes a fundamental difference in the quality of life.

It makes an even bigger difference in the lives of students from economically underserved school districts. Bridger is a small town with a population less than 1,000. Under the watchful guidance of their music director Michel Sticka and principal John Ballard, the 28 music students from Bridger High strived to distinguish themselves and their school. They have succeeded. And so, they deserve our respect and admiration.

Being selected as a GRAMMY® Signature School is no small task. Bridger High School competed against 20,000 other public schools across the Nation to capture the distinction. In addition, the students at Bridger High went on to win the GRAMMY® Signature Schools Enterprise Award. The award recognizes three schools across the country for their efforts towards achieving music excellence. This national honor comes with a grant of $5,000 designed to benefit Bridger High's music program.

Because of a strong music education, for the students of Bridger High, the greatest reward comes from the lifelong benefit of being able to lead richer and fuller lives.

I couldn't be more proud of the students and faculty members at Bridger High School. They have gone above and beyond to put Bridger, MT, on the map, setting the standard for all Montana schools. I join my fellow Montanans in a chorus of praise for these 28 bright students on their extraordinary achievements: Benton D. Asbury, Katryna N. Asbury, Samantha J. Bobby, Jonathan E. Bostwick, Devon B. Caballero, Jenny M. Cooke, Jessica Denney, Karissa J. DeRudder, Sommer D. Dykstra, Rebekah Edelman, Hayden D. Forsythe, Hannah Goetz, Jacey K. Griswold, Elliott G. McCarthy, Forrest C. McCarthy, Kimberly M. McClurg, Heidi R. Mudd, Wendi N. Mudd, Tara R. Murray, Lenore K. Pierson, Cole D. Schwend, Edward Stevenson, Andrea D. Sticka, Bailee M. Vaugh, Ryan J. Witt, Kyla M. Young, Tyler D. Young, Brittany N. Zentner.•

TRIBUTE TO LOUISIANA WWII VETERANS

• Ms. LANDRIEU. Mr. President, I am proud to honor a group of 97 World War II veterans from Louisiana who are traveling to Washington, DC, this weekend to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, is sponsoring this Saturday's trip to the Nation's Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans will visit the World War II, Korea, Vietnam and Iwo Jima memorials. They will also travel to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the ninth flight Louisiana HonorAir will make to Washington, DC.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people worldwide were killed, including 40 million civilians, and more than 400,000 American service members were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 40,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. The oldest in this HonorAir group was born in 1913. They began their service as early as 1938, before the bombing of Pearl Harbor, and some members of this group served as late as 1979. They served in various branches of the military—34 members in the Army; 14 in the Army Air Corps; 37 in the Navy; 8 in the Marines; 1 in the USO; and 3 in the U.S. Coast Guard.

Our heroes served across the globe, participating in major invasions such as those at Iwo Jima, Okinawa, Guadalcanal, Leyte, the Phillippines, and southern France. One was a prisoner of war in Italy, another served under General Patton, and one flew 35 bombing missions over Europe.

Many of these veterans earned Purple Hearts, Bronze Star Medals, Air Medals and Navy Crosses.

I ask the Senate to join me in honoring these 97 veterans, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.•

RECOGNIZING TINA FLETCHER

• Mrs. LINCOLN. Mr. President, I wish to recognize the work of an outstanding young woman who has served Arkansas and our Nation this spring as an intern in my office, Tina L. Fletcher of Plumerville, AK.

Last month, Tina, a senior at the University of Arkansas, was named the 2008 recipient of the Henry Woods Student Leadership Award, which recognizes one outstanding student leader and his or her contributions to the University of Arkansas campus community. She is the ninth recipient of the Woods award and will receive a $750 scholarship.

Friends and associates of Henry Woods created this award to honor his 25 years of service in the Washington, DC, area. While in Washington, Woods worked for U.S. Representative Bill Alexander and U.S. Senators David Pryor and Dale Bumpers. I was also fortunate enough to have Henry work in my Washington office for a short time and lend his years of experience to my staff. Prior to his professional service with in Congress, Henry was active in numerous campus organizations and served for 2 years as editor of the Razorback yearbook while attending the University of Arkansas.

In addition to winning the Henry Woods award, Tina is a Silas H. Hunt distinguished scholar and member of the Political Science Honor Society, Pi Sigma Alpha. She is a graduating senior in the J. William Fulbright College of Arts and Sciences completing a combined major in political science and African-American studies.

In addition to serving as the former secretary of Pi Sigma Alpha, Tina also served as the 2007 president of the Kappa Iota Chapter of Alpha Kappa Alpha Sorority, Inc., the 2007 vice-president of the Black Students Association, and is the founder and first President of S.A.S.S.: Students Advocating Stronger Sisterhood. Tina is an active member of the Connections Mentoring Program, Order of Omega, and Tri-Council.

In November 2007, Tina was selected as one of 10 students to serve as a Congressional Black Caucus/Wal-Mart Emerging Leaders intern. She was among the first group of students to receive the Silas H. Hunt distinguished scholarship. Tina has also received many additional honors and awards since arriving at the University of Arkansas as a freshman in 2004 including being named the NAACP's University of Arkansas Legend.

Recently admitted into Harvard University, Tina will pursue her masters of education degree in political philosophy/political science and history during the upcoming school year. After receiving her master's degree, Tina plans to teach high school within the Delta region's urban and impoverished school districts.

Mr. President, it goes without saying that the future looks bright for Tina Fletcher. While we will certainly miss her, we wish her the best in all her future endeavors.●

REMEMBERING LEW WILLIAMS, JR.

● Ms. MURKOWSKI. Mr. President, today I wish to talk about one of Alaska's greatest newspaper publishers and newsmen. Lew Williams, Jr. was a fixture in Ketchikan, AK, one of the State's largest cities as I was growing up in nearby Wrangell. Lew unfortunately passed away at age 83 this past Saturday, leaving a hole in the fabric of Alaska journalism that may never be fully patched.

Mr. Williams was a successful publisher, no simple accomplishment when publishing newspapers in relatively small Alaska towns is expensive, newsprint had to come by barge from thousands of miles away, and advertisers and readers were sometimes far too scarce. But he never scrimped on his product and was fearless in writing strong, clear and always factually accurate and well reasoned editorials.

Lew was a champion in supporting statehood for Alaska back in the mid-1950s. Along with Robert Atwood, the former publisher of the Anchorage Times, and C.J. Snedden, the long-time publisher of the Fairbanks News Miner, Mr. Williams was one of the three pioneer publishers and editors in Alaska who did more to establish modern Alaska than most community leaders and politicians. Avoiding the trend to sell his publication to outside chains, his daughter Tena remains as publisher of the newspaper today.

He also was a leading light in improving journalism in Alaska, being the founder in 1965, just 6 years after Statehood, of the Alaska Newspaper Publishers' Association, the forerunner to today's Alaska Newspaper Association. He served as president of each organization and later as director of the regional Allied Daily Newspaper Association.

Mr. Williams was born in Spokane, WA, in November 1924, the son of two reporters, Lew M. Williams, Sr., and Winfred—Dow—Williams, who worked for newspapers in Tacoma, WA. The Williams family moved to Juneau in 1935, where his father worked for the Juneau Empire. In 1939 Lew Williams, Sr., purchased the Wrangell Sentinel, starting a history of newspaper publishing in Alaska which continues to this day.

After serving as a sergeant in the paratroopers in World War II, Lew Jr. ran the Wrangell Sentinel for the family. He married Dorothy M. Baum in July 1954. The couple bought the Petersburg Press and acquired the Wrangell Sentinel from Mr. Williams' parents when they retired. They later sold the two newspapers and bought the Daily Sitka Sentinel—Sitka being the site of Alaska's first pulp mill started after WW II—and also bought an interest in the Ketchikan Daily News.

Ketchikan, a sawmill town in the heart of the Tongass National Forest, later saw its own pulp mill develop. The Williams sold the Sitka paper to concentrate on the Ketchikan paper. But Lew was quick to help reestablish small papers in both Petersburg and Wrangell.

Like many newspaper publishers, Lew Jr. was active in his community. He served on the Wrangell School Board, as mayor of Petersburg, and on numerous State boards including the Alaska Judicial Council, on the Board of Regents of the University of Alaska and as a member of the Board of Governors of the Alaska Bar Association. He served on the State boards under every State Governor, Democratic or Republican, through his retirement in 1999. He also served as the first secretary of the Petersburg Fish and Game Advisory Board just after statehood, helping to foster the State's strong fisheries ethics that helped salmon to recover from the catch disasters of the 1950s to the all-time records for salmon harvest currently being produced in Alaska.

Besides government positions, Mr. Williams was a lifetime member of the Petersburg Elks Lodge 1615, the American Legion, the Pioneers of Alaska, a past president of Rotary, and for 29 years was an adult leader in the Boy Scout program. He also was active in the Democratic Party and was awarded an honorary doctorate of humanities by the University of Alaska Southeast. He also was the founder of the regional Southeast Conference and was named Citizen of the Year by both the Alaska State Chamber of Commerce and the Greater Ketchikan Chamber of Commerce in the early 1980s. He won statewide recognition as the Alaskan of the Year in 1991.

But this speech is not meant as an obituary, but as a way for me to state my deepest appreciation for a man who epitomized Alaska during the past 70 years. He was a man who loved the beauty of Alaska, enjoying hunting and fishing on the nearby Stikine River. He also pushed for the development of Alaska from its timber industry in the southeast to the fishing industry around the State. He was a strong voice in favor of the aquaculture movement in the 1970s that helped the State preserve and grow its wild salmon populations. He also was a tireless supporter of environmentally sensitive oil and gas development, first in Cook Inlet and later in northern Alaska. Lew, having lived in the grinding poverty of Alaska long before statehood, always understood that Alaskans needed and still need good jobs and a strong economy so that the State can develop an economy strong enough to support good educational institutions, community infrastructure and allow the development of good health care and social service programs. He knew that Alaskans could grow the economy and protect our wildlife and environment.

He never set up an artificial confrontation between the two goals.

After his retirement, Lew wrote with the late Evangeline Atwood, the book "Bent Pins to Chains: Alaska and its Newspapers." The 2006 book is a lively history of Alaska as described through the development of its newspaper industry. The book, better than most, tells the tales of life in both the territory and State of Alaska as seen through reporters, editors and publishers. Lew, undoubtedly wrote the book as a way of honoring the many talented writers and editors that have practiced in Alaska over the past 49 years since statehood, many of them reporters he helped recruit out of journalism schools, and helped mentor and train once they arrived.

As his obituary earlier this week in the Ketchikan Daily News said, "He believed the editorial was the heart and strength of any newspaper. He editorialized for Alaska State, for the creation of the state ferry system, for the trans-Alaska pipeline, for power development, in support of the timber and fishing industries, and for airports, harbors and roads."

Alaskans have seen countless columns and editorials explaining to Americans—who never wanted to really understand the issue—why it was fully proper for some of Alaska's Federal highway funds to go for construction of a bridge from downtown Ketchikan to the city's airport, so that those who needed to fly out of the State's fifth largest city could actually get to their flights when high winds or low tides rendered the ferry system to the airport inoperative. For those who needed to catch emergency medivac flights, a bridge was no expensive trinket, but a life-saving link to the outside world. Lew always championed Alaska.

I can only say to his wife Dorothy, to his daughters Christena—Tena for short—and Kathryn, his son Lew III, and his daughter-in-law Vicki, and granddaughters Kristie, Jodi, and Melissa Williams, and great-grandson Milan Browne, all of Ketchikan; and his sisters: Susan Pagenkopf of Juneau and Jane Ferguson of California, how much he will be missed. Those in public life will miss his balanced and fair editorials, his prodding and his support. We will miss his ethics and deep-seated sense of fair-play and ethics. And we will miss his wise counsel and thoughtfulness and compassion.

Alaska, and the Nation, has lost a great citizen. Goodbye Lew, we will never forget you.●

HONORING READY SEAFOOD

● Ms. SNOWE. Mr. President, today I celebrate the outstanding achievements of two brothers from Portland, ME, who recently won the U.S. Small Business Administration's Young Entrepreneurs of the Year Award on the local, regional, and national levels. John and Brendan Ready are the founders and owners of Ready Seafood and Catch a Piece of Maine, two highly successful firms that have transformed the Maine lobster market. I had the pleasure of meeting with the brothers just 2 weeks ago, and they are a true reflection of the dedication and zeal of Maine's legendary lobstermen.

The Ready brothers grew up in Cape Elizabeth, on Maine's picturesque coast, where they quickly grew fond of the sea. Venturing out with their uncle to catch lobsters, the pair learned the intricacies of the trade before their teenage years, and they continued to fish throughout high school. Attentive to their lifelong passion for lobstering, the brothers returned from college during summer breaks and even weekends to lobster. Additionally, John spent an extra year at Boston University to participate as a lobsterman in a co-op program.

When they arrived back in Maine following college—John from Boston University and Brendan from Stonehill College—the duo immediately sought to enter the Maine seafood market. In 2004, they opened Ready Seafood, a thriving wholesaler of fresh lobster and other seafood to domestic clients, as well as customers as far away as Italy, China, and Japan. To promote Maine's rich history of lobstering, the firm provides both internships and unique educational opportunities to high school and college students in the region, including an inside look at how Portland's waterfront works. The brothers have visibly transformed the company into a $10 million business in just 4 short years.

In October 2007, seeking to create a one of its kind company in the crowded seafood industry, the Ready brothers launched Catch a Piece of Maine, a remarkable and innovative company that allows individuals and corporate clients alike to purchase lobsters caught especially for them. The buyers pay an annual fee, which entitles them to have their own personal lobsterman set their traps and collect their lobsters. The company began with 400 traps for 2008, all of which were in place by last Thursday, and each is guaranteed to garner a minimum of 40 lobsters throughout the remainder of the year. The lobsters are shipped at intervals scheduled by the client, and each shipment includes one pound of mussels and clams, a Maine dessert, and the traditional bibs and utensils essential to enjoying Maine's famed crustacean.

The program includes some additional distinctive features. Customers keep in touch with their personal lobstermen through the Internet by logging onto an individualized and regularly updated summary, including how many lobsters have been caught and when the traps were checked. Moreover, clients can have their lobsters shipped anywhere in the continental United States, making a great holiday gift, corporate thank you, or special anniversary dinner. Ever mindful of the future of Maine's gorgeous coast and those who rely on it, the Ready brothers send 10 percent of their profits to the Gulf of Maine Research Institute for marine ecosystem education programs for schoolchildren throughout the State.

The fundamentally forthright business philosophy of the Ready brothers is truly impressive. They represent the next generation of Maine lobstermen, and as such they continue and share the heritage of the State's prized tradition. Through both Ready Seafood and Catch a Piece of Maine, the brothers have already taken great steps to doing just that. I commend both Brendan and John for their originality and dedication—and for garnering the U.S. Small Business Administration's Young Entrepreneurs of the Year Award—and wish them well in their extremely bright futures.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 46

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, authorizing the blocking of property of certain persons and prohibiting the exportation and re-exportation of certain goods to Syria, is to continue in effect beyond May 11, 2008.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs including the recent revelation of illicit nuclear cooperation with North Korea, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008.*

REPORT ON THE PRINCIPAL AGREEMENT AND ADMINISTRATIVE ARRANGEMENT THAT HAS BEEN ESTABLISHED BETWEEN THE U.S. AND CZECH REPUBLIC RELATIVE TO SOCIAL SECURITY—PM 47

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Czech Republic on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed in Prague on September 7, 2007.

The United States-Czech Republic Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Czech Republic Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Czech Republic Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008.*

MESSAGES FROM THE HOUSE

At 3:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3658. An act to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 317. Concurrent resolution condemning the Burmese regime's undemocratic draft constitution and scheduled referendum.

ENROLLED BILL SIGNED

At 7:55 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5919. An act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3658. An act to amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 317. Condemning the Burmese regime's undemocratic draft constitution and scheduled referendum; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2991. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6089. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to a review of the Joint Air-to-Surface Standoff Missile program; to the Committee on Armed Services.

EC–6090. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–6091. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General John G. Castellaw, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6092. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to a public-private competition for administrative support services being performed by civilian employees at the Fleet Readiness Center in Havelock, North Carolina; to the Committee on Armed Services.

EC–6093. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–6094. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13067 of November 3, 1997, with respect to Sudan; to the Committee on Banking, Housing, and Urban Affairs.

EC–6095. A communication from the Acting Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Technical Corrections to the Export Administration Regulations Based Upon a Systematic Review of the CCL" (RIN0694–AE32) received on May 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6096. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (73 FR 20810) received on May 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6097. A communication from the Assistant Secretary, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–6098. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, an annual report relative to fraud in the market for educational financial aid; to the Committee on Commerce, Science, and Transportation.

EC–6099. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Promoting Diversification of Ownership in the Broadcasting Services, Report and Order and Third Further Notice of Proposed Rulemaking" (FCC 07-217) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6100. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules; Implementation of the Satellite Home Viewer Improvement Act of 1999: Local Broadcast Signal Carriage Issues and Retransmission Consent Issues" (FCC 08-86) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6101. A communication from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Promotion of Competitive Networks in Local Telecommunications Markets" (FCC 08-87) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6102. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "DTV Consumer Education Initiative" (FCC 08-119) received on May 5, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6103. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XH13) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6104. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice - Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure; Correction Notice" (RIN0648–XG90) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6105. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XH03) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6106. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648–XH07) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6107. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Notice - Fisheries in the Western Pacific; Bottomfish and Seamount Groundfish Fisheries; Fishery Closure" (RIN0648–XG90) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6108. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648–XG86) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6109. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish, Pacific Ocean Perch, and Pelagic Shelf Rockfish in the Western Regulatory Area and West Yakutat District of the Gulf of Alaska" (RIN0648–XH00) received on May 2, 2008; to the Committee on Commerce, Science, and Transportation.

EC–6110. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report relative to the regulatory status of each recommendation on the National Transportation Safety Board's Most Wanted List; to the Committee on Commerce, Science, and Transportation.

EC–6111. A communication from the Chairman, Pacific Fishery Management Council, transmitting a letter relative to recommendations from the Council on actions to take to end overfishing in certain areas; to the Committee on Commerce, Science, and Transportation.

EC–6112. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Economic Stimulus Payments and Tax-Favored Accounts" (Announcement 2008–44) received on May 6, 2008; to the Committee on Finance.

EC–6113. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Suspension of the Statutes of Limitations in Third-Party and John Doe Summons Disputes and Expansion of Taxpayers' Rights to Receive Notice and Seek Judicial Review of Third-Party Summonses" ((RIN1545–BA31) (TD 9395)) received on May 2, 2008; to the Committee on Finance.

EC–6114. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2009: Annual Payment Rate Updates, Policy Changes, and Clarifications; and Electronic Submission of Costs Reports Revisions to Effective Date of Cost Reporting Period" ((RIN0938–AO94) (RIN0938–AN97)) received on May 2, 2008; to the Committee on Finance.

EC–6115. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes for Long-Term Hospitals Required by Certain Provisions of the Medicare, Medicaid, SCHIP Extension Act of 2007: 3-Year Delay in the Application of Payment Adjustments for Short Stay Outliers and Changes to the Standard Federal Rate" (RIN0938–AP33) received on May 2, 2008; to the Committee on Finance.

EC–6116. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2008" (RIN0938–AO92) received on May 2, 2008; to the Committee on Finance.

EC–6117. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (5) reports relative to vacancy announcements within the Department, received on May 2, 2008; to the Committee on Finance.

EC–6118. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use of funds appropriated by the Deficit Reduction Act of 2005; to the Committee on Finance.

EC–6119. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended" (22 CFR Parts 40 and 41) received on May 6, 2008; to the Committee on Foreign Relations.

EC–6120. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, (12) reports relative to vacancy announcements within the Department, received on May 5, 2008; to the Committee on Foreign Relations.

EC–6121. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the suspension of certain sales and leases; to the Committee on Foreign Relations.

EC–6122. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Secretary of State's certification of the importation of shrimp harvesting technology that may adversely affect certain sea turtles; to the Committee on Foreign Relations.

EC–6123. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2008-55-2008-61); to the Committee on Foreign Relations.

EC-6124. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to technical assistance to Iran that was provided by the International Atomic Energy Agency during calendar year 2007; to the Committee on Foreign Relations.

EC-6125. A communication from the Assistant General Counsel for Regulations, Office of Safe and Drug Free Schools, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Models of Exemplary, Effective, and Promising Alcohol or Other Drug Abuse Prevention Programs on College Campuses" (73 FR 17868) received on May 6, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6126. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the Low Income Home Energy Assistance Program for fiscal year 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-6127. A communication from the White House Liaison, Office of Legislation and Congressional Affairs, Department of Education, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Assistant Secretary, received on May 2, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6128. A communication from the Administrator, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report relative to the results of agencies' competitive sourcing efforts for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-6129. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period ending March 31, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6130. A communication from the Deputy Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on May 2, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC-6131. A communication from the Chairman, U.S. Parole Commission, transmitting, pursuant to law, the Commission's Annual Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-6132. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a vacancy, change in previously reported information and discontinuation of service in an acting role for the position of Deputy Director for State, Local and Tribal Affairs, received on May 2, 2008; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior.

*Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 2985. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to correct a reference relating to a transit project in Orleans Parish, Louisiana; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 2986. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to modify the project description for a project for the city of Lake Charles, Louisiana; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 2987. A bill to amend the Transportation Equity Act for the 21st Century to modify the project description for a highway project for Jefferson Parish, Louisiana; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN:

S. 2988. A bill to amend the Public Health Service Act to enhance public and private research efforts to develop new tools and therapies that prevent, detect, and cure diseases; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. MURRAY (for herself and Mr. DOMENICI):

S. 2989. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY (for himself, Mr. ALEXANDER, and Ms. STABENOW):

S. 2990. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins; to the Committee on Finance.

By Mr. REID (for himself, Mr. SCHUMER, Mr. LEVIN, Mr. WYDEN, Mr. INOUYE, Mr. CARDIN, Ms. STABENOW, Mr. BROWN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mrs. MCCASKILL, and Mr. DURBIN):

S. 2991. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

By Mr. REID (for Mrs. CLINTON (for herself and Mr. SCHUMER)):

S. 2992. A bill to amend title 38, United States Code, to enhance housing loan authorities for veterans and to otherwise assist veterans and members of the Armed Forces in avoiding the foreclosure of their homes, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. LUGAR, Mr. BIDEN, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DODD, Mr. OBAMA, Mr. WEBB, Ms. MURKOWSKI, Mr. KENNEDY, Mr. MENENDEZ, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. HAGEL, Mrs. BOXER, Mrs. CLINTON, Mrs. DOLE, Mr. MCCAIN, and Mr. COLEMAN):

S. Res. 554. A resolution expressing the Sense of the Senate on humanitarian assistance to Burma after Cyclone Nargis; considered and agreed to.

By Mr. HAGEL (for himself, Mr. GREGG, Mr. KERRY, Mr. REED, Mr. REID, Ms. SNOWE, and Mr. STEVENS):

S. Con. Res. 80. A concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services; to the Committee on Armed Services.

By Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, and Mr. DODD):

S. Con. Res. 81. A concurrent resolution supporting the goals and ideals of National Women's Health Week; considered and agreed to.

ADDITIONAL COSPONSORS

S. 335

At the request of Mr. DORGAN, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 335, a bill to prohibit the Internal Revenue Service from using private debt collection companies, and for other purposes.

S. 579

At the request of Mr. REID, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 617

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Virginia (Mr.

WEBB) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 1117

At the request of Mr. BOND, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1117, a bill to establish a grant program to provide vision care to children, and for other purposes.

S. 1130

At the request of Mr. SMITH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1130, a bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1328

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1328, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 1457

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2162

At the request of Mr. AKAKA, the names of the Senator from Maine (Ms. COLLINS) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 2162, a bill to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.

S. 2316

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2316, a bill to designate a portion of the Arctic National Wildlife Refuge as wilderness.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2504

At the request of Mr. NELSON of Florida, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Ohio (Mr. BROWN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. 2606

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2606, a bill to reauthorize the United States Fire Administration, and for other purposes.

S. 2619

At the request of Mr. COBURN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2630

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2638

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2638, a bill to change the date for regularly scheduled Federal elections and establish polling place hours.

S. 2641

At the request of Mr. KOHL, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from West Virginia (Mr. BYRD) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 2641, a bill to amend title XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

S. 2666

At the request of Ms. CANTWELL, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2681

At the request of Mr. INHOFE, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Hawaii (Mr. AKAKA), the Senator from Illinois (Mr. DURBIN) and the Senator from Nevada (Mr. ENSIGN) were added as cosponsors of S. 2681, a bill to require the issuance of medals to recognize the dedication and valor of Native American code talkers.

S. 2689

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2719

At the request of Mrs. DOLE, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2722

At the request of Mrs. DOLE, the name of the Senator from Oklahoma

(Mr. COBURN) was added as a cosponsor of S. 2722, a bill to prohibit aliens who are repeat drunk drivers from obtaining legal status or immigration benefits.

S. 2742

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2742, a bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator.

S. 2756

At the request of Mr. BIDEN, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2764

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 2764, a bill to amend the Servicemembers Civil Relief Act to enhance protections for servicemembers relating to mortgages and mortgage foreclosures, and for other purposes.

S. 2785

At the request of Ms. STABENOW, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2785, a bill to amend title XVIII of the Security Act to preserve access to physicians' services under the Medicare program.

S. 2790

At the request of Ms. LANDRIEU, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2790, a bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research.

S. 2819

At the request of Mr. ROCKEFELLER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2839

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2839, a bill to provide emergency relief for United States businesses and industries currently employing temporary foreign workers and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2904

At the request of Mrs. MCCASKILL, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2904, a bill to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system.

S. 2916

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2916, a bill to ensure greater transparency in the Federal contracting process, and to help prevent contractors that violate criminal laws from obtaining Federal contracts.

S. 2938

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2958

At the request of Mr. DOMENICI, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAIG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2958, a bill to promote the energy security of the United States, and for other purposes.

S. 2971

At the request of Mr. BAYH, his name was added as a cosponsor of S. 2971, a bill to amend the Internal Revenue Code of 1986 to provide for a suspension of the highway fuel tax, and for other purposes.

S. 2973

At the request of Mr. DOMENICI, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 2973, a bill to promote the energy security of the United States, and for other purposes.

S. 2979

At the request of Mr. KERRY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. RES. 512

At the request of Mr. DEMINT, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 512, a resolution honoring the life of Charlton Heston.

AMENDMENT NO. 4705

At the request of Ms. LANDRIEU, the names of the Senator from Missouri (Mrs. MCCASKILL), the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 4705 proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

AMENDMENT NO. 4709

At the request of Mr. NELSON of Florida, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 4709 proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. LANDRIEU:

S. 2985. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to correct a reference relating to a transit project in Orleans Parish, Louisiana; to the Committee on Environment and Public Works.

Ms. LANDRIEU. Mr. President, I rise today to ask that the Senate support technical corrections to a few highway bill projects in Louisiana. Specifically, a modified alignment to a project in Lake Charles, an expanded project area for Jefferson Parish and expanded use for a project in New Orleans.

These limited technical corrections will improve transportation in Louisiana and get the dollars previously directed toward this work into the economy. Notably, the corrections do not change the previously authorized level of spending, nor do they fundamentally alter the scope of the project.

I look forward to working with the Environment and Public Works Committee to address these technical corrections.

Mr. LIEBERMAN:

S. 2988. A bill to amend the Public Health Service Act to enhance public and private research efforts to develop new tools and therapies that prevent, detect, and cure diseases; to the Committee on Health, Education, Labor, and Pensions.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a new bill, the Accelerating Cures Act of 2008, to enhance public and private research efforts to develop new tools and therapies that prevent, detect, and cure diseases more quickly from bench to bedside. I introduced an earlier version of this legislation in December 2005, the American Center for Cures Act of 2005, S. 2104. Fundamentally, the Accelerating Cures Act of 2008 has the same intent to promote clinical and translational research within the National Institutes of Health while incorporating many of the recommendations made from the 2003 National Academy of Sciences Report, "Enhancing the Vitality of the National Institutes of Health: Organizational Change to Meet New Challenges."

The NIH is a successful, worldwide leader in biomedical research whose mission is to support "science in pursuit of fundamental knowledge about the nature and behavior of living systems and the application of that knowledge to extend healthy life and reduce the burdens of illness and disability." Our national investment in NIH is integral to our Nation's capacity to respond safely and effectively to public and population health threats, chronic disease prevention and management, and burdensome orphan diseases. The 2006 NIH reauthorization strengthened the agency even further, and also brought a greater focus on clinical and translational research to its mission.

The Accelerating Cures Act of 2008 would build upon the progress of NIH reauthorization and further enhance the ability of the agency to address clinical and translational research barriers. For example, it is estimated to take up to 17 years for a scientific discovery to be translated into a clinical application. This gap will not be resolved unless we take serious action to implement clinical and translational research initiatives, critically evaluate the impact of health care delivery, promote multi- and cross-disciplinary collaboration, increase the number of clinicians engaged in clinical and translational research, and foster efforts that streamline the translational development process to result in product commercialization.

The Accelerating Cures Act of 2008 would address these issues by creating new programs that fund high-risk, high-reward research, to oversee and direct promising avenues of translational research, to increase the translational and clinical research workforce, and to provide new funds and authorities to evaluate the clinical effectiveness of various treatments and procedures at the NIH. The bill expands upon existing infrastructure in the Office of Portfolio Analysis and Strategic Initiatives and encourages intra- and inter-agency collaboration to build on strengths of NIH's 27 institutes and centers and other Federal agencies such as the Department of Defense, Food and Drug Administration, and the Agency for Healthcare Research and Quality. Lastly, the Accelerating Cures Act of 2008 uniquely adds resources to guide researchers through the 'Valley of Death,' a stage in biomedical development between research and commercialization where the success of an initiative is dependent on feasibility and profitability that can only be established by a market that, by definition, has not yet developed. With the bill's strengthening and broadening of the Small Business Innovation Research and Small Business Technology Transfer programs and making available resources such as the Rapid Access to Intervention Development and Translational Development programs, investigators, institutions, small businesses, and other entities, will be better suited to navigate the regulatory and commercialization processes.

To summarize, the NIH has been and continues to be our Nation's premier biomedical research investment in areas of basic science and clinical and translational research. My legislation seeks to expand upon existing clinical and translational research efforts not only to meet the healthcare needs of this Nation, but to maintain the NIH's status as the most respected research institution in the World. This bill will not only increase our overall Federal investment in the NIH, but enhance our translational and clinical research capacities overall. I urge my Senate colleagues, patient advocacy groups, and researchers to work together to bring new hope to Americans that we can fight and conquer disease.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Accelerating Cures Act of 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

"PART J—ACCELERATING CURES

"SUBPART 1—PATHWAYS TO CURES SUBCOMMITTEE

"Sec. 499A. Pathways to Cures Subcommittee.

"SUBPART 2—CLINICAL EFFECTIVENESS; FFRDC

"Sec. 499B. Federally Funded Research and Development Center.

"SUBPART 3—HEALTH ADVANCED RESEARCH PROJECTS PROGRAM

"Sec. 499C. Health Advanced Research Projects Program.

"SUBPART 4—CLINICAL TRIALS

"Sec. 499D. Grants for quality clinical trial design and execution.
"Sec. 499D–1. Streamlining the regulatory process governing clinical research.
"Sec. 499D–2. Clinical research study and clinical trial.

"SUBPART 5—TRAINING CLINICAL AND TRANSLATIONAL RESEARCHERS OF THE FUTURE

"Sec. 499E. Training translational and clinical researchers of the future.
"Sec. 499E–1. Translational research training program.

"SUBPART 6—THE 'VALLEY OF DEATH'

"Sec. 499F. Small business partnerships.
"Sec. 499F–1. Rapid access to intervention development.
"Sec. 499F–2. Translational Development Program for New Innovations.

"SUBPART 7—TRANSLATIONAL RESEARCH FUND

"Sec. 449G. Translational Research Fund.
"Sec. 404I. Application of research requirement.".

SEC. 3. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) The National Institutes of Health (referred to in this section as the "NIH") is the United States premier biomedical research investment with annual appropriations exceeding $29,200,000,000.

(2) The goals of the NIH are to—

(A) foster fundamental creative discoveries, innovative research strategies, and their applications as a basis to significantly advance the Nation's capacity to protect and improve health;

(B) develop, maintain, and renew scientific human and physical resources that will ensure the Nation's capacity to prevent disease;

(C) expand the knowledge base in medical and associated sciences in order to enhance the Nation's economic well-being and ensure a continued high return on the public investment in research; and

(D) exemplify and promote the highest level of scientific integrity, public accountability, and social responsibility in the conduct of science.

(3) Thus, the NIH is tasked with applying basic science discoveries to protect and improve health. This includes, translational research, which is the scientific work necessary to develop a clinical application from a basic science discovery.

(4) The United States translational research investment will be key to the Nation responding effectively—

(A) to public and population health threats;

(B) to the complex nature of chronic diseases, which are responsible for 7 out of 10 deaths in the United States, for 75 percent of the $2,300,000,000,000 spent annually on healthcare in the United States, and for 16 percent of gross domestic product;

(C) to research and development vacuums in the private for-profit market, such as in the fields of vaccine and antibiotic production, drugs for Third World diseases, orphan drugs, and medical tools for pediatric populations; and

(D) to facilitate the process of converting medical innovations into commercial products.

(5) Key components of the translational research process include research prioritization, a strengthening and maintenance of an expert workforce, multidisciplinary collaborative work, strategic risk taking, support of small innovative businesses caught along common pathways in the research and development Valley of Death, simplification and promotion of the

clinical research endeavor, and early involvement of private entities that are skilled in the manufacturing and marketing process in the translational research endeavor.

(6) A National Academy of Sciences/Institute of Medicine report made recommendations for reorganizing NIH to meet new challenges facing the biomedical research endeavor. The committee report contained specific recommendations aimed at strengthening clinical and translational research including: increasing trans-NIH research, promoting innovation and risk taking in intramural research, creating a "special projects" program, and increasing funding for research management and support.

(7) The Government Accountability Office reported that although the pharmaceutical industry has increased its research and development investment by 147 percent from 1993 to 2004, new drug applications to the Food and Drug Administration have only increased by 39 percent; thus, the productivity of the industry's research and development expenditures is declining. The report cited that a limited scientific understanding of how to translate research discoveries into safe and effective drugs is contributing to the problem and recommended that training researchers who can translate drug discoveries into effective medicines is necessary.

(8) It is estimated to take 17 years for a science discovery to be translated from the point of proof of concept to clinical application. The percent of physicians engaged in research has declined steadily from a peak of 4.6 percent in 1985 to 1.8 percent in 2003.

(9) A report by the Infectious Disease Society of America cited concerns with the lack of new antibiotics to treat infectious diseases. The report commended the NIH Roadmap, but also recommended that NIH aggressively expand the translational research components of the Roadmap, increase grants to small businesses, universities, and nonprofits working in antibiotics research and development, and seek more opportunities to partner with pharmaceutical and biotech companies.

(10) Clinical effectiveness results provide patients, payers, and clinicians with tools to evaluate the benefits versus risks of the ever evolving number of prevention, diagnosis, and treatment strategies available.

(11) The Common Fund is an annual set aside account created from an agreed upon percentage of the annual budget that supports innovative and trans-NIH initiatives to improve and accelerate research to impact health.

(12) The "Valley of Death" is a stage in biomedical development between research and commercialization where the success of a product is dependent on its profitability.

(b) PURPOSE.—The purpose of this Act is to create a new pathway to curing disease by enhancing public and private research to translate new discoveries from bench to bedside.

SEC. 4. ACCELERATING CURES ACT OF 2008.

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"PART J—ACCELERATING CURES

"Subpart 1—Pathways to Cures Subcommittee

"SEC. 499A. PATHWAYS TO CURES SUBCOMMITTEE.

"(a) DEFINITION OF TRANSLATIONAL RESEARCH.—In this section, the term 'translational research' means research that transforms scientific discoveries arising from laboratory, clinical, or population studies into clinical application to reduce disease incidence, morbidity, and mortality.

"(b) ESTABLISHMENT OF PATHWAYS TO CURES SUBCOMMITTEE.—There is established a Pathways to Cures Subcommittee within the Council of Councils of the Office of Portfolio Analysis and Strategic Initiatives of the National Institutes of Health that shall convene not less frequently than twice a year to help advise and direct the translational research priorities of the Office of Portfolio Analysis and Strategic Initiatives (referred to in this part as the 'OPASI').

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The subcommittee established under subsection (b) may be composed of the following members:

"(A) The Director of NIH and the Director of OPASI who shall be subcommittee cochairs.

"(B) The heads of the institutes and centers of the National Institutes of Health.

"(C) Heads from Federal agencies, including—

"(i) the Administrator for the Substance Abuse and Mental Health Services Administration;

"(ii) the Under Secretary for Science and Technology of the Department of Homeland Security;

"(iii) the Commanding General for the United States Army Medical Research and Materiel Command;

"(iv) the Director of the Centers for Disease Control and Prevention;

"(v) the Commissioner of Food and Drugs;

"(vi) the Director of the Office of Science of the Department of Energy;

"(vii) the President of the Institute of Medicine;

"(viii) the Director of the Agency for Healthcare Research and Quality; and

"(ix) the Director of the Defense Advanced Research Projects Agency.

"(2) OTHER MEMBERS.—The subcommittee established under subsection (b) shall also include not fewer than 3 leaders from the small business medical research community, 3 leaders from large pharmaceutical or biotechnology companies, and 3 leaders from academia and patient advocacy organizations, all of whom shall be appointed by the Director of NIH.

"(d) RECOMMENDATIONS; COORDINATION; FUNDING.—

"(1) SETTING PRIORITIES.—The subcommittee established under subsection (b) shall make recommendations to assist the Director of OPASI in setting translational research priorities.

"(2) RECOMMENDATIONS.—In making recommendations, the subcommittee shall—

"(A) consider risk and burden of disease as well as lines of research uniquely poised to deliver effective diagnostics and therapies; and

"(B) be mission-driven and identify research that shows specific promise for a new treatment or cure for a disease.

"(3) COORDINATION.—The subcommittee shall ensure sharing of research agendas among the institutes and centers of the National Institutes of Health for the purpose of coordinating translational research priorities, where appropriate, across such institutes and centers.

"(4) FUNDING.—The subcommittee and the Director of OPASI—

"(A) shall identify research with application or commercialization potential; and

"(B) may fund such research.

"(e) REPORT.—The subcommittee established under subsection (b) shall submit an annual report to Congress on progress towards finding new treatments and cures.

"Subpart 2—Clinical Effectiveness; FFRDC

"SEC. 499B. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER.

"(a) ESTABLISHMENT OF CENTER.—

"(1) IN GENERAL.—The Director of NIH, in conjunction with the Director of the Agency for Healthcare Research and Quality (referred to in this subpart as the 'AHRQ'), shall establish a Federally Funded Research and Development Center (referred to in this subpart as the 'FFRDC') on clinical effectiveness research.

"(2) DEFINITION OF CLINICAL EFFECTIVENESS RESEARCH.—In this section, the term 'clinical effectiveness research' means research that—

"(A) provides information for health care decision makers, including patients, providers, and public and private payers, to make evidence-based decisions about the delivery of health care; and

"(B) considers specific subpopulations.

"(3) DIRECTOR OF THE FFRDC.—The Director of NIH, in conjunction with the Director of the AHRQ, shall appoint a Director of the FFRDC.

"(b) DUTIES OF THE DIRECTOR OF THE FFRDC.—The Director of the FFRDC shall—

"(1) review, synthesize, and disseminate clinical effectiveness research;

"(2) set priorities for, and fund, trials, such as randomized controlled trials, adaptive trials, and practical trials, observational studies, secondary data analysis in areas of clinical effectiveness research where evidence is lacking, systematic reviews of existing research, as necessary, and cost-effectiveness studies;

"(3) make recommendations regarding the findings of paragraphs (1) and (2);

"(4) study the differential outcomes of interventions on subpopulations within diseases;

"(5) use competitive award processes, including, but not solely, competitive peer review, and examine methods of rapid review cycles to reduce delays in funding decisions;

"(6) encourage the development and use of electronic health data to conduct clinical effectiveness research for the goal of improving clinical care delivery;

"(7) support the development of methodological standards to be used when conducting studies of clinical effectiveness and value in order to help ensure accurate and effective comparisons and update such standards not less frequently than annually;

"(8) include, and collaborate and consult with, as necessary, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Veterans Affairs, and other Federal agencies, and the Institute of Medicine, as well as private payers, insurers, pharmaceutical and device companies, patient advocacy and public interest groups, professional societies, hospitals, academic institutions, and health foundations;

"(9) establish a public review or hearing process, which includes the Food and Drug Administration, to examine findings of studies;

"(10) determine the best approach to make available the findings resulting from subparagraphs (A) and (B) to relevant Federal agencies, private and public stakeholders in the health care system, and consumers;

"(11) provide a public forum for addressing conflicting guidelines and recommendations; and

"(12) submit annual reports to Congress on the research activities and findings of the FFRDC.

"(c) CLINICAL EFFECTIVENESS ADVISORY BOARD.—

"(1) ESTABLISHMENT AND FUNCTION.—The Director of the FFRDC shall establish, in conjunction with the Director of NIH and the Director of the AHRQ, an independent Clinical Effectiveness Advisory Board (referred to in this section as the 'Advisory Board'), to include not more than 20 appointed members, in order to provide expert advice and guidance on the research priorities of the FFRDC.

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—Membership on the Advisory Board shall be comprised of—

"(i) representatives of the National Institutes of Health, the AHRQ, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Veterans Affairs, and other Federal agencies, and the Institute of Medicine; and

"(ii) private payers, insurers, pharmaceutical and device companies, patient advocacy and public interest groups, professional societies, hospitals, academic institutions, and health foundations.

"(B) EXPERTS.—Membership on the Advisory Board shall consist of leading experts from diverse disciplinary areas, including physicians, social scientists, statisticians, health services researchers, economists, and other health care professionals.

"(C) TERMS.—Terms for members of the Advisory Board shall be fixed, multiyear, and staggered.

"(D) APPOINTMENT.—The members of the Advisory Board who are described in subparagraph (A)(ii) shall be appointed by the Director of the FFRDC, the Director of NIH, and the Director of the AHRQ.

"(E) CHAIR.—The Director of the AHRQ shall be chair of the Advisory Board.

"(3) CONFLICTS OF INTEREST.—Members of the Advisory Board shall disclose any financial, political, or organizational conflicts of interest in conducting the work of the Advisory Board.

"(4) DUTIES.—The Advisory Board shall—

"(A) recommend priorities for clinical effectiveness research to be undertaken by the FFRDC, taking into consideration significant gaps in clinical effectiveness research, including research needs for information on subpopulations and diverse populations, including women, children, and racial and ethnic minorities, and on individuals with comorbid diseases;

"(B) identify existing and novel research designs and methods that may be considered by the FFRDC in conducting clinical effectiveness research;

"(C) review clinical effectiveness research methods;

"(D) review the FFRDC processes to determine whether the research conducted is objective, credible, developed through a transparent process that includes consultations with appropriate stakeholders, including consumers, patient organizations, and the public, and is clinically relevant;

"(E) make recommendations to the AHRQ and the National Institutes of Health for the effective dissemination of the findings of the FFRDC supported research to clinicians, payers, and consumers, and patient organizations; and

"(F) following the first year, review current and previous research agendas and make recommendations regarding research agendas.

"(5) INITIAL MEETING.—The initial meeting of the Advisory Board shall be no later than 6 months after the date of enactment of the Accelerating Cures Act of 2008.

"(6) ADVISORY NATURE OF BOARD.—The recommendations of the Advisory Board shall not be binding, but shall be considered by the Director of the FFRDC when developing the clinical effectiveness research agenda.

"(d) RESEARCH AGENDA.—The Director of the FFRDC shall establish the research agenda of the FFRDC, based on the priorities established by the Advisory Board, and shall update such agenda not less frequently than annually, and shall—

"(1) focus on—

"(A) identifying gaps in clinical effectiveness research relating to medical procedures, medical technologies, pharmaceuticals, health information technologies, and other relevant services and products that significantly contribute to health care outcomes and expenditures;

"(B) funding trials, studies, and reviews, and coordinating these efforts with ongoing research efforts in the Federal Government, academic institutions, and private entities to fill gaps identified under subparagraph (A);

"(C) synthesizing and reviewing clinical effectiveness research to fill gaps identified under subparagraph (A); and

"(D) supporting the development of an evidence base for the development of clinical care guidelines based on the results of clinical effectiveness research;

"(2) convene such working groups on clinical effectiveness research as the Director of the FFRDC determines necessary;

"(3) meet with members representing the National Institutes of Health, the AHRQ, the Food and Drug Administration, the Centers for Medicare & Medicaid Services, the Centers for Disease Control and Prevention, the Department of Defense, the Department of Veterans Affairs, and other Federal agencies, and the Institute of Medicine, as well as private payers, insurers, pharmaceutical and device companies, patient advocacy and public interest groups, professional societies, hospitals, academic institutions, practice based research networks health foundations, and the general public to promote communication and transparency; and

"(4) notify the public well in advance of any public meetings.

"(e) REPORTS.—

"(1) GUIDANCE OR RECOMMENDATIONS.—The Director of the FFRDC, in conjunction with the Director of NIH and the Director of the AHRQ, shall provide, not less frequently than annually, guidance or recommendations to health care providers, payers, and consumers, and Congressional committees of jurisdiction on the comparative effectiveness of health care services.

"(2) STATUS REPORTS.—The Director of the FFRDC shall provide annual status reports on the work of the FFRDC to Congressional committees of jurisdiction.

"(f) AVAILABILITY OF RESEARCH FINDINGS.—The Director of the FFRDC shall develop and identify efficient and effective methods of disseminating the findings of the clinical effectiveness assessments of medical procedures, technologies, and therapeutics, including by making these available on the Internet. Any relevant reports (including interim progress reports, draft final clinical effectiveness reviews, and final progress reports on new research submitted for publication) on the results of clinical effectiveness research supported by the FFRDC shall be made available on the Internet, not later than 90 days after the report is completed.

"(g) EVALUATIONS AND REPORTS OF FFRDC.—The Director of NIH, in conjunction with the Director of the AHRQ, shall enter into regular agreements with entities, such as the Institute of Medicine, to—

"(1) evaluate the FFRDC and its functioning; and

"(2) produce reports on priority setting for the FFRDC, and on research methods developed and employed by the FFRDC, among other purposes.

"Subpart 3—Health Advanced Research Projects Program

"SEC. 499C. HEALTH ADVANCED RESEARCH PROJECTS PROGRAM.

"(a) ESTABLISHMENT.—There is established within the OPASI, a Health Advanced Research Projects Program (referred to in this section as the 'Research Projects Program') that shall be headed by a Director of the Research Projects Program who is appointed by the Director of NIH.

"(b) COMPOSITION.—The Research Projects Program shall be composed of portfolio managers in key health areas, which are determined by the Director of the Research Projects Program in conjunction with the Director of OPASI, the Director of NIH, and the Pathways to Cures Subcommittee established under section 499A.

"(c) GUIDANCE.—The Research Projects Program shall be guided by and shall undertake grand challenges that encourage innovative, multidisciplinary, and collaborative research across institutes and centers of the National Institutes of Health, across Federal agencies, and between public and private partners of the National Institutes of Health.

"(d) MANAGEMENT GUIDANCE.—The Research Projects Program shall be guided by the following management and organizing principles in directing the Research Projects Program:

"(1) Keep the Research Projects Program small, flexible, entrepreneurial, and nonhierarchical, and empower portfolio managers with substantial autonomy to foster research opportunities with freedom from bureaucratic impediments in administering the manager's portfolios.

"(2) Seek to employ the strongest scientific and technical talent in the Nation in research fields in which the Research Projects Program is working.

"(3) Rotate a significant portion of the staff after 3 to 5 years of experience to ensure continuous entry of new talent into the Research Projects Program.

"(4) Use, whenever possible, research and development investments by the Research Projects Program to leverage comparable matching investment and coordinated research from other institutes and centers of the National Institutes of Health, from other Federal agencies, and from the private and nonprofit research sectors.

"(5) Utilize supporting technical, contracting, and administrative personnel from other institutes and centers of the National Institutes of Health in administering and implementing research efforts to encourage participation, collaboration, and cross-fertilization of ideas across the National Institutes of Health.

"(6) Utilize a challenge model in Research Projects Program research efforts, creating a translational research model that supports fundamental research breakthroughs, early and late stage applied development, prototyping, knowledge diffusion, and technology deployment.

“(7) Establish metrics to evaluate research success and periodically revisit ongoing research efforts to carefully weigh new research opportunities against ongoing research.

“(8) Support risk-taking in research pursuits and tolerate productive failure.

“(9) Ensure that revolutionary and breakthrough technology research dominates the Research Projects Program's research agenda and portfolio.

“(e) ACTIVITIES.—Using the funds and authorities provided to the Director of NIH, the Research Projects Program shall carry out the following activities:

“(1) The Research Projects Program shall support basic and applied health research to promote revolutionary technology changes that promote health.

“(2) The Research Projects Program shall advance the development, testing, evaluation, prototyping, and deployment of critical health products.

“(3) The Research Projects Program, consistent with recommendations of the Pathways to Cures Subcommittee established under section 499A, with the priorities of OPASI, and with the grand challenges that encourage innovative, multidisciplinary, and collaborative research, shall emphasize—

“(A) translational research efforts, including efforts conducted through collaboration with the private sector, that pursue—

“(i) innovative health products that could address acute health threats such as a flu pandemic, spread of antibiotic resistant hospital acquired infections, or other comparable problems;

“(ii) remedies for diseases afflicting lesser developed countries;

“(iii) remedies for orphan diseases for which the for-profit sector is not finding new treatments;

“(iv) alternative technologies with significant health promise that are not well-supported in the system of health research, such as adjuvant technology or technologies for vaccines based on the innate immunological response; and

“(v) fast track development, including development through accelerated completion of animal and human clinical trials, for emerging remedies for significant public health problems; and

“(B) other appropriate translational research efforts for critical health issues.

“(4) The Research Projects Program shall utilize funds to provide support to outstanding research performers in all sectors and encourage cross-disciplinary research collaborations that will allow scientists from fields such as information and computer sciences, nanotechnology, chemistry, physics, and engineering to work alongside top researchers with more traditional biomedical backgrounds.

“(5) The Research Projects Program shall provide selected research projects with single-year or multiyear funding and require researchers for such projects to provide interim progress reports, including milestones on progress, to the Research Projects Program on not less frequently than a biannual basis.

“(6) The Research Projects Program shall award competitive, merit-reviewed grants, cooperative agreements, or contracts to public or private entities, including businesses, federally-funded research and development centers, and universities.

“(7) The Research Projects Program shall provide advice to the Director of OPASI concerning funding priorities.

“(8) The Research Projects Program may solicit proposals for competitions to address specific health vulnerabilities identified by the Director of NIH and the Director of OPASI and award prizes for successful outcomes.

“(9) The Research Projects Program shall periodically hold health research and technology demonstrations to improve contact among researchers, technology developers, vendors, and acquisition personnel.

“(10) The Research Projects Program shall carry out other activities determined appropriate by the Director of NIH.

“(f) EMPLOYEES.—

“(1) HIRING.—The Director of the Research Projects Program, in hiring employees for positions with the Research Projects Program, shall have the same hiring and management authorities as described in section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

“(2) TERM.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term of such appointments for employees of the Research Projects Program may not exceed 5 years.

“(B) EXTENSION.—The Director of the Research Projects Program may, in the case of a particular employee of the Research Projects Program, extend the term to which employment is limited under subparagraph (A) by not more than 2 years if the Director of the Research Projects Program determines that such action is necessary to promote the efficiency of the Research Projects Program.

“(g) FLEXIBILITY.—The Director of the Research Projects Program shall have the authority to flexibly fund projects, including the prompt awarding, releasing, enhancing, or withdrawal of monies in accordance with the assessment of the Research Projects Program and project manager.

“Subpart 4—Clinical Trials

“SEC. 499D. GRANTS FOR QUALITY CLINICAL TRIAL DESIGN AND EXECUTION.

“The Director of OPASI—

“(1) shall award grants for clinical trial design and execution to academic centers and practice-based research networks to fund multidisciplinary clinical research teams, which clinical research teams may be composed of members who include project managers, clinicians, epidemiologists, social scientists, and clinical research coordinators; and

“(2) may award grants for clinical trial design and execution to researchers.

“SEC. 499D–1. STREAMLINING THE REGULATORY PROCESS GOVERNING CLINICAL RESEARCH.

“(a) ESTABLISHMENT OF CENTRALIZED INSTITUTIONAL REVIEW BOARDS.—

“(1) IN GENERAL.—

“(A) ESTABLISHMENT AND OVERSIGHT.—The Director of OPASI shall appoint a Director of Centralized Institutional Review Boards (referred to in this part as the ‘Director of CIRBs’) who shall establish and oversee the functioning and progress of a series of Centralized Institutional Review Boards (referred to in this part as ‘CIRBs’) to serve as human subject safety and well-being custodians for multi-institutional clinical trials that are funded partially or in full by public research dollars.

“(B) WORK WITH FDA.—The Director of CIRBs shall work with the Commissioner of Food and Drugs to make regulations governing multi-site clinical trials and the regulatory requirements of the Food and Drug Administration more consistent in order to reduce barriers to commercialization of new treatments.

“(2) EXISTING GUIDELINES AND BEST PRACTICES.—CIRBs shall be established in accordance with professional best practices and Good Clinical Practice (GCP) guidelines so that institutions involved in multi-institutional studies may—

“(A) use joint review;

“(B) rely upon the review of another qualified institutional review board; or

“(C) use similar arrangements to avoid duplication of effort and to assure a high-quality of expert oversight.

“(b) HOUSED.—Each CIRB shall be housed—

“(1) at the institute or center of the National Institutes of Health with expertise on the subject of the clinical trial; or

“(2) at a public or private institution with comparable organizational capacity, such as the Department of Veterans Affairs.

“(c) SERVICE.—The use of CIRBs shall be available, as appropriate, at the request of public or private institutions and shall be funded through user fees of the CIRBs or the National Institutes of Health's funds.

“(d) REVIEW PROCESS.—

“(1) IN GENERAL.—Each CIRB shall review research protocols and subject informed consent forms to ensure the protection of safety and well-being of research participants enrolled in multi-institutional clinical trials.

“(2) PROCESS.—The CIRB review process shall consist of contractual agreements between the CIRB and the study sites of multi-institutional clinical trials. The CIRB shall act on behalf, in whole or in part, of the bodies ordinarily responsible for the safety of research subjects in a locality. In the case in which a locality does not have such a body, the locality shall depend solely on the CIRB to oversee the protection of human subjects and the CIRB shall assume responsibility for ensuring adequate assessment of the local research context.

“(e) RESEARCH APPLICATIONS.—

“(1) IN GENERAL.—Each CIRB shall review and package research applications for facilitated electronic review by local institutional review boards participating in a multi-institutional clinical trial.

“(2) CIRB REVIEW.—A local institutional review board may accept or reject a CIRB review. In the case in which a local institutional review board accepts a CIRB review, the CIRB shall assume responsibility for annual, amendment, and adverse event reviews. If a local institutional review board elects to decline participation in the CIRB, the local institutional review board shall appoint a liaison to the CIRB.

“(f) WORK IN CONCERT.—In the case in which a local institutional review board works in concert with a CIRB, the local institutional review board shall be responsible for taking into consideration local characteristics (including ethnicity, educational level, and other demographic characteristics) of the population from which research subjects will be drawn, which influence, among other things, whether there is sound selection of research subjects or whether adequate provision is made to minimize risks to vulnerable populations.

“(g) COMMUNICATION OF IMPORTANT INFORMATION.—Each CIRB shall regularly communicate important information in electronic form to the local institutional review boards or, in cases where a local institutional review board does not exist, to the principal investigator, including regular safety updates or requirements to change a research protocol in order to improve safety.

“(h) COORDINATION.—Each CIRB shall fully coordinate with the institute or center of the National Institutes of Health that has specialized knowledge of the research area of the clinical trial. Other Federal agencies and private entities undertaking clinical trials may contract with the National Institutes of Health to use a CIRB.

"SEC. 499D-2. CLINICAL RESEARCH STUDY AND CLINICAL TRIAL.

"(a) IN GENERAL.—The Director of NIH shall—

"(1) commission the Institute of Medicine to study the rules that protect patient safety and anonymity so that in a contemporary clinical research context, a better balance can be achieved between clinical research promotion and regulatory requirements governing research subject safety and privacy;

"(2) examine informed consent processes; and

"(3) request that the Institute of Medicine issue a written report not later than 18 months after the date of enactment of the Accelerating Cures Act of 2008 that shall—

"(A) consider changes to the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191) and the amendments made by such Act that further promote the clinical research endeavor; and

"(B) include recommendations for changes that shall not be limited to legislation but shall include changes to healthcare systems, including health information technology, and to researcher practice that facilitate the clinical research endeavor.

"Subpart 5—Training Clinical and Translational Researchers of the Future

"SEC. 499E. TRAINING TRANSLATIONAL AND CLINICAL RESEARCHERS OF THE FUTURE.

"(a) IN GENERAL.—

"(1) ESTABLISHMENT OF PROGRAM.—The Director of OPASI shall establish training programs to increase the number of, and maintain existing, translational and clinical researchers, including researchers trained in community-based research.

"(2) PURPOSE.—The purpose of the training programs described in paragraph (1) shall be to train a cadre of researchers in core competencies in the translational and clinical sciences for the ultimate goal of improving healthcare delivery, healthcare options to the public, the use of healthcare by patients, and healthcare outcomes.

"(b) GRANTS.—

"(1) IN GENERAL.—The Director of OPASI shall award grants to, and enter into contracts with, public and nonprofit educational entities to establish, strengthen, or expand training programs for researchers to be trained in the translational and clinical sciences.

"(2) AWARDING OF GRANTS.—The Director of OPASI shall award grants to, and enter into contracts with, applicants that—

"(A) support multidisciplinary approaches in training;

"(B) utilize collaborative strategies for conducting research across various disciplines to translate basic science discoveries; and

"(C) train researchers focused on improving care and patient outcomes.

"(3) REQUIRED USE OF FUNDS.—The Director of OPASI shall award grants to, and enter into contracts with, entities for the following purposes:

"(A) To establish training programs for M.D. and Ph.D. researchers in translational or clinical research.

"(B) To establish training programs for individuals at predoctoral levels, including those in medical school, and for allied health professionals, in translational or clinical research.

"(C) To establish training programs for nurses in translational and clinical research.

"(D) To strengthen or expand existing training programs for translational or clinical researchers.

"(E) To establish a wide range of training programs, including one-year training programs, summer programs, pre- and postdoctoral clinical or translational research fellowships, and advanced research training programs for mid-career researchers and clinicians.

"(F) To provide stipends and allowances, including for travel and subsistence expenses, in amounts the Director of OPASI determines appropriate, to support the training of translational or clinical researchers.

"(G) To provide financial assistance to public and nonprofit educational entities for the purpose of supporting the training of translational or clinical researchers, through clinical education, curricula, and technological support, and other measures.

"(H) To measure the impact of the translational and clinical research training programs on the biomedical sciences and on clinical practice.

"(c) FUNDS AVAILABLE.—The Director of OPASI may make funds available to support training programs for translational or clinical researchers at the National Institutes of Health for entities awarded grants or contracts under subsection (b).

"(d) NOVEL AND BEST PRACTICES.—The Director of OPASI shall convene, on not less frequently than a biannual basis, members of training institutions to share novel and best practices in training translational or clinical researchers.

"(e) TRAINING.—A trainee of a program funded under a grant or contract awarded under this section may conduct part of the trainee's training at the Health Advanced Research Projects Program.

"(f) CONSISTENT DEFINITIONS AND METHODOLOGIES.—For the purposes of funding training programs for clinical researchers, the Director of NIH shall develop consistent definitions and methodologies to classify and report clinical research.

"SEC. 499E-1. TRANSLATIONAL RESEARCH TRAINING PROGRAM.

"The Director of NIH shall ensure that each institute and center of the National Institutes of Health has established, or contracted for the establishment of, a translational research training program at the institute or center.

"Subpart 6—The 'Valley of Death'

"SEC. 499F. SMALL BUSINESS PARTNERSHIPS.

"(a) IN GENERAL.—An independent advisory board shall be established at the National Academy of Sciences to conduct periodic evaluations of the Small Business Innovation Research program (referred to in this subpart as the 'SBIR program') and the Small Business Technology Transfer program (referred to in this subpart as the 'STTR program') of the Office of Extramural Research in the Office of the Director of the National Institutes of Health for the purpose of improving management of the programs through data-driven assessment. The advisory board shall consist of the Director of NIH, the Director of the SBIR program, senior National Institutes of Health agency managers, university and industry experts, and program stakeholders.

"(b) SBIR AND STTR GRANTS AND CONTRACTS.—

"(1) IN GENERAL.—

"(A) PROGRAM MANAGERS WITH SUFFICIENT EXPERTISE.—Not less than 25 percent of the grants and contracts awarded by each of the SBIR and STTR programs shall be awarded on a competitive basis by an SBIR or STTR program manager who has sufficient managerial, technical, and translational research expertise to expertly assess the quality of a SBIR or STTR proposal.

"(B) EXPERIENCE OF PROGRAM MANAGERS.—In hiring new SBIR or STTR program managers, the Director of NIH shall consider experience in commercialization or industry.

"(C) EMPHASIS ON GRANT AND CONTRACT AWARDS.—In awarding grants and contracts under the SBIR program and the STTR program—

"(i) each SBIR and STTR program manager shall place an emphasis on applications that identify from the onset products with commercial potential to prevent, diagnose, and treat diseases, as well as promote health and well-being; and

"(ii) risk-taking shall be supported and productive failure shall be tolerated.

"(2) EXAMINATION OF COMMERCIALIZATION AND OTHER METRICS.—The independent advisory board described in subsection (a) shall evaluate the success of the requirement under paragraph (1)(A) by examining increased commercialization and other metrics, to be determined and collected by SBIR and STTR programs.

"(3) SUCCESS.—Each recipient of a SBIR or STTR grant or contract, as a condition of receiving such grant or contract, shall report to the SBIR or STTR program—

"(A) whether there was eventual commercial success of the product developed with the assistance of the grant or contract; and

"(B) on other metrics as determined by the SBIR or STTR program to capture broader measures of success.

"(c) POTENTIAL PURCHASERS OR INVESTORS.—The SBIR and STTR programs shall administer nonpeer review grants and contracts pursuant to this section through program managers who shall place special emphasis on partnering grantees and entities awarded contracts from the very beginning of the research and development process with potential purchasers or investors of the product, including large pharmaceutical or biotechnology companies, venture capital firms, and Federal agencies (including the National Institutes of Health).

"(d) PHASE I AND II.—The SBIR and STTR programs shall reduce the time period between Phase I and Phase II funding of grants and contracts under the SBIR and STTR programs to—

"(1) 6 months; or

"(2) less than 6 months if the grantee or entity awarded a contract demonstrates that the grantee or entity awarded a contract has interest from third parties to buy or fund the product development with the grant or contract.

"(e) PHASE III.—A SBIR or STTR program manager may petition the Director of NIH for Phase III funding of a grant or contract for a project that requires a boost to finalize procurement of a product. The maximum funding for Phase III funding shall be $2,000,000 for each of a maximum of 2 years. Such Phase III funding may come from the Common Fund of the NIH.

"(f) EVALUATION AND REPORTING REQUIREMENTS.—In order to enhance the evidence base guiding SBIR and STTR program decisions and changes, the SBIR and STTR programs shall—

"(1) conduct regular internal and external evaluations of the program;

"(2) review current data collection methods for the purpose of identifying gaps and deficiencies, and develop a formal plan for evaluation and assessment of program success, including operational benchmarks for success; and

"(3) conduct a review on the number of SBIR and STTR awards made to women and minorities and develop outreach and review strategies to increase the number of awards to women and minorities.

"(g) Pilot Programs.—

"(1) In general.—The SBIR and STTR programs may initiate pilot programs, based on the development of a formal mechanism for designing, implementing, and evaluating pilot programs, to spur innovation and to test new strategies that may enhance the effectiveness of the program.

"(2) Considerations.—The SBIR and STTR programs shall consider, among other issues, conducting pilot programs on including individuals with commercialization experience in study sections, hiring individuals with industry experience for staff positions, separating the commercial and scientific review processes, and examining the impact of the trend toward larger awards on the overall program.

"(h) Electronic Records.—

"(1) In general.—The SBIR and STTR programs shall keep a publicly accessible electronic record of all SBIR or STTR investments in research and development.

"(2) Content of record.—The record described in paragraph (1) shall include, at a minimum, the following information:

"(A) The grantee or entity awarded a grant or contract.

"(B) A description of the research being funded.

"(C) The amount of money awarded in each phase of SBIR or STTR funding.

"(D) If applicable, the purchaser of the product, current use of the product, and estimated annual revenue resulting from the procurement.

"(E) Dates of Phases I, II, and III awards, as applicable.

"(F) Other metrics as determined by the SBIR or STTR programs.

"(i) Meeting.—The Director of NIH shall convene a meeting, not less frequently than annually, consisting of the National Institutes of Health SBIR/STTR program coordinator or manager and each institute and center of the National Institutes of Health to share best practices, report on program activities, and review existing policies.

"(j) Report to Congress.—The Director of NIH shall submit an annual report to Congress and the independent advisory board described in subsection (a) on the SBIR and STTR programs' activities.

"SEC. 499F–1. RAPID ACCESS TO INTERVENTION DEVELOPMENT.

"(a) In General.—The Director of OPASI shall expand the existing Rapid Access to Intervention Development Program (referred to in this subpart as the 'RAID') that—

"(1) is designed to assist the translation of promising, novel, and scientifically meritorious therapeutic interventions to clinical use by helping investigators navigate the product development pipeline;

"(2) shall aim to remove barriers between laboratory discoveries and clinical trials of new molecular therapies, technologies, and other clinical interventions;

"(3) shall aim to progress, augment, and complement the innovation and research conducted in private entities to reduce duplicative and redundant work using public funds;

"(4) shall coordinate with the offices of the National Institutes of Health that promote translational research in the pre-clinical phase across the National Institutes of Health;

"(5) shall identify, for the OPASI, those research projects with promise for clinical application or commercialization; and

"(6) shall, in collaboration with the Translational Development Program for New Innovations, facilitate the translation of new innovations through the development process.

"(b) Projects.—

"(1) In general.—The RAID, in collaboration with the Director of OPASI, shall carry out a program that shall select, in accordance with paragraph (2), projects of eligible entities to receive access to laboratories, facilities, and other support resources of the National Institutes of Health for the preclinical development of drugs, biologics, diagnostics, and devices.

"(2) Selection.—Not less than 25 percent of the projects selected under paragraph (1) shall be selected on a competitive basis—

"(A) by a program manager with sufficient managerial, technical, and translational research expertise to adequately assess the quality of a project proposal; or

"(B) from a peer review process.

"(3) Eligible entities.—In this subsection, the term 'eligible entity' means—

"(A) a university researcher;

"(B) a nonprofit research organization; or

"(C) a firm of less than 100 employees in collaboration with 1 or more universities or nonprofit organizations such as a community health center.

"(4) Discontinue support.—The RAID may discontinue support of a project if the project fails to meet commercialization success criteria established by the RAID.

"(c) Discoveries From Lab to Clinical Practice.—The program under subsection (b) shall accelerate the process of bringing discoveries in medical technology and drugs from the laboratory to the clinic.

"(d) Ongoing Review.—The RAID shall review, on an ongoing basis, potential products and may not support products past the proof-of-principle stage.

"SEC. 499F–2. TRANSLATIONAL DEVELOPMENT PROGRAM FOR NEW INNOVATIONS.

"(a) In General.—The Director of OPASI shall develop a Translational Development Program for New Innovations to guide institutions of higher education, small businesses, for-profits, nonprofits, or other such entities through the translational research development process by facilitating the following:

"(1) Triage screening of applications for promising innovations expected to reduce disease incidence, morbidity, and mortality.

"(2) Outlining the tasks, timelines, and costs required to navigate and complete the development process for such innovations.

"(3) Providing project management support for the recommended development tasks.

"(4) Interfacing with the Food and Drug Administration and the entity to devise a plan that safely and rapidly brings new drugs, biologics devices, diagnostics, and other interventions to approval.

"(b) Coordination.—The Translational Development Program for New Innovations shall—

"(1) collaborate with the RAID; and

"(2) be comprised of personnel with extensive experience with investigational new drug applications and in commercialization.

"Subpart 7—Translational Research Fund

"SEC. 449G. TRANSLATIONAL RESEARCH FUND.

"(a) Account.—There is established an account to be known as the Translational Research Fund that shall consist of amounts appropriated for translational research priorities as described in subsection (b). Such account shall not be funded from amounts otherwise provided to the National Institutes of Health.

"(b) Authorization of Appropriations.—For each fiscal year, there is authorized to be appropriated for the Translational Research Fund to carry out the activities under this part an amount equal to the amount set aside for the Common Fund for such fiscal year.

"(c) Allotment to Health Advanced Research Projects Program.—Not less than half of the annual amount appropriated for the Translational Research Fund shall be allotted to the Health Advanced Research Projects Program.".

SEC. 5. APPLICATION OF RESEARCH REQUIREMENT.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404I. APPLICATION OF RESEARCH REQUIREMENT.

"Each application for, and summary of, a project, grant, or contract from the National Institutes of Health, shall include a statement on the possible application of the research for detecting, treating, or curing a health condition or disease state.".

By Mrs. MURRAY (for herself and Mr. Domenici):

S. 2989. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Mr. President, it is estimated that 100 million Americans—or one in three—suffer from some kind of brain or nervous system illness, injury or disorder. Among these illnesses are debilitating diseases and conditions, including: Alzheimer's, multiple sclerosis, epilepsy, Parkinson's disease, and traumatic brain injury. These diseases are challenging for the patients and for their loved ones, who often have intense caretaker burdens.

In addition, our men and women fighting overseas are suffering from these conditions in record numbers. The signature injuries of the current conflicts in Iraq and Afghanistan are brain and spinal cord injuries, such as traumatic brain injury, post-traumatic stress disorder, and paralysis. For example, it is estimated that as many as 12 percent to 20 percent of servicemembers who have served in Iraq suffer from PTSD alone.

The combined economic burden of these illnesses and disorders is estimated at $1 trillion annually—and this cost is rising quickly as our population ages and our military conflicts continue. Recent discoveries are revolutionizing our understanding of the human brain, and new uses for these discoveries are emerging almost every day. At the same time, researchers still have a limited understanding of the human brain and how best to diagnose, treat, and cure its diseases. The current research system for neurological diseases is disjointed and often limits this life altering research from reaching the patients in need. For example, compared to the average drug, it costs nearly $100 million more—and takes 2 years longer—to bring a drug that treats a neurological disease to the market.

We need a targeted, coordinated, national effort to support the development of neurotechnology. It is vitally important that public infrastructure be developed to ensure that today's neurotechnology discoveries quickly become tools to improve the human condition. This research has the potential to transform highly specialized areas of medicine, computing, and defense. It could dramatically change Americans' everyday lives.

The National Neurotechnology Initiative Act addresses each of these issues. I am proud to be an original cosponsor with my colleague from New Mexico. Under this proposal, the National Institutes of Health would receive funds to coordinate research and move research into innovative companies developing the next generation of treatments.

This legislation will also accelerate research and treatment of neurological diseases by removing key bottlenecks in the system. It will coordinate neurological research across Federal agencies, create a coordinated blueprint for neuroscience at the NIH, and streamline the FDA approval process for life changing neuro drugs—without sacrificing safety. All of this will mean more treatments faster for millions of Americans.

This act is an investment in America's neurological health. Investigation into the mechanisms and functions of the brain will lead to vastly improved understanding of brain disease and injuries and human behavior. It will give us an unprecedented ability to treat and heal those in need. The act also will dramatically reduce healthcare costs while expanding the American neurotechnology industry and creating good American jobs. Finally, this bill will help us honor our debt to the brave men and women of America's armed forces.

Today, I am proud to introduce this legislation with Senator DOMENICI. I thank him for his leadership on this issue, and I look forward to working with him and my other colleagues to pass this important legislation.

Mr. DOMENICI. Mr. President, I rise today to join my colleague, Senator MURRAY, to introduce the National Neurotechnology Initiative Act of 2008. Our bill will coordinate and accelerate federal brain and nervous system research, and will help move that research from the laboratory into the hands of patients.

It is estimated that approximately 100 million Americans—one in three—suffer from some kind of neurological illness, disorder, or injury. These include some of the most debilitating illnesses, such as Alzheimer's disease, Parkinson's disease, multiple sclerosis, autism, schizophrenia, and stroke. They include issues with a neurological basis that often goes unnoticed, such as obesity and hearing loss. They also include issues of particular importance to Senator MURRAY and me: traumatic brain injury, spinal cord injury, post-traumatic stress disorder, and other neurological effects suffered by the brave men and women of our armed forces as they execute their missions throughout the world.

The total economic burden of these neurological illnesses, disorders, and injuries is estimated to be more than one trillion dollars every year. These costs include direct medical treatment, long-term care for senior citizens who have been incapacitated by a neurological disease, addiction-related costs, secondary medical costs related to obesity, and so on.

As the baby boom generation ages, the cost associated with these illnesses will increase rapidly, straining our healthcare resources even further than they already are. Now is the time to act to promote the development of diagnostics, treatments, and cures that will restore health and reduce costs.

Our armed forces too often suffer from a traumatic brain injury, which is among the primary types of casualty that disables our service members. Some soldiers also suffer from post-traumatic stress disorder as well. We owe it to these heroic warriors to help them heal as quickly and as completely as possible.

The National Neurotechnology Initiative Act is designed to address four key issues currently slowing the development of neurological treatments, and to rapidly accelerate R&D for only three percent of the annual NIH brain research budget. The first is a lack of coordination between the many agencies that conduct brain research. The bill creates a coordinating office that will help ensure that the Department of Defense, the Department of Veterans Affairs, the National Institutes of Health, and other agencies know what every other agency is doing, and that they work together toward common goals.

The second issue is insufficient coordination within the National Institutes of Health. Sixteen different Institutes, Centers, and offices within NIH conduct research on the brain and nervous system, and they have begun to work together through a program called the Blueprint for Neuroscience Research. This bill authorizes and fully funds that program.

The third issue is the need to translate basic research into treatments. Advances in neurotechnology are useless if they merely sit in the lab. This bill boosts neuroscience-related technology transfer through the SBIR and STTR programs.

The fourth issue is regulatory approval of new neurotechnology drugs, diagnostics, and devices. Brain-related treatments take much longer and cost much more to approve than other treatments. This bill will increase the timeliness and safety of the neurotechnology review process by allowing the FDA to hire and train neuroscience experts and to work with industry to develop neurotechnology standards.

The bill also supports the analysis of societal implications of neuroscience and neurotechnology, so that we know we are proceeding thoughtfully and carefully in our research.

Brain and nervous system research is an issue that has been extremely important to me throughout my time in the Senate. I have long been a supporter of the MIND Research Network, which does amazing work on these issues in New Mexico; and I have worked hard to advance our ability to treat and cure brain and nervous system diseases and disorders. I hope that this legislation will be part of my legacy in this area.

I want to thank my good friend Senator MURRAY for asking me to join her on this very important issue. I appreciate her commitment to advancing this important research and I look forward to working with her to pass this legislation this Congress.

By Mr. KERRY (for himself, Mr. ALEXANDER, and Ms. STABENOW):

S 2990. A bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulines; to the Committee on Finance.

Mr. KERRY. Mr. President, we have the opportunity this year to help a group of Medicare beneficiaries who are currently subject to costly, bureaucratic red tape which is delaying essential, life-saving treatments to some of our most vulnerable citizens. Addressing this problem will increase the quality of life for many patients and ease financial burdens for their medical providers.

Between 6,000 and 10,000 Medicare beneficiaries have primary immunodeficiency diseases, PIDD, and require intravenous immunoglobulin, IVIG treatment to maintain a healthy immune system.

Primary Immunodeficiency Diseases are disorders in which part of the body's immune system is missing or does not function properly. These disorders are caused by intrinsic or genetic defects in the immune system. Untreated primary immune deficiencies result in frequent life-threatening infections and debilitating illnesses. Even illnesses such as the common cold or the flu, while unpleasant for most of us, can be deadly for someone with PIDD.

Because of advances in our medical understanding and treatment of primary immune deficiency diseases, individuals who in the past would not have survived childhood are now able to live nearly normal lives. While there is still no cure for PIDD, there are effective treatments available. Nearly 70 percent of primary immune deficient patients use intravenous immunoglobulin to maintain their health.

Immunoglobulin is a naturally occurring collection of highly specialized proteins, known as antibodies, which strengthen the body's immune response. It is derived from human plasma donations and is administered through an IV to the patient every three to four weeks.

Currently, Medicare beneficiaries needing IVIG treatments are experiencing access problems—an unintended result of the way Medicare has determined the payment for IVIG. The current IVIG access and care issue began in January 2005 as a result of the Medicare Modernization Act under Part B, which changed the way physicians and hospital outpatient departments were paid under Medicare. The law reduced IVIG reimbursement rates such that most physicians in outpatient settings could no longer afford to treat Medicare patients requiring IVIG. In addition, access to home based infusion therapy is limited since Medicare currently pays only for the cost of IVIG, and not nursing services and supplies required for infusion.

As a result, patients are experiencing delays in receiving this life saving treatment and are being shifted to more expensive care settings such as inpatient hospitals. In addition to incurring extra expenses, hospital-based care results in patients being in close proximity to countless microorganisms, an unsafe prospect for those who have suppressed immune systems.

In April 2007, the U.S. Department of Health and Human Services Office of the Inspector General, OIG,reported that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. In fact, the OIG found that 44 percent of hospitals and 41 percent of physicians were unable to purchase IVIG at the Medicare reimbursements rate during the 3rd quarter of 2006. The previous quarter had been even worse—77.2 percent of hospitals and 96.5 percent of physicians were unable to purchase IVIG at the Medicare reimbursement rate.

We have a rare opportunity to fix this very real problem with a compassionate and common sense solution. We can improve the quality of life for PIDD patients and cut inpatient expenses by improving reimbursement procedures for IVIG treatments for physicians and outpatient facilities and allowing for home treatments and coverage for related services.

Today, I am introducing—along with Senators ALEXANDER and STABENOW—the bipartisan Medicare IVIG Access Act, a bill that will grant the Secretary of Health & Human Services temporary authority to update the payment for IVIG, if necessary based on new or existing data, and to provide coverage for related items and services currently excluded from the existing Medicare home infusion therapy benefit. This bill is endorsed by several national organizations from the patient and physician communities, including the Immune Deficiency Foundation, IDF, GBS/CIDP Foundation International, the Jeffrey Modell Foundation JMF, the Platelet Disorder Support Association, PDSA, the National Patient Advocate Foundation, NPAF, and the Clinical Immunology Society, CIS.

The patients, physicians, caretakers, researchers, and plasma donors have all done their part—now it's time for us to do ours.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare IVIG Access Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Medicare payment for intravenous immune globulins.
Sec. 4. Coverage and payment of intravenous immune globulin in the home.
Sec. 5. Reports.
Sec. 6. Offset.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Intravenous immune globulin (IVIG) is a human blood plasma derived product, which over the past 25 years has become an invaluable therapy for many primary immunodeficiency diseases, as well as a number of neurological, autoimmune, and other chronic conditions and illnesses. For many of these disorders, IVIG is the most effective and viable treatment available, and has dramatically improved the quality of life for persons with these conditions and has become a life-saving therapy for many.

(2) The Food and Drug Administration recognizes each IVIG brand as a unique biologic. The differences in basic fractionation and the addition of various modifications for further purification, stabilization, and virus inactivation/removal yield clearly different biological products. As a result, IVIG therapies are not interchangeable, with patient tolerance differing from one IVIG brand to another.

(3) The report of the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, "Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)", that was issued in May 2007, found that IVIG manufacturing is complex and requires substantial up-front cash outlay and planning and takes between 7 and 12 months from plasma collection at donor centers to lot release by the Food and Drug Administration.

(4) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2066) changed Medicare's reimbursement methodology for IVIG from average wholesale price (AWP) to average sales price plus 6 percent (ASP+6 percent), effective January 1, 2005, for physicians, and January 1, 2006, for hospital outpatient departments, thereby reducing reimbursement rates paid to those providers of IVIG on behalf of Medicare beneficiaries.

(5) An April 2007 report of the Office of Inspector General of the Department of Health and Human Services, "Intravenous Immune Globulin: Medicare Payment and Availability", found that Medicare reimbursement for IVIG was inadequate to cover the cost many providers must pay for the product. During the third quarter of 2006, 44 percent of IVIG sales to hospitals and 41 percent of sales to physicians by the 3 largest distributors occurred at prices above Medicare payment amounts.

(6) The report of the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, "Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)" notes that, after the new reimbursement rules for physicians were instituted in 2005, 42 percent of Medicare beneficiaries who had received their IVIG treatment in their physician's office at the end of 2004 were shifted to the hospital outpatient setting by the beginning of 2006. This shift in site of care has resulted in a lack of continuity of care and has had an adverse impact on health outcomes and quality of life.

(7) The Office of Inspector General of the Department of Health and Human Services also reported that 61 percent of responding physicians indicated that they had sent patients to hospitals for IVIG treatment, largely because of their inability to purchase IVIG at prices below the Medicare payment amounts. In addition, the Office of Inspector General found that some physicians had stopped providing IVIG to Medicare beneficiaries altogether.

(8) The Office of Inspector General's 2007 report concluded that whatever improvement some providers saw in the relationship of Medicare reimbursement for IVIG to prices paid during the first 3 quarters of 2006 would be eroded if manufacturers were to increase prices for IVIG in the future.

(9) The Centers for Medicare & Medicaid Services, in recognition of dislocations experienced by patients and providers in obtaining IVIG since the change to the ASP+6 reimbursement methodology, has provided a temporary additional payment during 2006 and 2007 for IVIG preadministration-related services to compensate physicians and hospital outpatient departments for the extra resources they have had to expend in locating and obtaining appropriate IVIG products and in scheduling patient infusions.

(10) Approximately 10,000 Medicare beneficiaries receive IVIG treatment for their primary immunodeficiency disease in a variety of different settings. Those beneficiaries have no other effective treatment for their condition.

(11) The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 established an IVIG home infusion benefit for

persons with primary immune deficiency disease, paying only for IVIG and specifically excluding coverage of items and services related to administration of the product.

(12) The report of the Office of the Assistant Secretary for Planning and Evaluation of the Department of Health and Human Services, "Analysis of Supply, Distribution, Demand, and Access Issues Associated with Immune Globulin Intravenous (IGIV)", noted that, because of limitations in the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 provision, Medicare's IVIG home infusion benefit is not designed to provide reimbursement for more than the cost of IVIG and does not cover the cost of infusion services (such as nursing and clinical services and supplies) in the home. As a consequence, the report found that home infusion providers generally do not accept new patients who have primary immune deficiency disease and only have Medicare coverage. These limitations in service are caused by health care providers—

(A) not being able to acquire IVIG at prices at or below the Medicare part B reimbursement level; and

(B) not being reimbursed for the infusion services provided by a nurse.

(13) Access to home infusion of IVIG for patients with primary immune deficiency disease, who have a genetic or intrinsic defect in their human immune system, will reduce their exposure to infections at a time when their antibodies are compromised and will improve the quality of care and health of the patient.

SEC. 3. MEDICARE PAYMENT FOR INTRAVENOUS IMMUNE GLOBULINS.

(a) IN GENERAL.—Section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o)) is amended—

(1) in paragraph (1)(E)(ii), by inserting ", plus an additional amount (if applicable) under paragraph (7)" before the period at the end;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following new paragraph:

"(7)(A) Not later than 6 months after the date of enactment of the Medicare IVIG Access Act of 2008, the Secretary shall—

"(i) collect data on the differences, if any, between payments to physicians for intravenous immune globulin under paragraph (1)(E)(ii) and costs incurred by physicians for furnishing such products; and

"(ii) review available data, including survey and pricing data collected by the Federal Government and data presented by members of the intravenous immune globulin community on the access of individuals eligible for services under this part to intravenous immune globulin and the differences described in clause (i).

"(B) Subject to subparagraph (C), in the case of intravenous immune globulin furnished on or after the date of enactment of this paragraph, the Secretary shall continue the IVIG preadministration-related services payment established under the final rule promulgated by the Secretary in the Federal Register on November 27, 2007 (72 Fed. Reg. 66254), until such time as the Secretary determines that payment for intravenous immune globulin is adequate.

"(C) Upon collection of data and completion of the review under subparagraph (A), the Secretary shall, during a 2-year period beginning not later than 7 months after such date of enactment, provide, if appropriate, to physicians furnishing intravenous immune globulins, a payment, in addition to the payment under paragraph (1)(E)(ii) and instead of the IVIG preadministration-related services payment under subparagraph (B), for all items related to the furnishing of intravenous immune globulin, in an amount the Secretary determines to be appropriate.".

(b) AS PART OF HOSPITAL OUTPATIENT SERVICES.—Section 1833(t)(14) of such Act (42 U.S.C. 1395l(t)(14)) is amended—

(1) in subparagraph (A)(iii), by striking "subparagraph (E)" and inserting "subparagraphs (E) and (I)"; and

(2) by adding at the end the following new subparagraph:

"(I) ADDITIONAL PAYMENT FOR INTRAVENOUS IMMUNE GLOBULIN.—

"(i) DATA COLLECTION AND REVIEW.—Not later than 6 months after the date of enactment of the Medicare IVIG Access Act of 2008, the Secretary shall—

"(I) collect data on the differences, if any, between payments of intravenous immune globulin under subparagraph (A)(iii) and costs incurred by a hospital for furnishing such products; and

"(II) review available data, including survey and pricing data collected by the Federal Government and data presented by members of the intravenous immune globulin community on the access of individuals eligible for services under this part to intravenous immune globulin and the differences described in subclause (I).

"(ii) CONTINUATION OF SPECIAL PAYMENT RULE.—Subject to clause (iii), in the case of intravenous immune globulin furnished on or after the date of enactment of this subparagraph, the Secretary shall continue the IVIG preadministration-related services payment established under the final rule promulgated by the Secretary in the Federal Register on November 27, 2007 (72 Fed. Reg. 66697), until such time as the Secretary determines that payment for intravenous immune globulin is adequate.

"(iii) ADDITIONAL PAYMENT AUTHORITY.—Upon collection of data and completion of the review under clause (i), the Secretary shall, during a 2-year period beginning not later than 7 months after such date of enactment, provide, if appropriate, to hospitals furnishing intravenous immune globulin as part of a covered OPD service, in addition to the payment under subparagraph (A)(iii) and instead of the IVIG preadministration-related services payment under clause (ii), for all items related to the furnishing of intravenous immune globulin, in an amount the Secretary determines to be appropriate.".

SEC. 4. COVERAGE AND PAYMENT OF INTRAVENOUS IMMUNE GLOBULIN IN THE HOME.

(a) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(1) in subsection (s)(2)(Z), by inserting "and items and services related to the administration of intravenous immune globulin" after "globulin"; and

(2) in subsection (zz), by striking "but not including items or services related to the administration of the derivative,".

(b) PAYMENT FOR INTRAVENOUS IMMUNE GLOBULIN ADMINISTRATION IN THE HOME.—Section 1842(o) of the Social Security Act (42 U.S.C. 1395u(o), as amended by section 3, is amended—

(1) in paragraph (1)(E)(ii), by striking "paragraph (7)" and inserting "paragraph (7) or (8)";

(2) by redesignating paragraph "(8)" as paragraph "(9)"; and

(3) by inserting after paragraph (7) the following new paragraph:

"(8)(A) Subject to subparagraph (B), in the case of intravenous immune globulins described in section 1861(s)(2)(Z) that are furnished on or after January 1, 2008, the Secretary shall provide for a separate payment for items and services related to the administration of such intravenous immune globulins in an amount that the Secretary determines to be appropriate based on a review of available published and unpublished data and information, including the Study of Intravenous Immune Globulin Administration Options: Safety, Access, and Cost Issues conducted by the Secretary (CMS Contract #500-95-0059). Such payment amount may take into account the following:

"(i) Pharmacy overhead and related expenses.

"(ii) Patient service costs.

"(iii) Supply costs.

"(B) The separate payment amount provided under this paragraph for intravenous immune globulins furnished in 2009 or a subsequent year shall be equal to the separate payment amount determined under this paragraph for the previous year increased by the percentage increase in the medical care component of the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year.".

SEC. 5. REPORTS.

(a) REPORT BY THE SECRETARY.—Not later than 7 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall submit a report to Congress on the following:

(1) The results of the data collection and review conducted by the Secretary under subparagraph (A) of section 1842(o)(7) of the Social Security Act, as added by section 3(a), and clause (i) of section 1833(t)(14)(I) of such Act, as added by section 3(b).

(2) Whether the Secretary plans to use the authority under subparagraph (C) of such section 1842(o)(7) and clause (iii) of such section 1833(t)(14)(I) to provide an additional payment to physicians furnishing intravenous immune globulins.

(b) MEDPAC REPORT.—Not later than 2 years after the date of enactment of this Act, the Medicare Payment Advisory Commission shall submit a report to the Secretary and to Congress that contains the following:

(1) In the case where the Secretary has used the authority under sections 1842(o)(7)(C) and 1833(t)(14)(I)(iii) of the Social Security Act, as added by subsections (a) and (b), respectively, of section 3 to provide an additional payment to physicians furnishing intravenous immune globulins during the preceding year, an analysis of whether beneficiary access to intravenous immune globulins under the Medicare program under title XVIII of the Social Security Act has improved as a result of the Secretary's use of such authority.

(2) An analysis of the appropriateness of implementing a new methodology for payment for intravenous immune globulins under part B of title XVIII of the Social Security Act (42 U.S.C. 1395k et seq.).

(3) An analysis of the feasibility of reducing the lag time with respect to data used to determine average sales price under section 1847A of the Social Security Act (42 U.S.C. 1395w-3a).

(4) Recommendations for such legislation and administrative action as the Medicare Payment Advisory Commission determines appropriate, including recommendations for such legislation and administrative action as the Commission determines is necessary to implement any methodology analyzed under paragraph (2).

SEC. 6. OFFSET.

Section 1861(n) of the Social Security Act (42 U.S.C. 1395x(n)) is amended by adding at the end the following: "Such term includes disposable drug delivery systems, including elastomeric infusion pumps, for the treatment of colorectal cancer.".

By Mr. REID (for himself, Mr. SCHUMER, Mr. LEVIN, Mr. WYDEN, Mr. INOUYE, Mr. CARDIN, Ms. STABENOW, Mr. BROWN, Mr. WHITEHOUSE, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mrs. MCCASKILL, and Mr. DURBIN):

S. 2991. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 2991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer-First Energy Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS

Sec. 101. Denial of deduction for major integrated oil companies for income attributable to domestic production of oil, gas, or primary products thereof.
Sec. 102. Elimination of the different treatment of foreign oil and gas extraction income and foreign oil related income for purposes of the foreign tax credit.
Sec. 103. Windfall profits tax.
Sec. 104. Energy Independence and Security Trust Fund.

TITLE II—PRICE GOUGING

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Energy emergency and additional price gouging enforcement.
Sec. 204. Presidential declaration of energy emergency.
Sec. 205. Enforcement by the Federal Trade Commission.
Sec. 206. Enforcement by State attorneys general.
Sec. 207. Penalties.
Sec. 208. Effect on other laws.

TITLE III—STRATEGIC PETROLEUM RESERVE

Sec. 301. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

Sec. 401. No Oil Producing and Exporting Cartels Act of 2008.

TITLE V—MARKET SPECULATION

Sec. 501. Speculative limits and transparency for off-shore oil trading.
Sec. 502. Margin level for crude oil.

SEC. 2. FINDINGS.

Congress finds that—

(1) excessive prices for petroleum products have created, or imminently threaten to create, severe economic dislocations and hardships, including the loss of jobs, business failures, disruption of economic activity, curtailment of vital public services, and price increases throughout the economy;

(2) those hardships and dislocations jeopardize the normal flow of commerce and constitute a national energy and economic crisis that is a threat to the public health, safety, and welfare of the United States;

(3) consumers, workers, small businesses, and large businesses of the United States are particularly vulnerable to those price increase due to the failure of the President to aggressively develop alternatives to petroleum and petroleum products and to promote efficiency and conservation;

(4) reliable and affordable supplies of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) are vital to the economic and national security of the United States given current energy infrastructure and technology;

(5) the price of crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel) have skyrocketed to record levels and are continuing to rise;

(6) since 2001, oil prices have increased from $29 per barrel to levels near $120 per barrel and gasoline prices have more than doubled from $1.47 per gallon to more than $3.50 per gallon;

(7) the record prices for crude oil and products refined from crude oil (including gasoline, diesel fuel, heating oil, and jet fuel)—

(A) are hurting millions of consumers, workers, small businesses, and large businesses of the United States, and threaten long-term damage to the economy and security of the United States;

(B) are partially due to—

(i) the declining value of the dollar and a widespread lack of confidence in the management of economic and foreign policy by the President;

(ii) the accumulation of national debt and growing budget deficits under the failed economic policies of the President; and

(iii) high levels of military expenditures under the failed policies of the President in Iraq; and

(C) are no longer justified by traditional forces of supply and demand;

(8) rampant speculation in the markets for crude oil and products refined from crude oil has magnified the price increases and market volatility resulting from those underlying causes of price increases; and

(9) Congress must take urgent action to protect consumers, workers, and businesses of the United States from rampant speculation in the energy markets and the price increases resulting from the failed domestic and foreign policies of the President.

TITLE I—TAX PROVISIONS RELATED TO OIL AND GAS

SEC. 101. DENIAL OF DEDUCTION FOR MAJOR INTEGRATED OIL COMPANIES FOR INCOME ATTRIBUTABLE TO DOMESTIC PRODUCTION OF OIL, GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) (relating to exceptions) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or", and by inserting after clause (iii) the following new clause:

"(iv) in the case of any major integrated oil company (as defined in section 167(h)(5)(B)), .the production, refining, processing, transportation, or distribution of oil, gas, or any primary product thereof during any taxable year described in section 167(h)(5)(B).".

(b) PRIMARY PRODUCT.—Section 199(c)(4)(B) is amended by adding at the end the following flush sentence:

"For purposes of clause (iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C), as in effect before its repeal.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 102. ELIMINATION OF THE DIFFERENT TREATMENT OF FOREIGN OIL AND GAS EXTRACTION INCOME AND FOREIGN OIL RELATED INCOME FOR PURPOSES OF THE FOREIGN TAX CREDIT.

(a) IN GENERAL.—Subsections (a) and (b) of section 907 of the Internal Revenue Code of 1986 (relating to special rules in case of foreign oil and gas income) are amended to read as follows:

"(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any foreign oil and gas taxes paid or accrued (or deemed to have been paid) during the taxable year which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

"(1) the amount of the combined foreign oil and gas income for the taxable year,

"(2) multiplied by—

"(A) in the case of a corporation, the percentage which is equal to the highest rate of tax specified under section 11(b), or

"(B) in the case of an individual, a fraction the numerator of which is the tax against which the credit under section 901(a) is taken and the denominator of which is the taxpayer's entire taxable income.

"(b) COMBINED FOREIGN OIL AND GAS INCOME; FOREIGN OIL AND GAS TAXES.—For purposes of this section—

"(1) COMBINED FOREIGN OIL AND GAS INCOME.—The term 'combined foreign oil and gas income' means, with respect to any taxable year, the sum of—

"(A) foreign oil and gas extraction income, and

"(B) foreign oil related income.

"(2) FOREIGN OIL AND GAS TAXES.—The term 'foreign oil and gas taxes' means, with respect to any taxable year, the sum of—

"(A) oil and gas extraction taxes, and

"(B) any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid or accrued under section 902 or 960) during the taxable year with respect to foreign oil related income (determined without regard to subsection (c)(4)) or loss which would be taken into account for purposes of section 901 without regard to this section.".

(b) RECAPTURE OF FOREIGN OIL AND GAS LOSSES.—Paragraph (4) of section 907(c) of the Internal Revenue Code of 1986 (relating to recapture of foreign oil and gas extraction losses by recharacterizing later extraction income) is amended to read as follows:

"(4) RECAPTURE OF FOREIGN OIL AND GAS LOSSES BY RECHARACTERIZING LATER COMBINED FOREIGN OIL AND GAS INCOME.—

“(A) IN GENERAL.—The combined foreign oil and gas income of a taxpayer for a taxable year (determined without regard to this paragraph) shall be reduced—

“(i) first by the amount determined under subparagraph (B), and

“(ii) then by the amount determined under subparagraph (C).

The aggregate amount of such reductions shall be treated as income (from sources without the United States) which is not combined foreign oil and gas income.

“(B) REDUCTION FOR PRE-2008 FOREIGN OIL EXTRACTION LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

“(i) the foreign oil and gas extraction income of the taxpayer for the taxable year (determined without regard to this paragraph), or

“(ii) the excess of—

“(I) the aggregate amount of foreign oil extraction losses for preceding taxable years beginning after December 31, 1982, and before January 1, 2008, over

“(II) so much of such aggregate amount as was recharacterized under this paragraph (as in effect before and after the date of the enactment of the Consumer-First Energy Act of 2008) for preceding taxable years beginning after December 31, 1982.

“(C) REDUCTION FOR POST-2008 FOREIGN OIL AND GAS LOSSES.—The reduction under this paragraph shall be equal to the lesser of—

“(i) the combined foreign oil and gas income of the taxpayer for the taxable year (determined without regard to this paragraph), reduced by an amount equal to the reduction under subparagraph (A) for the taxable year, or

“(ii) the excess of—

“(I) the aggregate amount of foreign oil and gas losses for preceding taxable years beginning after December 31, 2008, over

“(II) so much of such aggregate amount as was recharacterized under this paragraph for preceding taxable years beginning after December 31, 2008.

“(D) FOREIGN OIL AND GAS LOSS DEFINED.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘foreign oil and gas loss’ means the amount by which—

“(I) the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the combined foreign oil and gas income for such year, is exceeded by

“(II) the sum of the deductions properly apportioned or allocated thereto.

“(ii) NET OPERATING LOSS DEDUCTION NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), the net operating loss deduction allowable for the taxable year under section 172(a) shall not be taken into account.

“(iii) EXPROPRIATION AND CASUALTY LOSSES NOT TAKEN INTO ACCOUNT.—For purposes of clause (i), there shall not be taken into account—

“(I) any foreign expropriation loss (as defined in section 172(h) (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990)) for the taxable year, or

“(II) any loss for the taxable year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

“(iv) FOREIGN OIL EXTRACTION LOSS.—For purposes of subparagraph (B)(ii)(I), foreign oil extraction losses shall be determined under this paragraph as in effect on the day before the date of the enactment of the Consumer-First Energy Act of 2008.”.

(c) CARRYBACK AND CARRYOVER OF DISALLOWED CREDITS.—Section 907(f) of the Internal Revenue Code of 1986 (relating to carryback and carryover of disallowed credits) is amended—

(1) by striking “oil and gas extraction taxes” each place it appears and inserting “foreign oil and gas taxes”, and

(2) by adding at the end the following new paragraph:

“(4) TRANSITION RULES FOR PRE-2009 AND 2009 DISALLOWED CREDITS.—

“(A) PRE-2009 CREDITS.—In the case of any unused credit year beginning before January 1, 2009, this subsection shall be applied to any unused oil and gas extraction taxes carried from such unused credit year to a year beginning after December 31, 2008—

“(i) by substituting ‘oil and gas extraction taxes’ for ‘foreign oil and gas taxes’ each place it appears in paragraphs (1), (2), and (3), and

“(ii) by computing, for purposes of paragraph (2)(A), the limitation under subparagraph (A) for the year to which such taxes are carried by substituting ‘foreign oil and gas extraction income’ for ‘foreign oil and gas income’ in subsection (a).

“(B) 2009 CREDITS.—In the case of any unused credit year beginning in 2009, the amendments made to this subsection by the Consumer-First Energy Act of 2008 shall be treated as being in effect for any preceding year beginning before January 1, 2009, solely for purposes of determining how much of the unused foreign oil and gas taxes for such unused credit year may be deemed paid or accrued in such preceding year.”.

(d) CONFORMING AMENDMENT.—Section 6501(i) of the Internal Revenue Code of 1986 is amended by striking “oil and gas extraction taxes” and inserting “foreign oil and gas taxes”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 103. WINDFALL PROFITS TAX.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1986 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

“CHAPTER 56—WINDFALL PROFITS ON CRUDE OIL

“Sec. 5896. Imposition of tax.
“Sec. 5897. Windfall profit; qualified investment.
“Sec. 5898. Special rules and definitions.

“SEC. 5896. IMPOSITION OF TAX.

“(a) IN GENERAL.—In addition to any other tax imposed under this title, there is hereby imposed on any applicable taxpayer an excise tax in an amount equal to 25 percent of the excess of—

“(1) the windfall profit of such taxpayer, over

“(2) the amount of the qualified investment of such applicable taxpayer.

“(b) APPLICABLE TAXPAYER.—For purposes of this chapter, the term ‘applicable taxpayer’ means any major integrated oil company (as defined in section 167(h)(5)(B)).

“SEC. 5897. WINDFALL PROFIT; QUALIFIED INVESTMENT.

“(a) GENERAL RULE.—For purposes of this chapter, the term ‘windfall profit’ means the excess of the adjusted taxable income of the applicable taxpayer for the taxable year over the reasonably inflated average profit for such taxable year.

“(b) ADJUSTED TAXABLE INCOME.—For purposes of this chapter, with respect to any applicable taxpayer, the adjusted taxable income for any taxable year is equal to the taxable income for such taxable year (within the meaning of section 63 and determined without regard to this subsection)—

“(1) increased by any interest expense deduction, charitable contribution deduction, and any net operating loss deduction carried forward from any prior taxable year, and

“(2) reduced by any interest income, dividend income, and net operating losses to the extent such losses exceed taxable income for the taxable year.

In the case of any applicable taxpayer which is a foreign corporation, the adjusted taxable income shall be determined with respect to such income which is effectively connected with the conduct of a trade or business in the United States.

“(c) REASONABLY INFLATED AVERAGE PROFIT.—For purposes of this chapter, with respect to any applicable taxpayer, the reasonably inflated average profit for any taxable year is an amount equal to the average of the adjusted taxable income of such taxpayer for taxable years beginning during the 2001-2005 taxable year period (determined without regard to the taxable year with the highest adjusted taxable income in such period) plus 10 percent of such average.

“(d) QUALIFIED INVESTMENT.—For purposes of this chapter—

“(1) IN GENERAL.—The term ‘qualified investment’ means, with respect to any applicable taxpayer, means any amount paid or incurred with respect to—

“(A) section 263(c) costs,

“(B) qualified refinery property (as defined in section 179C(c) and determined without regard to any termination date),

“(C) any qualified facility described in paragraph (1), (2), (3), or (4) of section 45(d) (determined without regard to any placed in service date), or

“(D) any facility for the production renewable fuel or advanced biofuel (as defined in section 211(o) of the Clean Air Act 942 U.S.C. 7545).

“(2) SECTION 263(c) COSTS.—For purposes of this subsection, the term ‘section 263(c) costs’ means intangible drilling and development costs incurred by the taxpayer which (by reason of an election under section 263(c)) may be deducted as expenses for purposes of this title (other than this paragraph). Such term shall not include costs incurred in drilling a nonproductive well.

“SEC. 5898. SPECIAL RULES AND DEFINITIONS.

“(a) WITHHOLDING AND DEPOSIT OF TAX.—The Secretary shall provide such rules as are necessary for the withholding and deposit of the tax imposed under section 5896.

“(b) RECORDS AND INFORMATION.—Each taxpayer liable for tax under section 5896 shall keep such records, make such returns, and furnish such information as the Secretary may by regulations prescribe.

“(c) RETURN OF WINDFALL PROFIT TAX.—The Secretary shall provide for the filing and the time of such filing of the return of the tax imposed under section 5896.

“(d) CRUDE OIL.—The term ‘crude oil’ includes crude oil condensates and natural gasoline.

“(e) BUSINESSES UNDER COMMON CONTROL.—For purposes of this chapter, all members of the same controlled group of corporations (within the meaning of section 267(f)) and all persons under common control (within the meaning of section 52(b) but determined by treating an interest of more than 50 percent as a controlling interest) shall be treated as 1 person.

"(f) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this chapter.".

(b) CLERICAL AMENDMENT.—The table of chapters for subtitle E of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"CHAPTER 56. WINDFALL PROFIT ON CRUDE OIL.".

(c) DEDUCTIBILITY OF WINDFALL PROFIT TAX.—The first sentence of section 164(a) of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The windfall profit tax imposed by section 5896.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 104. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.

(a) ESTABLISHMENT.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to trust fund code) is amended by adding at the end the following new section:

"SEC. 9511. ENERGY INDEPENDENCE AND SECURITY TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as 'Energy Independence and Security Trust Fund' (referred to in this section as the 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

"(b) TRANSFERS TO TRUST FUND.—There is hereby appropriated to the Trust Fund an amount equivalent to the increase in the revenues received in the Treasury as the result of the amendments made by sections 101, 102, and 103 of the Consumer-First Energy Act of 2008.

"(c) DISTRIBUTION OF AMOUNTS IN TRUST FUND.—Amounts in the Trust Fund shall be available, as provided by appropriation Acts, for the purposes of reducing the dependence of the United States on foreign and unsustainable energy sources and reducing the risks of global warming through programs and measures that—

"(1) reduce the burdens on consumers of rising energy prices;

"(2) diversify and expand the use of secure, efficient, and environmentally-friendly energy supplies and technologies;

"(3) result in net reductions in emissions of greenhouse gases; and

"(4) prevent energy price gouging, profiteering, and market manipulation.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 98 of such Code is amended by adding at the end the following new item:

"Sec. 9511. Energy Independence and Security Trust Fund.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE II—PRICE GOUGING

SEC. 201. SHORT TITLE.

This title may be cited as the "Petroleum Consumer Price Gouging Protection Act".

SEC. 202. DEFINITIONS.

In this title:

(1) AFFECTED AREA.—The term "affected area" means an area covered by a Presidential declaration of energy emergency.

(2) SUPPLIER.—The term "supplier" means any person engaged in the trade or business of selling or reselling, at retail or wholesale, or distributing crude oil, gasoline, petroleum distillates, or biofuel.

(3) PRICE GOUGING.—The term "price gouging" means the charging of an unconscionably excessive price by a supplier in an affected area.

(4) UNCONSCIONABLY EXCESSIVE PRICE.—The term "unconscionably excessive price" means an average price charged during an energy emergency declared by the President in an area and for a product subject to the declaration, that—

(A)(i)(I) constitutes a gross disparity from the average price at which it was offered for sale in the usual course of the supplier's business during the 30 days prior to the President's declaration of an energy emergency; and

(II) grossly exceeds the prices at which the same or similar crude oil, gasoline, petroleum distillates, or biofuel was readily obtainable by purchasers from other suppliers in the same relevant geographic market within the affected area; or

(ii) represents an exercise of unfair leverage or unconscionable means on the part of the supplier, during a period of declared energy emergency; and

(B) is not attributable to increased wholesale or operational costs, including replacement costs, outside the control of the supplier, incurred in connection with the sale of crude oil, gasoline, petroleum distillates, or biofuel, and is not attributable to local, regional, national, or international market conditions.

(5) COMMISSION.—The term "Commission" means the Federal Trade Commission.

SEC. 203. ENERGY EMERGENCY AND ADDITIONAL PRICE GOUGING ENFORCEMENT.

(a) IN GENERAL.—During any energy emergency declared by the President under section 204 of this title, it is unlawful for any supplier to sell, or offer to sell crude oil, gasoline, petroleum distillates, or biofuel subject to that declaration in, or for use in, the area to which that declaration applies at an unconscionably excessive price.

(b) FACTORS CONSIDERED.—In determining whether a violation of subsection (a) has occurred, there shall be taken into account, among other factors, whether—

(1) the price charged was a price that would reasonably exist in a competitive and freely functioning market; and

(2) the amount of gasoline, other petroleum distillates, or biofuel the seller produced, distributed, or sold during the period the Proclamation was in effect increased over the average amount during the preceding 30 days.

SEC. 204. PRESIDENTIAL DECLARATION OF ENERGY EMERGENCY.

(a) IN GENERAL.—If the President finds that the health, safety, welfare, or economic well-being of the citizens of the United States is at risk because of a shortage or imminent shortage of adequate supplies of crude oil, gasoline, petroleum distillates, or biofuel due to a disruption in the national distribution system for crude oil, gasoline, petroleum distillates, or biofuel (including such a shortage related to a major disaster (as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))), or significant pricing anomalies in national energy markets for crude oil, gasoline, petroleum distillates, or biofuel the President may declare that a Federal energy emergency exists.

(b) SCOPE AND DURATION.—The emergency declaration shall specify—

(1) the period, not to exceed 30 days, for which the declaration applies;

(2) the circumstance or condition necessitating the declaration; and

(3) the area or region to which it applies which may not be limited to a single State; and

(4) the product or products to which it applies.

(c) EXTENSIONS.—The President may—

(1) extend a declaration under subsection (a) for a period of not more than 30 days;

(2) extend such a declaration more than once; and

(3) discontinue such a declaration before its expiration.

SEC. 205. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This title shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act were incorporated into and made a part of this title. In enforcing section 203 of this title, the Commission shall give priority to enforcement actions concerning companies with total United States wholesale or retail sales of crude oil, gasoline, petroleum distillates, and biofuel in excess of $500,000,000 per year but shall not exclude enforcement actions against companies with total United States wholesale sales of $500,000,000 or less per year.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this title shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) COMMISSION ACTIONS.—Following the declaration of an energy emergency by the President under section 204 of this title, the Commission shall—

(1) maintain within the Commission—

(A) a toll-free hotline that a consumer may call to report an incident of price gouging in the affected area; and

(B) a program to develop and distribute to the public informational materials to assist residents of the affected area in detecting, avoiding, and reporting price gouging;

(2) consult with the Attorney General, the United States Attorney for the districts in which a disaster occurred (if the declaration is related to a major disaster), and State and local law enforcement officials to determine whether any supplier in the affected area is charging or has charged an unconscionably excessive price for crude oil, gasoline, petroleum distillates, or biofuel in the affected area; and

(3) conduct investigations as appropriate to determine whether any supplier in the affected area has violated section 203 of this title, and upon such finding, take any action the Commission determines to be appropriate to remedy the violation.

SEC. 206. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—A State, as parens patriae, may bring a civil action on behalf of its residents in an appropriate district court of the United States to enforce the provisions of section 203 of this title, or to impose the civil penalties authorized by section 207 for violations of section 203, whenever the attorney general of the State has reason to believe that the interests of the residents of the State have been or are being threatened or adversely affected by a supplier engaged in the sale or resale, at retail or wholesale, or distribution of crude oil, gasoline, petroleum distillates, or biofuel in violation of section 203 of this title.

(b) NOTICE.—The State shall serve written notice to the Commission of any civil action under subsection (a) prior to initiating the action. The notice shall include a copy of the complaint to be filed to initiate the civil action, except that if it is not feasible for the State to provide such prior notice, the State shall provide such notice immediately upon instituting the civil action.

(c) AUTHORITY TO INTERVENE.—Upon receiving the notice required by subsection (b), the Commission may intervene in the civil action and, upon intervening—

(1) may be heard on all matters arising in such civil action; and

(2) may file petitions for appeal of a decision in such civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this section shall prevent the attorney general of a State from exercising the powers conferred on the Attorney General by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—In a civil action brought under subsection (a)—

(1) the venue shall be a judicial district in which—

(A) the defendant operates;

(B) the defendant was authorized to do business; or

(C) where the defendant in the civil action is found;

(2) process may be served without regard to the territorial limits of the district or of the State in which the civil action is instituted; and

(3) a person who participated with the defendant in an alleged violation that is being litigated in the civil action may be joined in the civil action without regard to the residence of the person.

(f) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION IS PENDING.—If the Commission has instituted a civil action or an administrative action for violation of this title, a State attorney general, or official or agency of a State, may not bring an action under this section during the pendency of that action against any defendant named in the complaint of the Commission or the other agency for any violation of this title alleged in the Commission's civil or administrative action.

(g) NO PREEMPTION.—Nothing contained in this section shall prohibit an authorized State official from proceeding in State court to enforce a civil or criminal statute of that State.

SEC. 207. PENALTIES.

(a) CIVIL PENALTY.—

(1) IN GENERAL.—In addition to any penalty applicable under the Federal Trade Commission Act, any supplier—

(A) that violates section 203 of this title is punishable by a civil penalty of not more than $1,000,000; and

(B) that violates section 203 of this title is punishable by a civil penalty of—

(i) not more than $500,000, in the case of an independent small business marketer of gasoline (within the meaning of section 324(c) of the Clean Air Act (42 U.S.C. 7625(c))); and

(ii) not more than $5,000,000 in the case of any other supplier.

(2) METHOD.—The penalties provided by paragraph (1) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(3) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(A) each day of a continuing violation shall be considered a separate violation; and

(B) the court shall take into consideration, among other factors, the seriousness of the violation and the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(b) CRIMINAL PENALTY.—Violation of section 203 of this title is punishable by a fine of not more than $5,000,000, imprisonment for not more than 5 years, or both.

SEC. 208. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this title shall be construed to limit or affect in any way the Commission's authority to bring enforcement actions or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) STATE LAW.—Nothing in this title preempts any State law.

TITLE III—STRATEGIC PETROLEUM RESERVE

SEC. 301. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

TITLE IV—NO OIL PRODUCING AND EXPORTING CARTELS

SEC. 401. NO OIL PRODUCING AND EXPORTING CARTELS ACT OF 2008.

(a) SHORT TITLE.—This section may be cited as the "No Oil Producing and Exporting Cartels Act of 2008" or "NOPEC".

(b) SHERMAN ACT.—The Sherman Act (15 U.S.C. 1 et seq.) is amended by adding after section 7 the following:

"SEC. 7A. OIL PRODUCING CARTELS.

"(a) IN GENERAL.—It shall be illegal and a violation of this Act for any foreign state, or any instrumentality or agent of any foreign state, to act collectively or in combination with any other foreign state, any instrumentality or agent of any other foreign state, or any other person, whether by cartel or any other association or form of cooperation or joint action—

"(1) to limit the production or distribution of oil, natural gas, or any other petroleum product;

"(2) to set or maintain the price of oil, natural gas, or any petroleum product; or

"(3) to otherwise take any action in restraint of trade for oil, natural gas, or any petroleum product;

when such action, combination, or collective action has a direct, substantial, and reasonably foreseeable effect on the market, supply, price, or distribution of oil, natural gas, or other petroleum product in the United States.

"(b) SOVEREIGN IMMUNITY.—A foreign state engaged in conduct in violation of subsection (a) shall not be immune under the doctrine of sovereign immunity from the jurisdiction or judgments of the courts of the United States in any action brought to enforce this section.

"(c) INAPPLICABILITY OF ACT OF STATE DOCTRINE.—No court of the United States shall decline, based on the act of state doctrine, to make a determination on the merits in an action brought under this section.

"(d) ENFORCEMENT.—The Attorney General of the United States may bring an action to enforce this section in any district court of the United States as provided under the antitrust laws.".

(c) SOVEREIGN IMMUNITY.—Section 1605(a) of title 28, United States Code, is amended—

(1) in paragraph (6), by striking "or" after the semicolon;

(2) in paragraph (7), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(8) in which the action is brought under section 7A of the Sherman Act.".

TITLE V—MARKET SPECULATION

SEC. 501. SPECULATIVE LIMITS AND TRANSPARENCY FOR OFF-SHORE OIL TRADING.

Section 4 of the Commodity Exchange Act (7 U.S.C. 6) is amended by adding at the end the following:

"(e) FOREIGN BOARDS OF TRADE.—

"(1) IN GENERAL.—In the case of any foreign board of trade for which the Commission has granted or is considering an application to grant a board of trade located outside of the United States relief from the requirement of subsection (a) to become a designated contract market, derivatives transaction execution facility, or other registered entity, with respect to an energy commodity that is physically delivered in the United States, prior to continuing to or initially granting the relief, the Commission shall determine that the foreign board of trade—

"(A) applies comparable principles or requirements regarding the daily publication of trading information and position limits or accountability levels for speculators as apply to a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States; and

"(B) provides such information to the Commission regarding the extent of speculative and nonspeculative trading in the energy commodity that is comparable to the information the Commission determines necessary to publish a Commitment of Traders report for a designated contract market, derivatives transaction execution facility, or other registered entity trading energy commodities physically delivered in the United States.

"(2) EXISTING FOREIGN BOARDS OF TRADE.—During the period beginning 1 year after the date of enactment of this subsection and ending 18 months after the date of enactment of this subsection, the Commission shall determine whether to continue to grant relief in accordance with paragraph (1) to any foreign board of trade for which the Commission granted relief prior to the date of enactment of this subsection.".

SEC. 502. MARGIN LEVEL FOR CRUDE OIL.

(a) IN GENERAL.—Section 2(a)(1) of the Commodity Exchange Act (7 U.S.C. 2(a)(1)) is amended by adding at the end the following:

"(G) MARGIN LEVEL FOR CRUDE OIL.—Not later than 90 days after the date of enactment of this subparagraph, the Commission shall promulgate regulations to set a substantial increase in margin levels for crude oil traded on any trading facility or as part of any agreement, contract, or transaction covered by this Act in order to reduce excessive speculation and protect consumers.".

(b) STUDIES.—

(1) STUDY RELATING TO EFFECT OF CERTAIN REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Commodity Futures Trading Commission shall submit to the appropriate committees of Congress a report describing the effect of the amendment made by subsection (a) on any trading facilities and agreements, contracts, and transactions covered by the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(2) STUDY RELATING TO EFFECTS OF CHANGES IN MARGIN LEVELS.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report describing the effect (including any effect relating to trade volume or volatility) of any change of a margin level that occurred during the 10-year period ending on the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 554—EXPRESSING THE SENSE OF THE SENATE ON HUMANITARIAN ASSISTANCE TO BURMA AFTER CYCLONE NARGIS

Mr. KERRY (for himself, Mr. LUGAR, Mr. BIDEN, Mr. MCCONNELL, Mrs. FEINSTEIN, Mr. DURBIN, Mr. DODD, Mr. OBAMA, Mr. WEBB, Ms. MURKOWSKI, Mr. KENNEDY, Mr. MENENDEZ, Mr. FEINGOLD, Mr. LIEBERMAN, Mr. HAGEL, Mrs. BOXER, Mrs. CLINTON, Mrs. DOLE, Mr. MCCAIN, and Mr. COLEMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 554

Whereas, on May 3, 2008, Cyclone Nargis devastated Burma, leaving an estimated 22,500 people dead, 41,000 missing, and 1,000,000 homeless;

Whereas, on May 5, 2008, the United States embassy in Burma issued a disaster declaration authorizing $250,000 in immediate humanitarian assistance to the people of Burma;

Whereas, on May 5, 2008, First Lady Laura Bush stated that the United States will "work with the U.N. and other international nongovernmental organizations to provide water, sanitation, food, and shelter. More assistance will be forthcoming";

Whereas, on May 5, 2008, Department of State Deputy Spokesman Tom Casey stated that the United States has "a disaster assistance response team that is standing by and ready to go in to Burma to help try to assess need there";

Whereas, on May 6, 2008, President George W. Bush said, "The United States has made an initial aid contribution, but we want to do a lot more. We're prepared to move U.S. Navy assets to help find those who've lost their lives, to help find the missing, to help stabilize the situation. But in order to do so, the military junta must allow our disaster assessment teams into the country.";

Whereas, on May 6, 2008, President Bush pledged $3,000,000 in emergency assistance to victims of Cyclone Nargis, and stated that allowing the disaster assistance response team to enter the country would facilitate additional support;

Whereas the European Union has pledged to deliver $3,000,000 in initial emergency disaster assistance to Burma;

Whereas according to the United Nations Country Team in Burma, the average household in Burma is forced to spend almost 3/4 of its budget on food and 1 in 3 children under the age of 5 is suffering from malnutrition;

Whereas the prevalence of tuberculosis in Burma is among the highest in the world, with nearly 97,000 new cases detected annually, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005 and over 600,000 are currently infected, and the World Health Organization has ranked the health sector of Burma as 190th out of 191 countries;

Whereas the failure of Burma's ruling State Peace and Development Council to meet the most basic humanitarian needs of the people of Burma has caused enormous suffering inside Burma and driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas, in the aftermath of Cyclone Nargis, the State Peace and Development Council continues to restrict the access and freedom of movement of international nongovernmental organizations to deliver humanitarian assistance throughout Burma: Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) to express deep sympathy to and strong support for the people of Burma, who have endured tremendous hardships over many years and face especially dire humanitarian conditions in the aftermath of Cyclone Nargis;

(2) to support the decision of President Bush to provide immediate emergency humanitarian assistance to Burma through nongovernmental organizations that are not affiliated with the Burmese regime or its officials and can effectively provide such assistance directly to the people of Burma;

(3) to stand ready to appropriate additional funds, beyond existing emergency international disaster assistance resources, if necessary to help address dire humanitarian conditions throughout Burma in the aftermath of Cyclone Nargis and beyond;

(4) to call upon the State Peace and Development Council to immediately lift restrictions on delivery of humanitarian assistance and allow free and unfettered access to the United States Government's disaster assistance response team and any organizations that legitimately provide humanitarian assistance; and

(5) that the United States Agency for International Development should conduct a comprehensive evaluation of which organizations are capable of providing humanitarian assistance directly to the people throughout Burma without interference by the State Peace and Development Council.

SENATE CONCURRENT RESOLUTION 80—URGING THE PRESIDENT TO DESIGNATE A NATIONAL AIRBORNE DAY IN RECOGNITION OF PERSONS WHO ARE SERVING OR HAVE SERVED IN THE AIRBORNE FORCES OF THE ARMED SERVICES

Mr. HAGEL (for himself, Mr. GREGG, Mr. KERRY, Mr. REED, Mr. REID, Ms. SNOWE, and Mr. STEVENS) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 80

Whereas the airborne forces of the Armed Forces have a long and honorable history as units of adventuresome, hardy, and fierce warriors who, for the national security of the United States and the defense of freedom and peace, project the effective ground combat power of the United States by Air Force air transport to the far reaches of the battle area and, indeed, to the far corners of the world;

Whereas August 16 marks the anniversary of the first official Army parachute jump on August 16, 1940, an event that validated the innovative concept of inserting United States ground combat forces behind the battle line by means of a parachute;

Whereas the United States experiment of airborne infantry attack began on June 25, 1940, when the Army Parachute Test Platoon was first authorized by the Department of War, and was launched when 48 volunteers began training in July 1940;

Whereas the success of the Parachute Test Platoon in the days immediately preceding the entry of the United States into World War II led to the formation of a formidable force of airborne units that have served with distinction and have had repeated success in armed hostilities;

Whereas among those airborne units are the former 11th, 13th, and 17th Airborne Divisions, the venerable 82nd Airborne Division, the versatile 101st Airborne Division (Air Assault), and the airborne regiments and battalions (some as components of those divisions, some as separate units) that achieved distinction as the elite 75th Ranger Regiment, the 173rd Airborne Brigade, the 187th Infantry (Airborne) Regiment, the 503rd, 507th, 508th, 517th, 541st, and 542nd Parachute Infantry Regiments, the 88th Glider Infantry Regiment, the 509th, 551st, and 555th Parachute Infantry Battalions, and the 550th Airborne Infantry Battalion;

Whereas the achievements of the airborne forces during World War II prompted the evolution of those forces into a diversified force of parachute and air assault units that, over the years, have fought in Korea, Vietnam, Grenada, Panama, the Persian Gulf region, and Somalia, and have engaged in peacekeeping operations in Lebanon, the Sinai Peninsula, the Dominican Republic, Haiti, Bosnia, and Kosovo;

Whereas the modern-day airborne force that has evolved from those World War II beginnings is an agile, powerful force that, in large part, is composed of the 82nd Airborne

Division, the 101st Airborne Division (Air Assault), and the 75th Ranger Regiment;

Whereas the modern-day airborne force also includes other elite forces composed entirely of airborne trained and qualified special operations warriors, including Army Special Forces, Marine Corps Reconnaissance units, Navy SEALs, and Air Force combat control teams, all or most of which comprise the forces of the United States Special Operations Command;

Whereas in the aftermath of the terrorist attacks on the United States on September 11, 2001, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division and the 101st Airborne Division (Air Assault), together with other units of the Armed Forces, have been prosecuting the war against terrorism by carrying out combat operations in Afghanistan, training operations in the Philippines, and other operations elsewhere;

Whereas in the aftermath of the President's announcement of Operation Iraqi Freedom in March 2003, the 75th Ranger Regiment, special forces units, and units of the 82nd Airborne Division, the 101st Airborne Division (Air Assault), the 173rd Airborne Brigade, and the 4th Brigade Combat Team (Airborne) of the 25th Infantry Division, together with other units of the Armed Forces, have been prosecuting the war against terrorism, carrying out combat operations, conducting civil affairs missions, and assisting in establishing democracy in Iraq;

Whereas the airborne forces are and will continue to be at the ready and the forefront until the Global War on Terrorism is concluded;

Whereas of the members and former members of the United States combat airborne forces, all have achieved distinction by earning the right to wear the airborne's "Silver Wings of Courage", thousands have achieved the distinction of making combat jumps, 69 have earned the Medal of Honor, and hundreds have earned the Distinguished-Service Cross, Silver Star, or other decorations and awards for displays of such traits as heroism, gallantry, intrepidity, and valor;

Whereas the members and former members of the United States combat airborne forces are members of a proud and honorable fraternity of the profession of arms that is made exclusive by those distinctions which, together with their special skills and achievements, distinguish them as intrepid combat parachutists, special operation forces, and (in former days) glider troops;

Whereas the history and achievements of the members and former members of the airborne forces of the United States Armed Forces warrant special expressions of the gratitude of the American people; and

Whereas, since the airborne community celebrates August 16 as the anniversary of the first official jump by the Army Parachute Test Platoon, August 16 would be an appropriate day to recognize as National Airborne Day: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress urges the President to designate a National Airborne Day.

SENATE CONCURRENT RESOLUTION 81—SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. FEINGOLD (for himself, Ms. SNOWE, Ms. MIKULSKI, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 81

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures, such as leading a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular checkups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, and American Indian-Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services that support women's health research and education and other necessary services that benefit women of all ages, races, and ethnicities;

Whereas National Women's Health Week begins on Mother's Day each year and celebrates the efforts of national and community organizations that work with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2008, the week of May 11 through May 17 is dedicated as National Women's Health Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day on May 12, 2008 by receiving preventive screenings from their healthcare providers; and

(5) recognizes the importance of Federally funded programs that provide research and collect data on diseases that commonly affect women.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4713. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

SA 4714. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4715. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4716. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4717. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4718. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4719. Mr. WICKER (for himself, Mr. MARTINEZ, Mrs. CLINTON, Mr. VITTER, Ms. LANDRIEU, Mr. COCHRAN, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4720. Mr. MCCONNELL (for himself, Mr. DOMENICI, Mr. ROBERTS, Mr. GREGG, Mrs. HUTCHISON, Mr. ISAKSON, Mr. STEVENS, Mr. INHOFE, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Ms. MURKOWSKI, Mr. BOND, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, and Mr. BARRASSO) proposed an amendment to the bill S. 2284, supra.

SA 4721. Mr. ALLARD proposed an amendment to amendment SA 4720 proposed by Mr. MCCONNELL (for himself, Mr. DOMENICI; Mr. ROBERTS, Mr. GREGG, Mrs. HUTCHISON, Mr. ISAKSON, Mr. STEVENS, Mr. INHOFE, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Ms. MURKOWSKI, Mr. BOND, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, and Mr. BARRASSO) to the bill S. 2284, supra.

SA 4722. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4723. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2264, supra; which was ordered to lie on the table.

SA 4725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4726. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4727. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4728. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4729. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4730. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4731. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4732. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4713. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.; which was ordered to lie on the table; as follows:

On page 25, line 2, strike "; and" and insert a semicolon.

On page 25, line 5, strike the period and insert a semicolon.

On page 25, between lines 5 and 6, insert the following:

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

SA 4714. Mr. SCHUMER (for himself, Mrs. CLINTON, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 133. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

"(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

"(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

"(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

"(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

"(A) cover losses only from physical damage resulting from flooding or windstorm; and

"(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

"(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

"(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

"(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

"(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

"(C) the classification, limitation, and rejection of any risks which may be advisable;

"(D) appropriate minimum premiums;

"(E) appropriate loss deductibles; and

"(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

"(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

"(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

"(i) for any single-family dwelling, $500,000;

"(ii) for any structure containing more than 1 dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

"(iii) $150,000 per dwelling unit for—

"(I) any contents related to such unit; and

"(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

"(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

"(i) $1,000,000 for any single structure; and

"(ii) $750,000 for—

"(I) any contents related to such structure; and

"(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

"(8) REQUIREMENT TO CEASE OFFERING COVERAGE IF BORROWING TO PAY CLAIMS.—If at any time the Director utilizes the borrowing authority under section 1309(a) for the purpose of obtaining amounts to pay claims under multiperil coverage made available under this subsection, the Director may not, during the period beginning upon the initial such use of such borrowing authority and ending upon repayment to the Secretary of the Treasury of the full amount of all outstanding notes and obligations issued by the Director for such purpose, together with all interest owed on such notes and obligations, enter into any new policy, or renew any existing policy, for coverage made available under this subsection.

"(9) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.".

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), as amended by section 26, is further amended by adding at the end the following:

"SEC. 1315. PROHIBITION AGAINST DUPLICATIVE COVERAGE.

"Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).".

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting "(a) FLOOD PROTECTION MEASURES.—" before "No new"; and

(2) by adding at the end the following new subsection:

"(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.".

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

"(d) WINDSTORMS.—

"(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

"(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

"(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.".

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking "and" at the end;

(2) in paragraph (15) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.".

SA 4715. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 4 after the first period, insert the following:

"(h) USE OF MAPS TO ESTABLISH RATES FOR CERTAIN COUNTIES.—

"(1) IN GENERAL.—Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Director shall not—

"(A) adjust the chargeable premium rate for flood insurance under this title for any type or class of property located in an area in that District; and

"(B) require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map.

"(2) RULE OF CONSTRUCTION.—For purposes of this subsection, the term 'area' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this title as of the date of enactment of this subsection.".

SA 4716. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. DISASTER ASSISTANCE.

No person shall be eligible to receive disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Small Business Act (15 U.S.C. 631 et seq.) relating to damage to a property located in a 100-year floodplain caused by flooding, unless prior to such flooding that person purchased and maintained flood insurance for that property under the national flood insurance program established under chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

SA 4717. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 6, strike "and".

On page 8, line 9, strike "policy."." and insert the following: "policy; and

"(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

"(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

"(B) in connection with—

"(i) a repetitive loss property; or

"(ii) a severe repetitive loss property, as that term is defined under section 1361A.".

SA 4718. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ______. 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as previously amended by this Act, is further amended—

(1) in subsection (c), by inserting "and subsection (i)" before the first comma; and

(2) by adding at the end the following new subsection:

"(i) 5-YEAR DISCOUNT OF FLOOD INSURANCE RATES FOR FORMERLY PROTECTED AREAS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law relating to chargeable risk premium rates for flood insurance coverage under this title, in the case of any area that previously was not designated as an area having special flood hazards because the area was protected by a flood protection system and that, pursuant to any updating, reviewing, or remapping of flood insurance program rate maps under this Act or any other subsequent Act, becomes designated as such an area as a result of the decertification of such flood protection system, during the 5-year period that begins upon the initial such designation of the area, the chargeable premium rate for flood insurance under this title with respect to any property that prior to the date of enactment of the Homeowner's Flood Insurance Protection Act of 2007 was located within such area shall be equal to 50 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

"(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1), any new property or structure developed, constructed, or otherwise built after the date of enactment of the Homeowner's Flood Insurance Protection Act of 2007 on any property described in such paragraph shall not be eligible for the chargeable premium rate discount under such paragraph.".

SA 4719. Mr. WICKER (for himself, Mr. MARTINEZ, Mrs. CLINTON, Mr. VITTER, Ms. LANDRIEU, Mr. COCHRAN, and Mr. NELSON of Florida) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the end, insert the following:

SEC. ______. MULTIPERIL COVERAGE FOR FLOOD AND WINDSTORM.

(a) IN GENERAL.—Section 1304 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) MULTIPERIL COVERAGE FOR DAMAGE FROM FLOOD OR WINDSTORM.—

"(1) IN GENERAL.—Subject to paragraph (8), the national flood insurance program established pursuant to subsection (a) shall enable the purchase of optional insurance against loss resulting from physical damage to or loss of real property or personal property related thereto located in the United States arising from any flood or windstorm, subject to the limitations in this subsection and section 1306(b).

"(2) COMMUNITY PARTICIPATION REQUIREMENT.—Multiperil coverage pursuant to this subsection may not be provided in any area (or subdivision thereof) unless an appropriate public body shall have adopted adequate mitigation measures (with effective enforcement provisions) which the Director finds are consistent with the criteria for construction described in the International Code Council building codes relating to wind mitigation.

"(3) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Multiperil coverage pursuant to this subsection may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by flood insurance coverage made available under this title.

"(4) NATURE OF COVERAGE.—Multiperil coverage pursuant to this subsection shall—

"(A) cover losses only from physical damage resulting from flooding or windstorm; and

"(B) provide for approval and payment of claims under such coverage upon proof that such loss must have resulted from either windstorm or flooding, but shall not require for approval and payment of a claim that the specific cause of the loss, whether windstorm or flooding, be distinguished or identified.

"(5) ACTUARIAL RATES.—Multiperil coverage pursuant to this subsection shall be made available for purchase for a property only at chargeable risk premium rates that, based on consideration of the risks involved and accepted actuarial principles, and including operating costs and allowance and administrative expenses, are required in order to make such coverage available on an actuarial basis for the type and class of properties covered.

"(6) TERMS OF COVERAGE.—The Director shall, after consultation with persons and entities referred to in section 1306(a), provide by regulation for the general terms and conditions of insurability which shall be applicable to properties eligible for multiperil coverage under this subsection, subject to the provisions of this subsection, including—

"(A) the types, classes, and locations of any such properties which shall be eligible for such coverage, which shall include residential and nonresidential properties;

"(B) subject to paragraph (7), the nature and limits of loss or damage in any areas (or subdivisions thereof) which may be covered by such coverage;

"(C) the classification, limitation, and rejection of any risks which may be advisable;

"(D) appropriate minimum premiums;

"(E) appropriate loss deductibles; and

"(F) any other terms and conditions relating to insurance coverage or exclusion that may be necessary to carry out this subsection.

"(7) LIMITATIONS ON AMOUNT OF COVERAGE.—The regulations issued pursuant to paragraph (6) shall provide that the aggregate liability under multiperil coverage made available under this subsection shall not exceed the lesser of the replacement cost for covered losses or the following amounts, as applicable:

"(A) RESIDENTIAL STRUCTURES.—In the case of residential properties, which shall include structures containing multiple dwelling units that are made available for occupancy by rental (notwithstanding any treatment or classification of such properties for purposes of section 1306(b))—

"(i) for any single-family dwelling, $500,000;

"(ii) for any structure containing more than one dwelling unit, $500,000 for each separate dwelling unit in the structure, which limit, in the case of such a structure containing multiple dwelling units that are made available for occupancy by rental, shall be applied so as to enable any insured or applicant for insurance to receive coverage for the structure up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in this clause; and

"(iii) $150,000 per dwelling unit for—

"(I) any contents related to such unit; and

"(II) any necessary increases in living expenses incurred by the insured when losses from flooding or windstorm make the residence unfit to live in.

"(B) NONRESIDENTIAL PROPERTIES.—In the case of nonresidential properties (including church properties)—

"(i) $1,000,000 for any single structure; and

"(ii) $750,000 for—

"(I) any contents related to such structure; and

"(II) in the case of any nonresidential property that is a business property, any losses resulting from any partial or total interruption of the insured's business caused by damage to, or loss of, such property from flooding or windstorm, except that for purposes of such coverage, losses shall be determined based on the profits the covered business would have earned, based on previous financial records, had the flood or windstorm not occurred.

"(8) EFFECTIVE DATE.—This subsection shall take effect on, and shall apply beginning on, June 30, 2008.".

(b) PROHIBITION AGAINST DUPLICATIVE COVERAGE.—Chapter 1 of The National Flood Insurance Act of 1968 is amended by adding at the end the following:

"PROHIBITION AGAINST DUPLICATIVE COVERAGE

"SEC. 1325. Flood insurance under this title may not be provided with respect to any structure (or the personal property related thereto) for any period during which such structure is covered, at any time, by multiperil insurance coverage made available pursuant to section 1304(c).".

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Section 1316 of the National Flood Insurance Act of 1968 (42 U.S.C. 4023) is amended—

(1) by inserting "(a) FLOOD PROTECTION MEASURES.—" before "No new"; and

(2) by adding at the end the following new subsection:

"(b) WINDSTORM PROTECTION MEASURES.—No new multiperil coverage shall be provided under section 1304(c) for any property that the Director finds has been declared by a duly constituted State or local zoning authority, or other authorized public body to be in violation of State or local laws, regulations, or ordinances, which are intended to reduce damage caused by windstorms.".

(d) CRITERIA FOR LAND MANAGEMENT AND USE.—Section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) is amended by adding at the end the following new subsection:

"(d) WINDSTORMS.—

"(1) STUDIES AND INVESTIGATIONS.—The Director shall carry out studies and investigations under this section to determine appropriate measures in wind events as to wind hazard prevention, and may enter into contracts, agreements, and other appropriate arrangements to carry out such activities. Such studies and investigations shall include laws, regulations, and ordinance relating to the orderly development and use of areas subject to damage from windstorm risks, and zoning building codes, building permits, and subdivision and other building restrictions for such areas.

"(2) CRITERIA.—On the basis of the studies and investigations pursuant to paragraph (1) and such other information as may be appropriate, the Direct shall establish comprehensive criteria designed to encourage, where necessary, the adoption of adequate State and local measures which, to the maximum extent feasible, will assist in reducing damage caused by windstorms, discourage density and intensity or range of use increases in locations subject to windstorm damage, and enforce restrictions on the alteration of wetlands coastal dunes and vegetation and other natural features that are known to prevent or reduce such damage.

"(3) COORDINATION WITH STATE AND LOCAL GOVERNMENTS.—The Director shall work closely with and provide any necessary technical assistance to State, interstate, and local governmental agencies, to encourage the application of criteria established under paragraph (2) and the adoption and enforcement of measures referred to in such paragraph.".

(e) DEFINITIONS.—Section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121) is amended—

(1) in paragraph (14), by striking "and" at the end;

(2) in paragraph (15) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(16) the term 'windstorm' means any hurricane, tornado, cyclone, typhoon, or other wind event.".

SA 4720. Mr. MCCONNELL (for himself, Mr. DOMENICI, Mr. ROBERTS, Mr. GREGG, Mrs. HUTCHISON, Mr. ISAKSON, Mr. STEVENS, Mr. INHOFE, Mr. ALLARD, Mr. BENNETT, Mr. BUNNING, Ms. MURKOWSKI, Mr. BOND, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, and Mr. BARRASSO) proposed an amendment to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

On page 72, line 15, of the bill strike "House of Representatives" and insert: House of Representatives.

SECTION 33. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Energy Production Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendment.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 111. Definitions.
Sec. 112. Leasing program for land within the Coastal Plain.
Sec. 113. Lease sales.
Sec. 114. Grant of leases by the Secretary.
Sec. 115. Lease terms and conditions.
Sec. 116. Coastal plain environmental protection.
Sec. 117. Expedited judicial review.
Sec. 118. Rights-of-way and easements across Coastal Plain.
Sec. 119. Conveyance.
Sec. 120. Local government impact aid and community service assistance.
Sec. 121. Prohibition on exports.
Sec. 122. Allocation of revenues.

Subtitle C—Permitting

Sec. 131. Refinery permitting process.
Sec. 132. Removal of additional fee for new applications for permits to drill.

Subtitle D—Strategic Petroleum Reserve

Sec. 141. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

Subtitle E—Restoration of State Revenue

Sec. 151. Restoration of State revenue.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

Sec. 201. Definition of renewable biomass.
Sec. 202. Advanced battery manufacturing incentive program.
Sec. 203. Biofuels infrastructure and additives research and development.
Sec. 204. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 205. Study of diesel vehicle attributes.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Clean coal-derived fuel program.

Subtitle C—Oil Shale

Sec. 221. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

Sec. 231. Procurement and acquisition of alternative fuels.
Sec. 232. Multiyear contract authority for the Department of Defense for the procurement of synthetic fuels.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: "not later than 90 days after the date of enactment of the Domestic Energy Production Act of 2008"; and

(3) by inserting after clause (i) (as so designated) the following:

"(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

"(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

"(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.".

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

"(B) not more than 200 nautical miles from the geographic center of any leased tract.

"(2) MORATORIUM AREA.—

"(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

"(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

"(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

"(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has, within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

"(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

"(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

"(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

"(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

"(ii) revenues from civil penalties;

"(iii) royalties taken by the Secretary in-kind and not sold;

"(iv) revenues generated from leases subject to section 8(g); or

"(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109–432).

"(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

"(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph (1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

"(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

"(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

"(i) 75 percent to new producing States in accordance with paragraph (2); and

"(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460l–5).

"(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

"(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

"(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

"(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

"(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

"(5) AUTHORIZED USES.—

"(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

"(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

"(ii) Mitigation of damage to fish, wildlife, or natural resources.

"(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

"(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

"(v) Planning assistance and the administrative costs of complying with this section.

"(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

"(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

"(A) be made available, without further appropriation, in accordance with this subsection;

"(B) remain available until expended; and

"(C) be in addition to any amounts appropriated under—

"(i) other provisions of this Act;

"(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.); or

"(iii) any other provision of law.

"(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

"(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

"(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.".

SEC. 103. CONFORMING AMENDMENT.

Sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are repealed.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 111. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term "Coastal Plain" means that area identified as the "1002 Coastal Plain Area" on the map.

(2) FEDERAL AGREEMENT.—The term "Federal Agreement" means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term "map" means the map entitled "Arctic National Wildlife Refuge", dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—Congress authorizes the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 113. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than September 30, 2012, conduct a second lease sale under this subtitle; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 114. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 113 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 115. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 16½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 112(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this subtitle negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 116. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 112, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) North Slope Borough, Alaska; and

(D) the City of Kaktovik, Alaska.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 117. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 118. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 119. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 120. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 122(2), the State of Alaska shall establish in the treasury of the State, and administer in accordance with this section, a fund to be known as the "Coastal Plain Local Government Impact Aid Assistance Fund" (referred to in this section as the "Fund").

(2) DEPOSITS.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, $35,000,000 each year from the amount available under section 122(2)(A).

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the "Governor") shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 121. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this subtitle shall prohibit the exportation of oil or gas produced under the lease.

SEC. 122. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this subtitle:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) The remainder shall be available as follows:

(A) $35,000,000 shall be deposited by the Secretary of the Treasury into the fund created under section 120(a)(1).

(B) The remainder shall be disbursed to the State of Alaska.

Subtitle C—Permitting

SEC. 131. REFINERY PERMITTING PROCESS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PERMIT.—The term "permit" means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term "refiner" means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term "refinery" means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term "refinery" includes an expansion of a refinery.

(6) REFINERY EXPANSION.—The term "refinery expansion" means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term "refinery permitting agreement" means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(8) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(9) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(b) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(5) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(6) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(7) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(8) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (4), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(9) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(10) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(12) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(c) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than 1 year, an interim report on actions taken to carry out this subsection; and

(B) not later than 2 years, a final report on actions taken to carry out this subsection.

SEC. 132. REMOVAL OF ADDITIONAL FEE FOR NEW APPLICATIONS FOR PERMITS TO DRILL.

The second undesignated paragraph of the matter under the heading "MANAGEMENT OF LANDS AND RESOURCES" under the heading "BUREAU OF LAND MANAGEMENT" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2098) is amended by striking "to be reduced" and all that follows through "each new application,".

Subtitle D—Strategic Petroleum Reserve

SEC. 141. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the 180-day period beginning on the date of enactment of this Act—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Effective beginning on the day after the end of the period described in subsection (a)—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

Subtitle E—Restoration of State Revenue

SEC. 151. RESTORATION OF STATE REVENUE.

The matter under the heading "ADMINISTRATIVE PROVISIONS" under the heading "MINERALS MANAGEMENT SERVICE" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109) is amended by striking "Notwithstanding" and all that follows through "Treasury.".

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

"(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

"(i) nonmerchantable materials or precommercial thinnings that—

"(I) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

"(aa) to reduce hazardous fuels;

"(bb) to reduce or contain disease or insect infestation; or

"(cc) to restore forest health;

"(II) would not otherwise be used for higher-value products; and

"(III) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

"(aa) where permitted by law; and

"(bb) in accordance with applicable land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

"(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

"(I) renewable plant material, including—

"(aa) feed grains;

"(bb) other agricultural commodities;

"(cc) other plants and trees; and

"(dd) algae; and

"(II) waste material, including—

"(aa) crop residue;

"(bb) other vegetative waste material (including wood waste and wood residues);

"(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

"(dd) food waste and yard waste.".

SEC. 202. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term "advanced battery" means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

SEC. 203. BIOFUELS INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Assistant Administrator of the Office of Research and Development of the Environmental Protection Agency (referred to in this section as the "Assistant Administrator"), in consultation with the Secretary and the National Institute of Standards and Technology, shall carry out a program of research and development of materials to be added to biofuels to make the biofuels more compatible with infrastructure used to store and deliver petroleum-based fuels to the point of final sale.

(b) REQUIREMENTS.—In carrying out the program described in subsection (a), the Assistant Administrator shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties relating to low temperatures;

(F) oxidative and thermal instability in long-term storage and use; and

(G) microbial contamination;

(2) problems associated with electrical conductivity;

(3) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications;

(4) strategies to minimize emissions from infrastructure;

(5) issues with respect to certification by a nationally recognized testing laboratory of components for fuel-dispensing devises that specifically reference compatibility with alcohol-blended fuels and other biofuels that contain greater than 15 percent alcohol;

(6) challenges for design, reforming, storage, handling, and dispensing hydrogen fuel from various feedstocks, including biomass, from neighborhood fueling stations, including codes and standards development necessary beyond that carried out under section 809 of the Energy Policy Act of 2005 (42 U.S.C. 16158);

(7) issues with respect to at which point in the fuel supply chain additives optimally should be added to fuels; and

(8) other problems, as identified by the Assistant Administrator, in consultation with the Secretary and the National Institute of Standards and Technology.

SEC. 204. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment; and

(7) an evaluation of the impacts of increased use of renewable fuels derived from food crops on the price and supply of agricultural commodities in both domestic and global markets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 205. STUDY OF DIESEL VEHICLE ATTRIBUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study to identify—

(1) the environmental and efficiency attributes of diesel-fueled vehicles as the vehicles compare to comparable gasoline fueled, E-85 fueled, and hybrid vehicles;

(2) the technical, economic, regulatory, environmental, and other obstacles to increasing the usage of diesel-fueled vehicles;

(3) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified under paragraph (2); and

(4) the costs and benefits associated with reducing or eliminating the obstacles identified under paragraph (2).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Clean Coal-Derived Fuels for Energy Security Act of 2008".

SEC. 212. DEFINITIONS.

In this subtitle:

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term "clean coal-derived fuel" means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility.

(B) INCLUSIONS.—The term "clean coal-derived fuel" may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term "covered fuel" means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 213. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline; and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2015 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2015 through 2022 shall be determined in accordance with the following table:

Calendar year:	**Applicable volume of clean coal-derived fuel (in billions of gallons):**
2015	0.75
2016	1.5
2017	2.25
2018	3.00
2019	3.75
2020	4.5
2021	5.25
2022	6.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF CERTAIN FUEL SALES.—Not later than October 31 of each of calendar years 2015 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the clean coal-derived fuel requirement of this section.

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

Subtitle C—Oil Shale

SEC. 221. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

SEC. 231. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 232. MULTIYEAR CONTRACT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PROCUREMENT OF SYNTHETIC FUELS.

(a) MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF SYNTHETIC FUELS AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410r. Multiyear contract authority: purchase of synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts for a period not to exceed 25 years for the purchase of synthetic fuels.

"(b) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

"(2) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(B) is produced by chemical or physical transformation of domestic sources of energy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410r. Multiyear contract authority: purchase of synthetic fuels.".

(b) REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of synthetic fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are prescribed.

SA 4721. Mr. ALLARD proposed an amendment to amendment SA 4720 proposed by Mr. MCCONNELL to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency to the flood insurance fund, and for other purposes; as follows:

On Page 1, strike all after "TITLE I—TRADITIONAL RESOURCES" and insert:

Subtitle A—Outer Continental Shelf

Sec. 101. Publication of projected State lines on outer Continental Shelf.
Sec. 102. Production of oil and natural gas in new producing areas.
Sec. 103. Conforming amendment.

Subtitle B—Leasing Program for Land Within Coastal Plain

Sec. 111. Definitions.
Sec. 112. Leasing program for land within the Coastal Plain.
Sec. 113. Lease sales.
Sec. 114. Grant of leases by the Secretary.
Sec. 115. Lease terms and conditions.
Sec. 116. Coastal plain environmental protection.
Sec. 117. Expedited judicial review.
Sec. 118. Rights-of-way and easements across Coastal Plain.
Sec. 119. Conveyance.
Sec. 120. Local government impact aid and community service assistance.
Sec. 121. Prohibition on exports.
Sec. 122. Allocation of revenues.

Subtitle C—Permitting

Sec. 131. Refinery permitting process.
Sec. 132. Removal of additional fee for new applications for permits to drill.

Subtitle D—Strategic Petroleum Reserve

Sec. 141. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

Subtitle E—Restoration of State Revenue

Sec. 151. Restoration of State revenue.

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

Sec. 201. Definition of renewable biomass.
Sec. 202. Advanced battery manufacturing incentive program.
Sec. 203. Biofuels infrastructure and additives research and development.
Sec. 204. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 205. Study of diesel vehicle attributes.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

Sec. 211. Short title.
Sec. 212. Definitions.
Sec. 213. Clean coal-derived fuel program.

Subtitle C—Oil Shale

Sec. 221. Removal of prohibition on final regulations for commercial leasing program for oil shale resources on public land.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

Sec. 231. Procurement and acquisition of alternative fuels.
Sec. 232. Multiyear contract authority for the Department of Defense for the procurement of synthetic fuels.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

TITLE I—TRADITIONAL RESOURCES

Subtitle A—Outer Continental Shelf

SEC. 101. PUBLICATION OF PROJECTED STATE LINES ON OUTER CONTINENTAL SHELF.

Section 4(a)(2)(A) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333(a)(2)(A)) is amended—

(1) by designating the first, second, and third sentences as clause (i), (iii), and (iv), respectively;

(2) in clause (i) (as so designated), by inserting before the period at the end the following: "not later than 90 days after the date of enactment of the Domestic Energy Production Act of 2008"; and

(3) by inserting after clause (i) (as so designated) the following:

"(ii)(I) The projected lines shall also be used for the purpose of preleasing and leasing activities conducted in new producing areas under section 32.

"(II) This clause shall not affect any property right or title to Federal submerged land on the outer Continental Shelf.

"(III) In carrying out this clause, the President shall consider the offshore administrative boundaries beyond State submerged lands for planning, coordination, and administrative purposes of the Department of the Interior, but may establish different boundaries.".

SEC. 102. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:

"SEC. 32. PRODUCTION OF OIL AND NATURAL GAS IN NEW PRODUCING AREAS.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL POLITICAL SUBDIVISION.—The term 'coastal political subdivision' means a political subdivision of a new producing State any part of which political subdivision is—

"(A) within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the new producing State as of the date of enactment of this section; and

"(B) not more than 200 nautical miles from the geographic center of any leased tract.

"(2) MORATORIUM AREA.—

"(A) IN GENERAL.—The term 'moratorium area' means an area covered by sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2118) (as in effect on the day before the date of enactment of this section).

"(B) EXCLUSION.—The term 'moratorium area' does not include an area located in the Gulf of Mexico.

"(3) NEW PRODUCING AREA.—The term 'new producing area' means any moratorium area within the offshore administrative boundaries beyond the submerged land of a State that is located greater than 50 miles from the coastline of the State.

"(4) NEW PRODUCING STATE.—The term 'new producing State' means a State that has within the offshore administrative boundaries beyond the submerged land of the State, a new producing area available for oil and gas leasing under subsection (b).

"(5) OFFSHORE ADMINISTRATIVE BOUNDARIES.—The term 'offshore administrative boundaries' means the administrative boundaries established by the Secretary beyond State submerged land for planning, coordination, and administrative purposes of the Department of the Interior and published in the Federal Register on January 3, 2006 (71 Fed. Reg. 127).

"(6) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—

"(A) IN GENERAL.—The term 'qualified outer Continental Shelf revenues' means all rentals, royalties, bonus bids, and other sums due and payable to the United States from leases entered into on or after the date of enactment of this section for new producing areas.

"(B) EXCLUSIONS.—The term 'qualified outer Continental Shelf revenues' does not include—

"(i) revenues from a bond or other surety forfeited for obligations other than the collection of royalties;

"(ii) revenues from civil penalties;

"(iii) royalties taken by the Secretary in-kind and not sold;

"(iv) revenues generated from leases subject to section 8(g); or

"(v) any revenues considered qualified outer Continental Shelf revenues under section 102 of the Gulf of Mexico Energy Security Act of 2006 (43 U.S.C. 1331 note; Public Law 109-432).

"(b) PETITION FOR LEASING NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Beginning on the date on which the President delineates projected State lines under section 4(a)(2)(A)(ii), the Governor of a State with a new producing area within the offshore administrative boundaries beyond the submerged land of the State may submit to the Secretary a petition requesting that the Secretary make the new producing area available for oil and gas leasing.

"(2) ACTION BY SECRETARY.—Notwithstanding section 18, as soon as practicable after receipt of a petition under paragraph

(1), the Secretary shall approve the petition if the Secretary determines that leasing the new producing area would not create an unreasonable risk of harm to the marine, human, or coastal environment.

"(c) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM NEW PRODUCING AREAS.—

"(1) IN GENERAL.—Notwithstanding section 9 and subject to the other provisions of this subsection, for each applicable fiscal year, the Secretary of the Treasury shall deposit—

"(A) 50 percent of qualified outer Continental Shelf revenues in the general fund of the Treasury; and

"(B) 50 percent of qualified outer Continental Shelf revenues in a special account in the Treasury from which the Secretary shall disburse—

"(i) 75 percent to new producing States in accordance with paragraph (2); and

"(ii) 25 percent to provide financial assistance to States in accordance with section 6 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l* –8), which shall be considered income to the Land and Water Conservation Fund for purposes of section 2 of that Act (16 U.S.C. 460*l*–5).

"(2) ALLOCATION TO NEW PRODUCING STATES AND COASTAL POLITICAL SUBDIVISIONS.—

"(A) ALLOCATION TO NEW PRODUCING STATES.—Effective for fiscal year 2008 and each fiscal year thereafter, the amount made available under paragraph (1)(B)(i) shall be allocated to each new producing State in amounts (based on a formula established by the Secretary by regulation) proportional to the amount of qualified outer Continental Shelf revenues generated in the new producing area offshore each State.

"(B) PAYMENTS TO COASTAL POLITICAL SUBDIVISIONS.—

"(i) IN GENERAL.—The Secretary shall pay 20 percent of the allocable share of each new producing State, as determined under subparagraph (A), to the coastal political subdivisions of the new producing State.

"(ii) ALLOCATION.—The amount paid by the Secretary to coastal political subdivisions shall be allocated to each coastal political subdivision in accordance with subparagraphs (B) and (C) of section 31(b)(4).

"(3) MINIMUM ALLOCATION.—The amount allocated to a new producing State for each fiscal year under paragraph (2) shall be at least 5 percent of the amounts available under for the fiscal year under paragraph (1)(B)(i).

"(4) TIMING.—The amounts required to be deposited under subparagraph (B) of paragraph (1) for the applicable fiscal year shall be made available in accordance with that subparagraph during the fiscal year immediately following the applicable fiscal year.

"(5) AUTHORIZED USES.—

"(A) IN GENERAL.—Subject to subparagraph (B), each new producing State and coastal political subdivision shall use all amounts received under paragraph (2) in accordance with all applicable Federal and State laws, only for 1 or more of the following purposes:

"(i) Projects and activities for the purposes of coastal protection, including conservation, coastal restoration, hurricane protection, and infrastructure directly affected by coastal wetland losses.

"(ii) Mitigation of damage to fish, wildlife, or natural resources.

"(iii) Implementation of a federally-approved marine, coastal, or comprehensive conservation management plan.

"(iv) Mitigation of the impact of outer Continental Shelf activities through the funding of onshore infrastructure projects.

"(v) Planning assistance and the administrative costs of complying with this section.

"(B) LIMITATION.—Not more than 3 percent of amounts received by a new producing State or coastal political subdivision under paragraph (2) may be used for the purposes described in subparagraph (A)(v).

"(6) ADMINISTRATION.—Amounts made available under paragraph (1)(B) shall—

"(A) be made available, without further appropriation, in accordance with this subsection;

"(B) remain available until expended; and

"(C) be in addition to any amounts appropriated under—

"(i) other provisions of this Act;

"(ii) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*-4 et seq.); or

"(iii) any other provision of law.

"(d) DISPOSITION OF QUALIFIED OUTER CONTINENTAL SHELF REVENUES FROM OTHER AREAS.—Notwithstanding section 9, for each applicable fiscal year, the terms and conditions of subsection (c) shall apply to the disposition of qualified outer Continental Shelf revenues that—

"(1) are derived from oil or gas leasing in an area that is not included in the current 5-year plan of the Secretary for oil or gas leasing; and

"(2) are not assumed in the budget of the United States Government submitted by the President under section 1105 of title 31, United States Code.".

SEC. 103. CONFORMING AMENDMENT.

Sections 104 through 105 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2118) are repealed.

Subtitle B—Leasing Program for Land Within Coastal Plain

SEC. 111. DEFINITIONS.

In this subtitle:

(1) COASTAL PLAIN.—The term "Coastal Plain" means that area identified as the "1002 Coastal Plain Area" on the map.

(2) FEDERAL AGREEMENT.—The term "Federal Agreement" means the Federal Agreement and Grant Right-of-Way for the Trans-Alaska Pipeline issued on January 23, 1974, in accordance with section 28 of the Mineral Leasing Act (30 U.S.C. 185) and the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1651 et seq.).

(3) FINAL STATEMENT.—The term "Final Statement" means the final legislative environmental impact statement on the Coastal Plain, dated April 1987, and prepared pursuant to section 1002 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3142) and section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(4) MAP.—The term "map" means the map entitled "Arctic National Wildlife Refuge", dated September 2005, and prepared by the United States Geological Survey.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior (or the designee of the Secretary), acting through the Director of the Bureau of Land Management in consultation with the Director of the United States Fish and Wildlife Service and in coordination with a State coordinator appointed by the Governor of the State of Alaska.

SEC. 112. LEASING PROGRAM FOR LAND WITHIN THE COASTAL PLAIN.

(a) IN GENERAL.—

(1) AUTHORIZATION.—Congress authorizes the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain.

(2) ACTIONS.—The Secretary shall take such actions as are necessary—

(A) to establish and implement, in accordance with this subtitle, a competitive oil and gas leasing program that will result in an environmentally sound program for the exploration, development, and production of the oil and gas resources of the Coastal Plain while taking into consideration the interests and concerns of residents of the Coastal Plain, which is the homeland of the Kaktovikmiut Inupiat; and

(B) to administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, and other provisions that—

(i) ensure the oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, their habitat, subsistence resources, and the environment; and

(ii) require the application of the best commercially available technology for oil and gas exploration, development, and production to all exploration, development, and production operations under this subtitle in a manner that ensures the receipt of fair market value by the public for the mineral resources to be leased.

(b) REPEAL.—

(1) REPEAL.—Section 1003 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3143) is repealed.

(2) CONFORMING AMENDMENT.—The table of contents contained in section 1 of that Act (16 U.S.C. 3101 note) is amended by striking the item relating to section 1003.

(c) COMPLIANCE WITH REQUIREMENTS UNDER CERTAIN OTHER LAWS.—

(1) COMPATIBILITY.—For purposes of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.)—

(A) the oil and gas pre-leasing and leasing program, and activities authorized by this section in the Coastal Plain, shall be considered to be compatible with the purposes for which the Arctic National Wildlife Refuge was established; and

(B) no further findings or decisions shall be required to implement that program and those activities.

(2) ADEQUACY OF THE DEPARTMENT OF THE INTERIOR'S LEGISLATIVE ENVIRONMENTAL IMPACT STATEMENT.—The Final Statement shall be considered to satisfy the requirements under the National Environmental Policy Act of 1939 (42 U.S.C. 4321 et seq.) that apply with respect to pre-leasing activities, including exploration programs and actions authorized to be taken by the Secretary to develop and promulgate the regulations for the establishment of a leasing program authorized by this subtitle before the conduct of the first lease sale.

(3) COMPLIANCE WITH NEPA FOR OTHER ACTIONS.—

(A) IN GENERAL.—Before conducting the first lease sale under this subtitle, the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the actions authorized by this subtitle that are not referred to in paragraph (2).

(B) IDENTIFICATION AND ANALYSIS.—Notwithstanding any other provision of law, in carrying out this paragraph, the Secretary shall not be required—

(i) to identify nonleasing alternative courses of action; or

(ii) to analyze the environmental effects of those courses of action.

(C) IDENTIFICATION OF PREFERRED ACTION.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(i) identify only a preferred action and a single leasing alternative for the first lease sale authorized under this subtitle; and

(ii) analyze the environmental effects and potential mitigation measures for those 2 alternatives.

(D) PUBLIC COMMENTS.—In carrying out this paragraph, the Secretary shall consider only public comments that are filed not later than 20 days after the date of publication of a draft environmental impact statement.

(E) EFFECT OF COMPLIANCE.—Notwithstanding any other provision of law, compliance with this paragraph shall be considered to satisfy all requirements for the analysis and consideration of the environmental effects of proposed leasing under this subtitle.

(d) RELATIONSHIP TO STATE AND LOCAL AUTHORITY.—Nothing in this subtitle expands or limits any State or local regulatory authority.

(e) SPECIAL AREAS.—

(1) DESIGNATION.—

(A) IN GENERAL.—The Secretary, after consultation with the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, may designate not more than 45,000 acres of the Coastal Plain as a special area if the Secretary determines that the special area would be of such unique character and interest as to require special management and regulatory protection.

(B) SADLEROCHIT SPRING AREA.—The Secretary shall designate as a special area in accordance with subparagraph (A) the Sadlerochit Spring area, comprising approximately 4,000 acres as depicted on the map.

(2) MANAGEMENT.—The Secretary shall manage each special area designated under this subsection in a manner that—

(A) respects and protects the Native people of the area; and

(B) preserves the unique and diverse character of the area, including fish, wildlife, subsistence resources, and cultural values of the area.

(3) EXCLUSION FROM LEASING OR SURFACE OCCUPANCY.—

(A) IN GENERAL.—The Secretary may exclude any special area designated under this subsection from leasing.

(B) NO SURFACE OCCUPANCY.—If the Secretary leases all or a portion of a special area for the purposes of oil and gas exploration, development, production, and related activities, there shall be no surface occupancy of the land comprising the special area.

(4) DIRECTIONAL DRILLING.—Notwithstanding any other provision of this subsection, the Secretary may lease all or a portion of a special area under terms that permit the use of horizontal drilling technology from sites on leases located outside the special area.

(f) LIMITATION ON CLOSED AREAS.—The Secretary may not close land within the Coastal Plain to oil and gas leasing or to exploration, development, or production except in accordance with this subtitle.

(g) REGULATIONS.—

(1) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, in consultation with appropriate agencies of the State of Alaska, the North Slope Borough, Alaska, and the City of Kaktovik, Alaska, the Secretary shall issue such regulations as are necessary to carry out this subtitle, including rules and regulations relating to protection of the fish and wildlife, fish and wildlife habitat, and subsistence resources of the Coastal Plain.

(2) REVISION OF REGULATIONS.—The Secretary may periodically review and, as appropriate, revise the rules and regulations issued under paragraph (1) to reflect any significant scientific or engineering data that come to the attention of the Secretary.

SEC. 113. LEASE SALES.

(a) IN GENERAL.—Land may be leased pursuant to this subtitle to any person qualified to obtain a lease for deposits of oil and gas under the Mineral Leasing Act (30 U.S.C. 181 et seq.).

(b) PROCEDURES.—The Secretary shall, by regulation, establish procedures for—

(1) receipt and consideration of sealed nominations for any area in the Coastal Plain for inclusion in, or exclusion (as provided in subsection (c)) from, a lease sale;

(2) the holding of lease sales after that nomination process; and

(3) public notice of and comment on designation of areas to be included in, or excluded from, a lease sale.

(c) LEASE SALE BIDS.—Bidding for leases under this subtitle shall be by sealed competitive cash bonus bids.

(d) ACREAGE MINIMUM IN FIRST SALE.—For the first lease sale under this subtitle, the Secretary shall offer for lease those tracts the Secretary considers to have the greatest potential for the discovery of hydrocarbons, taking into consideration nominations received pursuant to subsection (b)(1), but in no case less than 200,000 acres.

(e) TIMING OF LEASE SALES.—The Secretary shall—

(1) not later than 22 months after the date of enactment of this Act, conduct the first lease sale under this subtitle;

(2) not later than September 30, 2012, conduct a second lease sale under this subtitle; and

(3) conduct additional sales at appropriate intervals if sufficient interest in exploration or development exists to warrant the conduct of the additional sales.

SEC. 114. GRANT OF LEASES BY THE SECRETARY.

(a) IN GENERAL.—Upon payment by a lessee of such bonus as may be accepted by the Secretary, the Secretary may grant to the highest responsible qualified bidder in a lease sale conducted pursuant to section 113 a lease for any land on the Coastal Plain.

(b) SUBSEQUENT TRANSFERS.—

(1) IN GENERAL.—No lease issued under this subtitle may be sold, exchanged, assigned, sublet, or otherwise transferred except with the approval of the Secretary.

(2) CONDITION FOR APPROVAL.—Before granting any approval described in paragraph (1), the Secretary shall consult with and give due consideration to the opinion of the Attorney General.

SEC. 115. LEASE TERMS AND CONDITIONS.

(a) IN GENERAL.—An oil or gas lease issued pursuant to this subtitle shall—

(1) provide for the payment of a royalty of not less than 16½ percent of the amount or value of the production removed or sold from the lease, as determined by the Secretary in accordance with regulations applicable to other Federal oil and gas leases;

(2) provide that the Secretary may close, on a seasonal basis, such portions of the Coastal Plain to exploratory drilling activities as are necessary to protect caribou calving areas and other species of fish and wildlife;

(3) require that each lessee of land within the Coastal Plain shall be fully responsible and liable for the reclamation of land within the Coastal Plain and any other Federal land that is adversely affected in connection with exploration, development, production, or transportation activities within the Coastal Plain conducted by the lessee or by any of the subcontractors or agents of the lessee;

(4) provide that the lessee may not delegate or convey, by contract or otherwise, that reclamation responsibility and liability to another person without the express written approval of the Secretary;

(5) provide that the standard of reclamation for land required to be reclaimed under this subtitle shall be, to the maximum extent practicable—

(A) a condition capable of supporting the uses that the land was capable of supporting prior to any exploration, development, or production activities; or

(B) upon application by the lessee, to a higher or better standard, as approved by the Secretary;

(6) contain terms and conditions relating to protection of fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment as required under section 112(a)(2);

(7) provide that each lessee, and each agent and contractor of a lessee, use their best efforts to provide a fair share of employment and contracting for Alaska Natives and Alaska Native Corporations from throughout the State of Alaska, as determined by the level of obligation previously agreed to in the Federal Agreement; and

(8) contain such other provisions as the Secretary determines to be necessary to ensure compliance with this subtitle and regulations issued under this subtitle.

(b) PROJECT LABOR AGREEMENTS.—The Secretary, as a term and condition of each lease under this subtitle, and in recognizing the proprietary interest of the Federal Government in labor stability and in the ability of construction labor and management to meet the particular needs and conditions of projects to be developed under the leases issued pursuant to this subtitle (including the special concerns of the parties to those leases), shall require that each lessee, and each agent and contractor of a lessee, under this subtitle negotiate to obtain a project labor agreement for the employment of laborers and mechanics on production, maintenance, and construction under the lease.

SEC. 116. COASTAL PLAIN ENVIRONMENTAL PROTECTION.

(a) NO SIGNIFICANT ADVERSE EFFECT STANDARD TO GOVERN AUTHORIZED COASTAL PLAIN ACTIVITIES.—In accordance with section 112, the Secretary shall administer this subtitle through regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other provisions that—

(1) ensure, to the maximum extent practicable, that oil and gas exploration, development, and production activities on the Coastal Plain will result in no significant adverse effect on fish and wildlife, fish and wildlife habitat, and the environment;

(2) require the application of the best commercially available technology for oil and gas exploration, development, and production on all new exploration, development, and production operations; and

(3) ensure that the maximum surface acreage covered in connection with the leasing program by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.

(b) SITE-SPECIFIC ASSESSMENT AND MITIGATION.—The Secretary shall require, with respect to any proposed drilling and related activities on the Coastal Plain, that—

(1) a site-specific environmental analysis be made of the probable effects, if any, that

the drilling or related activities will have on fish and wildlife, fish and wildlife habitat, subsistence resources, subsistence uses, and the environment;

(2) a plan be implemented to avoid, minimize, and mitigate (in that order and to the maximum extent practicable) any significant adverse effect identified under paragraph (1); and

(3) the development of the plan occur after consultation with—

(A) each agency having jurisdiction over matters mitigated by the plan;

(B) the State of Alaska;

(C) North Slope Borough, Alaska; and

(D) the City of Kaktovik, Alaska.

(c) REGULATIONS TO PROTECT COASTAL PLAIN FISH AND WILDLIFE RESOURCES, SUBSISTENCE USERS, AND THE ENVIRONMENT.—Before implementing the leasing program authorized by this subtitle, the Secretary shall prepare and issue regulations, lease terms, conditions, restrictions, prohibitions, stipulations, or other measures designed to ensure, to the maximum extent practicable, that the activities carried out on the Coastal Plain under this subtitle are conducted in a manner consistent with the purposes and environmental requirements of this subtitle.

(d) COMPLIANCE WITH FEDERAL AND STATE ENVIRONMENTAL LAWS AND OTHER REQUIREMENTS.—The proposed regulations, lease terms, conditions, restrictions, prohibitions, and stipulations for the leasing program under this subtitle shall require—

(1) compliance with all applicable provisions of Federal and State environmental law (including regulations);

(2) implementation of and compliance with—

(A) standards that are at least as effective as the safety and environmental mitigation measures, as described in items 1 through 29 on pages 167 through 169 of the Final Statement, on the Coastal Plain;

(B) seasonal limitations on exploration, development, and related activities, as necessary, to avoid significant adverse effects during periods of concentrated fish and wildlife breeding, denning, nesting, spawning, and migration;

(C) design safety and construction standards for all pipelines and any access and service roads that minimize, to the maximum extent practicable, adverse effects on—

(i) the passage of migratory species (such as caribou); and

(ii) the flow of surface water by requiring the use of culverts, bridges, or other structural devices;

(D) prohibitions on general public access to, and use of, all pipeline access and service roads;

(E) stringent reclamation and rehabilitation requirements in accordance with this subtitle for the removal from the Coastal Plain of all oil and gas development and production facilities, structures, and equipment on completion of oil and gas production operations, except in a case in which the Secretary determines that those facilities, structures, or equipment—

(i) would assist in the management of the Arctic National Wildlife Refuge; and

(ii) are donated to the United States for that purpose;

(F) appropriate prohibitions or restrictions on—

(i) access by all modes of transportation;

(ii) sand and gravel extraction; and

(iii) use of explosives;

(G) reasonable stipulations for protection of cultural and archaeological resources;

(H) measures to protect groundwater and surface water, including—

(i) avoidance, to the maximum extent practicable, of springs, streams, and river systems;

(ii) the protection of natural surface drainage patterns and wetland and riparian habitats; and

(iii) the regulation of methods or techniques for developing or transporting adequate supplies of water for exploratory drilling; and

(I) research, monitoring, and reporting requirements;

(3) that exploration activities (except surface geological studies) be limited to the period between approximately November 1 and May 1 of each year and be supported, if necessary, by ice roads, winter trails with adequate snow cover, ice pads, ice airstrips, and air transport methods (except that those exploration activities may be permitted at other times if the Secretary determines that the exploration will have no significant adverse effect on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment of the Coastal Plain);

(4) consolidation of facility siting;

(5) avoidance or reduction of air traffic-related disturbance to fish and wildlife;

(6) treatment and disposal of hazardous and toxic wastes, solid wastes, reserve pit fluids, drilling muds and cuttings, and domestic wastewater, including, in accordance with applicable Federal and State environmental laws (including regulations)—

(A) preparation of an annual waste management report;

(B) development and implementation of a hazardous materials tracking system; and

(C) prohibition on the use of chlorinated solvents;

(7) fuel storage and oil spill contingency planning;

(8) conduct of periodic field crew environmental briefings;

(9) avoidance of significant adverse effects on subsistence hunting, fishing, and trapping;

(10) compliance with applicable air and water quality standards;

(11) appropriate seasonal and safety zone designations around well sites, within which subsistence hunting and trapping shall be limited; and

(12) development and implementation of such other protective environmental requirements, restrictions, terms, or conditions as the Secretary, after consultation with the State of Alaska, North Slope Borough, Alaska, and the City of Kaktovik, Alaska, determines to be necessary.

(e) CONSIDERATIONS.—In preparing and issuing regulations, lease terms, conditions, restrictions, prohibitions, or stipulations under this section, the Secretary shall take into consideration—

(1) the stipulations and conditions that govern the National Petroleum Reserve-Alaska leasing program, as set forth in the 1999 Northeast National Petroleum Reserve-Alaska Final Integrated Activity Plan/Environmental Impact Statement;

(2) the environmental protection standards that governed the initial Coastal Plain seismic exploration program under parts 37.31 through 37.33 of title 50, Code of Federal Regulations (or successor regulations); and

(3) the land use stipulations for exploratory drilling on the KIC-ASRC private land described in Appendix 2 of the agreement between Arctic Slope Regional Corporation and the United States dated August 9, 1983.

(f) FACILITY CONSOLIDATION PLANNING.—

(1) IN GENERAL.—After providing for public notice and comment, the Secretary shall prepare and periodically update a plan to govern, guide, and direct the siting and construction of facilities for the exploration, development, production, and transportation of oil and gas resources from the Coastal Plain.

(2) OBJECTIVES.—The objectives of the plan shall be—

(A) the avoidance of unnecessary duplication of facilities and activities;

(B) the encouragement of consolidation of common facilities and activities;

(C) the location or confinement of facilities and activities to areas that will minimize impact on fish and wildlife, fish and wildlife habitat, subsistence resources, and the environment;

(D) the use of existing facilities, to the maximum extent practicable; and

(E) the enhancement of compatibility between wildlife values and development activities.

(g) ACCESS TO PUBLIC LAND.—The Secretary shall—

(1) manage public land in the Coastal Plain in accordance with subsections (a) and (b) of section 811 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3121); and

(2) ensure that local residents shall have reasonable access to public land in the Coastal Plain for traditional uses.

SEC. 117. EXPEDITED JUDICIAL REVIEW.

(a) FILING OF COMPLAINTS.—

(1) DEADLINE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed—

(A) except as provided in subparagraph (B), during the 90-day period beginning on the date on which the action being challenged was carried out; or

(B) in the case of a complaint based solely on grounds arising after the 90-day period described in subparagraph (A), during the 90-day period beginning on the date on which the complainant knew or reasonably should have known about the grounds for the complaint.

(2) VENUE.—A complaint seeking judicial review of a provision of this subtitle or an action of the Secretary under this subtitle shall be filed in the United States Court of Appeals for the District of Columbia.

(3) SCOPE.—

(A) IN GENERAL.—Judicial review of a decision of the Secretary under this subtitle (including an environmental analysis of such a lease sale) shall be—

(i) limited to a review of whether the decision is in accordance with this subtitle; and

(ii) based on the administrative record of the decision.

(B) PRESUMPTIONS.—Any identification by the Secretary of a preferred course of action relating to a lease sale, and any analysis by the Secretary of environmental effects, under this subtitle shall be presumed to be correct unless proven otherwise by clear and convincing evidence.

(b) LIMITATION ON OTHER REVIEW.—Any action of the Secretary that is subject to judicial review under this section shall not be subject to judicial review in any civil or criminal proceeding for enforcement.

SEC. 118. RIGHTS-OF-WAY AND EASEMENTS ACROSS COASTAL PLAIN.

For purposes of section 1102(4)(A) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3162(4)(A)), any rights-of-way or easements across the Coastal Plain for the exploration, development, production, or transportation of oil and gas shall be considered to be established incident to the management of the Coastal Plain under this section.

SEC. 119. CONVEYANCE.

Notwithstanding section 1302(h)(2) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3192(h)(2)), to remove any cloud on title to land, and to clarify land ownership patterns in the Coastal Plain, the Secretary shall—

(1) to the extent necessary to fulfill the entitlement of the Kaktovik Inupiat Corporation under sections 12 and 14 of the Alaska Native Claims Settlement Act (43 U.S.C. 1611, 1613), as determined by the Secretary, convey to that Corporation the surface estate of the land described in paragraph (1) of Public Land Order 6959, in accordance with the terms and conditions of the agreement between the Secretary, the United States Fish and Wildlife Service, the Bureau of Land Management, and the Kaktovik Inupiat Corporation, dated January 22, 1993; and

(2) convey to the Arctic Slope Regional Corporation the remaining subsurface estate to which that Corporation is entitled under the agreement between that corporation and the United States, dated August 9, 1983.

SEC. 120. LOCAL GOVERNMENT IMPACT AID AND COMMUNITY SERVICE ASSISTANCE.

(a) ESTABLISHMENT OF FUND.—

(1) IN GENERAL.—As a condition on the receipt of funds under section 122(2), the State of Alaska shall establish in the treasury of the State, and administer in accordance with this section, a fund to be known as the "Coastal Plain Local Government Impact Aid Assistance Fund" (referred to in this section as the "Fund").

(2) DEPOSITS.—Subject to paragraph (1), the Secretary of the Treasury shall deposit into the Fund, $35,000,000 each year from the amount available under section 122(2)(A).

(3) INVESTMENT.—The Governor of the State of Alaska (referred to in this section as the "Governor") shall invest amounts in the Fund in interest-bearing securities of the United States or the State of Alaska.

(b) ASSISTANCE.—The Governor, in cooperation with the Mayor of the North Slope Borough, shall use amounts in the Fund to provide assistance to North Slope Borough, Alaska, the City of Kaktovik, Alaska, and any other borough, municipal subdivision, village, or other community in the State of Alaska that is directly impacted by exploration for, or the production of, oil or gas on the Coastal Plain under this subtitle, or any Alaska Native Regional Corporation acting on behalf of the villages and communities within its region whose lands lie along the right of way of the Trans Alaska Pipeline System, as determined by the Governor.

(c) APPLICATION.—

(1) IN GENERAL.—To receive assistance under subsection (b), a community or Regional Corporation described in that subsection shall submit to the Governor, or to the Mayor of the North Slope Borough, an application in such time, in such manner, and containing such information as the Governor may require.

(2) ACTION BY NORTH SLOPE BOROUGH.—The Mayor of the North Slope Borough shall submit to the Governor each application received under paragraph (1) as soon as practicable after the date on which the application is received.

(3) ASSISTANCE OF GOVERNOR.—The Governor shall assist communities in submitting applications under this subsection, to the maximum extent practicable.

(d) USE OF FUNDS.—A community or Regional Corporation that receives funds under subsection (b) may use the funds—

(1) to plan for mitigation, implement a mitigation plan, or maintain a mitigation project to address the potential effects of oil and gas exploration and development on environmental, social, cultural, recreational, and subsistence resources of the community;

(2) to develop, carry out, and maintain—

(A) a project to provide new or expanded public facilities; or

(B) services to address the needs and problems associated with the effects described in paragraph (1), including firefighting, police, water and waste treatment, first responder, and other medical services;

(3) to compensate residents of the Coastal Plain for significant damage to environmental, social, cultural, recreational, or subsistence resources; and

(4) in the City of Kaktovik, Alaska—

(A) to develop a mechanism for providing members of the Kaktovikmiut Inupiat community an opportunity to—

(i) monitor development on the Coastal Plain; and

(ii) provide information and recommendations to the Governor based on traditional aboriginal knowledge of the natural resources, flora, fauna, and ecological processes of the Coastal Plain; and

(B) to establish a local coordination office, to be managed by the Mayor of the North Slope Borough, in coordination with the City of Kaktovik, Alaska—

(i) to coordinate with and advise developers on local conditions and the history of areas affected by development;

(ii) to provide to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate annual reports on the status of the coordination between developers and communities affected by development;

(iii) to collect from residents of the Coastal Plain information regarding the impacts of development on fish, wildlife, habitats, subsistence resources, and the environment of the Coastal Plain; and

(iv) to ensure that the information collected under clause (iii) is submitted to—

(I) developers; and

(II) any appropriate Federal agency.

SEC. 121. PROHIBITION ON EXPORTS.

An oil or gas lease issued under this subtitle shall prohibit the exportation of oil or gas produced under the lease.

SEC. 122. ALLOCATION OF REVENUES.

Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.) or any other provision of law, of the adjusted bonus, rental, and royalty receipts from Federal oil and gas leasing and operations authorized under this subtitle:

(1) 50 percent shall be deposited in the general fund of the Treasury.

(2) The remainder shall be available as follows:

(A) $35,000,000 shall be deposited by the Secretary of the Treasury into the fund created under section 120(a)(1).

(B) The remainder shall be disbursed to the State of Alaska.

Subtitle C—Permitting

SEC. 131. REFINERY PERMITTING PROCESS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(3) PERMIT.—The term "permit" means any permit, license, approval, variance, or other form of authorization that a refiner is required to obtain—

(A) under any Federal law; or

(B) from a State or Indian tribal government agency delegated authority by the Federal Government, or authorized under Federal law, to issue permits.

(4) REFINER.—The term "refiner" means a person that—

(A) owns or operates a refinery; or

(B) seeks to become an owner or operator of a refinery.

(5) REFINERY.—

(A) IN GENERAL.—The term "refinery" means—

(i) a facility at which crude oil is refined into transportation fuel or other petroleum products; and

(ii) a coal liquification or coal-to-liquid facility at which coal is processed into synthetic crude oil or any other fuel.

(B) INCLUSIONS.—The term "refinery" includes an expansion of a refinery.

(6) REFINERY EXPANSION.—The term "refinery expansion" means a physical change in a refinery that results in an increase in the capacity of the refinery.

(7) REFINERY PERMITTING AGREEMENT.—The term "refinery permitting agreement" means an agreement entered into between the Administrator and a State or Indian tribe under subsection (b).

(8) SECRETARY.—The term "Secretary" means the Secretary of Commerce.

(9) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(b) STREAMLINING OF REFINERY PERMITTING PROCESS.—

(1) IN GENERAL.—At the request of the Governor of a State or the governing body of an Indian tribe, the Administrator shall enter into a refinery permitting agreement with the State or Indian tribe under which the process for obtaining all permits necessary for the construction and operation of a refinery shall be streamlined using a systematic interdisciplinary multimedia approach as provided in this section.

(2) AUTHORITY OF ADMINISTRATOR.—Under a refinery permitting agreement—

(A) the Administrator shall have authority, as applicable and necessary, to—

(i) accept from a refiner a consolidated application for all permits that the refiner is required to obtain to construct and operate a refinery;

(ii) in consultation and cooperation with each Federal, State, or Indian tribal government agency that is required to make any determination to authorize the issuance of a permit, establish a schedule under which each agency shall—

(I) concurrently consider, to the maximum extent practicable, each determination to be made; and

(II) complete each step in the permitting process; and

(iii) issue a consolidated permit that combines all permits issued under the schedule established under clause (ii); and

(B) the Administrator shall provide to State and Indian tribal government agencies—

(i) financial assistance in such amounts as the agencies reasonably require to hire such additional personnel as are necessary to enable the government agencies to comply with the applicable schedule established under subparagraph (A)(ii); and

(ii) technical, legal, and other assistance in complying with the refinery permitting agreement.

(3) AGREEMENT BY THE STATE.—Under a refinery permitting agreement, a State or governing body of an Indian tribe shall agree that—

(A) the Administrator shall have each of the authorities described in paragraph (2); and

(B) each State or Indian tribal government agency shall—

(i) in accordance with State law, make such structural and operational changes in the agencies as are necessary to enable the agencies to carry out consolidated project-wide permit reviews concurrently and in coordination with the Environmental Protection Agency and other Federal agencies; and

(ii) comply, to the maximum extent practicable, with the applicable schedule established under paragraph (2)(A)(ii).

(4) DEADLINES.—

(A) NEW REFINERIES.—In the case of a consolidated permit for the construction of a new refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 360 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 90 days after the expiration of the deadline established under clause (i).

(B) EXPANSION OF EXISTING REFINERIES.—In the case of a consolidated permit for the expansion of an existing refinery, the Administrator and the State or governing body of an Indian tribe shall approve or disapprove the consolidated permit not later than—

(i) 120 days after the date of the receipt of the administratively complete application for the consolidated permit; or

(ii) on agreement of the applicant, the Administrator, and the State or governing body of the Indian tribe, 30 days after the expiration of the deadline established under clause (i).

(5) FEDERAL AGENCIES.—Each Federal agency that is required to make any determination to authorize the issuance of a permit shall comply with the applicable schedule established under paragraph (2)(A)(ii).

(6) JUDICIAL REVIEW.—Any civil action for review of any permit determination under a refinery permitting agreement shall be brought exclusively in the United States district court for the district in which the refinery is located or proposed to be located.

(7) EFFICIENT PERMIT REVIEW.—In order to reduce the duplication of procedures, the Administrator shall use State permitting and monitoring procedures to satisfy substantially equivalent Federal requirements under this title.

(8) SEVERABILITY.—If 1 or more permits that are required for the construction or operation of a refinery are not approved on or before any deadline established under paragraph (4), the Administrator may issue a consolidated permit that combines all other permits that the refiner is required to obtain other than any permits that are not approved.

(9) SAVINGS.—Nothing in this subsection affects the operation or implementation of otherwise applicable law regarding permits necessary for the construction and operation of a refinery.

(10) CONSULTATION WITH LOCAL GOVERNMENTS.—Congress encourages the Administrator, States, and tribal governments to consult, to the maximum extent practicable, with local governments in carrying out this subsection.

(11) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

(12) EFFECT ON LOCAL AUTHORITY.—Nothing in this subsection affects—

(A) the authority of a local government with respect to the issuance of permits; or

(B) any requirement or ordinance of a local government (such as a zoning regulation).

(c) FISCHER-TROPSCH FUELS.—

(1) IN GENERAL.—In cooperation with the Secretary of Energy, the Secretary of Defense, the Administrator of the Federal Aviation Administration, Secretary of Health and Human Services, and Fischer-Tropsch industry representatives, the Administrator shall—

(A) conduct a research and demonstration program to evaluate the air quality benefits of ultra-clean Fischer-Tropsch transportation fuel, including diesel and jet fuel;

(B) evaluate the use of ultra-clean Fischer-Tropsch transportation fuel as a mechanism for reducing engine exhaust emissions; and

(C) submit recommendations to Congress on the most effective use and associated benefits of these ultra-clean fuel for reducing public exposure to exhaust emissions.

(2) GUIDANCE AND TECHNICAL SUPPORT.—The Administrator shall, to the extent necessary, issue any guidance or technical support documents that would facilitate the effective use and associated benefit of Fischer-Tropsch fuel and blends.

(3) REQUIREMENTS.—The program described in paragraph (1) shall consider—

(A) the use of neat (100 percent) Fischer-Tropsch fuel and blends with conventional crude oil-derived fuel for heavy-duty and light-duty diesel engines and the aviation sector; and

(B) the production costs associated with domestic production of those ultra clean fuel and prices for consumers.

(4) REPORTS.—The Administrator shall submit to the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives—

(A) not later than 1 year, an interim report on actions taken to carry out this subsection; and

(B) not later than 2 years, a final report on actions taken to carry out this subsection.

SEC. 132. REMOVAL OF ADDITIONAL FEE FOR NEW APPLICATIONS FOR PERMITS TO DRILL.

The second undesignated paragraph of the matter under the heading "MANAGEMENT OF LANDS AND RESOURCES" under the heading "BUREAU OF LAND MANAGEMENT" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2098) is amended by striking "to be reduced" and all that follows through "each new application,".

Subtitle D—Strategic Petroleum Reserve

SEC. 141. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the 180-day period beginning on the date of enactment of this Act—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Effective beginning on the day after the end of the period described in subsection (a)—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

Subtitle E—Restoration of State Revenue

SEC. 151. RESTORATION OF STATE REVENUE.

The matter under the heading "ADMINISTRATIVE PROVISIONS" under the heading "MINERALS MANAGEMENT SERVICE" of title I of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2109) is amended by striking "Notwithstanding" and all that follows through "Treasury.".

TITLE II—ALTERNATIVE RESOURCES

Subtitle A—Renewable Fuel and Advanced Energy Technology

SEC. 201. DEFINITION OF RENEWABLE BIOMASS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)) is amended by striking subparagraph (I) and inserting the following:

"(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

"(i) nonmerchantable materials or precommercial thinnings that—

"(I) are byproducts of preventive treatments, such as trees, wood, brush, thinnings, chips, and slash, that are removed—

"(aa) to reduce hazardous fuels;

"(bb) to reduce or contain disease or insect infestation; or

"(cc) to restore forest health;

"(II) would not otherwise be used for higher-value products; and

"(III) are harvested from National Forest System land or public land (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702))—

"(aa) where permitted by law; and

"(bb) in accordance with applicable land management plans and the requirements for old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) and the requirements for large-tree retention of subsection (f) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

"(ii) any organic matter that is available on a renewable or recurring basis from non-Federal land or from land belonging to an Indian tribe, or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

"(I) renewable plant material, including—

"(aa) feed grains;

"(bb) other agricultural commodities;

"(cc) other plants and trees; and

"(dd) algae; and

"(II) waste material, including—

"(aa) crop residue;

"(bb) other vegetative waste material (including wood waste and wood residues);

"(cc) animal waste and byproducts (including fats, oils, greases, and manure); and

"(dd) food waste and yard waste.".

SEC. 202. ADVANCED BATTERY MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term "advanced battery" means an electrical storage device suitable for vehicle applications.

(2) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporation of qualifying components into the design of advanced batteries; and

(B) design of tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced batteries.

(b) ADVANCED BATTERY MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to advanced battery manufacturers to pay not more than 30 percent of the cost of reequipping, expanding, or establishing a manufacturing facility in the United States to produce advanced batteries.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(3) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) FEES.—The cost of administering a loan made under this section shall not exceed $100,000.

(f) SET ASIDE FOR SMALL MANUFACTURERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs fewer than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2013.

SEC. 203. BIOFUELS INFRASTRUCTURE AND ADDITIVES RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Assistant Administrator of the Office of Research and Development of the Environmental Protection Agency (referred to in this section as the "Assistant Administrator"), in consultation with the Secretary and the National Institute of Standards and Technology, shall carry out a program of research and development of materials to be added to biofuels to make the biofuels more compatible with infrastructure used to store and deliver petroleum-based fuels to the point of final sale.

(b) REQUIREMENTS.—In carrying out the program described in subsection (a), the Assistant Administrator shall address—

(1) materials to prevent or mitigate—

(A) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(B) dissolving of storage tank sediments;

(C) clogging of filters;

(D) contamination from water or other adulterants or pollutants;

(E) poor flow properties relating to low temperatures;

(F) oxidative and thermal instability in long-term storage and use; and

(G) microbial contamination;

(2) problems associated with electrical conductivity;

(3) alternatives to conventional methods for refurbishment and cleaning of gasoline and diesel tanks, including tank lining applications;

(4) strategies to minimize emissions from infrastructure;

(5) issues with respect to certification by a nationally recognized testing laboratory of components for fuel-dispensing devises that specifically reference compatibility with alcohol-blended fuels and other biofuels that contain greater than 15 percent alcohol;

(6) challenges for design, reforming, storage, handling, and dispensing hydrogen fuel from various feedstocks, including biomass, from neighborhood fueling stations, including codes and standards development necessary beyond that carried out under section 809 of the Energy Policy Act of 2005 (42 U.S.C. 16158);

(7) issues with respect to at which point in the fuel supply chain additives optimally should be added to fuels; and

(8) other problems, as identified by the Assistant Administrator, in consultation with the Secretary and the National Institute of Standards and Technology.

SEC. 204. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation, and after providing notice and an opportunity for public comment, shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 40 percent.

(b) STUDY.—The study under subsection (a) shall include—

(1) a review of production and infrastructure constraints on increasing consumption of ethanol;

(2) an evaluation of the economic, market, and energy-related impacts of State and regional differences in ethanol blends;

(3) an evaluation of the economic, market, and energy-related impacts on gasoline retailers and consumers of separate and distinctly labeled fuel storage facilities and dispensers;

(4) an evaluation of the environmental impacts of mid-level ethanol blends on evaporative and exhaust emissions from on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(5) an evaluation of the impacts of mid-level ethanol blends on the operation, durability, and performance of on-road, off-road, and marine engines, recreational boats, vehicles, and equipment;

(6) an evaluation of the safety impacts of mid-level ethanol blends on consumers that own and operate off-road and marine engines, recreational boats, vehicles, or equipment; and

(7) an evaluation of the impacts of increased use of renewable fuels derived from food crops on the price and supply of agricultural commodities in both domestic and global markets.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 205. STUDY OF DIESEL VEHICLE ATTRIBUTES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study to identify—

(1) the environmental and efficiency attributes of diesel-fueled vehicles as the vehicles compare to comparable gasoline fueled, E-85 fueled, and hybrid vehicles;

(2) the technical, economic, regulatory, environmental, and other obstacles to increasing the usage of diesel-fueled vehicles;

(3) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified under paragraph (2); and

(4) the costs and benefits associated with reducing or eliminating the obstacles identified under paragraph (2).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Clean Coal-Derived Fuels for Energy Security

SEC. 211. SHORT TITLE.

This subtitle may be cited as the "Clean Coal-Derived Fuels for Energy Security Act of 2008".

SEC. 212. DEFINITIONS.

In this subtitle:

(1) CLEAN COAL-DERIVED FUEL.—

(A) IN GENERAL.—The term "clean coal-derived fuel" means aviation fuel, motor vehicle fuel, home heating oil, or boiler fuel that is—

(i) substantially derived from the coal resources of the United States; and

(ii) refined or otherwise processed at a facility located in the United States that captures up to 100 percent of the carbon dioxide emissions that would otherwise be released at the facility.

(B) INCLUSIONS.—The term "clean coal-derived fuel" may include any other resource that is extracted, grown, produced, or recovered in the United States.

(2) COVERED FUEL.—The term "covered fuel" means—

(A) aviation fuel;

(B) motor vehicle fuel;

(C) home heating oil; and

(D) boiler fuel.

(3) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

SEC. 213. CLEAN COAL-DERIVED FUEL PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that covered fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of clean coal-derived fuel determined in accordance with paragraph (4).

(2) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under paragraph (1)—

(A) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that—

(i) the requirements of this subsection are met; and

(ii) clean coal-derived fuels produced from facilities for the purpose of compliance with this subtitle result in life cycle greenhouse gas emissions that are not greater than gasoline; and

(B) shall not—

(i) restrict geographic areas in the contiguous United States in which clean coal-derived fuel may be used; or

(ii) impose any per-gallon obligation for the use of clean coal-derived fuel.

(3) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(4) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2015 THROUGH 2022.—For the purpose of this subsection, the applicable volume for any of calendar years 2015 through 2022 shall be determined in accordance with the following table:

Calendar year:	**Applicable volume of clean coal-derived fuel (in billions of gallons):**
2015	0.75
2016	1.5
2017	2.25
2018	3.00
2019	3.75
2020	4.5
2021	5.25
2022	6.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2015 through 2022, including a review of—

(i) the impact of clean coal-derived fuels on the energy security of the United States;

(ii) the expected annual rate of future production of clean coal-derived fuels; and

(iii) the impact of the use of clean coal-derived fuels on other factors, including job creation, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—For the purpose of this subsection, the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of covered fuel that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 6,000,000,000 gallons of clean coal-derived fuel; bears to

(II) the number of gallons of covered fuel sold or introduced into commerce in calendar year 2022.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF CERTAIN FUEL SALES.—Not later than October 31 of each of calendar years 2015 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of covered fuel projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2015 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the clean coal-derived fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The clean coal-derived fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of covered fuel sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of clean coal-derived fuel during the previous calendar year by small refineries that are exempt under subsection (f).

(c) VOLUME CONVERSION FACTORS FOR CLEAN COAL-DERIVED FUELS BASED ON ENERGY CONTENT.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of clean coal-derived fuel for the purpose of satisfying the fuel volume requirements of subsection (a)(4) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO DIESEL FUEL.—For clean coal-derived fuels, 1 gallon of the clean coal-derived fuel shall be considered to be the equivalent of 1 gallon of diesel fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the clean coal-derived fuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of diesel fuel (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the clean coal-derived fuel requirement of this section.

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers.

(e) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by 1 or more States by reducing the national quantity of clean coal-derived fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced clean coal-derived fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary and the Administrator of the Environmental Protection Agency.

(f) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2018.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2013, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(g) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(h) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2016.

Subtitle C—Oil Shale

SEC. 221. REMOVAL OF PROHIBITION ON FINAL REGULATIONS FOR COMMERCIAL LEASING PROGRAM FOR OIL SHALE RESOURCES ON PUBLIC LAND.

Section 433 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2152) is repealed.

Subtitle D—Department of Defense Facilitation of Secure Domestic Fuel Development

SEC. 231. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

Section 526 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142) is repealed.

SEC. 232. MULTIYEAR CONTRACT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PROCUREMENT OF SYNTHETIC FUELS.

(a) MULTIYEAR CONTRACTS FOR THE PROCUREMENT OF SYNTHETIC FUELS AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2410r. Multiyear contract authority: purchase of synthetic fuels

“(a) MULTIYEAR CONTRACTS AUTHORIZED.—The head of an agency may enter into contracts for a period not to exceed 25 years for the purchase of synthetic fuels.

“(b) DEFINITIONS.—In this section:

“(1) The term ‘head of an agency’ has the meaning given that term in section 2302(1) of this title.

“(2) The term ‘synthetic fuel’ means any liquid, gas, or combination thereof that—

“(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

“(B) is produced by chemical or physical transformation of domestic sources of energy.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

“2410r. Multiyear contract authority: purchase of synthetic fuels.”.

(b) REGULATIONS.—Not later than 12 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(1) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(2) the technical risks associated with the technologies for the production of synthetic fuel under the contract are not excessive; and

(3) the contract will contain appropriate pricing mechanisms to minimize risk to the Government from significant changes in market prices for energy.

(c) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in section 2410r of title 10, United States Code (as so added), until the regulations required by subsection (b) are prescribed.

SA 4722. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes, as follows:

At the appropriate place, insert the following:

SEC. 33. MAXIMUM COVERAGE LIMITS.

Subsection (b) of section 1306 of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2), by striking “$250,000” and inserting “$335,000”;

(2) in paragraph (3), by striking “$100,000” and inserting “$135,000”; and

(3) in paragraph (4)—

(A) by striking “$500,000” each place such term appears and inserting “$670,000”; and

(B) by inserting before “; and” the following: “; except that, in the case of any nonresidential property that is a structure containing more than one dwelling unit that is made available for occupancy by rental (notwithstanding the provisions applicable to the determination of the risk premium rate for such property), additional flood insurance in excess of such limits shall be made available to every insured upon renewal and every applicant for insurance so as to enable any such insured or applicant to receive coverage up to a total amount that is equal to the product of the total number of such rental dwelling units in such property and the maximum coverage limit per dwelling unit specified in paragraph (2); except that in the case of any such multi-unit, nonresidential rental property that is a pre-FIRM structure (as such term is defined in section 578(b) of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4014 note)), the risk premium rate for the first $500,000 of coverage shall be determined in accordance with section 1307(a)(2) and the risk premium rate for any coverage in excess of such amount shall be determined in accordance with section 1307(a)(1)”.

SA 4723. Mr. VITTER (for himself and Ms. LANDRIEU) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes, as follows:

On page 11, line 6, strike “Any increase” and all that follows through the second period on page 11, line 11, and insert the following: “Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of the updating or remapping described in paragraph (1) that is a result of such updating or remapping shall be phased in over a 5-year period at the rate of 20 percent per year.”.

SA 4724. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. FEASIBILITY STUDY ON PRIVATE REINSURANCE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit a report to Congress on—

(1) the feasibility of requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage, in addition

to any such reinsurance coverage required under section 1335 of the National Flood Insurance Act of 1968 (42 U.S.C. 4055), to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurers;

(2) the feasibility of repealing the reinsurance requirement under such section 1335, and requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurer; and

(3) the estimated total savings to the taxpayer of taking each such action described in paragraph (1) or (2).

SA 4725. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 13, strike "and".

On page 8, line 16, strike "policy."." and insert the following: "policy; and

"(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

"(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

"(B) in connection with—

"(i) a repetitive loss property; or

"(ii) a severe repetitive loss property, as that term is defined under section 1361A.".

SA 4726. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, line 10, strike "under paragraph (1)." and insert the following: "under paragraph (1); and

"(3) charged premium rates at less than the estimated risk premium rates under section 1307(a)(1) and not described in section 1307(a)(4), shall be increased by 25 percent each year until the average risk premium rate for such properties is equal to the average of risk premium rates for properties described under paragraph (1).

SA 4727. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 3 and 4, insert the following:

(4) FAILURE TO COMPLY.—A property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to $1,000 per day for each day that the company remains in noncompliance with either such requirement.

SA 4728. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 133. POLICY DISCLOSURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) VIOLATIONS.—Any person that violates the requirements of this section shall be subject to a fine of $10,000, per policy.

SA 4729. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 107.

SA 4730. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, line 11, strike "; and" and insert a semicolon.

On page 25, line 14, strike the period and insert a semicolon.

On page 25, between lines 14 and 15, insert the following:

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

SA 4731. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified—

(1) to authorize the Secretary of the Army, acting through the Chief of Engineers, to construct the project at an estimated total cost of $51,000,000, with an estimated Federal cost of $38,250,000 and an estimated non-Federal cost of $12,750,000;

(2) to direct the Secretary to accept advance funding from the non-Federal interest for the remaining Federal share of the project, as needed to complete the project; and

(3) to authorize the Secretary to reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

SA 4732. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. LEVEE MODERNIZATION GRANT PROGRAM.

(a) DEFINITIONS.—In this section—

(1) the terms "local government" and "State" have the meanings given such terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101); and

(2) the term "program" means the Levee Modernization Grant Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 12 months after the date of enactment of this Act, the Director shall establish the Levee Modernization Grant Program, under which the Director may provide technical and financial assistance to States and local governments to be used in accordance with subsection (e) to assist in the implementation of levee improvement and modernization measures that are cost-effective and are designed to protect against loss of life, limit damage and destruction of property, encourage rural economic development, and contribute to the ability of a community to prevent areas in that community from being designated as a 100-year floodplain.

(c) CRITERIA.—

(1) ALLOCATION OF FUNDS.—Not later than the date on which the Director establishes the program, the Director shall establish criteria to be used to determine the amount of financial assistance that will be made available to a State (including amounts made available to local governments located in the State) under the program.

(2) GRANT AWARDS.—In determining whether to provide technical and financial assistance to a State or local government under the program, the Director shall consider—

(A) the extent and nature of the flood risk to a State or local government;

(B) the imminence of need;

(C) the degree of commitment of the State or local government to perform ongoing levee maintenance;

(D) the extent to which the levee improvement and modernizations to be carried out using the technical and financial assistance under the program contribute to the economic development and mitigation goals and priorities established by the State;

(E) the extent to which the technical and financial assistance under the program is consistent with assistance provided under other grant programs of the Federal Emergency Management Agency or another Federal department or agency;

(F) the extent to which prioritized, cost-effective levee improvement activities that produce meaningful and definable outcomes in the State or jurisdiction of the local government are clearly identified;

(G) the opportunity to fund activities that maximize net benefits to society; and

(H) such other criteria as the Director, in consultation with States and local governments, may establish.

(d) STATE RECOMMENDATIONS OF PROJECTS.—

(1) IN GENERAL.—Not later than 3 months after the date that the Director establishes the program, and annually thereafter, the Governor of a State desiring to participate in the program during the following fiscal year shall submit to the Director a list of the projects that State that the Governor recommends receive technical and financial assistance (provided either directly to a local government or through the State) under the program.

(2) SELECTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), for each fiscal year the Director shall select projects to receive technical and financial assistance under the program from among the projects recommended under paragraph (1).

(B) EXCEPTIONS.—The Director may select a project to receive technical and financial assistance under the program that was not among the projects recommended under paragraph (1) for a fiscal year if the Director determines that—

(i) extraordinary circumstances justify the selection of the project; and

(ii) making the selection will further the purpose of the program, as described in subsection (b).

(e) USES OF TECHNICAL AND FINANCIAL ASSISTANCE.—A State or local government that receives technical and financial assistance for a project under the program may use such assistance—

(1) for an initial inspection of a levee by a private engineering firm or the Corps of Engineers;

(2) to implement such improvements as are determined necessary by an inspection described in paragraph (1) to prevent areas protected by such levee from being designated as a 100-year floodplain;

(3) to establish levee maintenance priorities and an appropriate levee modernization program; and

(4) for other purposes that further the goal of identifying or implementing levee improvement and modernization measures.

(f) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of levee improvement and modernization activities carried out with financial assistance under the program shall be not more than 50 percent.

(2) RURAL AND ECONOMICALLY DISADVANTAGED COMMUNITIES.—

(A) IN GENERAL.—The Federal share of levee improvement and modernization activities carried out in a community described in subparagraph (B) with financial assistance under the program shall be not more than 65 percent.

(B) COMMUNITIES.—A community described in this subparagraph is—

(i) a rural community (as determined by the Director);

(ii) a town with a population of not more than 20,000 individuals; or

(iii) an area in which the average income is ⅓ less then the State-wide median income for the applicable State, as determined by the Secretary of Housing and Urban Development.

(3) WAIVER.—The Director may waive paragraph (1) in extreme circumstances, as determined by the Director.

(g) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Director, in consultation with State and local governments, shall submit to Congress a report evaluating the efforts of the Director to carry out this section.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director $400,000,000 to carry out the program.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2008, at 10 a.m., to conduct a hearing entitled "Turmoil in the Credit Markets: Examining the Regulation of Investment Banks by the Securities and Exchange Commission."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 9:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a business meeting on Wednesday, May 7, 2008, at 9:45 a.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 9:30 a.m., to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 2:30 p.m., to hold a hearing on international treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, May 7, 2008, at 10 a.m. to conduct a hearing entitled "Fuel Subsidies: Is There an Impact on Food Supply and Prices?".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "Judicial Nominations" on Wednesday, May 7, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DODD. Mr. President. I ask unanimous consent for the Committee on Veterans' Affairs to be authorized to meet during the session of the Senate on Wednesday, May 7, 2008 to conduct a hearing. The Committee will meet in room 106 of the Dirksen Senate Office Building, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY AND CONSUMER RIGHTS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary, Subcommittee on Antitrust, Competition Policy and Consumer Rights, be authorized to meet during the session of the Senate, to conduct a hearing entitled "Concentration in Agriculture and an Examination of the JBS/Swift Acquisitions" on Wednesday, May 7, 2008, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC SECTOR SOLUTIONS TO GLOBAL WARMING, OVERSIGHT, AND CHILDREN'S HEALTH PROTECTION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Public Sector Solutions to Global Warming, Oversight, and Children's Health Protection be authorized to meet during the session of the Senate on Wednesday, May 7, 2008 in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Oversight Hearing on Science and Environmental Regulatory Decisions."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. President, I ask unanimous consent that Dionne Thompson, a fellow in my office, be granted privileges of the floor for the remainder of the 110th Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TEMPORARILY EXTENDING PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. DODD. Mr. President, I ask the Chair to lay before the Senate a message from the House on the bill, S. 2929, to temporarily extend the programs under the Higher Education Act of 1965.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

S. 2929

Resolved, That the bill from the Senate (S. 2929) entitled "An Act to temporarily extend the programs under the Higher Education Act of 1965", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking "April 30, 2008" and inserting "May 31, 2008".

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if enacted on April 30, 2008.

Mr. DODD. I ask unanimous consent that the Senate concur in the House amendment, and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 308, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 308) authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 308) was agreed to.

HUMANITARIAN ASSISTANCE TO BURMA AFTER CYCLONE NARGIS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 554, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 554) expressing the Sense of the Senate on humanitarian assistance to Burma after Cyclone Nargis.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

Mr. President, I also ask unanimous consent that I be included as a cosponsor of this resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 554) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 554

Whereas, on May 3, 2008, Cyclone Nargis devastated Burma, leaving an estimated 22,500 people dead, 41,000 missing, and 1,000,000 homeless;

Whereas, on May 5, 2008, the United States embassy in Burma issued a disaster declaration authorizing $250,000 in immediate humanitarian assistance to the people of Burma;

Whereas, on May 5, 2008, First Lady Laura Bush stated that the United States will "work with the U.N. and other international nongovernmental organizations to provide water, sanitation, food, and shelter. More assistance will be forthcoming";

Whereas, on May 5, 2008, Department of State Deputy Spokesman Tom Casey stated that the United States has "a disaster assistance response team that is standing by and ready to go in to Burma to help try to assess need there";

Whereas, on May 6, 2008, President George W. Bush said, "The United States has made an initial aid contribution, but we want to do a lot more. We're prepared to move U.S. Navy assets to help find those who've lost their lives, to help find the missing, to help stabilize the situation. But in order to do so, the military junta must allow our disaster assessment teams into the country.";

Whereas, on May 6, 2008, President Bush pledged $3,000,000 in emergency assistance to victims of Cyclone Nargis, and stated that allowing the disaster assistance response team to enter the country would facilitate additional support;

Whereas the European Union has pledged to deliver $3,000,000 in initial emergency disaster assistance to Burma;

Whereas according to the United Nations Country Team in Burma, the average household in Burma is forced to spend almost ¾ of its budget on food and 1 in 3 children under the age of 5 is suffering from malnutrition;

Whereas the prevalence of tuberculosis in Burma is among the highest in the world, with nearly 97,000 new cases detected annually, malaria is the leading cause of mortality in Burma, with 70 percent of the population living in areas at risk, at least 37,000 died of HIV/AIDS in Burma in 2005 and over 600,000 are currently infected, and the World Health Organization has ranked the health sector of Burma as 190th out of 191 countries;

Whereas the failure of Burma's ruling State Peace and Development Council to meet the most basic humanitarian needs of the people of Burma has caused enormous suffering inside Burma and driven hundreds of thousands of Burmese citizens to seek refuge in neighboring countries, creating a threat to regional peace and stability; and

Whereas, in the aftermath of Cyclone Nargis, the State Peace and Development Council continues to restrict the access and freedom of movement of international nongovernmental organizations to deliver humanitarian assistance throughout Burma: Now, therefore, be it

Resolved, That it is the Sense of the Senate—

(1) to express deep sympathy to and strong support for the people of Burma, who have endured tremendous hardships over many years and face especially dire humanitarian conditions in the aftermath of Cyclone Nargis;

(2) to support the decision of President Bush to provide immediate emergency humanitarian assistance to Burma through nongovernmental organizations that are not

affiliated with the Burmese regime or its officials and can effectively provide such assistance directly to the people of Burma;

(3) to stand ready to appropriate additional funds, beyond existing emergency international disaster assistance resources, if necessary to help address dire humanitarian conditions throughout Burma in the aftermath of Cyclone Nargis and beyond;

(4) to call upon the State Peace and Development Council to immediately lift restrictions on delivery of humanitarian assistance and allow free and unfettered access to the United States Government's disaster assistance response team and any organizations that legitimately provide humanitarian assistance; and

(5) that the United States Agency for International Development should conduct a comprehensive evaluation of which organizations are capable of providing humanitarian assistance directly to the people throughout Burma without interference by the State Peace and Development Council.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL WOMEN'S HEALTH WEEK

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 81, submitted earlier today by Senator FEINGOLD.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 81) supporting the goals and ideals of National Women's Health Week.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. CON. RES. 81

Whereas women of all backgrounds have the power to greatly reduce their risk of common diseases through preventive measures, such as leading a healthy lifestyle that includes engaging in regular physical activity, eating a nutritious diet, and visiting a healthcare provider to receive regular checkups and preventative screenings;

Whereas significant disparities exist in the prevalence of disease among women of different backgrounds, including women with disabilities, African-American women, Asian-Pacific Islander women, Latinas, and American Indian-Alaska Native women;

Whereas healthy habits should begin at a young age;

Whereas preventive care saves Federal dollars designated for health care;

Whereas it is important to educate women and girls about the significance of awareness of key female health issues;

Whereas the offices of women's health within the Department of Health and Human Services, the Food and Drug Administration, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, the National Institutes of Health, and the Agency for Healthcare Research and Quality are vital to providing critical services that support women's health research and education and other necessary services that benefit women of all ages, races, and ethnicities;

Whereas National Women's Health Week begins on Mother's Day each year and celebrates the efforts of national and community organizations that work with partners and volunteers to improve awareness of key women's health issues; and

Whereas, in 2008, the week of May 11 through May 17 is dedicated as National Women's Health Week: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the importance of preventing diseases that commonly affect women;

(2) supports the goals and ideals of National Women's Health Week;

(3) calls on the people of the United States to use National Women's Health Week as an opportunity to learn about health issues that face women;

(4) calls on the women of the United States to observe National Women's Check-Up Day on May 12, 2008 by receiving preventive screenings from their healthcare providers; and

(5) recognizes the importance of Federally funded programs that provide research and collect data on diseases that commonly affect women.

Mr. DODD. Mr. President, I ask unanimous consent that I be added as a cosponsor of that resolution as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE GOALS AND IDEALS OF THE INTERNATIONAL YEAR OF SANITATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Con. Res. 72, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 72) supporting the goals and ideals of the International Year of Sanitation.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. I further ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 72) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 72

Whereas, at the 55th Session of the United Nations General Assembly in 2000, the United States, along with other world leaders, committed to achieving the Millennium Development Goals (MDGs), which provide a framework for countries and international organizations to combat such global social ills as poverty, hunger, and disease;

Whereas one target of the Millennium Development Goals is to halve by 2015 the proportion of people without access to safe drinking water and basic sanitation, the only target to be codified into United States law, in the Paul Simon Water for the Poor Act of 2005 (Public Law 109–121);

Whereas the lack of access to safe water and sanitation is one of the most pressing environmental public health issues in the world;

Whereas over 1,000,000,000 people live without potable water, and an estimated 2,600,000,000 people, including 980,000,000 children, do not have access to basic sanitation facilities;

Whereas, every 20 seconds, a child dies as a direct result of a lack of access to basic sanitation facilities;

Whereas only 36 percent of people in sub-Saharan Africa and 37 percent of people in South Asia have access to safe drinking water and sanitation, the lowest rates in the world;

Whereas, at any one time, almost half of the people in the developing world are suffering from diseases associated with lack of water, sanitation, and hygiene;

Whereas improved sanitation decreases the incidences of debilitating and deadly maladies such as cholera, intestinal worms, diarrhea, pneumonia, dysentery, and skin infections;

Whereas sanitation is the foundation of health, dignity, and development;

Whereas increased sanitation is fundamental for reaching all of the Millennium Development Goals;

Whereas access to basic sanitation helps economic and social development in countries where poor sanitation is a major cause of lost work and school days because of illness;

Whereas sanitation in schools enables children, particularly girls reaching puberty, to remain in the educational system;

Whereas, according to the World Health Organization, every dollar spent on proper sanitation by governments generates an average $7 in economic benefit;

Whereas improved disposal of human waste protects the quality of water sources used for drinking, preparation of food, agriculture, and bathing;

Whereas, at the 61st Session of the United Nations General Assembly in 2006, the United Nations declared 2008 as the International Year of Sanitation to recognize the progress made in achieving the global sanitation target detailed in the Millennium Development Goals, as well as to call upon all member states, United Nations agencies, regional and international organizations, civil society organizations, and other relevant stakeholders to renew their commitment to attaining that target;

Whereas the official launching of the International Year of Sanitation at the United Nations was on November 21, 2007; and

Whereas the thrust of the International Year of Sanitation has three parts, including raising awareness of the importance of sanitation and its impact on reaching other Millennium Development Goals, encouraging governments and its partners to promote and implement policies and actions for meeting the sanitation target, and mobilizing communities, particularly women's groups, towards changing sanitation and hygiene practices through sanitation health-education campaigns: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of the International Year of Sanitation;

(2) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment; and

(3) encourages the people of the United States to observe the International Year of Sanitation with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of sanitation, hygiene, and access to safe drinking water in achieving the Millennium Development Goals.

MEASURE READ THE FIRST TIME—S. 2991

Mr. DODD. Mr. President, I understand that S. 2991, introduced earlier today by Senator REID of Nevada, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 2991) to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. DODD. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The objection having been heard, the bill will receive its second reading on the next legislative day.

APPOINTMENTS

The Presiding Officer. The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appoints the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Robin Cleveland of Virginia and James Talent of Missouri.

The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appoints the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Graham Allison of Massachussetts and Richard Verma of Maryland.

The Chair, on behalf of the Vice President, pursuant to Public Law 110–53, appoints the following individual to serve as a member and Chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: The Honorable BOB GRAHAM of Florida.

ORDERS FOR THURSDAY, MAY 8, 2008

Mr. DODD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Thursday, May 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there be a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each and the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of S. 2284, flood insurance, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD INSURANCE REFORM

Mr. DODD. Mr. President, before reading the concluding comments here, I wish to take a minute or so to summarize what happened today regarding the flood insurance bill.

I express my gratitude, first of all, to Senator REID, the majority leader, for insisting that this flood insurance matter come before the Senate. This is an important bill. There are a lot of issues that our constituents are facing,—the housing issue, on which I am spending a great deal of time, the economic issues generally, the price of gasoline, and the price of oil at $120 a barrel, causing staggering problems across our country. The flood insurance issue, as we enter hurricane season coming up, could make a great deal of difference for people in this country who are concerned about that issue and what could happen with the cost of premiums, whether they are going to have that coverage at all.

Senator SHELBY of Alabama, my ranking member and former chairman of the committee, along with Senator BUNNING and others actually passed this legislation in a previous Congress and weren't able to get it adopted. We adopted it again out of the Banking Committee earlier this year, and I am optimistic that we will be able to bring final closure to this issue.

In light of the fact that there is a tremendous amount of debt, FEMA—the Federal Emergency Management Agency—had to borrow $17 billion from the Federal Treasury to meet the claims of people who faced the devastating loss as a result of the flooding that occurred with the major natural disasters. Borrowing that money had an interest payment due on it, and that cost alone was raising the cost of premiums. This bill, which I hope we complete tomorrow, will forgive that debt. That will remove that cost that is added to the premiums, which are not inexpensive but absolutely necessary if you are going to have a flood insurance program.

I point out that the program generates about $2.5 billion worth of revenues each year with the premiums collected. About a billion dollars of that is administrative costs.

When you have demands, as we did out of 2005 of $17 billion just in the flood insurance area, you get some idea of how expensive this program can be if it is not well managed and actuarially sound. So we have made this significant effort, which I think will be valuable to people across the country and make a difference.

We still have major work to do on the housing issue. I would be remiss if I didn't say how disappointed I was earlier today to listen to the President of the United States standing with the Republican leadership of the House of Representatives, announcing that he intended to veto the housing legislation. Congressman FRANKS and his Republican counterparts are working on it in the House, and we are working on it in the Banking Committee. We are nowhere near having a bill per se, so I was shocked to hear the President saying he was vetoing something that doesn't exist yet. We are making an effort to have a bipartisan bill. I would have hoped he would say: I am watching what you are doing and I am interested, and I have ideas about what ought to be included, or excluded, and I invite the leadership in Congress to make sure we are involved. That would have been appropriate because we have dealt with the leadership of the administration's agencies that have been deeply involved in helping us craft the Hope for Homeowners Act. It was, therefore, shocking to have the President of the United States, despite the advice and counsel of some of the key economic advisers of the administration who have been constructive in working with us on a way to keep people in their own homes, announce he intended to veto something even before we have had a chance to put it together.

The good news is that I believe my colleagues on the Banking Committee, who are working on this, from the minority and Republican side, are still interested in hearing some ideas and working on this. That is not to suggest they have agreed to anything. They have not. But we are working—and our staffs are—to develop that compromise bill. They haven't been cowed by the announcement by the administration that they will veto anything we might do to keep hundreds of thousands of people in their homes.

I would be remiss if I didn't note that it was only about a month ago or a month and a half ago that the Federal

Government committed $29 billion, without ever a vote occurring here, to make the merger between Bear Stearns and JPMorgan occur. That $29 billion the Federal Government put into that deal made it possible for it to actually be accomplished.

I happen to think they probably did the right thing that Sunday night of March 16. But I find it somewhat shocking that the President of the United States had little or nothing to say about that commitment of Federal dollars, and yet the idea that we might do something to make it possible for middle-income, hard-working families to stay in that most important possession, their home, he objects to—a bill before it exists that might accomplish that goal, done in a bipartisan fashion, involving his administration, key regulators from his own Government. That he would announce a veto of it is alarming to me, knowing how damaging this mortgage crisis is in so many aspects of our lives: commercial lending, student loans—they are all being adversely affected because of the mortgage crisis. The fact the President said, I am going to veto this bill no matter what you do up there, is disappointing.

My hope is in the coming days, as we move toward a markup in the Banking Committee on this issue, that we will get cooperation and support. I cannot guarantee what we are doing will work, but I know inaction is not an option and failure is not an option. Too many of our fellow citizens are hurting with rising energy prices, health care costs, the cost of higher education, not to mention all these other costs, commodity increases and the like, and they need to know their Government is making an effort to make it possible for them to stay in their homes. That is why I feel so strongly about it.

Although we are dealing with flood insurance today, I did not want to have people believe we are unmindful of what needs to be done in the area of home foreclosure. Mr. President, 7,000 to 8,000 foreclosures are filed every day, by 7,000 to 8,000 of our fellow citizens, and if you add our next door neighbors who are adversely affected, that is more than 20,000 people a day who have their life savings, their best investment put in jeopardy.

For those reasons, I am hopeful we can get more cooperation on that issue.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DODD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 9:01 p.m., adjourned until Thursday, May 8, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF JUSTICE

WILLIAM WALTER WILKINS, III, OF SOUTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF SOUTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE REGINALD I. LLOYD, RESIGNED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. (LH) KEVIN M. MCCOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. WILLIAM D. CROWDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PETER H. DALY

HOUSE OF REPRESENTATIVES—*Wednesday, May 7, 2008*

The House met at 10 a.m.

Pastor Joe Hishmeh, Fellowship Bible Church, Topeka, Kansas, offered the following prayer:

Almighty Father in heaven:

What a joy and privilege it is to seek You through prayer. All across this great land of the United States of America, we are in need of Your guidance, Your direction, wisdom, and grace. Heal us from our sins, restore us to Yourself and be glorified in our lives.

We entrust our citizens, our troops, public servants, and leaders to You this day. You have established this distinguished assembly of leaders to represent our citizens, and we simply ask You to use each of them to make a positive difference today.

We recognize Your powerful hand of guidance, Your heart of love for people, Your mind of wisdom and righteousness. May they offer a help and a hand, a hope and a future through the decisions that are made in this place.

I ask this in the name of Jesus. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LEWIS of California. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LEWIS of California. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. CHABOT) come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5493. An act to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration.

WELCOMING PASTOR JOE HISHMEH

The SPEAKER. Without objection, the gentlewoman from Kansas (Mrs. BOYDA) is recognized for 1 minute.

There was no objection.

Mrs. BOYDA from Kansas. Thank you, Madam Speaker.

When Pastor Joe Hishmeh first came to Topeka from Chattanooga by way of Dallas, the Topeka Fellowship Bible Church's congregation consisted roughly of about 100 people. Six years later, that same church now has over 1,300 loyal members.

Pastor Hishmeh, a husband and a father of three great boys, has initiated a number of programs which greatly benefit our community of Topeka. One of those programs is called "Sharefest." Originally, there were three churches performing much-needed upkeep on two of our local schools. This year, the program has grown to eight different churches, including over 500 volunteers, painting and landscaping our Topeka schools.

Through "Sharefest," Pastor Joe has shown his congregation the joy of giving without expecting anything in return, very, very, very biblical in the principles of our Lord and Savior, Jesus Christ. Through "Sharefest," in almost no time at all he has created a ripple effect of goodness and charity in the community of Topeka and beyond.

Pastor Joe Hishmeh, thank you for bringing that ripple effect all the way to Congress.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

END THE WAR IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, $183.7 billion war-funding request in light of more than 4,000 U.S. troops who have died, tens of thousands injured, a million dead or more innocent Iraqis, a cost of $2 to $3 trillion. We're borrowing money from China to fight this war. We're ruining our economy. We're ruining our moral standing in the world. We're ruining our children's future and making the world more dangerous for a war based on lies.

Why do we keep funding it? Support the troops by bringing them home. End the war. End the occupation. Close the bases. Bring the troops hope. Set in motion an international security and peace-keeping process that can create the circumstances for our troops to come home. Have a program of reconciliation and reconstruction in Iraq. Return all oil assets to Iraqi control. End the war. Stop funding it.

Vote "no" on the war appropriations.

CONGRESS NEEDS TO GET TOUGH ON CRIME

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, last month the President signed into law the Second Chance Act authorizing hundreds of millions of dollars to assist offenders transitioning back into our societies. My concern is that this Congress has done little or nothing to prevent future crimes from occurring. With more than 700,000 offenders expected to be released back into our communities next year and the number of people who are entering their so-called high-crime years being at an all time high, conditions are ripe for a perfect storm of crime to hit our communities.

In my view, this Congress should act to, among other things, strengthen victims' rights; make restitution something that's real, not just words on paper; crack down on drug dealers who sell death on our streets, and truly protect witnesses so more people will be willing to come forward to testify against gang members who all too frequently virtually control many neighborhoods, especially urban areas and cities across this country.

The time to act is now before it's too late.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

VOTE "YES" ON THE DEMOCRATIC HOUSING PACKAGE

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today the House will begin debate on the comprehensive housing package that will help families keep their homes, prevent foreclosures in the future, and help the recovery of communities left almost vacant by the housing crisis. Today, more than 3.5 million homes sit empty in America, and if Washington does not act, another 2 million Americans are expected to lose their homes in the coming months.

The Democratic housing package will provide mortgage refinancing assistance to families so they can stay in their homes. We do this by expanding the FHA program so the borrowers in danger of losing their homes can refinance into lower-cost government-issued mortgages. The housing package also provides $15 billion in loans and grants to States so they can acquire foreclosed homes and rehabilitate properties in areas hit hard by the housing crisis.

Mr. Speaker, this housing package is the best response to our Nation's housing problem.

☐ 1015

DEMOCRATS HOLD IRAQIS ACCOUNTABLE FOR THEIR OWN RECONSTRUCTION COSTS IN SUPPLEMENTAL

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, tomorrow this House will have the opportunity to send the Iraqi Government a strong message: They're now responsible for their own reconstruction funding.

As we debate a new war supplemental, Democrats are bringing an amendment to the floor that requires all Iraqi reconstruction costs to be provided on a dollar-for-dollar match.

To date, the United States has spent an estimated $46 billion in reconstruction costs in Iraq, all while our infrastructure is crumbling. The Iraqi Government is also currently working under a budget surplus, while, thanks to the Bush administration, we continue to face record deficits.

The amendment also requires the Iraqi Government to charge the U.S. military in Iraq the same discounted price for fuel that it charges everyday Iraqis. Another fair measure considering that the Iraqis are expected to take in a record $70 billion in oil revenues this year.

Mr. Speaker, I would hope that Democrats and Republicans could come together tomorrow to pass this common-sense amendment so that we can invest in America, rather than Iraq.

CHINA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I rise to express my frustration and disappointment with the leadership's decision to bypass the Appropriations Committee and to bring up the 2008 supplemental without giving Members an opportunity either on the floor or in the committee to offer an amendment.

I wanted to offer an amendment to prohibit U.S. Government employees from attending the Beijing Olympics on the taxpayers' dime because of China's violent repression of religious minorities and human rights activists.

Catholics, Protestants, Tibetan Buddhists, Uyghur Muslims, Falun Gong practitioners and other religious minorities in China face harassment, imprisonment, even torture and death. China is actively engaging in espionage against our country and now participating in a genocide in Sudan.

The political prisoners in China and the dissidents around the world will be deeply demoralized if senior American officials attend the games.

TIME FOR A NEW DIRECTION ON ENERGY POLICY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, while the consumers continue to pay record prices at the pump, the Big Oil companies are once again pocketing all-time record profits; yet they disavow any correlation to those high gas prices. But do they really expect the American people to believe that?

During the first six years of the Bush administration, Congress pursued policies that furthered our dependence on oil. They showered the Big Oil companies with billions of dollars in taxpayer subsidies but never explained why those corporations deserve corporate welfare.

Since regaining control of Congress, Democrats have twice passed legislation to redirect every penny of those taxpayer subsidies into research and development on alternative sources of fuel.

For years, Republicans in Washington have supported a policy of corporate welfare for Big Oil that clearly hasn't worked. It's time for a new direction on energy policy.

SUPPLEMENTAL FUNDING

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, efforts by Americans and our allies in Iraq have greatly weakened al Qaeda. If we withdraw our troops from Iraq before their mission is complete, we would forfeit all the progress we have made so far.

Since the surge began last year, we have made remarkable progress, both on the military front and on the political front. While we all agree that more needs to be done politically, there is no questioning the tremendous efforts our military have done to bring stability to areas once controlled by radical extremists.

There should be absolutely no question of whether we provide them the funding they need to do the job we've asked them to do. House Republicans stand united with our troops and our veterans who have fought bravely on the front lines. The least we can do is front the resources necessary for them to complete the task we sent our military to do.

We cannot delay, and we should provide this supplemental funding without extra new spending and extra new programs before we leave for Memorial Day.

DEMOCRATIC SUPPLEMENTAL AMENDMENT CALLS FOR ALL TROOPS TO BE HOME BY DECEMBER OF 2009

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, this week Congress has an opportunity to change the course of the war in Iraq by supporting an amendment to the emergency supplemental that would not only direct the President to immediately begin bringing our troops home but would also force the Iraqi Government to start paying their own reconstruction costs.

The amendment calls on the Bush administration to begin redeploying our troops out of Iraq one month after it is signed into law, with the goal of having all of our troops out by December of next year.

Another year of the status quo in Iraq is unacceptable. April was the deadliest month for U.S. troops in seven months, and the political reconciliation that President Bush promised when he implemented his troop escalation plan has not become a reality.

Mr. Speaker, this is a significant step in the right direction, but for some reason, congressional Republicans want to once again send President Bush a blank check. Blank checks have not worked in the past and they will not this time.

We all know that there is no military solution to war in Iraq. It's time we let the Iraqis know that our days there are numbered.

TIME FOR THE IRAQIS TO PAY FOR THEIR OWN FREEDOM

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, our entire Nation honors the brave men and women in our armed services who have sacrificed so greatly in the effort to bring freedom and liberty to the people of Iraq, and we also recognize the sacrifice of the American taxpayers, who have shouldered the financial burden of this effort to protect America.

It is now time for Iraq to stand up and shoulder the burden of protecting their own freedoms, and it is long past time for Iraq to start paying its own way. With the cost of oil, and the money that Iraq is making on their oil, they need to be paying, at a minimum, entirely for their own reconstruction.

As we continue to transition from American forces to Iraqi security forces, we also need to quickly transition from the American taxpayer footing the entire bill to the now free country of Iraq paying to protect their own freedom and rebuilding their own country.

Americans understand that freedom is not free, and the Iraqi people need to understand that securing their own freedom will require their own investment.

HONORING SERGEANT ALEX JIMENEZ

(Ms. TSONGAS asked and was given permission to address the House for 1 minute.)

Ms. TSONGAS. Mr. Speaker, I rise today to honor the service and sacrifice of Sergeant Alex Jimenez and to express my continued support for Alex's family during this most difficult time.

On May 12, 2007, Sergeant Jimenez and Private First Class Byron Fouty, members of the 10th Mountain Division, were ambushed south of Baghdad. There has been no information regarding their whereabouts since that time.

On June 27, the United States Army changed Sergeant Jimenez's status from duty status whereabouts unknown to missing or captured. We may not know where Alex is, but he is never far from our thoughts.

Family members like Alex's father, Andy, or his wife, Yaderlin, have weathered agonizing uncertainty while demonstrating support for their loved one's service to our country. We owe them a debt of gratitude.

The community in Lawrence, Massachusetts, has been extremely supportive. A POW ride will take place this weekend in honor of Sergeant Jimenez and in support of his family.

The Jimenez and Fouty families are not alone as we all pray for the safe return of Alex and Byron.

Sergeant Jimenez put his life in danger for our country. We cannot leave him or any other behind. I support legislation to create a select committee on POW/MIA affairs to help these families learn the whereabouts of their loved ones.

WE NEED TO STOP THE WHINING

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WESTMORELAND. Mr. Speaker, it's interesting to come down here and to listen to the majority party, the Democrats, talk about a new change in direction for our energy policy or something new to do about our troops.

News flash: Y'all are in charge. You've got 230-plus votes. You're in charge. You can pass anything you want to.

Mr. Speaker, we need to stop the whining. Since they took over in 2007, with a new energy policy, H.R. 6, our gasoline has gone up about $1.50 a gallon.

So here's what I want everybody to do, Mr. Speaker. I want you to go home tonight and I want you to go to Home Depot and I want you to buy some energy saving bulbs because, in their energy bill, light bulbs are mentioned 350 times, where gasoline was mentioned 6, crude oil was mentioned 12. I want you to go home, I want you to take those energy saving light bulbs, I want you to put them in, and then I want you to drive to the gas station and see if gas has come down, because that's the way their plan is supposed to work.

You're in charge. If you're in charge, lead. Mr. Speaker, we need some leadership here. We need to do something to help the American people at the gas pump with these outrageous gasoline prices and crude oil fixing to go to $150-plus a barrel. Do something.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). All Members are reminded to address their remarks to the Chair.

GAS PRICES

(Mr. HALL of New York asked and was given permission to address the House for 1 minute.)

Mr. HALL of New York. Mr. Speaker, yesterday the price of oil broke another record yet again, closing at over $120. Families feel the impact of these costs every time they shell out close to $4 a gallon at the pump. In districts like mine, where commuting is a way of life, it's forcing some painful sacrifices.

Our oil dependence has become the energy albatross around America's economic neck, and I'm proud that the majority in Congress has advanced ideas for short-term relief and long-term solutions. We've pushed for higher tax incentives for hybrid cars, expanded the use of renewables and efficiency, consumer protection to keep the oil companies honest, and a time-out from taking 70 million barrels a day of oil off the market and putting it into the strategic petroleum reserve, the SPR.

What is the response from the President and his allies here in Congress? Let's go drill for some more oil that won't hit the markets for another 10 years, and let's keep sending more taxpayer dollars to the oil companies that are already making record profits.

Most Americans would agree that we cannot wait a decade for relief and we shouldn't send anymore of their money to Big Oil. Let's stop filling the SPR to provide immediate relief and ask the President to move with us into a green, domestic, job-producing energy future.

HOUSING PACKAGE IMPORTANT TO BOOST ECONOMY AND STABILIZE MARKET

(Mr. ELLISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLISON. Mr. Speaker, every day between 7,000 and 8,000 people file for foreclosures on their homes. In the next 2 years, one in 33 homeowners is projected to be in foreclosure as a result of subprime loans.

But the housing crisis doesn't only affect families losing their homes. An additional 40 million neighboring homeowners could see their property values drop, with 44 percent of all homeowners likely to feel the ripple effect of foreclosures from subprime loans.

And the overall impact does not end in the housing market. The ripple effects are felt throughout the economy with a reduction in economic activity and severe job loss.

Mr. Speaker, we simply cannot turn our Nation's economy around without properly addressing the housing crisis, and that is exactly what we plan to do this week. Today, House Democrats will bring a package of housing bills to the House floor that will address the current housing crisis, while also seeking to prevent the problem from getting worse. These bills are the appropriate response to a problem that is affecting our families, our communities and our overall economy. I hope it receives the bipartisan support that it deserves, Mr. Speaker.

□ 1030

WORLD AIDS ORPHANS DAY

(Ms. LEE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LEE. Mr. Speaker, I rise today to recognize World AIDS Orphans Day, which is commemorated every year on May 7.

Over 15 million children have already lost one or both of their parents to HIV and AIDS, 12 million of which live in Sub-Saharan Africa. By 2010, there could be 20 million children.

Children who have been orphaned by HIV and AIDS of course are left without food, shelter, education or protection. Three years ago, we enacted legislation that I authored with Chairman Henry Hyde to better focus and coordinate our foreign assistance programs to address the unique needs of these children. Last month, the House passed legislation named after two great men who love children, former Chairman Tom Lantos and Chairman Henry Hyde, to reauthorize and provide $50 billion for our global HIV/AIDS, tuberculosis and malaria programs, and to allocate 10 percent of global AIDS funding to meet the needs of AIDS orphans.

Today, on World AIDS Orphans Day, I urge my colleagues in the other body to take the next step and to pass this important bill. Together we can create a brighter, safer and more secure future for the world's children.

HOUSING PACKAGE IMPORTANT TO BOOST ECONOMY AND STABILIZE MARKET

(Mr. WU asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WU. Mr. Speaker, the housing crisis has devastated millions of American families who have lost their homes, but the crisis doesn't end there. Experts predict that housing foreclosures could reduce overall economic activity by over $160 billion this year thanks to sharp declines in real estate, the construction industry, and in consumer spending.

The slump in the real estate market is hurting manufacturers, construction firms and other businesses that have been forced to lay off thousands of workers. Ending the foreclosure crisis is vital to the American economy, our economic recovery, and to Americans who are hurting. And that is why it is so important that this Congress pass the bipartisan housing package that we are presenting this week. It reported out of the Financial Services Committee by both Republicans and Democrats and sent to this floor for our consideration.

Mr. Speaker, serious problems with subprime mortgages have pushed the housing market into its worst slump in decades, weakening the economy and making American families less secure. The package of bills we are presenting today will help stabilize the housing industry and give the American economy the boost it so sorely needs. And I urge every Member of the House to support these much-needed bills.

CALENDAR WEDNESDAY

The SPEAKER pro tempore. Today is the day of Calendar Wednesday. The Clerk will call the roll of committees.

The Clerk called the committees.

PARLIAMENTARY INQUIRY

Mr. SESSIONS (during the call). Mr. Speaker, I have a point of parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. I understand that this procedure that we are going through is known as Calendar Wednesday.

Is it correct that any bill reported by a committee and placed on the Union or House Calendar could have been called up by the chairman as the committee name was read?

The SPEAKER pro tempore. Clause 2(b) of rule XIII is sufficient authority for the chairman of the committee to call up from the Calendar a non-privileged bill on Calendar Wednesday.

Mr. SESSIONS. Further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. Does the jurisdiction of the Energy and Commerce Committee, as provided under clause 1 of rule X of the rules of the House of Representatives, include exploration, production, storage, supply, marketing, pricing and regulation of energy resources, including all fossil fuels, which includes legislation to lower the price of gasoline which has increased to over $3.60 a gallon under Speaker PELOSI's watch?

The SPEAKER pro tempore. The Chair believes that the gentleman correctly stated the rule up to the point where he embarked on commentary.

Mr. SESSIONS. I have a further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. SESSIONS. H.R. 3236, introduced by Congressman BOUCHER of Virginia, to promote energy efficiency improvements in buildings and appliances was reported by the Energy and Commerce Committee on August 3, 2007, and placed on the Union Calendar.

Would it be possible for Mr. DINGELL, the chairman of the Energy and Commerce Committee, to call up this bill under his committee's jurisdiction to help the Speaker to implement her secret plan to reduce gas prices by diverting less of America's energy supply to buildings and appliances, or for any other membership of the Democrat majority to help their leadership to call up the bill?

The SPEAKER pro tempore. The Chair will respond to the Member's parliamentary inquiry but not his political commentary and repeat that clause 2(b) of rule XIII is sufficient authority for the chairman of the committee to call up from the Calendar a non-privileged bill on Calendar Wednesday.

Mr. SESSIONS. Further point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SESSIONS. Is it in order for any Member of the majority to call up H.R. 3239, also introduced by Mr. BOUCHER of Virginia and also available on the Union Calendar, to promote advancing plug-in hybrid vehicles and vehicle components through loan guarantees and grants, and if this would help the Speaker to implement her secret plan by reducing the demand for gasoline and bringing down the prices that have skyrocketed under this Democrat leadership?

The SPEAKER pro tempore. Only the chairman or another member of the committee acting by its express direction may call up a bill.

Mr. SESSIONS. Final point of parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. SESSIONS. Under the rules of Calendar Wednesday, is it in order for any Member of this body, including Speaker PELOSI, to call up H. Res. 1135, legislation drafted by Congressman DEAN HELLER of Nevada, which would call on Speaker PELOSI to reveal her secret commonsense plan to bring down gas prices since it's obviously not contained in the "no energy" energy bill passed by the Congress last December?

The SPEAKER pro tempore. No. To be considered under the Calendar Wednesday rule, a bill must be on the Calendar, be non-privileged, and be called up either by the committee chairman or by another member of the committee having specific authorization of the committee to call it up.

Mr. SESSIONS. So in other words, Mr. Speaker, what you're saying is that the committee chairman and the Speaker have the ability to call up any bill that has been reported out.

The SPEAKER pro tempore. No, but that is not a parliamentary inquiry.

MOTION TO ADJOURN

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on the approval of the Journal, and the motion to suspend the rules on H. Res. 1166.

The vote was taken by electronic device, and there were—yeas 132, nays 269, not voting 31, as follows:

[Roll No. 267]

YEAS—132

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Broun (GA)
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Nunes
Petri
Pickering
Pitts
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walsh (NY)
Wamp
Westmoreland
Wilson (SC)
Wittman (VA)

NAYS—269

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Cannon
Capps
Capuano
Carnahan
Carney
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—31

Andrews
Bishop (NY)
Burton (IN)
Butterfield
Campbell (CA)
Cardoza
Carson
Conaway
Conyers
Cubin
Ferguson
Fossella
Jefferson
Jones (NC)
Jones (OH)
Kennedy
McCollum (MN)
McHenry
Oberstar
Paul
Peterson (PA)
Richardson
Rogers (AL)
Rush
Speier
Udall (CO)
Waxman
Weldon (FL)
Wexler
Whitfield (KY)
Young (AK)

☐ 1104

Mr. EMANUEL changed his vote from "yea" to "nay."

Mrs. MYRICK changed her vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Jay Dardenne, Secretary of State, State of Louisiana, indicating that, according to the unofficial returns of the Special Election held May 3, 2008, the Honorable STEVE SCALISE was elected Representative to Congress for the First Congressional District, State of Louisiana.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk.

Enclosure.

Hon. LORRAINE C. MILLER,
Clerk, House of Representatives, The Capitol,
Washington, DC.

DEAR MS. MILLER: This is to advise you that the unofficial results of the Special Election held on Saturday, May 3, 2008, for Representative in Congress from the First Congressional District of Louisiana, show that "STEVE" SCALISE received 33,867 or 75.13% of the total number of votes cast for that office.

It would appear from these unofficial results that "STEVE" SCALISE was elected as Representative in Congress from the First Congressional District of Louisiana.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all Parishes involved, an official Certificate of Election will be prepared for transmittal as required by law.

If I can ever be of any assistance to you, please do not hesitate contacting me.

With best wishes,
JAY DARDENNE,
Secretary of State, State of Louisiana.

ELECTION # 5/03/08 RESULTS FOR OFFICE

Office: U.S. Representative, 1st Congressional District (One to be Elected), Precincts reporting: 505 of 505, Total Votes: 45,075 100%

SPECIAL ELECTION

Votes	Percent	Candidate name	Pty
786	1.74	R.A. "Skip" Galan	N
280	0.62	Anthony "Tony G" Gentile	O
10,142	22.50	Gilda Reed	D
33,867	75.13	"Steve" Scalise	R

SWEARING IN OF THE HONORABLE STEVE SCALISE, OF LOUISIANA, AS A MEMBER OF THE HOUSE

Mr. McCRERY. Madam Speaker, I ask unanimous consent that the gentleman from Louisiana, the Honorable STEVE SCALISE, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Louisiana delegation present themselves in the well.

Mr. SCALISE appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE STEVE SCALISE TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Louisiana (Mr. MCCRERY) is recognized for 1 minute.

There was no objection.

Mr. MCCRERY. Madam Speaker, it is a pleasure for me on behalf of the Louisiana delegation to introduce to the Members of the House our newest Member, STEVE SCALISE. STEVE is a graduate of the home of the current national college football champions, the LSU Tigers. And he has a degree in computer science. And he told me to tell you all that if you are having problems with your computer, feel free to call him.

STEVE comes to us after 12 years' experience in the Louisiana legislature where he had a distinguished career. He was known as a reformer in a place where there was not much reform on the minds of many people in State government. So STEVE comes to us with a distinguished record of service for the people of Louisiana already. And I am sure he will bring that same distinction to his service here in the House.

STEVE has a lovely family, which I will give him the honor of introducing. Please help me welcome to our ranks STEVE SCALISE.

Mr. SCALISE. Thank you, Congressman MCCRERY. Thank you, Madam Speaker, Leader BOEHNER, the rest of the members of the Louisiana delegation and all of my new colleagues here in the House of Representatives.

It is truly an honor to serve in this distinguished body. I must thank so many people. But I have got to first thank God for helping to give me the strength to get here. I want to thank my family and my wife, Jennifer, who is in the balcony with our beautiful daughter, Madison. It is also Jennifer's birthday today, so it is an even extra special day. I promise I will not sing here on the floor, maybe later. We do have a 13-month-old beautiful daughter, Madison.

My father is here with his wife, Maggie. I want to thank him and Maggie for coming. My sister, Tara, is here as well. And my brother, Glenn, could not be with us. I know my mom, Carol, is looking from above and smiling. And so many other friends and family, we have got a wonderful group of friends that are here with us today as well. And it is truly an honor. I want to thank the voters of the First Congressional District for giving me this honor.

While we have many challenges, while we are still recovering, I want to thank each of you for all the help you have given us in the recovery from Hurricanes Katrina and Rita. There is still work to do, but the help you have given has really helped people start to get their lives back in order. I know our country faces many great challenges too, but our Founding Fathers created the greatest democracy in the history of the world when they created this system that we have, this House and Senate. In this building we have got the ability, the talent and the people to solve those problems. I look very forward to working with each and every one of you to help tackle those challenges.

Thanks again to the voters of the district and my family. God bless Louisiana, and God bless the United States of America.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Louisiana, the whole number of the House is 434.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue.

Mr. KINGSTON. Madam Speaker, I reserve the right to object.

The SPEAKER pro tempore (Mr. MCNULTY). The gentleman from Georgia is recognized under his reservation.

Mr. KINGSTON. I thank the gentleman for recognizing me.

Reserving the right to object and I do possibly plan to object, because we are on the eve of passing the largest supplemental appropriations bill in the history of the United States House of Representatives. The history of supplemental bills actually goes back to the Second Congress, so it is not unusual to have a supplemental appropriation bill. It is just that over the years we have gotten, in recent years, out of the habit of offsetting these pieces of legislation.

Now traditionally they have been used for a war or for a sudden disaster or for a health care crisis or something like that. But now we are on the verge of passing a large supplemental appropriation bill for things that aren't emergencies. This bill is not confined to emergencies.

□ 1115

I would say to my friends on the other side of the aisle that I strongly believe that one reason that we are in——

Ms. CASTOR. Regular order, Mr. Speaker.

Mr. KINGSTON. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. CASTOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on approving the Journal will be followed by a 5-minute vote on suspending the rules and agreeing to House Resolution 1166.

The vote was taken by electronic device, and there were—yeas 229, nays 184, answered "present" 1, not voting 19, as follows:

[Roll No. 268]

YEAS—229

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Gillibrand
Gonzalez
Goode
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)

Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuster
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gingrey
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—19

Andrews
Bishop (NY)
Burton (IN)
Campbell (CA)
Conaway
Cubin
Ferguson
Fossella
Jones (NC)
Jones (OH)
McHenry
Oberstar
Paul
Peterson (PA)
Richardson
Rush
Speier
Udall (CO)
Whitfield (KY)

☐ 1132

So the Journal was approved.

The result of the vote was announced as above recorded.

SENSE OF HOUSE REGARDING REPUBLIC OF GEORGIA

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1166.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 1166.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. REHBERG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 390, noes 23, answered "present" 2, not voting 18, as follows:

[Roll No. 269]

AYES—390

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)

Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—23

Abercrombie
Bartlett (MD)
Broun (GA)
Burgess
Clarke
Coble
Davis, Tom
Delahunt
Duncan
Johnson, E. B.
Jones (NC)
Kucinich
Lee
Lofgren, Zoe
McKeon
Poe
Rohrabacher
Royce
Sherman
Tancredo
Westmoreland
Young (AK)
Young (FL)

ANSWERED "PRESENT"—2

Bean
Tierney

NOT VOTING—18

Andrews
Barton (TX)
Bishop (NY)
Brown-Waite, Ginny
Burton (IN)
Campbell (CA)
Conaway
Cubin
Ferguson
Fossella
McHenry
Oberstar
Paul
Richardson
Rush
Speier
Sullivan
Udall (CO)

☐ 1144

Messrs. DUNCAN, JONES of North Carolina, McKEON, ABERCROMBIE, and Ms. ZOE LOFGREN of California changed their vote from "aye" to "no."

Mr. SHIMKUS changed his vote from "no" to "aye."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. REHBERG. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MS. CASTOR

Ms. CASTOR. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. REHBERG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 191, not voting 24, as follows:

[Roll No. 270]

AYES—218

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—191

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Costa
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Barrett (SC)
Barton (TX)
Bishop (NY)
Burton (IN)
Calvert
Campbell (CA)
Conaway
Cubin
DeFazio
Fossella
Gohmert
Linder
McHenry
Oberstar
Paul
Richardson
Rush
Slaughter
Speier
Sullivan
Taylor
Udall (CO)
Weldon (FL)

☐ 1154

Ms. CLARKE changed her vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. REHBERG. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. REHBERG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 246, not voting 47, as follows:

[Roll No. 271]

AYES—140

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McKeon
McMorris Rodgers
Miller (FL)

Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Roskam
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)

NOES—246

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Capps
Capuano
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards
Ehlers
Ellsworth
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sali
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—47

Andrews
Baca
Berman
Bishop (NY)
Braley (IA)
Burton (IN)
Butterfield
Buyer
Campbell (CA)
Cardoza
Carnahan
Carter
Cohen
Conaway
Costa
Cubin
Davis (KY)
DeLauro
Doggett
Ellison
Emanuel
Fossella
Gohmert
Hinchey
Hoyer
Lamborn
Linder
Mahoney (FL)
McHenry
McNerney
Miller, George
Murphy, Patrick
Oberstar
Paul
Perlmutter
Richardson
Rohrabacher
Royce
Rush
Ryan (OH)
Sánchez, Linda T.
Scott (GA)
Speier
Terry
Udall (CO)
Walz (MN)
Weldon (FL)

□ 1211

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BRALEY of Iowa, Mr. Speaker, on rollcall No. 271, I was detained getting back to the Chamber. Had I been present, I would have voted "no."

CALENDAR WEDNESDAY—Continued

The SPEAKER pro tempore (Mr. POMEROY). The Clerk will resume the call of the roll of committees.

The Clerk called the committees.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1174 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1174

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on Financial Services or the Majority Leader or a designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the bill.

SEC. 3. During consideration in the House of H.R. 5818 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

□ 1215

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I am pleased to yield the customary 30 minutes to my colleague from the Rules Committee, Mr. HASTINGS from Washington. All time yielded during consideration of the rule is for debate only, and I yield myself such time as I may consume.

I also ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks on House Resolution 1174.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CASTOR. Mr. Speaker, House Resolution 1174 provides for consideration of H.R. 5818, the Neighborhood Stabilization Act of 2008, under a structured rule. The rule provides 1 hour of general debate controlled by the Committee on Financial Services. The rule makes in order seven amendments listed in the Rules Committee report, each of which is debatable for 10 minutes. The rule also provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise today in strong support of the Neighborhood Stabilization Act of 2008 and this rule. This New Direction Congress, led by Democrats, understands the impact of this unfortunate Bush economy on neighborhoods throughout America. In order for our country to recover from this economic downturn, it is critical that we stabilize housing for our neighbors and rebuild communities with more affordable housing.

In fact, Federal Reserve Chairman Ben Bernanke urged Congress to take action earlier this week. He stated in part, summarized in this news report, "The reasons behind surging late payments and foreclosures can vary, and that needs to be taken into account when developing solutions. For instance, in parts of New England, States in the Great Lakes, including Minnesota, Michigan and Wisconsin, show increased mortgage delinquencies and notable increases in unemployment rates. California, Florida, and parts of Colorado, on the other hand, saw delinquencies rise during a period when unemployment generally decreased but the value of homes declined."

He said, "A widespread decline in home prices, by contrast, is a relatively novel phenomenon, and lenders and servicers will have to develop new and flexible strategies to deal with this issue. Rising foreclosures add to the glut of unsold homes, and that put more downward pressure on prices, aggravating the housing slump. More rapid declines in house prices could have an adverse impact on the broader economy."

See, this affects us all, and it affects the stability of the financial system overall. So it is vitally important that we bring this package today, this first bill, the Neighborhood Stabilization Act and more to come because of the record number of foreclosures facing our neighbors back home.

Under President Bush's economic policies, the number of families entering into foreclosure has increased from over 700,000 to 1.5 million last year, but today, we're going to bring new hope to our communities through revitalized neighborhoods and targeted affordable housing to families that need it most.

The Neighborhood Stabilization Act of 2008 provides our local communities with the tools they need to purchase and rehabilitate vacant and foreclosed homes. Now we all know a vacant, deteriorated, foreclosed home in our neighborhood has a devastating impact. We've all seen them. We've driven by them. They're overgrown. They are not paying the taxes like everyone else in the neighborhood is paying. They're causing a drain on services and local governments.

Our initiatives today will help these nonprofit agencies and our local governments purchase those properties, turn them around, rehabilitate them and make them available to families that need them most, and in order to see that families with the greatest needs receive housing first, these new loans and affordable homes will be targeted especially to middle class families and those hardworking families back in our communities.

I know this will help families in my home State of Florida which has been among the Nation's hardest hit States, particularly in my community in the Tampa Bay area. In fact, it was not long ago that one of my neighbors called to tell me that he recently lost his home to foreclosure, and he was dealing with the repercussions from that loss, trying to find another affordable place to live for him and his family.

He was pleased to know, however, that this Congress had already acted on a mortgage forgiveness debt relief act signed into law last year, and because of that act, he will not suffer a double whammy and get hit with an unaffordable tax bill to accompany the loss of his home.

This legislation will help families from my community and communities across this Nation to rebuild and create more affordable housing. I am proud that this Congress has been so proactive and taken so many steps to combat the housing crisis. Millions of Americans will be helped because of the proactive leadership of Chairman BARNEY FRANK on the Financial Services Committee and Chairwoman MAXINE WATERS.

I am pleased to witness firsthand that this new Democratic Congress has made the lives of folks in my neighborhood and my community a whole lot better. Today, we will continue to move forward by passing the Neighborhood Stabilization Act and follow on that with the American Housing Rescue and Foreclosure Prevention Act. These efforts reflect the continued work of this New Direction Congress and offer the most comprehensive response yet to the American mortgage crisis. We are providing much-needed help to hardworking families in this unfortunate Bush economy.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my colleague from Florida (Ms. CASTOR) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is an oppressive rule, written to restrict debate in the House and to strip away rights from the minority.

This rule makes in order four Democrat amendments and only three Republican amendments. This means that 80 percent of requested Democrat amendments were made in order, but just 33 percent, or one-third, of Republican amendments filed with the Rules Committee were made in order. Mr. Speaker, this isn't balanced. It's restrictive and not in the tradition of having an open debate on important issues.

Last night at the Rules Committee, Financial Services Committee Chairman FRANK said that he supported allowing debate on an amendment relating to illegal immigration and legitimate concerns of ensuring that persons illegally present in this country do not benefit from the new Federal program created by this bill.

Rules Committee Democrats responded by making in order the least substantive, most meaningless and unenforceable immigration amendment possible. A Republican amendment by Representative GINNY BROWN-WAITE of Florida had very clearly and explicitly made certain that anyone illegally present in this country cannot rent or buy a house from this new government program. That amendment was not made in order. Every Democrat on the Rules Committee voted to deny the House voting on this meaningful amendment.

Mr. Speaker, when Democrat leaders aren't totally shutting down debate, they are giving the House window dressing instead of substance on important issues. Not content with blocking two-thirds of Republican amendments and restricting the opportunity of every Member of this institution to come to the House floor and offer amendments to improve, fix or alter this bill, House Democrat leaders went even further to shut down the minority, squelch dissent and take away their parliamentary rights.

Section 2 of this rule takes away the right of any Member of this House to make a motion that the House rise out of the Committee of the Whole and places it solely in the hands of the Democrat majority leader or the Democrat chairman of the Financial Services Committee.

Mr. Speaker, the new majority promised to run the most open, honest House in history. Instead of keeping their promises to the American people, Democrat leaders are acting with impunity as they shed any semblance of openness, fairness or regular order.

I don't believe many of the freshmen Democrat Members who were elected in the last election came to Congress to block debate and prohibit Members from offering amendments on the House floor. Yet, Mr. Speaker, they have joined lock-step with Speaker PELOSI in stooping to a level of oppressive partisanship that far exceeds the sins of any previous Congresses. It's a shameful record that shatters the promise Democrat leaders made to the American people to run an open, honest House.

Mr. Speaker, all this is being done to pass a bill that would create a brand new, Big Government, $15 billion Federal program to buy, remodel, resell or rent thousands and thousands of houses across the country. Who will profit from this new $15 billion government program are the lenders who made the bad loans and then foreclosed on families who didn't make their mortgage payments. It's a bailout for home lenders that knowingly took risks.

It's terribly unwise and wasteful of taxpayer dollars to create a new government program that invites other lenders to take gambles on home loans because the American taxpayer will come along and wipe away their bad decisions. Mr. Speaker, why should American taxpayers be footing the bill for calculated mistakes made by others? Why should American taxpayers, who are making their mortgage payments each month or who are paying rent, have to come along and fund billions of dollars to give away grants and zero interest loans for those who speculated, gambled and lost? Mr. Speaker, taxpayers should not take this hit.

Now I recognize that this bill is titled the Neighborhood Stabilization Act and that its stated intent is to help rehabilitate neighborhoods in metropolitan cities and urban communities that have multiple foreclosed homes sitting vacant and empty. But, Mr. Speaker, why should rural and middle America be forced to have their tax dollars used to bail out lenders in big cities and urban areas? I believe, Mr. Speaker, we should work to find incentives for people to purchase these homes and improve these neighborhoods.

□ 1230

But we should oppose a new $15 billion spending program so the Federal Government can be involved in flipping houses or renting out homes.

Mr. Speaker, I urge my colleagues to oppose this oppressive rule and the bad underlying bill.

With that, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I rise this morning in support of this very, very important measure.

Today, this House of Representatives will vote on the most comprehensive response yet, bringing badly needed help to this Nation's troubling mortgage crisis.

These House measures we will debate today will help in several areas: Number one, it will help families facing foreclosures to keep their homes; two, it will help families avoid foreclosures in the future; and three, it will help the recovery of communities in cities and towns across this Nation who are harmed by empty houses that are caught in the foreclosure process. And that's why I rise to support this bill today.

This is our first bill out of the gate on this important measure. And it is extraordinarily important, Mr. Speaker, and that's why I support this rule.

As we look across the landscape of America today, in neighborhood after neighborhood, homes empty, buildings empty, vandalism on high, violent crime on high, neighboring homes' property values going down, and right today, mortgages that are higher than the actual value of the property. And my good friends on the other side of the aisle question, why are we moving? Why is this a bailout? This is not a bailout. If anything, my dear friends, this is a bail-in. This is a bail-in to save communities.

Some of the same arguments that I heard on this side were heard during when we had other disasters. This is a disaster, just as we had Katrina, just as we had tornados, just as we had unforeseen circumstances. I even heard some say, when Katrina was coming, well, they knew the hurricane was coming, why didn't they get out of the way? This country needs help, and they're looking for their government to do what government is supposed to do, help their country in a moment of greatest need. And there is no greater need today than to help in this mortgage crisis.

And foremost for that help is to get into these communities, give our State and local governments, whose fire departments, whose police departments, already strained, are overstrained, and to help those neighboring homes who are going down in value because these properties are standing there idle and empty and are nothing but havens for crime. That's why, Mr. Speaker, this bill is so important.

I commend Ms. WATERS and Chairman FRANK for putting together the leadership of this bill, which I'm proud to be a cosponsor of, because it goes to the heart of the matter, and that is, saving America's communities. Fifteen billion dollars spread in two fashions, 7.5 for loans, 7.5 for grants. It's an excellent idea whose time has come.

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that each side get an additional 2 minutes so I can engage the gentleman and so he can have the time to yield to me.

Ms. CASTOR. Mr. Speaker, I object. I do not yield for that purpose.

The SPEAKER pro tempore. The gentlewoman does not yield for that request.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from West Virginia (Mrs. CAPITO), a member of the Financial Services Committee.

Mrs. CAPITO. I thank the gentleman for recognizing me.

I am on the Financial Services Committee. And we have debated and had many hearings on what we all share is an issue before us with great urgency. We are facing serious challenges here in the housing market, and I think our committee has done great work on a bipartisan basis to pass numerous measures and to listen to the concerns all across the board.

But I think the greatest concern for me and for all of us here should be that individual in that home who stays up late at night or can't sleep at night because they can't figure out how they're going to stay in their house and afford to keep their home, keep their family safe in their home, and meet the challenges of either an adjustable rate or a house that maybe has devalued so much that they feel like their only option may be to walk away from their mortgage.

So we have two bills before us today. Later on, we're going to be considering H.R. 5818, which is the Neighborhood Stabilization Act of 2008. This doesn't help that individual who can't sleep at night who we're most concerned about. The aim is to help big cities and other urban areas that have foreclosed properties, to revitalize that. That's an issue for another day. In my view, the issue we need to debate today is how we're going to help that individual who can't meet the challenges and wants to stay in their home.

And so on the larger bill that we're going to be considering later, unfortunately the bipartisan tone of our committee sort of broke down in the process. We had, I think, very spirited debates in front of our committee where our philosophies were shared and we actually found a lot of common ground, which is the way it should be. Because when an originator came forward with a bad loan or didn't ask for financials or didn't ask for background information on a potential buyer, they didn't ask, are you a Republican or a Democrat? This isn't a partisan issue. That's why I think we should have a full and open debate here, and that's why I advocated for an open rule in front of the Rules Committee.

So the solutions that we're offering today are going to be diluted because we're not going to be able to hear the debate on the floor because the Rules Committee has decided, in their infinite wisdom—and I'm a former member of a Rules Committee, so I can say that—that the majority is using a seldom used rule that will really prevent our side from offering even a motion to recommit, where we can at least have our voice heard on this floor.

So I'm very disappointed that at this day in time, when we have that person at night staying up, that family wondering how they're going to stay in their home that night, they are not going to be able to see the choices that are before us as a body where we can say, we think this is more helpful, or we think this direction is the way we should go. For that I'm tremendously disappointed, especially in light of the committee that I serve on, Financial Services, where we did have this debate and we had ideas that came forward and more ideas that could come forward on this House today.

With that, I oppose this rule.

Ms. CASTOR. Mr. Speaker, we're going to do everything we can in our power to help American families across this Nation that, yes, are facing foreclosure. In this package we bring today we will help the folks who are facing those adjustable rates and keep them out of foreclosure. But I don't think we should turn a blind eye to the significant increase in foreclosures, the rate of foreclosures that has happened since 2003 under the Bush Administration. In 2003, 734,000 foreclosures; 2004, 835,000 foreclosures. More in 2005 and 2006. 2007, a record-breaking 1.5 million foreclosed homes in America. This Neighborhood Stabilization Act will address those vacant foreclosed homes in our neighborhoods.

I am going to call upon my colleague from the Rules Committee, Ms. MATSUI from California, to further address the issue. I yield 3 minutes to the gentlewoman from California.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from Florida for yielding me time.

Mr. Speaker, I rise today in support of the rule and the underlying legislation.

The housing crisis has had an unprecedented effect on our economy. Our families, our neighborhoods, our communities are facing daily challenges, seeing increased foreclosures and vacancies everywhere they turn.

My own hometown of Sacramento is among the hardest hit in this country. Just last quarter, nearly 5,300 homes were foreclosed on. And sadly, there is no end in sight. My district is fifth in the Nation in adjustable rate mortgages, many of which are reset to higher rates in the near future.

To make matters worse, Forbes magazine ranks Sacramento among the highest in homeowner debt. Twenty-eight percent of homeowners in my district hold second mortgages and/or home equity lines of credit, making it much more difficult for them to save their homes.

This crisis is affecting everyone; homeowners who are in danger of foreclosure, renters who are being forced to move, and even families who are secure in their mortgages are seeing their home values fall, and increased neighborhood blight.

Mr. Speaker, this year I have met with many Sacramento families that are struggling with their mortgages in today's volatile economy. I have seen the sadness in their eyes and the emotional toll this crisis has taken on them. It is truly devastating. I met Susan at a foreclosure workshop. She had a traditional mortgage that was in good standing. Then, after repeated calls, she was steered by a lender to refinance her traditional loan into an adjustable rate loan so she could do home improvements. Now the loan is scheduled to reset soon, and she will have a difficult time making ends meet.

Another constituent, Jeanie, e-mailed me just last week. She has been forced to move twice already this year because the homes she was renting were foreclosed on. Without some stability in the housing market, Jeanie and her family, including their young daughter, will be forced to move again.

Mr. Speaker, we need to help these honest, hardworking homeowners immediately. This legislation is a step in the right direction. I urge support of this rule and this legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I rise in opposition to the rule that brings this bill to the floor and to this $15 billion bailout bill, and I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I think up here we lose sight of how much $15 billion really is. Fifteen billion dollars would operate the entire State government of Tennessee for almost 1 year, our education, our medical care, our prisons, our roads, our parks. And Tennessee is almost dead on average, statistics-wise, in regard to all the States.

Over 95 percent of the people are paying their mortgages on time. Consistent with that, about 95 percent of the people who have contacted my office or spoken to me about this bill, they don't want us to bail out people who have taken out loans that they couldn't afford. But even worse than that, the $15 billion that's in this bill, even worse, we're going to pass later today a $300 billion housing bill that we really can't afford. Tomorrow we're probably going to pass a $250 billion supplemental appropriations bill. That's $565 billion in 2 days. And all three of these bills are outside the regular or don't even count the regular appropriations bills that we'll be taking up.

Next week, we're going to pass an almost $300 billion farm bill. A couple of weeks ago it came out that the Pentagon has had $295 billion in cost overruns on just their 72 largest weapons systems, not counting the cost overruns that would be in all the thousands of other large and medium size and small contracts.

Last week, we rejected an effort by the administration to save $50 billion over the next 10 years on the Medicaid rules even though payments to hospitals under the Medicaid program have gone up two to three times the rate of inflation every year for the last 15 or 20 years.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. HASTINGS of Washington. I yield the gentleman 1 additional minute.

Mr. DUNCAN. What I'm getting at, Mr. Speaker, is this: This Congress is going to go down as the most fiscally irresponsible Congress in the history of this Nation if we keep spending at this rate. No one can legitimately call themselves a fiscal conservative if they vote for all these bills.

David Walker, who just retired as the head of the GAO, respected by both sides, said that even worse than the $9 trillion national debt that we have is the 53 to $54 trillion in unfunded future pension liabilities. It's not going to be many years, Mr. Speaker, before we're not going to be able to pay all our Social Security and veterans pensions and all the other things we promised our people if we keep spending in the reckless manner that we're doing so today and in the days ahead.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 3 minutes to an outspoken advocate for the hardworking families of Ohio and all Americans, Ms. KAPTUR of Ohio.

Ms. KAPTUR. I thank the gentlewoman for yielding to me, and I rise today in reluctant opposition to the rules on both housing bills that are before us because they are not coming up before us in regular order. Neither one is an open rule on such an important subject.

I truly want to thank Chairman FRANK and Congresswoman WATERS for their efforts to improve these bills as they move forward. But on a matter so serious, the membership should be afforded the respect our offices bestow to represent their people and be allowed to amend and be heard in this body.

□ 1245

Every day, between 7,000 and 8,000 American households lose their homes to foreclosure. Meanwhile, the banks responsible are being rescued by the Federal Reserve, an instrument of our government. Today, the major bills before us to assist with foreclosures will unleash the power of the taxpayer-insured Federal Housing Administration to catch some of the homeowners in its rescue net. But these bills do nothing to hold the lenders and servicers responsible.

Despite the promise of rescue hotlines and Federal and State government compacts, Federal action to help homeowners being foreclosed lacks bite. It is voluntary. It pushes to the FHA what the private sector should be making whole.

The two plans to be considered today, again, ask mortgage servicers to voluntarily, and I underline that word voluntarily, enter into an agreement with the FHA to insure these troubled loans if servicers offer modest loan concessions. The problem: The voluntary aspect of the program leaves homeowners yet again at the mercy of the mortgage loan holder.

Take Countrywide. The CEO of that company had his compensation approach over $200 million, with salaries, bonuses, options, and everything over the last 5 years. Yet the Federal Reserve still rewards Countrywide as one of its privileged primary dealers trading in U.S. Government securities. The FHA rescue plan promises to save maybe 500,000 homeowners, or half a million Americans. That equals maybe 25 percent of the more than 2 million additional homeowners still at risk of foreclosure. Let me ask, is helping 25 percent, perhaps, of homeowners at risk the best America can do? Because the bills are not being considered under an open rule with the ability to amend, we cannot perfect this legislation.

So it's fair to ask, where have these voluntary rescue plans gotten us so far? Housing counselors in my area tell me dozens of servicers refuse even to come to the table and return phone calls, for heaven's sake. Not restructuring the loan is one thing but not picking up the phone is another. When servicers refuse to answer the phone, no degree of local government effort or foreclosure prevention counseling can be effective.

Who is not picking up the phone? Some of these characters: CitiFinancial, HSBC/Beneficial, Chase Mortgage, Countrywide, Sovereign Bank, Indymac Bank, Popular Mortgage, GMAC, NovaStar, EMC Mortgage.

The SPEAKER pro tempore. The time of the gentlewoman from Ohio has expired.

Ms. KAPTUR. May I have an additional minute?

Ms. CASTOR. We have a list of additional speakers, so at this time I cannot yield additional time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentlewoman 1 minute of my time.

Ms. KAPTUR. I thank the gentleman for yielding.

To continue . . . ASC Servicing, HomeEq, Wilshire, Nationalstar, EquiFirst, Litton Loan, Flagstar, and Saxon Mortgage Services.

In fact, the Federal Reserve still has among its privileged list of primary Treasury security dealers Countrywide, HSBC, and Citigroup, some of the very companies that aren't answering the telephone.

Banks and mortgage servicers should be mandated to disclose contact information, phone numbers, and lay services for their loss mitigation departments. Citizens attempting to do workouts on loans must have these recalcitrant institutions at the table.

In addition, as I've said for months, forthcoming improvements to the bill should include a short-term foreclosure moratorium, perhaps 3 months, to help hundreds of thousands of Americans avoid foreclosure. And, most importantly, Congress should vote again on allowing judges the flexibility to modify the terms of mortgage loans in bankruptcy court proceedings. Frankly, the Senate should filibuster on this issue. In other words, do for the homeowner what the Federal Reserve has done for the big banks.

Without enacting tougher legislation, a "no" vote on this rule and the one to follow will allow for a more effective set of bills to come before us that will really address the comprehensive foreclosure needs of the American people. I'm glad to see the progress we've made, but we could go so much further.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I would like to ask the ranking member a question on what's really going on in Florida.

One of the reasons we are objecting to this is because of the previous question. Can you mention the previous question?

Mr. HASTINGS of Washington. If the gentleman will yield, I am going to ask my colleagues to vote "no" on the previous question so that we can address another issue of tremendous import in this country that has hit every family, and that's the high prices of gasoline. So I will ask my colleagues to vote "no" on the previous question so we can address issues, allow Members on the floor to be able to debate the issue of lower gas prices.

Mr. SHIMKUS. So a "no" vote on the previous question allows us to debate lowering energy costs in this country; is that correct?

Mr. HASTINGS of Washington. It would give us the opportunity to do that because there are some ideas here. The gentleman is correct.

Mr. SHIMKUS. And that would be in conjunction and probably would meet with the Speaker's promise in 2006 that Democrats have a commonsense plan to help bring down skyrocketing gas prices. She made that quote. That would allow us to bring that plan to the floor, would it not?

Mr. HASTINGS of Washington. If the gentleman will yield, the gentleman is correct.

Mr. SHIMKUS. Likewise, JIM CLYBURN said, "House Democrats have a plan to help curb rising gas prices." That would allow us to find out what that plan is; am I correct?

Mr. HASTINGS of Washington. If the gentleman will yield, the gentleman is correct.

Mr. SHIMKUS. And when STENY HOYER said, "Democrats believe we can do more for the American people who are struggling to deal with high gas prices," that would allow us to address the majority leader's plan to help bring down energy prices; is that correct?

Mr. HASTINGS of Washington. If the gentleman will yield, the gentleman is correct.

Mr. SHIMKUS. And it's tied to this debate, and I know my colleague who just spoke, it would probably be important for her to vote "no" on the previous question so that some of her concerns would be aired; would that be correct?

Mr. HASTINGS of Washington. If the gentleman will yield, I think every Member should allow every Member the opportunity to address these issues.

Mr. SHIMKUS. Well, Mr. Speaker, high energy costs really affect this debate because high energy costs are causing people to make tough decisions where they can't meet their bill payments.

Just last year the cost for natural gas for an individual homeowner went up 5.9 percent. Just last year the price for home heating increased 37.2 percent. The cost for propane increased 22.2 percent. The cost for electricity increased 4.3 percent. Why? We have no plan. The Democrat plan to lower energy costs was no plan.

There was a plan. It did this: Crude oil was at $58.31 when the Democrats came into the majority. Today, $121. Yesterday it hit $122. I've been doing this for 4 weeks. It hasn't gone down; it keeps going up.

What has that done at the pump? When Democrats came into control, $2.33. What is it today? On average, $3.60. That's no plan. That's a plan to fail. That's higher costs.

If you want people to be able to meet their mortgage payments, let's lower energy costs. Let's lower the price of a gallon of gasoline.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. SHIMKUS. Now bring in climate change. On average, climate change is going to add 50 cents to a gallon of gas. That would raise the price to $4.16. Nobody wants to pay that.

How can we solve this problem, Mr. Speaker? Let's go after our natural resources in the Outer Continental Shelf. Billions of barrels of oil, billions of cubic feet of natural gas right on the OCS. Democrats keep blocking the ability to get that. Let's do coal-to-liquid technologies. Go after our coal reserves, 250 years' worth in Southern Illinois alone, and turn that into liquid fuel.

Let's lower the cost for homeowners so that we don't have to rely on bailouts, we don't have to rely on government. My individuals want independence from government. They want independence on fuel costs. They want to pay lower costs.

Democrats can bring a bill to the floor. They promised it in 2006. We have yet to see it.

Ms. CASTOR. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of the rule and in strong support of H.R. 5818, as well as H.R. 5830 and H.R. 5720, which together constitute a comprehensive package of legislation that will help us address our Nation's housing crisis by providing assistance to those who are suffering the most.

The numbers characterizing this crisis are truly staggering. The National Association of Realtors reports that median home prices fell in 2007 by nearly 2 percent. RealtyTrac reported last week that in the first quarter of 2008, 1 in every 194 homeowners faced a foreclosure notice.

The loss of a home, or value in a home, is a loss of an asset which many Americans often work their entire lives to own, and it is a loss of a dream that many may never again have the chance to achieve for the rest of their lives.

Further, the decline of the housing market has pulled our economy to the brink of recession. Our Nation has lost some 260,000 jobs since January of this year, and economic growth slowed in the first quarter of 2008 to less than 1 percent.

The reality is that many Americans long ago entered their own personal recessions. And the legislation before us today finally begins to provide the aid that our Nation's families so urgently need to get back on their feet.

Together, these pieces of legislation will do the following:

Provide mortgage refinancing assistance to keep families from losing their homes and protect the values of neighboring homes; expand FHA assistance so that borrowers in danger of losing their homes can refinance into lower-cost, government-insured mortgages they can afford to repay; and provide States $10 billion in additional tax-exempt bond authority in 2008 to refinance subprime loans and refinance the building of affordable and rental housing.

I applaud Chairman FRANK and Chairwoman WATERS for their determined leadership and for these great pieces of legislation, and I urge the adoption of each of these measures.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Washington has 13½ minutes remaining, and the gentlewoman from Florida has 12½ minutes remaining.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 144, nays 250, not voting 39, as follows:

[Roll No. 272]

YEAS—144

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Barton (TX)
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
DeGette
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Gerlach
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—250

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berry
Biggert
Bishop (GA)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Garrett (NJ)
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
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Kuhl (NY)
Lampson
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Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCotter
McDermott
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Nunes
Obey
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
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Thompson (CA)
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Udall (NM)
Van Hollen
Velázquez
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Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wolf
Woolsey
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Yarmuth

NOT VOTING—39

Andrews
Bean
Berman
Bishop (NY)
Bishop (UT)
Boucher
Burton (IN)
Campbell (CA)
Conaway
Cubin
DeLauro
Doggett
Doyle
Fossella
Gilchrest
Grijalva
Hinchey
Hunter
McCarthy (NY)
McCollum (MN)
McGovern
Moran (VA)
Oberstar
Olver
Pascrell
Peterson (PA)
Renzi
Reynolds
Richardson
Ross
Rush
Salazar
Slaughter
Speier
Udall (CO)
Weldon (FL)
Wexler
Wilson (OH)
Wynn

□ 1318

Messrs. JACKSON of Illinois, FRANK of Massachusetts, McDERMOTT and RYAN of Ohio changed their vote from "yea" to "nay."

Mr. LATHAM changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

Ms. CASTOR. Mr. Speaker, we have just completed our third motion to adjourn the business of the House today, in addition to other procedural motions to delay action.

While we will not be deterred, we are going to continue to fight for families throughout America who are suffering in this housing crisis. We are going to provide the tools that our communities need to purchase these foreclosed homes and turn them into affordable housing for families.

Mr. Speaker, I am proud to yield 5 minutes to the gentleman from Massachusetts (Mr. FRANK), the Chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to address both the procedural and substantive objections.

First, procedurally, I understand there are some legitimate concerns about the second rule that we will deal with. But as to this rule, I will say categorically I was the ranking member on the Committee on Financial Services for 4 years. The rule today gives more scope to the minority's amendments than any rule under this committee's jurisdiction when they were in the majority.

The gentleman complained about an amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE). There is an amendment on the subject of illegal immigrants and their benefits in this bill. There were four such amendments. One was made in order. Putting in order duplicative amendments serves no purpose.

But when the Republicans were in power, we had situations where motions adopted in committee were changed by the Rules Committee, and we were not given an opportunity to vote an amendment and discuss that on the floor. That was on the GSE bill. There was never a time when, under the Republican rule, we had as much ability to offer ours.

There are three substantive amendments offered here. Five were already adopted in committee.

Now as to the substance. The notion that this helps lenders is bizarre. This is one that is strongly urged for mayors, Governors, police chiefs and municipal officials. Property already foreclosed used to pay taxes. It now absorbs taxes. There are fire hazards, there are nuisances, there are threats in terms of sanitation.

The problem is that many of the cities that have this problem of foreclosed property don't have the financial wherewithal to buy up the property precisely because they have lost tax revenues. They are in a vicious cycle. We are offering this money, and it is a need-based formula. The money goes to where there is the most foreclosed property.

Now it is true that it is $15 billion for the entire United States. We are in a terrible crisis, and this bill would provide $15 billion to elected local and State officials to buy up property. That's an awful lot of money. It is half what this administration offered to the counterparties of Bear Stearns.

Now I thought that the $30 billion offer to the counterparties of Bear Stearns was an unfortunately necessary request. But how, Mr. Speaker, do people in an administration that gave $30 billion of taxpayers' money, put that at risk for the counterparties of Bear Stearns, object when half of that is made available to all of America to abate fire high hazards and to preserve neighborhoods from serious problems?

The lenders don't benefit from this. In fact, we have a later bill in which we are going to be accused of not doing enough to put you into foreclosures. This bill says that when the property has already been foreclosed for at least 60 days, the cities and States may work with profit or nonprofit groups to make it available for affordable housing, to make it available for local employees. I guess when you don't have a serious argument, you just make things up. This one is totally unconnected to reality. We have been asked by local officials and worked with them. There is a great deal of property that has been foreclosed upon.

By the way, to anyone who says this is an incentive to foreclose property, there isn't enough money in this bill to begin to buy up all that's already been foreclosed. No one who hasn't yet done it is going to get any benefit from this, but let's get back to the basics.

Thirty billion dollars of public money has been made available for the counterparties of Bear Stearns, I think, of necessity, to avoid greater danger. But how, having done that, do you denounce half that amount of money for the whole country to cities and States to buy up foreclosed property that is blighting neighborhoods?

Then the gentleman from Washington said, well, why should the rural areas be forced to deal with this when it's a city problem because there is foreclosed property in many places? But that kind of rhetoric that sets one against the other, I don't think is very productive.

I guess I would say this: Why should the people of Detroit and Cleveland pay subsidies to farmers who make hundreds of thousands of dollars a year? We are going to pass an agricultural bill that's going to ask people in the cities to pay for agricultural subsidies. I don't think it is very sensible to start this kind of thing. We are going to bring forward housing dealing with rural housing.

America is in a terrible financial situation brought about by irresponsible economic activity unchecked by reasonable regulation. This is one small piece of dealing with it, and it is far less expensive than other pieces these people have supported.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman.

Mr. Speaker, I rise in opposition to this rule.

H.R. 5818, quite frankly, is a bailout bill, and it is not even a bailout bill to homeowners, it's a bailout bill to lending institutions.

While I appreciate the merits of the bill and what the sponsor was trying to accomplish, it is what it is. If we're going to provide a bailout, Congress should ensure that at least we are bailing out lending institutions that lent to Americans, not illegal aliens.

Yesterday I offered an amendment in rules to do that, an amendment that actually had some teeth. Instead, the Rules Committee decided to allow a similar amendment but one that lacked the teeth that mine had. My amendment prohibited States from using any of the funds to purchase homes that were owned by illegal aliens. If States used the funds under this bill to provide affordable housing to its residents, my amendment prohibited them from providing that housing to illegal aliens. However, my amendment required documentation, which only included a Social Security card with a photo ID or a REAL ID identification. That would be the proof of the pudding.

If Congress wants to use taxpayers' dollars to bail out lenders, let's make sure it's only benefiting the people who pay taxes and live here legally. I am saddened that once again the majority wants to pass legislation that will accomplish nothing but provide political cover.

I just checked with my office to see if we have heard from one municipality. While I respect the gentleman from Massachusetts, we have not heard from one mayor, not one city council member, not one county commissioner and, as of the last time I checked, we still had not heard from one State official.

For this reason I am going to vote against the rule and encourage other Members to do so.

Ms. CASTOR. Mr. Speaker, I would note for the record that the Committee on Financial Services heard from local government officials and housing experts across this country during committee markup and after that. There is no secret that communities across this country need a little bit of help in turning those dilapidated, empty, foreclosed homes into productive, safe, secure housing for families.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Speaker, I rise to oppose the rule, because there are so many amendments that could have improved this bill and saved the taxpayers money, but they were ignored by the Rules Committee, not allowed on the floor of the House, which isn't totally unlike the situation we are in with the supplemental appropriation bill.

Here we are about to pass a $200 billion—that's billion with a B—the largest supplemental appropriation bill in the history of Congress, and supplemental appropriation bills aren't anything new. They go back to the second Congress that ever existed because, so often, when you have a war, there are unanticipated costs associated with it, as there are with disasters and other things that might occur during the course of the year. So supplemental appropriation bills are normal. But what isn't normal is the size of this bill.

□ 1330

And what isn't normal is the Democrat Party who even has on Speaker PELOSI's Web page, as I speak, a promise to the American people that every bill would be vetted properly and passed through proper order.

And we all know from our eighth grade social studies class that proper order is that a bill is introduced; ding. It is sent to subcommittee; ding. The subcommittee has hearings, it has a markup in which amendments are allowed and where endorsements and where statements are made. Then it goes to full committee; ding. And full committee again repeats the process, possibly with hearings, certainly with debate, always with amendments, always with the minority and the majority party putting aside partisan differences on a committee level before the final product goes to the floor. And then again, ding, the bill goes to the floor where again people are allowed to amend a bill. People are allowed to make speeches on it.

But instead, what we have from what can only be called a ruthless, iron-fisted majority, an air-dropped bill. Yes, Mr. Speaker, an air-dropped bill, a bill that has bypassed, leapfrogged over the regular subcommittee and committee process.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. KINGSTON. May I have another 30 seconds?

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. KINGSTON. Again, Mr. Speaker, this bill is thrust upon Members of the House who will not have read it. In fact, I will take a poll right now. Is there anybody who has read, there are a lot of Members of Congress on this floor, have any of you read this $200 billion supplemental appropriations bill of which we will be voting on tomorrow? Not one hand goes up. I rest my point. This bill has not been vetted.

It should go through regular order which means subcommittee, full committee and then on the floor. Members should have the opportunity to read a $200 billion bill and they should have the opportunity to amend it.

Ms. CASTOR. Mr. Speaker, just for purposes of clarifying the record, I think it is important to note that a number of amendments were considered in the full committee, the Committee on Financial Services. And indeed, in the Rules Committee, we considered a number of amendments, and have accepted consideration of seven amendments in this bill that will be voted on later on. Three are Republican amendments.

Now I know the other side has focused a lot on delaying tactics and procedural maneuvers today, and they would love to open this up and have hundreds of amendments considered. A number of amendments filed with the Rules Committee were duplicative. We have tailored this structured rule in a fair manner.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield 30 seconds to the gentleman from California, the distinguished ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I was seeking to get the floor from my very dear friend from Florida to simply say that all we were asking for was nine amendments. Unfortunately, the process that was so eloquently outlined by our friend from Savannah, Georgia (Mr. KINGSTON) is exactly the process that is being used on the next foreclosure bill that we have. Having completely denied the opportunity for the hearing process, and as we go through every single step that should be part of this measure, the minority is going to, unfortunately, not have a chance whatsoever to offer its motion to recommit.

We are not asking for hundreds of amendments, Mr. Speaker, we are simply asking on this bill for nine amendments. When only a third of our amendments were made in order, three-quarters of their amendments were made in order, let's have a little more fairness.

Ms. CASTOR. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois, a classmate of mine, Mr. LAHOOD.

Mr. LAHOOD. I thank the gentleman for yielding, and I rise to say that I wish as a member of the Appropriations Committee, that the same procedure that is being followed for helping the housing industry whereby the Committee on Financial Services held hearings, allowed members to offer amendments, allowed members to read the bill, allowed members to have their say about the bill, we on the Appropriations Committee would be accorded the same opportunity when it comes to a bill that will be considered by the House tomorrow, a $200 billion bill that will appropriate money to help our troops and to fund our troops and to provide them the equipment they need.

Now as a member of the Appropriations Committee, none of us will have the chance to read the bill, to look at the bill, and those of us who have been around this House for some time, and members of the committee know that the devil is in the details. We know what happens when bills are brought to the floor when Members haven't had a chance to read them. Things are inserted, words are inserted, dollars are inserted that become a great embarrassment for people as they vote on these bills.

And so tomorrow when this bill comes to the floor, the appropriation bill, the $200 billion appropriation bill, I encourage Members to vote against it because they will not know what is in it. They won't know what words are in it or what money is in it because the Appropriations Committee has been shut out from the opportunity to have their say, to offer amendments, to offer an opportunity to change the language in the bill.

And really it is disingenuous, I think, to our committee to allow this kind of procedure to take place. We have two very experienced people on the Appropriations Committee in the chairman from Pennsylvania and the ranking member from Florida of the Defense Appropriation Subcommittee who will have little or nothing to say about the bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. LAHOOD. Now I talked to two of the Democratic leaders about this, and I tried to persuade them, let's go through the regular procedure. You've got the votes to pass the bill. You're going to pass the bill. Why not give all of us a chance to have our say and to at least read it and offer amendments and have our say. What are you afraid of?

Mr. Speaker, this is not the way to run the House. This is unprecedented that a bill of this magnitude would come to the House like this. I urge the Speaker and the leadership to give us a chance, as members of the Appropriations Committee, to have our say, to read the bill, to offer amendments.

Ms. CASTOR. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 6 minutes remaining and the gentlewoman from Florida has 5½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. Mr. Speaker, let's be clear. It is not we Members who are shut out, it is the constituents that we represent. On this Financial Services bill, those constituents that we represent have been shut out in committee and not offered an opportunity to offer an amendment.

On the Appropriations Committee, the war funding bill, life or death for our troops, the most important question facing our Nation, our survival as a Nation and the war on terror, the 19 million Americans that we represent on the Republican side have been shut out of the process and denied an opportunity to offer amendments in debate on the survival of the Nation in the war on terror, on life and death of our soldiers in the field.

I, for one, had an amendment to make the Iraqi Government pay more of their own share of this reconstruction and make sure that with oil at $120 a barrel, the Iraqi Government, sitting on the world's third-largest supply of oil, I have an amendment to require the Iraqi Government, that I was going to offer in committee, to make the Iraqi Government pay for the reconstruction of roads, utilities, schools, job training and economic development. Because we have a record debt and deficit in this country, that amendment is an important piece of the debate in the appropriations bill to pay for the war.

This is not just any bill that the American people have been shut out of the debate on. It is the bill paying for the lives and safety of our troops in the field.

I would, frankly, think that the Democrat leadership of this House would be embarrassed to deny the American people an opportunity to have their elected representatives participate in this debate. When we started this Congress, the Speaker promised the most ethical and open Congress in the history of the Nation. We don't see it in the process. Over and over again these bills come to the floor without an opportunity to debate them or offer amendments on the floor.

Don't forget, it is not just the Republicans that are shut out, Mr. Speaker, but the Democrat members of the Appropriations Committee have been shut out, just like the members of the Financial Services Committee have been shut out. The American people have been shut out of this process, and the Democrat leadership ought to be embarrassed for bringing a bill to fund the war without giving us all an opportunity.

Mr. HASTINGS of Washington. Mr. Speaker, clearly there is enough to talk about here, and so I ask unanimous consent that each side have an additional 5 minutes.

Ms. CASTOR. Mr. Speaker, I do not yield for that purpose.

I object.

The SPEAKER pro tempore. The gentlewoman does not yield for that purpose.

Mr. HASTINGS of Washington. Mr. Speaker, I inquire of my colleague from Florida if there are any more speakers on the other side.

Ms. CASTOR. I am the last speaker for my side, so I will reserve the balance of my time until it is my turn to close.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my colleague if she would be willing, since she has time and she is the last speaker, if she would yield time to us so we may control that time for the speakers we have.

Ms. CASTOR. Mr. Speaker, we have suffered through delaying and procedural tactics today, and the business of the American people in this housing crisis should be delayed no longer. I do not yield additional time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 4 minutes remaining and the gentlewoman from Florida has 5½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California, the ranking member of the Rules Committee.

Mr. DREIER. Mr. Speaker, I would like to yield 30 seconds, if I might, to the distinguished ranking member of the Committee on Financial Services.

Mr. BACHUS. Let me introduce into the RECORD a letter that 16 Republicans, including myself and SCOTT GARRETT, sent to Chairman FRANK asking for hearings on the Bear Stearns matter and his response in which he said that he had much greater confidence in the decision to fund the bailout of the counterparties of Bear Stearns. So the chairman at that time expressed his support, and we expressed our concern.

So now he seems to have changed his opinion and is criticizing the administration for something he defended in these letters. We will be having hearings on this matter, on Bear Stearns I can assure you, because our side is concerned about that bailout.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to respectfully request you hold a hearing of the full Financial Services Committee regarding the recent collapse of the investment bank Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on the financial markets and are also expected to have a long-term effect on our financial regulatory structure.

For the first time since the Great Depression, the Fed voted to open its discount window to primary dealers. While this authority has been available to the Fed since 1932, the decision to use it at this time has raised questions about whether and when the Fed should intervene to help a particular industry or firm in the name of market stability.

With the Fed approving the financing arrangements of the sale of Bear Stearns to J.P. Morgan Chase as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Fed has possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.

These extraordinary actions have raised a number of complex and multifaceted questions. As members of the committee of jurisdiction over our nation's financial markets and the regulatory bodies that oversee them, we feel it is imperative to have a full and public vetting of this unique situation. Therefore, we strongly urge you to convene a hearing on this subject of the Financial Services Committee on the soonest possible date.

Thank you for your consideration of this request.

Sincerely,

Scott Garrett, Spencer Bachus, Donald Manzullo, Walter B. Jones, Michele Bachmann, Ginny Brown-Waite, Randy Neugebauer, Tom Feeney, Tom Price, Ron Paul, Adam Putnam, Thaddeus McCotter, Jeb Hensarling, Steve Pearce, Geoff Davis, Judy Biggert, Dean Heller.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. SCOTT GARRETT,
Congressman, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. GARRETT, I received the letter signed by you and sixteen of your Republican colleagues on the Financial Services Committee expressing your concern that the recent actions by the top financial appointees of the Bush administration in the matter of Bear Stearns have "possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance." It does occur to me as I read your letter that I have somewhat more confidence in the judgment exercised by Secretary of the Treasury Paulson and his aides and Federal Reserve Chairman Bernanke and other officials of the Federal Reserve System than you appear to have, but that is no reason for us not to give this the fullest possible airing, So I do agree that we should be thoroughly examining this matter.

Where we may disagree is the context in which this happens. That is, I agree with you that we should have a "full and public vetting of this" matter, but I do not think it is necessary that we have the hearing "on the soonest possible date." I say this for two reasons.

First, the Committee, as you know, is now engaged in serious consideration of the appropriate response to the foreclosure crisis that now confronts us. I realize that there are some who believe that we should take no action at all, but I think the recent movement by the Bush administration to expand the reach of the FHA, even though I do not agree with it in all respects—is recognition of the need for some action. I therefore believe that it is important that the Committee continue its efforts on dealing with the current crisis, in cooperation with our Senate colleagues who as you know in a bipartisan way have also moved forward on legislation, although I do not agree myself with all aspects of it. My intention is to ask that the Committee continue to focus on this for the next several weeks.

Secondly, I do believe it is important for the Committee to begin an investigation, including hearings, into the Bear Stearns issue, but not in isolation. It is important that we look at what happened with regard to Bear Stearns, not primarily as a matter of hindsight because in fact we cannot undo what was done, but rather from the standpoint of anticipating what the public response should be in similar matters going forward. This includes of course discussing whether or not these specific actions taken in the Bear Stearns case were the best ones from the public standpoint, but also beginning the very important issue of what we might do in Congress to make it less likely that a situation of this sort will recur. You correctly note in your letter that what the Bush Administration did in this case did establish "a precedent that could lead to future instances of companies. . . expecting the same assistance." I think it is important that we therefore empower some federal entities to take actions that may make this less likely, and would also allow them to accompany any such intervention if it should later be decided to be necessary with appropriate remedial matters.

In summary, I agree that the Committee should be looking into this, not from the standpoint of rebuking Chairman Bernanke or Secretary Paulson, but rather as part of a serious consideration of the causes of the current crisis and more importantly, what we can do to make a recurrence of the events that led up to the Bear Stearns response much less likely in the future.

BARNEY FRANK.

Mr. DREIER. Mr. Speaker, I thank my friend for his helpful contribution.

We have heard countless members of the Appropriations Committee come to this floor and demonstrate their outrage. And why? Well, for the first time in the history of this institution, 219 years old, for the first time in the history of the institution, we are bringing up tomorrow, in the Rules Committee I suspect today, I don't know if we have a meeting scheduled or not, we are bringing up a wartime supplemental under a process which doesn't ask, as my friend from Tampa said, for hundreds and hundreds of amendments. We are simply asking for one simple bite at the apple, Mr. Speaker, a motion to recommit which was promised at the beginning of this Congress which was designed to be a great, new, open Congress with an opportunity for regular order to proliferate and succeed. And, unfortunately, what we are doing with this process is completely obliterating the right, as my friend from Houston said, of millions and millions of Americans to be heard.

We have seen the committee process completely abrogated as we look at this wartime supplemental, and now here we are saying that there won't even be an opportunity to consider, that sacrosanct one opportunity for Members of the minority to be heard. It is an absolute outrage that this would proceed, and that is why so many of our Members have demonstrated their concern.

Mr. HASTINGS of Washington. Mr. Speaker, I again inquire of my colleague from Florida if there are any more speakers on her side.

Ms. CASTOR. I am the last speaker on my side, so I will reserve the balance of my time to close.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, 2 years ago Speaker NANCY PELOSI promised Americans a Democrat plan to lower gas prices at the pump. Democrats have controlled Congress for 16 months but we have still not seen the plan. Meanwhile, the cost of gas has gone so high it is setting record after record.

Since Democrats took control of Congress in January of 2007, the cost of gasoline has gone up by more than 50 percent. In fact, the cost of gasoline has gone up more in 16 months than it had gone up in the prior 6 years.

Despite Speaker PELOSI's promise of a "commonsense plan" to "lower the price at the pump," this Democrat Congress has put forward no plan, taken no action, and passed no bills to lower gas prices.

It is time for the House to debate ideas for lowering prices and it is time for Democrats to reveal their promised plan.

By defeating the previous question, I will move to amend the rule to allow any amendment to be made in order on the underlying bill that "would have the effect of lowering the national average price of gasoline."

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, on April 21, CNNMoneyline.com had a poll, and the things that Americans were most concerned about from a financial standpoint were: the cost of gasoline, 65 percent; the cost of food, 16 percent; the cost of health care, 13 percent; and the cost of housing, 6 percent.

Mr. Speaker, that makes the case in my view for defeating the previous question so we can respond to the 65 percent of Americans who are concerned about the rising price of gasoline. This will give the House of Representatives an opportunity to debate ideas to reduce the cost of gasoline. So I urge my colleagues to defeat the previous question so we can consider this vitally important question for American families, for workers, truckers, small businesses, and for the entire economy.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, I urge my colleagues to support the Neighborhood Stabilization Act of 2008 and this rule today so that we can provide our communities with the tools they need to protect our neighborhoods during these economically turbulent times.

And I urge my Republican colleagues not to turn a blind eye to the hardworking families across America that are being squeezed, and your delaying tactics and your procedural maneuvers that are simply delaying our efforts to address the housing crisis for America's hardworking families.

I salute the leadership of Chairman FRANK and Chairwoman WATERS during this housing crisis and our swift action through this comprehensive housing package that has been encouraged by Federal Reserve Chairman Ben Bernanke and under Democratic leadership. This demonstrates that we are committed to ensuring that families across America can obtain and keep the American dream of homeownership in a safe and secure neighborhood.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the rule and the underlying bill to H.R. 5818, the Neighborhood Stabilization Act of 2008.

This legislation will provide $15 billion in HUD-administered loans and grants for the purchase and rehabilitation of owner-vacated, foreclosed homes.

This bill is a win-win for our communities. Not only will it help provide a bottom for local housing markets: by removing foreclosed properties that continue to drag down the housing values of whole neighborhoods, this program will allow for the creation of much needed affordable housing.

Our communities are looking to us to help provide a solution to the subprime mortgage meltdown. They need relief now.

I support the rule. This bill is the best vehicle for direct relief. I urge its adoption.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Res. 1174, the Rule Providing for Consideration of H.R. 5818, the "Neighborhood Stabilization Act of 2008", introduced by Congresswoman MAXINE WATERS, of California. I would also like to thank Chairman BARNEY FRANK for his leadership on the Financial Services Committee.

As evidenced by the numerous housing and financial services bills introduced this Congress, we are in economic turmoil. I have been concerned over recent developments in the housing and mortgage markets and worked with my colleagues to ensure that not only are my constituents' needs addressed but that all Americans are able to get relief.

Bills such as H.R. 3019, the Expand and Preserve Home Ownership Through Counseling Act by Congresswoman JUDY BIGGERT, and H.R. 3666, the Foreclosure Prevention and Home Ownership Protection Act by Congresswoman BETTY SUTTON, include sections that speak specifically about foreclosures. These bills would authorize studies on current defaults and foreclosures, as well as possible causes.

I am pleased to support this much needed legislation from fellow Congressional Black Caucus member, Congresswoman MAXINE WATERS. H.R. 5818, the Neighborhood Stabilization Act of 2008, establishes a loan and grant program, administered by the Department of Housing and Urban Development, to help States purchase and rehabilitate foreclosed homes to stabilize as many properties as possible.

AMENDMENT LANGUAGE AND PURPOSE

I had offered an amendment to H.R. 5818 that would provide for those who have been struggling to keep up with the rising price of gas, the downturn of the housing market, and the incredible cost of healthcare. My amendment would not exclude from eligibility, individuals and families based solely on credit ratings or their credit histories.

Many individuals and families have credit ratings and histories that are less than required for the most-advantageous lending terms. These individuals should not be faulted for their struggle to make ends meet in these troubling economic times.

They have less than stellar credit due to the financial stress they have experienced trying to save their home from foreclosure. As a result, they have marred their credit. Families who have struggled to decide between paying their mortgage or paying for healthcare, families who have struggled to balance their need for shelter with their need for food are rarely able to maintain a credit score that qualifies them for a basic credit card, let alone a home or rental property.

At least 50 percent of the grant money must be targeted to house families at or below 50 percent of AMI, and not less than half of this money must target families at or below 30 percent of AMI. Most of the people covered under this bill and at these income levels will not qualify if it is not clearly stated that they can be considered even with less than stellar credit.

This bill already gives preference to homeless persons, but I ask you, how many homeless people will qualify under this program if we do not make it clear that States can and should consider them even with credit histories that are not perfect. My amendment may appear to state the obvious in the preferences sections, but it adds clarity to the Act and I believe is necessary to ensure that ALL Americans are truly aided by this bill.

BILL BACKGROUND

The bill would establish a $15 billion, HUD-administered loan and grant program for the purchase and rehabilitation of owner-vacated, foreclosed homes with the goal of stabilizing and occupying them as soon as possible. $7.5 billion of the funds would be for loans, and the other $7.5 billion would be for grants.

Each State's loan and grant authority would be based on the State's percentage of nationwide foreclosures over the last four calendar quarters, adjusted to account for the State's relative median home price. States could allocate funds to government entities (e.g., housing authorities) and nonprofits for the purchase, rehabilitation, and resale of homeownership housing and the purchase, rehabilitation, and operation of rental housing. A State would be required to direct funds to a city within its bounds if that city is one of the 25 most populous in the Nation according to a formula based on the city's share of total State foreclosures and relative home prices.

Loans would be non-recourse, zero-interest loans to finance acquisition and rehabilitation costs. The federal government would be paid back from resale or, in the case of rental properties, refinance proceeds. Grant funds could be used toward property taxes and insurance during the pre-occupancy phase; operating costs such as property management fees, property taxes, and insurance during the period a property is rented; property acquisition costs; and State and grantee administrative costs. Grants could also cover closing costs.

Homes purchased for resale must be sold to families having incomes that do not exceed 140 percent of area median income (AMI). Properties purchased for rental must serve families having incomes at or below AMI.

However, States would be required to give preference to activities serving the lowest income families for the longest period and homeowners whose mortgages have been foreclosed.

Thank you, Congressman FRANK and Congresswoman WATERS, for this timely housing legislation. I urge my colleagues to support H. Res. 1174 providing for consideration of H.R. 5818.

☐ 1345

Ms. CASTOR. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1174

OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the substitute which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

SEC. 5. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause I of rule X.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO ADJOURN

Mr. CULBERSON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CULBERSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on motions to suspend the rules on House Resolution 1113 and H.R. 5937.

The vote was taken by electronic device, and there were—yeas 138, nays 272, not voting 23, as follows:

[Roll No. 273]

YEAS—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono Mack
Boozman
Boustany
Broun (GA)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis, David
Davis, Tom
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Pearce
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Turner
Upton
Walden (OR)
Walsh (NY)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)

NAYS—272

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Andrews
Bishop (NY)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Conyers
Costa
Cubin
Davis (KY)
Deal (GA)
Fortenberry
Fossella
Paul
Peterson (PA)
Reynolds
Richardson
Rush
Skelton
Speier
Udall (CO)
Weldon (FL)
Young (FL)

☐ 1410

Mr. AL GREEN of Texas and Ms. LORETTA SANCHEZ of California changed their vote from "yea" to "nay."

Mr. GALLEGLY changed his vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FORTENBERRY. Mr. Speaker, on rollcall No. 273, had I been present, I would have voted "no."

SUPPORTING THE GOALS AND IDEALS OF MOTHER'S DAY

The SPEAKER pro tempore (Mr. ROSS). The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1113.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1113.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. TIAHRT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 0, not voting 21, as follows:

[Roll No. 274]

AYES—412

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan

Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bishop (NY)
Bonner
Burton (IN)
Campbell (CA)
Conaway
Cubin
Deal (GA)
Farr
Fortenberry
Fossella
Hinchey
Murphy, Patrick
Paul
Peterson (PA)
Richardson
Rush
Skelton
Speier
Udall (CO)
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1419

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FORTENBERRY. Mr. Speaker, on rollcall No. 274, H. Res. 1113, had I been present, I would have voted "aye."

Mr. TIAHRT. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MS. CASTOR

Ms. CASTOR. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TIAHRT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 178, not voting 18, as follows:

[Roll No. 275]

AYES—237

Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latta
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHenry
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Petri
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn

NOES—178

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hulshof

Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Abercrombie
Andrews
Bishop (NY)
Burton (IN)
Campbell (CA)
Conaway
Cubin
Deal (GA)
Farr
Fossella
Paul
Putnam
Richardson
Rush
Speier
Udall (CO)
Van Hollen
Yarmuth

☐ 1427

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. TIAHRT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TIAHRT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by resumed 5-minute voting.

The vote was taken by electronic device, and there were—ayes 146, noes 276, not voting 11, as follows:

[Roll No. 276]

AYES—146

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Brown-Waite, Ginny
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—276

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Renzi
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—11

Bachus
Bishop (NY)
Campbell (CA)
Conaway
Fossella
Paul
Richardson
Rush
Speier
Udall (CO)
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining in this vote.

☐ 1446

Messrs. FRANK of Massachusetts, HILL, and BUTTERFIELD changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FACILITATING PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5937.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MEEKS) that the House suspend the rules and pass the bill, H.R. 5937.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. CALVERT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 345, noes 73, not voting 15, as follows:

[Roll No. 277]

AYES—345

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—73

Aderholt
Akin
Bartlett (MD)
Biggert
Blackburn
Blunt
Broun (GA)
Brown (SC)
Burgess
Calvert
Cannon
Cantor
Carter
Chabot
Coble
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Ehlers
Everett
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Granger
Hoekstra
Inglis (SC)
Issa
Jones (NC)
Jordan
King (IA)
Kingston
Kirk
Lewis (KY)
Lungren, Daniel E.
Marchant
McKeon
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Petri
Poe
Price (GA)
Radanovich
Regula
Royce
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (SC)
Young (AK)

NOT VOTING—15

Bishop (NY)
Campbell (CA)
Conaway
Drake
Fossella
Kaptur
Linder
Matheson
Paul
Peterson (MN)
Richardson
Rush
Speier
Terry
Udall (CO)

□ 1456

Messrs. FORBES, KIRK, CHABOT, and Mrs. MUSGRAVE changed their vote from "aye" to "no."

Mr. BARRETT of South Carolina changed his vote from "no" to "aye."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

Mr. SIMPSON. Mr. Speaker, I move to reconsider the vote.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SIMPSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 190, not voting 18, as follows:

[Roll No. 278]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—190

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon

Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Bachus
Bishop (NY)
Campbell (CA)
Conaway
Fossella
Granger
Kuhl (NY)
Linder
Paul
Peterson (MN)
Rangel
Richardson
Rush
Speier
Stearns
Tauscher
Terry
Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1504

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. CALVERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CALVERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 137, nays 260, not voting 36, as follows:

[Roll No. 279]

YEAS—137

Aderholt
Akin
Alexander
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berman
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Burton (IN)
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (NY)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
Miller (FL)
Miller (NC)
Miller, Gary
Miller, George
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Rothman
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Thornberry
Tiberi
Upton
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Young (AK)
Young (FL)

NAYS—260

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fattah
Filner
Fortenberry
Foster
Foxx
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Jordan
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (PA)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

NOT VOTING—36

Bachus
Bishop (NY)
Brown-Waite, Ginny
Campbell (CA)
Cannon
Conaway
Cooper
Cummings
Davis (IL)
Farr
Feeney
Fossella
Gordon
Granger
Hoyer
Kaptur
Kirk
Larsen (WA)
Linder
McMorris Rodgers
Murtha
Neal (MA)
Paul
Peterson (MN)
Rangel
Richardson
Rush
Sestak
Slaughter
Speier
Tancredo
Udall (CO)
Walsh (NY)
Waxman
Wilson (SC)
Wynn

□ 1523

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3221, FORECLOSURE PREVENTION ACT OF 2008

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1175 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1175

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal

Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Financial Services or his designee that the House concur in the Senate amendment to the text with each of the three amendments printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for three hours, with two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services and one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except that the Chair shall divide the question among each of the three House amendments.

SEC. 2. Upon adoption of the motion specified in the first section of this resolution, a motion that the House concur in the Senate amendment to the title shall be considered as adopted.

SEC. 3. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume, and I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1175.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, House Resolution 1175 provides for consideration of the Senate amendments to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008.

The rule makes in order a motion by the chairman of the Committee on Financial Services, Mr. FRANK, to concur in the Senate amendments with three House amendments. The rule provides 3 hours of debate on the motion, with 2 hours controlled by the Committee on Financial Services and 1 hour controlled by the Committee on Ways and Means. The rule also provides for a division of the question on the adoption of the three House amendments listed in the Rules Committee report.

Mr. Speaker, I think we all know why this rule and the underlying bill are so important. Millions of Americans are confronting the growing prospect of losing their home. Hundreds of thousands, if not millions, have already lost their home in a foreclosure epidemic that is the legacy of the subprime mortgage crisis.

According to recent reports, the most severe real estate recession in decades is going to continue to weigh down the economy, the pace of foreclosures is going to continue to rise, and homes continue to lose their value at increasing rates. This foreclosure epidemic has spread to virtually every major city in the United States.

What the Committee on Financial Services has done here is brought us a bill that addresses this problem directly. It's not a bill that intends to lay blame. There is plenty of that to go around. It's a bill that's intended to solve a problem.

Here are some of the sobering facts about the problem:

The number of homes entering foreclosure in the first 3 months this year was double the same period as last year.

One in every 194 homes received a foreclosure filing in the first quarter of this year.

And home prices are down, on average, 12.7 percent, which is basically the first time that's happened since the Great Depression in the early 1930s.

As the foreclosure trends intensify, the problem can only get worse. As foreclosure signs go up in neighborhoods, the value of the property in that neighborhood declines, even if the creditworthiness and the ability to pay of the homeowner is as strong as ever.

☐ 1530

Mr. Speaker, this legislation is about, as I mentioned, solving a problem. It creates opportunity for the lenders and the mortgage servicers to minimize their loss; it provides an opportunity for homeowners to stay in their homes, but it shares the pain as well as the opportunity. In order for lenders to take advantage of the opportunity presented in this bill, they are going to have to write down the value of the loan consistent with the current appraisal value. In order for homeowners to have an opportunity to participate in this program, they are going to have to give up the equity that they thought they had, including any moneys they had paid in downpayments.

House Resolution 1175 provides for the consideration of three House amendments to the Senate amendment to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008.

Amendment No. 1 includes H.R. 5830 regarding the FHA refinancing, H.R. 1852 regarding FHA modernization, H.R. 1427 regarding government-sponsored entity reform, those being Fannie Mae and Freddie Mac, and H.R. 1066 regarding community development investments, among other bills. Each piece of legislation in this amendment has already been passed by the House so we are really going over work that this entire body has considered before, or it has been rigorously debated and amended through the committee process in Financial Services and Ways and Means.

Amendment No. 2 includes H.R. 5720, the Housing Assistance Tax Act of 2008 under which middle-class families would be eligible for a loan of up to $7,500 toward the purchase of a new home, and homeowners filing jointly would receive an additional deduction from their property taxes of $700. States will also receive a temporary increase in low-income housing tax credits and $10 billion of additional tax exempt bond authority for low-interest loans to build low-income rental housing and to refinance certain subprime mortgages.

One of the underlying causes of the subprime crisis was that more and more Americans who wanted to rent couldn't and had to get themselves housing by getting into loans they couldn't afford.

Amendment No. 3 is a bipartisan amendment offered by Congressman MILLER and Congressman LATOURETTE regarding the preemption of State laws regulating foreclosure.

The centerpiece of this legislation is H.R. 5830, the FHA Stabilization and Homeownership Retention Act included in amendment No. 1. That bill would enact a voluntary program, voluntary, for homeowners and lenders, and I emphasize voluntary, nothing is being forced on anyone except the opportunity to work this out. The process would begin with a homeowner or servicer of an existing eligible loan with an FHA-approved lender, and the FHA-approved lender would then determine the size of the loan that meets the requirements of the program and that the borrower could reasonably repay. The plan targets a group of homeowners who would be able to stay in their homes if they had a reduction in principal and monthly servicing charges.

The Congressional Budget Office says that this legislation could save 500,000 mortgages from foreclosure. Other estimates put that number much higher, at over a million.

Just as important as keeping Americans in their homes, this legislation protects American taxpayers. The government's liability under this program is limited and only applies if a borrower defaults and the amount recovered in foreclosure is below the outstanding debt still owed. This is a program that will be paid for largely by the folks participating in it and benefiting from this option as an alternative to foreclosure, and that is through a series of financing and copayments that will be assessed at the time of closing as the life of the loan continues through fees for a period of about 5 years.

There are going to be about $300 billion made available under this bill for guarantees, but the CBO scored the legislation as having an outside risk to taxpayers of about $2.4 billion. And I would like to have my colleagues think about that for a moment in the context of the $29 billion that was made available to back the rescue of the investment banks when Bear Stearns collapsed.

The biggest cost to the taxpayer would be to let the economy unravel, to let neighborhoods decay, and to let thousands if not millions of homes go into foreclosure.

Mr. Speaker, H.R. 5830 and other critical parts of this legislation provides an avenue to stability, to restoring economic stability to our neighborhoods, to our working families in this country, and to our lenders. We all thank the excellent leadership of the Committee on Financial Services and the Committee on Ways and Means for working together, Republicans and Democrats, to bring this legislation to the floor for consideration.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I want to thank my friend from Vermont for yielding me this time to discuss the proposed rule for consideration of this omnibus package of legislation being returned from the Senate.

On behalf of the Republican Conference, Mr. Speaker, I rise in strong opposition to this closed rule and to this entirely closed process which is being manipulated for the sole purpose of silencing 430 Members of Congress and denying the Republican minority a motion to recommit.

I want every single Member to understand what today's vote really does mean. It means a vote for this rule is going to give only Ways and Means Chairman CHARLES RANGEL, Financial Services Chairman BARNEY FRANK, and Speaker NANCY PELOSI the opportunity to determine the shape of this legislation.

Mr. Speaker, that means that for anyone who is tuning in to watch today's debate on C–SPAN who is not sitting in Harlem, New York City; New Bedford, Massachusetts; or San Francisco, California, your vote is being silenced by the new majority's rule.

A vote for this rule is also a vote to once again break the Democrat leadership's numerous campaign promises to provide this House with regular order, including the bare minimum that can be done to protect minority rights through the inclusion of a Republican substitute.

I wish I could say that this disavowal of last year's campaign promises is precedent setting. Unfortunately, breaking these promises to the House and to the American people has become all too common in what has officially become the "most closed Congress in history."

What is precedent setting about this rule is that it directly contradicts the past statements of the chairman of the Committee on Financial Services, Chairman FRANK, who prior to today's rule had an unblemished record of at least asking for his party leadership and the Rules Committee to stick to their word.

In the past Rules Committee hearings, Chairman FRANK has advocated allowing this House to debate amendments:

(1) where there is a genuine issue of public policy;

(2) that allow for debate of a significant issue; and

(3) when amendments are germane and not duplicative.

Despite the fact that the broken promises Democrat majority made it clear that no amendments, not even significant, genuine, germane and unique ones would be considered by this House, 10 Republicans brought amendments to the Rules Committee that would have met each and every one of these prior requirements.

Unsurprisingly, all of these thoughtful amendments were summarily denied by the Rules Committee last night in what might well be renamed the "Graveyard of Good Ideas Committee" in the House of Representatives.

So despite the fact that there is no policy reason for completely shutting down the legislative process and even going so far as denying the minority a basic motion to recommit in moving this unvetted omnibus through the House, the Democrat majority has once again taken the path of least political resistance. And in doing so, they have again diminished this institution and the rights of the overwhelming Members who have a privilege to serve in this body.

Because the Republican Members of this House overwhelmingly oppose this lock-down rule that denies our party any substantive input into this process, including any amendments from a taxpayer bailout that may or may not solve the problems that it claims to, I have a number of Members who are interested in speaking up against this rule. I plan to save the majority of my time for them to provide their own thoughts on the shortcomings of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, this is the most important issue facing the American people today, and it is so important that the American people are watching this debate to see, as we are focusing our energies on this and to also, Mr. Speaker, take a look at the other side and the unfortunate distractions. We are not dealing with the war supplemental here. We are dealing with the issue that is on the minds of the American people. The American people are hanging on by their fingernails to their houses. Millions of families are losing their homes. An average of 7,500 people every day in this country are filing for foreclosure on their homes. As we debate this bill in this one hour alone, there will be 875 people who will file for foreclosure in each hour we are debating. That is important, Mr. Speaker.

There is nothing more important on the American people's minds than to do something that brings some reasonable end to this miserable nightmare we are in as a result of this mortgage-foreclosure issue.

Millions of families are seeing their home values drop. Trillions of dollars of household wealth and property values have been lost. Homeowners now owe more on their mortgages than their homes are worth, and the housing mortgage crisis has caused businesses to lay off workers. Hundreds of thousands of Americans have lost their jobs. This is what is at stake, Mr. Speaker.

In terms of liquidity, we are in the worst economic times since the Great Depression, and that is why it is important that we lay this backdrop so the American people can see what we are doing to respond to this issue that is before us today in H.R. 5830 which is a very thoughtful, which is a very responsive response to this very, very serious issue. H.R. 5830, the FHA Housing Stabilization Homeownership Retention Act is the answer to this problem. I commend Chairman BARNEY FRANK for having the foresight in our Committee on Financial Services to put it forward.

Essentially what it does is it gives just $300 billion in authority, not cost, Mr. Speaker. It is very important because I know the other side is going to come and talk about a $300 billion bailout. This is a bail-in that is going to cost the American taxpayers just $2.7 billion that has been outlaid and scored by the Congressional Budget Office.

Later in the debate we will explain exactly what these costs are. And what this bill will do, it will ensure a refinancing of loans for borrowers who are struggling to afford their current mortgages. Participation is voluntary. The mortgage holder would have to agree to a substantial reduction of the current loan's outstanding principal and provide new loans that that borrower can afford.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WELCH of Vermont. I yield the gentleman an additional 1½ minutes.

Mr. SCOTT of Georgia. That is what is important here, Mr. Speaker. What we are seeing on our side as what is critical is keeping people in their homes. And in order to do that, we are simply offering that we extend the FHA ability to authorize and simply place a guarantee of loans up to $300 billion which in fact is a $300 billion reinvestment in our economy. And again as I mentioned, the cost is only $2.7 billion.

To help defray the government's cost and prevent unjust enrichments such as borrowers' flipping, the bill requires that the borrower shares with the government a substantial position of any profits from selling or refinancing homes.

Mr. Speaker, I come from the State of Georgia which is suffering dramatically because of home foreclosures. The State of Georgia ranks number eight in home foreclosures.

☐ 1545

It is at the top of my agenda to make sure that we bring some relief, certainly to the people of my beloved State of Georgia, but certainly the 13th District, which even has a greater preponderance of foreclosures because of the subprime mortgage meltdown. This is extremely important.

And, Mr. Speaker, as I conclude, let me just say this point.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SCOTT of Georgia. I will continue that point in the debate.

Mr. SESSIONS. Mr. Speaker, for 17 months this new Democrat majority has led this country down their pathway of what they want, higher taxes, more spending, which has resulted in the gasoline crisis that we have today by cutting off supplies that would come to make America energy independent. And here we are now with a housing crisis. After all the years that we've had a growing economy, no wonder our country's in trouble. The new Democrat majority has taken over.

Mr. Speaker, I yield 5 minutes to the gentleman from San Dimas, California, the ranking member of the Rules Committee, Mr. DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding, and I want to begin by saying that I agree with many of the points that my dear friend from Atlanta, Mr. SCOTT, has made. He has put forth some very thoughtful arguments. And he is absolutely right. He comes from Georgia. I come from California. We're in the midst of a very serious housing crisis. In fact, the foreclosure issue is one that has impacted my State of California, and I know it has impacted Georgia and other segments of the economy.

But I have to say, as I listened to my friend's remarks, I was really struck with the fact that he failed, Mr. Speaker, he failed to look at the overall picture. It is true, there are Americans who are hurting. But to describe the economic challenges that we face today as the worst economic times since the Great Depression is, at least, a slight exaggeration.

Mr. SCOTT of Georgia. Will the gentleman yield?

Mr. DREIER. I would be happy to yield to my friend.

Mr. SCOTT of Georgia. It has been made clear, my good friend from California, by the Federal Reserve, by noted economists from my beloved school of Wharton, as well as Harvard, that in terms of liquidity, we are in the worst times of depression.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, let me recognize the gentleman did describe this as that.

Mr. SCOTT of Georgia. Liquidity.

Mr. DREIER. Mr. Speaker, the second point that he made, which I think is a very important one, is to say that this is the number one issue facing Americans.

Now in the debate on the last rule, our friend from Pasco, Washington (Mr. HASTINGS) pointed to a survey that was done, I think it was a CNN survey or some other survey, in which they talked about the priority issues.

Guess what issue number one is? Its the issue that our friend from Dallas was just talking about, gasoline prices. That happens to be, Mr. Speaker, the number one issue, and you have to go down the list to get to this as a priority issue.

All I'm arguing, and I'm not saying that this isn't, Mr. Speaker, a very, very important issue. It impacts the people whom I'm honored to represent here in a very negative way. But what needs to be recognized is, we have to look at where we are. We had anemic growth the last quarter, six-tenths of 1 percent. What that means is that while we may be possibly at the beginning of an economic recession, while we had anemic growth, it was not negative growth, which it takes, as my friend, Wharton-educated, has just pointed out, two quarters of negative economic growth for us to be in the midst of an economic recession. That is not to in any way diminish, Mr. Speaker, the pain that so many of our fellow Americans are feeling at this point.

Now let me just say about this issue. The President of the United States very much wants, as he said to Republican Members today, to have a bill that he can sign. And I've just spoken with my very good friend, the ranking member of the Financial Services Committee, who last night in the Rules Committee came forward with a very thoughtful alternative. That alternative focuses on strengthening a number of the very important existing programs that we have. They include, reform of the Federal Housing Administration, FHA reform legislation which we've worked on; the government-sponsored enterprises, GSE reform, very, very important; the FHA secure program; Hope Now. There are a wide range of programs that are out there.

And we've regularly encouraged our constituents who are facing the challenge of foreclosure to call that 800 number that has been put forward, because I know full well, from having spoken with many lenders, there is a desire not to take back these homes. My friend from Atlanta was absolutely right when he closed his statement by saying that the priority is to make sure that these Americans are able to stay in their homes. We want to make sure that they stay in their homes.

And guess what? To the surprise of many, these lenders don't want to take these homes backs. They don't want the responsibility of being saddled with them. And so the issue of forbearance is something that I know for a fact lenders want to engage in with these borrowers.

But as my friend from Dallas has pointed out very well, we have before us a structure which is very unfortunate. Yes, we know we went through the committee process. We know that we have seen a very fair process by the chairman of the Financial Services Committee. But, unfortunately, what we're doing here is taking up a Senate amendment.

So while tomorrow, if we consider this wartime supplemental, for the first time ever we are going to be completely ignoring the committee process, the subcommittee, committee process. And, of course, we'll look at the prospect of taking a shell bill here and denying the minority an opportunity for a motion to recommit. That's why so many members of the Appropriations Committee have been here demonstrating their outrage on this process. But on this bill what we're bypassing is floor consideration of the measure because we're simply taking a Senate amendment.

Now what does that do, Mr. Speaker? Just as the proposed plan to deal with the supplemental appropriations bill, it denies the members of the minority a right to offer that very important cherished motion to recommit.

And so I have to say, Mr. Speaker, I'm very, very troubled with this process, and I urge my colleagues to vote "no" on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. I thank the gentleman for yielding the time. I'd like to thank the chairman, BARNEY FRANK, for this outstanding piece of legislation.

Let me quickly say that Hope Now is good, which is what my friend referenced. Hope Now is good. However, help now is better.

We didn't give Penn Central hope now. We gave Penn Central a $7 billion bailout. Lockheed Martin got a $250 million bailout. Franklin National Bank, $1.7 billion bailout. Chrysler, $1.5 billion bailout. Continental Illinois,

$4.5 billion bailout. Farm Credit System, $4 billion bailout. First Republic, $1 billion bailout. Major airlines, $5 billion bailout. Steel companies, $7 billion bailout. And Bear Stearns, if we talk about the bare facts, $29 billion, plus a $13 billion loan through J.P. Morgan, which makes a total of $42 billion, if we talk about the bare facts.

This is a good piece of legislation, Mr. Speaker. This piece of legislation is voluntary, as has been indicated. But more importantly, it is a guarantee, not a loan. It does allow FHA to guarantee loans, about $300 billion, and that's going to help a lot of families to stay in homes. But it will also help this economy.

This economy is right now in a credit crisis. And in this credit crisis we've got to realize that there is interconnectivity. There's an interconnectedness, that we are living in a world wherein we are related to each another in a certain way. In this crisis, Mr. Speaker, when one home in a community has a for sale sign up, it impacts other homes in the community. It impacts the tax base of the community. It impacts the lives of children who are going to school in the community. So this piece of legislation will help us to keep people in their homes, but it will help to maintain the community. We sleep in houses and live in neighborhoods. This legislation helps neighborhoods.

I would also add that flippers don't benefit because you have to be a resident of the property. The government maintains a lien on the property. And there's an amendment in this bill, the Watt-Velázquez-Green amendment, which will help those persons who are being evicted, who happen to be tenants. Many persons who have their rent paid, their rent is paid, but they're being evicted because the owner of the property was foreclosed on. This amendment will help them to stay in their homes.

I ask that my colleagues please support this amendment, and please remember that we bailed out a lot of companies in this country. This is a hand up for a lot of people who are suffering and who may lose their homes, others who have their rent paid but who are about to be evicted.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 5 minutes to the gentleman from Alabama, the ranking member of the committee, Mr. BACHUS.

Mr. BACHUS. Mr. Speaker, the gentleman from Vermont, who is leading the debate of the opposition, I would like to appeal to the gentleman from Vermont.

Our constituents today are under a lot of stress because of the high cost of energy, gasoline prices, heating bills this winter. And Vermont, and I congratulate Vermont. Seventy-three percent of their electricity is powered by nuclear energy. Seventy-three percent. That compares to 19 percent in all other States. So I congratulate y'all.

Nuclear energy is a source of very cheap energy, very cheap electricity. It could really wean us off our dependency on foreign oil. I would appeal to the Vermont delegation, both Mr. SANDERS, Senator SANDERS, yourself, we need more nuclear power plants. And we would just urge our representatives from Vermont to stop voting "no" and allowing other States to have a source of low-cost energy. So just on a personal basis, I'd appeal to you.

Now we find ourselves in a very serious situation, a crisis—it's not too strong a word—in America. We have high food prices. We have high energy prices. And many of our citizens are under stress in paying their mortgages. Fifty-four million American families make a mortgage payment each month. An additional 34 million American families make a rent payment every month. I would say that a great percentage of those are under stress. There's 25 million Americans who own their own home or don't have a mortgage, and some of them are under stress.

Now we all agree that foreclosures are serious. They're bad for the community. But we fundamentally disagree in how we address the problem. I, for one, most of my colleagues, say let's not take from the 34 million American families who are renting, let's not take their tax dollars. Let's not take from the 51 million American families who are paying a mortgage payment. Many of them struggling under high gas prices, high food prices. Let's not take from those other 25 million American families who don't have a mortgage on their home, let's not take from them and reward lenders who unwisely extended credit, because that's what this bill is about. It's not about benefiting borrowers because the guarantee doesn't go to borrowers. It goes to lenders.

Three years ago we started an effort to rein in subprime lending abuses, and the lenders came before us and they lobbied and they killed our efforts to bring some structure and some control over the mortgage market. They said, thanks but no thanks. You stay out.

But, now, now that the chickens have come home to roost, they've come back in and said, bail us out. And they're turning to 110 million American families and saying, we need $300 billion. These are speculators. Many of them speculated. Many of them are investors on Wall Street who bought high-risk, high-yield, structured investment vehicles containing these mortgages. And now they're saying, we're in trouble. And they're saying, we want to offload these bad loans on to the government.

And we'll decide today whether we take from 110 million American families, take their hard-earned money, and we bail out these lenders and these speculators, many of which are guilty of criminal, fraudulent acts. They trapped people into these loans, and when the loans have become illiquid, they've asked for the taxpayers to come in and stand behind it.

This program is, and y'all have said to us, or you have said, it's a voluntary program. Absolutely, it's voluntary. The lender can choose which loans he offloads on the Federal Government. Which loans will he offload? He'll offload his bad loans. He'll offload the very worst of the loans.

☐ 1600

And the American taxpayers, those I represent who are making those rent payments, who are making those mortgage payments, and don't assume that those 51 million American families who are making their mortgage payment, don't assume they're not under stress. When you say, We're going to share the pain, why would you ask a renter or an American family that's paying their bills to share the pain? They have enough pain.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Speaker, I will be happy to engage my good friend from Alabama and both of us go to the Department of Justice, the SEC and begin to file legal action against the unscrupulous investors on Wall Street who took these mortgages knowing that they had a cheap deal. If he will join me, we will walk down to the Department of Justice right now to get the Attorney General to begin filing major litigation against these scandalous, unscrupulous individuals, if that's what he would like to do.

But right now on the floor of the House we have major legislation that is going to address the question of the suffering of Americans. And I'm going to take this brief opportunity to acknowledge the bill sponsored by my good friend and colleague, Congresswoman WATERS, on H.R. 5818. We've passed the rule, but I want to support the underlying premise that once we get through with the major reconstruction, that the bill that we are now discussing and the rule that we're now discussing, we will have $15 billion to go into these communities and be able to buy back these properties and to take them off of the streets and to make sure that low-income individuals that need affordable houses, families that are broken because of the foreclosure scandal will be able to get back into their community. This is good legislation.

Now, as we move forward on the FHA stabilization on the Senate amendments that we're now discussing, the American Housing Rescue and Foreclosure Prevention Act, let us put this in the right perspective. We lost 20,000 jobs in April. We have the bailouts of corporate America everywhere you can see. Airlines are merging, Bear Stearns got $42 billion or more to bail them out, and yet my good friends on the other side of the aisle are not interested in having us do things that the President wants us to do.

He wants us to have, if you will, the government sponsored enterprise reform. He wants us to fix Freddie Mac. He wants us to fix Fannie Mae. He wants to make sure that we provide for disabled veterans. He wants us to be able to invest in the important housing matters, and he wants to make sure that we put Americans back in their houses and put them right side up.

We're not in a recession; we're moving towards a 1929 depression. And I don't know why the other side cannot wake up. This is a good rule for a good bill.

As we make this march toward passing this legislation, I hope that we will also include that those who have lost good credit ratings because they suffered a foreclosure will be able to get back into the good credit rating by being eligible for these programs. Let us not punish those that fell victim to foreclosure because of unscrupulous practices that we're fighting against and their credit score went down to keep them from getting another house. Let's make sure we work that out. That is an idea and an amendment that I have, and I look forward to working with the committee so that as we move forward, we can get this done.

Again, if you can bail out Tom, Dick and Harry, you can at least bail out Mrs. Jones, Mrs. Smith and Mr. Garcia, because these are the hardworking Americans. I stand with them.

Let them stand with the big, rich guys all the time.

Madam Speaker, I rise in support of H. Res. 1175, the Rule Providing for Consideration of H.R. 3221, the "American Housing Rescue and Foreclosure Prevention Act of 2008."

I am pleased to support this much needed Housing and Urban Development legislation, to help States purchase and rehabilitate foreclosed homes to stabilize as many properties as possible.

All Americans—homeowners, lenders, communities—indeed our entire economy is worse off when a foreclosure occurs and when significant quantities of homes are foreclosed in a short amount of time.

H.R. 3221 responds directly to the current crisis facing middle class Americans while providing the tools to prevent a repeat of these problems. Modernizing the FHA and reforming the Government Sponsored Entities, GSEs, will provide crucial liquidity to our mortgage markets now, and also strengthen regulation and oversight for the future.

This legislation will begin to repair not bail-out the economy, restoring confidence in the markets, limiting the damage to families and neighborhoods, and rejuvenating the communities with new affordable housing.

TEXAS

There are five steps in the foreclosure process: Step 1: delinquency; Step 2: Notice to cure, where the lender notifies borrower of delinquency and gives him 20 days to amend the problem; Step 3: Default notice and posting—in Texas, foreclosure sales occur on the first Tuesday of the month; Step 4: Foreclosure sale—if borrower is unable to cure default, the property is sold; and Step 5: Active foreclosure.

While there are five steps there are only two stages: Preforeclosure and active foreclosure. In looking at those two stages we see where Texas stands. Last year, Texas ranks fourth behind California, Florida, and Illinois in preforeclosures. Active foreclosures are foreclosed properties sold at auction and now in the lenders' real estate owned accounts. Texas held the top seat in 2007 for active foreclosures. While being number one is something Texans usually strive for, in this case we'd prefer to be much farther down the list.

Texas reported 13,829 properties entering some stage of foreclosure in April, a 16 percent increase from the previous month and the most foreclosure filings reported by any State. The State documented the Nation's third highest State combined foreclosure rate—one foreclosure filing for every 582 households.

Dallas County documented the most new foreclosure filings of any county in the region and a foreclosure rate of one foreclosure filing for every 320 households, an 18 percent increase from the previous month.

TEXAS AND WHAT HUD IS DOING

In March, the Department of Housing and Urban Development, HUD, announced the Texas State Program and the cities of Houston and New Braunfels will receive a total of $234,868,077 to support community development and produce more affordable housing. HUD's annual funding will also provide downpayment assistance to first-time homebuyers; assist individuals and families who might otherwise be living on the streets; and offer real housing solutions for individuals with HIV/AIDS.

The funding announced includes: Community Development Block Grant (CDBG) funds; HOME Investment Partnerships (HOME) funding; American Dream Down payment assistance; Emergency Shelter Grant (ESG); and, Housing Opportunities for Persons with AIDS (HOPWA).

AMENDMENT I

Title I—The FHA Housing Stabilization and Homeownership Retention Act—Creates a voluntary FHA program to provide mortgage refinancing assistance to allow families to stay in their homes, protect neighborhoods, and help stabilize the housing market.

Program—if the current lender agrees to take a substantial write down on the existing mortgage, the FHA lender will pay off the current lender and issue to the borrower a new FHA-insured mortgage at that lower amount.

Profit-sharing—to help defray the Government's costs and prevent unjust enrichment, e.g., borrower flipping, will require the borrower to share with the Government a substantial portion of any profits from selling or refinancing the house.

No speculators—only owner-occupied primary residences will qualify for the program, which also contains protections to exclude persons who have committed mortgage fraud.

Risk reduction—to further protect the Government: The FHA will charge higher fees to build up a loss reserve; the new FHA loan will substantially reduce the borrower's monthly payments, thus reducing default and foreclosure risk; and in addition to other underwriting requirements, riskier borrowers must make at least 6 months of payments at the new rate before closing on the new FHA mortgage.

Sunset—program expires in 2 years (with possible 6-month extensions not to exceed 2 years).

Additional provisions—creates an Office of Housing Counseling within HUD and authorizes additional FBI and DOJ funds to combat mortgage fraud.

TITLE II—FHA MODERNIZATION

Loan limits—makes permanent the temporary FHA loan limit increases in the economic stimulus bill, setting FHA limits at the lower of (a) 125 percent of the local area median home price, or (b) 175 percent of the nationwide GSE conforming limit.

Fee protections for lower income and lower credit borrowers—directs HUD to serve borrowers with slightly higher credit risk, raises fees to cover the additional risk, and provides for a refund if borrower makes 5 years of on-time payments.

Reverse mortgages—expands FHA reverse mortgage loan program by authorizing a nationwide loan limit equal to 132 percent of the current GSE conforming loan limit; capping and reducing loan origination fees; and adding consumer protections.

FHA personal property manufactured home loans—modernizes and rejuvenates the FHA manufactured loan program for personal property manufactured homes.

FHA condo and manufactured home loans—makes changes to rules to make these loans more flexible, while retaining basic underwriting protections.

Maximum FHA loan term—extends the maximum FHA term from 35 to 40 years.

Integrity of appraisals—strengthens protections against inflated appraisals, authorizing penalties on parties to FHA loans who improperly try to influence appraisal values.

Borrowers lacking sufficient credit history—creates a pilot program for credit-worthy borrowers that lack a credit history through the normal credit reporting process.

Downpayment simplification—Simplifies the basic FHA downpayment calculation, while generally preserving the current FHA loan to value, LTV, levels.

Foreclosed FHA multifamily properties—preserves the affordability of such properties, by requiring FHA to use accurate appraisals reflecting the cost of rehabilitating the units.

TITLE III—GOVERNMENT SPONSORED ENTERPRISE (GSE) REFORM

Includes the House-passed bill to reform prudential and mission oversight of Fannie Mae, Freddie Mac, and the 12 Federal Home Loan Banks (the "GSEs").

Strong independent regulator—brings GSEs under a single independent regulator with broad safety and soundness powers, including conservatorship and receivership authority.

Enhanced housing mission—enhances Fannie Mae and Freddie Mac's housing mission through improvements in targeting of their affordable housing goals and duties in underserved markets.

New affordable housing fund—establishes a new affordable housing fund modeled on the Affordable Housing Programs of the Federal Home Loan Banks.

Increased loan limits—makes permanent the increases in conforming loan limits included in the Economic Stimulus Act of 2008. Limits in high cost areas would be set based on area, rather than national prices, with conforming loan limits for each area set at 125 percent of the local area median, capped at 175 percent of the national median.

TITLE IV—CASTLE/KANJORSKI FACILITATION OF LOAN MODIFICATIONS

H.R. 5579, The Emergency Loan Modification Act of 2008, adopted by the Financial Services Committee on April 23, 2008:

Provides clarity for servicers, consistent with existing servicing contracts, about their duties when making loan modifications for troubled mortgages.

Provides protection from investor lawsuits to servicers who make specified long-term loan modifications.

Does not limit other loss mitigation efforts by servicers, and does not prevent borrowers from pursuing claims against lenders, services, or others involved in the mortgage process.

TITLE V—MISCELLANEOUS HOUSING PROVISIONS

Protecting disabled veterans in bankruptcy from discrimination—ensures that a governmental unit that has a mortgage loan program may not deny a disabled veteran the benefits of such program because the veteran is or was a bankruptcy debtor. The Bankruptcy Code currently prohibits various forms of discrimination against bankruptcy debtors by governmental units and others, including a denial of a student grant, loan, loan guarantee, or loan insurance to someone because he or she is or was a bankruptcy debtor.

Public welfare investments—the bill broadens the types of permissible public welfare investments for national and state member banks, restoring the pre-2006 standard for eligible types of affordable housing and community and economic development investments. It also grants thrifts similar authority to make public welfare investments of up to 15 percent of their capital and surplus.

AMENDMENT 3

Brad Miller-LaTourette Amendment—affirms the right of States to prevent abusive foreclosure practices and to establish rules concerning the foreclosure process by clarifying that this Act, the National Bank Act and the Home Owner's Loan Act do not preempt State laws regulating the foreclosure of residential real property or the treatment of foreclosed property.

CONCLUSION

Thank you, Madam Speaker, for your leadership in this area, I urge my colleagues to support H. Res. 1175 providing for consideration of H.R. 3221.

Mr. SESSIONS. Madam Speaker, my good friends on the other side need to bone up on their language, I believe. A recession is confirmed when there are two quarters where the economy is down. We have not even reached that point yet, and yet already we find out on the floor that the Democrat Party is willing to say we're in a complete crash equal to 1929. My gosh. Let's at least tell the American people the truth.

We can get over the problems that we have in this country, but let's not make things worse than what they already are. Let's not lie to the American people. Let's tell them the truth. Let's provide leadership. Let's show them the right way. Let's have an open bill. Let's get the things done that need to be done.

Ms. JACKSON-LEE of Texas. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Were you referring to my remarks? I have great respect for the gentleman. I assume that he was not suggesting that I am a liar.

Mr. SESSIONS. I did not suggest that at all.

Ms. JACKSON-LEE of Texas. I would appreciate not having the words drawn down, but I am yielding to the gentleman to just correct the record.

Mr. SESSIONS. I will be point blank to the gentlewoman. The gentlewoman said, We are headed to a recession like 1929.

Ms. JACKSON-LEE of Texas. But are you calling me a liar?

Mr. SESSIONS. And that is not a true statement.

Ms. JACKSON-LEE. Well, I am just asking you if you are calling me a liar. If the gentleman will yield.

Mr. SESSIONS. It's not a true statement.

Ms. JACKSON-LEE of Texas. Is the gentleman calling me a liar on the floor of the House?

Mr. SESSIONS. We have not blown through any sort of recession.

Ms. JACKSON-LEE of Texas. Is the gentleman calling me a liar?

The SPEAKER pro tempore (Ms. BALDWIN). The gentleman will suspend. The gentlewoman will suspend.

The gentleman from Texas controls the time.

Ms. JACKSON-LEE of Texas. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman yield for a parliamentary inquiry?

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, the American people are fair people. And they expect their representatives to remain cognizant of and reflect that fairness in all actions.

This House has moved from fairness, from deliberation and from proper recognition that would allow all Members the opportunity to actively represent their constituents to repeated tyranny of the Majority. Madam Speaker, there is a crisis of leadership by this majority.

Every person in America has the right to have his or her voice heard. No Member of Congress should be silenced on the floor guaranteeing that the voices of the people are heard.

Do you recognize those words, Madam Speaker? You should, for they are yours. And they're being violated.

The minority possesses their equal rights, which equal law must protect and to violate would be oppression. Recognize those words, Madam Speaker? You should. They were spoken by Thomas Jefferson and quoted by you and they are being violated. Why? It's either political expediency or a broken promise, one or the other, neither of which the American people support because they are a fair people.

Madam Speaker, I submitted four thoughtful, substantive amendments which deserve the consideration of all 435 Members of this house. But they were denied that opportunity by this restrictive and unfair process. Madam Speaker, the American people understand that the rules aren't rules if you follow them only when you want to. Democrats promise to use fair and open rules for everything, but they're breaking rules and they're breaking promises to the American people.

I urge the Speaker and the majority to be true to their word. Stop playing politics. Stop breaking promises. Allow the Members of this House to represent their constituents. What idea, what amendment is so scary that it couldn't be considered on this floor? I call on my colleagues not to destroy the very fiber of our representative democracy.

Vote "no" on this rule so that we may have an open and fair debate. The American people deserve no less.

Mr. WELCH of Vermont. Madam Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding and for his leadership on this very important rule, and I rise in strong support of the rule and for the underlying bill, a housing stimulus package that will provide real relief for struggling homeowners and will bring certainty to the markets.

We are at a critical juncture in the subprime mortgage crisis. All of the data we have clearly demonstrate the severity of the problem. We have seen the perfect storm of stagnant wages, rising mortgage payments, and decreased home values, all of which have led to a record level of delinquencies and foreclosures. One recent study by the Pew Charitable Trust has found that one in two New York homeowners is projected to face foreclosure, primarily in the next 2 years, due to the subprime crisis.

This same study documents the ripple effect this crisis is having on our entire economy. Their analysis found that 52 percent of all homeowners will likely feel the ripple effect of foreclosures from the subprime loan crisis. Communities are negatively affected as foreclosures drive down home prices overall, diminishing homeowners' equity in entire neighborhoods. Costs also accrue to our local government in the form of lost tax revenue and direct expenses for securing, policing, and disposing of abandoned properties.

This is why this housing stimulus package is so terribly important. This is a well-crafted package which includes an expanded FHA Refinance Program totaling $300 billion. This voluntary program would permit FHA to provide up to $300 billion in new guarantees to help refinance at-risk borrowers into viable mortgages.

The only way we are going to solve this problem is through a multi-prong strategy. We have fully engaged the regulators, industry is working with homeowners; but we also need sound public policy that allows for many of these unaffordable subprime loans to be refinanced into viable mortgages homeowners can afford.

Another key part of this package includes the FHA and GSE modernization bills which we have already passed in this House but has yet to pass the Senate. The FHA bill will modernize the program opening it up to new homeowners and providing opportunities for long-term fixed mortgages. The modernized FHA will be the new financing option of many previous subprime borrowers, and it will be done in a way to ensure borrowers are receiving viable and affordable loans. The GSE bill will provide for a strong dependent regulator for Freddie Mac and Fannie Mae and the 12 Federal home loan banks.

Again, this is a well-crafted package. I ask permission to revise and extend to include all of the important parts of this package.

I urge a "yes" vote on this underlying bill.

I rise in support of a housing stimulus package that will provide real relief for struggling homeowners and will bring certainty to the markets.

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We have seen the perfect storm of stagnant wages, rising mortgage payments and decreased home values. All of which have led to a record level of delinquencies and foreclosures.

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The GSE bill will provide for a strong independent regulator for Freddie Mac, Fannie Mae and the 12 Federal Homeloan Banks. It will also enhance Freddie and Fannie's mission to provide affordable housing. This bill will also make permanent the increased loan limits passed as part of the economic stimulus package. This increase is incredibly important in high-cost areas such as New York City in ensuring these products are available to our constituents.

Again, this is a well crafted package and I urge my colleagues to support it.

Mr. SESSIONS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Texas (Mr. NEUGEBAUER), a member of the Committee on Financial Services.

Mr. NEUGEBAUER. Madam Speaker, for nearly 35 years prior to coming to the United States Congress, I was involved in the housing business in one form or the other. I've built housing for sale, I've built housing for rent. And one of the things that you learn very quickly and housing and how to make sure that the American people have safe, affordable housing, whether it's to own that housing or to rent that housing is you have jobs and opportunity because when people, the American people have jobs and opportunity, they don't have trouble making their payments or making their rental payments.

And so I would think that the 110 million people that are paying their rent or making their house payments today are wondering why this Congress is not down on the floor today debating an energy policy that lowers the cost of gasoline, that lowers the cost of electricity so that American families can have more money, so that they can have more money to pay on their rent or pay on their mortgage payment.

But more importantly, they will wonder why we're not down on this floor talking about how we have a tax code in this country that promotes jobs and opportunity that allows small businesses to thrive and to create jobs. Small businesses are our number-one job creators. You know what? When people have jobs, they're able to make their mortgage payments. When people have jobs, they're able to make their rental payments.

So it's frustrating to me and others to see we have a process today, as other Members have pointed out, that lock us out of the process. We swore in two new Members of Congress in the last 24 hours. Unfortunately, neither one of those gentlemen will be able to participate in this debate because they've been locked out of thoughtful consideration of this bill.

Madam Speaker, we need to be down on this floor doing policy that will impact the American people. Fifty-one million Americans have a mortgage in this country, 94 percent of them are making their mortgage payments. The 110 million people that are scraping and making sure that they are a step up and make their payments, are wondering why we're down on the floor asking them to make the payments for those who can't.

Mr. WELCH of Vermont. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT.)

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Mr. SCOTT of Georgia. Madam Speaker, I just wanted to correct an item. I made the statement about us having the worst times since the Depression. I want to bear those facts out. So I want you to know that I am telling the truth.

In this statement from the Joint Economic Committee, it says mortgages exceed equity in homes with falling housing prices. More than 10 percent of homeowners now owe more on their mortgages than their homes are worth. Homeowners' debt on their houses exceeds their equity in their homes for the first time since 1945. In terms of liquidity, money in the marketplace, it is the worst time since the Depression.

Now the important thing to understand as we move forward is to understand the seriousness of the condition. You bring up gas prices. We bring up food prices. We've got all of these problems, but today, the American people are expecting us to deal with the housing crisis.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WELCH of Vermont. I yield the gentleman an additional 30 seconds.

Mr. SCOTT of Georgia. Let us deal with the housing crisis. We've got several problems to deal with. And simply because we're dealing with the housing prices, you come down here and want to throw up the gas prices as if to say we've got to deal with that, then the other. We're going to deal with each of those items.

But today, this day, we have housing bills that are on this floor, and we owe it to the respect of the American people to give it the integrity, to give this issue the respect and the seriousness that they demand of this House, and let us stop playing games.

Mr. SESSIONS. Madam Speaker, at this time, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding and, Madam Speaker, I rise to speak in opposition to the rule.

I was very disappointed that my colleagues on the other side of the aisle couldn't resist the temptation to shut out all the Republican amendments during the debate on the rule. Like Chairman FRANK did in the committee, calling up Republican amendments, they could have allowed at least one Republican amendment to be offered to this bill.

Speaker PELOSI has said that the Democrats are advancing a New Direction for America. However, I would argue that denying House Republicans from offering any amendments to this bill is the wrong direction.

Our voices have been silenced. It's a sad day when people who represent about half the population of the United States don't have the opportunity to bring solutions to the table during debate on this important issue. I hope that this wasn't a calculated maneuver for political gain.

Congress is yet to send a single bill to the President that might begin to address the turbulence in the housing market, and I know that this is important. Ranking Member BACHUS and I had planned to offer an amendment that contains cost-effective reforms that can start helping homeowners and the economy now.

According to the Congressional Budget Office, our substitute amendment would decrease the deficit by $25 million over 10 years. Instead of outbidding each other on how much taxpayer funding should be spent on bailouts, House and Senate leaders should have chosen to move the good, commonsense, bipartisan ideas that are right in front of them in our amendment, and many have been passed before.

The amendment represents the very best elements of housing reforms that Congress has been debating over the last several years and none of the bad ones. It includes FHA reform which alone could help an additional 250,000 homeowners refinance through the FHA Secure program.

Our amendment would strengthen the national oversight of the GSEs, Fannie Mae and Freddie Mac, as well as reform these entities.

These reforms would infuse much needed liquidity into the flailing housing market.

It would add funding for housing counseling; enhance appraisal standards; require mortgage originator registration; provide resources to crack down on mortgage fraud; enhance disclosure; and provide liability protection for lenders that help struggling homeowners to refinance and eventually repay their loans.

It also provides returning veterans with foreclosure protection and temporarily raises loan limits on mortgages backed by the Department of Veterans Affairs.

Notably absent from our amendment is a high price tag. That's because it doesn't reward speculators, fraudsters, or those who engaged in inappropriate or recklessly irresponsible behavior. Several components of our amendment, including FHA and GSE reform, already have passed in one or both Chambers.

I understand that some—but not all—of our good provisions will be included in the Frank amendment. We need to break the logjam on these commonsense reforms. Counselors can help prevent foreclosures by guiding homeowners into a loan that best meets their budget and needs. And FHA and GSE reform will add much-needed liquidity to the market while providing more consumers with an alternative to bad, subprime loans.

Most importantly for Chicago and other urban communities, our amendment addresses mortgage and appraisal fraud, which has skyrocketed in Chicago and devastated communities.

I wish my colleagues could have had the opportunity to vote on our Republican commonsense, cost-effective substitute amendment. This could have been the bipartisan alternative to the bill we will vote on today, which is littered with controversial provisions.

However, my colleagues from the other side of the aisle chose to shut out our clean alternative and shut out the voices of millions of Americans who want a cost-effective solution to jump-start the housing market and get our economy back on track.

Again, I urge my colleagues to vote against the rule.

Mr. WELCH of Vermont. Madam Speaker, at this time, I will continue to reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, if I could inquire of the time remaining for both sides, please.

The SPEAKER pro tempore. The gentleman from Texas has 8 minutes remaining. The gentleman from Vermont has 6½ minutes remaining.

Mr. SESSIONS. I thank the Speaker.

Madam Speaker, at this time, I yield 2 minutes to the distinguished gentleman from Dallas, Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I've heard some very eloquent comments from my friends on the other side of the aisle about the pain the American people are feeling at this time. They speak with some credibility. They helped cause it.

After 18 months of being in control of the economic policies of our Nation, what do we have? We have gasoline approaching $4 a gallon, milk already over $4 a gallon, people struggling, struggling to put groceries on the table, and seemingly our friends on the other side of the aisle said that is unrelated to people trying to pay their mortgages and keep their home.

The biggest enemy that we have to the American Dream of homeownership is a shrinking paycheck. What has been done by the Democrat majority to shrink the paycheck?

Well, number one, they passed a budget that has the single largest tax increase in American history. Over a 3-year period, we will see an extra $3,000 tax burden put on a family of four while they're struggling to pay their mortgage payments.

We were told that somehow under their watch gasoline prices would come down. Instead, they have gone up. We see food prices absolutely unaffordable, and yet they see no connection to the home mortgage challenge that we have today.

Many of them have decried Wall Street bailouts, but what do they do? They bring a bailout bill to the floor, up to $300 billion of taxpayer exposure, and all a lender has to do is say, you know what, as long as he agrees to a 15 percent haircut, we will take his risk and put it on the taxpayers. When you're struggling to pay your own mortgage, you shouldn't have to bail out the speculators, those who engaged in mortgage fraud. You shouldn't have to bail out somebody else. There's a better way to do it, and it is not this humongous bailout bill.

Mr. WELCH of Vermont. Madam Speaker, I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, at this time, I yield 2 minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, last night, I offered an amendment to the Rules Committee and it was turned down. It was not even allowed to be brought up today, and it will not be brought up on this bill.

And what is this amendment that the majority feared so much, that they won't even have it discussed on the floor of the House? It would have simply increased the property tax deduction for homeowners.

Now, look, all of us in Florida have received calls, letters, faxes from constituents asking for relief from their property taxes. Now we all know that ad valorem taxes are not a Federal issue. We don't control property taxes, but there's something that we can do right now to help the American people and that is increasing this deduction for property taxes. We can do that right now.

Is it that crazy? Well, no. On April 10 of 2008, 84 Senators from both sides of the aisle voted to do just this, to increase the deduction, to help people to be able to afford their mortgages. It would benefit everybody. It would benefit the economy, in particular all Americans who are struggling to pay their mortgages.

You see, Madam Speaker, there is no good reason to not allow this commonsense amendment to be discussed, to be debated on the floor of the House. There's no good reason to not allow other commonsense amendments to be discussed. Why are people so scared, so afraid of just debating ideas on the floor of the House?

Again, for that reason, Madam Speaker, I obviously will have to object to this rule.

Mr. WELCH of Vermont. I continue to reserve my time.

Mr. SESSIONS. Madam Speaker, I would like to inquire of my colleague if he has any additional speakers. I have one additional speaker, then our close.

Mr. WELCH of Vermont. I have at least one, and some who have requested but who have not yet arrived on the floor.

Mr. SESSIONS. Madam Speaker, at this time I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Madam Speaker, I rise in opposition to this rule and, more to the point, in opposition to the housing omnibus package, $300 billion bailout, corporate welfare in this country.

It is extraordinary, after having endured the first three terms of my career in Congress and oftentimes being castigated for those aspects of the Republican agenda to try and promote business and try and encourage corporate investment in this country, how many times I and my colleagues were chastised for corporate welfare on the floor of this Congress, and yet we come here today with this extraordinary bailout for Wall Street, disguised as housing assistance for hurting Americans.

Now, let me say, I have great sympathy for those affected by the current housing crisis. I'd like to see our housing markets and our neighborhoods stabilized, but a $300 billion taxpayer bailout to lenders and speculators who made poor decisions is not the answer, and it's not fair to millions upon millions of Americans who have sat down month after month at the kitchen table and figured out how to make those mortgage payments, who have taken on a second job and sometimes a third job to make the mortgage payment. And it's not fair to nearly one-third of the American public that rents.

When my wife and I first got started out, I remember we rented our first place. We saved our pennies to be able to make that down payment, to get that FHA loan and to get our dream started. Now along comes Congress with this enormous handout, which, as the gentleman from Texas said, says to lenders, if you'll take a 15 percent haircut, a 15 percent hit, we'll move your liability on to the taxpayers, on to taxpayers who have rented, who have saved, who have scrimped.

They ought not to be required to pay this bailout for Americans. There are alternatives that we should support.

Mr. WELCH of Vermont. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the gentleman and I thank him for his leadership.

We will address the question of our differences when we vote and when I review the transcript, but I think it's important to note that my words spoke directly to conditions that we're in, that is, a recession that might move toward a depression.

And I thank the gentleman from Georgia who mentioned from the Joint Economic Committee, Americans have much of their savings in their homes. Families in a majority of States will lose more than $2.6 trillion. That sounds like a recession and a depression to me.

A housing crisis affects the broader economy. We're going to be losing $166 billion in foreclosures. We have got to act.

And so we may have a difference, but there is no lying or untruth when we talk about a recession and a depression, and I know my good friend from Texas did not intend to misrepresent that those of us who have a difference of opinion, while we're on this floor to help save the homes of millions of Americans and to help provide engine to the economic activity, are wrong.

We're right and the documentation shows it, and it is not an untruth, and it certainly is not a lie.

Mr. SESSIONS. Madam Speaker, I want to inquire of my colleague if he has any additional speakers or where he is in that process, as I am to close the next time I use my time.

Mr. WELCH of Vermont. I thank my friend from Texas. We have no additional speakers at this time, and I will be the last speaker.

MOTION TO ADJOURN

Mr. SESSIONS. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 138, nays 263, not voting 32, as follows:

[Roll No. 280]

YEAS—138

Aderholt
Akin
Alexander
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Broun (GA)
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Keller
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NAYS—263

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee

Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Wolf
Woolsey
Wu

NOT VOTING—32

Andrews
Bishop (NY)
Bishop (UT)
Campbell (CA)
Clarke
Conaway
Davis (IL)
DeGette
Doyle
Ferguson
Gilchrest
Gohmert
Gutierrez
Hinchey
Hinojosa
Hunter
Jones (OH)
Kaptur
McCollum (MN)
Miller (NC)
Miller, George
Peterson (PA)
Reynolds
Richardson
Rush
Smith (NJ)
Speier
Spratt
Udall (NM)
Watson
Wynn
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

☐ 1651

Messrs. ALLEN and BAIRD, Ms. LORETTA SANCHEZ of California, Messrs. SCOTT of Georgia and CARNAHAN, and Ms. SUTTON changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Madam Speaker, on rollcall No. 280, had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 3221, FORECLOSURE PREVENTION ACT OF 2008

Mr. SESSIONS. Madam Speaker, I will be asking each of my colleagues to vote "no" on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce gas prices for consumers and to require the Speaker of the House to submit a plan for lowering gas prices.

Madam Speaker, back on April 24, 2006, over 2 years ago, Speaker NANCY PELOSI released the following statement, which I quote: "Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month and double the price than when President Bush first came into office."

Madam Speaker, most Americans would consider it a blessing if they were only paying $2.91 per gallon of gasoline. And the only thing that they really can't afford is the Head-in-the-Sand Democrat Congress's refusal to consider to do anything to help America achieve its energy independence.

In that same press release, Speaker PELOSI went on to claim, and I quote: "Democrats have a commonsense plan to help bring down skyrocketing gas prices."

Well, I'm not exactly sure what they are waiting for right now because even after passing the "no energy" energy bill through this House a number of times, the cost of the "Pelosi Petroleum Price Increase" continues to rise, with the average cost of a gallon of gasoline at over $3.60 now, hitting consumers at the pump every single time they fill up their cars.

By voting "no" on this previous question, Members can take a stand against high prices and demand to see this secret plan to reduce gas prices that the Democrat majority has been hiding from the American people since taking control.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material appear in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Madam Speaker, I encourage a "no" vote on the previous question.

I yield back the balance of my time.

Mr. WELCH of Vermont. I thank my good friend from Texas.

Madam Speaker, this 110th Congress has to decide, as does every Congress, whether it's going to focus its collective energies on devising practical solutions to real problems or will this Congress use the practical problems that everyday Americans face as fodder for endless debate on irresolvable, ideological disputes.

Our Financial Services Committee, with cooperation on both sides, and our Ways and Means Committee have made a very clear decision to focus their energies on the resolution of practical problems. They have taken note of something that we all are well aware of: We do have a foreclosure crisis in this country. Eight thousand families a day are receiving a foreclosure notice. And the decision that our committees made was to bring forward to this body for its consideration a practical approach that is going to provide some relief to creditors, it's fair to them; a bill that's fair to borrowers, it's fair to them; and a bill that's going to be good for the economy to provide stability that we need in order to get back on our feet.

This is a very practical bill. If it's going to give an opportunity to homeowners who are facing foreclosure, they are going to pay the price of losing their equity that they had achieved or thought they had. If it's going to be fair to the creditors, it's going to require some sacrifice on their part because they're going to have to write down the value of their loan to reflect what the current appraisal value is. But already it's having a positive effect on the economy.

We're going to hear plenty about the pros and cons of this bill in the 2 hours or 3 hours of debate that will follow. But there's another element to this story that's really quite remarkable and I think something which we all can take heart from. This bill is a product principally of three people from extraordinarily different backgrounds: a war hero in Korea, African American from Harlem; a Massachusetts so-called Democratic liberal; and a man from Wall Street who probably is one of the most successful capitalists and entrepreneurs in the history of this country, the Secretary of the Treasury. They made a decision to focus on the practical and urgent needs. They had a capacity, each of them, to have some understanding of the pain and fear that a mom and dad would experience when their child was coming in wanting to know if they were going to the Little League game that night and they were poring over a foreclosure notice and trying to figure out how they were going to keep that household together. And those men, the three of them, from totally different backgrounds, probably with completely different ideological perspectives on the world, decided they had to find a way to help that mother and father and that family stay in their home.

☐ 1700

And what they did is they came up with a practical solution not just because they cared about that family, but they cared about the security and the future of this American economy.

The bill that they have helped put together, again, for our collective consideration, is one that is hopeful for America. It is not about finding blame and fault about how we got here. And we all have our theories on this. But we know there was a large element of agreed. But instead of focusing, by looking in the rearview mirror and playing the blame game, we have people of different backgrounds, different ideologies who said they were united in the common objective to help American families and to stabilize the American economy. And I believe that all of us can be proud of their willingness to help each other.

What they have shown us with the work that they did was that there is redemptive power in cooperation. And the beneficiaries of that can be families of this country that we all love.

Madam Speaker, I urge a "yes" vote on the rule and on the previous question.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1175 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 4. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the motion specified in Section 1 which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI.

SEC. 5. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: "A bill to provide a common sense plan to help bring down skyrocketing gas prices." Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SESSIONS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on adoption of H. Res. 1175, if ordered; ordering the previous question on H. Res. 1174; and adoption of H. Res. 1174, if ordered.

The vote was taken by electronic device, and there were—ayes 226, noes 198, not voting 9, as follows:

[Roll No. 281]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Bishop (NY)
Campbell (CA)
Conaway
Costello
Jones (OH)
Richardson
Rush
Saxton
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1723

Messrs. COURTNEY and CARTER changed their vote from "no" to "aye."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. CARTER. Madam Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CARTER. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 192. not voting 16, as follows:

[Roll No. 282]

AYES—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Berkley
Bishop (NY)
Burgess
Campbell (CA)
Carnahan
Conaway
Edwards
Harman
Jones (OH)
Linder
Melancon
Renzi
Richardson
Ros-Lehtinen
Rush
Speier

□ 1730

Mr. ADERHOLT changed his vote from "aye" to "no."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays

198, answered "present" 1, not voting 10, as follows:

[Roll No. 283]

YEAS—224

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—198

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kaptur

NOT VOTING—10

Bishop (NY)
Campbell (CA)
Conaway
Harman
Jones (OH)
Richardson
Rush
Sánchez, Linda T.
Speier
Stark

☐ 1739

Mr. ROYCE changed his vote from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Mr. ADERHOLT. Madam Speaker, I move to reconsider the vote on adoption of the resolution.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ADERHOLT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 227, noes 196, not voting 10, as follows:

[Roll No. 284]

AYES—227

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)

Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Bishop (NY)
Campbell (CA)
Conaway
Jones (OH)
Lewis (GA)
McCaul (TX)
Richardson
Rush
Sires
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1747

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. PRICE of Georgia. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by resumed 5-minute voting.

The vote was taken by electronic device, and there were—ayes 111, noes 311, not voting 11, as follows:

[Roll No. 285]

AYES—111

Akin
Alexander
Bachmann
Bartlett (MD)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boyd (FL)
Brady (TX)
Broun (GA)
Burton (IN)
Buyer
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
Doolittle
Dreier
Duncan
Emerson
English (PA)
Everett
Flake
Forbes
Gallegly
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Herger
Hobson
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
King (IA)
King (NY)
Knollenberg
LaHood
Lamborn
LaTourette
Latta
Linder
Lucas
Lungren, Daniel E.
Mack
McCaul (TX)
McCrery
McHenry
McHugh
Mica
Miller (FL)
Miller, Gary
Myrick
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Radanovich
Regula
Reichert
Renzi
Rogers (AL)
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shays
Shimkus
Shuster
Smith (TX)
Souder
Sullivan
Taylor
Thornberry
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Wilson (NM)
Wilson (SC)
Young (AK)

NOES—311

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kline (MN)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Rehberg
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—11

Bishop (NY)
Boehner
Campbell (CA)
Conaway
Jones (OH)
Richardson
Ruppersberger
Rush
Speier
Tiberi
Tierney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining in this vote.

□ 1817

Mrs. McCARTHY of New York, Messrs. WESTMORELAND, NEUGEBAUER, INGLIS of South Carolina, WHITFIELD of Kentucky, PUTNAM, SMITH of Nebraska, McKEON, FRELINGHUYSEN, REHBERG, HENSARLING, BARTON of Texas, CALVERT, HAYES, LEWIS of California, KLINE of Minnesota, Ms. FOXX, Messrs. ADERHOLT, SHADEGG, Mrs. McMORRIS RODGERS, Messrs. DAVIS of Kentucky, SIMPSON, LATHAM, KINGSTON, HOEKSTRA, ROGERS of Kentucky, LEWIS of Kentucky, BARRETT of South Carolina, DAVID DAVIS of Tennessee, REYNOLDS, BILIRAKIS, Ms. FALLIN, Messrs. ROHRABACHER, HELLER of Nevada, FEENEY, BOUSTANY, McCARTHY of California, FRANKS of Arizona, FERGUSON, Mrs. MUSGRAVE, Mrs. DRAKE, Messrs. GINGREY, WALBERG, PLATTS, CAPUANO, and GARRETT of New Jersey changed their vote from "aye" to "no."

Mrs. BACHMANN, Messrs. SALI, BROUN of Georgia, McHUGH, MICA, BRADY of Texas, PRICE of Georgia, BISHOP of Utah, BURTON of Indiana, SULLIVAN, CULBERSON, BRADY of Texas, PEARCE, MACK and KING of Iowa changed their vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Ladies and gentlemen of the House, I understand that there is substantial angst among the minority. I empathize with that angst. I've been there.

Having said that, I do not empathize with the abuse of process. And because I do not empathize with the abuse of process, as I have said before, I am going to ask the Speaker to limit the time in which voting is allowed to that which is provided for in the rules. You did that; we're now going to do it.

Somebody said, "About time." I agree with you. Abuse of process is when, and everybody knows this could be done. On our side in the minority we could have kept open for 2 hours with having every 30 seconds somebody come down the aisle. We all know that's possible. I've known that was possible for some period of time. We try to accommodate people who want to change their vote. We try to accommodate people who want to vote. We try to accommodate people who are late.

The problem with accommodating people who are late, if we make it in order in effect, not because of the rules but because of the comity of the House, to allow what just happened, we can, you're correct, in effect do a filibuster by vote changing. We don't have filibusters in the House. They have it in the Senate. I don't think the Senate works particularly well.

You can have your motions. I haven't said anything. Our Members haven't said anything. You're certainly entitled to that. But what just happened, as I said, in my opinion, is an abuse of the Chair's forbearance. The Chair has the responsibility to determine when the vote is concluded.

The vote changing on a motion to adjourn, I know that probably all of you did polls on that and focus groups on whether or not you should vote "aye" or "nay" on that vote and that led to your changing your vote one way or the other, sometimes maybe twice because you were having difficulty deciding.

But I just want to let everybody know that while we cannot nor are we going to preclude you from doing your motions to adjourn, what just happened is not appropriate for the House, for either side, to simply use a device of changing votes, of voting late, of lining up in the aisle and coming down every 30 seconds or so with a "one more vote." That, in my opinion, is not appropriate for the House to pursue.

Mr. Gingrich sent out a letter, as we have said before, said he was going to call votes 15 minutes and 2 minutes later. You've all heard from Mr. Gingrich lately. He has a lot of advice and counsel. I don't always follow it. But on this, he made the point that I'm making, that we have now had, I don't know, 20, 25 motions to adjourn in which we voted on, reconsiderations to be voted on. Nobody has said anything about that.

But I want to tell my friend, the minority leader, that, as I have said before, my inclination at this point in time will be to ask the presiding officer to limit the votes to the 17 minutes, the 15 minutes that is provided and 2 minutes which have been historically accorded.

I yield to my friend.

Mr. BOEHNER. I appreciate the gentleman yielding.

I know this has been a difficult several days, but I just want to remind everyone that there are some serious process fouls that are going on. And the majority leader, the Speaker, members of the majority during 2005 and 2006 made significant efforts to be critical of the then-majority, some of it, frankly, earned.

But what is happening here, the process that's being used for the big housing bill, the process that's being discussed for the supplemental spending bill closes the minority out of any amendments and any motion to recommit.

I just hope that the majority leader and the members of the majority understand, and I think many of you who have been here for some time understand clearly, the grievance that we have. We don't have many ways to express our grievance on the housing bills because we have no amendment that we can offer. We have no substitute that we're allowed to offer, no motion to recommit. As a result, all we're asking for is to be treated fairly.

The gentleman will know, and other members of the majority and minority will remember, that in 1994 when we took the majority, some of our leaders wanted to treat the minority the way they had been treated. I argued to no end that we should treat the minority the way that we had asked to be treated when we were in the minority. I didn't always win, I'll be the first one to admit that, but I would suggest that given the statements that have been made in 2005 and 2006 about how the then-minority was treated, all I would suggest to you is just treat us the way you asked to be treated, simple as that.

Mr. HOYER. As I indicated at the outset, I understand your feelings. I said angst, but I understand your feelings. My point is that I understand while you have been making motions to adjourn and making your points, you've made it every time you've stood up, I have made the point that I remember voting on omnibus appropriation bills numerous times, 4 months, 5 months after the appropriations process should have been concluded, long after the year began, which were omnibus bills which we could not change. So we understood that that was, we didn't think, fair.

We understood that we sat here for an hour and 45 minutes while we were winning a vote, and no vote ever changed during an hour and 45 minutes, and the vote was not closed down until, in fact, you changed votes on your side and we lost. We understood that. We didn't like that. We thought that was unfair. I didn't think it was against the rules. I've said that. But I thought it was unfair.

All I am saying to my friend, the minority leader, and to my friends on the minority side, that what just occurred is not an acceptable, in our opinion—my opinion, forget about our opinion, I haven't talked to anybody else—in my opinion, way for us to operate the House. The motions, yes, but simply changing votes for the purpose of delay could take an hour, could take 2 hours depending upon how many times people wanted to change.

Mr. Gingrich, we don't hold to it, we understand that, but he said 15 minutes plus 2. I have said that before and some people cheered. Fifteen minutes plus 2, or 5 minutes plus 2 if it's a 5-minute vote, is what we have set as the norm and the comity and the fairness to individuals to exercise their deliberative judgment.

Mr. NEAL of Massachusetts. Would the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. NEAL of Massachusetts. Mr. Leader, most of us are institutionalists here, and we have great regard for this body, and I think we're all a bit discouraged when the regular order does not proceed, and my friend, the minority leader, spoke eloquently of what he feels to be a process that's been limited.

But the concern that many of us have is that for 6 years at the Ways and Means Committee, the minority could not pass one amendment. Not one amendment passed in what should be the most deliberative committee in this House, and there were no protestations from the other side that were ever raised.

In this instance here on the housing bill, there were two Republican amendments that were accepted. The vote was 30-5, I believe, or 35-5. So there was a process. Actually, people got to talk at the Ways and Means Committee who disagreed with the outcome of the bill, and I understand how the minority feels in this instance.

But I wish that there had been some voices raised during those years about what was happening to shut down the process in the Ways and Means Committee, and Mr. McCRERY has moved vigorously to change the tone, as Mr. RANGEL has included him in everything at the committee level.

Mr. HOYER. Reclaiming my time, it was not my purpose to stand here and exchange recriminations or look at history. I think both sides could do that.

It was my purpose to stand and say what we have just done we cannot allow because we would stop the business of the House. We're slowing down the business of the House, and that's allowable, but we're not going to allow the business of the House to be stopped by, we believe, conduct inconsistent with the rules.

Dilatory tactics are not allowed under the rules. Dilatory tactics are specifically provided for as being conduct which need not be countenanced by the House.

Mr. BOEHNER. Would the gentleman yield?

Mr. HOYER. I would be glad to yield to my friend.

Mr. BOEHNER. With all due respect, the minority in this House has a right to be heard.

Mr. HOYER. That's correct.

Mr. BOEHNER. No amendments, no substitutes, no motions to recommit. Last night, we get rid of all the Special Orders. At some point, the majority has an obligation to treat the minority with respect. It is not happening, and that's why we're going to continue to wage this fight to be heard on this floor and represent nearly half of the American people that we're here to represent.

□ 1830

Mr. HOYER. I thank the gentleman for his comments. I think my comments go as spoken. I expect you to continue to follow those actions which you think are necessary, but I did want to put you on notice because I don't want anything to happen that you're not on notice of.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. HOYER. I yield to my friend.

Mr. HASTINGS of Washington. I thank the majority leader for yielding.

Under the rules of the House, the Members have the right to vote if they're in the well. You're certainly not suggesting that the presiding officer or the Speaker is going to not abide by that privilege that a Member has when they're in the well of the House.

Mr. HOYER. I don't want to shock anybody on this floor. My belief is that comity requires that, not the rules. I believe comity ought to be followed to that extent. But if your contention is that you can have 200 people stand in that aisle and one every 20 seconds come in and take 20 seconds to change their vote and submit it and the Speaker is hostage to the 199 people waiting to step into the aisle while they're standing there, the answer to your question is yes, I believe the Speaker has the authority under the good order of the House, and I believe the presiding officer has the absolute authority.

Mr. LINDER, who is sitting here, shut down a vote. I think he was within the rules. There were two people in the well. Now, that was changed——

Mr. LINDER. I would object.

Mr. HOYER. You object to the action or the assertion?

Mr. LINDER. Will the gentleman yield?

Mr. HOYER. I certainly will.

Mr. LINDER. As a matter of fact, I was in the Chair and I was accused of shutting down the vote while people were in the well seeking to vote. And the next day the C-SPAN tapes proved you were wrong and I was right. The people coming in to vote were not even not only in the well, they were not even on the floor. They were shouting "one more." But Dick Armey reviewed the tapes to critique me and concluded that you were wrong and I was right.

Mr. HOYER. Let me correct my statement. They were not in the well. They were coming down the aisle. But I think the point is the same. Somebody was seeking to vote. Mr. LINDER decided the vote was over. I think Mr. LINDER acted within the rules.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1174, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

POINT OF ORDER

Mr. KINGSTON. Madam Speaker, point of order. On that, I object.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. KINGSTON. On resuming with 5-minute voting, I object.

The SPEAKER pro tempore. That order was entered some time ago. No objection was heard.

Mr. KINGSTON. Reserving my right to object.

The SPEAKER pro tempore. The gentleman's objection is not timely.

MOTION TO ADJOURN

Mr. KINGSTON. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KINGSTON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote will be followed by 5-minute votes.

The vote was taken by electronic device, and there were—ayes 143, noes 272, not voting 18, as follows:

[Roll No. 286]

AYES—143

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Chabot
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCrery
McHenry
McHugh
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Tancredo
Taylor

Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOES—272

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Fortenberry
Fossella
Foxx
Frank (MA)
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—18

Berry
Bishop (NY)
Campbell (CA)
Conaway
Foster
Hall (TX)
Hunter
Jones (OH)
Keller
LaTourette
McMorris Rodgers
Poe
Richardson
Ruppersberger
Rush
Saxton
Speier
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER) (during the vote). There are 2 minutes remaining in this vote.

☐ 1851

Mr. HOYER changed his vote from "aye" to "no."

Mr. WELLER of Illinois changed his vote from "no" to "aye."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1174, on which the yeas and nays were ordered.

The Clerk will report the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 220, nays 187, not voting 26, as follows:

[Roll No. 287]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus

Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—26

Berry
Bishop (NY)
Campbell (CA)
Coble
Conaway
Gilchrest
Granger
Gutierrez
Hunter
Johnson, E. B.
Jones (OH)
LaTourette
Linder
Maloney (NY)
Moore (KS)
Payne
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Richardson
Ruppersberger
Rush
Saxton
Speier
Velázquez

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1901

So the previous question was ordered.

The result of the vote was announced as above recorded.

Mr. SIMPSON. Madam Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution.

MOTION TO TABLE OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SIMPSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 186, not voting 21, as follows:

[Roll No. 288]

AYES—226

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—186

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weller
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Bachus
Becerra
Berry
Bishop (NY)
Campbell (CA)
Conaway
Hinojosa
Hooley
LaTourette
Linder
Maloney (NY)
Melancon
Peterson (PA)
Renzi
Richardson
Ruppersberger
Rush
Souder
Speier
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1912

Messrs. KINGSTON, WESTMORELAND and NEUGEBAUER changed their vote from "no" to "aye."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 192, not voting 18, as follows:

[Roll No. 289]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hirono
Hodes
Holden
Holt

Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berry
Bishop (NY)
Campbell (CA)
Conaway
Hinojosa
Hooley
Kirk
LaTourette
Linder
Maloney (NY)
Meeks (NY)
Mollohan
Peterson (PA)
Radanovich
Renzi
Richardson
Rush
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are less than 2 minutes remaining on this vote.

☐ 1919

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. KIRK. Madam Speaker, on rollcall No. 289, I was unavoidably detained. Had I been present, I would have voted "nay."

Mrs. EMERSON. Madam Speaker, I move to reconsider the vote on adoption of the resolution.

MOTION TO TABLE OFFERED BY MR. WELCH OF VERMONT

Mr. WELCH of Vermont. Madam Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. EMERSON. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 212, noes 183, not voting 38, as follows:

[Roll No. 290]

AYES—212

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clyburn
Cohen
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—183

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul

Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—38

Berkley
Berry
Bishop (NY)
Blunt
Brady (TX)
Buyer
Campbell (CA)
Clay
Cleaver
Conaway
Conyers
Costello
Cubin
DeFazio
Ehlers
Farr
Fattah
Foster
Harman
Hinojosa
Hooley
LaTourette
Linder
Maloney (NY)
McCarthy (CA)
Moran (VA)
Peterson (PA)
Porter
Radanovich
Renzi
Richardson
Rush
Ryan (OH)
Slaughter
Speier
Stearns
Van Hollen
Watson

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on this vote.

□ 1926

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. EHLERS. Madam Speaker, on rollcall No. 290, I stepped off the floor for a meeting, and returned to the floor just a few seconds after the voting board had been closed. Had I been present, I would have voted "no."

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Ed Thomas, one of his secretaries.

MOTION TO ADJOURN

Mr. WALSH of New York. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALSH of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 264, not voting 29, as follows:

[Roll No. 291]

AYES—140

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Carter
Chabot
Chandler
Clay
Coble
Cole (OK)
Crenshaw
Cubin
Davis, David
Deal (GA)
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
King (IA)
King (NY)
Kline (MN)
Knollenberg
LaHood
Lamborn
Latta
Lewis (CA)
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sanchez, Loretta
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Thornberry
Tiberi
Upton
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOES—264

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berman
Bishop (GA)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burgess
Butterfield
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gohmert
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
Kingston
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walberg
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—29

Bachus
Berkley
Berry
Bishop (NY)
Campbell (CA)
Cleaver
Conaway
Costello
Davis, Tom
DeFazio
Dicks
Emerson
Feeney
Harman
Hinojosa
Hodes
Hooley
LaTourette
Linder
Maloney (NY)
Marchant
Musgrave
Peterson (PA)
Pryce (OH)
Renzi
Richardson
Rush
Slaughter
Speier

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1944

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BISHOP of New York. Madam Speaker, earlier today I travelled back to my district and was honored to participate in a ceremony dedicating a memorial to Lieutenant Michael P. Murphy, a Long Island native and constituent who was killed while serving in Afghanistan and posthumously awarded the Congressional Medal of Honor. Had I been here, I would have voted in the following manner:

Rollcall vote No. 267, I would have voted "nay";

Rollcall vote No. 268, I would have voted "aye";

Rollcall vote No. 269, I would have voted "aye";

Rollcall vote No. 270, I would have voted "aye";

Rollcall vote No. 271, I would have voted "nay";

Rollcall vote No. 272, I would have voted "nay";

Rollcall vote No. 273, I would have voted "nay";

Rollcall vote No. 274, I would have voted "aye";

Rollcall vote No. 275, I would have voted "aye";

Rollcall vote No. 276, I would have voted "nay";

Rollcall vote No. 277, I would have voted "aye";

Rollcall vote No. 278, I would have voted "aye";

Rollcall vote No. 279, I would have voted "nay";

Rollcall vote No. 280, I would have voted "nay";

Rollcall vote No. 281, I would have voted "aye";

Rollcall vote No. 282, I would have voted "aye";

Rollcall vote No. 283, I would have voted "aye";

Rollcall vote No. 284, I would have voted "aye";

Rollcall vote No. 285, I would have voted "nay";

Rollcall vote No. 286, I would have voted "nay";

Rollcall vote No. 287, I would have voted "aye";

Rollcall vote No. 288, I would have voted "aye";

Rollcall vote No. 289, I would have voted "aye";

Rollcall vote No. 290, I would have voted "aye";

Rollcall vote No. 291, I would have voted "nay."

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. SHIMKUS. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Shimkus moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions contained in section 9021 of the Senate amendment (relating to the E 85 Fuel Program).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. TERRY. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Terry moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions contained in section 12312 subtitle C of title XII of the Senate amendment (relating to a cellulosic biofuel production tax credit).

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. UPTON. Mr. Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Upton moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions proposed to be added to Section 9001 of the Farm Security and Rural Investment Act of 2002 in the form of a definition of "Renewable Biomass."

APPOINTMENT AS MEMBERS TO COMMISSION ON THE PREVENTION OF WEAPONS OF MASS DESTRUCTION PROLIFERATION AND TERRORISM

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to section 1853(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following members on the part of the House to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism:

Mr. Timothy J. Roemer, Great Falls, Virginia

Ms. Wendy R. Sherman, Bethesda, Maryland

GENERAL LEAVE

Ms. WATERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 5818, and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

NEIGHBORHOOD STABILIZATION ACT OF 2008

The SPEAKER pro tempore. Pursuant to House Resolution 1174 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5818.

☐ 1950

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentlewoman from California (Ms. WATERS) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 30 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, I would like to first thank Chairman FRANK and all of the members of the Financial Services Committee, and particularly those members who serve on the subcommittee that I chair, the Subcommittee on Housing and Community Opportunity. I'm thanking Members on both sides of the aisle for helping to bring this bill to the floor today.

H.R. 5818, the Neighborhood Stabilization Act, authorizes a $15 billion HUD administrative grant and loan program to State and local governments to purchase, rehabilitate and resell or rent foreclosed homes. To understand the urgent need to enact this legislation, one need only consider the sobering figures on foreclosures recently released by RealtyTrac, which show that foreclosure filings during the first quarter of 2008 are 112 percent higher than 1 year ago, and that actual bank repossessions of homes during March were a shocking 129 percent above March 2007.

The human reality behind these numbers is revealed if you visit, as I have the past year, cities and communities in cities like Cleveland, Ohio; Detroit, Michigan; or the San Bernardino and Stockton metropolitan areas in California, where block after block is dotted by foreclosed properties, many of them suffering from neglect or actual vandalism. These abandoned and foreclosed properties drag down the value of homes still occupied by working families, and contribute to a cascade effect whereby plummeting home prices erode the tax base of State and local governments and cause real estate related industries such as the construction trades to suffer.

States and most local governments must balance their budgets each year and, as a result, 20 States have already had to make or are proposing budget cuts due largely to revenue losses resulting from the subprime crisis, which further reduces demand in the economy and deepens the recession.

On April 10, the Financial Services Committee heard from Mayor Thomas

Menino of Boston, Governor Martin O'Malley of Maryland, and others, that despite severe physical constraints, many States and cities are already dedicating their own shrinking tax revenues to purchase foreclosed properties and attempt to stabilize these neighborhoods. But they are overwhelmed by the scale of the problem in comparison to their shrinking tax revenues. For this reason, the National Governors Association has stated that a "onetime Federal funding commitment to support the acquisition and rehabilitation for foreclosed properties is vital."

The Governors are joined in their support for the stimulus contained in H.R. 5818 by the U.S. Conference of Mayors, National Association of Counties, National Association of Local Housing Finance Agencies, and the National Council of State Housing Finance Agencies. H.R. 5818 is also endorsed by nearly 40 civil rights, community development, labor and low income housing groups, including the AFL–CIO, Catholic Charities, Lutheran Services of America, the NAACP, the National Urban League, the National Low Income Housing Coalition, and the National Foreclosure Prevention and Neighborhood Stabilization Task Force.

This bill targets assistance where it is most needed. The $7.5 billion in grants and $7.5 billion in loans would be allocated to States based on two factors: The number of foreclosures, and the number of subprime loans 90 days delinquent. This is then subject to a limited adjustment for median home prices, a bipartisan compromise that was worked out in mark-up with the committee's members from Ohio, which, like many midwestern States, has faced skyrocketing foreclosures but did not experience an extraordinary run up in housing prices.

Second, the bill puts flexible resources in the hands of government with the capacity to address the crisis and put funds on the street quickly enough to stimulate the economy. Rather than expect HUD to process plans from 1,200 entitlement jurisdictions, the balance we struck at mark-up was to allocate funding to States and to the Nation's largest 100 cities, largest 50 counties, and cities over 50,000 with especially high foreclosure rates. The areas of States outside of those cities and counties would be addressed in the State's plans.

Under the bill's timelines, fund obligation must begin within 6 months of enactment, be completed within a year, and fully spent within 2 years of enactment. This is no "big government," immortal program, as our colleagues across the aisle suggest. Rather, it is a timely, targeted and temporary shot in the economy's arm, exactly where one is needed.

Indeed, using well-accepted construction activity multipliers, the National Foreclosure Prevention and Neighborhood Stabilization Task Force calculates that the bill's proposed $15 billion investment will generate at least $38 billion in direct and ripple effect economic activity nationwide, employ about 120,000 people, and restore nearly $225 million per year in local real estate tax collections.

Some Republicans have tried to frame this bill as a bailout bill for investors. This simply is not so. Government and their nonprofit partners will drive a hard bargain with property owners because they are highly incentivized to make this money go as far as possible in their efforts to stabilize neighborhoods where many of them have been working for years, and because they must pay the government back any funds used to purchase homes.

In no event, moreover, can they pay more than 110 percent of the average home sale price in the area. Creaming of properties and "sweetheart" deals are prevented by the requirement that properties sit for 60 days before they are eligible.

What H.R. 5815 does make possible is for States, cities and counties to stabilize a few neighborhoods, especially low income ones, that are in serious danger of an overcorrection and rapid deterioration past the tipping point, where it becomes very difficult to turn them around.

I urge Members to hear the pleas of the Nation's governors, mayors, community-based organizations and ordinary citizens to provide this critical relief to stabilize neighborhoods and stimulate the economy.

The administration and my friends on the opposite side of the aisle in this Chamber argue that we cannot afford to respond. I would like to just remind this body of what Mr. FRANK said earlier today, we afforded $30 billion to bail out Bear Stearns, and certainly we can afford half of that amount, $15 billion for the entire country. We simply cannot afford not to.

I urge passage of the Neighborhood Stabilization Act.

I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, today I want to thank, first of all, the chairwoman of the Subcommittee on Housing, of which I'm the ranking member, for her good hard work and dedicated service. We've had a lot of hearings and a lot of information, and I think we all want to try to achieve help for the homeowners or those who are on the edge.

But today I rise in opposition to H.R. 5818, the Neighborhood Stabilization Act of 2008. We all recognize that we are experiencing a sharp increase in foreclosure statistics and starts. Over the past year alone, approximately 550,000 homeowners with subprime loans began the foreclosure process.

However, we shouldn't rush to act. We must guard against adopting policies which create moral hazards and unintended consequences.

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Unfortunately, we believe H.R. 5818, the Neighborhood Stabilization Act of 2008, is a bill which does both. H.R. 5818 is an unnecessary government intervention in the housing market which will bail out real estate speculators, servicers, and lenders while doing nothing to assist hardworking Americans struggling to make their mortgage payments. This bill will not keep one person in their mortgage or in their home.

The bill does this through a $15 billion authorization for grants and loans to be used to purchase already foreclosed homes from lenders, servicers, and speculators who have made bad loans or unwise investments. The Neighborhood Stablization Act will allow investors and servicers to unload their foreclosed properties to the government with the taxpayer footing the bill. Servicers and investors might even be encouraged to pursue foreclosure if this bill is enacted.

Instead of incentivizing foreclosure, Congress should be encouraging services to engage in voluntary loan workouts and modifications. Furthermore, this bill calls on States and local governments to convert foreclosed properties into affordable rental and single-family housing. The increase in housing supply and decrease in prices creates housing affordability without government intervention.

I'm also concerned that the overly broad income targeting provisions in this bill, which will allow families making 100 percent and 140 percent of area median income respectively, to rent and purchase properties acquired with funds from this act. It is not appropriate for the government to provide housing assistance to individuals who can afford market-rate housing.

Congress should focus its efforts on keeping hardworking Americans in their homes. We should not unnecessarily intervene in the housing market in the process of adjustment after years of what has proved to be unsustainable growth. It is imperative that we recognize the primary beneficiaries of this bill will not be the thousands of Americans struggling to hold on to their home, but the lenders, servicers and speculators who bear much of the responsibility for the current housing slump.

Putting aside the issue of how massive this new program would be, the bill's ultimate beneficiaries, as I said, could be our lenders and investors and speculators; and indeed the FHA commissioner, Brian Montgomery, stated in testimony before our committee that "this legislation may have the unintended consequences of making foreclosure a more attractive option for lenders thereby compounding the very problem of rising foreclosures that the bill purports to address."

Madam Chairman, I oppose this bill, and I would like to reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield to the chairman of the Financial Services Committee 3 minutes.

Mr. FRANK of Massachusetts. A former President once unfairly characterized a leader of this House as someone who couldn't walk and chew gum at the same time. The gentlewoman from West Virginia extends, frankly, that insult to the whole House. She suggests we can't do two bills in one night. She says we should work to try to help avoid foreclosure. I agree. That's the next bill which we will get to after all of this useless temper tantrum is over, we will get to it at 3 o'clock in the morning, but we will get to it.

That bill will help avoid foreclosure. I know the gentlewoman agrees. She voted for that bill in committee although a majority of her colleagues were against it.

But I do not understand how anybody could argue that doing this bill now interferes with that bill later. They are totally not in conflict.

So the notion that this bill doesn't keep people out of foreclosure is true. It doesn't combat global warming. It doesn't get troops out of Iraq. It won't help me lose weight. There are a lot of things this bill won't do that I very much want to do. None of them are a reason to vote against a bill that doesn't do what it doesn't say it's going to do but does what it does.

What it does is to go to the aid of cities that have been victimized by the deregulation run rampant, perpetrated by this administration, which has led to the subprime crisis. We have vacant property everywhere in these areas.

Now the argument that this is going to award speculators and be an incentive to do foreclosures is also flatly wrong. This is $15 billion. People will tell you it's a lot of money, and it is. Do you know how much money this is? This is half of the money that this administration made available to buy up the debts of Bear Stearns. Now, I think they had to do that. I think they were forced to do it. But I think we have to do this as well.

I do think that the whole country, under this administration's calculation, ought to get at least half of what Bear Stearns got. That's all that this does.

Now, unfortunately, it's not nearly enough to buy up the property that's foreclosed. So anyone who says, I'm going to foreclose today because I want to get in on this, would be nuts because there is already property ahead of them. And even when this bill becomes law, if it does, there's a 60-day wait, and I hope it will be part of the stimulus.

Property that was once paying taxes because of this subprime crisis now eats taxes. It bites neighborhoods. And, yes, some of the people who foreclose may benefit here. But we are telling the cities and the States to be careful with this money. They have to buy it for affordable housing. That will put limits on what they will pay.

And you can say, well, why don't the cities do it on their own? Because the very cities that need help here have lost revenue because of this foreclosure. These properties are fire traps; they attract people who break the law; they attract sanitary nuisances. They lead to water hazards.

The Acting CHAIRMAN (Ms. BALDWIN). The gentleman's time has expired.

Ms. WATERS. I yield an additional minute to the gentleman.

Mr. FRANK of Massachusetts. I always feel good when people make arguments against legislation that won't really deal with the legislation. The notion that the problem with this bill is that it doesn't help avoid foreclosure, when it was not the bill intended to avoid foreclosure, shows well, there's a dearth of arguments against it.

The argument that it's going to reward the speculators, this will go to cities dealing with property that is causing them problems. Do we not trust the cities and States of this country to take this money and use it judiciously and wisely to prevent neighborhood decay?

I don't understand the animus that motivates so many of my Republican colleagues that say, Oh, no, let's not have government intervention here. Well, we heard that a while ago, and people on the other side successfully blocked government intervention in regulating subprime mortgage origination outside of the banks. It was this religion of never intervening that brought us here. A limited intervention to undo the negative consequences is what this bill calls for.

Mrs. CAPITO. I would like to make a comment in reference to the chairman's comments.

I live in a small community, just barely over 50,000. And we have local government and State programs in effect right now that deal with foreclosed or blighted projects. They work together with the local nonprofits, with the local land owners and realtors, and we have problems that are moving forward.

So to say that we're not in favor of programs that would deal with foreclosure-blighted neighborhoods I think is factually incorrect.

I would like now to yield some time to the gentleman from Florida (Mr. FEENEY), a member of the Financial Services Committee, 3 minutes.

Mr. FEENEY. I thank the gentlewoman.

I would say this bill tonight proves at least two maxims about Congress: One is that we have two speeds: zero and that we overreact; and the other is that the law of unintended consequences means that often the adverse or the harmful consequences of the things we do in Congress are much more meaningful than the positive things that we would like to accomplish.

Let me give one example. Back in the early sixties and seventies and eighties, and all the way through the nineties, Madam Chairman, there were lots of complaints that low- and middle-income people, especially minorities, didn't have access to loans, that they didn't get the same opportunity that other people of above-modest means had to own a home in America. And there were complaints, and there were all sorts of animosity, to use the Chairman's word from a few minutes ago, towards lenders for being discriminatory against low- and middle-income people again, especially minorities.

So the Community Redevelopment Act was enacted in 1977, and at that time one of the things that Congress had the power to do was to oversee and look at every single lender in America in order to determine that they were aggressively making loans in low and poor and minority neighborhoods so that we could measure those institutions so we could insist that there be more access to homeownership.

We got exactly what we asked for, and part of that was the subprime loan crisis. And part of that was zero-document loans where people could literally line up without any proof of income. Part of that was instead of making it a 70-percent loan or 75-percent loan, which almost never fails, making 100-percent, or 110-percent loans. Part of that was teaser interest rates to get people into a home at 3 percent, which they could afford to make an $800 or $900 a month payment, and when that teaser rate readjusted to 7 or 8 or 9 percent, all of a sudden what used to be an $800 payment became a $2,000-a-month payment, and they couldn't make it. They got exactly what we anticipated.

Countrywide is now bankrupt. Countrywide in 2005 got the Best in Minority Lending Award from the Lending Industry Diversity Conference. This Congress had great intentions. We wanted to make more money available so that everybody could have the American Dream. In fact, as of 2 years ago, America had an all-time high, approaching 69 percent of Americans that owned their own homes. That's great.

The truth of the matter is because of easy money from the Feds, because of investor imprudence, because of greedy Wall Street speculators, we have now got a crisis because of a bubble that is collapsing.

Who is being bailed out by this bill? The $15 billion will eventually end up, after it goes to the cities and counties, in the pockets of the investors and holders of these mortgages that went seeking higher profits that put people in homes that they couldn't afford. We are doing exactly what economists want us not to do: creating a moral hazard. It is going to make it more likely, rather than less, that foolish loans are made in the future.

Ms. WATERS. Madam Chairman, I recognize for 1 minute the gentleman from Massachusetts to straighten out the gentleman on the opposite side of the aisle who does not know the history of CRA.

Mr. FRANK of Massachusetts. Of all of the unfair accusations, the one that blames the Community Reinvestment Act for this is the strongest.

The Community Reinvestment Act was passed in 1977. This subprime crisis, of course, did not appear until nearly 30 years later; but more important, the subprime loans that caused problems were overwhelmingly made by institutions not covered by the Community Reinvestment Act. It covers depository institutions: banks and thrifts and credit unions. Credit unions aren't covered. Banks and thrifts.

If only those institutions, deposit-taking, regulated institutions covered by CRA had made these loans, we wouldn't have had the crisis. The loans were made by institutions not covered by CRA 30 years, 28 years after CRA was passed.

Mr. FEENEY. Madam Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Florida.

Mr. FEENEY. Perhaps the chairman didn't take my point. The point is that it has been aggressive policies by Congress including evaluating everybody under the Community Reinvestment Act.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. WATERS. I yield the gentleman an additional minute.

Mr. FRANK of Massachusetts. The gentleman is wrong to say that we evaluated everybody under CRA. We have evaluated banks and thrifts under CRA. Mortgage brokers, mortgage bankers were not evaluated——

Mr. FEENEY. Will the gentleman yield?

Mr. FRANK of Massachusetts. No. Not until I finish this factual statement.

Mr. FEENEY. I didn't say what the chairman said I said.

Mr. FRANK of Massachusetts. I will yield to the gentleman.

Mr. FEENEY. I didn't say what the chairman said I said. I said that it has been the policy of many in this Congress for about 40 years now to criticize lenders all over the spectrum for not pushing more money into low- and moderate-income areas. I think the chairman will agree with me.

Mr. FRANK of Massachusetts. I will take back my time.

First of all, I thought I heard the gentleman talk about the Community Reinvestment Act. It's been late. I keep hearing, "I move to adjourn." Maybe my ears got a little curdled.

I thought the gentleman said, and we'll check the record later. If he didn't mention the Community Reinvestment Act, I will apologize.

But no. I for one have been saying that we should not be pushing people into homeownership when they can't handle it, and part of the problem here was killing affordable rental housing.

But let's have the record clear. There is no rational way to blame the Community Reinvestment Act passed in 1977 and not cover the nondepository institutions for this crisis caused by the nondepository institutions.

Ms. WATERS. Madam Chairman, I yield to the gentleman from Texas (Mr. AL GREEN), who serves on our committee, for 1 minute.

Mr. AL GREEN of Texas. Thank you, Madam Chairman.

I have to say this. I have to apologize to the gentleman, too, because for a moment, I thought I heard a disjointed syllogism because I couldn't make that connection.

This bill is needed by this country. This bill is going to help neighborhoods maintain their integrity.

And I have to ask one question: Where was the moral hazards argument when Penn Central got $7 billion? When Lockheed Martin was bailed out? When Franklin National Bank was bailed out? When Chrysler was bailed out? Continental Illinois? When Bear Stearns received its $29 billion plus a $13 billion loan? Where was the moral hazards argument?

It seems that this argument surfaces whenever poor people or whenever people who are living in the streets of life, whenever people who have not found their way into the well-off, the well-heeled, and the well-to-do, it seems that it tends to surface. I think that it's time for us to do for others what we can do for these major corporations.

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Ms. WATERS. Madam Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Thank you very much, Madam Chairman.

This is an extraordinarily important measure. If we don't learn from history, we're doomed to repeat it. Around 1929, we had another crisis that happened as a result of one of our financial legs coming out from under us. At that time, there was a Republican administration that fostered so much of that. Franklin Delano Roosevelt, in a Democratic administration, had to come and realize that government had to act.

We're not doing this because we don't have anything else to do. We're doing this because we have an economic crisis of soaring magnitude before us. The derivatives of this magnitude are affecting communities and neighborhoods where these foreclosures are leaving these empty homes, many of them in $200,000, $300,000, $400,000 neighborhoods. They're taking down the residential value of communities around them, and these communities in these cities and towns are already strapped with their own financial pressures, much like my own city of Atlanta, and they need help in rescuing these communities. We're coming to their rescue.

Mrs. CAPITO. Madam Chairman, I yield 3 minutes to a member of the Financial Services Committee, Mr. ROSKAM from Illinois.

Mr. ROSKAM. I thank the gentlelady for yielding and for the time.

One of the underlying issues as it relates to this bill is I think the way in which it was contemplated. I'm not making a process argument, but what I am making is an argument that suggests there's a very serious oversight.

And the oversight was the committee's rejection of the McHenry amendment. The McHenry amendment basically said, look, if you're going to have these grants and loans and there's going to be properties that are going to be purchased, there should be an open process, there should be a bidding process, and it should be something that everybody has access to. And I think the failure of the majority in this case was to dismiss that and put it aside.

I've heard cities tonight described as victims. The chairman a minute ago said he has great confidence, and I'm paraphrasing, but great confidence that cities are going to use the money judiciously and wisely. Well, my congressional district falls in the shadow of a city with a different reputation that doesn't have a judicious and wise reputation always. Let me read you just a couple of headlines within the past couple of weeks about some of the schemes that have happened from a corruption point of view about the very people that you're contemplating entrusting $15 billion to.

Here's one this month: "Witness Details Pay-To-Play Schemes" or "Ex-Illinois Official Pleads Guilty to Lying" or "Corruption Firmly Entrenched in State" or "Illinois: Corruption on Parade" or "Top Aide to Illinois Governor Is Indicted in Kickback Inquiry."

We have got deep troubles in northern Illinois, and what is conspicuously absent in this bill, and I've read it, I've looked at it all, within this bill there is no requirement of any kind of disclosure, no requirement of any kind of notice, no requirement of anything whatsoever. So, in other words, if you're a corrupt official working for an agency that has been entrusted with this $15 billion, there's absolutely nothing, nothing that prohibits you from selling this to a friend for whatever you want to sell it for. The bill is absolutely silent.

Now, is the majority trying to be complicit in a nefarious scheme? Of course not. But was it a gross oversight on the part of the majority in the committee to reject the McHenry amendment? I think so, and I think for that fundamental flaw alone, notwithstanding all the underlying policy questions, that fundamental flaw alone brings a great deal of skepticism to voters in my congressional district. And for that reason, I urge a "no" vote.

Ms. WATERS. Madam Chairman, I yield myself 30 seconds.

The gentleman from Illinois evidently has not read the bill. As a matter of fact, they have to have a plan that is adopted or accepted, reviewed by HUD. And so in the plan, all of the disclosure, everything that needs to be known about that city's plans will be reviewed.

In addition to that, the amendment that the gentleman is referring to is an amendment that would bog down this ability to get money into the neighborhoods and on the street very quickly for the economic stimulus that we anticipate.

I yield to the gentleman from New York (Mr. HIGGINS) 1 minute.

Mr. HIGGINS. Madam Chairman, I rise today in strong support of H.R. 5818, the Neighborhood Stabilization Act. I want to thank Chairman FRANK and Chairwoman WATERS for their persistent efforts to address the issue of how foreclosures and subprime lending contribute to the vacant and abandoned housing problem in cities like Buffalo.

Buffalo and western New York are facing a vacant and abandoned housing crisis that gets progressively worse every day as more and more homes fall into foreclosure. While the City of Buffalo has been dealing with the negative effects of home foreclosures for some time, recent events have made their situation worse, necessitating this relief.

Vacant homes wreak havoc on the neighborhoods in which they exist. These homes often serve as a haven for crime, endangering children and making entire neighborhoods dangerous. They also serve as a drain on local governments, which must deal with decaying homes long after owners and banks have abandoned them. Perhaps most distressing, abandoned homes discourage investment and influence urban flight.

H.R. 5818 would provide immediate relief to these neighborhoods in several ways. It would empower local officials to take control of vacant and abandoned properties and increase homeownership.

Local governments could use loan funds to purchase and rehabilitate vacant homes for sale to working families who otherwise may not be able to afford quality housing. If homes are beyond repair and within neighborhoods prone to vacancy and abandonment, local governments could use grant funds to demolish them. Both the loan and grant initiatives will provide a much needed and immediate injection of resources into these neighborhoods that have been hard hit by the foreclosure crisis, so that these communities will have a better chance to get back on their feet and move forward.

It is highly dismaying to note that the housing market has gotten progressively worse in the last 12 months, creating the need for the stimulus provided in this bill.

Mrs. CAPITO. Madam Chairman, I yield to the gentleman from Illinois (Mr. ROSKAM) 2 minutes.

Mr. ROSKAM. I thank the gentlelady for yielding.

And in response to the chairman's question, yeah, no question about it. There's a plan requirement on page 3, section 4 of the bill, but the plan requirement doesn't prohibit the type of conduct that I just described, a plan as it relates to goals for the sale to different groups, accessibility to different groups, but the plan is silent as it relates to this potentially corrupt practice.

I think it's a flaw and I don't think it's a flaw that can't be redeemed. It can be very easily corrected. It doesn't help the underlying policy objections to the bill.

But $15 billion put out there without any requirement whatsoever as it relates to a prohibition against self-dealing, a member of the housing development authority of a particular municipality calling up a cousin and saying, hey, come on by here, we just purchased this foreclosed property for $100,000, I'll sell it to you for $75,000, there's nothing in here. Notwithstanding the plan language, notwithstanding any other declaration of the majority, it is silent, and we can do much, much better.

Ms. WATERS. I yield to myself 30 seconds.

I'm glad the gentleman found the plan in the bill that I had advised him about because there is a plan, and perhaps it does not have 101 things that he would like, and I'm sure you could add a lot more to it, but there is a plan. And the situation that he just described could not happen. As a matter of fact, you have to pay back the money that you get through the loan.

Madam Chairman, I yield to the gentleman from Missouri (Mr. CLAY) 2 minutes.

Mr. CLAY. Let me thank Chairwoman WATERS for yielding and also for her leadership on this issue in getting this bill out of committee and to the floor.

As an original cosponsor of this legislation, I support its speedy passage through the legislative process. This bill is sorely needed to help stabilize neighborhoods in various types of communities that have high incidences of housing foreclosures.

This act establishes a loan and grant program administered by the Department of Housing and Urban Development to help States purchase and rehabilitate owner-vacated, foreclosed homes with the goal of stabilizing and occupying them as soon as possible, either through resale or rental to qualified families.

I raised concerns about the distribution of loans and grants to Chairwoman WATERS, and the bill's funds were originally designed for distribution to States with priority for the 25 most populated cities in the country.

My concern was that many of us had districts that had higher density of foreclosures than many of the top 25 cities in population. Additionally, we needed to ascertain that housing was provided for low- and moderate-income families, inclusive of those who had already suffered foreclosures.

My staff and I worked closely with Chairwoman WATERS and her committee staff and placed provisions in the bill that address these concerns. My district, the First Congressional District of Missouri, has alarmingly high foreclosure rates and large numbers of low- and moderate-income families. The bill now mandates a priority for addressing this high foreclosure level area and others like it across the country.

Again, I want to thank Chairwoman WATERS for her leadership on this.

Mrs. CAPITO. Madam Chairman, I yield 4 minutes to the gentleman from Texas (Mr. HENSARLING), a member of the Financial Services Committee.

Mr. HENSARLING. I thank the gentlelady for yielding, and I certainly rise in opposition to this bill. I have no doubt that it is certainly good-hearted but it is certainly wrongheaded.

There is a great challenge in our housing markets today, but I come here with some interest and amusement to see how many of my friends on the Democratic side of the aisle bemoaned the Bear Stearns bailout by the Federal Reserve, only to come here and offer a bill that, ultimately, using the States and localities as a conduit, is going to bail out Wall Street. It's going to bail out the investors, the people who own these properties in the first place, the people who made bad debts.

I wish somebody would introduce a bill to bail me out of my bad debts. Perhaps next time I invest in real estate or the stock market or the commodities, somebody will come here and say, if I failed, we will get the taxpayer to come in and bail me out.

Second of all, it misses the point of what the true challenge is. The true challenge in our housing markets is a shrinking paycheck, and I know as much as our friends on the other side of the aisle wish to come and blame all the economic woes of our Nation on us, the truth is elections have consequences. They've been in charge of the economic policy of this Nation for almost 18 months now. And what have they done in 18 months?

Number one, they passed a budget that has the largest single tax increase in American history, largest single tax increase in American history. After 3 years fully phased in, it's going to be a $3,000 average burden on the American family. That shrinking paycheck causes people not to be able to pay their mortgage bills.

We know what's happened to gasoline prices, almost $4 a gallon. Shrinking paycheck. Now supposedly they were going to bring the price of gas down when they were elected. The American people know differently, and it's not just gasoline that's $4 a gallon. Milk. I've got a 6-year-old and a 4-year-old back home in Dallas, Texas. They drink a lot of milk. Milk's expensive. The cereal they like, it's expensive, all happening under their watch. A shrinking paycheck.

How are people supposed to afford their mortgage when they're having to pay historic high gasoline prices, historic high food prices and pay an extra $3,000 in taxes? Madam Chairman, that's the real challenge that America's families are facing now.

And here's another problem with this particular piece of legislation that I find. It ignores the greater crisis in America, and that is the spending crisis, the one that is ignored on a daily basis here. Already we notice that when the new Member from Louisiana was sworn in today, we all saw that he had his baby in his arms, and, I don't know, it might have been a 1-year-old or 2-year-old child, but that child already has inherited a debt of almost $200,000 because Congress after Congress keeps on spending money and sends the burden to future generations.

So, you know, what is it? It's $7.5 billion for grants here and $7.5 billion for loans there. Well, Madam Chairman, sooner or later we're talking about real money.

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We're on the verge of being the first generation in America's history to leave the next generation with a lower standard of living. And it's not just me that's saying it, it's the Congressional Budget Office, the Office of Management and Budget, the General Accountability Office. And yet again, the Democrat majority ignores that true crisis.

I also find it quite interesting that while the Federal Government continues to be awash in the sea of red ink in passing on unfunded obligations to future generations, that almost every State and municipality in the Nation is running a surplus.

The Acting CHAIRMAN. The gentleman's time has expired.

Mrs. CAPITO. I yield the gentleman 1 additional minute.

Mr. HENSARLING. So we're taking money away from a treasury that has none to supplement treasuries that do have some. We have a great challenge in our Nation.

And clearly predatory lending took place, I might add, so did predatory borrowing. And so we need to help people, but the way to help them when people are struggling to pay their mortgages is not to raise their taxes and force them to pay the mortgages of their neighbor, particularly a number of neighbors and Wall Street investors who speculated, who might have engaged in fraud.

But Madam Chairman, back to the States and localities. For example, the Commonwealth of Massachusetts spends $11 million a year on their Office of Tourism. If we're having a great housing crisis, maybe they could cut back a little on the tourism budget and help the people in need for housing.

The Acting CHAIRMAN. The gentleman's time has again expired.

Mrs. CAPITO. I yield the gentleman another 2 minutes.

Mr. HENSARLING. Again, if this is such a great priority for the States and they're crying out for these loans and grants, why does the State of Massachusetts continue to spend $760,245 for pools and spray pools under the control of the Department of Conservation and Recreation?

Michigan, $9.4 million to enhance public boating access and dock facilities. I have no doubt, Madam Chairman, that this is important. But again, if we have a housing crisis, maybe the good people of Michigan could cut back a little on their boating access facilities.

State of Ohio. They apparently have a wonderful "Discover Ohio" tourism and marketing campaign, $8.2 million. Maybe they could use some of that money to assist the people in their State.

How about some of the municipalities? According to the Daily News, Los Angeles spends a half a million dollars, $550,000 to be exact, for calligraphers to decorate proclamations and honors. I'm sure that those proclamations are very handsome, but again, if we're having a housing crisis, maybe people in Los Angeles can cut back on the calligraphy to assist the people in need. And yet the Democrat majority—and the gentlelady from California who perhaps is familiar with the calligraphy—has decided instead to take the money away from the Federal Treasury, help raise taxes on hardworking American families while they're trying to fill up their cars to take their children to school, to try to go to work, so that ultimately we're subsidizing Ohio tourism, L.A. calligraphy, water boating access in Michigan, and the list goes on and on. Surely we can find something that is more fiscally responsible and more creative than yet another grant and loan program to States and localities that ultimately bail out investors and Wall Street.

This is bad legislation. It should be defeated.

Ms. WATERS. Madam Chairman, I yield 2 minutes to the gentleman from Minnesota, a member of our committee, both the subcommittee and Financial Services, Mr. KEITH ELLISON.

Mr. ELLISON. Madam Chairman, let me start by thanking Chairman FRANK and Chairwoman WATERS for bringing this critical and much-needed legislation to the floor. I'm proud to have worked with both of them on this important legislation which represents the most comprehensive response yet in the American mortgage crisis.

The package of housing measures that we will vote on today and that I proudly support will help thousands of families facing foreclosure keep their homes. This bill will ultimately help other families avoid foreclosures in the future and help recovery of communities harmed by empty homes caught in the foreclosure crisis.

This legislation comes before us at an important time in the mortgage foreclosure and housing crisis. The Pew Center has stated that between seven to eight thousand people per day are filing for foreclosure. Hennepin County alone, which is the largest county in the Fifth District of Minnesota that I represent, has experienced a 54 percent increase in foreclosures from the year before. Statewide foreclosures have risen by 39 percent.

The legislation we're considering today establishes a $15 billion HUD-administered loan and grant program for the purpose of rehabilitation of vacant, foreclosed homes with the goal of occupying them as soon as possible.

Madam Chairman, let me just say this: The fact of the matter is that for the people who paid every single mortgage payment and were never late even one time, they are suffering because of this mortgage crisis because they live on a block with foreclosed homes.

This bill saves money. Can you imagine the cost to a city, in terms of fire, police and public works resources, just to be able to deal with a home that's foreclosed on a block? This is saving money. This is actually improving the quality of life for people all over America. And this amount of money that we will spend on this bill will pay thousand-fold in terms of quality of life for people all over this country.

And so I'm proud to be able to associate myself with this bill, proud to be able to say that when the people of America face a serious foreclosure crisis that is affecting not just the victims of foreclosure, but others, we responded.

Mrs. CAPITO. Madam Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE), who is also a member of the Financial Services Committee.

Mr. PRICE of Georgia. I thank my good friend from West Virginia for her leadership on this and for cogently bringing the debate forward and stating why this is the wrong bill at the wrong time.

I am pleased to hear from my friend, though, from Minnesota who said that this was going to save America money. If we keep saving money at this rate, our deficit ought to disappear in short order, $15 billion chunks going out the door. I'm not sure how that math adds up, but I'm certain that it works somewhere.

I want to commend my friend from Illinois for raising the point, as I know that the chairwoman acknowledged, and that is that there was no bidding process. There is really no accountability in this bill. Yes, there are plans that have to be proposed and submitted, but there's no oversight, there is no oversight of this money. Fifteen billion dollars could go to anybody, truly, who was a friend or a crony of any official in a State or a city. And we're going to trust the cities, as the chairman said, it was important that we trusted the cities. And I believe primarily that that is important that we do trust cities. If we trusted cities so much, though, then why would we not adopt an amendment that I proposed in committee that said that we ought to let the city do with the property what they deemed appropriate? But we haven't done that. We said oh, no, even if this facility, this housing facility is public housing and is absolutely dilapidated, you couldn't demolish it. Oh, no, we wouldn't want that to happen. We wouldn't want the city to make a decision that they could do something better with that property. In fact, this bill precludes that opportunity.

I heard the chairwoman say that she wouldn't want to add an amendment that would provide for that accountability or that oversight because it might bog down getting the money to the cities. Well, Madam Chairman, I'll tell you what will bog down getting money to the cities, if people were really sincerely interested in that, and that's a veto. And this bill will be vetoed by the President of the United States for appropriate reasons because it is irresponsible and it is not appropriate to spend the kind of money that we're talking about without any oversight and without any accountability. Remember, $15 billion.

I am constantly surprised, truly, by my friends on the other side of the aisle who don't seem to remember where this money comes from. Where does this money come from? It comes from hardworking Americans. And I would suggest, Madam Chairman, as my friend from Texas said, that hardworking Americans have a significant challenge right now in some aspects of their life, trying to make certain that they can afford the increase in gas prices under this majority, for the increasing prices for commodities under this majority. And so it would be appropriate that we remember that, and that we allow more Americans to keep more of their hard-earned money.

Now what is the solution? Well, I would suggest, Madam Chairman, that a couple of programs that are in place right now and are working diligently to make certain that people can stay in their homes, FHA Secure is a program that is administered by the Federal Housing Authority that provides greater flexibility for refinancing homes for hundreds of thousands of Americans. The Hope Now Alliance was a program that was put into place, a private sector cooperative effort that actually makes it so that struggling homeowners can get the kind of counseling and guidance to assist them to refinance their mortgages. More than 1.4 million Americans, Madam Chairman, have been shown the opportunity to be able to stay in their home.

These are positive and productive programs that make it so that individuals can stay in their home. They aren't a bailout that is being proposed by the other side. They aren't taking $15 billion of hard-earned taxpayer money and saying, "It's okay. We'll cover it. Don't worry about that. The American people's pocketbook is absolutely endless."

This is a bad bill, wrong bill, wrong time. I urge my colleagues to vote "no."

Ms. WATERS. I yield 1 minute to the gentleman from Ohio, a member of the Financial Services Committee, Mr. CHARLIE WILSON.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of H.R. 5818. As a Member from Ohio, one of the States that has been hardest hit by foreclosures, I know how important it is for us to pass this bill.

Thirty-six percent of all the homeowners in Ohio will feel the effects of what's going on in the subprime crisis. The pain isn't limited to just the families losing their homes, but also the neighbors and the neighborhood around. What happens is homeowners are projected to each lose as much as $2,000 in property value during this crisis. And because of that, the State of Ohio will lose approximately $3 billion in tax base. These are truly scary numbers.

H.R. 5818 will help Ohio and America begin to heal. The flexible bill will give loans and grants directly to the States. States will then be able to clean up the blight, help families stay in their homes, and rehabilitate long vacant and decrepit homes. States will be able to stabilize their entire neighborhoods that are hurting from foreclosures.

The Acting CHAIRMAN. The gentleman's time has expired.

Ms. WATERS. I yield the gentleman 30 additional seconds.

Mr. WILSON of Ohio. I would like to thank Congresswoman WATERS for her hard work, for working with me on this vitally important issue. And I'm proud to support H.R. 5818 and urge my colleagues to do the same.

Mrs. CAPITO. Madam Chairman, may I inquire as to how much time is remaining on each side.

The Acting CHAIRMAN. The gentlewoman from West Virginia controls 7½ minutes. The gentlewoman from California has 7½ minutes remaining.

Mrs. CAPITO. I would like to reserve the balance of my time.

Ms. WATERS. Madam Chairman, I yield 1 minute to the gentlewoman from California, Ms. BARBARA LEE.

Ms. LEE. Let me thank Chairwoman WATERS for continuing to take on the tough issues as she once again is taking on this tough issue of the foreclosure crisis with this bill. I want to thank her for her leadership and also Chairman FRANK.

This bill will give HUD the tools to work with States and local governments to identify distressed neighborhoods and purchase and rehabilitate vacant houses before they become a blight on their neighborhoods.

There are entire neighborhoods in my district in Oakland, California that are threatened, quite frankly, with complete collapse. The longer homes stay empty, the more likely they will further destabilize already fragile communities, discourage investment, depress home values, and create a spiraling cycle of foreclosures.

This bill provides $15 billion in loans and grants to directly relieve these neighborhoods. This is just half of what this administration has already spent on bailing out Bear Stearns. Thank goodness Congresswoman WATERS has provided this plan to help stabilize communities.

I urge an "aye" vote.

Ms. WATERS. I yield 1 minute to one of our newest Members, and a member of the Financial Services Committee, Mr. ANDRÉ CARSON.

Mr. CARSON of Indiana. Madam Chairman, I rise today in strong support of H.R. 5818, the Neighborhood Stabilization Act of 2008.

This bill is extremely important to me as a representative from Indiana's Seventh Congressional District. My district has suffered with disproportionately high rates of foreclosures. In fact, Indiana has consistently rated among the top 10 States nationally for foreclosures, along with Michigan and Ohio.

We frequently hear how housing vacancies have had a negative impact on property values, but as someone who has spent their career in law enforcement, I know that vacancies can also foster violence and theft in our neighborhoods.

This bill could help communities rebuild property value and maintain stability in our neighborhoods. I want to thank Congresswoman McCARTHY and Congressman CAPUANO for working with me on an amendment in committee to include first responders to those States that may establish preferences in their housing priorities.

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I see firsthand the dedication and passion these firefighters, emergency medical service providers, and police officers have for others. They put their lives at risk every day for the safety of those in our city.

This bill is responsible and thoughtful, and I want to thank Congressman FRANK and Chairwoman WATERS for their outstanding work on H.R. 5818.

Mrs. CAPITO. Madam Chairman, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), a member of the Financial Services Committee.

Mr. GARRETT of New Jersey. I thank the gentlewoman for the time.

Madam Chairman, I come to the floor optimistic inasmuch as I have heard, I think, where maybe five or six Members on the other side of the aisle raised the issue of exactly what transpired with regard to Bear Stearns and that circumstance some 2 months ago. I come optimistic but at the same time somewhat perplexed because, as I say, this did occur with regard to the Federal Reserve some 2 months ago, and immediately thereafter my office contacted the full body of our committee, both Republicans and Democrats, saying should not our committee be investigating what transpired there? And we extended a hand to the other side to say let's do two things: First, let's contact the Federal Reserve and Secretary Paulson to raise the issues that are now being raised at this belated date by the other side of the aisle. We came through at that time with a list of upwards of nine pertinent questions, questions such as, the SEC states that it monitored Bear Stearns' capital and liquidity positions on a regular basis and that levels of both capital and liquidity appeared adequate right up into the week of March 11, but given the subsequent rapid deterioration in Bear Stearns' financial condition, does the SEC have the capacity and authority it needs to assess these risks? Secondly, why wasn't the loan made in a traditional manner? If, as stated in President Geithner's testimony to the Senate Banking Committee that the Federal Reserve did not have the authority to acquire interest, what authority does it have now?

These were the questions that we were posing that should have been answered several months ago. We extended the opportunity to the other side at that time to join with us in this letter to make this investigation. Oddly enough, at that time no one on the other side of the aisle found a need to do so.

Also what is odd with regard to the investigation in this matter, the committee of jurisdiction looking into what the Federal Reserve did would be the Financial Services Committee. Once again, our side of the aisle suggested to the chairman that we should be delving into the issues that the other side is raising tonight, belatedly. We extended the opportunity to send a letter to Chairman FRANK, with signatures of most Members on our side of the aisle to the chairman, saying should we not be looking at these issues, these nine issues that I just referenced before to the Federal Reserve and also Paulson? Should we not be looking into this in Financial Services? Two months ago no one from the other side of the aisle saw it as pertinent. Tonight, as we go into it here and from the rhetoric that comes to the floor, they all say that they are interested in examining what the Federal Reserve is doing.

That's why I say I come to the floor optimistic and a little bit happy because now I believe that when I leave the podium tonight, I can go to the other side of the aisle and I will be more than happy to do two things: To make an addendum to our questions to Secretary Paulson and the Federal Reserve and to make an addendum to Chairman FRANK to say that in both cases we should be investigating it and that we would ask that Chairman FRANK schedule hearings forthwith, immediately, so that we can go into the matters that you are raising and that I have raised as well to see what authority the Federal Reserve has to conduct these activities.

Ms. WATERS. Madam Chairman, I would like to yield to the gentlewoman from Cleveland, Ohio (Mrs. JONES) 1½ minutes and remind her that it was 2 years ago when I was in her city that she asked me to come to a town hall meeting where this issue was being discussed at that time and most of us really didn't understand the depth of it.

Mrs. JONES of Ohio. Chairman WATERS, I want to salute you and the work you've done in the housing area in Financial Services. Everybody knows that the Housing Subcommittee under your leadership has focused on issues important to everyday people, and I want to thank you for that leadership.

And, Madam Chairman, you know what is the most amazing thing when I sit on the floor of this House? All the superfluous stuff that is discussed when a piece of legislation that's sorely needed by the people of America comes to the floor.

Now it was a Republican administration for the past 8 years that has oversight on oil. If they wanted to do something about it, they could have done it by now. Why are they bringing it up on the housing legislation? Let's talk about oversight of all those billions of dollars that got lost in that truck in Iraq. This Republican administration.

But before I get lost, let me come to why I'm standing here. I stand here to support the legislation because the city of Cleveland is in desperate straits around this particular problem: Housing and foreclosures. I am so pleased that I have been able to add an amendment that would simplify the Federal historic rehabilitation tax credit in the process of this so that we can use some of this historic housing to be able to make some changes in the lives of the people.

It's just an amazing thing. I know the people of America are out there listening, and they're looking at who is it that is stepping up for them when they're in trouble? Who is it that understands that they need to pay their homeowner costs, their costs for their housing? And who is it to say, no, we're going to wait to try to figure out something else, add a new law. Come on now.

Vote for this legislation.

Mrs. CAPITO. Madam Chairman, I yield to the gentleman from New Jersey (Mr. GARRETT) 1 additional minute.

Mr. GARRETT of New Jersey. Madam Chairman, actually at this time I'd just like to put into the RECORD the letter that was signed by Members from our side of the aisle to Chairman FRANK back on April 7, which would have been a month ago now, requesting an expedited hearing with regard to the Financial Services situation with regard to the Federal Reserve and the Financial Services hearing. Also, I will put in the RECORD a letter dated April 16 to Secretary Paulson from the Department of Treasury and Chairman Bernanke of the Federal Reserve as well, itemizing the nine particular questions with regard to their authority and activity; and also the letter in response dated April 14 from Chairman BARNEY FRANK with regard to not setting forth a date for any hearing going forward.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to respectfully request you hold a hearing of the full Financial Services Committee regarding the recent collapse of the investment bank Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on the financial markets and are also expected to have a long-term effect on our financial regulatory structure.

For the first time since the Great Depression, the Fed voted to open its discount window to primary dealers. While this authority has been available to the Fed since 1932, the decision to use it at this time has raised questions about whether and when the Fed should intervene to help a particular industry or firm in the name of market stability.

With the Fed approving the financing arrangements of the sale of Bear Stearns to

J.P. Morgan Chase as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Fed has possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.

These extraordinary actions have raised a number of complex and multifaceted questions. As members of the committee of jurisdiction over our nation's financial markets and the regulatory bodies that oversee them, we feel it is imperative to have a full and public vetting of this unique situation. Therefore, we strongly urge you to convene a hearing on this subject of the Financial Services Committee on the soonest possible date.

Thank you for your consideration of this request.

CONGRESS OF THE UNITED STATES,
Washington, DC, April 16, 2008.

Hon. HENRY M. PAULSON,
Secretary, Department of the Treasury,
Washington, DC.
Hon. BEN S. BERNANKE,
Chairman, Board of Governors of the Federal Reserve System, Washington DC.

DEAR SECRETARY PAULSON AND CHAIRMAN BERNANKE: We are writing regarding the recent collapse of Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on our nation's financial markets and have the potential to drastically alter the future regulatory structure of our entire financial system.

For the first time since the Great Depression, the Federal Reserve voted to open the discount window to primary dealers. While it has been suggested that this authority has been available to the Federal Reserve since 1932, the decision to use it at this time has raised questions about whether and when the Federal Reserve should intervene to help a particular industry or firm in the name of market stability.

With the Federal Reserve approving the financing arrangements of the sale of Bear Stearns to J.P. Morgan Chase, as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Federal Reserve has possibly exposed the American taxpayers to a tremendous amount of financial loss. We have concerns that this will establish a precedent that could lead to future instances of companies in similar financial trouble expecting the same government intervention.

We know the long-term health of our economy is of the utmost importance to you both. However, these extraordinary actions have raised a number of complex questions. Below, we have included a list of some of the specific questions that we believe highlight areas of significant importance.

QUESTIONS

1. In testimony before the Senate Banking Committee on April 3, 2008, it was indicated that the assets the Federal Reserve will accept as collateral for the $29 billion loan are highly-rated, that J.P. Morgan Chase will keep the riskiest and most complex Bear Stearns assets, and that the Federal Reserve set parameters for the quality of assets that it would or would not accept. What was the minimum threshold for asset quality?

2. The Securities and Exchange Commission (SEC) states that it monitored Bear Stearns' capital and liquidity positions on a regular basis, and that levels of both capital and liquidity appeared adequate going into the week of March 11–17. Given the subsequent rapid deterioration in Bear Stearns' financial condition, does the SEC have the capability and/or authority it needs to assess risk in systemically-important broker/dealers, especially at the holding company level?

3. Now that primary dealers are granted the privilege of borrowing directly from the Federal Reserve (through the Primary Dealer Credit Facility), should they be subject to the same oversight that commercial banks must undergo to be eligible to borrow at the discount window? What are the possible negative implications of such regulations?

4. Bear Stearns has been described by some as "too interconnected to fail," as opposed to "too big to fail." How can regulators identify which firms are too interconnected to fail? Also, some administration participants have justified federal involvement with this transaction by suggesting that one interconnected company could unilaterally bring down our country's entire financial markets system. How would that be possible in this instance?

5. Why wasn't the "loan" made as a traditional discount window loan to J.P. Morgan Chase? If, as stated in President Geithner's testimony to the Senate Banking Committee, the Federal Reserve did not have the authority to acquire an equity interest in J.P. Morgan, Chase or Bear Stearns, what authority allows it to create and finance an LLC to purchase assets?

6. If the $29 billion is not to be made available to J.P. Morgan Chase until the merger with Bear Stearns is completed, why is the loan necessary at all? Why is J.P. Morgan Chase unwilling to hold assets that have been priced at current market value and are highly rated?

7. In 1991, the Federal Deposit Insurance Corporation Improvement Act (FDICIA, P.L. 102–242, 105 Stat. 2236) set a limit on the Federal Deposit Insurance Corporation's (FDIC) ability to borrow from Treasury at $30 billion. The statute establishes certain standards, including rate of interest standards but leaves other terms to the Secretary of the Treasury and the FDIC. At the pertinent part it reads:

> The Corporation is authorized to borrow from the Treasury, and the Secretary of the Treasury is authorized and directed to loan to the Corporation on such terms as may be fixed by the Corporation and the Secretary, such funds as in the judgment of the Board of Directors of the Corporation are from time to time required for insurance purposes, not exceeding in the aggregate $30,000,000,000 outstanding at anyone time, subject to the approval of the Secretary of the Treasury. . . . Any such loan shall be used by the Corporation solely in carrying out its functions with respect to such insurance. . . . (12 U.S.C. § 1824)

Did this $30 billion limit have any role in the Bear Stearns negotiations? How did that figure emerge?

8. A separate provision of the FDIC Act added by FDICIA requires the FDIC to resolve failed institutions on the basis of least cost to the insurance fund but permits the suspension of that requirement when following the least cost standard "would have serious adverse effects on economic conditions or financial stability . . . and . . . any action or assistance [beyond what would be the least cost resolution] would avoid or mitigate such adverse effects." [12 U.S.C. § 1823(c)(4)(G)(i).] This authority may not be invoked, however, without consultation with the President and the written recommendations from the FDIC and the Federal Reserve Board.

Was the President consulted? Were there any written findings by the Federal Reserve or the Department of the Treasury or any documents projecting the potential adverse effects without the intervention and the mitigation that would be effectuated by the intervention?

9. Is there any known information regarding any potential conflicts of interest of any of the parties involved in this transaction?

We appreciate your service to the country and look forward to working with you closely on these issues as we move forward. Thank you for attention to these concerns.

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. SCOTT GARRETT,
Congressman, House of Representatives,
Washington, DC.

DEAR MR. GARRETT: I received the letter signed by you and sixteen of your Republican colleagues on the Financial Services Committee expressing your concern that the recent actions by the top financial appointees of the Bush administration in the matter of Bear Stearns have "possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance." It does occur to me as I read your letter that I have somewhat more confidence in the judgment exercised by Secretary of the Treasury Paulson and his aides and Federal Reserve Chairman Bernanke and other officials of the Federal Reserve System than you appear to have, but that is no reason for us not to give this the fullest possible airing. So I do agree that we should be thoroughly examining this matter.

Where we may disagree is the context in which this happens. That is, I agree with you that we should have a "full and public vetting of this" matter, but I do not think it is necessary that we have the hearing "on the soonest possible date." I say this for two reasons.

First, the Committee, as you know, is now engaged in serious consideration of the appropriate response to the foreclosure crisis that now confronts us. I realize that there are some who believe that we should take no action at all, but I think the recent movement by the Bush administration to expand the reach of the FHA, even though I do not agree with it in all respects—is recognition of the need for some action. I therefore believe that it is important that the Committee continue its efforts on dealing with the current crisis, in cooperation with our Senate colleagues who as you know in a bipartisan way have also moved forward on legislation, although I do not agree myself with all aspects of it. My intention is to ask that the Committee continue to focus on this for the next several weeks.

Secondly, I do believe it is important for the Committee to begin an investigation, including hearings, into the Bear Stearns issue, but not in isolation. It is important that we look at what happened with regard to Bear Stearns, not primarily as a matter of hindsight because in fact we cannot undo what was done, but rather from the standpoint of anticipating what the public response should be in similar matters going forward. This includes of course discussing whether or not these specific actions taken in the Bear Stearns case were the best ones from the public standpoint, but also beginning the very important issue of what we might do in Congress to make it less likely that situation of this sort will recur. You correctly note in your letter that what the Bush Administration did in this case did establish "a precedent that could lead to future instances of companies . . . expecting the same assistance." I think it is important that we therefore empower some federal entities to take actions that may make this less likely, and would also allow them to accompany any such intervention if it should later be decided to be necessary with appropriate remedial matters.

In summary, I agree that the Committee should be looking into this, not from the standpoint of rebuking Chairman Bernanke or Secretary Paulson, but rather as part of a serious consideration of the causes of the current crisis and more importantly, what we can do to make a recurrence of the events that led up to the Bear Stearns response much less likely in the future.

At this time I again will extend a hand, and I will yield to the other side to identify which Members from the other side of the aisle will be willing to sign onto the letter to Chairman FRANK or to Chairman Bernanke, if there is anyone from the other side who is willing to sign onto the letters. If not, I will be waiting and I will be glad to do an addendum.

Ms. WATERS. Madam Chairman, I have no further requests for time, and I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, could I inquire of how much time we have remaining.

The Acting CHAIRMAN. The gentlewoman from West Virginia controls 3½ minutes. The gentlewoman from California controls 4 minutes.

Mrs. CAPITO. Madam Chairman, I am ready to close. I have no additional speakers as well.

I think we have heard a stark difference in opinion on this bill. I would like to make a distinction, as we have heard the discussion going back and forth, and I think the good-natured way that the debate has gone forward but also the intent of this bill is unquestionably a good intent.

But I would like to clarify to those who are listening that this bill is separate and apart from that person who can't sleep at night, that family who stays up at night trying to figure out how to meet the high cost of gas, how to meet the higher cost of food, and how to make their mortgage payment. We've been working with FHA to get people to refinance and to redo their loans so they can stay in their house, and I don't want there to be confusion concerning this bill and the next bill that we are going to be considering shortly after this.

This bill, separate and apart, is not going to help that family who can't figure out in the middle of the night how they are going to stay in their home, how they are going to pay their mortgage. These properties that we're also discussing are already foreclosed-upon properties. They're owned by investors, speculators, and financial institutions. And that's our objection. I don't believe we are in a position, and I don't think any of the speakers on our side believe we're in a position for a costly bailout for the lenders, servicers, and real estate speculators who have made risky bets on the housing market and who are now going to off-load their properties into a government program. I think that penalizes every single taxpayer, and it really penalizes that person at night who can't figure out how they're going to get up and pay their mortgage the next day, and that's the person we desperately need and we want to help and it's proper that we should help.

So I believe that H.R. 5818 is overly broad. It's a new government program that is going to end up creating a moral hazard, and it's going to end up benefiting not individuals, not people who are having trouble making their mortgage payments, not people who find themselves upside down in their house. It's going to end up benefiting, at the cost of the taxpayers, and I repeat again, lenders, servicers, and real estate speculators.

And with that, I urge a "no" vote on H.R. 5818.

Madam Chairman, I yield back the balance of my time.

Ms. WATERS. Madam Chairman, I yield myself the balance of my time.

Madam Chairman and Members, I would like to thank all of the Members who have come to the floor today in support of this legislation because they understand the devastation to neighborhoods all over this country.

I have listened very carefully to the arguments from the opposite side of the aisle, and none of them rise to the merit of being able to oppose this bill because they're substantive arguments.

First of all, I have heard Members on the opposite side of the aisle talk about taxes. They have talked about gasoline. They have talked about everything except what we are here to talk about: the fact that there has been a subprime meltdown in this country and many neighborhoods are devastated. We have homes that are being stripped of the copper. We have homes that have been boarded up with vandals inside those homes, oftentimes living inside those homes, with the weeds growing up in many of these properties, and the value of the homes in the neighborhood where people are attempting to maintain their homes is going down every day.

We had one Member on the opposite side of the aisle talk about how flush these cities are with money. Evidently, he has not looked at what is going on in the cities and States. Many of them are in deficit situations. They're in deficit situations because we're in this recession, this nonperforming economy under the leadership of the President of the United States where the price of food has risen, gasoline prices are up, and the subprime mess is fueling the problems of our economy. And with all of this that has taken place under this President and this administration, you would think that the Members on the opposite side of the aisle would want to come to the aid of their constituents.

We have talked about the $30 billion bailout under the Fed Chairman that was appointed by this President. And I am sure, since we did not get a call in the middle of the night to even discuss with us that the bailout was going to take place, I'm sure that the Fed Chairman called the President that appointed him. And I would give anything—I would place money on the line—to tell you that the President approved of that bailout. And so why not bail out the people who deserve to be helped? People, many of them who got into loans that were lured into these loans, lured into these mortgages by unscrupulous real estate brokers who told them to just sign on the dotted line, by unscrupulous folks representing some of the financial institutions who said get into this ARM and when it resets, I will be there to help you refinance it, and, of course, they're not there. These people, many of them have lost these homes through no fault of their own.

But the neighborhoods are being devastated. We have information here that tells us how much crime will be fostered on the neighborhoods. As a matter of fact, what we have learned is that when there is one foreclosure, it leads to not only vandalism that affects the entire neighborhood, but it also increases the crime. This has all been documented.

I would think that the representatives who have been sent here by the people who have voted for them would want to be able to go home and say to their constituents, I understand what's going on in the neighborhoods; to say to their mayors and to say to their Governors and to say to their county commissioners, "We are here to help." Yes, we are spending a lot of money on other things. As a matter of fact, many of the Members on the opposite side of the aisle, in a matter of hours, are going to vote for over $107 billion in supplemental funding to continue the war in Iraq.

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Many of these Members have voted to give tax increases to the richest 1 percent in America. The least they could do is vote for the citizens and for their cities.

I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 5818

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Neighborhood Stabilization Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Congressional purposes.
Sec. 3. Loans and grants to States.
Sec. 4. Qualified plans.
Sec. 5. Allocation of amounts.
Sec. 6. Loans.
Sec. 7. Grants.
Sec. 8. Eligible housing stimulus activities.
Sec. 9. Shared appreciation agreement.
Sec. 10. Spending requirements.
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SEC. 2. CONGRESSIONAL PURPOSES.

The purposes of this Act are—

(1) to establish a loan and grant program administered by the Department of Housing and Urban Development to help States, metropolitan cities, and urban counties purchase and rehabilitate owner-vacated, foreclosed homes with the goal of stabilizing and occupying them as soon as possible, either through resale or rental to qualified families;

(2) to distribute these loans and grants to areas with the highest levels of foreclosure and delinquent subprime mortgages;

(3) to provide incentives for States, metropolitan cities, and urban counties to use the funds to stabilize as many properties as possible; and

(4) to provide housing for low- and moderate-income families, especially those that have lost homes to foreclosure.

SEC. 3. LOANS AND GRANTS TO STATES.

The Secretary of Housing and Urban Development shall, subject to the availability of amounts under section 14, make grants under section 5(a) to qualified States and make loans under section 6 in accordance with the approved plans of qualified States, for use to carry out eligible housing stimulus activities under section 8.

SEC. 4. QUALIFIED PLANS.

(a) IN GENERAL.—The Secretary may make a grant under this Act only to a State, and may allocate a loan authority amount under this Act only for a State, that has submitted to the Secretary a plan that meets the requirements under this section and has been approved under this section. A State shall reallocate amounts under subsection (f) or (g) of section 5 only to a qualified metropolitan city or qualified urban county, respectively, that has submitted to the Secretary a plan that meets the requirements under this section and has been approved under this section.

(b) CONTENTS.—A plan under this section for an allocation recipient shall—

(1) designate a housing finance agency of the allocation recipient, or other agency, department, or entity of the allocation recipient, or any other designee, as the allocation recipient administrator to act on behalf of the allocation recipient for purposes of this Act;

(2) describe the housing stimulus activities under section 8 to be carried out with assistance under this Act for the allocation recipient by the entity identified pursuant to paragraph (1) of this subsection;

(3) prioritize the allocation of funds to low- and moderate-income neighborhoods with high concentrations of foreclosures and describe how such activities will help restore or improve the viability of such neighborhoods by providing for purchase or occupancy of qualified foreclosed properties as soon as practicable and in a manner that will facilitate repayment of the loans provided under this Act for carrying out such activities;

(4) set forth the procedures that the allocation recipient will use to allocate grant and loan amounts and monitor for compliance with the requirements of section 8;

(5) provide that grant and loan amounts provided under this Act for the allocation recipient will be used only for eligible housing stimulus activities under section 8 that are eligible under such section for assistance with grant or loan amounts, as applicable;

(6) contain such assurances as the Secretary shall require that the housing stimulus activities to be carried out with assistance under this Act shall not result in a significant net loss in rental housing in an area in which such activities are undertaken;

(7) give priority emphasis and consideration to metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, census tracts and other areas having the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by subprime mortgage loans over 90 days delinquent; or

(C) identified by the State, qualified metropolitan city, or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(8) provide preference for activities that serve the lowest income families, who otherwise meet the income requirements under section 8, for the longest period and homeowners, who otherwise meet such income requirements, whose mortgages have been foreclosed;

(9) provide preference for use of grant and loan amounts in connection with acquisition of qualified foreclosed properties that are acquired no earlier than 60 days after the owner of the property described in section 13(7)(B) acquired such ownership;

(10) describe any other preferences the allocation recipient may establish, such as housing for first responders, for veterans, for nurses serving underserved areas or homeless persons, or for homeless persons in accordance with the 10-year plan of the State to end homelessness, or providing housing for public school teachers or workforce who are employed by the city or locality in which the housing is located;

(11) provide for obligation and outlay of grant amounts, and for loan commitments and disbursement, in accordance with the requirements under section 10; and

(12) in the case of any grant or loan amounts that will be invested with the possibility of a return on investment, provide for use of any return on such investment only for one or more eligible housing stimulus activities under section 8.

(c) SUBMISSION.—

(1) IN GENERAL.—The Secretary shall provide for allocation recipients to submit plans under this section to the Secretary and shall establish requirements for the contents and form of such plans. Except in the case of plan resubmitted pursuant to subsection (d)(3), the Secretary may not accept or consider a plan unless the plan is submitted to the Secretary before the expiration of the 30-day period beginning upon the date of the enactment of this Act.

(2) PUBLIC APPROVAL.—An allocation recipient may not submit a plan to the Secretary unless the plan is approved by the chief executive officer of the allocation recipient after a public hearing on the plan held pursuant to reasonable public notice.

(d) REVIEW AND APPROVAL.—

(1) TIMING.—The Secretary shall review, and approve or disapprove, each plan submitted or resubmitted pursuant to paragraph (3) in compliance with the requirements established under this section before the expiration of the 30-day period beginning upon the submission of the plan. If the Secretary does not approve or disapprove a plan that is submitted or resubmitted in accordance with the requirements under this section before the expiration of such 30-day period and notify the allocation recipient of such approval or disapproval, the plan shall be considered approved for purposes of this section.

(2) STANDARD FOR DISAPPROVAL.—The Secretary may disapprove a plan only if the plan fails to comply with the requirements of this Act.

(3) RESUBMISSION.—If the Secretary disapproves the plan of an allocation recipient, the Secretary shall submit to the allocation recipient the reasons for the disapproval, and the allocation recipient may, during the 15-day period that begins upon notification of such disapproval and the reasons for such disapproval, submit to the Secretary a revised plan for review and approval in accordance with this subsection.

SEC. 5. ALLOCATION OF AMOUNTS.

(a) GRANTS.—From the total amount made available under section 14(a) for grants under this Act, the Secretary shall make a grant to each qualified State in the grant amount determined under subsection (c) of this section for the qualified State.

(b) LOANS.—From the aggregate amount of authority for the outstanding principal balance of loans made under this Act pursuant to section 14(b)(1), the Secretary shall allocate such authority for loans under this Act for each qualified State in the loan authority amount determined under subsection (c) of this section for the qualified State.

(c) GRANT AMOUNTS AND LOAN AUTHORITY AMOUNTS.—

(1) IN GENERAL.—The grant amount or loan authority amount for a qualified State shall be the foreclosure grant share or foreclosure loan share, respectively, for the State determined under subsection (d), as such share is adjusted in accordance with an index established or selected by the Secretary to account for differences between qualified States in the median price of single family housing in such States.

(2) LIMITATION ON ADJUSTMENT.—If such adjustment would result in a grant amount or loan authority amount for any State that exceeds 125 percent of the foreclosure grant share or foreclosure loan share, respectively, for the State, the grant amount or loan authority amount for the State shall be 125 percent of foreclosure grant share or foreclosure loan share, respectively, for the State and the Secretary shall increase the grant amounts or loan authority amounts for all other States on a pro rata basis, except as provided in paragraph (3), by the amount necessary to account for the aggregate of any such decreases in grant amounts or loan authority amounts for States to comply with the 125 percent limitation.

(3) LIMITATION ON REALLOCATION.—No increase in the grant amount or loan authority amount for any State from amounts reallocated pursuant to paragraph (2) shall result in the grant amount or loan authority amount for any State exceeding 125 percent of the foreclosure grant share or foreclosure loan share for the State, respectively.

(4) PRIORITY PREFERENCE FOR UNUSED AMOUNTS.—States which have their grant or loan amounts reduced under paragraph (2) shall be granted a priority preference for any loans or

grants which may be reallocated under subsection (i) (relating to reallocation of funds).

(d) FORECLOSURE SHARES.—For purposes of this section:

(1) GRANT SHARE.—The foreclosure grant share for a qualified State shall be the amount that bears the same ratio to the total amount made available under section 14(a) as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such State during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in all qualified States during such calendar quarters.

(2) LOAN SHARE.—The foreclosure loan share for a qualified State shall be the amount that bears the same ratio to the aggregate amount of the principal balance of loans that may be outstanding at any time under this Act pursuant to section 14(b)(1) as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such State during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in all qualified States during such calendar quarters.

(e) DISTRIBUTION OF FULL AMOUNT.—The Secretary shall establish the index referred to in subsection (c) and the grant and loan authority amounts for the qualified States in a manner that provides that—

(1) the aggregate of the grant amounts for all qualified States is equal to the total amount made available under section 14(a); and

(2) the aggregate of the loan authority amounts for all qualified States is equal to the aggregate amount of authority for the outstanding principal balance of all loans made under this Act pursuant to section 14(b)(1).

(f) REQUIREMENT TO ALLOCATE TO QUALIFIED METROPOLITAN CITIES.—Of any grant amounts and loan authority amounts allocated pursuant to this section for a State, such State shall allocate for each qualified metropolitan city located in such State a portion of such grant amounts and such loan authority amounts that bears the same ratio to such grant amounts and loan authority amounts, respectively, allocated for the State as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such qualified metropolitan city during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in the State during such calendar quarters. A State may adjust such allocation to account for differences between median single family housing prices in the State and in qualified metropolitan cities in the State.

(g) REQUIREMENT TO ALLOCATE TO QUALIFIED URBAN COUNTIES.—Of any grant amounts and loan authority amounts allocated pursuant to this section for a State, such State shall allocate for each qualified urban county located in such State a portion of such grant amounts and such loan authority amounts that bears the same ratio to such grant amounts and loan authority amounts, respectively, allocated for the State as the number of foreclosures on mortgages for single family housing and subprime mortgage loans for single family housing that are over 90 days delinquent, occurring in such qualified urban county during the most recently completed four calendar quarters for which such information is available, as determined by the Secretary, bears to the aggregate number of such foreclosures and such delinquent subprime mortgage loans occurring in the State during such calendar quarters. A State may adjust such allocation to account for differences between median single family housing prices in the State and in qualified urban counties in the State.

(h) ALLOCATION EXCEPTION.—If the aggregate grant and loan authority amount to be allocated pursuant to subsection (f) or (g) to a qualified metropolitan city or qualified urban county is less than $10,000,000, a State may, but is not required to, allocate such grant and loan authority amount to such qualified metropolitan city or qualified urban county, and the allocation for such State shall be increased by the grant and loan authority amount not allocated to such qualified metropolitan city or qualified urban county.

(i) REALLOCATION OF UNUSED AMOUNTS.—The Secretary shall recapture any grant amounts and loan authority amounts allocated to a State that are not used in a timely fashion in accordance with section 10, as the Secretary shall prescribe, and shall reallocate such amounts among all other qualified States in accordance with the provisions of this Act for allocation of grant amounts and loan authority amounts.

SEC. 6. LOANS.

(a) REQUIREMENT OF LOAN AUTHORITY AMOUNT.—The Secretary may make a loan under this Act for use in the area of an allocation recipient only to the extent and in such amounts that loan authority amounts for such allocation recipient are available.

(b) REVOLVING AVAILABILITY OF LOAN AUTHORITY AMOUNT.—The loan authority amount allocated for each allocation recipient shall—

(1) upon the Secretary entering into a binding commitment to make a loan under this Act for use in the area of such allocation recipient, be decreased by the amount of the principal obligation of such loan; and

(2) upon the repayment to the Secretary by any borrower of any principal amounts borrowed under a loan this Act for use in the area of such allocation recipient, be increased by the amount of principal repaid.

(c) ASSISTED ENTITIES.—The loan authority amount of an allocation recipient may be used for activities described in section 8(a) undertaken by—

(1) the allocation recipient;

(2) a unit of local government or a local governmental entity; or

(3) any other entity, as provided in the approved plan of the allocation recipient under section 4.

(d) LOAN TERMS.—Each loan provided under this Act from the loan authority amount of an allocation recipient shall—

(1) bear no interest;

(2) have a term to maturity of—

(A) 3 years, in the case of any loan made to purchase or finance the purchase of qualified foreclosed housing for use under section 8(a)(1) for homeownership; and

(B) 5 years, in the case of any loan made to purchase or finance the purchase of qualified foreclosed housing for use under section 8(a)(2) for rental;

(3) not provide for amortization of the principal obligation of the loan during such term;

(4) be non-recourse;

(5) require payment of the original principal obligation under the loan only upon the expiration of the term of the loan; and

(6) have such other terms and conditions as the Secretary may provide.

(e) PROCEDURE.—A qualified State or, upon its election, a qualified metropolitan city or qualified urban county shall—

(1) enter into a loan agreement on behalf of the Secretary on terms established under this Act and any other terms such State, qualified metropolitan city, or qualified urban county determines appropriate;

(2) disburse the loan amount in accordance with such terms, subject only to the absence of sufficient loan authority amount for such State, such qualified metropolitan city, or such qualified urban county;

(3) monitor such loans; and

(4) collect and transmit to the Secretary any loan repayments.

(f) ELIGIBILITY FOR REPEAT LENDING.—A loan under this Act may be made to an entity that has previously borrowed amounts under a loan under this Act only if such entity has repaid 90 percent or more of the amounts due under all previous such loans. The Secretary may waive such requirement upon a request by an allocation recipient if the borrower has demonstrated satisfactory progress in utilizing outstanding loans and sufficient capacity to utilize additional loan amounts effectively.

(g) SUNSET.—The Secretary may not enter into any commitment to make a loan under this Act, or make any such loan, after the expiration of the 48-month period beginning on the date of the enactment of this Act.

SEC. 7. GRANTS.

The grant amount of an allocation recipient may be used under section 8(b) by the allocation recipient, a unit of local government or a local governmental entity, or a nonprofit organization.

SEC. 8. ELIGIBLE HOUSING STIMULUS ACTIVITIES.

(a) LOAN AMOUNTS.—Amounts provided under a loan under this Act for an allocation recipient shall be used, in accordance with the approved plan of such allocation recipient, only for the following activities:

(1) HOMEOWNERSHIP HOUSING PROVISION.—To purchase or finance the purchase of qualified foreclosed housing for resale as housing for homeownership to families having incomes that do not exceed 140 percent of the median income for the area in which the housing is located.

(2) RENTAL HOUSING PROVISION.—To purchase or finance the purchase of qualified foreclosed housing for use as rental, lease-purchase, or rent-to-own housing, subject to the following requirements:

(A) QUALIFIED TENANTS.—All dwelling units in the housing purchased or financed using any loan amounts shall be available for rental only by families whose incomes do not exceed 100 percent of the median income for the area in which the housing is located.

(B) RENTS.—Rents for each dwelling unit in the housing purchased or financed using any loan amounts shall be established at amounts that do not exceed market rents for comparable dwelling units located in the area in which the housing is located and in accordance with such requirements as the Secretary shall establish to ensure that rents are established in a fair, objective, and arms-length manner.

(3) HOUSING REHABILITATION.—To rehabilitate qualified foreclosed housing acquired with assistance provided pursuant to this subsection, to the extent necessary to comply with applicable laws, codes, and other requirements relating to housing safety, quality, and habitability, or to make improvements to the housing to increase the energy efficiency or conservation of the housing or provide a renewable energy source or sources for the housing, for the purpose of reselling the housing, to the extent possible, during the 3-month period that begins upon completion of rehabilitation and at a price that is as close as possible to the acquisition price of the housing.

(b) GRANT AMOUNTS.—Grant amounts provided under this Act to an allocation recipient

shall be used, in accordance with the approved plan of such allocation recipient, only for the following activities:

(1) OPERATING AND HOLDING COSTS.—For costs of holding and operating qualified foreclosed housing acquired pursuant to subsection (a), including costs of management, taxes, handling, insurance, and other related costs.

(2) COSTS RELATING TO PROPERTY ACQUISITION.—For incidental costs involved in acquiring qualified foreclosed housing pursuant to subsection (a), including reasonable closing costs, except that grant amounts may not be used to pay any portion of the purchase price for the housing under section 13(7)(C).

(3) ADMINISTRATIVE COSTS.—For costs of the allocation recipient in administering loan authority amounts and grant amounts under this Act, except that the amount of grant amounts provided under this Act to an allocation recipient that may be used under this paragraph shall not exceed the amount equal to 8 percent of the sum of the grant amounts provided to the allocation recipient pursuant to subsection (a), (f), or (g) of section 5, as applicable, and the loan authority amount allocated to the allocation recipient pursuant to subsection (b), (f), or (g) of section 5, as applicable.

(4) PLANNING COSTS.—For planning costs of the State in connection with this Act, except that the amount of grant amounts provided under this Act to an allocation recipient that may be used under this paragraph shall not exceed the amount equal to 2 percent of the sum of the grant amounts provided to the allocation recipient pursuant to subsection (a), (f), or (g) of section 5, as applicable, and the loan authority amount allocated to the State pursuant to subsection (b), (f), or (g) of section 5, as applicable.

(5) HOUSING REHABILITATION.—For activities set forth in subsection (a)(3), except that an allocation recipient shall not use more than 20 percent of a grant amount allocation for such activities.

(6) DEMOLITION.—For costs of demolishing qualified foreclosed housing that is deteriorated or unsafe, but amounts may be used under this paragraph only if the Secretary determines that the neighborhood or other area in which the housing is located has a high incidence of vacant and abandoned housing (or other vacant and abandoned structures) and is experiencing a significant decline in population.

Notwithstanding any other provision of this subsection, grant amounts provided under this Act may not be used to provide assistance of any kind (including grants, loans, and closing cost financing) to provide amounts for downpayments for any homebuyers of single family housing.

(c) PROHIBITED USES.—The Secretary shall, by regulation, set forth prohibited uses of grant or loan amounts under this Act, which shall include use for—

(1) political activities;

(2) advocacy;

(3) lobbying, whether directly or through other parties;

(4) counseling services;

(5) travel expenses; and

(6) preparing or providing advice on tax returns.

(d) INCOME TARGETING REQUIREMENT.—

(1) VERY LOW-INCOME FAMILIES.—Not less than 50 percent of the total grant amounts an allocation recipient makes available under this Act shall be used for activities under subsection (b) in connection with providing housing for families whose incomes do not exceed 50 percent of the median income for the area in which the housing is located.

(2) EXTREMELY LOW-INCOME FAMILIES.—Not less than 50 percent of the total grant amounts an allocation recipient makes available under paragraph (1) shall be used for activities under subsection (b) in connection with providing housing for families whose incomes do not exceed 30 percent of the median income for the area in which the housing is located.

(3) WAIVER.—

(A) IN GENERAL.—The Secretary may establish a percentage for purposes of paragraph (2) that is less than 50 percent if an allocation recipient certifies that, in addition to any other requirements the Secretary may establish—

(i) such allocation recipient has attempted to use all other federally related resources available to it in combination with the resources available under this Act to meet the requirements of paragraph (2); and

(ii) the failure to comply with paragraph (2) will not result in an overall loss of housing affordable to families whose incomes do not exceed 30 percent of area median income in the area of such allocation recipient.

(B) CONSIDERATION OF HOUSING NEEDS.—In establishing an alternative percentage for purposes of paragraph (2) for an allocation recipient that meets the certification requirements of subparagraph (A), the Secretary shall take into consideration the housing needs in the area of such allocation recipient of families whose incomes do not exceed 30 percent of area median income.

(e) USE FOR RURAL AREAS.—An allocation recipient receiving any grant or loan amounts under this Act that includes any rural areas shall use a portion of its grant and loan authority amount for eligible activities located in rural areas that is proportionate to the identified need for such activities in such rural areas.

(f) SECURITY.—A qualified State, or at its election, a qualified metropolitan city or qualified urban county, shall record a lien in the name of the Secretary on any qualified foreclosed housing purchased or financed with a loan under this section in the amount of the principal obligation under the loan and interest due under the loan.

(g) QUALIFIED HOMEOWNERS.—This Act may not be construed to prevent the resale of qualified foreclosed housing to a prior owner or occupant of such housing who meets the income requirements of this Act.

(h) VOUCHER NONDISCRIMINATION.—

(1) PROSPECTIVE TENANTS.—A recipient of amounts from a loan or grant under this Act may not refuse to lease a dwelling unit in housing assisted with any such loan or grant amounts to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder.

(2) CURRENT TENANTS.—In the case of any qualified foreclosed housing for which funds made available under the Act are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of acquisition or financing, the owner and any successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit. Vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent purchaser desires the unit for personal or family use. This paragraph shall not preempt any State or local law that provides more protection for tenants.

(i) EFFECT OF FORECLOSURE ON PREEXISTING LEASE.—

(1) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property acquired with any amounts made available under this Act, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—

(A) the provision, by the successor in interest, of a notice to vacate to any bona fide tenant at least 90 days before the effective date of the notice to vacate; and

(B) the rights of any bona fide tenant, as of the date of such notice of foreclosure—

(i) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease or the end of the 6-month period beginning on the date of the notice of foreclosure, whichever occurs first, subject to the receipt by the tenant of the 90-day notice under subparagraph (A); or

(ii) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under subparagraph (A), except that nothing under this subparagraph shall affect the requirements for termination of any federally subsidized tenancy.

(2) BONA FIDE LEASE OR TENANCY.—For purposes of this subsection, a lease or tenancy shall be considered bona fide only if—

(A) the mortgagor under the contract is not the tenant;

(B) the lease or tenancy was the result of an arms-length transaction; or

(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property.

(j) PROHIBITION OF DEMOLITION OF PUBLIC HOUSING.—Notwithstanding any other provision of this Act, amounts from a grant or loan under this Act may not be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)).

SEC. 9. SHARED APPRECIATION AGREEMENT.

Notwithstanding any other provision of this Act, no amounts from a loan or grant under this Act may be used under section 8 for any qualified foreclosed housing unless such binding agreements are entered into, in accordance with such requirements as the Secretary shall establish, that ensure that the Federal Government shall, upon any sale or disposition of the qualified foreclosed housing by the owner who acquires the housing pursuant to assistance under this Act, receive an amount equal to 20 percent of the difference between the net proceeds from such sale or disposition and the cost of such acquisition of the housing pursuant to assistance under this Act, after deductions for expenditures paid or incurred after the date of such acquisition that are properly chargeable to capital account (within the meaning of section 1016 of the Internal Revenue Code of 1986) with respect to such housing. In the case of a for-profit owner, this section shall be applied by substituting "50 percent" for "20 percent".

SEC. 10. SPENDING REQUIREMENTS.

(a) IN GENERAL.—Each allocation recipient that receives a grant under this Act or is allocated loan authority amounts under this Act pursuant to section 5(b) shall—

(1) commence obligation of such grant amounts and commitment of such loan authority amounts not later than the expiration of the 120-day period that begins upon approval of the approved plan of allocation recipient;

(2) obligate all such grant amounts and enter into commitments for all such loan authority amounts not later than the expiration of the 180-day period beginning upon such approval; and

(3) except as provided in subsection (b) of this section, outlay all such grant amounts and disburse all such loan authority amounts not later than the 24-month period that begins upon such approval.

This subsection shall not apply to loan authority amounts of an allocation recipient attributable, pursuant to section 6(b)(2), to repayment of principal amounts of loans under this Act.

(b) EXCEPTION TO SPENDING REQUIREMENT.—If an allocation recipient in good faith makes a request, in the plan submitted to the Secretary pursuant to section 4 or otherwise after approval of such plan, for extension of the period referred to in paragraph (1), (2), or (3) of subsection (a) of this section, the Secretary may extend the period for not more than 5 months.

SEC. 11. SERVICER CONTACT.

The servicer of a federally related mortgage loan (as such term is defined in section 3 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2602)) shall notify the unit of general local government in which the property securing the mortgage is located upon becoming responsible for a qualified foreclosed property and provide such unit of general local government with the name and 24-hour contact information of a representative authorized to negotiate purchases.

SEC. 12. ACCOUNTABILITY.

(a) REPORTING.—Each allocation recipient that receives a grant or allocation of loan authority amount under this Act shall submit a report to the Secretary, not later than the expiration of the 12-month period beginning upon the approval of the qualified plan by the Secretary, regarding use of such amounts which shall contain such information, including information about the location and type of assisted properties and the income of families purchasing or renting housing assisted under this Act, as the Secretary shall require.

(b) MISUSE OF AMOUNTS.—If the Secretary determines that any amounts from a grant or loan under this Act for an allocation recipient or other recipient of grant or loans funds has been used in a manner that is in violation of this Act, any regulations issued under this Act, or any requirements or conditions under which such amounts were provided, the Secretary shall require the allocation recipient or other recipient of grant or loans funds to reimburse the Treasury of the United States in the amount of any such misused funds.

(c) HOLD HARMLESS.—Notwithstanding subsection (b), a State shall not be required to reimburse the Treasury of the United States for any misused funds such State is required to allocate to a qualified metropolitan city or qualified urban county under subsection (f) or (g) of section 5, respectively.

SEC. 13. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ALLOCATION RECIPIENT.—The term "allocation recipient" means—

(A) a qualified State;

(B) a qualified metropolitan city; and

(C) a qualified urban county.

(2) ALLOCATION RECIPIENT ADMINISTRATOR.—The term "allocation recipient administrator" means the entity that is designated, pursuant to section 4(b)(1), in the approved plan of the allocation recipient to act for the allocation recipient for purposes of this Act.

(3) APPROVED PLAN.—The term "approved plan" means a plan of an allocation recipient that has been approved pursuant to section 4.

(4) COVERED MULTIFAMILY HOUSING.—The term "covered multifamily housing" means a residential structure that consists of 64 or fewer dwelling units.

(5) LOAN AUTHORITY AMOUNT.—The term "loan authority amount" means, with respect to an allocation recipient, the amount of loan authority available pursuant to section 14(b)(1) that is allocated for the allocation recipient pursuant to subsection (b), (f), or (g) of section 5, as applicable, as such amount may be increased or decreased pursuant to section 6(b).

(6) NONPROFIT ORGANIZATION.—The term "nonprofit organization" has the meaning given such term in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704).

(7) QUALIFIED FORECLOSED HOUSING.—The term "qualified foreclosed housing" means housing that—

(A)(i) is single family housing that is not occupied by an owner, pursuant to foreclosure or assignment of the mortgage on the housing or forfeiture of the housing; or

(ii) is covered multifamily housing;

(B) is owned by a lender, mortgage company, investor, financial institution, or other such entity, or any government entity, pursuant to foreclosure or assignment of the mortgage on the housing or forfeiture of the housing; and

(C) has a purchase price—

(i) in the case of single family housing, that does not exceed 110 percent of the average purchase price for single family housing in the area in which the housing is located, as determined by the Secretary.

(ii) in the case of covered multifamily housing, that does not exceed the dollar amount limitation, for housing of the applicable size located in the area in which the housing is located, on the amount of a principal obligation of a mortgage eligible for insurance under section 207 of the National Housing Act (12 U.S.C. 1713), as in effect on the date of the enactment of this Act pursuant to such section 207(c)(3)(A) and section 206A of such Act (12 U.S.C. 1712a).

(8) QUALIFIED METROPOLITAN CITY.—The term "qualified metropolitan city" means an incorporated place, for which there is an improved plan, that—

(A) is among the 100 most populous incorporated places in the United States, as determined according to data from the most recent decennial census that is published before the date of the enactment of this Act; or

(B)(i) has a minimum population of 50,000, as determined according to data from the most recent decennial census that is published before the date of the enactment of this Act; and

(ii) has a foreclosure rate that exceeds 125 percent of the foreclosure rate for the entire State

(9) QUALIFIED STATE.—The term "qualified State" means a State for which there is an approved plan.

(10) QUALIFIED URBAN COUNTY.—The term "qualified urban county" means an urban county (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), for which there is an approved plan, that is among the 50 most populous urban counties in the United States, as determined—

(A) according to data from the most recent decennial census; and

(B) excluding the population of any qualified metropolitan city within such urban county, unless such metropolitan city has agreed to have its population included with the population of the county for the purposes of this Act.

(11) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(12) SINGLE FAMILY HOUSING.—The term "single family housing" means a residential structure consisting of from one to four dwelling units.

(13) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and other territory or possession of the United States.

SEC. 14. FUNDING.

(a) GRANTS.—There is authorized to be appropriated to the Secretary of the Treasury $7,500,000,000 for grants under this Act.

(b) DIRECT LOANS.—

(1) LOAN COMMITMENT AUTHORITY LIMITATION.—Subject only to the availability of sufficient amounts for the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of such loans and the absence of qualified requests for loans, the Secretary shall enter into commitments to make loans under this Act, and shall make such loans, in an amount such that the aggregate outstanding principal balance of such loans does not at any time exceed $7,500,000,000.

(2) AUTHORIZATION OF APPROPRIATIONS FOR COSTS.—There is authorized to be appropriated such sums as may be necessary for costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) of loans under this Act.

SEC. 15. REGULATIONS AND IMPLEMENTATION.

(a) REGULATIONS.—The Secretary shall issue any regulations necessary to carry out this Act.

(b) IMPLEMENTATION.—Pending the effectiveness of regulations issued pursuant to subsection (a), the Secretary shall take such action as may be necessary to implement this Act by notice, guidance, and interim rules.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House report 110–621. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. WATERS

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–621.

Ms. WATERS. Madam Chairwoman, I have an amendment at the desk that has been made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. WATERS:

Page 3, line 10, after "**STATES**" insert ", **METROPOLITAN CITIES, AND URBAN COUNTIES**".

Page 3, line 13, after "States" insert "and under subsections (f) and (g) of section 5 to qualified metropolitan cities and qualified urban counties, respectively,".

Page 3, line 15, after "States" insert ", qualified metropolitan cities, and qualified urban counties".

Page 3, line 19, after "State" insert ", metropolitan city, or urban county".

Page 3, line 20, after "State" insert ", metropolitan city, or urban county".

Strike "A State" in line 23 on page 3 and all that follows through page 4, line 2.

Page 12, line 16, strike ", such State" and insert "the Secretary".

Page 13, line 4, strike "A State may" and insert "The Secretary shall".

Page 13, line 23, strike "A State may" and insert "The Secretary shall".

Page 14, line 4, strike "a State" and insert "the Secretary".

Page 16, lines 18 and 19, strike "or, upon its election".

Page 16, line 19, strike "or" and insert ", and a".

Page 19, line 24, strike "costs of" and insert "expenses incurred operating housing assisted under this Act with respect to the administration, maintenance, repair, security, utilities, fuel, furnishings, equipment,".

Strike line 23 on page 32 and all that follows through page 33, line 2, and insert the following:

(i) in the case of single family housing, that does not exceed the lesser of—

(I) 110 percent of the average purchase price for single family housing in the area in which the housing is located, as determined by the Secretary; or

(II) the current appraised value of the property;

except that in the case of any such housing that has an appraised value that is less than 110 percent of the average purchase price for single family housing in the area in which the housing is located, an allocation recipient may appeal such appraisal to the Secretary and the Secretary may determine that the average purchase price shall operate as the cap on the purchase price; and

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chairman, I yield myself as much time as I may consume.

This manager's amendment is in the nature of a perfecting amendment that makes a few changes to the bill that I hope will be relatively uncontroversial.

First, as this bill has moved through the process, we have moved from a program that allocated all of the funds to States to administer to one that, as I described in my opening statement, distributes funds to States, certain metropolitan cities and large urban counties.

This amendment simply removes the State as the middle person in allocations to qualifying cities and counties which would instead receive direct allocations from HUD. This will expedite the distribution of funds which is critical in the context of economic stimulus.

Second, the amendment brings a definition of operating costs of housing purchased under the program, which is an eligible use under the grant component in line with similar uses in other HUD programs such as the McKinney-Vento Homeless Assistance Act. This just clarifies what is and is not an eligible expense when an entity is operating a purchase property as rental property or preparing it for resale.

Finally, to further address the concerns that this bill somehow provides a bailout to lenders, the amendment caps the purchase price of foreclosed properties at the appraised price or 110 percent of the average local single family home price, whichever is less. This guards against property owners gaming the system to obtain inflated prices under the program.

I urge my colleagues to vote for this amendment.

I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, I would like to claim time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from West Virginia is recognized for 5 minutes.

Mrs. CAPITO. Thank you.

While I appreciate the chairwoman's amendment, and I do believe that it does go in a direction that is much better for the bill, I still have, as I have voiced in the earlier debate, serious concerns about the bill in terms of the cost and in terms of taxpayers' dollars bailing out investors and lenders. This does not go to individual homeowners. It does not help somebody in foreclosure, an individual family in foreclosure.

And so with that, I would urge a "no" vote on the amendment.

I yield back the balance of my time.

Ms. WATERS. Madam Chairwoman, I was hopeful that the ranking member of the subcommittee would offer support for this amendment. I know that there are some differences that she has and others have on this bill.

However, the attempts that we have made to make sure that it is a bill that can operate efficiently, such as identifying those 100 cities, those 100 counties and those 50 cities of a certain size would be the kind of amendment that the ranking member and others would understand makes this a better bill and would formulate ways by which it could efficiently and effectively get that money into the communities that are needed.

Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. CAPITO. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT NO. 2 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–621.

Mrs. CAPITO. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. CAPITO:

Page 3, line 16, after the period insert the following: "The program under this Act shall be administered through the Office of Community Planning and Development of the Department of Housing and Urban Development or any successor office responsible for administering the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).".

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Madam Chairman, my amendment is really quite simple. As we have heard myself talking and Members on my side of the aisle talking about the difficulties that we have with the bill, I realize that the odds are with it that it may pass out of this House. With that in mind, I would like to offer this amendment to what I think makes the bill better.

My amendment would very simply direct the funds to be administered through the Office of Community Planning and Development of the Department of Housing and Urban Development. This office already oversees the HOME and CDBG programs which we are very familiar with.

One of the concerns that we had with the bill was creating a whole new bureaucracy within HUD to administer this program if it were to go forward. And that is problematic any time you are creating a new bureaucracy, particularly when you are replicating some of the delivery systems that already exist within HUD. Those delivery systems exist in the Office of Community Planning and Development.

So with that, I would like to say that rather than the current language which just merely directs the Secretary to implement the program, I would prefer, and my amendment offers to direct those funds to be administered by the existing Office of Community Planning and Development within HUD which deals, as I said, with the CDBG program which we are all very familiar with working in a lot of our communities.

With that, I yield back the balance of my time.

Ms. WATERS. Madam Chairman, I rise to claim time in opposition.

The Acting CHAIRMAN. The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Although I rise to claim time in opposition, I am not opposed to the amendment.

I think the ranking member of the Housing and Community Opportunity Subcommittee has made a sound addition to the bill here. While, as I mentioned in my opening statement, we did not want HUD to get bogged down in processing 1,200 different plans from all the entitlement jurisdictions in the HOME and CDBG programs, there is no question that the expertise at HUD to administer this bill's loan and rent program lies in the Community Planning and Development division of the agency. So I urge my colleagues to support Mrs. CAPITO's amendment to ensure that we don't create an unnecessary new bureaucracy if H.R. 5818 is passed into law.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. CAPITO. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

MOTION TO RISE OFFERED BY MR. SIMPSON

Mr. SIMPSON. Madam Chairman, I move that the Committee do now rise.

The Acting CHAIRMAN. The question is on the motion to rise.

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SIMPSON. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, this 15-minute vote will be followed by 5-minute votes on amendment No. 1 by Ms. WATERS and amendment No. 2 by Mrs. CAPITO.

The vote was taken by electronic device, and there were—ayes 184, noes 231, not voting 23, as follows:

[Roll No. 292]

AYES—184

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Taylor
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—231

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, M.
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Aderholt
Bean
Berry
Campbell (CA)
Christensen
Conyers
Costa
DeFazio
Dicks
Fortenberry
Fortuño
Marshall
Paul
Rangel
Reynolds
Richardson
Royce
Rush
Saxton
Speier
Tancredo
Wexler
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have 2 minutes remaining in this vote.

□ 2132

Messrs. EDWARDS, SERRANO, MCNERNEY, WAXMAN, Ms. WATSON, Ms. SCHAKOWSKY and Mr. SKELTON changed their vote from "aye" to "no."

Messrs. PORTER, KIRK, WALBERG, and WELLER of Illinois changed their vote from "no" to "aye."

So the motion to rise was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROYCE. Madam Chairman, on rollcall No. 292, I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT NO. 1 OFFERED BY MS. WATERS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment printed in House Report 110–621 offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 157, not voting 25, as follows:

[Roll No. 293]

AYES—256

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Ferguson
Filner
Fortenberry

Fortuño
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reichert
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—157

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Castle
Coble
Cole (OK)
Conaway
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ryan (WI)
Sali
Scalise
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—25

Aderholt
Berry
Campbell (CA)
Christensen
Costa
Cuellar
Culberson
Davis (KY)
Fattah
Foster
Jones (OH)
Paul
Rangel
Reynolds
Richardson
Royce
Rush
Saxton
Schwartz
Speier
Tancredo
Weldon (FL)
Weller
Wexler
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have less than 2 minutes remaining in this vote.

□ 2140

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Madam Chairman, on rollcall No. 293, the Waters/Frank amendment, I was unavoidably detained. Had I been present, I would have voted "aye."

Stated against:

Mr. ROYCE. Madam Chairman, on rollcall No. 293, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 2 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment printed in House Report 110–621 offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 13, as follows:

[Roll No. 294]

AYES—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy

Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—13

Berry
Campbell (CA)
Christensen
Klein (FL)
Paul
Reynolds
Richardson
Rush
Saxton
Speier
Tancredo
Welch (VT)
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

☐ 2150

Mr. BERMAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. HOYER was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. HOYER. Ladies and gentlemen, after consultation with the minority leadership, we will not be having any more votes tonight, it is my understanding. That's a happier announcement, I know, so I thought I would make it, trying to even things out here.

We will have a suspension vote at the end of the consideration of the Waters bill. The votes will be rolled until tomorrow, and so that there will be no more votes tonight. There will be a suspension vote, but the minority has indicated that there will not be a vote on that suspension bill.

We will then, tomorrow, finish the votes on the Waters bill, and then go to the Franks housing bill and complete that tomorrow. My expectation is we are probably talking somewhere in the neighborhood of 4 o'clock tomorrow, assuming that things are nice and pleasant and peaceful.

Have a good night's sleep.

AMENDMENT NO. 3 OFFERED BY MR. MAHONEY OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–621.

Mr. MAHONEY of Florida. Madam Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. MAHONEY of Florida:

Page 36, after line 2, insert the following:

SEC. 15. PROTECTION OF RIGHT TO BEAR ARMS.

Nothing in this Act shall affect the right to bear arms under the Second Amendment to the Constitution of the United States.

Page 36, line 3, strike "15" and insert "16".

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Florida (Mr. MAHONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MAHONEY of Florida. Madam Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to H.R. 5818, the Neighborhood Stabilization Act of 2008. During the past few months, Americans have woken up every morning and encountered headlines in their local newspapers similar to those in my hometown papers. Home sales hit low in February. Late loan payments highest since 1992; and foreclosures skyrocket.

I'd like to thank Chairwoman WATERS and Chairman FRANK for their commitment to address the housing market crisis gripping our Nation and of my beloved Florida. With their leadership, the legislation we're going to pass in the coming days brings hope to millions at home who are being hit especially hard, as much of Florida's economy is dependent on home construction and property development.

Right now, thousands of Floridians are out of work and unable to pay their mortgage, turning an economic downturn into a crisis for working families and their communities.

Florida homeowners are being hit especially hard because of the staggering cost of property taxes, skyrocketing insurance premiums and increased mortgage payments. This toxic cocktail has forced many home owners to make difficult decisions. Our seniors are being forced to decide between paying their mortgages and purchasing lifesaving medications.

Likewise, working families are confronted with the challenges of putting food on the table, supporting their children's education, and paying their mortgage.

In the eight counties I represent, there are approximately 13,500 homes in pre-foreclosure, meaning that homeowners have missed at least one of their mortgage payments. To give you a better perspective, Madam Chairman, how deep the problem is in my district, there are approximately 245,000 single family homes in the area that I represent.

☐ 2200

That means about 5½ percent of the homes in my district are in foreclosure. Every foreclosure serves to further drive down the values of every homeowner in the neighborhood. In addition to the personal tragedies faced by families confronting foreclosure or falling home values are States, counties, and towns that are facing another crisis.

According to the Department of Commerce, approximately 200,000 new homes are sitting empty throughout the United States. Harvard University's Joint Center for Housing Studies found that partially completed or vacant developments reduce tax revenue for cities and towns and hurt businesses. Likewise, a report authored by the U.S. Conference of Mayors found that the rising foreclosures and falling property values may cut tax revenues by more than $6.6 billion for the ten States, including my home State of Florida. This means fewer police, firemen, and teachers. It means fewer parks and after school programs.

The crisis has already pushed Florida into a recession, and the State already has to deal with a decrease in tax revenue. The State, which just finished its budget, had to make difficult decisions. Nursing homes in the State charged with taking care of our seniors will face a $163.7 million reduction in what they're paid to take care of residents on Medicaid.

The legislature voted to increase taxes by imposing $200 million in user fees on our State citizens. Likewise, spending on education in Florida will drop by $131 per student. These cuts come at a time when it is more important than ever to invest in our children who will have to compete in the global economy.

H.R. 5818 will establish a $15 billion HUD administered grant program for the purchase and rehabilitation of owner-vacated foreclosed homes with the goal of stabilizing and occupying them as soon as possible. By doing so, we will ensure that the value of the properties and those surrounding them will not continue to free fall.

Madam Chairman, my amendment today is very straightforward. It clarifies that nothing in the underlying bill before us today restricts anyone's right to bear arms under the second amendment. This language ensures that those States, localities, and organizations receiving loans and grants under this law cannot, let me repeat, cannot place any restrictions on the properties they purchase or maintain that would infringe upon a person's second amendment rights.

I ask my colleagues to support this commonsense amendment, and I reserve the balance of my time.

Mr. BACHUS. Madam Chairman, I rise to claim the time in opposition. I am not in opposition, but I plan to speak in the allotted 5 minutes.

The Acting CHAIRMAN. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. BACHUS. Madam Chairman, throughout this debate, the Bear Stearns matter has been invoked by Members of the majority who have called forth the bailout of the Bear Stearns counterparties, not of Bear Stearns but of the counterparties, as a reason to bail out lenders in this case. And basically, what they said time and time again, my colleagues, many of them my friends in the majority, they have said, You Republicans had no problem when the Federal Reserve bailed out Bear Stearns. Now, although you had no problem with that $30 billion, you've got a big problem with the $15 billion under the gentlewoman, the chairman of the subcommittee from California. You have got a big problem with this $15 billion. In fact, that's not the case. I would like to clarify what I think is a misconception.

Immediately following the Bear Stearns, whether you call it a bailout or intervention, it was a $30 billion potential loss to the American taxpayers, I agree with the gentlelady from California. One of our Members, and I think it shows the importance that one Member can make a difference, and that Member was Representative SCOTT GARRETT from New Jersey. Representative GARRETT immediately penned a letter to Chairman FRANK, and I commend Chairman FRANK; he gave a very prompt response to that letter. But in that letter, SCOTT GARRETT raised some questions.

One of the questions was, Should we use taxpayers' money or expose taxpayers to laws to intervene in these situations. He wrote a very carefully crafted letter. He said, I have serious concerns about this, serious concerns about the taxpayer standing behind a $29 billion guarantee. I think these are extraordinary actions that we're taking, and we ought to have a full investigation.

Now, that letter was signed by 17 Members of this body. Now, who were those Members? Were they the Democratic Members who are expressing concerns tonight? Let's see.

There was SCOTT GARRETT; there was SPENCER BACHUS, yours truly; there was DON MANZULLO from Illinois, I believe he is a Republican; WALTER JONES from North Carolina. I congratulate WALTER on his fine victory last night. MICHELE BACHMANN, she is a Minnesota Republican; GINNY BROWN-WAITE, she's from Florida, she's a Republican; RANDY NEUGEBAUER, vice chairman of our side, or vice ranking member; TOM FEENEY, last time I checked he was a Republican unless he switched parties. TOM PRICE. Is there any debate among any of us that he's a very conservative Republican? RON PAUL. Now there's a debate. There's a debate. He may not be a Republican; he may be a Libertarian; certainly not a Democrat. Mr. PUTNAM, member of the Republican leadership. THAD MCCOTTER. He signed his name. We had to do some investigation. He really used his chicken scratch here, but we've identified him as THAD MCCOTTER after some investigation. Mr. HENSARLING. Boy, that's a conservative Republican. Mr. PEARCE from New Mexico; JEFF DAVIS, Kentucky; JUDY BIGGERT, esteemed subcommittee ranking member, and DEAN HELLER.

Seventeen Members, all Republicans, who express real concerns. And I do want to congratulate the chairman of the full committee, because he almost responded yes, we need to look into this; we need to have hearings. He did say, I don't think it's necessary to do it at this time. I think we can postpone it because we need to talk about something that's quite different, and that's the foreclosure prices.

But tonight on this floor, the Democrats have linked the two as bailouts.

Let me tell you what the chairman said. The chairman of the full committee, and I agree with him, I think he's absolutely right. He said we should check into this matter because when you use taxpayer money to guarantee something, here is what he said, "It sets a precedent that could lead to future instances of companies . . . expecting the same assistance." A precedent that could lead to future instances of companies expecting the same assistance. And we shouldn't obligate the taxpayers to make those sort of expenditures because people will begin to think that they will be bailed out.

Absolutely what we face tonight. Madam Chairman, Members of this body, we are creating an expectation tonight on this floor by bailing out irresponsible speculators and lenders.

I thank the Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 7, 2008.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: We are writing to respectfully request you hold a hearing of the full Financial Services Committee regarding the recent collapse of the investment bank Bear Stearns and the subsequent actions taken by the Federal Reserve to facilitate Bear Stearns' sale to J.P. Morgan Chase. These steps have had an immediate impact on the financial markets and are also expected to have a long-term effect on our financial regulatory structure.

For the first time since the Great Depression, the Fed voted to open its discount window to primary dealers. While this authority has been available to the Fed since 1932, the decision to use it at this time has raised questions about whether and when the Fed should intervene to help a particular industry or firm in the name of market stability.

With the Fed approving the financing arrangements of the sale of Bear Stearns to J.P. Morgan Chase as well as guaranteeing $29 billion in securities currently held by Bear Stearns, the Fed has possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance.

These extraordinary actions have raised a number of complex and multifaceted questions. As members of the committee of jurisdiction over our nations' financial markets and the regulatory bodies that oversee them, we feel it is imperative to have a full and public vetting of this unique situation. Therefore, we strongly urge you to convene a hearing on this subject of the Financial Services Committee on the soonest possible date.

Thank you for your consideration of this request.

Sincerely,

Scott Garrett, Spencer Bachus, Donald Manzullo, Walter B. Jones, Michele Bachmann, Ginny Brown-Waite, Randy Neugebauer, Tom Feeney, Thomas Price, Ron Paul, Adam H. Putnam, T. McCotter, Jeb Hensarling, Steven Pearce, Geoff Davis, Judy Biggert, Dean Heller.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2008.

Hon. SCOTT GARRETT,
Congressman, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. GARRETT, I received the letter signed by you and sixteen of your Republican colleagues on the Financial Services Committee expressing your concern that the recent actions by the top financial appointees of the Bush administration in the matter of Bear Stearns have "possibly exposed the American taxpayers to unknown amounts of financial loss and established a precedent that could lead to future instances of companies in similar financial trouble expecting the same assistance." It does occur to me as I read your letter that I have somewhat more confidence in the judgment exercised by Secretary of the Treasury Paulson and his aides and Federal Reserve Chairman Bernanke and other officials of the Federal Reserve System than you appear to have, but that is no reason for us not to give this the fullest possible airing. So I do agree that we should be thoroughly examining this matter.

Where we may disagree is the context in which this happens. That is, I agree with you that we should have a "full and public vetting of this" matter, but I do not think it is necessary that we have the hearing "on the soonest possible date." I say this for two reasons.

First, the Committee, as you know, is now engaged in serious consideration of the appropriate response to the foreclosure crisis that now confronts us. I realize that there are some who believe that we should take no action at all, but I think the recent movement by the Bush administration to expand the reach of the FHA, even though I do not agree with it in all respects—is recognition of the need for some action. I therefore believe that it is important that the Committee continue its efforts on dealing with the current crisis, in cooperation with our Senate colleagues who as you know in a bipartisan way have also moved forward on legislation, although I do not agree myself with all aspects of it. My intention is to ask that the Committee continue to focus on this for the next several weeks.

Secondly, I do believe it is important for the Committee to begin an investigation, including hearings, into the Bear Stearns issue, but not in isolation. It is important that we look at what happened with regard to Bear Stearns, not primarily as a matter of hindsight because in fact we cannot undo what was done, but rather from the standpoint of anticipating what the public response should be in similar matters going forward. This includes of course discussing whether or not these specific actions taken in the Bear Stearns case were the best ones from the public standpoint, but also beginning the very important issue of what we might do in Congress to make it less likely that situation of this sort will recur. You correctly note in your letter that what the Bush Administration did in this case did establish "a precedent that could lead to future instances of companies . . . expecting the same assistance." I think it is important that we therefore empower some federal entities to take actions that may make this less likely, and would also allow them to accompany any such intervention if it should later be decided to be necessary with appropriate I remedial matters.

In summary, I agree that the Committee should be looking into this, not from the standpoint of rebuking Chairman Bernanke or Secretary Paulson, but rather as part of a serious consideration I of the causes of the current crisis and more importantly, what we can do to make a recurrence of the events that led up to the Bear Stearns response much less likely in the future.

BARNEY FRANK

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. MAHONEY of Florida. Madam Chairman, how much time do I have left?

The Acting CHAIRMAN. Thirty seconds.

Mr. MAHONEY of Florida. I will yield that to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I will respond at great length later, but I would say this.

I said I did not oppose, myself, what they did. I was talking primarily about the Bush administration.

Now the ranking member said 17 Republicans out of almost 200 signed this letter. I don't think that's the majority of Republicans. They didn't oppose it. They raised questions about it.

But it was the two highest ranking economic officials appointed by the Bush administration, Chairman Bernanke and Secretary Paulson, who did this; and it's the Bush administration that seems to me to be totally inconsistent here. So yes, I did point to an inconsistency between the Bush administration doing the bailout and their opposing this. I'm setting a precedent. I hope the citizens will think we are setting the precedent of coming to their aid from time to time.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. MAHONEY).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–621.

Mr. HENSARLING. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HENSARLING:

Page 2, line 10, strike "and grant".

Page 3, line 1, strike "and grants".

Page 3, line 10, strike "AND GRANTS".

Page 3, line 13, strike "make grants under section 5(a) to qualified States and".

Page 3, lines 18 and 19, strike "make a grant under this Act only to a State, and may".

Page 4, line 25, strike "grant and".

Page 5, line 3, strike "grant and".

Page 5, line 7, strike "grant or".

Page 6, line 8, strike "grant and".

Page 6, lines 21 and 22, strike "grant amounts, and for".

Page 7, line 1, strike "grant or".

Strike line 22 on page 8 and all that follows through page 9, line 2.

Page 9, line 9, strike "GRANT AMOUNTS AND".

Page 9, line 11, strike "grant amount or".

Page 9, lines 12 and 13, strike "foreclosure grant share".

Page 9, line 13, strike "or".

Page 9, lines 13 and 14, strike ", respectively,".

Page 9, line 20, strike "grant amount or".

Page 9, line 22, strike "foreclosure grant share or".

Page 9, line 23, strike ", respectively," and "the grant amount or".

Page 9, line 25, strike "foreclosure grant share or".

Page 10, line 1, strike ", respectively,".

Page 10, line 2, strike "grant amounts or".

Page 10, line 6, strike "grant amounts or".

Page 10, line 9, strike "grant amount or".

Page 10, line 11, strike "grant amount or".

Page 10, line 13, strike "foreclosure grant share or".

Page 10, line 14, strike ", respectively".

Page 10, line 16, strike "grant or".

Page 10, line 18, strike "or grants".

Strike line 23 on page 10 and all that follows through page 11, line 10.

Page 12, line 3, strike "grant and".

Page 12, strike lines 5 through 7.

Page 12, line 14, strike "grant amounts and".

Page 12, lines 17 and 18, strike "such grant amounts and".

Page 12, line 19, strike "grant amounts and".

Page 12, line 20, strike ", respectively,".

Page 13, line 8, strike "grant amounts and".

Page 13, lines 11 and 12, strike "grant amounts and".

Page 13, line 13, strike "grant amounts and".

Page 13, line 14, strike ", respectively,".

Page 14, lines 1 and 2, strike "grant and".

Page 14, line 5, strike "grant and".

Page 14, line 8, strike "grant and".

Page 14, line 12, strike "grant amounts and".

Page 14, line 17, strike "grant amounts and".

Page 17, strike lines 21 through 25.

Strike line 18 on page 19 and all that follows through page 21, line 24.

Page 22, line 2, strike "grant or".

Strike line 12 on page 22 and all that follows through page 24, line 4.

Page 24, line 6, strike "grant or".

Page 24, lines 7 and 8, strike "grant and".

Page 24, line 23, strike "or grant".

Page 24, line 25, strike "or grant".

Page 27, line 13, strike "grant or".

Page 27, line 19, strike "or grant".

Page 28, lines 12 and 13, strike "receives a grant under this Act or".

Page 28, lines 15 and 16, strike "obligation of such grant amounts and".

Page 28, line 20, strike "obligate all such grant amounts and".

Page 28, lines 24 and 25, strike "outlay all such grant amounts and".

Page 30, line 3, strike "a grant or" and insert "an".

Page 30, line 13, strike "grant or".

Page 30, lines 14 and 15, strike "grant or".

Page 30, line 19, strike "grant or".

Page 35, strike lines 8 through 10.

Page 35, line 21, strike "$7,500,000,000" and insert "$15,000,000,000".

The Acting CHAIRMAN. Pursuant to House Resolution 1174, Mr. HENSARLING and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Thank you, Madam Chairman.

First, I would like to yield 30 seconds to the ranking member, the gentleman from Alabama.

Mr. BACHUS. I thank the gentleman from Texas.

And responding to the chairman, first of all, I would say the letter that came back to Mr. GARRETT from the chairman expressed the chairman's opinion that he had much more confidence in this bailout than the Republican Members.

But secondly, he pointed out only 17 Members. In fact, that is the majority of the Financial Services Committee, and as Mr. GARRETT asked earlier of the majority party, how many Democrats signed a letter demanding an investigation into the Bear Stearns matter? The response was none. All Members that have publicly in writing demanded an investigation were Republican Members, the majority of the Financial Services Committee.

Mr. HENSARLING. Madam Chairman, I will yield myself as much time as I may consume.

Madam Chairman, I thank the ranking member for his comments and again bringing up what is a very important issue here. And that is fundamentally what we have before us is a Wall Street bailout bill. Now we all know there are some very significant challenges in our housing markets. But the answer is not to be bailing out lenders. They may be good lenders who made bad bets, and maybe they are the predatory lenders that we hear so much about. This bill doesn't make any particular distinction.

The people who can stay in their homes, if they just get a little help, we need disclosure. We need to enforce the law against fraud. There has been a lot of mortgage fraud on the borrowers' side, on the lenders' side.

Most importantly now, Madam Chairman, we need to prevent the single largest tax increase in American history passed by the Democrat majority in their budget which means that people who are struggling to pay their mortgages are going to have to pay more taxes.

The rising fuel cost, that's happened under the watch of the Democrat majority; the rising cost of food happened under the watch of the Democrat majority. They've been in charge of the economic policy of America for almost a year and a half now. It is the shrinking paycheck of the hardworking American homeowner and taxpayer that's at the crux of this problem.

And so what this underlying bill does is take $15 billion of money away from the school teacher in Mesquite, Texas, struggling to pay his mortgage; the guy who works at the Pepsi bottling plant in Mesquite; the rancher out in Athens, Texas; takes money away from them to bail out all of these bad investors who made these bad bets.

So you can't say that you were concerned about Bear Stearns and then all of a sudden turn right around and have this humongous Wall Street bailout bill.

My amendment is simple. Presently, you have a $15 billion bill, half of which are loans and half of which are grants. The purpose of the amendment is to turn this into strictly a loan program. Now, I don't believe in the purpose of the underlying bill. But, if you're going to bail out Wall Street and use taxpayer money, let's at least, at least try to make it a loan so that there is at least some chance, some chance that the taxpayer who's facing a $3,000-a-year increase in their taxes for a family of four over the next 3 years under the majority budget, that maybe, maybe they have some small chance of recouping some of that money from all of these cities and localities. And by the way, again, the last I looked, almost every single State and municipality in America is running a surplus.

□ 2215

Yet the Federal Government isn't, and so what does the underlying bill do? Hands out more grant money, more grant money on top of the $57 trillion of unfunded obligations that every man, woman and child in America already owes. Well, let's add some more grant money.

Well, if it's that important to States and municipalities, maybe they would want to fund it or maybe they could take the loan money and eventually pay it back so maybe the Democrat majority wouldn't have to raise taxes on the Federal taxpayers quite as much.

So, Madam Chairman, it's a very commonsense amendment. If you're going to do it, at least do loans and don't do grants.

With that, I reserve the balance of my time.

Mr. SCOTT of Georgia. Madam Chairman, I rise to claim the time in opposition.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. SCOTT of Georgia. What we see here, Madam Chairman, is a fundamental difference between the Republicans and the Democrats when it comes to responding to the pressing needs of the American people. Let us look at really where we are.

We are in a depressed, recessed economy, which means liquidity is drying up, which means there is a slowing supply and circulation of money, which has been caused chiefly by a meltdown of the subprime mortgage market, and it has had a ricocheting effect throughout every fiber of our economy.

The American people are hanging on by their fingernails. Between 7,000 and 8,000 American families are foreclosing every day, according to the Federal Reserve, not David Scott, not our Financial Services Committee, but according to the Federal Reserve, between 7,000 and 8,000 individuals are declaring foreclosure.

That means communities all across this Nation are impacted. Not only is this a burden upon individuals, homeowners and families, it's devastating enough, but many of these foreclosures, when the property's foreclosed, that means folks are out of them. That means they are left vacant. That means they become fire hazards. That means they become havens to criminals. That means police services, that means fire services, that means a tremendous pressure being placed on already depressed city and county and State budgets.

And Madam Chairman, in every State in this Nation, there's been a 20 percent, at least, increase in foreclosures. So this is a problem of soaring magnitude, and the cities and the counties are already, many of them, moving ahead, but they are overwhelmed with the scale of this problem. And that's where the government comes in.

There is a role for government. We need to respond to the needs of the American people, and nowhere is it more important than in this bill that has been very brilliantly designed by the gentlelady from California and our chairman of this committee.

Now let's speak very briefly about this Hensarling amendment. And, I might add, the gentleman from Texas is a fine person. I consider him a good friend, but he is terribly, terribly wrong with this amendment. This is a terrible amendment because it does what we refer to in the South as, hold still, little fishy, and let me gut you. That's what this amendment does.

It goes at the heart of this bill, because what he wants to do is take away the stimulus package for the local communities, and what he wants to do is to deny a way and a requirement in the bill so that we can help the poor elements where this bill says that you must serve those that meet at least 50 percent of the level of poverty. In order to do that, we must have the grant feature in the bill.

The other point, as I mentioned earlier, a part of our whole concern in this whole economic issue is liquidity, which means we must have a stimulative nature in terms of what we do here in Washington, to stimulate the economy and put money into the economy. That's why we've got this week and leading on starting in next week $600, $300 and $1,200 checks. To do what? To stimulate.

I take great offense from the other side when they constantly want the American people to think we're taking their tax money away and putting it in our pockets or hoarding it. This money is going right back to taxpayers to help to defray the costs of servicing these depressed communities.

The grants are needed, Madam Chairman, in order for us to serve those that are at the lower end of the economic level, which we must do and can only be done through grants. If his amendment is adopted, we won't be able to do that which hurts and almost kills this bill.

The other thing that it does, it does not allow us to apply the stimulus factor to the bill to provide needed input into this. I urge a defeat of this. It might be intentioned, I won't say well, but it is a terrible amendment from the gentleman from Texas.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. HENSARLING. I yield myself the balance of my time.

Well, first, I would say to my friend from Georgia and other friends on that side of the aisle, if loans are so bad, why are they in the bill in the first place?

Second of all, this bill does nothing to stop foreclosures, not a thing. Quite the opposite. Instead, it will increase foreclosures.

What you have is an incentive for these investors to no longer do a workout with the struggling family, but instead, I can get bailed out. I can get bailed out by the Federal taxpayer. This is a bill that will help banks, Wall Street and States and does nothing for foreclosed families. It certainly does nothing for the taxpayer, and if we have a liquidity problem, which we do, let's cut the capital gains tax rate and you will see capital come into this market. I urge adoption.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HENSARLING. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–621.

Mr. KUCINICH. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. KUCINICH:

Page 2, line 13, strike "purchase and rehabilitate" and insert "preserve the equity and ensure the safety of the neighbors of homes made vacant by the predatory lending and foreclosure crises, to prevent and reduce the incidence of such vacancies through various means, including purchasing and rehabilitating".

Page 3, line 3, before the semicolon insert ", and largest increases in the rate of vacant and abandoned single family homes".

Page 4, line 17, strike "foreclosures" and insert "vacancies, according to the number of census tracts, as determined by the Secretary, to have large increases in the rate of vacancy during the past eight quarters and significant levels of loans determined to be at risk of foreclosure,".

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Madam Chairman, I yield myself such time as I may consume.

The primary beneficiaries of H.R. 5818 are the neighborhoods and neighbors of high concentrations of houses made vacant by the foreclosure and predatory lending crises. Helping those neighborhoods should be a nonpartisan and noncontroversial act. Such neighborhoods are the totally innocent bystanders of the predatory lending and foreclosure crises. Neighbors and neighborhoods are victims of the meltdown of subprime loans that preceded this wave of foreclosures, and there's no moral hazard in helping the neighbors. The Kucinich amendment ensures that the funds authorized by H.R. 5818 are targeted to help the most needy neighborhoods.

When a foreclosure leads to a vacant and abandoned property, this is what happens to the neighborhood: Crime goes up, as the vacant property can become home to criminal activity, drug places, and fire hazards; local government costs for police, fire and building inspections go up; vacancies go up, abandoned properties initiate a chain of events that begets more abandoned properties; neighbors lose equity in their homes, because vacant properties have a strong negative effect on the value of neighboring properties.

My amendment clarifies that the purpose of this legislation is to help State and local governments "preserve the equity and ensure the safety of neighbors of homes made vacant" by the foreclosure and predatory lending crises.

My amendment also ensures that the neediest neighborhoods receive priority in the plans developed by States, metropolitan cities and urban counties. The neediest neighborhoods are defined with "high concentrations of vacancies," "large increases in the rate of vacancy" in the last 2 years, and "significant levels of loans determined to be at risk of foreclosure." These vacant property statistics have been gathered by the United States Postal Service and analyzed by the Department of Housing and Urban Development, and their use will better target the funds authorized by H.R. 5818.

My amendment is the product of a collaborative effort between my subcommittee, the Domestic Policy Subcommittee, and the Subcommittee on Housing and Community Opportunity and the Financial Services Committee. The amendment draws upon the academic research and input from practitioners in this area.

My amendment is supported by community development professionals and advocates, such as Local Initiatives Support Corporation, the National Vacant Properties Campaign, and Smart Growth America.

I will place their letters of support in the RECORD at this point.

MAY 6, 2008.

Hon. DENNIS KUCINICH,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN KUCINICH: We are writing to support your amendment to the Neighborhood Stabilization Act of 2008 that recognizes the important role vacant and abandoned properties play in the foreclosure crisis and the threat they can pose to communities across the country.

By including the rate of vacancy in the fund distribution formula, this proposal helps to ensure that neighborhoods struggling with high rates of vacant and abandoned homes will receive priority in the plans developed by states, metropolitan areas, and urban counties. High rates of vacant properties put communities at a greater risk for crime, arson, destabilized housing prices, and other neighborhood problems. For many communities, dealing with the foreclosure crisis will mean taking steps to recover and secure growing numbers of vacant homes, as well as figuring out the best ways to prevent these properties from having negative community impacts.

Thank you for your leadership on this issue and we look forward to working with you on this important legislation.

Sincerely,

GEOFF ANDERSON,
President & CEO, Smart Growth America.
JENNIFER LEONARD,
Director, National Vacant Properties Campaign.

LOCAL INITIATIVES SUPPORT CORPORATION,
Washington, DC, May 6, 2008.

Rep. DENNIS KUCINICH,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE KUCINICH: Regarding H.R. 5818, the Neighborhood Stabilization Act of 2008, Local Initiatives Support Corporation (LISC) supports your amendment to focus the bill's resources on communities with rising vacancies.

A primary purpose of H.R. 5818, which LISC also supports more broadly, is to help communities hurt by concentrations of home mortgage foreclosures. A principal indicator of this problem is the number and growth of vacant properties. Concentrations of vacant and abandoned properties have a corrosive affect on neighborhoods. Vacant properties depress the value of nearby properties, reduce the tax base on which states and localities depend, are a magnet for crime, and often undermine promising but fragile progress toward revitalization.

Your amendment is an important refinement to H.R. 5818 because it would direct states to prioritize the allocation of funds under the bill to low- and moderate-income neighborhoods with the highest concentration of vacant properties.

We greatly appreciate your leadership on this most important issue for vulnerable communities and the people who live there.

Sincerely,

BENSON F. ROBERTS,
Senior Vice President for Policy and Program Development.

I urge adoption of the Kucinich amendment which targets funds to the most needy neighborhoods.

I reserve the balance of my time.

Ms. WATERS. Madam Chairman, I rise in support of Mr. KUCINICH's amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from California is recognized for 5 minutes.

There was no objection.

Ms. WATERS. Madam Chairman, I rise in strong support of Representative KUCINICH's amendment.

His subcommittee has done an enormous amount of valuable work examining this targeting issue, and I want to thank him for focusing attention on the issue of neighborhoods where there are large and growing concentrations of vacancies resulting from the foreclosure crisis. They're exactly the neighborhoods I mentioned in my opening statement, ones that face the prospect of reaching the tipping point of deterioration from which they may never recover. Stabilizing such neighborhoods is an especially daunting task for community leaders and organizations.

So I think it is entirely appropriate, as this amendment does, to require States, counties and cities in their plans to prioritize these foreclosures and vacancy hotspots.

Finally, I know that this is no academic exercise for Representative KUCINICH in his role as subcommittee Chair. He's bringing hard experience to the table from the neighborhoods within his district in Cleveland.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. KUCINICH. Madam Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) for a unanimous consent request.

Ms. JACKSON-LEE of Texas. I ask unanimous consent to support this very important amendment by the gentleman from Ohio and as well to enthusiastically support the $15 billion for reclaiming our homes.

With that, I offer to submit my statement for the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in support of H.R. 5818, the "Neighborhood Stabilization Act of 2008," introduced by Congresswoman MAXINE WATERS, of California. I would also like to thank Chairman BARNEY FRANK for his leadership on the Financial Services Committee. I also support the Kucinich amendment to ensure accurate vacancy statistics.

I find it interesting that we are okay with a bailout of Bear Stearns, the fifth largest investment firm in the amount of 42 million dollars; however we cannot support assistance to the American Homeowners who are struggling to pay their mortgage, fill up at the pump, and get quality healthcare.

GENERAL INTRODUCTION

As evidenced by the numerous housing and financial services bills introduced this Congress, we are in economic turmoil. I have been concerned over recent developments in the housing and mortgage markets and worked with my colleagues to ensure that all Americans are able to get assistance.

Legislation such as H.R. 3019, the Expand and Preserve Home Ownership through Counseling Act and H.R. 3666, the Foreclosure Prevention and Home Ownership Protection Act, include sections that speak specifically about foreclosures. They authorize studies on current defaults and foreclosures, as well as possible causes.

However, H.R. 5818 provides for action. H.R. 5818 establishes a 15 billion dollar loan and grant program for the purchase and rehabilitation of owner-vacated, foreclosed homes. The Department of Housing and Urban Development (HUD) will make the allocations to the States; 7.5 billion of the funds would be for loans, and 7.5 billion for grants.

Beyond negotiating with the mortgage company, Americans need to know they have options. Sometimes it is the mortgage company who has given them a bad loan; H.R. 5818 offers some relief to individuals and families who need help, beyond their personal lender.

TEXAS

Nationwide, the number of home foreclosures rose nearly 60 percent from February 2007 to February 2008, while foreclosures in Texas actually decreased 1 percent during the same, period. In fact, state-wide foreclosure filings in Texas dropped 17 percent from January to February.

Despite being such a large state, Texas ranks only 17th in foreclosures, below the national average. One reason is that Texas homeowners enjoy strong constitutional protections under the state's home-equity lending law.

These consumer protections include a 3 percent cap on lender's fees, 80 percent loan-to-value ratio (compared to many other states that allow borrowers to obtain 125 percent of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Even though the rate of increase has showed slowing in the first two months of the year, uncertainties remain. Foreclosures are high and could still beat last year's numbers. Harris County, for example, racked up 2,219 foreclosures during the first two months of the year. That's compared with 1,915 during the same period last year.

AMENDMENT LANGUAGE AND PURPOSE

I had offered an amendment to H.R. 5818 that would provide for those who have been struggling to keep up with the rising prices of gas, the downturn of the housing market, and the incredible cost of health care. My amendment would not exclude from eligibility, individuals and families based solely on credit ratings or their credit histories.

Many individuals and families have credit ratings and histories that are less than required for the most-advantageous lending terms. These individuals should not be faulted for their struggle to make ends meet in these troubling economic times.

They have less than stellar credit due to the financial stress they have experienced trying to save their home from foreclosure. As a result, they have marred their credit. Families who have struggled to decide between paying their mortgage or paying for healthcare, families who have struggled to balance their need for shelter with their need for food are rarely able to maintain a credit score that qualifies them for a basic credit card, let alone a home or rental property.

At least 50 percent of the grant money must be targeted to house families at or below 50 percent of AMI, and not less than half of this money must target families at or below 30 percent of AMI. Most of the people covered under this bill and at these income levels will not qualify if it is not clearly stated that they can be considered even with less than stellar credit.

CONCLUSION

Americans are hurting and they need help. H.R. 5818, provides much needed help to the states and to the families who are facing a housing downtown. Thank you, Madam Chairman, and thank you, Congressman FRANK and Congresswoman WATERS, for this timely housing legislation. I urge my colleagues to support this legislation and give some relief to American families.

Mr. KUCINICH. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. MCCOTTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–621.

Mr. MCCOTTER. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCCOTTER:

Page 6, after line 2, insert the following:

(8) notwithstanding any other preferences established or authorized under this subsection, provide first priority, in use of amounts from grants or loans under this Act for rehabilitating housing, for providing housing for veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces reserves, school teachers, and emergency responders;

Page 6, line 3, strike "(8)" and insert "(9)".

Page 6, line 8, strike "(9)" and insert "(10)".

Page 6, line 13, strike "(10)" and insert "(11)".

Page 6, line 21, strike "(11)" and insert "(12)".

Page 7, line 1, strike "(12)" and insert "(13)".

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Michigan (Mr. MCCOTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. MCCOTTER. Madam Chairman, I yield myself as much time as I may consume.

Just a brief description of the amendment which I hope will prove noncontroversial. What I would like to do under the bill, though I'm not particularly a fan of the bill itself and its particulars, I would like to try to help to make it better.

My amendment would, under the bill, require States to give first priority to veterans, active duty military personnel, National Guard, Armed Forces Reserves, schoolteachers and emergency response personnel when selling rehabilitated housing with funds authorized under H.R. 5818.

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Importantly, this amendment will not exclude those individuals who are low income, and does not change the underlying low-income eligibility requirements established under the bill.

Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chairman, I rise in as close to opposition as this noncontroversial amendment is likely to engender.

The Acting CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. I did note, and I welcome the gentleman from Michigan's affirmation, that this is not simply for banks, investment houses, pirates, lechers and other ill of sordid folk. He is seeking to give preference to veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces Reserve, school teachers and emergency responders.

I agree with these priorities. It is, of course, an affirmation that this bill will benefit these people, unless we are to assume that they will be given a preference which is of no benefit to them. But if this bill is of no benefit to anybody but speculators, lenders and riffraff, then why give preference to these people? I agree with the amendment to that extent, and so I would just say that this underlines the point that there are very worthy beneficiaries.

But now I also want to return to the matter of the Bear Stearns issue. I will acknowledge, I did receive a letter from 17 Republicans, which is, by my math, not a huge percentage of 199 or 200 or whatever the declining number of Republican Members of the House is these days, but it is still not a very large number. And even in that letter, while it was not thrilled by the Chairman Bernanke-Secretary Paulson collaboration, it does not have one word in strict opposition to it. Nor does the letter that 24 Republicans—a slightly larger number, but still not even 15 percent—sent to Mr. Bernanke again raising questions.

So, yes, 24 Republicans have raised questions, Members of the House, about this bill. I will repeat that my accusation of inconsistency goes to the Bush administration primarily. They are the ones who engineered the $29 billion. They are the ones who are vehemently opposed to this.

Now some Republican Members did raise a question that said we should look into it and we're skeptical of it. I agreed with that. As I said in the letter, I think we should study it. I did think we should study it a little later for two reasons; first of all, I do believe the subprime crisis is a crisis, some Members on the other side do not. There are, among the signers of this letter, some of those who, from their very conservative ideology, oppose any action by this Congress regarding the subprime. I mean that quite literally, they oppose any action to deal with this. That's their right. But I would put dealing with the subprime crisis ahead of a backward look, as important as that ultimately will be, at what happened with Bear Stearns.

Secondly, I want to look at what the Fed did there in the context of how can we make it less likely that it will happen again? I wasn't happy that it happened. I think there was a necessity in those circumstances. So what I said in the letter that I sent back to the authors was, yes, we should look at this in the context of the broader question: What powers do we need to give either the Federal Reserve or somebody else to make it less likely that this happens again?

So, yes, I should, we should, look into it, but I think we should look into it not simply from a kind of retroactive bawling them out, but how do we prevent it or diminish the likelihood of it happening? But the inconsistency remains. Twenty-four Republicans said they had questions. On the whole, I haven't heard any Republican opposition to it. I haven't seen any resolution opposing it.

It was the Bush administration, and this is my point: I thought it was unfortunately necessary. The Bush Administration, this is Secretary Paulson and Chairman Bernanke, they were the ones who did this. And I think they have been responsible in trying to deal with this crisis. But for the President who appointed those people to now denounce this because it's going to help, among others—and by the way, let's be clear, if this amendment passes, as I hope it will, we will be giving preference under this bill to veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces Reserve, school teachers and emergency responders. So we have a Republican affirmation that these are among the beneficiaries.

And when you talk about bailing out investors and speculators, yes, that's what happened in the Bear Stearns situation. These were precisely the people who had done business with Bear Stearns. Now I believe that years of inadequate supervision of the economy, flawed legislation adopted when we repealed Glass-Stiegel and didn't put in regulations to deal with it at the time, that was supported by the Clinton administration and I voted against it. But when that happened, we invited the kind of problems that the leaders of the economic policy of the Bush administration had to implement. And it is that administration which is therefore being totally inconsistent in this regard.

Madam Chairman, I reserve the balance of my time.

Mr. McCOTTER. Madam Chairman, I would like to yield 1 minute to the author of one of the letters in question, the distinguished gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I find it amazing and amusing that the chairman raises how many Republicans signed onto the two letters when, in fact, it evidences the fact that zero Democrats signed onto that letter and zero Democrats have done anything with regard to Bear Stearns for the last 2 months since this occurred. If there was even one Member from the other side of the aisle from the committee, when we invited the entire committee to sign onto it, I think the chairman would be in a stronger position, but he is not because none of them signed on then. And even earlier this evening, when I invited them to sign onto an addition to it, none of them have come across to sign onto it.

Secondly, I find it amusing when the chairman's response in the letter was that he has more confidence in Bernanke and the Fed than we do. So if your question is that we did not point out that there were problems with it, your response points out that—as I've said, I'm not quoting because I cannot get a copy of the letter back here—you had more confidence in the decisions and in the actions of the Fed and the administration. So if you had more confidence, maybe that explains why 2 months after the action we are still asking for the chairman to hold a hearing on the matter, and here it is, 2 months later, all we are getting is rhetoric from this side of the aisle.

Mr. FRANK of Massachusetts. May I inquire of the Chairman how much time I have remaining.

The Acting CHAIRMAN. Fifteen seconds for the gentleman from Massachusetts.

Mr. McCOTTER. Madam Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I have said repeatedly that I did not oppose the action. And I am pointing to the hypocrisy on the part of the Bush administration. The gentleman from New Jersey, like Sherlock Holmes, unearthed the fact that I wasn't opposed to it. I said that. I think they were forced into it. So, yes, I did not sign it.

As to not having a hearing right away, that is a done deal. I'm trying to prevent foreclosures now, then we will get back to looking in the rearview mirror.

Mr. McCOTTER. May I inquire as to how much time I have remaining.

The Acting CHAIRMAN. The gentleman has 3 minutes remaining.

Mr. McCOTTER. I yield myself such time as I may consume.

First, I would like to reemphasize the point made by the gentleman from New Jersey. The distinguished chairman of the committee is right, the Republican numbers are declining, and this painful experience with arithmetic has taught us that 17 is still a greater number than zero.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. McCOTTER. The gentleman may potentially yield, but not at this point.

I would also like to point out that the distinguished chairman is right, the bill, if this amendment is adopted, would not be for speculators, simply for Bear Stearns, for Wall Street, would not be a big, bloated government golden parachute, but again, I think in this town, I think I'm being thanked for adding deserving people to something that may or may not help.

You see, it's not the intent that we are debating, it is how we get to where we all want to go. Do we believe that this is the best way to go? I highly doubt that on our side that we would concur with that. And the reason that we cannot concur with that is, as I believe the gentleman from Georgia pointed out, there are fundamental principles at stake here that we simply differ on. That's all right. We agree on some things, sometimes we don't, but they're a matter of principle. And in the end, the fundamental principle at stake is that our side believes that Americans' prosperity does not come from government, it comes from their own hard work and entrepreneurial investment. And what we want to see with this bill is an appropriate balance for the people that we truly are trying to help, for them who have made no mistakes, for them who have managed to hang on by their fingernails, for them to be able to say that we were compassionate towards our fellow Americans, our tax dollars were wisely used, and yet they were appropriately used. We believe in better government, not necessarily bigger government. And that is the crux of what we are debating today.

All good people on both sides. And as for the chairman, I do believe he is a very honorable man. One of the places we do agree is on the Bear Stearns bailout. A lot of our colleagues on this side of the aisle screwed up their jobs and didn't get to walk away with $61 million. They walked away with far worse. And I think that the Bear Stearns issue, which is being conducted by Bernanke over at the Federal Reserve and the Secretary of the Treasury, both of whom work for the Bush administration—well, one technically does—and who both were, I think on a bipartisan basis, confirmed by the United States Senate. So at least there's one thing we have in common, we aren't to blame for that. So I would look forward to working with him on that.

But again, I appreciate the support for the amendment, and I will yield to the chairman.

Mr. FRANK of Massachusetts. I just want to repeat, Members seem to think they're scoring points by saying, oh, they discovered we weren't opposed to it. I've said a dozen times, I thought they did what was necessary. I am not critical of them.

I do want to go back and see how we can prevent this from happening again. But there is no inconsistency on our part. We didn't say that was the wrong thing to do. The inconsistency is the administration that says yes to $30 billion to Bear Stearns and no to $15 billion here.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Michigan (Mr. MCCOTTER).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–621.

Mr. ALTMIRE. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ALTMIRE:

Page 36, after line 2, insert the following new section:

SEC. 15. INELIGIBLITY OF ILLEGAL ALIENS FOR ASSISTANCE.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

Page 36, line 3, strike "**15**" and insert "**16**".

The Acting CHAIRMAN. Pursuant to House Resolution 1174, the gentleman from Pennsylvania (Mr. ALTMIRE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ALTMIRE. I yield myself such time as I may consume.

Madam Chairman, I offer this amendment to the Neighborhood Stabilization Act to ensure that illegal immigrants are not eligible for the financial assistance we're providing today to individuals adversely affected by the housing crisis.

Section 214 of the Housing and Community Development Act governs the participation of noncitizens in certain HUD programs. It requires valid documentation from the beneficiary, verification of that documentation by the appropriate entity, and outlines who may and may not be eligible for financial assistance.

Under section 214, illegal immigrants are not eligible for financial assistance. Let me repeat that: Under section 214, illegal immigrants are not eligible for financial assistance. And my amendment makes certain that section 214 rules apply to the new programs authorized by the Neighborhood Stabilization Act that we are debating tonight.

With the housing crisis and economic downturn impacting the lives of hardworking Americans throughout the country, we need to make sure that targeted, fiscally responsible assistance that we are providing goes only to law-abiding citizens.

As responsible stewards of taxpayer dollars, it is our responsibility to ensure that every penny is spent wisely and is not used to benefit any illegal immigrants in any way.

I urge all of my colleagues to support this amendment.

Madam Chairman, I reserve the balance of my time.

Mrs. CAPITO. Madam Chairman, I seek time in opposition, although I am not opposed to the gentleman's amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from West Virginia is recognized for 5 minutes.

There was no objection.

Mrs. CAPITO. I would just like to express my support for his amendment. I think we have had this debate on the floor many times. And I want to say that we want to assure the American public, I think it's always good to reassure the American public that taxpayer funds are not going to help people here who have entered our country illegally and remain here illegally.

I would like to see, as we move forward in this debate on this and other bills, that we tighten down the types of identification that are full proof, that can be used to certify the legality of whoever the resident is residing, whether it's in public housing or in other taxpayer-funded opportunities.

I yield back the balance of my time.

Mr. ALTMIRE. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. ALTMIRE. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

Ms. WATERS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALTMIRE) having assumed the chair, Ms. BALDWIN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5818) had come to no resolution thereon.

☐ 2245

CHARLTON HESTON

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1091, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and agree to the resolution, H. Res. 1091, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. CANTOR. Mr. Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Cantor moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed not to agree to the provisions contained in section 12808 of the Senate amendment (relating to qualified forestry conservation bonds).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. CANTOR) and the gentleman from North Dakota (Mr. POMEROY) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I yield myself such time as I may consume.

I rise around this motion to instruct, which is centered on an objection that I have in the Senate-passed farm bill around one particular provision that certainly raises a lot of questions in my mind and should raise a lot of questions in the minds of my colleagues.

In the bill there is, without question, a $200 million earmark that benefits one wealthy landowner. Section 12808 in H.R. 2419, as passed by the Senate, provides for a tax credit bond program. There is a scheme in this bill that was so narrowly crafted that the bonds authorized thereunder can only be used for the acquisition of one, just one, piece of land in the entire country. This piece of land happens to lie predominantly in the State of Montana and is owned by timber giant Plum Creek. According to press reports, the Nature Conservancy would be allowed to issue $500 million in bonds under this bill and then use the proceeds to purchase the land from the timber giant. Even more egregious is that the provision does not even appear to require the protection of a single additional tree or a single additional fish. If this isn't a tax earmark, I don't know what is. Mr. Speaker, this is the "bridge to nowhere" of the farm bill.

Now, I know my colleagues on the other side of the aisle will argue that the Montana bond provision does not fit the definition of an earmark under House rules. Their reasoning will be that many taxpayers will potentially own the Montana bonds and then get tax credits from the Federal Government. But make no mistake. This provision is designed to facilitate one land sale by one landowner.

Now, Mr. Speaker, here's my question: What in the world are we doing here contemplating the expenditure of $200 million in U.S. taxpayer money to fund the purchase of a tract of land that benefits just one wealthy landowner, all the while American families are struggling with skyrocketing gas prices, food prices through the roof, plummeting home prices, and an economy that is barrel, barely growing?

It is time for us, Mr. Speaker, to say "no" to these types of backroom deals that have been struck in the middle of the night that benefit a wealthy few. It is time for us, Mr. Speaker, to say "no" to business as usual in Washington. And it's time, Mr. Speaker, for us to put the people first.

Think about it. Imagine what we could do with $200 million. It would go a long way to help solving the problems that so many people are facing across this country. This $200 million earmark is exactly what is wrong with Washington and why the American people are demanding change. It's time for all of us to insist that the Federal Government start working for the people again.

Mr. Speaker, my motion is a very simple one. It asks that the House instruct its conferees on the farm bill to reject section 12808 of the Senate-passed bill.

Mr. Speaker, I reserve the balance of my time.

Mr. POMEROY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the point of the farm bill at issue with this motion deals with a concept of public interest. Will private land adjacent to forest land be protected or will it be sold off and developed into very nice, very expensive private lots, taking land out of general public access and enjoyment? That's really the issue.

I believe it's an extremely serious issue, and I'm going to introduce into the RECORD coverage of this that appeared in the New York Times October 13, 2007, under the title "As Logging Fades, Rich Carve Out Open Land in West." This article cites the prospect of vast timber sales by a company named Plum Creek Timber. And I would quote from the article:

"Some old-line logging companies, including Plum Creek Timber, the country's largest private landowner, are cashing in, putting tens of thousands of wooded acres on the market from Montana to Oregon. Plum Creek, which owns about 1.2 million acres in Montana alone, is getting up to $29,000 an acre for land that was worth perhaps $500 an acre for timber cutting.

"'Everybody wants to buy a 640-acre section of forest that's next to the U.S. Forest Service or one of the wilderness areas,' said Plum Creek's president and chief executive, Rick Holley.

"As a result, population is surging in areas surrounding national forests and national parks, with open spaces being carved up into sprawling wooded plots, enough for a house and no noisy neighbors."

And the article goes on to talk about the extraordinary pressure, development pressure, for the wealthy few that can spend recreation dollars buying up and carving up land adjacent to the Forest Service.

AS LOGGING FADES, RICH CARVE UP OPEN LAND IN WEST

(By Kirk Johnson)

WHITEFISH, MT.—William P. Foley II pointed to the mountain. Owns it, mostly. A timber company began logging in view of his front yard a few years back. He thought they were cutting too much, so he bought the land.

Mr. Foley belongs to a new wave of investors and landowners across the West who are snapping up open spaces as private playgrounds on the borders of national parks and national forests.

In style and temperament, this new money differs greatly from the Western land barons of old—the timber magnates, copper kings and cattlemen who created the extraction-based economy that dominated the region for a century.

Mr. Foley, 62, standing by his private pond, his horses grazing in the distance, proudly calls himself a conservationist who wants Montana to stay as wild as possible. That does not mean no development and no profit. Mr. Foley, the chairman of a major title insurance company, Fidelity National Financial, based in Florida, also owns a chain of Montana restaurants, a ski resort and a huge cattle ranch on which he is building homes.

But arriving here already rich and in love with the landscape, he said, also means his profit motive is different.

"A lot of it is more for fun than for making money," said Mr. Foley, who estimates he has invested about $125 million in Montana in the past few years, mostly in real estate.

The rise of a new landed gentry in the West is partly another expression of gilded age economics in America; the super-wealthy elite wades ashore where it will.

With the timber industry in steep decline, recreation is pushing aside logging as the biggest undertaking in the national forests and grasslands, making nearby private tracts more desirable—and valuable, in a sort of ratchet effect—to people who enjoy outdoor activities and ample elbow room and who have the means to take title to what they want.

Some old-line logging companies, including Plum Creek Timber, the country's largest private landowner, are cashing in, putting tens of thousands of wooded acres on the market from Montana to Oregon. Plum Creek, which owns about 1.2 million acres here in Montana alone, is getting up to $29,000 an acre for land that was worth perhaps $500 an acre for timber cutting.

"Everybody wants to buy a 640-acre section of forest that's next to the U.S. Forest Service or one of the wilderness areas," said Plum Creek's president and chief executive, Rick Holley.

As a result, population is surging in areas surrounding national forests and national parks, with open spaces being carved up into sprawling wooded plots, enough for a house and no nosy neighbors.

Here in Flathead County, on the western edge of Glacier National Park, the number of real estate transactions, mostly for open land, rose by 30 percent from 2003 to 2006, according to state figures. The county's population is up 44 percent since 1990.

The United States Forest Service projects that over the next 25 years, an area the size of Maine—all of it bordering the national forests and grasslands—will face development pressure and increased housing density.

But the equally important force is the change in ownership. According to a Forest Service study, not yet published, more than 1.1 million new families became owners of an acre or more of private forest from 1993 to 2006 in the lower 48 states, a 12 percent increase. And almost all the net growth, about seven million acres, was in the Rocky Mountain region.

Institutions, pension funds and real estate investment trusts have been particularly aggressive buyers. Over the last 10 years, at least 40 million acres of private forest land have changed hands nationwide, said Bob Izlar, the director of the Center for Forest Business at the University of Georgia. It is a turnover that Mr. Izlar said was unmatched at least since the Great Depression.

Here in the West, questions of clout and class have been raised by the new arrivals.

This year, the conservation group Trout Unlimited, which had been considering ending its involvement in disputes between private landowners and fishermen over public access to fishing streams, backtracked after its members rose up in protest. Some members accused the group of siding with the landowners by not fighting for fishermen's access rights.

In parts of Colorado where communities have committed tax money to preserve open space, conflicts have erupted on the borders of the public lands over whether the programs—which in many cases buy out an owner's right to develop property, but not the property itself—are simply enriching landowners who keep the land and the public off, too.

"When you're there, you're on four million acres," said Michael Carricarte, who bought an 800-acre property in Glenwood Springs, Colo., in 2005, and now has the place, bordered on three sides by federal land, up for sale, asking $23.5 million.

"To get to where our property touched public land would take three hours by public road, but from our house it was 10 minutes by four-wheeler or Jeep," he said.

Mr. Carricarte, 39, said he was now in the process of selling a conservation easement to the Aspen Valley Land Trust that would lock 600 acres, all bordering public land, into permanent preservation.

Longtime residents tied to the old timber economy are finding it difficult to keep up. In parts of New Mexico and Colorado, the timber industry has all but collapsed; log harvests in the national forests have fallen to about one-fourth of what they were 20 years ago in the Rocky Mountain region, and less than a tenth what they were in the Pacific Northwest.

Some privately owned timberlands have increased production, but in the West, where more than two-thirds of all forest land is publicly owned (compared with about one-sixth in the eastern United States) private owners, even if they want to allow logging, cannot make up the difference.

Ronald H. Buentemeier, a second-generation forester, said he struggled every day to get enough wood to stoke the family-owned mill he runs in Montana, the F. H. Stoltze Land and Lumber Company.

"There's not enough private land out there," said Mr. Buentemeier, a blunt-talking 66-year-old with a flat-top crew cut. "We've been pulling rabbits out of the hat to keep going."

In ways that would have been unthinkable only a few years ago, environmentalists and representatives of the timber industry are reaching across the table, drafting plans that would get loggers back into the national forests in exchange for agreements that would set aside certain areas for protection.

Both groups are feeling under siege: timber executives because of the decline in logging, and environmentalists because of the explosion of growth on the margins of the public lands.

One of the most ambitious proposals is here in Montana. It would allow some logging in the Beaverhead and Deerlodge National Forests in the state's southwest corner in exchange for the designation of new areas within the forests as permanent wilderness.

Some timber companies say that gaining conservationists as allies may be the only way to get back into the national forests, and so stay in business. But both sides say that success will require a turn of the historical momentum against logging in the West that began in the early '90s.

A court decision in 1991 involving the northern spotted owl required the Forest Service to manage for more than just timber production. The national forests in the northern Rockies constricted logging, fostering expansion in other forest areas like the South.

"If there's anything the industry should have learned over the years, it's that we can't do this by ourselves," said Gordy Sanders, the resource manager at Pyramid Mountain Lumber, one of the mill operators involved in the Beaverhead and Deerlodge negotiations.

Many environmentalists say they have come to realize that cutting down trees, if done responsibly, is not the worst thing that can happen to a forest, when the alternative is selling the land to people who want to build houses.

Stoltze Land and Lumber, for example, which owns about 36,000 acres near the border of Glacier National Park, has said that the failure of the logging industry would leave the company no option but to sell land into the booming development market.

That prospect chills the blood of people like Anne Dahl, the director of the Swan Valley Ecosystem Center, a conservation and education group.

"I'm a former tree hugger who was opposed to everything, every timber sale," Ms. Dahl said, "but now I see that the worst thing you can do is lose it all to development."

Other new partnerships are emerging. Last year, the Confederated Salish and Kootenai Indian tribes, which have a reservation south of Whitefish, joined with conservationists to buy a square mile of land from Plum Creek that was deemed crucial to the endangered bull trout.

The tribes chipped in $4.8 million, half the purchase price, and the Trust for Public Lands put together the other half. The two parties recently completed a plan to manage the property jointly, said the Salish and Kootenai tribal chairman, James Steele Jr.

Plum Creek, based in Seattle, changed its corporate structure in 1999 to become a real estate investment trust. Some Plum Creek property has been bought by conservation groups, including about 68,000 acres in the Blackfoot Valley northwest of Helena. Negotiations continue for more conservation sales, with money surging into funds organized by groups like the Nature Conservancy and the Trust for Public Lands.

Mr. Holley, the Plum Creek executive, said that his company was committed to both the timber and real estate businesses, but that only a small percentage of its land, perhaps 30,000 acres or so, had the combination of attractions—proximity to public lands but also to other amenities, like shopping and restaurants—to make sale for development feasible.

The Forest Service, meanwhile, is struggling to find its own balance. A spokesman for the agency said that the national forests across the West were increasingly tilting toward recreation and away from logging. But, the growth in population on the forests' edge also means more need than ever to thin the trees, through some logging, if only for wildfire protection.

Tom Tidwell, the regional forester for 25 million acres of national forest that includes Montana, northern Idaho, North Dakota and part of South Dakota, said the Forest Service was eager to keep timber companies in business to help with the thinning.

"We're more in the need of the industry," Mr. Tidwell said. "It's essential that we have someone to do that work so that taxpayers don't have to pay for it."

One broiling and unresolved issue is who gets to use the land as it changes hands.

Most private timber tracts in the West, including those owned by Plum Creek, have traditionally been open to recreational use, treated as public entry ways into the vast national forests, grasslands and wilderness. areas that in Montana alone add up to nearly 46,000 square miles, about the size of New York State. But in many places, the new owners are throwing up no trespassing signs and fences, blocking what generations of residents across the West have taken for granted—open and beckoning access into the woods to fish, hunt and camp.

"Part of our character is that we have so much big sky and open country," said Gov. Brian Schweitzer of Montana, a Democrat who has publicly sparred with Plum Creek about its land sales. "We're going to have to be creative. There's no textbook written on how to do this."

So the proposal at issue here is something different. It would provide a new category of tax credit bonds and establish a national program allowing the issuance of $500 million in tax-exempt timber conservation bonds. The way it's structured, the bonds will be issued by a nonprofit organization whose holdings consist primarily of forest lands. Their board of directors would include specified representation of public officials as well as conservation organizations. The funds from the bonds will be used to purchase sizable tracts of forest lands, a minimum of 40,000 acres protected from the kind of development I was referencing earlier. And this acreage would have to be adjacent to U.S. Forest Service lands, basically leveraging the critical area already protected in Forest Service holdings. At least half of the land acquired would be transferred to the Forest Service. The development in previously forest lands not only diminishes substantially the public use and enjoyment potential of this property; it increases significantly the public cost.

We've all seen these forest fires across the West and the lavish homes they have taken out. We've also witnessed the extraordinary taxpayer dollars spent fighting to the very best effort of our talented firefighters, trying to protect these beautiful, extraordinary properties carved into areas that were previously pristine forest.

Now, an issue was raised in terms of whether this was simply too narrow a tax benefit. The bonds sold under this provision would go to numerous holders of qualified forestry conservation bonds; so there's no special earmark-type interest there. And when you consider the fact that half of the holdings have to be transferred to the United States Forest Service, we think everyone in the country is a beneficiary of this provision in that area.

We voted on this once before in the House, debated it as part of the energy bill. It passed 235–181. And at that time a discussion was held. The minority leader raised an issue in terms of whether we ought to be talking about preserving trees and fish or something like that, his argument went, in the context of an energy bill. Well, we decided to at that time—the bill did not ultimately become law; so it's back before us again. But, clearly, there can be no issue raised about its appropriateness for consideration as part of a farm bill. A farm bill is where we address forest issues. General forestry legislation is within the jurisdiction of the Agriculture Committees. We have passed farm bills that have included provisions addressing forestry, especially on private lands. In addition, the U.S. Forest Service is within the jurisdiction of the Department of Agriculture. So we think attaching it to the farm bill certainly makes sense in many respects.

But to be candid, this wasn't a provision that originated in the House. It originated in the Senate. I have been party to discussions now going over the last couple of weeks that have involved many, many issues in difference between the House and the Senate. That's what happens when you reach the final stages of bringing a bill out of conference committee. There are back-and-forth negotiations. And this ended up in the bill, a bill that, in my opinion, was improved in very substantial ways by priorities that we also have in the House. Certainly, the $10.3 billion commitment into nutrition, helping people afford food at a time when the cost of groceries has risen so dramatically, this is going to be a feature directly responsive to priorities we've had in the House. It's all part of the negotiation process. There will be stuff in this bill that I think anyone will like. There will be stuff in this bill that people will be less enthusiastic about. It's a great big bill. But in balance I believe this reasonably is in the package. I like the fact that it addresses this subdividing of this forest land adjacent to the U.S. Forest Service. I like keeping the big tracts and expanding U.S. Forest Service holdings at a time when they're under such extraordinary development pressure, which would take it out of, basically, public access and enjoyment.

So I think that this proposal is fine in the bill, and I would therefore urge a "no" vote on the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

□ 2300

Mr. CANTOR. Mr. Speaker, I yield to the ranking member on the Ways and Means Committee, the gentleman from Louisiana, as much time as he may consume.

Mr. McCRERY. I thank the gentleman for yielding.

Mr. Speaker, I reluctantly rise to educate the House on a provision that was in the Senate version of the farm bill, and according to reports as being considered for inclusion in the conference report. I say "reluctantly," Mr. Speaker, because my good friend, Mr. BAUCUS, is the sponsor of this provision in the Senate bill, and I certainly respect the right of any Member to try to bring Federal dollars to his district. But that is exactly what this is. And it ought to be exposed for that. It is not a tax provision really. It is a really more like an appropriation.

And my good friend on the Ways and Means Committee, Mr. POMEROY, said that, well, this is not really just for one entity, there will be lots of bondholders, so this money will be spread out among numerous bondholders. That's true. It will be. But that evades the point. The point is that the way the provision is written in the Senate bill would limit the application of these bonds to one specific piece of property in the United States.

Now I will read to you the criteria that lead us to that conclusion. First, "some portion of the land must be adjacent to United States Forest Service land." Well there's lots of parcels of land like that around the United States.

But second, "at least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be donated to a State." Again that's fine. Nothing wrong with that.

Third, and this is where it begins to tighten, "the amount of acreage acquired must be at least 40,000 acres," a fairly large parcel. And then fourth, "all of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service."

So upon examination of all the parcels of land in the United States, only one meets this criteria. And it happens to be a large piece of land of which about 90 percent of it is in the State of Montana. And it is owned by one landowner in the State of Montana.

So, Mr. Speaker, even though, yes, there will be scores, hundreds, thousands maybe of bondholders, they're not going to be the ones getting $500 million for a piece of property. It is one landowner. And the taxpayers will be footing about $200 million of the bill.

Now that is like an appropriation. That is a $200 million appropriation basically to the Nature Conservancy which will buy the land and give the money to the current landowner. So let's call it what it is. It's an earmark. It's an appropriation disguised very cleverly as a forest tax credit bond.

Now, this provision could have been written to apply to any property in the United States so that anybody who wanted to set aside land could utilize these bonds. But it wasn't. It was restricted to this one piece of property. It's a rifle shot. It's an earmark.

And Mr. CANTOR's intention, I believe, is to educate the House of this and to say, and I agree with him, that this has no place in the farm bill. It ought to be in an appropriations bill. It ought to be clearly defined as an earmark for the purchase of this piece of property.

Now I don't know if $500 million is an appropriate amount of money for this piece of property. I don't know what Nature Conservancy might have offered for this piece of property. But my guess is that when you have a $200 million subsidy from the taxpayers, it just might distort the market. It just might raise the value of land in that particular parcel and all around that parcel.

So I believe, Mr. Speaker, that the gentleman's motion to instruct conferees is well placed. This ought not be in the farm bill. And frankly this farm tax credit idea ought not be used to distort the market for real estate anywhere in the country, and certainly not on a piece of property this big in one location.

Mr. CANTOR. Mr. Speaker, I would just say that the Plum Creek Forest tax credit scheme is plumb wrong. This is the "bridge to nowhere" of the farm bill. This has no business being in the farm bill. This is clearly, as the gentleman from Louisiana said, an earmark directed at one wealthy landowner. And this is why the American people are sick and tired of the way this town does business.

We owe it to the public. They deserve better. Let's call this what it is. The Plum Creek Forest is plumb wrong. This is a "bridge to nowhere" in the farm bill. That is why, Mr. Speaker, I rise in support of this motion to instruct the House conferees.

I reserve the balance of my time.

Mr. POMEROY. I have enormous respect for each of the speakers, my friends, on the other side. I think they have made their points well. But I would like us to come back to really what's at stake with the issue in front of us. Essentially, we want to avoid a bridge to wealthy development communities placed into pristine forest lands adjacent to U.S. forests. I earlier referenced a New York Times article covering this extraordinary development pressure that's on these lands.

Mr. CANTOR. Mr. Speaker, would the gentleman yield?

Mr. POMEROY. I would be happy to yield.

Mr. CANTOR. I would ask my good friend from North Dakota, what is the date on that article in the New York Times?

Mr. POMEROY. October 17, 2007.

Mr. CANTOR. So clearly, Mr. Speaker, I would ask the gentleman, I would imagine that the economic times surrounding that article 6, 8 months ago certainly may have been different than they are today. We have been on the floor all day, and will continue to be on the floor tomorrow, talking about the housing crisis and the plummeting real estate values.

Let's face it. If you have got 40,000 acres of land today, and that land was scheduled for development and sale of parcels, that land is not worth what it was in the fall of 2007.

Mr. POMEROY. Reclaiming my time.

Well, my friend, I think we are talking about a different section of the economy. In fact, economic analysis of the functioning economy shows that there has been extraordinary wage growth of the wealthiest 1 percent, top 10 percent, consumptive patterns have continued unabated at the peak earning levels in our economy. And it is those people that are the customers for this land. This isn't your average Joe deciding, hey, Ma, let's move to Montana and buy a little forest land. No. There's no jobs there other than former timber industry jobs. The economy is in transition there. These are wealthy people that want to have essentially recreational property in areas we can't imagine.

One of the individuals referenced in that article has invested about $125 million in Montana. It talks about his not liking what a logging company was doing. They began logging too much of the view in front of his yard. So he bought the land. He bought all the mountain that they were mining on. That's the kind of guy that we are talking about.

They talk about another guy here. They quoted a man named Michael Carricarte who bought an 800-acre property in Glenwood Springs, Colorado, in 2005. He has got the place bordered on three sides by Federal land. And he is now asking $23.5 million for it.

This isn't the kind of property that is involved with our earlier discussion about the housing crisis. This is quite a different deal entirely. And it is for those reasons that I think it is important that we act to preserve the public interest.

We are in a recession. But it is not a recession that is diminishing the development pressure on forest lands. And we are not going to be in a recession forever. And that pressure, especially as baby boomers age and have this disposable income, is only going to continue. In fact, they talk about the pressure being extraordinary. And again, in Montana, more than 1 million acres are under threat alone.

So basically this provision has been fashioned, and if you think about it, a 40,000-acre minimum, it is entirely protected by Fish and Wildlife plans. Now my friend, Mr. McCRERY, cites that as a negative thing. I think essentially if the goal of this is to try and preserve property, it might be a good thing. And of course there is a provision for a perpetual conservation easement. So really the aim of this, and I think it will achieve it, is to make certain we don't have private development, little lots with great big houses chunked into the pristine forest. We would like to preserve this. We would like to actually expand the holdings of the U.S. Forest Service and have the land adjacent to it protected under perpetual conservation easement.

So all in all, there certainly is a sound rationale behind this proposal. It was included in the negotiations back and forth between the House and the Senate. And again it certainly invites the kind of questions and scrutiny that this provision has been put under tonight. But I think when you think about the importance in this country of preserving for general public use and enjoyment, we certainly come down on the right side as compared to dividing this into little lots and having that kind of development in this area.

So I think that we have covered the area. Is the gentleman ready to close? If so, I will wrap up now or I will reserve the time.

Mr. CANTOR. Mr. Speaker, I just have one additional comment to make.

Mr. POMEROY. I think that we have discussed this at the end of a long day. I will reserve the balance of my time, but if the gentleman's comments are in the nature of a close, then I'll yield back without saying anything further.

Mr. CANTOR. I thank the gentleman. And I admire him for his valiant effort to defend this provision in the Senate-passed farm bill. He did a great job.

Mr. Speaker, I just still believe that if we were serious in wanting to preserve land adjacent to Federal forest and parkland, we would have a provision here, maybe not in the farm bill, but a provision in a program authorizing some legitimate awarding of bonds, wherever the program deemed appropriate, not so narrowly drawn that the $500 million could only be used to purchase one particular parcel.

I think anyone looking at this would have to conclude that the aim was to afford the current landowner the ability to sell the land in this difficult climate.

So Mr. Speaker, the Plum Creek Forest and the bond programs associated therewith is plumb wrong. This is a "bridge to nowhere." This is where America, once again, will be let down by the actions of this House if this provision is allowed to stay in.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Virginia (Mr. CANTOR).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CANTOR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

☐ 2315

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–109)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the national emergency declared in Executive Order 13338 of May 11, 2004, and expanded in scope in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, authorizing the blocking of property of certain persons and prohibiting the exportation and re-exportation of certain goods to Syria, is to continue in effect beyond May 11, 2008.

The actions of the Government of Syria in supporting terrorism, interfering in Lebanon, pursuing weapons of mass destruction and missile programs including the recent revelation of illicit nuclear cooperation with North Korea, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions I have ordered to address this national emergency.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008.*

AGREEMENT WITH CZECH REPUBLIC ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–110)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and the Czech Republic on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed in Prague on September 7, 2007.

The United States-Czech Republic Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Czech Republic Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, which describes the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Czech Republic Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 7, 2008.*

FORECLOSURES AND CONSUMER CONFIDENCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, today, we were discussing very important legislative initiatives dealing with the Neighborhood Stabilization Act that would give $15 billion to reclaim foreclosed homes, and an important legislative initiative, the American Housing Rescue and Foreclosure Prevention Act that would revise a number of the GSEs like Freddie Mac and Fannie Mae, all to help the American people.

In my discussion on the floor of the House, I indicated that we are moving toward a recession and a depression. The gentleman who was then managing the rule, H. Res. 1175, indicated that we as Democrats must stop telling untruths. To that I asked the gentleman whether or not he was calling me a liar.

I wish to read into the RECORD that when that inquiry was made, the gentleman responded, as I said, I assume that he was not suggesting that I am a liar. The gentleman said "I did not suggest that at all."

It is important to note that America is suffering. Between 7,000 and 8,000 people a day are filing for foreclosures and that consumer confidence is down. We are moving toward a recession and maybe a depression.

LET MEMBERS HAVE INPUT IN THE APPROPRIATIONS COMMITTEE

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker, I rise today to express to the House my concern about the fact that Chairman OBEY and Speaker PELOSI are very, very busy these days. If news reports are to be believed, it's apparent that they're going about doing all of the work of the Appropriations Committee as well as the House almost all alone with almost no input from Democrats or Republicans from the House.

Because of that busy schedule, I have been writing to Mr. OBEY of late. I have sent him three letters altogether. Last Thursday, I sent him a letter that was signed by the entire Republican membership of the Appropriations Committee urging him to have regular order and full hearings on the supplemental that is before us that represents a huge portion of our spending, and yet there has been no hearing whatsoever.

Just in case Mr. OBEY hasn't seen this letter because his staff is very busy, I know, working on these projects, I would like to submit that letter for the RECORD and urge the House to urge the leadership to allow us to have public hearings so that Members can have input regarding their districts' needs on this very, very important part of this year's work.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, May 1, 2008.

Hon. DAVID OBEY,
Chairman, Committee on Appropriations,
Washington, DC.

DEAR MR. CHAIRMAN: In the absence of any response from you to my April 21st and April 24th letters, and recognizing Senator Byrd's immediate response to the Republican Senators from his Committee, we are writing to once again express our grave concerns over media reports that your leadership plans to unilaterally, and without Member input, write and take to the House floor the Emergency Supplemental Appropriations bill under a closed rule and bypass full Appropriations Committee consideration. Such action would be an historical and unprecedented abdication of responsibility for the House Appropriations Committee and would be viewed by many in both parties as a shameful power grab by House and Senate leaders.

Senator Byrd, who recognizes the slippery slope involved in circumventing the well-established rules and precedents of the Appropriations Committee, has scheduled a full Senate Appropriations Committee markup for the week of May 5th. We urge you in the strongest possible terms to follow Senator Byrd's example and schedule a full Committee markup in the House at the earliest possible date.

It is only right and fair that you allow Members of our Committee—Republicans and Democrats—to do the work they were elected to do. We are extremely troubled by the fact that under this scheme no Member of the House will be afforded the opportunity to offer amendments in full Committee or on the House floor while Senators in the other body will be given the opportunity to let their constituent's voices be heard. We must act expeditiously to move through full Committee and onto the floor a clean Emergency Supplemental, free of extraneous funding and policy provisions, to address the urgent needs of our troops and their families.

On October 20, 2006 then Minority Leader Nancy Pelosi wrote in a letter to then-Speaker Hastert: "We must restore bipartisanship to the administration of the House, reestablish regular order for considering legislation. and ensure the rights of the minority, whichever party is in the minority. The voice of every American has a right to be heard."

Again, we urge you and Speaker Pelosi to stand by those words. Historical precedent and tradition dictates that this legislation be fashioned in an open and transparent process, and ensure full participation by both parties—not behind closed doors but in the full light of day. As the Speaker stated less than two years ago, every Member of the Appropriations Committee and, indeed, every Member of the House and their constituents deserve to have their voices heard.

We look forward to your timely response.

Sincerely,

Jerry Lewis; C.W. Bill Young; Ralph Regula; Harold Rogers; Frank R. Wolf; James T. Walsh; David L. Hobson; Joe Knollenberg; Jack Kingston; Rodney P. Frelinghuysen.

Todd Tiahrt; Zach Wamp; Tom Latham; Robert B. Aderholt; Jo Ann Emerson; Kay Granger; John E. Peterson; Virgil H. Goode, Jr.; Ray LaHood; Dave Weldon.

Michael K. Simpson; John Abney Culberson; Mark Steven Kirk; Ander Crenshaw; Dennis R. Rehberg; John R. Carter; Rodney Alexander; Ken Calvert; Jo Bonner.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 7, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,889 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,889 days spent killing nearly 50 million unborn children in America is enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 7, 2008, 12,889 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARSON of Indiana (at the request of Mr. HOYER) for May 5 and 6.

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for May 5 on account of district work.

Ms. KILPATRICK (at the request of Mr. HOYER) for May 5 on account of personal reasons.

Ms. RICHARDSON (at the request of Mr. HOYER) for May 6 after 7:30 p.m. and for the balance of the week on account of death in the family.

Mr. BURTON of Indiana (at the request of Mr. BOEHNER) for May 5, 6 and before 2:30 p.m. today on account of business in the district.

Mr. CONAWAY (at the request of Mr. BOEHNER) for after 3:30 p.m. May 6 and today on account of attending a funeral of a soldier killed in action.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for May 5, 6 and today on account of illness.

Mr. CULBERSON (at the request of Mr. BOEHNER) for May 5 on account of official business.

Mr. JOHNSON of Illinois (at the request of Mr. BOEHNER) for May 5 on account of family business.

Mr. JONES of North Carolina (at the request of Mr. BOEHNER) for May 5 and 6 on account of the North Carolina primary elections.

Mr. WAMP (at the request of Mr. BOEHNER) for May 5 on account of a family commitment.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. MCCRERY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 8, 12, 13 and 14.

Mr. JONES of North Carolina, for 5 minutes, May 8, 12, 13 and 14.

Mr. WELLER of Illinois, for 5 minutes, today and May 8.

Mr. FRANKS of Arizona, for 5 minutes, today and May 8.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. CANNON, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, May 8.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today, May 8 and 9.

Mr. GARRETT of New Jersey, for 5 minutes, today and May 8.

Ms. FOXX, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, May 8 and 9.

Mr. DREIER, for 5 minutes, today, May 8 and 9.

Mr. BOUSTANY, for 5 minutes, today.

Mr. KLINE of Minnesota, for 5 minutes, May 8.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3522. An act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

H.R. 5919. An act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on May 1, 2008, she presented to the President of the United States, for his approval, the following bills.

H.R. 3196. To designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the "E. Arthur Gray Post Office Building".

H.R. 3468. To designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the "Dr. Clifford Bell Jones, Sr., Post Office".

H.R. 3532. To designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the "Private Johnathon Millican Lula Post Office".

H.R. 3720. To designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the "Army PFC Juan Alonso Covarrubias Post Office Building".

H.R. 3803. To designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the "John Henry Wooten, Sr., Post Office Building".

H.R. 3936. To designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the "Sgt. Jason Harkins Post Office Building".

H.R. 3988. To designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the "Master Sergeant Kenneth N. Mack Post Office Building".

H.R. 4166. To designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the "Steve W. Allee Carrier Annex".

H.R. 4203. To designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the "Specialist Jamaal RaShard Addison Post Office Building".

H.R. 4211. To designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the "Judge Richard B. Allsbrook Post Office".

H.R. 4240. To designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the "Felix Sparks Post Office Building".

H.R. 4286. To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4454. To designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the "Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building", in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. To designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the "Sergeant Jamie O. Maugans Post Office Building".

H.R. 5220. To designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the "Major Arthur Chin Post Office Building".

H.R. 5400. To designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the "Sgt. Michael M. Kashkoush Post Office Building".

H.R. 5472. To designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the "Julia M. Carson Post Office Building".

H.R. 5489. To designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the "Congresswoman Jo Ann S. Davis Post Office".

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Thursday, May 8, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

STEVE SCALISE, Louisiana, First.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6443. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spirodiclofen; Pesticide Tolerances [EPA-HQ-OPP-2007-0398; FRL-8362-2] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6444. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pyridalyl; Pesticide Tolerances [EPA-HQ-OPP-2004-0306; FRL-8361-4] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6445. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerance [EPA-HQ-OPP-2007-0275; FRL-8357-3] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6446. A letter from the Chairman, Commission on the National Guard and Reserves, transmitting the Commission's final report entitled, "Transforming the National Guard and Reserves into a 21st-Century Operational Force"; to the Committee on Armed Services.

6447. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the 2007 Annual Report regarding the Department's enforcement activities under the Equal Credit Opportunity Act, pursuant to 15 U.S.C. 1691f; to the Committee on Financial Services.

6448. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's report pursuant to the Buy American Act, pursuant to 41 U.S.C. 10a(b); to the Committee on Financial Services.

6449. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill that would eliminate the four-year limitation on contracts for the manufacture of distinctive paper for United States currency and securities; to the Committee on Financial Services.

6450. A letter from the General Counsel, Department of the Treasury, transmitting a copy of a draft bill, "To authorize United States participation in, and appropriations for, the United States to contribute to an international clean technology fund"; to the Committee on Financial Services.

6451. A letter from the Assistant Secretary for Economic Policy, Department of the Treasury, transmitting two reports entitled, "Social Security Reform: Benchmarks for Assessing Fairness and Benefit Adequacy" and "Social Security Reform: Mechanisms for Achieving True Pre-Funding"; to the Committee on Financial Services.

6452. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Procedures for Debt Collection — received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6453. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Grants to States for Operation of Qualified High Risk Pools [CMS-2260-F] (RIN: 0938-AO46) received April 24, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6454. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Change of Address for Submission of Certain Reports; Technical Correction [FRL-8563-1] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6455. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revised PM2.5 Motor Vehicle Emissions Budget; State of New Jersey [EPA-R02-OAR-2008-0005; FRL-8562-1] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6456. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a report on International Atomic Energy Agency (IAEA) technical assistance to Iran during calendar year 2007, pursuant to Public Law 107-228; to the Committee on Foreign Affairs.

6457. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule — Cost Accounting Standards Board; Contract Clauses — received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6458. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's study report on the Angel Island Immigration Station and the Pacific Coast Immigration Museum; to the Committee on Natural Resources.

6459. A letter from the Executive Director, Pacific Fishery Management Council, transmitting the Council's recommendations for international actions to address overfishing of Eastern Pacific Yellowfin Tuna in compliance with Section 304(i)(2)(B) the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Natural Resources.

6460. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Visas: Documentation of Nonimmigrants under the Immigration and Nationality Act, as Amended [Public Notice:] received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6461. A letter from the Acting Administrator, FAA, Department of Transportation, transmitting the Department's report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Year 2007, pursuant to Public Law 103-305, section 202; to the Committee on Transportation and Infrastructure.

6462. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the Commission's report on the amount of acquisitions made by the commission from entities that manufacture articles, materials or supplies outside the United States, pursuant to Section 641 of the Consolidated Appropriations Act of 2005; to the Committee on Transportation and Infrastructure.

6463. A letter from the Assistant Secretary, Federal Maritime Commission, transmitting the 46th Annual Report of the activities of the Commission for fiscal year 2007, which ended September 30, 2007, pursuant to 46 U.S.C. app. 1118; to the Committee on Transportation and Infrastructure.

6464. A letter from the Vice President, Government Affairs and Corporate Communications, National Railroad Passenger Corporation, transmitting Amtrak's Grant and Legislative Request for FY09 and other materials, pursuant to 49 U.S.C. 24315(a); to the Committee on Transportation and Infrastructure.

6465. A letter from the President and CEO, Pacific Maritime Association, transmitting the Association's 2007 Annual Report; to the Committee on Transportation and Infrastructure.

6466. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled, "Department of Energy FY 2006 — FY 2007 Methane Hydrate Report to Congress," pursuant to Section 4(e)(5) of the Methane Hydrate Research Act of 2000; to the Committee on Science and Technology.

6467. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's views on H.R. 4847, the United States Fire Administration (USFA) Reauthorization Act of 2007; to the Committee on Science and Technology.

6468. A letter from the Chairman, National Science Board, transmitting the Board's report entitled, "International Science and Engineering Partnership: A Priority for U.S. Foreign Policy and Our Nation's Innovation Enterprise"; to the Committee on Science and Technology.

6469. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier 1 Issue — Section 965 Foreign Earnings Repatriation Directive #2 [LMSB Control No: LMSB-4-0408-021] received April 23, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6470. A letter from the Acting Assistant Director, Directives and Regulations Branch, Office of Regulatory and Management Services, USDA, Department of Agriculture, transmitting the Department's final rule — National Forest System Land Management Planning (RIN: 0596-AB86) received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Natural Resources and Agriculture.

6471. A letter from the Program Manager, CMM, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Inpatient Psychiatric Facilities Prospective Payment System Payment Update for Rate Year Beginning July 1, 2008 (RY 2008) [CMS-1401-N] (RIN: 0938-AO92) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6472. A letter from the Program Manager, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Prospective Payment System for Long-Term Care Hospitals RY 2009: Annual Payment Rate Updates, Policy Changes, and Clarifications; and Electronic Submission of Cost Reports: Revision to Effective Date of Cost Reporting Period [CMS-13930f] (RIN: 0938-AO94) received May 2, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6473. A letter from the Secretary, Department of Homeland Security, transmitting an annual report of the Department's Office of Civil Rights and Civil Liberties for fiscal year 2007, pursuant to 6 U.S.C. 345(b); jointly to the Committees on Homeland Security and the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. THOMPSON of Mississippi (for himself and Ms. JACKSON-LEE of Texas):

H.R. 5982. A bill to direct the Secretary of Homeland Security, for purposes of transportation security, to conduct a study on how airports can transition to uniform, standards-based, and interoperable biometric identifier systems for airport workers with unescorted access to secure or sterile areas of an airport, and for other purposes; to the Committee on Homeland Security.

By Mr. LANGEVIN (for himself and Mr. THOMPSON of Mississippi):

H.R. 5983. A bill to amend the Homeland Security Act of 2002 to enhance the information security of the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BARTLETT of Maryland (for himself, Mr. BLUNT, Mr. WAMP, Mr. MARIO DIAZ-BALART of Florida, Mr. KIRK, Mr. MCCOTTER, Mr. HERGER, Mr. GINGREY, Mr. WELDON of Florida, Mr. DAVID DAVIS of Tennessee, Mrs. MYRICK, Mr. DOOLITTLE, Mr. PITTS, Mrs. BLACKBURN, Ms. FALLIN, Mr. JONES of North Carolina, Mr. TIAHRT, Mr. GILCHREST, Mr. PETRI, Mr. DUNCAN, Mr. SHIMKUS, Mr. CALVERT, Mr. BOUSTANY, Mr. EHLERS, Mr. PENCE, Mr. REICHERT, Mr. LATOURETTE, Mr. ROSKAM, Mr. UPTON, Mr. FRELINGHUYSEN, Mr. JOHNSON of Illinois, Mr. COURTNEY, Mr. GERLACH, and Mr. DENT):

H.R. 5984. A bill to amend the Internal Revenue Code of 1986 to provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency in order to prevent a downturn in these sectors that would result from a lapse in the tax law; to the Committee on Ways and Means.

By Mr. BRALEY of Iowa:

H.R. 5985. A bill to amend title 38, United States Code, to clarify the service treatable as service engaged in combat with the enemy for utilization of non-official evidence for proof of service-connection in a combat-related disease or injury; to the Committee on Veterans' Affairs.

By Mr. BURGESS:

H.R. 5986. A bill to amend the Internal Revenue Code of 1986 to immediately terminate the excise tax on diesel fuel and the tax credits for ethanol and other alcohol fuels; to the Committee on Ways and Means.

By Mrs. DRAKE (for herself and Mr. BILIRAKIS):

H.R. 5987. A bill to amend title 37, United States Code, to guarantee a pay increase for members of the uniformed services for fiscal years 2010 through 2013 of one-half of one percentage point higher than the Employment Cost Index; to the Committee on Armed Services.

By Mr. HINCHEY (for himself, Mr. MCDERMOTT, Mr. GRIJALVA, Ms. LEE, Mr. KUCINICH, and Ms. WOOLSEY):

H.R. 5988. A bill to amend the Truth in Lending Act to impose a cap on the rate of interest that may be charged on consumer credit card accounts, and for other purposes; to the Committee on Financial Services.

By Mr. KENNEDY (for himself and Ms. ROS-LEHTINEN):

H.R. 5989. A bill to direct the Secretary of Health and Human Services to implement a National Neurotechnology Initiative, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MATHESON (for himself and Mr. TERRY):

H.R. 5990. A bill to require ratings label on video games and to prohibit the sales and rentals of adult-rated video games to minors; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 5991. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for obtaining transportation worker identification credentials; to the Committee on Ways and Means.

By Mr. SHULER:

H.R. 5992. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for the purchase of real property by a first-time purchaser; to the Committee on Ways and Means.

By Mr. GARY G. MILLER of California:

H. Con. Res. 343. Concurrent resolution congratulating the Surety and Fidelity Association of America on its 100th anniversary; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas (for herself, Ms. DELAURO, Ms. KILPATRICK, Ms. CLARKE, Mr. COHEN, Mr. DOGGETT, Mr. MCGOVERN, Mr. JOHNSON of Georgia, Mr. WYNN, Mr. CLEAVER, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. INSLEE, Mr. HARE, Mr. BRALEY of Iowa, Mr. COURTNEY, Ms. SUTTON, Ms. LEE, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Mr. ACKERMAN, Mr. CAPUANO, Mr. LARSON of Connecticut, Mr. KIND, Mr. MCNULTY, Mr. SIRES, Mr. ARCURI, Ms. SOLIS, Mr. GRIJALVA, Mr. BACA, Mr. ORTIZ, Mr. GUTIERREZ, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. BOSWELL, Mr. ENGEL, Ms. CORRINE BROWN of Florida, Mr. CARSON, Ms. MOORE of Wisconsin, Mr. LEWIS of Georgia, Mr. CROWLEY, Ms. WATSON, Ms. ROYBAL-ALLARD, and Ms. WATERS):

H. Con. Res. 344. Concurrent resolution recognizing that we are facing a global food crisis; to the Committee on Foreign Affairs.

By Mr. TIBERI (for himself, Mr. BAIRD, Mr. EHLERS, and Mr. GORDON):

H. Con. Res. 345. Concurrent resolution recognizing the 50th anniversary of the signing of the Antarctic Treaty; to the Committee on Foreign Affairs.

By Mr. FORBES (for himself, Mr. WITTMAN of Virginia, Mrs. DRAKE, Mr. SCOTT of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. CANTOR, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, and Mr. TOM DAVIS of Virginia):

H. Res. 1178. A resolution expressing the sympathy of the House of Representatives to the citizens of Suffolk, Brunswick, and Colonial Heights, Virginia, over the devastating tornadoes of April 28, 2008; to the Committee on Oversight and Government Reform.

By Mr. GALLEGLY:

H. Res. 1179. A resolution expressing the sense of the House of Representatives that the People's Republic of China and all enterprises owned or controlled by the People's Republic of China should make proper disclosures with the Securities and Exchange Commission regarding the selective default status of certain bonds; to the Committee on Financial Services.

By Mr. REICHERT (for himself, Mr. EHLERS, Mr. BILBRAY, and Mr. BARTLETT of Maryland):

H. Res. 1180. A resolution recognizing the efforts and contributions of outstanding women scientists, technologists, engineers, and mathematicians in the United States and around the world on Mother's Day, 2008; to the Committee on Science and Technology.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 88: Mr. MCCOTTER.

H.R. 139: Mr. KUHL of New York.

H.R. 154: Mr. ANDREWS.

H.R. 436: Mr. SESSIONS.

H.R. 510: Mr. BILIRAKIS.

H.R. 579: Mr. FORTUÑO and Mr. FEENEY.

H.R. 618: Mr. BACHUS.

H.R. 661: Mr. KNOLLENBERG.

H.R. 769: Mr. GERLACH.

H.R. 826: Mr. ROGERS of Alabama.

H.R. 872: Mr. CARSON.

H.R. 1014: Mr. RAHALL.

H.R. 1022: Mr. SESTAK, Ms. SCHWARTZ, and Mr. BRADY of Pennsylvania.

H.R. 1046: Mr. KIND.

H.R. 1074: Mr. CARSON.

H.R. 1194: Ms. CLARKE.

H.R. 1283: Ms. VELÁZQUEZ.

H.R. 1524: Mrs. MUSGRAVE.

H.R. 1540: Mr. FILNER.

H.R. 1589: Mr. COURTNEY, Mr. JOHNSON of Illinois, and Mr. GOODLATTE.

H.R. 1606: Mr. LIPINSKI.

H.R. 1643: Ms. HERSETH SANDLIN.

H.R. 1655: Mr. JOHNSON of Georgia and Mr. WALSH of New York.

H.R. 1688: Mr. SIRES.

H.R. 1755: Mr. MICHAUD.

H.R. 1921: Mr. DELAHUNT.

H.R. 2049: Mr. GENE GREEN of Texas.

H.R. 2221: Mr. LEVIN, Mr. PASCRELL, and Ms. SCHWARTZ.

H.R. 2267: Mr. MILLER of Florida.

H.R. 2268: Mr. HALL of New York, Mr. PICKERING, Mr. FORTENBERRY, Mr. BARTLETT of Maryland, Mr. BOUCHER, Mr. EVERETT, Mr. KIRK, Mr. MCCRERY, Mr. MCKEON, Mr. TIM MURPHY of Pennsylvania, Mr. PEARCE, Mr. SHADEGG, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. UPTON, Ms. HERSETH SANDLIN, Mr. LOEBSACK, Ms. MCCOLLUM of Minnesota, Ms. KAPTUR, Mr. MCHUGH, Mr. DEAL of Georgia, Mr. HULSHOF, Mr. CARNAHAN, Mr. ABERCROMBIE, Mr. SCHIFF, Mr. PENCE, Mr. RAMSTAD, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. STEARNS, Mr. MCCAUL of Texas, and Mr. PERLMUTTER.

H.R. 2275: Mr. JACKSON of Illinois.

H.R. 2329: Mr. GONZALEZ.

H.R. 2346: Mr. BURGESS.

H.R. 2357: Mr. FATTAH and Ms. NORTON.

H.R. 2458: Mr. FATTAH.

H.R. 2514: Mr. THOMPSON of California.

H.R. 2550: Mr. MARCHANT, Mr. LAHOOD, Ms. GINNY BROWN-WAITE of Florida, Mr. WALBERG, and Ms. VELÁZQUEZ.

H.R. 2580: Mrs. CUBIN.

H.R. 2611: Mr. TIERNEY.

H.R. 2677: Mr. MCCOTTER.

H.R. 2734: Mr. KING of New York.

H.R. 2744: Mr. WILSON of Ohio, Mr. HAYES, and Mr. EDWARDS.

H.R. 2809: Mr. DEFAZIO.

H.R. 2838: Mrs. GILLIBRAND.

H.R. 2965: Mr. WEINER.

H.R. 3021: Mr. SESTAK, Mr. SCOTT of Virginia, Ms. DELAURO, Mr. INSLEE, Mr. JEFFERSON, Mr. KENNEDY, Mr. MCGOVERN, Mr. BACA, Ms. CLARKE, Mr. BOREN, Mrs. MALONEY of New York, Mr. MCINTYRE, Mr. FARR, Mr. RYAN of Ohio, Mr. CARDOZA, Ms. MATSUI, Ms. KILPATRICK, Mr. HALL of New York, Ms. BEAN, Mr. RODRIGUEZ, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Mr. CARNAHAN, Mr. RAHALL, Mr. EMANUEL, Mr. DELAHUNT, Mr. GENE GREEN of Texas, Ms. BORDALLO, Mr. TOWNS, Mrs. CHRISTENSEN, Mr. VAN HOLLEN, Mr. DAVIS of Alabama, Mr. HASTINGS of Florida, Mr. ETHERIDGE, Ms. CORRINE BROWN of Florida, Mr. TIERNEY, Mr. MITCHELL, Mr. NADLER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MURPHY of Connecticut, Mr. MORAN of Virginia, Mr. SERRANO, Mr. HONDA, Mr. MARKEY, Mr. FILNER, Mrs. JONES of Ohio, Mr. RUSH, Mr. OLVER, Mr. DOYLE, Mr. DINGELL, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. POMEROY, Mr. THOMPSON of California, and Mr. ENGEL.

H.R. 3089: Mr. TERRY, Mr. WESTMORELAND, and Mr. GOHMERT.

H.R. 3094: Ms. SOLIS.

H.R. 3144: Mr. CARTER, Mr. HASTINGS of Washington, and Mr. BISHOP of Utah.

H.R. 3167: Mr. UDALL of Colorado.

H.R. 3202: Mr. WU.

H.R. 3205: Mr. FATTAH.

H.R. 3257: Ms. BERKLEY.

H.R. 3267: Mr. STARK.

H.R. 3289: Ms. CORRINE BROWN of Florida and Ms. WATERS.

H.R. 3544: Mr. BISHOP of Georgia, Ms. KAPTUR, Mr. LOEBSACK, and Mr. CARNEY.

H.R. 3822: Mr. BISHOP of Georgia.

H.R. 3865: Mr. CARSON, Mr. SALAZAR, Mr. PRICE of North Carolina, and Mr. UDALL of New Mexico.

H.R. 3904: Mr. GORDON.

H.R. 4055: Mr. FATTAH.

H.R. 4061: Mrs. TAUSCHER.

H.R. 4088: Mr. GALLEGLY.

H.R. 4141: Mr. LATTA.

H.R. 4188: Mr. WEXLER, Mr. FRANK of Massachusetts, Mr. GILCHREST, Ms. BORDALLO, Ms. HIRONO, Mr. MCGOVERN, Mr. FATTAH, and Mr. SARBANES.

H.R. 4236: Mr. MARSHALL.

H.R.4237: Mr. RUPPERSBERGER.

H.R. 4344: Mr. MCHUGH.

H.R. 4461: Mr. CAPUANO.

H.R. 4544: Mr. KNOLLENBERG.

H.R. 4690: Mr. SIRES.

H.R. 4807: Mr. CONYERS.

H.R. 4838: Ms. SCHWARTZ.

H.R. 4900: Mr. LINCOLN DAVIS of Tennessee, Mr. MOLLOHAN, Mr. CARDOZA, Mrs. CAPITO, and Mr. WELLER.

H.R. 5231: Mr. LOEBSACK.

H.R. 5236: Mr. UPTON and Mr. DOYLE.

H.R. 5447: Mr. FARR, Mr. STARK, Mr. CARNAHAN, and Ms. CLARKE.

H.R. 5461: Mr. COURTNEY.

H.R. 5516: Mr. FOSTER, Mr. SHULER, Ms. SUTTON, Mr. MURTHA, and Mr. DENT.

H.R. 5534: Ms. HIRONO.

H.R. 5573: Mr. BOUCHER, Mr. MARSHALL, and Ms. BORDALLO.

H.R. 5615: Mr. KING of New York.

H.R. 5629: Mr. HOLDEN.

H.R. 5632: Mr. CARNAHAN and Mrs. MYRICK.

H.R. 5648: Mr. MICHAUD.

H.R. 5669: Mr. HAYES.

H.R. 5678: Ms. LEE.

H.R. 5681: Mr. HONDA.

H.R. 5684: Mr. MCINTYRE.

H.R. 5710: Mr. PEARCE.

H.R. 5716: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5734: Mrs. CUBIN and Mr. BOOZMAN.

H.R. 5740: Mr. WALBERG, Mr. KING of Iowa, Mr. SAM JOHNSON of Texas, Mr. CRENSHAW, Ms. CLARKE, Mr. GRAVES, Mr. HULSHOF, Mr. STUPAK, Mr. LEWIS of Kentucky, Ms. SPEIER, and Ms. LORETTA SANCHEZ of California.

H.R. 5741: Mr. ALLEN.

H.R. 5752: Mr. WALBERG.

H.R. 5759: Ms. GINNY BROWN-WAITE of Florida and Mr. PAUL.

H.R. 5760: Mr. KELLER.

H.R. 5761: Mr. GALLEGLY.

H.R. 5762: Mr. KNOLLENBERG and Mr. FILNER.

H.R. 5784: Mr. GERLACH.

H.R. 5785: Mr. FOSTER.

H.R. 5805: Mr. BISHOP of Utah, Mr. YOUNG of Alaska, and Mr. KING of Iowa.

H.R. 5825: Mr. DELAHUNT.

H.R. 5841: Ms. HERSETH SANDLIN.

H.R. 5845: Ms. SCHAKOWSKY and Mr. BRALEY of Iowa.

H.R. 5846: Ms. SOLIS.

H.R. 5847: Mr. LATTA, Mr. HENSARLING, and Ms. FALLIN.

H.R. 5854: Mr. CARNAHAN, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. BERMAN, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARSHALL.

H.R. 5857: Mr. DAVID DAVIS of Tennessee, Mr. KUHL of New York, Mr. WAMP, Mr. DENT, Mr. SIMPSON, and Mr. JOHNSON of Illinois.

H.R. 5886: Mr. HOEKSTRA and Mr. CRAMER.

H.R. 5892: Mr. SALAZAR, Mr. CUELLAR, Mr. GONZALEZ, Mr. ENGEL, Mr. ELLSWORTH, Mr. VAN HOLLEN, Mr. MCDERMOTT, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. ARCURI, Mr. BISHOP of New York, Mr. HARE, Mr. KENNEDY, Mrs. LOWEY, and Mr. FILNER.

H.R. 5898: Ms. BERKLEY, Mr. ENGLISH of Pennsylvania, Mr. KING of New York, Mr. KUCINICH, Mrs. MALONEY of New York, Mr. MEEK of Florida, Mr. PORTER, Ms. ROS-LEHTINEN, Mr. SIRES, Mr. HELLER, Mr. KELLER, and Mr. SPACE.

H.R. 5903: Mr. POE.

H.R. 5908: Mr. SENSENBRENNER.

H.R. 5917: Mr. TERRY.

H.R. 5944: Mr. GERLACH and Mr. FRELINGHUYSEN.

H.R. 5958: Mr. STARK and Mr. PLATTS.

H.R. 5960: Mr. TIM MURPHY of Pennsylvania, Mr. DEFAZIO, and Mr. VISCLOSKY.

H.R. 5961: Mr. HENSARLING.

H.R. 5974: Mr. COLE of Oklahoma, Mr. HASTINGS of Washington, and Mrs. DRAKE.

H.R. 5976: Mr. SIMPSON, Ms. CASTOR, and Ms. MATSUI.

H.J. Res. 79: Mr. DOYLE, Mr. KUCINICH, Ms. SOLIS, and Ms. WATSON.

H. Con. Res. 2: Mrs. JONES of Ohio and Mr. FORTUÑO.

H. Con. Res. 223: Mr. GOODE and Mr. SOUDER.

H. Con. Res. 268: Mr. SHAYS.

H. Con. Res. 296: Mr. JEFFERSON and Mr. GERLACH.

H. Con. Res. 331: Ms. SPEIER.

H. Con. Res. 334: Ms. FALLIN, Mr. HENSARLING, and Mr. LINDER.

H. Con. Res. 336: Mrs. BOYDA of Kansas, Mr. SMITH of Washington, Mr. WILSON of South Carolina, Mr. KIND, Ms. HIRONO, Mr. EDWARDS, Mr. ROTHMAN, Mr. VAN HOLLEN, Mr. KUHL of New York, Mr. SKELTON, Mr. BOSWELL, Mr. GRIJALVA, Mr. SOUDER, and Mrs. MUSGRAVE.

H. Con. Res. 338: Ms. BORDALLO, Ms. CORRINE BROWN of Florida, Mr. FATTAH, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, and Mr. CARSON.

H. Res. 102: Mr. SHERMAN.

H. Res. 353: Mr. CARNEY and Mr. PAYNE.

H. Res. 369: Mrs. BOYDA of Kansas, Mr. FILNER, Mr. BOSWELL, Mr. SARBANES, Mr. VAN HOLLEN, Mr. CARNEY, Mr. TANNER, Mr. KILDEE, Mr. HINCHEY, Mr. COHEN, Mr. SNYDER, Mr. WAXMAN, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. BROWN of South Carolina, Ms. KILPATRICK, Mr. MAHONEY of Florida, Mr. MOORE of Kansas, Mr. PASCRELL, Mr. RAMSTAD, Ms. HERSETH SANDLIN, Mrs. GILLIBRAND, Mr. ROSS, Mr. BAIRD, Mr. ABERCROMBIE, Mr. ETHERIDGE, Mrs. LOWEY, Ms. SLAUGHTER, Ms. WOOLSEY, Ms. KAPTUR, Mr. CARDOZA, Mr. OLVER, Mr. MCGOVERN, Ms. SCHWARTZ, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE of Wisconsin, Mr. COSTA, Ms. LORETTA SANCHEZ of California, Mr. SERRANO, Mr. MURPHY of Connecticut, Ms. WATSON, Ms. SUTTON, Ms. HIRONO, Ms. SHEA-PORTER, Ms. WASSERMAN SCHULTZ, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Mr. LARSON of Connecticut, Mr. SHULER, Mrs. DAVIS of California, Ms. TSONGAS, Mr. BARROW, Ms. MATSUI, Ms. SOLIS, Mr. ROTHMAN, Ms. BALDWIN, Mr. ALLEN, Mr. THOMPSON of California, Mr. DONNELLY, Mr. MATHESON, Mr. WALZ of Minnesota, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Mr. MCNERNEY, Mr. CAZAYOUX, Mr. SCHIFF, Mr. MELANCON, Mr. PERLMUTTER, Ms. HARMAN, Ms. HOOLEY, Ms. DEGETTE, Mr. LANGEVIN, Ms. CLARKE, Ms. ZOE LOFGREN of California, Mrs. MALONEY of New York, Mrs. CAPPS, Mrs. TAUSCHER, Mr. HIGGINS, Mr. FARR, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. CROWLEY, Mr. ELLSWORTH, Mr. DELAHUNT, Mr. TIERNEY, Mr. NEAL of Massachusetts, Mr. HARE, Mr. LYNCH, Mr. MICHAUD, Mr. WU, Mr. BECERRA, Ms. CASTOR, Mr. GUTIERREZ, Ms. VELÁZQUEZ, Mr. HOLT, Mr. KIND, and Mr. ISRAEL.

H. Res. 896: Mr. CHANDLER and Mr. INSLEE.

H. Res. 977: Ms. WASSERMAN SCHULTZ, Mr. BISHOP of Georgia, and Mr. LIPINSKI.

H. Res. 985: Mr. MATHESON, Mr. ALLEN, Mr. TOWNS, and Mr. GRIJALVA.

H. Res. 1012: Mr. BOSWELL and Mr. KING of Iowa.

H. Res. 1017: Mr. LEWIS of Georgia, Ms. BORDALLO, and Mr. MCINTYRE.

H. Res. 1022: Mr. BARROW, Mr. BLUMENAUER, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. HALL of Texas, Mr. HARE, Mr. JACKSON of Illinois, Mr. KILDEE, Mr. LATOURETTE, Mr. MATHESON, Mr. POMEROY, Mr. STEARNS, Mr. THOMPSON of California, Mr. UPTON, Mr. WHITFIELD of Kentucky, and Mrs. WILSON of New Mexico.

H. Res. 1026: Mr. GENE GREEN of Texas and Mr. FILNER.

H. Res. 1069: Mr. MCCOTTER.

H. Res. 1086: Mr. RANGEL and Mr. ETHERIDGE.

H. Res. 1108: Mr. GERLACH.

H. Res. 1111: Mr. ABERCROMBIE.

H. Res. 1128: Mr. WALBERG, Mr. SMITH of Nebraska, Mr. ROSKAM, Mr. CARTER, Ms. GRANGER, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. WAMP, Mr. PRICE of Georgia, Mrs. BLACKBURN, Mr. HELLER, Mr. MCCARTHY of California, Mr. LATTA, Mr. ENGLISH of Pennsylvania, Mr. SALI, Ms. FOXX, Ms. ROS-LEHTINEN, Mr. HOEKSTRA, Mr. WITTMAN of Virginia, Mr. WILSON of South Carolina, Mr. MILLER of Florida, Mr. REICHERT, Mr. JORDAN, Mr. DEAL of Georgia, Mr. BROUN of Georgia, Mr. WALZ of Minnesota, Mrs. BACHMANN, Mr. BILIRAKIS, Mr. DUNCAN, Mr. CHABOT, Mr. KINGSTON, Mr. CANTOR, Mr. LINCOLN DAVIS of Tennessee, Mr. ROGERS of Kentucky, Mr. FRANKS of Arizona, Mr. CARNEY, Mr. SHIMKUS, and Mr. CONAWAY.

H. Res. 1132: Mr. SMITH of Texas.

H. Res. 1135: Mr. BOEHNER, Mr. SESSIONS, Mr. SALI, Mr. SOUDER, Mr. DREIER, Mr. CARTER, Mr. SENSENBRENNER, Mr. WALBERG, Mr. JORDAN, Mr. MCCARTHY of California, Mr. DAVID DAVIS of Tennessee, Mr. LATTA, and Mr. ROSKAM.

H. Res. 1143: Mr. WALBERG, Mr. KUHL of New York, and Mr. MCNULTY.

H. Res. 1144: Mr. ARCURI, Mr. BARROW, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. BOREN, Ms. CORRINE BROWN of Florida, Mr. CAPUANO, Mr. CASTLE, Mr. COSTA, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FERGUSON, Mr. FRELINGHUYSEN, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. REGULA, Mr. REYNOLDS, Mr. ROGERS of Kentucky, Mr. ROTHMAN, Mr. WILSON of Ohio, Mr. WYNN, Mr. TOWNS, Mr. NADLER, Mr. BACA, Mrs. NAPOLITANO, Mr. CROWLEY, Mr. ENGEL, Mr. ACKERMAN, Mr. WEINER, Ms. WASSERMAN SCHULTZ, Mr. FARR, Mr. BECERRA, Mr. SHULER, Mrs. MYRICK, Mr. BONNER, Mr. ROGERS of Michigan, and Mr. GERLACH.

H. Res. 1152: Mr. YARMUTH, Mr. DOYLE, Mr. SIRES, Mr. ROTHMAN, Mr. PAYNE, Mr. CAPUANO, Mr. PERLMUTTER, Mr. ALTMIRE, Mr. ACKERMAN, Mr. HARE, Mr. LYNCH, Mr. GERLACH, Mr. FEENEY, Mr. SHIMKUS, Mr. MACK, Mrs. BONO MACK, Mr. MARIO DIAZ-BALART of Florida, Mr. KIND, Mr. GINGREY, Mr. SERRANO, Ms. DEGETTE, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Mrs. BIGGERT, Mr. STEARNS, Mr. PATRICK MURPHY of Pennsylvania, Mr. HOLDEN, Mr. STUPAK, Mr. BRADY of Pennsylvania, Mr. WILSON of Ohio, Mr. KLEIN of Florida, Mr. SCHIFF, Mr. MCNULTY, Mr. CROWLEY, Mr. DINGELL, Mr. BARROW, Mr. SARBANES, Mr. CUELLAR, Mr. REICHERT, Mr. SHULER, Mr. HASTINGS of Florida, Ms. SLAUGHTER, Mrs. TAUSCHER, Mr. COOPER, Ms. HARMAN, Mr. CHANDLER, Mr. SKELTON, Mr. ABERCROMBIE, Mr. ISSA, Mr. LAHOOD, Mr. EVERETT, Mrs. CUBIN, Mr. SHADEGG, Mrs. SCHMIDT, Mr. ALEXANDER, Mr. REHBERG, Mr. GOHMERT, Mr. BOUSTANY, Mr. MCCRERY, Mr. BONNER, Mr. KUHL of New York, Mr. SMITH of New Jersey, Mr. LUCAS, Mr. MCKEON, Mr. DOOLITTLE, Mr. RYAN of Wisconsin, Mr. LATHAM, Mr. FRELINGHUYSEN, Mr. PETRI, Mrs. EMERSON, Mr. BRADY of Texas, Mr. CRAMER, Mr. MELANCON, Mr. ROSS, Mr. MCGOVERN, Mr. ISRAEL, Mr. GORDON, Mr. TIM MURPHY of Pennsylvania, Mr. HOLT, Mr. LANGEVIN, Mr. HOYER, and Mr. BOEHNER.

H. Res. 1165: Mr. WALBERG, Mr. PENCE, Mr. GOHMERT, Mr. PITTS, Mr. WAMP, Mrs. MUSGRAVE, Mr. NEUGEBAUER, Mr. LUCAS, Mr. DOOLITTLE, Mrs. MYRICK, Mrs. BACHMANN, Mr. JORDAN, Mr. DAVID DAVIS of Tennessee, Mr. ISSA, Mr. FEENEY, Mr. GINGREY, Mr. DANIEL E. LUNGREN of California, Mr. MARCHANT, Mr. BARTLETT of Maryland, Mr. SHADEGG, Mr. KUHL of New York, Mr. BARRETT of South Carolina, Mr. SHIMKUS, Mr. AKIN, Mr. BROUN of Georgia, Mr. MANZULLO, Mr. KING of Iowa, Mr. BROWN of South Carolina, Mr. MCNULTY, and Mr. CULBERSON.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MRS. BONO MACK

Bill Number: H.R. 4841.

Account: Bureau of Indian Affairs, Indian Land and Water Claim Settlements.

Legal Name of Requesting Entity: Soboba Band of Luiseño Indians.

Address of Requesting Entity: P.O. Box 487, San Jacinto, CA 925816.

Description of Request: Within H.R. 4841, funding is authorized for the Soboba Band of Luiseño Indians (Tribe), as well as those that were party to the Settlement Agreement in the legislation, and overseen by Eastern Municipal Water District, as they will submit a plan to the Secretary of the Interior on behalf of the Water Management Plan. The Tribe is requesting the appropriation of $10,500,000, as authorized by the legislation. Specifically, the Tribe requests $5,500,000 to be appropriated in the FY 2010 budget to the Soboba Band of Luiseño Indians Water Development Fund to pay or reimburse costs associated with constructing, operating, and maintaining water and sewage infrastructure, and other water-related development projects. The Tribe and other local cities and Water Districts also are interested in $5,500,000 being appropriated in the FY 2010 Budget to San Jacinto Basin Restoration Fund to pay or reimburse the costs associated with constructing, operating, and maintaining the portion of the San Jacinto Basin recharge project. These Funds will be established and authorized for appropriation upon final approval of H.R. 4841.

H.R. 4841 was heard by the House Subcommittee on Water & Power on March 13, 2008. Based upon the strong testimony of Majel Russell, Principal Deputy Assistant Secretary of Indian Affairs, Department of the Interior and the statements made by Members of the Subcommittee, it is my hope that the legislation will be favorably reported by the Subcommittee and full Committee on Natural Resources.

Justification for Inclusion in FY 2010 Budget: There are several reasons why it is important that this authorization moves forward, so that funding could ideally be reflected in the 2010 Budget. First, the groundwater basin to which the settlement applies is in substantial overdraft. Second, this shortage is further aggravated by current severe drought conditions and by new environmental restrictions on imports via the State Water Project and Colorado River Aqueduct. Finally, the Tribe, as well as the Water Districts and local communities, will incur substantial interest and opportunity costs by delays in appropriations.

CURRENT DROUGHT AND ENVIRONMENTAL RESTRICTIONS ARE IMPACTING WATER REPLENISHMENT

These current activities and situations in California will have an adverse impact on water replenishment to the region:

U.S. District Court Judge Oliver W. Wanger's May 25, 2007 determination on the inadequacy of the U.S. Fish and Wildlife Service Agency's Biological Opinion on the Delta Smelt (See Natural Resources Defense Council v. Dirk Kempthorne, 1:05–CV–01207 OWW);

Seven year drought at the Colorado River basin, according to the Bureau of Reclamation (See http://www.usbr.gov/uc/feature/drought.html (last visited March 20, 2008));

Observation of extensive Quagga Mussel growth in the Colorado River Aqueduct system, according to California Science Advisory Panel (See http://www.dfg.ca.gov/invasives/guaggamussel/does/2007–SAP-Report.pdf, last visited March 20, 2008);

Record low rainfalls in the San Jacinto Valley.

These combined occurrences have eliminated imported water replenishment into the San Jacinto Basin.

WATER DISTRICTS, LOCAL COMMUNITIES AND THE TRIBE WILL FACE SIGNIFICANT FINANCIAL AND OPPORTUNITY IMPACTS FROM A THREE-YEAR SCHEDULE

To meet the original December 31, 2007, contained deadline in the Settlement Agreement, Eastern Municipal Water District and Lake Hemet Municipal Water District, initiated discussions with the Cities of Hemet and San Jacinto to determine the equitable share of each local entity for the construction of the recharge facilities. Based on the discussions between these four local entities (which began several years ago) and the urgency to meet the December 2007 deadline set by the original Settlement Agreement, the local entities decided to initiate construction of recharge facilities in March of 2007. The local parties have been in negotiations for several years on how they would pay for these facilities. The project cost is currently estimated at $23 million, in addition to the existing facilities that are already in place. The groundwater utilization as a water supply by the four local entities also requires the cities of Hemet and San Jacinto to pay for about one third of the costs related to this project. The timing of the project's financing is thus important to my Congressional District.

EXTENSIONS OF REMARKS

IN REMEMBRANCE OF HONORABLE BLANCHE KRUPANSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Judge Blanche Krupansky, a pioneer for women in the judicial system, and to honor a life spent in service to her country and her community.

Judge Krupansky, a lifelong resident of the Cleveland area, has a multifaceted and rich history of public service. Her story serves as an inspiration for women everywhere and she paved the way for women to succeed in becoming lawyers and judges.

Honorable Krupansky was born in Cleveland, Ohio, where she attended West High School and Flora Stone College of Western Reserve University. A testament to her pioneering spirit, when she began law school at Case Western Reserve University in 1946, she was the only woman in her class.

After earning her law degree, she remained in Ohio where she served as assistant attorney general as well as an assistant chief counsel for the Ohio Bureau of Worker's Compensation. In 1961, Judge Krupansky was elected to the Cleveland Municipal Court. She later moved to the Cuyahoga County Common Pleas Court in 1969, where she would serve for almost 10 years.

Honorable Krupansky made history twice during her long career of public service as a judge in Ohio. She became the first woman to serve on the 8th Ohio District Court of Appeals in 1977, where she would serve for over 30 years.

In 1981, she became the second woman appointed to serve on the Ohio Supreme Court in its long 185-year history. Throughout her career, she encouraged women to pursue careers as lawyers and judges, as well as to run for political office. In 1994, she told a reporter at the Cleveland Plain Dealer, "If I can do it, you can do it," in the hopes that she could inspire young women.

In 1980, she was recognized for her groundbreaking career when she was inducted into the Ohio Women's Hall of Fame. She also received the Women of Achievement award from the Women's City Club of Cleveland, the Distinguished Service Award from Woman Space, the Nettie Cronise Lutes Award for an Outstanding Woman Lawyer, the distinguished Alumna Award from Case Western Reserve University, and she once served as chair of the Society of Benchers of Case.

Madam Speaker and colleagues, please join me in celebrating the life of Judge Blanche Krupansky, whose career in public service is a shining example for women everywhere. May her pioneering character and exemplary life serve as an example for all of us to follow.

THE RIGHT TO VOTE

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. POE. Madam Speaker, it's voting season. Presidential primaries are being held all across the country, giving U.S. citizens the opportunity to vote, a right guaranteed by the 15th Amendment of the Constitution. This year, record numbers of citizens of all ages are turning out in droves, standing in lines to exercise that right, they are even participating in caucuses. As wonderful as it is to see more people participating in the election process, turnout is still not as high as it should be.

We live in the greatest country in the world, and enjoy more rights than any other country in the world. When you take into consideration that many in this country struggled, fought, and even died for the right to vote, every able bodied American should proudly vote whenever there is an election. We must never become so complacent, busy, or apathetic that we take for granted this most important right.

I was privileged to travel to Iraq, on January 30, 2005, to observe its first historic election. Having been in Baghdad and Fallujah and other parts of northern Iraq, I went to polling places, and when dawn came, the whole country was shut down to vehicular traffic. Slowly, surely and defiantly, the Iraqi people, young and old, men and women walked to the polls, taking their families, relatives, and neighbors. They voted for the very first time and attained the opportunity to make a free choice. The atmosphere of democracy unfolding was almost carnival in nature, a celebration of their new rights.

In spite of intimidation, threats, and actual violence, the Iraqi people boldly spoke out against the past oppression of Saddam Hussein and his dynasty of tyrants and spoke loudly for democracy.

Almost 300 individuals were wounded because they decided to vote for their own rulers, and they wanted to vote for freedom. Many died on election day going to or from the polls, yet 60 percent of these proud Iraqis walked to 30,000 polling stations. They took a great risk, but even after they voted, they stayed around the polling places to watch history unfold. When they left the polling booths, they walked down the street with their ink-stained right forefinger, signifying that they voted, held high in the air, defiant to terrorists, who swore they would murder those who voted or attempted to vote. The Iraqi people took the risk because freedom was more important to them, they were proud to be voters in the first free and fair election, the hope of democracy.

Freedom is not free. It always comes at a cost. Freedom fighters and civil rights activists throughout countless generations in this country paid a tremendous price to deliver equality and freedom for their brothers and sisters and the posterity of others. Thankfully, no one in this country risks being shot, or murdered for voting, so there is no excuse for able bodied Americans to stay home and remain silent. We should be proud to be part of free elections guaranteed by democracy.

A vote is a voice. It ensures that our democracy is of the people, by the people and for the people. Celebrate our hard-earned rights, remember those who fought, struggled, and lost their lives so that we could reap the benefits. Show our gratitude to those who made your freedom and rights possible by showing up at the polls, and proving that their sacrifices were not in vain. In this great country, each time there is an election, voter turn out should be so high that everything is forced to shut down because everyone is at the polls. Americans should show the world that this is what democracy is all about, and let those who yearn for democracy know that it is definitely worth fighting for!

And that's just the way it is.

* * *

TRIBUTE TO THE SAN MATEO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. ESHOO. Madam Speaker, it is a privilege to celebrate the 100th anniversary of the San Mateo County Building & Construction Trades Council and its contributions to San Mateo County with my friend Congresswoman JACKIE SPEIER.

On April 10, 1908, the San Mateo County Building & Construction Trades Council received its first charter from the California State Building Trades Council. Today it is comprised of 24 local construction unions and has a membership of over 16,000 of the highest skilled crafts women and men in the construction industry. They are plumbers, pipefitters, electricians, carpenters, roofers, ironworkers, cement masons, elevator constructors, heavy equipment operators (Operating Engineers), painters, truck drivers (Teamsters), lathers, sheet metal workers, plasterers, brick and tile layers, boilermakers, pile drivers, glaziers, carpet and soft tile layers, fire sprinklerfitters, insulation and asbestos workers, laborers, hod carriers, sign painters, millwright workers, laborers, cabinetmakers, steamfitters, and hardwood floor layers. While their jobs may be different, what links them together is their dedication to perform with high skill and great pride.

In 1908, San Mateo County was young and growing, and through the hard work of another generation, the county was shaped into what

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

it is today. The single biggest accomplishment was the construction of San Francisco International Airport and more recently, a new terminal at the airport.

The mission of the San Mateo County Building & Construction Trades Council has always been to improve the quality of life for all construction workers, promote the value of highly skilled union crafts women and men, and to increase the union market share in the construction industry.

The San Mateo County Building & Construction Trades Council has also understood the importance of not only developing a strong foundation of skilled crafts persons through apprenticeship programs, but also the need to reach out to developers, public agencies, and elected officials to explain why it makes good business sense to use union contractors and union workers. The San Mateo County Building & Construction Trades Council's active approach in voicing the need for construction workers to be paid decent wages with pension and health benefits so they and their families can afford to live in the community illustrates its commitment to every single worker.

Madam Speaker, we ask our colleagues to join us in honoring the San Mateo County Building & Construction Trades Council as it celebrates a century of building and serving San Mateo County. We salute Bill Nack, the council's business manager and every single member of the council. The work of generations has shaped and built San Mateo County as we know it today, and contributed to the building of our country as well.

May the next century be marked by the excellence and achievements of the first 100 years of the Building and Construction Trades Council of San Mateo County.

HONORING THE MOREHOUSE COLLEGE GLEE CLUB

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. COSTA. Madam Speaker, I rise today to congratulate the Morehouse College Glee Club, as they visit Saints Rest Missionary Baptist Church in Fresno, California.

Established in 1945 by the late Rev. A.W. White, and currently led by Pastor Shane B. Scott, the Saints Rest Missionary Baptist Church is an esteemed member of the local religious community. Their hosting the Morehouse College Glee Club is certainly an exciting occasion worthy of special recognition.

The Morehouse College Glee Club boasts a 90-year tradition of excellence in musical achievements. Then current director, Dr. David Murrow has been a member of the music faculty at Morehouse College since 1981. In 1994, the glee club performed the National Anthem with Natalie Cole for Super Bowl XXVIII in Atlanta, Georgia. They also participated with Stevie Wonder, Gloria Estefan and Trisha Yearwood in the opening and closing ceremonies of the 1996 Summer Olympic Games held in Atlanta. Furthermore, the glee club has toured cities in Russia as well as Poland. Along with international tours and local concerts, the glee club presents an annual spring tour which averages 10 to 15 cities in 2 to 3 weeks.

The history of this institution demonstrates that it is only by embracing the importance of cooperation and vision that great success can be achieved. I am honored to congratulate Morehouse College Glee Club as they visit Fresno, California.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. WOOLSEY. Madam Speaker, on May 6, 2008, I was unavoidably detained and was not able to record my votes for rollcall No. 253 and No. 255.

Had I been present I would have voted: rollcall No. 253—"yes"—Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe; rollcall No. 255—"no"—On Motion to Adjourn.

TRIBUTE TO MARINE SGT. GLEN MARTINEZ

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor the memory of Marine Sgt. Glen Martinez, a great American who gave his life in service to our Nation. Born in Alamosa, Colorado, and raised in Monte Vista, Colorado, Sergeant Martinez was a born leader who inspired everyone he met throughout his life. His family describes him as a strong and highly driven individual. His desire to work hard, ability to see the best in others and motivate them allowed him to excel at school, sports and as a marine.

Sergeant Martinez was very involved in his school and community. After his passing, many people have contacted the family thanking them and sharing memories. His family remembers him always trying to get everyone involved, especially his most quiet and reserved peers. He also dedicated himself to his studies. His father, Ron Martinez, remembers his son studying early in the morning while listening to Bach and Beethoven.

Sports and school activities were also a major part of his life. In high school he took part in the State Marching Band, earning the Louis Armstrong Jazz Award. During his junior year he helped lead his football team to the semi-finals. Over the 4 years that he competed on the wrestling team, he held a record of 111 wins and 29 losses. He realized these accomplishments while earning an academic honorable mention. When preparing for college, Sergeant Martinez was offered scholarships for football, wrestling and baseball.

Sergeant Martinez accepted a scholarship to play baseball while earning a degree in surveying from Westwood College and later a master's degree in hydro engineering at the University of Colorado. His advanced degrees would have exempted him from having to go through basic training. Out of respect for his fellow marines, Sergeant Martinez chose to attend basic training even though he was not required to. He refused to ask people to do what he had not done himself.

When asked why he would give up his lifestyle to join the Marines he responded, "I am tired of people cutting down my country." Of 700 recruits, Sergeant Martinez was one of seven honored upon graduation. "His drill sergeant singled him out as one of the best he'd ever had," said his father.

On Friday, May 2, 2008 at 11:10 p.m., while on his second tour in Iraq, Sergeant Martinez gave his life in service to our Nation. He was 31 years old when a roadside bomb took his life along with that of three fellow marines.

I send my deepest condolences to the family of Sergeant Martinez. My thoughts go out to them in this difficult time. I hope they may find comfort in the knowledge that Sergeant Martinez gave his life to defend an ideal he believed in. Sergeant Martinez joins 57 other heroes from Colorado who have given their lives while serving their country.

TRIBUTE TO D-DAY VETERANS

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. HERGER. Madam Speaker, I rise today to honor a special group of veterans, those that served in Operation Overlord or D-day as it is commonly referred to.

On June 6, 1944, an allied force of over 150,000 American, British, Canadian, Free French, and Polish troops landed on a 50-mile stretch of French coastline heavily-fortified by German forces. President Franklin D. Roosevelt referred to the assault as a "mighty endeavor" as it included more than 13,000 aircraft, 137,000 jeeps, trucks, and half-tracks, 16 million tons of supplies, and the largest armada ever assembled in history with over 5,000 vessels.

Over 70,000 American servicemen participated in the D-day invasion and began what General Eisenhower referred to as the allied march to victory. The allied forces suffered about 9,760 casualties, of which 6,605 were Americans.

World War II shaped the 20th century and forever changed the course of world history. Recognizing the brave men and women of America's Armed Forces that participated in the war is a special privilege. As members of the greatest generation fade into the past, we should work diligently to thank them for their sacrifice as they marched on behalf of freedom and secured the world from tyranny.

Prime Minister Winston Churchill said it best in 1940 while addressing the British people during the Battle of Britain when he remarked, "Never in the field of human conflict has so much been owed by so many to so few." America owes a great debt to its men and women in uniform and by recognizing the contributions of previous generations, we ensure that their sacrifices are never forgotten.

It is with great pride and heartfelt gratitude that I recognize the D-day veterans residing in California's Second Congressional District and all of America's veterans for protecting the values and traditions of our great Nation.

May God Bless America, our veterans, and those currently serving in the Armed Forces.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. PLATTS. Madam Speaker, on May 14, 1948, the dream of the restoration of a sovereign and independent State of Israel was realized. On that day, a mere 11 minutes following the declaration by Israel's Government, the United States officially recognized the Israeli state—extending a hand of friendship and support which has not once been withdrawn. Today, 60 years following that historic occasion, I rise to commemorate Israel's independence and congratulate the Israeli people on their dedicated efforts toward establishing a flourishing and thriving state.

Israel is currently the only fully established democracy in the Middle East, having free elections, a free press, freedom of religion, and the separation of powers. In addition, Israel is home to several of the leading universities in the world—spurring on its advanced economy with an emphasis in the technology sector. Israel's political, cultural, and economic success has not been easy, however, being attained in the face of war, ongoing terrorist attacks, and unfair boycotts against Israeli businesses.

I first visited Israel with five other members of Congress in 2003 and was struck by the degree to which ordinary Israelis were under the constant threat of terrorist attacks. Homes had bulletproof windows, security guards and metal detectors were necessities in most public places, and the threat of suicide bombings was a daily reality.

I am confident that terrorist attacks and other roadblocks to Israel's security and prosperity will not serve to undermine the resolve of Israel's people. Instead, these attacks will only increase the vigor with which the Israeli people defend their commonly held values of justice, freedom, and democracy.

Madam Speaker, I am honored to have this opportunity to recognize the 60th anniversary of the State of Israel, and sincerely hope that Israel will in the coming years finally attain the lasting peace its people have long desired.

NATIONAL NURSES WEEK

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in support of House Resolution 1086, recognizing this week as National Nurses Week. I thank Congresswoman EDDIE BERNICE JOHNSON for her leadership in sponsoring this Resolution so that Congress can honor the nearly 2.9 million hard working nurses across the country.

As we celebrate the fine women and men on the front lines of our health care system, we recognize that registered nurses are vital to quality health care for all Americans. Nurses care for patients at every level—from critical care, chronic disease, to preventative and wellness care. They work in hospitals, doctor's offices, nursing homes, rehabilitation centers, schools and provide in-home care throughout the community. Nurses routinely perform some of the most important duties of a patient's treatment.

In this National Nurses Week, I also want to pay special tribute to nurses in my district and throughout South Florida. From our elder population, to working men and women, to our children, nurses help my constituents every day. To honor all that they do, on May 9th, nurses in South Florida will participate in a program entitled, "Nurses Making A Difference Every Day." I can tell you that nurses do make a difference every day and I thank them for their service.

I hope that this program, and the national attention we give to the good work of nurses will encourage more people to consider this noble profession. It is projected that the need for registered nurses will grow dramatically in the coming years, and we must do all we can to support this vital field.

Madam Speaker, nurses exemplify some of the best that this country has to offer. I thank you for giving me the opportunity to highlight their value to our communities and the important role nurses play in providing quality health care to all of our constituents.

HONORING MARCIENE MATTLEMAN OF PHILADELPHIA

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. FATTAH. Madam Speaker, the Philadelphia Award is my hometown's most prestigious award for service to the community. Its winners, since 1921, have included scientists, educators, industrialists, religious leaders, orchestra conductors, mayors, authors, philanthropists, and more.

This past Sunday, May 4, 2008, the Philadelphia Award was presented, on its 87th anniversary, to Marciene S. Mattleman, the founder and developer of programs to advance literacy, promote mentoring and college scholarships for low income youth, develop after school programs in underserved neighborhoods, and generally improve the lives of children in Philadelphia. Her triumphs include the Mayor's Office for Literacy, Philadelphia READS, Philadelphia Futures, and currently the After School Activities Partnerships. Remarkably, her pattern has been to launch such worthwhile projects, build them as self-sustaining and successful, then move on to her next initiative.

Marciene Mattleman's persistence is legendary in Philadelphia—and it was the subject of much merriment at the Philadelphia Award ceremonies held at Temple University. The keynote speaker, Ralph Smith of the Annie E. Casey Foundation, described the experience of having Ms. Mattleman doggedly seeking support and resources from a public official, foundation or opinion leader as being "Marciened." Governor Ed Rendell and Mayor Michael Nutter said in such meetings it was best to say "yes" quickly, because no one was ever able to say no to her visionary requests.

As an elected official who has come to know and respect Marciene and her initiatives, I extend my congratulations to her and thanks to the Trustees of the Philadelphia Award for their wise and popular selection. For a full measure of Marciene S. Mattleman's accomplishments and unique style, I encourage my colleagues to consider the profile included in the Philadelphia Inquirer on May 4, 2008, which I have submitted into the RECORD.

ANYONE IN NEED CAN JOIN HER CLUB

(By Melissa Dribben)

Today's Philadelphia Award winner uses her pull to give kids—and others—a push. Marciene Mattleman is kind of a big deal.

You'd never know it if you came across her at 7 a.m. in Society Hill, walking her ritual two miles in 30 minutes as she has almost every day for 14 years.

Or chatting up Ken, the concierge at the front desk of the condominium where she and her husband, Herman, have lived for 12 years.

Or getting takeout at the deli next to her Center City office, where she spoons out a demure serving of chicken and broccoli from the buffet, but accidentally takes two Styrofoam containers, which the cashier notices and repacks without properly closing the lid. So by the time Mattleman sits down for a conference with her staff to organize an all-night chess marathon for city kids, brown sauce has pooled in the bottom of the plastic bag.

Watching Mattleman in these settings is like the papparazzi catching Meryl Streep yawning in one of those "see, celebrities are normal, just like us" photos.

Don't kid yourself.

That deceptively delicate-looking woman with her white hair brushing against her shoulders is no ordinary grandmother out for a power walk. She's a gifted educator, canny social entrepreneur, and tireless fundraiser who has operated for 30 years in a decidedly higher realm than the rest of us earthlings.

Today, in recognition of her contributions to Philadelphia's underprivileged youths, Mattleman will receive the Philadelphia Award, the city's highest civic honor.

"I've had a huge amount of support, both emotional and financial, that enabled me to follow my instincts and act with independence," Mattleman says. "There is an enormous satisfaction to help other people get what they want from life.

"When you have a kid go to college who never thought they could, or learn to read, or win a chess tournament, and shake the winner's hand, it's wonderful to see."

She was chosen, says Happy Fernandez, chairman of the award commission, to honor her work this past year organizing after-school activities for the city's children, and recruiting thousands of volunteers to lead chess clubs and debate teams and teach hip-hop and yoga. But the prize is also an acknowledgment of her life's considerable accomplishments.

A partial accounting: Founder of Philadelphia Futures, the mentoring and scholarship program for underprivileged kids. Founder of Philadelphia READS, a literacy program for underprivileged kids. Founder of ASAP After School Activities Partnerships. Appointed to boards and commissions by President Bill Clinton, Gov. Rendell, and Mayors William J. Green and W. Wilson Goode. Longtime trustee at the Free Library and Community College of Philadelphia. Member of Mayor Nutter's transition team. Author of scholarly articles and books.

When the awards ceremony is held this afternoon at Temple University, where Mattleman, 78, earned three degrees and taught education for 18 years, you can just imagine the kind of clout that will be seated in the audience.

And, of course, standing for the ovations.

They will rave about her dedication. Her drive. Her knack for inventing small, efficient programs to help children make the most of their lives.

They will talk about her family—the three children and six grandchildren, who have all followed her lead by doing public service. And her 57-year marriage to Herman, a former president of the Philadelphia School Board, who won the Philadelphia Award 17 years ago.

All impressive.

But if you want to know what makes Marciene (pronounced mar-SEEN) Mattleman truly extraordinary, here's one man to ask.

Ken Leeman, that guy who works the front desk in her apartment building.

"She's pretty generous," Leeman says. "She pretty much took my son under her wing."

She got the 16-year-old boy involved in chess tournaments and arranged a full summer of activities at the Samuel S. Fels Community Center in South Philadelphia.

"She'd also take him to her office and take him on trips," Leeman says. "She set him up pretty good."

This is what Mattleman does for just about anyone in need who crosses her path.

"There is no kid or adult who possibly needs help that she's not willing to reach out to," says her daughter Barbara, executive director of the humanitarian Operation Understanding. "For years, we'd lose our cleaning ladies. She'd either get them into school or find them better jobs. She always believed if you're smart and you want to do something, there should be no barrier."

In the last 25 years, Mattleman has built a network of contacts so dense and influential that there is almost no one in city government or business she can't call to ask for a favor. Favors, invariably, that involve helping someone.

"It's hard to say no to her," says Pedro Ramos, a partner at Blank Rome. "When she calls to ask you for something, I don't think the word ever gets out."

Pushy?

That's one way to look at it, says Ramos. He prefers "persistent, perpetually energized and directed."

"When she starts a conversation, she's already three or four steps ahead," he says. "She's already thought through how you can be helpful."

One of her closest friends, retired Superior Court Judge Phyllis Beck, recalls the genesis of Philadelphia Futures in 1989.

"She's amazing at getting an idea and then bringing that idea into reality," Beck says. "When she first thought about Philadelphia Futures, we talked about it as just an idea in her head, what the name should be, and before I turned around—there was the organization."

Ten years later, Mattleman resigned.

Unlike others who start nonprofits, stay for decades, and try to expand them to the fullest extent, Mattleman believes in creating small and efficient operations, then setting them free to live an independent life.

"She needed an interim president, so she asked me," Beck recalls. "I didn't have the time. I couldn't possibly have done it. But you don't say no to Marciene. You try, but it's practically impossible. When she calls you at 7 a.m. and you've said no three mornings in a row . . ."

Beck laughs. "You know why you can't say no to Marciene? Because if you needed her, or you needed Herman, you know they would do anything for you."

Beck, who has known the couple for 30 years, says she thinks of the two as one entity. Their romance, which began at Tel Hai Camp in Bucks County when she was 16 and he was 20, appears to be perpetually sweet and symbiotic.

She cooks; he does the dishes. They talk six times a day on the phone. He listens faithfully to the weekly education reports she has been broadcasting on KYW radio for 10 years. She gently chides him for buying too many books but, honestly, wouldn't have him change a thing.

"June 25, we'll be married 58 years," Mattleman says, showing off the picture of the two of them on a boat on the Delaware near their country house in Bucks County. "It seems just incredible to me. We really think of ourselves as kids. I know that sounds silly."

Their children say the storybook love affair is genuine.

"They are an amazing team," says Barbara, who remembers, as a child, watching them dancing in the living room and getting the whole family to sing together. "I did the same with my family."

The feistiness, she says, was also part of their legacy. When she was in high school in Merion during the Vietnam War, she and her mother went to a protest outside the local draft office.

"I thought it was going to be a rally, but when we got there, it was just the two of us. We marched in circles singing antiwar songs."

Years later, she reminded her mother of that day. "She had no idea what I was talking about. Or what an incredible impact that had on my life, learning that it didn't matter how many people were there, you did what you believed was right."

Mattleman's other daughter, Ellen, vice president and policy director for the Committee of Seventy, says her parents set high standards for behavior.

"She's a tough act to follow. When the phone rings at midnight or at 6 a.m., I don't get alarmed. I know it's my mother calling to talk about something she's been thinking about. Someone with that kind of energy can be pretty daunting if you're her kid."

However fiercely she may work for the public good, Ellen says, her mother's greatest devotion is to her family.

"When I heard that she got this Philadelphia Award, I welled up. I was so happy for her to get this honor."

Then Ellen called her to congratulate her.

"Did you cry when they told you?" Ellen asked.

"No," Mattleman said. "I only cry when I burn the meat."

"That's true," Ellen explains. "Because if she burned the meat, it would mean she wasn't doing something wonderful for her family. . . . She is very, very wonderful as a grandmother and mother, and sometimes that gets lost in all the stuff she does."

Last week, Mattleman met with her staff in the conference room to work out the final details of a marathon youth chess tournament that would begin Friday evening and last through all day Saturday.

On the wall hang photographs of children engrossed in chess games, a picture of a city councilwoman practicing yoga with two school kids, and a whiteboard scrawled in red, "Congratulations Marciene!"

The staff wanted to hold a party for her early last month as soon as they learned she was winning the Philadelphia Award. But the announcement had come within days of a family tragedy.

Mattleman's great-nephew had died of cancer, and as the matriarch of the family, she had been shuttling back and forth to New York during the last weeks of his illness and then for his funeral.

The youngest of three girls and the only surviving sibling, Mattleman says she was brought up believing in the importance of family and the personal imperative to help the less fortunate.

She grew up on Woodcrest Avenue in Wynnefield, where her father, a businessman, served as president of his synagogue. "They used to remind me that Anne Frank was my age. . . . There but for the grace of God . . ."

One of her sisters was a psychologist, the other "a wonderful, good-hearted woman." She is the only one who maintained a compulsion to keep working, well past retirement age, for the public good.

"I have my father's energy and drive," she says. "He lived to 95. I hope I do, too."

For the chess marathon, Mattleman planned to take the Friday night shift, "from 7 until whenever." She wanted to make sure there would be enough children—and sponsors—to keep the event vibrant even in the odd hours.

"The leaky chicken and broccoli has left a puddle on the table. 'I'll clean it up,'" she says, and disappears for a minute.

In her absence, her staff, who are mostly in their 20s and 30s, say working with Mattleman is like earning a master's degree in nonprofits. An experience both inspiring and humbling.

"When we're at a fund-raiser and someone is talking slow, she'll kick me and say, 'We've got to get going. I have things to do!'" says Justin Ennis, a 23-year-old graduate of the University of Pennsylvania who is working for AmeriCorps. She can't stand having to wait for an inefficient speaker to get to the point.

"We call it the ninth circle of hell for her," says Ennis.

Any signs that she's slowing down?

None, says Ennis, shaking his head. "It's terrifying."

Mattleman returns with a napkin. Wipes the table clean. "There!" she says, then leaves to get on with business.

IN REMEMBRANCE OF JoANNE McKENNA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of JoAnne McKenna, who dedicated her life to serving as a community organizer on behalf of peace and inter-cultural understanding.

JoAnne McKenna was born and raised in Cleveland, where she would stay and dedicate her life to advocating for peace and inter-cultural understanding. Her family had deep roots in the city and owned the Hanna grocery stores in downtown Cleveland. She studied English Literature at Flora Stone Mather College and always had great interest in the Middle East. Mrs. McKenna, of Slovak and Lebanese heritage, served as a leader and social justice organizer in the Greater Cleveland community for decades. The region's history, politics and culture fascinated her, but the Arab-Israeli War and its aftermath propelled her to assert her Arab-American identity and emerge as a leader within the Arab-American community.

Following the political unrest of the Arab-Israeli War, Mrs. McKenna began giving presentations at libraries, schools and churches around the Greater Cleveland Community in a quest to cultivate peace and inter-cultural dialogue. Through her work and continued dedication, she emerged as a leader in the Arab-American community and helped found numerous local and national organizations, focusing on Arab-American political activism and peace. She helped found the Greater Cleveland Association of Arab-Americans, where she served on the board for twelve years and six terms as President, the National Association of Arab-Americans, the Ohio chapter of the Association of Arab-American University Graduates, and the Northeast Ohio Committee on Middle East Understanding.

Mrs. McKenna wrote a book titled "Great Women of the Middle East" and traveled throughout the United States and the Arab region meeting with various community and state leaders. On two occasions, her activism took her to the White House, where she met with President Ford and President Carter.

Madam Speaker and colleagues, please join me in remembering and honoring the life of JoAnne McKenna, for her outstanding leadership and advocacy for Arab-American causes, as well as for her extensive and diverse service to many individuals and communities who call the Cleveland area home.

EDUCATOR DOROTHY INGRAM

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. POE. Madam Speaker, today I am proud to pay tribute to the late Dorothy Ingram.

Ms. Ingram, a graduate of Lincoln High School in Port Arthur, Texas, started working in schools during summers, even before she earned her undergraduate degree. After obtaining a bachelor's degree from Bishop College in 1936, she went to Prairie View A&M University, earned a Master of Arts Degree, and went on to become a woman of many firsts, including the first African-American fellow of George Peabody University.

Ms. Ingram participated in and made notable contributions to organizations in the Golden Triangle and in the State of Texas, receiving honors too numerous to list in their entirety. She taught at Lamar Elementary School, and in 1952, she was the first African-American woman in Port Arthur to become Principal of George Washington Carver Elementary School. Many of her former teachers remember her as a strong disciplinarian who ran a tough shift at school. She insisted on the highest standards for staff and students. She believed that children should learn and that it was the responsibility of teachers to make it happen. She encouraged students and teachers to keep climbing and to make a difference.

Helping organize the Port Arthur Chapter of Delta Sigma Theta Sorority, Ms. Ingram became its first President. In 1965, one year after Top Ladies of Distinction, Inc. was organized in Tyler, Texas, Lady Ingram, with four other ladies, became charter members of the new Golden Triangle Chapter, and Ingram was again the first President. She was inducted into the Texas Women's Hall of Fame; was Zeta Phi Beta Sorority's Woman of the Year; the Martin Luther King Support Group's Woman of the Year; and in Dallas, she was inducted into the Museum of African Life and Culture in 1968.

Ms. Ingram served as Principal of Pease and Wheatley Elementary Schools from 1972 to 1975, and was the first woman to become President of the Black Principals and Supervisors of Texas, and the Southeast Texas District Teachers Association.

In 1998, Ms. Ingram became Port Arthur's first and only Centennial Queen, celebrating the town's charter; and in 2000, she was Woman of the Year by Quota International of Southeast Texas. Her memberships included the Jefferson County Historical Commission; Democratic Women of Jefferson County; American Red Cross; Texas Senior Citizens' Association; and AAU President.

She was choir director and organist for the Imperial Radio Choir, which was broadcast over KTRM 990, and Ms. Ingram served as a musician for fifty years at Sixth Street (now Mt. Sinai) Baptist Church. The Boy Scouts of America honored her with the Silver Fawn Medal; and the National Association of Negro Business and Professional Women's Clubs honored her with the Sojourner Truth National Meritorious award.

Ms. Dorothy Ingram was a very dynamic person with a beautiful personality. She was a hard worker and believed everyone else should work hard. She insisted that everyone do the best at whatever they endeavored. She loved music, and she loved people, which is why she remained so active in the community well into her 90's.

Madam Speaker, Ms. Dorothy Ingram was a pioneer in education, and an incredible role model. She served and enhanced her community of Port Arthur, TX for more than sixty years, and I am proud to celebrate her accomplishments, and the legacy that she leaves behind.

IN RECOGNITION OF AMERICAN RELIGIOUS HISTORY WEEK

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SALI. Madam Speaker, I rise today to join with many of my colleagues in recognizing American Religious History Week, which began yesterday and goes through this Friday.

I rise not as a sectarian Christian but as an elected Representative of a religiously diverse people. In my beautiful region of Idaho, there are persons of every faith and some who hold to no faith. Some attend very traditional, liturgical Christian churches and some attend services of Eastern faiths. Some are members of Latter-Day Saint congregations and others are Pentecostal Evangelicals. Idaho has a vibrant Jewish community—Idaho was the first state in the Nation to have a Jewish governor—and our state's Catholics were among millions of fellow worshippers who recently welcomed the Pope to our country.

I could keep going, but you get the point: Like most congressional districts, every major religion and denomination is represented in Idaho's First. Their adherents are full citizens of our great Republic and persons I am honored to represent here in our Nation's capital.

At the same time, it is indisputable that the Judeo-Christian moral tradition was fundamental to our Nation's founding. And this week, we in Congress are joining with Americans of every religious tradition in noting the importance of that tradition to the institutions we cherish and the way of life we enjoy.

Our country's Founding Fathers were imbued from an early age with a profound sense of the Judeo-Christian worldview. In a recent interview, Dr. James Hutson, chief of the Library of Congress's manuscript division, said, "Jefferson and others were tutored by ministers. They were an extremely biblically literate generation. This certainly shaped their view of Providence. The extent to which they believed in Providence would be unimaginable today. Adams and folks like that continually quoted [Jesus'] statement that a swallow cannot fall without God's knowledge. Washington talks about the invisible hand of Providence. Their biblical knowledge convinced these people that there was an invisible hand of God, and that there was a moral government of the universe."

Dr. Hutson's view is supported by historians of all persuasions. But perhaps the best way to draw attention to our country's religious history is by using the words of the Founders themselves.

Consider the words of John Witherspoon, president of what became Princeton University and a signer of the Declaration of Independence: "It is in the man of piety and inward principle, that we may expect to find the uncorrupted patriot, the useful citizen, and the invincible soldier. God grant that in America true religion and civil liberty may be inseparable and that the unjust attempts to destroy the one, may in the issue tend to the support and establishment of both."

John Jay was a co-author of the Federalist Papers. He served as governor of New York and later was the first Chief Justice of the Supreme Court. He has also been called the "American Wilberforce" for his efforts to work with his British friend William Wilberforce to end the slave-trade. What is not often known is that this great statesman was the second president of the American Bible Society and argued throughout his life for the importance of biblical principles to the future of the United States.

Jay had a strong grasp on God's guidance of the formation of our Nation. In 1809, he wrote to a friend, "A proper history of the United States would have much to recommend it: in some respects it would be . . . unlike all others; it would develop the great plan of Providence."

God's provision to America was clear to Jay's Federalist Papers' co-author John Adams, as well. He knew that it was found in more than our abundant natural resources, but also in the very conscience of the people. Adams put it this way: "We have no government armed with power capable of contending with human passions unbridled by morality and religion. Avarice, ambition, revenge, or gallantry, would break the strongest cords of our Constitution as a whale goes through a net. Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

In a statement made in 1778 to the Virginia General Assembly, James Madison, the future father of the Constitution and President, said, "We have staked the whole future of American civilization, not upon the power of government, far from it. We've staked the future of all our political institutions upon our capacity . . . to sustain ourselves according to the Ten Commandments of God."

George Washington echoed these same views in his Farewell Address to the Nation at the end of his presidency: "Of all the dispositions and habits, which lead to political prosperity, Religion and Morality are indispensable supports. In vain would that man claim the tribute of Patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of Men and Citizens . . . Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle."

America's Judeo-Christian religious heritage is rich and profound. It has shaped our institutions and nurtured our national soul. It is also the fount of the religious freedom we cherish: Those of us who believe in the God of the Bible believe He gave men and women the freedom to serve Him or not to serve Him. If that's true, we should allow that same freedom to our fellow citizens.

Our Declaration of Independence refers to "Divine Providence," our "Creator" and "the Supreme Judge of the World." Our Founders recognized their need to rely on, and submit to, His will in all things. May we, in our day and in this Chamber, continue to learn from their example.

IN HONOR OF THE DOVER AIR FORCE BASE WINNER OF THE 2008 COMMANDER-IN-CHIEF'S AWARD FOR INSTALLATION EXCELLENCE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the Dover Air Force Base upon receiving the prestigious 2008 Commander-in-Chief's Award for Installation Excellence. This is the first time in the 23-year history of the award that an Air Mobility Command installation has been recognized as the best in the Air Force.

The Commander-in-Chief's Annual Award for Installation Excellence honors the efforts of those who operate and maintain U.S. military bases. The Dover Air Force Base was one of only five recipients of this award, given for their outstanding support of Department of Defense missions through exceptional practices, which enhance the quality of life for members of our military and allow for better mission performance. The Dover Air Force Base competed against 117 wings throughout the entire Air Force to win the award and $1 million to be used to further enhance the quality of life for base residents. Team Dover was distinguished for its many efforts to increase efficiency, including the opening of a technologically advanced Air Freight Terminal and its use of Air Force Smart Operations for the 21st Century. In addition, the base was named the Air Force's Outstanding Housing Installation Team for a Privatized Location.

The award money will be used to continue to keep Dover Air Force Base top among the nation's air bases in terms of quality of life for its residents. Selected projects include making needed upgrades to the base's movie theater, repairing the running track and football field, constructing a jogging and walking path, and putting in a new wireless audio system in the Fitness Center. Part of the funds will also go toward installing flush-mounted lights along three crosswalks to better alert drivers to pedestrians on the street. The goal of these projects is to keep the fitness and safety of our soldiers and their families at the top of Team Dover's list of priorities.

I congratulate the military and civilian employees at the Dover Air Force Base for the momentous achievement of receiving the Commander-in-Chief's Award for Installation Excellence. It is a compelling testament to the excellence with which each and every duty is performed by the men and women of Team Dover. The superiority of their work is vital to the critical task of maintaining our military's prominence in the world.

TRIBUTE TO SANDRA J. HAMLIN

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mrs. CAPITO. Madam Speaker, I rise today to recognize the induction of Sandra J. Hamlin into the West Virginia Affordable Housing Hall of Fame.

Born and raised in West Virginia and a graduate of Marshall University, Hamlin has demonstrated a commitment to affordable housing. As the executive director of the Religious Coalition for Community Renewal (RCCR), Hamlin oversees housing assistance for low income families, people with disabilities, seniors and the homeless.

In addition to her work with RCCR, Hamlin is the chair of the West Virginia Affordable Housing Trust and was instrumental in the development of EcoDwell, a partnership that utilizes an environmentally friendly home in Charleston's East End.

Madam Speaker, the West Virginia Affordable Housing Hall of Fame was created for the purpose of honoring those who are true leaders in affordable housing and have shown dedication and worked diligently to address the affordable housing in the State. Without question, Sandra Hamlin's lifetime of service merits this honor.

Congratulations, to Sandra on her accomplishments to provide West Virginians with affordable housing. The Mountain State is proud to call her one of our own.

CELEBRATING THE DEDICATION OF THE TOM HARPOOL WATER TREATMENT PLANT

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BURGESS. Madam Speaker, I rise today to celebrate the dedication of the Tom Harpool Water Treatment Plant. The dedication ceremony for this new water plant in North East Denton County, Texas, is scheduled for May 13, 2008. The facility is named after the past president of the Upper Trinity Regional Water District President, Tom Harpool, a water pioneer for the Denton County area.

The water treatment plant incorporates technology that is at the forefront of the industry and will improve the reliability of the water system for the entire region. It is the first facility in the area that will incorporate advanced membrane technology. This new technology is the latest advancement in the treatment of potable water that will provide a barrier against pollutants as well as helping to assure the health and security of all water that leaves this facility.

With the naming of this facility, the Upper Trinity Regional Water District is bestowing a well-deserved honor on a local civil leader. Tom Harpool is credited with securing the large water supply the people of his community will require in the future. Mr. Harpool began his service in 1954 by serving on the Denton Independent School District Board of Trustees. Since then he has committed his life to serving his community, and Denton County is a better place because of it.

Madam Speaker, I hope you will join me in rising to celebrate the dedication of the Tom Harpool Water Treatment Plant in the 26th District of Texas. I am proud to represent this area and I am glad to know that the people of my district have this remarkable facility to provide them the highest quality water possible. I am comforted knowing the Denton County vicinity will have a healthy and secure water supply for many years to come.

INTRODUCTION OF THE "BIOMETRIC ENHANCEMENT FOR AIRPORT-RISK REDUCTION ACT OF 2008"

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. THOMPSON of Mississippi. Madam Speaker, today, I am introducing the Biometric Enhancement for Airport-Risk Reduction Act of 2008, also cited as the BEAR Act of 2008.

Nearly a year ago, I stood here before you to discuss H.R. 1, legislation implementing the unfinished business of the 9/11 Commission recommendations to secure America against terrorism. Since its enactment, the Committee has continued aggressive oversight of the Transportation Security Administration's efforts to comply with security mandates set forth in one of the most important laws enacted by this Congress, the Implementing the Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53).

I must recognize Assistant Secretary Kip Hawley, the head of the Transportation Security Administration, TSA, who has always shown a willingness to engage in open dialogue with me and Committee Members when we have raised particular questions or concerns having to do with TSA. One area of concern that has been raised on numerous occasions is how to best strengthen security for airport workers with unescorted access to sterile and secure areas of the airport. I strongly believe that biometric technologies can be an invaluable homeland security tool—especially with regard to this security challenge.

I am introducing the BEAR Act to promote progress on this issue and legislate a smart security approach that promotes collaboration between TSA, industry, and other key stakeholders to provide airports with a blueprint on how to make biometrics work for them. Specifically, the bill requires TSA to study how airports can transition to uniform, standards-based and interoperable biometric identifier systems for airport workers with unescorted access. TSA, together with a working group comprised of key stakeholders, will examine existing programs and identify approaches that can enhance protections for secure and sterile areas of the airport.

Additionally this bill requires TSA to provide Congress and airport operators with a breakdown on best practices for utilizing biometrics to better protect airports. Today, workers with unescorted access to this critical infrastructure go through background screening to get issued badges that includes terror watch list checks. While this is a necessary and important check, a job applicant's biometrics are not being captured to check against biographic information provided and establish identity. This is a problem, as revealed when Federal law enforcement raided Chicago's O'Hare International Airport in November 2007 and arrested 23 people for fraudulently securing badges to gain access to sensitive airport locations. According to the charging affidavit, more than 100 temporary workers were found to be in possession of the fraudulent badges and the staffing agency that sponsored told them that they needed identification, but such identification did not have to be legitimate. Studying approaches to bring biometrics into airports is all the more important since the struggling Transportation Worker Identification Credential, TWIC, program is not likely to be introduced into the airport environment any time soon.

Additionally, this bill requests TSA to consider existing parallel biometric security systems such as FIPS 201-compliant cards, TWIC, and the GSA Smart Card. This bill is not about re-inventing the wheel or putting a stop to any good work at TSA on this issue. It is about encouraging public-private partnerships and promoting an open dialogue between TSA, industry, and Congress on how best to secure our airports.

Madam Speaker, I ask that you support the BEAR Act, for it frames a series of important biometric and security credentialing issues that need to be addressed in a study and that will build on what this Congress has supported in the past. More importantly, it will provide Congress with the necessary information to continue building on smart, efficient and effective airport security measures needed to secure Americans and protect this critical sector in our economy.

RECOGNIZING RABBI HOWARD SHAPIRO ON THE OCCASION OF HIS RETIREMENT

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor a leader in our community. A man of faith and a deep generosity of spirit, Rabbi Howard Shapiro has served his congregation at Temple Israel in Palm Beach County, Florida, with distinction for the last 27 years. His retirement in June will be bittersweet for all those who have come to know the rabbi.

Rabbi Howard Shapiro has served our community for nearly 30 years and has also served our country as an Army chaplain in Vietnam. The rabbi is a family man, and often speaks proudly of his wife, Eileen, his son, David, and daughter, Rachel, and her husband Bobby Green. The Shapiros have five grandchildren—Tali, Jacob, Maya, Samantha and Cory.

Since coming to South Florida, Rabbi Shapiro has been a steadfast leader, serving as president of the Palm Beach County Board of Rabbis and Urban Interfaith Council. He leads his congregation in regular good works, mitzvot, that include helping the elderly and the needy.

Rabbi Shapiro is not only a leader in our Jewish community. He frequently organizes joint programming with Christian congregations and interfaith groups. The rabbi is a community builder in the Palm Beaches, bridging different institutions and forging links between people, traditions and congregations. He cares deeply for Jewish education and loves to teach and to learn.

Rabbi Shapiro has been a blessing to the thousands of congregants he has served over the years. He will be sorely missed.

HONORING THOMAS S. CONELY, SR., OF DADE CITY, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to honor an American soldier who was wounded in service to our Nation during the conflict in Vietnam. Mr. Thomas S. Conely, Sr., is a Marine who served with honor and distinction on the battlefield. It is truly an honor to present this brave patriot with his long overdue Purple Heart medal.

Born in Wheeling, West Virginia, Mr. Conely's family moved to Pittsburgh when he was in ninth grade. Enlisting in the Marine Corps at the age of eighteen, Mr. Conely was one of about 78 enlistees dubbed the "Pittsburgh Pirate Platoon" when, all gathered around home plate for the ceremony, they were sworn into the Marines in the 7th inning of a baseball game at Forbes Field.

After completing his basic training at Parris Island, South Carolina, Mr. Conely went on to attend radio operator school in California and then served as the 2531 Field Radio Operator with the 9th Marines in Vietnam. Near the end of his tour of duty, his unit was near the Rock Pile in the Northern Eye Core of Vietnam when a mortar round landed between Mr. Conely and another soldier. The other man was thrown 23 feet and killed, while Mr. Conely ended up with shrapnel throughout his body.

A third generation soldier whose grandfather served in World War I and his father in World War II, Mr. Conely's wounds sadly forced him to leave the military. He had planned to make a career in the Marines, but after the blast injured him in Vietnam he returned to Bethesda Naval Hospital where he remained for 13 months prior to being discharged. Continuing the tradition of military service, Mr. Conely's three sons have all served in the Marine Corps, and one has had four tours of duty in Iraq.

Madam Speaker, it is soldiers like Thomas S. Conely, Sr., who joined the military to protect the freedoms that all Americans hold dear. While brave men like Mr. Conely were wounded fighting for freedom and liberty, his family, friends and loved ones know that this Congress will always remember his bravery and commitment in battle.

INTRODUCTION OF THE TAX RELIEF FOR TRANSPORTATION WORKERS ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. PAUL. Madam Speaker, I rise to introduce the Tax Relief for Transportation Workers Act. This legislation helps those who work in the port industry cope with the costs of complying with Congress's mandate that all those working on a port obtain a Transportation Worker Identity Card (TWIC). The Tax Relief for Transportation Workers Act provides a tax credit to workers who pay the costs of obtaining TWICs. The credit is refundable against both income and payroll tax liabilities. This legislation also provides a tax deduction for businesses that pay for their employees to obtain a TWIC.

When Congress created the TWIC requirement, it placed the burden of paying the cost of obtaining the card on individual workers. Imposing the costs of obtaining TWICs on port workers has several negative economic impacts that Congress should help mitigate by making the cost associated with obtaining a TWIC tax deductible. According to the Department of Homeland Security, a port worker will have to pay between $100 and $132 dollars to obtain a card. The worker will also have to pay a $60 fee for every card that is lost or damaged. Even those employees whose employers pay the substantial costs of obtaining TWICs for their workforce are adversely affected by the TWIC requirement, as the money employers pay for TWICs is money that cannot go into increasing their workers' salaries. The costs of the TWIC requirement may also cause some employers to refrain from hiring new employees.

Ironically, many of the employees whose employers are unable to pay the TWIC are part-time or temporary workers at the lower end of the income scale. Obviously, the TWIC requirement hits these workers the hardest. According to Recana, an employer of port workers in my district, the fee will have a "significant impact" on port workers.

Unless Congress acts to relieve some of the economic burden the TWIC requirement places on those who work in the port industry, the damage done could reach beyond the port employers and employees to harm businesses that depend on a strong American port industry. This could be very harmful to both interstate and international trade.

Regardless of what one thinks of the merits of the TWIC card, it is simply not right for Congress to make the port industry bear all the costs of TWIC. I therefore urge my colleagues to stand up for those who perform vital tasks at America's ports by cosponsoring the Tax Relief for Transportation Workers Act.

SUPPORT FOR THE COPPER-BASE CASTING TECHNOLOGY PROGRAM

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WILSON of South Carolina. Madam Speaker, I wish to express my strong support for the Copper-Base Casting Technology Program, C–BCT, a program of great importance to the people of South Carolina, as well as the men and women serving in the United States military at home and overseas. The C–BCT program is a cooperative relationship between the copper industry and the Department of Defense, working to apply high-performance copper alloys in military applications.

Since it's inception in 2004, the C–BCT program has provided multiple, breakthrough technologies for defense and industrial systems that have benefits for all branches of the military. Advances include the design and creation of prototype high-efficiency induction motors using copper rotors. Copper rotors increase motor energy efficiency, lower manufacturing costs due to reductions in overall materials used, increase motor life, and reduce motor weight and size. C–BCT provides the military a technology that has produced crucial advances for the American war-fighter in land base, shipboard, and aerospace applications and has done so in a cost-effective manner.

I would like to recognize Daniel Gearing with the Defense Logistics Agency, DLA, for his support and oversight of the launching of C–BCT. In addition, Victor Champagne with the Army Research Lab, ARL, has begun advanced work to apply C–BCT in applications that advance the defense community requirements. The applications are driven by the need for higher efficiency, lighter weight, lower cost, environmentally friendly, and more reliable materials. Reduced weight, in particular, is a common goal for all weapon systems and logistics support items. With DLA and ARL's commitment to continue the success of C–BCT, advances to date may soon be brought to our service men and women serving overseas. Together with the Copper Development Association and the Advanced Technology Institute, these organizations are working to demonstrate and evaluate copper's ultimate potential for our military.

I recognize the crucial benefits that C–BCT offers both the domestic copper industry and the U.S. armed services as well as the successes of the current program and the critical nature of copper in most military applications.

INTRODUCTION OF THE HOMELAND SECURITY NETWORK DEFENSE AND ACCOUNTABILITY ACT OF 2008

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. LANGEVIN. Madam Speaker, today we are introducing the Homeland Security Network Defense and Accountability Act of 2008, a bill designed to improve the cybersecurity posture of the Department of Homeland Security.

The security of our federal and critical infrastructure networks is an issue of national security. The United States and its allies face a significant and growing threat to our information technology, IT, systems and assets, and to the integrity of our information. The acquisition of our government's information by outsiders undermines our strength as a nation and over time could cost the United States our advantage over our adversaries. This is a critical issue that we can no longer ignore.

One of the first things that Chairman THOMPSON tasked me with when I was named Chairman of the Subcommittee on Emerging Threats, Cybersecurity and Science and Technology was to lead a bipartisan inquiry into the cybersecurity posture of our federal networks and our critical infrastructure. Viewing the potential for cyber attacks on federal networks as an emerging threat that warrants attention, Chairman THOMPSON challenged me to address the four areas that the 9/11 Commission determined our systems failed: in imagination, policy, capabilities, and management. The same can be said of the federal government's approach to cybersecurity—and as a result, our critical information and technology systems are vulnerable to cyber terrorists.

So far in the 110th Congress, we have held seven hearings on cybersecurity, heard from hundreds of experts on how best to tackle this issue, reviewed information security best practices in the public and private sectors, investigated cyber incidents across the spectrum, from the State and Commerce Departments to our Nation's electric grid, and uncovered and assisted law enforcement in investigating breaches at the Department of Homeland Security. It has become clear that an organization is only as strong as the integrity and reliability of the information that it keeps. Therefore we must make cybersecurity a national priority.

This legislation represents a small but critical step toward improving the cybersecurity posture at the Department of Homeland Security by addressing two key issues: ensuring a robust defense-in-depth of our information systems, and holding individuals at all levels accountable for mitigating vulnerabilities. Early in our investigative process, I announced that the Committee's oversight goals were to increase public awareness of the problems associated with federal network security; fix those vulnerabilities that are, or could be, successfully exploited; and hold individuals, agencies, and private sector entities responsible for their actions. Though much work remains to be done, I believe that we are moving in the right direction. The Department has already begun acting to improve its information security as a result of several Committee hearings. By fully implementing and carefully considering the intent of this bill, I believe the Department of Homeland Security will continue to make great strides in improving its information security posture. I hope that one day DHS will be considered a global leader in cybersecurity.

This measure is comprised of several important pieces. First, this bill would establish authorities and qualifications for the Chief Information Officer, CIO, position at the Department of Homeland Security. In March 2007, Secretary Chertoff issued a management directive giving the Chief Information Officer hiring authority for CIOs and approval authority over agency CIO budgets and IT investments. This bill statutorily authorizes that directive, but includes additional requirements for information security qualifications. In a number of hearings, we expressed concern that the lack of an information security background can hamper the CIO's understanding and efforts to secure the Department's networks. We cannot allow future Presidents to repeat the mistakes made by this Administration in appointing unqualified individuals to this important office.

This bill would also establish specific operational security practices for the CIO, including a continuous, real-time cyber incident response capability, a network architecture emphasizing the positioning of security controls, and vulnerability assessments for each external-facing information infrastructure. As we learned through our investigations of cyber incidents on DHS networks, the absence of a 24 hour/7 day a week real-time response capability can lead to devastating consequences, and we simply cannot afford significant time lapses in our response to cyber incidents.

This legislation also includes testing protocols to reduce the number of vulnerability exploitations throughout the Department's networks. Through our investigations and oversight hearings, we identified a significant gap between requirements under the Federal Information Security Management Act, FISMA, and the current threat environment. As we have learned, agencies that receive high FISMA scores are not necessarily secure from the latest attacks. This provision will require the CIO to consult with other federal agencies and establish attack-based testing protocols to secure Department networks. Today, one of the biggest problems with FISMA is that while we continue to identify vulnerabilities in our systems, we fail to provide adequate funding to mitigate those vulnerabilities. This bill will hold both the CIO and the agency head responsible for developing and implementing a vulnerability mitigation plan that includes budget and personnel marks.

The ubiquitous nature of the Internet can lead to significant problems if one party is infected with a virus or rootkit that can penetrate another person's network undetected. That is why our bill requires the Secretary to determine if the internal security policy of a contractor who provides network services to the Department matches the requirements of the Department. Network service providers for the Department are also required to implement and regularly update their internal information security policies, and deliver timely notice of any computer incidents that could affect the Department's computers. This section is similar to provisions contained in the security controls developed by the National Institute of Standards and Technology, NIST, special condition "SA–9."

Finally, we seek a formal report from the Secretary on several critical issues. I was disturbed to learn that the Department still has not conducted a risk assessment on its unclassified network, despite a series of breaches, and we seek a detailed counter-intelligence plan from the Secretary to investigate all breaches, as well as an outline of a program to increase threat information sharing with cleared contractors. DHS must also examine a similar undertaking, and consider offering training to contractors using the attack-based protocols established in consultation with the defense and intelligence communities. We also ask the Secretary to update us on how effective the Department has been in meeting the deadlines established by the Office of Management and Budget, OMB, for Trusted Internet Connections, TIC, encryption and authentication mandates.

Regrettably, poor information security practices plague the entire federal government, not just DHS. NIST continues to serve as an excellent guide for robust cybersecurity practices; unfortunately, federal agencies are often quick to cut cybersecurity budgets in favor of tangible products. If we care about information security, then we must not allow agencies to bleed money out of these programs.

Of course, legislation alone will not accomplish our goals. The Homeland Security Committee continues to conduct robust oversight over this Administration's Cyber Initiative. While I support the aim of the Cyber Initiative, I continue to have significant questions about the scope, budget, and secrecy of these efforts. Furthermore, there are several critical issues that each federal agency must immediately address to improve its security posture. We must start conducting robust damage assessments that can measure exposure to current attacks, and continue to fix those vulnerabilities. We must enhance and educate the federal workforce to limit successful exploits. We must support focused R&D efforts to solve the big challenges that face us in the world of cybersecurity. We must support and enhance initiatives like the Federal Desktop Core Configuration, the OMB-mandated security configuration for all Microsoft Windows Vista and XP operating system software. We must continue to monitor the efforts of the Administration to collapse federal connections to the Internet, known as the TIC Initiative. And finally, we must hold accountable those responsible for these efforts—whether they are our CIOs or Chief Information Security Officers, OMB, DHS, the Defense Department, the Intelligence community or contractors charged with securing our networks. Information security must become a prime concern for each of us if we are to ever be successful in defending ourselves from attack.

Madam Speaker, the Homeland Security Network Defense and Accountability Act of 2008 is a robust and carefully crafted bill, and is the result of a bipartisan effort to treat information security and cybersecurity with the same attention and effort that our adversaries would use to exploit us. I thank Chairman THOMPSON for co-sponsoring this bill with me, and I send the bill to the desk and ask that it be properly referred to the Homeland Security Committee.

RICHARD WIDMARK AND THE SPIRIT OF TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. POE. Madam Speaker, the Spirit of Texas has been a popular genre in the classic Westerns of Hollywood. Recently, Hollywood and Texas lost Richard Widmark, who starred as Jim Bowie in the 1960 John Wayne version of The Alamo. Widmark's portrayal of Bowie is a classic representation of the fire that drove the defenders of the Alamo and soldiers of Texas to secure their independence.

John Wayne's version of The Alamo does more than just tell a story. Characters attach themselves to the audience. Richard Widmark did just that in his role as Jim Bowie. The contrast between the liberal minded Widmark and the conservative John Wayne is one of the highlights of the movie, and illustrates that the defenders of the Alamo came from all different backgrounds and mindsets. More importantly, however, is that Widmark and his fellow cast members captivated audiences with the Spirit of Texas and the devotion the defenders had in sacrificing their lives for their country. Widmark himself captures this spirit near the end of the movie, when he fights to the death with his famous Bowie Knife as he is lamed up in bed.

Richard Widmark recently passed away at his home in Roxbury, Connecticut on March 24. While not a Texan by birth, his contribution to the movies and the story of the defenders of the Alamo is one that should be remembered. His portrayal of Jim Bowie is a testament to the Spirit of Texas and her citizens. As we "Remember The Alamo," we should also "Remember Richard Widmark."

IN HONOR OF THE AZERBAIJANI CULTURAL GARDEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. KUCINICH. Madam Speaker, and colleagues, I rise today in recognition of the grand opening of the Azerbaijani Cultural Garden on May 12, 2008.

The Azerbaijani Garden is part of the Cleveland Cultural Gardens along Doan Brook in Cleveland's Rockefeller Park. I strongly support the addition of the Azerbaijani Garden as part of the Cleveland Cultural Gardens Federation and all the international communities represented through its gardens.

The Cleveland Cultural Gardens date back to 1916 when the Shakespeare Garden was built. By 1926, the concept of a series of gardens, recognizing various nationalities, was established. The formal group was completed in 1939 with funding to a large degree provided by the federal government. At that time, a series of 18 gardens was dedicated to the City of Cleveland, symbolizing the fusion of distinct nationalities into one American culture.

More importantly, these gardens stood for the brotherhood among all the people of all nations and to this day remain a unique embodiment of that purpose. On July 30, 1939, soil from 28 nations was deposited by ambassadors of those nations into a marble crypt into the Garden of Nations. Soil from historic shrines of the United States was also deposited into the adjacent Garden of the United States. In both ceremonies, the intermingling of the soils symbolized a united effort by people of all nationalities toward mutual understanding, harmony, peace, and brotherhood throughout the world.

The Gardens are an important part of the city's history and reflects the diverse ethnicities and cultures that have been instrumental in the city's development. The symbolic meaning of the gardens is that people of diverse backgrounds, traditions, and religions can exist side by side in peace and harmony with the freedom to exercise their beliefs and cultures.

With the addition of the Azerbaijani Garden, the Cleveland Cultural Gardens now consists of 27 individual gardens, with new gardens having been recently designated and even more under proposal. Recently, I proudly noted the dedication of the Indian and Latvian gardens. In addition to these and the Azerbaijani Garden, various stages of planning are underway for African-American, Native American, Serbian, Hispanic, Syrian, Croatian, Scottish, Nordic, Philippine, and Vietnamese gardens.

I welcome not only the symbolism of so many great nations represented in these gardens, but the actual joining of the people of these nations in Cleveland. The Cleveland Cultural Gardens is frequently visited diplomatic, educational, or trade delegations when they are visiting Cleveland. I am proud that the people of Azerbaijan now have a place in Cleveland to celebrate their culture.

Madam Speaker and distinguished colleagues, it is my hope that Azerbaijan's participation will help to fulfill our vision of the Cleveland Cultural Gardens as an international park for the people of all nations to come together in cooperation and peace. Please join me in celebrating the dedication of the Azerbaijani Cultural Garden and to welcome the Azerbaijani people to the family of nations represented at the Cleveland Cultural Gardens.

RECOGNIZING THE 2008 RECIPIENTS OF THE McGOWAN COURAGE AWARD

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. JORDAN of Ohio. Madam Speaker, I enjoy sharing positive stories about young people from our district who overcome adversity. Today, I am pleased to introduce you to eight such individuals.

Michael ("Mick") Benson, Clear Fork High School—Though autistic, this young man maintains a positive attitude as he volunteers in the community and participates in athletics, including many Special Olympics events.

Kati Jo Walters, Crestview High School—This athlete became wheelchair-bound due to an auto-immune medical condition, but through fierce determination and persistence, she remains both a great student and an inspiration to all.

Corey Sayer, Lexington High School—Growing up in a family torn apart by drug abuse, he was taken in by the parents of a friend and now excels academically, hoping to attend Ohio State University—Mansfield upon graduation.

Jill Leiendecker, Lucas High School—A leader in and outside the classroom, she serves as student council president, crediting the love and support of her father after losing her mother in an auto accident.

Curtis Alan Remy, Madison Comprehensive High School—Impaired with nerve deafness, he earned the starting point guard position and was named captain of his high school basketball team—all in addition to his academic achievements.

Daniel Porter, Mansfield Christian High School—Through self-motivation, he overcame dyslexia to become proficient in computers, power equipment, and small engines, and has secured a job with a landscaping company after graduation.

Jessica White, Mansfield Senior High School—This courageous young lady overcame obstacles associated with hearing impairment to perform at the highest levels in both school and extracurricular activities, including basketball and track.

Penelope Mitman, Ontario High School—Despite her hearing problems, she remains an active and inspirational student, participating in student council, band, and basketball, and volunteering in the guidance office.

I am pleased to join the Rotary Club of Mansfield, Ohio, in honoring the achievements of these recipients of the McGowan Courage Award, which will be presented on May 13.

HONORING ERIE CANALWAY NATIONAL HERITAGE CORRIDOR COMMISSIONER ERIC MOWER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to my friend, a dedicated public servant in his own right, Eric Mower. Eric has an outstanding record of dedicated service and contributions to the betterment of communities across upstate New York.

A highly successful civic and business leader, Eric is the chairman and CEO of Eric Mower and Associates, one of our Nation's largest public relations firms. He is also a member of numerous community boards and organizations, including United Way of Central New York, the Boy Scouts of America, and the Greater Syracuse Chamber of Commerce.

Eric was the initial chair of the highly successful Syracuse Neighborhood Initiative, a private-public non-profit collaboration that I launched in 1999 to revitalize neighborhoods and increase home ownership in the city of Syracuse. He capably led efforts to develop partnerships and garner support from the private sector to leverage federal resources.

Eric currently serves as chair of the Erie Canalway National Heritage Corridor Commission, a position he will be vacating in June. His leadership on the Erie Canalway National Heritage Corridor Commission has been integral. The Corridor, founded in 2000, encompasses 80 percent of upstate New York's population, including 234 communities. Since 2002 when Eric was named chair of the commission, he has led the fledgling National Heritage Corridor through much growth and success. Under his direction the Corridor Commission has leveraged millions of dollars in support and has helped multiple canal communities fund projects to enhance and showcase the canal. The successful Trails and Rails program continues to grow, and last year the Commission hosted an historic 1,000-mile Grand Canal Journey of a replica schooner visiting 28 cities and towns along the Erie Canal.

On behalf of the people of the entire 25th Congressional District of New York, I thank him for his distinguished service. I am very proud to have worked with Eric over the years. He is an extraordinary individual and brings his considerable talents to every endeavor he undertakes. While he will no longer be chair of the Commission, I'm confident that his presence as a member will continue be a great benefit to the Erie Canalway National Heritage Corridor Commission.

HONORING DR. BRENDA DEEN SCHILDGEN OF DAVIS, CALIFORNIA, RECIPIENT OF THE 2008 UC DAVIS PRIZE FOR UNDERGRADUATE TEACHING AND SCHOLARLY ACHIEVEMENT

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Dr. Brenda Deen Schildgen, the 2008 recipient of the University of California, Davis Prize for Undergraduate Teaching an Scholarly Achievement. The prize is awarded to recognize scholars who are successful not only in their research, but convey their excitement and love of scholarship to students they teach. Dr. Schildgen is an eminent scholar of medieval European literature and biblical studies, but her hallmark at UC Davis is imparting her knowledge and passion for these subjects to students.

Born in London to a Russian mother and Indian father, Dr. Schildgen was the first in her family to go to college. Her Jewish mother and Muslim father sent her to a French convent in England through high school. Crossing the Atlantic for college, she earned a bachelor's degree in English and French at the University of Wisconsin—Madison, a master's and Ph.D. in comparative literature at Indiana University and a second master's, in religious studies, at the University of San Francisco.

Her path to an academic career was also unconventional. Dr. Schildgen served for 8 years as a lecturer at UC Davis before she was hired in 2002 as a full professor of comparative literature—an almost unheard-of jump in academia, where faculty typically climb, rung by rung, from assistant professor to associate professor to professor. In addition to her research and teaching, Dr. Schildgen has been instrumental in building UC Davis' highly praised University Writing Program and has been a staunch advocate for the development of writing skills not just in English courses but across all disciplines.

A scholar who works with literature in English, Italian, French, Spanish, Greek and Latin—she describes herself as "dabbling" in Sanskrit as well—Dr. Schildgen has written five critically acclaimed books and edited four others, as well as authoring some three dozen scholarly articles and more than a dozen invited book or article reviews. An internationally respected authority on Dante, Chaucer and the gospel of Mark, especially in the context of Islam and Judaism, she has lectured throughout the United States, in India, the Middle East and Europe, and received numerous fellowships, grants and awards from the National Endowment for the Humanities and other prestigious organizations.

Madam Speaker and colleagues, it is appropriate at this time for us to acknowledge and thank Dr. Schildgen for her years of exemplary work as a scholar and educator, and congratulate her on receiving this well deserved award. Her commitment to inspiring and educating students has been unwavering, and she deserves our collective recognition and thanks.

TRIBUTE TO KENNETH E. STREET

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SAXTON. Madam Speaker, I rise today in recognition of Committeeman Kenneth E. Street. On May 13, 2008, Mr. Street will be celebrated for his contributions as a member of the Hainesport Township Committee as he retires after more than forty years of faithful service to the citizens of South Jersey.

Kenneth has dedicated his life to serving the residents of Hainesport Township. First elected to the township committee in 1950, Kenneth was then appointed mayor in 1953. He served in that position for an impressive twenty-one years. During his time as an elected official, his contributions helped to shape the township into what it is today. Most notably, he worked on developing the township's zoning and property maintenance, as well as the master plan.

In addition to his responsibilities within Hainesport, Kenneth became involved in the League of Municipalities, a statewide organization dedicated to the cooperation of neighboring communities. He served as the league's president, along with various other positions, and remains active in the group today.

Madam Speaker, I would like to extend my sincere gratitude for his leadership, commitment, and service as Kenneth celebrates his retirement.

ONE YEAR AFTER PASSAGE OF H. RES. 376

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. WOOLSEY. Madam Speaker, I rise today on the anniversary of the passage of H. Res. 376, a resolution recognizing the work of our Nation's classified school employees and their continuing contributions to education and to the students of our Nation.

By passing H. Res. 376, the House recognized the National Classified School Employee of the Year and urged the Department of Education, all States, State education agencies, local education agencies, community colleges, and members of the public to join in this observance. H. Res. 376 congratulated all classified school employees across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring student achievement, student safety, and well-being.

I look forward to working with the National Association of Classified School Employees and other education groups to continue to honor the important work of school classified employees.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BARROW. Madam Speaker, on May 1, 2008, I was unavoidably detained and missed roll No. 234, H.R. 493, The Genetic Information Nondiscrimination Act of 2008. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. ANDREWS. Madam Speaker, I was not present on May 5, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall No. 240; rollcall No. 241; rollcall No. 242; rollcall No. 243; rollcall No. 244.

WORLD AIDS ORPHANS DAY

HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WEXLER. Madam Speaker, I want to join my colleagues in Congress as well as the entire international community in recognizing World AIDS Orphans Day. This is a critically important day because we are reminded of our collective responsibility to address the needs of the world's most vulnerable population—millions of orphans and vulnerable children who need desperately need our support, care, attention and resources.

According to the U.S. Agency for International Development, highly vulnerable children include those who receive inadequate adult support because of abandonment, economic distress, or chronic illness; have HIV/AIDS or are suspected of having HIV; are directly affected by armed conflict; live outside of family care; or in some other way have suffered from a collapse of traditional social safety nets in their communities. Disease, conflict, violence, natural disaster, and severe economic strife leave millions of the world's youngest people orphaned or otherwise vulnerable. Globally, an estimated 132 million children in the developing world have lost one or both parents, while an additional, larger number of children are highly vulnerable, facing serious risks to their survival and wellbeing. According to UNAIDS, by 2010, 20–25 million children could be orphaned by HIV/AIDS alone.

These children face a number of challenges, including finding money for school fees, food, clothing, and access to basic healthcare. Their desperate plight makes them more vulnerable to abuse and exploitation, ultimately making them more susceptible to contracting HIV. To that end, Congress along with the international community and non-governmental organizations must be prepared to assist those communities where these orphans live and receive most of their assistance. Today less than 10 percent of orphaned and vulnerable children (OVC) receive any kind of international support—the majority of the support they receive comes from their own communities. I support the sentiments of such organizations as Global Action for Children and other leading NGO's who believe that an effective response to the challenges facing these children must be to strengthen the capacity of families and communities to continue to provide care, protection, and assistance to them in, at a minimum, meeting their basic needs.

According to UNAIDS, an $800 million U.S. investment in 2009 is needed to provide universal HIV treatment, care, support and prevention services by 2015 to 19 million orphans and vulnerable children. Under the United States leadership against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, 10 percent of all resources devoted to HIV/AIDS have been designated for programs to meet the needs of orphans and vulnerable children. While the U.S. contribution over the past several years has been significant, it will only be successful if we continue to provide the necessary assistance and renew our commitment to pass the President's Emergency Plan for AIDS Relief (PEPFAR) reauthorization bill.

It is clear that Congress must do its part to meet America's international commitment to assist orphans and vulnerable children. In that vein, I urge all of my colleagues to recognize World AIDS Orphans Day and join me in supporting swift passage of PEPFAR so that we can continue to meet the needs of millions of children around the world who desperately need our help.

COMMEMORATING PRESIDENT HEYDAR ALIYEV

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on May 10, we commemorate the 85th Jubilee of the late President Heydar Aliyev. President Aliyev's significant contributions to the country of Azerbaijan provided a fertile ground for the seeds of democracy to flourish after Soviet rule and have paved the road for Azerbaijan's regional and international success.

Azerbaijan is the gateway to Central Asia. It is on the modern Silk Road which transports goods and services from China through Central Asian countries, Azerbaijan, and Georgia. Remarkably, with only 19 years of independence, Azerbaijan has become a key player in this region. After brief independence from 1918–1920, Azerbaijan fell under Russian domination for 70 years. When Soviet troops invaded Baku on January 20, 1990, many died, including innocent civilians, thereby giving birth to the independence movement in the country.

After the collapse of the Soviet Union in 1991 and the emergence of a democratic Azerbaijan Republic, the first few years were not easy. While Azerbaijan became the first former Soviet Republic outside the Baltic States with no foreign troops on its soil, it was a small country with powerful neighbors. Mindful of its geography, Azerbaijan developed close ties with the United States, Western Europe, Turkey, and Israel.

In 1993, Heydar Aliyev became President of the Republic, first by appointment under the constitution, then through direct election. A cease-fire in the war with Armenia over the Nagorno Karabakh region of Azerbaijan was negotiated and implemented in 1994. During this time, the country's economy was wrecked by war and burdened by the effects of communism. Parliament began enacting laws to make the country friendlier to foreign investment and a member of the international market economy.

In 1994, the "Contract of the Century" was signed between American and western companies and Azerbaijan. The Contract was designed to allow Azerbaijan to develop its energy resources in order to diversify western energy supplies. The Baku-Tbilisi-Ceyhan pipeline (supported by both the Clinton and Bush Administrations) is now fully operational, and helps to bolster the political and commercial independence of the countries in the region, while diversifying Europe's energy supplies.

President Aliyev was clear regarding Azerbaijan's western orientation. Azerbaijan joined NATO's Partnership for Peace Program in 1994, and has consistently integrated into the Euro-Atlantic security architecture; further deepening U.S.-Azerbaijani military to military cooperation.

Azerbaijan works with the U.S., both bilaterally and multilaterally, through the GUAM framework (Georgia, Ukraine, Azerbaijan, and Moldova) to prevent illegal trafficking and to secure borders. A strong friend of the United States, President Heydar Aliyev offered support for the fight against terrorism immediately after 9/11. Today Azerbaijani troops are in Iraq and Afghanistan with the coalition.

Azerbaijan has excellent relations with Israel and a 2,000 year old Jewish community with representation in Parliament. As a secular country with a predominantly Shiia population, the participation of its troops in Iraq and Afghanistan sends the right message regarding international cooperation.

Because of the late President Aliyev's efforts, today Azerbaijan is a developing democracy with a growing and vibrant economy. There are no longer any doubts regarding the viability of this Republic. The future of U.S.-Azerbaijani relations is bright, as our two countries share values and interests in the region.

IN RECOGNITION OF THE 175TH ANNIVERSARY OF THE FOUNDING OF THE FIRST BAPTIST CHURCH OF SYLACAUGA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the members of First Baptist Church of Sylacauga, Alabama, who on May 25 will celebrate their congregation's 175th anniversary.

On May 25, 1833, George Hill sought the approval of the Tallasahattchie Church to establish a new branch in what would become Sylacauga, Alabama. The small wooden cabin that first served as a meeting place for the church's eight charter members became an independent church in 1835 with 33 members.

Since that time, the church has grown steadily becoming one of the many fixtures of the Sylacauga community. The celebration on May 25 will help pay tribute to the work of First Baptist Church on behalf of its members and community.

I am pleased to recognize the First Baptist Church of Sylacauga today for reaching this important milestone in the history of their congregation, and wish its members all the best in its next 175 years of faith and witnessing in the community.

HONORING DEAN TIPPS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, today I rise along with my fellow Members of Congress ANNA ESHOO, SAM FARR, MIKE HONDA, BARBARA LEE, DORIS MATSUI, JIM MCNERNEY, GEORGE MILLER, JACKIE SPEIER, PETE STARK, ELLEN TAUSCHER, MIKE THOMPSON, and LYNN WOOLSEY to congratulate Dean Tipps on his retirement and to honor a man whose career of over 40 years has been dedicated to empowering and bettering the lives of working men and women.

For the last 22 years, Dean Tipps has been executive director of the California State Council of the Service Employees International Union. In this capacity, he has directed the council's statewide legislative and political activities on behalf of the 650,000 California members of the Service Employees International Union. As the director of the largest union in California, Dean Tipps' impact has reached beyond SEIU membership as the growth, innovation, and persistent advocacy of the SEIU has served as an example to other unions in a variety of industries.

Mr. Tipps' vision, leadership, and strategic thinking have had a substantial impact on California's people and politics over the last few decades. Dean's ability to build coalitions and bring together the necessary resources has meant that working people have had a powerful voice in electoral and legislative arenas. Dean Tipps has been a leader in many of the labor movement's victories in California, including the defeat of State Proposition 226, the election of Gray Davis, and labor's special election victories in 2005.

He began his political work in 1976 as the first legislative advocate for the California Tax Reform Association and was deeply involved in the politics of California's property tax revolt. In 1979, he moved to Washington, D.C., to become the founding executive director of Citizens for Tax Justice. At CTJ, Mr. Tipps developed the successful campaign strategy that defeated Howard Jarvis' Proposition 9 in 1980 and was involved in initiative campaigns in Massachusetts, Ohio, and other States. He subsequently went to work for the Service Employees International Union where he became the Public Sector Division Director. In 1986, he returned to California to assume direction of SEIU's California State Council and has continuously led the council except for taking leave in 1988 to navigate the Assembly Democratic Campaign Committee.

In his many capacities and positions with various groups, Dean Tipps has remained constant in his dedication to helping our country fulfill its responsibility to the men and women who labor in service jobs that make our lives more comfortable. He leaves grateful colleagues and a grateful membership. We are proud to add our thanks for his many years of advocacy and our congratulations for all his achievements.

THE DAILY 45: PROMISING LOYOLA STUDENT SHOT TO DEATH

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States. The recent news of the death of an aspiring journalism student at Loyola University who was killed, May 4, when someone fired shots into her car on Chicago's South Side is tragic and sad. Twenty-year-old Ishma Stewart, a 2005 graduate of Oak Park-River Forest High School, was an intelligent young lady who completed her studies in only three years. She was expected to graduate from Loyola in December.

Another promising life cut short. Another life ended by gun violence. Another family forced to ask why their loved one, who was not involved in guns, drugs or gangs, had to leave tragically and so soon.

Americans of conscience must come together to stop the senseless death of "The Daily 45."

When will Americans say "enough is enough, stop the killings!"

ON THE OCCASION OF THE DEDICATION OF TOLEDO BLESSED SACRAMENT NEIGHBORHOOD CENTER AND MIDDLE SCHOOL

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. KAPTUR. Madam Speaker, I rise today, pleased to recognize a milestone for Toledo Blessed Sacrament Catholic Parish. They celebrate the dedication of a neighborhood center and middle school.

Blessed Sacrament became the Mother Church of West Toledo, established December 31, 1924, by Father Otto C. Kappus, in the forested epicenter of western Toledo. Struggling middle-class families of the densely populated, majority Catholic residential area settled and thrived though the Great Depression and World War II. September 6, 1925, marked the laying of the cornerstone for the first church and school by Monsignor J. T. O'Connell. However, the church and school were completed in February 1926.

The Sisters of Blessed Sacrament who served the Parish in 1925 belonged to the Dominican Order. The sisters found residence originally in the school building. In 1925, there were 112 pupils enrolled, with Sister Mary Leonilla as principal and 3 assistant nuns. The 1952 enrollment was 778 pupils with 14 nuns, 2 lay teachers and Sister Helen Patrick as principal. For much of the parish's history, Dominican Sisters shepherded generations of the youth through the school. They remain much loved, greatly respected and well remembered. Their teacher successors have upheld the grand tradition.

Between 1938 and 1952, school registration increased to the point where the entire floor space, occupied as residence by the nuns, was converted to classrooms. Then, the Sisters resided at 4110 Bellevue Road until the spring of 1948, when they moved to the convent on Castlewood Drive in Toledo, OH.

Blessed Sacrament Parish experienced rapid growth in its early years. To help serve the growing congregation, a new church was constructed. It was completed in 1954 and is still in use today. The charter members chose a Southern California Spanish architectural theme that has been faithfully reflected in the new constructions. This style was remarkably suited to accommodate the liturgical reforms of the Vatican Council, but also made the addition of narthex, in the 1970s, possible. Finally, the 2008 opening of the new middle school, neighborhood center and gymnasium facility marked the newest stage in Blessed Sacrament's development.

Today, Blessed Sacrament's parish community continues to be a hallmark of hospitality and ministry to its neighbors. The parish is lively with young families and a thriving school, currently enjoying an increase in enrollment. Thus, the parish recognized the necessity for a hub to carry on the progress and traditions of the Blessed Sacrament community. The establishment of a neighborhood center invites parish members and neighborhood residents to enter a partnership to ensure and enhance the neighborhood's vitality. In lieu of the new landmark, the neighborhood formed an organization named "The Greater Close Park Neighborhood Organization." Their mission is to maintain and improve the quality of life in the neighborhood. They strive to beautify the area with trees and flowers, develop programs for seniors and children, enhance lighting in the Block Watch Program for safety, and establish community projects like Spring Clean Up, Welcome Wagon and a neighborhood garage sale. These programs will create recreational and social opportunities for all ages. I stand here to applaud the efforts of Blessed Sacrament to bolster a strong tradition of community in this West Toledo neighborhood.

PERSONAL EXPLANATION

HON. PAUL W. HODES

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. HODES. Madam Speaker, due to unavoidable circumstances, I missed one vote in a series of votes on Tuesday, May 6, 2008. I would have voted "yes" for the following vote: (1) Rollcall vote 248—To Table Motion To Reconsider.

TRIBUTE TO KENTWAN BALMER

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BUTTERFIELD. Madam Speaker, on October 15, 1986, Christa and Charles Balmer, Sr., were blessed by the birth of their youngest child, Kentwan.

Kentwan grew up in Weldon, a very small town in my congressional district with a population of about 1,375 people. Kentwan attended O.R. Pope Elementary, Weldon Middle and Weldon High School. As a high school junior and senior, he earned All-Area and All-Conference honors. Kentwan was also an impressive bowler and dedicated a good deal of his time as a member of the North Carolina Shrine Bowl Team.

Kentwan earned a full scholarship to play football at the University of North Carolina at Chapel Hill. He saw limited action in nine games as right defensive end as a freshman, coming up with one assisted tackle. As a sophomore, he appeared in II games, and started in the final 3 games of the season.

As a junior, Kentwan appeared in 10 games, starting the final 8 games as left defensive tackle. The highlight of his season came against rival Duke when he blocked two extra point kicks in a one-point victory.

As a senior, he shifted to right defensive tackle. He earned second-team All-Atlantic Coast Conference honors and received the team's James Southerland Award. He ranked second on the team with 59 tackles, including 3.5 sacks.

In 42 games at the University of North Carolina, Kentwan started 23 times. He collected 93 tackles with 7 sacks. He also deflected three passes and blocked a pair of kicks.

On April 26, 2008, the San Francisco 49ers selected Kentwan with the 29th overall pick in the first round of the National Football League draft. He's expected to play either nose tackle or left defensive end. Kentwan is UNC's 17th first-round draft pick in school history.

Kentwan is known for his strength, athleticism, and versatility, and the 49ers expect him to anchor their defense for many years to come.

Madam Speaker, this is a great day for the town of Weldon—the place of Kentwan's roots and a very significant part of the First Congressional District of North Carolina. As friends, family and fans come together to celebrate at Clem's Grand Ballroom in Weldon on May 9, I ask my colleagues in the United States House of Representatives and folks all across North Carolina to join me in wishing Kentwan many successful years with the San Francisco 49ers. We applaud Kentwan's commitment, determination and dedication in achieving such a major accomplishment.

MAY 10TH IS A SPECIAL DAY FOR THE PEOPLE OF AZERBAIJAN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. BURTON of Indiana. Madam Speaker, on May 10, 2008 the people of Azerbaijan commemorate the 85th Jubilee of the birth of their late President Heydar Aliyev. A larger than life personality and a man of enormous political skill and stature, Heydar Aliyev worked tirelessly for more than 30 years—first as part of the Soviet Union, and later as President of a free and independent Azerbaijan—to build a strong, vibrant, healthy and prosperous nation.

When Azerbaijan regained its independence in 1991, the political and economic vacuum caused by the collapse of the Soviet Union, domestic tensions fueled by competing forces at home and the disastrous war in Nagorno-Karabakh—which resulted in the military occupation of 20 percent of Azerbaijan, and nearly one million refugees and internally displaced people—threatened to rip the country apart. Many Azerbaijanis were fearful that their first experience as the short-lived first Republic in the Muslim world (1918–1920), would be repeated; and that a free and independent Azerbaijan would be nothing but a footnote in history.

Heydar Aliyev, however, had a vision for Azerbaijan. He knew that Azerbaijan's future would be assured if countries around the world had a stake in its independence and he knew that the key to attracting international investment in Azerbaijan's rich resources was stability. In 1993, when Heydar Aliyev became President of the Republic, first by appointment under the constitution, then through direct popular election he moved quickly to implement his vision. First, he negotiated a cease-fire in the war with Armenia—which was implemented in 1994—and next he pushed Parliament to begin enacting a series of laws to make the country friendlier to foreign investment and a member of the international market economy. President Aliyev opened up the country to investment from the United States, Western Europe, Russia, and Turkey and Azerbaijan soon became a pioneer in opening the Caspian Sea to international cooperation and oil and gas exploration. In fact, since the so-called "Contract of the Century" was signed in 1994, Azerbaijan has extensively developed its energy resources to help diversify western energy supplies. The Baku-Tbilisi-Ceyhan (BTC) oil pipeline, for example, which became fully operational in July 2006 and will soon provide one-third of the new oil flowing into the international market. In addition to the BTC pipeline, the Baku-Tbilisi-Erzurum gas pipeline is now functioning.

President Aliyev was also aggressive in asserting Azerbaijan's place on the international political stage. He became a great friend to the United States and one of the first international leaders to offer unconditional assistance to the U.S.-led fight against global terrorism after 9–11—and was also one of the few Muslim leaders to agree to send troops to Iraq and Afghanistan. The strong relations between our two nations are a monument to his determination and will not be forgotten.

Madam Speaker, despite foreign and domestic critics of President Aliyev's pro-western policies, most people acknowledge that President Heydar Aliyev represented security during those very dark early years of Azerbaijan's second independence; and most Azerbaijanis felt at the time that as long as Heydar Aliyev was at the helm, the ship of state would not sink. Today it's up to the youth of Azerbaijan to steer that ship and to carry on Heydar Aliyev's vision of a strong, vibrant, healthy and prosperous, and independent Azerbaijan. If they build upon the legacy President Aliyev left, I have no doubt they will succeed.

HONORING LOUIS M. THOMSON

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. KAPTUR. Madam Speaker, I rise today to recognize Louis M. Thomson, Jr. of Toledo, Ohio.

Louis M. Thomson, Jr., blessed Toledo, OH with his many talents, always giving an enthusiastic word about his native city. Louis passed from this life April 18, 2008, but will always be remembered by his family and friends for his warm smile, quick wit and uncompromising passion to better his community. Louis served as a longtime labor arbitrator, fact-finder, and mediator. Mr. Thomson, a Toledo native, graduated from Scott High School in 1945. Afterwards he serve in the U.S. Army from 1945 to 1947, later graduating from the University of Toledo in 1950. Louis started his career with the city of Toledo in 1960 as director of public information and industrial relations, a position he held until 1968.

Following his position with the city of Toledo, he served as the director of the Toledo Labor-Management-Citizens Committee from 1968 until 1991. He worked as an independent arbitrator, fact-finder, and mediator. During his years on the job, he was known for working behind the scenes to improve the local labor climate. His family and colleagues remembered how he enjoyed helping to resolve labor disputes. His wife, Rose Thomson, recalled that the career called on him to be neutral and exercise good judgment. She said, "He liked listening to all the different things and trying to decide if people had been treated properly".

He retired from the job two weeks before his death and only because of his failing health. In addition to his work, Mr. Thomson was involved with a number of local community groups, including the University of Toledo Alumni Association, which he had served as president; the Scott Alumni Association; the City of Toledo Credit Union, of which he was also a past president; the Toledo Museum of Art; the Maumee Valley Historical Society; the Committee on Relations with Toledo, Spain, and numerous other organizations.

Louis simply desired to help people and do things for other, and in the meantime improve the city of Toledo as well. However, the organization closest to his heart was the Toledo Zoo, family members recalled. They estimated he had been involved with the Toledo Zoo for nearly 50 years because it was a landmark for the people of Toledo and surrounding areas. His love for the Toledo Zoo mimicked his love for the Toledo community. Louis always promoted the city of Toledo from an industrial, business and cultural perspective, never ceasing in the opinion that Toledo was a great place to live.

Toledo will miss one of its dearest sons. May his positive spirit and love of community be remembered in word and deed by all Toledo residents.

HONORING THE LIFE OF MOSES WEINSTEIN

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. CROWLEY. Madam Speaker, I rise to honor the passing of a man who I deeply admired and knew for many years; Mr. Moses Weinstein. Mr. Weinstein, or Moe as his friends called him, passed away at the age of 95. He was loved and respected, and served New York and our country honorable throughout his long life.

Mr. Weinstein was a true patriot. He was a Word War II veteran, and served our country in Europe. After graduating from Brooklyn Law School and he began working his way up the political ladder. In 1959, he started what would be an 11 year career in the New York State Assembly. During his tenure in the Assembly, he served as Chairman of the Queens Democratic Party; held the prestigious title of majority leader for the 1967 convention, where the New York State Constitution was redrafted, and was elected to the post of Majority Leader from 1965 through 1968 and Speaker of the Assembly in 1968. Much of his work as a legislator focused on the importance of promoting minorities and women to hold judicial positions.

After leaving the Assembly, Moe became a Justice of the Supreme Court of New York in 1970, and held the post for 14 years.

Moe was so accomplished. Yet, he always claimed that he was not anyone's boss, especially in his own home. He claimed that Muriel Marshall, his wife, was the true boss of the household.

I want to extend my deepest sympathies to Moe's family. Jonathan, Peter and Jeremy, your father was an extraordinary man and I feel blessed to have known him.

CONGRATULATING COASTAL BEND COLLEGE ON ITS 40TH ANNIVERSARY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. HINOJOSA. Madam Speaker, I rise today to congratulate Coastal Bend College, in Beeville, Texas on its 40th Anniversary. Bee County Junior College District was created by election on November 2, 1965. The election resulted from several years of work to establish a community college for Bee County. Support was shown by residents in an overwhelming five-to-one majority for the creation of the district. The desire for a community college was again demonstrated on December 7, 1965, when district citizens approved a tax to support BCC, and bond issues to build the college. Bee County College opened in September 1967 with 790 students, 24 full-time instructors and 11 part-time teachers. Its first class graduated in May of 1968.

In 1998 Bee County College changed its name to Coastal Bend College to reflect its expanding role in the region. Today, the Coastal Bend College service area includes Karnes, McMullen, Live Oak, Bee, Duval, Jim Wells and Brooks Counties, and parts of Atascosa and Kleberg Counties with campuses in Alice, Beeville, Kingsville and Pleasanton. Enrollment in academic, workforce education and continuing education classes during the spring of 2006 was 3,534. More than 100,000 students have passed through at least one of the four campuses over the past 40 years.

Coastal Bend College's current president, Dr. Thomas B. Baynum, came to the college in 2007. Under his leadership, the Texas Coordinating Board recently approved the opening of a full nursing program at Coastal Bend College. This new nursing program will help the school provide training that will not only offer graduates good paying jobs, but will also help alleviate the severe nursing shortage which this rural region faces as well as our State of Texas.

As a Hispanic Serving Institution, Coastal Bend College plays a critical role in graduating Hispanic students who will make up a large portion of our future workforce. The Higher Education Reauthorization Act, which is currently being negotiated in Congress, will help colleges like Coastal Bend increase their recruitment of minority students.

This weekend, Coastal Bend College will be celebrating this important 40th anniversary with a variety of events, including musical performances, art exhibits and most importantly, the graduation of students in its 40th graduating class. I want to again congratulate Coastal Bend College for reaching this important milestone and wish every graduating student success in their future endeavors.

TRIBUTE TO THE SCOTTSBLUFF DECA

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. SMITH of Nebraska. Madam Speaker, since 1946, DECA has been the premier student organization preparing high school and college students for careers in marketing, management and entrepreneurship. Students are able to develop academic, leadership, communication, and civic responsibility skills.

Through the efforts of this organization, thousands of students have become leaders and have improved their communities in countless ways.

Today, I want to congratulate the thirty-nine students from the Scottsbluff DECA Chapter who qualified for and attended the International DECA Career Development Conference in Atlanta, Georgia. I also want to congratulate their advisor, Mr. Derek Deaver.

Over 14,000 DECA members from all fifty states as well as Canada, Guam, Puerto Rico and Mexico attended the conference, held late last month.

In this international competition, the Scottsbluff DECA Chapter made Nebraska proud. Many members received awards of excellence with one project—whose members include Brittany Shaneman, Jordyn Gray and Breanna Elley—placed in the top twenty, and Seth Wallace finishing in the top ten, placing third in the nation.

The continued success of Mr. Deaver and his DECA students is a testament to the fact young Nebraskans represent a truly valuable resource. I applaud their achievements and wish them the best next year.

COMMEMORATING THE RENOVATION OF THE MONCLOVA, OHIO POST OFFICE BUILDING

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. KAPTUR. Madam Speaker, this month marks a celebration in the community of Monclova, Ohio. After four years, hundreds of volunteer hours given by dozens of volunteers, and many donations and financial contributions from generous sponsors, the citizens of Monclova will dedicate a reconstructed and renovated historical Post Office. Bill Strayer and Mary Kay and Connie Nuhfer of the Monclova Historical Society prepared a wonderfully descriptive history of the building and the effort to restore it, which I am pleased to submit for the RECORD.

A BRIEF HISTORY OF THE MONCLOVA OLD POST OFFICE

By the late 1800s and early 1900s, Monclova Township boasted a variety store, a mercantile, a drugstore and a barbershop, as well as wagon makers, blacksmiths, and a lyceum. Home mail delivery was also provided to area residents following the Rural Free Delivery legislation enacted by Congress. Ira Hinkle became the first mail carrier in the Township, using a horse and covered wagon on good weather days and riding the horse in snowy weather. Claire Metzger became the first Postmistress of Monclova Township on March 19, 1915; she served for 41 years before retiring on October 31, 1956. Prior to Miss Metzger becoming Postmistress, the Trapp Mercantile Store housed the Monclova Post Office. Claire, however, had a cement block building erected on property owned by her father, John Metzger, creating the first stand-alone post office in the Township. This one room building was unique in that it was the only post office in the country to have a piano; Claire would often entertain her customers by playing songs on it. The post office continued to operate until December of 1961, when the current Monclova Post Office opened on the corner of Monclova and Waterville-Monclova Roads.

Within a few years after its creation, the Monclova Historical Foundation was approached by the Kerscher family to see if its members would like to have the old Post Office building that now sat empty. The Kerschers, who owned the land where the old post office was located, requested that the building be moved from its current site and relocated on the Community Center property. At that time, the Foundation did not have the resources to take on the property and so the project was put on hold.

In 2004, however, the Foundation was approached by retired Master Carpenter and builder Ray Parker. He and friend Peggy Brown were willing to take on the project of saving and restoring the old building. In June 2004, a letter was signed granting the Foundation ownership of the old Monclova Post Office with the condition that it be removed from the Kerscher property. In early fall 2004, a meeting with Ray Parker, Peggy Brown, Bill Strayer, then president of the Foundation, and Tom Meyer, architect and friend of Bill's, met to discuss what had to be done to move the building. Ray made detailed drawings of the building including noting where each block was located. There were four different style blocks used in the Post Office and Ray wanted to be sure it would be reconstructed exactly as it was before it was taken down.

A few weeks later a group of volunteers took apart the building block by block. The blocks themselves were the only part of the building that were salvageable, but small pieces of trim were saved to be used as a pattern for creating new trim work. The blocks were stored behind the Community Center until plans, prints, permits and funds were ready. In late summer 2005, reconstruction of the old Post Office began and the building was under roof by winter. In early 2006, Ray Parker died of cancer. Peggy, along with Bill and many other volunteers, have worked to complete the building the way Ray would have wanted. Over seventy volunteers have put in hundred of hours of work on the project and contributors have given both large and small donations in order to make this restoration possible. On May 24, 2008, the building will be officially dedicated; it will then be used as a museum for area schoolchildren and visitors to explore and to learn about the history of this great community.

CONGRATULATING FORT A.P. HILL

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I am proud to recognize Fort A.P. Hill as the winner of the 2008 Commander in Chief's Annual Award for Installation Excellence and am honored to represent the men and women of Fort A.P. Hill. The Commander in Chief's Annual Award for Installation Excellence recognizes outstanding and innovative efforts of those who operate and maintain U.S. military installations, and A.P. Hill was selected based on their exemplary support of Department of Defense missions.

Excellent military installations enable better mission performance and enhance the quality of life for military men, women and families. Each winning installation succeeded in providing excellent working, housing and recreational conditions.

To compete for the award, installations completed detailed organizational self-assessment packages answering questions posed in the Army Performance Improvement Criteria. Top installations received a week-long site visit by a team of evaluators, and a final, detailed scoring assessment by a senior panel of judges determined the top three installations.

The assessment was a thorough study of how business processes are designed and deployed, and how the installation fares in its business results across a variety of performance areas. I am honored to recognize the accomplishments of Fort A.P. Hill as the installation continues to sharpen the combat edge of America's Defense Forces, and I am proud A.P. Hill calls the First Congressional District home.

HONORING THE LIFE AND SERVICE OF PFC ADAM LEE MARION

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. FOXX. Madam Speaker, I rise today to honor the life of sacrifice and service of PFC Adam Lee Marion of Dobson, North Carolina. Private First Class Marion, who served in the Army National Guard's 171st Engineer Company, made the ultimate sacrifice for his country last week when he fell in combat near Baghdad, Iraq.

Private First Class Marion's life exemplified the citizen-soldier ethic of the Army National

Guard. He was known for his kindness and his heart for children. He loved to serve at home and in Iraq to protect the lives of these most vulnerable members of society. Taken at the age of 26, Private First Class Marion leaves a legacy of compassion, bravery and sacrifice.

His patriotism and selfless service to country is captured in his decision to deploy to Iraq with the 171st when he learned his original unit would not deploy. This is a remarkable sacrifice and a true sign of Private First Class Marion's readiness to serve his country even at the risk of his own safety.

His fellow soldiers testified to Private First Class Marion's professional skill as a soldier, his bravery in the face of danger and his sacrifice for his country. As the operator of a "Husky," a vehicle that detects improvised explosive devises for convoys, he was on the front lines in Iraq. In fact, his team helped clear IEDs from more than 100 convoy routes during his service in Iraq.

Private First Class Marion is survived by his parents Pam and Don Marion and his sister, Adrian. His sacrifice for our freedom will never be forgotten. He was a man who was acquainted with the dangers of combat and yet gave his life to a cause much greater than himself. In this and much more he is a hero and he hands down to future generations a legacy of valor, honor and the love of freedom.

Madam Speaker, my prayer is that he will long be remembered as a man who faithfully answered the call of duty to country. My thoughts and my prayers are with Private First Class Marion's family. May they know comfort of God's presence at this very difficult time. The people of North Carolina and our nation are blessed to remember him as an honored son and we mourn his passing and celebrate his life.

HONORING THE 250TH ANNIVERSARY OF THE BIRTHDAY OF JAMES MONROE

HON. ROBERT J. WITTMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Mr. WITTMAN of Virginia. Madam Speaker, I am pleased to recognize the 250th anniversary of the birthday of James Monroe, a First District of Virginia native. James Monroe was born in Westmoreland County on April 28, 1758, and was raised and educated in the Commonwealth of Virginia.

James Monroe attended the College of William and Mary, fought as a Lieutenant Colonel in the Continental Army, and practiced law in Fredericksburg, Virginia. As a politician, Monroe served in the Virginia Assembly, The Continental Congress, as Governor to the Commonwealth of Virginia, as a US Senator, Secretary of State and Secretary of War to President James Madison. Ultimately, James Monroe became our fifth President of the United States.

As Minister to France, Monroe helped negotiate the Louisiana Purchase. During his early years in the White House his administration was known as the "Era of Good Feelings", a time period in American political history in which partisan bitterness abated. Yet, Monroe may be best remembered for his belief that the Americas should be free from future European colonization and interference in sovereign countries' affairs. His strong opinions and principles on foreign policy came to be known as the Monroe Doctrine.

The citizens of the Commonwealth of Virginia and especially America's First District express their gratitude to James Monroe, in commemoration of the 250th anniversary of his birthday. James Monroe was a loyal public servant and an exceptional statesman. His ideals and leadership qualities are such that all citizens, not only of Virginia, but the United States can admire and learn from.

As President Monroe once stated, "In this great nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them, without impairing in the slightest degree their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary for the purposes of free, enlightened, and efficient government".

INTRODUCTION OF THE JOINT GUAM PROJECTS OVERSIGHT ACT

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 2008

Ms. BORDALLO. Madam Speaker, today I have introduced H.R. 5931, the Joint Guam Projects Oversight Act, to ensure appropriate implementation and oversight of the realignment of military installations and the relocation of military personnel on Guam. I am joined by my colleague from Hawaii, Mr. ABERCROMBIE, in introducing this legislation.

The rebasing of military forces from Okinawa, Japan to Guam is a component of the United States-Japan Alliance Transformation and Realignment Agreement signed in May 2006. Additionally, planned for Guam is the reassignment of a significant number of airmen from Korea, the standing-up of a U.S. Army air defense battalion and improvements to Naval Base Guam. These major realignments present significant challenges and opportunities for the community on Guam.

Over the next 6 years the Department of Defense and the Government of Japan plan to spend over $10 billion to support the realignment of units of the III Marine Expeditionary Force from Okinawa to Guam and an additional $3 billion on upgrades and improvements at Andersen Air Force Base. The Government of Japan has pledged to contribute over $6 billion to support the rebasing of units from Okinawa to Guam through direct contributions to the United States Treasury and through Special Purpose Entities (SPEs). Funding of some projects by a foreign government poses significant challenges to Congress's right and responsibility to oversee this realignment. H.R. 5931 creates a new account for the realignment to Guam. The account entitled the "Guam Defense Policy Review Initiative Account" would help the Department of Defense manage its expenditures on projects associated with the realignment of military forces on Guam.

This legislation also addresses the unique nature of the SPEs. Department of Defense officials indicate that SPEs are intended to operate in a manner similar to other public-private ventures that currently exist with respect to other projects in the United States. Our legislation expresses a Sense of Congress that the SPEs should operate as publicprivate ventures. It also encourages the Department of Defense to ensure that all construction projects on Guam, operated and maintained by SPEs, should meet U.S. standards. It also encourages the Department of Defense along with the Government of Japan to consider utilizing the SPEs for projects other than military housing and utility infrastructure improvements. Moreover, if the SPEs are utilized to improve utilities on Guam the improvements must be made to the overall grid operated by the Government of Guam and not solely for the benefit of military installations. Improvements to the overall utility infrastructure on Guam will be more cost-effective.

The $13 billion investment by the Department of Defense and the Government of Japan is intended primarily for military infrastructure. However, the Government of Guam estimates that additional funds will be needed to improve civilian infrastructure, including schools, public safety, water, wastewater, utility, and road improvements to accommodate the additional population on the island. As we near the end of the Bush Administration's term it is important that the Federal Government work closely with the Government of Guam to develop Memoranda of Understanding, MOU, to ensure Federal commitments that Guam can rely on. The MOUs can be facilitated by utilizing the Interagency Group on the Insular Areas, IGIA, established by executive order of the President. The legislation includes a Sense of Congress that these MOUs must be developed to ensure that the build-up is a success. In reference to planning, the legislation also authorizes the Office of Economic Adjustment, OEA, within the Department of Defense to provide planning funds to the Commonwealth of the Northern Mariana, Islands, CNMI. This will support appropriate planning by the Government of the CNMI for increases in population and military activity resultant from the establishment and utilization of training ranges in the CNMI. Currently, the OEA lacks the authority in law to provide planning funds to the CNMI and this provision would correct this omission in law.

It is important that military construction projects on Guam be energy friendly and meet strong environmental design standards. The legislation requires the Department of Defense to meet Leadership in Energy and Environmental Design, LEED, silver rating standards. LEED standards have been developed and are approved by the U.S. Green Building Council. The legislation also requires the Secretary of Defense to report back to Congress on establishing a goal for energy renewability on Guam. The major construction effort supporting the build-up should be conducted in the most environmentally friendly and energy efficient manner as possible.

The legislation also prioritizes the small business community in this military build-up.

The bill contains a provision that would limit the Historically Underutilized Business Zone, HUB Zone, preference for work performed in excess of 150 miles from the primary office location of a HUBZone firm. This provision would ensure that construction projects benefit the local businesses and economy. Moreover, the legislation would authorize the establishment of a Procurement Technical Assistance Center, PTAC, on Guam to help local small businesses navigate the complexities and bureaucracy of Department of Defense contracting.

Finally, the legislation will require all contractors to certify their compliance with local tax and licensing requirements. The provision grants the contracting agent within the Department of Defense the ability to withhold final payments on contracts if the contractor is found to be delinquent in paying their local tax obligations. This provision is important to ensuring the Government of Guam will be able to collect revenue from this build-up and apply such revenue to make needed improvements to civilian infrastructure.

The military build-up on Guam presents many opportunities and many challenges. I firmly believe that the legislation I have introduced today with Mr. ABERCROMBIE will help facilitate congressional oversight and accountability of build-up activities as well as provide additional tools for the local government and businesses to make this build-up a success. This legislation addresses issues important to the people of Guam and would help to ensure the success of the military build-up both for the Department of Defense and for the people of Guam.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 8, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the President's proposed budget request for fiscal year 2009 for the Transportation Security Administration (TSA).
SR–253

Energy and Natural Resources
To hold hearings to examine the impacts of climate change on the reliability, security, economics, and design of critical energy infrastructure in coastal regions.
SD–366

Environment and Public Works
To hold hearings to examine proposed legislation on mercury.
SD–406

Finance
To hold hearings to examine cracking the code, focusing on tax reform for individuals.
SD–215

Judiciary
To hold hearings to examine the Bulletproof Vest Partnership program, focusing on protecting our nation's law enforcement officers.
SD–226

2:30 p.m.
Indian Affairs
To hold an oversight hearing to examine the successes and shortfalls of Title IV of the Indian Self-Determination and Education Assistance Act, focusing on twenty years of self-governance.
SD–562

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 14

9:30 a.m.
Foreign Relations
To hold hearings to examine responding to the global food crisis.
SD–419

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.
SD–342

10:30 a.m.
Aging
To hold hearings to examine the future of Alzheimer's disease, focusing on current breakthroughs and challenges.
SD–106

2:30 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine addressing the challenge of children with food allergies.
SD–430

3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold an oversight hearing to examine the National Archives, focusing on protecting our nation's history for future generations.
SD–342

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Federal Trade Commission.
SD–192

MAY 15

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine nuclear terrorism, focusing on providing medical care and meeting basic needs in an aftermath.
SD–342

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine development of oil shale resources.
SD–366

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

MAY 20

10 a.m.
Energy and Natural Resources
To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).
SD–366

MAY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending health care legislation.
SR–418

10 a.m.
Judiciary
To hold hearings to examine the skyrocketing price of oil.
SD–226

JUNE 3

9:30 a.m.
Armed Services
To hold hearings to examine the acquisition of major weapons systems by the Department of Defense.
SD–106

POSTPONEMENTS

MAY 15

9:30 a.m.
Indian Affairs
To hold an oversight hearing to examine access to contract health services in Indian country.
SD–562

SENATE—*Thursday, May 8, 2008*

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by guest Chaplain Rev. Brian Severin from Victory Christian Fellowship in Greeley, CO.

The guest Chaplain offered the following prayer:

May we all join our hearts in prayer.

Almighty Father, God of all creation, in the Name of our Lord Jesus, the author of salvation, I pray for each one of our Senators standing in this legislative gate, 100 of our Nation's best, in whose grasp is the throat of our fate. Give each of them Your wisdom amidst the confusion of our day. Help them embrace Superman's motto, bringing Truth and Justice, the American way. Protect their marriages and families, who are invaluable to each Senator's heart, and enlighten their children's generation with a genius redefining the term "smart." May a tidal wave of unity erase the line drawn in the sand. May our Senators lift their voices as one, again declaring "United We Stand."

Help us, the people, support our Senators, help them ignore our selfish whine. May each of them fulfill their calling, guiding us through the storms of perilous times.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 8, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. DURBIN. Mr. President, today there will be a period of morning business for up to 1 hour, with the time equally divided and controlled between the two leaders or their designees. The Republicans will control the first half and the majority will control the final half.

ORDER OF PROCEDURE

I ask unanimous consent to amend this consent to note that Senator ALLARD wishes to say a word about the gentleman who just served as our Chaplain. I ask that his time not be deducted from the minority time in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Following morning business, the Senate will resume consideration of S. 2284, a bill to restore the financial solvency of the National Flood Insurance Fund.

As a reminder, all amendments to the flood insurance bill must be offered today. Senators should expect rollcall votes to occur throughout the day as we work to complete action on the bill. I ask everyone to focus on the amendments and showing up in a timely fashion. We want to complete this as quickly as we can.

MEASURE PLACED ON THE CALENDAR—S. 2991

Mr. DURBIN. Mr. President, I understand that S. 2991 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

> A bill (S. 2991) to provide energy relief, hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

Mr. DURBIN. I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Minority leader is recognized.

DEMOCRATIC ENERGY PACKAGE

Mr. McCONNELL. Mr. President, reading the morning papers, we learned a couple of key points about the energy proposal introduced yesterday by our friends on the other side. The most important point is that two central provisions of the bill are opposed by two of their own chairmen. In this morning's Albuquerque Journal, we learned that the Democratic chairman of the Senate Energy Committee does not like the so-called windfall profit tax. He called it "arbitrary."

Now, we know this is a bad idea that does not work. The last time a windfall profits tax was tried in the 1980s, it reduced domestic production and actually increased our reliance on foreign oil, just the opposite of a rational policy to reduce gas prices to make America more energy independent.

In the Wall Street Journal, we learned that the senior Senator from New York, the chairman of the Joint Economic Committee, is raising the alarm about another central tenet of the Democratic energy proposal, the energy futures trading provision. The Journal reports the chairman is saying the energy futures trading provisions, as written, would send the bulk of the trading that is now done in America, and thus American jobs, to markets overseas.

I agree with both of these chairmen. Two years have passed since Congressional Democrats said they had a "commonsense plan" to address high gas prices. This week Senate Democrats finally unveiled that plan, and their own chairmen do not seem to like parts of it. It is predictably high on taxes, more bureaucracy, and continued dependence on OPEC.

Their proposal would do nothing to lower the price of gas. It will only serve to further reduce domestic supplies and increase our dependency on foreign oil at a time when we are trying to make America more, not less, energy independent.

Republicans believe we should increase our supply of American energy

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to bring gas prices down and to create American jobs. Apparently our friends across the aisle believe we should continue to ask OPEC to increase its supply, while opposing additional production of American energy.

We will have an opportunity to vote on Monday on the proposal that the majority of Members on my side think would make an actual difference in the coming years. It is a fundamental difference of opinion. We can either proactively increase our domestic production or we can place greater dependence on foreign suppliers and further delay energy independence. Given the choice, I would rather produce more American energy and create more American jobs.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The assistant majority leader.

Mr. DURBIN. Mr. President, I ask unanimous consent to respond in leader time in the absence of Senator REID.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, Senator REID could not be here this morning and asked me to come to the floor if a response was necessary, and a response is necessary.

There are two fundamentally different approaches when it comes to America's energy futures between the Democratic side and the Republican side. The Democratic side believes that first we have to do everything we can to protect consumers of America from price gouging. We know what is happening. We cannot go to Illinois, Arkansas, Kentucky, or Colorado and not run into people saying we cannot understand why gasoline prices are so high. We know the price of a barrel of oil has gone up to record high levels because of price manipulation by the Saudis, OPEC, and other countries, and the Republican approach to this totally ignores it. We know the oil companies across the United States last week reported record profits in the first quarter of this year. Since President Bush came to office, the profits of the oil companies have more than quadrupled and the price of gasoline has more than doubled.

Does the Republican approach even address this? The answer is no. We have, in the Democratic approach, a windfall profits tax, which says to these oil companies: There is a limit beyond which you cannot go in gouging consumers and overcharging them for your products. As airlines are faced with bankruptcy, as truckers cannot afford to fill their rigs on the highways, as the cost of energy is passed on to us as higher food prices and the like, it is absolutely unconscionable that the oil companies continue to show record profits quarter after quarter, year after year, at the expense of our economy.

The Democratic approach deals with that. We go to the fundamentals. The windfall profits tax says to the oil companies: There is a limit to what you can take. Beyond that, the Government is going to tax you and make it clear to you that raising prices is not the answer.

Second, we are going to stop putting more oil at high prices into the Strategic Petroleum Reserve. If there ever was a time we should not be taking oil off the market, this is that time. We also provide in our bill for going after this OPEC coalition, the price collusion that is going on at the expense of the American economy.

We deal with price gouging to make sure the companies that engage in it know they are going to pay a heavy price for that kind of conduct. And we go after speculation, if it is excessive, to try to make sure we fuel any fires of speculation that might be adding to the cost of energy.

What do the Republicans offer in return? Drilling, drilling, drilling. They do not understand one fundamental fact: The United States has within its grasp, in our territory and territory we control, only 3 percent of the world's supply of oil—3 percent. Each year, we consume 25 percent or more of oil produced. We cannot drill our way out of this situation.

We have to stop price gouging on consumers. We have to hold oil companies accountable, and I think the Republican approach does neither. I am looking forward to this debate. I assume that by early next week we will have a vote and the American people will see where we stand.

WELCOMING THE GUEST CHAPLAIN

Mr. ALLARD. Mr. President, it is with great pleasure and pride that I rise to recognize and welcome the guest Chaplain for the Senate today, Pastor Brian Severin, who is the pastor of Victory Christian Fellowship Church, Greeley, CO.

Pastor Severin has served in the full-time ministry for 23 years. He was born and raised in northeastern Colorado before attending and graduating from the University of Northern Colorado, which is also located in Greeley.

Prior to coming to Greeley 6 years ago to minister to Victory Christian, he was the founding pastor for Church Alive in Sterling, CO, and served as pastor to New Life Fellowship in Yuma, CO.

He is joined today by his wife of 27 years, Joslyn Severin, along with 14 members of his congregation. My colleagues and I very much appreciate Pastor Severin taking time away from his duties in Colorado to help guide us through our deliberations today in the Senate.

May Pastor Severin's words of inspiration this morning make us wiser and kinder to each other as we go about conducting the people's business today.

I yield the floor.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me make one observation, that the guest pastor got his training at Rhema Bible College at Broken Arrow, OK. I was mayor of Tulsa, he reminded me, back at that time. So he had good training.

DOMESTIC ENERGY PRODUCTION ACT OF 2008

Mr. INHOFE. Mr. President, let me respond, firstly, if I can, to the assistant majority leader. First, it is easy to point the finger at oil companies. That is the easiest "out," because everyone has this perception that all oil companies are doing great.

Here is the problem you have. If you were to take all profits from oil companies—let's forget about windfall profits; take it all, do not leave any at all for anything else, other than what they are putting into exploration—it would amount to 28 cents a gallon.

If you slashed their profits in half, as they are proposing to do, that would be 14 cents. Fourteen cents does not help a lot, at least my wife says it does not. And I think you know we are kidding ourselves. There are solutions to this problem, but that is not one of them.

Then as far as the Strategic Petroleum Reserve, we are putting about 50,000 barrels per day in there right now. If we were to halt that, over the course of a year it would equal less than one day of U.S. consumption. That is not what I call a fix. Fourteen cents a gallon is not a fix, one day of time is not a fix.

But there are some things we can do. We do have an amendment, amendment No. 4720. It is by our leader, Senator MCCONNELL, and by Senator DOMENICI. This actually was a bill. It was going to be the Domestic Energy Production Act of 2008, but we are offering it now as an amendment. This would handle a lot of the problems. First, if we had all of the production out there that we needed to take care of America's needs, we still could not do anything, because we do not have the refining capacity. Two years ago I introduced the Gas Price Act. I could not believe it went down right on party lines. The Democrats flat do not want to increase our refining capacity. This happened in the

Environment and Public Works Committee. It was actually a pretty smart approach to it. We were taking a lot of the closed bases and using them and allowing EDA grants to take place so that adjoining communities could turn those into refineries, and also streamlining the process and all of that.

Well, it went right down on party lines. So this amendment we are going to be talking about is one that will do something about the refinery capacity. The one we introduced, the amendment, streamlines the permitting process so there would be a maximum on any new refinery of 360 days on a new refinery or an expansion of 180 days.

We have not increased our refining capacity. We have not had a new refinery in 30 years. Other countries are doing it. China is doing it. Mexico is doing it. But we are not. So that is the first thing we need to do, increase refining capacity.

Secondly, everybody hold on, because this is something I know is very foreign to our thinking nowadays, it is an old concept called supply and demand. We have a lot of demand for gas out there. We know that. We know when we go to the pump. The problem is the supply. I hate to say it. Is there a chance? I am kind of excited that the public now has the attention of the high prices and realizes we are going to have to do something besides the gimmicks the assistant majority leader talked about. That would be to increase our drilling capacity. We could do it on ANWR. People talk about the fact that this is pristine wilderness. First of all, I challenge anyone to look at this area. It is not a pristine wilderness. The main thing is, if you take that little area that we have, with huge reserves, we have been trying to do something with it. It compares as a postage stamp does to a football field. It is such a small amount. All the Natives there want it. All the Alaskans want it. It is their land. That would be the first thing we should do to increase our capacity.

We tried this. We passed this 10 years ago. Then President Bill Clinton vetoed it. If he had not, that would be flowing today. All the people who are complaining about that are the same ones who complained about the Alaska pipeline. They said it was going to kill all the caribou. Go up there now during the summer months, and they have increased the number of caribou up there primarily because in some parts of Alaska, the only shade they can find is the Alaskan pipeline. They are all lined up there. So it is not a problem.

The other major area of production potential would be to go offshore. It is interesting. One of the things in this amendment is to allow States to determine what they want to happen offshore. It is interesting, some of the States, such as Virginia, south of where we are standing right now, very much wants to. I have talked to Senator WARNER. They are talking about allowing production offshore. Several other States have wanted to do that. It is a wake-up call we have right now that we are going to have to do some of these things. It is interesting that Canada allows offshore drilling in the Pacific, the Atlantic, and the Great Lakes. Cuba is also looking to expand drilling, which could occur 45 miles off parts of Florida. If this happened, they would be doing it with technology that is much less environmentally friendly than we have right now. So we have the possibility the Cubans are going to be doing something without any emission controls, without any environmental precautions, and we would be allowing it.

Another part of this amendment is to repeal section 526. This is something that should not have been in before. This was actually put in in the Energy bill that was passed in December of 2007. Section 526 prohibits Federal agencies from contracting to produce nonconventional alternative fuels that emit higher levels of greenhouse gas emissions than conventional petroleum sources. The scope of the fuels that could be prohibited is left wide open to interpretation, including fuels such as Canadian oil sands, E85 ethanol, the coal and natural gas-to-liquids fuels. This was an experiment I had something to do with, as did the occupant of the chair, in the Senate Armed Services Committee. We now have a B-52H bomber that is actually running on gas-to-liquid fuel. So we know this is something that works. We know it can help our situation.

What I don't have time to get into because I only had 5 minutes, but I wish to do it later, is the ethanol mandate that came with the December of 2007 bill. Right now we know that ethanol—and quite a few of the far-left environmental extremists were behind this thing to start with; in fact, former Senator Al Gore, Vice President Al Gore has stated he cast the deciding vote to allow ethanol in the first place—is not environmentally sound. It is expensive. It is not good on engines, and it is competing. In my State of Oklahoma, our livestock people say we can't continue to have the biomass fuels competing with our feedstocks. Almost everything you see that is high priced now in the grocery stores you can trace back to the ethanol mandate. One of the things we will be wanting to do—and I will elaborate on it later—is to exercise the part of that bill that gives the EPA the opportunity to be involved in a waiver of the ethanol mandate.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, the American Energy Production Act of 2008 is being offered as an amendment to the flood insurance legislation before us today. I am an original cosponsor of the American Energy Production Act.

The thrust of this legislation is expanding American energy supply through many different avenues. I view this amendment as an essential step forward in both addressing the short-term as well as the long-term American energy supplies. I also view this amendment as the right policy to deal with today's high price of energy. America needs to advance its energy policy, and this amendment deserves immediate consideration.

There are many excellent provisions of the amendment that is before us. I am particularly interested in a provision to ramp up production of 6 billion gallons of fuel derived from coal. The provision would start with a mandate of 750 million gallons of alternative coal-to-liquid fuels and then ramp up by a similar amount over the following 7 years, beginning in year 2015. Analysts estimate this provision will result in a reduction in the amount of oil America is projected to import.

Simply put, coal is an abundant, affordable, reliable, and secure source of energy. Coal can also be a clean energy source. These coal-to-liquid fuels would likely be used first by our military. The Department of Defense would be allowed to sign longer contracts for synthetic fuels. The duration of the contracts would be expanded from the current 5 years to 25 years. By doing that, this simple provision provides great potential because it adds certainty to the market and provides another incentive to develop coal-to-liquid facilities. In a time of soaring prices at the pump, this provision deserves serious debate, serious consideration.

The fundamental energy issue before us is one, as we have heard from all speakers, of supply and demand. It is a time for Congress to take action, action that can have a real important impact on America's energy supply.

America's coal is vital to our Nation's economic prosperity and our Nation's security. Coal is a crucial part of America's energy portfolio. Coal provides a foundation for a competitive economy, a secure future, and a prosperous information technology sector. Wise use of natural resources drives America's innovation and our economic success. From the steam engines of yesterday to the superconductors of the world, coal has powered this Nation. Now is the time to support the technology and development of coal to liquids. This will allow coal to be an important contributor to America's transportation fuel. After all, coal is strategically found in States throughout the Nation, both in the East as well as the West.

The countries competing with us economically—India, China—rely heavily on coal. They are poised to exploit coal's many benefits. In order for us to sustain America's current economic leadership, we must continue to harness the vast potential of coal. Energy sources often face challenges. You know what they are: reliability, security, economic competitiveness, ease of conversion, impacts on food supply, and environmental considerations. Coal provides an essential on-demand energy supply in the United States, and coal is a low-cost energy source. Coal has enormous potential to be converted into transportation fuels. At a time when America faces record prices at the pump, coal should be used to produce gasoline, diesel fuel, and jet fuel. Several provisions in the American Energy Production Act of 2008 move America's use of coal and domestic energy in the right direction. America's energy and economic security will depend on promoting technologies that are related to coal. The time to act to expand America's energy portfolio is now.

I urge adoption of the amendment when it comes up for a vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. May I ask how much time remains in morning business on our side.

The ACTING PRESIDENT pro tempore. There are 15½ minutes.

Mr. CORNYN. Mr. President, I thank the Senator from Oklahoma and the Senator from Wyoming for their excellent remarks on the energy crisis. I want to focus attention on a couple of numbers this morning.

The first number is $3.65. This is the average price of a gallon of gasoline now for sale across America. Contrast that with the figure of $2.33. That shows how much the price of gasoline has gone up across the country since January 4, 2007. If we extrapolate what that means for the average American family, they have seen a decrease in their standard of living or an increase in their cost of living by roughly $1,400 a year as a result of this increase in gasoline prices.

Another figure I wish to mention is the figure 745. That was 745 days ago, when Speaker NANCY PELOSI, before she was Speaker, said that if she and her fellow Democrats were given the majority, they would come up with a commonsense plan to reduce gas prices. That was 745 days ago. Notwithstanding the fact that they announced a plan yesterday—I will talk about that in a minute—we are still waiting for a commonsense plan to bring down gas prices at the pump.

Here is the quote:

> Democrats have a commonsense plan to help bring down skyrocketing gas prices.

This was the Speaker of the House, April 24, 2006. As I said, we are still waiting for that plan.

You heard both the Senator from Oklahoma and the Senator from Wyoming talk about some aspects of the legislation, the so-called Domenici amendment, which we will vote on, on Monday, and of which I am a proud cosponsor. But let me focus on the plan announced by Majority Leader REID and the Democratic leadership yesterday. First, we will find some very familiar elements to this plan rolled out by the Democratic leadership. It bears some remarkable resemblance to previous plans they have rolled out. The No. 1 element is it produces not one single drop of additional oil or gas or energy, not one drop. The other characteristic it bears a remarkable resemblance to in terms of past proposals is that they basically suggest we tax, we litigate, and we investigate our way to greater energy independence. This is a formula which, although familiar, is one that has not shown itself effective, obviously, in bringing down the pain at the pump, the price of gasoline.

First, they said: We are going to investigate price gouging by the oil and gas industry. We have seen investigations by the Federal Trade Commission. We have had numerous hearings that have found basically no substantiation for so-called price gouging. In fact, the cost of oil and gasoline has been related to unrest around the world in dangerous parts of the world where the supply may be in question, whether it is the Middle East or elsewhere.

They found that the failure of Congress to remove the regulatory burden to construction of new refinery capacity has led to a bottleneck when it comes to refinery capacity where that oil is then transformed into gasoline that we burn in our gas tanks.

Then, of course, there is the fact that we cannot repeal the law of supply and demand, and that unless we are going to do something about increasing the supply of oil, that if we fix the amount of oil available worldwide because we refuse to open America's own natural resources in order to expand that supply, that rising demand for oil by countries such as China and India—which have more than a billion people each who want the kind of prosperity and enjoy the sort of economic vitality the United States has—they are going to place greater demands on that fixed supply of oil so they can benefit, as America has, from having access to low-cost—relatively low-cost—energy for a long, long time.

So price gouging is something for which we have had investigations in the past. We have had hearings in the Senate Judiciary Committee, on which I am proud to serve. The Federal Trade Commission has investigated it until they were blue in the face and found no real evidence of price gouging but, rather, a deficit of supply when it comes to increasing demand as the most likely cause.

Now, the second element of the Democratic leadership's so-called energy policy is litigation. In other words, we are going to sue the Organization of Petroleum Exporting Countries.

Now, I have heard some of our colleagues talk about another context: We need to engage countries such as Iran and Venezuela and talk to them directly about geopolitical matters and about security matters.

This is the first time, really, I have heard them talk about suing countries such as Iran and Venezuela and the Organization of Petroleum Exporting Countries. The irony of it is, what are we going to sue them for? We are going to sue them for, presumably, more oil or make them turn the spigot open even wider, ironically forcing us to become more dependent on imported oil from dangerous regions across the globe and from people who are not our friend—President Ahmadinejad in Iran, head of an Islamic extremist government on the terror watch list of the State Department as a state sponsor of international terrorism in the Middle East; and then there is Hugo Chavez in Venezuela, somebody who is not our friend, somebody who harbors narcoterrorists in the FARC and other organizations in his country. These are the kinds of people we are going to continue to depend more and more on by somehow filing a lawsuit against them and forcing them to sell us more of their oil? How is that going to make us more energy independent? How is that going to enhance our national security and our economy?

Well, then there is the other answer we have heard in the Democratic leadership plan they proposed—this one, again, is a familiar solution, or I should say a nonsolution—and this has to do with the so-called windfall profits tax.

Well, I think we ought to learn from history or else we will be condemned to relive it. Over the entire 1980 to 1986 period, in which the U.S. Government had a windfall profits tax, it, in fact, reduced domestic production from between 320 million barrels and 1,268 million barrels. That is almost 5 percent of overall production. If you think about it, there is an easy way to understand that. If you put an increased tax on American producers—because, of course, we cannot put an increased tax on OPEC, on Venezuela, on Iran, and these state-owned oil companies—the fact is, we put an increased tax burden on our own domestic producers.

Of course, we find that the Congressional Research Service has found that last time we tried a windfall profits tax, it decreased our domestic oil production. Why in the world would we want to do that? How does that help increase the supply of America's natural resources, which can help ameliorate some of this pain at the pump by increasing supply and thus bringing down, hopefully, the cost of a barrel of oil and then the refined product of gasoline?

Well, the last suggestion has to do with the strategic oil reserves. That is a final answer, by eliminating the 70,000 barrels a day that we put into the strategic oil reserves. Now, I think there may be a case for reducing or eliminating the 70,000 barrels of oil a day that go into the Strategic Petroleum Reserve. But I have to tell you, the world consumes roughly 85 million barrels of oil a day—85 million barrels of oil a day. What effect is 70,000 barrels a day that would not go into the Strategic Petroleum Reserve, what impact would that have on reducing the price of oil globally or bringing down the price at the pump? Well, my calculation is that by reducing the amount of oil going into the Strategic Petroleum Reserve, we could bring down gas prices maybe 2 cents or 5 cents per gallon. Maybe that would be welcomed but hardly adequate to deal with the high gas prices we have sustained and are experiencing today.

But I want to take that one step further. If our Democratic friends believe reducing the amount of oil that goes into the Strategic Petroleum Reserve by 70,000 barrels a day is a good idea because that might reduce, although infinitesimally, the cost of gasoline, how much more sense would it make to explore and develop the million-barrel-a-day capacity that is located in Alaska in the Arctic National Wildlife Refuge? If you take the million barrels of oil a day that could be produced from ANWR, then you are talking about—according to the same calculation I just used on the Strategic Petroleum Reserve—reducing the pricing of gasoline, by an additional million-barrel supply of American oil a day, by 85 cents to $2.14 a gallon. Now, that would be a real impact, to be able to bring down the price of gasoline by 85 cents to $2.14 a gallon.

I just mentioned the ANWR reserves. But it is estimated if we were actually to open not only Alaska to environmentally responsible development of those oil and gas reserves located there and produce an additional million barrels a day of oil, that if we were also to leave up to the States—States such as Virginia and other States, Alaska—the option to open their Outer Continental Shelf to oil reserves, to further production, if we were to open some of the oil shale and oil sands out in the West to production, we could develop another 3 million barrels of oil capacity right here in America without having to depend more and more on foreign sources of oil.

If you take the same argument our friends have offered on the impact of reducing deposits of oil in the Strategic Petroleum Reserve and that that would actually have an impact on price, how much more would it have a beneficial impact on lowering the price if, in fact, we were to open up America's natural resources here at home?

We will have an important vote on Monday where the so-called Domenici amendment—which I am proud to join—will be offered for a vote, where the Senate can go on record in showing where they stand when it comes to this effort to help bring down the price at the pump, which Speaker PELOSI announced 745 days ago. The highlights, as I have already mentioned, of that bill are opening portions of the Outer Continental Shelf, as we have the Gulf of Mexico 300 miles offshore from the State of Texas. I tell you, you cannot even see the drilling activity out there 300 miles offshore. Indeed, the drilling activity could occur in the Outer Continental Shelf beyond the horizon in a way that is not even visible to people on shore.

I mentioned the Arctic National Wildlife Refuge. Tapping into that oil and gas, which we know is there, would immediately produce—once it is done—huge volumes of oil that could help relieve our dependence on imported oil.

We know that building additional refineries would help relieve some of that bottleneck when it comes to refining the oil into gasoline. Of course, 70 percent of the price of gasoline is the price of oil, but another part of it is the burden we put on the permitting process for the construction of new refineries or expanding refinery capacity.

My colleague from Wyoming talked about coal, and I agree with him that we ought to use good, old-fashioned American ingenuity in our research and scientific ability to figure out, how do we use this coal—we are the "Saudi Arabia" of coal—how do we use it in a way that is compatible with a good environment? The technology has already been demonstrated, things such as coal-to-liquids technology, coal gasification, which can capture the carbon, deal with the environmental concerns, and yet provide us access to energy which can help drive our economy and help make us less dependent on imported oil and gas from other parts of the world.

So, Mr. President, I hope our colleagues on the other side of the aisle will come forward with additional ideas. I have explained how the proposals they have made would have no impact, would provide no supply but would really just rehash old, tired themes which have been shown not to work in the past. But I think the debate is an important one, and I look forward to continuing it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Mr. MENENDEZ. Mr. President, I rise to honor and celebrate Israel's 60th anniversary. On a sad note, this is the first year that we honor Israel's anniversary without my friend and former colleague, Congressman Tom Lantos, former chairman of the House Foreign Affairs Committee. Mr. Lantos was the only Holocaust survivor to ever serve in Congress, and his recent passing has left a hollow void for all of us.

Mr. President, on April 22 of this year, the Senate unanimously adopted a resolution expressing our unwavering commitment to the sovereign and independent State of Israel.

Sixty years after its founding, we now witness a strong nation, a steadfast ally and strategic partner of the United States, a dynamic democracy with a thriving economic, political, cultural, and intellectual life, that survives despite the heavy costs of war, terrorism, and unjustified diplomatic and economic boycotts.

We now witness an innovative nation which has developed some of the leading universities in the world and produced eight recipients of the Nobel prize.

We now witness a compassionate nation, which regularly sends humanitarian aid, search-and-rescue teams, mobile hospitals, and other emergency supplies to help victims of disasters around the world and which has taken in millions of Jews from countries around the world, often fleeing those countries and persecution. These accomplishments have followed one of the most tragic events in human civilization: the slaughter of more than 6 million European Jews during the Holocaust.

We are reminded that, as I have said many times before on this floor, the events of the Holocaust are not distant and are not buried in the past. Today, those who survived the camps live to tell us their story, the stories of their families and their lives before the Holocaust. Their children and grandchildren are here with us too. They are living testimony to the strength, the courage, and optimism of their parents and grandparents. But in their hearts and in their souls they feel the pain and suffering of those who raised them. In them, too, the past is present.

Echoes from that tragedy still rattle our world in other ways. Every time a hateful slogan is spray-painted on a wall, every time a bigoted joke spreads like wildfire on the Internet, every time a synagogue somewhere in the world has to station armed guards outside so its members can pray in peace, and every time a terrorist Qassam rocket attack from Gaza shatters a pane of glass at a family's home or a school, we feel the dark shadows of history falling upon our time.

It is a harsh reality that 60 years after its founding, the nation of Israel continues to face mounting threats to its way of life and its existence. Sixty years after the establishment of a homeland for the Jewish people, antisemitism is very much alive.

So those who speak against the sovereignty of Israel or threaten its obliteration or who believe that antisemitism is an attack that need not be answered, do not recognize the consequences of history. In fact, an attack against anyone simply because of race or religion is ultimately the beginning of the unraveling of civilization. So it is in our common interests to raise our voices against antisemitism.

By honoring and commemorating the 60th anniversary of Israel, we do more than congratulate a nation. We take a stand against hatred and discrimination everywhere. We recognize a triumph over fear and achievement of industriousness, a victory of hope. We express our sincere confidence that despite the challenges its people have faced, despite the threats to their very existence, Israel has and it shall overcome.

Israel and the Jewish people have held many commemorations and events over the past week. Yesterday was a day to remember those who gave their lives to protect the State of Israel and others who have fallen victim to attacks from its enemies. Today is a day to celebrate the nation's 60 years of life. It is a day for celebration and for strong action.

On this day, we pause to commemorate all of those who have contributed to make Israel such a strong nation, and we pledge to continue to strengthen our bonds of close friendship and cooperation so that as proud as this nation's history is, the future will be even brighter still.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I thank my colleague from New Jersey for his powerful and eloquent words. I am privileged now to stand to join him in giving honor and celebrating the 60th anniversary of the founding of the modern State of Israel, which is a day truly to celebrate.

The 20th century witnessed unprecedented horrors inflicted by man against his fellow man, from the trenches of World War I to the gulag archipelago of the Soviet Union to the killing fields of Cambodia and Rwanda and, of course, the genocide perpetrated by Nazi Germany against the Jews of Europe.

Against these acts of bloodshed and repression and violence, the creation of the modern State of Israel in 1948 stands as a counterpoint in human history, a soaring act of hope and faith in our capacity as human beings to rise from the ashes of despair and to rebuild and restore that which for so long had seemed hopelessly lost.

The modern history of the State of Israel goes back 60 years, but of course the history of Israel goes back more than 4,000 years ago to the first words that God spoke to Abraham as recorded in Genesis 1:21:

> Now get thee unto the land that I will show thee, and I will make thee a great Nation.

That was the covenant that God made with Abraham and which God repeated to Isaac, to Jacob, and then to Moses who, with God's help, delivered the children of Israel out of bondage in Egypt to Mount Sinai where they received the Ten Commandments, their national statement of purpose and destiny, and then after 40 years in the wilderness, returned to the land that God had promised—the land of Israel.

It was there in the land of Israel more than 3,000 years ago that King David entered Jerusalem and declared it to be the capital of the Jewish people. And it was there in Jerusalem that David's son Solomon built a holy temple to house the Ark of the Covenant and the Ten Commandments. Thus in one place was established both the political capital of the Jewish people and the religious center of that people's faith.

It was also there almost 2,600 years ago on a dark day in history that the temple that Solomon built was destroyed. The Jewish people were forced into exile, returning just 40 years later to their homeland to rebuild the temple. It was during the time of the second temple under Roman rule that Jesus of Nazareth lived, preached, taught, and healed the Jews of Israel. But the temple was to be destroyed once more, and most, if not all, of the Jews were forced to flee the land.

For nearly two millennia, the Jewish people in the Diaspora prayed every day that they could return to the promised land. For almost 1,900 years, the State of Israel was thus carried in the hearts of millions of these Jewish exiles, and even more millions of Christians who prayed some of those same prayers for Zion's restoration, particularly here in America.

That collective yearning gave rise to a new political movement at the end of the 19th century—the modern Zionist movement. It was led by Theodore Herzl and a small band of followers, Jewish and Christian, throughout the world. Many people said those early Zionists of the modern era were naive dreamers, but Herzl replied: "If you will it, it is no dream." If you will it, it is no dream. Will it they did, and work for it they did. In 1948, 60 years ago this month, their dream became a reality.

The story of Israel's rebirth is inextricably bound up in the story of another extraordinary principal, purposeful nation with its own special sense of destiny, and that is, of course, our own beloved country—the United States of America.

From the earliest days of our Nation's history, there has been a link between the promise of America and the promise of Israel. The early settlers to America in fact believed they were founding here a new Jerusalem. The first minister to step foot at Plymouth Rock uttered words from the prophet Jeremiah. Many of our Nation's Founding Fathers were themselves Zionists. The President of the Continental Congress, Elias Boudinot, predicted that the mighty power of God would someday return the Jews to their beloved land. And John Adams wrote:

> I really wish to see the Jews again in Judea as an independent Nation.

When the modern State of Israel declared its independence 60 years ago this month, it was officially and most significantly recognized a mere 11 minutes later by a great American President, Harry S. Truman.

Americans and Israelis alike are the children of freedom. We are both devoted to our democratic ideals, our culture of economic opportunity, and our political pluralism. These are the principles we cherish and the principles that define not just who we are but who we aspire to be. I think it is the main reason, when our two nations look at each other, we so often see the best of ourselves. It is also why succeeding Presidents of both parties since Harry Truman have given such steadfast support to the State of Israel.

I have often said as Presidents come and go, some seem more supportive of Israel, some somewhat less. The current President obviously is one of those who has most steadfastly and significantly supported Israel. But over the long term, the great guarantor of the U.S.-Israel relationship has been the bipartisan, pro-Israel majorities in both Houses of Congress.

Throughout her brief history, Israel has also courageously faced enemies who have threatened her existence. Today we once again see the rise of such threats to Israel, including some that are existential. Those threats come from the same Islamist extremists and terrorists who threaten America today and against whom we are fighting the global war on terrorism. History has taught us that we cannot ignore or appease these dangers, so let's never forget that Israel is a living symbol for the ideals we as Americans treasure—the ideals of freedom and human dignity.

It is sometimes said that nations do not have permanent friends, only permanent interests. But I believe the United States of America has a permanent interest in our permanent friendship with the State of Israel because that friendship is based on eternal values. We pledge today on the day of this 60th anniversary of the modern State of Israel, and we pray with God's help that those eternal values and permanent friendships will sustain these two great democratic nations eternally.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today to commemorate and to celebrate the 60th anniversary of the founding of the modern State of Israel. I wish to commend my colleagues from Connecticut and New Jersey, Senators MENENDEZ and LIEBERMAN, on their statements this morning.

Since its independence in 1948, Israel's promotion of democratic values has helped forge a thriving society and a bastion of freedom in a region where that value is sadly all too scarce. The vision of a permanent homeland for the Jewish people was centuries in the making and was finally achieved in May of 1948. From its outset, Israel has faced a myriad of challenges which it has navigated successfully against all odds. A small state with few natural resources and residing in a region decidedly unfriendly to its very existence, the odds against Israel have always been high. Yet the nation of Israel has endured.

Today, Israel is known for a vibrant, high-tech economy. It successfully accommodates a significant Arab population inside its borders, allowing Arab representatives to serve in the Knesset. It has achieved broad universal recognition and has forged peace with previous enemies, including Egypt and Jordan. This will to surmount adversity time and time again comes from the tenacious spirit of its people and represents the very reason we are able to celebrate their anniversary today.

I was fortunate enough to visit Israel in November of 2005 and meet with various people who make up the mosaic of that great nation. Today I want to share with my colleagues two indelible experiences.

First, I toured a semiconductor plant, the Vishay plant near Tel Aviv, a plant whose base company is located in Chester County, PA. What made this plant so special outside of its Pennsylvania ties was that it was started by a Holocaust survivor, Dr. Felix Zandman, and his son Mark who led us on the tour.

We not only observed the factory processes and equipment but also, and more importantly, the resiliency, I should say, of this brave family. Dr. Zandman experienced the most horrific fate imaginable to man. Yet out of his experience, he was able to pick up the pieces of his life, begin participating in his community again, and to become a very successful businessman, who now contributes to the global economy. To me, his story reflects the strength and courage embodied in the Jewish people.

The next experience occurred while attending a Saturday dinner in Jerusalem after the end of the Sabbath. I was at the home of Rabbi Daniel Gordis, who is well known in the United States. He went to Israel from the United States. The rabbi had a 19-year-old daughter at that time who was serving in the military. At dinner, Rabbi Gordis told us the story about going very early in the morning to wake up his daughter to take her back to where she was stationed in the army, only to notice that, while she was soundly sleeping in her bed, next to her automatic weapon was her Curious George stuffed animal from her childhood. As the father of four daughters, I will never forget that image—the image of a young Jewish woman, bravely serving her country, but not that far removed from her own childhood. Rabbi Daniel Gordis, like so many parents in Israel, was feeling the emotion, the human emotion of love for his daughter and, at the same time, love for his country. There is no better example of the profound sacrifices of the Jewish people and what they have given to build and preserve the state of Israel. The story of Rabbi Daniel Gordis and his daughter is Israel's story.

I was reminded, when I was there, of a passage from Scripture. We went by a school, and this part of scripture was inscribed on the school, which, in many ways, represented the bright promise and future of Israel. It is taken from the prophet Zechariah, chapter 8, and I will quote it briefly. This is the prophet predicting thousands of years into the future at that time:

> There shall yet old men and old women dwell in the streets of Jerusalem, and every man with his staff in his hand for every age.
>
> And the streets of the city shall be full of boys and girls playing in the streets thereof.

That prophecy of long ago has indeed come to pass for the great state of Israel. So today, and every day, when we celebrate their bold entrepreneurial spirit, a strong sense of community, a commitment to national service and, obviously, a commitment to liberty, all these values, combined with the democratic ideal that permeates their society, all these make Israel what it is today and demonstrates why it is such a strong ally of the United States of America. Our two nations share a deep and unshakable bond, and that alliance, I believe, will endure for the next 60 years, and for all of our tomorrows, as it has for the previous six decades.

As the world community continues to deal with conflicts in the region, the Jewish people must know that the United States will always extend our assistance to our indispensable ally as it moves forward on the road toward peace and stability.

Once again, I extend my warmest congratulations to the state of Israel on its 60th anniversary.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, let me thank my colleague Senator CASEY for his comments about the state of Israel. He has captured the special nature of Israel, which one gets when they have an opportunity to visit the country and see the faces of the people of Israel and what they have been able to accomplish in a relatively short period of time, in a very small country.

Today, we in the Senate pause to celebrate Israel's 60th anniversary. To the strongest ally of the United States in the Middle East, we wish Israel continued success.

There is good reason that Israel is our strongest ally in the Middle East. It is a nation that has been built upon democratic principles, a trusted ally in our war against terror. It shares our values in a critically important part of the world to the United States.

President Lyndon Johnson said, "The U.S. and Israel share many common objectives, chief of which is the building of a better world in which every nation can develop its resources, and develop them in freedom and peace."

Israel today is a vibrant oasis of democracy in a region of the world replete with secular and religious dictators.

For 60 years, there have been near constant military and terrorist threats, economic boycotts, and diplomatic hostility. Yet it still stands as a thriving, pluralistic democracy, with the rule of law, and an independent judiciary that works to protect freedom of speech, association, religion, a free press, and fair and open elections.

Israel has become not only a regional power but international leader in agriculture, health, science, medicine, high tech, and security. It has used that expertise to reach out and help so many other countries in the world deal with its challenges. Although it is a very small country, eight of its citizens have been acknowledged as Nobel laureates. In homeland security, it has helped the United States in dealing with our war against terror in the post-9/11 era.

Tel Aviv's Ben-Gurion Airport is a model for airport security. Our Nation has benefited by learning how the Israelis protected their airports, and we are using many of those procedures here in the United States to protect our own citizens.

I can tell you how the Israelis have helped Maryland deal with homeland security issues. They have come and looked at one of our urban hospitals to make sure we take every precaution to protect the citizens of Maryland.

Israel is a safe haven for Jews—from the Soviet Union, to Ethiopia, or any country where Jews are threatened. As David Ben-Gurion said 60 years ago, "The land of Israel was the birth place of the Jewish people. Here their spiritual, religious, and political identity was shaped. Here they first attained statehood, created cultural values of national and universal significance and gave the world the eternal Book of Books."

Ben-Gurion went on to say that the State of Israel "will be based on freedom, justice, and peace, as envisioned by the prophets of Israel; it will ensure complete equality of social and political rights to all of its inhabitants, irrespective of religion, race, or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the holy places of all religions."

Since its first days as a modern state, it has sought peace with its Arab neighbors. During the declaration of independence, Israel stated:

> We extend our hand to all neighboring states and their peoples in an offer of peace and good neighborliness and appeal to them to establish bonds of cooperation and mutual help with its sovereign Jewish people settled in its own lands. The state of Israel is prepared to do its share in a common effort for the advancement of the entire Middle East.

It has had success, with the help of the United States, as peace agreements were entered into with Egypt and Jordan. But to those who continue to challenge Israel's sovereignty and security, let me caution them with the words of President John F. Kennedy when he said:

> Israel was not created in order to disappear. Israel will endure and flourish. It is the child of hope and the hope of the brave. It can neither be broken by adversity nor demoralized by success. It carries the shield of democracy and it honors the sword of freedom.

On the 60th anniversary of the state of Israel, we wish it continued success and peace, as the bond between our two countries continues to strengthen.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. CARPER. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Mr. President, 60 years ago, on May 8—or May 14, under our western calendar—Israel declared its independence. On this special day, when Jews and Christians, heads of state, and others around the world celebrate the founding of Israel, I rise for a few minutes to reaffirm our Nation's commitment to Israel's security and the pursuit of a comprehensive, just, and lasting peace in the Middle East.

That is one of the reasons I cosponsored the resolution recognizing Israel's 60th birthday, and reaffirming the close ties between our country and Israel, a nation I have been privileged to visit as a Congressman, as a Governor, as a Senator, and maybe most importantly as a father with a teenage son.

Current events threaten to overshadow the importance, though, of this independence day: Prime Minister Omert is again being investigated. Another round of peace talks appears to have stalled once more. Hamas continues to launch Qassam rockets at Sderot and other towns near Gaza. Suicide bombings continue. Hezbollah has increased military capability, with support from Syria and Iran. The leaders of Iran—the most active state sponsor of terrorism in the world—continue to call for Israel's destruction, while denying that the Holocaust ever occurred.

These are enormous, complex challenges. But after 7 wars in only 60 years, Israel somehow has achieved remarkable—some would say miraculous—success, all the while having to fight for its existence almost every single day.

Today is the day to express our fundamental pride in a number of their successes. For example, Israel's population today is 7.3 million people, more than 9 times the 800,000 who lived there in 1948. Since its founding, over 3 million immigrants have been successfully absorbed.

While Israel is the world capital of Torah learning, it is among the world's leaders in high-tech, medical, and scientific advances. In 1948, there were only two universities; today there are eight. On a per capita basis, Israel's GDP places it in the top tier of all nations. Democratic institutions flourish there. Both Jews and Arabs serve in Israel's Parliament, the Kennesset. Additionally, Israel has an independent, effective judiciary and a free press.

So today I rise to join many of my colleagues in reaffirming the commitment of the United States to Israel's security.

For the people of Israel, to its citizens, our message is simple and clear: We will continue to stand in solidarity with you. We are proud of what you have become.

As I said earlier, I have had the privilege of visiting Israel a number of times—when I served in the House, as a Governor leading a trade delegation, as a Member of the Senate, and perhaps the most special and memorable visit for me was with my teenage son, roughly 3 years ago. We were in Israel on Easter weekend. We actually had the privilege of being on Golgotha, where Christ was believed to have been crucified, and we were there on Easter Sunday. We were privileged to be at the tomb where Christ's body was believed to have been lain, and we placed our hands there on Easter Sunday. What an unforgettable memory. I had the privilege of meeting Prime Minister Shamir, Ehud Barak, Ariel Sharon, Netanyahu, and Shimon Peres, among others. I will never forget being at the home of the U.S. Ambassador to Israel on July 4, roughly 10 years ago—being there and meeting what seemed like half of the leadership of Israel, and any number of prominent Israeli citizens as our guests that day celebrating our independence, our Nation's birthday.

Today, some 10 years later, as we prepare to celebrate Israel's birthday with the Israelis and people all over the world, I want to close with the words of Israeli President Shimon Peres spoken only a few days ago. I know the Presiding Officer has met Shimon Peres before in the number of roles he has played. I have been fortunate to do that as well. I have never met anyone who has a greater gift with the English language than this man.

I want to share these words he said a couple days ago:

> Over the past 60 years, we have something that previous generations of Jews, those who were trampled in the pogroms and who were burned in the crematoria, did not have. The soldiers who fell created a miracle unparalleled in history: the miracle of the state of Israel. . . . For 60 years, they fought in seven wars that were forced upon us, and that we won. They enabled us to establish an exemplary society, to be trailblazers in the world in . . . agriculture, medicine and defense, to be a peace-seeking people, a democratic state, and a state that seeks justice.

To that I would only add, may it be so for a millennium or more.

Ms. KLOBUCHAR. Mr. President, I join my colleagues who have come to the floor today to recognize and salute the 60th anniversary of the founding of the modern state of Israel.

Today is a great milestone for the people of Israel—and for all Americans. Ever since President Truman recognized Israel minutes after its birth on May 14, 1948, the United States and Israel have enjoyed a friendship based on values rooted in democracy and mutual strategic goals.

Israel's survival and success are a remarkable testimony to the vision that inspired its creation six decades ago and to the Israeli people who have made that vision a reality .

On this day of celebration, we must reflect on the course charted by the great leaders over the last six decades that have made this milestone possible. Though the journey has not always been along a straight and smooth path, each step along the way has been paved with the two fundamental and complementary tenets of the Israeli nation: resilience and faith.“

The existence of Israel across these six decades—the way it has grown and flourished—has provided security and opportunity for its citizens. It has strengthened and enhanced Jewish life around the world. And it has been a beacon of democracy that makes the entire world a safer, more hopeful place.

I had the honor of traveling to Israel 2 years ago and seeing first-hand the strength and vitality of the country. I still remember the warm welcome I received from the Israeli people, as well as the courage and pride they bring to everyday life. I was honored to meet with Prime Minister Ariel Sharon just a few weeks before his tragic stroke, and I will value forever the lessons I learned from our conversation.

Today, America's and Israel's interests in the Middle East and around the world have never been more closely aligned. Our common values and objectives continue to drive us to meet the challenges we face, and to pursue opportunities for greater peace and prosperity.

We are in the midst of turbulent times, with instability threatening to spread across the Middle East. But the people of Israel must know that wherever forces of intolerance gather to endanger their safety or security, the United States will stand beside them in defying and defeating these foes.

By continuing to support Israel, we support stability and democracy and we can make further progress toward peace in the region.

I ask that my colleagues join with me in congratulating and celebrating with the people of Israel on the 60th anniversary of the founding of their nation, and that we renew our commitment to ensuring that we will continue to celebrate each successive anniversary for decades to come.

Mr. NELSON of Florida. Mr. President, Israel's first Prime Minister David Ben-Gurion, on May 14, 1948, proclaimed the establishment of the state of Israel, and 60 years later now, we celebrate this momentous time in Israel's history. I congratulate, along with all of the other Senators, Israel on its 60th anniversary, and the close relationship the United States and Israel have. It serves as an important purpose of promoting peace in the Middle East.

Helping Israel achieve peace with its neighbors while maintaining its security strengthens both of our strategic interests. We must do everything we can to end the bloodshed and bring the parties together. We must resume those positive measures.

We must, as the Good Book says: Come, let us reason together. Most of us out here support two states living side by side in peace and security for both. That was outlined by the President in a speech on June 24, 6 years ago.

To achieve that, the Palestinians need to reform their institutions and cease those continued terrorist activities against all the innocents. Continued engagement by our country is required to help us get to that goal of peace in the Middle East. I look forward to the continued cooperation of Israel and the United States toward that goal. My hearty congratulations to Israel on its 60th anniversary.

Mr. SMITH. Mr. President, I rise today to honor the State of Israel on the 60th anniversary of its independence.

The story of the tribes of Judea began, as we know, in the Old Testament. The Israelites fled from Pharaoh's slavery, wandering for 40 years in the desert before coming to their land. It is a familiar narrative—and not only to those who study Scripture—for those early trials of the Jewish people bespoke an awe-inspiring destiny, both glorious and tragic. No other people on earth have survived and prospered in the face of so much hardship. The Jewish community has been contemporaries of the Assyrians and Babylon, Crusaders and Rome, the Hapsburgs and the Soviet Kremlin. They have faced injustice, persecution, expropriation, pogroms, and genocide; and they have persevered.

The return of the Jews to the Holy Land is perhaps the greatest historical event of our time. The Jewish community emerged from the greatest tragedy the Diaspora had ever known, and in its aftermath built the greatest triumph. The authors of that triumph encompass the whole of the early Israeli community. The great David Ben-Gurion declared Israel a state but he could not have without the thousands of brave Israelis willing to fight for it. Chaim Weizman secured international support for Israel but he could not have without the hundreds of thousands of Jews willing to immigrate to the Holy Land. And of all these heroes, the famous and the anonymous, none have given more than the 22,437 Israeli soldiers who have fallen in battle since 1860. It is no coincidence in Israel that Independence Day is preceded by Remembrance Day, to honor the fallen Zahal warriors. On this 60th anniversary of Israel's independence, I know that wherever they are, those sons and daughters of Judea are proud indeed.

I am also proud that America has stood with Israel in her times of need. It is only fitting that the two great democratic nations forged by immigrants and pioneers be close allies, in the ongoing struggle against the forces of fanaticism. For Israel, this fight is as familiar as existence; for America, it is an old enemy in a new guise. During my time in the Senate, I have worked tirelessly to strengthen the bond between our two countries. I believe the bonds our two countries share are as everlasting as they are many-layered. Together, they will ensure that Israel faces down the next threat, and the one after that, and after that, and so on until her 120th anniversary, when I pray there will at last be peace.

The past three have been littered with many enemies, from Titus to the Nazis, each with their own dream of destroying the Jews. Some came perilously close. But today we know that the destruction of the Second Temple, and the Inquisition, and the pogroms, and the Holocaust were not in fact the end of the story. The legend did not end. In 1948, the new chapter of the tribes of Israel began, always glorious and always tragic, animating the pages of history until the final chapter of Man.

May Israel ever be with us, and us ever by her side.

Mr. WYDEN. It is a great honor to come to the floor in celebration of the 60th anniversary of the establishment of the State of Israel. The creation of an independent Israeli State was truly one of the most significant events of the 20th century. Following the horrific events of the Holocaust, the founding of the State of Israel symbolized a recognition of the right and the need of the Jewish people to have a homeland—a place of sanctuary and security after the senseless annihilation of 6 million Jews. The Holocaust was not the first or the last genocide. It was the culmination of centuries during which Jews were ostracized, persecuted, and purged from country after country. The Jewish people struggled to maintain their heritage, their traditions, and did so in the midst of other cultures, after the fall of Jerusalem and enslavement by many other societies.

For over 2000 years, Jews faced discrimination, including restrictions of their rights, religious practices, and even professional occupation. Yet even as Jews were able to prosper and establish themselves as an integral part of society in Europe, this progress was wiped out by the Nazi regime. Thousands upon thousands of Jewish families, including my own, were uprooted from their homes and forced to flee for their lives for no other reason than the fact that they were Jewish. Not all of our family was able to get out. We lost family at Krystalnacht. We lost family at Theresienstadt. My family came to this country knowing they were coming to the best and freest place on Earth. But not all were able to come here. Many European Jews were not allowed entry into other countries, including the land that is now Israel.

Upon the conclusion of World War II, the United States joined with other countries in the United Nations to recognize the right and need of the Jewish people to have the security of being able to live in their own state. The United States was, in fact, the very first country to recognize the State of Israel on May 14, 1948. After thousands of years, Jews had established in their historic homeland a sovereign country of their own, Israel. Yet Israel is much more than a sanctuary for the Jewish people. Israel's importance transcends the Jewish religion. Israel is a place of enormous historic significance. It is a sacred land not only for Jews but for Christians and Muslims as well. All three of the world's major monotheistic faiths honor Jerusalem and other surrounding sites as holy places that hold unique importance to the development of their religions. Israel has worked to protect the interests and rights not just of Jews but those of all faiths.

The Israeli Government provides access to historic and religiously significant sites and allows clergy, scholars, historian, archeologists, and others to pursue their studies of this very historic, very special land. Israel is also of enormous importance to our country. Israel is America's strongest and most reliable ally in the Middle East. In a region that has been plagued by instability but is of enormous strategic significance, Israel is a stable democracy and a stalwart ally.

As a member of the Select Committee on Intelligence, I follow these issues closely and would say from the Camp David accords to the current peace talks, Israel has consistently demonstrated a willingness to work along with the United States to engage its neighbors in difficult negotiations. Despite constant attacks and threats to its very existence, Israel has given up land and made very significant conciliatory offers in the interest of achieving lasting peace and stability in the Middle East.

Finally, beyond the religious, historic, cultural, diplomatic, and strategic significance, it is important to recognize the impact Israel has had at the human level for its citizens and for people around the globe. Israel has established a thriving economy, a world-class education system, and has advanced scientific and technological innovation on numerous fronts. The distinguished Senator from Minnesota and I have talked many times about the issue of health care. It is striking to see the Israelis in such an innovative, focused kind of way look to health care improvements that are going to be of great use, not just to the people of Israel but to many around the world. In 60 years, Israel has truly established itself as a global leader and a vital partner in the international community.

It is a great honor to be able to stand today on the Senate floor to recognize the 60th anniversary of the State of Israel. I look forward to continuing the close and indispensable partnership between our country and Israel. Today I wish the people of Israel the greatest success, the greatest happiness, and especially peace for the next 60 years and beyond.

Mr. COLEMAN. Mr. President, a birthday is an occasion that allows a family to focus on one of its members and celebrate what is unique and special about that person. It is time to reflect on major challenges met and major fulfillments achieved. The same is true when we celebrate the birth of a nation, or perhaps more appropriately today, its rebirth.

The modern State of Israel is 60 years old today. But the idea of Israel was born at the dawn of recorded history. Students of the Bible know that Israel was originally a person—the father of 12 children who became the Twelve Tribes. Israel became a nation as the progeny of those patriarchs grew in population of more than 1 million. And Israel has become a revered concept, a union of spiritual ideas that has benefited many cultures far from the Middle East.

That is what our second President, John Adams, meant when he wrote:

> The Hebrews have done more to civilize man than any other nation. If I were an atheist and believed blind eternal fate, I should still believe that fate had ordained the Jews to be the most essential instrument for civilizing the nations.

We in the United States have enjoyed that civilizing influence. Much of what we believe and assert in our founding documents was drawn from ancient Jewish roots. The belief in individuals having ultimate value is because they are made in the likeness and image of God; respect of the rule of law as the foundation of a just society, not just the power of men; and a commitment to the cause of liberation because the rights of the people are an inalienable gift from their Creator.

So this celebration is not just a milestone for the Jewish people but for all humanity. It is a celebration of the perseverance and faith of the Jewish people, those who have resisted oppression for thousands of years. The story of Israel is a passionate history of the capacity of human beings to remain true to ideals, to overcome the longest odds, to realize a dream in the midst of those who wish to deny it.

Over a century ago, Theodore Herzl put into writing his vision for a free Jewish state. His immortal words: "If you will it, it is no legend," personified the deep faith of the Jewish people and their heritage and their role on this planet. Both the United States and Israel were founded on the hope and promise of being "a light unto nations," and this is a principle that defines us and binds us together.

For this reason, I believe the anniversary of the State of Israel encompasses much more than the rebirth of a nation. As a person of Jewish heritage and a public servant, this milestone has special significance for me. It reminds me not just of the added sense of responsibility to work for justice and peace, but of the lesson to never give up in my pursuit of those ideals, no matter the size of the obstacle.

But in Israel's existence, there is also a lesson of what we are called to pursue. The Jewish people have withstood much persecution through the years and endured some of the most horrific crimes against humanity that the world has ever seen. It is our responsibility to remind the world what humanity is capable of if we do not remain vigilant and fight ignorance and injustice wherever it emerges.

Even today, after 60 years of independence and 7 wars fought to preserve it, Israel continues to face grave threats. Iran and its regional proxies—Hamas and Hezbollah—continue not only to reject a peaceful solution to the Arab-Israeli conflict, but also to undermine the very existence of Israel as a democratic and Jewish State.

The Iranian President continues to blatantly deny the Holocaust of the Jewish people while vowing to create another one. Iran's pursuit of a nuclear weapon is very real and must not be allowed to succeed. A nuclear Iran would dramatically alter the fragile balance in that volatile region and would pose an existential threat to the State of Israel.

In 1948, the United States under President Harry Truman made an unconditional commitment to the State of Israel. That commitment was not based on the price of gas, economic policy, or partisan politics. It was a moral covenant made in response to generations of mistreatment of the Jewish people and a desire for them to have a secure homeland founded upon democratic principles. We believed then, as we do now, that democracy is, in Lincoln's words, "the last best hope of Earth." From such a commitment there is no out. To deny our support of Israel would be to deny everything America holds sacred and vital. We not only have to hold to our commitment, but we must use our influence around the world to encourage other nations to move in that direction.

This commitment dictates that we remain vigilant and watchful over these Iranian threats. I expect the United States to lead the way and use its influence over other countries that may undermine these nonproliferation efforts. For this reason I was very disappointed by the administration's insistence in signing a nuclear cooperation agreement with Russia. I have written, along with Senator BAYH, a letter to the President signed by 32 Senators from both parties in which we state that taken together, Russia's opposition to effective U.N. sanctions against Iran's nuclear weapons program, its ongoing assistance to Iran's ballistic missile programs, its exports of fuel to Iran's Bushehr reactor, and its increasingly abrasive foreign policy, all give us cause for concern without finalizing such an agreement.

Submitting a 123 agreement with Russia to Congress at this time could severely undermine our policy with respect to Iran at a critical juncture. Iran's testing of advanced centrifuges could significantly reduce the time it would take to reduce highly enriched uranium for a nuclear weapon. We urged the President not to send the agreement to Congress until Russia has ended support for Iran's ballistic missile program and stopped providing advanced conventional weapons and assistance to Iran's nuclear fuel cycle program. Russia must also cooperate with us to increase meaningful economic pressure on Iran to end its defiance of the United Nations Security Council's mandatory resolutions to suspend its enrichment of uranium.

Improving our commercial ties to Russia may be a national interest. It may be good economically for the United States and for Russia, but preventing Iran from acquiring nuclear weapons is a national interest of greater importance on which we cannot compromise.

When I reflect on Israel at 60, I am excited about Israel's future, despite the ever-present challenges. As David Ben-Gurion said in the early days of the modern Israeli nation, "Around here, if you don't believe in miracles, you're not a realist."

The Jewish people truly understand this concept, as there are many miracles that have come together to preserve the Jewish people throughout history, including the one that brought the modern State of Israel into existence. The anniversary of this miracle should be a joyous one, and the fact that Israel has now stood firm for 60 years should be celebrated.

America should thank God for the heritage of freedom Israel has given us. On this day, America should reaffirm its resolve to protect and sustain the place and the people who have given us so much. The gift Israel needs from us on its birthday is our gratitude, to be sure, but also our renewed, unshakable commitment to keeping those ancient dreams and ideals that we share alive.

Mr. DODD. Mr. President, it is an honor to come to the floor today to celebrate Yom HaAtzmaut, Israel's 60th Independence Day.

Today, on its 60th birthday, we recognize that Israel remains an island of openness. Its success belongs to all the Israeli people and is more lasting than anything that ever happened on a battlefield.

With politics that are open and vibrant, markets that are free and fair, and laws that hold for weak and strong alike, for six decades, America has been a good friend to Israel. Indeed, it only took us but 11 minutes to recognize this new state, this new ally, in May 1948.

This is a matter imbued with great personal meaning to me, Mr. President. As my colleagues are aware, my father, Tom Dodd, spent over a year as executive trial counsel in one of the most remarkable court cases the world has ever seen—the Nuremberg Trials of Nazi war criminals. He stood face-to-face with men who committed the most terrible atrocities imaginable. Indeed, they were so horrible many were convinced they had could not have taken place—that is, until my father set out meticulously proving that they had.

It would have been impossible to be unchanged through that confrontation with evil, and my father was no different. I know how often he spoke of it to me. And I think it was impossible for anyone to go through the Nuremberg Trials without wondering, at some point or another:

What if those 6 million had someplace to go; what if there had been a country to take them in—no questions asked; what if there had been a nation willing to stand up for them when no one else did?

Only 2 years after my father came back from Nuremberg, 60 years ago today, that nation was born. So in a small way, I share some of my past with Israel, because my father had his part in the events that proved—at the price of tremendous pain—the necessity of a Jewish state. My father learned that necessity, and I learned it through him. In the years since, nothing has dampened the force of that lesson. How could I forget?

For nearly 60 years America and Israel have been two nations that can look across the gulf of history and space and language, and still see, in each other, themselves. That enduring bond is what we celebrate today, Mr. President.

Mr. DURBIN. Mr. President, I am pleased today to speak on the 60th anniversary of the founding of the State of Israel, and to congratulate the Israeli people on this historic occasion.

It is also an appropriate occasion to note the close and unwavering friendship our two countries have enjoyed over the past 60 years.

President Harry Truman formally recognized Israel just 11 minutes after the new country's independence proclamation. Eleven minutes. That is perhaps the fastest that anything has ever occurred in this city.

Fast doesn't necessarily mean easy, though, and President Truman was under a great deal of pressure, including from his own State Department, not to support the creation of a Jewish state.

But Harry Truman did the right and courageous thing, and for the past 60 years, Israel has been one of America's closest friends and allies

That friendship has persevered, in part because of our dedication to many common values.

Israel has a strong and vibrant democratic tradition, and a prosperous and innovative free-market economy.

In fact, Israel's economy grew faster last year than that of the United States, Europe, the U.K. or Japan. Such growth stems in part from more than 3,000 hi-tech companies now operating in Israel.

And, I believe, Israel is committed to achieving peace with its neighbors. But peace requires security, and the United States still has a very important role to play to make both of these a reality.

The late Congressman Tom Lantos—whom we lost at the beginning of this year—understood this perhaps better than anyone.

As the only Holocaust survivor ever elected to the Congress, Tom knew what Israel's existence meant for Jews the world over, and no one advocated more strongly than he did for continued U.S. support for Israel.

The fact that the Israeli foreign minister, Tzipi Livni, spoke at his memorial service here in the Capitol speaks not only to Tom Lantos's personal commitment to Israel, but also to the broader commitment of Israel and the United States to each other as nations and as people.

It is a commitment that we must not abandon.

The United States must remain engaged diplomatically to ensure that the process begun last fall in Annapolis, the most recent in a string of U.S.-led Middle East peace initiatives stretching back over 30 years, continues to move forward.

We must work with other countries and the United Nations to prevent Iran from gaining the ability to develop nuclear weapons that could threaten Israel's security.

We must provide appropriate assistance to the Palestinian Authority to enable it to secure its own territory and strengthen its democratic institutions.

And we must find a way to stop weapons from making their way into the Gaza Strip and the hands of those who seek to do Israel harm.

Such continued U.S. engagement is imperative if there is any hope for long-term peace between Israel and its neighbors.

But hope is the foundation on which Israel was built.

It is what enabled people of so many backgrounds and languages to speak with a common voice.

It is what enabled them to bring water to a desert and grow crops where there had only been sand.

It is what continues to lead the Israeli people forward, 60 years after its founding.

I share that hope for a brighter future—for Israel, for the United States, and for our enduring friendship.

Congratulations to Israel on its 60th birthday.

Mr. FEINGOLD. Mr. President, I am pleased to mark the 60th anniversary of the founding of the modern State of Israel. On this momentous occasion, we celebrate a vibrant nation that has thrived since its founding in 1948 under the most difficult circumstances. Founded in the aftermath of the Holocaust as a home for Jews around the world, Israel continues to be a beacon and a rare outpost of freedom and democracy in a region that knows too little of either. As we take the time to acknowledge the importance of this anniversary, we should also remember those who lost their lives in the fighting that coincided with the birth of this nation. Few, if any, nations have had such difficult births and have overcome such tremendous challenges.

As we celebrate the anniversary of one of our strongest allies, the struggle for peace and stability throughout the Middle East continues. Peacemaking in this region is no easy task, but we need to nurture the progress developed during the Annapolis Summit and keep working toward a two-state solution that resolves the decades of turmoil Israel and its neighbors have endured. I am hopeful that through a continuing dialogue and diligent efforts, we will see a breakthrough that improves trust and cooperation between all actors and provides a framework for a lasting peace.

The United States and Israel have a unique relationship that both Americans and Israelis cherish. Today, we should celebrate that relationship, which is as strong and deep as ever.

Mr. MARTINEZ. Mr. President, I join my colleagues in recognizing Israel's Independence Day—the day Jewish people around the world rejoiced after generations of political and religious persecution. Exactly 11 minutes after Israel's first Prime Minister, David-Ben Gurion, announced the nation's independence, the United States became the first nation in the world to recognize it.

Since that time, Israel and the United States have forged a friendship based on shared ideals and common values—a commitment to political and religious freedom, the rule of law, democratic governance, and the preservation of individual rights. During my first official trip abroad as Senator, I traveled to Israel and saw firsthand the sacrifices Israeli people make to protect these principles. This visit helped me better understand the urgent need for sustainable peace in the Middle East and Israel's vulnerability within the region.

The United States shares Israel's desire to protect their thriving democracy, and we honor our commitment by supporting security efforts in Israel. Since 1948, Israel has been a reliable and steadfast ally to the United States, and our support helps to ensure the security of its territory and citizens. A strong and healthy relationship with Israel is critical to the endurance of democracy in the greater Middle East and the United States will continue to stand with Israel to ensure its survival, peace and prosperity.

I extend my greetings to all those taking part in celebrations to mark this historic week for Israel. In my home State of Florida, the home to thousands of individuals of Jewish descent, today is especially important. It marks the day a permanent home was established for a people who suffered tremendously for generations because of their ethnicity and religious beliefs.

So during this momentous time, I offer the people of Israel and its many friends around the world my best wishes and the hope for continued prosperity.

Mr. LEVIN. Mr. President, the 2000 year search for a Jewish homeland concluded on May 14, 1948, with the declaration of an independent State of Israel. But, the birth of Israel on that day was far from easy. Prime Minister David Ben-Gurion made his first radio broadcast the following day from an air raid shelter as the precarious new nation came under attack.

Even as a war was being launched against their young nation, Israel's founding father took the time to remind the first citizens of Israel what had been accomplished and what it would take to defend their dream. Ben-Gurion said, "whatever we have achieved is the result of the efforts of earlier generations no less than our own. It is also the result of an unwavering fidelity to our precious heritage, the heritage of a small nation that has suffered much, but at the same time has won for itself a special place in the history of mankind because of its spirit, faith, and vision."

The United States has played a critical role in the development of Israel over the past 60 years. President Harry S. Truman, the first head of state to grant Israel diplomatic recognition, expressed its special place in the hearts of Americans as he declared, "I had faith in Israel before it was established, and I have faith in it now. I believe it has a glorious future before it—not just another sovereign nation, but as an embodiment of the great ideals of our civilization." This special partnership which began with Israel's creation has been repeatedly tested since 1948. The United States has been steadfast in our commitment to helping the people of Israel develop their own economy and secure their own peace. We have helped give them the time that their founding fathers knew was needed to secure their future.

A decade ago, in celebration of Israel's 50th anniversary, I traveled there for an international conference of Jewish legislators from around the world. In our discussions, I saw then that the philosophy that was embraced by Ben-Gurion and other visionary leaders helped Israel become a dynamic democracy with a thriving economy. In the decade since that conference, Israel has come within a few breaths of a peace agreement and also experienced episode after episode of violence carried out against its civilians. Still, Israel's faith and fortitude remain as strong today as they were when the dream was realized six decades ago.

In recognition of Israel's remarkable history, I was pleased to be a cosponsor of S. Res. 522, which the Senate unanimously passed late last month. The resolution acknowledges the 60th anniversary of the founding of the State of Israel and reaffirms the bonds of friendship and cooperation between the United States and Israel. This is a fitting tribute to Israel's past, and we all hope that our nations' mutual goodwill augurs well for future positive and peaceful developments in Israel, in the Middle East and around the world.

Mr. BOND. Mr. President, I rise today joining my colleagues in congratulating our friends in Israel as they celebrate the 60th anniversary of their independence and modern-day founding.

Sixty years ago, Missouri's own President Harry S. Truman signed the telegram making the United States the first Nation on the Earth to recognize officially the State of Israel. Since that time, Israel and the United States have stood side by side on many issues and have shared common bonds and values that unite us still today.

I daresay that no country has faced such adversity and strife during such a short period of time. Our staunchest ally in the region has persevered against enemy invasions, random terror attacks, and saber rattling throughout its short existence and has grown stronger as a result.

As a Member of this body, I have been proud to support joint U.S. and Israeli programs aimed at strengthening our mutual defense and cooperation. We are engaged in a war against a common enemy that seeks to further its agenda through suicide bombings, the targeting of innocents, and the destruction of the civilized world. The United States and Israel recognize that without freedom, respect for human rights, and liberty, we are lost.

Today, I congratulate and offer my sincere thanks to the people of Israel for being our ally during trying times and a friend upon whom we can always count.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, may I inquire what is the business before the Senate?

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2284, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2284) to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Pending:

Dodd/Shelby amendment No. 4707, in the nature of a substitute.

McConnell amendment No. 4720 (to the text of the bill proposed to be stricken by amendment No. 4707), of a perfecting nature.

Allard amendment No. 4721 (to amendment No. 4720), of a perfecting nature.

Landrieu/Nelson (FL) modified amendment No. 4706 (to amendment No. 4707), to improve the Office of the Flood Insurance Advocate.

Nelson (FL) amendment No. 4709 (to amendment No. 4707), to establish a National Catastrophe Risks Consortium and a National Homeowners' Insurance Stabilization Program.

DeMint amendment No. 4711 (to amendment No. 4707), to require the Director to conduct a study on the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 to include widely used and nationally recognized building codes as part of the flood plain management criteria developed under such section.

DeMint modified amendment No. 4710 (to amendment No. 4707), to end the premium subsidy for any property purchased after the date of enactment of this act.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to inform my colleagues we are open for business. I know there are amendments that Members have they would like to be considered. I am more than happy, with my colleague, the ranking member, Senator SHELBY, to try to consider those amendments and deal with them expeditiously.

Last evening, we entered a unanimous consent agreement which requires that all amendments be offered, debated, and voted on by the close of business today. The close of business today can occur any time between now and midnight. I suspect most Members, knowing there may not be any votes tomorrow—I forget exactly what the leader said about that. I think there is a possibility of no votes tomorrow depending on the schedule and agenda. If that is the case, if we deal with these amendments between now and the early part of the afternoon, we can complete the business of this bill until next week when we will have votes on energy issues before final passage of the flood insurance bill.

Again, I am willing and anxious to consider the amendments. I know several people have amendments. They offered some of them last evening and debated them to some degree. So we are prepared to enter into a little more debate and get to some votes. My idea is, to satisfy the convenience of Members, to try to consider three or four of these amendments and then hold a period of 45 minutes or so to vote on three or four items at a time rather than bring Members over every half hour for a 15-minute vote. We will try to deal with several amendments and then have a period of voting before considering the second tranche of issues.

I know Senator SHELBY is in the vicinity. We are here to entertain these proposals.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. COBURN. What is the pending business of the Senate?

The PRESIDING OFFICER. Amendment No. 4710 to S. 2284.

AMENDMENT NO. 4716 TO AMENDMENT NO. 4707

Mr. COBURN. I ask unanimous consent that amendment be set aside and amendment 4716 be called up.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 4716 to amendment No. 4707.

Mr. COBURN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require persons located in flood prone areas to hold flood insurance as a condition for receiving federal disaster assistance)

At the appropriate place, insert the following:

SEC. ____. DISASTER ASSISTANCE.

No person shall be eligible to receive disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Small Business Act (15 U.S.C. 631 et seq.) relating to damage to a property located in a 100-year floodplain caused by flooding, unless prior to such flooding that person purchased and maintained flood insurance for that property under the national flood insurance program established under chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

Mr. COBURN. First of all, let me compliment the chairman and ranking member on this bill. They have made some tremendous strides in trying to fix this program. The one thing we have not done is we have not asked people in this country, who are in flood-prone areas, to actually be responsible. We are going to get about $17 billion and charge it to our grandkids because we have to get rid of some debt because the insurance program had not done in the past what we intended it to do. I believe you have fairly well fixed that for the future—my hope is that you have. I am not convinced of that yet.

What this amendment does is requires FEMA and the Small Business Administration to withhold any Federal flood disaster payments and assistance to people who have not purchased flood insurance. These are people who reside in a 100-year flood plain zone, meaning that catastrophic flooding is expected to occur once every 100 years. These are known as special flood hazard areas.

Owners of properties in these flood-prone areas are already required by law to have flood insurance. Yet what we have seen is, time and time again, they do not have it. So, in effect, even though there is a requirement for flood insurance to be there, they do not have it, so the cost, in terms of disasters, goes up for the Federal Government.

The whole purpose behind this bill in the first place, when it was first initiated, was to lessen the cost of the American taxpayer in terms of disasters so owners of properties in these flood-prone areas are required by law to purchase flood insurance if they have a federally backed loan. This amendment would simply ensure that the law is enforced.

I know this is a hard amendment because what we think about is what about those bad actors, what about those who do not—what we are doing to them. But actually we ought to think in the positive, that if, in fact, you are supposed to have flood insurance and you do not, how do we ever force everybody to do that unless there is a consequence? The consequence ought to be, if you did not follow the rules of purchasing flood insurance when you lived in a 100-year flood plain zone, a high-risk area, then you are asking the rest of the taxpayers not only to rebuild your home but to also give you the benefit of not paying a premium on flood insurance. Those people in those areas are actually taking advantage of the rest of the American taxpayers if, in fact, they do not follow the law.

So this is simply saying: OK, here is the law. You have a federally backed mortgage. Your mortgagor is supposed to require that—as a matter of fact, it was fixed in 1994, I believe, that if you do not, they would. What we have seen in the last disasters is the owner did not, and the mortgage backer did not. Consequently, we had a large number of people who had no flood insurance.

Now, all this amendment says is, OK, we are putting you on notice right now, if you have a federally backed mortgage and you are in a flood plain zone and you do not have flood insurance, you do not get the disaster relief. You do not get the grant. You do not get what everybody who follows the rules gets.

The problem with not accepting this amendment is we will undermine the rest of the flood insurance program, the very good work that the chairman and ranking member did on this bill.

because if there is no consequence to not following the law, not buying insurance, why will anybody buy the insurance? In other words, if we are still going to pony up the money, what is the incentive to get them to do that? I know the chairman and the ranking member are concerned about that.

Some statistics are real important. On the repetitive loss properties, what we know is that 1 percent of the properties in this country over the last 15 years account for about 34 percent of all of the expenditures. In other words, they have been damaged time and time again. And the chairman and the ranking member have done a good job in terms of addressing how we fix that in the outyears. But when one-third of the money goes for 1 percent of the homes, something is very wrong.

All this amendment is designed to do is to bring them forward so we lessen this amount. More than 50,000 of these repetitive loss properties have flood coverage right now but 61,000 do not; 61,000 of the repetitive loss properties have no flood insurance right now.

So how do we make them do it? Where is the teeth to make them do it, other than to know that next time, unless they have flood insurance, they are not going to get the benefit the rest of the American taxpayers get in terms of helping them out of a jam. Ultimately, what this does is it incentivizes us to have people take risks that would not otherwise take risks because they know we have their back. All this amendment says is, be an adult; participate in carrying some of the risk.

So when over 50 percent of the repetitive loss properties have no flood insurance, I would like to know how we are going to get them to get it under this bill if there is no teeth to make them do it.

Now, I have every intention, as I have spoken to the chairman and the ranking member, of withdrawing this amendment. But my hope would be that in conference you would address this incentive issue because I believe right now there is a large incentive not to insure their property because we have their back and there is no hard penalty to do that.

If in fact I have a home and it is one of the repetitive loss properties and I do not buy flood insurance, we have a hurricane or a storm and it is damaged and I know I can still get it fixed, why am I going to buy the flood insurance? Especially, let's say, I do not have a loan on it. Let's say I am down there. I am in a very high risk area. I do not have any loan on it and, to me, I know if I get a flood, no problem; the Government is going to back me up.

So what we are doing is sending a signal to the people basically who have no mortgage: The rest of the American people are going to insure you for your flood. And I do not think that is right.

I will ask unanimous consent to withdraw the amendment. I think the amendment would markedly strengthen what this bill is trying to accomplish. My hope would be that in conference, if you do not like my language, you at least put something into the bill that will have some teeth that forces good behavior and forces those who own the properties to actually have some responsibility for the properties. I am not against us helping to create an insurance market. I am not sure this is the best way to do it. But we have certainly made big strides to improve the bill.

AMENDMENT NO. 4716 WITHDRAWN

I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4716) was withdrawn.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to respond to the Senator from Oklahoma and commend him for his efforts in this area.

What Senator DODD and I and other Members, including the Presiding Officer at the moment, who is involved in banking issues and insurance, and so forth, know is that this flood insurance program is bankrupt, as does the Senator from Oklahoma. It is not working. And what we are trying to do is move it toward an actuarially sound basis.

The Senator's suggestion is something I think we ought to consider as we move along down the road because we want to make sure nobody beats the system. In other words, the more people who are involved in the flood insurance program, proper mapping is going to mean lower premiums to everybody. And the problem, in the long run, as we have catastrophes, tornados, hurricanes, earthquakes—well, in this case floods and water—that the insurance would take care of it rather than thinking, as the Senator from Oklahoma says: Well, I do not have to insure you; the Government, the taxpayer, the people will take care of me in the end.

I think that is what we are trying to prevent. I think the Senator from Oklahoma has a very good point.

I yield the floor.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, in response to Senator COBURN's earlier comments, I thank him for his courtesy in withdrawing the amendment. He is raising a very legitimate issue about how we get greater compliance, as Senator SHELBY pointed out, and achieve greater actuarial soundness in a program that is in desperate need of that.

The bill does something else. In fact, we voted on it last evening. I believe Senator LANDRIEU and Senator DORGAN offered an amendment that would have stripped out the mandatory requirements of people being required to pay premiums if they live in these high-risk areas. That amendment was defeated pretty soundly here. It is less than a dollar a day, about $316, I think, to a maximum of $350 a year under our bill for about 350,000 dollars' worth of coverage: $250,000 for the property, $100,000 for contents.

The House bill actually goes out a bit higher. Senator VITTER wanted to raise that number. Senator SHELBY and I opposed that amendment. I am not unsympathetic to Senator VITTER's suggestion in certain high-cost areas that $250,000 ought to be a bit higher.

But the point Senator COBURN is making is that we want to get people here to contribute. We have 25 percent of the claims that are coming from these risky areas where only 1 percent of policies are actually being paid. So one out of every four dollars that is going out for coverage under the flood insurance program is in these areas, and yet less than 1 percent of the premiums are being paid out of those areas.

So, clearly, if you are going to be actuarially sound, you get that many claims out of that area, you have to get more compliance. How do you do that? Our bill does not go as far as Senator COBURN's does, but in our bill we require, as we do under a lot of similar areas, that the banks be required to collect these premiums, in fact, even hold them in escrow so we have a better assurance that we are going to get a lot more compliance with that approach.

But I am certainly sympathetic to the goals of ensuring that we get as much compliance as possible, and how you do that is a legitimate debate. I appreciate his raising the issue.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank Senator DODD. I think when you fixed this in 1994 or 1997 is when you required the banks on the mortgage to have a notice and pay it and then add to it. But it obviously was not enough teeth to get us up to where we need to be. So I think we need something stronger than that.

Overall—and this is no reflection on the good work that has been done on this bill but we have to ask ourselves—we are talking about $30 billion with this bill. That is going to actually go against the Treasury. We are going to have $17 billion that we are going to kiss off. We are going to say the people who are living in these flood-prone areas, because their insurance did not truly reflect—we did not have it spread broadly enough, $17 billion of it we cannot pay back, so we are going to forgive that.

Well, what does forgiving that mean? What that means is we are going to take the money from the Treasury, we are not going to charge it to the National Flood Insurance Program, but someone is going to have to pay that off. And who is going to pay that off? It is going to be our kids. And there is almost $9 billion in interest that is going to be not paid off, so we are going to charge that to our kids. Then there is another $3 billion still, I understand, to come from the Katrina-Rita-related storms in terms of payments that are also going out.

So what we are going to have is $30 billion, because the program was not actuarially sound in the past, that now we are saying to our kids and grandkids we are going to make actuarially sound, and they are going to pay.

So what we are doing with this bill—and, again, it is not an indictment. You made a lot of headway, but there has to be another way to fix this rather than charge it to our kids. So when you take this $30 billion, on top of the 10 we have now and the $74 trillion that is coming, we have a significant debt in terms of being fair to the next generation. This bill underlies and forgives all the debt to the Treasury, and it translates into roughly $30.2 billion. That is how poorly the program worked in the past.

Again, I think we have made major improvements to the bill. But I believe it is important enough for us to vote on whether we want to send another $30 billion toward our kids rather than make people who have homes in flood-prone areas who are getting the benefit from it pay for a portion of the cost.

Mr. President, I make a point of order that the substitute amendment violates section 201 of S. Con. Res 21 of the 110th Congress and ask for the yeas and nays associated with that, according to however the chairman would like to schedule votes.

I know he will make a motion to waive the point of order. That is expected. But I would like to have a vote on that, if I could.

Mr. DODD. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays are ordered.

Mr. DODD. I ask unanimous consent that the vote on the motion to waive the Budget Act with respect to the Coburn budget point of order occur at 12 noon today, with 2 minutes of debate prior to the vote equally divided and controlled by myself and Senator COBURN or our designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. I would like to make one more point. Politics is politics, but in the realm of politics the long term is what is getting ready to happen in this country because we are on an unsustainable course. I believe we have to be guardians for the future. And I believe in waiving the pay-go rules we are not doing that; that we are not a guardian for the future.

If you think about $30 billion, you are asking every person in this country this year to pay an extra $100 because this program was not funded and arranged properly.

What we also ought to consider is making sure we never do this again. And I would hope that when and if this budget point of order is waived the chairman and ranking member will put something in the bill that prohibits us from going back and ever waiving debt for this program again.

He wants it actuarially sound, I know that. I know the ranking member wants it actuarially sound. But it is truly unfair, when we spend $28,500 per household at the Federal Government level and the median income in this country is $42,000 and we are already spending 70 percent of that at the Federal Government level and a third of it we are not paying for, we are borrowing from our children, to add on another $30 billion. What we are talking about is opportunity. We don't want to be tough enough now to not take opportunity away from our kids. So the choice is, can we have what we want now and it not hurt our children. The fact is, we can't. We are hurting our kids when we borrow, when we forgive this money. What we should be charging this money to is to the people who have benefited from the coverage. That is who ought to be paying for it. That is who got the flood insurance at a falsely low rate. My hope is that we think long term, not short term. I know you have done that to a great extent in the bill. But my hope is that somehow when you are in conference, that you might put some type of prohibition of ever waiving the debt again, to force the program to always be actuarially sound. If we could do that, we would not ever get to this point again. I know the chairman doesn't want us to get to where we are waiving this debt again, which will force the flood insurance program to be on the same footing as every other insurance company.

I thank the chairman and ranking member for taking two of my amendments, one a study on reinsurance. The reinsurance we have right now is the American taxpayer. That is who is going to do the reinsurance this time of $30 billion. I am appreciative that they considered this and accepted it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Senator. Let me underscore the point that, some 23 years ago, I was a new Member of this institution sitting in that last chair over in the corner, and I offered a pay-as-you-go budget. I think I got 24 votes in 1983 or 1984. I have strong feelings about whether we will be accountable and whether we pay for what we want to do. My colleague from Oklahoma certainly raises a point I have raised for as long as I have been here and tried legislatively to insist upon some accountability in how we do things. With this program, obviously the problem we are in is by attaching these additional costs onto the premium cost today, we make it prohibitive for a lot of people. So we were faced with a choice which was not one I would have preferred. But we have ourselves in a position in this country today where we are spending almost that amount of money every month on the conflict in Iraq, and we are not paying for it, something Harry Truman would not have tolerated. In the war in Korea, he said we would go to Korea provided the American taxpayer was willing to pay for it.

Every 8 weeks we are accumulating a debt and passing it on to my 3-year-old. The Senator knows I have young children. Every 8 weeks we are asking my daughter to assume the financial responsibility of this conflict. In addition to this program, we are trying to make a difference in people's lives, where they may lose their homes and their life's possessions. That is certainly one I would like to see us account for, but we are facing a situation today where I have to try and move this along. But I would hope that on a whole host of these issues, where we are talking about deficit financing or financing things without paying for them, that we would apply the same standards so we have this kind of uniformity to our concerns. And certainly, the $2 billion every week, the $12 billion every month, the $24 to $30 billion every 2 months is another example of what happens when we ask the American taxpayer in the future to assume a responsibility. It is a legitimate point the Senator raises. I identify with it. In my tenure, I have tried to do something about it. Hopefully, we have done that, Senator SHELBY and I.

I appreciate his kind comments about our effort in this bill to put this program on the kind of footing that never causes us to come back here again under similar circumstances and make a similar request for excusing a responsibility that FEMA had to borrow from the Federal Government to meet that $17 billion worth of obligations after the storms of 2005, which devastated a good part of the country.

At the appropriate time, we will have a vote on the Senator's motion. In the meantime, we have some other amendments that I think are coming. I know Senator NELSON and Senator DEMINT and others have some amendments. I am happy to consider those as soon as they come over.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I want the record to show I voted against the last supplemental because it was not paid for. No. 2, it had $27 billion of extraneous spending that was not paid for either that was offered by the Appropriations Committee. It has to start somewhere. I am OK with it starting with me. I don't earmark anything back to Oklahoma. I look at every appropriations bill and see if it is wise. So consequently, I vote for few appropriations bills because they are not wise, with the waste that is in the Federal Government.

One final point. According to GAO, IGs, and the Congressional Research Service, we have $300 billion of waste a year in the Federal Government. The Congress didn't do anything about it. We have plenty of ways to pay for the war, pay for this, and do other things, if we do the hard work of oversight and make the hard choices about prioritizing what is important. But we find that very difficult to do as a body. I am worried that we find that because we are not thinking long term. We are thinking short term.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I made this point about an hour ago. We all are familiar with what happens toward the end of the week here. I know Members are asking me what time we will be adjourning. That is a leadership decision, obviously. But we are required now, under the unanimous consent agreement of last evening, that all amendments will be considered by the close of business today. As I pointed out earlier, that close of business could occur at any point between now and midnight. But I suspect most Members are making plans to probably head back to their respective States for Mother's Day weekend sometime late this afternoon or early evening. If you have amendments on this bill, I urge you to come to the floor and offer them. Coming over at 3 o'clock, there is no guarantee that you are going to have the opportunity to make the case on behalf of the proposal, to the extent you would like.

I urge Members on both sides to come to the floor. I appreciate the fact that last evening several did make their case, and we are scheduling votes for early this afternoon on those matters. In the meantime, I would like to line up other votes on these matters so we could conclude work on this bill at a reasonable hour this afternoon that would allow Members to meet their travel obligations. In the absence of that, we may be here until very late this evening, which I know will throw a monkey wrench into people's plans. We are here. We have been here. We will be here. But we have been in a quorum call waiting for Members to come over with their ideas. Coming around 4 or 5 this afternoon and wondering whether we are going to leave 15 minutes later is not going to happen. I urge Members now to be here and make their case or let us know that you don't intend to offer the amendment, in which case we can clear the decks and get to the few votes we have remaining and move on. One way or the other, we are happy to accept.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4709 WITHDRAWN

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to withdraw amendment No. 4709.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. NELSON of Florida. Thank you, Mr. President.

AMENDMENT NO. 4707

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on the motion to waive.

Who seeks time?

Mr. DODD. Mr. President, I should begin.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, let me first of all say on this motion by our colleague from Oklahoma that Senator SHELBY and I, and I believe most of us here, don't have a philosophical disagreement. I think we all appreciate the fact that we have ourselves in a situation where we have massive deficits that are growing by the hour. We have seen it in a number of areas. This is one in which we are actually forgiving a debt. Obviously, to do so, it is going to require at some point for us to pay for this debt and obligation. Senator COBURN says we ought to be doing that under the pay-go rules. As someone who has over the years authored, in fact, legislation requiring pay-as-you-go proposals, I am very sympathetic to this idea. I would like to see us apply it more uniformly in many ways.

Senator SHELBY and I are doing our best to take this program, which is absolutely critical, and to put it on a sound actuarial footing and, by doing so, move us forward. We can't do that if we don't have an excuse, if you will, on this debt that is out there today. We have raised the cost of premiums to a prohibitive level.

So I am moving to waive this point of order the Senator from Oklahoma is making, with the full understanding that it is a legitimate point he is making. But if we are going to succeed with this program and get it done, we can't do otherwise. We will be stuck with a program that will be far too costly.

With that, I urge my colleagues to support us on the motion to waive.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, this is a great choice. We can prove to the American people we either really care about the budget or not. This violates pay-go rules. We shouldn't send $30 billion to our grandkids. We ought to take it from some of the excess we have today.

I agree Senator DODD and Senator SHELBY have done a good job on this, but I don't think our grandchildren ought to pay because we designed a program in 1977 and modified it in 1994 and it still doesn't work and then have them pay $40 billion. We ought to enforce the pay-go rules, and we ought to come up with another way to pay for this money.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the point of order under section 201 of S. Con. Res. 21 against the Dodd substitute amendment.

The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New York (Mrs. CLINTON) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yea and nays resulted—yeas 70, nays 26, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—70

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Corker
Cornyn
Dodd
Dole
Durbin
Feinstein
Hagel
Harkin
Hatch
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Martinez
McCaskill
Menendez

Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Vitter
Webb
Whitehouse
Wicker
Wyden

NAYS—26

Barrasso
Brownback
Burr
Chambliss
Coburn
Conrad
Craig
Crapo
DeMint
Domenici
Dorgan
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Inhofe
Isakson
Kyl
Lincoln
McConnell
Pryor
Sununu
Thune
Voinovich

NOT VOTING—4

Clinton
McCain
Obama
Warner

The PRESIDING OFFICER. On this vote, the yeas are 70 and the nays are 26. Three-fifths of the Senate duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 4734

Mr. ENSIGN. Mr. President, I send an amendment to the desk and ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. REID, proposes an amendment numbered 4734 to amendment No. 4707.

Mr. ENSIGN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide compensation to the citizens of Fernley, Nevada damaged by the failure of the Truckee Canal)

At the appropriate place, insert the following:

SEC. ___. FERNLEY FLOOD COMPENSATION.

(a) DEFINITIONS.—In this section:

(1) COVERED PERSON.—The term "covered person" means a United States citizen, an alien lawfully admitted for permanent residence, the City of Fernley, Lyon County, a person that is not an individual, or a school district.

(2) FERNLEY FLOOD.—The term "Fernley flood" means the breach of the Truckee Irrigation Canal on January 5, 2008, and subsequent flooding of the City of Fernley, Nevada.

(3) INJURED PARTY.—The term "injured party" means a covered person that suffered damages resulting from the Fernley flood.

(b) COMPENSATION AND SOURCE OF FUNDS.—

(1) COMPENSATION.—Each injured party shall be eligible to receive from the United States compensation for damages suffered as a result of the Fernley flood.

(2) SOURCE OF FUNDS.—The Director shall compensate each injured party for damages resulting from the Fernley flood from the permanent judgment appropriation under section 1304 of title 31, United States Code.

(c) INSURANCE AND OTHER BENEFITS.—The Director shall reduce the amount to be paid to an injured party relating to the Fernley flood by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature relating to the Fernley flood that were paid, or will be paid, to that injured party.

(d) ACCEPTANCE OF AWARD.—The acceptance by a injured party of any payment under this section shall (excluding claims relating to life insurance benefits)—

(1) be final and conclusive as to any claim of that injured party relating to damages suffered because of the Fernley flood; and

(2) constitute a complete and full release of all claims of that injured party relating to the Fernley flood against the United States, the State of Nevada, Lyon County, Nevada, the City of Fernley, Nevada, and the Truckee-Carson Irrigation District.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations to carry out this section.

Mr. ENSIGN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4715, AS MODIFIED

Mr. DURBIN. Mr. President, I ask unanimous consent to set aside the pending amendment and I call up amendment No. 4715, as modified.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 4715, as modified, to amendment 4707.

Mr. DURBIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, line 11 after the first period, insert the following:

"(h) USE OF MAPS TO ESTABLISH RATES FOR CERTAIN COUNTIES.—

"(1) IN GENERAL.—Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Director shall not—

"(A) adjust the chargeable premium rate for flood insurance under this title for any type or class of property located in an area in that District; and

"(B) require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map.

"(2) RULE OF CONSTRUCTION.—For purposes of this subsection, the term 'area' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this title as of the date of enactment of this subsection.".

Mr. DODD. Mr. President, we have a window here. I see Senator THUNE and he has the possibility of offering his amendment. I think Senator BOXER wants to express herself on that. She may be on her way over. If my colleague from South Dakota is prepared to offer his amendment, or talk about it, that would be helpful. Anybody else who has amendments who would like to offer them—I see the Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask the Senator from Connecticut, how many amendments are remaining on this bill, based on what he knows at this time?

Mr. DODD. I am glad the Senator clarified that. We have about five or six, based on what I know. There will be five or six votes at the most, as of now.

Mr. DORGAN. I am still trying to determine whether I can successfully offer an amendment. I know I have a right to offer it, but whether it is successful——

Mr. DODD. That is the Senator's problem.

Mr. DORGAN. Mr. President, let me make a point again to the Senator from Connecticut and see if there is any mutual understanding on these issues.

To use one example, we had a city that was completely evacuated in my State by a flood 10 years ago—actually 11 years ago now. It was the largest evacuation of any city since the Civil War. A city of 50,000 was completely evacuated because of a flood. In the middle of that flood, there was a fire in downtown Grand Forks, ND. A city that was flooded and evacuated was on fire.

In the intervening 10 years, there has been a flood protection plan, a very expensive one, $416 million, built to protect that city. The residents of that city, I believe, paid 45 percent of the cost of that flood protection plan.

As I read title VII—I believe it is on page 9 of the legislation—what is being said now is this city that has a 250-year flood plan, that is to protect against a 250-year flood, will be told: By the way, you residents, yes, you paid a lot of money for flood protection. It is blue ribbon, first rate, first class protection against a 250-year flood, but we have now decided you have to ante up $1 a day to buy flood insurance.

They are going to ask the question: What is this flood protection we paid for? We were told this was blue-ribbon flood protection. I know you have a 250-year flood protection levee; now we want you to buy flood insurance.

Is there anything in the legislation that allows FEMA to look at this situation, here is a levee that gives 100-year protection, here is a levee that gives 250-year protection, and here is one that doesn't give any at all? We have different kinds of insurance. Would FEMA be allowed to take a look at a new state-of-the-art, blue-ribbon, 250-year flood protection device and say those folks don't need to buy flood insurance, they just paid a substantial portion of the cost of a significant new flood protection device?

I ask the Senator from Connecticut, what is his intention with respect to that provision of the law?

Mr. DODD. Mr. President, first, I thank my colleague from North Dakota. I am familiar with the community. As my colleague will recall, at his invitation, I gave the commencement address at the University of North Dakota a few years ago and arrived a day or so early. I had an opportunity to visit the mayor and actually see the city that went through that remarkable devastation of flood and fire, simultaneously, in fact, and the rather remarkable recovery and great spirit that exists in that community.

Here is what we are doing. There are those who believe if you have any kind of a dike, dam or levee, that you should not have to pay for flood insurance. We cannot tolerate that in a sense. We have 130 dams, levees, and dikes that are at great risk of one kind or another in these residual risk areas. About 25 percent all the claims against the flood insurance program come out of these residual risk areas, not the coastline. Clearly, having dikes, levees, and dams help.

The fact is, the reason there is a dike, levee or dam is because it is in a residual risk area. Anything made by man or nature, there is no guarantee in perpetuity it is going to survive, even the 250 years about which we talked. What better example than Louisiana. We spent millions of dollars on a system down there that didn't work, ultimately. The idea of having someone pay a maximum of $350,000 worth of insurance—actually, the average cost is $316 a year. Less than a dollar a day for this kind of coverage is something we feel is dispersing that risk, bringing the cost in for the program.

Let me say to my colleague from North Dakota, he makes an interesting point. We are, in fact, in discussions with the other members of the committee on this very point, where you might be able to prorate, it seems to me, some of these costs based on the quality of that dam, dike or levee. I cannot subscribe to the notion of eliminating it altogether, but certainly when you have a state-of-the-art facility, then as a result of that, there is less of a risk. There still is risk. So you may bring down the cost of that risk.

We are negotiating about doing that as a way to recognize those kinds of contributions. So there would be some prorating.

Mr. DORGAN. I understand the notion of residual risk, and I think the Senator from Connecticut will agree those residual risks are different in different circumstances. I am not suggesting if you are behind a levee, wherever that levee is, you shouldn't have to buy flood insurance. But I am suggesting if you exhausted yourself and your community and your region producing a state-of-the-art flood control plan and spent a lot of money doing so, including your own money, and you are now told you have a 250-year protection, that when somebody from FEMA comes in and says, it doesn't matter a bit, it is irrelevant you built that, it doesn't matter, you are going to be required to purchase what our friends from the committee have now enacted—if my colleague from Connecticut is saying this legislation either will or, as we might want to change it, could allow FEMA to take a look at that brand new 250-year flood protection plan and say, in this circumstance you have minimal requirements——

Mr. DODD. I think it is a very good idea and suggestion and one about which I have not had a chance to get into a long conversation with Senator SHELBY. I like the concept, the idea.

Remember this. The insurance program, putting aside whether you think the cost is high or low, without the insurance program, and if things don't work and you lose your home, there is no program of Federal disaster relief that rebuilds your home.

What the insurance program does for $316 a year is it gives you a chance to rebuild your home and the contents you lose. There is no disaster relief program the Senator from North Dakota and I have been a part of that provides that kind of assistance to homeowners affected by natural disaster.

This insurance program has great value to these people who live in these areas. It is a cost but actually has a value. I think the numbers ought to be higher than $350,000. I live in a higher cost area. So a $250,000 home in my State is less than the median cost of a home. I would like to see those values go up again. I presume in North Dakota $250,000 may be more a median cost of a home.

The idea that you are going to get for that $316 a year $350,000 back to rebuild that home of yours has value. I think prorating, based on the condition of dikes and levees, makes good sense. We will try to work on it.

Mr. DORGAN. We don't have a problem with the merit and value of flood insurance. I think the program makes sense. We have an agreement, as it is currently written, and I hope we can perhaps modify it in a managers' amendment. On page 9, section 7, it appears to me FEMA would be required to come in and say: Ah ha, you are behind that levee; therefore, you must purchase this insurance. I hope what the Senator from Connecticut intends with this is that it be risk based because there will clearly be a different risk attached to someone who has a brand new levee system that they exhausted themselves paying for over the last 10 years. It is all done. They cut the ribbon, they celebrated, they had the town band out, in fact, but they are told by FEMA: That is not a factor.

Mr. DODD. I think we are on the same page.

Mr. DORGAN. Let's see if we can craft something between now and the end of the day. I would not offer the amendment; the Senator from Connecticut will offer it, and it represents our combined views about this issue.

I appreciate my colleague having this colloquy.

Mr. DODD. I thank my colleague. It is a very good suggestion; once again, a very good suggestion.

The door is open for business. If anyone has amendments, we would like to have Members come over and offer the amendment. In the meantime, I suggest the absence of a quorum.

Mr. DORGAN. Mr. President, will the Senator withhold?

Mr. DODD. Yes, I withhold.

Mr. DORGAN. Mr. President, I ask for 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL AND GAS PRICES

Mr. DORGAN. Mr. President, I wish to make a point. I don't know yet if there is a markup this afternoon of the Appropriations full committee. If there is, I am intending to offer a couple amendments to that markup. I wish to describe one amendment that I plan to offer, and that relates to dealing with oil and gas prices.

The price of oil is way beyond that which is justifiable by simple supply and demand conditions. It is bouncing around like a yo-yo up around $120 and as much as $124 a barrel of oil. There is no justification in the supply and demand of oil for that price. It is damaging to the economy, and it hurts a series of industries in this country. The airline industry and trucking industry are just two examples. It hurts every American as they pull up to the gas pump to figure out where they are going to get the money to pay for the gasoline price.

What is happening? At the moment, a couple of things are happening.

One, we have an unbelievable bubble of speculation in the futures market. I have people say to me: That is not true. It is true. It is hard to justify the current price of oil given the physical elements of the market today. What we have is people entering the commodities futures market that have no interest in buying oil. They buy oil and sell it. They never take possession of it. They buy what they will never get from people who never had it. They are making money on both sides of the transaction because they are waging.

To put it plainly, they are gambling. That is speculation. We have an orgy of speculation on the futures market.

We had people testify in the Senate and House that it adds $20 to $30 to a barrel of oil. Should we sit back and watch a bubble develop and say, "Whatever the consequences, that is fine?" The answer is no, of course, we should not. Buy stock on margin and it will cost you a 50-percent margin requirement. If you want to buy oil on margin in the futures market for crude oil, then you pay 5 to 7 percent.

We have hedge funds neck deep in the futures market. We have investment banks neck deep in the futures market. Are they are oil experts? Do they want to own oil? No, they want to speculate on oil and make money.

The fact is, it is damaging this country's economy. We ought to wring that speculation out of those commodity markets. We ought to be increasing margin requirements. I know it is hard to do, but we ought to do that. When we see this kind of speculation damaging our country by driving up oil prices and driving up gasoline prices, we ought to do something about it.

Second, we are now putting oil underground right now. We are taking sweet light crude oil off the Gulf of Mexico and sticking it underground in something called the Strategic Petroleum Reserve. I think it is fine to have the Strategic Petroleum Reserve if we run into trouble. It is nice to have an oil reserve. Yet, that reserve is 97 percent full. Still, this administration is taking up to 70,000 barrels a day, every single day, and sticking it underground.

They say it doesn't affect the price. Of course, it affects the price. We had testimony before the Energy Committee that because it is a much more valuable subset of oil, called sweet light crude, that it has as much as a 10-percent impact on the price of oil and gasoline. So, of course, it affects the price.

I think it is nuts for this country to be taking $124 barrel of oil and saying let's stick that underground and save it for a rainy day. I tell you what, it is a rainy day these days when you have to pay this price at the pump. It is a rainy day these days when you see four, five airlines go belly up because they cannot afford the fuel. It is a rainy day these days when truckers say that we have to park the truck because we can't afford the fuel. An entire industry is at risk.

The fact is, we have to do something about it. I mentioned two things, both of which are tangible and real and both of which are causing this increase, at least a significant part, in my judgment, in the increase in the ramp-up of the price of oil and gasoline.

The President believes that there is not much anybody can do in the near term. This is not a time to wring our hands, mop our brow, gnash our teeth and say there is not much anybody can do. This is a time for us to try to figure out what is happening and try to respond to it. It is doing great damage to our economy.

In the longer term, I believe that there are things we need to do. We are unbelievably dependent on overseas oil. We are unbelievably dependent on Saudi Arabia, Kuwait, Iraq and Venezuela. Sixty percent of our oil comes from offshore. As I described before and others have, we stick straws in this planet and suck oil out of the planet. Every day we suck out 85 million barrels of oil. One-fourth of that has to be used in this country.

Let me say that again. The appetite of oil is this: One-fourth of all the oil we pull out of the planet every day is used in this little place called the United States of America. Sixty percent we get from outside our country. Seventy percent of it is used by vehicles. We have a lot to do.

After 32 years, we finally mandated an increase of 10 miles per gallon in 10 years on a range of vehicles. We also need to produce more. I and three others in this Chamber got the law changed to allow us to go into lease 181 in the Gulf of Mexico and finally produce more oil and gas. Frankly, we ought to open up more of the Gulf of Mexico. That is the greatest potential reserve on the Outer Continental Shelf. I and three others introduced the legislation and got it passed and opened up lease 181. If you look at the Gulf of Mexico, California, and Alaska, and the East Coast, the greatest potential reserves are in the Gulf of Mexico.

We need to conserve more and produce more. We need greater efficiency for all we use, and we especially need to move into renewables.

I understand we have to do all of that. At the moment and in the short run, we have to take specific steps that will put downward pressure on prices. John Maynard Keynes said, "In the long we are all dead." That is an economist talking. We can talk about the long run here, but let's also talk about the short run right now.

What can we do to address something that most Americans understand is a very serious problem? The issue is price of gasoline? I am just saying this, and there are those who disagree with me. Look at the commodities market and look at this orgy of speculation. This is a bubble. Wouldn't it be nice if someone had looked at that bubble as it built with respect to home mortgages and home prices? We have seen a lot of bubbles. We have seen the tech bubble. We have seen the bubble in home prices. Every bubble bursts. This one will. But in the meantime, how many additional casualties will we see on the side of the road? Look at what's happening with American families, American business, American industries. How many casualties? The big integrated oil companies go to the bank with a "permagrin." They can't stop smiling because they are depositing our money in their bank accounts. But it is not only the big integrated oil companies, it is the OPEC countries. They are going to the bank everyday with our money because we recycle this money to provide for a bank account for the Saudis and others just like we do for the major integrated companies.

I do not think there is any justification for this price. This Congress is prepared to act. Senator REID and others have joined together, and I am a part of it to deal with this issue of putting oil underground. We are going to stop it in its tracks. I introduced a bipartisan bill a couple of months ago to suspension the filling of the SPR. Our entire caucus is also behind the proposition. We believe it's time to begin to wring this speculation out of the futures markets and stop this insidious rise in oil prices.

While we need to move beyond oil, right now we still need oil. There is no question about that. We need to find more, and we need to use less, to the extent we can. That means more production and more conservation. In the meantime, when markets do not work and people are doing things that have no common sense at all, such as putting oil underground when oil is $120 a barrel, then this Congress has a responsibility to act. We need to get things straight. Let's set things right; let's stand up here on the side of the American consumer and on the side of American businesses who need this energy.

One final point: In yesterday's The Wall Street Journal, they wrote one of those editorials that must make those folks grin like Cheshire cats as they sit there with their gray suits on, behind horn-rimmed glasses, deciding what to write next in the Wall Street Journal about the Senate. Did you see what those folks did in the Senate—DORGAN, SCHUMER, and others? What they did is said we should put pressure on the Saudis because the Saudis want to buy precision weapons for their own security from us. We should say that maybe they need to be producing more oil. Of course, the Wall Street Journal had an apoplectic seizure over that.

Here are the points. The Saudis are producing 800,000 barrels a day less than they did 2 years ago. It is not lost on them what this is doing to price. It is not lost on them, or it should not be, what this is doing to our country. They are pumping 800,000 barrels a day less than they did 2 years ago and then they say to this administration we wish to buy sophisticated weapons from the United States because we have our strategic military concerns in our region. Maybe we say to the Saudis: The United States has strategic concerns in our country as well. Why are you pumping 800,000 barrels a day less when you could be putting more oil on the world market? Partnerships work both ways.

I am very concerned about arming the Middle East. I am going to speak about that at some point later. But our point to the Saudis and the point in the Middle East was simple. If you are pumping 800,000 barrels a day less per day and then demand weapons from the U.S. without reciprocating then it's not going to work.

That is a long statement to say it is time for us to act. Senator REID, Senator KLOBUCHAR, other Members and I have decided we are not going to sit here like potted plants. When something is happening in the futures market and when something is happening to take oil off the supply to put it in the SPR, then we have a responsibility to act. I intend to be a significant part of that.

If we have the markup in the Senate Appropriations Committee this afternoon, I intend to offer a couple amendments at that appropriations markup. Unfortunately, I understand it may well be canceled this afternoon.

Ms. KLOBUCHAR. Will the Senator yield for a question?

Mr. DORGAN. I am happy to yield.

Ms. KLOBUCHAR. I thank Senator DORGAN for his leadership in this area. He was ahead of this. Before the crisis got to the pocketbooks of Americans, he was predicting what has happened. He has been proactive about this.

But can the Senator talk about the strategic reserve, the petroleum reserve? I know there is some bipartisan support for doing this, is that correct, for stopping putting our oil there?

Mr. DORGAN. It is the case. I have introduced legislation here in the Senate. Fifty-one Democratic Senators, including Senator OBAMA and Senator CLINTON, signed a letter to the President saying stop sticking oil underground for the rest of 2008. Also, a couple of weeks ago our Republican colleague, Senator HUTCHISON, led on a letter to the White House saying, yes, we agree. We ought to stop sticking oil underground at this time. There were 15 Republicans who sent that letter. Further, Senator McCAIN said it was nuts to stick oil in the SPR while on the campaign trail. When you add that up, that is 67 people in the Senate. That is a veto-proof majority.

Ms. KLOBUCHAR. How much is it expected to save? Is there an immediate impact we might expect in savings per gallon?

Mr. DORGAN. There are several views on that, but we know it is a lot more than zero like the Administration assumes. We don't know exactly what the savings would be. We do know this: If today 70,000 barrels, especially the sweet light crude—which is the most valuable subset of oil—were put back into this marketplace, then people have testified in the Senate that it could impact as much as 10 percent of the price of oil and gasoline.

We know it would impact the price. Some say 70,000 barrels is not very much given what is used in a day. It is true, 70,000 barrels is not all that much, but this is sweet light crude which is very different. We had an economist named Dr. Verleger testify before the Energy Committee and make that very point.

This is a more important point. There are plenty of Members of the Senate who have now joined on this.

I was just informed the markup starting at 2 this afternoon has been canceled. This is where I was going to offer this amendment, so the amendment I expect to be able to offer will now wait until next week. We will get this done. We cannot sit around and allow things to happen. We have to make things happen, good things happen for this country and for the economy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RENEWABLE ENERGY

Ms. KLOBUCHAR. Mr. President, I am going to speak on another topic which is somewhat related to Israel's 60th anniversary. It is about energy security and climate change and the potential economic value to our country. The way it is related to Israel is this. As we look at the fact that we spend $600,000 a minute on foreign oil, much of that money going to countries that we might not want to be doing business with if we had a choice, Israel, like our country, is very interested in developing alternative energy. If we can cut our dependence on foreign oil, we will enhance our own security as well as Israel's security.

Last winter I visited the new headquarters of Great River Energy, one of the biggest electric co-ops in Minnesota, to talk about renewable energy.

Great River is building a new energy-efficient office complex in the suburb of Maple Grove, MN. But what I remember best about that day is the huge wind turbine that towers over the building, and the way its blades were rotating in the January winds. This is literally in the middle of a suburban shopping mall.

It might seem odd that a company would put up a wind turbine in the suburbs of Minneapolis—in fact, it has become a landmark for the commuters who drive past each morning and evening.

It might seem even more odd that an electric utility would erect that symbol of green energy in front of its new headquarters.

But what Great River understands—and what that wind turbine symbolizes—is that clean, alternative energy represents a huge opportunity for our country.

Great River is not alone among utility companies that can see the green future before us. Xcel Energy, based in the Twin Cities and in Colorado, already gets more than 10 percent of its power from wind. It has pledged to generate 30 percent of its electricity from renewable sources by 2025 and reduce its carbon emissions by more than 20 percent over the next 12 years. In fact, Xcel was supportive of our state legislature which put in place one of the most aggressive renewable standards in the country.

Xcel's CEO, Dick Kelly, recently said that Xcel intends "to push it to the max. But it would be nice to have a policy at the federal level, a national policy, so we all know what the rules are."

As we prepare to debate the landmark climate-change legislation that will come before us in a few weeks, I hope we keep these two examples in mind.

Because here is what they show us: Global climate change represents a world of challenges. But it also represents a universe of opportunities—for American business to develop new products and technologies, for consumers to save money on their energy bills, for America to achieve greater energy security and independence.

First, there is opportunity for consumers.

The National Academy of Sciences has estimated that American motorists were able to cut their gasoline consumption by almost 15 percent annually as a result of the last fuel-economy standards that Congress enacted in 1975—standards that also reduced the emission of greenhouse gases. The new CAFE standards that we adopted in December will not only further slow the emission of greenhouse gases—but they will also save the average consumer as much as $1,000 a year at the gas pump.

We are developing the technology to take these efficiencies even further and they make savings at the pump even greater. The opportunities lie not only in producing cheaper and renewable sources of fuel, including cellulosic ethanol, the next generation of ethanol but in making our vehicles more efficient. Increased efficiency is perhaps our greatest opportunity to stretch a family's energy dollar—$4-a-gallon stretches a lot further when it will take your car 50 miles instead of 25. The next generation of hybrid cars, as well as the development of cars powered by other renewable sources such as electricity or hydrogen, open a new world of opportunity for the American consumer; an opportunity for innovative American companies to be at the forefront; an opportunity to reduce our environmental impact while reducing our dependence on foreign oil.

Then there is electricity. If every American household replaced just one light bulb with a compact fluorescent bulb, the country would save $600 million in annual energy costs, the nation would save enough energy to light more than 3 million homes for a year—and we would prevent greenhouse gas pollution equivalent to the emissions of more than 800,000 cars,

There is also opportunity for business.

The Safeway grocery chain decided recently to install solar panels on 23 of its supermarkets to provide energy for heating, cooling and electricity.

They estimate that they will cut their electricity costs by 20 percent and that they will remove 12.6 million pounds of carbon emissions every year.

General Electric, one of the biggest corporations in the world, has moved aggressively into what it calls "green products" such as energy-efficient appliances and components for wind turbines. Its sales of green products have doubled since 2005 to $12 billion, and the company aims for $20 billion of green products sales by 2010. This is our "building a fridge to the next century."

In my home State, the State of Minnesota, in the town of Starbuck, there is a small company called Solar Skies. There are just 10 employees at Solar Skies, but those 10 people decided to take a risk, to leave their jobs, and to go to work for a place that makes solar panels. Those employees are devoted to the idea that we can create a new energy future for all of us. They believe in their work and are now reaping the benefits of the opportunity created by this new energy economy. When I visited them, they actually had me jump up and down on the solar panels to show that they could withstand hail damage; I am sure they would welcome the Presiding Officer from the great State of Montana to do that as well.

Clearly, the people at Solar Skies are not the only ones to understand the opportunity. If you look at the leading indicator of American investment, venture capital, you will find that it reached $2.9 billion of investments in green technologies last year, up 78 percent from a year earlier.

Clean technology is not only the fastest growing portion of the venture capital market, it is now the third largest category, behind only biotech and computer software.

So today we have to ask ourselves, Does the United States want to be a leader in creating the new green technologies and the new green industries of the future or are we going to sit back and watch the opportunities pass us by? I am determined that we will be a leader.

As you know, this is my third speech on climate change every week up through the debate. The first was an overview, and the second one was about leadership and the need to push this country forward, to be a world leader on this climate change issue and on technology. Today, we are talking about the possibilities of new jobs for this country, for our country as a whole.

This is also an opportunity to create an energy-secure future, to free our country from its dependence on foreign oil. We spend literally $41 million every hour on imported oil, and much of the money simply goes back to countries that are not our friends.

The Council on Foreign Relations recently studied this question, and they said:

> America's dependence on imported energy increases its strategic vulnerability and constrains its ability to pursue foreign policy and national security objectives. The lack of sustained attention to energy issues is undercutting U.S. foreign policy and U.S. national security.

But the report also concluded that a determined conservation effort could:

> Unleash remarkable forces for innovation in this country. Entrepreneurs are seeking new ideas for products and services such as batteries, advanced oil and gas exploration and production techniques and biofuels.

By reducing our emissions of greenhouse gases through conservation and new technology, we can reduce our use of imported oil and leave our country in a stronger international position. This is not only wishful thinking. It has worked before. Conservation initiatives enacted after the first OPEC oil embargo reduced the oil intensity of our economy, saving our country the equivalent of 15 million barrels of oil per day. Today, a comprehensive policy to reduce greenhouse gas emissions, including higher fuel standards for cars and trucks, development of clean alternative sources of energy, and better energy efficiency standards for buildings, can do this.

Look at the Chevy Volt. Two years from now, the Chevy Volt will be available for purchase. You can plug your car in, you go 30 miles, and then it transitions over to fuel. In other words, if you are driving through Montana or Minnesota and it is 10 below zero, you are done with your 30 miles, and it is not going to stop, it transitions over to fuel, and hopefully that will be alternative fuel.

We can cut our oil consumption by as much as 35 percent by 2030—more than offsetting the oil we import from OPEC today—just by putting in place these higher fuel economy standards for cars and developing clean alternative sources of energy and better energy efficiency standards for our buildings.

A study last year by the McKinsey Global Institute concluded that projected electricity consumption in American homes in 2020 can be reduced by more than one-third if high-efficiency measures were adopted nationwide, including lightbulbs, water heaters, kitchen appliances, room-insulation materials, and standby power. But here is what is interesting. The report warned that market forces alone, even with higher energy prices, would not be sufficient to make the most of these energy-efficient technologies. What is required is leadership from Washington, leadership from this Chamber, leadership from the White House, a new national strategy to wean the country from fossil fuels, to reduce our emissions of greenhouse gases, and to set the stage for this new energy economy.

This is the heart of the climate change legislation that will come before us in the next few weeks: a strategy to cap and reduce greenhouse gas emissions, then use a cap-and-trade system so that the private sector achieves these reductions in the most efficient way possible. The market is ready, but it needs leadership from us.

Last year, Minnesota's own Tom Friedman had a cover story in the New York Times Magazine, "The Power of Green." It should be required reading for anyone who cares not only about the future of our environment but also our economic future and our future national security.

In the article, Tom Friedman asks: How do our kids compete in a flatter world? How do they thrive in a warmer world? How do they survive in a more dangerous world?

The answer is, in making the most of the economic and technological opportunities to reduce our dependence on fossil fuels, and the greenhouse gas pollution that comes from it, we do better.

Friedman said that clean energy technology is going to be the next great global industry. He went on to propose the Green New Deal, one in which the Government's role is not funding projects, as in the original New Deal, but seeding basic research, providing loan guarantees where needed, and setting standards and incentives and taxes that will spawn all kinds of new technologies.

We are trying to do that right now with the wind tax credit, the renewable tax credit, for geothermal and for solar and other kinds of renewable energy. I believe this is not all about cutting back or hunkering down, it is about seizing opportunity.

In his words:

> It's about creating a new cornucopia of abundance for the next generation by inventing a whole new industry. It's about getting our best brains out of hedge funds and into innovations that will not only give us the clean-power industrial assets to preserve our American dream, but also give us the technologies that billions of others need to realize their own dreams without destroying the planet.
>
> It is about making America safer by breaking our addiction to a fuel that is powering regimes deeply hostile to our values. And, finally, it is about making America the global environmental leader, instead of a laggard.

Oponents of the Lieberman-Warner climate change bill say we cannot do this because it will somehow cripple our economy. I say we cannot afford not to enact climate change legislation because global warming will cripple our economy.

A recent economic study commissioned by the Pew Center on Global Climate Change concludes that, under at least one scenario, higher temperatures could cut more than $100 billion off American economic output over the next century, largely because of damage to agriculture, forestry, and commercial fishing.

Now, look at this. The temperature in the last 100 years is up 1 degree. That does not sound like much until you realize it has gone up only 5 degrees since the height of the ice age. Our EPA, using data, well-founded scientific data, projects that temperatures in the next century will go up 3 to 8 degrees.

So this idea that we can lose $100 billion off American economic output over the next century is not some far-flung idea, it is based on scientific research. Unless we can confront this problem and confront it now, those costs will simply go higher and higher. We will also miss the opportunity for new jobs, for new products and technologies, new consumer savings, and a more responsible climate change policy. It is a big challenge. But meeting challenges is what our country does best. Just look at history.

When the space race began with the launch of sputnik in October 1957, American citizens listened with indignation and fear as the first manmade satellite, a Soviet satellite, beeped its way around the Earth. Yet it inspired our Nation and its universities to make a historic investment in math and science education. Within a decade, our country tripled the number of science and engineering Ph.D.s—tripled them.

In 1961, President Kennedy issued a challenge to our Nation: Put a man on the Moon by the end of the decade. We answered the call. On July 20, 1969, what seemed impossible became reality when Neil Armstrong took that giant leap for mankind.

But the space program was not only a success because we put a man on the Moon before the Soviets, it also spurred countless other innovations in industry. I love saying this in front of our pages because I think they were not born when this happened. To them, this is commonplace, but back then we did not have these things. This is what it has spurred. It spurred industries and innovations such as weather satellites, solar technology, digital wristwatches, ultrasound machines, laser surgery, infrared medical thermometers, programmable pacemakers, satellite TV broadcasts, high-density batteries, high-speed long distance telephone service, automatic insulin pumps, CAT scans, radiation-blocking sunglasses, GPS devices, and the little chocolate space sticks my family would take when we went on camping trips in the 1970s. That all came out because we had a President who said we have a national goal, we are all part of the same Nation, and we are going to reach the goal. We can do the same thing with climate change and energy independence.

Today, it is not a Russian satellite streaming across our skies that should galvanize our Nation into action. It is the multiplying smokestacks in China, it is the receding glaciers in Greenland and Antarctica, and it is the rapidly rising global temperatures, and it is being leapfrogged by countries like Brazil that are now fuel independent because their Government put in place a policy for alternative biofuels.

But just as sputnik sparked a new age of prosperity and opportunity, these trends can lead to opportunities for the strengthening of our economy and renewing our leadership in the world. In doing so, we will create a better economy for the next generation by developing whole new industries, which will not only help us preserve our American leadership in the world but will also help to deploy technologies billions of others need to realize their own dreams without destroying the planet.

I believe we have the responsibility to confront a grave threat to our environment and our health. I believe we have the opportunity to do a great service to the people of this country. I believe that before us now we have the opportunity to make our economy stronger and more efficient. But it is rare that we have the opportunity to accomplish all three at once, to accomplish so many good things in one bold stroke. This rare opportunity will come before us in a few weeks when we take up the landmark Lieberman-Warner bill to address the challenge of global climate change. We must seize that opportunity.

Mr. President, I ask unanimous consent that at 2 p.m. today, the Senate resume the DeMint amendment No. 4710, as modified, and that there be 20 minutes of debate prior to a vote with respect to the amendment, with 15 minutes under the control of Senator DEMINT and 5 minutes under the control of Senator DODD or his designee; that no amendment be in order to the amendment prior to the vote, and that upon the use or yielding back of time, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. I thank the Presiding Officer and the Parliamentarian.

TRADE

Mr. President, for the last year, 15 months, 16 months, or so, as I have traveled throughout my home State of Ohio, I have held 95 or so roundtables with small business owners, entrepreneurs, workers, community leaders, family farmers, educators, and everywhere I go I hear variations of the same story—about plants that have closed and left for Mexico or China, and workers, often in their fifties and sixties, who have few alternatives.

Manufacturing has been devastated over the past 5 years. Ohio has lost upwards of 200,000 manufacturing jobs since 2001, and this administration has been largely indifferent.

One of these roundtables was held in Tiffin, OH, a small manufacturing city of about 20,000 people, an hour or so from Toledo. A company well known, American Standard, a company that makes plumbing equipment, was bought out by an investment banking firm from Boston in November. In December, they notified the workers they were going to shut down the plant and move its production elsewhere.

A couple hundred workers lost their jobs, many of them lost big chunks of their pension, and some of them lost their health care. Yet the investors who came in and bought American Standard did, of course, very well.

Today, Ohio and its neighbors feel this problem of plant shutdowns, what it means not just to the workers and their families, but what it means to the communities as it relates to police protection and fire protection and teachers, as these communities are badly hurt, particularly smaller cities, and they simply cannot afford to hire as many police and firemen and teachers.

Ohio and its neighbors feel this problem most acutely, but it is the Nation's problem. Our economy cannot prosper unless we make and sell goods as well as services. Yet for the past several years, much of our Nation's greatest engineering prowess has not gone to Toledo or Dayton or Youngstown but, instead, to Wall Street.

Unfortunately, traditional manufacturing has declined as a share of our economy, while the manufacture of financial products has become increasingly important.

When I was elected to Congress in 1992, our trade deficit was $38 billion—$38 billion a decade and a half ago.

Today, it exceeds $800 billion. With oil reaching $121 per barrel, and perhaps higher soon, the trade deficit will likely only increase in the years ahead.

Leading up to the Ohio Presidential primary in March, the media focused on NAFTA, the North American Free Trade Agreement. In Ohio, when we talk about NAFTA, we mean our overall trade policy, be it with Mexico and Canada, or China, or Central America. But the media, of course, hears only the word "protectionism." When you think about it, that is a pretty interesting choice of words. On the one side you have proponents of free trade, while on the other side you have what many papers label as "protectionists."

Those of us in favor of fair trade are, indeed, trying to protect what we believe is important. We would like to protect the labor standards our country has fought so hard to establish over many decades. We would like to help our trading partners, the developing world, to improve their labor standards. We would like to protect consumers in this country from defective and even dangerous products. We would like to protect our children from toys covered with lead paint and our hospital patients from tainted blood products. We would like to protect the ability of our manufacturers to compete against foreign companies without having to overcome trade barriers such as currency manipulation.

So, yes, there are things I would like to protect. But so-called free traders are interested in protecting their interests, as well. They would like to protect their beef from imports. They would like to protect pharmaceutical companies, as they do. They would like to protect financial services. In fact, trade agreements of recent years basically are chock full of protections—protections for the financial service industries, protections for the pharmaceutical industry, protections for big oil.

In fact, NAFTA—what I hold in my hand is not the actual NAFTA trade agreement but NAFTA was about this size. NAFTA contained hundreds of pages of protections—protections in areas that go way beyond tariffs on goods. It is similar with the Colombia trade agreement; it is also about this size. If they were free-trade agreements, you could have written them on about this many pages: five, six pages. All you would need is a tariff schedule—a schedule of tariffs we were going to reduce or eliminate. But, instead, NAFTA and the Colombia Free Trade Agreement and these others are this big. Do you know why?

It is not just the tariff schedules. They also have protections for the drug industries, protections for the banks, protections for the oil industry, protections for all kinds of corporate interests in every one of these trade agreements. That is why when we talk about protections, let's be fair. Yes, to be sure, I want to protect workers. I want to protect communities such as Tiffin, OH. I want to protect Sandusky and protect Lorain and protect Springfield and protect Zanesville. I want to make sure those communities are not devastated by these trade agreements that have all kinds of protections for the largest corporate interests but very little for the environment, even less for workers, and even less still to protect our food supply and our toy supply for our children.

We need to recast this debate. Those of us who want to change the rules are not protectionists, in spite of what every elitist newspaper from the New York Times to the Los Angeles Times and everything in between likes to say. Those of us who want to enforce trade laws and defend against bumping Chinese steel products are not protectionists. Those who want safe ingredients in pharmaceuticals we import are not protectionists. Those who want to make sure our children's toys coming from China—after our toy companies outsource jobs, push the Chinese subcontractors to cut costs. They cut costs by putting lead-based paint on toys because it is cheaper, it is easier to apply, it is shinier, it dries faster. Yet then these products, these toys come into the United States, and the Bush administration has weakened consumer protection laws and cut the number of inspectors so, because of this trade policy, this protectionist, protect-industry-at-all-costs trade policy, we have these tainted toys entering the bedrooms of too many of our children.

Trade is not just about exchanging goods between countries. Trade, when done right, is about lifting workers in the United States and lifting workers abroad out of poverty. It is about creating new industry. It is about creating new business. It is about creating new jobs. It is about ensuring strong and thriving economies for all parties involved.

Fair trade products—for example, coffee, tea, bananas, flowers—products once relegated to specialty shelves in health food stores have now found their way into mainstream America.

Costco and McDonalds have begun to promote fair trade. That is fair trade where workers share in some of the profits they produce for their employers. They know it means quality products and good business sense at home. In the coffee fields of Nicaragua, fair trade products mean a bright future for tens of thousands of young girls—girls who often would not have been able to go to school, but they are able to because their parents—coffee farmers in the case of Nicaragua—are making an income that gives them enough, sometimes more than $1 a pound, as opposed to coffee that is not fair trade where maybe they get only half that. The kids of those workers do not get to go to school.

Fair trade products mean that farmers in developing nations earn two to three times more for their products, and those children, as I said, can get an education.

Fair trade products mean workers on flower farms across Latin America will be free from poisonous pesticides that cause death and birth defects.

Fair trade products mean that workers in developing nations will earn more and be able to buy more from us—the whole point of trade. That means, obviously, increased exports for U.S. businesses.

Fair trade means trade—and more of it—but with a very different set of rules, not this kind of protectionism to protect the drug companies and the oil industry and the insurance industry and the financial services, but trade agreements with a different set of rules that help lift up people, both in the developing world and in this country.

Proponents of the same failed trade policies of the last 15 years need to stop selling the trade deal with Colombia, for example, as a path to a stronger economy.

NAFTA sent 19 million more Mexicans below the poverty line. Today, there are 19 million more Mexicans living below the poverty line than in 1993, since NAFTA. CAFTA has failed—the Central American Free Trade Agreement—to create the thriving middle class in Central America that proponents promised.

The Colombia Free Trade Agreement, as written, will produce the same results: more poverty abroad, more lost U.S. jobs, more small businesses in this country closing up shop.

The first President Bush said each billion dollars—listen to this—each billion dollars of our trade surplus or deficit translates into 13,000 jobs. A billion-dollar trade surplus creates 13,000 jobs. A billion-dollar trade deficit costs 13,000 jobs. That is what the first President Bush said. That was back when the trade deficit was $20 billion, $30 billion, $40 billion. Again, think about that: 13,000 jobs for a billion-dollar trade deficit or surplus.

Today, the trade deficit exceeds $800 billion. Just do the math. The cost in jobs of this enormous increase in our trade deficit is staggering.

It is not surprising that voters in my State see bad trade deals as a major factor in the destruction of our manufacturing base. They know our economy and they know their interests are undermined by that exploding trade deficit. They know Ohio's problems are Colorado's problems and Montana's problems and Massachusetts' problems. They know for the past three decades the historical link between rising productivity and rising wages has been severed.

For most of my life—well, half of my life; the first 25 or 30 years of my life—

in this country, when workers were more productive, their wages went up. If I had a chart, you could see that. We could map productivity, and we could map wages. In this country, for decades and decades and decades, this created the middle class. This is what made us a successful economy and a successful democratic capitalist country—that productivity and wages would almost be parallel.

Today, particularly in the last decade, that connection has absolutely been severed. That has been the problem in many ways with our economy. Wages have been flat, profits have been up, executive salaries have exploded, and the middle class has struggled mightily.

Our country has entered a period where income inequality is at the highest level in 70 years. Now is the time to be asking the right questions. It is time to end the name calling and have a real debate about trade. We are at a critical juncture in our Nation's history. It serves both sides of the trade debate to remember that U.S. trade policy is a tool. It is not a fairy godmother. It should not be used to temporarily pump up well-connected industries—as trade policy often is; hence, all the protections—nor should it be used to tamp down competitive forces.

Our trade policy must promote competition, build on the progress our Nation has made, and promote our Nation's economic and strategic objectives rather than flouting them.

Ultimately, it will be ingenuity and sweat equity—we know that—that enables our country to thrive in the global marketplace. Like every country, we will have to work harder and smarter to win every contract and every sale. But it is the role of governments to ensure the rules for that contest are fair and that the interests of everyone—not just those we protect in our trade agreements—to ensure that everyone has a stake and everyone is served by our trade policy.

Our Government has not done that. Our trade deficit has ballooned, our manufacturing sector is faltering, and real wages are falling. The last thing we need is more business as usual. No more NAFTAs, no more CAFTAs, no more Colombia trade agreements. Business as usual has not worked. The status quo is not working. Again, 15½ years ago, the trade deficit was $38 billion; today, it is $800 billion.

We need to decide what our economic goals will be and how we achieve them. If we do not, we will wake up to find we have left a sorry legacy to our Nation, to our communities, and to our children.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. GREGG. Mr. President, I rise to speak briefly—not about the bill that is pending but about a bill that is somewhere in one of the hallways around here, which is the supplemental that is necessary in order to fund our troops in the field. That bill was supposed to be marked up today in the Appropriations Committee, but, regrettably, for reasons which are not totally clear to me but which are reasonably apparent—which is that the House has not yet gotten its procedures in order—the bill was not marked up, the markup was canceled. It was supposed to start at 2 o'clock.

I certainly hope we will mark up this bill. It is very important this bill be subject to regular order. It is a very significant bill, obviously, because it involves funding for our troops in the field. It is significant also because a lot of other matters which are extraneous to the issue of fighting the war and giving our troops the resources they need have been added to it on the House side, and even more, as it appears, maybe even being added on the Senate side. Thus, the Senate ought to have the right to work its will on the bill in the regular order, which includes a committee hearing where the various issues are aired and amendments can be made. Then when it gets to the floor, it should also be subject to amendments so the minority, especially, can have some input on the bill. Otherwise, the minority gets written out of the process, which is not constructive to the institution, and it certainly means we would have to defend our rights and probably oppose the bill on those procedural grounds that we have an obligation—that we as a minority basically have the sacred right of making a decision as to when amendments are to be offered or at least what amendments should be voted on.

Relative to a major piece of legislation such as this, we as the minority should have the right to amend it. If we decide not to amend it, that is our choice, obviously. But parts of this bill clearly need to be subject to amendment, and the minority has a right to be heard on that in the Senate, especially because that is the essence of the institution. The minority has the ability to participate in the process through the amendment process and through the filibuster process.

So I wish to speak to some of the amendments I would have offered had we met today which I happen to think are very appropriate to this bill and which are in the area of jurisdiction for which I have primary responsibility. I am the ranking member on the Foreign Operations Subcommittee which is the committee that deals with foreign relations, with the State Department, and with funding foreign activities. There are some very important issues which need to be addressed in this bill that are not addressed. This bill has a significant amount of money in it that will flow through the State Department which deals specifically with Iraq, with Afghanistan, and to some extent with other issues such as Mexico.

The first amendment I would have offered would have been language to correct what is an inconceivable bureaucratic snafu, in my opinion. That is the fact that Nelson Mandela—certainly one of the greatest leaders of the 20th century, who epitomized the movement for freedom and for equality in Africa but really for the world generally—is not allowed in the United States unless he gets a special waiver from the Secretary of State which allows him to come into the United States because of the fact that he was a member of the African National Congress and is a member of the African National Congress, having been the head of South Africa as that party rules there; and that party, due to the history of that party, has been caught in the bureaucratic framework of our laws and is designated as a potential terrorist organization, which is really ridiculous on its face.

The fact that Nelson Mandela cannot come into the United States because the organization he led, which delivered freedom and equality in South Africa, has gotten this designation due to its prior activity, it would be like saying the head of the Likud Party, which a number of Prime Ministers of Israel come from, because it at one time was an activist organization confronting British rule in Palestine at the time, the head of the Likud Party would not be allowed in the United States but would have to receive special exemption. It makes no sense.

So this language, which the Secretary of State totally supports and the Secretary of State is equally outraged by, would have to be changed. So working with the State Department, we have this language together, and we will go over it.

I understand at 2 o'clock we go into debate on the DeMint amendment, and I will be happy to yield the floor as soon as somebody arrives and wishes to debate. But I ask unanimous consent to be able to continue until such individual arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. The second amendment I would have offered would address the issue of the war on terror and our involvement with Iraq relative to the State of Jordan, which unfortunately has found itself incurring dramatic costs as a result of the overflow of the events in Iraq. Massive amounts of refugees are coming into Jordan. It has put an extraordinary burden on that country, a tremendous ally and friend of the United States.

So I believe we have an obligation as a nation—since we created this problem for Jordan in many ways by the activity in Iraq—to support Jordan as it tries to address the issues of the refugees. We cannot help them with the physical activity of the refugees there, but we can give them resources. I was going to increase funding to Jordan to accomplish that. I know Senator INOUYE is also very interested in this issue.

In addition, money being spent by the State Department in Iraq on behalf of reconstruction should be significantly limited; but more important than that, any new money we spend for reconstruction through State Department accounts should be matched one-to-one by the Government of Iraq. I find it inconceivable for a government that runs a $30 billion or $40 billion surplus, on the issue of oil revenues, not be asked to pony up or at least match what the American taxpayers are spending there relative to resources to promote reconstruction in Iraq. So I was going to offer that amendment.

I see the Senator from South Carolina is here. I understand this time is correctly his. At this point, I will yield the floor. First, I also intended to offer an amendment in markup today which would have put a consular office in Tibet. I think it is critical to have a consular office there as the Tibetan people deal with the situation occurring there relative to the Chinese Government crackdown.

At this point, I yield the floor.

AMENDMENT NO. 4710

The PRESIDING OFFICER. Under the previous order, there will now be 20 minutes of debate prior to a vote in relation to amendment No. 4170, offered by the Senator from South Carolina, Mr. DEMINT.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I wish to talk about my amendment that will be voted on in about 15 or 20 minutes. It is amendment No. 4710. It is an amendment to the National Flood Insurance Program bill we are considering today.

The whole purpose of the flood insurance bill is to improve the program, make it more actuarially sound, make it more financially sustainable over many years. Obviously, we have had huge problems with the program. Yet it is very important to people all around the country, particularly those in coastal areas.

One of the goals of this reform bill is to make the rates fairer and to phase out a number of the subsidies that we have allowed under the current program.

The current program allows up to a 65-percent subsidy on properties that were purchased before we developed these flood maps. In other words, there were many properties purchased years ago when people did not know they were purchasing a home in a flood area. For that reason, we basically grandfathered these homes in and allowed them lower rates in the flood insurance program than those who bought homes after we had designated those flood areas.

The bill addresses some of those properties by phasing out the subsidies of nonprimary residences—those that are rental properties, second homes, and even those with severe repetitive losses. We take about 475,000 properties that were pre-FIRM, as we call it, or preflood map, and phase those out. There are 700,000 permanent residences we do not address in the bill.

The purpose of my amendment is to bring all the properties, basically, into the same plan, and not to force some to pay higher premiums so we can give subsidies to these 700,000 homes. My bill doesn't affect the rates or the subsidies of any current property owner. My amendment does address new owners, if those properties are sold after this bill passes. In other words, we continue the subsidies of current property owners, except for those already addressed in the bill. But if those properties are sold, clearly, the new owner would know they are buying in a flood zone, so the rationale to continue subsidies up to 65 percent does not exist.

I remind my colleagues that if we allow inequities to continue, where some are getting subsidies and some are not, then some residents—and one might be sitting next to another—are going to have a higher property value because it will get lower flood insurance rates indefinitely, no matter how many times it is sold.

My amendment, again, I think would improve the sustainability of the program. I encourage the ranking member to consider this. I know there have been agreements not to add or support any amendments. But I think this captures a lot of the intent of the whole bill to make the program sustainable and fairer, and actually my amendment would return about $550 million in additional premium revenues to the plan over the next 10 years. So this is, again, designed to make the program fairer.

I encourage my colleagues to look at this amendment. It is not a partisan amendment in any way. It will make the program better and fairer and it will bring everybody into the same status once properties are sold.

With that, I will reserve the remainder of my time and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, in a moment I will ask unanimous consent to withdraw my amendment, but I wish to have a little discussion on the floor with the chairman and ranking member because for the most part, we agree on a lot of the principles in the bill, and they would like the latitude to work some of this out in conference.

My goal is to have a more sustainable, fairer program. The idea is not to raise the price of current premium payers or to raise the price of real estate. I want to ask my colleagues if they would consider some of the principles of bringing all policies eventually into some actuarial equity.

Mr. DODD. Mr. President, if my colleague will yield, he raises a very good point. In fact, I had a discussion with Senator DORGAN on a similar issue, but the same point of an equity interest involving the cost of premiums where you have a very well-built levee and should the premium be the same as one with a 50-year-old levee—that is a legitimate point, it seems to me.

We talked earlier with Senator VITTER about costs and values. We disagree with him on that issue, but he makes a case, as the Senator from South Carolina does, that we need to strike this balance well so we are not locking in permanent costs, and not also falsely contributing to a rise in the cost of real estate in a time when we are dealing with oversupply and trying to move properties.

I am sympathetic with what my colleague is trying to achieve. There is an equity interest he has identified that I think has legitimacy. The question is, How do we satisfy that in a actuarially sound program?

I commend him for the idea. I am grateful to him for withdrawing the amendment. It gives us a chance to work on it and examine it in a way that will hopefully satisfy him. I cannot promise him this, obviously, because the Senator from Alabama and I have to deal with the House. I come with an open mind to the equity issue he raises with his amendment.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I commend the Senator from South Carolina for bringing up his amendment. I think it is something we should consider in conference. Senator DODD had a colloquy about it on the side on the floor a few minutes ago.

At the end of the day, what we are interested in is a more actuarially sound flood insurance program, one that will make more sense after a lot of mapping goes on around the country that will broaden the program and not perpetuate subsidy over and over for four or five sales or four or five generations where property is sold.

The Senator from South Carolina is on the right track. I assure him I want to pursue this in conference.

AMENDMENT NO. 4710 WITHDRAWN

Mr. DEMINT. Mr. President, I thank the chairman and the ranking member. I trust their judgment to work this issue out in conference. I think the bill has made a lot of progress.

Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

Mr. DEMINT. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DARFUR

Mr. DURBIN. Mr. President, I rise today to mark the anniversary of one global tragedy and to call attention to another, a tragedy that is occurring even at this moment.

Fourteen years ago this week, the world stood by as 800,000 Rwandans were brutally murdered, largely along ethnic lines, in only 100 days. Despite early warning signs and pleas for greater international attention, we did little more as a nation than watch as this act of genocide was allowed to continue.

Canadian GEN Romeo Dallaire at the time was commander of a small U.N. peacekeeping force in Rwanda when the genocide began. He desperately tried to get the United Nations to approve a more robust force to end the killings. Despite his efforts, the Security Council voted instead to cut back the United Nations' force. Nearly 2,500 troops were replaced with 450 poorly trained and poorly equipped soldiers. We all know the tragic result. Today the world looks back in shame at the inaction in Rwanda. We all failed.

In 1998, President Clinton visited Rwanda and spoke to those who lost loved ones in those horrible times. President Clinton said:

> We in the United States and the world community did not do as much as we could have and should have done to try to limit what occurred in Rwanda in 1994.

President Clinton's decision to visit Rwanda was an honorable one. It was the right choice. His words were inspiring in their honesty and accuracy, but his words were also an important reminder that the world cannot allow such a tragedy to occur again.

President Bush visited Rwanda in January and toured the Kigali Memorial Center, which I have also visited, where 250,000 Rwandans are buried in mass graves. President Bush said he hoped the world would "once and for all" work to halt the genocide in Darfur.

President Bush will soon be leaving office—less than a year from now. I fear that unless his administration acts, and acts quickly, we will once again fail to stop a genocide in its tragic march. If we want to send a message to the world that the United States will not turn a blind eye to genocide, now is the time to act in Darfur.

Violence began in Darfur 5 years ago. Since that time, I have come to the floor many times to talk about it.

In 2004, the House of Representatives unanimously adopted a resolution calling on President Bush to call the atrocities in Darfur by their rightful name: a genocide. The resolution also urged the President to consider multilateral—even unilateral—intervention. That resolution passed nearly 4 years ago, in July 2004—4 years ago.

A few months later, Secretary of State Colin Powell said:

> [G]enocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility and the genocide may still be occurring.

In June 2005, President Bush said he agreed with Secretary of State Powell's determination that what was happening in Darfur was in fact a genocide.

Two years later, President Bush spoke at the Holocaust Museum here in Washington and said that "genocide is the only word for what is happening in Darfur." He went on to say " . . . we have a moral obligation to stop it."

Many things have been said by many influential people over the years, but little action has taken place. Five years after this declaration of genocide, where do we stand? What have we done? As many as 400,000 residents of Darfur have been killed, others brutally raped and tortured, entire villages torched, creating a refugee crisis that has forced more than 2 million Darfuris to flee their homes.

This photo is almost surreal. As often described, people who have flown over the Darfur region say it looks as if people have put cigarettes out—the types of burns that you see. The burns, of course, represent huts in villages that have been destroyed. This is a part of Sudan after the Sudanese Government and allied militia forces recently burned a village.

Hundreds of thousands of women and children live in refugee camps in Darfur and Chad. I don't think this photo does justice to the camp, but what appear to be tiny white dots are, in fact, small tents, a sea of small tents. There are 90,000 people who live in the Kalma refugee camp in Darfur—no grass, no trees, 10 reported rapes every single day. The people in camps like this one in Kalma are dependent on us, the entire international community, for the basics—food, water, and shelter. It is nothing short of a humanitarian catastrophe.

The U.N. Security Council voted last summer in favor of a historic 26,000-member U.N.-African Union joint peacekeeping force. Last summer, they voted for it. That brought a glimmer of hope across the world that finally there was going to be a global response to this terrible situation.

Today, almost a year later, only a third of those peacekeepers have been deployed—a third. Only a third of this peacekeeping force is on the ground while the Sudanese Government continues to thumb its nose at the international community and its forces continue to attack villages in Darfur. Humanitarian and U.N. relief workers face ongoing violence and harassment.

This photo is of a grieving mother whose children were killed in Darfur. Hers is one of the thousands—hundreds of thousands of tragic stories. She said her three children had been burned alive in this region's violence. Just the other day, Sudanese forces were reported to have bombed a primary school in the north Darfur village of Shegeg Karo, killing at least seven little children.

After so many years, after so much violence and human suffering, after so many calls for action, what is holding up the deployment of peacekeepers?

It may be hard to believe, but one significant problem is a shortage of helicopters—hard to imagine, a shortage of helicopters, as the killing, looting, pillaging, raping, and displacement continues. This tragic genocide has been raging for 5 years while we have just stood by and watched. Yet the world's most powerful nations cannot manage to dig up a handful of helicopters. How can that be? Are all our helicopters tied up in Iraq and Afghanistan? Are they all in the shop? Is there truly not one NATO ally that will spare a few helicopters? How about asking the Russians? They are already helping in south Sudan and Chad. The Russian Ambassador visited my office recently and told me he is open to exploring helping Darfur. It is hard to imagine that the United States would be asking other countries to be supplying helicopters, but at the risk of allowing this genocide to continue, we ought to do that.

This tragedy is of historic proportion, and it is our chance to step in and show the world we really care. But what it takes is Presidential leadership—not in 6 months, not in a year, but now.

I know some of my colleagues in the Senate, ones on the floor here—Senator BIDEN has raised this issue personally with President Bush. Quite simply, I want to put this in the most simple terms because I said it directly to the

President himself and to Secretary of State Condoleezza Rice: If you are not going to do anything before you leave office to stop the genocide in Darfur, then spend a few minutes writing your speech so that a year or two from now, when you visit that terrible place, you can say: We could have done more; I wish we would have.

That is what it has come down to. This administration and Congress will either act soon or, sadly, this genocide will have occurred on our watch.

A few years ago, President Clinton faced the reality of his failure to act in Rwanda. He called it "my great, great regret in international affairs." President Bush, this is your chance. Either do something or face a similar script and a similar speech in years to come, expressing your regret that you, on your watch, did not stop the genocide in Darfur.

We cannot allow ourselves to have to look back years from now to say that happened. We have a moral responsibility as a leader in the world to speak out and act to save these people.

I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

AMENDMENT NO. 4734 WITHDRAWN

Mr. ENSIGN. Madam President, I ask unanimous consent that the Ensign amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, before my friend leaves the floor, I express my appreciation to my colleague Senator ENSIGN. This is an issue that needs more work. We have spoken to the two managers of the bill. They are going to try to help us. This is an issue important to Nevada and we think other places. But I wanted to express my appreciation to Senator ENSIGN, who did most of the work on this issue.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CRAIG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, let me also ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Madam President, I thank the chairman because of the activity we are involved in on the floor with the legislation that he is shepherding at this moment.

NUCLEAR ENERGY

Mr. CRAIG. Madam President, the reason I am speaking at this moment on the floor is that an event happened this week in Bonneville County, ID, in southeastern Idaho, that I think is significant not only to this Nation but ultimately to the world. A global nuclear service company selected that area of our country in my State to site a $2 billion uranium enrichment facility on a 400-acre farm west of Idaho Falls on Highway 20, a location that is very near the birthplace of global nuclear power and the nuclear industry. In 1951, the first light bulb was lit by nuclear power in Arco, ID. Of course, while that is a little known historical fact, the actual reactor itself is now a national historic location, so designated by the late President Lyndon Johnson a good number of years ago. Since that time forward, over 50 prototypes of nuclear reactors have been designed at the Idaho Nuclear Laboratory and our first nuclear plant for a submarine. In fact, I often laughingly say that out in a big bathtub in the middle of the high deserts of Idaho is a nuclear sub and that many who train to operate our nuclear Navy trained in Idaho. It was because of that significance and the relationship that Areva, this global company, could have with our national laboratory facilities that they sited this nuclear service company there and their enrichment plant.

Areva, the company, will employ, at a peak during construction, nearly 1,000 workers over an 8-year period. When operational, the plant will employ some 250 full-time workers, with a total annual salary of approximately $15 million. The plant will provide over $5 billion to the local economy of southeastern Idaho over the next 30 years.

The enrichment plant could be the first of many nuclear partnerships that Areva will have in the United States and with Idaho. The next generation nuclear plant being designed at the Idaho lab right now allows and puts Areva into an alliance relationship. UniStar, which some who track the nuclear industry know about, is looking at an opportunity in Idaho, and Areva and Constellation and other major energy companies of the world are involved in that. My colleagues have heard us talk about NGNP which, of course, is a nuclear global energy partnership. Once again, Areva is a part of that.

Over the last year, I, my staff, and the Idaho congressional delegation have worked with Areva. Because they showed interest in siting in Idaho or Washington or Ohio or New Mexico or Texas, we began to work with them to show them what Idaho had to offer, not only in a relationship with our national lab but a phenomenally talented workforce that is capable of doing the kind of work they need done. We worked very closely with the office of Gov. Butch Otter. As a result of those relationships, we began to work with the Idaho legislature to provide an economic incentives package for this kind of development. We also worked with the Idaho Department of Commerce and Industry, with the city of Idaho Falls, ID, which has always had a very positive working relationship with the National Nuclear Laboratory that is located just miles from that city. Those are the kinds of partnerships the State of Idaho, the City of Idaho Falls; the Governor, the Idaho legislature, and the Idaho congressional delegation were able to put together that finally brought Areva to recognize the tremendous opportunity that rests in siting a world-class facility such as this in our State.

I mentioned a moment ago and got unanimous consent that Colin Jones be allowed on the floor if he chose. Colin is a fellow from the Idaho National Lab and he worked in a very close relationship with this company to make sure they had all the answers when they needed them to make this happen.

Now, why is all this significant? Right now, we are talking about climate change. We are talking about trying to rebuild an industry in our country and for the world that we nearly lost, and that is the nuclear industry. For 20 years, this country, for some reason, grew very fearful of the idea that we might advance generation of electricity by new nuclear plants, and we literally stopped. In so stopping it, we nearly lost the industry itself and the ability of the industry to build new nuclear reactors, tied with generating facilities for electrical purposes. Along came the growing concern of climate change and the emission of greenhouse gases and other environmental concerns that caused us, in many instances, to stop producing energy in the traditional ways we had produced it.

Nearly 60 percent of the energy in this country is produced by coal-fired generation facilities. Many of those today are emitters of CO_2, and there are some who believe it is the concentration of CO_2 in the Earth's atmosphere that may be causing an increased or an accelerated rate of warming of our globe.

While we are trying to make those changes, the rest of the world rushes headlong. In fact, China is a perfect example of bringing at least one new coal-fired plant on line per week to supply its growing energy and economic needs. We had always been criticized for being the larger emitter of greenhouse gas because we were 25 percent of the world economy. Now, China, a country that we didn't think would become the larger emitter for several years, this last June measured as the largest greenhouse gas-polluting Nation in the world.

My point is quite simple. The need for new environmental and clean energy technology today is absolutely critical, and building the infrastructure that can supply us with abundant energy is even more important.

If our country is going to continue to grow, it has to have an abundant supply of all sources of energy. We have seen what happened just in the last several months as we have watched prices of gas at the pump go up to the level they are today, the shudder that has gone out from the consuming public, and the political reaction in Washington as we chase ourselves in circles trying to find an excuse to blame somebody for the inaction of the Congress over the last 20 years in the area of production and refinement and the overall development of energy itself.

The reason Areva's decision to site a facility not just in Idaho but in this country—a uranium enrichment plant—is a process that is key toward building the fuel to supply a nuclear reactor because that one technology that is available today beyond wind, beyond solar, to supply clean energy to the market is nuclear. While Sun is intermittent and solar is intermittent, nuclear reactors supply a strong base load of electricity to the American grid.

While we struggle with the technologies for clean coal, while we look to build other technologies, the one we can build today in a very demanding energy market is nuclear. Yet in a nuclear conference in Chicago just this week Excelon and other companies that are major utilities said because of this whole new demand the price of building a nuclear reactor has doubled from maybe $4 billion per single plant to now $8 billion or $9 billion.

This is the bottom line: The cost of energy is going to continue to go up until we bring online the technologies and the infrastructure to supply those technologies to continue to build an abundant energy supply for our country. So that is why I came to the floor today to talk about what got announced in Idaho this Tuesday, and that was a world-class, $2 billion uranium enrichment plant by the Areva company and International Utilities.

I am proud of my State and all of the people in my State for the work they have done to accomplish this. I compliment them all and wanted them to be a part of the CONGRESSIONAL RECORD.

I yield the floor.

Mr. DODD. Madam President, I ask unanimous consent that there be 4 minutes of debate prior to a vote in relation to Durbin amendment No. 4715, as modified; that upon the use or yielding back of the time, the Senate proceed to vote in relation to the Durbin amendment, with no amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS (NOS. 4724; 4725; 4727; 4728, AS MODIFIED; 4730; 4733, AS MODIFIED; 4735; 4736; 4711; AND 4706, AS MODIFIED FURTHER, TO AMENDMENT NO. 4707)

Mr. DODD. Madam President, I ask unanimous consent that the managers' amendment at the desk be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 4724

(Purpose: To study alternative approaches to ensure the future of the National Flood Insurance Program by requiring greater efficiency and financial accountability)

At the appropriate place, insert the following:

SEC. ____. FEASIBILITY STUDY ON PRIVATE REINSURANCE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit a report to Congress on—

(1) the feasibility of requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage, in addition to any such reinsurance coverage required under section 1335 of the National Flood Insurance Act of 1968 (42 U.S.C. 4055), to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurers;

(2) the feasibility of repealing the reinsurance requirement under such section 1335, and requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurer; and

(3) the estimated total savings to the taxpayer of taking each such action described in paragraph (1) or (2).

AMENDMENT NO. 4725

(Purpose: To deny premium subsidies to homeowners who refuse to accept an offer of Federal assistance to alter or relocate their property in an effort to minimize future flood damages and costs)

On page 8, line 13, strike "and".

On page 8, line 16, strike "policy."." and insert the following: "policy; and

"(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

"(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

"(B) in connection with—

"(i) a repetitive loss property; or

"(ii) a severe repetitive loss property, as that term is defined under section 1361A.".

AMENDMENT NO. 4727

(Purpose: To impose a civil penalty for noncompliance with certain reporting requirements)

On page 50, between lines 3 and 4, insert the following:

(4) FAILURE TO COMPLY.—A property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to $1,000 per day for each day that the company remains in noncompliance with either such requirement.

AMENDMENT NO. 4728, AS MODIFIED

(Purpose: To require clear and comprehensible disclosure of conditions, exclusions, and other limitations pertaining to flood insurance coverage)

At the end of title I, add the following:

SEC. 133. POLICY DISCLOSURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) VIOLATIONS.—Any person that violates the requirements of this section shall be subject to a fine of not more than $50K at the discretion of Director.

AMENDMENT NO. 4730

(Purpose: To provide 2 additional members to the Technical Mapping Advisory Council)

On page 25, line 11, strike "; and" and insert a semicolon.

On page 25, line 14, strike the period and insert a semicolon.

On page 25, between lines 14 and 15, insert the following:

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

AMENDMENT NO. 4733, AS MODIFIED

On page 34, between lines 14 and 15, insert the following:

(d) COMMUNICATION AND OUTREACH.—

(1) IN GENERAL.—The Director shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects of—

(i) any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) REQUIRED ACTIVITIES.—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available such owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

AMENDMENT NO. 4735

(Purpose: To modify the project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota)

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

AMENDMENT NO. 4736

(Purpose: To ensure that the purchase price of flood insurance polices required to be purchased in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other man-made structure in such area)

On page 10, between lines 16 and 17, insert the following:

(3) ACCURATE PRICING.—In carrying out the mandatory purchase requirement under paragraph (1), the Director shall ensure that the price of flood insurance policies in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other the man-made structure in such area.

On page 31, after line 14 add:

"(v) The level of protection provided by man-made structures."

On page 10, after line 16 insert:

(d)—upon decertification of any levee, dam, or man-made structure under the jurisdiction of the Army Corps of Engineers, the Corps shall immediately provide notice to the Director of the National Flood Insurance program.

(Amendment 4711 is printed in the RECORD of Wednesday, May 7, 2008.)

AMENDMENT NO. 4706, AS FURTHER MODIFIED

Strike section 131 and insert the following:

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

"(a) ESTABLISHMENT OF POSITION.—

"(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

"(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

"(B) be appointed by the Director without regard to political affiliation;

"(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

"(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

"(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, or experience representing insureds, as well as experience in investigations or audits.

"(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

"(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

"(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

"(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

"(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

"(1) assist insureds under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

"(2) identify areas in which such insureds have problems in dealings with the Federal Emergency Management Agency relating to such program;

"(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

"(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

"(5) conduct, supervise, and coordinate—

"(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer policies under the National Flood Insurance Program, to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program;

"(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

"(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

"(A) promoting economy and éfficiency in the administration of such program;

"(B) preventing and detecting fraud and abuse in the program; and

"(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse;

"(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program; and

"(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

"(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section; including information submitted pursuant to Section 128 of this Act;

"(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are, in the judgment of the National Flood Insurance Advocate, necessary or desirable;

"(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

"(4) request the production of information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section;

"(5) request the testimony of any person in the employ of any insurance company or associated entity participating in the National Flood Insurance Program, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

"(6) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(7) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

"(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

"(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

"(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

"(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

"(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

"(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

"(e) OTHER RESPONSIBILITIES.—

"(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate may—

"(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the national flood insurance program reflect damages caused by flooding;

"(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

"(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

"(2) ANNUAL REPORTS.—

"(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

"(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

"(ii) describe the nature of recommendations made to the Director under subsection (i);

"(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

"(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

"(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

"(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

"(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

"(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

"(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

"(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

"(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

"(xii) identify fraud and abuse in the national flood insurance program; and

"(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

"(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

"(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

"(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

"(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

"(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

"(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

"(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

"(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

"(g) PERSONNEL ACTIONS.—

"(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

"(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

"(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

"(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

"(h) OPERATION OF REGIONAL OFFICES.—

"(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

"(A) shall report to the National Flood Insurance Advocate or delegate thereof;

"(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

"(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

"(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

"(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

"(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

"(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

"(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

"(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

"(A) whether such recommendation was followed;

"(B) why such recommendation was or was not followed; and

"(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

"(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

"(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

"(k) COORDINATION.—

"(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

"(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

"(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

"(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

"(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—The Director and the Advocate shall establish procedures to take appropriate action against an insurance company, including monetary penalties and removal or suspension from the program, when a company refuses to cooperate with an investigation or audit under this section or where a finding has been made of improper conduct.

"(m) DEFINITIONS.—For purposes of this subsection:

"(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

"(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

"(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

"(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

"(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

Mr. DODD. Madam President, I ask unanimous consent that no further amendments be in order except as provided in the previous agreement with respect to the McConnell and Reid amendments; that the previous order with respect to rollcall votes on Monday, May 12, be modified to reflect that the previously ordered votes occur on Tuesday, May 13, after the Senate convenes and following the opening sequence of events, there be 60 minutes of debate equally divided and controlled between the leaders, or their designees, prior to the commencement of the votes ordered under a previous order; that prior to each vote there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, each succeeding vote be limited to 10 minutes in duration; that other provisions of the previous order remain in effect; provided further that if cloture is invoked on the motion to proceed to H.R. 980, then all postcloture time be yielded back, the motion to proceed be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, after the vote on the Durbin amendment, there will be no further votes today, no session on Friday, and no votes on Monday. Let me turn to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 4715

Mr. DURBIN. It is my understanding that amendment No. 4715 is now pending.

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. And I have 2 minutes to speak?

The PRESIDING OFFICER. Yes.

Mr. DURBIN. Madam President, if I could say briefly, if you are in the process of remapping, for flooding purposes, a watershed area, this amendment says that until you have completed both sides of the river—and in my case both Illinois and Missouri—you don't increase flood insurance rates for one side of the river. So the entire watershed has to be mapped and completed before any new rates apply. This will not disadvantage either side of the river. It says they will all be announced at the same time.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Madam President, I think we are prepared to vote on the Durbin amendment.

The PRESIDING OFFICER. All time is yielded back.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment, as modified, of the Senator from Illinois.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER), the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. OBAMA), the Senator from Washington (Mrs. MURRAY), and the Senator from Nevada (Mr. REID) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 68, nays 24, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—68

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brown
Byrd
Cantwell
Cardin
Casey
Chambliss
Coleman
Conrad
Corker
Cornyn
Craig
Dodd
Domenici
Dorgan
Durbin
Feinstein
Graham
Grassley
Gregg
Harkin
Hatch
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski

Nelson (FL)
Nelson (NE)
Pryor
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Voinovich
Webb
Whitehouse
Wicker
Wyden

NAYS—24

Allard
Barrasso
Brownback
Bunning
Burr
Carper
Coburn
Cochran
Collins
Crapo
DeMint
Dole
Enzi
Feingold
Hagel
Hutchison
Inhofe
Kyl
Lugar
Reed
Roberts
Sununu
Thune
Vitter

NOT VOTING—8

Boxer
Clinton
Ensign
McCain
Murray
Obama
Reid
Warner

The amendment (No. 4715), as modified, was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CARDIN. Madam President, I rise to speak today in favor of S. 2284, legislation that would reform and modernize the National Flood Insurance Program, NFIP. Congress created NFIP in 1968 in the wake of a series of terrible hurricanes, the worst of which was Hurricane Betsy, a storm that devastated New Orleans in 1965. After observing the ad hoc nature of disaster relief efforts, all of which came at taxpayer expense, Congress saw an urgent need for a better way to handle the risks and losses associated with flood damage.

NFIP, which is administered by the Federal Emergency Management Agency, FEMA, provided insurance to individuals living in flood-prone areas who weren't able to get private insurance. But it did much more. It required mapping to identify areas at risk for flooding and community floodplain mitigation and management measures to help prevent flood damage in the future.

The program has been important in my State of Maryland. According to the 2005 report of the Maryland Emergency Management Agency, Maryland is the third most vulnerable State in the Nation to flooding. More than 12 percent of land is designated under NFIP as a special flood hazard area. An estimated 68,000 Maryland homes and buildings are located within the flood plain, representing nearly $8 billion in assessed value. Nearly 64,000 Marylanders held NFIP policies as of February 2007, and in the hurricane seasons from 2002 to 2006, a span that included Hurricane Isabel, insured flood losses in Maryland totaled approximately $177 million.

The program appeared to work well for many years. The revenues brought in through insurance premiums covered payments made to individuals in the wake of flooding disasters. Today, the NFIP has been reported to save taxpayers over $1 billion annually in flood losses that, without the program, would be paid by the taxpayers in the form of emergency disaster relief. But the 2005 hurricane season, which brought Hurricanes Katrina, Rita, and Wilma, created a need on an entirely new scale, a scale that not only overwhelmed the program but exposed serious flaws in its design.

To pay out the estimated $19 billion in NFIP claims, the program had to borrow almost $18 billion from the U.S. Treasury. Government-subsidized premiums for certain policyholders, outdated flood insurance rate maps, and other program weaknesses undermined NFIP's ability to meet the demands created in the 2005 season. Those flaws have also created false incentives over the years, encouraging developers and homeowners to build and then rebuild in flood-prone and environmentally sensitive areas.

With the 2008 hurricane season less than a month away, we have to fix the program's flaws and put it back on sound financial footing. S. 2284 does just that, and I want to applaud Senators DODD and SHELBY and my other colleagues on the Senate Banking Committee for their excellent work.

First and foremost, S. 2284 restores the program's solvency by forgiving FEMA's debt to the Treasury. FEMA isn't able to repay it; the interest alone is approximately $900 million annually, equal to almost 40 percent of annual premium income. In order to keep rates affordable, we have to accept that loss and turn our attention to improving the program so it is better able to pay claims in the future.

S. 2284 takes several steps to make sure that the program's revenues will be sufficient to meet those future needs. The legislation moves several types of homeowners, who previously received subsidized rates, toward premiums that match their actual risk of flooding. It expands the categories of people who need to buy flood insurance to better reflect the categories of people actually at high risk. It includes provisions to encourage more homeowners, even those outside the highest risk areas, to buy insurance.

S. 2284 takes steps to ensure we know who is at high risk. It authorizes more money for FEMA to update and digitize the Nation's flood hazard maps. Most FEMA maps contain 30-year old data. Think of that. How many of us live in houses or even neighborhoods that were built in the last 30 years? Homeowners and officials can't make good decisions about risk and development based on such woefully outdated information.

At present, FEMA's map modernization program updates old maps by putting them in digital form without changing any of the information. So if you live in a house or on a street that only came into existence in the past 30 years or so, you wouldn't be on the old map or the new "updated" map. Maryland officials, to their credit, were among a handful of State and local officials nationwide who realized that mere digitization alone isn't enough, and they contributed their own time and data to update the content, as well. Those maps will all be completed over the next 5 years. I am proud of my State's emergency management officials for showing that initiative, and I am glad that this bill makes substantive improvement to flood plain maps the norm rather than the exception.

One of the biggest lessons we Marylanders learned in the wake of Hurricane Isabel in 2003 was that people didn't have good information about flood insurance. Some people who should have had insurance didn't. Some who had it didn't understand it, had too little coverage, or too much coverage.

S. 2284 will improve consumer education. It takes steps to ensure that all homeowners at high risk of flood damage participate in the program and that more homeowners know about the flood risks to their property and about the insurance options available to them. It requires every person who buys a home in an area of elevated flood risk to learn about that risk at their settlement and be given an opportunity to purchase insurance. It places the burden on lenders to make sure all people who need to have insurance actually get it. It would provide grant money to communities to conduct educational and outreach activities to encourage people to purchase flood insurance and learn what steps they can take to mitigate against flood damage. Last but not least, S. 2284 creates an Office of the Flood Insurance Advocate to assist policyholders with any problems they have with their NFIP claims.

Rates that reflect risk, better flood plain maps, more expansive participation, and better information: these changes will make the program self-sufficient once again. But even more important, by providing homeowners, communities, developers, and emergency management and planning officials with accurate information about flood risk and its associated costs, S. 2284 reverses some of the program's false incentives to build and live in disaster-prone areas.

When hurricane season starts this year, it will bring greater risk to many States, Maryland included. An April 2007 Intergovernmental Panel on Climate Change report found that global warming will result in more flooding through more intense hurricanes, reduced snow pack, and sea level rise. We are experiencing those changes today in Maryland.

We have over 4,000 miles of coastline, more than the State of California, and historic tide-gauge records show sea levels have risen one foot within Maryland's coastal waters over the last century. Due in part to naturally occurring regional land subsidence, Maryland is currently experiencing sea level rise at a rate nearly double the worldwide average. Thirteen charted islands and large expanses of those critical tidal wetlands in the Chesapeake Bay have already disappeared.

These changes make us more vulnerable to storm surges. Allstate Insurance, one of our largest insurers, announced this past year that it would stop writing new homeowners' policies in coastal areas of my State. The reason they won't give insurance to homeowners in coastal areas is because they say a warmer Atlantic Ocean will lead to more and stronger hurricanes hitting the Northeast.

It is critical that we shore up the National Insurance Flood Program so that it is ready to support Marylanders and all Americans in times of need. S. 2284 does that without increasing incentives to build in disaster-prone areas or destroy environmentally sensitive areas. That is a tough line to navigate, but this bill does it well. I am proud to offer my support.

MORNING BUSINESS

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate enter into a period for morning business, with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

ENERGY SECURITY

Mr. ENZI. Madam President, I recently returned from a trip around Wyoming. The focus of my trip was the need for change in our health care system. I have spoken about that issue on the floor of the Senate on a number of occasions, and while improving our Nation's health care system is essential, here today to speak on another issue of great importance to my constituents. That issue relates to our Nation's energy security. We have debated measures to tax one type of energy to provide tax incentives for other industries. We have debated, without success, the idea of opening up more of America to energy production and the Senate will eventually take up legislation related to climate change.

As we have had those debates, we have seen gas prices rise to record levels. We have passed a "renewable fuels mandate" that looks less encouraging with every new study that is released, and we have sent more and more money to countries that do not support our ideals of freedom and democracy.

Because of that, it is my intention here today to inject a little reality, a little common sense into the energy debate. I want us to take a realistic look at how we get there from here. The "there" is an America that produces more clean, renewable energy than we can possibly consume. The "here" and now is an America that is largely dependent on foreign governments for the energy we need, the energy we can't do without—the energy that is the lifeblood of our economy; the energy that makes our way of life possible. Where we find ourselves now is the hole that the failed planning of the past and realistic ideology has put us in. We have got to get out. We have got to get out for the sake of our children and for the sake of Americans who are struggling to pay their bills today.

For the most part, we can all agree on where we want to go. We want more clean energy. We want to import less foreign oil. We want improved energy efficiency. We can also agree that where we are is not acceptable. Its the road we travel, the pathway we take to a better future that we have been arguing about for decades. The arguments I have seen over the past dozen years or more center not on economic health of our Nation but on environmental health. OK. That is fine with me. We can talk about hydrogen fuel cells, solar panels and wind turbines and we should. All these energy sources and many other renewables are going to be a part of the solution, but overnight, they cannot replace the fuel sources we use today. The technology is not there. The infrastructure is not there, and the will of the American people to switch to different, more expensive fuel sources is not there. It is one thing to say, yes, let's go green, but it's another thing to pull the green out of your wallet to pay for it. Technology takes time to commercialize. Infrastructure takes time to build and the attitudes and willingness of many Americans to embrace a new energy market, a market that could be more expensive, will take time to occur.

What do we do until we get there? What do we do with the energy sources we have now? We make them better. We use them more efficiently. We make them clean. We make them green. And what is America's most readily accessible energy source that we already have the infrastructure in place to use? What is the 800-pound gorilla in the room that unfortunately so many of our political leaders are ignoring or worse yet, persecuting? It's coal.

When you turn on your computer, when you flick that light switch or turn on the television, it's probably powered by coal. Most of the energy we use to recycle the aluminum cans you put in the special bin on the curb, the glass, the metal, the plastic, well it comes from coal. And if you had an electric car now and wanted to plug it in to recharge, that energy would likely come from coal. Coal supplies more than 50 percent of our Nation's electricity and we have enough of it to last us for more than 225 maybe 500 years. Coal is what is going to pave the way to a completely renewable energy future. But its not going to be the coal you are picturing in your head right now. It's not going to be the black lump that Santa gives to ill-behaved kids on his list. It's not the dirty, dusty coal of Dickens' Victorian London. No, what I am talking about is plentiful clean coal that we use our ingenuity and our resources to turn into green coal.

You are worried about climate change and support the use of clean-burning natural gas. Good. Then you should support the projects underway right now that will convert coal into that natural gas or carbon sequestration of 50 percent of the carbon from coal, which makes coal just as "clean" as natural gas. We are developing technology to efficiently and cost-effectively convert coal into low carbon, low sulfur diesel, and to convert coal into low carbon gasoline so we can cancel those trips to Saudi Arabia where we have our hands out begging them to increase production of oil. Look, tomorrow we are not going to be able to jump into our hover car that is powered by common household trash. We need to develop what we have right now alongside the fuels of the future. Instead of running from coal, we should invest in its abundance, in its power and its potential. Instead of running from coal, America needs to run on coal, green coal.

George Washington Carver is one of my heroes for what he did with the peanut. He found over 300 ways that American farmers could use the peanut, including as soap, facial cream, shampoo and even ink. What we need now is a George Washington Carver of coal—and I believe several are out there right now ready to invent. They just need a little bit more encouragement instead of the "can't do" attitude that I hear from some opponents of coal.

Over the next few months, as we debate energy issues in the Senate, I will be talking with my colleagues about the need to develop the energy sources we will use in the future, some of which must be cleaner, more efficient versions of the energy sources we use today. We need all the energy we can get to power America, and I look forward to working on that solution.

I have been paying attention to what China is doing. They have figured out that the future power of the world is in energy, and they are buying it up anywhere they can. They are even buying U.S. coal.

But I wish to speak today in a little more detail on an issue that is affecting everyone in the Nation, and that issue is the rising price of gasoline and diesel fuel. The rising prices are disproportionately affecting my constituents in Wyoming, who are oftentimes forced to drive long distances to get to and from work, and then all over the country I am hearing from truckers, usually small company truckers who have a fixed contract to deliver a product and no fuel escalation clause. I expect, from a financial literacy situation, that they have learned something about that, but they are still tied into those and they are going broke doing what they agreed to do because of the cost of fuel. They are visiting with all of us.

The Senate needs to take up action, and there is an amendment before us that will help all Americans.

With Americans hurting, we need to do something—anything to reduce gasoline prices. But, instead of working on solutions for one of the single most important issues confronting the American people, the majority sticks its fingers in its ears and loudly sings campaign rhetoric chorus and verse. Last week, as oil shot up above $115 per barrel, we held one vote. We did not vote on Tuesday, Wednesday, Thursday or Friday. This week, we were out of session on Monday. This is not the way we should legislate when Americans cannot afford to fill up their tanks. We need to do something about energy and we need to do it now.

I am proud to be a cosponsor of the Domestic Energy Production Act of 2008 that was recently introduced by Senator DOMENICI. The legislation includes a number of important provisions that will have a positive effect on our Nation's energy situation. Some provisions are designed to help hard working consumers today. Other provisions have a long term impact that will make it so that we are not as dependent on oil barons in the Middle East and foreign dictators to get our energy.

There are a number of good provisions in this bill that will make a difference. The bill allows for the development of domestic energy sources that are currently off limits. A major reason we are seeing high prices is the lack of domestic energy supplies in the face of growing energy demands. It allows for responsible energy production in the Outer Continental Shelf and for limited, environmentally safe energy production in the Arctic National Wildlife Refuge. Allowing for this production will help us to lessen our imports of energy. What we produce in the United States we do not have to send money to other countries for.

The bill addresses the need to build new refineries. There is not enough refining capacity in the United States to handle the demand that we have. Yet our policies are so onerous that there has not been a new refinery built in the United States in more than 30 years. This needs to change, and the only way it will change is if we act to make the process for permitting a refinery more reasonable.

The bill addresses the need to fairly compensate States that allow for energy production to occur on their lands by repealing a provision to withhold 2 percent of the revenue States receive to pay for "administrative costs." This provision is particularly harmful to Wyoming and must be repealed immediately. The Federal Government's actions toward the Sates regarding mineral royalties are the actions of a bully and a thief. I am standing up to this bully. I hope my colleagues will join me. Your State could be bullied next. Don't forget that.

This bill also addresses our Nation's need to find alternatives to oil by promoting coal to diesel fuel. Coal is our Nation's most abundant energy source and can be made into low sulfur diesel through a process that has been in existence for years. We need to build coal to diesel plants in the United States in order to increase our energy security and this bill has provisions to promote this important and much needed policy.

Any one of provisions I have mentioned will help our Nation's energy situation and we need to act now. If the majority doesn't like every part of it, that is fine. Let's get in there and pass the parts we can agree on. Let's change the parts we can't agree on. Let's throw some of the parts out. I was working on an 80 percent rule, figuring we can usually agree on 80 percent of anything and if we concentrate on the 80 percent, we can get it done and leave the other 20 percent to the pundits. But we need to get out there and pass the parts we agree on. We need to get something done.

There will be plenty of credit to go around. Congress cannot sit back and do nothing as American pocketbooks are bleeding. Right now, the credit for that has to go to the majority.

I hope all my colleagues join me in supporting the Domestic Energy Production Act of 2008, even though we do not get to vote on it tomorrow and we don't get to vote on it Monday. We are not going to get to vote on it until Tuesday. But we ought to be making some difference by Tuesday.

Like I say, we can revise it, we can change it, we can throw parts out, but we have got to do something. America is complaining about the price of gas. I understand that. I look forward to seeing everyone next week to make a difference for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

OFFSHORE DRILLING

Mr. NELSON of Florida. Madam President, next Tuesday—not Monday but Tuesday—we are going to have a series of votes and ultimately get to the final vote on the flood insurance bill. And miraculously, out of the air comes a couple of energy packages side by side that we are going to be voting on.

It is very interesting that in one of those energy packages, that being offered by the Senator from New Mexico, Mr. DOMENICI, it will have a provision for drilling in the Outer Continental Shelf. Now, we have gone through this drill about drilling several times, the last of which, I want to remind the Senate, when the pro drilling for oil forces wanted an additional 2 million acres in the Gulf of Mexico, which would go east in the eastern Gulf of Mexico headed straight toward Tampa, FL, we worked out something that would satisfy all of the parties; that they would not have 2 million acres but they would have 8 million acres—8 million acres, not 2 million acres. But it would be further to the south, not to the east and, therefore, would not harm the interests of Florida or the U.S. military.

I remind my colleagues that the U.S. military's largest testing and training area in the world is almost the entire Gulf of Mexico off of Florida. It is the pilot training for the new F-22 out of Tindale Air Force Base in Panama City. They have to have wide areas with which to do dog fighting, not at submach but at 1.5 mach, and the turning radius at 1.5 mach is extraordinary. When are you doing this with live fire exercises, you can imagine that you do not want anything down there on the surface of the water. By the way, that is also why all of the new F-35s, the new joint strike fighter pilot training, when that fighter is developed, will also be in that area.

It is also the reason the Navy now sends its squadrons down to the Key West Naval Air Station at Boca Chica, because when they lift off the runway at Boca Chica, in 2 minutes they are over restricted air space where they can do their pilot training. But it is also the area where we are testing some of our most sophisticated weapons systems, many of which are with live ordnance, and you simply cannot have oil rigs down there on the surface of the water where you are doing all of this in furtherance of the training and the testing in order to have the best military in the world.

Yet it is coming back. It is coming back again. Now this time it is a little easier for us because we etched it into law as to that additional lease area for drilling in the Gulf, and you have got to change the law. Until the last time, it had always been under a Presidential moratorium. So it will be more difficult for them to have to change this. But I bring this up because the attitude is tunnel vision about drill, drill, drill.

That is not how we are going to solve the problem. I mean, are we not going to wake up with $120 per barrel oil prices and, who knows, with the tight world oil market, if it is not going to keep going up?

And why is it at $120? We have had testimony here in the Senate from oil executives who say the typical supply-demand on the world market ought to have the price of oil at $55 per barrel. If that testimony is accurate, why the difference then between $55 and $120?

I think part of the answer to that question is, you look at history. You see these spikes whenever there is an unsettling condition in the world. You saw that in the early 1970s in the oil embargo. You saw that again in the late 1970s with the Iranian capture of the American Embassy people and holding them hostage. You saw it again at the beginning of the 1990s with the first gulf war, when Saddam Hussein had moved on Kuwait. You have seen it again in this decade with the Iraq situation, and you see it now with the jitters about what is happening in the Middle East.

You see it also in the unsettling relationship we now have with the President of Venezuela, Hugo Chavez, who bombastically keeps threatening to cut off oil. Now, that is a hollow promise because we have the refineries that have to process his grade of crude. But over time he could change. Nevertheless, it unsettles the markets.

By the way, we get 14 percent of our oil daily, our daily consumption of oil, from Venezuela.

You see it also with regard to Nigeria. Mark my word. Nigeria is an accident waiting to happen with regard to the 12 percent of our daily consumption of oil that comes from Nigeria. And already the battery, the thievery, the kidnappings, all of that being done by criminal thugs, that is one threat. But I recall for the Senate the fact that in northern Nigeria, al-Qaida is ascending. So that is certainly one reason for the difference between what some people have testified that the supply and demand would have oil at $55, and instead it is at $120.

But there is another reason. That is the speculation on oil futures and bidding the price up that gets us to this point.

Now, I am giving all of this background to say, well, what do we do? Is the answer the tunnel vision or myopic vision of drill, drill, drill, or do we do what we know we have to do? And the question is, where is most of our oil consumed? It is in transportation. Where in transportation is most of the oil consumed? It is in our personal vehicles.

So why do we not get serious, as we had our first inkling that we are, by having more conservation with greater miles per gallon? We passed in this Senate 35 miles per gallon phased in all the way out until 2015.

In Japan today, they are running around in their cars at 50 miles per gallon. In Europe today, they have got an average of 43 miles per gallon. Why cannot America summon the political will to say we are going to do something different than what we have been doing in the past, and we are going to try to wean ourselves from dependence on foreign oil which makes up 60 percent of our daily consumption. If we had the political will, we could do it. And, of course, if we had the political will, we could not only do the miles per gallon, we would put the money into the research and development to ultimately get to cellulosic ethanol so we would not be making ethanol from what we need to eat, and instead we would be making it from fiber, from that which we throw away. If we summon the political will, we would get serious about conservation measures and renewable fuels such as wind and solar, all the more than we are now. We would get serious about a major R&D effort and pouring the money into it in order to start developing the engine of the future that does not depend on any kind of petrol, such as hydrogen, or perfecting these batteries so we can have an all-electric vehicle. That is what we would be doing if we summoned the political will. At the end of the day, that is what we are going to have to do. It is going to have to be the new President who does it.

On this subject I will close by saying, America has a historical tendency to drag its feet until we are abruptly shoved up against the wall and we have to do something, and you see this throughout our two centuries of history.

There was at a time, for example, during the Korean war, the Soviets had the high ground. Their MiGs could fly higher than our jets. Again in 1958 they had the high ground, because they put up the first satellite, Sputnik. Again in 1961 they had the high ground, when they put up Yuri Gagarin, the first human to orbit the Earth.

We did not even have a vehicle that was powerful enough until 10 months later when we put John Glenn in that flimsy Atlas that had a 20-percent chance of failure, and finally got up.

Again, they had the high ground when they rendezvoused, the first time in space, with two spacecraft. They beat us to that. But then America summoned the political will when the President said: We are going to the Moon in 9 years and return. And we did. And we have the high ground now.

Now it is another complete subject—I will not get into it—about how we could be losing that high ground with NASA, because NASA is not getting enough resources for all of the things it is trying to do and, therefore, it is not going to have a chance to achieve and keep that high ground if we do not. But I will save that one for next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

(The remarks of Mr. WYDEN are printed in today's RECORD under "Morning Business.")

Mr. WYDEN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAW OF THE SEA TREATY

Ms. MURKOWSKI. Madam President, many of us have come to the floor, certainly this past week—all this year—talking about increasing energy prices. There has been a lot of commentary about whom to blame. What do we do, how do we reduce the price of oil, how do we address the predicament we are in as a nation that is so very heavily dependent on energy for our economic strength? I have certainly done my share of talking about the need to increase domestic production of oil and gas, particularly in the State of Alaska. We believe we have great opportunities up there and can be doing more to address it. What we haven't had an opportunity to bring up in the debate is the potential for a vast reservoir of energy that is available to the United States in the Arctic, in the far north, and the fact that we could lose out to other nations if we are not more proactive in asserting our claims to these resources.

I have been on the floor many times talking about the Arctic Coastal Plain and the potential in ANWR. We believe there is anywhere between 10 to 16 billion barrels of economically recoverable oil, the largest remaining onshore petroleum field in North America. But even further to the north, beyond ANWR, off the coast of Alaska and beyond, this is where we believe an unquantifiable amount of resource may lie. It is estimated that the Arctic may hold 25 percent of the entire world's undiscovered oil and gas resources. It is enormous. That number is based on a 2000 assessment by the U.S. Geological Survey. In that survey, they only looked at a few of the Arctic basins. There is going to be a more detailed survey that will be out. The survey is currently underway. The projection is that the amount of 25 percent could be lower—that, in fact, the amount of oil and gas in the Arctic region could go significantly higher.

What is the problem with this situation? The fact is, we believe the potential in the Arctic under the ice may be enormous, but we have no legal claim as a nation to most of this oil or gas, unless the United States becomes a party to the convention on the law of the sea. I can tell you, if we are not willing to claim it, if we do not step up to claim it, others certainly will.

We had before the Foreign Relations Committee the Convention on the Law of the Sea. It was before us. We have had several hearings on it. It was reported favorably out of the committee on October 31 of last year by a committee vote of 17 to 4.

For those who are not familiar with the Law of the Sea Treaty, it allows, among other things, coastal states to exert sovereign rights to all living and nonliving resources within its exclusive economic zone out to 200 nautical miles from its shores. Essentially, it is the Outer Continental Shelf. But, in addition, a nation can exert claim to an extended Outer Continental Shelf if it can show that its continental shelf extends beyond the 200-mile limit.

So last year, the Coast Guard Cutter *Healy* went up north beyond Alaska, up into the Arctic Ocean, to do a mapping of the ocean floor there, to determine where the extent of that continental shelf may extend.

Behind me I have a map or chart of the Arctic Ocean that was mapped by the Coast Guard Cutter *Healy* during this last season of exploration. What the expedition showed us was that the United States could potentially lay claim to an area about the size of the State of California as part of our extended continental shelf. But we cannot do that without being a party to the Convention on the Law of the Sea.

So to make it a little more real to the situation—and I know it is difficult to see the map—but what you have here is Alaska. It is upside down, but Alaska is at the top of the world, so we felt it should be located at this angle. Here is the State of Alaska, the Canadian border, all of Canada, Greenland, Norway, and then Russia up through here. The red dotted line indicates the limits of the permanent ice that you have. So much of what you see in the lighter area is continental shelf.

What you have with this line—that kind of follows in a very jagged way Russia—this is Russia's continental shelf claim. So they are essentially laying claim to this area from the Chukchi Sea, the East Siberian Sea, and down through here.

Norway has its extended continental shelf claim. Here is Norway. They have made a claim that their Outer Continental Shelf should allow them access to the resources up to this green line.

Well, what we have here with the yellow line is the Russian extended continental shelf area. So through their mapping, or their determination, they believe—the Russians believe—they could potentially lay claim to all of this area in to the coast of Russia.

Where it gets a little complicated is looking at the coastline of Alaska, recognizing that we have claim to 200 miles off the coast of Alaska, but with the mapping the Coast Guard Cutter *Healy* has brought back, it demonstrates we can potentially add an additional 100 miles offshore from our existing 200 miles of exclusive economic zone, theoretically putting Alaska's claim—and, therefore, the United States's claim—to an area that would be potentially on this side of the Canadian border and coming down through the Chukchi Sea, clearly overlapping where the Russians have submitted that they would have the potential for a claim.

So you need to kind of appreciate the dynamics you have here. We have mapping that indicates the U.S. continental shelf could extend out dramatically. When you talk about a mass, an area the size of the State of California, you would say that is hugely significant to us as a nation in terms of our potential for additional resource.

Now, I have shown you the lines on this map. There are some who object to ratification of the Law of the Sea Treaty and express concerns about sovereignty. But for those who are concerned about sovereignty, I would suggest that if we are not party to the Convention on the Law of the Sea, there is a good chance Russia's claim to the Arctic—which I have shown you, following this yellow line, which is substantial; it is about 45 percent of the Arctic Ocean—could be recognized cutting into what we believe to be our extended continental shelf.

Now, let's talk a little bit about the potential for the resources up there. It is estimated the area that Russia claims as its Arctic Ocean shelf—so this area in through here, as shown on the map—could hold 580 billion barrels of oil equivalent. And 90 billion of those barrels could be in the Chukchi Sea and the East Siberian Sea, so close in to the State of Alaska. That is 90 billion barrels of oil we have the potential to stake a claim to as well, but only, again, if we are party to the Convention on the Law of the Sea.

Now, some would take a look at this map and say: Well, Russia is not going to be able to get that. We all saw the cover of Time magazine last year when Russia took a little submarine down and basically planted a flag on the bottom of the seabed, staking claim. It got people's attention. I think folks looked at that and said: Well, they don't have any claim to that ocean seabed. On what do they base that? So you look at this map and say: There is no reason Russia has any greater claim to 45 percent of the Arctic Ocean anymore than the United States or Canada, so it is not going to happen.

But for those who would doubt Russia might have success with their claim, I would ask you to look at what has happened. Right now, you have a handful—probably, seven or eight—different nations that have submitted to the Commission on the Limits of the Continental Shelf their requests for extended continental shelf claim.

Russia submitted their claim back in 2001. Brazil is out there, and they submitted their claim in 2004. Australia submitted a claim in 2004, Ireland in 2005, New Zealand in 2006. You also have a joint submission by France, Ireland, Spain, and the United Kingdom that came about in 2006. Norway submitted their claim—that is going out this far, as shown on the map—in 2006. France has submitted a claim last year, as well as Mexico.

On April 21 of this year, the Commission on the Limits of the Continental Shelf confirmed that Australia's claim to an additional 2.5 million square kilometers of continental shelf beyond its existing exclusive economic zone was valid and has moved forward to allow for that extended claim.

Now, Australia's claim, again, was submitted in 2004. So the Commission on the Limits of the Continental Shelf is actually moving on these submissions. The claim Australia made—and, again, Australia is an island nation, so they clearly have a great deal they can say lies off their continental shelf area, but 2.5 million square kilometers of continental shelf has now been added to their jurisdiction. This is an area approximately five times the State of France. Now, for those of us who are thinking a little bit closer to home, that is three times the size of the State of Texas. So, again, the jurisdiction that has been extended to the nation of Australia, because of their claim to additional Outer Continental Shelf areas, is significant.

Martin Ferguson, who is Australia's Minister for Resources and Energy, noted that the Commission's findings "demonstrates that Australia's effective engagement in law of the sea matters delivers results."

Now, I mentioned nine submissions that have been submitted for extended continental shelf claims. All of these have been made since December of 2001, including Russia's claim to half the Arctic and the resources it holds. We see that Australia's claims have been accepted. I believe it is only a matter of time before other claims are accepted as well.

I believe—I believe very strongly—it is in the best interests of the United States to be able to submit our claims. We have the mapping. We can establish the extension of the shelf, again, to a considerable area—the size of the State of California. I believe it is incumbent upon us to assert our authority in this area and to have a seat at the table in determining the validity of the claims of the other nations.

If we think Russia should not be able to extend their jurisdiction out—as they have requested, with this pretty impressive yellow line—to 45 percent of the Arctic Ocean, we want to be able to sit at the table and say why we believe they should not have the ability to make that claim. Well, if we are not a party to the treaty, we are not sitting at the table, and we cannot contest the validity of the claims of other nations.

We have the opportunity to stake a claim to an area of the seabed that we believe—we believe very strongly—likely contains billions of barrels of oil. We have the research to demonstrate that the seabed is part of our extended continental shelf. But we cannot claim ownership of these resources without being a party to the Convention on the Law of the Sea.

There are plenty of other reasons why we should ratify this treaty—whether it is to ensure that our Navy has the ability to freely navigate in international waters; or to provide our maritime industries with the legal certainty they need to carry out their activities.

I believe, again, very strongly, the ratification of the convention is a must. But I think we need to recognize that as we are kind of sitting back on this at this point in time, other nations are moving forward. They are making their claims to greater areas of the ocean and to its seabed. I do not think we should be left behind as a nation and lose out on significant potential energy reserves at a time when we all know that energy is at an incredible premium.

I will make the same statement I made in committee when we had the discussion on the Convention on the Law of the Sea. I urge my colleagues to support ratification of the Convention on the Law of the Sea and urge the Senate leadership to bring the treaty to the floor for a vote. With that, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from South Carolina is recognized.

HEALTH CARE OPTIONS

Mr. DEMINT. Mr. President, we have many important issues in front of us. We have been talking a lot about energy this week, including the high cost of gasoline and problems with ethanol mandates and potential problems with the cost of electricity. As we look at ways to reduce pollution, certainly energy is important. We have also been dealing with flood insurance. There is no shortage of issues. But we know as we talk to our constituents around the country that at the top of their list of priorities is health insurance and health care and the ability to afford the policies that are out there.

We have differences of opinion in the Senate as to how to deal with the uninsured in our country today. There is one philosophy that believes the government needs to be more involved; we need to expand government control of health care. There is another philosophy of which I am a part which believes that our job in the Senate and in the Congress and in the Federal Government is to make freedom work for everyone, and that includes people having the freedom to own their own health insurance. We believe when people do not work for a company that offers health insurance, they should have guaranteed access to affordable health insurance policies that they can take from job to job. I am encouraged that Senator MCCAIN is on the side of freedom of choice and individual ownership of plans.

We know if we are going to make individual plans work, we need to address the high cost of insurance. We know that is the biggest impediment to getting coverage when that coverage is not offered through an employer. In fact, nearly two-thirds of the uninsured are the working poor, and they cite the high cost of insurance as the primary barrier to accessing health coverage. We can talk about the uninsured, and we can talk about the high cost of insurance, but we need to address the real causes of the high cost of insurance. We know if we look at the policies, if we talk to those who offer the policies—the insurance companies—we know that mandates, government mandates on those policies have a lot to do with the high cost of insurance.

States have passed more than 1,900 benefit mandates requiring insurance companies to cover everything from wigs to infertility treatments to acupuncturists to massage therapists. These may all be legitimate needs, but they are not legitimate mandates on insurance policies. When people are looking for a policy that meets their needs that they can afford, we cannot continue as governments—both State and Federal—to mandate that every policy cover every possible problem when individuals do not need those mandates to buy the policies they want. These mandates increase the cost of health insurance. According to the Congressional Budget Office, for every 1 percent increase in the cost of health insurance, 300,000 people lose their coverage.

A few States are getting the message that mandates make health insurance more expensive. There are at least 10 States that provide for mandate-lite policies which allow individuals to purchase a policy with fewer mandates and so are more tailored to their individual needs and financial situation. There are now at least 30 States that require a mandate's cost to be assessed before it is implemented. These States are getting the message. Mandates are pricing individuals out of the insurance market.

I have introduced legislation that addresses these growing problems. In December, Congressman JOHN SHADEGG of Arizona joined me in introducing the Health Care Choice Act. This legislation is important because it will allow consumers to shop for health insurance the same way they do for other insurance products. They can shop on line, by mail, over the phone, or in consultation with an insurance agent in their hometown.

Specifically, the bill would let insurers licensed in one State sell to individuals in the other 49 States. Most people are surprised that you can't do that now because in every other product category we can buy products not only in every State but all over the world. But with health insurance, we have taken a different tact, a tact that has made health insurance much more expensive because we allow a few insurance companies to monopolize the market in 50 individual States.

What we need is a national market for health insurance. Consumers will no longer be limited to picking only those policies that meet their State regulations and mandated benefits. Instead, they can examine the wide array of insurance policies qualified in one State and offered for sale in multiple States. This way, consumers can choose a policy that best suits their needs and their budget without regard to State boundaries. It makes a lot of common sense. Individuals looking for basic health insurance coverage can opt for a policy with a few benefits they need, and such a policy will be more affordable.

On the other hand, consumers who have an interest in a particular benefit such as infertility treatments will be able to purchase a policy that includes that benefit. Equally important, it creates incentives for insurance companies to offer innovative and customized insurance products, and it will reduce the number of Americans who have sought but have been unable to afford insurance coverage.

I am thrilled that Senator JOHN MCCAIN has made this legislation one of the cornerstones of his health insurance platform because health insurance coverage should not be dictated by State or Federal legislators. Families sitting around their kitchen tables should decide what their health insurance plan should cover. I believe Senator MCCAIN's plan to address the gross health care inequity in the Tax Code and to harness the power of the marketplace through the Interstate competition of insurance products, through that, Americans will be able to find affordable health insurance that offers more choice and better coverage. We know this is true.

As we talk to insurance companies, if they were allowed to offer products for all 50 States under one set of regulations, or under 50 if they choose, if they are able to have a larger pool of members, they can spread the risk and lower the rates.

The Health Care Choice Act is a commonsense way to let freedom work for every American, to let the free enterprise system work in health insurance as it does in almost every other area of our lives. I encourage my colleagues to consider the Health Care Choice Act and to move away from this idea that more government control, more government mandates is actually going to help us get more Americans insured.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

(The remarks of Mr. COLEMAN are printed in today's RECORD under "Morning Business.")

Mr. COLEMAN. Mr. President, I yield the floor.

(The remarks of Mr. BOND are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I yield the floor.

NOTICE OF PROPOSED RULEMAKING

Mr. BYRD. Mr. President, I ask unanimous consent that the attached from the Office of Compliance be printed in the RECORD today pursuant to section 304(b)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1384(b)(1)).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, April 16, 2008.

Hon. ROBERT C. BYRD
President Pro Tempore, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR BYRD: Section 304(b)(1) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(1), requires that, with regard to the initial proposal of substantive regulations under the CAA, the Board "shall publish a general notice of proposed rulemaking" and "shall transmit such notice to the Speaker of the House of Representatives and the President Pro Tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal."

The Board of Directors of the Office of Compliance is transmitting herewith the enclosed Notice of Proposed Rulemaking. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal.

Any inquiries regarding the accompanying Notice should be addressed to Tamara E. Chrisler, Executive Director of the Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9250, TDD 202-426-1912, tchr@loc.gov.

Sincerely,

SUSAN S. ROBFOGEL,
Chair, Board of Directors.

(Editor's note: The notice of Proposed Rulemaking is printed in the RECORD dated April 21, 2008, at page 6422)

BURMA

Mr. MCCONNELL. Mr. President, in these last days our sympathies have been stirred by the shocking images of suffering and loss that have come from Burma. Last week's cyclone was one of the most devastating in memory. The damage to Burma's infrastructure, to its cities and towns and villages, is staggering.

The human toll won't be known for weeks. As many as 100,000 are thought to be dead. Thousands more are unaccounted for and injured. And those who survived face grave challenges. By all accounts, potable water and food are scarce, increasing the threat of disease. And shelter is hard to find.

This kind of suffering tests our powers of comprehension. But the extent of the damage, combined with the already primitive economic conditions imposed by the Burmese regime and the regime's sluggish response to the storm, means this suffering will be far greater than it otherwise might have been and will last far longer than it otherwise would.

We have heard reports that little or no notice was given to the people about the severity of the storm. And while the U.S. and other donors have expressed a clear willingness to assist, the Burmese regime has continued to resist allowing outside donors, such as the U.S., in.

The U.S. has repeatedly demonstrated its willingness to help the victims of natural disasters. Our generous response to the 2004; tsunami is a tribute to generosity and compassion of Americans, as was our response to the flooding of Bangladesh in the early 1990s. We responded generously to the 1990 earthquake in the Philippines, an act of kindness that was met with deep gratitude. The U.S. has helped this region of the world again and again, and now we stand willing to help the people of Burma.

Precious time has been, and continues to be, wasted. Why? Because rather than focusing on preparations for the storm, the political leaders in Burma were focused on a sham constitutional referendum scheduled for this Saturday. While all of the energies of government were needed to prepare for relief efforts, the regime was thinking of solidifying its control over the country. Its only concession to the critics—as the extent of the dead, the missing, and the injured became known—was an agreement to postpone the referendum in certain parts of the country.

This is not the first time the Burmese regime has put the political risks of letting in outsiders over urgent humanitarian needs. In 2004, the same junta rejected foreign aid after the tsunami. The only difference this time is that the devastation to Burma and the Burmese people is on a much larger scale.

If Saturday's referendum were legitimate, its timing would be merely irresponsible and crass. Yet everything about this Saturday's referendum is a farce. The process leading up to it has been marked by oppressive measures that, of course, are not typically associated with free and open political debate. It's a crime, for instance, to criticize the document.

The substance of the constitution is also profoundly antidemocratic. It prohibits Aung San Suu Kyi, the leader of the party that won Burma's last free and democratic election, from holding high office. Former political prisoners and activists could find themselves unable to run for Parliament. And the Burmese military would control key ministries and hold a quarter of the seats in the national legislature.

This is not a constitution. This is a fig leaf to place over the junta's oppressive rule.

The people of Burma are already suffering from the tragedy of a terrible natural disaster. Now they are being forced to participate in a farce. Last week's cyclone revealed more than nature's power and life's fragility. It revealed, once again, the inhumanity of Burmese junta—not only in its disregard for the people suffering from the storm, but also in its callous insistence that, in the midst of so much suffering, a sham constitutional referendum validating its authority go forward.

This is a time of great sadness in Burma. It is also a time of renewed outrage at the oppressive regime that controls it. On occasion, the leaders of such regimes reveal their warped minds to the world. This is such a time. It's my hope the world will take notice.

Mr. SMITH. Mr. President, I rise today to address the terrible toll taken by the recent cyclone in Burma.

It is unimaginable to me that the people of Burma, already struggling under the weight of tyranny, could be expected to bear further hardship. The daily trudge for existence faced by the Burmese is heart-wrenching; and yet now their suffering has increased. On Saturday, May 3, their country was struck by a horrible cyclone, an unfortunately common occurrence in Southeast Asia. U.S. diplomats estimate the death toll from this storm could be as high as 100,000, victims of a 120 mph wind and a storm surge that has obliterated entire villages. The United Nations estimates that hundreds of thousands of people have been left without basic necessities such as food, potable water, and shelter.

The Burmese military regime has compounded this crisis through political repression, economic mismanagement, and xenophobia. But the tragedy of Burma's government cannot and should not blind us to the human suffering inflicted by this most recent disaster. The international community must take immediate steps to alleviate some of the worst deprivations of this humanitarian crisis. To this end, I am proud and humbled that two of our own

Oregon institutions are leading the effort in bringing comfort to the afflicted. Northwest Medical Teams and Mercy Corps are closely engaged in collecting humanitarian donations and cooperating with local partners to help the survivors in Burma. I urge the government in Burma to accept the foreign assistance offered by these groups and others around the world.

I know I speak for all Oregonians—and indeed all Americans—when I say that our hearts go out to the survivors of this storm. We stand ready to help, and I sincerely thank all those who are donating their time and resources to help those stricken by this terrible disaster.

HONORING OUR ARMED FORCES

SERGEANT GLEN E. MARTINEZ

Mr. SALAZAR. Mr. President, I rise today to honor the life of Marine Sgt Glen Martinez and to share my deep sadness at the loss of one of our Nation's finest young men. Sergeant Martinez was on his second tour in Iraq, working to restore peace and security to Al Anbar province, when a roadside bomb tore through his vehicle, killing him and three other marines. He was 31 years old.7

Our thoughts and prayers are with Sergeant Martinez's wife Melissa, his parents Ron and Carol, his sister Lori, and her children Alexis and Spencer, his grandparents Isaac and Viola Martinez and Willard and Norma Martin, and all his friends and family. My heart also goes out to the community of Monte Vista, CO, a small town in the San Luis Valley not far from my family's ranch. The close-knit community, where everyone is a neighbor, has lost a favorite son.

There was nothing, it seemed, that Glen Martinez couldn't do. In high school, he was a top student, a gifted musician, and a star athlete. He was the quarterback of the Monte Vista football team, competed for the State championship in wrestling, and led his baseball team. With college scholarship offers to choose from in all three sports, Glen accepted an academic and baseball scholarship at Ottawa University in Ottawa, KS. He graduated with a degree in mathematics in 2000, but continued his studies at Westwood College and then at the University of Colorado, in Boulder, where he took up a master's program in land surveying.

At each step, Glen earned honors, awards, and the admiration of those he met. He is remembered for his contagious smile, boundless energy, and a heart committed to service. In 2004, while living in Boulder, Glen determined he had an obligation to serve his country, and that he could contribute most by enlisting in the Marines. By donning the uniform, he joined a proud family tradition of service and followed in the footsteps of both his grandfathers, who served in World War II, and his father Ron, who was in the Air Force during the Vietnam war.

In the Marines, Glen quickly became a leader among those he served. He was a member of Combat Logistics Battalion-1, Combat Logistics Regiment-1, 1st Marine Logistics Group, out of Camp Pendleton. He rose rapidly to the rank of sergeant and, as with everything he did, earned recognition and awards for the quality of his service. He served with his wife Sgt Melissa Martinez, whom he met while training at Camp Pendleton. When Glen was killed, they were both in Al Anbar province, as part of an effort to keep the lid on the violence that once made the area among the most dangerous in Iraq.

It is hard to measure all that inspired Sergeant Martinez's service. He had a deep-rooted pride for his country and his community. He sensed an obligation to offer his talents to a cause greater than his own. And he was determined to rise to every challenge presented.

He shared what so many of our nation's great servicemembers and great leaders share—the sense, as President Woodrow Wilson described it, that "the fortunes of a nation are confided to us."

As World War I raged in Europe, President Wilson told the 1916 class at Annapolis that meeting this "special obligation" is perilous and difficult, but it also carries the highest reward: the honor and affection of their fellow citizens.

"You are going to live your lives under the most stimulating compulsion that any man can feel," President Wilson told the graduates, "the sense, not of private duty merely, but of public duty also. And then if you perform that duty, there is a reward awaiting you which is superior to any other reward in the world. That is the affectionate remembrance of your fellow men—their honor, their affection. No man could wish for more than that or find anything higher than that to strive for. . . . I wish you Godspeed, and remind you that yours is the honor of the United States."

Sergeant Martinez answered the call of his country with the dignity and honor President Woodrow Wilson extolled. Loved and respected by those with whom he served, his optimism and leadership could lift and inspire even in the most difficult circumstances. He was an irrepressible spirit and an extraordinary professional.

Sgt Glen Martinez's achievements in life are matched only by the depth of his sacrifice—and the void he leaves behind. To Glen's family and friends, I know no words that can ease the pain you feel. I hope that in time you will find consolation in your pride in Glen's service and in the knowledge that his country and his community are eternally grateful for all that he gave. He has honored the United States, and the United States will always honor him.

SPECIALIST RONALD J. TUCKER

Mr. President, I also rise today to honor the life and service of Army Specialist Ronald J. Tucker, of Fountain, CO. Specialist Tucker was killed in Baghdad last week, at the age of 21, when a bomb exploded near his patrol. He was assigned to 1st Battalion, 22nd Infantry Regiment, 4th Infantry Division, out of Fort Hood, TX.

Specialist Tucker grew up in the Pikes Peak region of Colorado and was a graduate of Fountain-Fort Carson High School. He was a hard-working, smart, good-humored young man with hopes of serving his country. In school, he devoted himself to his studies, but shared laughs and jokes with friends and teachers.

Ronald joined the Army just a few days after his 2005 graduation from high school. He trained to be a mortarman and, in 2006, was assigned to Fort Hood. He deployed earlier this year and was serving as an indirect fire infantryman in a unit that was working to calm the violence that has escalated in Baghdad over the last several weeks. Specialist Tucker worked tirelessly, courageously, and professionally to help bring calm to streets teeming with ethnic violence and to allow the Iraqi people to hope again.

Specialist Tucker followed in the footsteps of so many American soldiers who have honored their country with their service, and who General Douglas MacArthur regaled in a 1962 address to West Point soldiers for their selfless sacrifices and for their unflinching devotion to the protection of our Nation. "Duty, honor, country," MacArthur told the young soldiers, "Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be."

These three words have been the creed of generation after generation of American soldiers. They help us understand the courage and fortitude of men like Ronald Tucker, who deployed thousands of miles from his family, lived in constant peril, and shouldered the responsibility for keeping other soldiers safe while securing a brighter future for Iraqi citizens.

Duty, honor, country. "The code which those words perpetuate," said General MacArthur, "embraces the highest moral law and will stand the test of any ethics or philosophies ever promulgated for the things that are right and its restraints are from the things that are wrong. The soldier, above all other men, is required to practice the greatest act of religious training—sacrifice . . . However hard the incidents of war may be, the soldier who is called upon to offer and to give his life for his country is the noblest development of mankind."

Specialist Ronald Tucker embodied this creed: He donned the soldier's uniform at his first opportunity, he bravely entered the battlefield, and he offered and gave his life in service to his country. His is a debt we cannot repay.

To Ronald's mother Susan, his stepfather David, and to all his family and friends, I know no words that can ease the pain you are feeling. I hope that in time, however, the joy Ronald brought to all who knew him and your pride in his service will provide comfort and consolation. His country will always honor his sacrifice.

THE MATTHEW SHEPARD ACT OF 2007

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would strengthen and add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate violent crime that has occurred in our country.

On the night of April 4, 2008, a 17-year-old Black man was traveling by bus from Wilmington, DE, to New Castle, DE, when three White men engaged him in a physical altercation. David and Lloyd Walker, 27 and 23 years old respectively, were identified by witnesses and arrested, but their accomplice, known only as "Ritchie," is still at large. According to police, the three men began to argue with the young man when he complained that they were bumping into him. When the 17-year-old man got off the bus, the three men followed and attacked him, yelling racial slurs and threatening to kill him. Police say David Walker stabbed the teen five times in the back, puncturing one of his lungs and inflicting more stab wounds on his forearm. The three men fled the scene immediately after the stabbing. Both David and Lloyd Walker were charged with first-degree assault, possession of a deadly weapon during a felony, felony hate crime, and conspiracy.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. Federal laws intended to protect individuals from heinous and violent crimes motivated by hate are woefully inadequate. This legislation would better equip the Government to fulfill its most important obligation by providing the resources necessary to adequately investigate and prosecute violent crimes. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

WILD SKY WILDERNESS ACT

Mrs. MURRAY. Mr. President, I rise to celebrate a tremendous and hard-fought victory. Today, a week after this Congress approved it overwhelmingly, President Bush signed the public lands bill that includes my Wild Sky Wilderness Act. And I couldn't be more thrilled.

The path to creating the first wilderness in Washington State in more than 20 years has been long and sometimes rocky. But with the President's signature today, we have finally reached the top. Let me tell you, Mr. President, it feels great!

This wilderness designation means that over 106,000 acres of rolling hills, rushing rivers, and low-elevation forest in the Mt. Baker-Snoqualmie National Forest will be preserved for generations to enjoy. The bill has been the result of years of hard work by literally dozens of people in my home State of Washington who have been as passionate and excited about this bill as I have been. I could not be more proud of their hard work and enthusiasm. Even when progress seemed impossible, they never lost sight of their goal. They always believed that preserving this incredible land was possible. And this beautiful new wilderness is their reward.

When I spoke on the floor after the Wild Sky bill passed this body, I promised to return once it was signed and thank the many people who have worked so hard with me over the years to make the Wild Sky Wilderness a reality. So I want to begin by thanking Congressman RICK LARSEN. Nine years have passed since the first maps proposing this wilderness were unfurled at a meeting in my Seattle office. I have been working with Congressman LARSEN in the House for more than 7 years on the legislation. And I couldn't have asked for a better partner.

I would like to thank Chairman BINGAMAN and his staff—especially David Brooks and Bob Simon—for their help and unwavering support of Wild Sky throughout the years. I would like to thank Senator MARIA CANTWELL and Congressman JAY INSLEE for their work in steering Wild Sky through their committees. And thank you to all of the cosponsors from the Washington delegation.

Above all, I want to thank all of the people in Washington State who worked tirelessly to turn their vision into legislation and—finally into law. The following individuals have spent countless hours to make the Wild Sky Wilderness Area a reality: Mike Town, Tom Uniack, Larry Romans, Mark Lawler, Harry Romberg, Norm Winn, Don Parks, Charlie Raines, Jon Owen, John Leary, Michael Carroll, Rick McGuire, Bill and Sue Cross, Bob Hubbard, Conway Leovy, Mark Heckert, Kem Hunter, Aaron Reardon, Peter Jackson, Michelle Ackerman, Jennifer Ekstrom, Doug Scott, Bill Arthur, Doug Walker, Nalani Askov, Dave Sommers, Jennifer Stephens, and Cynthia Wilkerson; as well as Shannon Harps and Karen Fant, whose memories will live on through Wild Sky.

And last but not least, I would like to thank the staff members who have also put their hearts and souls into this bill: John Engber, Karen Waters, Doug Clapp, Jaime Shimek, Jeff Bjornstad, Evan Schatz, Alex Glass, Pete Weissman, Matt McAlvanah, Rick Desimone, Rachelle Hein, Christy Gullion, Carrie Desmond, Jennifer Talhelm, Rita Beal, Shawn Bills, Jill McKinnie, Christian Gunter, Louis Lauter, Michael Dabbs, Kim Johnston, Brandon Hall, Amanda Mahnke, Charla Neuman, Abby Levenshus, Tracy Nagelbush, Amit Ronen, and Joel Merkel.

Those of us who live in the Northwest are truly blessed to live so close to such breathtaking natural beauty. The people of Washington State have a great respect for our amazing natural heritage and millions of people spend their weekends hiking, camping, hunting, fishing, and rock-climbing in our many parks and wild lands.

The Wild Sky area is already a popular destination being enjoyed by hundreds of people from across western Washington. And today's wilderness designation means that their children and their grandchildren will be able to enjoy the land just as they do.

Today's designation is a gift to young families, lifelong outdoor enthusiasts, and everyone in between. And I am so glad to see this proposal over the finish line. Now I can't wait to lace up my tennis shoes and take those first steps into the Wild Sky Wilderness!

ADDITIONAL STATEMENTS

TRIBUTE TO MARGARET AITKEN

• Mr. BIDEN. Mr. President, Mark Twain once said: "20 years from now you will be more disappointed by the things that you didn't do, than by the things you did do." Well, Mr. Twain had not met Margaret Aitken, the woman I wish to acknowledge today.

Margaret is the youngest of eight children—a born negotiator, advocate, and spirited woman who has dedicated her professional career to excellence in public service. She has served the people of Delaware and the U.S. Senate with distinction.

She began her career in the Senate as a press secretary on my staff at the young age of 27. She came to us with impeccable credentials from the county executive's team and the Department of Education. Her work ethic and energy are surpassed only by her keen wit and disarming use of humor.

Margaret's sense of justice is embedded in her character—a byproduct of her strong faith and commitment to family. Her professional constituency was well served by her 15 years in the public domain. However, Margaret recently decided that there was one constituency that needed her most of all. In August, she and her husband Chris became the proud parents of Ronan William Haggerty, and Margaret is now a full-time mom.

She understood the wisdom and the sentiment in Mark Twain's words and so—she will not be disappointed in hindsight. Margaret, a wordsmith herself, also took George Bernard Shaw to heart: "Perhaps the greatest social service that can be rendered by anyone to this country and to mankind is to bring up a family."

And so I say to you Margaret—bring up that family—in the image and likeness of the best hopes and expectations for a better world. Thank you for your service, goodness, loyalty, honor, and courage. You are a force unto yourself, and you are very appreciated.●

TRIBUTE TO VALORIA LOVELAND

● Ms. CANTWELL. Mr. President, today I wish to recognize Valoria Loveland, who recently stepped down from her position as the director of the Washington State Department of Agriculture. Ms. Loveland has worked in Washington State and local governments for the past 44 years, and she has recently retired to some well-deserved relaxation in her home of Pasco, WA.

Ms. Loveland's career in government began at the Franklin County Courthouse, where she worked before and while she was the county's treasurer. In 1992, she was elected to the State senate, where she swiftly rose to become the chair of the Ways and Means Committee, and the most powerful woman in the Washington State Legislature. After 8 years in the senate, and a brief 2-year break from government, Valoria was appointed director of the Washington State Department of Agriculture, where she served for the last 6 years. In her time as director, Washington's agricultural exports have risen to record highs, in large part, thanks to her leadership. Her multiple trips to China, Japan, and Mexico have extended numerous opportunities to Washington State growers, and I thank her for working towards opening those markets.

Throughout her career, Valoria Loveland has been known for her ability to get things done and solve problems. Never one to shy away from tough issues, her straightforward manner and tireless work ethic have earned her the respect of many.

Ms. Loveland's leadership will be sorely missed in Washington State, which has benefitted greatly from her years of service. I wish her well, and thank her for her dedication to the State of Washington.●

TRIBUTE TO CHIEF MASTER SERGEANT GLENN FREEMAN

● Mr. HAGEL. Mr. President, today I wish to praise CMSgt Glenn Freeman, U.S. Air Force, Retired, of Omaha, who was honored on April 26 by the National Guard Association of Nebraska with the Distinguished Service Award. Chief Freeman has worked in my Omaha office as senior aide for military and veterans affairs, assisting servicemembers and their families, for the past 11 years. He is receiving the award in recognition of his dedicated service to the Nebraska National Guard.

Glenn has served the State of Nebraska and our country in a manner that deserves high recognition and our deepest respect. He is a friend and has been invaluable to my office. Over the last 11 years, Glenn has helped thousands of Nebraska's military families with casework and veterans issues. Glenn is an American role model.

Chief Freeman, originally from Washington, DC, served in the Air Force for 30 years, retiring in 1985. His decorations include the Bronze Star Medal, three Meritorious Service Medals, four Air Force Commendation medals, and the Air Force Outstanding Unit Award with Combat V, Valor—Device. Chief Freeman served tours in Vietnam, Thailand, Guam, Newfoundland, Korea, Japan, and the Republic of the Philippines.

Prior to joining my staff, Chief Freeman was hospital service coordinator for disabled American veterans. As a senior aide to me, he continues to work closely with veterans service organizations while assisting veterans and military families across Nebraska.

Chief Freeman has served as president of the Omaha Chapter Freedoms Foundation at Valley Forge, a nonprofit organization which seeks to preserve American ideals and principles by helping students become responsible and active citizens. He has additionally served on the Omaha Civil Rights Advisory Committee and as chairman of the Douglas County Republican Party and the Republican Forum. He delivers college lectures across Nebraska as a recognized scholar on the American political process and the U.S. Constitution.●

IN RECOGNITION OF DANNY WOODHEAD

● Mr. NELSON of Nebraska. Mr. President, today I pay tribute to a young Nebraskan who recently became a member of the New York Jets, after completing a remarkable 4-year run into the National Collegiate Athletic Association, NCAA, record books as the all-time leading rusher at any level of college football.

Danny Woodhead, a senior tailback for Chadron State College in Nebraska, completed his college football career with 7,962 yards rushing to top the previous all-division record by more than 600 yards.

It is not the only NCAA record set by this native son from North Platte, NE. During the 2006 season, Danny set the single-season record for rushing for all NCAA divisions as he rushed for 2,756 yards on 344 carries. He became the first player in NCAA history to ever rush for more than 2,700 yards in a season.

Danny Woodhead also ranks second in the Nation in career all-purpose yardage, with 9,479 yards. His 109 career touchdowns tie the NCAA record, and his 654 career points rank him second.

For his outstanding football achievements, Danny Woodhead was awarded the Harlon Hill Trophy for the second year in a row. Similar to the Heisman, the Harlon Hill Trophy is given annually to the college football player of the year in NCAA Division II.

The State of Nebraska has a storied college football tradition; but no one has ever witnessed a running back compile the prodigious statistics that Danny Woodhead, a math education major, did during his career with the Eagles. Although he played for a small college in a rural state, his abilities caught the attention of the sporting world.

The people of Nebraska are proud of Danny Woodhead and his remarkable achievements, and we look forward to watching him pursue his dreams in football and beyond.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees. (The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 3522. An act to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the

Jicarilla Apache Reservation accordingly, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILL SIGNED

The President pro tempore (Mr. BYRD) announced that on today, May 8, 2008, he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

H.R. 5919. An act to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007.

At 12:55 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5937. An act to facilitate the preservation of certain affordable housing dwelling units.

The message also announced that pursuant to section 1853(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (Public Law 110–53), and the order of the House of January 4,2007, the Speaker appoints the following members on the part of the House of Representatives to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism: Mr. Timothy J. Roemer of Great Falls, Virginia, and Ms. Wendy R. Sherman of Bethesda, Maryland.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5937. An act to facilitate the preservation of certain affordable housing dwelling units; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 2991. A bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Select Committee on Intelligence, without amendment:

S. 2996. An original bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. No. 110–333).

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S.J. Res. 28. A joint resolution disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership (Rept. No. 110–334).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 537. A resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs.

*Alejandro Modesto Sanchez, of Florida, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring October 11, 2010.

*Gordon James Whiting, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2010.

*Andrew Saul, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2008.

*Andrew Saul, of New York, to be a Member of the Federal Retirement Thrift Investment Board for a term expiring September 25, 2012.

*Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission for a term expiring November 22, 2012.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself, Mr. ENZI, Mr. HARKIN, and Mr. DURBIN):

S. 2993. A bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself, Mr. VOINOVICH, Ms. STABENOW, Mr. OBAMA, Mr. BROWN, Mrs. CLINTON, Mr. SCHUMER, and Ms. KLOBUCHAR):

S. 2994. A bill to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern; to the Committee on Environment and Public Works.

By Mr. LEVIN (for himself and Mrs. FEINSTEIN):

S. 2995. A bill to amend the Commodity Exchange Act to enhance oil trading transparency; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROCKEFELLER:

S. 2996. An original bill to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

By Mr. LAUTENBERG (for himself, Mr. STEVENS, and Mr. SMITH):

S. 2997. A bill to reauthorize the Maritime Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. KERRY, and Mr. MARTINEZ):

S. 2998. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWN (for himself, Mr. SPECTER, and Mr. WHITEHOUSE):

S. 2999. A bill to amend the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group and individual health insurance coverage and group health plans to provide coverage for individuals participating in approved cancer clinical trials; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 3000. A bill to amend title 38, United States Code, to include Federally recognized tribal organizations in certain grant programs of the Department of Veterans Affairs for the several States and territories, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska):

S. Res. 555. A resolution recognizing the 100th anniversary of the founding of the Congressional Club; to the Committee on the Judiciary.

By Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. BURR, Mr. VITTER, Mr. GREGG, Mr. SUNUNU, Mr. ALLARD, Mr. ISAKSON, and Mr. CARPER):

S. Res. 556. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. BIDEN, Mr. CARPER, Mrs. CLINTON, Mr. DORGAN, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DOMENICI, Ms. SNOWE, Mr. CRAPO, Mr. COCHRAN, Mr. SPECTER, Mr. LIEBERMAN, Mr. BAYH, and Mr. BROWN):

S. Res. 557. A resolution supporting the goals and ideals of National Train Day; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 394

At the request of Mr. AKAKA, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of non-ambulatory livestock, and for other purposes.

S. 573

At the request of Ms. STABENOW, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 717

At the request of Mr. AKAKA, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 717, a bill to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper- and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security.

S. 911

At the request of Mr. REED, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1067

At the request of Mr. OBAMA, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1067, a bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes.

S. 1963

At the request of Mr. ROCKEFELLER, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 1963, a bill to amend the Internal Revenue Code of 1986 to allow bonds guaranteed by the Federal home loan banks to be treated as tax exempt bonds.

S. 2161

At the request of Mr. ISAKSON, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2173

At the request of Mr. HARKIN, the names of the Senator from Montana (Mr. TESTER), the Senator from Vermont (Mr. SANDERS) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2182

At the request of Mr. REED, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2182, a bill to amend the Public Health Service Act with respect to mental health services.

S. 2227

At the request of Mr. OBAMA, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2227, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in high school and postsecondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle school models for struggling students, and for other purposes.

S. 2433

At the request of Mr. OBAMA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

S. 2479

At the request of Mr. BROWN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2479, a bill to catalyze change in the care and treatment of diabetes in the United States.

S. 2511

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2511, a bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 2523

At the request of Mr. KERRY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2544

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2544, a bill to provide for a program of temporary extended unemployment compensation.

S. 2559

At the request of Mr. DODD, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 2559, a bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability.

S. 2565

At the request of Mr. BIDEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2565, a bill to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers.

S. 2756

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2756, a bill to amend the National Child Protection Act of 1993 to establish a permanent background check system.

S. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2884

At the request of Ms. COLLINS, the name of the Senator from Tennessee

(Mr. ALEXANDER) was added as a cosponsor of S. 2884, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2938

At the request of Mr. GRAHAM, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2938, a bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes.

S. 2942

At the request of Mr. CARDIN, the names of the Senator from Oregon (Mr. SMITH), the Senator from Oregon (Mr. WYDEN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 2942, a bill to authorize funding for the National Advocacy Center.

S. 2979

At the request of Mr. KERRY, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 2979, a bill to exempt the African National Congress from treatment as a terrorist organization, and for other purposes.

S. 2991

At the request of Mr. KOHL, his name was added as a cosponsor of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. RES. 537

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. HATCH), the Senator from Delaware (Mr. BIDEN), the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. BAUCUS) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 537, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

AMENDMENT NO. 4718

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 4718 intended to be proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. NELSON of Florida (for himself, Ms. SNOWE, Mr. KERRY, and Mr. MARTINEZ:)

S. 2998. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, prepaid telephone calling cards are used by many Americans to stay in touch with loved ones around the country and throughout the world. Unfortunately, some providers and distributors of these cards are scamming consumers—by imposing undisclosed junk fees, charging exorbitant rates, and selling cards that expire shortly after consumers start using them.

Over the past couple of years, a number of State Attorneys General and the Federal Trade Commission have opened investigations and found that a number of providers and distributors are engaging in unfair and deceptive business practices. These practices include charging customers for calls where they receive busy signals, imposing weekly "maintenance fees" that may take away up to 20 percent of the card's overall value, and billing for calls in 3-minute increments.

As a result of these investigations, some companies have been fined or have entered into consent decrees forbidding them from engaging in some deceptive practices. In addition, some states—including Florida—have imposed certain regulatory requirements on prepaid calling card providers and distributors. To date, however, neither the Federal Communications Commission nor the Federal Trade Commission has taken any action to impose upfront nationwide consumer protection requirements on this industry. This lack of Federal standards allows many of these unscrupulous operators to move from State to State, and create new "shell companies" to escape consumer protection regulations. This is wrong, and I think we need to fix this situation.

That is why I rise today to introduce the Prepaid Calling Card Consumer Protection Act of 2008.

The Prepaid Calling Card Consumer Protection Act of 2008 requires the Federal Trade Commission to draft comprehensive rules requiring all prepaid telephone calling card providers and distributors to disclose the rates and fees associated with their calling cards upfront, at the point of sale. It also requires providers who market their cards in languages other than English to disclose rates and fees in that language as well. Furthermore, the legislation requires providers to honor the cards for at least a year after the time the card is first used.

To enforce these disclosure requirements, the bill gives the Federal Trade Commission, State Attorneys General, and State consumer protection advocates the ability to sue the fraudsters who violate these requirements in Federal court. In addition, the law expressly preserves additional state consumer protection requirements—such as state utility commission certification or bonding requirements.

I invite my colleagues to join with Senators SNOWE, KERRY, MARTINEZ and myself in supporting the Prepaid Calling Card Consumer Protection Act of 2008. We should waste no time in ensuring that military servicemembers, seniors, immigrants and other Americans using these prepaid telephone calling cards are protected from bad actors in the marketplace.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2998

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Prepaid Calling Card Consumer Protection Act of 2008".

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) FEES.—

(A) IN GENERAL.—The term "fees" means all charges, fees, taxes, or surcharges, including connection, hang-up, service, payphone, and maintenance charges, which may be applicable to the use of a prepaid telephone calling card or a prepaid telephone calling service used by a consumer for calls originating within the United States.

(B) EXCLUSION.—The term "fees" does not include the applicable per unit or per minute rate for the particular destination called by a consumer.

(3) INTERNATIONAL PREFERRED DESTINATION.—The term "international preferred destination" means a specific international destination named on a prepaid telephone calling card or on the packaging material accompanying a prepaid telephone calling card.

(4) PREPAID TELEPHONE CALLING CARD.—

(A) IN GENERAL.—The terms "prepaid telephone calling card" and "card" mean any right of use purchased in advance for a sum certain linked to an access number and authorization code that enables a consumer to use a prepaid telephone calling service. Such rights of use may be embodied on a card or other physical object or may be purchased by an electronic or telephonic means through which the purchaser obtains access numbers and authorization codes that are not physically located on a card or other physical object.

(B) EXCLUSION.—The terms "prepaid telephone calling card" and "card" do not include cards or other rights of use that provide access to—

(i) a telecommunications service with respect to which the card or other rights of use and the telecommunications service are provided for free or at no additional charge as a promotional item accompanying a product or service purchased by a consumer; or

(ii) a wireless telecommunications service account with a wireless service provider that the purchaser has a preexisting relationship with or establishes a carrier-customer relationship with via the purchase of a prepaid wireless telecommunications service handset package.

(5) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—

(A) IN GENERAL.—The term "prepaid telephone calling card distributor" means any entity, corporation, company, association, firm, partnership, or person that purchases prepaid telephone calling cards or services from a prepaid telephone calling card distributor or prepaid telephone calling service provider and sells, resells, issues, or distributes prepaid telephone calling cards for a fee to 1 or more distributors of such cards or to 1 or more retail sellers of such cards.

(B) EXCLUSION.—The term "prepaid telephone calling card distributor" does not include any retail merchants or sellers of prepaid telephone calling cards exclusively engaged in point-of-sale transactions with end-user customers.

(6) PREPAID TELEPHONE CALLING SERVICE.—

(A) IN GENERAL.—The terms "prepaid telephone calling service" and "service" mean any telecommunications service, paid for in advance by a consumer, that allows a consumer to originate voice telephone calls through a local, long distance, or toll-free access number and authorization code, whether manually or electronically dialed.

(B) EXCLUSION.—The terms "prepaid telephone calling service" and "service" do not include any service that provides access to a wireless telecommunications service account wherein the purchaser has a preexisting relationship with the wireless service provider or establishes a carrier-customer relationship via the purchase of a prepaid wireless telecommunications service handset package.

(7) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—The term "prepaid telephone calling service provider" means any entity, corporation, company, association, firm, partnership, or person providing prepaid telephone calling service to the public using its own, or a resold, telecommunications network or voice over Internet technology.

(8) WIRELESS TELECOMMUNICATIONS SERVICE.—The term "wireless telecommunications service" has the meaning given the term "commercial mobile service" in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

SEC. 3. REQUIRED DISCLOSURES OF PREPAID TELEPHONE CALLING CARDS OR SERVICES.

(a) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Commission shall prescribe regulations that require every prepaid telephone calling service provider and prepaid telephone calling card distributor to disclose, with respect to the terms and conditions of a prepaid telephone calling card or service provided, sold, resold, issued, or distributed by such service provider or distributor, as the case may be, the following:

(1)(A) The number of calling units or minutes of domestic interstate calls provided by such card or service at the time of purchase; or

(B) the dollar value of such card or service and the domestic interstate rate per minute provided by such card or service at the time of purchase.

(2) The applicable calling unit or per minute rates for all international preferred destinations served by such card or service.

(3) The applicable per minute rates for all individual international destinations served by such card or service.

(4) That the rates described in paragraph (3) may be obtained through the prepaid telephone calling card provider's toll-free customer service number or Internet website.

(5) All terms and conditions pertaining to the use of such card or service, including the following:

(A) The maximum amount and frequency of all fees.

(B) Applicable policies relating to refund, recharge, decrement, and expiration.

(C) Limitations, if any, on the use or period of time for which the displayed, promoted, or advertised minutes or rates will be available to the customer.

(6) The name and address of such service provider.

(7) A toll-free telephone number to contact the customer service department of such service provider and the hours of service of such customer service department.

(b) CLEAR AND CONSPICUOUS DISCLOSURE OF REQUIRED INFORMATION AND LANGUAGE REQUIREMENTS.—The regulations prescribed under subsection (a) shall include requirements as follows:

(1) CARDS.—In the case of a prepaid telephone calling card, the disclosures described in subsection (a) (other than paragraph (3) of such subsection) shall be printed in plain English in a clear and conspicuous location on each prepaid telephone calling card or the packaging of such card so that such disclosures are plainly visible to a consumer at the point of sale.

(2) ONLINE SERVICES.—In the case of a prepaid telephone calling service that consumers access and purchase via the Internet, the disclosures described in subsection (a) (other than paragraph (4) of such subsection) shall be displayed in plain English in a clear and conspicuous location on the Internet site from which the consumer purchases such service.

(3) ADVERTISING AND OTHER PROMOTIONAL MATERIAL.—The disclosures described in subsection (a) (other than paragraph (3) of such subsection) shall be printed on any advertising for the prepaid telephone calling card or service, including on any signs for display by retail merchants, any promotional emails, any Internet site used to promote such card or service, and on any other promotional material.

(4) LANGUAGES OTHER THAN ENGLISH.—If a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, Internet advertising, or promotional material of a prepaid telephone calling card or prepaid telephone calling service, than the disclosures required by the regulations prescribed under subsection (a) shall be disclosed in that language on such card, packaging, advertisement, or promotional material in the same manner as if English were used.

(c) ADDITIONAL REGULATIONS.—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such other regulations as the Commission determines are necessary to protect consumers of prepaid telephone calling cards and services.

SEC. 4. UNLAWFUL CONDUCT RELATED TO PREPAID TELEPHONE CALLING CARDS.

(a) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—It shall be unlawful for any prepaid telephone calling service provider to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed as required by regulations prescribed under section 3.

(2) MINUTES AND RATES AS PROMOTED AND ADVERTISED.—With respect to a prepaid telephone calling card for a service of the prepaid telephone calling service provider, to provide fewer minutes than the number of minutes promoted or advertised, or to charge a higher per minute rate to a specific destination than the per minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card;

(B) any point-of-sale material relating to the card; or

(C) other advertising related to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, AND ADVERTISED THROUGH VOICE PROMPTS.—To provide fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given by the prepaid telephone calling service provider to a consumer at the time the consumer places a call to a dialed destination with a prepaid telephone calling card or service.

(4) EXPIRATION.—Unless a different expiration date is clearly disclosed pursuant to the disclosure requirements of regulations prescribed under section 3, to provide, sell, resell, issue, or distribute a prepaid telephone calling card or service that expires—

(A) before the date that is 1 year after the date on which such card or service is first used; or

(B) in the case of a prepaid telephone calling card or service that permits a consumer to purchase additional usage minutes or add additional value to the card or service, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card or service.

(5) CHARGES FOR UNCONNECTED CALLS.—To assess any fee or charge for any unconnected telephone call. For purposes of this paragraph, a telephone call shall not be considered connected if the person placing the call receives a busy signal or if the call is unanswered.

(b) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—It shall be unlawful for any prepaid telephone calling card distributor to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed as required by regulations prescribed under section 3.

(2) MINUTES AS PROMOTED AND ADVERTISED.—To sell, resell, issue, or distribute any prepaid telephone calling card that the distributor knows provides fewer minutes than the number of minutes promoted or advertised, or a higher per minute rate to a specific destination than the per minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card;

(B) any point of sale material relating to the card; or

(C) other advertising relating to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—To sell, resell, issue, or distribute a prepaid telephone calling card that such distributor knows provides fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given to a consumer at the time the consumer places a call to a dialed destination with the prepaid telephone calling card or service.

(4) EXPIRATION.—Unless a different expiration date is clearly disclosed pursuant to the disclosure requirements of regulations prescribed under section 3, to provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card or service is first used; or

(B) in the case of a prepaid telephone calling card or service that permits a consumer to purchase additional usage minutes or add additional value to the card or service, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card or service.

(c) LIABILITY.—A prepaid telephone calling service provider or a prepaid telephone calling card distributor may not avoid liability under this section by stating that the displayed, announced, promoted, or advertised minutes, or the per minute rate to a specific destination, are subject to fees or charges, or by utilizing other disclaimers or limitations.

SEC. 5. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—Notwithstanding any other provision of law, a violation of a regulation prescribed under section 3 or the commission of an unlawful act proscribed under section 4 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act.

(c) RULEMAKING AUTHORITY.—The Commission may prescribe regulations to carry out this Act.

SEC. 6. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other authorized State consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State, as parens patriae, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction—

(A) to enjoin that practice;

(B) to enforce compliance with this Act;

(C) to obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) to obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to the filing of an action under paragraph (1) if the attorney general of a State, a State utility commission, or an authorized State consumer protection agency filing such action determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide notice and a copy of the complaint to the Commission at the time the action is filed.

(b) INTERVENTION BY FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Upon receiving notice under subsection (a)(2), the Commission may intervene in the action that is the subject of such notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), the Commission may—

(A) be heard with respect to any matter that arises in that action; and

(B) file a petition for appeal.

(c) CONSTRUCTION.—Nothing in this Act may be construed to prevent an attorney general of a State, a State utility commission, or an authorized State consumer protection agency from exercising the powers conferred on the attorney general, a State utility commission, or an authorized State consumer protection agency by the laws of that State—

(1) to conduct investigations;

(2) to administer oaths or affirmations;

(3) to compel the attendance of witnesses or the production of documentary and other evidence;

(4) to enforce any State consumer protection laws of general applicability; or

(5) to establish or utilize existing administrative procedures to enforce the provisions of the law of such State.

(d) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 7. APPLICATION.

The regulations prescribed under section 3 and the provisions of section 4 shall apply to any prepaid telephone calling card issued or placed into the stream of commerce, and to any advertisement, promotion, point-of-sale material or voice prompt regarding a prepaid telephone calling service that is created or disseminated 90 days after the date on which the regulations are prescribed under section 3(a).

SEC. 8. PREEMPTION.

Nothing in this Act shall affect the authority of any State to establish or continue in effect a provision of the law of a State relating to regulation of prepaid calling cards, prepaid calling card distributors, prepaid calling services, or prepaid calling service providers, except to the extent that such provision of law is inconsistent with the provisions of this Act or a regulation prescribed under this Act, and then only to the extent of such inconsistency. A provision of the law of a State is not inconsistent with this Act or a regulation prescribed under this Act if such provision provides equal or greater protection to consumers than what is provided under this Act or the regulations prescribed under this Act.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 3000. A bill to amend title 38, United States Code, to include Federally recognized tribal organizations in certain grant programs of the Department of Veterans Affairs for the several States and territories, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, today I proudly introduce, along with my good friend and colleague, the senior Senator from Hawaii, Senator DANIEL INOUYE, the Native American Veterans Access Act. This measure would provide equitable veterans' services to Native Americans by allowing tribal governments to apply for veterans' program grants currently limited to States, and in some cases, even U.S. Territories.

Native veterans have a long history of honorable and extraordinary service in our national defense. From the American Indians who served alongside General George Washington, to Nainoa Hoe, a Native Hawaiian soldier who was killed on patrol in Iraq while carrying the battle flag his father held in Vietnam, native veterans have served bravely and honorably.

Unfortunately, too often our Nation's track record in serving native veterans does not match their service. Especially in the case of native veterans who return to their ancestral homelands, reservation communities, or tribal villages, many native veterans are geographically and culturally disconnected from the services provided by State and Federal veterans' programs.

Part of the problem is that veterans' programs are not always designed with native veterans in mind. For example, while the Department of Veterans Affairs and Department of Labor operate several exemplary veterans' grant programs for State governments, most of these programs are not open to tribal governments. The bill I am introducing today would address this issue, by giving tribal governments access to many of these important programs.

First, my bill would provide access to VA's two nursing home grants, which help local governments construct veterans' nursing homes and pay for nursing home care, adult day care, domiciliary care, and hospital care. It is important that tribal governments be included in these grants, given the expected rise in the number of older native veterans. The U.S. Census projects that while the overall number of older veterans will decrease by 10 percent by 2020, during that same period the number of older native veterans will increase by 60 percent. This expected boom in older native veterans makes it important that we give tribal governments the same opportunities we already provide State governments to care for their elder veterans.

My bill would also give the Secretary of Labor discretion to include tribal governments in Veterans Employment and Training programs and grants. Veterans' employment services are much needed among native veterans, and in Indian Country. Census data indicates that American Indian and Alaska Native veterans are twice as likely as other veterans to be unemployed. For those veterans living on-reservation, the labor market is shamefully dismal: a recently published report from the Bureau of Indian Affairs found on-reservation unemployment to be 49 percent. That unemployment rate is twice as high as national unemployment was during the worst year of the Great Depression. Surely it is not too much to ask that tribal governments in these circumstances be considered for the veterans' employment programs States and U.S. Territories already have access to.

I ask my colleagues to join me in supporting these measures, as we work towards parity in access and benefits for Native American veterans.

Mr. President, I ask unanimous consent that the text of the bill be printed in the the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native American Veterans Access Act of 2008".

SEC. 2. INCLUSION OF FEDERALLY RECOGNIZED TRIBAL ORGANIZATIONS IN CERTAIN GRANT PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR THE STATES AND TERRITORIES.

(a) TREATMENT OF TRIBAL ORGANIZATION HEALTH FACILITIES AS STATE HOMES.—Section 8138 of title 38, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) A health facility (or certain beds in a health facility) of a tribal organization is treatable as a State home under subsection (a) in accordance with the provisions of that subsection.

"(2) Except as provided in paragraph (3), the provisions of this section shall apply to a health facility (or certain beds in such facility) treated as a State home under subsection (a) by reason of this subsection to the same extent as health facilities (or beds) treated as a State home under subsection (a).

"(3) Subsection (f) shall not apply to the treatment of health facilities (or certain beds in such facilities) of tribal organizations as a State home under subsection (a).

"(4) In this subsection, the term 'tribal organization' has the meaning given such term in section 3764(4) of this title.".

(b) STATE HOME FACILITIES FOR DOMICILIARY, NURSING, AND OTHER CARE.—

(1) IN GENERAL.—Chapter 81 of such title is further amended—

(A) in section 8131, by adding at the end the following new paragraph:

"(5) The term 'tribal organization' has the meaning given such term in section 3764(4) of this title.";

(B) in section 8132, by inserting "and tribal organizations" after "the several States"; and

(C) by inserting after section 8133 the following new section:

"§ 8133A. Tribal organizations

"(a) The Secretary may make grants to tribal organizations under this subchapter in order to carry out the purposes of this subchapter.

"(b) Grants to tribal organizations under this section shall be made in the same manner, and under the same conditions, as grants made to the several States under the provisions of this subchapter, subject to such exceptions as the Secretary shall prescribe for purposes of this subchapter to take into account the unique circumstances of tribal organizations.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by inserting after the item relating to section 8133 the following new item:

"8133A. Tribal organizations.".

(c) JOB COUNSELING, TRAINING AND PLACEMENT SERVICES FOR VETERANS.—Section 4101 of such title is amended—

(1) in paragraph (6), by inserting "tribal organizations," after "to the extent determined necessary and feasible,"; and

(2) by adding at the end the following new paragraph:

"(9) The term 'tribal organization' has the meaning given such term in section 3764(4) of this title.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 555—RECOGNIZING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE CONGRESSIONAL CLUB.

Mr. ENZI (for himself, Mr. NELSON of Florida, Mr. WICKER, and Mr. NELSON of Nebraska) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 555

Whereas the Congressional Club was organized in 1908 by 25 women who were influential in Washington's official life and who wanted to establish a nonsectarian and nonpolitical group that would promote friendship and cordiality in public life;

Whereas those women founded the Club to bring the wives of Members of Congress together in a hospitable and compatible environment in the Nation's Capital;

Whereas the Congressional Club was officially established in 1908 by a unanimous vote in both the Senate and the House of Representatives and is the only club in the world to be founded by an Act of Congress;

Whereas the Act entitled "An Act to incorporate the Congressional Club" (35 Stat. 476, chapter 226) was signed by President Theodore Roosevelt on May 30, 1908;

Whereas the Congressional Club's founding was secured by womanly wiles and feminine determination in the enactment of that Act unanimously on May 28, 1908, in order to overcome the opposition of Representative John Sharp Williams of Mississippi, who opposed all women's organizations;

Whereas, when Representative Williams was called out of the chamber by Mrs. Williams, the good-mannered representative obliged and withdrew his opposition and request for a recorded vote, saying, "upon this particular bill there will not be a roll call, because it would cause a great deal of domestic unhappiness in Washington if there were";

Whereas the first Congressional Clubhouse was at 1432 K Street Northwest in Washington, District of Columbia, and opened on December 11, 1908, with a reception for President-elect and Mrs. William Taft;

Whereas, after Mrs. John B. Henderson of Missouri donated land on the corner of New Hampshire Avenue and U Street Northwest, the cornerstone of the current Clubhouse was laid at that location on May 21, 1914;

Whereas that Clubhouse was built by George Totten in the Beaux Arts style and is listed on the National Register of Historic Places;

Whereas the mortgage on the Clubhouse was paid for by the sales of the Club's cookbook and the mortgage document was burned by Mrs. Bess Truman in a silver bowl on the 40th anniversary of the Club's founding;

Whereas the Congressional Club has remained a good neighbor on the U Street corridor for more than 90 years, encouraging the revitalization of the area during a time of socioeconomic challenges and leading the way in upkeep and maintenance of historic property;

Whereas the Congressional Club honors and supports the people in its neighborhood by inviting the local police and fire departments to the Clubhouse for lunch and delivering trays of Member-made cookies and candies to them during the holidays, by hosting an annual Senior Citizens Appreciation Day luncheon for residents of a neighborhood nursing home, and by hosting an annual holiday brunch for neighborhood children each December that includes a festive meal, gifts, and a visit from Santa Claus;

Whereas the Congressional Club has hosted the annual First Lady's Luncheon every spring since 1912 and annually donates tens of thousands of dollars to charities in the name of the First Lady;

Whereas, among its many charitable recipients, the Congressional Club has chosen mentoring programs, United National Indian Tribal Youth, literacy programs, the White House library, youth dance troupes, domestic shelters, and child care centers;

Whereas the Congressional Club members, upon the suggestion of Mrs. Eleanor Roosevelt, have been encouraged to become discussion leaders on national security in their home States, from the trials of World War II to the threats of terrorism;

Whereas the Congressional Club extends the hand of friendship and goodwill globally by hosting an annual diplomatic reception to entertain the spouses of ambassadors to the United States;

Whereas the Congressional Club is solely supported by membership dues and the sale of cookbooks and has never received any Federal funding;

Whereas the 14 editions of the Congressional Club cookbook, first published in 1928, reflect the life and times of the United States with recipes and signatures of Members of Congress, First Ladies, Ambassadors, and members of the Club;

Whereas the Congressional Club membership has expanded to include spouses and daughters of Representatives, Senators, Supreme Court Justices, and Cabinet members;

Whereas 7 members of the Congressional Club have become First Lady: Mrs. Florence Harding, Mrs. Lou Hoover, Mrs. Bess Truman, Mrs. Jacqueline Kennedy, Mrs. Patricia Nixon, Mrs. Betty Ford, and Mrs. Barbara Bush;

Whereas several members of the Congressional Club have been elected to Congress, including Mrs. Jo Ann Emerson, Mrs. Lois Capps, and Mrs. Mary Bono, and former presidents of the Congressional Club Mrs. Lindy Boggs and Mrs. Doris Matsui;

Whereas leading figures in politics, the arts, and the media have visited the Clubhouse throughout the past 100 years;

Whereas the Congressional Club is home to the First Lady's gown display, a museum with replica inaugural and ball gowns of the First Ladies from Mrs. Mary Todd Lincoln to Mrs. Laura Bush;

Whereas the Congressional Club is charged with receiving the Presidential couple, honoring the Vice President and spouse, the Speaker of the House of Representatives and spouse, and the Chief Justice and spouse, and providing the orientation for spouses of new Members of Congress; and

Whereas the Congressional Club will celebrate its 100th anniversary with festivities and ceremonies during 2008 that include the ringing of the official bells of the United States Congress, a Founder's Day program, a birthday cake at the First Lady's Luncheon, an anniversary postage stamp and cancellation stamp, a 100-year pin and pendant designed by former president Lois Breaux, and invitations to President and Mrs. Bush, Speaker and Mr. Pelosi, and Chief Justice and Mrs. Roberts to visit and celebrate 100 years of public service, civility, and growth at the Congressional Club: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of the founding of the Congressional Club;

(2) acknowledges the contributions of political spouses to public life in the United States and around the world through the Congressional Club for the past 100 years;

(3) honors the past and present membership of the Congressional Club; and

(4) encourages the people of the United States—

(A) to strive for greater friendship, civility, and generosity in order to heighten public service, elevate the culture, and enrich humanity; and

(B) to seek opportunities to give financially and to volunteer to assist charitable organizations in their own communities.

SENATE RESOLUTION 556—CONGRATULATING CHARTER SCHOOLS AND THEIR STUDENTS, PARENTS, TEACHERS, AND ADMINISTRATORS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION, AND FOR OTHER PURPOSES.

Ms. LANDRIEU (for herself, Mr. ALEXANDER, Mr. LIEBERMAN, Mr. BURR, Mr. VITTER, Mr. GREGG, Mr. SUNUNU, Mr. ALLARD, Mr. ISAKSON, and Mr. CARPER) submitted the following resolution; which was considered and agreed to:

S. RES. 556

Whereas charter schools deliver high-quality education and challenge all students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 4,300 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,200,000 students;

Whereas, over the last 14 years, Congress has provided over $2,237,256,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas many charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas over 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public school system;

Whereas charter schools have enjoyed broad bipartisan support from the President, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the 9th annual National Charter Schools Week, to be held May 5 through May 9, 2008, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, especially their impressive results closing America's persistent achievement gap, and improving and strengthening our public school system.

(2) supports the ideas and goals of the 9th annual National Charter Schools Week; and

(3) encourages the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

SENATE RESOLUTION 557—SUPPORTING THE GOALS AND IDEALS OF NATIONAL TRAIN DAY

Mr. LAUTENBERG (for himself, Mrs. HUTCHISON, Mr. BAUCUS, Mr. BIDEN, Mr. CARPER, Mrs. CLINTON, Mr. DORGAN, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Mr. SCHUMER, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DOMENICI, Ms. SNOWE, Mr. CRAPO, Mr. COCHRAN, Mr. SPECTER, Mr. LIEBERMAN, Mr. BAYH, and Mr. BROWN) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 557

Whereas, on May 10, 1869, the "golden spike" was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, in highly populated regions, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option, reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas passenger rail provides a more energy-efficient form of transportation compared to autos or air travel;

Whereas passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases;

Whereas Amtrak annually provides intercity passenger rail travel to over 25,000,000 Americans residing in 46 States;

Whereas an increasing number of people are using trains for travel purposes beyond commuting to and from work;

Whereas our railroad stations are a source of civic pride, a gateway to our communities, and a tool for economic growth; and

Whereas Amtrak has designated May 10, 2008, as National Train Day to celebrate the way trains connect people and places: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4733. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. NELSON of Florida, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

SA 4734. Mr. ENSIGN (for himself and Mr. REID) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4735. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4736. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra.

SA 4737. Mr. REID (for himself, Mr. DORGAN, Mr. BINGAMAN, Mrs. BOXER, Mr. LEVIN, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Mr. BROWN, Mr. SANDERS, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. CARPER, Mr. INOUYE, Mr. LAUTENBERG, Mr. SALAZAR, Mr. REED, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4738. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4739. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4740. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4741. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4742. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4743. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4744. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4745. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4746. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4747. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4748. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

SA 4749. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4733. Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. SCHUMER, Mr. NELSON of Florida, and Mrs. CLINTON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

On page 34, between lines 14 and 15, insert the following:

(d) COMMUNICATION AND OUTREACH.—

(1) IN GENERAL.—The Director shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects of—

(i) any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) REQUIRED ACTIVITIES.—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available such owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

On page 34, line 15, strike "(d)" and insert "(e)".

SA 4734. Mr. ENSIGN (for himself and Mr. REID) proposed an amendment to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. FERNLEY FLOOD COMPENSATION.

(a) DEFINITIONS.—In this section:

(1) COVERED PERSON.—The term "covered person" means a United States citizen, an alien lawfully admitted for permanent residence, the City of Fernley, Lyon County, a person that is not an individual, or a school district.

(2) FERNLEY FLOOD.—The term "Fernley flood" means the breach of the Truckee Irrigation Canal on January 5, 2008, and subsequent flooding of the City of Fernley, Nevada.

(3) INJURED PARTY.—The term "injured party" means a covered person that suffered damages resulting from the Fernley flood.

(b) COMPENSATION AND SOURCE OF FUNDS.—

(1) COMPENSATION.—Each injured party shall be eligible to receive from the United States compensation for damages suffered as a result of the Fernley flood.

(2) SOURCE OF FUNDS.—The Director shall compensate each injured party for damages resulting from the Fernley flood from the permanent judgment appropriation under section 1304 of title 31, United States Code.

(c) INSURANCE AND OTHER BENEFITS.—The Director shall reduce the amount to be paid to an injured party relating to the Fernley flood by an amount that is equal to the total of insurance benefits (excluding life insurance benefits) or other payments or settlements of any nature relating to the Fernley flood that were paid, or will be paid, to that injured party.

(d) ACCEPTANCE OF AWARD.—The acceptance by a injured party of any payment under this section shall (excluding claims relating to life insurance benefits)—

(1) be final and conclusive as to any claim of that injured party relating to damages suffered because of the Fernley flood; and

(2) constitute a complete and full release of all claims of that injured party relating to the Fernley flood against the United States, the State of Nevada, Lyon County, Nevada, the City of Fernley, Nevada, and the Truckee-Carson Irrigation District.

(e) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Director shall promulgate and publish in the Federal Register interim final regulations to carry out this section.

SA 4735. Mr. THUNE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

At the end, add the following:

TITLE III—MISCELLANEOUS

SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

SA 4736. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; as follows:

On page 10, between lines 16 and 17, insert the following:

(3) ACCURATE PRICING.—In carrying out the mandatory purchase requirement under paragraph (1), the Director shall ensure that the price of flood insurance policies in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other the man-made structure in such area.

On page 31, after line 14 add:

"(v) The level of protection provided by man-made structures."

On page 10, after line 16, insert:

(d)—upon decertification of any levee, dam, or man-made structure under the jurisdiction of the Army Corps of Engineers, the

Corps shall immediately provide notice to the Director of the National Flood Insurance program.

SA 4737. Mr. REID (for himself, Mr. DORGAN, Mr. BINGAMAN, Mrs. BOXER, Mr. LEVIN, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Mr. BROWN, Mr. SANDERS, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Ms. LANDRIEU, Mr. CARPER, Mr. INOUYE, Mr. LAUTENBERG, Mr. SALAZAR, Mr. REED, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

SA 4738. Ms. STABENOW (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 4707 proposed by Mr. DODD (for himself and Mr. SHELBY) to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, after line 19, insert the following:

(e) STUDY ON GRAND RIVER FLOODWALL.—

(1) IN GENERAL.—The Director and the Corps of Engineers, in conjunction with the City of Grand Rapids, shall conduct a study on the Grand River Floodwall in Grand Rapids, Michigan, to determine if such Floodwall (which is built one foot above the existing 100-year flood levels) is adequate to provide flood protection.

(2) NO COST TO CITY.—The study required under paragraph (1) shall be conducted at no cost to the City of Grand Rapids.

(3) TERMS OF ANALYSIS.—In making the determination required under paragraph (1), the Director and the Corps of Engineers shall—

(A) use the best and most appropriate geologic, hydrologic, climate data, and flood modeling available;

(B) fully analyze and identify—

(i) the overall risk of failure of the Grand River Floodwall to the City of Grand Rapids;

(ii) the existing flood protection measures provided by such Floodwall; and

(iii) the risk remaining to the City of Grand Rapids after consideration of the existing flood protection measures provided by such Floodwall; and

(C) assign a realistic cost to taking measures to insure against the remaining risk identified under subparagraph (B).

(4) NO UPDATE OF FLOODMAPS UNTIL STUDY COMPLETED.—During the period beginning on the date of the enactment of this Act and ending on the date on which the study required under paragraph (1) is completed, the Director may not issue any updated flood insurance rate maps for the City of Grand Rapids.

SA 4739. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968; to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider any potential adverse effects on competition in urban and rural areas with fewer than 200,000 residents.

SA 4740. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON EXISTING CODE-SHARING AGREEMENTS AND PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines to assess whether, because of existing code-sharing agreements between Northwest Airlines, Air France, and KLM Royal Dutch Airlines—

(1) such merger would provide greater access to United States air transportation markets by Air France and KLM Royal Dutch Airlines; and

(2) such increased access would be in the United States public interest.

SA 4741. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insuance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

In reviewing the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice shall consider whether Northwest Airlines or Delta Air Lines would be able to continue business operations if such proposed merger does not occur.

SA 4742. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insuance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term "rural areas" means areas having fewer than 50,000 residents.

SA 4743. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insuance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report to Congress regarding, the effect of the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, on—

(1) the compensation of executives of such companies; and

(2) the liabilities of the employee pension benefit plans of such companies relating to employees that are not executive-level employees.

SA 4744. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

(a) IN GENERAL.—For any covered airline merger, the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) for that covered airline merger shall expire on the latter of—

(1) the date that is 1 year after the date of enactment of this Act; or

(2) the date that such waiting period otherwise expires under section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) (including such later date as may be set under subsection (e)(2) or (g)(2) of such section).

(b) DEFINITION OF COVERED AIRLINE MERGER.—In this section, the term "covered airline merger" means any acquisition of voting securities or assets of a person in the air transport services industry—

(1) relating to which—

(A) a notice is filed pursuant to the rules under section 7A(d)(1) of the Clayton Act (15 U.S.C. 18a(d)(1)) during the 1-year period beginning on the date of enactment of this Act; or

(B) the waiting period described in section 7A(b)(1) of the Clayton Act (15 U.S.C. 18a(b)(1)) has not expired on the date of enactment of this Act; and

(2) that the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice determines is likely to result in layoffs in, or reductions in air transport services to, rural areas.

SA 4745. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON NEW COMMERCIAL AIRLINE ENTRIES INTO RURAL MARKETS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on new commercial airline entries into rural markets.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

SA 4746. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. STUDY ON IMPACT OF PROPOSED MERGER BETWEEN DELTA AIR LINES AND NORTHWEST AIRLINES ON AIR TRANSPORTATION MARKET IN EUROPE.

The Secretary of Transportation shall conduct a study on the proposed merger between Delta Air Lines and Northwest Airlines—

(1) to estimate, if such merger were completed, what share of the air transportation market in Europe such merged entity would have, taking into consideration the Open Skies Initiative; and

(2) to determine whether permitting such merger would violate any trade agreement with respect to which the United States is a party.

SA 4747. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. STUDY OF THE IMPACT THAT AIRLINE MERGERS HAVE HAD ON RURAL AREAS.

(a) IN GENERAL.—The Attorney General shall conduct a study on the impact that airline mergers have had on rural areas since deregulation of the airline industry in 1978.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit the findings from the study required by subsection (a) to Congress.

(c) DEFINITION.—In this section, the term "rural areas" means areas having fewer than 50,000 residents.

SA 4748. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. ___. ACTION BY STATE ATTORNEYS GENERAL AGAINST DELTA AND NORTHWEST MERGER.

Congress encourages the Attorney General of any State adversely impacted by the proposed Delta and Northwest merger to bring an action under the Clayton Act to enjoin the merger or recover any appropriate damages.

SA 4749. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 2284, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIRLINE MERGERS.

The Comptroller General of the United States shall conduct a study of, and submit a report regarding, whether the proposed merger of Northwest Airlines and Delta Air Lines announced April 14, 2008, will harm air transport services in rural areas.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled. The hearing will be held on Thursday, June 5, 2008, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony regarding off-highway vehicle management on public lands.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to rachel_pasternack@energy.senate.gov.

For further information, please contact Rachel Pasternack at (202) 224–0883 or Scott Miller at 202–224–5488.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee onIndian Affairs will meet on Tuesday, May 13, at 2:30 p.m. in room 562 of the Dirksen Senate Office Building to conduct an oversight hearing on "the successes and shortfalls of Title IV of the Indian Self-Determination and Education Assistance Act: Twenty Years of Self-Governance".

Those wishing additional information may contact the Indian AffairsCommittee at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, May 8, 2008, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, May 8, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Goods Movement on our Nation's Highways."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 8, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled "More Work, Less Resources: Social Security Field Offices Struggle to Deliver Service to the Public".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Cancer: Challenges and Opportunities in the 21st Century" on Thursday, May 8, 2008. The hearing will commence at 9 a.m. in room 216 of the Hart Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, May 8, 2008, to conduct a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 8, 2008, at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. DODD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 8, 2008, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, May 8, 2008, at 10 a.m. to conduct a hearing entitled, "From Candidates to Change Makers: Recruiting and Hiring the Next Generation of Federal Employees."

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CRAIG. Madam President, I ask unanimous consent that Colin Jones, a congressional fellow in my office from the Idaho National Laboratory, have floor privileges during the duration of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE DEDICATION AND SACRIFICE OF LAW ENFORCEMENT OFFICERS

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 729, S. Res. 537.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 537) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, today the Senate Judiciary Committee unanimously reported S. Res. 537 to the Senate floor. In recognition of those officers who lost their lives in 2007, the full Senate has now passed this resolution. I thank Senators SPECTER, KENNEDY, DURBIN, KOHL, FEINSTEIN, SCHUMER, HATCH, WHITEHOUSE, BIDEN, CARDIN, and BAUCUS for joining me in sponsoring this resolution. And I thank the full Senate for showing its strong support and appreciation of America's law enforcement officers by unanimously passing this resolution. It is something in which we can all take pride.

Last year, in 2007, 181 law enforcement officers died while serving in the line of duty. That is a regrettable and significant increase from just 1 year earlier. Tragically, it is the most line-of-duty deaths since 2001 and the losses from September 11 of that year. The magnitude of this loss should remove any doubts in Congress that it is necessary to give these men and women everything they need to stay safe, and to do their jobs as effectively as they can.

Currently, more than 900,000 men and women who guard our communities do so at great risk. Since the first recorded police death in 1792, there have been more than 18,200 law enforcement officers who have made the ultimate sacrifice. There is lots of talk about the war on crime. Our law enforcement officers are all too often the casualties in that effort, and the officers who lost their lives in 2007 are a stark reminder that we must not let up in our support of those who work day-in and day-out in the service of their communities and fellow citizens.

I also take this opportunity to recognize that the names of 358 fallen officers will be added to the National Law Enforcement Officers Memorial on May 13 during a candlelight vigil that will be held in their honor. These are officers from the past and present whose memory will be preserved at the memorial, ensuring that their bravery and sacrifice will not be forgotten.

National Peace Officers Memorial Day provides the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by those members of our police forces. More than 20,000 peace officers are expected to gather in Washington in the days leading up to May 15, to join with the families of their fallen comrades. It is right that the Senate show its respect on this occasion, and I thank all Senators for joining me in honoring their service and their memory by approving this bipartisan resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 537) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 537

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 900,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of the peace;

Whereas peace officers are on the front lines in protecting the schools and schoolchildren of the United States;

Whereas 181 peace officers across the United States were killed in the line of duty during 2007, tragically the highest yearly total since 2001;

Whereas Congress should strongly support initiatives to reduce violent crime and to increase the factors that contribute to the safety of law enforcement officers, including—

(1) better equipment and increased use of bullet-resistant vests;

(2) improved training; and

(3) advanced emergency medical care;

Whereas, every 2 days on average, 1 out of every 16 peace officers is assaulted, 1 out of every 56 peace officers is injured, and 1 out of every 5,500 peace officers is killed in the line of duty somewhere in the United States; and

Whereas, on May 15, 2008, more than 20,000 peace officers are expected to gather in Washington, District of Columbia, to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2008, as "Peace Officers Memorial Day", in honor of the Federal, State, and local law enforcement officers that have been killed or disabled in the line of duty; and

(2) calls on the people of the United States to observe that day with appropriate ceremonies, appreciation, and respect.

CONGRATULATING CHARTER SCHOOLS FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 556, which was submitted earlier today by Senator LANDRIEU.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 556) congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I am pleased today to rise in honor of National Charter School week. The role of charter schools has become increasingly important as these institutions have become one of the fastest-growing innovative forces in education policy. In the past 4 years, 1,600 new charter schools opened and 500,000 additional public school students chose to enroll in charter schools. In the fall of 2007, 350 new public charter schools opened and an additional 115,000 public school students enrolled in these schools. Nationwide in 40 States and Washington, DC, over 4,300 public charter schools enroll more than 1.2 million public school students.

As many of you know, I have been a longtime advocate of charter schools, which not only help to better educate students, but can also help to build stronger, more prosperous cities. As incubators of innovation in education, public charter schools are an indispensable component of our Nation's educational landscape.

Back home in New Orleans, in the aftermath of the catastrophic devastation from Hurricanes Katrina and Rita came an opportunity to recreate a public school system through bold innovation and community involvement. The educational entrepreneurship of public charter schools has been integral to the city's recovery. They are inspiring positive changes throughout the system, as other schools work to cultivate the same benefits. Our hope is that all public schools in New Orleans will enjoy the same entrepreneurship, independence, and community involvement that the public charter schools have fostered.

Public charter schools were the first schools to open after the storm and they have since thrived. Today more than 57 percent of the city's public school students attend public charter schools, and more than half of our public schools are independently chartered, the highest percentage in the country.

Moreover, public charter schools are gaining momentum and support around the Nation. The recently released 2008 Public Charter School Dashboard included a national opinion poll that found that more than three out of four voters favor giving parents more options when choosing a public school for their children.

As we celebrate National Charter Schools Week with this resolution, it is my sincere hope that Congress will commit to supporting the growth of charter schools as critical tools for closing the achievement gap.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 556) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 556

Whereas charter schools deliver high-quality education and challenge all students to reach their potential;

Whereas charter schools provide thousands of families with diverse and innovative educational options for their children;

Whereas charter schools are public schools authorized by a designated public entity that are responding to the needs of our communities, families, and students and promoting the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 40 States and the District of Columbia have passed laws authorizing charter schools;

Whereas more than 4,300 charter schools are now operating in 40 States and the District of Columbia, serving more than 1,200,000 students;

Whereas, over the last 14 years, Congress has provided over $2,237,256,000 in support to the charter school movement through facilities financing assistance and grants for planning, startup, implementation, and dissemination;

Whereas many charter schools improve their students' achievement and stimulate improvement in traditional public schools;

Whereas charter schools must meet the student achievement accountability requirements under the Elementary and Secondary Education Act of 1965 in the same manner as traditional public schools, and often set higher and additional individual goals to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public schools, routinely measure parental satisfaction levels, and must prove their ongoing success to parents, policymakers, and their communities;

Whereas over 50 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill over 1,100 average-sized charter schools;

Whereas charter schools nationwide serve a higher percentage of low-income and minority students than the traditional public school system;

Whereas charter schools have enjoyed broad bipartisan support from the President, Congress, State Governors and legislatures, educators, and parents across the United States; and

Whereas the 9th annual National Charter Schools Week, to be held May 5 through May 9, 2008, is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of charter schools: Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges and commends charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, especially their impressive results closing America's persistent achievement gap, and improving and strengthening our public school system.

(2) supports the ideas and goals of the 9th annual National Charter Schools Week; and

(3) encourages the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week long celebration in communities throughout the United States.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Foreign Relations Committee then be discharged of the nomination of William J. Burns to be an Under Secretary of State and that the Senate then proceed to the nomination; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

William J. Burns, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Under Secretary of State (Political Affairs).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, MAY 12, 2008

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. Monday, May 12; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, as under a previous order, the time until 5:30 p.m. Monday will be equally divided and controlled between the two leaders or their designees. As previously announced, there will be no rollcall votes Monday. Senators should expect a series of votes to begin as early as 11 a.m. Tuesday.

ADJOURNMENT UNTIL MONDAY, MAY 12, 2008, AT 2 P.M.

Ms. KLOBUCHAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Monday, May 12, 2008, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

GLEN E. CONRAD, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE H. EMORY WIDENER, JR., RETIRED.

ELECTION ASSISTANCE COMMISSION

DONETTA DAVIDSON, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011. (REAPPOINTMENT)

ROSEMARY E. RODRIGUEZ, OF COLORADO, TO BE A MEMBER OF THE ELECTION ASSISTANCE COMMISSION FOR A TERM EXPIRING DECEMBER 12, 2011. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BRIAN M. BOLDT
STEVEN H. CRAIG
LYNDAL R. EMERSON
MASSIMO D. FEDERICO
JOSEPH S. JONES
LEAH K. KERNAN
CAROLINE K. MANS
JOSHUA D. MITCHELL
BENJAMIN N. PALMER
ERIN S. SEEFELDT
CHRISTOPHER L. TRACY

DISCHARGED NOMINATION

The Senate Committee on Foreign Relations was discharged from further consideration of the following nomination and the nomination was confirmed:

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, May 8, 2008:

DEPARTMENT OF STATE

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AN UNDER SECRETARY OF STATE (POLITICAL AFFAIRS).

HOUSE OF REPRESENTATIVES—*Thursday, May 8, 2008*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. MCNULTY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 8, 2008.

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of the ages and Lord of all.

Here in America You find a Nation that is fully modern yet guided by ancient and eternal truths. The United States is a very innovative, creative, and dynamic country and among the most religious on Earth. Here, faith and reason were part of our foundation and coexist in harmony to this very day. This is not only one of America's greatest strengths; it is one of the reasons our land remains a beacon of hope and opportunity for millions across the world.

Lord, may America's quest for freedom continue to be guided by the conviction that the principles governing political and social life are intimately linked to a moral order based on the dominion of God the Creator who created all women and men equal and endowed with inalienable rights grounded in the laws of nature and nature's God. This vision, Lord, gives us the power to act giving You glory now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri (Mr. CARNAHAN) come forward and lead the House in the Pledge of Allegiance.

Mr. CARNAHAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 308. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service.

The message also announced that the Senate has agreed to concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 72. Concurrent Resolution supporting the goals and ideals of the International Year of Sanitation.

S. Con. Res. 81. Concurrent Resolution supporting the goals and ideals of National Women's Health Week.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 2929) "An Act to temporarily extend the programs under the Higher Education Act of 1965.".

The message also announced that pursuant to Public Law 110–53, the Chair, on behalf of the Vice President, appoints the following individuals to serve as members of the commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism:

Graham Allison of Massachusetts.

Richard Verma of Maryland.

The message also announced that pursuant to Public Law 110–53, the Chair, on behalf of the Vice President, appoints the following individual to serve as a member and Chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism:

The Honorable BOB GRAHAM of Florida.

The message also announced that pursuant to Public Law 110–53, the Chair, on behalf of the Vice President, appoints the following individuals to serve as members of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism:

Robin Cleveland of Virginia.

James Talent of Missouri.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five 1-minute speeches on each side of the aisle.

HAPPY BIRTHDAY, HARRY S TRUMAN

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, in remembrance of President Truman's birthday today, I want to share a speech my grandfather, Representative A.S.J. Carnahan, made on this floor over half a century ago in April 1945 after Truman assumed the Presidency:

"Mr. Speaker, my own native State, Missouri, bows with the Nation and the world in sorrow at the loss of the late President Roosevelt. As we bow in the presence of divine providence and have committed a national leader to the ages, we must carry on. New hands must take up the task of national leadership. Missouri is honored to present to the Nation and the world the new American leader, President Harry S Truman.

"Born and reared on a Missouri farm, elected county judge, sent to the U.S. Senate, selected by President Roosevelt as a running mate, elected vice president and now President of the United States, it's typically Missourian and typically American. What could more truly represent the American tradition and spirit than from farm boy to President?

"This is the first time my beloved State of Missouri has furnished a President. We are happy it is Harry Truman. His honesty, ability, frankness, experience, and humility fit him for the very heavy tasks which lie ahead. He is equal to the occasion."

CONGRATULATING TROOPER ROBERT "BOBBY" HAYSLIP

(Mrs. SCHMIDT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, I rise today to congratulate Trooper Robert "Bobby" Hayslip of West Union, Ohio, for being awarded the Ohio State Highway Patrol's Trooper of the Year Award.

Trooper Bobby Hayslip was commissioned a State Trooper only 6 years ago as part of the 138th academy class and has quickly risen to the top. Bobby's District Commander, Captain Daniel Kolcum, best describes him as being hardworking and aggressive but also compassionate and professional.

Trooper Hayslip is known for being a leader in making both enforcement and

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

non-enforcement contacts; he is constantly working to keep Ohioans safe through investigations, assisting motorists, and getting drunk and impaired drivers off Ohio's roads. The dedication of Trooper Hayslip does not end after his shift. It continues in his free time as a volunteer working with local juvenile traffic offenders and at-risk high school students.

Mr. Speaker, I am very thankful that the best trooper in the State of Ohio is patrolling Ohio's Second Congressional District.

Congratulations, Bobby, and continued success in years to come.

WHY ARE WE STILL IN IRAQ?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, with this House on the threshold of granting the President $183 billion to continue the war in Iraq long past his term, it's an appropriate time to ask why are we still in Iraq, especially since the Democratic leadership promised the American people, 2 years ago, that if they voted Democrat, we'd move to end the war. Why are we still in Iraq?

Why are we still in Iraq? Iraq had nothing to do with 9/11, with al Qaeda's role in 9/11. Iraq didn't have weapons of mass destruction. Why have we lost 4,000 of our finest troops? Why have we seen tens of thousands of Americans injured? Why have we seen over a million innocent Iraqis killed?

The war is based on lies. The Bible says, you shall know the truth and the truth shall set you free. We need to start telling the truth here on this floor about the war in Iraq. And we need to end the war, end the occupation, close the bases, bring our troops home. Why are we still in Iraq?

This is a wake-up call for the American people. This is a wake-up call for the Congress. This is a wake-up call to stand for the truth.

THE NOBLE THREE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, America's lawmen are the last strand of wire in the fence between the law and the outlaws. They are all that stands between chaos and civilization, between the barbarians and the people, and between what is good and what is evil.

As we honor these lawmen, I give special attention to the Capitol Police Officers. These officers are on duty 24 hours a day in the halls, on the roof, and in the shadows of this Capitol diligently protecting this shrine of democracy.

Ten years ago, a madman entered the Capitol, shot and killed Officer Jacob Chestnut. He headed to the majority leader's office and wounded Officer Douglas McMillan and tourist Angela Dickerson. His shooting stopped after he murdered John Gibson, who literally gave his life for a Member of Congress.

In these hallowed halls, we have portraits and statues of great Americans that have lived before us, but the spirit of duty, sacrifice, and honor is still alive and on display daily by those Capitol Police who serve us so well. They carry on the tradition of Chestnut, McMillan, and Gibson, those noble three that stood in the line of fire for the rest of us.

And that's just the way it is.

HONORING STAFF SERGEANT MICHAEL BROUSSARD

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Today it gives me great pleasure to rise in honor of Staff Sergeant Michael Broussard of Contra Costa County's own Brentwood, California, for winning the 25th Best Ranger Competition, one of the Army's athletic achievements.

Held at Fort Benning, Georgia, the competition tests a Ranger's physical and mental toughness and self-discipline. Of the 28 participants, only 16 were able to complete the grueling 3-day athletic competition, which features some of the best athletes in the world.

Despite this honor, I believe Staff Sergeant Broussard's greatest achievement is that he repeatedly served this Nation with distinction by completing two deployments to Iraq and two deployments to Afghanistan.

Mr. Speaker, Sergeant Broussard is a true American hero and an example of the commitment, dedication, and capability of our men and women in uniform on and off the battlefield.

THE PRACTICE OF EARMARKS IS OUT OF CONTROL

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, many of us in this body have realized for quite a while that the practice of earmarking is out of control. When we herald the fact that we had a mere 12,000 earmarks last year, as opposed to only 15,000 a couple of years ago, we know that something is wrong.

But the exercise we went through last week was perhaps the best indication we had yet that we still have a long way to go. We authorized the Justice Department to investigate the origin of an immaculate earmark, an earmark that wasn't in either the House or Senate version of the bill, that only showed up when the President signed the legislation. The earmark was not in either the House or Senate version. Now, one would think that the discovery of an immaculate earmark would prompt an immediate congressional investigation. Instead, we waited 2 years and then authorized the Justice Department to look into it.

Mr. Speaker, we owe this great institution far better than we're giving it, from bridges to nowhere to teapot museums, to immaculate earmarks that we don't even pass, let alone scrutinize. We can do far better than this.

THE 60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

(Mr. BARROW asked and was given permission to address the House for 1 minute.)

Mr. BARROW. Mr. Speaker, in 6 days, on May 14, we observe the 60th anniversary of the declaration of the independence of the State of Israel. That's also the 60th anniversary, I'm proud to say, of the day that the administration of President Harry Truman recognized the State of Israel as a free and independent state.

Throughout the past 60 years, the relationship between the United States and Israel has been based on a shared commitment to democratic values. Also, for the past 60 years Israel has stood on the front lines in confronting those who would use terror against civilian populations as a means of bringing about political change.

Throughout that time, the United States has stood for the political independence and the physical security of the State of Israel. But we usually find ourselves as being in the rear echelons as standing behind Israel more than standing beside Israel. But not any more.

Ever since 9/11, we in the United States have come to realize that we're members of the same club, that we, too, stand on the front lines alongside Israel in an ongoing war on terror. We not only belong to the same philosophical society, we're also serving in the same outfit.

As we congratulate Israel on its 60th birthday, we look forward to the day when each of us will be able to devote less of our national treasures to the vital work of survival and national defense and be able, instead, to devote more of our national treasures to more profitable enterprises.

On behalf of my fellow Georgians, I congratulate Israel on this milestone, and I pledge my best efforts to making the next 60 years of our relationship together years of peace and prosperity.

STOP HOLDING THE VOTE ON H.R. 3058 HOSTAGE

(Mr. WALDEN of Oregon asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDEN of Oregon. Mr. Speaker, by refusing to renew the county payments program, Congress has broken its pledge to rural areas all across this country like Lake County, Oregon, where Federal land covers 61 percent of the county.

Lake County has had to cut its road department from 42 people to 14, the equipment is aging and overworked, it needs maintenance on the roads that's being deferred. In this winter's record snowfall, or near-record, Lake County had to call in the Oregon Air National Guard to come in and help plow the streets so the safety vehicles could get through this county that's larger than the States of Connecticut and Delaware combined. Now they will be forced to let paved roads revert to gravel.

H.R. 3058 would solve this problem and would help keep the roads open in Lake County and schools open throughout the west. Yet H.R. 3058 is still held hostage on the Union Calendar. It's been approved by the committees of this House. It has been held hostage since January 15. This is day 114.

All we're asking is that the majority schedule it for a vote on this House floor. Let us vote on secure rural schools and roads just to vote. That's all. Let's keep the commitment of the Federal Government for 100 years to these rural communities where Federal land makes up the bulk of their counties.

I call on the Democrat leadership, day 114 held hostage, H.R. 3058, bring it up for a vote.

□ 1015

JONELL STINNETT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, I rise to tell the story of Jonell Stinnett from my district in Fairdale, Kentucky. Here are her words:

"My story is about my brother and his wife who died last September. Carol, my sister-in-law, had colon cancer for over 7 years. She took chemo for the last 5 years of her life.

"My brother had a heart attack 2 years after she was diagnosed. A week after his heart surgery, he had a massive stroke which paralyzed his right side, and then he got a diabetic ulcer on his foot and finally had to have his leg amputated.

"Needless to say, their medical bills were massive. They lost everything they had worked for their whole life. I take care of him now, and he needed to file bankruptcy. He needs a ramp to get out his front door, a safe way to take a shower, but there is no help anywhere.

"I believe as an American citizen who has worked, paid taxes, and served his country in the Armed Forces, there should be some sort of help. I don't know what, but with all the intelligent people in Washington, it seems they could come up with some kind of plan for people like these so they don't lose all they have made."

That was Jonell Stinnett, one voice from Kentucky's Third District.

GAS PRICES

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Madam Speaker, I rise today because high gas prices are placing an increasingly heavy burden on everyone, including my fellow West Virginians. As gas prices continue to spike, we deserve a sound energy policy that creates new domestic sources of energy, increases supply and puts downward pressure on gas prices.

I've supported anti-gouging legislation and called on the President to halt shipments to the Strategic Petroleum Reserve, which could increase supply and possibly save as much as 24 cents from the price of a gallon of gas.

We've also increased fuel economy standards to make each gallon stretch a little further. Yet West Virginians deserve a more comprehensive, long-term solution that provides real stability and actually leads to the creation of new energy.

From clean coal to oil exploration and drilling to our desperate need for new refineries to expanded natural gas exploration, we have a wide range of options and ways to make a difference. Unfortunately, many of my colleagues on the other side of the aisle have stood in the way of a truly comprehensive energy policy.

It's time that Congress stop the rhetoric and work for real solutions.

NEIGHBORHOOD STABILIZATION ACT OF 2008

The SPEAKER pro tempore (Ms. SOLIS). Pursuant to House Resolution 1174 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5818.

□ 1018

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs, with Mr. MCNULTY (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose on Wednesday, May 7, 2008, a request for a recorded vote on amendment No. 7 printed in House Report 110-621 by the gentleman from Pennsylvania (Mr. ALTMIRE) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–621 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. HENSARLING of Texas.

Amendment No. 7 by Mr. ALTMIRE of Pennsylvania.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HENSARLING:

Page 2, line 10, strike "and grant".

Page 3, line 1, strike "and grants".

Page 3, line 10, strike "AND GRANTS".

Page 3, line 13, strike "make grants under section 5(a) to qualified States and".

Page 3, lines 18 and 19, strike "make a grant under this Act only to a State, and may".

Page 4, line 25, strike "grant and".

Page 5, line 3, strike "grant and".

Page 5, line 7, strike "grant or".

Page 6, line 8, strike "grant and".

Page 6, lines 21 and 22, strike "grant amounts, and for".

Page 7, line 1, strike "grant or".

Strike line 22 on page 8 and all that follows through page 9, line 2.

Page 9, line 9, strike "GRANT AMOUNTS AND".

Page 9, line 11, strike "grant amount or".

Page 9, lines 12 and 13, strike "foreclosure grant share".

Page 9, line 13, strike "or".

Page 9, lines 13 and 14, strike ", respectively,".

Page 9, line 20, strike "grant amount or".

Page 9, line 22, strike "foreclosure grant share or".

Page 9, line 23, strike ", respectively," and "the grant amount or".

Page 9, line 25, strike "foreclosure grant share or".

Page 10, line 1, strike ", respectively,".

Page 10, line 2, strike "grant amounts or".

Page 10, line 6, strike "grant amounts or".

Page 10, line 9, strike "grant amount or".

Page 10, line 11, strike "grant amount or".

Page 10, line 13, strike "foreclosure grant share or".

Page 10, line 14, strike ", respectively".

Page 10, line 16, strike "grant or".

Page 10, line 18, strike "or grants".

Strike line 23 on page 10 and all that follows through page 11, line 10.

Page 12, line 3, strike "grant and".

Page 12, strike lines 5 through 7.

Page 12, line 14, strike "grant amounts and".

Page 12, lines 17 and 18, strike "such grant amounts and".

Page 12, line 19, strike "grant amounts and".

Page 12, line 20, strike ", respectively,".

Page 13, line 8, strike "grant amounts and".

Page 13, lines 11 and 12, strike "grant amounts and".

Page 13, line 13, strike "grant amounts and".

Page 13, line 14, strike ", respectively,".

Page 14, lines 1 and 2, strike "grant and".

Page 14, line 5, strike "grant and".

Page 14, line 8, strike "grant and".

Page 14, line 12, strike "grant amounts and".

Page 14, line 17, strike "grant amounts and".

Page 17, strike lines 21 through 25.

Strike line 18 on page 19 and all that follows through page 21, line 24.

Page 22, line 2, strike "grant or".

Strike line 12 on page 22 and all that follows through page 24, line 4.

Page 24, line 6, strike "grant or".

Page 24, lines 7 and 8, strike "grant and".

Page 24, line 23, strike "or grant".

Page 24, line 25, strike "or grant".

Page 27, line 13, strike "grant or".

Page 27, line 19, strike "or grant".

Page 28, lines 12 and 13, strike "receives a grant under this Act or".

Page 28, lines 15 and 16, strike "obligation of such grant amounts and".

Page 28, line 20, strike "obligate all such grant amounts and".

Page 28, lines 24 and 25, strike "outlay all such grant amounts and".

Page 30, line 3, strike "a grant or" and insert "an".

Page 30, line 13, strike "grant or".

Page 30, lines 14 and 15, strike "grant or".

Page 30, line 19, strike "grant or".

Page 35, strike lines 8 through 10.

Page 35, line 21, strike "$7,500,000,000" and insert "$15,000,000,000".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 219, not voting 29, as follows:

[Roll No. 295]

AYES—190

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ruppersberger
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOES—219

Abercrombie
Ackerman
Allen
Altmire
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Cazayoux
Christensen
Clarke
Cleaver
Clyburn
Conyers
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Fortuño
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—29

Arcuri
Barrow
Bean
Bishop (GA)
Boren
Campbell (CA)
Carney
Chandler
Clay
Cohen
Cooper
Costa
Cramer
Cubin
Giffords
Goode
Hill
Loebsack
Mahoney (FL)
McHenry
McIntyre
Melancon
Moore (KS)
Pomeroy
Richardson
Rush
Schiff
Space
Young (AK)

□ 1045

Messrs. SERRANO, JOHNSON of Georgia, FARR, GORDON of Tennessee and Ms. SPEIER, Ms. ROS-LEHTINEN, Ms. SLAUGHTER and Mrs. GILLIBRAND changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. POMEROY. Mr. Chairman, on May 8, 2008, I missed rollcall vote No. 295. Had I been present, I would have voted in the following manner: Rollcall No. 295, "yea."

Mr. MCINTYRE. Mr. Chairman, on rollcall No. 295, had I been present, I would have voted "no."

Mr. SCHIFF. Mr. Chairman, on rollcall No. 295, had I been present, I would have voted "no."

Mr. WESTMORELAND. Mr. Chairman, parliamentary inquiry.

The Acting CHAIRMAN. The gentleman may state his inquiry.

Mr. WESTMORELAND. Mr. Chairman, in light of the conversation that the majority leader and the minority leader had last night as far as leaving votes open, and I believe the majority leader said the vote would be for 15 minutes, and then a 2-minute courtesy period, could you tell me the tally of the vote at the end of the 15 minutes and the 2-minute courtesy period?

The Acting CHAIRMAN. The gentleman has not stated a parliamentary inquiry.

POINT OF ORDER

Mr. WESTMORELAND. Mr. Chairman, I make a point of order under clause 2(a) of rule XX that the vote just ended was held open for the sole purpose of reversing the outcome.

The Acting CHAIRMAN. The Chair has considered whether the new sentence in clause 2(a) of rule XX should be enforceable in real time.

The black letter of the rule is not dispositive. It uses the mandatory "shall." It might just as well say "should," inasmuch as it is setting a standard of behavior for presiding officers. For this reason the Chair thinks it more sensible to enforce the rule on collateral bases, as by a question of the privileges of the House.

A set of "whereas" clauses in the preamble of a resolution could allege the facts and circumstances tending to indicate a violation more coherently than they could be articulated in argument on a point of order or in debate on an appeal. The resolving clause of a resolution could propose a fitting remedy, rather than requiring the instant selection of a remedy in the face of competing demands for vitiation of the putative result, reversal of the putative result, or admonishment of the presiding officer.

The Chair finds that the new sentence in clause 2(a) of rule XX does not establish a point of order having an immediate procedural remedy. Rather than contemplating a ruling from the Chair in real time, the language should be understood to establish a standard of behavior for presiding officers that might be enforced on collateral bases.

Mr. WESTMORELAND. Mr. Chairman, with that I appeal the ruling of the Chair.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to lay the appeal on the table.

The Acting CHAIRMAN. The motion to lay on the table is not in order in the Committee of the Whole.

The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This 15-minute vote on sustaining the ruling of the Chair will be followed by a 5-minute vote.

Mr. LINDER (during the vote). Mr. Chairman, I was standing right by the gentleman who made the motion. The motion was to appeal the ruling of the Chair.

Who changed the motion to sustaining it?

The Acting CHAIRMAN. The Chair would advise the gentleman from Georgia that the Chair put the question correctly, that it is whether the ruling of the Chair shall stand.

Mr. LINDER. That wasn't the motion. The motion was to appeal the ruling of the Chair.

The Acting CHAIRMAN. The question that the Chair properly put was whether the ruling of the Chair shall be sustained.

Mr. LINDER. Would you tell me who changed the ruling from "appeal" to "sustain"?

The Acting CHAIRMAN. The Chair would advise the gentleman from Georgia the question on appeal is, as always in the Committee of the Whole, "Shall the decision of the Chair stand as the judgment of the Committee?"

The Chair understands that the display board initially said "appealing the ruling of the Chair," which was incorrect. So for the information of all Members of the House, in case of any misapprehension, the question is on sustaining the ruling of the Chair, not on whether an appeal shall take place.

Mr. LINDER. I ask unanimous consent that the vote be restarted.

Mr. SCOTT of Virginia. I object.

Mr. LINDER. I ask unanimous consent that we vacate this vote.

The Acting CHAIRMAN. Objection is heard.

Mr. LINDER. So moved.

The Acting CHAIRMAN. Such a motion is not in order.

Voting will resume. All Members are advised that the question is on sustaining the ruling of the Chair. Adequate time will remain for any Member who wishes to verify his or her vote.

Mr. LINDER. Mr. Chairman, I ask unanimous consent again that we vacate the vote.

The Acting CHAIRMAN. Is there objection? The Chair hears none.

As soon as the Clerk is prepared, the pending vote will be vacated and the Chair will put the question anew.

The question before the House is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WALDEN of Oregon. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The Acting CHAIRMAN. This 15-minute vote will be followed by a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 182, answered "present" 6, not voting 15, as follows:

[Roll No. 296]

AYES—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth
Young (FL)

NOES—182

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Peterson (PA)
Petri
Pitts
Poe

Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

ANSWERED "PRESENT"—6

Gilchrest
Hulshof
LaTourette
Lungren, Daniel E.
Pence
Rohrabacher

NOT VOTING—15

Bachus
Boehner
Bordallo
Campbell (CA)
Cohen
Hunter
Loebsack
McCarthy (NY)
Miller, George
Paul
Pickering
Platts
Richardson
Rush
Wu

☐ 1121

Mr. ISSA changed his vote from "aye" to "no."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. ALTMIRE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. ALTMIRE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. ALTMIRE:

Page 36, after line 2, insert the following new section:

SEC. 15. INELIGIBLITY OF ILLEGAL ALIENS FOR ASSISTANCE.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this Act, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this Act shall be construed to alter the restrictions or definitions in such section 214.

Page 36, line 3, strike "**15**" and insert "**16**".

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 391, noes 33, not voting 14, as follows:

[Roll No. 297]

AYES—391

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Ortiz
Pallone
Pascrell
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Scalise
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—33

Baca
Baldwin
Clarke
Crowley
Diaz-Balart, L.
Diaz-Balart, M.
Ellison
Farr
Filner
Gonzalez
Grijalva
Gutierrez
Hirono
Honda
Johnson (GA)
Kucinich
Lee
McDermott
McGovern
Moore (WI)
Moran (VA)
Napolitano
Olver
Pastor
Ros-Lehtinen
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Serrano
Solis
Stark
Sutton
Woolsey

NOT VOTING—14

Baird
Bordallo
Campbell (CA)
Cohen
Cummings
Jackson-Lee (TX)
Loebsack
McCarthy (NY)
McCrery
Miller, George
Pickering
Richardson
Rush
Welch (VT)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members have less than 1 minute remaining to vote.

☐ 1130

Mr. ELLISON changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MCCARTHY of New York. Mr. Chairman, earlier today I was questioning witnesses on the arts and humanities as Chairwoman of the Healthy Families and Communities Subcommittee of the Education and Labor Committee. I missed two votes. I would like the RECORD to reflect how I would have voted had I been able to get to the floor in time.

Rollcall No. 296 on sustaining the ruling of the chair, I would have voted "aye."

Rollcall No. 297 on the Altmire amendment to H.R. 5818, I would have voted "aye."

PERSONAL EXPLANATION

Ms. BORDALLO. Mr. Chairman, I was unavoidable detained in a meeting earlier today, May 8, 2008, in the other body regarding legislation I have sponsored, and, therefore, was absent from the Chamber when rollcall votes 296 and 297 were taken. Had I been present for these two votes taken in the Committee of the Whole House on the state of the Union, I would have voted as follows: "aye" to sustain the ruling of the Chair (rollcall vote 296) and "aye" on the amendment offered by Mr. ALTMIRE of Pennsylvania to H.R. 5818 (rollcall vote 297).

Mr. DINGELL. Mr. Chairman, this legislation represents a fair, commonsense solution that will give assistance to communities struggling to deal with the problem of vacant homes, help stabilize the housing market, and help low income families obtain a home they can afford and be proud of.

The Neighborhood Stabilization Act will make available to communities throughout the Nation $15 billion in new zero interest loans and grants for the purchase and rehabilitation of foreclosed properties. State and local governments have been hit hard by the foreclosure crisis not only because they have been stuck with the bill for maintaining and securing vacant homes, but also because they face decreased property tax revenues. Not only are these properties off the tax rolls, but empty houses drive down the value of other homes in the neighborhood which further decreases tax revenues.

Just as important, this bill will get these homes occupied by families who truly need them. A priority will be given to low income families, families who have lost a home through foreclosure, as well as first responders, veterans, public school teachers, and homeless persons.

This measure will bring almost $600 million in assistance to the State of Michigan at a time when it is badly needed. Michigan has been particularly hard hit by the President's misguided economic policies, most especially his failure to address the foreclosure crisis. I sincerely hope that the President, who approved a $30 billion bailout for the investment bank Bear Steams, will see to it to sign and implement this bill which will provide much needed assistance to State and local governments.

Mrs. JONES of Ohio. Mr. Chairman, I rise today in support of this housing package because it is imperative that Congress take action to assist homeowners struggling today. The epidemic of home losses in this country is severe, with the impact not only causing harm to the families who lose their homes, but also affecting nearby homeowners who suffer drops in their property values and communities who suffer the impact of lower tax revenues.

Nationally, the number of seriously delinquent loans and new foreclosures in January and February of this year was over 2.1 million, an increase of 8 percent over the previous quarter and a 55 percent increase from a year earlier.

The housing crisis has severely impacted my congressional district, particularly the city of Cleveland, Ohio. Cleveland's weak housing market coupled with a housing over-supply has created a large number of foreclosures and abandoned properties. As of December 2007, the number of properties in Cleveland identified as abandoned, nuisance properties was 8,588. According to the Cleveland Department of Community Development, the estimated number of homes entering the tax foreclosure pool in 2008 was 1,000—with 900 homes within this pool requiring public demolition. These abandoned and foreclosed properties exist in every neighborhood in Cleveland, but there are concentrations in communities in my district where the real estate market has completely collapsed.

I support this housing package because it will greatly assist my constituents in Cleveland as well as thousands of Americans across the country by helping families stay in their homes while they repay their mortgage debt. This legislation will also help avoid the decreased property values and increased crime rates that often come with concentrations of foreclosed and abandoned properties.

I wish to thank Chairman RANGEL and Ranking Member MCCRERY as well as Chairman FRANK and Subcommittee Chair WATERS for their work on these important pieces of legislation. I am extremely pleased that sections of H.R. 1043, the Community Restoration and Revitalization Act, a piece of legislation I have introduced for the past two Congresses, was incorporated into the housing legislation before us today.

This bill simplifies the Federal Historic Rehabilitation Tax Credit, "Rehab Credit" thereby making it easier to utilize the credit for revitalizing our nation's older neighborhoods, harnessing greater housing potential in underutilized historic and older buildings, and focusing more private sector investment in smaller, "main street" oriented commercial structures.

The language in the bill that explicitly refers to the "historic nature" of development projects is important because, for the first time, it directs state housing agencies to create a priority within their qualified allocation plans for historic properties that can be converted to affordable housing through the use of both the Low-Income Housing Tax Credit and the Federal historic tax credit.

Additionally, the bill simplifies the rules for nonprofit and government agencies who sponsor or rent space in historic tax credit projects and significantly lowers the cost of these transactions.

In addition to simplifying the Rehab Tax Credit, the bill would also facilitate coordination of the credit with the Low-Income Housing Tax Credit by exempting both credits from the restrictions of the AMT rules.

Since its inception, the rehab credit has been responsible for 133 residential and commercial projects in the city of Cleveland, leveraging about $760 million of private investment. Because of the credit, downtown Cleveland and neighborhoods like the Warehouse District, the Gateway District, and East Fourth Street are being revitalized—pumping more investment into the region and revenue to the city and State. This legislation is crucial to furthering the economic development of Cleveland and the State of Ohio.

My hope is that as we move forward we shall have the other important parts of H.R. 1043 enacted, as well as further simplification and clarification of the regulations regarding nonprofit and government use of historic buildings rehabilitated with the help of the Federal historic tax credit.

I urge my colleagues to support the passage of this housing package.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 5818, the Neighborhood Stabilization Act of 2008. This bill would provide $15 billion in loans and grants, administered by the U.S. Department of Housing and Urban Development, for States to buy and, rehabilitate foreclosed and vacated housing properties in order to resell or rent them out.

While I have some reservations about the balance in this bill between loans and grants, I think the potential threat to the value of American homes and the safety of our communities justifies the overall cost. Studies have shown that home foreclosures adversely affect the value of other homes in the same neighborhood, and the rate of home foreclosures in a neighborhood directly corresponds to a spike in crime in that neighborhood. In many cases, foreclosed and vacated homes have become the dens of vagrants, drug addicts and drug dealers.

H.R. 5818 attempts to reduce the likelihood of these problems by helping States buy and refurbish foreclosed and vacated housing properties to make them an appealing choice for qualified families to buy or rent. In addition, this legislation includes provisions to protect against housing speculator abuse by requiring that homes purchased and refurbished by a State be resold to families whose income does not exceed 140 percent of the area median income. This bill offers further targeted assistance for those Americans who need it most by requiring that half of the bill's grant money be dedicated to housing families at or below 50 percent area median income.

Finally, H.R. 5818 will direct funds to the States with the greatest need. Under this bill, each State's loan and grant authority would be based on the State's percentage of nationwide foreclosures reported during the previous four calendar quarters. This is a significant point for my home State of Colorado, which has consistently ranked among the top 10 States in percentage of foreclosures.

Mr. Chairman, this bill is a good measure that deserves our support. As I previously stated, the benefits of this legislation outweigh my concerns over its cost, and I urge my colleagues to join me in supporting it.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. MCNULTY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5818) to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs, pursuant to House Resolution 1174, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the

Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SHADEGG. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Shadegg moves to recommit the bill H.R. 5818 to the Committee on Financial Services with instructions to report the same back to the House promptly in the form to which it may be perfected at the time of this motion with the following amendments:

Page 6, line 3, before "provide" insert "subject to any preferences as may be specifically set forth in this subsection with respect to amounts for housing rehabilitation and to the preferences required under the last two paragraphs of this subsection,".

Page 6, line 15, strike "for veterans,".

Page 6, strike "or providing" in line 18 and all that follows through "located" in line 20 and insert the following: "except that preferences established pursuant to this paragraph shall be subordinate to any preferences as may be specifically set forth in this subsection with respect to amounts for housing rehabilitation and to the preferences required under the last two paragraphs of this subsection".

Page 6, line 24, strike "and".

Page 7, line 5, strike the period and insert a semicolon.

Page 7, after line 5, insert the following:

(14) subject only to any preferences as may be specifically set forth in this subsection with respect to amounts for housing rehabilitation and to the last paragraph of this subsection and notwithstanding any other preferences established or authorized by this subsection, provide priority preference, in use of amounts from grants or loans under this Act, for providing housing for veterans and for teachers or workforce (including law enforcement officers, firefighters, and other first responders) who are employed by the city or locality in which the housing is located; and

(15) provide that in carrying out any other provision of this subsection that provides preference, in the use of amounts from grants or loans under this Act (or any portion of such amounts), for providing housing for veterans and other classes, highest preference shall be provided for providing housing for disabled veterans, and then preference shall be given to providing housing for other veterans and such other classes; and

Page 27, after line 16, insert the following:

(k) LIMITATION ON RESIDENCY.—No individual may purchase or lease any qualified foreclosed housing that was acquired using any amounts provided under a grant or loan under this Act, or any dwelling unit in any such qualified foreclosed housing, if such individual has been convicted under Federal or State law of a drug-dealing offense, a sex offense, or mortgage fraud.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, this legislation is flawed in many respects. It provides $7.5 billion in loans to cities, States, and nonprofits to buy foreclosed homes from mortgage lenders who made bad loans. That will not help people avoid foreclosures. In addition, it provides $7.5 billion in grants to rehabilitate those homes. As such, it is a giveaway to the mortgage industry that made bad loans.

Nonetheless, Mr. Speaker, this motion to recommit is a genuine attempt to improve this bill. If the majority insists on going down this path, the least we can do is to give those who have served our Nation the highest priority in receiving housing assistance under this legislation, and to make sure that those who have preyed upon our society as criminals are not helped by the legislation.

In its present form, the bill allows homes acquired and rehabilitated with taxpayer money to be purchased by convicted drug dealers, convicted sex offenders, and people who have been convicted of mortgage fraud.

Last night our colleague, Mr. ALTMIRE, offered an amendment that prohibits homes made available for sale under this bill, acquired and rehabilitated with taxpayer dollars, from being sold to illegal immigrants. That was a good amendment and I am glad to see that the House just now overwhelmingly adopted it.

In advocating for his amendment, Mr. ALTMIRE said that homes made available through this bill should be available only to law abiding U.S. citizens.

My colleagues, Mr. ALTMIRE is right. This motion to recommit brings the same commonsense to this bill that Mr. ALTMIRE's amendment did. It simply says that homes made available under the bill cannot be sold to drug dealers, sex offenders, or people convicted of mortgage fraud.

I ask my colleagues, imagine how you would feel if your taxes were taken under this legislation and used by the government to purchase foreclosed homes, then to rehabilitate a foreclosed home in your neighborhood, and then if that house was put on the market and sold by the government to a convicted drug dealer, a convicted sex offender, or person guilty of fraud in the mortgage industry who contributed to the very housing turmoil we are now faced with. You would be outraged, and you should be. We cannot let that happen under this legislation.

The second provision of the motion to recommit corrects another defect in the bill. Yesterday an amendment was offered to provide veterans and public safety officers such as firemen and police with a preference in purchasing homes made available under this bill. The chairman of the committee quite appropriately accepted that amendment. But we can do better than that. This motion to recommit takes that concept one step further. It provides that disabled American veterans are to be accorded an even higher preference in acquiring homes under this legislation.

Mr. Speaker, every Member in this body is aware tragically that American soldiers are returning with horrific wounds. Like many of you, I have been to Landstuhl Hospital in Germany and visited our fighting men and women. I have been to Walter Reed Army Hospital and visited them. It is wonderful that we can save their lives, but this motion to recommit recognizes and rewards their sacrifices. It provides that disabled veterans, seeking to purchase a home made available under this legislation, must be given first preference.

Mr. Speaker, these are commonsense changes to this bill that will improve it, and I urge my colleagues to adopt them by passing this motion to recommit.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I rise to speak in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I hope we are here seriously to legislate. The effect of adopting this will be to make it much less likely that veterans will get the preference. Now I understand the frustration of Members on the other side. The gentleman from Michigan (Mr. MCCOTTER) offered an amendment yesterday, notwithstanding any other preferences, first priority to veterans, members of the Armed Forces on active duty, members of the National Guard or Armed Forces reserves, school teachers and emergency responders. That is now in the bill. That is part of the bill.

The gentleman phrased his motion as "promptly." Now we have already seen the kind of delay tactics that the minority has been prone to use. Send this back to committee, and you are very unlikely to get it back on the floor in a way in which we can pass it. So last night we adopted preference for veterans. Today, in the guise of redoing what we have already done, a motion is offered that will keep veterans from benefiting from that preference because the bill won't go anywhere.

The gentleman was honest. He began by saying he doesn't like this bill. And since a head-on assault will not pass—no, I will not yield. I will explain why I won't yield. I won't yield because I have consistently, when I was chairing the committee, been open to amendments. I have yielded. But when at the last minute with zero notice something is drafted with no chance to discuss it, and they use their full 5 minutes, of course I won't give up the small amount of time we have. It is already inadequate to discuss this.

So this will prevent the veterans from getting the preferences they already have. You have seen what can happen with these delays. We have preference for veterans in this bill.

Now let me say procedurally, if this had said "forthwith," I would have been less concerned about it. But there is also this: during the markup of this bill, we accepted nine Republican amendments. Yesterday we accepted several Republican amendments. If I was seriously interested in helping the people who are to be the beneficiaries, I would have offered an amendment at the Rules Committee, and we would have accepted it. I would not have waited to say "promptly" so that I would have used the disabled veterans as a way to kill the bill.

Similarly, with regard to mortgage fraud—and by the way, this is through the cities. If you think that the cities are going to give out money to rapists, worry about it.

I would be prepared, if this would have been put forward in an orderly way so we could vet it and not have unintended consequences as we did with the last recommit on a bill from our committee, we could have accepted it.

As we go forward, and let me say further in conference with the Senate, yes, I think we ought to make it explicit that people with mortgage fraud don't get it, as well as certain kinds of sex offenders. Yes, I think we can do these things, and we will do them going forward.

But to take it now with a "promptly," designed to kill the bill, and it will in fact undo, take back the veterans' preferences we gave yesterday, and to use disabled veterans and to use concern for the law as a cover to kill a bill for which the votes do not exist to kill it is the wrong way to go.

We have amended this bill. Nine amendments were accepted in committee. None of these were offered. Had they been, they would have substantially been accepted, and they can be accepted going forward. But you have seen, my colleagues, what has gone on here. Send this back to committee, we have to go back to committee. We have rules to deal with. You have a crowded agenda in the committee. You will not see this bill again probably for weeks, and we will again have these tactics.

The gentleman from Georgia is going to raise the point that it can come out the next day. It cannot. The rules of the House do not allow it. And anyone who thinks you are going to get unanimous consent from this group to waive four and five rules is not paying attention. After we just had two votes on an appeal of a ruling, a frivolous appeal, and we get an appeal of the appeal because people didn't like the wording on the board, you tell me if you think we are going to get serious legislative efforts.

□ 1145

So, yeah, I want veterans preferences in the bill. Going forward, we can address this. But Members who are worried about some kind of ad long before your election, the sensible parts of this will be embodied in the bill. You will have a chance to vote to protect against mortgage fraud, et cetera. But vote for this today.

And as the gentleman from Arizona made clear, he doesn't like the bill. And I understand the problem the President has. The administration can't decide whether it wants to sign or veto. There are internal debates, so it falls to our Republican colleagues to save this President from having to make the decision.

I urge my colleagues not to fall for that partisan ploy. Vote down this effort to delay, and perhaps delay indefinitely this bill. We will, going forward, take the good parts of it and incorporate it. Had they been substantially offered seriously before, they would have been adopted.

Please, let's not fall for a partisan ploy and kill a good bill.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Parliamentary inquiry.

The SPEAKER pro tempore (Mr. WEINER). State your parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true that if this motion passed, that it would be referred back to the committee from whence it came, and that it could be reported back the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. FRANK of Massachusetts. The committee and the House are constrained by a number of rules that cause substantial numbers of days to elapse. Does this motion, if it passes, in any way empower us to forget those rules of the House which require a certain number of days in committee, certain number of layovers, an announcement of a markup, a delay before the bill is reported, the Rules Committee, et cetera? Does this motion in any way reduce any of those timetables?

The SPEAKER pro tempore. As the Chair stated on November 15, 2007, an order of recommittal does not necessarily waive any rules, but the Chair cannot render an advisory opinion on what points of order might lie.

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true if you have 218 votes you can do just about anything you want to in this House?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHADEGG. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, and motion to suspend the rules on H.R. 4279.

The vote was taken by electronic device, and there were—ayes 210, noes 216, not voting 7, as follows:

[Roll No. 298]

AYES—210

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carney
Carter
Castle
Cazayoux
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim

Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOES—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—7

Campbell (CA)
Cohen
Gutierrez
Jones (NC)
Loebsack
Richardson
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to cast their votes.

□ 1206

Messrs. KINGSTON and PICKERING changed their vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HENSARLING. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 188, not voting 6, as follows:

[Roll No. 299]

AYES—239

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)

Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Campbell (CA)
Cohen
Gutierrez
Loebsack
Richardson
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

☐ 1216

Mr. KIRK changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRIORITIZING RESOURCES AND ORGANIZATION FOR INTELLECTUAL PROPERTY ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 4279, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 4279, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HINOJOSA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 11, not voting 12, as follows:

[Roll No. 300]

AYES—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOES—11

Boucher
Doolittle
Duncan
Flake
Kucinich
Lofgren, Zoe
Moore (WI)
Paul
Poe
Westmoreland
Young (AK)

NOT VOTING—12

Bachus
Campbell (CA)
Capito
Cohen
Gilchrest
Gutierrez
Hastings (WA)
Herger
Loebsack
Lynch
Richardson
Rush

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded they have 2 minutes remaining on this vote.

☐ 1222

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1086, de novo;
H.R. 5690, de novo;
H.R. 1512, de novo;
H.R. 5512, de novo.

NATIONAL NURSES WEEK

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1086.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and agree to the resolution, H. Res. 1086.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

AFRICAN NATIONAL CONGRESS EXEMPTION

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5690, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 5690, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.".

A motion to reconsider was laid on the table.

PROVIDING FOR COMPENSATION TO STATES INCARCERATING UNDOCUMENTED ALIENS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 1512.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) that the House suspend the rules and pass the bill, H.R. 1512.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COIN MODERNIZATION AND TAXPAYER SAVINGS ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 5512, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 5512, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to reduce the costs of producing 1-cent and 5-cent coins, provide authority to the Secretary of the Treasury to perform research and development on new metallic content for circulating coins, and to require biennial reports to Congress on circulating coin production costs and possible alternative metallic content.".

A motion to reconsider was laid on the table.

FORECLOSURE PREVENTION ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, pursuant to House Resolution 1175, I call up the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, with the Senate amendments thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendments.

The text of the Senate amendments is as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.—This Act may be cited as the "Foreclosure Prevention Act of 2008".*

(b) *TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

Sec. 1. Short title; table of contents.

TITLE I—FHA MODERNIZATION ACT OF 2008

Sec. 101. Short title.

Subtitle A—Building American Homeownership

Sec. 111. Short title.
Sec. 112. Maximum principal loan obligation.
Sec. 113. Cash investment requirement and prohibition of seller-funded downpayment assistance.
Sec. 114. Mortgage insurance premiums.
Sec. 115. Rehabilitation loans.
Sec. 116. Discretionary action.
Sec. 117. Insurance of condominiums.
Sec. 118. Mutual Mortgage Insurance Fund.
Sec. 119. Hawaiian home lands and Indian reservations.
Sec. 120. Conforming and technical amendments.
Sec. 121. Insurance of mortgages.
Sec. 122. Home equity conversion mortgages.
Sec. 123. Energy efficient mortgages program.
Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 125. Homeownership preservation.
Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.
Sec. 127. Post-purchase housing counseling eligibility improvements.
Sec. 128. Pre-purchase homeownership counseling demonstration.
Sec. 129. Fraud prevention.
Sec. 130. Limitation on mortgage insurance premium increases.
Sec. 131. Savings provision.
Sec. 132. Implementation.
Sec. 133. Moratorium on implementation of risk-based premiums.

Subtitle B—Manufactured Housing Loan Modernization

Sec. 141. Short title.
Sec. 142. Purposes.
Sec. 143. Exception to limitation on financial institution portfolio.
Sec. 144. Insurance benefits.
Sec. 145. Maximum loan limits.
Sec. 146. Insurance premiums.
Sec. 147. Technical corrections.
Sec. 148. Revision of underwriting criteria.
Sec. 149. Prohibition against kickbacks and unearned fees.
Sec. 150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.
Sec. 302. Nationwide distribution of resources.
Sec. 303. Limitation on use of funds with respect to eminent domain.
Sec. 304. Limitation on distribution of funds.
Sec. 305. Counseling intermediaries.

TITLE IV—HOUSING COUNSELING RESOURCES

Sec. 401. Housing counseling resources.
Sec. 402. Credit counseling.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

Sec. 501. Short title.
Sec. 502. Enhanced mortgage loan disclosures.
Sec. 503. Community Development Investment Authority for depository institutions.
Sec. 504. Federal Home loan bank refinancing authority for certain residential mortgage loans.

TITLE VI—TAX-RELATED PROVISIONS

Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.
Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.
Sec. 603. Credit for certain home purchases.
Sec. 604. Additional standard deduction for real property taxes for nonitemizers.
Sec. 605. Election to accelerate AMT and R and D credits in lieu of bonus depreciation.
Sec. 606. Use of amended income tax returns to take into account receipt of certain hurricane-related casualty loss grants by disallowing previously taken casualty loss deductions.
Sec. 607. Waiver of deadline on construction of GO Zone property eligible for bonus depreciation.
Sec. 608. Temporary tax relief for Kiowa County, Kansas and surrounding area.

TITLE VII—EMERGENCY DESIGNATION

Sec. 701. Emergency designation.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

Sec. 801. Short title; amendment of 1986 Code.

Subtitle A—Taxable REIT Subsidiaries

Sec. 811. Conforming taxable REIT subsidiary asset test.

Subtitle B—Dealer Sales

Sec. 821. Holding period under safe harbor.
Sec. 822. Determining value of sales under safe harbor.

Subtitle C—Health Care REITs
Sec. 831. Conformity for health care facilities.
Subtitle D—Effective Dates and Sunset
Sec. 841. Effective dates and sunset.
TITLE IX—VETERANS HOUSING MATTERS
Sec. 901. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 902. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 903. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 904. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 905. Increase in specially adapted housing benefits for disabled veterans.
Sec. 906. Report on specially adapted housing for disabled individuals.
Sec. 907. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.
Sec. 908. Definition of annual income for purposes of section 8 and other public housing programs.
Sec. 909. Payment of transportation of baggage and household effects for members of the Armed Forces who relocate due to foreclosure of leased housing.
TITLE X—CLEAN ENERGY TAX STIMULUS
Sec. 1001. Short title; etc.
Subtitle A—Extension of Clean Energy Production Incentives
Sec. 1011. Extension and modification of renewable energy production tax credit.
Sec. 1012. Extension and modification of solar energy and fuel cell investment tax credit.
Sec. 1013. Extension and modification of residential energy efficient property credit.
Sec. 1014. Extension and modification of credit for clean renewable energy bonds.
Sec. 1015. Extension of special rule to implement FERC restructuring policy.
Subtitle B—Extension of Incentives to Improve Energy Efficiency
Sec. 1021. Extension and modification of credit for energy efficiency improvements to existing homes.
Sec. 1022. Extension and modification of tax credit for energy efficient new homes.
Sec. 1023. Extension and modification of energy efficient commercial buildings deduction.
Sec. 1024. Modification and extension of energy efficient appliance credit for appliances produced after 2007.
TITLE XI—SENSE OF THE SENATE
Sec. 1101. Sense of the Senate.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 101. SHORT TITLE.

This title may be cited as the "FHA Modernization Act of 2008".

Subtitle A—Building American Homeownership

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Building American Homeownership Act of 2008".

SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

"(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

"(B) not to exceed 100 percent of the appraised value of the property."; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "section 3103A(d) of title 38, United States Code.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110–185).

SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

"(9) CASH INVESTMENT REQUIREMENT.—

"(A) IN GENERAL.—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

"(B) FAMILY MEMBERS.—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

"(i) such lien shall be subordinate to the mortgage; and

"(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.

"(C) PROHIBITED SOURCES.—In no case shall the funds required by subparagraph (A) consist, in whole or in part, of funds provided by any of the following parties before, during, or after closing of the property sale:

"(i) The seller or any other person or entity that financially benefits from the transaction.

"(ii) Any third party or entity that is reimbursed, directly or indirectly, by any of the parties described in clause (i).".

SEC. 114. MORTGAGE INSURANCE PREMIUMS.

Section 203(c)(2) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "or of the General Insurance Fund" and all that follows through "section 234(c).,"; and

(2) in subparagraph (A)—

(A) by striking "2.25 percent" and inserting "3 percent"; and

(B) by striking "2.0 percent" and inserting "2.75 percent".

SEC. 115. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 116. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 117. INSURANCE OF CONDOMINIUMS.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c), in the first sentence—

(A) by striking "and" before "(2)"; and

(B) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before "a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured

housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project''.

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

''(g) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.''.

SEC. 118. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

''(a) MUTUAL MORTGAGE INSURANCE FUND.—

''(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

''(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

''(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

''(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound. The report shall also include an evaluation of the quality control procedures and accuracy of information utilized in the process of underwriting loans guaranteed by the Fund. Such evaluation shall include a review of the risk characteristics of loans based not only on borrower information and performance, but on risks associated with loans originated or funded by various entities or financial institutions.

''(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each calendar quarter, which shall specify for mortgages that are obligations of the Fund—

''(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

''(B) the types of loans insured, categorized by risk;

''(C) any significant changes between actual and projected claim and prepayment activity;

''(D) projected versus actual loss rates; and

''(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or on the last day of the first full calendar quarter following the enactment of the Building American Homeownership Act of 2008, whichever is later.

''(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (4), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (7) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under this title as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

''(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

''(A) to minimize the default risk to the Fund and to homeowners by among other actions instituting fraud prevention quality control screening not later than 18 months after the date of enactment of the Building American Homeownership Act of 2008; and

''(B) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.''.

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking ''Notwithstanding section 202 of this title, the'' and inserting ''The''; and

(B) by striking ''General Insurance Fund'' the first place such term appears and all that follows through the end of the subsection and inserting ''Mutual Mortgage Insurance Fund.''.

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z-20(i)(2)(A)) is amended by striking ''General Insurance Fund'' and inserting ''Mutual Mortgage Insurance Fund''.

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking ''203(b)'' and all that follows through ''203(i)'' and inserting ''203, except as determined by the Secretary''.

SEC. 119. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z-12(c)) is amended—

(1) by striking ''General Insurance Fund established in section 519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z-13(f)) is amended—

(1) by striking ''General Insurance Fund'' the first place it appears through ''519'' and inserting ''Mutual Mortgage Insurance Fund''; and

(2) in the second sentence, by striking ''(1) all references'' and all that follows through ''and (2)''.

SEC. 120. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z-2).

(7) Section 245 (12 U.S.C. 1715z-10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking ''shall'' and all that follows and inserting ''means a metropolitan statistical area as established by the Office of Management and Budget;''.

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking ''the Trust Territory of the Pacific Islands'' and inserting ''the Commonwealth of the Northern Mariana Islands''.

SEC. 121. INSURANCE OF MORTGAGES.

Subsection (n)(2) of section 203 of the National Housing Act (12 U.S.C. 1709(n)(2)) is amended—

(1) in subparagraph (A), by inserting ''or subordinate mortgage or'' before ''lien given''; and

(2) in subparagraph (C), by inserting ''or subordinate mortgage or'' before ''lien''.

SEC. 122. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (b)(2), insert '' 'real estate,' '' after '' 'mortgagor',''';

(2) by amending subsection (d)(1) to read as follows:

''(1) have been originated by a mortgagee approved by the Secretary;'';

(3) by amending subsection (d)(2)(B) to read as follows:

''(B) has received adequate counseling, as provided in subsection (f), by an independent third party that is not, either directly or indirectly, associated with or compensated by a party involved in—

''(i) originating or servicing the mortgage;

''(ii) funding the loan underlying the mortgage; or

''(iii) the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product;'';

(4) in subsection (f)—

(A) by striking ''(f) INFORMATION SERVICES FOR MORTGAGORS.—'' and inserting ''(f) COUNSELING SERVICES AND INFORMATION FOR MORTGAGORS.—''; and

(B) by amending the matter preceding paragraph (1) to read as follows: ''The Secretary shall provide or cause to be provided adequate counseling for the mortgagor, as described in subsection (d)(2)(B). Such counseling shall be provided by counselors that meet qualification standards and follow uniform counseling protocols. The qualification standards and counseling protocols shall be established by the Secretary within 12 months of the date of enactment of the Reverse Mortgage Proceeds Protection Act. The protocols shall require a qualified counselor to discuss with each mortgagor information which shall include—''

(5) in subsection (g), by striking ''established under section 203(b)(2)'' and all that follows through ''located'' and inserting ''limitation established under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence'';

(6) in subsection (i)(1)(C), by striking ''limitations'' and inserting ''limitation'';

(7) by striking subsection (l);

(8) by redesignating subsection (m) as subsection (l);

(9) by amending subsection (l), as so redesignated, to read as follows:

''(l) FUNDING FOR COUNSELING.—The Secretary may use a portion of the mortgage insurance premiums collected under the program under this section to adequately fund the counseling and disclosure activities required under subsection (f), including counseling for those homeowners who elect not to take out a home equity conversion mortgage, provided that the

use of such funds is based upon accepted actuarial principles."; and

(10) by adding at the end the following new subsection:

"(m) AUTHORITY TO INSURE HOME PURCHASE MORTGAGE.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the home equity conversion mortgage will be used to purchase a 1- to 4-family dwelling unit, one unit of which the mortgagor will occupy as a primary residence, and to provide for any future payments to the mortgagor, based on available equity, as authorized under subsection (d)(9).

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence.

"(n) REQUIREMENTS ON MORTGAGE ORIGINATORS.—

"(1) IN GENERAL.—The mortgagee and any other party that participates in the origination of a mortgage to be insured under this section shall—

"(A) not participate in, be associated with, or employ any party that participates in or is associated with any other financial or insurance activity; or

"(B) demonstrate to the Secretary that the mortgagee or other party maintains, or will maintain, firewalls and other safeguards designed to ensure that—

"(i) individuals participating in the origination of the mortgage shall have no involvement with, or incentive to provide the mortgagor with, any other financial or insurance product; and

"(ii) the mortgagor shall not be required, directly or indirectly, as a condition of obtaining a mortgage under this section, to purchase any other financial or insurance product.

"(2) APPROVAL OF OTHER PARTIES.—All parties that participate in the origination of a mortgage to be insured under this section shall be approved by the Secretary.

"(o) PROHIBITION AGAINST REQUIREMENTS TO PURCHASE ADDITIONAL PRODUCTS.—The mortgagee or any other party shall not be required by the mortgagor or any other party to purchase an insurance, annuity, or other additional product as a requirement or condition of eligibility for a mortgage authorized under subsection (c).

"(p) STUDY TO DETERMINE CONSUMER PROTECTIONS AND UNDERWRITING STANDARDS.—The Secretary shall conduct a study to examine and determine appropriate consumer protections and underwriting standards to ensure that the purchase of products referred to in subsection (o) is appropriate for the consumer. In conducting such study, the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) LIMITATION ON ORIGINATION FEES.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20), as amended by the preceding provisions of this section, is further amended by adding at the end the following new subsection:

"(r) LIMITATION ON ORIGINATION FEES.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

"(1) equal 1.5 percent of the maximum claim amount of the mortgage unless adjusted thereafter on the basis of—

"(A) the costs to the mortgagor; and

"(B) the impact of such fees on the reverse mortgage market;

"(2) be subject to a minimum allowable amount;

"(3) provide that the origination fee may be fully financed with the mortgage;

"(4) include any fees paid to correspondent mortgagees approved by the Secretary; and

"(5) have the same effective date as subsection (m)(2) regarding the limitation on principal obligation.".

(d) STUDY REGARDING PROGRAM COSTS AND CREDIT AVAILABILITY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study regarding the costs and availability of credit under the home equity conversion mortgages for elderly homeowners program under section 255 of the National Housing Act (12 U.S.C. 1715z-20) (in this subsection referred to as the "program").

(2) PURPOSE.—The purpose of the study required under paragraph (1) is to help Congress analyze and determine the effects of limiting the amounts of the costs or fees under the program from the amounts charged under the program as of the date of the enactment of this title.

(3) CONTENT OF REPORT.—The study required under paragraph (1) should focus on—

(A) the cost to mortgagors of participating in the program;

(B) the financial soundness of the program;

(C) the availability of credit under the program; and

(D) the costs to elderly homeowners participating in the program, including—

(i) mortgage insurance premiums charged under the program;

(ii) up-front fees charged under the program; and

(iii) margin rates charged under the program.

(4) TIMING OF REPORT.—Not later than 12 months after the date of the enactment of this title, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives setting forth the results and conclusions of the study required under paragraph (1).

SEC. 123. ENERGY EFFICIENT MORTGAGES PROGRAM.

Section 106(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 12712 note) is amended—

(1) by amending subparagraph (C) to read as follows:

"(C) COSTS OF IMPROVEMENTS.—The cost of cost-effective energy efficiency improvements shall not exceed the greater of—

"(i) 5 percent of the property value (not to exceed 5 percent of the limit established under section 203(b)(2)(A)) of the National Housing Act (12 U.S.C. 1709(b)(2)(A); or

"(ii) 2 percent of the limit established under section 203(b)(2)(B) of such Act."; and

(2) by adding at the end the following:

"(D) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary of Housing and Urban Development under title II of the National Housing Act (12 U.S.C. 1707 et seq.) during the preceding fiscal year.".

SEC. 124. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program to first-time homebuyers.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Building American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the two-year period beginning on the date of the enactment of this subtitle, the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using the automated process established pursuant to section 257 of the National Housing Act (as added by the amendment made by subsection (a) of this section) and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 125. HOMEOWNERSHIP PRESERVATION.

The Secretary of Housing and Urban Development and the Commissioner of the Federal Housing Administration, in consultation with industry, the Neighborhood Reinvestment Corporation, and other entities involved in foreclosure prevention activities, shall—

(1) develop and implement a plan to improve the Federal Housing Administration's loss mitigation process; and

(2) report such plan to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

SEC. 126. USE OF FHA SAVINGS FOR IMPROVEMENTS IN FHA TECHNOLOGIES, PROCEDURES, PROCESSES, PROGRAM PERFORMANCE, STAFFING, AND SALARIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2009 through 2013, $25,000,000, from negative credit subsidy for the mortgage insurance programs under title II of the National Housing Act, to the Secretary of Housing and Urban Development for increasing funding for the purpose of improving technology, processes, program performance, eliminating fraud, and for providing appropriate staffing in connection with the mortgage insurance programs under title II of the National Housing Act.

(b) CERTIFICATION.—The authorization under subsection (a) shall not be effective for a fiscal year unless the Secretary of Housing and Urban Development has, by rulemaking in accordance with section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section), made a determination that—

(1) premiums being, or to be, charged during such fiscal year for mortgage insurance under title II of the National Housing Act are established at the minimum amount sufficient to—

(A) comply with the requirements of section 205(f) of such Act (relating to required capital ratio for the Mutual Mortgage Insurance Fund); and

(B) ensure the safety and soundness of the other mortgage insurance funds under such Act; and

(2) any negative credit subsidy for such fiscal year resulting from such mortgage insurance programs adequately ensures the efficient delivery and availability of such programs.

(c) STUDY AND REPORT.—The Secretary of Housing and Urban Development shall conduct a study to obtain recommendations from participants in the private residential (both single family and multifamily) mortgage lending business and the secondary market for such mortgages on how best to update and upgrade processes and technologies for the mortgage insurance programs under title II of the National Housing Act so that the procedures for originating, insuring, and servicing of such mortgages conform with those customarily used by secondary market purchasers of residential mortgage loans. Not later than the expiration of the 12-month period beginning on the date of the enactment of this title, the Secretary shall submit a report to the Congress describing the progress made and to be made toward updating and upgrading such processes and technology, and providing appropriate staffing for such mortgage insurance programs.

SEC. 127. POST-PURCHASE HOUSING COUNSELING ELIGIBILITY IMPROVEMENTS.

Section 106(c)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(4)) is amended:

(1) in subparagraph (C)—

(A) in clause (i), by striking "; or" and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(iii) a significant reduction in the income of the household due to divorce or death; or

"(iv) a significant increase in basic expenses of the homeowner or an immediate family member of the homeowner (including the spouse, child, or parent for whom the homeowner provides substantial care or financial assistance) due to—

"(I) an unexpected or significant increase in medical expenses;

"(II) a divorce;

"(III) unexpected and significant damage to the property, the repair of which will not be covered by private or public insurance; or

"(IV) a large property-tax increase; or";

(2) by striking the matter that follows subparagraph (C); and

(3) by adding at the end the following:

"(D) the Secretary of Housing and Urban Development determines that the annual income of the homeowner is no greater than the annual income established by the Secretary as being of low- or moderate-income.".

SEC. 128. PRE-PURCHASE HOMEOWNERSHIP COUNSELING DEMONSTRATION.

(a) ESTABLISHMENT OF PROGRAM.—For the period beginning on the date of enactment of this title and ending on the date that is 3 years after such date of enactment, the Secretary of Housing and Urban Development shall establish and conduct a demonstration program to test the effectiveness of alternative forms of pre-purchase homeownership counseling for eligible homebuyers.

(b) FORMS OF COUNSELING.—The Secretary of Housing and Urban Development shall provide to eligible homebuyers pre-purchase homeownership counseling under this section in the form of—

(1) telephone counseling;

(2) individualized in-person counseling;

(3) web-based counseling;

(4) counseling classes; or

(5) any other form or type of counseling that the Secretary may, in his discretion, determine appropriate.

(c) SIZE OF PROGRAM.—The Secretary shall make available the pre-purchase homeownership counseling described in subsection (b) to not more than 3,000 eligible homebuyers in any given year.

(d) INCENTIVE TO PARTICIPATE.—The Secretary of Housing and Urban Development may provide incentives to eligible homebuyers to participate in the demonstration program established under subsection (a). Such incentives may include the reduction of any insurance premium charges owed by the eligible homebuyer to the Secretary.

(e) ELIGIBLE HOMEBUYER DEFINED.—For purposes of this section an "eligible homebuyer" means a first-time homebuyer who has been approved for a home loan with a loan-to-value ratio between 97 percent and 98.5 percent.

(f) REPORT TO CONGRESS.—The Secretary of Housing and Urban Development shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative—

(1) on an annual basis, on the progress and results of the demonstration program established under subsection (a); and

(2) for the period beginning on the date of enactment of this title and ending on the date that is 5 years after such date of enactment, on the payment history and delinquency rates of eligible homebuyers who participated in the demonstration program.

SEC. 129. FRAUD PREVENTION.

Section 1014 of title 18, United States Code, is amended in the first sentence—

(1) by inserting "the Federal Housing Administration" before "the Farm Credit Administration"; and

(2) by striking "commitment, or loan" and inserting "commitment, loan, or insurance agreement or application for insurance or a guarantee".

SEC. 130. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

(a) IN GENERAL.—Notwithstanding any other provision of law, including any provision of this title and any amendment made by this title—

(1) for the period beginning on the date of the enactment of this title and ending on October 1, 2009, the premiums charged for mortgage insurance under multifamily housing programs under the National Housing Act may not be increased above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only if not less than 30 days prior to such increase taking effect, the Secretary of Housing and Urban Development—

(A) notifies the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives of such increase; and

(B) publishes notice of such increase in the Federal Register.

(b) WAIVER.—The Secretary of Housing and Urban Development may waive the 30-day notice requirement under subsection (a)(2), if the Secretary determines that waiting 30-days before increasing premiums would cause substantial damage to the solvency of multifamily housing programs under the National Housing Act.

SEC. 131. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this subtitle shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this subtitle.

SEC. 132. IMPLEMENTATION.

The Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

SEC. 133. MORATORIUM ON IMPLEMENTATION OF RISK-BASED PREMIUMS.

For the 12-month period beginning on the date of enactment of this title, the Secretary of Housing and Urban Development shall not enact, execute, or take any action to make effective the planned implementation of risk-based premiums, which are designed for mortgage lenders to offer borrowers an FHA-insured product that provides a range of mortgage insurance premium pricing, based on the risk the insurance contract represents, as such planned implementation was set forth in the Notice published in the Federal Register on September 20, 2007 (Vol. 72, No. 182, Page 53872).

Subtitle B—Manufactured Housing Loan Modernization

SEC. 141. SHORT TITLE.

This subtitle may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2008".

SEC. 142. PURPOSES.

The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 143. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": Provided, That with" and inserting ". With".

SEC. 144. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home

or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008 by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this title.

SEC. 145. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than 1 year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008."

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

SEC. 146. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

SEC. 147. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

SEC. 148. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this title, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 149. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

Title I of the National Housing Act is amended by adding at the end of section 9 the following new section:

"SEC. 10. PROHIBITION AGAINST KICKBACKS AND UNEARNED FEES.

"(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall apply to each sale of a manufactured home financed with an FHA-insured loan or extension of credit, as well as to services rendered in connection with such transactions.

"(b) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to determine the manner and extent to which the provisions of sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) may reasonably be applied to the transactions described in subsection (a), and to grant such exemptions as may be necessary to achieve the purposes of this section.

"(c) DEFINITIONS.—For purposes of this section—

"(1) the term 'federally related mortgage loan' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include an FHA-insured loan or extension of credit made to a borrower for the purpose of purchasing a manufactured home that the borrower intends to occupy as a personal residence; and

"(2) the term 'real estate settlement service' as used in sections 3, 8, 16, 17, 18, and 19 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.) shall include any service rendered in connection with a loan or extension of credit insured by the Federal Housing Administration for the purchase of a manufactured home.

"(d) UNFAIR AND DECEPTIVE PRACTICES.—In connection with the purchase of a manufactured home financed with a loan or extension of credit insured by the Federal Housing Administration under this title, the Secretary shall prohibit acts or practices in connection with loans or extensions of credit that the Secretary finds to be unfair, deceptive, or otherwise not in the interests of the borrower.".

SEC. 150. LEASEHOLD REQUIREMENTS.

Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this title, is further amended by adding at the end the following new paragraph:

"(11) LEASEHOLD REQUIREMENTS.—No insurance shall be granted under this section to any such financial institution with respect to any obligation representing any such loan, advance of credit, or purchase by it, made for the purposes of financing a manufactured home which is intended to be situated in a manufactured home community pursuant to a lease, unless such lease—

"(A) expires not less than 3 years after the origination date of the obligation;

"(B) is renewable upon the expiration of the original 3 year term by successive 1 year terms; and

"(C) requires the lessor to provide the lessee written notice of termination of the lease not less than 180 days prior to the expiration of the current lease term in the event the lessee is required to move due to the closing of the manufactured home community, and further provides that failure to provide such notice to the mortgagor in a timely manner will cause the lease term, at its expiration, to automatically renew for an additional 1 year term.".

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

SEC. 201. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY THE SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term "maximum guaranty amount" shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 202. COUNSELING ON MORTGAGE FORECLOSURES FOR MEMBERS OF THE ARMED FORCES RETURNING FROM SERVICE ABROAD.

(a) IN GENERAL.—The Secretary of Defense shall develop and implement a program to advise members of the Armed Forces (including members of the National Guard and Reserve) who are returning from service on active duty abroad (including service in Operation Iraqi Freedom and Operation Enduring Freedom) on actions to be taken by such members to prevent or forestall mortgage foreclosures.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Credit counseling.

(2) Home mortgage counseling.

(3) Such other counseling and information as the Secretary considers appropriate for purposes of the program.

(c) TIMING OF PROVISION OF COUNSELING.—Counseling and other information under the program required by subsection (a) shall be provided to a member of the Armed Forces covered by the program as soon as practicable after the return of the member from service as described in subsection (a).

SEC. 203. ENHANCEMENT OF PROTECTIONS FOR SERVICEMEMBERS RELATING TO MORTGAGES AND MORTGAGE FORECLOSURES.

(a) EXTENSION OF PERIOD OF PROTECTIONS AGAINST MORTGAGE FORECLOSURES.—

(1) EXTENSION OF PROTECTION PERIOD.—Subsection (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by striking "90 days" and inserting "9 months".

(2) EXTENSION OF STAY OF PROCEEDINGS PERIOD.—Subsection (b) of such section is amended by striking "90 days" and inserting "9 months".

(b) TREATMENT OF MORTGAGES AS OBLIGATIONS SUBJECT TO INTEREST RATE LIMITATION.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) in subsection (a)(1), by striking "in excess of 6 percent" the second place it appears and all that follows and inserting "in excess of 6 percent—

"(A) during the period of military service and one year thereafter, in the case of an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage; or

"(B) during the period of military service, in the case of any other obligation or liability."; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) INTEREST.—The term 'interest' includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

"(2) OBLIGATION OR LIABILITY.—The term 'obligation or liability' includes an obligation or liability consisting of a mortgage, trust deed, or other security in the nature of a mortgage.".

(c) EFFECTIVE DATE; SUNSET.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2010. Effective January 1, 2011, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act, as in effect on the day before the date of the enactment of this Act, are hereby revived.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

SEC. 301. EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES.

(a) DIRECT APPROPRIATIONS.—There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, $4,000,000,000, to remain available until expended, for assistance to States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) for the redevelopment of abandoned and foreclosed upon homes and residential properties.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—The amounts appropriated or otherwise made available to States and units of general local government under this section shall be allocated based on a funding formula established by the Secretary of Housing and Urban Development (in this title referred to as the "Secretary").

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established not later than 60 days after the date of enactment of this section.

(3) CRITERIA.—The funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes financed by a subprime mortgage related loan in each State or unit of general local government; and

(C) the number and percentage of homes in default or delinquency in each State or unit of general local government.

(4) DISTRIBUTION.—Amounts appropriated or otherwise made available under this section shall be distributed according to the funding formula established by the Secretary under paragraph (1) not later than 30 days after the establishment of such formula.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Any State or unit of general local government that receives amounts pursuant to this section shall, not later than 18 months after the receipt of such amounts, use such amounts to purchase and redevelop abandoned and foreclosed homes and residential properties.

(2) PRIORITY.—Any State or unit of general local government that receives amounts pursuant to this section shall in distributing such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(A) with the greatest percentage of home foreclosures;

(B) with the highest percentage of homes financed by a subprime mortgage related loan; and

(C) identified by the State or unit of general local government as likely to face a significant rise in the rate of home foreclosures.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate homes and residential properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such homes and properties;

(C) establish land banks for homes that have been foreclosed upon; and

(D) demolish blighted structures.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a foreclosed upon home or residential property under this section shall be at a discount from the current market appraised value of the home or property, taking into account its current condition, and such discount shall ensure that purchasers are paying below-market value for the home or property.

(2) SALE OF HOMES.—If an abandoned or foreclosed upon home or residential property is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, and habitable condition.

(3) REINVESTMENT OF PROFITS.—

(A) PROFITS FROM SALES, RENTALS, AND REDEVELOPMENT.—

(i) 5-YEAR REINVESTMENT PERIOD.—During the 5-year period following the date of enactment of this Act, any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(ii) DEPOSITS IN THE TREASURY.—

(I) PROFITS.—Upon the expiration of the 5-year period set forth under clause (i), any revenue generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use

that is in excess of the cost to acquire and redevelop (including reasonable development fees) or rehabilitate an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts, unless the Secretary approves a request to use the funds for purposes under this Act.

(II) OTHER AMOUNTS.—Upon the expiration of the 5-year period set forth under clause (i), any other revenue not described under subclause (I) generated from the sale, rental, redevelopment, rehabilitation, or any other eligible use of an abandoned or foreclosed upon home or residential property shall be deposited in the Treasury of the United States as miscellaneous receipts.

(B) OTHER REVENUES.—Any revenue generated under subparagraphs (A), (C) or (D) of subsection (c)(3) shall be provided to and used by the State or unit of general local government in accordance with, and in furtherance of, the intent and provisions of this section.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to States and units of general local government under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for a State or unit of general local government to receive any amounts under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering any amounts appropriated or otherwise made available under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 (except for those related to fair housing, nondiscrimination, labor standards, and the environment) in accordance with the terms of this section and for the sole purpose of expediting the use of such funds.

(2) NOTICE.—The Secretary shall provide written notice of its intent to exercise the authority to specify alternative requirements under paragraph (1) to the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives not later than 10 business days before such exercise of authority is to occur.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of abandoned or foreclosed upon homes or residential properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) PERIODIC AUDITS.—In consultation with the Secretary of Housing and Urban Development, the Comptroller General of the United States shall conduct periodic audits to ensure that funds appropriated, made available, or otherwise distributed under this section are being used in a manner consistent with the criteria provided in this section.

SEC. 302. NATIONWIDE DISTRIBUTION OF RESOURCES.

Notwithstanding any other provision of this Act or the amendments made by this Act, each State shall receive not less than 0.5 percent of funds made available under section 301 (relating to emergency assistance for the redevelopment of abandoned and foreclosed homes).

SEC. 303. LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.

No State or unit of general local government may use any amounts received pursuant to section 301 to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities.

SEC. 304. LIMITATION ON DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(1) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(2) an organization which employs applicable individuals.

(b) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term "applicable individual" means an individual who—

(1) is—

(A) employed by the organization in a permanent or temporary capacity;

(B) contracted or retained by the organization; or

(C) acting on behalf of, or with the express or apparent authority of, the organization; and

(2) has been indicted for a violation under Federal law relating to an election for Federal office.

SEC. 305. COUNSELING INTERMEDIARIES.

Notwithstanding any other provision of this Act, the amount appropriated under section 301(a) of this Act shall be $3,920,000,000 and the amount appropriated under section 401 of this Act shall be $180,000,000: Provided, That of amounts appropriated under such section 401 $30,000,000 shall be used by the Neighborhood Reinvestment Corporation (referred to in this section as the "NRC") to make grants to counseling intermediaries approved by the Department of Housing and Urban Development or the NRC to hire attorneys to assist homeowners who have legal issues directly related to the homeowner's foreclosure, delinquency or short sale. Such attorneys shall be capable of assisting homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure and who have legal issues that cannot be handled by counselors already employed by such intermediaries: Provided, That of the amounts provided for in the prior provisos the NRC shall give priority consideration to counseling intermediaries and legal organizations that (1) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (2) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance: Provided further, That no funds provided under this Act shall be used to provide, obtain, or arrange on behalf of a homeowner, legal representation involving or for the purposes of civil litigation.

TITLE IV—HOUSING COUNSELING RESOURCES

SEC. 401. HOUSING COUNSELING RESOURCES.

There are appropriated out of any money in the Treasury not otherwise appropriated for the fiscal year 2008, for an additional amount for the "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" $100,000,000, to remain available until September 30, 2008, for foreclosure mitigation activities under the terms and conditions contained in the second undesignated paragraph (beginning with the phrase "For an additional amount") under the heading "Neighborhood Reinvestment Corporation—Payment to the Neighborhood Reinvestment Corporation" of Public Law 110–161.

SEC. 402. CREDIT COUNSELING.

(a) IN GENERAL.—Entities approved by the Neighborhood Reinvestment Corporation or the Secretary and State housing finance entities receiving funds under this title shall work to identify and coordinate with non-profit organizations operating national or statewide toll-free foreclosure prevention hotlines, including those that—

(1) serve as a consumer referral source and data repository for borrowers experiencing some form of delinquency or foreclosure;

(2) connect callers with local housing counseling agencies approved by the Neighborhood Reinvestment Corporation or the Secretary to assist with working out a positive resolution to their mortgage delinquency or foreclosure; or

(3) facilitate or offer free assistance to help homeowners to understand their options, negotiate solutions, and find the best resolution for their particular circumstances.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

SEC. 501. SHORT TITLE.

This title may be cited as the "Mortgage Disclosure Improvement Act of 2008".

SEC. 502. ENHANCED MORTGAGE LOAN DISCLOSURES.

(a) TRUTH IN LENDING ACT DISCLOSURES.—Section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)) is amended—

(1) by inserting "(A)" before "In the";

(2) by striking "a residential mortgage transaction, as defined in section 103(w)" and inserting "any extension of credit that is secured by the dwelling of a consumer";

(3) by striking "before the credit is extended, or";

(4) by inserting ", which shall be at least 7 business days before consummation of the transaction" after "written application";

(5) by striking ", whichever is earlier"; and

(6) by striking "If the" and all that follows through the end of the paragraph and inserting the following:

"(B) In the case of an extension of credit that is secured by the dwelling of a consumer, the disclosures provided under subparagraph (A), shall be in addition to the other disclosures required by subsection (a), and shall—

"(i) state in conspicuous type size and format, the following: 'You are not required to complete this agreement merely because you have received these disclosures or signed a loan application.'; and

"(ii) be provided in the form of final disclosures at the time of consummation of the transaction, in the form and manner prescribed by this section.

"(C) In the case of an extension of credit that is secured by the dwelling of a consumer, under which the annual rate of interest is variable, or with respect to which the regular payments may otherwise be variable, in addition to the other disclosures required by subsection (a), the disclosures provided under this subsection shall do the following:

"(i) Label the payment schedule as follows: 'Payment Schedule: Payments Will Vary Based on Interest Rate Changes'.

"(ii) State in conspicuous type size and format examples of adjustments to the regular required payment on the extension of credit based on the change in the interest rates specified by the contract for such extension of credit. Among the examples required to be provided under this clause is an example that reflects the maximum payment amount of the regular required payments on the extension of credit, based on the maximum interest rate allowed under the contract, in accordance with the rules of the Board. Prior to issuing any rules pursuant to this clause, the Board shall conduct consumer testing to determine the appropriate format for providing the disclosures required under this subparagraph to consumers so that such disclosures can be easily understood.

"(D) In any case in which the disclosure statement under subparagraph (A) contains an annual percentage rate of interest that is no longer accurate, as determined under section 107(c), the creditor shall furnish an additional, corrected statement to the borrower, not later than 3 business days before the date of consummation of the transaction.

"(E) The consumer shall receive the disclosures required under this paragraph before paying any fee to the creditor or other person in connection with the consumer's application for an extension of credit that is secured by the dwelling of a consumer. If the disclosures are mailed to the consumer, the consumer is considered to have received them 3 business days after they are mailed. A creditor or other person may impose a fee for obtaining the consumer's credit report before the consumer has received the disclosures under this paragraph, provided the fee is bona fide and reasonable in amount.

"(F) WAIVER OF TIMELINESS OF DISCLOSURES.—To expedite consummation of a transaction, if the consumer determines that the extension of credit is needed to meet a bona fide personal financial emergency, the consumer may waive or modify the timing requirements for disclosures under subparagraph (A), provided that—

"(i) the term 'bona fide personal emergency' may be further defined in regulations issued by the Board;

"(ii) the consumer provides to the creditor a dated, written statement describing the emergency and specifically waiving or modifying those timing requirements, which statement shall bear the signature of all consumers entitled to receive the disclosures required by this paragraph; and

"(iii) the creditor provides to the consumers at or before the time of such waiver or modification, the final disclosures required by paragraph (1).

"(G) The requirements of subparagraphs (B), (C), (D) and (E) shall not apply to extensions of credit relating to plans described in section 101(53D) of title 11, United States Code.".

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended—

(1) in paragraph (2)(A)(iii), by striking "not less than $200 or greater than $2,000" and inserting "not less than $400 or greater than $4,000"; and

(2) in the penultimate sentence of the undesignated matter following paragraph (4)—

(A) by inserting "or section 128(b)(2)(C)(ii)," after "128(a),"; and

(B) by inserting "or section 128(b)(2)(C)(ii)" before the period.

(c) EFFECTIVE DATES.—

(1) GENERAL DISCLOSURES.—Except as provided in paragraph (2), the amendments made by subsection (a) shall become effective 12 months after the date of enactment of this Act.

(2) VARIABLE INTEREST RATES.—Subparagraph (C) of section 128(b)(2) of the Truth in Lending Act (15 U.S.C. 1638(b)(2)(C)), as added by subsection (a) of this section, shall become effective on the earlier of—

(A) the compliance date established by the Board for such purpose, by regulation; or

(B) 30 months after the date of enactment of this Act.

SEC. 503. COMMUNITY DEVELOPMENT INVESTMENT AUTHORITY FOR DEPOSITORY INSTITUTIONS.

(a) DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(2) STATE MEMBER BANKS.—The first sentence of the 23rd paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

SEC. 504. FEDERAL HOME LOAN BANK REFINANCING AUTHORITY FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

Section 10(j)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(2) is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) during the 2-year period beginning on the date of enactment of this subparagraph, refinance loans that are secured by a first mortgage on a primary residence of any family having an income at or below 80 percent of the median income for the area.".

TITLE VI—TAX-RELATED PROVISIONS

SEC. 601. ELECTION FOR 4-YEAR CARRYBACK OF CERTAIN NET OPERATING LOSSES AND TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—

(1) 4-YEAR CARRYBACK OF CERTAIN LOSSES.—Subparagraph (H) of section 172(b)(1) of the Internal Revenue Code of 1986 (relating to years to which loss may be carried) is amended to read as follows:

"(H) ADDITIONAL CARRYBACK OF CERTAIN LOSSES.—

"(i) TAXABLE YEARS ENDING DURING 2001 AND 2002.—In the case of a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.

"(ii) TAXABLE YEARS ENDING DURING 2008 AND 2009.—In the case of a net operating loss with respect to any eligible taxpayer (within the meaning of section 168(k)(4)) for any taxable year ending during 2008 or 2009—

"(I) subparagraph (A)(i) shall be applied by substituting '4' for '2',

"(II) subparagraph (E)(ii) shall be applied by substituting '3' for '2', and

"(III) subparagraph (F) shall not apply.".

(2) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYBACKS AND CARRYOVERS.—

(A) IN GENERAL.—Section 56(d) of the Internal Revenue Code of 1986 (relating to definition of alternative tax net operating loss deduction) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL ADJUSTMENTS.—For purposes of paragraph (1)(A), in the case of an eligible taxpayer (within the meaning of section 168(k)(4)), the amount described in subclause (I) of paragraph (1)(A)(ii) shall be increased by the amount of the net operating loss deduction allowable for the taxable year under section 172 attributable to the sum of—

"(A) carrybacks of net operating losses from taxable years ending during 2008 and 2009, and

"(B) carryovers of net operating losses to taxable years ending during 2008 or 2009.".

(B) CONFORMING AMENDMENT.—Subclause (I) of section 56(d)(1)(A)(i) of such Code is amended by inserting "amount of such" before "deduction described in clause (ii)(I)".

(3) EFFECTIVE DATES.—

(A) NET OPERATING LOSSES.—The amendments made by paragraph (1) shall apply to net operating losses arising in taxable years ending in 2008 or 2009.

(B) SUSPENSION OF AMT LIMITATION.—The amendments made by paragraph (2) shall apply to taxable years ending after December 31, 1997.

(4) ANTI-ABUSE RULES.—The Secretary of Treasury or the Secretary's designee shall prescribe such rules as are necessary to prevent the abuse of the purposes of the amendments made by this subsection, including anti-stuffing rules, anti-churning rules (including rules relating to sale-leasebacks), and rules similar to the rules under section 1091 of the Internal Revenue Code of 1986 relating to losses from wash sales.

(b) ELECTION AMONG STIMULUS INCENTIVES.—

(1) IN GENERAL.—

(A) BONUS DEPRECIATION.—Section 168(k) of the Internal Revenue Code of 1986 (relating to special allowance for certain property acquired after December 31, 2007, and before January 1, 2009), as amended by the Economic Stimulus Act of 2008, is amended—

(i) in paragraph (1), by inserting "placed in service by an eligible taxpayer" after "any qualified property", and

(ii) by adding at the end the following new paragraph:

"(4) ELIGIBLE TAXPAYER.—

"(A) IN GENERAL.—At such time and in such manner as the Secretary shall prescribe, each taxpayer may elect to be an eligible taxpayer with respect to 1 (and only 1) of the following:

"(i) This subsection and section 179(b)(7).

"(ii) The application of section 56(d)(1)(A)(ii)(I) and section 172(b)(1)(H)(ii) in connection with net operating losses relating to taxable years ending during 2008 and 2009.

"(B) ELIGIBLE TAXPAYER.—For purposes of each of the provisions described in subparagraph (A), a taxpayer shall only be treated as an eligible taxpayer with respect to the provision with respect to which the taxpayer made the election under subparagraph (A).

"(C) ELECTION IRREVOCABLE.—An election under subparagraph (A) may not be revoked except with the consent of the Secretary.".

(B) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect as if included in section 103 of the Economic Stimulus Act of 2008.

(2) ELECTION FOR INCREASED EXPENSING.—

(A) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 (relating to limitations), as added by the Economic Stimulus Act of 2008, is amended to read as follows:

"(7) SPECIAL RULE FOR ELIGIBLE TAXPAYERS IN 2008.—In the case of any taxable year of any eligible taxpayer (within the meaning of section 168(k)(4)) beginning in 2008—

"(A) the dollar limitation under paragraph (1) shall be $250,000,

"(B) the dollar limitation under paragraph (2) shall be $800,000, and

"(C) the amounts described in subparagraphs (A) and (B) shall not be adjusted under paragraph (5).".

(B) EFFECTIVE DATE.—The amendment made by this paragraph shall take effect as if included in section 102 of the Economic Stimulus Act of 2008.

SEC. 602. MODIFICATIONS ON USE OF QUALIFIED MORTGAGE BONDS; TEMPORARY INCREASED VOLUME CAP FOR CERTAIN HOUSING BONDS.

(a) USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—Section 143(k) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying this paragraph to any case in which the proceeds of a qualified mortgage issue are used for any refinancing described in subparagraph (A)—

"(i) subsection (a)(2)(D)(i) (relating to proceeds must be used within 42 months of date of issuance) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan originated after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(b) INCREASED VOLUME CAP FOR CERTAIN BONDS.—

(1) IN GENERAL.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to the greater of—

"(i) $10,000,000,000 multiplied by a fraction—

"(I) the numerator of which is the population of such State, and

"(II) the denominator of which is the total population of all States, or

"(ii) the amount determined under subparagraph (B).

"(B) MINIMUM AMOUNT.—The amount determined under this subparagraph is—

"(i) in the case of a State (other than a possession), $90,300,606, and

"(ii) in the case of a possession of the United States with a population less than the least populous State (other than a possession), the product of—

"(I) a fraction the numerator of which is $90,300,606 and the denominator of which is population of the least populous State (other than a possession), and

"(II) the population of such possession.

In the case of any possession of the United States not described in clause (ii), the amount determined under this subparagraph shall be zero.

"(C) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified purposes.

"(ii) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means—

"(I) the issuance of exempt facility bonds used solely to provide qualified residential rental projects, or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 of such Code (relating to elective carryforward of unused limitation for specified purpose) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—

"(A) IN GENERAL.—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(i) for a carryforward purpose other than a qualified purpose (as defined in subsection (d)(5)), and

"(ii) to issue any bond after calendar year 2010.

"(B) ORDERING RULES.—For purposes of subparagraph (A), any carryforward of an issuing authority's volume cap for calendar year 2008 shall be treated as attributable to such increase to the extent of such increase.".

(c) ALTERNATIVE MINIMUM TAX EXEMPTION FOR QUALIFIED MORTGAGE BONDS, QUALIFIED VETERANS' MORTGAGE BONDS, AND BONDS FOR QUALIFIED RESIDENTIAL RENTAL PROJECTS.—

(1) IN GENERAL.—Clause (ii) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 (relating to specified private activity bonds) is amended by striking "shall not include" and all that follows and inserting "shall not include—

"(I) any qualified 501(c)(3) bond (as defined in section 145), or

"(II) any qualified mortgage bond (as defined in section 143(a)), any qualified veterans' mortgage bond (as defined in section 143(b)), or any exempt facility bond (as defined in section 142(a)) issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)), but only if such bond is issued after the date of the enactment of this subclause and before January 1, 2011.

Subclause (II) shall not apply to a refunding bond unless such subclause applied to the refunded bond (or in the case of a series of refundings, the original bond).".

(2) CONFORMING AMENDMENT.—The heading for section 57(a)(5)(C)(ii) of such Code is amended by striking "QUALIFIED 501(c)(3) BONDS" and inserting "CERTAIN BONDS".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 603. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25D the following new section:

"SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the purchase price of the residence as does not exceed $7,000.

"(2) ALLOCATION OF CREDIT AMOUNT.—The amount of the credit allowed under paragraph (1) shall be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

"(b) LIMITATIONS.—

"(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

"(A) after the date of the enactment of this section, and

"(B) before the date that is 12 months after such date.

"(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section and section 23) for the taxable year.

"(3) ONE-TIME ONLY.—

"(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

"(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

"(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified principal residence' means an eligible single-family residence that is purchased to be the principal residence of the purchaser.

"(2) ELIGIBLE SINGLE-FAMILY RESIDENCE.—

"(A) IN GENERAL.—The term 'eligible single-family residence' means a single-family structure that is a residence—

"(i) upon which foreclosure has been filed pursuant to the laws of the State in which the residence is located, and

"(ii) which—

"(I) is a new previously unoccupied residence for which a building permit was issued and construction began on or before September 1, 2007, or

"(II) was occupied as a principal residence by the mortgagor for at least 1 year prior to the foreclosure filing.

"(B) CERTIFICATION.—In the case of an eligible single-family residence described in subparagraph (A)(ii)(I), no credit shall be allowed under this section unless the purchaser submits a certification by the seller of such residence that such residence meets the requirements of such subparagraph.

"(3) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 1400C.

"(e) RECAPTURE IN THE CASE OF CERTAIN DISPOSITIONS.—In the event that a taxpayer—

"(1) disposes of the qualified principal residence with respect to which a credit is allowed under subsection (a), or

"(2) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the remaining portion of the credit allowed under subsection (a) shall be disallowed in the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence, and in any subsequent taxable year in which the remaining portion of the credit would, but for this subsection, have been allowed.

"(f) SPECIAL RULES.—

"(1) JOINT PURCHASE.—

"(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$3,500' for '$7,000' in paragraph (1) thereof.

"(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,000.

"(2) PURCHASE; PURCHASE PRICE.—Rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply for purposes of this section.

"(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply for purposes of this section.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.".

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking "and 25B" and inserting ", 25B, and 25E".

(2) Section 25(e)(1)(C)(ii) of such Code is amended by inserting "25E," after "25D,".

(3) Section 25B(g)(2) of such Code is amended by striking "section 23" and inserting "sections 23 and 25E".

(4) Section 25D(c)(2) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(5) Section 26(a)(1) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(6) Section 904(i) of such Code is amended by striking "and 25B" and inserting "25B, and 25E".

(7) Subsection (a) of section 1016 of such Code is amended by striking "and" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", and", and by adding at the end the following new paragraph:

"(38) to the extent provided in section 25E(g).".

(8) Section 1400C(d)(2) of such Code is amended by striking "and 25D" and inserting "25D, and 25E".

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

"Sec. 25E. Credit for certain home purchases.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases in taxable years ending after the date of the enactment of this Act.

(e) APPLICATION OF EGTRRA SUNSET.—The amendment made by subsection (b)(1) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendment relates.

SEC. 604. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) of the Internal Revenue Code of 1986 (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(8) REAL PROPERTY TAX DEDUCTION.—

"(A) IN GENERAL.—For purposes of paragraph (1), the real property tax deduction is so much of the amount of the eligible State and local real property taxes paid or accrued by the taxpayer during the taxable year which do not exceed $500 ($1,000 in the case of a joint return).

"(B) ELIGIBLE STATE AND LOCAL REAL PROPERTY TAXES.—For purposes of subparagraph (A), the term 'eligible State and local real property taxes' means State and local real property taxes (within the meaning of section 164), but only if the rate of tax for all residential real property taxes in the jurisdiction has not been increased at any time after April 2, 2008, and before January 1, 2009.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 605. ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.

(a) IN GENERAL.—Section 168(k), as amended by this Act, is amended by adding at the end the following new paragraph:

"(5) ELECTION TO ACCELERATE AMT AND R AND D CREDITS IN LIEU OF BONUS DEPRECIATION.—

"(A) IN GENERAL.—If a corporation which is an eligible taxpayer (within the meaning of paragraph (4)) for purposes of this subsection elects to have this paragraph apply—

"(i) no additional depreciation shall be allowed under paragraph (1) for any qualified property placed in service during any taxable year to which paragraph (1) would otherwise apply, and

"(ii) the limitations described in subparagraph (B) for such taxable year shall be increased by an aggregate amount not in excess of the bonus depreciation amount for such taxable year.

"(B) LIMITATIONS TO BE INCREASED.—The limitations described in this subparagraph are—

"(i) the limitation under section 38(c), and

"(ii) the limitation under section 53(c).

"(C) BONUS DEPRECIATION AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The bonus depreciation amount for any applicable taxable year is an amount equal to the product of 20 percent and the excess (if any) of—

"(I) the aggregate amount of depreciation which would be determined under this section for property placed in service during the taxable year if no election under this paragraph were made, over

"(II) the aggregate amount of depreciation allowable under this section for property placed in service during the taxable year.

In the case of property which is a passenger aircraft, the amount determined under subclause (I) shall be calculated without regard to the written binding contract limitation under paragraph (2)(A)(iii)(I).

"(ii) ELIGIBLE QUALIFIED PROPERTY.—For purposes of clause (i), the term 'eligible qualified property' means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this clause—

"(I) 'March 31, 2008' shall be substituted for 'December 31, 2007' each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

"(II) only adjusted basis attributable to manufacture, construction, or production after March 31, 2008, and before January 1, 2009, shall be taken into account under subparagraph (B)(ii) thereof, and

"(III) in the case of property which is a passenger aircraft, the written binding contract limitation under subparagraph (A)(iii)(I) thereof shall not apply.

"(iii) MAXIMUM AMOUNT.—The bonus depreciation amount for any applicable taxable year shall not exceed the applicable limitation under clause (iv), reduced (but not below zero) by the bonus depreciation amount for any preceding taxable year.

"(iv) APPLICABLE LIMITATION.—For purposes of clause (iii), the term 'applicable limitation' means, with respect to any eligible taxpayer, the lesser of—

"(I) $40,000,000, or

"(II) 10 percent of the sum of the amounts determined with respect to the eligible taxpayer under clauses (ii) and (iii) of subparagraph (D).

"(v) AGGREGATION RULE.—All corporations which are treated as a single employer under section 52(a) shall be treated as 1 taxpayer for purposes of applying the limitation under this subparagraph and determining the applicable limitation under clause (iv).

"(D) ALLOCATION OF BONUS DEPRECIATION AMOUNTS.—

"(i) IN GENERAL.—Subject to clauses (ii) and (iii), the taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the bonus depreciation amount which is to be allocated to each of the limitations described in subparagraph (B).

"(ii) BUSINESS CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(i) shall not exceed an amount equal to the portion of the credit allowable under section 38 for the taxable year which is allocable to business credit carryforwards to such taxable year which are—

"(I) from taxable years beginning before January 1, 2006, and

"(II) properly allocable (determined under the rules of section 38(d)) to the research credit determined under section 41(a).

"(iii) ALTERNATIVE MINIMUM TAX CREDIT LIMITATION.—The portion of the bonus depreciation amount allocated to the limitation described in subparagraph (B)(ii) shall not exceed an amount equal to the portion of the minimum tax credit allowable under section 53 for the taxable year which is allocable to the adjusted minimum tax imposed for taxable years beginning before January 1, 2006.

"(E) CREDIT REFUNDABLE.—Any aggregate increases in the credits allowed under section 38 or 53 by reason of this paragraph shall, for purposes of this title, be treated as a credit allowed to the taxpayer under subpart C of part IV of subchapter A.

"(F) OTHER RULES.—

"(i) ELECTION.—Any election under this paragraph (including any allocation under subparagraph (D)) may be revoked only with the consent of the Secretary.

"(ii) DEDUCTION ALLOWED IN COMPUTING MINIMUM TAX.—Notwithstanding this paragraph, paragraph (2)(G) shall apply with respect to the deduction computed under this section (after application of this paragraph) with respect to property placed in service during any applicable taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2007, in taxable years ending after such date.

SEC. 606. USE OF AMENDED INCOME TAX RETURNS TO TAKE INTO ACCOUNT RECEIPT OF CERTAIN HURRICANE-RELATED CASUALTY LOSS GRANTS BY DISALLOWING PREVIOUSLY TAKEN CASUALTY LOSS DEDUCTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of the Internal Revenue Code of 1986, if a taxpayer claims a deduction for any taxable year with respect to a casualty loss to a personal residence (within the meaning of section 121 of such Code) resulting from Hurricane Katrina, Hurricane Rita, or Hurricane Wilma and in a subsequent taxable year receives a grant under Public Law 109–148, 109–234, or 110–116 as reimbursement for such loss, such taxpayer may elect to file an amended income tax return for the taxable year in which such deduction was allowed and disallow such deduction. If elected, such amended return must be filed not later than the due date for filing the tax return for the taxable year in which the taxpayer receives such reimbursement or the date that is 4 months after the date of the enactment of this Act, whichever is later. Any increase in Federal income tax resulting from such disallowance if such amended return is filed—

(1) shall be subject to interest on the underpaid tax for one year at the underpayment rate determined under section 6621(a)(2) of such Code; and

(2) shall not be subject to any penalty under such Code.

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 607. WAIVER OF DEADLINE ON CONSTRUCTION OF GO ZONE PROPERTY ELIGIBLE FOR BONUS DEPRECIATION.

(a) IN GENERAL.—Subparagraph (B) of section 1400N(d)(3) of the Internal Revenue Code of 1986 is amended to read as follows:

"(B) without regard to 'and before January 1, 2009' in clause (i) thereof,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2007.

(c) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 608. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—The following provisions of or relating to the Internal Revenue Code of 1986 shall apply, in addition to the areas described in such provisions, to an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributed to such storms and tornados:

(1) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting "May 4, 2007" for "August 25, 2005".

(2) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting "on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados" for "on or after August 25, 2005, by reason of Hurricane Katrina".

(3) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting "May 4, 2007" for "August 28, 2005" each place it appears,

(B) by substituting "January 1, 2008" for "January 1, 2006" both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(4) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(5) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(6) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(7) TREATMENT OF PUBLIC UTILITY PROPERTY DISASTER LOSSES.—Section 1400N(o) of such Code.

(8) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(9) TREATMENT OF REPRESENTATIONS REGARDING INCOME ELIGIBILITY FOR PURPOSES OF QUALIFIED RENTAL PROJECT REQUIREMENTS.—Section 1400N(n) of such Code.

(10) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(D) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005" in subsection (b)(2)(B)(ii),

(E) by substituting "beginning on May 4, 2007, and ending on November 5, 2007" for "beginning on August 25, 2005, and ending on February 28, 2006" in subsection (b)(3)(A),

(F) by substituting "qualified storm individual" for "qualified Hurricane Katrina individual" each place it appears,

(G) by substituting "December 31, 2007" for "December 31, 2006" in subsection (c)(2)(A),

(H) by substituting "beginning on June 4, 2007, and ending on December 31, 2007" for "beginning on September 24, 2005, and ending on December 31, 2006" in subsection (c)(4)(A)(i),

(I) by substituting "May 4, 2007" for "August 25, 2005" in subsection (c)(4)(A)(ii), and

(J) by substituting "January 1, 2008" for "January 1, 2007" in subsection (d)(2)(A)(ii).

(b) EMERGENCY DESIGNATION.—For purposes of Senate enforcement, all provisions of this section are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VII—EMERGENCY DESIGNATION

SEC. 701. EMERGENCY DESIGNATION.

For purposes of Senate enforcement; all provisions of this Act are designated as emergency requirements and necessary to meet emergency needs pursuant to section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

TITLE VIII—REIT INVESTMENT DIVERSIFICATION AND EMPOWERMENT

SEC. 801. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This title may be cited as the "REIT Investment Diversification and Empowerment Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Taxable REIT Subsidiaries

SEC. 811. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking "20 percent" and inserting "25 percent".

Subtitle B—Dealer Sales

SEC. 821. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset"and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting "real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if".

SEC. 822. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting ", or (III) the

fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;'', and

(2) by adding ''or'' at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

''(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,''.

Subtitle C—Health Care REITs

SEC. 831. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

''(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility (as defined in paragraph (9)(D)) or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it—

''(i) directly or indirectly possesses a license, permit, or similar instrument enabling it to do so, or

''(ii) employs individuals working at such property or facility located outside the United States, but only if an eligible independent contractor is responsible for the daily supervision and direction of such individuals on behalf of the taxable REIT subsidiary pursuant to a management agreement or similar service contract.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

Subtitle D—Effective Dates and Sunset

SEC. 841 EFFECTIVE DATES AND SUNSET.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 801(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 801(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 801(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 803(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 803(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by subtitle C shall apply to sales made after the date of the enactment of this Act.

(e) SUNSET.—All amendments made by this title shall not apply to taxable years beginning after the date which is 5 years after the date of the enactment of this Act. The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in the preceding sentence as if the amendments so described had never been enacted.

TITLE IX—VETERANS HOUSING MATTERS

SEC. 901. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 902. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 of title 38, United States Code, is amended by inserting after section 2101 the following new section:

''§2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 of such title is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 of such title is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A of such title is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking "veteran's" each place it appears and inserting "individual's"; and

(C) in subsection (b), by striking "a veteran" each place it appears and inserting "an individual".

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 of such title is amended by striking "veterans" both places it appears and inserting "individuals".

(5) CONSTRUCTION OF BENEFITS.—Section 2104 of such title is amended—

(A) in subsection (a), by striking "veteran" each place it appears and inserting "individual"; and

(B) in subsection (b)—

(i) in the first sentence, by striking "A veteran" and inserting "An individual";

(ii) in the second sentence, by striking "a veteran" and inserting "an individual"; and

(iii) by striking "such veteran" each place it appears and inserting "such individual".

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 of such title is amended—

(A) in subsection (a)—

(i) by striking "any eligible veteran" and inserting "any eligible individual"; and

(ii) by striking "the veterans'" and inserting "the individual's";

(B) in subsection (b), by striking "an eligible veteran" and inserting "an eligible individual";

(C) in subsection (e), by striking "an eligible veteran" and inserting "an individual";

(D) in subsection (h), by striking "each veteran" and inserting "each individual";

(E) in subsection (i), by striking "the veteran's" each place it appears and inserting "the individual's";

(F) by striking "the veteran" each place it appears and inserting "the individual"; and

(G) by striking "a veteran" each place it appears and inserting "an individual".

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 of such title is amended to read as follows:

"§2101. Acquisition and adaptation of housing: eligible veterans".

(B) The heading of section 2102A of such title is amended to read as follows:

"§2102A. Assistance for individuals residing temporarily in housing owned by a family member".

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 of such title is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

"2101. Acquisition and adaptation of housing: eligible veterans.";

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

"2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.";

and

(C) by striking the item relating to section 2102A and inserting the following new item:

"2102A. Assistance for individuals residing temporarily in housing owned by a family member.".

SEC. 903. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 of title 38, United States Code, is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

"(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary)."; and

(2) in subsection (b)(2)—

(A) by striking "either" and inserting "any"; and

(B) by adding at the end the following new subparagraph:

"(C) The disability is due to a severe burn injury (as so determined).".

SEC. 904. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) of title 38, United States Code, is amended by striking "after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006" and inserting "after December 31, 2011".

SEC. 905. INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Section 2102 of title 38, United States Code, is amended—

(1) in subsection (b)(2), by striking "$10,000" and inserting "$12,000";

(2) in subsection (d)—

(A) in paragraph (1), by striking "$50,000" and inserting "$60,000"; and

(B) in paragraph (2), by striking "$10,000" and inserting "$12,000"; and

(3) by adding at the end the following new subsection:

"(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

"(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

"(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

"(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

"(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 906. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 902(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 907. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 902(a) of this Act), who reside with family members on a permanent basis.

SEC. 908. DEFINITION OF ANNUAL INCOME FOR PURPOSES OF SECTION 8 AND OTHER PUBLIC HOUSING PROGRAMS.

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered".

SEC. 909. PAYMENT OF TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR MEMBERS OF THE ARMED FORCES WHO RELOCATE DUE TO FORECLOSURE OF LEASED HOUSING.

Section 406 of title 37, United States Code, is amended—

(1) by redesignating subsections (k) and (l) as subsections (l) and (m), respectively; and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A member of the armed forces who relocates from leased or rental housing by reason of the foreclosure of such housing is entitled to transportation of baggage and household effects under subsection (b)(1) in the same manner, and subject to the same conditions and limitations, as similarly circumstanced members entitled to transportation of baggage and household effects under that subsection.".

TITLE X—CLEAN ENERGY TAX STIMULUS

SEC. 1001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the "Clean Energy Tax Stimulus Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Extension of Clean Energy Production Incentives

SEC. 1011. EXTENSION AND MODIFICATION OF RENEWABLE ENERGY PRODUCTION TAX CREDIT.

(a) EXTENSION OF CREDIT.—Each of the following provisions of section 45(d) (relating to qualified facilities) is amended by striking "January 1, 2009" and inserting "January 1, 2010":

(1) Paragraph (1).

(2) Clauses (i) and (ii) of paragraph (2)(A).

(3) Clauses (i)(I) and (ii) of paragraph (3)(A).

(4) Paragraph (4).

(5) Paragraph (5).

(6) Paragraph (6).

(7) Paragraph (7).

(8) Paragraph (8).

(9) Subparagraphs (A) and (B) of paragraph (9).

(b) PRODUCTION CREDIT FOR ELECTRICITY PRODUCED FROM MARINE RENEWABLES.—

(1) IN GENERAL.—Paragraph (1) of section 45(c) (relating to resources) is amended by striking "and" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", and", and by adding at the end the following new subparagraph:

"(I) marine and hydrokinetic renewable energy.".

(2) MARINE RENEWABLES.—Subsection (c) of section 45 is amended by adding at the end the following new paragraph:

"(10) MARINE AND HYDROKINETIC RENEWABLE ENERGY.—

"(A) IN GENERAL.—The term 'marine and hydrokinetic renewable energy' means energy derived from—

"(i) waves, tides, and currents in oceans, estuaries, and tidal areas,

"(ii) free flowing water in rivers, lakes, and streams,

"(iii) free flowing water in an irrigation system, canal, or other man-made channel, including projects that utilize nonmechanical structures to accelerate the flow of water for electric power production purposes, or

"(iv) differentials in ocean temperature (ocean thermal energy conversion).

"(B) EXCEPTIONS.—Such term shall not include any energy which is derived from any source which utilizes a dam, diversionary structure (except as provided in subparagraph (A)(iii)), or impoundment for electric power production purposes.".

(3) DEFINITION OF FACILITY.—Subsection (d) of section 45 is amended by adding at the end the following new paragraph:

"(11) MARINE AND HYDROKINETIC RENEWABLE ENERGY FACILITIES.—In the case of a facility producing electricity from marine and hydrokinetic renewable energy, the term 'qualified facility' means any facility owned by the taxpayer—

"(A) which has a nameplate capacity rating of at least 150 kilowatts, and

"(B) which is originally placed in service on or after the date of the enactment of this paragraph and before January 1, 2010.".

(4) CREDIT RATE.—Subparagraph (A) of section 45(b)(4) is amended by striking "or (9)" and inserting "(9), or (11)".

(5) COORDINATION WITH SMALL IRRIGATION POWER.—Paragraph (5) of section 45(d), as amended by subsection (a), is amended by striking "January 1, 2010" and inserting "the date of the enactment of paragraph (11)".

(c) SALES OF ELECTRICITY TO REGULATED PUBLIC UTILITIES TREATED AS SALES TO UNRELATED PERSONS.—Section 45(e)(4) (relating to related persons) is amended by adding at the end the following new sentence: "A taxpayer shall be treated as selling electricity to an unrelated person if such electricity is sold to a regulated public utility (as defined in section 7701(a)(33).".

(d) TRASH FACILITY CLARIFICATION.—Paragraph (7) of section 45(d) is amended—

(1) by striking "facility which burns" and inserting "facility (other than a facility described in paragraph (6)) which uses", and

(2) by striking "COMBUSTION".

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall apply to property originally placed in service after December 31, 2008.

(2) MODIFICATIONS.—The amendments made by subsections (b) and (c) shall apply to electricity produced and sold after the date of the enactment of this Act, in taxable years ending after such date.

(3) TRASH FACILITY CLARIFICATION.—The amendments made by subsection (d) shall apply to electricity produced and sold before, on, or after December 31, 2007.

SEC. 1012. EXTENSION AND MODIFICATION OF SOLAR ENERGY AND FUEL CELL INVESTMENT TAX CREDIT.

(a) EXTENSION OF CREDIT.—

(1) SOLAR ENERGY PROPERTY.—Paragraphs (2)(A)(i)(II) and (3)(A)(ii) of section 48(a) (relating to energy credit) are each amended by striking "January 1, 2009" and inserting "January 1, 2017".

(2) FUEL CELL PROPERTY.—Subparagraph (E) of section 48(c)(1) (relating to qualified fuel cell property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(3) QUALIFIED MICROTURBINE PROPERTY.—Subparagraph (E) of section 48(c)(2) (relating to qualified microturbine property) is amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) ALLOWANCE OF ENERGY CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by striking "and" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", and", and by adding at the end the following new clause:

"(v) the credit determined under section 46 to the extent that such credit is attributable to the energy credit determined under section 48.".

(c) REPEAL OF DOLLAR PER KILOWATT LIMITATION FOR FUEL CELL PROPERTY.—

(1) IN GENERAL.—Section 48(c)(1) (relating to qualified fuel cell), as amended by subsection (a)(2), is amended by striking subparagraph (B) and by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

(2) CONFORMING AMENDMENT.—Section 48(a)(1) is amended by striking "paragraphs (1)(B) and (2)(B) of subsection (c)" and inserting "subsection (c)(2)(B)".

(d) PUBLIC ELECTRIC UTILITY PROPERTY TAKEN INTO ACCOUNT.—

(1) IN GENERAL.—Paragraph (3) of section 48(a) is amended by striking the second sentence thereof.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 48(c), as amended by this section, is amended by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C).

(B) Paragraph (2) of section 48(c), as amended by subsection (a)(3), is amended by striking subparagraph (D) and redesignating subparagraph (E) as subparagraph (D).

(e) EFFECTIVE DATES.—

(1) EXTENSION.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—The amendments made by subsection (b) shall apply to credits determined under section 46 of the Internal Revenue Code of 1986 in taxable years beginning after the date of the enactment of this Act and to carrybacks of such credits.

(3) FUEL CELL PROPERTY AND PUBLIC ELECTRIC UTILITY PROPERTY.—The amendments made by subsections (c) and (d) shall apply to periods after the date of the enactment of this Act, in taxable years ending after such date, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

SEC. 1013. EXTENSION AND MODIFICATION OF RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT.

(a) EXTENSION.—Section 25D(g) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) NO DOLLAR LIMITATION FOR CREDIT FOR SOLAR ELECTRIC PROPERTY.—

(1) IN GENERAL.—Section 25D(b)(1) (relating to maximum credit) is amended by striking subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(2) CONFORMING AMENDMENTS.—Section 25D(e)(4) is amended—

(A) by striking clause (i) in subparagraph (A),

(B) by redesignating clauses (ii) and (iii) in subparagraph (A) as clauses (i) and (ii), respectively, and

(C) by striking ", (2)," in subparagraph (C).

(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 25D is amended to read as follows:

"(c) LIMITATION BASED ON AMOUNT OF TAX; CARRYFORWARD OF UNUSED CREDIT.—

"(1) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for the taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this subpart (other than this section) and section 27 for the taxable year.

"(2) CARRYFORWARD OF UNUSED CREDIT.—

"(A) RULE FOR YEARS IN WHICH ALL PERSONAL CREDITS ALLOWED AGAINST REGULAR AND ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) applies, if the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a)(2) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.

"(B) RULE FOR OTHER YEARS.—In the case of a taxable year to which section 26(a)(2) does not apply, if the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.".

(2) CONFORMING AMENDMENTS.—

(A) Section 23(b)(4)(B) is amended by inserting "and section 25D" after "this section".

(B) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting ", 25B, and 25D".

(C) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25D".

(D) Section 26(a)(1) is amended by striking "and 25B" and inserting "25B, and 25D".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

(2) APPLICATION OF EGTRRA SUNSET.—The amendments made by subparagraphs (A) and (B) of subsection (c)(2) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 in the same manner as the provisions of such Act to which such amendments relate.

SEC. 1014. EXTENSION AND MODIFICATION OF CREDIT FOR CLEAN RENEWABLE ENERGY BONDS.

(a) EXTENSION.—Section 54(m) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) INCREASE IN NATIONAL LIMITATION.—Section 54(f) (relating to limitation on amount of bonds designated) is amended—

(1) by inserting ", and for the period beginning after the date of the enactment of the Clean Energy Tax Stimulus Act of 2008 and ending before January 1, 2010, $400,000,000" after "$1,200,000,000" in paragraph (1),

(2) by striking "$750,000,000 of the" in paragraph (2) and inserting "$750,000,000 of the $1,200,000,000", and

(3) by striking "bodies" in paragraph (2) and inserting "bodies, and except that the Secretary may not allocate more than 1/3 of the $400,000,000 national clean renewable energy bond limitation to finance qualified projects of qualified borrowers which are public power providers nor more than 1/3 of such limitation to finance qualified projects of qualified borrowers which are mutual or cooperative electric companies described in section 501(c)(12) or section 1381(a)(2)(C)".

(c) PUBLIC POWER PROVIDERS DEFINED.—Section 54(j) is amended—

(1) by adding at the end the following new paragraph:

"(6) PUBLIC POWER PROVIDER.—The term 'public power provider' means a State utility with a service obligation, as such terms are defined in section 217 of the Federal Power Act (as in effect on the date of the enactment of this paragraph).", and

(2) by inserting "; PUBLIC POWER PROVIDER" before the period at the end of the heading.

(d) TECHNICAL AMENDMENT.—The third sentence of section 54(e)(2) is amended by striking "subsection (l)(6)" and inserting "subsection (l)(5)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 1015. EXTENSION OF SPECIAL RULE TO IMPLEMENT FERC RESTRUCTURING POLICY.

(a) QUALIFYING ELECTRIC TRANSMISSION TRANSACTION.—

(1) IN GENERAL.—Section 451(i)(3) (defining qualifying electric transmission transaction) is amended by striking "January 1, 2008" and inserting "January 1, 2010".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to transactions after December 31, 2007.

(b) INDEPENDENT TRANSMISSION COMPANY.—

(1) IN GENERAL.—Section 451(i)(4)(B)(ii) (defining independent transmission company) is amended by striking "December 31, 2007" and inserting "the date which is 2 years after the date of such transaction".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the amendments made by section 909 of the American Jobs Creation Act of 2004.

Subtitle B—Extension of Incentives to Improve Energy Efficiency

SEC. 1021. EXTENSION AND MODIFICATION OF CREDIT FOR ENERGY EFFICIENCY IMPROVEMENTS TO EXISTING HOMES.

(a) EXTENSION OF CREDIT.—Section 25C(g) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) QUALIFIED BIOMASS FUEL PROPERTY.—

(1) IN GENERAL.—Section 25C(d)(3) is amended—

(A) by striking "and" at the end of subparagraph (D),

(B) by striking the period at the end of subparagraph (E) and inserting ", and", and

(C) by adding at the end the following new subparagraph:

"(F) a stove which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and which has a thermal efficiency rating of at least 75 percent.".

(2) BIOMASS FUEL.—Section 25C(d) (relating to residential energy property expenditures) is amended by adding at the end the following new paragraph:

"(6) BIOMASS FUEL.—The term 'biomass fuel' means any plant-derived fuel available on a renewable or recurring basis, including agricultural crops and trees, wood and wood waste and residues (including wood pellets), plants (including aquatic plants), grasses, residues, and fibers.".

(c) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

"(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2008.".

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking "2006" and inserting "2008".

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

"(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.80 or a thermal efficiency of at least 90 percent.".

(4) OIL FURNACES AND HOT WATER BOILERS.—Paragraph (4) of section 25C(d) is amended to read as follows:

"(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

"(A) QUALIFIED NATURAL GAS FURNACE.—The term 'qualified natural gas furnace' means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term 'qualified natural gas hot water boiler' means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(C) QUALIFIED PROPANE FURNACE.—The term 'qualified propane furnace' means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

"(D) QUALIFIED PROPANE HOT WATER BOILER.—The term 'qualified propane hot water boiler' means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

"(E) QUALIFIED OIL FURNACES.—The term 'qualified oil furnace' means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

"(F) QUALIFIED OIL HOT WATER BOILER.—The term 'qualified oil hot water boiler' means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.".

(d) EFFECTIVE DATE.—The amendments made this section shall apply to expenditures made after December 31, 2007.

SEC. 1022. EXTENSION AND MODIFICATION OF TAX CREDIT FOR ENERGY EFFICIENT NEW HOMES.

(a) EXTENSION OF CREDIT.—Subsection (g) of section 45L (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2010".

(b) ALLOWANCE FOR CONTRACTOR'S PERSONAL RESIDENCE.—Subparagraph (B) of section 45L(a)(1) is amended to read as follows:

"(B)(i) acquired by a person from such eligible contractor and used by any person as a residence during the taxable year, or

"(ii) used by such eligible contractor as a residence during the taxable year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to homes acquired after December 31, 2008.

SEC. 1023. EXTENSION AND MODIFICATION OF ENERGY EFFICIENT COMMERCIAL BUILDINGS DEDUCTION.

(a) EXTENSION.—Section 179D(h) (relating to termination) is amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) ADJUSTMENT OF MAXIMUM DEDUCTION AMOUNT.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) (relating to maximum amount of deduction) is amended by striking "$1.80" and inserting "$2.25".

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking "$.60" and inserting "$0.75", and

(B) by striking "$1.80" and inserting "$2.25".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1024. MODIFICATION AND EXTENSION OF ENERGY EFFICIENT APPLIANCE CREDIT FOR APPLIANCES PRODUCED AFTER 2007.

(a) IN GENERAL.—Subsection (b) of section 45M (relating to applicable amount) is amended to read as follows:

"(b) APPLICABLE AMOUNT.—For purposes of subsection (a)—

"(1) DISHWASHERS.—The applicable amount is—

"(A) $45 in the case of a dishwasher which is manufactured in calendar year 2008 or 2009 and which uses no more than 324 kilowatt hours per year and 5.8 gallons per cycle, and

"(B) $75 in the case of a dishwasher which is manufactured in calendar year 2008, 2009, or 2010 and which uses no more than 307 kilowatt hours per year and 5.0 gallons per cycle (5.5 gallons per cycle for dishwashers designed for greater than 12 place settings).

"(2) CLOTHES WASHERS.—The applicable amount is—

"(A) $75 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 which meets or exceeds a 1.72 modified energy factor and does not exceed a 8.0 water consumption factor,

"(B) $125 in the case of a residential top-loading clothes washer manufactured in calendar year 2008 or 2009 which meets or exceeds a 1.8 modified energy factor and does not exceed a 7.5 water consumption factor,

"(C) $150 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.0 modified energy factor and does not exceed a 6.0 water consumption factor, and

"(D) $250 in the case of a residential or commercial clothes washer manufactured in calendar year 2008, 2009, or 2010 which meets or exceeds 2.2 modified energy factor and does not exceed a 4.5 water consumption factor.

"(3) REFRIGERATORS.—The applicable amount is—

"(A) $50 in the case of a refrigerator which is manufactured in calendar year 2008, and consumes at least 20 percent but not more than 22.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(B) $75 in the case of a refrigerator which is manufactured in calendar year 2008 or 2009, and consumes at least 23 percent but no more than 24.9 percent less kilowatt hours per year than the 2001 energy conservation standards,

"(C) $100 in the case of a refrigerator which is manufactured in calendar year 2008, 2009, or 2010, and consumes at least 25 percent but not more than 29.9 percent less kilowatt hours per year than the 2001 energy conservation standards, and

"(D) $200 in the case of a refrigerator manufactured in calendar year 2008, 2009, or 2010 and which consumes at least 30 percent less energy than the 2001 energy conservation standards.".

(b) ELIGIBLE PRODUCTION.—

(1) SIMILAR TREATMENT FOR ALL APPLIANCES.—Subsection (c) of section 45M (relating to eligible production) is amended—

(A) by striking paragraph (2),

(B) by striking "(1) IN GENERAL" and all that follows through "the eligible" and inserting "The eligible", and

(C) by moving the text of such subsection in line with the subsection heading and redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

(2) MODIFICATION OF BASE PERIOD.—Paragraph (2) of section 45M(c), as amended by paragraph (1) of this section, is amended by striking "3-calendar year" and inserting "2-calendar year".

(c) TYPES OF ENERGY EFFICIENT APPLIANCES.—Subsection (d) of section 45M (defining types of energy efficient appliances) is amended to read as follows:

"(d) TYPES OF ENERGY EFFICIENT APPLIANCE.—For purposes of this section, the types of energy efficient appliances are—

"(1) dishwashers described in subsection (b)(1),

"(2) clothes washers described in subsection (b)(2), and

"(3) refrigerators described in subsection (b)(3).".

(d) AGGREGATE CREDIT AMOUNT ALLOWED.—

(1) INCREASE IN LIMIT.—Paragraph (1) of section 45M(e) (relating to aggregate credit amount allowed) is amended to read as follows:

"(1) AGGREGATE CREDIT AMOUNT ALLOWED.—The aggregate amount of credit allowed under subsection (a) with respect to a taxpayer for any taxable year shall not exceed $75,000,000 reduced by the amount of the credit allowed under subsection (a) to the taxpayer (or any predecessor) for all prior taxable years beginning after December 31, 2007.".

(2) EXCEPTION FOR CERTAIN REFRIGERATOR AND CLOTHES WASHERS.—Paragraph (2) of section 45M(e) is amended to read as follows:

"(2) AMOUNT ALLOWED FOR CERTAIN REFRIGERATORS AND CLOTHES WASHERS.—Refrigerators described in subsection (b)(3)(D) and clothes washers described in subsection (b)(2)(D) shall not be taken into account under paragraph (1).".

(e) QUALIFIED ENERGY EFFICIENT APPLIANCES.—

(1) IN GENERAL.—Paragraph (1) of section 45M(f) (defining qualified energy efficient appliance) is amended to read as follows:

"(1) QUALIFIED ENERGY EFFICIENT APPLIANCE.—The term 'qualified energy efficient appliance' means—

"(A) any dishwasher described in subsection (b)(1),

"(B) any clothes washer described in subsection (b)(2), and

"(C) any refrigerator described in subsection (b)(3).".

(2) CLOTHES WASHER.—Section 45M(f)(3) (defining clothes washer) is amended by inserting "commercial" before "residential" the second place it appears.

(3) TOP-LOADING CLOTHES WASHER.—Subsection (f) of section 45M (relating to definitions) is amended by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively, and by inserting after paragraph (3) the following new paragraph:

"(4) TOP-LOADING CLOTHES WASHER.—The term 'top-loading clothes washer' means a clothes washer which has the clothes container compartment access located on the top of the machine and which operates on a vertical axis.".

(4) REPLACEMENT OF ENERGY FACTOR.—Section 45M(f)(6), as redesignated by paragraph (3), is amended to read as follows:

"(6) MODIFIED ENERGY FACTOR.—The term 'modified energy factor' means the modified energy factor established by the Department of Energy for compliance with the Federal energy conservation standard.".

(5) GALLONS PER CYCLE; WATER CONSUMPTION FACTOR.—Section 45M(f) (relating to definitions), as amended by paragraph (3), is amended by adding at the end the following:

"(9) GALLONS PER CYCLE.—The term 'gallons per cycle' means, with respect to a dishwasher, the amount of water, expressed in gallons, required to complete a normal cycle of a dishwasher.

"(10) WATER CONSUMPTION FACTOR.—The term 'water consumption factor' means, with respect to a clothes washer, the quotient of the total weighted per-cycle water consumption divided by the cubic foot (or liter) capacity of the clothes washer.".

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to appliances produced after December 31, 2007.

TITLE XI—SENSE OF THE SENATE

SEC. 1101. SENSE OF THE SENATE.

It is the sense of the Senate that in implementing or carrying out any provision of this Act, or any amendment made by this Act, the Senate supports a policy of noninterference regarding local government requirements that the holder of a foreclosed property maintain that property.

Amend the title so as to read: "An Act to provide needed housing reform and for other purposes.".

MOTION OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. FRANK of Massachusetts:

Mr. Frank of Massachusetts moves that the House concur in the Senate amendment to the text of H.R. 3221 with each of the three amendments printed in the report of the Committee on Rules accompanying House Resolution 1175.

The text of House amendment No. 1 to the Senate amendment is as follows:

In the matter proposed to be inserted by the amendment of the Senate to the text of the bill, strike section 1 and all that follows through the end of title V and insert the following:

SEC. 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "American Housing Rescue and Foreclosure Prevention Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—FHA HOUSING STABILIZATION AND HOMEOWNERSHIP RETENTION

Sec. 101. Short title.

Subtitle A—Homeownership Retention

Sec. 111. Purposes.
Sec. 112. Insurance of homeownership retention mortgages.
Sec. 113. Study of Auction or Bulk Refinance Program.
Sec. 114. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by Secretary of Veterans Affairs.
Sec. 115. Study of possible accounting revisions relating to property at risk of foreclosure and the availability of credit for refinancing home mortgages at risk of foreclosure.
Sec. 116. GAO study of the effect of tightening credit markets in communities affected by the subprime mortgage foreclosure crises and predatory lending on prospective first-time homebuyers seeking mortgages.

Subtitle B—Office of Housing Counseling

Sec. 131. Short title.
Sec. 132. Establishment of Office of Housing Counseling.
Sec. 133. Counseling procedures.
Sec. 134. Grants for housing counseling assistance.
Sec. 135. Requirements to use HUD-certified counselors under HUD programs.
Sec. 136. Study of defaults and foreclosures.
Sec. 137. Definitions for counseling-related programs.
Sec. 138. Updating and simplification of mortgage information booklet.

Subtitle C—Combating Mortgage Fraud

Sec. 151. Authorization of appropriations to combat mortgage fraud.

TITLE II—FHA REFORM AND MANUFACTURED HOUSING LOAN INSURANCE MODERNIZATION

Subtitle A—FHA Reform

Sec. 201. Short title.
Sec. 202. Findings and purposes.
Sec. 203. Maximum principal loan obligation.
Sec. 204. Extension of mortgage term.
Sec. 205. Downpayment simplification.
Sec. 206. Mortgage insurance premiums for qualified homeownership assistance entities and higher-risk borrowers.
Sec. 207. Risk-based mortgage insurance premiums.
Sec. 208. Payment incentives for higher-risk borrowers.
Sec. 209. Protections for higher-risk borrowers.
Sec. 210. Refinancing mortgages.
Sec. 211. Annual reports on new programs and loss mitigation.
Sec. 212. Insurance for single family homes with licensed child care facilities.
Sec. 213. Rehabilitation loans.
Sec. 214. Discretionary action.
Sec. 215. Insurance of condominiums and manufactured housing.
Sec. 216. Mutual Mortgage Insurance Fund.
Sec. 217. Hawaiian home lands and Indian reservations.
Sec. 218. Conforming and technical amendments.
Sec. 219. Home equity conversion mortgages.
Sec. 220. Study on participation of mortgage brokers and correspondent lenders.
Sec. 221. Conforming loan limit in disaster areas.
Sec. 222. Failure to pay amounts from escrow accounts for single family mortgages.
Sec. 223. Acceptable identification for FHA mortgagors.
Sec. 224. Pilot program for automated process for borrowers without sufficient credit history.
Sec. 225. Sense of Congress regarding technology for financial systems.
Sec. 226. Clarification of disposition of certain properties.
Sec. 227. Valuation of multifamily properties in noncompetitive sales by HUD to states and localities.
Sec. 228. Limitation on mortgage insurance premium increases.

Sec. 229. Civil money penalties for improperly influencing appraisals.
Sec. 230. Mortgage insurance premium refunds.
Sec. 231. Savings provision.
Sec. 232. Implementation.

Subtitle B—FHA Manufactured Housing Loan Insurance Modernization

Sec. 251. Short title.
Sec. 252. Findings and purposes.
Sec. 253. Exception to limitation on financial institution portfolio.
Sec. 254. Insurance benefits.
Sec. 255. Maximum loan limits.
Sec. 256. Insurance premiums.
Sec. 257. Technical corrections.
Sec. 258. Revision of underwriting criteria.
Sec. 259. Requirement of social security account number for assistance.
Sec. 260. GAO study of mitigation of tornado risks to manufactured homes.

TITLE III—REFORM OF GOVERNMENT-SPONSORED ENTITIES FOR HOUSING FINANCE

Sec. 301. Short title.
Sec. 302. Definitions.

Subtitle A—Reform of Regulation of Enterprises and Federal Home Loan Banks

CHAPTER 1—IMPROVEMENT OF SAFETY AND SOUNDNESS

Sec. 311. Establishment of the Federal Housing Finance Agency.
Sec. 312. Duties and authorities of Director.
Sec. 313. Federal Housing Enterprise Board.
Sec. 314. Authority to require reports by regulated entities.
Sec. 315. Disclosure of income and charitable contributions by enterprises.
Sec. 316. Assessments.
Sec. 317. Examiners and accountants.
Sec. 318. Prohibition and withholding of executive compensation.
Sec. 319. Reviews of regulated entities.
Sec. 320. Inclusion of minorities and women; diversity in Agency workforce.
Sec. 321. Regulations and orders.
Sec. 322. Non-waiver of privileges.
Sec. 323. Risk-based capital requirements.
Sec. 324. Minimum and critical capital levels.
Sec. 325. Review of and authority over enterprise assets and liabilities.
Sec. 326. Corporate governance of enterprises.
Sec. 327. Required registration under Securities Exchange Act of 1934.
Sec. 328. Liaison with Financial Institutions Examination Council.
Sec. 329. Guarantee fee study.
Sec. 330. Conforming amendments.

CHAPTER 2—IMPROVEMENT OF MISSION SUPERVISION

Sec. 331. Transfer of product approval and housing goal oversight.
Sec. 332. Review of enterprise products.
Sec. 333. Conforming loan limits.
Sec. 334. Annual housing report regarding regulated entities.
Sec. 335. Annual reports by regulated entities on affordable housing stock.
Sec. 336. Mortgagor identification requirements for mortgages of regulated entities.
Sec. 337. Revision of housing goals.
Sec. 338. Duty to serve underserved markets.
Sec. 339. Monitoring and enforcing compliance with housing goals.
Sec. 340. Affordable Housing Fund.
Sec. 341. Consistency with mission.
Sec. 342. Enforcement.
Sec. 343. Conforming amendments.

CHAPTER 3—PROMPT CORRECTIVE ACTION

Sec. 345. Capital classifications.
Sec. 346. Supervisory actions applicable to undercapitalized regulated entities.
Sec. 347. Supervisory actions applicable to significantly undercapitalized regulated entities.
Sec. 348. Authority over critically undercapitalized regulated entities.
Sec. 349. Conforming amendments.

CHAPTER 4—ENFORCEMENT ACTIONS

Sec. 351. Cease-and-desist proceedings.
Sec. 352. Temporary cease-and-desist proceedings.
Sec. 353. Prejudgment attachment.
Sec. 354. Enforcement and jurisdiction.
Sec. 355. Civil money penalties.
Sec. 356. Removal and prohibition authority.
Sec. 357. Criminal penalty.
Sec. 358. Subpoena authority.
Sec. 359. Conforming amendments.

CHAPTER 5—GENERAL PROVISIONS

Sec. 361. Boards of enterprises.
Sec. 362. Report on portfolio operations, safety and soundness, and mission of enterprises.
Sec. 363. Conforming and technical amendments.
Sec. 364. Study of alternative secondary market systems.
Sec. 365. Effective date.

Subtitle B—Federal Home Loan Banks

Sec. 371. Definitions.
Sec. 372. Directors.
Sec. 373. Federal Housing Finance Agency oversight of Federal Home Loan Banks.
Sec. 374. Joint activities of Banks.
Sec. 375. Sharing of information between Federal Home Loan Banks.
Sec. 376. Reorganization of Banks and voluntary merger.
Sec. 377. Securities and Exchange Commission disclosure.
Sec. 378. Community financial institution members.
Sec. 379. Technical and conforming amendments.
Sec. 380. Study of affordable housing program use for long-term care facilities.
Sec. 381. Effective date.

Subtitle C—Transfer of Functions, Personnel, and Property of Office of Federal Housing Enterprise Oversight, Federal Housing Finance Board, and Department of Housing and Urban Development

CHAPTER 1—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

Sec. 385. Abolishment of OFHEO.
Sec. 386. Continuation and coordination of certain regulations.
Sec. 387. Transfer and rights of employees of OFHEO.
Sec. 388. Transfer of property and facilities.

CHAPTER 2—FEDERAL HOUSING FINANCE BOARD

Sec. 391. Abolishment of the Federal Housing Finance Board.
Sec. 392. Continuation and coordination of certain regulations.
Sec. 393. Transfer and rights of employees of the Federal Housing Finance Board.
Sec. 394. Transfer of property and facilities.

CHAPTER 3—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Sec. 395. Termination of enterprise-related functions.
Sec. 396. Continuation and coordination of certain regulations.
Sec. 397. Transfer and rights of employees of Department of Housing and Urban Development.
Sec. 398. Transfer of appropriations, property, and facilities.

TITLE IV—EMERGENCY MORTGAGE LOAN MODIFICATION

Sec. 401. Short title.
Sec. 402. Safe harbor for qualified loan modifications or workout plans for certain residential mortgage loans.

TITLE V—OTHER HOUSING PROVISIONS

Sec. 501. Depository Institution Community Development Investments Enhancement.
Sec. 502. Preservation of certain affordable housing dwelling units.
Sec. 503. Eligibility of certain projects for enhanced voucher assistance.
Sec. 504. Transfer of certain rental assistance contracts.
Sec. 505. Protection against discriminatory treatment.

TITLE I—FHA HOUSING STABILIZATION AND HOMEOWNERSHIP RETENTION

SEC. 101. SHORT TITLE.

This title may be cited as the "FHA Housing Stabilization and Homeownership Retention Act of 2008".

Subtitle A—Homeownership Retention

SEC. 111. PURPOSES.

The purposes of this subtitle are—

(1) to create an FHA program, which is voluntary on the part of borrowers and existing mortgage loan holders, including both existing senior mortgage loan holders and existing subordinate mortgage loan holders, to insure refinance loans for substantial numbers of borrowers at risk of foreclosure, at levels which are reasonably likely to be sustainable through enhanced affordability of debt service;

(2) to provide flexible underwriting for FHA-insured loans under such a program to provide refinancing opportunities under fiscally responsible terms, including higher fees commensurate with higher risk levels, a seasoning requirement for higher debt to income loans, and additional program controls to limit and control risk;

(3) to bar speculators and second home owners from participation in such program;

(4) to require existing mortgage loan holders to take substantial loan writedowns in exchange for having the Federal Government and the borrower assume the ongoing risk of the refinanced loan;

(5) to set a loan-to-value limit on such loans that provides the FHA with an equity buffer against potential loan losses, provides protections against the risk of future home price declines, and creates incentives for borrowers to maintain payments on the loan;

(6) to protect the FHA against losses which may exceed normal FHA loss levels by establishing higher fee levels, including an exit fee and profit sharing during the first five years of the loan, with such higher fee levels effectively being funded through the required lender writedown;

(7) to provide a fair level of incentives for junior lien holders to provide the necessary releases of their lien interests, in order to meet program requirements that all outstanding liens must be extinguished, and thereby permit the refinancing to be completed;

(8) to enhance the administrative capacity of the FHA to carry out its expanded role under the program through establishment of an Oversight Board which adds expertise

from the Federal Reserve and the Department of the Treasury, through additional funding to contract out for the provision of any needed expertise in designing program requirements and oversight, and through additional funding to increase FHA personnel resources as needed to handle the increased loan volume resulting from the program;

(9) to sunset the program when it is no longer needed; and

(10) to study the need for and efficacy of an auction or bulk refinancing mechanism to facilitate more expeditious refinancing of larger volumes of existing mortgages that are at risk for foreclosure into FHA-insured mortgages.

SEC. 112. INSURANCE OF HOMEOWNERSHIP RETENTION MORTGAGES.

(a) MORTGAGE INSURANCE PROGRAM.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. INSURANCE OF HOMEOWNERSHIP RETENTION MORTGAGES.

"(a) OVERSIGHT BOARD.—

"(1) ESTABLISHMENT.—There is hereby established the Refinance Program Oversight Board (in this section referred to as the 'Oversight Board').

"(2) MEMBERSHIP.—The Oversight Board shall consist of the following members or their designees:

"(A) The Secretary of the Treasury.

"(B) The Secretary of Housing and Urban Development.

"(C) The Chairman of the Board of Governors of the Federal Reserve System.

"(3) NO ADDITIONAL COMPENSATION.—Members of the Oversight Board shall receive no additional pay by reason of service on the Oversight Board.

"(4) RESPONSIBILITIES.—The Oversight Board shall be responsible for establishing program and oversight requirements for the program under this section, which shall include—

"(A) detailed program requirements under subsection (c);

"(B) flexible underwriting criteria under subsection (d);

"(C) a mortgage premium structure under subsection (e);

"(D) a reasonable fee and rate limitation under subsection (f);

"(E) enhancement of FHA capacity under subsection (i), including oversight of such activities and personnel as may be contracted for as provided therein;

"(F) monitoring of underwriting risk under subsection (j); and

"(G) such additional requirements as may be necessary and appropriate to oversee and implement the program.

"(5) USE OF RESOURCES.—In carrying out its functions under this section, the Oversight Board may utilize, with their consent and to the extent practical, the personnel, services, and facilities of the Department of the Treasury, the Department of Housing and Urban Development, the Board of Governors of the Federal Reserve System, the Federal Reserve Banks, and other Federal agencies, with or without reimbursement therefore.

"(b) AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall, subject only to the absence of qualified requests for insurance under this section and to the limitations under subsection (h) of this section and section 531(a), make commitments to insure and insure any mortgage covering a 1- to 4-family residence that is made for the purpose of paying or prepaying outstanding obligations under an existing mortgage or mortgages on the residence if the mortgage being insured under this section meets the requirements of this section, as established by the Oversight Board, and of section 203, except as modified by this section.

"(2) ESTABLISHMENT AND IMPLEMENTATION OF PROGRAM REQUIREMENTS.—The Oversight Board shall establish program requirements and standards under this section and the Secretary shall implement such requirements and standards. The Oversight Board and the Secretary may establish and implement any requirements or standards through interim guidance and mortgagee letters.

"(c) REQUIREMENTS.—To be eligible for insurance under this section, a mortgage shall comply with all of the following requirements:

"(1) OWNER-OCCUPIED PRINCIPAL RESIDENCE REQUIREMENT.—The residence securing the mortgage insured under this section shall be occupied by the mortgagor as the principal residence of the mortgagor and the mortgagor shall provide a certification to the originator of the mortgage that such residence securing the mortgage insured under this section is the only residence in which the mortgagor has any present ownership interest. With regard to such certification, the Oversight Board may create exceptions for mortgagors who have only a partial ownership interest in a residence other than the residence securing the mortgage insured under this section.

"(2) LACK OF CAPACITY TO PAY EXISTING MORTGAGE OR MORTGAGES.—

"(A) BORROWER CERTIFICATION.—

"(i) The mortgagor shall provide a certification to the originator of the mortgage that the mortgagor—

"(I) has not intentionally defaulted on the existing mortgage or mortgages; and

"(II) has not knowingly, or willfully and with actual knowledge furnished material information known to be false for the purpose of obtaining the existing mortgage or mortgages.

"(ii) The mortgagor shall agree in writing that the mortgagor shall be liable to repay the FHA any direct financial benefit achieved from the reduction of indebtedness on the existing mortgage or mortgages on the residence refinanced under this section derived from misrepresentations made in the certifications and documentation required under this subparagraph, subject to the discretion of the Oversight Board.

"(B) CURRENT BORROWER DEBT-TO-INCOME RATIO.—As of March 1, 2008, the mortgagor shall have had a ratio of mortgage debt to income, taking into consideration all existing mortgages at such time, greater than 35 percent.

"(C) LOSS MITIGATION RESPONSIBILITIES.—This section may not be construed to alter or in any way affect the responsibilities of any party (including the mortgage servicer) to engage in any or all loan modification or other loss mitigation strategies to maximize value to investors as established by any applicable contract.

"(3) ELIGIBILITY OF MORTGAGES BY DATE OF ORIGINATION.—The existing senior mortgage shall have been originated on or before December 31, 2007.

"(4) MAXIMUM LOAN-TO-VALUE RATIO FOR NEW LOANS.—The mortgage being insured under this section shall involve a principal obligation (including such initial service charges, appraisal, inspection, and other fees as the Secretary shall approve and including the mortgage insurance premium paid pursuant to subsection (e)(1)) in an amount not to exceed 90 percent of the current appraised value of the property. Section 203(d) shall not apply to mortgages insured under this section.

"(5) REQUIRED WAIVER OF PREPAYMENT PENALTIES AND FEES.—All penalties for prepayment of the existing mortgage or mortgages, and all fees and penalties related to default or delinquency on all existing mortgages or mortgages, shall be waived or forgiven.

"(6) REQUIRED LOAN REDUCTION.—

"(A) REDUCTION OF INDEBTEDNESS UNDER EXISTING SENIOR MORTGAGE.—The amount of indebtedness on the existing mortgage or mortgages on the residence shall have been substantially reduced by such percentage as the Oversight Board may require, and such reduction shall be at least sufficient to—

"(i) provide for the refinancing of such existing mortgage or mortgages in an amount not greater than 90 percent of the current appraised value of the property involved;

"(ii) pay the full amount of the single premium to be collected pursuant to subsection (e)(1) (which shall be an amount equal to 3.0 percent of the amount of the original insured principal obligation of the mortgage insured under this section and which shall serve as an additional reserve to cover possible loan losses); and

"(iii) pay the full amount of the loan origination fee and any other closing costs, not to exceed 2.0 percent of the amount of the original insured principal obligation of the mortgage insured under this section.

"(B) EXTINGUISHMENT OF DEBT BY REFINANCING.—

"(i) REQUIRED AGREEMENT.—All existing holders of mortgage liens on the property securing the mortgage to be insured under this section shall agree to accept the proceeds of the insured loan as payment in full of all indebtedness under all existing mortgages, and all encumbrances related to such mortgages shall be removed. The Oversight Board may take such actions as the Oversight Board considers necessary or appropriate to facilitate coordination and agreement between the holders of the existing senior mortgage and any existing subordinate mortgages, taking into consideration the subordinate lien status of such subordinate mortgages, to comply with the requirement under this subparagraph.

"(ii) TREATMENT OF MULTIPLE MORTGAGE LIENS.—In addition to clause (i), the Oversight Board shall adopt one of the following approaches for all mortgages or such classes of mortgages as the Oversight Board may determine and may, from time to time, reconsider:

"(I) FIXED PRICE.—As a requirement for participating in this program, all existing lien holders will agree to not provide any payment to subordinate lien holders other than such payment in accordance with a formula established by the Oversight Board as set forth in clause (iii); except that the Oversight Board may establish a short period within which first and subordinate lien holders may negotiate to extinguish all subordinate liens for compensation that may be different from the amount determined under such formula set forth in clause (iii).

"(II) SHARED EQUITY.—The Oversight Board may require the mortgagor under a mortgage insured under this section to agree to share a portion of any future equity in the mortgaged property with holders of existing subordinate mortgages, in accordance with a formula for such shared equity established by the Oversight Board as set forth in clause (iii), except that payments of such shared equity may be made only after the Secretary recovers all amounts owed to the Secretary with respect to such mortgage pursuant to the program under this section (including amounts owed pursuant to paragraph (8)).

"(iii) FORMULA.—In determining a formula for determining any payments to subordinate lien holders pursuant to subclauses (I) and (II) of clause (ii), and in any reconsideration of such formula as the Oversight Board may from time to time undertake, the Oversight Board shall take into consideration the current market value of such liens. In no case may a formula provide for the payment of more than 1 percent of the current appraised value of the mortgaged property to a subordinate lien holder if the outstanding balance owed to more senior lien holders is equal to or exceeds such current appraised value.

"(iv) VOLUNTARY PROGRAM.—This section may not be construed to require any holder of any existing mortgage to participate in the program under this section generally, or with respect to any particular loan.

"(v) SOURCE OF PAYMENTS FOR SUBORDINATE LOANS.—Any amounts paid to holders of any existing subordinate mortgages in connection with the origination and insurance of a mortgage under this section shall derive only from—

"(I) the holder of the existing senior mortgage; or

"(II) in the case only of the shared equity approach under clause (ii)(II), the mortgagor under the mortgage insured under this section

"(7) REQUIRED REDUCTION OF DEBT SERVICE.—The debt service payments due under the mortgage insured under this section shall be in an amount that is substantially reduced from the debt service payments due under the existing mortgage or mortgages, which reduction may be achieved through a reduction of indebtedness, a reduction in the interest rate being paid, or an extension of the term of the mortgage, or any combination thereof.

"(8) FINANCIAL RECOVERY TO FEDERAL GOVERNMENT THROUGH EXIT PREMIUM.—

"(A) SUBORDINATE LIEN.—The mortgage shall provide that the Secretary shall retain a lien on the residence involved, which shall be subordinate to the mortgage insured under this section but senior to all other mortgages on the residence that may exist at any time, and which shall secure the repayment of the amount due under subparagraph (D).

"(B) NO INTEREST OR PAYMENT DURING MORTGAGE.—The amount secured by the lien retained by the Secretary pursuant to subparagraph (A) shall not bear interest and shall not be repayable to the Secretary except as provided in subparagraph (D) of this paragraph.

"(C) NET PROCEEDS AVAILABLE FOR EXIT PREMIUM.—Upon the sale, refinancing, or other disposition of the residence securing a mortgage insured under this section, any proceeds resulting from such disposition that remain after deducting the remaining insured principal balance of the mortgage insured under this section shall be available to meet the obligation under subparagraph (D). In the case of a refinance, non-arms length transaction, or such other transaction as the Oversight Board shall determine, the proceeds shall be based on the current appraised value at the time of the refinance or transaction.

"(D) EXIT PREMIUM.—Upon any refinancing of the mortgage insured under this section or any sale or disposition of the residence securing the mortgage, the Secretary shall, subject to the availability of sufficient net proceeds described in subparagraph (C), receive the greater of—

"(i) 3 percent of the amount of the original insured principal obligation of the mortgage (or the entire amount of the net proceeds described in subparagraph (C) if such net proceeds are less than 3 percent of the amount of the original insured principal obligation of the mortgage); or

"(ii) a percentage of the portion of the net proceeds available for profit-sharing, as described in subparagraph (E), which shall be—

"(I) in the case of any refinancing, sale, or disposition occurring during the first year of the term of the mortgage, 100 percent of such net proceeds;

"(II) in the case of any refinancing, sale, or disposition occurring during the second year of the term of the mortgage, 80 percent;

"(III) in the case of any refinancing, sale, or disposition occurring during the third year of the term of the mortgage, 60 percent; and

"(IV) in the case of any refinancing, sale, or disposition occurring during the fourth year of the term of the mortgage or at any time thereafter, 50 percent;

except that such percentage of proceeds shall be reduced by all fees the Secretary has collected for the mortgage prior to such refinancing, sale, or disposition.

"(E) NET PROCEEDS AVAILABLE FOR PROFIT-SHARING.—With respect to any mortgage insured under this section, the net proceeds available for purposes of subparagraph (D)(ii) shall be any proceeds resulting from the sale, refinancing, or other disposition of the residence securing the mortgage that remain after deducting the original insured principal obligation of the mortgage. In the case of a refinance, non-arms length transaction, or such other transaction as the Oversight Board shall determine, the proceeds shall be based on the current appraised value at the time of the refinance or transaction.

"(F) AUTHORITY TO PROHIBIT NEW SECOND LIENS.—The Oversight Board shall prohibit borrowers from granting a new second lien on the mortgaged property during the first five years of the term of the mortgage insured under this section, except as the Oversight Board determines to be necessary to ensure the appropriate maintenance of the mortgaged property.

"(9) DOCUMENTATION AND VERIFICATION OF INCOME.—In complying with the FHA underwriting requirements under the program under this section, the mortgagee shall document and verify the income of the mortgagor or non-filing status by procuring (A) an income tax return transcript of the income tax returns of the mortgagor, or (B) a copy of the income tax returns for the Internal Revenue Service, for the two most recent years for which the filing deadline for such years has passed and by any other method, in accordance with procedures and standards that the Oversight Board shall establish.

"(10) FIXED RATE MORTGAGE.—The mortgage insured under this section shall bear interest at a single rate that is fixed for the entire term of the mortgage.

"(11) MAXIMUM LOAN AMOUNT.—Notwithstanding section 203(b)(2), the mortgage being insured under this section shall involve a principal obligation in an amount that does not exceed the limitation (for a property of the applicable size) on the amount of the principal obligation that would be allowable under the terms of section 202(a) of the Economic Stimulus Act of 2008 if the mortgage were insured pursuant to such section. The limitation on the amount of the principal obligation allowable under such Act shall apply for the purposes of this section until the termination under subsection (n) of the program under this section.

"(12) INELIGIBILITY FOR FRAUD CONVICTION.—The mortgagor shall not have been convicted under Federal or State law for mortgage fraud during the 7-year period ending upon the insurance of the mortgage under this section.

"(13) LENDER REVIEW.—The mortgagee under the mortgage shall conduct an electronic database search of the mortgagor's criminal history to determine if the mortgagor has had a conviction described in paragraph (12). The mortgagee may charge the mortgagor a reasonable fee for the actual cost of the search not to exceed a maximum rate established by the Oversight Board. The Oversight Board may provide clarification, if needed, to help mortgagees identify any differences among the States in how they report mortgage fraud convictions. The Oversight Board shall establish procedures sufficient to allow the mortgagor to challenge a mortgagee's determination with respect to paragraph (12) (including to correct inaccuracies resulting from theft of the mortgagor's identity or personally identifiable information).

"(14) APPRAISALS.—Any appraisal conducted in connection with a mortgage insured under this section shall—

"(A) be based on the current value of the property;

"(B) be conducted in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.);

"(C) be completed by an appraiser who meets the competency requirements of the Uniform Standards of Professional Appraisal Practice;

"(D) be wholly consistent with the appraisal standards, practices, and procedures under section 202(e) of this Act that apply to all loans insured under this Act; and

"(E) comply with the requirements of subsection (g) of this section (relating to appraisal independence).

"(15) STATEMENT OF LOAN TERMS.—

"(A) REQUIREMENT.—The mortgagor shall have been provided by the mortgagee, not later than three days before closing for the mortgage, a form described in subparagraph (B) appropriately and accurately completed by the mortgagee.

"(B) FORM.—The form described in this subparagraph shall be a single page, written disclosure regarding the mortgage loan to be insured under this section that, when completed by the mortgagee, sets forth, in accordance with such requirements as the Secretary shall by regulation establish a best possible estimate of—

"(i) the total loan amount under the mortgage;

"(ii) the loan-to-value ratio for the mortgage;

"(iii) the final maturity date for the mortgage;

"(iv) the amount of any prepayment fee to be charged if the mortgage is paid in full before the final maturity date for the mortgage, including the percentages of any net proceeds to be received by the Secretary pursuant to paragraph (8)(D)(ii);

"(v) the amount of the exit premium under the mortgage pursuant to subsection (e)(3);

"(vi) the interest rate under the mortgage expressed as an annual percentage rate, and the amount of the monthly payment due under such rate;

"(vii) the fully indexed rate of interest under the mortgage expressed as an annual percentage rate and the amount of the monthly payment due under such rate;

“(viii) the monthly household income of the borrower upon which the mortgage is based;

“(ix) the amount of the monthly payment due under the mortgage, and the amount of such initial monthly payment plus monthly amounts due for taxes and insurance on the property for which the mortgage is made, both expressed as a percentage of the monthly household income of the borrower; and

“(x) the aggregate amount of settlement charges for all settlement services provided in connection with the mortgage, the amount of such charges that are included in the principal amount and the amount of such charges the borrower must pay at closing, the aggregate amount of mortgagee's fees connection with the mortgage, and the aggregate amount of other fees or required payments in connection with the mortgage.

“(d) FLEXIBLE UNDERWRITING CRITERIA.—

“(1) IN GENERAL.—The Oversight Board shall establish, and the Secretary acting on behalf of the Oversight Board shall implement, underwriting standards for mortgages insured under this section that—

“(A) ensure that each mortgagor under a mortgage insured under this section has a reasonable expectation of repaying the mortgage, taking into consideration the mortgagor's income, assets, liabilities, payment history, and other applicable criteria, but which shall not result in a denial of insurance solely on the basis of the mortgagor's current FICO or other credit scores, or any delinquency or default by the mortgagor under the existing mortgage or mortgages, or any case filed under title 11, United States Code, by the mortgagor; and

“(B) subject to the provisions of subparagraph (A), permit a total debt-to-income ratio of up to 43 percent.

“(2) EXCEPTION.—

“(A) IN GENERAL.—Subject to the underwriting standards established under paragraph (1)(A) and any additional requirements that the Oversight Board considers appropriate, the Oversight Board shall permit a total debt-to-income ratio of more than 43 percent, but not more than 50 percent, if the mortgagor has made, on a timely basis before the endorsement of the mortgage insured under this section, not less than six months of payments in an amount not less than the amount of the monthly payment due under the mortgage to be insured under this section. The holder of the existing senior mortgage shall exercise forbearance with respect to such mortgage during the period in which such payments are made.

“(B) COMPUTATION OF DEBT-TO-INCOME RATIO.— In computing the mortgagor's total debt-to-income ratio for purposes of mortgage qualification under the underwriting standards established pursuant to this section—

“(i) if the mortgagor is a debtor in a case under chapter 13 of title 11, United States Code, payments on recurring debts other than housing expenses shall be based on the amounts being paid on such debts under the mortgagor's confirmed plan under such chapter; and

“(ii) if the mortgagor is a debtor in a case under chapter 7 of title 11, United States Code, recurring debts that are to be discharged in that case shall not be considered.

“(3) AUTHORITY.—The Oversight Board may alter the ratios under this subsection for a particular class of borrowers subject to such requirements as the Board determines is necessary and appropriate to fulfill the purposes of this Act.

“(4) REPRESENTATIONS AND WARRANTIES.—The Oversight Board shall require the underwriter of the insured loan to provide such representations and warranties as the Oversight Board considers necessary or appropriate for the Secretary to enforce compliance with all underwriting and appraisal standards of the program.

“(e) PREMIUMS.—For each mortgage insured under this section, the Oversight Board shall establish and the Secretary shall collect—

“(1) at the time of insurance, a single premium payment in an amount equal to 3.0 percent of the amount of the original insured principal obligation of the mortgage, which shall be paid from the proceeds of the mortgage being insured under this section, through the reduction of the amount of indebtedness on the existing senior mortgage required under subsection (c)(6)(A);

“(2) in addition to the premium under paragraph (1), annual premium payments in an amount equal to 1.50 percent of the remaining insured principal balance of the mortgage; and

“(3) an exit premium in the amount determined under subsection (c)(8), but which shall not be less than 3.0 percent of the original insured principal obligation of the mortgage, subject only to the availability of sufficient net proceeds from sale, refinancing, or other disposition of the property, as determined in subsection (c)(8).

“(f) ORIGINATION FEES AND MORTGAGE RATE.—The Oversight Board shall establish and the Secretary shall implement a reasonable limitation on origination fees for mortgages insured under this section and shall establish procedures to ensure that interest rates on such mortgages shall be commensurate with market rate interest rates on such types of loans.

“(g) APPRAISAL INDEPENDENCE.—

“(1) PROHIBITIONS ON INTERESTED PARTIES IN A REAL ESTATE TRANSACTION.—No mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, nor any other person with an interest in a real estate transaction involving an appraisal in connection with a mortgage insured under this section shall improperly influence, or attempt to improperly influence, through coercion, extortion, collusion, compensation, instruction, inducement, intimidation, non-payment for services rendered, or bribery, the development, reporting, result, or review of a real estate appraisal sought in connection with the mortgage.

“(2) EXCEPTIONS.—The requirements of paragraph (1) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:

“(A) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.

“(B) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.

“(C) Correct errors in the appraisal report.

“(3) CIVIL MONETARY PENALTIES.—The Secretary may impose a civil money penalty for any knowing and material violation of paragraph (1) under the same terms and conditions as are authorized in section 536(a) of this Act.

“(h) LIMITATION ON AGGREGATE INSURANCE AUTHORITY.—The aggregate original principal obligation of all mortgages insured under this section may not exceed $300,000,000,000.

“(i) ENHANCEMENT OF FHA CAPACITY.—Under the direction of the Oversight Board, the Secretary shall take such actions as may be necessary to—

“(1) contract for the establishment of underwriting criteria, automated underwriting systems, pricing standards, and other factors relating to eligibility for mortgages insured under this section;

“(2) contract for independent quality reviews of underwriting, including appraisal reviews and fraud detection, of mortgages insured under this section or pools of such mortgages; and

“(3) increase personnel of the Department as necessary to process or monitor the processing of mortgages insured under this section.

“(j) MONITORING OF UNDERWRITING RISK.—

“(1) MONITORING OF DESIGNATED UNDERWRITERS.—The Oversight Board and the Secretary shall monitor independent quality reviews as established pursuant to subsection (i)(2) to—

“(A) determine compliance of designated underwriters with underwriting standards;

“(B) determine rates of delinquency, claims rates, and loss rates of designated underwriters; and

“(C) terminate eligibility of designated underwriters that do not meet minimum performance standards as the Oversight Board may establish and the Secretary implements.

“(2) REPORTS BY OVERSIGHT BOARD.—The Oversight Board shall submit monthly reports to the Congress identifying the progress of the program for mortgage insurance under this section, which shall contain the following information for each month:

“(A) The number of new mortgages insured under this section, including the location of the properties subject to such mortgages by census tract.

“(B) The aggregate principal obligation of new mortgages insured under this section.

“(C) The average amount by which the indebtedness on existing mortgages is reduced in accordance with subsection (c)(6).

“(D) The average amount by which the debt service payments on existing mortgages is reduced in accordance with subsection (c)(7).

“(E) The amount of premiums collected for insurance of mortgages under this section.

“(F) The claim and loss rates for mortgages insured under this section.

“(G) The race, ethnicity, gender, and income of the mortgagors, aggregated by geographical areas at least as specific as census tracts, except where necessary to protect privacy of the borrower.

“(H) Any other information that the Oversight Board considers appropriate.

“(3) REPORT BY INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall conduct an annual audit of the program for mortgage insurance under this section to determine compliance with this section and program rules.

“(k) GNMA COMMITMENT AUTHORITY.—

“(1) GUARANTEES.—The Secretary shall take such actions as may be necessary to ensure that securities based on and backed by a trust or pool composed of mortgages insured under this section are available to be guaranteed by the Government National Mortgage Association as to the timely payment of principal and interest.

“(2) GUARANTEE AUTHORITY.—To carry out the purposes of section 306 of the National

Housing Act (12 U.S.C. 1721), the Government National Mortgage Association may enter into new commitments to issue guarantees of securities based on or backed by mortgages insured under this section, not exceeding $300,000,000,000. The amount of authority provided under the preceding sentence to enter into new commitments to issue guarantees is in addition to any amount of authority to make new commitments to issue guarantees that is provided to the Association under any other provision of law.

"(l) SPECIAL RISK INSURANCE FUND.—The insurance of each mortgage under this section shall be the obligation of the Special Risk Insurance Fund established by section 238.

"(m) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) EXISTING MORTGAGE.—The term 'existing mortgage' means, with respect to a mortgage insured under this section, a mortgage that is to be extinguished, and paid or prepaid, from the proceeds of the mortgage insured under this section.

"(2) EXISTING SENIOR MORTGAGE.—The term 'existing senior mortgage' means, with respect to a mortgage insured under this section, the existing mortgage that has superior priority.

"(3) EXISTING SUBORDINATE MORTGAGE.—The term 'existing subordinate mortgage' means, with respect to a mortgage insured under this section, an existing mortgage that has subordinate priority to the existing senior mortgage.

"(n) SUNSET.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the authority of the Secretary to make any new commitment to insure any mortgage under this section shall terminate upon the expiration of the 2-year period beginning on the date of the enactment of the FHA Housing Stabilization and Homeownership Retention Act of 2008.

"(2) EXTENSIONS.—The Oversight Board may, not more than four times, extend the authority to enter into new commitments to insure mortgages under this section beyond the date specified in paragraph (1), except that each such extension shall—

"(A) be effective only if, before the program terminates pursuant to paragraph (1) or any previous extension pursuant to this paragraph, the Oversight Board—

"(i) certifies the need for such extension in writing to the Congress; and

"(ii) causes notice of such extension to be published in the Federal Register no later than the beginning of the 3-month period that ends upon the scheduled termination date of the program; and

"(B) be for a period of not more than 6 months.

"(o) AUTHORIZATIONS OF APPROPRIATIONS.—There is authorized to be appropriated for each of fiscal years 2008 and 2009—

"(1) $230,000,000 for providing counseling regarding loss mitigation for mortgagors with 1- to 4-family residences, including determining eligibility for the program under this section, with grants to be administered through the Neighborhood Reinvestment Corporation, except that—

"(A) funds shall be targeted to States and communities based on their levels of foreclosures and delinquencies in 2007 and 2008;

"(B) not less than 15 percent of the funds made available pursuant to this paragraph shall be provided to counseling organizations that target counseling services regarding loss mitigation to minority and low-income homeowners or provide such services in neighborhoods with high concentrations of minority and low-income homeowners;

"(C) $35,000,000 of the funds made available pursuant to this paragraph shall be used by the Neighborhood Reinvestment Corporation (referred to in this subparagraph as the 'NRC') to make grants to State and local legal organizations or attorneys that have demonstrated legal experience in home foreclosure or eviction law to provide legal assistance related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure or to counseling intermediaries that have been approved by the Department of Housing and Urban Development for the purpose of making such grants or contracting for such legal assistance; of the amount provided under this subparagraph, at least 60 percent shall be allocated for legal assistance to low-income homeowners or tenants; such attorneys shall be capable of assisting homeowners in owner-occupied homes or tenants who live in homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure or eviction and who have legal issues that cannot be handled by counselors employed by NRC intermediaries; in using the amount made available under this subparagraph, the NRC shall give priority consideration to State and local legal organizations and attorneys that (i) provide legal assistance in the 100 metropolitan statistical areas (as defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates, and (ii) have the capacity to begin using the financial assistance within 90 days after receipt of the assistance; as a condition of the receipt of a grant under this subparagraph, the grantee shall submit to NRC information relating to the demographic characteristics of the assisted homeowners or tenants, the dollar amount and terms of the relevant mortgages and the outcome of legal proceedings related to the foreclosure or eviction proceedings, including the resolutions thereof; except that no funds under this subparagraph shall be used for class action litigation;

"(D) $20,000,000 of the funds made available pursuant to this paragraph shall be used for such counseling for veterans recently returning from active duty in the Armed Forces;

"(E) the NRC shall give priority consideration for funding with amounts made available pursuant to this paragraph, except for funds made available under subparagraphs (B), (C), and (D), to entities that have an effective plan in place for making contact, including personal contact, with defaulted mortgagors, and such a plan may include use of third parties (including both for-profit and not-for-profit entities) to make personal contact with defaulted mortgagors, or visits to such mortgagors, or both;

"(F) except with respect to funds reserved under subparagraphs (B), (C), and (D), the NRC shall give priority consideration for funding with amounts made available pursuant to this paragraph to entities that have a written plan that has been implemented for providing in-person counseling and for making contact, including personal contact, with defaulted mortgagors, for the purpose of providing counseling or providing information about available counseling, both (i) prior to commencement of any foreclosure proceedings, and (ii) in the event effective in person or phone contact has not been made with such defaulted mortgagors prior thereto, then prior to the conclusion of the foreclosure process; and

"(G) not less than 2 percent of the funds made available pursuant to this paragraph shall be used only for identifying and notifying borrowers under existing mortgages who are eligible under this section for insurance of refinancing mortgages, and in making funds reserved under this subparagraph available for such purpose, the Secretary shall give preference to assistance for programs that have a proven history of outreach within minority communities; and

"(2) $150,000,000 for costs of activities under subsection (i).

"(p) AUDIT AND REPORT BY INSPECTOR GENERAL.—

"(1) AUDIT.—The Inspector General of the Department of Housing and Urban Development shall conduct an audit of the program for loss mitigation counseling funded with amounts made available under subsection (o)(1) to determine compliance with such subsection.

"(2) REPORTS TO CONGRESS.—Not later than March 30, 2009, and every calendar quarter thereafter, the Inspector General shall submit to the appropriate committees of the Congress a report summarizing the activities of the Inspector General and the Neighborhood Reinvestment Corporation during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with paragraphs (1) and (2) of subsection (o), including—

"(A) obligations and expenditures of appropriated funds;

"(B) the number of homeowners eligible in such program;

"(C) the number of homeowners participating in such program;

"(D) the status of homeowners within such program;

"(E) the number of homeowners who have rejected assistance from the Neighborhood Reinvestment Corporation; and

"(F) information on participating counseling services.".

(b) SPECIAL RISK INSURANCE FUND.—Section 238 of the National Housing Act (12 U.S.C. 1715z-3) is amended—

(1) in subsection (a)(1), by striking "or 243" each place such term appears and inserting "243, or 257"; and

(2) in subsection (b), by striking "and 243" each place such term appears and inserting "243, and 257".

(c) FHA REVERSE MORTGAGE PROGRAM.—Section 255(g) of the National Housing Act (12 U.S.C. 1715z-20(g)) is amended by striking the first sentence.

SEC. 113. STUDY OF AUCTION OR BULK REFINANCE PROGRAM.

(a) STUDY.—The Board of Governors of the Federal Reserve System (in this section referred to as the "Board of Governors"), in consultation with other members of the Oversight Board established by section 257(a) of the National Housing Act (as added by the amendment made by section 112(a) of this title), shall conduct a study of the need for and efficacy of an auction or bulk refinancing mechanism to facilitate refinancing of existing residential mortgages that are at risk for foreclosure into mortgages insured under the mortgage insurance program under title II of the National Housing Act. The study shall identify and examine various options for mechanisms under which lenders and servicers of such mortgages may make bids for forward commitments for such insurance in an expedited manner.

(b) CONTENT.—

(1) ANALYSIS.—The study required under subsection (a) shall analyze—

(A) the feasibility of establishing a mechanism that would facilitate the more rapid refinancing of borrowers at risk of foreclosure into performing mortgages insured under title II of the National Housing Act;

(B) whether such a mechanism would provide an effective and efficient mechanism to reduce foreclosures on qualified existing mortgages;

(C) whether the use of an auction or bulk refinance program is necessary to stabilize the housing market and reduce the impact of turmoil in that market on the economy of the United States;

(D) whether there are other mechanisms or authority that would be useful to reduce foreclosure; and

(E) and any other factors that the Board of Governors considers relevant.

(2) DETERMINATIONS.—To the extent that the Board of Governors finds that a facility of the type described in paragraph (1) is feasible and useful, the study shall—

(A) determine and identify any additional authority or resources needed to establish and operate such a mechanism;

(B) determine whether there is a need for additional authority with respect to the loan underwriting criteria included in the amendment made by section 112(a) of this title or with respect to eligibility of participating borrowers, lenders, or holders of liens;

(C) determine whether such underwriting criteria should be established on the basis of individual loans, in the aggregate, or otherwise to facilitate the goal of refinancing borrowers at risk of foreclosure into viable loans insured under the National Housing Act.

(c) REPORT.—Not later than the expiration of the 60-day period beginning on the date of the enactment of this Act, the Board of Governors shall submit a report regarding the results of the study conducted under this section to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate. The report shall include a detailed description of the analysis required under subsection (b)(1) and of the determinations made pursuant to subsection (b)(2), and shall include any other findings and recommendations of the Board of Governors pursuant to the study, including identifying various options for mechanisms described in subsection (a).

SEC. 114. TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.

Notwithstanding subparagraph (C) of section 3703(a)(1) of title 38, United States Code, for purposes of any loan described in subparagraph (A)(i)(IV) of such section that is originated during the period beginning on the date of the enactment of this Act and ending on December 31, 2008, the term "maximum guaranty amount" shall mean an amount equal to 25 percent of the higher of—

(1) the limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for the calendar year in which the loan is originated for a single-family residence; or

(2) 125 percent of the area median price for a single-family residence, but in no case to exceed 175 percent of the limitation determined under such section 305(a)(2) for the calendar year in which the loan is originated for a single-family residence.

SEC. 115. STUDY OF POSSIBLE ACCOUNTING REVISIONS RELATING TO PROPERTY AT RISK OF FORECLOSURE AND THE AVAILABILITY OF CREDIT FOR REFINANCING HOME MORTGAGES AT RISK OF FORECLOSURE.

(a) STUDY REQUIRED.—The Securities and Exchange Commission, in consultation with the Board of Governors of the Federal Reserve System, shall conduct a study on fair value accounting standards applicable to financial institutions, including depository institutions, with respect to their residential mortgages that are at risk of foreclosure and mortgage-backed securities involving such mortgages, the effects of such accounting standards on a financial institution's balance sheet and capacity to provide refinancing to residential mortgagors that are at risk of foreclosure and to residential mortgagors during periods of market value declines and increased foreclosures, and the advisability and feasibility of modifications of such standards during periods of market fluctuation in order to maintain the ability of the institution to continue to carry mortgages on residential property at risk of foreclosure and assure the availability of credit to refinance at-risk residential mortgages.

(b) REPORT REQUIRED.—The Securities and Exchange Commission shall submit a report to the Congress before the end of the 90-day period beginning on the date of the enactment of this Act containing the findings and determinations of the Commission with respect to the study conducted under subsection (a) and such administrative and legislative recommendations as the Commission may determine to be appropriate.

SEC. 116. GAO STUDY OF THE EFFECT OF TIGHTENING CREDIT MARKETS IN COMMUNITIES AFFECTED BY THE SUBPRIME MORTGAGE FORECLOSURE CRISES AND PREDATORY LENDING ON PROSPECTIVE FIRST-TIME HOMEBUYERS SEEKING MORTGAGES.

The Comptroller General of the United States shall conduct a study to analyze the effects of tightening credit markets on prospective first-time home buyers who reside in selected communities that have been most detrimentally affected by both the current subprime mortgage foreclosure crisis and predatory mortgage lending. Such study shall also analyze the adequacy of financial literacy outreach efforts by agencies of the Federal Government tasked with implementing financial literacy education in such communities and shall assess whether the current funding levels for such efforts are at sufficient levels to reduce the levels of subprime mortgage delinquencies and foreclosures and to increase the level of financial literacy in the selected communities so as to minimize the incidences of predatory mortgage lending. Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results of the study and including recommendations regarding such funding levels.

Subtitle B—Office of Housing Counseling

SEC. 131. SHORT TITLE.

This subtitle may be cited as the "Expand and Preserve Home Ownership Through Counseling Act".

SEC. 132. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.

Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:

"(g) OFFICE OF HOUSING COUNSELING.—

"(1) ESTABLISHMENT.—There is established, in the Office of the Secretary, the Office of Housing Counseling.

"(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.

"(3) FUNCTIONS.—

"(A) IN GENERAL.—The Director shall have ultimate responsibility within the Department, except for the Secretary, for all activities and matters relating to homeownership counseling and rental housing counseling, including—

"(i) research, grant administration, public outreach, and policy development relating to such counseling; and

"(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.

"(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—

"(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));

"(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;

"(iii) carrying out section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) for home buying information booklets prepared pursuant to such section;

"(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));

"(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;

"(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 136 of the Expand and Preserve Home Ownership Through Counseling Act;

"(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;

"(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and

"(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.

"(4) ADVISORY COMMITTEE.—

"(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

"(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent all aspects of the mortgage and real estate industry, including consumers.

"(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

"(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

"(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

"(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.".

SEC. 133. COUNSELING PROCEDURES.

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

"(g) PROCEDURES AND ACTIVITIES.—

"(1) COUNSELING PROCEDURES.—

"(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

"(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

"(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

"(ii) in the United States Housing Act of 1937—

"(I) section 9(e) (42 U.S.C. 1437g(e));

"(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

"(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

"(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

"(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

"(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

"(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

"(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

"(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

"(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

"(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

"(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

"(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

"(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

"(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

"(x) in the National Housing Act—

"(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

"(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

"(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

"(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

"(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7).

"(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

"(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

"(ii) in the United States Housing Act of 1937—

"(I) section 9(e) (42 U.S.C. 1437g(e));

"(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

"(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

"(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

"(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

"(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

"(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

"(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

"(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

"(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

"(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

"(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

"(2) STANDARDS FOR MATERIALS.—The Secretary, in conjunction with the advisory committee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

"(3) MORTGAGE SOFTWARE SYSTEMS.—

"(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

"(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

"(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan;

"(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

"(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

"(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

"(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

"(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

"(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and web site of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2008, 2009, and 2010, for the develop, implement, and conduct of national public service multimedia campaigns under this paragraph.

"(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.".

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking "and" at the end;

(2) in subclause (IV) by striking the period at the end and inserting "; and"; and

(3) by inserting after subclause (IV) the following new subclause:

"(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).".

SEC. 134. GRANTS FOR HOUSING COUNSELING ASSISTANCE.

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

"(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

"(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to States, units of general local governments, and nonprofit organizations providing homeownership or rental counseling (as such terms are defined in subsection (g)(1)).

"(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph.

"(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2008 through 2011 for—

"(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

"(ii) the responsibilities of the Secretary under paragraphs (2) through (5) of subsection (g); and

"(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.".

SEC. 135. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.";

(2) in paragraph (2)—

(A) by inserting "and for certifying organizations" before the period at the end of the first sentence; and

(B) in the second sentence by striking "for certification" and inserting ", for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,";

(3) in paragraph (3), by inserting "organizations and" before "individuals";

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

"(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

"(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).".

SEC. 136. STUDY OF DEFAULTS AND FORECLOSURES.

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

SEC. 137. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new subsection:

"(h) DEFINITIONS.—For purposes of this section:

"(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

"(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

"(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.".

SEC. 138. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking "SPECIAL" and inserting "HOME BUYING";

(2) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.

"(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:

"(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—

"(A) balloon payments;

"(B) prepayment penalties; and

"(C) the trade-off between closing costs and the interest rate over the life of the loan.

"(2) An explanation and sample of the uniform settlement statement required by section 4.

"(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.

"(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.

"(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.

"(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.

"(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.

"(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.

"(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.

"(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.

"(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.

"(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.

"(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.

The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.";

(3) in subsection (c), by inserting at the end the following new sentence: "Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender."; and

(4) in subsection (d), by inserting after the period at the end of the first sentence the following: "The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.".

Subtitle C—Combating Mortgage Fraud

SEC. 151. AUTHORIZATION OF APPROPRIATIONS TO COMBAT MORTGAGE FRAUD.

For fiscal years 2008, 2009, 2010, 2011, and 2012, there are authorized to be appropriated to the Attorney General a total of—

(1) $31,250,000 to support the employment of 30 additional agents of the Federal Bureau of Investigation and 2 additional dedicated prosecutors at the Department of Justice to coordinate prosecution of mortgage fraud efforts with the offices of the United States Attorneys; and

(2) $750,000 to support the operations of interagency task forces of the Federal Bureau of Investigation in the areas with the 15 highest concentrations of mortgage fraud.

TITLE II—FHA REFORM AND MANUFACTURED HOUSING LOAN INSURANCE MODERNIZATION

Subtitle A—FHA Reform

SEC. 201. SHORT TITLE.

This subtitle may be cited as the "Expanding American Homeownership Act of 2008".

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) one of the primary missions of the Federal Housing Administration (FHA) single family mortgage insurance program is to reach borrowers who are underserved, or not served, by the existing conventional mortgage marketplace;

(2) the FHA program has a long history of innovation, which includes pioneering the 30-year self-amortizing mortgage and a safe-to-seniors reverse mortgage product, both of which were once thought too risky to private lenders;

(3) the FHA single family mortgage insurance program traditionally has been a major provider of mortgage insurance for home purchases;

(4) the FHA mortgage insurance premium structure, as well as FHA's product offerings, should be revised to reflect FHA's enhanced ability to determine risk at the loan level and to allow FHA to better respond to changes in the mortgage market;

(5) during past recessions, including the oil-patch downturns in the mid-1980s, FHA remained a viable credit enhancer and was therefore instrumental in preventing a more catastrophic collapse in housing markets and a greater loss of homeowner equity; and

(6) as housing price appreciation slows and interest rates rise, many homeowners and prospective homebuyers will need the less-expensive, safer financing alternative that FHA mortgage insurance provides.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide flexibility to FHA to allow for the insurance of housing loans for low- and moderate-income homebuyers during all economic cycles in the mortgage market;

(2) to modernize the FHA single family mortgage insurance program by making it more reflective of enhancements to loan-level risk assessments and changes to the mortgage market; and

(3) to adjust the loan limits for the single family mortgage insurance program to reflect rising house prices and the increased costs associated with new construction.

SEC. 203. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) IN GENERAL.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)) is amended by striking subparagraph (A) and inserting the following new subparagraph:

"(A) not to exceed the lesser of—

"(i) in the case of a 1-family residence, 125 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation determined under such section for a 1-family residence; or

"(ii) 175 percent of the dollar amount limitation determined under such section 305(a)(2)(A) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands and without regard to the high-cost area limitation under such section 305(a)(2)(B));

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation determined under such section 305(a)(2) for a residence of the applicable size; and except that, if the Secretary determines that market conditions warrant such an increase, the Secretary may, for such period as the Secretary considers appropriate, increase the maximum dollar amount limitation determined pursuant to the preceding provisions of this subparagraph with respect to any particular size or sizes of residences, or with respect to residences located in any particular area or areas, to an amount that does not exceed the maximum dollar amount then otherwise in effect pursuant to the preceding provisions of this subparagraph for such size residence, or for such area (if applicable), by not more than $100,000; and".

(b) TREATMENT OF TEMPORARY LOAN LIMIT INCREASE.—Subsection (a) and the amendment made by such subsection may not be construed to in any way affect the effectiveness of section 202 of the Economic Stimulus Act of 2008 (Public Law 110-185; 122 Stat. 620).

SEC. 204. EXTENSION OF MORTGAGE TERM.

Paragraph (3) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(3)) is amended—

(1) by striking "thirty-five years" and inserting "forty years"; and

(2) by striking "(or thirty years if such mortgage is not approved for insurance prior to construction)".

SEC. 205. DOWNPAYMENT SIMPLIFICATION.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended—

(1) in paragraph (2)—

(A) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) not to exceed an amount equal to the sum of—

"(i) the amount of the mortgage premium paid at the time the mortgage is insured; and

"(ii) 97.75 percent of the appraised value of the property.";

(B) in the matter after and below subparagraph (B), by striking the second sentence (relating to a definition of "average closing cost") and all that follows through "title 38, United States Code."; and

(C) by striking the last undesignated paragraph (relating to counseling with respect to the responsibilities and financial management involved in homeownership); and

(2) in paragraph (9)—

(A) by striking the paragraph designation and all that follows through "*Provided further*, That for" and inserting the following:

"(9) Be executed by a mortgagor who shall have paid on account of the property, in cash or its equivalent, at least 3 percent of the Secretary's estimate of the cost of acquisition (excluding the mortgage insurance premium paid at the time the mortgage is insured). For"; and

(B) by inserting after the period at the end the following: "For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts gifted by a family member (as such term is defined in section 201), the mortgagor's employer or labor union, or a qualified homeownership assistance entity, but only if there is no obligation on the part of the mortgagor to repay the gift: For purposes of the preceding sentence, the term 'qualified homeownership assistance entity' means any governmental agency or charity that has a program to provide homeownership assistance to low- and moderate-income families or first-time home buyers, or any private nonprofit organization that has such a program and evidences sufficient fiscal soundness to protect the fiscal integrity of the Mutual Mortgage Insurance Fund by maintaining a minimum net worth of $4,000,000 of acceptable assets.''.

SEC. 206. MORTGAGE INSURANCE PREMIUMS FOR QUALIFIED HOMEOWNERSHIP ASSISTANCE ENTITIES AND HIGHER-RISK BORROWERS.

Paragraph (2) of section 203(c) of the National Housing Act (12 U.S.C. 1709(c)(2)) is amended—

(1) in subparagraph (A), in the matter preceding subparagraph (A), by striking the first comma after "section 234(c)";

(2) in subparagraph (A), by inserting after the period at the end of the second sentence the following: "In the case of a mortgage for which any amounts gifted by a qualified homeownership assistance entity (as such term is defined in paragraph (9) of subsection (b)) that is a private nonprofit organization are treated as cash or its equivalent for purposes of meeting the 3 percent requirement under such paragraph, the premium payment under this subparagraph shall not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage."; and

(3) by adding at the end the following new subparagraph:

"(C) HIGHER-RISK BORROWERS.—The Secretary shall establish underwriting standards that provide for insurance under this section of mortgages described in the matter in this paragraph preceding subparagraph (A) for which the mortgagor has a credit score equivalent to a FICO score of less than 560, and may insure, and make commitments to insure, such mortgages. Such underwriting standards shall include establishing and collecting premium payments that comply with the requirements of this paragraph, except that notwithstanding subparagraph (A), the single premium payment collected at the time of insurance may be established in an amount that does not exceed 3.0 percent of the amount of the original insured principal obligation of the mortgage.''.

SEC. 207. RISK-BASED MORTGAGE INSURANCE PREMIUMS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraphs:

"(4) FLEXIBLE RISK-BASED PREMIUMS.—In the case of a mortgage referred to in paragraph (2)(C) or a mortgage described in the third sentence of subparagraph (A) of paragraph (2) (relating to mortgages for which amounts are gifted by a nonprofit qualified homeownership assistance entity), for which the loan application is received by the mortgagee on or after the date of the enactment of the Expanding American Homeownership Act of 2008:

"(A) IN GENERAL.—The Secretary may establish a mortgage insurance premium structure involving a single premium payment collected prior to the insurance of the mortgage or annual payments (which may be collected on a periodic basis), or both, subject to the requirements of subparagraph (B) and paragraph (5). Under such structure, the rate of premiums for such a mortgage may vary according to the credit risk associated with the mortgage and the rate of any annual premium for such a mortgage may vary during the mortgage term as long as the basis for determining the variable rate is established before the execution of the mortgage. The Secretary may change a premium structure established under this subclause but only to the extent that such change is not applied to any mortgage already executed.

"(B) ESTABLISHMENT AND ALTERATION OF PREMIUM STRUCTURE.—A premium structure shall be established or changed under subparagraph (A) only by providing notice to mortgagees and to the Congress, at least 30 days before the premium structure is established or changed.

"(C) ANNUAL REPORT REGARDING PREMIUMS.—The Secretary shall submit a report to the Congress annually setting forth the rate structures and rates established and altered pursuant to this paragraph during the preceding 12-month period and describing how such rates were determined.

"(5) CONSIDERATIONS FOR PREMIUM STRUCTURE.—When establishing premiums for mortgages referred to in paragraph (2)(C), establishing premiums pursuant to paragraph (3), establishing a premium structure under paragraph (4), and when changing such a premium structure, the Secretary shall consider the following:

"(A) The effect of the proposed premiums or structure on the Secretary's ability to meet the operational goals of the Mutual Mortgage Insurance Fund as provided in section 202(a).

"(B) Underwriting variables.

"(C) The extent to which new pricing under the proposed premiums or structure has potential for acceptance in the private market.

"(D) The administrative capability of the Secretary to administer the proposed premiums or structure.

"(E) The effect of the proposed premiums or structure on the Secretary's ability to maintain the availability of mortgage credit and provide stability to mortgage markets.

"(6) AUTHORITY TO BASE PREMIUM PRICES ON PRODUCT RISK.—

"(A) AUTHORITY.—In establishing premium rates under paragraphs (2), (3), and (4), the Secretary may provide for variations in such rates according to the credit risk associated with the type of mortgage product that is being insured under this title, which may include providing that premium rates differ between fixed-rate mortgages and adjustable-rate mortgages insured pursuant to section 251, between mortgages insured pursuant to section 203(b) and mortgages for condominiums insured pursuant to section 234, and between such other products as the Secretary considers appropriate.

"(B) LIMITATION.—Subparagraph (A) may not be construed to authorize the Secretary to establish, for any mortgage product, any mortgage insurance premium rate that does not comply with the requirements and limitations under paragraphs (2) through (5).''.

SEC. 208. PAYMENT INCENTIVES FOR HIGHER-RISK BORROWERS.

Section 203(c) of the National Housing Act (12 U.S.C. 1709(c)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

"(7) PAYMENT INCENTIVES.—

"(A) AUTHORITY.—With respect to mortgages referred to in paragraph (2)(C):

"(i) DISCRETIONARY 3-YEAR PAYMENT INCENTIVE.—The Secretary may provide, in the discretion of the Secretary, that the payment incentive under subparagraph (B) shall apply upon the expiration of the 3-year period beginning upon the time of insurance of such a mortgage.

"(ii) MANDATORY 5-YEAR PAYMENT INCENTIVE.—The Secretary shall provide that the payment incentive under subparagraph (B) applies upon the expiration of the 5-year period beginning upon the time of insurance of such a mortgage.

"(B) PAYMENT INCENTIVE.—In the case of any mortgage to which the payment incentive under this subparagraph applies, if, during the period referred to in clause (i) or (ii) of subparagraph (A), as applicable, all mortgage insurance premiums for such mortgage have been paid on a timely basis, upon the expiration of such period the Secretary shall—

"(i) reduce the amount of the annual premium payments otherwise due thereafter under such mortgage to an amount that does not exceed the amount of the annual premium payable at the time of insurance of the mortgage on a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more; and

"(ii) refund to the mortgagor, upon payment in full of the obligation of the mortgage, any amount by which the single premium payment for such mortgage collected at the time of insurance exceeded the amount of the single premium payment chargeable under paragraph (2)(A) at the time of insurance for a mortgage of the same product type having the same terms, but for which the mortgagor has a credit score equivalent to a FICO score of 560 or more.''.

SEC. 209. PROTECTIONS FOR HIGHER-RISK BORROWERS.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended by adding at the end the following new paragraph:

"(10) PROTECTIONS FOR HIGHER-RISK BORROWERS.—Except as otherwise specifically provided in this paragraph, in the case of any mortgage referred to in paragraph (2)(C) of subsection (c), the following requirements shall apply:

"(A) DISCLOSURES.—

"(i) REQUIRED DISCLOSURES.—In addition to any disclosures that are otherwise required by law or by the Secretary for single family mortgages, the mortgagee shall disclose to the mortgagor the following information:

"(I) AT APPLICATION.—At the time of application for the loan involved in the mortgage, a list of counseling agencies, approved by the Secretary, in the area of the applicant.

"(II) AT EXECUTION.—At the time of entering into the mortgage—

"(aa) the terms of the mandatory 5-year payment incentive required under subsection (c)(7)(A)(ii); and

"(bb) a statement that the mortgagor has a right under contract to loss mitigation.

"(III) OTHER INFORMATION.—Any other additional information that the Secretary determines is appropriate to ensure that the mortgagor has received timely and accurate information about the program under paragraph (2)(C) of subsection (c).

"(ii) PENALTIES FOR FAILURE TO PROVIDE REQUIRED DISCLOSURES.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide any disclosure required under clause (i).

"(iii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

"(B) COUNSELING.—

"(i) REQUIREMENT.—The Secretary shall require that the mortgagor shall have received counseling that complies with the requirements of this subparagraph.

"(ii) TERMS OF COUNSELING.—Counseling under this subparagraph shall be provided—

"(I) prior to closing for the loan involved in the mortgage;

"(II) by a third party (other than the mortgagee) who is approved by the Secretary, with respect to the responsibilities and financial management involved in homeownership;

"(III) on an individual basis to the mortgagor by a representative of the approved third-party counseling entity; and

"(IV) in person, to the maximum extent possible.

"(iii) 2- AND 3-FAMILY RESIDENCES.—In the case of a mortgage involving a 2- or 3-family residence, counseling under this subparagraph shall include (in addition to the information required under clause (iii)) information regarding real estate property management.

"(C) NOTICE OF FORECLOSURE PREVENTION COUNSELING AVAILABILITY.—

"(i) WRITTEN AGREEMENT.—To be eligible for insurance under this subsection, the mortgagee shall provide the mortgagor, at the time of the execution of the mortgage, a written agreement which shall be signed by the mortgagor and under which the mortgagee shall provide notice described in clause (ii) to a housing counseling entity that has agreed to provide the notice and counseling required under clause (iii) and is approved by the Secretary.

"(ii) NOTICE TO COUNSELING AGENCY.—The notice described in this clause, with respect to a mortgage, is notice, provided at the earliest time practicable after the mortgagor becomes 60 days delinquent with respect to any payment due under the mortgage, that the mortgagor is so delinquent and of how to contact the mortgagor. Such notice may only be provided once with respect to each delinquency period for a mortgage.

"(iii) NOTICE TO MORTGAGOR.—Upon notice from a mortgagee that a mortgagor is 60 days delinquent with respect to payments due under the mortgage, the housing counseling entity shall at the earliest time practicable notify the mortgagor of such delinquency, that the entity makes available foreclosure prevention counseling that may assist the mortgagor in resolving the delinquency, and of how to contact the entity to arrange for such counseling.

"(iv) ABILITY TO CURE.—Failure to provide the written agreement required under clause (i) may be corrected by sending such agreement to the mortgagor not later than the earliest time practicable after the mortgagor first becomes 60 days delinquent with respect to payments due under the mortgage. Insurance provided under this subsection may not be terminated and penalties for such failure may not be prospectively or retroactively imposed if such failure is corrected in accordance with this clause.

"(v) PENALTIES FOR FAILURE TO PROVIDE AGREEMENT.—The Secretary may establish and impose appropriate penalties for failure of a mortgagee to provide the written agreement required under clause (i).

"(vi) LIMITATION ON LIABILITY OF MORTGAGEE.—A mortgagee shall not incur any liability or penalties for any failure of a housing counseling entity to provide notice under clause (iii).

"(vii) NO PRIVATE RIGHT OF ACTION.—This subparagraph shall not create any private right of action on behalf of the mortgagor.

"(viii) DELINQUENCY PERIOD.—For purposes of this subparagraph, the term 'delinquency period' means, with respect to a mortgage, a period that begins upon the mortgagor becoming delinquent with respect to payments due under the mortgage and ends upon the first subsequent occurrence of such payments under the mortgage becoming current or the property subject to the mortgage being foreclosed or otherwise disposed of.".

SEC. 210. REFINANCING MORTGAGES.

Section 203 of the National Housing Act (12 U.S.C. 1709) is amended by inserting after subsection (k) the following new subsection:

"(l) REFINANCING MORTGAGES.—

"(1) ESTABLISHMENT OF UNDERWRITING STANDARDS.—The Secretary shall establish underwriting standards that provide for insurance under this title of mortgage loans, and take actions to facilitate the availability of mortgage loans insured under this title, for qualified borrowers that are made for the purpose of paying or prepaying outstanding obligations under existing mortgages for borrowers that—

"(A) have existing mortgages with adverse terms or rates, or

"(B) do not have access to mortgages at reasonable rates and terms for such refinancings due to adverse market conditions.

"(2) INSURANCE OF MORTGAGES TO BORROWERS IN DEFAULT OR AT RISK OF DEFAULT.—In facilitating insurance for such mortgages, the Secretary may insure mortgages to borrowers who are, currently in default or at imminent risk of being in default, but only if such loans meet reasonable underwriting standards established by the Secretary.".

SEC. 211. ANNUAL REPORTS ON NEW PROGRAMS AND LOSS MITIGATION.

Section 540(b)(2) of the National Housing Act (12 U.S.C. 1735f–18(b)(2)) is amended, by adding at the end the following new subparagraphs:

"(C) The rates of default and foreclosure for the applicable collection period for mortgages insured pursuant to the program for mortgage insurance under paragraph (2)(C) of section 203(c).

"(D) Actions taken by the Secretary during the applicable collection period with respect to loss mitigation on mortgages insured pursuant to section 203.".

SEC. 212. INSURANCE FOR SINGLE FAMILY HOMES WITH LICENSED CHILD CARE FACILITIES.

(a) DEFINITION OF CHILD CARE FACILITY.—Section 201 of the National Housing Act (12 U.S.C. 1707) is amended by adding at the end the following new subsection:

"(g) The term 'child care facility' means a facility that—

"(A) has as its purpose the care of children who are less than 12 years of age; and

"(B) is licensed or regulated by the State in which it is located (or, if there is no State law providing for such licensing and regulation by the State, by the municipality or other political subdivision in which the facility is located).

Such term does not include facilities for school-age children primarily for use during normal school hours.".

(b) INCREASE IN MAXIMUM MORTGAGE AMOUNT LIMITATION.—Paragraph (2) of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(2)), as amended by the preceding provisions of this subtitle, is further amended by adding at end the following new undesignated paragraph:

"Notwithstanding any other provision of this paragraph, the amount that may be insured under this section may be increased by up to 25 percent if such increase is necessary to account for the increased cost of the residence due to an increased need of space in the residence for locating and operating a child care facility (as such term is defined in section 201) within the residence, but only if a valid license or certificate of compliance with regulations described in section 201(g)(2) has been issued for such facility as of the date of the execution of the mortgage, and only if such increase in the amount insured is proportional to the amount of space of such residence that will be used for such facility.".

SEC. 213. REHABILITATION LOANS.

Subsection (k) of section 203 of the National Housing Act (12 U.S.C. 1709(k)) is amended—

(1) in paragraph (1), by striking "on" and all that follows through "1978"; and

(2) in paragraph (5)—

(A) by striking "General Insurance Fund" the first place it appears and inserting "Mutual Mortgage Insurance Fund"; and

(B) in the second sentence, by striking the comma and all that follows through "General Insurance Fund".

SEC. 214. DISCRETIONARY ACTION.

The National Housing Act is amended—

(1) in subsection (e) of section 202 (12 U.S.C. 1708(e))—

(A) in paragraph (3)(B), by striking "section 202(e) of the National Housing Act" and inserting "this subsection"; and

(B) by redesignating such subsection as subsection (f);

(2) by striking paragraph (4) of section 203(s) (12 U.S.C. 1709(s)(4)) and inserting the following new paragraph:

"(4) the Secretary of Agriculture;"; and

(3) by transferring subsection (s) of section 203 (as amended by paragraph (2) of this section) to section 202, inserting such subsection after subsection (d) of section 202, and redesignating such subsection as subsection (e).

SEC. 215. INSURANCE OF CONDOMINIUMS AND MANUFACTURED HOUSING.

(a) IN GENERAL.—Section 234 of the National Housing Act (12 U.S.C. 1715y) is amended—

(1) in subsection (c)—

(A) in the first sentence—

(i) by striking "and" before "(2)"; and

(ii) by inserting before the period at the end the following: ", and (3) the project has a blanket mortgage insured by the Secretary under subsection (d)"; and

(B) in clause (B) of the third sentence, by striking "thirty-five years" and inserting "forty years"; and

(2) in subsection (g), by striking ", except that" and all that follows and inserting a period.

(b) DEFINITION OF MORTGAGE.—Section 201(a) of the National Housing Act (12 U.S.C. 1707(a)) is amended—

(1) before " a first mortgage" insert "(A)";

(2) by striking "or on a leasehold (1)" and inserting "(B) a first mortgage on a leasehold on real estate (i)";

(3) by striking "or (2)" and inserting ", or (ii)"; and

(4) by inserting before the semicolon the following: ", or (C) a first mortgage given to secure the unpaid purchase price of a fee interest in, or long-term leasehold interest in, real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undivided interest in the common areas and facilities which serve the project".

(c) DEFINITION OF REAL ESTATE.—Section 201 of the National Housing Act (12 U.S.C. 1707), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new subsection:

"(h) The term 'real estate' means land and all natural resources and structures permanently affixed to the land, including residential buildings and stationary manufactured housing. The Secretary may not require, for treatment of any land or other property as real estate for purposes of this title, that such land or property be treated as real estate for purposes of State taxation.".

SEC. 216. MUTUAL MORTGAGE INSURANCE FUND.

(a) IN GENERAL.—Subsection (a) of section 202 of the National Housing Act (12 U.S.C. 1708(a)) is amended to read as follows:

"(a) MUTUAL MORTGAGE INSURANCE FUND.—

"(1) ESTABLISHMENT.—Subject to the provisions of the Federal Credit Reform Act of 1990, there is hereby created a Mutual Mortgage Insurance Fund (in this title referred to as the 'Fund'), which shall be used by the Secretary to carry out the provisions of this title with respect to mortgages insured under section 203. The Secretary may enter into commitments to guarantee, and may guarantee, such insured mortgages.

"(2) LIMIT ON LOAN GUARANTEES.—The authority of the Secretary to enter into commitments to guarantee such insured mortgages shall be effective for any fiscal year only to the extent that the aggregate original principal loan amount under such mortgages, any part of which is guaranteed, does not exceed the amount specified in appropriations Acts for such fiscal year.

"(3) FIDUCIARY RESPONSIBILITY.—The Secretary has a responsibility to ensure that the Mutual Mortgage Insurance Fund remains financially sound.

"(4) ANNUAL INDEPENDENT ACTUARIAL STUDY.—The Secretary shall provide for an independent actuarial study of the Fund to be conducted annually, which shall analyze the financial position of the Fund. The Secretary shall submit a report annually to the Congress describing the results of such study and assessing the financial status of the Fund. The report shall recommend adjustments to underwriting standards, program participation, or premiums, if necessary, to ensure that the Fund remains financially sound.

"(5) QUARTERLY REPORTS.—During each fiscal year, the Secretary shall submit a report to the Congress for each quarter, which shall specify for mortgages that are obligations of the Fund—

"(A) the cumulative volume of loan guarantee commitments that have been made during such fiscal year through the end of the quarter for which the report is submitted;

"(B) the types of loans insured, categorized by risk;

"(C) any significant changes between actual and projected claim and prepayment activity;

"(D) projected versus actual loss rates: and

"(E) updated projections of the annual subsidy rates to ensure that increases in risk to the Fund are identified and mitigated by adjustments to underwriting standards, program participation, or premiums, and the financial soundness of the Fund is maintained.

The first quarterly report under this paragraph shall be submitted on the last day of the first quarter of fiscal year 2008, or upon the expiration of the 90-day period beginning on the date of the enactment of the Expanding American Homeownership Act of 2008, whichever is later.

"(6) ADJUSTMENT OF PREMIUMS.—If, pursuant to the independent actuarial study of the Fund required under paragraph (5), the Secretary determines that the Fund is not meeting the operational goals established under paragraph (8) or there is a substantial probability that the Fund will not maintain its established target subsidy rate, the Secretary may either make programmatic adjustments under section 203 as necessary to reduce the risk to the Fund, or make appropriate premium adjustments.

"(7) OPERATIONAL GOALS.—The operational goals for the Fund are—

"(A) to charge borrowers under loans that are obligations of the Fund an appropriate premium for the risk that such loans pose to the Fund;

"(B) to minimize the default risk to the Fund and to homeowners;

"(C) to curtail the impact of adverse selection on the Fund; and

"(D) to meet the housing needs of the borrowers that the single family mortgage insurance program under this title is designed to serve.".

(b) OBLIGATIONS OF FUND.—The National Housing Act is amended as follows:

(1) HOMEOWNERSHIP VOUCHER PROGRAM MORTGAGES.—In section 203(v) (12 U.S.C. 1709(v))—

(A) by striking "Notwithstanding section 202 of this title, the" and inserting "The"; and

(B) by striking "General Insurance Fund" the first place such term appears and all that follows and inserting "Mutual Mortgage Insurance Fund.".

(2) HOME EQUITY CONVERSION MORTGAGES.—Section 255(i)(2)(A) of the National Housing Act (12 U.S.C. 1715z-20(i)(2)(A)) is amended by striking "General Insurance Fund" and inserting "Mutual Mortgage Insurance Fund".

(c) CONFORMING AMENDMENTS.—The National Housing Act is amended—

(1) in section 205 (12 U.S.C. 1711), by striking subsections (g) and (h); and

(2) in section 519(e) (12 U.S.C. 1735c(e)), by striking "203(b)" and all that follows through "203(i)" and inserting "203, except as determined by the Secretary".

SEC. 217. HAWAIIAN HOME LANDS AND INDIAN RESERVATIONS.

(a) HAWAIIAN HOME LANDS.—Section 247(c) of the National Housing Act (12 U.S.C. 1715z-12) is amended—

(1) by striking "General Insurance Fund established in section 519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

(b) INDIAN RESERVATIONS.—Section 248(f) of the National Housing Act (12 U.S.C. 1715z-13) is amended—

(1) by striking "General Insurance Fund" the first place it appears and all that follows through "519" and inserting "Mutual Mortgage Insurance Fund"; and

(2) in the second sentence, by striking "(1) all references" and all that follows through "and (2)".

SEC. 218. CONFORMING AND TECHNICAL AMENDMENTS.

(a) REPEALS.—The following provisions of the National Housing Act are repealed:

(1) Subsection (i) of section 203 (12 U.S.C. 1709(i)).

(2) Subsection (o) of section 203 (12 U.S.C. 1709(o)).

(3) Subsection (p) of section 203 (12 U.S.C. 1709(p)).

(4) Subsection (q) of section 203 (12 U.S.C. 1709(q)).

(5) Section 222 (12 U.S.C. 1715m).

(6) Section 237 (12 U.S.C. 1715z-2).

(7) Section 245 (12 U.S.C. 1715z-10).

(b) DEFINITION OF AREA.—Section 203(u)(2)(A) of the National Housing Act (12 U.S.C. 1709(u)(2)(A)) is amended by striking "shall" and all that follows and inserting "means a metropolitan statistical area as established by the Office of Management and Budget;".

(c) DEFINITION OF STATE.—Section 201(d) of the National Housing Act (12 U.S.C. 1707(d)) is amended by striking "the Trust Territory of the Pacific Islands" and inserting "the Commonwealth of the Northern Mariana Islands".

SEC. 219. HOME EQUITY CONVERSION MORTGAGES.

(a) IN GENERAL.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended—

(1) in subsection (b)(2), insert "'real estate,'" after "'mortgagor',";

(2) in subsection (b)(4), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) under a lease that has a term that ends no earlier than the minimum number of years, as specified by the Secretary, beyond the actuarial life expectancy of the mortgagor or comortgagor, whichever is the later date.".

(3) in the second sentence of subsection (g), by striking "the maximum dollar amount established under section 203(b)(2)" and all that follows through "located" and inserting "132 percent of the dollar amount limitation determined under section 305(a)(2)(A) of the Federal Home Loan Mortgage Corporation Act for a 1-family residence (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands and without regard to the high-cost area limitation under such section 305(a)(2)(B))";

(4) in subsection (i)(1)(C), by striking "limitations" and inserting "limitation"; and

(5) by adding at the end the following new subsection:

"(o) AUTHORITY TO INSURE HOME PURCHASE MORTGAGES.—

"(1) IN GENERAL.—Notwithstanding any other provision in this section, the Secretary may insure, upon application by a mortgagee, a home equity conversion mortgage upon such terms and conditions as the Secretary may prescribe, when the primary purpose of the home equity conversion mortgage is to enable an elderly mortgagor to purchase a 1- to 4-family dwelling in which the mortgagor will occupy or occupies one of the units.

"(2) LIMITATION ON PRINCIPAL OBLIGATION.—A home equity conversion mortgage insured pursuant to paragraph (1) shall involve a principal obligation that does not exceed the limitation under subsection (g) of this section on the maximum amount of the benefits of insurance under this section.".

(b) MORTGAGES FOR COOPERATIVES.—Subsection (b) of section 255 of the National Housing Act (12 U.S.C. 1715z-20(b)) is amended—

(1) in paragraph (4)—

(A) by inserting "a first or subordinate mortgage or lien" before "on all stock";

(B) by inserting "unit" after "dwelling"; and

(C) by inserting "a first mortgage or first lien" before "on a leasehold"; and

(2) in paragraph (5), by inserting "a first or subordinate lien on" before "all stock".

(c) PROHIBITION ON REQUIRED PURCHASE OF AN ANNUITY.—Section 255 of the National Housing Act of 1937 (12 U.S.C. 1715z-20) is amended—

(1) by striking subparagraph (B) of subsection (d)(2) and inserting the following new subparagraph:

"(B) has received adequate counseling by a third party (other than a reverse mortgage lender, servicer or investor, or an entity engaged in the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product) as provided in subsection (f);";

(2) by striking the first sentence of subsection (f) and inserting the following new

sentence: “The Secretary shall provide or cause to be provided and paid for by entities other than a reverse mortgage lender, servicer or investor, or an entity engaged in the sale of annuities, investments, long-term care insurance, or any other type of financial or insurance product the information required in subsection (d)(2)(B).”; and

(3) by striking subsections (l) and (m) and inserting the following new subsection:

“(l) Regulations to Protect Elderly Homeowners.—

“(1) In general.—Not later than 6 months after the date of the enactment of the Expanding American Homeownership Act of 2008, the Secretary shall, in consultation with other relevant Federal departments and agencies, prescribe regulations to help protect elderly homeowners from the marketing of financial and insurance products not in the interest of such homeowners, including the marketing or sale of an annuity as a condition of obtaining any home equity conversion mortgage.

“(2) Consultation.—In developing the regulations required under paragraph (1), the Secretary shall consult with consumer advocates (including recognized experts in consumer protection), industry representatives, representatives of counseling organizations, and other interested parties.”.

(d) Limitation on Origination Fees.—Section 255 of the National Housing Act (12 U.S.C. 1715z–20), as amended by the preceding provisions of this section, is further amended—

(1) by redesignating subsections (k), (l), and (m) as subsections (l), (m), and (n), respectively; and

(2) by inserting after subsection (j) the following new subsection:

“(k) Limitation on Origination Fees.—The Secretary shall establish limits on the origination fee that may be charged to a mortgagor under a mortgage insured under this section, which limitations shall—

“(1) be equal to 2.0 percent of the maximum claim amount of the mortgage up to a maximum claim amount of $200,000 plus 1 percent of any portion of the maximum claim amount that is greater than $200,000, unless adjusted thereafter on the basis of an analysis of (A) costs to mortgagors, and (B) the impact on the reverse mortgage market;

“(2) be subject to a minimum allowable amount;

“(3) provide that the origination fee may be fully financed with the mortgage;

“(4) include any fees paid to correspondent mortgagees approved by the Secretary or to mortgage brokers;

“(5) apply beginning upon the date that the maximum dollar amount limitation on the benefits of insurance under this section is first increased pursuant to the amendments made by section 219(a)(3) of the Expanding American Homeownership Act of 2008; and

“(6) be subject to a maximum origination fee of $6,000, except that such maximum limit shall be adjusted in accordance with the annual percentage increase in the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor in increments of $500 only when the percentage increase in such index, when applied to the maximum origination fee, produce dollar increases that exceed $500.”.

(e) Study Regarding Mortgage Insurance Premiums.—The Secretary of Housing and Urban Development shall conduct a study regarding mortgage insurance premiums charged under the program under section 255 of the National Housing Act (12 U.S.C. 1715z–20) for insurance of home equity conversion mortgages to analyze and determine the effects of reducing the amounts of such premiums from the amounts charged as of the date of the enactment of this Act on: (1) costs to mortgagors; and (2) the financial soundness of the program. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Congress setting forth the results and conclusions of the study.

(f) Purchase Authority of Fannie Mae and Freddie Mac.—

(1) Fannie Mae.—Section 302(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)) is amended by adding at the end the following:

“(7) The corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in any mortgage insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), notwithstanding the limitations under paragraph (2) on the maximum original principal obligations of mortgages.”.

(2) Freddie Mac.—Section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)) is amended by adding at the end the following:

“(6) The Corporation is authorized to purchase, service, sell, lend on the security of, and otherwise deal in any mortgage insured under section 255 of the National Housing Act (12 U.S.C. 1715z–20), notwithstanding the limitations under paragraph (2) on the maximum original principal obligations of mortgages.”.

SEC. 220. STUDY ON PARTICIPATION OF MORTGAGE BROKERS AND CORRESPONDENT LENDERS.

(a) Study.—The Comptroller General of the United States shall conduct a study, which shall be completed not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, which shall analyze and determine—

(1) the extent to which the financial audit and net worth requirements impede participation by mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act, as measured by the number and value of such insured mortgages, disaggregated by the States in which the properties subject to such mortgages are located;

(2) the extent and effectiveness of the financial audit and net worth requirements in protecting the Mutual Mortgage Insurance Fund;

(3) the extent and effectiveness of the supervision and quality control enforcement, by the Secretary, of mortgagees in the FHA program, separate from the financial audit and net worth requirements for participation, in protecting the Mutual Mortgage Insurance Fund;

(4) the extent to which allowing a mortgage broker to secure a surety bond in lieu of the financial audit and net worth requirements would increase participation by mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act;

(5) the extent to which allowing a mortgage broker to secure a surety bond in lieu of the financial audit and net worth requirements would protect the Mutual Mortgage Insurance Fund; and

(6) the potential impact of such changes on the costs incurred by the Secretary of Housing and Urban Development in administering the mortgage insurance programs under such Act.

(b) GAO Report.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress and the Secretary of Housing and Urban Development setting forth the results and conclusions of the study conducted pursuant to subsection (a).

(c) HUD Report.—Not later than the expiration of the 18-month period beginning upon the date of the enactment of this Act, the Secretary of Housing and Urban Development may submit a report to the Congress making recommendations regarding any changes in requirements for participation of mortgage brokers and correspondent lenders in the mortgage insurance programs under the National Housing Act arising from a review of the study conducted pursuant to subsection (a).

SEC. 221. CONFORMING LOAN LIMIT IN DISASTER AREAS.

Section 203(h) of the National Housing Act (12 U.S.C. 1709) is amended—

(1) by inserting after “property” the following: “plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary,”;

(2) by striking the second sentence (as added by chapter 7 of the Emergency Supplemental Appropriations Act of 1994 (Public Law 103–211; 108 Stat. 12)); and

(3) by adding at the end the following new sentence: “In any case in which the single family residence to be insured under this subsection is within a jurisdiction in which the President has declared a major disaster to have occurred, the Secretary is authorized, for a temporary period not to exceed 36 months from the date of such Presidential declaration, to enter into agreements to insure a mortgage which involves a principal obligation of up to 100 percent of the dollar limitation determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, and not in excess of 100 percent of the appraised value of the property plus any initial service charges, appraisal, inspection and other fees in connection with the mortgage as approved by the Secretary.”.

SEC. 222. FAILURE TO PAY AMOUNTS FROM ESCROW ACCOUNTS FOR SINGLE FAMILY MORTGAGES.

(a) Penalties.—Section 536 of the National Housing Act (12 U.S.C. 1735f–14) is amended—

(1) in subsection (a)(1), by inserting “servicers (including escrow account servicers),” after “appraisers,”;

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by inserting “or other participant referred to in subsection (a),” after “lender,”; and

(B) by inserting at the end the following new subparagraphs:

“(K) In the case of a mortgage for a 1- to 4-family residence insured under title II that requires the mortgagor to make payments to the mortgagee or other servicer of the mortgage for deposit into an escrow account for the purpose of assuring payment of taxes, insurance premiums, and other charges with respect to the property, failure on the part of the servicer to make any such payment from the escrow account by the deadline to avoid a penalty with respect to such payment provided for in the mortgage, unless the servicer was not provided notice of such deadline.

“(L) In the case of any failure to make any payment as described in subparagraph (K), submitting any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting

Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor."; and

(3) in subsection (c)(3), by adding at the end the following: "In the case of any failure to make a payment described in subsection (b)(1)(K) for which the servicer fails to reimburse the mortgagor (A) before the expiration of the 60-day period beginning on the deadline to avoid a penalty with respect to such payment, in the sum of the amount not paid from the escrow account by such deadline and the amount of any penalties accruing to the mortgagor that are attributable to such failure, or (B) in the amount of any attorneys fees incurred by the mortgagor and attributable to such failure, the Secretary shall increase the amount of the penalty under subsection (a) for any such failure to reimburse, unless the Secretary determines there are mitigating circumstances.".

(b) PROHIBITION ON SUBMISSION OF INFORMATION BY HUD.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.) is amended by adding at the end the following new section:

"SEC. 257. PROHIBITION REGARDING FAILURE ON PART OF SERVICER TO MAKE ESCROW PAYMENTS.

"In the case of any failure to make any payment as described in section 536(b)(1)(K), the Secretary may not submit any information to a consumer reporting agency (as such term is defined in section 603(f) of the Fair Credit Reporting Act (15 U.S.C. 1681a(f))) regarding such failure that is adverse to the credit rating or interest of the mortgagor.".

SEC. 223. ACCEPTABLE IDENTIFICATION FOR FHA MORTGAGORS.

(a) IN GENERAL.—Title II of the National Housing Act is amended by inserting after section 209 (12 U.S.C. 1715) the following new section:

"SEC. 210. FORMS OF ACCEPTABLE IDENTIFICATION.

"The Secretary may not insure a mortgage under any provision of this title unless the mortgagor under the mortgage provides personal identification in one of the following forms:

"(1) A valid social security number verified in accordance with paragraph 3-1 C of chapter 3 of HUD Handbook 4155.1 REV-5.

"(2) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109-13; 49 U.S.C. 30301 note).

"(3) A passport issued by the United States or a foreign government.

"(4) A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).".

(b) EFFECTIVE DATE.—The requirements of section 210 of the National Housing Act (as added by subsection (a) of this section) shall take effect 6 months after the date of the enactment of this Act.

SEC. [illegible] PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

(a) ESTABLISHMENT.—Title II of the National Housing Act (12 U.S.C. 1707 et seq.), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new section:

"SEC. 258. PILOT PROGRAM FOR AUTOMATED PROCESS FOR BORROWERS WITHOUT SUFFICIENT CREDIT HISTORY.

"(a) ESTABLISHMENT.—The Secretary shall carry out a pilot program to establish, and make available to mortgagees, an automated process for providing alternative credit rating information for mortgagors and prospective mortgagors under mortgages on 1- to 4-family residences to be insured under this title who have insufficient credit histories for determining their creditworthiness. Such alternative credit rating information may include rent, utilities, and insurance payment histories, and such other information as the Secretary considers appropriate.

"(b) SCOPE.—The Secretary may carry out the pilot program under this section on a limited basis or scope, and may consider limiting the program—

"(1) to first-time homebuyers; or

"(2) metropolitan statistical areas significantly impacted by subprime lending.

"(c) LIMITATION.—In any fiscal year, the aggregate number of mortgages insured pursuant to the automated process established under this section may not exceed 5 percent of the aggregate number of mortgages for 1- to 4-family residences insured by the Secretary under this title during the preceding fiscal year.

"(d) SUNSET.—After the expiration of the 5-year period beginning on the date of the enactment of the Expanding American Homeownership Act of 2008, the Secretary may not enter into any new commitment to insure any mortgage, or newly insure any mortgage, pursuant to the automated process established under this section.".

(b) GAO REPORT.—Not later than the expiration of the 4-year period beginning on the date that the Secretary of Housing and Urban Development first insures any mortgage pursuant to the automated process established under pilot program under section 258 of the National Housing Act (as added by the amendment made by subsection (a) of this section), the Comptroller General of the United States shall submit to the Congress a report identifying the number of additional mortgagors served using such automated process and the impact of such process and the insurance of mortgages pursuant to such process on the safety and soundness of the insurance funds under the National Housing Act of which such mortgages are obligations.

SEC. 225. SENSE OF CONGRESS REGARDING TECHNOLOGY FOR FINANCIAL SYSTEMS.

(a) CONGRESSIONAL FINDINGS.—The Congress finds the following:

(1) The Government Accountability Office has cited the FHA single family housing mortgage insurance program as a "high-risk" program, with a primary reason being non-integrated and out-dated financial management systems.

(2) The "Audit of the Federal Housing Administration's Financial Statements for Fiscal Years 2004 and 2003", conducted by the Inspector General of the Department of Housing and Urban Development reported as a material weakness that "HUD/FHA's automated data processing [ADP] system environment must be enhanced to more effectively support FHA's business and budget processes".

(3) Existing technology systems for the FHA program have not been updated to meet the latest standards of the Mortgage Industry Standards Maintenance Organization and have numerous deficiencies that lenders have outlined.

(4) Improvements to technology used in the FHA program will—

(A) allow the FHA program to improve the management of the FHA portfolio, garner greater efficiencies in its operations, and lower costs across the program;

(B) result in efficiencies and lower costs for lenders participating in the program, allowing them to better use the FHA products in extending homeownership opportunities to higher credit risk or lower-income families, in a sound manner.

(5) The Mutual Mortgage Insurance Fund operates without cost to the taxpayers and generates revenues for the Federal Government.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Secretary of Housing and Urban Development should use a portion of the funds received from premiums paid for FHA single family housing mortgage insurance that are in excess of the amounts paid out in claims to substantially increase the funding for technology used in such FHA program;

(2) the goal of this investment should be to bring the technology used in such FHA program to the level and sophistication of the technology used in the conventional mortgage lending market, or to exceed such level; and

(3) the Secretary of Housing and Urban Development should report to the Congress not later than 180 days after the date of the enactment of this Act regarding the progress the Department is making toward such goal and if progress is not sufficient, the resources needed to make greater progress.

SEC. 226. CLARIFICATION OF DISPOSITION OF CERTAIN PROPERTIES.

Notwithstanding any other provision of law, subtitle A of title II of the Deficit Reduction Act of 2005 (12 U.S.C. 1701z-11 note) and the amendments made by such title shall not apply to any transaction regarding a multifamily real property for which—

(1) the Secretary of Housing and Urban Development has received, before the date of the enactment of such Act, written expressions of interest in purchasing the property from both a city government and the housing commission of such city;

(2) after such receipt, the Secretary acquires title to the property at a foreclosure sale; and

(3) such city government and housing commission have resolved a previous disagreement with respect to the disposition of the property.

SEC. 227. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

Subtitle A of title II of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 7) is amended by adding at the end the following new section:

"SEC. 2004. VALUATION OF MULTIFAMILY PROPERTIES IN NONCOMPETITIVE SALES BY HUD TO STATES AND LOCALITIES.

" 'Notwithstanding any other provision of law, in determining the market value of any multifamily real property or multifamily loan for any noncompetitive sale to a State or local government entity occurring during fiscal year 2008, the Secretary shall consider, but not be limited to, industry standard appraisal practices, including the cost of repairs needed to bring the property at least to minimum State and local code standards and of maintaining the existing affordability restrictions imposed by the Secretary on the multifamily real property or multifamily loan.'.".

SEC. 228. LIMITATION ON MORTGAGE INSURANCE PREMIUM INCREASES.

Notwithstanding any other provision of law, including any provision of this subtitle and any amendment made by this subtitle—

(1) the premiums charged for mortgage insurance under any program under the National Housing Act may not be increased

above the premium amounts in effect under such program on October 1, 2006, unless the Secretary of Housing and Urban Development determines that, absent such increase, insurance of additional mortgages under such program would, under the Federal Credit Reform Act of 1990, require the appropriation of new budget authority to cover the costs (as such term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a) of such insurance; and

(2) a premium increase pursuant to paragraph (1) may be made only by rule making in accordance with the procedures under section 553 of title 5, United States Code (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section).

SEC. 229. CIVIL MONEY PENALTIES FOR IMPROPERLY INFLUENCING APPRAISALS.

Paragraph (2) of section 536(b) of the National Housing Act (12 U.S.C. 1735f–14(b)(2)) is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new subparagraph:

"(D) in the case of an insured mortgage under title II for a 1- to 4-family residence, compensating, instructing, inducing, coercing, or intimidating any person who conducts an appraisal of the property in connection with such mortgage, or attempting to compensate, instruct, induce, coerce, or intimidate such a person, for the purpose of causing the appraised value assigned to the property under the appraisal to be based on any other factor other than the independent judgment of such person exercised in accordance with applicable professional standards.".

SEC. 230. MORTGAGE INSURANCE PREMIUM REFUNDS.

(a) AUTHORITY.—The Secretary of Housing and Urban Development shall, to the extent that amounts are made available pursuant to subsection (c), provide refunds of unearned premium charges paid, at the time of insurance, for mortgage insurance under title II of the National Housing Act (12 U.S.C. 1707 et seq.) to or on behalf of mortgagors under mortgages described in subsection (b).

(b) ELIGIBLE MORTGAGES.—A mortgage described in this section is a mortgage on a one- to four-family dwelling that—

(1) was insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

(2) is otherwise eligible, under the last sentence of subparagraph (A) of section 203(c)(2) of such Act (12 U.S.C. 1709(c)(2)(A)), for a refund of all unearned premium charges paid on the mortgage pursuant to such subparagraph, except that the mortgage—

(A) was closed before December 8, 2004; and

(B) was endorsed on or after such date.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for each fiscal year such sums as may be necessary to provide refunds of unearned mortgage insurance premiums pursuant to this section.

SEC. 231. SAVINGS PROVISION.

Any mortgage insured under title II of the National Housing Act before the date of enactment of this Act shall continue to be governed by the laws, regulations, orders, and terms and conditions to which it was subject on the day before the date of the enactment of this Act.

SEC. 232. IMPLEMENTATION.

Except as provided in section 223(b), the Secretary of Housing and Urban Development shall by notice establish any additional requirements that may be necessary to immediately carry out the provisions of this subtitle. The notice shall take effect upon issuance.

Subtitle B—FHA Manufactured Housing Loan Insurance Modernization

SECTION 251. SHORT TITLE.

This subtitle may be cited as the "FHA Manufactured Housing Loan Modernization Act of 2008".

SEC. 252. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) manufactured housing plays a vital role in providing housing for low- and moderate-income families in the United States;

(2) the FHA title I insurance program for manufactured home loans traditionally has been a major provider of mortgage insurance for home-only transactions;

(3) the manufactured housing market is in the midst of a prolonged downturn which has resulted in a severe contraction of traditional sources of private lending for manufactured home purchases;

(4) during past downturns the FHA title I insurance program for manufactured homes has filled the lending void by providing stability until the private markets could recover;

(5) in 1992, during the manufactured housing industry's last major recession, over 30,000 manufactured home loans were insured under title I;

(6) in 2006, fewer than 1,500 manufactured housing loans were insured under title I;

(7) the loan limits for title I manufactured housing loans have not been adjusted for inflation since 1992; and

(8) these problems with the title I program have resulted in an atrophied market for manufactured housing loans, leaving American families who have the most difficulty achieving homeownership without adequate financing options for home-only manufactured home purchases.

(b) PURPOSES.—The purposes of this subtitle are—

(1) to provide adequate funding for FHA-insured manufactured housing loans for low- and moderate-income homebuyers during all economic cycles in the manufactured housing industry;

(2) to modernize the FHA title I insurance program for manufactured housing loans to enhance participation by Ginnie Mae and the private lending markets; and

(3) to adjust the low loan limits for title I manufactured home loan insurance to reflect the increase in costs since such limits were last increased in 1992 and to index the limits to inflation.

SEC. 253. EXCEPTION TO LIMITATION ON FINANCIAL INSTITUTION PORTFOLIO.

The second sentence of section 2(a) of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "In no case" and inserting "Other than in connection with a manufactured home or a lot on which to place such a home (or both), in no case"; and

(2) by striking ": *Provided*, That with" and inserting ". With".

SEC. 254. INSURANCE BENEFITS.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), is amended by adding at the end the following new paragraph:

"(8) INSURANCE BENEFITS FOR MANUFACTURED HOUSING LOANS.—Any contract of insurance with respect to loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place a manufactured home (or both) for a financial institution that is executed under this title after the date of the enactment of the by the Secretary shall be conclusive evidence of the eligibility of such financial institution for insurance, and the validity of any contract of insurance so executed shall be incontestable in the hands of the bearer from the date of the execution of such contract, except for fraud or misrepresentation on the part of such institution.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall only apply to loans that are registered or endorsed for insurance after the date of the enactment of this Act.

SEC. 255. MAXIMUM LOAN LIMITS.

(a) DOLLAR AMOUNTS.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) in clause (ii) of subparagraph (A), by striking "$17,500" and inserting "$25,090";

(2) in subparagraph (C) by striking "$48,600" and inserting "$69,678";

(3) in subparagraph (D) by striking "$64,800" and inserting "$92,904";

(4) in subparagraph (E) by striking "$16,200" and inserting "$23,226"; and

(5) by realigning subparagraphs (C), (D), and (E) 2 ems to the left so that the left margins of such subparagraphs are aligned with the margins of subparagraphs (A) and (B).

(b) ANNUAL INDEXING.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

"(9) ANNUAL INDEXING OF MANUFACTURED HOUSING LOANS.—The Secretary shall develop a method of indexing in order to annually adjust the loan limits established in subparagraphs (A)(ii), (C), (D), and (E) of this subsection. Such index shall be based on the manufactured housing price data collected by the United States Census Bureau. The Secretary shall establish such index no later than one year after the date of the enactment of the FHA Manufactured Housing Loan Modernization Act of 2008.".

(c) TECHNICAL AND CONFORMING CHANGES.—Paragraph (1) of section 2(b) of the National Housing Act (12 U.S.C. 1703(b)(1)) is amended—

(1) by striking "No" and inserting "Except as provided in the last sentence of this paragraph, no"; and

(2) by adding after and below subparagraph (G) the following:

"The Secretary shall, by regulation, annually increase the dollar amount limitations in subparagraphs (A)(ii), (C), (D), and (E) (as such limitations may have been previously adjusted under this sentence) in accordance with the index established pursuant to paragraph (9).".

SEC. 256. INSURANCE PREMIUMS.

Subsection (f) of section 2 of the National Housing Act (12 U.S.C. 1703(f)) is amended—

(1) by inserting "(1) PREMIUM CHARGES.—" after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) MANUFACTURED HOME LOANS.—Notwithstanding paragraph (1), in the case of a loan, advance of credit, or purchase in connection with a manufactured home or a lot on which to place such a home (or both), the premium charge for the insurance granted under this section shall be paid by the borrower under the loan or advance of credit, as follows:

"(A) At the time of the making of the loan, advance of credit, or purchase, a single premium payment in an amount not to exceed 2.25 percent of the amount of the original insured principal obligation.

"(B) In addition to the premium under subparagraph (A), annual premium payments during the term of the loan, advance, or obligation purchased in an amount not exceeding 1.0 percent of the remaining insured principal balance (excluding the portion of the remaining balance attributable to the premium collected under subparagraph (A) and without taking into account delinquent payments or prepayments).

"(C) Premium charges under this paragraph shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section for insurance of loans, advances of credit, or purchases in connection with a manufactured home or a lot on which to place such a home (or both), as determined based upon risk to the Federal Government under existing underwriting requirements.

"(D) The Secretary may increase the limitations on premium payments to percentages above those set forth in subparagraphs (A) and (B), but only if necessary, and not in excess of the minimum increase necessary, to maintain a negative credit subsidy as described in subparagraph (C).".

SEC. 257. TECHNICAL CORRECTIONS.

(a) DATES.—Subsection (a) of section 2 of the National Housing Act (12 U.S.C. 1703(a)) is amended—

(1) by striking "on and after July 1, 1939," each place such term appears; and

(2) by striking "made after the effective date of the Housing Act of 1954".

(b) AUTHORITY OF SECRETARY.—Subsection (c) of section 2 of the National Housing Act (12 U.S.C. 1703(c)) is amended to read as follows:

"(c) HANDLING AND DISPOSAL OF PROPERTY.—

"(1) AUTHORITY OF SECRETARY.—Notwithstanding any other provision of law, the Secretary may—

"(A) deal with, complete, rent, renovate, modernize, insure, or assign or sell at public or private sale, or otherwise dispose of, for cash or credit in the Secretary's discretion, and upon such terms and conditions and for such consideration as the Secretary shall determine to be reasonable, any real or personal property conveyed to or otherwise acquired by the Secretary, in connection with the payment of insurance heretofore or hereafter granted under this title, including any evidence of debt, contract, claim, personal property, or security assigned to or held by him in connection with the payment of insurance heretofore or hereafter granted under this section; and

"(B) pursue to final collection, by way of compromise or otherwise, all claims assigned to or held by the Secretary and all legal or equitable rights accruing to the Secretary in connection with the payment of such insurance, including unpaid insurance premiums owed in connection with insurance made available by this title.

"(2) ADVERTISEMENTS FOR PROPOSALS.—Section 3709 of the Revised Statutes shall not be construed to apply to any contract of hazard insurance or to any purchase or contract for services or supplies on account of such property if the amount thereof does not exceed $25,000.

"(3) DELEGATION OF AUTHORITY.—The power to convey and to execute in the name of the Secretary, deeds of conveyance, deeds of release, assignments and satisfactions of mortgages, and any other written instrument relating to real or personal property or any interest therein heretofore or hereafter acquired by the Secretary pursuant to the provisions of this title may be exercised by an officer appointed by the Secretary without the execution of any express delegation of power or power of attorney. Nothing in this subsection shall be construed to prevent the Secretary from delegating such power by order or by power of attorney, in the Secretary's discretion, to any officer or agent the Secretary may appoint.".

SEC. 258. REVISION OF UNDERWRITING CRITERIA.

(a) IN GENERAL.—Subsection (b) of section 2 of the National Housing Act (12 U.S.C. 1703(b)), as amended by the preceding provisions of this subtitle, is further amended by adding at the end the following new paragraph:

"(10) FINANCIAL SOUNDNESS OF MANUFACTURED HOUSING PROGRAM.—The Secretary shall establish such underwriting criteria for loans and advances of credit in connection with a manufactured home or a lot on which to place a manufactured home (or both), including such loans and advances represented by obligations purchased by financial institutions, as may be necessary to ensure that the program under this title for insurance for financial institutions against losses from such loans, advances of credit, and purchases is financially sound.".

(b) TIMING.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall revise the existing underwriting criteria for the program referred to in paragraph (10) of section 2(b) of the National Housing Act (as added by subsection (a) of this section) in accordance with the requirements of such paragraph.

SEC. 259. REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR ASSISTANCE.

Section 2 of the National Housing Act (12 U.S.C. 1703) is amended by adding at the end the following new subsection:

"(j) REQUIREMENT OF SOCIAL SECURITY ACCOUNT NUMBER FOR FINANCING.—No insurance shall be granted under this section with respect to any obligation representing any loan, advance of credit, or purchase by a financial institution unless the borrower to which the loan or advance of credit was made has a valid social security number.".

SEC. 260. GAO STUDY OF MITIGATION OF TORNADO RISKS TO MANUFACTURED HOMES.

The Comptroller General of the United States shall assess how the Secretary of Housing and Urban Development utilizes the FHA manufactured housing loan insurance program under title I of the National Housing Act, the community development block grant program under title I of the Housing and Community Development Act of 1974, and other programs and resources available to the Secretary to mitigate the risks to manufactured housing residents and communities resulting from tornados. The Comptroller General shall submit to the Congress a report on the conclusions and recommendations of the assessment conducted pursuant to this section not later than the expiration of the 12-month period beginning on the date of the enactment of this Act.

TITLE III—REFORM OF GOVERNMENT-SPONSORED ENTITIES FOR HOUSING FINANCE

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Housing Finance Reform Act of 2008".

SEC. 302. DEFINITIONS.

Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) is amended—

(1) in paragraph (7), by striking "an enterprise" and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears (except in paragraphs (4) and (18)) and inserting "the regulated entity";

(3) in paragraph (5), by striking "Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Federal Housing Finance Agency";

(4) in each of paragraphs (8), (9), (10), and (19), by striking "Secretary" each place that term appears and inserting "Director";

(5) in paragraph (13), by inserting ", with respect to an enterprise," after "means";

(6) by redesignating paragraphs (16) through (19) as paragraphs (20) through (23), respectively;

(7) by striking paragraphs (14) and (15) and inserting the following new paragraphs:

"(18) REGULATED ENTITY.—The term 'regulated entity' means—

"(A) the Federal National Mortgage Association and any affiliate thereof;

"(B) the Federal Home Loan Mortgage Corporation and any affiliate thereof; and

"(C) each Federal home loan bank.

"(19) REGULATED ENTITY-AFFILIATED PARTY.—The term 'regulated entity-affiliated party' means—

"(A) any director, officer, employee, or agent for, a regulated entity, or controlling shareholder of an enterprise;

"(B) any shareholder, affiliate, consultant, or joint venture partner of a regulated entity, and any other person, as determined by the Director (by regulation or on a case-by-case basis) that participates in the conduct of the affairs of a regulated entity, except that a shareholder of a regulated entity shall not be considered to have participated in the affairs of that regulated entity solely by reason of being a member or customer of the regulated entity;

"(C) any independent contractor for a regulated entity (including any attorney, appraiser, or accountant), if—

"(i) the independent contractor knowingly or recklessly participates in—

"(I) any violation of any law or regulation;

"(II) any breach of fiduciary duty; or

"(III) any unsafe or unsound practice; and

"(ii) such violation, breach, or practice caused, or is likely to cause, more than a minimal financial loss to, or a significant adverse effect on, the regulated entity; and

"(D) any not-for-profit corporation that receives its principal funding, on an ongoing basis, from any regulated entity.".

(8) by redesignating paragraphs (8) through (13) as paragraphs (12) through (17), respectively; and

(9) by inserting after paragraph (7) the following new paragraph:

"(11) FEDERAL HOME LOAN BANK.—The term 'Federal home loan bank' means a bank established under the authority of the Federal Home Loan Bank Act.";

(10) by redesignating paragraphs (2) through (7) as paragraphs (5) through (10), respectively; and

(11) by inserting after paragraph (1) the following new paragraphs:

"(2) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.

"(3) AUTHORIZING STATUTES.—The term 'authorizing statutes' means—

"(A) the Federal National Mortgage Association Charter Act;

"(B) the Federal Home Loan Mortgage Corporation Act; and

"(C) the Federal Home Loan Bank Act.

"(4) BOARD.—The term 'Board' means the Federal Housing Enterprise Board established under section 1313B.".

Subtitle A—Reform of Regulation of Enterprises and Federal Home Loan Banks

CHAPTER 1—IMPROVEMENT OF SAFETY AND SOUNDNESS

SEC. 311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by striking sections 1311 and 1312 and inserting the following:

"SEC. 1311. ESTABLISHMENT OF THE FEDERAL HOUSING FINANCE AGENCY.

"(a) ESTABLISHMENT.—There is established the Federal Housing Finance Agency, which shall be an independent agency of the Federal Government.

"(b) GENERAL SUPERVISORY AND REGULATORY AUTHORITY.—

"(1) IN GENERAL.—Each regulated entity shall, to the extent provided in this title, be subject to the supervision and regulation of the Agency.

"(2) AUTHORITY OVER FANNIE MAE, FREDDIE MAC, AND FEDERAL HOME LOAN BANKS.—The Director of the Federal Housing Finance Agency shall have general supervisory and regulatory authority over each regulated entity and shall exercise such general regulatory and supervisory authority, including such duties and authorities set forth under section 1313 of this Act, to ensure that the purposes of this Act, the authorizing statutes, and any other applicable law are carried out. The Director shall have the same supervisory and regulatory authority over any joint office of the Federal home loan banks, including the Office of Finance of the Federal Home Loan Banks, as the Director has over the individual Federal home loan banks.

"(c) SAVINGS PROVISION.—The authority of the Director to take actions under subtitles B and C shall not in any way limit the general supervisory and regulatory authority granted to the Director.

"SEC. 1312. DIRECTOR.

"(a) ESTABLISHMENT OF POSITION.—There is established the position of the Director of the Federal Housing Finance Agency, who shall be the head of the Agency.

"(b) APPOINTMENT; TERM.—

"(1) APPOINTMENT.—The Director shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight, and have a demonstrated understanding of capital markets, including the mortgage securities markets and housing finance.

"(2) TERM AND REMOVAL.—The Director shall be appointed for a term of 5 years and may be removed by the President only for cause.

"(3) VACANCY.—A vacancy in the position of Director that occurs before the expiration of the term for which a Director was appointed shall be filled in the manner established under paragraph (1), and the Director appointed to fill such vacancy shall be appointed only for the remainder of such term.

"(4) SERVICE AFTER END OF TERM.—An individual may serve as the Director after the expiration of the term for which appointed until a successor has been appointed.

"(5) TRANSITIONAL PROVISION.—Notwithstanding paragraphs (1) and (2), the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development shall serve as the Director until a successor has been appointed under paragraph (1).

"(c) DEPUTY DIRECTOR OF THE DIVISION OF ENTERPRISE REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Enterprise Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of financial management or oversight and of mortgage securities markets and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Enterprise Regulation shall have such functions, powers, and duties with respect to the oversight of the enterprises as the Director shall prescribe.

"(d) DEPUTY DIRECTOR OF THE DIVISION OF FEDERAL HOME LOAN BANK REGULATION.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director of the Division of Federal Home Loan Bank Regulation, who shall be appointed by the Director from among individuals who are citizens of the United States, have a demonstrated understanding of financial management or oversight and of the Federal Home Loan Bank System and housing finance.

"(2) FUNCTIONS.—The Deputy Director of the Division of Federal Home Loan Bank Regulation shall have such functions, powers, and duties with respect to the oversight of the Federal home loan banks as the Director shall prescribe.

"(e) DEPUTY DIRECTOR FOR HOUSING.—

"(1) IN GENERAL.—The Agency shall have a Deputy Director for Housing, who shall be appointed by the Director from among individuals who are citizens of the United States, and have a demonstrated understanding of the housing markets and housing finance and of community and economic development.

"(2) FUNCTIONS.—The Deputy Director for Housing shall have such functions, powers, and duties with respect to the oversight of the housing mission and goals of the enterprises, and with respect to oversight of the housing finance and community and economic development mission of the Federal home loan banks, as the Director shall prescribe.

"(f) LIMITATIONS.—The Director and each of the Deputy Directors may not—

"(1) have any direct or indirect financial interest in any regulated entity or regulated entity-affiliated party;

"(2) hold any office, position, or employment in any regulated entity or regulated entity-affiliated party; or

"(3) have served as an executive officer or director of any regulated entity, or regulated entity-affiliated party, at any time during the 3-year period ending on the date of appointment of such individual as Director or Deputy Director.

"(g) OMBUDSMAN.—The Director shall establish the position of the Ombudsman in the Agency. The Director shall provide that the Ombudsman will consider complaints and appeals from any regulated entity and any person that has a business relationship with a regulated entity and shall specify the duties and authority of the Ombudsman.".

(b) APPOINTMENT OF DIRECTOR.—Notwithstanding any other provision of law or of this title, the President may, any time after the date of the enactment of this Act, appoint an individual to serve as the Director of the Federal Housing Finance Agency, as such office is established by the amendment made by subsection (a). This subsection shall take effect on the date of the enactment of this Act.

SEC. 312. DUTIES AND AUTHORITIES OF DIRECTOR.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 (12 U.S.C. 4513) is amended by striking section 1313 and inserting the following new sections:

"SEC. 1313. DUTIES AND AUTHORITIES OF DIRECTOR.

"(a) DUTIES.—

"(1) PRINCIPAL DUTIES.—The principal duties of the Director shall be—

"(A) to oversee the operations of each regulated entity and any joint office of the Federal Home Loan Banks; and

"(B) to ensure that—

"(i) each regulated entity operates in a safe and sound manner, including maintenance of adequate capital and internal controls;

"(ii) the operations and activities of each regulated entity foster liquid, efficient, competitive, and resilient national housing finance markets that minimize the cost of housing finance (including activities relating to mortgages on housing for low- and moderate- income families involving a reasonable economic return that may be less than the return earned on other activities);

"(iii) each regulated entity complies with this title and the rules, regulations, guidelines, and orders issued under this title and the authorizing statutes; and

"(iv) each regulated entity carries out its statutory mission only through activities that are consistent with this title and the authorizing statutes.

"(2) SCOPE OF AUTHORITY.—The authority of the Director shall include the authority—

"(A) to review and, if warranted based on the principal duties described in paragraph (1), reject any acquisition or transfer of a controlling interest in an enterprise; and

"(B) to exercise such incidental powers as may be necessary or appropriate to fulfill the duties and responsibilities of the Director in the supervision and regulation of each regulated entity.

"(b) DELEGATION OF AUTHORITY.—The Director may delegate to officers or employees of the Agency, including each of the Deputy Directors, any of the functions, powers, or duties of the Director, as the Director considers appropriate.

"(c) LITIGATION AUTHORITY.—

"(1) IN GENERAL.—In enforcing any provision of this title, any regulation or order prescribed under this title, or any other provision of law, rule, regulation, or order, or in any other action, suit, or proceeding to which the Director is a party or in which the Director is interested, and in the administration of conservatorships and receiverships, the Director may act in the Director's own name and through the Director's own attorneys, or request that the Attorney General of the United States act on behalf of the Director.

"(2) CONSULTATION WITH ATTORNEY GENERAL.—The Director shall provide notice to, and consult with, the Attorney General of the United States before taking an action under paragraph (1) of this subsection or under section 1344(a), 1345(d), 1348(c), 1372(e), 1375(a), 1376(d), or 1379D(c), except that, if the Director determines that any delay caused by such prior notice and consultation may adversely affect the safety and soundness responsibilities of the Director under this title, the Director shall notify the Attorney General as soon as reasonably possible after taking such action.

"(3) SUBJECT TO SUIT.—Except as otherwise provided by law, the Director shall be subject to suit (other than suits on claims for money damages) by a regulated entity or director or officer thereof with respect to any matter under this title or any other applicable provision of law, rule, order, or regulation under this title, in the United States district court for the judicial district in which the regulated entity has its principal place of business, or in the United States District Court for the District of Columbia, and the Director may be served with process in the manner prescribed by the Federal Rules of Civil Procedure.

"SEC. 1313A. PRUDENTIAL MANAGEMENT AND OPERATIONS STANDARDS.

"(a) STANDARDS.—The Director shall establish standards, by regulation, guideline, or order, for each regulated entity relating to—

"(1) adequacy of internal controls and information systems, including information security and privacy policies and practices, taking into account the nature and scale of business operations;

"(2) independence and adequacy of internal audit systems;

"(3) management of credit and counterparty risk, including systems to identify concentrations of credit risk and prudential limits to restrict exposure of the regulated entity to a single counterparty or groups of related counterparties;

"(4) management of interest rate risk exposure;

"(5) management of market risk, including standards that provide for systems that accurately measure, monitor, and control market risks and, as warranted, that establish limitations on market risk;

"(6) adequacy and maintenance of liquidity and reserves;

"(7) management of any asset and investment portfolio;

"(8) investments and acquisitions by a regulated entity, to ensure that they are consistent with the purposes of this Act and the authorizing statutes;

"(9) maintenance of adequate records, in accordance with consistent accounting policies and practices that enable the Director to evaluate the financial condition of the regulated entity;

"(10) issuance of subordinated debt by that particular regulated entity, as the Director considers necessary;

"(11) overall risk management processes, including adequacy of oversight by senior management and the board of directors and of processes and policies to identify, measure, monitor, and control material risks, including reputational risks, and for adequate, well-tested business resumption plans for all major systems with remote site facilities to protect against disruptive events; and

"(12) such other operational and management standards as the Director determines to be appropriate.

"(b) FAILURE TO MEET STANDARDS.—

"(1) PLAN REQUIREMENT.—

"(A) IN GENERAL.—If the Director determines that a regulated entity fails to meet any standard established under subsection (a)—

"(i) if such standard is established by regulation, the Director shall require the regulated entity to submit an acceptable plan to the Director within the time allowed under subparagraph (C); and

"(ii) if such standard is established by guideline, the Director may require the regulated entity to submit a plan described in clause (i).

"(B) CONTENTS.—Any plan required under subparagraph (A) shall specify the actions that the regulated entity will take to correct the deficiency. If the regulated entity is undercapitalized, the plan may be a part of the capital restoration plan for the regulated entity under section 1369C.

"(C) DEADLINES FOR SUBMISSION AND REVIEW.—The Director shall by regulation establish deadlines that—

"(i) provide the regulated entities with reasonable time to submit plans required under subparagraph (A), and generally require a regulated entity to submit a plan not later than 30 days after the Director determines that the entity fails to meet any standard established under subsection (a); and

"(ii) require the Director to act on plans expeditiously, and generally not later than 30 days after the plan is submitted.

"(2) REQUIRED ORDER UPON FAILURE TO SUBMIT OR IMPLEMENT PLAN.—If a regulated entity fails to submit an acceptable plan within the time allowed under paragraph (1)(C), or fails in any material respect to implement a plan accepted by the Director, the following shall apply:

"(A) REQUIRED CORRECTION OF DEFICIENCY.—The Director shall, by order, require the regulated entity to correct the deficiency.

"(B) OTHER AUTHORITY.—The Director may, by order, take one or more of the following actions until the deficiency is corrected:

"(i) Prohibit the regulated entity from permitting its average total assets (as such term is defined in section 1316(b)) during any calendar quarter to exceed its average total assets during the preceding calendar quarter, or restrict the rate at which the average total assets of the entity may increase from one calendar quarter to another.

"(ii) Require the regulated entity—

"(I) in the case of an enterprise, to increase its ratio of core capital to assets.

"(II) in the case of a Federal home loan bank, to increase its ratio of total capital (as such term is defined in section 6(a)(5) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(5)) to assets.

"(iii) Require the regulated entity to take any other action that the Director determines will better carry out the purposes of this section than any of the actions described in this subparagraph.

"(3) MANDATORY RESTRICTIONS.—In complying with paragraph (2), the Director shall take one or more of the actions described in clauses (i) through (iii) of paragraph (2)(B) if—

"(A) the Director determines that the regulated entity fails to meet any standard prescribed under subsection (a);

"(B) the regulated entity has not corrected the deficiency; and

"(C) during the 18-month period before the date on which the regulated entity first failed to meet the standard, the entity underwent extraordinary growth, as defined by the Director.

"(c) OTHER ENFORCEMENT AUTHORITY NOT AFFECTED.—The authority of the Director under this section is in addition to any other authority of the Director.".

(b) INDEPENDENCE IN CONGRESSIONAL TESTIMONY AND RECOMMENDATIONS.—Section 111 of Public Law 93-495 (12 U.S.C. 250) is amended by striking "the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 313. FEDERAL HOUSING ENTERPRISE BOARD.

(a) IN GENERAL.—Title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4501 et seq.) is amended by inserting after section 1313A, as added by the preceding provisions of this title, the following new section:

"SEC. 1313B. FEDERAL HOUSING ENTERPRISE BOARD.

"(a) IN GENERAL.—There is established the Federal Housing Enterprise Board, which shall advise the Director with respect to overall strategies and policies in carrying out the duties of the Director under this title.

"(b) LIMITATIONS.—The Board may not exercise any executive authority, and the Director may not delegate to the Board any of the functions, powers, or duties of the Director.

"(c) COMPOSITION.—The Board shall be comprised of 3 members, of whom—

"(1) one member shall be the Secretary of the Treasury;

"(2) one member shall be the Secretary of Housing and Urban Development; and

"(3) one member shall be the Director, who shall serve as the Chairperson of the Board.

"(d) MEETINGS.—

"(1) IN GENERAL.—The Board shall meet upon notice by the Director, but in no event shall the Board meet less frequently than once every 3 months.

"(2) SPECIAL MEETINGS.—Either the Secretary of the Treasury or the Secretary of Housing and Urban Development may, upon giving written notice to the Director, require a special meeting of the Board.

"(e) TESTIMONY.—On an annual basis, the Board shall testify before Congress regarding—

"(1) the safety and soundness of the regulated entities;

"(2) any material deficiencies in the conduct of the operations of the regulated entities;

"(3) the overall operational status of the regulated entities;

"(4) an evaluation of the performance of the regulated entities in carrying out their respective missions;

"(5) operations, resources, and performance of the Agency; and

"(6) such other matters relating to the Agency and its fulfillment of its mission, as the Board determines appropriate.".

(b) ANNUAL REPORT OF THE DIRECTOR.—Section 1319B(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4521 (a)) is amended—

(1) in paragraph (3), by striking "and" at the end; and

(2) by striking paragraph (4) and inserting the following new paragraphs:

"(4) an assessment of the Board or any of its members with respect to—

"(A) the safety and soundness of the regulated entities;

"(B) any material deficiencies in the conduct of the operations of the regulated entities;

"(C) the overall operational status of the regulated entities; and

"(D) an evaluation of the performance of the regulated entities in carrying out their missions;

"(5) operations, resources, and performance of the Agency;

"(6) a description of the demographic makeup of the workforce of the Agency and the actions taken pursuant to section 1319A(b) to provide for diversity in the workforce; and

"(7) such other matters relating to the Agency and its fulfillment of its mission.".

SEC. 314. AUTHORITY TO REQUIRE REPORTS BY REGULATED ENTITIES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514) is amended—

(1) in the section heading, by striking "**ENTERPRISES**" and inserting "**REGULATED ENTITIES**";

(2) in subsection (a)—

(A) in the subsection heading, by striking "SPECIAL REPORTS AND REPORTS OF FINANCIAL CONDITION" and inserting "REGULAR AND SPECIAL REPORTS";

(B) in paragraph (1)—

(i) in the paragraph heading, by striking "FINANCIAL CONDITION" and inserting "REGULAR REPORTS"; and

(ii) by striking "reports of financial condition and operations" and inserting "regular reports on the condition (including financial condition), management, activities, or operations of the regulated entity, as the Director considers appropriate"; and

(C) in paragraph (2), after "submit special reports" insert "on any of the topics specified in paragraph (1) or such other topics"; and

(3) by adding at the end the following new subsection:

"(c) REPORTS OF FRAUDULENT FINANCIAL TRANSACTIONS.—

"(1) REQUIREMENT TO REPORT.—The Director shall require a regulated entity to submit to the Director a timely report upon discovery by the regulated entity that it has purchased or sold a fraudulent loan or financial instrument or suspects a possible fraud relating to a purchase or sale of any loan or financial instrument. The Director shall require the regulated entities to establish and maintain procedures designed to discover any such transactions.

"(2) PROTECTION FROM LIABILITY FOR REPORTS.—

"(A) IN GENERAL.—If a regulated entity makes a report pursuant to paragraph (1), or a regulated entity-affiliated party makes, or requires another to make, such a report, and such report is made in a good faith effort to comply with the requirements of paragraph (1), such regulated entity or regulated entity-affiliated party shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such report or for any failure to provide notice of such report to the person who is the subject of such report or any other person identified in the report.

"(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed as creating—

"(i) any inference that the term 'person', as used in such subparagraph, may be construed more broadly than its ordinary usage so as to include any government or agency of government; or

"(ii) any immunity against, or otherwise affecting, any civil or criminal action brought by any government or agency of government to enforce any constitution, law, or regulation of such government or agency.".

SEC. 315. DISCLOSURE OF INCOME AND CHARITABLE CONTRIBUTIONS BY ENTERPRISES.

Section 1314 of the Housing and Community Development Act of 1992 (12 U.S.C. 4514), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsections:

"(d) DISCLOSURE OF CHARITABLE CONTRIBUTIONS BY ENTERPRISES.—

"(1) REQUIRED DISCLOSURE.—The Director shall, by regulation, require each enterprise to submit a report annually, in a format designated by the Director, containing the following information:

"(A) TOTAL VALUE.—The total value of contributions made by the enterprise to nonprofit organizations during its previous fiscal year.

"(B) SUBSTANTIAL CONTRIBUTIONS.—If the value of contributions made by the enterprise to any nonprofit organization during its previous fiscal year exceeds the designated amount, the name of that organization and the value of contributions.

"(C) SUBSTANTIAL CONTRIBUTIONS TO INSIDER-AFFILIATED CHARITIES.—Identification of each contribution whose value exceeds the designated amount that were made by the enterprise during the enterprise's previous fiscal year to any nonprofit organization of which a director, officer, or controlling person of the enterprise, or a spouse thereof, was a director or trustee, the name of such nonprofit organization, and the value of the contribution.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'designated amount' means such amount as may be designated by the Director by regulation, consistent with the public interest and the protection of investors for purposes of this subsection; and

"(B) the Director may, by such regulations as the Director deems necessary or appropriate in the public interest, define the terms officer and controlling person.

"(3) PUBLIC AVAILABILITY.—The Director shall make the information submitted pursuant to this subsection publicly available.

"(e) DISCLOSURE OF INCOME.—Each enterprise shall include, in each annual report filed under section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m), the income reported by the issuer to the Internal Revenue Service for the most recent taxable year. Such income shall—

"(1) be presented in a prominent location in each such report and in a manner that permits a ready comparison of such income to income otherwise required to be included in such reports under regulations issued under such section; and

"(2) be submitted to the Securities and Exchange Commission in a form and manner suitable for entry into the EDGAR system of such Commission for public availability under such system.".

SEC. 316. ASSESSMENTS.

Section 1316 of the Housing and Community Development Act of 1992 (12 U.S.C. 4516) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) ANNUAL ASSESSMENTS.—The Director shall establish and collect from the regulated entities annual assessments in an amount not exceeding the amount sufficient to provide for reasonable costs and expenses of the Agency, including—

"(1) the expenses of any examinations under section 1317 of this Act and under section 20 of the Federal Home Loan Bank Act;

"(2) the expenses of obtaining any reviews and credit assessments under section 1319;

"(3) such amounts in excess of actual expenses for any given year as deemed necessary by the Director to maintain a working capital fund in accordance with subsection (e); and

"(4) the wind up of the affairs of the Office of Federal Housing Enterprise Oversight and the Federal Housing Finance Board under subtitle C of the Federal Housing Finance Reform Act of 2008.";

(2) in subsection (b)—

(A) in the subsection heading, by striking "ENTERPRISES" and inserting "REGULATED ENTITIES";

(B) by realigning paragraph (2) two ems from the left margin, so as to align the left margin of such paragraph with the left margins of paragraph (1);

(C) in paragraph (1)—

(i) by striking "Each enterprise" and inserting "Each regulated entity";

(ii) by striking "each enterprise" and inserting "each regulated entity"; and

(iii) by striking "both enterprises" and inserting "all of the regulated entities"; and

(D) in paragraph (3)—

(i) in subparagraph (B), by striking "subparagraph (A)" and inserting "clause (i)";

(ii) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii) and (ii), respectively, and realigning such clauses, as so redesignated, so as to be indented 6 ems from the left margin;

(iii) by striking the matter that precedes clause (i), as so redesignated, and inserting the following:

"(3) DEFINITION OF TOTAL ASSETS.—For purposes of this section, the term 'total assets' means as follows:

"(A) ENTERPRISES.—With respect to an enterprise, the sum of—"; and

(iv) by adding at the end the following new subparagraph:

"(B) FEDERAL HOME LOAN BANKS.—With respect to a Federal home loan bank, the total assets of the Bank, as determined by the Director in accordance with generally accepted accounting principles.";

(3) by striking subsection (c) and inserting the following new subsection:

"(c) INCREASED COSTS OF REGULATION.—

"(1) INCREASE FOR INADEQUATE CAPITALIZATION.—The semiannual payments made pursuant to subsection (b) by any regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized may be increased, as necessary, in the discretion of the Director to pay additional estimated costs of regulation of the regulated entity.

"(2) ADJUSTMENT FOR ENFORCEMENT ACTIVITIES.—The Director may adjust the amounts of any semiannual payments for an assessment under subsection (a) that are to be paid pursuant to subsection (b) by a regulated entity, as necessary in the discretion of the Director, to ensure that the costs of enforcement activities under this Act for a regulated entity are borne only by such regulated entity.

"(3) ADDITIONAL ASSESSMENT FOR DEFICIENCIES.—If at any time, as a result of increased costs of regulation of a regulated entity that is not classified (for purposes of subtitle B) as adequately capitalized or as the result of supervisory or enforcement activities under this Act for a regulated entity, the amount available from any semiannual payment made by such regulated entity pursuant to subsection (b) is insufficient to cover the costs of the Agency with respect to such entity, the Director may make and collect from such regulated entity an immediate assessment to cover the amount of such deficiency for the semiannual period. If, at the end of any semiannual period during which such an assessment is made, any amount remains from such assessment, such remaining amount shall be deducted from the assessment for such regulated entity for the following semiannual period.";

(4) in subsection (d), by striking "If" and inserting "Except with respect to amounts collected pursuant to subsection (a)(3), if"; and

(5) by striking subsections (e) through (g) and inserting the following new subsections:

"(e) WORKING CAPITAL FUND.—At the end of each year for which an assessment under this section is made, the Director shall remit to each regulated entity any amount of assessment collected from such regulated entity that is attributable to subsection (a)(3) and is in excess of the amount the Director deems necessary to maintain a working capital fund.

"(f) TREATMENT OF ASSESSMENTS.—

"(1) DEPOSIT.—Amounts received by the Director from assessments under this section may be deposited by the Director in the manner provided in section 5234 of the Revised Statutes (12 U.S.C. 192) for monies deposited by the Comptroller of the Currency.

"(2) NOT GOVERNMENT FUNDS.—The amounts received by the Director from any assessment under this section shall not be construed to be Government or public funds or appropriated money.

"(3) NO APPORTIONMENT OF FUNDS.—Notwithstanding any other provision of law, the amounts received by the Director from any assessment under this section shall not be subject to apportionment for the purpose of chapter 15 of title 31, United States Code, or under any other authority.

"(4) USE OF FUNDS.—The Director may use any amounts received by the Director from assessments under this section for compensation of the Director and other employees of the Agency and for all other expenses of the Director and the Agency.

"(5) AVAILABILITY OF OVERSIGHT FUND AMOUNTS.—Notwithstanding any other provision of law, any amounts remaining in the Federal Housing Enterprises Oversight Fund established under this section (as in effect before the effective date under section 365 of the Federal Housing Finance Reform Act of 2008), and any amounts remaining from assessments on the Federal Home Loan banks pursuant to section 18(b) of the Federal Home Loan Bank Act (12 U.S.C. 1438(b)), shall, upon such effective date, be treated for purposes of this subsection as amounts received from assessments under this section.

"(6) TREASURY INVESTMENTS.—

"(A) AUTHORITY.—The Director may request the Secretary of the Treasury to invest such portions of amount received by the Director from assessments paid under this section that, in the Director's discretion, are not required to meet the current working needs of the Agency.

"(B) GOVERNMENT OBLIGATIONS.—Pursuant to a request under subparagraph (A), the Secretary of the Treasury shall invest such amounts in government obligations guaranteed as to principal and interest by the United States with maturities suitable to the needs of Agency and bearing interest at a rate determined by the Secretary of the Treasury taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

"(g) BUDGET AND FINANCIAL MANAGEMENT.—

"(1) FINANCIAL OPERATING PLANS AND FORECASTS.—The Director shall provide to the Director of the Office of Management and Budget copies of the Director's financial operating plans and forecasts as prepared by the Director in the ordinary course of the Agency's operations, and copies of the quarterly reports of the Agency's financial condition and results of operations as prepared by the Director in the ordinary course of the Agency's operations.

"(2) FINANCIAL STATEMENTS.—The Agency shall prepare annually a statement of assets and liabilities and surplus or deficit; a statement of income and expenses; and a statement of sources and application of funds.

"(3) FINANCIAL MANAGEMENT SYSTEMS.—The Agency shall implement and maintain financial management systems that comply substantially with Federal financial management systems requirements, applicable Federal accounting standards, and that uses a general ledger system that accounts for activity at the transaction level.

"(4) ASSERTION OF INTERNAL CONTROLS.—The Director shall provide to the Comptroller General an assertion as to the effectiveness of the internal controls that apply to financial reporting by the Agency, using the standards established in section 3512(c) of title 31, United States Code.

"(5) RULE OF CONSTRUCTION.—This subsection may not be construed as implying any obligation on the part of the Director to consult with or obtain the consent or approval of the Director of the Office of Management and Budget with respect to any reports, plans, forecasts, or other information referred to in paragraph (1) or any jurisdiction or oversight over the affairs or operations of the Agency.

"(h) AUDIT OF AGENCY.—

"(1) IN GENERAL.—The Comptroller General shall annually audit the financial transactions of the Agency in accordance with the U.S. generally accepted government auditing standards as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where accounts of the Agency are normally kept. The representatives of the Government Accountability Office shall have access to the personnel and to all books, accounts, documents, papers, records (including electronic records), reports, files, and all other papers, automated data, things, or property belonging to or under the control of or used or employed by the Agency pertaining to its financial transactions and necessary to facilitate the audit, and such representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, documents, records, reports, files, papers, and property of the Agency shall remain in possession and custody of the Agency. The Comptroller General may obtain and duplicate any such books, accounts, documents, records, working papers, automated data and files, or other information relevant to such audit without cost to the Comptroller General and the Comptroller General's right of access to such information shall be enforceable pursuant to section 716(c) of title 31, United States Code.

"(2) REPORT.—The Comptroller General shall submit to the Congress a report of each annual audit conducted under this subsection. The report to the Congress shall set forth the scope of the audit and shall include the statement of assets and liabilities and surplus or deficit, the statement of income and expenses, the statement of sources and application of funds, and such comments and information as may be deemed necessary to inform Congress of the financial operations and condition of the Agency, together with such recommendations with respect thereto as the Comptroller General may deem advisable. A copy of each report shall be furnished to the President and to the Agency at the time submitted to the Congress.

"(3) ASSISTANCE AND COSTS.—For the purpose of conducting an audit under this subsection, the Comptroller General may, in the discretion of the Comptroller General, employ by contract, without regard to section 5 of title 41, United States Code, professional services of firms and organizations of certified public accountants for temporary periods or for special purposes. Upon the request of the Comptroller General, the Director of the Agency shall transfer to the Government Accountability Office from funds available, the amount requested by the Comptroller General to cover the full costs of any audit and report conducted by the Comptroller General. The Comptroller General shall credit funds transferred to the account established for salaries and expenses of the Government Accountability Office, and such amount shall be available upon receipt and without fiscal year limitation to cover the full costs of the audit and report.".

SEC. 317. EXAMINERS AND ACCOUNTANTS.

(a) EXAMINATIONS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended—

(1) in subsection (a), by adding after the period at the end the following: "Each examination under this subsection of a regulated entity shall include a review of the procedures required to be established and maintained by the regulated entity pursuant to section 1314(c) (relating to fraudulent financial transactions) and the report regarding each such examination shall describe any problems with such procedures maintained by the regulated entity.";

(2) in subsection (b)—

(A) by inserting "of a regulated entity" after "under this section"; and

(B) by striking "to determine the condition of an enterprise for the purpose of ensuring its financial safety and soundness" and inserting "or appropriate"; and

(3) in subsection (c)—

(A) in the second sentence, by inserting "to conduct examinations under this section" before the period; and

(B) in the third sentence, by striking "from amounts available in the Federal Housing Enterprises Oversight Fund".

(b) ENHANCED AUTHORITY TO HIRE EXAMINERS AND ACCOUNTANTS.—Section 1317 of the Housing and Community Development Act of 1992 (12 U.S.C. 4517) is amended by adding at the end the following new subsection:

"(g) APPOINTMENT OF ACCOUNTANTS, ECONOMISTS, SPECIALISTS, AND EXAMINERS.—

"(1) APPLICABILITY.—This section applies with respect to any position of examiner, accountant, specialist in financial markets, specialist in information technology, and economist at the Agency, with respect to supervision and regulation of the regulated entities, that is in the competitive service.

"(2) APPOINTMENT AUTHORITY.—The Director may appoint candidates to any position described in paragraph (1)—

"(A) in accordance with the statutes, rules, and regulations governing appointments in the excepted service; and

"(B) notwithstanding any statutes, rules, and regulations governing appointments in the competitive service.

"(3) RULE OF CONSTRUCTION.—The appointment of a candidate to a position under the authority of this subsection shall not be considered to cause such position to be converted from the competitive service to the excepted service.".

(c) REPEAL.—Section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440) is amended—

(1) by striking the section heading and inserting the following: "EXAMINATIONS AND GAO AUDITS";

(2) in the third sentence, by striking "the Board and" each place such term appears; and

(3) by striking the first two sentences and inserting the following: "The Federal home loan banks shall be subject to examinations by the Director to the extent provided in section 1317 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4517).".

SEC. 318. PROHIBITION AND WITHHOLDING OF EXECUTIVE COMPENSATION.

(a) In General.—Section 1318 of the Housing and Community Development Act of 1992 (12 U.S.C. 4518) is amended—

(1) in the section heading, by striking "**OF EXCESSIVE**" and inserting "**AND WITHHOLDING OF EXECUTIVE**";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following new subsections:

"(b) Factors.—In making any determination under subsection (a), the Director may take into consideration any factors the Director considers relevant, including any wrongdoing on the part of the executive officer, and such wrongdoing shall include any fraudulent act or omission, breach of trust or fiduciary duty, violation of law, rule, regulation, order, or written agreement, and insider abuse with respect to the regulated entity. The approval of an agreement or contract pursuant to section 309(d)(3)(B) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)(3)(B)) or section 303(h)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)(2)) shall not preclude the Director from making any subsequent determination under subsection (a).

"(c) Withholding of Compensation.—In carrying out subsection (a), the Director may require a regulated entity to withhold any payment, transfer, or disbursement of compensation to an executive officer, or to place such compensation in an escrow account, during the review of the reasonableness and comparability of compensation.".

(b) Conforming Amendments.—

(1) Fannie Mae.—Section 309(d) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(d)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(2) Freddie Mac.—Section 303(h) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(h)) is amended by adding at the end the following new paragraph:

"(4) Notwithstanding any other provision of this section, the Corporation shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

(3) Federal home loan banks.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended by adding at the end the following new subsection:

"(l) Withholding of Compensation.—Notwithstanding any other provision of this section, a Federal home loan bank shall not transfer, disburse, or pay compensation to any executive officer, or enter into an agreement with such executive officer, without the approval of the Director, for matters being reviewed under section 1318 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4518).".

SEC. 319. REVIEWS OF REGULATED ENTITIES.

Section 1319 of the Housing and Community Development Act of 1992 (12 U.S.C. 4519) is amended—

(1) by striking the section designation and heading and inserting the following:

"SEC. 1319. REVIEWS OF REGULATED ENTITIES."; and

(2) by striking "is a nationally recognized" and all that follows through "1934" and inserting the following: "the Director considers appropriate, including an entity that is registered under section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78a) as a nationally registered statistical rating organization".

SEC. 320. INCLUSION OF MINORITIES AND WOMEN; DIVERSITY IN AGENCY WORKFORCE.

Section 1319A of the Housing and Community Development Act of 1992 (12 U.S.C. 4520) is amended—

(1) in the section heading, by striking "**EQUAL OPPORTUNITY IN SOLICITATION OF CONTRACTS**" and inserting "**MINORITY AND WOMEN INCLUSION; DIVERSITY REQUIREMENTS**";

(2) in subsection (a), by striking "(a) In General.—Each enterprise" and inserting "(e) Outreach.—Each regulated entity"; and

(3) by striking subsection (b);

(4) by inserting before subsection (e), as so redesignated by paragraph (2) of this section, the following new subsections:

"(a) Office of Minority and Women Inclusion.—Each regulated entity shall establish an Office of Minority and Women Inclusion, or designate an office of the entity, that shall be responsible for carrying out this section and all matters of the entity relating to diversity in management, employment, and business activities in accordance with such standards and requirements as the Director shall establish.

"(b) Inclusion in All Levels of Business Activities.—Each regulated entity shall develop and implement standards and procedures to ensure, to the maximum extent possible, the inclusion and utilization of minorities (as such term is defined in section 1204(c) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note)) and women, and minority- and women-owned businesses (as such terms are defined in section 21A(r)(4) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(r)(4)) (including financial institutions, investment banking firms, mortgage banking firms, asset management firms, broker-dealers, financial services firms, underwriters, accountants, brokers, investment consultants, and providers of legal services) in all business and activities of the regulated entity at all levels, including in procurement, insurance, and all types of contracts (including contracts for the issuance or guarantee of any debt, equity, or mortgage-related securities, the management of its mortgage and securities portfolios, the making of its equity investments, the purchase, sale and servicing of single- and multi-family mortgage loans, and the implementation of its affordable housing program and initiatives). The processes established by each regulated entity for review and evaluation for contract proposals and to hire service providers shall include a component that gives consideration to the diversity of the applicant.

"(c) Applicability.—This section shall apply to all contracts of a regulated entity for services of any kind, including services that require the services of investment banking, asset management entities, broker-dealers, financial services entities, underwriters, accountants, investment consultants, and providers of legal services.

"(d) Inclusion in Annual Reports.—Each regulated entity shall include, in the annual report submitted by the entity to the Director pursuant to section 309(k) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(k)), section 307(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(c)), and section 20 of the Federal Home Loan Bank Act (12 U.S.C. 1440), as applicable, detailed information describing the actions taken by the entity pursuant to this section, which shall include a statement of the total amounts paid by the entity to third party contractors since the last such report and the percentage of such amounts paid to businesses described in subsection (b) of this section."; and

(5) by adding at the end the following new subsection:

"(f) Diversity in Agency Workforce.—The Agency shall take affirmative steps to seek diversity in its workforce at all levels of the agency consistent with the demographic diversity of the United States, which shall include—

"(1) heavily recruiting at historically Black colleges and universities, Hispanic-serving institutions, women's colleges, and colleges that typically serve majority minority populations;

"(2) sponsoring and recruiting at job fairs in urban communities, and placing employment advertisements in newspapers and magazines oriented toward women and people of color;

"(3) partnering with organizations that are focused on developing opportunities for minorities and women to place talented young minorities and women in industry internships, summer employment, and full-time positions; and

"(4) where feasible, partnering with inner-city high schools, girls' high schools, and high schools with majority minority populations to establish or enhance financial literacy programs and provide mentoring.".

SEC. 321. REGULATIONS AND ORDERS.

Section 1319G of the Housing and Community Development Act of 1992 (12 U.S.C. 4526) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Authority.—The Director shall issue any regulations, guidelines, and orders necessary to carry out the duties of the Director under this title and each of the authorizing statutes to ensure that the purposes of this title and such statutes are accomplished.";

(2) in subsection (b), by inserting ", this title, or any of the authorizing statutes" after "under this section"; and

(3) by striking subsection (c).

SEC. 322. NON-WAIVER OF PRIVILEGES.

Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511) is amended by adding at the end the following new section:

"SEC. 1319H. PRIVILEGES NOT AFFECTED BY DISCLOSURE.

"(a) In General.—The submission by any person of any information to the Agency for any purpose in the course of any supervisory or regulatory process of the Agency shall not be construed as waiving, destroying, or otherwise affecting any privilege such person may claim with respect to such information under Federal or State law as to any person or entity other than the Agency.

"(b) RULE OF CONSTRUCTION.—No provision of subsection (a) may be construed as implying or establishing that—

"(1) any person waives any privilege applicable to information that is submitted or transferred under any circumstance to which subsection (a) does not apply; or

"(2) any person would waive any privilege applicable to any information by submitting the information to the Agency, but for this subsection.".

SEC. 323. RISK-BASED CAPITAL REQUIREMENTS.

(a) IN GENERAL.—Section 1361 of the Housing and Community Development Act of 1992 (12 U.S.C. 4611) is amended to read as follows:

"SEC. 1361. RISK-BASED CAPITAL LEVELS FOR REGULATED ENTITIES.

"(a) IN GENERAL.—

"(1) ENTERPRISES.—The Director shall, by regulation, establish risk-based capital requirements for the enterprises to ensure that the enterprises operate in a safe and sound manner, maintaining sufficient capital and reserves to support the risks that arise in the operations and management of the enterprises.

"(2) FEDERAL HOME LOAN BANKS.—The Director shall establish risk-based capital standards under section 6 of the Federal Home Loan Bank Act for the Federal home loan banks.

"(b) CONFIDENTIALITY OF INFORMATION.—Any person that receives any book, record, or information from the Director or a regulated entity to enable the risk-based capital requirements established under this section to be applied shall—

"(1) maintain the confidentiality of the book, record, or information in a manner that is generally consistent with the level of confidentiality established for the material by the Director or the regulated entity; and

"(2) be exempt from section 552 of title 5, United States Code, with respect to the book, record, or information.

"(c) NO LIMITATION.—Nothing in this section shall limit the authority of the Director to require other reports or undertakings, or take other action, in furtherance of the responsibilities of the Director under this Act.".

(b) FEDERAL HOME LOAN BANKS RISK-BASED CAPITAL.—Section 6(a)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(3)) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) RISK-BASED CAPITAL STANDARDS.—The Director shall, by regulation, establish risk-based capital standards for the Federal home loan banks to ensure that the Federal home loan banks operate in a safe and sound manner, with sufficient permanent capital and reserves to support the risks that arise in the operations and management of the Federal home loans banks."; and

(2) in subparagraph (B), by striking "(A)(ii)" and inserting "(A)".

SEC. 324. MINIMUM AND CRITICAL CAPITAL LEVELS.

(a) MINIMUM CAPITAL LEVEL.—Section 1362 of the Housing and Community Development Act of 1992 (12 U.S.C. 4612) is amended—

(1) in subsection (a), by striking "IN GENERAL" and inserting "ENTERPRISES"; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) FEDERAL HOME LOAN BANKS.—For purposes of this subtitle, the minimum capital level for each Federal home loan bank shall be the minimum capital required to be maintained to comply with the leverage requirement for the bank established under section 6(a)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1426(a)(2)).

"(c) ESTABLISHMENT OF REVISED MINIMUM CAPITAL LEVELS.—Notwithstanding subsections (a) and (b) and notwithstanding the capital classifications of the regulated entities, the Director may, by regulations issued under section 1319G, establish a minimum capital level for the enterprises, for the Federal home loan banks, or for both the enterprises and the banks, that is higher than the level specified in subsection (a) for the enterprises or the level specified in subsection (b) for the Federal home loan banks, to the extent needed to ensure that the regulated entities operate in a safe and sound manner.

"(d) AUTHORITY TO REQUIRE TEMPORARY INCREASE.—Notwithstanding subsections (a) and (b) and any minimum capital level established pursuant to subsection (c), the Director may, by order, increase the minimum capital level for a regulated entity on a temporary basis for such period as the Director may provide if the Director—

"(1) makes any determination specified in subparagraphs (A) through (C) of section 1364(c)(1);

"(2) determines that the regulated entity has violated any of the prudential standards established pursuant to section 1313A and, as a result of such violation, determines that an unsafe and unsound condition exists; or

"(3) determines that an unsafe and unsound condition exists, except that a temporary increase in minimum capital imposed on a regulated entity pursuant to this paragraph shall not remain in place for a period of more than 6 months unless the Director makes a renewed determination of the existence of an unsafe and unsound condition.

"(e) AUTHORITY TO ESTABLISH ADDITIONAL CAPITAL AND RESERVE REQUIREMENTS FOR PARTICULAR PROGRAMS.—The Director may, at any time by order or regulation, establish such capital or reserve requirements with respect to any program or activity of a regulated entity as the Director considers appropriate to ensure that the regulated entity operates in a safe and sound manner, with sufficient capital and reserves to support the risks that arise in the operations and management of the regulated entity.

"(f) PERIODIC REVIEW.—The Director shall periodically review the amount of core capital maintained by the enterprises, the amount of capital retained by the Federal home loan banks, and the minimum capital levels established for such regulated entities pursuant to this section. The Director shall rescind any temporary minimum capital level increase if the Director determines that the circumstances or facts justifying the temporary increase are no longer present.".

(b) CRITICAL CAPITAL LEVELS.—

(1) IN GENERAL.—Section 1363 of the Housing and Community Development Act of 1992 (12 U.S.C. 4613) is amended—

(A) by striking "For" and inserting "(a) ENTERPRISES.—FOR"; and

(B) by adding at the end the following new subsection:

"(b) FEDERAL HOME LOAN BANKS.—

"(1) IN GENERAL.—For purposes of this subtitle, the critical capital level for each Federal home loan bank shall be such amount of capital as the Director shall, by regulation require.

"(2) CONSIDERATION OF OTHER CRITICAL CAPITAL LEVELS.—In establishing the critical capital level under paragraph (1) for the Federal home loan banks, the Director shall take due consideration of the critical capital level established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises.".

(2) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1363(b) of the Housing and Community Development Act of 1992 (as added by paragraph (1) of this subsection) establishing the critical capital level under such section.

SEC. 325. REVIEW OF AND AUTHORITY OVER ENTERPRISE ASSETS AND LIABILITIES.

(a) IN GENERAL.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4611 et seq.) is amended—

(1) by striking the subtitle designation and heading and inserting the following:

"Subtitle B—Required Capital Levels for Regulated Entities, Special Enforcement Powers, and Reviews of Assets and Liabilities";

and

(2) by adding at the end the following new section:

"SEC. 1369E. REVIEWS OF ENTERPRISE ASSETS AND LIABILITIES.

"(a) IN GENERAL.—The Director shall, by regulation, establish standards by which the portfolio holdings, or rate of growth of the portfolio holdings, of the enterprises will be deemed to be consistent with the mission and the safe and sound operations of the enterprises. In developing such standards, the Director shall consider—

"(1) the size or growth of the mortgage market;

"(2) the need for the portfolio in maintaining liquidity or stability of the secondary mortgage market (including the market for the mortgage-backed securities the enterprises issue);

"(3) the need for an inventory of mortgages in connection with securitizations;

"(4) the need for the portfolio to directly support the affordable housing mission of the enterprises;

"(5) the liquidity needs of the enterprises;

"(6) any potential risks posed to the enterprises by the nature of the portfolio holdings; and

"(7) any additional factors that the Director determines to be necessary to carry out the purpose under the first sentence of this subsection to establish standards for assessing whether the portfolio holdings are consistent with the mission and safe and sound operations of the enterprises.

"(b) TEMPORARY ADJUSTMENTS.—The Director may, by order, make temporary adjustments to the established standards for an enterprise or both enterprises, such as during times of economic distress or market disruption.

"(c) AUTHORITY TO REQUIRE DISPOSITION OR ACQUISITION.—The Director shall monitor the portfolio of each enterprise. Pursuant to subsection (a) and notwithstanding the capital classifications of the enterprises, the Director may, by order, require an enterprise, under such terms and conditions as the Director determines to be appropriate, to dispose of or acquire any asset, if the Director determines that such action is consistent with the purposes of this Act or any of the authorizing statutes.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations pursuant to section 1369E(a) of the Housing and Community Development Act of 1992 (as added by subsection (a) of this section) establishing the portfolio holdings standards under such section.

SEC. 326. CORPORATE GOVERNANCE OF ENTERPRISES.

The Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

“SEC. 1322A. CORPORATE GOVERNANCE OF ENTERPRISES.

“(a) BOARD OF DIRECTORS.—

“(1) INDEPENDENCE.—A majority of seated members of the board of directors of each enterprise shall be independent board members, as defined under rules set forth by the New York Stock Exchange, as such rules may be amended from time to time.

“(2) FREQUENCY OF MEETINGS.—To carry out its obligations and duties under applicable laws, rules, regulations, and guidelines, the board of directors of an enterprise shall meet at least eight times a year and not less than once a calendar quarter.

“(3) NON-MANAGEMENT BOARD MEMBER MEETINGS.—The non-management directors of an enterprise shall meet at regularly scheduled executive sessions without management participation.

“(4) QUORUM; PROHIBITION ON PROXIES.—For the transaction of business, a quorum of the board of directors of an enterprise shall be at least a majority of the seated board of directors and a board member may not vote by proxy.

“(5) INFORMATION.—The management of an enterprise shall provide a board member of the enterprise with such adequate and appropriate information that a reasonable board member would find important to the fulfillment of his or her fiduciary duties and obligations.

“(6) ANNUAL REVIEW.—At least annually, the board of directors of each enterprise shall review, with appropriate professional assistance, the requirements of laws, rules, regulations, and guidelines that are applicable to its activities and duties.

“(b) COMMITTEES OF BOARDS OF DIRECTORS.—

“(1) FREQUENCY OF MEETINGS.—Any committee of the board of directors of an enterprise shall meet with sufficient frequency to carry out its obligations and duties under applicable laws, rules, regulations, and guidelines.

“(2) REQUIRED COMMITTEES.—Each enterprise shall provide for the establishment, however styled, of the following committees of the board of directors:

“(A) Audit committee.

“(B) Compensation committee.

“(C) Nominating/corporate governance committee.

Such committees shall be in compliance with the charter, independence, composition, expertise, duties, responsibilities, and other requirements set forth under section 10A(m) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m)), with respect to the audit committee, and under rules issued by the New York Stock Exchange, as such rules may be amended from time to time.

“(c) COMPENSATION.—

“(1) IN GENERAL.—The compensation of board members, executive officers, and employees of an enterprise—

“(A) shall not be in excess of that which is reasonable and appropriate;

“(B) shall be commensurate with the duties and responsibilities of such persons;

“(C) shall be consistent with the long-term goals of the enterprise;

“(D) shall not focus solely on earnings performance, but shall take into account risk management, operational stability and legal and regulatory compliance as well; and

“(E) shall be undertaken in a manner that complies with applicable laws, rules, and regulations.

“(2) REIMBURSEMENT.—If an enterprise is required to prepare an accounting restatement due to the material noncompliance of the enterprise, as a result of misconduct, with any financial reporting requirement under the securities laws, the chief executive officer and chief financial officer of the enterprise shall reimburse the enterprise as provided under section 304 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7243). This provision does not otherwise limit the authority of the Agency to employ remedies available to it under its enforcement authorities.

“(d) CODE OF CONDUCT AND ETHICS.—

“(1) IN GENERAL.—An enterprise shall establish and administer a written code of conduct and ethics that is reasonably designed to assure the ability of board members, executive officers, and employees of the enterprise to discharge their duties and responsibilities, on behalf of the enterprise, in an objective and impartial manner, and that includes standards required under section 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7264) and other applicable laws, rules, and regulations.

“(2) REVIEW.—Not less than once every three years, an enterprise shall review the adequacy of its code of conduct and ethics for consistency with practices appropriate to the enterprise and make any appropriate revisions to such code.

“(e) CONDUCT AND RESPONSIBILITIES OF BOARD OF DIRECTORS.—The board of directors of an enterprise shall be responsible for directing the conduct and affairs of the enterprise in furtherance of the safe and sound operation of the enterprise and shall remain reasonably informed of the condition, activities, and operations of the enterprise. The responsibilities of the board of directors shall include having in place adequate policies and procedures to assure its oversight of, among other matters, the following:

“(1) Corporate strategy, major plans of action, risk policy, programs for legal and regulatory compliance and corporate performance, including prudent plans for growth and allocation of adequate resources to manage operations risk.

“(2) Hiring and retention of qualified executive officers and succession planning for such executive officers.

“(3) Compensation programs of the enterprise.

“(4) Integrity of accounting and financial reporting systems of the enterprise, including independent audits and systems of internal control.

“(5) Process and adequacy of reporting, disclosures, and communications to shareholders, investors, and potential investors.

“(6) Extensions of credit to board members and executive officers.

“(7) Responsiveness of executive officers in providing accurate and timely reports to Federal regulators and in addressing the supervisory concerns of Federal regulators in a timely and appropriate manner.

“(f) PROHIBITION OF EXTENSIONS OF CREDIT.—An enterprise may not directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any board member or executive officer of the enterprise, as provided by section 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(k)).

“(g) CERTIFICATION OF DISCLOSURES.—The chief executive officer and the chief financial officer of an enterprise shall review each quarterly report and annual report issued by the enterprise and such reports shall include certifications by such officers as required by section 302 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241).

“(h) CHANGE OF AUDIT PARTNER.—An enterprise may not accept audit services from an external auditing firm if the lead or coordinating audit partner who has primary responsibility for the external audit of the enterprise, or the external audit partner who has responsibility for reviewing the external audit has performed audit services for the enterprise in each of the five previous fiscal years.

“(i) COMPLIANCE PROGRAM.—

“(1) REQUIREMENT.—Each enterprise shall establish and maintain a compliance program that is reasonably designed to assure that the enterprise complies with applicable laws, rules, regulations, and internal controls.

“(2) COMPLIANCE OFFICER.—The compliance program of an enterprise shall be headed by a compliance officer, however styled, who reports directly to the chief executive officer of the enterprise. The compliance officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current compliance policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the compliance officer considers necessary and appropriate.

“(j) RISK MANAGEMENT PROGRAM.—

“(1) REQUIREMENT.—Each enterprise shall establish and maintain a risk management program that is reasonably designed to manage the risks of the operations of the enterprise.

“(2) RISK MANAGEMENT OFFICER.—The risk management program of an enterprise shall be headed by a risk management officer, however styled, who reports directly to the chief executive officer of the enterprise. The risk management officer shall report regularly to the board of directors or an appropriate committee of the board of directors on compliance with and the adequacy of current risk management policies and procedures of the enterprise, and shall recommend any adjustments to such policies and procedures that the risk management officer considers necessary and appropriate.

“(k) COMPLIANCE WITH OTHER LAWS.—

“(1) DEREGISTERED OR UNREGISTERED COMMON STOCK.—If an enterprise deregisters or has not registered its common stock with the Securities and Exchange Commission under the Securities Exchange Act of 1934, the enterprise shall comply or continue to comply with sections 10A(m) and 13(k) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(m), 78m(k)) and sections 302, 304, and 406 of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7241, 7243, 7264), subject to such requirements as provided by subsection (l) of this section.

“(2) REGISTERED COMMON STOCK.—An enterprise that has its common stock registered with the Securities and Exchange Commission shall maintain such registered status, unless it provides 60 days prior written notice to the Director stating its intent to deregister and its understanding that it will remain subject to the requirements of the sections of the Securities Exchange Act of 1934 and the Sarbanes-Oxley Act of 2002, subject to such requirements as provided by subsection (l) of this section.

"(l) OTHER MATTERS.—The Director may from time to time establish standards, by regulation, order, or guideline, regarding such other corporate governance matters of the enterprises as the Director considers appropriate.

"(m) MODIFICATION OF STANDARDS.—In connection with standards of Federal or State law (including the Revised Model Corporation Act) or New York Stock Exchange rules that are made applicable to an enterprise by section 1710.10 of the Director's rules (12 CFR 1710.10) and by subsections (a), (b), (g), (i), (j), and (k) of this section, the Director, in the Director's sole discretion, may modify the standards contained in this section or in part 1710 of the Director's rules (12 CFR Part 1710) in accordance with section 553 of title 5, United States Code, and upon written notice to the enterprise.".

SEC. 327. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

The Housing and Community Development Act of 1992 is amended by adding after section 1322A, as added by the preceding provisions of this title, the following new section:

"SEC. 1322B. REQUIRED REGISTRATION UNDER SECURITIES EXCHANGE ACT OF 1934.

"(a) IN GENERAL.—Each regulated entity shall register at least one class of the capital stock of such regulated entity, and maintain such registration with the Securities and Exchange Commission, under the Securities Exchange Act of 1934.

"(b) ENTERPRISES.—Each enterprise shall comply with sections 14 and 16 of the Securities Exchange Act of 1934.".

SEC. 328. LIAISON WITH FINANCIAL INSTITUTIONS EXAMINATION COUNCIL.

Section 1007 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3306) is amended—

(1) in the section heading, by inserting after "STATE" the following: "AND FEDERAL HOUSING FINANCE AGENCY"; and

(2) by inserting after "financial institutions" the following: ", and one representative of the Federal Housing Finance Agency,".

SEC. 329. GUARANTEE FEE STUDY.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the heads of the federal banking agencies, shall, not later than 18 months after the date of the enactment of this Act, submit to the Congress a study concerning the pricing, transparency and reporting of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Federal home loan banks with regard to guarantee fees and concerning analogous practices, transparency and reporting requirements (including advances pricing practices by the Federal Home Loan Banks) of other participants in the business of mortgage purchases and securitization.

(b) FACTORS.—The study required by this section shall examine various factors such as credit risk, counterparty risk considerations, economic value considerations, and volume considerations used by the regulated entities (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) included in the study in setting the amount of fees they charge.

(c) CONTENTS OF REPORT.—The report required under subsection (a) shall identify and analyze—

(1) the factors used by each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992) in determining the amount of the guarantee fees it charges;

(2) the total revenue the enterprises earn from guarantee fees;

(3) the total costs incurred by the enterprises for providing guarantees;

(4) the average guarantee fee charged by the enterprises;

(5) an analysis of how and why the guarantee fees charged differ from such fees charged during the previous year;

(6) a breakdown of the revenue and costs associated with providing guarantees, based on product type and risk classifications; and

(7) other relevant information on guarantee fees with other participants in the mortgage and securitization business.

(d) PROTECTION OF INFORMATION.—Nothing in this section may be construed to require or authorize the Director of the Federal Housing Finance Agency, in connection with the study mandated by this section, to disclose information of the enterprises or other organization that is confidential or proprietary.

(e) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 330. CONFORMING AMENDMENTS.

(a) 1992 ACT.—Part 1 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4511 et seq.), as amended by the preceding provisions of this title, is further amended—

(1) by striking "an enterprise" each place such term appears in such part (except in sections 1313(a)(2)(A), 1313A(b)(2)(B)(ii)(I), and 1316(b)(3)) and inserting "a regulated entity";

(2) by striking "the enterprise" each place such term appears in such part (except in section 1316(b)(3)) and inserting "the regulated entity";

(3) by striking "the enterprises" each place such term appears in such part (except in sections 1312(c)(2), and 1312(e)(2)) and inserting "the regulated entities";

(4) by striking "each enterprise" each place such term appears in such part and inserting "each regulated entity";

(5) by striking "Office" each place such term appears in such part (except in sections 1311(b)(2), 1312(b)(5), 1315(b), and 1316(a)(4), (g), and (h), 1317(c), and 1319A(a)) and inserting "Agency";

(6) in section 1315 (12 U.S.C. 4515)—

(A) in subsection (a)—

(i) in the subsection heading, by striking "OFFICE PERSONNEL" and inserting "IN GENERAL"; and

(ii) by striking "The" and inserting "Subject to subtitle C of the Federal Housing Finance Reform Act of 2008, the";

(B) by striking subsections (d) and (f); and

(C) by redesignating subsection (e) as subsection (d);

(7) in section 1319B (12 U.S.C. 4521), by striking "Committee on Banking, Finance and Urban Affairs" each place such term appears and inserting "Committee on Financial Services"; and

(8) in section 1319F (12 U.S.C. 4525), striking all that follows "United States Code" and inserting ", the Agency shall be considered an agency responsible for the regulation or supervision of financial institutions.".

(b) AMENDMENTS TO FANNIE MAE CHARTER ACT.—The Federal National Mortgage Association Charter Act (12 U.S.C. 1716 et seq.) is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(c)(2) (12 U.S.C. 1718(c)(2));

(B) section 309(d)(3)(B) (12 U.S.C. 1723a(d)(3)(B)); and

(C) section 309(k)(1); and

(2) in section 309—

(A) in subsections (d)(3)(A) and (n)(1), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services"; and

(B) in subsection (m)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(C) in subsection (n), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

(c) AMENDMENTS TO FREDDIE MAC ACT.—The Federal Home Loan Mortgage Corporation Act is amended—

(1) by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" each place such term appears, and inserting "Director of the Federal Housing Finance Agency", in—

(A) section 303(b)(2) (12 U.S.C. 1452(b)(2));

(B) section 303(h)(2) (12 U.S.C. 1452(h)(2)); and

(C) section 307(c)(1) (12 U.S.C. 1456(c)(1));

(2) in sections 303(h)(1) and 307(f)(1) (12 U.S.C. 1452(h)(1), 1456(f)(1)), by striking "Banking, Finance and Urban Affairs" each place such term appears and inserting "Financial Services";

(3) in section 306(i) (12 U.S.C. 1455(i))—

(A) by striking "1316(c)" and inserting "306(c)"; and

(B) by striking "section 106" and inserting "section 1316"; and

(4) in section 307 (12 U.S.C. 1456))—

(A) in subsection (e)—

(i) in paragraph (1), by striking "Secretary" the second place such term appears and inserting "Director";

(ii) in paragraph (2), by striking "Secretary" the second place such term appears and inserting "Director"; and

(iii) by striking "Secretary" each other place such term appears and inserting "Director of the Federal Housing Finance Agency"; and

(B) in subsection (f), by striking "Secretary" each place such term appears and inserting "Director of the Federal Housing Finance Agency".

CHAPTER 2—IMPROVEMENT OF MISSION SUPERVISION

SEC. 331. TRANSFER OF PRODUCT APPROVAL AND HOUSING GOAL OVERSIGHT.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking the designation and heading for the part and inserting the following:

"PART 2—PRODUCT APPROVAL BY DIRECTOR, CORPORATE GOVERNANCE, AND ESTABLISHMENT OF HOUSING GOALS";

and

(2) by striking sections 1321 and 1322.

SEC. 332. REVIEW OF ENTERPRISE PRODUCTS.

(a) IN GENERAL.—Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended by inserting before section 1323 (12 U.S.C. 4543) the following new section:

"SEC. 1321. PRIOR APPROVAL AUTHORITY FOR PRODUCTS OF ENTERPRISES.

"(a) IN GENERAL.—The Director shall require each enterprise to obtain the approval of the Director for any product of the enterprise before initially offering the product.

"(b) STANDARD FOR APPROVAL.—In considering any request for approval of a product pursuant to subsection (a), the Director shall make a determination that—

"(1) in the case of a product of the Federal National Mortgage Association, the Director determines that the product is authorized under paragraph (2), (3), (4), or (5) of section 302(b) or section 304 of the Federal National Mortgage Association Charter Act, (12 U.S.C. 1717(b), 1719);

"(2) in the case of a product of the Federal Home Loan Mortgage Corporation, the Director determines that the product is authorized under paragraph (1), (4), or (5) of section 305(a) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a));

"(3) the product is in the public interest;

"(4) the product is consistent with the safety and soundness of the enterprise or the mortgage finance system; and

"(5) the product does not materially impair the efficiency of the mortgage finance system.

"(c) PROCEDURE FOR APPROVAL.—

"(1) SUBMISSION OF REQUEST.—An enterprise shall submit to the Director a written request for approval of a product that describes the product in such form as prescribed by order or regulation of the Director.

"(2) REQUEST FOR PUBLIC COMMENT.—Immediately upon receipt of a request for approval of a product, as required under paragraph (1), the Director shall publish notice of such request and of the period for public comment pursuant to paragraph (3) regarding the product, and a description of the product proposed by the request. The Director shall give interested parties the opportunity to respond in writing to the proposed product.

"(3) PUBLIC COMMENT PERIOD.—During the 30-day period beginning on the date of publication pursuant to paragraph (2) of a request for approval of a product, the Director shall receive public comments regarding the proposed product.

"(4) OFFERING OF PRODUCT.—

"(A) IN GENERAL.—Not later than 30 days after the close of the public comment period described in paragraph (3), the Director shall approve or deny the product, specifying the grounds for such decision in writing.

"(B) FAILURE TO ACT.—If the Director fails to act within the 30-day period described in subparagraph (A), the enterprise may offer the product.

"(d) EXPEDITED REVIEW.—

"(1) DETERMINATION AND NOTICE.—If an enterprise determines that any new activity, service, undertaking, or offering is not a product, as defined in subsection (f), the enterprise shall provide written notice to the Director prior to the commencement of such activity, service, undertaking, or offering.

"(2) DIRECTOR DETERMINATION OF APPLICABLE PROCEDURE.—Immediately upon receipt of any notice pursuant to paragraph (1), the Director shall make a determination under paragraph (3).

"(3) DETERMINATION AND TREATMENT AS PRODUCT.—If the Director determines that any new activity, service, undertaking, or offering consists of, relates to, or involves a product—

"(A) the Director shall notify the enterprise of the determination;

"(B) the new activity, service, undertaking, or offering described in the notice under paragraph (1) shall be considered a product for purposes of this section; and

"(C) the enterprise shall withdraw its request or submit a written request for approval of the product pursuant to subsection (c).

"(e) CONDITIONAL APPROVAL.—The Director may conditionally approve the offering of any product by an enterprise, and may establish terms, conditions, or limitations with respect to such product with which the enterprise must comply in order to offer such product.

"(f) DEFINITION OF PRODUCT.—For purposes of this section, the term 'product' does not include—

"(1) the automated loan underwriting system of an enterprise in existence as of the date of the enactment of the Federal Housing Finance Reform Act of 2008, including any upgrade to the technology, operating system, or software to operate the underwriting system; or

"(2) any modification to the mortgage terms and conditions or mortgage underwriting criteria relating to the mortgages that are purchased or guaranteed by an enterprise: *Provided*, That such modifications do not alter the underlying transaction so as to include services or financing, other than residential mortgage financing, or create significant new exposure to risk for the enterprise or the holder of the mortgage.

"(g) NO LIMITATION.—Nothing in this section shall be deemed to restrict—

"(1) the safety and soundness authority of the Director over all new and existing products or activities; or

"(2) the authority of the Director to review all new and existing products or activities to determine that such products or activities are consistent with the statutory mission of the enterprise.".

(b) CONFORMING AMENDMENTS.—

(1) FANNIE MAE.—Section 302(b)(6) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(6)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(2) FREDDIE MAC.—Section 305(c) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(c)) is amended—

(A) by striking "implement any new program" and inserting "initially offer any product";

(B) by striking "section 1303" and inserting "section 1321(f)"; and

(C) by striking "before obtaining the approval of the Secretary under section 1322" and inserting "except in accordance with section 1321".

(3) 1992 ACT.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this title, is further amended—

(A) by striking paragraph (17) (relating to the definition of "new program"); and

(B) by redesignating paragraphs (18) through (23) as paragraphs (17) through (22), respectively.

SEC. 333. CONFORMING LOAN LIMITS.

(a) FANNIE MAE.—Section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) is amended—

(1) in the second sentence, by redesignating clause (A) through (C) as clauses (i) through (iii), respectively;

(2) in the third sentence, by striking "clause (A)" and inserting "clause (i)";

(3) in the 4th sentence, by striking "the Resolution Trust Corporation,";

(4) by striking the 7th and 8th sentences and inserting the following new sentences: "For 2008, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2009, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent 12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).".

(5) by inserting "(A)" after "(2)"; and

(6) by adding at the end the following new subparagraph:

"(B)(i) Notwithstanding subparagraph (A), for mortgages originated on or after January 1, 2009, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the corporation shall be the higher of—

"(I) the limitation determined under subparagraph (A) for a residence of the applicable size; or

"(II) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined under subparagraph (A) for a residence of the applicable size.

"(ii) The areas and area median prices used for purposes of the determination under this subparagraph shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)). A mortgage that is eligible for purchase by the corporation at the time the mortgage is originated under this subparagraph shall be eligible for such purchase for the duration of the term of the mortgage.".

(b) FREDDIE MAC.—Section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) is amended—

(1) in the first sentence, by redesignating clause (A) through (C) as clauses (i) through (iii), respectively;

(2) in the second sentence, by striking "clause (A)" and inserting "clause (i)";

(3) in the third sentence by striking "the Resolution Trust Corporation";

(4) by striking the 6th and 7th sentence and inserting the following new sentences: "For 2008, such limitations shall not exceed $417,000 for a mortgage secured by a single-family residence, $533,850 for a mortgage secured by a 2-family residence, $645,300 for a mortgage secured by a 3-family residence, and $801,950 for a mortgage secured by a 4-family residence, except that such maximum limitations shall be adjusted effective January 1 of each year beginning with 2009, subject to the limitations in this paragraph. Each adjustment shall be made by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recent

12-month or four-quarter period ending before the time of determining such annual adjustment, in the housing price index maintained by the Director of the Federal Housing Finance Agency (pursuant to section 1322 of the Housing and Community Development Act of 1992 (12 U.S.C. 4541)).";

(5) by inserting "(A)" after "(2)"; and

(6) by adding at the end the following new subparagraph:

"(B)(i) Notwithstanding subparagraph (A), for mortgages originated on or after January 1, 2009, the limitation on the maximum original principal obligation of a mortgage that may be purchased by the Corporation shall be the higher of—

"(I) the limitation determined under subparagraph (A) for a residence of the applicable size; or

"(II) 125 percent of the area median price for a residence of the applicable size, but in no case to exceed 175 percent of the limitation determined under subparagraph (A) for a residence of the applicable size.

"(ii) The areas and area median prices used for purposes of the determination under this subparagraph shall be the areas and area median prices used by the Secretary of Housing and Urban Development in determining the applicable limits under section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)). A mortgage that is eligible for purchase by the Corporation at the time the mortgage is originated under this subparagraph shall be eligible for such purchase for the duration of the term of the mortgage.".

(c) HOUSING PRICE INDEX.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (as amended by the preceding provisions of this title) is amended by inserting after section 1321 (as added by the preceding provisions of this title) the following new section:

"SEC. 1322. HOUSING PRICE INDEX.

"(a) IN GENERAL.—The Director shall establish and maintain a method of assessing the national average 1-family house price for use for adjusting the conforming loan limitations of the enterprises. In establishing such method, the Director shall take into consideration the monthly survey of all major lenders conducted by the Federal Housing Finance Agency to determine the national average 1-family house price, the House Price Index maintained by the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development before the effective date under section 365 of the Federal Housing Finance Reform Act of 2008, any appropriate house price indexes of the Bureau of the Census of the Department of Commerce, and any other indexes or measures that the Director considers appropriate.

"(b) GAO AUDIT.—

"(1) IN GENERAL.—At such times as are required under paragraph (2), the Comptroller General of the United States shall conduct an audit of the methodology established by the Director under subsection (a) to determine whether the methodology established is an accurate and appropriate means of measuring changes to the national average 1-family house price.

"(2) TIMING.—An audit referred to in paragraph (1) shall be conducted and completed not later than the expiration of the 180-day period that begins upon each of the following dates:

"(A) ESTABLISHMENT.—The date upon which such methodology is initially established under subsection (a) in final form by the Director.

"(B) MODIFICATION OR AMENDMENT.—Each date upon which any modification or amendment to such methodology is adopted in final form by the Director.

"(3) REPORT.—Within 30 days of the completion of any audit conducted under this subsection, the Comptroller General shall submit a report detailing the results and conclusions of the audit to the Director, the Committee on Financial Services of the House of Representatives, and the Committee on Banking, Housing, and Urban Affairs of the Senate.".

(d) SENSE OF CONGRESS.—It is the sense of the Congress that the securitization of mortgages by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation plays an important role in providing liquidity to the United States housing markets. Therefore, the Congress encourages the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation to securitize mortgages acquired under the increased conforming loan limits established by the amendments made by this section, to the extent that such securitizations can be effected in a timely and efficient manner that does not impose additional costs for mortgages originated, purchased, or securitized under the existing limits or interfere with the goal of adding liquidity to the market.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on, and shall apply beginning on, January 1, 2009.

SEC. 334. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking section 1324 (12 U.S.C. 4544) and inserting the following new section:

"SEC. 1324. ANNUAL HOUSING REPORT REGARDING REGULATED ENTITIES.

"(a) IN GENERAL.—After reviewing and analyzing the reports submitted under section 309(n) of the Federal National Mortgage Association Charter Act, section 307(f) of the Federal Home Loan Mortgage Corporation Act, and section 10(j)(11) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)(11)), the Director shall submit a report, not later than October 30 of each year, to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, on the activities of each regulated entity.

"(b) CONTENTS.—The report shall—

"(1) discuss the extent to which—

"(A) each enterprise is achieving the annual housing goals established under subpart B of this part;

"(B) each enterprise is complying with section 1337;

"(C) each Federal home loan bank is complying with section 10(j) of the Federal Home Loan Bank Act; and

"(D) each regulated entity is achieving the purposes of the regulated entity established by law;

"(2) aggregate and analyze relevant data on income to assess the compliance by each enterprise with the housing goals established under subpart B;

"(3) aggregate and analyze data on income, race, and gender by census tract and other relevant classifications, and compare such data with larger demographic, housing, and economic trends;

"(4) examine actions that—

"(A) each enterprise has undertaken or could undertake to promote and expand the annual goals established under subpart B and the purposes of the enterprise established by law; and

"(B) each Federal home loan bank has taken or could undertake to promote and expand the community investment program and affordable housing program of the bank established under subsections (i) and (j) of section 10 of the Federal Home Loan Bank Act;

"(5) examine the primary and secondary multifamily housing mortgage markets and describe—

"(A) the availability and liquidity of mortgage credit;

"(B) the status of efforts to provide standard credit terms and underwriting guidelines for multifamily housing and to securitize such mortgage products; and

"(C) any factors inhibiting such standardization and securitization;

"(6) examine actions each regulated entity has undertaken and could undertake to promote and expand opportunities for first-time homebuyers, including the use of alternative credit scoring;

"(7) describe any actions taken under section 1325(5) with respect to originators found to violate fair lending procedures;

"(8) discuss and analyze existing conditions and trends, including conditions and trends relating to pricing, in the housing markets and mortgage markets; and

"(9) identify the extent to which each enterprise is involved in mortgage purchases and secondary market activities involving subprime loans (as identified in accordance with the regulations issued pursuant to section 334(b) of the Federal Housing Finance Reform Act of 2008) and compare the characteristics of subprime loans purchased and securitized by the enterprises to other loans purchased and securitized by the enterprises.

"(c) DATA COLLECTION AND REPORTING.—

"(1) IN GENERAL.—To assist the Director in analyzing the matters described in subsection (b) and establishing the methodology described in section 1322, the Director shall conduct, on a monthly basis, a survey of mortgage markets in accordance with this subsection.

"(2) DATA POINTS.—Each monthly survey conducted by the Director under paragraph (1) shall collect data on—

"(A) the characteristics of individual mortgages that are eligible for purchase by the enterprises and the characteristics of individual mortgages that are not eligible for purchase by the enterprises including, in both cases, information concerning—

"(i) the price of the house that secures the mortgage;

"(ii) the loan-to-value ratio of the mortgage, which shall reflect any secondary liens on the relevant property;

"(iii) the terms of the mortgage;

"(iv) the creditworthiness of the borrower or borrowers; and

"(v) whether the mortgage, in the case of a conforming mortgage, was purchased by an enterprise; and

"(B) such other matters as the Director determines to be appropriate.

"(3) PUBLIC AVAILABILITY.—The Director shall make any data collected by the Director in connection with the conduct of a monthly survey available to the public in a timely manner, provided that the Director may modify the data released to the public to ensure that the data is not released in an identifiable form.

"(4) DEFINITION.—For purposes of this subsection, the term 'identifiable form' means any representation of information that permits the identity of a borrower to which the information relates to be reasonably inferred by either direct or indirect means.".

(b) STANDARDS FOR SUBPRIME LOANS.—The Director shall, not later than one year after the effective date under section 365, by regulations issued under section 1316G of the Housing and Community Development Act of 1992, establish standards by which mortgages purchased and mortgages purchased and securitized shall be characterized as subprime for the purpose of, and only for the purpose of, complying with the reporting requirement under section 1324(b)(9) of such Act.

SEC. 335. ANNUAL REPORTS BY REGULATED ENTITIES ON AFFORDABLE HOUSING STOCK.

The Housing and Community Development Act of 1992 is amended by inserting after section 1328 (12 U.S.C. 4548) the following new section:

"SEC. 1329. ANNUAL REPORTS ON AFFORDABLE HOUSING STOCK.

"(a) IN GENERAL.—To obtain information helpful in applying the formula under section 1337(c)(2) for the affordable housing program under such section and for other appropriate uses, the regulated entities shall conduct, or provide for the conducting of, a study on an annual basis to determine the levels of affordable housing inventory, and the changes in such levels, in communities throughout the United States.

"(b) CONTENTS.—The annual study under this section shall determine, for the United States, each State, and each community within each State—

"(1) the level of affordable housing inventory, including affordable rental dwelling units and affordable homeownership dwelling units;

"(2) any changes to the level of such inventory during the 12-month period of the study under this section, including—

"(A) any additions to such inventory, disaggregated by the category of such additions (including new construction or housing conversion);

"(B) any subtractions from such inventory, disaggregated by the category of such subtractions (including abandonment, demolition, or upgrade to market-rate housing);

"(C) the number of new affordable dwelling units placed in service; and

"(D) the number of affordable housing dwelling units withdrawn from service;

"(3) the types of financing used to build any dwelling units added to such inventory level and the period during which such units are required to remain affordable;

"(4) any excess demand for affordable housing, including the number of households on rental housing waiting lists and the tenure of the wait on such lists; and

"(5) such other information as the Director may require.

"(c) REPORT.—For each annual study conducted pursuant to this section, the regulated entities shall submit to the Congress, and make publicly available, a report setting forth the findings of the study.

"(d) REGULATIONS AND TIMING.—The Director shall, by regulation, establish requirements for the studies and reports under this section, including deadlines for the submission of such annual reports and standards for determining affordable housing.".

SEC. 336. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

(a) IN GENERAL.—Subpart A of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.), as amended by the preceding provisions of this title, is further amended by adding at the end the following new section:

"SEC. 1330. MORTGAGOR IDENTIFICATION REQUIREMENTS FOR MORTGAGES OF REGULATED ENTITIES.

"(a) LIMITATION.—The Director shall by regulation establish standards, and shall enforce compliance with such standards, that—

"(1) prohibit the enterprises from the purchase, service, holding, selling, lending on the security of, or otherwise dealing with any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b); and

"(2) prohibit the Federal home loan banks from providing any advances to a member for use in financing, and from accepting as collateral for any advance to a member, any mortgage on a one- to four-family residence that will be used as the principal residence of the mortgagor that does not meet the requirements under subsection (b).

"(b) IDENTIFICATION REQUIREMENTS.—The requirements under this subsection with respect to a mortgage are that the mortgagor have, at the time of settlement on the mortgage, a Social Security account number.".

(b) FANNIE MAE.—Section 304 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1719) is amended by adding at the end the following new subsection:

"(g) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENT.—Nothing in this Act may be construed to authorize the corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(c) FREDDIE MAC.—Section 305 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454) is amended by adding at the end the following new subsection:

"(d) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize the Corporation to purchase, service, hold, sell, lend on the security of, or otherwise deal with any mortgage that the Corporation is prohibited from so dealing with under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

(d) FEDERAL HOME LOAN BANKS.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after paragraph (5) the following new paragraph:

"(6) PROHIBITION REGARDING MORTGAGOR IDENTIFICATION REQUIREMENTS.—Nothing in this Act may be construed to authorize a Federal Home Loan Bank to provide any advance to a member for use in financing, or accept as collateral for an advance under this section, any mortgage that a Bank is prohibited from so accepting under the standards issued under section 1330 of the Housing and Community Development Act of 1992 by the Director of the Federal Housing Finance Agency.".

SEC. 337. REVISION OF HOUSING GOALS.

(a) HOUSING GOALS.—The Housing and Community Development Act of 1992 is amended by striking sections 1331 through 1334 (12 U.S.C. 4561–4) and inserting the following new sections:

"SEC. 1331. ESTABLISHMENT OF HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish, effective for the first year that begins after the effective date under section 365 of the Federal Housing Finance Reform Act of 2008 and each year thereafter, annual housing goals, with respect to the mortgage purchases by the enterprises, as follows:

"(1) SINGLE FAMILY HOUSING GOALS.—Three single-family housing goals under section 1332.

"(2) MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOALS.—A multifamily special affordable housing goal under section 1333.

"(b) ELIMINATING INTEREST RATE DISPARITIES.—

"(1) IN GENERAL.—Upon request by the Director, an enterprise shall provide to the Director, in a form determined by the Director, data the Director may review to determine whether there exist disparities in interest rates charged on mortgages to borrowers who are minorities as compared with comparable mortgages to borrowers of similar creditworthiness who are not minorities.

"(2) REMEDIAL ACTIONS UPON PRELIMINARY FINDING.—Upon a preliminary finding by the Director that a pattern of disparities in interest rates with respect to any lender or lenders exists pursuant to the data provided by an enterprise in paragraph (1), the Director shall—

"(A) refer the preliminary finding to the appropriate regulatory or enforcement agency for further review;

"(B) require the enterprise to submit additional data with respect to any lender or lenders, as appropriate and to the extent practicable, to the Director who shall submit any such additional data to the regulatory or enforcement agency for appropriate action; and

"(C) require the enterprise to undertake remedial actions, as appropriate, pursuant to section 1325(5) (12 U.S.C. 4545(5)).

"(3) ANNUAL REPORT TO CONGRESS.—The Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report describing the actions taken, and being taken, by the Director to carry out this subsection. No such report shall identify any lender or lenders who have not been found to have engaged in discriminatory lending practices pursuant to a final adjudication on the record, and after opportunity for an administrative hearing, in accordance with subchapter II of chapter 5 of title 5, United States Code.

"(4) PROTECTION OF IDENTITY OF INDIVIDUALS.—In carrying out this subsection, the Director shall ensure that no property-related or financial information that would enable a borrower to be identified shall be made public.

"(c) TIMING.—The Director shall establish an annual deadline by which the Director shall establish the annual housing goals under this subpart for each year, taking into consideration the need for the enterprises to reasonably and sufficiently plan their operations and activities in advance, including operations and activities necessary to meet such annual goals.

"SEC. 1332. SINGLE-FAMILY HOUSING GOALS.

"(a) IN GENERAL.—The Director shall establish annual goals for the purchase by each enterprise of conventional, conforming, single-family, purchase money mortgages financing owner-occupied and rental housing for each of the following categories of families:

"(1) Low-income families.

"(2) Families that reside in low-income areas.

"(3) Very low-income families.

"(b) REFINANCE SUBGOAL.—

"(1) IN GENERAL.—The Director shall establish a separate subgoal within each goal under subsection (a)(1) for the purchase by each enterprise of mortgages for low-income families on single family housing given to pay off or prepay an existing loan secured by the same property. The Director shall, for each year, determine whether each enterprise has complied with the subgoal under this subsection in the same manner provided under this section for determining compliance with the housing goals.

"(2) ENFORCEMENT.—For purposes of section 1336, the subgoal established under paragraph (1) of this subsection shall be considered to be a housing goal established under this section. Such subgoal shall not be enforceable under any other provision of this title (including subpart C of this part) other than section 1336 or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.

"(c) DETERMINATION OF COMPLIANCE.—The Director shall determine, for each year that the housing goals under this section are in effect pursuant to section 1331(a), whether each enterprise has complied with the single-family housing goals established under this section for such year. An enterprise shall be considered to be in compliance with such a goal for a year only if, for each of the types of families described in subsection (a), the percentage of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages purchased by each enterprise in such year that serve such families, meets or exceeds the target for the year for such type of family that is established under subsection (d).

"(d) ANNUAL TARGETS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), for each of the types of families described in subsection (a), the target under this subsection for a year shall be the average percentage, for the three years that most recently precede such year and for which information under the Home Mortgage Disclosure Act of 1975 is publicly available, of the number of conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated in such year that serves such type of family, as determined by the Director using the information obtained and determined pursuant to paragraphs (3) and (4).

"(2) AUTHORITY TO INCREASE TARGETS.—

"(A) IN GENERAL.—The Director may, for any year, establish by regulation, for any or all of the types of families described in subsection (a), percentage targets that are higher than the percentages for such year determined pursuant to paragraph (1), to reflect expected changes in market performance related to such information under the Home Mortgage Disclosure Act of 1975.

"(B) FACTORS.—In establishing any targets pursuant to subparagraph (A), the Director shall consider the following factors:

"(i) National housing needs.

"(ii) Economic, housing, and demographic conditions.

"(iii) The performance and effort of the enterprises toward achieving the housing goals under this section in previous years.

"(iv) The size of the conventional mortgage market serving each of the types of families described in subsection (a) relative to the size of the overall conventional mortgage market.

"(v) The ability of the enterprise to lead the industry in making mortgage credit available.

"(vi) The need to maintain the sound financial condition of the enterprises.

"(3) HMDA INFORMATION.—The Director shall annually obtain information submitted in compliance with the Home Mortgage Disclosure Act of 1975 regarding conventional, conforming, single-family, owner-occupied or rental, as applicable, purchase money mortgages originated and purchased for the previous year.

"(4) CONFORMING MORTGAGES.—In determining whether a mortgage is a conforming mortgage for purposes of this paragraph, the Director shall consider the original principal balance of the mortgage loan to be the principal balance as reported in the information referred to in paragraph (3), as rounded to the nearest thousand dollars.

"(e) NOTICE OF DETERMINATION AND ENTERPRISE COMMENT.—

"(1) NOTICE.—Within 30 days of making a determination under subsection (c) regarding a compliance of an enterprise for a year with a housing goal established under this section and before any public disclosure thereof, the Director shall provide notice of the determination to the enterprise, which shall include an analysis and comparison, by the Director, of the performance of the enterprise for the year and the targets for the year under subsection (d).

"(2) COMMENT PERIOD.—The Director shall provide each enterprise an opportunity to comment on the determination during the 30-day period beginning upon receipt by the enterprise of the notice.

"(f) USE OF BORROWER INCOME.—In monitoring the performance of each enterprise pursuant to the housing goals under this section and evaluating such performance (for purposes of section 1336), the Director shall consider a mortgagor's income to be such income at the time of origination of the mortgage.

"(g) CONSIDERATION OF UNITS IN SINGLE-FAMILY RENTAL HOUSING.—In establishing any goal under this subpart, the Director may take into consideration the number of housing units financed by any mortgage on single-family rental housing purchased by an enterprise.

"SEC. 1333. MULTIFAMILY SPECIAL AFFORDABLE HOUSING GOAL.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Director shall establish, by regulation, an annual goal for the purchase by each enterprise of each of the following types of mortgages on multifamily housing:

"(A) Mortgages that finance dwelling units for low-income families.

"(B) Mortgages that finance dwelling units for very low-income families.

"(C) Mortgages that finance dwelling units assisted by the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986.

"(2) ADDITIONAL REQUIREMENTS FOR SMALLER PROJECTS.—The Director shall establish, within the goal under this section, additional requirements for the purchase by each enterprise of mortgages described in paragraph (1) for multifamily housing projects of a smaller or limited size, which may be based on the number of dwelling units in the project or the amount of the mortgage, or both, and shall include multifamily housing projects of such smaller sizes as are typical among such projects that serve rural areas.

"(3) FACTORS.—In establishing the goal under this section relating to mortgages on multifamily housing for an enterprise for a year, the Director shall consider—

"(A) national multifamily mortgage credit needs;

"(B) the performance and effort of the enterprise in making mortgage credit available for multifamily housing in previous years;

"(C) the size of the multifamily mortgage market;

"(D) the ability of the enterprise to lead the industry in making mortgage credit available, especially for underserved markets, such as for small multifamily projects of 5 to 50 units, multifamily properties in need of rehabilitation, and multifamily properties located in rural areas; and

"(E) the need to maintain the sound financial condition of the enterprise.

"(b) UNITS FINANCED BY HOUSING FINANCE AGENCY BONDS.—The Director shall give credit toward the achievement of the multifamily special affordable housing goal under this section (for purposes of section 1336) to dwelling units in multifamily housing that otherwise qualifies under such goal and that is financed by tax-exempt or taxable bonds issued by a State or local housing finance agency, but only if such bonds—

"(1) are secured by a guarantee of the enterprise; or

"(2) are not investment grade and are purchased by the enterprise.

"(c) USE OF TENANT INCOME OR RENT.—The Director shall monitor the performance of each enterprise in meeting the goals established under this section and shall evaluate such performance (for purposes of section 1336) based on—

"(1) the income of the prospective or actual tenants of the property, where such data are available; or

"(2) where the data referred to in paragraph (1) are not available, rent levels affordable to low-income and very low-income families.

A rent level shall be considered to be affordable for purposes of this subsection for an income category referred to in this subsection if it does not exceed 30 percent of the maximum income level of such income category, with appropriate adjustments for unit size as measured by the number of bedrooms.

"(d) DETERMINATION OF COMPLIANCE.—The Director shall, for each year that the housing goal under this section is in effect pursuant to section 1331(a), determine whether each enterprise has complied with such goal and the additional requirements under subsection (a)(2).

"SEC. 1334. DISCRETIONARY ADJUSTMENT OF HOUSING GOALS.

"(a) AUTHORITY.—An enterprise may petition the Director in writing at any time during a year to reduce the level of any goal for such year established pursuant to this subpart.

"(b) STANDARD FOR REDUCTION.—The Director may reduce the level for a goal pursuant to such a petition only if—

"(1) market and economic conditions or the financial condition of the enterprise require such action; or

"(2) efforts to meet the goal would result in the constraint of liquidity, over-investment in certain market segments, or other consequences contrary to the intent of this subpart, or section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716(3)) or section 301(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note), as applicable.

"(c) DETERMINATION.—The Director shall make a determination regarding any proposed reduction within 30 days of receipt of the petition regarding the reduction. The Director may extend such period for a single additional 15-day period, but only if the Director requests additional information from the enterprise. A denial by the Director to reduce the level of any goal under this section may be appealed to the United States District Court for the District of Columbia or the United States district court in the jurisdiction in which the headquarters of an enterprise is located.".

(b) CONFORMING AMENDMENTS.—The Housing and Community Development Act of 1992 is amended—

(1) in section 1335(a) (12 U.S.C. 4565(a)), in the matter preceding paragraph (1), by striking "low- and moderate-income housing goal" and all that follows through "section 1334" and inserting "housing goals established under this subpart"; and

(2) in section 1336(a)(1) (12 U.S.C. 4566(a)(1)), by striking "sections 1332, 1333, and 1334," and inserting "this subpart".

(c) DEFINITIONS.—Section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502), as amended by the preceding provisions of this title, is further amended—

(1) in paragraph (22) (relating to the definition of "very low-income"), by striking "60 percent" each place such term appears and inserting "50 percent";

(2) by redesignating paragraphs (19) through (22) as paragraphs (23) through (26), respectively;

(3) by inserting after paragraph (18) the following new paragraph:

"(22) RURAL AREA.—The term 'rural area' has the meaning given such term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490), except that such term includes micropolitan areas and tribal trust lands.".

(4) by redesignating paragraphs (13) through (18) as paragraphs (16) through (21), respectively;

(5) by inserting after paragraph (12) the following new paragraph:

"(15) LOW-INCOME AREA.—The term 'low income area' means a census tract or block numbering area in which the median income does not exceed 80 percent of the median income for the area in which such census tract or block numbering area is located, and, for the purposes of section 1332(a)(2), shall include families having incomes not greater than 100 percent of the area median income who reside in minority census tracts.";

(6) by redesignating paragraphs (11) and (12) as paragraphs (13) and (14), respectively;

(7) by inserting after paragraph (10) the following new paragraph:

"(12) EXTREMELY LOW-INCOME.—The term 'extremely low-income' means—

"(A) in the case of owner-occupied units, income not in excess of 30 percent of the area median income; and

"(B) in the case of rental units, income not in excess of 30 percent of the area median income, with adjustments for smaller and larger families, as determined by the Secretary.";

(8) by redesignating paragraphs (7) through (10) as paragraphs (8) through (11), respectively; and

(9) by inserting after paragraph (6) the following new paragraph:

"(7) CONFORMING MORTGAGE.—The term 'conforming mortgage' means, with respect to an enterprise, a conventional mortgage having an original principal obligation that does not exceed the dollar limitation, in effect at the time of such origination, under, as applicable—

"(A) section 302(b)(2) of the Federal National Mortgage Association Charter Act; or

"(B) section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act.".

SEC. 338. DUTY TO SERVE UNDERSERVED MARKETS.

(a) ESTABLISHMENT AND EVALUATION OF PERFORMANCE.—Section 1335 of the Housing and Community Development Act of 1992 (12 U.S.C. 4565) is amended—

(1) in the section heading, by inserting "**DUTY TO SERVE UNDERSERVED MARKETS AND**" before "**OTHER**";

(2) by striking subsection (b);

(3) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting "and to carry out the duty under subsection (a) of this section" before ", each enterprise shall";

(B) in paragraph (3), by inserting "and" after the semicolon at the end;

(C) in paragraph (4), by striking "; and" and inserting a period;

(D) by striking paragraph (5); and

(E) by redesignating such subsection as subsection (b);

(4) by inserting before subsection (b) (as so redesignated by paragraph (3)(E) of this subsection) the following new subsection:

"(a) DUTY TO SERVE UNDERSERVED MARKETS.—

"(1) DUTY.—In accordance with the purpose of the enterprises under section 301(3) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1716) and section 301(b)(3) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1451 note) to undertake activities relating to mortgages on housing for very low-, low-, and moderate-income families involving a reasonable economic return that may be less than the return earned on other activities, each enterprise shall have the duty to increase the liquidity of mortgage investments and improve the distribution of investment capital available for mortgage financing for underserved markets.

"(2) UNDERSERVED MARKETS.—To meet its duty under paragraph (1), each enterprise shall comply with the following requirements with respect to the following underserved markets:

"(A) MANUFACTURED HOUSING.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on manufactured homes for very low-, low-, and moderate-income families.

"(B) AFFORDABLE HOUSING PRESERVATION.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market to preserve housing affordable to very low-, low-, and moderate-income families, including housing projects subsidized under—

"(i) the project-based and tenant-based rental assistance programs under section 8 of the United States Housing Act of 1937;

"(ii) the program under section 236 of the National Housing Act;

"(iii) the below-market interest rate mortgage program under section 221(d)(4) of the National Housing Act;

"(iv) the supportive housing for the elderly program under section 202 of the Housing Act of 1959;

"(v) the supportive housing program for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

"(vi) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11361 et seq.), but only permanent supportive housing projects subsidized under such programs; and

"(vii) the rural rental housing program under section 515 of the Housing Act of 1949.

"(C) RURAL AND OTHER UNDERSERVED MARKETS.—The enterprise shall lead the industry in developing loan products and flexible underwriting guidelines to facilitate a secondary market for mortgages on housing for very low-, low-, and moderate-income families in rural areas, and for mortgages for housing for any other underserved market for very low-, low-, and moderate-income families that the Secretary identifies as lacking adequate credit through conventional lending sources. Such underserved markets may be identified by borrower type, market segment, or geographic area."; and

(5) by adding at the end the following new subsection:

"(c) EVALUATION AND REPORTING OF COMPLIANCE.—

"(1) IN GENERAL.—Not later than 6 months after the effective date under section 365 of the Federal Housing Finance Reform Act of 2008, the Director shall establish a manner for evaluating whether, and the extent to which, the enterprises have complied with the duty under subsection (a) to serve underserved markets and for rating the extent of such compliance. Using such method, the Director shall, for each year, evaluate such compliance and rate the performance of each enterprise as to extent of compliance. The Director shall include such evaluation and rating for each enterprise for a year in the report for that year submitted pursuant to section 1319B(a).

"(2) SEPARATE EVALUATIONS.—In determining whether an enterprise has complied with the duty referred to in paragraph (1), the Director shall separately evaluate whether the enterprise has complied with such duty with respect to each of the underserved markets identified in subsection (a), taking into consideration—

"(A) the development of loan products and more flexible underwriting guidelines;

"(B) the extent of outreach to qualified loan sellers in each of such underserved markets; and

"(C) the volume of loans purchased in each of such underserved markets.

"(3) MANUFACTURED HOUSING MARKET.—In determining whether an enterprise has complied with the duty under subparagraph (A) of subsection (a)(2), the Director may consider loans secured by both real and personal property.".

(b) ENFORCEMENT.—Subsection (a) of section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (1), by inserting "and with the duty under section 1335(a) of each enterprise with respect to underserved markets," before "as provided in this section"; and

(2) by adding at the end of such subsection, as amended by the preceding provisions of this subtitle, the following new paragraph:

"(4) ENFORCEMENT OF DUTY TO PROVIDE MORTGAGE CREDIT TO UNDERSERVED MARKETS.—The duty under section 1335(a) of each enterprise to serve underserved markets (as determined in accordance with section 1335(c)) shall be enforceable under this section to the same extent and under the same provisions that the housing goals established under this subpart are enforceable. Such duty shall not be enforceable under any other provision of this title (including subpart C of this part) other than this section or under any provision of the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.".

SEC. 339. MONITORING AND ENFORCING COMPLIANCE WITH HOUSING GOALS.

(a) ADDITIONAL CREDIT FOR CERTAIN MORTGAGES.—Section 1336(a) of the Housing and Community Development Act of 1992 (12 U.S.C. 4566(a)) is amended—

(1) in paragraph (2), by inserting ", except as provided in paragraph (4)," after "which"; and

(2) by adding at the end the following new paragraph:

"(5) ADDITIONAL CREDIT.—The Director shall assign more than 125 percent credit toward achievement, under this section, of the housing goals for mortgage purchase activities of the enterprises that comply with the requirements of such goals and support—

"(A) housing that meets energy efficiency or other environmental standards that are established by a Federal, State, or local governmental authority with respect to the geographic area where the housing is located or are otherwise widely recognized; or

"(B) housing that includes a licensed childcare center.

The availability of additional credit under this paragraph shall not be used to increase any housing goal, subgoal, or target established under this subpart.".

(b) MONITORING AND ENFORCEMENT.—Section 1336 of the Housing and Community Development Act of 1992 (12 U.S.C. 4566) is amended—

(1) in subsection (b)—

(A) in the subsection heading, by inserting "PRELIMINARY" before "DETERMINATION";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) NOTICE.—If the Director preliminarily determines that an enterprise has failed, or that there is a substantial probability that an enterprise will fail, to meet any housing goal established under this subpart, the Director shall provide written notice to the enterprise of such a preliminary determination, the reasons for such determination, and the information on which the Director based the determination.";

(C) in paragraph (2)—

(i) in subparagraph (A), by inserting "finally" before "determining";

(ii) by striking subparagraphs (B) and (C) and inserting the following new subparagraph:

"(B) EXTENSION OR SHORTENING OF PERIOD.—The Director may—

"(i) extend the period under subparagraph (A) for good cause for not more than 30 additional days; and

"(ii) shorten the period under subparagraph (A) for good cause."; and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(D) in paragraph (3)—

(i) in subparagraph (A), by striking "determine" and inserting "issue a final determination of";

(ii) in subparagraph (B), by inserting "final" before "determinations"; and

(iii) in subparagraph (C)—

(I) by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services"; and

(II) by inserting "final" before "determination" each place such term appears; and

(2) in subsection (c)—

(A) by striking the subsection designation and heading and all that follows through the end of paragraph (1) and inserting the following:

"(c) CEASE AND DESIST ORDERS, CIVIL MONEY PENALTIES, AND REMEDIES INCLUDING HOUSING PLANS.—

"(1) REQUIREMENT.—If the Director finds, pursuant to subsection (b), that there is a substantial probability that an enterprise will fail, or has actually failed, to meet any housing goal under this subpart and that the achievement of the housing goal was or is feasible, the Director may require that the enterprise submit a housing plan under this subsection. If the Director makes such a finding and the enterprise refuses to submit such a plan, submits an unacceptable plan, fails to comply with the plan or the Director finds that the enterprise has failed to meet any housing goal under this subpart, in addition to requiring an enterprise to submit a housing plan, the Director may issue a cease and desist order in accordance with section 1341, impose civil money penalties in accordance with section 1345, or order other remedies as set forth in paragraph (7) of this subsection.";

(B) in paragraph (2)—

(i) by striking "CONTENTS.—Each housing plan" and inserting "HOUSING PLAN.—If the Director requires a housing plan under this section, such a plan"; and

(ii) in subparagraph (B), by inserting "and changes in its operations" after "improvements";

(C) in paragraph (3)—

(i) by inserting "comply with any remedial action or" before "submit a housing plan"; and

(ii) by striking "under subsection (b)(3) that a housing plan is required";

(D) in paragraph (4), by striking the first two sentences and inserting the following: "The Director shall review each submission by an enterprise, including a housing plan submitted under this subsection, and not later than 30 days after submission, approve or disapprove the plan or other action. The Director may extend the period for approval or disapproval for a single additional 30-day period if the Director determines such extension necessary."; and

(E) by adding at the end the following new paragraph:

"(7) ADDITIONAL REMEDIES FOR FAILURE TO MEET GOALS.—In addition to ordering a housing plan under this section, issuing cease and desist orders under section 1341, and ordering civil money penalties under section 1345, the Director may seek other actions when an enterprise fails to meet a goal, and exercise appropriate enforcement authority available to the Director under this Act to prohibit the enterprise from initially offering any product (as such term is defined in section 1321(f)) or engaging in any new activities, services, undertakings, and offerings and to order the enterprise to suspend products and activities, services, undertakings, and offerings pending its achievement of the goal.".

SEC. 340. AFFORDABLE HOUSING FUND.

(a) IN GENERAL.—The Housing and Community Development Act of 1992 is amended by striking sections 1337 and 1338 (12 U.S.C. 4562 note) and inserting the following new section:

"SEC. 1337. AFFORDABLE HOUSING FUND.

"(a) ESTABLISHMENT AND PURPOSE.—The Director, in consultation with the Secretary of Housing and Urban Development, shall establish and manage an affordable housing fund in accordance with this section, which shall be funded with amounts allocated by the enterprises under subsection (b). The purpose of the affordable housing fund shall be to provide formula grants to grantees for use—

"(1) to increase homeownership for extremely low-and very low-income families;

"(2) to increase investment in housing in low-income areas, and areas designated as qualified census tracts or an area of chronic economic distress pursuant to section 143(j) of the Internal Revenue Code of 1986 (26 U.S.C. 143(j));

"(3) to increase and preserve the supply of rental and owner-occupied housing for extremely low- and very low-income families;

"(4) to increase investment in public infrastructure development in connection with housing assisted under this section; and

"(5) to leverage investments from other sources in affordable housing and in public infrastructure development in connection with housing assisted under this section.

"(b) ALLOCATION OF AMOUNTS BY ENTERPRISES.—

"(1) IN GENERAL.—In accordance with regulations issued by the Director under subsection (m) and subject to paragraph (2) of this subsection and subsection (i)(5), each enterprise shall allocate to the affordable housing fund established under subsection (a), in each of the years 2008 through 2012, an amount equal to 1.2 basis points for each dollar of the average total mortgage portfolio of the enterprise during the preceding year.

"(2) SUSPENSION OF CONTRIBUTIONS.—The Director shall temporarily suspend the allocation under paragraph (1) by an enterprise to the affordable housing fund upon a finding by the Director that such allocations—

"(A) are contributing, or would contribute, to the financial instability of the enterprise;

"(B) are causing, or would cause, the enterprise to be classified as undercapitalized; or

"(C) are preventing, or would prevent, the enterprise from successfully completing a capital restoration plan under section 1369C.

"(3) 5-YEAR SUNSET AND REPORT.—

"(A) SUNSET.—The enterprises shall not be required to make allocations to the affordable housing fund in 2012 or in any year thereafter.

"(B) REPORT ON PROGRAM CONTINUANCE.—Not later than June 30, 2011, the Director shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a report making recommendations on whether the program under this section, including the requirement for the enterprises to make allocations to the affordable housing fund, should be extended and on any modifications for the program.

"(4) PROHIBITION OF PASS-THROUGH OF COST OF ALLOCATIONS.—The Director shall, by regulation, prohibit each enterprise from redirecting such costs, through increased charges or fees, or decreased premiums, or in any other manner, to the originators of mortgages purchased or securitized by the enterprise.

"(c) AFFORDABLE HOUSING NEEDS FORMULAS.—

"(1) ALLOCATION FOR 2008.—

"(A) ALLOCATION PERCENTAGES FOR LOUISIANA AND MISSISSIPPI.—For purposes of subsection (d)(1)(A), the allocation percentages for 2008 for the grantees under this section for such year shall be as follows:

"(i) The allocation percentage for the Louisiana Housing Finance Agency shall be 75 percent.

"(ii) The allocation percentage for the Mississippi Development Authority shall be 25 percent.

"(B) USE IN DISASTER AREAS.—Affordable housing grant amounts for 2008 shall be used only as provided in subsection (g) only for such eligible activities in areas that were subject to a declaration by the President of a major disaster or emergency under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)

in connection with Hurricane Katrina or Rita of 2005.

"(2) ALLOCATION FORMULA FOR OTHER YEARS.—The Secretary of Housing and Urban Development shall, by regulation, establish a formula to allocate, among the States (as such term is defined in section 1303) and federally recognized Indian tribes, the amounts provided by the enterprises in each year referred to subsection (b)(1), other than 2008, to the affordable housing fund established under this section. The formula shall be based on the following factors, with respect to each State and tribe:

"(A) The ratio of the population of the State or federally recognized Indian tribe to the aggregate population of all the States and tribes.

"(B) The percentage of families in the State or federally recognized Indian tribe that pay more than 50 percent of their annual income for housing costs.

"(C) The percentage of persons in the State or federally recognized Indian tribe that are members of extremely low- or very low-income families.

"(D) The cost of developing or carrying out rehabilitation of housing in the State or for the federally recognized Indian tribe.

"(E) The percentage of families in the State or federally recognized Indian tribe that live in substandard housing.

"(F) The percentage of housing stock in the State or for the federally recognized Indian tribe that is extremely old housing.

"(G) Any other factors that the Secretary determines to be appropriate.

"(3) FAILURE TO ESTABLISH.—If, in any year referred to in subsection (b)(1), other than 2008, the regulations establishing the formula required under paragraph (2) of this subsection have not been issued by the date that the Director determines the amounts described in subsection (d)(1) to be available for affordable housing fund grants in such year, for purposes of such year any amounts for a State (as such term is defined in section 1303 of this Act) that would otherwise be determined under subsection (d) by applying the formula established pursuant to paragraph (2) of this subsection shall be determined instead by applying, for such State, the percentage that is equal to the percentage of the total amounts made available for such year for allocation under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.) that are allocated in such year, pursuant to such subtitle, to such State (including any insular area or unit of general local government, as such terms are defined in section 104 of such Act (42 U.S.C. 12704), that is treated as a State under section 1303 of this Act) and to participating jurisdictions and other eligible entities within such State.

"(d) ALLOCATION OF FORMULA AMOUNT; GRANTS.—

"(1) FORMULA AMOUNT.—For each year referred to in subsection (b)(1), the Director shall determine the formula amount under this section for each grantee, which shall be the amount determined for such grantee—

"(A) for 2008, by applying the allocation percentages under subparagraph (A) of subsection (c)(1) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year, less any amounts used pursuant to subsection (i)(1); and

"(B) for any other year referred to in subsection (b)(1) (other than 2008), by applying the formula established pursuant to paragraph (2) of subsection (c) to the sum of the total amounts allocated by the enterprises to the affordable housing fund for such year and any recaptured amounts available pursuant to subsection (i)(4), less any amounts used pursuant to subsection (i)(1).

"(2) NOTICE.—In each year referred to in subsection (b)(1), not later than 60 days after the date that the Director determines the amounts described in paragraph (1) to be available for affordable housing fund grants to grantees in such year, the Director shall cause to be published in the Federal Register a notice that such amounts shall be so available.

"(3) GRANT AMOUNT.—

"(A) IN GENERAL.—For each year referred to in subsection (b)(1), the Director shall make a grant from amounts in the affordable housing fund to each grantee in an amount that is, except as provided in subparagraph (B), equal to the formula amount under this section for the grantee. A grantee may designate a State housing finance agency, housing and community development entity, tribally designated housing entity (as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1997 (25 U.S.C. 4103)) or other qualified instrumentality of the grantee to receive such grant amounts.

"(B) REDUCTION FOR FAILURE TO OBTAIN RETURN OF MISUSED FUNDS.—If in any year a grantee fails to obtain reimbursement or return of the full amount required under subsection (j)(1)(B) to be reimbursed or returned to the grantee during such year—

"(i) except as provided in clause (ii)—

"(I) the amount of the grant for the grantee for the succeeding year, as determined pursuant to subparagraph (A), shall be reduced by the amount by which such amounts required to be reimbursed or returned exceed the amount actually reimbursed or returned; and

"(II) the amount of the grant for the succeeding year for each other grantee whose grant is not reduced pursuant to subclause (I) shall be increased by the amount determined by applying the formula established pursuant to subsection (c)(2) to the total amount of all reductions for all grantees for such year pursuant to subclause (I); or

"(ii) in any case in which such failure to obtain reimbursement or return occurs during a year immediately preceding a year in which grants under this subsection will not be made, the grantee shall pay to the Director for reallocation among the other grantees an amount equal to the amount of the reduction for the grantee that would otherwise apply under clause (i)(I).

"(e) GRANTEE ALLOCATION PLANS.—

"(1) IN GENERAL.—For each year that a grantee receives affordable housing fund grant amounts, the grantee shall establish an allocation plan in accordance with this subsection, which shall be a plan for the distribution of such grant amounts of the grantee for such year that—

"(A) is based on priority housing needs, as determined by the grantee in accordance with the regulations established under subsection (m)(2)(C);

"(B) complies with subsection (f); and

"(C) includes performance goals, benchmarks, and timetables for the grantee for the production, preservation, and rehabilitation of affordable rental and homeownership housing with such grant amounts that comply with the requirements established by the Director pursuant to subsection (m)(2)(F).

"(2) ESTABLISHMENT.—In establishing an allocation plan, a grantee shall notify the public of the establishment of the plan, provide an opportunity for public comments regarding the plan, consider any public comments received, and make the completed plan available to the public.

"(3) CONTENTS.—An allocation plan of a grantee shall set forth the requirements for eligible recipients under subsection (h) to apply to the grantee to receive assistance from affordable housing fund grant amounts, including a requirement that each such application include—

"(A) a description of the eligible activities to be conducted using such assistance; and

"(B) a certification by the eligible recipient applying for such assistance that any housing units assisted with such assistance will comply with the requirements under this section.

"(f) SELECTION OF ACTIVITIES FUNDED USING AFFORDABLE HOUSING FUND GRANT AMOUNTS.—Affordable housing fund grant amounts of a grantee may be used, or committed for use, only for activities that—

"(1) are eligible under subsection (g) for such use;

"(2) comply with the applicable allocation plan under subsection (e) of the grantee; and

"(3) are selected for funding by the grantee in accordance with the process and criteria for such selection established pursuant to subsection (m)(2)(C).

"(g) ELIGIBLE ACTIVITIES.—Affordable housing fund grant amounts of a grantee shall be eligible for use, or for commitment for use, only for assistance for—

"(1) the production, preservation, and rehabilitation of rental housing, including housing under the programs identified in section 1335(a)(2)(B), except that such grant amounts may be used for the benefit only of extremely low- and very low-income families;

"(2) the production, preservation, and rehabilitation of housing for homeownership, including such forms as downpayment assistance, closing cost assistance, and assistance for interest-rate buy-downs, that—

"(A) is available for purchase only for use as a principal residence by families that qualify both as—

"(i) extremely low- and very-low income families at the times described in subparagraphs (A) through (C) of section 215(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12745(b)(2)); and

"(ii) first-time homebuyers, as such term is defined in section 104 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704), except that any reference in such section to assistance under title II of such Act shall for purposes of this section be considered to refer to assistance from affordable housing fund grant amounts;

"(B) has an initial purchase price that meets the requirements of section 215(b)(1) of the Cranston-Gonzalez National Affordable Housing Act;

"(C) is subject to the same resale restrictions established under section 215(b)(3) of the Cranston-Gonzalez National Affordable Housing Act and applicable to the participating jurisdiction that is the State in which such housing is located; and

"(D) is made available for purchase only by, or in the case of assistance under this paragraph, is made available only to, homebuyers who have, before purchase—

"(i) completed a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Director; except that the Director may, at the request of a State, waive the requirements of this subparagraph with respect to a geographic area or areas within the State if: (I) the travel time or distance involved in providing counseling with respect to such area or areas, as otherwise required under this subparagraph, on an in-person basis is excessive or the cost of such travel is prohibitive; and (II) the State provides alternative forms of counseling for such area or areas, which may include interactive telephone counseling, online counseling, interactive video counseling, and interactive home study counseling and a program of financial literacy and education to promote an understanding of consumer, economic, and personal finance issues and concepts, including saving for retirement, managing credit, long-term care, and estate planning and education on predatory lending, identity theft, and financial abuse schemes relating to homeownership that is approved by the Director, except that entities providing such counseling shall not discriminate against any particular form of housing; and

"(ii) demonstrated, in accordance with regulations as the Director shall issue setting forth requirements for sufficient evidence, that they are lawfully present in the United States; and

"(3) public infrastructure development activities in connection with housing activities funded under paragraph (1) or (2).

"(h) ELIGIBLE RECIPIENTS.—Affordable housing fund grant amounts of a grantee may be provided only to a recipient that is an organization, agency, or other entity (including a for-profit entity, a nonprofit entity, and a faith-based organization) that—

"(1) has demonstrated experience and capacity to conduct an eligible activity under (g), as evidenced by its ability to—

"(A) own, construct or rehabilitate, manage, and operate an affordable multifamily rental housing development;

"(B) design, construct or rehabilitate, and market affordable housing for homeownership;

"(C) provide forms of assistance, such as downpayments, closing costs, or interest-rate buy-downs, for purchasers; or

"(D) construct related public infrastructure development activities in connection with such housing activities;

"(2) demonstrates the ability and financial capacity to undertake, comply, and manage the eligible activity;

"(3) demonstrates its familiarly with the requirements of any other Federal, State or local housing program that will be used in conjunction with such grant amounts to ensure compliance with all applicable requirements and regulations of such programs; and

"(4) makes such assurances to the grantee as the Director shall, by regulation, require to ensure that the recipient will comply with the requirements of this section during the entire period that begins upon selection of the recipient to receive such grant amounts and ending upon the conclusion of all activities under subsection (g) that are engaged in by the recipient and funded with such grant amounts.

"(i) LIMITATIONS ON USE.—

"(1) REQUIRED AMOUNT FOR REFCORP.—Of the aggregate amount allocated pursuant to subsection (b) in each year to the affordable housing fund, 25 percent shall be used as provided in section 21B(f)(2)(E) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)(E)).

"(2) REQUIRED AMOUNT FOR HOMEOWNERSHIP ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not less than 10 percent shall be used for activities under paragraph (2) of subsection (g).

"(3) MAXIMUM AMOUNT FOR PUBLIC INFRASTRUCTURE DEVELOPMENT ACTIVITIES IN CONNECTION WITH AFFORDABLE HOUSING ACTIVITIES.—Of the aggregate amount of affordable housing fund grant amounts provided in each year to a grantee, not more than 12.5 percent may be used for activities under paragraph (3) of subsection (g).

"(4) DEADLINE FOR COMMITMENT OR USE.—Any affordable housing fund grant amounts of a grantee shall be used or committed for use within two years of the date of that such grant amounts are made available to the grantee. The Director shall recapture into the affordable housing fund any such amounts not so used or committed for use and allocate such amounts under subsection (d)(1) in the first year after such recapture.

"(5) USE OF RETURNS.—The Director shall, by regulation provide that any return on a loan or other investment of any affordable housing fund grant amounts of a grantee shall be treated, for purposes of availability to and use by the grantee, as affordable housing fund grant amounts.

"(6) PROHIBITED USES.—The Director shall—

"(A) by regulation, set forth prohibited uses of affordable housing fund grant amounts, which shall include use for—

"(i) political activities;

"(ii) advocacy;

"(iii) lobbying, whether directly or through other parties;

"(iv) counseling services;

"(v) travel expenses; and

"(vi) preparing or providing advice on tax returns;

"(B) by regulation, provide that, except as provided in subparagraph (C), affordable housing fund grant amounts of a grantee may not be used for administrative, outreach, or other costs of—

"(i) the grantee; or

"(ii) any recipient of such grant amounts; and

"(C) by regulation, limit the amount of any affordable housing fund grant amounts of the grantee for a year that may be used for administrative costs of the grantee of carrying out the program required under this section to a percentage of such grant amounts of the grantee for such year, which may not exceed 10 percent.

"(7) PROHIBITION OF CONSIDERATION OF USE FOR MEETING HOUSING GOALS OR DUTY TO SERVE.—In determining compliance with the housing goals under this subpart and the duty to serve underserved markets under section 1335, the Director may not consider any affordable housing fund grant amounts used under this section for eligible activities under subsection (g). The Director shall give credit toward the achievement of such housing goals and such duty to serve underserved markets to purchases by the enterprises of mortgages for housing that receives funding from affordable housing fund grant amounts, but only to the extent that such purchases by the enterprises are funded other than with such grant amounts.

"(8) ACCEPTABLE IDENTIFICATION REQUIREMENT FOR OCCUPANCY OR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance provided with any affordable housing grant amounts may not be made available to, or on behalf of, any individual or household unless the individual provides, or, in the case of a household, all adult members of the household provide, personal identification in one of the following forms:

"(i) SOCIAL SECURITY CARD WITH PHOTO IDENTIFICATION CARD OR REAL ID ACT IDENTIFICATION.—

"(I) A social security card accompanied by a photo identification card issued by the Federal Government or a State Government; or

"(II) A driver's license or identification card issued by a State in the case of a State that is in compliance with title II of the REAL ID Act of 2005 (title II of division B of Public Law 109–13; 49 U.S.C. 30301 note).

"(ii) PASSPORT.—A passport issued by the United States or a foreign government.

"(iii) USCIS PHOTO IDENTIFICATION CARD.—A photo identification card issued by the Secretary of Homeland Security (acting through the Director of the United States Citizenship and Immigration Services).

"(B) REGULATIONS.—The Director shall, by regulation, require that each grantee and recipient take such actions as the Director considers necessary to ensure compliance with the requirements of subparagraph (A).

"(j) ACCOUNTABILITY OF RECIPIENTS AND GRANTEES.—

"(1) RECIPIENTS.—

"(A) TRACKING OF FUNDS.—The Director shall—

"(i) require each grantee to develop and maintain a system to ensure that each recipient of assistance from affordable housing fund grant amounts of the grantee uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

"(ii) establish minimum requirements for agreements, between the grantee and recipients, regarding assistance from the affordable housing fund grant amounts of the grantee, which shall include—

"(I) appropriate continuing financial and project reporting, record retention, and audit requirements for the duration of the grant to the recipient to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

"(II) any other requirements that the Director determines are necessary to ensure appropriate grant administration and compliance.

"(B) MISUSE OF FUNDS.—

"(i) REIMBURSEMENT REQUIREMENT.—If any recipient of assistance from affordable housing fund grant amounts of a grantee is determined, in accordance with clause (ii), to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided, the grantee shall require that, within 12 months after the determination of such misuse, the recipient shall reimburse the grantee for such misused amounts and return to the grantee any amounts from the affordable housing fund grant amounts of the grantee that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law.

"(ii) DETERMINATION.—A determination is made in accordance with this clause if the determination is—

"(I) made by the Director; or

"(II)(aa) made by the grantee;

"(bb) the grantee provides notification of the determination to the Director for review, in the discretion of the Director, of the determination; and

"(cc) the Director does not subsequently reverse the determination.

"(2) GRANTEES.—

"(A) REPORT.—

"(i) In general.—The Director shall require each grantee receiving affordable housing fund grant amounts for a year to submit a report, for such year, to the Director that—

"(I) describes the activities funded under this section during such year with the affordable housing fund grant amounts of the grantee; and

"(II) the manner in which the grantee complied during such year with the allocation plan established pursuant to subsection (e) for the grantee.

"(ii) Public availability.—The Director shall make such reports pursuant to this subparagraph publicly available.

"(B) Misuse of funds.—If the Director determines, after reasonable notice and opportunity for hearing, that a grantee has failed to comply substantially with any provision of this section and until the Director is satisfied that there is no longer any such failure to comply, the Director shall—

"(i) reduce the amount of assistance under this section to the grantee by an amount equal to the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(ii) require the grantee to repay the Director an amount equal to the amount of the amount affordable housing fund grant amounts which were not used in accordance with this section;

"(iii) limit the availability of assistance under this section to the grantee to activities or recipients not affected by such failure to comply; or

"(iv) terminate any assistance under this section to the grantee.

"(k) Capital Requirements.—The utilization or commitment of amounts from the affordable housing fund shall not be subject to the risk-based capital requirements established pursuant to section 1361(a).

"(l) Definitions.—For purposes of this section, the following definitions shall apply:

"(1) AFFORDABLE HOUSING FUND GRANT AMOUNTS.—The term 'affordable housing fund grant amounts' means amounts from the affordable housing fund established under subsection (a) that are provided to a grantee pursuant to subsection (d)(3).

"(2) Grantee.—The term 'grantee' means—

"(A) with respect to 2008, the Louisiana Housing Finance Agency and the Mississippi Development Authority; and

"(B) with respect to the years referred to in subsection (b)(1), other than 2008, each State (as such term is defined in section 1303) and each federally recognized Indian tribe.

"(3) Recipient.—The term 'recipient' means an entity meeting the requirements under subsection (h) that receives assistance from a grantee from affordable housing fund grant amounts of the grantee.

"(4) TOTAL MORTGAGE PORTFOLIO.—The term 'total mortgage portfolio' means, with respect to a year, the sum, for all mortgages outstanding during that year in any form, including whole loans, mortgage-backed securities, participation certificates, or other structured securities backed by mortgages, of the dollar amount of the unpaid outstanding principal balances under such mortgages. Such term includes all such mortgages or securitized obligations, whether retained in portfolio, or sold in any form. The Director is authorized to promulgate rules further defining such term as necessary to implement this section and to address market developments.

"(5) VERY-LOW INCOME FAMILY.—The term 'very low-income family' has the meaning given such term in section 1303, except that such term includes any family that resides in a rural area that has an income that does not exceed the poverty line (as such term is defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)), including any revision required by such section) applicable to a family of the size involved.

"(m) Regulations.—

"(1) In general.—The Director, in consultation with the Secretary of Housing and Urban Development, shall issue regulations to carry out this section.

"(2) Required contents.—The regulations issued under this subsection shall include—

"(A) a requirement that the Director ensure that the program of each grantee for use of affordable housing fund grant amounts of the grantee is audited not less than annually to ensure compliance with this section;

"(B) authority for the Director to audit, provide for an audit, or otherwise verify a grantee's activities, to ensure compliance with this section;

"(C) requirements for a process for application to, and selection by, each grantee for activities meeting the grantee's priority housing needs to be funded with affordable housing fund grant amounts of the grantee, which shall provide for priority in funding to be based upon—

"(i) greatest impact;

"(ii) geographic diversity;

"(iii) ability to obligate amounts and undertake activities so funded in a timely manner;

"(iv) in the case of rental housing projects under subsection (g)(1), the extent to which rents for units in the project funded are affordable, especially for extremely low-income families;

"(v) in the case of rental housing projects under subsection (g)(1), the extent of the duration for which such rents will remain affordable;

"(vi) the extent to which the application makes use of other funding sources; and

"(vii) the merits of an applicant's proposed eligible activity;

"(D) requirements to ensure that amounts provided to a grantee from the affordable housing fund that are used for rental housing under subsection (g)(1) are used only for the benefit of extremely low- and very-low income families;

"(E) limitations on public infrastructure development activities that are eligible pursuant to subsection (g)(3) for funding with affordable housing fund grant amounts and requirements for the connection between such activities and housing activities funded under paragraph (1) or (2) of subsection (g); and

"(F) requirements and standards for establishment, by grantees (including the grantees for 2008 pursuant to subsection (l)(2)(A)), of performance goals, benchmarks, and timetables for the production, preservation, and rehabilitation of affordable rental and homeownership housing with affordable housing fund grant amounts.

"(n) Enforcement of Requirements on Enterprise.—Compliance by the enterprises with the requirements under this section shall be enforceable under subpart C. Any reference in such subpart to this part or to an order, rule, or regulation under this part specifically includes this section and any order, rule, or regulation under this section.

"(o) Affordable Housing Trust Fund.—If, after the enactment of the Federal Housing Finance Reform Act of 2008, in any year, there is enacted any provision of Federal law establishing an affordable housing trust fund other than under this title for use only for grants to provide affordable rental housing and affordable homeownership opportunities, and the subsequent year is a year referred to in subsection (b)(1), the Director shall in such subsequent year and any remaining years referred to in subsection (b)(1) transfer to such affordable housing trust fund the aggregate amount allocated pursuant to subsection (b) in such year to the affordable housing fund under this section, less any amounts used pursuant to subsection (i)(1). For such subsequent and remaining years, the provisions of subsections (c) and (d) shall not apply. Notwithstanding any other provision of law, assistance provided using amounts transferred to such affordable housing trust fund pursuant to this subsection may not be used for any of the activities specified in clauses (i) through (vi) of subsection (i)(6). Nothing in this subsection shall be construed to alter the terms and conditions of the affordable housing fund under this section or to extend the life of such fund.

"(p) Funding Accountability and Transparency.—Any grant under this section to a grantee from the affordable housing fund established under subsection (a), any assistance provided to a recipient by a grantee from affordable housing fund grant amounts, and any grant, award, or other assistance from an affordable housing trust fund referred to in subsection (o) shall be considered a Federal award for purposes of the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note). Upon the request of the Director of the Office of Management and Budget, the Director of the Federal Housing Finance Agency shall obtain and provide such information regarding any such grants, assistance, and awards as the Director of the Office of Management and Budget considers necessary to comply with the requirements of such Act, as applicable pursuant to the preceding sentence.".

(b) Timely Establishment of Affordable Housing Needs Formula.—

(1) In general.—The Secretary of Housing and Urban Development shall, not later than the effective date under section 365 of this title, issue the regulations establishing the affordable housing needs formulas in accordance with the provisions of section 1337(c)(2) of the Housing and Community Development Act of 1992, as such section is amended by subsection (a) of this section.

(2) Effective date.—This subsection shall take effect on the date of the enactment of this Act.

(c) REFCORP Payments.—Section 21B(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1441b(f)(2)) is amended—

(1) in subparagraph (E), by striking "and (D)" and inserting "(D), and (E)";

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) Payments by Fannie Mae and Freddie Mac.—To the extent that the amounts available pursuant to subparagraphs (A), (B), (C), and (D) are insufficient to cover the amount of interest payments, each enterprise (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (42 U.S.C. 4502)) shall transfer to the Funding Corporation in each calendar year the amounts allocated for use under this subparagraph pursuant to section 1337(i)(1) of such Act.".

(d) GAO Report.—The Comptroller General shall conduct a study to determine the effects that the affordable housing fund established under section 1337 of the Housing and Community Development Act of 1992, as added by the amendment made by subsection (a) of this section, will have on the availability and affordability of credit for homebuyers, including the effects on such credit of the requirement under such section 1337(b) that the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation make allocations of amounts to such fund based on the average total mortgage portfolios, and the extent to which the costs of such allocation requirement will be borne by such entities or will be passed on to homebuyers. Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress setting forth the results and conclusions of such study. This subsection shall take effect on the date of the enactment of this Act.

SEC. 341. CONSISTENCY WITH MISSION.

Subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) is amended by adding after section 1337, as added by the preceding provisions of this title, the following new section:

“SEC. 1338. CONSISTENCY WITH MISSION.

“This subpart may not be construed to authorize an enterprise to engage in any program or activity that contravenes or is inconsistent with the Federal National Mortgage Association Charter Act or the Federal Home Loan Mortgage Corporation Act.”.

SEC. 342. ENFORCEMENT.

(a) CEASE-AND-DESIST PROCEEDINGS.—Section 1341 of the Housing and Community Development Act of 1992 (12 U.S.C. 4581) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) GROUNDS FOR ISSUANCE.—The Director may issue and serve a notice of charges under this section upon an enterprise if the Director determines—

“(1) the enterprise has failed to meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336;

“(2) the enterprise has failed to submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

“(3) the enterprise has failed to submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

“(4) the enterprise has violated any provision of this part or any order, rule or regulation under this part;

“(5) the enterprise has failed to submit a housing plan that complies with section 1336(c) within the applicable period; or

“(6) the enterprise has failed to comply with a housing plan under section 1336(c).”;

(2) in subsection (b)(2), by striking “requiring the enterprise to” and all that follows through the end of the paragraph and inserting the following: “requiring the enterprise to—

“(A) comply with the goal or goals;

“(B) submit a report under section 1314;

“(C) comply with any provision this part or any order, rule or regulation under such part;

“(D) submit a housing plan in compliance with section 1336(c);

“(E) comply with a housing plan submitted under section 1336(c); or

“(F) provide the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act, as applicable.”;

(3) in subsection (c), by inserting “date of the” before “service of the order”; and

(4) by striking subsection (d).

(b) AUTHORITY OF DIRECTOR TO ENFORCE NOTICES AND ORDERS.—Section 1344 of the Housing and Community Development Act of 1992 (12 U.S.C. 4584) is amended by striking subsection (a) and inserting the following new subsection:

“(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the enterprise is located, for the enforcement of any effective and outstanding notice or order issued under section 1341 or 1345, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order.”.

(c) CIVIL MONEY PENALTIES.—Section 1345 of the Housing and Community Development Act of 1992 (12 U.S.C. 4585) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

“(a) AUTHORITY.—The Director may impose a civil money penalty, in accordance with the provisions of this section, on any enterprise that has failed to—

“(1) meet any housing goal established under subpart B, following a written notice and determination of such failure in accordance with section 1336(b);

“(2) submit a report under section 1314, following a notice of such failure, an opportunity for comment by the enterprise, and a final determination by the Director;

“(3) submit the information required under subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act, or subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act;

“(4) comply with any provision of this part or any order, rule or regulation under this part;

“(5) submit a housing plan pursuant to section 1336(c) within the required period; or

“(6) comply with a housing plan for the enterprise under section 1336(c).

“(b) AMOUNT OF PENALTY.—The amount of the penalty, as determined by the Director, may not exceed—

“(1) for any failure described in paragraph (1), (5), or (6) of subsection (a), $50,000 for each day that the failure occurs; and

“(2) for any failure described in paragraph (2), (3), or (4) of subsection (a), $20,000 for each day that the failure occurs.”;

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting “and” after the semicolon at the end;

(ii) in subparagraph (B), by striking “; and” and inserting a period; and

(iii) by striking subparagraph (C); and

(B) in paragraph (2), by inserting after the period at the end the following: “In determining the penalty under subsection (a)(1), the Director shall give consideration to the length of time the enterprise should reasonably take to achieve the goal.”;

(3) in the first sentence of subsection (d)—

(A) by striking “request the Attorney General of the United States to” and inserting “, in the discretion of the Director,”; and

(B) by inserting “, or request that the Attorney General of the United States bring such an action” before the period at the end;

(4) by striking subsection (f); and

(5) by redesignating subsection (g) as subsection (f).

(d) ENFORCEMENT OF SUBPOENAS.—Section 1348(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4588(c)) is amended—

(1) by striking “request the Attorney General of the United States to” and inserting “, in the discretion of the Director,”; and

(2) by inserting “or request that the Attorney General of the United States bring such an action,” after “District of Columbia,”.

(e) CONFORMING AMENDMENT.—The heading for subpart C of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 is amended to read as follows:

“Subpart C—Enforcement”.

SEC. 343. CONFORMING AMENDMENTS.

Part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4541 et seq.) is amended—

(1) by striking “Secretary” each place such term appears in such part and inserting “Director”;

(2) in the section heading for section 1323 (12 U.S.C. 4543), by inserting “**of enterprises**” before the period at the end;

(3) by striking section 1327 (12 U.S.C. 4547);

(4) by striking section 1328 (12 U.S.C. 4548);

(5) by redesignating section 1329 (as amended by section 335) as section 1327;

(6) in sections 1345(c)(1)(A), 1346(a), and 1346(b) (12 U.S.C. 4585(c)(1)(A), 4586(a), and 4586(b)), by striking “Secretary's” each place such term appears and inserting “Director's”; and

(7) by striking section 1349 (12 U.S.C. 4589).

CHAPTER 3—PROMPT CORRECTIVE ACTION

SEC. 345. CAPITAL CLASSIFICATIONS.

(a) IN GENERAL.—Section 1364 of the Housing and Community Development Act of 1992 (12 U.S.C. 4614) is amended—

(1) in the heading for subsection (a), by striking “IN GENERAL” and inserting “ENTERPRISES”.

(2) in subsection (c)—

(A) by striking “subsection (b)” and inserting “subsection (c)”;

(B) by striking “enterprises” and inserting “regulated entities”; and

(C) by striking the last sentence;

(3) by redesignating subsections (c) (as so amended by paragraph (2) of this subsection) and (d) as subsections (d) and (f), respectively;

(4) by striking subsection (b) and inserting the following new subsections:

“(b) FEDERAL HOME LOAN BANKS.—

“(1) ESTABLISHMENT AND CRITERIA.—For purposes of this subtitle, the Director shall, by regulation—

“(A) establish the capital classifications specified under paragraph (2) for the Federal home loan banks;

“(B) establish criteria for each such capital classification based on the amount and types of capital held by a bank and the risk-based, minimum, and critical capital levels for the banks and taking due consideration of the capital classifications established under subsection (a) for the enterprises, with such modifications as the Director determines to be appropriate to reflect the difference in operations between the banks and the enterprises; and

“(C) shall classify the Federal home loan banks according to such capital classifications.

"(2) CLASSIFICATIONS.—The capital classifications specified under this paragraph are—

"(A) adequately capitalized;

"(B) undercapitalized;

"(C) significantly undercapitalized; and

"(D) critically undercapitalized.

"(c) DISCRETIONARY CLASSIFICATION.—

"(1) GROUNDS FOR RECLASSIFICATION.—The Director may reclassify a regulated entity under paragraph (2) if—

"(A) at any time, the Director determines in writing that the regulated entity is engaging in conduct that could result in a rapid depletion of core or total capital or, in the case of an enterprise, that the value of the property subject to mortgages held or securitized by the enterprise has decreased significantly;

"(B) after notice and an opportunity for hearing, the Director determines that the regulated entity is in an unsafe or unsound condition; or

"(C) pursuant to section 1371(b), the Director deems the regulated entity to be engaging in an unsafe or unsound practice.

"(2) RECLASSIFICATION.—In addition to any other action authorized under this title, including the reclassification of a regulated entity for any reason not specified in this subsection, if the Director takes any action described in paragraph (1) the Director may classify a regulated entity—

"(A) as undercapitalized, if the regulated entity is otherwise classified as adequately capitalized;

"(B) as significantly undercapitalized, if the regulated entity is otherwise classified as undercapitalized; and

"(C) as critically undercapitalized, if the regulated entity is otherwise classified as significantly undercapitalized."; and

(5) by inserting after subsection (d) (as so redesignated by paragraph (3) of this subsection), the following new subsection:

"(e) RESTRICTION ON CAPITAL DISTRIBUTIONS.—

"(1) IN GENERAL.—A regulated entity shall make no capital distribution if, after making the distribution, the regulated entity would be undercapitalized.

"(2) EXCEPTION.—Notwithstanding paragraph (1), the Director may permit a regulated entity, to the extent appropriate or applicable, to repurchase, redeem, retire, or otherwise acquire shares or ownership interests if the repurchase, redemption, retirement, or other acquisition—

"(A) is made in connection with the issuance of additional shares or obligations of the regulated entity in at least an equivalent amount; and

"(B) will reduce the financial obligations of the regulated entity or otherwise improve the financial condition of the entity.".

(b) REGULATIONS.—Not later than the expiration of the 180-day period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall issue regulations to carry out section 1364(b) of the Housing and Community Development Act of 1992 (as added by paragraph (4) of this subsection), relating to capital classifications for the Federal home loan banks.

SEC. 346. SUPERVISORY ACTIONS APPLICABLE TO UNDERCAPITALIZED REGULATED ENTITIES.

Section 1365 of the Housing and Community Development Act of 1992 (12 U.S.C. 4615) is amended—

(1) in the section heading, by striking "**enterprises**" and inserting "**regulated entities**";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting before paragraph (2), as so redesignated by subparagraph (A) of this paragraph, the following paragraph:

"(1) REQUIRED MONITORING.—The Director shall—

"(A) closely monitor the condition of any regulated entity that is classified as undercapitalized;

"(B) closely monitor compliance with the capital restoration plan, restrictions, and requirements imposed under this section; and

"(C) periodically review the plan, restrictions, and requirements applicable to the undercapitalized regulated entity to determine whether the plan, restrictions, and requirements are achieving the purpose of this section."; and

(C) by inserting at the end the following new paragraphs:

"(4) RESTRICTION OF ASSET GROWTH.—A regulated entity that is classified as undercapitalized shall not permit its average total assets (as such term is defined in section 1316(b) during any calendar quarter to exceed its average total assets during the preceding calendar quarter unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity;

"(B) any increase in total assets is consistent with the plan; and

"(C) the ratio of total capital to assets for the regulated entity increases during the calendar quarter at a rate sufficient to enable the entity to become adequately capitalized within a reasonable time.

"(5) PRIOR APPROVAL OF ACQUISITIONS, NEW PRODUCTS, AND NEW ACTIVITIES.—A regulated entity that is classified as undercapitalized shall not, directly or indirectly, acquire any interest in any entity or initially offer any new product (as such term is defined in section 1321(f)) or engage in any new activity, service, undertaking, or offering unless—

"(A) the Director has accepted the capital restoration plan of the regulated entity, the entity is implementing the plan, and the Director determines that the proposed action is consistent with and will further the achievement of the plan; or

"(B) the Director determines that the proposed action will further the purpose of this section.";

(3) in the subsection heading for subsection (b), by striking "FROM UNDERCAPITALIZED TO SIGNIFICANTLY UNDERCAPITALIZED"; and

(4) by striking subsection (c) and inserting the following new subsection:

"(c) OTHER DISCRETIONARY SAFEGUARDS.—The Director may take, with respect to a regulated entity that is classified as undercapitalized, any of the actions authorized to be taken under section 1366 with respect to a regulated entity that is classified as significantly undercapitalized, if the Director determines that such actions are necessary to carry out the purpose of this subtitle.".

SEC. 347. SUPERVISORY ACTIONS APPLICABLE TO SIGNIFICANTLY UNDERCAPITALIZED REGULATED ENTITIES.

Section 1366 of the Housing and Community Development Act of 1992 (12 U.S.C. 4616) is amended—

(1) in the section heading, by striking "**enterprises**" and inserting "**regulated entities**";

(2) in subsection (a)(2)(A), by striking "enterprise" the last place such term appears;

(3) in subsection (b)—

(A) in the subsection heading, by striking "DISCRETIONARY SUPERVISORY ACTIONS" and inserting "SPECIFIC ACTIONS".

(B) in the matter preceding paragraph (1), by striking "may, at any time, take any" and inserting "shall carry out this section by taking, at any time, one or more";

(C) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(D) by inserting after paragraph (4) the following new paragraph:

"(5) IMPROVEMENT OF MANAGEMENT.—Take one or more of the following actions:

"(A) NEW ELECTION OF BOARD.—Order a new election for the board of directors of the regulated entity.

"(B) DISMISSAL OF DIRECTORS OR EXECUTIVE OFFICERS.—Require the regulated entity to dismiss from office any director or executive officer who had held office for more than 180 days immediately before the entity became undercapitalized. Dismissal under this subparagraph shall not be construed to be a removal pursuant to the Director's enforcement powers provided in section 1377.

"(C) EMPLOY QUALIFIED EXECUTIVE OFFICERS.—Require the regulated entity to employ qualified executive officers (who, if the Director so specifies, shall be subject to approval by the Director)."; and

(E) by inserting at the end the following new paragraph:

"(8) OTHER ACTION.—Require the regulated entity to take any other action that the Director determines will better carry out the purpose of this section than any of the actions specified in this paragraph.";

(4) by redesignating subsection (c) as subsection (d); and

(5) by inserting after subsection (b) the following new subsection:

"(c) RESTRICTION ON COMPENSATION OF EXECUTIVE OFFICERS.—A regulated entity that is classified as significantly undercapitalized may not, without prior written approval by the Director—

"(1) pay any bonus to any executive officer; or

"(2) provide compensation to any executive officer at a rate exceeding that officer's average rate of compensation (excluding bonuses, stock options, and profit sharing) during the 12 calendar months preceding the calendar month in which the regulated entity became undercapitalized.".

SEC. 348. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

(a) IN GENERAL.—Section 1367 of the Housing and Community Development Act of 1992 (12 U.S.C. 4617) is amended to read as follows:

"SEC. 1367. AUTHORITY OVER CRITICALLY UNDERCAPITALIZED REGULATED ENTITIES.

"(a) APPOINTMENT OF AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, if any of the grounds under paragraph (3) exist, at the discretion of the Director, the Director may establish a conservatorship or receivership, as appropriate, for the purpose of reorganizing, rehabilitating, or winding up the affairs of a regulated entity.

"(2) APPOINTMENT.—In any conservatorship or receivership established under this section, the Director shall appoint the Agency as conservator or receiver.

"(3) GROUNDS FOR APPOINTMENT.—The grounds for appointing a conservator or receiver for a regulated entity are as follows:

"(A) ASSETS INSUFFICIENT FOR OBLIGATIONS.—The assets of the regulated entity are less than the obligations of the regulated entity to its creditors and others.

"(B) SUBSTANTIAL DISSIPATION.—Substantial dissipation of assets or earnings due to—

"(i) any violation of any provision of Federal or State law; or

"(ii) any unsafe or unsound practice.

"(C) UNSAFE OR UNSOUND CONDITION.—An unsafe or unsound condition to transact business.

"(D) CEASE-AND-DESIST ORDERS.—Any willful violation of a cease-and-desist order that has become final.

"(E) CONCEALMENT.—Any concealment of the books, papers, records, or assets of the regulated entity, or any refusal to submit the books, papers, records, or affairs of the regulated entity, for inspection to any examiner or to any lawful agent of the Director.

"(F) INABILITY TO MEET OBLIGATIONS.—The regulated entity is likely to be unable to pay its obligations or meet the demands of its creditors in the normal course of business.

"(G) LOSSES.—The regulated entity has incurred or is likely to incur losses that will deplete all or substantially all of its capital, and there is no reasonable prospect for the regulated entity to become adequately capitalized (as defined in section 1364(a)(1)).

"(H) VIOLATIONS OF LAW.—Any violation of any law or regulation, or any unsafe or unsound practice or condition that is likely to—

"(i) cause insolvency or substantial dissipation of assets or earnings; or

"(ii) weaken the condition of the regulated entity.

"(I) CONSENT.—The regulated entity, by resolution of its board of directors or its shareholders or members, consents to the appointment.

"(J) UNDERCAPITALIZATION.—The regulated entity is undercapitalized or significantly undercapitalized (as defined in section 1364(a)(3) or in regulations issued pursuant to section 1364(b), as applicable), and—

"(i) has no reasonable prospect of becoming adequately capitalized;

"(ii) fails to become adequately capitalized, as required by—

"(I) section 1365(a)(1) with respect to an undercapitalized regulated entity; or

"(II) section 1366(a)(1) with respect to a significantly undercapitalized regulated entity;

"(iii) fails to submit a capital restoration plan acceptable to the Agency within the time prescribed under section 1369C; or

"(iv) materially fails to implement a capital restoration plan submitted and accepted under section 1369C.

"(K) CRITICAL UNDERCAPITALIZATION.—The regulated entity is critically undercapitalized, as defined in section 1364(a)(4) or in regulations issued pursuant to section 1364(b), as applicable.

"(L) MONEY LAUNDERING.—The Attorney General notifies the Director in writing that the regulated entity has been found guilty of a criminal offense under section 1956 or 1957 of title 18, United States Code, or section 5322 or 5324 of title 31, United States Code.

"(4) MANDATORY RECEIVERSHIP.—

"(A) IN GENERAL.—The Director shall appoint the Agency as receiver for a regulated entity if the Director determines, in writing, that—

"(i) the assets of the regulated entity are, and during the preceding 30 calendar days have been, less than the obligations of the regulated entity to its creditors and others; or

"(ii) the regulated entity is not, and during the preceding 30 calendar days has not been, generally paying the debts of the regulated entity (other than debts that are the subject of a bona fide dispute) as such debts become due.

"(B) PERIODIC DETERMINATION REQUIRED FOR CRITICALLY UNDER CAPITALIZED REGULATED ENTITY.—If a regulated entity is critically undercapitalized, the Director shall make a determination, in writing, as to whether the regulated entity meets the criteria specified in clause (i) or (ii) of subparagraph (A)—

"(i) not later than 30 calendar days after the regulated entity initially becomes critically undercapitalized; and

"(ii) at least once during each succeeding 30-calendar day period.

"(C) DETERMINATION NOT REQUIRED IF RECEIVERSHIP ALREADY IN PLACE.—Subparagraph (B) shall not apply with respect to a regulated entity in any period during which the Agency serves as receiver for the regulated entity.

"(D) RECEIVERSHIP TERMINATES CONSERVATORSHIP.—The appointment under this section of the Agency as receiver of a regulated entity shall immediately terminate any conservatorship established under this title for the regulated entity.

"(5) JUDICIAL REVIEW.—

"(A) IN GENERAL.—If the Agency is appointed conservator or receiver under this section, the regulated entity may, within 30 days of such appointment, bring an action in the United States District Court for the judicial district in which the principal place of business of such regulated entity is located, or in the United States District Court for the District of Columbia, for an order requiring the Agency to remove itself as conservator or receiver.

"(B) REVIEW.—Upon the filing of an action under subparagraph (A), the court shall, upon the merits, dismiss such action or direct the Agency to remove itself as such conservator or receiver.

"(6) DIRECTORS NOT LIABLE FOR ACQUIESCING IN APPOINTMENT OF CONSERVATOR OR RECEIVER.—The members of the board of directors of a regulated entity shall not be liable to the shareholders or creditors of the regulated entity for acquiescing in or consenting in good faith to the appointment of the Agency as conservator or receiver for that regulated entity.

"(7) AGENCY NOT SUBJECT TO ANY OTHER FEDERAL AGENCY.—When acting as conservator or receiver, the Agency shall not be subject to the direction or supervision of any other agency of the United States or any State in the exercise of the rights, powers, and privileges of the Agency.

"(b) POWERS AND DUTIES OF THE AGENCY AS CONSERVATOR OR RECEIVER.—

"(1) RULEMAKING AUTHORITY OF THE AGENCY.—The Agency may prescribe such regulations as the Agency determines to be appropriate regarding the conduct of conservatorships or receiverships.

"(2) GENERAL POWERS.—

"(A) SUCCESSOR TO REGULATED ENTITY.—The Agency shall, as conservator or receiver, and by operation of law, immediately succeed to—

"(i) all rights, titles, powers, and privileges of the regulated entity, and of any stockholder, officer, or director of such regulated entity with respect to the regulated entity and the assets of the regulated entity; and

"(ii) title to the books, records, and assets of any other legal custodian of such regulated entity.

"(B) OPERATE THE REGULATED ENTITY.—The Agency may, as conservator or receiver—

"(i) take over the assets of and operate the regulated entity with all the powers of the shareholders, the directors, and the officers of the regulated entity and conduct all business of the regulated entity;

"(ii) collect all obligations and money due the regulated entity;

"(iii) perform all functions of the regulated entity in the name of the regulated entity which are consistent with the appointment as conservator or receiver; and

"(iv) preserve and conserve the assets and property of such regulated entity.

"(C) FUNCTIONS OF OFFICERS, DIRECTORS, AND SHAREHOLDERS OF A REGULATED ENTITY.—The Agency may, by regulation or order, provide for the exercise of any function by any stockholder, director, or officer of any regulated entity for which the Agency has been named conservator or receiver.

"(D) POWERS AS CONSERVATOR.—The Agency may, as conservator, take such action as may be—

"(i) necessary to put the regulated entity in a sound and solvent condition; and

"(ii) appropriate to carry on the business of the regulated entity and preserve and conserve the assets and property of the regulated entity, including, if two or more Federal home loan banks have been placed in conservatorship contemporaneously, merging two or more such banks into a single Federal home loan bank.

"(E) ADDITIONAL POWERS AS RECEIVER.—The Agency may, as receiver, place the regulated entity in liquidation and proceed to realize upon the assets of the regulated entity, having due regard to the conditions of the housing finance market.

"(F) ORGANIZATION OF NEW REGULATED ENTITIES.—The Agency may, as receiver, organize a successor regulated entity that will operate pursuant to subsection (i).

"(G) TRANSFER OF ASSETS AND LIABILITIES.—The Agency may, as conservator or receiver, transfer any asset or liability of the regulated entity in default without any approval, assignment, or consent with respect to such transfer. Any Federal home loan bank may, with the approval of the Agency, acquire the assets of any Bank in conservatorship or receivership, and assume the liabilities of such Bank.

"(H) PAYMENT OF VALID OBLIGATIONS.—The Agency, as conservator or receiver, shall, to the extent of proceeds realized from the performance of contracts or sale of the assets of a regulated entity, pay all valid obligations of the regulated entity in accordance with the prescriptions and limitations of this section.

"(I) SUBPOENA AUTHORITY.—

"(i) IN GENERAL.—

"(I) IN GENERAL.—The Agency may, as conservator or receiver, and for purposes of carrying out any power, authority, or duty with respect to a regulated entity (including determining any claim against the regulated entity and determining and realizing upon any asset of any person in the course of collecting money due the regulated entity), exercise any power established under section 1348.

"(II) APPLICABILITY OF LAW.—The provisions of section 1348 shall apply with respect to the exercise of any power exercised under this subparagraph in the same manner as such provisions apply under that section.

"(ii) AUTHORITY OF DIRECTOR.—A subpoena or subpoena duces tecum may be issued under clause (i) only by, or with the written approval of, the Director, or the designee of the Director.

"(iii) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit any rights that the Agency, in any capacity, might otherwise have under section 1317 or 1379D.

"(J) CONTRACTING FOR SERVICES.—The Agency may, as conservator or receiver, provide by contract for the carrying out of any of its functions, activities, actions, or duties as conservator or receiver.

"(K) INCIDENTAL POWERS.—The Agency may, as conservator or receiver—

"(i) exercise all powers and authorities specifically granted to conservators or receivers, respectively, under this section, and such incidental powers as shall be necessary to carry out such powers; and

“(ii) take any action authorized by this section, which the Agency determines is in the best interests of the regulated entity or the Agency.

“(3) AUTHORITY OF RECEIVER TO DETERMINE CLAIMS.—

“(A) IN GENERAL.—The Agency may, as receiver, determine claims in accordance with the requirements of this subsection and any regulations prescribed under paragraph (4).

“(B) NOTICE REQUIREMENTS.—The receiver, in any case involving the liquidation or winding up of the affairs of a closed regulated entity, shall—

“(i) promptly publish a notice to the creditors of the regulated entity to present their claims, together with proof, to the receiver by a date specified in the notice which shall be not less than 90 days after the publication of such notice; and

“(ii) republish such notice approximately 1 month and 2 months, respectively, after the publication under clause (i).

“(C) MAILING REQUIRED.—The receiver shall mail a notice similar to the notice published under subparagraph (B)(i) at the time of such publication to any creditor shown on the books of the regulated entity—

“(i) at the last address of the creditor appearing in such books; or

“(ii) upon discovery of the name and address of a claimant not appearing on the books of the regulated entity within 30 days after the discovery of such name and address.

“(4) RULEMAKING AUTHORITY RELATING TO DETERMINATION OF CLAIMS.—Subject to subsection (c), the Director may prescribe regulations regarding the allowance or disallowance of claims by the receiver and providing for administrative determination of claims and review of such determination.

“(5) PROCEDURES FOR DETERMINATION OF CLAIMS.—

“(A) DETERMINATION PERIOD.—

“(i) IN GENERAL.—Before the end of the 180-day period beginning on the date on which any claim against a regulated entity is filed with the Agency as receiver, the Agency shall determine whether to allow or disallow the claim and shall notify the claimant of any determination with respect to such claim.

“(ii) EXTENSION OF TIME.—The period described in clause (i) may be extended by a written agreement between the claimant and the Agency.

“(iii) MAILING OF NOTICE SUFFICIENT.—The notification requirements of clause (i) shall be deemed to be satisfied if the notice of any determination with respect to any claim is mailed to the last address of the claimant which appears—

“(I) on the books of the regulated entity;

“(II) in the claim filed by the claimant; or

“(III) in documents submitted in proof of the claim.

“(iv) CONTENTS OF NOTICE OF DISALLOWANCE.—If any claim filed under clause (i) is disallowed, the notice to the claimant shall contain—

“(I) a statement of each reason for the disallowance; and

“(II) the procedures available for obtaining agency review of the determination to disallow the claim or judicial determination of the claim.

“(B) ALLOWANCE OF PROVEN CLAIM.—The receiver shall allow any claim received on or before the date specified in the notice published under paragraph (3)(B)(i), or the date specified in the notice required under paragraph (3)(C), which is proved to the satisfaction of the receiver.

“(C) DISALLOWANCE OF CLAIMS FILED AFTER END OF FILING PERIOD.—Claims filed after the date specified in the notice published under paragraph (3)(B)(i), or the date specified under paragraph (3)(C), shall be disallowed and such disallowance shall be final.

“(D) AUTHORITY TO DISALLOW CLAIMS.—

“(i) IN GENERAL.—The receiver may disallow any portion of any claim by a creditor or claim of security, preference, or priority which is not proved to the satisfaction of the receiver.

“(ii) PAYMENTS TO LESS THAN FULLY SECURED CREDITORS.—In the case of a claim of a creditor against a regulated entity which is secured by any property or other asset of such regulated entity, the receiver—

“(I) may treat the portion of such claim which exceeds an amount equal to the fair market value of such property or other asset as an unsecured claim against the regulated entity; and

“(II) may not make any payment with respect to such unsecured portion of the claim other than in connection with the disposition of all claims of unsecured creditors of the regulated entity.

“(iii) EXCEPTIONS.—No provision of this paragraph shall apply with respect to any extension of credit from any Federal Reserve Bank, Federal home loan bank, or the Treasury of the United States.

“(E) NO JUDICIAL REVIEW OF DETERMINATION PURSUANT TO SUBPARAGRAPH (d).—No court may review the determination of the Agency under subparagraph (D) to disallow a claim. This subparagraph shall not affect the authority of a claimant to obtain de novo judicial review of a claim pursuant to paragraph (6).

“(F) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

“(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action which was filed before the date of the appointment of the receiver, subject to the determination of claims by the receiver.

“(6) PROVISION FOR JUDICIAL DETERMINATION OF CLAIMS.—

“(A) IN GENERAL.—The claimant may file suit on a claim (or continue an action commenced before the appointment of the receiver) in the district or territorial court of the United States for the district within which the principal place of business of the regulated entity is located or the United States District Court for the District of Columbia (and such court shall have jurisdiction to hear such claim), before the end of the 60-day period beginning on the earlier of—

“(i) the end of the period described in paragraph (5)(A)(i) with respect to any claim against a regulated entity for which the Agency is receiver; or

“(ii) the date of any notice of disallowance of such claim pursuant to paragraph (5)(A)(i).

“(B) STATUTE OF LIMITATIONS.—A claim shall be deemed to be disallowed (other than any portion of such claim which was allowed by the receiver), and such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim, if the claimant fails, before the end of the 60-day period described under subparagraph (A), to file suit on such claim (or continue an action commenced before the appointment of the receiver).

“(7) REVIEW OF CLAIMS.—

“(A) OTHER REVIEW PROCEDURES.—

“(i) IN GENERAL.—The Agency shall establish such alternative dispute resolution processes as may be appropriate for the resolution of claims filed under paragraph (5)(A)(i).

“(ii) CRITERIA.—In establishing alternative dispute resolution processes, the Agency shall strive for procedures which are expeditious, fair, independent, and low cost.

“(iii) VOLUNTARY BINDING OR NONBINDING PROCEDURES.—The Agency may establish both binding and nonbinding processes, which may be conducted by any government or private party. All parties, including the claimant and the Agency, must agree to the use of the process in a particular case.

“(B) CONSIDERATION OF INCENTIVES.—The Agency shall seek to develop incentives for claimants to participate in the alternative dispute resolution process.

“(8) EXPEDITED DETERMINATION OF CLAIMS.—

“(A) ESTABLISHMENT REQUIRED.—The Agency shall establish a procedure for expedited relief outside of the routine claims process established under paragraph (5) for claimants who—

“(i) allege the existence of legally valid and enforceable or perfected security interests in assets of any regulated entity for which the Agency has been appointed receiver; and

“(ii) allege that irreparable injury will occur if the routine claims procedure is followed.

“(B) DETERMINATION PERIOD.—Before the end of the 90-day period beginning on the date any claim is filed in accordance with the procedures established under subparagraph (A), the Director shall—

“(i) determine—

“(I) whether to allow or disallow such claim; or

“(II) whether such claim should be determined pursuant to the procedures established under paragraph (5); and

“(ii) notify the claimant of the determination, and if the claim is disallowed, provide a statement of each reason for the disallowance and the procedure for obtaining agency review or judicial determination.

“(C) PERIOD FOR FILING OR RENEWING SUIT.—Any claimant who files a request for expedited relief shall be permitted to file a suit, or to continue a suit filed before the appointment of the receiver, seeking a determination of the rights of the claimant with respect to such security interest after the earlier of—

“(i) the end of the 90-day period beginning on the date of the filing of a request for expedited relief; or

“(ii) the date the Agency denies the claim.

“(D) STATUTE OF LIMITATIONS.—If an action described under subparagraph (C) is not filed, or the motion to renew a previously filed suit is not made, before the end of the 30-day period beginning on the date on which such action or motion may be filed under subparagraph (B), the claim shall be deemed to be disallowed as of the end of such period (other than any portion of such claim which was allowed by the receiver), such disallowance shall be final, and the claimant shall have no further rights or remedies with respect to such claim.

“(E) LEGAL EFFECT OF FILING.—

“(i) STATUTE OF LIMITATION TOLLED.—For purposes of any applicable statute of limitations, the filing of a claim with the receiver shall constitute a commencement of an action.

"(ii) NO PREJUDICE TO OTHER ACTIONS.—Subject to paragraph (10), the filing of a claim with the receiver shall not prejudice any right of the claimant to continue any action that was filed before the appointment of the receiver, subject to the determination of claims by the receiver.

"(9) PAYMENT OF CLAIMS.—

"(A) IN GENERAL.—The receiver may, in the discretion of the receiver, and to the extent funds are available from the assets of the regulated entity, pay creditor claims, in such manner and amounts as are authorized under this section, which are—

"(i) allowed by the receiver;

"(ii) approved by the Agency pursuant to a final determination pursuant to paragraph (7) or (8); or

"(iii) determined by the final judgment of any court of competent jurisdiction.

"(B) AGREEMENTS AGAINST THE INTEREST OF THE AGENCY.—No agreement that tends to diminish or defeat the interest of the Agency in any asset acquired by the Agency as receiver under this section shall be valid against the Agency unless such agreement is in writing, and executed by an authorized official of the regulated entity, except that such requirements for qualified financial contracts shall be applied in a manner consistent with reasonable business trading practices in the financial contracts market.

"(C) PAYMENT OF DIVIDENDS ON CLAIMS.—The receiver may, in the sole discretion of the receiver, pay from the assets of the regulated entity dividends on proved claims at any time, and no liability shall attach to the Agency, by reason of any such payment, for failure to pay dividends to a claimant whose claim is not proved at the time of any such payment.

"(D) RULEMAKING AUTHORITY OF THE DIRECTOR.—The Director may prescribe such rules, including definitions of terms, as the Director deems appropriate to establish a single uniform interest rate for, or to make payments of post-insolvency interest to creditors holding proven claims against the receivership estates of regulated entities following satisfaction by the receiver of the principal amount of all creditor claims.

"(10) SUSPENSION OF LEGAL ACTIONS.—

"(A) IN GENERAL.—After the appointment of a conservator or receiver for a regulated entity, the conservator or receiver may, in any judicial action or proceeding to which such regulated entity is or becomes a party, request a stay for a period not to exceed—

"(i) 45 days, in the case of any conservator; and

"(ii) 90 days, in the case of any receiver.

"(B) GRANT OF STAY BY ALL COURTS REQUIRED.—Upon receipt of a request by any conservator or receiver under subparagraph (A) for a stay of any judicial action or proceeding in any court with jurisdiction of such action or proceeding, the court shall grant such stay as to all parties.

"(11) ADDITIONAL RIGHTS AND DUTIES.—

"(A) PRIOR FINAL ADJUDICATION.—The Agency shall abide by any final unappealable judgment of any court of competent jurisdiction which was rendered before the appointment of the Agency as conservator or receiver.

"(B) RIGHTS AND REMEDIES OF CONSERVATOR OR RECEIVER.—In the event of any appealable judgment, the Agency as conservator or receiver shall—

"(i) have all the rights and remedies available to the regulated entity (before the appointment of such conservator or receiver) and the Agency, including removal to Federal court and all appellate rights; and

"(ii) not be required to post any bond in order to pursue such remedies.

"(C) NO ATTACHMENT OR EXECUTION.—No attachment or execution may issue by any court upon assets in the possession of the receiver.

"(D) LIMITATION ON JUDICIAL REVIEW.—Except as otherwise provided in this subsection, no court shall have jurisdiction over—

"(i) any claim or action for payment from, or any action seeking a determination of rights with respect to, the assets of any regulated entity for which the Agency has been appointed receiver; or

"(ii) any claim relating to any act or omission of such regulated entity or the Agency as receiver.

"(E) DISPOSITION OF ASSETS.—In exercising any right, power, privilege, or authority as conservator or receiver in connection with any sale or disposition of assets of a regulated entity for which the Agency has been appointed conservator or receiver, the Agency shall conduct its operations in a manner which maintains stability in the housing finance markets and, to the extent consistent with that goal—

"(i) maximizes the net present value return from the sale or disposition of such assets;

"(ii) minimizes the amount of any loss realized in the resolution of cases; and

"(iii) ensures adequate competition and fair and consistent treatment of offerors.

"(12) STATUTE OF LIMITATIONS FOR ACTIONS BROUGHT BY CONSERVATOR OR RECEIVER.—

"(A) IN GENERAL.—Notwithstanding any provision of any contract, the applicable statute of limitations with regard to any action brought by the Agency as conservator or receiver shall be—

"(i) in the case of any contract claim, the longer of—

"(I) the 6-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law; and

"(ii) in the case of any tort claim, the longer of—

"(I) the 3-year period beginning on the date the claim accrues; or

"(II) the period applicable under State law.

"(B) DETERMINATION OF THE DATE ON WHICH A CLAIM ACCRUES.—For purposes of subparagraph (A), the date on which the statute of limitations begins to run on any claim described in such subparagraph shall be the later of—

"(i) the date of the appointment of the Agency as conservator or receiver; or

"(ii) the date on which the cause of action accrues.

"(13) REVIVAL OF EXPIRED STATE CAUSES OF ACTION.—

"(A) IN GENERAL.—In the case of any tort claim described under subparagraph (B) for which the statute of limitations applicable under State law with respect to such claim has expired not more than 5 years before the appointment of the Agency as conservator or receiver, the Agency may bring an action as conservator or receiver on such claim without regard to the expiration of the statute of limitation applicable under State law.

"(B) CLAIMS DESCRIBED.—A tort claim referred to under subparagraph (A) is a claim arising from fraud, intentional misconduct resulting in unjust enrichment, or intentional misconduct resulting in substantial loss to the regulated entity.

"(14) ACCOUNTING AND RECORDKEEPING REQUIREMENTS.—

"(A) IN GENERAL.—The Agency as conservator or receiver shall, consistent with the accounting and reporting practices and procedures established by the Agency, maintain a full accounting of each conservatorship and receivership or other disposition of a regulated entity in default.

"(B) ANNUAL ACCOUNTING OR REPORT.—With respect to each conservatorship or receivership, the Agency shall make an annual accounting or report available to the Board, the Comptroller General of the United States, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

"(C) AVAILABILITY OF REPORTS.—Any report prepared under subparagraph (B) shall be made available by the Agency upon request to any shareholder of a regulated entity or any member of the public.

"(D) RECORDKEEPING REQUIREMENT.—After the end of the 6-year period beginning on the date that the conservatorship or receivership is terminated by the Director, the Agency may destroy any records of such regulated entity which the Agency, in the discretion of the Agency, determines to be unnecessary unless directed not to do so by a court of competent jurisdiction or governmental agency, or prohibited by law.

"(15) FRAUDULENT TRANSFERS.—

"(A) IN GENERAL.—The Agency, as conservator or receiver, may avoid a transfer of any interest of a regulated entity-affiliated party, or any person who the conservator or receiver determines is a debtor of the regulated entity, in property, or any obligation incurred by such party or person, that was made within 5 years of the date on which the Agency was appointed conservator or receiver, if such party or person voluntarily or involuntarily made such transfer or incurred such liability with the intent to hinder, delay, or defraud the regulated entity, the Agency, the conservator, or receiver.

"(B) RIGHT OF RECOVERY.—To the extent a transfer is avoided under subparagraph (A), the conservator or receiver may recover, for the benefit of the regulated entity, the property transferred, or, if a court so orders, the value of such property (at the time of such transfer) from—

"(i) the initial transferee of such transfer or the regulated entity-affiliated party or person for whose benefit such transfer was made; or

"(ii) any immediate or mediate transferee of any such initial transferee.

"(C) RIGHTS OF TRANSFEREE OR OBLIGEE.—The conservator or receiver may not recover under subparagraph (B) from—

"(i) any transferee that takes for value, including satisfaction or securing of a present or antecedent debt, in good faith; or

"(ii) any immediate or mediate good faith transferee of such transferee.

"(D) RIGHTS UNDER THIS PARAGRAPH.—The rights under this paragraph of the conservator or receiver described under subparagraph (A) shall be superior to any rights of a trustee or any other party (other than any party which is a Federal agency) under title 11, United States Code.

"(16) ATTACHMENT OF ASSETS AND OTHER INJUNCTIVE RELIEF.—Subject to paragraph (17), any court of competent jurisdiction may, at the request of the conservator or receiver, issue an order in accordance with Rule 65 of the Federal Rules of Civil Procedure, including an order placing the assets of any person designated by the Agency or such conservator under the control of the court, and appointing a trustee to hold such assets.

"(17) STANDARDS OF PROOF.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under paragraph (16) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(18) TREATMENT OF CLAIMS ARISING FROM BREACH OF CONTRACTS EXECUTED BY THE RECEIVER OR CONSERVATOR.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subsection, any final and unappealable judgment for monetary damages entered against a receiver or conservator for the breach of an agreement executed or approved in writing by such receiver or conservator after the date of its appointment, shall be paid as an administrative expense of the receiver or conservator.

"(B) NO LIMITATION OF POWER.—Nothing in this paragraph shall be construed to limit the power of a receiver or conservator to exercise any rights under contract or law, including to terminate, breach, cancel, or otherwise discontinue such agreement.

"(19) GENERAL EXCEPTIONS.—

"(A) LIMITATIONS.—The rights of a conservator or receiver appointed under this section shall be subject to the limitations on the powers of a receiver under sections 402 through 407 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402 through 4407).

"(B) MORTGAGES HELD IN TRUST.—

"(i) IN GENERAL.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, held in trust, custodial, or agency capacity by a regulated entity for the benefit of persons other than the regulated entity shall not be available to satisfy the claims of creditors generally.

"(ii) HOLDING OF MORTGAGES.—Any mortgage, pool of mortgages, or interest in a pool of mortgages, described under clause (i) shall be held by the conservator or receiver appointed under this section for the beneficial owners of such mortgage, pool of mortgages, or interest in a pool of mortgages in accordance with the terms of the agreement creating such trust, custodial, or other agency arrangement.

"(iii) LIABILITY OF RECEIVER.—The liability of a receiver appointed under this section for damages shall, in the case of any contingent or unliquidated claim relating to the mortgages held in trust, be estimated in accordance set forth in the regulations of the Director.

"(c) PRIORITY OF EXPENSES AND UNSECURED CLAIMS.—

"(1) IN GENERAL.—Unsecured claims against a regulated entity, or a receiver, that are proven to the satisfaction of the receiver shall have priority in the following order:

"(A) Administrative expenses of the receiver.

"(B) Any other general or senior liability of the regulated entity and claims of other Federal home loan banks arising from their payment obligations (including joint and several payment obligations).

"(C) Any obligation subordinated to general creditors.

"(D) Any obligation to shareholders or members arising as a result of their status as shareholder or members.

"(2) CREDITORS SIMILARLY SITUATED.—All creditors that are similarly situated under paragraph (1) shall be treated in a similar manner, except that the Agency may make such other payments to creditors necessary to maximize the present value return from the sale or disposition or such regulated entity's assets or to minimize the amount of any loss realized in the resolution of cases so long as all creditors similarly situated receive not less than the amount provided under subsection (e)(2).

"(3) DEFINITION.—The term 'administrative expenses of the receiver' shall include the actual, necessary costs and expenses incurred by the receiver in preserving the assets of the regulated entity or liquidating or otherwise resolving the affairs of the regulated entity. Such expenses shall include obligations that are incurred by the receiver after appointment as receiver that the Director determines are necessary and appropriate to facilitate the smooth and orderly liquidation or other resolution of the regulated entity.

"(d) PROVISIONS RELATING TO CONTRACTS ENTERED INTO BEFORE APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) AUTHORITY TO REPUDIATE CONTRACTS.—In addition to any other rights a conservator or receiver may have, the conservator or receiver for any regulated entity may disaffirm or repudiate any contract or lease—

"(A) to which such regulated entity is a party;

"(B) the performance of which the conservator or receiver, in its sole discretion, determines to be burdensome; and

"(C) the disaffirmance or repudiation of which the conservator or receiver determines, in its sole discretion, will promote the orderly administration of the affairs of the regulated entity.

"(2) TIMING OF REPUDIATION.—The conservator or receiver shall determine whether or not to exercise the rights of repudiation under this subsection within a reasonable period following such appointment.

"(3) CLAIMS FOR DAMAGES FOR REPUDIATION.—

"(A) IN GENERAL.—Except as otherwise provided under subparagraph (C) and paragraphs (4), (5), and (6), the liability of the conservator or receiver for the disaffirmance or repudiation of any contract pursuant to paragraph (1) shall be—

"(i) limited to actual direct compensatory damages; and

"(ii) determined as of—

"(I) the date of the appointment of the conservator or receiver; or

"(II) in the case of any contract or agreement referred to in paragraph (6), the date of the disaffirmance or repudiation of such contract or agreement.

"(B) NO LIABILITY FOR OTHER DAMAGES.—For purposes of subparagraph (A), the term 'actual direct compensatory damages' shall not include—

"(i) punitive or exemplary damages;

"(ii) damages for lost profits or opportunity; or

"(iii) damages for pain and suffering.

"(C) MEASURE OF DAMAGES FOR REPUDIATION OF FINANCIAL CONTRACTS.—In the case of any qualified financial contract or agreement to which paragraph (8) applies, compensatory damages shall be—

"(i) deemed to include normal and reasonable costs of cover or other reasonable measures of damages utilized in the industries for such contract and agreement claims; and

"(ii) paid in accordance with this subsection and subsection (e), except as otherwise specifically provided in this section.

"(4) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSEE.—

"(A) IN GENERAL.—If the conservator or receiver disaffirms or repudiates a lease under which the regulated entity was the lessee, the conservator or receiver shall not be liable for any damages (other than damages determined under subparagraph (B)) for the disaffirmance or repudiation of such lease.

"(B) PAYMENTS OF RENT.—Notwithstanding subparagraph (A), the lessor under a lease to which that subparagraph applies shall—

"(i) be entitled to the contractual rent accruing before the later of the date—

"(I) the notice of disaffirmance or repudiation is mailed; or

"(II) the disaffirmance or repudiation becomes effective, unless the lessor is in default or breach of the terms of the lease;

"(ii) have no claim for damages under any acceleration clause or other penalty provision in the lease; and

"(iii) have a claim for any unpaid rent, subject to all appropriate offsets and defenses, due as of the date of the appointment, which shall be paid in accordance with this subsection and subsection (e).

"(5) LEASES UNDER WHICH THE REGULATED ENTITY IS THE LESSOR.—

"(A) IN GENERAL.—If the conservator or receiver repudiates an unexpired written lease of real property of the regulated entity under which the regulated entity is the lessor and the lessee is not, as of the date of such repudiation, in default, the lessee under such lease may either—

"(i) treat the lease as terminated by such repudiation; or

"(ii) remain in possession of the leasehold interest for the balance of the term of the lease, unless the lessee defaults under the terms of the lease after the date of such repudiation.

"(B) PROVISIONS APPLICABLE TO LESSEE REMAINING IN POSSESSION.—If any lessee under a lease described under subparagraph (A) remains in possession of a leasehold interest under clause (ii) of such subparagraph—

"(i) the lessee—

"(I) shall continue to pay the contractual rent pursuant to the terms of the lease after the date of the repudiation of such lease; and

"(II) may offset against any rent payment which accrues after the date of the repudiation of the lease, and any damages which accrue after such date due to the nonperformance of any obligation of the regulated entity under the lease after such date; and

"(ii) the conservator or receiver shall not be liable to the lessee for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II).

"(6) CONTRACTS FOR THE SALE OF REAL PROPERTY.—

"(A) IN GENERAL.—If the conservator or receiver repudiates any contract for the sale of real property and the purchaser of such real property under such contract is in possession, and is not, as of the date of such repudiation, in default, such purchaser may either—

"(i) treat the contract as terminated by such repudiation; or

"(ii) remain in possession of such real property.

"(B) PROVISIONS APPLICABLE TO PURCHASER REMAINING IN POSSESSION.—If any purchaser of real property under any contract described under subparagraph (A) remains in possession of such property under clause (ii) of such subparagraph—

"(i) the purchaser—

"(I) shall continue to make all payments due under the contract after the date of the repudiation of the contract; and

"(II) may offset against any such payments any damages which accrue after such date due to the nonperformance (after such date) of any obligation of the regulated entity under the contract; and

"(ii) the conservator or receiver shall—

"(I) not be liable to the purchaser for any damages arising after such date as a result of the repudiation other than the amount of any offset allowed under clause (i)(II);

"(II) deliver title to the purchaser in accordance with the provisions of the contract; and

"(III) have no obligation under the contract other than the performance required under subclause (II).

"(C) ASSIGNMENT AND SALE ALLOWED.—

"(i) IN GENERAL.—No provision of this paragraph shall be construed as limiting the right of the conservator or receiver to assign the contract described under subparagraph (A), and sell the property subject to the contract and the provisions of this paragraph.

"(ii) NO LIABILITY AFTER ASSIGNMENT AND SALE.—If an assignment and sale described under clause (i) is consummated, the conservator or receiver shall have no further liability under the contract described under subparagraph (A), or with respect to the real property which was the subject of such contract.

"(7) PROVISIONS APPLICABLE TO SERVICE CONTRACTS.—

"(A) SERVICES PERFORMED BEFORE APPOINTMENT.—In the case of any contract for services between any person and any regulated entity for which the Agency has been appointed conservator or receiver, any claim of such person for services performed before the appointment of the conservator or the receiver shall be—

"(i) a claim to be paid in accordance with subsections (b) and (e); and

"(ii) deemed to have arisen as of the date the conservator or receiver was appointed.

"(B) SERVICES PERFORMED AFTER APPOINTMENT AND PRIOR TO REPUDIATION.—If, in the case of any contract for services described under subparagraph (A), the conservator or receiver accepts performance by the other person before the conservator or receiver makes any determination to exercise the right of repudiation of such contract under this section—

"(i) the other party shall be paid under the terms of the contract for the services performed; and

"(ii) the amount of such payment shall be treated as an administrative expense of the conservatorship or receivership.

"(C) ACCEPTANCE OF PERFORMANCE NO BAR TO SUBSEQUENT REPUDIATION.—The acceptance by any conservator or receiver of services referred to under subparagraph (B) in connection with a contract described in such subparagraph shall not affect the right of the conservator or receiver to repudiate such contract under this section at any time after such performance.

"(8) CERTAIN QUALIFIED FINANCIAL CONTRACTS.—

"(A) RIGHTS OF PARTIES TO CONTRACTS.—Subject to paragraphs (9) and (10) and notwithstanding any other provision of this Act, any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity that arises upon the appointment of the Agency as receiver for such regulated entity at any time after such appointment;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more qualified financial contracts described in clause (i); or

"(iii) any right to offset or net out any termination value, payment amount, or other transfer obligation arising under or in connection with 1 or more contracts and agreements described in clause (i), including any master agreement for such contracts or agreements.

"(B) APPLICABILITY OF OTHER PROVISIONS.—Paragraph (10) of subsection (b) shall apply in the case of any judicial action or proceeding brought against any receiver referred to under subparagraph (A), or the regulated entity for which such receiver was appointed, by any party to a contract or agreement described under subparagraph (A)(i) with such regulated entity.

"(C) CERTAIN TRANSFERS NOT AVOIDABLE.—

"(i) IN GENERAL.—Notwithstanding paragraph (11) or any other Federal or State laws relating to the avoidance of preferential or fraudulent transfers, the Agency, whether acting as such or as conservator or receiver of a regulated entity, may not avoid any transfer of money or other property in connection with any qualified financial contract with a regulated entity.

"(ii) EXCEPTION FOR CERTAIN TRANSFERS.—Clause (i) shall not apply to any transfer of money or other property in connection with any qualified financial contract with a regulated entity if the Agency determines that the transferee had actual intent to hinder, delay, or defraud such regulated entity, the creditors of such regulated entity, or any conservator or receiver appointed for such regulated entity.

"(D) CERTAIN CONTRACTS AND AGREEMENTS DEFINED.—In this subsection:

"(i) QUALIFIED FINANCIAL CONTRACT.—The term 'qualified financial contract' means any securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, and any similar agreement that the Agency determines by regulation, resolution, or order to be a qualified financial contract for purposes of this paragraph.

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Agency determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.

"(vii) TREATMENT OF MASTER AGREEMENT AS ONE AGREEMENT.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the regulated entity's equity of redemption.

"(E) CERTAIN PROTECTIONS IN EVENT OF APPOINTMENT OF CONSERVATOR.—Notwithstanding any other provision of this Act (other than paragraph (13) of this subsection), any other Federal law, or the law of any State, no person shall be stayed or prohibited from exercising—

"(i) any right such person has to cause the termination, liquidation, or acceleration of any qualified financial contract with a regulated entity in a conservatorship based upon a default under such financial contract which is enforceable under applicable noninsolvency law;

"(ii) any right under any security agreement or arrangement or other credit enhancement relating to one or more such qualified financial contracts; or

"(iii) any right to offset or net out any termination values, payment amounts, or other transfer obligations arising under or in connection with such qualified financial contracts.

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Agency, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Agency to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (d)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of a regulated entity in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—In making any transfer of assets or liabilities of a regulated entity in default which includes any qualified financial contract, the conservator or receiver for such regulated entity shall either—

"(A) transfer to 1 person—

"(i) all qualified financial contracts between any person (or any affiliate of such person) and the regulated entity in default;

"(ii) all claims of such person (or any affiliate of such person) against such regulated entity under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such regulated entity);

"(iii) all claims of such regulated entity against such person (or any affiliate of such person) under any such contract; and

"(iv) all property securing or any other credit enhancement for any contract described in clause (i) or any claim described in clause (ii) or (iii) under any such contract; or

"(B) transfer none of the financial contracts, claims, or property referred to under subparagraph (A) (with respect to such person and any affiliate of such person).

"(10) NOTIFICATION OF TRANSFER.—

"(A) IN GENERAL.—If—

"(i) the conservator or receiver for a regulated entity in default makes any transfer of the assets and liabilities of such regulated entity, and

"(ii) the transfer includes any qualified financial contract,

the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the regulated entity (or the insolvency or financial condition of the regulated entity for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with a regulated entity may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the regulated entity (or the insolvency or financial condition of the regulated entity for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Agency as receiver or conservator of a regulated entity shall be deemed to have notified a person who is a party to a qualified financial contract with such regulated entity if the Agency has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) BUSINESS DAY DEFINED.—For purposes of this paragraph, the term 'business day' means any day other than any Saturday, Sunday, or any day on which either the New York Stock Exchange or the Federal Reserve Bank of New York is closed.

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which a regulated entity is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the regulated entity in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).

"(12) CERTAIN SECURITY INTERESTS NOT AVOIDABLE.—No provision of this subsection shall be construed as permitting the avoidance of any legally enforceable or perfected security interest in any of the assets of any regulated entity, except where such an interest is taken in contemplation of the insolvency of the regulated entity, or with the intent to hinder, delay, or defraud the regulated entity or the creditors of such regulated entity.

"(13) AUTHORITY TO ENFORCE CONTRACTS.—

"(A) IN GENERAL.—Notwithstanding any provision of a contract providing for termination, default, acceleration, or exercise of rights upon, or solely by reason of, insolvency or the appointment of a conservator or receiver, the conservator or receiver may enforce any contract or regulated entity bond entered into by the regulated entity.

"(B) CERTAIN RIGHTS NOT AFFECTED.—No provision of this paragraph may be construed as impairing or affecting any right of the conservator or receiver to enforce or recover under a director's or officer's liability insurance contract or surety bond under other applicable law.

"(C) CONSENT REQUIREMENT.—

"(i) IN GENERAL.—Except as otherwise provided under this section, no person may exercise any right or power to terminate, accelerate, or declare a default under any contract to which a regulated entity is a party, or to obtain possession of or exercise control over any property of the regulated entity, or affect any contractual rights of the regulated entity, without the consent of the conservator or receiver, as appropriate, for a period of—

"(I) 45 days after the date of appointment of a conservator; or

"(II) 90 days after the date of appointment of a receiver.

"(ii) EXCEPTIONS.—This paragraph shall—

"(I) not apply to a director's or officer's liability insurance contract;

"(II) not apply to the rights of parties to any qualified financial contracts under subsection (d)(8); and

"(III) not be construed as permitting the conservator or receiver to fail to comply with otherwise enforceable provisions of such contracts.

"(14) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.

"(15) EXCEPTION FOR FEDERAL RESERVE AND FEDERAL HOME LOAN BANKS.—No provision of this subsection shall apply with respect to—

"(A) any extension of credit from any Federal home loan bank or Federal Reserve Bank to any regulated entity; or

"(B) any security interest in the assets of the regulated entity securing any such extension of credit.

"(e) VALUATION OF CLAIMS IN DEFAULT.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal law or the law of any State, and regardless of the method which the Agency determines to utilize with respect to a regulated entity in default or in danger of default, including transactions authorized under subsection (i), this subsection shall govern the rights of the creditors of such regulated entity.

"(2) MAXIMUM LIABILITY.—The maximum liability of the Agency, acting as receiver or in any other capacity, to any person having a claim against the receiver or the regulated entity for which such receiver is appointed shall equal the lesser of—

"(A) the amount such claimant would have received if the Agency had liquidated the assets and liabilities of such regulated entity without exercising the authority of the Agency under subsection (i) of this section; or

"(B) the amount of proceeds realized from the performance of contracts or sale of the assets of the regulated entity.

"(f) LIMITATION ON COURT ACTION.—Except as provided in this section or at the request of the Director, no court may take any action to restrain or affect the exercise of powers or functions of the Agency as a conservator or a receiver.

"(g) LIABILITY OF DIRECTORS AND OFFICERS.—

"(1) IN GENERAL.—A director or officer of a regulated entity may be held personally liable for monetary damages in any civil action by, on behalf of, or at the request or direction of the Agency, which action is prosecuted wholly or partially for the benefit of the Agency—

"(A) acting as conservator or receiver of such regulated entity, or

"(B) acting based upon a suit, claim, or cause of action purchased from, assigned by, or otherwise conveyed by such receiver or conservator,

for gross negligence, including any similar conduct or conduct that demonstrates a greater disregard of a duty of care (than gross negligence) including intentional tortious conduct, as such terms are defined and determined under applicable State law.

"(2) NO LIMITATION.—Nothing in this paragraph shall impair or affect any right of the Agency under other applicable law.

“(h) DAMAGES.—In any proceeding related to any claim against a director, officer, employee, agent, attorney, accountant, appraiser, or any other party employed by or providing services to a regulated entity, recoverable damages determined to result from the improvident or otherwise improper use or investment of any assets of the regulated entity shall include principal losses and appropriate interest.

“(i) LIMITED-LIFE REGULATED ENTITIES.—

“(1) ORGANIZATION.—

“(A) PURPOSE.—If a regulated entity is in default, or if the Agency anticipates that a regulated entity will default, the Agency may organize a limited-life regulated entity with those powers and attributes of the regulated entity in default or in danger of default that the Director determines necessary, subject to the provisions of this subsection. The Director shall grant a temporary charter to the limited-life regulated entity, and the limited-life regulated entity shall operate subject to that charter.

“(B) AUTHORITIES.—Upon the creation of a limited-life regulated entity under subparagraph (A), the limited-life regulated entity may—

“(i) assume such liabilities of the regulated entity that is in default or in danger of default as the Agency may, in its discretion, determine to be appropriate, provided that the liabilities assumed shall not exceed the amount of assets of the limited-life regulated entity;

“(ii) purchase such assets of the regulated entity that is in default, or in danger of default, as the Agency may, in its discretion, determine to be appropriate; and

“(iii) perform any other temporary function which the Agency may, in its discretion, prescribe in accordance with this section.

“(2) CHARTER.—

“(A) CONDITIONS.—The Agency may grant a temporary charter if the Agency determines that the continued operation of the regulated entity in default or in danger of default is in the best interest of the national economy and the housing markets.

“(B) TREATMENT AS BEING IN DEFAULT FOR CERTAIN PURPOSES.—A limited-life regulated entity shall be treated as a regulated entity in default at such times and for such purposes as the Agency may, in its discretion, determine.

“(C) MANAGEMENT.—A limited-life regulated entity, upon the granting of its charter, shall be under the management of a board of directors consisting of not fewer than 5 nor more than 10 members appointed by the Agency.

“(D) BYLAWS.—The board of directors of a limited-life regulated entity shall adopt such bylaws as may be approved by the Agency.

“(3) CAPITAL STOCK.—No capital stock need be paid into a limited-life regulated entity by the Agency.

“(4) INVESTMENTS.—Funds of a limited-life regulated entity shall be kept on hand in cash, invested in obligations of the United States or obligations guaranteed as to principal and interest by the United States, or deposited with the Agency, or any Federal Reserve bank.

“(5) EXEMPT STATUS.—Notwithstanding any other provision of Federal or State law, the limited-life regulated entity, its franchise, property, and income shall be exempt from all taxation now or hereafter imposed by the United States, by any territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

“(6) WINDING UP.—

“(A) IN GENERAL.—Subject to subparagraph (B), unless Congress authorizes the sale of the capital stock of the limited-life regulated entity, not later than 2 years after the date of its organization, the Agency shall wind up the affairs of the limited-life regulated entity.

“(B) EXTENSION.—The Director may, in the discretion of the Director, extend the status of the limited-life regulated entity for 3 additional 1-year periods.

“(7) TRANSFER OF ASSETS AND LIABILITIES.—

“(A) IN GENERAL.—

“(i) TRANSFER OF ASSETS AND LIABILITIES.—The Agency, as receiver, may transfer any assets and liabilities of a regulated entity in default, or in danger of default, to the limited-life regulated entity in accordance with paragraph (1).

“(ii) SUBSEQUENT TRANSFERS.—At any time after a charter is transferred to a limited-life regulated entity, the Agency, as receiver, may transfer any assets and liabilities of such regulated entity in default, or in danger in default, as the Agency may, in its discretion, determine to be appropriate in accordance with paragraph (1).

“(iii) EFFECTIVE WITHOUT APPROVAL.—The transfer of any assets or liabilities of a regulated entity in default, or in danger of default, transferred to a limited-life regulated entity shall be effective without any further approval under Federal or State law, assignment, or consent with respect thereto.

“(8) PROCEEDS.—To the extent that available proceeds from the limited-life regulated entity exceed amounts required to pay obligations, such proceeds may be paid to the regulated entity in default, or in danger of default.

“(9) POWERS.—

“(A) IN GENERAL.—Each limited-life regulated entity created under this subsection shall have all corporate powers of, and be subject to the same provisions of law as, the regulated entity in default or in danger of default to which it relates, except that—

“(i) the Agency may—

“(I) remove the directors of a limited-life regulated entity; and

“(II) fix the compensation of members of the board of directors and senior management, as determined by the Agency in its discretion, of a limited-life regulated entity;

“(ii) the Agency may indemnify the representatives for purposes of paragraph (1)(B), and the directors, officers, employees, and agents of a limited-life regulated entity on such terms as the Agency determines to be appropriate; and

“(iii) the board of directors of a limited-life regulated entity—

“(I) shall elect a chairperson who may also serve in the position of chief executive officer, except that such person shall not serve either as chairperson or as chief executive officer without the prior approval of the Agency; and

“(II) may appoint a chief executive officer who is not also the chairperson, except that such person shall not serve as chief executive officer without the prior approval of the Agency.

“(B) STAY OF JUDICIAL ACTION.—Any judicial action to which a limited-life regulated entity becomes a party by virtue of its acquisition of any assets or assumption of any liabilities of a regulated entity in default shall be stayed from further proceedings for a period of up to 45 days at the request of the limited-life regulated entity. Such period may be modified upon the consent of all parties.

“(10) OBTAINING OF CREDIT AND INCURRING OF DEBT.—

“(A) IN GENERAL.—The limited-life regulated entity may obtain unsecured credit and incur unsecured debt in the ordinary course of business.

“(B) INABILITY TO OBTAIN CREDIT.—If the limited-life regulated entity is unable to obtain unsecured credit the Director may authorize the obtaining of credit or the incurring of debt—

“(i) with priority over any or all administrative expenses;

“(ii) secured by a lien on property that is not otherwise subject to a lien; or

“(iii) secured by a junior lien on property that is subject to a lien.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—The Director, after notice and a hearing, may authorize the obtaining of credit or the incurring of debt secured by a senior or equal lien on property that is subject to a lien (other than mortgages that collateralize the mortgage-backed securities issued or guaranteed by the regulated entity) only if—

“(I) the limited-life regulated entity is unable to obtain such credit otherwise; and

“(II) there is adequate protection of the interest of the holder of the lien on the property which such senior or equal lien is proposed to be granted.

“(ii) BURDEN OF PROOF.—In any hearing under this subsection, the Director has the burden of proof on the issue of adequate protection.

“(D) EFFECT ON DEBTS AND LIENS.—The reversal or modification on appeal of an authorization under this paragraph to obtain credit or incur debt, or of a grant under this section of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith, whether or not such entity knew of the pendency of the appeal, unless such authorization and the incurring of such debt, or the granting of such priority or lien, were stayed pending appeal.

“(11) ISSUANCE OF PREFERRED DEBT.—A limited-life regulated entity may, subject to the approval of the Director and subject to such terms and conditions as the Director may prescribe, issue notes, bonds, or other debt obligations of a class to which all other debt obligations of the limited-life regulated entity shall be subordinate in right and payment.

“(12) NO FEDERAL STATUS.—

“(A) AGENCY STATUS.—A limited-life regulated entity is not an agency, establishment, or instrumentality of the United States.

“(B) EMPLOYEE STATUS.—Representatives for purposes of paragraph (1)(B), interim directors, directors, officers, employees, or agents of a limited-life regulated entity are not, solely by virtue of service in any such capacity, officers or employees of the United States. Any employee of the Agency or of any Federal instrumentality who serves at the request of the Agency as a representative for purposes of paragraph (1)(B), interim director, director, officer, employee, or agent of a limited-life regulated entity shall not—

“(i) solely by virtue of service in any such capacity lose any existing status as an officer or employee of the United States for purposes of title 5, United States Code, or any other provision of law; or

“(ii) receive any salary or benefits for service in any such capacity with respect to a limited-life regulated entity in addition to such salary or benefits as are obtained through employment with the Agency or such Federal instrumentality.

"(13) ADDITIONAL POWERS.—In addition to any other powers granted under this subsection, a limited-life regulated entity may—

"(A) extend a maturity date or change in an interest rate or other term of outstanding securities;

"(B) issue securities of the limited-life regulated entity, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purposes; and

"(C) take any other action not inconsistent with this section.

"(j) OTHER EXEMPTIONS.—When acting as a receiver, the following provisions shall apply with respect to the Agency:

"(1) EXEMPTION FROM TAXATION.—The Agency, including its franchise, its capital, reserves, and surplus, and its income, shall be exempt from all taxation imposed by any State, country, municipality, or local taxing authority, except that any real property of the Agency shall be subject to State, territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed, except that, notwithstanding the failure of any person to challenge an assessment under State law of the value of such property, and the tax thereon, shall be determined as of the period for which such tax is imposed.

"(2) EXEMPTION FROM ATTACHMENT AND LIENS.—No property of the Agency shall be subject to levy, attachment, garnishment, foreclosure, or sale without the consent of the Agency, nor shall any involuntary lien attach to the property of the Agency.

"(3) EXEMPTION FROM PENALTIES AND FINES.—The Agency shall not be liable for any amounts in the nature of penalties or fines, including those arising from the failure of any person to pay any real property, personal property, probate, or recording tax or any recording or filing fees when due.

"(k) PROHIBITION OF CHARTER REVOCATION.—In no case may a receiver appointed pursuant to this section revoke, annul, or terminate the charter of a regulated entity.

"(l) PRESERVATION OF BANKRUPTCY LAW .—Nothing in this Act shall be construed to modify, impair, or supersede the operation of any provision of title 11 of the United States Code, or the operation of any provision of title 28 of such Code that relates to cases under such title 11, except as otherwise provided in section 1367(b) of this Act and except that a regulated entity may not be a debtor under such title 11.".

(b) CONFORMING AMENDMENTS.—

(1) HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992.—Subtitle B of title XIII of the Housing and Community Development Act of 1992 is amended by striking sections 1369 (12 U.S.C. 4619), 1369A (12 U.S.C. 4620), and 1369B (12 U.S.C. 4621).

(2) FEDERAL HOME LOAN BANKS.—Section 25 of the Federal Home Loan Bank Act (12 U.S.C. 1445) is amended to read as follows:

"SEC. 25. SUCCESSION OF FEDERAL HOME LOAN BANKS.

"Each Federal Home Loan Bank shall have succession until it is voluntarily merged with another Bank under this Act, or until it is merged, reorganized, rehabilitated, liquidated, or otherwise wound up by the Director in accordance with the provisions of section 1367 of the Housing and Community Development Act of 1992, or by further Act of Congress.".

SEC. 349. CONFORMING AMENDMENTS.

Title XIII of the Housing and Community Development Act of 1992, as amended by the preceding provisions of this title, is further amended—

(1) in sections 1365 (12 U.S.C. 4615) through 1369D (12 U.S.C. 4623), but not including section 1367 (12 U.S.C. 4617) as amended by section 349 of this title—

(A) by striking "An enterprise" each place such term appears and inserting "A regulated entity";

(B) by striking "an enterprise" each place such term appears and inserting "a regulated entity"; and

(C) by striking "the enterprise" each place such term appears and inserting "the regulated entity";

(2) in section 1366 (12 U.S.C. 4616)—

(A) in subsection (b)(7), by striking "section 1369 (excluding subsection (a)(1) and (2))" and inserting "section 1367"; and

(B) in subsection (d), by striking "the enterprises" and inserting "the regulated entities";

(3) in section 1368(d) (12 U.S.C. 4618(d)), by striking "Committee on Banking, Finance and Urban Affairs" and inserting "Committee on Financial Services";

(4) in section 1369C (12 U.S.C. 4622)—

(A) in subsection (a)(4), by striking "activities (including existing and new programs)" and inserting "activities, services, undertakings, and offerings (including existing and new products (as such term is defined in section 1321(f))"; and

(B) in subsection (c), by striking "any enterprise" and inserting "any regulated entity"; and

(5) in subsections (a) and (d) of section 1369D, by striking "section 1366 or 1367 or action under section 1369)" each place such phrase appears and inserting "section 1367)".

CHAPTER 4—ENFORCEMENT ACTIONS

SEC. 351. CEASE-AND-DESIST PROCEEDINGS.

Section 1371 of the Housing and Community Development Act of 1992 (12 U.S.C. 4631) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ISSUANCE FOR UNSAFE OR UNSOUND PRACTICES AND VIOLATIONS OF RULES OR LAWS.—If, in the opinion of the Director, a regulated entity or any regulated entity-affiliated party is engaging or has engaged, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to engage, in an unsafe or unsound practice in conducting the business of the regulated entity or is violating or has violated, or the Director has reasonable cause to believe that the regulated entity or any regulated entity-affiliated party is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Director in connection with the granting of any application or other request by the regulated entity or any written agreement entered into with the Director, the Director may issue and serve upon the regulated entity or such party a notice of charges in respect thereof. The Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) of section 10(j) of the Federal Home Loan Bank Act (12 U.S.C. 1430(j)).

"(b) ISSUANCE FOR UNSATISFACTORY RATING.—If a regulated entity receives, in its most recent report of examination, a less-than-satisfactory rating for asset quality, management, earnings, or liquidity, the Director may (if the deficiency is not corrected) deem the regulated entity to be engaging in an unsafe or unsound practice for purposes of this subsection.";

(2) in subsection (c)(2), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party"; and

(3) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(B) in paragraph (1)—

(i) by striking "an executive officer or a director" and inserting "a regulated entity affiliated party"; and

(ii) by inserting "(including reimbursement of compensation under section 1318)" after "reimbursement";

(C) in paragraph (6), by striking "and" at the end;

(D) by redesignating paragraph (7) as paragraph (8); and

(E) by inserting after paragraph (6) the following new paragraph:

"(7) to effect an attachment on a regulated entity or regulated entity-affiliated party subject to an order under this section or section 1372; and".

SEC. 352. TEMPORARY CEASE-AND-DESIST PROCEEDINGS.

Section 1372 of the Housing and Community Development Act of 1992 (12 U.S.C. 4632) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) GROUNDS FOR ISSUANCE.—Whenever the Director determines that the violation or threatened violation or the unsafe or unsound practice or practices specified in the notice of charges served upon the regulated entity or any regulated entity-affiliated party pursuant to section 1371(a), or the continuation thereof, is likely to cause insolvency or significant dissipation of assets or earnings of the regulated entity, or is likely to weaken the condition of the regulated entity prior to the completion of the proceedings conducted pursuant to sections 1371 and 1373, the Director may issue a temporary order requiring the regulated entity or such party to cease and desist from any such violation or practice and to take affirmative action to prevent or remedy such insolvency, dissipation, condition, or prejudice pending completion of such proceedings. Such order may include any requirement authorized under section 1371(d).";

(2) in subsection (b), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(3) in subsection (d)—

(A) by striking "An enterprise, executive officer, or director" and inserting "A regulated entity or regulated entity-affiliated party"; and

(B) by striking "the enterprise, executive officer, or director" and inserting "the regulated entity or regulated entity-affiliated party"; and

(4) by striking subsection (e) and in inserting the following new subsection:

"(e) ENFORCEMENT.—In the case of violation or threatened violation of, or failure to obey, a temporary cease-and-desist order issued pursuant to this section, the Director may apply to the United States District Court for the District of Columbia or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for an injunction to enforce such order, and, if the court determines that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.".

SEC. 353. PREJUDGMENT ATTACHMENT.

The Housing and Community Development Act of 1992 is amended by inserting after section 1375 (12 U.S.C. 4635) the following new section:

"SEC. 1375A. PREJUDGMENT ATTACHMENT.

"(a) IN GENERAL.—In any action brought pursuant to this title, or in actions brought in aid of, or to enforce an order in, any administrative or other civil action for money damages, restitution, or civil money penalties brought pursuant to this title, the court may, upon application of the Director or Attorney General, as applicable, issue a restraining order that—

"(1) prohibits any person subject to the proceeding from withdrawing, transferring, removing, dissipating, or disposing of any funds, assets or other property; and

"(2) appoints a person on a temporary basis to administer the restraining order.

"(b) STANDARD.—

"(1) SHOWING.—Rule 65 of the Federal Rules of Civil Procedure shall apply with respect to any proceeding under subsection (a) without regard to the requirement of such rule that the applicant show that the injury, loss, or damage is irreparable and immediate.

"(2) STATE PROCEEDING.—If, in the case of any proceeding in a State court, the court determines that rules of civil procedure available under the laws of such State provide substantially similar protections to a party's right to due process as Rule 65 (as modified with respect to such proceeding by paragraph (1)), the relief sought under subsection (a) may be requested under the laws of such State.".

SEC. 354. ENFORCEMENT AND JURISDICTION.

Section 1375 of the Housing and Community Development Act of 1992 (12 U.S.C. 4635) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) ENFORCEMENT.—The Director may, in the discretion of the Director, apply to the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, for the enforcement of any effective and outstanding notice or order issued under this subtitle or subtitle B, or request that the Attorney General of the United States bring such an action. Such court shall have jurisdiction and power to order and require compliance with such notice or order."; and

(2) in subsection (b), by striking "or 1376" and inserting "1376, or 1377".

SEC. 355. CIVIL MONEY PENALTIES.

Section 1376 of the Housing and Community Development Act of 1992 (12 U.S.C. 4636) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ", or any executive officer or director" and inserting "or any regulated-entity affiliated party"; and

(B) in paragraph (1)—

(i) by striking "the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act" and inserting "any provision of any of the authorizing statutes";

(ii) by striking "or Act" and inserting "or statute";

(iii) by striking "or subsection" and inserting ", subsection"; and

(iv) by inserting ", or paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act" before the semicolon at the end;

(2) by striking subsection (b) and inserting the following new subsection:

"(b) AMOUNT OF PENALTY.—

"(1) FIRST TIER.—Any regulated entity which, or any regulated entity-affiliated party who—

"(A) violates any provision of this title, any provision of any of the authorizing statutes, or any order, condition, rule, or regulation under any such title or statute, except that the Director may not, pursuant to this section, enforce compliance with any housing goal established under subpart B of part 2 of subtitle A of this title, with section 1336 or 1337 of this title, with subsection (m) or (n) of section 309 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723a(m), (n)), with subsection (e) or (f) of section 307 of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1456(e), (f)), or with paragraph (5) or (12) of section 10(j) of the Federal Home Loan Bank Act;

"(B) violates any final or temporary order or notice issued pursuant to this title;

"(C) violates any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(D) violates any written agreement between the regulated entity and the Director,

shall forfeit and pay a civil money penalty of not more than $10,000 for each day during which such violation continues.

"(2) SECOND TIER.—Notwithstanding paragraph (1)—

"(A) if a regulated entity, or a regulated entity-affiliated party—

"(i) commits any violation described in any subparagraph of paragraph (1);

"(ii) recklessly engages in an unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) the violation, practice, or breach—

"(i) is part of a pattern of misconduct;

"(ii) causes or is likely to cause more than a minimal loss to such regulated entity; or

"(iii) results in pecuniary gain or other benefit to such party,

the regulated entity or regulated entity-affiliated party shall forfeit and pay a civil penalty of not more than $50,000 for each day during which such violation, practice, or breach continues.

"(3) THIRD TIER.—Notwithstanding paragraphs (1) and (2), any regulated entity which, or any regulated entity-affiliated party who—

"(A) knowingly—

"(i) commits any violation or engages in any conduct described in any subparagraph of paragraph (1);

"(ii) engages in any unsafe or unsound practice in conducting the affairs of such regulated entity; or

"(iii) breaches any fiduciary duty; and

"(B) knowingly or recklessly causes a substantial loss to such regulated entity or a substantial pecuniary gain or other benefit to such party by reason of such violation, practice, or breach,

shall forfeit and pay a civil penalty in an amount not to exceed the applicable maximum amount determined under paragraph (4) for each day during which such violation, practice, or breach continues.

"(4) MAXIMUM AMOUNTS OF PENALTIES FOR ANY VIOLATION DESCRIBED IN PARAGRAPH (3).—The maximum daily amount of any civil penalty which may be assessed pursuant to paragraph (3) for any violation, practice, or breach described in such paragraph is—

"(A) in the case of any person other than a regulated entity, an amount not to exceed $2,000,000; and

"(B) in the case of any regulated entity, $2,000,000.";

(3) in subsection (c)(1)(B), by striking "enterprise, executive officer, or director" and inserting "regulated entity or regulated entity-affiliated party";

(4) in subsection (d), by striking the first sentence and inserting the following: "If a regulated entity or regulated entity-affiliated party fails to comply with an order of the Director imposing a civil money penalty under this section, after the order is no longer subject to review as provided under subsection (c)(1) and section 1374, the Director may, in the discretion of the Director, bring an action in the United States District Court for the District of Columbia, or the United States district court within the jurisdiction of which the headquarters of the regulated entity is located, to obtain a monetary judgment against the regulated entity or regulated entity affiliated party and such other relief as may be available, or request that the Attorney General of the United States bring such an action."; and

(5) in subsection (g), by striking "subsection (b)(3)" and inserting "this section, unless authorized by the Director by rule, regulation, or order".

SEC. 356. REMOVAL AND PROHIBITION AUTHORITY.

(a) IN GENERAL.—Subtitle C of title XIII of the Housing and Community Development Act of 1992 is amended—

(1) by redesignating sections 1377, 1378, 1379, 1379A, and 1379B (12 U.S.C. 4637-41) as sections 1379, 1379A, 1379B, 1379C, and 1379D, respectively; and

(2) by inserting after section 1376 (12 U.S.C. 4636) the following new section:

"SEC. 1377. REMOVAL AND PROHIBITION AUTHORITY.

"(a) AUTHORITY TO ISSUE ORDER.—Whenever the Director determines that—

"(1) any regulated entity-affiliated party has, directly or indirectly—

"(A) violated—

"(i) any law or regulation;

"(ii) any cease-and-desist order which has become final;

"(iii) any condition imposed in writing by the Director in connection with the grant of any application or other request by such regulated entity; or

"(iv) any written agreement between such regulated entity and the Director;

"(B) engaged or participated in any unsafe or unsound practice in connection with any regulated entity; or

"(C) committed or engaged in any act, omission, or practice which constitutes a breach of such party's fiduciary duty;

"(2) by reason of the violation, practice, or breach described in any subparagraph of paragraph (1)—

"(A) such regulated entity has suffered or will probably suffer financial loss or other damage; or

"(B) such party has received financial gain or other benefit by reason of such violation, practice, or breach; and

"(3) such violation, practice, or breach—

"(A) involves personal dishonesty on the part of such party; or

"(B) demonstrates willful or continuing disregard by such party for the safety or soundness of such regulated entity, the Director may serve upon such party a written notice of the Director's intention to remove such party from office or to prohibit any further participation by such party, in any manner, in the conduct of the affairs of any regulated entity.

"(b) SUSPENSION ORDER.—

"(1) SUSPENSION OR PROHIBITION AUTHORITY.—If the Director serves written notice under subsection (a) to any regulated entity-affiliated party of the Director's intention to issue an order under such subsection, the Director may—

"(A) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of the regulated entity, if the Director—

"(i) determines that such action is necessary for the protection of the regulated entity; and

"(ii) serves such party with written notice of the suspension order; and

"(B) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party.

"(2) EFFECTIVE PERIOD.—Any suspension order issued under this subsection—

"(A) shall become effective upon service; and

"(B) unless a court issues a stay of such order under subsection (g) of this section, shall remain in effect and enforceable until—

"(i) the date the Director dismisses the charges contained in the notice served under subsection (a) with respect to such party; or

"(ii) the effective date of an order issued by the Director to such party under subsection (a).

"(3) COPY OF ORDER.—If the Director issues a suspension order under this subsection to any regulated entity-affiliated party, the Director shall serve a copy of such order on any regulated entity with which such party is affiliated at the time such order is issued.

"(c) NOTICE, HEARING, AND ORDER.—A notice of intention to remove a regulated entity-affiliated party from office or to prohibit such party from participating in the conduct of the affairs of a regulated entity shall contain a statement of the facts constituting grounds for such action, and shall fix a time and place at which a hearing will be held on such action. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice, unless an earlier or a later date is set by the Director at the request of (1) such party, and for good cause shown, or (2) the Attorney General of the United States. Unless such party shall appear at the hearing in person or by a duly authorized representative, such party shall be deemed to have consented to the issuance of an order of such removal or prohibition. In the event of such consent, or if upon the record made at any such hearing the Director shall find that any of the grounds specified in such notice have been established, the Director may issue such orders of suspension or removal from office, or prohibition from participation in the conduct of the affairs of the regulated entity, as it may deem appropriate, together with an order prohibiting compensation described in subsection (b)(1)(B). Any such order shall become effective at the expiration of 30 days after service upon such regulated entity and such party (except in the case of an order issued upon consent, which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Director or a reviewing court.

"(d) PROHIBITION OF CERTAIN SPECIFIC ACTIVITIES.—Any person subject to an order issued under this section shall not—

"(1) participate in any manner in the conduct of the affairs of any regulated entity;

"(2) solicit, procure, transfer, attempt to transfer, vote, or attempt to vote any proxy, consent, or authorization with respect to any voting rights in any regulated entity;

"(3) violate any voting agreement previously approved by the Director; or

"(4) vote for a director, or serve or act as a regulated entity-affiliated party.

"(e) INDUSTRY-WIDE PROHIBITION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person who, pursuant to an order issued under this section, has been removed or suspended from office in a regulated entity or prohibited from participating in the conduct of the affairs of a regulated entity may not, while such order is in effect, continue or commence to hold any office in, or participate in any manner in the conduct of the affairs of, any regulated entity.

"(2) EXCEPTION IF DIRECTOR PROVIDES WRITTEN CONSENT.—If, on or after the date an order is issued under this section which removes or suspends from office any regulated entity-affiliated party or prohibits such party from participating in the conduct of the affairs of a regulated entity, such party receives the written consent of the Director, the order shall, to the extent of such consent, cease to apply to such party with respect to the regulated entity described in the written consent. If the Director grants such a written consent, it shall publicly disclose such consent.

"(3) VIOLATION OF PARAGRAPH (1) TREATED AS VIOLATION OF ORDER.—Any violation of paragraph (1) by any person who is subject to an order described in such subsection shall be treated as a violation of the order.

"(f) APPLICABILITY.—This section shall only apply to a person who is an individual, unless the Director specifically finds that it should apply to a corporation, firm, or other business enterprise.

"(g) STAY OF SUSPENSION AND PROHIBITION OF REGULATED ENTITY-AFFILIATED PARTY.—Within 10 days after any regulated entity-affiliated party has been suspended from office and/or prohibited from participation in the conduct of the affairs of a regulated entity under this section, such party may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the headquarters of the regulated entity is located, for a stay of such suspension and/or prohibition and any prohibition under subsection (b)(1)(B) pending the completion of the administrative proceedings pursuant to the notice served upon such party under this section, and such court shall have jurisdiction to stay such suspension and/or prohibition.

"(h) SUSPENSION OR REMOVAL OF REGULATED ENTITY-AFFILIATED PARTY CHARGED WITH FELONY.—

"(1) SUSPENSION OR PROHIBITION.—

"(A) IN GENERAL.—Whenever any regulated entity-affiliated party is charged in any information, indictment, or complaint, with the commission of or participation in a crime involving dishonesty or breach of trust which is punishable by imprisonment for a term exceeding one year under State or Federal law, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, by written notice served upon such party—

"(i) suspend such party from office or prohibit such party from further participation in any manner in the conduct of the affairs of any regulated entity; and

"(ii) prohibit the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the period of any such suspension or with any resignation, removal, retirement, or other termination of employment or office of the party.

"(B) PROVISIONS APPLICABLE TO NOTICE.—

"(i) COPY.—A copy of any notice under paragraph (1)(A) shall also be served upon the regulated entity.

"(ii) EFFECTIVE PERIOD.—A suspension or prohibition under subparagraph (A) shall remain in effect until the information, indictment, or complaint referred to in such subparagraph is finally disposed of or until terminated by the Director.

"(2) REMOVAL OR PROHIBITION.—

"(A) IN GENERAL.—If a judgment of conviction or an agreement to enter a pretrial diversion or other similar program is entered against a regulated entity-affiliated party in connection with a crime described in paragraph (1)(A), at such time as such judgment is not subject to further appellate review, the Director may, if continued service or participation by such party may pose a threat to the regulated entity or impair public confidence in the regulated entity, issue and serve upon such party an order that—

"(i) removes such party from office or prohibits such party from further participation in any manner in the conduct of the affairs of the regulated entity without the prior written consent of the Director; and

"(ii) prohibits the regulated entity from releasing to or on behalf of the regulated entity-affiliated party any compensation or other payment of money or other thing of current or potential value in connection with the termination of employment or office of the party.

"(B) PROVISIONS APPLICABLE TO ORDER.—

"(i) COPY.—A copy of any order under paragraph (2)(A) shall also be served upon the regulated entity, whereupon the regulated entity-affiliated party who is subject to the order (if a director or an officer) shall cease to be a director or officer of such regulated entity.

"(ii) EFFECT OF ACQUITTAL.—A finding of not guilty or other disposition of the charge shall not preclude the Director from instituting proceedings after such finding or disposition to remove such party from office or to prohibit further participation in regulated entity affairs, and to prohibit compensation or other payment of money or other thing of current or potential value in connection with any resignation, removal, retirement, or other termination of employment or office of the party, pursuant to subsections (a), (d), or (e) of this section.

"(iii) EFFECTIVE PERIOD.—Any notice of suspension or order of removal issued under this subsection shall remain effective and outstanding until the completion of any hearing or appeal authorized under paragraph (4) unless terminated by the Director.

"(3) AUTHORITY OF REMAINING BOARD MEMBERS.—If at any time, because of the suspension of one or more directors pursuant to this section, there shall be on the board of directors of a regulated entity less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors. In the event all of the directors of a regulated entity are suspended pursuant to this section, the Director shall appoint persons to serve temporarily as directors in their place and stead pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the regulated entity and their respective successors take office.

"(4) HEARING REGARDING CONTINUED PARTICIPATION.—Within 30 days from service of any notice of suspension or order of removal issued pursuant to paragraph (1) or (2) of this subsection, the regulated entity-affiliated party concerned may request in writing an opportunity to appear before the Director to show that the continued service to or participation in the conduct of the affairs of the regulated entity by such party does not, or is not likely to, pose a threat to the interests of the regulated entity or threaten to impair public confidence in the regulated entity. Upon receipt of any such request, the Director shall fix a time (not more than 30 days after receipt of such request, unless extended at the request of such party) and place at which such party may appear, personally or through counsel, before one or more members of the Director or designated employees of the Director to submit written materials (or, at the discretion of the Director, oral testimony) and oral argument. Within 60 days of such hearing, the Director shall notify such party whether the suspension or prohibition from participation in any manner in the conduct of the affairs of the regulated entity will be continued, terminated, or otherwise modified, or whether the order removing such party from office or prohibiting such party from further participation in any manner in the conduct of the affairs of the regulated entity, and prohibiting compensation in connection with termination will be rescinded or otherwise modified. Such notification shall contain a statement of the basis for the Director's decision, if adverse to such party. The Director is authorized to prescribe such rules as may be necessary to effectuate the purposes of this subsection.

"(i) HEARINGS AND JUDICIAL REVIEW.—

"(1) VENUE AND PROCEDURE.—Any hearing provided for in this section shall be held in the District of Columbia or in the Federal judicial district in which the headquarters of the regulated entity is located, unless the party afforded the hearing consents to another place, and shall be conducted in accordance with the provisions of chapter 5 of title 5, United States Code. After such hearing, and within 90 days after the Director has notified the parties that the case has been submitted to it for final decision, it shall render its decision (which shall include findings of fact upon which its decision is predicated) and shall issue and serve upon each party to the proceeding an order or orders consistent with the provisions of this section. Judicial review of any such order shall be exclusively as provided in this subsection. Unless a petition for review is timely filed in a court of appeals of the United States, as provided in paragraph (2), and thereafter until the record in the proceeding has been filed as so provided, the Director may at any time, upon such notice and in such manner as it shall deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Director may modify, terminate, or set aside any such order with permission of the court.

"(2) REVIEW OF ORDER.—Any party to any proceeding under paragraph (1) may obtain a review of any order served pursuant to paragraph (1) (other than an order issued with the consent of the regulated entity or the regulated entity-affiliated party concerned, or an order issued under subsection (h) of this section) by the filing in the United States Court of Appeals for the District of Columbia Circuit or court of appeals of the United States for the circuit in which the headquarters of the regulated entity is located, within 30 days after the date of service of such order, a written petition praying that the order of the Director be modified, terminated, or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Director, and thereupon the Director shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, such court shall have jurisdiction, which upon the filing of the record shall (except as provided in the last sentence of paragraph (1)) be exclusive, to affirm, modify, terminate, or set aside, in whole or in part, the order of the Director. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

"(3) PROCEEDINGS NOT TREATED AS STAY.—The commencement of proceedings for judicial review under paragraph (2) shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Director.".

(b) CONFORMING AMENDMENTS.—

(1) 1992 ACT.—Section 1317(f) of the Housing and Community Development Act of 1992 (12 U.S.C. 4517(f)) is amended by striking "section 1379B" and inserting "section 1379D".

(2) FANNIE MAE CHARTER ACT.—The second sentence of subsection (b) of section 308 of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

(3) FREDDIE MAC ACT.—The second sentence of subparagraph (A) of section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)(A)) is amended by striking "The" and inserting "Except to the extent that action under section 1377 of the Housing and Community Development Act of 1992 temporarily results in a lesser number, the".

SEC. 357. CRIMINAL PENALTY.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.) is amended by inserting after section 1377 (as added by the preceding provisions of this title) the following new section:

"SEC. 1378. CRIMINAL PENALTY.

"Whoever, being subject to an order in effect under section 1377, without the prior written approval of the Director, knowingly participates, directly or indirectly, in any manner (including by engaging in an activity specifically prohibited in such an order) in the conduct of the affairs of any regulated entity shall be fined not more than $1,000,000, imprisoned for not more than 5 years, or both.".

SEC. 358. SUBPOENA AUTHORITY.

Section 1379D(c) of the Housing and Community Development Act of 1992 (12 U.S.C. 4641(c)), as so redesignated by section 356(a)(1) of this title, is further amended—

(1) by striking "request the Attorney General of the United States to" and inserting ", in the discretion of the Director,";

(2) by inserting "or request that the Attorney General of the United States bring such an action," after "District of Columbia,"; and

(3) by striking "or may, under the direction and control of the Attorney General, bring such an action".

SEC. 359. CONFORMING AMENDMENTS.

Subtitle C of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4631 et seq.), as amended by the preceding provisions of this title, is amended—

(1) in section 1372(c)(1) (12 U.S.C. 4632(c)), by striking "that enterprise" and inserting "that regulated entity";

(2) in section 1379 (12 U.S.C. 4637), as so redesignated by section 356(a)(1) of this title—

(A) by inserting ", or of a regulated entity-affiliated party," before "shall not affect"; and

(B) by striking "such director or executive officer" each place such term appears and inserting "such director, executive officer, or regulated entity-affiliated party";

(3) in section 1379A (12 U.S.C. 4638), as so redesignated by section 356(a)(1) of this title, by inserting "or against a regulated entity-affiliated party," before "or impair";

(4) by striking "An enterprise" each place such term appears in such subtitle and inserting "A regulated entity";

(5) by striking "an enterprise" each place such term appears in such subtitle and inserting "a regulated entity";

(6) by striking "the enterprise" each place such term appears in such subtitle and inserting "the regulated entity"; and

(7) by striking "any enterprise" each place such term appears in such subtitle and inserting "any regulated entity".

CHAPTER 5—GENERAL PROVISIONS

SEC. 361. BOARDS OF ENTERPRISES.

(a) FANNIE MAE.—

(1) IN GENERAL.—Section 308(b) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1723(b)) is amended—

(A) in the first sentence, by striking "eighteen persons, five of whom shall be appointed annually by the President of the United States, and the remainder of whom" and inserting "13 persons, or such other number that the Director determines appropriate, who";

(B) in the second sentence, by striking "appointed by the President";

(C) in the third sentence—

(i) by striking "appointed or"; and

(ii) by striking ", except that any such appointed member may be removed from office by the President for good cause";

(D) in the fourth sentence, by striking "elective"; and

(E) by striking the fifth sentence.

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal National Mortgage Association until the expiration of the annual term for such position during which the effective date under section 365 occurs.

(b) FREDDIE MAC.—

(1) IN GENERAL.—Section 303(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1452(a)(2)) is amended—

(A) in subparagraph (A)—

(i) in the first sentence, by striking "18 persons, 5 of whom shall be appointed annually by the President of the United States and the remainder of whom" and inserting "13 persons, or such other number as the Director determines appropriate, who"; and

(ii) in the second sentence, by striking "appointed by the President of the United States";

(B) in subparagraph (B)—

(i) by striking "such or"; and

(ii) by striking ", except that any appointed member may be removed from office by the President for good cause"; and

(C) in subparagraph (C)—

(i) by striking the first sentence; and

(ii) by striking "elective".

(2) TRANSITIONAL PROVISION.—The amendments made by paragraph (1) shall not apply to any appointed position of the board of directors of the Federal Home Loan Mortgage Corporation until the expiration of the annual term for such position during which the effective date under section 365 occurs.

SEC. 362. REPORT ON PORTFOLIO OPERATIONS, SAFETY AND SOUNDNESS, AND MISSION OF ENTERPRISES.

Not later than the expiration of the 12-month period beginning on the effective date under section 365, the Director of the Federal Housing Finance Agency shall submit a report to the Congress which shall include—

(1) a description of the portfolio holdings of the enterprises (as such term is defined in section 1303 of the Housing and Community Development Act of 1992 (12 U.S.C. 4502) in mortgages (including whole loans and mortgage-backed securities), non-mortgages, and other assets;

(2) a description of the risk implications for the enterprises of such holdings and the consequent risk management undertaken by the enterprises (including the use of derivatives for hedging purposes), compared with off-balance sheet liabilities of the enterprises (including mortgage-backed securities guaranteed by the enterprises);

(3) an analysis of portfolio holdings for safety and soundness purposes;

(4) an assessment of whether portfolio holdings fulfill the mission purposes of the enterprises under the Federal National Mortgage Association Charter Act and the Federal Home Loan Mortgage Corporation Act; and

(5) an analysis of the potential systemic risk implications for the enterprises, the housing and capital markets, and the financial system of portfolio holdings, and whether such holdings should be limited or reduced over time.

SEC. 363. CONFORMING AND TECHNICAL AMENDMENTS.

(a) 1992 ACT.—Title XIII of the Housing and Community Development Act of 1992 is amended by striking section 1383 (12 U.S.C. 1451 note).

(b) TITLE 18, UNITED STATES CODE.—Section 1905 of title 18, United States Code, is amended by striking "Office of Federal Housing Enterprise Oversight" and inserting "Federal Housing Finance Agency".

(c) FLOOD DISASTER PROTECTION ACT OF 1973.—Section 102(f)(3)(A) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(3)(A)) is amended by striking "Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "Director of the Federal Housing Finance Agency".

(d) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT.—Section 5 of the Department of Housing and Urban Development Act (42 U.S.C. 3534) is amended by striking subsection (d).

(e) TITLE 5, UNITED STATES CODE.—

(1) DIRECTOR'S PAY RATE.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development and inserting the following new item:

"Director of the Federal Housing Finance Agency.".

(2) EXCLUSION FROM SENIOR EXECUTIVE SERVICE.—Section 3132(a)(1)(D) of title 5, United States Code, is amended—

(A) by striking "the Federal Housing Finance Board,"; and

(B) by striking "the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development" and inserting "the Federal Housing Finance Agency".

(f) INSPECTOR GENERAL ACT OF 1978.—Section 8G(a)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) FEDERAL DEPOSIT INSURANCE ACT.—Section 11(t)(2)(A) of the Federal Deposit Insurance Act (12 U.S.C.1821(t)(2)(A)) is amended by adding at the end the following new clause:

"(vii) The Federal Housing Finance Agency.".

(h) 1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT.—Section 10001 of the 1997 Emergency Supplemental Appropriations Act for Recovery From Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those In Bosnia (42 U.S.C. 3548) is amended—

(1) by striking "the Government National Mortgage Association, and the Office of Federal Housing Enterprise Oversight" and inserting "and the Government National Mortgage Association"; and

(2) by striking ", the Government National Mortgage Association, or the Office of Federal Housing Enterprise Oversight" and inserting "or the Government National Mortgage Association".

(i) NATIONAL HOMEOWNERSHIP TRUST ACT.—Section 302(b)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12851(b)(4)) is amended by striking "the chairperson of the Federal Housing Finance Board" and inserting "the Director of the Federal Housing Finance Agency".

SEC. 364. STUDY OF ALTERNATIVE SECONDARY MARKET SYSTEMS.

(a) IN GENERAL.—The Director of the Federal Housing Finance Agency, in consultation with the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Secretary of Housing and Urban Development, shall conduct a comprehensive study of the effects on financial and housing finance markets of alternatives to the current secondary market system for housing finance, taking into consideration changes in the structure of financial and housing finance markets and institutions since the creation of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(b) CONTENTS.—The study under this section shall—

(1) include, among the alternatives to the current secondary market system analyzed—

(A) repeal of the chartering Acts for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation;

(B) establishing bank-like mechanisms for granting new charters for limited purposed mortgage securitization entities;

(C) permitting the Director of the Federal Housing Finance Agency to grant new charters for limited purpose mortgage securitization entities, which shall include analyzing the terms on which such charters should be granted, including whether such charters should be sold, or whether such charters and the charters for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation should be taxed or otherwise assessed a monetary price; and

(D) such other alternatives as the Director considers appropriate;

(2) examine all of the issues involved in making the transition to a completely private secondary mortgage market system;

(3) examine the technological advancements the private sector has made in providing liquidity in the secondary mortgage market and how such advancements have affected liquidity in the secondary mortgage market; and

(4) examine how taxpayers would be impacted by each alternative system, including the complete privatization of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

(c) REPORT.—The Director of the Federal Housing Finance Agency shall submit a report to the Congress on the study not later than the expiration of the 24-month period beginning on the effective date under section 365.

SEC. 365. EFFECTIVE DATE.

Except as specifically provided otherwise in this subtitle, this subtitle shall take effect on and the amendments made by this subtitle shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

Subtitle B—Federal Home Loan Banks

SEC. 371. DEFINITIONS.

Section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422) is amended—

(1) by striking paragraphs (1), (10), and (11);

(2) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively;

(3) by redesignating paragraphs (12) and (13) as paragraphs (9) and (10), respectively; and

(4) by adding at the end the following:

"(11) DIRECTOR.—The term 'Director' means the Director of the Federal Housing Finance Agency.

"(12) AGENCY.—The term 'Agency' means the Federal Housing Finance Agency.".

SEC. 372. DIRECTORS.

(a) ELECTION.—Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) NUMBER; ELECTION; QUALIFICATIONS; CONFLICTS OF INTEREST.—

"(1) IN GENERAL.—The management of each Federal Home Loan Bank shall be vested in a board of 13 directors, or such other number as the Director determines appropriate, each of whom shall be a citizen of the United States. All directors of a Bank who are not independent directors pursuant to paragraph (3) shall be elected by the members.

"(2) MEMBER DIRECTORS.—A majority of the directors of each Bank shall be officers or directors of a member of such Bank that is located in the district in which such Bank is located.

"(3) INDEPENDENT DIRECTORS.—At least two-fifths of the directors of each Bank shall be independent directors, who shall be appointed by the Director of the Federal Housing Finance Agency from a list of individuals recommended by the Federal Housing Enterprise Board. The Federal Housing Enterprise Board may recommend individuals who are identified by the Board's own independent process or included on a list of individuals recommended by the board of directors of the Bank involved, which shall be submitted to the Federal Housing Enterprise Board by such board of directors. The number of individuals on any such list submitted by a Bank's board of directors shall be equal to at least two times the number of independent directorships to be filled. All independent directors appointed shall meet the following criteria:

"(A) IN GENERAL.—Each independent director shall be a bona fide resident of the district in which such Bank is located.

"(B) PUBLIC INTEREST DIRECTORS.—At least 2 of the independent directors under this paragraph of each Bank shall be representatives chosen from organizations with more than a 2-year history of representing consumer or community interests on banking services, credit needs, housing, community development, economic development, or financial consumer protections.

"(C) OTHER DIRECTORS.—

"(i) QUALIFICATIONS.—Each independent director that is not a public interest director under subparagraph (B) shall have demonstrated knowledge of, or experience in, financial management, auditing and accounting, risk management practices, derivatives, project development, or organizational management, or such other knowledge or expertise as the Director may provide by regulation.

"(ii) CONSULTATION WITH BANKS.—In appointing other directors to serve on the board of a Federal home loan bank, the Director of the Federal Housing Finance Agency may consult with each Federal home loan bank about the knowledge, skills, and expertise needed to assist the board in better fulfilling its responsibilities.

"(D) CONFLICTS OF INTEREST.—Notwithstanding subsection (f)(2), an independent director under this paragraph of a Bank may not, during such director's term of office, serve as an officer of any Federal Home Loan Bank or as a director or officer of any member of a Bank.

"(E) COMMUNITY DEMOGRAPHICS.—In appointing independent directors of a Bank pursuant to this paragraph, the Director shall take into consideration the demographic makeup of the community most served by the Affordable Housing Program of the Bank pursuant to section 10(j).";

(2) in the first sentence of subsection (b), by striking "elective directorship" and inserting "member directorship established pursuant to subsection (a)(2)";

(3) in subsection (c)—

(A) by striking "elective" each place such term appears and inserting "member", except—

(i) in the second sentence, the second place such term appears; and

(ii) each place such term appears in the fifth sentence;

(B) in the first sentence, by inserting after "less than one" the following: "or two, as determined by the board of directors of the appropriate Federal home loan bank,"; and

(C) in the second sentence—

(i) by inserting "(A) except as provided in clause (B) of this sentence," before "if at any time"; and

(ii) by inserting before the period at the end the following: ", and (B) clause (A) of this sentence shall not apply to the directorships of any Federal home loan bank resulting from the merger of any two or more such banks"; and

(4) by striking "elective" each place such term appears (except in subsections (c), (e), and (f)).

(b) TERMS.—

(1) IN GENERAL.—Section 7(d) of the Federal Home Loan Bank Act (12 U.S.C. 1427(d)) is amended—

(A) in the first sentence, by striking "3 years" and inserting "4 years"; and

(B) in the second sentence—

(i) by striking "Federal Home Loan Bank System Modernization Act of 1999" and inserting "Federal Housing Finance Reform Act of 2008"; and

(ii) by striking "1/3" and inserting "1/4".

(2) SAVINGS PROVISION.—The amendments made by paragraph (1) shall not apply to the term of office of any director of a Federal home loan bank who is serving as of the effective date of this subtitle under section 381, including any director elected to fill a vacancy in any such office.

(c) CONTINUED SERVICE OF INDEPENDENT DIRECTORS AFTER EXPIRATION OF TERM.—Section 7(f)(2) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(2)) is amended—

(1) in the second sentence, by striking "or the term of such office expires, whichever occurs first";

(2) by adding at the end the following new sentence: "An independent Bank director may continue to serve as a director after the expiration of the term of such director until a successor is appointed.";

(3) in the paragraph heading, by striking "APPOINTED" and inserting "INDEPENDENT"; and

(4) by striking "appointive" each place such term appears and inserting "independent".

(d) CONFORMING AMENDMENTS.—Section 7(f)(3) of the Federal Home Loan Bank Act (12 U.S.C. 1427(f)(3)) is amended—

(1) in the paragraph heading, by striking "ELECTED" and inserting "MEMBER"; and

(2) by striking "elective" each place such term appears in the first and third sentences and inserting "member".

(e) COMPENSATION.—Subsection (i) of section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427(i)) is amended to read as follows:

"(i) DIRECTORS' COMPENSATION.—

"(1) IN GENERAL.—Each Federal home loan bank may pay the directors on the board of directors for the bank reasonable and appropriate compensation for the time required of such directors, and reasonable and appropriate expenses incurred by such directors, in connection with service on the board of directors, in accordance with resolutions adopted by the board of directors and subject to the approval of the Director.

"(2) ANNUAL REPORT BY THE BOARD.—The Director shall include, in the annual report submitted to the Congress pursuant to section 1319B of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, information regarding the compensation and expenses paid by the Federal home loan banks to the directors on the boards of directors of the banks.".

(f) TRANSITION RULE.—Any member of the board of directors of a Federal Home Loan Bank serving as of the effective date under section 381 may continue to serve as a member of such board of directors for the remainder of the term of such office as provided in section 7 of the Federal Home Loan Bank Act, as in effect before such effective date.

SEC. 373. FEDERAL HOUSING FINANCE AGENCY OVERSIGHT OF FEDERAL HOME LOAN BANKS.

The Federal Home Loan Bank Act (12 U.S.C. 1421 et seq.), other than in provisions of that Act added or amended otherwise by this title, is amended—

(1) by striking sections 2A and 2B (12 U.S.C. 1422a, 1422b);

(2) in section 6 (12 U.S.C. 1426(b)(1))—

(A) in subsection (b)(1), in the matter preceding subparagraph (A), by striking "Finance Board approval" and inserting "approval by the Director"; and

(B) in each of subsections (c)(4)(B) and (d)(2), by striking "Finance Board regulations" each place that term appears and inserting "regulations of the Director";

(3) in section 8 (12 U.S.C. 1428), in the section heading, by striking "BY THE BOARD";

(4) in section 10(b) (12 U.S.C. 1430(b)), by striking "by formal resolution";

(5) in section 10 (12 U.S.C. 1430), by adding at the end the following new subsection:

"(k) MONITORING AND ENFORCING COMPLIANCE WITH AFFORDABLE HOUSING AND COMMUNITY INVESTMENT PROGRAM REQUIREMENTS.—The requirements under subsection (i) and (j) that the Banks establish Community Investment and Affordable Housing Programs, respectively, and contribute to the Affordable Housing Program, shall be enforceable by the Director with respect to the Banks in the same manner and to the same extent as the housing goals under subpart B of part 2 of subtitle A of title XIII of the Housing and Community Development Act of 1992 (12 U.S.C. 4561 et seq.) are enforceable under section 1336 of such Act with respect to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.";

(6) in section 11 (12 U.S.C. 1431)—

(A) in subsection (b)—

(i) in the first sentence—

(I) by striking "The Board" and inserting "The Office of Finance, as agent for the Banks,"; and

(II) by striking "the Board" and inserting "such Office"; and

(ii) in the second and fourth sentences, by striking "the Board" each place such term appears and inserting "the Office of Finance";

(B) in subsection (c)—

(i) by striking "the Board" the first place such term appears and inserting "the Office of Finance, as agent for the Banks,"; and

(ii) by striking "the Board" the second place such term appears and inserting "such Office"; and

(C) in subsection (f)—

(i) by striking the two commas after "permit" and inserting "or"; and

(ii) by striking the comma after "require";

(7) in section 15 (12 U.S.C. 1435), by inserting "or the Director" after "the Board";

(8) in section 18 (12 U.S.C. 1438), by striking subsection (b);

(9) in section 21 (12 U.S.C. 1441)—

(A) in subsection (b)—

(i) in paragraph (5), by striking "Chairperson of the Federal Housing Finance Board" and inserting "Director"; and

(ii) in the heading for paragraph (8), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR"; and

(B) in subsection (i), in the heading for paragraph (2), by striking "FEDERAL HOUSING FINANCE BOARD" and inserting "DIRECTOR";

(10) in section 23 (12 U.S.C. 1443), by striking "Board of Directors of the Federal Housing Finance Board" and inserting "Director";

(11) by striking "the Board" each place such term appears in such Act (except in section 15 (12 U.S.C. 1435), section 21(f)(2) (12 U.S.C. 1441(f)(2)), subsections (a), (k)(2)(B)(i), and (n)(6)(C)(ii) of section 21A (12 U.S.C. 1441a), subsections (f)(2)(C), and (k)(7)(B)(ii) of section 21B (12 U.S.C. 1441b), and the first two places such term appears in section 22 (12 U.S.C. 1442)) and inserting "the Director";

(12) by striking "The Board" each place such term appears in such Act (except in sections 7(e) (12 U.S.C. 1427(e)), and 11(b) (12 U.S.C. 1431(b)) and inserting "The Director";

(13) by striking "the Board's" each place such term appears in such Act and inserting "the Director's";

(14) by striking "The Board's" each place such term appears in such Act and inserting "The Director's";

(15) by striking "the Finance Board" each place such term appears in such Act and inserting "the Director";

(16) by striking "Federal Housing Finance Board" each place such term appears and inserting "Director";

(17) in section 11(i) (12 U.S.C. 1431(i), by striking "the Chairperson of"; and

(18) in section 21(e)(9) (12 U.S.C. 1441(e)(9)), by striking "Chairperson of the".

SEC. 374. JOINT ACTIVITIES OF BANKS.

Section 11 of the Federal Home Loan Bank Act (12 U.S.C. 1431) is amended by adding at the end the following new subsection:

"(l) Joint Activities.—Subject to the regulation of the Director, any two or more Federal Home Loan Banks may establish a joint office for the purpose of performing functions for, or providing services to, the Banks on a common or collective basis, or may require that the Office of Finance perform such functions or services, but only if the Banks are otherwise authorized to perform such functions or services individually.".

SEC. 375. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

(a) In General.—The Federal Home Loan Bank Act is amended by inserting after section 20 (12 U.S.C. 1440) the following new section:

"SEC. 20A. SHARING OF INFORMATION BETWEEN FEDERAL HOME LOAN BANKS.

"(a) Regulatory Authority.—The Director shall prescribe such regulations as may be necessary to ensure that each Federal Home Loan Bank has access to information that the Bank needs to determine the nature and extent of its joint and several liability.

"(b) No Waiver of Privilege.—The Director shall not be deemed to have waived any privilege applicable to any information concerning a Federal Home Loan Bank by transferring, or permitting the transfer of, that information to any other Federal Home Loan Bank for the purpose of enabling the recipient to evaluate the nature and extent of its joint and several liability.".

(b) Regulations.—The regulations required under the amendment made by subsection (a) shall be issued in final form not later than 6 months after the effective date under section 381 of this title.

SEC. 376. REORGANIZATION OF BANKS AND VOLUNTARY MERGER.

Section 26 of the Federal Home Loan Bank Act (12 U.S.C. 1446) is amended—

(1) by inserting "(a) Reorganization.—" before "Whenever"; and

(2) by striking "liquidated or" each place such phrase appears;

(3) by striking "liquidation or"; and

(4) by adding at the end the following new subsection:

"(b) Voluntary Mergers.—Any two or more Banks may, with the approval of the Director, and the approval of the boards of directors of the Banks involved, merge. The Director shall promulgate regulations establishing the conditions and procedures for the consideration and approval of any such voluntary merger, including the procedures for Bank member approval.".

SEC. 377. SECURITIES AND EXCHANGE COMMISSION DISCLOSURE.

(a) In General.—The Federal Home Loan Banks shall be exempt from compliance with—

(1) sections 13(e), 14(a), 14(c), and 17A of the Securities Exchange Act of 1934 and related Commission regulations; and

(2) section 15 of that Act and related Securities and Exchange Commission regulations with respect to transactions in capital stock of the Banks.

(b) Member Exemption.—The members of the Federal Home Loan Banks shall be exempt from compliance with sections 13(d), 13(f), 13(g), 14(d), and 16 of the Securities Exchange Act of 1934 and related Securities and Exchange Commission regulations with respect to their ownership of, or transactions in, capital stock of the Federal Home Loan Banks.

(c) Exempted and Government Securities.—

(1) Capital stock.—The capital stock issued by each of the Federal Home Loan Banks under section 6 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933; and

(B) "exempted securities" within the meaning of section 3(a)(12)(A) of the Securities Exchange Act of 1934.

(2) Other obligations.—The debentures, bonds, and other obligations issued under section 11 of the Federal Home Loan Bank Act are—

(A) exempted securities within the meaning of section 3(a)(2) of the Securities Act of 1933;

(B) "government securities" within the meaning of section 3(a)(42) of the Securities Exchange Act of 1934;

(C) excluded from the definition of "government securities broker" within section 3(a)(43) of the Securities Exchange Act of 1934;

(D) excluded from the definition of "government securities dealer" within section 3(a)(44) of the Securities Exchange Act of 1934; and

(E) "government securities" within the meaning of section 2(a)(16) of the Investment Company Act of 1940.

(d) Exemption From Reporting Requirements.—The Federal Home Loan Banks shall be exempt from periodic reporting requirements pertaining to—

(1) the disclosure of related party transactions that occur in the ordinary course of business of the Banks with their members; and

(2) the disclosure of unregistered sales of equity securities.

(e) Tender Offers.—The Securities and Exchange Commission's rules relating to tender offers shall not apply in connection with transactions in capital stock of the Federal Home Loan Banks.

(f) Regulations.—In issuing any final regulations to implement provisions of this section, the Securities and Exchange Commission shall consider the distinctive characteristics of the Federal Home Loan Banks when evaluating the accounting treatment with respect to the payment to Resolution Funding Corporation, the role of the combined financial statements of the twelve Banks, the accounting classification of redeemable capital stock, and the accounting treatment related to the joint and several nature of the obligations of the Banks.

SEC. 378. COMMUNITY FINANCIAL INSTITUTION MEMBERS.

(a) Total Asset Requirement.—Paragraph (10) of section 2 of the Federal Home Loan Bank Act (12 U.S.C. 1422(10)), as so redesignated by section 371(3) of this title, is amended by striking "$500,000,000" each place such term appears and inserting "$1,000,000,000".

(b) Use of Advances for Community Development Activities.—Section 10(a) of the Federal Home Loan Bank Act (12 U.S.C. 1430(a)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "and"; and

(B) by inserting ", and community development activities" before the period at the end;

(2) in paragraph (3)(E), by inserting "or community development activities" after "agriculture,"; and

(3) in paragraph (6)—

(A) by striking "and"; and

(B) by inserting ", and 'community development activities'" before "shall".

SEC. 379. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Right to Financial Privacy Act of 1978.—Section 1113(o) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(o)) is amended—

(1) by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency"; and

(2) by striking "Federal Housing Finance Board's" and inserting "Federal Housing Finance Agency's".

(b) Riegle Community Development and Regulatory Improvement Act of 1994.—Section 117(e) of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4716(e)) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(c) Title 18, United States Code.—Title 18, United States Code, is amended by striking "Federal Housing Finance Board" each place such term appears in each of sections 212, 657, 1006, 1014, and inserting "Federal Housing Finance Agency".

(d) MAHRA Act of 1997.—Section 517(b)(4) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(e) Title 44, United States Code.—Section 3502(5) of title 44, United States Code, is amended by striking "Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(f) Access to Local TV Act of 2000.—Section 1004(d)(2)(D)(iii) of the Launching Our Communities' Access to Local Television Act of 2000 (47 U.S.C. 1103(d)(2)(D)(iii)) is amended by striking "Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board" and inserting "Federal Housing Finance Agency".

(g) Sarbanes-Oxley Act of 2002.—Section 105(b)(5)(B)(ii)(II) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7215(B)(5)(b)(ii)(II)) is amended by inserting "and the Director of the Federal Housing Finance Agency" after "Commission,".

SEC. 380. STUDY OF AFFORDABLE HOUSING PROGRAM USE FOR LONG-TERM CARE FACILITIES.

The Comptroller General shall conduct a study of the use of affordable housing programs of the Federal home loan banks under section 10(j) of the Federal Home Loan Bank Act to determine how and the extent to which such programs are used to assist long-term care facilities for low- and moderate-income individuals, and the effectiveness and adequacy of such assistance in meeting the needs of affected communities. The study shall examine the applicability of such use to the affordable housing fund required to be established by the Director of the Federal Housing Finance Agency pursuant to the amendment made by section 340 of this title. The Comptroller General shall submit a report to the Director of the Federal Housing Finance Agency and the Congress regarding the results of the study not later than the expiration of the 1-year period beginning on the date of the enactment of this Act. This section shall take effect on the date of the enactment of this Act.

SEC. 381. EFFECTIVE DATE.

Except as specifically provided otherwise in this subtitle, this subtitle shall take effect on and the amendments made by this subtitle shall take effect on, and shall apply beginning on, the expiration of the 6-month period beginning on the date of the enactment of this Act.

Subtitle C—Transfer of Functions, Personnel, and Property of Office of Federal Housing Enterprise Oversight, Federal Housing Finance Board, and Department of Housing and Urban Development

CHAPTER 1—OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SEC. 385. ABOLISHMENT OF OFHEO.

(a) In General.—Effective at the end of the 6-month period beginning on the date of the enactment of this Act, the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and the positions of the Director and Deputy Director of such Office are abolished.

(b) Disposition of Affairs.—During the 6-month period beginning on the date of the enactment of this Act, the Director of the Office of Federal Housing Enterprise Oversight shall, for the purpose of winding up the affairs of the Office of Federal Housing Enterprise Oversight and in addition to carrying out its other responsibilities under law—

(1) manage the employees of such Office and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of such employee pursuant to section 387; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Office.

(c) Status of Employees Before Transfer.—The amendments made by subtitle A and the abolishment of the Office of Federal Housing Enterprise Oversight under subsection (a) of this section may not be construed to affect the status of any employee of such Office as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee pursuant to section 387.

(d) Use of Property and Services.—

(1) Property.—The Director of the Federal Housing Finance Agency may use the property of the Office of Federal Housing Enterprise Oversight to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred pursuant to any other provision of this title or any amendment made by this title to any other provision of law.

(2) Agency services.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Office of Federal Housing Enterprise Oversight before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) Savings Provisions.—

(1) Existing rights, duties, and obligations not affected.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Director of the Office of Federal Housing Enterprise Oversight, or any other person, which—

(A) arises under or pursuant to the title XIII of the Housing and Community Development Act of 1992, the Federal National Mortgage Association Charter Act, the Federal Home Loan Mortgage Corporation Act, or any other provision of law applicable with respect to such Office; and

(B) existed on the day before the abolishment under subsection (a) of this section.

(2) Continuation of suits.—No action or other proceeding commenced by or against the Director of the Office of Federal Housing Enterprise Oversight in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Director of the Office of Federal Housing Enterprise Oversight as a party to any such action or proceeding.

SEC. 386. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

All regulations, orders, determinations, and resolutions that—

(1) were issued, made, prescribed, or allowed to become effective by—

(A) the Office of Federal Housing Enterprise Oversight; or

(B) a court of competent jurisdiction and that relate to functions transferred by this chapter; and

(2) are in effect on the date of the abolishment under section 385(a) of this title, shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, as the case may be, any court of competent jurisdiction, or operation of law.

SEC. 387. TRANSFER AND RIGHTS OF EMPLOYEES OF OFHEO.

(a) Transfer.—Each employee of the Office of Federal Housing Enterprise Oversight shall be transferred to the Federal Housing Finance Agency for employment no later than the date of the abolishment under section 385(a) of this title and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) Guaranteed Positions.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) Appointment Authority for Excepted Service Employees.—

(1) In general.—In the case of employees occupying positions in the excepted service, any appointment authority established pursuant to law or regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) Decline of transfer.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policy-making, policy-determining, or policy-advocating character.

(d) Reorganization.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the date of the abolishment under section 385(a), that a reorganization of the combined work force is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) Employee Benefit Programs.—Any employee of the Office of Federal Housing Enterprise Oversight accepting employment with the Director of the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Office of Federal Housing Enterprise Oversight, as applicable, including insurance, to which such employee belongs on the date of the abolishment under section 385(a) if—

(1) the employee does not elect to give up the benefit or membership in the program; and

(2) the benefit or program is continued by the Director of the Federal Housing Finance Agency,

The difference in the costs between the benefits which would have been provided by such agency and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days of such election or notice, without regard to any other regularly scheduled open season.

SEC. 388. TRANSFER OF PROPERTY AND FACILITIES.

Upon the abolishment under section 385(a), all property of the Office of Federal Housing Enterprise Oversight shall transfer to the Director of the Federal Housing Finance Agency.

CHAPTER 2—FEDERAL HOUSING FINANCE BOARD

SEC. 391. ABOLISHMENT OF THE FEDERAL HOUSING FINANCE BOARD.

(a) In General.—Effective at the end of the 6-month period beginning on the date of enactment of this Act, the Federal Housing Finance Board (in this subtitle referred to as the "Board") is abolished.

(b) Disposition of Affairs.—During the 6-month period beginning on the date of enactment of this Act, the Board, for the purpose of winding up the affairs of the Board and in addition to carrying out its other responsibilities under law—

(1) shall manage the employees of such Board and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date

of the transfer of such employee under section 393; and

(2) may take any other action necessary for the purpose of winding up the affairs of the Board.

(c) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitles A and B and the abolishment of the Board under subsection (a) may not be construed to affect the status of any employee of such Board as employees of an agency of the United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 393.

(d) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Board to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Board before the expiration of the period under subsection (a) in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(e) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, a member of the Board, or any other person, which—

(A) arises under the Federal Home Loan Bank Act or any other provision of law applicable with respect to such Board; and

(B) existed on the day before the effective date of the abolishment under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Board in connection with functions that are transferred to the Director of the Federal Housing Finance Agency shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Board or any member thereof as a party to any such action or proceeding.

SEC. 392. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, determinations, and resolutions described under subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, determination, or resolution is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Board; or

(B) a court of competent jurisdiction and relates to functions transferred by this chapter; and

(2) is in effect on the effective date of the abolishment under section 391(a).

SEC. 393. TRANSFER AND RIGHTS OF EMPLOYEES OF THE FEDERAL HOUSING FINANCE BOARD.

(a) TRANSFER.—Each employee of the Board shall be transferred to the Federal Housing Finance Agency for employment not later than the effective date of the abolishment under section 391(a), and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(b) GUARANTEED POSITIONS.—Each employee transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the effective date of the abolishment under section 391(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any employee of the Board accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Board, as applicable, including insurance, to which such employee belongs on the effective date of the abolishment under section 391(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Board and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 394. TRANSFER OF PROPERTY AND FACILITIES.

Upon the effective date of the abolishment under section 391(a), all property of the Board shall transfer to the Director of the Federal Housing Finance Agency.

CHAPTER 3—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 395. TERMINATION OF ENTERPRISE-RELATED FUNCTIONS.

(a) TERMINATION DATE.—For purposes of this chapter, the term "termination date" means the date that occurs 6 months after the date of the enactment of this Act.

(b) DETERMINATION OF TRANSFERRED FUNCTIONS AND EMPLOYEES.—

(1) IN GENERAL.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary, in consultation with the Director of the Office of Federal Housing Enterprise Oversight, shall determine—

(A) the functions, duties, and activities of the Secretary of Housing and Urban Development regarding oversight or regulation of the enterprises under or pursuant to the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, and any other provisions of law, as in effect before the date of the enactment of this Act, but not including any such functions, duties, and activities of the Director of the Office of Federal Housing Enterprise Oversight of the Department of Housing and Urban Development and such Office; and

(B) the employees of the Department of Housing and Urban Development necessary to perform such functions, duties, and activities.

(2) ENTERPRISE-RELATED FUNCTIONS.—For purposes of this chapter, the term "enterprise-related functions of the Department" means the functions, duties, and activities of the Department of Housing and Urban Development determined under paragraph (1)(A).

(3) ENTERPRISE-RELATED EMPLOYEES.—For purposes of this chapter, the term "enterprise-related employees of the Department" means the employees of the Department of Housing and Urban Development determined under paragraph (1)(B).

(c) DISPOSITION OF AFFAIRS.—During the 6-month period beginning on the date of enactment of this Act, the Secretary of Housing and Urban Development (in this subtitle referred to as the "Secretary"), for the purpose of winding up the affairs of the Secretary regarding the enterprise-related functions of the Department of Housing and Urban Development (in this subtitle referred to as the "Department") and in addition to carrying out the Secretary's other responsibilities under law regarding such functions—

(1) shall manage the enterprise-related employees of the Department and provide for the payment of the compensation and benefits of any such employee which accrue before the effective date of the transfer of any such employee under section 397; and

(2) may take any other action necessary for the purpose of winding up the enterprise-related functions of the Department.

(d) STATUS OF EMPLOYEES BEFORE TRANSFER.—The amendments made by subtitles A and B and the termination of the enterprise-related functions of the Department under subsection (b) may not be construed to affect the status of any employee of the Department as employees of an agency of the

United States for purposes of any other provision of law before the effective date of the transfer of any such employee under section 397.

(e) USE OF PROPERTY AND SERVICES.—

(1) PROPERTY.—The Director of the Federal Housing Finance Agency may use the property of the Secretary to perform functions which have been transferred to the Director of the Federal Housing Finance Agency for such time as is reasonable to facilitate the orderly transfer of functions transferred under any other provision of this title or any amendment made by this title to any other provision of law.

(2) AGENCY SERVICES.—Any agency, department, or other instrumentality of the United States, and any successor to any such agency, department, or instrumentality, which was providing supporting services to the Secretary regarding enterprise-related functions of the Department before the termination date under subsection (a) in connection with such functions that are transferred to the Director of the Federal Housing Finance Agency shall—

(A) continue to provide such services, on a reimbursable basis, until the transfer of such functions is complete; and

(B) consult with any such agency to coordinate and facilitate a prompt and reasonable transition.

(f) SAVINGS PROVISIONS.—

(1) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not affect the validity of any right, duty, or obligation of the United States, the Secretary, or any other person, which—

(A) arises under the authorizing statutes, title XIII of the Housing and Community Development Act of 1992, or any other provision of law applicable with respect to the Secretary, in connection with the enterprise-related functions of the Department; and

(B) existed on the day before the termination date under subsection (a).

(2) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Secretary in connection with the enterprise-related functions of the Department shall abate by reason of the enactment of this title, except that the Director of the Federal Housing Finance Agency shall be substituted for the Secretary or any member thereof as a party to any such action or proceeding.

SEC. 396. CONTINUATION AND COORDINATION OF CERTAIN REGULATIONS.

(a) IN GENERAL.—All regulations, orders, and determinations described in subsection (b) shall remain in effect according to the terms of such regulations, orders, determinations, and resolutions, and shall be enforceable by or against the Director of the Federal Housing Finance Agency until modified, terminated, set aside, or superseded in accordance with applicable law by such Director, any court of competent jurisdiction, or operation of law.

(b) APPLICABILITY.—A regulation, order, or determination is described under this subsection if it—

(1) was issued, made, prescribed, or allowed to become effective by—

(A) the Secretary; or

(B) a court of competent jurisdiction and that relate to the enterprise-related functions of the Department; and

(2) is in effect on the termination date under section 395(a).

SEC. 397. TRANSFER AND RIGHTS OF EMPLOYEES OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) TRANSFER.—

(1) IN GENERAL.—Except as provided in paragraph (2), each enterprise-related employee of the Department shall be transferred to the Federal Housing Finance Agency for employment not later than the termination date under section 395(a) and such transfer shall be deemed a transfer of function for purposes of section 3503 of title 5, United States Code.

(2) AUTHORITY TO DECLINE.—An enterprise-related employee of the Department may, in the discretion of the employee, decline transfer under paragraph (1) to a position in the Federal Housing Finance Agency and shall be guaranteed a position in the Department with the same status, tenure, grade, and pay as that held on the day immediately preceding the date that such declination was made. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date that the transfer would otherwise have occurred, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(b) GUARANTEED POSITIONS.—Each enterprise-related employee of the Department transferred under subsection (a) shall be guaranteed a position with the same status, tenure, grade, and pay as that held on the day immediately preceding the transfer. Each such employee holding a permanent position shall not be involuntarily separated or reduced in grade or compensation for 12 months after the date of transfer, except for cause or, if the employee is a temporary employee, separated in accordance with the terms of the appointment.

(c) APPOINTMENT AUTHORITY FOR EXCEPTED AND SENIOR EXECUTIVE SERVICE EMPLOYEES.—

(1) IN GENERAL.—In the case of employees occupying positions in the excepted service or the Senior Executive Service, any appointment authority established under law or by regulations of the Office of Personnel Management for filling such positions shall be transferred, subject to paragraph (2).

(2) DECLINE OF TRANSFER.—The Director of the Federal Housing Finance Agency may decline a transfer of authority under paragraph (1) (and the employees appointed pursuant thereto) to the extent that such authority relates to positions excepted from the competitive service because of their confidential, policymaking, policy-determining, or policy-advocating character, and noncareer positions in the Senior Executive Service (within the meaning of section 3132(a)(7) of title 5, United States Code).

(d) REORGANIZATION.—If the Director of the Federal Housing Finance Agency determines, after the end of the 1-year period beginning on the termination date under section 395(a), that a reorganization of the combined workforce is required, that reorganization shall be deemed a major reorganization for purposes of affording affected employees retirement under section 8336(d)(2) or 8414(b)(1)(B) of title 5, United States Code.

(e) EMPLOYEE BENEFIT PROGRAMS.—

(1) IN GENERAL.—Any enterprise-related employee of the Department accepting employment with the Federal Housing Finance Agency as a result of a transfer under subsection (a) may retain for 12 months after the date on which such transfer occurs membership in any employee benefit program of the Federal Housing Finance Agency or the Department, as applicable, including insurance, to which such employee belongs on the termination date under section 395(a) if—

(A) the employee does not elect to give up the benefit or membership in the program; and

(B) the benefit or program is continued by the Director of the Federal Housing Finance Agency.

(2) COST DIFFERENTIAL.—The difference in the costs between the benefits which would have been provided by the Department and those provided by this section shall be paid by the Director of the Federal Housing Finance Agency. If any employee elects to give up membership in a health insurance program or the health insurance program is not continued by such Director, the employee shall be permitted to select an alternate Federal health insurance program within 30 days after such election or notice, without regard to any other regularly scheduled open season.

SEC. 398. TRANSFER OF APPROPRIATIONS, PROPERTY, AND FACILITIES.

Upon the termination date under section 395(a), all assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to, or to be made available to the Department in connection with enterprise-related functions of the Department shall transfer to the Director of the Federal Housing Finance Agency. Unexpended funds transferred by this section shall be used only for the purposes for which the funds were originally authorized and appropriated.

TITLE IV—EMERGENCY MORTGAGE LOAN MODIFICATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Emergency Mortgage Loan Modification Act of 2008".

SEC. 402. SAFE HARBOR FOR QUALIFIED LOAN MODIFICATIONS OR WORKOUT PLANS FOR CERTAIN RESIDENTIAL MORTGAGE LOANS.

(a) STANDARD FOR LOAN MODIFICATIONS OR WORKOUT PLANS.—Absent contractual provisions to the contrary—

(1) the duty to maximize, or to not adversely affect, the recovery of total proceeds from pooled residential mortgage loans is owed by a servicer of such pooled loans to the securitization vehicle for the benefit of all investors and holders of beneficial interests in the pooled loans, in the aggregate, and not to any individual party or group of parties; and

(2) a servicer of pooled residential mortgage loans shall be deemed to be acting on behalf of the securitization vehicle in the best interest of all investors and holders of beneficial interests in the pooled loans, in the aggregate, if for a loan that is in payment default under the loan agreement or for which payment default is imminent or reasonably foreseeable, the loan servicer makes or causes to be made reasonable and documented efforts to implement a modification or workout plan or, if such efforts are unsuccessful or such plan would be infeasible, engages or causes to engage in other loss mitigation, including accepting a short payment or partial discharge of principal, or agreeing to a short sale of the property, to the extent that the servicer reasonably believes the modification or workout plan or other mitigation actions will maximize the net present value to be realized on the loan over that which would be realized through foreclosure.

(b) SAFE HARBOR.—Absent contractual provisions to the contrary, a servicer of a residential mortgage loan that acts or causes to act in a manner consistent with the duty set forth in subsection (a), shall not be liable for entering into a qualified loan modification or workout plan, to—

(1) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest and other payments in loans on the pool;

(2) any person who is obligated to make payments pursuant to a derivatives instrument determined in reference to any interest referred to in paragraph (1); or

(3) any person that insures any loan or any interest referred to in paragraph (1) under any law or regulation of the United States or any law or regulation of any State or political subdivision of any State.

(c) RULE OF CONSTRUCTION.—No provision of this section shall be construed as limiting the ability of a servicer to enter into loan modifications or workout plans other than qualified loan modification or workout plans.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) QUALIFIED LOAN MODIFICATION OR WORKOUT PLAN.—The term "qualified loan modification or workout plan" means a modification or plan that—

(A) is scheduled to remain in place until the borrower sells or refinances the property, or for at least 5 years from the date of adoption of the plan, whichever is sooner;

(B) does not provide for a repayment schedule that results in an increase in the outstanding principal balance of the loan, including by deferred or unpaid interest, fees, or other charges; and

(C) does not require the borrower to pay additional points and fees.

(2) RESIDENTIAL MORTGAGE LOAN DEFINED.—The term "residential mortgage loan" means a loan that is secured by a lien on an owner-occupied residential dwelling.

(3) SECURITIZATION VEHICLE.—The term "securitization vehicle" means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(B) holds such loans.

(e) EFFECTIVE PERIOD.—This section shall apply only with respect to qualified loan modification or workout plans initiated prior to January 1, 2011.

TITLE V—OTHER HOUSING PROVISIONS

SEC. 501. DEPOSITORY INSTITUTION COMMUNITY DEVELOPMENT INVESTMENTS ENHANCEMENT .

(a) TECHNICAL CORRECTIONS.—

(1) NATIONAL BANKS.—The first sentence of the paragraph designated as the "Eleventh" of section 5136 of the Revised Statutes of the United States (12 U.S.C. 24) (as amended by section 305(a) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(2) STATE MEMBER BANKS.—The first sentence of the 23rd undesignated paragraph of section 9 of the Federal Reserve Act (12 U.S.C. 338a) (as amended by section 305(b) of the Financial Services Regulatory Relief Act of 2006) is amended by striking "promotes the public welfare by benefitting primarily" and inserting "is designed primarily to promote the public welfare, including the welfare of".

(b) INVESTMENTS BY FEDERAL SAVINGS ASSOCIATIONS AUTHORIZED TO PROMOTE THE PUBLIC WELFARE.—

(1) IN GENERAL.—Section 5(c)(3) of the Home Owners' Loan Act (12 U.S.C. 1464(c)) is amended by adding at the end the following new subparagraph:

"(D) DIRECT INVESTMENTS TO PROMOTE THE PUBLIC WELFARE.—

"(i) IN GENERAL.—A Federal savings association may make investments, directly or indirectly, each of which is designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families through the provision of housing, services, and jobs.

"(ii) DIRECT INVESTMENTS OR ACQUISITION OF INTEREST IN OTHER COMPANIES.—Investments under clause (i) may be made directly or by purchasing interests in an entity primarily engaged in making such investments.

"(iii) PROHIBITION ON UNLIMITED LIABILITY.—No investment may be made under this subparagraph which would subject a Federal savings association to unlimited liability to any person.

"(iv) SINGLE INVESTMENT LIMITATION TO BE ESTABLISHED BY DIRECTOR.—Subject to clauses (v) and (vi), the Director shall establish, by order or regulation, limits on—

"(I) the amount any savings association may invest in any 1 project; and

"(II) the aggregate amount of investment of any savings association under this subparagraph.

"(v) FLEXIBLE AGGREGATE INVESTMENT LIMITATION.—The aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 5 percent of the savings association's capital stock actually paid in and unimpaired and 5 percent of the savings association's unimpaired surplus, unless—

"(I) the Director determines that the savings association is adequately capitalized; and

"(II) the Director determines, by order, that the aggregate amount of investments in a higher amount than the limit under this clause will pose no significant risk to the affected deposit insurance fund.

"(vi) MAXIMUM AGGREGATE INVESTMENT LIMITATION.—Notwithstanding clause (v), the aggregate amount of investments of any savings association under this subparagraph may not exceed an amount equal to the sum of 15 percent of the savings association's capital stock actually paid in and unimpaired and 15 percent of the savings association's unimpaired surplus.

"(vii) INVESTMENTS NOT SUBJECT TO OTHER LIMITATION ON QUALITY OF INVESTMENTS.—No obligation a Federal savings association acquires or retains under this subparagraph shall be taken into account for purposes of the limitation contained in section 28(d) of the Federal Deposit Insurance Act on the acquisition and retention of any corporate debt security not of investment grade.

"(viii) APPLICABILITY OF STANDARDS TO EACH INVESTMENT.—The standards and limitations of this subparagraph shall apply to each investment under this subparagraph made by a savings association directly and by its subsidiaries.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5(c)(3)(A) of the Home Owners' Loan Act (12 U.S.C. 1464(c)(3)(A)) is amended to read as follows:

"(A) [Repealed]".

SEC. 502. PRESERVATION OF CERTAIN AFFORDABLE HOUSING DWELLING UNITS.

(a) CONVERSION OF HUD CONTRACTS.—Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may, at the request of the owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject, convert such contracts to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) INITIAL RENEWAL.—

(1) ELIGIBILITY.—At the request of the owner made no later than 90 days prior to a conversion, the Secretary may, to the extent sufficient amounts are made available in appropriation Acts and notwithstanding any other law, treat the contemplated resulting contract as if such contract were eligible for initial renewal under section 524(a) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note).

(2) REQUEST.—A request by the owner pursuant to paragraph (1) shall be upon such terms and conditions as the Secretary may require.

(c) RESULTING CONTRACT.—The resulting contract shall—

(1) be subject to section 524(a) of MAHRA (42 U.S.C. 1437f note);

(2) be considered for all purposes a contract that has been renewed under section 524(a) of MAHRA (42 U.S.C. 1437f note) for a term not to exceed 20 years;

(3) be subsequently renewable at the request of the owner, under any renewal option for which the project is eligible under MAHRA (42 U.S.C. 1437f note);

(4) contain provisions limiting distributions, as the Secretary determines appropriate, not to exceed 10 percent of the initial investment of the owner;

(5) be subject to the availability of sufficient amounts in appropriation Acts; and

(6) be subject to such other terms and conditions as the Secretary considers appropriate.

(d) INCOME TARGETING.—The owner shall be deemed to be in compliance with all income-targeting requirements under the United States Housing Act of 1937 by serving low-income families, as such term is defined in the section 3(b)(2) of such Act (42 U.S.C. 1437a(b)(2)).

(e) TENANT ELIGIBILITY.—Notwithstanding any other provision of law, each family residing in an assisted dwelling unit on the date of the conversion under this section, subject to the resulting contract under subsection (a), shall be considered to meet the applicable requirements for income eligibility and occupancy.

(f) DEFINITIONS.—As used in this section—

(1) the term "assisted dwelling unit" means the dwelling units that, on the date of the conversion under this section, were subject to Section 8 Project Number NY 913 VO 0018 or RAP Contract Number 012035NIRAP;

(2) the term "conversion" means the action under which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP become a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a);

(3) the term "MAHRA" means the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note);

(4) the term "owner" means Starrett City Associates or any successor owner of the multifamily housing project to which Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP are subject;

(5) the term "resulting contract" means the new contract after a conversion of Section 8 Project Number NY 913 VO 0018 and RAP Contract Number 012035NIRAP to a contract for project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) pursuant to subsection (a); and

(6) the term "Secretary" means the Secretary of Housing and Urban Development.

SEC. 503. ELIGIBILITY OF CERTAIN PROJECTS FOR ENHANCED VOUCHER ASSISTANCE.

Notwithstanding any other provision of law—

(1) the property known as The Heritage Apartments (FHA No. 023-44804), in Malden, Massachusetts, shall be considered eligible low-income housing for purposes of the eligibility of residents of the property for enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)), pursuant to paragraph (2)(A) of section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)(2)(A));

(2) such residents shall receive enhanced rental housing vouchers upon the prepayment of the mortgage loan for the property under section 236 of the National Housing Act (12 U.S.C. 1715z–1); and

(3) the Secretary shall approve such prepayment and subsequent transfer of the property without any further condition, except that the property shall be restricted for occupancy, until the original maturity date of the prepaid mortgage loan, only by families with incomes not exceeding 80 percent of the adjusted median income for the area in which the property is located, as published by the Secretary.

Amounts for the enhanced vouchers pursuant to this section shall be provided under amounts appropriated for tenant-based rental assistance otherwise authorized under section 8(t) of the United States Housing Act of 1937.

SEC. 504. TRANSFER OF CERTAIN RENTAL ASSISTANCE CONTRACTS.

(a) TRANSFER.—Subject to subsection (c) and notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall, at the request of the owner, transfer or authorize the transfer, of the contracts, restrictions, and debt described in subsection (b)—

(1) on the housing that is owned or managed by Community Properties of Ohio Management Services LLC or an affiliate of Ohio Capital Corporation for Housing and located in Franklin County, Ohio, to other properties located in Franklin County, Ohio; and

(2) on the housing that is owned or managed by The Model Group, Inc., and located in Hamilton County, Ohio, to other properties located in Hamilton County, Ohio.

(b) CONTRACTS, RESTRICTIONS, AND DEBT COVERED.—The contracts, restrictions, and debt described in this subsection are as follows:

(1) All or a portion of a project-based rental assistance housing assistance payments contract under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(2) Existing Federal use restrictions, including without limitation use agreements, regulatory agreements, and accommodation agreements.

(3) Any subordinate debt held by the Secretary or assigned and any mortgages securing such debt, all related loan and security documentation and obligations, and reserve and escrow balances.

(c) RETENTION OF SAME NUMBER OF UNITS AND AMOUNT OF ASSISTANCE.—Any transfer pursuant to subsection (a) shall result in—

(1) a total number of dwelling units (including units retained by the owners and units transferred) covered by assistance described in subsection (b)(1) after the transfer remaining the same as such number assisted before the transfer, with such increases or decreases in unit sizes as may be contained in a plan approved by a local planning or development commission or department; and

(2) no reduction in the total amount of the housing assistance payments under contracts described in subsection (b)(1).

SEC. 505. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525 of title 11, the United States Code, is amended by adding at the end the following:

"(d) A governmental unit that operates a mortgage loan program, including a loan guarantee or subsidy program, may not deny the benefits of such program to a disabled veteran (as defined in section 3741(1) of title 38) because he or she is or has been a debtor under this title, has been insolvent before the commencement of a case under this title or during the pendency of the case but before being granted or denied a discharge, or has not paid a debt that is dischargeable in the case under this title.".

In the matter proposed to be inserted by the amendment of the Senate to the text of the bill, strike titles VII, IX, and XI.

The text of House amendment No. 2 to the Senate amendment is as follows:

In the matter proposed to be inserted by the Senate amendment to H.R. 3221, strike titles VI (relating to tax-related provisions), VIII (relating to REIT investment diversification and empowerment), and X (relating to clean energy tax stimulus) and add at the end the following new title (and conform the table of contents accordingly):

TITLE VII—REVENUE AND OTHER PROVISIONS

SEC. 700. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Housing Tax Incentives

PART 1—MULTI-FAMILY HOUSING

Subpart A—Low-Income Housing Tax Credit

SEC. 701. TEMPORARY INCREASE IN VOLUME CAP FOR LOW-INCOME HOUSING TAX CREDIT.

Paragraph (3) of section 42(h) is amended by adding at the end the following new subparagraph:

"(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2008 AND 2009.—In the case of calendar years 2008 and 2009, the dollar amount in effect under subparagraph (C)(ii)(I) for such calendar year (after any increase under subparagraph (H)) shall be increased by $0.20.".

SEC. 702. DETERMINATION OF CREDIT RATE.

(a) ELIMINATION OF DISTINCTION BETWEEN NEW AND EXISTING BUILDINGS; MINIMUM CREDIT RATE FOR NON-FEDERALLY SUBSIDIZED BUILDINGS.—

(1) IN GENERAL.—Subsection (b) section 42 is amended to read as follows:

"(b) APPLICABLE PERCENTAGE.—For purposes of this section—

"(1) IN GENERAL.—The term 'applicable percentage' means, with respect to any building, the appropriate percentage prescribed by the Secretary for the earlier of—

"(A) the month in which such building is placed in service, or

"(B) at the election of the taxpayer—

"(i) the month in which the taxpayer and the housing credit agency enter into an agreement with respect to such building (which is binding on such agency, the taxpayer, and all successors in interest) as to the housing credit dollar amount to be allocated to such building, or

"(ii) in the case of any building to which subsection (h)(4)(B) applies, the month in which the tax-exempt obligations are issued.

A month may be elected under clause (ii) only if the election is made not later than the 5th day after the close of such month. Such an election, once made, shall be irrevocable.

"(2) METHOD OF PRESCRIBING PERCENTAGES.—

"(A) IN GENERAL.—For purposes of paragraph (1), the percentages prescribed by the Secretary for any month shall be—

"(i) in the case of any building which is not federally subsidized for the taxable year, the greater of—

"(I) the average percentage determined under subclause (II) for months in the preceding calendar year, or

"(II) the percentage which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to 70 percent of the qualified basis of such building, and

"(ii) in the case of any other building, the percentage which will yield over a 10-year period amounts of credit under subsection (a) which have a present value equal to 30 percent of the qualified basis of such building.

"(B) METHOD OF DISCOUNTING.—The present value under subparagraph (A) shall be determined—

"(i) as of the last day of the 1st year of the 10-year period referred to in subparagraph (A),

"(ii) by using a discount rate equal to 72 percent of the average of the annual Federal mid-term rate and the annual Federal long-term rate applicable under section 1274(d)(1) to the month applicable under subparagraph (A) and compounded annually, and

"(iii) by assuming that the credit allowable under this section for any year is received on the last day of such year.

"(3) CROSS REFERENCES.—

"(A) For treatment of certain rehabilitation expenditures as separate buildings, see subsection (e).

"(B) For determination of applicable percentage for increases in qualified basis after the 1st year of the credit period, see subsection (f)(3).

"(C) For authority of housing credit agency to limit applicable percentage and qualified basis which may be taken into account under this section with respect to any building, see subsection (h)(7).".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(e)(3) is amended by striking "subsection (b)(2)(B)(ii)" and inserting "subsection (b)(2)(A)(ii)".

(B) Subparagraph (A) of section 42(i)(2) is amended by striking "new building" and inserting "building".

(b) MODIFICATIONS TO DEFINITION OF FEDERALLY SUBSIDIZED BUILDING.—

(1) IN GENERAL.—Subparagraph (A) of section 42(i)(2) is amended by striking ", or any below market Federal loan,".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (B) of section 42(i)(2) is amended—

(i) by striking "BALANCE OF LOAN OR" in the heading thereof,

(ii) by striking "loan or" in the matter preceding clause (i), and

(iii) by striking "subsection (d)—" and all that follows and inserting "subsection (d) the proceeds of such obligation.".

(B) Subparagraph (C) of section 42(i)(2) is amended—

(i) by striking "or below market Federal loan" in the matter preceding clause (i),

(ii) in clause (i)—

(I) by striking "or loan (when issued or made)" and inserting "(when issued)", and

(II) by striking "the proceeds of such obligation or loan" and inserting "the proceeds of such obligation", and

(iii) by striking ", and such loan is repaid," in clause (ii).

(C) Paragraph (2) of section 42(i) is amended by striking subparagraphs (D) and (E).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 703. MODIFICATIONS TO DEFINITION OF ELIGIBLE BASIS.

(a) INCREASE IN CREDIT FOR CERTAIN STATE DESIGNATED BUILDINGS.—Subparagraph (C) of section 42(d)(5) (relating to increase in credit for buildings in high cost areas), before redesignation under subsection (f), is amended by adding at the end the following new clause:

"(v) BUILDINGS DESIGNATED BY STATE HOUSING CREDIT AGENCY.—Any building which is designated by the State housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project shall be treated for purposes of this subparagraph as located in a difficult development area which is designated for purposes of this subparagraph. The preceding sentence shall not apply to any building if paragraph (1) of subsection (h) does not apply to any portion of the eligible basis of such building by reason of paragraph (4) of such subsection.".

(b) MODIFICATION TO REHABILITATION REQUIREMENTS.—

(1) IN GENERAL.—Clause (ii) of section 42(e)(3)(A) is amended—

(A) by striking "10 percent" in subclause (I) and inserting "20 percent", and

(B) by striking "$3,000" in subclause (II) and inserting "$6,000".

(2) INFLATION ADJUSTMENT.—Paragraph (3) of section 42(e) is amended by adding at the end the following new subparagraph:

"(D) INFLATION ADJUSTMENT.—In the case of any expenditures which are treated under paragraph (4) as placed in service during any calendar year after 2009, the $6,000 amount in subparagraph (A)(ii)(II) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

Any increase under the preceding sentence which is not a multiple of $100 shall be rounded to the nearest multiple of $100.".

(3) CONFORMING AMENDMENT.—Subclause (II) of section 42(f)(5)(B)(ii) is amended by striking "if subsection (e)(3)(A)(ii)(II)" and all that follows and inserting "if the dollar amount in effect under subsection (e)(3)(A)(ii)(II) were two-thirds of such amount.".

(c) INCREASE IN ALLOWABLE COMMUNITY SERVICE FACILITY SPACE FOR SMALL PROJECTS.—Clause (ii) of section 42(d)(4)(C) (relating to limitation) is amended by striking "10 percent of the eligible basis of the qualified low-income housing project of which it is a part. For purposes of" and inserting "the sum of—

"(I) 15 percent of so much of the eligible basis of the qualified low-income housing project of which it is a part as does not exceed $5,000,000, plus

"(II) 10 percent of so much of the eligible basis of such project as is not taken into account under subclause (I).

For purposes of".

(d) CLARIFICATION OF TREATMENT OF FEDERAL GRANTS.—Subparagraph (A) of section 42(d)(5) is amended to read as follows:

"(A) FEDERAL GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING ELIGIBLE BASIS.—The eligible basis of a building shall not include any costs financed with the proceeds of a Federally funded grant.".

(e) SIMPLIFICATION OF RELATED PARTY RULES.—Clause (iii) of section 42(d)(2)(D), before redesignation under subsection (f)(2), is amended—

(1) by striking all that precedes subclause (II),

(2) by redesignating subclause (II) as clause (iii) and moving such clause two ems to the left, and

(3) by striking the last sentence thereof.

(f) REPEAL OF DEADWOOD.—

(1) Clause (ii) of section 42(d)(2)(B) is amended by striking "the later of—" and all that follows and inserting "the date the building was last placed in service,".

(2) Subparagraph (D) of section 42(d)(2) is amended by striking clause (i) and by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively.

(3) Paragraph (5) of section 42(d) is amended by striking subparagraph (B) and by redesignating subparagraph (C) as subparagraph (B).

(g) EFFECTIVE DATE.—The amendments made by this subsection shall apply to buildings placed in service after the date of the enactment of this Act.

SEC. 704. OTHER SIMPLIFICATION AND REFORM OF LOW-INCOME HOUSING TAX INCENTIVES.

(a) REPEAL PROHIBITION ON MODERATE REHABILITATION ASSISTANCE.—Paragraph (2) of section 42(c) (defining qualified low-income building) is amended by striking the flush sentence at the end.

(b) MODIFICATION OF TIME LIMIT FOR INCURRING 10 PERCENT OF PROJECT'S COST.—Clause (ii) of section 42(h)(1)(E) is amended by striking "(as of the later of the date which is 6 months after the date that the allocation was made or the close of the calendar year in which the allocation is made)" and inserting "(as of the date which is 1 year after the date that the allocation was made)".

(c) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—Paragraph (6) of section 42(j) (relating to no recapture on disposition of building (or interest therein) where bond posted) is amended to read as follows:

"(6) NO RECAPTURE ON DISPOSITION OF BUILDING WHICH CONTINUES IN QUALIFIED USE.—

"(A) IN GENERAL.—The increase in tax under this subsection shall not apply solely by reason of the disposition of a building (or an interest therein) if it is reasonably expected that such building will continue to be operated as a qualified low-income building for the remaining compliance period with respect to such building.

"(B) STATUTE OF LIMITATIONS.—If a building (or an interest therein) is disposed of during any taxable year and there is any reduction in the qualified basis of such building which results in an increase in tax under this subsection for such taxable or any subsequent taxable year, then—

"(i) the statutory period for the assessment of any deficiency with respect to such increase in tax shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may prescribe) of such reduction in qualified basis, and

"(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.".

(d) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—Subparagraph (C) of section 42(m)(1) (relating to plans for allocation of credit among projects) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting a comma, and by adding at the end the following new clauses:

"(ix) the energy efficiency of the project, and

"(x) the historic nature of the project.".

(e) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—Clause (i) of section 42(i)(3)(D) is amended by striking "or" at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

"(II) a student who was previously under the care and placement responsibility of the State agency responsible for administering a plan under part B or part E of title IV of the Social Security Act, or".

(f) TREATMENT OF RURAL PROJECTS.—Section 42(i) (relating to definitions and special rules) is amended by adding at the end the following new paragraph:

"(8) TREATMENT OF RURAL PROJECTS.—For purposes of this section, in the case of any project for residential rental property located in a rural area (as defined in section 520 of the Housing Act of 1949), any income limitation measured by reference to area median gross income shall be measured by reference to the greater of area median gross income or national non-metropolitan median income. The preceding sentence shall not apply with respect to any building if paragraph (1) of section 42(h) does not apply by reason of paragraph (4) thereof to any portion of the credit determined under this section with respect to such building.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

(2) REPEAL OF BONDING REQUIREMENT ON DISPOSITION OF BUILDING.—The amendment made by subsection (c) shall apply to—

(A) interests in buildings disposed after the date of the enactment of this Act, and

(B) interests in buildings disposed of on or before such date if—

(i) it is reasonably expected that such building will continue to be operated as a qualified low-income building (within the meaning of section 42 of the Internal Revenue Code of 1986) for the remaining compliance period (within the meaning of such section) with respect to such building, and

(ii) the taxpayer elects the application of this subparagraph with respect to such disposition.

Notwithstanding the preceding sentence, the amendments made by subsection (c) shall not apply to any disposition after the date 5 years after the date of the enactment of this Act.

(3) ENERGY EFFICIENCY AND HISTORIC NATURE TAKEN INTO ACCOUNT IN MAKING ALLOCATIONS.—The amendments made by subsection (d) shall apply to allocations made after December 31, 2008.

(4) CONTINUED ELIGIBILITY FOR STUDENTS WHO RECEIVED FOSTER CARE ASSISTANCE.—The amendments made by subsection (e) shall apply to determinations made after the date of the enactment of this Act.

(5) TREATMENT OF RURAL PROJECTS.—The amendment made by subsection (f) shall apply to determinations made after the date of the enactment of this Act.

Subpart B—Modifications to Tax-Exempt Housing Bond Rules

SEC. 706. RECYCLING OF TAX-EXEMPT DEBT FOR FINANCING RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—Subsection (i) of section 146 (relating to treatment of refunding issues) is amended by adding at the end the following new paragraph:

"(6) TREATMENT OF CERTAIN RESIDENTIAL RENTAL PROJECT BONDS AS REFUNDING BONDS IRRESPECTIVE OF OBLIGOR.—

"(A) IN GENERAL.—If, during the 6-month period beginning on the date of a repayment of a loan financed by an issue 95 percent or more of the net proceeds of which are used to provide projects described in section 142(d), such repayment is used to provide a new loan for any project so described, any bond which is issued to refinance such issue shall be treated as a refunding issue to the extent the principal amount of such refunding issue does not exceed the principal amount of the bonds refunded.

"(B) LIMITATIONS.—Subparagraph (A) shall apply to only one refunding of the original issue and only if—

"(i) the refunding issue is issued not later than 4 years after the date on which the original issue was issued,

"(ii) the latest maturity date of any bond of the refunding issue is not later than 34 years after the date on which the refunded bond was issued, and

"(iii) the refunding issue is approved in accordance with section 147(f) before the issuance of the refunding issue.".

(b) LOW-INCOME HOUSING CREDIT.—Clause (ii) of section 42(h)(4)(A) is amended by inserting "or such financing is refunded as described in section 146(i)(6)" before the period at the end.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to repayments of loans received after the date of the enactment of this Act.

SEC. 707. COORDINATION OF CERTAIN RULES APPLICABLE TO LOW-INCOME HOUSING CREDIT AND QUALIFIED RESIDENTIAL RENTAL PROJECT EXEMPT FACILITY BONDS.

(a) DETERMINATION OF NEXT AVAILABLE UNIT.—Paragraph (3) of section 142(d) (relating to current income determinations) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION FOR PROJECTS WITH RESPECT TO WHICH AFFORDABLE HOUSING CREDIT IS ALLOWED.—In the case of a project with respect to which credit is allowed under section 42, the second sentence of subparagraph (B) shall be applied by substituting 'building (within the meaning of section 42)' for 'project'.".

(b) STUDENTS.—Paragraph (2) of section 142(d) (relating to definitions and special rules) is amended by adding at the end the following new subparagraph:

"(C) STUDENTS.—Rules similar to the rules of 42(i)(3)(D) shall apply for purposes of this subsection.".

(c) SINGLE-ROOM OCCUPANCY UNITS.—Paragraph (2) of section 142(d) (relating to definitions and special rules), as amended by subsection (b), is further amended by adding at the end the following new subparagraph:

"(D) SINGLE-ROOM OCCUPANCY UNITS.—A unit shall not fail to be treated as a residential unit merely because such unit is a single-room occupancy unit (within the meaning of section 42).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to determinations of the status of qualified residential rental projects for periods beginning after the date of the enactment of this Act, with respect to bonds issued before, on, or after such date.

Subpart C—Reforms Related to the Low-Income Housing Credit and Tax-Exempt Housing Bonds

SEC. 709. HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.

(a) IN GENERAL.—Paragraph (2) of section 142(d), as amended by section 707, is further amended by adding at the end the following new subparagraph:

"(E) HOLD HARMLESS FOR REDUCTIONS IN AREA MEDIAN GROSS INCOME.—

"(i) IN GENERAL.—Any determination of area median gross income under subparagraph (B) with respect to any project for any calendar year after 2008 shall not be less than the area median gross income determined under such subparagraph with respect to such project for the calendar year preceding the calendar year for which such determination is made.

"(ii) SPECIAL RULE FOR CERTAIN CENSUS CHANGES.—In the case of a HUD hold harmless impacted project, the area median gross income with respect to such project for any calendar year after 2008 (hereafter in this clause referred to as the current calendar year) shall be the greater of the amount determined without regard to this clause or the sum of—

"(I) the area median gross income determined under the HUD hold harmless policy with respect to such project for calendar year 2008, plus

"(II) any increase in the area median gross income determined under subparagraph (B) (determined without regard to the HUD hold harmless policy and this subparagraph) with respect to such project for the current calendar year over the area median gross income (as so determined) with respect to such project for calendar year 2008.

"(iii) HUD HOLD HARMLESS POLICY.—The term 'HUD hold harmless policy' means the regulations under which a policy similar to the rules of clause (i) applied to prevent a change in the method of determining area median gross income from resulting in a reduction in the area median gross income determined with respect to certain projects in calendar years 2007 and 2008.

"(iv) HUD HOLD HARMLESS IMPACTED PROJECT.—The term 'HUD hold harmless impacted project' means any project with respect to which area median gross income was determined under subparagraph (B) for calendar year 2007 or 2008 if such determination would have been less but for the HUD hold harmless policy.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to determinations of area median gross income for calendar years after 2008.

SEC. 710. EXCEPTION TO ANNUAL CURRENT INCOME DETERMINATION REQUIREMENT WHERE DETERMINATION NOT RELEVANT.

(a) IN GENERAL.—Subparagraph (A) of section 142(d)(3) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to any project for any year if during such year no residential unit in the project is occupied by a new resident whose income exceeds the applicable income limit.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to years ending after the date of the enactment of this Act.

PART 2—SINGLE FAMILY HOUSING

SEC. 712. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. FIRST-TIME HOMEBUYER CREDIT.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual who is a first-time homebuyer of a principal residence in the United States during a taxable year, there shall be allowed as a credit against the tax imposed by this subtitle for such taxable year an amount equal to 10 percent of the purchase price of the residence.

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the credit allowed under subsection (a) shall not exceed $7,500.

"(B) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of a married individual filing a separate return, subparagraph (A) shall be applied by substituting '$3,750' for '$7,500'.

"(C) OTHER INDIVIDUALS.—If two or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $7,500.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount allowable as a credit under subsection (a) (determined without regard to this paragraph) for the taxable year shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which is so allowable as—

"(i) the excess (if any) of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $70,000 ($140,000 in the case of a joint return), bears to

"(ii) $20,000.

"(B) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (A), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

"(c) DEFINITIONS.—For purposes of this section—

"(1) FIRST-TIME HOMEBUYER.—The term 'first-time homebuyer' means any individual if such individual (and if married, such individual's spouse) had no present ownership interest in a principal residence during the 3-year period ending on the date of the purchase of the principal residence to which this section applies.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' has the same meaning as when used in section 121.

"(3) PURCHASE.—

"(A) IN GENERAL.—The term 'purchase' means any acquisition, but only if—

"(i) the property is not acquired from a person related to the person acquiring it, and

"(ii) the basis of the property in the hands of the person acquiring it is not determined—

"(I) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(II) under section 1014(a) (relating to property acquired from a decedent).

"(B) CONSTRUCTION.—A residence which is constructed by the taxpayer shall be treated as purchased by the taxpayer on the date the taxpayer first occupies such residence.

"(4) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the principal residence on the date such residence is purchased.

"(5) RELATED PERSONS.—A person shall be treated as related to another person if the relationship between such persons would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267(b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants).

"(d) EXCEPTIONS.—No credit under subsection (a) shall be allowed to any taxpayer for any taxable year with respect to the purchase of a residence if—

"(1) a credit under section 1400C (relating to first-time homebuyer in the District of Columbia) is allowable to the taxpayer (or the taxpayer's spouse) for such taxable year or any prior taxable year,

"(2) the residence is financed by the proceeds of a qualified mortgage issue the interest on which is exempt from tax under section 103,

"(3) the taxpayer is a nonresident alien, or

"(4) the taxpayer disposes of such residence (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the close of such taxable year.

"(e) REPORTING.—If the Secretary requires information reporting under section 6045 by a person described in subsection (e)(2) thereof to verify the eligibility of taxpayers for the credit allowable by this section, the exception provided by section 6045(e) shall not apply.

"(f) RECAPTURE OF CREDIT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, if a credit under subsection (a) is allowed to a taxpayer, the tax imposed by this chapter shall be increased by 6⅔ percent of the amount of such credit for each taxable year in the recapture period.

"(2) ACCELERATION OF RECAPTURE.—If a taxpayer disposes of the principal residence with respect to which a credit was allowed under subsection (a) (or such residence ceases to be the principal residence of the taxpayer (and, if married, the taxpayer's spouse)) before the end of the recapture period—

"(A) the tax imposed by this chapter for the taxable year of such disposition or cessation, shall be increased by the excess of the amount of the credit allowed over the amounts of tax imposed by paragraph (1) for preceding taxable years, and

"(B) paragraph (1) shall not apply with respect to such credit for such taxable year or any subsequent taxable year.

"(3) LIMITATION BASED ON GAIN.—In the case of the sale of the principal residence to a person who is not related to the taxpayer, the increase in tax determined under paragraph (2) shall not exceed the amount of gain (if any) on such sale. Solely for purposes of the preceding sentence, the adjusted basis of such residence shall be reduced by the amount of the credit allowed under subsection (a) to the extent not previously recaptured under paragraph (1).

"(4) EXCEPTIONS.—

"(A) DEATH OF TAXPAYER.—Paragraphs (1) and (2) shall not apply to any taxable year ending after the date of the taxpayer's death.

"(B) INVOLUNTARY CONVERSION.—Paragraph (2) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence during the 2-year period beginning on the date of the disposition or cessation referred to in paragraph (2). Paragraph (2) shall apply to such new principal residence during the recapture period in the same manner as if such new principal residence were the converted residence.

"(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

"(i) paragraph (2) shall not apply to such transfer, and

"(ii) in the case of taxable years ending after such transfer, paragraphs (1) and (2) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

"(5) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

"(6) RECAPTURE PERIOD.—For purposes of this subsection, the term 'recapture period' means the 15 taxable years beginning with the second taxable year following the taxable year in which the purchase of the principal residence for which a credit is allowed under subsection (a) was made.

"(g) APPLICATION OF SECTION.—This section shall only apply to a principal residence purchased by the taxpayer on or after April 9, 2008, and before April 1, 2009.".

(b) CONFORMING AMENDMENTS.—

(1) Section 26(b)(2) is amended by striking "and" at the end of subparagraph (U), by striking the period and inserting ", and" and the end of subparagraph (V), and by inserting after subparagraph (V) the following new subparagraph:

"(W) section 36(f) (relating to recapture of homebuyer credit).".

(2) Section 6211(b)(4)(A) is amended by striking "34," and all that follows through "6428" and inserting "34, 35, 36, 53(e), and 6428".

(3) Section 1324(b)(2) of title 31, United States Code, is amended by inserting ", 36," after "section 35".

(4) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

"Sec. 36. First-time homebuyer credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased on or after April 9, 2008, in taxable years ending on or after such date.

SEC. 713. ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS.

(a) IN GENERAL.—Section 63(c)(1) (defining standard deduction) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following new subparagraph:

"(C) in the case of any taxable year beginning in 2008, the real property tax deduction.".

(b) DEFINITION.—Section 63(c) is amended by adding at the end the following new paragraph:

"(7) REAL PROPERTY TAX DEDUCTION.—For purposes of paragraph (1), the real property tax deduction is the lesser of—

"(A) the amount allowable as a deduction under this chapter for State and local taxes described in section 164(a)(1), or

"(B) $350 ($700 in the case of a joint return).

Any taxes taken into account under section 62(a) shall not be taken into account under this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

PART 3—GENERAL PROVISIONS

SEC. 715. TEMPORARY LIBERALIZATION OF TAX-EXEMPT HOUSING BOND RULES.

(a) TEMPORARY INCREASE IN VOLUME CAP.—

(1) IN GENERAL.—Subsection (d) of section 146 is amended by adding at the end the following new paragraph:

"(5) INCREASE AND SET ASIDE FOR HOUSING BONDS FOR 2008.—

"(A) INCREASE FOR 2008.—In the case of calendar year 2008, the State ceiling for each State shall be increased by an amount equal to $10,000,000,000 multiplied by a fraction—

"(i) the numerator of which is the population of such State, and

"(ii) the denominator of which is the total population of all States.

"(B) SET ASIDE.—

"(i) IN GENERAL.—Any amount of the State ceiling for any State which is attributable to an increase under this paragraph shall be allocated solely for one or more qualified housing issues.

"(ii) QUALIFIED HOUSING ISSUE.—For purposes of this paragraph, the term 'qualified housing issue' means—

"(I) an issue described in section 142(a)(7) (relating to qualified residential rental projects), or

"(II) a qualified mortgage issue (determined by substituting '12-month period' for '42-month period' each place it appears in section 143(a)(2)(D)(i)).".

(2) CARRYFORWARD OF UNUSED LIMITATIONS.—Subsection (f) of section 146 is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULES FOR INCREASED VOLUME CAP UNDER SUBSECTION (d)(5).—No amount which is attributable to the increase under subsection (d)(5) may be used—

"(A) for any issue other than a qualified housing issue (as defined in subsection (d)(5)), or

"(B) to issue any bond after calendar year 2010.".

(b) TEMPORARY RULE FOR USE OF QUALIFIED MORTGAGE BONDS PROCEEDS FOR SUBPRIME REFINANCING LOANS.—

(1) IN GENERAL.—Section 143(k) (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(12) SPECIAL RULES FOR SUBPRIME REFINANCINGS.—

"(A) IN GENERAL.—Notwithstanding the requirements of subsection (i)(1), the proceeds of a qualified mortgage issue may be used to refinance a mortgage on a residence which was originally financed by the mortgagor through a qualified subprime loan.

"(B) SPECIAL RULES.—In applying subparagraph (A) to any refinancing—

"(i) subsection (a)(2)(D)(i) shall be applied by substituting '12-month period' for '42-month period' each place it appears,

"(ii) subsection (d) (relating to 3-year requirement) shall not apply, and

"(iii) subsection (e) (relating to purchase price requirement) shall be applied by using the market value of the residence at the time of refinancing in lieu of the acquisition cost.

"(C) QUALIFIED SUBPRIME LOAN.—The term 'qualified subprime loan' means an adjustable rate single-family residential mortgage loan made after December 31, 2001, and before January 1, 2008, that the bond issuer determines would be reasonably likely to cause financial hardship to the borrower if not refinanced.

"(D) TERMINATION.—This paragraph shall not apply to any bonds issued after December 31, 2010.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 716. REPEAL OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT HOUSING BONDS, LOW-INCOME HOUSING TAX CREDIT, AND REHABILITATION CREDIT.

(a) TAX-EXEMPT INTEREST ON CERTAIN HOUSING BONDS EXEMPTED FROM ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Subparagraph (C) of section 57(a)(5) (relating to specified private activity bonds) is amended by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively, and by inserting after clause (ii) the following new clause:

"(iii) EXCEPTION FOR CERTAIN HOUSING BONDS.—For purposes of clause (i), the term 'private activity bond' shall not include any bond issued after the date of the enactment of this clause if such bond is—

"(I) an exempt facility bond issued as part of an issue 95 percent or more of the net proceeds of which are to be used to provide qualified residential rental projects (as defined in section 142(d)),

"(II) a qualified mortgage bond (as defined in section 143(a)), or

"(III) a qualified veterans' mortgage bond (as defined in section 143(b)).

The preceding sentence shall not apply to any refunding bond unless such preceding sentence applied to the refunded bond (or in the case of a series of refundings, the original bond).".

(2) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

"(iii) TAX EXEMPT INTEREST ON CERTAIN HOUSING BONDS.—Clause (i) shall not apply in the case of any interest on a bond to which section 57(a)(5)(C)(iii) applies.".

(b) ALLOWANCE OF LOW-INCOME HOUSING CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4) (relating to specified credits) is amended by redesignating clauses (ii) through (iv) as clauses (iii) through (v) and inserting after clause (i) the following new clause:

"(ii) the credit determined under section 42 to the extent attributable to buildings placed in service after December 31, 2007,".

(c) ALLOWANCE OF REHABILITATION CREDIT AGAINST ALTERNATIVE MINIMUM TAX.—Subparagraph (B) of section 38(c)(4), as amended by subsection (b), is amended by striking "and" at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

"(v) the credit determined under section 47 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007, and".

(d) EFFECTIVE DATE.—

(1) HOUSING BONDS.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

(2) LOW INCOME HOUSING CREDIT.—The amendments made by subsection (b) shall apply to credits determined under section 42 of the Internal Revenue Code of 1986 to the extent attributable to buildings placed in service after December 31, 2007.

(3) REHABILITATION CREDIT.—The amendments made by subsection (c) shall apply to credits determined under section 47 of the Internal Revenue Code of 1986 to the extent attributable to qualified rehabilitation expenditures properly taken into account for periods after December 31, 2007.

SEC. 717. BONDS GUARANTEED BY FEDERAL HOME LOAN BANKS ELIGIBLE FOR TREATMENT AS TAX-EXEMPT BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 149(b)(3) (relating to exceptions for certain insurance programs) is amended by striking "or" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", or" and by adding at the end the following new clause:

"(iv) any guarantee by a Federal home loan bank made in connection with the original issuance of a bond during the period beginning on the date of the enactment of this Act and ending on December 31, 2010 (or a renewal or extension of a guarantee so made).".

(b) SAFETY AND SOUNDNESS REQUIREMENTS.—Paragraph (3) of section 149(b) is amended by adding at the end the following new subparagraph:

"(E) SAFETY AND SOUNDNESS REQUIREMENTS FOR FEDERAL HOME LOAN BANKS.—Clause (iv) of subparagraph (A) shall not apply to any guarantee by a Federal home loan bank unless such bank meets safety and soundness collateral requirements for such guarantees which are at least as stringent as such requirements which apply under regulations applicable to such guarantees by Federal home loan banks as in effect on April 9, 2008.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to guarantees made after the date of the enactment of this Act.

SEC. 718. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) IN GENERAL.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

"(9) ALTERNATIVE PROCEDURE FOR FURNISHING NONFOREIGN AFFIDAVIT.—For purposes of paragraphs (2) and (7)—

"(A) IN GENERAL.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

"(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

"(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

"(B) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.".

(b) QUALIFIED SUBSTITUTE.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

"(6) QUALIFIED SUBSTITUTE.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

"(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

"(B) the transferee's agent.".

(c) EXEMPTION NOT TO APPLY IF KNOWLEDGE OR NOTICE THAT AFFIDAVIT OR STATEMENT IS FALSE.—

(1) IN GENERAL.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

"(7) SPECIAL RULES FOR PARAGRAPHS (2), (3), AND (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

"(A) if—

"(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

"(ii) the transferee or qualified substitute receives a notice (as described in subsection (d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

"(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.".

(2) LIABILITY.—

(A) NOTICE.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

"(1) NOTICE OF FALSE AFFIDAVIT; FOREIGN CORPORATIONS.—If—

"(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

"(B) in the case of—

"(i) any transferor's agent—

"(I) such agent has actual knowledge that such affidavit is false, or

"(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

"(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.".

(B) FAILURE TO FURNISH NOTICE.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

"(2) FAILURE TO FURNISH NOTICE.—

"(A) IN GENERAL.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

"(B) LIABILITY LIMITED TO AMOUNT OF COMPENSATION.—An agent's or substitute's liability under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.".

(c) CONFORMING AMENDMENT.—The heading for section 1445(d) is amended by striking "OR TRANSFEREE'S AGENTS" and inserting ", TRANSFEREE'S AGENTS, OR QUALIFIED SUBSTITUTES".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 719. MODIFICATION OF DEFINITION OF TAX-EXEMPT USE PROPERTY FOR PURPOSES OF THE REHABILITATION CREDIT.

(a) IN GENERAL.—Subclause (I) of section 47(c)(2)(B)(v) is amended by striking "section 168(h)" and inserting "section 168(h), except that '50 percent' shall be substituted for '35 percent' in paragraph (1)(B)(iii) thereof".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures properly taken into account for periods after December 31, 2007.

Subtitle B—Reforms Related to Real Estate Investment Trusts

PART 1—FOREIGN CURRENCY AND OTHER QUALIFIED ACTIVITIES

SEC. 721. REVISIONS TO REIT INCOME TESTS.

(a) ADDITION OF PERMISSIBLE INCOME CATEGORIES.—Section 856(c) (relating to limitations) is amended—

(1) by striking "and" at the end of paragraph (2)(G) and by inserting after paragraph (2)(H) the following new subparagraphs:

"(I) passive foreign exchange gains; and

"(J) any other item of income or gain as determined by the Secretary;", and

(2) by striking "and" at the end of paragraphs (3)(H) and (3)(I) and by inserting after paragraph (3)(I) the following new subparagraphs:

"(J) real estate foreign exchange gains; and

"(K) any other item of income or gain as determined by the Secretary; and".

(b) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—Section 856 (defining real estate investment trust) is amended by adding at the end the following new subsection:

"(n) RULES REGARDING FOREIGN CURRENCY TRANSACTIONS.—With respect to any taxable year—

"(1) REAL ESTATE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(3)(J), the term 'real estate foreign exchange gains' means—

"(A) foreign currency gains (as defined in section 988(b)(1)) which are attributable to—

"(i) any item described in subsection (c)(3) (other than in subparagraph (J) thereof),

"(ii) the acquisition or ownership of obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)), or

"(iii) becoming or being the obligor under obligations secured by mortgages on real property or on interests in real property (other than foreign currency gains attributable to any item described in clause (i)),

"(B) gains described in section 987 attributable to a qualified business unit (as defined by section 989) of the real estate investment trust, but only if such qualified business unit meets the requirements under—

"(i) subsection (c)(3) (without regard to subparagraph (J) thereof) for the taxable year, and

"(ii) subsection (c)(4)(A) at the close of each quarter that the real estate investment trust has directly or indirectly held the qualified business unit, and

"(C) any other foreign currency gains as determined by the Secretary.

"(2) PASSIVE FOREIGN EXCHANGE GAINS.—For purposes of subsection (c)(2)(I), the term 'passive foreign exchange gains' means—

"(A) real estate foreign exchange gains,

"(B) foreign currency gains (as defined in section 988(b)(1)) which are not described in subparagraph (A) and which are attributable to any item described in subsection (c)(2) (other than in subparagraph (I) thereof), and

"(C) any other foreign currency gains as determined by the Secretary.".

(c) ADDITION TO REIT HEDGING RULE.—Subparagraph (G) of section 856(c)(5) is amended to read as follows:

"(G) TREATMENT OF CERTAIN HEDGING INSTRUMENTS.—Except to the extent as determined by the Secretary—

"(i) any income of a real estate investment trust from a hedging transaction (as defined in clause (ii) or (iii) of section 1221(b)(2)(A)) which is clearly identified pursuant to section 1221(a)(7), including gain from the sale or disposition of such a transaction, shall not constitute gross income under paragraphs (2) and (3) to the extent that the transaction hedges any indebtedness incurred or to be incurred by the trust to acquire or carry real estate assets, and

"(ii) any income of a real estate investment trust from a transaction entered into by the trust primarily to manage risk of currency fluctuations with respect to any item described in paragraph (2) or (3), including gain from the termination of such a transaction, shall not constitute gross income under paragraphs (2) and (3), but only if such transaction is clearly identified as such before the close of the day on which it was acquired, originated, or entered into (or such other time as the Secretary may prescribe).".

(d) AUTHORITY TO EXCLUDE ITEMS OF INCOME FROM REIT INCOME TESTS.—Section 856(c)(5) is amended by adding at the end the following new subparagraph:

"(H) SECRETARIAL AUTHORITY TO EXCLUDE OTHER ITEMS OF INCOME.—The Secretary is authorized to determine whether any item of income or gain which does not otherwise qualify under paragraph (2) or (3) may be considered as not constituting gross income solely for purposes of this part.".

SEC. 722. REVISIONS TO REIT ASSET TESTS.

(a) CLARIFICATION OF VALUATION TEST.—The first sentence in the matter following section 856(c)(4)(B)(iii)(III) is amended by inserting "(including a discrepancy caused solely by the change in the foreign currency exchange rate used to value a foreign asset)" after "such requirements".

(b) CLARIFICATION OF PERMISSIBLE ASSET CATEGORY.—Section 856(c)(5), as amended by section 721(d), is amended by adding at the end the following new subparagraph:

"(I) CASH.—The term 'cash' includes foreign currency if the real estate investment trust or its qualified business unit (as defined in section 989) uses such foreign currency as its functional currency (as defined in section 985(b)).".

SEC. 723. CONFORMING FOREIGN CURRENCY REVISIONS.

(a) NET INCOME FROM FORECLOSURE PROPERTY.—Clause (i) of section 857(b)(4)(B) is amended to read as follows:

"(i) gain (including any foreign currency gain, as defined in section 988(b)(1)) from the sale or other disposition of foreclosure property described in section 1221(a)(1) and the gross income for the taxable year derived from foreclosure property (as defined in section 856(e)), but only to the extent such gross income is not described in (or, in the case of foreign currency gain, not attributable to gross income described in) section 856(c)(3) other than subparagraph (F) thereof, over".

(b) NET INCOME FROM PROHIBITED TRANSACTIONS.—Clause (i) of section 857(b)(6)(B) is amended to read as follows:

"(i) the term 'net income derived from prohibited transactions' means the excess of the gain (including any foreign currency gain, as defined in section 988(b)(1)) from prohibited transactions over the deductions (including any foreign currency loss, as defined in section 988(b)(2)) allowed by this chapter which are directly connected with prohibited transactions;".

PART 2—TAXABLE REIT SUBSIDIARIES

SEC. 725. CONFORMING TAXABLE REIT SUBSIDIARY ASSET TEST.

Section 856(c)(4)(B)(ii) is amended by striking "20 percent" and inserting "25 percent".

PART 3—DEALER SALES

SEC. 727. HOLDING PERIOD UNDER SAFE HARBOR.

Section 857(b)(6) (relating to income from prohibited transactions) is amended—

(1) by striking "4 years" in subparagraphs (C)(i), (C)(iv), and (D)(i) and inserting "2 years",

(2) by striking "4-year period" in subparagraphs (C)(ii), (D)(ii), and (D)(iii) and inserting "2-year period", and

(3) by striking "real estate asset"and all that follows through "if" in the matter preceding clause (i) of subparagraphs (C) and (D), respectively, and inserting "real estate asset (as defined in section 856(c)(5)(B)) and which is described in section 1221(a)(1) if".

SEC. 728. DETERMINING VALUE OF SALES UNDER SAFE HARBOR.

Section 857(b)(6) is amended—

(1) by striking the semicolon at the end of subparagraph (C)(iii) and inserting ", or (III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year;", and

(2) by adding "or" at the end of subclause (II) of subparagraph (D)(iv) and by adding at the end of such subparagraph the following new subclause:

"(III) the fair market value of property (other than sales of foreclosure property or sales to which section 1033 applies) sold during the taxable year does not exceed 10 percent of the fair market value of all of the assets of the trust as of the beginning of the taxable year,".

PART 4—HEALTH CARE REITS

SEC. 730. CONFORMITY FOR HEALTH CARE FACILITIES.

(a) RELATED PARTY RENTALS.—Subparagraph (B) of section 856(d)(8) (relating to special rule for taxable REIT subsidiaries) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN LODGING FACILITIES AND HEALTH CARE PROPERTY.—The requirements of this subparagraph are met with respect to an interest in real property which is a qualified lodging facility or a qualified health care property (as defined in subsection (e)(6)(D)(i)) leased by the trust to a taxable REIT subsidiary of the trust if the property is operated on behalf of such subsidiary by a person who is an eligible independent contractor. For purposes of this section, a taxable REIT subsidiary is not considered to be operating or managing a qualified health care property or qualified lodging facility solely because it directly or indirectly possesses a license, permit or similar instrument enabling it to do so.''.

(b) ELIGIBLE INDEPENDENT CONTRACTOR.—Subparagraphs (A) and (B) of section 856(d)(9) (relating to eligible independent contractor) are amended to read as follows:

''(A) IN GENERAL.—The term 'eligible independent contractor' means, with respect to any qualified lodging facility or qualified health care property (as defined in subsection (e)(6)(D)(i)), any independent contractor if, at the time such contractor enters into a management agreement or other similar service contract with the taxable REIT subsidiary to operate such qualified lodging facility or qualified health care property, such contractor (or any related person) is actively engaged in the trade or business of operating qualified lodging facilities or qualified health care properties, respectively, for any person who is not a related person with respect to the real estate investment trust or the taxable REIT subsidiary.

''(B) SPECIAL RULES.—Solely for purposes of this paragraph and paragraph (8)(B), a person shall not fail to be treated as an independent contractor with respect to any qualified lodging facility or qualified health care property (as so defined) by reason of the following:

''(i) The taxable REIT subsidiary bears the expenses for the operation of such qualified lodging facility or qualified health care property pursuant to the management agreement or other similar service contract.

''(ii) The taxable REIT subsidiary receives the revenues from the operation of such qualified lodging facility or qualified health care property, net of expenses for such operation and fees payable to the operator pursuant to such agreement or contract.

''(iii) The real estate investment trust receives income from such person with respect to another property that is attributable to a lease of such other property to such person that was in effect as of the later of—

''(I) January 1, 1999, or

''(II) the earliest date that any taxable REIT subsidiary of such trust entered into a management agreement or other similar service contract with such person with respect to such qualified lodging facility or qualified health care property.''.

(c) TAXABLE REIT SUBSIDIARIES.—The last sentence of section 856(l)(3) is amended—

(1) by inserting ''or a health care facility'' after ''a lodging facility'', and

(2) by inserting ''or health care facility'' after ''such lodging facility''.

PART 5—EFFECTIVE DATES

SEC. 732. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall apply to taxable years beginning after the date of the enactment of this Act.

(b) REIT INCOME TESTS.—

(1) The amendment made by section 721(a) and (b) shall apply to gains and items of income recognized after the date of the enactment of this Act.

(2) The amendment made by section 721(c) shall apply to transactions entered into after the date of the enactment of this Act.

(3) The amendment made by section 721(d) shall apply after the date of the enactment of this Act.

(c) CONFORMING FOREIGN CURRENCY REVISIONS.—

(1) The amendment made by section 723(a) shall apply to gains recognized after the date of the enactment of this Act.

(2) The amendment made by section 723(b) shall apply to gains and deductions recognized after the date of the enactment of this Act.

(d) DEALER SALES.—The amendments made by part 3 shall apply to sales made after the date of the enactment of this Act.

Subtitle C—Revenue Provisions

SEC. 741. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—

(1) BROKER REPORTING FOR SECURITIES TRANSACTIONS.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS, ETC.—

''(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to the gross proceeds of the sale of a covered security, the broker shall include in such return the information described in paragraph (2).

''(2) ADDITIONAL INFORMATION REQUIRED.—

''(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to a covered security of a customer shall include the customer's adjusted basis in such security and whether any gain or loss with respect to such security is long-term or short-term (within the meaning of section 1222).

''(B) DETERMINATION OF ADJUSTED BASIS.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The customer's adjusted basis shall be determined—

''(I) in the case of any security (other than any stock for which an average basis method is permissible under section 1012), in accordance with the first-in first-out method unless the customer notifies the broker by means of making an adequate identification of the stock sold or transferred, and

''(II) in the case of any stock for which an average basis method is permissible under section 1012, in accordance with the broker's default method unless the customer notifies the broker that he elects another acceptable method under section 1012 with respect to the account in which such stock is held.

''(ii) EXCEPTION FOR WASH SALES.—Except as otherwise provided by the Secretary, the customer's adjusted basis shall be determined without regard to section 1091 (relating to loss from wash sales of stock or securities) unless the transactions occur in the same account with respect to identical securities.

''(3) COVERED SECURITY.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'covered security' means any specified security acquired on or after the applicable date if such security—

''(i) was acquired through a transaction in the account in which such security is held, or

''(ii) was transferred to such account from an account in which such security was a covered security, but only if the broker received a statement under section 6045A with respect to the transfer.

''(B) SPECIFIED SECURITY.—The term 'specified security' means—

''(i) any share of stock in a corporation,

''(ii) any note, bond, debenture, or other evidence of indebtedness,

''(iii) any commodity, or contract or derivative with respect to such commodity, if the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection, and

''(iv) any other financial instrument with respect to which the Secretary determines that adjusted basis reporting is appropriate for purposes of this subsection.

''(C) APPLICABLE DATE.—The term 'applicable date' means—

''(i) January 1, 2010, in the case of any specified security which is stock in a corporation (other than any stock described in clause (ii)),

''(ii) January 1, 2011, in the case of any stock for which an average basis method is permissible under section 1012, and

''(iii) January 1, 2012, or such later date determined by the Secretary in the case of any other specified security.

''(4) TREATMENT OF S CORPORATIONS.—In the case of the sale of a covered security acquired by an S corporation (other than a financial institution) after December 31, 2011, such S corporation shall be treated in the same manner as a partnership for purposes of this section.

''(5) SPECIAL RULES FOR SHORT SALES.—In the case of a short sale, reporting under this section shall be made for the year in which such sale is closed.''.

(2) BROKER INFORMATION REQUIRED WITH RESPECT TO OPTIONS.—Section 6045, as amended by subsection (a), is amended by adding at the end the following new subsection:

''(h) APPLICATION TO OPTIONS ON SECURITIES.—

''(1) EXERCISE OF OPTION.—For purposes of this section, if a covered security is acquired or disposed of pursuant to the exercise of an option that was granted or acquired in the same account as the covered security, the amount received with respect to the grant or paid with respect to the acquisition of such option shall be treated as an adjustment to gross proceeds or as an adjustment to basis, as the case may be.

''(2) LAPSE OR CLOSING TRANSACTION.—In the case of the lapse (or closing transaction (as defined in section 1234(b)(2)(A))) of an option on a specified security or the exercise of a cash-settled option on a specified security, reporting under subsections (a) and (g) with respect to such option shall be made for the calendar year which includes the date of such lapse, closing transaction, or exercise.

''(3) PROSPECTIVE APPLICATION.—Paragraphs (1) and (2) shall not apply to any option which is granted or acquired before January 1, 2012.

''(4) DEFINITIONS.—For purposes of this subsection, the terms 'covered security' and 'specified security' shall have the meanings given such terms in subsection (g)(3).''.

(3) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—

(A) IN GENERAL.—Subsection (b) of section 6045 is amended by striking ''January 31'' and inserting ''February 15''.

(B) STATEMENTS RELATED TO SUBSTITUTE PAYMENTS.—Subsection (d) of section 6045 is amended—

(i) by striking ''at such time and'', and

(ii) by inserting after ''other item.'' the following new sentence: ''The written statement required under the preceding sentence shall be furnished on or before February 15 of the year following the calendar year in which the payment was made.''.

(C) OTHER STATEMENTS.—Subsection (b) of section 6045 is amended by adding at the end the following: ''In the case of a consolidated reporting statement (as defined in regulations) with respect to any account, any statement which would otherwise be required to be furnished on or before January 31 of a calendar year with respect to any item reportable to the taxpayer shall instead be required to be furnished on or before February 15 of such calendar year if furnished with such consolidated reporting statement.".

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES ON ACCOUNT BY ACCOUNT OR AVERAGE BASIS METHOD.—Section 1012 (relating to basis of property-cost) is amended—

(1) by striking "The basis of property" and inserting the following:

"(a) IN GENERAL.—The basis of property",

(2) by striking "The cost of real property" and inserting the following:

"(b) SPECIAL RULE FOR APPORTIONED REAL ESTATE TAXES.—The cost of real property", and

(3) by adding at the end the following new subsections:

"(c) DETERMINATIONS BY ACCOUNT.—

"(1) IN GENERAL.—In the case of the sale, exchange, or other disposition of a specified security on or after the applicable date, the conventions prescribed by regulations under this section shall be applied on an account by account basis.

"(2) APPLICATION TO OPEN-END FUNDS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), any stock in an open-end fund acquired before January 1, 2011, shall be treated as a separate account from any such stock acquired on or after such date.

"(B) ELECTION BY OPEN-END FUND FOR TREATMENT AS SINGLE ACCOUNT.—If an open-end fund elects to have this subparagraph apply with respect to one or more of its stockholders—

"(i) subparagraph (A) shall not apply with respect to any stock in such fund held by such stockholders, and

"(ii) all stock in such fund which is held by such stockholders shall be treated as covered securities described in section 6045(g)(3) without regard to the date of the acquisition of such stock.

A rule similar to the rule of the preceding sentence shall apply with respect to a broker holding stock in an open-end fund as a nominee.

"(3) DEFINITIONS.—For purposes of this section—

"(A) OPEN-END FUND.—The term 'open-end fund' means a regulated investment company (as defined in section 851) which is offering for sale or has outstanding any redeemable security of which it is the issuer. Any stock which is traded on an established securities exchange shall not be treated as stock in an open-end fund.

"(B) SPECIFIED SECURITY; APPLICABLE DATE.—The terms 'specified security' and 'applicable date' shall have the meaning given such terms in section 6045(g).

"(d) AVERAGE BASIS FOR STOCK ACQUIRED PURSUANT TO A DIVIDEND REINVESTMENT PLAN.—

"(1) IN GENERAL.—In the case of any stock acquired after December 31, 2010, in connection with a dividend reinvestment plan, the basis of such stock while held as part of such plan shall be determined using one of the methods which may be used for determining the basis of stock in an open-end fund.

"(2) TREATMENT AFTER TRANSFER.—In the case of the transfer to another account of stock to which paragraph (1) applies, such stock shall have a cost basis in such other account equal to its basis in the dividend reinvestment plan immediately before such transfer (properly adjusted for any fees or other charges taken into account in connection with such transfer).

"(3) SEPARATE ACCOUNTS; ELECTION FOR TREATMENT AS SINGLE ACCOUNT.—Rules similar to the rules of subsection (c)(2) shall apply for purposes of this subsection.

"(4) DIVIDEND REINVESTMENT PLAN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'dividend reinvestment plan' means any arrangement under which dividends on any stock are reinvested in stock identical to the stock with respect to which the dividends are paid.

"(B) INITIAL STOCK ACQUISITION TREATED AS ACQUIRED IN CONNECTION WITH PLAN.—Stock shall be treated as acquired in connection with a dividend reinvestment plan if such stock is acquired pursuant to such plan or if the dividends paid on such stock are subject to such plan.".

(c) INFORMATION BY TRANSFERORS TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6045 the following new section:

"SEC. 6045A. INFORMATION REQUIRED IN CONNECTION WITH TRANSFERS OF COVERED SECURITIES TO BROKERS.

"(a) FURNISHING OF INFORMATION.—Every applicable person which transfers to a broker (as defined in section 6045(c)(1)) a security which is a covered security (as defined in section 6045(g)(3)) in the hands of such applicable person shall furnish to such broker a written statement in such manner and setting forth such information as the Secretary may by regulations prescribe for purposes of enabling such broker to meet the requirements of section 6045(g).

"(b) APPLICABLE PERSON.—For purposes of subsection (a), the term 'applicable person' means—

"(1) any broker (as defined in section 6045(c)(1)), and

"(2) any other person as provided by the Secretary in regulations.

"(c) TIME FOR FURNISHING STATEMENT.—Except as otherwise provided by the Secretary, any statement required by subsection (a) shall be furnished not later than 15 days after the date of the transfer described in such subsection.".

(2) ASSESSABLE PENALTIES.—Paragraph (2) of section 6724(d) (defining payee statement) is amended by redesignating subparagraphs (I) through (CC) as subparagraphs (J) through (DD), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) section 6045A (relating to information required in connection with transfers of covered securities to brokers),".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6045 the following new item:

"Sec. 6045A. Information required in connection with transfers of covered securities to brokers.".

(d) ADDITIONAL ISSUER INFORMATION TO AID BROKERS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61, as amended by subsection (b), is amended by inserting after section 6045A the following new section:

"SEC. 6045B. RETURNS RELATING TO ACTIONS AFFECTING BASIS OF SPECIFIED SECURITIES.

"(a) IN GENERAL.—According to the forms or regulations prescribed by the Secretary, any issuer of a specified security shall make a return setting forth—

"(1) a description of any organizational action which affects the basis of such specified security of such issuer,

"(2) the quantitative effect on the basis of such specified security resulting from such action, and

"(3) such other information as the Secretary may prescribe.

"(b) TIME FOR FILING RETURN.—Any return required by subsection (a) shall be filed not later than the earlier of—

"(1) 45 days after the date of the action described in subsection (a), or

"(2) January 15 of the year following the calendar year during which such action occurred.

"(c) STATEMENTS TO BE FURNISHED TO HOLDERS OF SPECIFIED SECURITIES OR THEIR NOMINEES.—According to the forms or regulations prescribed by the Secretary, every person required to make a return under subsection (a) with respect to a specified security shall furnish to the nominee with respect to the specified security (or certificate holder if there is no nominee) a written statement showing—

"(1) the name, address, and phone number of the information contact of the person required to make such return,

"(2) the information required to be shown on such return with respect to such security, and

"(3) such other information as the Secretary may prescribe.

The written statement required under the preceding sentence shall be furnished to the holder on or before January 15 of the year following the calendar year during which the action described in subsection (a) occurred.

"(d) SPECIFIED SECURITY.—For purposes of this section, the term 'specified security' has the meaning given such term by section 6045(g)(3)(B). No return shall be required under this section with respect to actions described in subsection (a) with respect to a specified security which occur before the applicable date (as defined in section 6045(g)(3)(C)) with respect to such security.

"(e) PUBLIC REPORTING IN LIEU OF RETURN.—The Secretary may waive the requirements under subsections (a) and (c) with respect to a specified security, if the person required to make the return under subsection (a) makes publicly available, in such form and manner as the Secretary determines necessary to carry out the purposes of this section—

"(1) the name, address, phone number, and email address of the information contact of such person, and

"(2) the information described in paragraphs (1), (2), and (3) of subsection (a).".

(2) ASSESSABLE PENALTIES.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (defining information return) is amended by redesignating clause (iv) and each of the clauses which follow as clauses (v) through (xxii), respectively, and by inserting after clause (iii) the following new clause:

"(iv) section 6045B(a) (relating to returns relating to actions affecting basis of specified securities),".

(B) Paragraph (2) of section 6724(d) of such Code (defining payee statement), as amended by subsection (c)(2), is amended by redesignating subparagraphs (J) through (DD) as subparagraphs (K) through (EE), respectively, and by inserting after subparagraph (I) the following new subparagraph:

"(J) subsections (c) and (e) of section 6045B (relating to returns relating to actions affecting basis of specified securities),".

(3) CLERICAL AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code, as amended by subsection (b)(3), is amended by

inserting after the item relating to section 6045A the following new item:

"Sec. 6045B. Returns relating to actions affecting basis of specified securities.".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect on January 1, 2010.

(2) EXTENSION OF PERIOD FOR STATEMENTS SENT TO CUSTOMERS.—The amendments made by subsection (a)(3) shall apply to statements required to be furnished after December 31, 2008.

SEC. 742. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking "December 31, 2008" and inserting "December 31, 2009".

(b) TRANSITIONAL RULE.—Subsection (f) of section 864 is amended by adding at the end the following new paragraph:

"(7) TRANSITION.—In the case of the first taxable year to which this subsection applies, the increase (if any) in the amount of the interest expense allocable to sources within the United States by reason of the application of this subsection shall be 78 percent of the amount of such increase determined without regard to this paragraph.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 743. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

(a) REPEAL OF ADJUSTMENT FOR 2012.—Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking the percentage contained therein and inserting "100 percent".

(b) MODIFICATION OF ADJUSTMENT FOR 2013.—The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 13 percentage points.

Subtitle D—Coordination of Federal Housing Programs and Tax Incentives for Housing

SEC. 751. SHORT TITLE.

This subtitle may be cited as the "Housing Tax Credit Coordination Act of 2008".

SEC. 752. APPROVALS BY DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

(a) ADMINISTRATIVE AND PROCEDURAL CHANGES.—

(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the "Secretary") shall, not later than the expiration of the 6-month period beginning upon after the date of the enactment of this Act, implement administrative and procedural changes to expedite approval of multifamily housing projects under the jurisdiction of the Department of Housing and Urban Development that meet the requirements of the Secretary for such approvals.

(2) PROJECTS.—The multifamily housing projects referred to in paragraph (1) shall include—

(A) projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds; and

(B) existing public housing projects and assisted housing projects, for which approval of the Secretary is necessary for transactions, in conjunction with any such low-income housing tax credits or tax-exempt housing bonds, involving the preservation or rehabilitation of the project.

(3) CHANGES.—The administrative and procedural changes referred to in paragraph (1) shall include all actions necessary to carry out paragraph (1), which may include—

(A) improving the efficiency of approval procedures;

(B) simplifying approval requirements,

(C) establishing time deadlines or target deadlines for required approvals;

(D) modifying division of approval authority between field and national offices;

(E) improving outreach to project sponsors regarding information that is required to be submitted for such approvals;

(F) requesting additional funding for increasing staff, if necessary; and

(G) any other actions which would expedite approvals.

Any such changes shall be made in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving public and assisted housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

(b) CONSULTATION.—The Secretary shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms, and approval requirements for multifamily housing projects projects for which assistance is provided by such Department in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

(c) RECOMMENDATIONS.—In implementing the changes required under this section, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, public housing agencies, tenant advocates, and other stakeholders in such projects.

(d) REPORT.—Not later than the expiration of the 9-month period beginning on the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that—

(1) identifies the actions taken by the Secretary to comply with this section;

(2) includes information regarding any resulting improvements in the expedited approval for multifamily housing projects;

(3) identifies recommendations made pursuant to subsection (c);

(4) identifies actions taken by the Secretary to implement the provisions in the amendments made by sections 4 and 5 of this Act; and

(5) makes recommendations for any legislative changes that are needed to facilitate prompt approval of assistance for such projects.

SEC. 753. PROJECT APPROVALS BY RURAL HOUSING SERVICE.

Section 515(h) of the Housing Act of 1949 (42 U.S.C. 1485) is amended—

(1) by inserting "(1) CONDITION.—" after "(h)"; and

(2) by adding at the end the following new paragraphs:

"(2) ACTIONS TO EXPEDITE PROJECT APPROVALS.—

"(A) IN GENERAL.—The Secretary shall take actions to facilitate timely approval of requests to transfer ownership or control, for the purpose of rehabilitation or preservation, of multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

"(B) CONSULTATION.—The Secretary of Agriculture shall consult with the Commissioner of the Internal Revenue Service and take such actions as are appropriate in conjunction with such consultation to simplify the coordination of rules, regulations, forms (including applications forms for project transfers), and approval requirements multifamily housing projects for which assistance is provided by the Secretary of Agriculture in conjunction with any low-income housing tax credits under section 42 of the Internal Revenue Code of 1986 or tax-exempt housing bonds.

"(C) EXISTING REQUIREMENTS.—Any actions taken pursuant to this paragraph shall be taken in a manner that provides for full compliance with any existing requirements under law or regulation that are designed to protect families receiving Federal housing assistance, including income targeting, rent, and fair housing provisions, and shall also comply with requirements regarding environmental review and protection and wages paid to laborers.

"(D) RECOMMENDATIONS.—In implementing the changes required under this paragraph, the Secretary shall solicit recommendations regarding such changes from project owners and sponsors, investors and stakeholders in housing tax credits, State and local housing finance agencies, tenant advocates, and other stakeholders in such projects.".

SEC. 754. USE OF FHA LOANS WITH HOUSING TAX CREDITS.

(a) SUBSIDY LAYERING REQUIREMENTS.—Subsection (d) of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) is amended—

(1) in the first sentence, by inserting after "assistance within the jurisdiction of the Department" the following: ", as such term is defined in subsection (m), except that for purposes of this subsection such term shall not include any mortgage insurance provided pursuant to title II of the National Housing Act (12 U.S.C. 1707 et seq.)"; and

(2) in the second sentence, by inserting "such" before "assistance".

(b) COST CERTIFICATION.—Section 227 of National Housing Act (12 U.S.C. 1715r) is amended—

(1) in the matter preceding paragraph (a) (relating to a definition of "new or rehabilitated multifamily housing")—

(A) in the first sentence—

(i) by striking "Notwithstanding" and inserting "Except as provided in subsection (b) and notwithstanding"; and

(ii) by redesignating clauses (a) and (b) as clauses (A) and (B), respectively; and

(B) by striking "As used in this section—";

(2) in paragraph (c) (relating to a definition of "actual cost")—

(A) in clause (i), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively; and

(B) in clause (ii), by redesignating clauses (1) and (2) as clauses (I) and (II), respectively;

(3) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively;

(4) by inserting before paragraph (1) (as so redesignated by paragraph (3) of this subsection) the following:

"(b) EXEMPTION FOR CERTAIN PROJECTS ASSISTED WITH LOW-INCOME HOUSING TAX CREDIT.—In the case of any mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to Section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if the Secretary determines at the time of issuance of the firm commitment for insurance that the ratio of the loan proceeds to the actual cost of the project is less than 80 percent, subsection (a) of this section shall not apply.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:"; and

(5) by inserting "(a) REQUIREMENT.—" after "227.".

(c) OTHER PROVISIONS REGARDING TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.—Title II of the National Housing Act is amended by inserting after section 227 (12 U.S.C. 1715r) the following new section:

"SEC. 228. TREATMENT OF MORTGAGES COVERING TAX CREDIT PROJECTS.

"(a) DEFINITION.—For purposes of this section, the term 'insured mortgage covering a tax credit project' means a mortgage insured under any provision of this title that is executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42).

"(b) ACCEPTANCE OF LETTERS OF CREDIT.—In the case of an insured mortgage covering a tax credit project, the Secretary may not require the escrowing of equity provided by the sale of any low-income housing tax credits for the project pursuant to Section 42 of the Internal Revenue Code of 1986, or any other form of security, such as a letter of credit.

"(c) ASSET MANAGEMENT REQUIREMENTS.—In the case of an insured mortgage covering a tax credit project for which project the applicable tax credit allocating agency is causing to be performed periodic inspections in compliance with the requirements of section 42 of the Internal Revenue Code of 1986, such project shall be exempt from requirements imposed by the Secretary regarding periodic inspections of the property by the mortgagee. To the extent that other compliance monitoring is being performed with respect to such a project by such an allocating agency pursuant to such section 42, the Secretary shall, to the extent that the Secretary determines such monitoring is sufficient to ensure compliance with any requirements established by the Secretary, accept such agency's evidence of compliance for purposes of determining compliance with the Secretary's requirements.

"(d) STREAMLINED PROCESSING PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program to demonstrate the effectiveness of streamlining the review process, which shall include all applications for mortgage insurance under any provision of this title for mortgages executed in connection with the construction, rehabilitation, purchase, or refinancing of a multifamily housing project for which equity provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986. The Secretary shall issue instructions for implementing the pilot program under this subsection not later than the expiration of the 180-day period beginning upon the date of the enactment of the Housing Tax Credit Coordination Act of 2008.

"(2) REQUIREMENTS.—Such pilot program shall provide for—

"(A) the Secretary to appoint designated underwriters, who shall be responsible for reviewing such mortgage insurance applications and making determinations regarding the eligibility of such applications for such mortgage insurance in lieu of the processing functions regarding such applications that are otherwise performed by other employees of the Department of Housing and Urban Development;

"(B) submission of applications for such mortgage insurance by mortgagees who have previously been expressly approved by the Secretary; and

"(C) determinations regarding the eligibility of such applications for such mortgage insurance to be made by the chief underwriter pursuant to requirements prescribed by the Secretary, which shall include requiring submission of reports regarding applications of proposed mortgagees by third-party entities expressly approved by the chief underwriter.".

SEC. 755. OTHER HUD PROGRAMS.

(a) SECTION 8 ASSISTANCE.—

(1) PHA PROJECT-BASED ASSISTANCE.—Section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(13)) is amended—

(A) in subparagraph (D)(i)—

(i) by striking "building" and inserting "project"; and

(ii) by adding at the end the following: "For purposes of this subparagraph, the term 'project' means a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land.";

(B) in the first sentence of subparagraph (F), by striking "10 years" and inserting "15 years";

(C) In subparagraph (G)—

(i) by inserting after the period at the end of the first sentence the following: "Such contract may, at the election of the public housing agency and the owner of the structure, specify that such contract shall be extended for renewal terms of up to 15 years each, if the agency makes the determination required by this subparagraph and the owner is in compliance with the terms of the contract."; and

(ii) by adding at the end the following: "A public housing agency may agree to enter into such a contract at the time it enters into the initial agreement for a housing assistance payment contract or at any time thereafter that is before the expiration of the housing assistance payment contract.";

(D) in subparagraph (H), by inserting before the period at the end of the first sentence the following: ", except that in the case of a contract unit that has been allocated low-income housing tax credits and for which the rent limitation pursuant to such section 42 is less than the amount that would otherwise be permitted under this subparagraph, the rent for such unit may, in the sole discretion of a public housing agency, be established at the higher section 8 rent, subject only to paragraph (10)(A)";

(E) in subparagraph (I)(i), by inserting before the semicolon the following: ", except that the contract may provide that the maximum rent permitted for a dwelling unit shall not be less than the initial rent for the dwelling unit under the initial housing assistance payments contract covering the unit"; and

(F) by adding at the end the following new subparagraphs:

"(L) USE IN COOPERATIVE HOUSING AND ELEVATOR BUILDINGS.—A public housing agency may enter into a housing assistance payments contract under this paragraph with respect to—

"(i) dwelling units in cooperative housing; and

"(ii) notwithstanding subsection (c), dwelling units in a high-rise elevator project, including such a project that is occupied by families with children, without review and approval of the contract by the Secretary.

"(M) REVIEWS.—

"(i) SUBSIDY LAYERING.—A subsidy layering review in accordance with section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545(d)) shall not be required for assistance under this paragraph in the case of a housing assistance payments contract for an existing structure, or if a subsidy layering review has been conducted by the applicable State or local agency.

"(ii) ENVIRONMENTAL REVIEW.—A public housing agency shall not be required to undertake any environmental review before entering into a housing assistance payments contract under this paragraph for an existing structure, except to the extent such a review is otherwise required by law or regulation.".

(2) VOUCHER PROGRAM RENT REASONABLENESS.—Section 8(o)(10) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(10)) is amended by adding at the end the following new subparagraph;

"(F) TAX CREDIT PROJECTS.—In the case of a dwelling unit receiving tax credits pursuant to section 42 of the Internal Revenue Code of 1986 or for which assistance is provided under subtitle A of title II of the Cranston Gonzalez National Affordable Housing Act of 1990, for which a housing assistance contract not subject to paragraph (13) of this subsection is established, rent reasonableness shall be determined as otherwise provided by this paragraph, except that—

"(i) comparison with rent for units in the private, unassisted local market shall not be required if the rent is equal to or less than the rent for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

"(ii) the rent shall not be considered reasonable for purposes of this paragraph if it exceeds the greater of—

"(I) the rents charged for other comparable units receiving such tax credits or assistance in the project that are not occupied by families assisted with tenant-based assistance under this subsection; and

"(II) the payment standard established by the public housing agency for a unit of the size involved.".

(b) SECTION 202 HOUSING FOR ELDERLY PERSONS.—Subsection (f) of section 202 of the Housing Act of 1959 (12 U.S.C. 1701q(f)) is amended—

(1) by striking "SELECTION CRITERIA.—" and inserting "INITIAL SELECTION CRITERIA AND PROCESSING.—(1) SELECTION CRITERIA.—";

(2) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively; and

(3) by adding at the end the following new paragraph:

"(2) DELEGATED PROCESSING.—

"(A) In issuing a capital advance under this subsection for any project for which financing for the purposes described in the last two sentences of subsection (b) is provided by a combination of a capital advance under subsection (c)(1) and sources other than this section, within 30 days of award of the capital advance, the Secretary shall delegate review and processing of such projects to a State or local housing agency that—

"(i) is in geographic proximity to the property;

"(ii) has demonstrated experience in and capacity for underwriting multifamily housing loans that provide housing and supportive services;

"(iii) may or may not be providing low-income housing tax credits in combination with the capital advance under this section, and

"(iv) agrees to issue a firm commitment within 12 months of delegation.

"(B) The Secretary shall retain the authority to process capital advances in cases in which no State or local housing agency has applied to provide delegated processing pursuant to this paragraph or no such agency has entered into an agreement with the Secretary to serve as a delegated processing agency.

"(C) An agency to which review and processing is delegated pursuant to subparagraph (A) may assess a reasonable fee which shall be included in the capital advance amounts and may recommend project rental assistance amounts in excess of those initially awarded by the Secretary. The Secretary shall develop a schedule for reasonable fees under this subparagraph to be paid to delegated processing agencies, which shall take into consideration any other fees to be paid to the agency for other funding provided to the project by the agency, including bonds, tax credits, and other gap funding.

"(D) Under such delegated system, the Secretary shall retain the authority to approve rents and development costs and to execute a capital advance within 60 days of receipt of the commitment from the State or local agency. The Secretary shall provide to such agency and the project sponsor, in writing, the reasons for any reduction in capital advance amounts or project rental assistance and such reductions shall be subject to appeal.".

(c) MCKINNEY-VENTO ACT HOMELESS ASSISTANCE UNDER SHELTER PLUS CARE PROGRAM.—

(1) TERM OF CONTRACTS WITH OWNER OR LESSOR.—Part I of subtitle F of the McKinney-Vento Homeless Assistance Act is amended—

(A) by redesignating sections 462 and 463 (42 U.S.C. 11403g, 11403h) as sections 463 and 464, respectively;

(B) by striking "section 463" each place such term appears in sections 471, 476, 481, 486, and 488 (42 U.S.C. 11404, 11405, 11406, 11407, and 11407b) and inserting "section 464"; and

(C) by inserting after section 461 (42 U.S.C. 11403f) the following new section:

"SEC. 462. TERM OF CONTRACT WITH OWNER OR LESSOR.

"An applicant under this subtitle may enter into a contract with the owner or lessor of a property that receives rental assistance under this subtitle having a term of not more than 15 years, subject to the availability of sufficient funds provided in appropriation Acts for the purpose of renewing expiring contracts for assistance payments. Such contract may, at the election of the applicant and owner or lessor, specify that such contract shall be extended for renewal terms of not more than 15 years each, subject to the availability of sufficient such appropriated funds.".

(2) PROJECT-BASED RENTAL ASSISTANCE CONTRACTS.—Section 478(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11405a(a)) is amended by inserting before the period at the end the following: "; except that, in the case of any project for which equity is provided through any low-income housing tax credit pursuant to section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42), if an expenditure of such amount for each unit (including the prorated share of such work) is required to make the structure decent, safe, and sanitary, and the owner agrees to reach initial closing on permanent financing from such other sources within two years and agrees to carry out the rehabilitation with resources other than assistance under this subtitle within 60 months of notification of grant approval, the contract shall be for a term of 10 years (except that such period may be extended by up to 1 year by the Secretary, which extension shall be granted unless the Secretary determines that the sponsor is primarily responsible for the failure to meet such deadline)".

(d) DATA COLLECTION ON TENANTS OF HOUSING TAX CREDIT PROJECTS.—Title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"SEC. 36. COLLECTION OF INFORMATION ON TENANTS IN TAX CREDIT PROJECTS.

"(a) IN GENERAL.—Each State agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (26 U.S.C. 42) shall furnish to the Secretary of Housing and Urban Development, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the United States Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. Such State agencies shall, to the extent feasible, collect such information through existing reporting processes and in a manner that minimizes burdens on property owners. In the case of any household that continues to reside in the same dwelling unit, information provided by the household in a previous year may be used if the information is of a category that is not subject to change or if information for the current year is not readily available to the owner of the property.

"(b) STANDARDS.—The Secretary shall establish standards and definitions for the information collected under subsection (a), provide States with technical assistance in establishing systems to compile and submit such information, and, in coordination with other Federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

"(c) PUBLIC AVAILABILITY.—The Secretary shall, not less than annually, compile and make publicly available the information submitted to the Secretary pursuant to subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the cost of activities required under subsections (b) and (c) $2,500,000 for fiscal year 2009 and $900,000 for each of fiscal years 2010 through 2013.".

Subtitle E—Limitation on Sale, Foreclosure, or Seizure of Property Owned by Servicemembers

SEC. 761. LIMITATION ON SALE, FORECLOSURE, OR SEIZURE OF PROPERTY OWNED BY SERVICEMEMBERS DURING ONE-YEAR PERIOD FOLLOWING PERIOD OF MILITARY SERVICE.

(a) LIMITATION.—Section 303(c) of the Servicemembers Civil Relief Act is amended by striking "90 days" and inserting "one year".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any sale, foreclosure, or seizure of property on or after the date of the enactment of this Act.

SEC. 762. PROVISION OF FINANCIAL DISCLOSURE TO SERVICEMEMBERS WHO DEFAULT ON CERTAIN OBLIGATIONS.

(a) PROVISION OF DISCLOSURE REQUIRED.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended by adding at the end the following new subsection:

"(e) PROVISION OF FINANCIAL DISCLOSURE.—In the case of a servicemember who defaults on an obligation described in subsection (a) for two consecutive months, the mortgagor or loan servicer of the obligation shall provide to the servicemember a written financial disclosure describing the servicemember's liability with respect to the obligation for the period during which a sale, foreclosure, or seizure of the property is not valid under subsection (c).".

(b) EFFECTIVE DATE.—Subsection (e) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as added by subsection (a), shall apply with respect to a servicemember who defaults on an obligation on or after the date of the enactment of this Act.

The text of House amendment No. 3 to the Senate amendment is as follows:

At the end of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, add the following new section:

SEC. ___. RULE OF CONSTRUCTION.

(a) IN GENERAL.—No provision of this Act, the Home Owners' Loan Act, or title LXII of the Revised Statutes of the United States (commonly referred to as the "National Bank Act") may be construed as preempting the application, to any entity, of any State law regulating the foreclosure of residential real property in that State or the treatment of foreclosed property.

(b) NO NEGATIVE IMPLICATION.—This section shall not be construed as affecting in any way the applicability of any other type of State law to any Federal depository institution (as defined in section 3(c)(4) of the Federal Deposit Insurance Act) or to any agent or subsidiary of any such depository institution.

The SPEAKER pro tempore. Pursuant to House Resolution 1175, debate shall not exceed 3 hours, with 2 hours equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services, and 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 1 hour; and the gentleman from

Massachusetts (Mr. NEAL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to begin by thanking Mr. FRANK. In the 30 years that I've known him, I've yet to meet anybody who has done a better job of mastering the most arcane detail of complicated housing policy. In fact, in some measure, we're here today because of the energy that he's brought to the task at hand.

Mr. Speaker, I also rise today in support of this housing assistance tax package which has been reported by the Ways and Means Committee. I want to thank Chairman RANGEL for his leadership on this very important national issue.

There is little doubt that the sagging housing industry, now at historic lows, has been a drag on our national economy. This legislation would stimulate that industry and help families who have been caught up in this struggling economy.

This legislation provides tax credits for first-time homebuyers, and it boosts credits for construction of affordable housing. It allows families to deduct property taxes who couldn't do so before.

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It increases mortgage revenue bonds and it allows the States to refinance troubled subprime loans.

This assistance is targeted to those who need it most. It will also help bring economic stability to our communities. And these provisions are revenue neutral, I emphasize "revenue neutral," using a provision from the President's own budget to pay for much of the cost.

Mr. Speaker, this bill has been endorsed by the Home Builders, the Realtors and State Housing Administrators. It passed with the support of 12 Republican members of the Ways and Means Committee, including my friend and the distinguished ranking member, Mr. MCCRERY. It is broadly supported, it's bipartisan in nature, and I am proud to bring it to this House today.

There are but two changes to our amendment. One is a package of technical improvements from the Financial Services Committee to better coordinate the various housing tax and HUD programs. The other is—and I hope that everybody will listen to this suggestion—a provision approved by the Veterans Affairs Committee to extend from 90 days to 1 year the protection against foreclosure for servicemembers returning from active duty. I can't imagine that there is a voice in this body who would not be supportive of that initiative, the idea that in Afghanistan and/or in Iraq, that a servicemember who is doing all that's asked of him or her every day would find themselves facing mortgage foreclosure because of their military service.

As chairman of the Select Revenue Measures Subcommittee, again I stand in strong support of the legislation that's before us today. It includes a number of improvements to the affordable housing program.

Our subcommittee considered these provisions last summer. And at the urging of housing officials, developers, and advocates for low-income families, they have all been included in the Ways and Means amendment that we consider today. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCRERY. Mr. Speaker, I yield myself so much time as I may consume.

Mr. Speaker, it is with regret that I rise to urge my colleagues to vote against the tax amendment to this bill. Let me be clear, however, in stating that my opposition to this section is not the result of a disagreement with my friend, Mr. NEAL, or with the chairman of the committee, Mr. RANGEL. We were able to work together so that the housing bill reported by the Ways and Means Committee enjoyed bipartisan support.

And while that package contains many provisions that do make sense, I think the House should have had the opportunity to consider at least one alternative. Unfortunately, the procedural straitjacket imposed by the majority for consideration of the housing bill today is something that I simply cannot ignore. For that reason, I will be voting against this amendment.

We all understand the severity of the housing crisis. Housing starts declined to 680,000 in March of 2008, the lowest level since January of 1991. Since hitting a peak in early 2006, housing starts have dropped by 62 percent. There is currently a 9½ month supply of unsold homes, more than double the 10-year average. With those facts in mind, it is not surprising that home prices are falling, and the contraction in the residential real estate market is an anchor around our economy.

The Tax Code didn't get us into this mess, and there is only so much the Tax Code can do to get us out. The package approved by the Committee on Ways and Means contains many well-designed improvements, including improvements to make the low-income housing tax credit more efficient. I also think allowing those credits to be claimed against both the regular tax and the AMT is a step in the right direction.

The language expanding the Mortgage Revenue Bond program and allowing proceeds of the bonds to be used to refinance existing home mortgages, as suggested by the President, is certainly worth doing. And although I have some reservations about the design of the first-time homebuyer's tax credit, the recapture provision, if we include it, makes it more like a no-interest loan and not really a tax credit.

Still, I share the hope of the sponsors that this provision will help induce some home purchases this year and stabilize the market. We desire that because we recognize that potential homebuyers right now are reading the headlines every day, they're waiting on the sidelines to get to the bottom of the market. Well, as prices keep falling, more people who might think about buying a home decide to keep waiting, and so that creates a self-perpetuating cycle of declining home prices. Maybe, just maybe, this tax credit could induce some of those waiting on the sidelines to go ahead, jump in and buy a home. That's our desire. I think it could have been better, as I say, designed as a pure tax credit with no recapture provision, but still, I think it's better than nothing.

I understand the concern raised by some that an artificial temporary floor, so to speak, will not restore long-term stability to the housing market and could even result in further price declines when the temporary benefit lapses. But on balance, I think this provision holds some hope of helping us to reverse this slide in housing prices, or at least stop it for a while and give it a chance to recover.

At the same time, there are elements of this package that, frankly, I would prefer not be in here. Given the nature of the housing crisis, I think the House should follow the Senate's lead and waive PAYGO, for example. I think this is an emergency. We shouldn't be responding to this emergency situation with tax increases.

And there are specific items in here that if it were up to me might not have made the cut. But democracy is about compromise, and the bill produced by the Ways and Means Committee was something that I supported and would like to vote for again here on the House floor today. But the decision made by the majority leadership to debate this legislation as an amendment to a Senate-passed bill deprives the House of the chance to consider ways to improve it, even to the extent of denying the minority a motion to recommit.

Now, I recognize that tax bills traditionally come to the floor under restrictive rules, and I support that. But as I documented in a letter last year to the distinguished chairwoman of the Rules Committee, in years when Republicans were in the majority, on one tax bill after another the Republican majority offered the Democratic minority not only a motion to recommit, but a substitute.

Mr. Speaker, at this time, I would like to insert the text of that letter to the chairwoman of the Rules Committee into the CONGRESSIONAL RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, August 1, 2007.
Chairwoman LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives, The Capitol, Washington, DC.
Ranking Member DAVID DREIER,
Committee on Rules, House of Representatives, Longworth Building, Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER AND RANKING MEMBER DREIER: This week the House is expected to consider H.R. 2776, the "Renewable Energy and Energy Conservation Act of 2007." This will be the first tax bill, reported by the Ways and Means Committee, to be considered under a rule in the 110th Congress. As you are aware, the House has a long history of supporting rules for tax bills which make in order an amendment in the nature of a substitute. Numerous examples, dating back to the 104th Congress, include:

1. Death Tax Repeal Permanency Act of 2005;
2. Tax Increase Prevention and Reconciliation Act of 2005;
3. Charitable Giving Act of 2003;
4. Death Tax Repeal Permanency Act of 2003;
5. Social Security Protection Act of 2003;
6. Pension Security Act of 2003;
7. Tax Administration Good Government Act;
8. A bill to extend permanently the marriage penalty relief provided under the Economic Growth and Tax Relief Reconciliation Act of 2001;
9. Middle-Class Alternative Minimum Tax Relief Act of 2004;
10. A bill to permanently extend the ten percent individual income tax bracket;
11. Child Credit Preservation and Expansion Act of 2004;
12. Economic Growth and Tax Relief Act of 2001;
13. Marriage Penalty and Family Tax Relief Act of 2001;
14. Care Act of 2002;
15. Death Tax Elimination Act of 2001;
16. Economic Growth and Tax Relief Reconciliation Act of 2001;
17. Permanent Death Tax Repeal Act of 2002;
18. Job Creation and Worker Assistance Act of 2002;
19. Pension Security Act of 2002;
20. The WORK Act of 2002;
21. Retirement Savings Security Act of 2002;
22. Marriage Tax Penalty Relief Act of 2000;
23. Death Tax Elimination Act of 2000;
24. Retirement Security and Savings Act of 2000;
25. Foster Care Independence Act of 1999;
26. Financial Freedom Act of 1999;
27. Fathers Count Act of 1999;
28. Marriage Tax Relief Reconciliation Act of 2000;
29. Social Security Benefits Tax Relief Act of 2000;
30. Education Savings and School Excellence Act of 1998;
31. Taxpayer Relief Act of 1998;
32. Job Creation and Wage Enhancement Act of 1995;
33. A bill to permanently extend the deduction for the health insurance costs of self-employed individuals, and for other purposes;
34. Tax Fairness and Deficit Reduction Act of 1995; and,
35. Health Insurance Portability and Accountability Act of 1996.

While the usual practice has been to provide for the consideration of an amendment in the nature of a substitute, I recognize that there have been instances where such consideration was not allowed under the rule. In many of these cases, the amendment was either non-germane to the underlying bill, was not an actual substitute amendment, or was not compliant with the Budget Act.

I have submitted an amendment in the nature of a substitute to H. R. 2776. According to the Joint Committee on Taxation, the amendment complies with Clause 10 of House Rule 21, otherwise known as the "paygo rule." In addition, through consultations with the Office of the Parliamentarian, I am assured that the amendment is germane to H.R. 2776. To my knowledge, it would violate no rules of the House.

I hope that the Committee will make in order my amendment as part of the consideration of H.R. 2776. Please do not hesitate to contact me if you have any questions.

With kindest regards, I am
Sincerely yours,
JIM MCCRERY,
Ranking Member.

At the same time, I recognize that it is not uncommon to resolve differences between the House and the Senate by sending amendments back and forth across the Capitol. That's what's being done today. But what makes today's procedure so unusual, and to some of us so frustrating, is that this House never had a chance to work its will on housing legislation. This is not a housing bill that went to the Senate, was amended, and then sent back to us. This was an energy bill for heaven's sake. It was gutted in the Senate, replaced with housing provisions, sent back to us, and that is what has created this unusual opportunity for the majority to deny the minority even a motion to recommit, and it's wrong.

So Mr. Speaker, I think that action reflects poorly on this House. It's a trampling of the rights of all of our Members, not just the minority. And I, therefore, plan to vote against all of these amendments and urge my colleagues to do the same until we can get a fair hearing, a fair rule governing the debate of these very important matters.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent at this time to allow the gentleman from New York (Mr. REYNOLDS), a member of the Ways and Means Committee, to control the remainder of time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. NEAL of Massachusetts. Mr. Speaker, I do offer some acknowledgement of the constraints that we find ourselves within today on the House floor, and I think there's some accuracy as to what Mr. MCCRERY had to say. However, there is another very important point, and that is, that the issues were vetted at the committee level and there was ample opportunity and a full and vigorous debate ensued in the Ways and Means Committee in which every opinion was welcomed.

With that, I would like to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. I rise in strong support.

There has been some bipartisanship that has motored this legislation, and I hope it won't break down today.

The crisis in housing needs the attention and the support of everybody. It needs much more than tea and sympathy, it needs legislation. Recently I met with mayors and managers from the 12th District, in Macomb County and southeast Oakland. And they all talked about the plight of the homeowner, the plight of the communities when houses are shut down. We have to act. And I pay tribute, all of us should, to the Committee on Financial Services.

And let me say just a word about the tax provisions. They would provide credit to first-time homebuyers. Essential. It would improve access to low-income housing. Essential. It would allow families to deduct property taxes through the standard deduction. It's a good experiment. It should have been done earlier. And it also would allow Federal home loan banks to help relieve pressure on credit markets.

I read the Statement of Administrative Policy that said it was risky and it was an expansion of the purpose of the banks, and I think it's incorrect in both respects. So I just want to close with the sense of urgency that I think all of us feel. Mr. Bernanke said that if markets were simply allowed to follow their own course, it could "destabilize communities, reduce the property values of nearby homes and lower municipal tax revenues."

What more do we need to impel us to act than the flight of families, the plight of communities, and the plight of municipalities? Let's vote on a bipartisan bill. Let's vote for this bill.

Mr. REYNOLDS. Mr. Speaker, it is now my pleasure to yield 3 minutes to the distinguished senior member of the Republican side of Ways and Means, WALLY HERGER of California.

Mr. HERGER. Mr. Speaker, I'm troubled by the housing catch-all bill before the House of Representatives today from a commonsense, pro-American taxpayer position.

The bill would enable the already troubled FHA to take on an additional $300 million in distressed mortgage liabilities, loans that have a good chance of going into default. This effectively transfers risk from those holding bad loans to those taxpayers who made prudent decisions in the first place.

More than nine out of 10 mortgage holders make payments on time. They would now be on the hook for the bad mortgage debt, as will renters saving for a first-time home and those who own their own homes outright. This bill sends the signal that there are no real consequences for poor lending or borrowing practices, and encourages more of the same behavior that led us here in the first place.

Further, to offset some of the tax giveaways in the bill, the Democrat majority proposes billions of dollars in what amounts to a retroactive tax increase on American employers with operations in foreign markets. What our economy really needs is tax policies that foster greater, not less, competitiveness for the U.S. employers.

Finally, it is truly disappointing that the Democrat majority has chosen to bring this bill up in a lock down, unamendable manner. I urge my colleagues to reject this measure.

Mr. NEAL of Massachusetts. Mr. Speaker, I would remind the audience, including the Members that are on the floor, that this procedure was fully vetted in the Ways and Means Committee. It passed 35–5. That means we picked up 12 members of the minority who supported this legislation.

With that, I would like to yield 2 minutes to my friend, the distinguished gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, you can't have it both ways. You can't say that this is an emergency and we've got to get something done, and then in the other breath say let's go through the technical procedures. They're contradictory.

This bill was vetted. And housing inventories in our communities continue to increase and home prices continue to decline. We need to incentivize Americans to reenter the housing market. It affects so much of our economy. I think this amendment, this bill takes giant leaps towards accomplishing this goal. I applaud Mr. RANGEL for his efforts and the 12 Members from the distinguished opposition who joined.

There is an array of good work here, but in particular I'm heartened that included within is a tax benefit for most first-time homebuyers. This is a truly meaningful incentive, and one that will pull out a large swath of people from the sidelines and back into the market, having a ripple effect throughout the rest of the economy. After all, without bold action to spur housing market activity, inventories across the country may continue to grow, placing downward pressure on home prices and wiping out equity that so many Americans have worked so hard to build.

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We don't want more homes to be in that situation. We prove nothing. There is a place for the Federal Government, therefore, in this terrible situation that has occurred and developed over the last year.

This bill, when passed, will allow middle class families to receive a tax benefit that is equivalent to an interest-free loan of $7,000 towards the purchase of their first home. It will also allow existing homeowners who claim the standard deduction to an additional standard deduction for property taxes, up to $700 for a married couple filing jointly.

When we first addressed this issue in the Ways and Means Committee, the National Association of Realtors found that our legislation would generate about 1 million sales——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. NEAL of Massachusetts. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. PASCRELL. The National Association of Realtors found that our legislation would generate about 1 million sales to first-time homebuyers and stimulate nearly $130 billion in increased economic activity. You tell me that that's not worth it in this economy.

Studies have shown that this will help reduce housing inventory by 900,000 homes, which will, in turn, stabilize prices.

This is a wise and necessary course to take. Because of this we also salute Chairman RANGEL's leadership. I hope all my colleagues will enthusiastically support this proposal. It's good for America.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, at this time I would like to yield to the gentlewoman from Pennsylvania (Ms. SCHWARTZ) for 2 minutes.

Ms. SCHWARTZ. Mr. Speaker, I want to thank Chairman RANGEL and Chairman FRANK for acting so swiftly and wisely to stem the tide of foreclosures and address the sagging home values that are hurting families and communities across our Nation.

By addressing a whole range of issues, from the continuing foreclosure crisis to the new and existing homes that are sitting vacant and further depressing the housing market, this package represents a significant step toward stabilizing the economy and restoring consumer confidence.

I am very proud of the portion of this package that came through the Committee on Ways and Means, particularly a timely, targeted, and well-designed first-time homebuyers credit; a new Federal tax deduction to help families meet rising State property taxes; and expansion of the ability of cities and States to raise capital for infrastructure improvements by partnering with the Federal Home Loan Banks.

In particular, I am pleased that the package includes a provision that I championed, along with my Republican colleague JON PORTER, which would enable State housing finance agencies to raise capital through tax-exempt mortgage revenue bonds and use these additional funds to help at-risk borrowers refinance their subprime loans, access mortgages at fair rates, and enable families to meet their financial obligations and stay in their homes. This provision will work hand in hand with the Federal Housing Agency reforms that have come out of Chairman FRANK's committee and will allow States to play a role in addressing the needs of their local communities.

As Federal Reserve Chairman Ben Bernanke put it, " . . . doing what we can to avoid preventable foreclosures is not just in the interest of lenders and borrowers, it is in everyone's interest."

It is in everyone's interest that we overcome this crisis in the housing market, that we work to stabilize the economy, and we work to maintain and build our competitive edge in the global economy. The proposal before us is a comprehensive approach to this challenge, and I hope that it will be supported by all.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the debate continues from the Ways and Means portion of the housing bill, I believe the ranking member has set very clear remarks on where many of us find ourselves with this debate today.

Chairman RANGEL and Ranking Member MCCRERY have a superb working relationship, and they have set the tenor of what has been hard work on both sides of the aisle and bipartisan compromise and consensus to craft some good legislation that has passed this body and has become law. And as I manage this portion for the minority and look across to my colleague from Massachusetts, he and I also share in commonsense solutions to strengthen America and to resolve some of the problems and challenges that are there. And this bill is not an exception to that. We worked at the spirit of request of both the Chair and ranking member to reach compromise and consensus to improve the Ways and Means jurisdiction on housing.

And I look at it with sadness in two parts. One, as a realtor who looks at the industry, knowing across the country that we face challenges, and the statistics that Ranking Member MCCRERY outlined, 680,000 fewer starts, a reduction in high percentages of what the industry is about, seeing what the drag has been on our country's growth. And we need to work through good, solid solutions that need a hearing process that involve the Congress, particularly this body, in a debate of solution.

And when we look at the entire complexity of this bill, not only as a Ways and Means member, not only as someone who understands the housing world, but also as a former member of the Rules Committee, I know that the Members of this body were trampled on based on the decision of taking an energy bill and making the housing provisions, one of the challenges of the country today, short-circuited as an amendment to circumvent debate, amendments, recommittals, and substitutes that would be afforded the minority in any other instance.

And as I look at this and the frustration I heard in the ranking member's message of what is being trampled on on rights of the minority to make presentations, quite frankly, maybe some majority Members on amendments, recommittal, and substitute, I find it disturbing that this is the beginning of strong trends of kind of a less than reasonable approach to advance legislation through this body.

And in the final thoughts, as we look at the predicament we're in on procedural processes here and maybe the fact that we could have made this bill even better, I must share with my colleagues that there is a clear veto message on this legislation as it leaves the House and it will unlikely be the solution of the land.

So with that, Mr. Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, just briefly in reference to my friend Mr. REYNOLDS' comments, the constraints that we are operating on today, as he criticizes them, are entirely legitimate; but they are institutional problems, as opposed to just the will of the majority.

I was asking a Member of the minority last evening, "Is it possible to be an aggrieved Member of the majority?" In these instances I think you can be an aggrieved Member of the majority.

But I want to emphasize a very important point: This legislation received overwhelming support from the minority in the committee, and I think based upon news accounts this morning that there was some conflict in two major dailies as to whether or not the administration would, in fact, veto this legislation, but I can't overstate enough this simple point: There was ample opportunity for the minority to participate in the debate at the Ways and Means Committee; and, in fact, they succeeded in amending the legislation that has come to the floor today, and every voice was heard.

Mr. Speaker, with that I would like to yield 3 minutes to the distinguished gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman from Massachusetts for yielding. And I would like to particularly thank Chairman RANGEL and Chairman FRANK for their extraordinary efforts on behalf of the American people.

Mr. Speaker, this amendment and the overall housing package we are considering today will help millions of Americans and significantly improve the economic situation in my State of Nevada. In recent years the vibrant economy and rapid growth in my district of Las Vegas combined to make the city appear immune to economic downturn. This foreclosure crisis has shown that this is no longer the case.

Nevada has had the highest statewide foreclosure rate for well over a year. The surge in foreclosures has led to huge inventories of unsold homes. This, in turn, has led to massive layoffs of the construction industry and other housing-related fields. Nevada, which has been a land of economic opportunity, the fastest-growing State in the Nation, now has an unemployment rate of 5.8 percent, which is, I'm sorry to say, well above the national average.

This amendment takes several steps that will help both current and prospective homeowners as well as increase affordable housing opportunities. Current homeowners will be helped by the creation of a standard deduction for property taxes, which will lower Federal taxes for taxpayers who don't itemize and by freeing up funds to refinance certain subprime loans. The tax credit for first-time homebuyers creates a great incentive to get families into properties that are currently sitting vacant due to foreclosure or that have been sitting on the market for long periods of time due to excess unsold inventory. The bill also takes steps to increase affordable rental housing, another critical need in Las Vegas.

I'm hopeful that the combined efforts of this amendment and other provisions of the package will be to alleviate the current housing crisis and help turn our Nation's economy around. I proudly support the intent and the substance of this legislation. I urge adoption.

And I must say I think it's insulting to the American people when they hear that there are Members on the other side of the aisle that support the bill, support the intent, but are voting against it because they didn't get a procedural motion to vote on.

Let's do what's best for the American people and stop this ridiculous infighting that nobody out there cares about. They care about staying in their homes. They care about protecting their families. And, quite frankly, they don't give a hoot whether somebody has a motion to recommit to vote on.

Mr. REYNOLDS. Mr. Speaker, I would like to yield 5 minutes to the gentleman from Texas (Mr. BRADY), a distinguished member of the Ways and Means Committee and a leading expert on this issue.

Mr. BRADY of Texas. Thank you, Mr. REYNOLDS, for your leadership on our economic issues here in Congress.

Mr. Speaker, a principle that is before us today is that Congress should not be bailing out speculators, lenders, or investors who have behaved irresponsibly.

If you bought a home that is too big for you, that you couldn't afford from the get-go, or you were betting that property values would go up in your region, that's tough.

If you lent money without income or means of those who were borrowing it, or you preyed, you preyed on people who didn't know better and then churned their loan repeatedly, that's tough. If you purchased securities without determining if the loans underlying them were sound, that is your problem. That is not the taxpayers', that is not your next-door neighbor's problem.

We do have a role in Congress and it is this, to address this issue: One, we should make sure that there is available, affordable credit for creditworthy borrowers. We need to make sure that we prevent this from occurring again. And we need to punish, aggressively punish, the bad actors who have infected our entire American economy.

The proposal we have before us today is well intentioned, clearly. I think Republicans and Democrats agree on the need to help where we can. It is well intentioned. It is not particularly effective. I have my doubts that it will help much at all. It is too little, too slow, too unfocused. It is, as you would imagine, a typical Washington reaction.

For example, a provision to allow States to have more authority for low income housing. Nothing wrong with that. In fact, we need more of that. That housing likely, knowing the process that works here, in the State of Texas and others, it will probably be 3 years before anyone moves into housing of that caliber. Way too late for this problem.

The property tax deduction for seniors who don't itemize, you always want to help people with their property taxes. But is a retired person really going to take $350 and buy a new home or buy a foreclosed home in their neighborhood? Not likely.

Even the tax credit for first-time homebuyers, a part that, I think, the philosophy of which I really like. But this no-interest loan is structured so low, $7,500, it won't allow them to buy a home. There are not many $75,000 homes on the market. If it's only a 5 percent down payment, there are, truthfully, not very many $150,000 homes that are in the areas of America that actually have massive foreclosures. Those tend to be either in the depressed areas or in the high-value States where a lot of people did bet on rising property values.

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So I like the philosophy of it. I don't think it will help much. Thankfully it won't hurt. It won't hurt. There are good things in this bill. The FHA modernization and the reform of Fannie Mae and Freddie Mac I think are exactly appropriate.

But if our goal is to make sure we have available credit for creditworthy borrowers, I think this bill is a poor alternative to the Hope Alliance, which is moving faster and more effectively today and covering more than 90 percent of those who have mortgages and could have problems, or has already worked with 1.4 million families who need help moving them into new loans or moderating the loan they have today. And they are doing that without taxpayers underwriting any potential loss. That is, I think, the approach that works best and is already proven to work.

I will finish with this. I have said that there is nothing patently offensive in the amendment from Ways and Means. In fact, again, I think it is well intentioned. But in the underlying bill by Chairman FRANK, there is something that is especially offensive.

I come from Texas. Our region was destroyed in Hurricane Rita, a hurricane that was stronger than Hurricane Katrina. We lost 70,000 homes that were damaged or destroyed. We lost more than $1 billion of our timber industry, our main crop. We still have 10 percent of our families who haven't moved back to southeast Texas because they don't have housing. Yet in Chairman FRANK's underlying bill, he creates an affordable housing fund and dedicates $500 million to Louisiana and Mississippi to help rebuild housing in those areas. And yet for the same hurricane, and Hurricane Rita, in the communities that actually took in the Katrina families as they fled that hurricane, and then those same families have their own roofs torn off in southeast Texas, this bill says, "Drop dead. Forget it. We are going to help those who are on this side of the hurricane."

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REYNOLDS. I yield the gentleman an additional 30 seconds.

Mr. BRADY of Texas. But to those who not only took in those of Katrina, to those communities that opened their hearts, their churches and their homes and have their own community destroyed, this government and this Congress is saying, "Forget it. We are going to divide this hurricane along State lines. You can drop dead. No help for you in housing. No help for you in apartments. No help for you, period. None. Zero for the victims of Hurricane Rita in Texas."

This Congress ought to be ashamed of itself.

Mr. NEAL of Massachusetts. Mr. Speaker, I would like at this time to yield to the gentleman from Vermont via Springfield, Massachusetts, one of the most distinguished families in Springfield, my friend, Mr. WELCH, for 2 minutes.

Mr. WELCH of Vermont. Thank you, Mr. Chairman.

Mr. Speaker, I rise in strong support of this legislation. The legislation does two things that are good and one thing that is very good in its absence. The two things that are good are one, it addresses very specifically, in a practical way, the housing crisis that has been brought on by the subprime foreclosure debacle.

What it does is it shares the opportunity of relief and it shares the pain of getting the relief so that we can end up at the end of the day with several hundred thousand American families still in their homes, lenders having been able to mitigate their loss, homeowners being able to keep a roof over their head, and the American taxpayer not being left on the hook.

It does it by recognizing we have to use existing institutions to accomplish that. It does it by acknowledging that it has to be voluntary. A lender will be in this program only when they make the practical business decision that it is a better route than foreclosure. A borrower is going to be able to make that same change and has to be able to demonstrate an ability to pay at the new current appraisal value of that property. And in the process of doing that, it means that we use the guaranty of the taxpayer, but in all likelihood, according to the CBO score, not the money of the taxpayer.

So it is a practical solution to a very severe problem that could only have been brought to this House for consideration with the extraordinary cooperation of both sides in the Ways and Means Committee, the Financial Services Committee, and the help of high administration officials who had significant input along the way.

And it would be very unfortunate if the procedural debates that we are having about process, made at the leadership level, derail what is a practical approach to solving a very serious problem. What this bill isn't, and I congratulate the Members on both sides as well, it is not a blame game about who caused this. That is for another day.

Mr. REYNOLDS. Mr. Speaker, it is now my privilege to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I appreciate the opportunity to come down and speak.

Certainly in every one of our districts, the housing crunch or crisis affects everyday people. And we have to look at the best way to resolve this.

And I think what we have today is kind of a best-intentions type of bill. But I don't think it's really getting to the heart of the matter. When I have talked to several economists that specialize in the real estate markets, all have told me that when you're looking back and trying to remedy or bail out what has occurred, that you are really not going to fix the problems or stimulate the housing industry.

So I have developed, with several of my colleagues, a bill that is forward looking. It is straightforward. It is an up to $10,000 tax credit for a purchaser of a home, not a foreclosed home only or a new build only or anything like that. Just if they want to buy a new home or a home they would be eligible.

I realize that there was at least a weak attempt to something like that in the amendment that is before us now. We have got a $7,500 tax credit. But when you look at the eligibility and the fact that, yes, it is a refundable tax credit that you have to pay back, it turns out to be rather useless in trying to stimulate the housing market. This is really a faux or phantom tax credit. So I don't think that can be used to help stimulate our economy or the housing market to get us out of the housing depression here.

And one of the issues that we're talking about here today is the devaluation of our homes because of the housing depression and that what we're going to do is make up the difference of a home that has been devalued that goes into—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. REYNOLDS. I yield 1 additional minute to the gentleman from Nebraska.

Mr. TERRY. What we are going to do is spend $300 billion to try and get us to right size that by bailing these folks out. That's just going to prolong the problem according to the economists.

Two points there: If that is all that we are really going to do here, we are not going to turn the tide of the devaluation of our homes. The only way to do that is to increase demand overall, which increasing your tax credit will do, not the phantom one that is here.

The other way is when you look at the market and the availability of credit, especially for lower income people, I think we are doing the right thing here by increasing the cap or the limit on credits for low-income housing. But there is also market-available tools that are out there. I have had people come to my office and present these market, nongovernment bailout programs, not programs but options, where they use a 501(c)(3) entity where you can put the life insurance in and cover the costs, reduce the house, and I thank you for the opportunity.

Mr. NEAL of Massachusetts. Mr. Speaker, I must tell you I swore to myself I was going to resist what I'm about to say until I heard the term "bailout." The minute I heard the term "bailout," I thought to myself the speed with which the Federal Reserve Board and the Treasury came to the aid of Bear Stearns in a 48-hour period. And to use that same example of making it an analogy here is striking.

With that, I would like to reserve the balance of my time.

Mr. REYNOLDS. Mr. Speaker, first, I guess I will ask the gentleman if he has any other speakers. I am prepared to close and yield back the balance of my time.

With that, Mr. Speaker, I think, again, for our colleagues it is important to understand some of what has happened that the minority feels that their rights have been trampled in what has been a very unusual decision on a major piece of legislation, housing. It is certainly a significant piece of legislation because the Rules Committee granted 3 hours of debate by various jurisdictions. So it certainly sends a signal to all observers that this is serious. It warrants debate. And it is now before the House.

But I want to remind my colleagues that this is not a bill that has gone regular order. There is a Senate bill that is energy that has come over to the House. And we have now amended it entirely with a housing amendment. And so this is an amendment to an existing Senate bill to circumvent all of the regular order process that the House enjoys and has had speakers of both parties affirm this should be the action of how we debate great issues of the day.

This body is really infamous for acronyms. So today I call this the SSAD Amendment, or the Sorry Sick Amendment Decision. It is sad because the bipartisan work that was done in the Ways and Means Committee outlined by many from the Ways and Means Committee is not being worked through a process so that bipartisanship and the ability to have the entire body debate its work that came from committee.

It is sad that the bipartisan work was trampled in the Rules Committee by this decision to slickly move around the mechanism of regular order in our House. It is sad that there is no substitute. It is sad that there is no recommittal. It is sad that what makes it a procedure so unusual and so frustrating is the House never had a chance to work its will on housing legislation. In fact, as I said, the housing bill sent back to the House by the Senate was an energy bill. When it first passed the House, it had nothing to do with housing. And it is sad that a procedural straitjacket has been used in order to garner the type of votes that the majority wants to put before the House today.

Finally, it is just plain sad that the bipartisan work of the Ways and Means Committee is joined up by the Rules Committee with the Frank housing bill, because it has been clear that senior advisers to the White House will recommend the President veto the work of the Ways and Means Committee.

So as we debate one of the significant issues that many feel should be debated in the House, it is a sad day how we have approached to do it.

I yield back the balance of my time.

Mr. NEAL of Massachusetts. Mr. Speaker, let me see what I can do to lift the spirits of the gentleman from New York, my friend, Mr. REYNOLDS.

In fact, I think what is sad is that you are leaving us, that you're retiring. And I was searching hard to figure out the meaning of that acronym, based upon the fact that the Ways and Means Committee took this legislation up, and I want to reiterate, for the fourth time today, 12 of the 17 Republicans on the committee voted for the very bill that they are now all saying they are going to oppose. Forgive me. That is sad. How can you come to the floor and argue against the proposal that you voted for in the committee when you agree with just about every part of the bill?

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That's what's before us here. We have heard these arguments, and they have all said, we support most of what's in the bill, but they are prepared because of an institutional constraint with the Senate to vote against the legislation that they favor.

In my home State of Massachusetts, it's sixth in the Nation in foreclosure activity. In Springfield, the largest community in my district, 300 homes have been foreclosed this year and over 2,000 mortgages will reset to higher interest rates by the end of next year.

In response to the worsening housing crisis, Massachusetts this month initiated a new law that extends the foreclosure moratorium from 30 to 90 days. Other States are taking similar action, but, like Massachusetts, they need help from Congress.

Reports seem to suggest that the housing slide won't turn around until 2010. These tax provisions we are considering today for families and communities will help turn it around, I hope, much sooner. It certainly will help our economy and markets in general.

The President's housing proposals really haven't worked. It's time for the Congress to act. We are often accused of having a short memory, but I think all Members in this chamber remember the recent government-backed bailout of Bear Stearns, yes, the bailout of that mom-and-pop operation called Bear Stearns. If we can, with great urgency and enthusiasm, come to the aid of Wall Street, we have no excuse not to help the people who reside on Main Street.

I hope that my colleagues will support this legislation, and I ask unanimous consent to yield the remainder of my time to the gentleman from Massachusetts (Mr. FRANK).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Speaker, I will claim the remaining time on behalf of the Financial Services Committee.

Mr. Speaker, this is a composite package. The President some time ago, a couple of weeks ago, urgently asked the Congress to send him several pieces of legislation, three in particular. One is embodied in the part of the bill that came out of the Ways and Means Committee.

Two, in fact, had previously passed the House from our committee, the bill reforming the government sponsored enterprises—and that came out of our committee and on the floor in a form that the administration mostly liked—and the bill to modernize the FHA.

In fact, the Senate then acted on the bill to modernize the FHA. We went into conference, we ran into some difficulty. Not a formal conference, but a conversation. What we have done because, as we know, the Senate is in a situation where procedurally it's often harder for them to act, so we are acting on the basis of a Senate bill.

We are readopting today two of the pieces we already adopted, reforms of Fannie Mae and Freddie Mac and the FHA modernization. I think it ought to be noted that in both cases they are a recognition by the President that the private sector needs to be able to cooperate with public or quasi-public entities to get the job done. Those who take the philosophy that the market alone is sufficient unto itself, and that public sector intervention will do more harm than good clearly have been repudiated.

The FHA is a government agency. Fannie Mae and Freddie Mac are government creations with both public and private aspects. It is clear that we need both of them if we are to get out of this current crisis in mortgage lending and be able to go forward in a healthy way.

There is one new element today. That is a bill that our committee voted on last week and the week before. We had a markup. It was suggested to us in many ways by some of the regulators. In its essential form it was endorsed last Monday by the Chairman of the Federal Reserve, and we worked closely with his staff. The administration had an objection to one major piece of an auction mechanism. That's the longer part of the bill. What it says is that holders of loans, not the lenders, because the lenders have unfortunately long since been able to sell off their loans in many cases—and that's part of the problem—if the holders of loans will write down the amount due them in the principal, and if they get to a point below the current value of the home, in many cases these homes have lost value from when they were first mortgaged, and the borrower can be reasonably expected to repay it, we will broaden the right of the FHA to make a case-by-case determination, provide a guarantee so that can then be financed and resold to the secondary market.

It's entirely voluntary on the part of the lender. The lender will retain the right to foreclose. In many cases we believe that it will pay the lender not to foreclose.

In fact, we have legislation in this package sponsored by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Pennsylvania (Mr. KANJORSKI) that will ensure servicers who are willing to write down the amounts, that they will not be sued if they write down those amounts to a reasonable level. We think that is very helpful. Again, it's voluntary.

We do believe that knowing if you write this down to a reasonable level, accepting your loss, you will be able then to at least get some guarantee of that to help stabilize the situation. But people should understand, there is not $1 of taxpayer money going to writing down that loan. The holders of the loans have to write it down.

Secondly, the borrower can then go to the FHA if the borrower can pay the new loan, but there is no taxpayer money that will go to help pay off that loan. The taxpayer exposure comes in the fact that there are FHA guarantees. If someone gets an FHA guarantee and subsequently fails to make the payments, his or her house is forfeited to the FHA.

We will lose some money on this, we believe. The Congressional Budget Office estimates that half a million foreclosures will be averted by this program, that would otherwise have taken place, at a cost to the taxpayers of $2.4 billion. That means $4,800 for every foreclosure averted.

We are told, well, this is a bailout, and I want to follow on what my colleague from Massachusetts said. We have seen one bailout this year over investors and speculators. It came when the Federal Reserve, actively urged on by the Treasury, bailed out for $30 billion potentially—we don't know what the losses will be—but $30 billion is at risk of what will ultimately be public money, to lenders, to speculators and investors, people who were partners at Bear Stearns.

Now there may have been some confusion yesterday. I tried to avoid it. I am not critical that we are doing that. I am critical of the lack of sensible regulation that led them to be in that position. I think we do have to examine it, and I want to examine it from the standpoint of what we can do that will make it less likely that we will be confronted with that kind of choice, either provide those funds or see serious further economic debilitation.

But for the administration that engineered $30 billion of bailout for the investors and others who did business with Bear Stearns to say that this $2.4 billion cost according to CBO that will avert 500,000 foreclosures is unacceptable as a bailout is as intellectually and morally and economically inconsistent a policy as we have ever seen. It is true, and some of the Republicans have said in a letter to me in the House, that they wanted to question this.

I would note, by the way, we talked about this, I have looked at the letter that was sent to me. I looked again at the letter, and in no case does it say they were opposed to it. People raised questions. Maybe that's an easy way to kind of cover your bases, but my point is not so much those who wrote the letter, it's the administration.

The administration says they're going to veto this bill, that it's a bailout. It is $2.4 billion versus $30 billion at Bear Stearns.

Now, I believe that Secretary Paulson and Chairman Bernanke have been doing the best they can in this situation. I am not critical of what they have done. Chairman Bernanke has been consistent and thinks this is also a reasonable thing to do.

The President, of course, appointed Secretary Paulson and Chairman Bernanke, and for the administration that supported and facilitated the $30 billion for Bear Stearns which went to lenders, went to investors and some of them were speculators—to then object when it's homeowners seems to me to be entirely the reverse of the reality of the situation.

Again, I want to stress, I was asked by 17 Republicans if the committee would have a hearing. My answer was yes, the committee will have a hearing after we have dealt with the current subprime crisis—and that will be soon, that was our priority—and a hearing not simply to say what did you do, because we cannot compel them to undo it—to look at what they did in the Bear Stearns thing in the context of figuring out how we are best able to diminish the likelihood that it will recur.

But we are in a recession, and a major cause of that recession is the subprime crisis. We do not see any alternatives to this bill to trying to work on that.

Yes, we had Hope Now, and then we had FHA Secure. The administration had several policies. They have been closer, in many ways, to us. The differences are not as great as they once were.

But the fundamental here is this, foreclosures are causing, have caused and are causing serious economic problems. Diminishing the number of foreclosures is in the interest—not simply of those who will avert foreclosure—but of people in the neighborhood of the cities in which they are located and the whole economy. That's why we are going forward with this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentleman from Texas is recognized.

Mr. NEUGEBAUER. Mr. Speaker, I yield so much time as he may consume to the distinguished ranking member of the House Financial Services Committee, Mr. BACHUS.

Mr. BACHUS. Mr. Speaker, I rise in strong opposition to this Democratic omnibus housing bill, and also I rise in strong opposition to the procedure under which it comes to the floor today under a contorted rule, which is designed to do one thing and one thing only, and that's allow no Republican amendments, allow no input, allow no open debate of different provisions with any ability to modify those provisions.

Mr. Speaker, I submit for the RECORD page 24 of a promise that the Democratic majority made to the American people. It's a statement of the Speaker of the House in their document "A New Direction for America."

> REGULAR ORDER FOR LEGISLATION
>
> Bills should be developed following full hearings and open subcommittee and committee markups, with appropriate referrals to other committees. Members should have at least 24 hours to examine a bill prior to consideration at the subcommittee level.
>
> Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority the right to offer its alternatives, including a substitute.
>
> Members should have at least 24 hours to examine bill and conference report text prior to floor consideration. Rules governing floor debate must be reported before 10 p.m. for a bill to be considered the following day.
>
> Floor votes should be completed within 15 minutes, with the customary 2-minute extension to accommodate Members' ability to reach the House Chamber to cast their votes. No vote shall be held open in order to manipulate the outcome.
>
> House-Senate conference committees should hold regular meetings (at least weekly) of all conference committee Members. All duly-appointed conferees should be informed of the schedule of conference committee activities in a timely manner and given ample opportunity for input and debate as decisions are made toward final bill language.
>
> The Suspension Calendar should be restricted to non-controversial legislation, with minority-authored legislation scheduled in relation to the party ratio in the House.

In this document, the Democratic majority promised to the American people in what was called a Congress working for all America, they made this promise: "Bills should generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process that grants the Minority a right to offer its alternatives, including a substitute."

Well, that's not what we have here today. Instead, we have what we are calling the American Housing Rescue and Foreclosure Prevention Act of 2008, but, in fact, it started out as a bill here in the House and passed the House as a bill to move the United States towards greater energy independence and security. Absolutely none of that bill remains, it's a total sham.

Through some, I suppose, back room, front room, side room, smoke-filled room, who knows, but the Democratic leadership, we, the American people really don't know—but at some point they decided to take every bit of that bill out. The only thing that remains of that bill, actually, is the resolution that brings this bill to the floor.

It refers to this bill and the resolution that brings it to the floor. The resolution says, upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3221) moving the United States towards greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, increasing clean, renewable energy production. That's all gone. But that's still in the RECORD. That's still the resolution.

□ 1330

Mr. Speaker, the procedure outlined here indeed stifles the democratic process. It corrupts the democratic process. Despite "A New Direction for America," despite a specific promise not to do this, we have a process that not only allows no Republican amendments, no substitutes, it does not allow even a vote on final passage of this entire bill. There will be no vote on final passage. There will be a vote on each of the three amendments that go to make up this package, but as the resolution clearly says, it is sort of self-executing, a motion that the House concur in the Senate amendment to the title, the so-called renewable energy bill, shall be considered as adopted. There won't even be a vote on that. Now that is pretty innovative. That is pretty unusual.

But above all, as strange and as contorted and convoluted as this is, it is a corruption of the democratic process. It is a corruption of our democratic system, and it is a sad day for this House.

It is not the Members of this House who are being denied the full amendment process, it is Americans, those Americans we on this side of the aisle represent. They, as are we, are being shut out of the process.

Now, Mr. Speaker, if we had been allowed, and we were not allowed to offer a substitute, if we had been allowed to offer an amendment, one of our first substitutes would have contained some of the things that the Democratic alternative has. It is a Democrat alternative, but there is no alternative, nor was one allowed, so I am not sure that we ought to use the word "alternative." Alternative without an alternative is maybe what we should call it.

But it has FHA reform in it. When we said we would have liked to have offered a stand-alone amendment or offered legislation to do that, the chairman says that has already passed the House. Certainly it has; so did the renewable energy bill. But it didn't pass the Senate. We would like, because there is agreement in this House, and we could have agreed today and almost unanimously passed a FHA reform bill which all Members of this body say will go a long ways toward solving the problems of Americans stressed by lowering housing prices and their mortgage obligations. We could have done that. But in the Senate there has been no movement. We won't do that today because if we start taking those concrete steps, it will diminish the majority's opportunity to take what is a bad situation and adopt and create a tremendously expensive new omnibus housing bill.

GSE reform, we would have liked to have seen that joined with FHA. It is in this bill, and it is offered kind of as a candy or a carrot: take the GSE reform which you want, take the FHA reform which you want and we have all passed, and in doing that, you will have to take a new $300 billion housing program. At a time when we are running a deficit, that makes no sense to most Americans, most of us on this side of the aisle. Most of all what I do oppose is our inability to strike from the overall package this new $300 billion government subsidy that I believe is fundamentally unfair and likely to do more harm than good.

Mr. Speaker, let me explain, and in doing so I do not want to minimize the seriousness of the distress many of our citizens are experiencing. When we talk about distress, we sometimes focus on those who are behind on their mortgage payments. But, Mr. Speaker, let me assure you there are millions of other Americans who are making their mortgage payments; but, nonetheless, they are under an equal stress or a great stress themselves.

Last night the gentleman from Vermont said what we want to do with this bill is we want to spread the pain from those million or 2 million Americans who are behind on their mortgage, we want to spread that pain to all Americans. We want to spread that pain to those 34 million Americans who are renting their homes. We want them to take part of that yoke upon them. We want those who are making their mortgage payments on time, we want them to adopt some of this liability and assume some of this liability. We want those 25 million American families who have paid off their mortgages, many of them elderly citizens, we want them to assume some of this pain. We want them as taxpayers to assume some of these liabilities.

In other words, 110 million American families who are making their mortgage payments on time, who are renting or who have paid off their mortgages, they are being drug into this process and are being made liable and are on the hook now for these bad loans. They have been reading about it, and now they are going to be responsible for them. Now they are going to have to start paying. And the vast majority of Americans who find themselves struggling with mortgage payments, struggling with high gas prices, struggling with high food prices, are now going to assume responsibility for ill-advised financial decisions and misjudgments of other people. Good and decent people who have absolutely done nothing wrong, don't have a bad mortgage, don't have a problem with their mortgage, are going to be trapped in this dragnet.

Now is it necessary to involve the 110 million American families that aren't behind on their mortgages? I say, no. No. In fact, the Federal Government has already extended almost a trillion dollars in guarantees of liquidity. They have brought onto their books, the Federal Reserve, almost a half a trillion dollars worth of these questionable loans and questionable securities backing these loans. And the American people could be on a hook for that.

That is why my companion on the Financial Services Committee and 17 of us on the Republican side wrote the chairman and said we need to take a close look. We need to urgently look at the Federal Government extending its guarantees and assuming securities and investments that maybe have no market value, just to pump liquidity into the market.

Now what we have agreed to in the past and we continue to agree with and we would have liked to have said let's go further with this, is the Hope Now program. The 1.4 million Americans, those who come closest to making their mortgage payments, they are behind or in default but they were close, and they had an ability to, with adjustments to their mortgage agreements, could make those payments, 1.4 million American families have been helped by Hope Now. And we think that more will be helped.

The FHA Secure program, almost 180,000 families have been helped by that program, at some Federal expense.

Before we create a massive new government program and put billions of additional taxpayer dollars at risk, we need to think long and hard about asking other Americans to assume this burden.

Lenders and securitizers wanted no part of government regulation or interference when house prices were soaring, and they made extraordinary profits. Speculators made millions of dollars. Lenders made millions of dollars. Investors on Wall Street bought high-risk SIVs, securitized investment vehicles, and they made millions of dollars. Sometimes we read where the heads of those hedge funds, private equity funds, and investment banks were paid a billion dollars in profits. They all made a lot of money. But now that the loans that they eagerly made are going bad, this bill offers a mechanism to offload their problem loans onto the

American taxpayers. That is unfair. It is wrong.

Because participation in the plan is voluntary, no investor will part with a mortgage if they think it has a reasonable chance of performing. The incentives are designed to ensure that the taxpayer loses. Investors will place the worst mortgages they have into the program. In fact, that is exactly what they are going to do. They are going to off-load the worst of their loans. If there is any chance of people paying, they won't put these loans into this pool. They will take those loans where people are way behind or have no ability to pay and they will put them into a program that will be financed by FHA-guaranteed loans. We all know when those loans go bad, who pays. It is not the lenders, it is not the borrowers, it is not the investors, it is not the speculators, it is the people we all represent.

Given the substantial risk these loans present, no lender would refinance them without the FHA guarantee. That is what was said on the floor. They are not going to refinance these with a Federal Government guarantee. There is a reason for that. They anticipate a default.

The result is the taxpayers of this country, 110 million American families that acted responsibly during the run-up in housing prices will be left to bear the cost of cleaning up after irresponsible lenders, investors and speculators. That's just not fair.

For all of those reasons, Mr. Speaker, I oppose this housing package and I express my disappointment that the Republican Party, the minority, that many representatives here were shut out of the process, denied any opportunity to address the bill's many deficiencies through the amendment process or through the motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, before I yield to the gentlewoman from Florida for 3 minutes, I would like to note the use of the figure $300 billion is not a hopeful sign about a rational debate. Three hundred billion is the total value of the mortgages that could be insured. It would cost $300 billion only if nobody made any payments ever, and when the property was taken by the Federal Government, none of it had any value. CBO gave us a score of $2.4 billion. So we can debate this, but I would hope we can debate it with real numbers. The CBO score for the mortgage part is $2.4 billion. Everybody knows that $300 billion is not remotely what is at risk.

I yield now 3 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding, and I thank him for clarifying the true potential cost of this bill.

Mr. Speaker, today we have to face the fact that many Americans are in a very tough financial position. If I have learned anything over the past year, it is how intricate our financial and economic markets are woven.

As members of the Financial Services Committee, we have been presented and have debated dozens of proposals and ideas to combat this housing crisis before us. Many of them were sound, good ideas worth pursuing.

In the months leading up to today, going around my district I came to several conclusions, but one is that Congress cannot accept the status quo. I have been patient. I believe in the market working itself out, but that just doesn't seem to be happening. At a time when our dollar is devalued, not only is the price of petroleum products, the gas everyone fills up with over $1.70 more than it was a year ago, we also have very high food prices. People are finding it hard to make those payments.

And the beauty of this, it has to be a homeowner who is being helped out, not a speculator, not a flipper.

While Chairman FRANK's proposal isn't perfect, I do think it is one that Members should take a very close look at and compare it to what is happening in their districts. It is a voluntary, participatory program. No one is forced to play.

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This is not the silver bullet, by any means. Homeowners, lenders and investors will make sacrifices under this.

But I'm also concerned about hearing from constituents who try to work with their lenders, but their lenders won't call them back. I'm tired of driving through the Fifth Congressional District and seeing many houses vacant because of foreclosure. No one wins when a house in the neighborhood is foreclosed, absolutely no one, because it brings down the value of those properties.

No, Mr. Chairman, we cannot stick with the status quo. That's sticking our policy-making heads in the sand. By providing lenders an incentive to write down mortgages, modernizing FHA, improving GSE oversight and including tax incentives, I believe we can help Americans get back into the market and help the housing market to survive.

The bill isn't perfect, and certainly, neither was the process that this bill comes to the floor. And I'm sure that Chairman FRANK agrees that the process is murky, at best. But I do believe that what we have before us will provide relief to Americans, and I urge Members to support it.

Mr. NEUGEBAUER. Mr. Speaker, the distinguished ranking member of the Financial Services Committee mentioned that this is a shell. Maybe it's a shell game. I'm not sure. But for energy bill being the underlying bill, I think the American people wish we were on the floor today discussing an energy future for America.

It's now my distinct pleasure to yield 5 minutes to the distinguished ranking member of the Housing Subcommittee, Mrs. BIGGERT from Illinois.

Mrs. BIGGERT. I would say that all I can find in the Congressional Budget Office cost estimate is that it's $2.7 billion and not $2.4 billion over 2008 to 2013, as far as the CBO estimate that Chairman FRANK was talking about.

You know, Congress has yet to submit a single bill to the President that might begin to address this crisis in the housing market, and here we are again debating controversial new housing legislation, instead of passing common-sense housing reform that could start helping homeowners.

And I feel like I woke up one morning, we just had a markup on the Housing bill, and suddenly, I couldn't even find the number of it, H.R. 3221, and it suddenly was a different bill with a lot of different provisions in it. Some were the same and some weren't. I have to say this reminds me of the SCHIP bill that we debated, which kind of came over here the same way from the Senate. I don't think it's going to be the same result, but I just can't understand that process.

And I do appreciate Chairman FRANK's inclusion of FHA and GSE reform, as well as the funding for housing counseling and mortgage fraud in the bill that we're considering today. But these are much needed reforms that could increase the liquidity in the housing market and provide consumers with an alternative to the bad subprime loans, and help to restore consumer confidence, which is so important.

But attaching these things to a taxpayer-funded bailout will not get them any closer to the President's desk. And make no mistake. This is a bailout. It would place U.S. taxpayers on the hook for the $300 billion guarantee, but that includes the riskiest mortgage debt on the market. And it does this by allowing speculators, borrowers who have overstated assets, who have cheated and knew that they couldn't make the payments, and those who invested irresponsibly, to pawn off their financial liabilities on U.S. taxpayers. This is a liability.

And instead of serving distressed homeowners, the bill requires that the lenders, not the homeowners, to make the decision to place the mortgage in the program. Since the lenders are the ones that would like to get rid of their bad loans and put those on the, be guaranteed by the Federal Government, the taxpayers, the taxpayers will be bailing out the banks, the investors on their most unwise lending decisions.

Even more disturbing is that the bailout is partially funded on the backs of seniors through changes to FHA reverse mortgage program.

Mr. Speaker, we shouldn't be asking American taxpayers to pay for the mistakes of those who over estimated their income on mortgage applications, or scam artists that inflated appraisals and flipped properties. Nor should they pay for homeowners who chose to live beyond their means, using inflated home equity loans to buy a new plasma TV, a swimming pool or a fancy car. It is not fair to those who saved and invested responsibly.

The majority of Americans are working hard to make ends meet. Ninety-three percent of our mortgage holders are making their payments on time. Fifty-one out of 55 million Americans with a mortgage are making their mortgage payments on time.

Twenty-five million Americans own their own homes and have no mortgage. Thirty-four million Americans are prudently renting because they aren't ready to own a home. These hardworking Americans should not be forced to foot the bill for the bad decisions of a few who gambled that their home values would never stop rising. They don't think that's fair, and I don't think so either.

I understand that many of my colleagues are looking at the economic effects of the housing bubble and saying to themselves, "We must act, we must do something. "But we shouldn't do something if it's not right. Congress can help struggling borrowers and promote economic growth without burdening the taxpayers with inappropriate spending.

And that's why I join with Financial Services Ranking Member BACHUS to offer an alternative plan that helps homeowners in a responsible way. It does include the FHA reform. This could solve this problem right away. Our substitute funds housing for counseling, other reforms to GSEs that's so important, without a so-called trust fund or slush fund.

And there's nothing in the Democrat alternative that would prevent a similar housing crisis like this in the future. Though improved, disclosure lender registration higher price is standard.

The SPEAKER pro tempore. The time of the gentlewoman from Illinois has expired.

Mr. NEUGEBAUER. I yield the gentlewoman an additional minute.

Mrs. BIGGERT. Our Republican alternative would do more than put an expensive Band-Aid on the housing market. It begins to address the underlying causes of the subprime mess. It will ensure that borrowers have access to legitimate loans; that they understand the terms of their loan, and that they are taking a loan that they can afford based on the actual value of the house.

We need to bring transparency and integrity to the homebuying process, and we need to expand access to credit for worthy borrowers who genuinely want to pay off their loans, but we need to do it without wasting taxpayers' dollars.

I think we have an alternative bill that would solve these problems. And many were supported by both Republicans and Democrats. It's a commonsense plan that doesn't spend money and, in fact, has been scored by CBO to actually reduce the deficit by $25 million. Coupled with Mr. TERRY's tax credit for owner-occupied homebuyers, it will jump-start the flailing housing market and get our economy back on track.

That's why I urge my colleagues to vote against the bill before us today and consider the alternative, if we had the opportunity to have an alternative.

Mr. FRANK of Massachusetts. I yield myself first 45 seconds to say that on the scoring, $2.4 billion was the CBO score for the mortgage part. They did say a total of $2.7 billion. The other $300 million is attributable to an amendment offered by the gentlewoman from Illinois on mortgage. So the gentlewoman from Illinois is correct. It is $2.7 billion. That includes the $300 million she added to the bill with her amendment, and the $2.4 million in mortgages.

Mrs. BIGGERT. Will the gentleman yield? I thank you for putting that $300 million.

Mr. FRANK of Massachusetts. Yes, the gentlewoman is correct.

Now I would yield to the gentleman from Ohio for a unanimous consent request.

REQUEST FOR PERMISSION TO MODIFY AMENDMENT NO. 3

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the amendment that I have offered with Mr. MILLER of North Carolina be modified and amended, and I will describe that—but then I know the Clerk has to report it—just by adding 2 words, on line 7, after the word "foreclosure" adding the word "process," and on the next line, after the words "foreclosed property," add the word "maintenance."

The SPEAKER pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment No. 3 printed in House Report 110–622:

Insert "process" after "foreclosure" and strike "treatment" and insert "maintenance".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I appreciate my colleague on the committee for attempting to clarify an issue which is, I think, significantly problematic.

The issue of defining foreclosure time, and length, the particulars have always been the purview of the States. And I know that this amendment is an attempt to try to clarify that. In fact, I think it confounds it, and my concern about the unanimous consent request is that it doesn't make it clear still. So I have significant concerns about the amendment.

I'm happy to yield to my friend from Ohio for any clarification that he might offer.

Mr. LATOURETTE. If the gentleman would yield to me on his reservation, I would make this observation to the gentleman and to the House. This amendment that Mr. MILLER and I crafted, obviously, one of the things that vexes, and it doesn't matter whether it's financial services or anything else, one of the things that continues to vex and cause tension between the Federal Government and the States is this whole issue of preemption.

So when Mr. MILLER came to me with the original amendment, we began to hear some concerns. And quite frankly, the concerns were are you opening the door to a Maryland-type situation, where they can pass a State law that says that nobody can foreclose on property for 5 years, 10 years, 15 years. And clearly, although I happen to think that that kind of abrogation of property rights is an unconstitutional exercise of legislative authority, I understood the concerns.

And so I will tell the gentleman on his reservation that we sought the advice of the OCC and the OTS and received a list of things that are already preempted. And as I think the gentleman has accurately stated, the manner, the process in which foreclosures have happened have always been the purview of the States. And then the boarding up of properties or the maintenance of properties that are foreclosed.

And so it is my attempt through this unanimous consent request, I think, from all Members, and I think Members on both sides of the aisle have some concerns about this. This wasn't limited to Republican Members. There were some Democratic members that had concerns as well. The OCC has indicated to us that this answers that concern. It doesn't deprive them of their authority under the National Bank Act. Some of the banking institutions that were originally concerned about the amendment have indicated the that this is language that they can live with.

And just as a Republican Member of the House, I would say to the gentleman from Georgia, under his reservation, that this is typically the point in our debates where our distinguished chairman of the Financial Services Committee skewers us as Republicans for being for States' rights on some days and being against States' rights on other days. It was my goal to make sure that States' rights were preserved on those things that they've always had the opportunity to regulate, and not impinge upon those, but also recognizing that not all the best ideas in terms of how to proceed on process or maintenance necessarily emanate from this Chamber.

I thank the gentleman for yielding on his reservation.

Mr. PRICE of Georgia. Reclaiming my time, I appreciate those comments and I would agree. I think that all of us, many of us in the House, many certainly on this side of the aisle, want to retain the States' prerogative in the area of foreclosure. And I would suggest to the gentleman that his comment about that, and the discussion that's gone on on the unanimous consent request and the language therein, is something that "they can live with."

And I would suggest, Mr. Speaker, that this probably should have been dealt with in committee, and it might have been able to be clarified to a much greater degree. My concern remains.

Mr. FRANK of Massachusetts. Mr. Speaker, I don't know what the parliamentary status is. Has the gentleman objected or not?

The SPEAKER pro tempore. Does the gentleman from Georgia continue to object?

Mr. PRICE of Georgia. Yes, unless anybody else would like time on my reservation, I will object.

The SPEAKER pro tempore. Objection is heard.

□ 1400

Mr. FRANK of Massachusetts. Mr. Speaker, I regret that, but sometimes people would rather see things not improved so they can then complain that they weren't improved. Fortunately in this case, we are not constrained.

The gentleman from North Carolina and the gentleman from Ohio said it had not come to our attention fully until after the committee markup. What happened was that they came forward with this amendment, and we heard some concerns from the Comptroller of the Currency, as the gentleman from Ohio has said, and from bankers.

We then talked to the gentleman from Ohio and the gentleman from North Carolina (Mr. MILLER), talked to the American Bankers Association, the Community Bankers Association, the Mortgage Bankers, the OCC, various of the advocacy groups, the State Attorneys General, the National Council of State Legislators, and they came to an agreement that adding these words would make this something that would work.

Now, the obvious thing in a constructive way would have been with the agreement of all of the stakeholders and the conversations among Members on both sides to be incorporated into the bill. But constructive isn't always the order of the day.

So let me make this announcement which I have also, in anticipation that there might be such an objection, although I had spoken to the ranking member and he told me he thought we should go forward. It was my understanding the gentleman from Ohio had talked to the leadership on the Republican side. They thought it should go forward. So here is where we are. We will vote on the Miller-LaTourette amendment. I will guarantee to the Members that when this goes forward in any discussions we have with the Senate, we will accept this language, the Miller-LaTourette language, or if someone comes up with a better idea, any other language that would be mutually agreed upon by the gentleman from Ohio and the gentleman from North Carolina, the two bipartisan sponsors.

So while we don't get the unanimous consent agreement, because some people would rather there not be a resolution over an objection, let me announce what may be a first, and I'm not always the most technologically updated person; I don't have a lot of the devices, but I do want to maybe be the pioneer of the virtual unanimous consent agreement. In good faith the gentleman from North Carolina and the gentleman from Ohio want to amend this, they were denied unanimous consent, but I am prepared to act as if the body, and I have no question that it would have been adopted had we had a chance to vote on it, that it be incorporated. And as we go forward, we can guarantee Members that this language, if this bill is included, this will be included; and I can report that all of the stakeholders, the community advocacy groups, the banks, and the public officials at the State and local level believe that with the language that was worked out by the gentleman from Ohio and the gentleman from North Carolina with the Comptroller of the Currency, it will be fine.

So I wish we had got unanimous consent, but I want to assure Members that in this process going forward, our failure to get real unanimous consent, as opposed to virtual unanimous consent, will make no difference whatsoever.

On this point, let me yield 3 minutes to the gentleman from North Carolina to complete this conversation.

Mr. MILLER of North Carolina. Mr. Speaker, I want to add my assurance to that of Mr. FRANK, as if anyone would need that, but I think that this clarification really does not change the intent of the statute. On its face, going from foreclosure to foreclosure process is redundant. Foreclosure is a process. It is a legal procedure. It is a legal procedure by which real property given as security for the payment of a debt is seized and sold to pay the debt. It is a legal procedure. It is all process. So saying "foreclosure process" appears, on its face, to be redundant.

However, the concern has been that States would add to the same section of their State ordinances, their State statutes, other provisions that have nothing to do with foreclosure procedures, that have to do something to make other provisions; and yet there would be the argument that all of those now are exempt, immune from any argument of preemption. That is certainly not what we intend, and I lend my assurance to that of Mr. FRANK that I will work to make sure that the language that Mr. LATOURETTE just presented be the language in the final bill.

Mr. NEUGEBAUER. Mr. Speaker, at this time it is my pleasure to yield 3 minutes to the gentleman from Florida (Mr. FEENEY).

Mr. FEENEY. Mr. Speaker, I thank my friend from Texas, and I would say that people in my district, there are some people who are hurting right about now as there are around the country. There are some people, indeed, who are homeowners in very bad shape. Some, for example, were duped or lied to by people that loaned them money. Some, a few, have lost their jobs. Some bought homes at the high of the housing market, say $150,000, now to find that their house is more like $120,000 or $100,000. And we all feel very sympathetic for those people.

But I don't feel too terribly bad for speculators that went in search of ways to get higher returns and take higher risks as an exchange, and that's who is getting bailed out today. I also don't have complete sympathy when it comes to using taxpayer money to reimburse people that, for example, put zero money down. They didn't buy that home. They bought an option to buy the home. People that bought into a 3-percent teaser rate knowing that if the interest rate went to 7 percent, they would never be able to stay in that home. People that used no documentation to demonstrate that they ever had the chance to repay. They moved into a home with an option to continue buying it. They didn't make the type of commitment that most homeowners do to put 10 or 20 or 30 percent down and to make sure that they have a mortgage and a loan that they can pay under virtually any circumstance except for a disaster.

Who does this bill help? Well, The Wall Street Journal made it very clear who this bill helps. This bill is a bailout from American taxpayers of speculators and imprudent borrowers. Less than 1 percent of borrowers whose homes, under this bill, would be eligible when all is said and done to be helped.

I come today to speak on behalf of the forgotten man. And that includes some 50 percent of Americans that either own their home or are renting.

Every one of them watching today needs to know that they are bailing out irresponsible speculators and lenders and they will pay the price of this bill. I come here to speak for the 90-plus, 95 percent of homeowners that are making their payments on time, that took out responsible loans. They need to know that they are bailing out irresponsible speculators and people that went in search of higher profits.

Investors who take advantage of this program are basically getting a guaranteed gift from the government: 85 percent of a loan that they know is not likely to perform. We are bailing out people that will cherry-pick the very worst loans in their portfolio.

Who is here speaking on behalf of the forgotten man? Who is here speaking on behalf of 99 percent of Americans that did not behave irresponsibly, that did not behave foolishly, that ultimately will pay the price for this bill? Well, some of us in the minority are here speaking on behalf of the forgotten man, which is 99 percent of America.

And I would leave you with this: Chairman FRANK and the CBO and others can estimate how much this bill will cost these forgotten men and women, 99 percent of Americans who were not irresponsible who will pay the price. The answer is we don't know. We don't have a crystal ball. If property prices around the country take off by another 50 percent and go up, there will be no cost. If they go down by 30 percent, the cost will be closer to $3 billion.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to Mr. KAGEN of Wisconsin.

Mr. KAGEN. Mr. Speaker, I rise in strong support of the Foreclosure Prevention Act on which would address today's crisis in the housing market and help many American families work out their financing to avoid foreclosure, although it comes a little bit too late for the gentleman I talked to in Green Bay an hour ago who will be losing his home.

As we are all aware, foreclosure rates have risen, Housing prices are declining, and too many families nationwide, including many veterans who served us with bravery, honor, and courage in Iraq and Afghanistan are overwhelmed with their monthly mortgage payments, many having fallen into the trap, the adjustable-rate mortgage trap.

For these reasons, I commend Chairman FRANK for graciously including a provision I offered that would provide funding in fiscal years 2008 and 2009 for grants to be administered to the Neighborhood Reinvestment Corporation for mortgage foreclosure and credit counseling for veterans recently returning from active duty. The mounting mortgage delinquencies and defaults pose a serious economic threat to our economy, to say nothing of what it does to affected families and their communities.

Preventing foreclosures for our veterans will benefit all communities, and more importantly, by providing additional counseling, resources to veterans, it will enhance their ability to make sound financial decisions during these challenging times. Our soldiers need our help now, and toward that end, I'm pleased that the Foreclosure Prevention Act would also assist returning soldiers to avoid foreclosure by lengthening the time a lender must wait before starting the foreclosure process from 3 months to 1 year following a soldier's return from military service.

This act is not a handout. It is a hand up. And I urge my colleagues to support passage of this very important legislation.

Mr. NEUGEBAUER. Mr. Speaker, at this time it is my pleasure to yield 5 minutes to my colleague and friend from the great State of Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

I first come here somewhat amused at the lecture that some of us received from the majority leader last evening on abuse of process. I hear many of my colleagues on the other side of the aisle say that we have a housing crisis and that this is one of the single most important bills to come to this floor in this Congress. And yet here we are, as the minority, not being allowed any amendments, not being allowed a substitute, not being allowed a motion to recommit, not even being allowed to have an up-or-down vote on the bill. And we're accused of an abusive process?

But enough of that.

Let's look at the substance of this. There is a great challenge in our housing markets. There is no doubt about it. And there are innocent people who have suffered, and they deserve to be helped. But this is the wrong plan.

What we need to do, Mr. Speaker, is, number one, we have to have better disclosure so that people understand the economic obligations they're undertaking. We need to enforce the laws that we have on the books. Mortgage fraud has been rampant on both the borrowers' side and on the lenders' side.

We need to prevent the automatic tax increase that has been included in the majority's budget that's going to impose a $3,000-a-year on the average American family tax increase phased in over the next 3 years. We need to do something about the skyrocketing cost of gasoline and food that has occurred on the watch of the majority. They've been in charge of the economic policies of this country for almost 18 months.

The shrinking American paycheck is our challenge. A huge bailout of Wall Street and borrowers, some who may be innocent victims and some who may be guilty, is not the answer, and using taxpayers' money to do it is simply an insult.

Number one, we ought to have the facts before we actually take on a major piece of legislation. The American people need to know. Over half of America rents their homes or owns their home outright. Of those who have an active mortgage, 95 percent are making their mortgage payments on time. You have roughly 2 percent who are in foreclosure. So now we're being asked essentially for 98 percent of America to bail out 2 percent of America.

Now listen. On the investors' side, these are a big bunch of boys and girls on Wall Street who made decisions about what they should invest in. We know from the Financial Crimes Enforcement Network that mortgage fraud has been rampant: 1,400 percent increase over the last 6 years; 42 percent increase last year alone, with the majority of the fraud being borrowers who lied about their income, about their assets, about their occupancy; and yet we have a bill to help them out.

Let's hear from some of the people who are being called upon to do the bailout. I often ask people who reside in the Fifth Congressional District of Texas that I have the honor of representing what they think about legislation coming to the House floor. And I hear from people like the Sadler family in Mesquite, Texas, and they write:

"Congressman, 3 years ago my husband and I faced the loss of our home due to a decrease in the sales income. We cut our expenses as much as possible, but it was simply no longer affordable. We made the decision to put the home on the market before we faced foreclosure.

"I am adamantly opposed to my tax dollars going toward bailing anyone out of a mortgage crisis. If we didn't have to give up so much of our income to the government for taxes, we could have continued to afford our home."

And what is the answer of the Democrat majority? Well, to the Sadler family in Mesquite, we're going to increase your taxes an extra $3,000 a year.

Mr. Speaker, I heard from Sergeant First Class Kenneth Adams of Frankston, Texas. He writes:

"Congressman, the mortgage crisis Congress is trying to fix is an insult. My house went unpainted until I could return from serving in Iraq. I'm a Sergeant First Class in the United States Army with over 20 years active and reserve service. Some day I would like to use my VA house-buying benefits, but what a fool I was to earn those type of benefits when all I had to do was be irresponsible, overspend, and have the government bail me out."

□ 1415

That's the answer that the Democrat majority brings to the floor, and it is an insult to 98 percent of Americans who did it right.

Mr. Speaker, we should reject this legislation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, in 2007, Texas ranked fourth behind California, Florida and Illinois in pre-foreclosures. We're reminded of Franklin Delano Roosevelt who said we have nothing to fear but fear itself. We certainly have to face fear and to be able to respond to this collapse in mortgages and our economic markets, by resolve and not fear.

And so this is not a bailout. It's a helping hand. It's what Franklin Delano Roosevelt did to restore this country, and it worked. We survived.

And so this tells us that we can survive, providing $10 billion in low-income tax credits for low-income homeowners and to also build rental properties. We also give a $7,500 tax credit for first time home buyers and a $700 tax credit for those who are paying property taxes.

And it does fix the GSEs. It does provide an opportunity to get us out of this mortgage foreclosure hold, but it does it in the right way. It's not scandalous. It's not illegal. It allows us to be able to have the mortgage owner sell it back to FHA at a lower price; the lower mortgage is then backed by FHA, and it isn't a gimmick. It's not a flipover. Any profit made by the homeowner comes back to the government if the property is later sold.

And we protect our disabled veterans, those who have fallen upon hard times. They can still be in the program even if they are in bankruptcy.

Mr. Speaker, this bill responds to the homeless and the helpless. What it does say is those who are living from hand-to-hand, who are living in their parents' homes, who have been thrown out of their home, who have been thrown out because they're in rental property, this is a fix and the life and the spirit of what America is all about.

We don't believe in giving a fish. We believe in giving a fishing rod. This is an even-handed, balanced way between the House and the Senate to provide tax relief but also to be able to provide the construct and the infrastructure to get our houses back together, along with our stabilization bill that says we're going to buy back foreclosed homes and give them to people who need them.

Is there anything wrong with America rising to be higher angels and helping our fellow brothers and sisters?

Mr. Speaker, I rise in support of H.R. 3221, the "American Housing Rescue and Foreclosure Prevention Act of 2008". This momentous legislation would jump-start the market for mortgages by establishing a true market value for the securities backed by these loans.

H.R. 3221 responds directly to the current housing crisis facing this country, while providing the tools to prevent a repeat of these problems.

This is preeminently the time to speak the truth, the whole truth, frankly and boldly. Nor need we shrink from honestly facing conditions in our country today. This great Nation will endure as it has endured, will revive and will prosper. As President Franklin Delano Roosevelt stated in 1933, "the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance." We must do just that. We must move forward and that is exactly what H.R. 3221 seeks to do.

This legislation will begin to repair, not bail out the economy, restoring confidence in the markets, limiting the damage to families and neighborhoods, and rejuvenating the communities with new affordable housing. Ironically, we celebrate the bailouts of yesteryear, when we believed that the power of the federal government was needed to get the country out of the Depression.

Were the banking reform laws, emergency relief programs, work relief programs, and agricultural programs, the Social Security Act, and programs to aid tenant farmers and migrant workers—were these bailouts? Many of the New Deal programs under President Roosevelt were considered bailouts at that time. And yet, these programs brought our country out of the Depression, rejuvenated our economy, and gave hope as we sought to deal with the War overseas.

TEXAS

In 2007, Texas ranked fourth behind California, Florida, and Illinois in pre-foreclosures. Last year, Texas held the top seat for active foreclosures.

H.R. 3221 helps homeowners and only homeowners, not speculators or lenders. We cannot continue to stand by as things get worse. Texas reported 13,829 properties entering some stage of foreclosure in April, a 16% increase from the previous month and the most foreclosure filings reported by any state. The state documented the Nation's third highest state combined foreclosure rate—one foreclosure filing for every 582 households.

Many homeowners in my district are worried about missing their next house payment or their next home equity mortgage, or their interest rate going up. These families are under stress and in constant fear of losing their homes.

While this bill should not be the last word in housing legislation, it is a great beginning. This bill coupled with H.R. 5818, the Neighborhood Stabilization Act, provides a good starting point in providing Americans with relief.

TEXAS AND WHAT HUD IS DOING

In March, the Department of Housing and Urban Development (HUD), announced the Texas State Program and the cities of Houston and New Braunfels will receive a total of $234,868,077 to support community development and produce more affordable housing. HUD's annual funding will also provide downpayment assistance to first-time home buyers; assist individuals and families who might otherwise be living on the streets; and offer real housing solutions for individuals with HIV/AIDS.

While HUD is working to help Americans, we must all do our part.

We need to pass H.R. 3221, and we need to continue to push in a bipartisan manner, legislation that will ease gas and energy costs, the rising costs of food, and the ever-rising cost of health care.

We are spending billions of dollars on the war in Iraq. I support our troops but I am dismayed at how our support for a war that needs to become less military and more diplomatic in nature, has disrupted our ability to take care of things at home.

CONCLUSION

Thank you Mr. Speaker for your leadership in this area, I urge my colleagues to support American families by supporting, H.R. 3221.

Mr. FEENEY. Mr. Speaker, I move I be able to claim Mr. NEUGEBAUER's time in his temporary absence.

The SPEAKER pro tempore (Mr. ROSS). The gentleman is recognized.

Mr. FEENEY. Mr. Speaker, I yield 6 minutes to a champion of the working family, Mr. GARRETT from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman.

I rise today to voice my opposition to the underlying bill, as well as the underlying unfairness that's contained in it. But before I speak about Title I, which does contain the opportunity to use taxpayers' dollars to insure up to $300 billion worth of new mortgages to bail out the Nation's banking industry and homeowners, those who made irresponsible decisions, I want to briefly discuss other parts of the bill.

The chairman has been routinely criticizing the administration for failing to do anything, he says, to address the current housing problems facing the Nation, but you know, this administration has been calling for the last couple of years for FHA reform and new regulations for the GSEs. However, the new Democrat majority in the House and the Senate has been unable to pass these important measures.

You know, when you think about it, who knows how many people we could have already helped to stay in their homes and keep out of foreclosure if the Democrat leadership would have only forged an agreement already and passed those previous bills.

It is unfortunate that due to the refusal of the distinguished chairman and others in the majority to temporarily forego some of their pet projects, such as the housing slush fund for ACORN and La Raza and others, that these two important reforms have been held up now for the last year-and-a-half.

And now, with this new housing omnibus bill before us, the chairman has once again refused to compromise, I say, in good faith with the administration or the minority side and has included such pet projects once again. And as an indication of the majority's unwillingness to substantively compromise, the administration has issued a veto threat to this bill.

Over the last 6 months, the administration and HUD have been working on a program, the FHA Secure. It's to try to help American families who are in the right house but maybe not in the right mortgage to stay in the house. And this program has recently been expanded upon and has to date helped thousands of Americans to be able to stay in their homes.

But now our distinguished chairman and Democrat leadership are proposing a plan that is really financially risky. It rewards irresponsible behavior and it mandates a loosing of FHA underwriting standards, and this is important, that would put taxpayers on the hook.

So, when the chairman put together what I say is an ill-conceived plan, he noted originally that it would help up to 2 million homeowners. Well, unfortunately when CBO scored the bill, they determined it would only help 500,000, and that's the same amount they have oft criticized the administration plan is projected to help. So you'll excuse me if I find it a little hypocritical here that those who believe that the administration's plan isn't going to provide adequate help to struggling homeowners but that this new plan, which is forecasted to help the exact same number of people, is somehow the perfect cure-all.

Now, the bill before us for consideration goes much further than this. This bill actually pays people to stay in their houses. It would give every homeowner who was in trouble and participates in this program a 10 percent equity stake in their home. Normally, depending on the specifics of your loan, it could take you or I 3 or 4 years for a homeowner to make enough payments for you to get a 10 percent equity stake. Now under this bill, we're just going to give those people who are having trouble making their payments. You know, I know things are bad in the mortgage markets right now, but are things so bad that we actually have to pay people to stay in the houses?

Where is the fairness in that proposal? The distinguished chairman acknowledged during the committee consideration that maybe this bill isn't fair in that sense. What about the person who has been patiently sitting on the sidelines over the last several years, saving up, waiting for these unsustainable high housing prices to come down to reality, come down to earth? They've been paying their rent every month, building up no equity whatsoever. What about those people? We're now rewarding someone else who has undertaken an irresponsible loan and bought something, frankly, they just couldn't afford.

What about the person who took out a loan 3 years ago and he's been scraping by, struggling just to get enough money from every paycheck to paycheck to afford their mortgage and, I say, attain their 10 percent equity over 3 years? Now, again, with this bill, we're just giving that equity away to people who didn't save, didn't decide they would live within their means.

Some say the reason this provision is needed is that it will encourage people to stay in the houses. I believe, quite frankly, the possibility of being kicked out of your house is incentive enough to try to stay in your house. I don't have a problem with trying to help people, and this side of the aisle is trying to do it as well, to stay in their homes, but I do have a problem with facilitating arrangements in which they are given a 10 percent equity in their home with a mortgage that is insured by the Federal Government, and that means the American taxpayer.

Our distinguished chairman was quoted in the paper the other day, "We have done as much as possible to respond responsibly with the public policy."

However, the legislation before us completely disregards borrowers' payment histories and credit scores when considering eligibility for this program. Borrowers could have missed the majority of their monthly payments over the life of the loan, yet these borrowers would still be eligible for a government-backed mortgage—and taxpayers would be on the hook. An amendment was offered during the committee process to rectify this and it was soundly defeated by the Democrat majority party.

I have also heard a number of members on the other side of the aisle mention today their concerns about the Federal Reserve bailing out Bear Stearns to the tune of $29 billion. However, none of the members complaining or any democrats for that matter choose to sign onto any of three letters I and a number of my Republican colleagues sent to Chairman FRANK, Secretary Paulson, and Chairman Bernanke noting our strong concern.

For the last 17 months that the Democrat majority has been in charge, the Administration has been asking for a number of housing reforms from Congress, none of which have been delivered. Now, they want to say the Administration has idly sat by and watched as the housing turmoil has continued to increase, while it is actually the Democrat congress that has yet to pass significant housing reforms that could have provided the Administration with the much needed tools to begin easing us out of this housing downturn.

The Chairman states that this a grand compromise between the different groups involved in the discussion, but the only compromise I can see is the one between he and his party, the big banks who made unsound loans, and the special interests and trial lawyers that stand to benefit.

Mr. FRANK of Massachusetts. Mr. Speaker, first I wondered how I'd fill 2 hours, but I could do that just responding to the inaccuracies we've just heard. Let me pick a couple.

The gentleman from New Jersey said that the administration wanted FHA reform and GSE reform and this Congress wouldn't get it. Well, he misread the newspaper. Bryan Montgomery, the head of the FHA, was quoted yesterday as saying, if Congress had done what I wanted in 2006, this wouldn't have happened. It was the Republicans who were in power in 2006. It was under the Republicans that GSE reform and FHA reform were frustrated.

When we took power as the Democratic majority, last year this Financial Services Committee and this House passed both of those in forms very close to what the administration wanted. In fact, the holdup on the GSE, and I know the gentleman thinks the notion of building affordable rental housing with public help is, as he calls it, a slush fund, and I think it's that lack of sympathy for affordable housing that was one of the contributing factors to getting people into homes they couldn't have owned.

But the fact is that we sent the GSE bill over to the Senate last year with a very large majority in favor, and the Senate hasn't acted, partly because the ranking Republican on the Senate committee hasn't wanted to act. I know the administration has been trying to persuade him to act.

So the notion that the affordable housing trust fund, that's slush fund for the gentleman from New Jersey, housing for lower income people, for elderly people, for disabled people, that's slush fund, well, it was not that that held it up. It was the refusal apparently of the ranking member to act on it.

So this is an example of the inaccurate descriptions you're getting.

Mr. GARRETT of New Jersey. Would the gentleman yield?

Mr. FRANK of Massachusetts. I yield.

Mr. GARRETT of New Jersey. Just for one question. With regard to your initial comment with regard to the FHA reform and the GSE reform, my comment saying that it hasn't been done, isn't it true that we're 17 months into the year under Democrat leadership? Have those bills passed this House and have those bills made it to the President's desk?

Mr. FRANK of Massachusetts. No, but the gentleman very inaccurately blamed the Democrats. He forgot, Bryan Montgomery said in 2006, the Republicans did it.

I think one ought to be more accurate and less partisan in a description of reality. The fact is that those were defeated under the Republicans when he was on the committee. Then, the Democrats did pass them.

And as to the GSE bill, he said it was the slush fund. I really like that phrase, "slush fund." That's affordable housing for people, for lower income people. He said that's what's holding up the GSE bill. That is not remotely true. The GSE bill was sent by us to the Senate. They haven't taken it up. By the way, the affordable housing trust fund was in the Senate committee version when the Republicans were in power under the current ranking member when he was chairman. So that is just inaccurate.

It is true they have been held up in the Senate as they were held up under the Republican leadership as well. We are closer to passing them. I am confident that they are going to get passed fairly soon. We did finally get to some conversation on the FHA.

My objection was that the gentleman acted as if the world was created in January of 2007 and the Democrats refused to pass the bill, neglecting to note that the head of the FHA himself put the blame much earlier when the Republicans were in power.

I now yield 3 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, I wish to address specifically the amendment that Mr. LATOURETTE and I have offered.

Mr. Speaker, the worst of the foreclosure crisis is yet to come. Mr. FRANK just corrected incorrect factual assertions. Let me correct one as well.

Mr. FEENEY said a few minutes ago or gave the example of a 3 percent teaser rate. Mr. Speaker, the typical initial rate for the mortgages that are causing this problem was 8½ percent, which is already well above the conventional prime rate.

According to The Wall Street Journal, 55 percent of the people who got those loans qualified for prime loans. Their trust was betrayed. And the typical adjustment after just 2 or 3 years was a 30 to 50 percent higher monthly mortgage payment. Seventy percent had prepayment penalties so people couldn't get out and would have to pay when they got out, when they refinanced out of a loan they could not possibly afford and the lender never intended they would afford because they required they come back and refinance again.

It's not surprising that 3 million homeowners with subprime loans are expected to enter foreclosure proceedings in the next couple of years and 2 million of them will likely lose their homes. Another 40 million homeowners will see the value of their homes decline when other homes in their neighborhood are foreclosed, and they will lose $200 billion in their home property values.

Credit Suisse now estimates that there is another wave of foreclosures coming after this one as even more exotic, innovative mortgages go into default. Credit Suisse estimates that in the next 5 years 12.7 percent of homeowners with mortgages are expected to lose their homes to foreclosure.

Mr. Speaker, when those families lose their home to foreclosure most will fall out of the middle class and into poverty.

The policy failures that caused this problem, that led to this crisis, were in Washington, but State and local government are having to deal with the consequences.

Property rights, contracts and foreclosure proceedings are all matters of State law, not Federal law. The laws vary from State to State, but every State's foreclosure law includes protections for the borrowers whose homes are being seized and sold to pay the mortgage.

☐ 1430

State laws have notice requirements. They provide reasonable time for the families who are losing their homes to find someplace else to live and to move; they limit the costs that they be charged to homeowners; they allow homeowners to cure defaults in some circumstances. Many States limit or prohibit deficiency judgments if the sale of the home is not enough to pay off the debt, and on and on. And several States, not surprisingly, are now considering additional laws to protect borrowers who are losing their homes to foreclosure.

Recently, there has been some suggestion, some hint in the press and elsewhere that if State and local governments start getting underfoot, if they start making a nuisance of themselves, the lending industry will argue that some of the especially annoying State laws, State foreclosure proceedings cannot be applied to mortgage holders or mortgage services that are affiliated with national banks or trusts.

There is no Federal foreclosure law, but they argue that State foreclosure proceedings could be preempted by Federal laws that govern national banks and trusts. This amendment clarifies that State laws and local ordinances on foreclosure and foreclosed properties are not preempted by Federal law.

Mr. NEUGEBAUER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I've spent nearly three decades in the housing business. And over those three decades the housing market has gone up and the housing market has had its soft moments, and one of the soft moments we're experiencing today. I liken it to the fact that the housing market has a cold. And when you go to the doctor and you talk to the doctor about a cold, what does he usually tell you? He says, you know, you're going to have to let it run its course. And quite honestly, over the years as these housing downturns have happened, that exactly what we've had to do is let these markets run their course. And what we do know is that when they run their course, that they come back a lot stronger.

We have just come off an unprecedented run in housing where the rise in home ownership has risen to record levels. And how did we do that? Well, we did it with the marketplace.

One of the things about this bill that bothers me is that we leave people with the understanding that if their house goes down, the government will come in and make up the difference. We can't do that. People buy stocks, people buy bonds, people buy other assets. They go up, they go down. But it's not the role of the Federal Government to create a profit opportunity for people.

One of the things that we know is that, as the ranking member, I think, pointed out, is that we have 110 million people that are already meeting their own housing needs. Some of them are having problems, yes, they are, and we're sorry about that. We know about 51 million people in America have mortgages. And a lot of those folks are taking second jobs and doing things to make sure that they meet their rental payments and meet their housing payments. And you look at the fact that 94, 95 percent of those people are making those payments, not only are they making them in full, but they're making them on time.

What we can't let the Federal Government be is the piggy bank when things don't go exactly the way we planned. I would like to go back over my 30 years in the real estate business and wish the Federal Government could have been my piggy bank when I bought property that didn't go in the right direction. Some of it went down, some of it went up. But what I do know is that it is important that the Federal Government not get into the business of trying to manipulate markets.

Markets are very efficient. In fact, they're a lot more powerful than the Federal Government. I know everybody here feels like they may be a powerful person and part of a powerful government, but quite honestly, these free markets are much more powerful than the Federal Government and they're much more efficient and they're much better able to deliver a housing market that the American people can sustain and count on.

And so that's one of the reasons that I rise in opposition to this bill today is, as I look across America—and I wish you could have been at a town hall meeting with me the other day where people weren't asking about mortgages, Mr. Speaker, they were asking when is this Congress going to finally do something about getting a comprehensive energy strategy for America? When are we going to open up the ability to drill in these other areas? And when are we going to be able to come up with more nuclear power plants?

Mr. Speaker, the American people don't want to make their neighbor's payment when they're having a hard time making their own.

Mr. FRANK of Massachusetts. I yield 3 minutes to a very hardworking member of the committee, the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. You know, I'm wondering whether the Republicans are looking at the same America I'm looking at, and that the American people are feeling. Between 7,000 and 8,000 American families file for foreclosure every day. While we were up here debating this bill the last day and today over 15,000 American families have filed for foreclosure. We have a crisis.

Now, I want to deal with three points here right quick in my 3 minutes. The first one is this: I think it is wrong as wrong can be for the other side to continually blame this crisis on the backs of the American family.

Let me read here for a moment from this morning's Hill newspaper, and I hope that you all will read this as well, this article by J. Morton Davis of the Harvard Business School, an economist. He tells you what the cause of this is and who is to blame.

Because mortgage originators themselves were not taking any of the risk of holding this paper and were being well paid by providing mortgages to Wall Street banks that were packaging them, they became more aggressive, less demanding of the conditions traditionally required upon them. The mortgage brokers and bankers introduced a whole series of new criteria that made it easier to obtain a mortgage, they introduced nothing down, no equity mortgage, interest-only mortgage, no income, no job requirement as sufficient basis to receive the mortgage. That's why we're in the condition that we're in, not on the backs of the poor American family.

He goes on to say that "the changes in lending practices actually transformed what were solid, safe, secure mortgage loans into instruments that were inferior even to the subprime mortgages. The cause of this can be traced to the simple fact that the providers of these mortgages did not end up holding the paper and thus were far less concerned about the quality of the loan." Because nobody bothered to look at or take issue with the enormously changed quality of these underlying mortgages, not the Federal Reserve, they didn't look at it, not the Securities and Exchange Commission, not the rating agencies, not even we here in Congress, who surely should have been more responsible and accountable, and not the many Wall Street banks that were coining the money, just as they did. The whole world is now suffering the pain, the outsized losses and the damage to its banking systems and economies.

Ladies and gentlemen of this Congress, it is not the American homeowner who is the cause of this, he is the victim, and it's our responsibility to provide the response for it.

Now, the other point I wanted to make is I have a copy in my hands here of the Congressional Budget Office coassessment. Let's put to bed once and for all, this is not $300 billion of the taxpayers' money. The taxpayers' money that's going to this, as clearly as put out in this estimate, is $1.7 billion just to run the program, another $300 million for administrative support, and the counseling of $400,000. And then Mrs. BIGGERT's own program for counseling of $300 million. That's $2.7 million of the taxpayers' money.

Let's do facts right. That's why we need to pass this bill, Mr. Speaker. Let us stop fooling around and give the American people some relief.

Mr. NEUGEBAUER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from South Carolina, a member of the House Financial Services Committee, Mr. BARRETT.

Mr. BARRETT of South Carolina. Mr. Speaker, I rise to oppose this bill, which I think is unhelpful for the housing market and unfair to the American taxpayer.

Like many of my colleagues, I'm concerned that this program will only distort housing prices, causing problems in the future by forcing the taxpayer to foot the bill.

I have no doubt that some of the lending practices in the beginning of the decade, Mr. Speaker, were irresponsible, and that the government should take certain steps to help the market right itself and to prevent these problems from recurring in the future. At the same time, I'm a firm believer in the power of the free market, and I believe that the housing market fundamentally reflects the laws of supply and demand.

I'm always wary of government intervention in the markets and concerned about unintended consequences. I fear that in our rush to help, we are overlooking the basic realities about today's housing market and about the cost of government spending.

I think we can all agree that government programs cost money, and this program has the potential to cost a tremendous amount of money. And that money comes from the taxpayer, Mr. Speaker. Because, in reality, like the laws of supply and demand, decisions have consequences, and money has to come from somewhere. It's not fair to ask my constituents from South Carolina, who work hard and spend wisely and pay, in my opinion, too much tax money, to carry the burden for others' financial mistakes.

While I believe that people in need deserve our understanding and our help, I trust in the ability of the free market to correct itself. And I think Americans know how best to spend their money and should be trusted to make their own financial decisions. I also think that lenders have a responsibility to live with the consequences of investments that did not quite turn out as planned.

Mr. Speaker, I offered an amendment in the Financial Services Committee that is representative of my concerns. The amendment was not adopted, and it was very simple. It was to strike the section of the bill that prohibits FHA from denying borrowers entry into the new FHA program solely on the basis of the mortgagor's current FICO or other credit scores, or any delinquency or default by the mortgagor. In South Carolina talk, Mr. Speaker, this amendment would have given the FHA the opportunity to use individual pieces of information on their own that reveal the risk of borrowers defaulting. In offering the amendment, I wanted to allow the FHA to protect the American taxpayer by giving them every tool available.

I understand the motivations of this section of the bill to try to include as many people as possible in the program meant to help them. And I understand it would be nice if we could help all of these borrowers, but some may have very bad credit scores that reflect irresponsible borrowing behavior. It's not fair to the American taxpayer to insure the loans of the riskiest borrowers who may not be able to pay their mortgages no matter what the terms of the loan.

Without a doubt, it's never easy to hear the stories of hardworking individuals and families losing their homes, but I do not believe that more government intervention is the solution to our problems. And we should not allow the American taxpayers to become the insurance policy for the financial decisions that did not turn out as planned or for temporary market downturns. We should not punish those hardworking and responsible American taxpayers for the mistakes of a few. For these reasons, and others, I oppose this legislation and ask my colleagues to do the same.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GARY G. MILLER).

Mr. GARY G. MILLER of California. Mr. Speaker, I rise in support of this bill.

A lot of people are losing their home in this country. In fact, in California, 500 families or more lose their home every day. And that not only hurts them, but the neighbors around them. Because of foreclosure, their home value drops weekly.

I don't support government bailouts. I consider this bill we're dealing with here far from a government bailout. If you look at the situation people are in today, people are suffering from shrinking paychecks, other things go wrong in their life. But this loan is the most expensive FHA loan you will get.

Normally, a person can go to get an FHA loan, put 3 percent down, and the government will basically be guaranteeing 97 percent financing. Under this loan, the lender has to be willing to take 85 percent of current market value. Let me explain that so it makes it understandable to most people.

Let's say you bought a house for $580,000. The first trustee gets $5,000, but current market value is $400,000 for that house. The people are upside down, they can't make the payment, it is going into foreclosure. The lender has an opportunity to allow another lender to buy them out with an FHA loan guarantee, and they're willing to take $340,000 for a loan they have that the market today is $400,000, and the new loan against that house will be $360,000. Now, that sounds really good. And we say the person is going to make a lot of money, it's a bailout. But this is really more like a joint venture. And I don't think CBO even scores this portion. If you sell the home the first year, we either get 3 percent of the loan amount or 100 percent of the profit on the home, whichever is greater. If they sell the second year, we either get 3 percent, or 80 percent of the profit, whichever is greater. The third year, 60 percent. And if you hold it for 30 years and you sell that home, FHA gets 50 percent of the profit on that home.

Now, I don't know how most people look at it, but that's the worst FHA loan you can get. It's not a bailout, but it's enabling a person who's losing their home and a lender who says, well, if I foreclose it on $400,000, I might get $380,000, $390,000. And what does that do to a neighborhood? That home that originally sold for $580,000, now the market value for that home in that neighborhood is now $380,000, $390,000 or $400,000.

This is more like a refi. It doesn't impact the value of the homes in the community. It basically helps a person get in position where they can retain ownership of their hone. And they're not going to make a windfall profit for it.

I would like to thank the chairman for introducing language in this bill that I worked on for 5 years, and that's raising conforming home limits in high-cost areas. Basically, Freddie and Fannie and FHA, in high-cost areas, you can borrow a maximum of a $730,000 loan from them today. The biggest problem we've had in the marketplace in recent years is people have been forced into jumbo loans. If you look at a GSE loan, that's Freddie and Fannie, compared to a jumbo loan today, you can generally save about 100 basis points in interest rates. That's a huge amount of payment a person can save each year, enable a person to be able to put away money in the future for house payments if times get tough and basically own their own home.

Some people have said they don't trust the Refinance Program Oversight Board because they don't have any idea what the Board is going to implement as far as criteria to qualify for this loan. I have a problem believing that we can't trust the Secretary of Treasury, the Secretary of HUD and the Chairman of the Federal Reserve Board to come up with criteria based on income, assets, liability, payment history, other criteria, debt-to-income ratio. If we can't trust those three individuals to come up with a reasonable criteria under which this loan is made, I think we're in trouble in this country.

The problem some people have is FHA exists. FHA loans are made today, and FHA is guaranteeing, through insurance premiums, these loans. Now, a normal FHA insured premium costs a borrower .55 percent per year, about half a percent. Under this new program, they have to pay 1.5 percent per year to FHA to underwrite this guarantee. That's far from a giveaway. I can't see anything in this FHA loan that's a giveaway.

I rise in strong support of this bill.

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Mr. NEUGEBAUER. Mr. Speaker, now it is my honor to recognize for 3 minutes the distinguished gentleman from Georgia (Mr. PRICE), who is also a member of the Financial Services Committee.

Mr. PRICE of Georgia. I thank the gentleman for yielding.

There's a general sense, Mr. Speaker, that it's this bill or nothing, and that certainly isn't true. In fact, much has been done. As has been talked about, the FHA Secure program has created greater flexibility, helping hundreds of thousands stay in their homes. The Hope Now program has already helped 1.4 million individuals stay in their home, getting borrowers and lenders together. Loan limits have been increased, FHA, Fannie Mae, Freddie Mac. The Federal Reserve has lowered interest rates. So the notion that the Federal Government has been unresponsive or slow to move is disingenuous and is repeated as fact solely as an excuse for the Democrats to continue outbidding each other on how much taxpayer funding they can spend or bail out imprudent borrowers who either bought too much house or lenders who were gladly willing to give them the money. So much has been done to date.

We have also heard the chairman and others say that it's unlikely that this will cost $300 billion, that it will only be $2.4 or $2.7 billion. Well, then why doesn't the bill say that? It doesn't, Mr. Speaker, because the taxpayer will be on the hook for risky loans and the number may significantly rise, and that's because this bailout plan irresponsibly disregards borrowers' payment history and credit scores. Borrowers could have missed the majority of their monthly payments over the life of the loan; yet those borrowers would still be eligible for a government-backed mortgage, and taxpayers would be on the hook. Americans don't believe that's fair.

There has also been discussion about the voluntary nature of this program. However, Federal Reserve Board Governor Randall Krozner said in our committee, "If Congress decides to move down this road, then it should carefully consider the steps that should be taken to mitigate moral hazard, avoid adverse selection, and ensure that the financial interests of the taxpayer are adequately safeguarded."

But if you listen to the chairman, this program isn't so voluntary. At that same hearing, the chairman said, "If we were to get this approach adopted but we don't get much of a voluntary buy into this, then I have to say the response will probably be more regulation than people might like to see."

He went on in an article quoted yesterday here in Washington to say, "Meanwhile Chairman FRANK has warned the mortgage industry that if it doesn't support something like this plan this year, it could be in for far more regulation next year." And that article went on: "If after this we continue to get very little participation by servicers, I can guarantee you that the servicer industry will look very different . . . If after everything we do in this cooperative way falls short, then you are going to see legislation that puts some very real restrictions on the role of servicers."

All of a sudden, Mr. Speaker, this program doesn't sound so voluntary. It seems to me that the chairman's comments will exacerbate the moral hazard that the Federal Reserve Governor warned us against.

In addition to the incentives, the chairman provides in his legislation for holders of mortgages, and they are real and enticing. We have actual threats of harmful regulation if they don't sign up dutifully for this program. That's not voluntary.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. NEUGEBAUER. Mr. Speaker, I yield the gentleman an additional 15 seconds.

Mr. PRICE of Georgia. I thank the gentleman.

I would suggest, Mr. Speaker, that these threats do no favors to the American taxpayers across our country. The chairman is ensuring that we will get full and active participation in this program, populated by the riskiest of loans with enormous redefault rates and cost to the American taxpayer of up to $300 billion. Mr. Speaker, that's irresponsible and it's unwise.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. WATT), member of our full committee.

Mr. WATT. Mr. Speaker, I was listening to this debate, and the only thing I could be reminded of was a few years ago when I had a very, very serious political campaign mounted against me and that had about $800,000 spent on television ads telling people how terrible I was, and at the end of the campaign, my mother finally called me and said, "Are you really that bad?"

I don't recognize the bill that's being described here on the floor. Title II and title III we have overwhelmingly passed previously. Title V was overwhelmingly passed out of the Financial Services Committee. And all of the representations that are made about title I seem to me to be just outrageously overstated.

Like FHA is going to assume all of this responsibility. This is a bailout.

This is a voluntary program. FHA is not out soliciting any of these loans. They will evaluate the credit worthiness of everyone who comes to them.

Like this will cost $300 billion.

There's no way this program will cost $300 billion unless every single person who gets involved in it defaults and we get nothing out of a foreclosure or reclaiming of the property.

Like this is going to benefit speculators.

The bill explicitly says that this is limited to homeowners, not people who have been speculators. I don't know what else we could say on that. The language is absolutely explicit that only homeowners qualify for this program.

Or maybe like the most outrageous one that I've heard today: Well, the market will take care of this.

Well, the market is how we got here in the first place. If the market had been taking care of this, we wouldn't be in this crisis. We wouldn't be having the problem that we are trying to solve. And so this notion that the market is somehow going to overnight correct itself and we will solve this problem solely through market forces just doesn't make a lot of sense to me. But, again, my mother started to question after a while, after people said it over and over and over again. Maybe my colleagues think if they say it enough, that this is terrible, they will convince somebody.

Mr. NEUGEBAUER. Mr. Speaker, it is now my honor to introduce another member of the Financial Services Committee, the gentleman from North Carolina (Mr. McHENRY), for 3 minutes.

Mr. McHENRY. Mr. Speaker, there are many good and decent people who are in financial distress right now across this country. Some with mortgages they can't afford. Some made poor financial decisions. Some were victims of fraud. Some were simply speculators acting on their instincts.

But the reality is that most borrowers are paying on time. They are making their mortgages; 92 percent of borrowers are paying on time across this country; 6 percent are late but not yet in foreclosure, and 2 percent are actually in foreclosure. This bill is directed to the 2 percent on the backs of the 98 percent. That means that 110 million households are meeting their obligations. This legislation under consideration today would require that those 110 million families bail out the lenders on Wall Street. And I will tell you it's simply a case of robbing Peter to pay Paul.

We are sending the message to financial institutions and Wall Street investors that when those investors make poor choices and take ill-advised risks that the Federal Government will step in and bail them out. That's a bad decision. In fact, this is a $300 billion taxpayer bailout that will cost the American taxpayer $5,000 for every foreclosed loan that is dumped into the program. And make no mistake about it. They will be dumped into the program. And it's not the homeowners who will control this. It will be the lenders and servicers who will decide to take advantage of this for their own personal advantage, the servicers and the lenders.

The one thing that we know for sure is that those lenders and servicers are only going to submit those loans that they don't believe will pay. The American taxpayer will instead be punished. Ultimately, the real losers are the American taxpayers who are left to guarantee the loans that nobody else wants.

Mr. Speaker, in the past couple of months, I received several calls, letters, conversations I have had with my constituents, talking about the struggles that they are making in order to pay their mortgage. They don't want to have to pay somebody else's mortgage. They are struggling enough to make their ends meet with high gas prices, the rising cost of health care. And I'm not advocating that we do nothing. In fact, I have been working very hard in my district with foreclosure prevention seminars, working with the Hope Now alliance, which has helped 1.4 million homeowners stay out of foreclosure, keep their homes.

These are the things that Congress should be doing, is helping individuals get through this crisis. We shouldn't have a massive bailout of lenders on Wall Street. We shouldn't bail out the servicers. They took ill-advised risks, and as such, the losses should be carried by them, not by my constituents who are paying on time.

Let's oppose this legislation and do what's reasonable and right for the taxpayer.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to a very hardworking member of the committee who contributed to this bill, the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Speaker, I rise today in strong support of the American Housing Rescue and Foreclosure Prevention Act.

I must say that I'm extremely disappointed that the President and many of my friends on the other side of the aisle have expressed opposition to this legislation. I think it's telling that Federal Reserve Chairman Bernanke has expressed his support for the bill.

Mr. Speaker, the President and some of my Republican colleagues have called this plan a bailout. Clearly, the party that claims to represent big business doesn't understand business.

This plan requires current mortgage holders who choose to participate, not taxpayers, to realize the loss of at least 15 percent. And by putting homeowners in mortgages with rates and payments that we know they can afford, we are minimizing the risk of future defaults. And by doing so, we are injecting confidence and liquidity back into credit markets, thereby taking an important step to ensure the economy has the capital to begin digging ourselves out of this recession.

For anyone who calls this a bailout of risky investors, I would invite them to come to my district and meet some of the thousands of families who are in foreclosure. These are families with dreams and hopes. They, like everyone in this room, were trying as best they could to live the American Dream of homeownership. These are not frauds and cheats. They are firefighters and teachers who were forced into the subprime mortgage market in order to realize their dream.

The only moral hazard before us today would be our failure to act. If we are to protect our economy, our families, and the American Dream of homeownership, pass this amendment today.

Mr. NEUGEBAUER. Mr. Speaker, it is my honor to introduce another distinguished member of the Financial Services Committee, the gentleman from Illinois (Mr. ROSKAM), and I yield to him 3 minutes.

Mr. ROSKAM. I thank the gentleman for yielding.

Mr. Speaker, have I ever told you about my dog, Max? I don't think I have. Let me just take a minute and tell you about Max.

Like a lot of us who are fathers of younger children, I have four children, who approached me, Mr. Speaker, and begged me and begged me and begged me to get them a dog. And for years I was able to avoid eye contact and was able to keep an animal out of my house. But, finally, in a moment of weakness, I said yes.

And a friend of mine, Mr. Speaker, realized what was happening, and he pulled me aside and he said, "Look, if you're going to get a dog, realize this: You get what you pet." You get what you pet. So if a dog comes in and it's disobedient and you pet that dog and give it all kinds of affirmation, then guess what. It's going to keep being disobedient. And not being very wise, we started to do that, and so now we've got a slightly out-of-control dog.

Now, why do I mention Max? We're on the verge of doing that same type of conduct exactly to people who have fundamentally made some bad decisions. Let's take the borrowers aside, and I realize the chairman has worked hard, but let's take the borrowers aside and just put them in a different category because what we're going to be doing today, in addition to helping borrowers, is really bailing out lenders. And I don't think that's an overcharacterization. I don't think that's an unfair way of looking at this. We are being told that lenders who were in this, who are great advocates of the free market when they're making money, they love the free market when they're making money, and now all of a sudden, they are coming to the Federal taxpayer and saying this has gotten a little bit more complicated than we thought, and now we want the taxpayers to come in and take care of this from here out. It's voluntary on the part of the lenders, and think about how voluntary that would be. What a great invitation. These lenders go and they say here's our pile of bad debt. Let's take a haircut, 85 percent of the value, shove that off to the FHA, which is pretty ill equipped, I might add, to take on this obligation—let's shove that off to the taxpayer, and instead of getting our heads chopped off as lenders, we're just going to get a haircut.

I think we can do a lot better, I think, over a period of time.

□ 1500

There is a great willingness, Mr. Speaker, on this side of the aisle to try and work creatively and to try and work substantively on solutions. But I think as we reflect back on this, in the chairman's own words, it is going to cost $5,000 for every defaulted mortgage that is assumed by the FHA, times a half million. That gets us to the $2.5 billion figure that makes many of us cringe.

And I don't think that those types of numbers should be allocated to lenders and bailing out lenders who made bad decisions.

Mr. FRANK of Massachusetts. I yield 1 minute to the majority leader, the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding.

This is not about petting dogs. This is about people who are hurting. This is trying to reach out to people who have been savaged in many ways by this economy and the policies that have led to an economy where average working incomes are down $1,000 and where gasoline prices have exploded over 200 percent from $1.46 to $3.56. I would remind you that under the Clinton administration they went from $1.06 to $1.46, 5 cents a year during the 8 years of the Clinton administration. They are going up 5 cents a week during this administration.

People are stretched.

I didn't hear people come to this floor and say $30 billion for Bear Stearns. It was outrageous, putting the taxpayers' money—Mr. FLAKE says he did. Thirty billion dollars. We just talked about $2.5 billion for literally tens of thousands, hundreds of thousands, perhaps as many as 1 million people. There is a crisis, and they have asked us to respond.

I want to congratulate the chairman of our committee. I want to thank the ranking member of the committee. I want to thank all the members of the committee for giving this their attention and trying to come up with a solution that works. Was this a partisan, divisive solution? Absolutely not. The Secretary of the Treasury has said that this is a product that merits serious consideration.

For a time, I thought he was for it. I am not sure now. There seems to be some internal division within the administration. Mr. Bernanke, the head of the Federal Reserve, former chairman of the Council of Economic Advisers, said that this is a good thing to do.

So, Mr. Speaker, today through this comprehensive landmark legislation, the American Housing Rescue and Foreclosure Prevention Act, this House is going to act not to pet dogs but to help people. This House will take decisive action to keep hundreds of thousands of families at risk of foreclosure in their homes and will help stabilize the housing markets across the Nation that have been wracked by an unprecedented drop in home values over the last 2 years.

Make no mistake: The slumping housing market has had negative, rippling effects throughout our economy. It is not just people in houses that are having problems, but the subprime crisis has affected our entire country and the availability of credit. And thus it is imperative that we take responsible, reasonable steps such as this to strengthen our weak economy and ultimately benefit not just those who are at risk of losing their homes, but every American.

As Federal Reserve Chairman Ben Bernanke pointed out in a speech on Monday, Monday, just a few days ago, at Columbia University, "High rates of delinquency and foreclosure can have substantial spillover effects on the housing market, the financial markets, and the broader economy."

And the answer is, don't pet your dog. It was bad behavior. Leave him alone. Or punish him. What we want to do is help people do the right thing.

He continued: "Therefore, doing what we can to avoid preventable foreclosures is not just in the interests of lenders and borrowers, it's in everybody's interest." Those are Bernanke's words. Not Chairman FRANK's. Not mine.

Mr. Speaker, that is precisely what this legislation, the product of hard work by Chairman BARNEY FRANK and so many others, is designed to do: Avoid preventable foreclosures.

There is little question that after an historic housing boom in the first half of this decade we now are faced with a housing crisis. Foreclosures soared to an all-time high in the last quarter of 2007. According to Mortgage Bankers Association, more than 1.2 million properties received foreclosure notices in 2007, up 75 percent from 2006. And 1 in 33 homeowners is projected to be in foreclosure over the next 2 years. So much for a great economy.

This legislation, in short, will expand the FHA program so that borrowers in danger of losing their homes can refinance into lower-cost, government-insured mortgages that they can afford to repay.

I've heard so much talk about a family-friendly Congress. Family values. Caring about children. What can be more family friendly than keeping families in their homes? I think not too many things.

But to be clear, this bill will minimize taxpayer exposure. In fact, the Congressional Budget Office estimates that the cost of putting homeowners into affordable loans under the bill would be not $30 billion, not $20 billion, not $10 billion, but a total of $2.7 billion. A few days in Iraq. A few days in Iraq. Not a month. A few days in Iraq.

Contrary to the rhetoric coming from some, this bill is not a bailout for irresponsible lenders or borrowers. Only primary residences are eligible. Investors and lenders must take significant losses, as they should. The owner of the old mortgage can only receive 85 percent of the current value of the home.

And in return for an FHA guarantee on the mortgage, borrowers must share with the government any profit from the resale of a refinanced home. The government will only have liability if the borrower defaults and the amount recovered in foreclosure is below the outstanding debt still owed.

Furthermore, this legislation includes tax provisions to expand refinancing opportunities and to spur home buying.

It increases the VA home loan limit for high-cost housing areas, which we passed before, enabling veterans to have more homeownership opportunities. We are having people come home from Iraq. We are going to be talking about that. They may have lost their home because they went to Iraq and they couldn't keep their home. This helps them get back in a home.

And it includes FHA modernization provisions that have already passed this House, as well as GSE reforms such as strengthening the regulation of Fannie Mae and Freddie Mac and raising their loan limits to increase liquidity in the mortgage market.

Chairman FRANK has talked to Secretary Paulson about that. I have talked to Secretary Paulson about that. I am sure many of you on your side of the aisle have talked to Secretary Paulson about that. He thinks this is absolutely essential.

I urge my colleagues on both sides of the aisle, let's mitigate the effects of the bursting of the housing bubble. Let's prevent hundreds of thousands, and perhaps up to 1 million people, from foreclosure and allow American families to stay in their homes through this responsible legislation.

Let's stabilize our housing market and help millions and millions of homeowners who are not at risk of foreclosure, but whose neighbors are at risk for foreclosure, and if they are foreclosed upon, will see their home values deteriorate. So the assistance is not just to those at risk of foreclosure, but to all those who are in communities where homes are at risk.

Let's pass this comprehensive, bipartisan legislation today and work to get it to the President's desk without delay. I am hopeful that the President will see fit to sign it. Vote "yes." Vote "yes" on the American Housing Rescue and Foreclosure Prevention Act of 2008. Vote "yes" for the families of America.

Mr. HENSARLING. I yield myself 30 seconds.

As the distinguished majority leader said, this is about people hurting. He should know. Since his Democrat majority came into office almost 18 months ago, we know that we have a $3,000 per family tax increase that has been approved, gasoline at almost $4 a gallon, milk over $4 a gallon. Yes. This is about people hurting, particularly the 98 percent that rent, that have paid off their mortgages and whose mortgages are current.

And if this bill is only going to cost the taxpayers $2.7 billion, why do we see $300 billion written in the bill?

With that, I am happy to yield 2 minutes to the gentleman from Arizona, JEFF FLAKE.

Mr. FLAKE. I thank the gentleman for yielding.

The gentleman from Massachusetts knows the respect I have for his knowledge of free market economics. He often scolds us on this side of the aisle when our rhetoric doesn't match our actions. And he is often justified in doing so. I have heard him quote Adam Smith and Milton Friedman with the best of them.

That is why I was baffled to see this bill come to the floor from his committee, a bill that violates the same principles that he has chastened us for not recognizing. He was right then. And he is inconsistent and wrong today.

This bill has "moral hazard" written all over it. We know that a party insulated from risk behaves differently than a party that is fully exposed to risk. The truth is here we are insulating home buyers and home owners from risk. And we will simply prolong the housing crisis by doing so.

Let's be real here. The purpose of this legislation is to insulate political parties from risk. That is what we are doing here. If we felt such a need to intervene here, we ought to remember what we did last September when I believe, if I remember right, we encouraged FHA to give no-money-down loans. Why is it that we think that we are so prescient here about what is going to happen?

We can't outguess the market. We shouldn't try to. We simply will delay the bottom and delay and increase the dislocations that will occur when its politicians decide to allocate resources and capital rather than the markets.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 30 seconds to respond to the gentleman from Texas.

He says, why isn't the $2.7 written into the bill? It is, in effect, because it is subject to appropriation, and no money will be spent until that is provided. The $300 billion is the number of mortgages that could be insured, up to that. We needed to put that number there before CBO could tell us how much it would cost. And written into this bill before it becomes law and becomes operational will be that $2.7 billion figure. That is the way the process works. You get a CBO score, and then you pay for it.

I now yield 2 minutes to the gentlewoman from Illinois, a very diligent member of our committee.

Ms. BEAN. Mr. Speaker, I rise to engage in a colloquy with the chairman of the Committee on Financial Services.

Mr. Chairman, section 505 of title V of this legislation contains language pertaining to the treatment of disabled veterans in the bankruptcy code.

Every Member of the House supports ensuring that no disabled veteran is discriminated against for obtaining federally supported housing loans or subsidies.

Mr. Chairman, can you clarify for me why this provision was included in the bill, and why we need to protect disabled veterans from discrimination in this legislation?

Mr. FRANK of Massachusetts. If the gentlewoman will yield, I know sometimes conspiracy theories rattle around this place. The reason we put in the legislation to protect disabled veterans who had bankruptcy from being excluded from this program is to protect veterans, disabled veterans who have been in bankruptcy from being in this program. There were people who suggested that the sensitivity people would have in bankruptcy could be a problem. Now I will point out, by the way, that thanks to some very good amendments by the gentleman from Georgia (Mr. MARSHALL) who has dealt with this problem in a more general way, and he is a bankruptcy expert—from the law side not the subject side. But we thought with disabled veterans, we know this engenders prejudice when people see in some cases people are disabled. So it was there for that reason, to protect people, to make sure that we, the Federal Government, would not, in any way, be discriminating against them and maybe therefore set a good example for everybody else.

Ms. BEAN. Mr. Chairman, there have been reports suggesting that this provision could be used as a placeholder for a broader expansion of the Federal bankruptcy laws. Can you clarify that this language will not be expanded in conference to include a broader rewrite of the Nation's bankruptcy laws or to be used in conference for any other redrafting of language encompassed under title 11 of the U.S. Code other than this specific provision?

Mr. FRANK of Massachusetts. If the gentlewoman will yield, absolutely I can guaranty that. I should be clear. I am cosponsor of the bill that would have provided a bankruptcy avenue for primary residences. That is a separate issue as far as I am concerned. No, this particular provision will not be a vehicle for that.

The SPEAKER pro tempore. The time of the gentlewoman from Illinois has expired.

Mr. FRANK of Massachusetts. I yield the gentlewoman 30 additional seconds.

□ 1515

I guarantee this provision will only be what it is. If anybody wants to move elsewhere, I might support that. But entirely separate from this, this will not be a vehicle.

In fact, I think it would be dishonorable for anyone. We have had too many examples of people trying to use veterans, and particularly disabled veterans, as a political stick to achieve other objectives. I would find that to be an absolutely outrageous procedure, and I can guarantee you it will not happen.

Ms. BEAN. I thank the chairman for the clarification. I would also like to commend your leadership on producing a balanced bipartisan bill and allowing me to work with you during the committee markup.

The SPEAKER pro tempore. The time of the gentlewoman from Illinois has again expired.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield the gentlelady from Illinois an additional 30 seconds.

Ms. BEAN. Contrary to the earlier comments from our colleague in Texas, I want to specifically acknowledge the inclusion of my amendment to disallow participation in this program to anyone who had misstated their incomes on their original loan or been convicted of mortgage fraud.

On the whole, this legislation will help stabilize the housing market and economy while not creating any uncertainty in legal contracts by reducing risks to lenders who keep qualified borrowers in their homes instead of foreclosing.

Mr. HENSARLING. Mr. Speaker, may I inquire how much time is remaining on each side.

The SPEAKER pro tempore. The gentleman from Texas has 6½ minutes remaining. The gentleman from Massachusetts has 26½ minutes remaining.

Mr. HENSARLING. Mr. Speaker, I wish to reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Thank you, Mr. Chairman.

Mr. Speaker, I had originally planned to talk about something else altogether, but it's the nature of the debate that causes me to simply say I do view this as a bailout of sorts, but it's not a bailout for the borrowers, it's not a bailout for the lenders.

If you understand the bill, you understand that actually the deals that the borrowers get are not particularly good. The deals that the lenders get are not particularly good.

This is intended, if it works, as a bailout generally for all those innocent homeowners and taxpayers who have been dragged into this mess in part, because of our failure to regulate previously, in part because of the incompetence, virtually, the pitiful performance the of the rating agencies.

As a result, an awful lot of people, and our economy, are being hurt. I view, this personally, as a bailout for the economy, with an incidental effect of avoiding foreclosures in individual cases—and that's nice. It's nice to help people out—but I am not voting for this thing because it's helping individuals out and happens to help a few lenders out. It's not a bailout for those folks. In my view it's a bailout for the entire economy and all of these people that have been dragged into it.

Mr. HENSARLING. Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentleman from Texas (Mr. AL GREEN), a very active member of our committee.

Mr. AL GREEN of Texas. I thank the chairman for the time, and I thank the chairman for his tireless efforts to bring this to the floor. I question this moral hazard argument.

I question it because I have to ask myself, where was the moral hazard when we bailed out Penn Central? Penn Central got more than laissez faire. Penn Central got more than market forces. Penn Central got $7 billion in a bailout.

Where was the moral hazard when we bailed out Lockheed Martin, $250 million? Franklin National Bank, $1.7 billion bailout. For the good of the country, we bailed out Chrysler at the tune of $1.5 billion; Continental Illinois, $4.5 billion; Farm Credit System, $4.5 billion; First Republic Bank, $1 billion. Major airlines got $5 billion, the steel companies got $7 billion.

Where was the argument about Bear Stearns that was never brought to the floor? I have heard about a letter that has been circulated. Why didn't you bring the argument to the floor? Let's talk about the Bear facts, the Bear Stearns facts. Bear Stearns got $29 billion in a bailout and a $13 billion loan.

So if you really talk about the Bear facts, the Bear Stearns facts, you are talking about $42 billion. We live in a world where it is not enough for things to be right, they must look right.

It doesn't look right for this country to continually bail out major corporations. When the American people, little people as we sometimes call them here—they are big in my heart—but the little person needs some help, we don't find it within our hearts and our power to help them.

We have the ability to make a difference in the lives of people today. This is why I am encouraging my colleagues to vote for this bill.

Mr. HENSARLING. Mr. Speaker, I continue to reserve.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman who helped put this bill together, the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I represent Stockton, California, which unfortunately has the highest foreclosure rates in the country. Many families in northern California have lost their homes and the foreclosures have lead to personal hardships, community instability and national economic risk.

When my constituents asked me what Congress was doing to fix the economy, I told them we are pushing to create family-wage jobs and put money back in people's pockets. Today we are building on these efforts by considering legislation that will provide fiscally responsible options for families struggling to stay in their homes.

Last December I hosted a workshop for foreclosures in Stockton with my colleague, DENNIS CARDOZA, to provide housing counseling to local families. While we expected the turnout to be high, participants started lining up 2 hours early and, ultimately, more than 500 people showed up.

I heard heart-breaking stories from my constituents, and this is just one single illustration of why today's legislation is so important. One of the biggest challenges facing the housing market is in the high-cost States, like California, that housing programs have not kept pace with the times. Unrealistically low limits for Fannie Mae, Freddie Mac and FHA mean people living in the high-cost States have not fully benefited from these programs.

The economic stimulus package, temporary loan limit increase to $730,000, raising the loan limit, injects liquidity into the mortgage market to provide access to credit and opens new opportunities for refinancing.

However, since these increases are only temporary, it is clear that making them permanent will have beneficial effects for the housing market. I introduced the Homeowner Opportunity Act to permanently raise the loan limits, and I am pleased that today's legislation includes my bill.

I want to thank Chairman FRANK for all of his support and assistance. This change will benefit my constituents and the entire country.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to a very active member of the committee, the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I just want to thank you and the committee for bringing a very focused piece of legislation to the House floor.

Mr. Speaker, to my friends from Texas, who have heard stories that this is a bailout, this is no bailout. This is about Strasbourg, Colorado, where there have been foreclosures around a neighborhood, and one person trying to sell their property can no longer do that because the value of their house is less than their mortgage. They are innocent. They didn't deserve this.

Secondly in Edgewater, Colorado, where the lender, the appraiser and the building owner got into cahoots, and a young couple buys a condominium, and now the properties around them are foreclosed. They are going to lose this property. They need assistance. They are innocent. They deserve some help from this government.

Same thing in Commerce City, Colorado. I heard all of these stories last night on a telephone town hall meeting while we were debating the Neighborhood Stabilization Act. That's what this bill is about. It's about the community as a whole.

Mr. MARSHALL from Georgia understands what this bill is about. It's about looking after our neighborhoods and protecting our neighborhoods and averting 500,000 foreclosures across this country.

Our neighborhoods, our cities, our towns are going to pay for this if the Federal Government doesn't assist in some fashion. This is a nationwide problem. The Nation has to stand up. We have to deal with this. This bill does it in so many ways, and I just appreciated coming to the floor.

Vote "yes" on this bill.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I now yield 2 minutes to the chairwoman of the Housing Subcommittee, who makes her second appearance today, having carried through passage of a very important bill earlier today, the gentlewoman from California (Ms. WATERS).

Ms. WATERS. I would first like to thank our chairman, BARNEY FRANK, for the leadership that he has provided on dealing with a serious problem in America. I would like to thank the Members once more for the support that they gave me on the Neighborhood Stabilization Act that we passed today. That, coupled with what is being done now, will go a long way to providing real assistance to our cities, to our counties, to our States and to our citizens.

I know that it has been said over and over again today that people are suffering, that there are people who got into these loans that did not understand what a no-doc loan, a no interest rate loan was, an ARM that was going to reset within 6 months, 1 year or 2 years, and that the mortgage would double, triple or quadruple.

They are innocent, hardworking Americans out there every day who simply want to live the American Dream. Many of them were steered into these loans because there was this big, big housing bubble.

We had these local initiators of loans through our banks and our mortgage brokers who discovered that they could package them, they could securitize them, they would be invested in Wall Street, and the Wall Street people invested mightily in them, and now the services have them all. The only thing that the services can do is foreclose on these properties.

Well, we can do something about it. I don't know why we have to argue and fight about whether or not we can help the American people. They sent us here to look after their best interests.

I don't understand why anybody can call this a bailout when, in fact, nobody has said anything about the bailout of the almost $30 billion for Bear Stearns. If we can help Wall Street, we certainly can help the people who vote for us every day and who sent us here.

We help people all over this Nation in different ways. Some people are confronted with a hurricane, or a flood or an earthquake. American citizens expect us to be there for the citizens when we are needed in different ways. This is a different way.

I ask everyone to support the bill.

Mr. NEUGEBAUER. Mr. Speaker, it's my honor now to yield 2 minutes to the gentlewoman from Virginia (Mrs. DRAKE), who has an extensive amount of experience in the housing industry and brings great expertise to this process.

Mrs. DRAKE. Mr. Speaker, housing is a very complex issue. We are talking about a person's home; real people with a real problem. Prior to Congress I was a realtor for over 20 years.

I have worked with many families to help them realize their dream of homeownership. I have served as chairman of the Virginia Housing Study Commission. I have seen good markets and bad and many changes to the mortgage industry. I have struggled with how to define and protect against predatory lending practices. I have seen interest rates and loan products that seem too good to be true.

Unfortunately, we have seen they were too good to be true. There are many components of this bill, which I think are excellent. Enacting those reforms now would have a huge impact on the housing market and be helpful to American families.

My concerns with today's package include the establishment of a new, affordable housing fund and a $300 billion Federal loan guarantee program. A lender with troubled loans could contact those homeowners, offer a federally backed loan and refinance at a loss.

But now he has moved that loan from a complete loss to 85 percent current value that will be guaranteed by the Federal Government. He now has no reason to work with that borrower. Neighbor A bought at the height of the market. He struggles but pays. Neighbor B negotiates 85 percent of current value, a huge impact on the value of surrounding properties.

This is a voluntary program. Can't we develop incentives for the private sector and not obligate the American taxpayers with $300 billion in loan guarantees? There are several things that are currently making a difference. The FHA Secure loan program, HOPE NOW, an alliance to prevent foreclosure through outreach to delinquent borrowers. Fannie Mae is currently working on a streamlined short-sale program to allow the sale of properties that are overmortgaged.

□ 1530

The fact is, one out of two people never contact their lender for help. Both the administration and the private sector need to explain what is available. Neither has done a good job.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Speaker, much has been said about how we got into this situation, although someone said it best, I thought: too little oversight, too much greed, too little understanding.

But there are several things we do understand. There is no single cause for why we got into this housing crisis, so there is no single solution.

But second, we must act now. This March, there was a 57 percent increase in the number of defaults than the previous March a year ago. And of all of the adjustable rate mortgages that will be reset this year to a higher interest rate, 80 percent are the subprime category. Those subprime categories are at a delinquency twice that of a fixed rate. In short, even before the interest rates go up, we have so many people who are already in trouble with their loans.

Third, and most importantly, this is not just about the homeowner or the mortgage lender, this is about all of us. What we have seen is not just harming the housing and manufacturing industries, it has seeped over into the bond market for municipal bonds and even for education to where, because of the exposure of bond insurers, we cannot have bonds that are being given in these categories. So, therefore, I think very highly of this bill.

I think this bill is done in the right way. It is providing relief to actual, real people, those living in homes, not speculators. Second, it steps over and it doesn't give any bailout to lenders. It says you must write down your loans and you must pay into a reserve fund and do closing costs.

Most importantly, it has the government reaping the rewards when the houses inevitably go back up in value. I think this is great for the economy.

Mr. Speaker, I would ask one thing to consider as we go forward. I am taken by incentivizing people to come forward. And as someone on the other side said, incentivizing them even by being exposed to more risk. The CBO said that out of the 2.8 million foreclosures expected to occur if nothing happens between now and 2013, about 500,000 loans will be refinanced.

CBO believes that many original and secondary lenders will be reluctant to participate.

This is a problem that must be addressed. To be most effective, I believe that there must be greater incentives for the original lien holders—who take the haircut up front—to have the option to share in some portion of potential profits on resale.

For those lenders willing to take a bigger piece of the risk upfront (beyond the 85 percent of current market value limit in the bill), there should be added incentive to participate in the upside potential.

Overall, I support this bill because it addresses many of the issues that need to be solved quickly. But I believe that more needs to be done to provide proper incentives to ensure that lenders, who will play a critical role in the economic and housing recovery, will fully participate, and I am prepared to work with the Chairman and House leadership for an appropriate resolution.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today in strong support of the underlying bill, H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008, and in particular H.R. 5830, the FHA Housing Stabilization and Homeownership Retention Act of 2008, which is part of this housing rescue package.

I am proud to be a cosponsor of H.R. 5830. I believe that it is a well-balanced measure that will go a long way towards turning around the housing crisis and address the issues that have resulted in a nationwide economic crisis.

Mr. Speaker, I am especially pleased with title II of the bill which establishes a long-needed Office of Housing Counseling within the Department of Housing and Urban Development. I commend Chairman FRANK and Ranking Member WATERS for including it in their bill.

I sincerely appreciate the fact that community-based organizations with expertise in the field of housing counseling will be given a voice in the development of such policies. I am pleased that the bill provides for the building of capacity to provide housing counseling services in areas that lack sufficient services such as large parts of my district in the Rio Grande Valley and in rural America in general.

Moreover, I applaud Chairman FRANK and Congresswoman WATERS for including in the bill the authorization of $3 million for public service announcements as part of the act's national public service multimedia campaign. This campaign will help persons facing mortgage foreclosure, elderly persons, persons who face language barriers, and low-income persons.

I want to take this opportunity to thank them for increasing the availability, affordability, and quality of housing in rural America. And I believe this bill will do more of the same.

Mr. Speaker, I believe the product Chairman FRANK and Congresswoman WATERS have brought to the floor will result in more homeowners remaining in their homes and help stabilize the housing market. I strongly urge my colleagues to vote in favor of this bill.

Mr. NEUGEBAUER. Mr. Speaker, may I inquire as to the time remaining.

The SPEAKER pro tempore. The gentleman from Texas has 4½ minutes remaining. The gentleman from Massachusetts has 13½ minutes.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, last year 1.5 million American households entered foreclosure, and this year the number of American families in danger of losing their homes could be as high as 2 million. These foreclosures could reduce overall economic activity by $166 billion this year as the effects of the mortgage crisis spill over into other sectors of the economy.

In my State of Oregon, the foreclosure rate among subprime borrowers increased by 28 percent in the fourth quarter of 2007. Over 5,000 Oregon families are currently in foreclosure, more than half of whom hold subprime mortgages.

But this debate is not about facts and statistics. If it were, it would be over by now. By requiring that the holders of debt take a haircut down to 85 percent of current market value, we are sharing the pain. By requiring that people who are working in order to be eligible for this program are paying at least 35 percent of their income in order to be eligible, we are exercising responsibility.

What this debate is really about is a matter of values. The values being expounded on the other side of this debate are absolutely astounding, and nothing illustrates it better than a movie I love, "It's a Wonderful Life." George Bailey was the hero of that movie, and he was dealing with a hard-hearted old man named Mr. Potter. Mr. Potter said to George Bailey as he was trying to save American households, "Have you put any real pressure on these people to pay their mortgages?"

And George Bailey relied, "Times are bad, Mr. Potter. A lot of these people are out of work."

"Then foreclose."

George Bailey answers, "I can't do that. These families have children."

"Not my children," said Mr. Potter.

Well, what we hear from the other side is: not my children, these folks are irresponsible, throw them out.

We clearly have the upper hand in this debate.

Mr. NEUGEBAUER. Mr. Speaker, I continue to reserve.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank Chairman FRANK and Chairwoman WATERS for bringing this badly needed legislation to the floor today. Millions of families in America are seeing their dream of homeownership turning into a nightmare. Foreclosure rates have reached crisis levels. In California and in many parts of my district, too many families are facing devastation, and entire neighborhoods are on the brink of collapse.

Homeownership has been the primary means that most Americans have to accumulate any kind of wealth, to send their kids to college, to start a small business, or to do whatever they want to do to be part of the American dream.

I want to thank Chairman FRANK for including language in this legislation which I introduced with Senator MCCASKILL to address the Reverse Mortgage Proceeds Protection Act which protects seniors from losing their homes.

We are beginning to see some of the same abuses in the advertising and high-pressure sales of reverse mortgages as we saw in the subprime mortgage crisis. These provisions will ensure that vulnerable seniors are fully informed of hidden costs and pitfalls of reverse mortgages before they sign.

Mr. NEUGEBAUER. Mr. Speaker, it is my honor to introduce the gentlewoman from Tennessee (Mrs. BLACKBURN) who is also on the Committee on Financial Services, and I yield 2 minutes to her.

Mrs. BLACKBURN. Mr. Speaker, I heard from one of my constituents who said they felt like this bill was not really about rescuing homeowners, they felt like it was another attempt at wealth redistribution. They felt that the risk and the costs that are borne and should be borne by irresponsible lenders, investors, and borrowers are going to end up being transferred to the Federal Government and thereby to the American taxpayer once again. And this time, it is to the tune of $300 billion.

What the bill does is the good actors, the 92 percent of all mortgage holders who are paying their mortgage on time, they are going to end up being liable for the irresponsible actions of lenders and speculators. The way my constituencies see it, this is a risky business. This Congress should not send a message that it is acceptable to give up on an obligation because you're going to have a government buyout or a bailout and you are going to be able to cut your personal losses.

Last week I did a seminar in my district. I worked with some government and private sector initiatives such as Hope Now, working to help homeowners weather the storm, to get the information to them that they needed.

Mr. Speaker, that is what we should be doing, educating homeowners on the options at their disposal, as opposed to passing measures that reward recklessness and provide a safety net for irresponsibility. Congress does not need to bail out the housing market, it needs to encourage a kick start. I hope that my colleagues will join me and that together we will vote this bill down.

Mr. FRANK of Massachusetts. I yield 2 minutes to another very active member of our committee who has been very active on the loan issue, the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, the facts are these: Homeowners have signed mortgages where they can't afford to make the payments, especially as they are adjusted upwards. We need to write-down the principal amount to something that these good homeowners can afford. But we are told "don't bail out the lenders."

There are two ways to write-down the principal amount of a loan: an involuntary way through the bankruptcy court, and we had a bill before this House which authorized the bankruptcy court in very limited circumstances, very tailored, to write-down the balance of the loan. Don't bail out the lender, just tell the lender they have to take less. That bill is not going to pass. It is opposed by Republicans in the Senate.

The second way is a voluntary way. You make a fair offer to the lender that, if they will write-down the principal amount, then they will get a guarantee of that lesser amount from the government—so at least they will get paid something. Now we are told to vote against this bill because it bails out lenders.

Some are giving hypocrisy a bad name.

If you are going to help homeowners, you have to write-down the balance of the loan. And people come to this floor and they say well, we can't do it the voluntary way, and we can't do it the involuntary way; but just as soon as we find some other way, they will be happy to bail out homeowners.

The fact is they have voted against using the bankruptcy court to write-down the principal amount and not give the lenders anything. And now they are saying when we make a fair offer to the lenders to do the same thing, we are bailing out the lenders.

I have a lot of "respect" for anybody who can come to this floor and just say they don't want to help these homeowners at all. That's an honest position. But to say you are against the voluntary and involuntary, that's wrong.

Mr. FRANK of Massachusetts. I have one request for a unanimous consent, and then I'm going to close, so I would yield to the gentlewoman from New York for a UC.

Mrs. MALONEY of New York. I thank the gentleman for yielding to me and for his extraordinary leadership on this extremely important housing stimulus package. It is good for the country and good for my constituents in New York City. I strongly support it.

Mr. Speaker, I rise in strong support for this Housing Stimulus Package.

It is good for our country and it is good for my constituents in New York.

We all know we are facing a housing crisis.

Foreclosures are at record highs, wages are stagnant and the markets continue to be volatile.

This housing package will help restore order and provide the roadmap forward.

In addition to the $300 billion voluntary program that would permit FHA to provide up to $300 billion in new guarantees to help refinance at-risk borrowers into viable mortgages, we are doing a number of things to help the mortgage market.

We are making permanent the current FHA and GSE loan limits we passed as part of our first stimulus package.

Without this limit, the FHA limit in New York City would drop from $729,750 to $362,000 and the Fannie Mae/Freddie Mac limit would drop from $729,000 to $417,000.

This bill modernizes the reverse mortgage provision administered by FHA, allowing co-ops to be included for the first time.

We are preserving affordable FHA-insured foreclosed multifamily projects. Including language important to New York City.

This bill includes an amendment I offered that will provide for higher loan limits on homes that include a licensed child care facility.

This bill is needed. It helps our communities and I urge its adoption.

Mr. FRANK of Massachusetts. I intend to close with our remaining time as our last speaker.

Mr. NEUGEBAUER. Mr. Speaker, I rise in strong opposition to this bill. I think we have had a good discussion here today. Unfortunately, it was a discussion only and there was not opportunity for our side, or really any other Members to participate in this process of offering amendments that could have most likely made this a better piece of legislation.

There are several reasons I oppose this bill. Number one is the flawed process. In my tenure in Congress, I have never had a major piece of legislation like this where I am not even going to get an opportunity to cast my vote. I know people who are watching this process are wondering, you mean we have been talking all day about this important piece of legislation that the other side says is very important to the American people, yet their Member of Congress is not going to get a vote on this process. It is a flawed process.

We brought an energy bill over, stripped all of the energy provisions out of it, and we are putting housing into an energy bill. I still don't understand the mechanics of that, and maybe someone later on can explain that to me.

This is also about not saddling the American people who are already struggling to make their own house payments, to make their own rental payments, to pay the highest gasoline prices in the history of this country, and the highest electricity costs and natural gas costs, it is about saddling them now with the payments for their neighbor.

What the 110 million people who are doing the best they can and want the United States Congress to do is to leave them alone and really start addressing the major issues that are important to the American people.

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It's about not rewarding bad behavior. We have some lenders, and we have some borrowers that went out and bet that the housing market was going to go up. It didn't go up, and, in fact, unfortunately, in some places, it went down. And now people are faced with a negative equity or a smaller equity in their home. And we are sympathetic to that.

As I said earlier, I've been in the real estate business for a very long time. I've seen the markets go up. I've seen the markets go down. And sometimes it causes a situation where people don't have as much equity.

But what you have to understand is a lot of people went into this process with no equity. And now this bill says, you know what? We've got a deal for you, because now we're going to help create equity in your house by putting your neighbors at risk.

This is a bad bill. I encourage Members to vote against this bill. I'm sorry. We can't vote against it. Vote against the amendments.

Mr. FRANK of Massachusetts. How much time is there remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentleman from Massachusetts has 8½ minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I understand the complaints about the process. Remember, though, that several of the bills being reenacted today have already been fully debated and amended on the floor. There is one that was not subject to the normal—and I'm a general defender of the normal—process. It's the FHA rescue bill.

And I will say, in this case, I think it is fair to ask Members to vote for it up or down. It is a very interrelated piece of legislation. It tries to balance cost and incentive. It would be easy to put it out of whack. And in this one case I think it is fair to say you can vote it up or you can vote it down. Members will have a chance to vote on it. While it's in the form of an amendment, if that amendment is defeated, it dies.

I also want to address the issue of the amendment offered by the gentleman from North Carolina and the gentleman from Ohio regarding preemption, because there may be some confusion.

I personally spoke, today, with representatives of the banking organizations, the American Bankers Association, the Independent Community Bankers, and the Mortgage Bankers. They took the position that if we were able to adopt the language offered by the gentleman from Ohio, they would find this a bill that they would accept and would not seek to defeat.

Because of an objection, we weren't able to do this, so technically, yes, they had previously said they were opposed to it in that form. They have also said, after we outlined the procedure that was followed by the gentleman from Ohio (Mr. LATOURETTE), the gentleman from North Carolina (Mr. MILLER) and myself, that it is now acceptable; that is, while we were blocked by an objection from adopting the actual language, the language that was agreed to by them, by the Attorneys General, by the State bank supervisors, by advocacy groups, will be the language that's in the bill. So let there be no doubt about that. There is no substantive objection to what will happen.

Now, let me talk about the bill. I guess I want to, not damn my bill today with faint praise, but support it. It comes from the economists.

Now, the gentleman from Arizona (Mr. FLAKE), for whom I have a great deal of respect, a man of very high intellectual integrity, he chided me because I have taken a free market position, but not here. And I'll respond this way.

I have opposed systemic interventions in the market. I think it is generally unwise for us to enact legislation which, in an ongoing way, displaces the market. But that's not what we do here. There is a part of the reality of the market that is called market failure. People have won Nobel Prizes, Joe Stiglitz, for work about market failure. Clearly there has been market failure with regard to mortgages. The market failure was the breaking of the lender-borrower relationship and the substitution of securitization without appropriate countervailing incentives.

This bill today is no ongoing intervention in the market. It is time limited, and limited in specifics to a subset of mortgages. It seeks to undo, to some extent, to mitigate a market failure. It will leave the market, I believe, stronger going forward.

So I accept the gentleman from Arizona's reminding me that I should stay true to free market principles. This bill is true to free market principles.

And let me quote one of the leading advocates of free market principles in the English-speaking world, the Economist, called to my attention by the staff of the Financial Services Committee, which has done enormously good work in substantively putting this bill together, and in listening to me talk about it in various ways. And I appreciate both aspects of that.

Here's what the Economist said: "The plan is hardly a bailout," talking about this bill. This is a current Economist. "Lenders would have to write down their loans to 85 percent of the current value of a house." By the way, under FHA Security Administration's plan, they can get a 100 percent loan put in. They can get somebody who's defaulted and get them a 100 percent loan. We require an 85 percent writedown to the value.

"Borrowers would pay a fee for the insurance and give up a share of any later price rise to the government." By the way, they would also be barred for 5 years from taking out a second mortgage. So the borrowers under this, if there was an increase in equity, would have to share much of it with the Government, and the earlier in the process in which they sold out, the more the Government would get. That's not the bailout that people have described.

People worry about moral hazard. I would assure people, no borrower who goes through this process will say at the end of it, "Boy, that was fun. Where do I buy a ticket to get back on Space Mountain?" They will be deterred.

But we're not relying solely on this. Two-thirds plus of this House, many of my Republican colleagues didn't do it, but many of my Republican colleagues did. We voted for a bill to regulate subprime mortgages going forward. We're not simply relying on people's bad experience. We have put some restrictions on that.

I believe this is pro-market. The markets now are in trouble because a lot of people who were very smart bought things they shouldn't have bought, including subprime mortgages. And having bought things they shouldn't have bought, they now don't want to buy things they should buy.

We all know the little story about the child who touches the hot stove, and having touched a hot stove and being burned, won't go near the stove. We have investors today who, having touched the hot stove, are staying away from the refrigerator, the sink and the shower because they have been so badly burned.

If we do not adopt appropriate responses to this market failure, we will not cure it, and the lag in investments will continue.

We are working through the market here. It is voluntary that a lender says we're going to cut it down. People say, well, they'll dump all their bad loans. Have the Republicans who say that, because many Republicans are with us, so little confidence in the FHA?

Nothing in this bill coerces the FHA to accept a single loan that it finds unlikely to be repaid. And CBO accepts that, because they say of 500,000 loans that they expect to be accepted, the failure rate will be, average out to $4,800 per loan. Do you really think if the loan failed it would only cost us $4,800?

That figure, that $2.4 billion is CBO saying that there won't be many failures because of the criteria that are in this bill.

And people have said, what about the people who paid their mortgages? Well, if they live in a neighborhood where there is foreclosure, they're getting hurt. If they live in a city where the property tax revenues are going down, they're getting hurt. And if they live in America, they are in the midst of a recession in which we are losing jobs when we should be gaining them, in which real wages have been pulled down, and the single biggest cause of this recession is the subprime crisis and its reverberations.

This is a rare case of a microeconomic factor causing a macroeconomic problem. And the market got us into this. And we don't say junk the market. And I know people who have said, oh, the market's way too smart. And people have said to me, you know, some smart people don't agree with this proposal. Well, I agree with that.

But I also have to note that no dumb people got America into this problem. You had to be really smart to understand collateralized debt obligation derivatives. And the problem is that we need to restrain some of their instincts and let the market function again. And it simply will not happen if you simply let it go.

Here's what we say. And, by the way, I supported Hope Now when it came out. But Hope Now had a flaw. It was based on the notion—Members don't even pay attention to this—it was based on the notion that the problem was when the mortgage reset to a higher rate under adjustable rate mortgages, that would be the problem. That hasn't been the problem.

The problem has been people who owe more than the loan is worth. Some of them were irresponsible in the first place. Some of them made the mistake that almost everybody else made of not foreseeing the depth of the drop in house prices. So Hope Now has been overtaken by events.

We here are responding to reality in a way that is pro-market and minimizes the outlay. I hope the bill is passed.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the second amendment to the American Housing Rescue and Foreclosure Prevention Act of 2008.

Today, one quarter of subprime adjustable-rate mortgages are delinquent by 90 days or more. As a consequence, during 2007, foreclosure proceedings were initiated on about 1.5 million U.S. homes. The Federal Reserve has projected that the rate of foreclosures will grow even higher in 2008.

We know that many of these foreclosures are unavoidable. There are cases where investors choose foreclosure because a property's value has depreciated significantly, or a borrower's personal circumstances have changed. And, many times, as has recently become alarmingly prevalent, a borrower was put into a loan inappropriate for their circumstances. But, if a foreclosure is preventable, and the borrower wants to stay in the home, the economic argument for trying to avolid foreclosure is strong.

Foreclosures impose high legal and administrative costs. Foreclosures can destabilize communities, reduce area property values and lower municipal tax revenues. And, at the national level, foreclosures add to the stock of homes for sale, increasing downward pressure on home prices, which affects the broader economy.

In the past, mortgage defaults were usually triggered by a borrower's life event, such as the loss of a job, serious illness or injury, or divorce. But the widespread decline in home prices we are witnessing today is a relatively new phenomenon and lenders, servicers and policymakers will have to develop new strategies to meet this new challenge.

To be effective, our approach must closely target the borrowers at the highest risk of foreclosure while avoiding programs that give borrowers, who can make their payments, an incentive to default.

The American Housing Rescue and Foreclosure Prevention Act will address these problems. The bill's second amendment contains several housing-related tax provisions recently reported by the Ways and Means Committee as part of the Housing Assistance Tax Act.

The amendment creates a refundable tax credit of up to $7,500 for first-time homebuyers that would serve as an interest-free loan, and provides an additional standard deduction in 2008 of up to $350 for individuals and $700 for couples for state and local property taxes. It authorizes an additional $10 billion in taxexempt bonds that would be used to refinance subprime loans, finance the construction of low-income rental housing, and support loans to first-time homebuyers.

To assist our men and women in uniform, many of whom have put themselves in harms way in service to their country, the amendment adds provisions from a measure approved by the Veterans Affairs Committee that extends to one year, from 90 days, the period following active duty service during which service members are protected from foreclosures.

This amendment will fully offset the cost of its tax provisions in two ways. First, by raising $8 billion through FY 2018 by requiring brokers to report their customer's basis in securities transactions, and second, by raising $3.2 billion through FY 2018 by delaying, until 2010, new rules allocating interest expenses between foreign and domestic sources.

Mr. Speaker, I am proud to stand today in support of the second amendment to The American Housing Rescue and Foreclosure Prevention Act of 2008 and I urge my colleagues to join me.

Mr. DINGELL. Mr. Speaker, this legislation represents a fair, common sense solution that will allow homeowners to stay in their homes and help stabilize the housing market. I would like to extend my gratitude to Chairman FRANK for his hard work on this legislation, which will be of critical importance in Michigan, where there are thousands of homeowners in danger of foreclosure. I am especially pleased that this bill includes legislation which I cosponsored that would provide up to $300 billion in new loan guarantees to help refinance at-risk borrowers into viable mortgages. In addition, this legislation includes important provisions that expand homeownership opportunities for veterans, seniors, and first-time homebuyers.

This legislation will help both homeowners and lenders, but this is no bailout. Lenders who participate will have to take a loss, but their losses under this program will be far less than if these properties go into foreclosure. Borrowers who realize a profit when they sell their home must return some of that profit to the government. The United States provided similar leadership during the New Deal using a program run by the Home Owners' Loan Corporation, HOLC. Much like the HOLC, this program stands to save millions of homes from foreclosure at a minimum cost to the taxpayers.

I would especially like to thank Chairman FRANK for his assistance in securing passage of a provision important to the residents of Parkview Apartments in Ypsilanti, Michigan. I have been working for four years now to try to facilitate the transfer of this property to Ypsilanti Housing Authority. Chairman FRANK and the staff of the Financial Services Committee have been instrumental in these efforts, which are designed to clarify Congressional intent regarding certain properties that entered the Department of Housing and Urban Development, HUD, property disposition process prior to the enactment of the Deficit Reduction Act, DRA, but where the initial proposed disposition was delayed.

While I believe that Parkview is already subject to the grandfathering provision of the DRA, this provision clarifies that such properties should be considered "pre-DRA" properties, and that HUD should proceed with its prior disposition contracts as to those properties. This provision is one of many that was included in legislation that passed the House last year, and is now being included in this bill as part of a comprehensive housing package. This legislation is of the utmost importance to the Congress, and it is my hope and expectation that it will soon be enacted into law.

Mr. DONNELLY. Mr. Speaker, I rise in strong support of H.R. 3221, The Foreclosure Prevention Act of 2008 and the package on the floor today that will provide much-needed relief to homeowners at risk of foreclosure across the country.

The collapse of the mortgage market that has unraveled over the last year has not only impacted homebuyers who entered into nontraditional mortgage products that they now find they are unable to repay, but has also reverberated throughout the economy. We must act with necessary urgency and pass the package before us today.

My home State of Indiana has been significantly impacted by this foreclosure crisis, which is contributing to an ongoing economic downturn. Our State has lost 27,000 jobs in the manufacturing industry since 2000. Additionally, in 2007, 53,000 Indiana homes received foreclosure notices. This number is up 74 percent from the number of notices in 2005. That means that 53,000 families in my State+ may be forced to move out of their homes, pull their children out of school and find another place to live. Mr. Speaker, many of these people are not reckless speculators, but rather hard-working families struggling to make ends meet.

This package allows lenders, investors and homeowners to voluntarily sit down at a table and work out a plan to rescue mortgages that may be on the verge of foreclosure. It takes a responsible approach to provide rescue assistance to those who most need it without encouraging irresponsible behavior.

Mr. Speaker, I am also glad to see that this legislation includes a bill I introduced to raise loan limits on FHA Title I-insured manufactured home loans which have not been adjusted since 1992, allowing more people to enter into a mortgage that they can afford on a high-quality affordable home.

Also, this comprehensive package includes a number of tax incentives to help prospective and current homeowners. It provides a $7,500 tax credit to eligible families to put towards their downpayment on their first home. Existing homeowners who do not itemize their tax returns for 2008 would be eligible to deduct up to $700 for property tax relief at a time they need it most.

Mr. Speaker, I want to thank Chairman FRANK for his continued leadership in responding to the housing and economic crisis and I urge all my colleagues to pass the Housing Rescue Package today.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 3221, American Housing Rescue and Foreclosure Prevention Act of 2008, and amendments to the bill. This bill is a critical step towards stabilizing our housing market, and providing assistance to thousands of Americans facing foreclosure.

There are grave problems facing our current housing market and economy. Decreasing home values and lack of available credit are damaging the market, and skyrocketing mortgages have led thousands of families to face the frightening prospect of foreclosure. In my state of North Carolina alone, PEW Charity Trusts and the Center for Responsible Lending estimate there will be 53,254 foreclosures in 2008 and 2009. Not only does foreclosure strike at the heart of these families' financial stability, but unfortunately the damage spreads across all of our communities. The same study shows that over 330,000 homes in North Carolina will be devalued by the spillover impact of the foreclosures, and North Carolina stands to lose over $860 million in property values.

However, H.R. 3221 is a comprehensive package that can provide relief to these families and our communities in a variety of ways. Provisions in this bill reform and modernize the Federal Housing Administration (FHA) as well as government sponsored entities Fannie Mae and Freddie Mac. These programs allow for stability in the housing market and by strengthening their loan limits and regulations, they can serve as a safer alternative to the riskier subprime loans we have recently seen. The American Housing Rescue and Foreclosure Prevention Act of 2008 also includes a tax benefit for first-time homebuyers as well as an additional credit on property taxes for existing homeowners who claim the standard deduction. These measures will help revive the housing market and get our sluggish economy moving in the right direction.

This bill also creates a voluntary FHA initiative that provides mortgage refinancing assistance to allow families to stay in their homes while also strengthening the housing market. This voluntary plan would require lenders to write-down some of the existing mortgage in order to qualify for FHA backing, and would require borrowers to return portions of any future profits on the house to the government in order to prevent foreclosure. It is important to note that under H.R. 3221, only owner-occupied homes facing foreclosure can qualify for this mortgage assistance, and speculators, investors, and second-homeowners are not eligible. This provision represents a compromise by all participating parties and can keep people in their homes and improve surrounding communities.

I support the passage of H.R. 3221, American Housing Rescue and Foreclosure Prevention Act of 2008, and I urge my colleagues to join me.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this legislation.

In most circumstances, I consider it counterproductive and not in the best interest of the American people for the Federal Government to intervene in the free market process. However, in certain exceptional times, I believe it is the duty of the Federal Government to act for the greater good of our Nation. And I think we are experiencing such an exceptional moment in American history.

The provisions of this legislative package will help stabilize the downward trend in the housing industry and overall economy, and prevent that trend from spiraling out of control.

The danger is real. Just last month, the Pew Charitable Trusts released a study that forecast one in 25 homeowners in my home state of Colorado will be in foreclosure within the next two years if Congress does not act now to curb this impending disaster. The national forecast of homeowners in foreclosure within the next two years—one in 33—is only slightly less discouraging. If we stand by and do nothing, as some have suggested, the damage to the overall American economy could be devastating.

First and foremost, this bill will help American families at risk of foreclosure to stay in their homes by allowing the Federal Housing Administration (FHA) to guarantee qualified refinanced loans. To do so, however, homeowners and their lenders must agree to sacrifice. Lenders could recover no more than 85 percent of a property's current value, but could avoid the potentially greater losses associated with unloading a foreclosed property. Meanwhile, participating homeowners could remain in their home, but must repay the Federal Government a percentage of the value of the home if they sell or refinance again.

The bill provides much needed measures to modernize the FHA, allowing expanded opportunities for families to secure affordable loans without having to turn to subprime lenders. The legislation also increases the Veterans Administration home loan guarantee limit, allowing our veterans to receive the dignified homeownership opportunities they deserve for honoring us with their service; reforms Government Sponsored Enterprises through strengthened regulation, while raising GSE loan limits for homes in high-cost areas; and encourages mortgage servicers to readjust at-risk mortgages by removing the threat of lawsuit.

This legislation would help remove some of the excess housing inventory by offering a refundable tax credit for first-time homebuyers. It would also provide additional mortgage revenue bonds for states to refinance subprime loans, and help prevent soldiers from being unfairly penalized for their service by providing more time to get their finances in order when they return from service before a lender could start foreclosure.

A final important piece of this legislation would simply protect the right of States and cities to regulate their own foreclosure process. Some have argued that national banks and financial institutions should be exempt from these rules. I, however, believe it is the right of States and cities to have their own requirements and enforce their own rules throughout the foreclosure process.

Mr. Speaker, I was very disappointed to learn of the Bush Administration's threat to veto this legislation, because I believe that it is important for us to act now to provide relief to America's stressed homeowners. It is my understanding that Federal Reserve Chairman Bernanke and Treasury Secretary Paulson, as well as other Administration officials, had worked with Chairman FRANK to shape provisions of this legislation, so this change of heart is doubly regrettable. I hope that the President will change his mind and sign this needed legislation when it reaches his desk.

This legislation has been carefully crafted to safeguard against fraud, corporate giveaways and speculator abuse. And as concerned as I was that the Federal Reserve had to devote $29 billion to prevent the collapse of investment bank Bear Stearns, I am equally concerned about the Federal Government taking action to rescue the housing market. However, without the stability that the Fed provided the investment banking industry, experts tell us that the bottom may well have fallen out of our economy. And it appears the same is true for our housing market—without the stability this legislation will help provide, it may not have the chance to correct itself and, eventually, rebound. Main Street deserves the same attention as Wall Street.

For these reasons, Mr. Speaker, I urge my colleagues to join me in supporting all three components of this legislation.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of the American Housing Rescue and Foreclosure Prevention Act, which will help cities and towns, but most importantly, individuals and families that have been adversely impacted by the foreclosure crisis.

In my home state of Rhode Island, this problem is particularly acute. Foreclosures have increased by 20 percent in the last few months, and it is our most vulnerable communities that have been disproportionately affected.

Last weekend I teamed with Rhode Island Housing—a nonprofit organization dedicated to keeping housing affordable—to hold a workshop for those facing foreclosure. While we helped many local families, it is time for the Federal Government to do its part on a national scale.

I commend Chairman FRANK and Chairman RANGEL for their leadership in bringing this critical measure to the floor. I urge my colleagues to support this bill.

Mr. CARSON of Indiana. Mr. Speaker, I rise today in strong support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008. This package is a comprehensive response to the current housing crisis that has left many honest, hard-working Americans in financial distress.

H.R. 3221 is especially important to Hoosiers who have struggled as our state consistently ranks among the top ten for foreclosures nationally. The district I represent, which includes most of the City of Indianapolis, currently has around 17,000 foreclosed properties and around 7,200 in the preforeclosure phase. My constituents need the assistance available in this bill urgently.

This package includes key legislation such as Government Sponsored Enterprise reform, Federal Housing Administration modernization, the Housing Assistance Tax Act and H.R. 5830, a critical bill reported out of the Financial Services Committee last week that will help borrowers at risk of foreclosure refinance into more stable loans. These bills will not only help borrowers now, but strengthen the mortgage lending market moving forward.

In order to ensure borrowers would be aware of the important FHA refinancing opportunity under Chairman FRANK's bill, H.R. 5830, I introduced an amendment in the Financial Services Committee which stated that no less than 2 percent of funds available for counseling in the bill would be targeted towards notification to individuals who are eligible to refinance their mortgage under the bill's provisions.

Further, we know that African American mortgage consumers were 3.7 times more likely than white borrowers to receive subprime loans and Latinos were 2.3 times more likely. In order to help those disproportionately affected by these high-cost loans, my amendment further instructed the Secretary to give preference to organizations that have a proven track record for outreach within minority communities in allocating these notification resources. I am pleased the amendment received bipartisan support and was incorporated into this crucial piece of legislation.

I believe H.R. 3221 is the right approach to this complex housing crisis. I thank Chairman FRANK and Chairman RANGEL for their hard and thoughtful work on this bill and I look forward to seeing this legislation move forward.

Mr. BACA. Mr. Speaker, I rise to support this bipartisan housing stimulus package.

The foreclosure crisis is hurting communities all across the Nation, and my district has been especially impacted: 4,523 families in my district have already lost their homes this year. Over 11,000 families in San Bernardino County are currently in default. And the San Bernardino-Riverside area in the Inland Empire, ranked #2 nationwide in foreclosure filings this year.

Everyone pays when there are foreclosures! Crime increases, home values decline, schools are affected, and cities run deficits which impacts revenues for local police, fire, and social services.

H.R. 5818, the Neighborhood Stabilization Act which passed today, will help stabilize communities harmed by empty homes closed by foreclosure. It will provide loans and grants to States to buy and rehabilitate these properties and restore home values in neighborhoods.

The broader housing package is also important for many reasons: FHA Stabilization will allow lenders to refinance mortgages with FHA-insured loans to keep families in their homes. FHA Modernization increases FHA loan limits permanently to help high cost housing areas like the Inland Empire. The $7,500 Tax Credit for Homebuyers will help first-time homebuyers purchasing their first home. Low-income Housing Credit Reform modernizes the credit to increase affordable housing in underserved neighborhoods. The increase in Mortgage Revenue Bonds will allow states to issue more bonds for housing and use the proceeds to refinance subprime mortgages.

Finally, my amendment to the financial services committee bill, H.R. 5830, will promote in-person housing counseling to reach homeowners in default. This is more effective than sending a letter in the mail and will help prevent many foreclosures.

I urge my colleagues to support this housing stimulus package. This is the right thing to do and will keep people in their homes.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of this legislation to help homeowners and families affected by the housing crisis.

This past year has been one of the most difficult ever for middle class and low-income homeowners because of the collapse of the credit markets, the weak economy, and high energy prices. It is clear to all that what began as a housing crisis has become a crisis for the entire economy and the entire country.

The housing crisis put a strain on our banking system, and that has sent shock waves throughout the credit markets, for cars, for student loans, and for all consumers. American families in all walks of life are feeling the economic strain.

Millions of families across the Nation have lost or are at risk of losing their homes. Foreclosures in my congressional district, Solano County and Contra Costa County, are among the highest in the country. People are looking to Congress for help.

It is critical that we stabilize the housing market and reduce the number of homes going into foreclosure.

The bill we are considering today is urgently needed. It is designed to responsibly rescue those who are facing foreclosure. It responds directly to the current crisis, but it also establishes a system to try to prevent a similar crisis in the future.

This bill will provide mortgage refinancing assistance to keep families from losing their homes, protect neighboring home values, and help stabilize the housing market. The federal government will step in to insure $300 billion in new mortgages.

This legislation will allow FHA to insure more affordable fixed rate loans for borrowers who are facing financial troubles. It will modernize the FHA and reform the GSEs while providing crucial liquidity to our mortgage markets now, and will also strengthen regulation and oversight for the future.

The mortgage collapse has sent shockwaves through our entire economy and it is clear that stabilizing the housing market is a critical step in strengthening our economy.

I am appalled that President Bush refuses to help American homeowners despite being perfectly willing to rescue Bear Stearns just a few months ago. It is reckless for the White House to threaten to veto this housing package that will make it easier for those in trouble to keep their homes and will help stabilize our economy.

I urge the President to support this bill.

With this legislation, we can begin to repair the economy, restore confidence in the markets, limit the damage to families and neighborhoods, and help build new affordable housing. This bill is good for hard working American families. We owe it to them to get it done.

Mr. McDERMOTT. Mr. Speaker, we're here today to take a stand on behalf of low-income and vulnerable Americans who have been left out, shut out, dropped out or forced out of any chance at decent, affordable housing because of the predatory economic policies of this Administration.

Under the leadership of Ways and Means Chairman CHARLES RANGEL, we have bipartisan legislation before us today that finally responds to the needs of the American people.

For too long, too many disadvantaged and vulnerable Americans have been forgotten, ignored or under-served when it came time to provide economic assistance.

For the first time in a long time we have legislation that recognizes and addresses the unique housing needs and circumstances of the working poor, and other vulnerable Americans.

We provide States and cities with incentives to ensure that low-income housing options remain available to those who need it most.

We increase the allocation of Federal low-income housing tax credits and expand the authority of States to issue tax-exempt bonds to help finance affordable housing.

Section 103 includes language to ensure that Federal assistance that helps vulnerable populations, like the elderly, the sick, and veterans, does not reduce the value of the Federal low-income housing tax credits used to finance affordable rental housing.

Section 104 allows for consideration of whether an affordable housing development employs technology and practices to improve its energy efficiency, when Federal low-income housing tax credits are allocated to affordable housing developments.

Section 104 also clarifies that students who were formerly in foster care are not precluded from renting affordable housing financed by Federal low-income housing tax credits.

This legislation touches the lives of real Americans who have been left behind or outright forgotten for too long.

I urge my colleagues to support the legislation.

If we fail to meet the needs of vulnerable Americans, then we will fail to live up to our responsibility of governing on behalf of all people.

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of H.R. 5818, the Neighborhood Stabilization Act, and H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act.

These bills come at a critical time for America—and especially for my constituents on the Central and South Coasts of California. That is why I am extremely disappointed that the President has threatened to veto them both.

They include much-needed reforms of the Federal Housing Administration, Fannie Mae, and Freddie Mac, and usher these agencies into the 21st century.

But they also accomplish three tasks that are vital to the housing market and economy of the Central and South Coasts.

First, the American Housing Rescue and Foreclosure Prevention Act makes permanent the temporary loan limit increases contained in the Economic Stimulus Act of 2008.

Mr. Speaker, I cannot stress enough how vital this provision is for my district.

Median home prices in Ventura, Santa Barbara, and San Luis Obispo Counties are well above the national average, and our families are truly struggling to obtain affordable housing.

Second, this bill will stem foreclosures by creating a voluntary mortgage refinancing program that allows families to stay in their homes.

Under this program, the Federal Housing Administration has the authority to refinance up to $300 billion in imperiled mortgages.

With median home prices in Santa Barbara County alone declining almost 30 percent in the past year alone, it is undoubtedly in the best interests of lenders to participate in this program.

Lastly, the Neighborhood Stabilization Act establishes a loan and grant program for the purchase and rehabilitation of foreclosed homes.

Just this week one of my hometown newspapers, the Ventura County Star, reported on the negative impact that foreclosed homes have on communities.

Lower home values, increased crime, and safety hazards are just a few of the consequences that can result from foreclosure.

This bill prevents neighborhood decline by providing targeted assistance to state and local governments.

Mr. Speaker, American families need help, and that is exactly what is provided by the housing bills on the floor today.

I urge my colleagues to support these bills, and I urge the President to work together with Congress in addressing the needs of the hard-working families in America who want to keep their homes.

Mr. MARKEY. Mr. Speaker, I rise today in support of H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008.

This vital legislation comes at a time of record-breaking gas prices, double digit increases in food prices and a weakening economy. On top of all these struggles, Americans now face a crisis at home and in their communities in the form of rising property foreclosures. In some parts of the country, neighborhoods are littered with "for sale" signs, and many families are struggling to keep up with their mortgage payments. The legislation we are debating on this floor today will empower communities to respond to the current home mortgage crisis, prevent further lending abuses and increase federal oversight of the mortgage industry.

H.R. 3221 expands the Federal Housing Administration's role in preventing foreclosures by expanding refinancing loan guarantees for at-risk homeowners. Today, families are facing variable interest rates, hidden fees, early payment penalties, but with enactment of the Foreclosure Prevent Act, the government will be there to provide relief and counseling. It also increases oversight to ensure regulators have the tools to prevent the next crisis. It expands housing counseling and consumer protections. The bill also establishes an affordable housing trust fund to provide assistance for low income households. The bill even makes it harder to foreclose on the homes of our returning troops from Iraq and Afghanistan.

This bill also contains important language to my district and my hometown of Malden, Massachusetts. The tenants of the Heritage Apartments face an uncertain future, with an HUD affordability contract expiring soon. The tenants are facing possible displacement once an outstanding HUD mortgage is fully paid in a few years. The development is also in need of major renovations and upgrades that simply cannot be delayed. Unfortunately HUD is failing to ensure that the development remains affordable and livable by placing burdensome restrictions on prepayment of the outstanding mortgage and subsequent transfer to a new owner who is willing to finance the renovations.

Language in this bill would allow income-eligible residents to qualify for enhanced housing vouchers following the prepayment of the HUD mortgage and the property transfer and directs HUD to approve such actions. I want to thank the Chairman of the Financial Services Committee (Mr. FRANK) for his assistance in ensuring that this important provision is included in this housing bill.

Today, with this legislation, we are taking steps to revitalize our communities for a better tomorrow. I strongly urge this House to vote to approve this bill.

Mr. SKELTON. Mr. Speaker, over the past months, economic conditions in our country have soured. Particularly troublesome to our Nation's economic engine are skyrocketing home foreclosures and loan delinquency rates, which have risen over 85 percent in the past year.

Foreclosures and delinquencies are harmful to borrowers and lenders, but they also stifle economic growth, shake consumer confidence, and lower home values for those who live near foreclosed properties.

While borrowers in our country must certainly bear a great deal of responsibility when it comes to financial planning, the government can and must carefully examine the impact of soaring mortgage foreclosures on the whole U.S. economy and also thoroughly review regulatory oversight with respect to the mortgage business.

I have been pleased that the House has been active in addressing the mortgage crisis, voting last year to strengthen consumer protections against risky loans and to overhaul the Federal Housing Administration (FHA), Freddie Mac, and Fannie Mae, among other things. Under the leadership of Financial Services Committee Chairman BARNEY FRANK, the House is again poised to pass critical, market-driven housing legislation designed to reduce foreclosures, to help families avoid foreclosure in the future, and to alleviate the negative impacts of foreclosures on property values and the national economy.

I am pleased to support this legislation, which would create a new voluntary program within FHA that would offer lenders an alternative to foreclosure. This approach, which is driven by the lenders' desire to save costs associated with foreclosing on property, forces the lender, the borrower, and the government to all make sacrifices to ensure families have the ability to stay in their homes. While some have criticized this initiative as a government bailout of those who have made poor financial choices, in my view, it represents an innovative, market-driven way to shore up the housing market and the overall economy.

The measure would also create a $7,500 tax incentive for first time home buyers and other important tax incentives while simultaneously modernizing the FHA, Freddie Mac, and Fannie Mae and increasing the loan limit for FHA and Veterans' Administration loans.

I am hopeful that the Senate will act quickly on this well written bill and that it will be signed into law by the President.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 3221, the Foreclosure Prevention Act.

At the end of last year, home foreclosure rates rose to the highest level in 20 years. Every day more than 7,000 people file for foreclosure, and it is predicted that predatory lending practices and sub prime mortgages will cause one in every thirty-three homeowners to foreclose on their mortgages in the next 2 years.

This is not an issue that is merely affecting those who have defaulted on their mortgages and their lenders; it is having a ripple effect throughout the economy. It has resulted in a nationwide decrease in housing prices of 12.4 percent, and 10 percent of Americans now owe more money on their mortgages than their homes are worth. It has caused a decrease in consumer confidence and corresponding decrease in consumer spending. It has contributed to a steep increase in job losses in housing related industries such as manufacturing, construction and related industries. These job losses combined with the loss of consumer confidence could reduce economic activity by over 150 billion dollars in 2008.

This is a crisis, and it is time, it is past time, that the Federal Government step in and help those that are suffering. H.R. 3221 would provide mortgage refinancing assistance to keep families in their homes, protect neighboring home values, and help stabilize the housing market. It would expand the Federal Housing Administration to help borrowers who are at risk of losing their homes to refinance into lower-cost government-insured mortgages that they can afford to repay. H.R. 3221 ensures that this will be done responsibly, by requiring lenders and mortgage investors to take significant losses in order to participate in this program and by requiring borrowers to share a portion of any resale of a refinanced home with the government.

H.R. 3221 also provides 11 billion dollars in tax incentives to help Americans purchase a first home or hold onto the ones that they already have. This includes tax credits to first-time homebuyers, an additional 10 billion dollars in mortgage revenue bonds for states, and improves access to low-income housing. It also includes a provision that I wrote to allow homeowners who currently do not itemize their Federal tax returns to take an additional standard deduction for the state and local property taxes that they pay. The Temporary Tax Relief Act creates an additional standard deduction of $350 for single filers and $700 for joint filers for state and local real property taxes paid or accrued. This legislation will complement efforts that have already been implemented on the state and federal level to help address the housing crisis.

I am proud that several organizations in my home state of New Jersey have stepped in to provide services and assistance to New Jerseyans who are at risk of losing their homes. One of the shining examples of this is Legal Services of New Jersey. LSNJ created the Anti-Predatory Lending Project 5 years ago to provide legal services to borrowers victimized by predatory lenders. LSNJ's hardworking lawyers have helped almost 500 families who were facing foreclosure receive legal assistance. I would like to commend LSNJ for the work that they have done on behalf of the residents of my central New Jersey district and for all New Jerseyans who have been at risk of losing their homes.

H.R. 3221 and the companion bill that the House of Representatives will be considering, H.R. 5818, the Neighborhood Stabilization Act are a bold step towards addressing the mortgage crisis and the resulting economic downturn, and I urge my colleagues to support them.

Mr. KANJORSKI. Mr. Speaker, I rise in support of the amendments to H.R. 3221, the American Housing Rescue and Foreclosure Prevention Act of 2008, which the House is considering today. This urgently needed legislation makes a number of surgical reforms to help address the problems we are currently facing in our Nation's housing markets.

In particular, I am pleased that one of the amendments that we will consider today contains H.R. 5579, the Emergency Mortgage Loan Modification Act of 2008. I have worked with the gentleman from Delaware (Mr. CASTLE) to refine his original proposal and introduce a new bill. We also held a productive hearing on H.R. 5579 before the House Financial Services Capital Markets Subcommittee and made a number of revisions to the bill before bringing it to the floor today.

During the hearings on H.R. 5579 and throughout its legislative development, I have been clear about the intended goals of this legislation: to provide servicers a safe harbor from investor lawsuits. Servicers, in turn, would have to meet prescribed duties and enter into a "qualified loan modification" or "workout plan" which the legislation defines. It is my firm belief that with such an arrangement in place, servicers will more readily assist troubled homeowners and will have more tools at their disposal to prevent defaults and foreclosures.

Moreover, I would like to be clear about what the bill does not intend. H.R. 5579 does not intend to create a statutory preference for loss mitigation activities generally, nor does it limit the ability of servicers to pursue the full scope of available options. In drafting this legislation we sought to create a bill that honors the terms of existing contracts while at the same time recognizing that foreclosure is not in the best interests of the investor or borrower.

In closing, Mr. Speaker, Americans have been hit hard both by the current housing crisis and by the broader credit crunch. We can delay action no longer. I therefore urge my colleagues to support H.R. 3221, and especially the incorporated language from H.R. 5579.

Mrs. DRAKE. Mr. Speaker, first, I would like to thank Chairman FRANK, Ranking Member BACHUS and the Committee for their hard work. They have presented a thoughtful and creative proposal.

Housing is a very complex issue—it is also a very emotional one. We aren't just talking about abstract concepts, we are talking about a person's home. We're talking about real people with a real problem.

Prior to Congress I was a Realtor for over 20 years. I have worked with many families to help them realize their dream of home ownership. I have also served as chairman of the Virginia Housing Study Commission. Housing is an important issue for me and something I feel very strongly about.

I have seen good markets and bad. I have witnessed many changes to the mortgage market. I have struggled with how to define and protect against predatory lending practices. I have seen interest rates and loan products that seemed too good to be true—unfortunately, we have seen that in fact, many were too good to be true. I rise today to share my observations and concerns about the bill before us.

There are many components of this bill which I think are excellent and fully support. First Federal Housing Administration modernization is long overdue. FHA must be streamlined and made more efficient. Government Sponsored Enterprise regulatory reform would also help stabilize the housing market. I support an amendment to be offered today that will create a first time home buyer tax credit for low- to mid-income buyers. This would increase the number of buyers in the market—increasing demand now for an oversupply of homes. The bill also increases funding for foreclosure counselors and financial education. I also appreciate the additional funding for law enforcement to prevent mortgage fraud, and that Department of Veterans' Affairs loan limits are raised, and the enhanced appraisal standards and appraisal independence.

These are all well thought out, very important reforms that will help American families and the marketplace.

However, my concerns with today's package include the establishment of a new affordable housing fund to create new grants that can be directed to organizations that work specifically on housing issues. The bill does contain a provision that will prohibit the use of these grant funds for political activities, the fact is that many of the possible recipients engage in partisan political activities and therefore should not receive funding to offset their costs. It is important to remember that money is fungible, so that if a group cannot use these grants specifically for political activities, it could certainly have more money freed up for political activities because of the injection of new grants funding.

I am also concerned about a $300 billion federal loan guarantee. There are two important issues with this provision that I foresee. One, a lender with troubled loans could contact those homeowners and offer a federally backed loan—and refinance at a loss but now he has moved that loan from a potential total loss to 85 percent current value—and will be guaranteed by federal government should it foreclose. He now has no reason to work with that borrower should the borrower still face foreclosure. Two, this program has a huge impact on neighborhoods. Consider neighbor A who bought at the height of the market. This person struggles month to month but manages to pay his mortgage on time. Neighbor 8 and their lender agree to take advantage of the new program and negotiates their mortgage to 85 percent current value. Not only is fairness between the two neighbors and issue, but the new reduction in value can have a huge impact on the value of surrounding properties.

While I understand this is a voluntary program. My question is why can we not develop incentives for the private sector to do this and not obligate the American taxpayers with $300B in loan guarantees?

Furthermore, there are several things already in the works. FHA secure is a new FHA product allowing homeowners to refinance their resetting Adjustable Rate Mortgages. So far, there are 3 times the refinances this year as in previous years. HOPE NOW is an alliance between counselors, services, investors that is working to prevent foreclosure through outreach to delinquent borrowers. The program provides counseling and loan work outs based on buyers' ability to pay. From July 07 through March 08 1.4m avoided foreclosures through these efforts. Also, Fannie Mae is currently working on a streamlined short sale program to allow the sale of property that is overmortgaged.

Both the administration and the private sector need to do a much better job at explaining what is currently available. Neither has done a good job of explaining to the public these available options. As such, I can understand Chairman FRANK's frustration and desire to take action.

Again I thank the committee for their work and I would encourage us to institute the reforms in this package that I highlighted. However, I firmly believe we should take caution and allow ongoing efforts to work before we decide to go down the path of obligating American taxpayers for $300B in loan guarantees.

Mr. DINGELL. Mr. Speaker, this legislation represents a fair, common sense solution that will allow homeowners to stay in their homes, and help stabilize the housing market. I would like to extend my gratitude to Chairman FRANK for his hard work on this legislation, which will be of critical importance in Michigan, where are there are thousands of homeowners in danger of foreclosure. I am especially pleased that this bill includes legislation which I cosponsored that would provide up to $300 billion in new loan guarantees to help refinance at-risk borrowers into viable mortgages. In addition, this legislation includes important provisions that expand homeownership opportunities for veterans, seniors, and first-time homebuyers.

This legislation will help both homeowners and lenders, but this is no bailout. Lenders who participate will have to take a loss, but their losses under this program will be far less than if these properties go into foreclosure. Borrowers who realize a profit when they sell their home must return some of that profit to the government. The United States provided similar leadership during the New Deal using a program run by the Home Owners' Loan Corporation (HOLC). Much like the HOLC, this program stands to save millions of homes from foreclosure at a minimum cost to the taxpayers.

I would especially like to thank Chairman FRANK for his assistance in securing passage of a provision important to the residents of Parkview Apartments in Ypsilanti, Michigan. I have been working for 4 years now to try to facilitate the transfer of this property to Ypsilanti Housing Authority. Chairman FRANK and the staff of the Financial Services Committee have been instrumental in these efforts, which are designed to clarify Congressional intent regarding certain properties that entered the Department of Housing and Urban Development (HUD) property disposition process prior to the enactment of the Deficit Reduction Act (DRA) but where the initial proposed disposition was delayed.

While I believe that Parkview is already subject to the grandfathering provision of the DRA, this provision clarifies that such properties should be considered "pre-DRA" properties, and that HUD should proceed with its prior disposition contracts as to those properties. This provision is one of many that was included in legislation that passed the House last year, and is now being included in this bill as part of a comprehensive housing package. This legislation is of the utmost importance to the Congress, and it is my hope and expectation that it will soon be enacted into law.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong support of the American Housing Rescue and Foreclosure Prevention Act, and I thank Chairman FRANK and Chairwoman WATERS for bringing this important legislation to the House floor.

Mr. Speaker, we are all painfully aware of the fact that communities across the Nation are being devastated by the current housing crisis. The reforms in this legislation will help many homeowners stay in their homes and prevent a similar situation from happening again.

The problems caused by subprime and adjustable-rate mortgages are particularly acute in California, which has the second highest foreclosure rate in the Nation. One in every 78 families is now facing foreclosure in my State. This legislation makes many important reforms to address the current crisis, and I would like to highlight two provisions which I believe are particularly critical for Californians.

First, the measure will expand the FHA program so that homeowners at risk of facing foreclosure can refinance into viable mortgages that are government-backed. Many of my constituents are facing ballooning payments on their mortgages which now far exceed the actual value of their homes. This measure will give them the opportunity to get their finances back on track and keep their homes.

Second, and perhaps most helpful to addressing the crisis in my home State, the legislation makes permanent the FHA loan limit and GSE conforming loan limits temporarily increased by the Economic Stimulus Act. The previous GSE conforming loan limit of $417,000 and the FHA-insurable loan limit of $362,000 simply were not high enough to be effective for high cost regions such as California, where the average cost of a home greatly exceeds the national average.

GSE and FHA backing of mortgages are key to ensuring access to affordable mortgages for many home buyers and homeowners. Permanently increasing loan limits is perhaps the single most important thing we can do to ensure that Californians can benefit from congressional efforts to address the mortgage crisis and have access to affordable, fixed-rate mortgages.

I urge my colleagues to do the right thing and vote in support of this legislation so that we can help our neighbors keep their homes and begin to revitalize our communities.

Ms. VELÁZQUEZ. Mr. Speaker, let me first commend Chairman FRANK and Chairman RANGEL for their leadership in moving the

American Housing Rescue and Foreclosure Prevention Act of 2008 forward. This is an intelligent and measured piece that addresses the devastating effects of the mortgage crisis. For years, Washington was asleep at the switch. But now, this Congress is addressing and preventing foreclosures.

Nearly 650,000 foreclosure filings were issued in the first quarter of 2008, which represents 1 of every 194 households. Every day that goes by without action means more families are at risk of losing their homes.

This crisis—like so many other components of the current recession—hit low-income and minority neighborhoods the hardest. Each home lost to foreclosure affects entire neighborhoods. Chairwoman WATERS' bill H.R. 5818—of which I am an original cosponsor—allows homeowners to fight back.

I want to particularly highlight a provision I pushed to get added to this fine legislation. Many homeowners ended up in foreclosure because they didn't get sound mortgage advice. They need someone on their side—we all know the bank will be well represented. I am proud to have worked with Chairman FRANK and several of my Financial Services Committee colleagues to ensure that low-income homeowners and veterans in high foreclosure areas have access to professional counseling. Many distressed homeowners need sound advice now more than at any other time in their lives. Our legislation provides the help they need.

When a family loses a home to foreclosure, they lose more than four walls and a roof—they lose their economic stability. The housing package we are debating not only addresses immediate needs but is a solid strategy for preventing a future housing downturn.

I urge a "yes" vote on the American Housing Rescue and Foreclosure Prevention Act.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the American Housing Rescue and Foreclosure Prevention Act (H.R. 3221) and to Chairman FRANK and Speaker PELOSI for their quick action to help American families.

The United States is facing a housing crisis. Nationally, between 7,000 and 8,000 people a day are filing for foreclosure, and estimates show that over 28,000 Minnesotans will lose their homes to foreclosure in 2008. Foreclosures hurt our families, neighborhoods, and communities. I saw the impact of the foreclosure crisis firsthand when I recently visited the East Side neighborhoods in St. Paul who are hit hard by this crisis. Foreclosures result in reduced property values for neighbors and lost tax revenue for states and local governments, as well as contribute to criminal activity. The high rate of foreclosure also has a substantial spillover effect on financial markets and the broader economy through the loss of jobs.

Congress has a role in protecting families and neighborhoods from an expansion of this crisis, which is why I support the Foreclosure Prevention Act (H.R. 3221). H.R. 3221 is Congress' most comprehensive response yet to address housing affordability and the rising numbers of foreclosures. This legislation will help troubled borrowers avoid foreclosure while minimizing taxpayer exposure. It expands the FHA program so that borrowers in danger of losing their home can refinance into lower-cost government-insured mortgages they can afford to repay. This voluntary program is not a bailout as mortgage investors must take significant losses by reducing the loan principal. This bill also strengthens regulation of Fannie Mae and Freddie Mac, raises the GSE loan limit, and increases homeownership opportunities for our veterans. To increase investment and confidence in the real estate market, this bill also includes tax provisions to aid potential homebuyers. I am pleased to be able to cast a vote for this legislation to help play a part to keep families in their homes.

The U.S. House has also taken action to help our communities deal with the cost of foreclosure. The Neighborhood Stabilization Act (H.R. 5818), of which I am a cosponsor, focuses on the communities that have been hit hardest by foreclosures as many foreclosed homes are currently vacant creating neighborhood blight and bringing down property values. This bill will establish a $15 billion HUD grant providing state and localities with the funds to purchase, rent, or rehabilitate of vacant foreclosed homes with the goal of occupying them as soon as possible.

These housing measures are an important step to help families facing foreclosure keep their homes, help other families avoid foreclosures in the future, and help communities harmed by empty homes in the foreclosure process. The dream of homeownership has become a nightmare for too many people in our community. We need this legislation will help rebuild our neighborhoods and our economy.

H.R. 3221 is an important step in addressing the crisis in the housing market to help families, communities and our economy. I urge my colleagues to support this legislation and move our housing policy in a new direction.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1175, the previous question is ordered.

The question of adoption of the motion is divided among the three House amendments.

The first portion of the divided question is: Will the House concur in the amendment of the Senate with House amendment No. 1 printed in House Report 110-622?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEUGEBAUER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on concurring in the Senate amendment with amendment No. 1 will be followed by 5-minute votes on concurring in the Senate amendment with amendment No. 2, concurring in the Senate amendment with amendment No. 3, adopting the motion to instruct offered by Mr. FLAKE, and adopting the motion to instruct offered by Mr. CANTOR.

The vote was taken by electronic device, and there were—yeas 266, nays 154, not voting 13, as follows:

[Roll No. 301]

YEAS—266

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Reichert
Rodriguez
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—154

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Doolittle
Drake
Dreier
Duncan
Emerson
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)

NOT VOTING—13

Aderholt
Campbell (CA)
Cohen
Gutierrez
Larsen (WA)
Musgrave
Renzi
Reyes
Reynolds
Richardson
Rush
Tancredo
Tanner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Let me advise Members that there are approximately 2 minutes remaining in this vote.

□ 1619

Messrs. TURNER, WALSH of New York and HALL of Texas changed their vote from "nay" to "yea."

So the first portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will now put the question on the second portion of the divided question.

The question is: Will the House concur in the amendment of the Senate with House amendment No. 2 printed in House Report 110–622?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 322, noes 94, not voting 17, as follows:

[Roll No. 302]

AYES—322

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Reyes
Rodriguez
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—94

Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buyer
Calvert
Cantor
Carter
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Doolittle
Everett
Fallin
Feeney
Ferguson
Flake
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Granger
Hastings (WA)
Hensarling
Herger
Hobson
Inglis (SC)
Issa
Johnson (IL)
Jordan
King (IA)
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latta
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
Mica
Miller (FL)
Myrick
Neugebauer
Paul
Pearce
Pence
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Thornberry
Tiberi

NOT VOTING—17

Aderholt
Campbell (CA)
Cannon
Cohen
Gutierrez
Larsen (WA)
McMorris Rodgers
Moore (WI)
Musgrave
Nunes
Renzi
Reynolds
Richardson
Rush
Tancredo
Tanner
Walden (OR)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1627

Mr. SHAYS changed his vote from "no" to "aye."

So the second portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The Chair will now put the question on the third portion of the divided question.

The question is: Will the House concur in the amendment of the Senate with House amendment No. 3 printed in House Report 110–622?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 256, noes 160, not voting 17, as follows:

[Roll No. 303]

AYES—256

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Filner
Fortenberry
Foster
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Lampson
Langevin
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—160

Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cantor
Capito
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
Latta
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Aderholt
Campbell (CA)
Cannon
Clyburn
Cohen
Gutierrez
Larsen (WA)
Musgrave
Nunes
Renzi
Reynolds
Richardson
Rush
Tancredo
Tanner
Walden (OR)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there is 1 minute remaining in this vote.

□ 1633

So the third portion of the divided question was adopted.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 1175, the motion that the House concur in the Senate amendment to the title is adopted.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Arizona (Mr. FLAKE) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 128, nays 274, not voting 31, as follows:

[Roll No. 304]

YEAS—128

Akin
Alexander
Bachmann
Bartlett (MD)
Bean
Biggert
Bilbray
Blackburn
Blumenauer
Blunt
Boehner
Boustany
Brady (TX)
Broun (GA)
Burgess
Camp (MI)
Cantor
Capuano
Chabot
Chandler
Coble
Cooper
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Doggett
Doolittle
Drake
Dreier
Duncan
English (PA)
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gingrey
Harman
Hastings (WA)
Hensarling
Herger
Hobson
Hoekstra
Holt
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
Kingston
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Latta
Linder
Mack
Manzullo
McCotter
McCrery
McDermott
McGovern
McHenry
McMorris Rodgers
Mica
Michaud
Miller (FL)
Moore (WI)
Moran (KS)
Murphy (CT)
Myrick
Obey
Paul
Payne
Pence
Petri
Pitts
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Reichert
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Rothman
Royce
Ruppersberger
Ryan (WI)
Sali
Scalise
Schmidt
Sensenbrenner
Sestak
Shadegg
Shays
Smith (NJ)
Smith (WA)
Souder
Stark
Stearns
Tiahrt
Tiberi
Tierney
Upton
Walberg
Wamp
Waxman
Weller
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—274

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrett (SC)
Barrow
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Capito
Capps
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Clarke
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Edwards

Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Fortenberry
Foster
Frank (MA)
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Neugebauer
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Reyes
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Roybal-Allard
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (TX)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (OH)
Woolsey
Yarmuth

NOT VOTING—31

Ackerman
Aderholt
Bachus
Baird
Barton (TX)
Braley (IA)
Brown (SC)
Calvert
Campbell (CA)
Cannon
Cohen
Conyers
DeFazio
Filner
Gutierrez
Jefferson
Matheson
McKeon
Miller, Gary
Musgrave
Nunes
Renzi
Reynolds
Richardson
Rush
Sullivan
Tancredo
Tanner
Walden (OR)
Waters
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 1 minute remains in this vote.

□ 1639

Mr. LEVIN changed his vote from "yea" to "nay."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 304, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "no."

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Virginia (Mr. CANTOR) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 169, nays 222, not voting 42, as follows:

[Roll No. 305]

YEAS—169

Akin
Alexander
Bachmann
Baldwin
Barrett (SC)
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
Kind
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Larson (CT)
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Moore (WI)
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Obey
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Smith (NE)
Smith (TX)
Souder
Stark
Stearns
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Camp (MI)
Capps
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Clarke
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Foster
Frank (MA)
Frelinghuysen
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
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LaHood
Lampson
Langevin
Larsen (WA)
Lee
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Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Pallone
Pastor
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rehberg
Reichert
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (OH)
Woolsey
Wynn
Yarmuth

NOT VOTING—42

Ackerman
Aderholt
Bachus
Baird
Barton (TX)
Braley (IA)
Brown (SC)
Calvert
Campbell (CA)
Cannon
Capuano
Cohen
Davis, Lincoln
DeFazio
Filner
Gutierrez
Jefferson
Kaptur
Manzullo
Matheson
McKeon
Miller, Gary
Musgrave
Nadler
Nunes
Pascrell
Paul
Payne
Pickering
Renzi
Reynolds
Richardson
Rush
Shadegg
Shuler
Sullivan

Tancredo
Tanner
Walden (OR)
Waters
Waxman
Wu

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

☐ 1646

Mr. SHERMAN changed his vote from "nay" to "yea."

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 305, I was unable to vote because of pressing business with my constituents in my home district. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber today. Had I been present, I would have voted "yea" on rollcall votes 299, 300, 301, 302 and 303 and "no" on rollcall votes 298, 304 and 305.

COMMUNICATION FROM THE HONORABLE JOHN A. BOEHNER, REPUBLICAN LEADER

The SPEAKER pro tempore (Mr. KLEIN of Florida) laid before the House the following communication from the Honorable John A. Boehner, Republican Leader:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 8, 2008.

Hon. NANCY PELOSI
Speaker, U.S. Capitol,
Washington, DC.

DEAR SPEAKER PELOSI: Pursuant to Section 1853(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53), I am pleased to appoint Mr. Henry Sokolski of Arlington, Virginia and Mr. Stephen Rademaker of McLean, Virginia to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

Both Mr. Sokolski and Mr. Rademaker have expressed interest in serving in this capacity and I am pleased to fulfill their requests.

Sincerely,

JOHN A. BOEHNER,
Republican Leader.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, to tell us about next week's scheduled bills.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday the House will meet in pro forma session at 2 p.m. On Tuesday the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday no votes are expected at this time.

We will consider several bills under suspension of the rules. A final list of suspension bills will be announced, as is the custom, by the close of business tomorrow. We expect to consider the Iraq/Afghanistan supplemental appropriations bill. In addition, we also hope to consider the farm bill conference report. And it is possible, if the budget conference were completed, that we might consider that as well.

Mr. BLUNT. I thank my friend for that information.

Is it likely on the two conference reports you mentioned that the farm bill conference report will come before the budget conference report?

Mr. HOYER. It's likely that that will happen. I can't assert that, but I think it's likely.

As you know, the farm bill has been up to agreement and then back. I understand it is now agreed to and that Mr. PETERSON would like to bring it to the floor, assuming that the agreement holds, on Wednesday. So I think it's likely.

Mr. BLUNT. I am told if we went to the new budget, there might be some additional PAYGO items, but the current budget makes that farm bill more workable. So I think that might be the case.

Mr. HOYER. If the gentleman will yield, I see the chairman on the floor. The chairman and I have discussed that issue, and that's why I indicate that it is likely. Mr. PETERSON has worked extraordinarily hard, along with a lot of others. But because he's on the floor, I want to commend Chairman PETERSON for the work that he has put in on this. It's been a very rough conference and a very rough agreement. But he and Mr. LATOURETTE have worked closely together, and I congratulate them both.

Mr. BLUNT. That's right. Mr. GOODLATTE and Mr. PETERSON have talked to both of us a lot about this bill, and I think it's coming to some conclusion now.

Mr. HOYER. I said Mr. LATOURETTE. I'm sure he's worked hard, too, but Mr. GOODLATTE is the ranking member.

Mr. BLUNT. Mr. LATOURETTE was probably working on the Coast Guard issues in the farm bill.

I would like to ask the gentleman on the supplemental, I noticed in a number of printed reports that one of the reasons we didn't get to the supplemental was that the Blue Dogs were claiming some credit that the PAYGO issue, which you and I actually discussed last week, was a problem. At that time you thought that we might be able to waive PAYGO for both the GI portion of the supplemental and the unemployment insurance portion of the supplemental. I wonder where we are on that topic of PAYGO as it relates to those two issues.

Is that a decided issue yet, and how would you expect that it may be decided?

Mr. HOYER. First, let me say that I don't believe that the PAYGO, under the proposal that has been made, applies to the GI Bill, to the Webb bill, or to whatever bill there might be. STEPHANIE HERSETH SANDLIN has a bill as well. Mr. MITCHELL has worked very hard on his bill. But however that might be considered, we believe that technically it does not need a waiver of PAYGO. But, clearly, the unemployment insurance, which would be considered as an emergency, as was the stimulus for stimulating the economy, would be dealt with as an emergency.

Mr. BLUNT. I was fortunate enough to have a meeting with Secretary Gates this week, and he, of course, encourages us to get this supplemental done quickly because, otherwise, they immediately get into trying to transfer funds around and things that may be available but do create huge management problems. I do hope we can get this done before the Memorial Day break, as you suggested we would.

Mr. HOYER. Will my friend yield?

Mr. BLUNT. I yield.

Mr. HOYER. We were trying to get it done quickly this week. There were some delays, as I recall, in the process. That was not the only reason, as the gentleman has observed. But we hope to get it done quickly.

Mr. BLUNT. You mentioned the other alternatives to the so-called Webb bill, and the Herseth Sandlin bill that is cosponsored by Mr. BOOZMAN on this side, I'm told by our Members and frankly some people from the Pentagon that it has some real merit over the other bill. Since we don't have any options in that bill, at least the bill we were talking about this week, no options to bring alternatives to the floor, I would hope that we could look at all of the alternatives in that part that benefit our servicemen and women and be sure we're bringing the best alternative the House has available to it to the floor next week.

Mr. HOYER. I appreciate the gentleman's comments.

I will say that Congresswoman HERSETH SANDLIN has worked very hard on that. I'm sure Mr. BOOZMAN has as well. The committee has addressed that bill. It's a good bill. It's not as extensive, as you know, as the Webb bill, which has also been worked on pretty hard by former Secretary of the Navy WEBB, JIM WEBB, the Senator from Virginia. Both bills obviously seek to make sure that our warriors who come back, those who have defended freedom in Iraq and Afghanistan, that when they come back, we invest in their education so they, in turn, can grow our economy and our country and do what the veterans of World War II did. But we're looking at those and they're under discussion.

Mr. BLUNT. I thank the gentleman for that.

When you look at the anticipated spending and the scoring on those bills, both of them add so many new things to the benefit area that there's very little money spent in the first year. And since it takes that long to really get the new system up and running, I would just suggest again that the closer we are to a system that the military can be supportive of, both individuals in the military and the institutions, I think all of us want to take a step forward on those things that relate to servicemen and women and particularly those servicemen and women that may have been left out of past benefits for those who served. That would relate most directly to the National Guard and the reserves who are called up maybe for multiple periods of time but never for a long enough period of time at one consecutive time of full-time service to qualify for past benefits. We want to do that, but certainly we want to do that in the very best way, particularly when you look at how long it takes to retool the way that these benefits are made available for that to happen. Since it appears at this point that we'd have no alternative to bring, in this case, a better House alternative to the floor, I hope we are putting the right set of building blocks together to really build a better future for those who serve and are willing to put their lives at risk and their other activities on hold for us.

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I would.

Mr. HOYER. I thank the gentleman for yielding and certainly agree with the sentiments he has just expressed, which is why, of course, we want to see this move forward quickly in the supplemental. But the alternatives that the gentleman has expressed are being looked at.

Mr. BLUNT. I'm also wondering, as we approach the Memorial Day recess and we have had this series now of days of the highest gasoline prices ever, will there be any legislation on the floor to reduce the price of gasoline as we go into Memorial Day and the other summer driving seasons?

Mr. HOYER. We certainly, as you know, passed a number of pieces of legislation which have attempted to look at a number of different issues. One, of course, was the manipulation by the OPEC nations to artificially inflate prices. The other thing we have looked at is price gouging at the pump. We passed that. The other item we looked at, of course, was the energy bill itself. And the other was we asked the FTC to look at manipulation. We wrote to the FTC about 3 weeks ago. The FTC gave attention to our letter and is now exercising, as I understand, its jurisdiction under the legislation that we passed to look at prices.

In addition, we have numerous hearings scheduled. We've had some this week, next week, and the week after looking at various different aspects of this. Clearly, our consuming public, whether they be commercial, which are probably having the most critical problem because that's their livelihood, as well as those of us who are not driving for commercial sake but for important sake, to get to school, to get to work, to get to hospitals, to do all those things, we are very cognizant, as I know all of us are, of the strain that is being put on the consumers of our country.

□ 1700

Not only are they seeing an economic downturn, but at the same time that they are having reduced capacity to purchase things critical to them, gasoline and home heating oil are going up almost every week 5 to 10 cents. And so we are addressing that. We met with all the chairmen who reported out the energy bill last year and asked them to address this issue short term, medium term and long term.

Mr. BLUNT. I thank the gentleman for that.

I would like to find something to do that would have this impact as we get into this driving season. I know that Mr. RYAN introduced a bill today that would take the money that otherwise would have been used for earmarks on both sides of the aisle and use that to offset the loss of revenue to the highway trust fund of a gas tax holiday. That would be one of the things that we could do in the next 2 weeks that should have immediate impact at the pump by Memorial Day if we did it before that Memorial Day break. But if we could do something to reduce gas prices, that would be a major thing.

Mr. HOYER. Will the gentleman yield on that?

Mr. BLUNT. I would yield.

Mr. HOYER. One of the things I know I am personally for, and I think the Speaker is for that, as well, and we have urged the administration to take action, is not purchase additional oil for the Strategic Petroleum Reserve at this time. I would be opposed to taking oil out of the reserve. But if we stop purchasing oil for a period of time, reduce our demand as we fill the SPR, not only will we reduce demand, economists tell us that would have an effect on price, perhaps about the same as the gasoline tax holiday that you refer to.

There are a number of pieces of legislation. Mr. WELCH has a bill. Mr. LAMPSON has a bill. And many, many other Members have a bill. The administration, we believe, can do this on its own. We think that would be good policy while we have this crisis to stop filling up, not reducing, but to stop filling up our own reserve and reduce demand. Economists tell us that would have a positive effect on bringing prices down as well.

Mr. BLUNT. Based on the increase in prices, if in fact that would have the same impact as a gas tax holiday, maybe we should do both. I suspect there would be substantial support on the floor to do both.

The only other item I am going to mention today is the Colombia Free Trade Agreement. It was 1 year ago tomorrow that the House, the Senate and the administration made an agreement on trade. That was about a year after the Colombia Free Trade Agreement had been negotiated. We have not passed that agreement yet and don't have any schedule on the floor. I would hope that we will continue work to get the Colombia Free Trade Agreement and the other trade agreements but particularly the Colombia agreement to the floor and do that in the spirit of the agreement that the Speaker and administration and Senate negotiators announced a year ago.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I want to say that both the Speaker and I believe that the administration, in reaching an agreement that you refer to, made a positive step in terms of incorporating within trade agreements a consideration of workers' rights and environmental concerns so that our manufacturers and our job producers in the United States had a fair, more level playing field in which to compete and that our workers were competing with workers who had the right to organize and were getting decent wages.

The Colombia agreement, as you know, was not sent down here after agreement between the administration and the House leadership. The response was to simply not take it off the agenda but take the time limit during which we might consider that. That was an interim step which did not, as the Speaker has pointed out, take Colombia off the agenda. It simply didn't put it on the agenda for immediate consideration. But that is still on the agenda. It is still available, a force, and it is still under discussion.

Mr. BLUNT. I hope we can get it done.

ADJOURNMENT TO MONDAY, MAY 12, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 13, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5818, NEIGHBORHOOD STABILIZATION ACT OF 2008

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5818 and amendments to H.R. 3221, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. UPTON. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Upton moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions proposed to be added to Section 9001 of the Farm Security and Rural Investment Act of 2002 in the form of a definition of "Renewable Biomass."

Mr. UPTON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Pennsylvania (Mr. HOLDEN) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I will say I know that the hour is late. Many of us are trying to get home for the weekend, and there is business after me. So I don't at all intend to take too much of my 30 minutes that I have. But let me yield myself as much time as I may consume now.

Mr. Speaker, we are woefully unprepared to meet our energy needs for the next 30 years. Some estimates say that our needs in this country are going to increase as much as 50 percent by the year 2030. So we are going to have to do a much better job on not only looking at alternative forms of energy, we are also going to need to do much more on conservation, nuclear and a whole host of things. And as the majority leader indicated a short time ago, we are looking for some long-term strategies.

What this instruction to the conferees does is it takes, in essence, a piece of legislation, a bipartisan piece of legislation that the Energy Subcommittee held hearings on earlier this week, a bill offered by the gentlelady, STEPHANIE HERSETH SANDLIN, which is bipartisan, and it expands the definition of renewable fuel and biomass to include wood removed as byproducts from National Forest System land or any organic matter that is available on a renewable basis from non-Federal land, including renewable plant material which includes feed grain, other agricultural commodities, other plants and trees, waste material, including crop residue, et cetera, food and yard waste. And it would instruct the conferees to include this on the farm bill.

Of course, the farm bill is a bill that is moving along. The farm legislation is a bill that is going to be on the President's desk we hope in the not too distant future. So this is a bill that is going to move.

Why not take a piece of bipartisan legislation that deals with alternative fuels like ethanol, expand that, and actually get it to the President's desk so we can do it right away rather than wait for more hearings, markups and dealing with the Senate? Who knows what happens over there. We can actually get this thing done and then address part of the needs that we have in this country to expand our alternative fuel base.

So I would like to think that we could adopt this. I know that there is quite a bit of support on it based on the hearing that we held earlier this week.

Madam Speaker, I would reserve the balance of my time.

Mr. HOLDEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it appears that my friend from Michigan's motion is to instruct the House to recede to the Senate's definition of renewable biomass. The House conferees have receded to the Senate on their definition of renewable biomass. That definition of renewable biomass that is included in the farm bill applies only to farm bill programs. This definition does not apply to H.R. 6.

The farm bill conferees report does not amend H.R. 6, that despite the fact that several members of the Agriculture Committee, including myself, are supporting efforts to amend the shortcomings we see in that bill. And I say to my friend from Michigan that I am going to have to oppose this motion to instruct at this time. And I agree with your position on this. But yet you know there are multijurisdictional concerns that have to be addressed with the Energy and Commerce Committee. And we are trying to work through all of these.

The farm bill conference is all but done. Over the last few weeks, I have been saying we need to dot our I's and cross our T's. The I's are dotted and we are crossing our T's. So even though I agree that the argument that my friend is making on the problems of H.R. 6 are correct and on target, we cannot do it on this farm bill. The hour is too late. So I would oppose my good friend's amendment at this time.

I reserve the balance of my time.

Mr. UPTON. Madam Speaker, I have no further speakers. I am prepared to close if the gentleman yields back his time.

Mr. HOLDEN. Again, the argument that my friend makes is credible. But at this time, we just cannot accept it. The conference is all but over. And I would oppose my friend's motion.

I yield back the balance of my time.

Mr. UPTON. Madam Speaker, I just might say in closing as a member of the Energy and Commerce Committee, we had what I thought was a very favorable hearing earlier this week. I would like to think this is a vehicle we can move this legislation on very quickly rather than resort to the normal process, particularly as we look long term. We can do this in the short term. It makes a lot of sense.

I would urge a "yes" vote on the motion to instruct the conferees to include this in the farm bill.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. CLARKE). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. UPTON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. SHIMKUS. Madam Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Shimkus moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions contained in section 9021 of the Senate amendment (relating to the E 85 Fuel Program).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. SHIMKUS) and the gentleman from Colorado (Mr. SALAZAR) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Illinois.

Mr. SHIMKUS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as many people who have observed the House floor over the past month, I have continuously come down to address the high cost of energy and the importance of bringing the supply issue to this debate.

One of the things that we have been successful with, which is now under attack, it was once a success story, was E-85, ethanol and the entire debate of bringing more supply to this debate.

This motion to instruct highlights the importance of E-85 fueling stations and developing that. For example, in my home State of Illinois, I am very fortunate. We have 171 E-85 fueling stations. In my congressional district, I can go all throughout my 30 counties and fuel up with my flex-fuel vehicle E-85.

□ 1715

There are States in the Union that cannot. An example, Maine, we couldn't get any information on. Rhode Island has zero, Vermont has zero, Delaware has one, where other States, like Minnesota, has 346.

One of the issues of more supply is also more supply locations. When we move to new fuels, as other people talk about, if we move to a hydrogen economy, we are going to need hydrogen-fueling stations, and that's all part of the importance.

This motion to instruct says let's do what the Senate did on the farm bill, and let's talk about developing an E-85 infrastructure around this country so we can help decrease our reliance on imported crude oil. Why? Because everything we talk about on this floor revolves around energy and the high cost of energy, especially for the producers of our food.

For example, manufacturer inputs have increased 14 percent in 2008 on top of a 12 percent increase last year. That's inputs to grow our food. Corn fertilizer costs $140 per acre for 2008, compared to $115 price in 2007, contrasted to $63 per acre from 2001-2005.

What is driving up high farmers' input costs? No additional supply. A lot of fertilizers are affected, all buy natural gas. As we continue to restrict our ability to go after more supply, we push up the input costs, which drives up the price for food and this whole debate.

I can go through all the huge increases that our farmers have had to do. DAP, prices rose from $252 per ton in January, 2007, to $752 gulf price. Urea rose from $272 to $415, muriate of potash rose from $173 to $252. We can just go on. It's a huge, huge increase.

Now we don't want to come down to the floor without bringing alternatives and solutions. What's the solution? The solution is more supply.

Look at what's happened. It's not disputable. Under this majority, crude oil has gone from $58 a barrel to $123. I come down almost every day. This price has not gone down. This price continues to go up.

We have had promises made by Democrat leadership. In 2006, I quoted them before, Speaker PELOSI saying, "We have a plan to drive down energy costs." Majority Leader HOYER who just spoke: "We have a plan to bring down energy costs." JIM CLYBURN: "We have a plan to drive down energy costs."

The reality is, energy costs have gone up, not down, $58 a barrel to $123. What has that done for us at the pump? When the Democrat majority took over, the price for a gallon of gasoline was $2.33 on average. What is it today, on average, $3.66.

Put in climate change tax, 50 cents, $4.16 is what we would be paying today with climate change. That's not a plan. In fact, it's a plan to fail. If you don't have a plan, you plan to fail, and that's the difficulty of our farmers getting into the field. Diesel costs have doubled, rising the price. Ethanol gets blamed. Ethanol gets blamed because energy costs to get the corn out of the fields has gone up. You want corn prices down? We have got to lower this.

We have got to get back to the day of $58 a barrel crude oil. We can't get there with no plan. We can't get there by every week saying we have got a plan, and there is no plan.

There is a plan. We have brought them onto the floor numerous times. What can we do? One is use our great natural resources on coal in this country, 250 years worth of coal to be used using coal-to-liquid technology. Get coal from our underground, build a coal-to-liquid refinery, pipe it, in this case, to an Air Force base, pipe it to a commercial airline. We have lost all these airline jobs because of high costs. This is what we do.

Guess what you can make: Diesel fuel. Diesel fuel. What is the farmers' major input? Diesel fuel, because that's what goes in the tractors when you have got to plant the corn. That's what goes in the tractor when you have got to harvest the corn or the beans, and diesel fuel has cost. Truckers are going on strike. Independent truckers are going on strike.

A lot of these independent truckers are hauling the beans, hauling the corn to the elevator. Without a plan to lower cost of energy, you plan to fail. Coal-to-liquid is a solution.

What is another solution? See all this red area? We don't have Alaska on there. Off-limits. Off-limits for natural gas. Off-limits for crude oil. Let's open up these areas. The environmentalists will say, oh, no, we can't do that. One of our major areas for crude oil and natural gas is the gulf.

Guess what happened here? Katrina, big storm, devastated New Orleans. A major oil spill in the gulf? No, no major oil spill.

We can do it cleanly, we can do it efficiently, we can bring more supply to the market. You want to know how to lower prices for the farmers? Lower energy prices.

But what's our policy here? Can we drill in ANWR?

"Forget it."

What about offshore?

"Are you crazy?"

Clean coal?

"Out of the question."

Nuclear power?

"You're just joking."

Well, what are we going to do about the high price of energy? When you have no plan, you plan to fail. My farmers, who are getting accused for high prices, have high prices because we have high energy costs, and we have high energy costs because we won't get to supply.

That's why we want ethanol to succeed. That's the only thing we have done to bring more supply to this debate.

If we don't address the high input cost, what's going to happen is this fuel-food debate is going to go crazy. I was at the hearing. Guess what, there is a call to roll back the ethanol renewable fuel standard.

Now, that really helps our energy independence, doesn't it?

Madam Speaker, I reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, well, it appears that the gentleman's motion to instruct will direct the House conferees to accept the provision of the Senate version of the farm bill.

The Senate farm bill contains a provision, section 9021, that would have created a grant program to install E-85 pumps. The Energy and Commerce Committee, who are also conferees in the farm bill energy title, indicate that had this plan is duplicative of section 244 that was included in H.R. 6, the Energy Independence and Security Act of 2007. We tried to avoid this duplication of programs between the farm bill and the energy bill that was passed last year.

While I agree with the gentleman that ethanol is a very vital part of our energy independence program, we still have to make sure that we continue to move forward and that we do not derail this current farm bill that we are presently working on. It is my understanding that my colleagues in the conference committee for the food conservation and energy act have already come to an agreement that is already to be reported.

Nonetheless the chairman reminds us, all Members, that all motions to instruct are really out of order because the conference committee report is ready to be filed. I know that adopting this motion would obviously delay passage of the farm bill.

With that, Madam Speaker, I reserve the balance of my time.

Mr. SHIMKUS. Madam Speaker, I would like to recognize my colleague from Texas (Mr. GOHMERT) for 5 minutes.

Mr. GOHMERT. Madam Speaker, this is such a critical issue. You know, there are so many important things facing this country, whether it's the war on terror, the importance of FISA. But when you talk to people at home, it's getting desperate. It is getting very desperate, and they need help on the price of gasoline. They need help on the price of diesel fuel.

What are we doing? We are hearing people say, oh, we couldn't possibly drill ANWR. I am from Texas. Texas, Oklahoma, Louisiana, we have got States where we are doing everything we can to pump up all the energy we can to help the rest of the country.

We need some help. We have got all of these other resources, and they are being put off-limits. They are being kept off-limits, and we have heard from some on the other side, well, drilling doesn't really bring down the price of fuel.

You know what? We are told from some of the experts, 20, 30 percent is speculation. These speculators are smart. They see that every bill that's come out of this House for the last 16 months does not provide any answers to getting us more energy any time soon.

Talk about ANWR. Now, it was pointed out yesterday in our Resources Committee that really this area that is proposed for drilling is not part of ANWR. It was a section set aside by Jimmy Carter to make sure that we had an area that we could develop.

Now we are told that perhaps once a year caribou may come through this area of ANWR, and, oh, my goodness, if we put a drilling rig out there, it may destroy our caribou. We heard the same thing back some years back, that if we put a pipeline through some of this area up north it was going to kill off the last 27 head of caribou.

You know what happened? The pipeline went in, that oil is warm going through that pipeline, and what happened is it makes the caribou amorous. Now when caribou want to go on a date, they invite each other to go over to the pipeline. We are up to 30,000 head of caribou now because of what the warm pipe has done for the good of the caribou community, so it's going well.

We are told we can't drill the Outer Continental Shelf. About 97 of our coastlines are unavailable. We heard the same thing in Texas years back. Oh, please, don't put a drilling rig, not a platform out in the water. Oh, my goodness, you get beyond 30 miles, nobody can see it from the beach.

But what we found in the Texas coast is, despite all the naysayers saying it was going to kill off the fish, what's happened, if you want to go fishing and really go where the fish are, they go around the platforms because they have become wonderful artificial reefs. Man and environment can work together to help each other. The Outer Continental Shelf, we may have the highest second supply of natural gas in the world, some think we might even have the most, but we have put it off-limits and won't go after it.

We have lost so many wonderful union jobs because of the price of natural gas. I lost several hundred jobs out of my district when a paper mill closed because it ran on natural gas, and we were paying the highest price in the world because we wouldn't utilize what we have.

My friend has pointed out coal. We are the Saudi Arabia of coal, according to a lot of experts, and yet we put it off-limits. President Carter put a huge amount of our coal off-limits. We are the only advanced nation that takes our greatest resources of energy and puts them off-limits.

Nuclear. Now I am not one to advocate mimicking France over anything, but they have about got it down on nuclear. We could follow their example and provide so much energy. Refineries, the bills we keep passing out of this Congress, out of this committee I am on, it makes it harder to open refineries. That makes the price go up. Speculators see that.

If we had an announcement today, tomorrow, from Speaker PELOSI and Leader REID that, by golly, next week we're going to drill ANWR, we're going to drill Outer Continental Shelf, we're going to start supplying more of our energy needs until we can bring all these alternatives on line, that 20 to 30 percent would go down.

I would be willing to bet you that we would lose a dollar off the price of gasoline within a week's time because the speculators would say, whoa, they are really serious about providing their own energy needs.

We had a report last week, that it turns out a lot of the experts believe that we may be able to get three to five times the amount of oil left in the entire Middle East from our shale in Utah, Colorado, and Wyoming, three to five times. They are saying there are maybe 900 billion barrels of oil left in the Middle East, maybe a trillion, and we may get 3 to 5 trillion barrels recoverable from shale in areas so much of which is off-limits.

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In some cases they say, well, we'll give you an 8-year lease, but it will take over 7 years to get the permits. Folks, we have to help our people. They are crying out, and we need to do something now.

Mr. SALAZAR. Madam Speaker, I just wanted to remind the members on the other side of the aisle that the Future Gen project which was actually on track to be built in Illinois was actually pulled from being built because of its costly forecast.

So I would remind our Members on the other side of the aisle that coal is a very large part of our energy independent America formula; however, we have to do it in a clean way to make sure that we use clean coal-burning technology. However, that technology has not been perfected yet.

Mr. SHIMKUS. Would the gentleman yield since you mentioned Future Gen which is in central Illinois?

Mr. SALAZAR. I will yield.

Mr. SHIMKUS. I appreciate your yielding.

I was one of the few Members who actually talked to the President registering my disgust, frustration and anger. I will say it is now up to my friends on your side of the aisle, both in the House and on the other side of the Capitol to help move on a strategy to keep Future Gen on track.

We have a strategy. We are working in a bipartisan manner. Coal is critical to our national security, low cost fuel. I am begging the legislative leaders on your side, which they can do by putting Future Gen legislation on must-pass legislation, funding it, and Future Gen can stay alive. But I am not in the majority now. I am glad you mentioned it, and I call upon your side to make it so.

Mr. SALAZAR. I agree with the gentleman. I agree this is something that we have to move forward on, and it can be done in a bipartisan fashion, making sure our environment is taken care of.

We also have to employ other nations as well. In China, they are building a coal-fired plant once a week, that's what I hear. Maybe even more. So we have to do it in a worldwide fashion type of legislation that would actually create that clean coal burning technology.

Madam Speaker, I reserve the balance of my time.

Mr. SHIMKUS. Madam Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 16 minutes.

Mr. SHIMKUS. I yield the gentleman from Tennessee (Mr. WAMP) 10 minutes.

Mr. WAMP. Madam Speaker, the reality of 2008 is that the nexus between national security, energy, and the environment is the most important public policy issue that we face in this country. The nexus has a lot of different angles to it, but these three issues together is the greatest policy challenge that we face.

The farm bill is now in a sense an energy bill. The national security challenges that we face are indeed tied to the cost of oil. Unfortunately, these are the realities of what we face today.

Tomorrow in Oak Ridge, Tennessee, at the Oak Ridge National Laboratory which is one of the lead laboratories in our country on alternative fuels, biofuels, research, mostly looking at cellulosic ethanol research and how to best bring that about, tomorrow at that laboratory my senior Senator, Senator LAMAR ALEXANDER, will lay out a Manhattan Project style approach to energy.

I don't want to preempt what he is saying there tomorrow, but he is joined tomorrow by Congressman BART GORDON, a Democrat from our State who happens to be the chairman of the Science and Technology Committee here in the House on a Manhattan-style approach because of this nexus, because there is a lot of clamor about global warming and because people are looking to our country to take some leadership, and the President of the United States has said we do need to lead. I believe this is an opportunity for us.

But I will tell you what my position is on energy, and this is after 8 years as the Republican co-chairman of the Renewable Energy and Energy Efficiency Caucus in the House of Representatives, which is over half of the House, it is about 60 percent Democratic members and 40 percent Republican members. I have chaired it for 8 years with MARK UDALL. I am the chairman of that, but my position on energy is an all-of-the-above position. It has to be an all-of-the-above position. We cannot pick winners and losers. They did that in California and the lights went out. You can't pick winners and losers, not when we have the capacity challenges that we have today. And we do have capacity challenges everywhere.

At $122 a barrel, this is a supply-and-demand problem. If the people who don't like us around the world that produce oil would increase the supply, the price would go down. Or if the demand would reduce by conservation and not so much growth in India and China, the price would go down. But this is a supply-and-demand problem. We have to have an all-of-the-above solution.

Let me talk about a few things because transportation is the big driver, and gasoline is the most painful thing for the average consumer. I would suggest to you today, and Members say this a lot, but I know a lot about this, alternative fuels are only a bridge to the future. They are not the end all. That is not where we are going to end up in terms of transportation.

We have such quick development in ion lithium batteries that the people in the auto industry will tell you that we will be plugging in our automobiles very, very soon at a cost-competitive price point, not like the hydrogen fuel cell which is a 25-year proposal because the cost is prohibitive today, we can't pay $300,000 for a car, so we can't have hydrogen fuel cell cars yet, but that technology is out there. And maybe it will work.

But I will tell you what will work right now in the marketplace is electric cars, and they are coming quick. Plug-in hybrids, GM and Toyota, the year after next, will be commercially viable at a price point such that consumers will use them. So fuels are important, but technology is going to develop. Transportation is two-thirds of our oil consumption, and we have to move quickly there because this is very, very painful.

But here is the technology opportunity for the United States of America, and I call this the in-tech agenda. How did the budget get balanced for 4 years here? I was here. I think SHIMKUS was here. Four years ago, LEE TERRY was here. For 4 years in a row it got balanced, not by cutting spending. We did slow the growth of spending below inflation for 4 years which was very admirable because that hadn't been done in 40 years. But what we did do is we had such a robust, export-driven U.S. economy that revenues surpassed expenses. That's how the budget got balanced.

Now what drove the revenues up? Well, guess what, we led in an area of the economy, and it boomed with our leadership, called the information world. Bill Gates and people like him so led the world that if you wanted the best in software and computers, for a long period of time they were from this country. I grew up when you didn't want to drive an American-made car. You didn't want to have an American-made television; for a while it had to be Japanese. Cars had to be German. Things changed. We led in the information world, and revenues surpassed expenses.

Guess what can happen early in the 21st century if we get off our tails: we can lead in energy technologies. We can solve the world's problem by being proactive and not even beat a retreat on climate change. I don't want to argue about how much man contributes to climate change because, frankly, the science is not clear on that. But it is an opportunity for us because if we provide these technology solutions to the world, the budget will get balanced again with a robust manufacturing-driven U.S. economy. Part of an all of the above.

We should provide the nuclear solutions to the world and not be afraid of it because, like the speaker said, in France and Great Britain and the Netherlands and other countries, nuclear is very much a part of their portfolio because they have a balanced portfolio, because they know they need to do these things in order to reduce their emissions.

While we are going to vigorously debate next year this issue of global warming, anybody in this place who says they are for cleaning up the air globally and making progress on zero emissions and carbon sequestration and reducing the carbon footprint and they are not for nuclear, they are kidding themselves because it has got to be a part of the portfolio given the capacity demands of today and tomorrow.

And if we are going to plug our cars in, capacity has to increase on energy. It is an all-of-the-above strategy.

Just today in the House, Congressman STEVE BUYER, with me as an original co-sponsor, introduced the Main Street U.S.A. Energy Security Act. It opens the Outer Continental Shelf to responsible energy production. It allows energy development within the ANWR. It streamlines the refinery permitting process assisting new refineries to be built in the United States for the first time in 30 years. It supports the development of coal-to-liquid plants. It supports the building of more nuclear plants. It provides a 3-year production tax credit extension for wind, biomass, geothermal, and many of the renewable investments. It invests in research and development programs for the energy needs of tomorrow.

You say, What are you doing introducing that today? Well, that is just a package of things that we are reintroducing again that we voted on in this House over and over and over and over again in the last 14 years because I counted, and it is dozens and dozens of times that we have had these votes, and the people who were for more capacity lost. On the floor of this House, on the floor of the Senate, we lost.

Bill Clinton vetoed the bill to open up oil production in Alaska. I'm not picking on him. Maybe that is what people wanted then, but they sure don't now. Why are we not responding? Why is our head buried in the sand? We have to have an all-of-the-above policy to compete. And we can balance the budget again. It is good for us. The world sees us reducing our carbon footprint, leading with new energy technologies and solving the world's problems.

We sat on the couch from 1973 to 2008. Since the oil embargoes of 1973, we sat on the couch as Americans and didn't make the changes we needed to make. And now we are in a mess. A $122 a barrel mess. But we sat on the couch. Guess what happens when you sit on the couch and you don't exercise and you don't get ready; that's where we are. We have to change.

You cannot vote against energy capacity in any segment of our economy or energy production without ending up either the lights go out or the price is too high, access is not there, and people are hurting. That's where we are today. It is an all-of-the-above strategy.

Let me close on this note. I am a conservative, and conservation is a good thing. People can begin to reduce demand by conserving, and consumers can join us. We need to do better, and so does the consumer in this country. Use less, be sensitive to lights, drive less, move to smaller vehicles; demand goes down and price goes down. We need to do that, and it is not wimpish to propose that. It is a good, solid, pro-American thing. Let's be more efficient, let's move to alternatives. But I'm saying an all-of-the-above strategy. Don't say we can do all of this with renewables. It is not there to meet tomorrow's demand. We have to have all of the above. Some things are long term and I know that, but right now we have to respond. This takes a balanced approach.

I thank Members from both sides who have that attitude, and I look forward to tomorrow at the Oak Ridge National Laboratory.

Mr. SALAZAR. Madam Speaker, I commend the gentleman for his leadership in the Renewable Energy Caucus and his efforts to try and develop future products that come from renewable energies.

Madam Speaker, I would like to yield 5 minutes to my good friend from New York (Mr. HALL).

Mr. HALL of New York. Madam Speaker, I thank the gentleman and I thank my friend from across the aisle for his comments on conservation and the sharing of the same root between conservatism and conservation. Perhaps he would be willing to tell our Vice President who said a few years ago that conservation may be a personal virtue, but it is no way to build a national energy policy, that he is wrong. I am pleased to hear Members of this body on both sides of the aisle voicing that opinion, that conservation efficiency in effect has to be part of our national energy policy.

I also was happy to hear his comments on electric cars. In Israel, which I visited last August, and which I would like to wish a happy 60th birthday to, Israel is leading the way on not just solar energy in which they are collaborating with a California company on a huge solar photovoltaic project which will provide today, this is not some distant time in the future, today will provide enough electricity for 400,000 homes. Solel, Inc., is the Israeli company and Pacific Gas and Electric is the partner here in the United States. Not only are they a leader in photovoltaic solar electric power, but they are pioneering in Israel, as we could be in this country, electric cars that travel from one station to another and instead of charging the battery, they just switch it. They are working on a battery that will be interchangeable between all cars. So one can drive up to the gas station which will now be an electric station or whatever fuel one moves toward, remove the old battery that is run down, immediately get a new one installed and drive away in a matter of minutes rather than waiting for it to be charged up.

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All these options are available, and I'm here to say they're available today.

I would also dispute, however, the assertion that nuclear power is non-emitting, that nuclear power is clean. First of all, nuclear power does give off greenhouse gas emissions because, in the process of mining and milling and transporting nuclear fuel, there are fossil fuels burned.

There are, in my very district, in fact, strontium, nydium, tritium, among other cancer-causing radioactive particles being released into the groundwater and even under normal operations, into the air.

And lastly, of course, the spent fuel has to be transported, again using fossil fuels, to a repository, which may be Yucca Mountain whenever that happens to be opened.

In the meanwhile, every nuclear plant and every nuclear shipment is a potential terrorist target. We know that Mohammad Atta wrote, for instance, in the papers that were found after 9/11, about canvassing New York City, flying on commercial airliners, and that he took notes about a nuclear plant that he flew over as a potential target that we believe to be Indian Point.

So I would remind those on both sides of the aisle that our diplomatic stance around the world has been one of trying to stop other countries from taking a "peaceful nuclear program and turning it into a military nuclear program." It's a very gray area and a blurry line once one learns how to enrich fuel. It's only a matter of how far one enriches that fuel.

So there are some things that we agree about. I totally agree that we need a moon shot technology revolution. We need to put all the resources of this country that we can behind this, and that American ingenuity can solve these problems.

But speaking as one who's burning 20 percent biodiesel in my home heating oil, who's getting 1,500 kilowatt hours a month from wind power, who's driving an American-made hybrid today that gets 33 miles per gallon, and an SUV with 4-wheel drive, not a little tin can, but actually a pretty sizeable vehicle, I think these technologies are available if they're given the proper incentives, tax breaks and subsidies today, and if we lead the way in government with preferential purchasing and the decision-making that we make as the powerful government that we are.

So I'm happy to be a part of this exciting time in our energy history.

Mr. SHIMKUS. Madam Speaker, I would like to save my time to close, so I would reserve the balance of my time.

Mr. SALAZAR. Madam Speaker, I would also like to thank my colleague on the other side of the aisle for many of his comments. I understand that this is a very important issue here in America today moving America forward towards an energy independent America.

Madam Speaker, however, it is my understanding that my colleagues on the conference committee for the Food Conservation and Energy Act have already come to an agreement that is ready to be reported. We have a title, which is the energy title of the farm bill, which directly deals with agricultural issues and renewable energy and cellulosic-based ethanol.

As a matter of fact, the energy title creates a $1.01 per gallon cellulosic ethanol tax credit to 2010. It also has in $1.01 per gallon is based on a 56 cents per gallon tax credit, producers credit, and it has a 45 cents per gallon blenders credit. The total tax benefit is $400 million.

And as the gentleman knows, we are currently in a budgetary strain. We have PAYGO rules which we must abide by. I think that adopting this motion would delay the passage of the farm bill. And the chairman reminds all Members that motions to instruct are basically out of order at this time, being that my colleagues in the conference committee have come up with an agreement and they are ready to report this.

Madam Speaker, I yield back the balance of my time.

Mr. SHIMKUS. Madam Speaker, I want to commend my colleague from Colorado. I'm an aggie. I don't serve on the committee. And the agricultural sector is one of the few sectors that we have increased supply. So I do this with all due respect.

My concern is that when we disincentivize the E85 fuel stations, the cellulosic debate, which is the next bridge to get us to the RFS standard that we passed in December, we can't get there without RFS, without cellulosic. And we're sending a bad signal when we have States without any fueling stations and we have States that do. And so that's what brings me down.

And I'm glad my colleague from New York talked about nuclear power. The former head of Greenpeace now supports nuclear power. The former head of Greenpeace now supports nuclear power.

Coal generating electricity is 50 percent of our electricity generation in this country. 50 percent. Nuclear's 20. Our demand's going to increase 30 percent in the next 20 years.

Texas tried wind power. They had brownouts. ZACK WAMP is right. We need more supply. This is what China's doing. China is building 40 nuclear plants in the next 15 years, not one. We haven't done one in 30. China's going to build 40.

China's invested $24 billion in large scale coal liquification technology.

China is rapidly expanding its refining capacity. One of the reasons we compete is because we had low cost power. We don't have low cost power anymore. Those days aren't here. Renewable fuels aren't going to fill the gap that we have.

So we have to do, as Zach said, all of the above. In a column, Robert Samuelson said, what to do about oil? The first thing, start drilling. It's the easiest, quickest thing we can do. Unless you want to put up with this. Unless you want more, and, you know, you're a rural farm boy in Colorado.

I try to remind people here that in rural America we like big trucks. We have to have working trucks. We can't haul a horse trailer with an electric engine, with a four-cylinder engine. It won't go anywhere. We need powerful trucks. We need trailers. We need working trucks.

That's fossil fuels. That's diesel. We can't pay these gas prices anymore. And we're going to. Don't get me on climate change. All I want is transparency.

If we're going to tax the American public they need to know they're going to pay 50 cents more a gallon. And my charts are way over.

Why can't we go here? Why? Why can't we access these areas to get natural gas? Anhydrous ammonia, the Number 1 commodity input, natural gas.

And what has your majority done? You put areas off-limits. We've got areas in your State in the last year we put off-limits. We didn't bring on more supply.

Great solution. China's doing it, taking coal, gasifying it. When you gasify it you can burn electricity. You can capture the carbon. It's a clean way to do it. We can't do it.

For every dollar increase in a barrel of crude oil, do you know how much the taxpayers have to pay to fund the Air Force? 60 million additional dollars. Our Air Force is the number one jet fuel user in the world. They're begging for help. It's crazy.

We are relying on imported crude oil. Our national security depends on aviation fuel, and we are constrained by imported crude oil. Don't you think it'd be better to use our known natural resources to help our Air Force to fly our planes?

Coast Guard authorization bill, $1 increase. $1 dollar increase in Coast Guard authorization diesel added $24 million to the cost of the Coast Guard to protect our border.

Mr. SALAZAR. Will the gentleman yield?

Mr. SHIMKUS. Yes, sir.

Mr. SALAZAR. I just wanted to ask the gentleman, what does this have to do with the farm bill?

Mr. SHIMKUS. These are input costs. You know the diesel price has doubled. I mean, my farmers, when they plant the corn, they're in a tractor. When they harvest the corn or the beans, they're in a tractor. It's run by diesel fuel.

There's an attack on ethanol today. I was in committee today, I mean, 2 days ago, let's stop the RFS. It's the only thing that we have. And why is it under attack? Because input cost to production of commodity grain has gone up because we can't get low price diesel fuel.

When we harvest the corn we take it to a grain elevator. We do that with a big diesel truck, a big tractor trailer. We have independent truckers striking. They drove around here a couple of weeks ago, big signs. We can't afford the high cost of diesel.

And we know costs get passed on. What's some Democrats' response? Oh, we've got a great idea. Let's tax the energy companies more.

My challenge is, when have we ever raised a tax that's lowered the price to a consumer? And I've challenged people; give me one example where we raised the tax and costs went down. No one's challenged me. And I'm sure people will look at that.

Another thing is let's demand that the people we're reliant on, pump more crude oil. Oh, that helps us not become reliant on imported cried oil. Let's demand that the people who are providing us oil pump more. That's why I'm so frustrated with this. I hope you understand. We need to lower prices.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SHIMKUS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. TERRY. Madam Speaker, I have a motion to instruct at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

> Mr. Terry moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to recede to the provisions contained in section 12312 subtitle C of title XII of the Senate amendment (relating to a cellulosic biofuel production tax credit).

Mr. TERRY (during the reading). Madam Speaker, I ask unanimous consent to waive the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. TERRY) and the gentleman from Colorado (Mr. SALAZAR) will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Madam Speaker, I rise today with my motion to instruct to make sure that we keep a tax credit that the Senate has in its version of the farm bill for cellulosic energy and the blending. It's a dollar tax credit, and that's important that we have the higher number because cellulosic energy or cellulosic ethanol, I think, is where we are going to move to for our midterm energy strategy in this country, and that we really are at the very embryonic stages of its development, as I'm going to show here in a few minutes, and that because we are at the beginning stages of cellulosic energy, taking it literally from the research laboratories to the experimental market, trying to produce it more than at 1 gallon at a time, that we will need to, more heavily subsidize these beginning processes.

□ 1800

Now, I'm going to build our argument here of why I feel that cellulosic energy or cellulosic ethanol is important and why we need the $1 credit versus the lower number that was in the House version to get to our ultimate goal here, which is energy independence.

And by the way, I define "energy independence" as not relying on OPEC countries. We will need to use the natural gas and oil from Canada, and we will need to, for a variety of reasons, use the oil from Mexico; but wouldn't it be great if we were in a position that we didn't have to use the oil that's produced by countries that don't like us, that really hinders, as the gentleman from Tennessee, ZACH WAMP, mentioned. Our foreign policy, we have to counsel, we have to do things for countries that really are trying to harm us economically, like Venezuela is right now.

Now, the bottom line here, the bottom line here is that every citizen of the United States is paying higher prices at the pump. They are paying more of their family budget to get to and from work, to and from the grocery store, and they're upset and rightfully so. So I am asked frequently, what is the plan. Well, the problem is there really isn't a cohesive plan. We do know that it is an issue of supply and demand.

Now, we've nibbled at the edges in an earlier bill this year that was signed by the President in December on the demand part. We did things to help incent electric cars, hybrids, battery technology; and probably the key component or foundation of that demand bill or lowering demand of oil was increasing the fuel efficiency of cars and light trucks. That was called the Hill-Terry bill. So I was one of the co-authors of that bill, and we got that in there. And that will increase fuel efficiency by 40 percent, in stages, to 2020, where I really see that we're going to end up earlier meeting those goals because of battery technology and ethanol.

We already have some vehicles out on the road today using ethanol blends as high as 85 percent that are hybrid. So you're combining ethanol, lowering the amount of oil that we have to use and refine, and battery technologies at lower speeds: for example, the Ford Escape.

Now, let me broach into an area here that I think is important for people to understand because our midterm strategy, at least as I envision it, is going to involve ethanol. And for some reason, ethanol has been blamed for every ill that has occurred globally. There has been severe droughts that have affected rice crops, and yet I read in U.S. papers that that's caused by ethanol. It's baffling how they make this connection, and it's wrong; but yet it seems like ethanol is causing more problems, as related by the media, than President Bush is. Maybe President Bush is happy that ethanol is pushing him off the front page. I don't know.

All I know is most of what you're reading about ethanol is completely bogus. And even people in the Corn Husker State are now starting to tell me, We can't rely on ethanol. We're learning that this is bad, because I am paying more at the grocery store. My eggs are more expensive because of ethanol. Huh? Well, okay. Maybe some of the grain-related foods have been impacted by ethanol.

I want to show you a few charts here. And by the way, these studies are done by the government. They've been reported in The Wall Street Journal and other major business magazines.

First of all, the problem with the higher prices at the grocery store in total is because of increased energy costs. The price per barrel of oil closed short of a $124 today. It's grown dramatically, and ethanol is actually helping with those energy costs. Every report that I have seen, and we will use this chart, has shown that we would be paying much more at the pump today if it were not for the ethanol that we're blending.

Here is a chart that shows today's average price at the pump of $3.65. That would be $4.20 at the pump today if we didn't have the ethanol to blend.

Now, you're saying, well, that's great but, you know, it's driving up the food costs so I'm actually paying more. Well, that's not true, but we're not hearing about it in our media.

The reality is that today, because of ethanol being blended into gasoline and that major difference of what you would pay at the pump, it would be as much as 40 cents more, maybe 60 cents more, according to that information. So actually the consumer is saving around $305 to as much as $420 a year because of ethanol.

Now, every study that I have seen has shown that the direct impact of ethanol, that part of the corn crop that's diverted from feed or shipped to be manufactured into food, impacts about 5 cents on a box of cereal. Every study that I have seen from Texas A&M, the government, University of Nebraska has said it is about 3 percent on grain-related foods. 3 percent. But yet you're saving 15 to 20 percent at the pump, and it is helping you in today's world.

Now, let's talk about cellulosic. Cellulosic is where you take a biofeed stock, it can be just about any living, growing thing, and you use an extra step in the process to take this and break down the gluten, kind of the glue that holds the cells together, that holds the sugars; and when we are able to dissolve those, then you can extract that and create ethanol.

Now this type of ethanol, by the way, has a higher Btu rating and has more energy involved in it. So actually this ethanol goes further for us.

What type of products can we use? Well, you can use things like switchgrass. You can use wood pulp. You can use sweet sorghum. You can use anything as long as it's a living, growing organism. You don't have to use food. So that's why it's important.

Now, I'm going to say that ethanol is here to stay, but I do believe ethanol, based on corn, is going to hit a ceiling; and so cellulosic, if we can then use these types of bioproducts and create more energy or liquid fuel, then that is more that we can displace. And we will need a complete national energy strategy, and that's why I was curious when ZACH WAMP came up here and talked about LAMAR ALEXANDER announcing his energy plan using one of our biolabs that's doing work on the cellulosic area. And I think their focus in that lab has been on switchgrass and wood pulp. And so that will be interesting.

But the beauty of cellulosic is not only that it gets us much closer to energy independence but that every region of the country has something to offer, whether it is wood in the northeast or northwest, or algae; switchgrass, and even in my State you can go from switchgrass in the Missouri Valley area where I live to corn to sweet sorghum out in the dry parts because sweet sorghum grows stalks 12 feet tall and requires less than 12 inches of rain.

Where are we, and I'm getting back to my friend from Colorado to why we need the higher, the $1, the higher amount for the blending credit.

USDA and Department of Energy are partnering together—it's nice to see two of our agencies actually working together—to open up several cellulosic ethanol plants over the next 2 years. They will produce a small amount, maybe 10 million gallons to start with, but if we can't use this product in the market and blend it, because we all know this is first generation so it's going to be expensive. It's going to be about $5.50 a gallon to produce this with the first-generation technology. They will get it down to $3, but if we can't get past this first generation stage, we're never going to get to second, third, fourth generation. So we need that higher level of subsidy or blending credit to make sure that the product that comes out of the new cellulosic ethanol plants is being used within the market.

Now, my expectation is while maybe 2 to 3 years from now we're producing maybe 50 million, that's a drop in the barrel, by the way, 50 million gallons; I really think that with this type of a blending credit that we can then double and triple and quadruple and maybe tenfold that 5 to 10 years later. And then we couple that with hybrid and electric technology, and man, I really am optimistic about the future of our country.

Now, the gentleman from Colorado, I have one speaker that would like to say a few things. Do you want to take some time right now or let us finish up and you can have some time and I will take 1 minute for close?

I yield to the gentleman from Colorado.

Mr. SALAZAR. I appreciate the gentleman.

Let me just say I agree with you on everything that you have said to this point. Ethanol is being blamed for the high cost of food prices. But what the news media forgets to tell you is that we've had the shortest wheat crop on record worldwide for many, many years. They also forget to tell you that because this country continues to borrow money from China, the value of the dollar continues to go down, and so developing countries, like China and India, can now afford American food products. So it creates a larger demand.

The Congressional Research Service issued a report that shows that between 40 and 50 percent of the price of food at the grocery store is dependent, directly dependent on the cost of transportation. I agree with you on that.

You also talked about the issue of holding the $1 tax credit, which the Senate has approved. It is my understanding that the Conference Committee has agreed upon that. As a matter of fact, what has been created is

$1.01 per gallon cellulosic ethanol tax credit through 2010. The $1.01 per gallon is based on the 56-cents-per-gallon producer's credit, and then the 45-cents-per-gallon blender's credit. This should incentivise people to start or companies to start producing ethanol from cellulosic material.

I believe that the Nation is capable of producing a sustainable supply of about 1.3 billion tons of biomass per year. As you know, across the Western States of America, many trees have died because of the bark beetle problems. This is biomass that we can actually utilize to produce alcohol to fuel our vehicles.

☐ 1815

I believe that the 1 billion tons of biomass would be sufficient to probably displace 30 percent of our country's present petroleum consumption.

So I do agree with the gentleman.

Mr. TERRY. Thank you. I do appreciate those comments. It's good to know that that is what is in the report. Many of us have not been able to see the report language yet to know what's in or what's not. So I appreciate you letting me know that's in there.

At this time, I would like to yield to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I thank my colleague for yielding, and I really appreciate the good work that was done by my colleague from Tennessee, ZACH WAMP, and my colleague from Illinois, JOHN SHIMKUS, on this issue of what do we do about energy independence, what do we do about ethanol, what do we do about the alternatives that we have.

And I think it's important that we continue to point out the problems that we're facing in this country on achieving energy independence and to point out that we are dealing with basically a do-nothing Congress in terms of this issue. We are not dealing with this issue now, and I share the concern that my colleague from Nebraska Mr. TERRY expressed about how everything's being blamed on ethanol and George Bush.

The Congress likes to blame George Bush for everything, thinking that's the mood of the American people, and the leadership thinks it can deflect any responsibility for the problem that we're seeing now.

But I want to point out that right now gasoline is $3.64 a gallon on average. That's 56 percent higher than when Speaker PELOSI was sworn in, and it is 745 days after she promised this: "Democrats have a commonsense plan to help bring down skyrocketing gas prices." And that was when gas was just about $2 a gallon, not $3.64.

It's also 948 days after Majority Leader STENY HOYER said, "Democrats believe that we can do more for the American people who are struggling to deal with high gas prices."

And it's 653 days after Democrat Whip JIM CLYBURN said, "House Democrats have a plan to help curb rising gas prices."

All of these statements were made in 2006 when the Democrats were making statements to fool the American people on what they could do to make things different.

Well, they got elected. They're now in leadership and what do we have? Blaming. We're looking for this secret plan that they have. They've never brought it forward, and we're still waiting for it, months, years after they promised it, 2 years actually after Speaker PELOSI promised that they had a plan to do this.

We have all the quotes on this and the dates. Again, April 2006, October 2005, July 2006 are the dates, but what they've done is they've raised taxes four times since they've been in office on energy in this country, and what they do then is blame the President.

Most people know, I think, that the President can't pass laws. All the President can do is sign them or veto them. It is our responsibility to do something about the way this country is operated in terms of laws. We operate under the rule of law, and it's no coincidence that article I of the Constitution is about the Congress and about our responsibilities, but the Democratic leadership has failed miserably in dealing with those responsibilities.

I also agree with Congressman WAMP that this is a national security issue, and that in addition to providing additional supplies of energy, we must do conservation and we must be more efficient. I don't think anybody on our side of the aisle disagrees with that. However, we have to do something to increase the supply.

We are dealing with a short-term and mid-term and long-term issue, and part of the problem that we're dealing with is the fact that in 1995 President Clinton vetoed the bill that would have allowed us to drill in ANWR. We have radical environmentalists who basically believe, if all the human beings in the world were to disappear, the world would be a better place because we're the ones to blame for all of the problems that we have in this country and in the world.

I don't believe that. I believe the good Lord gave us the resources that we need and the brains to use those resources and extract them. We should be drilling in ANWR. I've been to ANWR, I've been to Alaska, I've seen what happens there. The people who are opposed to drilling there won't even go to Alaska to see the situation there. I think that's terribly, terribly shortsighted.

We could have started doing that many years ago, and we wouldn't be in this situation that we're in now because that, along with other things that we could do, such as drilling in the outer continental shelf, such as creating other resources, such as cellulosic ethanol, would be providing us what we need.

And I also agree, again, with Representative WAMP that energy independence means to me we are not going to be dependent on OPEC countries. We don't want to be dependent on people who hate us. We don't want to help fuel the terrorists. One of the things that we're doing is providing money for the terrorists to fight us, and we don't need to be doing that.

We do need to conserve. We do need to use every resource available to us in this country, and it is time that the Democrats exert some leadership in this area instead of blaming George Bush and blaming others for the problem that we're facing. They absolutely refuse to take charge of what's happening here.

I heard today on a radio program that there is a theory that they want to make the American people as miserable as they possibly can because President Bush is still our President, and they are so good at blaming him for things rather than accepting responsibility for their own actions. I think that has to be one of the most cynical things that anybody could possibly be doing in this country. It's our responsibility here to do everything that we can to help the American people, not do everything that we can to make them miserable.

I want to give you a quote from Investors Business Daily from April 29, 2008. The title of the article is "Congress vs. You," and one of the quotes, "The current Congress, led on the House side by a Speaker who promised a 'common sense plan' to cut energy prices 2 years ago, has shown itself to be incompetent and irresponsible."

Again, we have quote after quote after quote from business journals and from responsible people to show us that the problems that we're facing now are not based in our situation with the war but is based in the incompetence and the do-nothing of this Congress.

And again, let me point out, President Clinton vetoed H.R. 2491, the Balanced Budget Act of 1995, which would have allowed environmentally responsible exploration for an estimated 10.4 billion barrels of oil in a tiny sliver of ANWR. Senate Democrats have twice blocked energy exploration in ANWR via the Energy Policy Acts of 2003 and 2005. They have voted "no" on the American-Made Energy and Good Jobs Act which would open ANWR to exploration, over and over again. They've said no to new refineries. They've said no to the Energy Policy Act. As others have pointed out, they've said no use to using coal. They've said no to using nuclear. Everything they've done is say no, while Republicans have repeatedly said yes. Yes to Americans who drive to work and school. Yes to gasoline prices that Americans can afford. Yes to American oil. Yes to American common sense in the rules, and yes to an American future of abundant, affordable energy that working people can afford to buy.

I don't think the Democrats are going to be able to continue to fool the American people that someone else is responsible for the problem that we're now facing. They're squarely responsible. They continue to say no, Republicans continue to say yes, and I think the American people are going to understand that in the short-term and in the long-term.

Mr. SALAZAR. Madam Speaker, may I inquire how much time either side has?

The SPEAKER pro tempore (Ms. HIRONO). The gentleman from Colorado has 30 minutes remaining. The gentleman from Nebraska has 3½ minutes remaining.

Mr. SALAZAR. Is the gentleman prepared to close?

Mr. TERRY. I have closed, and I will probably use my 3½ minutes for closing.

Mr. SALAZAR. Madam Speaker, today I couldn't agree more with many of the comments that my friend from Nebraska has made. He comes from farming country like I do. We understand the value of the fuel that goes into your tractors and the value of the fuel that goes into your pick-up trucks to run a farming operation.

I believe that ethanol is a temporary fix to our energy independence in America. We need to start looking at new technologies such as cellulosic-based technology. We understand that relying on corn-based ethanol is only a short-term solution.

Everything that I believe that my colleague has in his motion has been addressed in what the conference committee has brought forward, the higher $1 per gallon cellulosic ethanol tax credit. I think that these are provisions that Mr. TERRY's motion has.

I only have one concern, Madam Speaker, is that if we were to adopt this motion, I believe that it could potentially delay the passage of the farm bill, and so I would ask my colleague, Mr. TERRY from Nebraska, to consider withdrawing his motion.

Mr. TERRY. Would the gentleman yield?

Mr. SALAZAR. Yes.

Mr. TERRY. I plan to mouth those words at the end of my ending comments.

Mr. SALAZAR. I would thank the gentleman, and with that, Madam Speaker, I yield back the balance of my time.

Mr. TERRY. Madam Speaker, I thank the gentleman from Colorado.

In closing, what we're faced with is restricted supply, ever increasing demand on oil products, on oil and gasoline, $124, just shy of $124 per barrel today, and my friends, it's just going to keep going up. And we need a plan to make sure that we protect our economy and your budget.

We know that we can't continue to pay these type of prices at the pump. We know that what we're experiencing with our inflation at the grocery store is about 80 percent related to those high costs of energy.

We have a solution before us with ethanol, corn-based ethanol. Again, just in a summary here, the ethanol that is blended into the gasoline today is actually making it cheaper. That's allowing you to save more. You're not going to be spending as much on gasoline if it were not for the blend of ethanol in it.

□ 1830

The argument that food has increased because of ethanol is not accurate. In fact, these are just several of the publications that have gone on record, Wall Street Journal, CNN, have all said that it's a fallacy that food prices are going up because of ethanol.

So net, it's helping our citizens, but the future isn't with corn-based ethanol, it's with cellulosic. Cellulosic is going to supplement this ethanol. And its potential is immense.

So I'm proud to learn from the gentleman from Colorado that the dollar producers credit—I think I called it blenders credit a couple of times during the statement—but that 101 producers credit, coupled with the blending credit, is what's going to lift cellulosic ethanol for us into the market and make it a viable way that we can secure our independence from the OPEC producers.

Knowing that that is in the farm bill conference report, I feel comfortable, then, not instructing the farm conference, especially since there is no more conference.

I ask unanimous consent to withdraw my motion to instruct.

The SPEAKER pro tempore. Without objection, the motion is withdrawn.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 8, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,890 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are. And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,890 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 8, 2008, 12,890 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

U.S. FOREIGN POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHERMAN. Madam Speaker, I thank the leadership for allocating 1 hour to me of floor time.

As a senior member of the Foreign Affairs Committee and as Chair of the Subcommittee on Terrorism and Nonproliferation, I will take the next hour to focus on our foreign policy and to see whether it is focused correctly on the threats that face us in the first quarter of the 21st century. Then, if time permits, I will discuss an issue—some would say a threat—that will face us in the second and third quarters of the 21st century.

Madam Speaker, I believe that our foreign policy has been adrift since the end of the Cold War because we have been unable and unwilling to prioritize. Our national case of ADD forces us to focus on whatever international objective flits across our consciousness.

We have an enormous national ego which causes us to believe that we can simultaneously and successfully pursue all our objectives, and that we can defeat evil everywhere we choose to notice it. As a Nation, we punish politicians and pundits who dare to deflate our enormous national ego.

Our bureaucracy opposes any effort to prioritize our objectives because that effort conflicts with the bureaucratic imperative to please every one of its bureaus. Imagine having to go to the Moldova desk in the State Department and say that Moldova's sovereignty over its Transdniestra region cannot be a major national priority. The State Department is pretty much on autopilot, with each of its bureaus focusing on the bureau's function, the bureau's priority, with no one setting overall national priorities.

As a Nation, we have sacrificed 4,000 of our finest, and untold treasure. We did so in Iraq because our leaders told us it was necessary in order to protect ourselves from weapons of mass destruction, weapons that did not exist. But just because we are able to sacrifice treasure and lives to protect ourselves from a nuclear program that did not exist does not mean that we can sacrifice our national ego and our bureaucratic imperatives to focus on real threats that do exist.

Now, in addition to these long-standing institutional and psychological barriers to prioritization, at present we face three practical barriers that also prevent us from focusing on the national threats that we should really focus on, that we should give our priority to. The first of these is our unhealthy fixation on Iraq. This fixation began with President Bush. It now afflicts us all.

Now, we are told that morally we must stay in Iraq because we "broke it," but we are told this by the same people who rightfully point out that whatever shape Iraq is in today and whatever shape we leave it in is still superior to where it was under Saddam. Remember, Saddam killed hundreds and hundreds of thousands of Iraqis through his policies. We're told we must stay in Iraq because we risk a humanitarian problem if we leave, while at the same time this Nation ignores actual humanitarian holocausts that are going on in places like Somalia, Chad and Congo. Those humanitarian holocausts don't count because CNN isn't there. And CNN isn't there because our troops aren't there. So our troops must stay in Iraq because CNN is in Iraq, and CNN is in Iraq because our troops are in Iraq. So we must stay there because we are there. This is no way to prioritize our foreign policy.

We are told that if we leave Iraq, terrorists could meet there and plot against us. Imagine how big a national ego we must have to think that we could possibly deprive our enemies of a conference room. The fact is that terrorists can and do plot against us in Somalia, in Yemen, in countless other places, but of course these don't count because CNN isn't there. Remember, however, that 9/11 was plotted in an apartment building in Hamburg, Germany, which makes you wonder why we are staying in Iraq to make sure that terrorists don't have a place to plot against us. So our fixation with Iraq prevents us from prioritizing our foreign policy, prioritizing the need to protect Americans from nuclear attack. But that is just one of the obstacles we face.

The second obstacle we face is an unhealthy fixation on our reflexive, unthinking and implacable anti-Russian attitude. Now, I don't mind being anti-Russian. I do mind being implacably, unthinkingly, and reflexively anti-Russian. Now, part of this stems from our great national hubris. Our foreign policy establishment doesn't like Mr. Putin or his so-called successor, and we don't think that we should have to accommodate anybody we don't like. The fact is that sometimes you do have to do business with people you don't like if you want to carry out a reasonable, prioritized foreign policy. Our politicians tell us that we are at war. Well, the last truly great wartime leader of the United States was President Roosevelt, and he did business with Putin's most venal predecessor.

Now, this reflexive, anti-Russian attitude grew up in large part because of the individuals who are making our foreign policy decisions today. These are people who spent their lives planning and studying and writing their theses on how to surround and defeat the Soviet Union. Old habits die hard, but yesterday's priorities should not dictate tomorrow's priorities.

Now, Putin has given us much to be angry about, but let us take a look at whether this new Cold War, at worst, or very cold peace, at best, started with Moscow or started in Washington.

Now, one issue that has faced us throughout foreign policy is the doctrinal battle between the doctrines of self-determination and territorial integrity. Self-determination, the right of a group of people within a country to split up, split off, and form their own country; territorial integrity, the right of a nation to continue to have and to possess and to control its territory.

In fact, the two great wars fought on American soil were on opposite sides of this doctrinal distinction. Our first great war on our own soil was our war for self-determination, our war for independence. The second great war was the war to protect our territorial integrity from those who sought southern independence. So we have been on both sides of this doctrinal divide. We face this same divide now, territorial integrity versus self-determination.

Let us examine eight places in the general neighborhood of Russia where this doctrinal conflict has come up. You see, we are for self-determination of Kosovo just as we were for the self-determination of the Slovenes and the Croats, which led to the split up of Yugoslavia, and we were for the self-determination of the various republics that made up the Soviet Union. Four times that we were for self-determination—Kosovo, Slovenia, Croatia, and the Soviet Union itself.

But we are against self-determination and instead for territorial integrity in at least four areas also close to Russia. We are against self-determination of the Transdniestra region of Moldova. We are against self-determination for the northern part of Kosovo that would like to self-determine itself out of Kosovo and rejoin Serbia. And we are against self-determination for two regions of the Republic of Georgia, Abkhazia and South

Ossetia. Eight conflicts; four times we support self-determination, four times we support territorial integrity.

Some would say we are inconsistent. This is not the case. We are consistently anti-Russian; consistently, unthinkingly, and reflexively anti-Russian. In all eight of these conflicts, Russia had a strong interest. In most of these conflicts, we had virtually no interest. Who amongst our constituents talks to us about Abkhazia or South Ossetia? Yet every time, in all eight instances, we took a very strong and determined anti-Russian position.

We also have a conflict with Russia over the proposal to build a missile defense system in the Czech Republic and in Poland.

☐ 1845

Russia believes that we are rushing to install these installations to create anti-Russian facts on the ground in Eastern Europe. Our position is that those missile defenses will protect Europe from a possible Iranian nuclear-tipped missile. But the Europeans don't particularly want our missile defense system. We have to bribe the Czechs and the Poles to let us put them there. The Germans and the French would just as soon we not build them.

Why are we taking this aggressively anti-Russian position? One would say that the goal is to protect Europe from Iranian nuclear weapons. But wait a minute. We have not even tried to bargain with Russia, to seek their help in preventing Iran from getting the nuclear weapons in the first place. Perhaps in return for not building a missile defense system, we could achieve greater cooperation from Moscow in stopping Iran's nuclear program. But we are unwilling to prioritize. We have as a priority creating anti-Russian facts on ground in the Czech Republic and Poland; and, accordingly, we cannot sacrifice the opportunity to build missile defense systems in those countries just to get Moscow's critical help in preventing Iran from developing nuclear weapons.

I could give you a number of other examples. Let me just focus on one, and that is the recent commercial disputes between Ukraine and Russia. In those disputes we have told these two groups of former Communists of these formerly Communist countries that it is wrong to sell goods, in this case, natural gas, for its fair market value. We have told former Communists that capitalism is wrong. Why? Because capitalism would allow Russia to get more for its natural gas, and our tendency to be reflexively anti-Russian exceeds our tendency to support capitalism. So we face a second practical block to prioritizing our foreign policy, and that is our instinctively anti-Russian attitude.

But we also face a third block to prioritization, which is our failure to recognize how important it is to get the support of world opinion, particularly opinion in Western Europe, in order to achieve what should be our number one national priority, which is protecting the American people from nuclear weapons.

Now, think back to 9/11. We had the sympathy of the whole world. People were ready to follow our leadership. People demonstrated in favor of America in places where they had not demonstrated in favor of America before or since. But then what did we do? We ignored Kyoto. We invaded Iraq. We disdained the International Court of Justice. We built Guantanamo. We angered our friends and our allies with unilateral approaches on the wrong set of issues. Today, who would say that the United States has the support or the sympathy of the world? We need to prioritize. The real threat is nuclear weapons in the wrong hands.

Now, I am going to avoid using the term "weapons of mass destruction" because that has been a phony and misleading term. It puts nuclear weapons in the same category as chemical or biological weapons. Only nuclear weapons could kill millions of Americans.

Now, I don't want this speech to be too depressing. We are vulnerable. We are institutionally and psychologically unable to focus on how to reduce our vulnerability. But we are still far safer than we have been at other times in our history. In the 1960s we faced a far greater threat. At that time we faced the risk of thousands of Soviet nuclear weapons, 10 megatons or more each. Now we face less than one five-hundredth the arsenal of the Soviet Union in terms of number and less than one five-hundredth in terms of the strength of each nuclear device. So we are far safer now than we were when we, as baby boomers, as elementary school students, were ducking under our desks in air raid drills in order to learn how to protect ourselves from a massive Soviet nuclear attack.

Now, let us say that we could overcome our obstacles to a rational, prioritized foreign policy. What would be our response to the nuclear threat that we face? There are four possible responses to a nuclear threat: Prevention, deterrence, interception, and survival. I will deal briefly with the last three of these and then focus on the first, prevention. And by "prevention" I mean preventing the wrong people from getting the most powerful weapons.

Now, deterrence and interception are, I think, false hopes because they miss the mark on the delivery system that is most likely to be used by those who wish us harm. For 20 and 30 years, we have talked on this floor about Star Wars or national missile defense, how we're going to hit a bullet with a bullet in outer space. Maybe someday it will work. But missile defense can be rendered irrelevant. It doesn't take a rocket scientist to deliver a nuclear weapon to an American city. A nuclear weapon is a bit smaller than a person, in most cases. You could smuggle one inside a bale of marijuana.

Now, we have had a lot of talk on this floor about how to make our borders more secure and deal with the issue of illegal immigration. To date, our efforts have increased the fee charged by the so-called coyotes to smuggle an illegal immigrant into the United States up from $1,000 to $1,500. This may have a substantial impact on those people who aspire to work in the United States for minimum wage. But whether the cost of bringing in something the size of a person is $1,000 or $10,000 or $100,000 is not going to matter much to the Iran Revolutionary Guard Corps. We are not going to have borders so secure that a truly sophisticated terrorist group or intelligence agency will not be able to bring a bomb across our borders. Keep in mind we have 300 million legal border crossings every year. We have zero patrol officers, zero on the entire border between Alaska and Canada. Between Canada and the lower 48, we have roughly one security official every 30 or 40 miles, and that person is only working 8 hours a day. So smuggling a nuclear weapon will not be difficult for any adversary sophisticated enough to get its hands on a nuclear weapon in the first place.

Not only is smuggling easier, it gives the perpetrator plausible deniability. If you send an intercontinental ballistic missile into the United States, we will know where it came from. On the other hand, if you smuggle one here, you can always deny that you did it or leave some plausible deniability, and deterrence will be undermined, and, as is obvious, interception is made irrelevant if weapons are smuggled into the United States.

Now, I know that the great dictators really want an intercontinental ballistic missile. It's the Viagra of tyrants. But as a practical matter, our enemies will determine that smuggling a nuclear weapon makes more sense for them. It provides them with plausible deniability to deter deterrence. It makes irrelevant all of our missile defenses. The other problem with deterrence is that Iran may not be deterrable, and I will get to that in just a few minutes.

So I have dealt with deterrence and interception. Let us turn to survival, civil defense. This is a subject you are not allowed to talk about on the House floor or anywhere else in polite society. The First Amendment protects many kinds of speech but not talking about civil defense because you have to turn to Americans and say your government may not be able to protect you from nuclear attack. We may be in a circumstance where we can reduce casualties from 200,000 down to 100,000. Our problem is that the American electorate finds the death of even 100 Americans to be unthinkable.

Now, we could cut casualties in half or by more than half if we prepare civil defense. But if a nuclear weapon the size of the one tested by North Korea went off at the White House, about 2 miles away, the people in this room would survive, but none of us would know what to do or where to turn for information. Should we shelter in place? Should we flee, and if so, in what direction? We need a system to tell Americans what to do. And we have to take Americans into our confidence and tell them that this is a real threat, that we are working to reduce the threat, and that we are working to prepare for the threat.

Now, I know that survival is something that we dealt with in the 1960s when we did those bomb drills I was talking about. What might have been absurd when we did it is now laughed at when it would be useful because in the 1960s, had we been hit by our adversary, it might well have been a thousand 10-megaton weapons. No one could have received medical care. There would be no relief into the city from outside the city. The living would envy the dead.

In contrast, Iran might develop one or two 15-kiloton weapons, 1 to 2 percent the size of the weapons of the Soviet Union, less than 1 percent of the number. We would be able to bring in medical care from outside. We should talk about it. We should plan for it. But I know that no politician or pundit is allowed to do so; so I will stop and instead shift to a discussion of prevention, keeping nuclear weapons out of the worst hands.

Now, I know that we should prevent the worst regimes and organizations from obtaining nuclear weapons. How do we do that? Maximum carrots, maximum sticks, maximum focus. We need to prioritize. We need to maximize our options. And, finally, maximum linkage, by which I mean connecting our objective of deterring a nuclear Iran or a nuclear North Korea with objectives that are important to other countries, not only North Korea and Iran themselves but Russia and China.

Let's first look at North Korea. I think North Korea is less important than Iran because North Korea is not ambitious. It wishes only to survive and to oppress its people in its own territory. What we need in order to deal with North Korea is the carrot of offering a nonaggression pact, a treaty in which we would agree not to invade North Korea.

That's what the North Koreans have asked for. If the North Koreans are going to get rid of their nuclear weapons, you would think at a minimum they would want a promise from the United States that we're never going to invade. Believe it or not, the American response has been no. Why? Because the neocons never want to give up their dream of invading North Korea. This has made progress at the six-party talks uncertain at best. We are unable to prioritize our need to eliminate North Korea's nuclear weapons program over the psychological need of neocons to dream of invading North Korea. Instead, we need maximum carrots for the North Korean regime if they will verifiably and permanently get rid of their entire nuclear program.

We also need maximum sticks. We don't have many sticks. China has the sticks. North Korea is utterly dependent on Chinese aid, and yet we have failed to use linkage. In all our discussions with China, we have told them that our attitudes toward trade and their currency manipulation will not be affected by their attitudes on nonproliferation. We are a nation that has lost 4,000 lives to protect us from Saddam's nuclear program that did not exist, but we are unwilling to link our policy on currency values to China's behavior with regard to weapons, not weapons of mass destruction, but the real important ones, the nuclear weapons.

Our State Department opposes linkage because they find it more convenient to just deal with one issue at a time in separate bureaus, in separate boxes. We need to link China's policies toward proliferation with our policies on issues important to China.

□ 1900

Now let's turn to Iran. Iran is more dangerous than North Korea because it is ambitious. It is already responsible for terrorist attacks as far away as Buenos Aires, which is as far as you can get from Tehran. It seeks to remake the Muslim world and then the entire world. An Iran with nuclear weapons is truly dangerous.

Let's go through all the different ways it imperils the United States. First, an Iran with nuclear weapons means that you can say goodbye to the nonproliferation regime which has restricted the number of nuclear states since 1945. The Gulf Cooperation Council or Saudi Arabia acting individually will certainly develop nuclear weapons if Iran does. Egypt will not be far behind. And once nuclear weapons become popular for medium-sized countries and countries that do not face existential threats to their existence, once nuclear weapons become something that every country the size of Egypt has, how do you say no to Nigeria or Brazil?

Not only would we lose the nonproliferation regime, but what affect would it have on Iran's policies? Imagine terrorism with impunity. Iran is already rated by our State Department as the number one state sponsor of terrorism. Imagine what happens if Iran has nuclear weapons. It puts us in a position where we cannot respond, even if we know that Iran is responsible for terrible terrorist acts.

Now not only do you provide impunity for Iran to engage in terrorism, but you put us for the first time since the end of the Cold War eyeball to eyeball with a hostile and aggressive nuclear power. You are going to end up with a Cuban missile crisis every week, or at least several a year. Whether it is IEDs smuggled from Iran into Iraq or whether it is Iranian gunboats challenging American ships in the Persian Gulf, Iran will provoke us and will test us. We will go eyeball to eyeball with a regime considerably less sane than the regime presided over by Khrushchev.

Now even if we survive dozens of confrontations with a hostile nuclear Iran, there may come a day, and we pray for this day, when the Iranian Government will see itself about to be overthrown. Do you think those mullahs are going to imitate the Soviet Communists, shrug their shoulders and walk off the world stage? Gorbachev wrote a book and went on a speaking tour. Do you think that is what is going to happen? No. If these extremists in Tehran feel that they are about to be overthrown, among their options will be to use their nuclear weapons against Israel in an effort to regain popularity on the streets of Tehran or to use their weapons on the United States figuring if they are going to go out, they might as well go out with a bang.

Now I know that there was that NIE, that National Intelligence Estimate, released late last year that was deliberately designed to be misread. It said that Iran had abandoned its nuclear weaponization program. But if you read that report carefully, and I am not talking about the classified version, which I wouldn't talk about here, but just the two-page unclassified version, if you read it carefully, if you read the footnote, you realize that the real bottom line in that report is that Iran is well on target to have a nuclear weapon by the middle of next decade.

You see, the key difficulty in producing a nuclear weapon is to get your hands on the fissile material. And the NIE says that Iran will likely have that fissile material by the middle of next decade. Now the easier part of building a nuclear weapon is to take that fissile material and do the engineering work to turn it into a weapon. This is called "weaponization." The NIE, this big national intelligence report which got headlines around the world, says that for at least a while, Iran seems to have stopped its weaponization program. But what does that mean? The weaponization program could be completed in just a year, year and a half. There is no reason for Iran to build the cart if they are still breeding the horse. All they have to do is continue to create the fissile material and then restart their weaponization program even a year or two from now and they will be well on target to have a nuclear weapon by the middle of next decade.

So how do we know that they are developing the fissile material technology? Because this is the one thing the whole world agrees on. The centrifuges are turning at Natanz. Iran says so. And they brought in the IAEA to look at it, and the IAEA says so. And Bush says so. Iran's enemies and Iran's friends say so. And we have seen the pictures. Iran is creating the technology to enrich uranium and create that fissile material.

Of course, Iran says it is all about generating peaceful electricity. Wait a minute. Iran, as we know, creates an awful lot of petroleum. As a byproduct of pumping petroleum, you often get natural gas. Iran has no way to export that natural gas. That natural gas is a useless byproduct. Iran flares the natural gas. Iran flares enough natural gas to generate more electricity than you could generate at ten Bushehr-style reactors. Well, if you have free flared natural gas, that is by far the cheapest way to generate electricity. But Iran isn't interested so much in generating electricity. They are interested in pursuing their nuclear program to create the fissile material which is the most essential element of creating a nuclear weapon. So Iran is developing the fissile material needed for a bomb.

Now there are those who say that our response should be a military response. They point out that Saddam Hussein's real nuclear program was destroyed by Israel in 1981. Saddam put it all in one place, above ground, easy to see. Syria made a similar mistake. They put their whole program, or the essential elements of that program, all in one place, above ground. They tried to make it a little bit more difficult to see. And if news reports are to be credited, that program was destroyed late last year by an Israeli bombing effort.

The Iranians are not nearly so incompetent. Their program is dispersed. It is underground. And it is hidden from our intelligence assets. A military strike would not destroy their whole program. It would set them back a few years. It would also cause a number of problems. But even if you believe that a military strike is a good idea, we ought to first exhaust our nonlethal alternatives if for nothing else than out of a decent respect for the opinion of the world.

I will talk about those nonlethal alternatives in a second. But I want to respond to those who take the other approach and say, well, shouldn't we pass a law here in Congress to prohibit any bombing of Iran's nuclear facilities? That is, I think, a mistake. I call it Ambien for Ahmadinejad. It would help him sleep better.

There is no reason for us to tell the Iranians that we have taken any of our options off the table. In fact, the more reasonable Iranian leaders will tell their colleagues that one of the reasons to give up the nuclear program is that in the end, it may be destroyed by an American bombing raid before it bears fruit. So you strengthen the hand of the realists in Tehran if you leave all options on the table.

But now let's focus on those nonlethal options. We have got to get a message through to the Iranian elites and the Iranian people. And that message is very simple. You face total economic and diplomatic isolation unless you verifiably and permanently give up your nuclear weapons program. Well, we have the broadcasting resources to get this message through. Radio Farda is broadcasting into Iran right now. Why can't we get this message through? Because I can't lie that well in Farsi. The real facts are that Iran faces nothing close to economic or diplomatic isolation if it continues its nuclear program. They face only the tiniest sanctions, and they can do business as usual with the entire world.

So what do we do to create the reality so that we can truthfully tell the Iranian people and Iranian elites that they must give up their nuclear program or they face economic and diplomatic isolation? Well, before I go forward, when we talk about the Iranian economy, we must recognize that special debt of gratitude we owe to Iran's mullahs whose mismanagement, corruption and oppression have made Tehran vulnerable to economic pressure even in a $130-a-barrel world. So what do we do?

What have we done? First on the economic side, and then on the diplomatic side. Now there was great fanfare on October 21 of last year when we announced big sanctions on Iran until you realized there was virtually nothing there. The first part of that sanction was to ban four Iranian banks. We had banned some of them earlier, bringing to a total of four the number of Iranian banks that were not allowed to execute transactions with the New York branch of the United States Federal Reserve. That means large dollar transactions, including oil sales, will either have to be executed through other Iranian banks or through non-Iranian banks or priced in euros rather than dollars. The most this could possibly do is to cut maybe one-tenth of 1 percent of Iran's oil revenue at very worst. And that is if many of the European banks really hit them with huge fees.

The fact is that there are plenty of banking channels. Iran can easily shift, and has shifted, to selling its oil for dollars. Instead it sells for Euros. And there are many ways that they can do dollar transactions if they want to. We have not taken the step of even banning all Iranian banks from doing business with the Federal Reserve Board because we have been unwilling to inconvenience international corporations even in that slight way.

We also announced rather recently that we would put the Iranian Revolutionary Guard Corps on the terrorist list. And for a few hours, people said what does that mean? Does that mean that if Mercedes chooses to sell trucks to the Iranian Revolutionary Guard Corps that the United States might shut down Mercedes operations in the United States? Two hours later, the Treasury issued a press release saying they had no intention of pursuing secondary sanctions. What that means is that every European company is free to do business with the Iranian Revolutionary Guard Corps any way they want without facing any consequences in the United States.

So what should we be doing? The good news and the bad news is that we have a lot of tools in our economic toolbox. The good news is we have got tools in the toolbox. The bad news is we have known of this threat for a decade, and we have left our tools in the toolbox, except for, you know, a little screwdriver we have used to have the slightest possible effect.

☐ 1915

The first thing we should do is follow the law. We should enforce the Iran Sanctions Act. Now, the Iran Sanctions Act was formerly known as the Iran-Libya Sanctions Act.

We used the sanctions against Libya, we forced Qaddafi to change his behavior, he gave up his nuclear program, we dropped Libya from the act, we renamed the act, and we resumed our policy of never applying it against Iran.

Since 1998, despite overwhelming evidence, we haven't taken the first step we are supposed to take under the Iran Sanctions Act, but what are we supposed to do? The purpose of the act is to deter companies from investing $20 million or more in the Iran oil sector.

The first step in that is for us to take note of which companies have invested $20 million in the Iran oil sector, and that triggers the act. At that point, the President is supposed to impose sanctions on that firm or at least name them and shame them and then waive the sanctions. Minimum compliance with the law requires the President to at least name the companies that we know are investing $20 million or more in the Iran oil sector.

What has actually happened? The State Department, the Administration, refuses to open its copy of the Wall Street Journal on any day in which there is an announcement of an additional significant investment in the Iran oil sector.

I had to turn to CRS, the Congressional Research Service, to give me a chart of all of the large investments being made in the Iran oil sector. We have got not just one chart, we have got another chart. But if you ask the State Department to name even one company that is investing, they will say we refuse to speak. Why? Because they don't even want to acknowledge that the investment is being made. That would trigger the act.

This is like hiring a police officer who disagrees with the law, a narcotics officer who just walks around and everybody is using whatever drugs, and this officer does nothing—what good is to pass the law if the Executive Branch refuses to apply it?

Now, we have a bill that has passed this House, it's stymied by Republicans in the Senate, it is opposed by the Administration, it's called the Iran Counter-Proliferation Act. What does this legislation do? The legislation strengthens the Iran Sanctions Act, it imposes a total embargo on imports to the United States of Iran's goods.

Believe it or not, we import from Iran. We don't import oil, we only import the stuff they don't need and they would have trouble selling anywhere else, caviar and carpets, et cetera.

The bill we would pass through this House would at least turn to Iran and say well you can't sell those goods here in the United States, which would have a significant impact on some of the most powerful families and clans in Iran, particularly those that play a decisive role in their government.

The Iran Counter-Proliferation Act would also end the obscene practice of U.S. oil companies doing business with Iran through their foreign subsidiaries. So far that bill remains bottled up, in large part because the Administration opposes it. The same Administration that refuses to enforce the existing law.

What about the World Bank? The World Bank has lent some $1.36 billion to Iran since Iran began its nuclear weapons program. Some $700 million of that hasn't been disbursed yet, but the United States has done nothing to prevent those loans from being authorized or the funds disbursed, except one thing.

The Administration cast a token vote at the World Bank knowing they would be outvoted, and they only did that because it was required by law. At least they followed the law. They are willing to follow the law when it's utterly inconsequential.

To date, the Secretary of the Treasury has refused to even call any of his counterparts in European capitals to urge them to withdraw their support for these World Bank loans.

Now, why are these World Bank loans so important? Because we know what it takes to stay in power. One of the things it takes is delivering projects to people, bringing home the bacon, if you will. Now, I know it's not kosher, it's not Halal, but it is what Iranian politicians around the world do. Imagine what it is for them to cut the ribbon on a water project and say we have given this to you. That's enough to help them stay in power just a little bit. But imagine how much more meaningful it is when they say the whole world, the World Bank, has sent us this money. This is proof that the United States can do nothing to hurt us. This is proof that the whole world is on our side about developing nuclear weapons.

The World Bank loans to Iran are harmful not just from an economic perspective, they are harmful to us from a political perspective as well. We should change our laws dealing with Federal procurement, State procurement and Federal corporate assistance to achieve one thing. We should turn to any corporation seeking a big contract with the Federal Government or seeking the assistance of any of our programs designed to help business, whether it be the Export-Import Bank or a whole host of other programs.

We should ask the other question, does your corporation or any of its affiliates invest in the Iran oil sector, loan money to the Iranian government, sell munitions to the Iranian government? Imagine the effect this will have if we make it clear that if you are a Nebraska corporation owned by an Italian corporation, and the Italian corporation is investing in the oil sector of Iran, that means we are not going to give you the contract, we will give it to somebody else.

A number of States have tried to do this, and they have been threatened by the Federal Government. We have passed through this House, and it has made it through the Foreign Relations Committee in the Senate, a bill dealing with OPIC, the most unfortunately titled Federal agency, the Overseas Private Investment Corporation, and said that if you want the assistance of this agency, you have to certify that neither your corporation nor any of its affiliates are engaging in those wrongful transactions with the Iranian government. Clearly, we should not be giving assistance to those who are aiding Iran's nuclear program or aiding the Iranian government in one of the key pressure point areas, munitions, investment in the oil sector, loans to the government.

Now we have the issue of divestiture. We need to encourage private investors and government pension plans and private pension plans to sell their stock in corporations that are engaging in those transactions with the Iranian government, investments in the oil sector, loans to the government, sale of munitions.

A number of States, especially the State of Florida, my own State of California, have decided to divest from such companies. But when they do so, they face frivolous lawsuits, lawsuits from people saying, "oh, you have to invest for the maximum possible return, and you can't think of national interest when you do so."

Now, get this, because my colleagues have seen how the Administration has been opposed to frivolous lawsuits and any lawsuit they claim is frivolous, they have been against lawsuits on everything except one thing, they are in favor of frivolous lawsuits against State governments who choose to divest, against private pension plans that choose to divest. Why? Because their hatred of trial lawyers is exceeded by their hatred of investors who would try to influence the very companies in which they have made an investment.

It is absolutely shameful for us to make it more difficult for good Americans to push the companies that they partially own into doing the right thing. We should go further.

Later this month, I will introduce legislation to change our tax code so that those who are divesting from companies doing business in those bad areas, as I have identified, or those areas we would like to discourage with regard to Iran, we will say, if you sell your stock in such a company, and reinvest the proceeds in a company that is clean, then you should get a carryover basis. We are not going to use that as a taxable event, because divestiture should be encouraged, not taxed. We need to turn to all the corporations in the world and say do not invest in the Iran oil sector, do not lend money to that government, do not sell the munitions, otherwise, we will encourage our companies, we will encourage our investors, we will encourage our pension plans, we will encourage our individual investors to stop investing in your company. We will not give aid to any of your subsidiaries, and we will not make them eligible for Federal contracts. This will provide real pressure on the Iranian government.

But that's just the economic toolbox. We also have the diplomatic toolbox as well. It is even more powerful, it is even less used. We have never offered Russia anything in return for real cooperation on the issue of Iran's nuclear program. We have not provided linkage between issues Russia cares about and what we care about, which ought to be preventing Iran from developing nuclear weapons.

We have made it clear to Russia that what we do with regard to Chechnya, Abkhazia, Moldova, Estonia or anything else is not linked to what Russia does with regard to Iran.

Likewise, we have made it clear to China that what we do with regard to Taiwan or currency manipulation or trade will have nothing to do with what China does in the U.N. or elsewhere with regard to Iran's nuclear program.

If we could get Russia and China to support us at the U.N., then instead of stupid little sanctions designed to fool people around the world, we could get real U.N. sanctions. What would that mean? Imagine a U.N. ban on sending refined oil products into Iran. Now, Iran has plenty of petroleum, but they don't have the refinery capacity. They import nearly half of the gasoline they burn.

If the United Nations would prohibit every country in the world from sending them that refined petroleum, you would have an immediate impact on the streets of Tehran. You would be able then to turn to the Iranian people, to turn to the Iranian elites and say that you, indeed, face economic and diplomatic isolation unless you abandon your nuclear weapons program.

We need to prioritize. We need to link what is important to us to what is important to others. We need to use all the tools in our toolbox, and we need to use them immediately. Otherwise, we will not achieve the level of security from nuclear attack that the American people deserve.

I am not saying that we can make America invulnerable, but I am saying that it is our duty here in the Federal Government and as foreign policymakers to do everything we can to achieve that objective.

I have concluded. I did mention that I would perhaps talk about threats that face us in the second and third quarters of the 21st century. I will leave that to another speech. I yield back.

☐ 1930

PEAK OIL

The SPEAKER pro tempore (Mr. MAHONEY of Florida). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, several days ago I came into the office early and I found at my door the usual package of newspapers and I opened them up and was placing them out on the table, and I noticed the headlines. And this is every paper that was at my door that morning. There were four newspapers and there were three inside-the-Beltway newspapers intended primarily for those interested in the Congress. I want to go through the headlines in every one of those papers.

Here is the Baltimore Sun, and they had two headlines above the fold both related to energy, "Demand Eats Supply," and "Energy Bill Aids Payouts on Rise."

Then I went to the Washington Times and there was a headline, "Bush Lays Gas Blame on Congress."

And then I went to the Wall Street Journal and the Wall Street Journal headline was "Grain Companies' Profits Soar as Global Food Crisis Mounts."

Then I turned to the U.S. News part of the Wall Street Journal and what do you know, above the fold there were two more headlines, "Bush Prods Lawmakers on Economy and Energy Prices," and "GOP Senators Urge Halt to Oil Reserve."

Then I noted the three papers that are kind of inside the Beltway papers: Roll Call, "Alexander Eyes Energy Agenda"; The Hill, "Politics At the Pump"; and Politico had "Gas Prices Fuel Effort to Jam the GOP."

So every one of these seven papers that were on my doorstep that morning had headlines talking about energy. Now I noted just a few days before that there was a New York Times op-ed piece by Thomas Friedman. This is what he says about energy. Here is what is scary. Our problem is so much worse than you think. We have no energy strategy. If you are going to use tax policy to shape energy strategy, then you want to raise taxes on the things that you want to discourage—gasoline consumption and gas-guzzling cars—and you want to lower taxes on the things you want to encourage—new renewable energy technologies. We are doing just the opposite, he says.

The gas holiday proposal is a perfect example of what energy expert Peter Schwartz of Global Business Network describes as the true American energy policy today, and I quote, "Maximize demand, minimize supply, and buy the rest from the people who hate us most."

This is not an energy policy. This is money laundering, he says. We borrow money from China and ship it to Saudi Arabia and take a little cut for ourselves as it goes through our gas tanks. No, no, no, we will just get the money by taxing Big Oil. Even if you could do that, what a terrible way to spend precious tax dollars, he says.

For almost a year now, Congress has been bickering over whether and how to renew the investment tax credit to stimulate investment in solar energy and the production of tax credit to encourage investment in wind energy. And a little later I will go over this bill that has already passed the Senate, and we have introduced it in the House now.

The Democrats wanted the wind and solar credits to be paid for by taking away tax credits from the oil industry. President Bush said he would veto that. Neither side would back down. Stalemate, he says.

I first came to this floor to talk about this subject more than 3 years ago. It was, I believe, the 14th day of March in 2005. I noted then that we have known, we had known at that time for 25 years that we would be facing this crisis. Now it is 28 years. We have known for 28 years that we would be facing this crisis. I will present the evidence for that in just a moment, and I think the evidence is absolutely unassailable. Anybody who looked at the evidence would have to conclude that there was a reasonable, indeed probably a high probability that we would be here today with oil at over $100 a barrel.

This all started in 1956 on March 8 when an oil geologist from the Shell Oil Company gave a speech that I think may shortly be recognized as the most important speech given in the last century. He gave that speech in San Antonio, Texas, to an audience of people interested in oil. What he told them was at that time absolutely audacious and incredible. He told them in just 14 years the United States is going to reach its maximum oil production and no matter what you do, after that the production of oil will decrease year by year.

At that time the United States was the largest producer of oil in the world, the largest consumer of oil in the world, and I think the largest exporter of oil in the world. So this was absolutely audacious to suggest that the king of oil in just 14 short years would reach its maximum ability to produce oil.

He was a pariah for a number of years, and then in 1970, when right on schedule as this chart shows, when right on schedule the United States reached its maximum oil production, he became a legend in his own time. He made his prediction in 1956. You see how much oil we were producing then. In 1970 we were producing a lot more oil. And right on schedule, just as he predicted, the United States after that produced less and less oil each year, in spite of several things, Mr. Speaker. In spite of finding a lot of oil in Alaska. And notice just a little blip down the slide of what is called Hubbert's peak as a result of this enormous find in Alaska. I have been to Prudhoe Bay, a 4-foot pipeline through which for a number of years a full 25 percent of all our domestic production flowed. And then a big find some years later in the Gulf of Mexico. I remember the hype over that find. You see the yellow there, just a blip in the slide down the other side of Hubbert's peak.

So not only did we find a lot of oil that M. King Hubbert had not included in his prediction, his prediction included only the lower 48 States, in spite of this large find of oil in Alaska and the large find of oil in the Gulf of Mexico, and in spite of increasing amounts of natural gas liquids, we today produce about half of the oil that we did in 1970.

Another thing that we have done, we have drilled more oil wells than all of the rest of the world put together. In spite of doing that, in spite of ever-better techniques for finding oil, computer modeling and 3-D seismic, in spite of ever-better techniques for getting the oil, enhanced oil recovery, nothing we have done has proved M. King Hubbert a liar. He said we would peak in oil production in 1970, and we did. And we have been sliding down the other side of Hubbert's peak ever since.

In 1979 he predicted using the same analytical techniques which aren't all that hard to understand. He noted that in an individual oil field, that the production of the field increased and increased and increased until it reached a maximum which was when about half the oil was exhausted. After that, the last half which reasonably would be more difficult to get, was more difficult to get and production was slower. And so he rationalized that if he could add up all of the little oil fields in the United States and make a good prediction as to how many more we would find, he could have one big bell curve which is basically the shape of that curve, and he could then predict when the United States would reach its maximum oil production. He was right on target.

Using that same technique, he predicted that the world would be peaking in oil production about now. Now I say that we have known this for 28 years. I say that because by 1980 it was very obvious that M. King Hubbert was right about the United States. We were already well over the peak and sliding down the other side of what is called Hubbert's peak. What did we do? We have done as a world, as a country, absolutely nothing to prepare for the inevitability that M. King Hubbert would probably be right about the world because he was right about the United States.

Now as the next chart shows, the two entities which track oil production and consumption, and it is essentially the same thing, very little oil is stored in the world compared to the amount that we use, that is the EIA, the Energy Information Administration, a part of our Department of Defense, and the IEA, the International Energy Association, both of those track very well the production of oil. And you can see they have the production of oil about flat for the last 3 years.

Now when I first came here, and I think that was 43 times ago, I think this is the 44th time I have been to the floor, when I was here in 2005, oil was about $50 a barrel, a little over $50 a barrel. Using the predictions of M. King Hubbert, I with some confidence have been saying now for these 43 times, 44 times including tonight, that we were going to get here, that the world was going to reach maximum oil production.

☐ 1945

And we ought to have been preparing for this. And since we hadn't been preparing in the past, we ought to start preparing for this with some realistic measures.

Notice what happened to the price of oil. Of course, when you have a static production and an increasing demand, the supply/demand mechanism which controls the pricing of almost everything in our world, caused an increase in the price of oil. Now, it would be well off the top of our chart here. We're now at $123, $124 a barrel. That's well off the top of the chart here. As far as I know, these lines are extending out flat. There is no increase in oil production.

The next chart, this chart shows the discoveries of oil through the years, and it shows the use of oil through the years. Now, if you had only one chart that you could look at, this chart, I think, conveys more information than any other. And even without M. King Hubbert's predictions, I think that you would conclude that we're probably going to max out in oil production about now. Because look what we have here.

We have discoveries back through the 1940s and the 1950s, and boy did we discover it in the 1960s and the 1970s, and then another surge around the 1980s. But down, down, down since then. And that's in spite of ever better technologies for discovering oil, ever more interest in discovering oil. It's been down, down, down.

Now, obviously, if you add up all of these bars, you will know the total amount of oil that we have discovered. That is frequently done by simply drawing a smooth curve over those bars. That tells you that the area under the curve represents the total volume. I say that because there's another curve here which is very important, and that is the consumption curve.

Notice that early on in the 1960s, boy, in the 1970s, we were finding enormously more oil than we were using. So every year we had bigger and bigger reserves behind us that we could rely on. And then about 1980, when the discovery of oil was down, and we were using more and more oil, ever since about 1980, we have been using more oil than we found. Well, we could do that because we had extra back here that we hadn't used. So we simply could borrow from this and pump it here and fill that volume with it.

I want to point out something about this curve which is really very interesting. You notice how steep the curve is here. This is up through the Carter years. Now, had we continued on that trajectory, we would now be well off the top of this chart.

The oil price spike hikes of the 1970s, and the recession that occurred then, notice the little dip there, were really blessings in disguise. There's an old saying that it's an ill wind that blows no good.

I lived through all of those gas lines, even, odd, the end of your license plate, the day you could fill up your tank.

But look what happened as a result of that wake up call. Boy, are we more efficient now than we were then. Look at the slope of this curve as compared to the slope of this curve. And we're getting even more and more efficient. This is an exponential rise. And it would be off the top of the chart.

As a matter of fact, there was a stunning statistic during the Carter years. Every decade the world used as much oil as it had used in all of previous history. Now, that's stunning, because what that says is that when you used half of it, only 10 years will remain. We're very much better off.

By the way, oil's not going to run out in 10 years or 20 or 30. We have another 150 years of oil, gas and coal, but at ever decreasing amounts, ever more difficult to find, ever more expensive.

When we talk about peak oil and the energy crisis, that does not mean we're running out of oil. What that means is we're running out of our ability to produce oil as fast as we would like to use it.

Well, what will the future look like?

Now, I said if you had only this chart to look at you could make some really educated guesses about what the future is going to look like, because you cannot pump what you have not found. And unless you think that there's going to be some startling new discoveries in the future, it's been down, down, down, for 30 years. Unless you think there's going to be some startling new discoveries in the future, these are the reserves that we have to fill in the volume here about what this chart suggests we might find.

Now, it won't be smooth like that. It will be up and down, but it might be reasonably that kind of a slope.

So I think that even without the predictions of M. King Hubbert, just looking at this oil chart, it would be very easy to conclude that we probably, very soon, if not now, would have reached the maximum production of oil.

The next chart looks at some of the geopolitical consequences of this. This is the world according to oil. This is what the geography of the world would look like if the size of the country was related to how much oil it had. Some really interesting things here.

Saudi Arabia dominates the landscape. They should. They have 22 percent of all the known reserves of oil in all the world. And notice, their near neighbors, Iraq, Kuwait, Iran, second, third and fourth. United Arab Emirates. You almost have to have a magnifying glass to find them on the map, and there they are. Look how huge they are in terms of the amount of oil they have. And then Northern Africa.

Here we are, the United States. The yellow means that we're a big user of oil. Our small size means we don't have much. And notice the people from whom we get most of our oil. Canada is our Number 1 supplier. They have much less oil than we. But they don't have very many people so they can ship oil to us.

Mexico, until about a month ago, was our Number 2 supplier. But their largest oil field, which is the second largest oil field in the world, Cantoral, is now in steep decline, about 8, 10 percent a year. Now our Number 2 supplier is Saudi Arabia.

Mexico. But notice that Mexico and Canada together have little more oil than we have. And we have only 2 percent of the known reserves in the world. Maybe they have 3 percent. Maybe all three of us together here have 4, 5, 6 percent of the oil in the world. That's all.

Even more alarming, notice the size of China and India. Here they are. 1.3 billion people and 1.1 billion people, more than a third of the world's population, and they have less oil than the United States has.

When you go to China, and I did with 8 other Members of Congress about 16 months ago, and they begin their discussion of energy by talking about post-oil. So China knows that they have to transition.

The next chart is kind of a bar chart which shows the same thing, pretty much, that we saw in that chart. If you take the 10 largest owners of oil in the world, 98 percent of all that oil belongs to countries rather than companies. Saudi Aramco, National Iranian, Iraqi National Oil, Kuwait Petroleum Company and so forth. Only 2 percent by Lukoil, that's a big Russian oil company.

Now, if you look at the 10 producers of oil, 78 percent of the first 10 producers of oil, all that oil comes from countries, not companies, again, these nationally owned oil companies. And only 22 percent comes from the big three.

There's obviously a lot of angst over the high price of oil, and people are looking around for who to blame. And there are a lot of people who blame the big oil companies. They're gouging us.

There are a lot of people who blame the OPEC countries, and many of them are here; because they say they're holding back on oil to drive the prices up. Probably neither one of those things are true. There is pretty good evidence that OPEC is pumping oil about as fast as it can pump oil.

Russia, not a part of OPEC, but a big producer, noted several weeks ago that they had reached their maximum oil production.

Saudi Arabia, just last week admitted to maximizing out on oil production. They're trying to bring a new field on-line, the Kuras field. It's a very technical field. It may get 1.2 million barrels a day. That's a lot. But they may get nothing. They've spent billions of dollars drilling wells. They're going to have to flood the field with seawater under pressure because that oil is so tightly held in the rocks that it won't flow. And if they do is just right they can get the oil to flow in large amounts, and they may get for quite a number of years, 1.2 million barrels a day. But that's kind of iffy.

But even if they get that and get it on-line, it will barely maintain their present oil production. It will not increase their oil production.

The next chart speaks again to this geopolitical situation. This is the chart which shows who is buying oil where in the world. And you see these symbols for Russia. Here they tried to buy UniCal in our country. They have bought a lot of the production from Canada, South America, the Middle East, Northern Africa. You see their symbol all over the map.

Why are they buying oil? Today it doesn't make any difference who owns the oil. The person who comes, the country, the company that comes with the dollars buys the oil. It doesn't make a bit of difference.

We own only 2 percent of the oil in the world, and we use 25 percent of the oil in the world because we come with our dollars and we buy the oil from those who have it for sale.

So why would China be buying oil? You can't get inside their head, but you can make some prognostications from what you see. You go to China, by the way, and they talk about post-oil. There will be a post-oil world. It's not forever. It is finite. It will run out. And China is talking about post-oil.

But while we still have some oil, they have a policy, a 5-point plan, and everybody knows it over there, all of their leaders know it, not just the people in energy and oil and coal know it. Everybody over there talked to us about the 5-point plan.

Number 1 is conservation. That's where whatever country, and this is where it's got to begin. We have now run out of time. We have run out of excess energy. We can buy some time and free up some energy if we have an aggressive program in conservation.

Number 2 and Number 3 were alternatives, and as many of those as you can from your own country.

Number 4 may surprise you. Be kind to the environment. They know they're awful polluters, but they have 900 million people in rural areas that, through the miracle of communications, know the benefits of industrialization. And I think they see their empire unraveling the way the Soviet empire unraveled if they cannot meet the demands of these people.

So why are they buying all the oil? At the same time they're buying this, oh by the way, they're not just buying oil; they're buying good will. Would you like a soccer stadium? Is it hospitals you need, roads? So in addition to buying the oil they're buying goodwill.

At the same time that they're doing this, they are aggressively building a blue water navy. They launched many times, I don't know the exact number, maybe 10, submarines last year. We launched one.

Now, their submarines aren't ours yet, but I would note that they are graduating six times as many engineers as we graduate, and about half of our engineers are Chinese students.

I was stunned the other day when I learned that in our patent office more than 60 percent of the applications for a new patent come from Asia.

They are very aggressively building a blue water navy. Might the day come that they would say well, gee, I'm sorry, guys, but we have 1.3 billion people, the oil is ours and we can't share it.

Today there's no alternative, the way the marketplace works but that you're going to share your oil.

The next chart, and I've already mentioned some of these numbers. We have only 2 percent of the world's reserves of oil. By the way, these numbers encouraged 30 of our prominent leaders, Jim Woolsey and McFarland and Boyden Gray and 27 others, several retired 4-Star admirals and generals to write a letter to the President saying, Mr. President, the fact that we have only 2 percent of the world's reserves of oil, and we use 25 percent of the world's oil and import almost two-thirds of what we use is really a totally unacceptable national security risk.

□ 2000

We've got to do something about that. That little 2 percent we have, by the way, from that we produce 8 percent of the world's oil. So we're good at pumping oil.

As I mentioned earlier, we have drilled more oil wells than all the rest of the world put together. So it is not surprising that we're pumping down our oil reserves four times faster than the rest of the world. We have a bit less than 5 percent than the world's population, and we use 25 percent of the worlds' oil.

I'm going to next look at some of the things that I personally have been doing and some of the things that Congress has been doing, and then I am going to recognize my very good friend, ZACH WAMP from Tennessee, who has come with us to share some of this time with us.

Mr. WAMP. I thank the gentleman for yielding, and I want to thank Mr. BARTLETT for this lesson. I should say Dr. BARTLETT. It is rare that a person has been in Congress for as long as you have. I first met you, Congressman BARTLETT, when you and I were running for Congress in the 1992 cycle. I did not prevail, and you did, so you got a 2-year jump on me here.

And I've been here on the floor in the past when we talked about this challenge, and my only regret tonight is that all of the Members of the House were not here to hear again your comprehensive explanation of some of these problems and the solutions and the realities, and that everyone in our country could not understand as well as you understand the realities of what we are seeing today.

I want to begin elementally by saying that the nexus between energy and national security and our environment is the most important policy challenge of our time. And all of the conflicts of the world have some relation to those three challenges. There's obviously religious undertones and whatnot, but those have been around forever. These challenges now all kind of collide. That's this nexus that I am talking about.

On the national security front, you mentioned Thomas Friedman's column, and there is one quote in it that I wanted to point out where he says, "'There are 23 countries in the world that derive at least 60 percent of their exports from oil and gas and not a single one is a real democracy. Russia, Venezuela, Iran, and Nigeria are the poster children' for this trend where leaders grab the oil tap to ensconce themselves in power."

That makes this peak oil challenge a critical national security problem for the United States of America.

When I talk about the environment, one of the most important issues now as we face the next Congress and the next administration after this fall's election will be the American response to this global warming challenge. And I would argue this: We can't deny the problem. We can't bury our head in the sand from the problem. We should not ignore it, but we better be very careful that we don't over-regulate our free society as we respond to it.

The world needs to see us proactively addressing this problem, but I would say the best way we can do it is deploy the technologies, use the innovation, parlay and capitalize on our free-enterprise system to solve these problems for the world, much in the same way that the information revolution in the last 30 years in this country was led by the United States of America and the likes of Microsoft; and in doing so, a robust U.S. economy erupted that led to a balanced budget in this modern era that was unprecedented where revenues actually surpassed expenses.

So we see energy and the environment and national security all come together.

Now, earlier tonight I talked about an all-of-the-above approach that I promote that we should promote because the capacity needs, both from transportation and fuels and electricity are so great, even today but even more so in the future, the capacity needs are so great with this demand that we have to not, in my view, leave anything off the table but have an all-of-the-above solution.

But I want to zero in, because you have rightly talked about these issues of conservation, efficiency, new technologies, renewables; and I want to highlight a few because I said earlier tonight on the floor, I'm a conservative. I think conservatives should promote conservation. That's a logical thing to say and to do. And that should be first and foremost, and it is not wimpish, as I said earlier, for us to promote conservation. It's smart. It reduces demand and lowers price. That's what we have to see. And it should be led by the top, and it should be a grassroots call for us to be as efficient as possible in all aspects of our life, frankly.

We have sat on the couch for a generation knowing these problems existed, and we haven't acted, and there's plenty of blame to go around. I don't want to come to the floor and blame everybody. There's a lot of that that goes on. Frankly, that's one reason people tune out Washington so much is there's too much of a blame game going on here. American people want these problems solved, but I really believe we should look at these incredible technologies that we have.

So let's talk a little bit about transportation because there's a Farm Bill coming. There's a lot of talk about alternative fuels.

I believe in the south that cellulosic ethanol will be part of the solution, but it's a bridge, in my view. Even at best, it's a bridge to the future. It's not the permanent solution. The fuel mix could certainly be improved, and cellulosic ethanol doesn't destroy our agriculture and our food capabilities and pricing like corn-based ethanol does, so that obviously has been a net loser for the environment; it has been a net loser for agriculture; it has been a net loser economically in some ways.

But cellulosic ethanol, say switchgrass that you don't eat, it could actually be productive in creating an alternative fuel. But that's a bridge to the future because if you ask the automotive industry leaders, they will tell you that in a couple of years, the price points on plug-in hybrids will be such that Toyota and General Motors in 2010 will have a cost-competitive plug-in hybrid.

So the vehicles of the future are going to run probably for a while on some form of electricity, some kind of a battery, an ion lithium battery. The technologies are developing very quickly. Imagine plugging your car in in your garage overnight and having it charged where you can take it 400 miles before recharging it and getting an equivalent horsepower of 260 to 280 horsepower. People would be excited about that if they could afford it. Right now the price point on a hydrogen fuel cell car is not cost effective. It's a couple hundred thousand dollars at best, which obviously is not ready for the marketplace. That may be 15 to 25 years from now.

And there is a silver lining in the cloud. You talked, Dr. BARTLETT, about the silver lining during the Carter years, that it caused us to blunt the sharp increase in consumption. The silver lining today with these price points is that technologies are rapidly being deployed because the marketplace knows there's opportunity there.

And we were with the President of the United States yesterday discussing this, and he talked about that specifically that you're seeing the most rapid movement towards alternative transportation systems and technologies that we've seen in the modern era because people cannot afford gasoline today, and therefore, alternatives will hit the marketplace faster. And surely we could have done better in the past, but we've got to find these solutions so we're going to have some kind of electricity.

Now that brings all of the energy problems together when you're talking about electric cars because two-thirds of the oil consumption's in the transportation sector, and we've got some capacity problems in the electricity sector, and we are not bringing on nuclear plants at anywhere near the rate of European countries because we're still caught in this Three Mile Island time warp of safety and security. And the waste stream is such here that you can't permit a place to bury it, like Yucca Mountain, in a timely manner.

So we need to look at the proposition that they do in France of recycling the spent fuel back into energy. Reprocessing spent fuel. It's a closed-fuel cycle. We can do that. We should look at that. And we should bring nuclear up.

But I want to throw a new technology into the electricity production which could very well help us on transportation as we move towards battery-powered cars if they're cost effective. See, I believe the market will determine which ones come first and which one consumers will buy and which ones hit the price points quickest, and that's where people, I think, will buy.

So I think if electric cars or the plug-in hybrid is the first one there at $25,000, $35,000 for a new car, that's where consumers will go. But where is the electricity going to come from if we do this? We don't have the capacity right now to meet today's demand based on commerce and industry, let alone new transportation systems that need electricity.

And we are the most abundant source of coal. We're the Saudi Arabia of coal for the world. But we have got to, if we're going to take this leadership position on climate change and not bury our head in the sand, we've got to have clean coal technology, we've got to have carbon capture. We've got to invest there. We've got to still use coal, but it's also a finite resource, which you have identified.

Let me tell you about a new technology that's really got potential. It comes out of the Silicon Valley and the Tennessee Valley, interestingly enough, where I live. We're in a partnership with them. We have built a stationary solid oxide fuel cell system. It looks like the HVAC unit in your home. We now have a 100 kilowatt system, meaning it generates 100 kilowatts of electricity, and it runs off of one feedstock going in but no transmission system. So unlike the electricity that comes to your house, it is not connected on a grid somewhere to a power source. It's a standalone system for electricity production, but you do have to have a feedstock going in.

But this unit runs off of the feedstock as natural gas, can run off ethanol, it can run off of solar, it can run off of a variety of renewable sources; but it has to have a feedstock as you know—are you a physicist?

Mr. BARTLETT of Maryland. Physiologist.

Mr. WAMP. Physiologist. As you know it has to have a feedstock, but it has tremendous potential.

And just recently here in the House, I have promoted, and much to his credit, Dan Beard, the chief operating officer of the House, has been and viewed these systems as has the chairwoman of the Legislative Branch Appropriations Subcommittee, DEBBIE WASSERMAN SCHULTZ, been in consultation with us about the notion that in just a couple of years, we could take an entire House office building in Washington, D.C. and take it off of the fossil-fired powerhouse here on Capitol Hill, take it off of that coal powerhouse and put it on a solid oxide stationary fuel cell to demonstrate to the country that emissionless, completely emissionless, not nuclear, but through a new technology called a stationary solid oxide fuel cell, you could completely power and cool and heat and cool the water in a huge House office building or a 100,000 square foot commercial center with this new technology. Tremendous.

You would think every utility in the country would be interested in that because there is no transmission grid. It makes us more terrorist-proof because you can't shut down the transmission grid because everybody's got their own electricity source. And if transportation is moving towards electricity, it has tremendous potential.

I would just say that your energy efficiency, renewable energy, conservation programs should be at the forefront followed by a real understanding that we have capacity needs in this country. I, too, was in China in January. I have a great concern because what I heard and saw in China about their attitudes towards the environment is that this is indeed their industrial revolution and they're entitled to it.

The problem with them having an industrial revolution in 2008 is they're almost one-fourth of the world's population, and if they have an industrial revolution without environmental responsibility at the same time the rest of the world is being called on to reduce carbon and their carbon footprint, it's a regulatory burden to the industrialized world and it lets these developing nations, including China, off without those regulations.

That levelizes the world at our expense. That's a dangerous notion.

So back to the nexus. This is critical. You're taking excellent leadership. I want to thank you for that, and I want to thank you for the time tonight.

Mr. BARTLETT of Maryland. Thank you very much for your observations.

We're doing a number of things in the Congress. It would have been a whole lot better if we were doing them 25, 28 years ago, by the way, because what we're doing in the Congress will not be adequate to meet the challenge. But it's a start. It's what we can do.

I have a book here that came across my desk: "A Very Unpleasant Truth . . . Peak Oil Production and Its Global Consequences" by two very credentialed authors, both Ph.Ds from one of our large oil companies. And they say in this book, The first and most important thing that needs to be done is to educate and convince the public that a problem even exists; and that's what I have been trying to do for more than 3 years now. The public must accept, they say, that the current system based on cheap oil is not sustainable and cannot be kept intact regardless of what politicians promise.

□ 2015

Let me mention quickly four things that I'm personally involved with and personally doing.

We have a new bill just introduced last evening. It is a companion bill to S. 2821 that has enormous support that I will mention very briefly. Our bill is H.R. 5984.

In one of his columns last week, New York Times' Thomas Friedman decried the stalemate that has so far prevented the extension of renewable energy tax credits that would otherwise expire this year. I noted that in some opening comments this evening, and this was one of the things that inspired us to pick up this Senate bill and to file it in the House.

This bill does several things: Extension and modification of the renewable energy production tax credit; extension and modification of the solar energy and fuel cell investment tax credit; clean renewable energy bonds; extension of the special rule to implement FERC restructuring policy; extension and modification of the credit for energy efficiency improvements to existing homes; extension of the tax credit for energy efficient new homes; extension of the energy efficient commercial buildings deduction; modification and extension of the energy efficient appliance credit.

So it's a broad-based bill. It has passed the Senate by 88–8. It has 43 cosponsors in the Senate. We have 35 original cosponsors in the House and two more have been added to that today.

This bill has gotten a lot of support from the community out there. The Christian Science Monitor has an article on it supporting the bill. "Big Oil's Friends in the Senate" is an editorial by New York Times on this subject, and here I have a list and I want to just mention a few of those because it's so important. It notes how broad the support is for this bill.

Here are letters from the National Association of Manufacturers, the United States Chamber of Commerce, the Retail Industry Leaders Association. And then I have here a letter signed by more than three pages of double column organizations, more than three pages, double column, and let me just mention a few of them.

American Council on Renewable Energy, Alliance to Save Energy, Alternative Fuels Renewable Energies Council, American Council for an Energy Efficient Economy, American Solar Energy Society, American Wind Energy Association, the Audubon Society, Babcock and Brown, Bloom Energy, Business Council for Sustainable Energy, California Energy Commission, Center for Energy and Environmental Sustainability at James Madison University. Constellation Energy, well-known locally. They provide much electricity for the Baltimore area. The Dow Chemical Company, Duke Energy, Earthjustice, Edison Electric Institute.

And so you notice the broad, broad spectrum of support for this bill from a lot of those who are concerned about the environment and those who are concerned about the simple fact that we have got to have more energy.

Environmental Defense Fund, Exelon Corporation, GE Energy, Geothermal Energy Association. Greenpeace? The Home Depot, Honeywell, Idaho Rural Council, John Deere Renewables, JP Morgan, League of Conservation Voters, Lowe's Companies, Michigan Alliance of Cooperatives. National Association of Home Builders, a very conservative organization to which I belonged in another life. National Association of State Energy Officials, National Electrical Manufacturers Association.

I'm reading, by the way, about one-tenth of all of those who have signed on.

National Wildlife Federation, Natural Resources Defense Council, Northeast Public Power Association.

Oh, my, more pages, one-and-a-half more pages. I won't bother reading those, but it's the same kinds of broad, broad spectrum.

Like Suntech, I'll mention Suntech, second largest solar cell manufacturing company in the world. Six years ago it didn't exist. I was privileged to have lunch with the young Chinese man who started it just 6 years ago, and now, it's number two in all of the world.

Another thing that I am doing personally, we are having a SMART Green Showcase in conjunction with the SMART Organization. This will be on July 18 in Frederick, Maryland, and we're going to showcase there a number of smart energy solutions for many of the problems that homeowners and small businesses have. It has its own Web site, www.smartgreenconference.com. So you can find more information on it there.

I have a bill, the Self-Powered Farm Energy Bill. We're going to give a prize to the first farm that can demonstrate that they're capable of independence from off-site sources of energy, fuel, and raw materials; a community resource for food and energy. They will have food and energy left over to provide for the community or raw materials for food. It minimizes or eliminates ongoing operating expenditures to off-site entities for fossil fuel-derived energy; employs sustainable farming practices for long-term soil fertility; and produces at least two times as much energy, including fuel or raw materials for fuel, as it consumes.

Now, if we can't do this, we're in trouble. If our farms can't be energy independent, and I think they can, and we have a prize for that farm that will get there first.

The next chart speaks to the fourth thing that I'm personally involved in. This is the DRIVE Act. The Dependence Reduction through Innovation in Vehicles and Energy is what DRIVE stands for. The purpose of the bill is to achieve liquid fuel independence through alternative energy sources. Some of the key points include incentives for the auto industry to produce flexible fuel, hybrid and electric vehicles; the conversion of gas stations to fuel stations, where consumers can plug into an electric car to fill up on ethanol; as well as tax credits for Americans who buy flexible fuel cars.

It costs so little, maybe less than $100 to build a flex-fuel car. Every car in Brazil is flex-fuel. They could be, I think should be in our country, and we have a bill, H.R. 670, on flex-fuel vehicles, incenting the industry to move to flex-fuel vehicles. When we have the new fuels we'll be ready for it. If we haven't done that, there will only be a small percentage of the cars that could use the new fuels.

In addition to these things, I'm working with my colleague, Democratic Congressman MARK UDALL from Colorado, to distribute a new report about green collar jobs from energy efficiency and renewable energy technology. This industry is small but it is really growing. The report is called Renewable Energy and Energy Efficiency: Economic Drivers for the 21st Century. It's available for free. You can download it at www.ases.org.

Solar power grew worldwide by an average of 18 percent between 1980 and 2000. It's accelerated dramatically in recent years, growing by close to 50 percent annually since 2002. In spite of that dramatic growth, it still produces a tiny, tiny percentage of our electricity. That's because we get electricity production in huge, huge amounts, primarily from coal, 50 percent in our country, and from nuclear power and hydro power. Those are the three largest sources of energy for coal.

From a significantly larger base, wind power has also been growing rapidly. U.S. wind power capacity surged 45 percent in 2007. So lots of new jobs are being created. We need to create more.

I want to spend the remaining time, and it won't be very long, looking at the alternatives that we have and what reasonable expectations should be. And I need to come back, and we'll spend a full hour just looking at reasonable expectations.

I'd like to point to two expectations that did not turn out to be reasonable. It kind of represented the irrational exuberance that Alan Greenspan spoke about in the market.

The first of these was hydrogen, not hydrogen from renewables as the chart indicates here but hydrogen from any source. Remember, we were going to have a hydrogen economy? The President mentioned this in his State of the Union. I think we spent $1.5 billion on it. You don't hear anybody talk about hydrogen today, and that's because I think we've finally figured out that hydrogen is not an energy source. It is simply a way to carry energy from one place to another place.

There is no hydrogen out there free for the having. You have got to produce it by using more energy than you will get out of hydrogen. That is the immutable second law of thermodynamics. If you can repeal that law, you can repeal the law of gravity, and then we have a whole different world, don't we? So hydrogen is rarely, rarely mentioned now because that bubble broke.

Another bubble that broke very recently was the corn ethanol bubble. High, high hopes were held out for corn ethanol, very unrealistic expectations. I did some computations with Dr. John Darnell, the most broadly knowledgeable scientist that I know and I'm privileged to have on my staff. We did some back-of-the-envelope computations several years ago and convinced ourselves that ethanol from corn could never make any meaningful contribution to freeing us from our need for oil.

The National Academy of Sciences has now said that if we use all of our corn for ethanol, every bit of it, and discounted it for fossil fuel input, which is huge, at least 80 percent—and you're just kidding yourself if you're burning fossil fuel in another form and pretending that you're displacing gasoline. If we used all of our corn for ethanol, discounted it for fossil fuel input, it would displace 2.4 percent of our gasoline. They noted that if you tuned up your car and put air in the tires you could save as much gas.

Well, now there's a backlash over corn ethanol. A U.N. official said that what we had done was a crime against humanity. There are other factors involved. One of the major ones is the very high cost of oil as energy, but certainly, our diversion of corn to ethanol is one of the factors that has increased the cost of food around the world. And I was shocked at how quickly these food shortages developed, and just a couple of weeks ago, you remember reading about food riots in a number of the countries in the world.

There is a new bubble that I think will break, and that is the cellulosic ethanol bubble. We will get something from cellulosic ethanol.

Oh, the National Academy of Sciences has also looked at soybeans for soy diesel, and they said that if we use all of our soybeans for soy diesel, no soybean oil for our cooking, no soy protein for feeding our cattle and so forth, if we use it all for soy diesel, it would displace 2.9 percent of our diesel.

Now, I'm going to make an observation, just an intuitive observation, the kind of thing that I think a rational person might conclude. We grow our corn and our soybeans on our best land. It's level, it's fertile. We dump all sorts of fertilizers and herbicides and insecticides on it to nurse out these huge, huge yields of corn, 250-bushels per acre.

Now, we are going to get this cellulosic ethanol from our wasteland. It's not good for growing corn or soybeans or wheat or any of these things. And just intuitively, I wonder how much more energy we could get from our wasteland, which isn't good for growing any of these crops, and we're going to get it without fertilizer, how much energy can we get from that sustainably? Well, we can get a lot the first year and the second year by simply going in and in effect raping the soil, taking off all the organic material.

But to at least some measure and in some soils to a very large measure, this year's weeds and grasses grow because last year's weeds and grasses died and are fertilizing them. It's a recycling of the nutrients that is really, really apparent in a tropical rain forest. If you take the tropical rain forest vegetation away in many places, you leave what's called laterite soils which grow very little because all of the nutrients were in circulation, in growth, death, decay, rebirth and growing again. It's all recycling.

So we're going to get some energy from cellulosic ethanol, but it is not a silver bullet. It will not solve our problem.

Here I have a look at all of the different places from which we might get energy, and I'm going to put the last chart up now because our time is just about out. I want to come back and I want to spend the full hour talking about realistic expectations from tar sands, more potential oil than all the oil in the world. Oil shales, again, in our country, more potential oil than all of the oil deposits in the world.

□ 2030

How much can we realistically expect to get from them? I'll make a very quick observation. We are very much like the young couple that has gotten a big inheritance from their grandparents and they're living lavishly. Eighty-five percent of the money they spend comes from their grandparents' inheritance and only 15 percent from what they earn. And it's going to run out before they die, so obviously they've got to do something, they've got to earn more or spend less.

That's precisely where we are. Eighty-five percent of all of the energy we use comes from fossil fuels. It will run out. It is not forever. And so this 15 percent is going to have to grow. And about half of that is nuclear, the rest of it is a broad spectrum of potential renewables here. That's going to have to grow.

By the way, I think that this is an enormously exciting challenge. I am excited about this. America is the most creative, innovative society in the world. With proper understanding and proper leadership, we really can do miracles. We put a man on the moon in less than a decade.

I think we need a program that has a total commitment of World War II. I lived through that war, I know what it was. Daylight savings time, victory guard, nobody told you you had to do it, that's just what you did because you were a patriotic American.

We need the technology focus of putting a man on the moon—and many of us remember that exciting decade—and we need the urgency of the Manhattan Project. I think once again America has become a major manufacturing and exporting country, manufacturing and exporting to the rest of the world the technologies for sustainable renewables.

Mr. Speaker, I think this is a challenging opportunity, but it will not be easy. And we have very unrealistic expectations about what we can get from many of these things. Two of the bubbles have already broken. I will predict the next bubble that will break is the cellulosic ethanol bubble. We will get something from that; it will not be the huge amounts that people expect that we will get from that. So I look forward to coming back and talking for another hour about realistic expectations: What can we realistically get from these renewable sources?

WORLD PRESS FREEDOM DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes.

Mr. SCHIFF. Mr. Speaker, last Saturday, May 3, was World Press Freedom Day. Two years ago, in conjunction with World Press Freedom Day, Congressman MIKE PENCE, Senator CHRIS DODD, Senator DICK LUGAR and I established the Congressional Caucus for Freedom of the Press. Since then, this bipartisan, bicameral caucus has sought to highlight the importance of free expression around the world. The caucus is a forum where Members of Congress can work to combat and condemn media censorship and the persecution of journalists worldwide.

Our caucus works to send a strong message that Congress will defend democratic values and human rights wherever they're threatened. We work to highlight abuses of press freedom and foster reforms in support of press freedom around the world. We have hosted panel discussions with press freedom experts, journalists and victims of press freedom crimes. We have written to the leaders of countries which jail journalists, impose censorship, and allow harassment, attacks and threats to occur with impunity. And we've spoken out here on the House floor and in the media to call for reforms in countries that seek to censor freedom of speech and expression.

The caucus enjoys the support of a wide range of organizations, including Reporters Without Borders, Freedom House, the Committee to Protect Journalists, the National Endowment for Democracy's Center for International Media Assistance, as well as the legendary Walter Cronkite.

World Press Freedom Day was first designated by the United Nations Educational, Scientific and Cultural Organization in 1993 as an occasion to pay tribute to repressed journalists and to reflect upon the role of the media in general in advancing fundamental human rights as codified in international law, regional conventions, and national constitutions. In keeping with that tradition, we have hosted a Special Order hour in honor of World Press Freedom Day each year since the inception of the caucus.

The Universal Declaration of Human Rights, which is a foundation of the postwar human rights movement, guarantees freedom of expression in article 19. "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of any frontiers." It may not be as elegant as our first amendment, but its effect and its desire and goal are the same.

For Americans, this day should spur us to consider the role that journalists play in our society and to ponder what our Nation would be like if this cornerstone of liberty were to be curtailed. Many Americans take the concept of a free press for granted and don't realize that an unfettered press is vital to America's national security and to our democracy here at home.

Freedom of the press is so central to our democracy that the Framers enshrined it in the very first amendment to our Constitution. Thomas Jefferson so valued the principle of press freedom that he said, given the choice between a free government or a free press, he would choose a free press. He said, "The basis of our governments being the opinion of the people, the very first object should be to keep that right; and were it left to me to decide whether we should have a government without newspapers or newspaper without a government, I should not hesitate a moment to prefer the latter."

Journalists have jealously guarded their rights and American courts have, in the main, carved out broad protections for the press. In the United States, the press operates almost as a fourth branch of government, the Fourth Estate, independent of the other three, and positioned as an agent of the free people.

Winston Churchill agreed with the idea that a free press was almost another independent branch of government saying, "A free press is the unsleeping guardian of every other right that free men prize; it is the most dangerous foe of tyranny. Under dictatorship the press is bound to languish, and the loudspeaker and the film to become more important. But where free institutions are indigenous to the soil and men have the habit of liberty, the press will continue to be the Fourth Estate, the vigilant guardian of the rights of the ordinary citizen."

From the pioneering work of journalists during the Civil War, to the "muckrakers" who were committed to exposing the social, economic and political ills of industrial life in the early 20th century, to the work of the Washington Post reporters Bob Woodward and Carl Bernstein in uncovering the Watergate scandal a year later, journalists have performed a crucial role as watchdogs of American freedom.

But in order for the press to do its work properly, it must be free, and journalists must be able to do their work without fear of retribution. Information is power, which is precisely why many governments attempt to control the press to suppress opposition and preempt dissent.

Far too often, the reporters and editors who demand reform, accountability and greater transparency find themselves at risk. The censorship, intimidation, imprisonment, and murder of these journalists are not only crimes against these individuals, they also impact those who are denied access to their ideas and information.

Freedom of expression and a free press is not just a cornerstone of democracy, it has also proven to play an important role in economic and social development. James Wolfensohn, former President of the World Bank, has long argued that "a free press is not a luxury, it is at the core of equitable development."

The media exposes corruption, helps build a public consensus to bring about change, and facilitates the transmission of innovative ideas and valuable information that empowers people to share and shape their own destinies. There is an emerging consensus among development institutions that a skilled and a viable media sector is a society's most promising tool for motivating government reform and poverty reduction.

Regrettably, censorship, intimidation, imprisonment, and even murder of journalists are far too common in countries all around the world. The map to my right provides a visual representation of press freedom rights by country. This map was provided by Freedom House, which releases an annual index called Freedom of the Press: A Global Survey of Media Independence. The countries that are highlighted in green are listed as having a "free" press. The countries in yellow represent countries that are "partly free." And the countries colored purple are countries they describe as "not free" in terms of press freedom rights. And as you can see, in addition to problems here, we have vast expanses in Africa, in Asia, in the Middle East, and in South Asia.

To break it down a little more, when taking population into account, 42 percent of the world's people live in countries that have a press that is "not free." Forty percent of the world's population live in countries that have only a "partly free" press. That is exhibited here in yellow. And in green we see that only 18 percent of the world's citizens enjoy a "free press." Quite remarkable; 18 percent "free," 42 percent "not free," and the additional 40 percent only "partly free."

More than 80 percent of the world's people, therefore, are denied full access to information. This is not for economic reasons, as you might expect, such as printing costs, lack of Internet connections or illiteracy, all of which are problems in their own right. Eighty-two percent of the world's population, 82 percent of the world is being denied access to information because their governments don't want them to have that access.

It's also important to note that even as the world continues to globalize, tragically press freedom continues to slip. This was the sixth consecutive year that Freedom House's index showed a reduction in global press freedom, a worrisome trend.

As I mentioned, this is the third Special Order hour we have held in recognition of World Press Freedom Day. The first year we launched our caucus, we outlined the intention of our caucus and press freedom abuses around the entire world. Last year, we decided that each year we would focus on a particular hot spot and highlight a single country where press freedom rights are particularly limited.

Last year, we focused on Russia. We profiled 18 journalists murdered in Russia during the administration of outgoing President Vladimir Putin. All of these journalists were believed to be killed due to their work. Most of these murders remain unsolved to this day.

Tonight, I will focus on the lack of press freedom in China leading up to the 2008 Summer Olympic games in Beijing this August. I have chosen to highlight press freedom in China for a number of reasons, including its failure to implement promised press freedom reforms before the Olympics, its incarceration of more journalists than any other country, its lack of independent media, and its censorship of the Internet, all of which I will be discussing tonight.

As the world's most populous country, China denies more citizens access to a free press than any other country. It is also tied for 181st place out of 195 countries in press freedom rights in Freedom House's survey. To give you a bit of perspective, China ranks between Syria and Iran in the survey. And Russia, which as I just mentioned lost 18 journalists, murdered journalists, during one president's administration, that country is ranked ahead of China on the survey.

As I speak here tonight, the Chinese Government limits more than 1 billion people's access to an open Internet and an independent media, despite the fact that article 35 of the Chinese Constitution guarantees freedom of speech, assembly, association and publication. Unfortunately, other articles in its Constitution subordinate these rights to what is called the "national interest." This allows the ruling communist party to maintain direct control over the news media through the Central Propaganda Department, the CPD.

The Chinese Government has even proposed fines for domestic and foreign news organizations that report "sudden events," such as protests, disease outbreaks, or national disasters without government authorization. Some of these are public health emergencies, epidemics that the Chinese government wants to have the ability to hide. These are just a few of the examples that I've chosen to highlight China tonight.

China is an enormously important country. China has emerged in a big way on the world stage. And China is a country of immense promise. It is important both to the Chinese Government and to the Chinese people, as well as to the rest of the world, that we help to promote press freedom in our largest neighbor in the world, and one that will take a position of increasing importance in the years to come.

☐ 2045

Before I continue, I want to thank all the press freedom advocacy organizations that helped provide this information for tonight's discussion: The Committee to Protect Journalists, Reporters Without Borders, the National Endowment For Democracy, and Freedom House have all been chronicling press freedom abuses in China, and much of what I will share with you tonight is a product of these groups' research, investigation, and reporting. I want to thank them not just for their efforts in helping us here tonight but, more importantly, for all of their work to defend journalists and journalism around the world. And I also want to take a moment to thank Sean Oblack of my staff for all of his effort and leadership in helping to put this caucus together and the presentation tonight.

During the Olympic bidding process, as international opposition grew to rewarding the Olympics to China, the Chinese Government promised to strengthen human rights in China. This included a commitment to press freedom. In the days leading up to the Olympic vote, Wang Wei, Secretary General of the Beijing Olympic Bidding Committee, said, "We will give the media complete freedom to report when they come to China."

Regrettably, though, China has not delivered "complete freedom" to its own reporters. In September, 2007 Teng Biao and Hu Jia, two of China's most celebrated human rights activists, in an open letter to the international community, detailed China's failure to live up to its Olympic commitments, including press freedom. Teng and Hu wrote:

"As of this writing, 35 Chinese journalists and 51 writers are still in prison. Over 90 percent were arrested or tried after Bejing's successful bid for the Olympics in July of 2001. For example, Dr. Xu Zerong, a scholar from Oxford University who researched the Korean War, was sentenced to 13 years' imprisonment for 'illegally providing information abroad.' Qingshuijun, Huang Jinqiu, a freelance writer, was sentenced to a 12-year term of imprisonment for his online publications.

Some writers and dissidents are prohibited from going abroad; others from returning to China."

Due to this letter, due to this letter, Hu Jia now sits in jail. I will be profiling his case later in the hour.

Human Rights Watch reports that Chinese journalists remain closely observed by state security agencies to ensure that their reporting reflects the official government position. The government's Publicity Department heavily influences the weekly editorial content for print, radio, and television platforms by preventing the reporting of sensitive topics that fall under the vague metric of issues affecting "social stability." Journalists that stray from the government line, as Teng and Hu noted, face imprisonment, travel restrictions, or are effectively deported.

Foreign correspondents do not experience "complete freedom" either when reporting in China. On January 1, 2007, the Chinese Government introduced a temporary measure that was intended to increase foreign reporters' freedom in China before, during, and after the Olympic games. This measure was set to expire in October, 2008. While some foreign correspondents have experienced increased journalistic freedom since the measure went into effect, most have not.

A Foreign Correspondents Club in China's survey showed that 40 percent of foreign correspondents have experienced harassment, detention, or an official warning during the news gathering in Beijing and other areas.

One foreign reporter in China that Human Rights Watch interviewed experienced harassment and had difficulty renewing her work visa after covering political dissidents and the highly publicized murder of Chinese journalist Lan Chengzhang. She told Human Rights Watch, "I know the stories we have done have angered the Chinese Government, and my visa renewal problems began after," after those reports.

Other foreign correspondents have been detained for legal reporting activities. The New York Times Shanghai-based correspondent David Barboza, his Chinese assistant, and a photographer were detained for more than 10 hours by staff at a factory in Guangdong province while doing a story about toxic lead paint discovered in the factory's exports to the United States. Barboza was eventually let go after writing a statement explaining the reason for his factory visit and stating that he hadn't obtained permission to take the photographs.

At particular risk are the assistants and sources of foreign reporters as they're helping on stories that domestic reporters cannot cover. One local assistant of a foreign press correspondent was told by security agents that it was his responsibility to notify the agents if the reporter was uncovering anything sensitive and warned him and his family of possible legal action if he did not. Sipa Press photographer Natalie Behring described to Human Rights Watch the obstacles foreign reporters face in finding a cooperative source: "In light of the new rules, the Chinese Government can't stop us from talking to anyone; so they intimidate the subjects of our reporting rather than intimidating the reporters."

In the fall of last year, I, along with my Congressional Caucus For Freedom of the Press co-Chair MIKE PENCE, wrote a letter to Liu Qin, president of the Beijing Organizing Committee of the Olympic games, expressing our deep disappointment in the government's failure to live up to the promises that it made before the Olympic vote in 2001. The letter expressed our frustration that Chinese journalists face imprisonment for reporting stories unfavorable to the state, are forced to toe the government line, and the ever-increasing restrictions on accessible material on the Internet.

In the past the Olympic games have helped establish freedoms in countries struggling to emerge from authoritarian rule. Most notably, the 1988 summer Olympics in Seoul, Korea played a critical role in helping to bring democracy to that country. It's my hope that China begins to live up to its promise of complete freedom for journalists, that it will cease the harassment and imprisonment of journalists, and allow the Chinese people to experience the full communicative and economic powers of the Internet and that the games will usher in a newer, freer era in Chinese public life.

I'm now going to spend a few minutes talking about one of the extreme measures that governments take to censor the media, and that is arrest and detention. Unfortunately, it's become commonplace for some governments to silence journalists simply by jailing them. And, regrettably, there is no bigger offender in this regard than China. And, again, this is one of the main reasons we have chosen to highlight China here tonight.

Before I discus China's imprisonment of journalists, I would like to give a brief overview of this problem around the world. And in fairness and in completeness, while we are focusing on China because of the magnitude of the problem there and because of the promises that were made in advance of the Olympics, it's important to recognize this is by no means a problem confined to China. Tragically, as we've seen in the diagrams we had up earlier, press freedom is very limited in many places around the world and under great assault in many places around the world. So China is not unique in this respect. It is unique in its size. It's unique in some of the technological instruments it has used to effectuate censorship in this era of Internet journalism, but it is not unique around the world for this problem.

According to the Committee to Protect Journalists, as of December 1, 2007, 127 journalists were in prison around the world as a consequence of their work. Of these more than 80 were being held by only five countries, however: China, Cuba, Eritrea, Azerbaijan, and Burma.

This statistic only includes journalists that the Committee to Protect Journalists can account for and that CPJ has confirmed are being jailed. It does not include another alarming category that the organization tracks, and that is journalists who have either disappeared or have been abducted by nonstate entities, including criminal groups and gangs, rebels, and militant groups.

CPJ's research has found that nearly 17 percent of journalists jailed worldwide in 2007 were held without any publicly disclosed charge. Many for months, some for years, and some in secret locations.

The majority of journalists being imprisoned are being held on spurious antistate allegations such as subversion or divulging state secrets or acting against some undefined national interests. CPJ has found out that about 57 percent of journalists in their survey are jailed under these charges, and of those many are being held, regrettably, by the Chinese Government.

These statistics demonstrate that China is not the only offender in this practice but clearly one of the worst. As we have stated, we have set aside this time tonight to highlight China. But while we are on the subject of jailing journalists nationwide, I would like to take a brief moment to discuss one particular case in Eritrea that was brought to my attention by a constituent of mine who works with Amnesty International Group 22 in Pasadena.

Eritrea is a country of only 4.6 million people; yet it imprisons the third-most journalists of any country: 14. What's worse, the Government of Eritrea will not even confirm whether the journalists in its custody are alive or dead, and it also holds the most journalists in secret locations.

One such journalist being held in a secret location in Eritrea is Seyoum Tsehaye, a freelance reporter. His arrest and jailing was believed to be part of the government's crackdown to eliminate political dissent ahead of elections scheduled for December of 2001, which were later cancelled. He was arrested on the street in September of that year, the first day of a major round-up and imprisonment of reformers in Eritrea. There are concerns about his health, but the government has refused to provide details about his well-being. He has never been allowed a family visit or a lawyer. He has never been charged or appeared before any court. Last year Reporters

Without Borders honored him as their "2007 Journalist of the Year." And tonight we take a moment to think about Seyoum Tsehaye, freelance reporter in Eritrea, held in custody in a secret location since September of 2001.

So it's clear this is a problem not only associated with China. It is also clear there are more cases of imprisoned journalists around the world than we have time to discuss tonight or, for that matter, over the course of a great many nights.

It's important, though, to cast a spotlight tonight on China because of the significant role it plays on the international stage. It's one thing to talk about Eritrea and the role it plays; it's another to talk about one of the world's superpowers with all of its promise, with all of its future, and with a current policy extremely inhibiting of a free press.

In addition to hosting the summer's Olympic games, China's the world most populous nation, permanent member of the United Nations Security Council, and as I mentioned, an emerging superpower. Rightly or wrongly, many countries look to China to set an example that others can follow. In this case that is a great concern to the well-being of global citizenry.

As I mentioned here tonight, China promised the world community to improve press freedom in advance of the Olympics. For 9 years, however, it has held the distinction of being the world's largest jailer of journalists.

As the Internet continues to grow and more and more people around the world have access to the Internet, more people are getting their news online. Nowhere is this truer than in China. This is a fact that the Chinese Government has not overlooked. And that is why 18 of the 29 jailed journalists worked online, according to CPJ. Reporters Without Borders lists China as jailing an additional 50 "cyber-dissidents."

China's list includes imprisoned Internet journalist Shi Tao, an award-winning journalist who is serving a 10-year sentence for e-mailing details of a government propaganda directive to an overseas Web site. We'll talk more about Shi Tao later tonight.

But the list of China's unenviable distinctions when it comes to press freedom and the jailing of journalists includes one other significant fact: CPA lists China as having the longest-serving journalists in jail. Chen Renjie and Lin Youping were jailed in China in July, 1983, for publishing a pamphlet titled Ziyou Bao Freedom Report.

□ 2100

And their co-defendant, Chen Biling was executed. We will profile these journalists later tonight as well.

Journalists in China are also held in appalling conditions. Prison is never pleasant no matter what country you are in, but Reporters Without Borders reports that journalists in jail in China frequently experience the harshest of conditions. They are placed in overcrowded cells, subjected to forced labor and regularly beaten by their guards and fellow prisoners. This ill treatment is at its worst in the first weeks in custody when police try to extract confessions. Many of the charges weighed against journalists in China are trumped up. For Americans, these charges are pretty unimaginable. To give you some perspective on why some of the journalists are sitting in jail right now, I am going to briefly mention a few of their cases.

These cases are examples of journalists being jailed for what we in the West would consider responsible journalism. I wouldn't even get into some of the other journalism we see here, as well the rest of the world, but for laudable journalism, for journalism we would applaud in this country, these journalists are being jailed. Zhang Jianhong, for example, the former editor of the now closed news website Aegean Sea, was arrested in 2006 and charged with "inciting subversion" for posting an essay criticizing China's human rights record and the poor treatment of journalists, ironically ahead of the Olympic games.

Lawyer Yan Maodong, who also calls himself Guo Feixiong, and his picture is here as well in the upper right-hand corner, was arrested in September of 2006 because of his critical writings and human rights activism. He was officially accused of selling a book using a false publishing reference, but he says the book's content was what the government objected to. But imagine being jailed since September of 2006 on the charges of using a false publishing reference.

According to the New York Times, Guo had repeatedly called on China's Communist party leadership to liberalize the political system. His wife and supporters in the international human rights community have said that Guo has been tortured in custody and that the police coerced him to confess to a nonpolitical crime. He was sentenced to 5 years in prison in November of 2007 for "illegal commercial activity."

The New York Times has also reported that a Tibetan scholar, Dolma Kyab, Dolma's picture is here to my far right, has been jailed since 2005 after writing an unapproved history of Tibet. Reporters Without Borders reports that Dolma was sentenced to 10 years in prison at a secret trial on September 16, 2005, by the Lhasa People's Intermediate Court for "endangering state security" and for alleging spying. He managed to smuggle a letter out of prison in September 2005 to the U.N. Human Rights Commission saying he had been jailed for writing about democracy, freedom and the situation in Tibet.

Zheng Yichun is another illustration of the problem in China. He was sentenced to 7 years in prison followed by 3 years of deprivation of political rights for writing a series of editorials that directly criticized the Communist party and its control of the media.

Li Changqing, a journalist for the Fuzhou Daily, was sentenced to 3 years in prison for "spreading false and alarmist information" when he reported about a 2004 dengue fever outbreak.

In May 2006, Internet writer Yang Tongyan was sentenced to 12 years in prison for posting articles on overseas Web sites in which he simply called for the release of Chinese dissidents.

In July 2006, Li Yuanlong, a reporter for the Bijie Daily, was sentenced to 2 years in prison after he posted essays on foreign Web sites in which he discussed the harsh living conditions of peasants in the Guizhou province.

Yu Huafeng, I believe we have Yu's picture right here to my immediate right, was the deputy editor and general manager of the Nanfang Dushi Bao, Southern Metropolitan News. He was detained less than a month after the newspaper reported a suspected SARS case in Guangzhou, the first case since the epidemic died out in July 2003. Thankfully, Mr. Huafeng was released earlier this year when his sentence was reduced.

Zi Beijia, of Beijing TV, was sentenced by the Beijing Number 2 Intermediate Court to a year in prison for the unusual crime of "infringing on the reputation of a commodity." That is really quite remarkable. Zi's arrest came amid widespread international reports about food and product safety defects in China. After the arrest, CPJ research found that domestic news reports about consumer safety were noticeably tamer.

Imagine in this country if you could jail a journalist for infringing on the reputation of a commodity, for taking issue with the safety of a child's toy, lead paint, the safety of a train or an air bag. Imagine if you could be jailed for that. And you can imagine the situation that occurs in present day China.

Wu Lihong, an environmental activist, was jailed after criticizing the ongoing polluting of Lake Taihu, the country's third biggest lake and a major source of drinking water in the eastern province of Jiangsu. He also denounced the uncontrolled dumping of industrial waste by privatized city-owned firms. After being hounded by police and local organizations, he was arrested in April 2007 and thrown in jail, accused of demanding money from the firms. He was tortured during interrogations and not allowed any defense witnesses at his trial. He was sentenced to 3 years in prison for theft and extortion.

And again, it is hard to imagine what it would be like in this country if reporting about contamination of drinking water or dumping of toxics into a lake would end you up in prison for a matter of years without any ability to present the defense. And unfortunately, that is the situation that Wu Lihong found himself in.

An outbreak of disease, government corruption, public safety concerns, to me these are stories that the press should be reporting. Indeed, in terms of the interests of the Chinese people, these are stories the Chinese people need to know. These are the stories that the public has the right to know about, and the press has an obligation to report. Articles like these were exactly what the framers of our Constitution had in mind when they drafted the First Amendment. This is exactly what Thomas Jefferson said and had in mind when he said that "no government ought to be without censors," in his case he was meaning critics, "and where the press is free, no one ever will."

The Chinese Government is not censoring the press out of national security concerns, but instead to shield itself from what a free press might uncover about corruption, inefficiency, human rights abuses, environmental issues, health problems or any other afflictions that might accompany authoritarian rule.

China's censorship and intimidation of media are not limited to Chinese journalists. Freedom House has also highlighted the convictions of two Chinese journalists working for the Beijing bureau of the New York Times and Ching Cheong, a correspondent for Singapore's Straits Times in China. Their convictions may have been intended to intimidate foreign correspondents and newspapers. According to Reporters Sans Frontieres, there were at least 25 incidents of arrests, threats or assaults against members of the foreign press in 2006 alone.

So not only is the government in China jailing journalists to keep information from its own people, but it is also seeking to censor information to the rest of the world.

With this understanding of how and why the Chinese Government has sought to jail journalists, I think it is important now to profile some of the most egregious cases. The reporters involved here are true profiles in courage. These journalists knew the consequences of their writings in advance of their publication. And yet these Chinese journalists believe so strongly that all citizens deserve access to information, that they are willing to put their freedom on the line to better inform the public. These journalists ought to be commended for their work, not jailed. And that is what we are doing here tonight. We are saying "thank you" to all the brave Chinese journalists, Eritrean journalists, Cuban journalists, and all other journalists around the world who have risked their safety and freedom to spread valuable information around their countries and around the world, information that we benefit from.

The concept of censorship of the media can be so strange to us here in America that we often don't realize that journalism can cost one his or her freedom or even their life, as we have seen in Russia and indeed in China. So let's go to some of these profiles.

I would like to start the profiles tonight with the leading activist named Hu Jia who called for greater attention to human rights around the Olympics and was arrested on January 30 of this year according to Human Rights Watch. Press Freedom—and Hu is pictured to my right—and human rights organizations are concerned that Hu is being prosecuted simply for exercising his rights to freedom of opinion and expression. At issue is an open letter that he co-authored calling for the international community to look beyond the veneer put in place in Beijing for the Olympics and to seriously examine the extent to which China had fulfilled the promises it made to improve human rights in advance of the games.

Three months after publication of this letter, Hu was arrested at his home. On April 3, 2008, he was sentenced to 3 years' imprisonment for "incitement to subvert state power," a charge regularly leveled against activists and dissidents.

Reporters Without Borders has reported that Chinese authorities have prevented Hu from appealing his sentence. One of his lawyers, Li Fangping, was refused permission to see him 10 days after the sentence was handed down. The authorities said he was undergoing a "medical examination" prior to entering prison. He was again refused permission to see him on a later date on the grounds that the deadline for filing the appeal had already expired.

According to Reporters Without Borders, Li wanted to give him official documents related to his appeal which he urgently needed for him to sign. But the guards refused without giving any reason. Hu has not been allowed to take any telephone calls, and his family is very worried about the state of his health. The plight of Hu has been recognized by leaders around the world. Earlier this year, it was reported then when our Secretary of State, Condoleezza Rice, met with President Hu Jintao and Prime Minister Wen Jiabao in Beijing, she raised human rights issues and voiced concern about the situation of political prisoners of Hu and Shi Tao, whom I will speak about next. The following day, Chinese foreign ministry spokesman Liu Jianchao insisted that Hu was being detained legally.

Earlier this year, the Paris City Council named Hu an honorary citizen of Paris. This title was bestowed on Hu for his work as an activist on behalf of human rights, free expression, the environment, and HIV/AIDS sufferers.

Other people to have been declared honorary citizens of Paris include Ingrid Betancourt, a Colombian politician with French citizenship currently a hostage of FARC guerillas, and Burmese opposition leader Aung San Suu Kyi.

Next I would like to profile Shi Tao. The Chinese Government often uses vaguely worded laws to detain journalists, dissidents and others in the peaceful exercise of their right of free expression, including those arrested for the legitimate use of the Internet. This is despite the fact that the right to freedom of expression is protected in China's constitution.

One of the many unfortunate examples of this practice is the continued imprisonment of Shi Tao—his photograph exhibited here—a journalist and poet imprisoned solely for exercising his right to freedom of expression and his right to seek, receive and impart information.

Shi, the former editorial director at the Changsha-based newspaper Dangdai Shang Bao, was detained near his home in Taiyuan in the Shanxi province. In April 2004, Mr. Tao sent an e-mail from his Yahoo account to a U.S.-based pro-democracy website in which he summarized a government order directing media organizations in China to downplay the upcoming 15th anniversary of the Tiananmen crackdown.

In the anonymous e-mail sent several months before his arrest, Shi transcribed his notes from the local propaganda department instructions to the newspaper which included directives on coverage of the Falun Gong and the upcoming 15th anniversary of the military crackdown on demonstrators at Tiananmen Square. The official Xinhua News Agency reported that the National Administration for the Protection of State Secrets later certified the contents of the e-mail as classified, later certified them as classified.

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On the basis of this e-mail, police arrested Shi 6 months later in November of 2004, charging him with "illegally providing state secrets to foreign entities," as if Chinese efforts to downplay or fail to report on Tiananmen were somehow a state secret. On April 27, 2005 the Changsha Intermediate People's Court found Shi guilty and sentenced him to a 10-year prison term in June.

In June, the Hunan Province High People's Court rejected his appeal without granting a hearing. Court documents in the case revealed that Yahoo had supplied information to Chinese authorities that helped them identify

Shi as the sender of the e-mail. In November of 2005 CPJ honored Shi with its annual Internation Press Freedom Award for his courage and defending the ideals of free expression.

On June 4, 2007 the 18th anniversary of Tiananmen Square, Shi received an additional honor, the Golden Pen of Freedom Award. The award is the annual press freedom prize from the World Association of Newspapers, which is based in Paris and is the global organization for the newspaper industry. It has awarded the Golden Pen annually since 1961.

Shi also was presented with PEN New England's Vasyl Stus Award in 2006. The award is presented to a writer who has been persecuted for the peaceful expression of his or her views and whose courage in the face of censorship and oppression has been exemplary.

This award is named after the poet, Vasyl Stus, who became a leading voice of his generation and who was also the last Ukranian writer to die in the Soviet Gulag. Unfortunately, all of these awards are presented in absentia due to Mr. Shi's continued incarceration. His mother accepted the Golden Pen of Freedom award from WAN on his behalf in June of last year.

At the awards ceremony she expressed what the award meant to both her and her son when she stated, "In China, he was taken as a criminal, but today WAN, made up of over 100 newspaper organizations, awards him the Golden Pen of Freedom. It is not only an honor but also a huge comfort to Shi Tao.

"It proves that my son is indeed innocent. He has only done what a courageous journalist should do. That is why he has got the support and the sympathy from his colleagues all over the world who uphold justice.

"Here and now, I am able to stand on the stage on behalf of my son."

What an arduous journey it has been to tell you the truth. I can't believe it is true, and even the best human language in the world cannot express the gratitude from the mother and son.

It's good to know that awards like these help provide at least a little comfort for journalists like Shi. But, more importantly, these awards should raise awareness surrounding press freedom abuses around the world. Mr. Shi is clearly deserving of all these accolades. The Chinese people and citizens around the world are thankful for his dedication to true journalism.

Next I am going to speak about two dedicated Chinese journalists who have been detained longer than any journalists in the world today, Chen Renjie and Lin Youping. Twenty-four years after their imprisonment in the early days of China's economic reform, Chen Renjie and Lin Youping have been in prison longer than any journalists in CPJ's worldwide census.

The two men, along with Chen Biling, wrote and published a pamphlet entitled Ziyou Bao (Freedom Report). They distributed 300 copies of the pamphlet in the southern Chinese City of Fuzhou, Fujian province, in September, 1982.

The following July, they were arrested and accused of making contact with Taiwanese spy groups and publishing a counterrevolutionary pamphlet. According to government official records of the case, the men used "propaganda and incitement to encourage the overthrow of the people's democratic dictatorship and the socialist system."

In August, 1983, Chen was sentenced to life in prison and Lin was sentenced to death with reprieve. Chen Biling was sentenced to death and later executed.

Their case is so old, and with the lack of an independent and open media, we have had a hard time finding out more information about Chen Renjie and Lin. However, I would be remiss if I did not pay special attention to highlight these two reporters who have endured more time in jail, due to their effort to share information, than any other journalist today.

The last topic I want to focus on tonight is Internet censorship. According to Freedom House, China is the world's second largest population of Internet users after the United States, with an estimated 210 million people online, or just under 16 percent of the country's population.

However, access to China, to the Internet in China, is not the same as access to the Internet here in America. Freedom House's 2008 press freedom survey reported that last year in China was marked by additional Internet restrictions, as well as the jailing of more online journalists and bloggers.

According to their findings in 2007, at least nine additional journalists and online writers were detained during the year for information they had published on the Internet, particularly on U.S.-based independent Chinese news Web sites. In China, Web sites that have not established or not been established by an official news outlet such as a newspaper or broadcaster are forbidden from gathering or editing their own news or commentary.

Legally, they can only reproduce material that has passed through sensors at approved media organizations. As we have mentioned tonight, all media in China are government controlled.

China is not the only country to manage public opinion by controlling the Internet. As of 2007, CPJ had documented Internet censorship in 22 countries worldwide, but China was first to launch a comprehensive program to censor online speech and to monitor e-mail and text messaging. Its censorship program is so expansive and technically sophisticated that countries such as Vietnam, Zimbabwe, and Thailand have adopted its practices.

This gets back to what I have referred to earlier tonight, the fact that because of its prominence China sets an example, for good or for bad, in this case, regrettably, for ill. Due to technological advancements and the efforts of overseas activists, the Chinese government attempt to suppress information has become more difficult, but that has not stopped the government's efforts to censor online information.

Many have referred to Internet restrictions in China as the "Great Firewall of China." The government employs extensive surveillance and filtering systems to prevent Internet users from accessing material that the government considers obscene, harmful to national unity or politically subversive.

In May of 2007 Reporters Without Borders launched a Web site in Chinese, and it was blocked within hours of going live. Additionally, all IP addresses linked to a Web site deemed undesirable are blocked without warning.

As the web has become a new forum to distribute information, the Chinese government continues to create new laws to suppress the free flow of information on the Internet. In the 5 years after China first allowed private Internet accounts in 1995, it has issued more than 60 sets of regulations to tighten its control of online content.

These regulations continue today. In 2005 the government introduced new regulations that bar Web sites from distributing information that violates Chinese constitutional provisions, endangers national security, encourages illegal strikes or promotes unrecognized religious groups. In March of 2007 the Ministry of Culture and the Ministry of Information Industries banned the opening of new Internet cafes, 113,000 were in existence at the time.

Many times Internet censorship is used as a political tool. Internet censorship in China increased prior to and during the 17th Party Congress in October of last year, during which the party leadership for the next 5 years was endorsed. Between April and September, access to over 18,000 Web sites was blocked.

The Committee to Protect Journalists reported that in September of 2007, security agencies in several regions ordered Internet data centers, which host large numbers of Web sites and blogs, to suspend their service, or disable interactive features such as bulletin boards and comment sections during the Congress' meeting.

In an apparent effort to overcome difficulties monitoring audio-visual content with automated filtering technology, the government issued a regulation requiring Web sites with audio visual context to apply for permits. I guess that would pretty well put YouTube and other like Web sites out of business.

The regulation, which affects approximately 60,000 sites in China, also banned audio-visual content deemed to fall into vaguely defined categories such as opposing the principles of the People's Republic of China constitution, harming national unity, contributing to ethnic divisions or disrupting social harmony.

So if there were entrepreneurs who wanted to start a Chinese version of YouTube, unless they register, unless YouTube registers, that would be prohibited. Indeed the content on those sites would be strictly scrutinized by the Chinese government. According to Freedom House, in some instances restrictions were imposed on a local level, after bloggers supported a protest against construction of a chemical factory.

Near the southern City of Xiamen, the local government adopted measures requiring Internet users to provide their real names when posting material on more than 100,000 Web sites registered in the city. The Chinese government demands that individual service providers monitor content. These providers filter searches, block Web sites, delete content and monitor e-mail traffic.

The Chinese language search engines of many U.S. firms filter search results and restrict access to information about topics deemed sensitive by the government. These include searches such as Falun Gong, Tibetan independence, and human rights.

U.S. filters have to adopt certain restrictions. U.S. sites, like YouTube and others, are subject to the same scrutiny. In 2007, more than 20 companies, some American, were forced to sign a self-disciplined pact which forces them to censor the content to blogs they host in China as bloggers to provide their real identity and to delete postings considered illegal and unhealthy.

Despite all this discouraging news there is a silver lining, though, the government's efforts are not foolproof. Brave and determined bloggers continually pop up, change addresses, hide behind proxy servers, and use a range of tactics to side-step government censorship and spread good information to the Chinese public.

But it's our hope that these bloggers and our journalists someday will not have to use these extreme measures. We would like to see China reconsider its regulation and censorship of the media. As we mentioned at the outset tonight, press freedom provides a valuable, economic and social benefit that is in China's best interest to ensure free and independent media.

We in this country have a great admiration for the Chinese people. They are extraordinarily talented, gifted, resourceful people with a great future ahead of them. It's our sincere view that we do no service to our relationship with China not to encourage in the most forceful way freedom of the press in that country.

We hope, many of us, that the Olympic Games would give China that opportunity to move forward and make progress, and we are disappointed that we have not seen that progress that the Chinese government representative would make, and, yet, we push forward.

Tonight we think about those journalists, some held longer than any others in China, and we urge the Chinese government to step forward to recognize the benefits to China itself of a free press and free media, to free journalists who are imprisoned for doing work important to the Chinese people.

We hope that these efforts will be undertaken soon, that some of the journalists that we profiled here tonight will be released back into the warmth of their own families and their own homes, whether they are in China or Eritrea or in Cuba or in so many parts of the world. That is our fond hope and desire and the raison d'etre of our caucus on freedom of the press.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COHEN (at the request of Mr. HOYER) for today on account of attending funeral.

Ms. McCOLLUM of Minnesota (at the request of Mr. HOYER) for today from 12:15 p.m. to 2:30 p.m.

Mr. CAMPBELL of California (at the request of Mr. BOEHNER) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SHERMAN) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. GENE GREEN of Texas, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. TERRY) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 15.

Mr. JONES of North Carolina, for 5 minutes, May 15.

Mr. KELLER of Florida, for 5 minutes, May 14.

Mr. GOHMERT, for 5 minutes, May 14.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 72. Concurrent resolution supporting the goals and ideals of the International Year of Sanitation, the Committee on Foreign Affairs.

ADJOURNMENT

Mr. SCHIFF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until Monday, May 12, 2008, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Thomas H. Allen, Jason Altmire, Robert E. Andrews, Michael A. Arcuri, Joe Baca, Michele Bachmann, Spencer Bachus, Brian Baird, Richard H. Baker, Tammy Baldwin, J. Gresham Barrett, John Barrow, Roscoe G. Bartlett, Joe Barton, Melissa L. Bean, Xavier Becerra, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Marsha Blackburn, Earl Blumenauer, Roy Blunt, John A. Boehner, Jo Bonner, Mary Bono, John Boozman, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Rick Boucher, Charles W. Boustany, Jr., Allen Boyd, Nancy E. Boyda, Kevin Brady, Robert A. Brady, Bruce L. Braley, Paul C. Broun, Corrine Brown, Henry E. Brown, Jr., Ginny Brown-Waite, Vern Buchanan, Michael C. Burgess, Dan Burton, G.K. Butterfield, Steve Buyer,

Ken Calvert, Dave Camp, John Campbell, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza, Russ Carnahan, Christopher P. Carney, André Carson, Julia Carson, John R. Carter, Michael N. Castle, Kathy Castor, Donald J. Cazayoux, Jr., Steve Chabot, Ben Chandler, Donna M. Christensen, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Steve Cohen, Tom Cole, K. Michael Conaway, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Robert E. (Bud) Cramer, Jr., Ander Crenshaw, Joseph Crowley, Barbara Cubin, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, Artur Davis, Danny K. Davis, David Davis, Geoff Davis, Jo Ann Davis, Lincoln Davis, Susan A. Davis, Tom Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Charles W. Dent, Lincoln Diaz-Balart,

Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Joe Donnelly, John T. Doolittle, Michael F. Doyle, Thelma D. Drake, David Dreier, John J. Duncan, Jr., Chet Edwards, Vernon J. Ehlers, Keith Ellison, Brad Ellsworth, Rahm Emanuel, Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Terry Everett, Eni F.H. Faleomavaega, Mary Fallin, Sam Farr, Chaka Fattah, Tom Feeney, Mike Ferguson, Bob Filner, Jeff Flake, J. Randy Forbes, Jeff Fortenberry, Luis G. Fortuño, Vito Fossella, Bill Foster, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Elton Gallegly, Scott Garrett, Jim Gerlach, Gabrielle Giffords, Wayne T. Gilchrest, Kirsten E. Gillibrand, Paul E. Gillmor, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Kay Granger, Sam Graves, Al Green, Gene Green, Raúl M. Grijalva, Luis V. Gutierrez, John J. Hall, Ralph M. Hall, Phil Hare, Jane Harman, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, Dean Heller, Jeb Hensarling, Wally Herger, Stephanie Herseth, Brian Higgins, Baron P. Hill, Maurice D. Hinchey, Ruben Hinojosa, Mazie K. Hirono, David L. Hobson, Paul W. Hodes, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Bob Inglis, Jay Inslee, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, Bobby Jindal, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Jim Jordan, Steve Kagen, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Patrick J. Kennedy, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Steve King, Jack Kingston, Mark Steven Kirk, Ron Klein, John Kline, Joe Knollenberg,

John R. "Randy" Kuhl, Jr., Ray LaHood, Doug Lamborn, Nick Lampson, James R. Langevin, Tom Lantos, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Daniel E. Lungren, Stephen F. Lynch, Carolyn McCarthy, Kevin McCarthy, Michael T. McCaul, Betty McCollum, Thaddeus G. McCotter, Jim McCrery, James P. McGovern, Patrick T. McHenry, John M. McHugh, Mike McIntyre, Howard P. "Buck" McKeon, Cathy McMorris Rodgers, Jerry McNerney, Michael R. McNulty, Connie Mack, Tim Mahoney, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Edward J. Markey, Jim Marshall, Jim Matheson, Doris O. Matsui, Martin T. Meehan, Kendrick B. Meek, Gregory W. Meeks,

Charlie Melancon, John L. Mica, Michael H. Michaud, Juanita Millender-McDonald, Brad Miller, Candice S. Miller, Gary G. Miller, Jeff Miller, Harry E. Mitchell, Alan B. Mollohan, Dennis Moore, Gwen Moore, James P. Moran, Jerry Moran, Christopher S. Murphy, Patrick J. Murphy, Tim Murphy, John P. Murtha, Marilyn N. Musgrave, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Eleanor Holmes Norton, Charlie Norwood, Devin Nunes, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Collin C. Peterson, John E. Peterson, Thomas E. Petri, Charles W. "Chip" Pickering, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Earl Pomeroy, Jon C. Porter, David E. Price, Tom Price, Deborah Pryce, Adam H. Putnam, George Radanovich,

Nick J. Rahall II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, David G. Reichert, Rick Renzi, Silvestre Reyes, Thomas M. Reynolds, Laura Richardson, Ciro D. Rodriguez, Harold Rogers, Mike Rogers (AL), Mike Rogers (MI), Dana Rohrabacher, Peter J. Roskam, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, C.A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, John T. Salazar, Bill Sali, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Jim Saxton, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Jean Schmidt, Allyson Y. Schwartz, David Scott, Robert C. "Bobby" Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Joe Sestak, John B. Shadegg, Christopher Shays, Carol Shea-Porter, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster,

Michael K. Simpson, Albio Sires, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Zachary T. Space, John M. Spratt, Jr., Jackie Speier, Cliff Stearns, Bart Stupak, John Sullivan, Betty Sutton, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, Gene Taylor, Lee Terry, Bennie G. Thompson, Mike Thompson, Mac Thornberry, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Edolphus Towns, Niki Tsongas, Michael R. Turner, Mark Udall, Tom Udall, Fred Upton, Chris Van Hollen,

Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, James T. Walsh, Timothy J. Walz, Zach Wamp, Debbie Wasserman Schultz, Maxine Waters, Diane E. Watson, Melvin L. Watt, Henry A. Waxman, Anthony D. Weiner, Peter Welch, Dave Weldon, Jerry Weller, Lynn A. Westmoreland, Robert Wexler, Ed Whitfield, Roger F. Wicker, Charles A. Wilson, Heather Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, John A. Yarmuth, C.W. Bill Young, Don Young.

NOTICE OF PROPOSED RULEMAKING

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, April 16, 2008.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Section 304(b)(1) of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1384(b)(1), requires that, with regard to the initial proposal of substantive regulations under the CAA, the Board "shall publish a general notice of proposed rulemaking" and "shall transmit such notice to the Speaker of the House of Representatives and the President Pro Tempore of the Senate for publication in the Congressional Record on the first day on which both Houses are in session following such transmittal."

The Board of Directors of the Office of Compliance is transmitting herewith the enclosed Notice of Proposed Rulemaking. The Board requests that the accompanying Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal.

Any inquiries regarding the accompanying Notice should be addressed to Tamara E. Chrisler, Executive Director of the Office of Compliance, 110 2nd Street, SE., Room LA-200, Washington, DC 20540; 202-724-9250, TDD 202-426-1912, tchr@loc.gov.

Sincerely,

SUSAN S. ROBFOGEL,
Chair, Board of Directors.

FROM THE BOARD OF DIRECTORS OF THE OFFICE OF COMPLIANCE:

NOTICE OF PROPOSED RULEMAKING,

and request for comments from interested parties.

NEW PROPOSED REGULATIONS IMPLEMENTING CERTAIN SUBSTANTIVE EMPLOYMENT RIGHTS AND PROTECTIONS FOR VETERANS, AS REQUIRED BY 2 U.S.C. 1316, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED ("CAA").

BACKGROUND:

The purpose of this Notice is to issue proposed substantive regulations which will implement Section 206 of the CAA which applies certain veterans' employment and reemployment rights and protections to employing offices and employees covered by the CAA.

What is the authority under the CAA for these proposed substantive regulations?
The authority under the CAA for these proposed substantive regulations is found in two sections of the CAA. Section 206 of the CAA, 2 USC §1316, applies certain provisions of the Uniformed Services Employment and Reemployment Rights Act ("USERRA"), Title 38, Chapter 43 of the United States Code. Section 1316 of the CAA provides protections to eligible employees in the uniformed services from discrimination, denial of reemployment rights, and denial of employee benefits. Subsection 1316(c) requires the Board not only to issue regulations to implement these protections, but to issue regulations which are "the same as the most relevant substantive regulations promulgated by the Secretary of Labor . . ." This section provides that the Board may only modify the Department of Labor regulations if it can establish good cause as to why a modification would be more effective for application of the protections to the legislative branch.

The second section that provides authority to the Board to propose these regulations is found in section 1384. Section 1384 provides procedures for the rulemaking process in general.

Will these regulations, if approved, apply to all employees otherwise covered by the CAA?
Yes. USERRA's provisions, as applied by Section 206 of the CAA, prohibit discrimination and retaliation against eligible employees, who are defined by the CAA as covered employees performing service in the uniformed services. Section 207(a) of the CAA prohibits retaliation against covered employees under the CAA, regardless of whether they have performed service in the uniformed services. The distinction between eligible employees and covered employees is the performance of service in the uniformed services: eligible employees have performed service in the uniformed services; covered employees have not.

Do other veterans' employment rights apply via the CAA to legislative branch employing offices and covered employees?
No. However, another statutory scheme regarding uniformed service members' employment rights is incorporated, in part, through section 1316a of the CAA. Section 1316a applies sections 2108, 3309 through 3312 of the Veterans Employment Opportunities Act ("VEOA"), and subchapter I of chapter 35 of Title 5. These provisions accord certain hiring and retention rights to veterans of the uniformed services. The VEOA language of the CAA also requires the Board of Directors to issue substantive regulations patterned upon the most relevant substantive regulations (applicable with respect to the executive branch) which are promulgated to implement the provisions of VEOA. After engaging in extensive discussions with various stakeholders across Congress and the legislative branch to determine how best to address certain provisions within the regulations, the Board adopted the VEOA regulations and submitted them to Congress on March 21, 2008. Section 1316a of the CAA becomes effective once the regulations for this section are passed by Congress.

Which employment and reemployment protections are applied to eligible employees in 2 U.S.C. 1316?
USERRA was enacted in December 1994, and the Department of Labor final regulations for the executive branch became effective in 2006. USERRA's provisions ensure that entry and re-entry into the civilian workforce are not hindered by participation in military service. USERRA provides certain reemployment rights, protection from discrimination based on military service, denial of an employment benefit as a result of military service, and retaliation for enforcing USERRA protections.

The selected statutory provisions which Congress incorporated into the CAA and determined "shall apply" to eligible employees in the legislative branch include nine sections: sections 4303(13), 4304, 4311 (a)(b), 4312, 4313, 4316, 4317, 4318, and paragraphs (1), (2)(A), and (3) of 4323(c)[1] of title 38.

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[1] As written in Section 206 of the CAA, reference is made to application of paragraphs (1), (2)(A), and (3) of section 4323(d). However, in USERRA, section 4323(d) is not comprised of paragraphs (1), (2)(A), and (3) - - section 4323(c) is comprised of those paragraphs. Because of this apparent typographical error, where the CAA references paragraphs (1), (2)(A), and (3) of section 4323(d), the Board refers to section 4323(c).

The first section, section 4303 (13), provides a definition for "service in the uniformed services." This is the only definition in USERRA that Congress made applicable to the legislative branch. Section 4303(13) references Section 4304, which describes the "character of service" and illustrates situations which would terminate eligible employees' rights to USERRA benefits.

Congress applied section 4311 to the legislative branch in order to provide discrimination and retaliation protections, respectively to eligible and covered employees. Interestingly, although Congress adopted these protections, it did not adopt the legal standard by which to establish a violation of this section of the regulations.

Sections 4312 and 4313 outline the reemployment rights that are provided to eligible employees. These rights are automatic under the statute, and if an employee meets the eligibility requirements, he or she is entitled to the rights provided therein.

Sections 4316, 4317, and 4318 provide language on the benefits given to eligible employees. The language in these sections is largely statutory and has been altered very little by the Board.

Are there veterans' employment regulations already in force under the CAA? No. The Board has issued to the Speaker of the House and the President Pro Tempore of the Senate its Notice of Adoption of Substantive Regulations and Transmittal for Congressional Approval for VEOA. The Board awaits Congressional approval of those regulations.

Procedural Summary:

How are substantive regulations proposed and approved under the CAA?
Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for proposing and approving such substantive regulations provides that:

> (1) the Board of Directors propose substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record;
> (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking;
> (3) after consideration of comments by the Board of Directors, the Board adopt regulations and transmit notice of such action (together with the regulations and a recommendation regarding the method for Congressional approval of the regulations) to the Speaker of the House and President [P]ro [T]emporeof the Senate for publication in the Congressional Record;
> (4) there be committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and
> (5) final publication of the approved regulations in the Congressional Record, with an effective date prescribed in the final publication.

For more detail, please reference the text of 2 U.S.C. 1384. This Notice of Proposed Rulemaking is step (1) of the outline set forth above.

Are these proposed regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives?
As required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations is also recommended by the Executive Director, the Deputy Executive Director for the Senate and the Deputy Executive Director for the House of Representatives.

Has the Board of Directors previously proposed substantive regulations implementing these veterans' employment rights and benefits pursuant to 2 U.S.C. 1316?
No.

What is the approach taken by these proposed substantive regulations?
The Board will follow the procedure as enumerated above and as required by statute. Once these regulations are proposed, the Board anticipates engaging in extensive discussion with stakeholders to ensure that the regulations contemplate and reflect the practices and policies particular to the legislative branch.

What responsibilities would employing offices have in effectively implementing these regulations?

The Board charges the employing offices with the responsibility to implement the applicable USERRA provisions, including the prohibitions on discrimination and retaliation, the obligation to reemploy service members who timely apply for reemployment, and to provide the eligible, covered employee with the employment benefits to which he or she is entitled under USERRA, as applied by the CAA.

Are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices?
No. The Board of Directors has identified no "good cause" for varying the text of these regulations. Therefore, if these regulations are approved as proposed, there will be one text applicable to all employing offices and covered employees.

Are these proposed substantive regulations available to persons with disabilities in an alternate format?
This Notice of Proposed Regulations is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Annie Leftwood, Executive Assistant, Office of Compliance, 110 2nd Street, S.E., Room LA-200, Washington, D.C. 20540; 202-724-9250; TDD: 202-426-1912; FAX: 202-426-1913.

30 Day Comment Period Regarding the Proposed Regulations

How long do I have to submit comments regarding the proposed regulations?
Comments regarding the proposed regulations of the Office of Compliance set forth in this Notice are invited for **a period of thirty (30) days** following the date of the appearance of this Notice in the *Congressional Record.*

How do I submit comments?
Comments must be made in writing to the Executive Director, Office of Compliance, 110 Second Street, S.E., Room LA-200, Washington, D.C. 20540-1999. It is requested, but not required, that an electronic version of any comments be provided either on an accompanying computer disk or e-mailed to the Office of Compliance via its web site. Comments may also be submitted by facsimile to the Executive Director at 202-426-1913 (a non-toll-free number). Those wishing to receive confirmation of the receipt of their comments are requested to provide a self-addressed, stamped post card with their submission.

Am I allowed to view copies of submitted comments by others?
Yes. Copies of submitted comments will be available for review on the Office's web site at www.compliance.gov, and at the Office of Compliance, 110 Second Street, S.E., Washington, D.C. 20540-1999, on Monday through Friday (non-Federal holidays) between the hours of 9:30 a.m. and 4:30 p.m.

Supplementary Information:
The Congressional Accountability Act of 1995, PL 104-1, was enacted into law on January 23, 1995. The CAA, as amended, applies the rights and protections of 12 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Included among those rights are the protections provided, in Section 206 of the CAA, to employees performing service in the uniformed services. These protections are the subject of these regulations.

Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the legislative branch.

More Detailed Discussion of the Text of the Proposed Regulations

Please note in the accompanying regulations that USERRA is applied by the CAA almost in its entirety. The subparts on eligibility and reemployment rights (subparts C, D, and E) were applied with minimal, if any, changes by the Board. The Board relied heavily on Section 1316(c) of the CAA which requires that these regulations be the same as those promulgated by the Secretary of Labor unless the Board finds and demonstrates good cause as to why a modification is needed to be more effective for implementation in the legislative branch. Where the Board determined that good cause existed to require a modification, the Board so modified. Otherwise, pursuant to Section 1316(c) of the CAA, the Board made no changes to the Department of Labor regulations.

Subpart A—Introduction to the Regulations under the Uniformed Services Employment and Reemployment Rights Act of 1994
General Provisions

The Purpose of Subpart A

This subpart gives an introduction to USERRA as applied by the CAA and clarifies the rights and benefits USERRA establishes for employees, and the duties it places on employing offices. USERRA affects employment, reemployment, and retention in employment, when employees serve or have served in the uniformed services.

It is noted that nothing in these regulations shall be construed to require an employing office to reduce any returning service members' employment and reemployment rights and protections that the office may currently afford to eligible employees. Nor does USERRA serve to place an eligible employee in a better position than he or she would have been in had he or she not performed service in the uniformed services.

It is also important to note that Section 1316(d)(2) of the CAA applies these protections to the Government Accountability Office and the Library of Congress. Should Congress extend Board jurisdiction over the Government Printing Office ("GPO") in the future, Congress should take GPO's existing veterans' preference policies into account, which may be based on independent statutory mandates.

USERRA is not new law

USERRA, as applied by the CAA, became effective as of January 23, 1996. Its purpose was to strengthen previous veterans' rights laws, such as the Veterans' Reemployment Rights Act ("VRRA"), which was enacted as section 404 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974. The Department of Labor issued its USERRA regulations, effective January 18, 2006.

Role of the Executive Director of the Office of Compliance

The role of the Executive Director of the Office of Compliance, under USERRA as applied by the CAA, differs from the role of the Secretary of Labor under the DOL regulations. The Executive Director provides a program of education and information to employees and employing offices regarding the application of the USERRA provisions and the Office of Compliance, and the Executive Director provides administrative procedures for the consideration of alleged violations. Because the Office of Compliance is an entity of the legislative branch, the Executive Director is not guided by Secretary's order 1-83, which allows the Secretary of Labor to delegate authority for the administration of the veterans reemployment rights program. (Memorandum of April 22, 2002 (67 FR 31827) Nor is the Executive Director responsible for carrying out the same functional authority vested in the Secretary of Labor, pursuant to USERRA.. Similarly, unlike the Secretary of Labor, the Board of Directors of the Office of Compliance has rulemaking authority, not the Executive Director.

Applicable Definitions

Section 206 of the CAA specifically makes applicable only one definition from USERRA to the CAA: service in the uniformed services. Rules of construction found in Section 225 (f)(1) of the CAA allow that except where inconsistent with definitions and exemptions provided elsewhere in the CAA, the definitions and exemptions found in USERRA will apply. Therefore, the definitions that are provided in these regulations are derived either from USERRA or from similar definitions under the CAA.

Types of Service in the Uniformed Services that are covered by USERRA

Because the definition of ''service in the uniformed services'' was applied directly to the legislative branch as it was written in USERRA, the types of service which receive protection under the CAA are the same types of service which receive protection under DOL regulations: all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war; persons serving in the active components of the Armed Forces; and certain types of service specified in 42 U.S.C. 300hh-11 by members of the National Disaster Medical System. However, the CAA limits protections to covered employees who are deemed eligible under Section 206(a).

USERRA vis-a-vis other laws, public contracts, and employing office practices

This subpart underscores the fact that USERRA allows an employing office to provide rights and benefits that are greater than those required by USERRA, but not lesser. It clarifies that an employing office is not required to place an eligible employee in a better place than he/she would have been had he/she not served in the uniformed services. It clarifies that USERRA supersedes any State law, contract, agreement, policy, plan, practice, or other matter that reduces any right or benefit provided by USERRA. It does not, however, supersede, nullify, or diminish any Federal or State law, contract, agreement, policy, plan, practice, or other matter that establishes an employment right or benefit that is more beneficial than that provided under USERRA.

Subpart B - Anti-discrimination and Anti-retaliation; Protection from Employer Discrimination and Retaliation

This subpart provides protections for eligible employees against discrimination, as well as protections for both eligible and covered employees against retaliation. The Board has maintained the general application of this subpart and has determined that the prohibitions against discrimination and retaliation apply to all positions. Also consistent with DOL regulations, the Board maintains that reemployment rights and benefits do not apply to brief, nonrecurrent positions. The Board found good cause, however, to differentiate from the DOL regulations in certain sections of this subpart. Consequently, the Board has modified this subpart to be more effective for implementation in the legislative branch.

Unlike DOL, the Board makes a distinction between discrimination and retaliation. By not including in the CAA the USERRA standard to establish a violation of this subpart, Congress specifically excluded the "but for" standard which is applied in DOL's USERRA regulations. Notably, the Board chose a different standard for 207(a) retaliation in its decision in *Britton v. Office of the Architect of the Capitol*, 02-AC-20 (CV, RP). In *Britton*, the Board considered Congress' intentional exclusion of the "but for" standard in USERRA. As a result, the Board applied the *McDonnell Douglas* three-part standard[2], which it applies to 207 claims of retaliation.

Because Congress adopted a uniform remedy for most retaliation claims under the CAA, the Board has rejected an *ad hoc* approach and has chosen to apply this *Britton* standard to all claims of retaliation brought under Section 207(a) of the CAA. The Board also has chosen to apply the *Britton* standard for cases of retaliation brought under section 206. The Board does not propose a particular standard for claims of discrimination or retaliation brought by eligible employees under section 206.

As the Board has found good cause to make significant changes to this subpart, the numbering of the particular sections contained therein differs from those found in DOL's regulations. To aide in a comparative review of the two sets of regulations, the Board has included an index, comparing DOL's numbering and the Board's numbering within each subpart.

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[2] See *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed. 2d 668 (1973).(Complainant in a Title VII case carries the initial burden of establishing a prima facie case of racial discrimination; the burden then shifts to the employer to articulate a legitimate, nondiscriminatory reason for the action; complainant then may show that employer's stated reason for the action was a pretext.)

USERRA's Discrimination protections
This subpart sets out that basic non-discrimination and non-retaliation protections of USERRA are applied to the legislative branch through these regulations. An employing office may not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

USERRA's Retaliation Protections
An employing office may not take any adverse employment action that is reasonably likely to deter future protected activity because of an eligible employee's service in the uniformed services or an eligible or covered employee's exercise of their rights under the statute. These protections are similar to those found in DOL's regulations, except that they are broadened to include retaliation protections as found in section 207(a) of the CAA.

USERRA's application to covered employees who do not actually perform service in the uniformed services
The CAA makes the protections under Section 206 of the CAA strictly applicable to "eligible employees." Such "eligible employees" are defined as those performing service in the uniformed services as defined by USERRA. Section 207 of the CAA provides protections against retaliation to those employees who are not eligible but who are otherwise covered by the CAA. So, there are three types of protection an "eligible employee" may receive under the CAA: discrimination protection as provided by 206 of the CAA, retaliation protection as provided by Section 206 of the CAA, and retaliation protection as provided by Section 207 of the CAA. Those employees who are not eligible for protection under Section 206 because they have not performed service in the uniformed services, but who otherwise are covered by the CAA, receive retaliation protections as provided by Section 207 of the CAA.

Subpart C - Eligibility for Reemployment

This subpart closely follows the Department of Labor regulations, as well as Section 4316 of USERRA. The Board saw no good cause to modify the regulations from those promulgated by the Secretary of Labor.

One item to note, however, is the multi-employer language. The Board recognizes that it is possible for an employee to work for two employing offices of the legislative branch, although it is not permitted for an employee to work for a Member office and a Committee at the same time. However, Section 1002.101 was included to discuss the five-year service limit requirement.

Subpart D—Rights, Benefits, and Obligations of Persons Absent from Employment Due to Service in the Uniformed Services

This subpart closely follows the Department of Labor regulations, as well as Section 4316 of USERRA. The Board saw no good cause to modify the regulations from those promulgated by the Secretary of Labor.

Subpart E—Reemployment Rights and Benefits

This subpart closely follows the Department of Labor regulations, as well as Section 4316 of USERRA. The Board saw no good cause to modify the regulations from those promulgated by the Secretary of Labor, with the exception of deleting language regarding assistance to employees from the Office of Personnel Management.

The DOL regulations explain that the Office of Personnel Management would assist an agency in obtaining suitable employment for a returning employee who was unable to qualify for the pre-service position or any other position. The corresponding statutory section is not one of the sections Congress applied to the legislative branch through Section 1316 of the CAA. Therefore, this language was removed from the text of the proposed regulations.

Subpart F—Compliance Assistance, Enforcement and Remedies

Compliance Assistance

This section discusses the role of the Office of Compliance in providing assistance to the covered community regarding the rights and benefits under USERRA, as applied by the CAA. The Board found "good cause" to modify the regulations in this subpart. The DOL regulations delineate the responsibilities of the Veterans' Employment and Training Service ("VETS") in providing assistance to persons and entities regarding their rights and benefits under USERRA. The Board realizes that this service is available to all service members by virtue of their service in the uniformed services and section 225(d)(2) of the CAA specifies that eligible employees may utilize any provisions of chapter 43 of title 38, USERRA, that are applicable.

The CAA, however, limits the application of USERRA to certain provisions, and provides a unique enforcement mechanism for eligible covered employees to remedy violations of USERRA, as applied by the CAA. Section 301(h) of the CAA charges the Office with providing a program of education and information for covered employees and employing offices. This subpart clarifies that covered employees and employing offices may seek education and information on USERRA, as applied by the CAA, from the Office of Compliance pursuant to section 301(h) of the CAA.

Initiating a Claim

The Board, in this subpart, sets out the procedures available for consideration of an allegation of a violation of USERRA brought under the CAA. The procedures are substantially the same as those followed by an employee who initiates a claim of discrimination under the CAA.

Enforcement of Rights and Benefits Against an Employing Office

The Board makes clear that eligible covered employees must utilize the procedures outlined in the CAA to bring a USERRA claim against a covered employing office. The Board modified these regulations where the CAA gives standing to bring an action under section 206 only to "eligible employees." The Board makes clear that covered employees who are not also eligible, as defined in Subpart A, are protected from retaliation under section 207 of the CAA.

With respect to a necessary party in an action under CAA's USERRA provisions, the Board found that only a covered employing office may be a necessary party respondent and that the confidentiality requirements of the CAA provide good cause to modify the regulation to disallow interested parties to intervene in an action at the hearing stage. However, the hearing officer has authority to require the filing of briefs, memoranda of law and the presentation of oral argument, as well as order the production of evidence and the appearance of witnesses.

The Board found that DOL regulations permitting an award of fees and court costs for an individual who has obtained counsel and prevailed in their claim against their employer is consistent with Section 225(a) of the CAA that permits a prevailing covered employee to be awarded reasonable fees and costs. However, to be more fully consistent with the CAA, the Board modified the language removing the requirement that the individual retain private counsel as a condition of such an award. The Board saw no cause to modify the USERRA regulation that does not permit costs to be assessed against an individual who has made a claim under USERRA, regardless of whether or not they prevailed in their claim.

The Board clarifies that while USERRA does not have a statute of limitations, the procedures for bringing a claim under part A of subchapter II which incorporates USERRA, requires that an action be commenced by requesting counseling by the Office of Compliance not later than 180 days after the date of the alleged violation.

The Board found that the remedies available under USERRA, as applied by the CAA, are the same as those available to other claimants under USERRA because the CAA adopts USERRA's equitable and legal remedies and directs the hearing officer to award such remedies as are provided in the statute. In order to vest this authority in the hearing officer, the Board found that the authority of the hearing officer under the CAA is the same as the authority of the court under the DOL regulations in that the hearing officer, and not the Board, has the responsibility and authority to develop the record of proceedings and issue a decision that is the final agency decision, unless it is appealed to the Board. The Board's authority to review a hearing officer's decision is limited to a review of the record.

The Board deleted from its regulations the section on initiating actions in the name of the United States because such actions are not permissible under the CAA. And, in the final section of this subpart, the Board found no cause to modify the equity powers permitted under USERRA, as they are consistent with the authority permitted under the CAA, as stated above.

DOL'S SECTIONS	OOC'S SECTIONS
Subpart A	Subpart A
Sec. 1002.1 What is the purpose of this subpart?	**Sec. 1002.1** What is the purpose of this subpart?
Sec. 1002.2 Is USERRA new law?	**Sec. 1002.2** Is USERRA new law?
Sec. 1002.3 When did USERRA become effective?	**Sec. 1002.3** When did USERRA become effective?
Sec. 1002.4 What is the role of the Secretary of Labor under USERRA?	**Sec. 1002.4** What is the role of the Executive Director of the Office of Compliance under the USERRA provisions of the CAA?
Sec. 1002.5 What definitions apply to USERRA?	**Sec. 1002.5** What definitions apply to USERRA?
Sec. 1002.6 What types of service in the uniformed services are covered by USERRA?	**Sec. 1002.6** What types of service in the uniformed services are covered by USERRA?
Sec. 1002.7 How does USERRA relate to other laws, public and private contracts, and employer practices?	**Sec. 1002.7** How does USERRA relate to other laws, public and private contracts, and employer practices?
Subpart B	Subpart B
Sec. 1002.18 What status or activity is protected from employer discrimination by USERRA?	**Sec. 1002.18** What status or activity is protected from employer discrimination by USERRA?
Sec. 1002.19 What activity is protected from employer retaliation by USERRA?	**Sec. 1002.19** What activity is protected from employer retaliation by USERRA?
Sec. 1002.20 Does USERRA protect an individual who does not actually perform service in the uniformed services?	**Sec. 1002.20** Do the Act's prohibitions against discrimination and retaliation apply to all employment positions?
Sec. 1002.21 Do the Act's prohibitions against discrimination and retaliation apply to all employment positions?	**Sec. 1002.21** Does USERRA protect an individual who does not actually perform service in the uniformed services?
Sec. 1002.22 Who has the burden of proving discrimination or retaliation in violation of USERRA?	**Sections 1002.22-23** deleted by Board.
Sec. 1002.23 What must the individual show to carry the burden of proving that the employer discriminated or retaliated against him or her?	

Subpart C

Sections 1002.34-1002.139 are the same in both sets of regulations.

Subpart D

Sections 1002.149-171 are the same in both sets of regulations.

Subpart E

Sections 1002.180-267 are the same in both sets of regulations.

Subpart F

Section 1002.277 What assistance does the Department of Labor provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

Section 1002.288 How does an individual file a USERRA complaint?

Section 1002.289 How will VETS investigate a USERRA complaint?

Section 1002.290 Does VETS have the authority to order compliance with USERRA?

Section 1002.291 What actions may an individual take if the complaint is not resolved by VETS?

Section 1002.292 What can the Attorney General do about the complaint?

Section 1002.303 Is an individual required to file his or her complaint with VETS?

Section 1002.304 If an individual files a complaint with VETS and VETS' efforts do not resolve the complaint, can the individual pursue the claim on his or her own?

Section 1002.305 What court has jurisdiction in an action against a State or private employer?

Section 1002.306 Is a National Guard civilian technician considered a State or Federal employee for purposes of USERRA?

Section 1002.307 What is the proper venue in an action against a State or Private

Subpart C

Sections 1002.34-1002.139 are the same in both sets of regulations.

Subpart D

Sections 1002.149-171 are the same in both sets of regulations.

Subpart E

Sections 1002.180-267 are the same in both sets of regulations.

Subpart F

Section 1002.277 What assistance does the Office of Compliance provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

Section 1002.288 How does a covered employee initiate a claim alleging a violation of USERRA under the CAA?

Sections 1002.289-292 deleted by Board.

Section 1002.303 Is a covered employee required to bring his or her claim to the Office of Compliance?

Sections 1002.24-.307 deleted by Board.

employer?	
Section 1002.308 Who has legal standing to bring an action under USERRA?	**Section 1002.308** Who has legal standing to bring a USERRA claim under the CAA?
Section 1002.309 Who is a necessary party in an action under USERRA?	**Section 1002.309** Who is a necessary party in an action under USERRA?
Section 1002.310 How are fees and court costs charged or taxed in an action under USERRA?	**Section 1002.310** How are fees and court costs charged or taxed in an action under USERRA?
Section 1002.311 Is there a statute of limitations in an action under USERRA?	**Section 1002.311** Is there a statute of limitations in an action under USERRA?
Section 1002.312 What remedies may be awarded for a violation of USERRA?	**Section 1002.312** What remedies may be awarded for a violation of USERRA?
Section 1002.313 Are there special damages provisions that apply to actions initiated in the name of the United States?	**Section 1002.313** Deleted by Board
Section 1002.314 May a court use its equity powers in an action or proceeding under the Act?	**Section 1002.314** May a court use its equity powers in an action or proceeding under the Act?

TEXT OF PROPOSED UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT REGULATIONS

Subpart A—Introduction to the Regulations under the Uniformed Services Employment and Reemployment Rights Act of 1994 General Provisions

§ 1002.1 What is the purpose of this part?

This part implements certain provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994 (''USERRA'' or ''the Act''), as applied by the Congressional Accountability Act ("CAA"). 2 U.S.C. 1316. USERRA is a law that establishes certain rights and benefits for employees, and duties for employers. USERRA affects employment, reemployment, and retention in employment, when employees serve or have served in the uniformed services. There are five subparts to these regulations. Subpart A gives an introduction to the USERRA regulations. Subpart B describes USERRA's anti-discrimination and anti-retaliation provisions. Subpart C explains the steps that must be taken by a uniformed service member who wants to return to his or her previous civilian employment. Subpart D describes the rights, benefits, and obligations of persons absent from employment due to service in the uniformed services, including rights and obligations related to health plan coverage. Subpart E describes the rights, benefits, and obligations of the returning veteran or service member. Subpart F explains the role of the Office of Compliance in administering USERRA as applied by the CAA.

§ 1002.2 Is USERRA a new law?

USERRA is the latest in a series of laws protecting veterans' employment and reemployment rights going back to the Selective Training and Service Act of 1940. USERRA's immediate predecessor was commonly referred to as the Veterans' Reemployment Rights Act ("VRRA"), which was enacted as section 404 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974. In enacting USERRA, Congress emphasized USERRA's continuity with the VRRA and its intention to clarify and strengthen that law. Congress also emphasized that Federal laws protecting veterans' employment and reemployment rights for the past fifty years had been successful and that the large body of case law that had developed under those statutes remained in full force and effect, to the extent it is consistent with USERRA. USERRA authorized the Department of Labor to publish regulations implementing the Act for State, local government, and private employers. USERRA also authorized the Office of Personnel Management to issue regulations implementing the Act for Federal executive agencies, with the exception of certain Federal intelligence agencies. For those Federal intelligence agencies, USERRA established a separate program for employees. Section 206 of the CAA requires the Board of Directors of the Office of Compliance to issue regulations to implement the statutory provisions relating to employment and reemployment rights of members of the uniformed services. The regulations are required to be the same as substantive regulations promulgated by the Secretary of Labor, except where a modification of such regulations would be more effective for the implementation of the rights and protections of the Act. The Department of Labor issued its regulations, effective January 18, 2006. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated for the legislative branch, for the implementation of the USERRA provisions of the CAA. All references to USERAA in these regulations, means USERRA, as applied by the CAA.

§ 1002.3 When did USERRA become effective?

USERRA, as applied by the CAA, became effective for employing offices of the legislative branch on January 23, 1996. These regulations will become effective upon approval by Congress.

§ 1002.4 What is the role of the Executive Director of the Office of Compliance under the USERRA provisions of the CAA?

(a) As applied by the CAA, the Executive Director of the Office of Compliance is responsible for providing education and information to any covered employing office or employee with respect to their rights, benefits, and obligations under the USERRA provisions of the CAA.

(b) The Office of Compliance, under the direction of the Executive Director, is responsible for the processing of claims filed pursuant to these regulations. More information about the Office of Compliance's role is contained in Subpart F.

§ 1002.5 What definitions apply to these USERRA regulations?

(a) **Act or USERRA** means the Uniformed Services Employment and Reemployment Rights Act of 1994, as applied by the CAA.

(b) **Benefit, benefit of employment, or rights and benefits** means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues to the employee because of an employment contract, employment agreement, or employing office policy, plan, or practice. The term includes rights and benefits under a pension plan, health plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and, where applicable, the opportunity to select work hours or the location of employment.

(c) **Board** means Board of Directors of the Office of Compliance.

(d) CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104-1, 109 Stat. 3, 2 U.S.C. §§ 1301-1438).

(e) **Covered employee** means any employee, including an applicant for employment, of (1) the

House of Representatives; (2) the Senate; (3) the Capitol Guide Board or the Capitol Guide Service; (4) the Capitol Police Board or the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Government Accountability Office; (9) the Library of Congress; and (10) the Office of Compliance.

(f) **Eligible employee** means a covered employee performing service in the uniformed services, as defined in 1002.5 (u) of this subpart, whose service has not been terminated upon occurrence of any of the events enumerated in section 1002.135 of these regulations.

(g) **Employee of the Office of the Architect of the Capitol** includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(h) **Employee of the Capitol Police Board** includes any member or officer of the Capitol Police.

(i) **Employee of the House of Representatives** includes an individual occupying a position for which the pay is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (2) through (10) of paragraph (e) above.

(j) **Employee of the Senate** includes an individual occupying a position for which the pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (1) and (3) through (10) of paragraph (e) above.

(k) **Employing office** means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives; (4) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; (5) the Capitol Guide Board; (6) the Capitol Police Board; (7) the Congressional Budget Office; (8) the Office of the Architect of the Capitol; (9) the Office of the Attending Physician; (10) the Government Accountability Office; (11) the Library of Congress; (12) or the Office of Compliance.

(l) **Health plan** means an insurance policy, insurance contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

(m) **Notice**, when the employee is required to give advance notice of service, means any written or oral notification of an obligation or intention to perform service in the uniformed services provided to an employing office by the employee who will perform such service, or by the uniformed service in which the service is to be performed.

(n) **Office** means the Office of Compliance.

(o) **Qualified**, with respect to an employment position, means having the ability to perform the essential tasks of the position.

(p) **Reasonable efforts**, in the case of actions required of an employing office, means actions, including training provided by an employing office that do not place an undue hardship on the employing office.

(q) **Seniority** means longevity in employment together with any benefits of employment that accrue with, or are determined by, longevity in employment.

(r) **Service in the uniformed services** means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Service in the uniformed services includes active duty, active and inactive duty for training, National Guard duty under Federal statute, and a period for which a person is absent from a position of employment for an examination to determine the fitness of the person to perform such duty. The term also includes a period for which a person is absent from employment to perform funeral honors duty as authorized by law (10 U.S.C. 12503 or 32 U.S.C. 115). The Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Pub. L. 107– 188, provides that service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in an authorized training program is deemed "service in the uniformed services." 42 U.S.C. 300hh– 11(e)(3).

(s) **Undue hardship**, in the case of actions taken by an employing office, means an action requiring significant difficulty or expense, when considered in light of—

(1) The nature and cost of the action needed under USERRA and these regulations;
(2) The overall financial resources of the employing office; the overall size of the business of an employing office with respect to the number of its employees; the number, type, and location of its facilities; and,
(3) The type of operation or operations of the employing office, including the composition, structure, and functions of the work force of such employing office; the geographic separateness, administrative, or fiscal relationship of the State, District, or satellite office in question to the employing office.

(t) **Uniformed services** means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency. For purposes of USERRA coverage only, service as an intermittent disaster response appointee of the National Disaster Medical System (NDMS) when federally activated or attending authorized training in support of their Federal mission is deemed "service in the uniformed services," although such appointee is not a member of the "uniformed services" as defined by USERRA.

§ 1002.6 What types of service in the uniformed services are covered by USERRA?

The definition of "service in the uniformed services" covers all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. Although most often understood as applying to National Guard and reserve military personnel, USERRA also applies to persons serving in the active components of the Armed Forces. Certain types of service specified in 42 U.S.C. 300hh-11 by members of the National Disaster Medical System are covered by USERRA.

§ 1002.7 How does USERRA, as applied by the Congressional Accountability Act, relate to other laws, public and private contracts, and employing office practices?

(a) USERRA establishes a floor, not a ceiling, for the employment and reemployment rights and benefits of those it protects. In other words, an employing office may provide greater rights and benefits than USERRA requires, but no employing office can refuse to provide any right or benefit guaranteed by USERRA, as applied by the CAA.

(b) USERRA supersedes any State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that reduces, limits, or eliminates in any manner any right or benefit provided by USERRA, including the establishment of additional prerequisites to the exercise of any USERRA right or the receipt of any USERRA benefit. For example, an office policy that determines seniority based only on actual days of work in the place of employment would be superseded by USERRA, which requires that seniority credit be given for periods of absence from work due to service in the uniformed services.

(c) USERRA does not supersede, nullify or diminish any Federal or State law (including any local law or ordinance), contract, agreement, policy, plan, practice, or other matter that establishes an employment right or benefit that is more beneficial than, or is in addition to, a right or benefit provided under the Act. For example, although USERRA does not require an employing office to pay an employee for time away from work performing service, an employing office policy, plan, or practice that provides such a benefit is permissible under USERRA.

(d) If an employing office provides a benefit that exceeds USERRA's requirements in one area, it cannot reduce or limit other rights or benefits provided by USERRA. For example, even though USERRA does not require it, an employing office may provide a fixed number of days of paid military leave per year to employees who are members of the National Guard or Reserve. The fact that it provides such a benefit, however, does not permit an employing office to refuse to provide an unpaid leave of absence to an employee to perform service in the uniformed services in excess of the number of days of paid military leave.

Subpart B—Anti-Discrimination and Anti-Retaliation

Protection From Employer Discrimination and Retaliation

§ 1002.18 What status or activity is protected from employer discrimination by USERRA?

An employing office must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to an individual on the basis of his or her membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services.

§ 1002.19 What activity is protected from employer retaliation by USERRA?

An employing office must not retaliate against an individual by taking any adverse employment action against him or her because the individual has taken an action to enforce a protection afforded any person under USERRA; testified or otherwise made a statement in or in connection with a proceeding under USERRA; assisted or participated in a USERRA investigation; exercised a right provided for by USERRA; or is performing service in the uniformed services within the meaning of 1002.5 of Subpart A of these regulations.

§ 1002.20 Do the Act's prohibitions against discrimination and retaliation apply to all employment positions?

Under USERRA, as applied by the CAA, the prohibitions against discrimination and retaliation apply to all positions within covered employing offices, including those that are for a brief, nonrecurrent period, and for which there is no reasonable expectation that the employment position will continue indefinitely or for a significant period. However, USERRA's re-employment rights and benefits do not apply to such brief, non-recurrent positions of employment.

§ 1002.21 Does USERRA protect a covered employee who does not actually perform service in the uniformed services?

USERRA's provisions, as applied by Section 206 of the CAA, prohibit discrimination and retaliation against eligible employees. Section 207(a) of the CAA prohibits retaliation against those non-eligible, covered employees under the CAA who have not performed service in the uniformed services.

Subpart C—Eligibility For Reemployment

General Eligibility Requirements for Reemployment

§ 1002.32 What criteria must the employee meet to be eligible under USERRA for reemployment after service in the uniformed services?

(a) In general, if the employee has been absent from a position of civilian employment by reason of service in the uniformed services, he or she will be eligible for reemployment under USERRA by meeting the following criteria:

(1) The employer had advance notice of the employee's service;
(2) The employee has five years or less of cumulative service in the uniformed services in his or her employment relationship with a particular employer;
(3) The employee timely returns to work or applies for reemployment; and,
(4) The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

(b) These general eligibility requirements have important qualifications and exceptions, which are described in detail in §§ 1002.73 through 1002.138. If the employee meets these eligibility criteria, then he or she is eligible for reemployment unless the employer establishes one of the defenses described in § 1002.139. The employment position to which the employee is entitled is described in §§ 1002.191 through 1002.199.

§ 1002.33 Does the covered employee have to prove that the employing office discriminated against him or her in order to be eligible for reemployment?

No. The covered employee is not required to prove that the employing office discriminated against him or her because of the employee's uniformed service in order to be eligible for reemployment.

Coverage of Employers and Positions

§ 1002.34 Which employing offices are covered by these regulations?

(a) USERRA applies to all covered employing offices of the legislative branch as defined in Subpart A, section 1002.5, subsection (e) of these regulations.

§ 1002.40 Does USERRA protect against discrimination in initial hiring decisions?

Yes. The definition of employer in the USERRA provision as applied by the CAA includes an employing office that has denied initial employment to an individual in violation of USERRA's anti-discrimination provisions. An employing office need not actually employ an individual to be his or her "employer" under the Act, if it has denied initial employment on the basis of the individual's membership, application for membership, performance of service, application for service, or obligation for service in the uniformed services. Similarly, the employing office would be liable if it denied initial employment on the basis of the individual's action taken to enforce a protection afforded to any person under USERRA, his or her testimony or statement in connection with any USERRA proceeding, assistance or other participation in a USERRA investigation, or the exercise of any other right provided by the Act. For example, if the individual has been denied initial employment because of his or her obligations as a member of the National Guard or Reserves, the employing office denying employment is an employer for purposes of USERRA. Similarly, if an employing office withdraws an offer of employment because the individual is called upon to fulfill an obligation in the uniformed services, the employing office withdrawing the employment offer is an employer for purposes of USERRA.

§ 1002.41 Does an employee have rights under USERRA even though he or she holds a temporary, part-time, probationary, or seasonal employment position?

USERRA rights are not diminished because an employee holds a temporary, part-time, probationary, or seasonal employment position. However, an employing office is not required to reemploy an employee if the employment he or she left to serve in the uniformed services was for a brief, nonrecurrent period and there is no reasonable expectation that the employment would have continued indefinitely or for a significant period. The employing office bears the burden of proving this affirmative defense.

§ 1002.42 What rights does an employee have under USERRA if he or she is on layoff or on a leave of absence?

(a) If an employee is laid off with recall rights, or on a leave of absence, he or she is an employee for purposes of USERRA. If the employee is on layoff and begins service in the uniformed services, or is laid off while performing service, he or she may be entitled to reemployment on return if the employing office would have recalled the employee to employment during the period of service. Similar principles apply if the employee is on a leave of absence from work when he or she begins a period of service in the uniformed services.

(b) If the employee is sent a recall notice during a period of service in the uniformed services and cannot resume the position of employment because of the service, he or she still remains an employee for purposes of the Act. Therefore, if the employee is otherwise eligible, he or she is entitled to reemployment following the conclusion of the period of service, even if he or she did not respond to the recall notice.

(c) If the employee is laid off before or during service in the uniformed services, and the employing office would not have recalled him or her during that period of service, the employee is not entitled to reemployment following the period of service simply because he or she is a covered employee. Reemployment rights under USERRA cannot put the employee in a better position than if he or she had remained in the civilian employment position.

§ 1002.43 Does an individual have rights under USERRA even if he or she is an executive, managerial, or professional employee?

Yes. USERRA applies to all covered employees. There is no exclusion for executive, managerial, or professional employees.

§ 1002.44 Does USERRA cover an independent contractor?

(a) No. USERRA, as applied by the CAA, does not provide protections for an independent contractor.

Coverage of Service in the Uniformed Services

§ 1002.54 Are all military fitness examinations considered "service in the uniformed services?"

Yes. USERRA's definition of "service in the uniformed services" includes a period for which an employee is absent from a position of employment for the purpose of an examination to determine his or her fitness to perform duty in the uniformed services. Military fitness examinations can address more than physical or medical fitness, and include evaluations for mental, educational, and other types of fitness. Any examination to determine an employee's fitness for service is covered, whether it is an initial or recurring examination. For example, a periodic medical examination required of a Reserve component member to determine fitness for continued service is covered.

§ 1002.55 Is all funeral honors duty considered "service in the uniformed services?"

(a) USERRA's definition of "service in the uniformed services" includes a period for which an employee is absent from employment for the purpose of performing authorized funeral honors duty under 10 U.S.C. 12503 (members of Reserve ordered to perform funeral honors duty) or 32 U.S.C. 115 (Member of Air or Army National Guard ordered to perform funeral honors duty).

(b) Funeral honors duty performed by persons who are not members of the uniformed services, such as members of veterans' service organizations, is not "service in the uniformed services."

§ 1002.56 What types of service in the National Disaster Medical System are considered "service in the uniformed services?"

Under a provision of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, 42 U.S.C. 300hh 11(e)(3), "service in the uniformed services" includes service performed as an intermittent disaster-response appointee upon activation of the National Disaster Medical System or participation in an authorized training program, even if the individual is not a member of the uniformed services.

§ 1002.57 Is all service as a member of the National Guard considered "service in the uniformed services?"

No. Only Federal National Guard Service is considered "service in the uniformed services." The National Guard has a dual status. It is a Reserve component of the Army, or, in the case of the Air National Guard, of the Air Force. Simultaneously, it is a State military force subject to call-up by the State Governor for duty not subject to Federal control, such as emergency duty in cases of floods or riots. National Guard members may perform service under either Federal or State authority, but only Federal National Guard service is covered by USERRA.

(a) National Guard service under Federal authority is protected by USERRA. Service under Federal authority includes active duty performed under Title 10 of the United States Code. Service under Federal authority also includes duty under Title 32 of the United States Code, such as active duty for training, inactive duty training, or full-time National Guard duty.

(b) National Guard service under authority of State law is not protected by USERRA. However, many States have laws protecting the civilian job rights of National Guard members who serve under State orders. Enforcement of those State laws is not covered by USERRA or these regulations.

§ 1002.58 Is service in the commissioned corps of the Public Health Service considered "service in the uniformed services?"

Yes. Service in the commissioned corps of the Public Health Service (PHS) is "service in the uniformed services" under USERRA.

§ 1002.59 Are there any circumstances in which special categories of persons are considered to perform "service in the uniformed services?"

Yes. In time of war or national emergency, the President has authority to designate any category of persons as a "uniformed service" for purposes of USERRA. If the President exercises this authority, service as a member of that category of persons would be "service in the uniformed services" under USERRA.

§ 1002.60 Does USERRA cover an individual attending a military service academy?

Yes. Attending a military service academy is considered uniformed service for purposes of USERRA. There are four service academies: The United States Military Academy (West Point, New York), the United States Naval Academy (Annapolis, Maryland), the United States Air Force Academy (Colorado Springs, Colorado), and the United States Coast Guard Academy (New London, Connecticut).

§ 1002.61 Does USERRA cover a member of the Reserve Officers Training Corps?

Yes, under certain conditions:

(a) Membership in the Reserve Officers Training Corps (ROTC) or the Junior ROTC is not "service in the uniformed services." However, some Reserve and National Guard enlisted members use a college ROTC program as a means of qualifying for commissioned officer status. National Guard and Reserve members in an ROTC program may at times, while participating in that program, be receiving active duty and inactive duty training service credit with their unit. In these cases, participating in ROTC training sessions is considered "service in the uniformed services," and qualifies a person for protection under USERRA's reemployment and anti-discrimination provisions.

(b) Typically, an individual in a College ROTC program enters into an agreement with a particular military service that obligates such individual to either complete the ROTC program and accept a commission or, in case he or she does not successfully complete the ROTC program, to serve as an enlisted member. Although an individual does not qualify for reemployment protection, except as specified in (a) above, he or she is protected under USERRA's anti-discrimination provisions because, as a result of the agreement, he or she has applied to become a member of the uniformed services and has incurred an obligation to perform future service.

§ 1002.62 Does USERRA cover a member of the Commissioned Corps of the National Oceanic and Atmospheric Administration, the Civil Air Patrol, or the Coast Guard Auxiliary?

No. Although the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA) is a "uniformed service" for some purposes, it is not included in USERRA's definition of this term. Service in the Civil Air Patrol and the Coast Guard Auxiliary similarly is not considered "service in the uniformed services" for purposes of USERRA. Consequently, service performed in the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA), the Civil Air Patrol, and the Coast Guard Auxiliary is not protected by USERRA.

Absence From a Position of Employment Necessitated by Reason of Service in the Uniformed Services

§ 1002.73 Does service in the uniformed services have to be an employee's sole reason for leaving an employment position in order to have USERRA reemployment rights?

No. If absence from a position of employment is necessitated by service in the uniformed services, and the employee otherwise meets the Act's eligibility requirements, he or she has reemployment rights under USERRA, even if the employee uses the absence for other purposes as well. An employee is not required to leave the employment position for the sole purpose of performing service in the uniformed services, although such uniformed service must be the main reason for departure from employment. For example, if the employee is required to report to an out of State location for military training and he or she spends off-duty time during that assignment moonlighting as a security guard or visiting relatives who live in that State, the employee will not lose reemployment rights simply because he or she used some of the time away from the job to do something other than attend the military training. Also, if an employee receives advance notification of a mobilization order, and leaves his or her employment position in order to prepare for duty, but the mobilization is cancelled, the employee will not lose any reemployment rights.

§ 1002.74 Must the employee begin service in the uniformed services immediately after leaving his or her employment position in order to have USERRA reemployment rights?

No. At a minimum, an employee must have enough time after leaving the employment position to travel safely to the uniformed service site and arrive fit to perform the service. Depending on the specific circumstances, including the duration of service, the amount of notice received, and the location of the service, additional time to rest, or to arrange affairs and report to duty, may be necessitated by reason of service in the uniformed services. The following examples help to explain the issue of the period of time between leaving civilian employment and beginning service in the uniformed services:

(a) If the employee performs a full overnight shift for the civilian employer and travels directly from the work site to perform a full day of uniformed service, the employee would not be considered fit to perform the uniformed service. An absence from that work shift is necessitated so that the employee can report for uniformed service fit for duty.

(b) If the employee is ordered to perform an extended period of service in the uniformed services, he or she may require a reasonable period of time off from the civilian job to put his or her personal affairs in order, before beginning the service. Taking such time off is also necessitated by the uniformed service.

(c) If the employee leaves a position of employment in order to enlist or otherwise perform service in the uniformed services and, through no fault of his or her own, the beginning date of the service is delayed, this delay does not terminate any reemployment rights.

Requirement of Notice

§ 1002.85 Must the employee give advance notice to the employing office of his or her service in the uniformed services?

(a) Yes. The employee, or an appropriate officer of the uniformed service in which his or her service is to be performed, must notify the employing office that the employee intends to leave the employment position to perform service in the uniformed services, with certain exceptions described below. In cases in which an employee is employed by more than one employing office, the employee, or an appropriate officer of the uniformed service in which his or her service is to be performed, must notify each employing office that the employee intends to leave the employment position to perform service in the uniformed services, with certain exceptions described below.

(b) The Department of Defense USERRA regulations at 32 CFR 104.3 provide that an "appropriate officer" can give notice on the employee's behalf. An "appropriate officer" is a commissioned, warrant, or non-commissioned officer authorized to give such notice by the military service concerned.

(c) The employee's notice to the employing office may be either oral or written. The notice may be informal and does not need to follow any particular format.

(d) Although USERRA does not specify how far in advance notice must be given to the employing office, an employee should provide notice as far in advance as is reasonable under the circumstances. In regulations promulgated by the Department of Defense under USERRA, 32 CFR 104.6(a)(2)(i)(B), the Defense Department "strongly recommends that advance notice to civilian employers be provided at least 30 days prior to departure for uniformed service when it is feasible to do so."

§ 1002.86 When is the employee excused from giving advance notice of service in the uniformed services?

The employee is required to give advance notice of pending service unless giving such notice is prevented by military necessity, or is otherwise impossible or unreasonable under all the circumstances.

(a) Only a designated authority can make a determination of "military necessity," and such a determination is not subject to judicial review. Guidelines for defining "military necessity" appear in regulations issued by the Department of Defense at 32 CFR 104.3. In general, these regulations cover situations where a mission, operation, exercise or requirement is classified, or could be compromised or otherwise adversely affected by public knowledge. In certain cases, the Secretary of Homeland Security, in consultation with the Secretary of Defense, can make a determination that giving of notice by intermittent disaster-response appointees of the National Disaster Medical System is precluded by "military necessity." See 42 U.S.C300hh–11(e)(3)(B).

(b) It may be impossible or unreasonable to give advance notice under certain circumstances. Such circumstances may include the unavailability of the employee's employing office or the employing office's representative, or a requirement that the employee report for uniformed service in an extremely short period of time.

§ 1002.87 Is the employee required to get permission from his or her employer before leaving to perform service in the uniformed services?

No. The employee is not required to ask for or get the employing office's permission to leave to perform service in the uniformed services. The employee is only required to give the employing office notice of pending service.

§ 1002.88 Is the employee required to tell the employing office that he or she intends to seek reemployment after completing uniformed service before the employee leaves to perform service in the uniformed services?

No. When the employee leaves the employment position to begin a period of service, he or she is not required to tell the employing office that he or she intends to seek reemployment after completing uniformed service. Even if the employee tells the employing office before entering or completing uniformed service that he or she does not intend to seek reemployment after completing the uniformed service, the employee does not forfeit the right to reemployment after completing service. The employee is not required to decide in advance of leaving the civilian employment position whether he or she will seek reemployment after completing uniformed service.

Period of Service

§ 1002.99 Is there a limit on the total amount of service in the uniformed services that an employee may perform and still retain reemployment rights with the employer?

Yes. In general, the employee may perform service in the uniformed services for a cumulative period of up to five (5) years and retain reemployment rights with the employing office. The exceptions to this rule are described below.

§ 1002.100 Does the five-year service limit include all absences from an employment position that are related to service in the uniformed services?

No. The five-year period includes only the time the employee spends actually performing service in the uniformed services. A period of absence from employment before or after performing service in the uniformed services does not count against the five-year limit. For example, after the employee completes a period of service in the uniformed services, he or she is provided a certain amount of time, depending upon the length of service, to report back to work or submit an application for reemployment. The period between completing the uniformed service and reporting back to work or seeking reemployment does not count against the five-year limit.

§ 1002.101 Does the five-year service limit include periods of service that the employee performed when he or she worked for a previous employing office?

No. An employee is entitled to a leave of absence for uniformed service for up to five years with each employing office for whom he or she works or has worked. When the employee takes a position with a new employing office, the five-year period begins again regardless of how much service he or she performed while working in any previous employment relationship. If an employee is employed by more than one employing office, a separate five-year period runs as to each employing office independently, even if those employing offices share or co-determine the employee's terms and conditions of employment. For example, an employee of the legislative branch may work part-time for two employing offices. In this case, a separate five-year period would run as to the employee's employment with each respective employing office.

§ 1002.102 Does the five-year service limit include periods of service that the employee performed before USERRA was enacted?

It depends. Under the CAA, USERRA provides reemployment rights to which a covered employee may become entitled beginning on or after January 23, 1996, but any uniformed service performed before January 23, 1996, that was counted against the service limitations of the previous law (the Veterans Reemployment Rights Act), also counts against USERRA's five-year limit.

§ 1002.103 Are there any types of service in the uniformed services that an employee can perform that do not count against USERRA's five-year service limit?

(a) USERRA creates the following exceptions to the five-year limit on service in the uniformed services:

> (1) Service that is required beyond five years to complete an initial period of obligated service. Some military specialties require an individual to serve more than five years because of the amount of time or expense involved in training. If the employee works in one of those specialties, he or she has reemployment rights when the initial period of obligated service is completed;
> (2) If the employee was unable to obtain orders releasing him or her from service in the uniformed services before the expiration of the five-year period, and the inability was not the employee's fault;
> (3)(i) Service performed to fulfill periodic National Guard and Reserve training requirements as prescribed by 10 U.S.C. 10147 and 32 U.S.C. 502(a) and 503; and, (ii) Service performed to fulfill additional training requirements determined and certified by a proper military authority as necessary for the employee's professional development, or to complete skill training or retraining;

(4) Service performed in a uniformed service if he or she was ordered to or retained on active duty under:
  (i) 10 U.S.C. 688 (involuntary active duty by a military retiree);
  (ii) 10 U.S.C. 12301(a) (involuntary active duty in wartime);
  (iii) 10 U.S.C. 12301(g) (retention on active duty while in captive status);
  (iv) 10 U.S.C. 12302 (involuntary active duty during a national emergency for up to 24 months);
  (v) 10 U.S.C. 12304 (involuntary active duty for an operational mission for up to 270 days);
  (vi) 10 U.S.C. 12305 (involuntary retention on active duty of a critical person during time of crisis or other specific conditions);
  (vii) 14 U.S.C. 331 (involuntary active duty by retired Coast Guard officer);
  (viii) 14 U.S.C. 332 (voluntary active duty by retired Coast Guard officer);
  (ix) 14 U.S.C. 359 (involuntary active duty by retired Coast Guard enlisted member);
  (x) 14 U.S.C. 360 (voluntary active duty by retired Coast Guard enlisted member);
  (xi) 14 U.S.C. 367 (involuntary retention of Coast Guard enlisted member on active duty); and
  (xii) 14 U.S.C. 712 (involuntary active duty by Coast Guard Reserve member for natural or man-made disasters).

(5) Service performed in a uniformed service if the employee was ordered to or retained on active duty (other than for training) under any provision of law because of a war or national emergency declared by the President or the Congress, as determined by the Secretary concerned;

(6) Service performed in a uniformed service if the employee was ordered to active duty (other than for training) in support of an operational mission for which personnel have been ordered to active duty under 10 U.S.C. 12304, as determined by a proper military authority;

(7) Service performed in a uniformed service if the employee was ordered to active duty in support of a critical mission or requirement of the uniformed services as determined by the Secretary concerned; and,

(8) Service performed as a member of the National Guard if the employee was called to respond to an invasion, danger of invasion, rebellion, danger of rebellion, insurrection, or the inability of the President with regular forces to execute the laws of the United States.

(b) Service performed in a uniformed service to mitigate economic harm where the employee's employing office is in violation of its employment or reemployment obligations to him or her.

§ 1002.104 Is the employee required to accommodate his or her employer's needs as to the timing, frequency or duration of service?

No. The employee is not required to accommodate his or her employing office's interests or concerns regarding the timing, frequency, or duration of uniformed service. The employing office cannot refuse to reemploy the employee because it believes that the timing, frequency or duration of the service is unreasonable. However, the employing office is permitted to bring its concerns over the timing, frequency, or duration of the employee's service to the attention of the appropriate military authority. Regulations issued by the Department of Defense at 32 CFR 104.4 direct military authorities to provide assistance to an employer in addressing these types of employment issues. The military authorities are required to consider requests from employers of National Guard and Reserve members to adjust scheduled absences from civilian employment to perform service.

Application for Reemployment

§ 1002.115 Is the employee required to report to or submit a timely application for reemployment to his or her pre-service employer upon completing the period of service in the uniformed services?

Yes. Upon completing service in the uniformed services, the employee must notify the pre-service employing office of his or her intent to return to the employment position by either reporting to work or submitting a timely application for reemployment. Whether the employee is required to report to work or submit a timely application for reemployment depends upon the length of service, as follows:

(a) Period of service less than 31 days or for a period of any length for the purpose of a fitness examination. If the period of service in the uniformed services was less than 31 days, or the employee was absent from a position of employment for a period of any length for the purpose of an examination to determine his or her fitness to perform service, the employee must report back to the employing office not later than the beginning of the first full regularly-scheduled work period on the first full calendar day following the completion of the period of service, and the expiration of eight hours after a period allowing for safe transportation from the place of that service to the employee's residence. For example, if the employee completes a period of service and travel home, arriving at ten o'clock in the evening, he or she cannot be required to report to the employing office until the beginning of the next full regularly-scheduled work period that begins at least eight hours after arriving home, i.e., no earlier than six o'clock the next morning. If it is impossible or unreasonable for the employee to report within such time period through no fault of his or her own, he or she must report to the employing office as soon as possible after the expiration of the eight-hour period.

(b) Period of service more than 30 days but less than 181 days. If the employee's period of service in the uniformed services was for more than 30 days but less than 181 days, he or she must submit an application for reemployment (written or oral) with the employing office not later than 14 days after completing service. If it is impossible or unreasonable for the employee to apply within 14 days through no fault of his or her own, he or she must submit the application not later than the next full calendar day after it becomes possible to do so.

(c) Period of service more than 180 days. If the employee's period of service in the uniformed services was for more than 180 days, he or she must submit an application for reemployment (written or oral) not later than 90 days after completing service.

§ 1002.116 Is the time period for reporting back to an employing office extended if the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service?

Yes. If the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, the performance of service, he or she must report to or submit an application for reemployment to the employing office at the end of the period necessary for recovering from the illness or injury. This period may not exceed two years from the date of the completion of service, except that it must be extended by the minimum time necessary to accommodate circumstances beyond the employee's control that make reporting within the period impossible or unreasonable. This period for recuperation and recovery extends the time period for reporting to or submitting an application for reemployment to the employing office, and is not applicable following reemployment.

§ 1002.117 Are there any consequences if the employee fails to report for or submit a timely application for reemployment?

(a) If the employee fails to timely report for or apply for reemployment, he or she does not automatically forfeit entitlement to USERRA's reemployment and other rights and benefits. However, the employee does become subject to any conduct rules, established policy, and general practices of the employing office pertaining to an absence from scheduled work.

(b) If reporting or submitting an employment application to the employing office is impossible or unreasonable through no fault of the employee, he or she may report to the employing office as soon as possible (in the case of a period of service less than 31 days) or submit an application for reemployment to the employing office by the next full calendar day after it becomes possible to do so (in the case of a period of service from 31 to 180 days), and the employee will be considered to have timely reported or applied for reemployment.

§ 1002.118 Is an application for reemployment required to be in any particular form?

An application for reemployment need not follow any particular format. The employee may apply orally or in writing. The application should indicate that the employee is a former employee returning from service in the uniformed services and that he or she seeks reemployment with the pre-service employing office. The employee is permitted but not required to identify a particular reemployment position in which he or she is interested.

§ 1002.119 To whom must the employee submit the application for reemployment?

The application must be submitted to the pre-service employing office or to an agent or representative of the employing office who has apparent responsibility for receiving employment applications. Depending upon the circumstances, such a person could be a personnel or human resources officer, or a first-line supervisor.

§ 1002.120 If the employee seeks or obtains employment with an employer other than the pre-service employing office before the end of the period within which a reemployment application must be filed, will that jeopardize reemployment rights with the pre-service employing office?

No. The employee has reemployment rights with the pre-service employing office provided that he or she makes a timely reemployment application to that employing office. The employee may seek or obtain employment with an employer other than the pre-service employing office during the period of time within which a reemployment application must be made, without giving up reemployment rights with the pre-service employing office. However, such alternative employment during the application period should not be of a type that would constitute cause for the employing office to discipline or terminate the employee following reemployment. For instance, if the employing office forbids outside employment, violation of such a policy may constitute cause for discipline or even termination.

§ 1002.121 Is the employee required to submit documentation to the employing office in connection with the application for reemployment?

Yes, if the period of service exceeded 30 days and if requested by the employing office to do so. If the employee submits an application for reemployment after a period of service of more than 30 days, he or she must, upon the request of the employing office, provide documentation to establish that:

(a) The reemployment application is timely;

(b) The employee has not exceeded the five-year limit on the duration of service (subject to the exceptions listed at § 1002.103); and,

(c) The employee's separation or dismissal from service was not disqualifying.

§ 1002.122 Is the employing office required to reemploy the employee if documentation establishing the employee's eligibility does not exist or is not readily available?

Yes. The employing office is not permitted to delay or deny reemployment by demanding documentation that does not exist or is not readily available. The employee is not liable for administrative delays in the issuance of military documentation. If the employee is re-employed after an absence from employment for more than 90 days, the employing office may require that he or she submit the documentation establishing entitlement to reemployment before treating the employee as not having had a break in service for pension purposes. If the documentation is received after reemployment and it shows that the employee is not entitled to reemployment, the employing office may terminate employment and any rights or benefits that the employee may have been granted.

§ 1002.123 What documents satisfy the requirement that the employee establish eligibility for reemployment after a period of service of more than thirty days?

(a) Documents that satisfy the requirements of USERRA include the following:

(1) DD (Department of Defense) 214 Certificate of Release or Discharge from Active Duty;
(2) Copy of duty orders prepared by the facility where the orders were fulfilled carrying an endorsement indicating completion of the described service;
(3) Letter from the commanding officer of a Personnel Support Activity or someone of comparable authority;
(4) Certificate of completion from military training school;
(5) Discharge certificate showing character of service; and,
(6) Copy of extracts from payroll documents showing periods of service;
(7) Letter from NDMS Team Leader or Administrative Officer verifying dates and times of NDMS training or Federal activation.

(b) The types of documents that are necessary to establish eligibility for reemployment will vary from case to case. Not all of these documents are available or necessary in every instance to establish reemployment eligibility.

Character of Service

§ 1002.134 What type of discharge or separation from service is required for an employee to be entitled to reemployment under USERRA?

USERRA does not require any particular form of discharge or separation from service. However, even if the employee is otherwise eligible for reemployment, he or she will be disqualified if the characterization of service falls within one of four categories. USERRA requires that the employee not have received one of these types of discharge.

§ 1002.135 What types of discharge or separation from uniformed service will make the employee ineligible for reemployment under USERRA?

Reemployment rights are terminated if the employee is:

(a) Separated from uniformed service with a dishonorable or bad conduct discharge;
(b) Separated from uniformed service under other than honorable conditions, as characterized by

regulations of the uniformed service;
(c) A commissioned officer dismissed as permitted under 10 U.S.C. 1161(a) by sentence of a general court-martial; in commutation of a sentence of a general court-martial; or, in time of war, by order of the President; or,
(d) A commissioned officer dropped from the rolls under 10 U.S.C. 1161(b) due to absence without authority for at least three months; separation by reason of a sentence to confinement adjudged by a court-martial; or, a sentence to confinement in a Federal or State penitentiary or correctional institution.

§ 1002.136 Who determines the characterization of service?

The branch of service in which the employee performs the tour of duty determines the characterization of service.

§ 1002.137 If the employee receives a disqualifying discharge or release from uniformed service and it is later upgraded, will reemployment rights be restored?

Yes. A military review board has the authority to prospectively or retroactively upgrade a disqualifying discharge or release. A retroactive upgrade would restore reemployment rights providing the employee otherwise meets the Act's eligibility criteria.

§ 1002.138 If the employee receives a retroactive upgrade in the characterization of service, will that entitle him or her to claim back wages and benefits lost as of the date of separation from service?

No. A retroactive upgrade allows the employee to obtain reinstatement with the former employing office, provided the employee otherwise meets the Act's eligibility criteria. Back pay and other benefits such as pension plan credits attributable to the time period between discharge and the retroactive upgrade are not required to be restored by the employing office in this situation.

Employer Statutory Defenses

§ 1002.139 Are there any circumstances in which the pre-service employing office is excused from its obligation to reemploy the employee following a period of uniformed service? What statutory defenses are available to the employing office in an action or proceeding for reemployment benefits?

(a) Even if the employee is otherwise eligible for reemployment benefits, the employing office is not required to reemploy him or her if the employing office establishes that its circumstances have so changed as to make reemployment impossible or unreasonable. For example, an employing office may be excused from re-employing the employee where there has been an intervening reduction in force that would have included that employee. The employing office may not, however, refuse to reemploy the employee on the basis that another employee was hired to fill the reemployment position during the employee's absence, even if reemployment might require the termination of that replacement employee;

(b) Even if the employee is otherwise eligible for reemployment benefits, the employing office is not required to reemploy him or her if it establishes that assisting the employee in becoming qualified for reemployment would impose an undue hardship, as defined in § 1002.5(s) and discussed in § 1002.198, on the employing office; or,

(c) Even if the employee is otherwise eligible for reemployment benefits, the employing office is not required to reemploy him or her if it establishes that the employment position vacated by the employee in order to perform service in the uniformed services was for a brief, nonrecurrent period and there was no reasonable expectation that the employment would continue indefinitely or for a significant period.

(d) The employing office defenses included in this section are affirmative ones, and the employing office carries the burden to prove by a preponderance of the evidence that any one or more of these defenses is applicable.

Subpart D—Rights, Benefits, and Obligations of Persons Absent from Employment Due to Service in the Uniformed Services

Furlough and Leave of Absence

§ 1002.149 What is the employee's status with the employing office while performing service in the uniformed services?

During a period of service in the uniformed services, the employee is deemed to be on leave of absence from the employing office. In this status, the employee is entitled to the non-seniority rights and benefits generally provided by the employing office to other employees with similar seniority, status, and pay that are on leave of absence. Entitlement to these non-seniority rights and benefits is not dependent on how the employing office characterizes the employee's status during a period of service. For example, if the employing office characterizes the employee as "terminated" during the period of uniformed service, this characterization cannot be used to avoid USERRA's requirement that the employee be deemed on leave of absence, and therefore, entitled to the non-seniority rights and benefits generally provided to employees on leave of absence.

§ 1002.150 Which non-seniority rights and benefits is the employee entitled to during a period of service?

(a) The non-seniority rights and benefits to which an employee is entitled during a period of service are those that the employing office provides to similarly situated employees by an agreement, policy, practice, or plan in effect at the employee's workplace. These rights and benefits include those in effect at the beginning of the employee's employment and those established after employment began. They also include those rights and benefits that become effective during the employee's period of service and that are provided to similarly situated employees on leave of absence.

(b) If the non-seniority benefits to which employees on leave of absence are entitled vary according to the type of leave, the employee must be given the most favorable treatment accorded to any comparable form of leave when he or she performs service in the uniformed services. In order to determine whether any two types of leave are comparable, the duration of the leave may be the most significant factor to compare. For instance, a two-day funeral leave will not be "comparable" to an extended leave for service in the uniformed service. In addition to comparing the duration of the absences, other factors such as the purpose of the leave and the ability of the employee to choose when to take the leave should also be considered.

(c) As a general matter, accrual of vacation leave is considered to be a non-seniority benefit that must be provided by an employing office to an employee on a military leave of absence only if the employing office provides that benefit to similarly situated employees on comparable leaves of absence.

(d) Nothing in this section gives the employee rights or benefits to which the employee otherwise would not be entitled if the employee had remained continuously employed with the employing office.

§ 1002.151 If the employing office provides full or partial pay to the employee while he or she is on military leave, is the employing office required to also provide the non-seniority rights and benefits ordinarily granted to similarly situated employees on furlough or leave of absence?

Yes. If the employing office provides additional benefits such as full or partial pay when the employee performs service, the employing office is not excused from providing other rights and benefits to which the employee is entitled under the Act.

§ 1002.152 If employment is interrupted by a period of service in the uniformed services, are there any circumstances under which the employee is not entitled to the non-seniority rights and benefits ordinarily granted to similarly situated employees on furlough or leave of absence?

If employment is interrupted by a period of service in the uniformed services and the employee knowingly provides written notice of intent not to return to the position of employment after service in the uniformed services, he or she is not entitled to those non-seniority rights and benefits. The employee's written notice does not waive entitlement to any other rights to which he or she is entitled under the Act, including the right to reemployment after service.

§ 1002.153 If employment is interrupted by a period of service in the uniformed services, is the employee permitted upon request to use accrued vacation, annual or similar leave with pay during the service? Can the employer require the employee to use accrued leave during a period of service?

(a) If employment is interrupted by a period of service, the employee must be permitted upon request to use any accrued vacation, annual, or similar leave with pay during the period of service, in order to continue his or her civilian pay. However, the employee is not entitled to use sick leave that accrued with the employing office during a period of service in the uniformed services, unless the employing office allows employees to use sick leave for any reason, or allows other similarly situated employees on comparable furlough or leave of absence to use accrued paid sick leave. Sick leave is usually not comparable to annual or vacation leave; it is generally intended to provide income when the employee or a family member is ill and the employee is unable to work.

(b) The employing office may not require the employee to use accrued vacation, annual, or similar leave during a period of service in the uniformed services.

Health Plan Coverage

§ 1002.163 What types of health plans are covered by USERRA?

(a) USERRA defines a health plan to include an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or arrangement under which the employee's health services are provided or the expenses of those services are paid.

(b) USERRA covers group health plans as defined in the Employee Retirement Income Security Act of 1974 (ERISA) at 29 U.S.C. 1191b(a). USERRA applies to group health plans that are subject to ERISA, and plans that are not subject to ERISA, such as those sponsored by State or local governments or religious organizations for their employees.

(c) USERRA covers multi-employer plans maintained pursuant to one or more collective bargaining agreements between employers and employee organizations. USERRA applies to multi-employer plans as they are defined in ERISA at 29 U.S.C. 1002(37). USERRA contains provisions that apply specifically to multi-employer plans in certain situations.

§ 1002.164 What health plan coverage must the employing office provide for the employee under USERRA?

If the employee has coverage under a health plan in connection with his or her employment, the plan must permit the employee to elect to continue the coverage for a certain period of time as described below:

(a) When the employee is performing service in the uniformed services, he or she is entitled to continuing coverage for himself or herself (and dependents if the plan offers dependent coverage) under a health plan provided in connection with the employment. The plan must allow the employee to elect to continue coverage for a period of time that is the lesser of:

> (1) The 24-month period beginning on the date on which the employee's absence for the purpose of performing service begins; or,
>
> (2) The period beginning on the date on which the employee's absence for the purpose of performing service begins, and ending on the date on which he or she fails to return from service or apply for a position of employment as provided under sections 1002.115–123 of these regulations.

(b) USERRA does not require the employing office to establish a health plan if there is no health plan coverage in connection with the employment, or, where there is a plan, to provide any particular type of coverage.

(c) USERRA does not require the employing office to permit the employee to initiate new health plan coverage at the beginning of a period of service if he or she did not previously have such coverage.

§ 1002.165 How does the employee elect continuing health plan coverage?

USERRA does not specify requirements for electing continuing coverage. Health plan administrators may develop reasonable requirements addressing how continuing coverage may be elected, consistent with the terms of the plan and the Act's exceptions to the requirement that the employee give advance notice of service in the uniformed services. For example, the employee cannot be precluded from electing continuing health plan coverage under circumstances where it is impossible or unreasonable for him or her to make a timely election of coverage.

§ 1002.166 How much must the employee pay in order to continue health plan coverage?

(a) If the employee performs service in the uniformed service for fewer than 31 days, he or she cannot be required to pay more than the regular employee share, if any, for health plan coverage.

(b) If the employee performs service in the uniformed service for 31 or more days, he or she may be required to pay no more than 102% of the full premium under the plan, which represents the employing office's share plus the employee's share, plus 2% for administrative costs.

(c)USERRA does not specify requirements for methods of paying for continuing coverage. Health plan administrators may develop reasonable procedures for payment, consistent with the terms of the plan.

§ 1002.167 What actions may a plan administrator take if the employee does not elect or pay for continuing coverage in a timely manner?

The actions a plan administrator may take regarding the provision or cancellation of an employee's continuing coverage depend on whether the employee is excused from the requirement to give advance notice, whether the plan has established reasonable rules for election of continuation coverage, and whether the plan has established reasonable rules for the payment for continuation coverage.

(a) No notice of service and no election of continuation coverage:

> If an employing office provides employment-based health coverage to an employee who leaves employment for uniformed service without giving advance notice of service, the plan administrator may cancel the employee's health plan coverage upon the employee's departure from employment for uniformed service. However, in cases in which an employee's failure to give advance notice of service was excused under the statute because it was impossible, unreasonable, or precluded by military necessity, the plan administrator must reinstate the employee's health coverage retroactively upon his or her election to continue coverage and payment of all unpaid amounts due, and the employee must incur no administrative reinstatement costs. In order to qualify for an exception to the requirement of timely election of continuing health care, an employee must first be excused from giving notice of service under the statute.

(b) Notice of service but no election of continuing coverage:

Plan administrators may develop reasonable requirements addressing how continuing coverage may be elected. Where health plans are also covered under the Consolidated Omnibus Budget Reconciliation Act of 1985, 26 .S.C. 4980B (COBRA), it may be reasonable for a health plan administrator to adopt COBRA-compliant rules regarding election of continuing coverage, as long as those rules do not conflict with any provision of USERRA or this rule. If an employing office provides employment-based health coverage to an employee who leaves employment for uniformed service for a period of service in excess of 30 days after having given advance notice of service but without making an election regarding continuing coverage, the plan administrator may cancel the employee's health plan coverage upon the employee's departure from employment for uniformed service, but must reinstate coverage without the imposition of administrative reinstatement costs under the following conditions:

(1) Plan administrators who have developed reasonable rules regarding the period within which an employee may elect continuing coverage must permit retroactive reinstatement of uninterrupted coverage to the date of departure if the employee elects continuing coverage and pays all unpaid amounts due within the periods established by the plan;

(2) In cases in which plan administrators have not developed rules regarding the period within which an employee may elect continuing coverage, the plan must permit retroactive reinstatement of uninterrupted coverage to the date of departure upon the employee's election and payment of all unpaid amounts at any time during the period established in section 1002.164(a).

(c) Election of continuation coverage without timely payment:

Health plan administrators may adopt reasonable rules allowing cancellation of coverage if timely payment is not made. Where health plans are covered under COBRA, it may be reasonable for a health plan administrator to adopt COBRA-compliant rules regarding payment for continuing coverage, as long as those rules do not conflict with any provision of USERRA or this rule.

§ 1002.168 If the employee's coverage was terminated at the beginning of or during service, does his or her coverage have to be reinstated upon reemployment?

(a) If health plan coverage for the employee or a dependent was terminated by reason of service in the uniformed services, that coverage must be reinstated upon reemployment. An exclusion or waiting period may not be imposed in connection with the reinstatement of coverage upon reemployment, if an exclusion or waiting period would not have been imposed had coverage not been terminated by reason of such service.

(b) USERRA permits a health plan to impose an exclusion or waiting period as to illnesses or injuries determined by the Secretary of Veterans Affairs to have been incurred in, or aggravated during, performance of service in the uniformed services. The determination that the employee's illness or injury was incurred in, or aggravated during, the performance of service may only be made by the Secretary of Veterans Affairs or his or her representative. Other coverage, for injuries or illnesses that are not service-related (or for the employee's dependents, if he or she has dependent coverage), must be reinstated subject to paragraph (a) of this section.

§ 1002.169 Can the employee elect to delay reinstatement of health plan coverage until a date after the date he or she is reemployed?

USERRA requires the employing office to reinstate health plan coverage upon request at re-employment. USERRA permits but does not require the employing office to allow the employee to delay reinstatement of health plan coverage until a date that is later than the date of re-employment.

§ 1002.170 In a multi-employer health plan, how is liability allocated for employer contributions and benefits arising under USERRA's health plan provisions?

Liability under a multi-employer plan for employer contributions and benefits in connection with USERRA's health plan provisions must be allocated either as the plan sponsor provides, or, if the sponsor does not provide, to the employee's last employer before his or her service. If the last employer is no longer functional, liability for continuing coverage is allocated to the health plan.

§ 1002.171 How does the continuation of health plan benefits apply to a multi-employer plan that provides health plan coverage through a health benefits account system?

(a) Some employees receive health plan benefits provided pursuant to a multi-employer plan that utilizes a health benefits account system in which an employee accumulates prospective health benefit eligibility, also commonly referred to as "dollar bank," "credit bank," and "hour bank" plans. In such cases, where an employee with a positive health benefits account balance elects to continue the coverage, the employee may further elect either option below:

> (1) The employee may expend his or her health account balance during an absence from employment due to service in the uniformed services in lieu of paying for the continuation of coverage as set out in § 1002.166. If an employee's health account balance becomes depleted during the applicable period provided for in § 1002.164(a), the employee must be permitted, at his or her option, to continue coverage pursuant to § 1002.166. Upon re-employment, the plan must provide for immediate reinstatement of the employee as required by § 1002.168, but may require the employee to pay the cost of the coverage until the employee earns the credits necessary to sustain continued coverage in the plan.
>
> (2) The employee may pay for continuation coverage as set out in § 1002.166, in order to maintain intact his or her account balance as of the beginning date of the absence from employment due to service in the uniformed services. This option permits the employee to

resume usage of the account balance upon reemployment.

(b) Employers or plan administrators providing such plans should counsel employees of their options set out in this subsection.

Subpart E—Reemployment Rights and Benefits

Prompt Reemployment

§ 1002.180 When is an employee entitled to be reemployed by the employing office?

The employing office must promptly reemploy the employee when he or she returns from a period of service if the employee meets the Act's eligibility criteria as described in Subpart C of these regulations.

§ 1002.181 How is "prompt reemployment" defined?

"Prompt reemployment" means as soon as practicable under the circumstances of each case. Absent unusual circumstances, reemployment must occur within two weeks of the employee's application for reemployment. For example, prompt reinstatement after a weekend National Guard duty generally means the next regularly scheduled working day. On the other hand, prompt reinstatement following several years of active duty may require more time, because the employing office may have to reassign or give notice to another employee who occupied the returning employee's position.

Reemployment Position

§ 1002.191 What position is the employee entitled to upon reemployment?

As a general rule, the employee is entitled to reemployment in the job position that he or she would have attained with reasonable certainty if not for the absence due to uniformed service. This position is known as the escalator position. The principle behind the escalator position is that, if not for the period of uniformed service, the employee could have been promoted (or, alternatively, demoted, transferred, or laid off) due to intervening events. The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, benefits, seniority, and other job perquisites, that he or she would have attained if not for the period of service. Depending upon the specific circumstances, the employing office may have the option, or be required, to reemploy the employee in a position other than the escalator position.

§ 1002.192 How is the specific reemployment position determined?

In all cases, the starting point for determining the proper reemployment position is the escalator position, which is the job position that the employee would have attained if his or her continuous employment had not been interrupted due to uniformed service. Once this position is determined, the employing office may have to consider several factors before determining the appropriate reemployment position in any particular case. Such factors may include the employee's length of service, qualifications, and disability, if any. The actual reemployment position may be either the escalator position; the pre-service position; a position comparable to the escalator or pre-service position; or, the nearest approximation to one of these positions.

§ 1002.193 Does the reemployment position include elements such as seniority, status, and rate of pay?

(a) Yes. The reemployment position includes the seniority, status, and rate of pay that an employee would ordinarily have attained in that position given his or her job history, including prospects for future earnings and advancement. The employing office must determine the seniority rights, status, and rate of pay as though the employee had been continuously employed during the period of service. The seniority rights, status, and pay of an employment position include those established (or changed) by a collective bargaining agreement, employer policy, or employment practice. The sources of seniority rights, status, and pay include agreements, policies, and practices in effect at the beginning of the employee's service, and any changes that may have occurred during the period of service. In particular, the employee's status in the reemployment position could include opportunities for advancement, general working conditions, job location, shift assignment, rank, responsibility, and geographical location.

(b) If an opportunity for promotion, or eligibility for promotion, that the employee missed during service is based on a skills test or examination, then the employing office should give him or her a reasonable amount of time to adjust to the employment position and then give a skills test or examination. No fixed amount of time for permitting adjustment to reemployment will be deemed reasonable in all cases. However, in determining a reasonable amount of time to permit an employee to adjust to reemployment before scheduling a makeup test or examination, an employing office may take into account a variety of factors, including but not limited to the length of time the returning employee was absent from work, the level of difficulty of the test itself, the typical time necessary to prepare or study for the test, the duties and responsibilities of the reemployment position and the promotional position, and the nature and responsibilities of the service member while serving in the uniformed service. If the employee is successful on the makeup exam and, based on the results of that exam, there is a reasonable certainty that he or she would have been promoted, or made eligible for promotion, during the time that the employee served in the uniformed service, then the promotion or eligibility for promotion must be made effective as of the date it would have occurred had employment not been interrupted by uniformed service.

§ 1002.194 Can the application of the escalator principle result in adverse consequences when the employee is reemployed?

Yes. The Act does not prohibit lawful adverse job consequences that result from the employee's restoration on the seniority ladder. Depending on the circumstances, the escalator principle may cause an employee to be reemployed in a higher or lower position, laid off, or even terminated. For example, if an employee's seniority or job classification would have resulted in the employee being laid off during the period of service, and the layoff continued after the date of reemployment, reemployment would reinstate the employee to layoff status. Similarly, the status of the reemployment position requires the employing office to assess what would have happened to such factors as the employee's opportunities for advancement, working conditions, job location, shift assignment, rank, responsibility, and geographical location, if he or she had remained continuously employed. The reemployment position may involve transfer to another shift or location, more or less strenuous working conditions, or changed opportunities for advancement, depending upon the application of the escalator principle.

§ 1002.195 What other factors can determine the reemployment position?

Once the employee's escalator position is determined, other factors may allow, or require, the employing office to reemploy the employee in a position other than the escalator position. These factors, which are explained in §§ 1002.196 through 1002.199, are:

(a) The length of the employee's most recent period of uniformed service;

(b) The employee's qualifications; and,

(c) Whether the employee has a disability incurred or aggravated during uniformed service.

§ 1002.196 What is the employee's reemployment position if the period of service was less than 91 days?

Following a period of service in the uniformed services of less than 91 days, the employee must be reemployed according to the following priority:

(a) The employee must be reemployed in the escalator position. He or she must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(b) If the employee is not qualified to perform the duties of the escalator position after reasonable efforts by the employing office, the employee must be reemployed in the position in which he or she was employed on the date that the period of service began. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(c) If the employee is not qualified to perform the duties of the escalator position or the pre-service position, after reasonable efforts by the employing office, he or she must be re-employed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

§ 1002.197 What is the reemployment position if the employee's period of service in the uniformed services was more than 90 days?

Following a period of service of more than 90 days, the employee must be reemployed according to the following priority:

(a) The employee must be reemployed in the escalator position or a position of like seniority, status, and pay. He or she must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(b) If the employee is not qualified to perform the duties of the escalator position or a like position after reasonable efforts by the employing office, the employee must be reemployed in the position in which he or she was employed on the date that the period of service began or in a position of like seniority, status, and pay. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

(c) If the employee is not qualified to perform the duties of the escalator position, the pre-service position, or a like position, after reasonable efforts by the employing office, he or she must be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position. The employee must be qualified to perform the duties of this position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position.

§ 1002.198 What efforts must the employing office make to help the employee become qualified for the reemployment position?

The employee must be qualified for the reemployment position. The employing office must make reasonable efforts to help the employee become qualified to perform the duties of this position. The employing office is not required to reemploy the employee on his or her return from service if he or she cannot, after reasonable efforts by the employing office, qualify for the appropriate reemployment position.

(a)(1) "Qualified" means that the employee has the ability to perform the essential tasks of the position. The employee's inability to perform one or more non-essential tasks of a position does not make him or her unqualified.

(2) Whether a task is essential depends on several factors, and these factors include but are not limited to:

- (i) The employing office's judgment as to which functions are essential;
- (ii) Written job descriptions developed before the hiring process begins;
- (iii) The amount of time on the job spent performing the function;
- (iv) The consequences of not requiring the individual to perform the function;

(v) The terms of a collective bargaining agreement;
(vi) The work experience of past incumbents in the job; and/or
(vii) The current work experience of incumbents in similar jobs.

(b) Only after the employing office makes reasonable efforts, as defined in § 1002.5(p), may it determine that the employee is not qualified for the reemployment position. These reasonable efforts must be made at no cost to the employee.

§ 1002.199 What priority must the employing office follow if two or more returning employees are entitled to reemployment in the same position?

If two or more employees are entitled to reemployment in the same position and more than one employee has reported or applied for employment in that position, the employee who first left the position for uniformed service has the first priority on reemployment in that position. The remaining employee (or employees) is entitled to be reemployed in a position similar to that in which the employee would have been re-employed according to the rules that normally determine a reemployment position, as set out in §§ 1002.196 and 1002.197.

Seniority Rights and Benefits

§ 1002.210 What seniority rights does an employee have when reemployed following a period of uniformed service?

The employee is entitled to the seniority and seniority-based rights and benefits that he or she had on the date the uniformed service began, plus any seniority and seniority-based rights and benefits that the employee would have attained if he or she had remained continuously employed. The employee is not entitled to any benefits to which he or she would not have been entitled had the employee been continuously employed with the employing office. In determining entitlement to seniority and seniority-based rights and benefits, the period of absence from employment due to or necessitated by uniformed service is not considered a break in employment. The rights and benefits protected by USERRA upon reemployment include those provided by the employing office and those required by statute.

For example, under USERRA, a reemployed service member would be eligible for leave under the Family and Medical Leave Act of 1993, 29 U.S.C. 2601–2654 (FMLA), if the number of months and the number of hours of work for which the service member was employed by the employing office, together with the number of months and the number of hours of work for which the service member would have been employed by the employing office during the period of uniformed service, meet FMLA's eligibility requirements. In the event that a service member is denied FMLA leave for failing to satisfy the FMLA's hours of work requirement due to absence from employment necessitated by uniformed service, the service member may have a cause of action under USERRA but not under the FMLA.

§ 1002.211 Does USERRA require the employing office to use a seniority system?

No. USERRA does not require the employing office to adopt a formal seniority system. USERRA defines seniority as longevity in employment together with any employment benefits that accrue with, or are determined by, longevity in employment. In the absence of a formal seniority system, such as one established through collective bargaining, USERRA looks to the custom and practice in the place of employment to determine the employee's entitlement to any employment benefits that accrue with, or are determined by, longevity in employment.

§ 1002.212 How does a person know whether a particular right or benefit is a seniority-based right or benefit?

A seniority-based right or benefit is one that accrues with, or is determined by, longevity in employment. Generally, whether a right or benefit is seniority-based depends on three factors:

(a) Whether the right or benefit is a reward for length of service rather than a form of short-term compensation for work performed;

(b) Whether it is reasonably certain that the employee would have received the right or benefit if he or she had remained continuously employed during the period of service; and,

(c) Whether it is the employing office's actual custom or practice to provide or withhold the right or benefit as a reward for length of service.

Provisions of an employment contract or policies in the employee handbook are not controlling if the employing office's actual custom or practice is different from what is written in the contract or handbook.

§ 1002.213 How can the employee demonstrate a reasonable certainty that he or she would have received the seniority right or benefit if he or she had remained continuously employed during the period of service?

A reasonable certainty is a high probability that the employee would have received the seniority or seniority-based right or benefit if he or she had been continuously employed. The employee does not have to establish that he or she would have received the benefit as an absolute certainty. The employee can demonstrate a reasonable certainty that he or she would have received the seniority right or benefit by showing that other employees with seniority similar to that which the employee would have had if he or she had remained continuously employed received the right or benefit. The employing office cannot withhold the right or benefit based on an assumption that a series of unlikely events could have prevented the employee from gaining the right or benefit.

Disabled Employees

§ 1002.225 Is the employee entitled to any specific reemployment benefits if he or she has a disability that was incurred in, or aggravated during, the period of service?

Yes. A disabled service member is entitled, to the same extent as any other individual, to the escalator position he or she would have attained but for uniformed service. If the employee has a disability incurred in, or aggravated during, the period of service in the uniformed services, the employing office must make reasonable efforts to accommodate that disability and to help the employee become qualified to perform the duties of his or her reemployment position. If the employee is not qualified for reemployment in the escalator position because of a disability after reasonable efforts by the employing office to accommodate the disability and to help the employee to become qualified, the employee must be reemployed in a position according to the following priority. The employing office must make reasonable efforts to accommodate the employee's disability and to help him or her to become qualified to perform the duties of one of these positions:

(a) A position that is equivalent in seniority, status, and pay to the escalator position; or,

(b) A position that is the nearest approximation to the equivalent position, consistent with the circumstances of the employee's case, in terms of seniority, status, and pay.

A position that is the nearest approximation to the equivalent position may be a higher or lower position, depending on the circumstances.

§ 1002.226 If the employee has a disability that was incurred in, or aggravated during, the period of service, what efforts must the employing office make to help him or her become qualified for the reemployment position?

(a) USERRA requires that the employee be qualified for the reemployment position regardless of any disability. The employing office must make reasonable efforts to help the employee to become qualified to perform the duties of this position. The employing office is not required to reemploy the employee on his or her return from service if he or she cannot, after reasonable efforts by the employing office, qualify for the appropriate reemployment position.

(b) "Qualified" has the same meaning here as in § 1002.198.

Rate of Pay

§ 1002.236 How is the employee's rate of pay determined when he or she returns from a period of service?

The employee's rate of pay is determined by applying the same escalator principles that are used to determine the reemployment position, as follows:

(a) If the employee is reemployed in the escalator position, the employing office must compensate him or her at the rate of pay associated with the escalator position. The rate of pay must be determined by taking into account any pay increases, differentials, step increases, merit increases, or periodic increases that the employee would have attained with reasonable certainty had he or she remained continuously employed during the period of service. In addition, when considering whether merit or performance increases would have been attained with reasonable certainty, an employing office may examine the returning employee's own work history, his or her history of merit increases, and the work and pay history of employees in the same or similar position.

For example, if the employee missed a merit pay increase while performing service, but qualified for previous merit pay increases, then the rate of pay should include the merit pay increase that was missed. If the merit pay increase that the employee missed during service is based on a skills test or examination, then the employing office should give the employee a reasonable amount of time to adjust to the reemployment position and then give him or her the skills test or examination. No fixed amount of time for permitting adjustment to reemployment will be deemed reasonable in all cases. However, in determining a reasonable amount of time to permit an employee to adjust to reemployment before scheduling a makeup test or examination, an employing office may take into account a variety of factors, including but not limited to the length of time the returning employee was absent from work, the level of difficulty of the test itself, the typical time necessary to prepare or study for the test, the duties and responsibilities of the reemployment position and the promotional position, and the nature and responsibilities of the service member while serving in the uniformed service. The escalator principle also applies in the event a pay reduction occurred in the reemployment position during the period of service. Any pay adjustment must be made effective as of the date it would have occurred had the employee's employment not been interrupted by uniformed service.

(b) If the employee is reemployed in the pre-service position or another position, the employing office must compensate him or her at the rate of pay associated with the position in which he or she is reemployed. As with the escalator position, the rate of pay must be determined by taking into account any pay increases, differentials, step increases, merit increases, or periodic increases that the employee would have attained with reasonable certainty had he or she remained continuously employed during the period of service.

Protection Against Discharge

§ 1002.247 Does USERRA provide the employee with protection against discharge?

It depends. If the employee's most recent period of service in the uniformed services was more than 30 days, a discharge without cause may create a rebuttable presumption that there has been a violation of USERRA—

(a) For 180 days after the employee's date of reemployment if his or her most recent period of uniformed service was more than 30 days but less than 181 days; or,

(b) For one year after the date of reemployment if the employee's most recent period of uniformed service was more than 180 days.

§ 1002.248 What constitutes cause for discharge under USERRA?

The employee may be discharged for cause based either on conduct or, in some circumstances, because of the application of other legitimate nondiscriminatory reasons.

(a) In a discharge action based on conduct, the employing office bears the burden of proving that it is reasonable to discharge the employee for the conduct in question, and that he or she had notice, which was express or can be fairly implied, that the conduct would constitute cause for discharge.

(b) If, based on the application of other legitimate nondiscriminatory reasons, the employee's job position is eliminated, or the employee is placed on layoff status, either of these situations would constitute cause for purposes of USERRA. The employing office bears the burden of proving that the employee's job would have been eliminated or that he or she would have been laid off.

Pension Plan Benefits

§ 1002.259 How does USERRA protect an employee's pension benefits?

On reemployment, the employee is treated as not having a break in service with the employing office maintaining a pension plan, for purposes of participation, vesting and accrual of benefits, by reason of the period of absence from employment due to or necessitated by service in the uniformed services.

(a) Depending on the length of the employee's period of service, he or she is entitled to take from one to ninety days following service before reporting back to work or applying for reemployment (See § 1002.115). This period of time must be treated as continuous service with the employing office for purposes of determining participation, vesting and accrual of pension benefits under the plan.

(b) If the employee is hospitalized for, or convalescing from, an illness or injury incurred in, or aggravated during, service, he or she is entitled to report to or submit an application for reemployment at the end of the time period necessary for him or her to recover from the illness or injury. This period, which may not exceed two years from the date the employee completed service, except in circumstances beyond his or her control, must be treated as continuous service with the employing office for purposes of determining the participation, vesting and accrual of pension benefits under the plan.

§ 1002.260 What pension benefit plans are covered under USERRA?

(a) The Employee Retirement Income Security Act of 1974 (ERISA) defines an employee pension benefit plan as a plan that provides retirement income to employees, or defers employee income to a period extending to or beyond the termination of employment. Any such plan maintained by the employing office is covered under USERRA. USERRA also covers certain pension plans not covered by ERISA, such as those sponsored by a State, government entity, or church for its employees.

(b) USERRA does not cover pension benefits under the Federal Thrift Savings Plan; those benefits are covered under 5 U.S.C. 8432b.

§ 1002.261 Who is responsible for funding any plan obligation to provide the employee with pension benefits?

With the exception of multi-employer plans, which have separate rules discussed below, the employing office is liable to the pension benefit plan to fund any obligation of the plan to provide benefits that are attributable to the employee's period of service. In the case of a defined contribution plan, once the employee is reemployed, the employing office must allocate the amount of its make-up contribution for the employee, if any; the employee's make-up contributions, if any; and the employee's elective deferrals, if any; in the same manner and to the same extent that it allocates the amounts for other employees during the period of service. In the case of a defined benefit plan, the employee's accrued benefit will be increased for the period of service once he or she is reemployed and, if applicable, has repaid any amounts previously paid to him or her from the plan and made any employee contributions that may be required to be made under the plan.

§ 1002.262 When is the employing office required to make the plan contribution that is attributable to the employee's period of uniformed service?

(a) The employing office is not required to make its contribution until the employee is re-employed. For employer contributions to a plan in which the employee is not required or permitted to contribute, the employing office must make the contribution attributable to the employee's period of service no later than ninety days after the date of reemployment, or when plan contributions are normally due for the year in which the service in the uniformed services was performed, whichever is later. If it is impossible or unreasonable for the employing office to make the contribution within this time period, the employer must make the contribution as soon as practicable.

(b) If the employee is enrolled in a contributory plan, he or she is allowed (but not required) to make up his or her missed contributions or elective deferrals. These makeup contributions, or elective deferrals, must be made during a time period starting with the date of reemployment and continuing for up to three times the length of the employee's immediate past period of uniformed service, with the repayment period not to exceed five years. Makeup contributions or elective deferrals may only be made during this period and while the employee is employed with the post-service employing office.

(c) If the employee's plan is contributory and he or she does not make up his or her contributions or elective deferrals, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution. This is true because the employing office is required to make contributions that are contingent on or attributable to the employee's contributions or elective deferrals only to the extent that the employee makes up his or her payments to the plan. Any employing office contributions that are contingent on or attributable to the employee's make-up contributions or elective deferrals must be made according to the plan's requirements for employer matching contributions.

(d) The employee is not required to make up the full amount of employee contributions or elective deferrals that he or she missed making during the period of service. If the employee does not make up all of the missed contributions or elective deferrals, his or her pension may be less than if he or she had done so.

(e) Any vested accrued benefit in the pension plan that the employee was entitled to prior to the period of uniformed service remains intact whether or not he or she chooses to be reemployed under the Act after leaving the uniformed service.

(f) An adjustment will be made to the amount of employee contributions or elective deferrals that the employee will be able to make to the pension plan for any employee contributions or elective deferrals he or she actually made to the plan during the period of service.

§ 1002.263 Does the employee pay interest when he or she makes up missed contributions or elective deferrals?

No. The employee is not required or permitted to make up a missed contribution in an amount that exceeds the amount he or she would have been permitted or required to contribute had he or she remained continuously employed during the period of service.

§ 1002.264 Is the employee allowed to repay a previous distribution from a pension benefits plan upon being reemployed?

Yes, provided the plan is a defined benefit plan. If the employee received a distribution of all or part of the accrued benefit from a defined benefit plan in connection with his or her service in the uniformed services before he or she became reemployed, he or she must be allowed to repay the withdrawn amounts when he or she is reemployed. The amount the employee must repay includes any interest that would have accrued had the monies not been withdrawn. The employee must be allowed to repay these amounts during a time period starting with the date of reemployment and continuing for up to three times the length of the employee's immediate past period of uniformed service, with the repayment period not to exceed five years (or such longer time as may be agreed to between the employing office and the employee), provided the employee is employed with the post-service employing office during this period.

§ 1002.265 If the employee is reemployed with his or her pre-service employing office, is the employee's pension benefit the same as if he or she had remained continuously employed?

The amount of the employee's pension benefit depends on the type of pension plan.

(a) In a non-contributory defined benefit plan, where the amount of the pension benefit is determined according to a specific formula, the employee's benefit will be the same as though he or she had remained continuously employed during the period of service.

(b) In a contributory defined benefit plan, the employee will need to make up contributions in order to have the same benefit as if he or she had remained continuously employed during the period of service.

(c) In a defined contribution plan, the benefit may not be the same as if the employee had remained continuously employed, even though the employee and the employing office make up any contributions or elective deferrals attributable to the period of service, because the employee is not entitled to forfeitures and earnings or required to experience losses that accrued during the period or periods of service.

§ 1002.266 What are the obligations of a multi-employer pension benefit plan under USERRA?

A multi-employer pension benefit plan is one to which more than one employer is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between one or more employee organizations and more than one employer. The Act uses ERISA's definition of a multi-employer plan. In addition to the provisions of USERRA that apply to all pension benefit plans, there are provisions that apply specifically to multi-employer plans, as follows:

(a) The last employer that employed the employee before the period of service is responsible for making the employer contribution to the multi-employer plan, if the plan sponsor does not provide otherwise. If the last employer is no longer functional, the plan must nevertheless provide coverage to the employee.

(b) An employer that contributes to a multi-employer plan and that reemploys the employee pursuant to USERRA must provide written notice of reemployment to the plan administrator within 30 days after the date of reemployment. The returning service member should notify the reemploying employer that he or she has been reemployed pursuant to USERRA. The 30-day period within which the reemploying employer must provide written notice to the multi-employer plan pursuant to this subsection does not begin until the employer has knowledge that the employee was re-employed pursuant to USERRA.

(c)) The employee is entitled to the same employer contribution whether he or she is reemployed by the pre-service employer or by a different employer contributing to the same multi-employer plan, provided that the pre-service employer and the post-service employer share a common means or practice of hiring the employee, such as common participation in a union hiring hall.

§ 1002.267 How is compensation during the period of service calculated in order to determine the employee's pension benefits, if benefits are based on compensation?

In many pension benefit plans, the employee's compensation determines the amount of his or her contribution or the retirement benefit to which he or she is entitled.

(a) Where the employee's rate of compensation must be calculated to determine pension entitlement, the calculation must be made using the rate of pay that the employee would have received but for the period of uniformed service.

(b) (1) Where the rate of pay the employee would have received is not reasonably certain, the average rate of compensation during the 12-month period prior to the period of uniformed service must be used.

(2) Where the rate of pay the employee would have received is not reasonably certain and he or she was employed for less than 12 months prior to the period of uniformed service, the average rate of compensation must be derived from this shorter period of employment that preceded service.

Subpart F—Compliance Assistance, Enforcement and Remedies

Compliance Assistance

§ 1002.277 What assistance does the Office of Compliance provide to employees and employers concerning employment, reemployment, or other rights and benefits under USERRA?

The Office of Compliance provides assistance to any person or entity who is covered by the CAA with respect to employment and reemployment rights and benefits under USERRA as applied by the CAA. This assistance includes responding to inquiries, and providing a program of education and information on matters relating to USERRA.

Investigation and Referral

§ 1002.288 How does a covered employee initiate a claim alleging a violation of USERRA under the CAA?

(a) If an individual is claiming entitlement to employment rights or benefits or reemployment rights or benefits and alleges that an employing office has failed or refused, or is about to fail or refuse, to comply with the Act, the individual may file a complaint with the Office of Compliance, after a required period of counseling and mediation.

(b) To commence a proceeding, a covered employee alleging a violation of the rights and protections of USERRA must request counseling by the Office of Compliance no later than 180 days after the date of the alleged violation. If a covered employee misses this deadline, the claim may be time barred under the CAA.

(c) The following procedures are available under subchapter IV of the CAA for covered employees who believe their rights under USERRA as made applicable by the CAA have been violated:
    (1) counseling;
    (2) mediation; and
    (3) election of either -
        (A) a formal complaint filed with the Office of Compliance (which must meet the requirements as set forth in the Office of Compliance Procedural Rules, Section 5.01(c)), and a hearing before a hearing officer, subject to review by the Board of Directors of the Office of Compliance, and judicial review in the United States Court of Appeals for the Federal Circuit; or
        (B) a civil action in a district court of the United States.

(d) Regulations of the Office of Compliance describing and governing these procedures can be found at 141 Cong. Rec. H15645-H15655 (December 22, 1995) and 141 Cong. Rec. §19239, 143 Cong. Rec. H8316-H8317 (as amended, applying USERRA to the Government Accountability Office and the Library of Congress).

Enforcement of Rights and Benefits Against an Employing Office

§ 1002.303 Is a covered employee required to bring his or her claim to the Office of Compliance?

Yes. All covered employees who file claims under Part A of subchapter II of the CAA, which includes USERRA, are required to go through counseling and mediation before electing to file a civil action or a complaint with the Office of Compliance.

§ 1002.308 Who has legal standing to bring a USERRA claim under the CAA?

An action under Section 206 of the CAA may be brought by an eligible employee, as defined by Section 1002.5 (f) of Subpart A of these regulations. An action under 207(a) of the CAA may be brought by a covered employee, as defined by section 1002.5 (e) of Subpart A of these regulations. An employing office, prospective employing office or other similar entity may not bring an action under the Act.

§ 1002.309 Who is a necessary party in an action under USERRA?

In an action under USERRA, only the covered employing office or a potential covered employing office, as the case may be, is a necessary party respondent. Under the Office of Compliance Procedural Rules, a hearing officer has authority to require the filing of briefs, memoranda of law, and the presentation of oral argument. A hearing officer also may order the production of evidence and the appearance of witnesses.

§ 1002.310 How are fees and court costs charged or taxed in an action under USERRA?

No fees or court costs may be charged or taxed against an individual if he or she is claiming rights under the Act. If a covered employee is a prevailing party with respect to any claim under USERRA, the hearing officer, Board, or court may award reasonable attorney fees, expert witness fees, and other litigation expenses.

§ 1002.311 Is there a statute of limitations in an action under USERRA?

USERRA does not have a statute of limitations. However, Section 402 of the CAA requires an individual to bring a request for counseling alleging a violation of the CAA no later than 180 days after the date of the alleged violation. A claim alleging a USERRA violation as applied by the

CAA would follow this requirement

§ 1002.312 What remedies may be awarded for a violation of USERRA?

In any action or proceeding the following relief may be awarded:

(a) The court and/or hearing officer may require the employing office to comply with the provisions of the Act;

(b) The court and/or hearing officer may require the employing office to compensate the individual for any loss of wages or benefits suffered by reason of the employing office's failure to comply with the Act;

(c) The court and/or hearing officer may require the employing office to pay the individual an amount equal to the amount of lost wages and benefits as liquidated damages, if the court and/or hearing officer determines that the employing office's failure to comply with the Act was willful. A violation shall be considered to be willful if the employing office either knew or showed reckless disregard for whether its conduct was prohibited by the Act.

(d) Any wages, benefits, or liquidated damages awarded under paragraphs (b) and (c) of this section are in addition to, and must not diminish, any of the other rights and benefits provided by USERRA (such as, for example, the right to be employed or reemployed by the employing office).

§ 1002.314 May a court and/or hearing officer use its equity powers in an action or proceeding under the Act?

Yes. A court and/or hearing officer may use its full equity powers, including the issuance of temporary or permanent injunctions, temporary restraining orders, and contempt orders, to vindicate the rights or benefits guaranteed under the Act.

END OF TEXT OF PROPOSED USERRA REGULATIONS

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6474. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1-Methylcyclopropene; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2007-0433; FRL-8357-5] received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6475. A letter from the Secretary of the Army, Department of Defense, transmitting notification that the Average Procurement Unit Cost (APUC) metric for the Javelin Advanced Anti-Tank Missile has exceeded the 15 percent significant cost growth threshold, pursuant to 10 U.S.C. 2433; to the Committee on Armed Services.

6476. A letter from the Acting General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2009; to the Committee on Armed Services.

6477. A letter from the Comptroller, Department of Defense, transmitting the Department's quarterly report as of March 31, 2008, entitled, "Acceptance of contributions for defense programs, projects and activities; Defense Cooperation Account," pursuant to 10 U.S.C. 2608; to the Committee on Armed Services.

6478. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Iowa [EPA-R07-OAR-2008-0241; FRL-8533-1] received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6479. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Petroleum Refineries [EPA-HQ-OAR-2007-0011; FRL-8563-2] (RIN: 2060-AN72) received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6480. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Interstate Transport of Pollution [EPA-R01-OAR-2007-0452; A-1-FRL-8562-9] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6481. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia: Transportation Conformity Requirement [EPA-R03-OAR-2007-1146; FRL-8561-2] received April 31, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6482. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Performance Measurement System Needs Long-Term Stability and Commitment to Maximize Effectiveness," pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6483. A letter from the Director, Court Services and Offender Supervision Agency for the District of Columbia, transmitting the Agency's Fiscal Year 2007 annual report prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, Pub. L. 107-174; to the Committee on Oversight and Government Reform.

6484. A letter from the Director, Office of Economic Impact and Diversity, Department of Energy, transmitting the Department's annual report for Fiscal Year 2007, prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

6485. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6486. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6487. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6488. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6489. A letter from the Chairman, U.S. Parole Commission, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act for the calendar year 2007, pursuant to 5 U.S.C. 552b(j); to the Committee on Oversight and Government Reform.

6490. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6491. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6492. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6493. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6494. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6495. A letter from the White House Liaison, Department of the Treasury, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6496. A letter from the Chairperson, National Council on Disability, transmitting the Council's Annual Performance Report to the President and Congress Fiscal Year 2007, as required by the Government Performance and Results Act, pursuant to 31 U.S.C. 1116; to the Committee on Oversight and Government Reform.

6497. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's report for Fiscal Year 2007, in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

6498. A letter from the Commissioner, Social Security Administration, transmitting notification of the details of a public-private competition to be initiated by the Administration, pursuant to Public Law 110-81, section 327; to the Committee on Oversight and Government Reform.

6499. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6500. A communication from the President of the United States, transmitting an Agreement between the United States of America and the Czech Republic on Social Security, with a principal agreement and an administrative arrangement, both signed in Prague on September 7, 2007, pursuant to 42 U.S.C. 433(e)(1); (H. Doc. No. 110–110); to the Committee on Ways and Means and ordered to be printed.

6501. A letter from the Chair of the Board of Directors, Office of Compliance, transmitting notice of proposed procedural rulemaking regulations under Section 304(b)(1) of the Congressional Accountability Act of 1995 for publication in the Congressional Record, pursuant to 2 U.S.C. 1384(b)(1); jointly to the Committees on Education and Labor and House Administration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the clerk for printing and reference to the proper calendar, as follows:

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 3021. A bill to direct the Secretary of Education to make grants and low-interest loans to local educational agencies for the construction, modernization, or repair of public kindergarten, elementary, and secondary educational facilities, and for other purposes; with an amendment (Rept. 110–623). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5781. A bill to provide that 8 of the 12 weeks of parental leave made available to a Federal employee shall be paid leave, and for other purposes; with an amendment (Rept. 110–624 Pt. 1). Ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 752. A bill to direct Federal agencies to donate excess and surplus Federal electronic equipment, including computers, computer components, printers, and fax machines, to qualifying small towns, counties, schools, nonprofit organizations, and libraries; with an amendment (Rept. 110–625). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 or rule XII the Committee on House Administration discharged from further consideration.

H.R. 5781 referred to the Committee of the Whole on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. JONES of North Carolina:

H.R. 5993. A bill to promote congressional and public awareness, understanding, and political accountability of presidential signing statements; to the Committee on the Judiciary.

By Mr. CONYERS (for himself and Ms. ZOE LOFGREN of California):

H.R. 5994. A bill to amend the Clayton Act with respect to competitive and nondiscriminatory access to the Internet; to the Committee on the Judiciary.

By Mr. RYAN of Wisconsin (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. CANTOR, Mr. PUTNAM, Mr. HENSARLING, Mr. SENSENBRENNER, Mr. FLAKE, Mr. PENCE, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. JORDAN, Mr. BROUN of Georgia, and Mr. MCCOTTER):

H.R. 5995. A bill to amend the Internal Revenue Code of 1986 to suspend the highway fuels taxes, to provide for a Joint Committee on Earmark Reform, and to prohibit earmarking for the remainder of the 110th Congress; to the Committee on Ways and Means, and in addition to the Committees on Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOTTER:

H.R. 5996. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for tutoring expenses for elementary and secondary school students; to the Committee on Ways and Means.

By Mr. BARROW:

H.R. 5997. A bill to amend title 49, United States Code, to require a motor carrier, broker, or freight forwarder that collects a fuel surcharge to pay an amount equal to the surcharge to the person that bears the cost of the fuel, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PALLONE (for himself, Ms. SHEA-PORTER, Mr. ALTMIRE, Ms. BALDWIN, Mr. BRALEY of Iowa, Mrs. CAPPS, Mr. COURTNEY, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. DOYLE, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. GENE GREEN of Texas, Ms. HARMAN, Mr. HODES, Ms. HOOLEY, Mr. INSLEE, Mr. LARSON of Connecticut, Mr. MARKEY, Mr. MURPHY of Connecticut, Mr. PATRICK MURPHY of Pennsylvania, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Ms. SOLIS, Mr. STARK, Mr. STUPAK, Mr. TOWNS, Mr. WALZ of Minnesota, Mr. WAXMAN, and Mr. WELCH of Vermont):

H.R. 5998. A bill to nullify any effectiveness of the August 17, 2007, State health official letter issued by the Centers for Medicare & Medicaid Services; to the Committee on Energy and Commerce.

By Ms. HIRONO (for herself, Mr. ABERCROMBIE, and Ms. ROS-LEHTINEN):

H.R. 5999. A bill to authorize appropriations for the National Tropical Botanical Garden, and for other purposes; to the Committee on the Judiciary.

By Mr. KUCINICH (for himself, Mr. ABERCROMBIE, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mrs. CAPPS, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Mr. DOYLE, Mr. ELLISON, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HARE, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HIRONO, Mr. HONDA, Mr. JACKSON of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KANJORSKI, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LOWEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, Mr. NADLER, Mrs. NAPOLITANO, Mr. OLVER, Mr. PAYNE, Mr. RAHALL, Mr. ROTHMAN, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Mr. STUPAK, Ms. SUTTON, Mr. TIERNEY, Mr. TOWNS, Ms. WATSON, Mr. WAXMAN, Mr. WEXLER, Ms. WOOLSEY, Mr. YARMUTH, and Ms. ROYBAL-ALLARD):

H.R. 6000. A bill to amend the Internal Revenue Code of 1986 to impose a windfall profit tax on oil and natural gas (and products thereof) and to allow an income tax credit for purchases of fuel-efficient passenger vehicles, and to allow grants for mass transit; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUYER (for himself, Mr. COLE of Oklahoma, Mr. GRAVES, Mr. PICKERING, Mr. HAYES, Mr. SHIMKUS, Mr. PENCE, Mr. BURTON of Indiana, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. WAMP, Mr. YOUNG of Alaska, Mr. HOEKSTRA, Mr. SHUSTER, Mr. MCHENRY, Mr. BARRETT of South Carolina, Mr. SOUDER, and Mr. SHADEGG):

H.R. 6001. A bill to rebalance the United States energy portfolio, to increase and utilize the Nation's domestic energy resources and supply, to strengthen energy security and independence, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, Ways and Means, Armed Services, and Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mr. DREIER, Mr. MCKEON, Mrs. NAPOLITANO, and Ms. SOLIS):

H.R. 6002. A bill to amend title 23, United States Code, to prohibit the collection of certain tolls on existing high occupancy vehicles; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. CORRINE BROWN of Florida, Mr. SHUSTER, Mr. NADLER, Mr. COSTELLO, Mr. LIPINSKI, Mr. SIRES, Mr. DEFAZIO, Mr. CUMMINGS, Mrs. NAPOLITANO, Ms. NORTON, Mrs. TAUSCHER, Mr. ARCURI, Mr. SPACE, Mr. SALAZAR, Mr. BRALEY of Iowa, Mr. FILNER, Mr. RAHALL, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TAYLOR, Mr. WALZ of Minnesota, Mr. CARNEY, Ms. HIRONO, Mr. HIGGINS, Mr. BISHOP of New York, Mr. CARNAHAN, Mr. LARSEN of Washington, Mr. MICHAUD, Ms. MATSUI, Mr. HALL of New York, Mr. COHEN, Mr. MCNERNEY, Mr. ALTMIRE, Mr. CAPUANO, Mr. HOLDEN, and Mr. KAGEN):

H.R. 6003. A bill to reauthorize Amtrak, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. OBERSTAR (for himself, Mr. MICA, Ms. CORRINE BROWN of Florida, and Mr. SHUSTER):

H.R. 6004. A bill to provide for the financing of high-speed rail infrastructure, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. NUNES, Mr. RANGEL, Mr. BLUMENAUER, Mr. HONDA, and Mr. COLE of Oklahoma):

H.R. 6005. A bill to amend the Internal Revenue Code to provide for the treatment of Indian tribal governments as State governments for the purposes of the Public Charity-Private Foundation Classification; to the Committee on Ways and Means.

By Ms. BORDALLO (for herself, Mr. ABERCROMBIE, and Mr. HAYES):

H.R. 6006. A bill to amend title 10, United States Code, to authorize the Secretary of a military department, and the Secretary of Defense with respect to the Defense Agencies, to participate in conservation banking programs and in-lieu-fee mitigation programs; to the Committee on Armed Services.

By Ms. BORDALLO:

H.R. 6007. A bill to authorize the Secretary of Transportation to establish a Port of Guam Improvement Enterprise Program, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROUN of Georgia (for himself, Mr. AKIN, Mr. BARTLETT of Maryland, Mrs. MYRICK, and Mr. ISSA):

H.R. 6008. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to make permanent the E-Verify program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself and Mr. ALEXANDER):

H.R. 6009. A bill to leverage market forces to bring greater efficiency and capacity to domestic refineries, to bring new sources of domestic energy to market, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Energy and Commerce, the Judiciary, Ways and Means, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ (for himself and Mr. RODRIGUEZ):

H.R. 6010. A bill to require the Secretary of Defense to establish a National Trauma Institute Research Program; to the Committee on Armed Services.

By Ms. HERSETH SANDLIN (for herself and Mr. MORAN of Kansas):

H.R. 6011. A bill to amend the Public Health Service Act to facilitate emergency medical services personnel training and certification curriculums for military veterans; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 6012. A bill to require the Comptroller General to conduct a study of the consolidation of the refiners, importers, producers, and wholesalers of gasoline with the sellers of such gasoline at retail; to the Committee on Energy and Commerce.

By Mr. MELANCON (for himself, Mr. MCCRERY, Mr. ALEXANDER, Mr. BOUSTANY, and Mr. JEFFERSON):

H.R. 6013. A bill to provide for disaster assistance for power transmission and distribution facilities, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. SCHMIDT:

H.R. 6014. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for birthmothers whose children are adopted; to the Committee on Ways and Means.

By Mr. SESSIONS (for himself, Mr. FEENEY, and Mrs. BLACKBURN):

H.R. 6015. A bill to require hospitals and ambulatory surgical centers to disclose charge-related information and to provide price protection for treatments not covered by insurance as conditions for receiving protection from charge-related legal actions; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 6016. A bill to amend title 39, United States Code, to require post offices to have running water and sanitation facilities and prohibiting the closure of post offices based on a lack of running water and sanitation facilities; to the Committee on Oversight and Government Reform.

By Mr. STUPAK (for himself and Mrs. MILLER of Michigan):

H.R. 6017. A bill to ameliorate the effects of harmful algal blooms in the Great Lakes by reducing phosphorus inputs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TSONGAS (for herself, Mr. HAYES, Mr. BOOZMAN, Ms. HERSETH SANDLIN, Mr. MILLER of Florida, Ms. BORDALLO, Mr. BRADY of Pennsylvania, and Mr. MCGOVERN):

H.R. 6018. A bill to amend title 10, United States Code, to increase loan repayment limits for health professionals serving in the Armed Forces; to the Committee on Armed Services.

By Mr. UDALL of New Mexico:

H.R. 6019. A bill to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to grant Special Exposure Cohort designation to a specific group of individuals from a Department of Energy facility in Los Alamos, New Mexico; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California (for herself, Mr. THORNBERRY, Mr. CONYERS, Mr. PENCE, Ms. LORETTA SANCHEZ of California, Mr. TURNER, and Mr. REYES):

H.R. 6020. A bill to amend the Immigration and Nationality Act to protect the well-being of soldiers and their families, and for other purposes; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H.J. Res. 82. A joint resolution proposing an amendment to the Constitution of the United States allowing castration after conviction for the rape of a child under 16 years of age; to the Committee on the Judiciary.

By Mr. BROUN of Georgia:

H.J. Res. 83. A joint resolution proposing an amendment to the Constitution of the United States providing that the Constitution does not preclude a penalty of death, including when it is imposed for the rape of a child under 16 years of age; to the Committee on the Judiciary.

By Mr. ALEXANDER:

H. Con. Res. 346. Concurrent resolution expressing the sense of Congress that American oil companies should build additional refining capacity on existing refinery campuses; to the Committee on Energy and Commerce.

By Mr. BACA:

H. Con. Res. 347. Concurrent resolution expressing the sense of Congress that the Secretary of the Department of Health and Human Services, through the Centers for Disease Control and Prevention and the Food and Drug Administration, should take action to educate the public on the importance of adequate iodine intake; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. FALEOMAVAEGA, Mr. SCHIFF, Mr. TOWNS, Mr. HOLT, Mr. DAVIS of Illinois, Mr. GRIJALVA, Mr. OLVER, Mr. KING of New York, Mr. PITTS, Mr. MCGOVERN, Mr. SMITH of New Jersey, Mr. MANZULLO, Mr. MCDERMOTT, Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. SESTAK, Mr. HONDA, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. BLUMENAUER, Ms. MCCOLLUM of Minnesota, and Mr. SOUDER):

H. Res. 1181. A resolution expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis; to the Committee on Foreign Affairs.

By Mr. FILNER:

H. Res. 1182. A resolution expressing the sense of the House of Representatives that American flags flown on Federal Government buildings and on Federal property be made in the United States; to the Committee on the Judiciary.

By Mr. JONES of North Carolina (for himself and Mr. ROHRABACHER):

H. Res. 1183. A resolution amending the Rules of the House of Representatives to observe a moment of silence in the House on the first legislative day of each month for those killed or wounded in United States engagements in Iraq or Afghanistan; to the Committee on Rules.

By Mr. KING of New York:

H. Res. 1184. A resolution supporting the goals and ideals of the Knights of Pythias; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself and Mr. PORTER):

H. Res. 1185. A resolution expressing the sense of the House of Representatives that Congress should recognize the important contributions of Americans who serve as foster parents and, in doing so, unselfishly open their homes and family lives to children in need; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H. Res. 1186. A resolution prohibiting the use of funds in a Members' Representational Allowance for the long-term lease of a vehicle; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. SMITH of New Jersey.

H.R. 241: Mr. INGLIS of South Carolina.

H.R. 552: Mr. BLUMENAUER, Mr. KILDEE, and Mr. BACHUS.

H.R. 594: Mr. PLATTS.

H.R. 741: Mrs. CAPPS.

H.R. 752: Mr. BLUMENAUER.

H.R. 768: Mr. GARRETT of New Jersey.

H.R. 784: Mr. KUHL of New York.

H.R. 864: Mr. COHEN.

H.R. 1022: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1023: Ms. MCCOLLUM of Minnesota and Mr. JEFFERSON.

H.R. 1032: Ms. BORDALLO, Ms. HIRONO, Mr. NADLER, and Mr. TOWNS.

H.R. 1093: Mr. GINGREY.

H.R. 1142: Ms. HIRONO and Mr. NADLER.

H.R. 1190: Mr. PAYNE.

H.R. 1194: Mr. ENGLISH of Pennsylvania and Mr. CARNAHAN.

H.R. 1222: Mr. SHULER.

H.R. 1223: Mr. SHULER.

H.R. 1343: Mr. HULSHOF.

H.R. 1353: Mr. BAIRD.

H.R. 1363: Mr. ANDREWS.

H.R. 1379: Mr. STARK.

H.R. 1386: Mr. RUSH.

H.R. 1540: Mr. LOEBSACK.

H.R. 1552: Mr. INSLEE, Mr. KENNEDY, Mr. DAVIS of Illinois, Mr. LOEBSACK, and Ms. NORTON.

H.R. 1576: Mr. KNOLLENBERG.

H.R. 1610: Ms. CASTOR, Mr. ARCURI, Mr. MCCARTHY of California, and Mr. OBERSTAR.

H.R. 1738: Mr. PLATTS.

H.R. 1869: Mr. POE.

H.R. 1919: Mr. RYAN of Ohio and Mr. WATT.

H.R. 2050: Mr. CARSON.

H.R. 2073: Mr. FATTAH.

H.R. 2125: Ms. MOORE of Wisconsin.

H.R. 2164: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2165: Mr. ROTHMAN.

H.R. 2188: Mr. MEEKs of New York, Ms. NORTON, Ms. CLARKE, and Mr. GORDON.

H.R. 2221: Mr. ISRAEL and Mr. BISHOP of New York.

H.R. 2231: Mr. BONNER.

H.R. 2244: Mr. VAN HOLLEN.

H.R. 2268: Mr. KUCINICH, Mr. AL GREEN of Texas, Mrs. LOWEY, Mrs. DAVIS of California, Ms. ROYBAL-ALLARD Mr. FILNER, Mr. YOUNG of Alaska, Mr. LEWIS of California, Mr. COOPER, Mr. CONAWAY, Mr. FALEOMAVAEGA, Mr. BISHOP of New York, Mr. COLE of Oklahoma, Mr. HOLT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Mr. LAMBORN, Mr. POE, Mr. SHULER, Mr. SPACE, Mr. ROHRABACHER, Mr. MCINTYRE, and Mr. HINOJOSA.

H.R. 2303: Mr. HALL of Texas, Mr. REYNOLDS, and Mrs. MILLER of Michigan.

H.R. 2332: Mr. TIAHRT, Mr. KLEIN of Florida, Mrs. MUSGRAVE, Mrs. MILLER of Michigan, Mr. HELLER, Mr. SAM JOHNSON of Texas, and Mr. RAMSTAD.

H.R. 2370: Mr. HINCHEY and Mr. WALBERG.

H.R. 2371: Mr. SIMPSON, Mr. GENE GREEN of Texas, and Mr. INSLEE.

H.R. 2380: Mr. SALI.

H.R. 2481: Mr. PLATTS.

H. R. 2485: Ms. SPEIER.

H. R. 2507: Mr. GERLACH.

H. R. 2572: Mr. CUMMINGS.

H.R. 2659: Mr. KAGEN.

H.R. 2784: Mr. DREIER.

H.R. 2827: Mr. POE.

H.R. 2851: Mr. MURTHA, Mr. GINGREY, and Mr. CONYERS.

H.R. 2897: Mr. BLUMENAUER.

H.R. 2914: Mr. WALBERG, Ms. BERKLEY, and Mr. BRALEY of Iowa.

H.R. 2933: Mr. ARCURI.

H.R. 2991: Mr. CONYERS, Mr. WILSON of Ohio, Mr. SHULER, Mr. RAMSTAD, and Mr. PENCE.

H.R. 3021: Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. MCNERNEY, Mr. CUMMINGS, Mr. WALZ of Minnesota, Mr. SCOTT of Georgia, Ms. TSONGAS, Mr. FORTUÑO, Mr. WYNN, Ms. WASSERMAN SCHULTZ, Mr. LANGEVIN, Mr. BOYD of Florida, and Mr. WILSON of Ohio.

H.R. 3022: Ms. LEE and Mr. TOWNS.

H.R. 3089: Mr. GINGREY and Mr. WOLF.

H.R. 3151: Mr. YOUNG of Alaska and Mr. BILBRAY.

H.R. 3202: Mr. FALEOMAVAEGA.

H.R. 3232: Mr. PAYNE, Mr. Foster, and Mr. KUHL of New York.

H.R. 3326: Mr. BLUMENAUER and Mr. FATTAH.

H.R. 3334: Mr. ALEXANDER, Mr. DICKS, Mr. SCOTT of Virginia, and Mr. WALBERG.

H.R. 3374: Mr. BOUCHER.

H. R. 3397: Ms. WATERS, Ms. WATSON, Ms. SLAUGHTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. BUTTERFIELD, Mr. JACKSON of Illinois, Mr. CLAY, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. THOMPSON of Mississippi, Mr. CARSON, Mr. BRALEY of Iowa, Ms. LINDA T. SÁNCHEZ of California, Mr. CRAMER, Mr. HALL of New York, Mr. ANDREWS, Mr. BAIRD, Mr. PRICE of North Carolina, and Ms. WOOLSEY.

H.R. 3404: Mr. SARBANES.

H.R. 3430: Mr. SHAYS.

H.R. 3533: Mr. FATTAH.

H.R. 3544: Ms. ESHOO.

H.R. 3622: Mr. REHBERG.

H.R. 3642: Mr. WU

H.R. 3652: Ms. SCHAKOWSKY.

H.R. 3750: Mr. FATTAH.

H.R. 3765: Mr. ABERCROMBIE.

H.R. 3817: Mr. SPACE.

H.R. 3818: Mr. CAMP of Michigan.

H.R. 3822: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4008: Mr. MCNERNEY.

H.R. 4026: Mr. THOMPSON of Mississippi and Mr. GRIJALVA.

H.R. 4061: Mr. CARNAHAN.

H.R. 4102: Mr. CONYERS.

H.R. 4109: Mr. MCDERMOTT.

H.R. 4138: Mr. FILNER.

H.R. 4173: Mr. ELLISON, Mr. RUPPERSBERGER, and Mr. BLUMENAUER.

H.R. 4188: Mr. GRIJALVA.

H.R. 4204: Mr. MITCHELL, Mr. CONYERS, and Mr. BLUMENAUER.

H.R. 4206: Mr. OLVER.

H.R. 4236: Mr. MCNERNEY, and Mr. UDALL of Colorado.

H.R. 4321: Mr. BOSWELL, Mr. MARKEY, Mr. SHAYS, and Mr. FEENEY.

H.R. 4344: Mr. SHAYS.

H.R. 4449: Ms. ROS-LEHTINEN.

H.R. 4453: Mr. DAVIS of Illinois.

H.R. 4900: Mr. MARIO DIAZ-BALART of Florida, Mr. BARTON of Texas, Mr. GORDON, Mr. RYAN of Wisconsin, and Mr. CHANDLER.

H.R. 4926: Mr. MARSHALL, Ms. SCHAKOWSKY, Mr. PERLMUTTER, Ms. SHEA-PORTER, Ms. LEE, Mr. REGULA, and Mr. ELLISON.

H.R. 5129: Mr. LOEBSACK.

H.R. 5136: Mrs. MALONEY of New York.

H.R. 5174: Mr. MARKEY.

H.R. 5180: Mrs. CAPPS.

H.R. 5223: Ms. HIRONO and Mr. BLUMENAUER.

H.R. 5244: Ms. GIFFORDS and Mr. WATT.

H.R. 5315: Mr. MICHAUD.

H.R. 5352: Mr. EMANUEL.

H.R. 5442: Mr. BLUMENAUER.

H.R. 5446: Mr. YARMUTH.

H.R. 5448: Ms. HIRONO and Mr. STARK.

H.R. 5465: Mr. WU and Mr. WALZ of Minnesota.

H.R. 5466: Mrs. JONES of Ohio.

H.R. 5496: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5506: Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. SAXTON, Mr. ANDREWS, Mr. SMITH of New Jersey, Mr. PALLONE, Mr. ROTHMAN, Mr. PAYNE, Mr. FRELINGHUYSEN, and Mr. HOLT.

H.R. 5515: Mr. ALEXANDER.

H.R. 5534: Mr. PLATTS and Ms. BALDWIN.

H.R. 5535: Mr. BOSWELL, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. CAPUANO, Mr. MORAN of Virginia, and Mr. KENNEDY.

H.R. 5547: Mr. COURTNEY and Mr. WELCH of Vermont.

H.R. 5549: Mr. TOWNS.

H.R. 5568: Mr. BILBRAY.

H.R. 5603: Mr. SIMPSON.

H. R. 5604: Mr. SNYDER.

H.R. 5629: Ms. LORETTA SANCHEZ of California.

H.R. 5632: Mr. TERRY and Mr. MARKEY.

H.R. 5636: Mr. GRIJALVA.

H.R. 5646: Mr. HELLER and Mr. WHITFIELD of Kentucky.

H.R. 5647: Mr. ALEXANDER.

H.R. 5656: Mrs. MCMORRIS RODGERS.

H.R. 5669: Mr. CHANDLER, Mr. NADLER, and Mr. RUSH.

H.R. 5673: Mrs. BONO MACK.

H.R. 5684: Mr. BROWN of South Carolina and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 5695: Mr. YOUNG of Alaska.

H.R. 5699: Mr. CULBERSON.

H.R. 5702: Mr. LEWIS of Georgia and Mr. KIND.

H.R. 5714: Mr. HENSARLING, Mr. FARR, Mr. CARNAHAN, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MITCHELL, Mr. WESTMORELAND, Mr. SCOTT of Georgia, Mr. DOGGETT, Mr. FORTUÑO, Mr. DELAHUNT, and Mr. BISHOP of Utah.

H.R. 5716: Ms. CORRINE BROWN of Florida and Mr. ABERCROMBIE.

H.R. 5721: Mr. SNYDER.

H.R. 5731: Mr. BILBRAY and Mr. CALVERT.

H.R. 5737: Mr. KUHL of New York and Ms. FALLIN.

H.R. 5740: Mr. WHITFIELD of Kentucky, Mr. BROWN of South Carolina, Mr. CUMMINGS, and Mr. RAHALL.

H.R. 5774: Mr. BERMAN, Ms. ZOE LOFGREN of California, and Mr. HONDA.

H.R. 5788: Mrs. TAUSCHER and Mr. FARR.

H.R. 5793: Mr. ISSA, Mr. GERLACH, Mr. GENE GREEN of Texas, Mr. PLATTS, and Mr. SESSIONS.

H.R. 5802: Mr. FATTAH, Mr. MEEK of Florida, and Mr. BRADY of Pennsylvania.

H.R. 5825: Mr. GARRETT of New Jersey.

H.R. 5831: Mr. TAYLOR.

H.R. 5833: Mr. FARR.

H.R. 5841: Mr. GONZALEZ and Mr. CARNAHAN.

H.R. 5846: Mr. CARTER.

H.R. 5854: Ms. GINNY BROWN-WAITE of Florida.

H.R. 5857: Mr. FRELINGHUYSEN.

H.R. 5878: Mr. GRIJALVA.

H.R. 5881: Mr. STARK.

H.R. 5886: Mr. KING of New York.

H.R. 5898: Mr. ALTMIRE, Mrs. BONO MACK, Mr. SHAYS, and Mr. WHITFIELD of Kentucky.

H.R. 5907: Mr. DENT.

H.R. 5944: Ms. GRANGER, Mr. LEWIS of California, and Mr. SOUDER.

H.R. 5958: Mr. AL GREEN of Texas.

H.R. 5960: Mr. WOLF.

H.R. 5971: Mr. GINGREY, Mr. SOUDER, Mr. PLATTS, Mr. LATTA, Mr. HERGER, and Mr. BILBRAY.

H.R. 5974: Mr. BONNER, Mr. FRELINGHUYSEN, and Mr. DANIEL E. LUNGREN of California.

H.R. 5976: Mr. WALSH of New York, Mr. HINCHEY, and Ms. SUTTON.

H.R. 5977: Mr. HOLDEN.

H.R. 5983: Ms. JACKSON-LEE of Texas.

H.R. 5984: Mr. SOUDER, Mr. FORBES, and Mr. SHADEGG.

H.J. Res. 1: Mr. BROUN of Georgia.

H.J. Res. 7: Mr. BROUN of Georgia.

H.J. Res. 39: Mr. FOSTER.

H. Con. Res. 2: Mr. MCGOVERN, Mr. CROWLEY, Mr. NADLER, Mr. MEEK of Florida, Ms. HARMAN, Mr. INSLEE, Mrs. MCCARTHY of New York, Mr. CLAY, Ms. CLARKE, Mr. TOWNS, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. CLYBURN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mr. WATT, Mr. SCOTT of Virginia, Mr. HOLT, Ms. KILPATRICK, Mr. CARSON, Ms. MOORE of Wisconsin, Ms. WATSON, Mr. ELLISON, Mr. CUMMINGS, Mr. CLEAVER, Mr. BISHOP of Georgia, Ms. NORTON, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. KIND, Mr. KILDEE, Mr. MARKEY, Mr. BISHOP of Utah, and Mr. RAHALL.

H. Con. Res. 40: Mr. PETERSON of Pennsylvania and Mr. SALI.

H. Con. Res. 46: Mr. FILNER.

H. Con. Res. 244: Mr. MARIO DIAZ-BALART of Florida, Mr. REYNOLDS, and Mr. OLVER.

H. Con. Res. 296: Mr. SMITH of New Jersey, Mr. FORBES, Mr. HAYES, Mr. BILIRAKIS, Mr. MORAN of Kansas, Mr. AKIN, and Mr. PEARCE.

H. Con. Res. 299: Mr. TANNER and Mr. PORTER.

H. Con. Res. 305: Ms. MCCOLLUM of Minnesota, Mr. FRANK of Massachusetts, and Mr. PASTOR.

H. Con. Res. 331: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. GINNY BROWN-WAITE of Florida.

H. Con. Res. 336: Mr. LIPINSKI, Mr. DONNELLY, Ms. MATSUI, Mr. LOBIONDO, Mr. ENGEL, Mr. PETERSON of Minnesota, Mr. ROSS, Ms. SCHWARTZ, Mr. MICHAUD, Mr. PATRICK MURPHY of Pennsylvania, Mr. BRALEY of Iowa, and Mr. UDALL of Colorado.

H. Con. Res. 337: Mrs. LOWEY.

H. Con. Res. 338: Mrs. JONES of Ohio.

H. Res. 111: Ms. TSONGAS.

H. Res. 282: Mr. MARSHALL.

H. Res. 353: Mr. ALTMIRE.

H. Res. 373: Mr. HONDA.

H. Res. 415: Mrs. TAUSCHER and Mr. ORTIZ.

H. Res. 653: Mr. CONYERS.

H. Res. 795: Mr. WOLF.

H. Res. 896: Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BAIRD, Ms. BEAN, Mr. BERMAN, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BOREN, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Ms. CLARKE, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. CRAMER, Mr. CROWLEY, Mr. CUELLAR, Mr. DAVIS of Alabama, Ms. DEGETTE, Ms. DELAURO, Mr. DICKS, Mr. DONNELLY, Mr.

DOYLE, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. LARSON of Connecticut, Mr. MEEKS of New York, Mr. RODRIGUEZ, Mr. ROTHMAN, Mr. SALAZAR, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. BOYD of Florida, Mrs. BOYDA of Kansas, Mr. CUMMINGS, Mr. ELLSWORTH, Mr. FILNER, Mr. HALL of New York, Ms. HERSETH SANDLIN, Mr. KAGEN, Mr. MURTHA, Mr. OBEY, Mr. PERLMUTTER, Mr. SHERMAN, Mr. SHULER, Mr. SNYDER, Mr. TIERNEY, Ms. VELÁZQUEZ, Mr. WALZ of Minnesota, and Mr. SHIMKUS.

H. Res. 937: Mr. INGLIS of South Carolina, Mr. SMITH of New Jersey, Mr. DELAHUNT, Mr. TANCREDO, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. LOBIONDO.

H. Res. 970: Mr. DUNCAN, Mr. MCCOTTER, and Mr. HINOJOSA.

H. Res. 977: Mr. RAHALL, Mr. CARNEY, Mrs. DAVIS of California, Mr. DONNELLY, Ms. KILPATRICK, and Mr. MCNERNEY.

H. Res. 1012: Mr. LOEBSACK.

H. Res. 1022: Mrs. CUBIN, Mrs. SCHMIDT, Mrs. DRAKE, Mr. LAHOOD, Ms. SPEIER, Mrs. BLACKBURN, Mrs. MILLER of Michigan, Mrs. MUSGRAVE, Mr. SENSENBRENNER, Mr. DREIER, Ms. FOXX, Ms. BEAN, and Mr. MEEKS of New York.

H. Res. 1037: Mr. WOLF.

H. Res. 1089: Mr. LAMPSON.

H. Res. 1105: Mr. GRIJALVA.

H. Res. 1110: Mrs. WILSON of New Mexico.

H. Res. 1120: Mr. MATHESON.

H. Res. 1122: Mr. BARRETT of South Carolina and Mr. SIMPSON.

H. Res. 1124: Mr. FERGUSON.

H. Res. 1132: Mr. DONNELLY.

H. Res. 1134: Ms. SLAUGHTER, Mr. GERLACH, Ms. HERSETH SANDLIN, Mr. MCNERNEY, Mr. BISHOP of New York, Mr. LUCAS, Mr. DOOLITTLE, Mr. MCKEON, Mrs. MUSGRAVE, Ms. GRANGER, Mr. FRELINGHUYSEN, Mr. PETRI, Mr. FEENEY, Mr. WALBERG, Mrs. MCMORRIS RODGERS, Mr. FORBES, Mr. LAMBORN, Mr. COBLE, Mr. GARY G. MILLER of California, Mr. DENT, and Mr. ENGLISH of Pennsylvania.

H. Res. 1135: Mr. WESTMORELAND and Mr. GINGREY.

H. Res. 1142: Mr. CRAMER.

H. Res. 1143: Mr. SHUSTER, Mr. WALSH of New York, and Mr. ARCURI.

H. Res. 1144: Mr. TIBERI, Mr. LEWIS of California, and Mr. SIMPSON.

H. Res. 1160: Mr. GERLACH.

H. Res. 1165: Mr. SENSENBRENNER, Mr. ALTMIRE, Mr. MARKEY, and Mr. JONES of North Carolina.

H. Res. 1179: Mr. TERRY, Mr. WELDON of Florida, Mr. SHULER, and Mr. LEWIS of Kentucky.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. MILLER OF FLORIDA

Bill Number: H.R. 5856.

Provision: Section 5.

Description of Request: Authorizes the Secretary of Veterans Affairs to carry out a major medical facility project to construct a new medical facility of the Department of Veterans Affairs in Okaloosa County, Florida, in an amount not to exceed $54,475,000. The facility authorized is to be constructed pursuant to option 2 of the report to Congress dated June 26, 2007, required to be submitted under section 823 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3449). This request is intended to provide Department of Veterans Affairs patients in and around Okaloosa County, Florida, the ability to more accessibly receive inpatient care through an agreement between the Department of Veterans Affairs and the Department of Defense.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 5, by Mrs. DRAKE on House Bill 4088: Mark E. Souder.

EXTENSIONS OF REMARKS

HONORING VIETNAM HUMAN RIGHTS DAY AND COMMENDING THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM FOR AGAIN RECOMMENDING THAT VIETNAM BE DESIGNATED A COUNTRY OF PARTICULAR CONCERN IN THEIR RECENT ANNUAL REPORT

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise in honor of Vietnam Human Rights Day and to commend the United States Commission on International Religious Freedom for again recommending that Vietnam be designated a Country of Particular Concern (CPC) in their recent annual report.

The State Department removed this designation in November 2006, and since then, human rights conditions in Vietnam have steadily deteriorated. According to the Commission, "removing the CPC designation suspended the diplomatic framework that had led to a productive bilateral engagement on religious freedom and other human rights concerns and therefore removed the potential incentives and leverage needed to urge the Vietnamese government to continue to improve its human rights record."

Since the removal of CPC status and Vietnam's subsequent accession to the World Trade Organization, the Vietnamese Government has continued to detain and imprison those whose only crimes were speaking out against the government or exercising their freedom of religion. In addition to violating Article 69 of the Constitution of Vietnam, which guarantees the "freedom of opinion and speech, freedom of the press, the right to be informed and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law," these detentions are in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The Commission has recommended CPC status for Vietnam every year since 2001. It is time for the State Department to heed this advice and redesignate Vietnam as a Country of Particular Concern.

INTRODUCTION OF THE AMERICAN FLAGS SHOULD BE MADE IN THE USA RESOLUTION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. FILNER. Madam Speaker and colleagues, I rise today to speak about a resolution that I have just introduced that expresses the sense of the Congress that all American flags flown over Federal Government buildings and on federal property should be made in the United States.

The U.S. Census bureau estimates that $5.3 million worth of American flags were imported from other countries in 2006, mostly from China. Even though U.S. law requires every flag be labeled with its "country of origin," the figure of foreign-made American flags has steadily grown over the past few years. This is an absolute shame!

The American flag is much more than our national symbol. It embodies our courage, liberty, and justice. The flag reminds us each and every day of the blood that was shed so that we may enjoy our freedoms. So as we proudly fly the Stars and Stripes, we must be sure that they are homespun in the United States!

So as we approach the few months where we celebrate Memorial Day, Flag Day, and Independence Day, I invite my colleagues and fellow patriots to join with me in honoring our American flag every day! Please join me in supporting H. Res. 1182

HONORING THE 75TH ANNIVERSARY OF VETERANS OF FOREIGN WARS POST 1074

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. GERLACH. Madam Speaker, I rise today to pay tribute and offer congratulations to Veterans of Foreign Wars Post 1074, located in Conshohocken, Pennsylvania for celebrating their 75th anniversary this year. They will be acknowledging this great milestone on May 10, 2008 at a banquet to be held at the Spring Mill Firehouse. The Post has a proud tradition of public service and volunteerism and represents all the great works that our Nation's VFWs perform each year.

I am sure each of us in the House of Representatives has had the privilege to meet with constituents who are members of local VFWs, or perhaps fortunate to visit a local Post. The VFW traces its roots back to 1899 when veterans of the Spanish-American and the Philippine Insurrection founded local organizations to secure rights and benefits for their service. Their work soon shifted to not only helping the brave men and women who served their country, but local neighbors and communities who also needed their help.

As their inspiring mission states: "Honor the dead by helping the living." VFWs support countless activities, through veterans' service, community service, national security and a strong national defense.

Today, the Veterans of Foreign Wars of the United States, with its Auxiliaries, includes 2.3 million members in approximately 8,400 Posts worldwide.

Post 1074 is led by Post Commander Andrew Duncan, and continues to make a difference in our community, including maintaining the beautiful War Memorial Statue located at Second Avenue and Fayette Street in Conshohocken, PA. The VFW proudly notes that its members and its auxiliary contribute more than 13 million hours of volunteerism in our area each year.

Madam Speaker, I ask that my colleagues join me today in praising the honorable work, dedication and service of the men and women in VFW Post 1074. They continue to improve our local communities through their volunteer efforts, and show why members of the United States armed services are not only the best on the battlefield, but also when they return home.

TRIBUTE TO CARL MONTANTE, THE CANISIUS COLLEGE 2008 DISTINGUISHED CITIZEN AWARD RECIPIENT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. HIGGINS. Madam Speaker, I rise today to congratulate Carl Montante on receiving the Canisius College 2008 Distinguished Citizen Award. Carl will be honored at the Canisius College Board of Regents Scholarship Ball on Saturday, May 10, 2008. Carl is a brilliant example of commitment and devotion to one's community and fellowman.

A devoted Western New York native, Carl and his four siblings were born and raised in Buffalo, NY where he continues to give back to his community. He attended Canisius College and, in 1967, he earned his law degree from the University of Buffalo Law School. After practicing law in Buffalo, Carl founded the Uniland Development Company in 1974. As President and Managing Director of Uniland, he oversees the company's operations and property developments in Buffalo-Rochester corridor.

Carl is involved in several organizations in his community including the Holy Angels Academy, The BISON Scholarship Fund, and the Foundation of the Diocese of Buffalo. He is former Chairman of the Buffalo Philharmonic Orchestra Annual Fund and National Multiple Sclerosis Society, and serves on the Boards of the Buffalo Niagara Enterprise, the Buffalo Niagara Partnership, and Catholic Health System.

Perhaps most notable is Carl's service and contribution to his alma mater, Canisius College. Carl has served in numerous leadership capacities including as chair of the Canisius College Board of Trustees from 1997–2001.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Carl and his wife, Carol Ann, recently committed $5.1 million to the college for the development of an interdisciplinary science center. The Montante family's donation is the largest in the Canisius' history. I applaud his desire to give back to his community and believe his contributions to education and science will have a great impact on the future of Western New York.

Madam Speaker, I am proud to congratulate Carl J. Montante for this great honor and applaud him for his service and dedication to the Western New York community. I wish Carl and his family the best in the years to come.

RECOGNIZING THE MULTIPLE SCLEROSIS SOCIETY AND THEIR NOBLE CAUSE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BURGESS. Madam Speaker, every hour in the United States someone new is diagnosed with Multiple Sclerosis. It is a lasting disease which attacks the central nervous system, and can be extremely disabling. This week the National Multiple Sclerosis Society is in town to promote awareness of people living with MS—approximately 400,000 Americans and 2.5 million people worldwide.

Many Americans know a person living with multiple sclerosis, a mother or father, a son or daughter, another family member or friend, or maybe even a colleague. For me, it was a member of my staff. This brave and strong woman inspired me to get more involved in the battle to live in a world free of multiple sclerosis.

As a medical doctor prior to coming to Congress, I'm working to find sensible solutions for the health care challenges that Americans face. As the co-chair of the newly formed Congressional Multiple Sclerosis Caucus, I intend to bring the needs of those individuals into the larger discussion of quality health care.

Madam Speaker, we must work together to improve access to quality health services, to break down barriers, and to make MS therapies more affordable. I ask other Members of the House to join me in this noble cause. We must always remember that behind every statistic is the face of a family member or friend. We have a shared responsibility to offer help and hope. There is no better time than now to begin offering it.

TRIBUTE TO BRIAN JAQUETTE AND SUE WILSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize high school athletic trainers Brian Jaquette of Fort Dodge High School and Sue Wilson of Johnston High School, for their quick thinking in treating a football player who suffered serious internal injuries during a football game last fall.

The injured football player was tended to by Jaquette and Johnston, who decided that his abdominal pain was serious enough to call for an ambulance. It turned out that the injured player was suffering from a ruptured gall bladder, which would have caused blood poisoning and possibly death if left untreated. Were it not for Jaquette and Johnson's accurate initial examination and determination, it is unlikely that his injury would have been treated in time.

The quick thinking and calm demeanor displayed by these two athletic trainers serves as a wonderful example to all those who care for others. I commend Sue Wilson and Brian Jaquette for their outstanding professional work and dedication to the young athletes they serve. I am honored to represent each of them in the United States Congress, and I wish them the best in their careers.

PAYING TRIBUTE TO ROBERT AND JUDY ALVAREZ

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Mr. and Mrs. Robert and Judy Alvarez by entering their names in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I honor Mr. and Mrs. Alvarez for being awarded with the Small Business Administration's (SBA) 2008 Home-Based Business of the Year, sponsored by the SBA's Nevada District Office.

RJ Communications Concepts, LLC was established by Bob and Judy Alvarez in 1995. The company began as a home based business and represents a culmination of the couple's combined 60-plus years of work within the telecommunications industry. Their experience, hard work, and dedication quickly resulted in the company expanding beyond the walls of the Alvarez's home.

Today, the company covers a wide range of services. The distribution of electronic components and testing equipment comprises over half of the company's business. The company also provides services for multiple fields, including information technology supplies, consulting, training equipment and business provisions.

In addition to the professional accomplishments, Bob and Judy have been good community partners to a variety of local non-profit organizations in Southern Nevada. Through their company, Bob and Judy helped organizations including the North Las Vegas Boys and Girls Club, the Nathan Adelson Hospice and the Sunrise Children's Foundation, among others. According to Judy Alvarez, "We feel a level of social responsibility . . . Even if you're small you can still do something." Additionally, as a former member of the U.S. Air Force, Bob and his wife, Judy has also provided assistance to Nellis Air Force Base.

Madam Speaker, I am proud to honor Mr. and Mrs. Robert and Judy Alvarez for their accomplishments as small business owners, their contributions to the Southern Nevada community, and for their recognition by the SBA as the 2008 Home-Based Business of the Year.

TRIBUTE TO THE DON BOSCO WRESTLING TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Don Bosco wrestling team at the Iowa State Wrestling Tournament in Des Moines this past winter.

Don Bosco rolled to its third straight Class 1A title with a stunning 81 point win over New London/WMU. This win set a new class record with 175.5 points. Also celebrating his third straight win was Bart Reiter, a junior, who became a three-time state champion and joins only 13 other three-time winners this decade.

I congratulate Don Bosco for winning the Iowa Class 1A state championship. The last team to win three in a row was Lisbon from 1988–1990.

Madam Speaker, I am extremely proud of the accomplishments of the Don Bosco wrestling team, both on and off the mat, and I am proud to serve them in Congress.

HONOR POLICE OFFICERS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. SMITH of Texas. In a few days, thousands of police officers from around the country will travel to Washington, DC for National Police Week.

This occasion provides Congress with the opportunity to honor those who have given their lives to protect our families, constituents, and communities.

In my district, "The Memorial Wall" stands in the San Antonio Police Academy's courtyard and lists the names of those forty-eight officers who have sacrificed their lives while fighting to keep San Antonio's neighborhoods safe and crime-free for our children.

We can honor their legacies and the lives of other police officers by bringing legislation to the floor that will help Federal, State and local law enforcement officials combat crime.

For example, the bill Congressman FORBES and I introduced, H.R. 3156, the "Violent Crime Control Act of 2007," would do just that.

Why is the Democratic leadership in Congress stalling crime legislation?

KEEP STARRETT CITY AFFORDABLE

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. WEINER. Madam Speaker, I rise to discuss the need for additional affordable housing across the nation. Financial planners suggest that families devote 30 percent of their income to paying for housing costs. But for many families across the country such a rule of thumb sounds more like a pipe dream. According to the 2006 American Community Survey, twenty-five percent of renters across the nation spend more than 50 percent of their income on rent. Nationwide, there are 9 million extremely low-income households but only 6 million units renting at affordable prices, leaving a shortage of 3 million affordable housing units.

In my hometown of New York City, 28 percent of renters are paying more than half of their income for rent. Keeping the Starrett City development in Brooklyn affordable is critical. Starrett City is the Nation's largest government-subsidized rental housing complex. It was designed in the 1970s as a subsidized, middle-class co-operative under New York State's Mitchell-Lama program. It is home to 12,000 residents in nearly 6,000 housing units. Most of the residents of Starrett City live on annual gross incomes of about $20,000 to $40,000 and the average subsidized rent is $200–$400.

I, along with my colleague from New York, Representative EDOLPHUS TOWNS, requested that the House Financial Services Subcommittee on Housing and Community Opportunity hold a field hearing in New York City following an attempt to sell Starrett City that jeopardized the complex's affordability. The hearing was held in July 2007 and investigated the impact of affordable housing sales on housing costs in New York City.

Mr. TOWNS' legislation before the House today will allow owners and the Department of Housing and Urban Development to convert the current subsidy contracts that are in place at Starrett City into a new, 20-year Section 8 contract. This will ensure that a new owner can secure the long-term financing necessary to keep Starrett City affordable and its tenants in their homes.

Without this legislation, Starrett City's owners would likely opt out of their Section 8 contract and convert Starrett City to market-rate housing, further contributing to the lack of affordable housing in New York City.

I thank my colleague, Mr. TOWNS and support his legislation.

PERSONAL EXPLANATION

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. KLEIN of Florida. Madam Speaker, I was unavoidably detained on Wednesday, May 7, 2008.

Had I voted, I would have voted "yes" on rollcall No. 294.

PASS A CLEAN AND HONEST SUPPLEMENTAL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. WILSON of South Carolina. Madam Speaker, American men and women are on the front lines of the Global War on Terrorism defeating our enemies abroad so we do not have to face them here at home. Unfortunately, at home, Democrats are threatening to push through an emergency war supplemental spending bill, without committee consideration, that includes unrelated spending.

Funding for our troops should be priority number one. However, it is not the time nor the place to add additional spending on top of what our military has requested in an effort to push it through on the coattails of our bravest and brightest. If the majority wishes to increase spending on other programs unrelated to the Global War on Terrorism, then they should bring those requests up under regular order—not hidden in an emergency troop funding bill.

As Chairman of the Joint Chiefs of Staff, Admiral Mike Mullen has made it clear, this supplement spending bill is vital to our security. Without passage of the supplemental, our soldiers will stop getting their paychecks and our ability to equip our troops will be undermined.

In conclusion, God bless our troops, and we will never forget September 11th.

IN HONOR OF 25TH ANNIVERSARY OF SULLIVAN'S NATIONAL CENTER FOR HOSPITALITY STUDIES

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. YARMUTH. Madam Speaker, I rise in honor of the twenty-fifth anniversary of Sullivan University's National Center for Hospitality Studies, in Louisville, Kentucky.

Nearly four thousand students have graduated from NCHS and gone on to impact the culinary, travel, and hospitality fields. The impact of Sullivan's exceptional program can be felt throughout the nation, from Las Vegas to New Orleans and many lucky cities in between, but nowhere—I am pleased to say—has NCHS and its alumni had a greater influence than in my hometown of Louisville.

On any given weekend night, there are over 600 Sullivan students working in our community's hotels and restaurants. Alumni include many of our city's finest chefs and restaurateurs, who have helped ensure that Derby week, when our town becomes the nation's top tourist destination, visitors will leave raving about more than just horse races.

But while I certainly recommend it, one does not need to come to Louisville to recognize the excellence of the program. President and CEO A.R. Sullivan has assembled an award winning faculty, including program director Chef Tom Hickey, a Culinary Olympics medal winner who has overseen culinary operations for presidential inaugurations; catering department chair chef Kimberly Jones, who has developed nationally renowned recipes and catered some of the world's highest profile events; chef John Castro, our local celebrity chef who bested the competition on the TV Food Network's Throw Down with Bobby Flay and has been featured on the Travel Channel, and baking and pastry department chef, the nationally ranked Derek Spendlove, who won a gold medal in the 1988 Culinary Olympics.

That faculty and leadership has helped Sullivan's Culinary Competition team win 291 medals, including Southeast Regional Pastry Chef of the Year in 2008 and Southeast Regional Champions in 2001, 2004 and 2005. The school was the first culinary school in America to be invited to cook at New York's prestigious James Beard House.

The alumni list of four-star chefs has the length of a school celebrating its centennial. Still for all that has been accomplished through NCHS in a quarter century, the promise for the future is equally bright. The program now builds on a proud tradition where students and alumni never cease to exceed our highest expectations.

I urge my colleagues to join me in commending Sullivan University's National Center for Hospitality Studies on the last twenty five years of distinction and to wish the center the best as it continues to satisfy our taste for excellence in the years to come.

CONGRATULATING NANCY BRINKER, WHITE HOUSE CHIEF OF PROTOCOL, ON HER BEING NAMED ONE OF THE 100 MOST INFLUENTIAL PEOPLE IN THE WORLD

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LAHOOD. Madam Speaker, I rise today to congratulate Nancy Brinker for the recognition she has received from Time Magazine as one of the 100 Most Influential People in the World.

Nancy grew up in my hometown of Peoria, Illinois, and all of us are extremely proud of her many accomplishments in diplomacy and in the health care arena.

As White House Chief of Protocol and previously as President Bush's Ambassador to the Republic of Hungary, Nancy has fostered meaningful, positive relationships for the United States around the world and advanced a broad range of U.S. security and economic interests.

But Peorians know her best for her role as founder of the Susan G. Komen Race for the Cure after promising her sister, Susan, that she would fight to end breast cancer forever. Named after Susan, who died from breast cancer in 1980, the foundation is now recognized as the Nation's leading catalyst in the fight against breast cancer. It all began with a race in Dallas, followed by one in Peoria, and now there are over 112 races with over a million participants. Research is the key to finding a cure for this disease, and with the financial assistance of the Susan G. Komen Foundation, much progress has been made. The success of this foundation and its mission is known throughout the world.

In the words of Cokie Roberts' tribute in the Times article, "When Nancy Brinker meets up with her sister, Susan G. Komen, on the other side of the pearly gates, she will be able to say, "I did what you asked." And, in the process, she will have helped millions who suffer from this dreaded disease.

MACOMB COUNTY SCHOOLS EARN BLUE RIBBON STATUS

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mrs. MILLER of Michigan. Madam Speaker, this week the Michigan Board of Education designated five schools across the entire State as Blue Ribbon Exemplary Schools. You might ask why this is significant. Well, I will tell you why.

The Blue Ribbon is the most prestigious education award in the state and it distinguishes schools for their excellence in leadership, teaching, curriculum, student achievement, parent involvement and community support.

Well, I am proud to inform you that 2 of these schools reside in the 10th Congressional District.

Powell Middle School Bulldogs in Romeo and Malow Junior High Mustangs in Shelby Township rightfully earned this prestigious distinction. The Bulldogs and Mustangs under went a rigorous examination process which even included on sitevisits from state education officials.

Under the leadership of Principal Jeffrey LaPerriere, Powell became the first school in the Rome Community School District to receive this honor. On the other hand, Malow Principal Robert Hock continued Utica Community School District's strong Blue Ribbon tradition by becoming the 22nd school to get the award.

I commend all the teachers, parents and students for their steadfast commitment and dedication to achieve such a remarkable accomplishment! This is a great day for all Macomb County schools so congratulations on a job well done!

LAWRENCE SUMMERS EXPLAINS WHY "A STRATEGY TO PROMOTE HEALTHY GLOBALISATION MUST RELY ON STRENGTHING EFFORTS TO REDUCE INEQUALITY AND INSECURITY"

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. FRANK of Massachusetts. Madam Speaker, it has been common for those who support increased trade without any accompanying policies to address the impact on foreign and domestic workers to dismiss arguments for such policies as mere protectionism, lacking any economic justification.

In the Financial Times, Monday May 5th, one of the leading economists in the country, former Treasury Secretary Lawrence Summers, refutes this effort to dismiss our concerns. As former Secretary Summers says, some of the "opposition to trade agreements and economic internationalism more generally, reflect a growing recognition by workers that what is good for the global economy and its business champions was not necessarily good for them, and that there were reasonable grounds for this belief."

Lawrence Summers has been and is a strong supporter of increased trade. But unlike many others who have stuck with a far less sophisticated analysis, ignoring contemporary reality, Secretary Summers explains why the current globalized economy means that trade can have a negative impact on some workers in higher wage countries. As he notes, "in an open economy, where investments in innovation, brands, a strong corporate culture or even in certain kinds of equipment can be combined with labour from anywhere in the world, workers no longer have the same stake in productive investment by companies as it becomes easier for corporations to combine their capital with lower priced labour overseas. . . . Moreover businesses can use the threat of relocating as a lever to extract concessions. . . . Inevitably the cost of these concessions is borne by labour."

Madam Speaker, the economic explanation given by Secretary Summers is not meant by him as an argument against trade, but rather as an argument for accompanying continued expansion of trade with appropriate public policies that deal with some of these effects, and recognize that while trade has overall beneficial effects for the economy, the distribution of the costs and benefits are far from uniform. And the New York Times for Tuesday, May 6th, illustrates the economic reality that gives rise to the political opposition to increased trade and internationalization that Secretary Summers notes—as the Times article of that date noted, "In inflation adjusted terms . . . weekly wages have slipped by 1.3 percent since late 2006."

Madam Speaker, I strongly urge leaders in the business community and others who would like to see further progress towards internationalization to read and understand Secretary Summers' economic analysis, and the very thoughtful public policy recommendations he includes that stem from this analysis. And because I can think of no more important contribution to the debate about economic policy in America, I ask that Secretary Summers' very important essay be printed here.

[From the Financial Times, May 5, 2008]

A STRATEGY TO PROMOTE HEALTHY GLOBALISATION

(By Lawrence Summers)

Last week, in this column, I argued that making the case that trade agreements improve economic welfare might no longer be sufficient to maintain political support for economic internationalism in the U.S. and other countries. Instead, I suggested that opposition to trade agreements, and economic internationalism more generally, reflected a growing recognition by workers that what is good for the global economy and its business champions was not necessarily good for them, and that there were reasonable grounds for this belief.

The most important reason for doubting that an increasingly successful, integrated global economy will benefit U.S. workers (and those in other industrial countries) is the weakening of the link between the success of a nation's workers and the success of both its trading partners and its companies. This phenomenon was first emphasised years ago by Robert Reich, the former U.S. labour secretary. The normal argument is that a more rapidly growing global economy benefits workers and companies in an individual country by expanding the market for exports. This is a valid consideration. But it is also true that the success of other countries, and greater global integration, places more competitive pressure on an individual economy. Workers are likely disproportionately to bear the brunt of this pressure.

Part of the reason why U.S. workers (or those in Europe and Japan) enjoy high wages is that they are more highly skilled than most workers in the developing world. Yet they also earn higher wages because they can be more productive—their effort is complemented by capital, broadly defined to include equipment, managerial expertise, corporate culture, infrastructure and the capacity, for innovation. In a closed economy anything that promotes investment in productive capital necessarily raises workers' wages. In a closed economy, corporations have a huge stake in the quality of the national workforce and infrastructure.

The situation is very different in an open economy where investments in innovation, brands, a strong corporate culture or even in certain kinds of equipment can be combined with labour from anywhere in the world. Workers no longer have the same stake in productive investment by companies as it becomes easier for corporations to combine their capital with lower priced labour overseas. Companies, in turn, come to have less of a stake in the quality of the workforce and infrastructure in their home country when they can produce anywhere. Moreover businesses can use the threat of relocating as a lever to extract concessions regarding tax policy, regulations and specific subsidies. Inevitably the cost of these concessions is borne by labour.

The public policy response of withdrawing from the global economy, or reducing the pace of integration, is ultimately untenable. It would generate resentment abroad on a dangerous scale, hurt the economy as other countries retaliated, and make us less competitive as companies in rival countries continue to integrate their production lines with developing countries. As Bill Clinton said in his first major international economic speech as president, "the United States must compete not retreat".

The domestic component of a strategy to promote healthy globalisation must rely on strengthening efforts to reduce inequality and insecurity. The international component must focus on the interests of working people in all countries, in addition to the current emphasis on the priorities of global-corporations.

First, the U.S. should take the lead in promoting global co-operation in the international tax arena. There has been a race to the bottom in the taxation of corporate income as nations lower their rates to entice business to issue more debt and invest in their jurisdictions. Closely related is the problem of tax havens that seek to lure wealthy citizens with promises that they can avoid paying taxes altogether on large parts of their fortunes. It might be inevitable that globalisation leads to some increases in inequality; it is not necessary that it also compromise the possibility of progressive taxation.

Second, an increased focus of international economic diplomacy should be to prevent harmful regulatory competition. In many areas it is appropriate that regulations differ between countries in response to local circumstances. But there is a reason why progressives in the early part of the 20th century sought to have the federal government take over many kinds of regulatory responsibility. They were concerned that competition for business across states, and their ease of being able to move, would lead to a race to the bottom. Financial regulation is only one example of where the mantra of needing to be "internationally competitive" has been invoked too often as a reason to cut back on regulation. There has not been enough serious consideration of the alternative—global co-operation to raise standards. While labour standards arguments have at times been invoked as a cover for protectionism, and this must be avoided, it is entirely appropriate that U.S. policymakers seek to ensure that greater global integration does not become an excuse for eroding labour rights.

To benefit the interests of U.S. citizens and command broadpolitical support, US international economic policy will need to focus on the issues in which the largest number of Americans have the greatest stake. A decoupling of the interests of businesses and nations may be inevitable; a decoupling of international economic policies and the interests of American workers is not.

EDWARD EARNEST FOSTER: FIERCE ADVOCATE FOR VETERANS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. HARMAN. Madam Speaker, representing the 36th district of California since 1992 has given me the opportunity to meet many veterans and learn their stories. One special veteran and friend, Ed Foster, has an incredible story—one I would like to share with my colleagues on the eve of his retirement from the Torrance Job Service Office.

Edward Earnest Foster enlisted in the Army at age 19, and served as a medic in the Korean war. As a medic, soldier and veteran, he has touched the lives of countless individuals. He has advanced the cause of veteran's rights throughout the South Bay, and I am not alone in expressing enormous gratitude for all he has done.

Ed received nine medals on his tours of duty in Korea, including a Purple Heart and the Bronze Star with a "V" for valor. With the same strength of character that got him those medals, he has fought on behalf of all veterans.

Locally, Ed's contributions have been invaluable. In his post at the State Employment Development Department's Torrance office, he has worked to make sure area veterans find the work and dignity they deserve.

Perhaps his most notable and lasting initiative is the "Visit a Vet" program, which promotes visits with veterans at VA hospitals to let them know they are not forgotten and thank them for their service. We should all heed his call of "let us not just think of our veterans on holidays but do it all year long."

Ed Foster is a tireless advocate for veterans everywhere, and a wonderfully dedicated man. He represents, to me, what it means to serve one's country for a lifetime. Ed retires this month at the young age of 76. On behalf of the entire community, I say thank you, on behalf of a grateful nation.

INTRODUCTION OF THE "INTERNET FREEDOM AND NONDISCRIMINATION ACT OF 2008"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. CONYERS. Madam Speaker, today I am introducing the "Internet Freedom and Nondiscrimination Act of 2008," legislation that establishes an antitrust remedy for anticompetitive and discriminatory practices by broadband service providers. I am joined by Representative LOFGREN.

Over the last ten years, the Internet has gone from its infancy through a period of exponential growth. Today, it is estimated that over 1.3 billion people use the Internet—that is almost 20 percent of the world's population. In the last 7 years alone, the worldwide use of the Internet has jumped 265 percent.

The Internet has become the dominant venue for the expression of ideas and public discourse. From social networking to get-out-the-vote drives, the Internet is now a leading tool for speech and action. Web sites like Facebook, MySpace, LinkedIn, and Monster have changed the way people of all ages connect socially and professionally. Political candidates raise more money online with each election cycle. Newspaper Web sites and independent blogs have revolutionized the ways in which news and media are disseminated and consumed. And the Internet has opened up new performance venues to emerging artists and entertainers. In these and many other ways, the technological innovation in communication made possible by the Internet has made it among the most powerful outlets for creativity and free speech.

However, some of the Internet Service Providers, which control 96 percent of the residential market for high-speed Internet access, and are either monopolies or duopolies in most areas of the country, have proposed to give favored treatment to some Internet content and disfavored treatment to other content. Under these proposed business models, what treatment you get will be determined by how much you pay or, potentially, whether the Internet service provider approves of the content or whether the provider has a financial interest at stake. Under these regimes, many of the innovations and ideas that we have enjoyed on the Internet may never have occurred. We would never have had a Google search engine or YouTube videos if "pay to play" had been our national policy. To be sure, if we go in this direction, it will stifle both future technological innovation and free speech.

Rather than attempt regulation of the industry, we believe an antitrust remedy is the most appropriate way to deal with the problem. The antitrust laws exist to correct distortions of the free market, where monopolies or cartels have cornered the market, and competition is not being allowed to work. The antitrust laws can help maintain a free and open Internet.

The "Internet Freedom and Nondiscrimination Act of 2008" amends the Clayton Act to require that broadband service providers interconnect with the facilities of other network providers on a reasonable and nondiscriminatory basis. It also requires them to operate their network in a reasonable and nondiscriminatory manner so that all content, applications and services are treated the same and have an equal opportunity to reach consumers. The bill expressly preserves the ability of broadband service providers to manage their network, so long as it is done in a nondiscriminatory manner, and the bill allows the operators to give priority to emergency communications and take reasonable and nondiscriminatory measures to prevent violations of the law.

Americans have come to expect the Internet to be open to everyone and everything. The Internet was designed without gatekeepers for new content and services and without centralized control. If we allow companies with monopoly or duopoly power to control how the Internet operates, start-up companies might never be able to offer their products, network providers could have the power to choose what content is available, and the artists and thinkers of our time could find their speech censored.

CONGRATULATING NURSE TONI HADDOX

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BURGESS. Madam Speaker, I rise today to honor Toni Haddox, of Denton, Texas. Ms. Haddox has been recognized as one of the Great 100 Nurses of 2008 by the Dallas-Fort Worth Nurse Executives and Districts Three and Four of the Texas Nurses Association.

Ms. Haddox is a nurse at the Denton Regional Medical Center, which serves Denton, Wise, Cooke and Montague Counties. She is a perfect example of Denton Regional's mission in the community: she is a caring, compassionate person who exhibits passion, knowledge, and commitment to her patients and colleagues on a daily basis.

Each year this recognition is bestowed on nurses who embody excellence in the science and art of nursing. The chosen honorees belong to an array of professional organizations and work in a wide variety of clinical specialties. This is the 18th consecutive year that the Texas Nurses Association, Districts Three and Four, and the Dallas-Fort Worth Nurse Executives have recognized area nurses for their compassion and dedication. The recipients will be honored at a gala event on Monday, May 12, 2008.

Madam Speaker, it is with great pride that I stand here today to recognize Toni Haddox. It is an outstanding honor to represent both Ms. Haddox and her fellow nurses in the 26th District of Texas. Her constant vigilance and skill has made North Texas a better place, and her allegiance to her craft is nothing less than remarkable. I sincerely thank her for her service to our community.

TRIBUTE TO TIANNA SULLIVAN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Osage High School senior Tianna Sullivan for helping to save the life of an elderly woman who had wandered away from a health care center.

In the early morning of January 20, 2008, Tianna was driving home in 14 degrees below zero weather and came upon 88-year-old Marguerite Miller. Marguerite was barefoot and clothed only in a hospital gown. Although Tianna was scared, she knew that Marguerite needed help immediately. Tianna attempted to get Marguerite in her car, but she was so cold and stiff that she could only clutch to Tianna for warmth. Tianna dialed 911 and stayed with Marguerite until Osage police officer Brian Wright arrived. Marguerite's body temperature had dropped to 90 degrees, and they had a difficult time getting her in the police car due to her stiffness from the cold. An ambulance then came and took Marguerite to Mitchell County Regional Hospital. Later, she was taken to the Iowa City hospital burn center to treat her frostbite injuries.

Tianna's heroic actions and quick thinking set an example for us all. Tianna's courage goes above and beyond what is asked of us as citizens of this country, and her willingness to help a stranger in need illustrates the compassion of Iowans; willing to do whatever it takes for the safety of our fellow citizens. For this I know my colleagues in the United States Congress join me in offering Tianna our congratulations and thanks. I am extremely honored to represent Tianna in Congress, and I wish her all the best in her future endeavors.

PAYING TRIBUTE TO JACKIE DELANEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Jackie DeLaney by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Jackie DeLaney, President and CEO of Sun West Bank, for her small-business achievements throughout the Las Vegas community.

As the only female bank president and CEO in Nevada, Jackie DeLaney is credited with establishing the Sun West Bank in 1998 with one of the largest capital investments of any bank in the state. She established a board of directors and filed and received approval on all necessary regulatory applications. Sun West Bank is the only local bank owned by Nevada business professionals. The full-service bank offers a full array of business products and services including SBA and small business commercial loans as well as expansion financing. Sun West also works with the Nevada Small Business Development Center and other agencies to help entrepreneurs and prospective business owners examine how to assess their business models and understand the market.

Jackie's role at Sun West has shown a great level of devotion to the community and has been recognized by a number of community organizations for their charitable work. Sun West has also achieved national recognition for its dedication to America's Promise, which strives to improve the health and well being of America's youth. The bank has also raised funds for organizations including the Boys & Girls Clubs of Las Vegas, Big Brothers Big Sisters of Nevada, the Shade Tree Shelter, and Classroom on Wheels.

Madam Speaker, I am proud to honor Jackie DeLaney and would like to recognize her contributions to small businesses throughout the Las Vegas community. I would also like to congratulate her on receiving the Financial Services Champion of the Year for the 2008 Small Business Awards.

RECOGNIZING HOMES FOR OUR TROOPS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to recognize Home for Our Troops as it holds its fifth annual event in my district in Troy, Michigan, on May 10, 2008.

Homes for Our Troops is a nonprofit organization that provides specially adapted homes for our severely injured servicemembers. The organization is able to provide assistance at no cost to the veterans that they serve through a growing network of monetary contributions, donations from building contractors, suppliers, corporate supporters, and local volunteers.

John Gonsalves started Homes for Our Troops in 2004 after watching a news report of a severely injured servicemember who had returned from Iraq. He thought to himself, "What happens to our severely injured veterans once they return?" Mr. Gonsalves searched for an organization where he could donate his building expertise for a few weeks, but when he found out that none existed, he quit his contractor job and started Homes for Our Troops. Since its founding, Homes for Our Troops has provided 25 veterans and their families with homes suited to meet the physical challenges they face after returning with life-altering injuries.

The continued efforts of Homes for Our Troops has gained national recognition. In fact, the American Institute of Philanthropy has named them as one of their Top-Rated Charities of 2007. They have the honor of being one of only five veterans charities included in the top-rated category. This honor not only displays the breadth of their efforts, but also the speed and efficiency of their delivery.

Madam Speaker, I salute Homes for Our Troops for their tireless efforts on behalf of our courageous men and women in the armed services. Theirs is a shining example of the altruism that embodies the American spirit.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On May 10, 2008, a group of 97 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home State of Louisiana to visit Washington, DC, on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our Nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

MOURNING THE PASSING OF RONALD D. BROWN

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LEWIS of Georgia. Madam Speaker, on Monday, the city of Atlanta lost one of its most influential residents and a pillar of the community, Ronald Brown.

Ron Brown was the head of Atlanta Life Financial Group, a company that is a historic institution. The 103-year-old company was founded by a former slave by the name of Alonzo Herndon and is the oldest and largest black-owned, privately held insurance company in the country. Ron was a major factor in Atlanta Life's success.

Ron Brown expanded the company's scope from strictly an insurance business to diversifying into three divisions: Atlanta Life Insurance Co., Atlanta Life Investment Advisors and Jackson Securities. Atlanta Life Financial possesses $16 billion in policies and manages $1 billion in assets. While achieving great business success, Ron advocated that companies have not only a responsibility to make a profit but to also get involved within its community. Ron servw on corporate and civic boards. He was a big believer of providing opportunities to children, sharing business experiences with them and meeting with student groups at the company headquarters.

Ron Brown accomplished much in his life. Through the many fruits of his labors from a life that was cut too short, Ron's impact will live on. With his passing, Atlanta has lost a figure of good and of progress.

RECOGNIZING THE 30TH ANNIVERSARY OF THE GUAM COMMUNITY COLLEGE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. BORDALLO. Madam Speaker, I rise today to recognize the achievements of the Guam Community College (GCC) and to congratulate the institution on the occasion of its 30th anniversary. The Guam Community College, established in November 1977 by Guam Public Law 14–77, became our premier institution for vocational, skilled trade and technical education when it assumed the programs and missions of its predecessor, the Trade and Technical High School and the Vocational High School of the Guam Department of Education.

GCC's leadership at both secondary and post-secondary levels is realized through its offering of over 50 courses of study in vocational programs, adult and continuing education, community education, and short-term specialized training. Designed to target student populations within the Asia-Pacific Rim and the Micronesia region, GCC courses prepare students through job development and training based on community needs and trade demands.

The small communities within the region, and the distance from mainland learning institutions, are contributing factors to the GCC's mission. With a diverse offering in curriculum and training programs, the college caters to these communities by offering ease of access to higher education. The main college campus, located in Mangilao, Guam, accommodates a population of 2,000 students. Off-campus and satellite options allow for distance learning, and on-campus courses equip students with expert and on-the-job training through partnerships with Guam businesses, organizations, and government entities. Through internships and apprenticeships, GCC has been successful in nurturing local talent to contribute to our island's economy.

GCC maintains membership in the prestigious educational organizations of the American Association of Community and Junior Colleges, the Pacific Post-Secondary Educational Council, the Western Association of Schools and Colleges, and the League of Innovation for Community Colleges. Accreditation has been awarded by the Accrediting Commission for Community and Junior Colleges and by the Western Association of Schools and Colleges since 1979. Additionally, under the United States Vocational Education Act of 1946, 1963, and subsequent amendments, GCC has served as the State Board of Control for vocational education for Guam.

GCC has been a consistent leader in the region for education. True to its mission to provide students with training for life-long learning, GCC offers opportunities for specialized learning through programs such as English as a Second Language, Adult Basic Education, General Education Development (GED) preparation and testing, and an Adult High School Diploma.

During this 30th anniversary, I join the people of Guam in recognizing the foresight and vision of GCC's past presidents: Dr. Herominiano delos Santos, John T. Cruz. Jose Ramos, Peter Nelson, Dr. Stanley B. Malkin, and Dr. John C. Salas. We also recognize the current and past chairs of the Board of Trustees: Gina Y. Ramos, Juan Tenorio, Charles Spero, Dr. Antonio Yamashita, Dr. John C. Salas, Richard Tennessen, Jose Munoz, Atanacio T. Diaz, Greg Perez, and Adolpho Sgambelluri. The vision of these individuals has culminated today into the leadership of president Mary Ann Y. Okada, vice president of academic affairs John R. Rider, Ed.D., and vice president of administrative services John C. Camacho.

With the commitment, dedication, and leadership of Guam Community College's officers, board of trustees, faculty, and students, GCC has become a symbol of the possibilities that exist within our island and our region. The college blends the talent and expertise of our government agencies, businesses and industries, community groups, and technical training establishments on Guam. These valuable and strategic partnerships have increased trade and technical capabilities in the community leading to greater opportunities and success for its students and our islands.

On behalf of the people of Guam, I would like to recognize the 30 years of education and community service of the Guam Community College. I commend and congratulate them on this milestone anniversary.

INTRODUCTION OF THE RAY RUIZ SPECIAL EXPOSURE COHORT ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. UDALL of New Mexico. Madam Speaker, I have the honor of representing the Los Alamos National Laboratory, which, throughout its history, has played a critical role in keeping our Nation safe from the many threats we have faced and continue to face today. Many of the men and women who have worked there, and continue to work there, are patriots doing some of the Nation's most important work while hidden from the spotlight.

Tragically, many of these workers, unbeknownst to them, were exposed to cancer-causing doses of radiation during their employment. It has been a long, hard struggle for many of these employees to get compensation from the Federal Government, and many of them have passed away from the diseases they contracted in service to their country.

One of these heroes was New Mexico State Representative Ray Ruiz. Representative Ruiz was a LANL employee diagnosed with cancer as a result of his work for the lab. Tomorrow, May 9, marks the 4 year anniversary of his passing. From the time of his diagnosis to the time of his passing, Representative Ruiz worked tirelessly for a Special Exposure Cohort (SEC) designation for LANL to ensure that the workers diagnosed with cancer did not have to face the same impossible burden of proof as he did—to convince the government that their work was responsible for their illness.

Following his passing, Representative Ruiz's wife, Harriet, not only was elected to fill her husband's seat in the State Legislature, but carried on the work to secure SEC designation for the workers at LANL. While there was an initial, narrow SEC approved to cover a very small class of workers at the lab, the Ruiz's work, and the work of many others, came as close to realization as it had to date when on July 22, 2007 a much broader SEC designation for LANL became effective.

The SEC covers hundreds of workers and their survivors diagnosed with radiogenic cancers who worked at the lab from March 15, 1943 through December 31, 1975. While this was an incredibly important development, and one that was long overdue, there are many workers who should be included in this SEC, but are not.

I know one worker, Madam Speaker, who suffers from radiogenic cancer, but just falls a few months short of the recently enacted SEC because he does not meet the requirements for number of days worked through 1975. Extend the SEC further, however, and he would certainly qualify for compensation.

This is particularly troubling considering NIOSH has already conceded that doses cannot be reconstructed for workers through 1975, but there are employees such as the one I just referred to who are denied compensation because of the cutoff date. NIOSH can no more reconstruct doses for employees of the lab in January 1976 than they can for employees of the lab in December of 1975. Yet post-1975 claimants are forced to undergo dose reconstruction during a period for which NIOSH concedes information is not available.

That is why today I am introducing the Ray Ruiz Special Exposure Cohort Act to both honor the late Representative Ruiz, and to also help fully realize his and his wife's work to provide compensation to all employees who contracted illnesses from radiation exposure at LANL. This legislation would expand the current LANL SEC to cover claimants at the lab up to the present so that any worker diagnosed with the illnesses stipulated under the current SEC and who meets a required 250 aggregated work days at LANL are covered. The important national security work being conducted at the lab did not stop on December 31, 1975, and sadly, neither did the harmful exposures to radiation that has caused many of these cancers. Post-1975 claimants have done the same work and been diagnosed with the same illnesses. These radiogenic cancers are not constrained by calendar years, and nor should be the compensation to employees and their families.

Madam Speaker, claimants and their families have made great strides in achieving some small measure of justice from the Federal Government. There are many, however, who continue to fight the battle not only with their illnesses, but with the government simultaneously. The EEOICPA program was designed to put the burden of proof on the government, not on the claimant. Unfortunately, that has not been the way the program is operating. The SEC designation for LANL was an important step towards rectifying this situation, but the Ray Ruiz Special Exposure Cohort Act will help provide much deserved compensation to the many other cold war heroes who have tragically fallen through the cracks.

I urge my colleagues to support this legislation.

TRIBUTE TO WAPSIE VALLEY WARRIORS

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Wapsie Valley Warriors football team at the State Football Tournament in Cedar Falls this past fall.

Falling short in last year's championship game, the Warriors were determined to not let history repeat itself once again. The top ranked Warriors (13–0) would not disappoint, pushing to a 22–14 win over the Lawton-Bronson Eagles. For twelve Warrior seniors, it didn't get much better than that.

I congratulate the Warriors for winning the Iowa class A state championship. This hard fought journey to the championship title gives Wapsie its fourth state title in history and its first since 1997. It is especially rewarding with the added pressure of a number one ranking from the season's outset.

Madam Speaker, I am extremely proud of the accomplishments of the Warrior football team, both on and off the field, and I am proud to serve them in Congress.

COMMEMORATING DUANE MUNFORT HILL OF UKIAH, CALIFORNIA FOR HIS OUTSTANDING CONTRIBUTIONS TO AFFORDABLE HOUSING

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Duane Hill, affordable housing trailblazer and friend, upon his retirement after 33 years as founder and executive director of Rural Community Housing Development Corporation. Based in Ukiah, Mendocino County, RCHDC is Northern California's largest rural nonprofit housing development organization.

Duane Hill recognized the overwhelming need for affordable housing in rural areas when cities were receiving substantial housing subsidies and few resources were being distributed in rural areas. He assembled a board of influential volunteers and embarked on a campaign of community awareness and public education that led to the incorporation of the Rural Communities Housing Development Corporation in 1975.

Under Duane Hill's leadership, RCHDC grew from its original $500 investment and staff of two to its current $3.3 million operating budget with assets worth more than $200 million. The agency has built 19 developments from the ground up that together provide 528 affordable rental apartments. By purchasing nine large housing developments, RCHDC also preserved 400 units of rental housing that were in danger of conversion to market-rate.

The agency has provided first-time homebuyers with more than 350 self-help homes in 30 subdivisions scattered throughout rural Northern California, and has 126 more in development. RCHDC now manages 1,000 affordable housing units and serves between 1500 and 2000 people annually. The agency also has $30 million worth of future projects in the pipeline. In 2008, RCHDC will complete rehabilitation of 144 new units in Del Norte County, one of the most underserved areas of the State, as well as an additional 50 units in Humboldt County. In Kelseyville, RCHDC's new farm worker housing will not only provide agricultural workers with a suitable place to live, but will also help to ensure the viability of agriculture as an economic, employment and cultural resource for Lake County.

Duane's steadfast resolve to see projects through to completion, coupled with his uncanny ability to build consensus and marshal both human and financial resources has created an inventory of affordable housing stock that has served as both a home and a springboard to upward mobility for thousands of low-income rural Californians.

He is on the forefront of campaigns for housing bonds and community development funding. He built his own "self-help" home and started a program for RCHDC employees to do the same. Under Duane Hill's leadership, RCHDC has become nationally recognized as an innovator in rural housing development. The California Housing Consortium inducted RCHDC into the Affordable Housing Hall of Fame. Just last month, Duane received the prestigious National NeighborWorks Association's 2008 Lifetime Achievement award

Madam Speaker, Duane Hill has earned the respect of his colleagues and community. Through visionary leadership, technical expertise and quiet persuasion, Duane Hill has invented, built and sustained the community development movement in rural Northern California. For these reasons and for the lasting impact RCHDC continues to have in rural Northern California, it is appropriate that we honor Duane Munfort Hill.

NATIONAL CHILDCARE PROVIDER APPRECIATION DAY

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mrs. CUBIN. Madam Speaker, I rise to recognize May 9th 2008 as National Childcare Provider Appreciation Day. Started in 1996 by a group of volunteers, this is an occasion to recognize the tireless efforts of providers who care for the children of working parents. Today, I join a chorus of state and local government proclamations, business and community events and the personal acknowledgment of providers by the parents themselves.

It takes a special kind of person to work in the childcare field, which is so critical to quality family life and the early childhood development of millions of Americans. Our Nation's childcare providers are all too often unsung heroes, making the recognition of National Child Provider Appreciation by this body that much more important.

Childcare is also an important component of our Nation's economy. The National Child Care Association has estimated that there are nearly 2.8 million childcare providers in the United States and that nearly 12 million under age 5 are in their care. Moreover, healthy families contribute immeasurably to healthy workplaces.

Many regions in my home State of Wyoming are experiencing population increases due to growth in the energy sector of our economy. Like other aspects of Wyoming's infrastructure, Wyoming's childcare community is being challenged by this growth and the increased demand for childcare services. I am proud to recognize Wyoming's childcare providers for their valuable contribution to Wyoming's communities in this time of transition.

With that, I commend our Nation's childcare providers and invite my colleagues to do the same on National Childcare Provider Appreciation Day.

COMMENDING AMTRAK ON NATIONAL TRAIN DAY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. OBERSTAR. Madam Speaker, I rise today to highlight the importance of passenger rail in the United States and express my support for Amtrak in conjunction with National Train Day on May 10th, 2008.

National Train Day marks the 139th anniversary of the "golden spike" being driven into the ground at Promontory Summit, Utah, in 1869. The "golden spike" bound the last tie connecting the last rail that united the Central Pacific Railroad with the Union Pacific Railroad, connecting the United States by rail from coast to coast.

The transcontinental railroad was born thanks to the support of President Abraham Lincoln. He, along with Civil War leaders, envisioned and planned the creation of the railroad. Not only did the completion of the railroad result in the ability to deliver goods and people across the country, it ultimately bound the east with the west, further unifying the country as the divide between the North and the South was beginning to mend.

The transcontinental railroad was the first of its kind. It was an engineering marvel completed with great precision and speed. The railroad was an engineering wonder and it set the example for how transcontinental railroads would be built across Canada and Russia some 20 to 25 years later.

Completion of the transcontinental railroad created a new sense of wonder and enthusiasm for discovery and entrepreneurship across the country. It set the stage for a great migration of businessmen, created a new frontier for those seeking a new way of life, enabled faster movement of people and goods, and provided the country with a great opportunity to expand the economy.

Today, we are witnessing a rebirth of passenger rail in America. In the same way that the transcontinental railroad was critical to our Nation in the late 19th century, a strong national passenger rail system is vital today. In order to strengthen intercity passenger rail in this country, today I have introduced the "Passenger Rail Investment and Improvement Act of 2008".

The National Railroad Passenger Corporation, more commonly known as Amtrak, operates a nationwide rail network, serving more than 500 destinations in 46 States over 21,000 miles of routes, with nearly 19,000 employees. Amtrak recently marked the beginning of its 38th year of operation. Our passenger rail service has come a long way since its beginnings in 1971, and has faced many challenges since, but continues to grow stronger with each passing year. Despite uneven Federal investment over the years, Amtrak has persevered, achieving many successes in improved operating efficiency, increased ridership, and higher revenue.

In fact, in FY 2007, Amtrak set a new ridership record for the fifth year in a row, exceeding 25.8 million passengers. At the same time, Amtrak increased ticket revenues by 11 percent to more than $1.5 billion, a figure that increased for the third straight year. These successes are being enjoyed across Amtrak's entire network. In FY 2007, Amtrak held 56 percent of the air/rail market between New York and Washington and 41 percent of the market share between New York and Boston. This shows that where Amtrak is provided the resources to succeed, it provides a trip-time competitive alternative to air and car.

America needs to look toward Amtrak as we address our growing transportation needs. The Department of Transportation describes the problem of congestion on our highways and in the air as "chronic." Amtrak removes almost eight million cars from the road annually. Airports are experiencing significant delays too, with more than 400,000 flights departing or arriving late in 2006. Amtrak eases air congestion by eliminating the need for 50,000 fully loaded airplanes each year.

Amtrak is also a substantially more environmentally friendly mode of transportation than automobiles or airplanes. According to the World Resources Institute, rail transportation produces 57 percent less carbon emissions than airplanes, and 40 percent less carbon emissions than cars.

Madam Speaker, I lend my strong support to the commemoration of National Train Day on May 10, 2008, and encourage all of my colleagues to use this excellent opportunity to reflect on the benefits that Amtrak and intercity passenger rail provide to our Nation.

PAYING TRIBUTE TO SHAUNDELL NEWSOME

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Shaundell Newsome by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Shaundell Newsome, President and CEO of Newsome Marketing Enterprises, for his role in promoting excellence in small business throughout the Las Vegas community.

At the age of 14, Shaundell began his love for marketing while he was attending the High School of Graphic Communication Arts. While he served 10 years in the United States Air Force, he greatly enhanced his communication skills by becoming the Morale Welfare and Recreations Coordinator for his squadron. Following his service in the military, Shaundell joined Station Casinos' Marketing Department, where he helped to successfully launch the company's popular Boarding Pass Rewards Program. He then went on to serve as the marketing director at Sante Fe Station. Looking for a way to focus his attention on providing practical yet "outside the box" marketing solutions for small businesses, Shaundell founded Newsome Marketing Enterprises in 2006.

While working to continue his newly established marketing firm, Shaundell was often recognized for his efforts to create professional opportunities for others, particularly in the minority-business community. As a board member for the 100 Black Men of Las Vegas, he focused on creating new economic development opportunities for the non-profit organization. He also worked with Valley Center Opportunity Zone (VCOZ) to assist small minority businesses within the enterprise zone by presenting workshops, including his well-known "Marketers Anonymous—A 12 Step Plan". He often shares his expertise by giving personal consultation to various organizations and businesses. Shaundell also works closely with the Urban Chamber of Commerce and the North Las Vegas Chamber of Commerce, playing a vital role in advocating for small businesses.

Madam Speaker, I am proud to honor Shaundell Newsome and would like to recognize his small-business accomplishments within the Las Vegas community. I would also like to congratulate him on receiving the Minority Small Business Champion of the Year for the 2008 Small Business Awards.

TRIBUTE TO DR. TAHIRA HIRA

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Dr. Tahira Hira's appointment to President George W. Bush's Advisory Council on Financial Literacy.

On January 22, 2008, President Bush established the new Advisory Council on Financial Literacy, chaired by Charles Schwab. Dr. Hira is one of only 16 members appointed by President Bush. The Council's purpose is to help keep America competitive and assist the American people in understanding and addressing financial matters. The Council will work with the public and private sectors to help increase financial education in schools as well as for adults in the workplace.

Dr. Hira came to Iowa State University in 1980. She is the executive assistant to the university president and a professor of personal finance and consumer economics. Dr. Hira has been teaching and conducting research in family financial management, consumer credit, gambling, and consumer bankruptcy since 1976. She has published approximately 100 articles and book chapters and given approximately 200 national and international presentations in her field. Dr. Hira has also received various awards for her work and serves on several national committees and boards.

Dr. Hira's list of awards and accomplishments represents the valuable resource she has provided to Iowa State University and financial education in America. She certainly has earned her position on the President's Advisory Council, and I know she will excel in her special advisory role.

I commend Dr. Tahira Hira for her longstanding dedication and diligence to her profession and for her efforts to improve our Nation's financial literacy. I consider it an honor to represent Dr. Hira in the U.S. Congress, and I wish her the best while serving on the President's Council and in her future work.

CONGRATULATING NURSE SUSAN COBB

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BURGESS. Madam Speaker, I rise today to recognize Susan Cobb of Lewisville, Texas. Ms. Cobb has been named one of the Great 100 Nurses of 2008 by the Texas Nurses Association, Districts Three and Four, and the Dallas-Fort Worth Nurse Executives. She is a nurse at the Medical Center of Lewisville.

The Medical Center's mission is to consistently provide high quality health services, information and education in an environment that is compassionate, professional, and responsive to its patients, physicians, and associates. Ms. Cobb is an excellent embodiment of this which her passion and commitment demonstrate.

Each year this recognition is bestowed on nurses who embody excellence in the science and art of nursing. The chosen honorees belong to an array of professional organizations and work in a wide variety of clinical specialties. This is the 18th consecutive year that the Texas Nurses Association, Districts Three and Four, and the Dallas-Fort Worth Nurse Executives have recognized area nurses for their compassion and dedication. The recipients will be honored at a gala event on Monday, May 12, 2008.

Madam Speaker, I am honored to stand today and recognize Susan Cobb. She provides an invaluable service to North Texas each and every day, and I join the community in thanking her for her devotion to saving lives. It is a privilege to represent Susan, and all our fine nurses, in the 26th District of Texas.

CONGRATULATING HIGHLAND COMMUNITY COLLEGE ON IT'S 150TH ANNIVERSARY

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to congratulate Highland Community College on 150 years of educating the good people of the state of Kansas. Chartered in 1858, Highland Community College was the first college in Kansas, and it has overcome many adversities to remain prosperous and respected to this day. Highland Community College offers a wonderful and necessary service to students who are trying to make more out of their lives.

Community colleges play an important and distinctive role in the American education system—they provide a world class education that is affordable and provides flexibility. Highland Community College facilitates programs for many non-traditional students all over the state of Kansas through its outreach program. It offers many night and weekend classes to those students whose lives can not be built around the typical student's schedule. A degree from Highland Community College will take any student far in life, and for some, it will be the push they needed to pursue additional degrees.

In Kansas, we believe that college should open doors, not close them, and that education should create opportunities, not debt. Sadly, instead of graduating with hope for their future, many of today's college students graduate with loan payments as far as the eye can see. In an increasingly competitive society, higher education is a necessity. Paying for and completing a higher education degree must be a realistic possibility for everyone. The great community colleges in Kansas, in particular Highland Community College, make that a reality for many students.

Highland Community College has made a commitment to providing a low-cost, high-value education. With their leadership, we'll move closer to the day when every Kansas student who wants to attend college can afford to do so and can receive a high quality education that fits their needs as an individual.

Highland Community College has served the State of Kansas and served it well. These words are a mere token of gratitude and cannot begin to repay the debt that we as Kansans owe members of the Highland community. Today, I congratulate Highland Community College on 150 years of success.

SUPPORTING SOLUTIONS TO THE HOUSING CRISIS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. STARK. Madam Speaker, I rise today to support two important pieces of legislation that will both keep families in their homes, and increase the supply of affordable housing.

After years of lax regulatory oversight driven by the discredited ideology of the Bush administration and a rubber-stamp Republican Congress, our Nation is faced with a housing crisis. Sub-prime loans, once the darlings of Wall Street, are now adjusting upward and millions of families have lost their homes or are facing foreclosure. In just the first 3 months of 2008, over 113,000 foreclosure notices have gone out to families in California. President Bush has responded by providing a $30 billion bailout to Bear-Stearns, a major cause of the mess in the first place. Today, the Democratic-led Congress is proposing a real solution that will assist real families, and all the President has offered is a veto threat.

I support both the Neighborhood Stabilization Act (H.R. 5818) and the Foreclosure Prevention Act (H.R. 3221). Together, they offer a comprehensive approach that will protect families, stabilize home prices, and expand affordable housing options around the Nation.

This legislation will allow homeowners trapped in untenable mortgages to refinance into FHA-backed mortgages. Lenders and borrowers must each take responsibility by lowering the outstanding principal, and demonstrating an ability to repay, respectively. Requiring borrowers to provide a portion of resale profits to the government further lessens taxpayer exposure. The legislation also provides loans and grants to states to acquire foreclosed properties and turn them into affordable units for both sale and rent. Finally, this bill includes tax provisions aimed at assisting first-time homebuyers, easing the burden of property tax bills, and expanding financing of low-income housing projects.

Just as important is what this legislation does not do. Unlike the bill passed by the Senate, these bills do not provide irresponsible and unnecessary tax breaks to homebuilders, nor do they include a tax incentive to purchase foreclosed properties that would likely increase the number of foreclosures.

I urge all my colleagues to support both bills before us today, and vote for policies that will stem the tide of foreclosures and provide real help to struggling families. If the Federal Government can provide a handout to Wall Street, we can certainly offer a hand up to families.

TRIBUTE TO PARTICIPANTS IN 2008 WE THE PEOPLE NATIONAL FINALS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. MOORE of Kansas. Madam Speaker, from May 3–5, 2008, more than 1,200 students from across the country visited Washington, DC, to take part in the national finals of We the People: The Citizen and the Constitution, the most extensive educational program in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress.

I am proud to announce that a group of outstanding students from St. Thomas Aquinas High School in Overland Park, Kansas, through their knowledge of the U.S. Constitution, won the statewide competition, earning the chance to come to our Nation's capital and compete at the national level.

While in Washington, the students participated in a three-day academic competition that simulates a congressional hearing in which they "testify" before a panel of judges. Students demonstrate their knowledge and understanding of constitutional principles as they evaluate, take, and defend positions on relevant historical and contemporary issues. It is important to note that independent studies of the We the People program indicate that alumni of this nationally-acclaimed program display a greater political tolerance and commitment to the principles and values of the Constitution and Bill of Rights than do students using traditional textbooks and approaches. With various reports and surveys that reveal the lack of civic knowledge and engagement, I am pleased to support such an outstanding program that continues to produce enlightened and responsible citizens.

Madam Speaker, the names of these outstanding students from St. Thomas Aquinas High School are:

Hillary Bourquin, Rosemarie Boyles, Annie Clark, Michelle Coombs, Alexander Davidson, Blair Donahue, Maria Dudley, Jillian Falbre, Lauren Hannifan, Lisa Hartung, Sarah Hermes, Veronica Holton, Erin Jolley, Emily Majerie, Arica Maurer, Kirsten Milliard, Theresa Nelson, Angela Nigro, Daniel Obermeier, Courtney Pigott, Rose Reynolds, Amanda Schnieders, Jonathan Shoulta, Emily Stone, David Sullivan, Bryan Thelen, Brittany Wilderson, and Jerry Wohletz.

I also wish to commend the teachers of the class, Tim Lillis and Amy Person, who are responsible for preparing these young constitutional experts for the statewide competition and national finals. Also worthy of special recognition is Lynn Stanley, the State coordinator, and Ken Thomas, the district coordinator, who are among those responsible for implementing the We the People program in my State.

I congratulate these students on their exceptional achievements at the We the People national finals.

TRIBUTE TO STATE SENATOR MARY LOU RATH

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. REYNOLDS. Madam Speaker, it is with great pride that I rise today to honor a respected and dedicated legislator, a valued educator and community leader, and close confidante and dear friend who, for more than three decades, has dedicated her life and service to her neighbors in Western New York.

State Senator Mary Lou Rath is one of the most respected legislators in our area—proof that elected service is a noble calling. Mary Lou has always been the voice of reason, and proved time and time again that her only agenda was to serve and fight for the people of Western New York.

After spending 30 years in public service, Mary Lou announced recently that she will retire from the New York State Senate. She surely be missed, leaving behind a legacy of fighting for quality health care, serving as a champion for women across New York State, and taking on issues big and small that made a real difference in the lives of those she represented.

Mary Lou was first elected to public office in 1977 as an Erie County Legislator and earned both the support of her constituents and the trust of her colleagues, who elevated her to the post of Republican Leader. In 1994, she became the first woman ever to serve the 61st District in the New York State Senate. In the State Senate, Mary Lou earned a reputation as a hard working and compassionate representative.

Mary Lou also earned a statewide reputation for her efforts to reform Medicaid and curtail the sky-rocketing costs of health care. Additionally, she worked hard to advance her smart growth initiatives, end domestic violence and ensure that all children have a quality education.

In 1997, Mary Lou was inducted in the Western New York Women's Hall of Fame, a fitting tribute for a woman who has been such a positive role model and inspiration to women across New York. Not only did Mary Lou have a distinguished professional career, but along with her husband, the late Supreme Court Justice Edward A. Rath, Jr., raised a wonderful family in whom she instilled the values of public service.

The name Rath not only invokes the best in public service, it is, in a word, iconic in our community. The County Office building bears the name of her father-in-law, Edward A. Rath, Erie County's first-ever chief executive. Her son, Edward A. Rath III, is the third generation of family public servants, a member of the Erie County Legislature, elected to a seat once held by his mother.

Despite all her achievements in public life, I know from my long friendship with the Rath family that Mary Lou's greatest accomplishment is her loving family, her children Allison, Melinda, and Ed, and her eight grandchildren.

She is very deserving of the honor she will receive from the YWCA on May 10th, 2008 for her contributions to Batavia and Genesee County.

Madam Speaker, in recognition of her tremendous service of more than 30 years, for her leadership, dedication and lasting legacy she leaves, I ask this Honorable Body to join me in honoring my friend and colleague, New York State Senator Mary Lou Rath, in grateful appreciation for her distinguished career and devoted service to the people of Western New York.

THE ENHANCEMENT OF RECRUITMENT, RETENTION, AND READJUSTMENT THROUGH EDUCATION ACT OF 2008

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PUTNAM. Madam Speaker, we are forever indebted to the brave soldiers, sailors, airmen, and marines of our Armed Forces who have fought and continue to fight for our freedom. Though we can never truly repay the debt we owe them, we have a solemn duty to honor their service with more than mere words.

One important benefit for veterans is the Montgomery G.I. Bill, which provides funding for education and training to veterans after their service. Since its inception, the Montgomery G.I. Bill has helped millions of service members. But, Mr. Speaker, it's long past the time when we should modernize this important law.

Today, with my colleagues, I introduced The Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008. This legislation enhances the existing G.I. Bill by improving education benefits for servicemembers, veterans, and members of the Guard and Reserve. The legislation will help more military personnel attend college debt free, and allow them to transfer their education benefits to their spouse or children. It also bolsters recruitment and retention efforts, encouraging servicemembers to continue their military careers in support ofthe all-volunteer force of today. Specifically this legislation would:

Provide an immediate increase in education benefits for active duty personnel to $1500 a month, and to improve retention, those benefits increase to $2000 a month after 12 or more years of service.

Significantly increase benefits for members of the National Guard and Reserves.

Provide transferability, allowing service members to transfer their education benefits to dependents. After 6 years of service, half of the benefit may be transferred and after 12 years of service 100 percent may be transferred to a spouse or dependent children.

Allow servicemembers to use up to $6,000 per year of G.I. Bill education benefits to repay Federal student loans.

Create a matching program to help more veterans graduate debt-free. Up to an additional $3,000 per year could be paid by the Department of Veterans Affairs in return.

Allow access to Montgomery G.I. Bill benefits for service academy graduates and Senior Reserve Officers' Training Corps officers who continue serving.

Build on existing educational benefits program to ensure rapid implementation with minimal additional administrative costs.

On behalf of the over 30 million veterans in the United States who stand to benefit, I am very excited to introduce this legislation. While we can never fully repay the service and sacrifice so many brave Americans have made and continue to make on behalf of our nation, we must ensure they receive access to the kind of benefits they deserve.

IN RECOGNITION OF LIEUTENANT COLONEL GARRY W. McCLENDON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to LTC Garry McClendon. Lieutenant Colonel McClendon has served our Nation in the Army for 25 years and as commanding officer for the Anniston Defense Munitions Center and Holston Army Ammunition Plant since June 2006.

Mr. McClendon's distinguished career began in 1983 as an Ammunition Stock Control and Accounting Specialist. Subsequent assignments with the Army included tours of duty in Southwest Asia, Fort Bragg, NC, Germany, Fort Lee, Virginia, and Camp Able Sentry in Macedonia.

On behalf of us all, I would like to thank Lieutenant Colonel McClendon for his 25 years of service to the United States, and wish him all the best in his next endeavors.

RISING ABOVE THE GATHERING STORM: TWO YEARS LATER

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. WOLF. Madam Speaker, I rise today to share a speech I gave to the National Academies' convocation on April 29, 2008 on the second anniversary of the release of the "Gathering Storm." I was honored to have had the opportunity to address some of our nation's top business, academic, and scientific leaders at the convocation.

As you may recall, the report painted a very bleak picture of our Nation's high-tech workforce, innovation, and global competitiveness.

It prompted swift congressional action to authorize new funding and resources to bolster our science and high-tech workforce, culminating with the enactment of the America COMPETES Act last fall.

However, I am concerned that we still have much work to do to secure our economic future in this global marketplace. And we will never be competitive if we cannot get the Federal Government's finances in order and begin to reduce our dependency on foreign debt.

Madam Speaker, my address as prepared to the "Gathering Storm" convocation follows:

Thank you for the opportunity to address this gathering. As the fourth of five "congressional perspectives" on the program this morning, I'm reminded of the old Congressman Mo Udall quote: "Everything has been said but not everyone has said it."

First, I want to thank you all for your efforts. I am pleased that so many of our nation's science, business, and government leaders have once again gathered to discuss this most pressing of issues challenging the United States.

Perhaps the greatest success of the "Gathering Storm" report thus far is the tremendous awareness and urgency it has raised among the American people.

It was only a few years ago, in 2005, that Rep. Vernon Ehlers, Rep. Sherwood Boehlert, and I went to the White House to urge the administration to make this a priority.

With the support of the councils of National Academies of Science and Engineering, we announced a national summit on science, technology, engineering, and manufacturing at the Department of Commerce which helped lead to the creation of the Committee on Prospering in the Global Economy of the 21st Century.

I want to thank Norm Augustine and the other members of the committee who helped educate me to the critical importance of this as I served as Chairman of the Appropriations Subcommittee funding these programs.

I appreciate President Bush for laying out the American Competitiveness Agenda in his 2006 State of the Union and his support for more funding this year.

Congress followed suit and adopted many recommendations from the "Gathering Storm" report into the America COMPETES Act which was signed into law last year.

I appreciate the leadership of Science Committee Chairman Bart Gordon and Ranking Member Ralph Hall in the House, as well as Sen. Lamar Alexander in the Senate for seeing this bill through.

It is rare in Washington that good ideas move so far, so fast. And it is in many ways a testament to the people in this room who tirelessly worked to educate Congress, the Administration, business community, and the American people.

There is so much more work to be done. We have been successful in raising public awareness of these issues, but we have barely begun to turn the page in meeting our workforce and innovation demands.

I worry that we still graduate half the number of physicists that we did in 1956—before Sputnik spurred our last "great awakening" in science and engineering.

I worry that one-third to half of those we graduate with science and engineering degrees are foreign students; and most of them will return to their home countries rather than applying their skills in the U.S.

I worry that U.S. patents are down and our companies are spending more on tort legislation than on research and development.

I worry that tests still show that one-third of U.S. students lack the competency to perform the most basic mathematical computations.

I worry that half of the money we made available for grants for college students in STEM fields is going unused.

I worry that our edge in aerospace research is in danger. Our historic prominence in automobiles and electronics manufacturing has long since eroded; we cannot afford to lose our aerospace leadership.

I worry about losing competitiveness with China—they may even beat us back to the moon.

I worry about the country my children and grandchildren will live in if we fail to deal with this.

But you don't need me to rattle off any more statistics. The real experts will help put these trends and developments in context later today.

Instead, I'd like to talk about a different, yet inextricably linked, issue that is further undermining our competitiveness. To turn Udall's phrase, I would like to talk about something that hasn't been said, in hopes that everyone will say it.

While we are working hard to stave off the "Gathering Storm," we are losing sight of the tsunami right off our coasts—a tsunami of debt. Former Comptroller General David Walker calls this tsunami powerful enough to "swamp our ship of state."

This is particularly relevant as we consider the state of our nation's competitiveness. If we can't pay for our current obligations, how can we begin to afford the resources we will need to compete globally in the twentyfirst century?

These two efforts go hand-in-hand.

America is $9 trillion deep in federal debt, and the Government Accountability Office has estimated $54.3 trillion in unfunded promised benefits if we don't change our current course. That's trillions, with a "T".

The Social Security and Medicare Trustees reports issued last month only reinforce the dire condition of our fiscal health. Both reports make very clear that we must address these tremendous shortfalls very soon.

The U.S. dollar is dropping like a rock—it lost 15 percent against the Euro last year.

Gasoline reached $120 per barrel this week.

What will happen when the well runs dry and we no longer have money for the vital technology programs that we're discussing today?

How will we remain competitive when there is no money to fund science and math education initiatives? Our children can't compete in the global marketplace if we can't provide U.S. students with a first-class education.

How will we remain competitive when there is no money to fund medical research? Without discretionary funding to develop cutting-edge technology, advance research, and perform clinical trials, we will not be able to make critical strides toward cures for cancer, Alzheimer's, autism, and other devastating diseases.

How will we remain competitive when there is no money to fund our infrastructure?

How will we remain competitive when there is no money to pay for the National Science Foundation and NASA? America will no longer be able to provide leadership and inspiration to the rest of the world.

These bleak scenarios only scratch the surface of how concerned we should be about America's future. These are the realities we face.

Sadly, much of this falls on deaf ears in Washington. So many bright people delude themselves into thinking that we have a long-term plan to bring our finances into order.

The long-term has arrived. The next President will have to address this.

It reminds me of the refrain from songwriter Paul Simon's "The Boxer": "Man hears what he wants to hear and disregards the rest." That could describe Congress's and Wall Street's reaction, or lack thereof, to the financial crisis staring America square in the face.

We can't afford to put off reform anymore. With every year that Congress prolongs making the difficult decisions to deal with this runaway mandatory spending—the portion of the federal budget available to fund discretionary programs decreases.

And just so we're clear: nearly every science, technology, research, manufacturing, and competitiveness program we discuss here today is funded through discretionary dollars.

In 1962, mandatory spending—Social Security, Medicare, Medicaid, and debt interest payments—comprised less than one-third of the federal budget. Today it's doubled to over two-thirds of the budget.

The Office of Management and Budget projects that in less than 5 years, non-defense discretionary spending will fall to less than 15 percent of the federal budget. And the competitiveness programs we're working so hard for are but a small fraction of that.

Because mandatory programs get funded first, we will have to fight harder for fewer dollars to fund this important initiative.

Without mandatory spending reform, we simply won't be able to fund the necessary increases in competitiveness programs without significant cuts in other discretionary programs.

Clearly, this is a pressing economic issue, as the first baby boomer has just signed up for promised Social Security benefits and our nation's longterm IOUs are coming due.

Just recently, Moody's Investment Service indicated that the U.S. triple-A bond rating will be at risk by 2018. Standard and Poor's Investment Service indicated that it may be as early as 2012; and if present trends continue would plummet to junk-bond status by 2025.

What will that mean to our economy?

Should the U.S. lose its AAA rating in a few years, the cost of borrowing for both the Treasury and for U.S. private businesses would significantly increase. It would also increase the likelihood of a devastating capital flight. This is a very real risk to our economic growth and global competitiveness.

Again, this debt has very real implications. More than $2.6 billion a day is needed to fund our budget shortfall, which has left nearly 40 percent of our domestic economy in foreign hands.

These IOU's are held by foreign countries—with significant shares held by non-democratic countries like China and Saudi Arabia. We should care that countries that do not share our democratic values have growing leverage over the U.S.

Borrowing hundreds of billions of dollars on the Chinese and Saudi credit cards puts not only our future economy, but also our national security at serious risk.

Ironically, the Chinese will be some of our greatest economic and technology competitors in the twenty-first century. How well will we be able to compete when we depend on their credit to fund our programs? They have become our banker.

This is also a moral issue. Last month, Pete Peterson penned an editorial that ran in Newsweek. He ends by quoting Dietrich Bonhoeffer, the German pastor who was instrumental in the resistance movement against Nazism. Bonhoeffer said, "The ultimate test of a moral society is the kind of world it leaves to its children."

I can't help but wonder what sort of future today's partisan Washington is leaving to our children and grandchildren.

Fortunately, we still have options—if we act soon.

I am truly impressed by the bipartisan and broad ranging coalition that the "Gathering Storm" report has assembled in its cause. I believe we can replicate this success in addressing entitlement reform, tax policy, and fiscal solvency. We need to replicate the "Gathering Storm" effort to deal with the issue of our debt.

For the past year, Congressman Jim Cooper, a Democrat from Tennessee, and I have been working closely together on the Cooper-Wolf SAFE Commission Act. It has since garnered over 80 bipartisan cosponsors, including Republican leadership in the House as well as the chairs of the Democratic Blue Dog Coalition.

The Heritage Foundation, Brookings Institution, Concord Coalition, and former Comptroller General David Walker helped us draft this and it is supported by David Broder and David Brooks.

Modeled after the base-closing process, the bill would create a bipartisan 16-member commission to review entitlement spending, tax policy, debt, and all other federal spending.

The Commission will look beyond the Beltway for solutions, holding at least 12 town meetings—one in each of the nation's Federal Reserve districts—over the span of 12 months in order to hear directly from the American people.

Everything must be on the table—including tax policy.

If anyone has another viable plan to address our entitlement tsunami, we are anxious to hear it. But it has to be able to pass. Doing nothing is not acceptable.

And just like the base-closing process, the SAFE Commission Act would require and up-or-down vote on the Commission's proposal—ensuring that Congress finally considered a comprehensive solution to this great challenge.

So far, Rep. Cooper and I have reached out to every Member of Congress, the President and his potential successors, Fortune 500 leaders, small business owners, think tanks, thought leaders, and the religious community.

And today I'm reaching out to you—our science, technology, engineering, manufacturing and workforce development leaders.

I ask for your support in this endeavor so that it may put us back on track financially, just as the "Gathering Storm" report spurred us to fix our nation's education and competitiveness programs.

William Wilberforce, who, in his first speech in the British Parliament in 1789 describing the evils of the slave trade, concluded by telling his colleagues,

"Having heard all this you may choose to look the other way, but you can never again say that you did not know."

Not one of us can say we do not know about the nation's long-term financial outlook.

We know, and it's on our watch to fix.

This must also be a part of this year's presidential debate. We need to make the next president understand that entitlement reform.

And the media needs to do a better job covering it. We should insist on a presidential debate devoted to these issues.

I am confident that, with your support, we will succeed and it may well lead to a renaissance in America—a renaissance in innovation, education, and economic development.

PAYING TRIBUTE TO STEPHANIE TAVARES

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Stephanie Tavares by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Stephanie Tavares, reporter for In Business Las Vegas for her achievements in reporting on various small business legal issues within the Southern Nevada community.

Stephanie grew up in a small town that did not have access to many big-city newspapers, but while she was still in high school, she strongly identified with a local television news anchor inspiring her to pursue a career in journalism.

She worked as a news clerk for her college newspaper, which helped to launch her love for writing, editing, and the news. For the past three years, Stephanie has reported on small business issues for In Business Las Vegas. She is credited with not only covering business issues, but with being an advocate for small business as well, learning different perspectives, policies, and the needs of the small business community. She also reports on utilities and environmental issues for the magazine.

In addition to her professional work, Stephanie donates much of her time and talent to several professional and community organizations. She is involved with the National Association of Business Journalists, the National Association of Hispanic Journalists, and the International Studies Association. Additionally, she recently served on a panel of the 2007 Women of Color Conference. On the local level, Stephanie is a supporter of Adoption Exchange, Henderson Libraries, and Henderson Parks and Recreation.

Madam Speaker, I am proud to honor Stephanie Tavares for her achievements in journalism for small businesses within the Las Vegas community. I would also like to congratulate her on receiving the Small Business Journalist of the Year at the 2008 Small Business Awards.

TRIBUTE TO AMANDA VEEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Cadet Lieutenant Amanda Veen of Perry, Iowa for being named Cadet of the Year by the Iowa Wing of the Civil Air Patrol.

Amanda, who is currently a sophomore at Liberty Home School, also received the Billy Mitchell Award and served as Color Guard Commander in the North Central Region Cadet Competition last year for the Des Moines Metro Cadet Squadron.

The Cadet of the Year award honors Amanda's dedication and commitment during her participation in the Civil Air Patrol's Cadet Programs. The Iowa Wing of the Civil Air Patrol, which is the official auxiliary of the U.S. Air Force, is a nonprofit organization with more than 390 officers and cadets in Iowa. The Civil Air Patrol's Cadet Programs provide youth opportunities to reach their full potential as they study four subject areas: aerospace education, physical training, leadership, and moral and ethical values.

I know that my colleagues in the U.S. Congress join me in commending Cadet Lieutenant Amanda Veen for her leadership and dedication to representing the Iowa Civil Air Patrol. I consider it an honor to represent Amanda and her family in Congress, and I wish her the best in her future endeavors.

COMMENDING THE HARD WORK OF OUR NATION'S NURSES ON THIS NATIONAL NURSES WEEK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. RANGEL. Madam Speaker, I rise today to applaud the incredible efforts our nurses pour into their grueling workdays, carrying out their duties to the great benefit of this country's health and medical care system. Together, nurses represent the largest share of health care professionals in the field, boasting numbers eclipsing 2,500,000—but that's becoming increasingly not enough. Facing a shortage that demands a million new nurses by 2016, the current crop of professionals have shouldered, and will continue to shoulder, the extra work and hours of properly caring for our elderly and infirmed. For this, and so much more, nurses deserve a generous helping of our gratitude and the highest of reverence, not just this next week dubbed "National Nurses Week," but all year round.

We can show them that we care by paying tribute to those nurses serving in Iraq and Afghanistan—by bringing them and our heroic troops home after a job well done. We can show them that we care by outfitting them with a health care system that is affordable, universal, and driven less by profits and more by compassion and humanitarianism. We can show them that we care by investing in the research, techniques, and technologies that promise to one day cure age-old, debilitating diseases that plague millions—and not play politics when our citizens' livelihoods are at stake.

The Harlem Hospital Center serves my district as a powerful force for social progress, catering to the community's health needs and training the next generation's minority and female physicians. The nurses there fight the good fight, day in and day out, not often enough rewarded with the credit that they deserve. I am honored to praise their achievements—and those of their colleagues all across America—this week.

VIETNAM HUMAN RIGHTS ACT 2007

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. LORETTA SANCHEZ of California. Madam Speaker, as you may know, I have the privilege of representing the Vietnamese community in Orange County—one of the largest outside of Vietnam.

Human rights is an important issue to me and my Vietnamese constituents. Today, I want to highlight the importance of continuing to work for freedom and democracy in Vietnam, and to commend the advocates that are committed to this cause.

This year marks the 14th anniversary of the House-Senate Joint Resolution designating May 11th as Vietnam Human Rights Day. As we prepare to observe Vietnam Human Rights Day, it is clear that the struggle is far from over.

Human rights violations in Vietnam have only gotten worse since Vietnam was granted Permanent Normal Trade Relations (PNTR) status, removed from the State Department's list of Countries of Particular Concern, added to the World Trade Organization (WTO) and allowed to be a non-permanent member of the United Nations Security Council.

In my eyes, these policies, endorsed by the Bush Administration, have been rewards for a government that has made no real effort to improve its human rights record.

The Government of Vietnam claimed that it had improved its human rights record, and that it would continue to make progress on the issue of human rights. However, their record speaks for itself.

The Government of Vietnam has harassed, arrested and sentenced democracy advocates many of whom were not afforded a trial. That list includes: Father Nguyen Van Ly, Nguyen Phong, Nguyen Binh Thanh, Nguyen Bac Truyen, and Nguyen Van Dai, lawyer—just to name a few. But the list doesn't stop there.

Since 2006 the Government of Vietnam has detained six American citizens—all falsely accused and harassed. One of those cases includes Dr. Nguyen Quoc Quan who has been incarcerated in Vietnam since November for promoting peace and non-violence.

Since his detainment in Vietnam, I have called for his immediate release and authored letters to both Secretary Rice and Vietnamese Prime Minister Nguyen Tan Dung urging his safe return to the United States. I have met with his wife Mai Huong and have seen the anguish this injustice has caused their family—a family that has not been able to communicate with their loved one since last year.

Dr. Nguyen Quan now awaits a trial scheduled for May 13 along with fellow democracy activists: Mr. Nguyen The Vu and Mr. Somsak Khunmi. I call on the Government of Vietnam to afford Dr. Quan and the other democracy advocates a fair and just trial. It is my greatest hope that his trial will be handled in a fair manner, unlike that of Father Ly, who was gagged, unable to speak at his own defense, and sentenced to 8 years in prison.

So today I join the Vietnamese community in commemorating Vietnam Human Rights Day and urging support for the continuing advocacy efforts that are fighting for the most basic freedoms that we in the U.S. enjoy—freedom of speech, freedom of the press, freedom of assembly, freedom of religion. These freedoms do not exist in Vietnam.

I will continue working with my colleagues in the Congressional Caucus on Vietnam and the Congressional Human Rights Caucus to advance human rights for the people of Vietnam. And as a cosponsor of H.R. 3096, the Vietnam Human Rights Act of 2007, I will continue to advocate for its passage with my colleagues in the Senate. I am pleased that Senator BARBARA BOXER held a hearing on this legislation last March.

It is my hope that H.R. 3096 will be brought to the Senate floor for a vote. This would be a clear message that Congress wants to see the Government of Vietnam get serious about improving human rights conditions

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CONGRESSIONAL TRIBUTE HONORING THE SAN ANTONIO FIRE DEPARTMENT

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. GONZALEZ. Madam Speaker, I rise today to commend Fire Chief Charles N. Hood and the brave men and women of the San Antonio Fire Department. On Tuesday, May 7th, a four-alarm fire swept through the historic Main Building at Our Lady of the Lake University in San Antonio, Texas.

Our Lady of the Lake University was founded in 1895 and was the first San Antonio institution of higher education to receive regional accreditation. A beacon of hope and opportunity, Our Lady of the Lake has provided countless minority and underprivileged students the means to a higher education.

In their valiant efforts to fight this destructive fire, San Antonio Fire Department firefighters went from room to room in the 100 year-old main building, ensuring that students, faculty and staff were safely evacuated. Because of their courageous efforts, not one life was lost and amazingly there were no serious injuries reported. While the fire was ripping through the third and fourth floors, firefighters worked quickly to save the University's mainframe computer and important records so that these items were not damaged by the thousands of gallons of water being used to fight the fire.

More than 100 firefighters fought late into the night and were on hand to make sure that the Our Lady of the Lake University community was safe. I ask my colleagues to join me in commending the efforts of the San Antonio Fire Department and offering support for the entire Our Lady of the Lake University community as they recover from this devastating fire.

RECOGNIZING NU HIGH SCHOOL BOYS BASKETBALL TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the NU High School Boys Basketball team at the Iowa State Boys Basketball tournament in Des Moines this past winter.

The last quarter would see five lead changes with the last lead change coming with two minutes left in the game. Travis Ellerbroek hit an NBA range three-pointer to take the lead for the final time and win the class 1A State boys basketball title.

I congratulate the Panthers for winning the Iowa Class 1A State championship. This exciting victory is the first for Coach Paul Elser who wrapped up his first season with the Panthers.

Madam Speaker, I am extremely proud of the accomplishments of the Panther boys basketball team, both on and off court, and I am proud to serve them in Congress.

85TH JUBILEE OF THE AZERBAIJANI PRESIDENT HEYDAR ALIYEV

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. FOXX. Madam Speaker, on May 10, we commemorate the 85th Jubilee of the late Azerbaijani President Heydar Aliyev. Heydar Aliyev was a strong leader at a critical time. When political strife and economic uncertainty engulfed the region, he emerged in 1993 as President of the Republic of Azerbaijan.

He steered his country through regional power struggles and global changes. He negotiated a cease-fire in the war with Armenia. He deepened Azerbaijan's relationship with the United States, Turkey, Israel, as well as countries in Western Europe. He also cultivated the nation's relations with multilateral organizations such as the United Nations, NATO, the Council of Europe, and the OSCE. He oversaw economic reforms that opened the door for foreign investment.

In September 1994, the "Contract of the Century" was signed between American and Western companies and Azerbaijan. The Contract was designed to allow Azerbaijan to develop its energy resources in order to diversify Western energy supplies. The two early oil pipelines were from Azerbaijan through Russia to the port of Novorossiysk on the Black Sea and from Azerbaijan through Georgia to Supsa. But his real dream was the Baku-Tbilisi-Ceyhan pipeline, which, despite strong opposition, was supported by both the Clinton and Bush Administrations, and is now pumping one million barrels of oil a day.

President Heydar Aliyev always valued his country's relations with the United States. The United States was one of the first countries to recognize Azerbaijan's independence. His goal was to elevate relations to a strategic level, and we can say that he has been successful.

After we experienced the worst terrorist attack on United States soil on September 11, President Heydar Aliyev was one of the first in the world to offer the unconditional support of his country in the fight against terrorism. Soon after, Azerbaijan had troops in Afghanistan and was the first country with a predominantly Muslim population to send troops to Iraq.

President Aliyev was instrumental in shaping Azerbaijan's Western-leaning policies and relationship building practices. Azerbaijan joined NATO's Partnership for Peace Program in 1994. It is also a 2001 charter member of the GUAM Organization for Democracy and Economic Development which works to promote democratic values, ensure stable development, enhance international and regional security, and step up European integration. Azerbaijan has consistently integrated into the Euro-Atlantic security architecture, further deepening U.S.-Azerbaijani military to military cooperation.

Following his passing in 2003, Azerbaijan has continued its course first established by President Heydar Aliyev toward the greater democratic and economic development. Due to his efforts and the will and character of the people of Azerbaijan, there is no doubt about the viability of this nation or about its capability as an effective leader in the region.

The United States looks forward to furthering its partnership with Azerbaijan in the region and on global issues of mutual concern.

RECOGNIZING THE ACCOMPLISHMENTS OF LT. EVAN SCAGGS

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. COLE of Oklahoma. Madam Speaker, it is my privilege today to rise in recognition of an outstanding young naval aviator from my district, Lt. Evan Scaggs of Sulphur, Oklahoma. As a dedicated member of the U.S. Navy, Lt. Scaggs was an integral part of one of the highest elevation rescue missions ever to occur in Iraq. Honored by his hometown newspaper, the Sulphur Times-Democrat, I felt that his story was so compelling and his commitment so sincere, that telling his story before you today would be but one small way of honoring such an outstanding young man.

Madam Speaker, when a group of American schoolteachers with Teachers Without Borders disappeared from a hiking trip, Lt. Scaggs, a 64th ERQS pilot, was called in as the flight lead for the rescue. He and the rest of the crew prepared themselves in just 2 hours to go in search of the hikers. Traveling to the assumed location of the hikers, approximately 120 miles north of Balad Air Base, the rescue crew was able to locate the hikers on the side of a mountain sitting at an 80 degree angle. The teachers were stranded at an altitude of 4,700 feet where they were surrounded by treacherous terrain. Using careful maneuvering, the helicopter was able to fly close enough to allow the rescuers to retrieve the hikers safely. Their health was immediately checked and they were found to be in good condition despite being dehydrated and cold. If it were not for the actions of Lt. Scaggs and the rest of the rescue team, the two lost teachers would not have likely survived another night in the harsh conditions.

Lt. Scaggs and all members of America's Armed Forces deserve appreciation and respect from those they defend. That's why I am proud to stand before you today to honor Lt. Evan Scaggs from Sulphur, Oklahoma and thank him for his bravery and his service.

TRIBUTE TO TERRY DEVORE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to the heroism and self sacrifice of Olney Springs Fire Chief Terry DeVore, 31, who died in the line of duty on Tuesday, April 15, 2008, while driving to the scene of a brush fire threatening his community.

When Terry heard the distress call Tuesday afternoon from nearby Ordway, Colorado, he jumped in his fire engine with fellow volunteer fireman John Schwartz to try to help. A massive wild fire was burning across the prairie and the smoke was so thick that Terry and John could not see the bridge burned out in front of them. Terry's father Bruce, a fire department volunteer for 36 years, was right behind them when he noticed their taillights disappear. Bruce and the other firefighters stopped and tried to fight the inferno in front of them, but it was a hopeless fight.

Terry first started helping his father at the fire department when he was 13. He loved his town and he loved helping people. Although he grew up in Olney Springs, he left for a time to work at Rocky Mountain Steel Mills in Pueblo, Colorado, before returning home to work for the Crowley Correctional Facility. He then moved to the Arkansas Valley Correctional Facility where he became a sergeant. Terry also volunteered at the Olney Springs Fire Department that serves the town's 350 residents and served as Fire Chief for the past year.

Terry left behind wife Jennifer, four children between the ages of 4 and 10, Ryan, Breann, Katy, and Jeremiah, and his parents Bruce and Deborah DeVore. "He was never afraid of anything; there was no sense of fear," his mother Deborah told a newspaper. "He loved helping people. He was always making jokes, pulling pranks on people. He just loved life."

Madam Speaker, I am honored to represent Terry and other men and women who sacrifice so much to care for their communities. I urge my colleagues to join me in mourning the loss of a great American and in expressing heartfelt gratitude and sincere appreciation for the service of Terry DeVore.

PERSONAL EXPLANATION

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. JONES of North Carolina. Madam Speaker, I was in my district voting in the North Carolina primary election and I missed rollcall votes on May 5th, 6th and 7th. I ask that the RECORD show that had I been present:

For rollcall No. 240—To suspend the rules and agree to H. Res. 952—I would have voted "yes";

For rollcall No. 241—To table the motion to reconsider H. Res. 952—I would have voted "no";

For rollcall No. 242—To suspend the rules and agree to H. Res. 1011, as amended—I would have voted "yes";

For rollcall No. 243—To table the motion to reconsider H. Res. 1011—I would have voted "no";

For rollcall No. 244—Motion to adjourn—I would have voted "no";

For rollcall No. 245—Motion to adjourn—I would have voted "yes";

For rollcall No. 246—Motion to adjourn—I would have voted "no";

For rollcall No. 247—Motion to instruct conferees on H. R. 2419—I would have voted "yes";

For rollcall No. 248—To table the motion to reconsider the vote on the motion to instruct conferees on H.R. 2419—I would have voted "no";

For rollcall No. 249—To suspend the rules and pass H.R. 3658—I would have voted "yes";

For rollcall No. 250—To table the motion to reconsider H.R. 3658—I would have voted "no";

For rollcall No. 251—To suspend the rules and agree to H. Con. Res. 317, as amended—I would have voted "yes";

For rollcall No. 252—To table the motion to reconsider H. Con. Res. 317—I would have voted "no";

For rollcall No. 253—To suspend the rules and agree to H. Res. 1109, as amended—I would have voted "yes";

For rollcall No. 254—To table the motion to reconsider H. Res. 1109—I would have voted "no";

For rollcall No. 255—Motion to adjourn—I would have voted "yes";

For rollcall No. 256—To suspend the rules and pass S. 2929, as amended—I would have voted "yes";

For rollcall No. 257—To table the motion to reconsider S. 2929—I would have voted "no";

For rollcall No. 258—Motion to instruct conferees on H.R. 2419—I would have voted "no";

For rollcall No. 259—To table the motion to reconsider the vote on the motion to instruct conferees on H.R. 2419—I would have voted "no";

For rollcall No. 260—Motion to adjourn—I would have voted "yes";

For rollcall No. 261—Motion to adjourn—I would have voted "yes";

For rollcall No. 262—Motion to adjourn—I would have voted "yes";

For rollcall No. 263—To suspend the rules and agree to H. Res. 1168—I would have voted "yes";

For rollcall No. 264—To table the motion to reconsider H. Res. 1168—I would have voted "no";

For rollcall No. 265—To suspend the rules and agree to H. Res. 1155—I would have voted "yes";

For rollcall No. 266—To table the motion to reconsider H. Res. 1155—I would have voted "no";

For rollcall No. 267—Motion to adjourn—I would have voted "yes";

For rollcall No. 268—To approve the journal—I would have voted "no."

ON THE BIRTH OF COOPER ADDISON TAYLOR

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. WILSON of South Carolina. Madam Speaker, I am happy to congratulate my longtime friend and former law partner Heath Preston Taylor and his wife Julie Hartley Taylor of Sandy Run, South Carolina, on the birth of their new baby boy. Cooper Addison Taylor was born on April 17, 2008, weighing 6 pounds and 5 ounces. Addison is an old family name. Cooper joins an older brother, Andrew Preston Taylor. He has been born into a loving home where he will be raised by parents who are devoted to his well-being and bright future.

I am so excited for this new addition to the Taylor family. I want to congratulate Cooper's grandparents George Preston Taylor and Judy Wilkes Taylor of Sandy Run, South Carolina, and Forrest Andrew Hartley, III, and Barbara Bickford Hartley of Atlanta, Georgia. Great grandmother is Gladys Taylor of Sandy Run, South Carolina. Among the happy aunts and uncles are my former law partner Henry H. Taylor and his wife Molly D. Taylor of West Columbia, South Carolina.

RECOGNIZING CALIFORNIA ASSEMBLY SPEAKER-ELECT KAREN BASS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, as chair of the California Democratic Congressional Delegation, I rise today to recognize a historic milestone in California history. Next week, on Tuesday, May 13, 2008, the Honorable Karen Bass will be seated as California's first African American woman Speaker of the State Assembly. I would also point out, Madam Speaker, that this is the first time that an African American woman has held this post in any State.

Speaker-elect Bass was first elected to the State Assembly in 2004 to represent the 47th Assembly District which covers parts of Los Angeles. Assemblywoman Bass's leadership skills were recognized early on, as she was selected in her first term to the influential position of Assembly Majority Whip. In her second term, Assemblywoman Bass was elevated to the powerful post of Assembly Majority Leader. During her first two terms in the State Assembly, Speaker-elect Bass had 17 of her bills signed into law by Governor Schwarzenegger on issues ranging from foster care reform to children's health insurance.

Before entering elected office, Speaker-elect Bass founded and ran the Community Coalition, a community based nonprofit organization in South Los Angeles. As Executive Director, she built the Community Coalition into an important social justice organization that empowered residents and helped clean up neighborhoods ravaged by the crack cocaine epidemic. Today, the organization is considered a model of community engagement throughout the country.

Speaker-elect Bass grew up in the Venice/Fairfax area of Los Angeles, California. She is the daughter of DeWitt and Wilhelmina Bass. Her father worked as a mail carrier and her mother was a full-time stay-at-home mom who raised four children. Speaker-elect Bass is a graduate of Hamilton High School, received her Bachelor of Arts degree in Health Sciences from Cal State Dominguez Hills and has a Physician Assistant Certificate from the University of Southern California School of Medicine.

Within a matter of a few short years, Speaker-elect Bass went from being a community organizer to an elected official, and beginning next week, will be one of the most influential legislative leaders in the largest State in the country. Her rapid ascension is a testament to not only her leadership skills, but also to her dedication to the people that she serves.

On behalf of all 34 members of the California Democratic Congressional Delegation, I congratulate Speaker-elect Bass on her historic election and look forward to working with the new Assembly Speaker as we move forward together to address the issues facing the State of California.

INTRODUCTING A BILL TO AUTHORIZE APPROPRIATIONS FOR THE NATIONAL TROPICAL BOTANICAL GARDEN

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. HIRONO. Madam Speaker, I rise today to introduce a bill authorizing appropriations for the National Tropical Botanical Garden. This is a companion to S. 2220, which was introduced by Senator DANIEL K. AKAKA and cosponsored by Senators DANIEL K. INOUYE, BILL NELSON, and MEL MARTINEZ. S. 2220 was approved by the Senate Energy and Natural Resources Committee on April 10, 2008. I am joined in introducing this bill by Congressman NEIL ABERCROMBIE of Hawaii and Congresswoman ILEANA ROS-LEHTINEN of Florida.

The Pacific Tropical Botanical Garden was chartered by Congress in 1964; it was renamed the National Tropical Botanical Garden in 1988 through an Act of Congress. The purposes of the garden as set forth in the 1964 charter was to: establish, develop, operate and maintain an education and scientific center with libraries, herbaria, laboratories and museums appropriate and necessary for encouraging and conducting research in basic and applied tropical botany; foster and encourage fundamental research with respect to tropical plant life and to encourage research and study of the uses of tropical flora in agriculture, forestry, horticulture, medicine and other sciences; disseminate through publications and other media the knowledge acquired at the gardens relative to basic and applied tropical botany; collect and cultivate tropical flora of every nature and origin and to preserve for the people of the United States species of tropical plant life threatened with extinction; and provide a beneficial facility that will contribute to the education, instruction, and recreation of the people of the United States.

Although its charter does not include authorization of appropriations, the National Tropical Botanical Garden has endeavored, with notable success, to live up to the goals set forth in its charter. Its work has been almost exclusively supported by private donations from individuals and foundations. Operating support of nearly $100 million has been provided through donations in the 43 years of the Garden's existence; assets valued at $50 million, including endowments, trusts, land, buildings, and rare books are owned by the Garden. During its 43 years, the Garden has received less than $5 million in federal grants and contracts. The National Tropical Botanical Garden files an audit report with the Senate each year by an independent auditing firm in accordance with the terms of its Congressional Charter.

The National Tropical Botanical Garden manages five tropical botanical gardens and three preserves, which comprise 1,800 acres. Four of the gardens and the three preserves are in Hawaii's second Congressional District, which I represent. One of the gardens is located in Congresswoman ROS-LEHTINEN's district in Florida. More than a collection of beautiful and rare plants, the National Tropical Botanical Garden also has important research and educational facilities. These include the Loy McCandless Marks Botanical Library, the largest and most important botanical/horticultural library collection in Hawaii, and a major regional herbarium used by scientists throughout the world.

The Garden conducts world-class, state-of-the-art tropical biodiversity research and conservation, which distinguishes it from display-oriented gardens and parks in the United States and abroad. The Garden has extensive national and international alliances with botanical gardens, universities, and research centers. It has a visiting scientist program and the library is used by a wide array of scientists, including federal researchers. However, these facilities badly need to be updated. The Garden has a plan to construct a new Botanical Research Center. Such a Center would bring the Garden's significant botanical, research, and rare book libraries and its unique and important herbarium collections together under one roof, along with research laboratories, offices, and dedicated space for students and visiting researchers.

The Garden's research focuses on field research, including discovering new species; documenting and conserving ecosystems, endangered species, and cultural knowledge; and addressing invasive species and restoration ecology issues. Its scientists are involved in a number of international science programs focused primarily on the Pacific Islands.

Some 90 percent of all biodiversity exists in the tropics. Hawaii, the only U.S. State in the tropics, is home to more endangered plants and animals than any other State. This is due to the high percentage of unique, endemic species that evolved because of Hawaii's geographic isolation and their susceptibility to the impacts of aggressive nonnative species and diseases. However, over the past 30 years, the National Tropical Botanical Garden has rediscovered some two dozen species that were thought to be extinct and discovered 30 new species previously unknown to science. Many of the species that the Garden is working to preserve and protect hold promise for the future development of drugs to cure diseases. The Garden's research teams conduct ethnobotanical research to study and document how indigenous people used plants. Ethnobotanical fieldwork is augmented by laboratory studies using state-of-the-art technology to determine a plant's molecular composition and medicinal properties. This research has yielded potential new anti-HIV medication and provided clues to the genesis of ALS and Parkinson's disease.

While the National Tropical Botanical Garden has achieved much over the past four decades, there is so much work that is needed. Although the primary support for the Garden will always be private funding, it is fitting that we have an opportunity to appropriate funds to support this institution in achieving its Congressional Charter. Our bill authorizes annual appropriations up to $500,000 for operation and maintenance expenses. The 2008 budget for the Garden is $9 million, 95 percent of which will be provided from private sources.

I invite all of my colleagues to come to Hawaii or Florida to visit the National Tropical Botanical Garden and to observe firsthand the important conservation and research activities taking place. I urge my colleagues to join me in supporting this bill.

A TRIBUTE TO PHILMORE GRAHAM

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. GEORGE MILLER of California. Madam Speaker, I rise today and invite my colleagues to join me in honoring Philmore Graham, of Vallejo, California, for his many years of service to our Nation and our community. Mr. Graham has provided remarkable leadership to our young people during his lifetime, especially by founding and then expanding the Continentals of Omega Boys and Girls Club.

Philmore Graham, the ninth of ten siblings, was born August 29, 1938, to now deceased parents, John Archie and Louise Graham, in Laurinburg, North Carolina. He attended Laurinburg and Lincoln Heights High Schools and was a well-rounded student with a 3.9 grade point average. He was president of his class from eighth grade through the completion of high school, was captain of the football team, played basketball and was principal for a day.

Philmore's father died when he was age 4 and his siblings and he missed the first 6 weeks of school to pick cotton and help their mother buy food and clothing for school. His hatred of picking cotton inspired him to do well in school because their mother would remind them that their choice was either go to school or continue to pick cotton.

Philmore graduated from Tennessee State University with bachelor of science degrees in mechanical and metallurgical engineering in May of 1962. He has done graduate studies in material science at UCLA and UC Berkeley. He was commissioned as an officer in the United States Air Force through the University's ROTC program. While in the Air Force, he served as a project engineer for the Titan Intercontinental Ballistic Missile Program at Norton Air Force Base, San Bernardino, California, from 1962–1965. During his tour of duty here, he worked in the Materials Engineering Department and developed a number of material specifications for missile components. He received a Superior Accomplishment Award for completing a record number of projects updating the Titan and Atlas Missile programs.

Philmore also worked in the community while at Norton Air Force Base. In 1964, he spearheaded the project to establish a new chapter of the Omega Psi Phi Fraternity, Inc., Pi Rho Chapter, in San Bernardino, California. The chapter offered scholarships and social-economic programs to the community under his leadership. He was selected as "Chapter and District Omega man of the Year."

Philmore received an honorable discharge from the U.S. Air Force in August 1965 and accepted a position with Mare Island Naval Shipyard in Vallejo, California, in October 1965, where he directed the Foam Salvage Vessels Research and Development Program. He received a Superior Accomplishment Award for developing an economical method of testing the flotation material in the laboratory rather than the costly ocean testing.

In 1972, Philmore was promoted to technical support branch head of the Nuclear Inspection Division of Mare Island Nuclear Submarine Overhaul Program. He received a third Superior Accomplishment Award for Outstanding Supervision of Training, Technical Support and Records of Naval Nuclear Work. From 1979 to 1983, Graham worked as an internal auditor for the Nuclear Reactor Division of the Nuclear Engineering Department and was assigned as the Director of Training for the department and supervised the training of some 250 engineers and technicians. In 1986, he was promoted to Supervisor, Nuclear Engineer and became the first and only African American supervisor in the Nuclear Engineering Department's history of Mare Island Naval Shipyard. During his administration, the Department received the highest grades to date on written exams during an audit from Washington, DC, and Philmore was awarded one of the highest monetary awards in the history of the Nuclear Engineering Department's incentive awards program for outstanding performance in upgrading the training program.

Philmore continued his work in the community by establishing a new chapter of the Omega Psi Phi Fraternity in Vallejo. In 1966, he started the Continentals of Omega Boys Club with six boys; it has grown to more than 500 members and is now called the Continentals of Omega Boys & Girls Club, Inc. The organization is considered one of the top boys and girls clubs in the country. The club has produced a number of doctors, lawyers, businessmen, educators, engineers, skilled workers, and many other outstanding citizens. Academics is the major focus of the club and more than 70 percent of the membership achieve school honor rolls each year. More than 200 members have attended colleges and trade schools across the country and Philmore and members have received more than 63 awards for outstanding community contributions during the club's existence. When he retired from Mare Island Naval Shipyard, Philmore devoted himself completely to the club, growing it into the valuable asset it is today.

Through the years Philmore was nominated for a multitude of awards and is the proud recipient of the NAACP Outstanding Citizen of the Year, Good Neighbor Award, Salute to America Lifetime Merit Award, Profile of Excellence Award, Martin Luther King, Jr., Humanitarian Award, "Who's Who" among Black Americans, Outstanding Young Men of America and several selections as Omega Man of the year and Citizen of the Year for the Omega Psi Phi Fraternity, Inc.

Philmore has always been active with Friendship Baptist Church in Vallejo, where he served 10 years as superintendent of Sunday Church School and has taught Sunday School for 37 years, including his years in high school.

He was married to the late Jamella Nelson Graham and they have two children, daughter, Deidre LeNore Graham and son, Montoya Reed, both graduates of Tennessee State University. Deidre obtained degrees in English and criminal justice and Montoya' earned a BS degree in biology and has done graduate study at TSU in animal science.

Madam Speaker, because of Mr. Graham's devotion to his family, his community, and his country, I am delighted to have this opportunity to recognize his tireless efforts and ask all Members of the House to join me in wishing him well.

RECOGNIZING GERRY CUSHMAN

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. ALLEN. Madam Speaker, it is my distinct pleasure to recognize the hard work and achievements of Gerry Cushman, a fisherman from Maine who recently won the prestigious Golden V—Notch award from the Maine Lobstermen's Association, an association of more than 1,200 lobstermen from Eastport to Kittery. This award recognizes a fisherman who has gone above and beyond the call of duty to help preserve the lobster industry. Gerry won this award not just for his effort to protect and preserve the lobster industry but for his steadfast dedication to the entire Maine commercial fishing industry.

Gerry Cushman serves on the Board of Directors of the Maine Lobstermen's Association, is a member of the Zone D Lobster Council, and sits on the State's Lobster Advisory Council. He also works with the Port Clyde Fishermen's Co-op and the Port Clyde Draggermen's Co-op: a joint working group to preserve the fishing community of Port Clyde.

Gerry has championed the lobster industry both on the water and on the dock. He helped to secure a $340,000 grant from the Land for Maine's Future Fund to facilitate building and expanding a fishing pier in Port Clyde for lobstermen and groundfishermen as well as two bait companies. The grant is part of a larger initiative to protect working waterfront spaces along Maine's coast. Working waterfronts are rapidly disappearing in the State of Maine and these resources are crucial to preserve both fisheries and communities.

I have had the privilege of meeting Gerry and seeing first hand his dedication to ensuring that future generations of Maine fishermen will have both lobsters to harvest, and a place to land their catch. I admire Gerry and the men and women who work tirelessly to make certain that the fishing industry and the communities they support are preserved for future generations. I echo Gerry's words that "what we leave for the next generation is important." Small fishing communities across the country are beginning to take a leading role in the management of the fishery resources on which they all depend, and Gerry Cushman is one of the leaders in this effort. I would like to once again thank Gerry for his hard work and I wish him the best in all his future endeavors.

TRIBUTE TO THE CITY OF NORCO'S 85TH BIRTHDAY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an exceptional town in my congressional district. The town of Norco, California, was dedicated on May 13, 1923. Founded by a dynamic entrepreneur, Rex B. Clark, and funded by his wife Grace Scripps Clark, daughter of powerful newspaper mogul James Scripps. This 15-square-mile community of Norco began as a California agricultural powerhouse and today is known as "Horse Town U.S.A." Clark's original concept was to develop a community of "go-getters" whereby a man could live and feed his family off the land. With a town motto of "Acres of Neighbors," the dream was wildly successful as Norco brand tomatoes, grapes, berries, lettuce, chickens, and other produce were sent all over the United States.

A chance discovery of hot mineral water in 1926 led Rex Clark to yet another dream: The Norconian Resort Supreme—a 700-acre masterpiece that opened to worldwide acclaim on February 2, 1929, complete with 60-acre man-made lake, magnificent golf course, Lake Casino, hotel, spa, separate chauffeurs' quarters and the only Southern California AAU Qualifying outdoor pool until the 1932 Olympic games. Hollywood flocked to the resort and stars such as Clark Gable, Norma Shearer, Buster Keaton and Joan Crawford were regular visitors at what may well have been the finest resort of its kind on the west coast. MGM and Fox Studios held company picnics on the site as did Disney Studios who held a famous party in 1938 to commemorate the success of "Snow White and the Seven Dwarfs".

On May 20, 1928, the lavish swimming and diving pools opened to greet the 1928 USA Men and Women's Olympic Swimming and Diving Team. Swimmer Cecily Cuhna highlighted the day with setting a world record. If a swimmer or diver participated in the 1928, 1932 or 1936 Olympics those athletes competed, trained or exhibited at the Norconian Resort.

Many more memorable events and activities occurred in the coming years and in the most unlikely of places: the poultry town of Norco. On December 8, 1941, the depression-weary resort became one of the preeminent naval hospitals in the Nation and at its peak in 1945 serviced 5,000 wounded, sick and battle-weary sailors and marines. The first patients were casualties of the infamous Pearl Harbor attack and recuperated in the exquisite hotel rooms. The Naval Hospital quickly set the standard in a number of areas which included the treatment of polio, use of penicillin to conquer malaria and tuberculosis, and the development of prosthetics and occupational therapy.

Norco was also the birthplace of wheelchair basketball on the wheels of the fabulous "Rolling Devils." The stars, who once were guests of the former Norconian Resort, turned out "for the boys"; Gary Cooper, Abbott and Costello, The Three Stooges, Marlene Dietrich, Jack Benny, Bob Hope and dozens of other stars entertained wounded heroes from battles in the Pacific. Eleanor Roosevelt was also a visitor, as was Helen Keller, and ball club owner Bill Veeck, a wounded marine, guided his Cleveland Indians to a World Series Championship from a hospital bed in Norco.

Norco citizens rallied behind the war effort with record bond sales and patriotism on many occasions raising thousands of dollars more than cities ten times larger in size and population. After World War II and Korea, Norco once again became an agricultural powerhouse, but, with the closing of the Naval Hospital in 1957, the entire area went into an economic tailspin. However, in 1963 a long forgotten real estate agent scrawled the words "Horse Property for Sale" on a piece of white butcher paper and very quickly Norco became the home to horse lovers. Incorporated in December of 1964 to protect its "rural lifestyle," Norco is home to a community fiercely devoted to the equestrian lifestyle with large properties, extensive open space and a horse trail on every street—120 miles of horse trails to be exact.

Over the weekend of May 9, 10, and 11, 2008, Norconians will remember their past and celebrate a truly unique Southern California Equestrian lifestyle. It is an honor to represent the town of Norco in Congress and I congratulate the town and residents on 85 years of service to their country and community.

LTG MICHAEL HAMEL: HONORING A LIFETIME OF SERVICE

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. HARMAN. Madam Speaker, the Space and Missile System Center, SMC, at L.A. Air Force Base plays the critical role in the design, production, and launch of our country's most sophisticated military satellites. Located in El Segundo, CA, in the center of my congressional district, SMC has enjoyed 58 consecutive successful launches. Employing 6,500 military and civilian personnel nationally, with a whopping $10 billion annual budget—SMC is a major economic driver in southern California.

The importance of SMC to our national security cannot be overstated either. In my many terms in Congress, I've always worked closely with the SMC commander, who is much more than a mission manager. LTG Mike Hamel, the present commander, retires in July, and I rise to honor his extraordinary service.

Mike and I have often talked about America's strategy for space. Framing a new, nationally integrated space policy—one bringing together the civil, military, and commercial sectors—is a common goal of ours. I applaud him for his visionary leadership on this issue—and look forward to more conversations about getting it right.

Mike Hamel has served his country with distinction for 36 years, since receiving his commission as second lieutenant from the U.S. Air Force Academy in 1972. In the course of 16 assignments, he rose to the rank of lieutenant general, which he attained on June 1, 2005.

The change of command ceremony occurs May 15, a date Congress is in session. Though I will miss the transfer of command to the very able GEN John Sheridan, I look forward to partnering with him and to welcoming a tanned and relaxed Mike Hamel to Washington after he and his wife, Linda, complete their drive across the country.

Thanks, Mike, on behalf of a grateful Nation.

TRIBUTE TO WAVERLY-SHELL ROCK WRESTLING TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Waverly-Shell Rock wrestling team at the Iowa State Wrestling Tournament in Des Moines this past winter.

Waverly-Shell Rock took all the drama out of the Class 3A team finals by winning the

State title a day early. Needing just one win to wrap up the title, Waverly-Shell Rock's 112-pound freshman, Cody Caldwell, pinned his opponent in 4 minutes and 45 seconds. The Go-Hawks went on to win three more. Waverly-Shell Rock wrapped up the State Tournament by breaking the State record for team points in a State Tournament dating back to 2001 and became the first team to break the 200-point mark in a State meet.

I congratulate Waverly-Shell Rock for winning the Iowa Class 3A State championship. Waverly-Shell Rock's last title came in 2005.

Madam Speaker, I am extremely proud of the accomplishments of the Waverly-Shell Rock wrestling team, both on and off the mat, and I am proud to serve them in Congress.

CONGRATULATING MEDGAR EVERS COLLEGE, CUNY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. RANGEL. Madam Speaker, I rise today to congratulate Medgar Evers College of the City University of New York on its newly announced initiative to implement two new bachelor degree programs.

Medgar Evers College has long possessed an unparalleled reputation in the field of adult education. The college provides its students with a unique experience, which combines academic excellence in nearly 100 areas of study with real-world experience. This unique combination has lead to the continued success of its students. As a result, the State Board of Regents and the City University of New York accreditation committee approved the allocation of money to fund two new bachelor degree programs: the Bachelor of Arts in Religion Studies and the Bachelor of Science in Social Work. The new programs are expected to attract a record number of new students to the college for the next academic year and ensure a steady stream of students for the foreseeable future. Medgar Evans College provides students with the flexibility to select their course of study and schedule their classes around commitments such as a job, thereby providing those adults who might not otherwise have the opportunity with the chance to return to school. Education is the key to escaping the grasp of poverty that plagues so many Americans. Medgar Evers College is taking profound steps to ensure that those in need have access to higher education.

It is my sincere hope that other Colleges and Universities across the nation will join Medgar Evers College in providing opportunity for the working poor to enhance their education and qualify for better paid employment.

TRIBUTE TO HELEN G. JACOB ON HER 90TH BIRTHDAY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. HIGGINS. Madam Speaker, I rise today to acknowledge the 90th birthday of Helen G. Jacob, an inspirational woman who fought for our country in WW II and who continues to fight on behalf of her fellow veterans every day. Helen is a brilliant example of commitment and devotion to one's community and fellow man.

The daughter of Frank and Ellen Cooley, Helen was born on May 16, 1918 in Buffalo, New York where she and her siblings resided on Crescent Avenue. Helen attended St. Mark's School and Mount St. Joseph's High School.

Helen, against her mother's wishes, joined the army in 1942 and was assigned to the 29th Traffic Regiment Division. Landing in Paris six days after the liberation, Helen performed tasks critical to moving troops throughout Europe.

Upon her return to Buffalo, Helen was denied membership in both the Veterans of Foreign Wars and the American Legion. In what has become her trademark, Helen pioneered and founded the Ereico Women's Post #1586.

In 1984, Helen began volunteering as the Women's Veteran Coordinator, amassing more than 12,000 hours of dedicated service. In 1996, the Helen G. Jacob Wellness Clinic opened in the VA Medical Center in Buffalo, New York in recognition of her tireless advocacy for quality services within the VA Western NY Healthcare System. By Helen's example and lifelong work, we are also reminded of the obligation to keep the promises made by our government to our veterans.

Justifiably and deservedly, Helen has been honored over the years. These awards include American Legion's Legionnaire of the Year; The Found Women Award from Women Focus of Western New York; Buffalo Ambassador from the Greater Buffalo Convention and Visitors Bureau; Award of Excellence from Every Women's Opportunity Center; the United Way and J.C. Penny's Golden Rule Award; and the Susan B. Anthony Award.

Helen continues to respond to calls for service including my request that she serve on the military academy review panel for the applicants in the 27th District. She remains an active member of over 20 different organizations. Helen is also a Eucharistic Minister at St. Mark's Church.

Her two children, Patricia and Bill, and grandchildren, Tom, Michelle, Christine, Eric, Adam, and Kevin, will join with the family of veterans and friends on May 9th at the Troop I Hamlin House to celebrate Helen's 90 years of life, love, and laughter.

Helen is a friend to all and a fighter for veterans. Madam Speaker, I rise to congratulate Helen G. Jacob on the occasion of her 90th birthday and to thank her for her service and continuing commitment to our country.

CONGRATULATING NURSE MARY ALICE WILLIAMS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BURGESS. Madam Speaker, I rise today to honor Mary Alice Williams, of North Richland Hills, Texas. The Texas Nurses Association, Districts Three and Four, and the Dallas-Fort Worth Nurse Executives have recognized Ms. Williams as one of the Great 100 Nurses of 2008. Ms. Williams works as a nurse at the North Hills Hospital.

Nurses are often the initial and most frequent individuals who come in contact with patients. They serve as greeters, encyclopedias of patient histories, comforters, and above all healers. Mary Alice exhibits all these excellent qualities on a daily basis.

Each year this recognition is bestowed on nurses who embody excellence in the science and art of nursing. The chosen honorees belong to an array of professional organizations and work in a wide variety of clinical specialties. This is the 18th consecutive year that the Texas Nurses Association, Districts Three and Four, and the Dallas-Fort Worth Nurse Executives have recognized area nurses for their compassion and dedication. The recipients will be honored at a gala event on Monday, May 12, 2008.

Madam Speaker, it is a privilege to stand today and congratulate Mary Alice Williams. She is a fine representative of the North Texas nursing community. Her work is an excellent contribution to the patients of North Hills Hospital and I am proud to serve her in the 26th District of Texas. Ms. Williams has exhibited great skill in the field of nursing, and truly deserves this great honor. I join the entire North Texas community in thanking her for the apparent commitment to her fellow citizens.

PAYING TRIBUTE TO CAROLYN STEPHENS

HON. JON C. PORTER-

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Carolyn Stephens by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Carolyn Stephens, Managing Partner for Jerolyn Enterprises, for her achievements in small business throughout the Las Vegas community.

Carolyn Stephens moved to Las Vegas after receiving her Bachelor's Degree from the University of Georgia. She used her experience to acquire a job as Director for the Health Care Division of Manpower Temporary Services. After this, Carolyn established a business of her own called Information Products, inc., which supplied computer and copy paper to local businesses. Gerald (Jerry), Carolyn's husband and business partner, has supported her in her business endeavors. Together, the Stephens opened Lazer Graphics in 1985, putting their business on the cutting edge of digital technology as the first company in Las Vegas to turn computer graphics into high-resolution output film for businesses. She demonstrated her leadership for small business issues when she was appointed to serve as a delegate to the 1995 White House Conference on Small Business.

Discovering the need to connect other local woman business owners, Carolyn published the Women's Yellow Pages of Southern Nevada from 1993 to 1995. Carolyn has worked tirelessly to champion the advancement of women in business. For her work and dedication, she has received numerous awards and achievements including being the first recipient of the Las Vegas Chamber of Commerce Circle of Excellence Award. She was also honored with the American Red Cross Clara Barton Medal of Excellence, the American Heart Association Heart of Gold, and the Soroptimist International Women Helping Women Award. Moreover, the Small Business Administration has recognized her with the SBA's Women Business Advocate Award.

Madam Speaker, I am proud to honor Carolyn Stephens and would like to recognize her accomplishments within the Las Vegas community. I would also like to congratulate her on receiving recognition as the Women in Business Champion of the Year for the 2008 Small Business Awards.

TRIBUTE TO JOAN SCHWADE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LATHAM. Madam Speaker, I rise today to recognize Joan Schwade for reaching a noteworthy milestone of 40 years' service as a meter reader in the community of Protivin, Iowa.

As a meter reader in a small town, Joan gets a fascinating perspective of the community and has a great opportunity to regularly meet with townspeople. When she started her job in 1968, all of the 177 meters in town were located on the inside of homes. Times changed and today meters are located outside the homes, so readers like Joan are able to make it through their routes more efficiently. At the age of 76, Joan continues to enjoy the exercise and opportunity to talk with local residents. It is reported that she could do without the dogs and winter weather, but she plans to continue her work as long as she is able to perform it.

I know that my colleagues in the United States Congress join me in commending Joan Schwade for her service and dedication to the Protivin community as a meter reader. I consider it an honor to represent her in Congress, and I wish her all the best in her future endeavors.

LITTLE HOMETOWN SOLDIERS OF ST. PETERSBURG, FLORIDA BRING GREAT COMFORT THROUGH MUSIC AND PRAYERS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. YOUNG of Florida. Madam Speaker, with their voices of angels, the Little Hometown Soldiers of St. Petersburg, Florida bring the greatest of comfort and joy to the families of our men and women in uniform who have deployed around the world to protect our freedom.

This unique group of children ranging in age from 3 to 16, was founded in 2003 by Elaine Hopkins to speak in a special way to the youngest family members of our deployed servicemembers. Through patriotic songs, dramatic plays, cards and letters, and personal appearances locally and nationally they provide immeasurable support to children and adults alike. They visit Veterans Hospitals and Nursing Centers and sing at the funerals of fallen servicemembers. Having been with them on a number of these occasions, I can tell you that their words and songs of hope and encouragement are most appreciated.

The Little Hometown Soldiers have performed on national television, they have traveled to Washington to perform at the Armed Forces Retirement Home, and they sang for our returning troops as part of Operation Home Front at MacDill Air Force Base in Tampa.

Madam Speaker, Elaine Hopkins has done a remarkable job with these children who are this generation's young patriots. Even at their early ages, they understand the shared sacrifice of our troops and their families and they understand the true cost of freedom having attended the funerals of many of our heroes.

On Memorial Day weekend, they will perform a special concert entitled "I Believe I Can Fly" as a tribute to the children and families of our fallen servicemembers. The event at 3 pm on Sunday, May 25, 2008 at The Paladium Theatre in St. Petersburg, Florida is free and open to the public.

Madam Speaker, I wish all my colleagues could be with me that day to hear the words of support and encouragement these children bring to families who have suffered the greatest of loses. The Little Hometown Soldiers are comprised of Camry Moody, Jermaine Lewis, Sherice Johnson, RoShaun Dudley, RaShard Dudley, Nehemiah Sonnylal, Johnathan Rosario, Isabelle Rosario, Tamaira Charlemagne, Griffin Ford, Sajon Ford, Nykko Ford, Phoenix Ford, Keanu Ford, Mariangela Vasquez, Jissel Vasquez, Marcos Vasquez, Amanda Puyot, Darquell Pierre, Andrea Young, Prentazia Crawford, Shandra Gordon, Erica McCallister, Destine Wilson, Sydney Peterman, Iyonna Holloway, Jamesia Holloway, and Gisselle Zayas. They are one of our area's and our Nation's greatest treasures and I would ask you to join me in saying thank you to them for sharing their gift of love and music.

HONORING HORACE FINCHER

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Horace Fincher, the mayor of the city of Lytle, in recognition of his exemplary leadership in the growth of the city during his tenure, which ends on May 12, 2008.

Horace Fincher served as Mayor of the City of Lytle for 14 years after having served on the Lytle City Council for 6 years. During his tenure, Mayor Fincher worked to increase the tax base for taxpayers in Lytle by bringing in businesses such as H–E–B, Sonic Drive-In, McDonald's, Bill Miller Bar-B-Q, Camino Real Mental Health & Mental Retardation (MHMR) Center, Hurley Funeral Home, and Tri-County Dialysis Center. He also has endeavored in bringing consecutive grant proposals to the Alamo Area Council of Governments (AACOG), which is a voluntary association of local governments and organizations in twelve counties that serves its members through planning, information, and coordination activities.

Mayor Fincher truly led by example and it is to his credit that the city of Lytle has seen an improvement in its business capital, and a renewal of infrastructure projects. The city is a truly better place because of the dedication that Mayor Fincher has shown in his public service.

Madam Speaker, I am honored to have this time to recognize Mayor Horace Fincher, and I thank you for this time.

IN RECOGNITION OF SACRAMENTO'S CHILD SAFETY ADVOCATES

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. MATSUI. Madam Speaker, I rise today to recognize many of Sacramento's outstanding individuals and businesses as members of the Sacramento community gather at the Child Abuse Prevention Center's annual Inspirations luncheon. The men and women being honored this afternoon are dedicated to the prevention of child abuse and well-being of Sacramento's children and families. I ask all my colleagues to join me in honoring these fine Sacramentans.

David Ballard and the Children's Receiving Home of Sacramento are receiving the community service provider award. The Children's Receiving Home of Sacramento is a shelter for abused and neglected children in Sacramento County. The only shelter of its kind, the Children's Receiving Home serves over 1,800 children each year. I would like to commend them on their ability to help these children in their time of need. David is being honored for his contributions to a variety of campaigns that have secured funding to help improve and expand the facilities and make changes in the care children receive there. In addition to his dedication to the Children's Receiving Home of Sacramento, Mr. Ballard has served on the Children's Coalition's board, the human services planning council, the family support collaborative executive committee and the child welfare redesign steering committee.

The hearts and hands award is being presented to Anthony Pico for his work with our foster care system. Mr. Pico was raised in foster homes and at 15 he began working with other youth in the California Youth Connection and the Y.O.U.T.H. Training Programs. He has worked with the American Bar Association, Casey Family Programs, Pitzer College, the California Institute for Mental Health, the John Burton Foundation for Children Without Homes, and has held positions with the San Francisco Youth Commission—Mayoral Appointee Commission and the Blue Ribbon Commission on Children in Foster Care. For his dedication to improving our foster care system, Mr. Pico was the 2005, 2006, and 2007 recipient of the Youth Leadership Award from the City and County of San Francisco and is now being honored by his Sacramento partners.

This year, the Board of Directors Award goes to a coalition of health care providers and agencies in Sacramento for launching California's first Shaken Baby Syndrome Prevention Program (SBS). The Sacramento County Departments of Health and Human Services, Child Protective Services, and Public Health Nursing in conjunction with Catholic Healthcare West-Mercy, Sutter Medical Center, Sacramento, the DC Davis Medical Center and the Child Abuse Prevention Center have championed this important cause. This program is modeled after a program in New York which has greatly reduced incidents of SBS by 50 percent in that State. With this program hospitals will provide educational materials to new parents on the dangers of shaking their babies and the prevention techniques that parents can use to avoid this heartbreaking form of child abuse. These organizations have come together to reduce the incidence of SBS and most importantly protect our children.

Madam Speaker, I am honored to recognize these individuals and businesses for their extraordinary work on behalf of children and families in the Sacramento area, and I would like to thank the Child Abuse Prevention Center for their dedication to our children's safety. On behalf of the people of Sacramento and the Fifth Congressional District of California, I ask all my colleagues to join me in honoring their unwavering commitment to Sacramento's youth.

HONORING LOUISIANA HONORAIR AND T.D. SMITH, LINDA DAUTREUIL AND SALLIE VARRELMAN

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to pay honor to America's World War II veterans. These veterans represent the best of our country, and I am grateful to work with Louisiana HonorAir to salute them, the courageous men and women who stood to protect America.

This weekend 97 veterans from Southwest Louisiana will make the three hour flight to our Nation's capital. In Washington, D.C., the group will tour the WWII Memorial, Korean Memorial and Vietnam Memorial and attend a wreath-laying ceremony at the Tomb of the Unknown Soldier at Arlington National Cemetery. For many veterans in the group, it is their first time to tour the WWII Memorial because of its recent construction. Then, as quickly as they came, the group will return to a hero's welcome in Lafayette, Louisiana where family and friends will gather to show their appreciation one more time.

Having met many of these groups in Washington, I continue to be awestruck by the reactions of these men and women who stood up to tyranny in Europe and Asia. Many rarely talk about their service, instead, looking to happier times. However, in the company of others who nobly served, they are able to frankly discuss their experiences, share tearful stories and remember comrades missing or killed in action.

Since 2007, more than 800 Louisiana veterans participated in the HonorAir program. Its success is a testament to one man's vision—T.D. Smith. To demonstrate his appreciation to our veterans, T.D., a local radio host, started the program in January 2007 after learning of a similar effort in North Carolina. Smith began gathering sponsors and raising money needed to pay for the flights, buses and tours.

Corporal Earl Flatt, of Broussard, Louisiana, a combat veteran of Iwo Jima, said, "My faith in America was increased once again by the enthusiasm of the people of Acadiana, who embraced this project and made it all possible." Corporal Flatt was on the first HonorAir flight, and he remembered being at the WWII Memorial as one of the most rewarding days of his life. Referring to T.D., he said, "Mere words cannot express my appreciation for T.D. Smith. His enthusiasm, work habits and patriotism is never exhausted. He would have been a hell of a Marine."

T.D.'s leadership and commitment to this project and our veterans is extraordinary. His humble demeanor further highlights the contributions of the veterans, many whom are strangers before the flight, and belies the typical boisterous on-air radio personality many would expect. T.D. ensures the HonorAir program never fails to remember its mission of "celebrating Louisiana's own—their courage, their valor, their sacrifice in WWII."

In addition to T.D.'s vision, the success ofthe program depends on a myriad of fundraising and logistics. This program is truly a broad community effort, and volunteers throughout the Acadiana area who help raise funds, serve on the board of directors, and act as guardians on each flight, should all be commended for their tireless efforts. However, Linda Dautreuil and her mother Sallie Varrelman each stepped forward to pilot the efforts of others. Ensuring each veteran received attention to their specific details, this mother-daughter team serve each flight participant with care. They plan, organize, and implement each flight guaranteeing the experience of a lifetime for these worthy veterans. Linda's respect and admiration for these WWII heroes, and her wish to thank them for their sacrifice, is evident in her commitment to this project. And, Sallie, with a soft British accent, is repaying a 70-year debt to the brave American soldiers she remembers stationed around her Boumemouth, England home as a 12-year-old in 1939.

T.D., Linda and Sallie each exemplify patriotism and service to our great nation as they honor those of the "greatest generation." One man, who accompanied his father-in-law on a Louisiana HonorAir flight last year, expressed the profound affect this extraordinary expression of kindness has on those who served so heroically.

He said, "one of the most memorable moments was when we were waiting for our bus to pick us up at the WWII Memorial. As usual, T.D. was walking around, joking and talking to the Vets as he smoked a cigar. My father-in-law took a deep breath and commented on how well it smelled. It was then that T.D. unselfishly offered him a cigar and a light. Well, Mr. Trahan thought he had won the lottery. T.D. gave him a cigar and light and stood there talking to him, making him feel like the most important person in the world."

Unfortunately, shortly after his flight, the man's father-in-law passed away. His story emphasizes the importance of honoring these veterans before it is too late.

Today, I ask my colleagues to join me in remembering the brave men and women who defended America and in commending Louisiana HonorAir, T.D. Smith, Linda Dautreuil, and Sallie Varrelman who convey our appreciation in such a remarkable way.

TRIBUTE IN HONOR OF NATIONAL TEACHER APPRECIATION WEEK

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. SIMPSON. Madam Speaker, in recognition of National Teacher Appreciation week, I rise today to pay tribute to teachers across the country. It is always appropriate to thank those who devote their lives to the education of our Nation's children, but Teacher Appreciation Week gives us a special opportunity to remind educators that we support what they do and want to partner with them in the important work of preparing today's children to be tomorrow's leaders.

Every day, educators inspire, teach, and make a difference in our lives. Teaching is a challenging and rewarding job, and those who choose to undertake it deserve our respect and gratitude. It should be a priority for Congress to ensure that teachers have the tools they need to make a difference in the lives of their students, and I am pleased that my colleagues recently joined me in expressing their full support for America's educators by unanimously passing resolutions in recognition of National Teacher Appreciation week.

I am grateful for the positive impact that my teachers have had on my life, and I appreciate the work and dedication of our Nation's educators in teaching the future business leaders, farmers, and citizens of our country.

THE PASSENGER RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008 AND THE RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT FOR THE 21ST CENTURY

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. OBERSTAR. Madam Speaker, together with Ranking Member MICA, Subcommittee Chairwoman BROWN, Subcommittee Ranking Member SHUSTER, and more than 30 other Members of the Committee on Transportation and Infrastructure, I am pleased to introduce the "Passenger Rail Investment and Improvement Act of 2008" and the "Rail Infrastructure Development and Expansion Act for the 21 st Century", or RIDE–21.

We are introducing these bills between two significant milestones in railroad history. One week ago today, Amtrak marked the beginning of its 38th year of operation on May 1. This Saturday, May 10th is National Train Day, marking the 139th anniversary of the "golden spike" being driven into the ground at Promontory Summit, Utah, in 1869. The "golden spike" bound the last tie connecting the last rail that united the Central Pacific Railroad with the Union Pacific Railroad, completing the transcontinental railroad.

These two milestones represent two different conceptions of passenger rail. The transcontinental railroad was born thanks to the support of President Abraham Lincoln. He, along with Civil War leaders, envisioned and planned the creation of the railroad. Not only did the completion of the railroad result in the ability to deliver goods and people across the country, it ultimately bound the east with the west, further unifying the country as the divide between the North and the South was beginning to mend. At the time, the transcontinental railroad brought a new sense of wonder and enthusiasm for discovery and entrepreneurship across the country.

In contrast, the formation of National Railroad Passenger Corporation, more commonly known as Amtrak, occurred at a time of waning support of intercity passenger rail. Amtrak was created after the freight railroads begged Congress to let them get out of the passenger rail business because it was not profitable.

Indeed, Amtrak inherited decrepit stations and terminals, passenger cars that offered dated amenities, and equipment prone to failure.

Thirty-seven years after the launch of Amtrak, America is on the threshold of a "renaissance" for intercity passenger rail that approaches the enthusiasm of the completion of the transcontinental railroad. Last year, Amtrak set a ridership record for the fifth year in a row, exceeding 25.8 million passengers. Its ticket revenues rose 11 percent to more than $1.5 billion, the third straight year of revenue growth. This record of achievement is even more impressive considering that for the past eight years Amtrak has contended with an Administration committed to its bankruptcy.

Indeed, these achievements are occurring when there is a greater need than ever for alternatives to our congested highways and skies. To alleviate this congestion and strengthen our energy security, we need to invest in intercity passenger rail. Amtrak removes almost eight million cars from the road annually and eliminates the need for 50,000 fully loaded, passenger airplanes each year.

Other countries already make an annual commitment to intercity passenger rail. In 2003 alone, France invested $10.6 billion in its rail system; Germany invested $12.4 billion; and the United Kingdom invested $7.8 billion. Outside of Europe, Japan invests about $2 billion annually to its Shinkansen and China has launched a plan to spend a total of $162 billion from 2006 through 2010 to expand its railway system.

These investments have paid off: passenger rail accounts for 32 percent of Japan's transportation market; the Eurostar, the high-speed passenger train operator between Britain and mainland Europe, recently reported a 21.3 percent rise in passengers to 2.17 million between January and March 2008, compared with the same period last year, with a 25 percent increase in ticket revenues. Indeed, you can hardly purchase a plane ticket from London to Brussels or London to Paris because rail service is faster and easier than air service.

H.R. ——, the Passenger Rail Investment and Improvement Act of 2008 authorizes more than $14.4 billion for Amtrak capital and operating grants, state intercity passenger grants, and high-speed rail over the next five years. The bill authorizes $6.7 billion (an average of $1.34 billion per year) to Amtrak for capital grants and $3.0 billion (an average of $606 million per year) for operating grants. Past inconsistent Federal support has hampered Amtrak's ability to replace catenaries, passenger cars, bridges, ties, and other equipment necessary for Amtrak to provide service. These capital grants will help Amtrak bring the Northeast Corridor to a State of Good Repair, procure new rolling stock, rehabilitate existing bridges, as well as make additional capital improvements and maintenance over its entire network. In addition, the operating grants authorized under the bill will help Amtrak pay salaries, health costs, overtime pay, fuel costs, facilities, and train maintenance and operations. These operating grants will also ensure that Amtrak can meet its obligations under its recently negotiated labor contract.

In an effort to encourage the development of new and improved intercity passenger rail services, the bill creates a new State Capital Grant program for intercity passenger rail capital projects, based on the New Starts transit capital program administered by the Federal Transit Administration. The bill provides $2.5 billion ($500 million per year) for grants to States to pay for the capital costs of facilities and equipment necessary to provide new or improved intercity passenger rail. The Federal share of the grants is up to 80 percent. The Secretary of Transportation would award these grants on a competitive basis for projects based on economic performance, expected ridership, and other factors.

The National Surface Transportation Policy and Revenue Study Commission, established to develop a national transportation vision to address surface transportation needs for the next 50 years, recommends that the United States establish a high-speed rail network that spans the entire country. The bill authorizes $1.75 billion ($350 million per year) for grants to States and/or Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors. The Federal share of the grants is up to 80 percent. The Secretary of Transportation would also award these grants on a competitive basis.

Many of Amtrak's service routes outside the Northeast Corridor suffer from poor service reliability and on-time performance because of freight traffic congestion. This congestion prevents Amtrak from retaining and attracting new ridership, and increases Amtrak's operating costs. The Department of Transportation Inspector General recently reported that if Amtrak achieved an 85 percent on-time performance outside the Northeast Corridor in fiscal year 2006, it would have saved Amtrak $136.6 million, or almost one-third of its operating budget. Amtrak is required by law to have preferred access on freight corridors; however, freight railroads do not always comply with Amtrak's access rights. The bill addresses this problem by providing congestion grants to Amtrak and the States for high-priority rail corridors in order to reduce congestion and facilitate ridership growth.

Federal support of Amtrak was cut drastically in fiscal years 2000 and 2001, forcing Amtrak to assume a large amount of debt to stay in operation. Amtrak has aggressively targeted this debt, paying down $600 million from fiscal years 2002 through 2007. Our bill helps Amtrak to take further steps to reduce its debt, authorizing $345 million each year for debt service through FY 2013. This funding will allow Amtrak to focus its resources on improving existing services and making additional capital and operational improvements.

Finally, no Federal guidelines currently exist to mediate disputes between commuter rail providers and freight railroads over use of freight rail tracks or rights-of-way, nor is there a standard forum for negotiating commuter rail operating agreements. The bill establishes a forum at the STB to help complete stalled commuter rail negotiations, helping our rail network operate as efficiently as possible.

The Committee is also introducing, H.R.____, the "Rail Infrastructure Development and Expansion Act for the 21st "Century", authorizing $12 billion of tax-credit bonds and $12 billion of tax-exempt bonds for high-speed rail corridors over the next 10 years. This legislation will be referred to the Committee on Ways and Means and I look forward to working with Chairman RANGEL and Ranking Member MCCRERY on this important initiative.

Amtrak and high-speed rail are essential to create the world's preeminent national transportation network.

I look forward to working with Members of the Committee and the House to pass these important bills.

SUPPORTING COMMEMORATION OF ISRAEL'S 60TH ANNIVERSARY

HON. JOHN J. HALL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. HALL of New York. Madam Speaker, I am pleased that I have the opportunity to rise today in strong support and commemoration of the 60th anniversary of Israel. It is an honor to be able to speak on behalf of a country born in the aftermath of tragedy, erected against formidable odds, and yet has prevailed to become a beacon of hope and an example of the prevailing strength of liberty and freedom.

Israel was not simply established, it was built. It was built through the toil, strife and resolve of the Jewish people and upon the premise of hope—hope that even in the wake of the ashes of the holocaust, goodness can prevail. And indeed, as we commemorate Israel's 60th birthday, we can see that goodness has prevailed.

In many ways, the path of Israel has mimicked that of the United States. It is in no way perfect and makes its fair share of mistakes. However, it is part of the same experiment of democracy, and built upon the notion of a state becoming a light unto other nations. In our century, the partnership between Israel and the United States has conjoined to thwart the existence of terrorism, advance the frontiers of human knowledge, and make an indelible contribution to the human condition.

Madam Speaker, I encourage my colleagues to foster the United States' alliance and friendship with this great nation to join me in wishing Israel a very happy 60th anniversary.

IN HONOR OF ISRAEL'S 60TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to recognize the 60th anniversary of Yom Ha'atzmaut—Israel's Independence Day, to congratulate the Israeli people on their significant accomplishment, and to celebrate the strong U.S.-Israel relationship.

As the daughter of a Holocaust survivor, I very much appreciate the important role that Israel plays in the world for the Jewish people. On May 14, 1948, the State of Israel was created providing a new homeland and safe haven for those who most recently had survived the Holocaust and for Jews before and since who had been scattered throughout the world after a millennia of conflict, discrimination, and persecution.

I am proud that the United States was one of the first countries to recognize Israel. Today, the U.S.-Israel relationship continues to be strong. And I pledge to work with our trusted ally to pursue a stable and peaceful Middle East, which assures safety and security for the State of Israel.

In the quest for peace in the Middle East, the United States has no stronger partner than Israel. As the Middle East's only democratic country, Israel is an important example for other countries in the region. It has free elections, a free press, and protection of minority rights. It is a strong and vibrant democracy and a trusted friend.

Maintaining a democratic society has not been easy. Israel has endured neighbors that have attempted to wipe it off of the map, and it continues to face threats from terrorist organizations which oppose Israel's existence and seek to disrupt any possibility of a peaceful coexistence for all people.

Even today as Israel seeks security within its borders and peace with its neighbors, radical extremists attack its citizens with daily rocket barrages. It is crucially important that we stand by our friend and ally, now and in the future.

It is important to note that support for Israel is an issue that Democrats and Republicans here in Congress consistently work on in a bipartisan manner. Our willingness to work together sends a strong message internationally that the United States is committed to our friend and partner, Israel.

Madam Speaker, it is truly an honor to stand by Israel and I know my colleagues join me in expressing Mazel Tov to all Israelis for a remarkable 60 years and wish Israel and its people a safe and secure future.

IN HONOR OF MOTHER'S DAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. AL GREEN of Texas. Madam Speaker, I wish to honor our Nation's mothers this Mother's Day because they embody the definition of strength, courage and compassion. Mothers are the backbone of American values and vitality and I ask that my colleagues honor the mothers of our Nation on Sunday, May 11, 2008.

The history of celebrating Mother's Day began when Anna Jarvis of West Virginia desired to honor the life of her deceased mother, Anna Reeves Jarvis. In 1908, Jarvis' church honored her mother as the first Mother's Day Celebration and then, in 1910, the governor of West Virginia, William Glasscock, wrote the first Mother's Day Proclamation, which encouraged families to celebrate Mother's Day. Anna Jarvis moved beyond her home State and urged the Federal Government to establish a national day to celebrate Mother's Day. Eventually the Sixty-Third Congress passed H.J. Res. 263. This resolution designated the second Sunday in May as Mother's Day. The next day President Woodrow Wilson signed a Presidential Proclamation directing the Nation to display flags on government buildings and homes to show America's love and dedication for mothers.

Mother's Day is a time for Americans nationwide to show affection and respect for the everyday heroines we call mothers, aunts, great aunts, grandmothers and great grandmothers—women of courage and strength that carry our country by raising children and uplifting our families. On May 11th, I urge my colleagues and fellow citizens to celebrate Mother's Day.

PAYING TRIBUTE TO JERRY GUEDERIAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Mr. Jerry Guederian by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I honor Mr. Guederian, the 2008 Nevada Micro-Enterprise Small Business Person of the Year.

As a young child, Jerry had a passion for shoes. His passion led him to his studies at the Ars Sutoria Institute in Milan, Italy, where he graduated with a bachelor's degree in shoe design. Armed with skills, determination, and talent, Jerry came to the United States from Switzerland and opened his first Shoe Lab in Los Angeles, California in 1989. His successful shoe repair business led him to franchising his stores throughout Southern California. In 1995, his passion for the business eventually brought him to Las Vegas, Nevada,

Jerry's business success centers around his philosophy of having the best craftsmanship and customer service. Customers are often invited to watch Jerry's well trained cobblers repair their shoes, bag, or luggage through a Shoe Lab 'viewing window'.

Nominees for the Macro-Enterprise Award are judged by an independent panel of small business leaders on a variety of criteria including staying power, employee growth, sales increases, innovations of service, and contributions to community-oriented projects. Mr. Guederian and Shoe Lab excelled in every category.

Madam Speaker, I am proud to honor Mr. Jerry Guederian and his outstanding accomplishments in the Southern Nevada business community and his recent achievement of being named Nevada's 2008 Micro-enterprise Small Business Person of the Year.

HONORING THE ACHIEVEMENTS OF CHARLIE SCOTT

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. SCOTT of Georgia. Madam Speaker, I rise to day to acknowledge racing pioneer Charlie Scott, and to express support for his admission into the Georgia Automobile Racing Hall of Fame Association.

Born in Crawford, Georgia, Charlie Scott was the first African-American to drive in an officially sanctioned National Association for Stock Car Auto Racing (NASCAR) event, debuting at the Daytona Beach Grand National in 1956. As reported by NASCAR.com earlier this year, "[Charlie] drove a Kiekhaefer Chrysler. When the checkered flag waved.

Scott found himself in 19th place, earning $75 for his efforts." This outing—at Daytona, where NASCAR was born—was a groundbreaking effort and no doubt inspired countless future NASCAR drivers and fans. His illustrious career included races all over the country in motorcycles and other automobiles. He loyally supported the sport throughout his lifetime, and deserves recognition for helping to break the color barrier in automobile racing.

In closing, Madam Speaker, I want to recognize the achievements of Mr. Scott and express my gratitude for his courageous efforts to make racing an inclusive sport from the very beginning.

STEM CELL SCIENCE: THE FOUNDATION OF FUTURE CURES HEARING IN THE SUBCOMMITTEE ON HEALTH, COMMITTEE ON ENERGY AND COMMERCE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. CASTLE. Madam Speaker, I have been deeply involved in working to expand the Federal policy on stem cell research over the last several years with my friend DIANA DEGETTE, and I am encouraged to see the House Energy and Commerce Committee hold its first hearing on the subject of stem cell policy and the foundation for future cures. I look forward to hearing from the expert witnesses testifying today, everyone from Dr. Elias Zerhouni, Director of the National Institutes of Health, leading scientists, Dr. George Daley of Children's Hospital Boston, and Dr. John Gearhart of Johns Hopkins University, and Weyman Johnson, Jr. who chairs the National Multiple Sclerosis Society, about the ever important field of regenerative medicine. There have been a couple of very exciting developments in the field recently, underscoring the critical role of the United States' scientific community and the need for even more coordinated Federal research.

Announcements from scientists about removing single cells from embryos to develop embryonic stem cell lines, and using human skin cells in ways that offer similar promise as embryonic stem cells, underscores the importance of pursuing all avenues of science that could advance human health.

The recent discoveries are significant, but we must remember that important scientific advances do not always translate to medical advances. It is for this reason that I believe, and scientists agree, it would be irresponsible to abandon embryonic stem cell research, which continues to show the most immediate promise.

My passion for advancing and expanding research on stem cells comes from years of meeting with those who are suffering from diabetes, Alzheimer's, cancer, heart disease, Parkinson's and their loved ones—and from the many scientists I have had met over the years who have hailed the promise of the pluripotency, that is the ability to become any cell in the body, of embryonic stem cells, and the breakthrough of induced pluripotent stem cells, iPS, which are believed to have the same qualities. There is no greater promise for better treatments and potential cures than there is with a strong Federal investment in ethical forms of medical research of all kinds. American scientists should be leading the world.

iPS is a major scientific breakthrough, however many have said the viruses and genes used in the process to create the embryonic-like state of the human skin cells can cause cancer. If the cancer factor cannot be eliminated, and only further research will tell, iPS cells may be better suited for learning more about cancer, for example, or for improving pharmaceutical drugs. So, if it is the case that iPS cells might prove better for some uses and embryonic stem cells better for others, how could we abandon one for the other?

It is apparent that with the availability of new stem cell lines, the ability of medical researchers to alleviate the suffering of millions will be bolstered. The United States should support comprehensive stem cell research of all kinds, instead of tying the hands of researchers and asking patients with some of the most debilitating diseases to wait even longer. Federal policy must be updated to reflect science advancements.

Moving forward, I believe we need to look for ways to strengthen the ethical framework which guides all forms of regenerative medicine. Policies should be in place to allow scientists to pursue fundamental science inquires. It will also be essential that Congress work with the National Institutes of Health to ensure that any change in policy can be implemented with ease. When Congress votes to expand the Federal policy or when the next Administration changes the policy, which I am confident will happen, we must have the capacity to move forward quickly to expand the Stem Cell Registry to include the many lines derived post August 9, 2001, and to supply new Federal grants.

We simply must pursue all avenues of science that show promise for advancing human health—and the role of the Federal Government in carrying this out is paramount. For more than a century, the National Institutes of Health has promoted cooperation among the scientists who receive Federal research dollars, and has made knowledge sharing a priority. While state-funded stem cell initiatives are important, without the support of Federal Government there remains a void.

In just 10 short years since Dr. James Thompson announced the first embryonic stem cell line, we have made great strides. Without the Federal funding restriction, who knows where we would be today. Nearly three-quarters of Americans from all walks of life support embryonic stem cell research, as does the majority in Congress who support expanding the Federal stem cell policy to allow for funding and oversight of embryonic stem cell research and who voted for the Stem Cell Research Enhancement Act, which with great disappointment was vetoed twice by President Bush.

I cannot stress enough the promise of stem cell research of all kinds for alleviating the suffering of the 100 million American patients and so many more around the globe who are living with devastating diseases for which there are no good treatments and for which there is no cure. As Dr. Elias Zerhouni, Director of the National Institutes of Health, stated in Senate testimony in March 2007: "It is clear today that American science will be better served and the nation would be better served if we let our scientists have access to more cell lines." We must work to remove the barriers to Federal funding for embryonic stem cell research.

WELCOMING HONOR AIR

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. SHULER. Madam Speaker, I rise to welcome World War II veterans from Western North Carolina to Washington, DC. I am honored to have these members of the Greatest Generation here in Washington to visit the National World War II Memorial and the Tomb of the Unknowns at Arlington National Cemetery.

Honor Air of Henderson and Buncombe counties provides free trips for World War II Veterans to ensure that they have an opportunity to see the memorial which honors their service to our nation, and to commemorate their fallen comrades. I would like to offer my sincere gratitude to the dedicated volunteers of Honor Air in all of its locations across the country for making these trips possible.

The National World War II Memorial was opened to the public in May of 2004, and has since been visited by millions of people from around the world. Built to honor the 16 million Soldiers, Sailors, Marines, Airmen, Coast Guardsmen, and Merchant Mariners who served our Nation during World War II, the National World War II Memorial serves as a reminder of their sacrifice and service to the American people. I am thankful that we have finally found a permanent memorial here in the Nation's capital to honor their service.

On behalf of the residents of North Carolina's 11th District and all Americans, I offer our deepest appreciation to these visitors for their service, their sacrifice, and their presence here today. These men and women represent the bravery and benevolence of America—past, present, and future.

Madam Speaker, I ask that my colleagues join me in honoring and welcoming these distinguished veterans from Western North Carolina to the Capital of our grateful Nation.

HONORING SAMUEL H. HOWARD ON THE OCCASION OF HIS SIXTY-NINTH BIRTHDAY

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. COOPER. Madam Speaker, I rise today to honor the 69th birthday of Samuel H. Howard, a man who has made an indelible impact on the health of Americans and whose life is an inspiration to us all.

During his more than 40-year career, Sam has served as a White House fellow, been a leader at colleges and health care organizations, and founded and led several corporations charting a course to improve health care for all Americans.

A proud graduate of Oklahoma State University, Sam also holds a master's degree from the prestigious Stanford University. He has received multiple awards for his business acumen, including being inducted by his alma mater into the Oklahoma State University School of Business Hall of Fame. Sam was twice awarded the Federation of American Hospitals President's Achievement Award.

In 1994, Sam received the Nashville NAACP Branch Image Award for Lifetime Achievement. His life has shown how much one can achieve when grounded by faith, family, and fortitude.

Madam Speaker, in Tennessee we are fortunate to have Sam Howard as a pillar of our community, and I am privileged to call him my friend. Today, on his birthday, I rise to salute him, express my gratitude for his service to his fellow man and wish him warm blessings for many years to come. Happy Birthday, Sam.

COVERING THE UNINSURED

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to discuss the issue of the uninsured in recognition of National Uninsured Week in our country.

In recent years the cost of health care has grown wildly. Those who can afford private or employer-based health insurance are fortunate. Unfortunately, 47 million Americans lack health insurance, including nine million children—and in Texas one out of every four individuals is without health insurance.

We need a national health care plan, but until we make it a national priority, Congress will continue to make incremental steps.

That's why Congress has worked so hard to include more children under the State Children's Health Insurance Program (SCHIP) and I have introduced the Health Centers Renewal Act (H.R. 1343), the Community Mental Health Services Act (H.R. 5167) and the Ending the Medicare Disability Waiting Period Act (H.R. 154).

Ten years ago Congress created the SCHIP to help provide health insurance for children of low-income workers. These are hard-working families whose jobs don't offer employer-sponsored health insurance, or whose dependant coverage for children is unaffordable.

Nationwide there are approximately 9 million uninsured children. Alarmingly, more than 1.5 million of those children live in Texas. Our state had significant barriers against the enrollment of new children in SCHIP, and even has policies that have kicked kids out of the program.

As a result, Texas SCHIP enrollment has dropped from about half a million in 2003 to 350,000 in 2007. While children are unceremoniously removed from SCHIP, the number of uninsured continues to grow in our state.

There are about 1.5 million Texas children in households earning less than 200 percent of the federal poverty level and 750,000 to 850,000 of them are eligible for Medicaid or SCHIP coverage. Three fourths are not enrolled in either program, meaning there are 200,000 to 300,000 kids in Texas who are eligible but not enrolled in SCHIP.

Tragically, the state doesn't even use the all the funds the federal government has provided for our children who are going without basic care. Eventually the money—more than $850 million in the last seven years—goes to other states or back to the Federal government.

Bipartisan majorities in both houses of Congress have supported an expansion of SCHIP that would help solve some of Texas's problems twice over the last year. Sadly, President Bush vetoed our efforts both times, but we will not give up until our children have the health care they need.

In the meantime, we have opened other fronts in the battle to improve the quality of health care in our country. The Health Centers Renewal Act was introduced last year and approved by the Subcommittee on Health on April 23, and will go to the full committee soon.

Health centers represent our Nation's largest primary health care system and serve as a medical home to more than 15 million Americans, most of whom are uninsured or have low incomes.

By providing people who are medically underserved with primary and preventive health care, the health centers reduce the need for expensive specialty care in hospitals and emergency rooms. The Health Centers Renewal Act will allow health centers to nearly double the number of individuals they can serve.

The Community Mental Health Services Improvement Act, which was introduced in January, will improve medical care for often-neglected mental health patients. Community mental health organizations serve more than six million adults and children across the country.

Many of these people are Medicaid beneficiaries, children in foster care, the destitute, homeless and uninsured. Unfortunately, community mental health centers have been chronically underfunded for many years and struggle to meet the basic health needs of the people they serve.

This bill will allow mental health care providers to recruit medical primary care doctors to care for patients with serious mental illness. Patients with mental illnesses die on average 25 years earlier than the average American, demonstrating the criticality of the need for better health care.

The Ending the Medicare Disability Waiting Period Act was introduced last year would close a loophole that allows more than a million people with disabilities to go without medical care for extended periods of time.

When Medicare expanded in 1972 to include individuals with significant disabilities, Congress stipulated that they had to first receive Social Security Disability Insurance (SSDI) for two years before becoming eligible for Medicare, resulting in a three step process.

First, the Social Security Administration has to determine SSDI approval. Second, an individual has to wait five months before receiving SSDI benefits. Third, after receiving SSDI benefits an individual has to wait two more years before they can receive Medicare coverage.

More than 26 percent of individuals with significant disabilities have no health insurance during this two-year wait. Before becoming disabled, most of these people worked full time and paid into Medicare like everyone else.

Now, when they need help the most, they are required to wait without coverage. This bill would phase out the two-year wait over 10 years and completely eliminate the waiting period for people with life-threatening conditions.

Finally, I strongly support restoring funding for the Healthy Community Access Program, which in my community has helped enroll an additional 250,000 individuals in Medicaid and CHIP, while also directing the uninsured away from the ERs and toward an appropriate health care home.

To address this issue, I introduced the Community Coalitions for Access and Quality Improvement Act, H.R. 3561. This legislation would provide grants to community health access coalitions to implement best practices proven to reduce health care costs, achieve better health outcomes and improve access to health care for uninsured and low-income Americans.

Congress should enact legislation to provide all Americans with health insurance. Ideally, no child, no disabled worker, and no uninsured woman would suffer from a lack of adequate health care. As we work toward that goal, Congress should take every opportunity to put in place policies that provide as many people as possible with quality, affordable health insurance.

HONORING ELKS NATIONAL YOUTH WEEK

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mrs. CAPPS. Madam Speaker, I rise today on behalf of the Santa Maria Elks Club to honor the first week of May as Elks National Youth Week in tribute to our junior citizens and to honor them for their achievement and contributions to their community, State and Nation.

Youth Week is designed to guide, inspire and encourage our youth to serve their community and help prepare them for the duties and opportunities of citizenship. Across the country, our Nation's young people are becoming active citizens and learning the importance of civic involvement. I firmly believe in encouraging the sense of community demonstrated by these ambitious and engaged young people.

As a mother and a grandmother, I am amazed by the strength of character I see in junior citizens. I commend the goals and ideals of the Santa Maria Elks Club and am proud to honor America's future leaders today.

H. RES. 49, TO ESTABLISH NATIONAL LETTER CARRIERS APPRECIATION DAY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in strong support of H. Res. 49, a resolution that establishes National Letter Carriers Appreciation Day.

Letter carriers are vital to the United States economy and help keep families and friends in touch with one another. They provide mail service 6 days a week, in good and bad weather, to more than 144 million households. The United States Postal Service employs more than 705,000 letter carriers who deliver more than 43 tons of mail each year. This averages to approximately 2,300 letters, cards, magazines, and circulars per carrier per day.

In addition, I would like to specifically honor Perry Bennet Schmitt, who has delivered mail to my District Office since I was first elected to Congress in 2000. My staff and I look forward to his daily visits where he brightens our day with jokes and stories. Perry has served the people of Saint Paul as a letter carrier for 28 years and has delivered mail on his current route for over twenty. It takes him six hours to deliver mail each day to over 350 stops. Perry is a designated letter carrier trainer and during his time with the Post Office has trained over a hundred carriers. He is also an active member of Local 28 of the National Association of Letter Carriers, which represents over 1,000 members.

I want to thank Perry and all letter carriers for their dedication and urge my colleagues to support this resolution.

HONORING COUNCILMAN GENE BELMARES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Councilman Gene Belmares, who will be presented with the Liberty Bell Award by the Laredo-Webb County Bar Association on May 9, 2008.

Gene Belmares is the son of a decorated World War II veteran, Ignacio Belmares, and Elvira Belmares. He grew up in Laredo, Texas, and attended United High School and Laredo Junior College. Gene utilized his marketing skills to great effect in his work with some of South Texas's most prestigious companies such as Thomas Petroleum, Arguindegui Oil, and WestWind Homes. Gene is now enjoying his work with the marketing and sales team at the famous La Posada Hotel, one of the oldest hotels in South Texas that is leading the revitalization of downtown Laredo.

Councilman Belmares was elected to the Laredo City Council in 2002, and is seated on the Metropolitan Planning Organization, Water Issues, Sports Venue, and Legislative Committees. He is currently serving as Mayor Pro Tempore, and is responsible for the unprecedented fiscal growth of the City of Laredo for the last 6 years through his work on landmark ordinances and legacy projects. Councilman Belmares also has admirably served the community of Laredo, Texas, through his civic work with the March of Dimes, Muscular Dystrophy, and the American Cancer Society. He enjoys coaching the Gateway Girls Softball League, and the Boys and Girls Club flag football.

Councilman Belmares is a truly deserving recipient of the Liberty Bell Award, which is given out annually by the Laredo-Webb County Bar Association to those who have demonstrated exemplary community service, and contributed to good governance in the community.

Madam Speaker, I am honored to have had this time to recognize the dedication of Councilman Belmares to the City of Laredo, and I thank you for this time.

PAYING TRIBUTE TO HARVEY ALLEN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor my friend Harvey Allen by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Harvey Allen for his service as an educator in the Nevada higher education system for over thirty years.

Harvey served as a full time professor of Broadcasting, English, Journalism, Speech, Acting, and Theater at the Community College of Southern Nevada for 30 years before retiring at age 75. His dedication to higher education stretched beyond the classroom as he directed the first student produced play at CCSN, served as faculty advisor for the college newspaper, served as a Faculty Senate Member, and established an internship program for Broadcasting and Journalism students. During this time, Harvey also served as a visiting professor at the University of Nevada Las Vegas. Harvey's own education includes earning four degrees from Modesto Jr. College, San Diego State University, and the University of Nevada, Las Vegas.

In addition to his work in higher education, Harvey has been influential within the broadcasting community. In 2007, Harvey was inducted into the Nevada Broadcasters Hall of Fame citing his many professional accomplishments which included hosting numerous radio talk shows and writing for several Las Vegas publications.

Madam Speaker, I am proud to honor the life of Harvey Allen. His dedication to enriching lives through education and broadcasting has touched countless Nevadans. I applaud his efforts and wish him the best in his future endeavors.

TROOPS NEED YOU

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. WILSON of South Carolina. Madam Speaker, throughout our history, Americans have risen up to help our troops win wars—from merchants and storekeepers in the Revolutionary War to Rosie the Riveter in World War II. Today, that tradition continues, as average citizens directly support our troops in Iraq and in Afghanistan.

A non-profit charity called Troops Need You delivers resources our troops need—from medical supplies and equipment to school supplies and water purification systems, Troops Need You was founded by a military man himself, Major Eric Egland, an intelligence officer and former counter-terrorism operative who has served around the world, including in Afghanistan and Iraq. He knows what it takes to win.

Troops Need You has already mobilized over one thousand Americans, and is based on innovations so effective that they earned not only a partnership with General David Petraeus but even praise from the President of the United States himself.

We are at a critical point in Iraq, defeating the terrorists to deny them a safe haven to attack American families and our allies. Success requires more Americans to rise up and help our troops succeed. A great way to do that is through Troops Need You.

TRIBUTE TO JOHN SCHWARTZ

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to pay tribute to the heroism and self sacrifice of firefighter John Schwartz, 38, who died in the line of duty on Tuesday, April 15, 2008, while driving to the scene of a brush fire threatening a nearby community.

When John heard the distress call Tuesday afternoon from nearby Ordway, Colorado, he jumped in his fire engine with Fire Chief Terry DeVore to try to help. A massive wild fire was burning across the prairie and the smoke was so thick that John and Terry could not see the bridge burned out in front of them. Terry's father Bruce, a fire department volunteer, was right behind them when he noticed their tail lights disappear. Bruce and the other firefighters stopped and tried to fight the inferno in front of them, but it was a hopeless fight.

John and Terry were good friends and worked together at the Arkansas Valley Correctional Facility and John had recently joined Olney Springs' volunteer fire department. John's father told a newspaper that John joined the department because he liked the idea of doing something for the community. John attended Centennial High School in Pueblo, Colorado, and served in the U.S. Air Force for 4 years before returning to the Fowler area. John raised horses, cattle, and goats on a small ranch and he loved to hunt and shoot with his sons, ages 4 to 15, John, Wyatt, Wesley, and Cody.

John left behind his four boys, as well as his parents John and Toni Schwartz.

Madam Speaker, I am honored to represent John and other men and women who sacrifice so much to care for their communities. I urge my colleagues to join me in mourning the loss of a great American and in expressing heartfelt gratitude and sincere appreciation for the service of John Schwartz.

RECOGNIZING WAPSIE VALLEY WARRIORS VOLLEYBALL TEAM

HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. BRALEY of Iowa. Madam Speaker, I rise today to recognize the outstanding results achieved by the Wapsie Valley Warriors volleyball team at the State volleyball tournament in Cedar Rapids this past fall.

Wapsie Valley and Holy Trinity were tied at two games apiece going into the final match. With the game tied at 12, Wapsie Valley got a big hit from Carly Wehling and a tip by Eryca Hingtgen to get a match point at 14–12. Holy Trinity fought off the match point with a spike, but Wehling finished out the game with her 13th and final kill of the match.

The third ranked Wapsie Valley (39–1) won the first two games and withstood a Holy Trinity comeback to earn a 27–25, 26–24, 22–25, 20–25, 15–13 victory and their second straight Class 1A State volleyball championship. I congratulate the Warriors on their hard fought victory.

Madam Speaker, I am extremely proud of the accomplishments of the Warrior volleyball team, both on and off the court, and I am proud to serve them in Congress.

CONGRATULATING AMERICAN UNIVERSITY OF ANTIGUA & BARBUDA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. RANGEL. Madam Speaker, I rise today to congratulate American University of Antigua & Barbuda on its newly announced initiative establishing a school that will address the nursing shortage occurring in the United States and abroad.

The American University of Antigua & Barbuda aims to create a nursing school that provides Caribbean nationals with a place to pursue higher education in the healthcare industry as well as an alternative location of study for international students. Through its' historic affiliation with CUNY's Lehman College, AUA hopes to improve the medical standards of care throughout the Caribbean. The program allows AUA students who have completed their Associates Degree in Nursing with the option to transition directly into the baccalaureate program at the Lehman college for a mere 2 years. In a time when there is a 6 year wait list to attend nursing college, the creation of this program serves a model to produce more qualified nurses in an attempt to alleviate the nursing shortage. AUA also hopes to provide students with scholarships, in order to allow those people from lower-income families to pursue higher education.

It is my sincere hope that other Colleges and Universities around the world will join the American University of Antigua & Barbuda in providing feasible alternatives to the nursing shortage, while simultaneously allowing minorities and people from lower income families to further their education.

TRIBUTE TO SHAWNEE MISSION SCHOOL DISTRICT SUPERINTENDENT

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. MOORE of Kansas. Madam Speaker, I rise today to acknowledge Dr. Marjorie Kaplan, Superintendent of the Shawnee Mission School District, who is retiring at the end of this school year, after 16 years of extraordinary leadership for her district, and for the greater Kansas City area.

Dr. Kaplan came to Shawnee Mission in 1992 after a distinguished career in Arizona. She is returning to the Phoenix area where she will be close to her children and grandchildren.

My congressional district is blessed with some of the best schools in the country. I know many Members of Congress feel that way, but I know this is the case. Where I live, among many outstanding school districts, Shawnee Mission schools remain the gold standard in our area. During her tenure, Dr. Kaplan has reinforced this perception and continually raised this standard.

I have come to admire and respect Dr. Kaplan, who has never been shy about giving me very good advice on education issues and legislation. I know how much good schools mean to my constituents, so I have always heeded her expertise and guidance.

The Shawnee Mission district includes older suburban areas and is surrounded by newer, fast growing areas. Under Dr. Kaplan's leadership, and thanks to confidence in the district, Shawnee Mission patrons have passed a series of school bond issues which allowed the district to renew its building stock, while combining some elementary school populations.

During the past 16 years, Dr. Kaplan and Shawnee Mission schools have:

Brought rigorous International Baccalaureate programming to area high school students since 1996, and greatly increased advanced placement classes; Strengthened the district's Center for International Studies and further developed the languages offered through the program; Transformed career and technical education courses and programs with award winning programs in culinary arts, commercial baking, graphic design, multimedia, and computer training; Brought in engineering technology, biotechnology, and biomedical health science programs; Introduced the Open Court reading program; and Continually produced students who outperform their Kansas and US peers on standardized tests, including the ACT and the SAT. For several years, Shawnee Mission produces about 20 percent of the Kansas National Merit finalists, despite having only 6 percent of the state's population.

Although a talented administrator, Dr Kaplan has made it a point to substitute teach in every building throughout the school year. Perhaps because of this, her teachers and administrators know how much she cares, and understands their difficulties and joys at the classroom level. Educators today face new challenges, with increasing numbers of children who do not speak English at home and with problems of school funding and federal education programs. Despite it all, this district has continued to succeed.

Madam Speaker, thank you for allowing me the time to pay tribute to an outstanding educator who I am proud to call a friend, Dr. Marjorie Kaplan.

RECOGNIZING DULUTH CENTRAL HIGH SCHOOL FOR PARTICIPATION IN THE 2008 WE THE PEOPLE NATIONAL FINALS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. OBERSTAR. Madam Speaker, from May 3–5, 2008, more than 1200 students from across the country visited Washington, D.C. to take part in the National Finals of We the People: The Citizen and the Constitution, one of the most extensive educational programs in the country developed to educate young people about the U.S. Constitution and Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by act of Congress. It is important to note that results of independent studies of this nationally acclaimed program have shown that We the People students have gained a greater political tolerance and attained an excellent understanding of the Constitution and Bill of Rights. With many reports and surveys indicating the lack of civic knowledge and civic participation, I am pleased to support such a superb program that is producing an enlightened and engaged citizenry.

I am proud to announce that the state of Minnesota was represented by a class from Duluth Central High School at this prestigious national event. These outstanding students, through their knowledge of the U.S. Constitution, won their statewide competition and earned the chance to come to our nation's capital and compete at the national level. The names of these outstanding students from Duluth Central High School are: Leanna Albertson, Sharlene Balik, Krista Benko, Gregory Bongey, John Brakke, Whitney Buck, Jessica Churchill, Kylie Dalager, Alissa Elke, Chad Erlemeier, Zack Filipovich, Jordan Foschi, Nicholas Foucault, Robert Gitar, Daniel Gunderson, Matthew Harold, Elizabeth

Hauschildt, Garth Heikkinen, Amy Hietala, Grace Larsen, Joseph Makynen, Marina McCuskey, Jason Michalicek, Hannah Olson, Liza Pierre, Jessica Primozich, Molly Prudden, Matthew Roberts, Eric Stokes, and Joseph Von Rueden.

While in Washington, the students participated in a three-day academic competition that simulates a congressional hearing in which they "testified" before a panel of judges. Students demonstrated their knowledge and understanding of constitutional principles as they evaluated, took, and defended positions on relevant historical and contemporary issues.

I also wish to commend the teacher of the class, Ethan Fisher, who was responsible for preparing these young constitutional experts for the National Finals. Also worthy of special recognition is Jennifer Bloom, the state coordinator, who is responsible for implementing the We the People program in the great state of Minnesota.

I applaud the exceptional achievements of these students.

FISA COURT IS DOING ITS JOB

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. UDALL of Colorado. Madam Speaker, as Congress has debated how to update the Foreign Intelligence Surveillance Act, FISA, some have said that law is completely outdated.

I support revisions to reflect changes in technology since FISA was enacted, but I think it is important to recognize that the basic law is sound and does not prevent the Government from acting to protect Americans.

That point was well put in a recent editorial in the Rocky Mountain News, noting that the Justice Department has reported that in 2007 the special FISA court approved some 2,370 warrants authorizing surveillance of people in the United States believed to be in contact with international terrorist organizations while denying only 3 requests for such warrants.

This led the newspaper to conclude that "The great number of warrants granted, compared to just three denied, indicates that the spy court is no great impediment to national security" and, with regard to the Bush administration's proposals to rewrite FISA, "The suspicion here is that the Bush administration simply doesn't want any checks on its eavesdropping powers."

I think that is a pretty accurate appraisal.

For the information of our colleagues, here is the full text of the editorial:

[From the Rocky Mountain News, May 2, 2008]

SPY COURT KEEPING UP WITH WIRETAP REQUESTS

The Bush administration has been asserting the right to wiretap without seeking a warrant from a special court set up for that purpose under the 30-year-old Foreign Intelligence Surveillance Act.

However, a Justice Department report on the court's wiretap approvals suggests it is not quite the hurdle the administration made it out to be. Last year, the court approved 2,370 warrants seeking wiretaps of people in this country believed to be in contact with international terrorist organizations.

The court denied just three warrant applications and partially denied another; 86 times the court asked the government to amend its applications before granting approval. The year before, the court denied only one application and that just partially. This hardly sounds like an onerous approval process.

Since the number of warrants being sought has more than doubled since 9/11, it also sounds as if the court is having no problem keeping up with the workload. The suspicion here is that the Bush administration simply doesn't want any checks on its eavesdropping powers. And in seeking a rewrite of the surveillance law, the administration did in fact seek to greatly expand its powers to wiretap without warrants.

The great number of warrants granted, compared to just three denied, indicates that the spy court is no great impediment to national security.

PAYING TRIBUTE TO JADE ANDERSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Jade Anderson by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Jade Anderson, owner and CEO of Capstone Brokerage, Inc., for his small-business achievements throughout the Las Vegas community.

Jade Anderson is a graduate from the University of Nevada, Las Vegas with a degree in Business Administration. He began Capstone Brokerage Inc. shortly after graduation, first as a part-time venture for about five years. He shifted gears in 2002 deciding to put all of his energy into growing his company. His company also serves as a connection to other successful entrepreneurs and business minds around the globe. In addition to running Capstone, Jade is a member of the Las Vegas Chapter of the Entrepreneurs Organization (EO). Through this organization, he has been able to apply to the Massachusetts Institute of Technology's (MIT) Entrepreneurs Masters Program where he meets annually for one week with other CEOs and entrepreneurs and listens to business leaders and professors speak on issues related to running their own businesses

Today, Jade is also focused on making certain that his company gives back to the community. He gives a large portion of time to Olive Crest, a nonprofit organization that supports the prevention and treatment of child abuse. He also serves on the Board of Directors of Olive Crest and assists with fundraising and volunteer efforts.

Madam Speaker, I am proud to honor Jade Anderson and would like to recognize his small-business accomplishments within the Las Vegas community. I would also like to congratulate him on receiving the Small Business Person of the Year at the 2008 Small Business Awards.

TRIBUTE TO MIKE KEEFE

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Mike Keefe from the State of Iowa Fire Marshall's Office, and to express my appreciation for his dedication and commitment for the past 32 years for the safety of Iowans.

After receiving a business administration degree in 1975, Mike began volunteering for the Decorah, Iowa fire department. While on the job, the fire department was called to a fire at the church he attended and where his mother worked as a secretary. He rescued his mother by helping her out a window. The fire officials asked Mike to assist in their investigation, and afterwards Mike was encouraged to apply for a position with the Iowa Fire Marshall's Office. He was offered and accepted a job in 1976 with the office as an investigator. Over the years Mike has investigated nearly 3,000 fires, providing reliable and dedicated service to many Iowans.

I know that my colleagues in the United States Congress join me in commending Mike Keefe for his service to the State Fire Marshall's Office and the people of Iowa. I consider it an honor to represent Mike in Congress and I wish him and his wife, Susan, a long, happy and healthy retirement.

LYNN FIELDS—COMMUNITY SERVANT FOR EDUCATION

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 8, 2008

Mr. POE. Madam Speaker, the Humble ISD board of trustees will say farewell to a dedicated public servant on May 13, 2008 when my friend Mrs. Lynn Fields retires after serving 14 years as a board member.

I met Lynn when she was a reporter for the Baytown Sun back in the 1980s and I was a Texas Judge. Since those days, Lynn Fields has served as the voice of a mother and community volunteer on the Humble ISD school board who always looked out for the best interests of our children. She faithfully carried the torch of public service passed to her from her father-in-law, Jack Fields Sr., who previously served the district as board member for 21 years.

Over the years, she worked hard at improving services for students in both educational and social areas. She initiated the district's pursuit of a Spanish immersion program at two Humble elementary schools. She led the district with efforts to reduce alcohol and drug use among children with programs such as "Common Ground," which resulted in increased awareness of the dangers of binge drinking and the importance of students' making responsible decisions in social situations.

Many of her friends and colleagues have spoken kind words in describing her dedication to public service. "Lynn's heart is as big as the state of Texas," said Dave Martin, President of the Humble ISD Board of Trustees. "We could always count on Lynn's guidance to lead us down the direction and path that put the morality and ethical issues of our students first."

Lynn Fields and Humble ISD Superintendent, Dr. Guy Sconzo, have hosted a monthly cable access show called "Your Schools," which spotlights people and programs within the district. She received the School Bell Award for outstanding media coverage of educational news for the program by the Texas Retired Teachers Association.

"Lynn is frankly just one of the kindest, most caring servant leaders I have ever met," said Dr. Sconzo about working with Lynn. "Through literally every very difficult budget development crisis and challenging growth issues that face our district, Lynn always kept the discussion focused on what's best for children."

Lynn Fields has also experienced many wonderful personal moments in her 14-year tenure as school board member including the opportunity to hand two of her children their high school diplomas at their graduation. She also watched with pride when the board of trustees named an elementary school after her late father-in-law Jack Fields Sr.

In addition to her efforts in the school district, she is also an active community leader in several organizations. Lynn is a member of Humble Area First Baptist Church. She is a Light Keeper member of Mothers Against Drunk Driving and serves as MADD Southeast Texas Regional Council Chair. She has been a long-time advocate for women and children. Lynn started the Bay Area Women's Center in Baytown in 1981. With the help of her husband, former Congressman Jack Fields, they raised funds to help open "The Door," a shelter for battered women in the Humble area.

Jack Fields has been a long-time friend of mine, and he is extremely proud of Lynn's accomplishments as well. "My wife has given of herself, unselfishly, for the students of our area," he said. "She has led in the areas of character, alcohol and drug education, and Spanish immersion for those students wishing to become bilingual. She is an outstanding woman, mother and wife. Our area and my family are benefited by her years of service. She is the model for those who serve in their communities. I could not be more proud of her. I am honored to be her husband. I love her very much."

It is an honor today to recognize the great contributions that Lynn Fields has made to Humble ISD and the community. Madam Speaker, we thank Lynn, for her years of service, principled leadership and dedication to our children. I wish her the best of luck in her future endeavors.

And that's just the way it is.

HOUSE OF REPRESENTATIVES—*Monday, May 12, 2008*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. HIRONO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 12, 2008.

I hereby appoint the Honorable MAZIE K. HIRONO to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of the ages, Lord of mercy, You have made all things by Your Word. In Your wisdom You have commissioned Your people to provide order for the creatures produced by You, to govern the world in holiness and justice, and to render judgment with integrity of heart.

Give Wisdom, the attendant at Your throne, to the Members of Congress this week. Although they are only children of Your handmaids, all weak and short-lived, often lacking in comprehension of good judgment or abiding in just laws, You have called them to be Your servants and to guide this Nation to greatness in social order and in the ways of peace. By their judgments and their actions, may they give You glory now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning-hour debate.

There was no objection.

Accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 13, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6502. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the Department's "Country Reports on Terrorism: 2007," pursuant to 22 U.S.C. 2656f; to the Committee on Foreign Affairs.

6503. A letter from the Chair, Commission on International Religious Freedom, transmitting the Commission's 2008 Annual Report, pursuant to 22 U.S.C. 6401 Public Law 105–292 section 102; to the Committee on Foreign Affairs.

6504. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–51 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Australia for defense articles and services; to the Committee on Foreign Affairs.

6505. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–49 concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance to Canada for defense articles and services; to the Committee on Foreign Affairs.

6506. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–33 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

6507. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08–38 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

6508. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to Section 62(a) of the Arms Export Control Act (AECA), notification concerning the Department of the Army's proposed extension of a lease of defense articles to the Government of the United Kingdom (Transmittal No. 08-07); to the Committee on Foreign Affairs.

6509. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State on the progress toward a negotiated solution of the Cyprus question covering the period February 1, 2008 through March 31, 2008; to the Committee on Foreign Affairs.

6510. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report to Congress on the Millennium Challenge Corporation's activities for fiscal year 2007, pursuant to Public Law 108–199, section 613; to the Committee on Foreign Affairs.

6511. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report for 2007 on the International Atomic Energy Agency (IAEA) Activities in countries described in Section 307(a) of the Foreign Assistance Act, pursuant to Public Law 105–277, section 2809(c)(2); to the Committee on Foreign Affairs.

6512. A letter from the Secretary, Department of Transportation, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia that was declared in Executive Order 12978 of October 21, 1995; to the Committee on Foreign Affairs.

6513. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Foreign Affairs.

6514. A letter from the Summit Co-Host, International Women Leaders Global Security Initiative, transmitting the report of the International Women Leaders Global Security Summit, held November 15–17, 2007; to the Committee on Foreign Affairs.

6515. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Missouri Advisory Committee; to the Committee on the Judiciary.

6516. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the South Carolina Advisory Committee; to the Committee on the Judiciary.

6517. A letter from the Acting Staff Director, Commission on Civil Rights, transmitting notification that the Commission recently appointed members to the Kansas Advisory Committee; to the Committee on the Judiciary.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BERMAN: Committee on Foreign Affairs. H.R. 5916. A bill to reform the administration of the Arms Export Control Act, and for other purposes; with an amendment (Rept. 110–626). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FOSTER:

H.R. 6021. A bill to prohibit the purchase or lease of housing acquired using Federal loan or grant funds appropriated for the purchase and rehabilitation of foreclosed housing under the Neighborhood Stabilization Act of 2008 by any individual convicted under Federal or State law of a drug-dealing offense, a sex offense, or mortgage fraud; to the Committee on Financial Services.

By Mr. WELCH of Vermont (for himself, Mr. LAMPSON, and Mr. MARKEY):

H.R. 6022. A bill to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AKIN (for himself, Mr. BOEHNER, Mr. CANTOR, Mr. BROWN of South Carolina, Mr. PITTS, Mr. WAMP, Mr. DOOLITTLE, Mrs. MYRICK, Mrs. BACHMANN, Mr. DAVID DAVIS of Tennessee, Mr. FEENEY, Mr. GINGREY, Mr. MARCHANT, Mr. BARTLETT of Maryland, Mr. BARRETT of South Carolina, Mr. MILLER of Florida, Mr. FRANKS of Arizona, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, Mr. POE, Mr. CONAWAY, Mr. CHABOT, Mr. COBLE, Mr. SAM JOHNSON of Texas, Mr. HELLER, Mr. BROUN of Georgia, and Mr. BISHOP of Utah):

H.R. 6023. A bill to amend title 18, United States Code, to prohibit certain forms of interference with military recruiting; to the Committee on the Judiciary.

By Mr. UDALL of New Mexico:

H.R. 6024. A bill to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, and for other purposes; to the Committee on Natural Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2169: Mr. CARNAHAN.

H.R. 2506: Mr. INSLEE.

H.R. 2552: Mr. BISHOP of New York and Mr. GORDON.

H.R. 3397: Mr. JEFFERSON, Mr. DAVIS of Alabama, Ms. KAPTUR, Mr. LYNCH, Mr. LANGEVIN, Mr. PERLMUTTER, Ms. CORRINE BROWN of Florida, Mr. VAN HOLLEN, Mr. HONDA, and Mr. REYES.

H.R. 3480: Mr. HILL, Mr. KLEIN of Florida, and Mr. LOBIONDO.

H.R. 4030: Mr. WU.

H.R. 4897: Mr. ELLSWORTH.

H.R. 5447: Mr. TIERNEY and Mr. GRIJALVA.

H.R. 5534: Mr. CLAY and Mr. CARSON.

H.R. 5595: Mr. EDWARDS and Mr. BLUMENAUER.

H.R. 5626: Ms. HIRONO.

H.R. 5669: Mr. YOUNG of Florida.

H.R. 5734: Mr. BLUMENAUER and Mr. WYNN.

H.R. 5740: Mr. TERRY and Mr. GOODE.

H.R. 5904: Mr. RADANOVICH.

H.R. 5911: Mrs. CUBIN.

H. Con. Res. 321: Ms. CLARKE and Mr. GONZALEZ.

H. Res. 415: Mrs. BOYDA of Kansas and Mr. UDALL of Colorado.

H. Res. 1056: Mr. MORAN of Virginia.

H. Res. 1164: Mrs. EMERSON and Mr. LEWIS of Georgia.

H. Res. 1181: Ms. SCHAKOWSKY and Mr. FRANK of Massachusetts.

SENATE—*Monday, May 12, 2008*

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and Eternal God, help us to find ourselves that we may find You and discover one another. Lord, lead us to become part of Your family, part of one another, bound together by ties of Your love.

Unite our lawmakers. Their tasks require strength beyond their individual abilities. Lord, they need Your wisdom and might for this time of challenge. Show them the road on which they can make bipartisan progress and give them the courage to do Your will. Remind them that those who sow sparingly shall reap sparingly and those who sow bountifully shall reap bountifully. Help them to see the unfinished work that is theirs to complete.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 12, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader time, the Senate will proceed to a period of morning business, with the time until 5:30 this evening equally divided and controlled between the two leaders or their designees. As has been previously announced, there will be no rollcall votes today. There will be votes, though, tomorrow, as early as 11 a.m.—probably about 11:10 a.m.—and we will begin voting in relation to the following items: McConnell amendment on energy, with a 60-vote threshold; the Reid amendment on energy, with a 60-vote threshold—of course, my name is on the amendment because I offered it as part of my leadership responsibilities, but that is an amendment that has been worked on very hard by Senator DORGAN of North Dakota—and passage of the flood insurance legislation. I say, Mr. President, it will be a good day for America when we pass that. That will affect millions of Americans. The Banking Committee did an outstanding job of getting it here ready for passage. Senators DODD and SHELBY did a wonderful job in completing that legislation. And we will also have, tomorrow, a cloture vote on the motion to proceed to H.R. 980, first responders collective bargaining. With that being the case, we will probably complete our last vote—let's see, we have four votes an hour—maybe about 12:15, something like that, we will start the last vote, give or take a few minutes.

So between now and the Memorial Day recess, we have a tremendous amount of work to do. There is so much unfinished business. But let me mention a few of the things we are going to complete or give it our very best.

The first responders collective bargaining bill: We will be on that tomorrow. The farm bill conference report: We expect the House to consider the conference report as early as Wednesday. We need to complete it before we leave this week, which brings me to the point: We are going to do everything we can to see that we can complete our business by noon on Friday. But that is no guarantee. There will have to be some cooperation among Senators; otherwise, we are going to have to work—I know this is difficult because people have responsibilities other places outside Washington, but we very likely could have some work Friday afternoon, hopefully not very late in the day. But I do not know. Everyone should be prepared and arrange their schedules accordingly.

We have this week and next week. One of the things we need to do is appoint conferees to the budget resolution. The House is expected to appoint conferees this week. There is a statutory 10-hour limitation on debate to go to conference. As Senators know, motions to instruct are in order. I will work with the Republican leader on an agreement to move the process forward in an orderly fashion; otherwise, we will do it in a disorderly fashion, and we will have only 10 hours to be disorderly.

We also have a statutory direction to complete a resolution of disapproval, either yes or no, regarding FCC media ownership rulemaking. The reason we are able to do this, Senator Don Nickles of Oklahoma and I worked in the early 1990s to pass—and we did—a piece of legislation that says if the administration or an agency promulgates a regulation, and we do not like it, we can overturn it. We have done that in the past, and that is what this is all about. It is a nondebatable motion to proceed to the resolution, and there are 10 hours of debate with no amendments in order.

We also have—even though we can say it quickly, it is going to take some time—the emergency supplemental, which will be on the floor next Wednesday. We need to complete this before the recess. We are not going to be panicked into completing this. We know there is enough money to fund the troops for a considerable period after the Memorial Day recess. We want to get it done, and we will do our best to get that done, but we are not going to be pushed into doing something we do not think is appropriate.

On judges, I committed to Senator MCCONNELL that I would use my best efforts to have the Senate consider three court of appeals nominees before the Memorial Day recess. I have been working with Senator LEAHY to meet that pledge. The nomination of Steven Agee to be a Fourth Circuit judge should be available for debate late this week or early next week.

We are also trying to move forward on two court of appeals nominees from Michigan. The problem we have had with that is Republicans on the Judiciary Committee complained that Chairman LEAHY is moving these too quickly. So, Mr. President, they cannot have it both ways. If I am going to do what I said I would do, we need some cooperation from the Republicans. I cannot push the committee to take up nominees they do not want. It is my understanding these two appeals court nominees from Michigan have been worked out over a period of 6 years. It has taken a long time to get to where

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

we are now. So I would hope the Republicans would back off their slow-walking this. Otherwise, we are not going to be able to complete these nominations before the Memorial Day recess.

Finally, we are going to do our utmost to get a vote on an energy package before we leave for the Memorial Day recess. I repeat, we will likely have to have votes on this Friday. We will do them as quickly as we can. There will be no votes on Monday. We have had a number of requests over many months for people who have things to do in their home States on that day. There will be no votes on Monday. So that is going to make everything very difficult next week because I have outlined the many different things we have to do.

TRAGEDY IN BURMA

Mr. REID. Mr. President, over the past several days, we have seen a terrible tragedy unfold in Burma. The official death toll from that cyclone is unknown. But we know the number is in the tens of thousands. We have tens of thousands missing.

International aid organizations fear we are still in the beginning stages of this catastrophe. It is estimated that more than a million and a half people remain in desperate need of help. They are becoming more desperate every day.

Without international aid and expertise, many of these men, women, and children will likely lose their lives to starvation, dehydration, and disease—cholera, typhoid are two among them.

The relationship between the Burmese regime and the global community is complicated, and that is an understatement. In this hour of staggering desperation, the junta must put politics aside and accept the outstretched hand the world is extending to them.

Burma is a government run by dictators. They are nondemocratic. We have had problems with them for years. Senator MCCONNELL has spoken on this floor over the years focusing attention on the nondemocratic process in Burma and how the international community should join the United States in doing something about this.

Today, finally, one American plane was allowed to land in the country—one. This is a start, but it is far few too many loads of supplies. Not only are the supplies having difficulty getting in, but the military folks in Burma are not allowing the international community to help, and they are the ones who have the expertise.

Each day that goes by is a sad day in that country. We have seen the pictures over the weekend of the children lying dead, having died from typhoid.

The junta must allow more supplies, provide visas to aid workers from around the world, and allow those workers access to regions and communities that are suffering very much.

Senator MCCONNELL and I join together to say to the junta: Let the world in. Let us help.

CONSUMER FIRST ENERGY ACT

Mr. REID. Mr. President, on Friday, oil hit yet another record high. I do not know what it is today. It dropped 50 cents last night to more than $125 a barrel. But on Friday it was above $126 a barrel. If it drops—which we hope it does—to $110, $105, $100, $90, $95, it should not be a day of celebration. Oil is a difficult problem for our country.

The average price of a gallon of gasoline in America today is now above $3.60 a gallon. That is the average. In Nevada, it is more than $3.80 a gallon. Diesel—the fuel that moves the goods we buy—has hit $4.15, on an average, around the country.

Seven years ago, when President Bush took office, the average price for a gallon of gasoline was about $1.50. Now it is 2½ times more than that.

At first, the steady rise of gas prices was a nuisance. Then it became a burden. Now it is a full-blown crisis. More than 7 in 10 Americans now say gas prices have created financial hardships in their lives. Nevadans are paying, on average, $3,000 more per year for gasoline than they did 7 years ago.

Millions of working people all across America are now spending the first few hours of their workday earning back what they paid for their commute. It costs more than ever to heat and cool our homes. Everything costs more. We have a problem with these people who are paying—in Nevada, $3,000—more than they did 7 years ago for gasoline. It affects their house payments, car payments, their medicine, whether they can send their kids to college. It is very difficult—what kind of groceries they buy. It wipes out most vacations.

School districts in Nevada and around the country are forced to make cutbacks in the classroom because the cost of school buses has never been higher. I met with the officials of commercial airlines in the United States a short time ago in my office across the hall. They said almost 50 percent of the cost of flying an airplane in America today is fuel. It is not that way in Europe because the dollar is so weak they get it much cheaper than we do.

Small businesses are struggling under the burden of record-high shipping costs. The $60, $80 or more Americans are paying at the pump means less money for other necessities—I have mentioned some of them—but the gas pump is just the tip of the iceberg. Almost every part of the economy is weighed down by the price of oil and gas.

The American people deserve both short-term and long-term ends to this crisis. Last year, Congress took the first step by passing new energy legislation that raised fuel economy standards for the first time in almost 30 years and required the Bush administration to investigate market price manipulation. But Republicans blocked our efforts to include a mandate for clean, renewable electricity, and we have seen very little action from the White House on market manipulation.

It is clearly time to take the next step by passing the Consumer First Energy Act, which will help lower prices in the short term and continues to curb our addiction and invest in renewable energy to avoid an even greater crisis in the long term.

First, this legislation includes a provision that ends the billions of dollars in tax breaks for oil companies whose executives have been hauling record profits while we pay record prices. Oil executives are making fortunes. The oil companies—these international cartels is what I call them—are making more money than any companies in the history of the world. Seven years ago, Vice President CHENEY invited oil executives to the White House to write our national energy policy. Is it any surprise that 7 years later the only ones who have benefited from that policy are the oil companies?

The second piece of our legislation forces the oil companies to do their part by investing some of their profits in clean and affordable alternative energy. If we aggressively promote innovation in solar, wind, biofuels, and geothermal energies, we can help lower energy costs, create hundreds of thousands of new jobs right here in America, and strengthen our national security by reducing our dependence on oil-producing nations.

The third provision: We protect the American people from price gougers and greedy oil traders who manipulate the market. Part of the reason for the record-high prices of oil is that market traders are bidding prices up for their own amusement and profit. If you go buy a share of General Motors stock, you pay a margin of 50 percent. If you buy 100,000 gallons of fuel or barrels of oil, you pay a 3- to 5-percent margin. They have pushed these prices up remarkably with their speculation. They make out like bandits, but the rest of us have to face the real-life consequences of their recklessness.

Now, we also have a provision to temporarily stop filling the national Strategic Petroleum Reserve, which is already 97 percent full, to increase supply and lower prices. We are told it increases prices by as much as 5 cents a gallon. When oil prices come down significantly from their current levels, we can continue filling the Reserve. For now, 97 percent capacity is sufficient.

Tomorrow for our vote, we are going to take this fourth provision out of our energy package and we are going to vote on that. That will be our second vote. It is important that everyone vote for this. This should be bipartisan. The Republicans wrote a letter to the President—some Republican Senators—saying: Mr. President, stop pumping that oil into the Reserve. I hope they will join with us tomorrow so we can get past the 60-vote margin that is required here to pass legislation.

Finally, our plan stands up to OPEC and countries that are colluding together to keep oil prices sky high. This is a provision that has been pushed by Senator HERB KOHL of Wisconsin for a long time, and that is in our legislation. Global commerce requires global leadership. Oil-producing nations are earning billions of dollars from American consumers. For most of these countries, the oil trade is their overwhelming source of income. It is time to use some diplomatic pressure to increase production and lower prices.

Our legislation does exactly what it promises: It ends more than 7 years of Bush-Cheney energy policy that has lined the pockets of modern-day oil barons and left the American people to pay the bill. Is it a silver bullet? Of course not. Is it a bill that will solve all of our energy problems? Of course not. But it is a good piece of legislation.

The United States has less than 3 percent of the oil reserves in the world. That counts ANWR and offshore. So we can't produce our way out of it. Should we produce more out of the 3 percent we have? Of course. We are going to continue to work on that. But we consume 25 to 30 percent of all of the oil in the world, even though our population probably doesn't justify that.

This legislation is an important step, one that will make a difference in the short term and in the long term. It offers new thinking, new investment, and a new direction, not more of the same. So I urge my Republican colleagues to join us in passing this important piece of legislation starting tomorrow by passing a law that will tell the President: No, you can no longer pay $125 a barrel to put oil into the Strategic Petroleum Reserve. Save that for later.

Finally, Mr. President, we are going to vote tomorrow on an important piece of legislation. Woven deep within our collective memory of every major American disaster is the image of first responders who risk their lives to save others. September 11 is graphically illustrative of that fact. The firefighter who goes back into a burning building saving an elderly man or woman, the medic who tends to victims as ambulances race to the scene, the police officer who cordons off an area and redirects those in danger to safety—every one of those first responders is a hero. Yet far too often their heroism is overlooked. This week, we are going to have an opportunity to honor their service with legislation that will keep them safe and will save lives and will also allow them to receive the fair pay and benefits they deserve.

Senator KENNEDY and Senator GREGG have done an outstanding job writing this bipartisan bill. Their work is a model for what we can accomplish when we abandon partisanship and embrace the common good.

This legislation is a bill all Senators can and should support. This legislation provides first responders the dignity and respect they have greatly earned by guaranteeing them the right to collectively bargain. That is a right most private sector employees and public sector employees in 29 States plus the District of Columbia already have. It will mean better wages, hours, working conditions, and benefits for those we count on in a time of crisis. We may never be able to put a fair price on heroism, but this legislation is certainly a start.

Firefighters—not just those from New York but from surrounding areas—suffered the greatest losses on September 11. The recent tragedies such as the fire last summer in Charleston, SC, that took the lives of nine firefighters or the senseless loss of two firefighters in Roxbury, MA, last September serve as a reminder of the dangers these men and women face every time they go to work.

Last Friday, I was in Philadelphia, and I was going to a place called the Free Library. It was a rainy day. Of course, that cut the crowd down a little bit. But the thing that cut the crowd down more than anything else, that brought traffic to a standstill was the funeral of a police officer. He stopped some people who had robbed a bank, and one of them stepped out of the car with an assault rifle, an automatic weapon—not a semiautomatic weapon but an automatic weapon—and he was shot many times and killed.

Police officers put their lives on the line all the time. They do it for us. There is not much we can do usually to put a fair price on that heroism, but tomorrow we can do that. This legislation is the start of that.

This right to collectively bargain respects States rights. The 29 States already providing the right to collective bargaining for public safety officers would not be affected. The 21 States that don't provide for collective bargaining would have the opportunity to establish their own systems or they may ask the Federal Labor Relations Authority to assist in the process.

This legislation guarantees fairness in public safety by expressly outlawing strikes, lockouts, and all forms of work stoppage. That is why this is a good bipartisan bill. By guaranteeing collective bargaining and providing better wages and working conditions, this will improve public safety.

It is without any question that first responders who are paid fairly and treated with respect will keep their jobs longer and perform more efficiently and save the taxpayers money. Communities across America can rest more easily knowing their local police, firefighters, paramedics, and other first responders have long and sustained ties to the neighborhoods in which they work.

I met with police and firefighters from Nevada and around the country to discuss this legislation. They, along with their brothers and sisters across all of America, are just the same as those in Nevada to whom I have spoken. They want us to do everything we can to urge all Senators to take action. They welcome this opportunity to receive support to do their jobs more effectively and to help them provide for their families and protect our families. I urge my colleagues to stand with America's brave first responders by supporting the Public Safety Employer-Employee Cooperation Act.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business until 5:30 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Iowa is recognized.

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that the order of speakers be the following: Senator HARKIN, myself, for 20 minutes; Senator SESSIONS for 15 minutes; Senator BINGAMAN, 30 minutes; Senator ALLARD, 10 minutes; Senator LEVIN, 20 minutes; Senator MURKOWSKI, 30 minutes; Senators BURR and DOLE, 15 minutes together; Senator DORGAN, 25 minutes; Senator KYL, 10 minutes; Senator CARDIN, 10 minutes; Senator CORNYN, 15 minutes; Senator MENENDEZ, 10 minutes; Senator BOND, 10 minutes; Senator KENNEDY, 10 minutes; Senator ALEXANDER, 20 minutes; Senator CANTWELL, 20 minutes; and Senator COLLINS, 7 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

FARM BILL CONFERENCE

Mr. HARKIN. Mr. President, I understand I have 20 minutes, and I wish to cover two topics during that period of time.

First of all, the topic of this week and the topic for me for the last year and a half has been the molding, shaping, putting together, and finally passing, going to conference, and having in conference for about 3 months the farm bill, or what is presently called the farm bill. Later this week, hopefully on Wednesday, the Senate will take up and hopefully pass by a wide margin the final farm bill conference report, which we have called the Food, Conservation, and Energy Act of 2008. I wish to briefly go over why this bill is so critically important to farming families, to rural communities, and to the Nation as a whole.

This is a strong, bipartisan farm bill. It benefits every American from my hometown of Cumming, IA, population 162, to New York City, population 8 million. This bill provides a strong farm income safety net, so it is good for our farmers, ranchers, and producers. Consumers will like it because it will increase the number of farmers' markets and ensure a safe, dependable supply of high-quality, affordable food. It expands the initiative providing fresh fruits and vegetables to America's schoolchildren, while reforming and expanding other Federal nutrition programs. As production increases, the farm bill will ensure that our precious land and water resources are protected.

The final farm bill conference report significantly reforms traditional farm income support programs.

First, it eliminates the direct payments to producers with high adjusted gross farm incomes and it eliminates all payments to those with high nonfarming incomes.

On Wednesday, when we get to debating this bill, we will probably get into more, but I wish to point out that we have come a long way on this farm bill, although maybe not as far as some people want. In fact, I initially voted for the Grassley-Dorgan and Klobuchar amendments on the Senate floor, but they didn't win. These amendments would have cut the level of support to high-income farmers even more. So we had to work in a spirit of compromise with the House, and I believe we have come up with a good compromise.

Think of it this way: Prior to this farm bill, if you had $2.5 million in income, but 75 percent of that income was from farming, you would still qualify for farm programs. It was only after you had over $2.5 million that you wouldn't qualify. This bill reduces that to $500,000 of nonfarm income. That is a substantial cut, I would submit to anyone. In previous years, if you had farm income, there was no limit. You could have $5 million, $10 million, $20 million in farm income or whatever, and you would still get payments. This bill reduces that to $750,000. So if you get over $750,000 of farm income, you don't get any more direct payments. I submit that is significant, significant reform.

It also improves transparency and accountability. We directly attribute each farm program payment to an individual—direct attribution. That means no more hiding behind shields or any kind of partnerships, multiple entity rules, that type of thing. We have done away with the three-entity rule. No more three-entity rule, which has been in existence for 20 or 25 years. So again, direct attribution, plus we put some pretty tight payment caps in there.

The conference report also includes a new option for farmers, beginning with the 2009 crop year, to choose to participate in a State-level revenue protection system. This is a new option for farmers. If you want to get in it, participants will take a 20-percent cut in direct payments and a 30-percent cut in loan rates. In return, they will be eligible for a State-based revenue guarantee equal to 90 percent of the State average yield times the national average price. Now, this was an ingenious proposal that was first brought to us by the National Corn Growers Association. We worked it over in our committee in the Senate. We took it to conference. I believe we have a good option here for farmers. I also add that Senator BROWN from Ohio, a valuable member of our Agriculture Committee, proposed this in our committee. It was at his urging—and I know also Senator DURBIN's. Although not a member of the Committee, he was also instrumental in proposing and pushing for this option.

The farm bill also strengthens the Milk Income Loss Contract Program and continues it for the duration of the farm bill. Again, here I have to thank the former chairman of our committee, Senator LEAHY, who has been on this Agriculture Committee since before I came to the Senate—now over 25 years ago. Senator LEAHY has been the point person in making sure our family dairy farmers are protected and to make sure they have a seat at this table. In the previous farm bill, in 2002, we had set the percentage of support under the Milk Income Loss Contract Program at 45 percent—45 percent of what, I can tell you later. That was knocked down to 34 percent. We have brought it back up to the 45-percent level in this bill, where it was, by the way, 6 years ago. We didn't increase it; we just brought it back up to that level it had been. We also used an existing formulation the Department of Agriculture uses for the average monthly cost of dairy rations, to adjust this in the future, so we won't have to have these erosions in the future, so if the price of feed goes up, that support for dairy producers will go up. It makes eminently good sense. I think it is reasonable in terms of economics, and also I think it is supportable in terms of having a reasonable price when the feed prices are low. So it is, in a way, kind of a counter-cyclical program for dairy farmers. I thank Senator LEAHY for making sure we included that.

The new farm bill includes two new titles focusing on livestock and specialty crops. In the last farm bill—which I was privileged to chair in 2002—we added a new title on energy. We added two new titles this time, livestock and specialty crops. This bill provides $1 billion for specialty crops in this title, and much more for specialty crops throughout the rest of the bill, investing more in the promotion of specialty crops than any previous farm bills, including funding for market research as well as supports for producers who transition from conventional production into organics. Organic agriculture is one of the fastest growing sectors of American agriculture. We have recognized that by putting more funds in there for transition support for farmers' markets, and for aggregation of commodities from small farmers. The new livestock title promotes animal health, market opportunities, contracting fairness, and stepped-up enforcement and oversight under the Packers and Stockyards Act. So it is good for our livestock producers.

In a time of economic downturn and rapidly rising prices for food staples, millions of low-income Americans have joined the ranks of the hungry and "food insecure." For that reason, basically, all of the money we added on this goes to the nutrition title, bringing the new money into nutrition, which is nearly $10.4 billion in this bill. We are $10 billion over baseline.

The new money we basically got through the Finance Committee—$10 billion—basically was all put into the nutrition program. We took another $400 million from inside the farm bill and added to it. I can honestly say all the new money we put in the bill went into nutrition.

This new funding will reform and strengthen nutrition assistance. We raised the standard deduction. Keep in mind the standard deduction was frozen in 1996, and has wreaked havoc on our low-income people since then. So the standard deduction in 1996 was $134 a month. If it had not been frozen in 1996, the standard deduction today would be $188 a month, not $134 a month. We could not go to $188. We didn't have enough money. So we raised it to $144 a month, but we indexed it for the future so we won't have this benefit erosion in the future. It gives you some idea of what is happening to low-income families.

Think about this. If we had not frozen that benefit level in 1996 at $134, it would be $188 a month right now. Yet, we could only raise it to $144. We did our job with the money we had. We also provide more money to families with childcare expenses by removing entirely the cap on childcare deductions. We also raised the minimum benefit by almost 50 percent and indexed that also to future inflation, and the asset level is indexed forward. We were unable to raise it because of money concerns, but we did index it for the future. No longer will erosion take place because of inflation.

We increased the food bank supplies by adding some $1.2 billion to the Emergency Food Assistance Program. We provide $1 billion in new funding over the next 10 years for the Fresh Fruit and Vegetable Program for kids in schools. This program, which I started in the 2002 farm bill, when fully implemented, will serve nearly all children in our poorest elementary schools—that is, the schools that have at least 90 percent of their kids eligible for free and reduced-price meals. In those schools that would fully implement this, almost every poor kid will get free fresh fruits and vegetables during the day.

To meet the soaring worldwide demand for food and energy crops, millions of acres of land are being brought into production. A lot of this land is environmentally fragile. To address that challenge, we authorize nearly $4.5 billion in additional funds for the Environmental Quality Incentives Program and the Conservation Stewardship Program over the next 10 years. Again, these are payments to farmers, to incentivize and encourage them to be even better stewards of our soil, water, air, and wildlife habitats on working lands—rather than taking land out of production. Combined spending for these two programs, the EQIP program and the CSP program, will total more than $27.7 billion in the next 10 years.

With this support, the Conservation Stewardship Program will enroll nearly 13 million acres each year. To participate, producers will have to maintain and expand environmental benefits by adopting rigorous conservation and management practices.

The Wetlands Reserve Program also gets a number of improvements, with an additional $1.3 billion to implement those improvements. We have simplified and streamlined the process of valuing property and getting into the Wetlands Reserve Program. Over the next 5 years, this money will provide for a total enrollment in the Wetlands Reserve Program of over 3 million acres.

This bill also creates a new and interesting focus on restoring the Chesapeake Bay. This money covers the Chesapeake Bay watershed. This is very important to Members of Congress and the Senators from Virginia, Delaware, Maryland, and Pennsylvania. We put $438 million of new money into the environmental and conservation needs of the Chesapeake Bay Initiative.

On the energy side, all-time gasoline prices, as we know, are wreaking havoc with family budgets. But as studies have shown, without the inputs of ethanol, prices at the pump would be as much as 40 cents a gallon higher. Well, this new farm bill will dramatically ramp up the agricultural sector's capacity to produce clean, renewable energy. We provide more than $1 billion to expand the supply of biofuels made from biomass and crop byproducts other than grain. We also provide new assistance to farmers who would grow energy crops, and to entrepreneurs who will build biorefineries to convert the biomass into biofuel.

Like any compromise bill resulting from hard bargaining among regional and other interests, this farm bill, I suppose, is far from perfect—perfection being in the eye of the beholder, of course. I don't think anyone, on either the Democratic or Republican sides, would say they love every little thing in this bill. As the chair of this conference committee, I can tell you it has been a long and difficult road, but the end product is a bill with significant reforms, urgent new investments in nutrition, conservation, energy, and the health of our school kids.

That is why I was disappointed last week when Agriculture Secretary Ed Schafer held a news conference to say the President would veto the bill. The administration said we didn't cut payments to farmers in times of high farm income. But this administration itself actually proposed increasing direct payments, which are least responsive to high prices in income.

By contrast, Congress determined that it makes more sense to ensure the programs that help producers manage risk are as effective as possible if farm revenue is disrupted because of price or production shortfalls. We have only added to the income support if prices or revenue declines. That is the right approach. The administration said, no, we will put more money in there even if you have high prices. We said that is the wrong approach. The right approach is counter-cyclical. That is what we do. We have the support in place so it is available if needed.

What the administration and USDA proposed would have increased payments regardless of the prices. Congress correctly rejected the administration's proposal.

Finally, when the Senate passed the farm bill in December on the Senate floor, the bill was approved with 79 votes—the largest majority vote any farm bill has received since 1949. I was proud of that vote, being chairman of the committee. The bill was further strengthened in the conference process. And we went, I believe, over halfway to accommodate the President's wishes and concerns. He said the income limits weren't low enough. The administration proposed $200,000. As I said earlier, for nonfarm income it used to be $2.5 million. We brought it to $500,000. That is way over halfway in meeting what the President had proposed. So, again, like any compromise bill, this bill has things in it that I suppose any one of us could say is not quite right. But as a compromise bill, it includes real reforms, major advances in conservation, renewable energy, rural economic development, nutrition, and help for our kids in schools.

I am proud of this bill. I hope we have a strong vote in the Senate. I still hope the President will sign it. If he doesn't, I am hopeful we will have the votes to override the veto and put the bill in place for the future of our country.

How much time do I have remaining?

The ACTING PRESIDENT pro tempore. Two minutes.

COLLECTIVE BARGAINING

Mr. HARKIN. Mr. President, I wish to discuss briefly the matter of the collective bargaining for our firefighters and public safety employees. I am an original cosponsor of S. 2123. Decker Ploehn, the city administrator in Bettendorf, Iowa, wrote me:

> I have represented both sides of the table [he was police chief at one time] and for the last 18 years have successfully negotiated 5 contracts with our police union because of strong good collective bargaining laws in Iowa. This system has great checks and balances with binding arbitration and a "no strike" clause. It causes both sides to come to the table and to make meaningful concessions. We have done so in Bettendorf quite successfully. That is all we're asking for with this legislation—to give public safety officers elsewhere this kind of opportunity.

Many of our Federal workers, such as Capitol Police, Border Patrol agents, Customs agents, immigration enforcement officers, have the right of collective bargaining. It helps them to serve our Nation's security interests.

Again, it is time that we provide this now to the 21 States where our public safety people are not allowed to bargain collectively. This bill passed the House by 314 to 97. Hopefully, it will pass the Senate with an equally large vote.

If you ask any safety officer, they will tell you that they want the tools to do the best job that they can do. These are not the kinds of jobs that people take to get rich. Public safety workers have a different calling—they want to serve their communities. These are the kind of people who showed up from all over the country to help the victims of the attacks on September 11, 2001. Without concern for their personal safety or compensation, our Nation's first responders are always there for us. That is why they need a seat at the table to discuss their equipment, training, and staffing needs in order to do the best possible job.

That is why I am an original cosponsor of S. 2123, Public Safety Employer-Employee Cooperation Act. Not only will this legislation allow police officers and firefighters to band together and share their ideas about how to improve their workplace and therefore our safety, but when they can negotiate for good pay and benefits, we are able to attract the best possible workforce to most ably serve its citizens. This bill would only affect the 21 states that don't already provide their public safety officers with the right to bargain collectively. States that do not currently provide these protections can choose to establish their own collective bargaining systems, or may ask the assistance of the Federal Labor Relations Authority in doing so.

As I mentioned, Decker Ploehn is the city administrator in Bettendorf, IA. I followed him around on a work day back when he was the chief of police there. He contacted my office last week to talk about this bill. He said:

> I have represented both sides of the table and for the last 18 years have successfully negotiated 5 contracts with our police union because of strong good collective bargaining laws in Iowa. This system has great checks and balances with binding arbitration and a "no strike" clause. It causes both sides to come to the table and to make meaningful concessions. We have done so in Bettendorf quite successfully.

That's all we are asking for with this legislation—to give public safety officers elsewhere this kind of opportunity.

I would also like to point out that this bill doesn't create a new right to strike. I know there will be some vehement antiunion forces out there scaring people into thinking that somehow this legislation will reduce public safety by creating a situation where police and firefighters will be leaving their posts in labor disputes. It is simply not true.

We must ensure that we have seasoned, dedicated officers by giving them a voice in the workplace. The best way to do that is to uphold their freedom of association, which will enhance the safety of millions of Americans who rely on their services every day. As I said, similar legislation has passed the House by a vote of 314 to 97, and I am hopeful that Congress will soon approve this issue of basic fairness and freedom.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

AGRICULTURE

Mr. SESSIONS. Mr. President, I thank the Senator from Iowa for his work on the Agriculture bill. It is time we get this bill done. I hope we can do so. I am sure he would agree with some of the statements the Bush administration has made with regard to the question of ethanol that it is not the driving force behind the increase in food prices. This administration has never been overwhelmingly in favor of ethanol, but they have concluded that 2 percent to 3 percent of the increase in food prices deals with ethanol.

We certainly made some progress in reducing the number of gallons we import around the world, sending wealth around the world because we have farmers and American workers who are producing this ethanol. Iowa is in the center of that, and I congratulate the leadership of the Senator from Iowa over the years. It is a net positive for the country.

ENERGY PRICES

Mr. SESSIONS. Mr. President, I wish to speak about energy prices because this is a national crisis; it is a matter this Congress needs to deal with.

Prices are at record highs. According to AAA, the average price of regular unleaded gasoline this morning was $3.71 a gallon. For an average family with two cars, that could well mean $70 to $100 a month extra money out of their budget to get the same number of gallons they bought 2 or 3 years ago. This is particularly troubling since 60 percent of the oil we import comes from abroad, and a big portion of that money the American family pays is going to foreign governments hostile to the United States, in some instances. And, it is just not healthy. In my view, it also cannot be disputed that this wealth transfer is a major factor in the economic slowdown we are experiencing today.

The question we in Congress have to ask is, What are we going to do about it? I believe there is a simple answer with many complex parts. The simple answer is, let's get busy doing what works, what we know will work. Certainly, let's not do things that make the situation worse, that is going to drive up the price of energy even more, and that is being proposed in this Senate. It is time to take a long road back to a sound energy policy that can and will bring down the price of gasoline. Permanently? I don't know. We see economies around the world growing, nations such as China that have about one automobile for every 20 people, and we average two automobiles per family in the United States. They are coming into that. They are going to continue to grow, have more cars. South America is growing. Other areas of the world are growing. They are utilizing more energy. They have bigger houses and they have more automobiles and the supply is not going to be able to continue to increase.

I want to talk about the reality today and the fact that I believe energy prices are higher than they need to be, and there are some things we can do to improve them.

Congress has done some things. We increased fuel efficiency. Last year we passed, and the President signed into law, the Energy Independence and Security Act. Among its provisions, this measure raises the CAFÉ standards, the automobile mileage standards, to 35 miles per gallon for an automobile manufacturer's entire fleet by 2020. That is moving. We think we can do that. I supported it. I believe we can get to that goal. I am confident we can.

Prior to this step of going to 35 miles per gallon, CAFÉ standards were just 27.5 miles per gallon for automobiles and 22 miles for light trucks and SUVs. So raising the standard to 35 miles overall will certainly reduce oil demand by ensuring that we travel further per gallon of gas, we get more benefit from each gallon of gas.

I hope Americans, looking at the prices and looking at our national interest and not being so dependent on foreign oil, will seek ways in their own families to save money for themselves and help America by reducing unnecessary utilization of energy. Yet reducing demand through increased efficiency is not the only solution. Our population is growing, and other factors are at work. We are not going to be able to conserve our way out of this problem. We use more energy as the population grows and as people make more money. In order to produce this additional energy, more must be done to increase clean American production of energy. We can do that. The United States has significant reserves of oil at home, and this Congress has the ability to allow these reserves to be produced.,

According to the Department of Interior and the U.S. Geological Survey, approximately 119 billion barrels of oil exist on and offshore in the United States. Remember, we produce 40 percent of the energy we utilize today for automobiles. That is liquid energy, and we can produce more of it. It will have an impact on the global price if we increase in the months to come the amount of oil we produce at home.

Developing traditional energy sources of oil is not the only way to increase the supply and reduce the cost of gasoline. The United States has an immense supply of unconventional oil called oil shale. The Congressional Research Service—that is our independent research service in Congress—estimates this country's oil shale reserves to be the equivalent—hold your hat—the equivalent of approximately 2 trillion barrels of oil—trillion barrels. We utilize about 5 billion a year. That is eight times the amount of Saudi Arabia's oil reserves. And we also have an abundant supply of coal which can be converted into gasoline using technology currently proven in South Africa.

This is a step we need to work on and to take. We realize we have to do clean coal, we have to do clean technology in the oil shale area, and we have to understand that it will probably create more CO_2 than just producing a barrel of oil from Saudi Arabia and burning it in our automobiles because it has to be heated. But in the short term, we are very unwise, as we transition away from oil, if we do not consider coal to oil and shale to oil, both of which, I am told, can be brought in for around $50 a barrel, less than half the world price. We simply have to consider that as we go forward.

According to the Congressional Research Service, the U.S. Government, the people of the United States, spent $237 billion on imported oil in 2007. It is estimated this year, 2008, we will spend $412 billion on imported oil, and the price seems to continue to go up. Indeed, 12 months from today, it may well be over $500 billion for imported oil. This is money that could be churned in our economy paying American workers good wages.

Yet Congress has consistently blocked the development of this Nation's oil resources. I have been here for 12 years. I know how it went down. I have been part of the debate over ANWR and gulf offshore drilling. We finally, 2 years ago, were able to open some areas in the Gulf of Mexico. But we have huge reserves of oil and gas off our coasts throughout America, and we need to do a better job of allowing that to be available so we don't have to buy so much from abroad.

Biofuels can play an important role in keeping the cost of energy down. Despite the claims of detractors, ethanol and biodiesel do reduce our dependence on foreign oil to a significant degree. They keep money at home because this energy is generated here and, as I indicated with Senator HARKIN, it creates jobs in Iowa, in Alabama, and keeps that wealth at home.

The American people may ask: Why aren't we producing American energy if it can reduce the price of gas? And I think improved efficiency and conservation, combined with an increase of supply, can have more of an impact in breaking this boom of oil prices than a lot of people think. It does not have to be unprecedented reserves of oil coming on the market in a short period of time, but a lot of this is speculation, a lot of this is a shortage of supply, and if the demand drops down because people conserve and we can get the supply up a measurable degree and get above that demand with our supply, the ability of these foreign nations and oil companies and speculators to manipulate the price falls completely. The reason they are successful in seeing prices surge is because we have too tight a margin between demand and supply.

The opposition to producing more oil and gas at home has been hypocritical, frankly. While opponents of American energy—the same ones who complain the loudest about high energy costs—they also object to producing more gas and oil in the United States, but they do not object to producing it, apparently, in places such as Saudi Arabia or Venezuela. It is all right to import it and buy it from them. And while they object to production—and by a narrow margin we were able to open the gulf this summer, finally, some—but while they object to production offshore in so many areas of our country and in Alaska, citing environmental concerns that I don't think are realistic and I think are exaggerated, they show no regard, I suggest, for the production of oil offshore in places such as Nigeria or Indonesia or production in the Caspian Sea or the Persian Gulf or the North Sea or off Venezuela and in a lake in Venezuela.

Indeed, we have a great record of environmental stewardship, far superior than most of these countries. Our oil companies would operate their production under the strictest environmental rules in the world.

Even during Hurricane Katrina, not too far from my hometown of Mobile, AL, out in the gulf, not one of the oil platforms leaked. Their safety systems worked as they were designed to, safely shutting off the wells below the surface. Most of them are back up and running today. Producing American energy creates funding for environmental projects throughout America, throughout Alabama, Louisiana, Mississippi, and Texas. These are the four States that have agreed to offshore production. Our States are able to obtain environmental moneys as a part of that agreement we approved 2 years ago. In Alabama, this funding has been used for wetlands preservation, restoration, and educational purposes. Instead of sending our wealth to foreign countries to build palaces for rich sheiks, and hotels that have few occupants that are some of the finest in the world, and skyscrapers, we are using funds from American offshore production to fully fund the Land and Water Conservation Fund and to complete other much needed environmental projects.

Tomorrow, this Senate will vote on the American Energy Production Act of Senator PETE DOMENICI. This measure—and I cosponsored it, and others have—is a step in the right direction. It is not the complete solution, but it is something we can do now.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent to have 1 additional minute to wrap up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. This is a step in the right direction. It would suspend filling the Strategic Petroleum Reserve, invest money in establishing new batteries that will allow us to move to more fuel-efficient electric automobiles—plug-ins, hybrids—utilizing nuclear power. It will produce more offshore and in Alaska and help reduce that $400 to $500 billion wealth transfer that is occurring in our country today and that is impacting adversely our national economy and impacting adversely the family budget.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I believe there is 30 minutes reserved for me to speak. I ask that when I have 2 minutes remaining, the Chair advise me of that, please.

The ACTING PRESIDENT pro tempore. The Chair will do so.

FUEL PRICES

Mr. BINGAMAN. Mr. President, the pending business that will be before the Senate is S. 2284. That is a bill to reauthorize the Federal law governing flood insurance. Our next scheduled vote, as my colleague from Alabama just pointed out, does not relate to that bill. Our next scheduled vote does, in fact, not relate to the subject of flood insurance at all. The next vote will be on an amendment which the Republican leader has filed, allegedly to deal with the high price of oil and the high price of gasoline at the pump. I will oppose that amendment tomorrow when the vote is cast, and I urge my colleagues to do the same.

The high price of oil and gasoline and diesel that are refined from that oil is creating a very substantial economic burden on the American consumer and on the U.S. economy. At the close of business Friday, the price of oil stood at about $126 per barrel on world markets. The average price of gasoline in this country was around $4 per gallon. This reflects a dramatic increase over prices a year ago. The increased cost is difficult for many Americans to avoid because many Americans commute to work or they otherwise need to travel substantial distances where there is no ready alternative to the use of their private vehicles. To the extent Congress and the administration can take action to reduce the burden of this increased cost, we should do so.

Unfortunately, the amendment of the Republican leader is not a credible proposal for reducing that burden. We should be honest with the American people about this so-called debate on high gas prices. This is an election-year effort. This is election-year politics in its classic form. It is Washington finger-pointing. Unfortunately, it is very little else.

Let's be clear. The President set the tone for the debate. On April 29, 2 weeks ago, the President went to the Rose Garden to express his concern about the price of gas and to blame the Congress for it. While he was there in the Rose Garden, he also took the occasion to blame the Congress for the rise in food prices. Unfortunately, as far as I know, there has been no effort by the President to sit down with the leaders of Congress and to work out a consensus on constructive actions that might actually help, either with the high price of gas or with the high price of food. The amendment of the Republican leader, which will come up for a vote tomorrow, continues with this same old "blame the other guy" approach.

Let's talk about the facts of why oil and gas prices are so high. In my view, there are supply and demand factors in world oil markets that explain some of what we have seen, and some of those factors are outside our control—at least in the short term. The simple fact is that the market for oil is a global market. The price of oil is reflected on that market.

The United States is the largest purchaser of oil in that market. China is rapidly gaining on us in that regard. We are not even close to being the largest producer of oil for that market. In fact, we import about 60 percent of the oil we consume. If we want to affect the price of oil either by reducing world demand or increasing our supply, our ability to do so is limited.

By far the most significant step we can take to reduce demand in the short and medium term is to improve vehicle fuel efficiency in our cars and our trucks. Last fall, we did just that. Many of us believed the increase in required miles per gallon was too modest, but it was a substantial improvement over what had prevailed for the three previous decades. We need to look at other ways to reduce demand for oil in the short and the medium and the long term.

On the supply side, our ability to affect world prices is even more limited. That is simply because of our limited reserves. We have about 3 percent of the world's oil reserves. Also because most experts believe that U.S. production in the coming years will do well to maintain its current level. We can affect that production somewhat by adopting enlightened policies, but its impact on world markets and consequently on the world price of oil will be limited.

When we look at issues that we in the U.S. Government can most directly and immediately affect, I would cite two. We can reduce the incentives for speculation in the oil market—that is No. 1—and second, we can strengthen the dollar by showing some commitment to getting our own fiscal house in order. Let me comment briefly on each of these issues.

The Committee on Energy and Natural Resources, which I am privileged to chair, has held several hearings on oil and gasoline prices and markets this year. Other committees in the House of Representatives had similar hearings. Current high prices are a result of several factors. One of them is certainly the tight global supply-demand balance. One thing stands out from all the testimony both the Senate and House has heard: A key factor pushing oil prices into the triple digits in recent months is a dysfunctional energy market.

Here is what a senior vice president of a major oil company said at one of these hearings on the House side:

> When you look at the fundamentals of our business, Congressman, the supply/demand fundamentals, our assessment would be the price should be somewhere around [$]50 [or $]55 a barrel. There is a disconnect. To me, there are three factors that contribute to that. One is the monetary issue, the weaker dollars we've already talked about. The other is geopolitical political risk. And the third, we believe, is speculation.

Other key analysts in the Government and the private sector have made similar statements, although their assumptions about what exact price level was supported by supply and demand fundamentals have differed. But it would be fair to say that key energy analysts are in general agreement that around $30 of the current price of a barrel of oil is a result of market pressures unrelated to supply and demand for physical barrels of oil.

This general assessment of a significant cause of high oil and gas prices is broadly shared. One noted energy economist put it this way recently in the Wall Street Journal:

> Crude futures prices have decoupled from the forces controlling the underlying physical flows of the commodity.

In plain English, that means crude oil prices are not connected to supplies. If oil prices are not being driven by supply and demand, then by what are they being driven? We heard some strong testimony on this in our committee from Cambridge Energy Research Associates, the firm headed by Daniel Yergin, who is a leading oil expert, well known to all in this field. Here is what their analyst had to say in early April:

> Crude oil futures trading activity on the New York Mercantile Exchange—the largest in the world—is currently about 350 percent higher than in 2002. Noncommercial investors have contributed to this increase. . . .
>
> New fundamentals—new cost structures and global financial dynamics—are behind the momentum that pushed oil prices to record highs, around $110 a barrel.

That was $110 a barrel in early April.

If we want to get at the real question why oil today is around $125 a barrel and why gasoline is closing in on $4 a gallon across the country, we will not find the answer in the Republican leader's amendment. We are witnessing a substantial influx in speculative money into energy markets. It is bidding up the price of oil beyond any reasonable level that could be explained by supply and demand. Every consumer can see it at the pump. But do we have any serious effort to regulate that speculation or even to notice it?

A Commodity Futures Trading Commission witness told our committee they did not see any evidence that speculation was a factor in oil prices. I thought they were alone in that view because the amendment of the Republican leader seems to agree in that it fails to acknowledge or deal with this significant part of the problem.

If we are going to protect consumers, we need to have a Federal Government as an effective overseer to start policing these markets. There is a proposal Senator REID has introduced that will begin to address the issue. That bill requires the Commodity Futures Trading Commission to start doing the job Congress intends for it to do; that is, to make sure oil trading is done with adequate transparency and to make sure limits on speculation apply across the board. Right now, it is entirely possible for hedge funds or traders to evade the protections put in place for trading oil in the United States. They simply trade U.S. crude oil in foreign markets that the Commodity Futures Trading Commission has decided it will not regulate. The Commodity Futures Trading Commission could regulate these so-called dark markets, but it has decided not to. Instead of turning a blind eye to this offshore oil trading, Senator REID's bill will ensure that the Commodity Futures Trading Commission makes a priority of protecting American energy consumers. The majority leader's approach is aimed at bringing down the price of oil in the near term by having effective regulation of speculation. Some big hedge funds will not like that, but it will help the average consumer.

Let me talk for a minute about the second issue which both the Congress and the administration ought to be addressing. If we are going to get commodity markets of all kinds to act in a more rational way, we also need to do something serious about our overall fiscal policy in this country.

The United States is borrowing money on world financial markets because we cannot summon the political will to actually pay for the things we want our Government to do. We are fighting a war in Iraq on borrowed money, to the tune of over a half trillion dollars since 2002. A number of us have proposed to strengthen and to extend tax incentives to spur energy production from renewable sources, but those are being opposed by others here in the Senate for the simple reason that we are proposing to pay for those, the extension of those tax provisions, instead of borrowing even more money from overseas to cover their cost.

Because of the mismanagement of the economy and our high borrowing overseas, the value of the dollar has fallen dramatically. The price we are paying for international commodities such as oil is rising. That is another major factor driving up the price of oil. We need to face up to it here in the Senate. If Senators want to lower high oil prices, getting our budget house in order will do much more to strengthen the dollar and to lower gasoline prices—and sooner than any of the new drilling called for in the amendment of the Republican leader.

I have covered two of the most important things we can do to address high oil and gas prices; that is, curbing oil market speculation and, secondly, getting our budget and fiscal policy in order.

Now, let me turn more specifically to the Republican leader's proposal. The amendment is a grab bag of energy-related provisions which have little connection either to the current or future price of oil or gasoline. Although the amendment contains various other disconnected proposals, the main thrust of the amendment is to increase the amount of Federal land available for leasing for oil and gas exploration and production in the areas proposed for leasing:

First, the Outer Continental Shelf off the Atlantic and the Pacific coasts of the country. And, second, a portion of the Arctic National Wildlife Refuge. The underlying assumption on the proposal is that our lack of supply is a result of our refusal to permit exploration and drilling on Federal lands, that changing the law to permit drilling in these two specific areas will solve the problem.

Well, what about that basic assumption? Is our ability to produce oil and gas domestically being held back because of our unwillingness to lease the Outer Continental Shelf off the east coast and the Outer Continental Shelf off the west coast and the area known as the Arctic National Wildlife Refuge? Well, let's look at the facts. What is happening on the supply side for oil production in the United States?

Last year, we saw the amount of crude oil produced in the United States remain constant, instead of falling. That may not sound like a big achievement, but it is an improvement on previous trends. It is no doubt a reaction to higher prices, but it also reflects bipartisan support to increase production on Federal lands in places where it is appropriate. I have three charts that illustrate the general trend of what has been going on, and all of these relate to onshore oil and gas drilling and production.

This is acreage of new national oil and gas leases in millions of acres. Last year, we leased 4.6 million acres of Federal land for oil and gas production onshore in the United States. That is the column on the right.

That is in places such as my State of New Mexico and Wyoming and Colorado. That is almost double the 2.6 million acres we put up for leasing in the year 2000. So the trend is for leasing of more acres of Federal land for oil and gas production onshore.

And, of course, these figures do not include all the leasing we did last year in the Outer Continental Shelf. Let me show another chart. This chart is approvals of applications for permits to drill, APDs. In the business they are referred to as APDs. Last year, we approved 7,124 permits to drill oil and gas wells on Federal land. Again, this is all onshore. That is the right-hand column. That is more than double the number approved in 2000.

This is partly due to the direct funding stream we put in place for this process as part of the Energy Policy Act of 2005. Now, let me show you one other chart. This one relates to drilling activity initiated on Federal lands. As a result of the increased number of drilling permits, and that was the previous chart, we had actual drillings start last year on 5,243 new wells, both oil and gas wells. That is approaching a doubling of the number that were drilled in 2000, which was 2,861.

So these are three charts that make the case for what has been happening onshore. Similar positive trends are underway in the Gulf of Mexico, although the overall results today are more modest. According to the latest report by the Minerals Management Service, total production of oil in the Gulf of Mexico was up slightly in 2007 to 1.3 million barrels per day.

That is an increase of about 10,000 barrels per day of oil over 2006 levels. We have gone from drilling 134 deepwater wells in the Gulf of Mexico in 2006 to 142 new deepwater wells last year. There were also eight announced deepwater discoveries in the Gulf of Mexico in 2007.

We are certainly not in decline in oil production in the Gulf of Mexico, but the increase in activity painted by these statistics is not overwhelming either. So there is still much more we could be doing to support domestic production of oil and gas.

The most effective strategy we could pursue, I believe, is something that is not in the Republican leader's amendment. To understand where our greatest opportunity for making progress on increased domestic production lies, we need to focus on a significant problem in the management of oil and gas on Federal lands, including in the Outer Continental Shelf.

Simply put, all the policy emphasis has been on having more lease sales, but not enough emphasis has been placed on encouraging diligent development of Federal lands once they are leased.

While it is generally true that leases must be produced within certain time parameters, Federal agencies have substantial discretion in managing those provisions. I am concerned we may not be following the correct policies to bring about production in the most timely fashion. I have asked the Government Accountability Office to examine this topic.

Let me illustrate my concern with the following charts. Here, first, with regards to onshore production. This pie chart on the left shows all the leased acreage on Federal land for oil and gas development onshore in the lower 48 States.

As you see, about three-quarters of all of this in red, three-quarters of the Federal land we have leased onshore is not currently being produced. Of the over 45.5 million acres of land that have been leased, oil companies are sitting on 31 million acres on which no production is occurring. A similar story can be told in terms of the Outer Continental Shelf. This is the chart on the right. This is offshore.

Of a total of 41 million acres that have been leased offshore, 33 million of that 41 million are not being produced. The Republican leader's amendment proposes to open the entire Atlantic and Pacific coast to leasing and development. Although the amendment speaks to petitions from Governors to lease in specific areas, the way the amendment is written, the Secretary can open for leasing even areas where no such request is pending, by including them in the next so-called 5-year-plan from the Minerals Management Service.

Here is a map of all the leases in the Outer Continental Shelf in the Gulf of Mexico. To get an idea of what we are talking about, the blue squares represent areas that have producing leases. As we can see, there are many of those. The much more numerous yellow squares represent leased blocks where nothing is happening. The red blocks, which are also scattered around, represent new areas that have been added through recent lease sales.

For all the increases in drilling activity I have mentioned earlier in the talk, you will see we still have a great many areas where no exploration or production is ongoing, even though those areas have been leased. We recently have added even more leased areas to this map.

Here is a second map of the oil-and-gas-producing regions on the North Slope of Alaska. In the middle is the private and State land, the tan-colored area. This small area to the right over here is area 1002, the 1002 area of the Arctic National Wildlife Refuge which the Republican leader's amendment would open to leasing.

The large area on the left, this yellow area, is the National Petroleum Reserve-Alaska. This area was specifically set aside to be exploited for oil and gas development. The National Petroleum Reserve-Alaska totals 23.5 million acres, most of which can be developed and drilled. The mean estimate of oil resources in the National Petroleum Reserve-Alaska is 9.3 billion barrels of technically recoverable oil. That is significantly more oil than is estimated to be contained in the national portion of the Coastal Plain of the Arctic Refuge.

To date, 3.8 million acres of this NPRA have been leased. That is twice the size of the portion of the Arctic Refuge that is being talked about in the Republican leader's amendment. Here is a slightly more detailed version of that chart that shows where those leased areas are. You can see that a large portion of the leased areas—those are the areas in red—is on the eastern side of the Petroleum Reserve, very close to the Alpine field which is tied into the Trans-Alaska Pipeline System. So the infrastructure to take oil from the Petroleum Reserve in Alaska, on the North Slope of Alaska to the lower 48 is very close at hand.

So with all those favorable factors in place, you would wonder how many production wells do we have operating on the 3.8 million acres of the Petroleum Reserve that we have leased? And the answer is zero. Zero current production from these leases should be a substantial cause for concern. It illustrates a basic problem with our domestic production of oil and gas. It is not that we have not leased Federal land for exploration and production. We have leased large tracts of Federal land. We are leasing more all the time.

Oil and gas companies certainly benefit by having these leases on their books and claiming the potential oil as part of their reserves. But we need to get these oil and gas resources out of the reserves column and into the production column.

What does the Republican leader's amendment do about any of this? Absolutely nothing. He is calling for more leases in areas that are much more remote from oil and gas transmission infrastructure than the acreage we have already leased.

It would take a decade or more for those resources to come into production at the very best. Why should we expect oil and gas companies to rush into new areas to begin production when they are sitting on literally millions and millions of acres of existing leases without doing any production on those?

The fact is, having a lease sale in the Arctic National Wildlife Refuge will not do a single thing to bring down gasoline prices anytime soon. Opening offshore areas such as off the east coast and off the west coast, where there is no infrastructure, is also a very ineffective response to the prices that consumers are seeing today. These are not real solutions to what is wrong in energy markets today.

If we are serious about doing something to boost domestic production, we need to focus on better management of Federal leases. Let me describe two concrete suggestions in that regard.

First, we might consider imposing a production incentive fee on all the Federal acres that are under lease, a fee that would increase over time but which would be cancelled by royalty payments. That would provide a disincentive for sitting on leases for purposes of inflating a company's reserve estimates.

Second, we enacted some specific provisions in the Energy Policy Act of 2005 that reduced pressure on the leaseholders in the National Petroleum Reserve-Alaska, in terms of their responsibilities to develop the oil resources there. We changed the law to allow oil companies with a lease in the National Petroleum Reserve-Alaska to hold it for 30 years or more, without producing.

I opposed those changes to the law but was unable to prevail on that point. Provisions that allow for decades of additional delay in developing oil on Federal lands that are dedicated for production of oil make no sense when that oil is selling at $126 a barrel.

If anyone in this Chamber wants to advocate for oil production in Alaska or anywhere on Federal land, then the threshold test is whether they are willing to change the incentive structure that currently rewards delay and inaction. That dysfunctional incentive structure was put in place in the law we passed in 2005.

If we are not willing to take action to bring the 3.8 million acres already leased in Alaska into production, then there isn't much credibility to the argument that somehow one more lease sale up there will greatly add to energy security.

There is another area in which the Republican leader's amendment misses the mark on promoting domestic oil and gas production. His amendment leaves out the one place offshore where it would be easiest and fastest to get additional production, and that is in the Gulf of Mexico. His amendment opens the entire Atlantic and Pacific coastlines for new oil and gas production but leaves in place the oil and gas moratoria in the Gulf of Mexico. That is out of touch with reality. The Gulf of Mexico is the first place we should be looking to for expanded production, not the one place we should leave off the list.

Let me put up this chart. When we last debated offshore oil and gas production in this Chamber in 2006, we made what I consider to be a very bad bargain. We put off limits—that is the yellow area on the chart—10 times the amount of natural gas that we opened to exploration and drilling. We made available for lease 2 trillion cubic feet of natural gas in the Gulf of Mexico while putting off limits 22 trillion cubic feet of natural gas. We also put new areas of the Gulf of Mexico under moratorium for the first time, including portions of the lease sale 181 area that were closest to the existing oil and gas infrastructure. The area now under current law is off limits until 2022 because of that provision we passed into law in 2006. The portion of the lease sale 181 area we put under moratorium for the first time contains a half billion barrels of oil and 4 trillion cubic feet of natural gas.

The available infrastructure to take it to market is already there. The interest by industry in these resources is intense.

This weekend I was reading the current edition of Barron's, the Dow-Jones business and financial weekly. There is a column in there by Jim McTague where he quotes President Bush's former economic adviser, Al Hubbard, as saying:

> If the other 49 states realized what Florida is doing to them, they'd be up in arms.

McTague goes on to lament the fact that President Bush does not support revoking the lease sale moratoria on the outer continental shelf that were first imposed by his father in the early 1990s.

He then states:

> Bush, during the 2000 presidential contest, promised his brother Jeb, Florida's governor at the time, that he'd maintain the drilling ban.

So there you have it. If we are really serious about increasing domestic production and repealing existing moratoria, the place to start is here in the gulf. The Republican leader's amendment leaves that out, much to its detriment.

I have additional comments that I do not have time to go through. There is one area where I very much compliment the minority leader, and that is including in his amendment the proposal to suspend the filling of the Strategic Petroleum Reserve for the remainder of this year. Senator DORGAN has been pushing this legislation for many months. I have been glad to be a cosponsor. I know Senator DOMENICI recently indicated he now supports this position. This is a proposal that is in Majority Leader REID's proposal. It is proposed legislation. It is also in the Republican leader's amendment. I congratulate him for that.

Right after we vote on the Republican leader's amendment, the large comprehensive amendment I have been talking about, the vote right after that will be on the proposal to suspend the filling of the Strategic Petroleum Reserve.

I hope will get a strong bipartisan vote. Clearly, it would be a step in the right direction. It is something we should do. I hope we can at least include that positive action before the Congress has to turn to other business tomorrow as it plans to, when we get back to discussing the flood insurance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. ALLARD. Mr. President, I understand the minority leader is on his way to make a few remarks. In the meantime, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. I ask unanimous consent that the order for quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HUMANITARIAN CRISIS IN BURMA

Mr. McCONNELL. Mr. President, I would like to address the heartbreaking humanitarian crisis in Burma and the actions of the military junta there which have shocked our consciences over these last days.

A government that was swift to mobilize last year against a peaceful protest by unarmed monks has astonished us with its sluggish response to the devastating May 3 storm.

With thousands dead and perhaps 2 million now at risk of further suffering, the military junta has treated the cyclone as more of a political inconvenience than a national tragedy, focusing on a sham constitutional referendum instead of relief efforts. And the consequences of this callous response are tragic. As precious time was wasted, what was already a terrible natural disaster became a manmade disaster of spreading hunger and disease. We have heard reports of aid workers being turned away and of visas for aid workers being refused on the grounds that consulates were closed for the weekend.

Today, finally, an American C-130 was permitted into Burma carrying desperately needed supplies. Two more flights are expected tomorrow. This is a positive development, but it is also an extremely modest concession.

It is my hope that these halting steps by the regime in the last day or so augur a greater openness to humanitarian assistance.

The people of Burma should know that, if permitted, America stands ready to help.

PEACE OFFICERS MEMORIAL DAY AND POLICE WEEK

Mr. McCONNELL. Mr. President, all across the country this week, Americans will honor the law enforcement officers who keep our Nation safe and paying solemn tribute to those who have lost their lives in the line of duty. Peace Officers' Memorial Day and Police Week is a time to thank all those who keep us safe, and a time to be grateful for all who have served.

As the Jefferson County Judge Executive in Louisville, KY, I had a strong relationship with the local police force. I was always proud of the department and its leadership and the rank and file officers who worked hard to protect and defend Louisville. I remember the pride we felt when we brought county and city police together to create the Crimes Against Children Unit, and the pride the officers felt when they made it a model for the rest of the country.

Louisville has changed a lot since then, and so has America. On September 11 we awoke to an enemy that has no regard for human life and that has repeatedly expressed its intent to destroy our Nation. We have seen the horror these people can inflict on our cities. And we take them at their word when they say that they plan to do it again. It is because of this threat that today we have an even deeper appreciation for the men and women who enforce our laws, not just as first responders to crime, but as a first line of defense against potential terrorist attacks.

During this Peace Officers' Memorial Day and Police Week, we honor the contributions of our police officers and other keepers of the peace. We remember the sacrifice of those who have fallen in the line of duty, including Officer Jacob Chestnut and Detective John Gibson, who gave their lives right here in the Capitol ten years ago. It was July 24, 1998) when they, as it now says on the plaque commemorating their heroism, "bravely gave their lives defending the United States Capitol."

We express our gratitude to the families of America's peace officers and police, who make sacrifices large and small so their loved ones can keep the rest of us safe.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY PRICES

Mr. ALLARD. Mr. President, I come to the floor again to talk about energy prices. Each week we must finally be at the tipping point where Democrats are at least willing to address high energy prices. Unfortunately, although energy prices remain at an all-time high, it seems we are not there yet. The average American uses 500 gallons of gasoline every year, with the average gas price at $3.61 per gallon. That means the average American will spend more than $1,800 this year on gasoline. That is almost $300 more than they would have spent a year ago. But let's look at a slightly longer period. Let's look at the period since Democrats took control of the Congress and insisted that they had all the answers.

On January 4, 2007, a gallon of gas cost $2.33. That means the average American has spent $960 more on gasoline in the year and a half since Democrats took over. The question is, Why are we not producing the domestic oil available in the Arctic National Wildlife Refuge known as ANWR? The U.S. Geological Survey estimates that the potential oil in ANWR would exceed that which is currently being produced in the lower 48 States. We hear a lot of moaning about how we should not open ANWR because that oil would not be available for 10 years. But I remember hearing that exact same argument about 10 years ago. If we had opened ANWR to domestic oil production 10 years ago, we would be less reliant on foreign sources for about 1 million fewer barrels each and every day.

The question is, Why are we not producing in the Outer Continental Shelf? Currently, 58 percent of this area is off limits to production. The National Petroleum Council estimates if congressional restrictions were lifted, we would have access to more than 300 trillion cubic feet of natural gas. This is enough gas to meet all of the current U.S. needs for more than 13 years. Current levels of production in the Outer Continental Shelf employ over 45,000 people. To those of us concerned about employment figures, opening additional areas offshore will lead to more jobs in addition to increased domestic energy.

The question is, Why are we not producing domestic oil from oil shale in Colorado, for example? The Democrats ensured that BLM could not write commercialization regulations by placing a spending prohibition in the fiscal year 2008 omnibus bill which is being applied this year from last year's action. Commercialization regulations do not authorize production or even lease. These regulations simply allow the department to set out the rules of the road for companies so they can make investment decisions—matters such as the length and requirements for oil shale leases, the royalty rate, and reclamation requirements that would be set by commercialization regulations.

Considering there is well over 1 trillion barrels of oil locked in the shale beneath Colorado, Utah, and Wyoming, this is not an inconsequential amount of energy. One trillion barrels of oil would provide for the current consumption levels of 20 million barrels a day for over 136 years. If the numbers seem staggering, that is because they are. The question is, Why are we not addressing the restrictive policies on the construction of new refineries that have led to no new refinery capacity in this country since the 1970s?

We must encourage companies to build new refineries so not only can we produce more oil domestically, but we can refine it into a usable product as well.

The law of supply and demand tells us with high demand and low supply, prices will increase. This seems to have escaped the notice of the Democrat-controlled Congress, however. Oblivious to prices at the pump, this Congress is failing in its duty to the American public.

Each attempt to implement commonsense solutions to current energy problems is met with loud and vehement objections. At this point, these objections can only mean Democrats want energy prices to continue to increase. I can think of no other explanation.

The facts are rather simple. The Congress has blocked efforts to produce trillions of cubic feet of natural gas, trillions of barrels of oil, and prevent the construction of new refineries, nuclear powerplants, and hydroelectric facilities.

The longer we deny access to domestic supplies, the more our current energy shortages will climb. And the less energy we produce domestically, the more we will rely on foreign—and possibly hostile—sources for it.

It is time—it is time—for Congress to step to the plate and ensure this country remains one of the safest and most prosperous nations on Earth. That means increasing domestic energy production and decreasing our dangerous reliance on foreign energy sources.

We will vote in a very short time on whether to increase domestic energy production or whether to maintain the status quo. I can only hope each of us does the right thing and votes in favor of the McConnell amendment to stop the status quo and to ensure we can produce more of the energy we need right here at home.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, have I been assigned a specific amount of time?

The ACTING PRESIDENT pro tempore. The Senator has been assigned 20 minutes.

Mr. LEVIN. I thank the Presiding Officer.

Mr. President, day after day, record-high oil and gasoline prices are hurting millions of American consumers and businesses. Unless something is done to make energy more affordable, the record-high prices will continue to reverberate throughout our economy, increasing the prices of transportation and food and manufacturing and everything in between. Skyrocketing energy prices are a threat to our economic and national security, and the time is long past for action.

My Senate Permanent Subcommittee on Investigations has conducted four separate investigations into how our energy markets can be made to work better. Most recently, last December, we had a joint hearing with the Senate Energy Subcommittee on the role of speculation in rising energy prices. As a result of these investigations and hearings, I have been advocating a variety of measures to address the rampant speculation and lack of regulation of energy markets which have contributed to sky-high energy prices.

Some of those measures are: First, put a cop back on the beat in the energy markets to ensure these markets are free from excessive speculation and manipulation, and that cop has to be a regulatory agency; stop filling the Strategic Petroleum Reserve until prices are lower; develop alternatives to fossil fuels to lessen our dependence on oil; and impose a windfall profits tax on oil companies that have profited from the massive price increases.

Now, there is not much we can do about some causes of these sky-high gas prices, but there are a number of causes that can be addressed. One key factor in the price spikes of energy is rampant speculation in the energy markets. Traders are trading contracts for future delivery of oil in record amounts, creating a paper demand that is driving up prices and increasing price volatility, solely to take a profit. Overall, the amount of trading of futures in oil on the New York Mercantile Exchange has risen sixfold in recent years.

As this chart shows, from 500,000 contracts for future delivery of oil to 3 million contracts just since 2001. Now, much of this increase in the trading of futures has been due to speculation. Speculators in the oil market do not intend to use crude oil. Instead, they buy and sell contracts for crude oil just to make a profit from changing prices.

The number of futures and options contracts held by speculators has gone from around 100,000 contracts in 2001—which at that time was 20 percent of the outstanding futures and options contracts—and has risen to 1.2 million futures contracts currently held by speculators. That represents now about 40 percent of the outstanding futures contracts in oil on the New York Mercantile Exchange.

That increase can be seen on this chart: the doubling in the percentage of futures contracts, which is represented by purchases by speculators on the New York Mercantile Exchange, from this level—15 to 20 percent in January of 2001—to almost double that amount currently. That is a massive increase in speculation.

As a matter of fact, as this next chart shows, there is now 12 times as much speculation as there was in 2001, while the purchase of nonspeculative futures is up but three times. This chart shows the difference. As shown on this chart, these are the purchases of contracts for future delivery of oil bought by speculators versus nonspeculators.

As shown on the chart, the speculator increase in purchases is that white line, with that dramatic increase, starting in 2003, going all the way up to where it is currently; and the relatively flatter yellow line represents the purchases of future delivery of oil by the nonspeculators since 2001.

Now, not surprisingly, this massive speculation the price of oil will increase has, in fact, helped increase the price of oil to a level far above that justified by traditional forces of supply and demand.

Let me quote some experts about the role of speculation. Some people say: Well, speculation does not have much of an effect. Well, listen to some of the experts.

The president and CEO of Marathon Oil said recently:

> $100 oil isn't justified by the physical demand in the market. It has to be speculation on the futures market that is fueling this.

Mr. Fadel Gheit, oil analyst for Oppenheimer & Company, describes the oil market as "a farce."

> The speculators have seized control and it's basically a free-for-all, a global gambling hall, and it won't shut down unless and until responsible governments step in.

In January of this year, as oil hit $100 a barrel, Tim Evans, oil analyst for Citigroup, wrote the following:

> [T]he larger supply and demand fundamentals do not support a further rise and are, in fact, more consistent with lower price levels.

At the joint hearing I made reference to on the effects of speculation we held last December, Edward Krapels, a financial market analyst, said the following:

> Of course financial trading, speculation affects the price of oil because it affects the price of everything we trade. . . . It would be amazing if oil somehow escaped this effect.

Dr. Krapels added that as a result of this speculation, "there is a bubble in oil prices."

A fair price for a commodity is a price that accurately reflects the forces of supply and demand for the commodity, not the trading strategies of speculators who only are in the market to make a profit by the buying and selling of paper contracts, with no intent to actually purchase, deliver, or transfer the commodity.

As we all too often have seen in recent years, when speculation grows so large that it has a major impact on the market, prices get distorted and stop reflecting true supply and demand.

Excessive market speculation is a factor that we can and should do a better job of controlling. There are other long overdue actions as well that, if taken as part of a comprehensive plan, can combat rising energy prices.

But as to reining in the speculators, the first step is to put a cop back on the beat in all of our energy markets to prevent excessive speculation, price manipulation, and trading abuses.

In 2001, my Senate Permanent Subcommittee on Investigations began investigating our energy markets. At the time, the price of a gallon of gasoline had spiked upwards by about 25 cents over the course of the Memorial Day holiday. We subpoenaed records from major oil companies and interviewed oil industry experts, gas station dealers, antitrust experts, gasoline wholesalers and distributors, and oil company executives. We examined thousands of prices at gas stations in Michigan, Ohio, California, and other States. In the spring of 2002, I released a 400-page report and held 2 days of hearings on the results of the investigation.

The investigation found that increasing concentration in the gasoline refining industry, due to a large number of recent mergers and acquisitions, was one of the causes of the increasing number of gasoline price spikes. Another factor causing those spikes was the increasing tendency of refiners to keep lower inventories of gasoline. We also found a number of instances in which the increasing concentration in the refining industry was also leading to higher prices in general. Limitations on the pipeline that brings gasoline to my home State of Michigan was another cause of price increases and spikes in Michigan. The report recommended that the Federal Trade Commission carefully investigate proposed mergers, particularly with respect to the effect of mergers on inventories of gasoline.

In March of 2003, my subcommittee released a second report detailing how the operation of crude oil markets affects the price of not only gasoline but also key commodities such as home heating oil and diesel fuel. The report warned that U.S. energy markets were vulnerable to price manipulation due to a lack of comprehensive regulation and market oversight.

Following this report, I worked with Senator FEINSTEIN on legislation to put the cop back on the beat in the energy markets that had been exempted from regulation pursuant to an "Enron loophole" that was snuck into other commodities legislation in December of 2000. For 2 years, we attempted to close that "Enron loophole," but efforts to put the cop back on the beat in these markets were unsuccessful, due to opposition from the Bush administration, large energy companies, and financial institutions that trade energy commodities.

In June of 2006, I released another subcommittee report called "The Role of Market Speculation in Rising Oil and Gas Prices: A Need to Put a Cop on the Beat." This report found that the traditional forces of supply and demand no longer accounted for sustained price increases and price volatility in the oil and gas markets. The report determined that in 2006 a growing number of energy trades occurred without regulatory oversight and that market speculation had contributed to rising oil and gasoline prices, perhaps accounting for $20 out of a then-priced $70 barrel of oil.

The subcommittee report I released in June of 2006 again recommended new laws to increase market oversight and stop market manipulation and excessive speculation. I again coauthored legislation with Senator FEINSTEIN to improve oversight of the unregulated energy markets. Once again, opposition from the Bush administration, large energy traders, and the financial industry prevented the full Senate from considering that legislation.

In 2007, my subcommittee addressed the sharp rise in natural gas prices over the previous year and released a fourth report, entitled: "Excessive Speculation in the Natural Gas Market." Our investigation showed that speculation by a single hedge fund named Amaranth had distorted natural gas prices during the summer of 2006 and drove up prices for average consumers. The report also demonstrated how Amaranth had traded in unregulated markets to avoid the restrictions and oversight in the regulated markets, and how the price increases caused by Amaranth could have been prevented if there had been the same type of oversight in the unregulated markets as in the regulated markets.

Following that investigation, I introduced a bill, S. 2058, to close the Enron loophole and regulate the unregulated electronic energy markets. Working again with Senators FEINSTEIN and SNOWE and with members of the Agriculture Committee in a bipartisan effort, we finally managed to include an amendment to close the Enron loophole in the farm bill that was then being considered by the Senate. The Senate unanimously passed this amendment to close the Enron loophole last December. Last week, the House and Senate conferees on the farm bill reached agreement to include our legislation in the final farm bill, and we hope the Congress will finally pass that important legislation soon.

Although our legislation to close the Enron loophole is vitally important for the energy market oversight as a whole, and for our natural gas markets in particular, because energy traders have recently moved a significant amount of United States crude oil and gasoline trading to the United Kingdom, beyond the direct reach of United States regulators, we have to address that second loophole now as well.

The key energy commodity market for United States crude oil and gasoline trading is now located in London, regulated by the British agency called the Financial Services Authority. However, the British regulators do not have any limits on speculation as we do here in the United States, and the British do not make public the same type of trading data we do. That means traders can avoid the limits on speculation in crude oil imposed on the New York exchanges by trading on the London exchange. It also makes the London exchange less transparent than the New York exchange. The legislation I introduced in 2007 would have required United States traders on the London exchange to provide United States regulators with the same type of trading information they are already required to provide when they trade on the New York Mercantile Exchange. Unfortunately, this provision was dropped from the "close the Enron loophole" legislation in the farm bill.

The Consumer First Energy Act, which the majority leader and others introduced last week to address high gas prices and reduce speculation, includes a provision to stop speculation and to increase our access to timely and important trading information and to ensure there is adequate market oversight of the trading of U.S. energy commodities no matter where the trading occurs. This legislation that was introduced last week, and which I am proud to cosponsor, would require the Commodity Futures Trading Commission—the CFTC—to ensure a foreign exchange imposes comparable speculative limits and comparable reporting requirements on speculators that the CFTC imposes on U.S. exchanges prior to allowing traders in the U.S. trading U.S. energy commodities direct access to that exchange through a terminal located in this country. So the bill introduced last week will close that second loophole which I have identified.

I believe this issue is so important that I have also introduced that section to close that second loophole as a separate bill. Senator FEINSTEIN is a cosponsor of that bill. I ask unanimous consent that a summary of the bill be printed in the RECORD after my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. In addition to finding that the energy markets needed better regulation and oversight, the report issued by my subcommittee in 2003 also found that the Bush administration's large deposits of oil into the Strategic Petroleum Reserve—SPR—were increasing prices but not overall U.S. energy security. We found that in 2002, the Bush administration, over the repeated objections of its own experts in the Department of Energy, had changed its policy and decided to put oil into the SPR regardless of the price of oil or market conditions. By placing oil into the SPR while oil prices were high and oil supplies were tight, the administration's deposits into the SPR were reducing market supplies and boosting prices, with almost no benefit to national security, given the fact that the SPR is more than 95 percent filled. The DOE experts believed that in a tight market, we are better off with keeping the oil on the market rather than putting it into the ground where it cannot be used.

Following the issuance of this report, in early 2003 I asked the Department of Energy to suspend its filling of the SPR until prices had abated and supplies were more plentiful. DOE refused to change course and continued the SPR fill without regard to market supplies or prices.

After DOE denied my request, I offered a bipartisan amendment with my colleague Senator COLLINS to the Interior Appropriations bill, which provides funding for the Strategic Petroleum Reserve program, to require DOE to minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Senate unanimously adopted our amendment, but it was dropped from the conference report due to the Bush administration's continued opposition.

The next spring, I offered another amendment, also with Senator COLLINS, to the budget resolution, expressing the sense of the Senate that the administration should postpone deliveries into the SPR and use the savings from the postponement to increase funding for national security programs. The amendment passed the Senate by a vote of 52-43. That fall, we attempted to attach a similar amendment to the homeland security appropriations bill that would have postponed the SPR fill and used the savings for homeland security programs, but the amendment was defeated by a procedural vote, even though the majority of Senators voted in favor of the amendment, 48-47.

The next year, the Senate passed the Levin-Collins amendment to the Energy Policy Act of 2005 to require the DOE to consider price impacts and minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Levin-Collins amendment was agreed to by the conferees and is now law.

Unfortunately, passage of this provision has had no effect upon DOE's actions. DOE continues to fill the SPR regardless of the market effects of buying oil, thereby taking oil off the market and reducing supply by placing it into the SPR. In the past year, no matter what the price of oil or market conditions, DOE has consistently found that the market effects are negligible and no reason to delay filling the SPR.

Currently, at the same time the President has urged OPEC to put more oil on the market to reduce supplies, the administration is continuing to take oil off the market and place it into the SPR. The DOE is currently depositing about 70,000 barrels of crude oil per day into the SPR, much of it high-quality crude oil that is ideal for refining into gasoline. It simply defies common sense for the U.S. government to be acquiring oil at $120 barrel, in a time of tight supply, just before the peak driving season, and put it into the SPR. That is why I have co-sponsored Senator DORGAN's bill to suspend the SPR fill for 1 year, or until prices fall to more acceptable levels, whichever comes first. Passing this legislation will save the taxpayers money and relieve some of the pressure on the oil markets that is driving prices relentlessly higher. A similar provision is also included in the Democrats' Consumer-First Energy Act.

The recent SPR fill has exacerbated yet another problem in our oil markets—the fact that the standard NYMEX futures contract that sets the benchmark price for U.S. crude oil requires a particular type of high quality crude oil known as West Texas Intermediate, WTI, to be delivered at a particular location—Cushing, OK. The standard NYMEX contract price, in turn, has a major influence on the price of fuels refined from crude oil such as gasoline, heating oil, and diesel.

Because the price of the standard contract depends upon the supply of WTI at Cushing, OK, the supply and demand conditions in Oklahoma have a disproportionate influence on the price of NYMEX futures contracts. That means when the WTI price is no longer representative of the price of U.S. crude oil in general, the prices of other energy commodities are also thrown out of whack. In other words, we have an oil futures market that reflects the supply and demand conditions in Cushing, OK, but not necessarily the overall supply and demand situation in the United States as a whole.

I have long called for reform of this outdated feature of the standard NYMEX crude oil contract. In 2003, the PSI report recommended the CFTC and NYMEX to work together to revise the standard NYMEX crude oil futures contract to reduce its susceptibility to local imbalances in the market for WTI crude oil. The subcommittee report suggested that allowing for delivery at other locations could reduce the volatility of the contract. It is truly disappointing that since our report was issued, no progress has been made for allowing for delivery at other places than Cushing, OK. As the price of oil has increased, the distortions and imbalances caused by the atypical nature of the standard contract have gotten worse. It is essential NYMEX repair its crude oil contract.

Putting the cop on the beat in our energy markets, strengthening access to key oil trading information, stopping the SPR fill, and fixing the NYMEX crude oil contract all focus on problems caused by rising energy prices. These consistently rising gas prices also underscore the need to develop advanced vehicle technologies and alternative energy sources that will significantly reduce our dependence on foreign oil.

I have long advocated advanced automotive technologies such as hybrid electric, advanced batteries, hydrogen and fuel cells and promoted development of these technologies through Federal research and development and through joint government-industry partnerships. We need a significant infusion of Federal dollars into these efforts to make revolutionary breakthroughs in automotive technologies. Such an investment will make technologies such as plug-in hybrid vehicles affordable to the American public, and reduce our dependence on oil and reduce prices at the pump.

We need an equally strong investment in development of alternative fuels that can replace gasoline. I have strongly supported efforts to increase our production of renewable fuels and to do that in a way that will also reduce our greenhouse gas emissions. We need a strong push toward biofuels produced from cellulosic materials, which requires a significantly greater Federal investment in biofuels technologies. Cellulosic ethanol has enormous potential for significant reductions in greenhouse gas emissions but additional Federal support is required to make this technology financially viable. We need expanded Federal research and development grants as well as increased tax incentives and Federal loan guarantees to make cellulosic ethanol a viable replacement for gasoline. The Federal Government must do its part first to develop these technologies so that they will then in turn be within reach of the American public.

One more point. The burden of higher energy prices is not being shared equally. To the contrary, it is falling hardest upon those who can least afford it. Large oil companies are reaping record profits at the expense of the average American who ultimately bears the full burden of these price increases. At the same time that average Americans are having to devote a greater and greater portion of their income to pay for basic necessities, such as gasoline, household utilities, and food, the major oil companies are reporting record profits, and their executives are taking home annual paychecks of hundreds of millions of dollars. Many of these profits have been generated without any additional investments into energy production. Rather, these companies have seen their profits rise with the flood of speculation. What is a high tide of profits for the oil companies, though, is a tsunami that is overwhelming millions of Americans.

And what are these oil companies doing with these record profits? Are they investing in new technologies? The answer is that the oil companies are not increasing their exploration and development investments by nearly as much as their profits are increasing. Instead, they are devoting large amounts of their profits to acquiring other companies and buying back their own shares. On May 1 of this year, the Wall Street Journal reported that in the first quarter of 2008 ExxonMobil spent $8 billion to buy back company shares, which "boosted per-share earnings to stratospheric levels," whereas it spent less on exploration and actually reduced oil production.

For these reasons, we need to institute a windfall profits tax on the oil companies. We should incentivize big oil companies to invest their windfall profits into things that will increase our own domestic energy production by reducing the amount of the tax for such investments. If they don't make these investments, a portion of that profit should be recouped by the public to help offset the outrageous prices they are facing at the pump.

I have supported a windfall profits tax numerous times when we have voted on it in the Senate. The Consumer-First Energy Act imposes a 25 percent tax on windfall profits of the major oil companies. Windfall profits invested to boost domestic energy supplies would be exempt from the tax, which would encourage investments in renewable facilities and the production of renewable fuels such as ethanol and biodiesel. It would also encourage oil companies to increase their domestic refinery capacity. Proceeds from the tax would be put toward measures to reduce the burdens of rising energy costs and increase our energy independence and security.

Mr. President, let me summarize. Skyrocketing energy prices are tying our already weak economy in knots and causing financial pain to working families throughout this country. Congress cannot just stand by. We should act now to stop the pain.

Immediate steps include putting the cop back on the beat in our energy markets, strengthening our access to key oil trading data in London, fixing the key NYMEX crude oil contract, stopping the senseless filling of the Strategic Petroleum Reserve, investing in advanced vehicle technologies and alternative energy sources, and imposing a windfall profits tax on the oil companies. Longer range steps include fixing the fiscal policies undermining the strength of the U.S. dollar, including by eliminating tax cuts for the wealthiest among us, reducing the $12 billion a month spending that is taking place in Iraq, closing the tax loopholes such as the use of tax havens to avoid payment of taxes to Uncle Sam. Those tax havens and that loophole that allows the use of those havens is costing the Treasury in the range of $100 billion a year. We can fight back against exorbitantly high energy prices, but it will take all of our energy and determination to do it.

SUMMARY OF OIL TRADING TRANSPARENCY ACT

SUMMARY

The Levin-Feinstein Oil Trading Transparency Act would direct the Commodity Futures Trading Commission (CFTC) to ensure that any foreign exchange operating a trading terminal in the United States for the trading of a U.S. energy commodity meets two regulatory requirements that already apply to U.S. exchanges: (1) imposition of speculative trading limits to prevent price manipulation and excessive speculation, and (2) the mandatory daily publication of trading information from the exchange to ensure market transparency. The bill would also require the CFTC to obtain information from the foreign exchange to enable it to determine how much trading in U.S. energy commodities is due to speculation.

BACKGROUND

Currently, a key foreign exchange (ICE Futures Europe) that recently began trading trades futures contracts for crude oil produced in the United States is allowed by the CTFC to operate trading terminals in the United States.

ICE Futures Europe is owned by the Intercontinental Exchange (ICE), a U.S. company based in Atlanta, Georgia, which also operates the largest electronic energy trading platform in the United States outside of the NYMEX exchange in New York.

ICE Futures Europe trades two types of crude oil, Brent crude oil produced in the North Sea, and West Texas Intermediate (WTI) crude oil produced in the United States. It is the only foreign exchange that trades U.S. crude oil. ICE Futures Europe bases the settlement price of its WTI contract price on the settlement price of the WTI contract traded on the NYMEX exchange, so the price of both WTI futures contracts are virtually identical.

For a number of years the CFTC has allowed ICE Futures Europe to operate trading terminals in the United States. At first, only Brent contracts could be traded on U.S. terminals, but in 2006 ICE began trading WTI contracts in London. This 2006 development allowed U.S. traders to trade WTI futures contracts in London as well as in New York. This means that crude oil produced and used in the United States can be traded by U.S. traders on an exchange that is beyond the reach of U.S. regulators. Approximately 30 to 40% of WTI futures trades—which are key to setting U.S. oil prices—now occur in London, beyond U.S. oversight.

Although the CFTC has a data sharing agreement with the U.K. regulatory authority, the Financial Services Authority (FSA), to obtain trading data from the London exchange, the FSA does not collect or provide data that would enable the CFTC to determine how much WTI futures trading is due to speculation. Absent this information, CFTC weekly reports on speculation in U.S. crude oil futures are incomplete and inaccurate. The FSA also does not impose position limits on traders to limit speculative trading. The absence of these position limits means that a U.S. trader can avoid U.S. oil speculation limits on U.S. exchanges simply by routing its trades through London.

The bill would correct these market deficiencies by disallowing the operation of foreign exchange terminals in the United States, unless the foreign exchange meets comparable requirements for market transparency and speculative limits as now apply in the United States.

Mr. LEVIN. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, it is so important that we as Members of the Senate, Members of the Congress, are on the floor discussing the No. 1 issue—the No. 1 domestic issue certainly in the minds of Americans—and that is the price of energy. The folks back home want to know: What are you going to do to fix it? What is the Congress going to do?

Tomorrow we are going to have an opportunity to vote on a couple of different proposals. I rise this afternoon in support of the passage of the American Energy Production Act. This is a comprehensive energy bill that was introduced last week by the ranking member of the Energy Committee, Senator DOMENICI.

Americans are at a point where I think their patience is wearing thin, their frustration is showing, but it goes beyond just frustration. I think it is fair to say that many across the country are in true economic distress over the prices they are paying now for gasoline, for their home heating oil, many for their natural gas that they are seeing coming into their home and, unfortunately, the prognosis for the future doesn't look much more consoling to the consumer. All estimates indicate these prices will continue to rise in the future.

Look at some of the events of last week in terms of what was happening around the world. The rebel disturbances in Nigeria, concerns about the relations with Iran and production disruptions over there, production disruptions in Iraq—all of this plus many other factors, including the price of the dollar, and what is happening with the Chinese and Indian economies in terms of additional consumers coming on. So many of these factors keep driving the price of oil to the point where last week's closing crude oil price topped out at $126, down to $125 per barrel over the weekend. That hike in price is going to continue to drive the retail prices for refined product even higher, above the $3.62 national average for unleaded regular we reached last week; 52 cents higher than last year.

Talking to the folks back home, it is literally one horror story after another in terms of what people are paying. I know there are many places in the country today where fuel is hovering right at $4 a gallon, but in Alaska we are looking at prices that are much higher than that. In Athaca, fuel was costing $8.65 a gallon last week. This is about a dollar higher than the folks there were paying last year. They are used to paying high prices, but I am here to tell you 8 bucks and 65 cents a gallon is really high. In the community of Kiana, it is $6.25 a gallon. It is exactly $1 higher than they paid last year. At these prices, Alaskans and all Americans are having great difficulty making ends meet. Americans need relief from high fuel prices and they are asking for it now.

I have so many opportunities, coming from a State such as Alaska that is a producing State, a lot of opportunities to talk about how we can produce more as a nation. But I also am very insistent when we talk about an energy policy for this country that we also focus on promoting energy conservation, we also focus on greater energy efficiency and developing the alternative energy so critical for this Nation.

But we also have to make sure when we talk about an energy policy, we recognize there are different components.

I liken it to a three-legged stool. You have the conservation and efficiency, you have the renewables and alternatives, but you also have increased production and increased production in traditional energy sources that are done in an environmentally sensitive manner.

The amendment Senator DOMENICI has introduced, the American Energy Production Act, does that in many ways. It proposes to open a couple thousand acres, 2,000 acres—I don't come from a farming State necessarily, but my colleagues from South Dakota and some of the big farm States tell me that 2,000 acres is pretty much the size of a small farm there—of the Arctic Coastal Plain to oil and gas development. We believe this area, the 1002 area of ANWR, is the site with likely the largest onshore oil and gas deposits left in North America. We know if we were to act today to open ANWR tomorrow, it is not going to bring new North Slope oil to the markets tomorrow, but it will affect the psychology of the oil markets. It will show that America is getting serious—finally getting serious—about producing the 40 billion barrels of oil and the hundreds of trillions of cubic feet of natural gas we believe exist in the current moratoria areas.

I think we need to recognize—and so many of my colleagues have stated this already on the floor—ANWR is about the long term. I can't tell my colleagues how many times I have heard on this floor: If we had only opened ANWR 10 years ago when President Clinton vetoed it, we would have that pipeline today. That pipeline would now be full instead of half full as we currently see it. But ANWR is about the bridge, if you will. It is a bridge to an energy future that can get us to the alternatives and to the renewables we keep talking about, and those who are so focused on making sure we have a solid environment and a solid environmental base. This is what so many of my Democratic colleagues are talking about. We need to get to the future of energy, which I agree is absolutely the alternatives and the renewables. But you can't flip a switch and have this Nation powered 100 percent by wind or solar or geothermal or ocean energy. We have to allow for that transition, and ANWR, the oil from ANWR, can help us to do that.

We have had many hearings in the Energy Committee on the issue of production. But earlier this year we heard from witnesses who said the current runup in world oil prices is due to so many of the factors I mentioned a few minutes ago; clearly, the hike in world demand for oil is led by China and by India; what is happening with the weakening of the U.S. dollar, which is used to pay for all of the oil sales; and oil becoming the new gold—a commodity of interest to investors because of the tightness of the world supplies.

Essentially, what it comes down to—so much of the discussion we are talking about—is supply and demand. I suggest that as we look to all these factors that are influencing price right now, one of the ways we can deal with that, one of the ways we can tell the American consumer we are working on this is to produce more energy from non-OPEC nations, to help increase our global supplies, and to help drive down world prices.

Robert Samuelson, a columnist, said in a column, which I will submit for the RECORD, that we need to exert long-term influence on the global balance of supply and demand for energy.

I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

START DRILLING

(By Robert J. Samuelson)

What to do about oil? First it went from $60 to $80 a barrel, then from $80 to $100 and now to $120. Perhaps we can persuade OPEC to raise production, as some senators suggest; but this seems unlikely. The truth is that we're almost powerless to influence today's prices. We are because we didn't take sensible actions 10 or 20 years ago. If we persist, we will be even worse off in a decade or two. The first thing to do: Start drilling.

It may surprise Americans to discover that the United States is the third-largest oil producer, behind Saudi Arabia and Russia. We could be producing more, but Congress has put large areas of potential supply off-limits. These include the Atlantic and Pacific coasts and parts of Alaska and the Gulf of Mexico. By government estimates, these areas may contain 25 billion to 30 billion barrels of oil (against about 30 billion barrels of proven U.S. reserves today) and 80 trillion cubic feet or more of natural gas (compared with about 200 tcf of proven reserves).

What keeps these areas closed are exaggerated environmental fears, strong prejudice against oil companies and sheer stupidity. Americans favor both "energy independence" and cheap fuel. They deplore imports—who wants to pay foreigners?—but oppose more production in the United States. Got it? The result is a "no-pain energy agenda that sounds appealing but has no basis in reality," writes Robert Bryce in "Gusher of Lies: The Dangerous Delusions of 'Energy Independence.'"

Unsurprisingly, all three major presidential candidates tout "energy independence." This reflects either ignorance (unlikely) or pandering (probable). The United States imports about 60 percent of its oil, up from 42 percent in 1990. We'll import lots more for the foreseeable future. The world uses 86 million barrels of oil a day, up from 67 mbd in 1990. The basic cause of exploding prices is that advancing demand has virtually exhausted the world's surplus production capacity, says analyst Douglas MacIntyre of the Energy Information Administration. Combined with a stingy OPEC, the result is predictable: Any unexpected rise in demand or threat to supply triggers higher prices.

The best we can do is to try to exert long-term influence on the global balance of supply and demand. Increase our supply. Restrain our demand. With luck, this might widen the worldwide surplus of production capacity. Producers would have less power to exact ever-higher prices, because there would be more competition among them to sell. OPEC loses some leverage; its members cheat. Congress took a small step last year by increasing fuel economy standards for new cars and light trucks from 25 to 35 miles per gallon by 2020. (And yes, we need a gradually rising fuel tax to create a strong market for more-efficient vehicles.)

Increasing production also is important. Output from older fields, including Alaska's North Slope, is declining. Although production from restricted areas won't make the United States self-sufficient, it might stabilize output or even reduce imports. No one knows exactly what's in these areas, because the exploratory work is old. Estimates indicate that production from the Arctic National Wildlife Refuge might equal almost 5 percent of present U.S. oil use.

Members of Congress complain loudly about high oil profits ($40.6 billion for Exxon Mobil last year) but frustrate those companies' desire to use those profits to explore and produce in the United States. Getting access to oil elsewhere is increasingly difficult. Governments own three-quarters or more of proven reserves. Perversely, higher prices discourage other countries from approving new projects. Flush with oil revenue, countries have less need to expand production. Undersupply and high prices then feed on each other.

But it's hard for the United States to complain that other countries limit access to their reserves when we're doing the same. If higher U.S. production reduced world prices, other countries might expand production. What they couldn't get from prices they'd try to get from greater sales.

On environmental grounds, the alternatives to more drilling are usually worse. Subsidies for ethanol made from corn have increased food prices and used scarce water, with few benefits. If oil is imported, it's vulnerable to tanker spills. By contrast, local production is probably safer. There were 4,000 platforms operating in the Gulf of Mexico when hurricanes Katrina and Rita hit. Despite extensive damage, there were no major spills, says Robbie Diamond of Securing America's Future Energy, an advocacy group.

Perhaps oil prices will drop when some long-delayed projects begin production or if demand slackens. But the basic problem will remain. Though dependent on foreign oil, we might conceivably curb the power of foreign producers. But this is not a task of a month or a year. It is a task of decades; new production projects take that long. If we don't start now, our future dependence and its dangers will grow. Count on it.

Ms. MURKOWSKI. That means we have to actually produce more energy in this country. How do you get from here to there in increased energy production?

I wish to take a few minutes this afternoon and talk about ANWR. ANWR has 10 billion to 16 billion barrels of economically recoverable oil, according to the USGS estimates, and 10 trillion cubic feet of natural gas. We recognize that, by itself, that infusion into the energy market is not going to change the world's energy equation. But pair it with the other things we are talking about in this energy legislation Senator DOMENICI introduced and pair it with the additional barrels that could come from OCS development in current moratoria areas, and the 80 to 100 trillion cubic of natural gas there, and pair it with the fuel from coal-to-liquids development and the oil from U.S. oil shale deposits. Together, all these can start to break the stranglehold OPEC has on us and help to lower the prices.

Now, back to ANWR. I had said that—and I have said this throughout my public life—if opening ANWR was going to come at the expense of our environment and our wildlife, I would have to oppose it. But we have technology we have utilized up north in the past 30 years, since we have been in active production pulling oil from the North Slope, that has truly revolutionized what happens in the Arctic when it comes to development of our resources.

This chart is a New York Times science chart. It is essentially outlining some of the latest drilling technology in an effort to reduce environmental damage from the oil drilling. Directional drilling. It used to be that you would sink your drilling rig and drill straight down. Under the new directional drilling, what you are literally able to do is you sink it but you "spider" out, or "spaghetti" out underneath the surface. And you can take this in a direction of up to almost 8 miles in every direction around you, with no disturbance to the surface. So you don't see what is going on down below the caribou that are wandering around and are oblivious to the activity up top. But it is a technique that is in place in the Arctic that helps to literally provide about 100 square miles of habitat for the caribou and musk oxen that are between the well pads.

This technology has made the difference for us not only in Alaska in Arctic conditions but truly as we develop our technology for oil exploration around the country. It is difficult to see a lot of the descriptions on this chart, so I will use other maps to show you the ice roads, the pads on the ground, how you utilize a crossing over a river, the 3D seismic technology, how we have been able to reduce the well pads paths.

Initially, when drilling in the 1970s, the well pads were about 13 acres in size. Through the use of this technology, you can limit that footprint to about 5 acres. I wish to show you a picture of how we travel across the tundra so we don't disturb it, you don't see man's footprint or the trucks that are going over it. This is a composite mat that is literally laid on top of the tundra in the summer months, so you don't damage the fragile tundra below. Look at a picture of the ice roads. We do not explore in the summer months. Exploring is in the wintertime. This is a picture of exploratory drilling in Alpine in the winter. You will see around the exploration site—you cannot see the ice road from here, but there are no roads around this. There are no roads that will take you to this site. The way you get there is you build out roads on the ice. It is like a big Zamboni machine making an ice road that will take you across the tundra in the wintertime only—you cannot go out there during the summer—and lay down the ice road, so when summertime comes, you have this.

This is Alpine during the summer months. The photo is grainy, and I apologize for the quality of it. You can see you don't have any roads that lead to the exploration site in the tundra there. This is a picture that was taken in the fall. This white box is the well site that is awaiting actual development.

We have a picture of rendezvous well No. 2. This is located in the National Petroleum Reserve Alaska. This is done in the winter. You can see this is the ice road I am talking about, which literally goes 4 miles, connecting this site to a road system miles away. We have a picture of the same site. This is in the summer, the same site. We have capped off and removed the rig. So the first one was the exploration, and then once the exploration is complete, they cap it off. There is no sign of impact to the area except for this "Christmas tree" valve stem that can be removed if, in fact, there is no production that is ever likely in that area.

Again, you may look at this and say: How do you get there? We get there because we are utilizing techniques that allow us and require us to protect the environment, so the impact is as minimal as absolutely possible.

The last picture I wish to put up in this series is this one. Everyone talks about the caribou. I think no picture of ANWR is complete unless we have a picture of the caribou wandering around at Point McIntyre Field while drilling is underway. The caribou—the wildlife—have learned to coexist with the level of development that goes on in the area there.

Again, I think it is important to point out we have gotten smart over the past 30 years. We figured out how to utilize technology so we can gain access to a resource, while at the same time preserving and protecting an area, a part of the country that we know is fragile. That tundra is fragile territory, and we have to treat it right, with respect, and be able to allow a level of subsistence harvest for the Natives who live up there and live off the land. We have to figure out how we balance it. We have worked very hard to do that.

The chairman of the Energy Committee, a colleague for whom I have a great deal of respect and who has worked very hard on so many energy issues spoke a little while ago, and he made the point that to the west of the Prudoe fields, and to the south, we have an area that is known as the National Petroleum Reserve-Alaska. His point was, why do we need to open ANWR if we have all this area that is potentially available for oil exploration and development? There are a couple things going on with NPRA. It is a huge area. It is larger than the ANWR area itself. As a consequence, the pockets of oil—the areas that would be conducive for exploration and drilling—are further from the infrastructure, the existing pipelines. So that adds enormous costs to already very expensive operations up north.

You also have some very environmentally sensitive areas in the NPRA, around the Shirukak Lake, where you have a great deal of waterfowl that come through. So we are sensitive to making sure we are not disrupting, to the furthest extent possible, the wildlife, the waterfowl. That, too, is a point of concern. We also recognize the potential in ANWR for greater intensity, in terms of the oil finds, is that much more real. It is estimated that in ANWR we could get approximately 6,860 barrels per acre as opposed to only 480 barrels per acre in the NPRA. Those are factors to consider when we are talking about NPRA and ANWR.

I think it is helpful to put up a map of ANWR, so people can put it into context. The ANWR portion of this bill limits exploration to 2,000 acres of the 19.6 million acres of wildlife refuge. This is just one 10,000th of 1 percent of the refuge. It allows the establishment of critical habitat zones. It requires the use of the best commercially available technology to produce the oil, no matter what the cost is to the company. We believe, truly, this new technology can limit the environmental impact in the north.

Look at what we are talking about, the refuge itself. When people talk about ANWR, some might get the impression we are talking about developing in all of the wildlife refuge, all the 19.6 million acres. That is incorrect. The area we are talking about developing is within the ANWR Coastal Plain. That acreage is 1.5 million acres. Still, look at what you have within the refuge. You have a wilderness area, which has absolutely no development of anything at all, 8.5 million acres that is fully established in the wilderness area. In the balance is about 10 million acres and it is the refuge area. So this is the area—the 1002 we are talking about opening for potential exploration and development. Of that, this tiny little red dot on this map represents 2,000 acres out of the 1.5 million acres. So it is important to put that into context.

We have not had the ANWR debate in some months, so I think it is always nice to refresh people's memories of what ANWR is. You will notice ANWR itself is about the size of the State of South Carolina. We are talking big territory here.

The amendment that was offered by Senator DOMENICI and members of the Energy Committee does more than just open ANWR. ANWR is not the sole answer to the high price of oil. ANWR is not the sole answer to a balanced energy policy. ANWR is just one piece of that puzzle.

The amendment also permits revenue sharing with States that decide to allow OCS development off their coastlines. For the States that do not want it, this also provides new moratoria powers to prevent drilling, powers that could be gone in just 4 years. This is actually a plus for those who are somewhat concerned about OCS development off their coast.

With the new technology we have, the old fears of well blowouts from offshore development should be satisfied. The fear of subsea pipeline leaks should be alleviated by the performances we saw in the Gulf of Mexico during Hurricanes Katrina, Rita, and Wilma in 2005, category 5 hurricanes, which resulted in no major spills. The fear of water contamination by drilling rigs should be resolved since nontoxic chemicals can now be used.

The amendment also removes the moratorium that is imposed on oil shale production in the West. There is great new technology that permits production from in situ piping, not requiring open-pit mining of the oil shale. We recognize we have so much oil shale in this country. They say America is the Saudi Arabia of oil shale, holding 2 trillion barrels of potential oil production.

Also, the provision in the legislation regarding coal-to-liquids sets a goal of America producing 6 billion gallons of such fuels by 2022, one-sixth of what we theoretically will produce from biofuel by then. But it requires that the fuel not produce more life-cycle carbon emissions than gasoline and allows for waivers to protect the environment. Given that Alaska alone holds the world's largest potential coal deposit and that America contains about 60 percent of the world's total reserves of coal, it is vital that we find some way to utilize the fuel. Coal is the only fossil fuel we can develop where we know we have the technology currently to capture and store any carbon produced and to keep it out of the atmosphere.

We believe that bill could produce another 24 billion barrels of oil—enough to meet our Nation's total needs for 5 years. That will dampen world prices. But if we don't take these steps, we will continue to be in this exact same position of being held hostage by the world's oil cartel for decades until we have new alternative technologies. We have to stop letting ourselves be held over the proverbial barrel by the world's nationally owned oil companies.

We understand in this country that there is no good reason, with our technology, our environmental advancements, not to be producing more of the energy that it needs.

I do want to add a caveat because I have been talking about ANWR, offshore, and coal-to-liquids, that by passing this amendment, it does not mean we shouldn't move full speed ahead to promote noncarbon-emitting nuclear power, that we shouldn't do everything possible to produce more power from wind, biomass, hydropower, solar, geothermal, ocean energy, and all the other technologies. We need them all. What it does mean is America will finally show the world that we are willing to do our part in meeting our energy needs.

There used to be a mantra, if you will, that nations should think globally but act locally. In this country, we should produce more of the energy we consume rather than expect other nations to supply it to us. We have the ability to reduce our dependency on imported energy sources. We just need to get on doing it. I think this amendment will help us cut our prices now, but especially looking out for the long term, help us to avoid higher prices for the years to come.

Over the weekend, I was reading through the local columnists in the Anchorage paper. One guy had it right. He said: I think the Republicans need to be more supportive of alternatives and renewables, the Democrats need to be more supportive of increased domestic production, and the American consumer needs to just conserve more. Sounds like pretty sage and wise advice to me.

With all of those components—increased domestic production, focus on the future of energy, which is renewables and alternatives, and focus on conservation and efficiency—we have ourselves the start of a pretty good energy policy for this country.

I appreciate the time of my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

NOMINATION OF JUDGE ROBERT CONRAD

Mr. BURR. Mr. President, anniversaries are usually a time of joy, a time to celebrate, a time to remember happy occasions in one's life. This weekend, my sons celebrated Mother's Day with my wife, their mom, Brooke. Many know this is the 100th anniversary of Mother's Day.

Speaking of their mom, she and I will celebrate our 26th wedding anniversary this August. It is an anniversary that is very special, and it is something I intend to celebrate every day.

But today we mark an anniversary that is more troubling than celebratory. Today marks the 300th day since Judge Robert Conrad was nominated to serve on the Fourth Circuit Court of Appeals—the 300th day. Judge Conrad was nominated in July 2007. It has been almost a year, and he still has yet to receive a hearing from the Judiciary Committee. Advise and consent. I don't think it said 300-plus days; it says advise and consent.

This is an anniversary of which I personally am not quite proud and, quite frankly, of which the Senate should be ashamed. We are telling the American people we are unable to fulfill one of the most important responsibilities for which they elect us as Senators. We are telling the American people that we cannot follow through with our constitutional responsibility of advise and consent on Federal judges.

I am not going to spend my time today pointing fingers and placing blame on one party or another. That would be a waste of everybody's time. I am here for quite the opposite reason. We need to encourage our fellow colleagues to better utilize our limited time left in this Congress and start confirming judges to the bench.

The unfortunate reality is that our Federal bench is suffering and, most importantly, vacancies on the bench hurt the American people. I have often said there is no area of daily life that is not affected by judges. Judges make decisions every day that have a long-lasting and significant impact on the entirety of the American people.

Unfortunately, our society has become so extremely comfortable with, if not aggressive about, filing lawsuits, and we must try to reduce that problem in and of itself. But in the meantime, we need to fill these lingering vacancies in order to give judges on the bench the help they desperately need to adjudicate their rapidly increasing caseloads.

Today, we have a great opportunity for this Congress to stop pointing fingers, to stop placing blame, and reverse the dreadful trend of underperformance on Federal judges. I encourage my colleagues to rise above the bickering and come to an understanding that confirming judges should be about legal qualifications and experience.

Judge Bob Conrad now waits for the 300th day for his nomination for a judiciary hearing. He is clearly qualified to serve on the Fourth Circuit Court of Appeals. It is almost impossible to think of a more qualified candidate. He has an excellent reputation as a knowledgeable and fair district court judge from the Western District of North Carolina.

Bob has twice—twice—been confirmed by the Senate, once in 2001 to become U.S. attorney and once in 2005 to be a U.S. district court judge—a candidate that has been confirmed by this body twice who cannot even get a Judiciary Committee hearing.

Bob received a unanimous—let me repeat that—a unanimous "well qualified" rating by the American Bar Association. Not every nominee receives a unanimous "well qualified" rating.

Bob's nomination to the Fourth Circuit Court has been endorsed by the Charlotte Observer, the Asheville Citizen-Times, and the Charleston Post and Courier. It is not the papers keeping him out of office; it is the Senate and, specifically, the Judiciary Committee.

Judge Conrad's nomination is also extremely important to North Carolina. My home State must get more representation on the Fourth Circuit Court. Our State has just one seated judge, even though we are the most populous State in the circuit.

Judge Conrad has been nominated to the Fourth Circuit Court seat. This is a seat that has been vacant for 14 years. Let me say that again. This is a judicial seat that has been vacant for 14 years. This Senate cannot fulfill its obligations to put a judge on this bench. It is now a judicial emergency by the Administrative Office of the Courts.

I could continue to list Judge Conrad's outstanding credentials and qualifications and, more importantly, why it is critical that he be confirmed to the Fourth Circuit Court, but really, this distinguished body could use a little less talk and a little more action. It is time to act on this nomination. It is time to give Judge Conrad a hearing and a vote on the Senate floor. He has been waiting patiently for over 300 days, and that is inexcusable.

Some may think they are helping their political party by blocking qualified Presidential nominees from being considered for the Federal bench, but what they are really hurting is our country and the American people. It is not just 1 or 2 of us or 100 U.S. Senators who suffer from this lack of progress, it is all of us.

I remind all of my colleagues that they should not celebrate this 300-day anniversary; they should act on it, they should act to get Bob Conrad a hearing and to get him a vote on the Senate floor. I ask my colleagues to do this for Judge Conrad, but, more importantly, do it for the American people.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. DOLE. Mr. President, I come to the floor today, along with my colleague, to speak on the pending nomination of Robert J. Conrad, but I also wish to speak about the nomination of Thomas Alvin Farr to be a district court judge in the Eastern District of North Carolina.

As my great friend and colleague, Senator BURR from North Carolina, has pointed out, these nominations have reached a number of troublesome and frustrating milestones in the past few weeks. Bob Conrad has now been waiting more than 300 days—300 days—for a hearing, and Tom Farr's nomination has languished for a nearly unprecedented duration of over 500 days—500 days—without a hearing. In fact, he now holds the unenviable distinction of being the longest current pending district court nominee.

Bob Conrad and Tom Farr have both received the American Bar Association's highest rating of unanimously "well qualified" and still they await a hearing.

Bob Conrad and Tom Farr have the full support of their home State Senators. Both of their blue slips were long ago returned, and still they await a hearing.

The Eastern District seat to which Tom is nominated and the Fourth Circuit seat to which Bob Conrad has been nominated have been declared judicial emergencies by the Judicial Conference. I would add that North Carolina, the most populous State in the Circuit, has historically been significantly underrepresented on the court and presently can claim only one judge, the Honorable Allyson Duncan, when we should have four or five. And still, these accomplished and capable candidates continue to wait hundreds of days without receiving a hearing.

The chairman of the Judiciary Committee, the distinguished Senator from Vermont, has taken time to meet both Tom Farr and Bob Conrad, and we thank him for the courtesy. Despite the chairman's having met these two thoughtful and impressive men, having heard them pledge their commitment to the law and its impartial administration, they have faced inaction by the Committee on the Judiciary.

Tom Farr and Bob Conrad are two of the most distinguished and respected legal professionals in the State of North Carolina. For his part, Tom graduated at the top of his class, summa cum laude from Hillsdale College, and went on to receive his J.D. from Emory University and his Masters of Law in Labor from the Georgetown University Law Center. Tom spent a year as the late U.S. Senator John East's Labor Committee Counsel. He also has clerked for Judge Frank Bullock of North Carolina's Middle District; served as an Adjunct Professor of Labor and Employment Law; chaired the Magistrate Judge Merit Selection Committee in North Carolina's Eastern District; and is a permanent member of the Fourth Circuit Judicial Conference.

Tom Farr has spent the majority of his career practicing employment law in Raleigh with two of our State's most important law firms. Recognized as a leader in his practice area, Tom has been selected as a Top 100 Super Lawyer for 2 years running by his colleagues and as "Legal Elite" for 5 years running by Business North Carolina. He is listed in the Martindale Hubbell Law Directory, the listing of the country's leading attorneys, and has maintained their preeminent ranking for more than a decade.

And regarding the impressive qualifications of Judge Bob Conrad, he is a magna cum laude graduate of Clemson University and received his law degree from the University of Virginia. His career and credentials are known to many in this body. The Senate confirmed him by a noncontroversial voice vote as a Judge in North Carolina's Western District, and he has served since 2006 as that court's chief judge. Bob Conrad is recognized as a judge and judicial scholar of the first order by the attorneys who appear before him and the judges with whom he works.

Indeed, both the Conrad and Farr nominations are supported by a wide array of their colleagues, both Republican and Democrat, many of whom have written the chairman to express their support for these nominees and belief in their fitness for the Federal judiciary.

In this body, we often speak of judicial nominations in terms of numbers: Number of nominees confirmed; number of days pending. And while these numbers are important, let us not lose sight of the fact that these nominees are real people with careers and families; real people who have made sacrifices in those careers, in time spent with those families, all for the opportunity to serve their country as a Federal judge. Yes, appointment to these high offices is an honor representing the entrustment of an awesome responsibility. And the Senate's constitutional duty of advice and consent is not to be discharged lightly. But our duty must be discharged by allowing an up or down vote on these nominees.

I ask my colleagues to move forward and bring some measure of relief to the people of North Carolina's Eastern District and the Fourth Circuit. It is a simple and reasonable request. And action on the nominations of Tom Farr and Bob Conrad is long overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, am I listed in the order of morning business?

The PRESIDING OFFICER. The Senator is recognized for 25 minutes.

CORRUPTION IN IRAQ

Mr. DORGAN. Mr. President, I am going to speak about energy and respond to a couple of things I heard on the Senate floor and talk about what we are going to be doing tomorrow. But first let me say I finished 2 hours of chairing a Democratic policy committee hearing in which three people testified: two previously serving with the U.S. State Department in the country of Iraq, and one, Major General

Nash, who has a great deal of experience internationally.

I come away from that hearing after listening 2 hours to some very patriotic Americans, Judge Brennan and Mr. Mattil, who talked about their experience working for the State Department in Baghdad.

What I heard was unbelievable—almost unbelievable. They were there to try to be supportive of the anticorruption efforts that were underway by our Government and by Judge Radhi al-Radhi, who headed the Commission on Public Integrity in the country of Iraq. What they told me makes me almost furious.

They told me our State Department—yes, our State Department here in the United States—did everything they could to undermine the efforts of Judge al-Radhi and the Commission on Public Integrity and the section in the State Department that was in Iraq trying to root out corruption and support those who were engaged in anticorruption activity. Billions and billions of dollars have literally been stolen. The witnesses today who worked for our State Department in Iraq told us money that has gone through the hands of the Iraqi Ministries, an unbelievably corrupt government, ends up in the hands, among other places, of the insurgents, which then fuels the war against our soldiers. Our State Department, they say in testimony—and I encourage people to write to us and get a copy of this testimony—they say our Government and those in charge in Baghdad not only did nothing about it, but tried—because the Iraq Government, full of corrupt Ministries, was upset with the Commission on Public Integrity investigating them—it was our Government that decided to be helpful to throw Judge al-Radhi out of that country.

This is a man whom they tried to kill. They didn't like him investigating corruption in Iraq so they tried to kill him. Yet our Government paved the way for the Iraqi Government to get rid of him, to throw him out of the country.

On Thursday of this week we are going to write a bill in the Appropriations Committee. I believe the President asks for $172 billion—that is with a "b"—$172 billion additional, mostly for the war in Iraq and Afghanistan. The question is, how much of that $127 billion going through our Defense Department and then coming into the Iraqi Ministries, how much of that is going to be wasted? How much of that is going to stick in the hands of corrupt officials in the country of Iraq?

If we could dye that money purple and track it through those who stuff it in their pockets in Iraqi Ministries and then pass it along to the insurgents as part of the take, who would we see stealing this money from the American taxpayers, and who would we see undermining the work, every day, of soldiers in Iraq?

We can't leave the country of Iraq, we are told by this administration, until there is stability. There is not going to be stability until we address the issue of corruption. As long as we will turn a blind eye to corruption—which two people from the State Department who worked in Iraq told us today—as long as we turn a blind eye to corruption, which has been done; as long as we betray—yes, betray—those who were standing up in Iraq and risking their lives to get rid of corruption, we don't stand a chance of making an inch of ground in Iraq. In fact, the witnesses today said the Special Inspector General in Iraq, in reporting to us, the Congress, and the American people about progress made in routing out corruption, that Special Inspector General was given information from those in charge in our Government in Iraq that was inaccurate because those responsible for providing the information sent the right information to the Inspector General and then it was pulled back by the State Department and they sanitized it and rewrote it to give a completely different message.

We are not even getting the truth. We are being deceived. I want everyone to read the testimony that came today from Judge Brennan and others and understand what is happening.

As we start on Thursday on this issue of whether we are going to provide another $172 billion, we ought to understand how much of that money is being stolen, how much of that money is going to actually support the insurgency, and what is being done about it. I am going to send letters, as a result of the hearing that I and my colleagues held today, to officials in the State Department, to Secretary Rice, and others demanding to know what she knows and what they know and who is doing something about this and demanding accountability from those in the State Department relative to the testimony that was given today.

Mr. President, I didn't come to talk about that, but I just came from chairing that hearing for 2 hours. It is an unbelievable tale that is very distressing and very disappointing and just cries out for action by the Congress and action by the President and this administration.

THE PRICE OF OIL

Mr. DORGAN. I want to talk about oil prices a bit. I noticed today that some of my colleagues were talking about drilling in Alaska. They said that we should drill in ANWR. That has become the hood ornament for every conversation about energy. If we just drill in ANWR, then things will be fine.

ANWR is one of those pristine areas we have set aside. There are some who want to drill there as a first resort. If ever there is drilling in some part of the world that we have set aside as one of the few pristine areas left, then it ought to be a last resort. Why would you go there as a first resort?

If you take a look at the Outer Continental Shelf and where the reserves of oil and gas really are, You have on that list the Gulf of Mexico, the West Coast, and the Outer Continental Shelf of Alaska. They rank in that order. No. 1 is the Gulf of Mexico; No. 2 is California and the west coast; and No. 3 is the Outer Continental Shelf of Alaska.

I was there with three of my colleagues, Senators DOMENICI, BINGAMAN, and Talent, in the 109th Congress who introduced the legislation to open Lease Sale 181 off the Gulf of Mexico to get new oil and natural gas production. I am proud to say that became law. We got that passed in the 109th Congress.

It was narrowed when we passed it, so I have actually introduced another bill to expand that. I think we should be in the eastern Gulf of Mexico producing more, and we have made progress as a result of my past efforts with Senators DOMENICI, BINGAMAN, and Talent. So don't tell me about ANWR is going to solve all our problems. We are trying to open even more in the Gulf of Mexico for additional production.

With respect to the price of oil at this point, it's been bouncing around at the top like a roller coaster. But here is what is happening with the price of oil. It has nearly doubled in the last year. That should be no surprise to people. If you drive a car you know what is going on. It nearly doubled in the last year.

In my judgment there is nothing that justifies that, and I want to talk about that a little bit. There is nothing with respect to the fundamentals of supply and demand that would justify doubling the price of oil in one year. Take a look at what Stephen Simon, senior vice president of ExxonMobil, a company making enormous profits, said. By the way, they have permagrins. They can't help but smile all the way to the bank with their record profits, some of the highest profits in history. Mr. Simon, said on April 1:

> The price of oil should be about $50-$55 a barrel.

Clarence Cazalot, CEO of Marathon Oil, said,

> $100 oil isn't justified by the physical demand in the market.

Fadel Gheit, Senior Energy Analyst with Oppenheimer & Company who has more than 30 years in this business said to the Star-Telegram on October 26, 2007,

> There is absolutely no shortage of oil. I'm absolutely convinced that oil prices should not be a dime above $55 a barrel.

He is talking about the futures market.

> I call it the world's largest gambling hall. . . . It's open 24/7. . . . Unfortunately, it's totally unregulated. . . . This is like a highway

with no cops and no speed limit, and everyone is going 120 miles an hour.

New Jersey Star Ledger:

> Experts, including the former head of ExxonMobil, say financial speculation in the energy markets has grown so much over the last 30 years that it now adds 20 to 30 percent or more to the price of a barrel of oil.

Here is an example of increases in the speculation in the futures market as opposed to commercial contracts. Speculation has rapidly increased. You can see it has gone up near the 40 percent mark. You will see where it has gone just in recent years, up, up, way up. What has happened is we have much more speculation in the futures market that determines the price of this commodity.

Who is making money with all this? I said the other day, I don't know this guy from a cord of wood. His name is Andrew Hall. There is a story in the Wall Street Journal: "Trader Hits Jackpot In Oil As Commodity Boom Roars On."

My guess is this fellow doesn't actually want to buy oil or actually acquire oil. He is just speculating in the futures market. Will Rogers said:

> You will buy things you will never get from people who never have had it.

Right? And you make money all along the way. You have the speculators in neck deep and hedge funds in neck deep in the futures market speculating. Here is a guy who made a quarter of a billion dollars in the last five years speculating in the futures market.

Some say the futures market, you need that. I agree you need that. You need that for liquidity, and you need it for hedging. That's absolutely true. But you don't need a futures market and should not allow a futures market for energy that ratchets up the price of energy in an unbelievable way, solely due to speculation. The fact is, it does great damage to our economy and does great damage to industries in this economy.

I believe we have had five airlines go bankrupt in the last month. We have trucking firms threatening to go belly up because they can't possibly afford to pay for the fuel and make a decent profit. This has an unbelievable impact in our country. It severely damages our economy.

I come from a State that is 10 times the size of Massachusetts.

So you can put ten Massachusetts in my State. We do not have a very large population, but we drive a lot. We are an agricultural state so we use a lot of fuel. Incidentally, per person we use twice as much fuel as New Yorkers use. We use twice as much fuel per person per capita as New Yorkers do, so when this shoots way up through the stratosphere, it hurts us much more than other areas of the country. We know this in a very personal way.

Now, what do we do about that? Well, I have talked about the unbelievable orgy of speculation in the commodity markets. We ought to dampen that speculation by increasing the margin requirements. Buy a stock on margin, you have to put up 50 percent of the money to buy the stock. Buy an oil futures contract, in most cases, you put up 5 to 7 percent to buy an oil futures contract.

If you have too much speculation in that marketplace which is well above that which is needed for liquidity and hedging and normal commercial functions, then you have too much speculative capability, and there is too much speculative activity. Thus, we ought to wring that out. I think there is a way to do that, and that is by increasing the margin requirements.

Now I want to go to the next piece of information, and that is the bill I introduced three months ago to suspend filling the Strategic Petroleum Reserve. I was thinking today about the movie "Dumb and Dumber." I actually watched a little bit of it because it was so dumb. Dumb and dumber represents a policy of putting oil underground at a time when oil prices are up around $128 a barrel. I know "dumb" is not a term of art, but I cannot think of anything that would be dumber than continue a policy that makes no sense. Oil is going through the roof so let's stick oil underground by taking it out of supply, store it underground, and thereby increase the price.

Well, here is what we should do instead. This administration is now putting about 70,000 barrels of oil every single day, 7 days a week, at locations like Bryant Mound, Big Hill, and West Hackberry. These are places on the Gulf Coast with salt domes where we store oil. What is the purpose? It is called the Strategic Petroleum Reserve. We call it the SPR for short. Because if we run into some trouble some day, we want oil preserved in an SPR, and we can call on that oil.

Here is what it looks like. It includes big old tubes that pump oil in the ground. This is the oil that ought to be in the supply pipelines right now so, when you drive up to the gas pump, you are paying a little bit less than you are now paying. Instead of it being available at the gas pump, it is being put underground in the SPR.

We are required as a country by international treaty obligations to have at least a 90-day reserve. We are at about 118 days if you take public and private stocks into account. We are well above our international requirement.

From what I can tell, there are 67 Senators who have signed letters or made statements to the President saying: Stop it. Do not stick oil underground at this time. This is oil that comes off the Gulf of Mexico as a royalty-in-kind oil. Instead of putting it in supply, they are sticking it underground. Furthermore, the Strategic Petroleum Reserve is 97 percent filled. It is 97 percent full. And when oil is $128 a barrel, we are sticking it underground. It makes no sense; it defies all common sense.

Yet 51 Democratic Senators sent a letter to the President, and 15 Republicans Senators sent a letter to the President. Also, the Republican Presidential candidate, JOHN MCCAIN, and said "stop it." That's at least 67 Senators.

Last week, Doug Steenland, the President and CEO of Northwest Airlines testified before the Congress. He said:

> Certainly with the prices at this level, and given the demand out there, we don't need to be filling the Strategic Reserve at $122 per barrel.

Now, obviously he has a vested interest, because he and others are engaged in the airline industry.

Here is a quote from James May, President and CEO of the Air Transport Association of America:

> One of the most important and immediate steps that the government can take to help the economy is to stop filling the SPR.

Why do we hear from airlines? We are hearing from airlines, truckers, or any number of industries or families and businesses. The airlines are hurt unbelievably by these prices and so are trucking firms. American families are pulling up to a gas pump trying to figure out how do I manage to pay for this tank of gas. It is not unusual to hear industry officials say: Stop it.

JOHN MCCAIN, Senator MCCAIN:

> With oil at over $100 a barrel and an adequate supply in the [Strategic Petroleum Reserve], it is time to suspend purchases.

Now, why is it that everyone can hear this message except the President and the Vice President? I am told the Vice President is the one who is absolutely insistent that we keep putting oil underground. Why is it that everyone can understand and hear this message loud and clear except the President and his Vice President?

Is it not probably time for all of us to insist that we do that which we know should be done? Fifteen Senators from the minority sent a letter to the President on April 29, 2008, and said:

> We write today to request that the U.S. Department of Energy immediately halt deposits of domestic crude oil into the U.S. Strategic Petroleum Reserve.

Now, having said all of that, we are going to vote tomorrow on a piece of legislation I introduced in early February. I have spoken about it on the floor until people fall asleep when bring it up. I know repetition is difficult around here, but it is important to understand how urgent this is.

The fact is, we all have one thing in common: None of us has ever seen nearly $128 oil until now. We have never seen the price of a barrel of oil go up to $120, $124, or $128 a barrel for oil. None of us has ever experienced that before. So what does it mean to this economy? Do we know? I guess not, but we are witnessing it. I guess we know what it means to the five airlines that are bankrupt.

Do we know what it means to a trucking company? A guy called me the other day. He is running a trucking company in North Dakota that his dad started many years ago. They have a good operation. They are a good family company. They have made a good living for their family over many years. He said you know what. I do not see how we can avoid shutting this company down. We cannot afford the fuel costs. We just cannot afford it any longer.

Now, what are the consequences of all of this, a family driving up to the gas pump and spending $50 or $60 to fill their tank?

Here is what is happening: The speculators in the oil futures area are making a massive amount of money. No question about it. Take a look at hedge fund compensation. It is unbelievable.

The OPEC countries, oh, man, they are going to the bank. They are going to the bank with our money. You pull up to the pump, you are lining the pockets of the OPEC and other oil producing countries. You are lining the pockets of the major integrated oil companies too.

By the way, the major integrated oil companies now all have two names, because they all got married. They liked each other a lot, liked the bottom line. Now, it is ExxonMobil, and it is ConocoPhillips. They have all got two names.

People say to me: what are you talking about? Why do you not let the free market work? Let the free market work. Don't you understand anything? Well, I actually used to teach a little economics in college. But this is not a free market at work. There is nothing about a free market here.

No. 1, you have a cartel, a cartel of countries that makes decisions behind a closed door, and they have the capability to make those decisions stick. In fact, Saudi Arabia is now pumping 800,000 fewer barrels a day than they did two years ago. Does that decision have an impact on price? You bet your life it does. So you have a cartel. It is illegal to have a cartel in this country. You would go to jail for that in this country. But we have a cartel for oil producing nations.

Then you have the major oil companies which are bigger and much stronger, with much more muscle in the marketplace. Why? Because everybody was shaking pom-poms while they wanted to merge. You want to merge? Absolutely. No problem. Get bigger. Fine.

We are supposed to have 2,000 people working for this U.S. Government on antitrust enforcement. You cannot find one of them. I know they are getting paid, but you cannot find one of them. All of these mergers are approved. So now we have got the OPEC cartel, we have got the major integrated oil companies with more muscle in the marketplace. Finally, we have a futures market which has become an orgy of speculation.

Then we are told just let the free market work. What is wrong with you? The free market is fine. I guess it is fine if you are on the receiving end of these policies. If you are the one who is the beneficiary, it is not fine. If you are the one who is going to the bank to make deposits, boy, this works out pretty well for you.

But if you are on the receiving end of oil, gas, jet fuel prices or diesel prices, then you are in deep trouble. The fact is, this is damaging our economy, and it is going continue to damage our economy until we find ways to address it.

I serve on the Energy Committee. I am also Chairman of the Appropriations Subcommittee on Energy and Water, so I spend a lot of time thinking about energy. I understand that in order to address our energy needs we need to do a lot of things, do them right and do them well. We need to produce more. I understand that. I described the need to produce more in the Gulf of Mexico, and what we are trying to do through legislative efforts. We need to produce renewable fuels, and we can and should do that. I think there is great capacity in renewable fuels in the U.S.

We need to conserve more. We waste an unbelievable amount of energy in this country. We need to be much more efficient with all of the things we do. We get up in the mornings and never think. We flick a switch from "off" to "on" and everything comes on. We put a key in the ignition and turn it and somehow the engine starts, and we go to work. We do not think much about all of those issues, and make sure that conservation and efficiency are unbelievably important.

So we need to consider production, conservation, efficiency, and renewables as important elements of an energy policy. But, again, when my colleagues come to the floor of the Senate and say: Well, you know, if we could have drilled in ANWR, boy, things would be terrific. That is all nonsense. I mean, we can produce much more without going to that which we ought to go to as a last resort, rather than a first resort.

That is why many of us are trying to go beyond Lease Sale 181 in the Gulf of Mexico. We ought to be producing off Cuba as well where China is now allowed to drill and produce. So there is so much we can do. Let's take the first baby steps in the right direction and stop doing things that make no sense. Let's stop putting oil underground into the Strategic Petroleum Reserve.

My hope is that, while we might disagree on a lot of things on energy policy, the one thing we can and I hope should agree on is to stop putting oil underground when it is going from $120, to $125, to $145 a barrel. I think there are at least 67 and probably 75 Senators who have expressed themselves on that. While we might disagree on other parts of energy legislation, we should not disagree on that, if a substantial, overwhelming majority of the Senate believes it.

You know, one of the regrets I have had in the Senate in recent times is we often get the worst of what each party has to offer rather than the best of both. The fact is we have got two grand political parties in our country. I know on some things we have different beliefs, and we have differences of opinion. There are some things from time to time where we agree. This is an area where we agree right now. It is time to stop filling the SPR at this point. Not forever but at this point. That is an area of broad agreement in this Chamber. I hope we can manifest that agreement tomorrow when we cast a vote on legislation that I introduced three months ago. I have introduced amendments that Republicans like Senator DOMENICI and Senator SNOWE have cosponsored. Many other Senators have signed letters. Senator MCCAIN has expressed himself strongly and positively in support of this position. So let's do what we can achieve.

Will it reduce the price of gasoline? Absolutely. Will it reduce it a lot? I do not know. Probably not a lot, but some. Dr. Philip Verleger, an economist and energy analyst, testified before the Energy Committee last year and pointed out that we are taking certain oil from the Gulf of Mexico and putting underground. This is sweet light crude, a subset, the most valuable subset of oil. He said that it had an impact of about 10 percent on the price of sweet light crude oil.

Let's do what we can do to put some downward pressure on the price of oil.

Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. SALAZAR). The Senator's time has expired.

The Senator from Arizona.

Mr. KYL. Mr. President, tomorrow we are going to be voting on a couple of different bills, one of which was discussed by my colleague from North Dakota. The other is called the Domenici bill for the senior Senator from New Mexico.

I believe that while the Domenici bill does not answer all of the questions with regard to energy production, it is a very good start because, first and foremost, it addresses the production side. We know there is a huge demand and not enough supply of energy. In many respects, the Domenici bill seeks to remedy that imbalance and provide for more production.

In the last 30 years, U.S. consumption of oil has grown moderately. Our dependence on foreign oil has doubled to more than 13.4 million barrels per day, but our domestic production has remained relatively flat. Whether oil is purchased domestically or from foreign sources, we are feeling the negative effects of high prices more than ever.

We have to do something to help bring down the price of oil and gas at the pump, and today's average was $3.78. What the Domenici amendment does is open up new production, for example, 2000 acres of the 19 million acres of the Arctic Plain which was specifically designated for oil and gas leasing so that with its new environmentally sound directional drilling, very low footprint, at least a million barrels of oil could be made available, roughly 1 million barrels a day for 20 years. That would make a big difference. It also allows that States on both the Atlantic and Pacific could petition the Federal Government to opt out of the current broad moratorium on drilling and, in a responsible, environmental manner unlock potentially millions of barrels of crude oil.

The Domenici amendment streamlines and consolidates the refinery permitting process since frequently that is the bottleneck in getting refined gasoline to the consumer. It eases difficulties usually encountered when they want to build or expand refineries. We haven't built a new refinery in about 30 years.

The amendment suspends delivery to the SPR, echoing comments of my colleague from North Dakota. This is not a magic bullet. Simply not buying some oil and putting it in the SPR, while it won't hurt anything and might actually help a little bit, is a very modest proposal and does nothing to actually add to the supply of energy. But the Domenici amendment includes this provision as well. It is not going to do any harm, and it could do some good. The amendment also allows for the long-term procurement of synthetic fuels by repealing section 526 of last year's energy bill which placed certain emissions requirements on Air Force fuels, for example, and repeals a provision of last year's bill that stipulated a moratorium on oil shale development. U.S. domestic oil companies are doing a lot of research into the potential for shale converted to oil. If we were able to accomplish this, we could produce much more oil in the United States as a result.

The Domenici amendment is not perfect. I would, for example, not have included a coal mandate though, obviously, it would be good if we could convert coal to a liquid fuel that could be put into our transportation needs. I would have included a domestic oil royalty provision that would have required that new leases include price thresholds limiting royalty relief when gas and oil prices are high. That would improve our energy situation. I also believe it is important to look at some of the causes of the high oil and gas prices and some of the potential initiatives that will lessen our reliance on oil which reached $125 a barrel today. I will talk briefly about the weakness of the American dollar which has something to do with that.

The bottom line is, there are very good provisions in the Domenici amendment. While I think it did not go far enough in some areas and had one mandate which is unfortunate, it is an amendment which I will support because it will actually produce oil. Much of what comes from the other side sounds good, but it doesn't produce a single drop of oil. Without that, we are not going to decrease demand to more match supply.

I mentioned that one of the costs of oil for American consumers is the fact that our dollar has decreased in value relative to other currencies. There was a recent editorial in the Wall Street Journal which showed that the price of oil based upon gold or the value of the Euro has remained relatively constant, whereas compared to the price of a dollar, it has increased dramatically, because the dollar is worth less money. If a dollar doesn't buy you as much, you have to have a lot more of them to buy the same quantity of gasoline. I filled up two cars this weekend. In both cases, I could see the fact my dollars weren't going as far as they used to. That was one of the reasons I paid more for the gas I purchased.

European and Asian nations are shielded from this because their currencies, like the Euro and the yen, have maintained their value. Europeans pay 80 Euros for a barrel of oil, while Americans are paying more than $125 as of today. So returning the United States to a strong dollar policy would greatly reduce the price U.S. consumers pay for oil. The Federal Reserve should switch its focus from maintaining economic stability to fighting inflation, its primary goal. In periods of slower economic growth, the Federal Reserve traditionally responds by reducing short-term interest rates, but that can exacerbate inflation which has increased substantially. The Federal Reserve needs to refrain from reducing interest rates further. Our currency is the foundation for our economy. Without a strong dollar, our economy will not be able to achieve the stability that is necessary to control oil prices for the economy.

Something else we can do, as well as reducing our reliance on foreign oil and promoting reliable and affordable energy sources for the future, is to acknowledge that the mandates we imposed in the last two energy bills aren't actually helping to reduce oil prices but actually have caused them to increase.

I support the development of cost-effective alternatives to fossil fuels, but the alternatives should not increase the already burdensome costs of energy and food on American families. As we know, last year's energy bill effectively mandated that fuel marketers blend $15 billion of corn ethanol. I support efforts to reduce the ethanol mandate included in the Energy bill. That will lower gas prices and help to lower food prices as well. Instead, I believe we should be focusing on other and better sources of renewable energy already available, specifically nuclear energy.

Dr. Patrick Moore, one of the founders of Greenpeace, stated in a Washington Post op-ed 2 years ago:

> Nuclear energy is the only large-scale, cost-effective energy source that can reduce . . . emissions while continuing to satisfy a growing demand for power.

We all know that other countries have relied significantly on nuclear power. Today, France meets 80 percent of its total energy needs with nuclear power and is even able to export surplus energy to Britain and Italy. On top of the clear benefits for France, the country has also experienced a steady decline in per capita emissions of CO_2 since the 1970s. On the other hand, we rely for electricity production on 600 coal-fired electric plants that ultimately produce, according to Dr. Moore, 36 percent of U.S. emissions or nearly 10 percent of global emissions of CO_2. As the public increasingly becomes informed on the advantages of nuclear power, its misgivings about this renewable energy source should diminish.

The benefits to Americans could be great—a clean and renewable source of energy that is produced right here in the United States.

Finally, a word about the majority's energy proposal to increase taxes on domestic oil energy. According to a 2005 report by the nonpartisan Tax Foundation, oil companies have paid $2.2 trillion in Federal, State, and local taxes over the last 25 years. While it is important that tax policies be reviewed from time to time to ensure they still make economic sense, we must be careful not to take actions that would result in even higher prices for consumers. It is hard to imagine that raising taxes on the oil industry would not be passed on to consumers in the form of higher prices. Let's get to expanding our production so we can meet the demand for oil. Let's increase our use of nuclear energy which can make a big difference in providing electricity primarily for electricity production. Let's get back to a strong dollar which is one of the first things we could do without producing a drop of energy to reduce the cost of gasoline we put into our vehicles.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I am pleased our colleagues have come to the floor to talk about the energy crisis. Energy prices are soaring. The Bush administration is doing virtually nothing to help consumers. Congress must act.

I am pleased to hear so many of my colleagues come to the floor to talk about ways in which we can act to try to help the consumer. Americans are hurting today. In my own State of Maryland, my constituents are not only suffering from increased gasoline prices, but electricity prices rose by 72 percent in 2007. For a typical family in Maryland, they have seen a huge increase in their energy costs. For gasoline alone, the average Maryland family spends in excess of $4,500 a year. They have seen an increase in gasoline prices of 153 percent during the Bush administration. If you are a small business, you are vulnerable. Small businesses spend 20 to 30 percent more on energy to produce the same product as a larger company; 62 percent of small businesses have to use a vehicle as part of their business. They don't have the same options larger companies have to invest in energy efficiency as far as equipment is concerned. They certainly don't have the same financing that large companies have. So in these difficult times they have to put mortgages on their homes or, in some cases, even use credit cards. When they use their credit cards, it is the highest possible interest rates they can get. So Marylanders are hurting. Americans are hurting on the energy cost.

The first thing we should have done and we should do today is have an energy policy that makes us energy independent. I have heard a lot of my colleagues talk about it. We have taken some steps in that direction on energy legislation that we passed, but we certainly can do a lot more on the area of energy independence.

We need to be energy independent first and foremost for the security of America. We should not be depending on some country halfway around the world which we disagree with on their international policies because we need their oil and we are dependent on their oil, and we can't do everything we wish to do with that country on foreign policy issues. Secondly, we have to become energy independent for the sake of the environment.

The environmental risks are real. To give one example of global climate change and what greenhouse gas emissions are doing because of the use of petroleum and fossil fuels, I met with my Maryland watermen over the last week and talked about the fragile condition within the Chesapeake Bay and how it is difficult for the different species, including oysters and clams and rockfish, to survive. One of the reasons is the water at the surface is too warm. This is not conducive to good, healthy aquatic life. So the health of the bay is impacted by our dependency and use of oil.

I could talk a lot about our coastal lines in Maryland with the rising sea level and what that is doing as far as the safety of the people who live in my State. So for the sake of our environment, we need to become energy independent and use less fossil fuels.

As we have learned in this economic time, for the sake of our economy, we need to become energy independent. We need to control our energy sources so we can control the economic impact and not have to again be hit with uncertain energy cost increases. Part of that is going to be a renewable portfolio, alternative fuels, conserving fuel. We all know that. But we also need to take immediate action to help the consumer.

As oil prices are rising, gasoline prices are rising, oil companies profits have gone through the roof. The five largest oil companies in 2007 had profits of $103 billion. That is $2 billion a week in profits. In 2008, BP Oil has already shown a 63-percent increase over its 2007 profits. So the consumers are paying more and the oil companies are making a lot more. We need to take action. We need to pass the Consumer First Energy Act. I thank Senator REID for introducing this bill. I am proud to be a cosponsor. I hope we will shortly take this up and be able to pass it. It will help consumers today.

First, it deals with $17 billion that oil companies receive in tax breaks. Remember, the profits of five companies were over $100 billion in 2007. We are talking about tax breaks we are giving which should be used for energy independence. Instead it is making us more dependent upon imported oil. What this legislation would do would be to modify these tax breaks and put the money into an energy independence security trust fund so we can become independent in energy needs.

We have heard a lot of conversation about the Strategic Petroleum Reserve. What is happening today is that the Federal Government is buying 70,000 gallons of gasoline every day. Economics 101, supply and demand, we are increasing the demand for gasoline by 70,000 gallons a day. That has a direct impact on the price of gasoline. We have 97 percent of our needs already in the Strategic Petroleum Reserve. There is bipartisan effort to stop the filling of the petroleum reserve as we are hitting these huge increases in cost to the consumer. This legislation deals with that. We should be having better tools to pursue those who are price gouging. This legislation deals with that.

I heard the Senator from North Dakota talk about the speculators. This legislation deals with that. Let me explain that. As Senator DORGAN pointed out, we have speculators, investors who are buying paper on future oil who are causing the price of oil to go up, which means we pay more at the pump. We should be regulating what we call the margins at a much higher level. Margins mean they have to put up not much money. They buy it on credit. Well, this legislation would have the FTC regulate the margin sales and purchases of futures on oil. That makes a lot of sense. It would calm the speculators and save us at the pump. It is another way we can reduce the cost immediately to the consumer. And it deals with offshore speculating, something else we should do.

The legislation also gives the Attorney General the ability to go after collusion on price fixing in gasoline.

So all these provisions in the Consumer First Energy Act are aimed at trying to bring down the cost to the consumer now and keep it lower than it is today. It would provide immediate help and would bring us closer to meeting our goal of energy independence for the sake of our national security, for the sake of our environment, and for the sake of our economy.

So let's remember the struggles of American families with rising energy costs as we work together. Let's put aside partisan differences, and let's pass the Consumer First Energy Act to provide real relief to the consumers in America. It is in the best interests of the consumers. It is in the best interests of our country. I urge my colleagues to act in a bipartisan way to pass this most important legislation.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Texas.

PUBLIC OPINION

Mr. CORNYN. Mr. President, so far, the 110th Congress has failed to address some of the biggest problems confronting our Nation today. While some may be content to simply point the finger of blame, I think it is time for the Senate to take a long, hard look in the mirror.

I was struck by a poll I read which I would like to share with my colleagues dated April 9, 2008. This is a Rasmussen poll which said that just 13 percent of likely voters believe Congress is doing a good or excellent job—13 percent. The respondents to the poll were also asked whether they thought Congress had passed in the last year any legislation that was designed to make their life a little bit easier. Incredibly, only 12 percent of these likely voters said Congress had passed any legislation to improve life in America during the last year. Fifty-nine percent said we had not. Fifty-nine percent of the respondents said Congress had not passed any legislation in the last year that had made their life better.

This is quite an indictment. Frankly, I think we are going to have a chance tomorrow morning to demonstrate that either these respondents to this poll had gotten it all wrong or we are going to prove them exactly right, depending on the vote we have tomorrow morning on this important energy legislation I want to talk about in a moment. But first I wish to offer some suggestions on why it is that Congress is so poorly thought of by the American voter. Frankly, I think there are a number of examples. I have four examples of inexplicable delays in how Congress has failed to take care of the Nation's business.

First of all, the Foreign Intelligence Surveillance Act. Certainly, one of the most important jobs of the Federal Government is to make sure the American people are safe and secure. Our national security is job No. 1 for the Federal Government.

Over a year ago, our intelligence community alerted us to the fact that an outdated foreign intelligence surveillance system was causing our intelligence gatherers to operate essentially blind to new threats. Despite this urgent plea from the intelligence community, the Speaker of the House has denied an opportunity for the House of Representatives to vote on a bipartisan piece of legislation that came out of the Senate. In fact, this authority has expired for new threats some 87 days ago. Without the critical reform to our foreign intelligence surveillance system, we will not have access to time-critical information that will help protect not only our troops who are deployed around the world but also the American people at home as well. It is just a crying shame that the House leadership would have delayed passage of this important legislation. Again, legislation that was bipartisan and voted out of the Senate is now bogged down and blocked because the Speaker of the House has denied an opportunity for this important legislation to come up.

There is another example, unfortunately, justifying the American public's low opinion of the Congress, and this has to do with the Colombia Free Trade Agreement. We have been waiting 538 days—that is the second number on the chart, 538 days—for Congress to consider the Colombia Free Trade Agreement. After more than a year of trying to negotiate with Congress, President Bush finally submitted this important legislation for fast-track approval. But in a stunning display of just how far Speaker PELOSI is willing to go to delay this important agreement, she opted to rewrite the rules of the House of Representatives in order to avoid having to vote on the bill within the expedited timeline of our trade promotion authority.

This act would have ensured that farmers in my State, the State of Texas, as well as manufacturers and small businesses—it would have provided them a duty-free entry into the markets of the nation of Colombia in South America. Right now, those goods and services bear a tariff of up to 80 percent on their products, notwithstanding that my State of Texas, last year, sold $2.3 billion worth of goods and produce to the nation of Colombia and the people in Colombia. It is one of our best trading partners in South America. So why should our American goods and produce be discriminated against because of these high tariffs? Well, we had a way to solve that 538 days ago, but the Speaker of the House of Representatives has simply refused to allow the House to vote on it.

Recently, American businesses crossed the $1 billion mark in money lost to tariffs in Colombia as a result of the refusal to consider this important legislation. That is $1 billion that could have been saved and invested in our economy, and it is opportunities lost to small businesses and large businesses in America—such as farmers—to sell their goods and produce in Colombia without a tariff.

Well, it is also important because Colombia is one of our very best allies in South America in the fight against the drug cartels and terrorist organizations. Just last week, Colombia extradited a reputed drug kingpin, Luis Hernando Gomez Bustamante, to America. This man is believed to head an organization responsible for 60 percent of the cocaine in America. He is finally now in custody pending trial in America, thanks to the Colombian Government. We need to support Colombia and President Uribe in their fight against men such as Luis Gomez Bustamante who are bringing deadly drugs to our streets. But, instead of the kind of cooperation and reinforcement and appreciation you would expect one friend to show another friend, our friends in Colombia have gotten nothing but a stiff arm from the Congress in a refusal to act on important legislation that would benefit them and would benefit us and would tell the world what it means to be a friend of the United States: beneficial trading relationships that are to the mutual benefit of the trading partners. But that was 538 days ago, with no action, and the clock is still ticking.

Mr. President, 683 days is another important example of mismanagement of the opportunity we have been given to serve the interests of the American people. It was 683 days ago that Peter Keisler was first nominated for a judicial appointment by the President of the United States. Unfortunately, he is not the only nominee who continues to languish while the majority continues to drag its feet in providing an opportunity for an up-or-down vote for these judicial nominees.

Today, as our colleagues from North Carolina have already pointed out, is the 300th day since Judge Robert Conrad's nomination came to the Senate, and he has not even been given the courtesy of a committee hearing—300 days after his nomination came to the Senate.

So far this year, the Senate has approved a total of one circuit court judge—just one. That by any standard is abysmal. While we continue to delay the confirmation of judges, there are 46 judicial vacancies in the Federal judiciary, 13 of which are considered judicial emergencies. And what does Congress do? What does the Senate do? Well, not much, almost nothing to deal with the judicial emergencies and these vacancies and to provide an up-or-down vote on these nominees.

The American people depend on fully functioning courts to find justice. The Senate's failure to do its constitutional duty to confirm or at least to allow a vote on qualified nominees for these vacancies has a very real impact on communities, on businesses, on the residents of the areas in which those courts have jurisdiction, and crime victims to have access to justice. But having no judge who can sit and hear the case is essentially like locking and chaining the front door to the courthouse.

Finally, how long will it be before the majority makes good on its promise that Speaker PELOSI made 749 days ago? It was 749 days ago when she promised the American people that if the Democrats were given the majority, they would have a commonsense solution to rising gas prices. Well, last week, after waiting more than 2 years, Democrats did unveil a plan. The irony is that it has become all too commonplace to find that these energy plans do not have one drop of additional energy but, rather, they recommend, really, more of the same—more taxation, more litigation, more investigations—but not one single drop of additional energy, not one single watt of new energy.

While oil and gas prices have hit record highs virtually every day—today hitting $3.72 a gallon—on January 4, 2007, when Speaker PELOSI and our friends on the Democratic side took charge of both the House and the Senate, that price of a gallon of gas was $2.33. Now it is $3.72. That is about a $1,400-per-family increase in the cost of living. And Congress continues to do next to nothing to deal with it, notwithstanding the promise Speaker PELOSI made some 749 days ago.

Well, the irony is that we have heard, in the plan that has been made by some on the other side of the aisle, that all we need to do is to raise taxes on the domestic oil producers and that will somehow find a way to solve our lack of oil and gasoline. Unfortunately, some of these ideas have been tried before and found to be total and abject failures. For example, according to the nonpartisan Congressional Research Service, this same tax idea was tried back during the Jimmy Carter administration. If you are too young to remember what happened during the Carter administration, there were shortfalls in the supply of gasoline, resulting in interminable lines waiting at gas stations. As a result, the Congressional Research Service said that domestic production—that is America's energy production—fell by roughly 5 percent, resulting in an overall increase in the dependence on imported oil from foreign sources. Is that what our friends on the other side of the aisle want, an increase in our dependence on imported oil? Well, I would think not. So why would they come up with these tested and failed schemes to increase our reliance on imported oil? I noticed the distinguished Democratic chairman of the Senate Energy Committee, Senator BINGAMAN from New Mexico, has expressed it in words that perhaps I think are prophetic when he says this windfall profits tax is very arbitrary and bad policy.

Now, while this plan would help further line the pockets of OPEC, the Organization of Petroleum Exporting Countries, and anti-American foreign leaders such as Hugo Chavez, this bill would also authorize the American Government to sue OPEC to demand that they increase oil production.

Now, we ought to think about that one a minute. OPEC, after all, is composed of Iran, Iraq, Kuwait, Saudi Arabia, Venezuela, Algeria, Angola, Ecuador, Indonesia, Libya, Nigeria, Qatar, and the United Arab Emirates. What our friends on the other side of the aisle have proposed is we file a lawsuit against Iran and Venezuela and tell them to turn the spigot all the way open. What that would do, of course, assuming it were possible, is it would mean that we were even more dependent on imported oil from our enemies such as Iran and Venezuela—not less. This would only make us more dependent on OPEC—not less.

Now, I believe there is a better solution, and that better solution is to take advantage of the natural resources God has given this great country of ours, one with which we have been supremely blessed. If, in fact, our friends on the other side of the aisle would allow us to pass the Domenici energy amendment—the American Energy Production Act—it would have the potential of producing as much as 3 million additional barrels of oil a day from American natural resources. This bill would open domestic resources such as shale oil in the Arctic and offshore deposits to domestic energy producers. It would immediately send a message to the speculators and commodity investors that there is going to be an additional amount of oil available in the future, up to 3 million barrels a day, and I believe have an immediate downward effect on the price of oil—a barrel of oil which, of course, is 70 percent of the cost of gasoline.

One thing is for sure: By taxing and penalizing our own domestic producers, that is not a solution, and we need to do everything we can in our power to lower prices and not to play additional games by trotting out tired and failed efforts of the past to try to bring down prices. We know the law of supply and demand is one Congress cannot repeal, so that is why we ought to pass the Domenici amendment tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, we are debating two very different amendments on gas prices that are up for a vote tomorrow. We have the proposal of the minority leader that is full of old ideas that will not work and will do absolutely nothing to affect gas prices now or in the future. In fact, the only provision in the minority leader's amendment that would do anything to lower gas prices is lifted directly from the Democratic plan to lower gas prices. This is the provision to temporarily suspend filling the Strategic Petroleum Reserve. In response, the majority leader has offered a clean amendment to temporarily suspend filling the Strategic Petroleum Reserve. This is one of the few options we have to address the pain at the pump our constituents are facing right now.

Every time my friends on the other side of the aisle decide to pay attention to our energy crisis, their solution is always the same: help big oil. In 2005, they authored energy provisions that gave ExxonMobil and other oil giants lavish subsidies that totaled over $14 billion, and these companies are reaping the rewards with record profits announced every quarter. ExxonMobil recently announced $11 billion in profits over a 3-month period. To put that in context, this means ExxonMobil's yearly profit this year might well be almost twice the annual budget of the Department of Energy.

The authors of these proposals argue that if we simply shovel more taxpayer money in the direction of oil companies, this money will eventually trickle down to the people. But, as we have all too often seen, it does not. Gasoline prices are now over $3.70 per gallon, and the specter of $4-per-gallon gasoline is looming around the corner. While oil companies hoard their windfall profits, the American people are suffering.

Yet my friends on the other side of the aisle do not want real relief for the country; they only want to protect big oil's huge profits at any cost by opening every environmentally sensitive area in the country to drilling. Now, President Bush was right when he said we are addicted to oil, but what amazes me is the President's party is unaware they continue to act like addicts. Instead of supporting real plans to conserve oil or even transition to sustainable fuels, they go out in search of their next oil fix.

Some claim the way to lower gas prices is to end a bipartisan, 26-year moratorium to open the Outer Continental Shelf to oil exploration and drill, drill, and drill. But the Energy Information Administration projects that even if we opened the entire Outer Continental Shelf to drilling off the east coast, off the west coast, and opened the entire eastern Gulf of Mexico, nothing would happen to gas prices. Why? First, because production would not begin before the year 2017. The infrastructure to drill for oil is not just a large oil platform but a network of hundreds of miles of pipeline to transport oil from the platform onto land and then to refineries. This kind of infrastructure simply does not exist on the east coast and in only limited exceptions on the west coast.

The second reason why opening all our shores to oil drilling will not lower gas prices is because by the time full production actually ramped up, in 2030, drilling off all our coasts full tilt would only result in a whopping 3-percent increase in domestic production. And even in 2030, as our continent is rung all the way around by oil platforms, all of this new supply will be eaten up by a 7-percent increase in domestic demand. The Energy Information Administration predicts that: "Any impact on average wellhead prices is expected to be insignificant."

So even opening all of our coasts to drilling, as the minority leader proposes, will have no impact on gas prices at all. As my colleagues can see by this chart, the Federal Government has been issuing more and more leasing permits for drilling, but at the same time the price of gasoline has continued to rise. In fact, over 80 percent of the resources in the Outer Continental Shelf are already open for exploration. Since 2001, the Bush administration has issued over 100 new leases. Many of these leases are in the eastern Gulf where the oil industry already has much of the infrastructure necessary to go into production but only 12 of these new wells have been drilled. The industry is only developing a small fraction of the area already open for drilling. Why isn't ExxonMobil pumping some of its profits into developing these areas? If companies are not interested in developing the large fields already open in the Gulf of Mexico, why is it so critical to open environmentally sensitive areas to more drilling?

One might say it is to be expected that those on the side of big oil would use this sort of rhetoric in an election year, but it is much worse than that. The McConnell amendment could be both economically and ecologically devastating. If you look at a picture here taken after a recent oil spill in San Francisco, this is what we can routinely be facing if we allow widespread drilling on the Outer Continental Shelf. We could see our beaches closed for business because of oil spills.

In my home State of New Jersey, our shore is a priceless treasure that my State would protect at any cost, but the shore also generates tens of billions of dollars in revenues each year and supports almost half a million jobs. It simply makes no sense to jeopardize a tourism and fishing economy worth tens of billions of dollars in exchange for a cumulative total of only a half year's supply of oil. The people of New Jersey cannot afford the risk of millions of gallons of oil washing up on our beaches.

This is not just a New Jersey problem. Florida's beaches generate billions of dollars each year. In South Carolina, Myrtle Beach alone brought in $3 billion in revenues. Do we want oil washing up onto the pristine Cape Hatteras National Seashore? What about Virginia Beach? Can Maryland's famous blue crab survive yet another environmental assault?

The bottom line is the minority leader's proposal will do nothing to lower gas prices, but it will jeopardize coastal economies all along both coasts. Is there anything we can responsibly do to ease the pain of such high gas prices? The answer is a resounding yes.

One important way to address oil prices that I hope we will be debating more fully in the next week or so is to better regulate oil markets. Many analysts who have testified before the relevant House and Senate committees agree that based on pure supply and demand, the price of oil should be somewhere between $50 and $70 a barrel. So why are we hitting $125 a barrel? In part, it is because of excessive speculation on futures markets, and unlike other markets such as the commodities involving corn or soybean futures, oil is being traded around the globe with little or no oversight by the U.S. Government. If the Enron disaster teaches us anything, it should be that markets cannot be allowed to operate without real oversight. In the upcoming weeks when the Senate debates the comprehensive Democratic plan to address runaway gas prices, one of the most important aspects of that package will be increased regulation of oil markets so we can effectively combat excess speculation and any possible market manipulation.

Another important measure to bring short-term relief to the pain at the pump is the majority leader's amendment to be voted on tomorrow. This amendment would suspend filling the Strategic Petroleum Reserve at least through December 2008. When the people of this country are suffering with almost $4-a-gallon gas, when the price of oil has broken $125 a barrel, why would we be burying this precious commodity when we need it the most? We should stop pouring all that oil into a hole in the ground until the price of crude oil recedes to $75 or less. This will truly help drive gas prices back down by increasing supply and offering some immediate relief to Americans.

It is very important that we look at these proposals. Even Jim Woolsey is fond of saying, by buying oil in such huge quantities and at such high prices, we are funding both sides of the war on terror. So it seems to me that if we want to do something about kicking our addiction, we don't go after more of it; we move in a different direction. We suspend the Strategic Petroleum Reserve that is already 97 percent full. We will have that opportunity tomorrow. Then we look at market speculation and these other elements of a truly broad-based effort that preserves our natural resources, preserves the economy that those natural resources generate, as the New Jersey shore does, and then ultimately achieves the goal of not only driving down the cost of gas but at the same time move us in a different direction to break our dependency.

So what are the real long-term solutions to ending our dependence on oil and greening our transportation fleet?

The first thing we need to do is drastically improve fuel economy. In 1976, our cars and trucks got 13 miles per gallon. Because of the Arab oil crisis, we passed laws to improve the fuel economy of our passenger vehicles. From 1976 to 1981, we saw a rapid increase in fuel economy. In 1981, our fleet had improved to 21 miles per gallon. But since 1981, without the political will to improve fuel economy standards and the rising popularity of SUVs, the average fuel economy of our passenger vehicle fleet actually declined to 20 miles per gallon in 2006.

What would have happened if we had kept slowly improving the fuel economy of our vehicles from 1981 to the present? If we had increased fuel economy a modest 2 percent per year during that time, our new fleet of vehicles would now average 34 miles per gallon. While this is certainly a huge improvement over where we sit today, it was definitely achievable since this figure is still well below standards set in Japan which are over 40 miles per gallon.

Astonishingly, if we had followed this course, our current demand for oil would be over one-third less than it is today, down over 2 billion barrels of oil per year. Cumulatively, we would have saved over 30 billion barrels of oil. Thirty billion barrels of oil is more oil than the entire proven oil reserves remaining in the United States. This means that this sensible and achievable policy could have saved us more oil than we could ever hope to gain from domestic drilling. It is commendable that we have finally raised fuel economy standards, but we must make even further reductions if we want to make up for lost time.

Of course, fuel efficiency is just part of the answer to solving our addiction to oil. We also need tax incentives to increase the producion and use of superefficient vehicles already out there—such as hybrids. We need a massive investment in cars that can run on sustainable alternative fuels like electricity or cellulosic ethanol. Once we truly have a choice of fuels, the grip of our oil addiction will finally loosen.

This country also needs to invest in our mass transit infrastructure. This weekend the New York Times reported that mass transit is up all over the country. We need a huge investment in mass transit to make sure that we all have multiple transportation options so we are not so reliant on driving.

But while most of the Democratic Party supports these sensible policy reforms, my friends on the other side of the aisle are stuck in the past advocating old positions from previous Congresses. Mr. President, I hope that this will be the last time I need to rise in this Chamber to point out that more oil drilling in environmentally sensitive areas is not the answer to our oil addiction. It is time for an intervention.

It is time for a real cure based on a tough examination and reordering of our energy priorities—and not the tired old policies of the past.

I yield the floor.

Mr. BOND. Mr. President, it is time for us to get real about energy. It is time for us to get real about gas prices. Withholding from the American people new oil supplies needed to get gas prices down will only hurt our families and our workers more.

American families are suffering from record pain at the pump. Truckers and shippers face layoffs and losses. Farmers, processors, and packagers are sending their food to market with higher prices and higher costs, and airlines are once again threatened with bankruptcy.

Whether you drive a car, a big rig or a tractor, you know personally what I am talking about. With average gas prices now topping $3.70 a gallon, you have a right to demand some answers about our energy future. Your pain and suffering demands we supply you with relief. Relief comes in the form of economics 101. Folks, every time prices are too high, there is too much demand and too little supply. Now, maybe some of our colleagues did not take the economics course, but I believe in common sense, and I believe the American people have common sense. They realize that when you don't have enough of something, and the demand keeps going up, the price goes up.

That is how our system works. Answers that focus only on demand and not on supply are not enough to fix the problem. So we are where we are today with record high gas prices inflicting record pain at the pump.

Don't get me wrong. I support good, strong measures to reduce the demand for oil. Last year, I supported Congress's measure to increase aggressively but achievably high standards for corporate average fuel economy, or CAFE. That would force better gas mileage from cars and trucks. But those new fuel efficiency requirements will take years before they have an effect. In the meantime, families and workers will suffer through years of higher gas prices. Auto makers cannot go out tomorrow and build a new fleet of high gas mileage cars and trucks. New cars take years to design and build.

Even if highly efficient cars were available tomorrow, families in the middle of 4-year car loans probably cannot go out and buy a new car. They have to wait until they can purchase a more fuel-efficient car. In the meantime, these families will suffer through more years of higher prices.

We can cut demand with more people riding mass transit, and I have supported mass transit. I will continue to do so. But if you don't have mass transit in your area, such as where I live and where a whole lot of people in rural America live, you cannot move to the city or get a different job. In the meantime, you will suffer through years more of higher gas prices.

We can cut demand by subsidizing hybrid vehicles. Congress supported those tax credits, as I do. But hybrid cars are too expensive now and will take too many years to become affordable to most families. We are working in Missouri to get much more efficient, much lighter batteries that can help meet the needs for hybrid and plug-in cars. In the meantime, while we are working on those technologies, families will suffer through years more of higher gas prices.

I, for one, am unwilling to allow families to suffer years more of higher gas prices, while we wait for demand strategies to work.

To address supply, some say we should take our hat in hand and beg our Middle Eastern suppliers to produce more oil. Since when has increasing our dependence on the Middle East ever been a good idea?

Some propose raising taxes on suppliers searching and developing new domestic oil supplies. Since when has taxing something more ever increased its supply or lowered its price? Never. When we put taxes on those who are searching and developing for new domestic oil supplies,. we ensure that there won't be as much and the price will be higher.

Some say we should investigate suppliers to probe what is making prices so high. I too support investigating wrongdoing, but since when has investigating something ever increased its supply or lowered its price?

The American people deserve more than begging, taxing, and investigating. American families and workers deserve real actions toward real solutions. America doesn't need to look that far. Indeed, the solutions to America's supply problems are right here in our own backyard. America's lands, ocean floors, and mountains hold billions of gallons of oil waiting for us to come and get it.

We have millions of gallons of oil beneath the frozen tundra of northern Alaska. Had there not been a veto in 1995 of the development of the sources above the Arctic circle in Alaska, we would be getting a million gallons of oil a day from Alaska. You cannot tell me that would not lower the price. It would have a huge impact. We also have millions of gallons of oil beneath the seabeds miles off our coasts. We have billions of gallons of oil trapped in the shale beneath our Rocky Mountains.

Tapping these new U.S. supplies will help relieve prices immediately. While it is true it will take years before new supplies will come on, we will send an immediate signal to the speculators in the oil trading markets that new suppliers are on their way. They cannot continue to push prices higher.

Today's prices built on limited supply and a world dependent on trouble spots will see America deciding to open vast and safe new oil supplies. Oil prices, built on predicting the future, will have no choice but to fall in the face of a future safe, new supply source for America.

We can also face the future using new technologies. America owns, and uses every day, environmentally friendly oil technologies that are cleaner than ever before for exploring, developing, and producing. We can drill sideways deep underground to avoid sensitive areas above. We can drill many locations from a single site to avoid sensitive areas around.

Environmentally friendly operations in northern Alaska can drill in the winter and be gone long before any animals are active in the spring.

Environmentally friendly operations could drill in the ocean and survive hurricanes such as Katrina with no spilled oil or gas. Does anybody recall the spills resulting when Hurricane Katrina tore through the Gulf of Mexico drilling rigs? No, because they didn't happen.

To say we would repeat the mistakes of the 1960s and 1970s with the same 40-year-old technology is like saying we will all continue to call ourselves on rotary telephones or write each other on typewriters.

Another source of transportation fuel from new technology is coal to liquids. The technology to turn coal into liquid jet fuel or diesel has been around for a hundred years. We now have the technology to capture carbon emissions and make it cleaner than refining conventional oil and, in addition, providing a greater supply.

We are also developing even cleaner and more affordable forms of biofuels. Technology giving us clean-burning corn ethanol today will give us cellulosic ethanol tomorrow with grasses and wood chips.

In my State of Missouri, gas is 10 cents cheaper than it otherwise would be because we require 10 percent ethanol in all pumps. This will save Missouri drivers $285 million this year. Some people say ethanol is driving up prices. Ethanol is a lot cheaper to produce, and it uses fermentation, not the cat cracking that goes into regular gasoline. It brings down prices; it doesn't drive up the price of the fuel. The overall shortage of fuel has driven up the price for food. But most importantly, the Government hoarding food is driving up the price. Don't make farmers the scapegoats. They are responding to the demand Congress made of them to go out and build ethanol-producing plants and produce the ethanol to get cleaner, cheaper, domestically-produced energy. That is what they are doing.

Now the future is brighter in many areas because of new, cleaner technologies. We can have a brighter future of energy supplies if we let all these new technologies work for us.

We can also have a brighter future of energy supplies if we stop being selfish and start thinking about the collective good. Too many individuals are willing to say "not in my backyard," even if it means the group suffers. Too many groups pursue NIMBY strategies even if it means the Nation suffers.

Nobody here is trying to force Alaska to do something Alaska doesn't want to do. Alaskans want to open more of their oil reserves. But it is people in places such as Massachusetts saying no to Alaska.

No one here is trying to force Virginia to do something it doesn't want to do. Virginians want to explore for oil and gas off their coastline. It is people in places such as California and New Jersey saying no to Virginians.

Nobody here is trying to force Colorado to do something it doesn't want to do. Colorado wants to tap the shale beneath its mountains. It is people in places such as Washington, DC, saying no to Colorado.

This type of NIMBY sentiment must end. This type of selfishness must end. This type of inflicting multiyear pain waiting for demand strategies must end. We must no longer deny Americans the new supply solutions they need. We must no longer refuse American families and workers the lower gas prices they demand.

We must not only suspend shipments to the Strategic Petroleum Reserve, we must also open new oil supplies in northern Alaska, open new oil and gas supplies under our oceans, and open new oil shale supplies under our mountains, and open our ability to refine more oil. We must open the ability of U.S. workers to manufacture more hybrid batteries.

I urge my colleagues to support the Republican amendment and provision that will be coming tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I know many of my colleagues have spoken about the energy challenge and the crisis we face. I look forward to supporting Senator REID's amendment tomorrow. That amendment has been outlined in great detail during the course of the afternoon. I am in strong support of that amendment.

We are facing a national challenge, and if you look back, historically, when we have been facing a national challenge—and this time is a wartime—not to say all of this crisis is from the war, but whether it is adding to the Strategic Petroleum Reserve, or bidding up prices in other parts of the world, it is unconscionable that we have these extraordinary windfall profits that are out of the pockets of working families. And the indifference of this administration to the plight of these working families is appalling.

I applaud our leader for the legislation we will have a chance to vote on tomorrow and, hopefully, we will have a strong vote in support of it. It is inevitable that we are going to be successful because the American people are not going to tolerate the indifference and the extraordinary profiteering that is being experienced in this country at this time. I thank our leader for his efforts and his recommendations to the Senate, and I look forward to voting in support of that tomorrow.

DETAINEE BASIC MEDICAL CARE ACT OF 2008

Mr. KENNEDY. Mr. President, I am speaking in support of legislation Senator MENENDEZ and I have introduced today. It is the Detainee Basic Medical Care Act of 2008, to require the Secretary of Homeland Security to deliver timely and effective medical and mental health care to the individuals in custody.

In the past week alone, the Washington Post, "60 Minutes," and the New York Times have documented the shameful state of medical care in these detention facilities. These are people who come to the United States from all corners of the world. Some come to join their families; others come to search for jobs; others come as refugees. Some may be eligible to remain in the United States. Others may be subject to deportation. But at a minimum, they deserve basic medical care while in detention pending the outcome of their immigration proceedings, which often can take years. None of them deserves a death sentence.

Congress has an obligation to act. The bill's introduction is an important first step, and the legislation raises the medical standards and restores accountability for meeting those standards.

I look forward to working closely with Senator MENENDEZ and others in the Senate to address what is really a national disgrace.

EMPLOYER-EMPLOYEE COOPERATION ACT

Mr. KENNEDY. Mr. President, one of fundamental importance and fundamental fairness, legislation we will be voting on tomorrow in the late morning, it is called the Public Safety Employer-Employee Cooperation Act.

This week, May 11 to May 17, is Police Week, when we honor the sacrifices of the men and women of the law enforcement community who lost their lives this year. These officers paid the ultimate price for their service to our communities. They are American heroes, as are all of the firefighters, emergency medical technicians, and other first responders across the country who protect our families and communities every day.

President Kennedy established the first Police Week in 1962. He called on all Americans to recognize the essential role public safety officers play in safeguarding our rights and freedoms. That role is even more important in today's complex and often dangerous world.

We all continue to enjoy the fundamental rights of a free people because of the sacrifices of these dedicated public servants. The least that we owe them in return is to protect their basic rights and to treat them with the dignity and respect they deserve.

Unfortunately, too many of our public safety officers do not have the same rights in the workplace that most Americans enjoy. Police officers and firefighters perform some of the most difficult and dangerous jobs in our society, but they often don't have a voice at work to talk about safety issues. They are the ones on the front lines fighting fires, preventing crimes, apprehending offenders and doing their best to keep people safe from harm. But they don't have a way to share the lessons they have learned about how to do these difficult jobs safely and effectively.

We are asking these workers to do so much for their communities, and the least we can do in return is give them a voice at the table in the life-and-death discussions that affect their families and their futures.

Across America, unions give millions of workers that kind of voice on the job. Throughout history, unions have always led the fight for a safer, fairer workplace. Unions mean decent wages and benefits. Unions mean economic security and dignity for workers, and a strong middle class for our Nation.

Public safety officers deserve the opportunity to choose for themselves whether they want the advantages that unions bring.

Providing these basic rights of first responders is essential not only for their own interests but also for the safety of our communities, and the safety of our entire Nation. In this post-9/11 era, we have asked first responders to take on a new and indispensable role in homeland security. We face new threats that require efficient and effective coordination between State and local public safety workers and federal security agencies. With these new partnerships, it becomes vital to our national interest that State and local public safety services are carried out as effectively as possible. Studies show that giving workers a voice at the table, and facilitating cooperation between public safety workers and their employers is the best way to improve the quality of public safety services and protect our homeland security.

That is why it is an honor to join Senator GREGG in sponsoring the Public Safety Employer-Employee Cooperation Act.

This important bill will ensure that all firefighters, police officers, and emergency medical personnel have the opportunity to have a voice in the policies that affect their safety and their livelihoods. Under this bill, public safety officers will have the right to form and join a union and to bargain over wages, hours, and working conditions. The bill also provides a way to resolve disputes, promote cooperation between labor and management, and reduce the conflicts that can undermine public safety.

The legislation accomplishes these important goals in fair and reasonable ways. States that already have collective bargaining in place for public safety workers are not affected by the bill at all. States that do not currently provide this basic workplace right may establish their own collective bargaining systems, or ask the assistance of the Federal Labor Relations Authority in doing so.

This approach respects the autonomy of the States. The bill sets basic standards, but allows States to find their own separate ways to implement these standards.

The bill does not dictate particular contract terms—all it requires is that there be a process for public safety officers and their employers to come to the table and talk. Each State legislature can have the last word on any agreement that is reached through these negotiations. This careful approach preserves the balance between workers' rights and State interests, enabling each State to have a collective-bargaining system that meets its particular needs and requirements.

Providing these basic workplace rights for all first responders will benefit workers, governments, and the public safety. Collective bargaining is the best way to achieve these strong, cooperative partnerships.

As Dennis Compton, fire chief in the city of Phoenix, has said:

> When labor and management leaders work together to build mutual trust, mutual respect, and a strong commitment to service, it helps focus [a] fire department on what is truly most important . . . providing excellent service to the customers.

Across the country, we have seen how collective bargaining and public safety go hand in hand. In Omaha, the local firefighters' union and the city came together to find innovative ways to meet national safety standards and combat persistent hazards, such as asbestos and unsafe trucks, and their cooperation is paying off. The department previously had one death in the line of duty every 5 years, but since workers received a voice in decisions on safety and health, there have been no fatalities in 12 years.

In Hennepin County, MN, the union representing firefighters and paramedical personnel worked with management to improve services for the public. Through the union, the workers in the county were able to offer their expertise about how to redesign the county's ambulances and stretchers.

These new designs were adopted and saved many firefighters and paramedics from painful back and neck injuries. In turn, the county—and the taxpayers—saved money in workers' compensation and disability benefits.

Taxpayers are obtaining better service at lower cost in Miami as well, because of cooperation between the firefighters' union and the city. The two sides worked together to establish one of the Nation's foremost fire department-based emergency medical services. Response time has been reduced and lives have been saved as a result.

Families and communities deserve the best public safety services we can provide, and they start with the strong foundation that collective bargaining provides. Every New York City firefighter, emergency medical technician, and police officer who responded to the disaster at the World Trade Center on 9/11 was a union member under a collective bargaining agreement, and those agreements strengthened their ability to respond so effectively in that massive crisis.

It is long past time to stop treating our heroic first responders as second class citizens. Giving them the rights they deserve is a matter of fundamental fairness, and an urgent matter of public safety. I commend Senator GREGG for his leadership on this very important issue, and I urge my colleagues to give our heroes the respect and support they deserve by passing this needed legislation.

Mr. President, this chart indicates what I mentioned, that the union in Miami, together with the city, established one of the Nation's foremost fire department-based EMS services, and they had very substantial savings.

This chart is interesting. States without collective bargaining have 39 percent more firefighter fatalities than States that do. Many fire chiefs acknowledge that this is a result of better communication, better cooperation, and a better exchange of information on how to do the job and do it safely. That is what this legislation does. Look at the difference when we are talking about fatalities. This is what is important.

This next chart shows that some 300,000 police officers in 24 States would gain basic workplace rights under the Cooperation Act. On this chart, we have more than 134,000 firefighters in 24 States who would gain basic workplace rights. That is why these firefighters, police officers, and first responders feel so strongly about this legislation.

It is reasonable, it is responsible, it is sound, and it is necessary. We spend a good deal of time around here talking about how we need greater cooperation in dealing with the central challenges on national security and homeland security. Who is at the backbone of homeland security in the United States? Our firefighters, police officers, emergency medical services, and first responders. These are the groups, as indicated on this chart, that are in strong support of this legislation, for the reasons I outlined this evening.

I intend, in the next 2 to 3 days, as we debate this legislation, to go into greater detail in all of these areas. On this issue, there is a strong case to be made. The time to act is now. This is an essential part of our whole national domestic homeland security. It is an essential part of making our fellow citizens safer in their community.

This legislation has been reviewed and studied and has strong support in the Senate. It passed the House of Representatives overwhelmingly. I look forward to strong support in this body.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask for 5 additional minutes to my time being allocated.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee will have a total of 25 minutes.

Mr. ALEXANDER. Mr. President, I may not use all of that time, but I wish to respond to the comments of the Senator from Massachusetts. And I will have more to say about this issue, as well, over the next 2 or 3 days as we debate this proposed legislation—involving unfunded mandates and overturning the labor laws of 21 States—about which the Senator from Massachusetts was talking.

When I was Governor of Tennessee a few years ago, I remember the debate we had about whether public safety employees—firefighters, police, and others—should be allowed to collectively bargain in our State. The arguments we considered were many of the ones the Senator from Massachusetts talked about: Did we need to authorize collectively bargaining so there could be better communication, better cooperation, a more effective fire department, a more effective police department?

The answer during the 8 years I was Governor was in every case, no; that it was not in the public interest for the public safety employees to collectively bargain, organize with the inevitable strike that might come because if they collectively bargained and organized, a strike was the weapon they would use to assert their rights.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. ALEXANDER. No, I would rather complete my remarks.

Mr. KENNEDY. Just on that point, if the Senator is going to represent the legislation, I hope he does it correctly.

Mr. ALEXANDER. Mr. President, I believe I have the floor, and I did not say the Senator's legislation prohibits strikes, if that is his point. Out of courtesy to the Senator, I will be glad to take a question from him.

Mr. KENNEDY. We will have a chance to debate. I thought the Senator was representing that this legislation permitted the option of striking. It does no such thing.

Mr. ALEXANDER. No, it does no such thing, but as we well remember, in New York City, where striking by public employees is prohibited, transit workers struck anyway because they collectively bargained and they didn't like the result.

The point I make to the Senator from Massachusetts is that I have a very different view of this issue, and so do the people of Tennessee. We considered this almost every year I was Governor and decided that we did not think it was in the public interest to authorize collective bargaining for public employees, with the exception of teachers.

This proposal has been considered in Tennessee repeatedly since I left the Governor's office—in 1997, 1999, 2001, 2003, and 2005 and each time the State has come to the same conclusion. Elected officials have come to the same conclusion in nearly half of our States. Twenty-one States have decided that in the case of public safety employees, those we admire so much and whom we count on in times of distress, collective bargaining should not be required. That is the decision of 21 States.

What this legislation would do is overturn that judgment. It would say the judgment of the Senator from Massachusetts is better than that of the

State legislature of Tennessee. The judgment of the Senator of Massachusetts may be better for the State of Massachusetts, but I respectfully suggest it is not better for the State of Tennessee. I imagine the Senators from 20 other States would have the same opinion.

When I was Governor, I didn't think my wisdom as Governor was superior to that of the mayor of Dyersburg or the mayor of Maryville or the mayor of Nashville about what kinds of labor laws they ought to have there—or the elected city council—or what they should decide about their labor laws. I didn't try to override them in that way.

What I am objecting to—and we will have a chance to talk about this—is the inappropriateness of the Congress of the United States overturning laws in 21 States that, in one form or another, do not allow for collective bargaining of public service employees. This proposed legislation would say to the mayors of small towns in Tennessee, and there are 347 total incorporated cities and towns in Tennessee, and 90 of them have a population greater than 5,000: You will collectively bargain. Instead of dealing directly with your firemen and your policemen and your other public safety employees, you will appoint somebody or let them pick somebody and you will deal with that person. The Senator from Massachusetts may think that creates better cooperation and a better police force, but the people of Tennessee do not think that, and they have considered it time and time again. Why should we decide we know more than they?

There is an amendment to the Constitution. It is called the 10th amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

That is an important provision. That is the way our country was formed.

We all take an oath to this Constitution, and I believe this legislation has a substantial chance of violating the 10th amendment to our Constitution.

There is one other thing it does. It inevitably imposes new costs on smaller towns. Nashville has a memorandum of understanding between the city government and public safety officers. It has decided to do that. But most of our 90 cities with 5,000 or more people do not think that better communication is improved with public safety employees by collective bargaining or even a memorandum of understanding—the latter of which they are permitted to do. So here we come along and say to a small town in Tennessee: You must collectively bargain; you must appoint this person to deal with.

This legislation would inevitably add to their costs. It would be an unfunded Federal mandate. I will have an amendment later which will say that this law, if it should pass—which I hope it does not—will be amended to provide that if the Governor or the chief executive officer of the city or the town in Tennessee or any other State believes this is an unfunded Federal mandate, the law has no effect.

I think we have a 10th amendment problem, and we have an unfunded Federal mandate problem.

I can remember when all the Republicans—Newt Gingrich, et cetera—in 1994, stood on the steps of the U.S. Capitol and said: We have had it up to here with unfunded mandates. We have had it up to here with Members of Congress who come up with these great ideas and then pass a law and then take credit for it and then send the bill to the Governor or to the mayor. That is what we would be doing here. Those same Members of Congress usually go right back to Massachusetts or Tennessee or wherever they are from, to the Jackson Day Dinner or Lincoln Day Dinner, and make a great speech about local control and how wise all the towns are. They have town meetings up in New England. We have county commissions down in Tennessee. Members of Congress say: We believe in you towns. You are the wise people, you come in and spend hours debating little issues, but we, when we fly into Washington, suddenly have this burst of wisdom that overrides all that you may do.

I think the people of this country should admire and respect and honor our firefighters. But we should honor and respect and admire our Constitution and our Federal system and say that we may have different opinions in different States and different cities about what we do, and then to impose a big unfunded mandate, at least violating the spirit of the 10th amendment to the Constitution by telling every town in Tennessee and 20 other States that suddenly the law is changed, you cannot decide your labor relations anymore, we in Washington will do that for you—I think we need to rethink that.

You know, what the Republicans said in 1994 was: No more unfunded Federal mandates. If we break our promise, throw us out. Well, the voters put in the Republicans—my party—in 1994 and we broke our promise and last year they threw us out. I think they will throw some more people out if we keep ignoring the will of the people and acting as if, when we fly to Washington, DC, we suddenly have a right to run amok on the 10th amendment and to overturn decisions, in my State, for example, that were debated annually during the 8 years I was Governor—and that also were rejected in 1997, 1999, 2001, 2003, and 2005.

This is not a bill about cooperation, this is a bill against the 10th amendment. It is a bill, in addition, that imposes inevitably unfunded Federal mandates on cities and towns that are already struggling. I hope the Senate will reject it.

Mr. President, on a more optimistic note about a bigger problem, there has been a lot of discussion about gas prices. I would like to talk about gas prices and energy prices in a little different way.

Some have blamed this person, some have blamed that person, some have offered a short-term remedy. I would like to challenge our Senate to do something that I believe the American people would be grateful if we did. Let me begin it with a short story.

In 1942, President Franklin D. Roosevelt asked Senator Kenneth McKellar, a Tennessean who was chairman of the Senate Appropriations Committee, to come down to the White House for a little discussion. The President asked Senator McKellar if he could hide $2 billion in the appropriations bill for a secret project to win World War II, and Senator McKellar replied to the President: Mr. President, that will be no problem. I just have one question: Where in Tennessee do you want me to hide it?

That $2 billion and that place in Tennessee became Oak Ridge, TN, one of three secret cities that became the principal sites of what was then called the Manhattan Project. The purpose of the Manhattan Project was to find a way to split the atom and build a bomb before Germany did so the United States could win World War II. Nearly 200,000 people worked in 30 sites in 3 countries at breakneck speed until they succeeded. The $2 billion appropriation President Roosevelt asked for would be $24 billion today.

According to New York Times science reporter William Laurence:

> Into [the project] went millions of man-hours of what is without doubt the most concentrated intellectual effort in history.

On last Friday, I went back to Oak Ridge, one of those secret cities—now out in the open—and proposed that the United States launch a new Manhattan Project, this one a 5-year project to put America firmly on the path to clean energy independence. Instead of ending a war, the goal will be clean energy independence so we can deal with rising gas prices, electricity prices, clean air, climate change, and national security—for our country first and then, because the world has the same urgent needs, for the rest of the world.

By "independence," I do not mean the United States would never buy oil from Mexico or Canada or Saudi Arabia. By "independence," I do mean the United States could never be held hostage by any country for our oil supplies.

In 1942, many were afraid that Germany would get the bomb and blackmail the world. Today, countries that supply oil and natural gas can blackmail the world.

Some have questioned whether the word "independence" is the right word. I believe it is exactly the right word. Go to the dictionary. The dictionary says that independence means you don't want to be controlled by someone. Our war of independence against Great Britain didn't mean we would never talk to them—we just didn't want to be in their pocket.

I think the American people understand what we mean by clean energy independence. It is the right goal, and I would say the scientists in Oak Ridge whom I talked with on Friday seemed to agree.

A new Manhattan Project is not a new idea. But it is a good idea and fits the goal of clean energy independence. The Apollo program was a sort of Manhattan Project. It sent men to the Moon.

Senator McCAIN and Senator OBAMA have each suggested a new Manhattan Project for energy. I think it is time for us to begin to put some flesh on the suggestion. What would they mean? Have something ready for them and for us that we could move ahead with. Many Senators have made a similar suggestion. It is time to do more than talk.

During the passage of the America COMPETES Act, we worked together across party lines—the Senator from Massachusetts, who was just here, was key to that. I worked hard on it. Senators McCAIN and OBAMA and others worked on it as well. Senators DOMENICI and BINGAMAN were the leaders on that legislation here in the Senate. Several suggested as part of that discussion on how to preserve America's competitive edge that we should focus on energy because focusing on energy independence would force the kinds of investments we need to keep our competitive position in the world.

In 1942, the prospect was that Germany would get the bomb before we did. That was the overwhelming challenge. The overwhelming challenge today, according to National Academy of Sciences president Ralph Cicerone, in his address to the academy 2 weeks ago, is to discover ways to satisfy the human demand for and the use of energy in an environmentally satisfactory and affordable way so that we are not overly dependent on overseas sources.

Cicerone estimates that this year Americans will pay $500 billion overseas for oil; that is $1,600 for each one of us, some of it to nations that are funding terrorists who are trying to kill us. It weakens our dollar. It is half our trade deficit. It is forcing gasoline prices toward $4 a gallon and is crushing family budgets.

Then there are the environmental consequences. If worldwide energy usage continues to grow as it has, humans will inject as much CO_2 to the air from fossil fuel burning between 2000 to 2030 as they did from 1850 to 2000.

There is plenty of coal to help achieve our energy independence, but there is no commercial way yet to capture and store the carbon from so much coal burning—and we have not finished the job of controlling sulfur and nitrogen and mercury emissions.

I suggest the Manhattan Project of World War II fits today's proposal for a new Manhattan Project for energy in the following ways. The original project proceeded as fast as possible along several tracks to reach one goal. The entire project, one engineer said, was a shotgun approach, using all possible approaches simultaneously. It had Presidential focus and bipartisan support in Congress. It had the kind of centralized, gruff leadership that only an Army Corps of Engineers general could give it. It broke the mold.

Dr. Oppenheimer told his scientists in 1945 that the bomb was "too revolutionary to consider in the framework of old ideas." So is clean energy independence. It began with a small, diverse group of great minds, as this one needs to as well.

There are also some lessons from the America COMPETES Act that we enacted just last year. Remember how that started. A bipartisan group of us asked the National Academies: Please give us 10 things that we, the Congress and the Government, should do to keep our brainpower advantage so our jobs don't go overseas. The National Academies took us seriously, and within 3 months assembled a small group of wise men and women headed by Norm Augustine, and they gave us 20 recommendations, and we considered them. The President had his ideas. We considered proposals by other competitiveness commissions. The Speaker of the House weighed in. Within a couple of years—it got a little messy a few times—we passed a blueprint which will put us on a path to double our investments in the physical sciences and significantly upgrade our competitiveness efforts from Washington.

Some people have suggested that this year is not a very good year to try such a bipartisan approach. I think it is a perfect year to try a bipartisan approach. Senator OBAMA and Senator McCAIN and Senator CLINTON seem ready for it. Congressman BART GORDON, the Democratic chairman of the House Science Committee is supportive—we were together in Oak Ridge on Friday. He and I are equally interested in this, just as we were equal participants in the America COMPETES legislation.

I have talked to Senator BINGAMAN and Senator DOMENICI and Senator MURKOWSKI. Many other Senators—I will not begin to mention them all—have suggested this idea. I would say a Presidential election is a perfect time for this. Voters expect us to have answers to $4 gasoline, for climate change, for clean air, and to the national security implications of our overdependence on foreign oil.

The people did not elect us to take a vacation this year just because it is a Presidential election year. So how to proceed? When I spoke with Senator BINGAMAN, the chairman of the Energy Committee, he said: Well, instead of a single Manhattan Project, maybe we need several mini Manhattan projects. And he offered to me the example that Chuck Vest, the former MIT President who is the head of the National Institute of Engineering, has made.

Dr. Vest made an address in which he suggested 14 grand challenges for the 21st century for engineering; three of them had to do with energy.

I think Dr. Vest and Senator BINGAMAN are right. We do not do comprehensive very well. I think we proved that with the collapse of the comprehensive immigration bill. Step-by-step solutions along different tracks toward a single goal are easier to digest and have fewer surprises. And, of course, the Manhattan Project itself in World War II proceeded that way.

So here would be my criteria for choosing several grand challenges toward the goal of clean energy independence:

Grand consequences: This is not a project for small thinking.

Real scientific breakthroughs: We know how to build nuclear powerplants. I think we should be doing it. We know how to drill 50 miles offshore for oil and gas in an environmentally safe way, giving a large part of the revenues to the States so that they can then put them in trust funds for education. I think we should be doing it.

We know how to do a great many things that we are not doing. But this should not be about doing things that we already know how to do. This should be about the scientific breakthroughs to help us within 5 years get firmly on a path to clean energy independence.

Family budget: Our solutions need to fit the family budget so gas prices and electricity prices are something that we can afford.

And finally consensus: We need to come to some consensus. We found with the America COMPETES Act that when we went for consensus, we could pass an important bill. And the members of the Augustine panel wisely put aside some subjects relevant to competitiveness, like excessive litigation, which we could argue about for days. They left that to the side and focused on 20 things they thought we could agree on, and we did.

So here are seven grand challenges that I would respectfully suggest to begin the suggestion, seven scientific breakthroughs that I believe we should focus on for the next 5 years to put us firmly on a path to clean energy independence which fit the criteria that I outlined.

No. 1, make plug-in electric cars and trucks commonplace. And let me offer another story. Most people remember H. Ross Perot. Many people may have forgotten how he made his money. He noticed that the banks in Dallas in the 1960s were closing their doors at 5 o'clock and turning off their new computers. So Mr. Perot asked the banks: May I buy your idle nighttime computer capacity?

And they said, yes.

He then went to States such as Tennessee, before I was Governor, and said: May I manage your Medicaid data? I have some computer time.

They said yes.

So the banks made a lot of money, the States saved a little money, and Mr. Perot made a billion dollars.

Now, what does that have to do with clean energy? I would mention this: I believe the idle nighttime computer capacity of the 1960s is a lot like the idle nighttime power plant capacity in the United States today.

An example: The Tennessee Valley Authority in my neck of the woods, which produces about 3 percent of all of the electricity in the United States, has the equivalent of 7,000 or 8,000 megawatts of electricity idle most nights. That would be our largest untapped resource in the region: I would think every night, or most nights, seven or eight nuclear powerplants' worth of unused electricity.

Add to that how, beginning in 2010, Nissan, Toyota, General Motors, and Ford—and possibly others—will sell electric cars that can be plugged into wall sockets. FedEx is already using hybrid electricity delivery trucks. TVA could offer smart meters. Many utilities are doing that. That would allow its 9 million customers at night to plug their car or truck in and for a few dollars fill up with electricity and then drive to work and back without using a drop of gasoline.

It might take a while, but it has been estimated that because 60 percent of Americans drive less than 30 miles a day, we could gradually replace most of our light cars and trucks with plug-in electric vehicles that do not use gasoline and cut our overseas oil bill by perhaps as much as half.

In other words, we have got the plugs, the cars are coming, we need the cord. To good to be true? Well, have not Presidents back to Nixon promised a revolutionary car? It has never happened. But times have changed. Batteries are better, gas is $4.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The second grand challenge would be to make carbon capture and storage a reality for coal-burning power plants. This also was one of the National Institute of Engineering's grand challenges. And there may be solutions other than underground storage, such as using algae to capture carbon. Interesting, the National Resource Defense Council argues that, after conservation, coal with carbon capture is the best option for clean energy independence because it provides for the growing power needs of the U.S. and will be easily adopted by other countries.

No. 3, make solar power cost competitive with power from fossil fuels. This is a second of the National Institute of Engineering's grand challenges. Solar power, despite 50 years of trying, produces on one-hundredth of one percent of America's electricity. The cost of putting solar panels on homes averages $25,000–$30,000 and the electricity produced, for the most part, can't be stored. Now, there is new photovoltaic research as well as promising solar thermal power plants, which capture the sunlight using mirrors, turn heat into steam, and store it underground until the customer needs it.

No. 4, safely reprocess and store nuclear waste. Nuclear plants produce 20 percent of America's electricity, but 70 percent of America's clean electricity—that is, electricity that does not pollute the air with mercury, nitrogen, sulfur, or carbon. The most important breakthrough needed during the next five years to build more nuclear power plants is solving the problem of what to do with nuclear waste. A political stalemate has stopped nuclear waste from going to Yucca Mountain in Nevada, and $15 billion collected from ratepayers for that purpose is sitting in a bank. Recycling waste could reduce its mass by 90 percent, creating less stuff to store temporarily while long-term storage is resolved.

No. 5, make advanced biofuels cost-competitive with gasoline. The backlash toward ethanol made from corn because of its effect on food prices is a reminder to beware of the great law of unintended consequences when issuing grand challenges. Ethanol from cellulosic materials shows great promise, but there are a limited number of cars capable of using alternative fuels and of places for drivers to buy it. Turning coal into liquid fuel is an established technology, but expensive and a producer of much carbon.

No. 6, make new buildings green buildings. Japan believes it may miss its 2012 Kyoto goals for greenhouse gas reductions primarily because of energy wasted by inefficient buildings. Many of the technologies needed to do this are known. Figuring out how to accelerate their use in a decentralized society is most of this grand challenge.

No. 7, provide energy from fusion. The idea of recreating on Earth the way the sun creates energy and using it for commercial power is the third grand challenge suggested by the National Institute of Engineering. The promise of sustaining a controlled fusion reaction for commercial power generation is so fantastic that the five-year goal should be to do everything possible to reach the long-term goal. The failure of Congress to approve the President's budget request for U.S. participation in the International Thermonuclear Experimental Reactor—the ITER Project—is embarrassing.

To sum up the seven grand challenges: No. 1, make plug-in electric cars and trucks commonplace; No. 2, make carbon capture and storage a reality for coal-burning power plants; No. 3, make solar power cost competitive with power from fossil fuels; No. 4, safely process and store nuclear waste; No. 5, make advanced biofuels cost competitive with gasoline. That would be fuel made from crops that we cannot eat, not crops that we can.

No. 6, make new buildings green buildings; and, No. 7, provide energy from fusion.

This is a longer range goal, but one we should work on. Our country is remarkable. We have all of the talent that we had during the time of the original Manhattan Project in terms of university brain power, laboratories, private sector companies. We still believe anything is possible.

These are precisely the ingredients we need during the next 5 years to place ourselves firmly on a path toward clean energy independence within a generation, and in doing so to make our jobs more secure, to help balance the family budget, to make our air cleaner, and our planet safer and healthier, and to lead the world to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State.

Ms. CANTWELL. Mr. President, I rise tonight to continue the discussion on the votes we are going to have tomorrow on this important legislation and, really, what will be the start of the legislative alternative to deal with the high price of gasoline.

I know tomorrow there is going to be a vote, and many of my colleagues have come to the floor talking about the high price of gasoline and what we need to do about it.

I know going home this weekend and filling up my own car I spent over $3.80, and almost $3.90 a gallon. It is not lost on the consumers of Washington State that this problem has to be fixed.

Many of my colleagues are talking about supply. And while I wish this was an issue of simple supply and demand, I think the market is showing us that it is not about supply and demand; that it is about the manipulation of oil markets and the fact that we have deregulated the energy futures market and created loopholes so that the speculators can have their say in how the market functions without the proper oversight that I think we need to restore.

So we are going to have a chance to talk about that later when the Democratic proposal is put forward before the Senate. But tonight I want to make sure my colleagues understand this is not an issue about getting more supply out of the United States. I have been on the Senate floor several times talking about energy executives saying that it is not the companies that have been holding up the supply in the United States or that is going to solve this problem.

But I think it is important to look at the world's oil market and to understand that the United States only has 3 percent of the world's oil reserves. We are not in the top 10 leading countries in producing oil. And this exaggerated chart on size shows the top countries with the most oil: Saudi Arabia and Iran and Iraq and Kuwait and UAE. And this shows by proportion, for national size, how small the United States is. The United States is over here because we do not have that much supply of oil. In fact, if you look on the chart, the top 10 countries, we are not in the top 10 countries in supply of oil. So the bottom line is, do we want to continue to be reliant on these countries for an oil supply or do we want to diversify? I think many of my colleagues realize we have to take aggressive steps to diversify a little differently.

Here is a pie chart that shows exactly where the world oil reserves are: 20 percent in Saudi Arabia, Iraq is another big number, Iran is another big number. This little red piece of the pie here, 2 percent; 2 percent is what the United States has. So this notion that we are going to dramatically change this equation for the U.S. consumer or the price of gas by taking that 2 percent of the world's oil reserves and somehow maximizing it, I do not care how much you maximize it, I do not care how or where you drill, you are not going to change the impact on the price of oil today on the market when these are the other players. These are the people who are dominating the marketplace.

So I think it is very important that we get a handle on this situation. We have seen now that oil has been over $125 a barrel. At one point in time last Friday, oil closed at $126, and went back down.

But we keep seeing this inch up every day. You turn on the television, the situation does not seem as though there is any relief in sight. This keeps going up. This is the national average, $3.71. In my State I clearly saw $3.80. I will not be surprised if it is even higher than that. And we have to do something to give consumers relief. They cannot continue to afford to pay this price.

Well, we have listened now to oil company executives. I like to listen to what they have to say about this matter because they are the people who are involved in the supply and demand on a daily basis. They are the ones who are going out and getting this product and putting it in the marketplace.

Here is the CEO of Marathon Oil, who said:

> $100 oil is not justified by the physical demands in the market.

It is not justified. So here we are, a lot of these executives having testified before various House and Senate committees saying that oil should be at $60 a barrel. They are saying it is not even justified at $100 a barrel. What is causing this problem?

I would have to say that the $100 a barrel in the market is definitely causing problems with various industries. Last week we heard from some in the airline industry who were testifying before the Commerce Committee. These are their first quarter losses: Delta, $274 million; American Airlines, $328 million; United, $537 million.

When you talk to them about these losses, because these are things that help take care of the employees, take care of pensions, take care of bills, they will tell you that fuel costs used to be the second expense in the business. Now it is No. 1 because of the extraordinary costs of fuel. And these are the losses they are racking up because of that.

This is what one market analyst basically was saying about out-of-control jet fuel prices:

> Should the current fuel prices persist, the impact on airline industry profitability is expected to rival if not exceed that of the 9/11 terrorist attacks.

This is a quote from a JP Morgan analyst. What they are saying is, I think people here remember how dramatic the impact was on the airline industry after 9/11, how people did not want to fly. Here is an analyst saying, if this keeps going, it is going to be worse than 9/11.

I had a flight attendant tell me the same thing this weekend. She said: You know, we survived 9/11 and the terrorist attacks. We survived bankruptcy and reorganization. Now we have to survive this. I do not know that we can do it if oil just keeps going up and up and up.

That is what these people are saying; that it is going to get as dramatic as the impact that we saw from 9/11 if we do not deal with this issue. Well, one way I can tell you that we are not going to deal with it, and not because of the legislative approach, simply because if it even was a solution, drilling in the Arctic Wildlife Refuge would only reduce it by a few pennies per gallon when it is at its full peak production, say, 10 to 20 years from now. And the fact that it would only be two pennies per gallon, if you average that out over what a consumer buys in a year, we are only talking about a few dollars to the American consumer because I go back to that chart where it shows the United States with only 2 percent. How can we affect the price? These are new updated numbers.

Basically, the fact is, you cannot affect the price by drilling in the Arctic Wildlife Refuge. That should tell us something. This is a false argument on the other side about the supply.

Our own administration, the Energy Information Administration, came to the conclusion that if we would drill in the Arctic Wildlife Refuge thinking that we were going to put world supply on the market, this was their conclusion, not mine.

They said: OPEC could countermand any potential price impact of ANWR coastal plain production by reducing its exports by an equal amount and basically continuing to keep the price high.

So this notion we are debating tonight, that somehow we are going to drill our way to energy security and lower the $120-plus barrel of oil, even by the account or our own Energy Information Administration, is not correct.

So what do we want to do? Democrats want to police the oil and gas markets. Democrats want to police these markets because we are tired of the oil company executives saying that prices are not justified. We are tired of analysts saying that this price is not justified. We are tired of looking at the results when we deregulate the energy futures market and allow excessive speculation without proper controls. Like we have on the stock exchange, like we have on other exchanges such as NYMEX and the Chicago Mercantile Exchange, we want rules in place.. We want rules in place so consumers can be protected.

We know hedge funds are playing a big role here. This is not my quote. This is from Ann Davis of the Wall Street Journal:

> Hedge funds are taking ever-larger bets in a futures market that is smaller than the stock or bond markets, and the funds are using borrowed money to maximize their bets, magnifying the impact on [energy market] prices. That is why people on this side of the aisle have talked about a few things such as closing loopholes and making sure there is transparency in the energy markets. The Amaranth case showed the harm of this excessive speculation and large trader positions without proper market controls. Amaranth was a natural gas company that basically took huge positions in the natural gas market, and because we had deregulated the oversight of that energy trading, they were able to manipulate the market. And after they got out of the marketplace because they crashed after some of their manipulative activities, we were able to see a huge decrease in the price of natural gas. So we know these hedge funds are able to impact the price of energy, and we are very concerned about that.

We know that after the electricity market crisis, we were able to put new rules into place for electricity and natural gas. It ended up having a very positive impact. In fact, this is what the chairman of the FERC said about that:

> The manipulative schemes in question were designed to lower the prices in [a futures] market in order to benefit positions held in a [physical] market.

I want my colleagues to understand how this works, but here is what the chairman of the Federal Energy Regulatory Commission that has oversight over electricity and natural gas markets said. What he was pointing to is the fact that people were driving up the physical price of oil by manipulating the futures market. When the futures market isn't regulated, the price is easier to manipulate. Right now some oil futures for 2015 delivery are well over $100 a barrel, and that is going to continue to dictate the price of oil markets in the future.

One analyst basically said the Government must act:

> Unless the U.S. government steps in to rein in speculators' power in the market, prices will just keep going up.

If we have analysts on Wall Street telling us we should act and do something, they are telling us what is happening on Wall Street. Here is an energy analyst saying:

> Unless the U.S. government steps in to rein in speculators' power in the market, prices will just keep going up.

The reason why they are saying that is there are exemptions for oil that aren't there for other commodities. Cattle futures is an example. If you want to trade in cattle futures, you are not exempt from CFTC oversight. You have to register at an exchange. You have daily reporting requirements. That is so somebody who comes in and takes a big position in oil to impact the price and trades around to impact the price can be evaluated, and the CFTC and others can understand exactly what is going on and there is speculative limits. But look over here at oil trading, not on the NYMEX but on this other international continental exchange, and you see none of the same requirements. So we have deregulated this on this side, and now we wonder why oil has gone from $60 a barrel to $125 a barrel. It is not supply and demand. People in the industry will tell you it is not supply and demand. You have oil company executives telling you it is not supply and demand. You have analysts telling you it is time for us to do something to restore the oversight and transparency so the markets function properly.

I hope we get to this debate on the Senate floor in the next week or so.

As I said, we will be out here to talk more about that because there are several factors in the proposals we are talking about that I think will be important. Obviously, closing the Enron loophole is critical, which we are trying to push out of this body in a final farm bill conference report; this will require oversight of all oil futures in the futures markets, which my colleagues, Senator LEVIN and Senator FEINSTEIN, and others have been working on; getting the FTC to implement market rules, and they are in the process of doing that. Our body has to have a huge oversight in making sure the proper rules are put in place. We want to make sure the price-gouging legislation that is being proposed in the Democratic package gets passed. But having the Department of Justice continue to help in this effort to look at the fact that there has been this lack of transparency and funny business going on in the marketplace is going to be very important for us to continue to police these markets.

I urge my colleagues to think about the fact that this is a real crisis, that our economy can't continue to pay these prices, and that there is nothing wrong with bona fide speculation, but there is certainly something wrong with excessive speculation and with markets that don't have sufficient transparency and oversight or rules in place to make sure it is functioning correctly. That is why Democrats want to make sure we police the oil and gas markets to protect consumers. We are going to propose that through votes on the Senate floor. We are going to continue to push Federal agencies such as the FTC and the Department of Justice and the CFTC to do their jobs.

If I may, Mr. President, on a separate note, I saw last week one of the solar companies made an announcement on their earnings. I will not detail the company today, but the company was very specific in its announcement. It had increased record sales. They were very excited about what was happening in the solar market. But they announced they were going to lay off people, and they were going to cancel jobs. They said in their earnings statement, because this is what companies have to do, you have to give guidance to your investors. You have to tell them what are you are going to do for the rest of the year. This company made this announcement, and it said, because Congress is not giving predictability about the investment tax credit, we can't plan for the future for these projects. So we will be canceling projects, and we will be laying off people.

I say that tonight because I am frustrated we have not been able to get the production tax credits and investment tax credits passed. I thought we would get to this point where companies would start canceling projects and thought that we had until about the first quarter of this year and their earnings statements where, again, they have to give guidance and tell the public what is going on. But that is where we are. We need to do our job. If we believe in this situation where we are right now with this energy crisis out of control and the future being uncertain, it is time to invest in different types of energy solutions. I know many of my colleagues, 88 of us here, support getting a bill out and passed over to the House of Representatives. I know there has been a debate between the Senate and the House of Representatives on that measure and exactly how to pay for it.

What I can say to my colleagues is that when we start losing jobs and canceling projects that are needed for energy production, we haven't done our job. It is time for us to put differences aside and to get this investment tax credit and production tax credit passed and get it implemented so we can save this investment cycle and save the production for what is going to be much needed in future generations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the McConnell amendment which is based on legislation introduced by the senior Senator from New Mexico, Mr. DOMENICI, who was joined by several of us as cosponsors and which seeks a responsible comprehensive national energy policy.

First, I would like to thank Senator DOMENICI for his continued leadership on this issue. For years, many of us have followed his lead in trying to guide us toward policies that would expand our domestic production and supply of energy. Quite frankly, if more of my colleagues had listened to him, we would likely not be here on the floor today decrying the high cost of energy, especially gasoline.

There are three necessary components that we must address to move us toward an energy independent future: Supply, conservation, and alternative sources. I and many of my colleagues understand that conservation and alternative sources are critical pieces of this puzzle. We took some steps to address those issues in the 2000 energy bill with higher CAFE standards and incentives for technological innovation such as hybrids and fuel cells. This amendment before us deals with the third of the three necessary components—domestic supply—because none of the three are by themselves sufficient to achieve real energy security.

The United States is in the midst of an energy crisis. The folks in my State know that all too well. Every day they are working harder and smarter to make ends meet as the prices of the most basic essentials, food and energy, continue to rise at record rates. Between 2000 and 2005, 208,000 manufacturing jobs in Ohio have been lost, and 3 million nationwide, in part because of high energy costs that have forced employers to find savings elsewhere such as payrolls.

There is no question that because of the high cost of natural gas, we have gone from a country where we exported some $19 billion of chemical products to now importing chemical products. The reason for that is we didn't realize natural gas was part of the food stock we needed for the chemical industry.

Energy costs have been skyrocketing in Ohio. Since 2000, gasoline costs have risen 175 percent. Natural gas is up 107 percent. Heating oil prices are up 130 percent. The nearly 350,000 Ohio families with annual incomes of less than $10,000 are now spending more than 47 percent of their aftertax income on energy costs. You wonder how people are able to handle these additional costs they are paying.

I believe it is the result of a tail-wagging-the-dog environmental policy that has ignored our energy and economic needs. This policy prevents us from taking advantage of our domestic sources of energy and has helped put us in the current crisis. The chickens have come home to roost. Many of us predicted it 8 or 9 years ago. No one seemed to listen.

We need to enact an energy policy that broadens our base of energy resources to create stability, maintain reasonable prices, and protect our Nation's security. It must be a policy that will keep energy affordable, and it must be a policy that would not cripple the engines of commerce that fund the research that will yield environmental protection technologies for the future.

We need a "second declaration of independence" to move us away from foreign sources of energy in the near term and away from oil in the long term. While we may not become truly independent of foreign energy, we must make investments today that will help us achieve our goal tomorrow, including renewable fuels and alternative methods of powering our vehicles, such as hybrids, plug-ins, and fuel cells.

I believe the country that becomes least dependent on oil is the country that is going to be prevailing in this century. Other countries are becoming addicted to oil, and we all have heard about why some of this is happening today. The Chinese are building automobiles every day and sucking up as much oil as they possibly can from whatever source they can get it.

I believe this crisis was foreseeable. Since I entered the Senate in 1999, Congress has chosen not to design a comprehensive, long-term national energy policy. We have failed to harmonize our energy, environmental, and economic needs. Unless we do, we will experience a diminished standard of living in the future.

I have been calling for increased domestic production for years. Before I came to the Senate, Congress and President Clinton had a chance to open ANWR to responsible oil exploration. In 1995, when oil was only $19 a barrel—did you hear that, $19 a barrel—President Clinton vetoed increased domestic production. In addition, many of us have been trying to open the Outer Continental Shelf to expanded exploration for years. Again, we have been blocked. Had we opened these domestic sources of oil and gas years ago, prices of gasoline, natural gas, and home heating oil would not be where they are today. As I said, the chickens have come home to roost.

A few years ago, we finally made some limited progress when we passed the 2005 Energy bill. That bill should have been passed early on in this century. We debated it back in 2003 for 6 weeks, and then it got stopped because we could not get the Senate to agree to it. We finally, as I say, got it done in 2005. That bill took some good steps forward. It provides incentives for more oil and gas production. It increases the use of clean coal technologies, nuclear power, and renewable sources of electricity and fuel, and it encourages conservation.

We need to do more, however, if we are to continue to remain competitive in the global economy. We need a plan for a future of tight energy supplies in the near term and plan accordingly so we have a stable bridge to the future that does not set us at a disadvantage against other countries. In the short term, we need to wake up to the fact that our Nation will continue to rely on more traditional forms of energy, such as oil, coal, and natural gas, to fuel our vibrant economy, as no viable alternatives are yet available to take their place.

This is important not just for the economy but for our national security and our environment. In this era when the United States is engaged in the war on terror, energy independence is even more critical. So many of the world's energy exporters are also breeding grounds for the terrorists and anti-American regimes, such as Venezuela, that want to destroy America. Being dependent on these regimes for our energy supply increases the danger to our way of life.

American people should also understand that more and more countries are nationalizing their oil. As a result, they are driving out companies that could invest in exploration, as has been the case in Venezuela, and the same way in Russia. So we are seeing a situation—and I have heard the arguments that we have to get the Commerce Department and other Federal agencies involved, but some of the problem we have is as they nationalize the oil, what they do not do is the exploration that is needed to produce the oil that should be coming on the marketplace.

Increasing domestic energy production, renewable sources, and alternatives to oil would help smooth this country's transition to a carbon-constrained world.

But we are on the cusp of another gathering storm—a storm that could deal a destructive blow to my State of Ohio's already struggling economy and our quality of life. In its wake, we could see the loss of hundreds of good-paying jobs, shocking increases in natural gas, electricity, and gasoline prices, and pocket-numbing decreases in household incomes. I know Americans right now are up against it. But I can tell you, we ain't seen nothing yet if this legislation that is now pending in Congress is passed.

This storm comes in the form of current legislative efforts in Washington to mandate massive reductions in emissions of carbon dioxide and other greenhouse gases. The debate is not about whether these reductions are necessary. I think I make that very clear; these reductions are necessary. Most of us agree to that. And we must act quickly to address climate change. The debate is about whether to invest the time and effort necessary to do it in a responsible, comprehensive, and progrowth fashion as opposed to rushing through an irresponsible, piecemeal plan that will raise energy costs on already hurting families, send jobs overseas, and fail to help the environment as intended.

As ranking member of the Senate Environment and Public Works Subcommittee on Clean Air and Nuclear Safety, I am at the center of the debate, and I believe Ohioans should pay close attention. The decisions made could result in the most massive bureaucratic intrusion into the lives of Americans since the creation of the Internal Revenue Service.

As I mentioned, I have long championed harmonizing our economic, energy, and environmental needs. I did so as mayor of Cleveland, as Governor of Ohio, and we had great success in bringing both sides to the table for the betterment of our State and Nation. That is why I am so committed to educating my colleagues and Ohioans about the unprecedented opportunity we have before us when it comes to crafting a comprehensive solution to climate change. We must be smart and measured in our steps forward, always keeping in mind what is best for working families, seniors, and those trying to make ends meet on fixed incomes.

The smart way to go about addressing this problem is not through unilateral actions that would hurt our economy and drive jobs overseas. The policy proposal now under consideration in the Senate—the Lieberman-Warner Climate Security Act—would do exactly that.

A recent analysis of the bill by the Environmental Protection Agency provided a devastating critique of their policy proposal, estimating that passage could result in annual losses in gross domestic product as high as $2.5 trillion by 2030. By 2050, annual losses in the GDP could be as high as $5 trillion, with electricity rates doubling over the same period of time.

The impact of this legislation will be disproportionately felt in States such as Ohio that depend on coal for much of their energy needs. Duke Energy, a major electricity provider in Ohio, has released data indicating that if the policy becomes effective in 2012, customers in their service area could suffer a 53-percent increase in their electricity bills.

According to a recent study by the American Council for Capital Formation, Ohio would lose 139,000 jobs by 2020. By 2050, net job losses could grow as high as 487,000. And with Ohio consumers paying as much as 29 percent more for gasoline, 50 percent more for natural gas, and 80 percent more for electricity, disposable household income would be reduced by about $2,000 per year by 2020 and $3,500 per year by 2050.

Additionally, the Lieberman-Warner bill completely disregards the international dimension of the problem. Countries such as China and India refuse to slow their economic development in order to address climate change. China—and listen to this one—puts two new coal-fired powerplants in service every week and now uses more coal than the United States, the European Union, and Japan combined. India is in the process of building the largest coal mine in the world. With facts like these, America could totally shut down all of our emissions-producing activities and we would not make a dent in CO_2 emissions.

Americans should not suffer for symbolism while countries such as China and India emit increasingly large quantities of greenhouse gases without consequences. Ohioans are already struggling with the cost of living due to higher prices for gasoline, home heating fuel, electricity, food, and health care. Lieberman-Warner will only make things worse.

We cannot tolerate policies that harm our economy and drive businesses overseas to countries that do not recognize their environmental responsibilities or just do not have the political will to act. If we do, we will be worse off on two counts: fewer jobs and an environment that is not any cleaner than when we started.

That is why I am spearheading the development of an alternative solution to climate change which is less intrusive, less costly, and will more quickly achieve greater environmental benefits than the one option now before us. The smart way to address this problem is through collaborative, multinational efforts to develop and deploy the clean energy technologies that everyone recognizes as necessary to solve this global environmental problem.

I am pleased, with the support of our President, that consideration is being given to a clean energy technology fund—of some $2 billion we would participate in—an international clean energy technology fund. I know from reading a paper by Dr. Lin Jiang that China is giving serious thought to working with us. In a paper called "The Nexus of Energy, Global Warming, and Environmental Concerns: Opportunities for U.S.-China Cooperation," Dr. Lin wrote:

> It is clear that greater investment is urgently needed to help China develop cost-effective methods to use coal more cleanly, through, for example, gasification and carbon capture and storage (CCS)2. Collaboration between the U.S. and China in accelerating the adoption of such technologies could be mutually beneficial, since the U.S. is equally abundant in coal reserve as well.

The Asian Pacific Partnership, which resulted from the passage of the Hagel-Pryor-Voinovich, et al. bill, is in its infancy in sharing technological breakthroughs on controlling carbon emissions. It is already happening through the Asian Pacific Partnership. For those who are really interested, you can go to www.asianpacificpartnership.org for more information on what is happening.

Recently, Richard Armitage and Dr. Joe testified before the Senate Foreign Relations Committee and submitted for the record a paper called "Implementing Smart Power: Setting an Agenda for National Security Reform."

In this paper, Dr. Nye suggested that:

> The next administration and Congress should establish and fund a joint technology development center. International collaboration helps reduce costs and accelerate the pace of innovation. The U.S. Department of Energy in partnership with major global energy companies should establish a 10-year endowment for funding energy and technology related research. This could be administered by an international consortium of the National Science Foundation and equivalents and disburse grants through a peer review process to researchers to provide venture capital to develop and deploy next generation energy technologies, such as biofuels.

Also, the paper suggests that the next President should "seek to identify areas of mutual interest between the United States and China on which the two powers can work together on a smart power agenda.

"Work together."

> Energy security and environmental stewardship top that list, along with other transnational issues such as public health and non-proliferation. Global leadership does not have to be a zero-sum game.

The point I am making is, we are on the edge. We are seeing the result now in terms of the high cost of gasoline, the high cost of natural gas, the high cost of heating oil because of the fact that we did not put together a comprehensive plan some years ago, realizing we are in a global economy, the world is expanding, demand for these resources is growing every day, and in order for us to survive in this century, we have to become a whole lot more independent in terms of energy—as I said, the "second declaration of independence." The only way that is going to happen is to develop a comprehensive plan.

My colleague, Senator ALEXANDER from Tennessee, did a very good job earlier this evening in laying out a comprehensive plan we should put in place. It is not going to happen overnight. It is going to take time for it to take place.

The reason I am bringing up the issue of the legislation dealing with climate change is, again, how do we handle that issue? Do we just go ahead and say: "Well, we are going to go forward with it. Cap in trade. This is going to solve the problem," when most of us know the technology is not there in order to cap carbon and sequester carbon, when most of us know the Chinese and the Indians and other growing economies are sending these greenhouse gases into the air.

Instead of just saying: Well, we will do it on our own, I think it is time for us to get together and realize we are part of this global economy. By working together, not only could the United States be a leader in dealing with climate change and greenhouse gases, but it would also be one of the most fantastic things our country could do in terms of public diplomacy.

We have been banged over the head over the years because we have not got on into Kyoto. That was voted on here on the floor of the Senate and it went down overwhelmingly "no." Then, 2 years ago, we passed the Pryor-Hagel bill. The reason it passed is because it had an international dimension to it.

I think where we are today is we have to say: Here we are and here is where we want to be, and how do we get there. Wouldn't it be wonderful, as I have said, if the United States could be a leader in doing this and bringing other countries together in saying we are going to do this together. I have a motto: Together we can do it. I think that is the approach we should take. If we don't do that, if we go ahead with this cap-and-trade legislation and say: Well, it is going to take care of the problem, we are going to be having the same problem we are having today, only it will be compounded: a 55-percent increase in electric costs by 2012, an 80-percent increase in natural gas costs, and a 30-percent increase in gas costs. We can't handle that. We have to worry about the standard of living of our people. So we have to balance this.

I think if we work on a bipartisan basis, we can come up with something that is spectacular. It is overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

Mr. CASEY. Mr. President, we are debating a number of measures in the next couple of days, and one of them that is before the Senate right now is the Public Safety Employer-Employee

Cooperation Act. I wish to speak for a couple of moments about that legislation.

This legislation would allow States that do not currently provide first responders with collective bargaining rights 2 years to revise their State law to do that. After 2 years, the Federal Labor Relations Authority would become responsible for protecting the rights of first responders in those States that still don't provide these rights. The Federal Labor Relations Authority would issue regulations to establish procedures for employees to choose whether to form a union for collective bargaining but would not have any say in the terms of the agreement.

This legislation is critically important for us to respond to emergencies across the country. There are some States that can do it better than others because of limitations. We think at times such as this of the tragedy of 9/11, and it is important at this time to remember that every New York City firefighter, emergency medical person, every police officer who responded to the disaster at the World Trade Center on that horrific day in American history was, in fact, a union member under a collective bargaining agreement. So their unions strengthened their ability to respond to this crisis.

The bill before us, the Public Safety Employer-Employee Cooperation Act, would give public safety officers the right to bargain over wages, hours, and working conditions, and would ensure that these rights are enforceable in State court. It also provides an efficient and effective dispute resolution mechanism for labor-management conflicts.

It is important to note that this bill does not force any specific regulatory scheme on the States. It gives States plenty of leeway to adopt new collective bargaining laws that make sense for their States. States that choose not to craft their own system can get the help of the Federal Labor Relations Authority.

I guess in summary form, we think of the importance of this legislation in the context of the threats we face: the threat of terrorism, the threat of disasters, all kinds of threats our communities are faced with. I and a lot of other Americans, I believe, want to make sure those who are putting their lives on the line every day, whether they are firefighters or police officers or other emergency personnel, have the peace of mind to know they are protected under law and that they also have the ability to negotiate and watch out for their own wages, benefits, and working conditions.

That is what this legislation seeks to do: To bring States that don't currently have this in place—this labor relations authority in place—to make sure we are doing that in every State of the Union so no matter where you live, those who are protecting us—the police officers, firefighters, and others—have the ability to benefit from the protections they should have under law.

I urge my colleagues, as so many others who have already done so, to support the Public Safety Employer-Employees Cooperation Act. It is very important legislation, and it is important that we pass it here in the Senate.

With that, I yield the floor, and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OIL AND GAS PRICES

Ms. KLOBUCHAR. Mr. President, despite a little snow the last few weeks, spring is finally arriving in Minnesota. In fact, we had our fishing opener this weekend. It is the time of year when people start going up north. They have their cabins up there. It is not exactly extravagant, but that is their vacation place and that is where they spend a lot of their summer.

A lot of my constituents have been calling our office saying they don't know if they can afford to go up north this summer. Worse than that, we have had many people who drive trucks for a living, who have long commutes to work, who are concerned about even keeping up with their jobs. You can see why. The oil and gas prices have tripled since 2002: Minnesota, $3.49 per gallon; in the United States, gas prices are at $3.66 per gallon. You can see why the truckers are upset with diesel at $4.15 per gallon and oil at $122 per barrel.

I have to pause for a moment to say I have been coming to the Senate floor to address the price of oil for a number of weeks now and it continues to astound me that every time I speak, the prices have gone up even more, and there appears to be no relief in sight. We look at the skyrocketing gas prices in Minnesota where they have gone from about $2.90 up to $3.62 in only 3 months. This is astonishing, and it is even more astonishing that this administration continues to do nothing; that the attitude seems to be this is what is happening, this is what the market says.

I believe there are things we can actually do, of course. in the long term but also in the short term. I don't believe we can continue to do business as usual. I have heard from farmers who are having a hard time making ends meet, even with the high commodity prices, because the cost of their inputs such as diesel fuel for their farm equipment and fertilizer made from natural gas have spiraled out of control. I have heard from people who are having a hard time heating their homes and going on with their lives.

The high price of energy has inflated the price of everything from groceries to transportation to home heating. We had a hearing in the Joint Economic Committee a few weeks ago about the price of food. There are a number of factors at play there, including the low value of the dollar and the export market; including the weather; including some of the demand for biofuels, although that was put as a relatively small factor. But one thing that was mentioned time and time again was the cost of transportation.

In cold northern States such as Minnesota, where people have to pay off large heating bills, this is the time of year they do it. Some of them put it off until now. They are too afraid of thinking about paying their bills for next winter. Middle-class families are struggling with the high cost of health care and college education, and they can't afford the price of gas, especially in our rural areas. You look at the fact that there really haven't been any wage increases or the wages have been stagnant and, in fact, have been going down; you add that to the increasing expenses with the price of gas up about $1,000 or $2,000 a year, depending on how much you drive. For a middle-class family, health care is up something like $1,500 a year; appliances are up, telephone service is up. It comes to about $5,000 extra a year that the middle-class families are expending in the last 8 years.

Not a day goes by that I don't hear about this kind of struggle from my constituents, so it is hard for me to understand how our President seemed so taken aback recently when someone asked him about $4-a-gallon gas. This was on February 28, 2008, not too long ago, and the President said:

> You're predicting $4 a gallon gasoline? That's interesting. I hadn't heard that.

The fact is it is not just interesting to the people of my State; it is, in fact, a budget buster for too many people in my State. This administration has failed to provide Americans with a meaningful energy policy that would provide relief from high gas and energy prices.

This country needs a bold energy policy for the future—not little gimmicks, not little ideas that maybe give you an extra 20 bucks. This country needs something more than someone who is going to say it is interesting. We need a policy that will stabilize prices and give consumers more alternatives, reduce our dependence on foreign oil, and provide us with the next generation of home-grown biofuels.

Brazil has achieved energy independence. They have done it with sugarcane. It is easier to do, but they have done it. They basically leapfrogged our country because their government had the foresight to put a policy in place that pushed the development of biofuels. They have their own oil, but mostly they have their own biofuels.

We can do this; we just need the will. We need to pursue a forward-looking energy policy with the same sense of urgency we used to put a man on the Moon nearly 40 years ago.

In the long term, that is going to mean making strategic decisions in research on hybrid cars, new solar technology, cellulosic ethanol, and other forms of energy from biomass. It is just around the corner. We know that. Chevy is coming out with the Chevy Volt which gives you 30 miles, by plugging your car in every day and then it converts over to biofuels. That is 2 years away. We have new solar technologies. We have cellulosic ethanol right at the University of Minnesota where groundbreaking research is being done. We can do this.

We need better fuel efficiency for our cars and trucks. As the Presiding Officer knows, this Congress was the first Congress since I was in junior high to increase the gas mileage standards for new cars and trucks by 10 miles per gallon. We can do more. We also need a renewable energy standard such as we have in Minnesota where we simply basically are going to provide 25 percent of our energy, our electricity, from renewable sources by the year 2025. That was a bipartisan agreement in our State—the Republican Governor, Democratic legislature, nearly unanimous, supported by our biggest electricity company itself, which took even a higher standard—30 percent—for itself.

These are long-term solutions. I believe very strongly they are important and they are the future and we need to pass them. But there are also things we can do in the short term about high gas prices that could bring immediate relief to the families in my State and across this country. That is why I am proud to cosponsor the Consumer First Energy Act, which Majority Leader REID introduced last week. There are 20 cosponsors, 20 Senators who are already on this bill. The bill attacks high gas prices from five different angles, all of which are achievable in the short term.

The first thing, and the thing I have heard most about when I talked to people in this business, is the role that market speculation is playing in today's price of gas. The administration likes to tell us high gas prices are just a simple case of supply and demand, and more people are driving, so the price of gas goes up. But that answer doesn't hold true any longer. Look at what the oil executives have been saying. On October 30, 2007, the CEO of Marathon Oil said:

> $100 oil isn't justified by the physical demand in the market.

That is the CEO of Marathon Oil on October 30, 2007. I think he might know what he is talking about. Then a more recent quote, on April 11 of this year, by the CEO of Royal Dutch Shell, who said:

> The [oil] fundamentals are no problem. They are the same as they were when oil was selling for $60 a barrel.

On April 1 of this year, senior Vice President of ExxonMobil said:

> The price of oil should be about $50 to 55 per barrel.

If oil should be roughly at $50 or $60 a barrel, given market fundamentals, why is it trading at $118 per barrel? If supply and demand doesn't explain the high price of gas, what does? According to the experts, there is a frenzy of unregulated market speculation in the oil futures market that is driving prices to record highs.

I wish to share a quote from an energy market analyst with Oppenheimer, who recently was named by Bloomberg as a top-ranked energy analyst in the country. He said:

> I am absolutely convinced that oil prices should not be a dime above $55 a barrel. Oil speculators include the largest financial institutions in the world. I call it "the world's largest gambling hall." It is open 24/7. It is totally unregulated. This is similar to a highway with no cop and no speed limit and everybody is going 120 miles per hour.

That will be reassuring to the people calling our office because they cannot afford to go up to the lake this summer. "The world's largest gambling hall." Why are these trades in a commodity as vital as oil—at a time when we are in a very fragile situation internationally and we are doing business with countries we would rather not deal with, why is this commodity, oil, unregulated? In 2000, there was a provision inserted into the Commodity Futures Modernization Act that exempted electronic energy trades from Federal regulation. In the absence of oversight, what was once a small niche market became a booming industry, attracting a rampant speculation from hedge funds and investment banks, the largest financial institutions in the world. Oil and natural gas prices became volatile.

That provision has come to be known as the "Enron loophole" because it made possible the many abuses that triggered the western energy crisis and cost the economy $35 billion and nearly 600,000 jobs.

The Federal Government has a critical role to play in conducting aggressive oversight of changing energy markets. Any prosecutor—and the Presiding Officer knows from his past work as a prosecutor—can tell you that good laws are not enough; you need good enforcement. History has shown us that when enforcement is lax, consumers ultimately pay the price. The Consumer First Energy Act addresses the problem of market speculation by stopping traders from routing transactions through offshore markets in order to get around limits on speculation put in place by U.S. regulators. Specifically, the Intercontinental Exchange, or ICE, in London allows trading in American oil futures, gasoline and home heating oil, with far less stringent reporting requirements than what is required here at home. This has driven a lot of speculation offshore and out of reach of our regulators.

This bill will make those foreign trades in American oil and gasoline futures subject to reporting requirements so we can have a proper paper trail and keep track of what is occurring.

This bill would also require the Commodity Futures Trading Commission to increase the margin requirement for oil trades. A margin requirement, as you know, is the amount of money you have to put down if you want to buy and sell oil futures. The margin requirement is currently set by the exchanges themselves, which is like the fox guarding the henhouse. They have set the requirements so low it has led to this rampant speculation.

Some people believe this occurred because many speculators have taken money out of subprime mortgages, or the mortgage market, and put it into oil. The people in Minnesota want to know the people in Washington are looking out for them. I think the way we do that is by reining in some of this rampant speculation with this bill.

The bill also has requirements that will allow us to push on OPEC so they provide the oil they should provide. They are keeping it at an artificially low level. They are colluding to do that.

Yet, at the same time, our country is doing business with many of these countries. This has to stop, and we have to use the leverage we have to push OPEC to produce more oil.

Another part of the bill would ask that we temporarily halt putting oil into our Strategic Petroleum Reserve. This is estimated by energy analysts to bring in about 3 to 5 cents per gallon. They are 97 percent full. Yet our Government is purchasing oil at this incredibly high rate. This bill puts a temporary halt on that so we can put more oil on the market and, at the same time, not burden our country by buying it at this incredibly high rate.

Finally, this bill does something we have been trying to do for years: It takes the oil giveaways and puts them in the hands of those who can actually produce renewable energy. As you know, we came so close to doing this in the past. We were one vote short of blocking the filibuster—a tool the other side has used 68 times now, a record number. We were one vote short of taking $17 billion, over a 10-year period, and putting it into the hands of basically the people of this country, to say there is a better way. Instead of investing in the sultans of Saudi Arabia, we can put our investments in the farmers and workers of this country. If Brazil can do it with sugarcane, we can do it with residue from logging or hybrid cars or with hydrogen fuel cells. We can do it with cellulosic ethanol, the next generation of biofuels—but not if we are unwilling to talk about how we do it, which is put our money where our mouth is, which is to take the giveaways the oil companies have been enjoying for so many years, while seeing record profits, and putting it in the hands of the future.

That is what we are asking this Senate to vote on tomorrow. I can tell you that if you ask the people in Minnesota—whether they are Democrats, Republicans or Independents or whether they are from the Twin Cities or the Iron Range of Minnesota or southern Minnesota—they want to go the next step. They are bold. They figure if we can put a man on the Moon, we can do this. This is why I support this bill. This is our future.

I am very proud to be a sponsor of the bill, and I hope this Chamber is willing to do something tomorrow different than what we have done in this area of energy before. We have taken steps and increased the gas mileage standards, but this is our opportunity to be bold and to respond to the people of this country who are not looking for gimmicks but they are looking at us to do something. We know we can do a long-term solution, research and development, and the transitioning to green jobs. We can do the transition to cellulosic ethanol and put the money there.

In the short term, we need to get rid of this idea that Government should put up our hands and let this keep going, while the rampant speculation goes on and on. We need to place stronger limits on market speculation; temporarily suspend deliveries of oil into the Strategic Petroleum Reserve; put a stop to the oil company giveaways; enact the windfall profit tax, which I know is different than proposals in the past. It kicks in when oil companies are not truly investing in renewables or adding to its refineries and production. And then we have to put that pressure on OPEC.

These are the kinds of short-term, bold measures the people of this country are looking for. So tomorrow we have our chance. I implore my colleagues to join us. Let's get this done and do something real for the people of this country.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ROBLEY REX

Mr. McCONNELL. Mr. President, today I rise to recognize a very special individual from my home State of Kentucky, Mr. Robley Rex. Earlier this month, Mr. Rex celebrated his 107th birthday. To live 107 years in and of itself is an achievement by anyone's standard. In the case of Robley Rex, those 107 years have been especially full of accomplishment and patriotic service. He has filled his lifetime with loyal service to our Nation's Armed Forces, to the U.S. Postal Department, to local businesses, to the Methodist ministries and, perhaps most importantly, to his family and his fellow veterans.

Robley Rex was born in Hopkinsville, KY in 1901. Upon turning 18, he enlisted in the U.S. Army and proudly served our Nation. He returned to Kentucky after serving with the 5th Infantry in Germany in 1922. Mr. Rex then joined the Veterans of Foreign Wars, VFW, and married Ms. Grace Bivens. He held jobs with local Kentucky businesses before beginning his career as a U.S. Postal Department railroad mail clerk. At the spry, young age of 86, Robley Rex began volunteering through the VFW and was honored by the group for having performed more than 13,600 hours of service over a 20-year period. He also volunteered his time at the VA Medical Center in Louisville, KY, helping the hospital staff and inspiring the patients and their families. He also found time to become an expert in proper flag etiquette. Mr. President, I don't know anyone who knows more about how to properly care for an American flag than Mr. Rex.

I am proud to represent such a remarkable model of honor and duty and I am pleased to have the opportunity to recognize Robley Rex in front of this distinguished body. I ask my colleagues to join me in thanking him for his continued service to our Nation and to Kentucky, and to wish him all the best on his 107th birthday and in the future.

HONORING OUR ARMED FORCES

STAFF SERGEANT CHAD A. CALDWELL

Mr. PRYOR. Mr. President, my thoughts and prayers are with the family and friends of SSG Chad Caldwell who left this world fighting for democracy and peace for the Iraqi people. By all accounts, he loved his family and country and served three combat tours to safeguard their future.

After graduating from Cheney High School in 2001, Staff Sergeant Caldwell joined the Army. The decorated soldier served one tour in Iraq, followed by a second combat tour in Afghanistan. In February 2007, he signed up for a third tour in Iraq. During this time, he earned two Army Commendation Medals, including one for saving the life of a pregnant woman after the U.N. headquarters in Baghdad was bombed in 2003. The second medal was awarded to Staff Sergeant Caldwell for saving the life of his lieutenant colonel that was caught in gunfire.

I join Arkansans and Washingtonians in lifting his wife Raechel and two young sons, Trevor and Coen, in my prayers. We will never forget the sacrifice made by the Caldwell family.

60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Mr. JOHNSON. Mr. President, today I wish to recognize the 60th anniversary of the State of Israel, which is being celebrated today around the world. Since May 1948, the Jewish state has transformed itself from a fledgling band of pioneers and immigrants to a strong, robust, and democratic state. Israel has been an indispensible friend over the years and remains our greatest ally in the Middle East. One of the world's most innovative and exemplary countries, Israel has lived up to its founding ideal of being a "light unto the nations."

Beset on all sides by enemies, Israel declared its independence under cover of night on the fifth day of the Jewish month of Iyar. The new country was immediately recognized by U.S. President Harry Truman, a decision which continues to make America proud. Still, the surrounding armies immediately invaded. Challenged in a war for its survival, Israel prevailed to enjoy its independence. Israel would face existential threats from larger foes several times again, prevailing each time and steadily growing stronger.

And yet, for 60 years now, the State of Israel has done far more than just survive and persevere. Mr. President, it has thrived.

Politically, Israel has built a sanctuary of democracy, the rule of law, and basic rights and freedoms. Religiously, Israel has built a tolerant society for the Jews, Christians, Muslims, and Bahai who share the Holy Land. Economically, it is a modern marvel, home of some of the most high-level technological advances in the world. In the field of agricultural production, which is so important to my home State of South Dakota, Israel has done the so-called impossible and it has made the desert bloom. The invention of the surface drip irrigation system revolutionized farmers' ability to bring water to their crops, creating a lasting benefit for the entire world.

Congratulations to Israel on 60 years of statehood. Our friendship and alliance with Israel is an extension of our interests and our values, and I look forward to a strong U.S.-Israel relationship for generations to come.

GREAT LAKES LEGACY ACT OF 2008

Mr. LEVIN. Mr. President, last week, my colleagues from the Great Lakes and I introduced the Great Lakes Legacy Act of 2008. This bill will reauthorize the Great Lakes Legacy Act of 2002, which significantly benefited efforts to clean up contaminated areas of the Great Lakes.

The focus of the Legacy program is to clean up "Areas of Concern" in the Great Lakes. These are sites that do not meet the water quality goals established by the United States and Canada in the Great Lakes Water Quality Agreement. The primary reason that these areas fail to meet water quality goals is the result of contaminated sediments from industrial activity. This contamination results in fish advisories, degradation of fish and wildlife populations, taste and odor problems with drinking water, beach closures, and bird and animal deformities or reproductive problems.

The existing Legacy program has funded several projects throughout the region to remove contaminated sediments in Areas of Concern. In fact, almost 800,000 cubic yards of contaminated sediments have been removed since the program was created in 2002. This is material that has been safely removed from riverbeds so that it no longer poses a threat to human health or the wildlife.

Still, there are 13 Areas of Concern in the State of Michigan alone. The environmental problems are far too grave considering the fact that the Great Lakes holds one-fifth of the world's freshwater, supplies drinking water to tens of million people, and provides a $5 billion fishery. They threaten the Great Lakes as a source of potable water, as a recreational resource, as a commercial asset, and as a natural habitat.

The bill that we have introduced would build on the existing Legacy program in several ways. It would increase the authorization of appropriations from $54 million to $150 million annually in order to clean up the Areas of Concern within 10 years. The bill would give the EPA greater flexibility to manage funds by allowing the EPA to distribute funds directly to contractors and would not require States to maintain previous year's funding levels at a site. Under this bill, eligible projects would be expanded to include habitat restoration. Many Areas of Concern cannot be delisted until habitat restoration work is done. Also, the bill would give the EPA the discretion to provide Legacy Act funds to demonstration and pilot projects. Finally, the bill would clarify the role of polluters in participating in future projects.

We have been working for decades to try to clean up the Areas of Concern. This bill was drafted based on recommendations from a coalition of environmental and industry groups that are working to protect and restore the Great Lakes, and I want to thank them for their dedication. I hope that my colleagues will support this legislation to continue progress on cleaning up these sites and protecting our precious Great Lakes for the use and benefit of citizens throughout the Midwest and across Nation.

TRIBUTE TO PLACIDO DOMINGO

Mr. LEAHY. Mr. President, it is my pleasure to pay tribute to someone who has touched the lives of millions not just in this country but across the world. This week, tenor Placido Domingo sings the title role in the new Washington National Opera production of Handel's "Tamerlano." It is his 130th role, an unprecedented feat. He has made each of these parts into something alive and multidimensional. Tragic figures like Otello or Cavaradossi have come to life and, through their actions, have laid out time-honored truths about human emotions and how we live. Mr. Domingo's singing, marked by a clarion tone and natural sense of the shape of a musical phrase, can move us to great heights and the deepest depths. He is a positive force in the world and someone that everyone can celebrate.

Next year marks the 40th anniversary of his debuts at the Lyric Opera of Chicago and the country's premiere opera house, the Metropolitan Opera. He frequently sings across the globe, gracing stages of esteemed European opera houses like London's Royal Opera and Milan's La Scala. He might be most widely known as one of the "3 Tenors." His recording of grand productions and solo recitals fill store racks in my home State of Vermont, as well as the whole country. These are unheralded achievements for any tenor, undertakings that have led to numerous awards like several Grammy awards and his recent election by a respected British magazine as the "King of Singers."

Thankfully, his ego is not nearly as long or wide as that list of laurels. He is a deeply respectful individual, and he takes interest in others. He can be extremely kind. He paid me one of the nicest favors last year, when, at a special function, my wife Marcelle asked him to sing "Happy Birthday" to me. Rarely has the simple tune been heard with such color and finesse. It was a moment that I will never forget.

Even in that straightforward, if always sweet, tune that amazing sense of the inner workings of music was there. There have been other great tenors but few who have shown such a strong musical sense. The word used most often to describe Mr. Domingo's approach to each score is "scrupulous," a word that means meticulous, fastidious, conscientious. That quality extends into his work from the podium as a conductor and from the boardroom as a general manager, not only of the Washington National Opera but also the Los Angeles Opera. He gets inside whatever he is doing—singing, conducting, administration—and makes it come out fresh, natural, and seemingly right.

He has literally lived and breathed opera throughout his life. As a child, he sang the popular Spanish operas known as zarzuela. The two companies that he directs have commissioned new operas, and it is new operas that make all the difference between a "has-been" and a living, breathing art form. Just 2 years ago, the Washington National Opera put on Scott Wheeler's "Democracy." Its themes of politics, love, and Washington still resonate today.

Mr. Domingo spends a great deal of time in the United States, which has received him like the hero he often sings on stage. He knows New York, Washington, and Los Angeles like a native. He undertakes tours to sing across the Nation, sometimes bringing music to communities that may not have a major opera house. He is not an American citizen, but he embraces some of the best qualities of what it means to be an American, energetic and open, alive to life's possibilities. He has forged a special bond with the country, and for that we are all grateful.

As Mr. Domingo takes on his role this week at the Washington National Opera, I know the entire Senate joins me in congratulating and thanking him for his relentless work and his spectacular ability to move us to tears, laughter, and sheer joy.

HONORING THE 50TH ANNIVERSARY OF NORAD

Mr. SALAZAR. Mr. President, I wish to commemorate the 50th anniversary of the signing of the North American Aerospace Defense Command Agreement between the United States and Canada. For Colorado, the home to the headquarters of the North American Aerospace Defense Command, NORAD, this is a proud and joyous 50th anniversary.

Since the May 12, 1958, signing of the first NORAD agreement, NORAD has been a model for international cooperation in defense planning, execution, training, information management, and technological innovation. For half a century, the command has helped detect, deter, and defend against threats to the North American Continent. Today, we honor this legacy of success, but we also look ahead to the next half century of this partnership, so that NORAD can continue to provide for the security of our continent and our homeland.

Over the last 3 years, I have visited frequently with the commanders of

NORAD and U.S. Northern Command in Colorado Springs. I am humbled by the work that the men and women of NORAD do day-in and day-out to carry out their mission. At all hours, NORAD executes its missions of aerospace warning, aerospace control, and maritime warning. If any aircraft, missiles, or space vehicles pose a threat to the North American Continent, NORAD provides accurate, unambiguous, and timely warning. The command works closely with its homeland defense, security, and law enforcement partners to prevent air attacks, to safeguard the sovereign airspaces of the United States and Canada, and to provide a capability to respond to unknown, unwanted, and unauthorized air activity approaching and operating within North American airspace. At sea, NORAD provides binational warning of any maritime threat that may be approaching the continent.

Over the last half century, NORAD has been a mechanism for collaboration between the United States and Canada in the interest of security. NORAD exercises command and control of military forces of both countries, so that we can respond to threats efficiently and jointly. NORAD has also allowed a growing level of information and intelligence sharing between the Canadian and American militaries, intelligence services, and other agencies and organizations. This is absolutely vital to our efforts to confront and defeat the threats of the 21st century.

NORAD brings together not only the Active-Duty components of the U.S. and Canadian militaries but also the capabilities of our nations' Reserve components and national, provincial, state, local, and tribal organizations. The product of NORAD's efforts is the broad, binational, multiagency cooperation that has been, and will continue to be, fundamental to our national defense.

Mr. President, today's milestone is an opportunity to reflect on the rewards of the NORAD partnership. These rewards are measured by the security of our citizens but also by the strength of the relationship between our two countries. NORAD's 50-year legacy of cooperation has helped build respect, trust, and confidence between Canadians and Americans. It is a relationship that is longstanding, stable, mutually beneficial, and absolutely essential in today's security environment, where the threats and challenges we face are always evolving.

We must always remember, though, that the success of NORAD is a product of the men and women who make it work. To the Americans and Canadians who have stood shoulder to shoulder in the command over the past 50 years, I say thank you. We are proud of your professionalism, your commitment to your mission, and your tireless service to our countries. Congratulations on the 50th anniversary of NORAD, and congratulations on a job well done.

ADDITIONAL STATEMENTS

HONORING CHRISTINE BARON

• Mr. BIDEN. Mr. President, I wish to honor an incredible woman, someone who enjoys a prominent and demanding business career while continuously dedicating her time, energy, and expertise to helping those around her. Chris Baron, president of Verizon's Philadelphia Tri-state Region, is receiving a prestigious and well-deserved honor from the Philadelphia Police Athletic League for her tireless community service. It is my honor to add my well-wishes to the festivities.

Chris has been involved in many charities in our region, but I got to know her through her commitment to combating domestic violence. Chris led Verizon's HopeLine program in my home State of Delaware, which provides domestic violence victims with free wireless phones and airtime.

Victims of domestic violence use the phones to contact family, friends, and employers, and they can be crucial in time of emergency. During Chris' tenure heading the program, victims have received over 6,500 wireless phones and Verizon has given more than $150,000 to local organizations, shelters, and law enforcement in the ongoing struggle to curb domestic violence.

Every day, in every State, countless Americans step forward in the face of unimaginable fear. Chris Baron, and those like her, provide safety options, critical support, and services that victims so desperately need.

Receiving this award puts Chris in rare company. Past honorees include Walter Annenberg; Pennsylvania Governor Ed Rendell; Philadelphia district attorney Lynne Abraham; and Julius "Dr. J" Erving.

I have said many times on this floor that the Violence Against Women Act is my proudest legislative accomplishment. But I will be the first to acknowledge that VAWA means nothing without the hard-working men and women who implement its ideas. Chris Baron exemplifies the true heroes in our fight against domestic violence.•

RECOGNIZING LOUIS CARNEY

• Mr. CRAPO. Mr. President, today I recognize a longtime and dear friend of mine, Louis Carney, on the occasion of his recent Silver Beaver Award from the Boy Scouts of America. Louis has spent the better part of the last 50 years giving of himself not only to friends, neighbors and family members, but to the Boy Scouts as well. He served as a cubmaster in 1964; den leader in 1965; Webelos leader in 1969; Boy Scout chairman in 1980; vanguard staff in 1987; District Cub Scout Committee in 1981; and District Eagle chairman from 2004 to today. Until very recently, Louis attended Scout Camp annually and is the recipient of countless Scout leadership awards including two Extra Mile awards, the Arrowhead honor, the District Award of Merit, the Eagle Feather award, the Wood Badge Training award, numerous leadership training awards, and an On My Honor award.

In addition to Louis's service to the Scouts, he is a Korean war veteran, worked in the U.S. Postal Service for 25, years and spent time as a potato farmer. During his adult life, he has volunteered at the Family Center, the food kitchen and the Museum of Idaho and served in many leadership positions in the LDS church all in my home town of Idaho Falls, ID. He also has spent thousands of hours volunteering in local schools. He has a reputation for reliability, and his selfless service has been demonstrated countless times and in countless ways when it comes to the youth and community in eastern Idaho. Many grown men who were Boy Scouts in their youth remember Louis's devotion to them and to Scouting, and his example of leadership through service has doubtless lived on in these individuals. When it comes to Scouting, Louis has said "I love Scouting; it's the one thing that can keep a family together."

His service went well beyond the Boy Scouts or his community volunteer activities—Louis and I served in our church together when we were both younger. His service was close to home as well. Many snowy mornings, we would wake up to find that Louis had plowed not only our driveway but those of our neighbors. He is the salt of the earth and made his community his neighborhood and made his community members, including me, his neighbors in the truest sense. My wife Susan and I offer Louis our heartfelt congratulations on his Silver Beaver Award and our gratitude for his kindness, generosity, and friendship over the years.•

RECOGNIZING SOUTH DAKOTA COMMUNITIES

• Mr. JOHNSON. Mr. President, today I wish to recognize the community of Woonsocket, SD, on reaching the 125th anniversary of its founding. Woonsocket is a rural community located in Sanborn County, which is also celebrating the 100th anniversary of its courthouse.

The city of Woonsocket was founded in the summer of 1883 at the junction of the Chicago, Milwaukee, and Saint Paul Railroads, and it was given its name by the Superintendent of the railroad, C.H. Prior after his home town in Rhode Island. The city grew at a tremendous rate upon dedication as

50 lots were sold in the first day. The first church service in the town was held just 3 days after the sale of the first lot. The population grew rapidly and the first business that opened was a saloon.

Woonsocket was named county seat of Sanborn County by the Territorial Legislature in 1884. In October 1906 the city of Woonsocket proposed a Sanborn courthouse. The proposal was accepted and a courthouse was built for $50,000. It was dedicated May 22, 1908.

Today, Woonsocket is still a thriving community, with many restaurants, local businesses and churches all nestled around scenic Lake Prior. With excellent schools, Woonsocket school district boasts a 100-percent graduation rate.

The people of Woonsocket celebrate this momentous occasion on the Fourth of July and are marking the 100-year anniversary of the courthouse on May 22. One hundred and twenty-five years after its founding Woonsocket remains a vital community and a great asset to the wonderful State of South Dakota. I am proud to honor Woonsocket and Sanborn County on these historic milestones.•

CONGRATULATIONS TO FORT A.P. HILL

• Mr. WARNER. Mr. President, I wish to congratulate the soldiers and civilian employees at Fort A.P. Hill for winning the Army Chief of Staff Communities of Excellence Award competition for fiscal year 2008. This prestigious annual award recognizes the tremendous effort made by Fort A.P. Hill to support soldiers, civilian employees, retirees, and their families. In addition, it highlights the superior business practices that have sparked innovation and enhanced efficiency at the installation.

Fort A.P. Hill, as one of the Army's premier installations, has also achieved high marks in this competition in the past, finishing in third place each of the last 3 years. This year, the post hosted a week long visit by a team of evaluators who reviewed every facet of Fort A.P. Hill's operations. Following a scoring assessment by a panel of judges, Fort A.P. Hill was named the competition winner and was awarded $2 million to continue efforts to improve the post.

With nearly 76,000 acres, including a 27,000-acre live fire complex that hosts personnel from every service in the Armed Forces, Fort A.P. Hill is rightly known as "The Place Where America's Military Sharpens Its Combat Edge." I offer my congratulations for a job well done to Fort A.P. Hill's outstanding team.•

CONGRATULATIONS TO DEFENSE SUPPLY CENTER RICHMOND

• Mr. WARNER. Mr. President, I wish to congratulate the 3,000 military and civilian employees at Defense Supply Center Richmond for winning the Army Chief of Staff Communities of Excellence Award competition for fiscal year 2008. This prestigious annual award recognizes the tremendous effort made by Defense Supply Center Richmond to support members of the Armed Forces, civilian employees, retirees, and their families. In addition, it highlights the superior business practices that have sparked innovation and enhanced efficiency at the center.

As one of three defense supply centers in the country, Defense Supply Center Richmond serves as the lead aviation supplier for the Defense Logistics Agency, managing more than 1.2 million repair parts and operating supply items. This includes over 1,300 major weapons systems and all manner of aircraft parts, manufacturing equipment, and environmental products. Defense Supply Center Richmond annually handles 5.3 million requisitions and supports over 24,500 customers across the globe.

With ongoing military operations around the world, the exceptional work done by the dedicated workforce at Defense Supply Center Richmond has never been more appreciated or come at a more critical time. I offer my congratulations for a job well done to Defense Supply Center Richmond outstanding team.•

MESSAGE FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1512. An act to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors.

H.R. 4279. An act to enhance remedies for violations of intellectual property laws, and for other purposes.

H.R. 5512. An act to reduce the costs of producing 1-cent and 5-cent coins, provide authority to the Secretary of the Treasury to perform research and development on new metallic content for circulating coins, and to require biennial reports to Congress on circulating coin production costs and possible alternative metallic content.

H.R. 5690. An act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes.

H.R. 5818. An act to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1512. An act to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

H.R. 4279. An act to enhance remedies for violations of intellectual property laws, and for other purposes; to the Committee on the Judiciary.

H.R. 5512. An act to reduce the costs of producing 1-cent and 5-cent coins, provide authority to the Secretary of the Treasury to perform research and development on new metallic content for circulating coins, and to require biennial reports to Congress on circulating coin production costs and possible alternative metallic content; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 5690. An act to remove the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; to the Committee on the Judiciary.

H.R. 5818. An act to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEVIN, from the Committee on Armed Services, without amendment:

S. 3001. An original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes (Rept. No. 110–335).

S. 3002. An original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes.

S. 3003. An original bill to authorize appropriations for fiscal year 2009 for military construction, and for other purposes.

S. 3004. An original bill to authorize appropriations for fiscal year 2009 for defense activities of the Department of Energy, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LEVIN:

S. 3001. An original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3002. An original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3003. An original bill to authorize appropriations for fiscal year 2009 for military construction, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. LEVIN:

S. 3004. An original bill to authorize appropriations for fiscal year 2009 for defense activities of the Department of Energy, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. MENENDEZ (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. AKAKA, and Mr. LIEBERMAN):

S. 3005. A bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes; to the Committee on the Judiciary.

By Mr. CARPER (for himself, Ms. SNOWE, Mr. BAYH, and Ms. COLLINS):

S. 3006. A bill to establish procedures for the expedited consideration by Congress of certain proposals by the President to rescind amounts of budget authority; to the Committee on the Budget.

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. CARDIN, Mr. SPECTER, and Mr. COLEMAN):

S. 3007. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

By Mr. BOND (for himself, Mrs. BOXER, Mr. DOMENICI, Mr. OBAMA, Mrs. DOLE, Ms. MURKOWSKI, Ms. COLLINS, Mrs. CLINTON, Mr. GRASSLEY, Mrs. MCCASKILL, and Mr. LIEBERMAN):

S. 3008. A bill to improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. NELSON of Nebraska (for himself and Mr. HAGEL):

S. 3009. A bill to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the "J. James Exon Federal Bureau of Investigation Building"; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself, Mr. DURBIN, Mrs. LINCOLN, Mrs. DOLE, Mr. CASEY, Mrs. BOXER, and Mr. WYDEN):

S. Res. 558. A resolution designating June 10, 2008, as "National Hunger Awareness Day" and authorizing the collection of food donations during the period beginning May 12, 2008, and ending June 10, 2008, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, DC, metropolitan area; considered and agreed to.

By Mr. GRAHAM (for himself, Mrs. DOLE, Mr. BURR, Mr. CONRAD, Mr. FEINGOLD, Mrs. MURRAY, Mr. CHAMBLISS, Mr. DORGAN, Mr. SPECTER, Ms. MIKULSKI, Mr. ISAKSON, Mr. BROWN, Mr. STEVENS, Mrs. FEINSTEIN, Ms. COLLINS, and Mr. CRAPO):

S. Res. 559. A resolution designating May 15, 2008, as "National MPS Awareness Day"; considered and agreed to.

By Mrs. BOXER (for herself and Mr. INHOFE):

S. Res. 560. A resolution proclaiming the week of May 18 through May 24, 2008, as "National Public Works Week"; considered and agreed to.

By Mrs. LINCOLN (for herself, Mr. WICKER, Mr. BROWNBACK, Mr. ALLARD, Mr. NELSON of Nebraska, Ms. MURKOWSKI, and Mr. WEBB):

S. Con. Res. 82. A concurrent resolution supporting the Local Radio Freedom Act; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 211

At the request of Mrs. FEINSTEIN, her name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 329

At the request of Mrs. LINCOLN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 579

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 1382

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 1382, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from New York (Mr. SCHUMER), the Senator from North Carolina (Mr. BURR), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Virginia (Mr. WEBB) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 2010

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2010, a bill to require prisons and other detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and detention facilities are required to do by law.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2123

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2123, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

At the request of Mr. GREGG, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 2123, supra.

S. 2130

At the request of Mr. CASEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2130, a bill to express the sense of the Senate on the need for a comprehensive diplomatic offensive to help broker national reconciliation efforts in Iraq and lay the foundation for the eventual redeployment of United States combat forces.

S. 2141

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2141, a bill to amend the Public Health Service Act to reauthorize and extend the Fetal Alcohol Syndrome prevention and services program, and for other purposes.

S. 2279

At the request of Mr. BIDEN, the names of the Senator from Maine (Ms.

COLLINS) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2279, a bill to combat international violence against women and girls.

S. 2369

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2465

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2504

At the request of Mr. NELSON of Florida, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Colorado (Mr. ALLARD), the Senator from Alabama (Mr. SESSIONS), the Senator from Connecticut (Mr. DODD) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2511

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2511, a bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship.

S. 2519

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 2519, a bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes.

S. 2555

At the request of Mrs. BOXER, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2555, a bill to permit California and other States to effectively control greenhouse gas emissions from motor vehicles, and for other purposes.

S. 2618

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2618, a bill to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss Facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal muscular dystrophies.

S. 2619

At the request of Mr. COBURN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2702

At the request of Mr. SALAZAR, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2708

At the request of Mrs. BOXER, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2708, a bill to amend the Public Health Service Act to attract and retain trained health care professionals and direct care workers dedicated to providing quality care to the growing population of older Americans.

S. 2726

At the request of Mr. CASEY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2726, a bill to amend the Emergency Food Assistance Act of 1983 to require the Secretary of Agriculture to help offset the costs of intrastate transportation, storage, and distribution of bonus commodities provided to States and food assistance agencies under the emergency food assistance program.

S. 2774

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2774, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 2790

At the request of Ms. LANDRIEU, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2790, a bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive cancer care planning under the Medicare program and to improve the care furnished to individuals diagnosed with cancer by establishing a Medicare hospice care demonstration program and grants programs for cancer palliative care and symptom management programs, provider education, and related research.

S. 2799

At the request of Mrs. MURRAY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2799, a bill to amend title 38, United States Code, to expand and improve health care services available to women veterans, especially those serving in Operation Iraqi Freedom and Operation Enduring Freedom, from the Department of Veterans Affairs, and for other purposes.

S. 2812

At the request of Mr. CONRAD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2812, a bill to amend title XVIII of the Social Security Act to improve the provision of telehealth services under the Medicare program.

S. 2852

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2852, a bill to provide increased accessibility to information on Federal spending, and for other purposes.

S. 2930

At the request of Mr. CASEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2930, a bill to amend title 37, United States Code, to extend to members with dependents the second basic allowance for housing for members of the National Guard and Reserve and retired members without dependents who are mobilized in support of a contingency operation, and for other purposes.

S. 2991

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2991, a bill to provide energy price relief and hold oil companies and other entities accountable for their actions with regard to high energy prices, and for other purposes.

S. RES. 512

At the request of Mr. DEMINT, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. Res. 512, a resolution honoring the life of Charlton Heston.

AMENDMENT NO. 4737

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Oregon (Mr. WYDEN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Florida (Mr. NELSON), the Senator from Washington (Mrs. MURRAY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Mr. CARDIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Illinois (Mr. OBAMA), the Senator from Montana (Mr. BAUCUS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 4737 intended to be proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SMITH (for himself, Mr. NELSON of Florida, Mrs. BOXER, Mr. CARDIN, Mr. SPECTER, and Mr. COLEMAN):

S. 3007. A bill to hold the surviving Nazi war criminals accountable for the war crimes, genocide, and crimes against humanity they committed during World War II, by encouraging foreign governments to more efficiently prosecute and extradite wanted criminals; to the Committee on the Judiciary.

Mr. SMITH. Mr. President, I rise today to introduce legislation with Senator NELSON of Florida in support of the Simon Wiesenthal Center's "Operation: Last Chance," a final effort to bring the remaining Nazi war criminals to justice.

The atrocities committed by Nazis and their allies were vast, redefining the modern conception of crimes against humanity. In the Nuremburg trials and other courts, many Nazis faced accountability for their atrocities committed under the shroud of World War II. Unfortunately, some of the most guilty perpetrators of these acts escaped justice, when they fled to South America, Eastern Europe, or simply faded into postwar anonymity.

The Simon Wiesenthal Center, which is committed to raising awareness of the Holocaust, is determined not to let the remaining perpetrators escape justice. In 2002, the center initiated "Operation: Last Chance," which sought to capitalize on the opening of the Soviet archives to identify the remaining Nazi war criminals. However, time is running short, and several of the most wanted Nazis remain at large.

We are thus introducing a bill to support the center's efforts. This legislation would require that the President report on foreign cooperation in prosecuting, extraditing, and receiving extradition of wanted Nazis. It would also indicate that the United States should take such cooperation into account when considering target countries for admission into or renewal of the Visa Waiver Program.

For too many victims of the Holocaust, the crimes committed by the Nazis and their allies over 60 years ago have not been adequately redressed. Too many countries are ambiguous about helping in the search for the remaining Nazi fugitives, and so little time remains. I thus hope that this bill can help the Simon Wiesenthal Center in its pursuit of justice, and in doing so, finally lay to rest some of the terrible ghosts of the twentieth century.

Mr. President, I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3007

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "World War II War Crimes Accountability Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Surviving Nazi war criminals are becoming increasingly rare.

(2) The identities of many of the remaining criminals were made known only after the end of the Cold War and the collapse of Communist governments throughout eastern Europe.

(3) In most of these formerly communist countries, the volume of available information is enormous, and the available resources to study it and identify war crimes suspects is comparatively small.

(4) In the United States, the Office of Special Investigations (OSI) of the Department of Justice is responsible for detecting, investigating and taking legal action to denaturalize or deport persons who took part in Nazi-sponsored acts of persecution committed abroad between 1933 and 1945.

(5) As of April 2008, OSI had successfully prosecuted more than 100 people involved in Nazi war crimes who were residing in the United States.

(6) As a government office with limited resources, OSI is under enormous strain to identify and prosecute those criminals identified by newly-released records before it is too late.

(7) Some foreign governments hinder the efforts of OSI, Congress, and the United States government to extradite or deport convicted Nazi war criminals from the United States to their country of origin or other relevant jurisdiction.

(8) Certain nongovernmental organizations have been instrumental in the search for wanted Nazi war crimes suspects for over 60 years.

(9) In 2002, the Simon Wiesenthal Center launched Operation: Last Chance to maximize the identification and help facilitate the prosecution of the remaining unprosecuted Nazi war criminals, helping to achieve justice for the victims of the Holocaust.

(10) Simon Wiesenthal, a survivor of the Nazi death camps whose work stands as a reminder and a warning for future generations, dedicated his life to—

(A) documenting the crimes of the Holocaust; and

(B) hunting down the perpetrators still at large.

(11) As founder and head of the Jewish Documentation Center in Vienna, Simon Wiesenthal successfully brought to justice wanted Nazi war criminals, including—

(A) Franz Stangl, the commandant of the Treblinka death camp;

(B) Franz Murer, "The Butcher of Wilno"; and

(C) Erich Rajakowitsch, who was in charge of the "death transports" in Holland.

(12) Mr. Wiesenthal's work, which contributed enormously to the modern understanding of justice, war crimes, and crimes against humanity, should be continued.

(13) Of the most guilty Nazis and Nazi collaborators still at large, Operation: Last Chance has identified the following suspects:

(A) Dr. Aribert Heim, who served as a medical doctor at the Sachsenhausen, Buchenwald, and Mauthausen concentration camps, is the most wanted ex-Nazi still at large. His most terrible crimes were committed at Mauthausen, where he murdered hundreds of inmates by administering lethal injections of phenol to their hearts or by other torturous killing methods during the fall of 1941. His whereabouts are unknown.

(B) Dr. Sandor Képiró, who served as an officer in the Hungarian gendarmerie, was 1 of several Hungarian officers convicted in 1944 for the mass murder of several thousand civilians (mostly Jews) in the city of Novi Sad on January 23, 1942. In the wake of the occupation of Hungary in March 1944, he was pardoned, promoted, and returned to active service. He escaped to Austria in 1945, fled to Argentina in 1948, and returned to Hungary in 1996.

(C) Milivoj Asner, who served as the police chief of the city of Slavonska Pozega. During 1941 and 1942, Mr. Asner orchestrated the robbery, persecution and destruction of the local Serb, Jewish and Gypsy communities, which culminated in the deportation of hundreds of civilians to Ustasha concentration camps, where most of the deportees were murdered. After his exposure in Operation: Last Chance, the former police chief later escaped once again to Klagenfurt, Austria where he currently resides.

(D) Charles Zentai is accused of murdering 18-year-old Peter Balazs, a Jewish boy he caught riding a Budapest tram without the requisite yellow star on November 8, 1944. After Hungarian requests for his extradition went unanswered, Zentai was able to immigrate to Australia in February 1950, where he currently lives.

SEC. 3. SENSE OF THE SENATE.

It is the sense of the Senate that—

(1) the United States should actively encourage extradition and prosecution of the remaining Nazi war criminals (as described by 8 U.S.C. 1182 (a)(3)(e));

(2) the Simon Wiesenthal Center should be commended for its historic work in bringing to light the atrocities of the Holocaust and in advancing justice for Nazi war criminals through Operation: Last Chance; and

(3) the Office of Special Investigation of the Department of Justice is advancing the declared foreign policy of the United States by bringing wanted World War II criminals to justice and should be commended for its actions.

SEC. 4. DESIGNATION OF VISA WAIVER PROGRAM COUNTRIES.

(a) COOPERATION.—After a country is initially designated as a visa waiver program country under section 217(c) of the Immigration and Nationality Act (8 U.S.C. 1187(c)), the Attorney General, in evaluating the effect that such designation would have on the law enforcement and security interests of the United States under paragraph (2)(C) of such section, shall consider the extent to which such country is cooperating in—

(1) extraditing or prosecuting wanted or indicted Nazi war criminals to the relevant jurisdiction; and

(2) admitting into their territory aliens described in section 212(a)(3)(E)(i) and ordered removed from the United States by a United States immigration judge, the Board of Immigration Appeals, or a Federal court .

(b) PRESIDENTIAL DISCRETION.—

(1) IN GENERAL.—If the President determines that it would not be in the national interest of the United States to terminate a country's designation as a visa waiver program country based on the evaluation under subsection (a), the President may decline to terminate such designation after providing advance written notification to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) CONTENTS.—In providing notification under paragraph (1), the President shall—

(A) identify each crime suspect described in subsection (a)(2) whose admission has not been effected; and

(B) submit copies of all decisions rendered by United States immigration judges, the Board of Immigration Appeals, and Federal courts that relate to such crime suspects.

SEC. 5. ANNUAL REPORT.

In each of the fiscal years 2009 through 2013, the President shall submit an annual report to the committees listed in section 4(b)(1), which describes, for each country that has a pending application for entry into or renewal of the visa waiver program, whether such country is—

(1) cooperating satisfactorily in extraditing or deporting wanted Nazi war crimes suspects to the jurisdiction in which they have been indicted or convicted;

(2) prosecuting wanted Nazi war crimes suspects effectively within such country's jurisdiction; and

(3) cooperating satisfactorily in admitting to the territory of such country aliens described in section 212(a)(3)(E)(i) and ordered removed from the United States territory by a United States immigration judge, the Board of Immigration Appeals, or a Federal court.

Mr. NELSON of Florida. Senator GORDON SMITH of Oregon and I are introducing the World War II Accountability Act, which seeks to compel foreign governments harboring Nazi war criminals to prosecute and extradite those individuals. It is a sad truth that more than 60 years after World War II some countries continue to provide safe haven for these war criminals. Bringing these surviving Nazis to justice is a time-sensitive affair, and one that can bring much needed peace to those remaining holocaust survivors who have already suffered so much.

In the United States, the Office of Special Investigations, OSI, of the Department of Justice is responsible for detecting, investigating and taking legal action to denaturalize or deport persons who took part in Nazi sponsored acts of persecution committed between 1933 and 1945. As of August 2005, OSI had successfully prosecuted 100 persons involved in Nazi war crimes who were residing in the U.S.

Nongovernmental organizations are also integral to these detection and investigation efforts. In 2002, the Simon Wiesenthal Center launched Operation: Last Chance to maximize identification and to help facilitate the prosecution of remaining Nazi war criminals.

Of the most egregious Nazi war criminals, Operation: Last Chance has identified suspects like Mr. Milivoj Asner, who served as the police chief of the city of Slavonska Pozega. Mr. Asner orchestrated the persecution and destruction of the local Serb, Jewish, and Gypsy communities, which culminated in the deportation of hundreds of civilians to Ustasha concentration camps. Mr. Asner currently resides in Klagenfurt, Austria. The center has also identified Dr. Aribert Heim, who served as a medical doctor at the Sachsenhausen, Buchenwald, and Mauthausen concentration camps. His most terrible crimes occurred at Mauthausen, where he murdered hundreds of prisoners by administering lethal injections into their hearts or by other tortuous killing methods. Dr. Heim's whereabouts are unknown.

Unfortunately, even the best efforts of OSI and organizations like the Simon Wiesenthal Center to identify and investigate Nazi war criminals are not enough. Some foreign governments hinder the extradition of convicted Nazi war criminals between the U.S. and their country of origin.

The World War II Accountability Act seeks to remedy this situation by making cooperation in the extradition of Nazi war criminals a prerequisite to a country's inclusion in the U.S. visa waiver program. This is a powerful incentive for countries that continue to harbor these criminals. I believe it is a necessary tool to compel the relevant countries to cooperate with our search for justice. For holocaust survivors, this justice is long overdue.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 558—DESIGNATING JUNE 10, 2008, AS "NATIONAL HUNGER AWARENESS DAY" AND AUTHORIZING THE COLLECTION OF FOOD DONATIONS DURING THE PERIOD BEGINNING MAY 12, 2008, AND ENDING JUNE 10, 2008, FROM CONCERNED MEMBERS OF CONGRESS AND STAFF TO ASSIST FAMILIES SUFFERING FROM HUNGER AND FOOD INSECURITY IN THE WASHINGTON, DC, METROPOLITAN AREA

Mr. SMITH (for himself, Mr. DURBIN, Mrs. LINCOLN, Mrs. DOLE, Mr. CASEY, Mrs. BOXER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 558

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that 35,500,000 people in the United States live in households experiencing hunger or food insecurity, and of that number, 22,800,000 are adults and 12,600,000 are children;

Whereas households with children had nearly twice the rate of food insecurity as those without children;

Whereas 3.3 percent of all United States households (3.8 million households) have accessed emergency food from a food pantry 1 or more times;

Whereas 55.5 percent of food-insecure households have participated in at least 1 of the 3 major Federal food assistance programs: the Federal food stamp program established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the school lunch program established by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), and the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money to such efforts;

(2) volunteering for such efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 10, 2008, as "National Hunger Awareness Day";

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the collection of food donations during the period beginning May 12, 2008, and ending June 10, 2008, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

SENATE RESOLUTION 559—DESIGNATING MAY 15, 2008, AS "NATIONAL MPS AWARENESS DAY"

Mr. GRAHAM (for himself, Mrs. DOLE, Mr. BURR, Mr. CONRAD, Mr. FEINGOLD, Mrs. MURRAY, Mr. CHAMBLISS, Mr. DORGAN, Mr. SPECTER, Ms. MIKULSKI, Mr. ISAKSON, Mr. BROWN, Mr. STEVENS, Mrs. FEINSTEIN, Ms. COLLINS, and Mr. CRAPO) submitted the following resolution; which was considered and agreed to:

S. RES. 559

Whereas mucopolysaccharidosis (referred to in this resolution as "MPS") is a genetically determined lysosomal storage disorder that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to those cells;

Whereas the cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disorder is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS disorders;

Whereas promising advancements in the pursuit of treatments for additional MPS disorders are underway;

Whereas, despite the creation of newly developed remedies, the blood brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS disorders;

Whereas the lack of awareness about MPS disorders extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for study of many other degenerative genetic disorders;

Whereas the development of effective therapies and a potential cure for MPS disorders can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS disorders: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2008, as "National MPS Awareness Day"; and

(2) supports the goals and ideals of "National MPS Awareness Day".

SENATE RESOLUTION 560—PROCLAIMING THE WEEK OF MAY 18 THROUGH MAY 24, 2008, AS "NATIONAL PUBLIC WORKS WEEK"

Mrs. BOXER (for herself and Mr. INHOFE) submitted the following resolution; which was considered and agreed to:

S. RES. 560

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas those facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

Whereas it is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in—

(1) protecting the environment;

(2) improving public health and safety;

(3) contributing to economic vitality; and

(4) enhancing the quality of life of every community of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of May 18 through May 24, 2008, as "National Public Works Week";

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the Nation; and

(B) to recognize the substantial contributions that public works professionals make to the Nation.

SENATE CONCURRENT RESOLUTION 82—SUPPORTING THE LOCAL RADIO FREEDOM ACT

Mrs. LINCOLN (for herself, Mr. WICKER, Mr. BROWNBACK, Mr. ALLARD, Mr. NELSON of Nebraska, Ms. MURKOWSKI, and Mr. WEBB) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 82

Whereas the United States enjoys broadcasting and sound recording industries that are the envy of the world, due to the symbiotic relationship that has existed among these industries for many decades;

Whereas, for more than 80 years, Congress has rejected repeated calls by the recording industry to impose a performance fee on local radio stations for simply playing music on the radio and upsetting the mutually beneficial relationship between local radio and the recording industry;

Whereas local radio stations provide free publicity and promotion to the recording industry and performers of music in the form of radio air play, interviews with performers, introduction of new performers, concert promotions, and publicity that promotes the sale of music, concert tickets, ring tones, music videos, and associated merchandise;

Whereas Congress found that "the sale of many sound recordings and the careers of many performers benefited considerably from airplay and other promotional activities provided by both noncommercial and advertiser-supported, free over-the-air broadcasting";

Whereas local radio broadcasters provide tens of thousands of hours of essential local news and weather information during times of national emergencies and natural disasters, such as September 11th and Hurricanes Katrina and Rita, as well as public affairs programming, sports, and hundreds of millions of dollars of time for public service announcements and local fund raising efforts for worthy charitable causes, all of which are jeopardized if local radio stations are forced to divert revenues to pay for a new performance fee;

Whereas there are many thousands of local radio stations that will suffer severe economic hardship if any new performance fee is imposed, as will many other small businesses that play music including bars, restaurants, retail establishments, sports and other entertainment venues, shopping centers, and transportation facilities; and

Whereas the hardship that would result from a new performance fee would hurt American businesses, and ultimately the American consumers who rely on local radio for news, weather, and entertainment, and such a performance fee is not justified when the current system has produced the most prolific and innovative broadcasting, music, and sound recording industries in the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress should not impose any new performance fee, tax, royalty, or other charge relating to the public performance of sound recordings on a local radio station for broadcasting sound recordings over the air, or on any business for such public performance of sound recordings.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that the hearing scheduled before Senate Committee on Energy and Natural Resources, for Tuesday, May 13, 2008, at 9:45 a.m., will be held in room SD-366 of the Dirksen Senate Office Building.

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, May 15, at 9:30 a.m., in room 562 of the Dirksen Senate Office Building to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, first, I wish to ask unanimous consent that Julia Ann Frudden and Shannon Sanders of my staff be granted floor privileges for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the floor privileges be extended to Paul Hazlehurst and Brian Kelliher, two detailees of my staff, for the remainder of the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Daniel Inouye:									
Korea	Won		700.00						700.00
Philippines	Peso		452.80						452.80
Charles Houy:									
Korea	Won		700.00						700.00
Philippines	Peso		452.80						452.80
Elizabeth Schmid:									
Korea	Won		700.00						700.00
Philippines	Peso		452.80						452.80
Galen Fountain:									
Brazil	Real		244.00						244.00
Chile	Peso		430.00						430.00
Peru	Nuevo Sol		175.00						175.00
United States	Dollar				9,584.30				9,584.30
Dianne Preece:									
Brazil	Real		244.00						244.00
Chile	Peso		430.00						430.00
Peru	Nuevo Sol		175.00						175.00
United States	Dollar				9,584.30				9,584.30
Stacy McBride:									
Brazil	Real		244.00						244.00
Chile	Peso		430.00						430.00
Peru	Nuevo Sol		175.00						175.00
United States	Dollar				9,584.30				9,584.30
Fitzhugh Elder:									
Brazil	Real		244.00						244.00
Chile	Peso		430.00						430.00
Peru	Nuevo Sol		175.00						175.00
United States	Dollar				9,584.30				9,584.30
Warren Harper:									
Brazil	Real		244.00						244.00
Chile	Peso		430.00						430.00
Peru	Nuevo Sol		175.00						175.00
United States	Dollar				9,584.30				9,584.30
Nikole M. Manatt:									
Philippines	Peso		405.00						405.00
Cambodia	Dollar		252.00						252.00
Thailand	Baht		536.00						536.00
Bangladesh	Taka		232.00						232.00
United States	Dollar				8,759.92				8,759.92
Charles Kieffer:									
Italy	Dollar		988.25						988.25
France	Dollar		1,270.15						1,270.15
United States	Dollar				4,535.80				4,535.80
Tad Gallion:									
Italy	Dollar		988.25						988.25
France	Dollar		1,236.15						1,236.15
United States	Dollar				4,535.80				4,535.80
Senator Tom Harkin:									
Morocco	Dirham		165.00						165.00
Ghana	Cedi		231.00						231.00
Cote d'Ivoire	Franc		170.40						170.40
Rosemary Gutierrez:									
Morocco	Dirham		165.00						165.00
Ghana	Cedi		231.00						231.00
Cote d'Ivoire	Franc		170.40						170.40
Pam Smith:									
Morocco	Dirham		165.00						165.00
Ghana	Cedi		231.00						231.00
Cote d'Ivoire	Franc		170.40						170.40
*Delegation Expenses:									
United States	Dollar						75.00		75.00
Douglas Clapp:									
France	Euro		1,635.00		395.00				2,030.00
United States	Dollar				8,141.81				8,141.81
Bruce Evans:									
France	Euro		1,635.00		395.00				2,030.00
United States	Dollar				8,141.81				8,141.81
Senator Daniel Inouye:									
Israel	Shekel		535.00						535.00
United States	Dollar				7,148.30				7,148.30
Elizabeth Schmid:									
Israel	Shekel		940.00						940.00
United States	Dollar				7,421.30				7,421.30
Nicole Di Resta:									
Israel	Shekel		940.00						940.00
United States	Dollar				7,421.30				7,421.30
Ellen Murray:									
South Africa	Rand		1,019.83						1,019.83
United States	Dollar				6,776.70				6,776.70
Lisa Bernhardt:									
South Africa	Rand		1,042.82						1,042.82
United States	Dollar				6,762.70				6,762.70
Adrienne Hallet:									
Uganda	Shilling		1,082.50						1,082.50

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
South Africa	Rand		686.00						686.00
United States	Dollar				7,965.40				7,965.40
Erik Fatemi:									
Uganda	Shilling		1,082.50						1,082.50
South Africa	Rand		686.00						686.00
United States	Dollar				7,872.44				7,872.44
Senator Larry Craig:									
Turkey	Lira		708.54						708.54
Czech Republic	Koruna		897.92						897.92
Spain	Euro		402.00						402.00
United States	Dollar				9,930.07				9,930.07
Rebecca M. Davies:									
Italy	Dollar		1,162.50						1,162.50
France	Dollar		1,359.40						1,359.40
United States	Dollar				4,625.80				4,625.80
Allen Cutler:									
New Zealand	Dollar		1,500.00						1,500.00
United States	Dollar				10,811.56				10,811.56
Paul Grove:									
Philippines	Peso		405.00						405.00
Cambodia	Riel		252.00						252.00
Thailand	Baht		536.00						536.00
Bangladesh	Taka		232.00						232.00
Hong Kong	Dollar		396.00						396.00
United States	Dollar				9,826.32				9,826.32
Michele Wymer:									
Philippines	Peso		405.00						405.00
Cambodia	Riel		252.00						252.00
Thailand	Baht		536.00						536.00
Bangladesh	Taka		232.00						232.00
Hong Kong	Dollar		396.00						396.00
United States	Dollar				9,914.32				9,914.32
Senator Ted Stevens:									
Korea	Won		635.97						635.97
Philippines	Peso		311.40						311.40
Sid Ashworth:									
Korea	Won		700.00						700.00
Philippines	Peso		452.80						452.80
Arthur E. Cameron, Jr.:									
Dominican Republic	Peso		900.00						900.00
United States	Dollar				596.40				596.40
Howard Goodloe Sutton, Jr.:									
Dominican Republic	Peso		900.00						900.00
United States	Dollar				596.40				596.40
Paul Grove:									
Kuwait	Dinar		164.00						164.00
Jordan	Dinar		873.00						873.00
United States	Dollar				7,960.81				7,960.81
Michele Wymer:									
Kuwait	Dinar		164.00						164.00
Jordan	Dinar		873.00						873.00
United States	Dollar				7,960.81				7,960.81
Senator Robert F. Bennett:									
Canada	Dollar		206.83						206.83
Nathan Graham:									
Canada	Dollar		166.83						166.83
Senator Judd Gregg:									
Mali	Franc		306.00						306.00
Nigeria	Naira		166.00						166.00
Namibia	Dollar		226.00						226.00
South Africa	Rand		1,522.00						1,522.00
Argentina	Peso		393.00						393.00
Paul Grove:									
Mali	Franc		306.00						306.00
Nigeria	Naira		166.00						166.00
Namibia	Dollar		226.00						226.00
South Africa	Rand		1,522.00						1,522.00
Argentina	Peso		393.00						393.00
Arthur E. Cameron, Jr.:									
Thailand	Baht		536.00						536.00
Hong Kong	Dollar		582.00						582.00
United States	Dollar				9,607.00				9,607.00
Howard Sutton:									
Thailand	Baht		536.00						536.00
Hong Kong	Dollar		970.00						970.00
United States	Dollar				9,637.00				9,637.00
Allen Cutler:									
Singapore	Dollar		396.00						396.00
Hong Kong	Dollar		773.00						773.00
United States	Dollar				9,651.76				9,651.76
Senator Sam Brownback:									
Israel	Shekel		825.00						825.00
Azerbaijan	Manat		317.00						317.00
France	Franc		412.50						412.50
United States	Dollar				7,039.05				7,039.05
Ariel Wolf:									
Israel	Shekel		2,000.00						2,000.00
United States	Dollar				6,118.64				6,118.64
Sean Woo:									
Azerbaijan	Manat		444.00						444.00
France	Franc		888.50						888.50
United States	Dollar				10,436.90				10,436.90
Kevin McDonald:									
Switzerland	Franc		1,254.47						1,254.47
United States	Dollar				2,919.71				2,919.71
Senator Kay Bailey Hutchison:									
Kuwait	Dollar		328.00						328.00
United States	Dollar				8,022.00				8,022.00
Dennis A. Balkam:									
Kuwait	Dollar		328.00						328.00
United States	Dollar				8,022.00				8,022.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total						58,431.71	267,871.33	75.00	326,378.04

*Delegation expenses include payments and reimbursements by the Department of State under the authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Pub. L. 95–384, and expenses paid pursuant to S. Res. 179, agreed to May 25, 1977.

ROBERT C. BYRD, Chairman,
Committee on Appropriations, Apr. 23, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael J. McCord:									
United States	Dollar				8,667.00		90.00		8,757.00
Germany	Dollar		882.00						882.00
Belgium	Dollar		343.00						343.00
William G. P. Monahan:									
United States	Dollar				10,164.60				10,164.60
Germany	Euro		345.86						345.86
Poland	Zloty		235.67						235.67
Belgium	Euro		580.65						580.65
Lucian L. Niemeyer:									
United States	Dollar				6,977.12				6,977.12
Germany	Euro		1,010.00		80.00				1,090.00
Lynn F. Rusten:									
United States	Dollar				10,269.60				10,269.60
Germany	Euro		320.00						320.00
Poland	Zloty		264.00						264.00
Belgium	Euro		576.00						576.00
Gregory T. Kiley:									
United States	Dollar				8,860.40				8,860.40
Germany	Euro		1,300.00		40.00				1,340.00
Senator Mel Martinez:									
Morocco	Dollar		667.15						667.15
Turkey	Dollar		285.70						285.70
Czech Republic	Dollar		277.93						277.93
Spain	Dollar		561.10						561.10
John Goetchius:									
Morocco	Dollar		104.84						104.84
Czech Republic	Dollar		81.55						81.55
Spain	Dollar		116.92						116.92
Ken Lundberg:									
Morocco	Dollar		148.00						148.00
Turkey	Dollar		104.00						104.00
Czech Republic	Dollar		233.00						233.00
Spain	Dollar		220.00						220.00
Senator Joseph I. Lieberman:									
United States	Dollar				8,956.00				8,956.00
Pakistan	Dollar		452.00						452.00
Spain	Dollar		594.00				2,000.00		2,594.00
Frederick Downey:									
United States	Dollar				8,956.00				8,956.00
Pakistan	Dollar		547.00				12.00		559.00
Spain	Dollar		348.00						348.00
Vance Serchuk:									
United States	Dollar				8,956.00				8,956.00
Pakistan	Dollar		443.00						443.00
Spain	Dollar		354.00						354.00
Senator John Thune:									
Morocco	Dollar		300.00						300.00
Turkey	Dollar		180.00						180.00
Czech Republic	Dollar		330.00						330.00
Spain	Dollar		402.00						402.00
Andrea Fouberg:									
Morocco	Dollar		117.73						117.73
Turkey	Dollar		89.28						89.28
Czech Republic	Dollar		275.78						275.78
Spain	Dollar		402.00						402.00
Senator John Cornyn:									
Kuwait	Dollar				8,287.00				8,287.00
Russell J. Thomasson:									
Kuwait	Dollar		70.00		8,026.00				8,096.00
Senator Jack Reed:									
United States	Dollar				8,036.76				8,036.76
Elizabeth King:									
United States	Dollar				8,036.76				8,036.76
Evelyn Farkas:									
United States	Dollar				3,383.72				3,383.72
Panama	Dollar		576.00						576.00
Colombia	Dollar		779.00						779.00
Venezuela	Dollar		552.00						552.00
Senator Lindsey Graham:									
United States	Dollar				3,093.32				3,093.32
Kuwait	Dollar		164.00						164.00
Germany	Euro		308.00				100.00		408.00
Matthew Rimkunas:									
Germany	Euro		308.00				100.00		408.00
Evelyn Farkas:									
China	Yuan		492.00						492.00
North Korea	Won		806.00						806.00
United States	Dollar				9,715.00				9,715.00
Senator John McCain:									
Iraq	Dollar		7.50						7.50
Jordan	Dollar		36.83						36.83

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		58.38						58.38
United Kingdom	Dollar		260.29						260.29
France	Dollar		23.00						23.00
Ireland	Dollar		8.87						8.87
Richard Fontaine:									
Germany	Dollar		408.00						408.00
Senator Lindsey Graham:									
Ireland	Dollar		31.87						31.87
Jordan	Dollar		29.71						29.71
Israel	Dollar		58.38						58.38
England	Dollar		386.41				41.02		427.43
Richard Fontaine:									
Jordan	Dollar		141.00						141.00
Israel	Dollar		180.00						180.00
United Kingdom	Dollar		393.00						393.00
Michael J. Kuiken:									
United States	Dollar				9,557.18				9,557.18
Djibouti	Franc		224.00						224.00
Egypt	Pound		458.00						458.00
Ethiopia	Birr		260.00						260.00
Kenya	Shilling		547.00						547.00
Dana W. White:									
China	Renminbi		796.73						796.73
Japan	Yen		873.42						873.42
United States	Dollar				10,637.01				10,637.01
Senator Carl Levin:									
United States	Dollar				6,692.91				6,692.91
Jordan	Dollar		291.00						291.00
Richard D. DeBobes:									
United States	Dollar				7,897.91				7,897.91
Jordan	Dollar		291.00						291.00
Melissa C. Shuffield:									
United States	Dollar				4,370.47				4,370.47
Jordan	Dollar		139.71						139.71
Israel	Dollar		71.13						71.13
United Kingdom	Dollar		375.73						375.73
Senator Joseph I. Lieberman:									
Kuwait	Dollar				5,148.00				5,148.00
Jordan	Dollar		69.00						69.00
Israel	Dollar		58.00						58.00
United Kingdom	Dollar		360.00						360.00
France	Dollar		755.00		1,227.00		1,944.00		3,926.00
Italy	Dollar		639.00		3,055.00				3,694.00
Vance Serchuk:									
Kuwait	Dollar				5,275.00				5,275.00
Israel	Dollar		121.00						121.00
France	Dollar		648.00		1,227.00				1,875.00
Italy	Dollar		485.00		3,055.00				3,540.00
Jordan	Dollar		50.00						50.00
United Kingdom	Dollar		360.00						360.00
William G.P. Monahan:									
United States	Dollar				7,897.91				7,897.91
Jordan	Dollar		155.75						155.75
Senator James M. Inhofe:									
Zambia	Kwacha		41.36						41.36
Ethiopia	Birr		45.79						45.79
Jordan	Dinar		41.80						41.80
Germany	Euro		6.36						6.36
Anthony Lazarski:									
Cote d'Ivoire	Franc		50.47						50.47
Zambia	Kwacha		37.36						37.36
Ethiopia	Birr		99.37						99.37
Jordan	Dinar		36.36						36.36
Germany	Euro		53.88						53.88
Mark Powers:									
Zambia	Kwacha		42.72						42.72
Ethiopia	Birr		48.32						48.32
Jordan	Dinar		50.69						50.69
Germany	Dollar		72.01						72.01
Elizabeth French:									
Zambia	Kwacha		37.36						37.36
Ethiopia	Birr		55.62						55.62
Jordan	Dinar		22.36						22.36
Germany	Euro		18.89						18.89
Total			28,359.59		186,545.67		4,287.02		219,192.28

CARL LEVIN, *Chairman*,
Committee on Armed Services, Apr. 16, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
England	Pound		2,840.00						2,840.00
France	Euro		2,236.00		447.99				2,683.99
Spain	Euro		984.00						984.00
Portugal	Euro		678.00						678.00
United States	Dollar				9,108.34				9,108.34
William Duhnke:									
England	Pound		1,136.00						1,136.00
France	Euro		2,236.00		447.99				2,683.99

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Spain	Euro		984.00						984.00
Portugal	Euro		678.00						678.00
United States	Dollar				9,108.34				9,108.34
Anne Caldwell:									
England	Pound		2,840.00						2,840.00
France	Euro		2,236.00		447.99				2,683.99
Spain	Euro		984.00						984.00
Portugal	Euro		678.00						678.00
United States	Dollar				9,108.34				9,108.34
Senator Robert F. Bennett:									
Switzerland	Franc		414.00						414.00
Shawn Maher:									
Belgium	Euro		348.24						348.24
United Kingdom	Pound		205.00						205.00
United States	Dollar				7,163.80				7,163.80
Senator Richard Shelby:									
Mali	Franc		894.94						894.94
Nigeria	Naira		666.00						666.00
Namibia	Dollar		446.00						446.00
S. Africa	Rand		2,188.00						2,188.00
Argentina	Peso		1,518.00						1,518.00
Senator Bob Corker:									
Mali	Franc		894.94						894.94
Nigeria	Naira		666.00						666.00
Namibia	Dollar		446.00						446.00
S. Africa	Rand		2,188.00						2,188.00
Argentina	Peso		1,518.00						1,518.00
Senator Mike Crapo:									
S. Africa	Rand		2,062.00						2,062.00
Argentina	Peso		1,518.00						1,518.00
United States	Dollar				4,648.40				4,648.40
Mark Oesterle:									
Mali	Franc		556.00						556.00
Nigeria	Naira		666.00						666.00
Namibia	Dollar		446.00						446.00
S. Africa	Rand		2,062.00						2,062.00
Argentina	Peso		1,335.00						1,335.00
Stacie Oliver:									
Mali	Franc		556.00						556.00
Nigeria	Naira		666.00						666.00
Namibia	Dollar		446.00						446.00
S. Africa	Rand		2,062.00						2,062.00
Argentina	Peso		1,335.00						1,335.00
Laura Friedel:									
Mali	Franc		556.00						556.00
Nigeria	Naira		666.00						666.00
Namibia	Dollar		446.00						446.00
S. Africa	Rand		2,062.00						2,062.00
Argentina	Peso		1,335.00						1,335.00
Anne Caldwell:									
Mali	Franc		556.00						556.00
Nigeria	Naira		666.00						666.00
Namibia	Dollar		446.00						446.00
S. Africa	Rand		2,062.00						2,062.00
Argentina	Peso		1,335.00						1,335.00
Total			54,743.12		40,481.19				95,224.31

CHRISTOPHER J. DODD, Chairman,
Committee on Banking, Housing, and Urban Affairs, Apr. 30, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE BUDGET FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Joel Friedman:									
United States	Dollar				5,324.80				5,324.80
United Kingdom	Pound		436.97						436.97
Ireland	Euro		1,124.25						1,124.25
Total			1,561.22	5,324.80					6,886.02

KENT CONRAD, Chairman,
Committee on the Budget, Apr. 2, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kristine Lynch:									
Italy	Euro		1,392.00						1,392.00
United States	Dollar				580.66				580.66
Senator Claire McCaskill:									
China	Yuan		1,220.00						1,220.00
United States	Dollar				12,588.54				12,588.54
Tod Martin:									
China	Yuan		1,002.60						1,002.60

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				11,059.00				11,059.00
Total			3,614.60		24,228.20				27,842.80

DANIEL K. INOUYE, Chairman,
Committee on Commerce, Science, and Transportation, Apr. 17, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY & NATURAL RESOURCES FOR TRAVEL FROM JAN. 30 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Bingaman:									
United States	Dollar				8,801.54				8,801.54
Japan	Yen		1,574.47						1,574.47
Korea	Won		882.15						882.15
Robert S. Simon:									
United States	Dollar				9,479.63				9,479.63
Japan	Yen		1,583.01						1,583.01
Korea	Won		887.28						887.28
Singapore	Dollar		946.41						946.41
Jonathan S. Epstein:									
United States	Dollar				8,801.54				8,801.54
Japan	Yen		1,518.29						1,518.29
Korea	Won		848.45						848.45
Frank Macchiarola:									
United States	Dollar				8,801.54				8,801.54
Japan	Yen		1,516.60						1,516.60
Korea	Won		847.43						847.43
Kathryn Clay:									
United States	Dollar				8,801.54				8,801.54
Japan	Yen		1,443.63						1,443.63
Korea	Won		839.42						839.42
Allen Stayman:									
United States	Dollar				5,854.86				5,854.86
Micronesia	Dollar		650.00						650.00
Joshua Johnson:									
United States	Dollar				3,714.73				3,714.73
Micronesia	Dollar		650.00						650.00
Total			14,187.14		54,255.38				68,442.52

JEFF BINGAMAN, Chairman,
Committee on Energy & Natural Resources, Apr. 28, 2008

FINANCE CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Chuck Grassley:									
Morocco	Dollar		350.64						350.64
Turkey	Dollar		235.70						235.70
Czech Republic	Dollar		259.55						259.55
Spain	Dollar		610.01						610.01
Kurt Kovarick:									
Morocco	Dollar		354.84						354.84
Turkey	Dollar		201.44						201.44
Czech Republic	Dollar		353.18						353.18
Spain	Dollar		403.49						403.49
Joshua Odintz:									
United Kingdom	Pound		587.51						587.51
Ireland	Euro		1,012.00						1,012.00
United States	Dollar				5,294.80				5,294.80
Nancy Ellen McCarthy:									
United Kingdom	Pound		474.00						474.00
Ireland	Euro		997.27						997.27
United States	Dollar				5,324.80				5,324.80
Jason Mulvihill:									
United Kingdom	Pound		543.00						543.00
Ireland	Euro		1,212.62						1,212.62
United States	Dollar				5,294.80				5,294.80
Payson Peabody:									
United Kingdom	Pound		499.42						499.42
Ireland	Euro		851.38						851.38
United States	Dollar				5,324.80				5,324.80
Kathleen Kerrigan:									
United Kingdom	Pound		139.00						139.00
Ireland	Euro		630.00						630.00
United States	Dollar				5,294.80				5,294.80
Anna Taylor:									
United Kingdom	Pound		414.91						414.91
Ireland	Euro		962.77						962.77
United States	Dollar				5,294.80				5,294.80
Lauren Bazel:									
United Kingdom	Pounds		332.75						332.75
Ireland	Euro		883.11						883.11
United States	Dollar				5,294.80				5,294.80

FINANCE CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JAN. 1, TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Michael Hamond:									
United Kingdom	Pounds		228.14						228.14
Ireland	Euro		340.11						340.11
United States	Dollar				5,294.80				5,294.80
Jennifer Cook:									
United Kingdom	Pounds		343.96						343.96
Ireland	Euro		1,105.00						1,105.00
United States	Dollar				5,294.80				5,294.80
Kara Getz:									
United Kingdom	Pounds		338.43						338.43
Ireland	Euro		961.99						961.99
United States	Dollar				5,294.50				5,294.50
Senator Maria Cantwell:									
China	Yuan		432.00						432.00
South Korea	Won		400.00						400.00
United States	Dollar				8,821.00				8,821.00
Maura O'Neill:									
China	Yuan		432.00						432.00
South Korea	Won		400.00						400.00
United States	Dollar				8,821.00				8,821.00
Jonathan S. Hale:									
China	Yuan		432.00						432.00
South Korea	Won		800.00						800.00
United States	Dollar				8,923.94				8,923.94
*Delegation Expenses:									
United States	Dollar						1,150.11		1,150.11
Total			18,522.22		79,573.64		1,150.11		99,245.97

*Delegation expenses include transportation, security, embassy overtime, reciprocal meals and official functions, as well as other official expenses in accordance with the responsibilities of the host country.

MAX BAUCUS, Chairman,
Committee on Finance, May 5, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Maria Cantwell:									
United States	Dollar				8,277.70				8,277.70
Cambodia	Dollar		75.00						75.00
Jonathan Hale:									
United States	Dollar				5,422.42				5,422.42
Cambodia	Dollar		314.00						314.00
South Korea	Won		122.00						122.00
Darci Vetter:									
Panama	Dollar		187.59						187.59
United States	Dollar				1,574.70				1,574.70
Demetrios Marantis:									
Panama	Dollar		242.38						242.38
United States	Dollar					1,574.70			1,574.70
Stephen Schaefer:									
Panama	Dollar		112.80						112.80
United States	Dollar				1,574.70				1,574.70
Jim Messina:									
Cuba	Dollar				425.00				425.00
United States	Dollar		1,255.37						1,255.37
Melodee Hanes:									
Cuba	Dollar				425.00				425.00
United States	Dollar		1,105.83						1,105.83
Demetrios Marantis:									
Cuba	Dollar				425.00				425.00
United States	Dollar		1,255.37						1,255.37
Chelsea Thomas:									
Cuba	Dollar				425.00				425.00
United States	Dollar		1,611.36						1,611.36
Total			6,281.70		20,124.22				26,405.92

MAX BAUCUS, Chairman,
Committee on Finance, Mar. 25, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS—AMENDED REPORT—FOURTH QUARTER 2007 FOR TRAVEL FROM OCT. 1, TO DEC. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
James Greene:									
Indonesia	Rupiah		2,498.93						2,498.93
United States	Dollar				7,812.70				7,812.70
Total			2,498.93		7,812.70				10,311.63

JOSEPH R. BIDEN, JR., Chairman,
Committee on Foreign Relations, Apr. 22, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Barrasso:									
Kuwait	Dollar		27.00						27.00
United States	Dollar				9,343.77				9,343.77
Senator Joseph R. Biden, Jr.:									
Kuwait	Dinar		495.00						495.00
Pakistan	Rupee		283.00						283.00
India	Rupee		181.00						181.00
Turkey	Lira		205.00						205.00
United States	Dollar				9,019.17				9,019.17
Senator Benjamin Cardin:									
Czech Republic	Koruna		794.00		50.00				844.00
Austria	Euro		1,173.00						1,173.00
United States	Dollar				612.00				612.00
Senator Norm Coleman:									
Kuwait	Dinar		404.25						404.25
United States	Dollar				8,006.16				8,006.16
Senator Jim DeMint:									
Kuwait	Dinar		528.49						528.49
United Arab Emirates	Dirham		708.51						708.51
United States	Dollar				9,886.76				9,886.76
Senator Christopher Dodd:									
Belgium	Euro		335.00						335.00
United Kingdom	Pound		512.00						512.00
United States	Dollar				9,002.96				9,002.96
Senator Chuck Hagel:									
Russian Federation	Ruble		1,302.00						1,302.00
United Kingdom	Pound		216.00						216.00
United States	Dollar				9,171.00				9,171.00
Pakistan	Rupee		81.00						81.00
India	Rupee		126.00						126.00
United States	Dollar				6,977.00				6,977.00
Senator Johnny Isakson:									
Kuwait	Dinar		59.25						59.25
United States	Dollar				1,353.65				1,353.65
Djibouti	Franc		6.66						6.66
Equatorial Guinea			6.66						6.66
United Kingdom	Pound		97.92						97.92
United States	Dollar				4,976.07				4,976.07
Senator John Kerry:									
India	Rupee		80.00						80.00
Pakistan	Rupee		130.00						130.00
Turkey	Lira		80.00						80.00
United States	Dollar				6,976.92				6,976.92
Senator Richard G. Lugar:									
United Kingdom	Dollar		130.00						130.00
Kazakhstan	Dollar		130.00						130.00
Turkmenistan	Dollar		130.00						130.00
Azerbaijan	Dollar		130.00						130.00
Ukraine	Dollar		130.00						130.00
United States	Dollar				8,116.67				8,116.67
Senator Robert Menendez:									
United States	Dollar				8,006.77				8,006.77
Senator David Vitter:									
Kuwait	Dinar		27.00						27.00
United States	Dollar				9,343.77				9,343.77
Senator George Voinovich:									
Germany	Euro		425.00						425.00
India	Rupee		270.00						270.00
Egypt	Pound		260.00						260.00
Israel	Shekel		519.00						519.00
Jonah Blank:									
United Arab Emirates	Dirham		386.00		574.00				960.00
Afghanistan	Dollar		225.00						225.00
Pakistan	Rupee		1,519.00		172.00				1,691.00
India	Rupee		536.00		169.00				705.00
United States	Dollar				9,550.78				9,550.78
Jonah Blank:									
United Arab Emirates	Dirham		94.00						94.00
Pakistan	Rupee		80.00						80.00
India	Rupee		78.00						78.00
Turkey	Lira		102.00						102.00
United States	Dollar				9,075.82				9,075.82
Anthony Blinken:									
Pakistan	Rupee		127.00						127.00
India	Rupee		111.67						111.67
Turkey	Lira		101.92						101.92
United States	Dollar				6,707.92				6,707.92
Joshua Blumenfeld:									
Belgium	Euro		360.00						360.00
United Kingdom	Pound		412.00						412.00
United States	Dollar				6,160.81				6,160.81
Rachael Bohlander:									
Kuwait	Dinar		27.00						27.00
United States	Dollar				9,343.77				9,343.77
Jason Bruder:									
Georgia	Lari		2,232.00						2,232.00
Armenia	Dram		495.00						495.00
Turkmenistan	Manat		242.00						242.00
United States	Dollar				9,027.94				9,027.94
Neil Brown:									
United Kingdom	Dollar		263.80						263.80
Kazakhstan	Dollar		263.80						263.80
Turkmenistan	Dollar		263.80						263.80
Azerbaijan	Dollar		263.80						263.80
Ukraine	Dollar		263.80						263.80
United States	Dollar				8,146.67				9,146.67
Neil Brown:									
Angola	Kwanza		1,784.00						1,784.00
South Africa	Rand		303.00		1,460.50				1,763.50
Nigeria	Naira		1,914.00		403.26				2,317.26
Equatorial Guinea	Franc		364.00						364.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
United States	Dollar				14,554.59				14,554.59
Perry Cammack:									
Jordan	Dollar		873.00						873.00
Syria	Dollar		678.00						678.00
United States	Dollar				6,678.51				6,678.51
Perry Cammack:									
Kuwait	Dollar		242.00						242.00
United States	Dollar				8,267.77				8,267.77
Steven Feldstein:									
Egypt	Pound		748.00						748.00
Israel	Shekel		1,664.00						1,664.00
United States	Dollar				8,384.18				8,384.18
Steven Feldstein:									
Mali	Franc		801.00						801.00
Germany	Euro		764.00						764.00
United States	Dollar				14,220.78				14,220.78
Rob Gatehouse:									
Colombia	Peso		1,317.21						1,317.21
United States	Dollar				581.30				581.30
James Greene:									
Mali	Franc		1,169.54						1,169.54
United States	Dollar				12,478.53				12,478.53
Thailand	Baht		1,024.00						1,024.00
United States	Dollar				10,712.56				10,712.56
Mark Helmke:									
Thailand	Baht		1,290.00						1,290.00
United States	Dollar				10,812.58				10,812.58
Catherine Henson:									
Djibouti	Franc		6.66						6.66
Equatorial Guinea	Franc		6.66						6.66
United Kingdom	Pound		97.92						97.92
United States	Dollar				4,160.07				4,160.07
Ashley Holbrook:									
Kuwait	Dinar		498.49						498.49
United Arab Emirates	Dirham		705.51						705.51
United States	Dollar				9,886.76				9,886.76
Mirah Horowitz:									
United States	Dollar				8,006.77				8,006.77
Frank Jannuzi:									
China	Yuan		2,064.00						2,064.00
Republic of Korea	Won		1,200.00						1,200.00
United States	Dollar				8,977.52				8,977.52
China	Yuan		2,154.00						2,154.00
North Korea	Won		1,284.00						1,284.00
United States	Dollar				9,715.96				9,715.96
Gregory Keeley:									
Kuwait	Dinar		27.00						27.00
United States	Dollar				9,343.77				9,343.77
Erin Logan:									
Kuwait	Dinar		409.50						409.50
Turkey	Lira		284.00						284.00
United States	Dollar				8,367.00				8,367.00
Mark Lopes:									
Egypt	Pound		800.00						800.00
Israel	Shekel		1,825.00						1,825.00
United States	Dollar				8,384.18				8,384.18
Mexico	Peso		840.00						840.00
Guatemala	Quetzal		664.00						664.00
United States	Dollar				2,017.12				2,017.12
Frank Lowenstein:									
India	Rupee		110.00						110.00
Pakistan	Rupee		109.00						109.00
Turkey	Lira		110.00						110.00
United States	Dollar				6,976.92				6,976.92
Keith Luse:									
China	Yuan		1,133.91						1,133.91
North Korea	Won		1,154.09		396.00				1,550.09
United States	Dollar				1,892.49				1,892.49
Carl Meacham:									
Colombia	Peso		136.00						136.00
Chile	Peso		2,515.00						2,515.00
United States	Dollar				6,347.30				6,347.30
Steve Moore:									
Kuwait	Dinar		112.25						112.25
United States	Dollar				8,118.41				8,118.41
Thomas Moore:									
Czech Republic	Koruna		495.00						495.00
Austria	Euro		402.00						402.00
United States	Dollar				7,822.17				7,822.17
Kenneth Myers, Jr.:									
United Kingdom	Dollar		160.00						160.00
Kazakhstan	Dollar		160.00						160.00
Turkemenistan	Dollar		160.00						160.00
Azerbaijan	Dollar		160.00						160.00
Ukraine	Dollar		160.00						160.00
United States	Dollar				8,116.67				8,116.67
Kenneth Myers, III:									
United Kingdom	Dollar		258.00						258.00
Kazakhstan	Dollar		258.00						258.00
Turkmenistan	Dollar		258.00						258.00
Azerbaijan	Dollar		258.00						258.00
Ukraine	Dollar		258.00						258.00
United States	Dollar				8,146.67				8,146.67
Kenneth Myers, III:									
Germany	Euro		432.00						432.00
Belgium	Euro		673.00						673.00
United States	Dollar				8,252.49				8,252.49
William Niebling:									
Thailand	Baht		1,502.07						1,502.07
United States	Dollar				10,842.56				10,842.56
Michael Phelan:									
Angola	Kwanza		1,784.00						1,784.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
South Africa	Rand		303.00		1,460.50				1,763.50
Nigeria	Naira		1,914.00		403.26				2,317.26
Equatorial Guinea	Franc		394.00						394.00
United States	Dollar				14,554.59				14,554.59
Paul Rosen:									
Mexico	Peso		1,060.93						1,060.93
Guatemala	Quetzal		431.00						431.00
United States	Dollar				2,017.12				2,017.12
Nilmini Rubin:									
United Kingdom	Pound		1,170.00						1,170.00
Norway	Kroner		1,410.00						1,410.00
United States	Dollar				9,086.90				9,086.90
Rexon Ryu:									
Russia	Ruble		1,563.00						1,563.00
United Kingdom	Pound		266.00						266.00
United States	Dollar				9,171.00				9,171.00
Rexon Ryu:									
Pakistan	Rupee		164.00						164.00
India	Rupee		151.00						151.00
Turkey	Lira		150.00						150.00
United States	Dollar				6,977.00				6,977.00
Rexon Ryu:									
Syria	Dollar		850.00						850.00
United States	Dollar				10,140.43				10,140.43
Jennifer Simon:									
Austria	Euro		702.00						702.00
United States	Dollar				5,705.00				5,705.00
Jennifer Simon:									
Switzerland	Franc		2,345.00						2,345.00
United States	Dollar				6,243.00				6,243.00
Chris Socha:									
Kuwait	Dinar		482.34						482.34
United Arab Emirates	Dirham		731.68						731.68
United States	Dollar				9,876.76				9,876.76
Puneet Talwar:									
United Arab Emirates	Dirham		394.00						394.00
United States	Dollar				9,400.81				9,400.81
Puneet Talwar:									
The Netherlands	Euro		990.00						990.00
Belgium	Euro		490.00						490.00
United States	Dollar				7,557.69				7,557.69
Puneet Talwar:									
Russia	Ruble		1,613.00						1,613.00
China	Yuan		349.00						349.00
United States	Dollar				10,444.87				10,444.87
Debbie Yamada:									
Czech Republic	Koruna		735.00		50.00				785.00
Austria	Euro		1,092.00						1,092.00
United States	Dollar				612.00				612.00
Total			78,742.07		487,797.70				556,539.77

JOSEPH R. BIDEN, JR., Chairman,
Committee on Foreign Relations, Apr. 23, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Coburn:									
United States	Dollar				9,886.76				9,886.76
Kuwait	Dollar		328.00						328.00
United Arab Emirates	Dirham		652.00						652.00
Bryan O'Leary:									
United States	Dollar				9,886.76				9,886.76
Kuwait	Dollar		328.00						328.00
United Arab Emirates	Dirham		652.00						652.00
Christian Beckner:									
United States	Dollar				1,456.14				1,456.14
United Kingdom	Pound		300.00		120.00		42.00		462.00
Netherlands	Euro		1,405.00		100.00		49.00		1,554.00
Belgium	Euro		60.00		83.00				143.00
Todd Stein:									
United States	Dollar				1,386.14				1,386.14
United Kingdom	Pound		300.00		120.00		42.00		462.00
Netherlands	Euro		1,405.00		100.00		49.00		1,554.00
Belgium	Euro		60.00		83.00				143.00
Eric Andersen:									
United States	Dollar				1,386.14				1,386.14
United Kingdom	Pound		300.00		120.00		42.00		462.00
Netherlands	Euro		1,405.00		100.00		49.00		1,554.00
Belgium	Euro		60.00		83.00				143.00
Total:			7,255.00		24,910.94		273.00		32,438.94

JOSEPH I. LIEBERMAN, Chairman,
Committee on Homeland Security and Governmental Affairs, Apr. 3, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tucker Shumack:									
United States	Dollar				5,324.80				5,324.80
United Kingdom	Pound		435.43						435.43
Ireland	Euro		912.38						912.38
Total			1,347.81		5,324.80				6,672.61

JOHN F. KERRY, Chairman,
Committee on Small Business and Entrepreneurship, Apr. 15, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP—AMENDED REPORT—FOURTH QUARTER 2007 FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2007

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Kerry:									
United States	Dollar				12,287.24				12,287.24
Indonesia	Rupiah		830.00						830.00
Kathleen Frangione:									
United States	Dollar				6,731.11				6,731.11
Hong Kong	Dollar		346.74						346.74
Indonesia	Rupiah		2,246.35						2,246.35
David Wade:									
United States	Dollar				4,909.20				4,909.20
Indonesia	Rupiah		806.00						806.00
*Delegation Expenses:									
Indonesia	Rupiah						3,787.96		3,787.96
Total			4,229.09		23,927.55		3,787.96		31,944.60

*Delegation expenses include transportation, security, embassy overtime, reciprocal meals and official functions, as well as other official expenses in accordance with the responsibilities of the host country.

JOHN F. KERRY, Chairman,
Committee on Small Business and Entrepreneurship, Apr. 1, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
David Koger			4,390.00						4,390.00
	Dollar				11,635.60				11,635.60
Andrew Karr			3,640.00						3,640.00
	Dollar				10,387.39				10,387.39
Randall Bookout			4,390.00						4,390.00
	Dollar				12,965.00				12,965.00
Melvin Dubee			1,938.00						1,938.00
	Dollar				12,970.53				12,970.53
Alissa Starzak			1,151.00						1,151.00
	Dollar				10,966.37				10,966.37
Jennifer Wagner			2,753.24						2,753.24
	Dollar				11,901.04				11,901.04
James Smythers			3,087.00						3,087.00
	Dollar				11,901.04				11,901.04
Andrew Kerr			999.00						999.00
	Dollar				8,369.76				8,369.76
Senator Bill Nelson			1,856.20						1,856.20
	Dollar				6,773.42				6,773.42
Caroline Tess			1,368.00						1,368.00
	Dollar				6,381.42				6,381.42
Brenda Strickland			1,856.20						1,856.20
	Dollar				6,773.42				6,773.42
Senator Christopher S. Bond			1,254.00						1,254.00
							690.36		690.36
	Dollar				11,030.29				11,030.29
Louis Tucker			1,254.00						1,254.00
	Dollar				11,441.41				11,441.41
Sameer Bhalotra			1,254.00						1,254.00
	Dollar				15,411.41				15,411.41
Michael Dubois			1,254.00						1,254.00
	Dollar				1,030.29				1,030.29
John Maguire			1,595.00						1,595.00
	Dollar				10,074.74				10,074.74
Michael Pevzner			1,595.00						1,595.00
	Dollar				10,074.74				10,074.74
Senator Ron Wyden			1,568.00						1,568.00
							400.00		400.00
	Dollar				3,554.67				3,554.67
John Dickas			1,568.00						1,568.00
	Dollar				3,554.67				3,554.67
Jennifer Hoelzer			1,568.00						1,568.00
	Dollar				3,554.67				3,554.67
Louis Tucker			2,228.00						2,228.00
	Dollar				14,614.51				14,614.51
Senator Christopher S. Bond			2,228.00						2,228.00
	Dollar				14,614.51				14,614.51
Senator Evan Bayh			197.53						197.53

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
	Dollar				8,443.00				8,443.00
Todd Rosenblum			967.00						967.00
	Dollar				8,443.00				8,443.00
Paul Matulic			958.00						958.00
	Dollar				9,193.43				9,193.43
Gregory Thielmann			907.00						907.00
	Dollar				9,193.43				9,193.43
Jennifer Wagner			943.00						943.00
	Dollar				9,193.43				9,193.43
Caroline Tess			1,031.00						1,031.00
	Dollar				2,962.57				2,962.57
John Dickas			811.00						811.00
	Dollar				2,962.57				2,962.57
Total			50,609.17		260,372.33		1,090.36		312,071.86

JOHN D. ROCKEFELLER IV, Chairman,
Committee on Intelligence, Apr. 30, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Arlen Specter:									
United Kingdom	Pound		231.00						231.00
Israel	Shekel		210.00						210.00
Pakistan	Rupee		47.66						47.66
Jordan	Dinar		73.86						73.86
Syria	Pound		46.97						46.97
Austria	Euro		407.35						407.35
Belgium	Euro		228.78						228.78
United States	Dollar				4,517.45		50.58		4,568.03
Christopher Bradish:									
United Kingdom	Pound		231.00						231.00
Israel	Shekel		519.00						519.00
Pakistan	Rupee		248.00						248.00
Jordan	Dinar		141.00						141.00
Syria	Pound		111.00						111.00
Austria	Euro		627.00						627.00
Belgium	Euro		442.00						442.00
United States	Dollar				4,517.45				4,517.45
Senator Jon Kyl:									
Israel	Shekel		109.46						109.46
Dubai	Dirham		211.84						211.84
Prague	Koruna		83.68						83.68
Timothy Morrison:									
Israel	Shekel		75.46						75.46
Dubai	Dirham		8.92						8.92
Prague	Koruna		40.26						40.26
Total			4,094.24		9,034.90		50.58		13,179.72

PATRICK J. LEAHY, Chairman,
Committee on the Judiciary, Apr. 7, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bernard Sanders:									
Ghana	Cedi		231.00						231.00
Ivory Coast	Franc		170.40						170.40
Morocco	Dirham		165.00						165.00
Senator Michael B. Enzi:									
Zambia	Kwacha		35.00						35.00
Ethiopia	Birr		11.00						11.00
Jordan	Euro		47.00						47.00
Germany	Euro		47.00						47.00
Sharon Waxman:									
United States	Dollar				7,994.62				7,994.62
Jordan	Dinar		829.00						829.00
Syria	Pound		592.00						592.00
Caya Lewis:									
United States	Dollar				8,250.15				8,250.15
Botswana	Pula		1,284.00						1,284.00
Hayden Rhudy:									
United States	Dollar				7,854.13				7,854.13
Botswana	Pula		1,284.00						1,284.00
Total			4,695.00		24,098.90				28,794.30

EDWARD M. KENNEDY, Chairman,
Committee on Health, Education, Labor, and Pensions, Apr. 23, 2008

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER, TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jessica Lewis:									
United States	Dollar				825.02				825.02
Mexico	Pesos		785.00						785.00
Total			785.00		825.02				1,610.02

HARRY REID,
Majority Leader, Apr. 1, 2008.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JAN. 1 TO MAR. 31, 2008

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Tom Hawkins:									
United States	Dollar				14,644.51				14,644.51
New Zealand	Dollar		800.00						800.00
Australia	Dollar		1,428.00						1,428.00
United States	Dollar				9,886.76				9,886.76
Kuwait	Dinar		499.80						499.80
United Arab Emirates	Dirham		551.00						551.00
Doug Hampton:									
United States	Dollar				9,886.76				9,886.76
Kuwait	Dinar		599.80						599.80
United Arab Emirates	Dirham		651.00						651.00
Senator John Ensign:									
United States	Dollar				9,886.76				9,886.76
Kuwait	Dinar		271.80						271.80
United Arab Emirates	Dirham		566.00						566.00
Delegation Expenses:									
Kuwait	Dinar						447.13		447.13
United Arab Emirates	Dirham						217.75		217.75
David Schiappa:									
Argentina	Peso		2,179.95						2,179.95
Mali	Franc		806.00						806.00
Nigeria	Naira		666.00						666.00
Namibia	Dollar		446.00						446.00
South Africa	Rand		2,062.00						2,062.00
Total			11,527.35		44,304.79		664.88		56,497.02

MITCH McCONNELL,
Republican Leader, Apr. 23, 2008.

NATIONAL HUNGER AWARENESS DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 558, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 558) designating June 10, 2008, as "National Hunger Awareness Day" and authorizing the collection of food donations during the period beginning May 12, 2008, and ending June 10, 2008, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 558

Whereas food insecurity and hunger are a fact of life for millions of low-income citizens of the United States and can produce physical, mental, and social impairments;

Whereas recent data published by the Department of Agriculture show that 35,500,000 people in the United States live in households experiencing hunger or food insecurity, and of that number, 22,800,000 are adults and 12,600,000 are children;

Whereas households with children had nearly twice the rate of food insecurity as those without children;

Whereas 3.3 percent of all United States households (3.8 million households) have accessed emergency food from a food pantry 1 or more times;

Whereas 55.5 percent of food-insecure households have participated in at least 1 of the 3 major Federal food assistance programs: the Federal food stamp program established by the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the school lunch program established by the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), and the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

Whereas the problem of hunger and food insecurity can be found in rural, suburban, and urban portions of the United States, touching nearly every community of the Nation;

Whereas, although substantial progress has been made in reducing the incidence of hunger and food insecurity in the United States, certain groups remain vulnerable to hunger and the negative effects of food deprivation, including the working poor, the elderly, homeless people, children, migrant workers, and Native Americans;

Whereas the people of the United States have a long tradition of providing food assistance to hungry people through acts of private generosity and public support programs;

Whereas there is a growing awareness of the important public and private partnership role that community-based organizations, institutions of faith, and charities provide in assisting hungry and food-insecure people;

Whereas more than 50,000 local community-based organizations rely on the support and efforts of more than 1,000,000 volunteers to provide food assistance and services to millions of vulnerable people;

Whereas all citizens of the United States can help participate in hunger relief efforts in their communities by—

(1) donating food and money to such efforts;

(2) volunteering for such efforts; and

(3) supporting public policies aimed at reducing hunger: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 10, 2008, as "National Hunger Awareness Day";

(2) calls on the people of the United States to observe National Hunger Awareness Day—

(A) with appropriate ceremonies, volunteer activities, and other support for local anti-hunger advocacy efforts and hunger relief charities, including food banks, food rescue organizations, food pantries, soup kitchens, and emergency shelters; and

(B) by continuing to support programs and public policies that reduce hunger and food insecurity in the United States; and

(3) authorizes the collection of food donations during the period beginning May 12, 2008, and ending June 10, 2008, from concerned Members of Congress and staff to assist families suffering from hunger and food insecurity in the Washington, D.C., metropolitan area.

NATIONAL MPS AWARENESS DAY

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 559, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 559) designating May 15, 2008, as "National MPS Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 559) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 559

Whereas mucopolysaccharidosis (referred to in this resolution as "MPS") is a genetically determined lysosomal storage disorder that renders the human body incapable of producing certain enzymes needed to break down complex carbohydrates;

Whereas complex carbohydrates are then stored in almost every cell in the body and progressively cause damage to those cells;

Whereas the cell damage adversely affects the human body by damaging the heart, respiratory system, bones, internal organs, and central nervous system;

Whereas the cellular damage caused by MPS often results in mental retardation, short stature, corneal damage, joint stiffness, loss of mobility, speech and hearing impairment, heart disease, hyperactivity, chronic respiratory problems, and, most importantly, a drastically shortened life span;

Whereas the nature of the disorder is usually not apparent at birth;

Whereas, without treatment, the life expectancy of an individual afflicted with MPS begins to decrease at a very early stage in the life of the individual;

Whereas recent research developments have resulted in the creation of limited treatments for some MPS disorders;

Whereas promising advancements in the pursuit of treatments for additional MPS disorders are underway;

Whereas, despite the creation of newly developed remedies, the blood brain barrier continues to be a significant impediment to effectively treating the brain, thereby preventing the treatment of many of the symptoms of MPS;

Whereas treatments for MPS will be greatly enhanced with continued public funding;

Whereas the quality of life for individuals afflicted with MPS, and the treatments available to them, will be enhanced through the development of early detection techniques and early intervention;

Whereas treatments and research advancements for MPS are limited by a lack of awareness about MPS disorders;

Whereas the lack of awareness about MPS disorders extends to those within the medical community;

Whereas the damage that is caused by MPS makes it a model for study of many other degenerative genetic disorders;

Whereas the development of effective therapies and a potential cure for MPS disorders can be accomplished by increased awareness, research, data collection, and information distribution;

Whereas the Senate is an institution than can raise public awareness about MPS; and

Whereas the Senate is also an institution that can assist in encouraging and facilitating increased public and private sector research for early diagnosis and treatments of MPS disorders: Now, therefore, be it

Resolved, That the Senate—

(1) designates May 15, 2008, as "National MPS Awareness Day"; and

(2) supports the goals and ideals of "National MPS Awareness Day".

NATIONAL PUBLIC WORKS WEEK

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 560, submitted earlier today by Senator BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 560) proclaiming the week of May 18 through May 24, 2008, as "National Public Works Week."

There being no objection, the Senate proceeded to consider the resolution.

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, without intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 560) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 560

Whereas public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States;

Whereas those facilities and services could not be provided without the dedicated efforts of public works professionals, including engineers and administrators, who represent State and local governments throughout the United States;

Whereas those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

Whereas it is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in—

(1) protecting the environment;

(2) improving public health and safety;

(3) contributing to economic vitality; and

(4) enhancing the quality of life of every community of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of May 18 through May 24, 2008, as "National Public Works Week";

(2) recognizes and celebrates the important contributions that public works professionals make every day to improve—

(A) the public infrastructure of the United States; and

(B) the communities that those professionals serve; and

(3) urges citizens and communities throughout the United States to join with representatives of the Federal Government and the American Public Works Association in activities and ceremonies that are designed—

(A) to pay tribute to the public works professionals of the Nation; and

(B) to recognize the substantial contributions that public works professionals make to the Nation.

MEASURES INDEFINITELY POSTPONED—S. 2534, S. 2626, S. 2675, S. 2725, AND S. 2673

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that the following calendar numbers be indefinitely postponed en bloc: Calendar Nos. 677 to 680 and Calendar No. 696.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MAY 13, 2008

Ms. KLOBUCHAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Tuesday, May 13; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for use later in the day, and the Senate resume consideration of S. 2284, flood insurance, as under the previous order.

I further ask that the Senate recess from 12:30 until 2:15 p.m. to allow for the weekly caucus luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. KLOBUCHAR. Mr. President, under the previous order, there will be 1 hour for debate equally divided and controlled between the two leaders or their designees prior to votes in relation to the McConnell amendment related to energy; the Reid amendment related to energy; passage of S. 2284, flood insurance; and cloture on the motion to proceed to H.R. 980, first responders collective bargaining. Therefore, Senators should expect a series of rollcall votes to begin shortly after 11 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Ms. KLOBUCHAR. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8 p.m., adjourned until Tuesday, May 13, 2008, at 10 a.m.

EXTENSIONS OF REMARKS

HONORING BUCK YOUNG

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to Paul Edward Moore, better known to his friends as Buck. Buck's untimely death in a motorcycle accident is a tragic loss to his family, community, and indeed the nation.

Buck was the founder of Riders Against Illegal Aliens, an advocacy group dedicated to immigration reform and preserving American sovereignty. Buck led numerous rallies protesting the influx of illegal immigration, the unjust incarceration of Border Patrol agents Ramos and Compean, and the government's lack of will to enforce immigration laws. He will be missed.

Madam Speaker, I want to express my sincerest condolences to Buck's friends and family. He was a dedicated patriot and will not be forgotten.

CELEBRATING THE CITY OF MENDOTA'S CONTRIBUTIONS TO MINNESOTA STATEHOOD

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, as Minnesota celebrates its 150th anniversary of statehood this year, I rise to pay special tribute to the place where it all began.

Without the town of Mendota, there would be no Minnesota. Almost 200 years ago, Fort Snelling, the first U.S. outpost in the region, was established at this confluence of the Minnesota and Mississippi Rivers. As trappers and Native Americans came to the fort to conduct trade and commerce, a settlement sprang up outside its walls. The settlers called their community "Mendota," a Dakota word meaning "where the waters meet."

Mendota was one of the first permanent communities in Minnesota, and its residents would play a pivotal role in the path to statehood and the following 150 years of State history.

Henry Sibley arrived in Mendota in 1834 and built the first stone house in the State, which still stands today. Mr. Sibley became a leader in local politics, going to Congress and guiding Minnesota to territory status by 1849, then leading the push toward statehood. When Minnesota became a State in 1858, Mr. Sibley served as the first governor.

St. Paul, the city which I call home, also owes a special debt of gratitude to another, more colorful Mendota resident. In 1832, Mr. "Pig's Eye" Parrant established an infamous distillery in Mendota, but was soon kicked out of the town for selling liquor to Fort Snelling soldiers and Indians.

"Pig's Eye" headed about five miles down the Mississippi River to start a new settlement, named in his own honor. Over the following decades, that community would blossom into Minnesota's thriving capital city—and thankfully receive a new name: St. Paul.

The city of Mendota has thrived throughout Minnesota's history. Today, it remains a unique, vibrant, close-knit community, overflowing with historic landmarks. Our sesquicentennial celebrations would not be complete without recognizing Mendota's contributions to Minnesota's story.

I know that visitors will be delighted by what they discover and learn in Mendota through many more State sesquicentennials to come.

HONORING BILL SANTUCCI

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Mr. DOOLITTLE. Madam Speaker, I rise today to honor the life of Bill Santucci, who sadly passed away on May 7, 2008. Bill was a lifelong resident of Roseville, CA, and served his community for over 20 years as an elected official. His vision and leadership in the city of Roseville and Placer County enabled the region to accommodate a period of rapid growth and improve the quality of life for residents in the area.

In Roseville, Bill served on and chaired both the Roseville Project Review Committee and the Roseville Planning Commission. He also served for a year on Roseville's personnel board. Bill was first appointed and then elected to the Roseville City Council for two terms, including four years as Mayor. In 1988, after raising over $30,000 for their work, the American Cancer Society named Bill Man of the Year. Then in 1990, the Roseville Sons of Italy Lodge named Bill Citizen of the Year.

Bill Santucci was first elected to the Placer County Board of Supervisors in 1995. He served on the board for 12 years, serving as board chair twice. Bill's effectiveness and support were evident, as he ran unopposed for reelection in 1998 and 2002. As a county supervisor, Bill consistently championed the needs of his constituents while also being a strong advocate for the interests of the county as a whole. Bill's impact as a community leader was immediately apparent, as he aided residents whose homes were flooded shortly after he took office by raising the elevation of homes in flood zones and ensuring that new homes would not be vulnerable to flooding. Bill understood the importance of a solid infrastructure, helping the smaller towns he represented to install sewer lines and working to secure Federal funding for important transportation projects. He was also an advocate for the preservation of open space throughout the county, working to construct new parks.

On June 25, Bill will be honored as the new Justice Center in Roseville is dedicated in his name. This is a fitting tribute to a man who spent his life making Placer County a better place to live, work, and visit. My thoughts and prayers are with Bill's wife, Norma and his son, David. Bill's accomplishments will carry on, and his example will benefit the region for years to come.

MOURNING THE VICTIMS OF CYCLONE NARGIS IN BURMA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Mr. SHULER. Madam Speaker, I rise today with a heavy heart after receiving news of the devastating Cyclone Nargis which struck Burma this past weekend.

As of today there have been over 100,000 reported dead or missing in Burma, and millions more remain in dire conditions as a result of the storm. Especially concerning is the capability of the nation's ruling military junta to assist the populace in transmitting much needed food, water, and medical supplies within a reasonable timeframe. There have already been reports that the repressive regime has been slow to provide this needed assistance.

The United States and the international community must expedite humanitarian assistance to Burma and press the government to open up to aid from the global community and assist in its distribution. A rapid response can help ensure this tragedy does not expand into a national catastrophe for the people of Burma.

At this time I urge my colleagues to support any measures which extend aid to the people of Burma. My thoughts and prayers are with the families of Burma who must mourn the loss of so many loved ones, and must now rebuild their lives and their country.

INTRODUCTION OF THE RIO GRANDE PUEBLOS IRRIGATION INFRASTRUCTURE IMPROVEMENT ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Mr. TOM UDALL of New Mexico. Madam Speaker, my district in Northern New Mexico

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is home to a number of Native American tribes. Stretching through the Rio Grande Basin are 18 Pueblo Indian communities who for centuries and countless generations have depended on that precious and rare commodity in the west—water. Water has always been an essential component of the traditions and day to day practices of these rich cultures, but as communities have grown and new peoples have come to also rely on New Mexico's scarce supply of water, new approaches to its management have become necessary. Recent reports from the Bureau of Reclamation, Bureau of Indian Affairs, and Government Accounting Office have identified a state of disrepair among the Pueblo irrigation networks, and a gap in the Bureau of Indian Affairs' capacity to maintain these systems. The Rio Grande Pueblos Irrigation Infrastructure Improvement Act seeks to address this issue of fundamental importance to New Mexico tribes.

A 2000 report by the Bureau of Reclamation and Bureau of Indian Affairs entitled Pueblo Irrigation Facilities Rehabilitation Report determined that a significant percentage of Pueblo irrigation works are in disrepair. Additionally, a recent GAO Report (GAO–06–314) on Bureau of Indian Affairs' irrigation program also made clear that the agency has not had the financial and technical resources to maintain irrigation systems on Indian land. The lack of financial and technical resources within the Bureau of Indian Affairs is further compounded by the Department of the Interior's view that maintenance of Indian irrigation systems is not an obligation pursuant to its trust responsibility. The result is continued degradation of agricultural systems in Indian Country and no identifiable program to address irrigation infrastructure problems on Pueblo land.

Because a significant percentage of Pueblo irrigation works are in disrepair, and because of the Pueblos' inability to use land that was historically irrigated, there is an inefficient use of the limited water supplies available to the Pueblos. In the arid west, water inefficiencies impact everyone negatively. If the Pueblos lose this precious resource due to inefficiencies, it is a loss for the surrounding communities as well, and to New Mexico as a whole.

The Rio Grande Pueblos Irrigation Infrastructure Improvement Act will direct the Secretary of the Interior, through the Bureau of Reclamation, to work with the 18 Pueblos in the Rio Grande basin to first assess Pueblo irrigation infrastructure, and then initiate projects to rehabilitate and repair such infrastructure on Pueblo lands. It will be left to the individual Pueblo Councils to determine their interest in partnering with the Department of the Interior to carry out a study of irrigation infrastructure and to carry out rehabilitation projects.

This legislation requires the Bureau of Reclamation to work with the Pueblos, rather than the Bureau of Indian Affairs, because of the lack of relevant resources within the BIA, as well as its historical lack of attention to this issue. The Bureau of Reclamation has a technical expertise in water infrastructure that will be invaluable to the Pueblos. Moreover, the activity authorized in the bill is consistent with Reclamation's Water 2025 program. While the expertise at the Bureau of Reclamation is key to filling the technical gap in irrigation infrastructure rehabilitation, it is recognized that there are limited resources available within Reclamation, and that every initiative functions better when the flexibility of collaboration and cost sharing is a possibility. As such, the bill directs the Secretary of the Interior to work with the Bureau of Indian Affairs, the Natural Resource Conservation Service, and the Army Corps of Engineers to identify opportunities to use the authorities of those agencies to collaborate on projects satisfactory to all involved.

As America moves into an era of climate change and resource scarcity, it is essential that areas such as the arid west mobilize creative new initiatives to address the new water resources needs. The Rio Grande Pueblos Irrigation Infrastructure Improvement Act is one piece of the water puzzle that impacts New Mexico, and our nation as a whole.

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Ms. MOORE of Wisconsin. Madam Speaker, on Thursday, May 8, I missed the vote on rollcall No. 302. Had I voted I would have voted "aye."

HONORING CHIEF STANDING BEAR ON THE 100TH ANNIVERSARY OF HIS DEATH

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today in support of House Resolution 1043, which honors the life and legacy of Chief Standing Bear on the 100th anniversary of his death.

Chief Standing Bear is an important figure in our Nation's civil rights movement. He was born in what is now Nebraska, where his tribe, the Ponca, was forced to leave by a Federal treaty in 1878. The young chief led his tribe to the Indian Territory of Oklahoma, an inhospitable region that killed many of his members, including his own son. Determined to bury his son on Ponca soil, Chief Standing Bear returned to Nebraska, where he was arrested by Federal authorities.

His case went to Federal court in 1879, where prosecutors argued that Native Americans were not considered people under the Constitution. Impressed with Chief Standing Bear's impassioned defense, the judge ruled he was indeed a citizen with full Constitutional rights. Thanks to this significant legal precedent, the Ponca were allowed to return home and better lands were given to Native American tribes.

Chief Standing Bear's story won the attention and sympathy of many throughout the United States. At a time when tribal rights were ignored and abused, Chief Standing Bear stood up for justice.

On this 100th anniversary of Chief Standing Bear's death, I urge my colleagues to join me in supporting this resolution to honor this man of courage and integrity and his important role in our Nation's continuing struggle for justice and equality.

IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE CENTER FOR DOMESTIC PREPAREDNESS IN ANNISTON, ALABAMA

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask the attention of the House today to pay recognition to the dedicated workforce of the Center for Domestic Preparedness, CDP, in Anniston, Alabama, who on June 3 will celebrate the facility's 10th anniversary.

On June 1, 1998, the Center opened its doors to America's first responders. Over the past 10 years, the more than 1,000 men and women of the CDP have offered cutting-edge training to first responders from all 50 States and every U.S. territory. Through the years, the Center's unique training capabilities have focused on mission-critical emergency management skills and training using live hazardous materials. CDP's hands-on approach builds skills and confidence that can save American lives in a homeland security crisis.

Since its inception, the Center has expanded its facilities and mission to better meet the needs of first responders. The addition of the Noble Training Facility, NTF, in 2007 gave CDP the only medical facility in the United States dedicated to training health care professionals in disaster response. NTF adds new training resources and two prototype mass casualty decontamination lanes to the Center's training arsenal. Today the CDP serves an essential role within the Department of Homeland Security for helping provide unique training that ultimately helps keep our communities safe.

I am pleased to recognize the staff of the Center for Domestic Preparedness today for reaching this important milestone, and look forward to witnessing its next decade of growth and service to our Nation.

HONORING THE ST. PAUL CENTRAL HIGH SCHOOL SCIENCE BOWL TEAM

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today to recognize and congratulate the Science Bowl team at St. Paul Central High School for their outstanding achievements at the State and national level. The students and coaches of Central High School deserve our congratulations.

In February, the team won its first-ever State championship. Coach Randy Knoche and his students, Daniel Monahan, Elwood McCreary, Jennifer Wei, Jon Schellengberg and Martin Camacho, are to be commended for their dedication and competitive spirit. As Minnesota State champions, the team qualified for the National Science Bowl in Washington, DC.

The 4-day competition that ended on May 5 was a benefit for the students and our community. Renewing student interest in science, math and engineering is vital to our global competitiveness and has been a priority for the 110th Congress. Our Nation's status as a global leader in innovation and technology depends on young people getting involved in programs such as the National Science Bowl, and the team at St. Paul Central is leading the way.

In an impressive display of camaraderie and commitment, two teammates made a difficult sacrifice to attend the national tournament. The students are enrolled in Central's highly demanding International Baccalaureate program, which held its annual English exam during the National Science Bowl. This exam is a necessary step toward receiving a full B diploma—an impressive achievement that often results in college course credits—but the students decided to take the exam when it is next offered, in 2009, so that their team could compete at nationals. These young people represent teamwork at its finest.

Madam Speaker, on behalf of the students, teachers and staff of St. Paul Central High School and the entire St. Paul Public Schools District, please join me in honoring the St. Paul Central High School Science Bowl Team.

HONORING GENERAL RICHARD H. THOMPSON

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Mr. FORBES. Madam Speaker, I rise today in order to honor a true American patriot who has devoted his entire adult life to the service of his country. Today, the Army is proud to dedicate the Automation Training Facility of the Army Quartermaster Center and School in the name of retired GEN Richard H. Thompson at Fort Lee, Virginia. General Thompson's career reflects 43 years of outstanding service to the Army and to the Nation. General Thompson is distinct in the quartermaster career field, as he is the only soldier in that career field to ascend from the rank of Private all the way to the rank of a full, four-star General.

Upon completion of the Quartermaster Officer Advanced Course at Fort Lee in 1960, General Thompson served overseas before returning to the United States in 1961. He served multiple posts as a staff officer in the Office of the Deputy Chief of Staff for Logistics for the Army, eventually reaching the position of Deputy Chief. In 1984, he was promoted to General and given command of the U.S. Army Materiel Command, a post he held until his retirement in 1987.

General Thompson is highly regarded as a pioneer in Army logistics. During the 1980s he helped modernize the Army's logistical operations. General Thompson is also credited with updating and improving the Army's logistics capabilities for the military's post-cold-war operations. This included his leadership in the expansion of newer automated equipment and techniques, and in the integration of those components throughout the joint services. He was inducted into the Quartermaster Hall of Fame in 1991.

As the representative of the citizens of Virginia's 4th District—and home to Fort Lee—it gives me great pride to honor and thank General Thompson for his dedicated service to the United States of America. Please join me in congratulating him and Fort Lee on the dedication of the Automation Training Facility of the Army Quartermaster Center and School in his name.

TRIBUTE TO RONALD REECE, SR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the Illustrious Potentate of the Oman Temple No. 72, Ronald Reece, Sr. Ronald was feted at the 52nd Annual Potentate Ball held in my hometown of Flint, Michigan, on Saturday, May 10.

Ronald Reece, Sr., moved to Saginaw, Michigan, from Chattanooga, Tennessee, in 1961. He attended Arthur Hill Technical High School where he was captain of the track and basketball teams. He graduated from Saginaw High School in 1972 and started working at Saginaw Steering Gear in September of that year. He retired from his inspector position in July 1996.

Active in the community, Ronald is a motivational speaker for youth working with churches and organizations. He created the "Dick and Jane Saving System" and was recognized as an African-American Man of Distinction in 1997 for his work helping minorities achieve a brighter future. In 1998, Ronald and his wife, Barbara, received the Community Leadership Award for their work at the First Ward Community Center. They have received many awards for their involvement with various organizations in Saginaw and Buena Vista and they are contributors to the Buena Vista High Scholarship Commission. Ronald and Barbara have been married for 35 years and have five sons: Ronald Jr., Shannon (deceased), Kieston, London, and Ju'Neil.

The Oman Temple No. 72—A.E.A.O.N.M.S., Incorporated, has benefited over the years from Ronald's leadership and dedication. Under the Prince Hall affiliation, Ronald has held the positions of Worshipful Master of H. York Harrison Lodge #32 in Saginaw; Past 2nd Lieutenant of Saginaw Valley Consistory #71, Ancient and Accepted Scottish Rite; and Past Thrice Potent Master—Flint Lodge of Perfection #71. He currently serves as Thrice Illustrious Master—Omega Council #30, Royal and Select Masters; Captain General—Tri City Commandery #19, Knights Templar; and Captain—Flint Chapter #17, Holy Royal Arch Masons.

Madam Speaker, I ask the House of Representatives to applaud the life and work of Ronald Reece, Sr. May he continue to serve the community for many, many years to come.

COMMENTS TO INTERACTION ANNUAL FORUM

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 12, 2008

Ms. MCCOLLUM of Minnesota. Madam Speaker, last week I had the opportunity to speak at InterAction's Annual Forum in the Washington area regarding the importance of modernizing U.S. foreign assistance. With 165 member organizations, InterAction is the largest coalition of U.S.-based international nongovernmental organizations focused on the world's poor and vulnerable people. I would like to enter my remarks from this event into the CONGRESSIONAL RECORD.

COMMENTS TO INTERACTION ANNUAL FORUM

Thank you for the invitation to be here today. I'd like to thank InterAction's President, Sam Worthington, along with Todd Shelton and Evan Elliot for being great partners and extraordinary advocates for your organizations and people in need around the world.

Like all of you, I strongly believe foreign assistance and development are part of the essential work of the U.S. Government and essential to our country's role as a super power.

I support a back-to-basics approach to development. For me, investments in child and maternal health, clean water, basic education, family planning, agriculture and food security are the foundation of successful long-term development. This is the work your organizations do everyday.

In my travels to places like Tanzania, Malawi, Afghanistan and Peru I have seen both real human need and real successes from U.S. development investments. And it was in these travels that I met you—smart, committed, passionate people giving hope and opportunity to people who often have very little.

Today, I want to talk with you about our present challenge—doing development better. It's time to modernize and strengthen U.S. foreign assistance to meet the challenges and realities of the 21st century. I know modernizing foreign assistance is a priority for InterAction and your efforts to inform and educate Congress are important and appreciated.

The 9/11 Commission predicted future threats to America would be transnational rather than international. We didn't have to wait long. A new generation of moral and national security challenges have already reshaped our foreign policy, including: terrorism, ethnic conflicts, food security, global health threats, climate change . . . the list goes on.

Confronting this new generation of challenges demands that we make foreign assistance especially development—central to our foreign policy.

The Pentagon appears to be convinced. Last November, Secretary of Defense Gates said, "One of the most important lessons from our experience in Iraq, Afghanistan, and elsewhere has been the decisive role reconstruction, development, and governance plays in any meaningful, long-term success."

Our top security officials know that sandals on the ground today can prevent boots on the ground tomorrow. Development is the right thing to do and it's a smart investment.

The direct link between development and security is now national policy. President Bush's 2006 National Security Strategy states, "Development reinforces diplomacy and defense, reducing long-term threats to our national security by helping to build stable, prosperous and peaceful societies."

Foreign assistance is more important to America's national security and foreign policy than ever before. But our Cold-War mechanisms aren't up to the challenge.

The structure of U.S. foreign assistance needs modernization. Today, more than 20 executive branch agencies have responsibility for administering foreign assistance programs. This means duplication, confusion and inefficiency. But the problem goes beyond structure.

What is the overarching strategy guiding U.S. foreign assistance? The 1961 Foreign Assistance Act is still the basis for policy. Nearly 50 years of amendments have burdened the Act with conflicting objectives and priorities. Your organizations feel the impact of this confusion in the field, as do the families and communities you serve.

We need a new strategy focused on today's global realities. We need to find agreement on a coherent foreign assistance strategy and we need to create the necessary structure to implement it.

We all know there are strains on the current system. Due in part to a lack of confidence and capacity in civilian agencies, the U.S. military has become a major player in development. I want to read you a quote from last week's Financial Times article entitled: "U.S. military seeks more Afghan aid funds."

"U.S. forces in east Afghanistan are already involved in a variety of non-military activities, from road-building to improving farming techniques . . . The Commanders' Emergency Response Fund allows battalion commanders to spend up to twenty-five thousand dollars on anyone project without seeking permission from higher command. Taskforce chiefs can spend up to two-hundred thousand."

How many of you have this kind of discretion with U.S. funds? Our troops are the best in the world, but they aren't development specialists. Major development projects need to be implemented by development professionals. If civilian agencies aren't working we need to fix them, not ignore them. If there aren't enough civilian personnel, we need to hire and deploy more of them.

Expanding global security and prosperity in the 21st century requires a new American commitment to foreign assistance. That means being smarter about our strategy, structure and resources. We need comprehensive modernization. Half-way reforms won't cut it.

Blue-ribbon panels, commissions, think tanks and NGOs have reached the same conclusion. There's agreement that: resources should be matched to objectives; results should be measured; the Government's civilian capacity should be expanded; the number of agencies responsible for development should be reduced; and development should be elevated to be an equal partner with defense and diplomacy.

Today, development isn't an equl partner with defense and diplomacy—it's not equal strategically or structurally. It's often, at best, a secondary concern. There are different ideas about how to elevate development. Some suggest the solution is an expanded role for development within the State Department. Others may want to build up USAID to its former glory.

I strongly believe the U.S. needs a cabinet-level Department of Development. A cabinet-level Secretary of Development could advocate directly to the President for long-term development investments, aid effectiveness, and coordination across agencies.

The national security policy of the United States is clear: defense, diplomacy, and development are the essential components of America's engagement with the world. It's time to translate that policy into reality by elevating development as a foreign policy priority.

Some of my colleagues may disagree. I welcome that, because it means they've joined the debate. Many Members of Congress haven't. Many Members still don't fully appreciate the linkages between national security and foreign assistance.

Chairman Berman announced that rewriting the Foreign Assistance Act will be the top priority for his Committee next year. Because of his leadership, the debate over modernization will take place. To be successful in the House, and the Senate, and the White House with this huge effort, we'll need a broad, bipartisan consensus that U.S. foreign assistance is vital to America's national security and too important not to fix.

And to be successful, a commitment to change and modernization needs to be a priority for the next Administration. This means we need to make sure the Presidential campaigns are engaged. Those of you with advocacy arms in your organization should be asking the Presidential candidates three questions: Do you believe foreign assistance is important to America's future role in the world? How will you elevate development to realize the goals of U.S. national security strategy? Will you support modernizing foreign assistance to meet the needs of the 21st century?

And we need to be asking candidates for the Senate and the House the same questions.

Friends, this is an important moment. You cannot be shy or quiet.

We have a unique opportunity to create a strategy for U.S. foreign assistance rooted in innovation, coordination, and an understanding of culture and the complexity of local conditions. We have the responsibility to make the needs of the world's poor a strategic U.S. priority.

Together, we can get more for every dollar invested, by finding ways to better leverage bilateral, multilateral, private sector and NGO investments.

And together, we can refocus our nation's global development policy on achieving quality outcomes for families in the world's poorest countries.

This is our work and I look forward to the challenge ahead.

Thank you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 13, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 14

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the United States National Guard and Reserve.
SD–192

Foreign Relations
To hold hearings to examine responding to the global food crisis.
SD–419

Joint Economic Committee
To hold hearings to examine United States credit crisis, focusing on how the federal government can prevent unnecessary systemic risk in the future.
SH–216

10 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine plastic additives in consumer products.
SR–253

Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Paul A. Schneider, of Maryland, to be Deputy Secretary of Homeland Security.
SD–342

10:30 a.m.
Aging
To hold hearings to examine the future of Alzheimer's disease, focusing on current breakthroughs and challenges.
SD–106

2:30 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold hearings to examine addressing the challenge of children with food allergies.
SD–430

3 p.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee
To hold an oversight hearing to examine the National Archives, focusing on protecting our nation's history for future generations.
SD–342

Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Federal Trade Commission.
SD–192

MAY 15

9:30 a.m.

Indian Affairs

To hold hearings to examine S. 1080, to develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, H.R. 2120, to direct the Secretary of the Interior to proclaim as reservation for the benefit of the Sault Ste. Marie Tribe of Chippewa Indians a parcel of land now held in trust by the United States for that Indian tribe, S. 2494, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam, H.R. 2963, to transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and S. 531, to repeal section 10(f) of Public Law 93-531, commonly known as the "Bennett Freeze".

SD-562

10 a.m.

Banking, Housing, and Urban Affairs

Business meeting to consider H.R. 634, to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States, S. 1100, to address the regulation of secondary mortgage market enterprises, and an original bill to make technical corrections to Title III of SAFETEA-LU.

SD-538

Commerce, Science, and Transportation

Business meeting to consider pending calendar business.

SR-253

Homeland Security and Governmental Affairs

To hold hearings to examine nuclear terrorism, focusing on providing medical care and meeting basic needs in an aftermath.

SD-342

Judiciary

To hold hearings to examine S. 2913, to provide a limitation on judicial remedies in copyright infringement cases involving orphan works, S. 2511, to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship, S. 2565, to establish an awards mechanism to honor exceptional acts of bravery in the line of duty by Federal law enforcement officers, H.R. 4056, to establish an awards mechanism to honor Federal law enforcement officers injured in the line of duty, S. 2774, to provide for the appointment of additional Federal circuit and district judges, S. 1738, to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators, S. 2756, to amend the National Child Protection Act of 1993 to establish a permanent background check system, S. 1515, to establish a domestic violence volunteer attorney network to represent domestic violence victims, S. 2942, to authorize funding for the National Advocacy Center, S. 2982, to amend the Runaway and Homeless Youth Act to authorize appropriations, and the nomination of G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

SD-226

2 p.m.

Appropriations

Business meeting to markup the Emergency Supplemental Appropriations Bill for fiscal year 2008.

SD-106

Foreign Relations

To hold hearings to examine United States-China relations in the era of globalization.

SD-419

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine the organizational structures of the State Department responsible for arms control, counterproliferation, and nonproliferation, focusing on the processes they have in place for optimizing national efforts, and how responsive those structures and processes are to the Executive Branch's nonproliferation and counterproliferation polices.

SD-342

2:30 p.m.

Armed Services

Business meeting to consider pending military nominations.

SR-222

Energy and Natural Resources

To hold hearings to examine development of oil shale resources.

SD-366

MAY 20

10 a.m.

Energy and Natural Resources

To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109-58).

SD-366

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine financial speculation in commodity markets, focusing on institutional investors and hedge funds contributing to food and energy price inflation.

SD-342

MAY 21

9:15 a.m.

Foreign Relations

To hold hearings to examine treaty Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning Defense Trade Cooperation, done at Washington and London on June 21 and 26, 2007 (Treaty Doc. 110-07), and treaty Between the Government of the United States of America and the Government of Australia Concerning Defense Trade Cooperation, done at Sydney, September 5, 2007 (Treaty Doc. 110-10).

SD-419

9:30 a.m.

Veterans' Affairs

To hold hearings to examine pending health care legislation.

SR-418

10 a.m.

Judiciary

To hold hearings to examine the skyrocketing price of oil.

SD-226

JUNE 3

9:30 a.m.

Armed Services

To hold hearings to examine the acquisition of major weapons systems by the Department of Defense.

SD-106

JUNE 4

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine veterans disability compensation, focusing on undue delay in claims processing.

SR-418

JUNE 5

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine off-highway vehicle management on public lands.

SD-366

JUNE 26

9:30 a.m.

Veterans' Affairs

Business meeting to markup pending calendar business.

SR-418

POSTPONEMENTS

MAY 15

9:30 a.m.

Indian Affairs

To hold an oversight hearing to examine access to contract health services in Indian country.

SD-562

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the condition of our nation's infrastructure, focusing on perspectives from our nation's mayors.

SD-538

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

SENATE—*Tuesday, May 13, 2008*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, the way, the truth, and the life, give our lawmakers growth of ethical vision that, with the passing of years, they may enter into the fullness of faith. Uphold them in their disappointments and make them patient, even amid the unsolved mysteries of life's seasons. Let such robust confidence in You shine through their lives with such persuasive beauty that it will dispel the darkness of fear and doubt. Lift their lives from the battle zone of combative words to a caring community, where leaders communicate esteem and respect to each other. Lord, help them to trust in Your unfailing love and to rejoice at the unfolding of Your merciful providence.

We pray in the Name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 13, 2008.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader time, the Senate will resume consideration of S. 2284, the flood insurance legislation. There will be 60 minutes for debate equally divided and controlled in the usual form prior to a series of votes. Senators should expect votes to begin shortly after 11, maybe 11:10 or thereabouts, in relation to the following items: The McConnell amendment on energy with a 60-vote threshold; Reid amendment on energy with a 60-vote threshold; passage of S. 2284, the flood insurance legislation; cloture on the motion to proceed to H.R. 980, first responders collective bargaining. As a reminder, the Senate will recess from 12:30 until 2:15 today to allow the weekly caucus luncheons to meet.

OBSTRUCTIONISM

Mr. REID. Mr. President, we have talked now for several months about the number of filibusters. Today, this will be raised to 71. Comments have been made by Republican leaders that it doesn't matter; we are just doing the people's business; we are only getting done what is important.

The American people know what is going on. It is obstructionism at its zenith, at its best. The American people are beginning clearly to see this issue. A story in newspapers all around the country today, based on an article by Jon Cowen and Dan Balz in the Washington Post, indicates that the American people are seeing what is going on.

In polling done by the Post, along with others, the political party in America best able to deal with the country's problems: Democrats, by a 21-point advantage. It is obvious why. We are trying to do something about the problems facing America today. We are trying to do something about the intractable civil war we are engaged in in Iraq. We have a situation where we have 50 million people with no health insurance. We have the Earth's temperature rising every day. Our Earth has a fever. We need to do something legislatively to try to bring down that fever. We have an education system that is in crumbles. We want to do something about educating the troops coming back from Iraq. We believe these troops are just as gallant and heroic as the troops who fought in World War II. When the World War II troops came home, they had the ability to go to school and were educated, and it happened. It changed America forever. We think America could be changed forever again in the new paradigm we now face with these men and women coming back by the tens of thousands and not being able to afford to go to school.

We know that the Presidential candidate of the Republicans, Senator MCCAIN, says it is too generous. Well, this piece of legislation, written by JIM WEBB, is generous, but it should be because these troops returning from Iraq deserve our generosity.

The Democratic advantage is going to be pronounced come election time. We have tried to work on a cooperative basis and have been denied that time after time after time. We know that Bush's disapproval rating in some polls is around 70 percent. Think about that. We have had a number of stories written in just the last 10 days that the lowest approval rating of any President in history is the President we are now dealing with, a person who is a divider, not a uniter. The American people see this. Eighty-two percent of the American people feel our country is headed in the wrong direction. I would hope that during the next few months we have left in this legislative session, we can stop the increase in this number here and work to try to accomplish good results for the American people. We have so much that needs to be done. We want to work to get this done. If we are able to accomplish things, there is credit to go around for everyone, Democrats and Republicans. But, of course, the obstructionism we face has made it so that there is no credit to go around, period. The American people have identified this, and rightfully so.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

ENERGY

Mr. MCCONNELL. Mr. President, later this morning we will vote on an amendment to increase production of American energy, which will help lower prices at the pump and create more American jobs. Last year, this Congress acted in a bipartisan way to reduce our demand for oil by increasing fuel economy standards for cars and trucks and by increasing our use of renewable fuels. But no matter how hard we might try, we cannot repeal the law of supply and demand. We know we also need to increase supply in order to lower gas prices, and that is what our amendment does.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In the short term, it places a 6-month moratorium on deposits to the Strategic Petroleum Reserve, which will immediately have an impact on domestic supply. It also increases production of American energy right here at home by opening a small portion of the Arctic National Wildlife Refuge for production and allowing coastal States to decide if they want to allow increased production on the Outer Continental Shelf. It repeals the moratorium on oil shale development that was included in last year's Omnibus appropriations bill, and it would encourage the development of coal to liquid, a very promising substitute for petroleum products that we can produce right here in America and specifically in Kentucky, my home State, with American workers. Our amendment would provide grants and loans to accelerate the development of advanced batteries that can be used to power the next generation of plug-in hybrid vehicles here in America. These measures, coupled with the conservation and biofuels measure we supported last year, will increase our energy independence and help to bring down gas prices in the long term.

Some say opening new areas for production won't do anything in the short term. But remember, if President Clinton had not vetoed legislation to open ANWR 13 years ago, more than a million barrels of oil would be flowing to American consumers every single day. I believe it makes more sense for us to produce these additional barrels here at home with American jobs rather than begging OPEC to produce more, as some on the other side have advocated.

I urge my colleagues to consider our long-term energy goals and our need for increased energy independence and vote in favor of this amendment.

We can't continue to ignore the No. 1 issue facing American families, and further delay is not an option that Americans can afford. Some of our friends on the other side of the aisle believe we need to ask OPEC to supply more oil, that we ought to be sending even more money and jobs to the nations of OPEC. But we take a different approach. Our amendment would increase the production right here at home in America. While some want to increase OPEC's control over oil supply by refusing an increase in American supply, our amendment increases American control through American energy and American jobs right here in the United States.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FLOOD INSURANCE REFORM AND MODERNIZATION ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 2284, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 2284) to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

Pending:

> Dodd/Shelby amendment No. 4707, in the nature of a substitute.
>
> McConnell amendment No. 4720 (to the text of the bill proposed to be stricken by amendment No. 4707), of a perfecting nature.
>
> Allard amendment No. 4721 (to amendment No. 4720), of a perfecting nature.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 1 hour of debate equally divided between the two leaders or their designees.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to speak to the amendment which we will vote on shortly. It relates to the cost of gasoline. I can't think of another issue that has been in the forefront across America for a longer period than the cost of gasoline. It goes beyond that, obviously, to diesel fuel and jet fuel costs. We see it every day. You drive down the road, and you watch prices going up at the gas station. People ask Senators and Congressmen: You are supposed to be the bigwigs here. You are supposed to be so influential. Why haven't you done something; the gas prices are killing us.

And they are. Whether it is a family member commuting back and forth to work in downstate Illinois, trying to get to the State capitol, whether it is a an over-the-road trucker spending almost $1,000 to fill up his rig with diesel fuel, whether it is the CEO of an airline who has seen the worst first-quarter losses in the history of that airline because of the rise in the cost of jet fuel, it is hitting everybody. I talked to a chiropractor over the weekend. She told me her practice was dying because people didn't want to drive 20 miles for her services. They said: We will see you every other week instead of every week. As you see, it is starting to reach into every single area.

So what response do we have from the Republican side? The response is predictable and ineffective. Here is what they say: You know what we ought to do. We ought to start drilling for oil in the Arctic National Wildlife Refuge and we ought to start drilling for oil off the coasts of America.

OK. How much oil is there?

Oh, there is a lot.

In the scheme of things, it is not a lot. All of the oil reserves within the control of the United States of America, all of them combined come to 3 percent of the world's total oil reserves. Each year, our Nation—a powerful, large economy—consumes 25 percent of all the oil produced in the world. We cannot drill our way out of this issue. We cannot drill our way to lower prices.

Here is something they fail to mention: If we gave approval today—which I think would be a bad idea—to the Republican approach, it would be years before the oil would start trickling in, meaning years of high prices.

So what can we do here and now? Two things: First, we can start dealing with the price gouging of consumers. Prices are going up dramatically at historically high rates. They are not justified by the barrel-of-oil prices. The spread between the cost of a barrel of oil and the cost of refined product keeps growing larger and larger, and the oil companies that are refining the crude oil keep making more and more money. Price gouging is going on. That is the first issue. Is there any mention of consumer price gouging in the Republican approach? Not one word. In the Democratic approach, we believe price gouging should be part of this.

Secondly, accountability of the oil companies. These oil companies, over the last 7 years when George Bush from oil country has been our President, have seen their profits quadruple—four times the profits they were making just a few years ago. The cost of oil and diesel fuel has gone up 2½ times; the oil company profits, quadrupled. These companies are not only making more money than oil companies have ever made, they are making more money than any business in the history of America. That is a fact.

We have a windfall profits tax. We say there is a limit to how much these oil companies should be making as profits when it causes so much damage to American families and businesses and farmers and truckers and the economy. We have a windfall profits tax. The Republican approach: nothing—nothing to address the oil company profits. That is the reality.

Now, Senator REID, the Democratic majority leader, came to the floor a few minutes ago and told us what is going on with the Republican strategy. So far in this session of Congress—we have 2-year sessions of Congress—the Republicans have initiated 70 filibusters. Today, they will hit 71. You might say: So what. What does that mean? In the history of the Senate—over 200 years—the maximum number of filibusters in a 2-year period of time was 57. The Republicans have broken that record.

What is a filibuster? A filibuster is a way to delay, slow down, avoid, try to turn the page to another issue. Over and over and over again—70 times—the Republicans have now set a record for obstruction in stopping progress in the Senate, whether it is on issues of energy, whether it is on issues of health care, helping our schools, dealing with the war in Iraq—over and over and over again, Republican filibusters.

Today, we will have a vote. We are going to have a vote in a short period of time—at 12:15, maybe earlier; I am not sure. But in the course of that vote, we will have a choice on whether we at least will make one small step forward when it comes to dealing with gasoline prices. We cannot justify, in the current situation, continuing to take oil off the market where the Federal Government buys it and stores it. It is called the Strategic Petroleum Reserve. Currently, it is at about 97 percent of capacity. We are buying the most expensive crude oil in the history of the world, and storing it, taking it off the market, further putting an increase on gasoline prices.

We will offer an alternative to the Republican approach which will say that we will suspend filling the Strategic Petroleum Reserve. It might pass. Fifty-one Democratic Senators, incidentally, wrote a letter to the President on March 11 asking the President to suspend the filling of the Petroleum Reserve because gasoline prices were out of control. The President refused. Now we have to pass a law to force the President to do something about these gasoline prices.

I think suspending shipments to the Strategic Petroleum Reserve is the most sensible way for us to bring these prices down. I hope we can get the cooperation of the Republicans, beyond that, to deal with the price gouging of consumers and accountability for oil companies and not face another Republican filibuster when it comes to that important issue.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DURBIN. Mr. President, can I propound one unanimous consent request, please. I am sorry. If the Senator from New Mexico will allow me, I ask unanimous consent that the following Senators be allocated 5 minutes each from the majority's time after the Senator from New Mexico speaks: Senators KENNEDY, DORGAN, and BINGAMAN.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DOMENICI. Mr. President, just a minute. Do you have time on each one of them?

Mr. DURBIN. We will alternate back and forth.

Mr. DOMENICI. I understand.

Mr. DURBIN. These Senators asked for 5 minutes each.

Mr. DOMENICI. I did not hear the "5 minutes each." I am sorry. I have no objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, following mine, we would like Senators HUTCHISON, ENZI, VITTER, and CORNYN to be recognized for 5 minutes each, and 5 minutes for wrap-up for the Senator from New Mexico, with 10 minutes right now for the Senator from New Mexico, and alternating back and forth.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mr. DOMENICI. Mr. President, I just have so much to talk about. I wanted to follow my text I had prepared, but having heard the Democratic Senator discuss this issue, I have to tell the American people, one, their energy policy, if they are talking about today, is a policy that has to do with the filling of the Strategic Petroleum Reserve. The leader of that policy is the distinguished Senator DORGAN. He has led that cause, and he is going to win. But literally that cannot be an energy policy. It is 70,000 barrels a day that we are not going to buy and put in the reserve—70,000—and that is for the rest of this year.

Now, we use 21 million barrels of oil a day. So let's face up to it. If you do not think 1 million barrels a day from the Alaskan arctic wilderness—which would be American, and we could get that coming to America for maybe 50 years—if that is not better than 70,000 barrels for 7 or 8 months to not put in the Reserve but leave in the world market—I will leave that to anybody who is listening.

Price gouging is in their portfolio again. They talk about it. Last year, we gave authority to the Federal Trade Commission. They have not yet found any gouging. We hope they do.

Now, I would like to go on and talk about what we are trying to do.

Mr. President, I ask unanimous consent that I be added as a cosponsor to amendment No. 4737. It is now known as the Reid amendment, but it is actually Senator DORGAN's amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, earlier this year, I gave a detailed speech on the Senate floor about the perils of our Nation's growing dependence on foreign oil. At that time, I noted the Nation was ignoring policies that would increase our energy supply while the stranglehold of foreign oil was tightening. I spoke bluntly and warned of dark days ahead for our Nation's economy and foreign policy if we continued to send our money abroad to buy oil from unstable and hostile regions around the globe.

I stated that at the current price of oil, we are at a pace to send nearly a half trillion dollars overseas annually to purchase oil—a half trillion. When the driving season ends, and the price at the pump subsides a bit, naturally the volume of constituent letters and phone calls will decrease a bit. When the cameras fade and the focus of the day begins to turn elsewhere, we should stop and reflect on the debate we are having today.

Make no mistake, a growing and gathering storm is swirling around this Nation. It is threatening our economic strength, our national security, and our place in the world. That storm comes in the form of dependence upon foreign oil.

Last year, Congress passed a strong energy bill, built on advancing cellulosic ethanol and strengthening our fuel efficiency standards. We made great steps in setting up policies that will reduce our gasoline consumption. However, I said at the time, and say again today, last year's legislation had a glaring weakness, which is highlighted today. Last year's bill failed to include measures for domestic energy production.

When we tried to open the Virginia Outer Continental Shelf to natural gas leasing, the other side blocked that. When we tried to improve our Nation's refining capacity, the other side blocked that. And when we tried to advance domestic coal-derived fuels—a very major way for America to diminish its dependence on foreign oil—the other side blocked that. On conservation and efficiency and the pursuit of clean energy, this Chamber is in wide bipartisan agreement. But on producing more American oil and gas to reduce the price of gasoline at the pump, it will become clear from today's debate and vote that the vast majority on the other side opposes action.

When today's vote is over, regardless of the outcome, I will continue to return to the Senate floor and speak on this important issue of our growing dependence on foreign oil. I will continue to speak out against policies that increase the cost of energy, when the American people so clearly want us to provide relief from high gas prices.

I have listened intently to the increased debate over the past few weeks about our energy challenges. I have heard some on the other side plead with OPEC nations to increase production by one-quarter of the amount we provide for in America with this amendment—one-quarter the amount. I have heard ANWR opponents from a decade ago repeat their claim from a decade ago that ANWR oil will take a decade to produce. I never heard this argument when we were supporting increasing vehicle fuel economy standards that we know will take a decade to come to fruition. We passed a bill that everybody takes credit for. It will take 10 years for it to have an impact. Yet we praise ourselves for producing it.

Of course, all of this would be assuming the price of oil did not increase over $100 per barrel during the time that ANWR was being blocked. If President Clinton had not vetoed ANWR over 12 years ago, we would have this oil from Alaska on the market today. I have also heard my colleagues argue that 70,000 barrels of oil per day would make a significant difference in the price of oil—that is the SPR bill—while denying access to over 1 million barrels of oil per day from ANWR alone.

It is time to act, and what the other side has offered at this critical moment is talk of energy independence supported by more Government investigations and empty threats to OPEC combined with pleas for more OPEC production. If that were not enough, we are faced with the prospects of a windfall profits tax like the one that passed in April by the Chavez administration in Venezuela. We tried to implement such a tax in the 1980s. It did not work then, and it will not work now. We cannot produce more energy by taxing oil companies or taxing anyone.

According to the Congressional Research Service, the imposition of a windfall profits tax could have "several adverse economic effects." And such a tax could be expected to "reduce domestic oil production and increase the level of oil imports." The architect of this tax during the Carter administration recently called the windfall profits tax "a terrible idea today."

Today, we consider real solutions to our national problem. On May 1, I introduced the American Energy Production Act of 2008. Obviously, if we had Democratic support and help we could make it even better, but we had to do this with Republicans, to lay before the American people a fact: that there are ways to produce more American oil and natural gas without doing any real harm to the American environment. I am pleased to have 21 cosponsors on that bill, and I am pleased Senator McCONNELL has offered this legislation as an amendment to the bill currently before us. Unfortunately, the other side has not allowed us to consider this proposal to address record-high gas prices.

Speaking of filibusters, on our bill they have insisted there be 60 votes. That is the equivalent of a filibuster. So you can chalk one up for us. They are filibustering the only Energy bill we have seen in a while that would produce energy for America.

I support the bipartisan amendment on the Strategic Petroleum Reserve, and I have already indicated to you that I do, and it needs no further explanation. I am confident, if enacted, the American Energy Production Act—the one we are talking about—will strengthen our Nation's security for decades to come. In this legislation, we open 2,000 of the 19 million acres of the Arctic National Wildlife Refuge. And I defy anyone with common sense to seriously contend that 2,000 acres out of 2 million will harm that wilderness. It can be done with a small footprint, and everyone knows it. We have just chosen sides, regardless of the real facts. Therefore, I assume the Democrats will defeat it again.

Taken together, these policies enable the production of 24 billion barrels of American oil, which would increase our domestic production by nearly 40 percent over the next three decades. Opening ANWR alone would create thousands of American jobs, provide $3 billion in revenues in the next 10 years to the Federal Treasury, and bring on line over 1 million barrels of oil per day. This amendment also spurs the commercialization of coal-derived fuels and oil shale resources. Advancement of these policies will be spoken of in more detail by other Senators but, clearly, they are things to look at. The American people ought to know about them. They are sources—huge sources—of energy that can be made in America by Americans for America. With emerging economies around the world increasing their thirst for oil, we face a new energy challenge in America.

The world demand for oil continues to grow. America's production of oil has fallen to its lowest levels in 60 years. That is because we haven't done anything new or significant to add to what we have produced for years. If we do not start producing more of our own energy resources, we will continue to rely on unstable foreign oil and continue to pay a high price. That is what is at stake with today's vote. We probably will not win, but we feel very comfortable giving the other side an opportunity to vote no again for the production of oil and gas that is American, by Americans, for America.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

EMPLOYER-EMPLOYEE COOPERATION ACT

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

We are going to be voting on some extremely important energy issues, and I have expressed my views on those before. I wished to take an opportunity to talk about another matter which we will be voting on later this morning, early this afternoon, and then will be the subject matter that will be before the Senate for the next few days. It is an extremely important matter. It deals with our national security; primarily homeland security. It deals with the challenges that our first responders are faced with. I am talking about our police officers, our firefighters, and our first responders. They are the ones who are on the cutting edge of our domestic national security.

We are seeing massive reorganizations of our various institutions that have dealt with homeland security. We have seen additional resources focused on homeland security. The legislation Senator GREGG and I offer will strengthen our national security by including those individuals who are on the frontline into the decisionmaking about what is helpful and useful in terms of the security of our communities, small cities, and large cities all across this Nation. It will give them a voice in making judgments and decisions so those decisions and judgments are not only going to be made by policymakers and bureaucrats but by men and women who are on the ground. The legislation is called our Public Safety Employer-Employee Cooperation Act. It is bipartisan in nature, and it can make an extraordinary difference.

We had the opportunity last evening to go over the essential elements of the legislation, sort of the dos and the don'ts. There are those who have misconstrued this legislation and have misrepresented the legislation. We have seen that sort of technique around here in the Senate when Members differ with the legislation. They distort it or misrepresent it and then differ with it. It is an old technique that is used around here.

We will have the chance this afternoon and tomorrow—and this is a notice we will welcome—Senator GREGG and I—will welcome amendments. This legislation has in one form or another been before the Senate previously. It had extraordinary bipartisan support in the House of Representatives. I believe 98 Republicans supported the legislation, which is an indication of the breadth of support it has.

So we will look forward—and we are going to urge our colleagues to help us move this legislation, which is of such great importance and consequence to the security of our people—we will ask them to help us move it forward. This week is Police Week. Police Week goes back actually to 1962, when it was named by President Kennedy. Since that time, police officers have gathered to pay tribute to those members of the force who have lost their lives over the period of the last year. It is a very impressive ceremony for those who have not gone to it. I have on a number of different occasions. But we take time this week to pay tribute to those first responders, and we have welcomed their very strong support for this legislation.

This legislation will affect police officers and firefighters. Some 300,000 police officers in 24 States will benefit from this bill and are in strong support of the legislation. We also see support with regards to the firefighters: 134,000 firefighters in 24 different States will benefit. We have worked very closely with them. These are the various groups that support this legislation: The International Association of Firefighters; Fraternal Order of Police; the National Association of Police Organizations; the International Union of Police Associations; the American Federation of State, County, and Municipal Employees; and the International Brotherhood of Teamsters.

So as I say, we will be ready to deal with this right after the caucuses that we will have during the noon hour. This legislation will hopefully be before the Senate. We are hopeful now. This is a vote on the motion to proceed. We ought to at least have that opportunity to debate this issue, and we are hopeful we will receive the support from both sides of the aisle so we can move forward and debate the issue.

My time has expired and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise today to talk about the bill we are going to vote on starting at 11 o'clock. We have an amendment filed by the distinguished Republican leader. The Senator from New Mexico is the prime sponsor of this amendment. I commend Senator DOMENICI for his continuing leadership in the energy arena.

In January of 2007, when control of Congress changed hands, the price of gasoline was $2.33 a gallon. Today, it is $3.73 a gallon. That is a 60-percent increase, and it is going in that direction even further.

The reason for the record-high price is simple economics. The global demand for energy has soared, especially in fast-rising countries such as China and India. Meanwhile, the supply of energy has remained largely stagnant. This is a simple, classic economic principle: The law of supply and demand. When the demand goes up and the supply stays the same, the price goes up. Knowing that, the best way for Congress to reduce the price of energy is to increase the supply of energy. We need more American oil, more American natural gas, more American clean coal, and we need more American nuclear power. That is why I joined the ranking member of the Energy Committee to introduce the bill today that would do exactly that.

First, the Strategic Petroleum Reserve. Two weeks ago, I wrote a letter to the President, signed by 13 Republican Senators. I noticed it was announced by the majority leader that 51 Senators on his side had signed the same type of letter in March. I ask unanimous consent that the letter be printed in the RECORD with the signatures of the 13 Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 29, 2008.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We write today to request that the U.S. Department of Energy (DoE) immediately halt deposits of domestic crude oil into the U.S. Strategic Petroleum Reserve (SPR). As we enter the busiest driving season of the year. the price of a barrel of West Texas Intermediate crude oil hovers around a record $120.

The SPR was established in 1975 to provide a supply of crude oil during times of severe supply disruptions. Today. The SPR contains more than 701 million barrels of oil, exceeding our International Energy Program commitments to maintain at least 90 days of oil stocks in reserve.

High energy prices are having a ripple effect throughout the U.S. economy and exacerbating recessionary pressures. The Energy Information Agency reports that supplies and inventories of crude oil and refined products are above 2007 inventories while our demand for gasoline is down. Yet, the price of crude oil has skyrocketed 100% from last year's levels which were just above $63 a barrel in April 2007. Despite these economic realities, the DoE recently solicited contracts to exchange up to 13 million barrels of royalty oil from Federal leases in the Gulf of Mexico for deposits in the SPR.

Some analysts blame geopolitical instability and disruption in production for the rapid price increases; however, these factors alone do not explain the extraordinary increase in oil prices compared to previous years, when these same challenges were present. Temporarily halting deposits to the reserve can provide some relief because the increased supply of oil available for refinement will send the right signal to all markets that the U.S. Government will take measures necessary to address exorbitant crude oil prices that negatively affect the global economy. We believe, in light of the dramatic increase in oil prices, a temporary halt to deposits into the SPR should be considered until the economy stabilizes.

I appreciate your attention to this matter and look forward to hearing back from you.

Sincerely,

Kay Bailey Hutchison, John Barrasso, Kit Bond, John E. Sununu, Johnny Isakson, Orrin G. Hatch, Jeff Sessions, Saxby Chambliss, Judd Gregg, John Cornyn, Lisa Murkowski, Elizabeth Dole, Sam Brownback, Susan Collins.

Mrs. HUTCHISON. Mr. President, what we are asking the President to do is temporarily halt deposits of oil into the SPR. Today, the SPR holds 118 days—almost 4 months—of reserve for an emergency in this country.

I wish to stop now to ask unanimous consent to be added as a cosponsor of the Dorgan amendment No. 4737.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Because what the Dorgan amendment does—and what is also included in our bill—is to ask for a temporary halt on any more oil going into the SPR. Halting the daily deposits of 76,000 barrels a day into the SPR would allow 3 million additional gallons of gasoline to be available on the market. If we halted the 13 million barrels of oil the Department of Energy has sought contracts for to go into SPR, it would be more than the total February 2008 imports from Libya, Syria, Kuwait, United Arab Emirates, Egypt, Azerbaijan, and China combined.

The amendment offered today would halt additional contributions to the SPR for 180 days and ensure that these resources could be utilized immediately in the marketplace. In addition, we would open the grassy plains of ANWR, which is unavailable for drilling today. The U.S. Geological Survey estimates there could be as much as 10 billion barrels of oil in ANWR. This would be almost enough oil to replace what we import from Saudi Arabia every day. What would be drilled in ANWR isn't near a forest or a stream. It is a grassy plain. It is 2,000 acres, about the size of National Airport, in an area of ANWR which is the size of the State of South Carolina. So drilling in this grassy plain would be environmentally safe, and it would make America much more independent, much more reliant on ourselves and our resources for our energy needs—a place we need to go.

Another area, the Outer Continental Shelf, could contain as much as 115 billion barrels of oil.

Mr. President, I ask unanimous consent that I have 3 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. There could be 115 billion barrels of oil in the Outer Continental Shelf. That is more than Venezuela's proven reserves of 80 billion barrels.

We need more refinement capacity. This amendment encourages refinement expansion to alleviate supply concerns with refined petroleum, which is gasoline.

This amendment we are voting on today would not do much to bring down the demand because, in fact, we can't control what China and India are demanding in oil and natural gas resources, but it can affect supply. That is what Congress has turned a blind eye to doing.

All they talk about is a windfall profits tax on oil companies. We tried that once before and what happened? Jobs went overseas. We had to import more from overseas, so we became more dependent on foreign sources and we lost jobs for our country. The price would not go down. It would just come from foreign sources instead of ourselves. So let's don't talk about things that will not help; let's talk about supply, which we can help by working together to increase our utilization of our own natural resources.

This year we will spend about $500 billion to import oil. All those dollars could stay in America, creating good jobs in America and making us self-reliant. If there is anything America stands for, it is the spirit of self-reliance, of knowing that if we are running into a crisis, if our economy is down, that we would be dependent on ourselves because we have the resources to meet this demand. We have the resources. Now we need the willpower. We need the good old American spirit to say we can prevail. We can reduce prices. We can help the American family get over the hump. We can do something by relying on ourselves. That is what the amendment we are voting on will do.

I hope the American people will look at these votes. Do they want political rhetoric, windfall profits taxes that send jobs overseas or do they want real solutions short term, by not putting any oil in SPR right now and putting it on the market to start bringing that price down and to let those who are hedging on commodities know America is going to act. The best we can do for America to show those hedgers we are going to act is to say we are going to take the long-term steps. We are going to drill in our own areas that we control. We are going to put jobs in America. We are going to help the States get their royalties if they want to drill offshore. We are going to stand up and say: This is America, and we will take care of ourselves with our own natural resources. That is the vote today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I am not going to speak so much about what divides us. Today I wish to talk about what would unify us with respect to the two energy plans. We are going to vote on an amendment that is a bill I offered back in February of this year that would stop putting oil underground. Some say that doesn't mean very much in terms of energy prices or that it would not accomplish a lot.

We had testimony before the Senate Energy Committee by economists and an energy expert. Dr. Verleger testified that what's coming from the Gulf of Mexico is sweet light crude, the most valuable subset of oil. Despite the fact that it is a small percentage of the oil usage, it could have as much as a 10-percent impact on the price of sweet light crude. I don't think we should underestimate the significance of this proposal. At a time when oil prices are bouncing up in record highs, with oil prices at $120, $124, and $126 a barrel, we have speculators playing their fiddle. The oil prices dance up into the stratosphere; the economy is damaged; consumers get injured; and industries are going belly up.

The question at this time is, what unites us here? I will tell you one thing we can agree on. There are at least 80 Senators who have expressed themselves, including all three Presidential candidates. They have said let's stop putting oil underground. Is it a reasonable thing to do to set oil aside underground? We have something called the Strategic Petroleum Reserve. Let me show you what it is. This is what it looks like. Instead of oil going into the pipeline so you can convert gasoline to your automobile, it is going underground. This is what the SPR looks like. Here is where the SPR is being stored—at Bryan Mound, Big Hill, West Hackberry, and Bayou Choctaw.

The SPR is 97 percent full. The question is this: With oil at $126 a barrel and gasoline around $4 a gallon or more, and with the American consumer being burned at the stake, why should its Government be carrying the wood? Why should we be putting oil underground at a time of record-high prices? Who thinks it is smart to go out into the marketplace and take oil that is that valuable and stick it underground when it is having an impact of upward pressure on oil prices? That makes no sense at all.

As I said, all three Presidential candidates have said we ought to stop at this time. Eighty Senators have agreed with this decision. Somehow, the President and Vice President are insistent that we continue to fill the SPR.

Look, there are a lot of other things happening. Number 1, we need more production. I was one of four Senators who introduced the legislation, with Senator DOMENICI, that led to opening Lease Sale 181 in the Gulf of Mexico. That is additional production, and I am proud that became law. It should have been broader, but it got narrowed through the legislative process. I have a bill in to expand production in the Gulf of Mexico.

Yes, we need additional production, conservation, efficiency, and renewables. We need all those things. We have made progress in some of them. Last year, we finally passed reformed CAFE. We increased CAFE standards 10 miles per gallon in 10 years. That is a historic achievement after 32 long years in this Congress. We set us on a course toward renewables.

There are short-term, intermediate, and long-term solutions. John Maynard Keynes says that in the long run we are all dead. How about the short term? How about today? I know where there is 70,000 barrels of oil, including sweet light crude, that could go into the gas pumps and into cars and put downward pressure on gas prices. I know how we can take action and so do my colleagues. At least we can agree on that piece of legislation today.

Here is another point. There is unbelievable speculation in the commodities market. It is interesting. Let me give you a couple of charts that show this. The senior vice president of ExxonMobil said last month:

> The price of oil should be about $50 or $55 per barrel.

Mr. Cazalot, the CEO of Marathon, said:

> $100 oil isn't justified by the physical demand in the marketplace.

A man who testified before the Energy Committee, Mr. Gheit, a senior energy analyst with Oppenheimer, said:

> There is absolutely no shortage of oil, and I am absolutely convinced that oil prices should not be a dime above $55 a barrel. I call it the world's largest gambling hall. It is open 24/7.

The fact is, we have speculators, hedge funds, and investment banks that have never been in the futures market before and are in neck deep. They are driving up prices that have very little to do with the fundamentals of supply and demand. Should we ignore that and say that is OK?

Mr. President, I think I have consumed 5 minutes. I ask unanimous consent for 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Should we say that is OK, let's talk about other subjects? I don't think so. If you want to purchase stock on margin, you have to put up 50 percent of the money. If you want to control $100,000 worth of oil, the subject of such speculation, all you need now is a margin requirement between $5,000 and $7,000. It seems to me that the margin requirement ought to be increased to the point of wringing speculators out of the system. We need a futures market for legitimate hedging and for liquidity.

There are times when speculative bubbles develop. In this case, the bubble driving up the price of oil and gasoline at the pumps is damaging our economy. A lot of industries are suffering, including truckers and the airlines. It is hurting a lot of American families, and we can do something about it.

We have a couple different plans. Let's take the one common part of both plans, which is the amendment I offered as a bill in February, and pass that today because that will make a difference. Is it a giant step? Not at all. Is it a step that is finally at long last in the right direction? It is. So instead of getting the worst, let's try to get the best of both sides and say this we agree on, this we can do

My hope is that at the end of today, at least this Congress will have said to the President and Vice President: Stop doing what you are doing. The last thing in the world we ought to do is put upward pressure on gas and oil prices. We ought to put downward pressure on that, and we can do that today with one single vote.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I say to my friend, Senator DORGAN, I have changed my mind about the SPR bill. I think he knows that. People wonder about changing your mind. A lot of people change their mind. I changed mine because of the real price of oil and because I do believe we are not going to harm our strategic reserve by this one event. I wish to make the record clear. America needs the Strategic Petroleum Reserve. We must have it, and we should not grow accustomed to thinking the Strategic Petroleum Reserve is going to solve our energy supply problem. Senator DORGAN has never said that. But it would not. I will answer some of the remaining questions when I wrap up.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, last weekend, when I traveled around Wyoming, it was clear that high energy prices were on everyone's mind. It is a trend I have noticed each and every summer for the past several years. Each year, our constituents ask us to do something to address energy prices. While we talk and talk about what we are doing, rarely do we take any meaningful action.

It is a little different this year because Americans are seeing record prices at the pump. Those voices saying "get to work on this problem" are more numerous. They are louder. Will the anguished calls for help make it through the thick and, thus far, shut doors of Congress? Americans are caught in a tight spot. Some are asking: How can I put food on the table when I cannot afford the gas it takes me to get to work? On top of that, the food is more expensive because of the fuel it takes to produce and ship it.

No one in this Chamber has all the answers. No, but we can do something. We can act. We can help. The question for me and my colleagues in the Senate is, will we? We have the opportunity to do so today. We have the opportunity to vote for an amendment that provides short-term relief and, at the same time, helps address the long-term issues that got us into this situation. I am a cosponsor of the McConnell-Domenici amendment, known as the American Energy Production Act of 2008, because it is a responsible way to address the need to produce more domestic energy and to reduce energy prices.

The energy situation we are in has been a long time in the making, and we are not going to fix it overnight. We don't have enough domestic energy to meet our Nation's energy demands, but the American Energy Production Act would help change that. It opens an important sliver of the Arctic National Wildlife Refuge, ANWR, to environmentally conscious leasing and allows for more production from the Outer Continental Shelf, with consent of the State. Doing so will help the United States produce more of its own energy. Instead of sitting at the trough of foreign oil barons with our hands out begging, Americans will produce more American energy.

Later today, I expect to see support for the Dorgan amendment to suspend filling of the Strategic Petroleum Reserve. If you are worried about roughly 70,000 barrels a day staying off the market for this reserve fill, then you should be outraged that 1 million barrels a day from ANWR is kept off the market because it was vetoed by President Clinton more than 10 years ago. That is a million barrels we would not need to purchase from South American dictators, or a million barrels from countries who are friendly to those who wish to destroy the United States.

What will Americans say about this vote 10 years from now? Will they say: Better late than never, because we passed the American Energy Production Act, or will they say: You just didn't get it and now look at us suffer for it. The American Energy Production Act recognizes also that coal is our Nation's most abundant energy source. It recognizes American ingenuity. It recognizes that coal has been turned into diesel fuel for half a century, and it encourages the building of coal-to-diesel facilities in the United States. The United States is the "Saudi Arabia of coal." Wyoming is the leading coal producer in the United States. It makes sense that we use America's most abundant energy source at a time when we all agree we are too dependent upon foreign energy sources.

The amendment also includes a number of important provisions that will help Wyoming and the Nation. The amendment repeals the mineral royalty theft that was included in the fiscal year 2008 Omnibus appropriations bill. It allows development of oil shale to move forward.

I support the idea of developing more alternative energy, the use of wind energy, and the development of better solar energy technologies. As my constituents can tell you, Wyoming is an especially good State for wind, and we have high solar potential as well. While we need to develop these technologies for the long term, we need all the energy we can get.

We need more domestically produced oil, more wind energy, more domestic natural gas, more solar energy, more nuclear energy, and we definitely will need more clean coal energy.

Our Nation's energy policy is haphazard, broken, and it threatens to break our country. We need to make meaningful changes to that policy, and voting in favor of the American Energy Production Act is the first step in the right direction. I hope my colleagues will recognize the need to take this step and support the McConnell-Domenici amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me take up to 5 minutes at this point. If the Chair will advise me when that 5 minutes has been used, I would appreciate it.

We have two votes coming up related to energy. The first is on the McConnell amendment, which is a compilation of various provisions that relate to energy but, I argue, do not hold out much promise for affecting the price of oil or gas. Following that, we have the vote on the proposal that is put forward by the majority leader, Senator REID, with regard to suspending the filling of the Strategic Petroleum Reserve for the balance of this year.

I will be voting against the first amendment and voting for the second amendment. I hope my colleagues will do so as well. Let me give the reasons why I think we should vote against the Republican leader's amendment.

First, the Republican leader's amendment doesn't do anything to deal with the issue of speculation in oil markets. We have had testimony repeatedly before our Senate Energy Committee that speculation in these markets is a significant factor contributing to the $126-per-barrel price of oil we are seeing today. So if someone is concerned—as all of us are—about energy, consumers, and the burden that is being place upon them, then dampening speculation in these markets should be high on our list of work to be done. It is not in the Republican leader's amendment.

Of course, the amendment he proposes also doesn't do anything with regard to the weakening of the U.S. dollar, anything with our fiscal policies. Yesterday, I went into a discussion about how that is contributing to the increase in the price of oil. I think most economists would agree with that.

The second reason I would oppose the Republican leader's amendment is that it misses the boat on how to promote more supply. The argument being used is the assumption within the amendment that the way to promote more supply is we need to open more areas for drilling. And particularly we need to open the east coast of the United States for drilling offshore on the Outer Continental Shelf, we need to open the west coast offshore on the Outer Continental Shelf, and we need to open a portion of ANWR, the Arctic National Wildlife Refuge.

As I say, I think it misses the key issue in that we are opening additional areas for drilling at a pretty rapid rate in the onshore areas of the United States where oil and gas production occurs and in the offshore areas. But additional leases by themselves are not going to make a difference to consumers either in the near term or the medium term. What we need to be focused on is how we can promote more diligent development. Nearly three-quarters of what we have leased domestically onshore is not now being produced. A little over three-quarters of what we have leased offshore is not being produced, and that is what we should be concentrating on—how do we build in incentives for actual production in areas we have, in fact, leased.

Finally, with respect to future lease sales, the Republican leader's amendment leaves out the most promising area, and that is the area in the gulf coast, particularly the area we have still not opened in the original lease sale 181 area of the gulf coast. This is something we clearly should be addressing as well.

As I say, the second vote is going to be on the proposal to suspend the filling of the Strategic Petroleum Reserve. A version of that is in the Republican leader's amendment, as well as being proposed by Senator REID. I hope we will get a very strong bipartisan vote for that provision.

I do think it is prudent to turn down this compilation of various energy-related provisions that has been put forward by the Republican leader with the claim that it is going to bring down the price of gas. It simply will not.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise today in strong support of the McConnell-Domenici amendment because it does what we need to do to address this real crisis in our country—crippling energy prices, rising energy prices that hit the pocketbook of every Louisiana family I represent and every American family, that is causing grave concern about our economic future.

I am afraid what we heard from the distinguished Senator from New Mexico just now is more of the same excuses we have heard for a couple of years now: why we can't do this, can't do that, and can't act in general. What has that inaction, that paralysis, those excuses all led to? I will tell you what it has led to. It has led to soaring energy prices. In January 2007, when this Democratic Congress took office, the average price of a gallon of gas was $2.33 at the pump. Today, it is $3.72—a 60-percent increase. That is what those excuses, that is what that inaction has led to.

We need to do a number of things across the board on the demand side and on the supply side. This Domenici-McConnell amendment includes all of those. Does it include every one of them? No. No single proposal is ever going to include every good idea out there that we probably need to act on, but it includes a lot on which we need to act.

I want to focus on one part of the amendment in particular of which I am very supportive, and that is opening more of our Outer Continental Shelf to exploration and production.

I believe one of the most important things in energy policy that we have done since the short time I have been in the Senate is to open new parts of the Gulf of Mexico with revenue sharing. This provision in the Domenici-McConnell amendment will expand on that precedent. It would say we can open areas of the Atlantic and the Pacific, but with two very important caveats, both of which are great policy. First of all, the host State, the State off which the activity would occur, has to want the activity, has to agree to it. The Governor has to say: Yes, we want this activity off our waters. And secondly, that host State in return would get significant revenue sharing, exactly the same revenue sharing we passed a few years ago, 37.5 percent to go to the host State to meet its environmental or educational or highway or other needs. That is sound policy. We passed that policy for new areas of the gulf that were opening. We need to expand on that policy to dramatically increase our domestic energy production, and we can do that safely and in an environmentally friendly way.

There is much the McConnell-Domenici amendment does that is needed as well, but I wanted to highlight that point because it is so absolutely crucial and important. It builds on good policy we set a few years ago. It expands on that precedent, and I believe expanding on that precedent can significantly increase our domestic energy resources in this country.

Do we need to do other things? Absolutely. Do we need to act on the demand side further? Absolutely. This isn't brain surgery. Economics 101 tells us that price has to do with two lines on a graph: the demand line and the supply line. We need to mitigate, bring down demand, and we need to increase supply. I am for any reasonable policy that does those two things. On the demand side, conservation, greater efficiency, new sources and forms of energy—absolutely.

I am going to agree with Senator DORGAN and vote for his amendment regarding the Strategic Petroleum Reserve. Like Senator DOMENICI, I have changed my mind on that issue because the increases in price at the pump have gotten so dramatic and so outrageous. So that can mitigate demand increases as well.

But as we make all of those efforts on the demand side—and we need to do more—we cannot constantly ignore the supply side, particularly the domestic supply side. That is exactly what this Congress has done for the last 2 years. Mr. President, $2.33 price at the pump then; $3.72 price at the pump today. Let's act, and let's act now.

I yield the floor.

Ms. COLLINS. Mr. President, I wish today to support the amendment offered by the Senator from Nevada, Mr. REID. It embodies a policy change that I have advocated for many months. In January, I wrote to the Secretary of Energy and urged the administration to stop filling the SPR while oil prices are so high. The Reid amendment would suspend acquisition for the Strategic Petroleum Reserve, SPR, until the end of the year or until the price of a barrel of oil goes below $75.

The SPR is an emergency stockpile and an essential safeguard against major disruptions in global oil markets. However, the SPR already contains nearly 700 million barrels of oil, 97 percent of its current storage capacity. This is more than sufficient to meet a crisis.

Mr. President, our Nation faces record-high energy prices affecting almost every aspect of daily life. The prices of gasoline, home heating oil, and diesel are creating tremendous hardships for American families, truckers, and small businesses. High energy prices are a major cause of the economic downturn. Last week, crude oil was trading at over $120 per barrel.

The administration's decision to fill the SPR when oil prices are so high defies common sense. In 2005, the Senator from Michigan, Mr. LEVIN, and I joined forces on a bipartisan amendment directing the Department of Energy to better manage the Reserve by requiring the Department to avoid purchases when prices are high so as not to drive up prices further by taking oil off the market. I don't believe the Department of Energy is abiding by this law. If it were, the Department would not be making purchases while prices are so high.

It simply does not make sense for the Department of Energy to be purchasing oil for the Reserve at a time when oil prices exceed $120 per barrel. The Federal Government is taking oil off the market and thus driving up prices at a time when consumers are struggling to pay their fuel bills.

If the administration stopped purchasing oil for the SPR, the Energy Information Administration has estimated that the impact on gas prices would be between 4 and 5 cents a gallon. Other experts believe it is considerably higher. At a hearing before the Permanent Subcommittee on Investigations in December, one energy expert, Philip Verleger, said, "DOE's actions added between 5 and 20 percent to the price of oil." It is a bad deal for taxpayers for the Department of Energy to be purchasing oil when prices are so high.

There are other short-term steps we must take to address the energy crisis—for example, regulating energy futures markets and repealing tax breaks for major oil companies—but suspending filling the SPR is a key step that I hope we approve tomorrow.

In the long term, our challenge to address energy prices is, of course, to reduce our reliance on imported oil. We need to pursue the goal of energy independence just as fervently as the Nation embraced President Kennedy's goal in 1961 of putting a man on the Moon. Energy independence, stable energy costs, and environmental stewardship are goals that are within our reach. I urge my colleagues to get us started on the effort by supporting this proposal to suspend filling the Strategic Petroleum Reserve.

Mr. DORGAN. Mr. President, how much time remains on each side?

The ACTING PRESIDENT pro tempore. The majority has 6 minutes 18 seconds. The Senator has 7 minutes remaining.

Mr. DOMENICI. Mr. President, as I understand it, the other side is going to have only one speaker to use their time. I am trying to find the Senator from Texas. He wanted to speak. Let me take a couple of minutes. If he gets here, I will yield the floor as soon as he arrives.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I wish to say that my good friend, my fellow Senator from New Mexico spoke about speculation in this oil market. There may be some. We heard testimony there may be. So everybody knows, there is nothing before the Senate that the Democrats propose regarding speculation. They just have a one-shot bill, and it is pretty good, but it is not an energy policy. Probably most of us are going to vote for it. That is what Senator DORGAN proposed.

As I indicated, I changed my mind. If people are wondering about that, I was reading about economic history, and I read where John Maynard Keynes, the great economist, was asked: Why did you change your mind? He said: When the facts change, I change my mind. That is what happened here with reference to SPR. The facts changed, and I changed my mind.

The good Senator from New Mexico, my colleague, also said we have a big problem with the weakening of the dollar. I hope he doesn't intend to imply by that, when we find we can strengthen the dollar, then we will solve the energy problem. I don't know that we know how to do that one any quicker than we do the energy crisis. I don't think that would accomplish anything.

We have a lot going on in the gulf, so we said let's let those continue. That is what the Domenici bill says. But we say the rest of the offshore around America—and incidentally, there is probably more than any of us know in offshore America. We probably would send such a big signal to the world if we decided to move on that. That alone would have a positive impact.

In addition, the bill before the Senate does a lot in a number of areas that have not been talked about very much. It would cause the world to take another look and to say: America is serious, they are really going to do something about their energy problems.

Mr. President, I now yield the remainder of the time to the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 5 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, I am required by our leadership to object because they want to get the vote off on the time predetermined. I apologize for that, but that is what I am required to do.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. CORNYN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. Four minutes.

Mr. CORNYN. Mr. President, one thing has been accomplished by the debate leading up to this morning's vote; that is, Congress finally—finally—has acknowledged the existence of the law of supply and demand. If we look at these two votes we are going to have this morning, first is the McConnell-Domenici amendment, of which I am proud to be a cosponsor, which would produce, if implemented, potentially up to 3 million additional barrels of oil a day from the United States of America—3 million—making us less dependent on imported oil from some of our Nation's enemies, countries such as Iran and Venezuela that are part of OPEC, the Organization of Petroleum Exporting Countries.

Alternatively, our friends on the other side of the aisle have proposed—and I will vote for it—a temporary suspension of putting oil into the Strategic Petroleum Reserve. But how much does that represent? It represents 70,000 barrels of oil that would not be put in the Strategic Petroleum Reserve and would be available on the open market as an additional supply of oil, which is then available to be refined into gasoline. I suspect it will have some modest impact on the price of gasoline at the pump, maybe 3 to 5 cents a gallon. But if we think 70,000 barrels of additional oil into the open market will be beneficial in terms of bringing down the price of gasoline, how much more beneficial would it be to have 3 million additional barrels of oil produced from our country out on the open market available for refining into gasoline to help bring down the price of gas at the pump?

I am pleased that our colleagues have recognized the importance of the law of supply and demand, something Congress has turned a blind eye to for lo these many years as we put so much of America's natural resources out of bounds when it comes to developing those resources, and, of course, we know what the consequences of that have been, with $3.71 average price for gasoline in America today and the price of oil on the spot market bouncing up around $125 a barrel.

I don't know whether this amendment, of which I am proud to be a cosponsor, could produce ultimately 3 million new barrels of American oil each day. I don't know whether it will get the requisite 60 votes. But if it does not, when gasoline is $3.71 a gallon and oil is $125 a barrel, I wonder if the same vote, if we have it again when gasoline is $4 a gallon and oil is $150 a barrel or when gasoline is $4.50 a gallon and the price of oil is even higher, at what point the Congress, the Senate is going to listen to the American people and say: We need some help; we need some relief.

Now that Congress has acknowledged the importance of additional supply in terms of bringing down the price at the pump, ultimately it is my hope our colleagues will vote, at least 60 of us, for the Domenici-McConnell amendment. I think the American consumers would be the beneficiary of that. I urge my colleagues to vote for the amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Time has expired.

The Senator from North Dakota has 6 minutes remaining.

Mr. DORGAN. Mr. President, let me conclude with a couple of thoughts. First of all, my colleague from New Mexico described the issues of speculation a bit. We do, in fact, in our larger proposal that we announced last week, have a provision dealing with speculation. And it is important that we do that because speculation is part of what is driving these prices. I showed comments from executives of some of the largest oil companies in this country that said there is no justification for the current price given supply and demand.

They said the price of oil should not be much above $50, $60, $70 a barrel. So what is happening? Well, let me come to that in a moment. Let me say, first of all, my hope is that today, here on the floor of the Senate, we will decide to do some good things.

Now, how do you do good things? You try to find areas of common interest and legislate moving ahead where you can. That is what Senator REID has suggested in the underlying amendment that we will vote on dealing with stopping and halting the putting of oil underground in the Strategic Petroleum Reserve. This is something I introduced in the Senate back in February.

Now, as I said before, when the American consumer is being burned at the stake by high gas prices, its Government ought not be carrying the wood. I mean, it is that simple. We can do something about this.

We are talking about 70,000 barrels a day, 70,000 barrels every single day of sweet light crude that we are taking off the market. Dr. Philip Verleger, an economist and energy analyst, testified before the Energy Committee on the effects of such a move. He said although it is only three-tenths of a percent of usage, because it is sweet light crude, the most valuable subset of oil, it could have up to as much as a 10-percent effect on the price of oil.

So it seems to me what we do is, do what the Republicans and Democrats have now generally come together to say we should do, and say to the President: Look, you cannot put 70,000 barrels of oil underground every day. You cannot do that. The Strategic Petroleum Reserve is 97 percent filled, 97 percent.

Now, oil is $120, $126 a barrel; gas is going to $4 a gallon. Let me describe the situation we all understand that we face on this planet of ours. We stick straws in the planet and suck oil out. We suck out 85 million barrels every day. We are required to use one-fourth of that in this little spot of geography on the planet called the United States of America.

Let me say that again. We take 85 million barrels a day, and we need one-fourth of it to be used in the United States. Now, 60 percent of that which we use comes from outside of our country. That holds us hostage to others. And 70 percent of the oil we use in this country is used to fuel vehicles. So vehicles are an important part of this issue. I am proud to say this Congress, with this majority and some minority help, has passed for the first time in 32 years an increase of 10 miles per gallon in the next 10 years of CAFE standards. This will lead to better automobile efficiency and better gas mileage.

We made some progress in other areas. We opened production in Lease 181 in the Gulf of Mexico where there are substantial reserves. We made progress in the biofuels ethanol standards and renewable fuels standards. We have made some progress on all of those issues, but we have people coming to the floor today to say: Well, gas is $4 a gallon. Let's open ANWR. That means we get oil in 10 years.

As John Maynard Keynes said, in the long run we are all dead. What can we do in the short term? At least today, on Tuesday, we can at least do what we both believe—that is, what the minority and majority believe is appropriate—and that is stop putting oil underground and put some downward pressure on gas prices and oil prices. Give the consumer an opportunity to see some decent prices.

This speculation in the futures market is speculation that is driving up prices. We want to do something about that as well. But at least today we have one common theme; we can increase supply by 70,000 barrels a day of sweet light crude. Instead of it going into the supply that comes through the pump into the cars, which puts downward pressure on gasoline, it is now going underground, underground in the Strategic Petroleum Reserve. It makes no sense at all.

So I am saying: Let's stop doing bad things and let's start doing good things. We can start by taking the first step in doing that today.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. There remains 1 minute 20 seconds.

Mr. DORGAN. Let me make one additional point, if I can. It does not relate specifically to this amendment, but this issue of the free market. You have an OPEC cartel behind closed doors. You have oil companies that are bigger through mergers. You have a futures market that is now rife with speculation. There is no free market. So the American people deserve, it seems to me, a Congress that will stand up and take some steps to put some downward pressure on gasoline prices.

That is a step we can take today. It is a step that is not a giant step, but it is a step in the right direction that will put downward pressure on gas prices. It will help this country. My hope is, following this vote, we will see that both parties can contribute to something when we agree on it. I think this will be a good day to put downward pressure on gas prices.

AMENDMENT NO. 4737

Mr. President, I call up amendment No. 4737.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

Mr. DOMENICI. Do we not have 1 minute left on each side? The amendment is not in order while time remains.

The ACTING PRESIDENT pro tempore. The amendment is simply being reported. We will have 2 minutes equally divided.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for Mr. REID, for himself and Mr. DORGAN, Mr. BINGAMAN, Mrs. BOXER, Mr. LEVIN, Ms. STABENOW, Mr. LEAHY, Mr. SCHUMER, Mr. BROWN, Mr. SANDERS, Mr. DURBIN, Mr. KERRY, Mr. MENENDEZ, Mr. SALAZAR, Ms. LANDRIEU, Mr. CARPER, Mr. INOUYE, Mr. LAUTENBERG, Mr. REED, Mr. HARKIN, Mr. DOMENICI, and Mrs. HUTCHISON, proposes an amendment numbered 4737 to amendment No. 4707.

Mr. DORGAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve)

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

AMENDMENT NO. 4720

The ACTING PRESIDENT pro tempore. There now will be 2 minutes of debate equally divided prior to a vote on amendment No. 4720.

Mr. DOMENICI. That means 1 minute each?

The ACTING PRESIDENT pro tempore. Correct.

Mr. DOMENICI. On behalf of the amendment, I wish to say whoever is interested in what is going on today should know that Democrats speak of doing other things to bring the price down, but the only thing we are really doing is the amendment of the Senator from North Dakota on SPR. We all agree with that.

That is a temporary 7-month deferral of purchases. Clearly, if it does anything, it will be extremely temporary. All of the other things that are spoken about, none of them are in this bill, whether it has to do with fraud, speculation, or whatever.

On our side we have at least said: Let's start coal to liquid, a great American resource. Let's start offshore around America. Let's start on ANWR. Let's start moving on oil shale. Let's accelerate battery research, which will move us toward automobiles that can plug in, which will be a big American boon.

So there are lots of pluses. There is a lot of rhetoric. And there is one amendment that the Democrats offer that we agree upon. I believe those people interested in production should vote for the Domenici amendment and tell the American people the truth: We can produce in America and put pressure on the world markets and reduce the price of oil.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I urge Senators to vote against the

McConnell amendment. It is a compilation of various proposals. The main thrust of it is to try to lease more Federal land. People should understand that we have been leasing a great deal of Federal land onshore. That pie chart on the left is offshore, and the Outer Continental Shelf, that is the pie chart on the right.

We currently have 31 million acres of land that is leased and is not producing. What we need to do is to get diligent in the development of these areas that are already leased.

Offshore, the same thing; the Outer Continental Shelf has 33 million acres that are not producing. So this amendment is a compilation of energy-related provisions that are put into the McConnell amendment. It is not going to bring down the price of gas at the pump.

I urge Senators to oppose it and then to support the second vote on the proposal to suspend the filling of the Strategic Petroleum Reserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 4720.

Mr. BINGAMAN. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—42

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Isakson
Kyl
Landrieu
Lugar
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner
Wicker

NAYS—56

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Coleman
Collins
Conrad
Dodd
Dole
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—2

Inhofe
McCain

The ACTING PRESIDENT pro tempore. Under the previous order, requiring 60 votes for adoption of this amendment, the amendment is withdrawn.

AMENDMENT NO. 4737

There are now 2 minutes, equally divided, prior to a vote on the Reid amendment.

Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, let me take the 1 minute.

This is a piece of legislation I introduced in February of this year. The Strategic Petroleum Reserve is 97 percent filled. We have oil and gas prices going through the roof in this country. We are putting 70,000 barrels of oil underground every day. It is a subset of the most valuable kind of oil: Sweet light crude, coming from the Gulf of Mexico.

We heard testimony before the Senate Energy Committee that even though it is a small part of our oil usage, this subset of oil—the 70,000 barrels a day put underground—could have an impact of up to 10 percent of the price of oil. I am not suggesting this does everything, but it is a step in the right direction.

As I said earlier, when the American consumer is being burned at the stake by energy prices, the Government ought not be carrying the wood. Sticking oil underground is wrong at this point in time, and this amendment simply says: Stop it. Halt it.

Mr. LEVIN. Mr. President, I support the amendment to stop deliveries of oil into the Strategic Petroleum Reserve, SPR.

Crude oil prices reached a record high recently of $126 per barrel, leading to record highs in the price of other fuels produced from crude oil, including gasoline, heating oil, diesel fuel, and jet fuel. With prices going through the roof, it is the wrong time for the Department of Energy, DOE, to take millions of barrels of high-priced oil off the market and put it into the SPR. Instead of reducing supplies by taking oil off the market and increasing the price of oil, the DOE should be looking for ways to decrease the price of oil. One step is a moratorium on filling the SPR until oil prices are lower.

Unfortunately, the DOE is contributing to the current price spike by filling the SPR regardless of the cost of crude oil or the petroleum products that are refined from crude oil.

There are three major problems with the DOE's insistence on putting high-priced oil into the SPR. First, by placing oil into the SPR the DOE is reducing the supply of crude oil and putting upward pressure on the price of oil. Second, by placing very expensive crude oil into the SPR, the DOE is significantly increasing the cost of the SPR program to the taxpayers. Third, the DOE's approach runs counter to the direction provided by the Congress in the Energy Policy Act of 2005, which requires the DOE to fill in the SPR in a manner that minimizes the impact upon prices and the costs to the taxpayers.

The DOE is currently taking about 70,000 barrels per day of crude oil off the market and putting it into the SPR. For the first half of 2008, this will total to about 10 million barrels of crude oil. This is reducing our inventories of crude oil and refined products, such as gasoline, just at a time when our refineries need to be running at maximum to make gasoline for the spring and summer driving seasons. The DOE also has asked for bids for another 6-month program to fill the SPR, beginning later this year. If the DOE is permitted to continue with this program, it will take millions more barrels of oil off the market beginning sometime later this year.

Under the basic economic principle of supply and demand, reducing the supply of crude oil available to U.S. refineries will increase the price of oil and gasoline. Even the DOE agrees with this basic economic principle. Mr. Guy Caruso, the head of the DOE's Energy Information Administration, testified to the Congress earlier this year that an SPR fill of 100,000 barrels per day would add about $2 per barrel to the price of oil. Last December, Dr. Philip Verleger testified that the SPR fill was adding about $10 per barrel to the price of crude oil. Economists may disagree on the amount of the increase, but now there should be no doubt that the DOE is increasing the price of oil by filling the SPR at this time. The DOE acknowledges this. The DOE should be working to lower oil prices, not helping to boost them to record highs.

DOE says the amount of oil it is putting into the SPR is insignificant compared to total global supply. This is the wrong comparison. The amount of oil DOE is putting into the SPR represents a significant marginal increase in the demand for oil. When supply and demand are closely balanced, a marginal increase in demand can have a very large impact on price. This is precisely the situation we are in today. Supply and demand are very closely balanced. Adding a demand of millions of barrels of oil over a period of several months can have a very significant impact on the amount of oil on the market or in inventories. In a tight market, taking millions of barrels off the market can indeed have a major impact upon oil prices.

When the DOE fills the SPR it does not have to actually purchase any crude oil. Instead, the DOE takes oil that is paid to the Federal Government as royalties for oil produced by private oil companies on offshore oil leases in the Gulf of Mexico and trades it back to private oil companies for oil that is then placed into the SPR. Thus, the DOE's program to acquire oil for the SPR does not require any Federal appropriations. But that doesn't mean the program doesn't cost the taxpayers any money. In fact, the opposite is true—the SPR program costs the taxpayers a lot of money. The higher the price of oil, the more it costs the taxpayers. This is because instead of selling the royalty oil on the open market at whatever the market price of oil is, recently as much as $126 a barrel, the DOE is taking that oil off the market, trading it for oil that meets the specifications of oil for the SPR, and leaving taxpayers without the revenue that would be created by selling tens of millions of barrels of oil. In essence, the taxpayers are paying the market price of oil for each barrel of oil placed into the SPR.

A moratorium on filling the SPR until prices are lower would save the taxpayers money. If the DOE were to acquire SPR oil at $75 per barrel instead of $125 per barrel, it would save $50 per barrel. For 10 million barrels, that would add up to $500 million. Delaying the filling of the SPR would not affect or harm our national security or our energy security. The SPR is currently about 97 percent full, with slightly more than 700 million barrels of oil. This amount of oil is large enough to ensure that we are prepared for any contingencies that the SPR is designed to cover.

To date, over the entire life of the SPR the largest withdrawal of oil from the SPR has been for about 30 million barrels. The amount of oil in the SPR today already is far more than has ever been needed to cover market disruptions.

The DOE's policy to fill the SPR at the same rate regardless of the effect on oil prices or taxpayer costs runs counter to the intent of Congress in section 301 of the Energy Policy Act of 2005, which directs DOE to consider and minimize the effects on oil prices and costs to the taxpayers when acquiring oil for the SPR. I sponsored the amendment, along with Senator COLLINS, that became this provision in the law. We did not intend this to simply be a formality, whereby in every case DOE would simply conclude that the effect on price was insignificant. Yet that seems to be how DOE is applying this provision.

In 2003, the Permanent Subcommittee on Investigations, which I chair, completed a detailed investigation of the SPR fill program. The subcommittee's 2003 report is titled "U.S. Strategic Petroleum Reserve: Recent Policy Has Increased Costs to Consumers But Not Overall U.S. Energy Security." It can be found on the Subcommittee's Web site. The investigation found that in 2002 the Bush administration changed the DOE's policy on how it would fill the SPR, and that this change in policy increased the price of oil but not our overall energy security.

Before the Bush administration changed the DOE's policy on filling the SPR, the DOE sought to put more crude oil into the SPR when supplies were plentiful and prices low and less crude oil into the SPR when supplies were scarce and prices high. The DOE also would allow oil companies to defer deliveries for up to a year when supplies were tight, provided that the oil companies would deposit more oil into the SPR at the end of the deferral period. Through this deferral policy, the DOE was able to obtain additional SPR oil for no additional cost to the taxpayer. This policy made good sense.

As my subcommittee's report documented, in 2002 the White House directed DOE to change its policy. Instead of allowing the DOE to continue with its sensible policy, the White House directed the DOE to fill the SPR at the same rate, regardless of market conditions. The new policy also prohibited the DOE from accepting any deferrals, regardless of market conditions. The career DOE staff vigorously protested the changes ordered by the White House. The career staff pointed out that filling the SPR in times of tight supplies and high prices would push prices up and that not allowing any deferrals would cost the taxpayers more money. The career staff also argued that the old policy followed good business judgment and the new policy would be difficult to defend under sound business principles. These memos are included as exhibits to the subcommittee's 2003 report. The DOE career staff's recommendations were rejected, however, and the current policy was adopted.

Following the issuance of this report, in early 2003, I asked the Department of Energy to suspend its filling of the SPR until prices had abated and supplies were more plentiful. The DOE refused to change course and continued the SPR fill without regard to market supplies or prices. In response, I offered a bipartisan amendment, with Senator COLLINS, to the Interior appropriations bill—which provides funding for the Strategic Petroleum Reserve program—to require the DOE to minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Senate unanimously adopted our amendment, but it was dropped from the conference report due to the Bush administration's continued opposition.

The next spring, I offered another bipartisan amendment, also with Senator COLLINS, to the budget resolution expressing the sense of the Senate that the administration should postpone deliveries into the SPR and use the savings from the postponement to increase funding for national security programs. The amendment passed the Senate by a vote of 52 to 43. That fall, we attempted to attach a similar amendment to the Homeland Security appropriations bill that would have postponed the SPR fill and used the savings for homeland security programs, but the amendment was defeated by a procedural vote, even though the majority of Senators voted in favor of the amendment, 48 to 47.

The next year, the Senate passed the Levin-Collins amendment to the Energy Policy Act of 2005 to require the DOE to consider price impacts and minimize the costs to the taxpayers and market impacts when placing oil into the SPR. The Levin-Collins amendment was agreed to by the conferees and signed into law as section 301 of the Energy Policy Act of 2005.

But, unfortunately, passage of this provision has had no effect upon the DOE's actions. The DOE continues to fill the SPR regardless of the market effects of buying oil, thereby taking oil off the market and reducing supply by placing it into the SPR. In the past year, no matter what the price of oil or market conditions, the DOE has consistently said that the market effects are negligible and claimed that there is no reason to delay filling the SPR, effectively ignoring the section 301 requirements of the Energy Policy Act. The result is that we have the current contradiction of DOE depositing oil into the SPR at the same time the President is urging OPEC to put more oil on to the market.

Now is not the time to be filling the SPR. When oil prices are at record highs, we should be looking for ways to increase oil supplies and reduce prices. The Department of Energy is doing just the opposite. It is taking oil off the market and increasing prices, doing so at great costs to taxpayers and despite enacted law requiring that they do otherwise. There is now a strong bipartisan consensus to put a halt to the administration's misguided SPR policy. I urge my colleagues to vote for this amendment to postpone the filling of the SPR until oil prices have fallen to lower levels.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want the Republicans to know I have changed my mind over the past 3 or 4 weeks, and it is simply because the price of oil is now up to $125 a barrel—perhaps in real dollars $110. I think for 7 months to stop filling SPR could have a chance of reducing the price by a small amount.

Make no bones about it now, this is no big energy policy. This is one little thing we can do, and I think we ought to go ahead and do it. I know there are some who take the fact that we need a big reserve very seriously, and they think we ought to continue to fill it even more than we are, and I respect those views. But with reference to this amendment, by Senator DORGAN, I think we ought to support it and at least do one positive thing. It was in our bill, incidentally, as one of a number of positive things we would do, including Alaska, which is complained so much about. It would produce a million barrels permanently, more or less. This is 70,000 barrels one time—so we understand.

I yield the floor.

Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. All time has expired.

Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—97

Akaka
Alexander
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Allard

NOT VOTING—2

Inhofe
McCain

The ACTING PRESIDENT pro tempore. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is agreed to.

The amendment (No. 4737) was agreed to.

Mr. REID. Mr. President, first I move to reconsider that vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I am going to ask unanimous consent, if everyone would be kind enough to listen to me—we just passed an amendment by 97 votes, I think I heard the Chair announce. I would therefore ask, as a result of that vote, that the Senate—the one we just concluded—I now ask unanimous consent that the Senate proceed to a bill, which is at the desk, which encompasses the text of this SPR amendment which the Senate just adopted; that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, and that there be no intervening action or debate.

Mr. DOMENICI. I object.

Mr. REID. Mr. President, we could have this out of here today. The House could take care of it either tonight or tomorrow and be on the President's desk on Wednesday. I have been told by my distinguished friend, Senator DOMENICI, that there is going to be an objection on the other side. I think it is really unfortunate. That is one reason people are a little concerned about our conduct here. We just passed something by almost 100 votes, and someone now is objecting to taking this up as a bill. I think that doesn't make a lot of sense. I am terribly disappointed that we have more of this stalling and obstructionism that has gone on this entire Congress.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I did object, and I object now.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. REID. Mr. President, I now ask unanimous consent that the previous order with respect to S. 2284 be further modified to provide that following third reading of S. 2284, the Banking Committee be discharged from further consideration of H.R. 3121, the House companion, and the Senate then proceed to its consideration; that all after the enacting clause be stricken, and the text of S. 2284, as amended, be inserted in lieu thereof; that the bill be read a third time, and the Senate then vote on passage of H.R. 3121; that upon passage of H.R. 3121, S. 2284 be returned to the calendar, with the remaining provisions of the previous order remaining in effect, and without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, I do not object, of course, but might I observe that I understood the objection to the previous unanimous consent request. My hope would be that in the coming hours today we might have some discussions between the leadership of the minority and majority so that we can proceed on the SPR amendment. I understand the objection was raised, but there has been an overwhelming amount of support by the Senate. I hope we could have those discussions this afternoon and perhaps proceed on the basis that Senator REID has suggested.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Under the previous order, the substitute amendment, as amended, is agreed to.

The amendment (No. 4707), as amended, was agreed to.

Mr. DODD. Mr. President, last week, the Senate had a fruitful debate on, and today the Senate will vote on passage of the Flood Insurance Reform and Modernization Act. This bill extends the flood insurance program for 5 years, while making commonsense reforms so that flood insurance remains available to millions of Americans who live in flood-prone areas.

Though many people think of floods as confined to coastal areas, I want to let my colleagues know that in the last year, there have been flood claims in all 50 States. Every State has at-risk areas, and in the absence of private insurance, the National Flood Insurance Program is the only way for home and business owners to ensure they can rebuild after the waters recede.

The bill we are considering makes some tough choices, as I talked about last week.

In order to assure the continuation and availability of flood insurance, this bill essentially restarts the flood program. It forgives the $17 billion of program debt so that all policyholders will not face steep premium increases. All 5.5 million policyholders would have to double their premium payments just to pay the interest on this debt. To make a dent in the principal, premiums would have to increase many times over. Increases of this magnitude would drive untold numbers of people to drop flood insurance—at a time when we ought to be encouraging more people to purchase this critical coverage.

In an effort to avoid these steep premium increases, the bill forgives the debt. In addition, it reforms the premium structure so rates are actuarially based. Yes, this reform will result in some policyholders paying more for flood coverage, but the premium increases are much less than they would be if this bill were not to pass. If we do nothing, FEMA's $17 billion debt hangs over the entire program.

Last week, we accepted 11 amendments. We were able to accommodate Senators on both sides of the aisle—specifically Senators MENENDEZ, COBURN, MCCASKILL, DEMINT, DOLE, THUNE, DURBIN, and LANDRIEU. Their amendments help to strengthen this bill and the flood insurance program. These amendments include provisions to ensure that FEMA does outreach when mapping changes occur, to make policy exclusions clear to home and business owners, and to strengthen the flood insurance advocate created in the committee-passed bill.

I want to thank Senator SHELBY and his staff for working so closely with us on this bipartisan bill. I also want to thank the majority and minority leaders for agreeing to move to this bill, and for supporting our efforts last week to accommodate debate and amendments.

I especially thank the staff who have worked on this legislation. In particular I want to thank Lula Davis, Tim Mitchell, Tricia Engle, and Mark Wetjen on Leader REID'S staff, and I want to thank Rohit Kumar and Dave Schiappa on minority leader MCCONNELL's staff.

Senator SHELBY's staff have been invaluable, and I want to recognize the work of Bill Duhnke, Mark Oesterle, Mark Calabria and Jim Johnson. I also want to acknowledge the hard work of my own staff, including Shawn Maher, Jennifer Fogel-Bublick, and Sarah Kline.

As I have said, this is a strong bill that ensures flood insurance will be available for many years to come. I urge my colleagues to support this bill so that families can rebuild their homes and their lives after a flood.

Mr. DURBIN. Mr. President, I rise in support of the Flood Insurance Reform and Modernization Act of 2007.

After Hurricane Katrina, I had a chance to meet some of the survivors who were displaced by the storm and ended up in Illinois. Many had lost their homes, their jobs, their communities, everything. Nearly 3 years later, some are still picking up the pieces of a former life.

We can't stop every disaster from happening. But we can be prepared, so what happened after Katrina never happens again.

Katrina taught us the importance of being prepared. We need to understand the risks of disaster, prepare homes and communities to withstand disaster, and make sure that once disaster strikes, communities can get back on their feet as quickly as possible.

The national flood insurance program is one of the best ways we do this. It allows people who live near rivers or other flood-prone areas to insure themselves at an affordable rate against the risk of a flood. If the worst happens, it covers some of the costs of recovery.

This program is critically important to Illinois.

Illinois has the largest inland system of rivers, lakes, and streams in the Nation. Floods are 98 percent of Illinois' declared disasters. That is why only three other States have more communities participating in the flood insurance program than Illinois.

The bill before us today renews the flood insurance program, which expires this September, and strengthens the program in several important ways.

It puts the program on sound financial footing. It forgives the $17 billion debt from Katrina and other storm-related losses, a debt the program could never repay. But the bill also requires FEMA to establish a reserve fund so we are in better shape to cover future losses.

It encourages more people to buy flood insurance.

It provides more funding to update old flood maps, so communities know where the hazards are and can plan accordingly.

And I am pleased that this legislation also contains an amendment I offered to make sure that the costs of flood insurance are shared fairly between Illinois and Missouri down near St. Louis.

Floods are among the most common and costly natural disasters. Passing this bill will strengthen our ability to prepare for what we know is coming and to return to our lives as soon as possible once the flood waters recede. This bill helps ensure that when the next Katrina-like disaster hits, we won't see a Katrina-like aftermath.

I thank Senators DODD and SHELBY for their hard work on this bill and urge my colleagues to support it.

Mr. SPECTER. Mr. President, I seek recognition to express my views about the pending energy amendment aimed at increasing domestic oil and gas production. In recognizing that this is a symbolic vote aimed at stimulating debate on the Nation's energy situation, I am voting for this amendment today because I want to affirm the principle of taking decisive action on the Nation's energy issues. I do, however, have reservations about some of the provisions contained within this measure.

While I fully support measures contained in the package which would further the development of alternative fuels for the transportation sector and for electric-powered vehicles; set goals for the use of coal-derived fuels; suspend filling the Strategic Petroleum Reserve; and streamline the permitting process for new oil refineries, I believe further debate is necessary on some other provisions.

Specifically, when these energy issues are revisited, there should be further discussion of opening additional areas of the Outer Continental Shelf to drilling as well as further discussion on the moratorium on commercial leasing of oil shale in the Western United States. I understand the need to develop our domestic resources due to growing global demand for oil, but we must ensure these steps are taken with the utmost environmental sensitivity.

Mr. LEVIN. Mr. President, I will vote for the Flood Insurance Reform and Modernization Act because it would help place the National Flood Insurance Program, NFIP, back on solid financial footing. It is not a perfect bill, but I hope that some of my concerns can be addressed in the House Senate conference process.

When Congress established the NFIP in 1968, flood insurance was not available at an affordable price, resulting in frequent and costly Federal disaster aid payments. The new program created a method to share the risk of flood losses through a national insurance program and required preventive and protective measures to mitigate the risk. Currently, Michigan has over 27,000 flood insurance policies, and since the program's inception, over $42.6 million in flood claims have been paid to Michigan policyholders. This bipartisan reform bill extends this important program through 2013, and enhances the long-term viability of the program, helping to provide self-sustaining, critical insurance coverage for millions of home and business owners throughout the country.

Historically, the flood insurance program has covered most claims through the premiums it has collected. However, recent losses from the 2004 floods and 2005 catastrophic hurricanes have left the program over $17 billion in debt to the U.S. Treasury. This reform bill takes the painful but necessary step of forgiving that debt. At the same time, this legislation makes changes to the program to help ensure its continued long-term financial solvency. The aim is to ensure that each time a hurricane, deluge or other natural disaster hits, flood claims can be paid without relying on taxpayer funds from across the country.

There are a number of measures in this bill aimed at restoring the program's financial stability. These include requiring certain at-risk properties to pay phased-in actuarial rates, extending the Severe Repetitive Loss Mitigation program to mitigate losses on the most at-risk properties, and requiring the program to build up reserves. These and other new requirements reflect difficult choices because they are not without cost to property owners, many of whom are already stretched by staggering gas and grocery prices, falling home values and a dismal economy. This bill attempts to recognize that reality by maintaining some subsidized rates for Federal flood insurance where buildings were built before the existence of a federal flood map, and phasing-in new actuarial rates.

The bill also expands and encourages the purchase of flood insurance for properties in areas with flood risks. Property owners in a 500-year floodplain would be notified about the risks they face, but would not be required to purchase flood insurance. To better define areas of flood risk, the bill would require FEMA to establish an ongoing map modernization program using the most accurate data and consistent standards for mapping. These changes will help generate the necessary premium income for the program while striving to maintain affordability for homeowners.

The bill also expands and encourages the purchase of flood insurance for properties in areas located behind levees, dams, and other man-made structures, recognizing that these structures could be breached. While recent history has shown us that levees can and do fail and that no properties are entirely risk-free, I am concerned that imposing this mandatory requirement in a uniform fashion may not accurately reflect the risks these communities face. Michigan has 2,500 dams and numerous levees scattered across the State; properties behind these structures would be required to purchase federal flood insurance regardless of the risks they face. We need to better understand the implications of requiring mandatory insurance for all of these areas before we impose a blanket requirement on all of them. For this reason, I voted in support of an amendment offered by Senator LANDRIEU that would have lifted this new mandatory requirement and would have instead required a study to be conducted to assess the impact, effectiveness, and feasibility of extending mandatory flood coverage to these areas. I believe Senator LANDRIEU's more thoughtful approach is warranted. Unfortunately, the amendment failed 30-62.

While I recognize that making the NFIP more financially sound requires making some tough decisions, I believe some of the choices reflected in this bill lead to unfair results. For example, I am concerned about what will happen to property owners currently not mapped into a floodplain should a new map require them to purchase flood insurance. Currently, these property owners would receive subsidized policies, because the buildings were built before the flood risk was known. However, this bill removes the subsidized rate for properties that get remapped into a floodplain. While the bill provides a 2-year phase-in for these unsubsidized rates, it is not fair to demand higher rates from those who, through no fault of their own, had no idea they had exposure to flood damage, especially at a time when so many families are struggling to meet their monthly expenses. This inequity is one that I hope can be addressed when this bill is conferenced with the House version passed last year.

There are also inequities in existing approaches of FEMA's mapping of flood risk which need to be corrected in conference. For instance, revised flood maps are being developed by FEMA for the city of Grand Rapids in such a way that does not incorporate the existing flood protection provided by the city's recently completed $12.4 million floodwall improvement project. The revised flood maps would put over 6,000 additional properties into the 100-year floodplain, at a cost of over $6 million per year. This is an area that has not flooded at that level since 1905, and that occurred when the city did not have structural flood protection. FEMA's action appears arbitrary, ignores the participation of its State partner, and would likely decrease property values and the tax base of the community, hampers economic development, and imposes unfair costs on thousands of people in the city of Grand Rapids. FEMA should more thoroughly and accurately reassess flood risks using a risk-based analysis to account for local conditions and incorporate protection by the city's improved floodwalls, rather than ignoring their presence. I am hopeful that the managers will work with us in conference to address this unconscionable and unnecessary burden the city of Grand Rapids and its citizens are facing.

I wish that no American had to worry about suffering damage from a natural disaster, but it is a fact of nature that such damage can happen. That is why it is important to do what we can to help property owners have adequate insurance. The goals of the National Flood Insurance Program are important, and reauthorizing and revamping this program is necessary. This bill represents a necessary step to ensure that more at-risk property owners are protected while the cost of disaster relief and adequate insurance is less of a burden to the average taxpayer. Flooding is a risk that many communities face, and the availability of flood insurance is important for ensuring that our citizens can recover from any losses suffered. However, this must be done in a way that does not unduly and unfairly burden our communities. I will continue to work to strengthen the National Flood Insurance Program in a fair and responsible manner as it proceeds to conference.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The ACTING PRESIDENT pro tempore. Under the previous order, the Banking Committee is discharged from further consideration of H.R. 3121, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 3121) to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, all after the enacting clause is stricken and the text of S. 2284, as amended, is inserted in lieu thereof.

The clerk will read the bill for the third time.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall the bill pass?

Mr. DODD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. McCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—92

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—6

Coburn
Landrieu
Lincoln
Nelson (FL)
Pryor
Vitter

NOT VOTING—2

Inhofe
McCain

The bill (H.R. 3121), as amended, was passed, as follows:

H.R. 3121

Resolved, That the bill from the House of Representatives (H.R. 3121) entitled "An Act to restore the financial solvency of the national flood insurance program and to provide for such program to make available multiperil coverage for damage resulting from windstorms and floods, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Table of contents.

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Definitions.
Sec. 104. Extension of National Flood Insurance Program.
Sec. 105. Availability of insurance for multifamily properties.
Sec. 106. Reform of premium rate structure.
Sec. 107. Mandatory coverage areas.
Sec. 108. Premium adjustment.
Sec. 109. State chartered financial institutions.
Sec. 110. Enforcement.
Sec. 111. Escrow of flood insurance payments.
Sec. 112. Borrowing authority debt forgiveness.
Sec. 113. Minimum deductibles for claims under the National Flood Insurance Program.
Sec. 114. Considerations in determining chargeable premium rates.
Sec. 115. Reserve fund.
Sec. 116. Repayment plan for borrowing authority.
Sec. 117. Payment of condominium claims.
Sec. 118. Technical Mapping Advisory Council.
Sec. 119. National Flood Mapping Program.
Sec. 120. Removal of limitation on State contributions for updating flood maps.
Sec. 121. Coordination.
Sec. 122. Interagency coordination study.
Sec. 123. Nonmandatory participation.
Sec. 124. Notice of flood insurance availability under RESPA.
Sec. 125. Testing of new flood proofing technologies.
Sec. 126. Participation in State disaster claims mediation programs.
Sec. 127. Reiteration of FEMA responsibilities under the 2004 Reform Act.
Sec. 128. Additional authority of FEMA to collect information on claims payments.
Sec. 129. Expense reimbursements of insurance companies.
Sec. 130. Extension of pilot program for mitigation of severe repetitive loss properties.
Sec. 131. Flood insurance advocate.
Sec. 132. Studies and Reports.
Sec. 133. Feasibility study on private reinsurance.
Sec. 134. Policy disclosures.
Sec. 135. Report on inclusion of building codes in floodplain management criteria.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Establishment.
Sec. 204. Membership.
Sec. 205. Duties of the Commission.
Sec. 206. Report.
Sec. 207. Powers of the Commission.
Sec. 208. Commission personnel matters.
Sec. 209. Termination.
Sec. 210. Authorization of appropriations.

TITLE III—MISCELLANEOUS

Sec. 301. Big Sioux River and Skunk Creek, Sioux Falls, South Dakota.
Sec. 302. Suspension of petroleum acquisition for Strategic Petroleum Reserve.

TITLE I—FLOOD INSURANCE REFORM AND MODERNIZATION

SEC. 101. SHORT TITLE.

This title may be cited as the "Flood Insurance Reform and Modernization Act of 2008".

SEC. 102. FINDINGS.

Congress finds that—

(1) the flood insurance claims resulting from the hurricane season of 2005 will likely exceed all previous claims paid by the National Flood Insurance Program;

(2) in order to pay the legitimate claims of policyholders from the hurricane season of 2005, the Federal Emergency Management Agency has borrowed over $20,000,000,000 from the Treasury;

(3) the interest alone on this debt, is almost $1,000,000,000 annually, and that the Federal Emergency Management Agency has indicated that it will be unable to pay back this debt;

(4) the flood insurance program must be strengthened to ensure it can pay future claims;

(5) while flood insurance is mandatory in the 100-year floodplain, substantial flooding occurs outside of existing special flood hazard areas;

(6) recent events throughout the country involving areas behind man-made structures, known as "residual risk" areas, have produced catastrophic losses;

(7) although such man-made structures produce an added element of safety and therefore lessen the probability that a disaster will occur, they are nevertheless susceptible to catastrophic loss, even though such areas at one time were not included within the 100-year floodplain; and

(8) voluntary participation in the National Flood Insurance Program has been minimal and many families residing outside the 100-year floodplain remain unaware of the potential risk to their lives and property.

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—In this title, the following definitions shall apply:

(1) DIRECTOR.—The term "Director" means the Administrator of the Federal Emergency Management Agency.

(2) NATIONAL FLOOD INSURANCE PROGRAM.—The term "National Flood Insurance Program" means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(3) 100-YEAR FLOODPLAIN.—The term "100-year floodplain" means that area which is subject to inundation from a flood having a 1 percent chance of being equaled or exceeded in any given year.

(4) 500-YEAR FLOODPLAIN.—The term "500-year floodplain" means that area which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

(5) WRITE YOUR OWN.—The term "Write Your Own" means the cooperative undertaking between the insurance industry and the Flood Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this title, any terms used in this title shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 104. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026), is amended by striking "2008" and inserting "2013.".

SEC. 105. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended by adding at the end the following:

"(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

"(1) IN GENERAL.—The Director shall make flood insurance available to cover residential properties of more than 4 units. Notwithstanding any other provision of law, the maximum coverage amount that the Director may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of more than 4 units to obtain insurance for the contents and personal articles located in such residences.".

SEC. 106. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "; and" and inserting a semicolon;

(ii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(4) the exclusion of prospective insureds from purchasing flood insurance at rates less than those estimated under paragraph (1), as required by paragraph (2), for certain properties including for—

"(A) any property which is not the primary residence of an individual;

"(B) any severe repetitive loss property, as defined in section 1361A(b);

"(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

"(D) any business property; and

"(E) any property which on or after the date of enactment of the Flood Insurance Reform and Modernization Act of 2008 has experienced or sustained—

"(i) substantial damage exceeding 50 percent of the fair market value of such property; or

"(ii) substantial improvement exceeding 30 percent of the fair market value of such property."; and

(B) by adding at the end the following:

"(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Director shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

"(1) any property not insured by the flood insurance program as of the date of enactment of the Flood Insurance Reform and Modernization Act of 2008;

"(2) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy; and

"(3) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

"(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

"(B) in connection with—

"(i) a repetitive loss property; or

"(ii) a severe repetitive loss property, as that term is defined under section 1361A.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of the enactment of this title.

(b) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) by striking "under this title for any properties within any single" and inserting the following: "under this title for any properties—

"(1) within any single"; and

(2) by striking "10 percent" and inserting "15 percent"; and

(3) by striking the period at the end and inserting the following: "; and

"(2) described in section 1307(a)(4) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the average of the risk premium rates for properties described under paragraph (1).".

SEC. 107. MANDATORY COVERAGE AREAS.

(a) SPECIAL FLOOD HAZARD AREAS.—Not later than 90 days after the date of enactment of this title, the Director shall issue final regulations establishing a revised definition of areas of special flood hazards for purposes of the National Flood Insurance Program.

(b) RESIDUAL RISK AREAS.—The regulations required by subsection (a) shall—

(1) include any area previously identified by the Director as an area having special flood hazards under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a); and

(2) require the expansion of areas of special flood hazards to include areas of residual risk, including areas that are located behind levees, dams, and other man-made structures.

(c) MANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—Any area described in subsection (b) shall be subject to the mandatory purchase requirements of sections 102 and 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(2) LIMITATION.—The mandatory purchase requirement under paragraph (1) shall have no force or effect until the mapping of all residual risk areas in the United States that the Director determines essential in order to administer the National Flood Insurance Program, as required under section 119, are in the maintenance phase.

(3) ACCURATE PRICING.—In carrying out the mandatory purchase requirement under paragraph (1), the Director shall ensure that the price of flood insurance policies in areas of residual risk accurately reflects the level of flood protection provided by any levee, dam, or other the man-made structure in such area.

(d) DECERTIFICATION.—Upon decertification of any levee, dam, or man-made structure under the jurisdiction of the Army Corp of Engineers, the Corp shall immediately provide notice to the Director of the National Flood Insurance Program.

SEC. 108. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

"(g) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), and upon completion of the updating of any flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Flood Insurance Reform and Modernization Act of 2008, any property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the date of completion of such updating or remapping that is a result of such updating or remapping shall be phased in over a 2-year period at the rate of 50 percent per year.

"(h) USE OF MAPS TO ESTABLISH RATES FOR CERTAIN COUNTIES.—

"(1) IN GENERAL.—Until such time as the updating of flood insurance rate maps under section 19 of the Flood Modernization Act of 2007 is completed (as determined by the district engineer) for all areas located in the St. Louis District of the Mississippi Valley Division of the Corps of Engineers, the Director shall not—

"(A) adjust the chargeable premium rate for flood insurance under this title for any type or class of property located in an area in that District; and

"(B) require the purchase of flood insurance for any type or class of property located in an area in that District not subject to such purchase requirement prior to the updating of such national flood insurance program rate map.

"(2) RULE OF CONSTRUCTION.—For purposes of this subsection, the term 'area' does not include any area (or subdivision thereof) that has chosen not to participate in the flood insurance program under this title as of the date of enactment of this subsection.".

SEC. 109. STATE CHARTERED FINANCIAL INSTITUTIONS.

Section 1305(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4012(c)) is amended—

(1) in paragraph (1), by striking "; and" and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) given satisfactory assurance that by December 31, 2008, lending institutions chartered by a State, and not insured by the Federal Deposit Insurance Corporation, shall be subject to regulations by that State that are consistent with the requirements of section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a).".

SEC. 110. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking "$350" and inserting "$2,000"; and

(2) by striking the second sentence.

SEC. 111. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) REGULATED LENDING INSTITUTIONS.—

"(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that any premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes, shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Director or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance.

"(B) STATE ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—In order to continue to participate in the flood insurance program, each State shall direct that its entity or agency with primary responsibility for the supervision of lending institutions in that State require that premiums and fees for flood insurance under the National Flood Insurance Act of 1968, on any property for which a loan has been made for acquisition or construction purposes shall be paid to the mortgage lender, with the same frequency as payments on the loan are made, for the duration of the loan. Upon receipt of any premiums or fees, the lender shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from such State entity or agency, the Director, or the provider of the flood insurance that insurance premiums are due, the remaining balance of an escrow account shall be paid to the provider of the flood insurance."; and

(2) by adding at the end the following:

"(6) NOTICE UPON LOAN TERMINATION.—Upon final payment of the mortgage, a regulated lending institution shall provide notice to the policyholder that insurance coverage may cease with such final payment. The regulated lending institution shall also provide direction as to how the homeowner may continue flood insurance coverage after the life of the loan.".

(b) APPLICABILITY.—The amendment made by subsection (a)(1) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of enactment of this title.

SEC. 112. BORROWING AUTHORITY DEBT FORGIVENESS.

(a) IN GENERAL.—The Secretary of the Treasury relinquishes the right to any repayment of amounts due from the Director in connection with the exercise of the authority vested to the Director to borrow such sums under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016), to the extent such borrowed sums were used to fund the payment of flood insurance claims under the National Flood Insurance Program for any damage to or loss of property resulting from the hurricanes of 2005.

(b) CERTIFICATION.—The debt forgiveness described under subsection (a) shall only take effect if the Director certifies to the Secretary of Treasury that all authorized resources or funds available to the Director to operate the National Flood Insurance Program—

(1) have been otherwise obligated to pay claims under the National Flood Insurance Program; and

(2) are not otherwise available to make payments to the Secretary on any outstanding notes or obligations issued by the Director and held by the Secretary.

(c) DECREASE IN BORROWING AUTHORITY.—The first sentence of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking "; except that, through September 30, 2008, clause (2) of this sentence shall be applied by substituting '$20,775,000,000' for '$1,500,000,000' ".

SEC. 113. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking "The Director is" and inserting the following:

"(a) IN GENERAL.—The Director is"; and

(2) by adding at the end the following:

"(b) MINIMUM ANNUAL DEDUCTIBLE.—

"(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

"(A) $1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

"(B) $2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.

"(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, *1974, or after the effective date of an initial flood insurance rate map published by the Director under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—*

"(A) $750, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than $100,000; and

"(B) $1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than $100,000.".

SEC. 114. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(b)) is amended—

(1) in subsection (a), by striking ", after consultation with" and all that follows through "by regulation" and inserting "prescribe, after providing notice";

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking ", and" and inserting a semicolon;

(D) in paragraph (4), by striking the period and inserting "; and"; and

(E) by adding at the end the following:

"(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund."; and

(3) by adding at the end the following:

"(h) RULE OF CONSTRUCTION.—For purposes of this section, the calculation of an 'average historical loss year'—

"(1) includes catastrophic loss years; and

"(2) shall be computed in accordance with generally accepted actuarial principles.".

SEC. 115. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 the following:

"SEC. 1310A. RESERVE FUND.

"(a) ESTABLISHMENT OF RESERVE FUND.—In carrying out the flood insurance program authorized by this chapter, the Director shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the 'Reserve Fund') which shall—

"(1) be an account separate from any other accounts or funds available to the Director; and

"(2) be available for meeting the expected future obligations of the flood insurance program.

"(b) RESERVE RATIO.—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

"(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

"(2) such higher percentage as the Director determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

"(c) MAINTENANCE OF RESERVE RATIO.—

"(1) IN GENERAL.—The Director shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

"(A) to maintain the reserve ratio required under subsection (b); and

"(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

"(2) CONSIDERATIONS.—In exercising the authority granted under paragraph (1), the Director shall consider—

"(A) the expected operating expenses of the Reserve Fund;

"(B) the insurance loss expenditures under the flood insurance program;

"(C) any investment income generated under the flood insurance program; and

"(D) any other factor that the Director determines appropriate.

"(3) LIMITATIONS.—In exercising the authority granted under paragraph (1), the Director shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

"(d) PHASE-IN REQUIREMENTS.—The phase-in requirements under this subsection are as follows:

"(1) IN GENERAL.—Beginning in fiscal year 2008 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Director shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

"(2) AMOUNT SATISFIED.—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Director shall not be required to set aside any amounts for the Reserve Fund.

"(3) EXCEPTION.—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Director shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

"(e) LIMITATION ON RESERVE RATIO.—In any given fiscal year, if the Director determines that the reserve ratio required under subsection (b) cannot be achieved, the Director shall submit a report to Congress that—

"(1) describes and details the specific concerns of the Director regarding such consequences;

"(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

"(3) indicates the maximum attainable reserve ratio for that particular fiscal year.".

SEC. 116. REPAYMENT PLAN FOR BORROWING AUTHORITY.

Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

"(c) Any funds borrowed by the Director under the authority established in subsection (a) shall include a schedule for repayment of such amounts which shall be transmitted to the—

"(1) Secretary of the Treasury;

"(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(3) Committee on Financial Services of the House of Representatives.

"(d) In addition to the requirement under subsection (c), in connection with any funds borrowed by the Director under the authority established in subsection (a), the Director, beginning 6 months after the date on which such borrowed funds are issued, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to the—

"(1) Secretary of the Treasury;

"(2) Committee on Banking, Housing, and Urban Affairs of the Senate; and

"(3) Committee on Financial Services of the House of Representatives.".

SEC. 117. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 113, is further amended by adding at the end the following:

"(c) PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.—The Director may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based, solely or in any part, on the flood insurance coverage of the condominium association or others on the overall property owned by the condominium association. Notwithstanding any regulations, rules, or restrictions established by the Director relating to appeals and filing deadlines, the Director shall ensure that the requirements of this subsection are met with respect to any claims for damages resulting from flooding in 2005 and 2006.".

SEC. 118. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of the Director, or the designee thereof, and 12 additional members to be appointed by the Director or the designee of the Director, who shall be—

(A) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof);

(B) a member of a recognized professional surveying association or organization

(C) a member of a recognized professional mapping association or organization;

(D) a member of a recognized professional engineering association or organization;

(E) a member of a recognized professional association or organization representing flood hazard determination firms;

(F) a representative of the United States Geological Survey;

(G) a representative of a recognized professional association or organization representing State geographic information;

(H) a representative of State national flood insurance coordination offices;

(I) a representative of the Corps of Engineers

(J) the Secretary of the Interior (or the designee thereof);

(K) the Secretary of Agriculture (or the designee thereof);

(L) a member of a recognized regional flood and storm water management organization;

(M) a representative of a State agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps; and

(N) a representative of a local government agency that has entered into a cooperating technical partnership with the Director and has demonstrated the capability to produce flood insurance rate maps.

(2) QUALIFICATIONS.—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps.

(c) DUTIES.—The Council shall—

(1) recommend to the Director how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Director mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Director how to maintain on an ongoing basis flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Director and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Director that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 119; and

(C) a summary of recommendations made by the Council to the Director.

(d) FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.—

(1) IN GENERAL.—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of enactment of this title, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Director.

(2) RESPONSIBILITY OF THE DIRECTOR.—The Director, as part of the ongoing program to review and update National Flood Insurance Program rate maps under section 119, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) CHAIRPERSON.—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the "Chairperson").

(f) COORDINATION.—To ensure that the Council's recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to OMB Circular A–16).

(g) COMPENSATION.—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) MEETINGS AND ACTIONS.—

(1) IN GENERAL.—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) INITIAL MEETING.—The Director, or a person designated by the Director, shall request and coordinate the initial meeting of the Council.

(i) OFFICERS.—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) STAFF.—

(1) STAFF OF FEMA.—Upon the request of the Chairperson, the Director may detail, on a non-reimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) STAFF OF OTHER FEDERAL AGENCIES.—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a non-reimbursable basis, personnel to assist the Council in carrying out its duties.

(k) POWERS.—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(l) REPORT TO CONGRESS.—The Director, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council; and

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data.

SEC. 119. NATIONAL FLOOD MAPPING PROGRAM.

(a) REVIEWING, UPDATING, AND MAINTAINING MAPS.—The Director, in coordination with the Technical Mapping Advisory Council established under section 118, shall establish an ongoing program under which the Director shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) MAPPING.—

(1) IN GENERAL.—In carrying out the program established under subsection (a), the Director shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all areas located within the 100-year floodplain;

(ii) all areas located within the 500-year floodplain;

(iii) areas of residual risk that have not previously been identified, including areas that are protected levees, dams, and other man-made structures; and

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other man-made structure;

(v) the level of protection provided by man-made structures.

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968, the most accurate topography and elevation data available.

(2) MAPPING ELEMENTS.—Each map updated under this section shall:

(A) GROUND ELEVATION DATA.—Assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with the existing guidelines and specifications of the Federal Emergency Management Agency.

(B) DATA ON A WATERSHED BASIS.—Develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) OTHER INCLUSIONS.—In updating maps under this section, the Director shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Director;

(C) any relevant information on land subsidence, coastal erosion areas, and other floor-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available climate science and the potential for future inundation from sea level rise, increased precipitation, and increased intensity of hurricanes due to global warming; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) STANDARDS.—In updating and maintaining maps under this section, the Director shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Director, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Director; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) compliant with the North American Vertical Datum of 1998 for New Hydrologic and Hydraulic Engineering.

(d) COMMUNICATION AND OUTREACH.—

(1) IN GENERAL.—The Director shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects of—

(i) any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements; and

(B) engage with local communities to enhance communication and outreach to the residents of such communities on the matters described under subparagraph (A).

(2) REQUIRED ACTIVITIES.—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available such

owners to appeal proposed changes in flood elevations through their community; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Director to carry out this section $400,000,000 for each of fiscal years 2008 through 2013.

SEC. 120. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking ", but which may not exceed 50 percent of the cost of carrying out the requested revision or update".

SEC. 121. COORDINATION.

(a) INTERAGENCY BUDGET CROSSCUT REPORT.—

(1) IN GENERAL.—The Secretary of Homeland Security, the Director, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 118 and 119 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) REPORT.—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives a financial report, certified by the Secretary or head of each such agency, an interagency budget crosscut report that displays the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intraagency transfers.

(b) DUTIES OF THE DIRECTOR.—In carrying out sections 118 and 119, the Director shall—

(1) participate, pursuant to section 216 of Public Law 107–347 (116 Stat. 2945), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide liaison to the Federal Geographic Data Committee pursuant to Office of Management and Budget Circular A–16 and Executive Order 12906 for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of geospatial data among all governmental users.

SEC. 122. INTERAGENCY COORDINATION STUDY.

(a) IN GENERAL.—The Director shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) TIMING.—Not later than 180 days after the date of enactment of this title, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to the—

(1) Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) Committee on Financial Services of the House of Representatives;

(3) Committee on Appropriations of the Senate; and

(4) Committee on Appropriations of the House of Representatives.

SEC. 123. NONMANDATORY PARTICIPATION.

(a) NONMANDATORY PARTICIPATION IN NATIONAL FLOOD INSURANCE PROGRAM FOR 500-YEAR FLOODPLAIN.—Any area located within the 500-year floodplain shall not be subject to the mandatory purchase requirements of sections 102 or 202 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a, 4106).

(b) NOTICE.—

(1) BY DIRECTOR.—In carrying out the National Flood Insurance Program, the Director shall provide notice to any community located in an area within the 500-year floodplain.

(2) TIMING OF NOTICE.—The notice required under paragraph (1) shall be made not later than 6 months after the date of completion of the initial mapping of the 500-year floodplain, as required under section 118.

(3) LENDER REQUIRED NOTICE.—

(A) REGULATED LENDING INSTITUTIONS.—Each Federal or State entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, require regulated lending institutions, as a condition of making, increasing, extending, or renewing any loan secured by property located in an area within the 500-year floodplain, to notify the purchaser or lessee (or obtain satisfactory assurances that the seller or lessor has notified the purchaser or lessee) and the servicer of the loan that such property is located in an area within the 500-year floodplain, in a manner that is consistent with and substantially identical to the notice required under section 1364(a)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(1)).

(B) FEDERAL OR STATE AGENCY LENDERS.—Each Federal or State agency lender shall, by regulation, require notification in the same manner as provided under subparagraph (A) with respect to any loan that is made by a Federal or State agency lender and secured by property located in an area within the 500-year floodplain.

(C) PENALTY FOR NONCOMPLIANCE.—Any regulated lending institution or Federal or State agency lender that fails to comply with the notice requirements established by this paragraph shall be subject to the penalties prescribed under section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)).

SEC. 124. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)) is amended—

(1) in paragraph (4), by striking "; and" and inserting a semicolon;

(2) in paragraph (5), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(6) an explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program, whether or not the real estate is located in an area having special flood hazards.".

SEC. 125. TESTING OF NEW FLOODPROOFING TECHNOLOGIES.

(a) PERMISSIBLE TESTING.—A temporary residential structure built for the purpose of testing a new flood proofing technology, as described in subsection (b), in any State or community that receives mitigation assistance under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) may not be construed to be in violation of any flood risk mitigation plan developed by that State or community and approved by the Director of the Federal Emergency Management Agency.

(b) CONDITIONS ON TESTING.—Testing permitted under subsection (a) shall—

(1) be performed on an uninhabited residential structure;

(2) require dismantling of the structure at the conclusion of such testing; and

(3) require that all costs associated with such testing and dismantling be covered by the individual or entity conducting the testing, or on whose behalf the testing is conducted.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter, limit, or extend the availability of flood insurance to any structure that may employ, utilize, or apply any technology tested under subsection (b).

SEC. 126. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 the following:

"SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

"(a) REQUIREMENT TO PARTICIPATE.—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) that may have resulted in flood damage under the flood insurance program established under this chapter and other personal lines residential property insurance coverage offered by a State regulated insurer, upon request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Director in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Director shall cause representatives of the flood insurance program to participate in such a State program where claims under the flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

"(b) EXTENT OF PARTICIPATION.—In satisfying the requirements of subsection (a), the Director shall require that each representative of the Director—

"(1) be certified for purposes of the flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

"(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

"(3) participate in good faith negotiations toward the settlement of such claims with policyholders of coverage made available under the flood insurance program; and

"(4) finalize the settlement of such claims on behalf of the flood insurance program with such policyholders.

"(c) COORDINATION.—Representatives of the Director shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

"(d) QUALIFICATIONS OF MEDIATORS.—Each State mediator participating in State-sponsored mediation under this section shall be—

"(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

"(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

"(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

"(e) MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the Director shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

"(f) LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.—Participation in State-sponsored mediation, as described in this section does not—

"(1) affect or expand the liability of any party in contract or in tort; or

"(2) affect the rights or obligations of the parties, as established—

"(A) in any regulation issued by the Director, including any regulation relating to a standard flood insurance policy;

"(B) under this Act; and

"(C) under any other provision of Federal law.

"(g) EXCLUSIVE FEDERAL JURISDICTION.—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this Act.

"(h) COST LIMITATION.—Nothing in this section shall be construed to require the Director or a representative of the Director to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Director participates.

"(i) EXCEPTION.—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

"(1) this section shall not apply; and

"(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumen-auer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

"(j) REPRESENTATIVES OF THE DIRECTOR.—For purposes of this section, the term 'representatives of the Director' means representatives of the national flood insurance program who participate in the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).".

SEC. 127. REITERATION OF FEMA RESPONSIBILITIES UNDER THE 2004 REFORM ACT.

(a) MINIMUM TRAINING AND EDUCATION REQUIREMENTS.—The Director shall continue to work with the insurance industry, State insurance regulators, and other interested parties to implement the minimum training and education standards for all insurance agents who sell flood insurance policies, as such standards were determined by the Director in the notice published in the Federal Register on September 1, 2005 (70 Fed. Reg. 52117) pursuant to section 207 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).

(b) REPORT ON THE OVERALL IMPLEMENTATION OF THE REFORM ACT OF 2004.—Not later than 3 months after the date of the enactment of this title, the Director shall submit a report to Congress—

(1) describing the implementation of each provision of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108-264; 118 Stat. 712);

(2) identifying each regulation, order, notice, and other material issued by the Director in implementing each provision of that Act;

(3) explaining any statutory or implied deadlines that have not been met; and

(4) providing an estimate of when the requirements of such missed deadlines will be fulfilled.

SEC. 128. ADDITIONAL AUTHORITY OF FEMA TO COLLECT INFORMATION ON CLAIMS PAYMENTS.

(a) IN GENERAL.—The Director shall collect, from property and casualty insurance companies that are authorized by the Director to participate in the Write Your Own program any information and data needed to determine the accuracy of the resolution of flood claims filed on any property insured with a standard flood insurance policy obtained under the program that was subject to a flood.

(b) TYPE OF INFORMATION TO BE COLLECTED.—The information and data to be collected under subsection (a) may include—

(1) any adjuster estimates made as a result of flood damage, and if the insurance company also insures the property for wind damage—

(A) any adjuster estimates for both wind and flood damage;

(B) the amount paid to the property owner for wind and flood claims;

(C) the total amount paid to the policyholder for damages as a result of the event that caused the flooding and other losses;

(2) any amounts paid to the policyholder by the insurance company for damages to the insured property other than flood damages; and

(3) the total amount paid to the policyholder by the insurance company for all damages incurred to the insured property as a result of the flood.

SEC. 129. EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) SUBMISSION OF BIENNIAL REPORTS.—

(1) TO THE DIRECTOR.—Not later than 20 days after the date of enactment of this title, each property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program shall submit to the Director any biennial report prepared in the prior 5 years by such company.

(2) TO GAO.—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Director shall submit all such reports to the Comptroller General of the United States.

(3) NOTICE TO CONGRESS OF FAILURE TO COMPLY.—The Director shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(4) FAILURE TO COMPLY.—A property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount equal to $1,000 per day for each day that the company remains in noncompliance with either such requirement.

(b) FEMA RULEMAKING ON EXPENSES OF WYO PROGRAM.—Not later than 180 days after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to devise a data collection methodology to allow the Federal Emergency Management Agency to collect consistent information on the expenses (including the operating and administrative expenses for adjustment of claims) of property and casualty insurance companies participating in the Write Your Own program for selling, writing, and servicing, standard flood insurance policies.

(c) SUBMISSION OF EXPENSE REPORTS.—Not later than 60 days after the effective date of the final rule established pursuant to subsection (b), each property and casualty insurance company participating in the Write Your Own program shall submit a report to the Director that details for the prior 5 years the expense levels of each such company for selling, writing, and servicing standard flood insurance policies based on the methodologies established under subsection (b).

(d) FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WYO PROGRAM.—Not later than 15 months after the date of enactment of this title, the Director shall conduct a rulemaking proceeding to formulate revised expense reimbursements to property and casualty insurance companies participating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and non-catastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as close as practicably possible.

(e) REPORT OF THE DIRECTOR.—Not later than 60 days after the effective date of any final rule established pursuant to subsection (b) or subsection (d), the Director shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) GAO STUDY AND REPORT ON EXPENSES OF WYO PROGRAM.—

(1) STUDY.—Not later than 180 days after the effective date of the final rule established pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules established pursuant to subsections (b) and (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) GAO AUTHORITY.—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General previously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rules established pursuant to subsections (b) and (d) allow the Federal Emergency Management Agency to access adequate information regarding the actual expenses of

property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule established in subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of such rules on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 130. EXTENSION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROPERTIES.

(a) IN GENERAL.—Section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a) is amended—

(1) in subsection (k)(1)—

(A) in the first sentence, by striking "in each of fiscal years 2005, 2006, 2007, 2008, and 2009" and inserting "in each fiscal year through fiscal year 2013"; and

(B) by adding at the end the following new sentence: "For fiscal years 2008 through the 2013, the total amount that the Director may use to provide assistance under this section shall not exceed $240,000,000."; and

(2) by striking subsection (l).

(b) REPORT TO CONGRESS ON IMPLEMENTATION STATUS.—Not later than 6 months after the date of enactment of this title, the Director shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the implementation of the pilot program for severe repetitive loss properties authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

(c) RULEMAKING.—No later than 90 days after the date of enactment of this title, the Director shall issue final rules to carry out the severe repetitive loss pilot program authorized under section 1361A of the National Flood Insurance Act of 1968 (42 U.S.C. 4102a).

SEC. 131. FLOOD INSURANCE ADVOCATE.

Chapter II of the National Flood Insurance Act of 1968 is amended by inserting after section 1330 (42 U.S.C. 4041) the following new section:

"SEC. 1330A. OFFICE OF THE FLOOD INSURANCE ADVOCATE.

"(a) ESTABLISHMENT OF POSITION.—

"(1) IN GENERAL.—There shall be in the Federal Emergency Management Agency an Office of the Flood Insurance Advocate which shall be headed by the National Flood Insurance Advocate. The National Flood Insurance Advocate shall—

"(A) to the extent amounts are provided pursuant to subsection (n), be compensated at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the Director so determines, at a rate fixed under section 9503 of such title;

"(B) be appointed by the Director without regard to political affiliation;

"(C) report to and be under the general supervision of the Director, but shall not report to, or be subject to supervision by, any other officer of the Federal Emergency Management Agency; and

"(D) consult with the Assistant Administrator for Mitigation or any successor thereto, but shall not report to, or be subject to the general supervision by, the Assistant Administrator for Mitigation or any successor thereto.

"(2) QUALIFICATIONS.—An individual appointed under paragraph (1)(B) shall have a background in customer service, or experience representing insureds, as well as experience in investigations or audits.

"(3) RESTRICTION ON EMPLOYMENT.—An individual may be appointed as the National Flood Insurance Advocate only if such individual was not an officer or employee of the Federal Emergency Management Agency with duties relating to the national flood insurance program during the 2-year period ending with such appointment and such individual agrees not to accept any employment with the Federal Emergency Management Agency for at least 2 years after ceasing to be the National Flood Insurance Advocate. Service as an employee of the National Flood Insurance Advocate shall not be taken into account in applying this paragraph.

"(4) STAFF.—To the extent amounts are provided pursuant to subsection (n), the National Flood Insurance Advocate may employ such personnel as may be necessary to carry out the duties of the Office.

"(5) INDEPENDENCE.—The Director shall not prevent or prohibit the National Flood Insurance Advocate from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena or summons during the course of any audit or investigation.

"(6) REMOVAL.—The President and the Director shall have the power to remove, discharge, or dismiss the National Flood Insurance Advocate. Not later than 15 days after the removal, discharge, or dismissal of the Advocate, the President or the Director shall report to the Committee on Banking of the Senate and the Committee on Financial Services of the House of Representatives on the basis for such removal, discharge, or dismissal.

"(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of the Flood Insurance Advocate to—

"(1) assist insure under the national flood insurance program in resolving problems with the Federal Emergency Management Agency relating to such program;

"(2) identify areas in which such insure have problems in dealings with the Federal Emergency Management Agency relating to such program;

"(3) propose changes in the administrative practices of the Federal Emergency Management Agency to mitigate problems identified under paragraph (2);

"(4) identify potential legislative, administrative, or regulatory changes which may be appropriate to mitigate such problems;

"(5) conduct, supervise, and coordinate—

"(A) systematic and random audits and investigations of insurance companies and associated entities that sell or offer policies under the National Flood Insurance Program to determine whether such insurance companies or associated entities are allocating only flood losses under such insurance policies to the National Flood Insurance Program; and

"(B) audits and investigations to determine if an insurance company or associated entity described under subparagraph (A) is negotiating on behalf of the National Flood Insurance Program with third parties in good faith;

"(6) conduct, supervise, and coordinate investigations into the operations of the national flood insurance program for the purpose of—

"(A) promoting economy and efficiency in the administration of such program;

"(B) preventing and detecting fraud and abuse in the program; and

"(C) identifying, and referring to the Attorney General for prosecution, any participant in such fraud or abuse; and

"(7) identify and investigate conflicts of interest that undermine the economy and efficiency of the national flood insurance program.

"(c) AUTHORITY OF THE NATIONAL FLOOD INSURANCE ADVOCATE.—The National Flood Insurance Advocate may—

"(1) have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Director which relate to administration or operation of the national flood insurance program with respect to which the National Flood Insurance Advocate has responsibilities under this section, including information submitted pursuant to Section 12 of this Act;

"(2) undertake such investigations and reports relating to the administration or operation of the national flood insurance program as are in the judgment of the National Flood Insurance Advocate, necessary or desirable;

"(3) request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

"(4) request the production of information, documents, reports, answers, records (including phone records), accounts, papers, emails, hard drives, backup tapes, software, audio or visual aides, and any other data and documentary evidence necessary in the performance of the functions assigned to the National Flood Insurance Advocate by this section;

"(5) request the testimony of any person in the employ of any insurance company or associated entity participating in the National Flood Insurance Program, described under subsection (b)(5)(A), or any successor to such company or entity, including any member of the board of such company or entity, any trustee of such company or entity, any partner in such company or entity, or any agent or representative of such company or entity;

"(6) select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates;

"(7) obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for the rate of basic pay for a position at level IV of the Executive Schedule; and

"(8) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and to make such payments as may be necessary to carry out the provisions of this section.

"(d) ADDITIONAL DUTIES OF THE NFIA.—The National Flood Insurance Advocate shall—

"(1) monitor the coverage and geographic allocation of regional offices of flood insurance advocates;

"(2) develop guidance to be distributed to all Federal Emergency Management Agency officers and employees having duties with respect to the national flood insurance program, outlining the criteria for referral of inquiries by insureds under such program to regional offices of flood insurance advocates;

"(3) ensure that the local telephone number for each regional office of the flood insurance advocate is published and available to such insureds served by the office; and

"(4) establish temporary State or local offices where necessary to meet the needs of qualified insureds following a flood event.

"(e) OTHER RESPONSIBILITIES.—

"(1) ADDITIONAL REQUIREMENTS RELATING TO CERTAIN AUDITS.—Prior to conducting any audit or investigation relating to the allocation of flood losses under subsection (b)(5)(A), the National Flood Insurance Advocate may—

"(A) consult with appropriate subject-matter experts to identify the data necessary to determine whether flood claims paid by insurance companies or associated entities on behalf the

national flood insurance program reflect damages caused by flooding;

"(B) collect or compile the data identified in subparagraph (A), utilizing existing data sources to the maximum extent practicable; and

"(C) establish policies, procedures, and guidelines for application of such data in all audits and investigations authorized under this section.

"(2) ANNUAL REPORTS.—

"(A) ACTIVITIES.—Not later than December 31 of each calendar year, the National Flood Insurance Advocate shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the activities of the Office of the Flood Insurance Advocate during the fiscal year ending during such calendar year. Any such report shall contain a full and substantive analysis of such activities, in addition to statistical information, and shall—

"(i) identify the initiatives the Office of the Flood Insurance Advocate has taken on improving services for insureds under the national flood insurance program and responsiveness of the Federal Emergency Management Agency with respect to such initiatives;

"(ii) describe the nature of recommendations made to the Director under subsection (i);

"(iii) contain a summary of the most serious problems encountered by such insureds, including a description of the nature of such problems;

"(iv) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action has been taken and the result of such action;

"(v) contain an inventory of any items described in clauses (i), (ii), and (iii) for which action remains to be completed and the period during which each item has remained on such inventory;

"(vi) contain an inventory of any items described in clauses (i), (ii), and (iii) for which no action has been taken, the period during which each item has remained on such inventory and the reasons for the inaction;

"(vii) identify any Flood Insurance Assistance Recommendation which was not responded to by the Director in a timely manner or was not followed, as specified under subsection (i);

"(viii) contain recommendations for such administrative and legislative action as may be appropriate to resolve problems encountered by such insureds;

"(ix) identify areas of the law or regulations relating to the national flood insurance program that impose significant compliance burdens on such insureds or the Federal Emergency Management Agency, including specific recommendations for remedying these problems;

"(x) identify the most litigated issues for each category of such insureds, including recommendations for mitigating such disputes;

"(xi) identify ways to promote the economy, efficiency, and effectiveness in the administration of the national flood insurance program;

"(xii) identify fraud and abuse in the national flood insurance program; and

"(xiii) include such other information as the National Flood Insurance Advocate may deem advisable.

"(B) DIRECT SUBMISSION OF REPORT.—Each report required under this paragraph shall be provided directly to the committees identified in subparagraph (A) without any prior review or comment from the Director, the Secretary of Homeland Security, or any other officer or employee of the Federal Emergency Management Agency or the Department of Homeland Security, or the Office of Management and Budget.

"(3) INFORMATION AND ASSISTANCE FROM OTHER AGENCIES.—

"(A) IN GENERAL.—Upon request of the National Flood Insurance Advocate for information or assistance under this section, the head of any Federal agency shall, insofar as is practicable and not in contravention of any statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the National Flood Insurance Advocate, or to an authorized designee of the National Flood Insurance Advocate, such information or assistance.

"(B) REFUSAL TO COMPLY.—Whenever information or assistance requested under this subsection is, in the judgment of the National Flood Insurance Advocate, unreasonably refused or not provided, the National Flood Insurance Advocate shall report the circumstances to the Director without delay.

"(f) COMPLIANCE WITH GAO STANDARDS.—In carrying out the responsibilities established under this section, the National Flood Insurance Advocate shall—

"(1) comply with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions;

"(2) establish guidelines for determining when it shall be appropriate to use non-Federal auditors;

"(3) take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General as described in paragraph (1); and

"(4) take the necessary steps to minimize the publication of proprietary and trade secrets information.

"(g) PERSONNEL ACTIONS.—

"(1) IN GENERAL.—The National Flood Insurance Advocate shall have the responsibility and authority to—

"(A) appoint regional flood insurance advocates in a manner that will provide appropriate coverage based upon regional flood insurance program participation; and

"(B) hire, evaluate, and take personnel actions (including dismissal) with respect to any employee of any regional office of a flood insurance advocate described in subparagraph (A).

"(2) CONSULTATION.—The National Flood Insurance Advocate may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency in carrying out the National Flood Insurance Advocate's responsibilities under this subsection.

"(h) OPERATION OF REGIONAL OFFICES.—

"(1) IN GENERAL.—Each regional flood insurance advocate appointed pursuant to subsection (d)—

"(A) shall report to the National Flood Insurance Advocate or delegate thereof;

"(B) may consult with the appropriate supervisory personnel of the Federal Emergency Management Agency regarding the daily operation of the regional office of the flood insurance advocate;

"(C) shall, at the initial meeting with any insured under the national flood insurance program seeking the assistance of a regional office of the flood insurance advocate, notify such insured that the flood insurance advocate offices operate independently of any other Federal Emergency Management Agency office and report directly to Congress through the National Flood Insurance Advocate; and

"(D) may, at the flood insurance advocate's discretion, not disclose to the Director contact with, or information provided by, such insured.

"(2) MAINTENANCE OF INDEPENDENT COMMUNICATIONS.—Each regional office of the flood insurance advocate shall maintain a separate phone, facsimile, and other electronic communication access.

"(i) FLOOD INSURANCE ASSISTANCE RECOMMENDATIONS.—

"(1) AUTHORITY TO ISSUE.—Upon application filed by a qualified insured with the Office of the Flood Insurance Advocate (in such form, manner, and at such time as the Director shall by regulation prescribe), the National Flood Insurance Advocate may issue a Flood Insurance Assistance Recommendation, if the Advocate finds that the qualified insured is suffering a significant hardship, such as a significant delay in resolving claims where the insured is incurring significant costs as a result of such delay, or where the insured is at risk of adverse action, including the loss of property, as a result of the manner in which the flood insurance laws are being administered by the Director.

"(2) TERMS OF A FLOOD INSURANCE ASSISTANCE RECOMMENDATION.—The terms of a Flood Insurance Assistance Recommendation may recommend to the Director that the Director, within a specified time period, cease any action, take any action as permitted by law, or refrain from taking any action, including the payment of claims, with respect to the qualified insured under any other provision of law which is specifically described by the National Flood Insurance Advocate in such recommendation.

"(3) DIRECTOR RESPONSE.—Not later than 15 days after the receipt of any Flood Insurance Assistance Recommendation under this subsection, the Director shall respond in writing as to—

"(A) whether such recommendation was followed;

"(B) why such recommendation was or was not followed; and

"(C) what, if any, additional actions were taken by the Director to prevent the hardship indicated in such recommendation.

"(4) RESPONSIBILITIES OF DIRECTOR.—The Director shall establish procedures requiring a formal response consistent with the requirements of paragraph (3) to all recommendations submitted to the Director by the National Flood Insurance Advocate under this subsection.

"(j) REPORTING OF POTENTIAL CRIMINAL VIOLATIONS.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate shall report expeditiously to the Attorney General whenever the National Flood Insurance Advocate has reasonable grounds to believe there has been a violation of Federal criminal law.

"(k) COORDINATION.—

"(1) WITH OTHER FEDERAL AGENCIES.—In carrying out the duties and responsibilities established under this section, the National Flood Insurance Advocate—

"(A) shall give particular regard to the activities of the Inspector General of the Department of Homeland Security with a view toward avoiding duplication and insuring effective coordination and cooperation; and

"(B) may participate, upon request of the Inspector General of the Department of Homeland Security, in any audit or investigation conducted by the Inspector General.

"(2) WITH STATE REGULATORS.—In carrying out any investigation or audit under this section, the National Flood Insurance Advocate shall coordinate its activities and efforts with any State insurance authority that is concurrently undertaking a similar or related investigation or audit.

"(3) AVOIDANCE OF REDUNDANCIES IN THE RESOLUTION OF PROBLEMS.—In providing any assistance to a policyholder pursuant to paragraphs (1) and (2) of subsection (b), the National Flood Insurance Advocate shall consult with the Director to eliminate, avoid, or reduce any redundancies in actions that may arise as a result of the actions of the National Flood Insurance Advocate and the claims appeals process described under section 62.20 of title 44, Code of Federal Regulations.

"(l) AUTHORITY OF THE DIRECTOR TO LEVY PENALTIES.—The Director and the Advocate

shall establish procedures to take appropriate action against an insurance company, including monetary penalties and removal or suspension from the program, when a company refuses to cooperate with an investigation or audit under this section or where a finding has been made of improper conduct.

"(m) DEFINITIONS.—For purposes of this subsection:

"(1) ASSOCIATED ENTITY.—The term 'associated entity' means any person, corporation, or other legal entity that contracts with the Director or an insurance company to provide adjustment services, benefits calculation services, claims services, processing services, or record keeping services in connection with standard flood insurance policies made available under the national flood insurance program.

"(2) INSURANCE COMPANY.—The term 'insurance company' refers to any property and casualty insurance company that is authorized by the Director to participate in the Write Your Own program under the national flood insurance program.

"(3) NATIONAL FLOOD INSURANCE ADVOCATE.—The term 'National Flood Insurance Advocate' includes any designee of the National Flood Insurance Advocate.

"(4) QUALIFIED INSURED.—The term 'qualified insured' means an insured under coverage provided under the national flood insurance program under this title.

"(n) FUNDING.—Pursuant to section 1310(a)(8), the Director may use amounts from the National Flood Insurance Fund to fund the activities of the Office of the Flood Advocate in each of fiscal years 2009 through 2014, except that the amount so used in each such fiscal year may not exceed $5,000,000 and shall remain available until expended. Notwithstanding any other provision of this title, amounts made available pursuant to this subsection shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.".

SEC. 132. STUDIES AND REPORTS.

(a) REPORT ON EXPANDING THE NATIONAL FLOOD INSURANCE PROGRAM.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of—

(i) $250,000 for the structure; and

(ii) $100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of $500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming loan limit for fiscal year 2006 of $417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) REPORT OF THE DIRECTOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—

(1) IN GENERAL.—The Director shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) TIMING.—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) CONTENTS.—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

(i) premiums paid into such Fund;

(ii) policy claims against such Fund; and

(iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

(i) hurricane related damage; and

(ii) nonhurricane related damage;

(E) the amounts made available by the Director for mitigation assistance under section 1366(e)(5) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(e)(5)) for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Director as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Director as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) GAO STUDY ON PRE-FIRM STRUCTURES.—Not later than 1 year after the date of the enactment of this title, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving discounted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), including the historical basis for the receipt of such subsidy and whether such subsidy has outlasted its purpose;

(2) number and fair market value of such structures;

(3) respective income level of each owner of such structure;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost to the taxpayer, as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the most efficient way to eliminate the subsidy to such structures.

(d) GAO REVIEW OF FEMA CONTRACTORS.—The Comptroller General of the United States, in conjunction with the Department of Homeland Security's Inspectors general Office, shall—

(1) conduct a review of the 3 largest contractors the Director uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of enactment of this title, submit a report on the findings of such review to the Director, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

SEC. 133. FEASIBILITY STUDY ON PRIVATE REINSURANCE.

Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct and submit a report to Congress on—

(1) the feasibility of requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage, in addition to any such reinsurance coverage required under section 1335 of the National Flood Insurance Act of 1968 (42 U.S.C. 4055), to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurers;

(2) the feasibility of repealing the reinsurance requirement under such section 1335, and requiring the Director, as part of carrying out the responsibilities of the Director under the National Flood Insurance Program, to purchase private reinsurance or retrocessional coverage to underlying primary private insurers for losses arising due to flood insurance coverage provided by such insurer; and

(3) the estimated total savings to the taxpayer of taking each such action described in paragraph (1) or (2).

SEC. 134. POLICY DISCLOSURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) VIOLATIONS.—Any person that violates the requirements of this section shall be subject to a fine of not more than $50,000 at the discretion of the Director.

SEC. 135. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction; and

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building code or any applicable local building code provides greater protection from flood damage.

TITLE II—COMMISSION ON NATURAL CATASTROPHE RISK MANAGEMENT AND INSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Commission on Natural Catastrophe Risk Management and Insurance Act of 2008".

SEC. 202. FINDINGS.

Congress finds that—

(1) Hurricanes Katrina, Rita, and Wilma, which struck the United States in 2005, caused, by some estimates, in excess of $200,000,000,000 in total economic losses;

(2) many meteorologists predict that the United States is in a period of increased hurricane activity;

(3) the Federal Government and State governments have provided billions of dollars to pay for losses from natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(4) many Americans are finding it increasingly difficult to obtain and afford property and casualty insurance coverage;

(5) some insurers are not renewing insurance policies, are excluding certain risks, such as wind damage, and are increasing rates and deductibles in some markets;

(6) the inability of property and business owners in vulnerable areas to obtain and afford property and casualty insurance coverage endangers the national economy and public health and safety;

(7) almost every State in the United States is at risk of a natural catastrophe, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(8) building codes and land use regulations play an indispensable role in managing catastrophe risks, by preventing building in high risk areas and ensuring that appropriate mitigation efforts are completed where building has taken place;

(9) several proposals have been introduced in Congress to address the affordability and availability of natural catastrophe insurance across the United States, but there is no consensus on what, if any, role the Federal Government should play; and

(10) an efficient and effective approach to assessing natural catastrophe risk management and insurance is to establish a nonpartisan commission to study the management of natural catastrophe risk, and to require such commission to timely report to Congress on its findings.

SEC. 203. ESTABLISHMENT.

There is established a nonpartisan Commission on Natural Catastrophe Risk Management and Insurance (in this title referred to as the "Commission").

SEC. 204. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 16 members, of whom—

(1) 2 members shall be appointed by the majority leader of the Senate;

(2) 2 members shall be appointed by the minority leader of the Senate;

(3) 2 members shall be appointed by the Speaker of the House of Representatives;

(4) 2 members shall be appointed by the minority leader of the House of Representatives;

(5) 2 members shall be appointed by the Chairman of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(6) 2 members shall be appointed by the Ranking Member of the Committee on Banking, Housing, and Urban Affairs of the Senate;

(7) 2 members shall be appointed by the Chairman of the Committee on Financial Services of the House of Representatives; and

(8) 2 members shall be appointed by the Ranking Member of the Committee on Financial Services of the House of Representatives.

(b) QUALIFICATION OF MEMBERS.—

(1) IN GENERAL.—Members of the Commission shall be appointed under subsection (a) from among persons who—

(A) have expertise in insurance, reinsurance, insurance regulation, policyholder concerns, emergency management, risk management, public finance, financial markets, actuarial analysis, flood mapping and planning, structural engineering, building standards, land use planning, natural catastrophes, meteorology, seismology, environmental issues, or other pertinent qualifications or experience; and

(B) are not officers or employees of the United States Government or of any State government.

(2) DIVERSITY.—In making appointments to the Commission—

(A) every effort shall be made to ensure that the members are representative of a broad cross section of perspectives within the United States; and

(B) each member of Congress described in subsection (a) shall appoint not more than 1 person from any single primary area of expertise described in paragraph (1)(A) of this subsection.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the duration of the Commission.

(2) VACANCIES.—A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) QUORUM.—

(1) MAJORITY.—A majority of the members of the Commission shall constitute a quorum, but a lesser number, as determined by the Commission, may hold hearings.

(2) APPROVAL ACTIONS.—All recommendations and reports of the Commission required by this title shall be approved only by a majority vote of all of the members of the Commission.

(e) CHAIRPERSON.—The Commission shall, by majority vote of all of the members, select 1 member to serve as the Chairperson of the Commission (in this title referred to as the "Chairperson").

(f) MEETINGS.—The Commission shall meet at the call of its Chairperson or a majority of the members.

SEC. 205. DUTIES OF THE COMMISSION.

The Commission shall examine the risks posed to the United States by natural catastrophes, and means for mitigating those risks and for paying for losses caused by natural catastrophes, including assessing—

(1) the condition of the property and casualty insurance and reinsurance markets prior to and in the aftermath of Hurricanes Katrina, Rita, and Wilma in 2005, and the 4 major hurricanes that struck the United States in 2004;

(2) the current condition of, as well as the outlook for, the availability and affordability of insurance in all regions of the country;

(3) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such activities;

(4) the ongoing exposure of the United States to natural catastrophes, including hurricanes, earthquakes, volcanic eruptions, tsunamis, tornados, flooding, wildfires, droughts, and other natural catastrophes;

(5) the catastrophic insurance and reinsurance markets and the relevant practices in providing insurance protection to different sectors of the American population;

(6) implementation of a catastrophic insurance system that can resolve key obstacles currently impeding broader implementation of catastrophic risk management and financing with insurance;

(7) the financial feasibility and sustainability of a national, regional, or other pooling mechanism designed to provide adequate insurance coverage and increased underwriting capacity to insurers and reinsurers, including private-public partnerships to increase insurance capacity in constrained markets;

(8) methods to promote public insurance policies to reduce losses caused by natural catastrophes in the uninsured sectors of the American population;

(9) approaches for implementing a public or private insurance scheme for low-income communities, in order to promote risk reduction and insurance coverage in such communities;

(10) the impact of Federal and State laws, regulations, and policies (including rate regulation, market access requirements, reinsurance regulations, accounting and tax policies, State residual markets, and State catastrophe funds) on—

(A) the affordability and availability of catastrophe insurance;

(B) the capacity of the private insurance market to cover losses inflicted by natural catastrophes;

(C) the commercial and residential development of high-risk areas; and

(D) the costs of natural catastrophes to Federal and State taxpayers;

(11) the present and long-term financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates;

(12) the role that innovation in financial services could play in improving the affordability and availability of natural catastrophe insurance, specifically addressing measures that would foster the development of financial products designed to cover natural catastrophe risk, such as risked-linked securities;

(13) the need for strengthened land use regulations and building codes in States at high risk for natural catastrophes, and methods to strengthen the risk assessment and enforcement of structural mitigation and vulnerability reduction measures, such as zoning and building code compliance;

(14) the benefits and costs of proposed Federal natural catastrophe insurance programs (including the Federal Government providing reinsurance to State catastrophe funds, private insurers, or other entities), specifically addressing the costs to taxpayers, tax equity considerations, and the record of other government insurance programs (particularly with regard to charging actuarially sound prices);

(15) the ability of the United States private insurance market—

(A) to cover insured losses caused by natural catastrophes, including an estimate of the maximum amount of insured losses that could be sustained during a single year and the probability of natural catastrophes occurring in a single year that would inflict more insured losses than the United States insurance and reinsurance markets could sustain; and

(B) to recover after covering substantial insured losses caused by natural catastrophes;

(16) the impact that demographic trends could have on the amount of insured losses inflicted by future natural catastrophes;

(17) the appropriate role, if any, for the Federal Government in stabilizing the property and casualty insurance and reinsurance markets; and

(18) the role of the Federal, State, and local governments in providing incentives for feasible risk mitigation efforts.

SEC. 206. REPORT.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this title, the Commission shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a final report containing—

(1) a detailed statement of the findings and assessments conducted by the Commission pursuant to section 205; and

(2) any recommendations for legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Commission considers appropriate, in accordance with the requirements of section 205.

(b) EXTENSION OF TIME.—The Commission may request Congress to extend the period of time for the submission of the report required under subsection (a) for an additional 3 months.

SEC. 207. POWERS OF THE COMMISSION.

(a) MEETINGS; HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers necessary to carry out the purposes of this title. Members may attend meetings of the Commission and vote in person, via telephone conference, or via video conference.

(b) AUTHORITY OF MEMBERS OR AGENTS OF THE COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this title.

(c) OBTAINING OFFICIAL DATA.—

(1) AUTHORITY.—Notwithstanding any provision of section 552a of title 5, United States Code, the Commission may secure directly from any department or agency of the United States any information necessary to enable the Commission to carry out this title.

(2) PROCEDURE.—Upon request of the Chairperson, the head of such department or agency shall furnish to the Commission the information requested.

(d) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services necessary for the Commission to carry out its responsibilities under this title.

(f) ACCEPTANCE OF GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. The Commission shall issue internal guidelines governing the receipt of donations of services or property.

(g) VOLUNTEER SERVICES.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(h) FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.—Subject to the Federal Property and Administrative Services Act of 1949, the Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals for the conduct of activities necessary to the discharge of its duties and responsibilities.

(i) LIMITATION ON CONTRACTS.—A contract or other legal agreement entered into by the Commission may not extend beyond the date of the termination of the Commission.

SEC. 208. COMMISSION PERSONNEL MATTERS.

(a) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(b) SUBCOMMITTEES.—The Commission may establish subcommittees and appoint members of the Commission to such subcommittees as the Commission considers appropriate.

(c) STAFF.—Subject to such policies as the Commission may prescribe, the Chairperson may appoint and fix the pay of such additional personnel as the Chairperson considers appropriate to carry out the duties of the Commission. The Commission shall confirm the appointment of the executive director by majority vote of all of the members of the Commission.

(d) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—Staff of the Commission may be—

(1) appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service; and

(2) paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(e) EXPERTS AND CONSULTANTS.—In carrying out its objectives, the Commission may procure temporary and intermittent services of consultants and experts under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for GS–15 of the General Schedule under section 5332 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairperson, any Federal Government employee may be detailed to the Commission to assist in carrying out the duties of the Commission—

(1) on a reimbursable basis; and

(2) such detail shall be without interruption or loss of civil service status or privilege.

SEC. 209. TERMINATION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 206.

SEC. 210. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission, such sums as may be necessary to carry out this title, to remain available until expended.

TITLE III—MISCELLANEOUS

SEC. 301. BIG SIOUX RIVER AND SKUNK CREEK, SIOUX FALLS, SOUTH DAKOTA.

The project for flood control, Big Sioux River and Skunk Creek, Sioux Falls, South Dakota, authorized by section 101(a)(28) of the Water Resources Development Act of 1996 (110 Stat. 3666), is modified to authorize the Secretary to reimburse the non-Federal interest for funds advanced by the non-Federal interest for the Federal share of the project, only if additional Federal funds are appropriated for that purpose.

SEC. 302. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(b) RESUMPTION.—Not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any other acquisition method.

(c) EXISTING CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil for a period of not less than 1 year, in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007—MOTION TO PROCEED—Resumed

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The clerk will report the motion to invoke cloture.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 275, H.R. 980, the Public Safety Employer-Employee Cooperation Act.

Edward M. Kennedy, Robert Menendez, Russell D. Feingold, Patty Murray, Daniel K. Inouye, Amy Klobuchar, Debbie Stabenow, Ron Wyden, Barbara Boxer, Christopher J. Dodd, John D. Rockefeller, IV, Jon Tester, Sheldon Whitehouse, Frank R. Lautenberg, Sherrod Brown, Jeff Bingaman, John F. Kerry.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 980, the Public Safety Employer-Employee Cooperation Act, shall be brought to a close?

There is 2 minutes of debate, equally divided.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the legislation to provide a voice for our public safety offices. We have spent a great deal of time in the Senate on homeland security, but the key to effective homeland security is having effective firefighters, police officials, and first responders. They are the individuals who are really protecting our homeland. They are the ones who should have a voice in decisions affecting the security of our country. This legislation provides them with that, to ensure greater safety and security for all Americans. I hope the Senate will support the cloture motion.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, once again, we have one of those bills that has never been to committee. I guess we are afraid to take labor issues to the Labor Committee. We ought to be able to review these things and work on them as we do on other kinds of bills, but that is not happening on the labor issues. We are just going to play "gotcha" politics.

This bill will take longer than a minute or an hour or a day just to cover some of the flaws that are in this bill. Some of the things that have shown up in the substitute bill never got introduced on this one. So we can see how this doesn't work. This will affect all 50 States. This is an opportunity for you to impose the will of the Federal Government on your State. I don't think you really want to do that. We need to have a little bit more than a minute to discuss that.

I think the leadership is asking for people to vote for this amendment. We have agreed that we would go to it right after lunch. This isn't a matter of stalling out in the Senate; it is a matter of trying to get the right decision made. I ask you to look at these things. It ought to go to the Labor Committee so that reasonable suggestions can be made.

The ACTING PRESIDENT pro tempore. The yeas and nays are mandatory under the rule. The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 69, nays 29, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—69

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coleman
Collins
Conrad
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Voinovich
Webb
Whitehouse
Wyden

NAYS—29

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Coburn
Cochran
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Enzi
Graham
Hutchison
Isakson
Kyl
Lugar
Roberts
Sessions
Shelby
Vitter
Warner
Wicker

NOT VOTING—2

Inhofe
McCain

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 69, the nays are 29. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Is the Chair going to report the bill now?

The ACTING PRESIDENT pro tempore. Under the previous order, the motion to proceed is agreed to. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 980) to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

The ACTING PRESIDENT pro tempore. The majority leader.

AMENDMENT NO. 4751

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, on behalf of Senator KENNEDY and Senator GREGG, I send a substitute to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. GREGG, for himself, and Mr. KENNEDY, proposes an amendment numbered 4751.

(The amendment is printed in today's RECORD under "Text of Amendments.")

RECESS

Mr. REID. Mr. President, I ask that the Senate now stand in recess under the previous order.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 2007—Continued

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, 46 years ago, President Kennedy designated this week to honor our first responders, particularly police officers who have lost their lives in the line of duty.

This week is National Police Week, and Thursday is National Peace Officers Memorial Day. Here in Washington, DC, and across the country, our communities are honoring the contributions of their public safety officers.

I think all of us in this body would agree that our police officers, our firefighters, paramedics, and all of our first responders are heroes. Their jobs are dangerous and they are extremely demanding. Unfortunately, they too often do not get the respect and gratitude they deserve. And that is why I rise this afternoon to urge my colleagues to support the Public Safety Employee-Employer Cooperation Act, which would take a small step toward repaying that sacrifice.

In most States around the country, our police and firefighters have the right to form unions. In fact, my brother was a firefighter in my home State of Washington. He is a proud member of his local union. But even so, there are still several communities in which our first responders do not have the ability to negotiate. They do not have the ability to bargain for better wages or hours or working conditions or benefits.

The bill we are considering on the Senate floor this afternoon would ensure all of our first responders have the power to organize and stand for their rights. And I believe it will make a real difference for our public safety officers and for all of our communities.

I thank Senator KENNEDY and Senator GREGG for their work on this legislation. Their work truly has been a bipartisan effort, and I hope it is a sign the entire Congress is willing now to come together to ensure our first responders have a right most workers in our country already enjoy.

I believe this bill will make our police and fire departments stronger and our communities safer. Everyone in our communities gains when our police and firefighters are working together with their employers. Having a voice in their work schedules, in their safety procedures, in their pay scales and benefits helps our police and fire departments. It helps them improve safety and reduce the number of deaths and injuries on the job, and it makes most departments more efficient. A department that is safer and more efficient is a department that is then better able to respond to a crisis.

I believe there is another reason we as Members of Congress should vote now to guarantee the right for all first responders to organize. Ever since the September 11 terrorist attacks, we have called on our first responders to play an even greater role in keeping our homeland safe.

Increasingly, as every one of us knows, our police, our firefighters, our troopers, our paramedics are the eyes and ears on the ground in our cities, counties, and States where they serve, no matter how large or small their communities.

So I think as we ask our first responders to do more for our entire Nation, we owe it to them to ensure that across the country they have the same collective bargaining rights.

This bill is pretty simple. The new law would only affect States that do not already allow their public safety forces to bargain collectively. It does not set up a new system of legislation. In fact, it is designed to ensure States have as much freedom as possible to decide how to implement this law. And it specifically allows States to keep enforcing their right-to-work laws. States that are affected would have 1 year to create a process for discussions with workers. If they have not acted by then, the Federal Labor Relations Authority would establish a way to give employees the ability to choose whether to form a union.

And that is it. Unlike some of the false rumors you may have been hearing, it does not encourage police and firefighters to go on strike. In fact, it specifically outlaws that. It does not require State and local governments to adopt any particular terms. It excludes our elected sheriffs and other policymakers, and it will not affect an employee's right to work part-time or prevent them from volunteering.

In short, this bill would be very good for our first responders and very good for our communities. But seeing this bill become law would not only be a victory for our first responders, it would be the first major victory for organized workers in the last 7 years. Unions have forged the way for millions of working families to share in the prosperity they helped create. Unions have helped balance the relationship between employers and employees. And they help to ensure that working families get their fair share of the economic pie. I am very proud to stand with working families to protect their right to organize and advocate for on-the-job safety, job security, and fair pay.

As we recognize National Police Week, what better way to honor the sacrifice our police and other first responders have given us than by ensuring they have the right to collectively bargain. Allowing our first responders to negotiate with their employers is the fair thing to do, and it also happens to be the right thing to do.

I hope all of our colleagues will support them and our communities by saying yes and passing this legislation.

I yield the floor.

Mr. KENNEDY. Mr. President, I see my colleague from New York. I think he would like to speak on this issue, and then we will continue to balance off the speakers the best that we can to try to take into consideration the Members' schedules.

But we thank the Senator from New York. If he is prepared to speak, we would welcome his comments.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I am going to speak on this for a minute and then on one other issue that I mentioned to the Senator from Massachusetts. But first I thank him for his leadership.

The bottom line is, we have made progress in this country over the last 100 years because workers gather and bargain. Simply because somebody is in a life-threatening position, a position that saves lives—police and fire and emergency medical personnel—does not mean they should be deprived of that right.

The rules might not be exactly the same, and this bill is cognizant of that, but at the same time, for a policeman, a firefighter, to have the right to basically bargain and give his family a life with some decency and some dignity is extremely important. So I thank the leader from the Health, Education and Labor and Pensions Committee for bringing this bill forward. I think it will mark real progress.

I think, again, those who put their lives on the line for us, police and fire, should not be penalized because they are in those professions. The right to bargain is an important one. Many State and local workers have it. It is something I supported my whole career. I am proud to be a supporter of this legislation. I thank the Senator from Massachusetts for his leadership.

(The remarks of Mr. SCHUMER pertaining to the introduction of S.J. Res. 32 are located in todays RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SCHUMER. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. KENNEDY. Mr. President, I thank my colleague and friend from Wyoming, Senator ENZI, for extending the courtesy, because we have had some speakers on our side, out of respect for their schedules. We have welcomed their comments at this time. But I wish to refocus attention to the subject matter at hand, the matter that is before the Senate, and to describe in greater detail this legislation and the reasons for it and the support for this important piece of legislation.

First, I commend the Senate for voting earlier today to take up the Public Safety Employer-Employee Cooperation Act. The House passed this bill last July by an overwhelming vote of 314 to 97. The Cooperation Act isn't just about protecting union rights. This bill is vitally important to each and every American because, at its core, it is about safety, the safety of our dedicated first responders and the safety of our Nation in this new era of heightened concerns about homeland security. The bill takes a major step forward in protecting our firefighters, police officers, emergency medical technicians, and other first responders from danger on the job. Public safety workers are on the front lines of our constant efforts to keep America safe. They are all on call 24 hours a day, 7 days a week, doing backbreaking, difficult work, and doing it with great skill, great courage, and great dedication.

We have seen all too often how dangerous these jobs can be. These charts illustrate the point. In 2006, more than 75,000 police officers were injured in the line of duty. Last year, 140 police officers paid the ultimate price and lost their lives in the line of duty. We see similar numbers with firefighters who put their lives on the line every day. In 2006, more than 83,000 firefighters were injured in the line of duty. Last year, 115 firefighters paid the ultimate price. Another 45 have lost their lives so far this year. This is dangerous work, life-threatening work. These are careers which men and women follow for years with great courage, dedication, and commitment to the public interest and to the families of America. Those are the individuals we are talking about with this legislation.

First responders can also face chronic long-term health problems as well. The courageous firefighters who rushed to Ground Zero on 9/11 now suffer from crippling health problems such as asthma, chronic bronchitis, back pain, carpal tunnel syndrome, depression, and post-traumatic stress disorder. They often pay the ultimate price. Last year 250 public safety employees across the country lost their lives in the line of duty. Our public safety workers do not hesitate to rush into fires, wade into floods, put their lives on the line in other ways to protect our homes, our families, and our communities. They know better than anyone else what is needed to keep them as safe as possible on the job, and they deserve the right to have a voice in decisions that profoundly affect their lives and their safety.

When governments and public safety workers are unable to cooperate through collective bargaining, the workers' lives are put at needless risk. The numbers tell the story. Look at this chart. States without collective bargaining, which is the underlying issue before the Senate with this legislation, have 39 percent more fatalities. The reason primarily is because firefighters know how to work in ways that can protect the public and also can provide greater safety and security for the firefighters and first responders and police officials as well, based upon their experience, their knowledge of the task which is before them. Because of that, they are able to have a much better safety record. That is basically what we are trying to share, that kind of experience, with the other firefighters and police officials and first responders in other parts of the country who don't have these kinds of protections.

Behind those numbers are the tragic stories of lives that could have been saved with better communication or better cooperation of effort. A heartbreaking example occurred last year in Charleston, SC. Here is the story. In 2002, the Charleston firefighters association asked the city to begin following the National Fire Protection Association. That is an organization that makes recommendations with regard to safety and security in fighting fires. Unfortunately, there was no mechanism to ensure that these concerns could be heard and addressed. On June 18, 2007, nine Charleston firefighters died in the line of duty. In October of 2007, an expert panel hired by the city to investigate the loss recommended that the department begin following NFPA standards and begin meeting with workers.

That was their recommendation after experiencing the loss of lives. Afterwards we wanted to try to establish a procedure to avoid those kinds of circumstances in the future. We will never know how many lives might have been saved on that day in Charleston, if adequate safety standards had been in place, but we do know that in many other fire departments across the country, critical discussions about safety should be happening, but they are not. Unless public safety workers have a voice on the job, these problems will never be fully and fairly addressed. Without the protection of collective bargaining, workers are afraid to speak out for fear they will face retaliation. These fears are well founded because of countless examples of brave and dedicated first responders who have been harshly punished for raising safety concerns.

Consider the case of firefighter Stan Tinney of Odessa, TX. Here is his situation. In 2001, Stan Tinney, president of the Firefighters Association of Odessa, TX published a newsletter critical of the fire department's safety practices, including inadequate staffing and equipment. Tinney was suspended without pay, reprimanded, downgraded in a performance evaluation, and it took a Federal court that later found the Odessa officials violated Tinney's constitutional rights. It took a Federal case in order to do that. Think of all the other Stan Tinneys around the country who have been intimidated by that kind of action. We don't need that. We need to have suggestions. We need ideas. We need recommendations about how to protect our firefighters, our first responders, and our police community.

Tinney and four of his coworkers, when this incident took place, were questioned individually by city officials and Tinney was suspended without pay, reprimanded, and downgraded. A Federal court later found his constitutional rights had been violated, and the city settled Tinney's claim for $265,000. All that heartache and expense could have been avoided if there had been a mechanism in place for Tinney to express his concern. This legislation provides that.

The Public Safety Employer-Employee Cooperation Act will give Stan Tinney and countless others like him a voice in the decisions that affect their jobs, their health and safety, and their families. It will give them a safer workplace, and, just as important, it will give them a right to be treated with dignity and respect.

It is not just individual workers who will benefit from this important legislation. Enabling public safety workers and their employers to work cooperatively together makes our entire Nation safer.

In the past decade, we have seen dramatic changes in the way we protect our country. National security has become a local issue. Every city and town in our country—large and small, urban and rural—now has a vital role in keeping us safe from harm.

In this new and more dangerous world, State and local public safety workers are being asked to play an even larger role. We have asked them to become true partners with Federal security agencies in protecting our country from threats, and these dedicated workers have risen to the challenge. But year after year, we are failing to give them the support they need to do their vital jobs as effectively as possible.

Giving these brave men and women the voice they deserve at the bargaining table will facilitate cooperation between public safety workers and their employers. It will enable them to perform their jobs more efficiently and effectively. The benefits are obvious, and we see them in communities across the country that have already accepted the basic principles of public safety cooperation.

Take the example of Annapolis, MD. Until recently, scheduling rules for firefighters and paramedics in Annapolis, MD, often forced them—these are the workers—to work 48-hour shifts, leaving workers vulnerable to exhaustion and dangerous mistakes. The local union worked with management through collective bargaining to change scheduling rules, shortening shifts and improving safety for the workers and the public. It does not sound too complicated. It just sounds like common sense to me. And it sounds like an important step in order to provide greater safety and protection for families in Annapolis. Workers there were concerned about scheduling rules, and through a cooperative collective bargaining relationship, the union worked with management to negotiate a new schedule that met the city's needs, while reducing the length of individual shifts. These obvious changes resulted in better rested and more effective firefighters and paramedics, with real benefits to both the first responders and the communities they serve.

Such cooperation also gives State and local governments the flexibility they need to respond to changing circumstances.

Look at this chart. The economy in Tulsa, OK, was struggling after September 11. Through collective bargaining, the mayor and the firefighters agreed to defer payments into the firefighters' Health and Welfare Trust for 1 year. The deferral saved the city over $400,000, and the city was able to spread its repayment to the trust over a longer period of time, providing valuable flexibility that helped the city address its budget troubles—working together with the community and for the community, an important achievement and an important accomplishment.

Some of my colleagues argue that granting them collective bargaining rights will limit the ability of States and cities to respond effectively to an emergency. Nothing could be further from the truth. We have seen, in the most dramatic illustration, that all 343 firefighters who lost their lives in the line of duty on September 11 were union members and with collective bargaining rights. There is no question about their courage, no question about their bravery, no question about their willingness to do their duty and do it heroically. When challenged, that has certainly been the evidence time-in and time-out. So we reject those suggestions and those observations.

In addition, for example, before 9/11, the Port Authority police officers worked 8-hour days, with 2 days off, each week. After 9/11, everyone worked 12-hour shifts every day and all vacations and personal time were canceled. This hard schedule continued for nearly 3 years, but neither the union nor any union member filed a single grievance about it. They did their duty, and they did it heroically.

Do we understand that? As to police officers for the Port Authority that has responsibility in the greater port area in New York, before 9/11 they worked 8-hour days, with 2 days off, each week, and after 9/11 everyone worked 12-hour shifts every day and all vacations and personal time were canceled. The hard schedule continued for nearly 3 years, and neither the union nor any union member filed a single grievance—not a single grievance—when they were called upon to meet their responsibility—not a single grievance. They did their duty, and they did it heroically.

Our families and communities deserve the best public safety services we can possibly provide, and achieving that goal starts with the strong foundation that comes with collective bargaining.

No one doubts that our communities and our country are living on borrowed time. We all hope the numerous other steps we are taking will be successful in preventing similar catastrophic attacks. It makes no sense not to make the basic rights granted by this legislation available to all of America's first responders. It is an urgent matter of public safety. I commend Senator GREGG for his leadership on this important issue, and I urge my colleagues to give our heroes the respect and support they deserve by approving the Cooperation Act.

Mr. GREGG. Mr. President, today I am pleased to be joined by Senator KENNEDY and the other 31 cosponsors of the Public Safety Employer-Employee Cooperation Act of 2007, as we begin discussion of this legislation. The Cooperation Act would extend to firefighters, police officers, and other public safety officials the right to discuss workplace issues with their employers.

Each year, more than 80,000 police officers and 75,000 firefighters are injured protecting their communities. Not counting the tragic events of September 11, it is estimated that 162 police officers and 100 firefighters will lose their lives each year in the line of duty. These extraordinary individuals selflessly risk injury, and sometimes their lives, to protect others, yet they remain the only sizable segment of workers who do not have the combined right to enter into collective bargaining agreements with their employers.

The Public Safety Employee-Employer Cooperation Act is balanced in its recognition of the unique situation and obligation of public safety officers. The bill requires that, within 2 years of enactment, States offer public safety officers the ability to vote in a free and fair election on whether to form and voluntarily join a union and collectively bargain over hours, wages, and conditions of employment. The bill only affects States which do not currently provide this opportunity, and those States would have 2 years to establish their own collective bargaining systems that can meet their unique needs. This approach leaves the decisions regarding implementation, enforcement, and all other major details with the individual States and local governments, ultimately allowing them to have the final say over any contract terms. Finally, under this legislation, States with right-to-work laws, which prohibit employers and labor organizations from negotiating labor agreements that require union membership or payment of union fees, can continue to implement those laws.

The legislation recognizes the need to put public safety first, so the use of strikes, lockouts, sickouts, work slowdowns, or any other action that is designed to influence the terms of a proposed contract and that will disrupt the delivery of emergency services is strictly prohibited. It further protects small towns by ensuring that areas with populations of less than 5,000 or fewer than 25 full time employees are exempt from collective bargaining and that firefighters or EMTs who are employed by a department participating in collective bargaining agreements can still serve their local communities as volunteers.

Healthy labor-management partnerships result in improved public safety for our towns and cities. The bipartisan Cooperation Act helps build these partnerships by putting firefighters, law enforcement officials, and other public safety officers on much deserved equal footing with other private and public sector employees and providing them with the ability to negotiate with employers over basic workplace rights.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I appreciate the opportunity to finally comment on some of these things and to do my opening statement.

I do want to say I was a little surprised by the speech of the Senator from New York, Mr. SCHUMER, about, primarily, the price of gas. I have to say, he has got it right. That is the biggest concern on the minds of people across this country. No matter what else we are talking about, it is about the price of gas. What I learned from his speech is we are going to be disrupted in this debate later today as the majority leader rule XIVs an energy bill.

I wish to congratulate Senator DOMENICI for his work on putting together an energy bill which we had a vote on this morning. I really think if that could have been voted on in pieces, a number of those pieces would have passed and made a difference to this country.

I can see that the main thrust of the bill we are going to be interrupted by later to take a look at is one to force Saudi Arabia to increase their production by a million barrels a day or give up some arms purchases from us.

Let's see, if we sell them arms—which I have not looked at enough to know whether that is a good idea—we get some money back. When we force them to do a million barrels a day, we give them $120 million a day. Part of that, which some people do not like, was ANWR. ANWR would produce at least a million barrels of oil a day from the United States. We would be paying people in the United States for the oil, not shipping it over to Saudi Arabia, and we have to worry about what they are going to do with the arms we sell them.

So I can understand they ought to be concerned about gas and are finally concerned about gas and are going to interrupt us to be concerned about gas, but we had a proposal this morning that should have gotten a little bit more consideration and some of those provisions put into effect so we could actually solve some of our energy problem.

Let's see now, we are going to put the burden on Saudi Arabia.

My first encounter with higher gas prices happened back in 1973. I was president of the Wyoming Jaycees. We did some things to Saudi Arabia they were not very pleased about, and they cut us off completely. That produced the biggest crisis in this country in my memory. We had lines at the gas pumps. We had people who could not transport goods. We had people who could not get gas. We were trying to figure out ways to store gas should we ever get it again. It was because Saudi Arabia said: OK, if that is the way you are going to be, no oil.

Well, at any rate, I do not think we are carrying as big a stick on this as we think we are. We need to be looking at a number of the solutions.

Windfall profits tax—that was a good way for us to drive our companies overseas to do their work, to sell us oil. That does not bring down the price of oil. If I had my way, I would call the energy companies in. I would tell them I want to know what they are doing with however many billions of dollars worth of profit they are making. I want to know about it weekly. And I would report to the American people on a weekly basis. I do not suspect that would bring down the price of oil. I do suspect that would bring up the investment in energy, all kinds of energy. We need to have that done.

So I do not mean to go on and on about this, but as long as we are going to be interrupted in our debate on public employees, I want to make sure I have my say on it too.

Mr. President, I do rise today to voice my opposition to H.R. 980, the so-called Public Employer-Employee Cooperation Act. The fact that this bill has come to the Senate today is just another example of the cynical calculus of election-year politics. We are still doing ''gotcha'' politics on this floor. How do I know that? I know we have not passed a bill that did not go through committee—not just the Health, Education, Labor, and Pensions Committee that I am the ranking member of but the other committees. If it does not go through committee, it does not pass. But here we have an issue that I am told was passed last July by the House. Do you know how many hearings we have held on it? I looked back 4 years, and we have not had a hearing on this one—not a hearing on it.

What we do at hearings is kind of invite people in to tell us some specific points they want to make on a particular bill. Now, you will find that I am not a very big proponent of hearings because the chairman—and I used to be the chairman—gets to invite all the people to the committee except one and the ranking member gets to invite one. Then, people from both sides show up to beat up on the other witnesses. That is not very productive.

We did switch to a system, occasionally, where we have had roundtables. Roundtables are a little bit different than hearings. With roundtables, you invite in 10, 15, 20 people who have actually done something in the area, and you hear what the problems are and what the advantages are, and after all of them have spoken, then they interact with each other. They are not Senators asking clever questions. They interact with each other on ways their ideas fit with somebody else's idea. They come up with some good legislation.

Now, we have not ever had hearings—or roundtables on this issue. So how do you know what is really a good idea? How do you know what the effect is going to be on other people when you do not do anything to prepare for it and then you bring it right to the floor?

Another advantage of going through committee is that you can find out what the concerns are from the amendments when it gets to the markup process. From those amendments, you can say: Well, this might be a good idea, but we have to revise it a little bit. People go off and work on that part of the idea, and they bring it back in a workable fashion that will fit that both sides agree on.

You say it cannot be done on labor issues? Well, in the past we have. We passed a mine safety bill through here in less than 6 weeks, and it passed unanimously in the Senate, and it passed unanimously in the House. That is how we did it. We did it through the committee process. Now, that was the first change in mining law in 28 years, but it was done cooperatively, and it was done through the committee process.

This one has, I guess, purposely circumvented the regular order of the Senate and its committee process because the scrutiny of that process would expose some multiple flaws in the legislation. We are going to have some amendments that will point out what some of the flaws are in this legislation. Now, it is very difficult to do it here. I have to put in an amendment, and we kind of vote it up or we vote it down. We cannot go off and work it out so it is agreeable to both sides. It is a difficult process, especially when you involve 100 people with it. It is much easier to do it in committee.

So we have this bill, and once again we are going to play the election-year spin, going to do sound bites, probably do a lot of press. But I suspect the result may be the same as other things that did not go through committee.

Now, their calculation is simple: Since this bill involves unions that organize among police and firefighters, they will continue to simply claim that anyone who opposes this bill is against police and firefighters. You have already heard it.

Let's address that calculated untruth first. There is no one I know of—Republican or Democrat, supporter or opponent of this bill—who does not respect and value the work and dedication of our police, our firefighters, and other first responders. Their contributions to our communities are immeasurable, and our support for them is unwavering. However, this bill provides no benefit to any police officer, firefighter, or first responder. It does not provide a dime in Federal money to any State, city, or town to hire or to train or to equip any additional public safety personnel. In fact, it only imposes costs that will make that result less likely.

The bill does not contain a dime of Federal money or a word of language that would increase the pay or benefits of any firefighter, police officer or first responder or that would enhance their working conditions or that would make their job safer or make their retirement more secure. It only imposes totally unfunded costs on States, cities, and towns that will make those rules less—not more—likely.

Plain and simple, the only direct beneficiaries of this legislation are labor unions. This bill does nothing more than open new markets for unions, and it provides them with the opportunity for increased revenue from new dues-paying members. This bill does nothing for any police officer, firefighter or first responder, except to provide them with the dubious opportunity to share a portion of their paycheck with the labor union.

The real truth is there is absolutely nothing inconsistent about being fully supportive of our local police and firefighters and first responders and totally opposed to this bill. A vote against this bill is not a vote against first responders. Proponents of this bill would serve both the debate and themselves better by abandoning any absurd claims to the contrary. The public is simply not that gullible, and I think the public is fed up with a Congress that transparently panders to special interests, while trying to tell the rest of the world they are acting in everybody's interests. The old song is out of tune, but as long as some continue to sing it, there shouldn't be any surprise about the fact that the public opinion of Congress is at an all-time low.

Let me now turn for a moment to some of the serious and fundamental problems with this legislation. Over 70 years ago, the Congress passed what is now referred to as the National Labor Relations Act. That legislation has been amended numerous times over the many decades of existence, and it has become universally recognized as the embodiment of our national labor policy. A hallmark of that policy for eight decades has been the well-reasoned principle that the employment and labor relations between a State, city or town and its own employees should not be a matter of Federal law, but a matter of local law. That bedrock principle is not only rooted in our national labor policy; it is firmly fixed in our Constitution and our traditions of federalism. For more than 70 years, Congress has repeatedly and consistently excluded State and local labor relations from Federal control and intervention. Yet today the proponents of this bill seek to overturn this hallmark principle and to radically change decades of unbroken Federal law and policy. The enormity of this change is only matched by the prospect that it could occur in the wake of an appalling lack of thought, total disregard for the processes of the Senate, and complete absence of any meaningful opportunity for rational debate.

This body has before it a bill that would overturn more than 70 years of unbroken precedent and law. It would raise profound constitutional issues. It would overturn law in a majority of States—in a majority of States—and completely reverse the fundamental and founding principle of our national labor policy. You would think the Senate would consider such a bill only after careful examination and due deliberation. But if you do think that way, sadly, you are wrong. This legislation, as I said, has not had a Senate committee hearing or markup this Congress. I looked back 4 years. I could not find a single hearing or markup on this bill. There has been no meaningful exploration by the HELP Committee this Congress of the important issues that this legislation implicates. This bill grants enormous power over States to a virtually unknown Federal agency that will make critical decisions about these people. Yet we have never so much as asked a representative sampling of State officials about their views, nor have we ever informally asked the Federal agency involved if it feels up to the job we are about to impose on it. These shortcomings alone are ample proof that this bill is being pushed not because it is good policy but only because we see it as expedient politics in an election year.

This bill would require that every State, every city, and every town with more than 5,000 residents would open its police, firefighters, and first responders to unionization. It would impose as Federal mandate—not in the absence of any State consideration of this issue but in direct opposition to the legislative will of several States.

Proponents of this legislation have attempted to maintain the fiction that it actually does little to disturb State laws—a good way to pass a bill, I guess, but not true. It is simply not the case. Within the last 2 legislative sessions, some 13 States have officially considered and rejected legislative proposals similar to the law that would be federally imposed under H.R. 980. The proponents of this legislation have attempted to maintain the fiction that it wouldn't disturb State laws. Nothing could be further from the truth. Every expert who has reviewed this law has concluded it is clearly in conflict with the current law in at least 22 States, and the chart shows the 22 States. Some believe the number is as high as 26, and even the bill proponents freely concede it is at least 21. All of these States, their citizens, and their legislatures have expressly considered all the issues raised in this bill and have decided on a different approach—a different approach—than what would be required under this bill. Some States have decided to use meet-and-confer laws. Some have placed limits on the enforceability of agreements. Some have limited the subjects of bargaining. Some have made the issue one of local option, and some have decided to limit bargaining by employee function.

States, cities, and towns have done what they think best to provide for the safety and welfare of their own citizens in developing their labor relations policy for their own public safety employees. Yet we propose to clearly overturn the democratic judgment of at least 22 States through this legislation.

Let's be clear. We would take this action not because States have not acted; that is not the case. All these States made a conscious, democratic decision about what is best for their citizens. In fact, some 16 of these States have considered and rejected laws similar to H.R. 980 within the last few years.

Now, the impact, however, doesn't end there. Experts who have reviewed this legislation and existing State laws have identified at least 12 States where this bill would raise serious legal questions about one or more aspects of their existing collective bargaining law. You can see those filled in on the chart. These are States that supposedly have full collective bargaining statutes. Remember: The question of whether an existing State law complies with the requirements of H.R. 980 is going to be figured out later by a little-known Federal agency—the Federal Labor Relations Authority—that is devoid of any experience in State labor relations and isn't accountable to a single State government. I am sure all the technical and legal issues left unclear by this bill, which bear on whether a State law complies, will keep an awful lot of lawyers busy for a long time and guarantee a huge expansion of the Federal labor relations authority.

Now, the effect of this bill, however, goes beyond the States where the law is clearly overturned and where it is probably overturned and where the lawyers will fight about whether it is overturned. By federalizing State labor relations, this bill will affect every State, city, and town in the country. As a matter of State law, States have the authority to effectively take items off the union bargaining table. Many States with collective bargaining laws already do this, particularly in the area of public safety. Manning and staffing levels, training and job requirements, deadly force rules, drug testing, merit pay, job requirements, and promotion are a few of the examples of the terms and conditions of employment which must be bargained but could be exempted from bargaining by State action or a law. Now, once you federalize this law, States will lose that authority.

Look closely at both the Senate and the House language of this bill. It specifically lists only three things a State can exempt or take off the bargaining table: pension, retirement benefits, and in one version, health insurance. Everything else is on the table. That will be the Federal law over which a State can do nothing.

This is a critical problem for every State. States can't be responsible for the safety of their citizens when the Federal Government takes away the authority they need to accomplish the job. Here is one example. Suppose a State decides to implement mandatory drug testing for public safety officers. It can't just do that under Federal law if H.R. 980 passes. Any change such as that would require bargaining. Why would we ever require that any State, city or town bargain or horse trade over matters of public safety?

If you don't think this is a real problem, you need only look at today's paper. The city of Boston has for years sought to negotiate a drug-testing provision with its public safety union. Despite incidents of documented and suspected drug use by Active-Duty personnel, the city has not been able to implement a program. We have seen the same pattern reflected in the utterly shameful situation in Major League Baseball and the inability to achieve any meaningful resolution, despite years and years and years of collective bargaining. Now, here is the difference: Baseball is a game; public safety isn't.

So let us be completely clear about what we propose doing with this legislation. Any vote that advances this bill is a vote to overturn the law and the democratic will of citizens of a near majority of our States. Let me say that again. Any vote that advances this bill is a vote to overturn the law and the democratic will of the citizens of a near majority of our States to create unnecessary question and litigation over the validity of law in many other States and to forever tie the hands and limit the authority of every State to protect the safety of its citizens as it sees best. This legislation is not only directly contrary to over 70 years of Federal labor policy; it further violates the most fundamental, centuries-long principles of federalism and most likely runs completely afoul of the U.S. Constitution to boot.

With all this in mind, we should be asking ourselves: What price is this Congress willing to pay in an effort to ingratiate itself to organized labor? Earlier this year, Congress transparently pandered to the special interests of organized labor and came perilously close to depriving workers of their democratic right to a secret ballot in deciding the question of unionization. Now we are at it again. This time, however, the price of congressional pandering is the sovereign authority of States and the integrity of their democratic process.

Since even these compelling facts are unlikely to stand in the way of politics, we need to look at the legislation itself. Since it has not been discussed and has not been marked up in the committee of jurisdiction, I suppose at least a few moments of legislative consideration is better than none at all.

In no particular order, here are a few of the multiple and fatal drafting and policy problems of this bill:

First, this bill is the height of hypocrisy by the Federal Government. This bill would require States, cities, and towns over 5,000 to provide full collective bargaining for all their public safety employees. However, while requiring this of States, cities, and towns, the Federal Government would continue to exempt itself from any collective bargaining obligation with regard to many of its public safety employees.

Let's see. We are going to tell States, cities, and towns what to do, but we don't tell ourselves what to do. That sounds like hypocrisy to me.

Second, this law would require States to bargain over wages of their covered employees. However, the Federal Government routinely exempts itself from bargaining over wages with its employees.

I wonder how many Senators bargain with their staff? Moreover, this bill would severely limit—in fact, virtually eliminate—the right of State governments to determine the appropriate subjects for bargaining with their employees—a right fully retained by the Federal Government with regard to its employees.

Third, this legislation forces collective bargaining on States but doesn't require or ensure fundamental employee rights. For example, Federal law preserves the right of the workers in the private sector to decide the issue of unionization by secret ballot. However, this legislation, which imposes collective bargaining on unwilling States, cities, towns, and their employees, not only fails to guarantee the right to a secret ballot in union elections, it specifically ratifies and approves State laws that strip public sector workers from this fundamental democratic right.

Fourth, this legislation is a gift to organized labor that comes with none of the obligations or safeguards of other federally mandated bargaining. Unionized workers, under current Federal law, have the right to information about their union's finances, and those unions must publicly report on their finances every year. This bill would force unions on States, cities, and towns but would not require union financial transparency or require that workers have access to this financial data.

Fifth, this is the gift that keeps on giving. Not only is there no requirement about union financial reporting and disclosure in this bill, this bill also fails to contain any guarantees to the workers about how their union dues money can be spent. For example, workers unionized under current Federal law cannot be required to contribute to a union's favorite political causes. This bill, which forces collective bargaining on States, cities, and towns that have rejected it contains no such guarantee.

Sixth, this bill would not only fail to provide any meaningful guarantee against the disruption of municipal services because of labor disputes, it practically guarantees the right of unions to cause those disruptions. The bill purports to have no strike guarantee. However, it goes to great pains to say it is not a strike when a public safety officer refuses "to carry out services that are not mandatory conditions" of their employment.

What does that mean? Who decides which duties of a firefighter or police officer or public safety officer—that is a pretty broad title—are "mandatory"? This provision appears to be nothing more than legislative code words specifically authorizing "work to rule" and a host of other types of disruptive job actions that have become all too familiar among public school teacher unions. This bill forces unions on unwilling cities and towns, and then gives those unions a legislative green light to disrupt municipal services.

Finally, there is the enormous problem in this legislation that relates to volunteer firefighters. It is no secret that the International Association of Firefighters, the principal firefighter union in this country, actively opposes the use of voluntary fire departments. It has consistently sought to prevent its members from volunteering their services. Its own union constitution provides for the discipline, fining, or discharge of members who do. The most effective way this union has to prohibit volunteering or, as they refer to it, "two-hatting," is the union contract clause to that effect. They have sought and obtained this kind of clause in union contracts across the country and want to make sure they can continue to do so under H.R. 980.

Now, there is a clause in there that may be referred to. If you look at it, it is "weasel" words. It does not do what it is purported to do, and it will eliminate volunteer fire departments.

Members are being told this problem with the bill has been "fixed." That is wrong. It is not. If you really wanted to make sure unions had no authority to kill off volunteer firefighting, you could write a plain provision that does exactly that. Instead, both the House and Senate versions use convoluted, double negative, lawyer speak in a deceptive effort to claim that the problem is solved. I guarantee you that it is not. Once you unwind the language, you will find both the House and Senate versions of the bill leave the door wide open to an all-out union assault on the use of volunteer firefighters.

In 25 States, volunteer firefighters account for all or most of the staffing in more than 90 percent of the departments statewide. In 14 States, volunteers account for all or most of the staffing in more than 80 percent of the departments. With just two exceptions, in the remaining 11 States, volunteers account for all or most of the staffing in more than 60 percent of the departments. No State can provide fire protection in its cities, towns, and rural districts without volunteer firefighters. Anyone who even considers advancing this legislation ought to be completely sure that it could not have a negative effect in their State.

These problems represent only the tip of the iceberg. This bill is quite simply a prime example of terrible policy being badly executed, without process.

Mr. President, I want to bring up another point regarding this legislation that is also of critical importance. This bill imposes an enormous unfunded Federal mandate on States, cities, and towns across the country. I want to take a minute and address this serious concern not only from my current position as a Senator but from my former position as mayor of Gillette, WY, a city of about 22,000 people.

As I look around the Chamber, not many here have had any experience with trying to balance the budget of a city or town. So I guess we should understand why they would pay so little attention to the very real financial consequences of their actions on thousands of municipalities. They ought to.

Just last week, after teetering on the brink of insolvency, the city of Vallejo, CA, finally declared bankruptcy. Everyone has acknowledged that the cause of Vallejo's financial problems was plain and simple: The spiraling costs of their police and firefighter labor agreements.

Vallejo is not alone. In the last few years, a number of other cities and towns have teetered on the brink or actually have been forced into bankruptcy: McCall, ID; Toledo, OH; Marion, MS; Moffet, OK; Duluth, MN—just to name a few.

Now, what we usually don't realize in this body is those bodies don't get to print their own money. They actually have to work with the revenue that comes in. Most of them have severe limitations on the ability to raise money. They could not raise taxes if they wanted to. So the revenue is limited, but the costs go up. What do you do?

Here is the reality. Without regard to pay or benefits, just the administrative costs alone of collective bargaining represent a very significant line item that Congress now proposes to force on States, cities, and towns. Towns, particularly small ones, that currently don't have the resources to negotiate and administer multiple collective bargaining agreements must now hire and pay for these additional services. And this isn't just going to be one; it is multiple.

Towns and cities that do not devote the long hours of municipal time to the complicated process of bargaining and overseeing multiple union contracts and to administering contract provisions and resolving disputes under a collective bargaining system will be required to spend that time. Nobody should be fooled. Those additional manpower and manhour requirements are enormously costly and burdensome. This bill would impose those costs by Federal mandate but would not provide a single penny of Federal money to help offset those costs. Make no mistake, the Congress is proposing to buy organized labor a free lunch and stick America's small towns with the bill.

As a former mayor and as the only accountant in the Senate, I remind my colleagues about the cold realities of municipal finance. If you increase municipal costs, you have only two ways to meet those increased costs: You either increase revenues or decrease services. This bill will unquestionably place many municipalities in that difficult position of choosing between raising State and local taxes, which they probably would not have the capability to do, or decreasing and eliminating local municipal services, which they don't want to do.

Are the Members of this body so completely out of touch with the real needs of their constituents and the real fiscal problems that their cities and towns face every day that they would impose these unnecessary costs and burdens? With stagnant or declining property values and an endless parade of increasingly fixed costs, don't our cities and towns have enough on their plate without the Federal Government imposing yet another cost on them?

This isn't an imaginary problem. Remember Vallejo, CA, and the other cities and towns I mentioned across the country that make it clear that this problem is very real.

For all these reasons, Mr. President, I am opposed to H.R. 980. I urge my colleagues to vote no on this legislation. Hopefully, we will have a chance to make some corrections to this bill—particularly on the flaws that I have pointed out.

I will just recap. It didn't go to committee. It is an unprecedented intrusion by the Federal Government. It directly overturns existing laws in 22 States. It casts doubt on a dozen more. Sixteen States have recently considered and rejected legislation very much like this. It calls into question the constitutionality. We had no hearing or markup. It creates unfunded mandates. It would impose costs on small towns.

I don't know how many of you think 5,000 is a big city. Actually, in Wyoming it is; 3,500 is considered a first-class city. But 5,000 is not a very big town, and there isn't as much expertise.

I mention that another piece of the bill says the requirement is imposed when there are 25 employees. It doesn't say 25 public safety employees. It doesn't say 25 people who would be covered by this. It says a flat 25. I suspect there are a lot smaller towns than 5,000 that have 25 employees. That is a pretty small amount. That is not the same as public safety employees. So they either have to cut services or raise taxes or the city is going into bankruptcy.

The bill doesn't contain any worker protection for them getting to vote on whether they will have a union, and it puts in charge a little known Federal agency. Again, it is pretty hypocritical of us. We have not imposed this on the Federal Government, but we are willing to impose it on the little places back home. I think we will regret it, and it will remind us of the mistake we made here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see my friend from Utah. We did have three speakers on our side, and we are going to do the best we can to balance it. I think the Senator's side is next. How long does the Senator from Utah wish to speak? Then I will ask that the Senator from New York to follow.

Mr. HATCH. I can probably do it in less than 10 minutes or around that.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senator from New Jersey be recognized for 20 minutes following Senator HATCH.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

AMENDMENT NO. 4755 TO AMENDMENT NO. 4751

Mr. HATCH. Mr. President, I believe my amendment No. 4755 is at the desk. I call it up and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 4755.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a public safety officer bill of rights)

At the end of section 2, add the following:

(5) Public safety officers frequently endanger their own lives to protect the rights of individuals in their communities. In return, each officer deserves the optimal protection of his or her own rights under the law.

(6) The health and safety of the Nation and the best interests of public security are furthered when employees are assured that their collective bargaining representatives have been selected in a free, fair and democratic manner.

(7) An employee whose wages are subject to compulsory assessment for any purpose not supported or authorized by such employee is susceptible to job dissatisfaction. Job dissatisfaction negatively affects job performance, and, in the case of public safety officers, the welfare of the general public.

SEC. 2A. PUBLIC SAFETY OFFICER BILL OF RIGHTS.

(a) IN GENERAL.—A State law described in section 4(a) shall—

(1) provide for the selection of an exclusive bargaining representative by public safety officer employees only through the use of a democratic, government-supervised, secret ballot election upon the request of the employer or any affected employee;

(2) ensure that public safety employers recognize the employees' labor organization, freely chosen by a majority of the employees pursuant to a law that provides the democratic safeguards set forth in paragraph (1), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding; and

(3) provide that—

(A) no public safety officer shall, as a condition of employment, be required to pay any amount in dues or fees to any labor organization for any purpose other than the direct and demonstrable costs associated with collective bargaining; and

(B) a labor organization shall not collect from any public safety officer any additional amount without full disclosure of the intended and actual use of such funds, and without the public safety officer's written consent.

(b) APPLICABILITY OF DISCLOSURE REQUIREMENTS.—Notwithstanding any other provision of law, any labor organization that represents or seeks to represent public safety officers under State law or this Act, or in accordance with regulations promulgated by the Federal Labor Relations Authority, shall be subject to the requirements of title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432 et seq.) as if such public safety labor organization was a labor organization defined in section 3(i) of such Act (29 U.S.C. 402(i)).

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

Mr. HATCH. Mr. President, many of my colleagues have spoken about the tremendous service America's public safety employees give to the public. I could not agree more. Any given day one of these officers may be asked to put his or her life on the line, and they will do so willingly and courageously. I agree with my colleagues that individuals who choose these careers deserve respect, gratitude, and special treatment. But the bill we are considering today would actually result in diminishing the rights of public safety employees who are not currently unionized.

Once a workforce is unionized, even employees who don't wish to be part of a union will have pay deducted from their paychecks, spent in a manner outside of their control, and they will have very little ability to question or alter the legal representation that has been established with or without their support.

My amendment seeks merely to balance that diminution of self-determination by establishing a Public Employee Bill of Rights.

This amendment would do three things: Guarantee the right to vote by secret ballot, limit the right of public unions' dues collection authority to nonpolitical uses, and allow financial transparency.

By ensuring that public safety employees in all States have the right to vote on whether to unionize by secret ballot, my amendment guarantees for public safety employees that same right private employees now have. In a democratic society, nothing is more sacred than the right to vote, and it is undeniable that nothing ensures truly free choice more than the use of a private ballot.

The possibility of coercive or threatening behavior toward employees who may not wish to form a union is even more concerning in the context of public safety employees who rely on coworkers to reduce the deadly risks they face routinely in the course of their important work.

The amendment would also limit the right of public unions' dues collection authority to nonpolitical uses. Those who choose public service often accept lower pay than they might make in the private sector because they are dedicated to public service. Let's not insult that choice by allowing labor bosses to take money from that paycheck and spend it on purely political causes the employee does not support.

I believe public employees should have the same protections from fraud and abuse as private employees. My amendment would empower public employees by allowing them to observe how their dues are being spent and the other financial dealings of their unions. It does this by bringing public unions under the requirements of the Labor Management Reporting and Disclosure Act, a 1959 law enacted with bipartisan support, including then-Senator John F. Kennedy.

Public employees who pay union dues, especially those who are compelled to do so against their wishes, are no less entitled to financial transparency and fraud protections than the private sector employees covered under the law today.

I urge my colleagues to support this amendment. It is a simple amendment. It provides for protections that ought to be there. If this bill should pass, these protections, at a minimum, ought to be part of this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we will recognize the Senator from New Jersey, but if he will yield a minute.

Mr. MENENDEZ. I will be happy to yield to the Senator.

Mr. KENNEDY. Mr. President, we want to permit others to speak. I will speak in a short time in response to my friend and colleague from Wyoming. If this legislation did what he suggested it did, I would not be a sponsor or support the legislation either. I will go into some detail in explaining what the legislation does do and what it doesn't do.

With regard to the Senator from Utah, this issue about having a secret ballot or nonsecret ballot, we leave up to the States. Rather than trying to mandate that—a lot has been talked about giving the States options as to how to proceed. We say on both items the Senator addressed that the States are the ones that should make the judgment and determinations.

We will have a longer time to debate this issue.

I thank the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me first say I appreciate the Senator from Massachusetts and his leadership in this regard. I have come to the floor not only to acknowledge his leadership on this critical piece of legislation but to speak strongly in support of the Public Safety Employer-Employee Cooperation Act. For me, this bill is about protecting some of the most basic fundamental rights of America's bravest and finest public servants. Our Nation's first responders put their lives on the line every day. That sometimes only comes vividly to us when we lose one of those brave men and women and their lives are lost in the line of duty, but the reality is they are at risk every day, risking everything they have to protect us, to protect complete strangers, to protect their communities. At a moment's notice, they are on call to respond to natural and manmade disasters of every size, scope, and severity. These men and women are firefighters, emergency management technicians, police officers, and first responders who are prepared day in and day out to go to any length to save the life of a complete stranger.

They have one goal: to keep others safe. In those moments, they don't think about anything else. As they rush to respond to a fire, they are not thinking about their job security. As they risk their life in a collapsing building, they are not doing it in return for a higher wage. As they put themselves into harm's way, they are not thinking about the benefits their family might receive if the worst should happen.

In 2006, more than 75,000 police officers were injured in the line of duty, and last year 140 police officers paid the ultimate price and lost their lives in the line of duty. In 2006, more than 83,000 firefighters were injured in the line of duty, and 115 firefighters paid the ultimate price. This year alone, another 45 have lost their lives.

Today we have an opportunity to thank these selfless heroes, not just with our words but with our actions. We have an opportunity to guarantee the rights of those who work to protect our lives and safety every day. In short, we have an opportunity to fix what is wrong and do what is right.

This legislation simply gives first responders the same right that virtually all Americans enjoy: the right to collectively bargain and have a voice about their working conditions, to come together in common cause to achieve a better standard.

A majority of the States already confer this right of collective bargaining, including my home State of New Jersey. This bill would give public safety officers across the country that right. It would ensure if they choose—if they choose—they can join a union and bargain over wages, hours, and working conditions.

I was a former mayor. I did not have the challenges of having a unionized police force and firefighting force that ultimately worked in contradiction to the interests of my municipality. I did not. Certainly, in the urbanized context in which I was, that was a bigger challenge than others. So the reality is I do not believe the right to collectively organize automatically means the dire consequences that some have portrayed as it relates to this legislation.

In New Jersey, we recognize how important it is for first responders to have a strong working relationship with the municipalities they serve. We recognize these public safety officers deserve the dignity and respect to have a say in their wages, hours, and working conditions. And we recognize that when public safety employers and employees work together, the results serve us extremely well.

Some of my colleagues will try to argue this legislation will hurt volunteer firefighters by limiting the amount of time professionals can volunteer while off duty. We have volunteer firefighters in New Jersey alongside those who are organized at the same time, and that has not simply been the case. This is simply incorrect, as the legislation specifically forbids any State from putting limits on professional firefighters who volunteer during their off-duty hours.

Others are saying this legislation could effectively repeal State right-to-work laws. Again, this legislation specifically allows States to enforce right-to-work laws. The bill makes no change in States that have right-to-work laws and would not prevent any other States from adopting new right-to-work laws.

Let's be honest about what the bill actually does say. It does not dictate how States should approach this issue. The bill only requires local governments to engage in negotiations if workers choose to join a union. It respects the authority of local legislative bodies to approve or disapprove funding for any negotiated agreement. The bill only affects States that do not already provide their public safety officers with the right to bargain collectively. States that do not have these protections can choose to establish their own collective bargaining systems.

I hope we realize what is at stake here. Beyond fairness, which is something which is fundamentally important, particularly for those who risk their lives every day, we are talking about safety. In States where there are not collective bargaining protections for workers, fatalities are 39 percent higher. That is a fact. In States where there is not collective bargaining opportunities, fatalities are 39 percent higher.

The fact is, greater protections for workers lead to better safety conditions. We have seen this time and time again in which the negotiation—some people think it is only about money. It is not just about money. When I was a mayor, some of the most significant negotiations were about the standard under which you operated, which was not only important as it related to the firefighter or the police officer but was important as it related to the response time and the ability to perform the services that ultimately saved property and saved lives.

Some people think this is all about simply money and making more and having better benefits. A lot of it is about working conditions and the nature of how one, in fact, applies their profession in a way that not only saves lives of those who serve—firefighters and police officers—but also saves the lives of those they were sworn to protect because they had a better system—breathing apparatus, having the technology to enter into a fire and being able to detect someone who has been immobilized. Often that negotiation was not about money but about can we have this equipment that is essential for us to perform our duty in behalf of those we are sworn to serve.

It seems to me we have to understand there is a direct correlation between the benefits that often are on the negotiating table to citizens, not only to those who serve but to citizens in terms of having greater lifesaving capabilities—for me as a mayor, that was often what I heard the negotiations being about. I thought it was exemplary, that we were negotiating over how do we better save lives at the end of the day.

Any time we can have the reality that more lives are saved because, in fact, the collective bargaining system allows us to create circumstances under which not only the workplace and the profession, but the lives of the citizens of those communities are saved, is worthy of achieving.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. MENENDEZ. I will be happy to yield.

Mr. KENNEDY. I always appreciate hearing from the Senator from New Jersey. I hope our colleagues will listen carefully to what the Senator from New Jersey has said because he comes to this debate as a former mayor. Mayors, as we all know, have had special relationships, obviously, with firefighters and police on the firing line. So when I hear the Senator from New Jersey talk about that value as a former mayor, he can see the value in terms of safety and security for the people in that community as a result of this legislation in terms of cooperative discussions and arrangements. That says a good deal.

Some have presented a situation—which, of course, is not accurate—where this legislation is going to be imposing extraordinary hardships, additional burdens, and unfunded mandates on mayors, particularly in smaller communities, and do a great disservice, actually, in terms of the whole relationship between the public safety officers and the security of the community.

So I particularly value his comments on this aspect of the bill. There are obviously a number of other important aspects of it. But as it relates to small towns, I forget the actual population or the size of the community, the city that the good Senator was the mayor of, but, in any event, if he could elaborate on his views about this legislation and its importance to mayors as well as to firefighters, I think it would be very helpful because he speaks from very practical experience.

Mr. MENENDEZ. Well, I appreciate the comments of the Senator from Massachusetts. We had about 60,000 people in the community at the time. But it was a challenge, 60,000 people in 1.1 square miles, the most densely populated city in the Nation.

So the uniqueness of some of those challenges of having police and firefighters be able to respond was very much—although the population was high, the geography was small. So we had a much smaller sense of the response times and the necessities that were demanded.

But I also was part of the mayors' coalition in the State of New Jersey at the time. That coalition represented urban, suburban, rural mayors. Throughout the State of New Jersey, they had obviously the right for collective bargaining. To be honest with you, I don't recall any of those mayors saying collective bargaining was the bane of their existence as it related to being able to produce the services.

I think the reality is that what we do through this process is we build strong partnerships between first responders and the cities and the States in which they serve. When public safety employers and employees work together, it not only reduces worker fatalities, and they have a consequence, even in a noncollective bargaining system—there obviously clearly are claims against the municipality—but above all, it improves the quality of the services and the delivery of those services at the end of the day.

I believe in a post-September 11 world, having resided in a State that lost hundreds of people on that fateful day and in a community that saw several hundred lost on that fateful day, that these are individuals who now play a critical role far beyond what we envisioned originally or what their history has been, which is certainly producing the safety in our communities from the normal challenges of crime, burglaries, thefts, robberies or assaults, or maybe even more minor roles of traffic violations.

These first responders across the landscape of the country face a much heightened responsibility. They play a critical role in homeland security. So by enhancing cooperation between those public safety employers and employees, I believe the legislation helps to ensure that vital public services run as smoothly as possible.

It is interesting that every New York City firefighter and police officer who responded to the disaster at the World Trade Center on September 11, 2001, was a union member under a collective bargaining agreement.

I believe their ability to have been integrated in their negotiations with the cities about all aspects of the delivery of their services gave some of the most incredible response on that fateful day.

There is not a reason why we cannot see that take place across the country in terms of readiness. So I believe that if we look at the bill, it only requires local governments to engage in negotiations. If workers choose to join a union, that is a rather low threshold. Again, States that do not have these protections can choose to establish their own collective bargaining systems. So I hope we realize what is at stake—that safety is incredibly at stake.

Twenty-nine States, along with the District of Columbia, currently guarantee all public safety workers the fundamental right of collective bargaining. Now, with the House of Representatives overwhelmingly—overwhelmingly—approving companion legislation almost a year ago, it is hard to believe the Senate will not act.

In fact, it is time for the Senate to act and to respond. With 80,000 firefighters and 76,000 police officers being injured in the line of duty each year, the time has come to ensure that these workers are protected. It is time to put our votes where our values are. It is interesting to me how very often those of us who serve in this body and the other body want to be there with police and firefighters. We want to take our picture with them, acknowledge them. We appreciate their services.

We talk about their heroism. But the time for all that talk to be meaningful is when you come to the Senate and you cast a vote that is to simply have a right that is fundamentally basic, that we have believed it to be truly an American right. And so all those pictures, all those speeches, it is time to put that vote to work. It is time to put our votes where our values are. It is time to uphold the rights of those who provide for our safety. It is time we show how much we appreciate the dedication and bravery of our Nation's heroes who take this risk every day.

Mr. KENNEDY. Would the Senator yield for another question?

Mr. MENENDEZ. I would be happy to yield.

Mr. KENNEDY. I think all of us in this body know the good Senator represents the State of New Jersey in this case, which had suffered extraordinary loss at the time of 9/11. A number of those extraordinary firefighters lived in the Senator's State. So when he speaks about these issues, talking about the courage and the bravery of these firefighters, he talks about it with a good deal of background and understanding and an enormous sense of compassion for having gone through with many of these families their loss.

That is why, I believe, the Senator in his strong support for this legislation, as a former mayor and also someone who knows and has personal experience with these firefighters, can speak so authoritatively about what this legislation can mean in terms of the safety and security of the community and also with regard to the safety and security of the firefighters, police officers, first responders.

Does the Senator agree with me that those who were not lost on that day but in a very real sense brothers and sisters of the first responders who were lost on 9/11, many of whom were lost in his district, do they feel that legislation will help and assist providing safety and security to the people, whether it is in New Jersey, or in the communities they represent, and that they are supporting this legislation because they are very hopeful and prayerful we will never again face that kind of tragedy we faced but that they believe this legislation can help provide additional safety and security for their communities and for their fellow citizens?

Mr. MENENDEZ. I appreciate the question of the Senator from Massachusetts and the chairman of the committee. The answer is, yes, I say to the Senator. The fact is that New Jerseyans have this right. Yet every year when I have had visits from firefighters and police officers, they have talked about this legislation because they understand, even though they already have the right, they never want to visit another State for the loss of one of their fellows in service who have committed the ultimate sacrifice.

They understand very powerfully that the ability to negotiate, as I suggested earlier, is not only about salaries. Look, you do not do this type of work for a salary. You do not do this type of work for a pension. You do not do this type of work for certain benefits. You do this type of work because you are committed to the proposition that you are willing to sacrifice your life in return for saving someone else's, and that is incredibly important.

Finally, the reality is, I found it interesting in those negotiations that I used to have as a mayor, very often, as I said before about the ability to perform the job, because it was with the mission in mind and the oath taken to save lives, that more often was on the table than the question simply about salaries or pensions or benefits. They know their interaction with their governmental bodies in performing and having a service goes far beyond that which may exist in those States that do not permit that interaction through the collective bargaining system, that in fact lives of their fellow officers can be saved, their fellow police officers and, most importantly, the lives of their fellow citizens. That is why they have come and advocated for this legislation.

Even though they already enjoy the benefit, they understand the potential benefits for a much broader benefit for a much broader universe.

Mr. KENNEDY. I see other Senators wish to address the Senate. We have been reminded about how long we have been considering this legislation and how important it is that we do it at the present time.

As the Senator knows, this bill was initially introduced by our former colleague, Senator Mike Dewine, in 1999. The Senate even voted on it in 2002. We had a HELP Committee hearing on this same legislation in the 106th Congress in 2001.

So many of these brave responders have waited for a long time. This has gone on for some 8 years without coming to completion. It is a matter that has been before this body as well during this Congress.

So would the Senator not agree with me, finally, that the time is now to take action? This is the time. We are talking about homeland security; we are talking about first responders; we are talking about those firefighters and police officers. Now is the time to permit them to be fully engaged and involved in further advancing the safety and security of our colleagues.

Would the Senator not agree with me that this is a significant matter that we have full awareness of and knowledge of and should be ready to take action on?

Mr. MENENDEZ. I agree fully with Senator KENNEDY, that in fact, it is past time. Senator Dewine was a Republican and obviously saw the wisdom of this legislation. It is even more appropriate today. We face challenges unlike any other time in our history as it relates to what police and firefighters are called to do, to go far beyond their traditional roles. They need to have a voice as it relates to how they respond to these new challenges and to their new roles.

Finally, I would simply say, when they negotiated, I know New York City firefighters did not say: Well, we do not have enough men on the rig according to our contract so we are not going to respond on September 11 or enough police officers to say we do not have two-men cars patrolling so we are not going to respond.

That has never been the case of those who serve. They have an oath and calling and they live up to that calling every day. We need to live up to our ultimate calling in the Senate to respond to the challenges they face each and every day to give them the right and the dignity they deserve to be able to negotiate not only for themselves and their families but for the well-being of the citizens they serve.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator the Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 4760 TO AMENDMENT NO. 4751

Mr. ALEXANDER. I send to the desk an amendment and ask for its immediate consideration. I believe Senator KENNEDY has seen a copy of it.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER] proposes an amendment numbered 4760 to amendment No. 4751

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4760) is as follows:

(Purpose: To guarantee public safety and local control of taxes and spending)

At the appropriate place, insert the following:

SEC. ___. GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section 5, no collective-bargaining obligation may be imposed on any political subdivision or any public safety employer, and no contractual provision may be imposed on any political subdivision or public safety employer, if either the principal administrative officer of such public safety employer, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

Mr. ALEXANDER. Mr. President, this is an amendment to the pending legislation which would give the mayors and chief administrative officers of cities and States the opportunity to opt out if they conclude that this law would be, in their circumstances, contrary to the best interest of public safety, No. 1, or would result in an increase in local taxes or a decrease in the level of public safety or other municipal service. In other words, if this legislation amounted to an unfunded Federal mandate, it would not be effective.

Let me speak to the unfunded mandate aspect of this legislation and its interference with the prerogative of States. Those are two different ideas and two very important ideas in the American fabric. Let me begin by saying we are talking about some of the most honored men and women in our country—firefighters, policemen, and other public safety workers. That is true in Tennessee as well. We have over 700 fire departments, and we were grateful for the heroism of firefighters everywhere on 9/11. Local fire fighters in Tennessee and across the Southeast were among the first on the scene after the deadly tornadoes earlier this year. We are deeply grateful for that.

Charles Martinez from Maryville, my hometown, was named Tennessee firefighter of the year in 2004 for giving his kidney to a fellow firefighter. We deeply admire him for that.

In 2006, Lieutenant Terrance Andrews of Chattanooga was named Tennessee firefighter of the year for his dramatic rescue during a house fire in which he pulled the security bars away from a window to save Virginia Humphrey. Ms. Humphrey was injured and spent some time in a hospital, but she fully recovered. I admire Lieutenant Terrance Andrews' bravery.

Another example, firefighter Shane Daughetee of the Highway 58 Volunteer Fire Department in Chattanooga died in the line of duty in January of last year when he was trying to rescue a family. We mourn Shane Daughetee's death and admire the bravery of that individual. All of us admire and respect the bravery of firefighters and other public safety employees in all our communities. But that is not what this legislation is about.

A better name for this bill would be the "Washington knows best unfunded mandate act." In the name of some of the men and women we respect the most, our firefighters, policemen, and others, we are about to commit two of Washington's worst and most flagrant sins. That is, No. 1, to take away from States and communities their right to decide their own labor relations, what they ought to be; and, No. 2, to pass an expensive piece of legislation, make it sound good, take credit for it, and then send the bill home to mayors, Governors, and local officials who will have to either raise taxes or cut services to deal with it. It is an unfunded mandate in that sense.

Current Supreme Court law suggests that the tenth amendment permits the Federal Government to require State compliance with the general regulatory scheme but does not permit the Federal government to require States in their sovereign capacities to regulate their own citizens.

The argument made by the distinguished Senator from New Jersey basically boiled down to this: We have it in New Jersey, so we are going to make Tennessee have it. We have decided in New Jersey that it is a good idea, so I am going to fly to Washington and impose it on Tennessee, Georgia, Wyoming, and all 21 States which have different laws.

This is not a new subject. We haven't been waiting a long time to discuss this. We debated and discussed this law every year I was Governor of Tennessee in the 1980s, which is where it is supposed to be discussed, because we are discussing the labor relations of the State of Tennessee. It was discussed almost every year in the 1990s and rejected by the legislature of Tennessee in an entire series of years. I have here the years in which it was considered and rejected by our State. Tennessee considered this specific question in both the State House and the State Senate which, I might add, are majority Democratic during all of this time. In 1997, Tennessee said: We prefer to have a law in Tennessee that provides that mayors and local officials deal directly with public safety employees such as firefighters and police officers. We believe that is the best way to encourage public safety, to have strong communities, and to provide the best labor-management relationship in our State.

The State legislature said that in 1997. The Democratic State legislature said it again in 1999. They said it again in 2001, 2003, and 2005. In our State of Tennessee, we will grant that a different rule might be good for New Jersey, but we have decided over the last two or three decades that way is not good for our State.

What are we talking about here? What we are saying in this Federal law—which will be imposed, as the Senator from Wyoming has said, on every State, but in 21 States like ours, it overturns our law—is basically that a mayor is required to recognize a union leader, if he or she wants to sit down and talk instead of with the policemen and firemen and other public safety employees about pay, benefits, and work rules. It takes away the State's decision that says we believe it is better for the mayor to deal directly with those employees. I don't know what that will do to improve working conditions or cooperation or the public safety, but I am confident it will coerce hundreds of thousands of local policemen and firemen to pay union dues and fatten those treasuries.

This bill is saying what is good for New Jersey, what is good for Massachusetts, is good for Tennessee. What I am saying is we have 90 towns in Tennessee that will be forced to change how they deal with their public employees, because someone in New Jersey or someone in Massachusetts or other States thinks that is what we ought to do. Not only does Washington know best, according to the advocates of this legislation, but also that Washington knows best how to spend our money. Because what are these discussions about? They are discussions about towns such as Pulaski, 7,800 people; Mumford, 5,000 people; Dyersburg, 17,000; Alcoa, 7,700; my hometown of Maryville, 23,000.

Let me take Maryville as an example. We have good schools there. My father ran for the school board after World War II with a ticket of men and women who said: We will take all the money we have and we are going to focus on having great schools. So in that blue-collar town where at the time most of the people worked for the Alcoa plant, middle-income community, lower middle income, by and large, we slowly built up a culture of very good schools. About 75 percent, if I remember the figure correctly, of the local tax dollars go to make those schools superior. They win academic scores year in and year out.

What we are saying to Maryville is: OK, the Senator from New Jersey and the Senator from Massachusetts have a better idea for you folks in Maryville. We are going to impose on you a different way of dealing with your policemen and firemen. As a result, some labor union leader from Massachusetts and New Jersey may come into Maryville and say: Instead of spending 75 percent of your money to make schools better, we want you to do this, that, or the other about public safety and reduce spending on schools and increase spending for salaries of public safety people.

One could make that argument.

But so far, the people in my hometown have said: We would rather not do it that way. We would rather make education our priority. We think we have a super police force. We are very proud of them. But we like the way we are doing things. The same in Sweetwater and Erwin and Bolivar and Rockwood and Church Hill and Millersville. Ninety of our towns in Tennessee would suddenly be doing things the New Jersey way, the New York way. If we wanted to do things the New Jersey way, we would move to New Jersey. We would move to Massachusetts. We would move to New York. Those are wonderful States, but we don't choose to live there. We like to do things our way, and we have always been able to.

We don't have a chance to do that just out of common sense. Common sense would suggest that a big, complex country of 300 million people, where people come from all over the world and freedom and liberty are our values, that we allow people as much as possible to do things in different ways, so long as they meet with certain constitutional rights. Senator BYRD likes for us to carry around in our pockets the Constitution to which we took an oath to honor. It says in amendment X:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In other words, it says that in the United States of America—it might not be true in some other countries—unless the Constitution says the Federal Government shall do it, the States do it. And so the States have been doing it. We don't say in this country if New Jersey does it and the Senator from New Jersey thinks it is a good idea to do it in Tennessee, make Tennessee do it. That is not the way we do things. So I don't believe this legislation is constitutional, among other things.

Let me also say that as a former Governor, I am trying to make a temperate speech about this legislation, because I feel so strongly about it. But as a former Governor, when I was sitting there in Nashville, nothing made me madder than to look up to Washington and see some Congressman—and I will have to say, sometimes they were Republicans and sometimes they were Democrats—who flew to Washington and got smarter than they were when they were back in the small towns in which they grew up. They would say in Washington: I have a great idea. They would pass it into law and hold a press conference and take credit for it, and then they would send the bill to me, the Governor. Then what would happen? The next week that same Congressman, if it was a Republican, would be home in Knoxville making a Lincoln day speech bragging about local control, and the Democrat would be in Nashville making a Jackson day speech bragging about local control, and I would be paying the bill. That is not right. That is called an unfunded Federal mandate.

The American people don't like it. I will tell you how much they don't like it. I was one of those Senators—there are a lot of us—who felt a calling to run for the Presidency of the United States a few years ago in the middle of the 1990s. I didn't make it. My preacher brother-in-law said it was a reverse calling and that I should be doing something else for the people. So I am here. But I remember in 1994, 1995, and 1996, there was a strong resentment in this country toward being told what to do from Washington, DC. People had had it up to here. The Republicans seized on that. I remember Newt Gingrich and a lot of Republican candidates for Congress standing on the Capitol steps and saying: No more unfunded mandates. They put it in something they called a Contract with America. And the first piece of legislation that was passed by the new Republican Congress, elected overwhelmingly by the people, S. 1, was the no unfunded Federal mandate act. That was S. 1. We are not going to pass unfunded mandates anymore. If we are going to pass something, we are going to pay for it.

This legislation doesn't pay for it. It might tell Erwin and Maryville and Alcoa and Pulaski and 90 other towns in Tennessee what they need to pay firefighters and policemen. It might tell them what to pay them or create an environment that creates a higher salary, perhaps, or a bigger benefit, but it doesn't pay the bill.

Now, the Republican Congress said in 1994: No more unfunded mandates. If we break our promise, throw us out. In fact, the people have, and I think part of the reason is because some Republicans forgot about no unfunded Federal mandates.

So I urge my colleagues to recognize that to impose upon a State—as different as Tennessee might be from New Jersey; as different as Wyoming might be from Georgia—we do not need the same rules and regulations. We are capable in our hometowns of making a good decision about how to have good labor relations, or how to deal directly with our volunteer firemen. We have over 700 fire departments in Tennessee—700—and lots of different ways of dealing with them. We do not need anybody from New Jersey or Massachusetts or somewhere else telling us how we should deal with them.

This is an ominous trend. Tennessee is also a right-to-work State. Now, I know this legislation has a little section that says this does not interfere with right to work. Well, I wonder about that. Maybe this legislation by itself does not in its explicit terms. But if the Federal Government can say, in New Jersey, in New York, and other States: We have a union shop—in other words, employees do not have the opportunity to make a choice about whether to join a union—why cannot they say: It is good for New Jersey; let's have it in Tennessee? It is not a very big step.

Or if New Jersey or some other—I am not just picking on New Jersey, but their Senator was here saying if this is good for them, it would be good for us—State might say: We do not see any need for the secret ballot in union elections. Let's just let employees sign cards. It makes it a lot easier to organize, and if it is good for New Jersey or New York or California, it is good for Tennessee. A lot of people moved to Tennessee because they prefer our level of taxes. They prefer the right to work. They prefer the relations we have between employers and employees.

I imagine the auto industry, which is now one-third of our manufacturing jobs in Tennessee, is there because we have a different labor environment than in some other parts of the country. Now, that does not mean we do not have union workers. We have a lot of union workers.

In fact, in the mid-1980s, a lot of people paid attention to our State because here came the Nissan plant, which even today is nonunion, and it is the largest, most efficient automobile plant in North America, making 500,000 or 600,000 cars and trucks a year. Right next door, 15 miles away, is General Motors' Saturn plant. When General Motors came, the United Auto Workers came, and they are a partnership. Both plants are successful. There has been some shifting and changing at the General Motors plant, but it is back on track.

So we have both plants there: one where employees are required to join the union, one where people have a choice to join the union. We like it that way, and I think they like it that way.

Now, we are the third or fourth largest State in suppliers. They seem to like it that way. So why would we do it the way some other State does it, especially if we figured out a better way to do it, in our opinion. Particularly in the United States of America where we have a 10th amendment to the Constitution, we believe in federalism, and we are a decentralized society.

So I am very worried about this piece of legislation. I think it is bad for Tennessee. It is bad for our labor-management relations. We have enough common sense in our State—with our Democratic Governor, our Democratic House of Representatives, our Republican State senate now—to make these decisions for ourselves. Why do we need U.S. Senators telling us this? Then, when we get in the majority, we might say: What is good for us in Tennessee is good for New Jersey, and change their law; or what is good for us in Tennessee is good for New York, and change their law. We don't care about New Jersey's law. As long as we follow the constitutional rights of the people of the United States, we would like to settle things.

I come from the mountains of Tennessee. My great-grandfather was asked about his politics. He said: I am a Republican. I fought with the Union and I vote like I shot.

The reason we were unionists and Republicans in the Civil War—and still today—was because we did not want the Federal Government telling us what to do. This is an extreme example of serious meddling.

One last example, and then I will stop.

The argument is, if we can only force all these 90 Tennessee communities to collectively bargain, that will improve public safety. Well, how do we know that? Is New Jersey and New York safer than Tennessee? Do we know that for sure?

Or let's take the one example in Tennessee where we have required communities to collectively bargain, and that is with teachers. The unit is an arm of the National Education Association. I have had some pretty important disagreements with my friends in the Tennessee education association over the last 25 years about what is good for education. For example, I thought it would be a good idea to reward outstanding teaching, pay teachers more for teaching well. Twenty-five years ago, our State became the first State to do so. We created a career ladder system, and we raised taxes in order to offer every single teacher a 70-percent pay increase on the State's share. Ten thousand teachers went up that ladder. Guess who the No. 1 opponent to that was. The teacher's union. Not Albert Shanker and the American Federation of Teachers, but the National Education Association.

I am not criticizing them. They are very open about that. They do not like the idea of paying teachers more for teaching well. I think to improve education we should. So does that really improve education in Tennessee to require that collective bargaining?

Another example: I notice a lot of teachers were worried about being sued by parents. I think that is not right. Why not offer teachers the same liability insurance the State provides to State employees?

The Tennessee Education Association raised its dues to defeat my proposal because they offer liability insurance. Did that improve education in Tennessee?

Or charter schools? I think charter schools are a good idea, public charter schools that leave teachers free to make their own decisions about the kids who are there. But the teachers union disagreed. That is a legitimate difference of opinion. But I think I am right. They think I am wrong. But does that improve Tennessee's schools to have them there?

Choices for parents: I think the best thing to do in Nashville, for example, where schools are having a very difficult time, might be to ask all the parents where they would like to send their kids to school and see if we could do it. Give them their first, second, and third choice to see if we could probably supply that. The teachers union is opposed to that.

Everyone, when we were bringing in the auto industry to Tennessee, bringing in the Nissan plant—the first time we had ever had those jobs, which raised our family incomes—I wanted to build a road out to the plant with State dollars, and the teachers union objected because they wanted me to give the money to the teachers. I thought that was short-sighted because if we improved the tax base, we would have the money to improve education.

So there are differences of opinion about what would improve education, and there are differences of opinion about what would improve public safety. We like our opinions in Tennessee. That is why we do not like this bill.

So I will be seeking a vote on my amendment when the appropriate time comes. I would urge my colleagues, you may be right about your own home State. Maybe it is better to require all your communities to collectively bargain. Maybe that improves safety in New Jersey or New York or somewhere else. But in Tennessee, we have considered it almost every year for the last 25 years, and we have decided a different way. We believe States ought to have the right to decide what their own labor relations ought to be. We do not believe it is a right of the Federal Government to impose unfunded mandates on us and cause us to pay our extra bills at a time when the Governor is laying off people in our State because there are not enough tax dollars coming in.

This is the grossest sort of interference to the sovereignty of our State. We have a strong bipartisan opinion about this in Tennessee. That is why I am so vigorously opposed to this piece of legislation.

It should be called the Washington Knows Best Unfunded Mandate Act. I am going seek to amend it. I am going to do my best to defeat it.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4759

Mr. LEAHY. Mr. President, in a short while I am going to call up an amendment, and I will move at that time to set aside the pending amendment to call up amendment No. 4759. I am not going to do it yet because I want the distinguished Republican manager of the bill, Senator ENZI, to have a chance to see what it is before I do. But let me describe it a little bit before I do call it up.

The amendment would reauthorize and extend the Bulletproof Vest Partnership Grant Program. This is a program that some may recall the former Senator from Colorado, Mr. Ben Nighthorse Campbell, and I began some years ago.

This morning, the Judiciary Committee held a hearing about this important grant program. We heard compelling testimony from an officer, Detective David Azur of Baltimore, whose life was saved in 2000 when he was shot at pointblank range in the chest. He said he had enormous pain and a huge bruise from it, but the bullet did not penetrate his vest. I said to Detective Azur from Baltimore—and I know his family; his father served as a police officer in Burlington, VT, when I was a prosecutor—at least he felt the bruise. Had he not had the vest on, he would not have felt anything. He would have died instantly.

We also heard from Vermont State police lieutenant Michael Macarilla. I know Lieutenant Macarilla very well. He spoke about the assistance Vermont law enforcement officers have received from the program.

This week, thousands of law enforcement officers from around the country have come to Washington to honor the men and women who have given their lives in service over the past year. One thing everybody in this Senate could agree on, all Americans could agree on: We should offer our gratitude to the officers and their families.

On Thursday, May 15—this week—Congress and the American people are going to pause to reflect upon the sacrifices too many have made, as we celebrate Peace Officers Memorial Day. This week, at the Police Officers Memorial, we will recognize and remember the 181 officers who were lost in the line of duty during the past year. Every death is a tragedy, but 181, Mr. President—that is the largest yearly total since the extraordinary losses on 9/11 and in its aftermath. Think of that: 181 officers lost, lost in the line of duty. It also means that a family lost a loved one: a spouse, a father, a mother, a son, a daughter, a brother, a sister. We need to do all we can for the men and women who risk their lives protecting us and the public's safety every day.

The Bulletproof Vest Partnership Grant Program saves lives. It makes a real difference to our officers and their families. The officers who testified before the Judiciary Committee today have firsthand experience with the importance of armor vests. So I am grateful to Detective David Azur from Baltimore and grateful to Lieutenant Michael Macarilla from the Vermont State police for their willingness to share their experiences with the committee and the Senate and the Congress.

I was proud to initiate the Bulletproof Vest Partnership Act with Senator Ben Nighthorse Campbell in 1998. Both of us relied on our own experience in law enforcement, experience both of us had in law enforcement before we came to the Senate. Between 1999 and 2007, our program has assisted in the purchase of an estimated 818,044 vests. We have taken a giant step away from the days in which law enforcement officers were required to purchase their own vests or go without the vest. Actually, I do believe the bulletproof vests should be standard issue equipment for law enforcement, just as we have standard equipment issuing a badge and a weapon.

In addition, as we were reminded at this morning's hearing, body armor is not effective forever. You buy it but it wears out. In fact, manufacturers offer only a 5-year warranty for these lifesaving vests. They have to be replaced periodically. In fact, for Detective Azur, his warranty was just about to run out when he was shot.

Despite the fact that the President's budget has repeatedly—repeatedly—neglected to request authorized funding for this program, Congress has stepped up and recognized its importance and appropriated the funds needed to keep it strong. I hope Congress will do so again this year. It may be easy to just look at Federal grant programs as just numbers, and say: Here's a number we can cut. It is a good way to reduce Federal spending. But when it comes to the safety of law enforcement officers, I can think of no rational excuse not to fully meet Congress's determined levels of support for the men and women who protect us all. Look what we have done in Iraq. This administration has provided the Iraqi police forces with a virtual blank check over the past several years. American taxpayers have seen hundreds of millions—some would say billions—of dollars sent to Iraq and misspent, this just on the police forces there. Large sums of cash and weapons disappear. We sent over thousands of weapons, and we didn't even know where they went until some of them showed up in the hands of the people trying to kill our own soldiers. If we can afford to pay for training and equipment for the Iraqi police, we ought to be able to afford bulletproof vests for the officers who protect Americans here at home.

There is money in the President's budget for the Iraqi police forces. I would like a little bit of money in the budget for American police forces. I worked with these police officers for 8 years when I was State's attorney. I think we ought to start paying a little bit of attention here at home.

State and local law enforcement officers assist Federal authorities in many areas, and this grant program should be viewed in the spirit of this cooperation. In an era when State and local law enforcement are shouldering more responsibilities on the front lines in the name of national security or in cooperation with Federal authorities in fighting interstate crime, then the Federal Government owes it to them to provide them with some support. Much of our Nation's strength lies in our rule of law, and Congress should support the men and women who uphold the laws and protect our democracy.

The Bulletproof Vest Partnership Grant Act expires next year, so the amendment I filed would reauthorize this program for another 3 years. It is drawn from the bill that Senators SPECTER, MIKULSKI, SHELBY, HATCH and I have introduced today. It also includes giving discretionary authority to the Director of the Bureau of Justice Assistance at the Justice Department to waive the matching requirement for jurisdictions experiencing financial hardship. That provision is drawn from the Leahy-Shelby bill, S. 2511. I think that in a narrow and tighter budget and a troubled economy, it makes sense to give the agency making these plans the authority and the flexibility to ensure that no jurisdiction is excluded from such critical assistance simply because it can't afford to meet the matching requirements.

Local law enforcement agencies don't have oil revenues. They don't have outside sources of revenue. If we are going to have the administration say send money to the Iraqi police force, which does have enormous oil revenues, and ask the American taxpayers to pay for it, let's pause and do something to help American police forces.

I ask unanimous consent to set aside the pending amendment and call up amendment No. 4759.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Is there objection?

Without objection it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 4759 to amendment No. 4751.

Mr. LEAHY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reauthorize the bulletproof vest partnership grant and provide a waiver for hardship for the matching grant program for law enforcement armor vests)

At the end of the amendment, insert the following:

TITLE ___—BULLETPROOF VEST PARTNERSHIP GRANT AND HARDSHIP WAIVER FOR MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

SEC. 01. REAUTHORIZATION OF BULLETPROOF VEST PARTNERSHIP GRANT .

(a) SHORT TITLE.—This section may be cited as the "Bulletproof Vest Partnership Grant Act of 2008"

(b) REAUTHORIZATION.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2009" and inserting "2012".

SEC. 02. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

"(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.".

Mr. LEAHY. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I wish to take a little bit of time to talk about at least two of the amendments and probably make a mention of the one we just had. As to the underlying bill, we have two amendments that have been suggested—one for a public employees bill of rights and the other one for an unfunded mandate exemption—and I want to comment on those a little bit. I haven't gotten to speak much, and there are several on the other side who have spoken to some extent.

I did notice that the Senator from New Jersey, the former mayor of a community of 60,000, made some comments about how this bill would work, and I wished to point out that 60,000 is a pretty big city in a lot of States around this country. That would be bigger than any city in Wyoming. So when we are talking about how easy it is to do these negotiations, I think we are leaving out some crucial factors.

The bill says it applies if a municipality has more than 5,000 people or—this is very important. It says 5,000 people or 25 employees. If it has 25 employees, no matter what they do for the city, the city comes under this bill. It becomes an unfunded mandate for the city even if there are less than 5,000 people. I can tell my colleagues there are a lot of towns that have less than 5,000 that would have, depending on what services they provide, more than 25 employees.

I think that some of these other employees are going to be a little upset, too, realizing that we have this opportunity to place some special emphasis—and should—on the public safety employees, but not others. My city had its own electrical utility, and I can tell my colleagues, if the power goes out, the most important person in the city for public safety is the guy who comes and gets the electricity going again. This bill would not cover those people. If your city sewer is backing up into somebody's home, the most important city employee from a public safety standpoint is the guy with the city utility. This doesn't include him. But it will force some mandates on the city that will take away money from the guy who fixes the sewer backing up into your house or fixes the electrical utility that keeps the power on that handles heat and air-conditioning and other important things for your home.

I also was kind of fascinated by the Senator from Massachusetts, Mr. KENNEDY, mentioning that as far as the secret ballot, they are going to leave that up to the States. Why would we leave that up to the States? We are not leaving any of the rest of this up to the States. Not only that, we are saying that no matter what the city and the employees agree to, there is going to be this little-known Federal agency that can say: Nope, not enough. That is the way the bill reads. It allows overriding of agreements by the director of a Federal agency. So we are not only saying: We don't care what kind of relationship you have with your public safety people, we don't care how unfunded this is, and we don't care if it steals money from other city employees, we have a Federal agency that is going to keep its eye on you and let you know if you are doing it well enough. Not to mention, of course, that the rules haven't even been written on this, so we don't even know how those are going to go.

So there are some difficulties, and I want to have the chance to address some of these amendments a little more fully.

Of the people who voted for the motion to proceed—some voted that way to say we should debate this. I mentioned in my speech that we needed to have some time to talk about the difficulties of this bill, that there are a lot of things that people don't realize about this bill that need to be corrected and brought out, and we are doing that through some logical amendments.

But Washington does not know best how a municipality works. There is no way we can understand the diversity of all of the municipalities in this United States that would qualify under this bill. Remember, it applies to those with a population of 5,000 or more or 25 employees. So we are not even sure whom we are pulling into this. But we do know we are affecting State law in all 50 States. The exception, of course, is the question of card check or secret ballot where the bill says if they already require it, it is OK, but if they don't, that is OK too. So we can impose every rule on them we can possibly think of, but we are going to leave the right to a secret ballot part out. I hope that is not the case.

I hope some of the amendments that are being suggested will be voted on and passed or, even better yet, accepted. I think some of them are worthy of that.

So with that, I yield the floor and reserve the right to speak again.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise in support of the Public Safety Employer-Employee Cooperation Act. I have been a cosponsor of this legislation in previous Congresses, and I am pleased that the bill, which I first joined several years ago in cosponsoring, is finally coming to the Senate floor.

This bill would ensure that the people we most count on to protect and serve the public—our firefighters, our police officers, our emergency medical personnel, and other first responders—can exercise their rights to organize and bargain collectively with their employers.

Currently, 20 American States do not effectively provide for this right despite the fact that it applies across nearly every other area of the American economy. All first responders should have an effective process to address job issues and practices with the State and local governments they serve.

Now, some have argued that this bill interferes with the proper authority of States and municipalities, but, in fact, the bill simply requires States to allow public safety officers to bargain over wages, hours, and working conditions. My State of Maine has a very similar law in place already. This bill does not in any way dictate outcomes of this process. It gives State—not Federal—courts the authority to enforce contract rights that arise from collective bargaining.

I also wish to emphasize that the bill does not authorize actions that might threaten public safety. In fact, it prohibits both strikes and walkouts. Further, it does not interfere with any existing collective bargaining agreements, nor does it impinge on any area traditionally reserved to management decisionmaking.

Mr. President, I have heard some of my colleagues say this bill will somehow harm the volunteer firefighters who are so important in rural States, such as mine and the State of the Presiding Officer. I think it is important we spell out why that is not the case. In fact, there is no collective bargaining established by this bill for volunteers, volunteer fire departments. This is a bill about collective bargaining rights of employees who are paid for their work. Volunteers, by definition, are not employees. Any suggestion that cities and towns are going to be required to bargain with and possibly pay their volunteer firefighters is simply wrong.

Volunteers are expressly not covered by this bill and will have no right to collective bargaining. All volunteer departments would have no bargaining complications. Furthermore, professional firefighters would still be encouraged to volunteer. I am touched by the fact that some of the professional firefighters in my town act as volunteer firefighters for their hometowns. They may be employed by a larger city in Maine, such as Bangor, Lewiston or Portland, but they may live in a very small town outside the city, where they volunteer on the all-volunteer firefighting force. There is nothing in this bill that discourages anyone from serving as a volunteer firefighter.

In many towns, as I mentioned, volunteer firefighters are actually professional firefighters who volunteer during their off-duty hours. Our legislation preserves that kind of relationship by actually prohibiting States from putting limits on professional firefighters who want to volunteer during their off-duty hours.

This bill addresses concerns that were raised by some of the volunteer firefighters because the protections in the House-passed bill weren't clear enough. The Senate version of this bill will dispel any ambiguity in the House-passed version and make clear that a professional firefighter can, in fact, volunteer to be part of a volunteer force.

The Senate drafters of this bill worked with groups representing volunteer firefighters. I note that the National Volunteer Fire Council supports the language in the Senate substitute that protects the volunteer firefighters.

I believe this bill is a balanced, constructive measure that will help first responders and improve public safety, without improperly or unduly burdening States. It has won the endorsement of the International Association of Firefighters, and it is particularly appropriate that we are turning to this bill during National Police Week, when so many police officers are also in town.

I believe all Americans gained a new appreciation for the service and the sacrifices of our first responders on that terrible day, September 11, 2001. On that day, 343 New York City firefighters and paramedics, 28 New York Police Department officers, and 37 Port Authority officers died doing what they loved. They died trying to rescue others. Such heroism occurs, usually, with far less tragic results in towns and cities across our country every day.

The least we can do to repay the sacrifice and service, the selflessness of our first responders is to ensure that all public safety officers have the right to bargain on their pay and safety standards and working conditions.

This legislation makes sense. I urge my colleagues to join me in supporting this bill to put America's public safety workers on an equal footing with their counterparts in other jobs.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I thank the Senator from Maine for her statement. I have one request for her though. Look at the paragraph that deals with volunteer firefighters—the language regarding allowing professional firefighters who want to help out in the community to volunteer as well. There has been language suggested that would make it clear that what you described would happen. But the language from the House definitely doesn't say that. The language, as revised in the substitute amendment, still doesn't say that. I would appreciate it if the Senator would take another look at that and see if that can be made a lot clearer. The language I was referring to is "to prohibit an employee from engaging in volunteer or part-time employment, any agreement that contains such language shall be unenforceable." That is pretty clear. I am concerned that will not only be misconstrued, but it will be bargained away without any consequence. I would appreciate if the Senator would take another look at that.

Ms. COLLINS. Mr. President, if I may respond to my good friend—and he is a good friend who knows this issue very well and considers bills very carefully, which I have always admired about the Senator from Wyoming. First, let me say it is clear the House bill does not do a good job in this area. I think the House bill is very ambiguous and doesn't make clear what I described. So I think we are in agreement about the House bill. I will take a second look at the substitute language, as the Senator has suggested. But I know the drafters of the bill, Senators GREGG and KENNEDY, worked very closely with the National Council of Volunteer Firefighters, and I doubt they would have signed off on the language—which it is my understanding that they have—if, in fact, it did not protect the volunteer firefighters.

Thirdly, my intent is not to impose any sort of obligation on volunteer firefighters. They are, by definition, not employees, so I don't think they come under this bill. In addition, I do wish to make sure anyone who is a professional firefighter, and employed in that profession, is not precluded from also acting as a volunteer firefighter, as so many professional firefighters in Maine and across this country do. I will take another look at the language, but I do know Senator GREGG and Senator KENNEDY have worked very closely with the Volunteer Firefighters Council, and they believe the substitute language does cure what I think all of us would agree was a problem in the House bill.

Again, I thank the Senator from Wyoming. I will take another look at the language.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I concur in what the junior Senator from Maine has said, if the volunteer firefighter organizations worked closely with Senators GREGG and KENNEDY and they are supportive and have signed off on the language.

I am particularly pleased to participate in this discussion for a lot of reasons. One of them is because I was in the Ohio State legislature many years ago—about 25 years ago—when we debated a bill that would have given collective bargaining rights to Ohio first responders. That legislation eventually passed. I have to tell you Ohio, partly because of that legislation, has the best public safety forces in the United States of America, the best police officers, the best firefighters, and the best EMS professionals. I may be biased about that, but I am also right.

I have worked with the firefighters in Cincinnati to push for legislation that would help eliminate needless risks to their safety on the job. I have worked with firefighters in Lorain and Akron to make sure Federal and municipal firefighters receive the proper benefits when injury strikes. I have worked with police officers to fight for the COPS Program and with EMS professionals to reduce the redtape surrounding hometown hero benefits. All these men and women have pledged to fight for our lives. Every single day they bear deadly risks on our behalf.

The Public Safety Employer-Employee Cooperation Act gives Members of this body an opportunity to fight for first responders, just as they fight for us. It gives us an opportunity to take on risk and overcome it, just as our first responders do. S. 2123 will reduce the risk of injury or death to first responders and the public they serve.

The Alexander amendment will take away our ability to do that. S. 2123 will reduce the risk of a first responder workforce shortage. The Alexander amendment, again, will take away our ability to do that. It will reduce the risk that first responders will be grossly overworked or dramatically underpaid. The Alexander amendment will take away our ability to do that. It will reduce avoidable risks, and when it comes to public safety, avoidable risks are unconscionable risks.

Some public safety professionals have the right to negotiate fair wages, decent benefits, and proper equipment. Some don't have that right. That is because some States empower their first responders to collectively bargain and others don't.

Collective bargaining is not just about wages or benefits; it is about doing the job in the safest way possible, doing the job in the best way possible. If first responders, without bargaining rights, are underpaid or overworked or poorly outfitted, their options include living with it or leaving.

Neither option serves the public good. Our Nation has a stake in ensuring that public safety jobs are filled in every town, every city, and every State.

Denying first responders the right to negotiate fair wages—denying them the right to negotiate their own safety—is not exactly a strong selling point for these jobs. That is why the Alexander amendment should go down and the bill should pass.

The Public Safety Employer-Employee Cooperation Act ensures that every first responder, regardless of where she or he lives, can do that. This bill promotes fairness and safety. It wasn't just written for first responders—police, firefighters, and EMS professionals. It was also written for those who rely on first responders. That is us. This bill was written for us.

Senator ALEXANDER's amendment, when he spoke, talked about the "Washington knows best" attitude. I thought about that as he was talking. His points were well made and well articulated. I wear on my lapel a pin that is a depiction of a canary in a birdcage. About 100 years ago, the mine workers used to take the canary into the mine, and if it died from toxic gas or from a lack of oxygen, the mine worker knew he had to get out of the mine. In those days, the worker had no Government that cared enough to protect him, no union strong enough to protect him, and he didn't have collective bargaining rights. We know that 100 years ago, a baby born in this country lived to be about 46 or 47 years old. Today, a child lives 30 years longer. Do you know why that is? It is not mostly miracle medical technology. Certainly, chemotherapy and heart transplants and other things help many of us live longer. But the reason people live 30 years longer today is, frankly, because of national standards, because of collective bargaining rights. Look around. We have strong collective bargaining laws, and people live 30 years longer because we have strong laws on safe drinking water and clean air. We have strong laws on minimum wage and Social Security and Medicare and prohibition on child labor and protections for women and all the things that were negotiated at the bargaining table and were passed by this Congress—setting national standards on clean air, on safer drinking water, on worker safety, national standards on a whole host of issues that are important to all of us. That is why when I hear this "Washington knows best," we will do it our own way—we have not done that on civil rights or worker rights. As a nation, we share these values, whether we are from Wyoming, Tennessee, New Jersey, Massachusetts or Ohio, and we share these values of helping people, giving them collective bargaining rights, passing a minimum wage increase, having safe drinking water and clean air and pure food laws—all that our country has stood for.

Also, Senator ALEXANDER said this act imposes an unfunded mandate on cities and States, and they would not even be able to afford new benefits for public safety officers. I will answer that for a moment. First of all, under the bill, no costs are imposed. The bill comes with no pricetag. There is not a single provision in the bill that requires cities and States to spend a penny.

Senator ALEXANDER spoke about Pulaski and other communities in Tennessee, saying we are going to go to Tennessee and tell them how much they are going to have to pay first responders in Pulaski or in Nashville. We don't want to do that. I don't want the Federal Government to tell us what first responders in Mansfield, Zanesville, Lima, Springfield, and Xenia should get. But this bill doesn't do that. It doesn't set those kinds of standards, and we know that.

I wish to speak to a couple other issues. No particular terms are imposed in this legislation. Local governments under the Kennedy-Gregg bill are free to write their own contracts. The bill doesn't require any particular terms. State and local officials will sit down with workers and figure out together what will work for their communities. That is the whole point of collective bargaining, not to impose this health provision or this level of pension or that particular wage. It doesn't do that. It simply gives those communities the right to organize and bargain collectively.

There is no binding arbitration in this bill. Many States have done binding arbitration. This bill doesn't require binding arbitration. So no third party can require a government to raise wages or spend any money the local government and their citizens don't agree to spend.

State and local legislatures have the final say. We went out of our way to respect the autonomy of State governments. One way we have done that is to let State and local legislatures have the final say on collective bargaining agreements. The States can give their legislatures the right to approve or disapprove funding for any negotiated agreements. Again, that is what collective bargaining is all about, whether it is in New Jersey, Massachusetts, Wyoming, Ohio, or Tennessee.

This bill most specifically is about mandating a discussion between employers and workers. It is not a mandate. It certainly is not an unfunded mandate. That is why the Alexander amendment should be defeated. That is why the underlying bill should be approved.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. BROWN. I certainly will yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope our colleagues have listened carefully to the Senator from Ohio because he has laid out the essential elements of this legislation and did it effectively.

As I mentioned, very often around here we have people who misrepresent or mischaracterize legislation and then differ with it. I have even done it myself a few times. We have seen that done with regard to this legislation.

I listened to my friend and colleague—and he is my friend and colleague—from Tennessee. I watched him wave the Constitution and talk about the tenth amendment, and the Senator from Ohio has answered that.

Does the Senator not agree with me that the basic process that is followed is that if this legislation is passed, a State then must set up some opportunity fulfilling four different requirements that are included in the bill? Those four different requirements that are to provide public service officers the right to form and join a labor organization; requires the employers to recognize a union that is chosen, require employers to engage in a collective bargaining process, and make available an impasse resolution. As the Senator correctly pointed out, that may very well be arbitration, that may be factfinding. It is completely left open.

Now the State takes these four broad guidelines and fashions legislation. Once Tennessee passes a law, if Tennessee workers say we don't like unions, they don't have to have one. End of the story. I had difficulty in understanding the Senator from Tennessee talk eloquently for half an hour describing this amendment, and I said one of us hasn't read it because there is no such requirement in this legislation as described by the Senator from Tennessee.

I wish the Senator would once again speak to the issue of an unfunded mandate. There is no possibility, as the Senator has mentioned, that there can be any impact on the local community or the State in terms of requiring them to spend a nickel if it isn't going to be approved by the regular order within that State. The State is going to have to make that judgment and that decision whether they want it, but there is nothing included in this legislation that is going to alter that part of the procedure.

As to these concerns we have heard during the course of the afternoon that this new legislation is going to suddenly be an unfunded mandate, I am always interested, if you eliminated the words "unfunded mandate," you would quiet about half the Senate. They use those words so frequently when too often they don't have anything else to say. "It is an unfunded mandate," and everyone quivers and shakes about it. That is the situation.

It is good if we have a debate, and we welcome the opportunity to take some time to debate. We are in no rush. This is important legislation. It is important that the Members understand it, but it is important, it does seem to me, as we are engaging in this debate, for the Members to understand correctly what we are doing and what we are not doing.

I was interested to know if the Senator agrees with me that the bill will not require any town or community in Ohio or any State to expend resources and funds that the State will not duly authorize under its existing appropriations procedures?

Mr. BROWN. Mr. President, I thank the Senator. I certainly agree with the senior Senator from Massachusetts. In my State in Ohio, I have watched for 25 years what has happened with public employee collective bargaining. It has made the State better.

At the beginning of my comments, I talked about Ohio, I believe, has the best police, fire, and EMS forces in the entire country. A big part of that came out of collective bargaining.

Many times in communities when the city council reaches a difficult position with their police or with their fire or with their other first responders, the Federal Government does not get involved. We don't mandate that there should be a certain level of pay or certain level of fringe benefits or certain level of worker protections as they do their jobs. That is up to them, and this bill makes that easier to accomplish.

In no way is there a mandate, and in no way is this an unfunded mandate. No costs are imposed, no terms are imposed, there is no binding arbitration. As Senator KENNEDY said, if Newton, MA, Lynn or Boston want to have binding arbitration or factfinding, they can do that. It is the same with Marion, Portsmouth, and Ravenna, OH. They make those decisions. That is the beauty of this legislation. We set up the system of collective bargaining and let them make those determinations.

Mr. KENNEDY. Mr. President, if the Senator will yield further, would the Senator not agree with me that the decisionmaking then is going to be done at effectively the local level by workers rather than at the Federal level or even at the State level? The State is going to outline a process. Then the workers are going to make a judgment as to whether they want to follow that process. And if they choose that they will not do it, then there is no process or procedure, and they don't have to do it.

A compelling aspect of this legislation is the fact that we are giving the authority to deal with the most local issues to those who have responsibility today in the local community and who know best in terms of safety and security, and are trained in safety and security—the first responders.

The record is powerful in this area about how to ensure additional safety and protection for local communities, the State, and the country. We want to make sure that those decisions are made by the workers who have that expertise.

I thank the Senator for his comments because we have heard a good deal of rhetoric on the floor. It is important that we make sure our colleagues have a good understanding and awareness of the great efforts that have been made to make sure we are going to respect the States, we are going to respect, obviously, local communities and the differences that take place, and we are going to have special provisions, as the Senator correctly pointed out, in terms of voluntary fire departments.

We tried to work very carefully and closely—as the Senator has mentioned, this has been a bipartisan effort with Senators from all different parts of the country. What is important is that local firefighters, local first responders, local police officers are so strongly in support of this legislation because they understand better than anyone on the floor of this Senate the difference it can make for the safety and security of the American people.

I thank the Senator.

Mr. BROWN. Mr. President, I thank Senator KENNEDY again for his comments. Look at what happened in this country over the last decades, as we set up a system of collective bargaining for private employees. This body had no interest in telling GM and the UAW how to negotiate a contract, only that the rights of collective bargaining are recognized in this country.

We have the same view—not a mandate, not an unfunded mandate, to be sure—the same view of setting up collective bargaining with governments, elected officials, in all that we do.

As Senator KENNEDY said, it is all pushed to the local level. They will make the decisions. That is why defeat of the Alexander amendment is crucial. It undoes all the good in this bill. After defeating the Alexander amendment, this legislation should receive an affirmative vote.

Mr. DODD. Mr. President, I rise today to speak in support of the Public Safety Employer-Employee Cooperation Act, a bipartisan measure that will guarantee our Nation's law enforcement officers, firefighters and emergency medical personnel the right to bargain collectively with their employers. I want to thank Senator GREGG and Senator KENNEDY for their long-standing commitment to this critically important legislation.

Now more than ever, the risks taken by our first responders are greater than they have ever been. From the increased risk of terrorist attacks, to the catastrophic hurricanes, tornadoes, and wildfires that have ravaged our country from coast to coast, each and every day we ask more from our emergency workers, and they always rise to the challenge. These are people who have chosen to dedicate their lives to serving their communities—making the streets safe, fighting fires, providing pre-hospital emergency medical care, conducting search-and-rescue missions when a building collapses or a natural disaster occurs, responding to hazardous materials emergencies, and so much more.

The Public Safety Employer-Employee Cooperation Act provides these brave men and women with basic rights to bargain collectively, a right that workers in many other industries have used effectively to improve relations with their supervisors. This bill is carefully crafted to allow States a great deal of flexibility to implement plans that will work best from them. All it requires is that States provide public safety workers with the most basic collective bargaining rights—the right to form and join unions and to collectively bargain over wages, hours, and working conditions. It also will require a mechanism for settling any labor disputes. These are rights that a majority of States already provide these workers, and this bill does nothing to interfere with States whose laws already provide these fundamental rights.

This bill will allow States to continue enforcing right-to-work laws they may have on the books, which prohibit contracts requiring union membership as a condition of employment. This bill even allows States to entirely exempt small communities with fewer than 5,000 residents or fewer than 25 full-time employees.

Importantly, this bill takes every precaution to ensure that the right to collectively bargain will not interfere with the critical role these workers play in keeping our communities safe. It explicitly prohibits any strikes, lockouts, or other work stoppages. But the key to this bill is truly to foster a cooperative atmosphere between our first responders and the agencies they work for. Cooperation between labor and management will inevitably lead to public safety agencies being better able to serve their communities. Unions can help ensure that vital public services run smoothly during a crisis, and this bill will further that goal.

I would add that this legislation enjoys enormous bipartisan support. The House passed H.R. 980 by an overwhelming margin of 314-97. Here in the Senate, our version enjoys the support of all my colleagues on this side of the aisle and many on the other side as well, including Senator GREGG, the bill's sponsor. In an era ruled by party-line votes, this speaks to the great importance of this legislation. That is because we recognize the unique and essential role these workers play in every single community, and we recognize that by granting them these basic rights they will be able to better serve those communities.

This bill addresses some of the most critical concerns of our Nation's first responders. It goes beyond negotiating wages, hours and benefits. In this circumstance, for this group of people, it means so much more. It means that the men and women who run into burning buildings, resuscitate accident victims, and patrol the streets of our towns and cities can sit down with their supervisors to relate their real life experiences. They can discuss their concerns and use their on-the-ground expertise to help improve their service to the community. Granting our first responders this basic right is not only in their best interest it is in all of our best interests. It will allow these men and women to better serve their communities by fostering a spirit of cooperation with the agencies and towns that employ them.

When tragedies have struck us, from the September 11 attacks to Hurricane Katrina, it is these workers who are the first people on the scene and the last to leave. We owe them everything, and all they have asked of us in return is dignity and respect in the workplace. They stand with us every single day on the job, and it is time we stand with them. I urge all my colleagues to join me and the millions of first responders who form the backbone of our nation's homeland security by voting to pass this crucial legislation.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Arizona.

Mr. KYL. Mr. President, I wish to speak to this legislation and address briefly some of the comments that have been made.

I don't think there is any question that this legislation would represent an unprecedented intrusion by the Federal Government into the affairs of States. It is justified on the basis primarily that it is needed, that States should be required to do the things the law mandates.

I don't think one can argue this is not an intrusion into State law. As a matter of fact, as I understand it, the bill would specifically reverse the actions of 13 States that have considered and rejected similar legislation in the last two legislative sessions of those States. The law in these States would be overruled by this legislation. The bill would specifically overturn the current law in an additional eight States and cast into doubt a number of aspects of current law in at least an additional nine other States.

Apart from the constitutional issues that have been raised by some of my colleagues, the first point I wanted to make is we cannot very well argue we are not telling the States to do anything, we are not really changing anything in the States; this is Federal law that controls certain aspects of State labor laws from now on and, as I said, in several situations would specifically change the policies of States as determined by the citizens of those States.

We have to ask ourselves a fundamental question: Do we trust States and local governments or do we not? There are some reasons why States have different labor laws, as well as other kinds of laws. There are reasons why some States have permitted what this legislation would mandate and other States have not.

For example, it is very difficult to argue a State that doesn't currently have this kind of requirement doesn't care about the safety of its employees. These are people in our communities, these are people who are already governed by other laws relating to minimum wage and safety, to the things that were mentioned by my colleague from Ohio, and these are people who certainly have the ear of others in their community. They are leaders in their community.

I can certainly attest to my State of Arizona. There are some tremendous folks in our firefighting communities, specifically in my hometown of Phoenix, but in other communities as well. If they were working under unsafe conditions or conditions they felt were not appropriate for the circumstance, I think we would hear about that.

To suggest that the mayor of a town doesn't care about their safety or else he would be doing this and, therefore, we are going to have to mandate it on to that community is not a proper recognition of the way our Government works in this country, starting from the ground up rather than the top down. That is what the United States is all about, and that is why communities have different ways of dealing with these different situations.

I, frankly, have not heard any case made for the legislation. I have not heard of situations where in several of these communities over 5,000 population, because this particular mandate doesn't exist, there are all sorts of horrible things happening that have to be fixed.

Unless there is some suggestion that is the case—first, that petition ought to be brought to the State or local government that is involved to see if they want to change their laws. But otherwise, there is certainly no reason why the Federal Government should be intruding into the area.

I don't think we can say this legislation is not a mandate to the States, that it simply allows States to continue to operate as they are. That is clearly not the case.

As my colleague from Massachusetts pointed out, there are four specific requirements that have to be met under this legislation. But he then went on—and I am not certain of exactly what the point here was—that if they do not agree, then that is the end of it.

The reality is, the legislation itself has a very explicit provision for what happens if the Federal authority does not believe the agreement is in compliance with this law. It is subject to the enforcement of section 5 of the law, which is a very extensive section that deals with what happens if you are not in compliance. I will not bother to go through the whole legislation, but it speaks about the determination of rights and responsibilities and says that the authorities shall make a determination as to whether a State substantially provides for the rights and responsibilities set forth in the legislation not later than 180 days after enactment. If it concludes that it does not meet the requirements, then it shall be subject to the enforcement or to the procedure described in section 5. That is on page 9 of the bill. Then section 5 goes on to provide all of the ways in which the Federal authority would then have the jurisdiction to make determinations as to what the State is supposed to do. This is an intrusion of the Federal Government into activities that have previously been left to the States, and I think there is a failure to protect both the rights of the workers in this case as well as the local communities.

I note that Senator HATCH has an amendment, which I think is a good idea, to provide for, in effect, a bill of rights for the workers under this legislation.

I also think the bill itself purports to prohibit strikes. But let me describe to you what the bill does do. It goes to great pains to say that it is not a strike when a public safety officer refuses "to carry out services that are not mandatory conditions of their employment." Well, what does that mean? There is a rich history in labor law about, you know, well, we were all sick that day. It was purely coincidence that we did not come to work, that kind of thing. We are all familiar with that. Who decides this?

Obviously, at least in my view, this provision appears to be nothing more than legislative code words that authorize work-to-rule and a host of other types of disruptive job actions that we have all become familiar with in certain unions—teachers unions, for example.

The bill forces unions on unwilling cities and towns and then gives those unions the legislative green light, in effect, to disrupt municipal services as long as it is not the refusal to carry out a mandatory condition.

I think some of these things probably could have been corrected had the bill gone through the regular legislative process. But, as the Senator from Wyoming, the ranking member of the committee, the former chairman, pointed out, the bill has not gone through committee. It has not had the benefit of some of the changes that would have improved the bill had it done so.

In fact, I am informed that there were changes that were recommended even by some supporters of the bill when it came from the House of Representatives, things they understood at that point that should be done to the bill to make it a better bill and to make it work more effectively. But the committee had no opportunity to consider those items.

So, at a minimum, this kind of complicated legislation that is going to direct States and municipalities should be the subject of hearings and of the regular legislative process that would enable us to correct its deficiencies before it comes to the floor of the Senate here.

Now, there has been discussion about the administrative expenses not being an unfunded mandate. Well, I do not think there is any doubt that there are costs associated with this. The Federal Government is not paying for them. You can call it whatever you want. I do not know what those costs would totally amount to, whether they would end up bankrupting cities. I am not going to make those claims. But I do not think you can deny there would be extra costs associated with this legislation and that the Federal Government does not pay for those costs.

It has also been pointed out that because of provisions that have—union contracts that cities have taken on in certain instances, those cities have either declared bankruptcy or become close to declaring bankruptcy because of the requirements of these union contracts. I am not going to assert that every city would end up in that kind of a situation either. But I do think it is important to note that there will be financial ramifications. There is no point in doing it otherwise. As a result, I think the cities and the folks in these communities need to consider what their additional obligations are going to be. As I said, there is no reason to have this legislation unless one assumes there will be additional costs imposed upon the folks in those communities.

Another thing about this legislation that causes a great deal of consternation, at least on this side of the aisle and among a lot of people who have been surveyed about the so-called card check legislation, is the principle that in order to unionize a particular facility, you do not have to have a secret ballot. The people, the workers there, are not, in fact, entitled to make their wishes known by secret ballot but, rather, it is done through what is called a card check, a nonsecret proposition where somebody comes around and says: You want to sign this petition, don't you? And through various methods of intimidation—direct or indirect—they could end up forcing unionization in that situation. That is not the American way. We have always prided ourselves on having secret ballots in this country, in labor relations as well as when we elect our officials and vote on propositions that affect our communities.

This bill contains no workers' protections. Specifically, it sanctions State card check laws that do not guarantee secret ballot elections for unionization, and it does not require transparency, fiscal transparency, for labor unions or any other control over the way the unions would then spend the union dues of the members of the union.

One of the things that bothers me most about it, though, is what is called the authority, the Federal entity. It is a new entity that would be created to supervise this legislation. It is not accountable to the State, but it basically becomes in charge of their State laws. In fact, as I said, if it makes the determination that the State law does not comply in what it thinks is the requirement of this legislation, then there are several different enforcement actions it can take to bring the State into compliance. That is not States rights. That is not allowing communities to decide. That is an imposition from the top down from the U.S. Government here in Washington.

There are a lot of smart people in the Senate and a lot of smart bureaucrats and other officials here in Washington, but I do not think any of them got any smarter when they came to Washington, DC, from where they were originally located. We have many smart people in our States and communities who can do these things. We do not have to turn to Washington, DC.

The final point I wish to make is that there is a little bit of a double standard here because, of course, we do not have this in the Federal Government. We are not mandating full collective bargaining for Federal employees, but we are going to impose it on States and towns for a large segment of their employees. I think our folks back home would rightly ask us: Now, what about this? It is something you are imposing on us. If it is such a wonderful idea, why don't you try to do it at the Federal level as well? I think most of us recognize it would not get very far at the Federal level, and it should not get very far at the local level.

I will conclude with this: We all have folks back in our communities who do a tremendous job in protecting us through fire and police protection, providing emergency services. It has been my pleasure and, frankly, an honor to visit with some of them even this week and to visit with them back home and to represent them and to work with them on matters of concern to them. From time to time, some of them have spoken to me about this legislation.

We have a pretty rich tradition in Arizona. It is a right-to-work State. It is a State that obviously has unions, but it also has a rich tradition in trying to protect workers' rights. I find so much of this legislation, as it is written, does not meet what the people of the State of Arizona have year after year insisted in labor relations legislation to govern the relations with the folks who work in the State of Arizona. I think it would be rejected by my constituents. Therefore, it is far better to try to work to correct conditions as they exist locally if those conditions can be presented as significant problems. As I said, I have not seen that. I have not seen it in my local community. I have not seen it presented as a national emergency that has to be dealt with in this extraordinary way. If there are hearings, bring these problems out. If the legislation then works through the committee in a way that provides some of the worker protections we do not see here, provides a little more clarity with respect to things that are not clear, then it is obviously something folks could look at.

In the meantime, I am going to respect the local communities and the people in the State of Arizona who have spoken to this issue in the past and, as a result, urge my colleagues to reject this legislation in its current form. In the meantime, I will support some of the very interesting amendments that have been brought forth, one by my colleague from Tennessee, but I specifically mention my colleague, Senator HATCH.

Let me conclude by acknowledging the good work of the leader on our side of the aisle, the ranking member of the committee, the Senator from Wyoming, and also the fine work that, as always, he does in putting legislation like this together with the chairman of the committee, Senator KENNEDY. To suggest that the bill is not perfect is not to suggest that I do not respect his considerable skills at writing and legislating. It is that we have some disagreement about some of these things. I suspect that had the bill gone through the committee process, it would be a better product than it is today.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take a few moments to respond to some of the points that have been made during the afternoon. There are some very basic and fundamental points that I think should be made, and that is on the question of the right to choose and the ability for individuals to have that right to choose.

Here on the floor of the Senate, we heard last night from the Senator from Tennessee and at a time here earlier from the Senator from Arizona. I appreciate his kind personal comments. And I join him in paying tribute to my colleague, the Senator from Wyoming.

Although we differ on this legislation, he knows the great respect I have for him as a legislator and the affection I have for him. But there is a difference between a State saying: We are going to deny people the opportunity for collective bargaining, and a State having a process and a procedure in which the people in the State make that judgment and decision. It is similar to the right to vote. Every individual ought to have that right to vote, and if they are not going to use it, that is their judgment and decision, but it is an important enough right to say that we must make it available and allow them to exercise it.

That is what we are saying with this legislation, that a decision dealing with safety and security and a voice on the job for first responders is sufficiently important that workers should have an opportunity to express themselves and decide whether they want collective bargaining. The States themselves, as good as we believe their judgments are, shouldn't get to make that decision for the workers. The States should set up a process and procedure and let the people in the States make that judgment—that is pretty apple pie Americana, to let people make judgments and decisions about matters that are going to make an important difference with regard to safety and security of their jobs and their communities. That is what this is basically about.

So when we hear on the other side: my State made a judgment on it, and we are trying to see another State trying to impose its will on mine, well, I think my friend Senator BROWN answered that very well as a general concept, but in particular, it is important to understand what is at the root of this, and that is a process. If this legislation passes, a State has four broad criteria that it must meet, and the Senator from Arizona is correct that if the State does not meet these requirements, then the Federal Labor Relations Authority has to step in and make sure these criteria are met. But if they do meet these basic requirements the Federal Labor Relations Authority would not become involved at all.

The idea that workers are going to be forced to join a union if they don't want one is a scare tactic—and I don't say that in a pejorative way, but just for our membership to understand. We are giving the choice to the workers. We believe those firefighters and first responders can make that judgment. We think it is an important enough decision that affects their lives and the lives of the people they are protecting that they should make it. Then they can make the judgment and decision on what they want in that particular State. If they make the decision that they don't want to have collective bargaining, so be it. But at least they have the possibility of moving ahead in that direction. It is difficult for me to believe that the States would refuse to establish the kind of process and procedure that would make that choice possible.

There are a host of different provisions in the Hatch amendment which have previously been rejected in one form or another. We might go over them briefly tomorrow. But I wanted to point out, in this legislation there is no requirement that workers must use majority sign-up, or card-check. I am a supporter of card check. I think it would open up opportunities for people to speak on the issue of whether they want to organize. But we have not made that judgment in this legislation. That isn't what this legislation is about. It is always interesting to me to hear all the opposition to card check, when we know historically that we used to have card check and it worked very well. Into the 1950s, we had it, and we didn't hear a lot of the horror stories that we hear associated with it at this time. But there is not any requirement in this bill about card check. So it is important people understand that.

During the course of the afternoon, I heard a description of this legislation that I could not understand and never would have supported, if the legislation provided that. I hope we can clear up some of these misconceptions. We have had a good discussion on a number of these issues and on a number of others during the course of the afternoon. We will have a chance to go through the RECORD in more careful detail this evening, and make additional points when that opportunity presents itself.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, as the Senator from Tennessee prepares, I wish to make a couple of comments because I still haven't gotten to talk about either the bill of rights or the unfunded mandate amendments. I am equally as disturbed as the Senator from Massachusetts has just described himself. Where he thinks that I don't understand it, I don't think he understands it. But we have never had a chance to work this out as part of the committee. We come here to the floor, and here it is, kind of take it or leave it. Any amendment that we bring up is going to be considered to have been old and regurgitated. These are things we have always had a concern for, especially when something is being thrust on States that have specifically addressed the particular issue and said no.

I know the Senator from Ohio had a lot of enthusiasm, but I don't think we can connect collective bargaining with the Clean Air Act and the Clean Water Act. Both sides are using some things that might be a little extraneous to what we are trying to achieve here. I do want everyone to pay particular attention to what is in the bill about the final and unprecedented authority of the Federal Labor Relations Authority. As the Senator from Massachusetts says, there are only four requirements. Those are very vague requirements. There are many people who work with this on a daily basis who have noted the vagueness of these terms and how impossible it would be to deal under that criteria. Not to mention the fact that some of these States have not been subject to such ruled before, and after they make agreements, a Federal agency may say: No, that is not good enough.

That is what we are mandating in this bill, asking a Federal agency that we hardly ever hear about, the Federal Labor Relations Authority, to decide, even if a city and their first responders, police, and firefighters say this is a contract we like, that group can override it. They can say: That is not good enough. I don't think that is the kind of Federal authority we should be trying to give to an agency that hasn't had that kind of authority.

I do have more to say, but the Senator from Tennessee is here. I would love to hear his comments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 4761

Mr. CORKER. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. KENNEDY. Reserving the right to object, I don't expect that I will object, but would the Senator withhold that request for a few more minutes?

Mr. CORKER. Yes.

Mr. KENNEDY. I am sure we are going to accede to it, but there is something we want to check out.

Mr. CORKER. If it is OK to continue, I will.

Mr. KENNEDY. Please, I appreciate that.

Mr. CORKER. Mr. President, with the approval of the senior Senator from Massachusetts, at the appropriate time I will send to the desk an amendment to the pending legislation we are discussing. What this amendment would do, in the spirit actually of what our distinguished Senator from Massachusetts said, talking about giving States the ability to do what they wish after this legislation passes, in that same spirit, what this amendment would do is actually give each State or political subdivision the ability within 1 year of enactment of this legislation, should it pass, to be able to override that and not have this legislation apply to their State or to their political subdivision.

I think this is very much actually in keeping with many of the statements the Senator from Massachusetts made. I hope this amendment passes.

Let me say, in giving a background to this, I was a mayor of a city. I don't think I will ever have a job that I loved more than being the mayor of a city, working with citizens right there with the problems they have to deal with, nor do I think there will ever be a group of people I respect more than the firefighters and the men and women of our police departments who serve us so well. Like many people here, I have attended funerals of policemen who have lost their lives in the line of duty. I have attended retirements and other meaningful events for firefighters who spent their entire life giving public service to our cities. I don't think there is anybody in this body who respects more what firefighters and police men and women do in their line of duty to protect each of us and deal with us. But I have also had to deal with those issues at the local level where we have to balance a budget, the same thing at the State level, something we here in Washington don't have to do. We don't have the financial constructs that local municipalities and States have. They actually have to deliver. I find it almost ironic that here in Washington we are going to mandate to the States, we are going to mandate to cities all across America, how they should go about dictating labor agreements in their own cities and States. This is a tremendous overreach by those of us at the Federal level.

I have yet to hear a good policy reason for this to be in place. States and cities throughout our country, should they decide to incorporate collective bargaining in the area of public service, can do so if they wish.

This legislation certainly deserves defeat in its present mode. I hope this amendment, as it will be presented tomorrow, can be accepted and at least cause this legislation to give back to States and cities the right to determine their own destiny as it relates to negotiating with people who work in firefighting and police departments all across the country.

With that, I ask unanimous consent, again, to send the amendment to the desk.

Mr. KENNEDY. We have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. CORKER] proposes an amendment numbered 4761 to amendment No. 4751.

Mr. CORKER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit States to pass laws to exempt such States from the provisions of this Act)

At the appropriate place, insert the following:

SEC. ___. STATE EXEMPTION.

Notwithstanding any other provision of this Act, the provisions of this Act shall not apply to a State (or political subdivision) that, within 1 year of the date of enactment of this Act, enacts a law that specifically refutes the provisions of this Act.

Mr. CORKER. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, very quickly, the effect of the Corker amendment would be to gut or undermine the legislation. What we are trying to do is give workers an opportunity to make a judgment about how to proceed. That choice should be made by workers, not the Federal Government, not us here in Washington, DC.

not in the State capitols, not the legislatures, but to let the workers, who are on the frontlines—firefighters, police officers, first responders—make the judgments that are going to make a difference in terms of their lives and in terms of their view of what is in the best interests of the safety and security of fellow citizens. This amendment, of course, will undermine that effort.

Finally, I want to review what this legislation does. We have done this a bit earlier today. I wanted to mention exactly what the requirements would be. First, there are four requirements that the States must meet to establish a framework by which the first responders and the firefighters and the police would make a judgment about whether they want a union. There must be a process allowing workers to form or join a union so they can have a voice in important decisions such as safety; they must be allowed to bargain over working conditions with their employers; they must be able to sign legally enforceable contracts; and they must have access to a neutral third party to help resolve disputes. We don't say whether it is arbitration, mediation, factfinding. All of those options are available. At the end of the day, if the workers say: We don't want that, then the issue is settled. But they have the voice. That is at the heart and the soul of this legislation. Do you have sufficient confidence in these individuals to be able to make that judgment. Those 343 extraordinary firefighters who lost their lives on 9/11, should they have had the opportunity to make judgments with regard to their safety and security? Shouldn't they be the individuals who know what is important in terms of safety and security? They weren't failing or flagging in terms of their resolution or their courage. What we are attempting to do is say: They are the knowledgeable people. They are the trained people. They are the ones who know how to improve safety. They should have a voice at the table, if they want one.

All of this about unfunded mandates, all of this about the Federal Labor Relations Authority, all of the language about volunteer firefighters, all of that is useful to talk about but misses the very basic and important element and thrust of this legislation, which is so important in terms of people who work every day to make our communities and our cities in our country safe and secure.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, again, I appreciate the words of the Senator from Massachusetts and do enjoy working with him on bills. I think I have been pretty cooperative in getting bills through committee, as he was when I was the chairman.

Again, we have not had a chance to work on these amendments or on the bill together. We are having to do it separately, and there is a lot of rhetoric involved in this issue, and a lot of misunderstanding. Those are the kinds of things that get cleared up in a little closer working relationship than you can get by addressing it on the floor of the Senate.

But I too was a mayor, and I was a mayor of a boomtown. Boomtowns attract young people, and young people are vivacious. They are busy. They like to work hard, and they like to play hard. As a result, I had a police department that had to handle some probably unique situations.

I had a volunteer fire department to work with, and we later combined that with the county so we did not have disputes over whether a building that was on fire was inside the city or outside the city. That helped overcome a lot of difficulties there.

So I worked with the firefighters. I have worked with police. I worked with the sheriff's department. Again, we had that same boundary problem when it came to: What is within the city limits and outside the city limits, particularly when you have a fast-growing community; and we did. And we do again. The energy boom is creating a fast-growing community again.

I remember being at a crawfish boil almost a month ago. That is one of the highlights of the year for people who work particularly in the oil patch, but actually people who work all over the community. It was started by some Cajuns from Louisiana who came up to work in the oil patch. They said: We ought to have a crawfish boil. They even figured out a reason for it. They said: If we can get somebody to donate the food, and then we can charge people to come, we can put that in kind of an emergency fund for anything that happens to anybody. They did that. The event still goes on 25 years later. They used to give the beer away. Now they sell the beer. That is worth about another $45,000 in donations. But they did about 11,000 pounds of crawfish this year and fed about 5,000 people. At any one time, there were easily 3,500 people in the building. As you came in, you had to be approved as being over 21 in order to be able to buy that beer. If you were over 21, you got this bright orange wristband, virtually impossible to take off without cutting.

As I was enjoying my crawfish, I looked around the room and noticed that almost everybody there had on one of these orange bands. But I also noticed that they all looked like they were about 18 or 19. I knew they were 21.

So, once again, we have a very young community of people who are working hard and playing hard. That puts some extra stress on law enforcement. I respect the people who are in law enforcement. In fact, my brother-in-law is a policeman in Gillette. He is the oldest person to ever go through the Wyoming law enforcement academy. He decided to become a policeman at the time most policemen are retiring, and he loves it. He enjoys it, and he does a good job with it. He has seen some interesting situations and even been bitten by a person. But he loves his work. He does it well. But he has not asked me to mandate collective bargaining. Neither did the people who worked for me when I was mayor.

I would not have had the capability to do any particular additional things for them because while it was a boom, it was an energy boom, and all the energy happened outside of the community. So we did not get any tax base off of that business—the business that was growing and causing the city growth. We only got to tax what was inside the city limits. We had to handle things such as sewer and water, streets, garbage, police protection, and electricity. We even had our own electrical utility.

I had to find water for people. They considered that to be the biggest need. The only place we could get enough water to take care of the population—we were already on water rationing when I took office—was to go 42 miles away. The cost of that project—the interest alone on the cost of that project exceeded all the revenue for the city of Gillette. It did not leave me a lot of negotiating capability with anybody. It tied my hands significantly.

I had to come to New York City and prove that we would be able to pay off the water bonds. I had to go to New York to go to the rating agencies so we could get a good enough rating that I could get revenue so we could afford the whole thing. The ironic part of it was, it was when New York City was going broke. New York City was going broke. Mayor Lindsay was having a few problems with the city. The questions I got were very difficult to handle for a small town in Wyoming because they were basing them on a big city in New York. They wanted to know if we were going to run into the same problems New York City had.

Well, the big problem that New York City had was that they bargained early retirement for firefighters and police, so they only had to work 20 years until they could get their retirements. So they worked for 20 years. They were only 40 years old. They had two people retired for every one person who was working. It is hard to provide police protection if you have twice as many people retired as you have working, and you have to pay all of these people who are not working their retirement. It created a huge problem for New York. They did not need us to say: You have to have collective bargaining, because they already had collective bargaining. So we did not have collective bargaining. I was able to explain why our policemen would work a little bit longer and be a productive part of the police force longer than in New York City. I got the rating I needed on the bonds and was able to build the water project. It has been a good source—and still is a good source—of water. But now the town has had another one of those booms where they probably doubled or maybe tripled in size. That will require a lot more water. Water is a basic need for communities. So I do not feel comfortable imposing on them any kind of requirements of how they are supposed to do their business. They are right there where the people are. They are in the best position to know what the community needs and wants the most.

When I was mayor, I used to talk about the "oh, by the ways." That is when you are walking down the street or you are out to dinner, even with your family, and people come up and say: Oh, by the way, I have this little problem. Don't get up and solve it right now. Tomorrow will be fine. But they do intend for you to solve that problem by tomorrow.

Now, the whole discussion today has made it sound as though municipalities are enemies of public service and public safety employees. I do not know of any communities where that is true. To make it sound as though the whole country works against the policeman, against the fireman, against the first responders because there is not a collective bargaining law, is wrong. There is an old expression: You can't fight city hall. My opinion of that is, if you can't, you never tried it. Because the people at city hall are responsive. The mayors and the council keep their job if they take care of the problems the people have. If they do not, they are out of there—probably not just one at a time, but en masse. They do not try to pick out exactly who made the bad decisions; they just get rid of them. So towns have to be responsive to all of their employees.

As I said before, I think there are probably a lot of employees out there who say: How come I am not important? How come just the firefighters, just the police, just the first responders are important? I am important too, and this leaves me out.

So we are trying to make some points while a big public relations event is going on here this week. I finally figured out that is why this bill has been brought up at this time, even though it has not gone through committee or had any hearings in the Senate. On bills that came before this committee before, we tried to avoid the heat of the moment because I have found in legislating, if it is worth reacting to, it is worth overreacting to. I think what we have here is a little bit of an overreaction, and there is not going to be much chance to make any changes in it.

I have been kind of keeping track of time here. I know we had about the same number of speakers, but we certainly did not have the same amount of time to speak. I also know the leader also already sent out the word there were not going to be any more votes today. Well, since we have not gotten to address this bill before with the rest of the body, I have asked all of them to pay attention to the amendments we are doing. But I would hesitate to offer any more amendments when I know everybody has gone home. They are all out to dinner by now.

I do not think this is the way we should try to do business. I do not think it was intentional. But I think it certainly puts us at a disadvantage when we are trying to bring up some things that point out some difficulties with this particular bill—offering some responsible amendments, regardless of how they are portrayed.

So with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I think we have had a good discussion today on this legislation. I hope we will have a chance to look over the RECORD tonight. We have four pending amendments. We understood Members wanted to talk about these measures, and they wanted to give consideration to them. So we will be ready. There is another group of amendments that I believe have been filed, but we are checking with their authors whether they want to call those up. So I think in the totality of things we have made some good progress today.

I understand we will be on this legislation in the mid or late morning tomorrow. We look forward to that opportunity to further respond to questions and to consider other amendments. We would certainly look forward to the authors of these amendments being ready to give consideration to voting on some of these measures. I think they are all—at least the amendments we have seen—pretty straightforward. I have responded to a few this afternoon. We will have a chance to further respond in the morning. But I think we will be prepared to keep the process moving and move ahead. There are matters which should be discussed and debated. We look forward to that debate and discussion as well tomorrow.

At least now, we have no further speakers on this legislation at this time. I see our friend from Iowa on his feet.

MORNING BUSINESS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 3014 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GRASSLEY. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

SURVIVAL OF THE MIDDLE CLASS

Mr. SANDERS. Mr. President, about a month ago on my Web site, which is sanders.senate.gov, I requested that Vermonters e-mail me about what the collapse of the middle class means to them personally—not in esoteric economic terms but in a sense of what they are going through.

Frankly, we are a small State, and our people are pretty reticent. People in Vermont don't like to open up and tell everybody all of the problems they have. They try to keep it to themselves. We expected that we would receive perhaps a few dozen replies. In fact, over the last month, we have received some 700 e-mails that came into my office talking about how people in the middle class today are trying desperately to survive. About 90 percent of the e-mails came from the State of Vermont. We have had a number from around the rest of the country.

I sometimes think that many of our colleagues here really don't have much of a clue about what is going on in the real world. It is no great secret that the Halls of Congress are filled with lobbyists who make hundreds of thousands of dollars a year representing the energy companies, the coal companies, the oil companies, the drug companies, the insurance companies, the banks, and the credit card companies. They are all over the place, and they try to influence—and are successful in many instances—in influencing Congress to pass legislation that protects the interests of multinational corporations or the wealthiest people in this country. It is far too rare that we hear the pain and the reality of life that is going on among ordinary people, especially people who come from a rural State such as mine.

What I wish to do is spend most of my time doing nothing more than just reading to my colleagues and for the American people some of the reality that takes place in a small, rural State which I think is not radically different from what is taking place today all over this country. All of these are verbatim e-mails that I received from families in the State of Vermont. Let me begin by reading one which says:

> I make less than $35,000 a year and work hard to earn it. I am trying to get by with rising costs of fuel. I have a wife and four kids that I love dearly and I am trying to do the best that I can for them. With the cost of gas pushing $4 a gallon and the price of heating oil up to over $4 a gallon, it is hard to make ends meet. On top of that, the furnace that heats the house and keeps my kids warm died today, and while it will not need to run much longer, the nights are still too cold for a 3-year-old. I am not sure how I am going to pay for the repairs. I never thought that I would be classified as poor having grown up in an upper middle class family, but that is where I am now. I don't know what we need to do, but I know we need to do something before the middle class is a thing of the past.

As I read these stories, what you are going to hear today in the year 2008 is that children are going cold in America, and we have to understand that. This is one example. I will read more. Anyone who thinks it is not true doesn't know what is going on in the real world. Here is another e-mail that I received:

> I am a teacher with 20 years of experience, and I have a master's degree. As a single parent, I am struggling every day to put food on the table.

This is a teacher with a masters degree.

> Our clothes all come from thrift stores. I have a 5-year-old car that needs work. My son is gifted and talented. I tried to sell my house to enroll him in a school that had curriculum available for his special needs. After two years on the market, my house never sold. The property taxes have nearly doubled in 10 years, and the price of heating oil is prohibitive. To meet the needs of my son, I let the house sit and moved into an apartment near his high school. I don't go to church many Sundays because the gasoline is too expensive to drive there.

Now, I wonder how many people all over this country are facing that same reality. I will read right from her letter:

> I don't go to church many Sundays because the gasoline is too expensive to drive there.
>
> Every thought of an activity is dependent on the cost. I can only purchase food from dented can stores. I don't know how I can continue this way for two more years of my son's high school; yet, I am trying to meet his academic and psychological needs. I know that I will never be able to retire on a teacher's retirement with no insurance. I am stretched to the breaking point, with no help in sight.

That is a teacher with a master's degree. This is not somebody who is unemployed, who never graduated high school. This is solid middle class. This is her reality.

Here is another story:

> My wife and I live in rural Vermont. We own a home and make about $75,000 a year combined.

That is, in Vermont, not a bad income.

> We own two vehicles and travel about 74 miles a day roundtrip to get to our jobs. Not only is the price of gas killing us, I have been displaced from two jobs in the last nine years due to the exportation of jobs overseas. My current job is in jeopardy of being downsized due to the economy. Every job I have had since I moved here in 1999 has paid less, with less benefits. We are spending our life savings just to make ends meet.

When you read these stories, you hear recurring themes: The price of gas and people losing jobs due to outsourcing. Over and over again, these themes appear. I want to reiterate that these are not "poor" people, homeless people, people without any education. These are people who once considered themselves to be part of the American middle class. Similar to millions and millions of other people, that middle-class life is rapidly disappearing.

Here is another one:

> I work full-time at the largest hospital in Vermont. I am in more debt now than I was 10 years ago as a single mother going full time to college and waitressing to make ends meet. When is something going to be done to lower gas prices, which have exponentially raised the cost of everything? I would love to just tell my children, "Yes, we can go out to the movies" and not have it break the bank.

In other words, what you are seeing all over this country is for people who take a ride to church or go to the movies, they can no longer perform these basic joys of life because they cannot afford to do that anymore.

Here is another letter:

> My husband and I have lived in Vermont our whole lives. We have two small children (a baby and a toddler) and felt fortunate to own our own house and land, but due to the increasing fuel prices we have at times had to choose between baby food, diapers, and heating fuel. We've run out of heating fuel 3 times so far, and the baby has ended up in the hospital with pneumonia 2 of the times. We try to keep the kids warm with an electric space heater on those nights, but that just doesn't do the trick.
>
> My husband does what he can just to scrape enough money for car fuel each week, and we've gone from 3 vehicles to 1 just to try and get by without going further into debt. We were going to sell the house and rent, but the rent around here is higher than what we pay for our monthly mortgage and property taxes combined. Please help.

This is the story in America in 2008—a family not having enough heat and their child getting pneumonia. This is the United States of America in 2008. She asks, "Please help." Well, let's help.

This is from north central Vermont:

> Due to illness, my ability to work has been severely limited. I am making $10 an hour and if I am lucky, I get 35 hours a week of work. At this time, I am only getting 20 hours as it is "off season" in Stowe.

That is a major recreation area in Vermont.

> It does not take a mathematician to do the figures. How are my wife and I supposed to live on a monthly take home income of less than $800. We do it by spending our hard-earned retirement savings. I am 50 and my wife is 49. At the rate we are going, we will be destitute in just a few years. The situation is so dire that it is all that I can think about.

Listen to this:

> Soon, I will have to start walking to work, an 8 mile round trip, because the price of energy is so high it is that or go without heat.

In the United States of America, in 2008, somebody will be walking 4 miles to work and 4 miles back. The alternative is not having enough money to heat their home.

> As bad as our situation is, I know many in worse shape. We try to donate food when we do our weekly shopping, but now we are not able to even afford to help our neighbors eat. What has this country come to?

Imagine that, having to walk 4 miles to work, and they donate food for other people who are worse off than they are.

Here is one from a single mother in a small town in southern Vermont:

> I am a single mother with a 9-year-old boy. We lived this past winter without any heat at all.

In Vermont in the wintertime.

> Fortunately, someone gave me an old wood stove. I had to hook it up to an old, unused chimney we had in the kitchen. I couldn't even afford a chimney liner (the price of liners went up with the price of fuel). To stay warm at night, my son and I would pull off all the pillows from the couch and pile them on the kitchen floor. I'd hang a blanket from the kitchen doorway and we'd sleep right there on the floor. By February, we ran out of wood and I burned my mother's dining room furniture. I have no oil for hot water. We boil our water on the stove and pour it in the tub. I'd like to order one of your flags and hang it upside down at the capital building. We are certainly a country in distress.

This is a gentleman from another town in southern Vermont:

> I make less than $35,000 a year and work hard to earn that. I am trying to get by with the rising cost of fuel. I have a wife and four kids that I love dearly and am trying to do the best I can for them. We do receive help from the State, but I would like to be able to make it without that help.

He would like to do it without that help.

> With the cost of gas pushing $4 a gallon and price of heating oil up over $4 a gallon, it is hard to make ends meet.
>
> On the top of that, the furnace that heats the house and keeps my kids warm died today, and while it will not need to run much longer this winter, the nights are still too cold for a three year old, and I have next winter to look forward to. I am not sure how I am going to pay for the repairs.

Here is another from a woman from a small town in central Vermont:

> My husband and I followed all the rules. He grew up in urban projects and went into the military with Vietnam service so he could get GI Bill benefits and go to college. I grew up picking strawberries as a migrant worker but had a mother who so pressed education that I was able to go to college on scholarship and by working full time nights in a mental hospital. My husband and I worked hard to buy a home, maintain good credit, even taking government jobs because we truly wanted to help others. I became disabled and unable to work, but we managed to live a middle class life on one salary.

> Slowly, though, we have sunk back to the "poor" days. Our heating oil bill, gas prices, food prices—well, you know the story. Even a pizza is a splurge now. The interest on our meager savings doesn't seem worth keeping the money in the bank. We're so much more fortunate than many others, since we can still meet our bills, but we're scared that we will drop beneath that level soon. It doesn't seem right that after working hard and following all the rules for our lives, now, at 60, we're tumbling down.

Here is an e-mail from a Vermonter from a small town near the New Hampshire border:

> Dear Senator SANDERS: First, let me thank you for all of the support and railying behind the middle class you have done. I, too, have been struggling to overcome the increasing cost of gas, heating oil, food, taxes, etc. I have to say that this is the toughest year, financially, that I have ever experienced in my 41 years on this earth. I have what used to be considered a decent job. I work hard, pinch my pennies, but the pennies have all but dried up. I am thankful that my employer understands that many of us cannot afford to drive to work five days a week. Instead, I work three 15-hour days. I have taken odd jobs to try to make ends meet.
>
> This winter, after keeping the heat just high enough to keep my pipes from bursting (the bedrooms are not heated and never got above 30 degrees), I began selling off my woodworking tools, snowblower (pennies on the dollar), and furniture that had been handed down in my family from the early 1800s, just to keep the heat on.
>
> Today, I am sad, broken, and very discouraged. I am thankful that the winter cold is behind us for a while, but now gas prices are rising yet again. I just can't keep up.

This is from a mother in a town near the Canadian border:

> I am a single mother of 4. Each day the struggle becomes more difficult. Thank goodness for Spring. My last oil delivery was $500. I spend over $200 a month on gas just driving back and forth to work (approximately 300 miles a week).

Sometimes what some of my colleagues don't understand is that in rural parts of America, people don't walk to work, they don't take a car ride of 5 minutes. Sometimes people drive 50 miles to work. Sometimes they drive 100 miles to work. When gasoline costs $3.70 a gallon, every nickel of the pay raise they may have gotten goes right into that gas tank.

> We have cut our budget again and again. There is little left to cut. Spring and Summer brings a respite from the fuel bills of winter, but I worry what next winter will bring. I will have to dig into my small 401(k) to make some home repairs this summer. Money that had been set aside went to fuel, an electric bill that increased by 14%, and food.

I read these letters because sometimes in the middle of the debates we have here, everybody is spouting off all kinds of facts and figures and ideas. I thought it important to bring a little bit of reality of what is going on in middle-class Vermont. I have to say I doubt very much that it is any different than middle-class New Jersey or any other State in this country. People are hurting. Poverty is increasing. The middle class is collapsing. The only people in our economy who are doing well are the people at the very top, and they are doing extremely well.

Many of the stories we have heard deal with high energy prices. I believe that what happened is that while the middle class has been shrinking for many years now, these high energy prices have resulted in a lot of people now dropping over the cliff. They were struggling and trying to keep their heads above water and, suddenly, out of nowhere, comes $3.70 for a gallon of gas and $4 for home heating oil. That has taken them over the edge.

That is one of the reasons 82 percent of the American people think our country is moving in the wrong direction. What do we do? There is a lot we can do.

Let me focus on energy. The good news is that today, thankfully, 97 Senators voted to stop the Bush administration from continuing the absurd policy of adding 70,000 barrels of oil a day into the Strategic Petroleum Reserve, which is already 97 percent full. Is that going to result in a precipitous drop in gasoline prices? No. Will it help? Yes. I applaud my colleagues for doing that.

I find it interesting that 97 of our colleagues voted for this today, when 2 or 3 weeks ago we were wondering whether we had the votes to get this through. I think many of our colleagues are hearing, when they go home, that people are in trouble. They are hearing the same stories I am hearing, and they are hearing people want them to begin to stand up to the Bush administration, stand up to the oil companies, stand up to the speculators, stand up to the people who are ripping them off while their lifestyle is rapidly declining.

What we did today is a good thought, but, clearly, we have a long way to go. I am onboard legislation, which we discussed a little bit today, which demands that President Bush tell Saudi Arabia it is not acceptable that they have cut back on their oil production, that it is imperative they increase oil production so we can have more oil on the market, which will lower gas and oil prices.

In addition to that, I believe the time is long overdue that we start dealing with the reality that OPEC is, by definition, a cartel designed, created to restrict trade, to collude to limit oil production output, and to make prices higher than they need be. We have to take a hard look at OPEC and begin to demand that this President go to the WTO and break up OPEC.

Furthermore, it is very clear that at a time when oil prices are soaring, it is, in my view, absolutely necessary that we impose a windfall profits tax on the oil and gas industry. The American people do not understand why they are paying recordbreaking prices at the gas pump while ExxonMobil has made more profits than any company in the history of the world for the past 2 consecutive years.

Last year alone, ExxonMobil made $40 billion in profits and rewarded its CEO with $21 million in total compensation. Just a few years ago, ExxonMobil gave its former CEO a $400 million retirement package—a $400 million retirement package and people in Vermont and all over this country are unable to fill up their gas tanks or heat their homes.

But ExxonMobil is not alone. Chevron, ConocoPhillips, Shell, and BP have also been making out like bandits. In fact, the five largest oil companies in this country have made over $600 billion in profits since President Bush has been in office.

Last year alone, the major oil companies in the United States made over $155 billion in profits. Believe it or not, these profits continue to soar. Recently, ExxonMobil reported a 17-percent increase in profits, totaling $10.9 billion. Earlier, BP announced a 63-percent increase in profits and on and on it goes. Every major oil company is seeing a significant increase in their profits. Meanwhile, what these big oil companies do with all their revenue is they have the capability of providing their CEOs with lavish compensation. In 2006, Occidental Petroleum gave its CEO, Ray Irani, $400 million in total compensation for 1 year of work.

My friends, when you are going to fill up your gas tanks at $3.75 a gallon, let's remember, the gentleman who runs Occidental managed to survive last year on $400 million in total compensation.

Last year, Anadarko Petroleum's CEO received $26.7 million; Chevron's CEO received $15.7 million; and ConocoPhillips' CEO made $15.1 million in total compensation.

Let's be clear, I believe oil companies should be allowed to make reasonable profits, and CEOs of big oil companies should be able to make a reasonable compensation. But at a time when so many Americans are struggling to make ends meet and when people cannot afford the outrageously high prices they are now forced to pay, these kinds of executive compensations are to me totally unacceptable.

It is not just the oil companies that are ripping off the American people. There is a lot of evidence, and there have been hearings held on this issue, that wealthy speculators and hedge fund managers have been making obscene amounts of money by driving up the price of oil in unregulated energy markets with absolutely no Government oversight. The top 50 hedge fund managers earned $29 billion in income last year.

What we are seeing now is not only oil company greed driving up prices, but we are seeing financial institutions and hedge funds speculating on oil futures also driving up the price of oil.

This is an issue that must be dealt with in a number of ways, including repealing the so-called Enron loophole.

I conclude by saying what I think the American people know. They know our middle class is in deep distress, that people who have worked their whole lives hoping to enjoy a secure retirement are not going to have that retirement. We have heard from young people who are very worried about how, if ever, they are going to be able to pay off their very high college loans, and we heard about other people who cannot afford to go to college.

The time is very much overdue for the Congress to stop listening to the oil companies, the speculators, the banks, and the credit card companies and all these people who make huge sums of money and who pay their CEOs obscene compensation packages and start listening to ordinary Americans who, to a great degree, are not having their voices heard. That is what our job is. That is what we swore to do when we swore to uphold the Constitution. I think we swore to uphold the needs of the American people.

I hope we can move forward in addressing the energy crisis short term. Long term, of course, we need to transform our energy system away from fossil fuels and foreign oil into energy efficiency and sustainable energy. I know you and I, Mr. President, have worked on a number of pieces of legislation that will move this country in that direction, and that is what we have to do.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS LAWRENCE D. EZELL

Mr. SALAZAR. Mr. President, I rise today to honor the life of a soldier whose work defusing bombs and traps in Iraq and Afghanistan saved countless American, Iraqi, and Afghani lives. Army SFC Lawrence Ezell, of Fountain, CO—a hero by all standards—was killed on April 30 when a roadside bomb detonated near his unit. Assigned to the 62nd Ordnance Company, 71st Ordnance Group, out of Fort Carson, Sergeant Ezell was 30 years old.

I know of no words that can properly honor Lawrence Ezell's sacrifice or measure the depth of his courage. Serving in an ordnance company requires a fortitude, a strength of mind, and a professionalism that few possess and even fewer are brave enough to summon for the task. It is a job with no room for error and no respite from danger. It demands a steady hand. It requires even steadier wits.

Sergeant First Class Ezell performed his job day in and day out in the most dangerous places in the world. In 2003 and 2004, he was in Iraq. In 2005 and 2006, he was in Afghanistan. And this time he was back in Baghdad, trying to bring a measure of calm to its violent streets.

We cannot know how many American servicemembers are alive today thanks to Sergeant Ezell's work, or how many Iraqi or Afghani citizens were saved from a devastating blast. We do know, however, how talented Sergeant Ezell was, and what a gifted leader he proved to be. He was highly decorated for his service. His awards included the Bronze Star, the Army Commendation Medal, the Army Achievement Medal, and the Senior Explosive Ordnance Disposal Badge.

He was the type of soldier who has earned the admiration and praise of our Nation, generation after generation. He was the type of soldier who Douglas MacArthur hailed in a 1962 address to cadets at West Point. The type of soldier who "prays for peace, for he must suffer and bear the deepest wounds and scars of war." The type of soldier who typifies the creed of "duty, honor, and country."

"In twenty campaigns," General MacArthur told the cadets, "on a hundred battlefields, around a thousand campfires, I have witnessed that enduring fortitude, that patriotic self-abnegation, and that invincible determination which have carved his statue in the hearts of his people. From one end of the world to the other, he has drained deep the chalice of courage."

Sergeant Ezell's chalice of courage must have been bottomless. There is no other way to explain how a man can rise each morning, thousands of miles from his family, step into streets torn by sectarian strife, and put his life on the line to defuse bombs, day after day. He was a peacemaker in a land of great turmoil.

To Sergeant Ezell's wife Christina, his parents Rebecca and Lawrence, and all his family and friends, our thoughts and prayers are with you. Sergeant Ezell's humbling service was beyond anything a nation can expect from its citizens. You can be certain that his country will never forget him, and never cease to honor his sacrifice.

NATIONAL POLICE WEEK

Ms. LANDRIEU. Mr. President, 10 Louisiana law enforcement officers were killed in the line of duty this past year, and they are being recognized in Washington this week as part of National Police Week. I welcome their families and colleagues to the Nation's Capital. These officers lost their lives while serving their communities and are being honored for their courage and the ultimate sacrifice they made to serve and protect the citizens of Louisiana.

National Police Week is collaborative effort to honor the service and sacrifice of America's law enforcement community and includes the National Law Enforcement Officers Memorial Fund, NLEOMF, the Fraternal Order of Police/Fraternal Order of Police Auxiliary, FOP/FOA, and the Concerns of Police Survivors, COPS.

Officers from around the country and the families of fallen officers travel to Washington, DC, for events including the Peace Officers Memorial Day Service at the U.S. Capitol and the National Police Survivor's Conference. In addition, the names of our 10 Louisiana heroes will be engraved on the National Law Enforcement Officers Memorial along with 348 other names from around the country. The names will also be read at a candlelight vigil at the memorial this week.

The following brave police officers and Sheriff's deputies gave their lives to protect our Louisiana communities: Patrolman Brian Keith Coleman, Alexandria Police Department; Detective Thelonious Anthony Dukes, Sr., New Orleans Police Department; Sergeant R. Alan Inzer, Calcasieu Parish Sheriff's Office; Deputy Hilery Alexander Mayo, Jr., St. Tammany Parish Sheriff's Office; Deputy Joshua E. Norris, Jefferson Parish Sheriff's Office; Sergeant Linden Albert Raimer, St. Tammany Parish Sheriff's Office; Chief David Gerald Richard, Port Barre Police Department; Sergeant John Russell Smith, Bastrop Police Department; Detective Charles Douglas Wilson, Jr., Bastrop Police Department; and Deputy Yvonne D. Pettit, Washington Parish Sheriff's Office.

The sacrifices of our heroic law enforcement officers remind us that it is Congress's responsibility to ensure the Federal Government looks after our disabled officers and firefighters, as well as the families of our fallen and disabled first responders. They put themselves in harm's way each day so that the rest of us may live safely and peacefully in a free society. There is no group more deserving of our full support, and the truth is, our Federal Government has not done enough to care for and honor these officers, their families, and their sacrifice.

National Police Week provides an opportunity for us to reflect on our law enforcement officers' contributions to building safe and productive communities in Louisiana and across the country. I ask the Senate to join me in honoring these 10 Louisiana fallen officers, their families, and their colleagues across the country for their unwavering service and dedication to keeping us safe.

Mr. DOMENICI. Mr. President, I wish today to commemorate the hard work and sacrifices made daily by law enforcement officers all across our great land. Many officers have lost their lives in the line of duty so that our families and communities may remain safe. We must never forget those who have given their lives to protect us all.

In 1962 President John F. Kennedy first declared the annual celebration of Peace Officers Memorial Day and National Police Week in "recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws."

Since then, many men and women have paid the ultimate price for our security, including many brave New Mexicans. This year, two New Mexico police officers will be honored and remembered by having their names added to the National Law Enforcement Officers Memorial in Washington, DC.

The first, Patrolman Germaine F. Casey of Albuquerque, was tragically killed in a motorcycle accident while he was a part of the police escort for President George W. Bush's trip to Albuquerque, NM, on August 27, 2007. Patrolman Casey was an officer with the Rio Rancho Police Department and had previously served as an officer with the University of New Mexico Police for 2 years.

Also being honored this week is Officer Christopher M. Mirabal of Alamogordo, who passed away as a result of injuries sustained in a motor vehicle accident while on duty as a New Mexico State police officer on July 13, 2007. Officer Mirabal was a lifelong resident of Alamogordo and like Patrolman Casey, worked to protect New Mexicans, including the families they left behind.

This week we remember the dedication of Patrolman Casey and Officer Mirabal and all of our fallen police men and women who protect and serve our communities, and the tragic price they paid for that devotion. We must also remember the families of all fallen officers and the sacrifices they have incurred because of a deep-seated commitment to duty and public service. All of us from New Mexico owe a debt of gratitude to each and every officer who has lost their life in the line of duty. To those who continue to serve, we are grateful. You have my utmost admiration.

60TH ANNIVERSARY OF THE FOUNDING OF ISRAEL

Ms. MIKULSKI. Mr. President. This month we are celebrating one of the greatest achievements of the 20th century—the founding of the modern State of Israel.

The story of Israel is unique. A people forced into exile, who endured centuries of persecution, rebuilt their ancient homeland. They forged a nation where they could practice their ancient faith and traditions. They created an open and free democratic society. And always, they offer a home to Jewish immigrants from around the world.

The founding of Israel followed the most incomprehensible and evil event of the 20th century, when the Nazis—with the complicity of so many others—sought to exterminate a people. The survivors of the Holocaust helped to build modern Israel. Never again will the Jewish people be dependent on anyone else for their security.

At first Israelis envisioned an agrarian society. But today, Israel is a center for technology and science. American scientists and engineers are working as partners with Israelis to develop the innovations of the future. Our great Federal Laboratories, like the National Institutes of Health, are now working with Israeli scientists on a cure for cancer and other deadly diseases. Together America and Israel are working toward a future that is safer, stronger, and smarter.

America's relationship with Israel is also unique. We share common goals, values, and interests. We stand by each other in good times and bad.

Israel has had to endure many wars and live in constant readiness for battle. They live with the constant threat of terrorism. Yet the people of Israel are strong and resolute. They are committed to building a safer and more peaceful future.

On this anniversary, all friends of Israel should recommit ourselves to ensuring the survivability and viability of the State of Israel, now and forever. Our friendship is based on shared values, shared interests, and strategic necessity. My support for Israel is unabashed and unwavering. I will continue to be a voice for Israel and a vote for Israel in the United States Senate.

Mr. President, I salute the people of Israel as they celebrate 60 years of independence, and I look forward to a future of peace, prosperity, and friendship.

FAA REAUTHORIZATION

Mr. ENSIGN. Mr. President. I wish to speak about Government barriers to competition in the aviation sector. Like many of my colleagues, I am disappointed that the Senate was unable to pass the legislation reauthorizing the Federal Aviation Administration last week. This is a difficult and dynamic time for the aviation industry, and it is important that Congress review and update our Nation's aviation policies.

Rising ticket prices and increasing delays have made the flying experience more unpleasant for many travelers. Any inefficiencies introduced into the system only serve to exacerbate such problems. Therefore, I believe it is important that Congress reduce barriers to competition whenever possible so that the marketplace can best serve consumers and the public interest.

One issue that needs to be addressed is how Government-imposed slot controls at a handful of U.S. airports effectively bar the entry of new airline competitors at those airports. These federally regulated slot controls are intended to reduce congestion-related delays; this congestion mitigation, however, comes at the expense of open competition.

Once slots at an airport have been doled out to the airlines, it becomes very difficult for new entrant carriers to break into the airport because the market has essentially been closed. Airlines with limited operations at these airports face similar problems should they wish to increase their presence in an effort to compete with the larger airlines. Because the marketplace has been artificially constrained, this leads to higher ticket prices and fewer flight options for travelers.

It has been proven time and again that prices go down and flight options go up when airlines are allowed to freely compete. The Department of Transportation and the Federal Aviation Administration should take every step possible to ensure that competition can flourish at these slot-controlled airports. As these agencies administer congestion programs, I hope that they will develop mechanisms that will allow for new entrants to compete with the more entrenched airlines at these airports. If they are unable to do so, it may be up to us in Congress to provide them with legislative guidance to ensure a more open marketplace.

Another arbitrary barrier that Congress should address is the outdated perimeter restriction at Ronald Reagan Washington National Airport. For over 40 years, Federal law has restricted flights at Reagan National and delayed the arrival of competition at the airport. With Senator BOXER and Senator MCCAIN, I introduced an amendment to the FAA reauthorization bill to revise Reagan National's outdated perimeter restriction.

The American flying public has shown strong demand for more flights between the Western United States and the Washington, DC, area. Unfortunately, the perimeter rule prevents airlines from responding to that demand by largely prohibiting flights to western cities such as San Francisco, Las Vegas, Phoenix, Denver, and Seattle. Revising the Reagan National perimeter restriction would help free-market competition, directly benefiting consumers. While I am disappointed that the FAA reauthorization bill was pulled from the floor before my amendment could be considered, I will continue to work with my colleagues to find a way to revise the perimeter restriction so that air service between the West and Reagan National is increased in a market-based manner.

We owe it to the American flying public to squeeze every last bit of efficiency out of our aviation system. As the Senate considers aviation issues in the future, I hope my colleagues will work together to reduce the artificial barriers to competition created by well-intentioned yet burdensome Government regulations.

TRIBUTE TO LARRY TRIBE

Mr. KENNEDY. Mr. President, most of us in Congress know Larry Tribe as the highly regarded expert on constitutional law at Harvard Law School who has been so helpful to us for decades on the many important constitutional issues we often deal with in the Senate and the House of Representatives.

But another side of Larry came to light last month in a very moving front-page article of the "Scope" section in the April 16 Shanghai Daily newspaper in China.

Shanghai is Larry's birthplace and he recently returned there for the first time for the Harvard Alumni Association's "Global Conference in Shanghai." He was interviewed by a reporter for the newspaper during the visit.

As the article states, Larry was born in Shanghai in October 1941. His father was a Russian American who had been living in northeastern China where he had met his wife. When war broke out between China and Japan in the 1930s, they moved to Shanghai to be safer, because the city welcomed Jewish refugees. The Japanese occupied Shanghai, however, and after Pearl Harbor, Japanese soldiers arrested Larry's father and held him in a concentration camp because of his American citizenship. Larry and his mother were not allowed to visit him until near the end of the war, and after the war, the family came to the United States.

During those early years in China, Larry attended kindergarten at the Shanghai American school. He remembers that when he finally saw the concentration camp, he was shocked by its harsh conditions, and he says the experience may have influenced his decision years later to become a lawyer involved in fighting for justice and human rights.

As the author of the article, Yan Zhen, writes, "Who would have thought a frightened little boy who once ran through the streets of Shanghai during World War II would go on to become one of the most revered legal minds in the United States?"

Mr. President, I believe all of us who know and work with Larry Tribe will have even greater respect for him because of this extraordinary part of his life. He truly has lived the American Dream. I ask unanimous consent that the article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From Shanghai Daily, Apr. 16, 2008]

A Life Spent in Search of Justice—Amazing Legal Mind Forged in Old Shanghai

Laurence Tribe is regarded as one of the foremost constitutional law experts in the United States. The Jewish professor's books on the subject are compulsory reading for aspiring—and practicing—lawyers.

He was once voted the most admired living alumni of the Harvard Law School where he is a professor while one of his former research assistants was none other than US presidential hopeful Barack Obama.

Tribe's life has been filled with achievements and accolades—and much of it may have to do with his early years in Shanghai. He may have lived here for just five and a half years, but all of these years later Tribe readily acknowledges it was a special experience that helped shape his life.

After more than six decades, the premier scholar and lawyer recently returned to his birthplace for the first time during the Harvard Alumni Association's Global Conference in Shanghai.

It was an incredible return to the city, he tells Shanghai Daily in an exclusive interview. "It was an amazing homecoming," he says with some emotion.

Tribe was born in Shanghai in 1941 and remained here until his family moved to the United States at the end of World War II.

His father George Israel Tribe was a Russian American who had lived in Harbin, capital of China's northeastern Heilongjiang Province, where he met his wife Polia Diatlovitsky during the war.

For safety reasons, the family moved south to Shanghai. But just one day after the Japanese occupation of the city, George Tribe was taken away by Japanese soldiers due to his American citizenship and thrown into a concentration camp.

Only as the end of the war approached were young Tribe and his mother allowed to visit his father at the camp which he recalls was located on Suzhou Creek, near a tobacco factory.

"I was quite struck by physical features of the camp," Tribe recalls. "My sense of justice rose . . . he didn't do anything wrong, why should he be in such a place?"

Obviously Tribe was too young to understand what American citizenship meant at the time and, being a little boy, he simply felt it was unfair that his father had been thrown behind bars.

"Maybe that influenced my decision many years later to become a lawyer interested in human rights," he says.

Tribe, 66, is widely regarded as the leading practitioner and scholar of US constitutional law. He has helped draft the constitutions of countries including Russia, South Africa, the Czech Republic and the Marshall Islands.

At Harvard, where he has taught since 1968, Tribe achieved a tenure professorship before the age of 30 and he was ranked the most admired law professor still living in a survey of more than 13,000 Harvard Law School alumni.

Tribe, who is also a fellow of the American Academy of Arts and Sciences, says he has taught more than 25,000 students over the past 40 years. Among them are John Roberts, the US chief justice, and Obama, a current US presidential candidate who worked as Tribe's research assistant for a year.

"Amazing" seemed to be the most frequent word used by Tribe during his visit to Shanghai last month. Not just because of the extraordinary development of the city but more importantly, because he got the chance to track down the residences where he once lived.

While having dinner at a friend's house, Tribe came across a lady who helped his vague recollections of Shanghai when she produced the 1941 Shanghai Directory.

The historic document recording members of the Jewish community in Shanghai clearly showed that the Tribe family had lived on Lafayette Avenue (now Fuxing Road) before later moving in to the Picardie Apartments (now the Hengshan Hotel) on Hengshan Road.

Records also showed Tribe attended kindergarten at the Shanghai American School at that time—all places he visited.

"It's so amazing to find buildings are still there in a city of such dynamic development," the Jewish scholar says after visiting his former residences.

"Some of the things are a little bit familiar, but I was very small at that time (to remember everything).

"Many things have changed at Picardie but I definitely remember the balcony. I remember standing there looking at the street when I was about four," Tribe adds, his eyes lighting up.

What is even more amazing is that Tribe even managed to find the name of his grandfather in the old Shanghai directory and got the chance to visit his grandparents' former home on Seymour Road (now Shaanxi Road N.), where he would often visit.

Tribe says he would have liked to have brought his son and daughter and grandchildren to Shanghai, but sadly their busy schedules prevented them from doing so. Both children are accomplished artists and art theorists.

Before coming though, Tribe's daughter gave him a digital camera and asked him to take pictures of the places where he grew up so that he could share the memories with the rest of his family.

"It would still be nice to bring my grandchildren here one day," he says. "I am enormously grateful to Shanghai. I would not exist but for Shanghai. Not only because I was born here but this city welcomed Jews and other refugees at a time when no one else would take them."

TRIBUTE TO CONGRESSMAN WILLIAM LOUIS "BILL" DICKINSON

Mr. SESSIONS. Mr. President, today I pay tribute to my friend, former Congressman William Louis "Bill" Dickinson, who recently passed away after an extended illness. He represented the Second District of Alabama as a Member of Congress from 1965 to 1993.

Bill was born in Opelika, AL, on June 25, 1925. After graduating from Opelika public schools, he enlisted in the Navy, serving from 1943 to 1946 and then joined the Air Force Reserves.

After graduating from the University of Alabama Law School, Bill returned to Opelika where he practiced law before becoming an Opelika city judge. He later served as a judge of the Lee County Juvenile Court, and as a judge for the Fifth Judicial Circuit of Alabama.

In 1964, Bill was elected as a Republican to Congress for the Second District of Alabama. He was known to his colleagues on both sides of the aisle as an honest and collegial statesman and a first-rate legislator. The people of southeast Alabama were proud of Bill's work in representing them in Congress, as evidenced by his election to 14 terms in the U.S. House of Representatives. Bill never wavered from his conservative principles. It would be difficult to count the ways that Alabama and our Nation benefited from Bill's time in Congress. Though we did not serve together, I knew him well, campaigning for him when I was in college and benefiting from his strong support and wise advice since I have been in the Senate.

As a long standing member of the House Armed Services Committee, he worked arduously for our men and women in uniform. His work was decisive in supporting military bases in Alabama that have become strong, enduring installations like Maxwell Air Force Base and Fort Rucker. He was a fixture on the Armed Services Committee, serving 10 years as ranking member. Indeed, it was ironic that if he had chosen to seek another term, he would have been the chairman of the House Armed Services Committee. As the committee's leading Republican, he gave his support to President Reagan's defense buildup in the 1980s which helped to bring down the Soviet Union. Our Nation's military continues to reap the benefits of programs and policies adopted under his watch.

There are times when our Nation has to defend itself and Bill Dickinson fully understood that reality. That knowledge made him a steadfast advocate for the proposition that the best way to peace was through strength.

Finally, despite all of his accomplishments, Bill's family and his many friends will miss his wit and humor. As we say in the South, he was "good company". People loved to hear him speak. The smiles on the faces of the audience would start even before he reached the podium. His humor and a realistic approach to life were surely great assets to his work.

He is survived by his wife, Barbara, four children, and grandchildren. They have all been superb citizens, and I am proud to say that his son, Bill, worked for me when I was attorney general doing a great job for the people of the State of Alabama.

Our State and our Nation are better places because of Bill Dickinson's leadership. Let his service be an example for those of us who continue to serve in public office.

TRIBUTE TO SANDER LURIE

Ms. STABENOW. Mr. President, today I pay tribute to a truly remarkable person. Sander Lurie came to my office as legislative director in 2001, and was an integral member of my staff for 7 years, including serving as my chief of staff.

Sander was pivotal in getting my office up and running as I made the transition from the U.S. House of Representatives to the U.S. Senate in 2001. I could not have asked for a better person to direct my legislative efforts; with his support I was able to hit the ground running and work for the great people of the State of Michigan from the very start.

Prior to joining my staff in 2001, Sander spent 10 years working for the honorable Senator from the State of New Jersey, Mr. FRANK LAUTENBERG, including serving as his chief of staff prior to Senator LAUTENBERG's retirement in 2000. When I asked Senator LAUTENBERG about Sander and his contributions to his office, Senator LAUTENBERG told me, "Sander was an integral part of my team for many years and played a large role in our successes during that time. He is a smart, natural leader with a real dedication to public service." I could not agree more. For the 7 years he spent on my staff no one was more tireless, more hardworking, or more dedicated to helping the citizens of Michigan and the citizens of the United States. He was a constant source of motivation and inspiration.

Sander has always been the kind of person whose first priority is to improve the lives of those around him. This was clearly evident during his time in Senator LAUTENBERG's office. He was instrumental in assisting Senator LAUTENBERG's push for major reforms in tobacco and was very helpful to the state attorneys general who took on the tobacco industry. Sander played a key role in the Senator's successful battle to reduce drunken driving deaths by making the .08 blood alcohol level the law of the land. Amidst all this, Sander was able to work with Senator LAUTENBERG and help craft the historic 1997 Balanced Budget Agreement that helped to produce the budget surpluses of the late 1990s.

As he made his way to my office, Sander used his experience with the balanced budget agreement to become the go-to person on my staff regarding the budget, and all of us here in the Senate can attest to the complexity that comes along with it. Sander always prided himself in knowing the ins and outs of the budget process and he never ceased to amaze me with his ability to recall rules and regulations at will. His work and knowledge was a pivotal part of my ability to be a leader and contributor to the budget committee, and I cannot thank him enough.

Sander was born in Warwick, RI, and raised for most of his early life in Milwaukee, WI. He earned his bachelor's degree from the University of Wisconsin-Madison, and following that he earned his master's degree in public administration from the Lyndon B. Johnson School of Public Affairs at the University of Texas-Austin. Sander's priority of working for the people in his community and his commitment to public service began at a young age before he ever made his way to Washington. He spent time working for both the Wisconsin State Assembly and the Texas Employment Commission, making sure to give back to the States that he called home. This selflessness followed him to Washington as he spent the last 17 years of his life serving the citizens of Michigan and New Jersey.

Sander has now begun a new chapter in his life. And though everyone in my office and those that know him best were saddened to see him leave, we are all incredibly proud of the work he has done and are deeply grateful for the positive impact he has had on all of our lives.

Today, Sander resides in Washington, DC, with his wonderful wife Dorian Friedman, and their beautiful daughter Mara. As Sander continues on in what will certainly be an illustrious career, I wish him well. He is sorely missed, but I, and everyone around him, know that the same selflessness that brought him to public service will follow him to whatever path he chooses, and he will undoubtedly continue to improve the lives of those around him. I am honored to have had Sander serve as my chief of staff, and I wish him only the best in the years ahead.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE CITY OF BURLINGAME

• Mrs. BOXER. Mr. President, I take this opportunity to recognize the 100th anniversary of the city of Burlingame, located in San Mateo County, CA.

The city of Burlingame was incorporated into the State of California on June 6, 1908. This year, we celebrate its centennial anniversary. Also known as the "City of Trees" because of its 18,000 public trees, the city of Burlingame has fascinated and charmed visitors for decades.

Situated in eastern San Mateo County near San Francisco Bay, Burlingame is named after diplomat Anson Burlingame, the former U.S. Minister to China who stopped in the bay area on his way to China in 1866 and purchased 1,043 acres in what is currently Burlingame and Hillsborough. In the mid-1860s, a railroad line was built down the Peninsula, with many wealthy San Franciscans building secondary homes south of San Francisco. When the great earthquake devastated much of San Francisco in 1906, many people looking to escape the dangers and hardships of the city also moved south, this time permanently.

In 1894, the Burlingame Train Station was built to service the Burlingame Country Club, which was founded in 1893. This station, which was financed largely by country club members, was built to resemble the style of California's missions. Today, the Burlingame Train Station is on the National Register of Historic Places and has also been designated a State historic landmark.

For 100 years, the city of Burlingame has not only served as a historical wonderland for those visiting the city but a place to call home for its more than 28,000 residents. I commend Burlingame for maintaining the natural beauty and historical significance of this fine city.

The city of Burlingame's vision and commitment to protecting its small piece of California history should be commended. I congratulate the city of Burlingame for its hard work on this special occasion and I look forward to future generations having the opportunity to visit and enjoy this unique city for another 100 years.•

125TH ANNIVERSARY OF JAMESTOWN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that is celebrating its 125th anniversary. From June 28 to July 6, the residents of Jamestown will come together to celebrate their community and its historic founding.

Founded in 1883 on the intersection of the Pipestem and James Rivers, Jamestown was named by GEN Thomas La Fayette Rosser whose hometown was Jamestown, VA, which was also located on a James River. In 1883 and again in 1932, the city of Jamestown made an attempt, though unsuccessful, to become the capital of the State. Jamestown is known as the "Pride of the Prairie"—and it has much to be proud of.

The city's dedication to promoting both conservation and tourism resulted in the construction of the World's Largest Buffalo. This massive 60-ton monument, which began as an art project of students from Jamestown College, draws visitors from all over the country. The buffalo is the center of the Frontier Village, a gathering of genuine Frontier-era buildings and the National Buffalo Museum—all of these together attracting over 100,000 visitors a year.

Adding to Jamestown's celebrity is the presence of two of only a few albino bison in North America. The first, known as White Cloud, gave birth to an albino calf this last year, bringing another albino bison to the herd tended by the National Buffalo Museum. The rarity of this occurring is immense and has added to interest in the city.

Jamestown has also helped shape the direction of North Dakota. And, for many, as the city that brought us Louis L'Amour and Peggy Lee, Jamestown has helped shape a generation. Coming into its 125th year, I am certain that Jamestown will continue in its role to provide leadership to many of our communities for years to come.

Jamestown will be commemorating this special occasion with over a week of fireworks, car shows, races, banquets, socials, air shows, golf tournaments, school reunions, presentations, and parades.

Mr. President, I ask the U.S. Senate to join me in congratulating Jamestown, ND, and its residents on their 125th anniversary and in wishing them well for the future. By honoring Jamestown we keep the pioneering, frontier spirit alive for future generations. It is places such as Jamestown that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Jamestown has a proud past and a very bright future.•

125TH ANNIVERSARY OF VALLEY CITY, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. On June 11–15, the residents of Valley City will gather to celebrate their community's history and founding.

Founded by the Northern Pacific Rail Road in 1872, this community went through an assortment of names before settling on Valley City. After being known as Second Crossing, Fifth Siding, Wahpeton, and Worthington, Valley City was chosen to describe this beautiful town located in the Sheyenne River Valley.

Because the community was developed around the winding Sheyenne River, its eight historic bridges have become an integral part of Valley City's rich history. This "City of Bridges" offers many one of a kind and original bridge designs, including the Valley City State University suspension footbridge and the concrete arched Rainbow Bridge.

Valley City has a lot to offer its residents and visitors alike. With its antiques, crafts and collectables Valley City offers a distinctive shopping experience. Some of its hidden treasures include a visitor's center, the Barnes County Museum, and the Sheyenne River Valley National Scenic Byway. The scenic byway stretches 63 picturesque miles along the Sheyenne River, following ancient Native American foot paths. The area has become a magnet for hunters, fisherman, and outdoor enthusiasts of all kinds. It is also the proud hometown of our Congressman, EARL POMEROY.

Valley City is the ideal location for its residents to grow and prosper together. To celebrate its 125th anniversary, the city will hold a rubber duck race, a street dance, a craft fair, a parade and fireworks.

Mr. President, I ask the U.S. Senate to join me in congratulating Valley City, ND, and its residents on their first 125 years and in wishing them well in the future. It is places such as Valley City, North Dakota that have helped shape this country into what it is today, which is why this fine community is deserving of our recognition.

Valley City has a proud past and a bright future.•

TRIBUTE TO LINDA NELSON

• Mr. HARKIN. Mr. President, there is an old saying that no exercise is better for the human heart than reaching down to lift up a child. Whenever I think about Linda Nelson, that saying comes to mind because she had devoted her life to nurturing and educating and lifting up children.

Likewise, for the past 4 years, as president of the Iowa State Education Association, Linda Nelson has devoted herself to lifting up the teaching profession in the State of Iowa. She has fought for better pay and professional development, for more generous funding for public education, and for commonsense reforms to the No Child Left Behind Act. She has done an exceptional job for Iowa's teachers and education support professionals. However, I know that she is looking forward to returning next fall to her real love, which is the classroom at Carter Lake Elementary School and the students she has missed so much.

Linda Nelson has led and served ISEA with true distinction. Under her leadership, membership has increased and local associations have been strengthened. She tirelessly crisscrossed the State of Iowa to visit schools and to consult with teachers and support professionals. I am told that she has been away from home so much that her cats no longer recognize her.

Mr. President, I have always loved what Lee Iacocca said about teachers. "In a completely rational society," he said, "the best of us would be teachers, and the rest would have to settle for something less." Fortunately, in Iowa, so many of our best do go into teaching. And Linda is one of those truly outstanding classroom professionals.

She graduated from the University of Nebraska at Lincoln and has taught for more than 30 years. She has been an active member of ISEA throughout her career. She has held leadership positions at the local, State, regional, and national levels. In 1992, the National Education Association recognized her outstanding contributions to public education with the Charles F. Martin Award.

As I said, Linda's first love is the classroom. But she is committed to securing a quality education for every child, not just those in her classroom, and this has led her to activism in the broader public and political arenas. She was elected to the Iowa House of Representatives in 1992 and served for 4 years as an outspoken champion of quality public schools for all of Iowa's children.

As a teacher, Linda Nelson is a consummate professional, and she speaks with that special authority that can only come from decades of classroom experience. She has been an association president, a mentor, a leader, a legislator. But of the many titles she has worn during her long and distinguished career, she prizes none more highly than the simple title of "teacher."

Linda Nelson is one of the many reasons why Iowa public schools are among the most respected and highest achieving in the Nation. We are blessed with an extraordinary cadre of talented teachers, and this is a real point of pride among Iowans. We honor our teachers. We are grateful for their keen minds and generous hearts. We appreciate the long hours they devote to their work—their service above and beyond the call of duty.

Linda Nelson has made a very real difference for the good as president of the Iowa State Education Association. As she returns to Carter Lake, I join with educators across Iowa in thanking Linda for her service, and wishing her the very best in the years ahead.●

IN HONOR OF DR. JERRY BEASLEY

● Mr. ROCKEFELLER. Mr. President, we all know that college can be a wonderful, eventful, and sometimes overwhelming time in the life of a young person. With new doors opening and a plethora of choices ahead, the years that young people devote to their college education shape the person they grow to be. We should all hope that when our loved ones set out on this journey that they encounter role models and mentors like Dr. Jerry Beasley. He has steered Concord University since 1985, in which time he has had an immeasurable impact on the institution and its students. In the time I have been allotted, I cannot do justice to the great service Dr. Beasley has dedicated to Concord University, but through the examples I can provide I hope to at least honor these selected accomplishments.

From the beginning of his career at Concord, Dr. Beasley has embodied the university's mission of learning and service. Traditionally, university presidents hold elegant ceremonies and inauguration parties in order to celebrate themselves and their achievements before beginning work. Dr. Beasley is not one of these presidents. He preferred to donate the funds usually allocated for such ceremonies to the support of student scholarships, setting a precedent of selflessness he continued throughout his tenure. He taught his students that giving and service were the foundation of citizenship, and renewing Concord's commitment to social responsibility.

As many of you know, access to technology is an issue of particular importance to me. I have committed myself to the enhancement of technology resources for students in West Virginia, a commitment which Dr. Beasley and I share. During his tenure as president and thanks, in part, to his oversight, the $13.9 million Rahall Technology Center is now complete and open for student use. Its 24-hour facilities provide students with access to technology ranging from high-speed internet to computer science courses.

Our society today is becoming increasingly dependent on technology. As we become integrated into a global marketplace, the values of knowledge and service have become even more important. The expansion of our resources and influence demands that we all develop a greater understanding of the world we live in and the people we share it with. Under Dr. Beasley's leadership, Concord University has met these challenges headon. The student body has grown significantly reaching an all-time peak enrollment of 3,055 students in the fall of 2001. The student body has also become incredibly diverse, with representatives from 27 States, 22 countries, and the District of Columbia. The diversity of faces and backgrounds at Concord is also complemented by a diverse range of study abroad opportunities, with scholarships available for study in Europe, South America, and around the world.

Dr. Beasley not only enhanced the diversity of the Concord student body, but also broadened the resources available on campus. Since the early 1930s, a goal of an interfaith chapel has been kept alive on the Concord campus, but, for many years, the project was left unfinished. Dr. Beasley has shepherded the project, which is now nearing completion. The building will mark not only the campus's concern for multicultural understanding, but also of Dr. Beasley's ambition to this end.

Concord University students can now enjoy a wealth of opportunities without fearing the exorbitant financial burdens of education. Financial aid and scholarships are now more available than ever with more than 90 percent of Concord's students receiving some form of educational assistance. Dr. Beasley was instrumental in the effort to bring programs such as the Bonner Scholars program to campus.

What I admire the most about Dr. Beasley, though, is his personal commitment to public service, and the inspirational example he has set for his children, his students, and all of us. He has dedicated his career to improving education, and for that we owe him our sincerest thanks. Dr. Beasley, I am very grateful for your contributions to Concord University, and I wish you well in a peaceful retirement.●

STOWE WEEKEND OF HOPE

● Mr. SANDERS. Mr. President, the State of Vermont is proud of the people in our state who organize the annual Stowe Weekend of Hope, one of the most inspiring and educational events for cancer survivors in the United States.

"We believe that the Stowe Weekend of Hope is unique, as it covers all cancers, reveals the generosity of an entire community, and has enhanced the lives of thousands of past attendees and their loved ones," said Jo Sabel Courtney, the chair and cofounder of the uplifting event. "Our mission," she explained, "is to inspire, educate, and celebrate the lives of people living with cancer."

Altogether, some 900 participants from 21 States, the U.S. Virgin Islands, and Canada participated in this year's events presented by the Stowe Area Association and the Vermont Cancer Center. The Stowe Area Association's lodging properties donated 312 complimentary rooms to cancer survivors and their loved ones.

Jo Sabel Courtney would be the first to tell you that making the weekend a tremendous success is a team effort. The Stowe Weekend of Hope Organizing Committee she chairs includes Leslie Anderson of Stowe; Trine Brink, Stowe; David Cranmer, Shelburne; Sandy Devine, Stowe; Jenn Ingersoll, Burlington; Kimberly Luebbers, Burlington; Kathleen McBeth, Stowe; Valerie Rochon, Stowe; Susan Rousselle, Elmore; Terry Smith, Stowe, and emeritus member and cofounder, Patti O'Brien, M.D.

We in Vermont are very proud of the efforts that all of these people put into organizing this annual event for the education and enlightenment of cancer patients, cancer survivors and their families, and I have very much enjoyed visiting with them over the last several years.

This year's participants in the Stowe Weekend of Hope included people with 46 different cancers, people who are confronting complex physical, emotional, spiritual, and financial challenges.

Nationally renowned oncology specialists from around New England, as well as leading oncologists and researchers from the Vermont Cancer Center, and the University of Vermont and Fletcher Allen Health Care Division of Hematology and Oncology were present at this year's eighth annual Stowe Weekend of Hope to provide up-to-date information to both the patients and their loved ones.

The weekend also included hands-on workshops, informational and support group gatherings, recreation opportunities, inspirational music, ecumenical services, motivational talks designed to heighten the emotional experience of healing and growth, and a time for relaxation and reflection.

On Sunday morning, participants gathered to dedicate the Flags of Hope and Healing that they had created. The closing ceremony also included prayer, dance, song and remembrances.

The Stowe Weekend of Hope was founded in 2001. Since its inception, the event has grown locally and nationally to continue its focus its mission of support, education and inspiration.

It makes me proud of Vermont.●

HONORING SAFE HANDLING, INC.

● Ms. SNOWE. Mr. President, today I wish to celebrate the remarkable achievements of a small Maine company that is doing business in an incredibly forward-thinking way. Safe Handling, Inc., of Auburn, is a cutting-edge transporter of industrial products, and both the firm and its president, Ford Reiche, have earned significant recognition, culminating in Mr. Reiche being named the U.S. Small Business Administration's 2008 Maine Small Business Person of the Year.

Founded in 1989, Safe Handling offers businesses the convenience of both bulk product transportation and logistics, as well as toll processing, to enable them to more efficiently move their goods. Significantly, Safe Handling is responsible for both sensitive and hazardous materials. To safely handle these products, the firm runs the largest rail-to-truck transloading facilities in both New England and western Pennsylvania, where it has an additional transload yard and warehouse. Safe Handling presently manages roughly a half million tons of products every year which translates to nearly 4,000 railcars and 12,000 truckloads of raw materials annually. It also operates the only ethanol terminal in Maine.

Transporting such perilous materials requires Safe Handling to be mindful of many concerns, and the company has risen to the top as a leader in environmental safety by exceeding Federal and State requirements on a regular basis. Most recently, the company became the first Maine-owned business to earn both the ISO14001 and Responsible Care certifications, which address a host of health, safety, environmental, and security concerns. Of all its initiatives, Safe Handling has most visibly led the way in reducing transportation emissions. The company ships dry products that it transfers into liquids, uses tri-axle trucks, provides long-haul rail services, and utilizes biodiesel fuel, all of which reduce discharge. Not surprisingly, the firm placed first in the Governor's Carbon Challenge, by voluntarily reducing its carbon emissions by 75 percent. Safe Handling has additionally instituted an Employee Green Idea Reward Program that gives $100 to each employee who saves the company money through an environmentally friendly idea.

Because of its innovative practices and proven track record, Safe Handling has garnered three prestigious awards this year alone. In March, Mainebiz magazine declared Ford Reiche its Executive of the Year in its large business category. Less than a month later, the Maine International Trade Center recognized Safe Handling as its Maine Innovative Company of the Year Award for the company's energy saving methods and customer savings. Additionally, the U.S. Small Business Administration presented Mr. Reiche with its prestigious 2008 Maine Small Business Person of the Year for his "business expertise, commitment, creativity and community involvement." Mr. Reiche's dedication and knowledge inspire the nearly 100 employees of Safe Handling, and the company is a better place for his profound leadership skills.

Safe Handling is truly a company of which all Mainers can be proud. Consistently seeking greater energy efficiency while never sacrificing its loyalty to its customers, Safe Handling promises to make the Lewiston-Auburn area—and Maine—a better place in every way. I am particularly impressed with the passion and enthusiasm of Mr. Reiche, who I was fortunate enough to meet with just a few weeks ago. His desire to create jobs and opportunities in Central Maine truly shined through during our time together. I congratulate Ford Reiche and everyone at Safe Handling for their amazing accolades and pioneering enterprises, and wish them more of the success that they have already demonstrated.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

TEXT OF A PROPOSED AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION FOR COOPERATION IN THE FIELD OF PEACEFUL USES OF NUCLEAR ENERGY—PM 48

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and a Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement (in accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately). The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Russia based on a mutual commitment to nuclear non-proliferation. It has a term of 30 years, and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, and permits transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities by amendment to the Agreement. In the event of termination, key non-proliferation conditions and controls continue with respect to material and equipment subject to the Agreement.

The Russian Federation is a nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Like the United States, it has a "voluntary offer" safeguards agreement with the International Atomic Energy Agency (IAEA). That agreement gives the IAEA the right to apply safeguards on all source or special fissionable material at peaceful nuclear facilities on a Russia-provided list. The Russian Federation is also a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding Guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Russia's domestic civil nuclear program and its nuclear non-proliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in the classified annex to the NPAS submitted to the Congress separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House Foreign Affairs Committee as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session period provided for in section 123d. shall commence.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 12, 2008.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:45 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 6:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that pursuant to section 1853(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110–53), the Minority Leader appoints Mr. Henry Sokoloski of Arlington, Virginia, and Mr. Stephen Rademaker of McLean, Virginia, to the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism.

The message further announced that the House agrees to the amendment of the Senate to the title of the bill (H.R. 3221) moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation, with amendments, in which it requests the concurrence of the Senate.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

S.J. Res. 32. Joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 13, 2008, she had presented to the President of the United States the following enrolled bill:

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6133. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tebuconazole; Pesticide Tolerances" (FRL No. 8364–6) received on May 12, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6134. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interstate Movement of Fruit from Hawaii" (Docket No. APHIS–2007–0050) received on May 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6135. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus firmus isolate 1582; Exemption from the Requirement of a Tolerance" (FRL No. 8362–7) received on May 7, 2008; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6136. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Robert D. Bishop, Jr., United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6137. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Christopher A. Kelly, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6138. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral Kevin J. Cosgriff, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6139. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Vice Admiral Mark J . Edwards, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–6140. A communication from the Principal Deputy, Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the use of Aviation Continuation Pay during fiscal year 2007; to the Committee on Armed Services.

EC–6141. A communication from the Director, Defense Procurement, Acquisition Policy, and Strategic Sourcing, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Excessive Pass-Through Charges" (DFARS Case 2006–D057) received on May 12, 2008; to the Committee on Armed Services.

EC–6142. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, an annual report on the National Guard Challenge Program for fiscal year 2007; to the Committee on Armed Services.

EC–6143. A communication from the Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Bruce A. Wright, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–6144. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the Department's evaluation of the TRICARE Program Fiscal Year 2008 Report; to the Committee on Armed Services.

EC–6145. A communication from the Assistant Secretary of State, transmitting, pursuant to law, a report relative to the measures that are being taken to successfully complete the mission in Iraq; to the Committee on Armed Services.

EC–6146. A communication from the Acting General Counsel of the Department of Defense, transmitting legislative proposals relative to military spousal benefits; to the Committee on Armed Services.

EC–6147. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a vacancy in the position of Secretary, received on May 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6148. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of President of the Government National Mortgage Association, received on May 12, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6149. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to Pemex projects in Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–6150. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to an export to Mexico; to the Committee on Banking, Housing, and Urban Affairs.

EC–6151. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-6152. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Secretary, received on May 7, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6153. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (73 FR 20807) received on May 2, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC-6154. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648-AU32) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6155. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Recreational Red Snapper Fishery in the Gulf of Mexico" (RIN0648-XG40) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6156. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Inseason Trip Limit Reduction for the Commercial Fishery for Golden Tilefish for the 2008 Fishing Year" (RIN0648-XG34) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6157. A communication from the Acting Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Approval of Georges Bank Cod Fixed Gear Sector Operations Plan and Agreement, and Allocation of GB Cod Total Allowable Catch" (RIN0648-AW17) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6158. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XH35) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6159. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Economic Exclusive Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands" (RIN0648-XH36) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6160. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Pacific Coast Groundfish; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-AW58) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6161. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Trip Limit Reduction for Georges Bank Yellowtail Flounder in the U.S./Canada Management Area" (RIN0648-XH45) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6162. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Tilefish Permit Category C to Directed Tilefish Fishing" (RIN0648-XF92) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6163. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Postponement of Effective Date of Portions of Amendment 11 to the Atlantic Sea Scallop Fishery Management Plan" (RIN0648-AU32) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6164. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Framework Adjustment 5 to the Monkfish Fishery Management Plan" (RIN0648-AW33) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6165. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2008 Management Measures and a Temporary Rule for Emergency Action" (RIN0648-AW60) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation.

EC-6166. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final List of Fisheries for 2008" (RIN0648-AV54) received on May 12, 2008; to the Committee on Commerce, Science, and Transportation .

EC-6167. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's annual report for calendar year 2007; to the Committee on Energy and Natural Resources.

EC-6168. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's Annual Report relative to its health and safety activities during calendar year 2007; to the Committee on Energy and Natural Resources.

EC-6169. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a quarterly report relative to the status of the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC-6170. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the status of the reports of the Chief of Engineers that have not received recommendations from the Secretary yet; to the Committee on Environment and Public Works.

EC-6171. A communication from the Assistant Secretary of Commerce (Legislative and Intergovernmental Affairs), transmitting a draft bill entitled, "Economic Development Administration Reauthorization Act of 2008"; to the Committee on Environment and Public Works.

EC-6172. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Control of Hazardous Air Pollutants from Mobile Sources: Early Credit Technology Requirement Revision" ((RIN2060-AO89)(FRL No. 8564-3)) received on May 7, 2008; to the Committee on Environment and Public Works.

EC-6173. A communication from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; States of South Dakota and Wyoming; Interstate Transport of Pollution" (FRL No. 8563-6) received on May 7, 2008; to the Committee on Environment and Public Works.

EC-6174. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2008-50) received on May 12, 2008; to the Committee on Finance.

EC-6175. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Transfers of Assets or Stock Following a Reorganization" ((RIN1545-BH52)(TD 9396)) received on May 12, 2008; to the Committee on Finance.

EC-6176. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of an application for a license for the export of defense articles to India to provide Operational Support and Maintenance of F404 Aircraft Engines; to the Committee on Foreign Relations.

EC-6177. A communication from the Director, Office of Standards, Regulations and Variations, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Sealing of Abandoned Areas" (RIN1219-AB52) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6178. A communication from the Commissioner of Food and Drugs, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a study on the inclusion of toll-free adverse event reporting numbers in advertisements; to the Committee on Health, Education, Labor, and Pensions.

EC-6179. A communication from the Administrator, Office of Foreign Labor Certification, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Condition Applications for E-3 Visas in Specialty Occupations for Australian Nonimmigrants" (RIN1205-AB43) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6180. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Publication of UIPL 9-08 in the Federal Register" (UIPL-9-08) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC-6181. A communication from the Director, Regulations Policy and Management

Staff, Department of Health and Human Services, transmitting , pursuant to law, the report of a rule entitled "Use of Materials Derived from Cattle in Human Food and Cosmetics" ((RIN0910–AF47)(Docket No. 2004N–0081)) received on May 7, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6182. A communication from the Administrator, Office of Workforce Security, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Publication of UIPL 14–08 in the Federal Register" (UIPL 14–08) received on May 12, 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–6183. A communication from the General Counsel, Office of Compliance, transmitting, pursuant to law, two reports on Occupational Safety and Health Inspections; to the Committee on Homeland Security and Governmental Affairs.

EC–6184. A communication from the Secretary of Commerce, transmitting a draft bill relative to the 2010 Decennial Census; to the Committee on Homeland Security and Governmental Affairs.

EC–6185. A communication from the Deputy General Counsel and Designated Reporting Official, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Deputy Director for State, Local and Tribal Affairs, received on May 12 , 2008; to the Committee on the Judiciary.

EC–6186. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a change in previously submitted reported information for the position of U.S. Attorney (Southern District of Indiana), received on May 12, 2008; to the Committee on the Judiciary.

EC–6187. A communication from the Principal Deputy Under Secretary (Policy), transmitting, pursuant to law, a report relative to National Guard Counterdrug Schools Activities; to the Committee on the Judiciary.

EC–6188. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, received on May 12, 2008; to the Committee on the Judiciary.

EC–6189. A communication from the White House Liaison, Department of Justice, transmitting, pursuant to law, the report of the designation of an acting officer for the position of U.S. Marshal (Eastern District of Wisconsin), received on May 12, 2008; to the Committee on the Judiciary.

EC–6190. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Annual Report of the Office of Community Oriented Policing Services for fiscal year 2007; to the Committee on the Judiciary.

EC–6191. A communication from the Director of Regulations Management, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Veteran-Owned Small Business Verification Guidelines" (RIN2900–AM78) received on May 12, 2008; to the Committee on Small Business and Entrepreneurship.

EC–6192. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Seal and Insignia" (RIN3245–AF68) received on April 29, 2008; to the Committee on Small Business and Entrepreneurship.

EC–6193. A communication from the Director, Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Provision of Hospital Care and Medical Services During Certain Disasters or Emergencies" (RIN2900–AM40) received on May 12, 2008; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 3010. A bill to reauthorize the Route 66 Corridor Preservation Program; to the Committee on Energy and Natural Resources.

By Mr. CORNYN:

S. 3011. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Mr. SPECTER, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, and Mr. OBAMA):

S. 3012. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI):

S. 3013. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. VITTER):

S. 3014. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself, Mr. DORGAN, Mr. CASEY, Ms. KLOBUCHAR, and Mr. SANDERS):

S.J. Res. 32. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. BENNETT, Mr. CRAPO, Mr. HAGEL, and Mr. NELSON of Nebraska):

S. Res. 561. A resolution commemorating the 50th anniversary of the North American Aerospace Defense Command; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mr. BIDEN, Mr. BROWN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. CRAIG, Mr. WHITEHOUSE, Mr. BAUCUS, Mr. DODD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. NELSON of Florida, Mr. PRYOR, Mr. SMITH, Ms. STABENOW, Mr. STEVENS, Mr. TESTER, and Mr. THUNE):

S. Res. 562. A resolution honoring Concerns of Police Survivors as the organization begins its 25th year of service to family members of law enforcement officers killed in the line of duty; considered and agreed to.

By Mr. ALLARD (for himself and Mrs. CLINTON):

S. Res. 563. A resolution designating September 13, 2008, as "National Childhood Cancer Awareness Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 449

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 449, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 675

At the request of Mr. HARKIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 799

At the request of Mr. HARKIN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 1102

At the request of Mr. SMITH, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1102, a bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes.

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1102, supra.

S. 1107

At the request of Mr. SMITH, the name of the Senator from New Jersey

(Mr. MENENDEZ) was added as a cosponsor of S. 1107, a bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals.

S. 1186

At the request of Mr. FEINGOLD, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1186, a bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed rescissions of budget authority.

S. 1332

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1332, a bill to amend the Public Health Service Act to revise and extend projects relating to children and violence to provide access to school-based comprehensive mental health programs.

S. 1376

At the request of Mr. BINGAMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1376, a bill to amend the Public Health Service Act to revise and expand the drug discount program under section 340B of such Act to improve the provision of discounts on drug purchases for certain safety net provides.

S. 1437

At the request of Ms. STABENOW, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1906

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1906, a bill to understand and comprehensively address the oral health problems associated with methamphetamine use.

S. 1907

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1907, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to understand and comprehensively address the inmate oral health problems associated with methamphetamine use, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Maine (Ms. COLLINS) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2154

At the request of Mr. JOHNSON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2154, a bill to amend the Social Security Act and the Internal Revenue Code of 1986 to exempt certain employment as a member of a local governing board, commission, or committee from social security tax coverage.

S. 2188

At the request of Mr. BINGAMAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Ms. STABENOW) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2300

At the request of Mr. KERRY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2300, a bill to improve the Small Business Act, and for other purposes.

S. 2314

At the request of Mr. SALAZAR, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Maine (Ms. SNOWE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2389

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2389, a bill to amend the Internal Revenue Code of 1986 to increase the alternative minimum tax credit amount for individuals with long-term unused credits for prior year minimum tax liability, and for other purposes.

S. 2414

At the request of Mr. ENSIGN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2414, a bill to amend title XVIII of the Social Security Act to require wealthy beneficiaries to pay a greater share of their premiums under the Medicare prescription drug program.

S. 2433

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than $1 per day.

At the request of Mr. OBAMA, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2433, supra.

S. 2460

At the request of Mr. BINGAMAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2460, a bill to extend by one year the moratorium on implementation of a rule relating to the Federal-State financial partnership under Medicaid and the State Children's Health Insurance Program and on finalization of a rule regarding graduate medical education under Medicaid and to include a moratorium on the finalization of the outpatient Medicaid rule making similar changes.

S. 2465

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2579

At the request of Mr. INOUYE, the names of the Senator from Ohio (Mr. BROWN), the Senator from Illinois (Mr. DURBIN), the Senator from Idaho (Mr. CRAIG), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Utah (Mr. BENNETT), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2619

At the request of Mr. COBURN, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2619, a bill to protect innocent Americans from violent crime in national parks.

S. 2645

At the request of Mr. STEVENS, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2645, a bill to require the Commandant of the Coast Guard, in consultation with the Under Secretary of Commerce for Oceans and Atmosphere, to conduct an evaluation and review of certain vessel discharges.

S. 2666

At the request of Ms. CANTWELL, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 2666, a bill to amend the Internal Revenue Code of 1986 to encourage investment in affordable housing, and for other purposes.

S. 2719

At the request of Mrs. DOLE, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2719, a bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.

S. 2860

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2860, a bill to diminish predatory lending by enhancing appraisal quality and standards, to improve appraisal oversight, to ensure mortgage appraiser independence, to provide for enhanced remedies and enforcement, and for other purposes.

S. 2899

At the request of Mr. HARKIN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. 2912

At the request of Mr. LAUTENBERG, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 2912, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2921

At the request of Mrs. CLINTON, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 2921, a bill to require pilot programs on training and certification for family caregiver personal care attendants for veterans and members of the Armed Forces with traumatic brain injury, to require a pilot program on provision of respite care to such veterans and members, and for other purposes.

S. RES. 520

At the request of Mrs. FEINSTEIN, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. Res. 520, a resolution designating May 16, 2008, as "Endangered Species Day".

S. RES. 559

At the request of Mr. GRAHAM, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 559, a resolution designating May 15, 2008, as "National MPS Awareness Day".

AMENDMENT NO. 4737

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 4737 proposed to S. 2284, an original bill to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 4737 proposed to S. 2284, supra.

At the request of Mr. REID, the names of the Senator from Virginia (Mr. WEBB), the Senator from Arkansas (Mr. PRYOR) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of amendment No. 4737 proposed to S. 2284, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 3010. A bill to reauthorize the Route 66 Corridor Preservation Program; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, today I rise to introduce legislation to continue the restoration and preservation of the unique cultural resources along the famous Route 66. Passage of the Route 66 Corridor Preservation Reauthorization Act would carry on the wonderful work of the Park Service's Route 66 program over the past decade. As in the past, I am joined in this effort by my colleague from New Mexico, Senator BINGAMAN.

In 1990, I introduced the Route 66 Study Act, which directed the National Park Service to determine the best ways to preserve, commemorate and interpret Route 66. As a result of that study, I later introduced legislation authorizing the National Park Service to join with Federal, State and private efforts to preserve various aspects of historic Route 66, the Nation's most important thoroughfare for east-west migration during the 20th century.

The Route 66 program is a collective effort by private property owners; nonprofit organizations; and local, State, Federal, and tribal governments to identify and address preservation needs along the historic route. The program offers grants for the restoration of significant properties dating all the way back to the mid 1920s.

The bill authorizes funding over 10 years and supports grassroots efforts to preserve aspects of this historic highway. Designated in 1926, the 2,200-mile stretch from Chicago to Santa Monica, California, the Mother Road, as it was called, rolled through eight American states, and in New Mexico, it passed through the communities of Tucumcari, Santa Rosa, Albuquerque, Grants and Gallup. New Mexico added to the aura of Route 66, giving new generations of Americans their first experience of our colorful culture and rich heritage. Route 66 allowed travelers to see firsthand previously remote areas and experience the traditions and natural beauty of the Southwest and West.

The bill authorizes the National Park Service to support State, local and private efforts to preserve the Route 66 corridor by providing technical assistance, participating in cost-sharing programs, and making grants. Since 1990, the Park Service has acted as a clearinghouse for communication among Federal, State, local, private and American Indian entities interested in the preservation of America's Main Street. Congresswoman HEATHER WILSON of Albuquerque, New Mexico, has introduced a similar bill in the House of Representatives, and I hope Congress will act promptly in passing this important legislation.

I thank my colleagues for considering the Route 66 Corridor Preservation Reauthorization Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Route 66 Corridor Preservation Program Reauthorization Act".

SEC. 2. ROUTE 66 CORRIDOR PRESERVATION PROGRAM.

Section 4 of Public Law 106–45 (16 U.S.C. 461 note; 113 Stat. 226) is amended by striking "2009" and inserting "2019".

By Mr. LEAHY (for himself, Mr. SPECTER, Ms. MIKULSKI, Mr. SHELBY, Mr. HATCH, and Mr. OBAMA):

S. 3012. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am proud to introduce a bill today to reauthorize the Bulletproof Vest Partnership Grant Act for 3 years, through 2012. This legislation has enjoyed strong bipartisan support in Congress since it was enacted in 1998, and I thank Senators SPECTER, MIKULSKI, SHELBY and HATCH for joining me in today's introduction. I am also glad to be joined by Congressmen VISCLOSKY who will introduce this bill in the House of Representatives today as well.

Since 1999, the Bureau of Justice Assistance at the Department of Justice has distributed $234 million to State and local jurisdictions. Those grants have resulted in the purchase of an estimated 818,000 vests. Since its enactment, over 11,900 State and local jurisdictions have participated in this program. Congress can be proud of the fact that this legislation has directly provided life-saving equipment to so many law enforcement officers. I know that when State and local jurisdictions receive the matching grants through this program, their budgets can go farther in fighting crime in their communities.

Today, the Senate Judiciary Committee held a hearing on the importance of the Bulletproof Vest Partnership Program. We heard from a law enforcement officer who was shot in the chest at pointblank range during an auto theft investigation. He lived to tell the committee and others his story, thanks to the bulletproof vest he was wearing. In my home state of Vermont, the program has allowed the Vermont police to purchase over 350 sets of armor in the last 10 years. The program has had a tremendous impact on the ability of States and localities to give our law enforcement officers the protection they deserve while serving the needs of our communities.

As a Nation, we ask much of our law enforcement officers. Men and women who serve face constant and unknown risks, and too often make the ultimate sacrifice. During this week in Washington, law enforcement officers from around the country will remember those officers who died in the line of duty while protecting their fellow citizens. Unfortunately, an ongoing trend of rising violent crime in the U.S. underscores the continuing need of this program that has had such a positive impact on the safety of law enforcement officers. Reauthorizing and funding this program is the right thing to do, and it is something I hope all Senators will support. Every additional officer who is able to put on a vest today as a result of this grant program means that one more officer may survive a violent attack. Protecting the men and women who protect all Americans should be a priority for Congress and we have a chance to advance that priority with the continuation of this important program.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3012

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bulletproof Vest Partnership Grant Act of 2008".

SEC. 2. REAUTHORIZATION.

Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2009" and inserting "2012".

By Mr. AKAKA (for himself, Mr. STEVENS, Mr. INOUYE, and Ms. MURKOWSKI):

S. 3013. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. AKAKA. Mr. President, today I join with my good friends Senators TED STEVENS, DANIEL INOUYE, and LISA MURKOWSKI to introduce legislation to ensure retirement equity for Federal workers in Hawaii, Alaska, and the U.S. territories. For years, Federal employees in my home state of Hawaii and in other non-foreign areas have been disadvantaged when it comes to their retirement due to a lack of locality pay. Federal workers in those areas may receive a nonforeign cost of living allowance, COLA, based on the differences in the cost of living between those areas and the District off Columbia, but this amount does not count for retirement purposes. Furthermore, while locality rates generally increase, nonforeign COLAs have been gradually declining. This lack of retirement equity has resulted, in several lawsuits against the Federal Government and hinders efforts to recruit and retain Federal workers in those areas.

On August 17, 2000, the U.S. District Court of the Virgin Islands approved the settlement of Caraballo v. United States, which was a class-action lawsuit in which employees in the nonforeign areas contested the methodology used by the Office of Personnel Management to determine COLA rates. However, on January 30, 2008, Judge Phillip M. Pro in the U.S. District Court in Honolulu ruled against the Federal employees in Matsuo v. the Office of Personnel Management, which held that excluding Alaska and Hawaii from locality pay did not violate the equal protection clause and substantive due process under the Fifth Amendment. Judge Pro acknowledged the disparity in his ruling saying that Congress "discharged its legislative responsibilities imperfectly" and recommended that Congress "correct the incongruity made so evident by this case."

While this issue has been discussed for years, a solution seemed out of reach given the lack of support for various proposed solutions. Last year, the Administration announced a legislative proposal to phase-out non-foreign COLA and phase-in locality pay. In May 2007 the Administration's draft bill was submitted. The draft bill would freeze nonforeign COLA rates at their current rates at their current rates and OPM would no longer conduct COLA surveys. Over the 7 years following the enactment of the proposal, locality pay would be phased in for General Schedule, GS, employees while nonforeign COLA is phased out. According to OPM, preliminary data indicates that the locality pay rate for Hawaii would be 20 percent. At the end of the 7 year period, if the locality pay rate is less than the amount of nonforeign COLA for a particular area, employees would continue to receive the difference in nonforeign COLA and locality pay until the locality rate reaches the COLA amount. Only at that time would employees no longer receive non-foreign COLA. However, the proposal did not address the impact such a change would have on postal employees, employees who receive special rates, members of the Senior Executive Service, and others who are in agency specific personnel systems or those who do not receive locality pay, such as employees under the National Security Personnel System at the Department of Defense.

Knowing of the growing interest in this proposal, I sent staff from my Federal Workforce Subcommittee to Hawaii last July to meet with employees and hear their questions and concerns about the Administration's proposal. Based on the questions and comments I have received, I submitted questions to OPM and other Federal agencies to obtain additional information. I also posted information on the Administration's proposal on my website, a link to a calculator created by OPM for Federal employees to determine exactly how their pay and retirement will be impacted by the proposal, and the agencies' response to my questions. Since then, I have received numerous letters and phone calls from constituents and Federal employees in the nonforeign areas about this issue. While there are still divergent views on this proposal, the vast majority of employees who I have heard from are supportive of a change to locality pay.

The legislation I introduce today is a collective effort of Senators STEVENS, INOUYE, MURKOWSKI, and myself to find an equitable solution to a difficult and divided issue. The Non-Foreign Area Retirement Equity Assurance Act is not to be seen as the last word, only the latest step forward toward determining the best way to ensure retirement equity for Federal workers in the nonforeign areas. Our bill seeks to provide answers to the questions raised by the administration's proposal and to cover all employees. Most importantly, our bill seeks to protect employee's take home pay. During this current economic climate, we must be careful to do no harm.

Over the Memorial Day recess my subcommittee plans to hold a series of meetings in Hawaii on the Administration's proposal and this bill to hear remaining questions and concerns. I also plan to hold a hearing on these proposals in Honolulu on May 29, 2008. I continue to encourage employees in Alaska, Hawaii, and in the territories to write us with their questions and concerns on these proposals. My ultimate goal remains to ensure that Federal workers in the nonforeign areas are not disadvantaged when it comes to their pay and retirement.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Non-Foreign Area Retirement Equity Assurance Act of 2008 or the Non-Foreign AREA Act of 2008".

SEC. 2. EXTENSION OF LOCALITY PAY.

(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—Section 5304(f)(1) of title 5, United States Code, is amended by striking subparagraph (A) and inserting the following:

"(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands shall be included within a pay locality; and".

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence "Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) of this subsection shall be the cost-of-living allowance rate in effect on December 31, 2008, except as adjusted under subsection (c).";

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the following:

"(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2008.

"(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

"(A) January 1, 2009; and

"(B) on January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 4(2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2008.

"(2)(A) In this paragraph, the term 'applicable locality-based comparability pay percentage' means, with respect to calendar year 2009 and each calendar year thereafter, the applicable percentage under section 4(1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2008.

"(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

"(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2008; and

"(ii) dividing the resulting percentage determined under clause (i) by the sum of—

"(I) one; and

"(II) the applicable locality-based comparability payment percentage expressed as a numeral.

"(3) No allowance rate computed under paragraph (2) may be less than zero.

"(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).".

SEC. 3. ADJUSTMENT OF SPECIAL RATES.

(a) IN GENERAL.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 4 of this Act, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 9 of this Act.

(b) DEPARTMENT OF VETERANS AFFAIRS.—Each special rate of pay established under section 7455 of title 38, United States Code, and payable in a location designated as a cost-of-living allowance area under section 5941(a)(1) of title 5, United States Code, shall be adjusted in accordance with regulations prescribed by the Secretary of Veterans Affairs that are consistent with the regulations issued by the Director of the Office of Personnel Management under subsection (a).

(c) TEMPORARY ADJUSTMENT.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 4 ending on the first day of the first pay period beginning on or after January 1, 2011, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 4. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this Act or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this Act, for each nonforeign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2009, by using ⅓ of the locality pay percentage for the rest of United States locality pay area;

(2) in calendar year 2010, by using ⅔ of the otherwise applicable comparability payment approved by the President for each nonforeign area; and

(3) in calendar year 2011 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each nonforeign area.

SEC. 5. SAVINGS PROVISION.

(a) IN GENERAL.—The application of this Act to any employee may not result in the amount of the decrease in the amount of pay attributable to special rate pay and the cost-of-living allowance as in effect on the date of enactment of this Act exceeding the amount of the increase in the locality-based comparability payments paid to that employee.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the application of this Act to any employee should not result in a decrease in the take home pay of that employee.

SEC. 6. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term "covered employee" means—

(A) any employee who—

(i) on—

(I) the day before the date of enactment of this Act—

(aa) was eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(bb) was not eligible to be paid locality-based comparability payments under 5304 or 5304a of that title; or

(II) or after the date of enactment of this Act becomes eligible to be paid a cost-of-living allowance under 5941 of title 5, United States Code; and

(ii) except as provided under paragraph (2), is not covered under—

(I) section 5941 of title 5, United States Code, (as amended by section 2 of this Act); and

(II) section 4 of this Act; or

(B) any employee who—

(i) on the day before the date of enactment of this Act—

(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code; or

(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any provision of title 5, United States Code, for purposes of this Act (including the amendments made by this Act) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code, (as amended by section 2 of this Act) and section 4 of this Act apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this Act shall be considered to be fixed by statute.

(C) PERFORMANCE APPRAISAL SYSTEM.—With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this Act including section 5941 of title 5, United States Code, (as amended by section 2 of this Act) may be reduced on the basis of the performance of that employee.

(b) POSTAL SERVICE EMPLOYEES IN NONFOREIGN AREAS.—Section 1005(b) of title 39, United States Code, is amended by inserting "and the Non-Foreign Area Retirement Equity Assurance Act of 2008" after "Section 5941 of title 5".

SEC. 7. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term "covered employee" means any employee—

(1) to whom section 4 applies;

(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2009 through December 31, 2011; and

(3) who files and election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a)(1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2011.

(c) COMPUTATION OF ANNUITY.—For purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2009 through the first applicable pay period ending on or after December 31, 2011, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund—

(A) an amount equal to the difference between—

(i) employee contributions that would have been deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during the period described under subsection (c) of this section if that subsection had been in effect during that period; and

(ii) employee contributions that were actually deducted and withheld from pay under section 8334 or 8422 of title 5, United States Code, during that period; and

(B) interest as prescribed under section 8334(e) of title 5, United States Code, based on the amount determined under subparagraph (A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency of a covered employee shall pay into the Civil Service Retirement and Disability Retirement Fund an amount for applicable agency contributions based on payments made under paragraph (1).

(B) SOURCE.—Amounts paid under this paragraph shall be contributed from the appropriation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel Management may prescribe regulations to carry out this section.

SEC. 8. ELECTION OF COVERAGE BY EMPLOYEES.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, an employee may make an irrevocable election in accordance with this section, if—

(1) that employee is paid an allowance under section 5491 of title 5, United States Code, during a pay period in which the date of the enactment of this Act occurs; or

(2) that employee—

(A) is a covered employee as defined under section 6(a)(1); and

(B) during a pay period in which the date of the enactment of this Act occurs is paid an allowance—

(i) under section 1603(b) of title 10, United States Code;

(ii) under section 1005(b) of title 39, United States Code; or

(iii) based on section 5941 of title 5, United States Code.

(b) FILING ELECTION.—Not later than 60 days after the date of enactment of this Act, an employee described under subsection (a) may file an election with the Office of Personnel Management to be treated for all purposes—

(1) in accordance with the provisions of this Act (including the amendments made by this Act); or

(2) as if the provisions of this Act (including the amendments made by this Act) had not been enacted, except that the cost-of-living allowance rate paid to that employee shall be the cost-of-living allowance rate in effect on December 31, 2008 for that employee without any adjustment after that date.

(c) FAILURE TO FILE.—Failure to make a timely election under this section shall be treated in the same manner as an election made under subsection (b)(1) on the last day authorized under that subsection.

(d) NOTICE.—To the greatest extent practicable, the Office of Personnel Management shall provide timely notice of the election which may be filed under this section to employees described under subsection (a).

SEC. 9. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Personnel Management shall prescribe regulations to carry out this Act, including—

(1) rules for special rate employees described under section 3;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 4 ending on the first day of the first pay period beginning on or after January 1, 2011; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2011.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this Act with respect to employees in such pay system, consistent with the regulations issued by the Office under subsection (a).

SEC. 10. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection (b), this Act (including the amendments made by this Act) shall take effect on the date of enactment of this Act.

(b) LOCALITY PAY AND SCHEDULE.—The amendments made by section 2 and the provisions of section 4 shall take effect on the first day of the first applicable pay period beginning on or after January 1, 2009.

Mr. STEVENS. Mr. President, I join my friend from Hawaii in introducing the Non-foreign Area Retirement Equity Act. I thank Senator AKAKA for his hard work on this important legislation that finally brings retirement equity to the thousands of Federal employees in Alaska and Hawaii.

Alaska and Hawaii are the only States in which Federal employees do not receive locality pay. Instead, they receive what is called a nonforeign cost of living allowance, or COLA. COLA was put in place in 1949, before Alaska and Hawaii were States. It is based on the cost of living in an area compared to the cost of living in Washington, DC. COLA was not available to employees in the lower 48 States.

When locality pay was established to benefit Federal employees in the lower 48, Alaska and Hawaii were not included because they were already under the COLA system. Locality pay brings Federal salaries closer to private industry salaries in an area.

The key difference between these two systems is how it affects a Federal employee's retirement. As you know, a Federal employee's retirement is based on their "high 3" years of service, usually the final 3 years of their base pay salary.

COLA is nontaxable income that cannot exceed 25 percent of the base pay. It is currently being reduced in Alaska and Hawaii by 1 percent each year. Because COLA is not taxed, it is not considered as part of an employee's base pay for retirement purposes. This means an employee in Alaska retires with a much lower "high 3" than an equivalent position in the lower 48.

Locality pay is taxable income, but is also considered part of an employee's base pay for retirement purposes. This makes a big difference in the amount of retirement benefits an employee receives.

Alaska has one of the highest costs of living in the Nation. Our Federal employees need to know they can continue to afford living in the State they call home on the money they receive in their retirement benefits. Many Alaskan Federal employees nearing retirement relocate to the lower 48 in order to receive locality pay for their "high 3." This puts my State at a disadvantage because we are losing highly skilled, seasoned employees.

This is an inequitable and outdated system. It is time to bring retirement equity to all States. The bill Senator AKAKA and I introduce today with Senators INOUYE and MURKOWSKI will do just that. Simply put, this bill will convert Federal employees in our States from the COLA system to the locality pay system. This conversion will not only benefit the Federal employees in these States, it will also save the Government money.

The COLA system requires that a survey be conducted every 3 years to determine an area's COLA. Our bill would eliminate these expensive and time consuming surveys. By changing to a locality pay system, employees will pay taxes on income they now receive tax free. Federal employees in Alaska and Hawaii have filed lawsuits to fight the inequity of the COLA system. With this change, the Government will not have to spend time and resources defending against this litigation.

The Office of Personnel Management supports replacing COLA with locality pay for all of these reasons.

This bill addresses several employee groups with unique circumstances, including postal employees. I am confident we can work closely with the U.S. Postal Service and the postal employee unions to ensure that postal employees in Alaska and Hawaii are protected.

Senator AKAKA and I hope that all groups affected by this change will contact us so that we can ensure this bill takes everyone's concerns into consideration. Senator AKAKA will be holding a hearing on this issue in Hawaii this month. Feedback from that hearing will be vital to improving our bill.

It is important we pass this bill before the end of this Congress to bring equality in retirement to all of our Federal employees. I urge Senators to support this bill.

By Mr. GRASSLEY (for himself, Mr. KYL, and Mr. VITTER):

S. 3014. A bill to amend title 18, United States Code, to strengthen penalties for child pornography offenses, child sex trafficking offenses, and other sexual offenses committed against children; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I come to the floor to discuss with my colleagues an issue that has hit home over the last few years for all Americans, and that issue is crimes against children. We have all heard stories of children, our most innocent population, being victimized and abused by predatory criminals. While it is true we have made great strides passing Federal legislation against criminal predators, more work needs to be done. That is why I am here today to introduce a bill that I entitled the Prevention and Deterrence of Crimes Against Children Act of 2008. I am pleased to be joined by Senator KYL and Senator VITTER who have cosponsored this bill with me.

This is a very important bill that will protect our children from the vilest forms of abuse and will send a strong signal to criminals that we as a society will not tolerate such behavior and that their predatory actions have real significant consequences.

I wish to take a moment to talk about the murder of a girl from my home State of Iowa, Jetseta Marrie Gage. On March 24, 2005, Jetseta, a 10-year-old girl from Cedar Rapids, IA, went missing from her home. Within 12 hours of her disappearance, Iowa law enforcement agents arrested a registered sex offender, Roger Bentley, for the crime. He had been previously convicted of committing lascivious acts with a minor.

Regrettably, this criminal served just over a year in prison for his previous sex crime conviction. Two days after her disappearance, an AMBER Alert tip led officials to the location of her body. She was found stuffed in a cabinet in an abandoned mobile home. The autopsy revealed she had been sexually assaulted and suffocated with a plastic bag.

I can't help but wonder whether Jetseta would still be alive today had her killer received stricter penalties for his first offense. It breaks everybody's heart to hear about cases such as this, but it is even more demoralizing when you know that it might have been prevented with adequate sentencing.

Last week, I honored two extraordinary law enforcement officers who helped put away another one of Jetseta's abusers: James Bentley. Unbelievably, James Bentley is the brother of Roger Bentley who was responsible for the rape and murder of Jetseta. A year prior to her murder, James Bentley took nude photos of 9-year-old Jetseta and her 13-month-old little sister Leonna.

After the child abuse prosecution of James Bentley stalled in State court due to sixth amendment concerns, U.S. Postal Inspector Troy Raper and Cedar Rapids Police Department Investigator Charity Hansel followed up on child pornography allegations that eventually led to James Bentley's conviction on Federal child pornography charges.

These investigators worked tirelessly to find nine previous victims of James Bentley. Only two of the nine victims testified, but their courage and their accounts of abuse by this man were very powerful. As a result, these testimonies influenced the district court's decision to use higher sentencing guidelines to put him away in Federal prison for 100 years. I am truly thankful for the public service that Inspector Troy Raper and Investigator Charity Hansel have done for Iowa's kids.

In doing our part, we in Congress have not sat idly by. Two years ago we passed into law the Adam Walsh Child Protection Safety Act. This important legislation made great strides in protecting America's children against violent sexual predators. Among its many components, this act standardized the National Sex Offender Registry, eliminated the statute of limitations for sex crimes against children, provided grants for electronic devices used for monitoring sex offenders and, lastly, established more severe criminal punishment for certain crimes committed by sex offenders.

As part of the Adam Walsh Act, we were able to include the Jetseta Gage Assured Punishment for Violent Crimes Against Children amendment. The amendment created mandatory minimum terms of imprisonment for criminals who commit murder, kidnapping, or serious bodily harm against children.

We are on the right path, but I still say this is not enough—not enough punishment for people who commit these despicable crimes. There is still a lot of work that needs to be done on this serious issue.

This bill I am introducing today will help change this by protecting children in four ways. It will increase mandatory minimum sentences, boost penalties for certain crimes against children, control the use of passports by convicted sex offenders, and strengthen the process for removing criminal aliens who commit sex offenses.

The first section of the bill increases the penalties for child pornography offenses and elevates the mandatory minimum punishment for criminals who commit exploitation crimes against children. I know some of my colleagues have concerns about mandatory minimums, especially in the context of drug sentences. I understand that concern, but in light of the Supreme Court's decision in the Booker case, something must be done to ensure that sexual predators receive the type of sentences appropriate for their crimes.

In Booker, the Court held that the Federal Sentencing Guidelines are no longer mandatory, thus Federal judges have unfettered discretion in sentencing. I am very worried judges are not doing their job to protect children. As a matter of fact, Deputy Attorney General Laurence E. Rothenberg testified to the Senate Judiciary Committee last year that since the Booker decision, Federal judges have significantly increased the number of downward departures for those convicted of possession of child pornography.

To counter this trend, my bill establishes the following mandatory minimums for exploitation crimes against children: One, where a crime involves child pornography, the offender will receive 20 years to life; two, where the crime deals with sexual exploitation of a minor by a parent or guardian, the offender will receive no less than 3 years to life.

The second section of the bill increases penalties for child sex trafficking and child prostitution. The penalties for these crimes need to be adjusted to adequately reflect the gravity of these crimes and the damage that they do to children.

The third section of the bill will ensure harsh penalties for criminals convicted of child sex offenses resulting in death, repeated child sex crimes, and forcible rape of children. These crimes involve the most violent types of sex offenders, and justice for these crimes should be dealt out with the strongest available prison sentences.

The final section of the bill has to do with not permitting these sex offenders to travel outside the country. If we know someone is a convicted child molester, we have the responsibility to not allow them travel to Asia or Europe or anywhere to exploit and harm other kids in other lands.

The bill provides for the following: When the sex offender has been convicted of a sex offense, the issuance of passports shall be refused. Secondly, if a passport has already been issued, the use of a passport may be restricted if the passport was used in the furtherance of a sex offense. Lastly, any alien convicted of a sex offense shall be placed immediately in removal proceedings.

The provisions of this bill are designed to protect our children by locking up violent sexual predators. I doubt that the Members of this body, many of whom have young children of their own, will have any objection to ensuring that violators of crimes against children receive tougher penalties for their acts.

It is unfortunate that it took the murder of girls such as Jetseta Gage for a law with severe penalties to be proposed, but I strongly believe a vote for this bill could save the lives of children in the future. We have an obligation as legislators to protect our citizens, including our most vulnerable populations, and we have an obligation as adults to protect our young people. We have a commitment as parents to protect our children and ensure that they are given the opportunity to grow up free from the dangers that violent sex offenders pose. I urge my colleagues to join me and Senator KYL and Senator VITTER in strengthening our laws so that no child becomes a victim of a repeat offender.

By Mr. SCHUMER (for himself, Mr. DORGAN, Mr. CASEY, Ms. KLOBUCHAR, and Mr. SANDERS):

S.J. Res. 32. A joint resolution limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia; read the first time.

Mr. SCHUMER. Mr. President, I rise to discuss rising energy prices. I remind President Bush, as he leaves for his trip to the Middle East, his ally, Saudi Arabia, holds the key to reducing gasoline prices at home in the short term.

I, along with my colleagues, Senator DORGAN of North Dakota, Senator CASEY of Pennsylvania, Senator KLOBUCHAR of Minnesota, and Senator SANDERS of Vermont plan to submit a Senate resolution that would block all four pending arms deals to Saudi Arabia, which together total $1.4 billion, unless Saudi Arabia shows that our friendship is a two-way street and increases its oil production by 1 million barrels per day above the January 2008 output levels.

Because these weapons have not yet been delivered to Saudi Arabia, Congress still has the power to block these four deals as leverage to get the world's larger oil producer to bring its production back to historical levels, an action that would have the single greatest impact of lowering gas prices in the short term.

I am very proud that we today voted to prevent continued oil going into the SPR as Senator DORGAN, the sponsor and somebody who has pushed this issue a long time and done it well, has noted that will probably reduce prices about a nickel. There is more. It is a good first step, as he would be the first to say, but we can do more.

If Saudi Arabia would increase production by 1 million barrels a day, the price of gasoline would go down 50 cents a gallon almost immediately. It is a short-term fix.

As my colleagues across the aisle and the administration continue to side with big oil, we have no other choice because, right now, it is Big Oil and OPEC that are benefitting and American families are losing. It is unfortunate we are at this point. Eight years of poor stewardship over our Nation's energy policy has left us with alternatives. And my Republican colleagues have blocked every attempt at real energy reform that would help alleviate the rising energy prices in this country.

In the 110th Congress alone, my colleagues on the other side of the aisle have blocked four different attempts by Democrats to extend the alternative tax provisions, and not only for a year or two but many.

On June 21 of last year, the extension of energy credits received 57 votes; on December 7, it received 53 votes; on December 13, it received 59 votes; and on February 6, 58 votes.

Each time, Republicans put up roadblocks requiring 60 votes in order to pass the bill. Each time the overwhelming majority of Democrats voted for the bill, the overwhelming majority of Republicans voted against.

President Bush opposed the bills because each would have ended tax breaks for big oil, as if they needed more tax breaks given their record profitability.

Meanwhile, Americans continue to spend more and more on gasoline, as prices at the pump have skyrocketed upward to record heights. Although our President was not aware that gasoline prices were predicted to top $4 a gallon this summer, American households already faced with rising fiscal burdens incurred as a result of the subprime foreclosure crisis and the financial credit crunch are being squeezed further by record-high prices at the pump.

In a sign that high prices will continue unabated, the Department of Energy recently forecasted that gasoline prices would average $3.66 per gallon across the U.S. this summer, 25 percent higher than last summer's average.

So I, along with several of my colleagues, think it is time to get the President's attention and the attention of the leaders of Saudi Arabia. The resolution we have introduced today, which Senator REID will rule to move on to the calendar this afternoon, requires Saudi Arabia to increase their oil production by 1 million barrels a day or jeopardize their $1.4 billion of pending arms deals with the United States.

One of those deals includes the sale of JDAMs, Joint Direct Attack Munitions, which makes conventional bombs into smart bombs that can be aimed through the window of a house. The administration has warned us that Saudi Arabia needs to use these weapons in their fight against terrorism.

But how are they going to use laser-guided bombs to fight terrorists in their midst? Saudi Arabia very much wants these smart bombs. So our resolution sends a strong signal to the administration and to Saudi Arabia that friendship with the United States is a two-way street. If the Saudis want to see their weapons, we need to see an increase in crude oil production within the next 30 days. As we all know, the principal cause underlying the rise in gasoline prices has been a spike in crude oil prices, now over $120 a barrel, a 100-percent increase over the crude price at this point last year. A significant portion of this price rise is due to supply decisions made by OPEC. The largest member of OPEC, Saudi Arabia, controls one-fifth of the world's crude reserves and constitutes more than 10 percent of daily production of crude oil.

In the past, Saudi Arabia has kept crude oil prices high by limiting supply, producing anywhere from 1 to 5 million barrels per day below capacity. Currently, they are producing 2 million barrels a day below capacity. Why? Why right now, when crude prices are at an historic high, are the Saudis continuing to cut back on production? Does it make any sense? It does if you are a member of OPEC. It does if you are ExxonMobil. But it doesn't if you are almost everybody else. With crude oil at the highest price ever, Saudi Arabia and other members of OPEC are making record profits, and Saudi Arabia is not alone. Last month big oil companies announced some of the best profits in recorded history. Exxon made almost $11 billion in profit last quarter. So we know OPEC has no incentive to increase their production right now, since that would decrease their profits. In fact, if Saudi Arabia were to increase its production by 1 million barrels per day, that translates to a reduction of 20 percent to 25 percent in the price of crude oil. Crude oil prices would fall by more than $25 a barrel from the current level of $126. In turn, that would lower the price of gasoline between 13 and 17 percent or by more than 62 cents off the expected summer price, if the Saudis would simply produce the amount of oil they used to produce when they were far more responsible. Yet Saudi Arabia's oil minister said there was no need to increase supplies by even one barrel of oil.

But even as they are saying no, no, no to the United States, they are saying yes, yes, yes to China. They are doubling oil production for China. This is galling. When the President goes to Saudi Arabia and acts as if the Saudi King and the Saudi leadership are our good friends, he ought to look the American family in the eye and say that and say Saudi Arabia is a loyal ally. To most Americans, a well-armed Saudi Arabia is far less important than a reasonable price for gasoline, heating oil, and all other products upon which oil is based.

The Saudis have to understand this is a two-way street. The President has to understand that the one-way street relationship with Saudi Arabia has to end. We provide them weapons. Our troops provide them protection. Then they rake us over the coals when it comes to the price of oil. Just as Saudi Arabia feels a need to protect itself with high-tech, laser-guided missiles, American consumers and our economy need protection from record high oil prices, exacerbated by OPEC's stranglehold on supply. The administration needs to use all of the leverage it has to influence the OPEC cartel to stop manipulating the world's oil supply to its member nations' own wealth advantage. It is time we stop treating a cartel that would be illegal in the United States with kid gloves. That is what our resolution does. It reminds the Saudis there are consequences for keeping oil prices high at a time when American families are hurting. It reminds Saudi Arabia that it can't take American support for granted. They can choose record oil profits or American weapons, but they can't have both.

I would like any Member of this Chamber and President Bush to look the average American family in the eye and say: There is nothing we can do to get Saudi Arabia to be responsible.

There are things we can do; we just refuse to do them. This resolution has us step to the plate. The resolution is not the final answer, of course, to the problem of rising gas prices. That is why I am a proud cosponsor of S. 2991, the Consumer First Energy Act of 2008 that we Democrats will offer on the floor before Memorial Day. That bill addresses underlying causes that are driving up energy prices and forces big oil to reinvest some of their record-breaking profits into alternative and renewable sources of energy that are both good for the environment, the consumer, and break our dependence on foreign oil.

Our bill will also attack the broader bill's speculation, punish price gouging, and put additional pressure on the OPEC cartel. I urge my colleagues on both sides of the aisle to support it. I am hopeful we can move on this resolution as soon as possible so American consumers no longer have to carry the heavy burden of high energy prices all by themselves.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 561—COMMEMORATING THE 50TH ANNIVERSARY OF THE NORTH AMERICAN AEROSPACE DEFENSE COMMAND

Mr. ALLARD (for himself, Mr. SALAZAR, Mr. BENNETT, Mr. CRAPO, Mr. HAGEL, and Mr. NELSON of Nebraska) submitted the following resolution; which was considered and agreed to:

S. RES. 561

Whereas, on May 12, 1958, the United States and Canada signed an official agreement creating the bi-national North American Aerospace Defense Command (NORAD) and formally acknowledged their mutual commitment to defending their citizens from air attacks;

Whereas 2008 marks the 50th anniversary of the creation of the North American Aerospace Defense Command and the outstanding efforts of American and Canadian service men and women defending North America;

Whereas the North American Aerospace Defense Command is a unique and fully integrated bi-national United States and Canadian command;

Whereas the North American Aerospace Defense Command is headquartered at Peterson Air Force Base in Colorado Springs, Colorado, and administered by the United States Air Force, with 3 subordinate regional centers located at Elmendorf Air Force Base, Alaska, Tyndall Air Force Base, Florida, and Canadian Forces Base, Winnipeg, Manitoba;

Whereas the mission of the North American Aerospace Defense Command is to "prevent air attacks against North America, safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted, and unauthorized air activity approaching and operating within those airspaces, and provide aerospace and maritime warning for North America";

Whereas, through joint support arrangements with other commands, the North American Aerospace Defense Command, including United States Strategic Command at Offutt Air Force Base, Nebraska, detects, validates, and warns of attacks against North America whether by aircraft, missile, or space vehicle;

Whereas the North American Aerospace Defense Command and United States Northern Command (USNORTHCOM) joint command center serves as a central collection and coordination site for a worldwide system of sensors designed to provide the commander and the governments of Canada and the United States with an accurate picture of any aerospace threat;

Whereas the commander of the North American Aerospace Defense Command provides integrated tactical warning and attack assessments to the governments of the United States and Canada;

Whereas the North American Aerospace Defense Command uses a network of satellites, ground-based and airborne radar, fighters and helicopters, and ground-based air defense systems to detect, intercept, and, if necessary, engage any air-breathing threats to North America;

Whereas North American Aerospace Defense Command assists in the detection and monitoring of aircraft suspected of illegal drug trafficking;

Whereas the Alaskan NORAD Region located at Elmendorf Air Force Base is supported by both the Eleventh Air Force and Air National Guard units;

Whereas the May 2006 North American Aerospace Defense Command Agreement renewal added a maritime warning mission to its slate of responsibilities, which entails a shared awareness and understanding of the ongoing activities conducted in United States and Canadian maritime approaches, maritime areas, and inland waterways;

Whereas the horrific events of September 11, 2001, demonstrated the North American Aerospace Defense Command's continued relevance to North American security;

Whereas, since 2001, the Continental NORAD region, which is divided into 2 defense sectors–the Western Defense Sector, with its headquarters located at McChord Air Force Base, Washington, and the Eastern Defense Sector, with its headquarters located at Rome, New York–has been the lead agency for Operation Noble Eagle, an ongoing mission to protect the continental United States from further airborne aggression from inside and outside of America's borders;

Whereas, in the spring of 2003, North American Aerospace Defense Command fighters based at Tyndall Air Force Base, Florida, intercepted 2 hijacked aircraft that originated in Cuba and escorted them to Key West, Florida;

Whereas the continued service with valor and honor of American and Canadian men and women serving at the North American Aerospace Defense Command is central to North America's ability to confront and successfully defeat threats of the 21st century; and

Whereas the continuation of the long-standing and successful relationship between the United States and Canada through the North American Aerospace Defense Command is paramount to the future security of the people of the United States and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by the North American Aerospace Defense Command to the security of North America; and

(2) commemorates 50 years of excellence and distinctive service to the United States and Canada.

SENATE RESOLUTION 562—HONORING CONCERNS OF POLICE SURVIVORS AS THE ORGANIZATION BEGINS ITS 25TH YEAR OF SERVICE TO FAMILY MEMBERS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY

Ms. MURKOWSKI (for herself, Mr. BIDEN, Mr. BROWN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. CRAIG, Mr. WHITEHOUSE, Mr. BAUCUS, Mr. DODD, Mrs. FEINSTEIN, Mr. INOUYE, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. NELSON of Florida, Mr. PRYOR, Mr. SMITH, Ms. STABENOW, Mr. STEVENS, Mr. TESTER, and Mr. THUNE) submitted the following resolution; which was considered and agreed to:

S. RES. 562

Whereas Concerns of Police Survivors has showed the highest amount of concern and respect for tens of thousands of family members of officers killed in the line of duty;

Whereas those families bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors is starting its 25th year as a bedrock of strength for the families of the Nation's lost heroes;

Whereas it is essential that the Nation recognize the contributions of Concerns of Police Survivors to those families; and

Whereas National Police Week, observed each year in the week containing May 15, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and thanks Concerns of Police Survivors for assisting in the rebuilding of the lives of family members of law enforcement officers killed in the line of duty across the United States;

(2) honors Concerns of Police Survivors and recognizes the organization as it begins its 25th year of service to the families of the fallen heroes of the Nation;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors; and

(4) recognizes with great appreciation the sacrifices made by police families and thanks them for providing essential support to one another.

SENATE RESOLUTION 563—DESIGNATING SEPTEMBER 13, 2008, AS "NATIONAL CHILDHOOD CANCER AWARENESS DAY"

Mr. ALLARD (for himself and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 563

Whereas more than 10,000 children under the age of 15 in the United States are diagnosed with cancer annually;

Whereas every year more than 1,400 children under the age of 15 in the United States lose their lives to cancer;

Whereas childhood cancer is the number one disease killer and the second overall leading cause of death of children in the United States;

Whereas 1 in every 330 children under the age of 20 will develop cancer, and 1 in every 640 adults aged 20 to 39 has a history of cancer;

Whereas the 5-year survival rate for children with cancer has increased from 56 percent in 1974 to 79 percent in 2000, representing significant improvement from previous decades; and

Whereas cancer occurs regularly and randomly and spares no racial or ethnic group, socioeconomic class, or geographic region: Now, therefore, be it

Resolved, That Congress—

(1) designates September 13, 2008, as "National Childhood Cancer Awareness Day";

(2) requests that the Federal Government, States, localities, and nonprofit organizations observe the day with appropriate programs and activities, with the goal of increasing public knowledge of the risks of cancer; and

(3) recognizes the human toll of cancer and pledges to make its prevention and cure a public health priority.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4750. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table.

SA 4751. Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 980, supra.

SA 4752. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4753. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4754. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4755. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

SA 4756. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4757. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4758. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 980, supra; which was ordered to lie on the table.

SA 4759. Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CARDIN, and Mr. OBAMA) proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

SA 4760. Mr. ALEXANDER (for himself and Mr. CORKER) proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

SA 4761. Mr. CORKER proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, supra.

TEXT OF AMENDMENTS

SA 4750. Mr. CHAMBLISS (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their subdivisions; which was ordered to lie on the table; as follows:

In section 8(b), insert after "under this Act," the following: "individuals employed by the office of the sheriff in States that do not provide the rights and responsibilities described in section 4(b) for law enforcement officers prior to the date of enactment of this Act".

SA 4751. Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) proposed an amendment to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Safety Employer-Employee Cooperation Act of 2008".

SEC. 2. DECLARATION OF PURPOSE AND POLICY.

The Congress declares that the following is the policy of the United States:

(1) Labor-management relationships and partnerships are based on trust, mutual respect, open communication, bilateral consensual problem solving, and shared accountability. Labor-management cooperation fully utilizes the strengths of both parties to best serve the interests of the public, operating as a team, to carry out the public safety mission in a quality work environment. In many public safety agencies it is the union that provides the institutional stability as elected leaders and appointees come and go.

(2) State and local public safety officers play an essential role in the efforts of the United States to detect, prevent, and respond to terrorist attacks, and to respond to natural disasters, hazardous materials, and other mass casualty incidents. State and local public safety officers, as first responders, are a component of our Nation's National Incident Management System, developed by the Department of Homeland Security to coordinate response to and recovery from terrorism, major natural disasters, and other major emergencies. Public safety employer-employee cooperation is essential in meeting these needs and is, therefore, in the National interest.

(3) The Federal Government needs to encourage conciliation, mediation, and voluntary arbitration to aid and encourage employers and the representatives of their employees to reach and maintain agreements concerning rates of pay, hours, and working conditions, and to make all reasonable efforts through negotiations to settle their differences by mutual agreement reached through collective bargaining or by such methods as may be provided for in any applicable agreement for the settlement of disputes.

(4) The absence of adequate cooperation between public safety employers and employees has implications for the security of employees and can affect interstate and intrastate commerce. The lack of such labor-management cooperation can detrimentally impact the upgrading of police and fire services of local communities, the health and well-being of public safety officers, and the morale of the fire and police departments. Additionally, these factors could have significant commercial repercussions. Moreover, providing minimal standards for collective bargaining negotiations in the public safety sector can prevent industrial strife between labor and management that interferes with the normal flow of commerce.

SEC. 3. DEFINITIONS.

In this Act:

(1) AUTHORITY.—The term "Authority" means the Federal Labor Relations Authority.

(2) EMERGENCY MEDICAL SERVICES PERSONNEL.—The term "emergency medical services personnel" means an individual who provides out-of-hospital emergency medical care, including an emergency medical technician, paramedic, or first responder.

(3) EMPLOYER; PUBLIC SAFETY AGENCY.—The terms "employer" and "public safety agency" mean any State, or political subdivision of a State, that employs public safety officers.

(4) FIREFIGHTER.—The term "firefighter" has the meaning given the term "employee engaged in fire protection activities" in section 3(y) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(y)).

(5) LABOR ORGANIZATION.—The term "labor organization" means an organization composed in whole or in part of employees, in which employees participate, and which represents such employees before public safety agencies concerning grievances, conditions of employment, and related matters.

(6) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b).

(7) MANAGEMENT EMPLOYEE.—The term "management employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual employed by a public safety employer in a position that requires or authorizes the individual to formulate, determine, or influence the policies of the employer.

(8) PERSON.—The term "person" means an individual or a labor organization.

(9) PUBLIC SAFETY OFFICER.—The term "public safety officer"—

(A) means an employee of a public safety agency who is a law enforcement officer, a firefighter, or an emergency medical services personnel;

(B) includes an individual who is temporarily transferred to a supervisory or management position; and

(C) does not include a permanent supervisory or management employee.

(10) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and any territory or possession of the United States.

(11) SUBSTANTIALLY PROVIDES.—The term "substantially provides" means compliance with the essential requirements of this Act, specifically, the right to form and join a labor organization, the right to bargain over wages, hours, and conditions of employment, the right to sign an enforceable contract, and availability of some form of mechanism to break an impasse, such as arbitration, mediation, or fact-finding.

(12) SUPERVISORY EMPLOYEE.—The term "supervisory employee" has the meaning given such term under applicable State law in effect on the date of enactment of this Act. If no such State law is in effect, the term means an individual, employed by a public safety employer, who—

(A) has the authority in the interest of the employer to hire, direct, assign, promote, reward, transfer, furlough, lay off, recall, suspend, discipline, or remove public safety officers, to adjust their grievances, or to effectively recommend such action, if the exercise of the authority is not merely routine or clerical in nature but requires the consistent exercise of independent judgment; and

(B) devotes a majority of time at work exercising such authority.

SEC. 4. DETERMINATION OF RIGHTS AND RESPONSIBILITIES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Authority shall make a determination as to whether a State substantially provides for the rights and responsibilities described in subsection (b). In making such determinations, the Authority shall consider and give weight, to the maximum extent practicable, to the opinion of affected parties.

(2) SUBSEQUENT DETERMINATIONS.—

(A) IN GENERAL.—A determination made pursuant to paragraph (1) shall remain in effect unless and until the Authority issues a subsequent determination, in accordance with the procedures set forth in subparagraph (B).

(B) PROCEDURES FOR SUBSEQUENT DETERMINATIONS.—Upon establishing that a material change in State law or its interpretation has occurred, an employer or a labor organization may submit a written request for a subsequent determination. If satisfied that a material change in State law or its interpretation has occurred, the Authority shall issue a subsequent determination not later than 30 days after receipt of such request.

(3) JUDICIAL REVIEW.—Any person or employer aggrieved by a determination of the Authority under this section may, during the 60-day period beginning on the date on which the determination was made, petition any United States Court of Appeals in the circuit in which the person or employer resides or transacts business or in the District of Columbia circuit, for judicial review. In any judicial review of a determination by the Authority, the procedures contained in subsections (c) and (d) of section 7123 of title 5, United States Code, shall be followed.

(b) RIGHTS AND RESPONSIBILITIES.—In making a determination described in subsection (a), the Authority shall consider whether State law provides rights and responsibilities comparable to or greater than the following:

(1) Granting public safety officers the right to form and join a labor organization, which may exclude management employees and supervisory employees, that is, or seeks to be, recognized as the exclusive bargaining representative of such employees.

(2) Requiring public safety employers to recognize the employees' labor organization (freely chosen by a majority of the employees), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding.

(3) Permitting bargaining over hours, wages, and terms and conditions of employment.

(4) Making available an interest impasse resolution mechanism, such as fact-finding, mediation, arbitration, or comparable procedures.

(5) Requiring enforcement through State courts of—

(A) all rights, responsibilities, and protections provided by State law and enumerated in this section; and

(B) any written contract or memorandum of understanding.

(c) FAILURE TO MEET REQUIREMENTS.—

(1) IN GENERAL.—If the Authority determines, acting pursuant to its authority under subsection (a), that a State does not substantially provide for the rights and responsibilities described in subsection (b), such State shall be subject to the regulations and procedures described in section 5.

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 2 years after the date of enactment of this Act.

SEC. 5. ROLE OF FEDERAL LABOR RELATIONS AUTHORITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Authority shall issue regulations in accordance with the rights and responsibilities described in section 4(b) establishing collective bargaining procedures for employers and public safety officers in States which the Authority has determined, acting pursuant to section 4(a), do not substantially provide for such rights and responsibilities.

(b) ROLE OF THE FEDERAL LABOR RELATIONS AUTHORITY.—The Authority, to the extent provided in this Act and in accordance with regulations prescribed by the Authority, shall—

(1) determine the appropriateness of units for labor organization representation;

(2) supervise or conduct elections to determine whether a labor organization has been selected as an exclusive representative by a voting majority of the employees in an appropriate unit;

(3) resolve issues relating to the duty to bargain in good faith;

(4) conduct hearings and resolve complaints of unfair labor practices;

(5) resolve exceptions to the awards of arbitrators;

(6) protect the right of each employee to form, join, or assist any labor organization, or to refrain from any such activity, freely and without fear of penalty or reprisal, and protect each employee in the exercise of such right; and

(7) take such other actions as are necessary and appropriate to effectively administer this Act, including issuing subpoenas requiring the attendance and testimony of witnesses and the production of documentary or other evidence from any place in the United States, and administering oaths, taking or ordering the taking of depositions, ordering responses to written interrogatories, and receiving and examining witnesses.

(c) ENFORCEMENT.—

(1) AUTHORITY TO PETITION COURT.—The Authority may petition any United States Court of Appeals with jurisdiction over the parties, or the United States Court of Appeals for the District of Columbia Circuit, to enforce any final orders under this section, and for appropriate temporary relief or a restraining order. Any petition under this section shall be conducted in accordance with subsections (c) and (d) of section 7123 of title 5, United States Code.

(2) PRIVATE RIGHT OF ACTION.—Unless the Authority has filed a petition for enforcement as provided in paragraph (1), any party has the right to file suit in a State court of

competent jurisdiction to enforce compliance with the regulations issued by the Authority pursuant to subsection (b), and to enforce compliance with any order issued by the Authority pursuant to this section. The right provided by this subsection to bring a suit to enforce compliance with any order issued by the Authority pursuant to this section shall terminate upon the filing of a petition seeking the same relief by the Authority.

SEC. 6. STRIKES AND LOCKOUTS PROHIBITED.

(a) PROHIBITION.—An employer, public safety officer, or labor organization may not engage in a lockout, sickout, work slowdown, strike, or any other action that will measurably disrupt the delivery of emergency services and is designed to compel an employer, public safety officer, or labor organization to agree to the terms of a proposed contract.

(b) MANDATORY TERMS AND CONDITIONS.—It shall not be a violation of subsection (a) for a public safety officer or labor organization to refuse to carry out services that are not required under the mandatory terms and conditions of employment applicable to the public safety officer or labor organization.

SEC. 7. EXISTING COLLECTIVE BARGAINING UNITS AND AGREEMENTS.

A certification, recognition, election-held, collective bargaining agreement or memorandum of understanding which has been issued, approved, or ratified by any public employee relations board or commission or by any State or political subdivision or its agents (management officials) and is in effect on the day before the date of enactment of this Act shall not be invalidated by the enactment of this Act.

SEC. 8. CONSTRUCTION AND COMPLIANCE.

(a) CONSTRUCTION.—Nothing in this Act shall be construed—

(1) to preempt or limit the remedies, rights, and procedures of any law of any State or political subdivision of any State or jurisdiction that provides greater or comparable rights and responsibilities than the rights and responsibilities described in section 4(b);

(2) to prevent a State from enforcing a right-to-work law that prohibits employers and labor organizations from negotiating provisions in a labor agreement that require union membership or payment of union fees as a condition of employment;

(3) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law permits an employee to appear on the employee's own behalf with respect to the employee's employment relations with the public safety agency involved;

(4) to preempt or limit any State law in effect on the date of enactment of this Act that provides for the rights and responsibilities described in section 4(b) solely because such State law excludes from its coverage employees of a State militia or national guard;

(5) to permit parties in States subject to the regulations and procedures described in section 5 to negotiate provisions that would prohibit an employee from engaging in part-time employment or volunteer activities during off-duty hours;

(6) to prohibit a State from exempting from coverage under this Act a political subdivision of the State that has a population of less than 5,000 or that employs less than 25 full-time employees; or

(7) to preempt or limit the laws or ordinances of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) solely because such law does not require bargaining with respect to pension, retirement, or health benefits.

For purposes of paragraph (6), the term "employee" includes each and every individual employed by the political subdivision except any individual elected by popular vote or appointed to serve on a board or commission.

(b) COMPLIANCE.—

(1) ACTIONS OF STATES.—Nothing in this Act or the regulations promulgated under this Act shall be construed to require a State to rescind or preempt the laws or ordinances of any of its political subdivisions if such laws provide rights and responsibilities for public safety officers that are comparable to or greater than the rights and responsibilities described in section 4(b).

(2) ACTIONS OF THE AUTHORITY.—Nothing in this Act or the regulations promulgated under this Act shall be construed to preempt—

(A) the laws or ordinances of any State or political subdivision of a State, if such laws provide collective bargaining rights for public safety officers that are comparable to or greater than the rights enumerated in section 4(b);

(B) the laws or ordinance of any State or political subdivision of a State that provide for the rights and responsibilities described in section 4(b) with respect to certain categories of public safety officers covered by this Act solely because such rights and responsibilities have not been extended to other categories of public safety officers covered by this Act; or

(C) the laws or ordinances of any State or political subdivision of a State that provides for the rights and responsibilities described in section 4(b), solely because such laws or ordinances provide that a contract or memorandum of understanding between a public safety employer and a labor organization must be presented to a legislative body as part of the process for approving such contract or memorandum of understanding.

(3) LIMITED ENFORCEMENT POWER.—In the case of a law described in paragraph (2)(B), the Authority shall only exercise the powers provided in section 5 with respect to those categories of public safety officers who have not been afforded the rights and responsibilities described in section 4(b).

(4) EXCLUSIVE ENFORCEMENT PROVISION.—Notwithstanding any other provision of the Act, and in the absence of a waiver of a State's sovereign immunity, the Authority shall have the exclusive power to enforce the provisions of this Act with respect to employees of a State or political subdivision of a State.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SA 4752. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—RIGHT TO WORK

SEC. _01. SHORT TITLE.

This title may be cited as the "National Right-to-Work Act".

SEC. _02. AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.

(a) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking "except to" and all that follows through "authorized in section 8(a)(3)".

(b) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(1) in subsection (a)(3), by striking ": *Provided*, That" and all that follows through "retaining membership";

(2) in subsection (b)—

(A) in paragraph (2), by striking "or to discriminate" and all that follows through "retaining membership"; and

(B) in paragraph (5), by striking "covered by an agreement authorized under subsection (a)(3) of this section"; and

(3) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

SEC. _03. AMENDMENT TO THE RAILWAY LABOR ACT.

Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

SEC. _04. PUBLIC SAFETY OFFICER RIGHT-TO-WORK.

Section 4(b) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by adding at the end the following:

"(6) Forbidding any public safety employer from negotiating a contract or memorandum of understanding that requires the payment of any fees to any labor organization as a condition of employment.".

SA 4753. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—SECRET BALLOT PROTECTION

SEC. _01. SHORT TITLE.

This title may be cited as the "Secret Ballot Protection Act of 2008".

SEC. _02. FINDINGS.

Congress makes the following findings:

(1) The right of employees under the National Labor Relations Act (29 U.S.C. 151 et seq.) to choose whether to be represented by a labor organization by way of secret ballot election conducted by the National Labor Relations Board is among the most important protections afforded under Federal labor law.

(2) The right of employees to choose by secret ballot is the only method that ensures a choice free of coercion, intimidation, irregularity, or illegality.

(3) The recognition of a labor organization by using a private agreement, rather than a secret ballot election overseen by the National Labor Relations Board, threatens the freedom of employees to choose whether to be represented by a labor organization, and severely limits the ability of the National Labor Relations Board to ensure the protection of workers.

SEC. _03. NATIONAL LABOR RELATIONS ACT.

(a) RECOGNITION OF REPRESENTATIVE.—

(1) IN GENERAL.—Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by inserting before the colon the following: "or to recognize or bargain collectively with a labor organization

that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9”.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships in which a labor organization with majority support was lawfully recognized prior to the date of enactment of this Act.

(b) ELECTION REQUIRED.—

(1) IN GENERAL.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) to cause or attempt to cause an employer to recognize or bargain collectively with a representative of a labor organization that has not been selected by a majority of such employees in a secret ballot election conducted by the National Labor Relations Board in accordance with section 9.”.

(2) APPLICATION.—The amendment made by paragraph (1) shall not apply to collective bargaining relationships that were recognized prior to the date of enactment of this Act.

(c) SECRET BALLOT ELECTION.—Section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)), is amended—

(1) by striking “Representatives” and inserting “(1) Representatives”;

(2) by inserting after “designated or selected” the following: “by a secret ballot election conducted by the National Labor Relations Board in accordance with this section”; and

(3) by adding at the end the following:

“(2) The secret ballot election requirement under paragraph (1) shall not apply to collective bargaining relationships that were recognized before the date of the enactment of the Secret Ballot Protection Act of 2008.”.

SEC. __04. REGULATIONS AND AUTHORITY.

(a) REGULATIONS.—Not later than 6 months after the date of the enactment of this Act, the National Labor Relations Board shall review and revise all regulations promulgated prior to such date of enactment to implement the amendments made by this title.

(b) AUTHORITY.—Nothing in this title (or the amendments made by this title) shall be construed to limit or otherwise diminish the remedial authority of the National Labor Relations Board.

SEC. 5. PUBLIC SAFETY SECRET BALLOT.

Section 4(b)(2) of the Public Safety Employer-Employee Cooperation Act of 2007 is amended by inserting before the period the following: “*Provided*, That the labor organization is selected by a majority of employees in a secret ballot election supervised by a governmental body or agency”.

SA 4754. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place in section 8(a) of the amendment, insert the following:

“(__) to apply to a public safety agency that is established prior to the date of enactment of this Act under applicable State law that has a chief law enforcement officer who has the authority to, in a manner independent of other State and local entities, establish and maintain its own budget and levy taxes for the operation of such agency (the term ‘chief law enforcement officer’ as used in this paragraph means an elected sheriff who is identified in State law as the ex-officio Chief Law Enforcement Officer of a law enforcement district);”.

SA 4755. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the end of section 2, add the following:

(5) Public safety officers frequently endanger their own lives to protect the rights of individuals in their communities. In return, each officer deserves the optimal protection of his or her own rights under the law

(6) The health and safety of the Nation and the best interests of public security are furthered when employees are assured that their collective bargaining representatives have been selected in a free, fair and democratic manner.

(7) An employee whose wages are subject to compulsory assessment for any purpose not supported or authorized by such employee is susceptible to job dissatisfaction. Job dissatisfaction negatively affects job performance, and, in the case of public safety officers, the welfare of the general public.

SEC. 2A. PUBLIC SAFETY OFFICER BILL OF RIGHTS.

(a) IN GENERAL.—A State law described in section 4(a) shall—

(1) provide for the selection of an exclusive bargaining representative by public safety officer employees only through the use of a democratic, government-supervised, secret ballot election upon the request of the employer or any affected employee;

(2) ensure that public safety employers recognize the employees' labor organization, freely chosen by a majority of the employees pursuant to a law that provides the democratic safeguards set forth in paragraph (1), to agree to bargain with the labor organization, and to commit any agreements to writing in a contract or memorandum of understanding; and

(3) provide that—

(A) no public safety officer shall, as a condition of employment, be required to pay any amount in dues or fees to any labor organization for any purpose other than the direct and demonstrable costs associated with collective bargaining; and

(B) a labor organization shall not collect from any public safety officer any additional amount without full disclosure of the intended and actual use of such funds, and without the public safety officer's written consent.

(b) APPLICABILITY OF DISCLOSURE REQUIREMENTS.—Notwithstanding any other provision of law, any labor organization that represents or seeks to represent public safety officers under State law or this Act, or in accordance with regulations promulgated by the Federal Labor Relations Authority, shall be subject to the requirements of title II of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 432 et seq.) as if such public safety labor organization was a labor organization defined in section 3(i) of such Act (29 U.S.C. 402(i)).

(c) APPLICATION.—Notwithstanding any other provision of law, the provisions of this section shall apply to all States.

SA 4756. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place in section 6, insert the following:

(__) The term “chief law enforcement officer” means an elected sheriff who is identified in State law as the ex-officio Chief Law Enforcement Officer of a law enforcement district.

At the appropriate place in section 8(a), insert the following:

“(__) to apply to a public safety agency that is established prior to the date of enactment of this Act under applicable State law that has a chief law enforcement officer who has the authority to, in a manner independent of other State and local entities, establish and maintain its own budget and levy taxes for the operation of such agency;”.

SA 4757. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RECIPROCITY FOR THE CARRYING OF CERTAIN CONCEALED FIREARMS.

(a) IN GENERAL.—Chapter 44 of title 18, United States Code, is amended by inserting after section 926C the following:

“§926D. Reciprocity for the carrying of certain concealed firearms

“Notwithstanding any provision of the law of any State or political subdivision thereof:

“(1) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is carrying a valid license or permit which is issued pursuant to the law of any State and which permits the person to carry a concealed firearm, may carry in any State a concealed firearm in accordance with the terms of the license or permit, subject to the laws of the State in which the firearm is carried concerning specific types of locations in which firearms may not be carried.

“(2) A person who is not prohibited by Federal law from possessing, transporting, shipping, or receiving a firearm, and is otherwise than as described in paragraph (1) entitled to carry a concealed firearm in and pursuant to the law of the State in which the person resides, may carry in any State a concealed firearm in accordance with the laws of the State in which the person resides, subject to the laws of the State in which the firearm is carried concerning specific types of locations in which firearms may not be carried.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 44 of title 18 is amended by inserting after the item relating to section 926C the following:

“926D. Reciprocity for the carrying of certain concealed firearms.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SA 4758. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE ___—LAW ENFORCEMENT OFFICERS SAFETY ACT OF 2008

SEC. 01. SHORT TITLE.

This title may be cited as the "Law Enforcement Officers Safety Act of 2008".

SEC. 02. AMENDMENTS TO LAW ENFORCEMENT OFFICERS SAFETY PROVISIONS OF TITLE 18.

(a) IN GENERAL.—Section 926B of title 18, United States Code, is amended by adding at the end the following:

"(f) For purposes of this section, a law enforcement officer of the Amtrak Police Department or a law enforcement or police officer of the executive branch of the Federal Government qualifies as an employee of a governmental agency who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest.".

(b) RETIRED LAW ENFORCEMENT OFFICERS.—Section 926C of title 18, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (3)(A), by striking "was regularly employed as a law enforcement officer for an aggregate of 15 years or more" and inserting "served as a law enforcement officer for an aggregate of 10 years or more";

(B) by striking paragraphs (4) and (5) and inserting the following:

"(4) during the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers as set by the officer's former agency, the State in which the officer resides or, if the State has not established such standards, a law enforcement agency within the State in which the officer resides;"; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively;

(2) in subsection (d)—

(A) in paragraph (1), by striking "to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm; or" and inserting "to meet the active duty standards for qualification in firearms training as established by the agency to carry a firearm of the same type as the concealed firearm or"; and

(B) in paragraph (2)(B), by striking "that indicates that the individual has, not less recently than 1 year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm." and inserting "or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State that indicates that the individual has, not less recently than 1 year before the date the individual is carrying the concealed firearms, been tested or otherwise found by the State or a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State to have met—

"(i) the active duty standards for qualification in firearms training as established by the State to carry a firearm of the same type as the concealed firearm; or

"(ii) if the State has not established such standards, standards set by any law enforcement agency within that State to carry a firearm of the same type as the concealed firearm."; and

(3) by adding at the end the following:

"(f) In this section, the term 'service with a public agency as a law enforcement officer' includes service as a law enforcement officer of the Amtrak Police Department or as a law enforcement or police officer of the executive branch of the Federal Government.".

SA 4759. Mr. LEAHY (for himself, Mrs. CLINTON, Mr. CARDIN, and Mr. OBAMA) proposed an amendment to amendmend SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the end of the amendment, insert the following:

TITLE ___—BULLETPROOF VEST PARTNERSHIP GRANT AND HARDSHIP WAIVER FOR MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS

SEC. 01. REAUTHORIZATION OF BULLETPROOF VEST PARTNERSHIP GRANT .

(a) SHORT TITLE.—This section may be cited as the "Bulletproof Vest Partnership Grant Act of 2008"

(b) REAUTHORIZATION.—Section 1001(a)(23) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(23)) is amended by striking "2009" and inserting "2012".

SEC. 02. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

"(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.".

SA 4760. Mr. ALEXANDER (for himself and Mr. CORKER) proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the appropriate place, insert the following:

SEC. ___. GUARANTEEING PUBLIC SAFETY AND LOCAL CONTROL OF TAXES AND SPENDING.

Notwithstanding any State law or regulation issued under section 5, no collective-bargaining obligation may be imposed on any political subdivision or any public safety employer, and no contractual provision may be imposed on any political subdivision or public safety employer, if either the principal administrative officer of such public safety employer, or the chief elected official of such political subdivision certifies that the obligation, or any provision would be contrary to the best interests of public safety; or would result in any increase in local taxes, or would result in any decrease in the level of public safety or other municipal services.

SA 4761. Mr. CORKER proposed an amendment to amendment SA 4751 proposed by Mr. REID (for Mr. GREGG (for himself and Mr. KENNEDY)) to the bill H.R. 980, to provide collective bargaining rights for public safety officers employed by States or their political subdivisions; as follows:

At the appropriate place, insert the following:

SEC. ___. STATE EXEMPTION.

Notwithstanding any other provision of this Act, the provisions of this Act shall not apply to a State (or political subdivision) that, within 1 year of the date of enactment of this Act, enacts a law that specifically refutes the provisions of this Act.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled. The hearing will be held on Tuesday, May 20, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on Energy and Related Economic Effects of Global Climate Change Legislation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to gina_weinstock@energy.senate.gov.

For further information, please contact Gina Weinstock at (202) 224–5684 or Jonathan Black at (202) 224–6722.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to advise you that the hearing scheduled before the Senate Committee on Energy and Natural Resources, for Tuesday, May 20, 2008, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building regarding the Territorial Energy Assessment as updated pursuant to EPACT 05 has been postponed.

For further information, please contact Allen Stayman at (202) 224–7865 or Rosemarie Calabro at (202) 224–5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, May 13, 2008, at 10 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Tuesday, May 13, 2008, at 9:45 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, May 13, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Hearing on Mercury Legislation."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, May 13, 2008, at 10 a.m., in 215 Dirksen Senate Office Building, to conduct a hearing entitled "Cracking the Code—Tax Reform for Individuals".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 13, 2008, at 10:15 a.m., in room 407 of the Capitol Building, to conduct a closed briefing titled "U.S. Policy Towards Sudan."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, May 13, at 2:30 p.m. in Room 562 of the Dirksen Senate Office Building to conduct a hearing entitled "The Successes and Shortfalls of Title IV of the Indian Self-Determination and Education Assistance Act: Twenty Years of Self-Governance".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "The Bulletproof Vest Partnership Program: Protecting Our Nation's Law Enforcement Officers" on Tuesday, May 13, 2008, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on May 13, 2008, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE NORTH AMERICAN AEROSPACE DEFENSE COMMAND

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 561, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 561) commemorating the 50th anniversary of the North American Aerospace Defense Command.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ALLARD. Mr. President, I rise to commemorate the 50th anniversary of the signing of the North American Aerospace Defense Command Agreement between the United States and Canada. For my State of Colorado, today is an especially proud and gratifying occasion as it is home to the headquarters of the North American Aerospace Defense Command, located at Peterson Air Force Base in Colorado Springs.

On May 12, 1958, the United States and Canada signed an official agreement creating the unique and fully integrated binational North American Aerospace Defense Command, commonly known as NORAD. Administered by the United States Air Force in conjunction with Canadian Forces, NORAD is a premier military command that uses the most innovative technology and equipment to secure our skies. Today, 50 years after its inception, we honor NORAD and pay tribute to the men and women who have served and continue to serve NORAD's mission with humility and distinction. To these American and Canadian servicemembers, I say thank you.

For five decades, NORAD's mission has been to prevent air attacks against North America and safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted and unauthorized air activity approaching or operating within our airspaces. In more recent years, NORAD's mission has evolved to include collaborative efforts with civilian law enforcement officers to detect and monitor aircraft suspected of trafficking illegal drugs to North America. In addition, NORAD has developed a system to help our homeland defense and security partners observe North American seas and to warn of encroaching maritime threats. In pursuit of these missions, NORAD has achieved remarkable success.

Over the years NORAD has strengthened the venerable relationship between the United States and Canada. It has been a source of stability for our two nations during good times and bad. Throughout the turbulent Cold War, and now in the midst of the war on terror, NORAD is responsible for continually bringing together bright and courageous minds to help detect, deter and defend against lethal threats to the North American continent. Furthermore, NORAD has become a model for international defense cooperation. It has allowed for the necessary enhancement of information and intelligence sharing between Canadian and American militaries, intelligence agencies, and other security organizations. Twenty four hours a day, 7 days a week, NORAD units all over North America are alert, prepared and equipped to take action to defend our continent and to safeguard our freedoms.

Throughout my nearly 18 years in the U.S. Congress, I have spent quite a bit of time with the commanders at NORAD, and each time we visit I am encouraged by their efforts and reminded of why America is, and will always be, great. With the safety and security of America entrusted to institutions like NORAD and to the brave men and women of our armed forces, I am confident that America will be protected for generations to come.

Especially since the horrific events of September 11, 2001, and the launch of the war on terror, the continued resolve of the United States and Canada to pay any cost to face any foe is more relevant than ever. If we are to remain sovereign and free, America and Canada must continue to adapt to a changing world and respond effectively to evolving threats. I am confident in our ability to do so. Through NORAD and other binational partnerships, America and Canada will jointly and efficiently combat any threat we confront in the 21st century.

Today, as a nation, we honor the legacy and achievements of the North American Aerospace Defense Command, and we look forward to another half century of this successful partnership so that NORAD can continue to provide for the protection of our airspace and our homeland. I offer my sincere congratulations to the North American Aerospace Defense Command for 50 years of extraordinary service to the United States and Canada.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 561

Whereas, on May 12, 1958, the United States and Canada signed an official agreement creating the bi-national North American Aerospace Defense Command (NORAD) and formally acknowledged their mutual commitment to defending their citizens from air attacks;

Whereas 2008 marks the 50th anniversary of the creation of the North American Aerospace Defense Command and the outstanding efforts of American and Canadian service men and women defending North America;

Whereas the North American Aerospace Defense Command is a unique and fully integrated bi-national United States and Canadian command;

Whereas the North American Aerospace Defense Command is headquartered at Peterson Air Force Base in Colorado Springs, Colorado, and administered by the United States Air Force, with 3 subordinate regional centers located at Elmendorf Air Force Base, Alaska, Tyndall Air Force Base, Florida, and Canadian Forces Base, Winnipeg, Manitoba;

Whereas the mission of the North American Aerospace Defense Command is to "prevent air attacks against North America, safeguard the sovereign airspaces of the United States and Canada by responding to unknown, unwanted, and unauthorized air activity approaching and operating within those airspaces, and provide aerospace and maritime warning for North America";

Whereas, through joint support arrangements with other commands, the North American Aerospace Defense Command, including United States Strategic Command at Offutt Air Force Base, Nebraska, detects, validates, and warns of attacks against North America whether by aircraft, missile, or space vehicle;

Whereas the North American Aerospace Defense Command and United States Northern Command (USNORTHCOM) joint command center serves as a central collection and coordination site for a worldwide system of sensors designed to provide the commander and the governments of Canada and the United States with an accurate picture of any aerospace threat;

Whereas the commander of the North American Aerospace Defense Command provides integrated tactical warning and attack assessments to the governments of the United States and Canada;

Whereas the North American Aerospace Defense Command uses a network of satellites, ground-based and airborne radar, fighters and helicopters, and ground-based air defense systems to detect, intercept, and, if necessary, engage any air-breathing threats to North America;

Whereas North American Aerospace Defense Command assists in the detection and monitoring of aircraft suspected of illegal drug trafficking;

Whereas the Alaskan NORAD Region located at Elmendorf Air Force Base is supported by both the Eleventh Air Force and Air National Guard units;

Whereas the May 2006 North American Aerospace Defense Command Agreement renewal added a maritime warning mission to its slate of responsibilities, which entails a shared awareness and understanding of the ongoing activities conducted in United States and Canadian maritime approaches, maritime areas, and inland waterways;

Whereas the horrific events of September 11, 2001, demonstrated the North American Aerospace Defense Command's continued relevance to North American security;

Whereas, since 2001, the Continental NORAD region, which is divided into 2 defense sectors—the Western Defense Sector, with its headquarters located at McChord Air Force Base, Washington, and the Eastern Defense Sector, with its headquarters located at Rome, New York—has been the lead agency for Operation Noble Eagle, an ongoing mission to protect the continental United States from further airborne aggression from inside and outside of America's borders;

Whereas, in the spring of 2003, North American Aerospace Defense Command fighters based at Tyndall Air Force Base, Florida, intercepted 2 hijacked aircraft that originated in Cuba and escorted them to Key West, Florida;

Whereas the continued service with valor and honor of American and Canadian men and women serving at the North American Aerospace Defense Command is central to North America's ability to confront and successfully defeat threats of the 21st century; and

Whereas the continuation of the long-standing and successful relationship between the United States and Canada through the North American Aerospace Defense Command is paramount to the future security of the people of the United States and Canada: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by the North American Aerospace Defense Command to the security of North America; and

(2) commemorates 50 years of excellence and distinctive service to the United States and Canada.

HONORING CONCERNS OF POLICE SURVIVORS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 562, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 562) honoring Concerns of Police Survivors as the organization begins its 25th year of service to family members of law enforcement officers killed in the line of duty.

There being no objection, the Senate proceeded to consider the resolution.

Ms. MURKOWSKI. Mr. President, our Nation is blessed by the selfless service of more than 26 million Americans who come to the aid of their fellow citizens through countless volunteer organizations at the national, State and local levels. Some of these organizations are household names, like the American Legion, Scouting, the American Red Cross, and the American Cancer Society. Others perform their good work in relative obscurity.

This week, on the occasion of National Police Week, I rise to acknowledge the good work of a voluntary organization that few outside the law enforcement community may ever have heard of. But for those in the law enforcement community, it is the organization to which families turn in times of tragedy. I am referring to Concerns of Police Survivors, C.O.P.S. It serves some 15,000 surviving family members of law enforcement tragedies.

Last year, 181 law enforcement officers were killed in the line of duty. Their names are being added to the National Law Enforcement Officers Memorial on Judiciary Square this week, bringing the total number of names on that memorial to 18,274. This evening, the annual candlelight vigil is being held at the memorial to honor our fallen law enforcement officers and on Thursday, Peace Officers Memorial Day, another ceremony will be held at the Capitol. These ceremonies are visible to all of us. They are attended by law enforcement officers from around the Nation and the surviving family members of our fallen law enforcement officers.

But there is another event that occurs every year during National Police Week that few know about. That event is the National Police Survivors Seminar which is underway at a hotel in Alexandria, VA. I had the privilege of visiting the National Police Survivors Seminar one Saturday morning in 2006. It is a peaceful place and a safe place where families of fallen law enforcement officers can laugh, cry, grieve, and heal in the presence of others who have suffered similar losses. There are special programs for children of fallen law enforcement officers known as "C.O.P.S. Kids" and "C.O.P.S Teens."

The National Police Survivors Seminar is the outgrowth of a dinner that occurred 25 years ago on May 14, 2003. At this dinner 10 widows of fallen law enforcement officers came together to ask the question, "What about us?" During the National Police Week gatherings, everyone focuses on the loved one whose life is lost, but it also is important to focus on the needs of survivors who must rebuild their lives from the ashes.

One year later, the first National Police Survivors Seminar was convened. It drew 110 law enforcement survivors. Concerns of Police Survivors was created at that first seminar. Suzie Sawyer was selected to be the first Executive Director of Concerns of Police Survivors, a position she still holds today. Some things have changed though. The National Police Survivors Seminar no longer draws hundreds now it draws thousands. That is both a tragedy and a blessing. It is a tragedy that so many law enforcement families have been touched by a line of duty death. It is a blessing that the volunteers of Concerns of Police Survivors are there looking out for them. This is but one of many programs that Concerns of Police Survivors offers to survivors throughout the year.

Tomorrow marks the 25th anniversary of that dinner meeting that launched Concerns of Police Survivors. I rise today to offer a resolution commemorating the 25th anniversary of that meeting and to honor Concerns of Police Survivors for the quarter century of service it has provided to law enforcement families that have suffered a line of duty death.

I know first hand of two Alaska families whose lives have been touched by the good works of Concerns of Police Survivors. They have touched families in every one of our States. Concerns of Police Survivors does not seek recognition for its good works and it's not a household name. But it has certainly earned our respect and admiration. On the occasion of its 25th anniversary I am pleased to call this organization's fine work to the attention of the Senate and the American people.

Mr. SANDERS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 562) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 562

Whereas Concerns of Police Survivors has showed the highest amount of concern and respect for tens of thousands of family members of officers killed in the line of duty;

Whereas those families bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors is starting its 25th year as a bedrock of strength for the families of the Nation's lost heroes;

Whereas it is essential that the Nation recognize the contributions of Concerns of Police Survivors to those families; and

Whereas National Police Week, observed each year in the week containing May 15, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and thanks Concerns of Police Survivors for assisting in the rebuilding of the lives of family members of law enforcement officers killed in the line of duty across the United States;

(2) honors Concerns of Police Survivors and recognizes the organization as it begins its 25th year of service to the families of the fallen heroes of the Nation;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors; and

(4) recognizes with great appreciation the sacrifices made by police families and thanks them for providing essential support to one another.

MEASURE READ THE FIRST TIME—S.J. RES. 32

Mr. SANDERS. Mr. President, I understand that S.J. Res. 32, introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S.J. Res. 32) limiting the issuance of a letter of offer with respect to a certain proposed sale of defense articles and defense services to the Kingdom of Saudi Arabia.

Mr. SANDERS. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read a second time on the next legislative day.

ORDERS FOR WEDNESDAY, MAY 14, 2008

Mr. SANDERS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, May 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business for up to 1 hour, with the time to be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, I ask that following morning business, the Senate resume consideration of H.R. 980, collective bargaining.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SANDERS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 6:39 p.m., adjourned until Wednesday, May 14, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JOHN R. BEYRLE, OF MICHIGAN, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE RUSSIAN FEDERATION.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

ROSEMARY ANNE DICARLO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HER TENURE OF SERVICE AS ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS.

CAROL ANN RODLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF CAMBODIA.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 21

To be lieutenant

JEFFREY R. PLATT

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 21

To be lieutenant commander

EILEEN M. LUTKENHOUSE

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

MARY J. BERNHEIM
KIMBERLEY W. COLEMAN
KELLI C. MACK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be colonel

JAMES E. OSTRANDER

To be major

LEE A. BAGGOT
RICHARD B. BRINKER
SCOTT L. DIERING
CURTIS W. GALES
RAYMOND R. GILBERT
BRUNO KALDE
FRANK J. NOCILLA

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

JAMES K. MCNEELY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

DAVID R. EGGLESTON

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

KATHERINE A. ISGRIG

To be commander

ROBERT W. STOUSE
PAUL J. TECH

To be lieutenant commander

DANEIL K. CLOUSER
JOHN D. DOTSON
JASON C. KEDZIERSKI

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

ROBERT D. YOUNGER

To be lieutenant commander

KENNETH A. FORD
MATTHEW T. GEISER
KAREN L. LITTLE
NANCY H. OSBORNE
JEFFREY W. WILLIS

HOUSE OF REPRESENTATIVES—*Tuesday, May 13, 2008*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 13, 2008.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POMEROY) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, today, the ancient but bold wisdom of Solomon speaks to the Members of Congress and awakens a Nation to what is happening.

"Love justice, you rulers of the Earth. Set your mind upon the Lord as is your duty. Seek the Lord with simplicity of heart; for the Lord is found by those who trust Him without question. The Lord makes Himself known to those who never doubt Him. Dishonest thinking cuts people off from God and if such fools take liberties with His power, the Lord reveals them for what they are."

Lord, grant us wisdom. There is no hiding from You. Help us to truly see who we are as individuals and as a Nation, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Mrs. NAPOLITANO) come forward and lead the House in the Pledge of Allegiance.

Mrs. NAPOLITANO led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

WE NEED TO PROTECT AMERICAN FAMILIES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, it has been 86 days since the Protect America Act expired, and the Democrat leadership refuses to bring a permanent extension to a vote. Our intelligence community has stated unequivocally that our ability to track and spy on potential enemies has been degraded.

The Senate passed a fair and commonsense extension to the Protect America Act months ago, and it has received vocal bipartisan support in the House of Representatives. That is why it is particularly disappointing that the Democrat leadership has failed to bring the bill to the floor. They refuse to do so because they know it will pass. For leadership to deny a vote on such an important piece of legislation, because they know it will pass, is an insult to the majority in this House who want to defeat terrorists overseas.

With each day, our intelligence community is being told to do their job without the tools and resources we can and should provide for them. This is unacceptable to keep American families at risk.

In conclusion, God bless our troops, and we will never forget September the 11th.

CONFERENCE REPORT ON H.R. 2419, FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. PETERSON of Minnesota submitted the following conference report and statement on the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes:

CONFERENCE REPORT (H. REPT. 110-627)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 2419), to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Food, Conservation, and Energy Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—COMMODITY PROGRAMS

Sec. 1001. Definitions.

Subtitle A—Direct Payments and Counter-Cyclical Payments

Sec. 1101. Base acres.
Sec. 1102. Payment yields.
Sec. 1103. Availability of direct payments.
Sec. 1104. Availability of counter-cyclical payments.
Sec. 1105. Average crop revenue election program.
Sec. 1106. Producer agreement required as condition of provision of payments.
Sec. 1107. Planting flexibility.
Sec. 1108. Special rule for long grain and medium grain rice.
Sec. 1109. Period of effectiveness.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
Sec. 1203. Term of loans.
Sec. 1204. Repayment of loans.
Sec. 1205. Loan deficiency payments.
Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Sec. 1207. Special marketing loan provisions for upland cotton.
Sec. 1208. Special competitive provisions for extra long staple cotton.
Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
Sec. 1210. Adjustments of loans.

Subtitle C—Peanuts

Sec. 1301. Definitions.
Sec. 1302. Base acres for peanuts for a farm.
Sec. 1303. Availability of direct payments for peanuts.
Sec. 1304. Availability of counter-cyclical payments for peanuts.
Sec. 1305. Producer agreement required as condition on provision of payments.
Sec. 1306. Planting flexibility.
Sec. 1307. Marketing assistance loans and loan deficiency payments for peanuts.
Sec. 1308. Adjustments of loans.

Subtitle D—Sugar

Sec. 1401. Sugar program.
Sec. 1402. United States membership in the International Sugar Organization.
Sec. 1403. Flexible marketing allotments for sugar.
Sec. 1404. Storage facility loans.
Sec. 1405. Commodity Credit Corporation storage payments.

Subtitle E—Dairy

Sec. 1501. Dairy product price support program.
Sec. 1502. Dairy forward pricing program.
Sec. 1503. Dairy export incentive program.
Sec. 1504. Revision of Federal marketing order amendment procedures.
Sec. 1505. Dairy indemnity program.
Sec. 1506. Milk income loss contract program.
Sec. 1507. Dairy promotion and research program.
Sec. 1508. Report on Department of Agriculture reporting procedures for nonfat dry milk.
Sec. 1509. Federal Milk Marketing Order Review Commission.
Sec. 1510. Mandatory reporting of dairy commodities.

Subtitle F—Administration

Sec. 1601. Administration generally.
Sec. 1602. Suspension of permanent price support authority.
Sec. 1603. Payment limitations.
Sec. 1604. Adjusted gross income limitation.
Sec. 1605. Availability of quality incentive payments for covered oilseed producers.
Sec. 1606. Personal liability of producers for deficiencies.
Sec. 1607. Extension of existing administrative authority regarding loans.
Sec. 1608. Assignment of payments.
Sec. 1609. Tracking of benefits.
Sec. 1610. Government publication of cotton price forecasts.
Sec. 1611. Prevention of deceased individuals receiving payments under farm commodity programs.
Sec. 1612. Hard white wheat development program.
Sec. 1613. Durum wheat quality program.
Sec. 1614. Storage facility loans.
Sec. 1615. State, county, and area committees.
Sec. 1616. Prohibition on charging certain fees.
Sec. 1617. Signature authority.
Sec. 1618. Modernization of Farm Service Agency.
Sec. 1619. Information gathering.
Sec. 1620. Leasing of office space.
Sec. 1621. Geographically disadvantaged farmers and ranchers.
Sec. 1622. Implementation.
Sec. 1623. Repeals.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation

Sec. 2001. Definitions relating to conservation title of Food Security Act of 1985.
Sec. 2002. Review of good faith determinations related to highly erodible land conservation.
Sec. 2003. Review of good faith determinations related to wetland conservation.

Subtitle B—Conservation Reserve Program

Sec. 2101. Extension of conservation reserve program.
Sec. 2102. Land eligible for enrollment in conservation reserve.
Sec. 2103. Maximum enrollment of acreage in conservation reserve.
Sec. 2104. Designation of conservation priority areas.
Sec. 2105. Treatment of multi-year grasses and legumes.
Sec. 2106. Revised pilot program for enrollment of wetland and buffer acreage in conservation reserve.
Sec. 2107. Additional duty of participants under conservation reserve contracts.
Sec. 2108. Managed haying, grazing, or other commercial use of forage on enrolled land and installation of wind turbines.
Sec. 2109. Cost sharing payments relating to trees, windbreaks, shelterbelts, and wildlife corridors.
Sec. 2110. Evaluation and acceptance of contract offers, annual rental payments, and payment limitations.
Sec. 2111. Conservation reserve program transition incentives for beginning farmers or ranchers and socially disadvantaged farmers or ranchers.

Subtitle C—Wetlands Reserve Program

Sec. 2201. Establishment and purpose of wetlands reserve program.
Sec. 2202. Maximum enrollment and enrollment methods.
Sec. 2203. Duration of wetlands reserve program and lands eligible for enrollment.
Sec. 2204. Terms of wetlands reserve program easements.
Sec. 2205. Compensation for easements under wetlands reserve program.
Sec. 2206. Wetlands reserve enhancement program and reserved rights pilot program.
Sec. 2207. Duties of Secretary of Agriculture under wetlands reserve program.
Sec. 2208. Payment limitations under wetlands reserve contracts and agreements.
Sec. 2209. Repeal of payment limitations exception for State agreements for wetlands reserve enhancement.
Sec. 2210. Report on implications of long-term nature of conservation easements.

Subtitle D—Conservation Stewardship Program

Sec. 2301. Conservation stewardship program.

Subtitle E—Farmland Protection and Grassland Reserve

Sec. 2401. Farmland protection program.
Sec. 2402. Farm viability program.
Sec. 2403. Grassland reserve program.

Subtitle F—Environmental Quality Incentives Program

Sec. 2501. Purposes of environmental quality incentives program.
Sec. 2502. Definitions.
Sec. 2503. Establishment and administration of environmental quality incentives program.
Sec. 2504. Evaluation of applications.
Sec. 2505. Duties of producers under environmental quality incentives program.
Sec. 2506. Environmental quality incentives program plan.
Sec. 2507. Duties of the Secretary.
Sec. 2508. Limitation on environmental quality incentives program payments.
Sec. 2509. Conservation innovation grants and payments.
Sec. 2510. Agricultural water enhancement program.

Subtitle G—Other Conservation Programs of the Food Security Act of 1985

Sec. 2601. Conservation of private grazing land.
Sec. 2602. Wildlife habitat incentive program.
Sec. 2603. Grassroots source water protection program.
Sec. 2604. Great Lakes Basin Program for soil erosion and sediment control.
Sec. 2605. Chesapeake Bay watershed program.
Sec. 2606. Voluntary public access and habitat incentive program.

Subtitle H—Funding and Administration of Conservation Programs

Sec. 2701. Funding of conservation programs under Food Security Act of 1985.
Sec. 2702. Authority to accept contributions to support conservation programs.
Sec. 2703. Regional equity and flexibility.
Sec. 2704. Assistance to certain farmers and ranchers to improve their access to conservation programs.
Sec. 2705. Report regarding enrollments and assistance under conservation programs.
Sec. 2706. Delivery of conservation technical assistance.
Sec. 2707. Cooperative conservation partnership initiative.
Sec. 2708. Administrative requirements for conservation programs.
Sec. 2709. Environmental services markets.
Sec. 2710. Agriculture conservation experienced services program.
Sec. 2711. Establishment of State technical committees and their responsibilities.

Subtitle I—Conservation Programs Under Other Laws

Sec. 2801. Agricultural management assistance program.
Sec. 2802. Technical assistance under Soil Conservation and Domestic Allotment Act.
Sec. 2803. Small watershed rehabilitation program.
Sec. 2804. Amendments to Soil and Water Resources Conservation Act of 1977.
Sec. 2805. Resource Conservation and Development Program.
Sec. 2806. Use of funds in Basin Funds for salinity control activities upstream of Imperial Dam.
Sec. 2807. Desert terminal lakes.

Subtitle J—Miscellaneous Conservation Provisions

Sec. 2901. High Plains water study.
Sec. 2902. Naming of National Plant Materials Center at Beltsville, Maryland, in honor of Norman A. Berg.
Sec. 2903. Transition.
Sec. 2904. Regulations.

TITLE III—TRADE

Subtitle A—Food for Peace Act

Sec. 3001. Short title.
Sec. 3002. United States policy.
Sec. 3003. Food aid to developing countries.
Sec. 3004. Trade and development assistance.
Sec. 3005. Agreements regarding eligible countries and private entities.
Sec. 3006. Use of local currency payments.
Sec. 3007. General authority.
Sec. 3008. Provision of agricultural commodities.
Sec. 3009. Generation and use of currencies by private voluntary organizations and cooperatives.

Sec. 3010. Levels of assistance.

Sec. 3011. Food Aid Consultative Group.

Sec. 3012. Administration.

Sec. 3013. Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable prepackaged foods.

Sec. 3014. General authorities and requirements.

Sec. 3015. Definitions.

Sec. 3016. Use of Commodity Credit Corporation.

Sec. 3017. Administrative provisions.

Sec. 3018. Consolidation and modification of annual reports regarding agricultural trade issues.

Sec. 3019. Expiration of assistance.

Sec. 3020. Authorization of appropriations.

Sec. 3021. Minimum level of nonemergency food assistance.

Sec. 3022. Coordination of foreign assistance programs.

Sec. 3023. Micronutrient fortification programs.

Sec. 3024. John Ogonowski and Doug Bereuter Farmer-to-Farmer Program.

Subtitle B—Agricultural Trade Act of 1978 and Related Statutes

Sec. 3101. Export credit guarantee program.

Sec. 3102. Market access program.

Sec. 3103. Export enhancement program.

Sec. 3104. Foreign market development cooperator program.

Sec. 3105. Food for Progress Act of 1985.

Sec. 3106. McGovern-Dole International Food for Education and Child Nutrition Program.

Subtitle C—Miscellaneous

Sec. 3201. Bill Emerson Humanitarian Trust.

Sec. 3202. Global Crop Diversity Trust.

Sec. 3203. Technical assistance for specialty crops.

Sec. 3204. Emerging markets and facility guarantee loan program.

Sec. 3205. Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products.

Sec. 3206. Local and regional food aid procurement projects.

Subtitle D—Softwood Lumber

Sec. 3301. Softwood lumber.

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM

Sec. 4001. Renaming of Food Stamp Act and program.

Sec. 4002. Conforming amendments.

PART II—BENEFIT IMPROVEMENTS

Sec. 4101. Exclusion of certain military payments from income.

Sec. 4102. Strengthening the food purchasing power of low-income Americans.

Sec. 4103. Supporting working families with child care expenses.

Sec. 4104. Asset indexation, education, and retirement accounts.

Sec. 4105. Facilitating simplified reporting.

Sec. 4106. Transitional benefits option.

Sec. 4107. Increasing the minimum benefit.

Sec. 4108. Employment, training, and job retention.

PART III—PROGRAM OPERATIONS

Sec. 4111. Nutrition education.

Sec. 4112. Technical clarification regarding eligibility.

Sec. 4113. Clarification of split issuance.

Sec. 4114. Accrual of benefits.

Sec. 4115. Issuance and use of program benefits.

Sec. 4116. Review of major changes in program design.

Sec. 4117. Civil rights compliance.

Sec. 4118. Codification of access rules.

Sec. 4119. State option for telephonic signature.

Sec. 4120. Privacy protections.

Sec. 4121. Preservation of access and payment accuracy.

Sec. 4122. Funding of employment and training programs.

PART IV—PROGRAM INTEGRITY

Sec. 4131. Eligibility disqualification.

Sec. 4132. Civil penalties and disqualification of retail food stores and wholesale food concerns.

Sec. 4133. Major systems failures.

PART V—MISCELLANEOUS

Sec. 4141. Pilot projects to evaluate health and nutrition promotion in the supplemental nutrition assistance program.

Sec. 4142. Study on comparable access to supplemental nutrition assistance for Puerto Rico.

Subtitle B—Food Distribution Programs

PART I—EMERGENCY FOOD ASSISTANCE PROGRAM

Sec. 4201. Emergency food assistance.

Sec. 4202. Emergency food program infrastructure grants.

PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

Sec. 4211. Assessing the nutritional value of the FDPIR food package.

PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM

Sec. 4221. Commodity supplemental food program.

PART IV—SENIOR FARMERS' MARKET NUTRITION PROGRAM

Sec. 4231. Seniors farmers' market nutrition program.

Subtitle C—Child Nutrition and Related Programs

Sec. 4301. State performance on enrolling children receiving program benefits for free school meals.

Sec. 4302. Purchases of locally produced foods.

Sec. 4303. Healthy food education and program replicability.

Sec. 4304. Fresh fruit and vegetable program.

Sec. 4305. Whole grain products.

Sec. 4306. Buy American requirements.

Sec. 4307. Survey of foods purchased by school food authorities.

Subtitle D—Miscellaneous

Sec. 4401. Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows.

Sec. 4402. Assistance for community food projects.

Sec. 4403. Joint nutrition monitoring and related research activities.

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In this Act, the term "Secretary" means the Secretary of Agriculture.

TITLE I—COMMODITY PROGRAMS

SEC. 1001. DEFINITIONS.

In this title (other than subtitle C):

(1) AVERAGE CROP REVENUE ELECTION PAYMENT.—The term "average crop revenue election payment" means a payment made to producers on a farm under section 1105.

(2) BASE ACRES.—

(A) IN GENERAL.—The term "base acres", with respect to a covered commodity on a farm, means the number of acres established under section 1101 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911) as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

(B) PEANUTS.—The term "base acres for peanuts" has the meaning given the term in section 1301.

(3) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a payment made to producers on a farm under section 1104.

(4) COVERED COMMODITY.—The term "covered commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, long grain rice, medium grain rice, pulse crops, soybeans, and other oilseeds.

(5) DIRECT PAYMENT.—The term "direct payment" means a payment made to producers on a farm under section 1103.

(6) EFFECTIVE PRICE.—The term "effective price", with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 1104 to determine whether counter-cyclical payments are required to be made for that crop year.

(7) EXTRA LONG STAPLE COTTON.—The term "extra long staple cotton" means cotton that—

(A) is produced from pure strain varieties of the Barbadense species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(8) LOAN COMMODITY.—The term "loan commodity" means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(9) MEDIUM GRAIN RICE.—The term "medium grain rice" includes short grain rice.

(10) OTHER OILSEED.—The term "other oilseed" means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(11) PAYMENT ACRES.—The term "payment acres" means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of a covered commodity on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for the covered commodity on a farm on which direct payments are made.

(12) PAYMENT YIELD.—The term "payment yield" means the yield established for direct payments and the yield established for counter-cyclical payments under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) as in effect on September 30, 2007, or under section 1102 of this Act, for a farm for a covered commodity.

(13) PRODUCER.—

(A) IN GENERAL.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this title.

(14) PULSE CROP.—The term "pulse crop" means dry peas, lentils, small chickpeas, and large chickpeas.

(15) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(16) TARGET PRICE.—The term "target price" means the price per bushel, pound, or hundredweight (or other appropriate unit) of a covered commodity used to determine the payment rate for counter-cyclical payments.

(17) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

(18) UNITED STATES PREMIUM FACTOR.—The term "United States Premium Factor" means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) $1^{1}/_{8}$*-inch upland cotton and for Middling (M)* $1^{3}/_{32}$*-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.*

Subtitle A—Direct Payments and Counter-Cyclical Payments

SEC. 1101. BASE ACRES.

(a) ADJUSTMENT OF BASE ACRES.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever any of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(D) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for a farm, together with the acreage described in paragraph (2) exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for 1 or more covered commodities for the farm or the base acres for peanuts for the farm so that the sum of the base acres and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for peanuts for the farm.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(D) Any eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(E) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for a covered commodity or the base acres for peanuts for the farm against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) COORDINATED APPLICATION OF REQUIREMENTS.—The Secretary shall take into account section 1302(b) when applying the requirements of this subsection.

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for any covered commodity for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres on a farm for covered commodities for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) REQUIREMENT. The Secretary shall establish procedures to identify land described in subparagraph (A).

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) TREATMENT OF FARMS WITH LIMITED BASE ACRES.—

(1) PROHIBITION ON PAYMENTS.—Except as provided in paragraph (2) and notwithstanding any other provision of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a farm owned by—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(3) DATA COLLECTION AND PUBLICATION.—The Secretary shall—

(A) collect and publish segregated data and survey information about the farm profiles, utilization of land, and crop production; and

(B) perform an evaluation on the supply and price of fruits and vegetables based on the effects of suspension of base acres under this section.

SEC. 1102. PAYMENT YIELDS.

(a) ESTABLISHMENT AND PURPOSE.—For the purpose of making direct payments and counter-cyclical payments under this subtitle, the Secretary shall provide for the establishment of a yield for each farm for any designated oilseed or eligible pulse crop for which a payment yield was not established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912) in accordance with this section.

(b) PAYMENT YIELDS FOR DESIGNATED OILSEEDS AND ELIGIBLE PULSE CROPS.—

(1) DETERMINATION OF AVERAGE YIELD.—In the case of designated oilseeds and eligible pulse crops, the Secretary shall determine the average yield per planted acre for the designated oilseed or pulse crop on a farm for the 1998 through 2001 crop years, excluding any crop year in which the acreage planted to the designated oilseed or pulse crop was zero.

(2) ADJUSTMENT FOR PAYMENT YIELD.—

(A) IN GENERAL.—The payment yield for a farm for a designated oilseed or eligible pulse crop shall be equal to the product of the following:

(i) The average yield for the designated oilseed or pulse crop determined under paragraph (1).

(ii) The ratio resulting from dividing the national average yield for the designated oilseed or pulse crop for the 1981 through 1985 crops by the national average yield for the designated oilseed or pulse crop for the 1998 through 2001 crops.

(B) NO NATIONAL AVERAGE YIELD INFORMATION AVAILABLE.—To the extent that national average yield information for a designated oilseed or pulse crop is not available, the Secretary shall use such information as the Secretary determines to be fair and equitable to establish a national average yield under this section.

(3) USE OF PARTIAL COUNTY AVERAGE YIELD.—If the yield per planted acre for a crop of a designated oilseed or pulse crop for a farm for any of the 1998 through 2001 crop years was less than 75 percent of the county yield for that designated oilseed or pulse crop, the Secretary shall assign a yield for that crop year equal to 75 percent of the county yield for the purpose of determining the average under paragraph (1).

(4) NO HISTORIC YIELD DATA AVAILABLE.—In the case of establishing yields for designated oilseeds and eligible pulse crops, if historic yield data is not available, the Secretary shall use the ratio for dry peas calculated under paragraph (2)(A)(ii) in determining the yields for designated oilseeds and eligible pulse crops, as determined to be fair and equitable by the Secretary.

SEC. 1103. AVAILABILITY OF DIRECT PAYMENTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years of each covered commodity (other than pulse crops), the Secretary shall make direct payments to producers on farms for which base acres and payment yields are established.

(b) PAYMENT RATE.—Except as provided in section 1105, the payment rates used to make direct payments with respect to covered commodities for a crop year shall be as follows:

(1) Wheat, $0.52 per bushel.

(2) Corn, $0.28 per bushel.

(3) Grain sorghum, $0.35 per bushel.

(4) Barley, $0.24 per bushel.

(5) Oats, $0.024 per bushel.

(6) Upland cotton, $0.0667 per pound.

(7) Long grain rice, $2.35 per hundredweight.

(8) Medium grain rice, $2.35 per hundredweight.

(9) Soybeans, $0.44 per bushel.

(10) Other oilseeds, $0.80 per hundredweight.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for a covered commodity for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008 through 2012 crop years, the Secretary may not make direct payments before October 1 of the calendar year in which the crop of the covered commodity is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—

(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for a covered commodity for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for a covered commodity for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) MONTH.—

(i) SELECTION.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(ii) OPTIONS.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of the covered commodity is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

(iii) CHANGE.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1104. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS.

(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for each covered commodity, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres are established with respect to the covered commodity if the Secretary determines that the effective price for the covered commodity is less than the target price for the covered commodity.

(b) EFFECTIVE PRICE.—

(1) COVERED COMMODITIES OTHER THAN RICE.—Except as provided in paragraph (2), for purposes of subsection (a), the effective price for a covered commodity is equal to the sum of the following:

(A) The higher of the following:

(i) The national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the covered commodity in effect for the applicable period under subtitle B.

(B) The payment rate in effect for the covered commodity under section 1103 for the purpose of making direct payments with respect to the covered commodity.

(2) RICE.—In the case of long grain rice and medium grain rice, for purposes of subsection (a), the effective price for each type or class of rice is equal to the sum of the following:

(A) The higher of the following:

(i) The national average market price received by producers during the 12-month marketing year for the type or class of rice, as determined by the Secretary.

(ii) The national average loan rate for a marketing assistance loan for the type or class of rice in effect for the applicable period under subtitle B.

(B) The payment rate in effect for the type or class of rice under section 1103 for the purpose of making direct payments with respect to the type or class of rice.

(c) TARGET PRICE.—

(1) 2008 CROP YEAR.—For purposes of the 2008 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(2) 2009 CROP YEAR.—For purposes of the 2009 crop year, the target prices for covered commodities shall be as follows:

(A) Wheat, $3.92 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.57 per bushel.

(D) Barley, $2.24 per bushel.

(E) Oats, $1.44 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $5.80 per bushel.

(J) Other oilseeds, $10.10 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

(3) SUBSEQUENT CROP YEARS.—For purposes of each of the 2010 through 2012 crop years, the target prices for covered commodities shall be as follows:

(A) Wheat, $4.17 per bushel.

(B) Corn, $2.63 per bushel.

(C) Grain sorghum, $2.63 per bushel.

(D) Barley, $2.63 per bushel.

(E) Oats, $1.79 per bushel.

(F) Upland cotton, $0.7125 per pound.

(G) Long grain rice, $10.50 per hundredweight.

(H) Medium grain rice, $10.50 per hundredweight.

(I) Soybeans, $6.00 per bushel.

(J) Other oilseeds, $12.68 per hundredweight.

(K) Dry peas, $8.32 per hundredweight.

(L) Lentils, $12.81 per hundredweight.

(M) Small chickpeas, $10.36 per hundredweight.

(N) Large chickpeas, $12.81 per hundredweight.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect

to a covered commodity for a crop year shall be equal to the difference between—

(1) the target price for the covered commodity; and

(2) the effective price determined under subsection (b) for the covered commodity.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid under this section for any of the 2008 through 2012 crop years of a covered commodity, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres of the covered commodity on the farm.

(3) The payment yield for the covered commodity for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for the crop of a covered commodity, beginning October 1, or as soon as practicable thereafter, after the end of the marketing year for the covered commodity, the Secretary shall make the counter-cyclical payments for the crop.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—

(A) IN GENERAL.—If, before the end of the 12-month marketing year for a covered commodity, the Secretary estimates that counter-cyclical payments will be required for the crop of the covered commodity, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for that crop of the covered commodity.

(B) ELECTION.—

(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments for a covered commodity under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for that covered commodity.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for a covered commodity for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for the covered commodity; and

(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(4) AMOUNT OF PARTIAL PAYMENT.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crops of a covered commodity, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the covered commodity for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a covered commodity for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for the covered commodity for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for the covered commodity for that crop year.

SEC. 1105. AVERAGE CROP REVENUE ELECTION PROGRAM.

(a) AVAILABILITY AND ELECTION OF ALTERNATIVE APPROACH.—

(1) AVAILABILITY OF AVERAGE CROP REVENUE ELECTION PAYMENTS.—As an alternative to receiving counter-cyclical payments under section 1104 or 1304 and in exchange for a 20-percent reduction in direct payments under section 1103 or 1303 and a 30-percent reduction in marketing assistance loan rates under section 1202 or 1307, with respect to all covered commodities and peanuts on a farm, during each of the 2009, 2010, 2011, and 2012 crop years, the Secretary shall give the producers on the farm an opportunity to make an irrevocable election to instead receive average crop revenue election (referred to in this section as "ACRE") payments under this section for the initial crop year for which the election is made through the 2012 crop year.

(2) LIMITATION.—

(A) IN GENERAL.—The total number of planted acres for which the producers on a farm may receive ACRE payments under this section may not exceed the total base acreage for all covered commodities and peanuts on the farm.

(B) ELECTION.—If the total number of planted acres to all covered commodities and peanuts of the producers on a farm exceeds the total base acreage of the farm, the producers on the farm may choose which planted acres to enroll in the program under this section.

(3) ELECTION; TIME FOR ELECTION.—

(A) IN GENERAL.—The Secretary shall provide notice to producers regarding the opportunity to make each of the elections described in paragraph (1).

(B) NOTICE REQUIREMENTS.—The notice shall include—

(i) notice of the opportunity of the producers on a farm to make the election; and

(ii) information regarding the manner in which the election must be made and the time periods and manner in which notice of the election must be submitted to the Secretary.

(4) ELECTION DEADLINE.—Within the time period and in the manner prescribed pursuant to paragraph (3), all of the producers on a farm shall submit to the Secretary notice of an election made under paragraph (1).

(5) EFFECT OF FAILURE TO MAKE ELECTION.—If all of the producers on a farm fail to make an election under paragraph (1), make different elections under paragraph (1), or fail to timely notify the Secretary of the election made, as required by paragraph (4), all of the producers on the farm shall be deemed to have made the election to receive counter-cyclical payments under section 1104 or 1304 for all covered commodities and peanuts on the farm, and to otherwise not have made the election described in paragraph (1), for the applicable crop years.

(b) PAYMENTS REQUIRED.—

(1) IN GENERAL.—In the case of producers on a farm who make an election under subsection (a) to receive ACRE payments for any of the 2009 through 2012 crop years for all covered commodities and peanuts, the Secretary shall make ACRE payments available to the producers on a farm in accordance with this subsection.

(2) ACRE PAYMENT.—

(A) IN GENERAL.—Subject to paragraph (3), in the case of producers on a farm described in paragraph (1), the Secretary shall make ACRE payments available to the producers on a farm for each crop year if—

(i) the actual State revenue for the crop year for the covered commodity or peanuts in the State determined under subsection (c); is less than

(ii) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d).

(B) INDIVIDUAL LOSS.—The Secretary shall make ACRE payments available to the producers on a farm in a State for a crop year only if (as determined by the Secretary)—

(i) the actual farm revenue for the crop year for the covered commodity or peanuts, as determined under subsection (e); is less than

(ii) the farm ACRE benchmark revenue for the crop year for the covered commodity or peanuts, as determined under subsection (f).

(3) TIME FOR PAYMENTS.—In the case of each of the 2009 through 2012 crop years, the Secretary shall make ACRE payments beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity or peanuts.

(c) ACTUAL STATE REVENUE.—

(1) IN GENERAL.—For purposes of subsection (b)(2)(A), the amount of the actual State revenue for a crop year of a covered commodity or peanuts shall equal the product obtained by multiplying—

(A) the actual State yield for each planted acre for the crop year for the covered commodity or peanuts determined under paragraph (2); and

(B) the national average market price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(2) ACTUAL STATE YIELD.—For purposes of paragraph (1)(A), the actual State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal (as determined by the Secretary)—

(A) the quantity of the covered commodity or peanuts that is produced in the State during the crop year; divided by

(B) the number of acres that are planted to the covered commodity or peanuts in the State during the crop year.

(3) NATIONAL AVERAGE MARKET PRICE.—For purposes of paragraph (1)(B), the national average market price for a crop year for a covered commodity or peanuts in a State shall equal the greater of—

(A) the national average market price received by producers during the 12-month marketing year for the covered commodity or peanuts, as determined by the Secretary; or

(B) the marketing assistance loan rate for the covered commodity or peanuts under section 1202 or 1307, as reduced under subsection (a)(1).

(d) ACRE PROGRAM GUARANTEE.—

(1) AMOUNT.—

(A) IN GENERAL.—For purposes of subsection (b)(2)(A) and subject to subparagraph (B), the ACRE program guarantee for a crop year for a covered commodity or peanuts in a State shall equal 90 percent of the product obtained by multiplying—

(i) the benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in a State determined under paragraph (2); and

(ii) the ACRE program guarantee price for the crop year for the covered commodity or peanuts determined under paragraph (3).

(B) MINIMUM AND MAXIMUM GUARANTEE.—In the case of each of the 2010 through 2012 crop years, the ACRE program guarantee for a crop year for a covered commodity or peanuts under subparagraph (A) shall not decrease or increase more than 10 percent from the guarantee for the preceding crop year.

(2) BENCHMARK STATE YIELD.—

(A) IN GENERAL.—For purposes of paragraph (1)(A)(i), subject to subparagraph (B), the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State shall equal the average yield per planted acre for the covered commodity or peanuts in the State for the most recent 5 crop year yields, excluding each of the crop years with the highest and lowest yields, using National Agricultural Statistics Service data.

(B) ASSIGNED YIELD.—If the Secretary cannot establish the benchmark State yield for each planted acre for a crop year for a covered commodity or peanuts in a State in accordance with subparagraph (A) or if the yield determined under subparagraph (A) is an unrepresentative average yield for the State (as determined by the Secretary), the Secretary shall assign a benchmark State yield for each planted acre for the crop year for the covered commodity or peanuts in the State on the basis of—

(i) previous average yields for a period of 5 crop years, excluding each of the crop years with the highest and lowest yields; or

(ii) benchmark State yields for planted acres for the crop year for the covered commodity or peanuts in similar States.

(3) ACRE PROGRAM GUARANTEE PRICE.—For purposes of paragraph (1)(A)(ii), the ACRE program guarantee price for a crop year for a covered commodity or peanuts in a State shall be the simple average of the national average market price received by producers of the covered commodity or peanuts for the most recent 2 crop years, as determined by the Secretary.

(4) STATES WITH IRRIGATED AND NONIRRIGATED LAND.—In the case of a State in which at least 25 percent of the acreage planted to a covered commodity or peanuts in the State is irrigated and at least 25 percent of the acreage planted to the covered commodity or peanuts in the State is not irrigated, the Secretary shall calculate a separate ACRE program guarantee for the irrigated and nonirrigated areas of the State for the covered commodity or peanuts.

(e) ACTUAL FARM REVENUE.—For purposes of subsection (b)(2)(B)(i), the amount of the actual farm revenue for a crop year for a covered commodity or peanuts shall equal the amount determined by multiplying—

(1) the actual yield for the covered commodity or peanuts of the producers on the farm; and

(2) the national average market price for the crop year for the covered commodity or peanuts determined under subsection (c)(3).

(f) FARM ACRE BENCHMARK REVENUE.—For purposes of subsection (b)(2)(B)(ii), the farm ACRE benchmark revenue for the crop year for a covered commodity or peanuts shall equal the sum obtained by adding—

(1) the amount determined by multiplying—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and

(B) the ACRE program guarantee price for the applicable crop year for the covered commodity or peanuts in a State determined under subsection (d)(3); and

(2) the amount of the per acre crop insurance premium required to be paid by the producers on the farm for the applicable crop year for the covered commodity or peanuts on the farm.

(g) PAYMENT AMOUNT.—If ACRE payments are required to be paid for any of the 2009 through 2012 crop years of a covered commodity or peanuts under this section, the amount of the ACRE payment to be paid to the producers on the farm for the crop year under this section shall be equal to the product obtained by multiplying—

(1) the lesser of—

(A) the difference between—

(i) the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d); and

(ii) the actual State revenue from the crop year for the covered commodity or peanuts in the State determined under subsection (c); and

(B) 25 percent of the ACRE program guarantee for the crop year for the covered commodity or peanuts in the State determined under subsection (d);

(2)(A) for each of the 2009 through 2011 crop years, 83.3 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(B) for the 2012 crop year, 85 percent of the acreage planted or considered planted to the covered commodity or peanuts for harvest on the farm in the crop year; and

(3) the quotient obtained by dividing—

(A) the average yield per planted acre for the covered commodity or peanuts of the producers on the farm for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; by

(B) the benchmark State yield for the crop year, as determined under subsection (d)(2).

SEC. 1106. PRODUCER AGREEMENT REQUIRED AS CONDITION OF PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments, counter-cyclical payments, or average crop revenue election payments with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1107;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for the farm and any base acres for peanuts for the farm under subtitle C, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in base acres for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) REPORTS.—

(1) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PRODUCTION REPORTS.—As a condition on the receipt of any benefits under this subtitle or subtitle B, the Secretary shall require producers on a farm that receive payments under section 1105 to submit to the Secretary annual production reports with respect to all covered commodities and peanuts produced on the farm.

(3) PENALTIES.—No penalty with respect to benefits under this subtitle or subtitle B shall be assessed against the producers on a farm for an inaccurate acreage or production report unless the producers on the farm knowingly and willfully falsified the acreage or production report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments among the producers on a farm on a fair and equitable basis.

SEC. 1107. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on base acres on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on base acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

(d) PLANTING TRANSFERABILITY PILOT PROJECT.—

(1) PILOT PROJECT AUTHORIZED.—Notwithstanding paragraphs (1) and (2) of subsection

(b) and in addition to the exceptions provided in subsection (c), the Secretary shall carry out a pilot project to permit the planting of cucumbers, green peas, lima beans, pumpkins, snap beans, sweet corn, and tomatoes grown for processing on base acres during each of the 2009 through 2012 crop years.

(2) PILOT PROJECT STATES AND ACRES.—The number of base acres eligible during each crop year for the pilot project under paragraph (1) shall be—

(A) 9,000 acres in the State of Illinois;

(B) 9,000 acres in the State of Indiana;

(C) 1,000 acres in the State of Iowa;

(D) 9,000 acres in the State of Michigan;

(E) 34,000 acres in the State of Minnesota;

(F) 4,000 acres in the State of Ohio; and

(G) 9,000 acres in the State of Wisconsin.

(3) CONTRACT AND MANAGEMENT REQUIREMENTS.—To be eligible for selection to participate in the pilot project, the producers on a farm shall—

(A) demonstrate to the Secretary that the producers on the farm have entered into a contract to produce a crop of a commodity specified in paragraph (1) for processing;

(B) agree to produce the crop as part of a program of crop rotation on the farm to achieve agronomic and pest and disease management benefits; and

(C) provide evidence of the disposition of the crop.

(4) TEMPORARY REDUCTION IN BASE ACRES.—The base acres on a farm for a crop year shall be reduced by an acre for each acre planted under the pilot program.

(5) DURATION OF REDUCTIONS.—The reduction in the base acres of a farm for a crop year under paragraph (4) shall expire at the end of the crop year.

(6) RECALCULATION OF BASE ACRES.—

(A) IN GENERAL.—If the Secretary recalculates base acres for a farm while the farm is included in the pilot project, the planting and production of a crop of a commodity specified in paragraph (1) on base acres for which a temporary reduction was made under this section shall be considered to be the same as the planting and production of a covered commodity.

(B) PROHIBITION.—Nothing in this paragraph provides authority for the Secretary to recalculate base acres for a farm.

(7) PILOT IMPACT EVALUATION.—

(A) IN GENERAL.—The Secretary shall periodically evaluate the pilot project conducted under this subsection to determine the effects of the pilot project on the supply and price of—

(i) fresh fruits and vegetables; and

(ii) fruits and vegetables for processing.

(B) DETERMINATION.—An evaluation under subparagraph (A) shall include a determination as to whether—

(i) producers of fresh fruits and vegetables are being negatively impacted; and

(ii) existing production capacities are being supplanted.

(C) REPORT.—As soon as practicable after conducting an evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation.

SEC. 1108. SPECIAL RULE FOR LONG GRAIN AND MEDIUM GRAIN RICE.

(a) CALCULATION METHOD.—Subject to subsections (b) and (c), for the purposes of determining the amount of the counter-cyclical payments to be paid to the producers on a farm for long grain rice and medium grain rice under section 1104, the base acres of rice on the farm shall be apportioned using the 4-year average of the percentages of acreage planted in the applicable State to long grain rice and medium grain rice during the 2003 through 2006 crop years, as determined by the Secretary.

(b) PRODUCER ELECTION.—As an alternative to the calculation method described in subsection (a), the Secretary shall provide producers on a farm the opportunity to elect to apportion rice base acres on the farm using the 4-year average of—

(1) the percentages of acreage planted on the farm to long grain rice and medium grain rice during the 2003 through 2006 crop years;

(2) the percentages of any acreage on the farm that the producers were prevented from planting to long grain rice and medium grain rice during the 2003 through 2006 crop years because of drought, flood, other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary; and

(3) in the case of a crop year for which a producer on a farm elected not to plant to long grain and medium grain rice during the 2003 through 2006 crop years, the percentages of acreage planted in the applicable State to long grain rice and medium grain rice, as determined by the Secretary.

(c) LIMITATION.—In carrying out this section, the Secretary shall use the same total base acres, payment acres, and payment yields established with respect to rice under sections 1101 and 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911, 7912), as in effect on September 30, 2007, subject to any adjustment under section 1101 of this Act.

SEC. 1109. PERIOD OF EFFECTIVENESS.

This subtitle shall be effective beginning with the 2008 crop year of each covered commodity through the 2012 crop year.

Subtitle B—Marketing Assistance Loans and Loan Deficiency Payments

SEC. 1201. AVAILABILITY OF NONRECOURSE MARKETING ASSISTANCE LOANS FOR LOAN COMMODITIES.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

(2) TERMS AND CONDITIONS.—The marketing assistance loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under section 1202 for the loan commodity.

(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under subsection (a) for any quantity of a loan commodity produced on the farm.

(c) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

SEC. 1202. LOAN RATES FOR NONRECOURSE MARKETING ASSISTANCE LOANS.

(a) 2008 CROP YEAR.—For purposes of the 2008 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $6.22 per hundredweight.

(13) In the case of lentils, $11.72 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of graded wool, $1.00 per pound.

(16) In the case of nongraded wool, $0.40 per pound.

(17) In the case of mohair, $4.20 per pound.

(18) In the case of honey, $0.60 per pound.

(b) 2009 CROP YEAR.—Except as provided in section 1105, for purposes of the 2009 crop year, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.75 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.85 per bushel.

(5) In the case of oats, $1.33 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $9.30 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.00 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.60 per pound.

(c) 2010 THROUGH 2012 CROP YEARS.—Except as provided in section 1105, for purposes of each of the 2010 through 2012 crop years, the loan rate for a marketing assistance loan under section 1201 for a loan commodity shall be equal to the following:

(1) In the case of wheat, $2.94 per bushel.

(2) In the case of corn, $1.95 per bushel.

(3) In the case of grain sorghum, $1.95 per bushel.

(4) In the case of barley, $1.95 per bushel.

(5) In the case of oats, $1.39 per bushel.

(6) In the case of base quality of upland cotton, $0.52 per pound.

(7) In the case of extra long staple cotton, $0.7977 per pound.

(8) In the case of long grain rice, $6.50 per hundredweight.

(9) In the case of medium grain rice, $6.50 per hundredweight.

(10) In the case of soybeans, $5.00 per bushel.

(11) In the case of other oilseeds, $10.09 per hundredweight for each of the following kinds of oilseeds:

(A) Sunflower seed.

(B) Rapeseed.

(C) Canola.

(D) Safflower.

(E) Flaxseed.

(F) Mustard seed.

(G) Crambe.

(H) Sesame seed.

(I) Other oilseeds designated by the Secretary.

(12) In the case of dry peas, $5.40 per hundredweight.

(13) In the case of lentils, $11.28 per hundredweight.

(14) In the case of small chickpeas, $7.43 per hundredweight.

(15) In the case of large chickpeas, $11.28 per hundredweight.

(16) In the case of graded wool, $1.15 per pound.

(17) In the case of nongraded wool, $0.40 per pound.

(18) In the case of mohair, $4.20 per pound.

(19) In the case of honey, $0.69 per pound.

(d) Single County Loan Rate for Other Oilseeds.—The Secretary shall establish a single loan rate in each county for each kind of other oilseeds described in subsections (a)(11), (b)(11), and (c)(11).

SEC. 1203. TERM OF LOANS.

(a) Term of Loan.—In the case of each loan commodity, a marketing assistance loan under section 1201 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(b) Extensions Prohibited.—The Secretary may not extend the term of a marketing assistance loan for any loan commodity.

SEC. 1204. REPAYMENT OF LOANS.

(a) General Rule.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for a loan commodity (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283));

(2) a rate (as determined by the Secretary) that—

(A) is calculated based on average market prices for the loan commodity during the preceding 30-day period; and

(B) will minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries; or

(3) a rate that the Secretary may develop using alternative methods for calculating a repayment rate for a loan commodity that the Secretary determines will—

(A) minimize potential loan forfeitures;

(B) minimize the accumulation of stocks of the commodity by the Federal Government;

(C) minimize the cost incurred by the Federal Government in storing the commodity;

(D) allow the commodity produced in the United States to be marketed freely and competitively, both domestically and internationally; and

(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.

(b) Repayment Rates for Upland Cotton, Long Grain Rice, and Medium Grain Rice.—The Secretary shall permit producers to repay a marketing assistance loan under section 1201 for upland cotton, long grain rice, and medium grain rice at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the prevailing world market price for the commodity, as determined and adjusted by the Secretary in accordance with this section.

(c) Repayment Rates for Extra Long Staple Cotton.—Repayment of a marketing assistance loan for extra long staple cotton shall be at the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

(d) Prevailing World Market Price.—For purposes of this section and section 1207, the Secretary shall prescribe by regulation—

(1) a formula to determine the prevailing world market price for each of upland cotton, long grain rice, and medium grain rice; and

(2) a mechanism by which the Secretary shall announce periodically those prevailing world market prices.

(e) Adjustment of Prevailing World Market Price for Upland Cotton, Long Grain Rice, and Medium Grain Rice.—

(1) Rice.—The prevailing world market price for long grain rice and medium grain rice determined under subsection (d) shall be adjusted to United States quality and location.

(2) Cotton.—The prevailing world market price for upland cotton determined under subsection (d)—

(A) shall be adjusted to United States quality and location, with the adjustment to include—

(i) a reduction equal to any United States Premium Factor for upland cotton of a quality higher than Middling (M) $1\frac{3}{32}$-inch; and

(ii) the average costs to market the commodity, including average transportation costs, as determined by the Secretary; and

(B) may be further adjusted, during the period beginning on the date of enactment of this Act and ending on July 31, 2013, if the Secretary determines the adjustment is necessary to—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of upland cotton by the Federal Government;

(iii) ensure that upland cotton produced in the United States can be marketed freely and competitively, both domestically and internationally; and

(iv) ensure an appropriate transition between current-crop and forward-crop price quotations, except that the Secretary may use forward-crop price quotations prior to July 31 of a marketing year only if—

(I) there are insufficient current-crop price quotations; and

(II) the forward-crop price quotation is the lowest such quotation available.

(3) Guidelines for Additional Adjustments.—In making adjustments under this subsection, the Secretary shall establish a mechanism for determining and announcing the adjustments in order to avoid undue disruption in the United States market.

(f) Repayment Rates for Confectionery and Other Kinds of Sunflower Seeds.—The Secretary shall permit the producers on a farm to repay a marketing assistance loan under section 1201 for confectionery and each other kind of sunflower seed (other than oil sunflower seed) at a rate that is the lesser of—

(1) the loan rate established for the commodity under section 1202, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(2) the repayment rate established for oil sunflower seed.

(g) Payment of Cotton Storage Costs.—

(1) 2008 through 2011 Crop Years.—Effective for each of the 2008 through 2011 crop years, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 10 percent.

(2) Subsequent Crop Years.—Beginning with the 2012 crop year, the Secretary shall provide cotton storage payments in the same manner, and at the same rates as the Secretary provided storage payments for the 2006 crop of cotton, except that the rates shall be reduced by 20 percent.

(h) Authority to Temporarily Adjust Repayment Rates.—

(1) Adjustment Authority.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this section for marketing assistance loans under section 1201 for a loan commodity.

(2) Duration.—Any adjustment made under paragraph (1) in the repayment rate for marketing assistance loans for a loan commodity shall be in effect on a short-term and temporary basis, as determined by the Secretary.

SEC. 1205. LOAN DEFICIENCY PAYMENTS.

(a) Availability of Loan Deficiency Payments.—

(1) In General.—Except as provided in subsection (d), the Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 1201 with respect to a loan commodity, agree to forgo obtaining the loan for the commodity in return for loan deficiency payments under this section.

(2) Unshorn Pelts, Hay, and Silage.—

(A) Marketing Assistance Loans.—Subject to subparagraph (B), nongraded wool in the form of unshorn pelts and hay and silage derived from a loan commodity are not eligible for a marketing assistance loan under section 1201.

(B) Loan Deficiency Payment.—Effective for the 2008 through 2012 crop years, the Secretary may make loan deficiency payments available under this section to producers on a farm that produce unshorn pelts or hay and silage derived from a loan commodity.

(b) Computation.—A loan deficiency payment for a loan commodity or commodity referred to in subsection (a)(2) shall be computed by multiplying—

(1) the payment rate determined under subsection (c) for the commodity; by

(2) the quantity of the commodity produced by the eligible producers, excluding any quantity for which the producers obtain a marketing assistance loan under section 1201.

(c) Payment Rate.—

(1) In General.—In the case of a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(2) Unshorn Pelts.—In the case of unshorn pelts, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for ungraded wool; exceeds

(B) the rate at which a marketing assistance loan for ungraded wool may be repaid under section 1204.

(3) HAY AND SILAGE.—In the case of hay or silage derived from a loan commodity, the payment rate shall be the amount by which—

(A) the loan rate established under section 1202 for the loan commodity from which the hay or silage is derived; exceeds

(B) the rate at which a marketing assistance loan for the loan commodity may be repaid under section 1204.

(d) EXCEPTION FOR EXTRA LONG STAPLE COTTON.—This section shall not apply with respect to extra long staple cotton.

(e) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this section to the producers on a farm with respect to a quantity of a loan commodity or commodity referred to in subsection (a)(2) using the payment rate in effect under subsection (c) as of the date the producers request the payment.

SEC. 1206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) ELIGIBLE PRODUCERS.—

(1) IN GENERAL.—Effective for the 2008 through 2012 crop years, in the case of a producer that would be eligible for a loan deficiency payment under section 1205 for wheat, barley, or oats, but that elects to use acreage planted to the wheat, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of the wheat, barley, or oats on that acreage.

(2) GRAZING OF TRITICALE ACREAGE.—Effective for the 2008 through 2012 crop years, with respect to a producer on a farm that uses acreage planted to triticale for the grazing of livestock, the Secretary shall make a payment to the producer under this section if the producer enters into an agreement with the Secretary to forgo any other harvesting of triticale on that acreage.

(b) PAYMENT AMOUNT.—

(1) IN GENERAL.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(1) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of wheat, barley, or oats; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to that loan commodity on the farm or, in the case of a farm without a payment yield for that loan commodity, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(2) GRAZING OF TRITICALE ACREAGE.—The amount of a payment made under this section to a producer on a farm described in subsection (a)(2) shall be equal to the amount determined by multiplying—

(A) the loan deficiency payment rate determined under section 1205(c) in effect for wheat, as of the date of the agreement, for the county in which the farm is located; by

(B) the payment quantity determined by multiplying—

(i) the quantity of the grazed acreage on the farm with respect to which the producer elects to forgo harvesting of triticale; and

(ii) the payment yield in effect for the calculation of direct payments under subtitle A with respect to wheat on the farm or, in the case of a farm without a payment yield for wheat, an appropriate yield established by the Secretary in a manner consistent with section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912).

(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 1205.

(2) AVAILABILITY.—

(A) IN GENERAL.—The Secretary shall establish an availability period for the payments authorized by this section.

(B) CERTAIN COMMODITIES.—In the case of wheat, barley, and oats, the availability period shall be consistent with the availability period for the commodity established by the Secretary for marketing assistance loans authorized by this subtitle.

(d) PROHIBITION ON CROP INSURANCE INDEMNITY OR NONINSURED CROP ASSISTANCE.—A 2008 through 2012 crop of wheat, barley, oats, or triticale planted on acreage that a producer elects, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop shall not be eligible for an indemnity under a policy or plan of insurance authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

SEC. 1207. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

(a) SPECIAL IMPORT QUOTA.—

(1) DEFINITION OF SPECIAL IMPORT QUOTA.—In this subsection, the term "special import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) ESTABLISHMENT.—

(A) IN GENERAL.—The President shall carry out an import quota program during the period beginning on the date of enactment of this Act through July 31, 2013, as provided in this subsection.

(B) PROGRAM REQUIREMENTS.—Whenever the Secretary determines and announces that for any consecutive 4-week period, the Friday through Thursday average price quotation for the lowest-priced United States growth, as quoted for Middling (M) $1\frac{3}{32}$-inch cotton, delivered to a definable and significant international market, as determined by the Secretary, exceeds the prevailing world market price, there shall immediately be in effect a special import quota.

(3) QUANTITY.—The quota shall be equal to 1 week's consumption of cotton by domestic mills at the seasonally adjusted average rate of the most recent 3 months for which data are available.

(4) APPLICATION.—The quota shall apply to upland cotton purchased not later than 90 days after the date of the Secretary's announcement under paragraph (2) and entered into the United States not later than 180 days after that date.

(5) OVERLAP.—A special quota period may be established that overlaps any existing quota period if required by paragraph (2), except that a special quota period may not be established under this subsection if a quota period has been established under subsection (b).

(6) PREFERENTIAL TARIFF TREATMENT.—The quantity under a special import quota shall be considered to be an in-quota quantity for purposes of—

(A) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(B) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(C) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(D) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(7) LIMITATION.—The quantity of cotton entered into the United States during any marketing year under the special import quota established under this subsection may not exceed the equivalent of 10 week's consumption of upland cotton by domestic mills at the seasonally adjusted average rate of the 3 months immediately preceding the first special import quota established in any marketing year.

(b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND COTTON.—

(1) DEFINITIONS.—In this subsection:

(A) SUPPLY.—The term "supply" means, using the latest official data of the Bureau of the Census, the Department of Agriculture, and the Department of the Treasury—

(i) the carry-over of upland cotton at the beginning of the marketing year (adjusted to 480-pound bales) in which the quota is established;

(ii) production of the current crop; and

(iii) imports to the latest date available during the marketing year.

(B) DEMAND.—The term "demand" means—

(i) the average seasonally adjusted annual rate of domestic mill consumption of cotton during the most recent 3 months for which data are available; and

(ii) the larger of—

(I) average exports of upland cotton during the preceding 6 marketing years; or

(II) cumulative exports of upland cotton plus outstanding export sales for the marketing year in which the quota is established.

(C) LIMITED GLOBAL IMPORT QUOTA.—The term "limited global import quota" means a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota.

(2) PROGRAM.—The President shall carry out an import quota program that provides that whenever the Secretary determines and announces that the average price of the base quality of upland cotton, as determined by the Secretary, in the designated spot markets for a month exceeded 130 percent of the average price of the quality of cotton in the markets for the preceding 36 months, notwithstanding any other provision of law, there shall immediately be in effect a limited global import quota subject to the following conditions:

(A) QUANTITY.—The quantity of the quota shall be equal to 21 days of domestic mill consumption of upland cotton at the seasonally adjusted average rate of the most recent 3 months for which data are available or as estimated by the Secretary.

(B) QUANTITY IF PRIOR QUOTA.—If a quota has been established under this subsection during the preceding 12 months, the quantity of the quota next established under this subsection shall be the smaller of 21 days of domestic mill consumption calculated under subparagraph (A) or the quantity required to increase the supply to 130 percent of the demand.

(C) PREFERENTIAL TARIFF TREATMENT.—The quantity under a limited global import quota shall be considered to be an in-quota quantity for purposes of—

(i) section 213(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(d));

(ii) section 204 of the Andean Trade Preference Act (19 U.S.C. 3203);

(iii) section 503(d) of the Trade Act of 1974 (19 U.S.C. 2463(d)); and

(iv) General Note 3(a)(iv) to the Harmonized Tariff Schedule.

(D) QUOTA ENTRY PERIOD.—When a quota is established under this subsection, cotton may be entered under the quota during the 90-day period beginning on the date the quota is established by the Secretary.

(3) NO OVERLAP.—Notwithstanding paragraph (2), a quota period may not be established that overlaps an existing quota period or a special quota period established under subsection (a).

(c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS OF UPLAND COTTON.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall, on a monthly basis, provide economic adjustment assistance to domestic users of upland cotton in the form of payments for all documented use of that upland cotton during the previous monthly period regardless of the origin of the upland cotton.

(2) VALUE OF ASSISTANCE.—

(A) BEGINNING PERIOD.—During the period beginning on August 1, 2008, and ending on July 31, 2012, the value of the assistance provided under paragraph (1) shall be 4 cents per pound.

(B) SUBSEQUENT PERIOD.—Effective beginning on August 1, 2012, the value of the assistance provided under paragraph (1) shall be 3 cents per pound.

(3) ALLOWABLE PURPOSES.—Economic adjustment assistance under this subsection shall be made available only to domestic users of upland cotton that certify that the assistance shall be used only to acquire, construct, install, modernize, develop, convert, or expand land, plant, buildings, equipment, facilities, or machinery.

(4) REVIEW OR AUDIT.—The Secretary may conduct such review or audit of the records of a domestic user under this subsection as the Secretary determines necessary to carry out this subsection.

(5) IMPROPER USE OF ASSISTANCE.—If the Secretary determines, after a review or audit of the records of the domestic user, that economic adjustment assistance under this subsection was not used for the purposes specified in paragraph (3), the domestic user shall be—

(A) liable to repay the assistance to the Secretary, plus interest, as determined by the Secretary; and

(B) ineligible to receive assistance under this subsection for a period of 1 year following the determination of the Secretary.

SEC. 1208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA LONG STAPLE COTTON.

(a) COMPETITIVENESS PROGRAM.—Notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act through July 31, 2013, the Secretary shall carry out a program—

(1) to maintain and expand the domestic use of extra long staple cotton produced in the United States;

(2) to increase exports of extra long staple cotton produced in the United States; and

(3) to ensure that extra long staple cotton produced in the United States remains competitive in world markets.

(b) PAYMENTS UNDER PROGRAM; TRIGGER.—Under the program, the Secretary shall make payments available under this section whenever—

(1) for a consecutive 4-week period, the world market price for the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is below the prevailing United States price for a competing growth of extra long staple cotton; and

(2) the lowest priced competing growth of extra long staple cotton (adjusted to United States quality and location and for other factors affecting the competitiveness of such cotton), as determined by the Secretary, is less than 134 percent of the loan rate for extra long staple cotton.

(c) ELIGIBLE RECIPIENTS.—The Secretary shall make payments available under this section to domestic users of extra long staple cotton produced in the United States and exporters of extra long staple cotton produced in the United States that enter into an agreement with the Commodity Credit Corporation to participate in the program under this section.

(d) PAYMENT AMOUNT.—Payments under this section shall be based on the amount of the difference in the prices referred to in subsection (b)(1) during the fourth week of the consecutive 4-week period multiplied by the amount of documented purchases by domestic users and sales for export by exporters made in the week following such a consecutive 4-week period.

SEC. 1209. AVAILABILITY OF RECOURSE LOANS FOR HIGH MOISTURE FEED GRAINS AND SEED COTTON.

(a) HIGH MOISTURE FEED GRAINS.—

(1) DEFINITION OF HIGH MOISTURE STATE.—In this subsection, the term "high moisture state" means corn or grain sorghum having a moisture content in excess of Commodity Credit Corporation standards for marketing assistance loans made by the Secretary under section 1201.

(2) RECOURSE LOANS AVAILABLE.—For each of the 2008 through 2012 crops of corn and grain sorghum, the Secretary shall make available recourse loans, as determined by the Secretary, to producers on a farm that—

(A) normally harvest all or a portion of their crop of corn or grain sorghum in a high moisture state;

(B) present—

(i) certified scale tickets from an inspected, certified commercial scale, including a licensed warehouse, feedlot, feed mill, distillery, or other similar entity approved by the Secretary, pursuant to regulations issued by the Secretary; or

(ii) field or other physical measurements of the standing or stored crop in regions of the United States, as determined by the Secretary, that do not have certified commercial scales from which certified scale tickets may be obtained within reasonable proximity of harvest operation;

(C) certify that they were the owners of the feed grain at the time of delivery to, and that the quantity to be placed under loan under this subsection was in fact harvested on the farm and delivered to, a feedlot, feed mill, or commercial or on-farm high-moisture storage facility, or to a facility maintained by the users of corn and grain sorghum in a high moisture state; and

(D) comply with deadlines established by the Secretary for harvesting the corn or grain sorghum and submit applications for loans under this subsection within deadlines established by the Secretary.

(3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—A loan under this subsection shall be made on a quantity of corn or grain sorghum of the same crop acquired by the producer equivalent to a quantity determined by multiplying—

(A) the acreage of the corn or grain sorghum in a high moisture state harvested on the producer's farm; by

(B) the lower of the farm program payment yield used to make counter-cyclical payments under subtitle A or the actual yield on a field, as determined by the Secretary, that is similar to the field from which the corn or grain sorghum was obtained.

(b) RECOURSE LOANS AVAILABLE FOR SEED COTTON.—For each of the 2008 through 2012 crops of upland cotton and extra long staple cotton, the Secretary shall make available recourse seed cotton loans, as determined by the Secretary, on any production.

(c) REPAYMENT RATES.—Repayment of a recourse loan made under this section shall be at the loan rate established for the commodity by the Secretary, plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)).

SEC. 1210. ADJUSTMENTS OF LOANS.

(a) ADJUSTMENT AUTHORITY.—Subject to subsection (e), the Secretary may make appropriate adjustments in the loan rates for any loan commodity (other than cotton) for differences in grade, type, quality, location, and other factors.

(b) MANNER OF ADJUSTMENT.—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles B through E.

(c) ADJUSTMENT ON COUNTY BASIS.—

(1) IN GENERAL.—The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) PROHIBITION.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan rate for cotton for differences in quality factors.

(2) REVISIONS TO QUALITY ADJUSTMENTS FOR UPLAND COTTON.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall implement revisions in the administration of the marketing assistance loan program for upland cotton to more accurately and efficiently reflect market values for upland cotton.

(B) MANDATORY REVISIONS.—Revisions under subparagraph (A) shall include—

(i) the elimination of warehouse location differentials;

(ii) the establishment of differentials for the various quality factors and staple lengths of cotton based on a 3-year, weighted moving average of the weighted designated spot market regions, as determined by regional production;

(iii) the elimination of any artificial split in the premium or discount between upland cotton with a 32 or 33 staple length due to micronaire; and

(iv) a mechanism to ensure that no premium or discount is established that exceeds the premium or discount associated with a leaf grade that is 1 better than the applicable color grade.

(C) DISCRETIONARY REVISIONS.—Revisions under subparagraph (A) may include—

(i) the use of non-spot market price data, in addition to spot market price data, that would enhance the accuracy of the price information used in determining quality adjustments under this subsection;

(ii) adjustments in the premiums or discounts associated with upland cotton with a staple length of 33 or above due to micronaire with the goal of eliminating any unnecessary artificial splits in the calculations of the premiums or discounts; and

(iii) such other adjustments as the Secretary determines appropriate, after consultations conducted in accordance with paragraph (3).

(3) CONSULTATION WITH PRIVATE SECTOR.—

(A) PRIOR TO REVISION.—In making adjustments to the loan rate for cotton (including any review of the adjustments) as provided in this subsection, the Secretary shall consult with representatives of the United States cotton industry.

(B) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

(4) REVIEW OF ADJUSTMENTS.—The Secretary may review the operation of the upland cotton quality adjustments implemented pursuant to this subsection and may make further revisions to the administration of the loan program for upland cotton, by—

(A) revoking or revising any actions taken under paragraph (2)(B); or

(B) revoking or revising any actions taken or authorized to be taken under paragraph (2)(C).

(e) RICE.—The Secretary shall not make adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields).

Subtitle C—Peanuts

SEC. 1301. DEFINITIONS.

In this subtitle:

(1) BASE ACRES FOR PEANUTS.—

(A) IN GENERAL.—The term "base acres for peanuts" means the number of acres assigned to a farm pursuant to section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, subject to any adjustment under section 1302 of this Act.

(B) COVERED COMMODITIES.—The term "base acres", with respect to a covered commodity, has the meaning given the term in section 1101.

(2) COUNTER-CYCLICAL PAYMENT.—The term "counter-cyclical payment" means a payment made to producers on a farm under section 1304.

(3) DIRECT PAYMENT.—The term "direct payment" means a direct payment made to producers on a farm under section 1303.

(4) EFFECTIVE PRICE.—The term "effective price" means the price calculated by the Secretary under section 1304 for peanuts to determine whether counter-cyclical payments are required to be made under that section for a crop year.

(5) PAYMENT ACRES.—The term "payment acres" means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of peanuts on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for peanuts on a farm on which direct payments are made.

(6) PAYMENT YIELD.—The term "payment yield" means the yield established for direct payments and the yield established for counter-cyclical payments under section 1302 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7952), as in effect on September 30, 2007, for a farm for peanuts.

(7) PRODUCER.—

(A) IN GENERAL.—The term "producer" means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop on a farm and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this subtitle.

(8) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(9) TARGET PRICE.—The term "target price" means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

(10) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 1302. BASE ACRES FOR PEANUTS FOR A FARM.

(a) ADJUSTMENT OF BASE ACREAGE FOR PEANUTS.—

(1) IN GENERAL.—The Secretary shall provide for an adjustment, as appropriate, in the base acres for peanuts for a farm whenever any of the following circumstances occur:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily terminated, or was terminated or expired during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(B) Cropland is released from coverage under a conservation reserve contract by the Secretary, or was released during the period beginning on October 1, 2007, and ending on the date of enactment of this Act.

(C) The producer has eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(D) The producer has eligible oilseed acreage as the result of the Secretary designating additional oilseeds, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(2) SPECIAL CONSERVATION RESERVE ACREAGE PAYMENT RULES.—For the crop year in which a base acres for peanuts adjustment under subparagraph (A) or (B) of paragraph (1) is first made, the owner of the farm shall elect to receive either direct payments and counter-cyclical payments with respect to the acreage added to the farm under this subsection or a prorated payment under the conservation reserve contract, but not both.

(b) PREVENTION OF EXCESS BASE ACRES FOR PEANUTS.—

(1) REQUIRED REDUCTION.—If the sum of the base acres for peanuts for a farm, together with the acreage described in paragraph (2), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the base acres for peanuts for the farm or the base acres for 1 or more covered commodities for the farm so that the sum of the base acres for peanuts and acreage described in paragraph (2) does not exceed the actual cropland acreage of the farm.

(2) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include the following:

(A) Any base acres for the farm for a covered commodity.

(B) Any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.).

(C) Any other acreage on the farm enrolled in a Federal conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

(D) Any eligible pulse crop acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(E) If the Secretary designates additional oilseeds, any eligible oilseed acreage, which shall be determined in the same manner as eligible oilseed acreage under section 1101(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7911(a)(2)).

(3) SELECTION OF ACRES.—The Secretary shall give the owner of the farm the opportunity to select the base acres for peanuts or the base acres for covered commodities against which the reduction required by paragraph (1) will be made.

(4) EXCEPTION FOR DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

(5) COORDINATED APPLICATION OF REQUIREMENTS.—The Secretary shall take into account section 1101(b) when applying the requirements of this subsection.

(c) REDUCTION IN BASE ACRES.—

(1) REDUCTION AT OPTION OF OWNER.—

(A) IN GENERAL.—The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

(B) EFFECT OF REDUCTION.—A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

(2) REQUIRED ACTION BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall proportionately reduce base acres on a farm for peanuts for land that has been subdivided and developed for multiple residential units or other nonfarming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

(i) remains devoted to commercial agricultural production; or

(ii) is likely to be returned to the previous agricultural use.

(B) REQUIREMENT.—The Secretary shall establish procedures to identify land described in subparagraph (A).

(3) REVIEW AND REPORT.—Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

(d) TREATMENT OF FARMS WITH LIMITED BASE ACRES.—

(1) PROHIBITION ON PAYMENTS.—Except as provided in paragraph (2) and notwithstanding any other provision of this title, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to a farm owned by—

(A) a socially disadvantaged farmer or rancher (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

(3) DATA COLLECTION AND PUBLICATION.—The Secretary shall—

(A) collect and publish segregated data and survey information about the farm profiles, utilization of land, and crop production; and

(B) perform an evaluation on the supply and price of fruits and vegetables based on the effects of suspension of base acres under this section.

SEC. 1303. AVAILABILITY OF DIRECT PAYMENTS FOR PEANUTS.

(a) PAYMENT REQUIRED.—For each of the 2008 through 2012 crop years for peanuts, the Secretary shall make direct payments to the producers on a farm for which a payment yield and base acres for peanuts are established.

(b) PAYMENT RATE.—Except as provided in section 1105, the payment rate used to make direct payments with respect to peanuts for a crop year shall be equal to $36 per ton.

(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the producers on a farm for peanuts for a crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (b).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(d) TIME FOR PAYMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in the case of each of the 2008

through 2012 crop years, the Secretary may not make direct payments under this section before October 1 of the calendar year in which the crop is harvested.

(2) ADVANCE PAYMENTS.—

(A) OPTION.—

(i) IN GENERAL.—At the option of the producers on a farm, the Secretary shall pay in advance up to 22 percent of the direct payment for peanuts for any of the 2008 through 2011 crop years to the producers on a farm.

(ii) 2008 CROP YEAR.—If the producers on a farm elect to receive advance direct payments under clause (i) for peanuts for the 2008 crop year, as soon as practicable after the election, the Secretary shall make the advance direct payment to the producers on the farm.

(B) MONTH.—

(i) SELECTION.—Subject to clauses (ii) and (iii), the producers on a farm shall select the month during which the advance payment for a crop year will be made.

(ii) OPTIONS.—The month selected may be any month during the period—

(I) beginning on December 1 of the calendar year before the calendar year in which the crop of peanuts is harvested; and

(II) ending during the month within which the direct payment would otherwise be made.

(iii) CHANGE.—The producers on a farm may change the selected month for a subsequent advance payment by providing advance notice to the Secretary.

(3) REPAYMENT OF ADVANCE PAYMENTS.—If a producer on a farm that receives an advance direct payment for a crop year ceases to be a producer on that farm, or the extent to which the producer shares in the risk of producing a crop changes, before the date the remainder of the direct payment is made, the producer shall be responsible for repaying the Secretary the applicable amount of the advance payment, as determined by the Secretary.

SEC. 1304. AVAILABILITY OF COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.

(a) PAYMENT REQUIRED.—Except as provided in section 1105, for each of the 2008 through 2012 crop years for peanuts, the Secretary shall make counter-cyclical payments to producers on farms for which payment yields and base acres for peanuts are established if the Secretary determines that the effective price for peanuts is less than the target price for peanuts.

(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for peanuts is equal to the sum of the following:

(1) The higher of the following:

(A) The national average market price for peanuts received by producers during the 12-month marketing year for peanuts, as determined by the Secretary.

(B) The national average loan rate for a marketing assistance loan for peanuts in effect for the applicable period under this subtitle.

(2) The payment rate in effect for peanuts under section 1303 for the purpose of making direct payments.

(c) TARGET PRICE.—For purposes of subsection (a), the target price for peanuts shall be equal to $495 per ton.

(d) PAYMENT RATE.—The payment rate used to make counter-cyclical payments for a crop year shall be equal to the difference between—

(1) the target price for peanuts; and

(2) the effective price determined under subsection (b) for peanuts.

(e) PAYMENT AMOUNT.—If counter-cyclical payments are required to be paid for any of the 2008 through 2012 crops of peanuts, the amount of the counter-cyclical payment to be paid to the producers on a farm for that crop year shall be equal to the product of the following:

(1) The payment rate specified in subsection (d).

(2) The payment acres on the farm.

(3) The payment yield for the farm.

(f) TIME FOR PAYMENTS.—

(1) GENERAL RULE.—Except as provided in paragraph (2), if the Secretary determines under subsection (a) that counter-cyclical payments are required to be made under this section for a crop of peanuts, beginning October 1, or as soon as practicable after the end of the marketing year, the Secretary shall make the counter-cyclical payments for the crop.

(2) AVAILABILITY OF PARTIAL PAYMENTS.—

(A) IN GENERAL.—If, before the end of the 12-month marketing year, the Secretary estimates that counter-cyclical payments will be required under this section for a crop year, the Secretary shall give producers on a farm the option to receive partial payments of the counter-cyclical payment projected to be made for the crop.

(B) ELECTION.—

(i) IN GENERAL.—The Secretary shall allow producers on a farm to make an election to receive partial payments under subparagraph (A) at any time but not later than 60 days prior to the end of the marketing year for the crop.

(ii) DATE OF ISSUANCE.—The Secretary shall issue the partial payment after the date of an announcement by the Secretary but not later than 30 days prior to the end of the marketing year.

(3) TIME FOR PARTIAL PAYMENTS.—When the Secretary makes partial payments for any of the 2008 through 2010 crop years—

(A) the first partial payment shall be made after completion of the first 180 days of the marketing year for that crop; and

(B) the final partial payment shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for that crop.

(4) AMOUNT OF PARTIAL PAYMENTS.—

(A) FIRST PARTIAL PAYMENT.—For each of the 2008 through 2010 crop years, the first partial payment under paragraph (3) to the producers on a farm may not exceed 40 percent of the projected counter-cyclical payment for the crop year, as determined by the Secretary.

(B) FINAL PAYMENT.—The final payment for a crop year shall be equal to the difference between—

(i) the actual counter-cyclical payment to be made to the producers for that crop year; and

(ii) the amount of the partial payment made to the producers under subparagraph (A).

(5) REPAYMENT.—The producers on a farm that receive a partial payment under this subsection for a crop year shall repay to the Secretary the amount, if any, by which the total of the partial payments exceed the actual counter-cyclical payment to be made for that crop year.

SEC. 1305. PRODUCER AGREEMENT REQUIRED AS CONDITION ON PROVISION OF PAYMENTS.

(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

(1) REQUIREMENTS.—Before the producers on a farm may receive direct payments or counter-cyclical payments under this subtitle, or average crop revenue election payments under section 1105, with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 1306;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for peanuts and any base acres for the farm under subtitle A, for an agricultural or conserving use, and not for a nonagricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

(2) COMPLIANCE.—The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

(3) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

(b) TRANSFER OR CHANGE OF INTEREST IN FARM.—

(1) TERMINATION.—

(A) IN GENERAL.—Except as provided in paragraph (2), a transfer of (or change in) the interest of the producers on a farm in the base acres for peanuts for which direct payments or counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) EFFECTIVE DATE.—The termination shall take effect on the date determined by the Secretary.

(2) EXCEPTION.—If a producer entitled to a direct payment, counter-cyclical payment, or average crop revenue election payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with rules issued by the Secretary.

(c) ACREAGE REPORTS.—

(1) IN GENERAL.—As a condition on the receipt of any benefits under this subtitle, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(2) PENALTIES.—No penalty with respect to benefits under this subtitle shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

(d) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(e) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments under section 1105 among the producers on a farm on a fair and equitable basis.

SEC. 1306. PLANTING FLEXIBILITY.

(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on the base acres for peanuts on a farm.

(b) LIMITATIONS REGARDING CERTAIN COMMODITIES.—

(1) GENERAL LIMITATION.—The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres for peanuts unless the commodity, if planted, is destroyed before harvest.

(2) TREATMENT OF TREES AND OTHER PERENNIALS.—The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres for peanuts.

(3) COVERED AGRICULTURAL COMMODITIES.—Paragraphs (1) and (2) apply to the following agricultural commodities:

(A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

(c) EXCEPTIONS.—Paragraphs (1) and (2) of subsection (b) shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of peanuts with agricultural commodities specified in subsection (b)(3), as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) on the base acres for peanuts, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3), except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such agricultural commodity.

SEC. 1307. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS.

(a) NONRECOURSE LOANS AVAILABLE.—

(1) AVAILABILITY.—For each of the 2008 through 2012 crops of peanuts, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for peanuts produced on the farm.

(2) TERMS AND CONDITIONS.—The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

(3) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under this subsection for any quantity of peanuts produced on the farm.

(4) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the producers on a farm through—

(A) a designated marketing association or marketing cooperative of producers that is approved by the Secretary; or

(B) the Farm Service Agency.

(5) STORAGE OF LOAN PEANUTS.—As a condition on the Secretary's approval of an individual or entity to provide storage for peanuts for which a marketing assistance loan is made under this section, the individual or entity shall agree—

(A) to provide such storage on a nondiscriminatory basis; and

(B) to comply with such additional requirements as the Secretary considers appropriate to accomplish the purposes of this section and promote fairness in the administration of the benefits of this section.

(6) STORAGE, HANDLING, AND ASSOCIATED COSTS.—

(A) IN GENERAL.—Beginning with the 2008 crop of peanuts, to ensure proper storage of peanuts for which a loan is made under this section, the Secretary shall pay handling and other associated costs (other than storage costs) incurred at the time at which the peanuts are placed under loan, as determined by the Secretary.

(B) REDEMPTION AND FORFEITURE.—The Secretary shall—

(i) require the repayment of handling and other associated costs paid under subparagraph (A) for all peanuts pledged as collateral for a loan that is redeemed under this section; and

(ii) pay storage, handling, and other associated costs for all peanuts pledged as collateral that are forfeited under this section.

(7) MARKETING.—A marketing association or cooperative may market peanuts for which a loan is made under this section in any manner that conforms to consumer needs, including the separation of peanuts by type and quality.

(b) LOAN RATE.—Except as provided in section 1105, the loan rate for a marketing assistance loan for peanuts under subsection (a) shall be equal to $355 per ton.

(c) TERM OF LOAN.—

(1) IN GENERAL.—A marketing assistance loan for peanuts under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

(2) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for peanuts under subsection (a).

(d) REPAYMENT RATE.—

(1) IN GENERAL.—The Secretary shall permit producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

(A) the loan rate established for peanuts under subsection (b), plus interest (determined in accordance with section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283)); or

(B) a rate that the Secretary determines will—

(i) minimize potential loan forfeitures;

(ii) minimize the accumulation of stocks of peanuts by the Federal Government;

(iii) minimize the cost incurred by the Federal Government in storing peanuts; and

(iv) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

(2) AUTHORITY TO TEMPORARILY ADJUST REPAYMENT RATES.—

(A) ADJUSTMENT AUTHORITY.—In the event of a severe disruption to marketing, transportation, or related infrastructure, the Secretary may modify the repayment rate otherwise applicable under this subsection for marketing assistance loans for peanuts under subsection (a).

(B) DURATION.—An adjustment made under subparagraph (A) in the repayment rate for marketing assistance loans for peanuts shall be in effect on a short-term and temporary basis, as determined by the Secretary.

(e) LOAN DEFICIENCY PAYMENTS.—

(1) AVAILABILITY.—The Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for loan deficiency payments under this subsection.

(2) COMPUTATION.—A loan deficiency payment under this subsection shall be computed by multiplying—

(A) the payment rate determined under paragraph (3) for peanuts; by

(B) the quantity of the peanuts produced by the producers, excluding any quantity for which the producers obtain a marketing assistance loan under subsection (a).

(3) PAYMENT RATE.—For purposes of this subsection, the payment rate shall be the amount by which—

(A) the loan rate established under subsection (b); exceeds

(B) the rate at which a loan may be repaid under subsection (d).

(4) EFFECTIVE DATE FOR PAYMENT RATE DETERMINATION.—The Secretary shall determine the amount of the loan deficiency payment to be made under this subsection to the producers on a farm with respect to a quantity of peanuts using the payment rate in effect under paragraph (3) as of the date the producers request the payment.

(f) COMPLIANCE WITH CONSERVATION AND WETLANDS REQUIREMENTS.—As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.

(g) REIMBURSABLE AGREEMENTS AND PAYMENT OF ADMINISTRATIVE EXPENSES.—The Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses under this subtitle only in a manner that is consistent with such activities in regard to other commodities.

SEC. 1308. ADJUSTMENTS OF LOANS.

(a) ADJUSTMENT AUTHORITY.—The Secretary may make appropriate adjustments in the loan rates for peanuts for differences in grade, type, quality, location, and other factors.

(b) MANNER OF ADJUSTMENT.—The adjustments under subsection (a) shall, to the maximum extent practicable, be made in such a manner that the average loan level for peanuts will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined in accordance with this subtitle and subtitles B, D, and E.

(c) ADJUSTMENT ON COUNTY BASIS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may establish loan rates for a crop of peanuts for producers in individual counties in a manner that results in the lowest loan rate being 95 percent of the national average loan rate, if those loan rates do not result in an increase in outlays.

(2) PROHIBITION.—Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

Subtitle D—Sugar

SEC. 1401. SUGAR PROGRAM.

(a) IN GENERAL.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended to read as follows:

"SEC. 156. SUGAR PROGRAM.

"(a) SUGARCANE.—The Secretary shall make loans available to processors of domestically grown sugarcane at a rate equal to—

"(1) 18.00 cents per pound for raw cane sugar for the 2008 crop year;

"(2) 18.25 cents per pound for raw cane sugar for the 2009 crop year;

"(3) 18.50 cents per pound for raw cane sugar for the 2010 crop year;

"(4) 18.75 cents per pound for raw cane sugar for the 2011 crop year; and

"(5) 18.75 cents per pound for raw cane sugar for the 2012 crop year.

"(b) SUGAR BEETS.—The Secretary shall make loans available to processors of domestically grown sugar beets at a rate equal to—

"(1) 22.9 cents per pound for refined beet sugar for the 2008 crop year; and

"(2) a rate that is equal to 128.5 percent of the loan rate per pound of raw cane sugar for the applicable crop year under subsection (a) for each of the 2009 through 2012 crop years.

"(c) TERM OF LOANS.—

"(1) IN GENERAL.—A loan under this section during any fiscal year shall be made available not earlier than the beginning of the fiscal year and shall mature at the earlier of—

"(A) the end of the 9-month period beginning on the first day of the first month after the month in which the loan is made; or

"(B) the end of the fiscal year in which the loan is made.

"(2) SUPPLEMENTAL LOANS.—In the case of a loan made under this section in the last 3 months of a fiscal year, the processor may repledge the sugar as collateral for a second loan in the subsequent fiscal year, except that the second loan shall—

"(A) be made at the loan rate in effect at the time the first loan was made; and

"(B) mature in 9 months less the quantity of time that the first loan was in effect.

"(d) LOAN TYPE; PROCESSOR ASSURANCES.—

"(1) NONRECOURSE LOANS.—The Secretary shall carry out this section through the use of nonrecourse loans.

"(2) PROCESSOR ASSURANCES.—

"(A) IN GENERAL.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for the sugar beets and sugarcane delivered by producers to the processor.

"(B) MINIMUM PAYMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish appropriate minimum payments for purposes of this paragraph.

"(ii) LIMITATION.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet producer and a sugar beet processor.

"(3) ADMINISTRATION.—The Secretary may not impose or enforce any prenotification requirement, or similar administrative requirement not otherwise in effect on May 13, 2002, that has the effect of preventing a processor from electing to forfeit the loan collateral (of an acceptable grade and quality) on the maturity of the loan.

"(e) LOANS FOR IN-PROCESS SUGAR.—

"(1) DEFINITION OF IN-PROCESS SUGARS AND SYRUPS.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

"(2) AVAILABILITY.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from the crop.

"(3) LOAN RATE.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

"(4) FURTHER PROCESSING ON FORFEITURE.—

"(A) IN GENERAL.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

"(B) TRANSFER TO CORPORATION.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

"(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

"(i) the difference between—

"(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

"(II) the loan rate the processor received under paragraph (3); by

"(ii) the quantity of sugar transferred to the Secretary.

"(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.

"(6) TERM OF LOAN.—The term of a loan made under this subsection for a quantity of in-process sugars and syrups, when combined with the term of a loan made with respect to the raw cane sugar or refined beet sugar derived from the in-process sugars and syrups, may not exceed 9 months, consistent with subsection (c).

"(f) AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

"(1) IN GENERAL.—Subject to subsection (d)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

"(2) INVENTORY DISPOSITION.—

"(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

"(B) BIOENERGY FEEDSTOCK.—If a reduction in the quantity of production accepted under subparagraph (A) involves sugar beets or sugarcane that has already been planted, the sugar beets or sugarcane so planted may not be used for any commercial purpose other than as a bioenergy feedstock.

"(C) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.

"(g) INFORMATION REPORTING.—

"(1) DUTY OF PROCESSORS AND REFINERS TO REPORT.—A sugarcane processor, cane sugar refiner, and sugar beet processor shall furnish the Secretary, on a monthly basis, such information as the Secretary may require to administer sugar programs, including the quantity of purchases of sugarcane, sugar beets, and sugar, and production, importation, distribution, and stock levels of sugar.

"(2) DUTY OF PRODUCERS TO REPORT.—

"(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

"(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by subparagraph (A) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

"(3) DUTY OF IMPORTERS TO REPORT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

"(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties.

"(4) COLLECTION OF INFORMATION ON MEXICO.—

"(A) COLLECTION.—The Secretary shall collect—

"(i) information on the production, consumption, stocks, and trade of sugar in Mexico, including United States exports of sugar to Mexico; and

"(ii) publicly available information on Mexican production, consumption, and trade of high fructose corn syrups.

"(B) PUBLICATION.—The data collected under subparagraph (A) shall be published in each edition of the World Agricultural Supply and Demand Estimates.

"(5) PENALTY.—Any person willfully failing or refusing to furnish the information required to be reported by paragraph (1), (2), or (3), or furnishing willfully false information, shall be subject to a civil penalty of not more than $10,000 for each such violation.

"(6) MONTHLY REPORTS.—Taking into consideration the information received under this subsection, the Secretary shall publish on a monthly basis composite data on production, imports, distribution, and stock levels of sugar.

"(h) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Secretary, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar and sugar-containing products under those programs.

"(i) EFFECTIVE PERIOD.—This section shall be effective only for the 2008 through 2012 crops of sugar beets and sugarcane.".

(b) TRANSITION.—The Secretary shall make loans for raw cane sugar and refined beet sugar available for the 2007 crop year on the terms and conditions provided in section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272), as in effect on the day before the date of enactment of this Act.

SEC. 1402. UNITED STATES MEMBERSHIP IN THE INTERNATIONAL SUGAR ORGANIZATION.

The Secretary shall work with the Secretary of State to restore United States membership in the International Sugar Organization not later than 1 year after the date of enactment of this Act.

SEC. 1403. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) DEFINITIONS.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (4), (5), and (6), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) HUMAN CONSUMPTION.—The term 'human consumption', when used in the context of a reference to sugar (whether in the form of sugar, in-process sugar, syrup, molasses, or in some other form) for human consumption, includes sugar for use in human food, beverages, or similar products."; and

(3) by inserting after paragraph (2) (as so redesignated) the following:

"(3) MARKET.—

"(A) IN GENERAL.—The term 'market' means to sell or otherwise dispose of in commerce in the United States.

"(B) INCLUSIONS.—The term 'market' includes—

"(i) the forfeiture of sugar under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272);

"(ii) with respect to any integrated processor and refiner, the movement of raw cane sugar into the refining process; and

"(iii) the sale of sugar for the production of ethanol or other bioenergy product, if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

"(C) MARKETING YEAR.—Forfeited sugar described in subparagraph (B)(i) shall be considered to have been marketed during the crop year for which a loan is made under the loan program described in that subparagraph.".

(b) FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended to read as follows:

"SEC. 359b. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

"(a) SUGAR ESTIMATES.—

"(1) IN GENERAL.—Not later than August 1 before the beginning of each of the 2008 through 2012 crop years for sugarcane and sugar beets, the Secretary shall estimate—

"(A) the quantity of sugar that will be subject to human consumption in the United States during the crop year;

"(B) the quantity of sugar that would provide for reasonable carryover stocks;

"(C) the quantity of sugar that will be available from carry-in stocks for human consumption in the United States during the crop year;

"(D) the quantity of sugar that will be available from the domestic processing of sugarcane, sugar beets, and in-process beet sugar; and

"(E) the quantity of sugars, syrups, and molasses that will be imported for human consumption or to be used for the extraction of sugar for human consumption in the United States during the crop year, whether the articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota.

"(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar.

"(3) REESTIMATES.—The Secretary shall make reestimates of sugar consumption, stocks, production, and imports for a crop year as necessary, but not later than the beginning of each of the second through fourth quarters of the crop year.

"(b) SUGAR ALLOTMENTS.—

"(1) ESTABLISHMENT.—By the beginning of each crop year, the Secretary shall establish for that crop year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar cane or sugar beets or in-process beet sugar (whether the sugar beets or in-process beet sugar was produced domestically or imported) at a level that is—

"(A) sufficient to maintain raw and refined sugar prices above forfeiture levels so that there will be no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272); but

"(B) not less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(2) PRODUCTS.—The Secretary may include sugar products, the majority content of which is sucrose for human consumption, derived from sugar cane, sugar beets, molasses, or sugar in the allotments established under paragraph (1) if the Secretary determines it to be appropriate for purposes of this part.

"(c) COVERAGE OF ALLOTMENTS.—

"(1) IN GENERAL.—The marketing allotments under this part shall apply to the marketing by processors of sugar intended for domestic human consumption that has been processed from sugar cane, sugar beets, or in-process beet sugar, whether such sugar beets or in-process beet sugar was produced domestically or imported.

"(2) EXCEPTIONS.—Consistent with the administration of marketing allotments for each of the 2002 through 2007 crop years, the marketing allotments shall not apply to sugar sold—

"(A) to facilitate the exportation of the sugar to a foreign country, except that the exports of sugar shall not be eligible to receive credits under reexport programs for refined sugar or sugar containing products administered by the Secretary;

"(B) to enable another processor to fulfill an allocation established for that processor; or

"(C) for uses other than domestic human consumption, except for the sale of sugar for the production of ethanol or other bioenergy if the disposition of the sugar is administered by the Secretary under section 9010 of the Farm Security and Rural Investment Act of 2002.

"(3) REQUIREMENT.—The sale of sugar described in paragraph (2)(B) shall be—

"(A) made prior to May 1; and

"(B) reported to the Secretary.

"(d) PROHIBITIONS.—

"(1) IN GENERAL.—During all or part of any crop year for which marketing allotments have been established, no processor of sugar beets or sugarcane shall market for domestic human consumption a quantity of sugar in excess of the allocation established for the processor, except—

"(A) to enable another processor to fulfill an allocation established for that other processor; or

"(B) to facilitate the exportation of the sugar.

"(2) CIVIL PENALTY.—Any processor who knowingly violates paragraph (1) shall be liable to the Commodity Credit Corporation for a civil penalty in an amount equal to 3 times the United States market value, at the time of the commission of the violation, of that quantity of sugar involved in the violation.".

(c) ESTABLISHMENT OF FLEXIBLE MARKETING ALLOTMENTS.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) OVERALL ALLOTMENT QUANTITY.—

"(1) IN GENERAL.—The Secretary shall establish the overall quantity of sugar to be allotted for the crop year (referred to in this part as the 'overall allotment quantity') at a level that is—

"(A) sufficient to maintain raw and refined sugar prices above forfeiture levels to avoid forfeiture of sugar to the Commodity Credit Corporation; but

"(B) not less than a quantity equal to 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year.

"(2) ADJUSTMENT.—Subject to paragraph (1), the Secretary shall adjust the overall allotment quantity to maintain—

"(A) raw and refined sugar prices above forfeiture levels to avoid the forfeiture of sugar to the Commodity Credit Corporation; and

"(B) adequate supplies of raw and refined sugar in the domestic market.";

(2) in subsection (d)(2), by inserting "or in-process beet sugar" before the period at the end;

(3) in subsection (g)(1)—

(A) by striking "(1) IN GENERAL.—The Secretary" and inserting the following:

"(1) ADJUSTMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary"; and

(B) by adding at the end the following:

"(B) LIMITATION.—In carrying out subparagraph (A), the Secretary may not reduce the overall allotment quantity to a quantity of less than 85 percent of the estimated quantity of sugar for domestic human consumption for the crop year."; and

(4) by striking subsection (h).

(d) ALLOCATION OF MARKETING ALLOTMENTS.—Section 359d(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(b)) is amended—

(1) in paragraph (1)(F), by striking "Except as otherwise provided in section 359f(c)(8), if" and inserting "If"; and

(2) in paragraph (2), by striking subparagraphs (G), (H), and (I) and inserting the following:

"(G) SALE OF FACTORIES OF A PROCESSOR TO ANOTHER PROCESSOR.—

"(i) EFFECT OF SALE.—Subject to subparagraphs (E) and (F), if 1 or more factories of a processor of beet sugar (but not all of the assets of the processor) are sold to another processor of beet sugar during a crop year, the Secretary shall assign a pro rata portion of the allocation of the seller to the allocation of the buyer to reflect the historical contribution of the production of the sold 1 or more factories to the total allocation of the seller, unless the buyer and the seller have agreed upon the transfer of a different portion of the allocation of the seller, in which case, the Secretary shall transfer that portion agreed upon by the buyer and seller.

"(ii) APPLICATION OF ALLOCATION.—The assignment of the allocation under clause (i) shall apply—

"(I) during the remainder of the crop year for which the sale described in clause (i) occurs; and

"(II) during each subsequent crop year.

"(iii) USE OF OTHER FACTORIES TO FILL ALLOCATION.—If the assignment of the allocation under clause (i) to the buyer for the 1 or more purchased factories cannot be filled by the production of the 1 or more purchased factories, the remainder of the allocation may be filled by beet sugar produced by the buyer from other factories of the buyer.

"(H) NEW ENTRANTS STARTING PRODUCTION, REOPENING, OR ACQUIRING AN EXISTING FACTORY WITH PRODUCTION HISTORY.—

"(i) DEFINITION OF NEW ENTRANT.—

"(I) IN GENERAL.—In this subparagraph, the term 'new entrant' means an individual, corporation, or other entity that—

"(aa) does not have an allocation of the beet sugar allotment under this part;

"(bb) is not affiliated with any other individual, corporation, or entity that has an allocation of beet sugar under this part (referred to in this clause as a 'third party'); and

"(cc) will process sugar beets produced by sugar beet growers under contract with the new entrant for the production of sugar at the new or re-opened factory that is the basis for the new entrant allocation.

"(II) AFFILIATION.—For purposes of subclause (I)(bb), a new entrant and a third party shall be considered to be affiliated if—

"(aa) the third party has an ownership interest in the new entrant;

"(bb) the new entrant and the third party have owners in common;

"(cc) the third party has the ability to exercise control over the new entrant by organizational rights, contractual rights, or any other means;

"(dd) the third party has a contractual relationship with the new entrant by which the new entrant will make use of the facilities or assets of the third party; or "(ee) there are any other similar circumstances by which the Secretary determines that the new entrant and the third party are affiliated.

"(ii) ALLOCATION FOR A NEW ENTRANT THAT HAS CONSTRUCTED A NEW FACTORY OR REOPENED A FACTORY THAT WAS NOT OPERATED SINCE BEFORE 1998.—If a new entrant constructs a new sugar beet processing factory, or acquires and reopens a sugar beet processing factory that last processed sugar beets prior to the 1998 crop year and there is no allocation currently associated with the factory, the Secretary shall—

"(I) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar so as to enable the new entrant to achieve a factory utilization rate comparable to the factory utilization rates of other similarly-situated processors; and

"(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the allocation to the new entrant.

"(iii) ALLOCATION FOR A NEW ENTRANT THAT HAS ACQUIRED AN EXISTING FACTORY WITH A PRODUCTION HISTORY.—

"(I) IN GENERAL.—If a new entrant acquires an existing factory that has processed sugar beets from the 1998 or subsequent crop year and has a production history, on the mutual agreement of the new entrant and the company currently holding the allocation associated with the factory, the Secretary shall transfer to the new entrant a portion of the allocation of the current allocation holder to reflect the historical contribution of the production of the 1 or more sold factories to the total allocation of the current allocation holder, unless the new entrant and current allocation holder have agreed upon the transfer of a different portion of the allocation of the current allocation holder, in which case, the Secretary shall transfer that portion agreed upon by the new entrant and the current allocation holder.

"(II) PROHIBITION.—In the absence of a mutual agreement described in subclause (I), the new entrant shall be ineligible for a beet sugar allocation.

"(iv) APPEALS.—Any decision made under this subsection may be appealed to the Secretary in accordance with section 359i.".

(e) REASSIGNMENT OF DEFICITS.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended in paragraphs (1)(D) and (2)(C), by inserting "of raw cane sugar" after "imports" each place it appears.

(f) PROVISIONS APPLICABLE TO PRODUCERS.—Section 359f(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff(c)) is amended—

(1) by striking paragraph (8);

(2) by redesignating paragraphs (1) through (7) as paragraphs (2) through (8), respectively;

(3) by inserting before paragraph (2) (as so redesignated) the following:

"(1) DEFINITION OF SEED.—

"(A) IN GENERAL.—In this subsection, the term 'seed' means only those varieties of seed that are dedicated to the production of sugarcane from which is produced sugar for human consumption.

"(B) EXCLUSION.—The term 'seed' does not include seed of a high-fiber cane variety dedicated to other uses, as determined by the Secretary";

(4) in paragraph (3) (as so redesignated)—

(A) in the first sentence—

(i) by striking "paragraph (1)" and inserting "paragraph (2)"; and

(ii) by inserting "sugar produced from" after "quantity of"; and

(B) in the second sentence, by striking "paragraph (7)" and inserting "paragraph (8)";

(5) in the first sentence of paragraph (6)(C) (as so redesignated), by inserting "for sugar" before "in excess of the farm's proportionate share"; and

(6) in paragraph (8) (as so redesignated), by inserting "sugar from" after "the amount of".

(g) SPECIAL RULES.—Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) TRANSFER OF ACREAGE BASE HISTORY.—

"(1) TRANSFER AUTHORIZED.—For the purpose of establishing proportionate shares for sugarcane farms under section 359f(c), the Secretary, on application of any producer, with the written consent of all owners of a farm, may transfer the acreage base history of the farm to any other parcels of land of the applicant.

"(2) CONVERTED ACREAGE BASE.—

"(A) IN GENERAL.—Sugarcane acreage base established under section 359f(c) that has been or is converted to nonagricultural use on or after May 13, 2002, may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State in accordance with this paragraph.

"(B) NOTIFICATION.—Not later than 90 days after the Secretary becomes aware of a conversion of any sugarcane acreage base to a nonagricultural use, the Secretary shall notify the 1 or more affected landowners of the transferability of the applicable sugarcane acreage base.

"(C) INITIAL TRANSFER PERIOD.—The owner of the base attributable to the acreage at the time of the conversion shall be afforded 90 days from the date of the receipt of the notification under subparagraph (B) to transfer the base to 1 or more farms owned by the owner.

"(D) GROWER OF RECORD.—If a transfer under subparagraph (C) cannot be accomplished during the period specified in that subparagraph, the grower of record with regard to the acreage base on the date on which the acreage was converted to nonagricultural use shall—

"(i) be notified; and

"(ii) have 90 days from the date of the receipt of the notification to transfer the base to 1 or more farms operated by the grower.

"(E) POOL DISTRIBUTION.—

"(i) IN GENERAL.—If transfers under subparagraphs (B) and (C) cannot be accomplished during the periods specified in those subparagraphs, the county committee of the Farm Service Agency for the applicable county shall place the acreage base in a pool for possible assignment to other farms.

"(ii) ACCEPTANCE OF REQUESTS.—After providing reasonable notice to farm owners, operators, and growers of record in the county, the county committee shall accept requests from owners, operators, and growers of record in the county.

"(iii) ASSIGNMENT.—The county committee shall assign the acreage base to other farms in the county that are eligible and capable of accepting the acreage base, based on a random drawing from among the requests received under clause (ii).

"(F) STATEWIDE REALLOCATION.—

"(i) IN GENERAL.—Any acreage base remaining unassigned after the transfers and processes described in subparagraphs (A) through (E) shall be made available to the State committee of the Farm Service Agency for allocation among the remaining county committees in the State representing counties with farms eligible for assignment of the base, based on a random drawing.

"(ii) ALLOCATION.—Any county committee receiving acreage base under this subparagraph shall allocate the acreage base to eligible farms using the process described in subparagraph (E).

"(G) STATUS OF REASSIGNED BASE.—After acreage base has been reassigned in accordance with this subparagraph, the acreage base shall—

"(i) remain on the farm; and

"(ii) be subject to the transfer provisions of paragraph (1)."; and

(2) in subsection (d)—

(A) in paragraph (1)—

(i) by inserting "affected" before "crop-share owners" each place it appears; and

(ii) by striking ", and from the processing company holding the applicable allocation for such shares,"; and

(B) in paragraph (2), by striking "based on" and all that follows through the end of subparagraph (B) and inserting "based on—

"(A) the number of acres of sugarcane base being transferred; and

"(B) the pro rata amount of allocation at the processing company holding the applicable allocation that equals the contribution of the grower to allocation of the processing company for the sugarcane acreage base being transferred.".

(h) APPEALS.—Section 359i of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ii) is amended—

(1) in subsection (a), by inserting "or 359g(d)" after "359f"; and

(2) by striking subsection (c).

(i) REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS.—Section 359k of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359kk) is repealed.

(j) ADMINISTRATION OF TARIFF RATE QUOTAS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (i)) is amended by adding at the end the following:

"SEC. 359k. ADMINISTRATION OF TARIFF RATE QUOTAS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, at the beginning of the quota year, the Secretary shall establish the tariff-rate quotas for raw cane sugar and refined sugars at the minimum level necessary to comply with obligations under international trade agreements that have been approved by Congress.

"(2) EXCEPTION.—Paragraph (1) shall not apply to specialty sugar.

"(b) ADJUSTMENT.—

"(1) BEFORE APRIL 1.—Before April 1 of each fiscal year, if there is an emergency shortage of sugar in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event as determined by the Secretary—

"(A) the Secretary shall take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

"(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, and domestic raw cane sugar refining capacity has been maximized, the Secretary may increase the tariff-rate quota for refined sugars sufficient to accommodate the supply increase, if the further increase will not threaten to result in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).

"(2) ON OR AFTER APRIL 1.—On or after April 1 of each fiscal year—

"(A) the Secretary may take action to increase the supply of sugar in accordance with sections 359c(b)(2) and 359e(b), including an increase in the tariff-rate quota for raw cane sugar to accommodate the reassignment to imports; and

"(B) if there is still a shortage of sugar in the United States market, and marketing of domestic sugar has been maximized, the Secretary may increase the tariff-rate quota for raw cane sugar if the further increase will not threaten to result *in the forfeiture of sugar pledged as collateral for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272).''.*

(k) PERIOD OF EFFECTIVENESS.—Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) (as amended by subsection (j)) is amended by adding at the end the following:

"SEC. 359l. PERIOD OF EFFECTIVENESS.

"(a) IN GENERAL.—This part shall be effective only for the 2008 through 2012 crop years for sugar.

"(b) TRANSITION.—The Secretary shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in this part as in effect on the day before the date of enactment of this section.''.

SEC. 1404. STORAGE FACILITY LOANS.

Section 1402(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7971(c)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following:

"(2) not include any penalty for prepayment; and''; and

(4) in paragraph (3) (as redesignated by paragraph (2)), by inserting ''other'' after ''on such''.

SEC. 1405. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

Subtitle E of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281 et seq.) is amended by adding at the end the following:

"SEC. 167. COMMODITY CREDIT CORPORATION STORAGE PAYMENTS.

"(a) INITIAL CROP YEARS.—Notwithstanding any other provision of law, for each of the 2008 through 2011 crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in an amount that is not less than—

"(1) in the case of refined sugar, 15 cents per hundredweight of refined sugar per month; and

"(2) in the case of raw cane sugar, 10 cents per hundredweight of raw cane sugar per month.

"(b) SUBSEQUENT CROP YEARS.—For each of the 2012 and subsequent crop years, the Commodity Credit Corporation shall establish rates for the storage of forfeited sugar in the same manner as was used on the day before the date of enactment of this section.''.

Subtitle E—Dairy

SEC. 1501. DAIRY PRODUCT PRICE SUPPORT PROGRAM.

(a) DEFINITION OF NET REMOVALS.—In this section, the term ''net removals'' means—

(1) the sum of—

(A) the quantity of a product described in subsection (b) purchased by the Commodity Credit Corporation under this section; and

(B) the quantity of the product exported under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14); less

(2) the quantity of the product sold for unrestricted use by the Commodity Credit Corporation.

(b) SUPPORT ACTIVITIES.—During the period beginning on January 1, 2008, and ending December 31, 2012, the Secretary shall support the price of cheddar cheese, butter, and nonfat dry milk through the purchase of such products made from milk produced in the United States.

(c) PURCHASE PRICE.—To carry out subsection (b) during the period specified in that subsection, the Secretary shall purchase—

(1) cheddar cheese in blocks at not less than $1.13 per pound;

(2) cheddar cheese in barrels at not less than $1.10 per pound;

(3) butter at not less than $1.05 per pound; and

(4) nonfat dry milk at not less than $0.80 per pound.

(d) TEMPORARY PRICE ADJUSTMENT TO AVOID EXCESS INVENTORIES.—

(1) ADJUSTMENTS AUTHORIZED.—The Secretary may adjust the minimum purchase prices established under subsection (c) only as permitted under this subsection.

(2) CHEESE INVENTORIES IN EXCESS OF 200,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 200,000,000 pounds of cheese, but do not exceed 400,000,000 pounds, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 10 cents per pound.

(3) CHEESE INVENTORIES IN EXCESS OF 400,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 400,000,000 pounds of cheese, the Secretary may reduce the purchase prices under paragraphs (1) and (2) of subsection (c) during the immediately following month by not more than 20 cents per pound.

(4) BUTTER INVENTORIES IN EXCESS OF 450,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 450,000,000 pounds of butter, but do not exceed 650,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 10 cents per pound.

(5) BUTTER INVENTORIES IN EXCESS OF 650,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 650,000,000 pounds of butter, the Secretary may reduce the purchase price under subsection (c)(3) during the immediately following month by not more than 20 cents per pound.

(6) NONFAT DRY MILK INVENTORIES IN EXCESS OF 600,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 600,000,000 pounds of nonfat dry milk, but do not exceed 800,000,000 pounds, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 5 cents per pound.

(7) NONFAT DRY MILK INVENTORIES IN EXCESS OF 800,000,000 POUNDS.—If net removals for a period of 12 consecutive months exceed 800,000,000 pounds of nonfat dry milk, the Secretary may reduce the purchase price under subsection (c)(4) during the immediately following month by not more than 10 cents per pound.

(e) UNIFORM PURCHASE PRICE.—The prices that the Secretary pays for cheese, butter, or nonfat dry milk, respectively, under subsection (b) shall be uniform for all regions of the United States.

(f) SALES FROM INVENTORIES.—In the case of each commodity specified in subsection (c) that is available for unrestricted use in the inventory of the Commodity Credit Corporation, the Secretary may sell the commodity at the market prices prevailing for that commodity at the time of sale, except that the sale price may not be less than 110 percent of the minimum purchase price specified in subsection (c) for that commodity.

SEC. 1502. DAIRY FORWARD PRICING PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary shall establish a program under which milk producers and cooperative associations of producers are authorized to voluntarily enter into forward price contracts with milk handlers.

(b) MINIMUM MILK PRICE REQUIREMENTS.—Payments made by milk handlers to milk producers and cooperative associations of producers, and prices received by milk producers and cooperative associations, in accordance with the terms of a forward price contract authorized by subsection (a), shall be treated as satisfying—

(1) all uniform and minimum milk price requirements of subparagraphs (B) and (F) of paragraph (5) of section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937; and

(2) the total payment requirement of subparagraph (C) of that paragraph.

(c) MILK COVERED BY PROGRAM.—

(1) COVERED MILK.—The program shall apply only with respect to the marketing of federally regulated milk that—

(A) is not classified as Class I milk or otherwise intended for fluid use; and

(B) is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in federally regulated milk.

(2) RELATION TO CLASS I MILK.—To assist milk handlers in complying with paragraph (1)(A) without having to segregate or otherwise individually track the source and disposition of milk, a milk handler may allocate milk receipts from producers, cooperatives, and other sources that are not subject to a forward contract to satisfy the obligations of the handler with regard to Class I milk usage.

(d) VOLUNTARY PROGRAM.—

(1) IN GENERAL.—A milk handler may not require participation in a forward pricing contract as a condition of the handler receiving milk from a producer or cooperative association of producers.

(2) PRICING.—A producer or cooperative association described in paragraph (1) may continue to have their milk priced in accordance with the minimum payment provisions of the Federal milk marketing order.

(3) COMPLAINTS.—

(A) IN GENERAL.—The Secretary shall investigate complaints made by producers or cooperative associations of coercion by handlers to enter into forward contracts.

(B) ACTION.—If the Secretary finds evidence of coercion, the Secretary shall take appropriate action.

(e) DURATION.—

(1) NEW CONTRACTS.—No forward price contract may be entered into under the program established under this section after September 30, 2012.

(2) APPLICATION.—No forward contract entered into under the program may extend beyond September 30, 2015.

SEC. 1503. DAIRY EXPORT INCENTIVE PROGRAM.

(a) EXTENSION.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking ''2007'' and inserting ''2012''.

(b) COMPLIANCE WITH TRADE AGREEMENTS.—Section 153 of the Food Security Act of 1985 (15 U.S.C. 713a–14) is amended—

(1) in subsection (c), by striking paragraph (3) and inserting the following:

"(3) the maximum volume of dairy product exports allowable consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511) is exported under the program each year (minus the volume sold under section 1163 of this Act during that year), except to the extent that the export of such a volume under the program would, in the judgment of the Secretary, exceed the limitations on the value permitted under subsection (f); and''; and.

(2) in subsection (f), by striking paragraph (1) and inserting the following:

"(1) FUNDS AND COMMODITIES.—Except as provided in paragraph (2), the Commodity Credit Corporation shall in each year use money and

commodities for the program under this section in the maximum amount consistent with the obligations of the United States under the Uruguay Round Agreements approved under section 101 of the Uruguay Round Agreements Act (19 U.S.C. 3511), minus the amount expended under section 1163 of this Act during that year.''.

SEC. 1504. REVISION OF FEDERAL MARKETING ORDER AMENDMENT PROCEDURES.

Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking subsection (17) and inserting the following:

''(17) PROVISIONS APPLICABLE TO AMENDMENTS.—

''(A) APPLICABILITY TO AMENDMENTS.—The provisions of this section and section 8d applicable to orders shall be applicable to amendments to orders.

''(B) SUPPLEMENTAL RULES OF PRACTICE.—

''(i) IN GENERAL.—Not later than 60 days after the date of enactment of this subparagraph, the Secretary shall issue, using informal rulemaking, supplemental rules of practice to define guidelines and timeframes for the rulemaking process relating to amendments to orders.

''(ii) ISSUES.—At a minimum, the supplemental rules of practice shall establish—

''(I) proposal submission requirements;

''(II) pre-hearing information session specifications;

''(III) written testimony and data request requirements;

''(IV) public participation timeframes; and

''(V) electronic document submission standards.

''(iii) EFFECTIVE DATE.—The supplemental rules of practice shall take effect not later than 120 days after the date of enactment of this subparagraph, as determined by the Secretary.

''(C) HEARING TIMEFRAMES.—

''(i) IN GENERAL.—Not more than 30 days after the receipt of a proposal for an amendment hearing regarding a milk marketing order, the Secretary shall—

''(I) issue a notice providing an action plan and expected timeframes for completion of the hearing not more than 120 days after the date of the issuance of the notice;

''(II)(aa) issue a request for additional information to be used by the Secretary in making a determination regarding the proposal; and

''(bb) if the additional information is not provided to the Secretary within the timeframe requested by the Secretary, issue a denial of the request; or

''(III) issue a denial of the request.

''(ii) REQUIREMENT.—A post-hearing brief may be filed under this paragraph not later than 60 days after the date of an amendment hearing regarding a milk marketing order.

''(iii) RECOMMENDED DECISIONS.—A recommended decision on a proposed amendment to an order shall be issued not later than 90 days after the deadline for the submission of post-hearing briefs.

''(iv) FINAL DECISIONS.—A final decision on a proposed amendment to an order shall be issued not later than 60 days after the deadline for submission of comments and exceptions to the recommended decision issued under clause (iii).

''(D) INDUSTRY ASSESSMENTS.—If the Secretary determines it is necessary to improve or expedite rulemaking under this subsection, the Secretary may impose an assessment on the affected industry to supplement appropriated funds for the procurement of service providers, such as court reporters.

''(E) USE OF INFORMAL RULEMAKING.—The Secretary may use rulemaking under section 553 of title 5, United States Code, to amend orders, other than provisions of orders that directly affect milk prices.

''(F) AVOIDING DUPLICATION.—The Secretary shall not be required to hold a hearing on any amendment proposed to be made to a milk marketing order in response to an application for a hearing on the proposed amendment if—

''(i) the application requesting the hearing is received by the Secretary not later than 90 days after the date on which the Secretary has announced the decision on a previously proposed amendment to that order; and

''(ii) the 2 proposed amendments are essentially the same, as determined by the Secretary.

''(G) MONTHLY FEED AND FUEL COSTS FOR MAKE ALLOWANCES.—As part of any hearing to adjust make allowances under marketing orders commencing prior to September 30, 2012, the Secretary shall—

''(i) determine the average monthly prices of feed and fuel incurred by dairy producers in the relevant marketing area;

''(ii) consider the most recent monthly feed and fuel price data available; and

''(iii) consider those prices in determining whether or not to adjust make allowances.''.

SEC. 1505. DAIRY INDEMNITY PROGRAM.

Section 3 of Public Law 90–484 (7 U.S.C. 450l) is amended by striking ''2007'' and inserting ''2012''.

SEC. 1506. MILK INCOME LOSS CONTRACT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLASS I MILK.—The term ''Class I milk'' means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

(2) ELIGIBLE PRODUCTION.—The term ''eligible production'' means milk produced by a producer in a participating State.

(3) FEDERAL MILK MARKETING ORDER.—The term ''Federal milk marketing order'' means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(4) PARTICIPATING STATE.—The term ''participating State'' means each State.

(5) PRODUCER.—The term ''producer'' means an individual or entity that directly or indirectly (as determined by the Secretary)—

(A) shares in the risk of producing milk; and

(B) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

(b) PAYMENTS.—The Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production.

(c) AMOUNT.—Payments to a producer under this section shall be calculated by multiplying (as determined by the Secretary)—

(1) the payment quantity for the producer during the applicable month established under subsection (e);

(2) the amount equal to—

(A) $16.94 per hundredweight, as adjusted under subsection (d); less

(B) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

(3)(A) for the period beginning October 1, 2007, and ending September 30, 2008, 34 percent;

(B) for the period beginning October 1, 2008, and ending August 31, 2012, 45 percent; and

(C) for the period beginning September 1, 2012, and thereafter, 34 percent.

(d) PAYMENT RATE ADJUSTMENT FOR FEED PRICES.—

(1) INITIAL ADJUSTMENT AUTHORITY.—During the period beginning on January 1, 2008, and ending on August 31, 2012, if the National Average Dairy Feed Ration Cost for a month during that period is greater than $7.35 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $7.35 per hundredweight.

(2) SUBSEQUENT ADJUSTMENT AUTHORITY.—For any month beginning on or after September 1, 2012, if the National Average Dairy Feed Ration Cost for the month is greater than $9.50 per hundredweight, the amount specified in subsection (c)(2)(A) used to determine the payment rate for that month shall be increased by 45 percent of the percentage by which the National Average Dairy Feed Ration Cost exceeds $9.50 per hundredweight.

(3) NATIONAL AVERAGE DAIRY FEED RATION COST.—For each month, the Secretary shall calculate a National Average Dairy Feed Ration Cost per hundredweight using the same procedures (adjusted to a hundredweight basis) used to calculate the feed components of the estimated price of 16% Mixed Dairy Feed per pound noted on page 33 of the USDA March 2008 Agricultural Prices publication (including the data and factors noted in footnote 4).

(e) PAYMENT QUANTITY.—

(1) IN GENERAL.—Subject to paragraph (2), the payment quantity for a producer during the applicable month under this section shall be equal to the quantity of eligible production marketed by the producer during the month.

(2) LIMITATION.—

(A) IN GENERAL.—The payment quantity for all producers on a single dairy operation for which the producers receive payments under subsection (b) shall not exceed—

(i) for the period beginning October 1, 2007, and ending September 30, 2008, 2,400,000 pounds;

(ii) for the period beginning October 1, 2008, and ending August 31, 2012, 2,985,000 pounds for each fiscal year; and

(iii) effective beginning September 1, 2012, 2,400,000 pounds per fiscal year.

(B) STANDARDS.—For purposes of determining whether producers are producers on separate dairy operations or a single dairy operation, the Secretary shall apply the same standards as were applied in implementing the dairy program under section 805 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (as enacted into law by Public Law 106–387; 114 Stat. 1549A–50).

(3) RECONSTITUTION.—The Secretary shall ensure that a producer does not reconstitute a dairy operation for the sole purpose of receiving additional payments under this section.

(f) PAYMENTS.—A payment under a contract under this section shall be made on a monthly basis not later than 60 days after the last day of the month for which the payment is made.

(g) SIGNUP.—The Secretary shall offer to enter into contracts under this section during the period beginning on the date that is 90 days after the date of enactment of this Act and ending on September 30, 2012.

(h) DURATION OF CONTRACT.—

(1) IN GENERAL.—Except as provided in paragraph (2), any contract entered into by producers on a dairy farm under this section shall cover eligible production marketed by the producers on the dairy farm during the period starting with the first day of month the producers on the dairy farm enter into the contract and ending on September 30, 2012.

(2) VIOLATIONS.—If a producer violates the contract, the Secretary may—

(A) terminate the contract and allow the producer to retain any payments received under the contract; or

(B) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.

SEC. 1507. DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) EXTENSION OF DAIRY PROMOTION AND RESEARCH AUTHORITY.—Section 113(e)(2) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(e)(2)) is amended by striking "2007" and inserting "2012".

(b) DEFINITION OF UNITED STATES FOR PROMOTION PROGRAM.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) by striking subsection (l) and inserting the following:

"(l) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico;"; and

(2) in subsection (m), by striking "(as defined in subsection (l))".

(c) DEFINITION OF UNITED STATES FOR RESEARCH PROGRAM.—Section 130 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4531)) is amended by striking paragraph (12) and inserting the following:

"(12) the term 'United States', when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico.".

(d) ASSESSMENT RATE FOR IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by striking paragraph (3) and inserting the following:

"(3) RATE.—

"(A) IN GENERAL.—The rate of assessment for milk produced in the United States prescribed by the order shall be 15 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.

"(B) IMPORTED DAIRY PRODUCTS.—The rate of assessment for imported dairy products prescribed by the order shall be 7.5 cents per hundredweight of milk for commercial use or the equivalent thereof, as determined by the Secretary.".

(e) TIME AND METHOD OF IMPORTER PAYMENTS.—Section 113(g)(6) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)(6)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraph (C) as subparagraph (B).

(f) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED DAIRY PRODUCTS.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended by adding at the end the following:

"(7) REFUND OF ASSESSMENTS ON CERTAIN IMPORTED PRODUCTS.—

"(A) IN GENERAL.—An importer shall be entitled to a refund of any assessment paid under this subsection on imported dairy products imported under a contract entered into prior to the date of enactment of the Food, Conservation, and Energy Act of 2008.

"(B) EXPIRATION.—Refunds under subparagraph (A) shall expire 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008.".

SEC. 1508. REPORT ON DEPARTMENT OF AGRICULTURE REPORTING PROCEDURES FOR NONFAT DRY MILK.

Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report regarding Department of Agriculture reporting procedures for nonfat dry milk and the impact of the procedures on Federal milk marketing order minimum prices during the period beginning on July 1, 2006, and ending on the date of enactment of this Act.

SEC. 1509. FEDERAL MILK MARKETING ORDER REVIEW COMMISSION.

(a) ESTABLISHMENT.—Subject to the availability of appropriations to carry out this section, the Secretary shall establish a commission to be known as the "Federal Milk Marketing Order Review Commission" (referred to in this section as the "commission"), which shall conduct a comprehensive review and evaluation of—

(1) the Federal milk marketing order system in effect on the date of establishment of the commission; and

(2) non-Federal milk marketing order systems.

(b) ELEMENTS OF REVIEW AND EVALUATION.—As part of the review and evaluation under subsection (a), the commission shall consider legislative and regulatory options for—

(1) ensuring that the competitiveness of dairy products with other competing products in the marketplace is preserved and enhanced;

(2) enhancing the competitiveness of American dairy producers in world markets;

(3) ensuring the competitiveness and transparency in dairy pricing;

(4) streamlining and expediting the process by which amendments to Federal milk market orders are adopted;

(5) simplifying the Federal milk marketing order system;

(6) evaluating whether the Federal milk marketing order system serves the interests of dairy producers, consumers, and dairy processors; and

(7) evaluating the nutritional composition of milk, including the potential benefits and costs of adjusting the milk content standards.

(c) MEMBERSHIP.—

(1) COMPOSITION.—The commission shall consist of 14 members.

(2) MEMBERS.—As soon as practicable after the date on which funds are first made available to carry out this section, the Secretary shall appoint members to the commission according to the following requirements:

(A) At least 1 member shall represent a national consumer organization.

(B) At least 4 members shall represent land-grant universities or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) with accredited dairy economic programs, with at least 2 of those members being experts in the field of economics.

(C) At least 1 member shall represent the food and beverage retail sector.

(D) 4 dairy producers and 4 dairy processors, appointed so as to balance geographical distribution of milk production and dairy processing, reflect all segments of dairy processing, and represent all regions of the United States equitably, including States that operate outside of a Federal milk marketing order.

(3) CHAIR.—The commission shall elect 1 of the appointed members of the commission to serve as chairperson for the duration of the proceedings of the commission.

(4) VACANCY.—Any vacancy occurring before the termination of the commission shall be filled in the same manner as the original appointment.

(5) COMPENSATION.—Members of the commission shall serve without compensation, but shall be reimbursed by the Secretary from existing budget authority for necessary and reasonable expenses incurred in the performance of the duties of the commission.

(d) REPORT.—

(1) IN GENERAL.—Not later than 2 years after the date of the first meeting of the commission, the commission shall submit to Congress and the Secretary a report describing the results of the review and evaluation conducted under this section, including such recommendations regarding the legislative and regulatory options considered under subsection (b) as the commission considers to be appropriate.

(2) OPINIONS.—The report findings shall reflect, to the maximum extent practicable, a consensus opinion of the commission members, but the report may include majority and minority findings regarding those matters for which consensus was not reached.

(e) ADVISORY NATURE.—The commission is wholly advisory in nature, and the recommendations of the commission are nonbinding.

(f) NO EFFECT ON EXISTING PROGRAMS.—The Secretary shall not allow the existence of the commission to impede, delay, or otherwise affect any decisionmaking process of the Department of Agriculture, including any rulemaking procedures planned, proposed, or near completion.

(g) ADMINISTRATIVE ASSISTANCE.—The Secretary shall provide administrative support to the commission, and expend to carry out this section such funds as necessary from budget authority available to the Secretary.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(i) TERMINATION.—The commission shall terminate effective on the date of the submission of the report under subsection (d).

SEC. 1510. MANDATORY REPORTING OF DAIRY COMMODITIES.

(a) ELECTRONIC REPORTING.—Section 273 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ELECTRONIC REPORTING.—

"(1) IN GENERAL.—Subject to the availability of funds under paragraph (3), the Secretary shall establish an electronic reporting system to carry out this section.

"(2) FREQUENCY OF REPORTS.—After the establishment of the electronic reporting system in accordance with paragraph (1), the Secretary shall increase the frequency of the reports required under this section.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

(b) QUARTERLY AUDITS.—Section 273(c) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637b(c)) is amended by striking paragraph (3) and inserting the following:

"(3) VERIFICATION.—

"(A) IN GENERAL.—The Secretary shall take such actions as the Secretary considers necessary to verify the accuracy of the information submitted or reported under this subtitle.

"(B) QUARTERLY AUDITS.—The Secretary shall quarterly conduct an audit of information submitted or reported under this subtitle and compare such information with other related dairy market statistics.".

Subtitle F—Administration

SEC. 1601. ADMINISTRATION GENERALLY.

(a) USE OF COMMODITY CREDIT CORPORATION.—Except as otherwise provided in this title, the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title.

(b) DETERMINATIONS BY SECRETARY.—A determination made by the Secretary under this title shall be final and conclusive.

(c) REGULATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, not later than 90 days after the date of enactment of this Act, the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title.

(2) PROCEDURE.—The promulgation of the regulations and administration of this title and the

amendments made by this title shall be made without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act");

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(C) the notice and comment provisions of section 553 of title 5, United States Code.

(3) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this subsection, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

(4) INTERIM REGULATIONS.—Notwithstanding paragraphs (1) and (2), the Secretary shall implement the amendments made by sections 1603 and 1604 for the 2009 crop, fiscal, or program year, as appropriate, through the promulgation of an interim rule.

(d) ADJUSTMENT AUTHORITY RELATED TO TRADE AGREEMENTS COMPLIANCE.—

(1) REQUIRED DETERMINATION; ADJUSTMENT.—If the Secretary determines that expenditures under this title that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) will exceed such allowable levels for any applicable reporting period, the Secretary shall, to the maximum extent practicable, make adjustments in the amount of such expenditures during that period to ensure that such expenditures do not exceed such allowable levels.

(2) CONGRESSIONAL NOTIFICATION.—Before making any adjustment under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives or the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the determination made under that paragraph and the extent of the adjustment to be made.

(e) TREATMENT OF ADVANCE PAYMENT OPTION.—Section 1601(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7991(d)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) the advance payment of direct payments and counter-cyclical payments under title I of the Food, Conservation, and Energy Act of 2008.".

SEC. 1602. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

(a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—The following provisions of the Agricultural Adjustment Act of 1938 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act through December 31, 2012:

(1) Parts II through V of subtitle B of title III (7 U.S.C. 1326 et seq.).

(2) In the case of upland cotton, section 377 (7 U.S.C. 1377).

(3) Subtitle D of title III (7 U.S.C. 1379a et seq.).

(4) Title IV (7 U.S.C. 1401 et seq.).

(b) AGRICULTURAL ACT OF 1949.—The following provisions of the Agricultural Act of 1949 shall not be applicable to the 2008 through 2012 crops of covered commodities, peanuts, and sugar and shall not be applicable to milk during the period beginning on the date of enactment of this Act and through December 31, 2012:

(1) Section 101 (7 U.S.C. 1441).

(2) Section 103(a) (7 U.S.C. 1444(a)).

(3) Section 105 (7 U.S.C. 1444b).

(4) Section 107 (7 U.S.C. 1445a).

(5) Section 110 (7 U.S.C. 1445e).

(6) Section 112 (7 U.S.C. 1445g).

(7) Section 115 (7 U.S.C. 1445k).

(8) Section 201 (7 U.S.C. 1446).

(9) Title III (7 U.S.C. 1447 et seq.).

(10) Title IV (7 U.S.C. 1421 et seq.), other than sections 404, 412, and 416 (7 U.S.C. 1424, 1429, and 1431).

(11) Title V (7 U.S.C. 1461 et seq.).

(12) Title VI (7 U.S.C. 1471 et seq.).

(c) SUSPENSION OF CERTAIN QUOTA PROVISIONS.—The joint resolution entitled "A joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended", approved May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be applicable to the crops of wheat planted for harvest in the calendar years 2008 through 2012.

SEC. 1603. PAYMENT LIMITATIONS.

(a) EXTENSION OF LIMITATIONS.—Sections 1001 and 1001C(a) of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–3(a)) are amended by striking "Farm Security and Rural Investment Act of 2002" each place it appears and inserting "Food, Conservation, and Energy Act of 2008".

(b) REVISION OF LIMITATIONS.—

(1) DEFINITIONS.—Section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "through section 1001F"after "section";

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (5); and

(C) by inserting after paragraph (1) the following:

"(2) FAMILY MEMBER.—The term 'family member' means a person to whom a member in the farming operation is related as lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.

"(3) LEGAL ENTITY.—The term 'legal entity' means an entity that is created under Federal or State law and that—

"(A) owns land or an agricultural commodity; or

"(B) produces an agricultural commodity.

"(4) PERSON.—The term 'person' means a natural person, and does not include a legal entity.".

(2) LIMITATION ON DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended by striking subsections (b), (c), and (d) and inserting the following:

"(b) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR COVERED COMMODITIES (OTHER THAN PEANUTS).—

"(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle A of title I of the Food, Conservation, and Energy Act of 2008 for 1 or more covered commodities (except for peanuts) may not exceed—

"(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

"(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

"(i) the payment limit specified in subparagraph (A); less

"(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

"(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle A of title I of that Act for 1 or more covered commodities (except for peanuts) may not exceed $65,000.

"(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments and counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year for 1 or more covered commodities (except for peanuts) may not exceed the sum of—

"(A) $65,000; and

"(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

"(c) LIMITATION ON DIRECT PAYMENTS, COUNTER-CYCLICAL PAYMENTS, AND ACRE PAYMENTS FOR PEANUTS.—

"(1) DIRECT PAYMENTS.—The total amount of direct payments received, directly or indirectly, by a person or legal entity (except a joint venture or a general partnership) for any crop year under subtitle C of title I of the Food, Conservation, and Energy Act of 2008 for peanuts may not exceed—

"(A) in the case of a person or legal entity that does not participate in the average crop revenue election program under section 1105 of that Act, $40,000; or

"(B) in the case of a person or legal entity that participates in the average crop revenue election program under section 1105 of that Act, an amount equal to—

"(i) the payment limit specified in subparagraph (A); less

"(ii) the amount of the reduction in direct payments under section 1105(a)(1) of that Act.

"(2) COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that does not participate in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of counter-cyclical payments received, directly or indirectly, by the person or legal entity for any crop year under subtitle C of title I of that Act for peanuts may not exceed $65,000.

"(3) ACRE AND COUNTER-CYCLICAL PAYMENTS.—In the case of a person or legal entity (except a joint venture or a general partnership) that participates in the average crop revenue election program under section 1105 of the Food, Conservation, and Energy Act of 2008, the total amount of average crop revenue election payments received, directly or indirectly, by the person or legal entity for any crop year for peanuts may not exceed the sum of—

"(A) $65,000; and

"(B) the amount by which the direct payment limitation is reduced under paragraph (1)(B).

"(d) LIMITATION ON APPLICABILITY.—Nothing in this section authorizes any limitation on any benefit associated with the marketing assistance loan program or the loan deficiency payment program under title I of the Food, Conservation, and Energy Act of 2008.".

(3) DIRECT ATTRIBUTION.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended—

(A) by striking subsections (e) and (f) and redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (d) the following:

"(e) ATTRIBUTION OF PAYMENTS.—

"(1) IN GENERAL.—In implementing subsections (b) and (c) and a program described in paragraphs (1)(C) and (2)(B) of section 1001D(b), the Secretary shall issue such regulations as are necessary to ensure that the total amount of payments are attributed to a person by taking into account the direct and indirect ownership interests of the person in a legal entity that is eligible to receive the payments.

"(2) PAYMENTS TO A PERSON.—Each payment made directly to a person shall be combined with the pro rata interest of the person in payments received by a legal entity in which the person has a direct or indirect ownership interest unless the payments of the legal entity have been reduced by the pro rata share of the person.

"(3) PAYMENTS TO A LEGAL ENTITY.—

"(A) IN GENERAL.—Each payment made to a legal entity shall be attributed to those persons who have a direct or indirect ownership interest in the legal entity unless the payment to the legal entity has been reduced by the pro rata share of the person.

"(B) ATTRIBUTION OF PAYMENTS.—

"(i) PAYMENT LIMITS.—Except as provided in clause (ii), payments made to a legal entity shall not exceed the amounts specified in subsections (b) and (c).

"(ii) EXCEPTION FOR JOINT VENTURES AND GENERAL PARTNERSHIPS.—Payments made to a joint venture or a general partnership shall not exceed, for each payment specified in subsections (b) and (c), the amount determined by multiplying the maximum payment amount specified in subsections (b) and (c) by the number of persons and legal entities (other than joint ventures and general partnerships) that comprise the ownership of the joint venture or general partnership.

"(iii) REDUCTION.—Payments made to a legal entity shall be reduced proportionately by an amount that represents the direct or indirect ownership in the legal entity by any person or legal entity that has otherwise exceeded the applicable maximum payment limitation.

"(4) 4 LEVELS OF ATTRIBUTION FOR EMBEDDED LEGAL ENTITIES.—

"(A) IN GENERAL.—Attribution of payments made to legal entities shall be traced through 4 levels of ownership in legal entities.

"(B) FIRST LEVEL.—Any payments made to a legal entity (a first-tier legal entity) that is owned in whole or in part by a person shall be attributed to the person in an amount that represents the direct ownership in the first-tier legal entity by the person.

"(C) SECOND LEVEL.—

"(i) IN GENERAL.—Any payments made to a first-tier legal entity that is owned (in whole or in part) by another legal entity (a second-tier legal entity) shall be attributed to the second-tier legal entity in proportion to the ownership of the second-tier legal entity in the first-tier legal entity.

"(ii) OWNERSHIP BY A PERSON.—If the second-tier legal entity is owned (in whole or in part) by a person, the amount of the payment made to the first-tier legal entity shall be attributed to the person in the amount that represents the indirect ownership in the first-tier legal entity by the person.

"(D) THIRD AND FOURTH LEVELS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall attribute payments at the third and fourth tiers of ownership in the same manner as specified in subparagraph (C).

"(ii) FOURTH-TIER OWNERSHIP.—If the fourth-tier of ownership is that of a fourth-tier legal entity and not that of a person, the Secretary shall reduce the amount of the payment to be made to the first-tier legal entity in the amount that represents the indirect ownership in the first-tier legal entity by the fourth-tier legal entity.

"(f) SPECIAL RULES.—

"(1) MINOR CHILDREN.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), payments received by a child under the age of 18 shall be attributed to the parents of the child.

"(B) REGULATIONS.—The Secretary shall issue regulations specifying the conditions under which payments received by a child under the age of 18 will not be attributed to the parents of the child.

"(2) MARKETING COOPERATIVES.—Subsections (b) and (c) shall not apply to a cooperative association of producers with respect to commodities produced by the members of the association that are marketed by the association on behalf of the members of the association but shall apply to the producers as persons.

"(3) TRUSTS AND ESTATES.—

"(A) IN GENERAL.—With respect to irrevocable trusts and estates, the Secretary shall administer this section through section 1001F in such manner as the Secretary determines will ensure the fair and equitable treatment of the beneficiaries of the trusts and estates.

"(B) IRREVOCABLE TRUST.—

"(i) IN GENERAL.—In order for a trust to be considered an irrevocable trust, the terms of the trust agreement shall not—

"(I) allow for modification or termination of the trust by the grantor;

"(II) allow for the grantor to have any future, contingent, or remainder interest in the corpus of the trust; or

"(III) except as provided in clause (ii), provide for the transfer of the corpus of the trust to the remainder beneficiary in less than 20 years beginning on the date the trust is established.

"(ii) EXCEPTION.—Clause (i)(III) shall not apply in a case in which the transfer is—

"(I) contingent on the remainder beneficiary achieving at least the age of majority; or

"(II) contingent on the death of the grantor or income beneficiary.

"(C) REVOCABLE TRUST.—For the purposes of this section through section 1001F, a revocable trust shall be considered to be the same person as the grantor of the trust.

"(4) CASH RENT TENANTS.—

"(A) DEFINITION.—In this paragraph, the term 'cash rent tenant' means a person or legal entity that rents land—

"(i) for cash; or

"(ii) for a crop share guaranteed as to the amount of the commodity to be paid in rent.

"(B) RESTRICTION.—A cash rent tenant who makes a significant contribution of active personal management, but not of personal labor, with respect to a farming operation shall be eligible to receive a payment described in subsection (b) or (c) only if the tenant makes a significant contribution of equipment to the farming operation.

"(5) FEDERAL AGENCIES.—

"(A) IN GENERAL.—Notwithstanding subsection (d), a Federal agency shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

"(B) LAND RENTAL.—A lessee of land owned by a Federal agency may receive a payment described in subsection (b), (c), or (d) if the lessee otherwise meets all applicable criteria.

"(6) STATE AND LOCAL GOVERNMENTS.—

"(A) IN GENERAL.—Notwithstanding subsection (d), except as provided in subsection (g), a State or local government, or political subdivision or agency of the government, shall not be eligible to receive any payment, benefit, or loan under title I of the Food, Conservation, and Energy Act of 2008 or title XII of this Act.

"(B) TENANTS.—A lessee of land owned by a State or local government, or political subdivision or agency of the government, may receive payments described in subsections (b), (c), and (d) if the lessee otherwise meets all applicable criteria.

"(7) CHANGES IN FARMING OPERATIONS.—

"(A) IN GENERAL.—In the administration of this section through section 1001F, the Secretary may not approve any change in a farming operation that otherwise will increase the number of persons to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive.

"(B) FAMILY MEMBERS.—The addition of a family member to a farming operation under the criteria set out in section 1001A shall be considered a bona fide and substantive change in the farming operation.

"(8) DEATH OF OWNER.—

"(A) IN GENERAL.—If any ownership interest in land or a commodity is transferred as the result of the death of a program participant, the new owner of the land or commodity may, if the person is otherwise eligible to participate in the applicable program, succeed to the contract of the prior owner and receive payments subject to this section without regard to the amount of payments received by the new owner.

"(B) LIMITATIONS ON PRIOR OWNER.—Payments made under this paragraph shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.

"(g) PUBLIC SCHOOLS.—

"(1) IN GENERAL.—Notwithstanding subsection (f)(6)(A), a State or local government, or political subdivision or agency of the government, shall be eligible, subject to the limitation in paragraph (2), to receive a payment described in subsection (b) or (c) for land owned by the State or local government, or political subdivision or agency of the government, that is used to maintain a public school.

"(2) LIMITATION.—

"(A) IN GENERAL.—For each State, the total amount of payments described in subsections (b) and (c) that are received collectively by the State and local government and all political subdivisions or agencies of those governments shall not exceed $500,000.

"(B) EXCEPTION.—The limitation in subparagraph (A) shall not apply to States with a population of less than 1,500,000.".

(c) REPEAL OF 3-ENTITY RULE.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended—

(1) in the section heading, by striking "**PREVENTION OF CREATION OF ENTITIES TO QUALIFY AS SEPARATE PERSONS**" and inserting "**NOTIFICATION OF INTERESTS**"; and

(2) by striking subsection (a) and inserting the following:

"(a) NOTIFICATION OF INTERESTS.—To facilitate administration of section 1001 and this section, each person or legal entity receiving payments described in subsections (b) and (c) of section 1001 as a separate person or legal entity shall separately provide to the Secretary, at such times and in such manner as prescribed by the Secretary—

"(1) the name and social security number of each person, or the name and taxpayer identification number of each legal entity, that holds or acquires an ownership interest in the separate person or legal entity; and

"(2) the name and taxpayer identification number of each legal entity in which the person or legal entity holds an ownership interest.".

(d) AMENDMENT FOR CONSISTENCY.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308-1) is amended by striking subsection (b) and inserting the following:

"(b) ACTIVELY ENGAGED.—

"(1) IN GENERAL.—To be eligible to receive a payment described in subsection (b) or (c) of section 1001, a person or legal entity shall be actively engaged in farming with respect to a *farming operation as provided in this subsection or subsection (c).*

"(2) CLASSES ACTIVELY ENGAGED.—Except as provided in subsections (c) and (d)—

"(A) a person (including a person participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity, as determined by the Secretary) shall be considered to be actively engaged in farming with respect to a farming operation if—

"(i) the person makes a significant contribution (based on the total value of the farming operation) to the farming operation of—

"(I) capital, equipment, or land; and

"(II) personal labor or active personal management;

"(ii) the person's share of the profits or losses from the farming operation is commensurate with the contributions of the person to the farming operation; and

"(iii) the contributions of the person are at risk;

"(B) a legal entity that is a corporation, joint stock company, association, limited partnership, charitable organization, or other similar entity determined by the Secretary (including any such legal entity participating in the farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar legal entity as determined by the Secretary) shall be considered as actively engaged in farming with respect to a farming operation if—

"(i) the legal entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

"(ii) the stockholders or members collectively make a significant contribution of personal labor or active personal management to the operation; and

"(iii) the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity;

"(C) if a legal entity that is a general partnership, joint venture, or similar entity, as determined by the Secretary, separately makes a significant contribution (based on the total value of the farming operation involved) of capital, equipment, or land, and the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the legal entity, are met by the legal entity, the partners or members making a significant contribution of personal labor or active personal management shall be considered to be actively engaged in farming with respect to the farming operation involved; and

"(D) in making determinations under this subsection regarding equipment and personal labor, the Secretary shall take into consideration the equipment and personal labor normally and customarily provided by farm operators in the area involved to produce program crops.

"(c) SPECIAL CLASSES ACTIVELY ENGAGED.—

"(1) LANDOWNER.—A person or legal entity that is a landowner contributing the owned land to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if—

"(A) the landowner receives rent or income for the use of the land based on the production on the land or the operating results of the operation; and

"(B) the person or legal entity meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(2) ADULT FAMILY MEMBER.—If a majority of the participants in a farming operation are family members, an adult family member shall be considered to be actively engaged in farming with respect to the farming operation if the person—

"(A) makes a significant contribution, based on the total value of the farming operation, of active personal management or personal labor; and

"(B) with respect to such contribution, meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(3) SHARECROPPER.—A sharecropper who makes a significant contribution of personal labor to a farming operation shall be considered to be actively engaged in farming with respect to the farming operation if the contribution meets the standards provided in clauses (ii) and (iii) of subsection (b)(2)(A).

"(4) GROWERS OF HYBRID SEED.—In determining whether a person or legal entity growing hybrid seed under contract shall be considered to be actively engaged in farming, the Secretary shall not take into consideration the existence of a hybrid seed contract.

"(5) CUSTOM FARMING SERVICES.—

"(A) IN GENERAL.—A person or legal entity receiving custom farming services shall be considered separately eligible for payment limitation purposes if the person or legal entity is actively engaged in farming based on subsection (b)(2) or paragraphs (1) through (4) of this subsection.

"(B) PROHIBITION.—No other rules with respect to custom farming shall apply.

"(6) SPOUSE.—If 1 spouse (or estate of a deceased spouse) is determined to be actively engaged, the other spouse shall be determined to have met the requirements of subsection (b)(2)(A)(i)(II).

"(d) CLASSES NOT ACTIVELY ENGAGED.—

"(1) CASH RENT LANDLORD.—A landlord contributing land to a farming operation shall not be considered to be actively engaged in farming with respect to the farming operation if the landlord receives cash rent, or a crop share guaranteed as to the amount of the commodity to be paid in rent, for the use of the land.

"(2) OTHER PERSONS AND LEGAL ENTITIES.—Any other person or legal entity that the Secretary determines does not meet the standards described in subsections (b)(2) and (c) shall not be considered to be actively engaged in farming with respect to a farming operation.".

(e) DENIAL OF PROGRAM BENEFITS.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended to read as follows:

"SEC. 1001B. DENIAL OF PROGRAM BENEFITS.

"(a) 2-YEAR DENIAL OF PROGRAM BENEFITS.—A person or legal entity shall be ineligible to receive payments specified in subsections (b) and (c) of section 1001 for the crop year, and the succeeding crop year, in which the Secretary determines that the person or legal entity—

"(1) failed to comply with section 1001A(b) and adopted or participated in adopting a scheme or device to evade the application of section 1001, 1001A, or 1001C; or

"(2) intentionally concealed the interest of the person or legal entity in any farm or legal entity engaged in farming.

"(b) EXTENDED INELIGIBILITY.—If the Secretary determines that a person or legal entity, for the benefit of the person or legal entity or the benefit of any other person or legal entity, has knowingly engaged in, or aided in the creation of a fraudulent document, failed to disclose material information relevant to the administration of sections 1001 through 1001F, or committed other equally serious actions (as identified in regulations issued by the Secretary), the Secretary may for a period not to exceed 5 crop years deny the issuance of payments to the person or legal entity.

"(c) PRO RATA DENIAL.—

"(1) IN GENERAL.—Payments otherwise owed to a person or legal entity described in subsections (a) or (b) shall be denied in a pro rata manner based on the ownership interest of the person or legal entity in a farm.

"(2) CASH RENT TENANT.—Payments otherwise payable to a person or legal entity shall be denied in a pro rata manner if the person or legal entity is a cash rent tenant on a farm owned or under the control of a person or legal entity with respect to which a determination has been made under subsection (a) or (b).

"(d) JOINT AND SEVERAL LIABILITY.—Any legal entity (including partnerships and joint ventures) and any member of any legal entity determined to have knowingly participated in a scheme or device to evade, or that has the purpose of evading, sections 1001, 1001A, or 1001C shall be jointly and severally liable for any amounts that are payable to the Secretary as the result of the scheme or device (including amounts necessary to recover those amounts).

"(e) RELEASE.—The Secretary may partially or fully release from liability any person or legal entity who cooperates with the Secretary in enforcing sections 1001, 1001A, and 1001C, and this section.".

(f) CONFORMING AMENDMENT TO APPLY DIRECT ATTRIBUTION TO NAP.—

(1) IN GENERAL.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)) is amended—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) DEFINITIONS.—In this subsection, the terms 'legal entity' and 'person' have the meanings given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a)).

"(2) PAYMENT LIMITATION.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) for any crop year may not exceed $100,000.";

(B) by striking paragraph (4) and inserting the following:

"(4) ADJUSTED GROSS INCOME LIMITATION.—A person or legal entity that has an average adjusted gross income in excess of the average adjusted gross income limitation applicable under section 1001D(b)(1)(A) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)(A)), or a successor provision, shall not be eligible to receive noninsured crop disaster assistance under this section."; and

(C) in paragraph (5)—

(i) by striking "necessary to ensure" and inserting "necessary—

"(A) to ensure"; and

(ii) by striking "this subsection." and inserting the following: "this subsection; and

"(B) to ensure that payments under this section are attributed to a person or legal entity (excluding a joint venture or general partnership) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.), as determined by the Secretary.".

(2) TRANSITION.—Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crops of any eligible crop.

(g) CONFORMING AMENDMENTS.—

(1) Section 1009(e) of the Food Security Act of 1985 (7 U.S.C. 1308a(e)) is amended in the second sentence by striking "of $50,000".

(2) Section 609(b)(1) of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471g(b)(1)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1985".

(3) Section 524(b)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(3)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1308(5)))".

(4) Section 10204(c)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C.

8204(c)(1)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1308)".

(5) Section 1271(c)(3)(A) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 2106a(c)(3)(A)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" after "1308)".

(6) Section 291(2) of the Trade Act of 1974 (19 U.S.C. 2401(2)) is amended by inserting "(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)" before the period at the end.

(h) TRANSITION.—Section 1001, 1001A, and 1001B of the Food Security Act of 1985 (7 U.S.C. 1308, 1308–1, 1308–2), as in effect on September 30, 2007, shall continue to apply with respect to the 2007 and 2008 crops of any covered commodity or peanuts.

SEC. 1604. ADJUSTED GROSS INCOME LIMITATION.

(a) IN GENERAL.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a(e)) is amended to read as follows:

"SEC. 1001D. ADJUSTED GROSS INCOME LIMITATION.

"(a) DEFINITIONS.—

"(1) IN GENERAL.—In this section:

"(A) AVERAGE ADJUSTED GROSS INCOME.—The term 'average adjusted gross income', with respect to a person or legal entity, means the average of the adjusted gross income or comparable measure of the person or legal entity over the 3 taxable years preceding the most immediately preceding complete taxable year, as determined by the Secretary.

"(B) AVERAGE ADJUSTED GROSS FARM INCOME.—The term 'average adjusted gross farm income', with respect to a person or legal entity, means the average of the portion of adjusted gross income of the person or legal entity that is attributable to activities related to farming, ranching, or forestry for the 3 taxable years described in subparagraph (A), as determined by the Secretary in accordance with subsection (c).

"(C) AVERAGE ADJUSTED GROSS NONFARM INCOME.—The term 'average adjusted gross nonfarm income', with respect to a person or legal entity, means the difference between—

"(i) the average adjusted gross income of the person or legal entity; and

"(ii) the average adjusted gross farm income of the person or legal entity.

"(2) SPECIAL RULES FOR CERTAIN PERSONS AND LEGAL ENTITIES.—In the case of a legal entity that is not required to file a Federal income tax return or a person or legal entity that did not have taxable income in 1 or more of the taxable years used to determine the average under subparagraph (A) or (B) of paragraph (1), the Secretary shall provide, by regulation, a method for determining the average adjusted gross income, the average adjusted gross farm income, and the average adjusted gross nonfarm income of the person or legal entity for purposes of this section.

"(3) ALLOCATION OF INCOME.—On the request of any person filing a joint tax return, the Secretary shall provide for the allocation of average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income among the persons filing the return if—

"(A) the person provides a certified statement by a certified public accountant or attorney that specifies the method by which the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income would have been declared and reported had the persons filed 2 separate returns; and

"(B) the Secretary determines that the method described in the statement is consistent with the information supporting the filed joint tax return.

"(b) LIMITATIONS.—

"(1) COMMODITY PROGRAMS.—

"(A) NONFARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive any benefit described in subparagraph (C) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $500,000.

"(B) FARM LIMITATION.—Notwithstanding any other provision of law, a person or legal entity shall not be eligible to receive a direct payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 during a crop year, if the average adjusted gross farm income of the person or legal entity exceeds $750,000.

"(C) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

"(i) A direct payment or counter-cyclical payment under subtitle A or C of title I of the Food, Conservation, and Energy Act of 2008 or an average crop revenue election payment under subtitle A of title I of that Act.

"(ii) A marketing loan gain or loan deficiency payment under subtitle B or C of title I of the Food, Conservation, and Energy Act of 2008.

"(iii) A payment or benefit under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(iv) A payment or benefit under section 1506 of the Food, Conservation, and Energy Act of 2008.

"(v) A payment or benefit under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act.

"(2) CONSERVATION PROGRAMS.—

"(A) LIMITS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, except as provided in clause (ii), a person or legal entity shall not be eligible to receive any benefit described in subparagraph (B) during a crop, fiscal, or program year, as appropriate, if the average adjusted gross nonfarm income of the person or legal entity exceeds $1,000,000, unless not less than 66.66 percent of the average adjusted gross income of the person or legal entity is average adjusted gross farm income.

"(ii) EXCEPTION.—The Secretary may waive the limitation established under clause (i) on a case-by-case basis if the Secretary determines that environmentally sensitive land of special significance would be protected.

"(B) COVERED BENEFITS.—Subparagraph (A) applies with respect to the following:

"(i) A payment or benefit under title XII of this Act.

"(ii) A payment or benefit under title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223) or title II of the Food, Conservation, and Energy Act of 2008.

"(iii) A payment or benefit under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)).

"(c) INCOME DETERMINATION.—

"(1) IN GENERAL.—In determining the average adjusted gross farm income of a person or legal entity, the Secretary shall include income or benefits derived from or related to—

"(A) the production of crops, including specialty crops (as defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465)) and unfinished raw forestry products;

"(B) the production of livestock (including cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry, fish, and other aquacultural products used for food, honeybees, and other animals designated by the Secretary) and products produced by, or derived from, livestock;

"(C) the production of farm-based renewable energy (as defined in section 9001 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101));

"(D) the sale, including the sale of easements and development rights, of farm, ranch, or forestry land, water or hunting rights, or environmental benefits;

"(E) the rental or lease of land or equipment used for farming, ranching, or forestry operations, including water or hunting rights;

"(F) the processing (including packing), storing (including shedding), and transporting of farm, ranch, and forestry commodities, including renewable energy;

"(G) the feeding, rearing, or finishing of livestock;

"(H) the sale of land that has been used for agriculture;

"(I) payments or other benefits received under any program authorized under title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.) or title I of the Food, Conservation, and Energy Act of 2008;

"(J) payments or other benefits received under any program authorized under title XII of this Act, title II of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 223), or title II of the Food, Conservation, and Energy Act of 2008;

"(K) payments or other benefits received under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333);

"(L) payments or other benefits received under title IX of the Trade Act of 1974 or subtitle B of the Federal Crop Insurance Act;

"(M) risk management practices, including benefits received under a program authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (including a catastrophic risk protection plan offered under section 508(b) of that Act (7 U.S.C. 1508(b))); and

"(N) any other activity related to farming, ranching, or forestry, as determined by the Secretary.

"(2) INCOME DERIVED FROM FARMING, RANCHING, OR FORESTRY.—In determining the average adjusted gross farm income of a person or legal entity, in addition to the inclusions described in paragraph (1), the Secretary shall include any income reported on the Schedule F or other schedule used by the person or legal entity to report income from farming, ranching, or forestry operations to the Internal Revenue Service, to the extent such income is not already included under paragraph (1).

"(3) SPECIAL RULE.—If not less than 66.66 percent of the average adjusted gross income of a person or legal entity is derived from farming, ranching, or forestry operations described in paragraphs (1) and (2), in determining the average adjusted gross farm income of the person or legal entity, the Secretary shall also include—

"(A) the sale of equipment to conduct farm, ranch, or forestry operations; and

"(B) the provision of production inputs and services to farmers, ranchers, foresters, and farm operations.

"(d) ENFORCEMENT.—

"(1) IN GENERAL.—To comply with subsection (b), at least once every 3 years a person or legal entity shall provide to the Secretary—

"(A) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or legal entity does not exceed the applicable limitation specified in that subsection; or

"(B) information and documentation regarding the average adjusted gross income, average adjusted gross farm income, and average adjusted gross nonfarm income of the person or

legal entity through other procedures established by the Secretary.

"(2) DENIAL OF PROGRAM BENEFITS.—If the Secretary determines that a person or legal entity has failed to comply with this section, the Secretary shall deny the issuance of applicable payments and benefits specified in paragraphs (1)(C) and (2)(B) of subsection (b) to the person or legal entity, under similar terms and conditions as described in section 1001B.

"(3) AUDIT.—The Secretary shall establish statistically valid procedures under which the Secretary shall conduct targeted audits of such persons or legal entities as the Secretary determines are most likely to exceed the limitations under subsection (b).

"(e) COMMENSURATE REDUCTION.—In the case of a payment or benefit described in paragraphs (1)(C) and (2)(B) of subsection (b) made in a crop, program, or fiscal year, as appropriate, to an entity, general partnership, or joint venture, the amount of the payment or benefit shall be reduced by an amount that is commensurate with the direct and indirect ownership interest in the entity, general partnership, or joint venture of each person who has an average adjusted gross income, average adjusted gross farm income, or average adjusted gross nonfarm income in excess of the applicable limitation specified in subsection (b).

"(f) EFFECTIVE PERIOD.—This section shall apply only during the 2009 through 2012 crop, program, or fiscal years, as appropriate.".

(b) TRANSITION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as amended by subsection (a)).

SEC. 1605. AVAILABILITY OF QUALITY INCENTIVE PAYMENTS FOR COVERED OILSEED PRODUCERS.

(a) INCENTIVE PAYMENTS REQUIRED.—Subject to subsection (b) and the availability of appropriations under subsection (h), the Secretary shall use funds made available under subsection (h) to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) COVERED OILSEEDS.—The Secretary shall make payments under this section only for the production of an oilseed variety that has, as determined by the Secretary—

(1) been demonstrated to improve the health profile of the oilseed for use in human consumption by—

(A) reducing or eliminating the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; or

(B) adopting new technology traits; and

(2) 1 or more impediments to commercialization.

(c) REQUEST FOR PROPOSALS.—

(1) ISSUANCE.—If funds are made available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) MULTIYEAR PROPOSALS.—A proponent may submit a multiyear proposal for payments under this section.

(3) CONTENT OF PROPOSALS.—A proposal for payments under this section shall include a description of—

(A) how use of the oilseed enhances human health;

(B) the impediments to commercial use of the oilseed;

(C) each oilseed variety described in subsection (b) and the value of the oilseed variety as a matter of public policy;

(D) a range for the base price and premiums per bushel or hundredweight to be paid to producers;

(E) a per bushel or hundredweight amount of incentive payments requested for each year under this section that does not exceed ⅓ of the total premium offered for any year;

(F) the period of time, not to exceed 4 years, during which incentive payments are to be provided to producers; and

(G) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) CONTRACTS FOR PRODUCTION.—

(1) IN GENERAL.—The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis.

(2) TIMING OF PAYMENTS.—The Secretary shall make payments to producers under this section after the Secretary receives documentation that the premium required under a contract has been paid to covered producers.

(e) ADMINISTRATION.—

(1) IN GENERAL.—If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent crop years under this section.

(2) PRORATED PAYMENTS.—If funding provided for a crop year is less than the amount otherwise approved by the Secretary or for which approval is sought, the Secretary shall prorate the payments or approvals in a manner determined by the Secretary so that the total payments do not exceed the funding level.

(f) PROPRIETARY INFORMATION.—The Secretary shall protect proprietary information provided to the Secretary for the purpose of administering this section.

(g) PROGRAM COMPLIANCE AND PENALTIES.—

(1) GUARANTEE.—The proponent, if approved, shall be required to guarantee that the oilseed on which a payment is made by the Secretary under this section is used for human consumption as described in the proposal, as approved by the Secretary.

(2) NONCOMPLIANCE.—If oilseeds on which a payment is made by the Secretary under this section are not actually used for the purpose the payment is made, the proponent shall be required to pay to the Secretary an amount equal to, as determined by the Secretary—

(A) in the case of an inadvertent failure, twice the amount of the payment made by the Secretary under this section to the producer of the oilseeds; and

(B) in any other case, up to twice the full value of the oilseeds involved.

(3) DOCUMENTATION.—The Secretary may require such assurances and documentation as may be needed to enforce the guarantee.

(4) ADDITIONAL PENALTIES.—

(A) IN GENERAL.—In addition to payments required under paragraph (2), the Secretary may impose penalties on additional persons that use oilseeds the use of which is restricted under this section for a purpose other than the intended use.

(B) AMOUNT.—The amount of a penalty under this paragraph shall—

(i) be in an amount determined appropriated by the Secretary; but

(ii) not to exceed twice the full value of the oilseeds.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1606. PERSONAL LIABILITY OF PRODUCERS FOR DEFICIENCIES.

Section 164 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7284) is amended by striking "and title I of the Farm Security and Rural Investment Act of 2002" each place it appears and inserting "title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008".

SEC. 1607. EXTENSION OF EXISTING ADMINISTRATIVE AUTHORITY REGARDING LOANS.

Section 166 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7286) is amended—

(1) by striking "and subtitle B and C of title I of the Farm Security and Rural Investment Act of 2002" each place it appears and inserting ", title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008"; and

(2) in subsection (c), by adding at the end the following:

"(3) TERMINATION OF AUTHORITY.—The authority to carry out paragraph (1) terminates effective ending with the 2009 crop year.".

SEC. 1608. ASSIGNMENT OF PAYMENTS.

(a) IN GENERAL.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to payments made under this title.

(b) NOTICE.—The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

SEC. 1609. TRACKING OF BENEFITS.

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

SEC. 1610. GOVERNMENT PUBLICATION OF COTTON PRICE FORECASTS.

Section 15 of the Agricultural Marketing Act (12 U.S.C. 1141j) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) through (g) as subsections (d) through (f), respectively.

SEC. 1611. PREVENTION OF DECEASED INDIVIDUALS RECEIVING PAYMENTS UNDER FARM COMMODITY PROGRAMS.

(a) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that—

(1) describe the circumstances under which, in order to allow for the settlement of estates and for related purposes, payments may be issued in the name of a deceased individual; and

(2) preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for the payments.

(b) COORDINATION.—At least twice each year, the Secretary shall reconcile the social security numbers of all individuals who receive payments under this title, whether directly or indirectly, with the Social Security Administration to determine if the individuals are alive.

SEC. 1612. HARD WHITE WHEAT DEVELOPMENT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE HARD WHITE WHEAT SEED.—The term "eligible hard white wheat seed" means hard white wheat seed that, as determined by the Secretary, is—

(A) certified;

(B) of a variety that is suitable for the State in which the seed will be planted;

(C) rated at least superior with respect to quality; and

(D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Wheat Commission of the 1 or more States in which the seed will be planted.

(2) PROGRAM.—The term "program" means the hard white wheat development program established under subsection (b)(1).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, in consultation

with the State Departments of Agriculture and the State Wheat Commissions of the States in regions in which hard white wheat is produced, as determined by the Secretary.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encouraging production of at least 240,000,000 bushels of hard white wheat by 2012.

(2) PAYMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C) and subsection (c), if funds are made available for any of the 2009 through 2012 crops of hard white wheat, the Secretary shall make available incentive payments to producers of those crops.

(B) ACREAGE LIMITATION.—The Secretary shall carry out subparagraph (A) subject to a regional limitation determined by the Secretary on the number of acres for which payments may be received that takes into account planting history and potential planting, but does not exceed a total of 2,900,000 acres or the equivalent volume of production based on a yield of 50 bushels per acre.

(C) PAYMENT LIMITATIONS.—Payments to producers on a farm described in subparagraph (A) shall be—

(i) in an amount that is not less than $0.20 per bushel; and

(ii) in an amount that is not less than $2.00 per acre for planting eligible hard white wheat seed.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $35,000,000 for the period of fiscal years 2009 through 2012.

SEC. 1613. DURUM WHEAT QUALITY PROGRAM.

(a) IN GENERAL.—Subject to the availability of funds under subsection (c), the Secretary shall provide compensation to producers of durum wheat in an amount not to exceed 50 percent of the actual cost of fungicides applied to a crop of durum wheat of the producers to control Fusarium head blight (wheat scab) on acres certified to have been planted to Durum wheat in a crop year.

(b) INSUFFICIENT FUNDS.—If the total amount of funds appropriated for a fiscal year under subsection (c) are insufficient to fulfill all eligible requests for compensation under this section, the Secretary shall prorate the compensation payments in a manner determined by the Secretary to be equitable.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2012.

SEC. 1614. STORAGE FACILITY LOANS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar), as determined by the Secretary, to construct or upgrade storage and handling facilities for the commodities.

(b) ELIGIBLE PRODUCERS.—A storage facility loan under this section shall be made available to any producer described in subsection (a) that, as determined by the Secretary—

(1) has a satisfactory credit history;

(2) has a need for increased storage capacity; and

(3) demonstrates an ability to repay the loan.

(c) TERM OF LOANS.—A storage facility loan under this section shall have a maximum term of 12 years.

(d) LOAN AMOUNT.—The maximum principal amount of a storage facility loan under this section shall be $500,000.

(e) LOAN DISBURSEMENTS.—The Secretary shall provide for 1 partial disbursement of loan principal and 1 final disbursement of loan principal, as determined to be appropriate and subject to acceptable documentation, to facilitate the purchase and construction of eligible facilities.

(f) LOAN SECURITY.—Approval of a storage facility loan under this section shall—

(1) require the borrower to provide loan security to the Secretary, in the form of—

(A) a lien on the real estate parcel on which the storage facility is located; or

(B) such other security as is acceptable to the Secretary;

(2) under such rules and regulations as the Secretary may prescribe, not require a severance agreement from the holder of any prior lien on the real estate parcel on which the storage facility is located, if the borrower—

(A) agrees to increase the down payment on the storage facility by an amount determined appropriate by the Secretary; or

(B) provides other security acceptable to the Secretary; and

(3) allow a borrower, upon the approval of the Secretary, to define a subparcel of real estate as security for the storage facility loan if the subparcel is—

(A) of adequate size and value to adequately secure the loan; and

(B) not subject to any other liens or mortgages that are superior to the lien interest of the Commodity Credit Corporation.

SEC. 1615. STATE, COUNTY, AND AREA COMMITTEES.

Section 8(b)(5)(B)(ii) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(ii)) is amended—

(1) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively, and indenting appropriately;

(2) in the matter preceding item (aa) (as redesignated by paragraph (1)), by striking "A committee established" and inserting the following:

"(I) IN GENERAL.—Except as provided in subclause (II), a committee established"; and

(3) by adding at the end the following:

"(II) COMBINATION OR CONSOLIDATION OF AREAS.—A committee established by combining or consolidating 2 or more county or area committees shall consist of not fewer than 3 nor more than 11 members that—

"(aa) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

"(bb) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

"(III) REPRESENTATION OF SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.—The Secretary shall develop procedures to maintain representation of socially disadvantaged farmers and ranchers on combined or consolidated committees.

"(IV) ELIGIBILITY FOR MEMBERSHIP.—Notwithstanding any other producer eligibility requirements for service on county or area committees, if a county or area is consolidated or combined, a producer shall be eligible to serve only as a member of the county or area committee that the producer elects to administer the farm records of the producer.".

SEC. 1616. PROHIBITION ON CHARGING CERTAIN FEES.

Public Law 108–470 (7 U.S.C. 7416a) is amended—

(1) in subsection (a), by striking "may" and inserting "shall"; and

(2) by adding at the end the following:

"(c) PROHIBITION ON CHARGING CERTAIN FEES.—The Secretary may not charge any fees or related costs for the collection of commodity assessments pursuant to this Act.".

SEC. 1617. SIGNATURE AUTHORITY.

(a) IN GENERAL.—In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) AFFIRMATION.—

(1) IN GENERAL.—Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) NO RETROACTIVE EFFECT.—A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements.

SEC. 1618. MODERNIZATION OF FARM SERVICE AGENCY.

Not later than 180 days after the date of enactment of this Act, the Secretary shall transmit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report prepared by a third party that describes—

(1) the data processing and information technology challenges experienced in local offices of the Farm Service Agency;

(2) the impact of those challenges on service to producers, on efficiency of personnel, and on implementation of this Act;

(3) the need for information technology system upgrades of the Farm Service Agency relative to other agencies of the Department of Agriculture;

(4) the detailed plan needed to fulfill the needs of the Department that are identified in paragraph (3), including hardware, software, and infrastructure requirements;

(5) the estimated cost and timeframe for long-term modernization and stabilization of Farm Service Agency information technology systems;

(6) the benefits associated with such modernization and stabilization; and

(7) an evaluation of the existence of appropriate oversight within the Department to ensure that funds needed for systems upgrades can be appropriately managed.

SEC. 1619. INFORMATION GATHERING.

(a) GEOSPATIAL SYSTEMS.—The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

(b) LIMITATION ON DISCLOSURES.—

(1) DEFINITION OF AGRICULTURAL OPERATION.—In this subsection, the term "agricultural operation" includes the production and marketing of agricultural commodities and livestock.

(2) PROHIBITION.—Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) AUTHORIZED DISCLOSURES.—

(A) LIMITED RELEASE OF INFORMATION.—If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) EXCEPTIONS.—Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) CONDITION OF OTHER PROGRAMS.—The participation of the agricultural producer or owner of agricultural land in, or receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) WAIVER OF PRIVILEGE OR PROTECTION.—The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

SEC. 1620. LEASING OF OFFICE SPACE.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture and the Committee on Appropriations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate a report that describes—

(1) the costs and time associated with complying with leasing procedures of the General Services Administration relative to the previous independent leasing procedures of the Department of Agriculture;

(2) the additional staffing needs associated with complying with those procedures; and

(3) the value added to the leasing process and the ability of the Department to secure best-value leases by complying with the General Services Administration leasing procedures.

SEC. 1621. GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term "geographically disadvantaged farmer or rancher" has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107–171).

(b) AUTHORIZATION.—Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) TRANSPORTATION.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) PROOF OF ELIGIBILITY.—To be eligible to receive assistance under paragraph (1), a geographically disadvantaged farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) AMOUNT.—

(A) IN GENERAL.—Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the geographically disadvantaged farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year under section 5941 of title 5, United States Code, for Federal employees stationed in Alaska and Hawaii; or

(II) in the case of an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)), a comparable percentage of the allowance for the fiscal year, as determined by the Secretary.

(B) LIMITATION.—The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed $15,000,000 for a fiscal year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

SEC. 1622. IMPLEMENTATION.

The Secretary shall make available to the Farm Service Agency to carry out this title $50,000,000.

SEC. 1623. REPEALS.

(a) COMMISSION ON APPLICATION OF PAYMENT LIMITATIONS.—Section 1605 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7993) is repealed.

(b) RENEWED AVAILABILITY OF MARKET LOSS ASSISTANCE AND CERTAIN EMERGENCY ASSISTANCE TO PERSONS THAT FAILED TO RECEIVE ASSISTANCE UNDER EARLIER AUTHORITIES.—Section 1617 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8000) is repealed.

TITLE II—CONSERVATION

Subtitle A—Definitions and Highly Erodible Land and Wetland Conservation

SEC. 2001. DEFINITIONS RELATING TO CONSERVATION TITLE OF FOOD SECURITY ACT OF 1985.

(a) BEGINNING FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended—

(1) by redesignating paragraphs (2) through (6), (7) through (11), (12), (13) through (15), (16), (17), and (18) as paragraphs (3) through (7), (9) through (13), (15), (20) through (22), (24), (26), and (27), respectively; and

(2) by inserting after paragraph (1) the following new paragraph:

"(2) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a)(8) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(8)).".

(b) FARM.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (7), as redesignated by subsection (a)(1), the following new paragraph:

"(8) FARM.—The term 'farm' means a farm that—

"(A) is under the general control of one operator;

"(B) has one or more owners;

"(C) consists of one or more tracts of land, whether or not contiguous;

"(D) is located within a county or region, as determined by the Secretary; and

"(E) may contain lands that are incidental to the production of perennial crops, including conserving uses, forestry, and livestock, as determined by the Secretary.".

(c) INDIAN TRIBE.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (13), as redesignated by subsection (a)(1), the following new paragraph:

"(14) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).".

(d) INTEGRATED PEST MANAGEMENT; LIVESTOCK; NONINDUSTRIAL PRIVATE FOREST LAND; PERSON AND LEGAL ENTITY.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (15), as redesignated by subsection (a)(1), the following new paragraphs:

"(16) INTEGRATED PEST MANAGEMENT.—The term 'integrated pest management' means a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

"(17) LIVESTOCK.—The term 'livestock' means all animals raised on farms, as determined by the Secretary.

"(18) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(A) has existing tree cover or is suitable for growing trees; and

"(B) is owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity that has definitive decisionmaking authority over the land.

"(19) PERSON AND LEGAL ENTITY.—For purposes of applying payment limitations under subtitle D, the terms 'person' and 'legal entity' have the meanings given those terms in section 1001(a) of this Act (7 U.S.C. 1308(a)).".

(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (22), as redesignated by subsection (a)(1), the following new paragraph:

"(23) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)).".

(f) TECHNICAL ASSISTANCE.—Section 1201(a) of the Food Security Act of 1985 (16 U.S.C. 3801(a)) is amended by inserting after paragraph (24), as redesignated by subsection (a)(1), the following new paragraph:

"(25) TECHNICAL ASSISTANCE.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses. The term includes the following:

"(A) Technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices.

"(B) Technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.".

SEC. 2002. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO HIGHLY ERODIBLE LAND CONSERVATION.

Section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812) is amended by striking subsection (f) and inserting the following new subsection:

"(f) GRADUATED PENALTIES.—

"(1) INELIGIBILITY.—No person shall become ineligible under section 1211 for program loans, payments, and benefits as a result of the failure of the person to actively apply a conservation plan, if the Secretary determines that the person has acted in good faith and without an intent to violate this subtitle.

"(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

"(A) State Executive Director, with the technical concurrence of the State Conservationist; or

"(B) district director, with the technical concurrence of the area conservationist.

"(3) PERIOD FOR IMPLEMENTATION.—A person who meets the requirements of paragraph (1) shall be allowed a reasonable period of time, as determined by the Secretary, but not to exceed 1 year, during which to implement the measures and practices necessary to be considered to be actively applying the conservation plan of the person.

"(4) PENALTIES.—

"(A) APPLICATION.—This paragraph applies if the Secretary determines that—

"(i) a person has failed to comply with section 1211 with respect to highly erodible cropland, and has acted in good faith and without an intent to violate section 1211; or

"(ii) the violation—

"(I) is technical and minor in nature; and

"(II) has a minimal effect on the erosion control purposes of the conservation plan applicable to the land on which the violation has occurred.

"(B) REDUCTION.—If this paragraph applies under subparagraph (A), the Secretary shall, in lieu of applying the ineligibility provisions of section 1211, reduce program benefits described in section 1211 that the producer would otherwise be eligible to receive in a crop year by an amount commensurate with the seriousness of the violation, as determined by the Secretary.

"(5) SUBSEQUENT CROP YEARS.—Any person whose benefits are reduced for any crop year under this subsection shall continue to be eligible for all of the benefits described in section 1211 for any subsequent crop year if, prior to the beginning of the subsequent crop year, the Secretary determines that the person is actively applying a conservation plan according to the schedule specified in the plan.".

SEC. 2003. REVIEW OF GOOD FAITH DETERMINATIONS RELATED TO WETLAND CONSERVATION.

Section 1222(h) of the Food Security Act of 1985 (16 U.S.C. 3822(h)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph:

"(2) ELIGIBLE REVIEWERS.—A determination of the Secretary, or a designee of the Secretary, under paragraph (1) shall be reviewed by the applicable—

"(A) State Executive Director, with the technical concurrence of the State Conservationist; or

"(B) district director, with the technical concurrence of the area conservationist."; and

(3) in paragraph (3) (as redesignated by paragraph (1)), by inserting "be" before "actively".

Subtitle B—Conservation Reserve Program

SEC. 2101. EXTENSION OF CONSERVATION RESERVE PROGRAM.

Section 1231(a) of the Food Security Act of 1985 (16 U.S.C. 3831(a)) is amended—

(1) by striking "2007 calendar year" and inserting "2012 fiscal year"; and

(2) by inserting before the period the following: "and to address issues raised by State, regional, and national conservation initiatives"; and

SEC. 2102. LAND ELIGIBLE FOR ENROLLMENT IN CONSERVATION RESERVE.

Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(1) in paragraph (1)(B)—

(A) by striking "Farm Security and Rural Investment Act of 2002" and inserting "Food, Conservation, and Energy Act of 2008"; and

(B) by striking the period at the end and inserting a semicolon; and

(2) in paragraph (4)—

(A) in subparagraph (C), by striking "; or" and inserting a semicolon;

(B) in subparagraph (D), by striking "and" at the end and inserting "or"; and

(C) in subparagraph (E), by inserting "or" after the semicolon at the end.

SEC. 2103. MAXIMUM ENROLLMENT OF ACREAGE IN CONSERVATION RESERVE.

Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended—

(1) by striking "2007 calendar years" and inserting "2009 fiscal years";

(2) by striking "(16 U.S.C." and inserting "(16 U.S.C."; and

(3) by adding at the end the following new sentence: "During fiscal years 2010, 2011, and 2012, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any 1 time.".

SEC. 2104. DESIGNATION OF CONSERVATION PRIORITY AREAS.

Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by striking "the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)" and inserting "the Chesapeake Bay Region".

SEC. 2105. TREATMENT OF MULTI-YEAR GRASSES AND LEGUMES.

Subsection (g) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended to read as follows:

"(g) MULTI-YEAR GRASSES AND LEGUMES.—

"(1) IN GENERAL.—For purposes of this subchapter, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

"(2) CROPPING HISTORY.—Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.".

SEC. 2106. REVISED PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

(a) REVISED PROGRAM.—

(1) IN GENERAL.—Title XII of the Food Security Act of 1985 is amended by inserting after section 1231 (16 U.S.C. 3831) the following new section:

"SEC. 1231B. PILOT PROGRAM FOR ENROLLMENT OF WETLAND AND BUFFER ACREAGE IN CONSERVATION RESERVE.

"(a) PROGRAM REQUIRED.—

"(1) IN GENERAL.—During the 2008 through 2012 fiscal years, the Secretary shall carry out a program in each State under which the Secretary shall enroll eligible acreage described in subsection (b).

"(2) PARTICIPATION AMONG STATES.—The Secretary shall ensure, to the maximum extent practicable, that owners and operators in each State have an equitable opportunity to participate in the program established under this section.

"(b) ELIGIBLE ACREAGE.—

"(1) WETLAND AND RELATED LAND.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, land—

"(A) that is wetland (including a converted wetland described in section 1222(b)(1)(A)) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

"(B) on which a constructed wetland is to be developed that will receive flow from a row crop agriculture drainage system and is designed to provide nitrogen removal in addition to other wetland functions;

"(C) that was devoted to commercial pond-raised aquaculture in any year during the period of calendar years 2002 through 2007; or

"(D) that, after January 1, 1990, and before December 31, 2002, was—

"(i) cropped during at least 3 of 10 crop years; and

"(ii) subject to the natural overflow of a prairie wetland.

"(2) BUFFER ACREAGE.—Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, buffer acreage that—

"(A) with respect to land described in subparagraph (A), (B), or (C) of paragraph (1)—

"(i) is contiguous to such land

"(ii) is used to protect such land; and

"(iii) is of such width as the Secretary determines is necessary to protect such land, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds such land; and

"(B) with respect to land described in subparagraph (D) of paragraph (1), enhances a wildlife benefit to the extent practicable in terms of upland to wetland ratios, as determined by the Secretary.

"(c) PROGRAM LIMITATIONS.—

"(1) ACREAGE LIMITATION.—The Secretary may enroll in the conservation reserve, pursuant to the program established under this section, not more than—

"(A) 100,000 acres in any State; and

"(B) a total of 1,000,000 acres.

"(2) RELATIONSHIP TO MAXIMUM ENROLLMENT.—Subject to paragraph (3), any acreage enrolled in the conservation reserve under this section shall be considered acres maintained in the conservation reserve.

"(3) RELATIONSHIP TO OTHER ENROLLED ACREAGE.—Acreage enrolled in the conservation reserve under this section shall not affect for any fiscal year the quantity of—

"(A) acreage enrolled to establish conservation buffers as part of the program announced on March 24, 1998 (63 Fed. Reg. 14109); or

"(B) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

"(4) REVIEW; POTENTIAL INCREASE IN ENROLLMENT ACREAGE.—The Secretary shall conduct a review of the program established under this

section with respect to each State that has enrolled land in the conservation reserve pursuant to the program. As a result of the review, the Secretary may increase the number of acres that may be enrolled in a State under the program to not more than 200,000 acres, notwithstanding paragraph (1)(A).

"(d) OWNER OR OPERATOR ENROLLMENT LIMITATIONS.—

"(1) WETLAND AND RELATED LAND.—

"(A) WETLANDS AND CONSTRUCTED WETLANDS.—The maximum size of any land described in subparagraph (A) or (B) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 40 contiguous acres.

"(B) FLOODED FARMLAND.—The maximum size of any land described in subparagraph (D) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 20 contiguous acres.

"(C) COVERAGE.—All acres described in subparagraph (A) or (B), including acres that are ineligible for payment, shall be covered by the conservation contract.

"(2) BUFFER ACREAGE.—The maximum size of any buffer acreage described in subsection (b)(2) that an owner or operator may enroll in the conservation reserve under this section shall be determined by the Secretary in consultation with the State Technical Committee.

"(3) TRACTS.—Except for land described in subsection (b)(1)(C) and buffer acreage related to such land, the maximum size of any eligible acreage described in subsection (b)(1) in a tract of an owner or operator enrolled in the conservation reserve under this section shall be 40 acres.

"(e) DUTIES OF OWNERS AND OPERATORS.—During the term of a contract entered into under the program established under this section, an owner or operator shall agree—

"(1) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

"(2) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species) on the eligible acreage, as determined by the Secretary;

"(3) to a general prohibition of commercial use of the enrolled land; and

"(4) to carry out other duties described in section 1232.

"(f) DUTIES OF THE SECRETARY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), in return for a contract entered into under this section, the Secretary shall—

"(A) make payments to the owner or operator based on rental rates for cropland; and

"(B) provide assistance to the owner or operator in accordance with sections 1233 and 1234.

"(2) CONTRACT OFFERS AND PAYMENTS.—The Secretary shall use the method of determination described in section 1234(c)(2)(B) to determine the acceptability of contract offers and the amount of rental payments under this section.

"(3) INCENTIVES.—The amounts payable to owners and operators in the form of rental payments under contracts entered into under this section shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 1234.".

(2) REPEAL OF SUPERSEDED PROGRAM.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(A) by striking subsection (h); and

(B) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively.

(b) CONFORMING CHANGES TO EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.—Subsection (k) of section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended—

(1) by striking "(k) EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.—" and inserting the following:

"SEC. 1231A. EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM.";

(2) by striking "subsection" each place it appears (other than paragraph (3)(C)(ii)) and inserting "section";

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively;

(4) in subsection (a), as so redesignated, by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(5) in subsection (c), as so redesignated—

(A) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(B) in paragraph (1), as so redesignated, by striking "subparagraph (B)" and "subparagraph (G)" and inserting "paragraph (2)" and "paragraph (7)", respectively;

(C) in paragraph (3), as so redesignated—

(i) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(ii) by striking "subsection (d)" and inserting "section 1231(d)";

(D) in paragraph (4), as so redesignated, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively;

(E) in paragraph (5), as so redesignated—

(i) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively, and subclauses (I) and (II) as clauses (i) and (ii), respectively;

(ii) in subparagraph (B), as so redesignated, by striking "clause (i)(I)" and inserting "subparagraph (A)(i)"; and

(iii) in subparagraph (C), as so redesignated, by striking "clause (i)(II)" and inserting "subparagraph (A)(ii)"; and

(F) in paragraph (9), as so redesignated, by redesignating clauses (i) through (iii) as subparagraphs (A) through (C), respectively, and subclauses (I) through (III) as clauses (i) through (iii), respectively.

SEC. 2107. ADDITIONAL DUTY OF PARTICIPANTS UNDER CONSERVATION RESERVE CONTRACTS.

Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) by redesignating paragraphs (5) through (10) as paragraphs (6) through (11), respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to undertake management on the land as needed throughout the term of the contract to implement the conservation plan;".

SEC. 2108. MANAGED HAYING, GRAZING, OR OTHER COMMERCIAL USE OF FORAGE ON ENROLLED LAND AND INSTALLATION OF WIND TURBINES.

(a) GENERAL PROHIBITION; EXCEPTIONS.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended by striking paragraph (8), as redesignated by section 2107, and inserting the following new paragraph:

"(8) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that the Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area)—

"(A) managed harvesting (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee—

"(i) shall develop appropriate vegetation management requirements; and

"(ii) shall identify periods during which managed harvesting may be conducted;

"(B) harvesting and grazing or other commercial use of the forage on the land that is subject to the contract in response to a drought or other emergency;

"(C) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee—

"(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

"(ii) shall establish the frequency during which routine grazing may be conducted, taking into consideration regional differences such as—

"(I) climate, soil type, and natural resources;

"(II) the number of years that should be required between routine grazing activities; and

"(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

"(D) the installation of wind turbines, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account—

"(i) the location, size, and other physical characteristics of the land;

"(ii) the extent to which the land contains wildlife and wildlife habitat; and

"(iii) the purposes of the conservation reserve program under this subchapter;".

(b) RENTAL PAYMENT REDUCTION.—Section 1232 of the Food Security Act of 1985 (16 U.S.C. 3832) is amended by adding at the end the following new subsection:

"(d) RENTAL PAYMENT REDUCTION FOR CERTAIN AUTHORIZED USES OF ENROLLED LAND.—In the case of an authorized activity under subsection (a)(8) on land that is subject to a contract under this subchapter, the Secretary shall reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the authorized activity.".

SEC. 2109. COST SHARING PAYMENTS RELATING TO TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.

Section 1234(b) of the Food Security Act of 1985 (16 U.S.C. 3834(b)) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) TREES, WINDBREAKS, SHELTERBELTS, AND WILDLIFE CORRIDORS.—

"(A) APPLICABILITY.—This paragraph applies to—

"(i) land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subchapter after November 28, 1990;

"(ii) land converted to such production under section 1235A; and

"(iii) land on which an owner or operator agrees to conduct thinning authorized by section 1232(a)(9), if the thinning is necessary to improve the condition of resources on the land.

"(B) PAYMENTS.—

"(i) PERCENTAGE.—In making cost share payments to an owner or operator of land described in subparagraph (A), the Secretary shall pay 50 percent of the reasonable and necessary costs incurred by the owner or operator for maintaining trees or shrubs, including the cost of replanting (if the trees or shrubs were lost due to conditions beyond the control of the owner or operator) or thinning.

"(ii) DURATION.—The Secretary shall make payments as described in clause (i) for a period of not less than 2 years, but not more than 4 years, beginning on the date of—

"(I) the planting of the trees or shrubs; or

"(II) the thinning of existing stands to improve the condition of resources on the land.".

SEC. 2110. EVALUATION AND ACCEPTANCE OF CONTRACT OFFERS, ANNUAL RENTAL PAYMENTS, AND PAYMENT LIMITATIONS.

(a) EVALUATION AND ACCEPTANCE OF CONTRACT OFFERS.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by striking paragraph (3) and inserting the following new paragraph:

"(3) ACCEPTANCE OF CONTRACT OFFERS.—

"(A) EVALUATION OF OFFERS.—In determining the acceptability of contract offers, the Secretary may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or wildlife habitat or provide other environmental benefits.

"(B) ESTABLISHMENT OF DIFFERENT CRITERIA IN VARIOUS STATES AND REGIONS.—The Secretary may establish different criteria for determining the acceptability of contract offers in various States and regions of the United States based on the extent to which water quality or wildlife habitat may be improved or erosion may be abated.

"(C) LOCAL PREFERENCE.—In determining the acceptability of contract offers for new enrollments, the Secretary shall accept, to the maximum extent practicable, an offer from an owner or operator that is a resident of the county in which the land is located or of a contiguous county if, as determined by the Secretary, the land would provide at least equivalent conservation benefits to land under competing offers.".

(b) ANNUAL SURVEY OF DRYLAND AND IRRIGATED CASH RENTAL RATES.—

(1) ANNUAL ESTIMATES REQUIRED.—Section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)) is amended by adding at the end the following new paragraph:

"(5) RENTAL RATES.—

"(A) ANNUAL ESTIMATES.—The Secretary (acting through the National Agricultural Statistics Service) shall conduct an annual survey of per acre estimates of county average market dryland and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State that have 20,000 acres or more of cropland and pastureland.

"(B) PUBLIC AVAILABILITY OF ESTIMATES.—The estimates derived from the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.".

(2) FIRST SURVEY.—The first survey required by paragraph (5) of section 1234(c) of the Food Security Act of 1985 (16 U.S.C. 3834(c)), as added by subsection (a), shall be conducted not later than 1 year after the date of enactment of this Act.

(c) PAYMENT LIMITATIONS.—Section 1234(f) of the Food Security Act of 1985 (16 U.S.C. 3834(f)) is amended—

(1) in paragraph (1), by striking "made to a person" and inserting "received by a person or legal entity, directly or indirectly,";

(2) by striking paragraph (2); and

(3) in paragraph (4), by striking "any person" and inserting "any person or legal entity".

SEC. 2111. CONSERVATION RESERVE PROGRAM TRANSITION INCENTIVES FOR BEGINNING FARMERS OR RANCHERS AND SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) CONTRACT MODIFICATION AUTHORITY.—Section 1235(c)(1)(B) of the Food Security Act of 1985 (16 U.S.C. 3835(c)(1)(B)) is amended—

(1) in clause (ii), by striking "or" at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher or socially disadvantaged farmer or rancher for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods; or".

(b) TRANSITION OPTION.—Section 1235 of the Food Security Act of 1985 (16 U.S.C. 3835) is amended by adding at the end the following new subsection:

"(f) TRANSITION OPTION FOR CERTAIN FARMERS OR RANCHERS.—

"(1) DUTIES OF THE SECRETARY.—In the case of a contract modification approved in order to facilitate the transfer, as described in subsection (c)(1)(B)(iii), of land to a beginning farmer or rancher or socially disadvantaged farmer or rancher (in this subsection referred to as a 'covered farmer or rancher'), the Secretary shall—

"(A) beginning on the date that is 1 year before the date of termination of the contract—

"(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements; and

"(ii) allow the covered farmer or rancher to begin the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

"(B) beginning on the date of termination of the contract, require the retired or retiring owner or operator to sell or lease (under a long-term lease or a lease with an option to purchase) to the covered farmer or rancher the land subject to the contract for production purposes;

"(C) require the covered farmer or rancher to develop and implement a conservation plan;

"(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program by not later than the date on which the farmer or rancher takes possession of the land through ownership or lease; and

"(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or retiring owner or operator is not a family member (as defined in section 1001A(b)(3)(B) of this Act) of the covered farmer or rancher.

"(2) REENROLLMENT.—The Secretary shall provide a covered farmer or rancher with the option to reenroll any applicable partial field conservation practice that—

"(A) is eligible for enrollment under the continuous signup requirement of section 1231(h)(4)(B); and

"(B) is part of an approved conservation plan.".

Subtitle C—Wetlands Reserve Program

SEC. 2201. ESTABLISHMENT AND PURPOSE OF WETLANDS RESERVE PROGRAM.

Subsection (a) of section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended to read as follows:

"(a) ESTABLISHMENT AND PURPOSES.—

"(1) ESTABLISHMENT.—The Secretary shall establish a wetlands reserve program to assist owners of eligible lands in restoring and protecting wetlands.

"(2) PURPOSES.—The purposes of the wetlands reserve program are to restore, protect, or enhance wetlands on private or tribal lands that are eligible under subsections (c) and (d).".

SEC. 2202. MAXIMUM ENROLLMENT AND ENROLLMENT METHODS.

Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the wetlands reserve program shall not exceed 3,041,200 acres.";

(2) in paragraph (2), by striking "The Secretary" and inserting "Subject to paragraph (3), the Secretary"; and

(3) by adding at the end the following new paragraph:

"(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary shall enroll acreage into the wetlands reserve program through the use of—

"(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

"(B) restoration cost-share agreements; or

"(C) any combination of the options described in subparagraphs (A) and (B).".

SEC. 2203. DURATION OF WETLANDS RESERVE PROGRAM AND LANDS ELIGIBLE FOR ENROLLMENT.

(a) IN GENERAL.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "2007 calendar" and inserting "2012 fiscal"; and

(B) by inserting "private or tribal" before "land" the second place it appears;

(2) by striking paragraph (2) and inserting the following new paragraph:

"(2) such land is—

"(A) farmed wetland or converted wetland, together with the adjacent land that is functionally dependent on the wetlands, except that converted wetland with respect to which the conversion was not commenced prior to December 23, 1985, shall not be eligible to be enrolled in the program under this section; or

"(B) cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole, as determined by the Secretary, together (where practicable) with the adjacent land that is functionally dependent on the cropland or grassland; and".

(b) CHANGE OF OWNERSHIP.—Section 1237E(a) of the Food Security Act of 1985 (16 U.S.C. 3837e(a)) is amended by striking "in the preceding 12 months" and inserting "during the preceding 7-year period".

(c) ANNUAL SURVEY AND REALLOCATION.—Section 1237F of the Food Security Act of 1985 (16 U.S.C. 3837f) is amended by adding at the end the following new subsection:

"(c) PRAIRIE POTHOLE REGION SURVEY AND REALLOCATION.—

"(1) SURVEY.—The Secretary shall conduct a survey during fiscal year 2008 and each subsequent fiscal year for the purpose of determining interest and allocations for the Prairie Pothole Region to enroll eligible land described in section 1237(c)(2)(B).

"(2) ANNUAL ADJUSTMENT.—The Secretary shall make an adjustment to the allocation for an interested State for a fiscal year, based on the results of the survey conducted under paragraph (1) for the State during the previous fiscal year.".

SEC. 2204. TERMS OF WETLANDS RESERVE PROGRAM EASEMENTS.

Section 1237A(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3837a(b)(2)(B)) is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking "; and" and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) to meet habitat needs of specific wildlife species; and".

SEC. 2205. COMPENSATION FOR EASEMENTS UNDER WETLANDS RESERVE PROGRAM.

Subsection (f) of section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended to read as follows:

"(f) COMPENSATION.—

"(1) DETERMINATION.—Effective on the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall pay as compensation for a conservation easement acquired under this subchapter the lowest of—

"(A) the fair market value of the land, as determined by the Secretary, using the Uniform Standards of Professional Appraisal Practices or an area-wide market analysis or survey;

"(B) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

"(C) the offer made by the landowner.

"(2) FORM OF PAYMENT.—Compensation for an easement shall be provided by the Secretary in the form of a cash payment, in an amount determined under paragraph (1) and specified in the easement agreement.

"(3) PAYMENT SCHEDULE FOR EASEMENTS.—

"(A) EASEMENTS VALUED AT $500,000 OR LESS.—For easements valued at $500,000 or less, the Secretary may provide easement payments in not more than 30 annual payments.

"(B) EASEMENTS IN EXCESS OF $500,000.—For easements valued at more than $500,000, the Secretary may provide easement payments in at least 5, but not more than 30 annual payments, except that, if the Secretary determines it would further the purposes of the program, the Secretary may make a lump sum payment for such an easement.

"(4) RESTORATION AGREEMENT PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, pursuant to a restoration cost-share agreement under this subchapter may not exceed, in the aggregate, $50,000 per year.

"(5) ENROLLMENT PROCEDURE.—Lands may be enrolled under this subchapter through the submission of bids under a procedure established by the Secretary.".

SEC. 2206. WETLANDS RESERVE ENHANCEMENT PROGRAM AND RESERVED RIGHTS PILOT PROGRAM.

Section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) is amended by adding at the end the following new subsection:

"(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

"(1) PROGRAM AUTHORIZED.—The Secretary may enter into 1 or more agreements with a State (including a political subdivision or agency of a State), nongovernmental organization, or Indian tribe to carry out a special wetlands reserve enhancement program that the Secretary determines would advance the purposes of this subchapter.

"(2) RESERVED RIGHTS PILOT PROGRAM.—

"(A) RESERVATION OF GRAZING RIGHTS.—As part of the wetlands reserve enhancement program, the Secretary shall carry out a pilot program for land in which a landowner may reserve grazing rights in the warranty easement deed restriction if the Secretary determines that the reservation and use of the grazing rights—

"(i) is compatible with the land subject to the easement;

"(ii) is consistent with the long-term wetland protection and enhancement goals for which the easement was established; and

"(iii) complies with a conservation plan.

"(B) DURATION.—The pilot program established under this paragraph shall terminate on September 30, 2012.".

SEC. 2207. DUTIES OF SECRETARY OF AGRICULTURE UNDER WETLANDS RESERVE PROGRAM.

Section 1237C of the Food Security Act of 1985 (16 U.S.C. 3837c) is amended—

(1) in subsection (a)(1), by inserting "including necessary maintenance activities," after "values,"; and

(2) by striking subsection (c) and inserting the following new subsection:

"(c) RANKING OF OFFERS.—

"(1) CONSERVATION BENEFITS AND FUNDING CONSIDERATIONS.—When evaluating offers from landowners, the Secretary may consider—

"(A) the conservation benefits of obtaining an easement or other interest in the land;

"(B) the cost-effectiveness of each easement or other interest in eligible land, so as to maximize the environmental benefits per dollar expended; and

"(C) whether the landowner or another person is offering to contribute financially to the cost of the easement or other interest in the land to leverage Federal funds.

"(2) ADDITIONAL CONSIDERATIONS.—In determining the acceptability of easement offers, the Secretary may take into consideration—

"(A) the extent to which the purposes of the easement program would be achieved on the land;

"(B) the productivity of the land; and

"(C) the on-farm and off-farm environmental threats if the land is used for the production of agricultural commodities.".

SEC. 2208. PAYMENT LIMITATIONS UNDER WETLANDS RESERVE CONTRACTS AND AGREEMENTS.

Section 1237D(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)(1)) is amended—

(1) by striking "The total amount of easement payments made to a person" and inserting "The total amount of payments that a person or legal entity may receive, directly or indirectly,"; and

(2) by inserting "or under 30-year contracts" before the period at the end.

SEC. 2209. REPEAL OF PAYMENT LIMITATIONS EXCEPTION FOR STATE AGREEMENTS FOR WETLANDS RESERVE ENHANCEMENT.

Section 1237D(c) of the Food Security Act of 1985 (16 U.S.C. 3837d(c)) is amended by striking paragraph (4).

SEC. 2210. REPORT ON IMPLICATIONS OF LONG-TERM NATURE OF CONSERVATION EASEMENTS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that evaluates the implications of the long-term nature of conservation easements granted under section 1237A of the Food Security Act of 1985 (16 U.S.C. 3837a) on resources of the Department of Agriculture.

(b) INCLUSIONS.—The report required by subsection (a) shall include the following:

(1) Data relating to the number and location of conservation easements granted under that section that the Secretary holds or has a significant role in monitoring or managing.

(2) An assessment of the extent to which the oversight of the conservation easement agreements impacts the availability of resources, including technical assistance.

(3) An assessment of the uses and value of agreements with partner organizations.

(4) Any other relevant information relating to costs or other effects that would be helpful to the Committees referred to in subsection (a).

Subtitle D—Conservation Stewardship Program

SEC. 2301. CONSERVATION STEWARDSHIP PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—Chapter 2 of subtitle D of title XII of the Food Security Act of 1985 is amended—

(1) by redesignating subchapters B (farmland protection program) and C (grassland reserve program) as subchapters C and D, respectively; and

(2) by inserting after subchapter A the following new subchapter:

"Subchapter B—Conservation Stewardship Program

"SEC. 1238D. DEFINITIONS.

"In this subchapter:

"(1) CONSERVATION ACTIVITIES.—

"(A) IN GENERAL.—The term 'conservation activities' means conservation systems, practices, or management measures that are designed to address a resource concern.

"(B) INCLUSIONS.—The term 'conservation activities' includes—

"(i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary; and

"(ii) planning needed to address a resource concern.

"(2) CONSERVATION MEASUREMENT TOOLS.—The term 'conservation measurement tools' means procedures to estimate the level of environmental benefit to be achieved by a producer in implementing conservation activities, including indices or other measures developed by the Secretary.

"(3) CONSERVATION STEWARDSHIP PLAN.—The term 'conservation stewardship plan' means a plan that—

"(A) identifies and inventories resource concerns;

"(B) establishes benchmark data and conservation objectives;

"(C) describes conservation activities to be implemented, managed, or improved; and

"(D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

"(4) PRIORITY RESOURCE CONCERN.—The term 'priority resource concern' means a resource concern that is identified at the State level, in consultation with the State Technical Committee, as a priority for a particular watershed or area of the State.

"(5) PROGRAM.—The term 'program' means the conservation stewardship program established by this subchapter.

"(6) RESOURCE CONCERN.—The term 'resource concern' means a specific natural resource impairment or problem, as determined by the Secretary, that—

"(A) represents a significant concern in a State or region; and

"(B) is likely to be addressed successfully through the implementation of conservation activities by producers on land eligible for enrollment in the program.

"(7) STEWARDSHIP THRESHOLD.—The term 'stewardship threshold' means the level of natural resource conservation and environmental management required, as determined by the Secretary using conservation measurement tools, to improve and conserve the quality and condition of a resource concern.

"SEC. 1238E. CONSERVATION STEWARDSHIP PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—During each of fiscal years 2009 through 2012, the Secretary shall carry out a conservation stewardship program to encourage producers to address resource concerns in a comprehensive manner—

"(1) by undertaking additional conservation activities; and

"(2) by improving, maintaining and managing existing conservation activities.

"(b) ELIGIBLE LAND.—

"(1) IN GENERAL.—Except as provided in subsection (c), the following land is eligible for enrollment in the program:

"(A) Private agricultural land (including cropland, grassland, prairie land, improved pastureland, rangeland, and land used for agroforestry).

"(B) Agricultural land under the jurisdiction of an Indian tribe.

"(C) Forested land that is an incidental part of an agricultural operation.

"(D) Other private agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed by enrolling the land in the program, as determined by the Secretary.

"(2) SPECIAL RULE FOR NONINDUSTRIAL PRIVATE FOREST LAND.—Nonindustrial private forest land is eligible for enrollment in the program, except that not more than 10 percent of the annual acres enrolled nationally in any fiscal year may be nonindustrial private forest land.

"(3) AGRICULTURAL OPERATION.—Eligible land shall include all acres of an agricultural operation of a producer, whether or not contiguous, that are under the effective control of the producer at the time the producer enters into a stewardship contract, and is operated by the producer with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

"(c) EXCLUSIONS.—

"(1) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Subject to paragraph (2), the following land is not be eligible for enrollment in the program:

"(A) Land enrolled in the conservation reserve program.

"(B) Land enrolled in the wetlands reserve program.

"(C) Land enrolled in the grassland reserve program.

"(2) CONVERSION TO CROPLAND.—Land used for crop production after the date of enactment of the Food, Conservation, and Energy Act of 2008 that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet the requirement because—

"(A) the land had previously been enrolled in the conservation reserve program;

"(B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or

"(C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

"SEC. 1238F. STEWARDSHIP CONTRACTS.

"(a) SUBMISSION OF CONTRACT OFFERS.—To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary for approval a contract offer that—

"(1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, is meeting the stewardship threshold for at least one resource concern; and

"(2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 priority resource concern by the end of the stewardship contract by—

"(A) installing and adopting additional conservation activities; and

"(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

"(b) EVALUATION OF CONTRACT OFFERS.—

"(1) RANKING OF APPLICATIONS.—In evaluating contract offers made by producers to enter into contracts under the program, the Secretary shall rank applications based on—

"(A) the level of conservation treatment on all applicable priority resource concerns at the time of application, based to the maximum extent practicable on conservation measurement tools;

"(B) the degree to which the proposed conservation treatment on applicable priority resource concerns effectively increases conservation performance, based to the maximum extent possible on conservation measurement tools;

"(C) the number of applicable priority resource concerns proposed to be treated to meet or exceed the stewardship threshold by the end of the contract;

"(D) the extent to which other resource concerns, in addition to priority resource concerns, will be addressed to meet or exceed the stewardship threshold by the end of the contract period; and

"(E) the extent to which the actual and anticipated environmental benefits from the contract are provided at the least cost relative to other similarly beneficial contract offers.

"(2) PROHIBITION.—The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

"(3) ADDITIONAL CRITERIA.—The Secretary may develop and use such additional criteria for evaluating applications to enroll in the program that the Secretary determines are necessary to ensure that national, State, and local conservation priorities are effectively addressed.

"(c) ENTERING INTO CONTRACTS.—After a determination that a producer is eligible for the program under subsection (a), and a determination that the contract offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract with the producer to enroll the land to be covered by the contract.

"(d) CONTRACT PROVISIONS.—

"(1) TERM.—A conservation stewardship contract shall be for a term of 5 years.

"(2) PROVISIONS.—The conservation stewardship contract of a producer shall—

"(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 1238G(e);

"(B) require the producer—

"(i) to implement during the term of the conservation stewardship contract the conservation stewardship plan approved by the Secretary;

"(ii) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation stewardship contract; and

"(iii) not to engage in any activity during the term of the conservation stewardship contract on the eligible land covered by the contract that would interfere with the purposes of the conservation stewardship contract;

"(C) permit all economic uses of the land that—

"(i) maintain the agricultural nature of the land; and

"(ii) are consistent with the conservation purposes of the conservation stewardship contract;

"(D) include a provision to ensure that a producer shall not be considered in violation of the contract for failure to comply with the contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary; and

"(E) include such other provisions as the Secretary determines necessary to ensure the purposes of the program are achieved.

"(e) CONTRACT RENEWAL.—At the end of an initial conservation stewardship contract of a producer, the Secretary may allow the producer to renew the contract for one additional five-year period if the producer—

"(1) demonstrates compliance with the terms of the existing contract; and

"(2) agrees to adopt new conservation activities, as determined by the Secretary.

"(f) MODIFICATION.—The Secretary may allow a producer to modify a stewardship contract if the Secretary determines that the modification is consistent with achieving the purposes of the program.

"(g) CONTRACT TERMINATION.—

"(1) VOLUNTARY TERMINATION.—A producer may terminate a conservation stewardship contract if the Secretary determines that termination would not defeat the purposes of the program.

"(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this subchapter if the Secretary determines that the producer violated the contract.

"(3) REPAYMENT.—If a contract is terminated, the Secretary may, consistent with the purposes of the program—

"(A) allow the producer to retain payments already received under the contract; or

"(B) require repayment, in whole or in part, of payments already received and assess liquidated damages.

"(4) CHANGE OF INTEREST IN LAND SUBJECT TO A CONTRACT.—

"(A) IN GENERAL.—Except as provided in paragraph (B), a change in the interest of a producer in land covered by a contract under this chapter shall result in the termination of the contract with regard to that land.

"(B) TRANSFER OF DUTIES AND RIGHTS.—Subparagraph (A) shall not apply if—

"(i) within a reasonable period of time (as determined by the Secretary) after the date of the change in the interest in land covered by a contract under the program, the transferee of the land provides written notice to the Secretary that all duties and rights under the contract have been transferred to, and assumed by, the transferee; and

"(ii) the transferee meets the eligibility requirements of the program.

"(h) COORDINATION WITH ORGANIC CERTIFICATION.—The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et. seq.) while participating in a contract under this subchapter.

"(i) ON-FARM RESEARCH AND DEMONSTRATION OR PILOT TESTING.—The Secretary may approve a contract offer under this subchapter that includes—

"(1) on-farm conservation research and demonstration activities; and

"(2) pilot testing of new technologies or innovative conservation practices.

"SEC. 1238G. DUTIES OF THE SECRETARY.

"(a) IN GENERAL.—To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

"(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, one of which shall occur in the first quarter of each fiscal year;

"(2) identify not less than 3 nor more than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

"(3) develop reliable conservation measurement tools for purposes of carrying out the program.

"(b) ALLOCATION TO STATES.—The Secretary shall allocate acres to States for enrollment, based—

"(1) primarily on each State's proportion of eligible acres under section 1238E(b)(1) to the total number of eligible acres in all States; and

"(2) also on consideration of—

"(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

"(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

"(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

"(c) SPECIALTY CROP AND ORGANIC PRODUCERS.—The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

"(d) ACREAGE ENROLLMENT LIMITATION.—During the period beginning on October 1, 2008, and ending on September 30, 2017, the Secretary shall, to the maximum extent practicable—

"(1) enroll in the program an additional 12,769,000 acres for each fiscal year; and

"(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.

"(e) CONSERVATION STEWARDSHIP PAYMENTS.—

"(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide a payment under the program to compensate the producer for—

"(A) installing and adopting additional conservation activities; and

"(B) improving, maintaining, and managing conservation activities in place at the operation of the producer at the time the contract offer is accepted by the Secretary.

"(2) PAYMENT AMOUNT.—The amount of the conservation stewardship payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

"(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

"(B) Income forgone by the producer.

"(C) Expected environmental benefits as determined by conservation measurement tools.

"(3) EXCLUSIONS.—A payment to a producer under this subsection shall not be provided for—

"(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

"(B) conservation activities for which there is no cost incurred or income forgone to the producer.

"(4) TIMING OF PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall make payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

"(B) ADDITIONAL ACTIVITIES.—The Secretary shall make payments to compensate producers for installation of additional practices at the time at which the practices are installed and adopted.

"(f) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS.—

"(1) AVAILABILITY OF PAYMENTS.—The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the land of the producers.

"(2) BENEFICIAL CROP ROTATIONS.—The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1), based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.

"(3) ELIGIBILITY.—To be eligible to receive a payment described in paragraph (1), a producer shall agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract.

"(4) RESOURCE-CONSERVING CROP ROTATION.—In this subsection, the term 'resource-conserving crop rotation' means a crop rotation that—

"(A) includes at least 1 resource conserving crop (as defined by the Secretary);

"(B) reduces erosion;

"(C) improves soil fertility and tilth;

"(D) interrupts pest cycles; and

"(E) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

"(g) PAYMENT LIMITATIONS.—A person or legal entity may not receive, directly or indirectly, payments under this subchapter that, in the aggregate, exceed $200,000 for all contracts entered into during any 5-year period, excluding funding arrangements with federally recognized Indian tribes or Alaska Native corporations, regardless of the number of contracts entered into under the program by the person or entity.

"(h) REGULATIONS.—The Secretary shall promulgate regulations that—

"(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (g); and

"(2) otherwise enable the Secretary to carry out the program.

"(i) DATA.—The Secretary shall maintain detailed and segmented data on contracts and payments under the program to allow for quantification of the amount of payments made for—

"(1) the installation and adoption of additional conservation activities and improvements to conservation activities in place on the operation of a producer at the time.the conservation stewardship offer is accepted by the Secretary;

"(2) participation in research, demonstration, and pilot projects; and

"(3) the development and periodic assessment and evaluation of conservation plans developed under this subchapter.".

(b) TERMINATION OF CONSERVATION SECURITY PROGRAM AUTHORITY; EFFECT ON EXISTING CONTRACTS.—Section 1238A of the Food Security Act of 1985 (16 U.S.C. 3838a) is amended by adding at the end the following new subsection:

"(g) PROHIBITION ON CONSERVATION SECURITY PROGRAM CONTRACTS; EFFECT ON EXISTING CONTRACTS.—

"(1) PROHIBITION.—A conservation security contract may not be entered into or renewed under this subchapter after September 30, 2008.

"(2) EXCEPTION.—This subchapter, and the terms and conditions of the conservation security program, shall continue to apply to—

"(A) conservation security contracts entered into on or before September 30, 2008; and

"(B) any conservation security contract entered into after that date, but for which the application for the contract was received during the 2008 sign-up period.

"(3) EFFECT ON PAYMENTS.—The Secretary shall make payments under this subchapter with respect to conservation security contracts described in paragraph (2) during the remaining term of the contracts.

"(4) REGULATIONS.—A contract described in paragraph (2) may not be administered under the regulations issued to carry out the conservation stewardship program.".

(c) REFERENCE TO REDESIGNATED SUBCHAPTER.—Section 1238A(b)(3)(C) of title XII of the Food Security Act of 1985 (16 U.S.C. 3838a(b)(3)(C)) is amended by striking "subchapter C" and inserting "subchapter D".

Subtitle E—Farmland Protection and Grassland Reserve

SEC. 2401. FARMLAND PROTECTION PROGRAM.

(a) DEFINITIONS.—Section 1238H of the Food Security Act of 1985 (16 U.S.C. 3838h) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

"(B) any organization that—

"(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

"(iii) is—

"(I) described in paragraph (1) or (2) of section 509(a) of that Code; or

"(II) described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code."; and

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "that—" and inserting "that is subject to a pending offer for purchase from an eligible entity and—"; and

(ii) by striking clauses (i) and (ii) and inserting the following new clauses:

"(i) has prime, unique, or other productive soil;

"(ii) contains historical or archaeological resources; or

"(iii) the protection of which will further a State or local policy consistent with the purposes of the program."; and

(B) in subparagraph (B)—

(i) in clause (iv), by striking "and" at the end; and

(ii) by striking clause (v) and inserting the following new clauses:

"(v) forest land that—

"(I) contributes to the economic viability of an agricultural operation; or

"(II) serves as a buffer to protect an agricultural operation from development; and

"(vi) land that is incidental to land described in clauses (i) through (v), if such land is necessary for the efficient administration of a conservation easement, as determined by the Secretary.".

(b) FARMLAND PROTECTION.—Section 1238I of the Food Security Act of 1985 (16 U.S.C. 3838i) is amended to read as follows:

"SEC. 1238I. FARMLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish and carry out a farmland protection program under which the Secretary shall facilitate and provide funding for the purchase of conservation easements or other interests in eligible land.

"(b) PURPOSE.—The purpose of the program is to protect the agricultural use and related conservation values of eligible land by limiting nonagricultural uses of that land.

"(c) COST-SHARE ASSISTANCE.—

"(1) PROVISION OF ASSISTANCE.—The Secretary shall provide cost-share assistance to eligible entities for purchasing a conservation easement or other interest in eligible land.

"(2) FEDERAL SHARE.—The share of the cost provided by the Secretary for purchasing a conservation easement or other interest in eligible land shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

"(3) NON-FEDERAL SHARE.—

"(A) SHARE PROVIDED BY ELIGIBLE ENTITY.—The eligible entity shall provide a share of the cost of purchasing a conservation easement or other interest in eligible land in an amount that is not less than 25 percent of the acquisition purchase price.

"(B) LANDOWNER CONTRIBUTION.—As part of the non-Federal share of the cost of purchasing a conservation easement or other interest in eligible land, an eligible entity may include a charitable donation or qualified conservation

contribution (as defined by section 170(h) of the Internal Revenue Code of 1986) from the private landowner from which the conservation easement or other interest in land will be purchased.

"(d) DETERMINATION OF FAIR MARKET VALUE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, the fair market value of the conservation easement or other interest in eligible land shall be determined on the basis of an appraisal using an industry approved method, selected by the eligible entity and approved by the Secretary.

"(e) BIDDING DOWN PROHIBITED.—If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the program.

"(f) CONDITION ON ASSISTANCE.—

"(1) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased using cost-share assistance provided under the program shall be subject to a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

"(2) CONTINGENT RIGHT OF ENFORCEMENT.—The Secretary shall require the inclusion of a contingent right of enforcement for the Secretary in the terms of a conservation easement or other interest in eligible land that is purchased using cost-share assistance provided under the program.

"(g) AGREEMENTS WITH ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under subsection (c).

"(2) LENGTH OF AGREEMENTS.—An agreement under this subsection shall be for a term that is—

"(A) in the case of an eligible entity certified under the process described in subsection (h), a minimum of five years; and

"(B) for all other eligible entities, at least three, but not more than five years.

"(3) SUBSTITUTION OF QUALIFIED PROJECTS.—An agreement shall allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of the proposed substitution.

"(4) MINIMUM REQUIREMENTS.—An eligible entity shall be authorized to use its own terms and conditions, as approved by the Secretary, for conservation easements and other purchases of interests in land, so long as such terms and conditions—

"(A) are consistent with the purposes of the program;

"(B) permit effective enforcement of the conservation purposes of such easements or other interests; and

"(C) include a limit on the impervious surfaces to be allowed that is consistent with the agricultural activities to be conducted.

"(5) EFFECT OF VIOLATION.—If a violation occurs of a term or condition of an agreement entered into under this subsection—

"(A) the agreement shall remain in force; and

"(B) the Secretary may require the eligible entity to refund all or part of any payments received by the entity under the program, with interest on the payments as determined appropriate by the Secretary.

"(h) CERTIFICATION OF ELIGIBLE ENTITIES.—

"(1) CERTIFICATION PROCESS.—The Secretary shall establish a process under which the Secretary may—

"(A) directly certify eligible entities that meet established criteria;

"(B) enter into long-term agreements with certified entities, as authorized by subsection (g)(2)(A); and

"(C) accept proposals for cost-share assistance to certified entities for the purchase of conservation easements or other interests in eligible land throughout the duration of such agreements.

"(2) CERTIFICATION CRITERIA.—In order to be certified, an eligible entity shall demonstrate to the Secretary that the entity will maintain, at a minimum, for the duration of the agreement—

"(A) a plan for administering easements that is consistent with the purpose of this subchapter;

"(B) the capacity and resources to monitor and enforce conservation easements or other interests in land; and

"(C) policies and procedures to ensure—

"(i) the long-term integrity of conservation easements or other interests in eligible land;

"(ii) timely completion of acquisitions of easements or other interests in eligible land; and

"(iii) timely and complete evaluation and reporting to the Secretary on the use of funds provided by the Secretary under the program.

"(3) REVIEW AND REVISION.—

"(A) REVIEW.—The Secretary shall conduct a review of eligible entities certified under paragraph (1) every three years to ensure that such entities are meeting the criteria established under paragraph (2).

"(B) REVOCATION.—If the Secretary finds that the certified entity no longer meets the criteria established under paragraph (2), the Secretary may—

"(i) allow the certified entity a specified period of time, at a minimum 180 days, in which to take such actions as may be necessary to meet the criteria; and

"(ii) revoke the certification of the entity, if after the specified period of time, the certified entity does not meet the criteria established in paragraph (2).".

SEC. 2402. FARM VIABILITY PROGRAM.

Section 1238J(b) of the Food Security Act of 1985 (16 U.S.C. 3838j(b)) is amended by striking "2007" and inserting "2012".

SEC. 2403. GRASSLAND RESERVE PROGRAM.

Subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.), as redesignated by section 2301(a)(1), is amended to read as follows:

"Subchapter D—Grassland Reserve Program

"SEC. 1238N. GRASSLAND RESERVE PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a grassland reserve program (referred to in this subchapter as the 'program') for the purpose of assisting owners and operators in protecting grazing uses and related conservation values by restoring and conserving eligible land through rental contracts, easements, and restoration agreements.

"(b) ENROLLMENT OF ACREAGE.—

"(1) ACREAGE ENROLLED.—The Secretary shall enroll an additional 1,220,000 acres of eligible land in the program during fiscal years 2009 through 2012.

"(2) METHODS OF ENROLLMENT.—The Secretary shall enroll eligible land in the program through the use of;

"(A) a 10-year, 15-year, or 20-year rental contract;

"(B) a permanent easement; or

"(C) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under the law of that State.

"(3) LIMITATION.—Of the total amount of funds expended under the program to acquire rental contracts and easements described in paragraph (2), the Secretary shall use, to the extent practicable—

"(A) 40 percent for rental contacts; and

"(B) 60 percent for easements.

"(4) ENROLLMENT OF CONSERVATION RESERVE LAND.—

"(A) PRIORITY.—Upon expiration of a contract under subchapter B of chapter 1 of this subtitle, the Secretary shall give priority for enrollment in the program to land previously enrolled in the conservation reserve program if—

"(i) the land is eligible land, as defined in subsection (c); and

"(ii) the Secretary determines that the land is of high ecological value and under significant threat of conversion to uses other than grazing.

"(B) MAXIMUM ENROLLMENT.—The number of acres of land enrolled under the priority described in subparagraph (A) in a calendar year shall not exceed 10 percent of the total number of acres enrolled in the program in that calendar year.

"(c) ELIGIBLE LAND DEFINED.—For purposes of the program, the term 'eligible land' means private or tribal land that—

"(1) is grassland, land that contains forbs, or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

"(2) is located in an area that has been historically dominated by grassland, forbs, or shrubland, and the land—

"(A) could provide habitat for animal or plant populations of significant ecological value if the land—

"(i) is retained in its current use; or

"(ii) is restored to a natural condition;

"(B) contains historical or archaeological resources; or

"(C) would address issues raised by State, regional, and national conservation priorities; or

"(3) is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of a rental contract or easement under the program.

"SEC. 1238O. DUTIES OF OWNERS AND OPERATORS.

"(a) RENTAL CONTRACTS.—To be eligible to enroll eligible land in the program under a rental contract, the owner or operator of the land shall agree—

"(1) to comply with the terms of the contract and, when applicable, a restoration agreement;

"(2) to suspend any existing cropland base and allotment history for the land under another program administered by the Secretary; and

"(3) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties.

"(b) EASEMENTS.—To be eligible to enroll eligible land in the program through an easement, the owner of the land shall agree—

"(1) to grant an easement to the Secretary or to an eligible entity described in section 1238Q;

"(2) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

"(3) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

"(4) to provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement;

"(5) to comply with the terms of the easement and, when applicable, a restoration agreement;

"(6) to implement a grazing management plan, as approved by the Secretary, which may be modified upon mutual agreement of the parties; and

"(7) to eliminate any existing cropland base and allotment history for the land under another program administered by the Secretary.

"(c) RESTORATION AGREEMENTS.—

"(1) WHEN APPLICABLE.—To be eligible for cost-share assistance to restore eligible land subject to a rental contract or an easement under the program, the owner or operator of the land

shall agree to comply with the terms of a restoration agreement.

"(2) TERMS AND CONDITIONS.—The Secretary shall prescribe the terms and conditions of a restoration agreement by which eligible land that is subject to a rental contract or easement under the program shall be restored.

"(3) DUTIES.—The restoration agreement shall describe the respective duties of the owner or operator and the Secretary, including the Federal share of restoration payments and technical assistance.

"(d) TERMS AND CONDITIONS APPLICABLE TO RENTAL CONTRACTS AND EASEMENTS.—

"(1) PERMISSIBLE ACTIVITIES.—The terms and conditions of a rental contract or easement under the program shall permit—

"(A) common grazing practices, including maintenance and necessary cultural practices, on the land in a manner that is consistent with maintaining the viability of grassland, forb, and shrub species appropriate to that locality;

"(B) haying, mowing, or harvesting for seed production, subject to appropriate restrictions during the nesting season for birds in the local area that are in significant decline or are conserved in accordance with Federal or State law, as determined by the State Conservationist;

"(C) fire presuppression, rehabilitation, and construction of fire breaks; and

"(D) grazing related activities, such as fencing and livestock watering.

"(2) PROHIBITIONS.—The terms and conditions of a rental contract or easement under the program shall prohibit—

"(A) the production of crops (other than hay), fruit trees, vineyards, or any other agricultural commodity that is inconsistent with maintaining grazing land; and

"(B) except as permitted under a restoration plan, the conduct of any other activity that would be inconsistent with maintaining grazing land enrolled in the program.

"(3) ADDITIONAL TERMS AND CONDITIONS.—A rental contract or easement under the program shall include such additional provisions as the Secretary determines are appropriate to carry out or facilitate the purposes and administration of the program.

"(e) VIOLATIONS.—On a violation of the terms or conditions of a rental contract, easement, or restoration agreement entered into under this section—

"(1) the contract or easement shall remain in force; and

"(2) the Secretary may require the owner or operator to refund all or part of any payments received under the program, with interest on the payments as determined appropriate by the Secretary.

"SEC. 1238P. DUTIES OF SECRETARY.

"(a) EVALUATION AND RANKING OF APPLICATIONS.—

"(1) CRITERIA.—The Secretary shall establish criteria to evaluate and rank applications for rental contracts and easements under the program.

"(2) CONSIDERATIONS.—In establishing the criteria, the Secretary shall emphasize support for—

"(A) grazing operations;

"(B) plant and animal biodiversity; and

"(C) grassland, land that contains forbs, and shrubland under the greatest threat of conversion to uses other than grazing.

"(b) PAYMENTS.—

"(1) IN GENERAL.—In return for the execution of a rental contract or the granting of an easement by an owner or operator under the program, the Secretary shall—

"(A) make rental contract or easement payments to the owner or operator in accordance with paragraphs (2) and (3); and

"(B) make payments to the owner or operator under a restoration agreement for the Federal share of the cost of restoration in accordance with paragraph (4).

"(2) RENTAL CONTRACT PAYMENTS.—

"(A) PERCENTAGE OF GRAZING VALUE OF LAND.—In return for the execution of a rental contract by an owner or operator under the program, the Secretary shall make annual payments during the term of the contract in an amount, subject to subparagraph (B), that is not more than 75 percent of the grazing value of the land covered by the contract.

"(B) PAYMENT LIMITATION.—Payments made under 1 or more rental contracts to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

"(3) EASEMENT PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), in return for the granting of an easement by an owner under the program, the Secretary shall make easement payments in an amount not to exceed the fair market value of the land less the grazing value of the land encumbered by the easement.

"(B) METHOD FOR DETERMINATION OF COMPENSATION.—In making a determination under subparagraph (A), the Secretary shall pay as compensation for an easement acquired under the program the lowest of—

"(i) the fair market value of the land encumbered by the easement, as determined by the Secretary, using—

"(I) the Uniform Standards of Professional Appraisal Practices; or

"(II) an area-wide market analysis or survey;

"(ii) the amount corresponding to a geographical cap, as determined by the Secretary in regulations; or

"(iii) the offer made by the landowner.

"(C) SCHEDULE.—Easement payments may be provided in up to 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner.

"(4) RESTORATION AGREEMENT PAYMENTS.—

"(A) FEDERAL SHARE OF RESTORATION.—The Secretary shall make payments to an owner or operator under a restoration agreement of not more than 50 percent of the costs of carrying out measures and practices necessary to restore functions and values of that land.

"(B) PAYMENT LIMITATION.—Payments made under 1 or more restoration agreements to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $50,000 per year.

"(5) PAYMENTS TO OTHERS.—If an owner or operator who is entitled to a payment under the program dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

"SEC. 1238Q. DELEGATION OF DUTY.

"(a) AUTHORITY TO DELEGATE.—The Secretary may delegate a duty under the program—

"(1) by transferring title of ownership to an easement to an eligible entity to hold and enforce; or

"(2) by entering into a cooperative agreement with an eligible entity for the eligible entity to own, write, and enforce an easement.

"(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) an agency of State or local government or an Indian tribe; or

"(2) an organization that—

"(A) is organized for, and at all times since the formation of the organization has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), (iii), or (iv) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(B) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code; and

"(C) is described in—

"(i) paragraph (1) or (2) of section 509(a) of that Code; or

"(ii) in section 509(a)(3) of that Code, and is controlled by an organization described in section 509(a)(2) of that Code.

"(c) TRANSFER OF TITLE OF OWNERSHIP.—

"(1) TRANSFER.—The Secretary may transfer title of ownership to an easement to an eligible entity to hold and enforce, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

"(A) the Secretary determines that the transfer will promote protection of grassland, land that contains forbs, or shrubland;

"(B) the owner authorizes the eligible entity to hold or enforce the easement; and

"(C) the eligible entity agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity.

"(2) APPLICATION.—An eligible entity that seeks to hold and enforce an easement shall apply to the Secretary for approval.

"(3) APPROVAL BY SECRETARY.—The Secretary may approve an application described in paragraph (2) if the eligible entity—

"(A) has the relevant experience necessary, as appropriate for the application, to administer an easement on grassland, land that contains forbs, or shrubland;

"(B) has a charter that describes a commitment to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

"(C) has the resources necessary to effectuate the purposes of the charter.

"(d) COOPERATIVE AGREEMENTS.—

"(1) AUTHORIZED; TERMS AND CONDITIONS.—The Secretary shall establish the terms and conditions of a cooperative agreement under which an eligible entity shall use funds provided by the Secretary to own, write, and enforce an easement, in lieu of the Secretary.

"(2) MINIMUM REQUIREMENTS.—At a minimum, the cooperative agreement shall—

"(A) specify the qualification of the eligible entity to carry out the entity's responsibilities under the program, including acquisition, monitoring, enforcement, and implementation of management policies and procedures that ensure the long-term integrity of the easement protections;

"(B) require the eligible entity to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the eligible entity;

"(C) specify the right of the Secretary to conduct periodic inspections to verify the eligible entity's enforcement of the easement;

"(D) subject to subparagraph (E), identify a specific project or a range of projects to be funded under the agreement;

"(E) allow, upon mutual agreement of the parties, substitution of qualified projects that are identified at the time of substitution;

"(F) specify the manner in which the eligible entity will evaluate and report the use of funds to the Secretary;

"(G) allow the eligible entity flexibility to develop and use terms and conditions for easements, if the Secretary finds the terms and conditions consistent with the purposes of the program and adequate to enable effective enforcement of the easements;

"(H) if applicable, allow an eligible entity to include a charitable donation or qualified conservation contribution (as defined by section

170(h) of the Internal Revenue Code of 1986) from the landowner from which the easement will be purchased as part of the entity's share of the cost to purchase an easement; and

"(I) provide for a schedule of payments to an eligible entity, as agreed to by the Secretary and the eligible entity.

"(3) COST SHARING.—

"(A) IN GENERAL.—As part of a cooperative agreement with an eligible entity under this subsection, the Secretary may provide a share of the purchase price of an easement under the program.

"(B) MINIMUM SHARE BY ELIGIBLE ENTITY.—The eligible entity shall be required to provide a share of the purchase price at least equivalent to that provided by the Secretary.

"(C) PRIORITY.—The Secretary may accord a higher priority to proposals from eligible entities that leverage a greater share of the purchase price of the easement.

"(4) VIOLATION.—If an eligible entity violates the terms or conditions of a cooperative agreement entered into under this subsection—

"(A) the cooperative agreement shall remain in force; and

"(B) the Secretary may require the eligible entity to refund all or part of any payments received by the eligible entity under the program, with interest on the payments as determined appropriate by the Secretary.

"(e) PROTECTION OF FEDERAL INVESTMENT.—When delegating a duty under this section, the Secretary shall ensure that the terms of an easement include a contingent right of enforcement for the Department.".

Subtitle F—Environmental Quality Incentives Program

SEC. 2501. PURPOSES OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) REVISED PURPOSES.—Section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839aa) is amended—

(1) in the matter preceding paragraph (1), by inserting ", forest management," after "agricultural production"; and

(2) by striking paragraphs (3) and (4) and inserting the following new paragraphs:

"(3) providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—

"(A) enhancing soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife; and

"(B) conserving energy;

"(4) assisting producers to make beneficial, cost effective changes to production systems (including conservation practices related to organic production), grazing management, fuels management, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land; and".

(b) TECHNICAL CORRECTION.—The Food Security Act of 1985 is amended by inserting immediately before section 1240 (16 U.S.C. 3839aa) the following:

"CHAPTER 4—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM".

SEC. 2502. DEFINITIONS.

Section 1240A of the Food Security Act of 1985 (16 U.S.C. 3839aa–1) is amended to read as follows:

"SEC. 1240A. DEFINITIONS.

"In this chapter:

"(1) ELIGIBLE LAND.—

"(A) IN GENERAL.—The term 'eligible land' means land on which agricultural commodities, livestock, or forest-related products are produced.

"(B) INCLUSIONS.—The term 'eligible land' includes the following:

"(i) Cropland.

"(ii) Grassland.

"(iii) Rangeland.

"(iv) Pasture land.

"(v) Nonindustrial private forest land.

"(vi) Other agricultural land (including cropped woodland, marshes, and agricultural land used for the production of livestock) on which resource concerns related to agricultural production could be addressed through a contract under the program, as determined by the Secretary.

"(2) NATIONAL ORGANIC PROGRAM.—The term 'national organic program' means the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

"(3) ORGANIC SYSTEM PLAN.—The term 'organic system plan' means an organic plan approved under the national organic program.

"(4) PAYMENT.—The term 'payment' means financial assistance provided to a producer for performing practices under this chapter, including compensation for—

"(A) incurred costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

"(B) income forgone by the producer.

"(5) PRACTICE.—The term 'practice' means 1 or more improvements and conservation activities that are consistent with the purposes of the program under this chapter, as determined by the Secretary, including—

"(A) improvements to eligible land of the producer, including—

"(i) structural practices;

"(ii) land management practices;

"(iii) vegetative practices;

"(iv) forest management; and

"(v) other practices that the Secretary determines would further the purposes of the program; and

"(B) conservation activities involving the development of plans appropriate for the eligible land of the producer, including—

"(i) comprehensive nutrient management planning; and

"(ii) other plans that the Secretary determines would further the purposes of the program under this chapter.

"(6) PROGRAM.—The term 'program' means the environmental quality incentives program established by this chapter.".

SEC. 2503. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–2) is amended to read as follows:

"SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION.

"(a) ESTABLISHMENT.—During each of the 2002 through 2012 fiscal years, the Secretary shall provide payments to producers that enter into contracts with the Secretary under the program.

"(b) PRACTICES AND TERM.—

"(1) PRACTICES.—A contract under the program may apply to the performance of one or more practices.

"(2) TERM.—A contract under the program shall have a term that—

"(A) at a minimum, is equal to the period beginning on the date on which the contract is entered into and ending on the date that is one year after the date on which all practices under the contract have been implemented; but

"(B) not to exceed 10 years.

"(c) BIDDING DOWN.—If the Secretary determines that the environmental values of two or more applications for payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program.

"(d) PAYMENTS.—

"(1) AVAILABILITY OF PAYMENTS.—Payments are provided to a producer to implement one or more practices under the program.

"(2) LIMITATION ON PAYMENT AMOUNTS.—A payment to a producer for performing a practice may not exceed, as determined by the Secretary—

"(A) 75 percent of the costs associated with planning, design; materials, equipment, installation, labor, management, maintenance, or training;

"(B) 100 percent of income foregone by the producer; or

"(C) in the case of a practice consisting of elements covered under subparagraphs (A) and (B)—

"(i) 75 percent of the costs incurred for those elements covered under subparagraph (A); and

"(ii) 100 percent of income foregone for those elements covered under subparagraph (B).

"(3) SPECIAL RULE INVOLVING PAYMENTS FOR FOREGONE INCOME.—In determining the amount and rate of payments under paragraph (2)(B), the Secretary may accord great significance to a practice that, as determined by the Secretary, promotes—

"(A) residue management;

"(B) nutrient management;

"(C) air quality management;

"(D) invasive species management;

"(E) pollinator habitat;

"(F) animal carcass management technology; or

"(G) pest management.

"(4) INCREASED PAYMENTS FOR CERTAIN PRODUCERS.—

"(A) IN GENERAL.—Notwithstanding paragraph (2), in the case of a producer that is a limited resource, socially disadvantaged farmer or rancher or a beginning farmer or rancher, the Secretary shall increase the amount that would otherwise be provided to a producer under this subsection—

"(i) to not more than 90 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

"(ii) to not less than 25 percent above the otherwise applicable rate.

"(B) ADVANCE PAYMENTS.—Not more than 30 percent of the amount determined under subparagraph (A) may be provided in advance for the purpose of purchasing materials or contracting.

"(5) FINANCIAL ASSISTANCE FROM OTHER SOURCES.—Except as provided in paragraph (6), any payments received by a producer from a State or private organization or person for the implementation of one or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under this subsection.

"(6) OTHER PAYMENTS.—A producer shall not be eligible for payments for practices on eligible land under the program if the producer receives payments or other benefits for the same practice on the same land under another program under this subtitle.

"(e) MODIFICATION OR TERMINATION OF CONTRACTS.—

"(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under the program if—

"(A) the producer agrees to the modification or termination; and

"(B) the Secretary determines that the modification or termination is in the public interest.

"(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under the program if the Secretary determines that the producer violated the contract.

"(f) ALLOCATION OF FUNDING.—For each of fiscal years 2002 through 2012, 60 percent of the

funds made available for payments under the program shall be targeted at practices relating to livestock production.

"(g) FUNDING FOR FEDERALLY RECOGNIZED NATIVE AMERICAN INDIAN TRIBES AND ALASKA NATIVE CORPORATIONS.—The Secretary may enter into alternative funding arrangements with federally recognized Native American Indian Tribes and Alaska Native Corporations (including their affiliated membership organizations) if the Secretary determines that the goals and objectives of the program will be met by such arrangements, and that statutory limitations regarding contracts with individual producers will not be exceeded by any Tribal or Native Corporation member.

"(h) WATER CONSERVATION OR IRRIGATION EFFICIENCY PRACTICE.—

"(1) AVAILABILITY OF PAYMENTS.—The Secretary may provide payments under this subsection to a producer for a water conservation or irrigation practice.

"(2) PRIORITY.—In providing payments to a producer for a water conservation or irrigation practice, the Secretary shall give priority to applications in which—

"(A) consistent with the law of the State in which the eligible land of the producer is located, there is a reduction in water use in the operation of the producer; or

"(B) the producer agrees not to use any associated water savings to bring new land, other than incidental land needed for efficient operations, under irrigated production, unless the producer is participating in a watershed-wide project that will effectively conserve water, as determined by the Secretary.

"(i) PAYMENTS FOR CONSERVATION PRACTICES RELATED TO ORGANIC PRODUCTION.—

"(1) PAYMENTS AUTHORIZED.—The Secretary shall provide payments under this subsection for conservation practices, on some or all of the operations of a producer, related—

"(A) to organic production; and

"(B) to the transition to organic production.

"(2) ELIGIBILITY REQUIREMENTS.—As a condition for receiving payments under this subsection, a producer shall agree—

"(A) to develop and carry out an organic system plan; or

"(B) to develop and implement conservation practices for certified organic production that are consistent with an organic system plan and the purposes of this chapter.

"(3) PAYMENT LIMITATIONS.—Payments under this subsection to a person or legal entity, directly or indirectly, may not exceed, in the aggregate, $20,000 per year or $80,000 during any 6-year period. In applying these limitations, the Secretary shall not take into account payments received for technical assistance.

"(4) EXCLUSION OF CERTAIN ORGANIC CERTIFICATION COSTS.—Payments may not be made under this subsection to cover the costs associated with organic certification that are eligible for cost-share payments under section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523).

"(5) TERMINATION OF CONTRACTS.—The Secretary may cancel or otherwise nullify a contract to provide payments under this subsection if the Secretary determines that the producer—

"(A) is not pursuing organic certification; or

"(B) is not in compliance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).".

SEC. 2504. EVALUATION OF APPLICATIONS.

Section 1240C of the Food Security Act of 1985 (16 U.S.C. 3839aa–3) is amended to read as follows:

"SEC. 1240C. EVALUATION OF APPLICATIONS.

"(a) EVALUATION CRITERIA.—The Secretary shall develop criteria for evaluating applications that will ensure that national, State, and local conservation priorities are effectively addressed.

"(b) PRIORITIZATION OF APPLICATIONS.—In evaluating applications under this chapter, the Secretary shall prioritize applications—

"(1) based on their overall level of cost-effectiveness to ensure that the conservation practices and approaches proposed are the most efficient means of achieving the anticipated environmental benefits of the project;

"(2) based on how effectively and comprehensively the project addresses the designated resource concern or resource concerns;

"(3) that best fulfill the purpose of the environmental quality incentives program specified in section 1240(1); and

"(4) that improve conservation practices or systems in place on the operation at the time the contract offer is accepted or that will complete a conservation system.

"(c) GROUPING OF APPLICATIONS.—To the greatest extent practicable, the Secretary shall group applications of similar crop or livestock operations for evaluation purposes or otherwise evaluate applications relative to other applications for similar farming operations.".

SEC. 2505. DUTIES OF PRODUCERS UNDER ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

Section 1240D of the Food Security Act of 1985 (16 U.S.C. 3839aa–4) is amended—

(1) in the matter preceding paragraph (1), by striking "technical assistance, cost-share payments, or incentive";

(2) in paragraph (2), by striking "farm or ranch" and inserting "farm, ranch, or forest land"; and

(3) in paragraph (4), by striking "cost-share payments and incentive".

SEC. 2506. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

(a) PLAN OF OPERATIONS.—Section 1240E(a) of the Food Security Act of 1985 (16 U.S.C. 3839aa–5(a)) is amended—

(1) in the subsection heading, by striking "IN GENERAL" and inserting "PLAN OF OPERATIONS";

(2) in matter preceding paragraph (1), by striking "cost-share payments or incentive";

(3) in paragraph (2), by striking "and" after the semicolon at the end;

(4) in paragraph (3), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraph:

"(4) in the case of forest land, is consistent with the provisions of a forest management plan that is approved by the Secretary, which may include—

"(A) a forest stewardship plan described in section 5 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a);

"(B) another practice plan approved by the State forester; or

"(C) another plan determined appropriate by the Secretary.".

(b) AVOIDANCE OF DUPLICATION.—Subsection (b) of section 1240E of the Food Security Act of 1985 (16 U.S.C. 3839aa–5) is amended to read as follows:

"(b) AVOIDANCE OF DUPLICATION.—The Secretary shall—

"(1) consider a plan developed in order to acquire a permit under a water or air quality regulatory program as the equivalent of a plan of operations under subsection (a), if the plan contains elements equivalent to those elements required by a plan of operations; and

"(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this chapter and comparable conservation programs.".

SEC. 2507. DUTIES OF THE SECRETARY.

Section 1240F(1) of the Food Security Act of 1985 (16 U.S.C. 3839aa–6(1)) is amended by striking "cost-share payments or incentive".

SEC. 2508. LIMITATION ON ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PAYMENTS.

Section 1240G of the Food Security Act of 1985 (16 U.S.C. 3839aa–7) is amended—

(1) by striking "An individual or entity" and inserting "(a) **LIMITATION**.—Subject to subsection (b), a person or legal entity";

(2) by striking "$450,000" and inserting "$300,000";

(3) by striking "the individual" both places it appears and inserting "the person"; and

(4) by adding at the end the following new subsection:

"(b) WAIVER AUTHORITY.—In the case of contracts under this chapter for projects of special environmental significance (including projects involving methane digesters), as determined by the Secretary, the Secretary may—

"(1) waive the limitation otherwise applicable under subsection (a); and

"(2) raise the limitation to not more than $450,000 during any six-year period.".

SEC. 2509. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

Section 1240H of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended to read as follows:

"SEC. 1240H. CONSERVATION INNOVATION GRANTS AND PAYMENTS.

"(a) COMPETITIVE GRANTS FOR INNOVATIVE CONSERVATION APPROACHES.—

"(1) GRANTS.—Out of the funds made available to carry out this chapter, the Secretary may pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging the Federal investment in environmental enhancement and protection, in conjunction with agricultural production or forest resource management, through the program.

"(2) USE.—The Secretary may provide grants under this subsection to governmental and nongovernmental organizations and persons, on a competitive basis, to carry out projects that—

"(A) involve producers who are eligible for payments or technical assistance under the program;

"(B) leverage Federal funds made available to carry out the program under this chapter with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production;

"(C) ensure efficient and effective transfer of innovative technologies and approaches demonstrated through projects that receive funding under this section, such as market systems for pollution reduction and practices for the storage of carbon in soil; and

"(D) provide environmental and resource conservation benefits through increased participation by producers of specialty crops.

"(b) AIR QUALITY CONCERNS FROM AGRICULTURAL OPERATIONS.—

"(1) IMPLEMENTATION ASSISTANCE.—The Secretary shall provide payments under this subsection to producers to implement practices to address air quality concerns from agricultural operations and to meet Federal, State, and local regulatory requirements. The funds shall be made available on the basis of air quality concerns in a State and shall be used to provide payments to producers that are cost effective and reflect innovative technologies.

"(2) FUNDING.—Of the funds made available to carry out this chapter, the Secretary shall carry out this subsection using $37,500,000 for each of fiscal years 2009 through 2012.".

SEC. 2510. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

Section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is amended to read as follows:

"SEC. 1240I. AGRICULTURAL WATER ENHANCEMENT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL WATER ENHANCEMENT ACTIVITY.—The term 'agricultural water enhancement activity' includes the following activities carried out with respect to agricultural land:

"(A) Water quality or water conservation plan development, including resource condition assessment and modeling.

"(B) Water conservation restoration or enhancement projects, including conversion to the production of less water-intensive agricultural commodities or dryland farming.

"(C) Water quality or quantity restoration or enhancement projects.

"(D) Irrigation system improvement and irrigation efficiency enhancement.

"(E) Activities designed to mitigate the effects of drought.

"(F) Related activities that the Secretary determines will help achieve water quality or water conservation benefits on agricultural land.

"(2) PARTNER.—The term 'partner' means an entity that enters into a partnership agreement with the Secretary to carry out agricultural water enhancement activities on a regional basis, including—

"(A) an agricultural or silvicultural producer association or other group of such producers;

"(B) a State or unit of local government; or

"(C) a federally recognized Indian tribe.

"(3) PARTNERSHIP AGREEMENT.—The term 'partnership agreement' means an agreement between the Secretary and a partner.

"(4) PROGRAM.—The term 'program' means the agricultural water enhancement program established under subsection (b).

"(b) ESTABLISHMENT OF PROGRAM.—Beginning in fiscal year 2009, the Secretary shall carry out, in accordance with this section and using such procedures as the Secretary determines to be appropriate, an agricultural water enhancement program as part of the environmental quality incentives program to promote ground and surface water conservation and improve water quality on agricultural lands—

"(1) by entering into contracts with, and making payments to, producers to carry out agricultural water enhancement activities; or

"(2) by entering into partnership agreements with partners, in accordance with subsection (c), on a regional level to benefit working agricultural land.

"(c) PARTNERSHIP AGREEMENTS.—

"(1) AGREEMENTS AUTHORIZED.—The Secretary may enter into partnership agreements to meet the objectives of the program described in subsection (b).

"(2) APPLICATIONS.—An application to the Secretary to enter into a partnership agreement under paragraph (1) shall include the following:

"(A) A description of the geographical area to be covered by the partnership agreement.

"(B) A description of the agricultural water quality or water conservation issues to be addressed by the partnership agreement.

"(C) A description of the agricultural water enhancement objectives to be achieved through the partnership.

"(D) A description of the partners collaborating to achieve the project objectives and the roles, responsibilities, and capabilities of each partner.

"(E) A description of the program resources, including payments the Secretary is requested to make.

"(F) Such other such elements as the Secretary considers necessary to adequately evaluate and competitively select applications for partnership agreements.

"(3) DUTIES OF PARTNERS.—A partner under a partnership agreement shall—

"(A) identify producers participating in the project and act on their behalf in applying for the program;

"(B) leverage funds provided by the Secretary with additional funds to help achieve project objectives;

"(C) conduct monitoring and evaluation of project effects; and

"(D) at the conclusion of the project, report to the Secretary on project results.

"(d) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PRODUCERS.—The Secretary shall select agricultural water enhancement activities proposed by producers according to applicable requirements under the environmental quality incentives program.

"(e) AGRICULTURAL WATER ENHANCEMENT ACTIVITIES BY PARTNERS.—

"(1) COMPETITIVE PROCESS.—The Secretary shall conduct a competitive process to select partners. In carrying out the process, the Secretary shall make public the criteria used in evaluating applications.

"(2) AUTHORITY TO GIVE PRIORITY TO CERTAIN PROPOSALS.—The Secretary may give a higher priority to proposals from partners that—

"(A) include high percentages of agricultural land and producers in a region or other appropriate area;

"(B) result in high levels of applied agricultural water quality and water conservation activities;

"(C) significantly enhance agricultural activity;

"(D) allow for monitoring and evaluation; and

"(E) assist producers in meeting a regulatory requirement that reduces the economic scope of the producer's operation.

"(3) PRIORITY TO PROPOSALS FROM STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall give a higher priority to proposals from partners that—

"(A) include the conversion of agricultural land from irrigated farming to dryland farming;

"(B) leverage Federal funds provided under the program with funds provided by partners; and

"(C) assist producers in States with water quantity concerns, as determined by the Secretary.

"(4) ADMINISTRATION.—In carrying out this subsection, the Secretary shall—

"(A) accept qualified applications—

"(i) directly from partners applying on behalf of producers; or

"(ii) from producers applying through a partner as part of a regional agricultural water enhancement project; and

"(B) ensure that resources made available for regional agricultural water enhancement activities are delivered in accordance with applicable program rules.

"(f) AREAS EXPERIENCING EXCEPTIONAL DROUGHT.—Notwithstanding the purposes described in section 1240, the Secretary shall consider as an eligible agricultural water enhancement activity the use of a water impoundment to capture surface water runoff on agricultural land if the agricultural water enhancement activity—

"(1) is located in an area that is experiencing or has experienced exceptional drought conditions during the previous two calendar years; and

"(2) will capture surface water runoff through the construction, improvement, or maintenance of irrigation ponds or small, on-farm reservoirs.

"(g) WAIVER AUTHORITY.—To assist in the implementation of agricultural water enhancement activities under the program, the Secretary shall waive the applicability of the limitation in section 1001D(b)(2)(B) of this Act for participating producers if the Secretary determines that the waiver is necessary to fulfill the objectives of the program.

"(h) PAYMENTS UNDER PROGRAM.—

"(1) IN GENERAL.—The Secretary shall provide appropriate payments to producers participating in agricultural water enhancement activities in an amount determined by the secretary to be necessary to achieve the purposes of the program described in subsection (b).

"(2) PAYMENTS TO PRODUCERS IN STATES WITH WATER QUANTITY CONCERNS.—The Secretary shall provide payments for a period of five years to producers participating in agricultural water enhancement activities under proposals described in subsection (e)(3) in an amount sufficient to encourage producers to convert from irrigated farming to dryland farming.

"(i) CONSISTENCY WITH STATE LAW.—Any agricultural water enhancement activity conducted under the program shall be conducted in a manner consistent with State water law.

"(j) FUNDING.—

"(1) AVAILABILITY OF FUNDS.—In addition to funds made available to carry out this chapter under section 1241(a), the Secretary shall carry out the program using, of the funds of the Commodity Credit Corporation—

"(A) $73,000,000 for each of fiscal years 2009 and 2010;

"(B) $74,000,000 for fiscal year 2011; and

"(C) $60,000,000 for fiscal year 2012 and each fiscal year thereafter.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—None of the funds made available for regional agricultural water conservation activities under the program may be used to pay for the administrative expenses of partners.".

Subtitle G—Other Conservation Programs of the Food Security Act of 1985

SEC. 2601. CONSERVATION OF PRIVATE GRAZING LAND.

Section 1240M(e) of the Food Security Act of 1985 (16 U.S.C. 3839bb(e)) is amended by striking "2007" and inserting "2012".

SEC. 2602. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) ELIGIBILITY.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) is amended—

(1) in subsection (a), by inserting before the period at the end the following: "for the development of wildlife habitat on private agricultural land, nonindustrial private forest land, and tribal lands".

(2) in subsection (b)(1), by striking "landowners" and inserting "owners of lands referred to in subsection (a)".

(b) INCLUSION OF PIVOT CORNERS AND IRREGULAR AREAS.—Section 1240N(b)(1)(E) of the Food Security Act of 1985 (16 U.S.C. 3839bb-1(b)(1)(E)) is amended by inserting before the period at the end the following: ", including habitat developed on pivot corners and irregular areas".

(c) COST SHARE FOR LONG-TERM AGREEMENTS.—Section 1240N(b)(2)(B) of the Food Security Act of 1985 (16 U.S.C. 3839bb-1(b)(2)(B)) is amended by striking "15 percent" and inserting "25 percent".

(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES; PAYMENT LIMITATION.—Section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) is amended by adding at the end the following new subsections:

"(d) PRIORITY FOR CERTAIN CONSERVATION INITIATIVES.—In carrying out this section, the Secretary may give priority to projects that would address issues raised by State, regional, and national conservation initiatives.

"(e) PAYMENT LIMITATION.—Payments made to a person or legal entity, directly or indirectly, under the program may not exceed, in the aggregate, $50,000 per year.".

SEC. 2603. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

Section 1240O(b) of the Food Security Act of 1985 (16 U.S.C. 3839bb-2(b)) is amended by striking "$5,000,000 for each of fiscal years 2002 *through 2007” and inserting “$20,000,000 for each of fiscal years 2008 through 2012”.*

SEC. 2604. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

Section 1240P of the Food Security Act of 1985 (16 U.S.C. 3839bb–3) is amended to read as follows:

“SEC. 1240P. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

“(a) PROGRAM AUTHORIZED.—The Secretary may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the ‘program’), including providing assistance to implement the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes.

“(b) CONSULTATION AND COOPERATION.—The Secretary shall carry out the program in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army.

“(c) ASSISTANCE.—In carrying out the program, the Secretary may—

“(1) provide project demonstration grants, provide technical assistance, and carry out information and educational programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

“(2) establish a priority for projects and activities that—

“(A) directly reduce soil erosion or improve sediment control;

“(B) reduce soil loss in degraded rural watersheds; or

“(C) improve water quality for downstream watersheds.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program $5,000,000 for each of fiscal years 2008 through 2012.”.

SEC. 2605. CHESAPEAKE BAY WATERSHED PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 is amended by inserting after section 1240P (16 U.S.C. 3839bb–3) the following new section:

“SEC. 1240Q. CHESAPEAKE BAY WATERSHED.

“(a) CHESAPEAKE BAY WATERSHED DEFINED.—In this section, the term ‘Chesapeake Bay watershed’ means all tributaries, backwaters, and side channels, including their watersheds, draining into the Chesapeake Bay.

“(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall assist producers in implementing conservation activities on agricultural lands in the Chesapeake Bay watershed for the purposes of—

“(1) improving water quality and quantity in the Chesapeake Bay watershed; and

“(2) restoring, enhancing, and preserving soil, air, and related resources in the Chesapeake Bay watershed.

“(c) CONSERVATION ACTIVITIES.—The Secretary shall deliver the funds made available to carry out this section through applicable programs under this subtitle to assist producers in enhancing land and water resources—

“(1) by controlling erosion and reducing sediment and nutrient levels in ground and surface water; and

“(2) by planning, designing, implementing, and evaluating habitat conservation, restoration, and enhancement measures where there is significant ecological value if the lands are—

“(A) retained in their current use; or

“(B) restored to their natural condition.

“(d) AGREEMENTS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) enter into agreements with producers to carry out the purposes of this section; and

“(B) use the funds made available to carry out this section to cover the costs of the program involved with each agreement.

“(2) SPECIAL CONSIDERATIONS.—In entering into agreements under this subsection, the Secretary shall give special consideration to, and begin evaluating, applications with producers in the following river basins:

“(A) The Susquehanna River.

“(B) The Shenandoah River.

“(C) The Potomac River (including North and South Potomac).

“(D) The Patuxent River.

“(e) DUTIES OF THE SECRETARY.—In carrying out the purposes in this section, the Secretary shall—

“(1) where available, use existing plans, models, and assessments to assist producers in implementing conservation activities; and

“(2) proceed expeditiously with the implementation of any agreement with a producer that is consistent with State strategies for the restoration of the Chesapeake Bay watershed.

“(f) CONSULTATION.—The Secretary, in consultation with appropriate Federal agencies, shall ensure conservation activities carried out under this section complement Federal and State programs, including programs that address water quality, in the Chesapeake Bay watershed.

“(g) SENSE OF CONGRESS REGARDING CHESAPEAKE BAY EXECUTIVE COUNCIL.—It is the sense of Congress that the Secretary should be a member of the Chesapeake Bay Executive Council, and is authorized to do so under section 1(3) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a(3)).

“(h) FUNDING.—

“(1) AVAILABILITY.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable—

“(A) $23,000,000 for fiscal year 2009;

“(B) $43,000,000 for fiscal year 2010;

“(C) $72,000,000 for fiscal year 2011; and

“(D) $50,000,000 for fiscal year 2012.

“(2) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.”

SEC. 2606. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by inserting after section 1240Q, as added by section 2605, the following new section:

“SEC. 1240R. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

“(b) APPLICATIONS.—In submitting applications for a grant under the program, a State or tribal government shall describe—

“(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

“(A) hunting and fishing; and

“(B) to the maximum extent practicable, other recreational purposes; and

“(2) the methods that will be used to achieve those benefits.

“(c) PRIORITY.—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

“(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

“(2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

“(3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in section 1234(f)(4) by providing incentives to increase public hunting and other recreational access on that land;

“(4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and

“(5) to make available to the public the location of land enrolled.

“(d) RELATIONSHIP TO OTHER LAWS.—

“(1) NO PREEMPTION.—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

“(2) EFFECT OF INCONSISTENT OPENING DATES FOR MIGRATORY BIRD HUNTING.—The Secretary shall reduce by 25 percent the amount of a grant otherwise determined for a State under the program if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents.

“(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

“(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable, $50,000,000 for the period of fiscal years 2009 through 2012.”.

Subtitle H—Funding and Administration of Conservation Programs

SEC. 2701. FUNDING OF CONSERVATION PROGRAMS UNDER FOOD SECURITY ACT OF 1985.

(a) IN GENERAL.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended in the matter preceding paragraph (1), by striking “2007” and inserting “2012”.

(b) CONSERVATION RESERVE PROGRAM.—Paragraph (1) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking the period at the end and inserting the following: “, including to the maximum extent practicable—

“(A) $100,000,000 for the period of fiscal years 2009 through 2012 to provide cost share payments under paragraph (3) of section 1234(b) in connection with thinning activities conducted on land described in subparagraph (A)(iii) of such paragraph; and

“(B) $25,000,000 for the period of fiscal years 2009 through 2012 to carry out section 1235(f) to facilitate the transfer of land subject to contracts from retired or retiring owners and operators to beginning farmers or ranchers and socially disadvantaged farmers or ranchers.”.

(c) CONSERVATION SECURITY AND CONSERVATION STEWARDSHIP PROGRAMS.—Paragraph (3) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

“(3)(A) CONSERVATION SECURITY PROGRAM.—The conservation security program under subchapter A of chapter 2, using such sums as are necessary to administer contracts entered into before September 30, 2008.

“(B) CONSERVATION STEWARDSHIP PROGRAM.—The conservation stewardship program under subchapter B of chapter 2.”.

(d) FARMLAND PROTECTION PROGRAM.—Paragraph (4) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

“(4) The farmland protection program under subchapter C of chapter 2, using, to the maximum extent practicable—

"(A) $97,000,000 in fiscal year 2008;

"(B) $121,000,000 in fiscal year 2009;

"(C) $150,000,000 in fiscal year 2010;

"(D) $175,000,000 in fiscal year 2011; and

"(E) $200,000,000 in fiscal year 2012.".

(e) GRASSLAND RESERVE PROGRAM.—Paragraph (5) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(5) The grassland reserve program under subchapter D of chapter 2.".

(f) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Paragraph (6) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended to read as follows:

"(6) The environmental quality incentives program under chapter 4, using, to the maximum extent practicable—

"(A) $1,200,000,000 in fiscal year 2008;

"(B) $1,337,000,000 in fiscal year 2009;

"(C) $1,450,000,000 in fiscal year 2010;

"(D) $1,588,000,000 in fiscal year 2011; and

"(E) $1,750,000,000 in fiscal year 2012.".

(g) WILDLIFE HABITAT INCENTIVES PROGRAM.—Paragraph (7)(D) of section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by striking "2007" and inserting "2012".

SEC. 2702. AUTHORITY TO ACCEPT CONTRIBUTIONS TO SUPPORT CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by adding at the end the following new subsection:

"(e) ACCEPTANCE AND USE OF CONTRIBUTIONS.—

"(1) AUTHORITY TO ESTABLISH CONTRIBUTION ACCOUNTS.—Subject to paragraph (2), the Secretary may establish a sub-account for each conservation program administered by the Secretary under subtitle D to accept contributions of non-Federal funds to support the purposes of the program.

"(2) DEPOSIT AND USE OF CONTRIBUTIONS.—Contributions of non-Federal funds received for a conservation program administered by the Secretary under subtitle D shall be deposited into the sub-account established under this subsection for the program and shall be available to the Secretary, without further appropriation and until expended, to carry out the program.".

SEC. 2703. REGIONAL EQUITY AND FLEXIBILITY.

(a) REGIONAL EQUITY AND FLEXIBILITY.—Section 1241(d) of the Food Security Act of 1985 (16 U.S.C. 3841(d)) is amended—

(1) by striking "Before April 1" and inserting the following:

"(1) PRIORITY FUNDING TO PROMOTE EQUITY.—Before April 1";

(2) by striking "$12,000,000" and inserting "$15,000,000"; and

(3) by adding at the end the following new paragraph:

"(2) SPECIFIC FUNDING ALLOCATIONS.—In determining the specific funding allocations for States under paragraph (1), the Secretary shall consider the respective demand in each State for each program covered by such paragraph.".

(b) ALLOCATIONS REVIEW AND UPDATE.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (e), as added by section 2702, the following new subsection:

"(f) ALLOCATIONS REVIEW AND UPDATE.—

"(1) REVIEW.—Not later than January 1, 2012, the Secretary shall conduct a review of conservation programs and authorities under this title that utilize allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs.

"(2) UPDATE.—The Secretary shall improve conservation program allocation formulas as necessary to ensure that the formulas adequately reflect the costs of carrying out the conservation programs.".

SEC. 2704. ASSISTANCE TO CERTAIN FARMERS AND RANCHERS TO IMPROVE THEIR ACCESS TO CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (f), as added by section 2703(b), the following new subsection:

"(g) ASSISTANCE TO CERTAIN FARMERS OR RANCHERS FOR CONSERVATION ACCESS.—

"(1) ASSISTANCE.—Of the funds made available for each of fiscal years 2009 through 2012 to carry out the environmental quality incentives program and the acres made available for each of such fiscal years to carry out the conservation stewardship program, the Secretary shall use, to the maximum extent practicable—

"(A) 5 percent to assist beginning farmers or ranchers; and

"(B) 5 percent to assist socially disadvantaged farmers or ranchers.

"(2) REPOOLING OF FUNDS.—In any fiscal year, amounts not obligated under paragraph (1) by a date determined by the Secretary shall be available for payments and technical assistance to all persons eligible for payments or technical assistance in that fiscal year under the environmental quality incentives program.

"(3) REPOOLING OF ACRES.—In any fiscal year, acres not obligated under paragraph (1) by a date determined by the Secretary shall be available for use in that fiscal year under the conservation stewardship program.".

SEC. 2705. REPORT REGARDING ENROLLMENTS AND ASSISTANCE UNDER CONSERVATION PROGRAMS.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by inserting after subsection (g), as added by section 2704, the following new subsection:

"(h) REPORT ON PROGRAM ENROLLMENTS AND ASSISTANCE.—Beginning in calendar year 2009, and each year thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a semiannual report containing statistics by State related to enrollments in conservation programs under this subtitle, as follows:

"(1) Payments made under the wetlands reserve program for easements valued at $250,000 or greater.

"(2) Payments made under the farmland protection program for easements in which the Federal share is $250,000 or greater.

"(3) Payments made under the grassland reserve program valued at $250,000 or greater.

"(4) Payments made under the environmental quality incentives program for land determined to have special environmental significance pursuant to section 1240G(b).

"(5) Payments made under the agricultural water enhancement program subject to the waiver of adjusted gross income limitations pursuant to section 1240I(g).

"(6) Waivers granted by the Secretary under section 1001D(b)(2) of this Act in order to protect environmentally sensitive land of special significance.".

SEC. 2706. DELIVERY OF CONSERVATION TECHNICAL ASSISTANCE.

Section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842) is amended to read as follows:

"SEC. 1242. DELIVERY OF TECHNICAL ASSISTANCE.

"(a) DEFINITION OF ELIGIBLE PARTICIPANT.—In this section, the term 'eligible participant' means a producer, landowner, or entity that is participating in, or seeking to participate in, programs for which the producer, landowner, or entity is otherwise eligible to participate in under this title or the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524).

"(b) PURPOSE OF TECHNICAL ASSISTANCE.—The purpose of technical assistance authorized by this section is to provide eligible participants with consistent, science-based, site-specific practices designed to achieve conservation objectives on land active in agricultural, forestry, or related uses.

"(c) PROVISION OF TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance under this title to an eligible participant—

"(1) directly;

"(2) through an agreement with a third-party provider; or

"(3) at the option of the eligible participant, through a payment, as determined by the Secretary, to the eligible participant for an approved third-party provider, if available.

"(d) NON-FEDERAL ASSISTANCE.—The Secretary may request the services of, and enter into cooperative agreements or contracts with, other agencies within the Department or non-Federal entities to assist the Secretary in providing technical assistance necessary to assist in implementing conservation programs under this title.

"(e) CERTIFICATION OF THIRD-PARTY PROVIDERS.—

"(1) PURPOSE.—The purpose of the third-party provider program is to increase the availability and range of technical expertise available to eligible participants to plan and implement conservation measures.

"(2) REGULATIONS.—Not later than 180 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall promulgate such regulations as are necessary to carry out this section.

"(3) EXPERTISE.—In promulgating such regulations, the Secretary, to the maximum extent practicable, shall—

"(A) ensure that persons with expertise in the technical aspects of conservation planning, watershed planning, and environmental engineering, including commercial entities, nonprofit entities, State or local governments or agencies, and other Federal agencies, are eligible to become approved providers of the technical assistance;

"(B) provide national criteria for the certification of third party providers; and

"(C) approve any unique certification standards established at the State level.

"(f) ADMINISTRATION.—

"(1) FUNDING.—Effective for fiscal year 2008 and each subsequent fiscal year, funds of the Commodity Credit Corporation made available to carry out technical assistance for each of the programs specified in section 1241 shall be available for the provision of technical assistance from third-party providers under this section.

"(2) TERM OF AGREEMENT.—An agreement with a third-party provider under this section shall have a term that—

"(A) at a minimum, is equal to the period beginning on the date on which the agreement is entered into and ending on the date that is 1 year after the date on which all activities performed pursuant to the agreement have been completed;

"(B) does not exceed 3 years; and

"(C) can be renewed, as determined by the Secretary.

"(3) REVIEW OF CERTIFICATION REQUIREMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall—

"(A) review certification requirements for third-party providers; and

"(B) make any adjustments considered necessary by the Secretary to improve participation.

"(4) ELIGIBLE ACTIVITIES.—

"(A) INCLUSION OF ACTIVITIES.—The Secretary may include as activities eligible for payments to a third party provider—

"(i) technical services provided directly to eligible participants, such as conservation planning, education and outreach, and assistance with design and implementation of conservation practices; and

"(ii) related technical assistance services that accelerate conservation program delivery.

"(B) EXCLUSIONS.—The Secretary shall not designate as an activity eligible for payments to a third party provider any service that is provided by a business, or equivalent, in connection with conducting business and that is customarily provided at no cost.

"(5) PAYMENT AMOUNTS.—The Secretary shall establish fair and reasonable amounts of payments for technical services provided by third-party providers.

"(g) AVAILABILITY OF TECHNICAL SERVICES.—

"(1) IN GENERAL.—In carrying out the programs under this title and the agricultural management assistance program under section 524 of the Federal Crop Insurance Act (7 U.S.C. 1524), the Secretary shall make technical services available to all eligible participants who are installing an eligible practice.

"(2) TECHNICAL SERVICE CONTRACTS.—In any case in which financial assistance is not provided under a program referred to in paragraph (1), the Secretary may enter into a technical service contract with the eligible participant for the purposes of assisting in the planning, design, or installation of an eligible practice.

"(h) REVIEW OF CONSERVATION PRACTICE STANDARDS.—

"(1) REVIEW REQUIRED.—The Secretary shall—

"(A) review conservation practice standards, including engineering design specifications, in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008;

"(B) ensure, to the maximum extent practicable, the completeness and relevance of the standards to local agricultural, forestry, and natural resource needs, including specialty crops, native and managed pollinators, bioenergy crop production, forestry, and such other needs as are determined by the Secretary; and

"(C) ensure that the standards provide for the optimal balance between meeting site-specific conservation needs and minimizing risks of design failure and associated costs of construction and installation.

"(2) CONSULTATION.—In conducting the review under paragraph (1), the Secretary shall consult with eligible participants, crop consultants, cooperative extension and land grant universities, nongovernmental organizations, and other qualified entities.

"(3) EXPEDITED REVISION OF STANDARDS.—If the Secretary determines under paragraph (1) that revisions to the conservation practice standards, including engineering design specifications, are necessary, the Secretary shall establish an administrative process for expediting the revisions.

"(i) ADDRESSING CONCERNS OF SPECIALITY CROP, ORGANIC, AND PRECISION AGRICULTURE PRODUCERS.—

"(1) IN GENERAL.—The Secretary shall—

"(A) to the maximum extent practicable, fully incorporate specialty crop production, organic crop production, and precision agriculture into the conservation practice standards; and

"(B) provide for the appropriate range of conservation practices and resource mitigation measures available to producers involved with organic or specialty crop production or precision agriculture.

"(2) AVAILABILITY OF ADEQUATE TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The Secretary shall ensure that adequate technical assistance is available for the implementation of conservation practices by producers involved with organic, specialty crop production, or precision agriculture through Federal conservation programs.

"(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall develop—

"(i) programs that meet specific needs of producers involved with organic, specialty crop production or precision agriculture through cooperative agreements with other agencies and nongovernmental organizations; and

"(ii) program specifications that allow for innovative approaches to engage local resources in providing technical assistance for planning and implementation of conservation practices.".

SEC. 2707. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

(a) TRANSFER OF EXISTING PROVISIONS.—Subsections (a), (c), and (d) of section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) are—

(1) redesignated as subsections (c), (d), and (e), respectively; and

(2) transferred to appear at the end of section 1244 of such Act (16 U.S.C. 3844).

(b) ESTABLISHMENT OF PARTNERSHIP INITIATIVE.—Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843), as amended by subsection (a), is amended to read as follows:

"SEC. 1243. COOPERATIVE CONSERVATION PARTNERSHIP INITIATIVE.

"(a) ESTABLISHMENT OF INITIATIVE.—The Secretary shall establish a cooperative conservation partnership initiative (in this section referred to as the 'Initiative') to work with eligible partners to provide assistance to producers enrolled in a program described in subsection (c)(1) that will enhance conservation outcomes on agricultural and nonindustrial private forest land.

"(b) PURPOSES.—The purposes of a partnership entered into under the Initiative shall be—

"(1) to address conservation priorities involving agriculture and nonindustrial private forest land on a local, State, multi-State, or regional level;

"(2) to encourage producers to cooperate in meeting applicable Federal, State, and local regulatory requirements related to production involving agriculture and nonindustrial private forest land;

"(3) to encourage producers to cooperate in the installation and maintenance of conservation practices that affect multiple agricultural or nonindustrial private forest operations; or

"(4) to promote the development and demonstration of innovative conservation practices and delivery methods, including those for specialty crop and organic production and precision agriculture producers.

"(c) INITIATIVE PROGRAMS.—

"(1) COVERED PROGRAMS.—Except as provided in paragraph (2), the Initiative applies to all conservation programs under subtitle D.

"(2) EXCLUDED PROGRAMS.—The Initiative shall not include the following programs:

"(A) Conservation reserve program.

"(B) Wetlands reserve program.

"(C) Farmland protection program

"(D) Grassland reserve program.

"(d) ELIGIBLE PARTNERS.—The Secretary may enter into a partnership under the Initiative with one or more of the following:

"(1) States and local governments.

"(2) Indian tribes.

"(3) Producer associations.

"(4) Farmer cooperatives.

"(5) Institutions of higher education.

"(6) Nongovernmental organizations with a history of working cooperatively with producers to effectively address conservation priorities related to agricultural production and nonindustrial private forest land.

"(e) IMPLEMENTATION AGREEMENTS.—The Secretary shall carry out the Initiative—

"(1) by selecting, through a competitive process, eligible partners from among applications submitted under subsection (f); and

"(2) by entering into multi-year agreements with eligible partners so selected for a period not to exceed 5 years.

"(f) APPLICATIONS.—

"(1) REQUIRED INFORMATION.—An application to enter into a partnership agreement under the Initiative shall include the following:

"(A) A description of the area covered by the agreement, conservation priorities in the area, conservation objectives to be achieved, and the expected level of participation by agricultural producers and nonindustrial private forest landowners.

"(B) A description of the partner, or partners, collaborating to achieve the objectives of the agreement, and the roles, responsibilities, and capabilities of the partner.

"(C) A description of the resources that are requested from the Secretary, and the non-Federal resources that will be leveraged by the Federal contribution.

"(D) A description of the plan for monitoring, evaluating, and reporting on progress made towards achieving the objectives of the agreement.

"(E) Such other information that may be required by the Secretary.

"(2) PRIORITIES.—The Secretary shall give priority to applications for agreements that—

"(A) have a high percentage of producers involved and working agricultural or nonindustrial private forest land included in the area covered by the agreement;

"(B) significantly leverage non-Federal financial and technical resources and coordinate with other local, State, or Federal efforts;

"(C) deliver high percentages of applied conservation to address water quality, water conservation, or State, regional, or national conservation initiatives;

"(D) provide innovation in conservation methods and delivery, including outcome-based performance measures and methods; or

"(E) meet other factors, as determined by the Secretary.

"(g) RELATIONSHIP TO COVERED PROGRAMS.—

"(1) COMPLIANCE WITH PROGRAM RULES.—Except as provided in paragraph (2), the Secretary shall ensure that resources made available under the Initiative are delivered in accordance with the applicable rules of programs specified in subsection (c)(1) through normal program mechanisms relating to program functions, including rules governing appeals, payment limitations, and conservation compliance.

"(2) ADJUSTMENT.—The Secretary may adjust the elements of any program specified in subsection (c)(1)—

"(A) to better reflect unique local circumstances and purposes if the Secretary determines such adjustments are necessary to achieve the purposes of the Initiative; and

"(B) to provide preferential enrollment to producers who are eligible for the applicable program and to participate in the Initiative.

"(h) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary shall provide appropriate technical and financial assistance to producers participating in the Initiative in an amount determined to be necessary to achieve the purposes of the Initiative.

"(i) FUNDING.—

"(1) RESERVATION.—Of the funds and acres made available for each of fiscal years 2009 through 2012 to implement the programs described in subsection (c)(1), the Secretary shall reserve 6 percent of the funds and acres to ensure an adequate source of funds and acres for the Initiative.

"(2) ALLOCATION REQUIREMENTS.—Of the funds and acres reserved for the Initiative for a fiscal year, the Secretary shall allocate—

"(A) 90 percent of the funds and acres to projects based on the direction of State conservationists, with the advice of State technical committees; and

"(B) 10 percent of the funds and acres to projects based on a national competitive process established by the Secretary.

"(3) UNUSED FUNDING.—Any funds and acres reserved for a fiscal year under paragraph (1) that are not obligated by April 1 of that fiscal year may be used to carry out other activities under the program that is the source of the funds or acres during the remainder of that fiscal year.

"(4) ADMINISTRATIVE COSTS OF PARTNERS.—Overhead or administrative costs of partners may not be covered by funds provided through the Initiative.".

SEC. 2708. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Section 1244 of the Food Security Act of 1985 (16 U.S.C. 3844), as amended by section 2707, is further amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) INCENTIVES FOR CERTAIN FARMERS AND RANCHERS AND INDIAN TRIBES.—

"(1) INCENTIVES AUTHORIZED.—In carrying out any conservation program administered by the Secretary, the Secretary may provide to a person or entity specified in paragraph (2) incentives to participate in the conservation program—

"(A) to foster new farming and ranching opportunities; and

"(B) to enhance long-term environmental goals.

"(2) COVERED PERSONS.—Incentives authorized by paragraph (1) may be provided to the following:

"(A) Beginning farmers or ranchers.

"(B) Socially disadvantaged farmers or ranchers.

"(C) Limited resource farmers or ranchers.

"(D) Indian tribes."; and

(2) by adding at the end the following new subsections:

"(f) ACREAGE LIMITATIONS.—

"(1) LIMITATIONS.—

"(A) ENROLLMENTS.—The Secretary shall not enroll more than 25 percent of the cropland in any county in the programs administered under subchapters B and C of chapter 1 of subtitle D.

"(B) EASEMENTS.—Not more than 10 percent of the cropland in a country may be subject to an easement acquired under subchapter C of chapter 1 of subtitle D.

"(2) EXCEPTIONS.—The Secretary may exceed the limitation in paragraph (1)(A), if the Secretary determines that—

"(A) the action would not adversely affect the local economy of a county; and

"(B) operators in the county are having difficulties complying with conservation plans implemented under section 1212.

"(3) WAIVER TO EXCLUDE CERTAIN ACREAGE.—The Secretary may grant a waiver to exclude acreage enrolled under subsection (c)(2)(B) or (f)(4) of section 1234 from the limitations in paragraph (1)(A) with the concurrence of the county government of the county involved.

"(4) SHELTERBELTS AND WINDBREAKS.—The limitations established under paragraph (1) shall not apply to cropland that is subject to an easement under subchapter C of chapter 1 that is used for the establishment of shelterbelts and windbreaks.

"(g) COMPLIANCE AND PERFORMANCE.—For each conservation program under subtitle D, the Secretary shall develop procedures—

"(1) to monitor compliance with program requirements;

"(2) to measure program performance;

"(3) to demonstrate whether the long-term conservation benefits of the program are being achieved;

"(4) to track participation by crop and livestock types; and

"(5) to coordinate activities described in this subsection with the national conservation program authorized under section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004).

"(h) ENCOURAGEMENT OF POLLINATOR HABITAT DEVELOPMENT AND PROTECTION.—In carrying out any conservation program administered by the Secretary, the Secretary may, as appropriate, encourage—

"(1) the development of habitat for native and managed pollinators; and

"(2) the use of conservation practices that benefit native and managed pollinators.

"(i) STREAMLINED APPLICATION PROCESS.—

"(1) IN GENERAL.—In carrying out each conservation program under this title, the Secretary shall ensure that the application process used by producers and landowners is streamlined to minimize complexity and eliminate redundancy.

"(2) REVIEW AND STREAMLINING.—

"(A) REVIEW.—The Secretary shall carry out a review of the application forms and processes for each conservation program covered by this subsection.

"(B) STREAMLINING.—On completion of the review the Secretary shall revise application forms and processes, as necessary, to ensure that—

"(i) all required application information is essential for the efficient, effective, and accountable implementation of conservation programs;

"(ii) conservation program applicants are not required to provide information that is readily available to the Secretary through existing information systems of the Department of Agriculture;

"(iii) information provided by the applicant is managed and delivered efficiently for use in all stages of the application process, or for multiple applications; and

"(iv) information technology is used effectively to minimize data and information input requirements.

"(3) IMPLEMENTATION AND NOTIFICATION.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a written notification of completion of the requirements of this subsection.".

SEC. 2709. ENVIRONMENTAL SERVICES MARKETS.

Subtitle E of title XII of the Food Security Act of 1985 is amended by inserting after section 1244 (16 U.S.C. 3844) the following new section:

"SEC. 1245. ENVIRONMENTAL SERVICES MARKETS.

"(a) TECHNICAL GUIDELINES REQUIRED.—The Secretary shall establish technical guidelines that outline science-based methods to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. The Secretary shall give priority to the establishment of guidelines related to farmer, rancher, and forest landowner participation in carbon markets.

"(b) ESTABLISHMENT.—The Secretary shall establish guidelines under subsection (a) for use in developing the following:

"(1) A procedure to measure environmental services benefits.

"(2) A protocol to report environmental services benefits.

"(3) A registry to collect, record and maintain the benefits measured.

"(c) VERIFICATION REQUIREMENTS.—

"(1) VERIFICATION OF REPORTS.—The Secretary shall establish guidelines for a process to verify that a farmer, rancher, or forest landowner who reports an environmental services benefit pursuant to the protocol required by paragraph (2) of subsection (b) for inclusion in the registry required by paragraph (3) of such subsection has implemented the conservation or land management activity covered by the report.

"(2) ROLE OF THIRD PARTIES.—In establishing the verification guidelines required by paragraph (1), the Secretary shall consider the role of third-parties in conducting independent verification of benefits produced for environmental services markets and other functions, as determined by the Secretary.

"(d) USE OF EXISTING INFORMATION.—In carrying out subsection (b), the Secretary shall build on activities or information in existence on the date of the enactment of the Food, Conservation, and Energy Act of 2008 regarding environmental services markets.

"(e) CONSULTATION.—In carrying out this section, the Secretary shall consult with the following:

"(1) Federal and State government agencies.

"(2) Nongovernmental interests including—

"(A) farm, ranch, and forestry producers;

"(B) financial institutions involved in environmental services trading;

"(C) institutions of higher education with relevant expertise or experience;

"(D) nongovernmental organizations with relevant expertise or experience; and

"(E) private sector representatives with relevant expertise or experience.

"(3) Other interested persons, as determined by the Secretary.".

SEC. 2710. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

Subtitle F of title XII of the Food Security Act of 1985 is amended by inserting after section 1251 (16 U.S.C. 2005a) the following new section:

"SEC. 1252. AGRICULTURE CONSERVATION EXPERIENCED SERVICES PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish a conservation experienced services program (in this section referred to as the 'ACES Program') for the purpose of utilizing the talents of individuals who are age 55 or older, but who are not employees of the Department of Agriculture or a State agriculture department, to provide technical services in support of the conservation-related programs and authorities carried out by the Secretary. Such technical services may include conservation planning assistance, technical consultation, and assistance with design and implementation of conservation practices.

"(b) PROGRAM AGREEMENTS.—

"(1) RELATION TO OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.—Notwithstanding any other provision of law relating to Federal grants, cooperative agreements, or contracts, to carry out the ACES program during a fiscal year, the Secretary may enter into agreements with nonprofit private agencies and organizations eligible to receive grants for that fiscal year under the Community Service Senior Opportunities Act (42 U.S.C. 3056 et seq.) to secure participants for the ACES program who will provide technical services under the ACES program.

"(2) REQUIRED DETERMINATION.—Before entering into an agreement under paragraph (1), the Secretary shall ensure that the agreement would not—

"(A) result in the displacement of individuals employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

"(B) result in the use of an individual under the ACES program for a job or function in a case in which a Federal employee is in a layoff status from the same or a substantially-equivalent job or function with the Department; or

"(C) affect existing contracts for services.

"(c) FUNDING SOURCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may carry out the ACES program using funds made available to carry out each program under this title.

"(2) EXCLUSIONS.—Funds made available to carry out the following programs may not be used to carry out the ACES program:

"(A) The conservation reserve program.

"(B) The wetlands reserve program.

"(C) The grassland reserve program.

"(D) The conservation stewardship program.

"(d) LIABILITY.—An individual providing technical services under the ACES program is deemed to be an employee of the United States Government for purposes of chapter 171 of title 28, United States Code, if the individual—

"(1) is providing technical services pursuant to an agreement entered into under subsection (b); and

"(2) is acting within the scope of the agreement.".

SEC. 2711. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES AND THEIR RESPONSIBILITIES.

Subtitle G of title XII of the Farm Security Act of 1985 (16 U.S.C. 3861, 3862) is amended to read as follows:

"Subtitle G—State Technical Committees

"SEC. 1261. ESTABLISHMENT OF STATE TECHNICAL COMMITTEES.

"(a) ESTABLISHMENT.—The Secretary shall establish a technical committee in each State to assist the Secretary in the considerations relating to implementation and technical aspects of the conservation programs under this title.

"(b) STANDARDS.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall develop—

"(1) standard operating procedures to standardize the operations of State technical committees; and

"(2) standards to be used by State technical committees in the development of technical guidelines under section 1262(b) for the implementation of the conservation provisions of this title.

"(c) COMPOSITION.—Each State technical committee shall be composed of agricultural producers and other professionals that represent a variety of disciplines in the soil, water, wetland, and wildlife sciences. The technical committee for a State shall include representatives from among the following:

"(1) The Natural Resources Conservation Service.

"(2) The Farm Service Agency.

"(3) The Forest Service.

"(4) The National Institute of Food and Agriculture.

"(5) The State fish and wildlife agency.

"(6) The State forester or equivalent State official.

"(7) The State water resources agency.

"(8) The State department of agriculture.

"(9) The State association of soil and water conservation districts.

"(10) Agricultural producers representing the variety of crops and livestock or poultry raised within the State.

"(11) Owners of nonindustrial private forest land.

"(12) Nonprofit organizations within the meaning of section 501(c)(3) of the Internal Revenue Code of 1986 with demonstrable conservation expertise and experience working with agriculture producers in the State.

"(13) Agribusiness.

"SEC. 1262. RESPONSIBILITIES.

"(a) IN GENERAL.—Each State technical committee established under section 1261 shall meet regularly to provide information, analysis, and recommendations to appropriate officials of the Department of Agriculture who are charged with implementing the conservation provisions of this title.

"(b) PUBLIC NOTICE AND ATTENDANCE.—Each State technical committee shall provide public notice of, and permit public attendance at, meetings considering issues of concern related to carrying out this title.

"(c) ROLE.—

"(1) IN GENERAL.—The role of State technical committees is advisory in nature, and such committees shall have no implementation or enforcement authority. However, the Secretary shall give strong consideration to the recommendations of such committees in administering the programs under this title.

"(2) ADVISORY ROLE IN ESTABLISHING PROGRAM PRIORITIES AND CRITERIA.—Each State technical committee shall advise the Secretary in establishing priorities and criteria for the programs in this title, including the review of whether local working groups are addressing those priorities.

"(d) FACA REQUIREMENTS.—

"(1) EXEMPTION.—Each State technical committee shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

"(2) LOCAL WORKING GROUPS.—For purposes of the Federal Advisory Committee Act (5 U.S.C. App.), any local working group established under this subtitle shall be considered to be a subcommittee of the applicable State technical committee.".

Subtitle I—Conservation Programs Under Other Laws

SEC. 2801. AGRICULTURAL MANAGEMENT ASSISTANCE PROGRAM.

(a) ELIGIBLE STATES.—Section 524(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(1)) is amended by inserting "Hawaii," after "Delaware,".

. (b) FUNDING.—Section 524(b)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)(B)) is amended—

(1) in clause (i), by striking "Except as provided in clauses (ii) and (iii)" and inserting "Except as provided in clause (ii)"; and

(2) by striking clauses (ii) and (iii) and inserting the following new clause:

"(ii) EXCEPTION FOR FISCAL YEARS 2008 THROUGH 2012.—For each of fiscal years 2008 through 2012, the Commodity Credit Corporation shall make available to carry out this subsection $15,000,000.".

(c) CERTAIN USES.—Section 524(b)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN USES.—Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

"(i) 50 percent to carry out subparagraphs (A), (B), and (C) of paragraph (2) through the Natural Resources Conservation Service;

"(ii) 10 percent to provide organic certification cost share assistance through the Agricultural Marketing Service; and

"(iii) 40 percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.".

SEC. 2802. TECHNICAL ASSISTANCE UNDER SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT.

(a) PREVENTION OF SOIL EROSION.—

(1) IN GENERAL.—The first section of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a) is amended—

(A) by striking "That it" and inserting the following:

"SECTION 1. PURPOSE.

"It"; and

(B) in the matter preceding paragraph (1), by striking "and thereby to preserve natural resources," and inserting "to preserve soil, water, and related resources, promote soil and water quality,".

(2) POLICIES AND PURPOSES.—Section 7(a)(1) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g(a)(1)) is amended by striking "fertility" and inserting "and water quality and related resources".

(b) DEFINITIONS.—Section 10 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590j) is amended to read as follows:

"SEC. 10. DEFINITIONS.

"In this Act:

"(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

"(A) an agricultural commodity; and

"(B) any regional or market classification, type, or grade of an agricultural commodity.

"(2) TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The term 'technical assistance' means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses.

"(B) INCLUSIONS.—The term 'technical assistance' includes—

"(i) technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and

"(ii) technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.".

SEC. 2803. SMALL WATERSHED REHABILITATION PROGRAM.

(a) AVAILABILITY OF FUNDS.—Section 14(h)(1) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(1)) is amended by adding at the end the following new subparagraph:

"(G) $100,000,000 for fiscal year 2009, to be available until expended.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 14(h)(2)(E) of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1012(h)(2)(E)) is amended by striking "fiscal year 2007" and inserting "each of fiscal years 2008 through 2012".

SEC. 2804. AMENDMENTS TO SOIL AND WATER RESOURCES CONSERVATION ACT OF 1977.

(a) CONGRESSIONAL FINDINGS.—Section 2 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2001) is amended—

(1) in paragraph (2), by striking "base, of the" and inserting "base of the"; and

(2) in paragraph (3), by striking "(3)" and all that follows through "Since individual" and inserting the following:

"(3) Appraisal and inventory of resources, assessment and inventory of conservation needs, evaluation of the effects of conservation practices, and analyses of alternative approaches to existing conservation programs are basic to effective soil, water, and related natural resource conservation.

"(4) Since individual".

(b) CONTINUING APPRAISAL OF SOIL, WATER, AND RELATED RESOURCES.—Section 5 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004) is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(7) data on conservation plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by the Secretary.";

(2) by redesignating subsection (d) as subsection (e);

(3) by inserting after subsection (c) the following new subsection:

"(d) EVALUATION OF APPRAISAL.—In conducting the appraisal described in subsection (a), the Secretary shall concurrently solicit and evaluate recommendations for improving the appraisal, including the content, scope, process, participation in, and other elements of the appraisal, as determined by the Secretary."; and

(4) in subsection (e), as redesignated by paragraph (2), by striking the first sentence and inserting the following: "The Secretary shall conduct comprehensive appraisals under this section, to be completed by December 31, 2010, and December 31, 2015.".

(c) SOIL AND WATER CONSERVATION PROGRAM.—Section 6 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2005) is amended—

(1) by redesignating subsection (b) as subsection (d);

(2) by inserting after subsection (a) the following new subsections:

"(b) EVALUATION OF EXISTING CONSERVATION PROGRAMS.—In evaluating existing conservation programs, the Secretary shall emphasize demonstration, innovation, and monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards.

"(c) IMPROVEMENT TO PROGRAM.—In developing a national soil and water conservation program under subsection (a), the Secretary shall solicit and evaluate recommendations for improving the program, including the content, scope, process, participation in, and other elements of the program, as determined by the Secretary."; and

(3) in subsection (d), as redesignated by paragraph (1), by striking "December 31, 1979" and all that follows through "December 31, 2007" and inserting "December 31, 2011, and December 31, 2016".

(d) REPORTS TO CONGRESS.—Section 7 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2006) is amended to read as follows:

"SEC. 7. REPORTS TO CONGRESS.

"(a) APPRAISAL.—Not later than the date on which Congress convenes in 2011 and 2016, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the appraisal developed under section 5 and completed before the end of the previous year.

"(b) PROGRAM AND STATEMENT OF POLICY.—Not later than the date on which Congress convenes in 2012 and 2017, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

"(1) the initial program or updated program developed under section 6 and completed before the end of the previous year;

"(2) a detailed statement of policy regarding soil and water conservation activities of the Department of Agriculture; and

"(3) a special evaluation of the status, conditions, and trends of soil quality on cropland in the United States that addresses the challenges and opportunities for reducing soil erosion to tolerance levels.

"(c) IMPROVEMENTS TO APPRAISAL AND PROGRAM.—Not later than the date on which Congress convenes in 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the plans of the Department of Agriculture for improving the resource appraisal and national conservation program required under this Act, based on the recommendations received under sections 5(d) and 6(c).".

(e) TERMINATION OF PROGRAM.—Section 10 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2009) is amended by striking "2008" and inserting "2018".

SEC. 2805. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

(a) LOCALLY LED PLANNING PROCESS.—Section 1528 of the Agriculture and Food Act of 1981 (16 U.S.C. 3451) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "**PLANNING PROCESS**" and inserting "locally led planning process";

(2) by redesignating paragraphs (8) and (9) as paragraphs (9) and (8), respectively, and moving those paragraphs so as to appear in numerical order;

(3) in paragraph (8) (as so redesignated)—

(A) by striking "**PLANNING PROCESS**" and inserting "LOCALLY LED PLANNING PROCESS"; and

(B) by striking "council" and inserting "locally led council".

(b) AUTHORIZED TECHNICAL ASSISTANCE.—Section 1528(13) of the Agriculture and Food Act of 1981 (16 U.S.C. 3451(13)) is amended by striking subparagraphs (C) and (D) and inserting the following new subparagraphs:

"(C) providing assistance for the implementation of area plans and projects; and

"(D) providing services that involve the resources of Department of Agriculture programs in a local community, as defined in the locally led planning process.".

(c) IMPROVED PROVISION OF TECHNICAL ASSISTANCE.—Section 1531 of the Agriculture and Food Act of 1981 (16 U.S.C. 3454) is amended—

(1) by inserting "(a) IN GENERAL.—" before "In carrying"; and

(2) by adding at the end the following new subsection:

"(b) COORDINATOR.—

"(1) IN GENERAL.—To improve the provision of technical assistance to councils under this subtitle, the Secretary shall designate for each council an individual to be the coordinator for the council.

"(2) RESPONSIBILITY.—A coordinator for a council shall be directly responsible for the provision of technical assistance to the council.".

(d) PROGRAM EVALUATION.—Section 1534 of the Agriculture and Food Act of 1981 (16 U.S.C. 3457) is repealed.

SEC. 2806. USE OF FUNDS IN BASIN FUNDS FOR SALINITY CONTROL ACTIVITIES UPSTREAM OF IMPERIAL DAM.

(a) IN GENERAL.—Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) is amended by adding at the end the following new paragraph:

"(7) BASIN STATES PROGRAM.—

"(A) IN GENERAL.—A Basin States Program that the Secretary, acting through the Bureau of Reclamation, shall implement to carry out salinity control activities in the Colorado River Basin using funds made available under section 205(f).

"(B) ASSISTANCE.—The Secretary, in consultation with the Colorado River Basin Salinity Control Advisory Council, shall carry out this paragraph using funds described in subparagraph (A) directly or by providing grants, grant commitments, or advance funds to Federal or non-Federal entities under such terms and conditions as the Secretary may require.

"(C) ACTIVITIES.—Funds described in subparagraph (A) shall be used to carry out, as determined by the Secretary—

"(i) cost-effective measures and associated works to reduce salinity from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources;

"(ii) operation and maintenance of salinity control features constructed under the Colorado River Basin salinity control program; and

"(iii) studies, planning, and administration of salinity control activities.

"(D) REPORT.—

"(i) IN GENERAL.—Not later than 30 days before implementing the program established under this paragraph, the Secretary shall submit to the appropriate committees of Congress a planning report that describes the proposed implementation of the program.

"(ii) IMPLEMENTATION.—The Secretary may not expend funds to implement the program established under this paragraph before the expiration of the 30-day period beginning on the date on which the Secretary submits the report, or any revision to the report, under clause (i).".

(b) CONFORMING AMENDMENTS.—

(1) Section 202 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking "program" and inserting "programs"; and

(B) in subsection (b)(4)—

(i) by striking "program" and inserting "programs"; and

(ii) by striking "and (6)" and inserting "(6), and (7)".

(2) Section 205 of the Colorado River Basin Salinity Control Act (43 U.S.C. 1595) is amended by striking subsection (f) and inserting the following new subsection:

"(f) UP-FRONT COST SHARE.—

"(1) IN GENERAL.—Effective beginning on the date of enactment of this paragraph, subject to paragraph (3), the cost share obligations required by this section shall be met through an up-front cost share from the Basin Funds, in the same proportions as the cost allocations required under subsection (a), as provided in paragraph (2).

"(2) BASIN STATES PROGRAM.—The Secretary shall expend the required cost share funds described in paragraph (1) through the Basin States Program for salinity control activities established under section 202(a)(7).

"(3) EXISTING SALINITY CONTROL ACTIVITIES.—The cost share contribution required by this section shall continue to be met through repayment in a manner consistent with this section for all salinity control activities for which repayment was commenced prior to the date of enactment of this paragraph.".

SEC. 2807. DESERT TERMINAL LAKES.

Section 2507 of the Farm Security and Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171) is amended—

(1) in subsection (a)—

(A) by striking "(a)" and all that follows through "$200,000,000" and inserting "(a) TRANSFER.—Subject to subsection (b) and paragraph (1) of section 207(a) of Public Law 108–7 (117 Stat. 146), notwithstanding paragraph (3) of that section, on the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary of Agriculture shall transfer $175,000,000"; and

(B) by striking the quotation marks at the beginning of paragraphs (1) and (2); and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) PERMITTED USES.—In any case in which there are willing sellers, the funds described in subsection (a) may be used—

"(1) to lease water; or

"(2) to purchase land, water appurtenant to the land, and related interests in the Walker River Basin in accordance with section 208(a)(1)(A) of the Energy and Water Development Appropriations Act, 2006 (Public Law 109–103; 119 Stat. 2268).".

Subtitle J—Miscellaneous Conservation Provisions

SEC. 2901. HIGH PLAINS WATER STUDY.

Notwithstanding any other provision of this Act, no person shall become ineligible for any *program benefits under this Act or an amendment made by this Act solely as a result of participating in a 1-time study of recharge potential for the Ogallala Aquifer in the High Plains of the State of Texas.*

SEC. 2902. NAMING OF NATIONAL PLANT MATERIALS CENTER AT BELTSVILLE, MARYLAND, IN HONOR OF NORMAN A. BERG.

The National Plant Materials Center at Beltsville, Maryland, referenced in section 613.5(a) of title 7, Code of Federal Regulations, shall be known and designated as the "Norman A. Berg National Plant Materials Center". Any reference in a law, map, regulation, document, paper, or other record of the United States to such National Plant Materials Center shall be deemed to be a reference to the Norman A. Berg National Plant Materials Center.

SEC. 2903. TRANSITION.

(a) Continuation of Programs in Fiscal Year 2008.—Except as otherwise provided by an amendment made by this title, the Secretary of Agriculture shall continue to carry out any program or activity covered by title XII of the Food Security Act (16 U.S.C. 3801 et seq.) until September 30, 2008, using the provisions of law applicable to the program or activity as they existed on the day before the date of the enactment of this Act and using funds made available under such title for fiscal year 2008 for the program or activity.

(b) Ground and Surface Water Conservation Program.—During the period beginning on the date of the enactment of this Act and ending on September 30, 2008, the Secretary of Agriculture shall continue to carry out the ground and surface water conservation program under section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9), as in effect before the amendment made by section 2510, using the terms, conditions, and funds available to the Secretary to carry out such program on the day before the date of the enactment of this Act.

SEC. 2904. REGULATIONS.

(a) Issuance.—Except as otherwise provided in this title or an amendment made by this title, not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, in consultation with the Commodity Credit Corporation, shall promulgate such regulations as are necessary to implement this title.

(b) Applicable Authority.—The promulgation of regulations under subsection (a) and administration of this title—

(1) shall be carried out without regard to—

(A) chapter 35 of title 44, United States Code (commonly known as the Paperwork Reduction Act); and

(B) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804) relating to notices of proposed rulemaking and public participation in rulemaking; and

(2) may—

(A) be promulgated with an opportunity for notice and comment; or

(B) if determined to be appropriate by the Secretary of Agriculture or the Commodity Credit Corporation, as an interim rule effective on publication with an opportunity for notice and comment.

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808(2) of title 5, United States Code.

TITLE III—TRADE

Subtitle A—Food for Peace Act

SEC. 3001. SHORT TITLE.

*(a) In General.—Section 1 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 note; 104 Stat. 3633) is amended by striking "**AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954**" and inserting "Food for Peace Act".*

(b) Conforming Amendments.—

(1) In General.—Each provision of law described in paragraph (2) is amended—

(A) by striking "Agricultural Trade Development and Assistance Act of 1954" each place it appears and inserting "Food for Peace Act"; and

*(B) in each section heading, by striking "**AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954**" each place it appears and inserting "**FOOD FOR PEACE ACT**".*

(2) Provisions of Law.—The provisions of law referred to in paragraph (1) are the following:

(A) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(B) The Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

(C) Section 9(a) of the Military Construction Codification Act (7 U.S.C. 1704c).

(D) Section 201 of the Africa: Seeds of Hope Act of 1998 (7 U.S.C. 1721 note; Public Law 105–385).

(E) The Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1 et seq.).

(F) The Food for Progress Act of 1985 (7 U.S.C. 1736o).

(G) Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1).

(H) Sections 605B and 606C of the Act of August 28, 1954 (commonly known as the "Agricultural Act of 1954") (7 U.S.C. 1765b, 1766b).

(I) Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856).

(J) The Agricultural Competitiveness and Trade Act of 1988 (7 U.S.C. 5201 et seq.).

(K) The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.).

(L) The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.).

(M) Section 301 of title 13, United States Code.

(N) Section 8 of the Endangered Species Act of 1973 (16 U.S.C. 1537).

(O) Section 604 of the Enterprise for the Americas Act of 1992 (22 U.S.C. 2077).

(P) Section 5 of the International Health Research Act of 1960 (22 U.S.C. 2103).

(Q) The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.).

(R) The Horn of Africa Recovery and Food Security Act (22 U.S.C. 2151 note; Public Law 102–274).

(S) Section 105 of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455).

(T) Section 35 of the Foreign Military Sales Act (22 U.S.C. 2775).

(U) The Support for East European Democracy (SEED) Act of 1989 (22 U.S.C. 5401 et seq.).

(V) Section 1707 of the Cuban Democracy Act of 1992 (22 U.S.C. 6006).

(W) The Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et seq.).

(X) Section 902 of the Trade Sanctions Reform and Export Enhancement Act of 2000 (22 U.S.C. 7201).

(Y) Chapter 553 of title 46, United State Code.

(Z) Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(AA) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(BB) Section 738 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat 1549A–34).

(c) References.—Any reference in any Federal, State, tribal, or local law (including regulations) to the "Agricultural Trade Development and Assistance Act of 1954" shall be considered to be a reference to the "Food for Peace Act".

SEC. 3002. UNITED STATES POLICY.

Section 2 of the Food for Peace Act (7 U.S.C. 1691) is amended—

(1) by striking paragraph (4); and

(2) by redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively.

SEC. 3003. FOOD AID TO DEVELOPING COUNTRIES.

Section 3(b) of the Food for Peace Act (7 U.S.C. 1691a(b)) is amended by striking "(b)" and all that follows through paragraph (1) and inserting the following:

"(b) Sense of Congress.—It is the sense of Congress that—

"(1) in negotiations at the Food Aid Convention, the World Trade Organization, the United Nations Food and Agriculture Organization, and other appropriate venues, the President shall—

"(A) seek commitments of higher levels of food aid by donors in order to meet the legitimate needs of developing countries;

"(B) ensure, to the maximum extent practicable, that humanitarian nongovernmental organizations, recipient country governments, charitable bodies, and international organizations shall continue—

"(i) to be eligible to receive resources based on assessments of need conducted by those organizations and entities; and

"(ii) to implement food aid programs in agreements with donor countries; and

"(C) ensure, to the maximum extent practicable, that options for providing food aid for emergency and nonemergency needs shall not be subject to limitation, including in-kind commodities, provision of funds for agricultural commodity procurement, and monetization of commodities, on the condition that the provision of those commodities or funds—

"(i) is based on assessments of need and intended to benefit the food security of, or otherwise assist, recipients, and

"(ii) is provided in a manner that avoids disincentives to local agricultural production and marketing and with minimal potential for disruption of commercial markets; and".

SEC. 3004. TRADE AND DEVELOPMENT ASSISTANCE.

*(a) Title I of the Food for Peace Act (7 U.S.C. 1701 et seq.) is amended in the title heading, by striking "**TRADE AND DEVELOPMENT ASSISTANCE**" and inserting "**ECONOMIC ASSISTANCE AND FOOD SECURITY**".*

*(b) Section 101 of the Food for Peace Act (7 U.S.C. 1701) is amended in the section heading, by striking "**TRADE AND DEVELOPMENT ASSISTANCE**" and inserting "**ECONOMIC ASSISTANCE AND FOOD SECURITY**".*

SEC. 3005. AGREEMENTS REGARDING ELIGIBLE COUNTRIES AND PRIVATE ENTITIES.

Section 102 of the Food for Peace Act (7 U.S.C. 1702) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) by striking subsection (c).

SEC. 3006. USE OF LOCAL CURRENCY PAYMENTS.

Section 104(c) of the Food for Peace Act (7 U.S.C. 1704(c)) is amended—

(1) in the matter preceding paragraph (1), by inserting ", through agreements with recipient governments, private voluntary organizations, and cooperatives," after "developing country";

(2) by striking paragraph (1);

(3) in paragraph (2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E) the improvement of the trade capacity of the recipient country.";

(4) in paragraph (3), by striking "agricultural business development and agricultural trade expansion" and inserting "development of agricultural businesses and agricultural trade capacity";

(5) in paragraph (4), by striking ", or otherwise" and all that follows through "United States";

(6) in paragraph (5), by inserting "to promote agricultural products produced in appropriate developing countries" after "trade fairs"; and

(7) by redesignating paragraphs (2) through (9) as paragraphs (1) through (8), respectively.

SEC. 3007. GENERAL AUTHORITY.

Section 201 of the Food for Peace Act (7 U.S.C. 1721) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) address famine and food crises, and respond to emergency food needs, arising from man-made and natural disasters;";

(2) in paragraph (5)—

(A) by inserting "food security and support" after "promote"; and

(B) by striking "; and" and inserting a semicolon;

(3) in paragraph (6), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(7) promote economic and nutritional security by increasing educational, training, and other productive activities.".

SEC. 3008. PROVISION OF AGRICULTURAL COMMODITIES.

Section 202 of the Food for Peace Act (7 U.S.C. 1722) is amended—

(1) in subsection (b)(2), by striking "may not deny a request for funds" and inserting "may not use as a sole rationale for denying a request for funds";

(2) in subsection (e)(1)—

(A) in the matter preceding subparagraph (A), by striking "not less than 5 percent nor more than 10 percent" and inserting "not less than 7.5 percent nor more than 13 percent";

(B) in subparagraph (A), by striking "; and" and inserting a semicolon;

(C) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(C) improving and implementing methodologies for food aid programs, including needs assessments (upon the request of the Administrator), monitoring, and evaluation."; and

(3) by striking subsection (h) and inserting the following:

"(h) FOOD AID QUALITY.—

"(1) IN GENERAL.—The Administrator shall use funds made available for fiscal year 2009 and subsequent fiscal years to carry out this title—

"(A) to assess the types and quality of agricultural commodities and products donated for food aid;

"(B) to adjust products and formulations (including the potential introduction of new fortificants and products) as necessary to cost-effectively meet nutrient needs of target populations; and

"(C) to test prototypes.

"(2) ADMINISTRATION.—The Administrator—

"(A) shall carry out this subsection in consultation with and through independent entities with proven expertise in food aid commodity quality enhancements;

"(B) may enter into contracts to obtain the services of such entities; and

"(C) shall consult with the Food Aid Consultative Group on how to carry out this subsection.

"(3) FUNDING LIMITATION.—Of the funds made available under section 207(f), for fiscal years 2009 through 2011, not more than $4,500,000 may be used to carry out this subsection.".

SEC. 3009. GENERATION AND USE OF CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

Section 203(b) of the Food for Peace Act (7 U.S.C. 1723(b)) is amended by striking "1 or more recipient countries" and inserting "in 1 or more recipient countries".

SEC. 3010. LEVELS OF ASSISTANCE.

Section 204(a) of the Food for Peace Act (7 U.S.C. 1724(a)) is amended—

(1) in paragraph (1), by striking "2002 through 2007" and inserting "2008 through 2012"; and

(2) in paragraph (2), by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 3011. FOOD AID CONSULTATIVE GROUP.

Section 205 of the Food for Peace Act (7 U.S.C. 1725) is amended—

(1) in subsection (b)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period and inserting "; and"; and

(C) by inserting at the end the following:

"(7) representatives from the maritime transportation sector involved in transporting agricultural commodities overseas for programs under this Act."; and

(2) in subsection (f), by striking "2007" and inserting "2012".

SEC. 3012. ADMINISTRATION.

Section 207 of the Food for Peace Act (7 U.S.C. 1726a) is amended—

(1) in subsection (a)(3), by striking "and the conditions that must be met for the approval of such proposal";

(2) in subsection (c), by striking paragraph (3);

(3) by striking subsection (d) and inserting the following:

"(d) TIMELY PROVISION OF COMMODITIES.—The Administrator, in consultation with the Secretary, shall develop procedures that ensure expedited processing of commodity call forwards in order to provide commodities overseas in a timely manner and to the extent feasible, according to planned delivery schedules."; and

(4) by adding at the end the following:

"(f) PROGRAM OVERSIGHT, MONITORING, AND EVALUATION.—

"(1) DUTIES OF ADMINISTRATOR.—The Administrator, in consultation with the Secretary, shall establish systems and carry out activities—

"(A) to determine the need for assistance provided under this title; and

"(B) to improve, monitor, and evaluate the effectiveness and efficiency of the assistance provided under this title to maximize the impact of the assistance.

"(2) REQUIREMENTS OF SYSTEMS AND ACTIVITIES.—The systems and activities described in paragraph (1) shall include—

"(A) program monitors in countries that receive assistance under this title;

"(B) country and regional food aid impact evaluations;

"(C) the identification and implementation of best practices for food aid programs;

"(D) the evaluation of monetization programs;

"(E) early warning assessments and systems to help prevent famines; and

"(F) upgraded information technology systems.

"(3) IMPLEMENTATION REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator shall submit to the appropriate committees of Congress a report on efforts undertaken by the Administrator to conduct oversight of nonemergency programs under this title.

"(4) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 270 days after the date of submission of the report under paragraph (3), the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that contains—

"(A) a review of, and comments addressing, the report described in paragraph (3); and

"(B) recommendations relating to any additional actions that the Comptroller General of the United States determines to be necessary to improve the monitoring and evaluation of assistance provided under this title.

"(5) CONTRACT AUTHORITY.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in carrying out administrative and management activities relating to each activity carried out by the Administrator under paragraph (1), the Administrator may enter into contracts with 1 or more individuals for personal service to be performed in recipient countries or neighboring countries.

"(B) PROHIBITION.—An individual who enters into a contract with the Administrator under subparagraph (A) shall not be considered to be an employee of the Federal Government for the purpose of any law (including regulations) administered by the Office of Personnel Management.

"(C) PERSONAL SERVICE.—Subparagraph (A) does not limit the ability of the Administrator to enter into a contract with any individual for personal service under section 202(a).

"(6) FUNDING.—

"(A) IN GENERAL.—Subject to section 202(h)(3), in addition to other funds made available to the Administrator to carry out the monitoring of emergency food assistance, the Administrator may implement this subsection using up to $22,000,000 of the funds made available under this title for each of fiscal years 2009 through 2012, except for paragraph (2)(F), for which only $2,500,000 shall be made available during fiscal year 2009.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—Subject to clause (ii), of the funds made available under subparagraph (A), for each of fiscal years 2009 through 2012, not more than $8,000,000 may be used by the Administrator to carry out paragraph (2)(E).

"(ii) CONDITION.—No funds shall be made available under subparagraph (A), in accordance with clause (i), unless not less than $8,000,000 is made available under chapter 1 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) for such purposes for such fiscal year.

"(g) PROJECT REPORTING.—

"(1) IN GENERAL.—In submitting project reports to the Administrator, a private voluntary organization or cooperative shall provide a copy of the report in such form as is necessary for the report to be displayed for public use on the website of the United States Agency for International Development.

"(2) CONFIDENTIAL INFORMATION.—An organization or cooperative described in paragraph (1) may omit any confidential information from the copy of the report submitted for public display under that paragraph.".

SEC. 3013. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Food for Peace Act (7 U.S.C. 1726b(f)) is amended—

(1) by striking "$3,000,000" and inserting "$8,000,000"; and

(2) by striking "2007" and inserting "2012".

SEC. 3014. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) IN GENERAL.—Section 401 of the Food for Peace Act (7 U.S.C. 1731) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively; and

(3) in subsection (b) (as so redesignated), by striking "(b)(1)" and inserting "(a)(1)".

(b) CONFORMING AMENDMENTS.—

(1) Section 406(a) of the Food for Peace Act (7 U.S.C. 1736(a)) is amended by striking "(that have been determined to be available under section 401(a))".

(2) Subsection (e)(1) of the Food for Progress Act of 1985 (7 U.S.C. 1736o(e)(1)) is amended by striking "determined to be available under section 401 of the Food for Peace Act".

SEC. 3015. DEFINITIONS.

Section 402 of the Food for Peace Act (7 U.S.C. 1732) is amended—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) APPROPRIATE COMMITTEE OF CONGRESS.—The term 'appropriate committee of Congress' means—

"(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(B) the Committee on Agriculture of the House of Representatives; and

"(C) the Committee on Foreign Affairs of the House of Representatives.".

SEC. 3016. USE OF COMMODITY CREDIT CORPORATION.

Section 406(b)(2) of the Food for Peace Act (7 U.S.C. 1736(b)(2)) is amended by inserting ", including the costs of carrying out section 415" before the semicolon.

SEC. 3017. ADMINISTRATIVE PROVISIONS.

Section 407(c) of the Food for Peace Act (7 U.S.C. 1736a(c)) is amended—

(1) in paragraph (4)—

(A) by striking "Funds made" and inserting the following:

"(A) IN GENERAL.—Funds made";

(B) in subparagraph (A) (as so designated)—

(i) by striking "2007" and inserting "2012"; and

(ii) by striking "$2,000,000" and inserting "$10,000,000"; and

(C) by adding at the end the following:

"(B) ADDITIONAL PREPOSITIONING SITES.—

"(i) FEASIBILITY ASSESSMENTS.—The Administrator may carry out assessments for the establishment of not less than 2 sites to determine the feasibility of, and costs associated with, using the sites to store and handle agricultural commodities for prepositioning in foreign countries.

"(ii) ESTABLISHMENT OF SITES.—Based on the results of each assessment carried out under clause (i), the Administrator may establish additional sites for prepositioning in foreign countries."; and

(2) by adding at the end the following:

"(5) NONEMERGENCY OR MULTIYEAR AGREEMENTS.—Annual resource requests for ongoing nonemergency or ongoing multiyear agreements under title II shall be finalized not later than October 1 of the fiscal year in which the agricultural commodities will be shipped under the agreement.".

SEC. 3018. CONSOLIDATION AND MODIFICATION OF ANNUAL REPORTS REGARDING AGRICULTURAL TRADE ISSUES.

(a) ANNUAL REPORTS.—Section 407 of the Food for Peace Act (7 U.S.C. 1736a) is amended by striking subsection (f) and inserting the following:

"(f) ANNUAL REPORTS.—

"(1) ANNUAL REPORT REGARDING AGRICULTURAL TRADE PROGRAMS AND ACTIVITIES.—

"(A) ANNUAL REPORT.—Not later than April 1 of each fiscal year, the Administrator and the Secretary shall jointly prepare and submit to the appropriate committees of Congress a report regarding each program and activity carried out under this Act during the prior fiscal year.

"(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

"(i) a list that contains a description of each country and organization that receives food and other assistance under this Act (including the quantity of food and assistance provided to each country and organization);

"(ii) a general description of each project and activity implemented under this Act (including each activity funded through the use of local currencies);

"(iii) a statement describing the quantity of agricultural commodities made available to each country pursuant to—

"(I) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); and

"(II) the Food for Progress Act of 1985 (7 U.S.C. 1736o);

"(iv) an assessment of the progress made through programs under this Act towards reducing food insecurity in the populations receiving food assistance from the United States;

"(v) a description of efforts undertaken by the Food Aid Consultative Group under section 205 to achieve an integrated and effective food assistance program;

"(vi) an assessment of—

"(I) each program oversight, monitoring, and evaluation system implemented under section 207(f); and

"(II) the impact of each program oversight, monitoring, and evaluation system on the effectiveness and efficiency of assistance provided under this title; and

"(vii) an assessment of the progress made by the Administrator in addressing issues relating to quality with respect to the provision of food assistance.

"(2) ANNUAL REPORT REGARDING THE PROVISION OF AGRICULTURAL COMMODITIES TO FOREIGN COUNTRIES.—

"(A) ANNUAL REPORT.—Not later than February 1 of each fiscal year, the Administrator shall prepare and submit to the appropriate committees of Congress a report regarding the administration of food assistance programs under title II to benefit foreign countries during the prior fiscal year.

"(B) CONTENTS.—An annual report described in subparagraph (A) shall include, with respect to the prior fiscal year—

"(i) a list that contains a description of each program, country, and commodity approved for assistance under section 207; and

"(ii) a statement that contains a description of the total amount of funds approved for transportation and administrative costs under section 207.".

(b) CONFORMING AMENDMENT.—Section 207(e) of the Food for Peace Act (7 U.S.C. 1726a(e)) is amended—

(1) by striking "TIMELY APPROVAL." and all that follows through "The Administrator" and inserting "TIMELY APPROVAL.—The Administrator"; and

(2) by striking paragraph (2).

SEC. 3019. EXPIRATION OF ASSISTANCE.

Section 408 of the Food for Peace Act (7 U.S.C. 1736b) is amended by striking "2007" and inserting "2012".

SEC. 3020. AUTHORIZATION OF APPROPRIATIONS.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by striking subsection (a) and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

"(1) for fiscal year 2008 and each fiscal year thereafter, $2,500,000,000 to carry out the emergency and nonemergency food assistance programs under title II; and

"(2) such sums as are necessary—

"(A) to carry out the concessional credit sales program established under title I;

"(B) to carry out the grant program established under title III; and

"(C) to make payments to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under the programs under this Act for the actual costs incurred or to be incurred by the Commodity Credit Corporation in carrying out such programs.".

SEC. 3021. MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.

Section 412 of the Food for Peace Act (7 U.S.C. 1736f) is amended by adding at the end the following:

"(e) MINIMUM LEVEL OF NONEMERGENCY FOOD ASSISTANCE.—

"(1) FUNDS AND COMMODITIES.—Of the amounts made available to carry out emergency and nonemergency food assistance programs under title II, not less than $375,000,000 for fiscal year 2009, $400,000,000 for fiscal year 2010, $425,000,000 for fiscal year 2011, and $450,000,000 for fiscal year 2012 shall be expended for nonemergency food assistance programs under title II.

"(2) EXCEPTION.—The President may use less than the amount specified in paragraph (1) in a fiscal year for nonemergency food assistance programs under title II only if—

"(A) the President has made a determination that there is an urgent need for additional emergency food assistance;

"(B) the funds and commodities held in the Bill Emerson Humanitarian Trust have been exhausted; and

"(C) the President has submitted to Congress a supplemental appropriations request for a sum equal to the amount needed to reach the required spending level for nonemergency food assistance under paragraph (1) and the amount exhausted under paragraph (2)(B).

"(3) NOTIFICATION TO CONGRESS.—If the President makes the determination described in paragraph (2)(A), the President shall submit to Congress written notification that the determination has been made.".

SEC. 3022. COORDINATION OF FOREIGN ASSISTANCE PROGRAMS.

Section 413 of the Food for Peace Act (7 U.S.C. 1736g) is amended—

(1) by striking "To the maximum" and inserting the following:

"(a) IN GENERAL.—To the maximum"; and

(2) by adding at the end the following:

"(b) REPORT REGARDING EFFORTS TO IMPROVE PROCUREMENT PLANNING.—

"(1) REPORT REQUIRED.—Not later than 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Administrator and the Secretary shall submit to each appropriate committee of Congress a report that contains a description of each effort taken by the Administrator and the Secretary to improve planning for food and transportation procurement (including efforts to eliminate bunching of food purchases).

"(2) CONTENTS.—A report required under paragraph (1) should include a description of each effort taken by the Administrator and the Secretary—

"(A) to improve the coordination of food purchases made by—

"(i) the United States Agency for International Development; and

"(ii) the Department of Agriculture;

"(B) to increase flexibility with respect to procurement schedules;

"(C) to increase the use of historical analyses and forecasting; and

"(D) to improve and streamline legal claims processes for resolving transportation disputes.".

SEC. 3023. MICRONUTRIENT FORTIFICATION PROGRAMS.

Section 415 of the Food for Peace Act (7 U.S.C. 1736g–2) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "Not later than September 30, 2003, the Administrator, in consultation with the Secretary" and inserting "Not later than September 30, 2008, the Administrator, in consultation with the Secretary"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by adding "and" after the semicolon at the end; and

(ii) by striking subparagraphs (B) and (C) and inserting the following:

"(B) assess and apply technologies and systems to improve and ensure the quality, shelf life, bioavailability, and safety of fortified food aid agricultural commodities, and products of those agricultural commodities, using recommendations included in the report entitled 'Micronutrient Compliance Review of Fortified Public Law 480 Commodities', published in October 2001, with implementation by independent entities with proven experience and expertise in food aid commodity quality enhancements.";

(2) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively; and

(3) in subsection (c) (as redesignated by paragraph (2)), by striking "2007" and inserting "2012".

SEC. 3024. JOHN OGONOWSKI AND DOUG BEREUTER FARMER-TO-FARMER PROGRAM.

(a) MINIMUM FUNDING.—Section 501(d) of the Food for Peace Act (7 U.S.C. 1737(d)) is amended in the matter preceding paragraph (1)—

(1) by striking "not less than" and inserting "not less than the greater of $10,000,000 or"; and

(2) by striking "2002 through 2007" and inserting "2008 through 2012".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 501(e) of the Food for Peace Act (7 U.S.C. 1737(e)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—There are authorized to be appropriated for each of fiscal years 2008 through 2012 to carry out the programs under this section—

"(A) $10,000,000 for sub-Saharan African and Caribbean Basin countries; and

"(B) $5,000,000 for other developing or middle-income countries or emerging markets not described in subparagraph (A).".

Subtitle B—Agricultural Trade Act of 1978 and Related Statutes

SEC. 3101. EXPORT CREDIT GUARANTEE PROGRAM.

(a) REPEAL OF SUPPLIER CREDIT GUARANTEE PROGRAM AND INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (a)—

(A) by striking "GUARANTEES.—" and all that follows through "The Commodity" in paragraph (1) and inserting "GUARANTEES.—The Commodity"; and

(B) by striking paragraphs (2) and (3);

(2) by striking subsections (b) and (c);

(3) by redesignating subsections (d) through (l) as subsections (b) through (j), respectively; and

(4) by adding at the end the following:

"(k) ADMINISTRATION.—

"(1) DEFINITION OF LONG TERM.—In this subsection, the term 'long term' means a period of 10 or more years.

"(2) GUARANTEES.—In administering the export credit guarantees authorized under this section, the Secretary shall—

"(A) maximize the export sales of agricultural commodities;

"(B) maximize the export credit guarantees that are made available and used during the course of a fiscal year;

"(C) develop an approach to risk evaluation that facilitates accurate country risk designations and timely adjustments to the designations (on an ongoing basis) in response to material changes in country risk conditions, with ongoing opportunity for input and evaluation from the private sector;

"(D) adjust risk-based guarantees as necessary to ensure program effectiveness and United States competitiveness; and

"(E) work with industry to ensure, to the maximum extent practicable, that risk-based fees associated with the guarantees cover, but do not exceed, the operating costs and losses over the long term.".

(b) FUNDING LEVELS.—Section 211 of the Agricultural Trade Act of 1978 (7 U.S.C. 5641) is amended by striking subsection (b) and inserting the following:

"(b) EXPORT CREDIT GUARANTEE PROGRAMS.—The Commodity Credit Corporation shall make available for each of fiscal years 1996 through 2012 credit guarantees under section 202(a) in an amount equal to but not more than the lesser of—

"(1) $5,500,000,000 in credit guarantees; or

"(2) the sum of—

"(A) the amount of credit guarantees that the Commodity Credit Corporation can make available using budget authority of $40,000,000 for each fiscal year for the costs of the credit guarantees; and

"(B) the amount of credit guarantees that the Commodity Credit Corporation can make available using unobligated budget authority for prior fiscal years.".

(c) CONFORMING AMENDMENTS.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended—

(1) in subsection (b)(4) (as redesignated by subsection (a)(3)), by striking ", consistent with the provisions of subsection (c)";

(2) in subsection (d) (as redesignated by subsection (a)(3))—

(A) by striking "(1)" and all that follows through "The Commodity" and inserting "The Commodity"; and

(B) by striking paragraph (2); and

(3) in subsection (g)(2) (as redesignated by subsection (a)(3)), by striking "subsections (a) and (b)" and inserting "subsection (a)".

SEC. 3102. MARKET ACCESS PROGRAM.

(a) ORGANIC COMMODITIES.—Section 203(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5623(a)) is amended by inserting after "agricultural commodities" the following: "(including commodities that are organically produced (as defined in section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502)))".

(b) FUNDING.—Section 211(c)(1)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)(1)(A)) is amended by striking "$200,000,000 for each of fiscal years 2006 and 2007" and inserting "$200,000,000 for each of fiscal years 2008 through 2012".

SEC. 3103. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 301 of the Agricultural Trade Act of 1978 (7 U.S.C. 5651) is repealed.

(b) CONFORMING AMENDMENTS.—The Agricultural Trade Act of 1978 is amended—

(1) in title III, by striking the title heading and inserting the following:

"TITLE III—BARRIERS TO EXPORTS";

(2) by redesignating sections 302 and 303 (7 U.S.C. 5652 and 5653) as sections 301 and 302, respectively;

(3) in section 302 (as redesignated by paragraph (2)), by striking ", such as that established under section 301,";

(4) in section 401 (7 U.S.C. 5661)—

(A) in subsection (a), by striking "section 201, 202, or 301" and inserting "section 201 or 202"; and

(B) in subsection (b), by striking "sections 201, 202, and 301" and inserting "sections 201 and 202"; and

(5) in section 402(a)(1) (7 U.S.C. 5662(a)(1)), by striking "sections 201, 202, 203, and 301" and inserting "sections 201, 202, and 203".

SEC. 3104. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

(a) REPORT TO CONGRESS.—Section 702(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5722(c)) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(b) FUNDING.—Section 703(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5723(a)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 3105. FOOD FOR PROGRESS ACT OF 1985.

(a) IN GENERAL.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended by striking "2007" each place it appears and inserting "2012".

(b) DESIGNATION OF PROJECT IN SUB-SAHARAN AFRICA.—The Food for Progress Act of 1985 (7 U.S.C. 1736o) is amended in subsection (f) by adding at the end the following:

"(6) PROJECT IN MALAWI.—

"(A) IN GENERAL.—In carrying out this section during fiscal year 2009, the President shall approve not less than 1 multiyear project for Malawi—

"(i) to promote sustainable agriculture; and

"(ii) to increase the number of women in leadership positions.

"(B) USE OF ELIGIBLE COMMODITIES.—Of the eligible commodities used to carry out this section during the period in which the project described in subparagraph (A) is carried out, the President shall carry out the project using eligible commodities with a total value of not less than $3,000,000 during the course of the project.".

SEC. 3106. MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM.

Section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o–1) is amended—

(1) in subsections (b), (c)(2)(B), (f)(1), (h), (i), and (l)(1), by striking "President" each place it appears and inserting "Secretary";

(2) in subsection (d), by striking "The President shall designate 1 or more Federal agencies" and inserting "The Secretary shall";

(3) in paragraph (f)(2), by striking "implementing agency" and inserting "Secretary"; and

(4) in subsection (l)—

(A) by striking paragraph (1) and inserting the following:

"(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $84,000,000 for fiscal year 2009, to remain available until expended.";

(B) in paragraph (2), by striking "2004 through 2007" and inserting "2008 through 2012"; and

(C) in paragraph (3), by striking "any Federal agency implementing or assisting" and inserting "the Department of Agriculture or any other Federal agency assisting".

Subtitle C—Miscellaneous

SEC. 3201. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended—

(1) in subsection (a)—

(A) by striking "establish a trust stock" and inserting "establish and maintain a trust"; and

(B) by striking "or any combination of the commodities, totaling not more than 4,000,000 metric tons" and inserting "any combination of the commodities, or funds";

(2) in subsection (b)—

(A) in paragraph (1), by striking subparagraph (D) and inserting the following:

"(D) funds made available—

"(i) under paragraph (2)(B);

"(ii) as a result of an exchange of any commodity held in the trust for an equivalent amount of funds from the market, if the Secretary determines that such a sale of the commodity on the market will not unduly disrupt domestic markets; or

"(iii) to maximize the value of the trust, in accordance with subsection (d)(3)."; and

(B) in paragraph (2)(B)—

(i) in clause (i)—

(I) by striking "2007" each place it appears and inserting "2012";

(II) by striking "(c)(2)" and inserting "(c)(1)"; and

(III) by striking "and" at the end;

(ii) in clause (ii), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(iii) from funds accrued through the management of the trust under subsection (d).";

(3) in subsection (c)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) RELEASES FOR EMERGENCY ASSISTANCE.—

"(A) DEFINITION OF EMERGENCY.—

"(i) IN GENERAL.—In this paragraph, the term 'emergency' means an urgent situation—

"(I) in which there is clear evidence that an event or series of events described in clause (ii) has occurred—

"(aa) that causes human suffering; and

"(bb) for which a government concerned has not chosen, or has not the means, to remedy; or

"(II) created by a demonstrably abnormal event or series of events that produces dislocation in the lives of residents of a country or region of a country on an exceptional scale.

"(ii) EVENT OR SERIES OF EVENTS.—An event or series of events referred to in clause (i) includes 1 or more of—

"(I) a sudden calamity, such as an earthquake, flood, locust infestation, or similar unforeseen disaster;

"(II) a human-made emergency resulting in—

"(aa) a significant influx of refugees;

"(bb) the internal displacement of populations; or

"(cc) the suffering of otherwise affected populations;

"(III) food scarcity conditions caused by slow-onset events, such as drought, crop failure, pest infestation, and disease, that result in an erosion of the ability of communities and vulnerable populations to meet food needs; and

"(IV) severe food access or availability conditions resulting from sudden economic shocks, market failure, or economic collapse, that result in an erosion of the ability of communities and vulnerable populations to meet food needs.

"(B) RELEASES.—

"(i) IN GENERAL.—Any funds or commodities held in the trust may be released to provide food, and cover any associated costs, under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.)—

"(I) to assist in averting an emergency, including during the period immediately preceding the emergency;

"(II) to respond to an emergency; or

"(III) for recovery and rehabilitation after an emergency.

"(ii) PROCEDURE.—A release under clause (i) shall be carried out in the same manner, and pursuant to the same authority as provided in title II of that Act.

"(C) INSUFFICIENCY OF OTHER FUNDS.—The funds and commodities held in the trust shall be made immediately available on a determination by the Administrator that funds available for emergency needs under title II of that Act (7 U.S.C. 1721 et seq.) for a fiscal year are insufficient to meet emergency needs during the fiscal year.

"(D) WAIVER RELATING TO MINIMUM TONNAGE REQUIREMENTS.—Nothing in this paragraph requires a waiver by the Administrator of the Agency for International Development under section 204(a)(3) of the Food for Peace Act (7 U.S.C. 1724(a)(3)) as a condition for a release of funds or commodities under subparagraph (B)."; and

(B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(4) in subsection (d)—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and indenting the subparagraphs appropriately;

(B) by striking the subsection designation and heading and all that follows through "provide—" and inserting the following:

"(d) MANAGEMENT OF TRUST.—

"(1) IN GENERAL.—The Secretary shall provide for the management of eligible commodities and funds held in the trust in a manner that is consistent with maximizing the value of the trust, as determined by the Secretary.

"(2) ELIGIBLE COMMODITIES.—The Secretary shall provide—";

(C) in paragraph (2) (as redesignated by subparagraph (B))—

(i) in subparagraph (B) (as redesignated by subparagraph (A)), by striking "and" at the end; and

(ii) in subparagraph (C) (as redesignated by subparagraph (A)), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(3) FUNDS.—

"(A) EXCHANGES.—If any commodity held in the trust is exchanged for funds under subsection (b)(1)(D)(ii), the funds shall be held in the trust until the date on which the funds are released in the case of an emergency under subsection (c).

"(B) INVESTMENT.—The Secretary may invest funds held in the trust in any short-term obligation of the United States or any other low-risk short-term instrument or security insured by the Federal Government in which a regulated insurance company may invest under the laws of the District of Columbia."; and

(5) in subsection (h), in each of paragraphs (1) and (2), by striking "2007" each place it appears and inserting "2012".

SEC. 3202. GLOBAL CROP DIVERSITY TRUST.

(a) CONTRIBUTION.—The Administrator of the United States Agency for International Development shall contribute funds to endow the Global Crop Diversity Trust (referred to in this section as the "Trust") to assist in the conservation of genetic diversity in food crops through the collection and storage of the germplasm of food crops in a manner that provides for—

(1) the maintenance and storage of seed collections;

(2) the documentation and cataloguing of the genetics and characteristics of conserved seeds to ensure efficient reference for researchers, plant breeders, and the public;

(3) building the capacity of seed collection in developing countries;

(4) making information regarding crop genetic data publicly available for researchers, plant breeders, and the public (including through the provision of an accessible Internet website);

(5) the operation and maintenance of a backup facility in which are stored duplicate samples of seeds, in the case of natural or man-made disasters; and

(6) oversight designed to ensure international coordination of those actions and efficient, public accessibility to that diversity through a cost-effective system.

(b) UNITED STATES CONTRIBUTION LIMIT.—The aggregate contributions of funds of the Federal Government provided to the Trust shall not exceed 25 percent of the total amount of funds contributed to the Trust from all sources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for the period of fiscal years 2008 through 2012.

SEC. 3203. TECHNICAL ASSISTANCE FOR SPECIALTY CROPS.

Section 3205 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5680) is amended by striking subsection (d) and inserting the following:

"(d) ANNUAL REPORT.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and annually thereafter, the Secretary shall submit to the appropriate committees of Congress a report that contains, for the period covered by the report, a description of each factor that affects the export of specialty crops, including each factor relating to any—

"(1) significant sanitary or phytosanitary issue; or

"(2) trade barrier.

"(e) FUNDING.—

"(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) $4,000,000 for fiscal year 2008;

"(B) $7,000,000 for fiscal year 2009;

"(C) $8,000,000 for fiscal year 2010;

"(D) $9,000,000 for fiscal year 2011; and

"(E) $9,000,000 for fiscal year 2012.".

SEC. 3204. EMERGING MARKETS AND FACILITY GUARANTEE LOAN PROGRAM.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended—

(1) in subsection (a), by striking "2007" and inserting "2012";

(2) in subsection (b)—

(A) in the first sentence, by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(B) by striking "A portion" and inserting the following:

"(1) IN GENERAL.—A portion";

(C) in the second sentence, by striking "The Commodity Credit Corporation" and inserting the following:

"(2) PRIORITY.—The Commodity Credit Corporation"; and

(D) by adding at the end the following:

"(3) CONSTRUCTION WAIVER.—The Secretary may waive any applicable requirements relating to the use of United States goods in the construction of a proposed facility, if the Secretary determines that—

"(A) goods from the United States are not available; or

"(B) the use of goods from the United States is not practicable.

"(4) TERM OF GUARANTEE.—A facility payment guarantee under this subsection shall be for a term that is not more than the lesser of—

"(A) the term of the depreciation schedule of the facility assisted; or

"(B) 20 years."; and

(3) in subsection (d)(1)(A)(i) by striking "2007" and inserting "2012".

SEC. 3205. CONSULTATIVE GROUP TO ELIMINATE THE USE OF CHILD LABOR AND FORCED LABOR IN IMPORTED AGRICULTURAL PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) CHILD LABOR.—The term "child labor" means the worst forms of child labor as defined in International Labor Convention 182, the Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, done at Geneva on June 17, 1999.

(2) CONSULTATIVE GROUP.—The term "Consultative Group" means the Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products established under subsection (b).

(3) FORCED LABOR.—The term "forced labor" means all work or service—

(A) that is exacted from any individual under menace of any penalty for nonperformance of the work or service, and for which—

(i) the work or service is not offered voluntarily; or

(ii) the work or service is performed as a result of coercion, debt bondage, or involuntary servitude (as those terms are defined in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102)); and

(B) by 1 or more individuals who, at the time of performing the work or service, were being subjected to a severe form of trafficking in persons (as that term is defined in that section).

(b) ESTABLISHMENT.—There is established a group to be known as the "Consultative Group to Eliminate the Use of Child Labor and Forced Labor in Imported Agricultural Products" to develop recommendations relating to guidelines to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor and child labor.

(c) DUTIES.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act and in accordance with section 105(d) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)), as applicable to the importation of agricultural products made with the use of child labor or forced labor, the Consultative Group shall develop, and submit to the Secretary, recommendations relating to a standard set of practices for independent, third-party monitoring and verification for the production, processing, and distribution of agricultural products or commodities to reduce the likelihood that agricultural products or commodities imported into the United States are produced with the use of forced labor or child labor.

(2) GUIDELINES.—

(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary receives recommendations under paragraph (1), the Secretary shall release guidelines for a voluntary initiative to enable entities to address issues raised by the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.).

(B) REQUIREMENTS.—Guidelines released under subparagraph (A) shall be published in the Federal Register and made available for public comment for a period of 90 days.

(d) MEMBERSHIP.—The Consultative Group shall be composed of not more than 13 individuals, of whom—

(1) 2 members shall represent the Department of Agriculture, as determined by the Secretary;

(2) 1 member shall be the Deputy Under Secretary for International Affairs of the Department of Labor;

(3) 1 member shall represent the Department of State, as determined by the Secretary of State;

(4) 3 members shall represent private agriculture-related enterprises, which may include retailers, food processors, importers, and producers, of whom at least 1 member shall be an importer, food processor, or retailer who utilizes independent, third-party supply chain monitoring for forced labor or child labor;

(5) 2 members shall represent institutions of higher education and research institutions, as determined appropriate by the Bureau of International Labor Affairs of the Department of Labor;

(6) 1 member shall represent an organization that provides independent, third-party certification services for labor standards for producers or importers of agricultural commodities or products; and

(7) 3 members shall represent organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have expertise on the issues of international child labor and do not possess a conflict of interest associated with establishment of the guidelines issued under subsection (c)(2), as determined by the Bureau of International Labor Affairs of the Department of Labor, including representatives from consumer organizations and trade unions, if appropriate.

(e) CHAIRPERSON.—A representative of the Department of Agriculture appointed under subsection (d)(1), as determined by the Secretary, shall serve as the chairperson of the Consultative Group.

(f) REQUIREMENTS.—Not less than 4 times per year, the Consultative Group shall meet at the call of the Chairperson, after reasonable notice to all members, to develop recommendations described in subsection (c)(1).

(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Consultative Group.

(h) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through December 31, 2012, the Secretary shall submit to the Committees on Agriculture and Foreign Affairs of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities and recommendations of the Consultative Group.

(i) TERMINATION OF AUTHORITY.—The Consultative Group shall terminate on December 31, 2012.

SEC. 3206. LOCAL AND REGIONAL FOOD AID PROCUREMENT PROJECTS.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency for International Development.

(2) APPROPRIATE COMMITTEE OF CONGRESS.—The term "appropriate committee of Congress" means—

(A) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(B) the Committee on Agriculture of the House of Representatives; and

(C) the Committee on Foreign Affairs of the House of Representatives.

(3) ELIGIBLE COMMODITY.—The term "eligible commodity" means an agricultural commodity (or the product of an agricultural commodity) that—

(A) is produced in, and procured from, a developing country; and

(B) at a minimum, meets each nutritional, quality, and labeling standard of the country that receives the agricultural commodity, as determined by the Secretary.

(4) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that is—

(A) described in section 202(d) of the Food for Peace Act (7 U.S.C. 1722(d)); and

(B) with respect to nongovernmental organizations, subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.

(b) STUDY; FIELD-BASED PROJECTS.—

(1) STUDY.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary shall initiate a study of prior local and regional procurements for food aid programs conducted by—

(i) other donor countries;

(ii) private voluntary organizations; and

(iii) the World Food Program of the United Nations.

(B) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under subparagraph (A).

(2) FIELD-BASED PROJECTS.—

(A) IN GENERAL.—In accordance with subparagraph (B), the Secretary shall provide grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects that consist of local or regional procurements of eligible commodities to respond to food crises and disasters in accordance with this section.

(B) CONSULTATION WITH ADMINISTRATOR.—In carrying out the development and implementation of field-based projects under subparagraph (A), the Secretary shall consult with the Administrator.

(c) PROCUREMENT.—

(1) IN GENERAL.—Any eligible commodity that is procured for a field-based project carried out under subsection (b)(2) shall be procured through any approach or methodology that the Secretary considers to be an effective approach or methodology to provide adequate information regarding the manner by which to expedite, to the maximum extent practicable, the provision of food aid to affected populations without significantly increasing commodity costs for low-income consumers who procure commodities sourced from the same markets at which the eligible commodity is procured.

(2) REQUIREMENTS.—

(A) IMPACT ON LOCAL FARMERS AND COUNTRIES.—The Secretary shall ensure that the local or regional procurement of any eligible commodity under this section will not have a disruptive impact on farmers located in, or the economy of—

(i) the recipient country of the eligible commodity; or

(ii) any country in the region in which the eligible commodity may be procured.

(B) TRANSSHIPMENT.—The Secretary shall, in accordance with such terms and conditions as the Secretary considers to be appropriate, require from each eligible organization commitments designed to prevent or restrict—

(i) the resale or transshipment of any eligible commodity procured under this section to any country other than the recipient country; and

(ii) the use of the eligible commodity for any purpose other than food aid.

(C) WORLD PRICES.—

(i) IN GENERAL.—In carrying out this section, the Secretary shall take any precaution that the Secretary considers to be reasonable to ensure that the procurement of eligible commodities will not unduly disrupt—

(I) world prices for agricultural commodities; or

(II) normal patterns of commercial trade with foreign countries.

(ii) PROCUREMENT PRICE.—The procurement of any eligible commodity shall be made at a reasonable market price with respect to the economy of the country in which the eligible commodity is procured, as determined by the Secretary.

(d) REGULATIONS; GUIDELINES.—

(1) IN GENERAL.—In accordance with paragraph (2), not later than 180 days after the date of completion of the study under subsection (b)(1), the Secretary shall promulgate regulations or issue guidelines to carry out field-based projects under this section.

(2) REQUIREMENTS.—

(A) USE OF STUDY.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall take into consideration the results of the study described in subsection (b)(1).

(B) PUBLIC REVIEW AND COMMENT.—In promulgating regulations or issuing guidelines under paragraph (1), the Secretary shall provide an opportunity for public review and comment.

(3) AVAILABILITY.—The Secretary shall not approve the procurement of any eligible commodity under this section until the date on

which the Secretary promulgates regulations or issues guidelines under paragraph (1).

(e) FIELD-BASED PROJECT GRANTS OR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, eligible organizations to carry out field-based projects.

(2) REQUIREMENTS OF ELIGIBLE ORGANIZATIONS.—

(A) APPLICATION.—

(i) IN GENERAL.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall submit to the Secretary an application by such date, in such manner, and containing such information as the Secretary may require.

(ii) OTHER APPLICABLE REQUIREMENTS.—Any other applicable requirement relating to the submission of proposals for consideration shall apply to the submission of an application required under clause (i), as determined by the Secretary.

(B) COMPLETION REQUIREMENT.—To be eligible to receive a grant from, or enter into a cooperative agreement with, the Secretary under this subsection, an eligible organization shall agree—

(i) to collect by September 30, 2011, data containing the information required under subsection (f)(1)(B) relating to the field-based project funded through the grant; and

(ii) to provide to the Secretary the data collected under clause (i).

(3) REQUIREMENTS OF SECRETARY.—

(A) PROJECT DIVERSITY.—

(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), in selecting proposals for field-based projects to fund under this section, the Secretary shall select a diversity of projects, including projects located in—

(I) food surplus regions;

(II) food deficit regions (that are carried out using regional procurement methods); and

(III) multiple geographical regions.

(ii) PRIORITY.—In selecting proposals for field-based projects under clause (i), the Secretary shall ensure that the majority of selected proposals are for field-based projects that—

(I) are located in Africa; and

(II) procure eligible commodities that are produced in Africa.

(B) DEVELOPMENT ASSISTANCE.—A portion of the funds provided under this subsection shall be made available for field-based projects that provide development assistance for a period of not less than 1 year.

(4) AVAILABILITY.—The Secretary shall not award a grant to any eligible organization under paragraph (1) until the date on which the Secretary promulgates regulations or issues guidelines under subsection (d)(1).

(f) INDEPENDENT EVALUATIONS; REPORT.—

(1) INDEPENDENT EVALUATIONS.—

(A) IN GENERAL.—Not later than November 1, 2011, the Secretary shall ensure that an independent third party conducts an independent evaluation of all field-based projects that—

(i) addresses each factor described in subparagraph (B); and

(ii) is conducted in accordance with this section.

(B) REQUIRED FACTORS.—The Secretary shall require the independent third party to develop—

(i) with respect to each relevant market in which an eligible commodity was procured under this section, a description of—

(I) the prevailing and historic supply, demand, and price movements of the market (including the extent of competition for procurement bids);

(II) the impact of the procurement of the eligible commodity on producer and consumer prices in the market;

(III) each government market interference or other activity of the donor country that might have significantly affected the supply or demand of the eligible commodity in the area at which the local or regional procurement occurred;

(IV) the quantities and types of eligible commodities procured in the market;

(V) the time frame for procurement of each eligible commodity; and

(VI) the total cost of the procurement of each eligible commodity (including storage, handling, transportation, and administrative costs);

(ii) an assessment regarding—

(I) whether the requirements of this section have been met;

(II) the impact of different methodologies and approaches on—

(aa) local and regional agricultural producers (including large and small agricultural producers);

(bb) markets;

(cc) low-income consumers; and

(dd) program recipients; and

(III) the length of the period beginning on the date on which the Secretary initiated the procurement process and ending on the date of delivery of eligible commodities;

(iii) a comparison of different methodologies used to carry out this section, with respect to—

(I) the benefits to local agriculture;

(II) the impact on markets and consumers;

(III) the period of time required for procurement and delivery;

(IV) quality and safety assurances; and

(V) implementation costs; and

(iv) to the extent adequate information is available (including the results of the report required under subsection (b)(1)(B)), a comparison of the different methodologies used by other donor countries to make local and regional procurements.

(C) INDEPENDENT THIRD PARTY ACCESS TO RECORDS AND REPORTS.—The Secretary shall provide to the independent third party access to each record and report that the independent third party determines to be necessary to complete the independent evaluation.

(D) PUBLIC ACCESS TO RECORDS AND REPORTS.—Not later than 180 days after the date described in paragraph (2), the Secretary shall provide public access to each record and report described in subparagraph (C).

(2) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report that contains the analysis and findings of the independent evaluation conducted under paragraph (1)(A).

(g) FUNDING.—

(1) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

(2) FUNDING AMOUNTS.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

(A) $5,000,000 for fiscal year 2009;

(B) $25,000,000 for fiscal year 2010;

(C) $25,000,000 for fiscal year 2011; and

(D) $5,000,000 for fiscal year 2012.

Subtitle D—Softwood Lumber

SEC. 3301. SOFTWOOD LUMBER.

(a) IN GENERAL.—The Tariff Act of 1930 (19 U.S.C. 1202 et seq.) is amended by adding at the end the following new title:

"TITLE VIII—SOFTWOOD LUMBER

"SEC. 801. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This title may be cited as the 'Softwood Lumber Act of 2008'.

"(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

"TITLE VIII—SOFTWOOD LUMBER

"Sec. 801. Short title; table of contents.
"Sec. 802. Definitions.
"Sec. 803. Establishment of softwood lumber importer declaration program.
"Sec. 804. Scope of softwood lumber importer declaration program.
"Sec. 805. Export charge determination and publication.
"Sec. 806. Reconciliation.
"Sec. 807. Verification.
"Sec. 808. Penalties.
"Sec. 809. Reports.

"SEC. 802. DEFINITIONS.

"In this title:

"(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

"(2) COUNTRY OF EXPORT.—The term 'country of export' means the country (including any political subdivision of the country) from which softwood lumber or a softwood lumber product is exported before entering the United States.

"(3) CUSTOMS LAWS OF THE UNITED STATES.—The term 'customs laws of the United States' means any law or regulation enforced or administered by U.S. Customs and Border Protection.

"(4) EXPORT CHARGES.—The term 'export charges' means any tax, charge, or other fee collected by the country from which softwood lumber or a softwood lumber product, described in section 804(a), is exported pursuant to an international agreement entered into by that country and the United States.

"(5) EXPORT PRICE.—

"(A) IN GENERAL.—The term 'export price' means one of the following:

"(i) In the case of softwood lumber or a softwood lumber product that has undergone only primary processing, the value that would be determined F.O.B. at the facility where the product underwent the last primary processing before export.

"(ii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the lumber or product underwent the last primary processing.

"(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that underwent the last remanufacturing before export by a manufacturer who—

"(aa) does not hold tenure rights provided by the country of export;

"(bb) did not acquire standing timber directly from the country of export; and

"(cc) is not related to the person who holds tenure rights or acquired standing timber directly from the country of export.

"(iii)(I) In the case of softwood lumber or a softwood lumber product described in subclause (II), the value that would be determined F.O.B. at the facility where the product underwent the last processing before export.

"(II) Softwood lumber or a softwood lumber product described in this subclause is lumber or a product that undergoes the last remanufacturing before export by a manufacturer who—

"(aa) holds tenure rights provided by the country of export;

"(bb) acquired standing timber directly from the country of export; or

"(cc) is related to a person who holds tenure rights or acquired standing timber directly from the country of export.

"(B) RELATED PERSONS.—For purposes of this paragraph, a person is related to another person if—

"(i) the person bears a relationship to such other person described in section 152(a) of the Internal Revenue Code of 1986;

"(ii) the person bears a relationship to such other person described in section 267(b) of such Code, except that '5 percent' shall be substituted for '50 percent' each place it appears;

"(iii) the person and such other person are part of a controlled group of corporations, as that term is defined in section 1563(a) of such Code, except that '5 percent' shall be substituted for '80 percent' each place it appears;

"(iv) the person is an officer or director of such other person; or

"(v) the person is the employer of such other person.

"(C) TENURE RIGHTS.—For purposes of this paragraph, the term 'tenure rights' means rights to harvest timber from public land granted by the country of export.

"(D) EXPORT PRICE WHERE F.O.B. VALUE CANNOT BE DETERMINED.—

"(i) IN GENERAL.—In the case of softwood lumber or a softwood lumber product described in clause (i), (ii), or (iii) of subparagraph (A) for which an F.O.B. value cannot be determined, the export price shall be the market price for the identical lumber or product sold in an arm's-length transaction in the country of export at approximately the same time as the exported lumber or product. The market price shall be determined in the following order of preference:

"(I) The market price for the lumber or a product sold at substantially the same level of trade as the exported lumber or product but in different quantities.

"(II) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product but in similar quantities.

"(III) The market price for the lumber or a product sold at a different level of trade than the exported lumber or product and in different quantities.

"(ii) LEVEL OF TRADE.—For purposes of clause (i), 'level of trade' shall be determined in the same manner as provided under section 351.412(c) of title 19, Code of Federal Regulations (as in effect on January 1, 2008).

"(6) F.O.B.—The term 'F.O.B.' means a value consisting of all charges payable by a purchaser, including those charges incurred in the placement of merchandise on board of a conveyance for shipment, but does not include the actual shipping charges or any applicable export charges.

"(7) HTS.—The term 'HTS' means the Harmonized Tariff Schedule of the United States (19 U.S.C. 1202) (as in effect on January 1, 2008).

"(8) PERSON.—The term 'person' includes any individual, partnership, corporation, association, organization, business trust, government entity, or other entity subject to the jurisdiction of the United States.

"(9) UNITED STATES.—The term 'United States' means the customs territory of the United States, as defined in General Note 2 of the HTS.

"SEC. 803. ESTABLISHMENT OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The President shall establish and maintain an importer declaration program with respect to the importation of softwood lumber and softwood lumber products described in section 804(a). The importer declaration program shall require importers of softwood lumber and softwood lumber products described in section 804(a) to provide the information required under subsection (b) and declare the information required by subsection (c), and require that such information accompany the entry summary documentation.

"(2) ELECTRONIC RECORD.—The President shall establish an electronic record that includes the importer information required under subsection (b) and the declarations required under subsection (c).

"(b) REQUIRED INFORMATION.—The President shall require the following information to be submitted by any person seeking to import softwood lumber or softwood lumber products described in section 804(a):

"(1) The export price for each shipment of softwood lumber or softwood lumber products.

"(2) The estimated export charge, if any, applicable to each shipment of softwood lumber or softwood lumber products as calculated by applying the percentage determined and published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805 to the export price provided in subsection (b)(1).

"(c) IMPORTER DECLARATIONS.—Pursuant to procedures prescribed by the President, any person seeking to import softwood lumber or softwood lumber products described in section 804(a) shall declare that—

"(1) the person has made appropriate inquiry, including seeking appropriate documentation from the exporter and consulting the determinations published by the Under Secretary for International Trade of the Department of Commerce pursuant to section 805(b); and

"(2) to the best of the person's knowledge and belief—

"(A) the export price provided pursuant to subsection (b)(1) is determined in accordance with the definition provided in section 802(5);

"(B) the export price provided pursuant to subsection (b)(1) is consistent with the export price provided on the export permit, if any, granted by the country of export; and

"(C) the exporter has paid, or committed to pay, all export charges due—

"(i) in accordance with the volume, export price, and export charge rate or rates, if any, as calculated under an international agreement entered into by the country of export and the United States; and

"(ii) consistent with the export charge determinations published by the Under Secretary for International Trade pursuant to section 805(b).

"SEC. 804. SCOPE OF SOFTWOOD LUMBER IMPORTER DECLARATION PROGRAM.

"(a) PRODUCTS INCLUDED IN PROGRAM.—The following products shall be subject to the importer declaration program established under section 803:

"(1) IN GENERAL.—All softwood lumber and softwood lumber products classified under subheading 4407.10.00, 4409.10.10, 4409.10.20, or 4409.10.90 of the HTS, including the following softwood lumber, flooring, and siding:

"(A) Coniferous wood, sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded, or finger-jointed, of a thickness exceeding 6 millimeters.

"(B) Coniferous wood siding (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

"(C) Other coniferous wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces (other than wood moldings and wood dowel rods) whether or not planed, sanded, or finger-jointed.

"(D) Coniferous wood flooring (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rabbeted, chamfered, v-jointed, beaded, molded, rounded, or the like) along any of its edges or faces, whether or not planed, sanded, or finger-jointed.

"(E) Coniferous drilled and notched lumber and angle cut lumber.

"(2) PRODUCTS CONTINUALLY SHAPED.—Any product classified under subheading 4409.10.05 of the HTS that is continually shaped along its end or side edges.

"(3) OTHER LUMBER PRODUCTS.—Except as otherwise provided in subsection (b) or (c), softwood lumber products that are stringers, radius-cut box-spring frame components, fence pickets, truss components, pallet components, and door and window frame parts classified under subheading 4418.90.46.95, 4421.90.70.40, or 4421.90.97.40 of the HTS.

"(b) PRODUCTS EXCLUDED FROM PROGRAM.—The following products shall be excluded from the importer declaration program established under section 803:

"(1) Trusses and truss kits, properly classified under subheading 4418.90 of the HTS.

"(2) I-joist beams.

"(3) Assembled box-spring frames.

"(4) Pallets and pallet kits, properly classified under subheading 4415.20 of HTS.

"(5) Garage doors.

"(6) Edge-glued wood, properly classified under subheading 4421.90.97.40 of the HTS.

"(7) Complete door frames.

"(8) Complete window frames.

"(9) Furniture.

"(10) Articles brought into the United States temporarily and for which an exemption from duty is claimed under subchapter XIII of chapter 98 of the HTS.

"(11) Household and personal effects.

"(c) EXCEPTIONS FOR CERTAIN PRODUCTS.—The following softwood lumber products shall not be subject to the importer declaration program established under section 803:

"(1) STRINGERS.—Stringers (pallet components used for runners), if the stringers—

"(A) have at least 2 notches on the side, positioned at equal distance from the center, to properly accommodate forklift blades; and

"(B) are properly classified under subheading 4421.90.97.40 of the HTS.

"(2) BOX-SPRING FRAME KITS.—

"(A) IN GENERAL.—Box-spring frame kits, if—

"(i) the kits contain—

"(I) 2 wooden side rails;

"(II) 2 wooden end (or top) rails; and

"(III) varying numbers of wooden slats; and

"(ii) the side rails and the end rails are radius-cut at both ends.

"(B) PACKAGING.—Any kit described in subparagraph (A) shall be individually packaged, and contain the exact number of wooden components needed to make the box-spring frame described on the entry documents, with no further processing required. None of the components contained in the package may exceed 1 inch in actual thickness or 83 inches in length.

"(3) RADIUS-CUT BOX-SPRING FRAME COMPONENTS.—Radius-cut box-spring frame components, not exceeding 1 inch in actual thickness or 83 inches in length, ready for assembly without further processing, if radius cuts are present on both ends of the boards and are substantial cuts so as to completely round 1 corner.

"(4) FENCE PICKETS.—Fence pickets requiring no further processing and properly classified under subheading 4421.90.70 of the HTS, 1 inch or less in actual thickness, up to 8 inches wide, and 6 feet or less in length, and having finials or decorative cuttings that clearly identify them as fence pickets. In the case of dog-eared fence pickets, the corners of the boards shall be cut off so as to remove pieces of wood in the shape of isosceles right angle triangles with sides measuring ¾ of an inch or more.

"(5) UNITED STATES-ORIGIN LUMBER.—Lumber originating in the United States that is exported to another country for minor processing and imported into the United States if—

"(A) the processing occurring in another country is limited to kiln drying, planing to create smooth-to-size board, and sanding; and

"(B) the importer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the lumber originated in the United States.

"(6) SOFTWOOD LUMBER.—Any softwood lumber or softwood lumber product that originated in the United States, if the importer, exporter, foreign processor, or original United States producer establishes to the satisfaction of U.S. Customs and Border Protection upon entry that the softwood lumber entered and documented as originating in the United States was first produced in the United States.

"(7) HOME PACKAGES OR KITS.—

"(A) IN GENERAL.—Softwood lumber or softwood lumber products contained in a single family home package or kit, regardless of the classification under the HTS, if the importer declares that the following requirements have been met:

"(i) The package or kit constitutes a full package of the number of wooden pieces specified in the plan, design, or blueprint necessary to produce a home of at least 700 square feet produced to a specified plan, design, or blueprint.

"(ii) The package or kit contains—

"(I) all necessary internal and external doors and windows, nails, screws, glue, subfloor, sheathing, beams, posts, and connectors; and

"(II) if included in the purchase contract, the decking, trim, drywall, and roof shingles specified in the plan, design, or blueprint.

"(iii) Prior to importation, the package or kit is sold to a United States retailer that sells complete home packages or kits pursuant to a valid purchase contract referencing the particular home design, plan, or blueprint, and the contract is signed by a customer not affiliated with the importer.

"(iv) Softwood lumber products entered as part of the package or kit, whether in a single entry or multiple entries on multiple days, are to be used solely for the construction of the single family home specified by the home design, plan, or blueprint matching the U.S. Customs and Border Protection import entry.

"(B) ADDITIONAL DOCUMENTATION REQUIRED FOR HOME PACKAGES AND KITS.—In the case of each entry of products described in clauses (i) through (iv) of subparagraph (A) the following documentation shall be retained by the importer and made available to U.S. Customs and Border Protection upon request:

"(i) A copy of the appropriate home design, plan, or blueprint matching the customs entry in the United States.

"(ii) A purchase contract from a retailer of home kits or packages signed by a customer not affiliated with the importer.

"(iii) A listing of all parts in the package or kit being entered into the United States that conforms to the home design, plan, or blueprint for which such parts are being imported.

"(iv) If a single contract involves multiple entries, an identification of all the items required to be listed under clause (iii) that are included in each individual shipment.

"(d) PRODUCTS COVERED.—For purposes of determining if a product is covered by the importer declaration program, the President shall be guided by the article descriptions provided in this section.

"SEC. 805. EXPORT CHARGE DETERMINATION AND PUBLICATION.

"(a) DETERMINATION.—The Under Secretary for International Trade of the Department of Commerce shall determine, on a monthly basis, any export charges (expressed as a percentage of export price) to be collected by a country of export from exporters of softwood lumber or softwood lumber products described in section 804(a) in order to ensure compliance with any international agreement entered into by that country and the United States.

"(b) PUBLICATION.—The Under Secretary for International Trade shall immediately publish any determination made under subsection (a) on the website of the International Trade Administration of the Department of Commerce, and in any other manner the Under Secretary considers appropriate.

"SEC. 806. RECONCILIATION.

"The Secretary of the Treasury shall conduct reconciliations to ensure the proper implementation and operation of international agreements entered into between a country of export of softwood lumber or softwood lumber products described in section 804(a) and the United States. The Secretary of Treasury shall reconcile the following:

"(1) The export price declared by a United States importer pursuant to section 803(b)(1) with the export price reported to the United States by the country of export, if any.

"(2) The export price declared by a United States importer pursuant to section 803(b)(1) with the revised export price reported to the United States by the country of export, if any.

"SEC. 807. VERIFICATION.

"(a) IN GENERAL.—The Secretary of Treasury shall periodically verify the declarations made by a United States importer pursuant to section 803(c), including by determining whether—

"(1) the export price declared by a United States importer pursuant to section 803(b)(1) is the same as the export price provided on the export permit, if any, issued by the country of export; and

"(2) the estimated export charge declared by a United States importer pursuant to section 803(b)(2) is consistent with the determination published by the Under Secretary for International Trade pursuant to section 805(b).

"(b) EXAMINATION OF BOOKS AND RECORDS.—

"(1) IN GENERAL.—Any record relating to the importer declaration program required under section 803 shall be treated as a record required to be maintained and produced under title V of this Act.

"(2) EXAMINATION OF RECORDS.—The Secretary of the Treasury is authorized to take such action, and examine such records, under section 509 of this Act, as the Secretary determines necessary to verify the declarations made pursuant to section 803(c) are true and accurate.

"SEC. 808. PENALTIES.

"(a) IN GENERAL.—It shall be unlawful for any person to import into the United States softwood lumber or softwood lumber products in knowing violation of this title.

"(b) CIVIL PENALTIES.—Any person who commits an unlawful act as set forth in subsection (a) shall be liable for a civil penalty not to exceed $10,000 for each knowing violation.

"(c) OTHER PENALTIES.—In addition to the penalties provided for in subsection (b), any violation of this title that violates any other customs law of the United States shall be subject to any applicable civil and criminal penalty, including seizure and forfeiture, that may be imposed under such custom law or title 18, United States Code, with respect to the importation of softwood lumber and softwood lumber products described in section 804(a).

"(d) FACTORS TO CONSIDER IN ASSESSING PENALTIES.—In determining the amount of civil penalties to be assessed under this section, consideration shall be given to any history of prior violations of this title by the person, the ability of the person to pay the penalty, the seriousness of the violation, and such other matters as fairness may require.

"(e) NOTICE.—No penalty may be assessed under this section against a person for violating a provision of this title unless the person is given notice and opportunity to make statements, both oral and written, with respect to such violation.

"(f) EXCEPTION.—Notwithstanding any other provision of this title, and without limitation, an importer shall not be found to have violated subsection 803(c) if—

"(1) the importer made an appropriate inquiry in accordance with section 803(c)(1) with respect to the declaration;

"(2) the importer produces records maintained pursuant to section 807(b) that substantiate the declaration; and

"(3) there is not substantial evidence indicating that the importer knew that the fact to which the importer made the declaration was false.

"SEC. 809. REPORTS.

"(a) SEMIANNUAL REPORTS.—Not later than 180 days after the effective date of this title, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report—

"(1) describing the reconciliations conducted under section 806, and the verifications conducted under section 807;

"(2) identifying the manner in which the United States importers subject to reconciliations conducted under section 806 and verifications conducted under section 807 were chosen;

"(3) identifying any penalties imposed under section 808;

"(4) identifying any patterns of noncompliance with this title; and

"(5) identifying any problems or obstacles encountered in the implementation and enforcement of this title.

"(b) SUBSIDIES REPORTS.—Not later than 180 days after the date of the enactment of this title, and every 180 days thereafter, the Secretary of Commerce shall provide to the appfopriate congressional committees a report on any subsidies on softwood lumber or softwood lumber products, including stumpage subsidies, provided by countries of export.

"(c) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to the appropriate congressional committees:

"(1) Not later than 18 months after the date of the enactment of this title, a report on the effectiveness of the reconciliations conducted under section 806, and verifications conducted under section 807.

"(2) Not later than 12 months after the date of the enactment of this title, a report on whether countries that export softwood lumber or softwood lumber products to the United States are complying with any international agreements entered into by those countries and the United States.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 60 days after the date of the enactment of this Act.

TITLE IV—NUTRITION

Subtitle A—Food Stamp Program

PART I—RENAMING OF FOOD STAMP ACT AND PROGRAM

SEC. 4001. RENAMING OF FOOD STAMP ACT AND PROGRAM.

(a) SHORT TITLE.—The first section of the Food Stamp Act of 1977 (7 U.S.C. 2011 note; Public Law 88–525) is amended by striking "Food Stamp Act of 1977" and inserting "Food and Nutrition Act of 2008".

(b) PROGRAM.—The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (as amended by subsection (a)) is amended by striking "food stamp program" each place it appears and inserting "supplemental nutrition assistance program".

SEC. 4002. CONFORMING AMENDMENTS.

(a) IN GENERAL.—

*(1) Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended in the section heading by striking "**FOOD STAMP PROGRAM**" and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**".*

(2) Section 5(h)(2)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(h)(2)(A)) is amended by striking "Food Stamp Disaster Task Force" and inserting "Disaster Task Force".

(3) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (d)(3), by striking "for food stamps";

(B) in subsection (j), in the subsection heading, by striking "FOOD STAMP"; and

(C) in subsection (o)—

(i) in paragraph (2), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits"; and

(ii) in paragraph (6)—

(I) in subparagraph (A)—

(aa) in clause (i), by striking "food stamps" and inserting "supplemental nutrition assistance program benefits"; and

(bb) in clause (ii)—

(AA) in the matter preceding subclause (I), by striking "a food stamp recipient" and inserting "a member of a household that receives supplemental nutrition assistance program benefits"; and

(BB) by striking "food stamp benefits" each place it appears and inserting "supplemental nutrition assistance program benefits"; and

(II) in subparagraphs (D) and (E), by striking "food stamp recipients" each place it appears and inserting "members of households that receive supplemental nutrition assistance program benefits".

(4) Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(A) in subsection (i)—

(i) in paragraph (3)(B)(ii), by striking "food stamp households" and inserting "households receiving supplemental nutrition assistance program benefits"; and

(ii) in paragraph (7), by striking "food stamp issuance" and inserting "supplemental nutrition assistance issuance"; and

(B) in subsection (k)—

(i) in paragraph (2), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits"; and

(ii) in paragraph (3), by striking "food stamp retail" and inserting "retail".

(5) Section 9(b)(1) of that Food and Nutrition Act of 2008 (7 U.S.C. 2018(b)(1)) is amended by striking "food stamp households" and inserting "households that receive supplemental nutrition assistance program benefits".

(6) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (e)—

(i) by striking "food stamps" each place it appears and inserting "supplemental nutrition assistance program benefits";

(ii) by striking "food stamp offices" each place it appears and inserting "supplemental nutrition assistance program offices";

(iii) by striking "food stamp office" each place it appears and inserting "supplemental nutrition assistance program office"; and

(iv) in paragraph (25)—

(I) in the matter preceding subparagraph (A), by striking "Simplified Food Stamp Program" and inserting "Simplified Supplemental Nutrition Assistance Program"; and

(II) in subparagraph (A), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits";

(B) in subsection (k), by striking "may issue, upon request by the State agency, food stamps" and inserting "may provide, on request by the State agency, supplemental nutrition assistance program benefits";

(C) in subsection (l), by striking "food stamp participation" and inserting "supplemental nutrition assistance program participation";

(D) in subsections (q) and (r), in the subsection headings, by striking "FOOD STAMPS" each place it appears and inserting "BENEFITS";

(E) in subsection (s), by striking "food stamp benefits" each place it appears and inserting "supplemental nutrition assistance program benefits"; and

(F) in subsection (t)(1)—

(i) in subparagraph (A), by striking "food stamp application" and inserting "supplemental nutrition assistance program application"; and

(ii) in subparagraph (B), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits".

(7) Section 14(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2023(b)) is amended by striking "food stamp".

(8) Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended—

(A) in subsection (a)(4), by striking "food stamp informational activities" and inserting "informational activities relating to the supplemental nutrition assistance program";

(B) in subsection (c)(9)(C), by striking "food stamp caseload" and inserting "the caseload under the supplemental nutrition assistance program"; and

(C) in subsection (h)(1)(E)(i), by striking "food stamp recipients" and inserting "members of households receiving supplemental nutrition assistance program benefits".

(9) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking "food stamp benefits" each place it appears and inserting "supplemental nutrition assistance program benefits";

(B) in subsection (b)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits"; and

(II) in subparagraph (B)—

(aa) in clause (ii)(II), by striking "food stamp recipients" and inserting "supplemental nutrition assistance program recipients";

(bb) in clause (iii)(I), by striking "the State's food stamp households" and inserting "the number of households in the State receiving supplemental nutrition assistance program benefits"; and

(cc) in clause (iv)(IV)(bb), by striking "food stamp deductions" and inserting "supplemental nutrition assistance program deductions";

(ii) in paragraph (2), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits"; and

(iii) in paragraph (3)—

(I) in subparagraph (A), by striking "food stamp employment" and inserting "supplemental nutrition assistance program employment";

(II) in subparagraph (B), by striking "food stamp recipients" and inserting "supplemental nutrition assistance program recipients";

(III) in subparagraph (C), by striking "food stamps" and inserting "supplemental nutrition assistance program benefits"; and

(IV) in subparagraph (D), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits";

(C) in subsection (c), by striking "food stamps" and inserting "supplemental nutrition assistance";

(D) in subsection (d)—

(i) in paragraph (1)(B), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits";

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking "food stamp allotments" each place it appears and inserting "allotments"; and

(II) in subparagraph (C)(ii), by striking "food stamp benefit" and inserting "supplemental nutrition assistance program benefits"; and

(iii) in paragraph (3)(E), by striking "food stamp benefits" and inserting "supplemental nutrition assistance program benefits";

(E) in subsections (e) and (f), by striking "food stamp benefits" each place it appears and inserting "supplemental nutrition assistance program benefits";

(F) in subsection (g), in the first sentence, by striking "receipt of food stamp" and inserting "receipt of supplemental nutrition assistance program"; and

(G) in subsection (j), by striking "food stamp agencies" and inserting "supplemental nutrition assistance program agencies".

(10) Section 18(a)(3)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(A)(ii)) is amended by striking "food stamps" and inserting "supplemental nutrition assistance program benefits".

(11) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) in the section heading, by striking "**FOOD STAMP PORTION OF MINNESOTA FAMILY INVESTMENT PLAN**" and inserting "**MINNESOTA FAMILY INVESTMENT PROJECT**";

(B) in subsections (b)(12) and (d)(3), by striking "the Food Stamp Act, as amended," each place it appears and inserting "this Act"; and

(C) in subsection (g)(1), by striking "the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.)" and inserting "this Act".

(12) Section 26 of the Food and Nutrition Act of 2008 (7 U.S.C. 2035) is amended—

(A) in the section heading, by striking "**SIMPLIFIED FOOD STAMP PROGRAM**" and inserting "**SIMPLIFIED SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**"; and

(B) in subsection (b), by striking "simplified food stamp program" and inserting "simplified supplemental nutrition assistance program".

(b) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—Each provision of law described in paragraph (2) is amended (as applicable)—

(A) by striking "food stamp program" each place it appears and inserting "supplemental nutrition assistance program";

(B) by striking "Food Stamp Act of 1977" each place it appears and inserting "Food and Nutrition Act of 2008";

(C) by striking "Food Stamp Act" each place it appears and inserting "Food and Nutrition Act of 2008";

(D) by striking "food stamp" each place it appears and inserting "supplemental nutrition assistance program benefits";

(E) by striking "food stamps" each place it appears and inserting "supplemental nutrition assistance program benefits";

(F) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking "**FOOD STAMP ACT**" each place it appears and inserting "**FOOD AND NUTRITION ACT OF 2008**";

(G) in each applicable subsection and appropriations heading, by striking "FOOD STAMP ACT" each place it appears and inserting "FOOD AND NUTRITION ACT OF 2008";

(H) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking "**FOOD STAMP ACT**" each place it appears and inserting "**FOOD AND NUTRITION ACT OF 2008**";

(I) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking "**FOOD STAMP PROGRAM**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**";

(J) in each applicable subsection and appropriations heading, by striking "FOOD STAMP PROGRAM" each place it appears and inserting "SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM";

(K) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking

*"**FOOD STAMP PROGRAM**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**";*

*(L) in each applicable title, subtitle, chapter, subchapter, and section heading, by striking "**FOOD STAMPS**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**";*

(M) in each applicable subsection and appropriations heading, by striking "FOOD STAMPS" each place it appears and inserting "SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS"; and

*(N) in each applicable heading other than a title, subtitle, chapter, subchapter, section, subsection, or appropriations heading, by striking "**FOOD STAMPS**" each place it appears and inserting "**SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS**".*

(2) PROVISIONS OF LAW.—The provisions of law referred to in paragraph (1) are the following:

(A) The Hunger Prevention Act of 1988 (Public Law 100–435; 102 Stat. 1645).

(B) The Food Stamp Program Improvements Act of 1994 (Public Law 103–225; 108 Stat. 106).

(C) Title IV of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 116 Stat. 305).

(D) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note).

(E) Section 807(b) of the Stewart B. McKinney Homeless Assistance Act (7 U.S.C. 2014 note; Public Law 100–77).

(F) The Electronic Benefit Transfer Interoperability and Portability Act of 2000 (Public Law 106–171; 114 Stat. 3).

(G) Section 502(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 2025 note; Public Law 105–185).

(H) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.).

(I) The Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).

(J) The Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(K) Section 8119 of the Department of Defense Appropriations Act, 1999 (10 U.S.C. 113 note; Public Law 105–262).

(L) The Armored Car Industry Reciprocity Act of 1993 (15 U.S.C. 5901 et seq.).

(M) Title 18, United States Code.

(N) The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(O) The Internal Revenue Code of 1986.

(P) Section 650 of the Treasury and General Government Appropriations Act, 2000 (26 U.S.C. 7801 note; Public Law 106–58).

(Q) The Wagner-Peysner Act (29 U.S.C. 49 et seq.).

(R) The Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).

(S) Title 31, United States Code.

(T) Title 37, United States Code.

(U) The Public Health Service Act (42 U.S.C. 201 et seq.).

(V) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(W) Section 406 of the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2400).

(X) Section 232 of the Social Security Act Amendments of 1994 (42 U.S.C. 1314a).

(Y) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

(Z) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(AA) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

(BB) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

(CC) Section 208 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728).

(DD) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(EE) The Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.).

(FF) Section 658K of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i).

(GG) The Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(HH) Public Law 95–348 (92 Stat. 487).

(II) The Agriculture and Food Act of 1981 (Public Law 97–98; 95 Stat. 1213).

(JJ) The Disaster Assistance Act of 1988 (Public Law 100–387; 102 Stat. 924).

(KK) The Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 3359).

(LL) The Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625; 104 Stat. 4079).

(MM) Section 388 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102–25; 105 Stat. 98).

(NN) The Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102–237; 105 Stat. 1818).

(OO) The Act of March 26, 1992 (Public Law 102–265; 106 Stat. 90).

(PP) Public Law 105–379 (112 Stat. 3399).

(QQ) Section 101(c) of the Emergency Supplemental Act, 2000 (Public Law 106–246; 114 Stat. 528).

(c) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to the "food stamp program" established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to the "supplemental nutrition assistance program" established under that Act.

PART II—BENEFIT IMPROVEMENTS

SEC. 4101. EXCLUSION OF CERTAIN MILITARY PAYMENTS FROM INCOME.

Section 5(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(d)) is amended—

(1) by striking "(d) Household" and inserting "(d) EXCLUSIONS FROM INCOME.—Household";

(2) by striking "only (1) any" and inserting "only—

"(1) any";

(3) by indenting each of paragraphs (2) through (18) so as to align with the margin of paragraph (1) (as amended by paragraph (2));

(4) by striking the comma at the end of each of paragraphs (1) through (16) and inserting a semicolon;

(5) in paragraph (3)—

(A) by striking "like (A) awarded" and inserting "like—

"(A) awarded";

(B) by striking "thereof, (B) to" and inserting "thereof;

"(B) to"; and

(C) by striking "program, and (C) to" and inserting "program; and

"(C) to";

(6) in paragraph (11), by striking ")), or (B) a" and inserting ")); or

"(B) a";

(7) in paragraph (17), by striking ", and" at the end and inserting a semicolon;

(8) in paragraph (18), by striking the period at the end and inserting "; and"; and

(9) by adding at the end the following:

"(19) any additional payment under chapter 5 of title 37, United States Code, or otherwise designated by the Secretary to be appropriate for exclusion under this paragraph, that is received by or from a member of the United States Armed Forces deployed to a designated combat zone, if the additional pay—

"(A) is the result of deployment to or service in a combat zone; and

"(B) was not received immediately prior to serving in a combat zone.".

SEC. 4102. STRENGTHENING THE FOOD PURCHASING POWER OF LOW-INCOME AMERICANS.

Section 5(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(1)) is amended—

(1) in subparagraph (A)(ii), by striking "not less than $134" and all that follows through the end of the clause and inserting the following "not less than—

"(I) for fiscal year 2009, $144, $246, $203, and $127, respectively; and

"(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.";

(2) in subparagraph (B)(ii), by striking "not less than $269" and all that follows through the end of the clause and inserting the following "not less than—

"(I) for fiscal year 2009, $289; and

"(II) for fiscal year 2010 and each fiscal year thereafter, an amount that is equal to the amount from the previous fiscal year adjusted to the nearest lower dollar increment to reflect changes for the 12-month period ending on the preceding June 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food."; and

(3) by adding at the end the following:

"(C) REQUIREMENT.—Each adjustment under subparagraphs (A)(ii)(II) and (B)(ii)(II) shall be based on the unrounded amount for the prior 12-month period.".

SEC. 4103. SUPPORTING WORKING FAMILIES WITH CHILD CARE EXPENSES.

Section 5(e)(3)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(e)(3)(A)) is amended by striking ", the maximum allowable level of which shall be $200 per month for each dependent child under 2 years of age and $175 per month for each other dependent,".

SEC. 4104. ASSET INDEXATION, EDUCATION, AND RETIREMENT ACCOUNTS.

(a) ADJUSTING COUNTABLE RESOURCES FOR INFLATION.—Section (5)(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended—

(1) by striking "(g)(1) The Secretary" and inserting the following:

"(g) ALLOWABLE FINANCIAL RESOURCES.—

"(1) TOTAL AMOUNT.—

"(A) IN GENERAL.—The Secretary".

(2) in subparagraph (A) (as so designated by paragraph (1))—

(A) by inserting "(as adjusted in accordance with subparagraph (B))" after "$2,000"; and

(B) by inserting "(as adjusted in accordance with subparagraph (B))" after "$3,000"; and

(3) by adding at the end the following:

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—Beginning on October 1, 2008, and each October 1 thereafter, the amounts specified in subparagraph (A) shall be adjusted and rounded down to the nearest $250 increment to reflect changes for the 12-month period ending the preceding June in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(ii) REQUIREMENT.—Each adjustment under clause (i) shall be based on the unrounded amount for the prior 12-month period.".

(b) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

(1) IN GENERAL.—Section 5(g)(2)(B)(v) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)(2)(B)(v)) is amended by striking "or retirement account (including an individual account)" and inserting "account".

(2) MANDATORY AND DISCRETIONARY EXCLUSIONS.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

"(7) EXCLUSION OF RETIREMENT ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

"(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of—

"(i) any funds in a plan, contract, or account, described in sections 401(a), 403(a), 403(b), 408, 408A, 457(b), and 501(c)(18) of the Internal Revenue Code of 1986 and the value of funds in a Federal Thrift Savings Plan account as provided in section 8439 of title 5, United States Code; and

"(ii) any retirement program or account included in any successor or similar provision that may be enacted and determined to be exempt from tax under the Internal Revenue Code of 1986.

"(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other retirement plans, contracts, or accounts (as determined by the Secretary).".

(c) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—Section 5(g) of the Food and Nutrition Act of 2008 (7 U.S.C. 2014(g)) (as amended by subsection (b)) is amended by adding at the end the following:

"(8) EXCLUSION OF EDUCATION ACCOUNTS FROM ALLOWABLE FINANCIAL RESOURCES.—

"(A) MANDATORY EXCLUSIONS.—The Secretary shall exclude from financial resources under this subsection the value of any funds in a qualified tuition program described in section 529 of the Internal Revenue Code of 1986 or in a Coverdell education savings account under section 530 of that Code.

"(B) DISCRETIONARY EXCLUSIONS.—The Secretary may exclude from financial resources under this subsection the value of any other education programs, contracts, or accounts (as determined by the Secretary).".

SEC. 4105. FACILITATING SIMPLIFIED REPORTING.

Section 6(c)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(c)(1)(A)) is amended—

(1) by striking "reporting by" and inserting "reporting";

(2) in clause (i), by inserting "for periods shorter than 4 months by" before "migrant";

(3) in clause (ii), by inserting "for periods shorter than 4 months by" before "households"; and

(4) in clause (iii), by inserting "for periods shorter than 1 year by" before "households".

SEC. 4106. TRANSITIONAL BENEFITS OPTION.

Section 11(s)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(s)(1)) is amended—

(1) by striking "benefits to a household"; and inserting "benefits—

"(A) to a household";

(2) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(B) at the option of the State, to a household with children that ceases to receive cash assistance under a State-funded public assistance program.".

SEC. 4107. INCREASING THE MINIMUM BENEFIT.

Section 8(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2017(a)) is amended by striking "$10 per month" and inserting "8 percent of the cost of the thrifty food plan for a household containing 1 member, as determined by the Secretary under section 3, rounded to the nearest whole dollar increment".

SEC. 4108. EMPLOYMENT, TRAINING, AND JOB RETENTION.

Section 6(d)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)(4)) is amended—

(1) in subparagraph (B)—

(A) by redesignating clause (vii) as clause (viii); and

(B) by inserting after clause (vi) the following:

"(vii) Programs intended to ensure job retention by providing job retention services, if the job retention services are provided for a period of not more than 90 days after an individual who received employment and training services under this paragraph gains employment."; and

(2) in subparagraph (F), by adding at the end the following:

"(iii) Any individual voluntarily electing to participate in a program under this paragraph shall not be subject to the limitations described in clauses (i) and (ii).".

PART III—PROGRAM OPERATIONS

SEC. 4111. NUTRITION EDUCATION.

(a) AUTHORITY TO PROVIDE NUTRITION EDUCATION.—Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended in the first sentence by inserting "and, through an approved State plan, nutrition education" after "an allotment".

(b) IMPLEMENTATION.—Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (f) and inserting the following:

"(f) NUTRITION EDUCATION.—

"(1) IN GENERAL.—State agencies may implement a nutrition education program for individuals eligible for program benefits that promotes healthy food choices consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341).

"(2) DELIVERY OF NUTRITION EDUCATION.—State agencies may deliver nutrition education directly to eligible persons or through agreements with the National Institute of Food and Agriculture, including through the expanded food and nutrition education program under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and other State and community health and nutrition providers and organizations.

"(3) NUTRITION EDUCATION STATE PLANS.—

"(A) IN GENERAL.—A State agency that elects to provide nutrition education under this subsection shall submit a nutrition education State plan to the Secretary for approval.

"(B) REQUIREMENTS.—The plan shall—

"(i) identify the uses of the funding for local projects; and

"(ii) conform to standards established by the Secretary through regulations or guidance.

"(C) REIMBURSEMENT.—State costs for providing nutrition education under this subsection shall be reimbursed pursuant to section 16(a).

"(4) NOTIFICATION.—To the maximum extent practicable, State agencies shall notify applicants, participants, and eligible program participants of the availability of nutrition education under this subsection.".

SEC. 4112. TECHNICAL CLARIFICATION REGARDING ELIGIBILITY.

Section 6(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(k)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking "No member" and inserting the following:

"(1) IN GENERAL.—No member"; and

(3) by adding at the end the following:

"(2) PROCEDURES.—The Secretary shall—

"(A) define the terms 'fleeing' and 'actively seeking' for purposes of this subsection; and

"(B) ensure that State agencies use consistent procedures established by the Secretary that disqualify individuals whom law enforcement authorities are actively seeking for the purpose of holding criminal proceedings against the individual.".

SEC. 4113. CLARIFICATION OF SPLIT ISSUANCE.

Section 7(h) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(h)) is amended by striking paragraph (2) and inserting the following:

"(2) REQUIREMENTS.—

"(A) IN GENERAL.—Any procedure established under paragraph (1) shall—

"(i) not reduce the allotment of any household for any period; and

"(ii) ensure that no household experiences an interval between issuances of more than 40 days.

"(B) MULTIPLE ISSUANCES.—The procedure may include issuing benefits to a household in more than 1 issuance during a month only when a benefit correction is necessary.".

SEC. 4114. ACCRUAL OF BENEFITS.

Section 7(i) of the Food and Nutrition Act of 2008 (7 U.S.C. 2016(i)) is amended by adding at the end the following:

"(12) RECOVERING ELECTRONIC BENEFITS.—

"(A) IN GENERAL.—A State agency shall establish a procedure for recovering electronic benefits from the account of a household due to inactivity.

"(B) BENEFIT STORAGE.—A State agency may store recovered electronic benefits off-line in accordance with subparagraph (D), if the household has not accessed the account after 6 months.

"(C) BENEFIT EXPUNGING.—A State agency shall expunge benefits that have not been accessed by a household after a period of 12 months.

"(D) NOTICE.—A State agency shall—

"(i) send notice to a household the benefits of which are stored under subparagraph (B); and

"(ii) not later than 48 hours after request by the household, make the stored benefits available to the household.".

SEC. 4115. ISSUANCE AND USE OF PROGRAM BENEFITS.

(a) IN GENERAL.—Section 7 of the Food and Nutrition Act of 2008 (7 U.S.C. 2016) is amended—

(1) by striking the section designation and heading and all that follows through "subsection (j)) shall be" and inserting the following:

"SEC. 7. ISSUANCE AND USE OF PROGRAM BENEFITS.

"(a) IN GENERAL.—Except as provided in subsection (i), EBT cards shall be";

(2) in subsection (b)—

(A) by striking "(b) Coupons" and inserting the following:

"(b) USE.—Benefits"; and

(B) by striking the second proviso;

(3) in subsection (c)—

(A) by striking "(c) Coupons" and inserting the following:

"(c) DESIGN.—

"(1) IN GENERAL.—EBT cards";

(B) in the first sentence, by striking "and define their denomination"; and

(C) by striking the second sentence and inserting the following:

"(2) PROHIBITION.—The name of any public official shall not appear on any EBT card.";

(4) by striking subsection (d);

(5) in subsection (e)—

(A) by striking "coupons" each place it appears and inserting "benefits"; and

(B) by striking "coupon issuers" each place it appears and inserting "benefit issuers";

(6) in subsection (f)—

(A) by striking "coupons" each place it appears and inserting "benefits";

(B) by striking "coupon issuer" and inserting "benefit issuers";

(C) by striking "including any losses" and all that follows through "section 11(e)(20),"; and

(D) by striking "and allotments";

(7) by striking subsection (g) and inserting the following:

"(g) ALTERNATIVE BENEFIT DELIVERY.—

"(1) IN GENERAL.—If the Secretary determines, in consultation with the Inspector General of the Department of Agriculture, that it would improve the integrity of the supplemental nutrition assistance program, the Secretary shall require a State agency to issue or deliver benefits using alternative methods.

"(2) NO IMPOSITION OF COSTS.—The cost of documents or systems that may be required by this subsection may not be imposed upon a retail food store participating in the supplemental nutrition assistance program.

"(3) DEVALUATION AND TERMINATION OF ISSUANCE OF PAPER COUPONS.—

"(A) COUPON ISSUANCE.—Effective on the date of enactment of the Food, Conservation, and Energy Act of 2008, no State shall issue any coupon, stamp, certificate, or authorization card to a household that receives supplemental nutrition assistance under this Act.

"(B) EBT CARDS.—Effective beginning on the date that is 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, only an EBT card issued under subsection (i) shall be eligible for exchange at any retail food store.

"(C) DE-OBLIGATION OF COUPONS.—Coupons not redeemed during the 1-year period beginning on the date of enactment of the Food, Conservation, and Energy Act of 2008 shall—

"(i) no longer be an obligation of the Federal Government; and

"(ii) not be redeemable.";

(8) in subsection (h)(1), by striking "coupons" and inserting "benefits";

(9) in subsection (i), by adding at the end the following:

"(12) INTERCHANGE FEES.—No interchange fees shall apply to electronic benefit transfer transactions under this subsection.";

(10) in subsection (j)—

(A) in paragraph (2)(A)(ii), by striking "printing, shipping, and redeeming coupons" and inserting "issuing and redeeming benefits"; and

(B) in paragraph (5), by striking "coupon" and inserting "benefit";

(11) in subsection (k)—

(A) by striking "coupons in the form of" each place it appears and inserting "program benefits in the form of";

(B) by striking "a coupon issued in the form of" each place it appears and inserting "program benefits in the form of"; and

(C) in subparagraph (A), by striking "subsection (i)(11)(A)" and inserting "subsection (h)(11)(A)"; and

(12) by redesignating subsections (e) through (k) as subsections (d) through (j), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012) is amended—

(A) in subsection (a), by striking "coupons" and inserting "benefits";

(B) by striking subsection (b) and inserting the following:

"(b) BENEFIT.—The term 'benefit' means the value of supplemental nutrition assistance provided to a household by means of—

"(1) an electronic benefit transfer under section 7(i); or

"(2) other means of providing assistance, as determined by the Secretary.";

(C) in subsection (c), in the first sentence, by striking "authorization cards" and inserting "benefits";

(D) in subsection (d), by striking "or access device" and all that follows through the end of the subsection and inserting a period;

(E) in subsection (e)—

(i) by striking "(e) 'Coupon issuer' means" and inserting the following:

"(e) BENEFIT ISSUER.—The term 'benefit issuer' means"; and

(ii) by striking "coupons" and inserting "benefits";

(F) in subsection (g)(7), by striking "subsection (r)" and inserting "subsection (j)";

(G) in subsection (i)(5)—

(i) in subparagraph (B), by striking "subsection (r)" and inserting "subsection (j)"; and

(ii) in subparagraph (D), by striking "coupons" and inserting "benefits";

(H) in subsection (j), by striking "(as that term is defined in subsection (p))";

(I) in subsection (k)—

(i) in paragraph (1)(A), by striking "subsection (u)(1)" and inserting "subsection (r)(1)";

(ii) in paragraph (2), by striking "subsections (g)(3), (4), (5), (7), (8), and (9) of this section" and inserting "paragraphs (3), (4), (5), (7), (8), and (9) of subsection (k)"; and

(iii) in paragraph (3), by striking "subsection (g)(6) of this section" and inserting "subsection (k)(6)";

(J) in subsection (t), by inserting ", including point of sale devices," after "other means of access";

(K) in subsection (u), by striking "(as defined in subsection (g))";

(L) by adding at the end the following:

"(v) EBT CARD.—The term 'EBT card' means an electronic benefit transfer card issued under section 7(i)."; and

(M) by redesignating subsections (a) through (v) as subsections (b), (d), (f), (g), (e), (h), (k), (l), (n), (o), (p), (q), (s), (t), (u), (v), (c), (j), (m), (a), (r), and (i), respectively, and moving the subsections so as to appear in alphabetical order.

(2) Section 4(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(a)) is amended—

(A) by striking "coupons" each place it appears and inserting "benefits"; and

(B) by striking "Coupons issued" and inserting "benefits issued".

(3) Section 5 of the Food and Nutrition Act of 2008 (7 U.S.C. 2014) is amended—

(A) in subsection (a), by striking "section 3(i)(4)" and inserting "section 3(n)(4)";

(B) in subsection (h)(3)(B), in the second sentence, by striking "section 7(i)" and inserting "section 7(h)"; and

(C) in subsection (i)(2)(E), by striking ", as defined in section 3(i) of this Act,".

(4) Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended—

(A) in subsection (b)(1)—

(i) in subparagraph (B), by striking "coupons or authorization cards" and inserting "program benefits"; and

(ii) by striking "coupons" each place it appears and inserting "benefits"; and

(B) in subsection (d)(4)(L), by striking "section 11(e)(22)" and inserting "section 11(e)(19)".

(5) Section 8 of the Food and Nutrition Act of 2008 (7 U.S.C. 2017) is amended—

(A) in subsection (b), by striking ", whether through coupons, access devices, or otherwise"; and

(B) in subsections (e)(1) and (f), by striking "section 3(i)(5)" each place it appears and inserting "section 3(n)(5)".

(6) Section 9 of the Food and Nutrition Act of 2008 (7 U.S.C. 2018) is amended—

(A) by striking "coupons" each place it appears and inserting "benefits";

(B) in subsection (a)—

(i) in paragraph (1), by striking "coupon business" and inserting "benefit transactions"; and

(ii) by striking paragraph (3) and inserting the following:

"(3) AUTHORIZATION PERIODS.—The Secretary shall establish specific time periods during which authorization to accept and redeem benefits shall be valid under the supplemental nutrition assistance program."; and

(C) in subsection (g), by striking "section 3(g)(9)" and inserting "section 3(k)(9)".

(7) Section 10 of the Food and Nutrition Act of 2008 (7 U.S.C. 2019) is amended—

(A) by striking the section designation and heading and all that follows through "Regulations" and inserting the following:

"SEC. 10. REDEMPTION OF PROGRAM BENEFITS.

"Regulations";

(B) by striking "section 3(k)(4) of this Act" and inserting "section 3(p)(4)";

(C) by striking "section 7(i)" and inserting "section 7(h)"; and

(D) by striking "coupons" each place it appears and inserting "benefits".

(8) Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended—

(A) in subsection (d)—

(i) by striking "section 3(n)(1) of this Act" each place it appears and inserting "section 3(t)(1)"; and

(ii) by striking "section 3(n)(2) of this Act" each place it appears and inserting "section 3(t)(2)";

(B) in subsection (e)—

(i) in paragraph (8)(E), by striking "paragraph (16) or (20)(B)" and inserting "paragraph (15) or (18)(B)";

(ii) by striking paragraphs (15) and (19);

(iii) by redesignating paragraphs (16) through (18) and (20) through (25) as paragraphs (15) through (17) and (18) through (23), respectively; and

(iv) in paragraph (17) (as so redesignated), by striking "(described in section 3(n)(1) of this Act)" and inserting "described in section 3(t)(1)";

(C) in subsection (h), by striking "coupon or coupons" and inserting "benefits";

(D) by striking "coupon" each place it appears and inserting "benefit";

(E) by striking "coupons" each place it appears and inserting "benefits"; and

(F) in subsection (q), by striking "section 11(e)(20)(B)" and inserting "subsection (e)(18)(B)".

(9) Section 13 of the Food and Nutrition Act of 2008 (7 U.S.C. 2022) is amended by striking "coupons" each place it appears and inserting "benefits".

(10) Section 15 of the Food and Nutrition Act of 2008 (7 U.S.C. 2024) is amended—

(A) in subsection (a), by striking "coupons" and inserting "benefits";

(B) in subsection (b)(1)—

(i) by striking "coupons, authorization cards, or access devices" each place it appears and inserting "benefits";

(ii) by striking "coupons or authorization cards" and inserting "benefits"; and

(iii) by striking "access device" each place it appears and inserting "benefit";

(C) in subsection (c), by striking "coupons" each place it appears and inserting "benefits";

(D) in subsection (d), by striking "Coupons" and inserting "Benefits";

(E) by striking subsections (e) and (f);

(F) by redesignating subsections (g) and (h) as subsections (e) and (f), respectively; and

(G) in subsection (e) (as so redesignated), by striking "coupon, authorization cards or access devices" and inserting "benefits".

(11) Section 16(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(a)) is amended by striking "coupons" each place it appears and inserting "benefits".

(12) Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended—

(A) in subsection (a)(2), by striking "coupon" and inserting "benefit";

(B) in subsection (b)(1)—

(i) in subparagraph (B)—

(I) in clause (iv)—

(aa) in subclause (I), inserting "or otherwise providing benefits in a form not restricted to the purchase of food" after "of cash";

(bb) in subclause (III)(aa), by striking "section 3(i)" and inserting "section 3(n)"; and

(cc) in subclause (VII), by striking "section 7(j)" and inserting "section 7(i)"; and

(II) in clause (v)—

(aa) by striking "countersigned food coupons or similar"; and

(bb) by striking "food coupons" and inserting "EBT cards"; and

(ii) in subparagraph (C)(i)(I), by striking "coupons" and inserting "EBT cards";

(C) in subsection (f), by striking "section 7(g)(2)" and inserting "section 7(f)(2)"; and

(D) in subsection (j), by striking "coupon" and inserting "benefit".

(13) Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking "section 3(o)(4)" and inserting "section 3(u)(4)".

(14) Section 21 of the Food and Nutrition Act of 2008 (7 U.S.C. 2030) is repealed.

(15) Section 22 of the Food and Nutrition Act of 2008 (7 U.S.C. 2031) is amended—

(A) by striking "food coupons" each place it appears and inserting "benefits";

(B) by striking "coupons" each place it appears and inserting "benefits"; and

(C) in subsection (g)(1)(A), by striking "coupon" and inserting "benefits".

(16) Section 26(f)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2035(f)(3)) is amended—

(A) in subparagraph (A), by striking "subsections (a) through (g)" and inserting "subsections (a) through (f)"; and

(B) in subparagraph (E), by striking "(16), (18), (20), (24), and (25)" and inserting "(15), (17), (18), (22), and (23)".

(c) CONFORMING CROSS-REFERENCES.—

(1) IN GENERAL.—

(A) USE OF TERMS.—Each provision of law described in subparagraph (B) is amended (as applicable)—

(i) by striking "coupons" each place it appears and inserting "benefits";

(ii) by striking "coupon" each place it appears and inserting "benefit";

(iii) by striking "food coupons" each place it appears and inserting "benefits";

(iv) in each section heading, by striking "**FOOD COUPONS**" each place it appears and inserting "**BENEFITS**";

(v) by striking "food stamp coupon" each place it appears and inserting "benefit"; and

(vi) by striking "food stamps" each place it appears and inserting "benefits".

(B) PROVISIONS OF LAW.—The provisions of law referred to in subparagraph (A) are the following:

(i) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418).

(ii) Section 1956(c)(7)(D) of title 18, United States Code.

(iii) Titles II through XIX of the Social Security Act (42 U.S.C. 401 et seq.).

(iv) Section 401(b)(3) of the Social Security Amendments of 1972 (42 U.S.C. 1382e note; Public Law 92–603).

(v) The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(vi) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)).

(2) DEFINITION REFERENCES.—

(A) Section 2 of Public Law 103–205 (7 U.S.C. 2012 note; 107 Stat. 2418) is amended by striking "section 3(k)(1)" and inserting "section 3(p)(1)".

(B) Section 205 of the Food Stamp Program Improvements Act of 1994 (7 U.S.C. 2012 note; Public Law 103–225) is amended by striking "section 3(k) of such Act (as amended by section 201)" and inserting "section 3(p) of that Act".

(C) Section 115 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (21 U.S.C. 862a) is amended—

(i) by striking "section 3(h)" each place it appears and inserting "section 3(l)"; and

(ii) in subsection (e)(2), by striking "section 3(m)" and inserting "section 3(s)".

(D) Section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)) is amended—

(i) in paragraph (2)(F)(ii), by striking "section 3(r)" and inserting "section 3(j)"; and

(ii) in paragraph (3)(B), by striking "section 3(h)" and inserting "section 3(l)".

(E) Section 3803(c)(2)(C)(vii) of title 31, United States Code, is amended by striking "section 3(h)" and inserting "section 3(l)".

(F) Section 303(d)(4) of the Social Security Act (42 U.S.C. 503(d)(4)) is amended by striking "section 3(n)(1)" and inserting "section 3(t)(1)".

(G) Section 404 of the Social Security Act (42 U.S.C. 604) is amended by striking "section 3(h)" each place it appears and inserting "section 3(l)".

(H) Section 531 of the Social Security Act (42 U.S.C. 654) is amended by striking "section 3(h)" each place it appears and inserting "section 3(l)".

(I) Section 802(d)(2)(A)(i)(II) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011(d)(2)(A)(i)(II)) is amended by striking "(as defined in section 3(e) of such Act)".

(d) REFERENCES.—Any reference in any Federal, State, tribal, or local law (including regulations) to a "coupon", "authorization card", or other access device provided under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) shall be considered to be a reference to a "benefit" provided under that Act.

SEC. 4116. REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking the section enumerator and heading and subsection (a) and inserting the following:

"SEC. 11. ADMINISTRATION.

"(a) STATE RESPONSIBILITY.—

"(1) IN GENERAL.—The State agency of each participating State shall have responsibility for certifying applicant households and issuing EBT cards.

"(2) LOCAL ADMINISTRATION.—The responsibility of the agency of the State government shall not be affected by whether the program is operated on a State-administered or county-administered basis, as provided under section 3(t)(1).

"(3) RECORDS.—

"(A) IN GENERAL.—Each State agency shall keep such records as may be necessary to determine whether the program is being conducted in compliance with this Act (including regulations issued under this Act).

"(B) INSPECTION AND AUDIT.—Records described in subparagraph (A) shall—

"(i) be available for inspection and audit at any reasonable time;

"(ii) subject to subsection (e)(8), be available for review in any action filed by a household to enforce any provision of this Act (including regulations issued under this Act); and

"(iii) be preserved for such period of not less than 3 years as may be specified in regulations.

"(4) REVIEW OF MAJOR CHANGES IN PROGRAM DESIGN.—

"(A) IN GENERAL.—The Secretary shall develop standards for identifying major changes in the operations of a State agency, including—

"(i) large or substantially-increased numbers of low-income households that do not live in reasonable proximity to an office performing the major functions described in subsection (e);

"(ii) substantial increases in reliance on automated systems for the performance of responsibilities previously performed by personnel described in subsection (e)(6)(B);

"(iii) changes that potentially increase the difficulty of reporting information under subsection (e) or section 6(c); and

"(iv) changes that may disproportionately increase the burdens on any of the types of households described in subsection (e)(2)(A).

"(B) NOTIFICATION.—If a State agency implements a major change in operations, the State agency shall—

"(i) notify the Secretary; and

"(ii) collect such information as the Secretary shall require to identify and correct any adverse effects on program integrity or access, including access by any of the types of households described in subsection (e)(2)(A).".

SEC. 4117. CIVIL RIGHTS COMPLIANCE.

Section 11 of the Food and Nutrition Act of 2008 (7 U.S.C. 2020) is amended by striking subsection (c) and inserting the following:

"(c) CIVIL RIGHTS COMPLIANCE.—

"(1) IN GENERAL.—In the certification of applicant households for the supplemental nutrition assistance program, there shall be no discrimination by reason of race, sex, religious creed, national origin, or political affiliation.

"(2) RELATION TO OTHER LAWS.—The administration of the program by a State agency shall be consistent with the rights of households under the following laws (including implementing regulations):

"(A) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

"(B) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

"(C) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"(D) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).".

SEC. 4118. CODIFICATION OF ACCESS RULES.

Section 11(e)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking "shall (A) at" and inserting "shall—

"(A) at"; and

(2) by striking "and (B) use" and inserting "and

"(B) comply with regulations of the Secretary requiring the use of".

SEC. 4119. STATE OPTION FOR TELEPHONIC SIGNATURE.

Section 11(e)(2)(C) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(2)(C)) is amended—

(1) by striking "(C) Nothing in this Act" and inserting the following:

"(C) ELECTRONIC AND AUTOMATED SYSTEMS.—

"(i) IN GENERAL.—Nothing in this Act"; and

(2) by adding at the end the following:

"(ii) STATE OPTION FOR TELEPHONIC SIGNATURE.—A State agency may establish a system by which an applicant household may sign an application through a recorded verbal assent over the telephone.

"(iii) REQUIREMENTS.—A system established under clause (ii) shall—

"(I) record for future reference the verbal assent of the household member and the information to which assent was given;

"(II) include effective safeguards against impersonation, identity theft, and invasions of privacy;

"(III) not deny or interfere with the right of the household to apply in writing;

"(IV) promptly provide to the household member a written copy of the completed application, with instructions for a simple procedure for correcting any errors or omissions;

"(V) comply with paragraph (1)(B);

"(VI) satisfy all requirements for a signature on an application under this Act and other laws applicable to the supplemental nutrition assistance program, with the date on which the household member provides verbal assent considered as the date of application for all purposes; and

"(VII) comply with such other standards as the Secretary may establish.".

SEC. 4120. PRIVACY PROTECTIONS.

Section 11(e)(8) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(e)(8)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking "limit" and inserting "prohibit"; and

(B) by striking "to persons" and all that follows through "State programs";

(2) by redesignating subparagraphs (A) through (E) as subparagraphs (B) through (F), respectively;

(3) by inserting before subparagraph (B) (as so redesignated) the following:

"(A) the safeguards shall permit—

"(i) the disclosure of such information to persons directly connected with the administration or enforcement of the provisions of this Act, regulations issued pursuant to this Act, Federal assistance programs, or federally-assisted State programs; and

"(ii) the subsequent use of the information by persons described in clause (i) only for such administration or enforcement;"; and

(4) in subparagraph (F) (as so redesignated) by inserting "or subsection (u)" before the semicolon at the end.

SEC. 4121. PRESERVATION OF ACCESS AND PAYMENT ACCURACY.

Section 16 of the Food and Nutrition Act of 2008 (7 U.S.C. 2025) is amended by striking subsection (g) and inserting the following:

"(g) COST SHARING FOR COMPUTERIZATION.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Secretary is authorized to pay to each State agency the amount provided under subsection (a)(6) for the costs incurred by the State agency in the planning, design, development, or installation of 1 or more automatic data processing and information retrieval systems that the Secretary determines—

"(A) would assist in meeting the requirements of this Act;

"(B) meet such conditions as the Secretary prescribes;

"(C) are likely to provide more efficient and effective administration of the supplemental nutrition assistance program;

"(D) would be compatible with other systems used in the administration of State programs, including the program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.);

"(E) would be tested adequately before and after implementation, including through pilot projects in limited areas for major systems changes as determined under rules promulgated by the Secretary, data from which shall be thoroughly evaluated before the Secretary approves the system to be implemented more broadly; and

"(F) would be operated in accordance with an adequate plan for—

"(i) continuous updating to reflect changed policy and circumstances; and

"(ii) testing the effect of the system on access for eligible households and on payment accuracy.

"(2) LIMITATION.—The Secretary shall not make payments to a State agency under paragraph (1) to the extent that the State agency—

"(A) is reimbursed for the costs under any other Federal program; or

"(B) uses the systems for purposes not connected with the supplemental nutrition assistance program.".

SEC. 4122. FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.

Section 16(h)(1)(A) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)(A)) is amended in subparagraph (A), by striking "to remain available until expended" and inserting "to remain available for 15 months".

PART IV—PROGRAM INTEGRITY

SEC. 4131. ELIGIBILITY DISQUALIFICATION.

Section 6 of the Food and Nutrition Act of 2008 (7 U.S.C. 2015) is amended by adding at the end the following:

"(p) DISQUALIFICATION FOR OBTAINING CASH BY DESTROYING FOOD AND COLLECTING DEPOSITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally obtained cash by purchasing products with supplemental nutrition assistance program benefits that have containers that require return deposits, discarding the product, and returning the container for the deposit amount shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.

"(q) DISQUALIFICATION FOR SALE OF FOOD PURCHASED WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS.—Subject to any requirements established by the Secretary, any person who has been found by a State or Federal court or administrative agency in a hearing under subsection (b) to have intentionally sold any food that was purchased using supplemental nutrition assistance program benefits shall be ineligible for benefits under this Act for such period of time as the Secretary shall prescribe by regulation.".

SEC. 4132. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

Section 12 of the Food and Nutrition Act of 2008 (7 U.S.C. 2021) is amended—

(1) by striking the section designation and heading and all that follows through the end of subsection (a) and inserting the following:

"SEC. 12. CIVIL PENALTIES AND DISQUALIFICATION OF RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS.

"(a) DISQUALIFICATION.—

"(1) IN GENERAL.—An approved retail food store or wholesale food concern that violates a provision of this Act or a regulation under this Act may be—

"(A) disqualified for a specified period of time from further participation in the supplemental nutrition assistance program;

"(B) assessed a civil penalty of up to $100,000 for each violation; or

"(C) both.

"(2) REGULATIONS.—Regulations promulgated under this Act shall provide criteria for the finding of a violation of, the suspension or disqualification of and the assessment of a civil penalty against a retail food store or wholesale food concern on the basis of evidence that may include facts established through on-site investigations, inconsistent redemption data, or evidence obtained through a transaction report under an electronic benefit transfer system.";

(2) in subsection (b)—

(A) by striking "(b) Disqualification" and inserting the following:

"(b) PERIOD OF DISQUALIFICATION.—Subject to subsection (c), a disqualification";

(B) in paragraph (1), by striking "of no less than six months nor more than five years" and inserting "not to exceed 5 years";

(C) in paragraph (2), by striking "of no less than twelve months nor more than ten years" and inserting "not to exceed 10 years";

(D) in paragraph (3)(B)—

(i) by inserting "or a finding of the unauthorized redemption, use, transfer, acquisition, alteration, or possession of EBT cards" after "concern" the first place it appears; and

(ii) by striking "civil money penalties" and inserting "civil penalties"; and

(E) by striking "civil money penalty" each place it appears and inserting "civil penalty";

(3) in subsection (c)—

(A) by striking "(c) The action" and inserting the following:

"(c) CIVIL PENALTY AND REVIEW OF DISQUALIFICATION AND PENALTY DETERMINATIONS.—

"(1) CIVIL PENALTY.—In addition to a disqualification under this section, the Secretary may assess a civil penalty in an amount not to exceed $100,000 for each violation.

"(2) REVIEW.—The action"; and

(B) in paragraph (2) (as designated by subparagraph (A)), by striking "civil money penalty" and inserting "civil penalty";

(4) in subsection (d)—

(A) by striking "(d)" and all that follows through ". The Secretary shall" and inserting the following:

"(d) CONDITIONS OF AUTHORIZATION.—

"(1) IN GENERAL.—As a condition of authorization to accept and redeem benefits, the Secretary may require a retail food store or wholesale food concern that, pursuant to subsection (a), has been disqualified for more than 180 days, or has been subjected to a civil penalty in lieu of a disqualification period of more than 180 days, to furnish a collateral bond or irrevocable letter of credit for a period of not more than 5 years to cover the value of benefits that the store or concern may in the future accept and redeem in violation of this Act.

"(2) COLLATERAL.—The Secretary also may require a retail food store or wholesale food concern that has been sanctioned for a violation and incurs a subsequent sanction regardless of the length of the disqualification period to submit a collateral bond or irrevocable letter of credit.

"(3) BOND REQUIREMENTS.—The Secretary shall";

(B) by striking "If the Secretary finds" and inserting the following

"(4) FORFEITURE.—If the Secretary finds"; and

(C) by striking "Such store or concern" and inserting the following:

"(5) HEARING.—A store or concern described in paragraph (4)";

(5) in subsection (e), by striking "civil money penalty" each place it appears and inserting "civil penalty"; and

(6) by adding at the end the following:

"(h) FLAGRANT VIOLATIONS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Inspector General of the Department of Agriculture, shall establish procedures under which the processing of program benefit redemptions for a retail food store or wholesale food concern may be immediately suspended pending administrative action to disqualify the retail food store or wholesale food concern.

"(2) REQUIREMENTS.—Under the procedures described in paragraph (1), if the Secretary, in consultation with the Inspector General, determines that a retail food store or wholesale food concern is engaged in flagrant violations of this Act (including regulations promulgated under this Act), unsettled program benefits that have been redeemed by the retail food store or wholesale food concern—

"(A) may be suspended; and

"(B)(i) if the program disqualification is upheld, may be subject to forfeiture pursuant to section 15(g); or

"(ii) if the program disqualification is not upheld, shall be released to the retail food store or wholesale food concern.

"(3) NO LIABILITY FOR INTEREST.—The Secretary shall not be liable for the value of any interest on funds suspended under this subsection.".

SEC. 4133. MAJOR SYSTEMS FAILURES.

Section 13(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2022(b)) is amended by adding at the end the following:

"(5) OVERISSUANCES CAUSED BY SYSTEMIC STATE ERRORS.—

"(A) IN GENERAL.—If the Secretary determines that a State agency overissued benefits to a substantial number of households in a fiscal year as a result of a major systemic error by the State agency, as defined by the Secretary, the Secretary may prohibit the State agency from collecting these overissuances from some or all households.

"(B) PROCEDURES.—

"(i) INFORMATION REPORTING BY STATES.—Every State agency shall provide to the Secretary all information requested by the Secretary concerning the issuance of benefits to households by the State agency in the applicable fiscal year.

"(ii) FINAL DETERMINATION.—After reviewing relevant information provided by a State agency, the Secretary shall make a final determination—

"(I) whether the State agency overissued benefits to a substantial number of households as a result of a systemic error in the applicable fiscal year; and

"(II) as to the amount of the overissuance in the applicable fiscal year for which the State agency is liable.

"(iii) ESTABLISHING A CLAIM.—Upon determining under clause (ii) that a State agency has overissued benefits to households due to a major systemic error determined under subparagraph (A), the Secretary shall establish a claim against the State agency equal to the value of the overissuance caused by the systemic error.

"(iv) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative and judicial review, as provided in section 14, shall apply to the final determinations by the Secretary under clause (ii).

"(v) REMISSION TO THE SECRETARY.—

"(I) DETERMINATION NOT APPEALED.—If the determination of the Secretary under clause (ii) is not appealed, the State agency shall, as soon as practicable, remit to the Secretary the dollar amount specified in the claim under clause (iii).

"(II) DETERMINATION APPEALED.—If the determination of the Secretary under clause (ii) is appealed, upon completion of administrative and judicial review under clause (iv), and a finding of liability on the part of the State, the appealing State agency shall, as soon as practicable, remit to the Secretary a dollar amount subject to the finding made in the administrative and judicial review.

"(vi) ALTERNATIVE METHOD OF COLLECTION.—

"(I) IN GENERAL.—If a State agency fails to make a payment under clause (v) within a reasonable period of time, as determined by the Secretary, the Secretary may reduce any amount due to the State agency under any other provision of this Act by the amount due.

"(II) ACCRUAL OF INTEREST.—During the period of time determined by the Secretary to be reasonable under subclause (I), interest in the amount owed shall not accrue.

"(vii) LIMITATION.—Any liability amount established under section 16(c)(1)(C) shall be reduced by the amount of the claim established under this subparagraph.".

PART V—MISCELLANEOUS

SEC. 4141. PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Section 17 of the Food and Nutrition Act of 2008 (7 U.S.C. 2026) is amended by adding at the end the following:

"(k) PILOT PROJECTS TO EVALUATE HEALTH AND NUTRITION PROMOTION IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall carry out, under such terms and conditions as the Secretary considers to be appropriate, pilot projects to develop and test methods—

"(A) of using the supplemental nutrition assistance program to improve the dietary and health status of households eligible for or participating in the supplemental nutrition assistance program; and

"(B) to reduce overweight, obesity (including childhood obesity), and associated comorbidities in the United States.

"(2) GRANTS.—

"(A) IN GENERAL.—In carrying out this subsection, the Secretary may enter into competitively awarded contracts or cooperative agreements with, or provide grants to, public or private organizations or agencies (as defined by the Secretary), for use in accordance with projects that meet the strategy goals of this subsection.

"(B) APPLICATION.—To be eligible to receive a contract, cooperative agreement, or grant under this paragraph, an organization shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

"(C) SELECTION CRITERIA.—Pilot projects shall be evaluated against publicly disseminated criteria that may include—

"(i) identification of a low-income target audience that corresponds to individuals living in households with incomes at or below 185 percent of the poverty level;

"(ii) incorporation of a scientifically based strategy that is designed to improve diet quality through more healthful food purchases, preparation, or consumption;

"(iii) a commitment to a pilot project that allows for a rigorous outcome evaluation, including data collection;

"(iv) strategies to improve the nutritional value of food served during school hours and during after-school hours;

"(v) innovative ways to provide significant improvement to the health and wellness of children;

"(vi) other criteria, as determined by the Secretary.

"(D) USE OF FUNDS.—Funds provided under this paragraph shall not be used for any project that limits the use of benefits under this Act.

"(3) PROJECTS.—Pilot projects carried out under paragraph (1) may include projects to determine whether healthier food purchases by and healthier diets among households participating in the supplemental nutrition assistance program result from projects that—

"(A) increase the supplemental nutrition assistance purchasing power of the participating households by providing increased supplemental nutrition assistance program benefit allotments to the participating households;

"(B) increase access to farmers markets by participating households through the electronic redemption of supplemental nutrition assistance program benefits at farmers' markets;

"(C) provide incentives to authorized supplemental nutrition assistance program retailers to increase the availability of healthy foods to participating households;

"(D) subject authorized supplemental nutrition assistance program retailers to stricter retailer requirements with respect to carrying and stocking healthful foods;

"(E) provide incentives at the point of purchase to encourage households participating in the supplemental nutrition assistance program to purchase fruits, vegetables, or other healthful foods; or

"(F) provide to participating households integrated communication and education programs, including the provision of funding for a portion of a school-based nutrition coordinator to implement a broad nutrition action plan and parent nutrition education programs in elementary schools, separately or in combination with pilot projects carried out under subparagraphs (A) through (E).

"(4) EVALUATION AND REPORTING.—

"(A) EVALUATION.—

"(i) INDEPENDENT EVALUATION.—

"(I) IN GENERAL.—The Secretary shall provide for an independent evaluation of projects selected under this subsection that measures the impact of the pilot program on health and nutrition as described in paragraph (1).

"(II) REQUIREMENT.—The independent evaluation under subclause (I) shall use rigorous methodologies, particularly random assignment or other methods that are capable of producing scientifically valid information regarding which activities are effective.

"(ii) COSTS.—The Secretary may use funds provided to carry out this section to pay costs associated with monitoring and evaluating each pilot project.

"(B) REPORTING.—Not later than 90 days after the last day of fiscal year 2009 and each fiscal year thereafter until the completion of the last evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes a description of—

"(i) the status of each pilot project;

"(ii) the results of the evaluation completed during the previous fiscal year; and

"(iii) to the maximum extent practicable—

"(I) the impact of the pilot project on appropriate health, nutrition, and associated behavioral outcomes among households participating in the pilot project;

"(II) baseline information relevant to the stated goals and desired outcomes of the pilot project; and

"(III) equivalent information about similar or identical measures among control or comparison groups that did not participate in the pilot project.

"(C) PUBLIC DISSEMINATION.—In addition to the reporting requirements under subparagraph (B), evaluation results shall be shared broadly to inform policy makers, service providers, other partners, and the public in order to promote wide use of successful strategies.

"(5) FUNDING.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

"(B) MANDATORY FUNDING.—Out of any funds made available under section 18, on October 1, 2008, the Secretary shall make available $20,000,000 to carry out a project described in paragraph (3)(E), to remain available until expended.".

SEC. 4142. STUDY ON COMPARABLE ACCESS TO SUPPLEMENTAL NUTRITION ASSISTANCE FOR PUERTO RICO.

(a) IN GENERAL.—The Secretary shall carry out a study of the feasibility and effects of including the Commonwealth of Puerto Rico in the definition of the term "State" under section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), in lieu of providing block grants under section 19 of that Act (7 U.S.C. 2028).

(b) INCLUSIONS.—The study shall include—

(1) an assessment of the administrative, financial management, and other changes that would be necessary for the Commonwealth to establish a comparable supplemental nutrition assistance program, including compliance with appropriate program rules under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), such as—

(A) benefit levels under section 3(u) of that Act (7 U.S.C. 2012(u));

(B) income eligibility standards under sections 5(c) and 6 of that Act (7 U.S.C. 2014(c), 2015); and

(C) deduction levels under section 5(e) of that Act (7 U.S.C. 2014(e));

(2) an estimate of the impact on Federal and Commonwealth benefit and administrative costs;

(3) an assessment of the impact of the program on low-income Puerto Ricans, as compared to the program under section 19 of that Act (7 U.S.C. 2028); and

(4) such other matters as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under this section.

(d) FUNDING.—

(1) IN GENERAL.—On October 1, 2008, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $1,000,000, to remain available until expended.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

Subtitle B—Food Distribution Programs

PART I—EMERGENCY FOOD ASSISTANCE PROGRAM

SEC. 4201. EMERGENCY FOOD ASSISTANCE.

(a) PURCHASE OF COMMODITIES.—Section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)) is amended by -

(1) by striking "(A) PURCHASE OF COMMODITIES" and all that follows through "$140,000,000 of" and inserting the following:

"(a) PURCHASE OF COMMODITIES.—

"(1) IN GENERAL.—From amounts made available to carry out this Act, for each of the fiscal years 2008 through 2012, the Secretary shall purchase a dollar amount described in paragraph (2) of"; and

(2) by adding at the end the following:

"(2) AMOUNTS.—The Secretary shall use to carry out paragraph (1)—

"(A) for fiscal year 2008, $190,000,000;

"(B) for fiscal year 2009, $250,000,000; and

"(C) for each of fiscal years 2010 through 2012, the dollar amount of commodities specified in subparagraph (B) adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(u)(4) between June 30, 2008, and June 30 of the immediately preceding fiscal year.".

(b) STATE PLANS.—Section 202A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7503) is amended by striking subsection (a) and inserting the following:

"(a) PLANS.—

"(1) IN GENERAL.—To receive commodities under this Act, a State shall submit to the Secretary an operation and administration plan for the provision of benefits under this Act.

"(2) UPDATES.—A State shall submit to the Secretary for approval any amendment to a plan submitted under paragraph (1) in any case in which the State proposes to make a change to the operation or administration of a program described in the plan.".

(c) AUTHORIZATION AND APPROPRIATIONS.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence—

(1) by striking "$60,000,000" and inserting "$100,000,000"; and

(2) by inserting "and donated wild game" before the period at the end.

SEC. 4202. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

The Emergency Food Assistance Act of 1983 is amended by inserting after section 208 (7 U.S.C. 7511) the following:

"SEC. 209. EMERGENCY FOOD PROGRAM INFRASTRUCTURE GRANTS.

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means an emergency feeding organization.

"(b) PROGRAM AUTHORIZED.—

"(1) IN GENERAL.—The Secretary shall use funds made available under subsection (d) to make grants to eligible entities to pay the costs of an activity described in subsection (c).

"(2) RURAL PREFERENCE.—The Secretary shall use not less than 50 percent of the funds described in paragraph (1) for a fiscal year to make grants to eligible entities that serve predominantly rural communities for the purposes of—

"(A) expanding the capacity and infrastructure of food banks, State-wide food bank associations, and food bank collaboratives that operate in rural areas; and

"(B) improving the capacity of the food banks to procure, receive, store, distribute, track, and deliver time-sensitive or perishable food products.

"(c) USE OF FUNDS.—An eligible entity shall use a grant received under this section for any fiscal year to carry out activities of the eligible entity, including—

"(1) the development and maintenance of a computerized system for the tracking of time-sensitive food products;

"(2) capital, infrastructure, and operating costs associated with the collection, storage, distribution, and transportation of time-sensitive and perishable food products;

"(3) improving the security and diversity of the emergency food distribution and recovery systems of the United States through the support of small or mid-size farms and ranches, fisheries, and aquaculture, and donations from local food producers and manufacturers to persons in need;

"(4) providing recovered foods to food banks and similar nonprofit emergency food providers to reduce hunger in the United States;

"(5) improving the identification of—

"(A) potential providers of donated foods;

"(B) potential nonprofit emergency food providers; and

"(C) persons in need of emergency food assistance in rural areas; and

"(6) constructing, expanding, or repairing a facility or equipment to support hunger relief agencies in the community.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2012.".

PART II—FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS

SEC. 4211. ASSESSING THE NUTRITIONAL VALUE OF THE FDPIR FOOD PACKAGE.

(a) IN GENERAL.—Section 4 of the Food and Nutrition Act of 2008 (7 U.S.C. 2013) is amended by striking subsection (b) and inserting the following:

"(b) FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.—

"(1) IN GENERAL.—Distribution of commodities, with or without the supplemental nutrition assistance program, shall be made whenever a request for concurrent or separate food program operations, respectively, is made by a tribal organization.

"(2) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), in the event of distribution on all or part of an Indian reservation, the appropriate agency of the State government in the area involved shall be responsible for the distribution.

"(B) ADMINISTRATION BY TRIBAL ORGANIZATION.—If the Secretary determines that a tribal organization is capable of effectively and efficiently administering a distribution described in paragraph (1), then the tribal organization shall administer the distribution.

"(C) PROHIBITION.—The Secretary shall not approve any plan for a distribution described in paragraph (1) that permits any household on any Indian reservation to participate simultaneously in the supplemental nutrition assistance program and the program established under this subsection.

"(3) DISQUALIFIED PARTICIPANTS.—An individual who is disqualified from participation in the food distribution program on Indian reservations under this subsection is not eligible to participate in the supplemental nutrition assistance program under this Act for a period of time to be determined by the Secretary.

"(4) ADMINISTRATIVE COSTS.—The Secretary is authorized to pay such amounts for administrative costs and distribution costs on Indian reservations as the Secretary finds necessary for effective administration of such distribution by a State agency or tribal organization.

"(5) BISON MEAT.—Subject to the availability of appropriations to carry out this paragraph, the Secretary may purchase bison meat for recipients of food distributed under this subsection, including bison meat from—

"(A) Native American bison producers; and

"(B) producer-owned cooperatives of bison ranchers.

"(6) TRADITIONAL AND LOCALLY-GROWN FOOD FUND.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall establish a fund for use in purchasing traditional and locally-grown foods for recipients of food distributed under this subsection.

"(B) NATIVE AMERICAN PRODUCERS.—Where practicable, of the food provided under subparagraph (A), at least 50 percent shall be produced by Native American farmers, ranchers, and producers.

"(C) DEFINITION OF TRADITIONAL AND LOCALLY GROWN.—The Secretary shall determine the definition of the term 'traditional and locally-grown' with respect to food distributed under this paragraph.

"(D) SURVEY.—In carrying out this paragraph, the Secretary shall—

"(i) survey participants of the food distribution program on Indian reservations established under this subsection to determine which traditional foods are most desired by those participants; and

"(ii) purchase or offer to purchase those traditional foods that may be procured cost-effectively.

"(E) REPORT.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the activities carried out under this paragraph during the preceding calendar year.

"(F) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph $5,000,000 for each of fiscal years 2008 through 2012.".

(b) FDPIR FOOD PACKAGE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(1) how the Secretary derives the process for determining the food package under the food distribution program on Indian reservations established under section 4(b) of the Food and Nutrition Act of 2008 (7 U.S.C. 2013(b)) (referred to in this subsection as the "food package");

(2) the extent to which the food package—

(A) addresses the nutritional needs of low-income Native Americans compared to the supplemental nutrition assistance program, particularly for very low-income households;

(B) conforms (or fails to conform) to the 2005 Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341);

(C) addresses (or fails to address) the nutritional and health challenges that are specific to Native Americans; and

(D) is limited by distribution costs or challenges in infrastructure; and

(3)(A) any plans of the Secretary to revise and update the food package to conform with the most recent Dietary Guidelines for Americans, including any costs associated with the planned changes; or

(B) if the Secretary does not plan changes to the food package, the rationale of the Secretary for retaining the food package.

PART III—COMMODITY SUPPLEMENTAL FOOD PROGRAM

SEC. 4221. COMMODITY SUPPLEMENTAL FOOD PROGRAM.

Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended by striking subsection (g) and inserting the following:

"(g) PROHIBITION.—Notwithstanding any other provision of law (including regulations), the Secretary may not require a State or local agency to prioritize assistance to a particular group of individuals that are—

"(1) low-income persons aged 60 and older; or

"(2) women, infants, and children.".

PART IV—SENIOR FARMERS' MARKET NUTRITION PROGRAM

SEC. 4231. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended—

(1) in subsection (b)(1), by inserting "honey," after "vegetables,";

(2) by striking subsection (c) and inserting the following:

"(c) EXCLUSION OF BENEFITS IN DETERMINING ELIGIBILITY FOR OTHER PROGRAMS.—The value of any benefit provided to any eligible seniors farmers' market nutrition program recipient under this section shall not be considered to be income or resources for any purposes under any Federal, State, or local law."; and

(3) by adding at the end the following:

"(d) PROHIBITION ON COLLECTION OF SALES TAX.—Each State shall ensure that no State or local tax is collected within the State on a purchase of food with a benefit distributed under the seniors farmers' market nutrition program.

"(e) REGULATIONS.—The Secretary may promulgate such regulations as the Secretary considers to be necessary to carry out the seniors farmers' market nutrition program.".

Subtitle C—Child Nutrition and Related Programs

SEC. 4301. STATE PERFORMANCE ON ENROLLING CHILDREN RECEIVING PROGRAM BENEFITS FOR FREE SCHOOL MEALS.

(a) IN GENERAL.—Not later than December 31, 2008 and June 30 of each year thereafter, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that assesses the effectiveness of each State in enrolling school-aged children in households receiving program benefits under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) (referred to in this section as "program benefits") for free school meals using direct certification.

(b) SPECIFIC MEASURES.—The assessment of the Secretary of the performance of each State shall include—

(1) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year;

(2) an estimate of the number of school-aged children, by State, who were directly certified as eligible for free lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), based on receipt of program benefits, as of October 1 of the prior year; and

(3) an estimate of the number of school-aged children, by State, who were members of a household receiving program benefits at any time in July, August, or September of the prior year who were not candidates for direct certification because on October 1 of the prior year the children attended a school operating under the special assistance provisions of section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)) that is not operating in a base year.

(c) PERFORMANCE INNOVATIONS.—The report of the Secretary shall describe best practices from States with the best performance or the most improved performance from the previous year.

SEC. 4302. PURCHASES OF LOCALLY PRODUCED FOODS.

Section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)) is amended to read as follows:

"(j) PURCHASES OF LOCALLY PRODUCED FOODS.—The Secretary shall—

"(1) encourage institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) to purchase unprocessed agricultural products, both locally grown and locally raised, to the maximum extent practicable and appropriate;

"(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and paragraph (3) and post information concerning the policy on the website maintained by the Secretary; and

"(3) allow institutions receiving funds under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), including the Department of Defense Fresh Fruit and Vegetable Program, to use a geographic preference for the procurement of unprocessed agricultural products, both locally grown and locally raised.".

SEC. 4303. HEALTHY FOOD EDUCATION AND PROGRAM REPLICABILITY.

Section 18(h) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(h)) is amended—

(1) in paragraph (1)(C), by inserting "promotes healthy food education in the school curriculum and" before "incorporates";

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following:

"(2) ADMINISTRATION.—In providing grants under paragraph (1), the Secretary shall give priority to projects that can be replicated in schools.

"(3) PILOT PROGRAM FOR HIGH-POVERTY SCHOOLS.—

"(A) DEFINITIONS.—In this paragraph:

"(i) ELIGIBLE PROGRAM.—The term 'eligible program' means—

"(I) a school-based program with hands-on vegetable gardening and nutrition education that is incorporated into the curriculum for 1 or more grades at 2 or more eligible schools; or

"(II) a community-based summer program with hands-on vegetable gardening and nutrition education that is part of, or coordinated with, a summer enrichment program at 2 or more eligible schools.

"(ii) ELIGIBLE SCHOOL.—The term 'eligible school' means a public school, at least 50 percent of the students of which are eligible for free or reduced price meals under this Act.

"(B) ESTABLISHMENT.—The Secretary shall carry out a pilot program under which the Secretary shall provide to nonprofit organizations or public entities in not more than 5 States grants to develop and run, through eligible programs, community gardens at eligible schools in the States that would—

"(i) be planted, cared for, and harvested by students at the eligible schools; and

"(ii) teach the students participating in the community gardens about agriculture production practices and diet.

"(C) PRIORITY STATES.—Of the States in which grantees under this paragraph are located—

"(i) at least 1 State shall be among the 15 largest States, as determined by the Secretary;

"(ii) at least 1 State shall be among the 16th to 30th largest States, as determined by the Secretary; and

"(iii) at least 1 State shall be a State that is not described in clause (i) or (ii).

"(D) USE OF PRODUCE.—Produce from a community garden provided a grant under this paragraph may be—

"(i) used to supplement food provided at the eligible school;

"(ii) distributed to students to bring home to the families of the students; or

"(iii) donated to a local food bank or senior center nutrition program.

"(E) NO COST-SHARING REQUIREMENT.—A nonprofit organization or public entity that receives a grant under this paragraph shall not be required to share the cost of carrying out the activities assisted under this paragraph.

"(F) EVALUATION.—A nonprofit organization or public entity that receives a grant under this paragraph shall be required to cooperate in an evaluation in accordance with paragraph (1)(H).".

SEC. 4304. FRESH FRUIT AND VEGETABLE PROGRAM.

(a) PROGRAM.—

(1) IN GENERAL.—The Richard B. Russell National School Lunch Act is amended by inserting after section 18 (42 U.S.C. 1769) the following:

"SEC. 19. FRESH FRUIT AND VEGETABLE PROGRAM.

"(a) IN GENERAL.—For the school year beginning July 2008 and each subsequent school year, the Secretary shall provide grants to States to carry out a program to make free fresh fruits and vegetables available in elementary schools (referred to in this section as the 'program').

"(b) PROGRAM.—A school participating in the program shall make free fresh fruits and vegetables available to students throughout the school day (or at such other times as are considered appropriate by the Secretary) in 1 or more areas designated by the school.

"(c) FUNDING TO STATES.—

"(1) MINIMUM GRANT.—Except as provided in subsection (i)(2), the Secretary shall provide to each of the 50 States and the District of Columbia an annual grant in an amount equal to 1 percent of the funds made available for a year to carry out the program.

"(2) ADDITIONAL FUNDING.—Of the funds remaining after grants are made under paragraph (1), the Secretary shall allocate additional funds to each State that is operating a school lunch program under section 4 based on the proportion that—

"(A) the population of the State; bears to

"(B) the population of the United States.

"(d) SELECTION OF SCHOOLS.—

"(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 4304(a)(2) of the Food, Conservation, and Energy Act of 2008, each year, in selecting schools to participate in the program, each State shall—

"(A) ensure that each school chosen to participate in the program is a school—

"(i) in which not less than 50 percent of the students are eligible for free or reduced price meals under this Act; and

"(ii) that submits an application in accordance with subparagraph (D);

"(B) to the maximum extent practicable, give the highest priority to schools with the highest

proportion of children who are eligible for free or reduced price meals under this Act;

"(C) ensure that each school selected is an elementary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

"(D) solicit applications from interested schools that include—

"(i) information pertaining to the percentage of students enrolled in the school submitting the application who are eligible for free or reduced price school lunches under this Act;

"(ii) a certification of support for participation in the program signed by the school food manager, the school principal, and the district superintendent (or equivalent positions, as determined by the school);

"(iii) a plan for implementation of the program, including efforts to integrate activities carried out under this section with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity; and

"(iv) such other information as may be requested by the Secretary; and

"(E) encourage applicants to submit a plan for implementation of the program that includes a partnership with 1 or more entities that will provide non-Federal resources (including entities representing the fruit and vegetable industry).

"(2) EXCEPTION.—Clause (i) of paragraph (1)(A) shall not apply to a State if all schools that meet the requirements of that clause have been selected and the State does not have a sufficient number of additional schools that meet the requirement of that clause.

"(3) OUTREACH TO LOW-INCOME SCHOOLS.—

"(A) IN GENERAL.—Prior to making decisions regarding school participation in the program, a State agency shall inform the schools within the State with the highest proportion of free and reduced price meal eligibility, including Native American schools, of the eligibility of the schools for the program with respect to priority granted to schools with the highest proportion of free and reduced price eligibility under paragraph (1)(B).

"(B) REQUIREMENT.—In providing information to schools in accordance with subparagraph (A), a State agency shall inform the schools that would likely be chosen to participate in the program under paragraph (1)(B).

"(e) NOTICE OF AVAILABILITY.—If selected to participate in the program, a school shall widely publicize within the school the availability of free fresh fruits and vegetables under the program.

"(f) PER-STUDENT GRANT.—The per-student grant provided to a school under this section shall be—

"(1) determined by a State agency; and

"(2) not less than $50, nor more than $75.

"(g) LIMITATION.—To the maximum extent practicable, each State agency shall ensure that in making the fruits and vegetables provided under this section available to students, schools offer the fruits and vegetables separately from meals otherwise provided at the school under this Act or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(h) EVALUATION AND REPORTS.—

"(1) IN GENERAL.—The Secretary shall conduct an evaluation of the program, including a determination as to whether children experienced, as a result of participating in the program—

"(A) increased consumption of fruits and vegetables;

"(B) other dietary changes, such as decreased consumption of less nutritious foods; and

"(C) such other outcomes as are considered appropriate by the Secretary.

"(2) REPORT.—Not later than September 30, 2011, the Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation under paragraph (1).

"(i) FUNDING.—

"(1) IN GENERAL.—Out of the funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use the following amounts to carry out this section:

"(A) On October 1, 2008, $40,000,000.

"(B) On July 1, 2009, $65,000,000.

"(C) On July 1, 2010, $101,000,000.

"(D) On July 1, 2011, $150,000,000.

"(E) On July 1, 2012, and each July 1 thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding April 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor, for items other than food.

"(2) MAINTENANCE OF EXISTING FUNDING.—In allocating funding made available under paragraph (1) among the States in accordance with subsection (c), the Secretary shall ensure that each State that received funding under section 18(f) on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008 shall continue to receive sufficient funding under this section to maintain the caseload level of the State under that section as in effect on that date.

"(3) EVALUATION FUNDING.—On October 1, 2008, out of any funds made available under subsection (b)(2)(A) of section 14222 of the Food, Conservation, and Energy Act of 2008, the Secretary shall use to carry out the evaluation required under subsection (h), $3,000,000, to remain available for obligation until September 30, 2010.

"(4) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section any funds transferred for that purpose, without further appropriation.

"(5) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to carry out this section, there are authorized to be appropriated such sums as are necessary to expand the program established under this section.

"(6) ADMINISTRATIVE COSTS.—

"(A) IN GENERAL.—Of funds made available to carry out this section for a fiscal year, the Secretary may use not more than $500,000 for the administrative costs of carrying out the program.

"(B) RESERVATION OF FUNDS.—The Secretary shall allow each State to reserve such funding as the Secretary determines to be necessary to administer the program in the State (with adjustments for the size of the State and the grant amount), but not to exceed the amount required to pay the costs of 1 full-time coordinator for the program in the State.

"(7) REALLOCATION.—

"(A) AMONG STATES.—The Secretary may reallocate any amounts made available to carry out this section that are not obligated or expended by a date determined by the Secretary.

"(B) WITHIN STATES.—A State that receives a grant under this section may reallocate any amounts made available under the grant that are not obligated or expended by a date determined by the Secretary.".

(2) TRANSITION OF EXISTING SCHOOLS.—

(A) EXISTING SECONDARY SCHOOLS.—Section 19(d)(1)(C) of the Richard B. Russell National School Lunch Act (as amended by paragraph (1)) may be waived by a State until July 1, 2010, for each secondary school in the State that has been awarded funding under section 18(f) of that Act (42 U.S.C. 1769(f)) for the school year beginning July 1, 2008.

(B) SCHOOL YEAR BEGINNING JULY 1, 2008.—To facilitate transition from the program authorized under section 18(f) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act) to the program established under section 19 of that Act (as amended by paragraph (1))—

(i) for the school year beginning July 1, 2008, the Secretary may permit any school selected for participation under section 18(f) of that Act (42 U.S.C. 1769(f)) for that school year to continue to participate under section 19 of that Act until the end of that school year; and

(ii) funds made available under that Act for fiscal year 2009 may be used to support the participation of any schools selected to participate in the program authorized under section 18(f) of that Act (42 U.S.C. 1769(f)) (as in effect on the day before the date of enactment of this Act).

(b) CONFORMING AMENDMENTS.—Section 18 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769) is amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) through (j) as subsections (f) through (i), respectively.

SEC. 4305. WHOLE GRAIN PRODUCTS.

(a) PURPOSE.—The purpose of this section is to encourage greater awareness and interest in the number and variety of whole grain products available to schoolchildren, as recommended by the 2005 Dietary Guidelines for Americans.

(b) DEFINITION OF ELIGIBLE WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In this section, the terms "whole grains" and "whole grain products" have the meaning given the terms by the Food and Nutrition Service in the HealthierUS School Challenge.

(c) PURCHASE OF WHOLE GRAINS AND WHOLE GRAIN PRODUCTS.—In addition to the commodities delivered under section 6 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755), the Secretary shall purchase whole grains and whole grain products for use in—

(1) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); and

(2) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(d) EVALUATION.—Not later than September 30, 2011, the Secretary shall conduct an evaluation of the activities conducted under subsection (c) that includes—

(1) an evaluation of whether children participating in the school lunch and breakfast programs increased their consumption of whole grains;

(2) an evaluation of which whole grains and whole grain products are most acceptable for use in the school lunch and breakfast programs;

(3) any recommendations of the Secretary regarding the integration of whole grain products in the school lunch and breakfast programs; and

(4) an evaluation of any other outcomes determined to be appropriate by the Secretary.

(e) REPORT.—As soon as practicable after the completion of the evaluation under subsection (d), the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Education and Labor of the House of Representative a report describing the results of the evaluation.

SEC. 4306. BUY AMERICAN REQUIREMENTS.

(a) FINDINGS.—The Congress finds the following:

(1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin.

(2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers.

(3) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) requires the use of domestic food products for all meals served under the program, including food products purchased with local funds.

(b) BUY AMERICAN STATUTORY REQUIREMENTS.—The Department of Agriculture should undertake training, guidance, and enforcement of the various current Buy American statutory requirements and regulations, including those of the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

SEC. 4307. SURVEY OF FOODS PURCHASED BY SCHOOL FOOD AUTHORITIES.

(a) IN GENERAL.—For fiscal year 2009, the Secretary shall carry out a nationally representative survey of the foods purchased during the most recent school year for which data is available by school authorities participating in the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(b) REPORT.—

(1) IN GENERAL.—On completion of the survey, the Secretary shall submit to the Committees on Agriculture and Education and Labor of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the survey.

(2) INTERIM REQUIREMENT.—If the initial report required under paragraph (1) is not submitted to the Committees referred to in that paragraph by June 30, 2009, the Secretary shall submit to the Committees an interim report that describes the relevant survey data, or a sample of such data, available to the Secretary as of that date.

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section not more than $3,000,000.

Subtitle D—Miscellaneous

SEC. 4401. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

Section 4404 of the Farm Security and Rural Investment Act of 2002 (2 U.S.C. 1161) is amended to read as follows:

"SEC. 4404. BILL EMERSON NATIONAL HUNGER FELLOWS AND MICKEY LELAND INTERNATIONAL HUNGER FELLOWS.

"(a) SHORT TITLE.—This section may be cited as the 'Bill Emerson National Hunger Fellows and Mickey Leland International Hunger Fellows Program Act of 2008'.

"(b) DEFINITIONS.—In this subsection:

"(1) DIRECTOR.—The term 'Director' means the head of the Congressional Hunger Center.

"(2) FELLOW.—The term 'fellow' means—

"(A) a Bill Emerson Hunger Fellow; or

"(B) Mickey Leland Hunger Fellow.

"(3) FELLOWSHIP PROGRAMS.—The term 'Fellowship Programs' means the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program established under subsection (c)(1).

"(c) FELLOWSHIP PROGRAMS.—

"(1) IN GENERAL.—There is established the Bill Emerson National Hunger Fellowship Program and the Mickey Leland International Hunger Fellowship Program.

"(2) PURPOSES.—

"(A) IN GENERAL.—The purposes of the Fellowship Programs are—

"(i) to encourage future leaders of the United States—

"(I) to pursue careers in humanitarian and public service;

"(II) to recognize the needs of low-income people and hungry people;

"(III) to provide assistance to people in need; and

"(IV) to seek public policy solutions to the challenges of hunger and poverty;

"(ii) to provide training and development opportunities for such leaders through placement in programs operated by appropriate organizations or entities; and

"(iii) to increase awareness of the importance of public service.

"(B) BILL EMERSON HUNGER FELLOWSHIP PROGRAM.—The purpose of the Bill Emerson Hunger Fellowship Program is to address hunger and poverty in the United States.

"(C) MICKEY LELAND HUNGER FELLOWSHIP PROGRAM.—The purpose of the Mickey Leland Hunger Fellowship Program is to address international hunger and other humanitarian needs.

"(3) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall offer to provide a grant to the Congressional Hunger Center to administer the Fellowship Programs.

"(B) TERMS OF GRANT.—The terms of the grant provided under subparagraph (A), including the length of the grant and provisions for the alteration or termination of the grant, shall be determined by the Secretary in accordance with this section.

"(d) FELLOWSHIPS.—

"(1) IN GENERAL.—The Director shall make available Bill Emerson Hunger Fellowships and Mickey Leland Hunger Fellowships in accordance with this subsection.

"(2) CURRICULUM.—

"(A) IN GENERAL.—The Fellowship Programs shall provide experience and training to develop the skills necessary to train fellows to carry out the purposes described in subsection (c)(2), including—

"(i) training in direct service programs for the hungry and other anti-hunger programs in conjunction with community-based organizations through a program of field placement; and

"(ii) providing experience in policy development through placement in a governmental entity or nongovernmental, nonprofit, or private sector organization.

"(B) WORK PLAN.—To carry out subparagraph (A) and assist in the evaluation of the fellowships under paragraph (6), the Director shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including specific duties and responsibilities relating to those objectives.

"(3) PERIOD OF FELLOWSHIP.—

"(A) BILL EMERSON HUNGER FELLOW.—A Bill Emerson Hunger Fellowship awarded under this section shall be for not more than 15 months.

"(B) MICKEY LELAND HUNGER FELLOW.—A Mickey Leland Hunger Fellowship awarded under this section shall be for not more than 2 years.

"(4) SELECTION OF FELLOWS.—

"(A) IN GENERAL.—Fellowships shall be awarded pursuant to a nationwide competition established by the Director.

"(B) QUALIFICATIONS.—A successful program applicant shall be an individual who has demonstrated—

"(i) an intent to pursue a career in humanitarian services and outstanding potential for such a career;

"(ii) leadership potential or actual leadership experience;

"(iii) diverse life experience;

"(iv) proficient writing and speaking skills;

"(v) an ability to live in poor or diverse communities; and

"(vi) such other attributes as are considered to be appropriate by the Director.

"(5) AMOUNT OF AWARD.—

"(A) IN GENERAL.—A fellow shall receive—

"(i) a living allowance during the term of the Fellowship; and

"(ii) subject to subparagraph (B), an end-of-service award.

"(B) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each fellow shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service completed, as determined by the Director.

"(C) TERMS OF FELLOWSHIP.—A fellow shall not be considered an employee of—

"(i) the Department of Agriculture;

"(ii) the Congressional Hunger Center; or

"(iii) a host agency in the field or policy placement of the fellow.

"(D) RECOGNITION OF FELLOWSHIP AWARD.—

"(i) EMERSON FELLOW.—An individual awarded a fellowship from the Bill Emerson Hunger Fellowship shall be known as an 'Emerson Fellow'.

"(ii) LELAND FELLOW.—An individual awarded a fellowship from the Mickey Leland Hunger Fellowship shall be known as a 'Leland Fellow'.

"(6) EVALUATIONS AND AUDITS.—Under terms stipulated in the contract entered into under subsection (c)(3), the Director shall—

"(A) conduct periodic evaluations of the Fellowship Programs; and

"(B) arrange for annual independent financial audits of expenditures under the Fellowship Programs.

"(e) AUTHORITY.—

"(1) IN GENERAL.—Subject to paragraph (2), in carrying out this section, the Director may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of facilitating the work of the Fellowship Programs.

"(2) LIMITATION.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be used exclusively for the purposes of the Fellowship Programs.

"(f) REPORT.—The Director shall annually submit to the Secretary of Agriculture, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

"(1) describes the activities and expenditures of the Fellowship Programs during the preceding fiscal year, including expenditures made from funds made available under subsection (g); and

"(2) includes the results of evaluations and audits required by subsection (d).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section, to remain available until expended.".

SEC. 4402. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) COMMUNITY FOOD PROJECT.—In this section, the term 'community food project' means a community-based project that—

"(A) requires a 1-time contribution of Federal assistance to become self-sustaining; and

"(B) is designed—

"(i)(I) to meet the food needs of low-income individuals;

"(II) to increase the self-reliance of communities in providing for the food needs of the communities; and

"(III) to promote comprehensive responses to local food, farm, and nutrition issues; or

"(ii) to meet specific State, local, or neighborhood food and agricultural needs, including needs relating to—

"(I) infrastructure improvement and development;

"(II) planning for long-term solutions; or

"(III) the creation of innovative marketing activities that mutually benefit agricultural producers and low-income consumers.

"(2) Center.—The term 'Center' means the healthy urban food enterprise development center established under subsection (h).

"(3) Underserved community.—The term 'underserved community' means a community (including an urban or rural community or an Indian tribe) that, as determined by the Secretary, has—

"(A) limited access to affordable, healthy foods, including fresh fruits and vegetables;

"(B) a high incidence of a diet-related disease (including obesity) as compared to the national average;

"(C) a high rate of hunger or food insecurity; or

"(D) severe or persistent poverty.";

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following:

"(h) Healthy Urban Food Enterprise Development Center.—

"(1) Definition of eligible entity.—In this subsection, the term 'eligible entity' means—

"(A) a nonprofit organization;

"(B) a cooperative;

"(C) a commercial entity;

"(D) an agricultural producer;

"(E) an academic institution;

"(F) an individual; and

"(G) such other entities as the Secretary may designate.

"(2) Establishment.—The Secretary shall offer to provide a grant to a nonprofit organization to establish and support a healthy urban food enterprise development center to carry out the purpose described in paragraph (3).

"(3) Purpose.—The purpose of the Center is to increase access to healthy affordable foods, including locally produced agricultural products, to underserved communities.

"(4) Activities.—

"(A) Technical assistance and information.—The Center shall collect, develop, and provide technical assistance and information to small and medium-sized agricultural producers, food wholesalers and retailers, schools, and other individuals and entities regarding best practices and the availability of assistance for aggregating, storing, processing, and marketing locally produced agricultural products and increasing the availability of such products in underserved communities.

"(B) Authority to subgrant.—The Center may provide subgrants to eligible entities—

"(i) to carry out feasibility studies to establish businesses for the purpose described in paragraph (3); and

"(ii) to establish and otherwise assist enterprises that process, distribute, aggregate, store, and market healthy affordable foods.

"(5) Priority.—In providing technical assistance and grants under paragraph (4), the Center shall give priority to applications that include projects—

"(A) to benefit underserved communities; and

"(B) to develop market opportunities for small and mid-sized farm and ranch operations.

"(6) Report.—For each fiscal year for which the nonprofit organization described in paragraph (2) receives funds, the organization shall submit to the Secretary a report describing the activities carried out in the preceding fiscal year, including—

"(A) a description of technical assistance provided by the Center;

"(B) the total number and a description of the subgrants provided under paragraph (4)(B);

"(C) a complete listing of cases in which the activities of the Center have resulted in increased access to healthy, affordable foods, such as fresh fruit and vegetables, particularly for school-aged children and individuals in low-income communities; and

"(D) a determination of whether the activities identified in subparagraph (C) are sustained during the years following the initial provision of technical assistance and subgrants under this section.

"(7) Competitive award process.—The Secretary shall use a competitive process to award funds to establish the Center.

"(8) Limitation on administrative expenses.—Not more than 10 percent of the total amount allocated for this subsection in a given fiscal year may be used for administrative expenses.

"(9) Funding.—

"(A) In general.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $1,000,000 for each of fiscal years 2009 through 2011.

"(B) Additional funding.—There is authorized to be appropriated $2,000,000 to carry out this subsection for fiscal year 2012.".

SEC. 4403. JOINT NUTRITION MONITORING AND RELATED RESEARCH ACTIVITIES.

The Secretary and the Secretary of Health and Human Services shall continue to provide jointly for national nutrition monitoring and related research activities carried out as of the date of enactment of this Act—

(1) to collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample;

(2) to periodically collect data on special at-risk populations, as identified by the Secretaries;

(3) to distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion;

(4) to analyze new data that becomes available;

(5) to continuously update food composition tables; and

(6) to research and develop data collection methods and standards.

SEC. 4404. SECTION 32 FUNDS FOR PURCHASE OF FRUITS, VEGETABLES, AND NUTS TO SUPPORT DOMESTIC NUTRITION ASSISTANCE PROGRAMS.

(a) Funding for Additional Purchases of Fruits, Vegetables, and Nuts.—In addition to the purchases of fruits, vegetables, and nuts required by section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4), the Secretary of Agriculture shall purchase fruits, vegetables, and nuts for the purpose of providing nutritious foods for use in domestic nutrition assistance programs, using, of the funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), the following amounts:

(1) $190,000,000 for fiscal year 2008.

(2) $193,000,000 for fiscal year 2009.

(3) $199,000,000 for fiscal year 2010.

(4) $203,000,000 for fiscal year 2011.

(5) $206,000,000 for fiscal year 2012 and each fiscal year thereafter.

(b) Form of Purchases.—Fruits, vegetables, and nuts may be purchased under this section in the form of frozen, canned, dried, or fresh fruits, vegetables, and nuts.

(c) Purchase of Fresh Fruits and Vegetables for Distribution to Schools and Service Institutions.—Section 10603 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 612c–4) is amended by striking subsection (b) and inserting the following:

"(b) Purchase of Fresh Fruits and Vegetables for Distribution to Schools and Service Institutions.—The Secretary of Agriculture shall purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) using, of the amount specified in subsection (a), not less than $50,000,000 for each of fiscal years 2008 through 2012.".

SEC. 4405. HUNGER-FREE COMMUNITIES.

(a) Definitions.—In this section:

(1) Eligible entity.—The term "eligible entity" means a public food program service provider or nonprofit organization, including an emergency feeding organization, that has collaborated, or will collaborate, with 1 or more local partner organizations to achieve at least 1 hunger-free communities goal.

(2) Emergency feeding organization.—The term "emergency feeding organization" has the meaning given the term in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501).

(3) Hunger-free communities goal.—The term "hunger-free communities goal" means any of the 14 goals described in the H. Con. Res. 302 (102nd Congress).

(b) Hunger-Free Communities Collaborative Grants.—

(1) Program.—

(A) In general.—The Secretary shall use not more than 50 percent of any funds made available under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) Federal share.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(C) Non-federal share.—

(i) Calculation.—The non-Federal share of the cost of an activity under this subsection may be provided in cash or fairly evaluated in-kind contributions, including facilities, equipment, or services.

(ii) Sources.—Any entity may provide the non-Federal share of the cost of an activity under this subsection through a State government, a local government, or a private source.

(2) Use of funds.—An eligible entity in a community shall use a grant received under this subsection for any fiscal year for hunger relief activities, including—

(A) meeting the immediate needs of people who experience hunger in the community served by the eligible entity by—

(i) distributing food;

(ii) providing community outreach to assist in participation in federally assisted nutrition programs, including—

(I) the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773);

(II) the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

(III) the summer food service program for children established under section 13 of that Act; and

(IV) other Federal programs that provide food for children in child care facilities and homeless and older individuals; or

(iii) improving access to food as part of a comprehensive service; and

(B) developing new resources and strategies to help reduce hunger in the community and prevent hunger in the future by—

(i) developing creative food resources, such as community gardens, buying clubs, food cooperatives, community-owned and operated grocery stores, and farmers' markets;

(ii) coordinating food services with park and recreation programs and other community-based outlets to reduce barriers to access; or

(iii) creating nutrition education programs for at-risk populations to enhance food-purchasing and food-preparation skills and to heighten awareness of the connection between diet and health.

(c) Hunger-Free Communities Infrastructure Grants.—

(1) Program authorized.—

(A) IN GENERAL.—The Secretary shall use not more than 50 percent of any funds made available for a fiscal year under subsection (e) to make grants to eligible entities to pay the Federal share of the costs of an activity described in paragraph (2).

(B) FEDERAL SHARE.—The Federal share of the cost of carrying out an activity under this subsection shall not exceed 80 percent.

(2) APPLICATION.—

(A) IN GENERAL.—To receive a grant under this subsection, an eligible entity shall submit an application at such time, in such form, and containing such information as the Secretary may prescribe.

(B) CONTENTS.—Each application submitted under subparagraph (A) shall—

(i) identify any activity described in paragraph (3) that the grant will be used to fund; and

(ii) describe the means by which an activity identified under clause (i) will reduce hunger in the community of the eligible entity.

(C) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to eligible entities that demonstrate 2 or more of the following:

(i) The eligible entity serves a community in which the rates of food insecurity, hunger, poverty, or unemployment are demonstrably higher than national average rates.

(ii) The eligible entity serves a community that has successfully carried out long-term efforts to reduce hunger in the community.

(iii) The eligible entity serves a community that provides public support for the efforts of the eligible entity.

(iv) The eligible entity is committed to achieving more than 1 hunger-free communities goal.

(3) USE OF FUNDS.—An eligible entity shall use a grant received under this subsection to construct, expand, or repair a facility or equipment to support hunger relief efforts in the community.

(d) REPORT.—If funds are made available under subsection (e) to carry out this section, not later than September 30, 2012, the Secretary shall submit to Congress a report that describes—

(1) each grant made under this section, including—

(A) a description of any activity funded; and

(B) the degree of success of each activity funded in achieving hunger free-communities goals; and

(2) the degree of success of all activities funded under this section in achieving domestic hunger goals.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 4406. REAUTHORIZATION OF FEDERAL FOOD ASSISTANCE PROGRAMS.

(a) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 18(a)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking "for each of the fiscal years 2003 through 2007" and inserting "for each of fiscal years 2008 through 2012".

(2) GRANTS FOR SIMPLE APPLICATION AND ELIGIBILITY DETERMINATION SYSTEMS AND IMPROVED ACCESS TO BENEFITS.—Section 11(t)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(t)(1)) is amended by striking "For each of fiscal years 2003 through 2007" and inserting "Subject to the availability of appropriations under section 18(a), for each fiscal year".

(3) FUNDING OF EMPLOYMENT AND TRAINING PROGRAMS.—Section 16(h)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(h)(1)) is amended—

(A) in subparagraph (A), by striking "the amount of—" and all that follows through the end of the subparagraph and inserting ", $90,000,000 for each fiscal year."; and

(B) in subparagraph (E)(i), by striking "for each of fiscal years 2002 through 2007" and inserting "for each fiscal year".

(4) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Section 16(k)(3) of the Food and Nutrition Act of 2008 (7 U.S.C. 2025(k)(3)) is amended—

(A) in the first sentence of subparagraph (A), by striking "effective for each of fiscal years 1999 through 2007,"; and

(B) in subparagraph (B)(ii), by striking "through fiscal year 2007".

(5) CASH PAYMENT PILOT PROJECTS.—Section 17(b)(1)(B)(vi) of the Food and Nutrition Act of 2008 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended—

(A) by striking "Any pilot" and inserting "Subject to the availability of appropriations under section 18(a), any pilot"; and

(B) by striking "through October 1, 2007,".

(6) CONSOLIDATED BLOCK GRANTS FOR PUERTO RICO AND AMERICAN SAMOA.—Section 19(a)(2)(A)(ii) of the Food and Nutrition Act of 2008 (7 U.S.C. 2028(a)(2)(A)(ii)) is amended by striking "for each of fiscal years 2004 through 2007" and inserting "subject to the availability of appropriations under section 18(a), for each fiscal year thereafter".

(7) ASSISTANCE FOR COMMUNITY FOOD PROJECTS.—Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(A) in subsection (b)(2)(B), by striking "for each of fiscal years 1997 through 2007" and inserting "for fiscal year 2008 and each fiscal year thereafter"; and

(B) in subsection (i)(4) (as redesignated by section 4402), by striking "of fiscal years 2003 through 2007" and inserting "fiscal year thereafter".

(b) COMMODITY DISTRIBUTION.—

(1) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence by striking "for each of the fiscal years 2003 through 2007" and inserting "for fiscal year 2008 and each fiscal year thereafter".

(2) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended in the first sentence by striking "years 1991 through 2007" and inserting "years 2008 through 2012".

(3) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "each of fiscal years 2003 through 2007" and inserting "each of fiscal years 2008 through 2012"; and

(ii) in paragraph (2)(B), by striking the subparagraph designation and heading and all that follows through "2007" and inserting the following:

"(B) SUBSEQUENT FISCAL YEARS.—For each of fiscal years 2004 through 2012"; and

(B) in subsection (d)(2), by striking "each of the fiscal years 1991 through 2007" and inserting "each of fiscal years 2008 through 2012".

(4) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking "Effective through September 30, 2007" and inserting "For each of fiscal years 2008 through 2012".

(c) FARM SECURITY AND RURAL INVESTMENT.—

(1) SENIORS FARMERS' MARKET NUTRITION PROGRAM.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by striking by striking subsection (a) and inserting the following:

"(a) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out and expand the seniors farmers' market nutrition program $20,600,000 for each of fiscal years 2008 through 2012.".

(2) NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.—Section 4403(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3171 note; Public Law 107–171) is amended by striking "2007" and inserting "2012".

SEC. 4407. EFFECTIVE AND IMPLEMENTATION DATES.

Except as otherwise provided in this title, this title and the amendments made by this title take effect on October 1, 2008.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 5001. DIRECT LOANS.

Section 302 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922) is amended—

(1) by striking the section designation and heading and all that follows through "(a) The Secretary is authorized to" and inserting the following:

"SEC. 302. PERSONS ELIGIBLE FOR REAL ESTATE LOANS.

"(a) IN GENERAL.—The Secretary may"; and

(2) in subsection (a)(2), by inserting ", taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences" after "farming operations".

SEC. 5002. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended to read as follows:

"SEC. 304. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.

"(a) IN GENERAL.—The Secretary may make or guarantee qualified conservation loans to eligible borrowers under this section.

"(b) DEFINITIONS.—In this section:

"(1) QUALIFIED CONSERVATION LOAN.—The term 'qualified conservation loan' means a loan, the proceeds of which are used to cover the costs to the borrower of carrying out a qualified conservation project.

"(2) QUALIFIED CONSERVATION PROJECT.—The term 'qualified conservation project' means conservation measures that address provisions of a conservation plan of the eligible borrower.

"(3) CONSERVATION PLAN.—The term 'conservation plan' means a plan, approved by the Secretary, that, for a farming or ranching operation, identifies the conservation activities that will be addressed with loan funds provided under this section, including—

"(A) the installation of conservation structures to address soil, water, and related resources;

"(B) the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes;

"(C) the installation of water conservation measures;

"(D) the installation of waste management systems;

"(E) the establishment or improvement of permanent pasture;

"(F) compliance with section 1212 of the Food Security Act of 1985; and

"(G) other purposes consistent with the plan, including the adoption of any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

"(c) ELIGIBILITY.—

"(1) IN GENERAL.—The Secretary may make or guarantee loans to farmers or ranchers in the United States, farm cooperatives, private domestic corporations, partnerships, joint operations,

trusts, or limited liability companies that are controlled by farmers or ranchers and engaged primarily and directly in agricultural production in the United States.

"(2) REQUIREMENTS.—To be eligible for a loan under this section, applicants shall meet the requirements in paragraphs (1) and (2) of section 302(a).

"(d) PRIORITY.—In making or guaranteeing loans under this section, the Secretary shall give priority to—

"(1) qualified beginning farmers or ranchers and socially disadvantaged farmers or ranchers;

"(2) owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and

"(3) producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

"(e) LIMITATIONS APPLICABLE TO LOAN GUARANTEES.—The portion of a loan that the Secretary may guarantee under this section shall be 75 percent of the principal amount of the loan.

"(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall ensure, to the maximum extent practicable, that loans made or guaranteed under this section are distributed across diverse geographic regions.

"(g) CREDIT ELIGIBILITY.—The provisions of paragraphs (1) and (3) of section 333 shall not apply to loans made or guaranteed under this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—For each of fiscal years 2008 through 2012, there are authorized to be appropriated to the Secretary such funds as are necessary to carry out this section.".

SEC. 5003. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)(2)) is amended by striking "$200,000" and inserting "$300,000".

SEC. 5004. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (a)(1), by striking "and ranchers" and inserting "or ranchers and socially disadvantaged farmers or ranchers";

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following;

"(1) PRINCIPAL.—Each loan made under this section shall be in an amount that does not exceed 45 percent of the least of—

"(A) the purchase price of the farm or ranch to be acquired;

"(B) the appraised value of the farm or ranch to be acquired; or

"(C) $500,000.

"(2) INTEREST RATE.—The interest rate on any loan made by the Secretary under this section shall be a rate equal to the greater of—

"(A) the difference obtained by subtracting 4 percent from the interest rate for farm ownership loans under this subtitle; or

"(B) 1.5 percent."; and

(B) in paragraph (3), by striking "15" and inserting "20";

(3) in subsection (c)—

(A) in paragraph (1), by striking "10" and inserting "5";

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2)(B) (as so redesignated), by striking "15-year" and inserting "20-year";

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by inserting "and socially disadvantaged farmers or ranchers" after "ranchers"; and

(ii) by striking "and" at the end;

(B) in paragraph (4), by striking "and ranchers." and inserting " or ranchers or socially disadvantaged farmers or ranchers; and"; and

(C) by adding at the end the following:

"(5) establish annual performance goals to promote the use of the down payment loan program and other joint financing arrangements as the preferred choice for direct real estate loans made by any lender to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher."; and

(5) by adding at the end the following:

"(e) SOCIALLY DISADVANTAGED FARMER OR RANCHER DEFINED.—In this section, the term 'socially disadvantaged farmer or rancher' has the meaning given that term in section 355(e)(2).".

SEC. 5005. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

Section 310F of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936) is amended to read as follows:

"SEC. 310F. BEGINNING FARMER OR RANCHER AND SOCIALLY DISADVANTAGED FARMER OR RANCHER CONTRACT LAND SALES PROGRAM.

"(a) IN GENERAL.—The Secretary shall, in accordance with this section, guarantee a loan made by a private seller of a farm or ranch to a qualified beginning farmer or rancher or socially disadvantaged farmer or rancher (as defined in section 355(e)(2)) on a contract land sales basis.

"(b) ELIGIBILITY.—In order to be eligible for a loan guarantee under subsection (a)—

"(1) the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher shall—

"(A) on the date the contract land sale that is subject of the loan is complete, own and operate the farm or ranch that is the subject of the contract land sale;

"(B) have a credit history that—

"(i) includes a record of satisfactory debt repayment, as determined by the Secretary; and

"(ii) is acceptable to the Secretary; and

"(C) demonstrate to the Secretary that the farmer or rancher, as the case may be, is unable to obtain sufficient credit without a guarantee to finance any actual need of the farmer or rancher, as the case may be, at a reasonable rate or term; and

"(2) the loan shall meet applicable underwriting criteria, as determined by the Secretary.

"(c) LIMITATIONS.—

"(1) DOWN PAYMENT.—The Secretary shall not provide a loan guarantee under subsection (a) if the contribution of the qualified beginning farmer or rancher or socially disadvantaged farmer or rancher to the down payment for the farm or ranch that is the subject of the contract land sale would be less than 5 percent of the purchase price of the farm or ranch.

"(2) MAXIMUM PURCHASE PRICE.—The Secretary shall not provide a loan guarantee under subsection (a) if the purchase price or the appraisal value of the farm or ranch that is the subject of the contract land sale is greater than $500,000.

"(d) PERIOD OF GUARANTEE.—The period during which a loan guarantee under this section is in effect shall be the 10-year period beginning with the date the guarantee is provided.

"(e) GUARANTEE PLAN.—

"(1) SELECTION OF PLAN.—A private seller of a farm or ranch who makes a loan that is guaranteed by the Secretary under subsection (a) may select—

"(A) a prompt payment guarantee plan, which shall cover—

"(i) 3 amortized annual installments; or

"(ii) an amount equal to 3 annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments); or

"(B) a standard guarantee plan, which shall cover an amount equal to 90 percent of the outstanding principal of the loan.

"(2) ELIGIBLITY FOR STANDARD GUARANTEE PLAN.—In order for a private seller to be eligible for a standard guarantee plan referred to in paragraph (1)(B), the private seller shall—

"(A) secure a commercial lending institution or similar entity, as determined by the Secretary, to serve as an escrow agent; or

"(B) in cooperation with the farmer or rancher, use an appropriate alternate arrangement, as determined by the Secretary.

"(f) TRANSITION FROM PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary may phase-in the implementation of the changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program provided for in this section.

"(2) LIMITATION.—All changes to the Beginning Farmer and Rancher and Socially Disadvantaged Farmer or Rancher Contract Land Sales Program must be implemented for the 2011 Fiscal Year.".

Subtitle B—Operating Loans

SEC. 5101. FARMING EXPERIENCE AS ELIGIBILITY REQUIREMENT.

Section 311 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941) is amended—

(1) by striking the section designation and all that follows through "(a) The Secretary is authorized to" and inserting the following:

"SEC. 311. PERSONS ELIGIBLE FOR LOANS.

"(a) IN GENERAL.—The Secretary may";

(2) in subsection (a)(2), by inserting ", taking into consideration all farming experience of the applicant, without regard to any lapse between farming experiences" after "farming operations".

SEC. 5102. LIMITATIONS ON AMOUNT OF OPERATING LOANS.

Section 313(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1943(a)(1)) is amended by striking "$200,000" and inserting "$300,000".

SEC. 5103. SUSPENSION OF LIMITATION ON PERIOD FOR WHICH BORROWERS ARE ELIGIBLE FOR GUARANTEED ASSISTANCE.

Section 5102 of the Farm Security And Rural Investment Act of 2002 (7 U.S.C. 1949 note; Public Law 107–171) is amended by striking "September 30, 2007" and inserting "December 31, 2010".

Subtitle C—Emergency Loans

SEC. 5201. ELIGIBILITY OF EQUINE FARMERS AND RANCHERS FOR EMERGENCY LOANS.

Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in paragraph (1), by striking "farmers, ranchers" and inserting "farmers or ranchers (including equine farmers or ranchers)"; and

(2) in paragraph (2)(A), by striking "farming, ranching," and inserting "farming or ranching (including equine farming or ranching)".

Subtitle D—Administrative Provisions

SEC. 5301. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 333A the following:

"SEC. 333B. BEGINNING FARMER AND RANCHER INDIVIDUAL DEVELOPMENT ACCOUNTS PILOT PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DEMONSTRATION PROGRAM.—The term 'demonstration program' means a demonstration program carried out by a qualified entity under the pilot program established in subsection (b)(1).

"(2) ELIGIBLE PARTICIPANT.—The term 'eligible participant' means a qualified beginning farmer or rancher that—

"(A) lacks significant financial resources or assets; and

"(B) has an income that is less than—

"(i) 80 percent of the median income of the State in which the farmer or rancher resides; or

"(ii) 200 percent of the most recent annual Federal Poverty Income Guidelines published by the Department of Health and Human Services for the State.

"(3) INDIVIDUAL DEVELOPMENT ACCOUNT.—The term 'individual development account' means a savings account described in subsection (b)(4)(A).

"(4) QUALIFIED ENTITY.—

"(A) IN GENERAL.—The term 'qualified entity' means—

"(i) 1 or more organizations—

"(I) described in section 501(c)(3) of the Internal Revenue Code of 1986; and

"(II) exempt from taxation under section 501(a) of such Code; or

"(ii) a State, local, or tribal government submitting an application jointly with an organization described in clause (i).

"(B) NO PROHIBITION ON COLLABORATION.—An organization described in subparagraph (A)(i) may collaborate with a financial institution or for-profit community development corporation to carry out the purposes of this section.

"(b) PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a pilot program to be known as the 'New Farmer Individual Development Accounts Pilot Program' under which the Secretary shall work through qualified entities to establish demonstration programs—

"(A) of at least 5 years in duration; and

"(B) in at least 15 States.

"(2) COORDINATION.—The Secretary shall operate the pilot program through, and in coordination with the farm loan programs of, the Farm Service Agency.

"(3) RESERVE FUNDS.—

"(A) IN GENERAL.—A qualified entity carrying out a demonstration program under this section shall establish a reserve fund consisting of a non-Federal match of 50 percent of the total amount of the grant awarded to the demonstration program under this section.

"(B) FEDERAL FUNDS.—After the qualified entity has deposited the non-Federal matching funds described in subparagraph (A) in the reserve fund, the Secretary shall provide the total amount of the grant awarded under this section to the demonstration program for deposit in the reserve fund.

"(C) USE OF FUNDS.—Of the funds deposited under subparagraph (B) in the reserve fund established for a demonstration program, the qualified entity carrying out the demonstration program—

"(i) may use up to 10 percent for administrative expenses; and

"(ii) shall use the remainder in making matching awards described in paragraph (4)(B)(ii)(I).

"(D) INTEREST.—Any interest earned on amounts in a reserve fund established under subparagraph (A) may be used by the qualified entity as additional matching funds for, or to administer, the demonstration program.

"(E) GUIDANCE.—The Secretary shall issue guidance regarding the investment requirements of reserve funds established under this paragraph.

"(F) REVERSION.—On the date on which all funds remaining in any individual development account established by a qualified entity have reverted under paragraph (5)(B)(ii) to the reserve fund established by the qualified entity, there shall revert to the Treasury of the United States a percentage of the amount (if any) in the reserve fund equal to—

"(i) the amount of Federal funds deposited in the reserve fund under subparagraph (B) that were not used for administrative expenses; divided by

"(ii) the total amount of funds deposited in the reserve fund.

"(4) INDIVIDUAL DEVELOPMENT ACCOUNTS.—

"(A) IN GENERAL.—A qualified entity receiving a grant under this section shall establish and administer individual development accounts for eligible participants.

"(B) CONTRACT REQUIREMENTS.—To be eligible to receive funds under this section from a qualified entity, an eligible participant shall enter into a contract with only 1 qualified entity under which—

"(i) the eligible participant agrees—

"(I) to deposit a certain amount of funds of the eligible participant in a personal savings account, as prescribed by the contractual agreement between the eligible participant and the qualified entity;

"(II) to use the funds described in subclause (I) only for 1 or more eligible expenditures described in paragraph (5)(A); and

"(III) to complete financial training; and

"(ii) the qualified entity agrees—

"(I) to deposit, not later than 1 month after an amount is deposited pursuant to clause (i)(I), at least a 100-percent, and up to a 200-percent, match of that amount into the individual development account established for the eligible participant; and

"(II) with uses of funds proposed by the eligible participant.

"(C) LIMITATION.—

"(i) IN GENERAL.—A qualified entity administering a demonstration program under this section may provide not more than $6,000 for each fiscal year in matching funds to the individual development account established by the qualified entity for an eligible participant.

"(ii) TREATMENT OF AMOUNT.—An amount provided under clause (i) shall not be considered to be a gift or loan for mortgage purposes.

"(5) ELIGIBLE EXPENDITURES.—

"(A) IN GENERAL.—An eligible expenditure described in this subparagraph is an expenditure—

"(i) to purchase farmland or make a down payment on an accepted purchase offer for farmland;

"(ii) to make mortgage payments on farmland purchased pursuant to clause (i), for up to 180 days after the date of the purchase;

"(iii) to purchase breeding stock, fruit or nut trees, or trees to harvest for timber; and

"(iv) for other similar expenditures, as determined by the Secretary.

"(B) TIMING.—

"(i) IN GENERAL.—An eligible participant may make an eligible expenditure at any time during the 2-year period beginning on the date on which the last matching funds are provided under paragraph (4)(B)(ii)(I) to the individual development account established for the eligible participant.

"(ii) UNEXPENDED FUNDS.—At the end of the period described in clause (i), any funds remaining in an individual development account established for an eligible participant shall revert to the reserve fund of the demonstration program under which the account was established.

"(c) APPLICATIONS.—

"(1) IN GENERAL.—A qualified entity that seeks to carry out a demonstration program under this section may submit to the Secretary an application at such time, in such form, and containing such information as the Secretary may prescribe.

"(2) CRITERIA.—In considering whether to approve an application to carry out a demonstration program under this section, the Secretary shall assess—

"(A) the degree to which the demonstration program described in the application is likely to aid eligible participants in successfully pursuing new farming opportunities;

"(B) the experience and ability of the qualified entity to responsibly administer the demonstration program;

"(C) the experience and ability of the qualified entity in recruiting, educating, and assisting eligible participants to increase economic independence and pursue or advance farming opportunities;

"(D) the aggregate amount of direct funds from non-Federal public sector and private sources that are formally committed to the demonstration program as matching contributions;

"(E) the adequacy of the plan of the qualified entity to provide information relevant to an evaluation of the demonstration program; and

"(F) such other factors as the Secretary considers to be appropriate.

"(3) PREFERENCES.—In considering an application to conduct a demonstration program under this section, the Secretary shall give preference to an application from a qualified entity that demonstrates—

"(A) a track record of serving clients targeted by the program, including, as appropriate, socially disadvantaged farmers or ranchers (as defined in section 355(e)(2)); and

"(B) expertise in dealing with financial management aspects of farming.

"(4) APPROVAL.—Not later than 1 year after the date of enactment of this section, in accordance with this section, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration programs as the Secretary considers appropriate.

"(5) TERM OF AUTHORITY.—If the Secretary approves an application to carry out a demonstration program, the Secretary shall authorize the applicant to carry out the project for a period of 5 years, plus an additional 2 years to make eligible expenditures in accordance with subsection (b)(5)(B).

"(d) GRANT AUTHORITY.—

"(1) IN GENERAL.—The Secretary shall make a grant to a qualified entity authorized to carry out a demonstration program under this section.

"(2) MAXIMUM AMOUNT OF GRANTS.—The aggregate amount of grant funds provided to a demonstration program carried out under this section shall not exceed $250,000.

"(3) TIMING OF GRANT PAYMENTS.—The Secretary shall pay the amounts awarded under a grant made under this section—

"(A) on the awarding of the grant; or

"(B) pursuant to such payment plan as the qualified entity may specify.

"(e) REPORTS.—

"(1) ANNUAL PROGRESS REPORTS.—

"(A) IN GENERAL.—Not later than 60 days after the end of the calendar year in which the Secretary authorizes a qualified entity to carry out a demonstration program under this section, and annually thereafter until the conclusion of the demonstration program, the qualified entity shall prepare an annual report that includes, for the period covered by the report—

"(i) an evaluation of the progress of the demonstration program;

"(ii) information about the demonstration program, including the eligible participants and the individual development accounts that have been established; and

"(iii) such other information as the Secretary may require.

"(B) SUBMISSION OF REPORTS.—A qualified entity shall submit each report required under subparagraph (A) to the Secretary.

"(2) REPORTS BY THE SECRETARY.—Not later than 1 year after the date on which all demonstration programs under this section are concluded, the Secretary shall submit to Congress a final report that describes the results and findings of all reports and evaluations carried out under this section.

"(f) ANNUAL REVIEW.—The Secretary may conduct an annual review of the financial records of a qualified entity—

"(1) to assess the financial soundness of the qualified entity; and

"(2) to determine the use of grant funds made available to the qualified entity under this section.

"(g) REGULATIONS.—In carrying out this section, the Secretary may promulgate regulations to ensure that the program includes provisions for—

"(1) the termination of demonstration programs;

"(2) control of the reserve funds in the case of such a termination;

"(3) transfer of demonstration programs to other qualified entities; and

"(4) remissions from a reserve fund to the Secretary in a case in which a demonstration program is terminated without transfer to a new qualified entity.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.".

SEC. 5302. INVENTORY SALES PREFERENCES; LOAN FUND SET-ASIDES.

(a) INVENTORY SALES PREFERENCES.—Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the subparagraph heading, by inserting "; SOCIALLY DISADVANTAGED FARMER OR RANCHER" after "OR RANCHER";

(ii) in clause (i), by inserting " or a socially disadvantaged farmer or rancher" after "or rancher";

(iii) in clause (ii), by inserting "or socially disadvantaged farmer or rancher" after "or rancher";

(iv) in clause (iii), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(v) in clause (iv), by striking "and ranchers" and inserting "or ranchers and socially disadvantaged farmers or ranchers"; and

(B) in subparagraph (C), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher";

(2) in paragraph (5)(B)—

(A) in clause (i)—

(i) in the clause heading, by inserting "; SOCIALLY DISADVANTAGED FARMER OR RANCHER" after "OR RANCHER";

(ii) by inserting "or a socially disadvantaged farmer or rancher" after "a beginning farmer or rancher"; and

(iii) by inserting "or the socially disadvantaged farmer or rancher" after "the beginning farmer or rancher"; and

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(ii) in subclause (II), by inserting "or the socially disadvantaged farmer or rancher" after "or rancher"; and

(3) in paragraph (6)—

(A) in subparagraph (A), by inserting "or a socially disadvantaged farmer or rancher" after "or rancher"; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by striking "and ranchers" and inserting "or ranchers and socially disadvantaged farmers or ranchers"; and

(ii) in clause (ii), by inserting "or socially disadvantaged farmers or ranchers" after "or ranchers".

(b) LOAN FUND SET-ASIDES.—Section 346(b)(2) of such Act (7 U.S.C. 1994(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) in subclause (I), by striking "70 percent" and inserting "an amount that is not less than 75 percent of the total amount"; and

(ii) in subclause (II)—

(I) in the subclause heading, by inserting "; JOINT FINANCING ARRANGEMENTS" after "PAYMENT LOANS";

(II) by striking "60 percent" and inserting "an amount not less than ⅔ of the amount"; and

(III) by inserting "and joint financing arrangements under section 307(a)(3)(D)" after "section 310E"; and

(B) in clause (ii)(III), by striking "2003 through 2007, 35 percent" and inserting "2008 through 2012, an amount that is not less than 50 percent of the total amount"; and

(2) in subparagraph (B)(i), by striking "25 percent" and inserting "an amount that is not less than 40 percent of the total amount".

SEC. 5303. LOAN AUTHORIZATION LEVELS.

Section 346(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "$3,796,000,000 for each of fiscal years 2003 through 2007" and inserting "$4,226,000,000 for each of fiscal years 2008 through 2012"; and

(2) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "$770,000,000" and inserting "$1,200,000,000";

(B) in clause (i), by striking "$205,000,000" and inserting "$350,000,000"; and

(C) in clause (ii), by striking "$565,000,000" and inserting "$850,000,000".

SEC. 5304. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 344 the following:

"SEC. 345. TRANSITION TO PRIVATE COMMERCIAL OR OTHER SOURCES OF CREDIT.

"(a) IN GENERAL.—In making or insuring a farm loan under subtitle A or B, the Secretary shall establish a plan and promulgate regulations (including performance criteria) that promote the goal of transitioning borrowers to private commercial credit and other sources of credit in the shortest period of time practicable.

"(b) COORDINATION.—In carrying out this section, the Secretary shall integrate and coordinate the transition policy described in subsection (a) with—

"(1) the borrower training program established by section 359;

"(2) the loan assessment process established by section 360;

"(3) the supervised credit requirement established by section 361;

"(4) the market placement program established by section 362; and

"(5) other appropriate programs and authorities, as determined by the Secretary.".

SEC. 5305. EXTENSION OF THE RIGHT OF FIRST REFUSAL TO REACQUIRE HOMESTEAD PROPERTY TO IMMEDIATE FAMILY MEMBERS OF BORROWER-OWNER.

Section 352(c)(4)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2000(c)(4)(B)) is amended—

(1) in the 1st sentence, by striking ", the borrower-owner" inserting "of a borrower-owner who is a socially disadvantaged farmer or rancher (as defined in section 355(e)(2)), the borrower-owner or a member of the immediate family of the borrower-owner"; and

(2) in the 2nd sentence, by inserting "or immediate family member, as the case may be," before "from".

SEC. 5306. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981–2008r) is amended by inserting after section 364 the following:

"SEC. 365. RURAL DEVELOPMENT AND FARM LOAN PROGRAM ACTIVITIES.

"The Secretary may not complete a study of, or enter into a contract with a private party to carry out, without specific authorization in a subsequent Act of Congress, a competitive sourcing activity of the Secretary, including support personnel of the Department of Agriculture, relating to rural development or farm loan programs.".

Subtitle E—Farm Credit

SEC. 5401. FARM CREDIT SYSTEM INSURANCE CORPORATION.

(a) IN GENERAL.—Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended—

(1) in the first sentence, by striking "Each Farm" and inserting the following;

"(1) IN GENERAL.—Each Farm"; and

(2) by striking the second sentence and inserting the following:

"(2) COMPUTATION.—The assessment on any association or other financing institution described in paragraph (1) for any period shall be computed in an equitable manner, as determined by the Corporation.".

(b) RULES AND REGULATIONS.—Section 5.58(10) of such Act (12 U.S.C. 2277a-7(10)) is amended by inserting "and section 1.12(b)" after "part".

SEC. 5402. TECHNICAL CORRECTION.

Section 3.3(b) of the Farm Credit Act of 1971 (12 U.S.C. 2124(b)) is amended in the first sentence by striking "per" and inserting "par".

SEC. 5403. BANK FOR COOPERATIVES VOTING STOCK.

(a) IN GENERAL.—Section 3.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2124(c)) is amended by striking "and (ii)" and inserting "(ii) other categories of persons and entities described in sections 3.7 and 3.8 eligible to borrow from the bank, as determined by the bank's board of directors; and (iii)".

(b) CONFORMING AMENDMENTS.—Section 4.3A(c)(1)(D) of such Act (12 U.S.C. 2154a(c)(1)(D)) is amended by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively, and inserting after clause (i) the following:

"(ii) persons and entities eligible to borrow from the banks for cooperatives, as described in section 3.3(c)(ii);".

SEC. 5404. PREMIUMS.

(a) AMOUNT IN FUND NOT EXCEEDING SECURE BASE AMOUNT.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "paragraph (2)" and inserting "paragraph (3)"; and

(ii) by striking "annual" ; and

(B) by striking subparagraphs (A) through (D) and inserting the following:

"(A) the average outstanding insured obligations issued by the bank for the calendar year, after deducting from the obligations the percentages of the guaranteed portions of loans and investments described in paragraph (2), multiplied by 0.0020; and

"(B) the product obtained by multiplying—

"(i) the sum of—

"(I) the average principal outstanding for the calendar year on loans made by the bank that are in nonaccrual status; and

"(II) the average amount outstanding for the calendar year of other-than-temporarily impaired investments made by the bank; by

"(ii) 0.0010.";

(2) by striking paragraph (4);

(3) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(4) by inserting after paragraph (1) the following:

"(2) DEDUCTIONS FROM AVERAGE OUTSTANDING INSURED OBLIGATIONS.—The average outstanding insured obligations issued by the bank for the calendar year referred to in paragraph (1)(A) shall be reduced by deducting from the obligations the sum of (as determined by the Corporation)—

"(A) 90 percent of each of—

"(i) the average principal outstanding for the calendar year on the guaranteed portions of Federal government-guaranteed loans made by the bank that are in accrual status; and

"(ii) the average amount outstanding for the calendar year of the guaranteed portions of Federal government-guaranteed investments made by the bank that are not permanently impaired; and

"(B) 80 percent of each of—

"(i) the average principal outstanding for the calendar year on the guaranteed portions of State government-guaranteed loans made by the bank that are in accrual status; and

"(ii) the average amount outstanding for the calendar year of the guaranteed portions of State government-guaranteed investments made by the bank that are not permanently impaired.";

(5) in paragraph (3) (as so redesignated by paragraph (3) of this subsection), by striking "annual"; and

(6) in paragraph (4) (as so redesignated by paragraph (3) of this subsection)—

(A) in the paragraph heading, by inserting "OR INVESTMENTS" after "LOANS" ; and

(B) in the matter preceding subparagraph (A), by striking "As used" and all that follows through "guaranteed—" and inserting "In this section, the term 'government-guaranteed', when applied to a loan or an investment, means a loan, credit, or investment, or portion of a loan, credit, or investment, that is guaranteed—".

(b) AMOUNT IN FUND EXCEEDING SECURE BASE AMOUNT.—Section 5.55(b) of such Act (12 U.S.C. 2277a-4(b)) is amended by striking "annual".

(c) SECURE BASE AMOUNT.—Section 5.55(c) of such Act (12 U.S.C. 2277a-4(c)) is amended—

(1) by striking "For purposes" and inserting the following:

"(1) IN GENERAL.—For purposes";

(2) by striking "(adjusted downward" and all that follows through "by the Corporation)" and inserting "(as adjusted under paragraph (2))"; and

(3) by adding at the end the following:

"(2) ADJUSTMENT.—The aggregate outstanding insured obligations of all insured System banks under paragraph (1) shall be adjusted downward to exclude an amount equal to the sum of (as determined by the corporation)—

"(A) 90 percent of each of—

"(i) the guaranteed portions of principal outstanding on Federal government-guaranteed loans in accrual status made by the banks; and

"(ii) the guaranteed portions of the amount of Federal government-guaranteed investments made by the banks that are not permanently impaired; and

"(B) 80 percent of each of—

"(i) the guaranteed portions of principal outstanding on State government-guaranteed loans in accrual status made by the banks; and

"(ii) the guaranteed portions of the amount of State government-guaranteed investments made by the banks that are not permanently impaired.".

(d) DETERMINATION OF LOAN AND INVESTMENT AMOUNTS.—Section 5.55(d) of such Act (12 U.S.C. 2277a-4(d)) is amended—

(1) in the subsection heading, by striking "PRINCIPAL OUTSTANDING" and inserting "LOAN AND INVESTMENT AMOUNTS";

(2) in the matter preceding paragraph (1), by striking "For the purpose" and all that follows through "made—" and inserting "For the purpose of subsections (a) and (c), the principal outstanding on all loans made by an insured System bank, and the amount outstanding on all investments made by an insured System bank, shall be determined based on—";

(3) in each of paragraphs (1), (2), and (3), by inserting "all loans or investments made" before "by" the first place it appears; and

(4) in each of paragraphs (1) and (2), by inserting "or investments" after "that is able to make such loans" each place it appears.

(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—Section 5.55(e) of such Act (12 U.S.C. 2277a-4(e)) is amended—

(1) in paragraph (3), by striking "the average secure base amount for the calendar year (as calculated on an average daily balance basis)" and inserting "the secure base amount";

(2) in paragraph (4), by striking subparagraph (B) and inserting the following:

"(B) there shall be credited to the allocated insurance reserves account of each insured system bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A)) as—

"(i) the average principal outstanding for the calendar year on insured obligations issued by the bank (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2)); bears to

"(ii) the average principal outstanding for the calendar year on insured obligations issued by all insured System banks (after deducting from the principal the percentages of the guaranteed portions of loans and investments described in subsection (a)(2))."; and

(3) in paragraph (6)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "beginning more" and all that follows through "January 1, 2005";

(ii) by striking clause (i) and inserting the following:

"(i) subject to subparagraph (D), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the balance in the Allocated Insurance Reserves Account of the System bank; and"; and

(iii) in clause (ii)—

(I) by striking "subparagraphs (C), (E), and (F)" and inserting "subparagraphs (C) and (E)"; and

(II) by striking ", of the lesser of—" and all that follows through the end of subclause (II) and inserting "at the time of the termination of the Financial Assistance Corporation, of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B).";

(B) in subparagraph (C)—

(i) in clause (i), by striking "(in addition to the amounts described in subparagraph (F)(ii))"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) TERMINATION OF ACCOUNT.—On disbursement of an amount equal to $56,000,000, the Corporation shall—

"(I) close the account established under paragraph (1)(B); and

"(II) transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs."; and

(C) by striking subparagraph (F).

SEC. 5405. CERTIFICATION OF PREMIUMS.

(a) FILING CERTIFIED STATEMENT.—Section 5.56 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-5) is amended by striking subsection (a) and inserting the following:

"(a) FILING CERTIFIED STATEMENT.—On a date to be determined in the sole discretion of the Board of Directors of the Corporation, each insured System bank that became insured before the beginning of the period for which premiums are being assessed (referred to in this section as the 'period') shall file with the Corporation a certified statement showing—

"(1) the average outstanding insured obligations for the period issued by the bank;

"(2)(A) the average principal outstanding for the period on the guaranteed portion of Federal government-guaranteed loans that are in accrual status; and

"(B) the average amount outstanding for the period of Federal government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

"(3)(A) the average principal outstanding for the period on State government-guaranteed loans that are in accrual status; and

"(B) the average amount outstanding for the period of State government-guaranteed investments that are not permanently impaired (as defined in section 5.55(a)(4));

"(4)(A) the average principal outstanding for the period on loans that are in nonaccrual status; and

"(B) the average amount outstanding for the period of other-than-temporarily impaired investments; and

"(5) the amount of the premium due the Corporation from the bank for the period.".

(b) PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a-5) is amended by striking subsection (c) and inserting the following:

"(c) PREMIUM PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), each insured System bank shall pay to the Corporation the premium payments required under subsection (a), not more frequently than once in each calendar quarter, in such manner and at such 1 or more times as the Board of Directors shall prescribe.

"(2) PREMIUM AMOUNT.—The amount of the premium shall be established not later than 60 days after filing the certified statement specifying the amount of the premium.".

(c) SUBSEQUENT PREMIUM PAYMENTS.—Section 5.56 of such Act (12 U.S.C. 2277a-5) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 5406. RURAL UTILITY LOANS.

(a) DEFINITION OF QUALIFIED LOAN.—Section 8.0(9) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)) is amended—

(1) in subparagraph (A)(iii), by striking "or" at the end;

(2) in subparagraph (B)(ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) that is a loan, or an interest in a loan, for an electric or telephone facility by a cooperative lender to a borrower that has received, or is eligible to receive, a loan under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.).".

(b) GUARANTEE OF QUALIFIED LOANS.—Section 8.6(a)(1) of such Act (12 U.S.C. 2279aa-6(a)(1)) is amended by inserting "applicable" before "standards" each place it appears in subparagraphs (A) and (B)(i).

(c) STANDARDS FOR QUALIFIED LOANS.—Section 8.8 of such Act (12 U.S.C. 2279aa-8) is amended—

(1) in subsection (a)—

(A) by striking the first sentence and inserting the following:

"(1) IN GENERAL.—The Corporation shall establish underwriting, security appraisal, and repayment standards for qualified loans taking into account the nature, risk profile, and other differences between different categories of qualified loans.

"(2) SUPERVISION, EXAMINATION, AND REPORT OF CONDITION.—The standards shall be subject to the authorities of the Farm Credit Administration under section 8.11."; and

(B) in the last sentence, by striking "In establishing" and inserting the following:

"(3) MORTGAGE LOANS.—In establishing";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting "with respect to loans secured by agricultural real estate" after "subsection (a)"; and

(B) in paragraph (5)—

(i) by striking "borrower" the first place it appears and inserting "farmer or rancher"; and

(ii) by striking "site" and inserting "farm or ranch";

(3) in subsection (c)(1), by inserting "secured by agricultural real estate" after "A loan";

(4) by striking subsection (d); and

(5) by redesignating subsection (e) as subsection (d).

(d) RISK-BASED CAPITAL LEVELS.—Section 8.32(a)(1) of such Act (12 U.S.C. 2279bb–1(a)(1)) is amended—

(1) by striking "With respect" and inserting the following:

"(A) IN GENERAL.—With respect"; and

(2) by adding at the end the following:

"(B) RURAL UTILITY LOANS.—With respect to securities representing an interest in, or obligation backed by, a pool of qualified loans described in section 8.0(9)(C) owned or guaranteed by the Corporation, losses occur at a rate of default and severity reasonably related to risks in electric and telephone facility loans (as applicable), as determined by the Director.".

SEC. 5407. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

(a) IN GENERAL.—The Farm Credit Act of 1971 is amended by inserting after section 7.6 (12 U.S.C. 2279b) the following:

"SEC. 7.7. EQUALIZATION OF LOAN-MAKING POWERS OF CERTAIN DISTRICT ASSOCIATIONS.

"(a) EQUALIZATION OF LOAN-MAKING POWERS.—

"(1) IN GENERAL.—

"(A) FEDERAL LAND BANK ASSOCIATIONS.—Subject to paragraph (2), any association that owns a Federal land bank association authorized as of January 1, 2007, to make long-term loans under title I in its chartered territory within the geographic area described in subsection (b) may make short- and intermediate-term loans and otherwise operate as a production credit association under title II within that same chartered territory.

"(B) PRODUCTION CREDIT ASSOCIATIONS.—Subject to paragraph (2), any association that under its charter has title I lending authority and that owns a production credit association authorized as of January 1, 2007, to make short- and intermediate-term loans under title II in the geographic area described in subsection (b) may make long-term loans and otherwise operate, directly or through a subsidiary association, as a Federal land bank association or Federal land credit association under title I in the geographic area.

"(C) FARM CREDIT BANK.—Notwithstanding section 5.17(a), the Farm Credit Bank with which any association had a written financing agreement as of January 1, 2007, may make loans and extend other comparable financial assistance with respect to, and may purchase, any loans made under the new authority provided under subparagraph (A) or (B) by an association exercising such authority.

"(2) REQUIRED APPROVALS.—An association may exercise the additional authority provided for in paragraph (1) only after the exercise of the authority is approved by—

"(A) the board of directors of the association; and

"(B) a majority of the voting stockholders of the association (or, if the association is a subsidiary of another association, the voting stockholders of the parent association) voting, in person or by proxy, at a duly authorized meeting of stockholders in accordance with the process described in section 7.11.

"(b) APPLICABILITY.—This section applies only to associations the chartered territory of which was within the geographic area served by the Federal intermediate credit bank immediately prior to its merger with a Farm Credit Bank under section 410(e)(1) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233).".

(b) CHARTER AMENDMENTS.—Section 5.17(a) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)) is amended by adding at the end the following:

"(15)(A) Approve amendments to the charters of institutions of the Farm Credit System to implement the equalization of loan-making powers of a Farm Credit System association under section 7.7.

"(B) Amendments described in subparagraph (A) to the charters of an association and the related Farm Credit Bank shall be approved by the Farm Credit Administration, subject to any conditions of approval imposed, by not later than 30 days after the date on which the Farm Credit Administration receives all approvals required by section 7.7(a)(2).".

(c) CONFORMING AMENDMENTS.—

(1) Section 5.17(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)) is amended—

(A) by striking "(2)(A)" and inserting "(2)"; and

(B) by striking subparagraphs (B) and (C).

(2) SECTION 410 OF THE 1987 ACT.—Section 410(e)(1)(A)(iii) of the Agricultural Credit Act of 1987 (12 U.S.C. 2011 note; Public Law 100–233) is amended by inserting "(except section 7.7 of that Act)" after "(12 U.S.C. 2001 et seq.)".

(3) SECTION 401 OF THE 1992 ACT.—Section 401(b) of the Farm Credit Banks and Associations Safety and Soundness Act of 1992 (12 U.S.C. 2011 note; Public Law 102–552) is amended—

(A) by inserting "(except section 7.7 of the Farm Credit Act of 1971)" after "provision of law"; and

(B) by striking ", subject to such limitations" and all that follows through the end of the paragraph and inserting a period.

(d) EFFECTIVE DATE.—The amendments made by this section take effect on January 1, 2010.

Subtitle F—Miscellaneous

SEC. 5501. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

The first section of Public Law 91–229 (25 U.S.C. 488) is amended—

(1) by striking "That the Secretary" and inserting the following:

"SECTION 1. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

"(a) IN GENERAL.—The Secretary"; and

(2) by adding at the end the following:

"(b) HIGHLY FRACTIONATED LAND.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary of Agriculture may make and insure loans in accordance with section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) to eligible purchasers of highly fractionated land pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)).

"(2) EXCLUSION.—Section 4 shall not apply to trust land, restricted tribal land, or tribal corporation land that is mortgaged in accordance with paragraph (1).".

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Consolidated Farm and Rural Development Act

SEC. 6001. WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.

Section 306(a)(2)(B)(vii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)(B)(vii)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6002. SEARCH GRANTS.

(a) IN GENERAL.—Section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended by adding at the end the following:

"(C) SPECIAL EVALUATION ASSISTANCE FOR RURAL COMMUNITIES AND HOUSEHOLDS PROGRAM.—

"(i) IN GENERAL.—The Secretary may establish the Special Evaluation Assistance for Rural Communities and Households (SEARCH) program, to make predevelopment planning grants for feasibility studies, design assistance, and technical assistance, to financially distressed communities in rural areas with populations of 2,500 or fewer inhabitants for water and waste disposal projects described in paragraph (1), this paragraph, and paragraph (24).

"(ii) TERMS.—

"(I) DOCUMENTATION.—With respect to grants made under this subparagraph, the Secretary shall require the lowest amount of documentation practicable.

"(II) MATCHING.—Notwithstanding any other provisions in this subsection, the Secretary may fund up to 100 percent of the eligible costs of grants provided under this subparagraph, as determined by the Secretary.

"(iii) FUNDING.—The Secretary may use not more than 4 percent of the total amount of funds made available for a fiscal year for water, waste disposal, and essential community facility activities under this title to carry out this subparagraph.

"(iv) RELATIONSHIP TO OTHER AUTHORITY.—The funds and authorities provided under this subparagraph are in addition to any other funds or authorities the Secretary may have to carry out activities described in clause (i).".

(b) CONFORMING AMENDMENT.—Subtitle D of title VI of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2009ee et seq.) is repealed.

SEC. 6003. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended by striking "1996 through 2007" and inserting "2008 through 2012".

SEC. 6004. CHILD DAY CARE FACILITY GRANTS, LOANS, AND LOAN GUARANTEES.

Section 306(a)(19)(C)(ii) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)(C)(ii)) is amended by striking "April" and inserting "June".

SEC. 6005. COMMUNITY FACILITY GRANTS TO ADVANCE BROADBAND.

Section 306(a)(20)(E) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(20)(E)) is amended—

(1) by striking "state" and inserting "State"; and

(2) by striking "dial-up Internet access or".

SEC. 6006. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a)(22)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(22)(C)) is amended by striking "$15,000,000 for fiscal year 2003" and inserting "$25,000,000 for fiscal year 2008".

SEC. 6007. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a)(25) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(25)) is amended—

(1) in subparagraph (A)—

(A) by striking "tribal colleges and universities" and inserting "an entity that is a Tribal College or University"; and

(B) by striking "tribal college or university" and inserting "Tribal College or University";

(2) by striking subparagraph (B) and inserting the following:

"(B) FEDERAL SHARE.—The Secretary shall establish the maximum percentage of the cost of the facility that may be covered by a grant under this paragraph, except that the Secretary may not require non-Federal financial support in an amount that is greater than 5 percent of the total cost of the facility."; and

(3) in subparagraph (C), by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6008. EMERGENCY AND IMMINENT COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)(2)) is amended by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6009. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

(a) IN GENERAL.—Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking "2001 through 2007" and inserting "2008 through 2012".

(b) RURAL COMMUNITIES ASSISTANCE.—Section 4009 of the Solid Waste Disposal Act (42 U.S.C. 6949) is amended by adding at the end the following:

"(e) ADDITIONAL APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for the Denali Commission to provide assistance to municipalities in the State of Alaska $1,500,000 for each of fiscal years 2008 through 2012.

"(2) ADMINISTRATION.—For the purpose of carrying out this subsection, the Denali Commission shall—

"(A) be considered a State; and

"(B) comply with all other requirements and limitations of this section.".

SEC. 6010. GRANTS TO NONPROFIT ORGANIZATIONS TO FINANCE THE CONSTRUCTION, REFURBISHING, AND SERVICING OF INDIVIDUALLY-OWNED HOUSEHOLD WATER WELL SYSTEMS IN RURAL AREAS FOR INDIVIDUALS WITH LOW OR MODERATE INCOMES.

Section 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926e) is amended—

(1) in subsection (b)(2)(C), by striking "$8,000" and inserting "$11,000"; and

(2) in subsection (d), by striking "2003 through 2007" and inserting "2008 through 2012".

SEC. 6011. INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.

Section 307(a)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)) is amended by adding at the end the following:

"(E) INTEREST RATES FOR WATER AND WASTE DISPOSAL FACILITIES LOANS.—

"(i) IN GENERAL.—Except as provided in clause (ii) and notwithstanding subparagraph (A), in the case of a direct loan for a water or waste disposal facility—

"(I) in the case of a loan that would be subject to the 5 percent interest rate limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 60 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest $1/8$ of 1 percent; and

"(II) in the case of a loan that would be subject to the 7 percent limitation under subparagraph (A), the Secretary shall establish the interest rate at a rate that is equal to 80 percent of the current market yield for outstanding municipal obligations with remaining periods to maturity comparable to the average maturity of the loan, adjusted to the nearest $1/8$ of 1 percent.

"(ii) EXCEPTION.—Clause (i) does not apply to a loan for a specific project that is the subject of a loan that has been approved, but not closed, as of the date of enactment of this subparagraph.".

SEC. 6012. COOPERATIVE EQUITY SECURITY GUARANTEE.

(a) IN GENERAL.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended—

(1) by striking "SEC. 310B. (a)" and inserting the following:

"SEC. 310B. ASSISTANCE FOR RURAL ENTITIES.

"(a) LOANS TO PRIVATE BUSINESS ENTERPRISES.—

"(1) DEFINITIONS.—In this subsection:";

(2) in subsection (a)—

(A) by moving the second and fourth sentences so as to appear as the second and first sentences, respectively;

(B) in the sentence beginning "As used in this subsection, the" (as moved by subparagraph (A)), by striking "As used in this subsection, the" and inserting the following:

"(A) AQUACULTURE.—The";

(C) in the sentence beginning "For the purposes of this subsection, the", by striking "For the purposes of this subsection, the" and inserting the following:

"(B) SOLAR ENERGY.—The";

(D) in the sentence beginning "The Secretary may also"—

(i) by striking "The Secretary may also" and inserting the following:

"(2) LOAN PURPOSES.—The Secretary may";

(ii) by inserting "and private investment funds that invest primarily in cooperative organizations" after "or nonprofit";

(iii) by striking "of (1) improving" and inserting "of—

"(A) improving";

(iv) by striking "control, (2) the" and inserting "control;

"(B) the";

(v) by striking "areas, (3) reducing" and inserting "areas;

"(C) reducing";

(vi) by striking "areas, and (4) to" and inserting "areas; and

"(D) to";

(E) in the sentence beginning "Such loans,", by striking "Such loans," and inserting the following:

"(3) LOAN GUARANTEES.—Loans described in paragraph (2),"; and

(F) in the last sentence, by striking "No loan" and inserting the following:

"(4) MAXIMUM AMOUNT OF PRINCIPAL.—No loan"; and

(3) in subsection (g)—

(A) in paragraph (1), by inserting ", including guarantees described in paragraph (3)(A)(ii)" before the period at the end;

(B) in paragraph (3)(A)—

(i) by striking "(A) IN GENERAL.—The Secretary" and inserting the following:

"(A) ELIGIBILITY.—

"(i) IN GENERAL.—The Secretary"; and

(ii) by adding at the end the following:

"(ii) EQUITY.—The Secretary may guarantee a loan made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations, if the guarantee significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary."; and

(C) in paragraph (8)(A)(ii), by striking "a project—" and all that follows through the end of subclause (II) and inserting "a project that—

"(I)(aa) is in a rural area; and

"(bb) provides for the value-added processing of agricultural commodities; or

"(II) significantly benefits 1 or more entities eligible for assistance for the purposes described in subsection (a)(1), as determined by the Secretary.".

(b) CONFORMING AMENDMENTS.—

(1) Section 307(a)(6)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(6)(B)) is amended by striking clause (ii) and inserting the following:

"(ii) section 310B(a)(2)(A); and".

(2) Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by striking "subsection (a)(1)" each place it appears in paragraphs (1), (6)(A)(iii), and (8)(C) and inserting "subsection (a)(2)(A)".

(3) Section 333A(g)(1)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(g)(1)(B)) is amended by striking "section 310B(a)(1)" and inserting "section 310B(a)(2)(A)".

(4) Section 381E(d)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d(d)(3)(B)) is amended by striking "section 310B(a)(1)" and inserting "section 310B(a)(2)(A)".

SEC. 6013. RURAL COOPERATIVE DEVELOPMENT GRANTS.

(a) ELIGIBILITY.—Section 310B(e)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)(5)) is amended—

(1) in subparagraph (A), by striking "administering a nationally coordinated, regionally or State-wide operated project" and inserting "carrying out activities to promote and assist the development of cooperatively and mutually owned businesses";

(2) in subparagraph (B), by inserting "to promote and assist the development of cooperatively and mutually owned businesses" before the semicolon;

(3) by striking subparagraph (D);

(4) by redesignating subparagraph (E) as subparagraph (D);

(5) in subparagraph (D) (as so redesignated), by striking "and" at the end;

(6) by inserting after subparagraph (D) (as so redesignated) the following:

"(E) demonstrate a commitment to—

"(i) networking with and sharing the results of the efforts of the center with other cooperative development centers and other organizations involved in rural economic development efforts; and

"(ii) developing multiorganization and multistate approaches to addressing the economic development and cooperative needs of rural areas; and"; and

(7) in subparagraph (F), by striking "providing greater than" and inserting "providing".

(b) AUTHORITY TO AWARD MULTIYEAR GRANTS.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by striking paragraph (6) and inserting the following:

"(6) GRANT PERIOD.—

"(A) IN GENERAL.—A grant awarded to a center that has received no prior funding under this subsection shall be made for a period of 1 year.

"(B) MULTIYEAR GRANTS.—If the Secretary determines it to be in the best interest of the program, the Secretary shall award grants for a period of more than 1 year, but not more than 3 *years, to a center that has successfully met the parameters described in paragraph (5), as determined by the Secretary.''.*

(c) AUTHORITY TO EXTEND GRANT PERIOD.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) by redesignating paragraphs (7), (8), and (9) as paragraphs (8), (9), and (12), respectively; and

(2) by inserting after paragraph (6) the following:

''(7) AUTHORITY TO EXTEND GRANT PERIOD.—The Secretary may extend for 1 additional 12-month period the period in which a grantee may use a grant made under this subsection.''.

(d) COOPERATIVE RESEARCH PROGRAM.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (9) (as redesignated by subsection (c)(1)) the following:

''(10) COOPERATIVE RESEARCH PROGRAM.—The Secretary shall enter into a cooperative research agreement with 1 or more qualified academic institutions in each fiscal year to conduct research on the effects of all types of cooperatives on the national economy.''.

(e) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended by inserting after paragraph (10) (as added by subsection (d)) the following:

''(11) ADDRESSING NEEDS OF MINORITY COMMUNITIES.—

''(A) DEFINITION OF SOCIALLY DISADVANTAGED GROUP.—In this paragraph, the term 'socially disadvantaged group' has the meaning given the term in section 355(e).

''(B) RESERVATION OF FUNDS.—

''(i) IN GENERAL.—If the total amount appropriated under paragraph (12) for a fiscal year exceeds $7,500,000, the Secretary shall reserve an amount equal to 20 percent of the total amount appropriated for grants for cooperative development centers, individual cooperatives, or groups of cooperatives—

''(I) that serve socially disadvantaged groups; and

''(II) a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups.

''(ii) INSUFFICIENT APPLICATIONS.—To the extent there are insufficient applications to carry out clause (i), the Secretary shall use the funds as otherwise authorized by this subsection.''.

(f) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (12) of section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) (as redesignated by subsection (c)(1)) is amended by striking ''1996 through 2007'' and inserting ''2008 through 2012''.

SEC. 6014. GRANTS TO BROADCASTING SYSTEMS.

Section 310B(f)(3) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)(3)) is amended by striking ''2002 through 2007'' and inserting ''2008 through 2012''.

SEC. 6015. LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.

Section 310B(g) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)) is amended by adding at the end the following:

''(9) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCTS.—

''(A) DEFINITIONS.—In this paragraph:

''(i) LOCALLY OR REGIONALLY PRODUCED AGRICULTURAL FOOD PRODUCT.—The term 'locally or regionally produced agricultural food product' means any agricultural food product that is raised, produced, and distributed in—

''(I) the locality or region in which the final product is marketed, so that the total distance that the product is transported is less than 400 miles from the origin of the product; or

''(II) the State in which the product is produced.

''(ii) UNDERSERVED COMMUNITY.—The term 'underserved community' means a community (including an urban or rural community and an Indian tribal community) that has, as determined by the Secretary—

''(I) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets; and

''(II) a high rate of hunger or food insecurity or a high poverty rate.

''(B) LOAN AND LOAN GUARANTEE PROGRAM.—

''(i) IN GENERAL.—The Secretary shall make or guarantee loans to individuals, cooperatives, cooperative organizations, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally or regionally produced agricultural food products to support community development and farm and ranch income.

''(ii) REQUIREMENT.—The recipient of a loan or loan guarantee under clause (i) shall include in an appropriate agreement with retail and institutional facilities to which the recipient sells locally or regionally produced agricultural food products a requirement to inform consumers of the retail or institutional facilities that the consumers are purchasing or consuming locally or regionally produced agricultural food products.

''(iii) PRIORITY.—In making or guaranteeing a loan under clause (i), the Secretary shall give priority to projects that have components benefitting underserved communities.

''(iv) REPORTS.—Not later than 2 years after the date of enactment of this paragraph and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes projects carried out using loans or loan guarantees made under clause (i), including—

''(I) the characteristics of the communities served; and

''(II) resulting benefits.

''(v) RESERVATION OF FUNDS.—

''(I) IN GENERAL.—For each of fiscal years 2008 through 2012, the Secretary shall reserve not less than 5 percent of the funds made available to carry out this subsection to carry out this subparagraph.

''(II) AVAILABILITY OF FUNDS.—Funds reserved under subclause (I) for a fiscal year shall be reserved until April 1 of the fiscal year.''.

SEC. 6016. APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

''(i) APPROPRIATE TECHNOLOGY TRANSFER FOR RURAL AREAS PROGRAM.—

''(1) DEFINITION OF NATIONAL NONPROFIT AGRICULTURAL ASSISTANCE INSTITUTION.—In this subsection, the term 'national nonprofit agricultural assistance institution' means an organization that—

''(A) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code;

''(B) has staff and offices in multiple regions of the United States;

''(C) has experience and expertise in operating national agriculture technical assistance programs;

''(D) expands markets for the agricultural commodities produced by producers through the use of practices that enhance the environment, natural resource base, and quality of life; and

''(E) improves the economic viability of agricultural operations.

''(2) ESTABLISHMENT.—The Secretary shall establish a national appropriate technology transfer for rural areas program to assist agricultural producers that are seeking information to—

''(A) reduce input costs;

''(B) conserve energy resources;

''(C) diversify operations through new energy crops and energy generation facilities; and

''(D) expand markets for agricultural commodities produced by the producers by using practices that enhance the environment, natural resource base, and quality of life.

''(3) IMPLEMENTATION.—

''(A) IN GENERAL.—The Secretary shall carry out the program under this subsection by making a grant to, or offering to enter into a cooperative agreement with, a national nonprofit agricultural assistance institution.

''(B) GRANT AMOUNT.—A grant made, or cooperative agreement entered into, under subparagraph (A) shall provide 100 percent of the cost of providing information described in paragraph (2).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2008 through 2012.''.

SEC. 6017. RURAL ECONOMIC AREA PARTNERSHIP ZONES.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) (as amended by section 6016) is amended by adding at the end the following:

''(j) RURAL ECONOMIC AREA PARTNERSHIP ZONES.—Effective beginning on the date of enactment of this subsection through September 30, 2012, the Secretary shall carry out those rural economic area partnership zones administratively in effect on the date of enactment of this subsection in accordance with the terms and conditions contained in the memorandums of agreement entered into by the Secretary for the rural economic area partnership zones, except as otherwise provided in this subsection.''.

SEC. 6018. DEFINITIONS.

(a) RURAL AREA.—Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by striking paragraph (13) and inserting the following:

''(13) RURAL AND RURAL AREA.—

''(A) IN GENERAL.—Subject to subparagraphs (B) through (G), the terms 'rural' and 'rural area' mean any area other than—

''(i) a city or town that has a population of greater than 50,000 inhabitants; and

''(ii) any urbanized area contiguous and adjacent to a city or town described in clause (i).

''(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1), (2), and (24) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

''(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), (21), and (24) of section 306(a), the terms 'rural' and 'rural area' mean any area other than a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

''(D) AREAS RURAL IN CHARACTER.—

''(i) APPLICATION.—This subparagraph applies to—

''(I) an urbanized area described in subparagraphs (A)(ii) and (F) that—

''(aa) has 2 points on its boundary that are at least 40 miles apart; and

''(bb) is not contiguous or adjacent to a city or town that has a population of greater than 150,000 inhabitants or an urbanized area of such city or town; and

''(II) an area within an urbanized area described in subparagraphs (A)(ii) and (F) that is

within ¼-mile of a rural area described in subparagraph (A).

"(ii) DETERMINATION.—Notwithstanding any other provision of this paragraph, on the petition of a unit of local government in an area described in clause (i) or on the initiative of the Under Secretary for Rural Development, the Under Secretary may determine that a part of an area described in clause (i) is a rural area for the purposes of this paragraph, if the Under Secretary finds that the part is rural in character, as determined by the Under Secretary.

"(iii) ADMINISTRATION.—In carrying out this subparagraph, the Under Secretary for Rural Development shall—

"(I) not delegate the authority to carry out this subparagraph;

"(II) consult with the applicable rural development State or regional director of the Department of Agriculture and the governor of the respective State;

"(III) provide to the petitioner an opportunity to appeal to the Under Secretary a determination made under this subparagraph;

"(IV) release to the public notice of a petition filed or initiative of the Under Secretary under this subparagraph not later than 30 days after receipt of the petition or the commencement of the initiative, as appropriate;

"(V) make a determination under this subparagraph not less than 15 days, and not more than 60 days, after the release of the notice under subclause (IV);

"(VI) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on actions taken to carry out this subparagraph; and

"(VII) terminate a determination under this subparagraph that part of an area is a rural area on the date that data is available for the next decennial census conducted under section 141(a) of title 13, United States Code.

"(E) EXCLUSIONS.—Notwithstanding any other provision of this paragraph, in determining which census blocks in an urbanized area are not in a rural area (as defined in this paragraph), the Secretary shall exclude any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more than 2 census blocks that are otherwise considered not in a rural area under this paragraph.

"(F) URBAN AREA GROWTH.—

"(i) APPLICATION.—This subparagraph applies to—

"(I) any area that—

"(aa) is a collection of census blocks that are contiguous to each other;

"(bb) has a housing density that the Secretary estimates is greater than 200 housing units per square mile; and

"(cc) is contiguous or adjacent to an existing boundary of a rural area; and

"(II) any urbanized area contiguous and adjacent to a city or town described in subparagraph (A)(i).

"(ii) ADJUSTMENTS.—The Secretary may, by regulation only, consider—

"(I) an area described in clause (i)(I) not to be a rural area for purposes of subparagraphs (A) and (C); and

"(II) an area described in clause (i)(II) not to be a rural area for purposes of subparagraph (C).

"(iii) APPEALS.—A program applicant may appeal an estimate made under clause (i)(I) based on appropriate data for an area, as determined by the Secretary.

"(G) HAWAII AND PUERTO RICO.—Notwithstanding any other provision of this paragraph, within the areas of the County of Honolulu, Hawaii, and the Commonwealth of Puerto Rico, the Secretary may designate any part of the areas as a rural area if the Secretary determines that the part is not urban in character, other than any area included in the Honolulu Census Designated Place or the San Juan Census Designated Place.".

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(1) assesses the various definitions of the term "rural" and "rural area" that are used with respect to programs administered by the Secretary;

(2) describes the effects that the variations in those definitions have on those programs;

(3) make recommendations for ways to better target funds provided through rural development programs; and

(4) determines the effect of the amendment made by subsection (a) on the level of rural development funding and participation in those programs in each State.

SEC. 6019. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Section 378 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008m) is amended—

(1) in subsection (g)(1), by striking "2003 through 2007" and inserting "2008 through 2012"; and

(2) in subsection (h), by striking "the date that is 5 years after the date of enactment of this section" and inserting "September 30, 2012".

SEC. 6020. HISTORIC BARN PRESERVATION.

(a) GRANT PRIORITY.—Section 379A(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)) is amended—

(1) in paragraph (2)—

(A) in subparagraphs (A) and (B), by striking "a historic barn" each place it appears and inserting "historic barns"; and

(B) in subparagraph (C), by striking "on a historic barn" and inserting "on historic barns (including surveys)";

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

"(3) PRIORITY.—In making grants under this subsection, the Secretary shall give the highest priority to funding projects described in paragraph (2)(C).".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 379A(c)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008o(c)(5)) (as redesignated by subsection (a)(2)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6021. GRANTS FOR NOAA WEATHER RADIO TRANSMITTERS.

Section 379B(d) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008p(d)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

SEC. 6022. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 379E. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) MICROENTREPRENEUR.—The term 'microentrepreneur' means an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this section, as determined by the Secretary.

"(3) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—The term 'microenterprise development organization' means an organization that—

"(A) is—

"(i) a nonprofit entity;

"(ii) an Indian tribe, the tribal government of which certifies to the Secretary that—

"(I) no microenterprise development organization serves the Indian tribe; and

"(II) no rural microentrepreneur assistance program exists under the jurisdiction of the Indian tribe; or

"(iii) a public institution of higher education;

"(B) provides training and technical assistance to rural microentrepreneurs;

"(C) facilitates access to capital or another service described in subsection (b) for rural microenterprises; and

"(D) has a demonstrated record of delivering services to rural microentrepreneurs, or an effective plan to develop a program to deliver services to rural microentrepreneurs, as determined by the Secretary.

"(4) MICROLOAN.—The term 'microloan' means a business loan of not more than $50,000 that is provided to a rural microenterprise.

"(5) PROGRAM.—The term 'program' means the rural microentrepreneur assistance program established under subsection (b).

"(6) RURAL MICROENTERPRISE.—The term 'rural microenterprise' means—

"(A) a sole proprietorship located in a rural area; or

"(B) a business entity with not more than 10 full-time-equivalent employees located in a rural area.

"(b) RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a rural microentrepreneur assistance program to provide loans and grants to support microentrepreneurs in the development and ongoing success of rural microenterprises.

"(2) PURPOSE.—The purpose of the program is to provide microentrepreneurs with—

"(A) the skills necessary to establish new rural microenterprises; and

"(B) continuing technical and financial assistance related to the successful operation of rural microenterprises.

"(3) LOANS.—

"(A) IN GENERAL.—The Secretary shall make loans to microenterprise development organizations for the purpose of providing fixed interest rate microloans to microentrepreneurs for startup and growing rural microenterprises.

"(B) LOAN TERMS.—A loan made by the Secretary to a microenterprise development organization under this paragraph shall—

"(i) be for a term not to exceed 20 years; and

"(ii) bear an annual interest rate of at least 1 percent.

"(C) LOAN LOSS RESERVE FUND.—The Secretary shall require each microenterprise development organization that receives a loan under this paragraph to—

"(i) establish a loan loss reserve fund; and

"(ii) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microenterprise development organization, until all obligations owed to the Secretary under this paragraph are repaid.

"(D) DEFERRAL OF INTEREST AND PRINCIPAL.—The Secretary may permit the deferral of payments on principal and interest due on a loan to a microenterprise development organization made under this paragraph for a 2-year period beginning on the date the loan is made.

"(4) GRANTS.—

"(A) GRANTS TO SUPPORT RURAL MICROENTERPRISE DEVELOPMENT.—

"(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to—

"(I) provide training, operational support, business planning, and market development assistance, and other related services to rural microentrepreneurs; and

"(II) carry out such other projects and activities as the Secretary determines appropriate to further the purposes of the program.

"(ii) SELECTION.—In making grants under clause (i), the Secretary shall—

"(I) place an emphasis on microenterprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

"(II) ensure, to the maximum extent practicable, that grant recipients include microenterprise development organizations—

"(aa) of varying sizes; and

"(bb) that serve racially and ethnically diverse populations.

"(B) GRANTS TO ASSIST MICROENTREPRENEURS.—

"(i) IN GENERAL.—The Secretary shall make grants to microenterprise development organizations to provide marketing, management, and other technical assistance to microentrepreneurs that—

"(I) received a loan from the microenterprise development organization under paragraph (3); or

"(II) are seeking a loan from the microenterprise development organization under paragraph (3).

"(ii) MAXIMUM AMOUNT OF GRANT.—A microenterprise development organization shall be eligible to receive an annual grant under this subparagraph in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under paragraph (3), as of the date the grant is awarded.

"(C) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

"(c) ADMINISTRATION.—

"(1) COST SHARE.—

"(A) FEDERAL SHARE.—Subject to subparagraph (B), the Federal share of the cost of a project funded under this section shall not exceed 75 percent.

"(B) MATCHING REQUIREMENT.—As a condition of any grant made under this subparagraph, the Secretary shall require the microenterprise development organization to match not less than 15 percent of the total amount of the grant in the form of matching funds, indirect costs, or in-kind goods or services.

"(C) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project funded under this section may be provided—

"(i) in cash (including through fees, grants (including community development block grants), and gifts); or

"(ii) in the form of in-kind contributions.

"(2) OVERSIGHT.—At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such information as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan or grant was made.

"(d) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

"(A) $4,000,000 for each of fiscal years 2009 through 2011; and

"(B) $3,000,000 for fiscal year 2012.

"(2) DISCRETIONARY FUNDING.—In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2009 through 2012.".

SEC. 6023. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6022) is amended by adding at the end the following:

"SEC. 379F. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

"(a) DEFINITIONS.—In this section:

"(1) INDIVIDUAL WITH A DISABILITY.—The term 'individual with a disability' means an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

"(2) INDIVIDUALS WITH DISABILITIES.—The term 'individuals with disabilities' means more than 1 individual with a disability.

"(b) GRANTS.—The Secretary shall make grants to nonprofit organizations, or to a consortium of nonprofit organizations, to expand and enhance employment opportunities for individuals with disabilities in rural areas.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this section, a nonprofit organization or consortium of nonprofit organizations shall have—

"(1) a significant focus on serving the needs of individuals with disabilities;

"(2) demonstrated knowledge and expertise in—

"(A) employment of individuals with disabilities; and

"(B) advising private entities on accessibility issues involving individuals with disabilities;

"(3) expertise in removing barriers to employment for individuals with disabilities, including access to transportation, assistive technology, and other accommodations; and

"(4) existing relationships with national organizations focused primarily on the needs of rural areas.

"(d) USES.—A grant received under this section may be used only to expand or enhance—

"(1) employment opportunities for individuals with disabilities in rural areas by developing national technical assistance and education resources to assist small businesses in a rural area to recruit, hire, accommodate, and employ individuals with disabilities; and

"(2) self-employment and entrepreneurship opportunities for individuals with disabilities in a rural area.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6024. HEALTH CARE SERVICES.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6023) is amended by adding at the end the following:

"SEC. 379G. HEALTH CARE SERVICES.

"(a) PURPOSE.—The purpose of this section is to address the continued unmet health needs in the Delta region through cooperation among health care professionals, institutions of higher education, research institutions, and other individuals and entities in the region.

"(b) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a consortium of regional institutions of higher education, academic health and research institutes, and economic development entities located in the Delta region that have experience in addressing the health care issues in the region.

"(c) GRANTS.—To carry out the purpose described in subsection (a), the Secretary may award a grant to an eligible entity for—

"(1) the development of—

"(A) health care services;

"(B) health education programs; and

"(C) health care job training programs; and

"(2) the development and expansion of public health-related facilities in the Delta region to address longstanding and unmet health needs of the region.

"(d) USE.—As a condition of the receipt of the grant, the eligible entity shall use the grant to fund projects and activities described in subsection (c), based on input solicited from local governments, public health care providers, and other entities in the Delta region.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section, $3,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6025. DELTA REGIONAL AUTHORITY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa-12(a)) is amended by striking "2001 through 2007" and inserting "2008 through 2012".

(b) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is amended by striking "2007" and inserting "2012".

(c) EXPANSION.—Section 4(2) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460) is amended—

(1) in subparagraph (D), by inserting "Beauregard, Bienville, Cameron, Claiborne, DeSoto, Jefferson Davis, Red River, St. Mary, Vermillion, Webster," after "St. James,"; and

(2) in subparagraph (E)—

(A) by inserting "Jasper," after "Copiah,"; and

(B) by inserting "Smith," after "Simpson,".

SEC. 6026. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

(a) DEFINITION OF REGION.—Section 383A(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb(4)) is amended by inserting "Missouri (other than counties included in the Delta Regional Authority)," after "Minnesota,".

(b) ESTABLISHMENT.—Section 383B of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1) is amended—

(1) in subsection (a), by adding at the end the following:

"(4) FAILURE TO CONFIRM.—

"(A) FEDERAL MEMBER.—Notwithstanding any other provision of this section, if a Federal member described in paragraph (2)(A) has not been confirmed by the Senate by not later than 180 days after the date of enactment of this paragraph, the Authority may organize and operate without the Federal member.

"(B) INDIAN CHAIRPERSON.—In the case of the Indian Chairperson, if no Indian Chairperson is confirmed by the Senate, the regional authority shall consult and coordinate with the leaders of Indian tribes in the region concerning the activities of the Authority, as appropriate.";

(2) in subsection (d)—

(A) in paragraph (1), by striking "to establish priorities and" and inserting "for multistate cooperation to advance the economic and social well-being of the region and to";

(B) in paragraph (3), by striking "local development districts," and inserting "regional and local development districts or organizations, regional boards established under subtitle I,";

(C) in paragraph (4), by striking "cooperation;" and inserting "cooperation for—

"(i) renewable energy development and transmission;

"(ii) transportation planning and economic development;

"(iii) information technology;

"(iv) movement of freight and individuals within the region;

"(v) federally-funded research at institutions of higher education; and

"(vi) conservation land management;";

(D) by striking paragraph (6) and inserting the following:

"(6) enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region;"; and

(E) in paragraph (7), by inserting "renewable energy," after "commercial,".

(3) in subsection (f)(2), by striking "the Federal cochairperson" and inserting "a cochairperson";

(4) in subsection (g)(1), by striking subparagraphs (A) through (C) and inserting the following:

"(A) for each of fiscal years 2008 and 2009, 100 percent;

"(B) for fiscal year 2010, 75 percent; and

"(C) for fiscal year 2011 and each fiscal year thereafter, 50 percent.".

(c) INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.—

(1) IN GENERAL.—Subtitle G of the Consolidated Farm and Rural Development Act is amended—

(A) by redesignating sections 383C through 383N (7 U.S.C. 2009bb–2 through 2009bb–13) as sections 383D through 383O, respectively; and

(B) by inserting after section 383B (7 U.S.C. 2009bb–1) the following:

"SEC. 383C. INTERSTATE COOPERATION FOR ECONOMIC OPPORTUNITY AND EFFICIENCY.

"(a) IN GENERAL.—The Authority shall provide assistance to States in developing regional plans to address multistate economic issues, including plans—

"(1) to develop a regional transmission system for movement of renewable energy to markets outside the region;

"(2) to address regional transportation concerns, including the establishment of a Northern Great Plains Regional Transportation Working Group;

"(3) to encourage and support interstate collaboration on federally-funded research that is in the national interest; and

"(4) to establish a Regional Working Group on Agriculture Development and Transportation.

"(b) ECONOMIC ISSUES.—The multistate economic issues referred to in subsection (a) shall include—

"(1) renewable energy development and transmission;

"(2) transportation planning and economic development;

"(3) information technology;

"(4) movement of freight and individuals within the region;

"(5) federally-funded research at institutions of higher education; and

"(6) conservation land management.".

(2) CONFORMING AMENDMENTS.—

(A) Section 383B(c)(3)(B) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009bb–1(c)(3)(B)) is amended by striking "383I" and inserting "383J".

(B) Section 383D(a) of the Consolidated Farm and Rural Development Act (as redesignated by paragraph (1)(A)) is amended by striking "383I" and inserting "383J".

(C) Section 383E of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)(1), by striking "383F(b)" and inserting "383G(b)"; and

(ii) in subsection (c)(2)(A), by striking "383I" and inserting "383J".

(D) Section 383G of the Consolidated Farm and Rural Development Act (as so redesignated) is amended—

(i) in subsection (b)—

(I) in paragraph (1), by striking "383M" and inserting "383N"; and

(II) in paragraph (2), by striking "383D(b)" and inserting "383E(b)";

(ii) in subsection (c)(2)(A), by striking "383E(b)" and inserting "383F(b)"; and

(iii) in subsection (d)—

(I) by striking "383M" and inserting "383N"; and

(II) by striking "383C(a)" and inserting "383D(a)".

(E) Section 383J(c)(2) of the Consolidated Farm and Rural Development Act (as so redesignated) is amended by striking "383H" and inserting "383I".

(d) ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.—Section 383D of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "transportation and telecommunication" and inserting "transportation, renewable energy transmission, and telecommunication"; and

(B) by redesignating paragraphs (1) and (2) as paragraphs (2) and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(2) in subsection (b)(2), by striking "the activities in the following order or priority" and inserting "the following activities".

(e) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 383E(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking ", including local development districts,".

(f) MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.—Section 383F of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

*(1) by striking the section heading and inserting "**MULTISTATE AND LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC**."; and*

(2) by striking subsections (a) through (c) and inserting the following:

"(a) DEFINITION OF MULTISTATE AND LOCAL DEVELOPMENT DISTRICT OR ORGANIZATION.—In this section, the term 'multistate and local development district or organization' means an entity—

"(1) that—

"(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

"(B) is—

"(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

"(ii) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

"(iii) a nonprofit agency or instrumentality of a State or local government;

"(iv) a public organization established before the date of enactment of this subtitle under State law for creation of multijurisdictional, area-wide planning organizations;

"(v) a nonprofit agency or instrumentality of a State that was established for the purpose of assisting with multistate cooperation; or

"(vi) a nonprofit association or combination of bodies, agencies, and instrumentalities described in clauses (ii) through (v); and

"(2) that has not, as certified by the Authority (in consultation with the Federal cochairperson or Secretary, as appropriate)—

"(A) inappropriately used Federal grant funds from any Federal source; or

"(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(b) GRANTS TO MULTISTATE, LOCAL, OR REGIONAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS.—

"(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section to multistate, local, and regional development districts and organizations.

"(2) CONDITIONS FOR GRANTS.—

"(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the multistate, local, or regional development district or organization receiving the grant.

"(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded for a period greater than 3 years.

"(3) LOCAL SHARE.—The contributions of a multistate, local, or regional development district or organization for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a local development district shall operate as a lead organization serving multicounty areas in the region at the local level.

"(2) DESIGNATION.—The Federal cochairperson may designate an Indian tribe or multijurisdictional organization to serve as a lead organization in such cases as the Federal cochairperson or Secretary, as appropriate, determines appropriate.".

(g) DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.—Section 383G of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (b)(1), by striking "75" and inserting "50";

(2) by striking subsection (c);

(3) by redesignating subsection (d) as subsection (c); and

(4) in subsection (c) (as so redesignated)—

(A) in the subsection heading, by inserting "RENEWABLE ENERGY," after "TELECOMMUNICATION"; and

(B) by inserting ", renewable energy," after "telecommunication,".

(h) DEVELOPMENT PLANNING PROCESS.—Section 383H of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended—

(1) in subsection (c)(1), by striking subparagraph (A) and inserting the following:

"(A) multistate, regional, and local development districts and organizations; and"; and

(2) in subsection (d)(1), by striking "State and local development districts" and inserting "multistate, regional, and local development districts and organizations".

(i) PROGRAM DEVELOPMENT CRITERIA.—Section 383I(a)(1) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by inserting "multistate or" before "regional".

(j) AUTHORIZATION OF APPROPRIATIONS.—Section 383N(a) of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking "2002 through 2007" and inserting "2008 through 2012".

(k) TERMINATION OF AUTHORITY.—Section 383O of the Consolidated Farm and Rural Development Act (as redesignated by subsection (c)(1)(A)) is amended by striking "2007" and inserting "2012".

SEC. 6027. RURAL BUSINESS INVESTMENT PROGRAM.

(a) ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.—Section 384F(b)(3)(A) of the Consolidated Farm and Rural Development Act (7

U.S.C. 2009cc–5(b)(3)(A)) is amended by striking "In the event" and inserting the following:

"(i) AUTHORITY TO PREPAY.—A debenture may be prepaid at any time without penalty.

"(ii) REDUCTION OF GUARANTEE.—Subject to clause (i), if".

(b) FEES.—Section 384G of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–6) is amended—

(1) in subsection (a), by striking "such fees as the Secretary considers appropriate" and inserting "a fee that does not exceed $500";

(2) in subsection (b), by striking "approved by the Secretary" and inserting "that does not exceed $500"; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "The" and inserting "Except as provided in paragraph (3), the";

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(C) shall not exceed $500 for any fee collected under this subsection."; and

(C) by adding at the end the following:

"(3) PROHIBITION ON COLLECTION OF CERTAIN FEES.—In the case of a license described in paragraph (1) that was approved before July 1, 2007, the Secretary shall not collect any fees due on or after the date of enactment of this paragraph.".

(c) RURAL BUSINESS INVESTMENT COMPANIES.—Section 384I(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–8(c)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) TIME FRAME.—Each rural business investment company shall have a period of 2 years to meet the capital requirements of this subsection.".

(d) FINANCIAL INSTITUTION INVESTMENTS.—Section 384J of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–9) is amended—

(1) in subsection (a)(1), by inserting ", including an investment pool created entirely by such bank or savings association" before the period at the end; and

(2) in subsection (c), by striking "15" and inserting "25".

(e) CONTRACTING OF FUNCTIONS.—Section 384Q of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009cc–16) is repealed.

(f) FUNDING.—The Consolidated Farm and Rural Development Act is amended by striking section 384S (7 U.S.C. 2009cc–18) and inserting the following:

"SEC. 384S. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subtitle $50,000,000 for the period of fiscal years 2008 through 2012.".

SEC. 6028. RURAL COLLABORATIVE INVESTMENT PROGRAM.

Subtitle I of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009dd et seq.) is amended to read as follows:

"Subtitle I—Rural Collaborative Investment Program

"SEC. 385A. PURPOSE.

"The purpose of this subtitle is to establish a regional rural collaborative investment program—

"(1) to provide rural regions with a flexible investment vehicle, allowing for local control with Federal oversight, assistance, and accountability;

"(2) to provide rural regions with incentives and resources to develop and implement comprehensive strategies for achieving regional competitiveness, innovation, and prosperity;

"(3) to foster multisector community and economic development collaborations that will optimize the asset-based competitive advantages of rural regions with particular emphasis on innovation, entrepreneurship, and the creation of quality jobs;

"(4) to foster collaborations necessary to provide the professional technical expertise, institutional capacity, and economies of scale that are essential for the long-term competitiveness of rural regions; and

"(5) to better use Department of Agriculture and other Federal, State, and local governmental resources, and to leverage those resources with private, nonprofit, and philanthropic investments, in order to achieve measurable community and economic prosperity, growth, and sustainability.

"SEC. 385B. DEFINITIONS.

"In this subtitle:

"(1) BENCHMARK.—The term 'benchmark' means an annual set of goals and performance measures established for the purpose of assessing performance in meeting a regional investment strategy of a Regional Board.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) NATIONAL BOARD.—The term 'National Board' means the National Rural Investment Board established under section 385C(c).

"(4) NATIONAL INSTITUTE.—The term 'National Institute' means the National Institute on Regional Rural Competitiveness and Entrepreneurship established under section 385C(b)(2).

"(5) REGIONAL BOARD.—The term 'Regional Board' means a Regional Rural Investment Board described in section 385D(a).

"(6) REGIONAL INNOVATION GRANT.—The term 'regional innovation grant' means a grant made by the Secretary to a certified Regional Board under section 385F.

"(7) REGIONAL INVESTMENT STRATEGY GRANT.—The term 'regional investment strategy grant' means a grant made by the Secretary to a certified Regional Board under section 385E.

"(8) RURAL HERITAGE.—

"(A) IN GENERAL.—The term 'rural heritage' means historic sites, structures, and districts.

"(B) INCLUSIONS.—The term 'rural heritage' includes historic rural downtown areas and main streets, neighborhoods, farmsteads, scenic and historic trails, heritage areas, and historic landscapes.

"SEC. 385C. ESTABLISHMENT AND ADMINISTRATION OF RURAL COLLABORATIVE INVESTMENT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish a Rural Collaborative Investment Program to support comprehensive regional investment strategies for achieving rural competitiveness.

"(b) DUTIES OF SECRETARY.—In carrying out this subtitle, the Secretary shall—

"(1) appoint and provide administrative and program support to the National Board;

"(2) establish a national institute, to be known as the 'National Institute on Regional Rural Competitiveness and Entrepreneurship', to provide technical assistance to the Secretary and the National Board regarding regional competitiveness and rural entrepreneurship, including technical assistance for—

"(A) the development of rigorous analytic programs to assist Regional Boards in determining the challenges and opportunities that need to be addressed to receive the greatest regional competitive advantage;

"(B) the provision of support for best practices developed by the Regional Boards;

"(C) the establishment of programs to support the development of appropriate governance and leadership skills in the applicable regions; and

"(D) the evaluation of the progress and performance of the Regional Boards in achieving benchmarks established in a regional investment strategy;

"(3) work with the National Board to develop a national rural investment plan that shall—

"(A) create a framework to encourage and support a more collaborative and targeted rural investment portfolio in the United States;

"(B) establish a Rural Philanthropic Initiative, to work with rural communities to create and enhance the pool of permanent philanthropic resources committed to rural community and economic development;

"(C) cooperate with the Regional Boards and State and local governments, organizations, and entities to ensure investment strategies are developed that take into consideration existing rural assets; and

"(D) encourage the organization of Regional Boards;

"(4) certify the eligibility of Regional Boards to receive regional investment strategy grants and regional innovation grants;

"(5) provide grants for Regional Boards to develop and implement regional investment strategies;

"(6) provide technical assistance to Regional Boards on issues, best practices, and emerging trends relating to rural development, in cooperation with the National Rural Investment Board and

"(7) provide analytic and programmatic support for regional rural competitiveness through the National Institute, including—

"(A) programs to assist Regional Boards in determining the challenges and opportunities that must be addressed to receive the greatest regional competitive advantage;

"(B) support for best practices development by the regional investment boards;

"(C) programs to support the development of appropriate governance and leadership skills in the region; and

"(D) a review and evaluation of the performance of the Regional Boards (including progress in achieving benchmarks established in a regional investment strategy) in an annual report submitted to—

"(i) the Committee on Agriculture of the House of Representatives; and

"(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate.

"(c) NATIONAL RURAL INVESTMENT BOARD.—The Secretary shall establish within the Department of Agriculture a board to be known as the 'National Rural Investment Board'.

"(d) DUTIES OF NATIONAL BOARD.—The National Board shall—

"(1) not later than 180 days after the date of establishment of the National Board, develop rules relating to the operation of the National Board; and

"(2) provide advice to—

"(A) the Secretary and subsequently review the design, development, and execution of the National Rural Investment Plan;

"(B) Regional Boards on issues, best practices, and emerging trends relating to rural development; and

"(C) the Secretary and the National Institute on the development and execution of the program under this subtitle.

"(e) MEMBERSHIP.—

"(1) IN GENERAL.—The National Board shall consist of 14 members appointed by the Secretary not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008.

"(2) SUPERVISION.—The National Board shall be subject to the general supervision and direction of the Secretary.

"(3) SECTORS REPRESENTED.—The National Board shall consist of representatives from each of—

"(A) nationally recognized entrepreneurship organizations;

"(B) regional strategy and development organizations;

"(C) community-based organizations;

"(D) elected members of local governments;

"(E) members of State legislatures;

"(F) primary, secondary, and higher education, job skills training, and workforce development institutions;

"(G) the rural philanthropic community;

"(H) financial, lending, venture capital, entrepreneurship, and other related institutions;

"(I) private sector business organizations, including chambers of commerce and other for-profit business interests;

"(J) Indian tribes; and

"(K) cooperative organizations.

"(4) SELECTION OF MEMBERS.—

"(A) IN GENERAL.—In selecting members of the National Board, the Secretary shall consider recommendations made by—

"(i) the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate;

"(ii) the Majority Leader and Minority Leader of the Senate; and

"(iii) the Speaker and Minority Leader of the House of Representatives.

"(B) EX-OFFICIO MEMBERS.—In consultation with the chairman and ranking member of each of the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary may appoint not more than 3 other officers or employees of the Executive Branch to serve as ex-officio, nonvoting members of the National Board.

"(5) TERM OF OFFICE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the term of office of a member of the National Board appointed under paragraph (1)(A) shall be for a period of not more than 4 years.

"(B) STAGGERED TERMS.—The members of the National Board shall be appointed to serve staggered terms.

"(6) INITIAL APPOINTMENTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall appoint the initial members of the National Board.

"(7) VACANCIES.—A vacancy on the National Board shall be filled in the same manner as the original appointment.

"(8) COMPENSATION.—A member of the National Board shall receive no compensation for service on the National Board, but shall be reimbursed for related travel and other expenses incurred in carrying out the duties of the member of the National Board in accordance with section 5702 and 5703 of title 5, United States Code.

"(9) CHAIRPERSON.—The National Board shall select a chairperson from among the members of the National Board.

"(10) FEDERAL STATUS.—For purposes of Federal law, a member of the National Board shall be considered a special Government employee (as defined in section 202(a) of title 18, United States Code).

"(f) ADMINISTRATIVE SUPPORT.—The Secretary, on a reimbursable basis from funds made available under section 385H, may provide such administrative support to the National Board as the Secretary determines is necessary.

"SEC. 385D. REGIONAL RURAL INVESTMENT BOARDS.

"(a) IN GENERAL.—A Regional Rural Investment Board shall be a multijurisdictional and multisectoral group that—

"(1) represents the long-term economic, community, and cultural interests of a region;

"(2) is certified by the Secretary to establish a rural investment strategy and compete for regional innovation grants;

"(3) is composed of residents of a region that are broadly representative of diverse public, nonprofit, and private sector interests in investment in the region, including (to the maximum extent practicable) representatives of—

"(A) units of local, multijurisdictional, or State government, including not more than 1 representative from each State in the region;

"(B) nonprofit community-based development organizations, including community development financial institutions and community development corporations;

"(C) agricultural, natural resource, and other asset-based related industries;

"(D) in the case of regions with federally recognized Indian tribes, Indian tribes;

"(E) regional development organizations;

"(F) private business organizations, including chambers of commerce;

"(G)(i) institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

"(ii) tribally controlled colleges or universities (as defined in section 2(a) of Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a))); and

"(iii) tribal technical institutions;

"(H) workforce and job training organizations;

"(I) other entities and organizations, as determined by the Regional Board;

"(J) cooperatives; and

"(K) consortia of entities and organizations described in subparagraphs (A) through (J);

"(4) represents a region inhabited by—

"(A) more than 25,000 individuals, as determined in the latest available decennial census conducted under section 141(a) of title 13, United States Code; or

"(B) in the case of a region with a population density of less than 2 individuals per square mile, at least 10,000 individuals, as determined in that latest available decennial census;

"(5) has a membership of which not less than 25 percent, nor more than 40 percent, represents—

"(A) units of local government and Indian tribes described in subparagraphs (A) and (D) of paragraph (3);

"(B) nonprofit community and economic development organizations and institutions of higher education described in subparagraphs (B) and (G) of paragraph (3); or

"(C) private business (including chambers of commerce and cooperatives) and agricultural, natural resource, and other asset-based related industries described in subparagraphs (C) and (F) of paragraph (3);

"(6) has a membership that may include an officer or employee of a Federal agency, serving as an ex-officio, nonvoting member of the Regional Board to represent the agency; and

"(7) has organizational documents that demonstrate that the Regional Board will—

"(A) create a collaborative public-private strategy process;

"(B) develop, and submit to the Secretary for approval, a regional investment strategy that meets the requirements of section 385E, with benchmarks—

"(i) to promote investment in rural areas through the use of grants made available under this subtitle; and

"(ii) to provide financial and technical assistance to promote a broad-based regional development program aimed at increasing and diversifying economic growth, improved community facilities, and improved quality of life;

"(C) implement the approved regional investment strategy;

"(D) provide annual reports to the Secretary and the National Board on progress made in achieving the benchmarks of the regional investment strategy, including an annual financial statement; and

"(E) select a non-Federal organization (such as a regional development organization) in the local area served by the Regional Board that has previous experience in the management of Federal funds to serve as fiscal manager of any funds of the Regional Board.

"(b) URBAN AREAS.—A resident of an urban area may serve as an ex-officio member of a Regional Board.

"(c) DUTIES.—A Regional Board shall—

"(1) create a collaborative planning process for public-private investment within a region;

"(2) develop, and submit to the Secretary for approval, a regional investment strategy;

"(3) develop approaches that will create permanent resources for philanthropic giving in the region, to the maximum extent practicable;

"(4) implement an approved strategy; and

"(5) provide annual reports to the Secretary and the National Board on progress made in achieving the strategy, including an annual financial statement.

"SEC. 385E. REGIONAL INVESTMENT STRATEGY GRANTS.

"(a) IN GENERAL.—The Secretary shall make regional investment strategy grants available to Regional Boards for use in developing, implementing, and maintaining regional investment strategies.

"(b) REGIONAL INVESTMENT STRATEGY.—A regional investment strategy shall provide—

"(1) an assessment of the competitive advantage of a region, including—

"(A) an analysis of the economic conditions of the region;

"(B) an assessment of the current economic performance of the region;

"(C) an overview of the population, geography, workforce, transportation system, resources, environment, and infrastructure needs of the region; and

"(D) such other pertinent information as the Secretary may request;

"(2) an analysis of regional economic and community development challenges and opportunities, including—

"(A) incorporation of relevant material from other government-sponsored or supported plans and consistency with applicable State, regional, and local workforce investment strategies or comprehensive economic development plans; and

"(B) an identification of past, present, and projected Federal and State economic and community development investments in the region;

"(3) a section describing goals and objectives necessary to solve regional competitiveness challenges and meet the potential of the region;

"(4) an overview of resources available in the region for use in—

"(A) establishing regional goals and objectives;

"(B) developing and implementing a regional action strategy;

"(C) identifying investment priorities and funding sources; and

"(D) identifying lead organizations to execute portions of the strategy;

"(5) an analysis of the current state of collaborative public, private, and nonprofit participation and investment, and of the strategic roles of public, private, and nonprofit entities in the development and implementation of the regional investment strategy;

"(6) a section identifying and prioritizing vital projects, programs, and activities for consideration by the Secretary, including—

"(A) other potential funding sources; and

"(B) recommendations for leveraging past and potential investments;

"(7) a plan of action to implement the goals and objectives of the regional investment strategy;

"(8) a list of performance measures to be used to evaluate implementation of the regional investment strategy, including—

“(A) the number and quality of jobs, including self-employment, created during implementation of the regional rural investment strategy;

“(B) the number and types of investments made in the region;

“(C) the growth in public, private, and nonprofit investment in the human, community, and economic assets of the region;

“(D) changes in per capita income and the rate of unemployment; and

“(E) other changes in the economic environment of the region;

“(9) a section outlining the methodology for use in integrating the regional investment strategy with the economic priorities of the State; and

“(10) such other information as the Secretary determines to be appropriate.

“(c) MAXIMUM AMOUNT OF GRANT.—A regional investment strategy grant shall not exceed $150,000.

“(d) COST SHARING.—

“(1) IN GENERAL.—Subject to paragraph (2), of the share of the costs of developing, maintaining, evaluating, implementing, and reporting with respect to a regional investment strategy funded by a grant under this section—

“(A) not more than 40 percent may be paid using funds from the grant; and

“(B) the remaining share shall be provided by the applicable Regional Board or other eligible grantee.

“(2) FORM.—A Regional Board or other eligible grantee shall pay the share described in paragraph (1)(B) in the form of cash, services, materials, or other in-kind contributions, on the condition that not more than 50 percent of that share is provided in the form of services, materials, and other in-kind contributions.

“SEC. 385F. REGIONAL INNOVATION GRANTS PROGRAM.

“(a) GRANTS.—

“(1) IN GENERAL.—The Secretary shall provide, on a competitive basis, regional innovation grants to Regional Boards for use in implementing projects and initiatives that are identified in a regional rural investment strategy approved under section 385E.

“(2) TIMING.—After October 1, 2008, the Secretary shall provide awards under this section on a quarterly funding cycle.

“(b) ELIGIBILITY.—To be eligible to receive a regional innovation grant, a Regional Board shall demonstrate to the Secretary that—

“(1) the regional rural investment strategy of a Regional Board has been reviewed by the National Board prior to approval by the Secretary;

“(2) the management and organizational structure of the Regional Board is sufficient to oversee grant projects, including management of Federal funds; and

“(3) the Regional Board has a plan to achieve, to the maximum extent practicable, the performance-based benchmarks of the project in the regional rural investment strategy.

“(c) LIMITATIONS.—

“(1) AMOUNT RECEIVED.—A Regional Board may not receive more than $6,000,000 in regional innovation grants under this section during any 5-year period.

“(2) DETERMINATION OF AMOUNT.—The Secretary shall determine the amount of a regional innovation grant based on—

“(A) the needs of the region being addressed by the applicable regional rural investment strategy consistent with the purposes described in subsection (f)(2); and

“(B) the size of the geographical area of the region.

“(3) GEOGRAPHIC DIVERSITY.—The Secretary shall ensure that not more than 10 percent of funding made available under this section is provided to Regional Boards in any State.

“(d) COST-SHARING.—

“(1) LIMITATION.—Subject to paragraph (2), the amount of a grant made under this section shall not exceed 50 percent of the cost of the project.

“(2) WAIVER OF GRANTEE SHARE.—The Secretary may waive the limitation in paragraph (1) under special circumstances, as determined by the Secretary, including—

“(A) a sudden or severe economic dislocation;

“(B) significant chronic unemployment or poverty;

“(C) a natural disaster; or

“(D) other severe economic, social, or cultural duress.

“(3) OTHER FEDERAL ASSISTANCE.—For the purpose of determining cost-share limitations for any other Federal program, funds provided under this section shall be considered to be non-Federal funds.

“(e) PREFERENCES.—In providing regional innovation grants under this section, the Secretary shall give—

“(1) a high priority to strategies that demonstrate significant leverage of capital and quality job creation; and

“(2) a preference to an application proposing projects and initiatives that would—

“(A) advance the overall regional competitiveness of a region;

“(B) address the priorities of a regional rural investment strategy, including priorities that—

“(i) promote cross-sector collaboration, public-private partnerships, or the provision of interim financing or seed capital for program implementation;

“(ii) exhibit collaborative innovation and entrepreneurship, particularly within a public-private partnership; and

“(iii) represent a broad coalition of interests described in section 385D(a);

“(C) include a strategy to leverage public non-Federal and private funds and existing assets, including agricultural, natural resource, and public infrastructure assets, with substantial emphasis placed on the existence of real financial commitments to leverage available funds;

“(D) create quality jobs;

“(E) enhance the role, relevance, and leveraging potential of community and regional foundations in support of regional investment strategies;

“(F) demonstrate a history, or involve organizations with a history, of successful leveraging of capital for economic development and public purposes;

“(G) address gaps in existing basic services, including technology, within a region;

“(H) address economic diversification, including agricultural and non-agriculturally based economies, within a regional framework;

“(I) improve the overall quality of life in the region;

“(J) enhance the potential to expand economic development successes across diverse stakeholder groups within the region;

“(K) include an effective working relationship with 1 or more institutions of higher education, tribally controlled colleges or universities, or tribal technical institutions;

“(L) help to meet the other regional competitiveness needs identified by a Regional Board; or

“(M) protect and promote rural heritage.

“(f) USES.—

“(1) LEVERAGE.—A Regional Board shall prioritize projects and initiatives carried out using funds from a regional innovation grant provided under this section, based in part on the degree to which members of the Regional Board are able to leverage additional funds for the implementation of the projects.

“(2) PURPOSES.—A Regional Board may use a regional innovation grant—

“(A) to support the development of critical infrastructure (including technology deployment and services) necessary to facilitate the competitiveness of a region;

“(B) to provide assistance to entities within the region that provide essential public and community services;

“(C) to enhance the value-added production, marketing, and use of agricultural and natural resources within the region, including activities relating to renewable and alternative energy production and usage;

“(D) to assist with entrepreneurship, job training, workforce development, housing, educational, or other quality of life services or needs, relating to the development and maintenance of strong local and regional economies;

“(E) to assist in the development of unique new collaborations that link public, private, and philanthropic resources, including community foundations;

“(F) to provide support for business and entrepreneurial investment, strategy, expansion, and development, including feasibility strategies, technical assistance, peer networks, business development funds, and other activities to strengthen the economic competitiveness of the region;

“(G) to provide matching funds to enable community foundations located within the region to build endowments which provide permanent philanthropic resources to implement a regional investment strategy; and

“(H) to preserve and promote rural heritage.

“(3) AVAILABILITY OF FUNDS.—The funds made available to a Regional Board or any other eligible grantee through a regional innovation grant shall remain available for the 7-year period beginning on the date on which the award is provided, on the condition that the Regional Board or other grantee continues to be certified by the Secretary as making adequate progress toward achieving established benchmarks.

“(g) COST SHARING.—

“(1) WAIVER OF GRANTEE SHARE.—The Secretary may waive the share of a grantee of the costs of a project funded by a regional innovation grant under this section if the Secretary determines that such a waiver is appropriate, including with respect to special circumstances within tribal regions, in the event an area experiences—

“(A) a sudden or severe economic dislocation,

“(B) significant chronic unemployment or poverty;

“(C) a natural disaster; or

“(D) other severe economic, social, or cultural duress.

“(2) OTHER FEDERAL PROGRAMS.—For the purpose of determining cost-sharing requirements for any other Federal program, funds provided as a regional innovation grant under this section shall be considered to be non-Federal funds.

“(h) NONCOMPLIANCE.—If a Regional Board or other eligible grantee fails to comply with any requirement relating to the use of funds provided under this section, the Secretary may—

“(1) take such actions as are necessary to obtain reimbursement of unused grant funds; and

“(2) reprogram the recaptured funds for purposes relating to implementation of this subtitle.

“(i) PRIORITY TO AREAS WITH AWARDS AND APPROVED STRATEGIES.—

“(1) IN GENERAL.—Subject to paragraph (3), in providing rural development assistance under other programs, the Secretary shall give a high priority to areas that receive innovation grants under this section.

“(2) CONSULTATION.—The Secretary shall consult with the heads of other Federal agencies to promote the development of priorities similar to those described in paragraph (1).

“(3) EXCLUSION OF CERTAIN PROGRAMS.—Paragraph (1) shall not apply to the provision

of rural development assistance under any program relating to basic health, safety, or infrastructure, including broadband deployment or minimum environmental needs.

“SEC. 385G. RURAL ENDOWMENT LOANS PROGRAM.

“(a) IN GENERAL.—The Secretary may provide long-term loans to eligible community foundations to assist in the implementation of regional investment strategies.

“(b) ELIGIBLE COMMUNITY FOUNDATIONS.—To be eligible to receive a loan under this section, a community foundation shall—

“(1) be located in an area that is covered by a regional investment strategy;

“(2) match the amount of the loan with an amount that is at least 250 percent of the amount of the loan; and

“(3) use the loan and the matching amount to carry out the regional investment strategy in a manner that is targeted to community and economic development, including through the development of community foundation endowments.

“(c) TERMS.—A loan made under this section shall—

“(1) have a term of not less than 10, nor more than 20, years;

“(2) bear an interest rate of 1 percent per annum; and

“(3) be subject to such other terms and conditions as are determined appropriate by the Secretary.

“SEC. 385H. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated to carry out this subtitle $135,000,000 for the period of fiscal years 2009 through 2012.”.

SEC. 6029. FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) DEFINITION OF APPLICATION.—In this section, the term “application” does not include an application for a loan or grant that, as of the date of enactment of this Act, is in the preapplication phase of consideration under regulations of the Secretary in effect on the date of enactment of this Act.

(b) USE OF FUNDS.—Subject to subsection (c), the Secretary shall use funds made available under subsection (d) to provide funds for applications that are pending on the date of enactment of this Act for—

(1) water or waste disposal grants or direct loans under paragraph (1) or (2) of section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)); and

(2) emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a).

(c) LIMITATIONS.—

(1) APPROPRIATED AMOUNTS.—Funds made available under this section shall be available to the Secretary to provide funds for applications for loans and grants described in subsection (b) that are pending on the date of enactment of this Act only to the extent that funds for the loans and grants appropriated in the annual appropriations Act for fiscal year 2007 have been exhausted.

(2) PROGRAM REQUIREMENTS.—The Secretary may use funds made available under this section to provide funds for a pending application for a loan or grant described in subsection (b) only if the Secretary processes, reviews, and approves the application in accordance with regulations in effect on the date of enactment of this Act.

(3) PRIORITY.—In providing funding under this section for pending applications for loans or grants described in subsection (b), the Secretary shall provide funding in the following order of priority (until funds made available under this section are exhausted):

(A) Pending applications for water systems.

(B) Pending applications for waste disposal systems.

(d) FUNDING.—Notwithstanding any other provision of law, of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $120,000,000, to remain available until expended.

Subtitle B—Rural Electrification Act of 1936

SEC. 6101. ENERGY EFFICIENCY PROGRAMS.

Sections 2(a) and 4 of the Rural Electrification Act of 1936 (7 U.S.C. 902(a), 904) are amended by inserting “efficiency and” before “conservation” each place it appears.

SEC. 6102. REINSTATEMENT OF RURAL UTILITY SERVICES DIRECT LENDING.

(a) IN GENERAL.—Section 4 of the Rural Electrification Act of 1936 (7 U.S.C. 904) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (b), and (d), respectively; and

(2) by inserting after subsection (b) (as so designated) the following:

“(c) DIRECT LOANS.—

“(1) DIRECT HARDSHIP LOANS.—Direct hardship loans under this section shall be for the same purposes and on the same terms and conditions as hardship loans made under section 305(c)(1).

“(2) OTHER DIRECT LOANS.—All other direct loans under this section shall bear interest at a rate equal to the then current cost of money to the Government of the United States for loans of similar maturity, plus ⅛ of 1 percent.”.

(b) ELIMINATION OF FEDERAL FINANCING BANK GUARANTEED LOANS.—Section 306 of the Rural Electrification Act of 1936 (7 U.S.C. 936) is amended—

(1) in the third sentence, by striking “guarantee, accommodation, or subordination” and inserting “accommodation or subordination”; and

(2) by striking the fourth sentence.

SEC. 6103. DEFERMENT OF PAYMENTS TO ALLOWS LOANS FOR IMPROVED ENERGY EFFICIENCY AND DEMAND REDUCTION AND FOR ENERGY EFFICIENCY AND USE AUDITS.

Section 12 of the Rural Electrification Act of 1936 (7 U.S.C. 912) is amended by adding at the end the following:

“(c) DEFERMENT OF PAYMENTS ON LOANS.—

“(1) IN GENERAL.—The Secretary shall allow borrowers to defer payment of principal and interest on any direct loan made under this Act to enable the borrower to make loans to residential, commercial, and industrial consumers—

“(A) to conduct energy efficiency and use audits; and

“(B) to install energy efficient measures or devices that reduce the demand on electric systems.

“(2) AMOUNT.—The total amount of a deferment under this subsection shall not exceed the sum of the principal and interest on the loans made to a customer of the borrower, as determined by the Secretary.

“(3) TERM.—The term of a deferment under this subsection shall not exceed 60 months.”.

SEC. 6104. RURAL ELECTRIFICATION ASSISTANCE.

Section 13 of the Rural Electrification Act of 1936 (7 U.S.C. 913) is amended to read as follows:

“SEC. 13. DEFINITIONS.

“In this Act:

“(1) FARM.—The term ‘farm’ means a farm, as defined by the Bureau of the Census.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(3) RURAL AREA.—Except as provided otherwise in this Act, the term ‘rural area’ means the farm and nonfarm population of—

“(A) any area described in section 343(a)(13)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(C)); and

“(B) any area within a service area of a borrower for which a borrower has an outstanding loan made under titles I through V as of the date of enactment of this paragraph.

“(4) TERRITORY.—The term ‘territory’ includes any insular possession of the United States.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.”.

SEC. 6105. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

The Rural Electrification Act of 1936 is amended by inserting after section 306E (7 U.S.C. 936e) the following:

“SEC. 306F. SUBSTANTIALLY UNDERSERVED TRUST AREAS.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE PROGRAM.—The term ‘eligible program’ means a program administered by the Rural Utilities Service and authorized in—

“(A) this Act; or

“(B) paragraph (1), (2), (14), (22), or (24) of section 306(a) or section 306A, 306C, 306D, or 306E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a), 1926a, 1926c, 1926d, 1926e).

“(2) SUBSTANTIALLY UNDERSERVED TRUST AREA.—The term ‘substantially underserved trust area’ means a community in ‘trust land’ (as defined in section 3765 of title 38, United States Code) with respect to which the Secretary determines has a high need for the benefits of an eligible program.

“(b) INITIATIVE.—The Secretary, in consultation with local governments and Federal agencies, may implement an initiative to identify and improve the availability of eligible programs in communities in substantially underserved trust areas.

“(c) AUTHORITY OF SECRETARY.—In carrying out subsection (b), the Secretary—

“(1) may make available from loan or loan guarantee programs administered by the Rural Utilities Service to qualified utilities or applicants financing with an interest rate as low as 2 percent, and with extended repayment terms;

“(2) may waive nonduplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by the Rural Utilities Service to facilitate the construction, acquisition, or improvement of infrastructure;

“(3) may give the highest funding priority to designated projects in substantially underserved trust areas; and

“(4) shall only make loans or loan guarantees that are found to be financially feasible and that provide eligible program benefits to substantially underserved trust areas.

“(d) REPORT.—Not later than 1 year after the date of enactment of this section and annually thereafter, the Secretary shall submit to Congress a report that describes—

“(1) the progress of the initiative implemented under subsection (b); and

“(2) recommendations for any regulatory or legislative changes that would be appropriate to improve services to substantially underserved trust areas.”.

SEC. 6106. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

(a) IN GENERAL.—Section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c–1) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “for electrification” and all that follows through the end and inserting “for eligible electrification or telephone purposes consistent with this Act.”; and

(B) by striking paragraph (4) and inserting the following:

"(4) ANNUAL AMOUNT.—The total amount of guarantees provided by the Secretary under this section during a fiscal year shall not exceed $1,000,000,000, subject to the availability of funds under subsection (e).";

(2) in subsection (c), by striking paragraphs (2) and (3) and inserting the following:

"(2) AMOUNT.—

"(A) IN GENERAL.—The amount of the annual fee paid for the guarantee of a bond or note under this section shall be equal to 30 basis points of the amount of the unpaid principal of the bond or note guaranteed under this section.

"(B) PROHIBITION.—Except as otherwise provided in this subsection and subsection (e)(2), no other fees shall be assessed.

"(3) PAYMENT.—

"(A) IN GENERAL.—A lender shall pay the fees required under this subsection on a semiannual basis.

"(B) STRUCTURED SCHEDULE.—The Secretary shall, with the consent of the lender, structure the schedule for payment of the fee to ensure that sufficient funds are available to pay the subsidy costs for note or bond guarantees as provided for in subsection (e)(2)."; and

(3) in subsection (f), by striking "2007" and inserting "2012".

(b) ADMINISTRATION.—The Secretary shall continue to carry out section 313A of the Rural Electrification Act of 1936 (7 U.S.C. 940c-1) in the same manner as on the day before the date of enactment of this Act, except without regard to the limitations prescribed in subsection (b)(1) of that section, until such time as any regulations necessary to carry out the amendments made by this section are fully implemented.

SEC. 6107. EXPANSION OF 911 ACCESS.

Section 315 of the Rural Electrification Act of 1936 (7 U.S.C. 940e) is amended to read as follows:

"SEC. 315. EXPANSION OF 911 ACCESS.

"(a) IN GENERAL.—Subject to subsection (c) and such terms and conditions as the Secretary may prescribe, the Secretary may make loans under this title to entities eligible to borrow from the Rural Utilities Service, State or local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or other public entities for facilities and equipment to expand or improve in rural areas—

"(1) 911 access;

"(2) integrated interoperable emergency communications, including multiuse networks that provide commercial or transportation information services in addition to emergency communications services;

"(3) homeland security communications;

"(4) transportation safety communications; or

"(5) location technologies used outside an urbanized area.

"(b) LOAN SECURITY.—Government-imposed fees related to emergency communications (including State or local 911 fees) may be considered to be security for a loan under this section.

"(c) EMERGENCY COMMUNICATIONS EQUIPMENT PROVIDERS.—The Secretary may make a loan under this section to an emergency communication equipment provider to expand or improve 911 access or other communications or technologies described in subsection (a) if the local government that has jurisdiction over the project is not allowed to acquire the debt resulting from the loan.

"(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use to make loans under this section any funds otherwise made available for telephone loans for each of fiscal years 2008 through 2012.".

SEC. 6108. ELECTRIC LOANS FOR RENEWABLE ENERGY.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 316 (7 U.S.C. 940f) the following:

"SEC. 317. ELECTRIC LOANS FOR RENEWABLE ENERGY.

"(a) DEFINITION OF RENEWABLE ENERGY SOURCE.—In this section, the term 'renewable energy source' means an energy conversion system fueled from a solar, wind, hydropower, biomass, or geothermal source of energy.

"(b) LOANS.—In addition to any other funds or authorities otherwise made available under this Act, the Secretary may make electric loans under this title for electric generation from renewable energy resources for resale to rural and nonrural residents.

"(c) RATE.—The rate of a loan under this section shall be equal to the average tax-exempt municipal bond rate of similar maturities.".

SEC. 6109. BONDING REQUIREMENTS.

Title III of the Rural Electrification Act of 1936 is amended by inserting after section 317 (as added by section 6108) the following:

"SEC. 318. BONDING REQUIREMENTS.

"The Secretary shall review the bonding requirements for all programs administered by the Rural Utilities Service under this Act to ensure that bonds are not required if—

"(1) the interests of the Secretary are adequately protected by product warranties; or

"(2) the costs or conditions associated with a bond exceed the benefit of the bond.".

SEC. 6110. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended to read as follows:

"SEC. 601. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

"(a) PURPOSE.—The purpose of this section is to provide loans and loan guarantees to provide funds for the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in rural areas.

"(b) DEFINITIONS.—In this section:

"(1) BROADBAND SERVICE.—The term 'broadband service' means any technology identified by the Secretary as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, and video.

"(2) INCUMBENT SERVICE PROVIDER.—The term 'incumbent service provider', with respect to an application submitted under this section, means an entity that, as of the date of submission of the application, is providing broadband service to not less than 5 percent of the households in the service territory proposed in the application.

"(3) RURAL AREA.—

"(A) IN GENERAL.—The term 'rural area' means any area other than—

"(i) an area described in clause (i) or (ii) of section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)); and

"(ii) a city, town, or incorporated area that has a population of greater than 20,000 inhabitants.

"(B) URBAN AREA GROWTH.—The Secretary may, by regulation only, consider an area described in section 343(a)(13)(F)(i)(I) of that Act to not be a rural area for purposes of this section.

"(c) LOANS AND LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall make or guarantee loans to eligible entities described in subsection (d) to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

"(2) PRIORITY.—In making or guaranteeing loans under paragraph (1), the Secretary shall give the highest priority to applicants that offer to provide broadband service to the greatest proportion of households that, prior to the provision of the broadband service, had no incumbent service provider.

"(d) ELIGIBILITY.—

"(1) ELIGIBLE ENTITIES.—

"(A) IN GENERAL.—To be eligible to obtain a loan or loan guarantee under this section, an entity shall—

"(i) demonstrate the ability to furnish, improve, or extend a broadband service to a rural area;

"(ii) submit to the Secretary a loan application at such time, in such manner, and containing such information as the Secretary may require; and

"(iii) agree to complete buildout of the broadband service described in the loan application by not later than 3 years after the initial date on which proceeds from the loan made or guaranteed under this section are made available.

"(B) LIMITATION.—An eligible entity that provides telecommunications or broadband service to at least 20 percent of the households in the United States may not receive an amount of funds under this section for a fiscal year in excess of 15 percent of the funds authorized and appropriated under subsection (k) for the fiscal year.

"(2) ELIGIBLE PROJECTS.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the proceeds of a loan made or guaranteed under this section may be used to carry out a project in a proposed service territory only if, as of the date on which the application for the loan or loan guarantee is submitted—

"(i) not less than 25 percent of the households in the proposed service territory is offered broadband service by not more than 1 incumbent service provider; and

"(ii) broadband service is not provided in any part of the proposed service territory by 3 or more incumbent service providers.

"(B) EXCEPTION TO 25 PERCENT REQUIREMENT.—Subparagraph (A)(i) shall not apply to the proposed service territory of a project if a loan or loan guarantee has been made under this section to the applicant to provide broadband service in the proposed service territory.

"(C) EXCEPTION TO 3 OR MORE INCUMBENT SERVICE PROVIDER REQUIREMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), subparagraph (A)(ii) shall not apply to an incumbent service provider that is upgrading broadband service to the existing territory of the incumbent service provider.

"(ii) EXCEPTION.—Clause (i) shall not apply if the applicant is eligible for funding under another title of this Act.

"(3) EQUITY AND MARKET SURVEY REQUIREMENTS.—

"(A) IN GENERAL.—The Secretary may require an entity to provide a cost share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee requested in the application of the entity, unless the Secretary determines that a higher percentage is required for financial feasibility.

"(B) MARKET SURVEY.—

"(i) IN GENERAL.—The Secretary may require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

"(ii) LESS THAN 20 PERCENT.—The Secretary may not require an entity that proposes to have a subscriber projection of less than 20 percent of the broadband service market in a rural area to submit to the Secretary a market survey.

"(4) STATE AND LOCAL GOVERNMENTS AND INDIAN TRIBES.—Subject to paragraph (1), a State or local government (including any agency, subdivision, or instrumentality thereof (including

consortia thereof)) and an Indian tribe shall be eligible for a loan or loan guarantee under this section to provide broadband services to a rural area.

"(5) NOTICE REQUIREMENT.—The Secretary shall publish a notice of each application for a loan or loan guarantee under this section describing the application, including—

"(A) the identity of the applicant;

"(B) each area proposed to be served by the applicant; and

"(C) the estimated number of households without terrestrial-based broadband service in those areas.

"(6) PAPERWORK REDUCTION.—The Secretary shall take steps to reduce, to the maximum extent practicable, the cost and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants (particularly first-time applicants who are small and start-up broadband service providers), including by providing for a new application that maintains the ability of the Secretary to make an analysis of the risk associated with the loan involved.

"(7) PREAPPLICATION PROCESS.—The Secretary shall establish a process under which a prospective applicant may seek a determination of area eligibility prior to preparing a loan application under this section.

"(e) BROADBAND SERVICE.—

"(1) IN GENERAL.—The Secretary shall, from time to time as advances in technology warrant, review and recommend modifications of rate-of-data transmission criteria for purposes of the identification of broadband service technologies under subsection (b)(1).

"(2) PROHIBITION.—The Secretary shall not establish requirements for bandwidth or speed that have the effect of precluding the use of evolving technologies appropriate for rural areas.

"(f) TECHNOLOGICAL NEUTRALITY.—For purposes of determining whether to make a loan or loan guarantee for a project under this section, the Secretary shall use criteria that are technologically neutral.

"(g) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a loan or loan guarantee under this section shall—

"(A) bear interest at an annual rate of, as determined by the Secretary—

"(i) in the case of a direct loan, a rate equivalent to—

"(I) the cost of borrowing to the Department of the Treasury for obligations of comparable maturity; or

"(II) 4 percent; and

"(ii) in the case of a guaranteed loan, the current applicable market rate for a loan of comparable maturity; and

"(B) have a term of such length, not exceeding 35 years, as the borrower may request, if the Secretary determines that the loan is adequately secured.

"(2) TERM.—In determining the term of a loan or loan guarantee, the Secretary shall consider whether the recipient is or would be serving an area that is not receiving broadband services.

"(3) RECURRING REVENUE.—The Secretary shall consider the existing recurring revenues of the entity at the time of application in determining an adequate level of credit support.

"(h) ADEQUACY OF SECURITY.—

"(1) IN GENERAL.—The Secretary shall ensure that the type and amount of, and method of security used to secure, any loan or loan guarantee under this section is commensurate to the risk involved with the loan or loan guarantee, particularly in any case in which the loan or loan guarantee is issued to a financially strong and stable entity, as determined by the Secretary.

"(2) DETERMINATION OF AMOUNT AND METHOD OF SECURITY.—In determining the amount of, and method of security used to secure, a loan or loan guarantee under this section, the Secretary shall consider reducing the security in a rural area that does not have broadband service.

"(i) USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE.—Notwithstanding any other provision of this Act, the proceeds of any loan made or guaranteed by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this Act if the use of the proceeds for that purpose will support the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in rural areas.

"(j) REPORTS.—Not later than 1 year after the date of enactment of the Food, Conservation, and Energy Act of 2008, and annually thereafter, the Administrator shall submit to Congress a report that describes the extent of participation in the loan and loan guarantee program under this section for the preceding fiscal year, including a description of—

"(1) the number of loans applied for and provided under this section;

"(2)(A) the communities proposed to be served in each loan application submitted for the fiscal year; and

"(B) the communities served by projects funded by loans and loan guarantees provided under this section;

"(3) the period of time required to approve each loan application under this section;

"(4) any outreach activities carried out by the Secretary to encourage entities in rural areas without broadband service to submit applications under this section;

"(5) the method by which the Secretary determines that a service enables a subscriber to originate and receive high-quality voice, data, graphics, and video for purposes of subsection (b)(1); and

"(6) each broadband service, including the type and speed of broadband service, for which assistance was sought, and each broadband service for which assistance was provided, under this section.

"(k) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

"(2) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—From amounts made available for each fiscal year under this subsection, the Secretary shall—

"(i) establish a national reserve for loans and loan guarantees to eligible entities in States under this section; and

"(ii) allocate amounts in the reserve to each State for each fiscal year for loans and loan guarantees to eligible entities in the State.

"(B) AMOUNT.—The amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as—

"(i) the number of communities with a population of 2,500 inhabitants or less in the State; bears to

"(ii) the number of communities with a population of 2,500 inhabitants or less in all States.

"(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (B) that are not obligated by April 1 of the fiscal year shall be available to the Secretary to make loans and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

"(l) TERMINATION OF AUTHORITY.—No loan or loan guarantee may be made under this section after September 30, 2012.".

(b) REGULATIONS.—The Secretary may implement the amendment made by subsection (a) through the promulgation of an interim regulation.

(c) APPLICATION.—The amendment made by subsection (a) shall not apply to—

(1) an application submitted under section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) (as it existed before the amendment made by subsection (a)) that—

(A) was pending on the date that is 45 days prior to the date of enactment of this Act; and

(B) is pending on the date of enactment of this Act; or

(2) a petition for reconsideration of a decision on an application described in paragraph (1).

SEC. 6111. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

Title VI of the Rural Electrification Act of 1936 (7 U.S.C. 950bb et seq.) is amended by adding at the end the following:

"SEC. 602. NATIONAL CENTER FOR RURAL TELECOMMUNICATIONS ASSESSMENT.

"(a) DESIGNATION OF CENTER.—The Secretary shall designate an entity to serve as the National Center for Rural Telecommunications Assessment (referred to in this section as the 'Center').

"(b) CRITERIA.—In designating the Center under subsection (a), the Secretary shall take into consideration the following criteria:

"(1) The Center shall be an entity that demonstrates to the Secretary—

"(A) a focus on rural policy research; and

"(B) a minimum of 5 years of experience relating to rural telecommunications research and assessment.

"(2) The Center shall be capable of assessing broadband services in rural areas.

"(3) The Center shall have significant experience involving other rural economic development centers and organizations with respect to the assessment of rural policies and the formulation of policy solutions at the Federal, State, and local levels.

"(c) BOARD OF DIRECTORS.—The Center shall be managed by a board of directors, which shall be responsible for the duties of the Center described in subsection (d).

"(d) DUTIES.—The Center shall—

"(1) assess the effectiveness of programs carried out under this title in increasing broadband penetration and purchase in rural areas, especially in rural communities identified by the Secretary as having no broadband service before the provision of a loan or loan guarantee under this title;

"(2) work with existing rural development centers selected by the Center to identify policies and initiatives at the Federal, State, and local levels that have increased broadband penetration and purchase in rural areas and provide recommendations to Federal, State, and local policymakers on effective strategies to bring affordable broadband services to residents of rural areas, particularly residents located outside of the municipal boundaries of a rural city or town; and

"(3) develop and publish reports describing the activities carried out by the Center under this section.

"(e) REPORTING REQUIREMENTS.—Not later than December 1 of each applicable fiscal year, the board of directors of the Center shall submit to Congress and the Secretary a report describing the activities carried out by the Center during the preceding fiscal year and the results of any research conducted by the Center during that fiscal year, including—

"(1) an assessment of each program carried out under this title; and

"(2) an assessment of the effects of the policy initiatives identified under subsection (d)(2).

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6112. COMPREHENSIVE RURAL BROADBAND STRATEGY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Chairman of the Federal Communications Commission, in coordination with the Secretary, shall submit to Congress a report describing a comprehensive rural broadband strategy that includes—

(1) recommendations—

(A) to promote interagency coordination of Federal agencies in regards to policies, procedures, and targeted resources, and to streamline or otherwise improve and streamline the policies, programs, and services;

(B) to coordinate existing Federal rural broadband or rural initiatives;

(C) to address both short- and long-term needs assessments and solutions for a rapid build-out of rural broadband solutions and application of the recommendations for Federal, State, regional, and local government policymakers; and

(D) to identify how specific Federal agency programs and resources can best respond to rural broadband requirements and overcome obstacles that currently impede rural broadband deployment; and

(2) a description of goals and timeframes to achieve the purposes of the report.

(b) UPDATES.—The Chairman of the Federal Communications Commission, in coordination with the Secretary, shall update and evaluate the report described in subsection (a) during the third year after the date of enactment of this Act.

SEC. 6113. STUDY ON RURAL ELECTRIC POWER GENERATION.

(a) IN GENERAL.—The Secretary shall conduct a study on the electric power generation needs in rural areas of the United States.

(b) COMPONENTS.—The study shall include an examination of—

(1) generation in various areas in rural areas of the United States, particularly by rural electric cooperatives;;

(2) financing available for capacity, including financing available through programs authorized under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.);

(3) the impact of electricity costs on consumers and local economic development;

(4) the ability of fuel feedstock technology to meet regulatory requirements, such as carbon capture and sequestration; and

(5) any other factors that the Secretary considers appropriate.

(c) REPORT.—Not later than 60 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the findings of the study under this section.

Subtitle C—Miscellaneous

SEC. 6201. DISTANCE LEARNING AND TELEMEDICINE.

(a) IN GENERAL.—Section 2333(c)(1) of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. Sec. 950aaa–2(a)(1)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) libraries.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking "2007" and inserting "2012".

(c) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note; Public Law 102–551) is amended by striking "2007" and inserting "2012".

SEC. 6202. VALUE-ADDED AGRICULTURAL MARKET DEVELOPMENT PROGRAM GRANTS.

(a) DEFINITIONS.—Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this section:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

"(2) FAMILY FARM.—The term 'family farm' has the meaning given the term in section 761.2 of title 7, Code of Federal Regulations (as in effect on December 30, 2007).

"(3) MID-TIER VALUE CHAIN.—The term 'mid-tier value chain' means local and regional supply networks that link independent producers with businesses and cooperatives that market value-added agricultural products in a manner that—

"(A) targets and strengthens the profitability and competitiveness of small and medium-sized farms and ranches that are structured as a family farm; and

"(B) obtains agreement from an eligible agricultural producer group, farmer or rancher cooperative, or majority-controlled producer-based business venture that is engaged in the value chain on a marketing strategy.

"(4) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

"(5) VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product that—

"(A)(i) has undergone a change in physical state;

"(ii) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary;

"(iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural commodity or product;

"(iv) is a source of farm- or ranch-based renewable energy, including E–85 fuel; or

"(v) is aggregated and marketed as a locally-produced agricultural food product; and

"(B) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced, marketed, or segregated—

"(i) the customer base for the agricultural commodity or product is expanded; and

"(ii) a greater portion of the revenue derived from the marketing, processing, or physical segregation of the agricultural commodity or product is available to the producer of the commodity or product.".

(b) GRANT PROGRAM.—Section 231(b) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) in paragraph (1), by striking "paragraph (4)" and inserting "paragraph (7)"; and

(2) by striking paragraph (4) and inserting the following:

"(4) TERM.—A grant under this subsection shall have a term that does not exceed 3 years.

"(5) SIMPLIFIED APPLICATION.—The Secretary shall offer a simplified application form and process for project proposals requesting less than $50,000.

"(6) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to projects that contribute to increasing opportunities for—

"(A) beginning farmers or ranchers;

"(B) socially disadvantaged farmers or ranchers; and

"(C) operators of small- and medium-sized farms and ranches that are structured as a family farm.

"(7) FUNDING.—

"(A) MANDATORY FUNDING.—On October 1, 2008, of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection $15,000,000, to remain available until expended.

"(B) DISCRETIONARY FUNDING.—There is authorized to be appropriated to carry out this subsection $40,000,000 for each of fiscal years 2008 through 2012.

"(C) RESERVATION OF FUNDS FOR PROJECTS TO BENEFIT BEGINNING FARMERS OR RANCHERS, SOCIALLY DISADVANTAGED FARMERS OR RANCHERS, AND MID-TIER VALUE CHAINS.—

"(i) IN GENERAL.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund projects that benefit beginning farmers or ranchers or socially disadvantaged farmers or ranchers.

"(ii) MID-TIER VALUE CHAINS.—The Secretary shall reserve 10 percent of the amounts made available for each fiscal year under this paragraph to fund applications of eligible entities described in paragraph (1) that propose to develop mid-tier value chains.

"(iii) UNOBLIGATED AMOUNTS.—Any amounts in the reserves for a fiscal year established under clauses (i) and (ii) that are not obligated by June 30 of the fiscal year shall be available to the Secretary to make grants under this subsection to eligible entities in any State, as determined by the Secretary.".

SEC. 6203. AGRICULTURE INNOVATION CENTER DEMONSTRATION PROGRAM.

Section 6402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1621 note; Public Law 107–171) is amended by striking subsection (i) and inserting the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $6,000,000 for each of fiscal years 2008 through 2012.".

SEC. 6204. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

Section 6405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2655) is amended to read as follows:

"SEC. 6405. RURAL FIREFIGHTERS AND EMERGENCY MEDICAL SERVICE ASSISTANCE PROGRAM.

"(a) DEFINITION OF EMERGENCY MEDICAL SERVICES.—In this section:

"(1) IN GENERAL.—The term 'emergency medical services' means resources used by a public or nonprofit entity to deliver medical care outside of a medical facility under emergency conditions that occur as a result of—

"(A) the condition of a patient; or

"(B) a natural disaster or related condition.

"(2) INCLUSION.—The term 'emergency medical services' includes services (whether compensated or volunteer) delivered by an emergency medical services provider or other provider recognized by the State involved that is licensed or certified by the State as—

"(A) an emergency medical technician or the equivalent (as determined by the State);

"(B) a registered nurse;

"(C) a physician assistant; or

"(D) a physician that provides services similar to services provided by such an emergency medical services provider.

"(b) GRANTS.—The Secretary shall award grants to eligible entities—

"(1) to enable the entities to provide for improved emergency medical services in rural areas; and

"(2) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

"(c) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

"(1) be—

"(A) a State emergency medical services office;

"(B) a State emergency medical services association;

"(C) a State office of rural health or an equivalent agency;

"(D) a local government entity;

"(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(F) a State or local ambulance provider; or

"(G) any other public or nonprofit entity determined appropriate by the Secretary; and

"(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that includes—

"(A) a description of the activities to be carried out under the grant; and

"(B) an assurance that the applicant will comply with the matching requirement of subsection (f).

"(d) USE OF FUNDS.—An entity shall use amounts received under a grant made under subsection (b) only in a rural area—

"(1) to hire or recruit emergency medical service personnel;

"(2) to recruit or retain volunteer emergency medical service personnel;

"(3) to train emergency medical service personnel in emergency response, injury prevention, safety awareness, or other topics relevant to the delivery of emergency medical services;

"(4) to fund training to meet State or Federal certification requirements;

"(5) to provide training for firefighters or emergency medical personnel for improvements to the training facility, equipment, curricula, or personnel;

"(6) to develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods (such as distance learning);

"(7) to acquire emergency medical services vehicles, including ambulances;

"(8) to acquire emergency medical services equipment, including cardiac defibrillators;

"(9) to acquire personal protective equipment for emergency medical services personnel as required by the Occupational Safety and Health Administration; or

"(10) to educate the public concerning cardiopulmonary resuscitation (CPR), first aid, injury prevention, safety awareness, illness prevention, or other related emergency preparedness topics.

"(e) PREFERENCE.—In awarding grants under this section, the Secretary shall give preference to—

"(1) applications that reflect a collaborative effort by 2 or more of the entities described in subparagraphs (A) through (G) of subsection (c)(1); and

"(2) applications submitted by entities that intend to use amounts provided under the grant to fund activities described in any of paragraphs (1) through (5) of subsection (d).

"(f) MATCHING REQUIREMENT.—The Secretary may not make a grant under this section to an entity unless the entity makes available (directly or through contributions from other public or private entities) non-Federal contributions toward the activities to be carried out under the grant in an amount equal to at least 5 percent of the amount received under the grant.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out this section not more than $30,000,000 for each of fiscal years 2008 through 2012.

"(2) ADMINISTRATIVE COSTS.—Not more than 5 percent of the amount appropriated under paragraph (1) for a fiscal year may be used for administrative expenses incurred in carrying out this section.".

SEC. 6205. INSURANCE OF LOANS FOR HOUSING AND RELATED FACILITIES FOR DOMESTIC FARM LABOR.

Section 514(f)(3) of the Housing Act of 1949 (42 U.S.C. 1484(f)(3)) is amended by striking "or the handling of such commodities in the unprocessed stage" and inserting ", the handling of agricultural or aquacultural commodities in the unprocessed stage, or the processing of agricultural or aquacultural commodities".

SEC. 6206. STUDY OF RURAL TRANSPORTATION ISSUES.

(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of transportation issues regarding the movement of agricultural products, domestically produced renewable fuels, and domestically produced resources for the production of electricity for rural areas of the United States, and economic development in those areas.

(b) INCLUSIONS.—The study shall include an examination of—

(1) the importance of freight transportation, including rail, truck, and barge, to—

(A) the delivery of equipment, seed, fertilizer, and other such products important to the development of agricultural commodities and products;

(B) the movement of agricultural commodities and products to market;

(C) the delivery of ethanol and other renewable fuels;

(D) the delivery of domestically produced resources for use in the generation of electricity for rural areas;

(E) the location of grain elevators, ethanol plants, and other facilities;

(F) the development of manufacturing facilities in rural areas; and

(G) the vitality and economic development of rural communities;

(2) the sufficiency in rural areas of transportation capacity, the sufficiency of competition in the transportation system, the reliability of transportation services, and the reasonableness of transportation rates;

(3) the sufficiency of facility investment in rural areas necessary for efficient and cost-effective transportation; and

(4) the accessibility to shippers in rural areas of Federal processes for the resolution of grievances arising within various transportation modes.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary and the Secretary of Transportation shall submit to Congress a report that contains the results of the study required by subsection (a).

Subtitle D—Housing Assistance Council

SEC. 6301. SHORT TITLE.

This subtitle may be cited as the "Housing Assistance Council Authorization Act of 2008".

SEC. 6302. ASSISTANCE TO HOUSING ASSISTANCE COUNCIL.

(a) USE.—The Secretary of Housing and Urban Development may provide financial assistance to the Housing Assistance Council for use by the Council to develop the ability and capacity of community-based housing development organizations to undertake community development and affordable housing projects and programs in rural areas. Assistance provided by the Secretary under this section may be used by the Housing Assistance Council for—

(1) technical assistance, training, support, research, and advice to develop the business and administrative capabilities of rural community-based housing development organizations;

(2) loans, grants, or other financial assistance to rural community-based housing development organizations to carry out community development and affordable housing activities for low- and moderate-income families; and

(3) such other activities as may be determined by the Secretary of Housing and Urban Development and the Housing Assistance Council.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for financial assistance under this section for the Housing Assistance Council $10,000,000 for each of fiscal years 2009 through 2011.

SEC. 6303. AUDITS AND REPORTS.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions and activities of the Housing Assistance Council shall be audited annually by an independent certified public accountant or an independent licensed public accountant certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(2) REQUIREMENTS OF AUDITS.—The Comptroller General of the United States may rely on any audit completed under paragraph (1), if the audit complies with—

(A) the annual programmatic and financial examination requirements established in OMB Circular A-133; and

(B) generally accepted government auditing standards.

(3) REPORT TO CONGRESS.—The Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative a report detailing each audit completed under paragraph (1).

(b) GAO REPORT.—The Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representative on the use of any funds appropriated to the Housing Assistance Council over the past 7 years.

SEC. 6304. PERSONS NOT LAWFULLY PRESENT IN THE UNITED STATES.

Aliens who are not lawfully present in the United States shall be ineligible for financial assistance under this subtitle, as provided and defined by section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a). Nothing in this subtitle shall be construed to alter the restrictions or definitions in such section 214.

SEC. 6305. LIMITATION ON USE OF AUTHORIZED AMOUNTS.

None of the amounts authorized by this subtitle may be used to lobby or retain a lobbyist for the purpose of influencing a Federal, State, or local governmental entity or officer.

TITLE VII—RESEARCH AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 7101. DEFINITIONS.

(a) IN GENERAL.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) in paragraph (4)—

(A) by redesignating subparagraphs (A) through (E) as clauses (i) through (v), respectively;

(B) by striking "(4) The terms" and inserting the following:

"(4) COLLEGE AND UNIVERSITY.—

"(A) IN GENERAL.—The terms"; and

(C) by adding at the end the following:

"(B) INCLUSIONS.—The terms 'college' and 'university' include a research foundation maintained by a college or university described in subparagraph (A).";

(2) by redesignating paragraphs (5) through (8), (9) through (11), (12) through (14), (15), (16), (17), and (18) as paragraphs (6) through (9), (11) through (13), (15) through (17), (20), (5), (18), and (19), respectively, and moving the paragraphs so as to appear in alphabetical and numerical order;

(3) in paragraph (9) (as redesignated by paragraph (2))—

(A) by striking "renewable natural resources" and inserting "renewable energy and natural resources"; and

(B) by striking subparagraph (F) and inserting the following:

"(F) Soil, water, and related resource conservation and improvement.";

(4) by inserting after paragraph (9) (as so redesignated) the following:

"(10) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

"(A) IN GENERAL.—The term 'Hispanic-serving agricultural colleges and universities' means colleges or universities that—

"(i) qualify as Hispanic-serving institutions; and

"(ii) offer associate, bachelors, or other accredited degree programs in agriculture-related fields.

"(B) EXCEPTION.—The term 'Hispanic-serving agricultural colleges and universities' does not include 1862 institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)).";

(5) by striking paragraph (11) (as so redesignated) and inserting the following:

"(11) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a)."; and

(6) by inserting after paragraph (13) (as so redesignated) the following:

"(14) NLGCA INSTITUTION; NON-LAND-GRANT COLLEGE OF AGRICULTURE.—

"(A) IN GENERAL.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' mean a public college or university offering a baccalaureate or higher degree in the study of agriculture or forestry.

"(B) EXCLUSIONS.—The terms 'NLGCA Institution' and 'non-land-grant college of agriculture' do not include—

"(i) Hispanic-serving agricultural colleges and universities; or

"(ii) any institution designated under—

"(I) the Act of July 2, 1862 (commonly known as the 'First Morrill Act'; 7 U.S.C. 301 et seq.);

"(II) the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.);

"(III) the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note); or

"(IV) Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).".

(b) CONFORMING AMENDMENTS.—

(1) Section 2(3) of the Research Facilities Act (7 U.S.C. 390(3)) is amended by striking "section 1404(8) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(8))" and inserting "section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)".

(2) Section 2(k) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(k)) is amended in the second sentence by striking "section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))" and inserting "section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)".

(3) Section 18(a)(3)(B) of the Food and Nutrition Act of 2008 (7 U.S.C. 2027(a)(3)(B)) is amended by striking "section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5)))" and inserting "section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))".

(4) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking "section 1404(16) of this title" and inserting "section 1404(18)".

(5) Section 1619(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801(b)) is amended—

(A) in paragraph (1), by striking "section 1404(17) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(17))" and inserting "section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)";

(B) in paragraph (5), by striking "section 1404(7) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(7))" and inserting "section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)"; and

(C) in paragraph (8), by striking "section 1404(13) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(13))" and inserting "section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)".

(6) Section 125(c)(1)(C) of Public Law 100–238 (5 U.S.C. 8432 note) is amended by striking "section 1404(5) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103(5))" and inserting "section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)".

SEC. 7102. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

(a) IN GENERAL.—Section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "31" and inserting "25"; and

(B) by striking paragraph (3) and inserting the following:

"(3) MEMBERSHIP CATEGORIES.—The Advisory Board shall consist of members from each of the following categories:

"(A) 1 member representing a national farm organization.

"(B) 1 member representing farm cooperatives.

"(C) 1 member actively engaged in the production of a food animal commodity, recommended by a coalition of national livestock organizations.

"(D) 1 member actively engaged in the production of a plant commodity, recommended by a coalition of national crop organizations.

"(E) 1 member actively engaged in aquaculture, recommended by a coalition of national aquacultural organizations.

"(F) 1 member representing a national food animal science society.

"(G) 1 member representing a national crop, soil, agronomy, horticulture, plant pathology, or weed science society.

"(H) 1 member representing a national food science organization.

"(I) 1 member representing a national human health association.

"(J) 1 member representing a national nutritional science society.

"(K) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301 et seq.).

"(L) 1 member representing the land-grant colleges and universities eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University.

"(M) 1 member representing the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)).

"(N) 1 member representing NLGCA Institutions.

"(O) 1 member representing Hispanic-serving institutions.

"(P) 1 member representing the American Colleges of Veterinary Medicine.

"(Q) 1 member engaged in the transportation of food and agricultural products to domestic and foreign markets.

"(R) 1 member representing food retailing and marketing interests.

"(S) 1 member representing food and fiber processors.

"(T) 1 member actively engaged in rural economic development.

"(U) 1 member representing a national consumer interest group.

"(V) 1 member representing a national forestry group.

"(W) 1 member representing a national conservation or natural resource group.

"(X) 1 member representing private sector organizations involved in international development.

"(Y) 1 member representing a national social science association.";

(2) in subsection (g)(1), by striking "$350,000" and inserting "$500,000"; and

(3) in subsection (h), by striking "2007" and inserting "2012".

(b) NO EFFECT ON TERMS.—Nothing in this section or any amendment made by this section affects the term of any member of the National Agricultural Research, Extension, Education, and Economics Advisory Board serving as of the date of enactment of this Act.

SEC. 7103. SPECIALTY CROP COMMITTEE REPORT.

Section 1408A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123a(c)) is amended by adding at the end the following:

"(4) Analyses of changes in macroeconomic conditions, technologies, and policies on specialty crop production and consumption, with particular focus on the effect of those changes on the financial stability of producers.

"(5) Development of data that provide applied information useful to specialty crop growers, their associations, and other interested beneficiaries in evaluating that industry from a regional and national perspective.".

SEC. 7104. RENEWABLE ENERGY COMMITTEE.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1408A (7 U.S.C. 3123a) the following:

"SEC. 1408B. RENEWABLE ENERGY COMMITTEE.

"(a) INITIAL MEMBERS.—Not later than 90 days after the date of enactment of this section, the executive committee of the Advisory Board shall establish and appoint the initial members of a permanent renewable energy committee.

"(b) DUTIES.—The permanent renewable energy committee shall study the scope and effectiveness of research, extension, and economics programs affecting the renewable energy industry.

"(c) NONADVISORY BOARD MEMBERS.—

"(1) IN GENERAL.—An individual who is not a member of the Advisory Board may be appointed as a member of the renewable energy committee.

"(2) SERVICE.—A member of the renewable energy committee shall serve at the discretion of the executive committee.

"(d) REPORT BY RENEWABLE ENERGY COMMITTEE.—Not later than 180 days after the date of establishment of the renewable energy committee, and annually thereafter, the renewable energy committee shall submit to the Advisory Board a report that contains the findings and any recommendations of the renewable energy committee with respect to the study conducted under subsection (b).

"(e) CONSULTATION.—In carrying out the duties described in subsection (b), the renewable energy committee shall consult with the Biomass Research and Development Technical Advisory Committee established under section 9008(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8605).

"(f) MATTERS TO BE CONSIDERED IN BUDGET RECOMMENDATION.—In preparing the annual budget recommendations for the Department, the Secretary shall take into consideration those findings and recommendations contained in the most recent report of the renewable energy committee under subsection (d) that are developed by the Advisory Committee.

"(g) REPORT BY THE SECRETARY.—In the budget material submitted to Congress by the Secretary in connection with the budget submitted pursuant to section 1105 of title 31, United States Code, for a fiscal year, the Secretary shall include a report that describes the ways in which the Secretary addressed each recommendation of the renewable energy committee described in subsection (f).".

SEC. 7105. VETERINARY MEDICINE LOAN REPAYMENT.

(a) IN GENERAL.—Section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) DETERMINATION OF VETERINARIAN SHORTAGE SITUATIONS.—In determining 'veterinarian shortage situations', the Secretary may consider—

"(1) geographical areas that the Secretary determines have a shortage of veterinarians; and

"(2) areas of veterinary practice that the Secretary determines have a shortage of veterinarians, such as food animal medicine, public health, epidemiology, and food safety.";

(2) in subsection (c), by adding at the end the following:

"(8) PRIORITY.—In administering the program, the Secretary shall give priority to agreements with veterinarians for the practice of food animal medicine in veterinarian shortage situations.";

(3) by redesignating subsection (d) as subsection (f); and

(4) by inserting after subsection (c) the following:

"(d) USE OF FUNDS.—None of the funds appropriated to the Secretary under subsection (f) may be used to carry out section 5379 of title 5, United States Code.

"(e) REGULATIONS.—Notwithstanding subchapter II of chapter 5 of title 5, United States Code, not later than 270 days after the date of enactment of this subsection, the Secretary shall promulgate regulations to carry out this section.".

(b) DISAPPROVAL OF TRANSFER OF FUNDS.—Congress disapproves the transfer of funds from the Cooperative State Research, Education, and Extension Service to the Food Safety and Inspection Service described in the notice of use of funds for implementation of the veterinary medicine loan repayment program authorized by the National Veterinary Medical Service Act (72 Fed. Reg. 48609 (August 24, 2007)), and such funds shall be rescinded on the date of enactment of this Act and made available to the Secretary, without further appropriation or fiscal year limitation, for use only in accordance with section 1415A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3151a) (as amended by subsection (a)).

SEC. 7106. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in the matter preceding paragraph (1) of subsection (b), by inserting "(including the University of the District of Columbia)" after "land-grant colleges and universities"; and

(2) in subsection (d)(2), by inserting "(including the University of the District of Columbia)" after "universities".

SEC. 7107. GRANTS TO 1890 SCHOOLS TO EXPAND EXTENSION CAPACITY.

Section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)(4)) is amended by striking "teaching and research" and inserting "teaching, research, and extension".

SEC. 7108. EXPANSION OF FOOD AND AGRICULTURAL SCIENCES AWARDS.

Section 1417(i) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(i)) is amended—

(1) in the subsection heading, by striking "Teaching Awards" and inserting "Teaching, Extension, and Research Awards"; and

(2) by striking paragraph (1) and inserting the following:

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—The Secretary shall establish a National Food and Agricultural Sciences Teaching, Extension, and Research Awards program to recognize and promote excellence in teaching, extension, and research in the food and agricultural sciences at a college or university.

"(B) MINIMUM REQUIREMENT.—The Secretary shall make at least 1 cash award in each fiscal year to a nominee selected by the Secretary for excellence in each of the areas of teaching, extension, and research of food and agricultural science at a college or university.".

SEC. 7109. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

(a) EDUCATION TEACHING PROGRAMS.—Section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)) is amended—

(1) in the subsection heading, by striking "SECONDARY EDUCATION AND 2-YEAR POSTSECONDARY EDUCATION TEACHING PROGRAMS" and inserting "SECONDARY EDUCATION, 2-YEAR POSTSECONDARY EDUCATION, AND AGRICULTURE IN THE K–12 CLASSROOM"; and

(2) in paragraph (3)—

(A) by striking "secondary schools, and institutions of higher education that award an associate's degree" and inserting "secondary schools, institutions of higher education that award an associate's degree, other institutions of higher education, and nonprofit organizations";

(B) in subparagraph (E), by striking "and" at the end;

(C) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(G) to support current agriculture in the classroom programs for grades K–12.".

(b) REPORT.—Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) by redesignating subsection (l) as subsection (m); and

(2) by inserting after subsection (k) the following:

"(l) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a biennial report detailing the distribution of funds used to implement the teaching programs under subsection (j).".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 1417(m) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (as redesignated by subsection (b)(1)) is amended by striking "2007" and inserting "2012".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2008.

SEC. 7110. GRANTS FOR RESEARCH ON PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

(a) IN GENERAL.—Section 1419 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154) is repealed.

(b) CONFORMING AMENDMENT.—Section 1463(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311(a)) is amended by striking "1419,".

SEC. 7111. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (a)(1), by inserting "(including commodities, livestock, dairy, and specialty crops)" after "agricultural sectors";

(2) in subsection (b), by inserting "(including the Food Agricultural Policy Research Institute, the Agricultural and Food Policy Center, the Rural Policy Research Institute, and the National Drought Mitigation Center)" after "research institutions and organizations"; and

(3) in subsection (d), by striking "2007" and inserting "2012".

SEC. 7112. EDUCATION GRANTS TO ALASKA NATIVE-SERVING INSTITUTIONS AND NATIVE HAWAIIAN-SERVING INSTITUTIONS.

Section 759 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 3242)—

(1) is amended—

(A) in subsection (a)(3), by striking "2006" and inserting "2012"; and

(B) in subsection (b)—

(i) in paragraph (2)(A), by inserting before the semicolon at the end the following: ", including permitting consortia to designate fiscal agents for the members of the consortia and to allocate among the members funds made available under this section"; and

(ii) in paragraph (3), by striking "2006" and inserting "2012";

(2) is redesignated as section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977; and

(3) is moved so as to appear after section 1419A of that Act (7 U.S.C. 3155).

SEC. 7113. EMPHASIS OF HUMAN NUTRITION INITIATIVE.

Section 1424(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(b)) is amended—

(1) in paragraph (1), by striking "and,";

(2) in paragraph (2), by striking the comma at the end and inserting "; and"; and

(3) by adding at the end the following:

"(3) proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations;".

SEC. 7114. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "2007" and inserting "2012".

SEC. 7115. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking "2007" and inserting "2012".

SEC. 7116. NUTRITION EDUCATION PROGRAM.

(a) IN GENERAL.—Section 1425 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175) is amended—

(1) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(2) by striking the section heading and designation and inserting the following:

"SEC. 1425. NUTRITION EDUCATION PROGRAM.

"(a) DEFINITION OF 1862 INSTITUTION AND 1890 INSTITUTION.—In this section, the terms '1862 Institution' and '1890 Institution' have the meaning given those terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).";

(3) in subsection (b) (as redesignated by paragraph (1)), by striking "(b) The Secretary" and inserting the following:

"(b) ESTABLISHMENT.—The Secretary";

(4) in subsection (c) (as so redesignated), by striking "(c) In order to enable" and inserting the following:

"(c) EMPLOYMENT AND TRAINING.—To enable";

(5) in subsection (d) (as redesignated by paragraph (1))—

(A) by striking "(d) Beginning" and inserting the following:

"(d) ALLOCATION OF FUNDING.—Beginning";

(B) in paragraph (2), by striking subparagraph (B) and inserting the following:

"(B) Notwithstanding section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), the remainder shall be allocated among the States as follows:

"(i) $100,000 shall be distributed to each 1862 Institution and 1890 Institution.

"(ii) Subject to clause (iii), the remainder shall be allocated to each State in an amount that bears the same ratio to the total amount to be allocated under this clause as—

"(I) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State; bears to

"(II) the total population living at or below 125 percent of those income poverty guidelines in all States;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

"(iii)(I) Before any allocation of funds under clause (ii), for any fiscal year for which the amount of funds appropriated for the conduct of the expanded food and nutrition education program exceeds the amount of funds appropriated for the program for fiscal year 2007, the following percentage of such excess funds for the fiscal year shall be allocated to the 1890 Institutions in accordance with subclause (II):

"(aa) 10 percent for fiscal year 2009.

"(bb) 11 percent for fiscal year 2010.

"(cc) 12 percent for fiscal year 2011.

"(dd) 13 percent for fiscal year 2012.

"(ee) 14 percent for fiscal year 2013.

"(ff) 15 percent for fiscal year 2014 and for each fiscal year thereafter.

"(II) Funds made available under subclause (I) shall be allocated to each 1890 Institution in an amount that bears the same ratio to the total amount to be allocated under this clause as—

"(aa) the population living at or below 125 percent of the income poverty guidelines (as prescribed by the Office of Management and Budget and as adjusted pursuant to section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) in the State in which the 1890 Institution is located; bears to

"(bb) the total population living at or below 125 percent of those income poverty guidelines in all States in which 1890 Institutions are located;

as determined by the most recent decennial census at the time at which each such additional amount is first appropriated.

"(iv) Nothing in this subparagraph precludes the Secretary from developing educational materials and programs for persons in income ranges above the level designated in this subparagraph."; and

(C) by striking paragraph (3); and

(6) by adding at the end the following:

"(e) COMPLEMENTARY ADMINISTRATION.—The Secretary shall ensure the complementary administration of the expanded food and nutrition education program by 1862 Institutions and 1890 Institutions in a State.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the expanded food and nutrition education program established under section 3(d) of the Act of May 8, 1914 (7 U.S.C. 343(d)), and this section $90,000,000 for each of fiscal years 2009 through 2012.".

(b) CONFORMING AMENDMENT.—Section 1588(b) of the Food Security Act of 1985 (7 U.S.C. 3175e(b)) is amended by striking "section 1425(c)(2)" and inserting "section 1425(d)(2)".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

SEC. 7117. CONTINUING ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking "2007" and inserting "2012".

SEC. 7118. COOPERATION AMONG ELIGIBLE INSTITUTIONS.

Section 1433 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195) is amended by adding at the end the following:

"(g) COOPERATION AMONG ELIGIBLE INSTITUTIONS.—The Secretary, to the maximum extent practicable, shall encourage eligible institutions to cooperate in setting research priorities under this section through the conduct of regular regional and national meetings.".

SEC. 7119. APPROPRIATIONS FOR RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking "2007" and inserting "2012".

SEC. 7120. ANIMAL HEALTH AND DISEASE RESEARCH PROGRAM.

Section 1434(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(b)) is amended by inserting after "universities" the following: "(including 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)))".

SEC. 7121. AUTHORIZATION LEVEL FOR EXTENSION AT 1890 LAND-GRANT COLLEGES.

Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking "15 percent" and inserting "20 percent".

SEC. 7122. AUTHORIZATION LEVEL FOR AGRICULTURAL RESEARCH AT 1890 LAND-GRANT COLLEGES.

Section 1445(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)(2)) is amended by striking "25 percent" and inserting "30 percent".

SEC. 7123. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "2007" and inserting "2012".

SEC. 7124. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1447 (7 U.S.C. 3222b) the following:

"SEC. 1447A. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AT THE DISTRICT OF COLUMBIA LAND-GRANT UNIVERSITY.

"(a) PURPOSE.—It is the intent of Congress to assist the land-grant university in the District of Columbia established under section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93-471; 88 Stat. 1428) in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2008 through 2012.".

SEC. 7125. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by inserting after section 1447A (as added by section 7124) the following:

"SEC. 1447B. GRANTS TO UPGRADE AGRICULTURE AND FOOD SCIENCES FACILITIES AND EQUIPMENT AT INSULAR AREA LAND-GRANT INSTITUTIONS.

"(a) PURPOSE.—It is the intent of Congress to assist the land-grant institutions in the insular areas in efforts to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

"(b) METHOD OF AWARDING GRANTS.—Grants awarded pursuant to this section shall be made in such amounts and under such terms and conditions as the Secretary determines necessary to carry out the purposes of this section.

"(c) REGULATIONS.—The Secretary may promulgate such rules and regulations as the Secretary considers to be necessary to carry out this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 2008 through 2012.".

SEC. 7126. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking "2007" each place it appears in subsections (a)(1) and (f) and inserting "2012".

SEC. 7127. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES OF 1890 INSTITUTIONS.

Section 1449(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d(c)) is amended—

(1) in the first sentence—

(A) by striking "for each of fiscal years 2003 through 2007,"; and

(B) by inserting "equal" before "matching"; and

(2) by striking the second sentence and all that follows through paragraph (5).

SEC. 7128. HISPANIC-SERVING INSTITUTIONS.

Section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241) is amended—

(1) in subsection (a) by striking "(or grants without regard to any requirement for competition)";

(2) in subsection (b)(1), by striking "of consortia"; and

(3) in subsection (c)—

(A) by striking "$20,000,000" and inserting "$40,000,000"; and

(B) by striking "2007" and inserting "2012".

SEC. 7129. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

(a) IN GENERAL.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1455 (7 U.S.C. 3241) the following:

"SEC. 1456. HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.

"(a) DEFINITION OF ENDOWMENT FUND.—In this section, the term 'endowment fund' means the Hispanic-Serving Agricultural Colleges and Universities Fund established under subsection (b).

"(b) ENDOWMENT.—

"(1) IN GENERAL.—The Secretary of the Treasury shall establish in accordance with this subsection a Hispanic-Serving Agricultural Colleges and Universities Fund.

"(2) AGREEMENTS.—The Secretary of the Treasury may enter into such agreements as are necessary to carry out this subsection.

"(3) DEPOSIT TO THE ENDOWMENT FUND.—The Secretary of the Treasury shall deposit in the endowment fund any—

"(A) amounts made available through Acts of appropriations, which shall be the endowment fund corpus; and

"(B) interest earned on the endowment fund corpus.

"(4) INVESTMENTS.—The Secretary of the Treasury shall invest the endowment fund corpus and income in interest-bearing obligations of the United States.

"(5) WITHDRAWALS AND EXPENDITURES.—

"(A) CORPUS.—The Secretary of the Treasury may not make a withdrawal or expenditure from the endowment fund corpus.

"(B) WITHDRAWALS.—On September 30, 2008, and each September 30 thereafter, the Secretary of the Treasury shall withdraw the amount of the income from the endowment fund for the fiscal year and warrant the funds to the Secretary of Agriculture who, after making adjustments for the cost of administering the endowment fund, shall distribute the adjusted income as follows:

"(i) 60 percent shall be distributed among the Hispanic-serving agricultural colleges and universities on a pro rata basis based on the Hispanic enrollment count of each institution.

"(ii) 40 percent shall be distributed in equal shares to the Hispanic-serving agricultural colleges and universities.

"(6) ENDOWMENTS.—Amounts made available under this subsection shall be held and considered to be granted to Hispanic-serving agricultural colleges and universities to establish an endowment in accordance with this subsection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

"(c) AUTHORIZATION FOR ANNUAL PAYMENTS.—

"(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, there are authorized to be appropriated to the Department of Agriculture to carry out this subsection an amount equal to the product obtained by multiplying—

"(A) $80,000; by

"(B) the number of Hispanic-serving agricultural colleges and universities.

"(2) PAYMENTS.—For fiscal year 2008 and each fiscal year thereafter, the Secretary of the Treasury shall pay to the treasurer of each Hispanic-serving agricultural college and university an amount equal to—

"(A) the total amount made available by appropriations under paragraph (1); divided by

"(B) the number of Hispanic-serving agricultural colleges and universities.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—Amounts authorized to be appropriated under this subsection shall be used in the same manner as is prescribed for colleges under the Act of August 30, 1890 (commonly known as the 'Second Morrill Act') (7 U.S.C. 321 et seq.).

"(B) RELATIONSHIP TO OTHER LAW.—Except as otherwise provided in this subsection, the requirements of that Act shall apply to Hispanic-serving agricultural colleges and universities under this section.

"(d) INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

"(1) IN GENERAL.—For fiscal year 2008 and each fiscal year thereafter, the Secretary shall make grants to assist Hispanic-serving agricultural colleges and universities in institutional capacity building (not including alteration, repair, renovation, or construction of buildings).

"(2) CRITERIA FOR INSTITUTIONAL CAPACITY-BUILDING GRANTS.—

"(A) REQUIREMENTS FOR GRANTS.—The Secretary shall make grants under this subsection on the basis of a competitive application process under which Hispanic-serving agricultural colleges and universities may submit applications to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) DEMONSTRATION OF NEED.—

"(i) IN GENERAL.—As part of an application for a grant under this subsection, the Secretary shall require the applicant to demonstrate need for the grant, as determined by the Secretary.

"(ii) OTHER SOURCES OF FUNDING.—The Secretary may award a grant under this subsection only to an applicant that demonstrates a failure to obtain funding for a project after making a reasonable effort to otherwise obtain the funding.

"(C) PAYMENT OF NON-FEDERAL SHARE.—A grant awarded under this subsection shall be made only if the recipient of the grant pays a non-Federal share in an amount that is specified by the Secretary and based on assessed institutional needs.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.

"(e) COMPETITIVE GRANTS PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a competitive grants program to fund fundamental and applied research at Hispanic-serving agricultural colleges and universities in agriculture, human nutrition, food science, bioenergy, and environmental science.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection for fiscal year 2008 and each fiscal year thereafter.".

(b) EXTENSION.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended—

(1) in subsection (b), by adding at the end the following:

"(4) ANNUAL APPROPRIATION FOR HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for payments to Hispanic-serving agricultural colleges and universities (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) such sums as are necessary to carry out this paragraph for fiscal year 2008 and each fiscal year thereafter, to remain available until expended.

"(B) ADDITIONAL AMOUNT.—Amounts made available under this paragraph shall be in addition to any other amounts made available under this section to States, the Commonwealth of Puerto Rico, Guam, or the United States Virgin Islands.

"(C) ADMINISTRATION.—Amounts made available under this paragraph shall be—

"(i) distributed on the basis of a competitive application process to be developed and implemented by the Secretary;

"(ii) paid by the Secretary to the State institutions established in accordance with the Act of July 2, 1862 (commonly known as the 'First Morrill Act') (7 U.S.C. 301 et seq.); and

"(iii) administered by State institutions through cooperative agreements with the Hispanic-serving agricultural colleges and universities in the State in accordance with regulations promulgated by the Secretary."; and

(2) in subsection (f)—

(A) in the subsection heading, by inserting "AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES" after "1994 INSTITUTIONS"; and

(B) by striking "pursuant to subsection (b)(3)" and inserting "or Hispanic-serving agricultural colleges and universities in accordance with paragraphs (3) and (4) of subsection (b)".

(c) CONFORMING AMENDMENTS.—

(1) Section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601) is amended—

(A) by redesignating paragraph (6) as paragraph (7); and

(B) by inserting after paragraph (5) the following:

"(6) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term 'Hispanic-serving agricultural colleges and universities' has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).".

(2) Section 102(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(c)) is amended—

(A) in the subsection heading, by inserting "AND HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES" after "INSTITUTIONS"; and

(B) in paragraph (1), by striking " and 1994 Institution" and inserting "1994 Institution, and Hispanic-serving agricultural college and university".

(3) Section 103(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(e)) is amended by adding at the end the following:

"(3) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—To be eligible to obtain agricultural extension funds from the Secretary for an activity, each Hispanic-serving agricultural college and university shall—

"(A) establish a process for merit review of the activity; and

"(B) review the activity in accordance with such process.".

(4) Section 406(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(b)) is amended by striking

"and 1994 Institutions" and inserting ", 1994 Institutions, and Hispanic-serving agricultural colleges and universities".

SEC. 7130. INTERNATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND EDUCATION.

Section 1458(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3291(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) in subparagraph (B), by adding "and" at the end; and

(C) by adding at the end the following:

"(C) giving priority to those institutions with existing memoranda of understanding, agreements, or other formal ties to United States institutions, or Federal or State agencies;";

(2) by striking paragraph (3) and inserting the following:

"(3) enter into agreements with land-grant colleges and universities, Hispanic-serving agricultural colleges and universities, the Agency for International Development, and international organizations (such as the United Nations, the World Bank, regional development banks, international agricultural research centers), or other organizations, institutions, or individuals with comparable goals, to promote and support—

"(A) the development of a viable and sustainable global agricultural system;

"(B) antihunger and improved international nutrition efforts; and

"(C) increased quantity, quality, and availability of food;";

(3) in paragraph (7)(A), by striking "and land-grant colleges and universities" and inserting ", land-grant colleges and universities, and Hispanic-serving agricultural colleges and universities";

(4) in paragraph (9)—

(A) in subparagraph (A), by striking "or other colleges and universities" and inserting ", Hispanic-serving agricultural colleges and universities, or other colleges and universities"; and

(B) in subparagraph (D), by striking "and" at the end;

(5) in paragraph (10), by striking the period at the end and inserting "; and"; and

(6) by adding at the end the following:

"(11) establish a program for the purpose of providing fellowships to United States or foreign students to study at foreign agricultural colleges and universities working under agreements provided for under paragraph (3).".

SEC. 7131. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking "2007" and inserting "2012".

SEC. 7132. ADMINISTRATION.

(a) Limitation on Indirect Costs for Agricultural Research, Education, and Extension Programs.—Section 1462(a) of the National Agriculture Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310(a)) is amended—

(1) by striking "a competitive" and inserting "any"; and

(2) by striking "19 percent" and inserting "22 percent".

(b) Auditing, Reporting, Bookkeeping, and Administrative Requirements.—Section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)) is amended by striking "appropriated" and inserting "made available".

SEC. 7133. RESEARCH EQUIPMENT GRANTS.

Section 1462A(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a(e)) is amended by striking "2007" and inserting "2012".

SEC. 7134. UNIVERSITY RESEARCH.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended by striking "2007" each place it appears in subsections (a) and (b) and inserting "2012".

SEC. 7135. EXTENSION SERVICE.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "2007" and inserting "2012".

SEC. 7136. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking "2007" and inserting "2012".

SEC. 7137. NEW ERA RURAL TECHNOLOGY PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) is amended by adding at the end the following:

"SEC. 1473E. NEW ERA RURAL TECHNOLOGY PROGRAM.

"(a) Definition of Community College.—In this section, the term 'community college' means an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001))—

"(1) that admits as regular students individuals who—

"(A) are beyond the age of compulsory school attendance in the State in which the institution is located; and

"(B) have the ability to benefit from the training offered by the institution;

"(2) that does not provide an educational program for which the institution awards a bachelor's degree or an equivalent degree; and

"(3) that—

"(A) provides an educational program of not less than 2 years that is acceptable for full credit toward such a degree; or

"(B) offers a 2-year program in engineering, technology, mathematics, or the physical, chemical, or biological sciences, designed to prepare a student to work as a technician or at the semiprofessional level in engineering, scientific, or other technological fields requiring the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"(b) Functions.—

"(1) Establishment.—

"(A) In general.—The Secretary shall establish a program to be known as the 'New Era Rural Technology Program', to make grants available for technology development, applied research, and training to aid in the development of an agriculture-based renewable energy workforce.

"(B) Support.—The initiative under this section shall support the fields of—

"(i) bioenergy;

"(ii) pulp and paper manufacturing; and

"(iii) agriculture-based renewable energy resources.

"(2) Requirements for funding.—To receive funding under this section, an entity shall—

"(A) be a community college or advanced technological center, located in a rural area and in existence on the date of the enactment of this section, that participates in agricultural or bioenergy research and applied research;

"(B) have a proven record of development and implementation of programs to meet the needs of students, educators, and business and industry to supply the agriculture-based, renewable energy or pulp and paper manufacturing fields with certified technicians, as determined by the Secretary; and

"(C) have the ability to leverage existing partnerships and occupational outreach and training programs for secondary schools, 4-year institutions, and relevant nonprofit organizations.

"(c) Grant Priority.—In providing grants under this section, the Secretary shall give preference to eligible entities working in partnership—

"(1) to improve information-sharing capacity; and

"(2) to maximize the ability to meet the requirements of this section.

"(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 7138. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7137) is amended by adding at the end the following:

"SEC. 1473F. CAPACITY BUILDING GRANTS FOR NLGCA INSTITUTIONS.

"(a) Grant Program.—

"(1) In general.—The Secretary shall make competitive grants to NLGCA Institutions to assist the NLGCA Institutions in maintaining and expanding the capacity of the NLGCA Institutions to conduct education, research, and outreach activities relating to—

"(A) agriculture;

"(B) renewable resources; and

"(C) other similar disciplines.

"(2) Use of funds.—An NLGCA Institution that receives a grant under paragraph (1) may use the funds made available through the grant to maintain and expand the capacity of the NLGCA Institution—

"(A) to successfully compete for funds from Federal grants and other sources to carry out educational, research, and outreach activities that address priority concerns of national, regional, State, and local interest;

"(B) to disseminate information relating to priority concerns to—

"(i) interested members of the agriculture, renewable resources, and other relevant communities;

"(ii) the public; and

"(iii) any other interested entity;

"(C) to encourage members of the agriculture, renewable resources, and other relevant communities to participate in priority education, research, and outreach activities by providing matching funding to leverage grant funds; and

"(D) through—

"(i) the purchase or other acquisition of equipment and other infrastructure (not including alteration, repair, renovation, or construction of buildings);

"(ii) the professional growth and development of the faculty of the NLGCA Institution; and

"(iii) the development of graduate assistantships.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 7139. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

Subtitle K of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310 et seq.) (as amended by section 7138) is amended by adding at the end the following:

"SEC. 1473G. BORLAUG INTERNATIONAL AGRICULTURAL SCIENCE AND TECHNOLOGY FELLOWSHIP PROGRAM.

"(a) Fellowship Program.—

"(1) In general.—The Secretary shall establish a fellowship program, to be known as the

'Borlaug International Agricultural Science and Technology Fellowship Program,' to provide fellowships for scientific training and study in the United States to individuals from eligible countries (as described in subsection (b)) who specialize in agricultural education, research, and extension.

"(2) PROGRAMS.—The Secretary shall carry out the fellowship program by implementing 3 programs designed to assist individual fellowship recipients, including—

"(A) a graduate studies program in agriculture to assist individuals who participate in graduate agricultural degree training at a United States institution;

"(B) an individual career improvement program to assist agricultural scientists from developing countries in upgrading skills and understanding in agricultural science and technology; and

"(C) a Borlaug agricultural policy executive leadership course to assist senior agricultural policy makers from eligible countries, with an initial focus on individuals from sub-Saharan Africa and the independent states of the former Soviet Union.

"(b) ELIGIBLE COUNTRIES.—An eligible country is a developing country, as determined by the Secretary using a gross national income per capita test selected by the Secretary.

"(c) PURPOSE OF FELLOWSHIPS.—A fellowship provided under this section shall—

"(1) promote food security and economic growth in eligible countries by—

"(A) educating a new generation of agricultural scientists;

"(B) increasing scientific knowledge and collaborative research to improve agricultural productivity; and

"(C) extending that knowledge to users and intermediaries in the marketplace; and

"(2) shall support—

"(A) training and collaborative research opportunities through exchanges for entry level international agricultural research scientists, faculty, and policymakers from eligible countries;

"(B) collaborative research to improve agricultural productivity;

"(C) the transfer of new science and agricultural technologies to strengthen agricultural practice; and

"(D) the reduction of barriers to technology adoption.

"(d) FELLOWSHIP RECIPIENTS.—

"(1) ELIGIBLE CANDIDATES.—The Secretary may provide fellowships under this section to individuals from eligible countries who specialize or have experience in agricultural education, research, extension, or related fields, including—

"(A) individuals from the public and private sectors; and

"(B) private agricultural producers.

"(2) CANDIDATE IDENTIFICATION.—The Secretary shall use the expertise of United States land-grant colleges and universities and similar universities, international organizations working in agricultural research and outreach, and national agricultural research organizations to help identify program candidates for fellowships under this section from the public and private sectors of eligible countries.

"(e) USE OF FELLOWSHIPS.—A fellowship provided under this section shall be used—

"(1) to promote collaborative programs among agricultural professionals of eligible countries, agricultural professionals of the United States, the international agricultural research system, and, as appropriate, United States entities conducting research; and

"(2) to support fellowship recipients through programs described in subsection (a)(2).

"(f) PROGRAM IMPLEMENTATION.—The Secretary shall provide for the management, coordination, evaluation, and monitoring of the Borlaug International Agricultural Science and Technology Fellowship Program and for the individual programs described in subsection (a)(2), except that the Secretary may contract out to 1 or more collaborating universities the management of 1 or more of the fellowship programs.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.".

SEC. 7140. AQUACULTURE ASSISTANCE PROGRAMS.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended by striking "2007" and inserting "2012".

SEC. 7141. RANGELAND RESEARCH GRANTS.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking "2007" and inserting "2012".

SEC. 7142. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

Section 1484(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3351(a)) is amended by striking "2007" and inserting "2012".

SEC. 7143. RESIDENT INSTRUCTION AND DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA INSTITUTIONS OF HIGHER EDUCATION.

(a) DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.—Section 1490(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362(f)) is amended by striking "2007" and inserting "2012".

(b) RESIDENT INSTRUCTION GRANTS FOR INSULAR AREAS.—Section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363) is amended—

(1) by redesignating subsection (e) as subsection (c); and

(2) in subsection (c) (as so redesignated), by striking "2007" and inserting "2012".

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 7201. NATIONAL GENETICS RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking "2007" and inserting "2012".

SEC. 7202. NATIONAL AGRICULTURAL WEATHER INFORMATION SYSTEM.

Section 1641(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(c)) is amended by striking "1991 through 1997" and inserting "2008 through 2012".

SEC. 7203. PARTNERSHIPS.

Section 1672(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(d)) is amended by striking "may" and inserting "shall".

SEC. 7204. HIGH-PRIORITY RESEARCH AND EXTENSION AREAS.

(a) IN GENERAL.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in subsection (e)—

(A) in paragraph (3), by striking "and controlling aflatoxin in the food and feed chains." and inserting ", improving, and eventually commercializing, alfatoxin controls in corn and other affected agricultural products and crops.";

(B) by striking paragraphs (1), (4), (7), (8), (15), (17), (21), (23), (26), (27), (32), (34), (41), (42), (43), and (45);

(C) by redesignating paragraphs (2), (3), (5), (6), (9) through (14), (16), (18) through (20), (22), (24), (25), (28) through (31), (33), (35) through (40), and (44) as paragraphs (1) through (29), respectively; and

(D) by adding at the end the following:

"(30) AIR EMISSIONS FROM LIVESTOCK OPERATIONS.—Research and extension grants may be made under this section for the purpose of conducting field verification tests and developing mitigation options for air emissions from animal feeding operations.

"(31) SWINE GENOME PROJECT.—Research grants may be made under this section to conduct swine genome research, including the mapping of the swine genome.

"(32) CATTLE FEVER TICK PROGRAM.—Research and extension grants may be made under this section to study cattle fever ticks to facilitate understanding of the role of wildlife in the persistence and spread of cattle fever ticks, to develop advanced methods for eradication of cattle fever ticks, and to improve management of diseases relating to cattle fever ticks that are associated with wildlife, livestock, and human health.

"(33) SYNTHETIC GYPSUM.—Research and extension grants may be made under this section to study the uses of synthetic gypsum from electric power plants to remediate soil and nutrient losses.

"(34) CRANBERRY RESEARCH PROGRAM.—Research and extension grants may be made under this section to study new technologies to assist cranberry growers in complying with Federal and State environmental regulations, increase production, develop new growing techniques, establish more efficient growing methodologies, and educate cranberry producers about sustainable growth practices.

"(35) SORGHUM RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the use of sorghum as a bioenergy feedstock, promote diversification in, and the environmental benefits of sorghum production, and promote water conservation through the use of sorghum.

"(36) MARINE SHRIMP FARMING PROGRAM.—Research and extension grants may be made under this section to establish a research program to advance and maintain a domestic shrimp farming industry in the United States.

"(37) TURFGRASS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the production of turfgrass (including the use of water, fertilizer, pesticides, fossil fuels, and machinery for turf establishment and maintenance) and environmental protection and enhancement relating to turfgrass production.

"(38) AGRICULTURAL WORKER SAFETY RESEARCH INITIATIVE.—Research and extension grants may be made under this section—

"(A) to study and demonstrate methods to minimize exposure of farm and ranch owners and operators, pesticide handlers, and agricultural workers to pesticides, including research addressing the unique concerns of farm workers resulting from long-term exposure to pesticides; and

"(B) to develop rapid tests for on-farm use to better inform and educate farmers, ranchers, and farm and ranch workers regarding safe field re-entry intervals.

"(39) HIGH PLAINS AQUIFER REGION.—Research and extension grants may be made under this section to carry out interdisciplinary research relating to diminishing water levels and increased demand for water in the High Plains aquifer region.

"(40) DEER INITIATIVE.—Research and extension grants may be made under this section to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis, and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome.

"(41) PASTURE-BASED BEEF SYSTEMS RESEARCH INITIATIVE.—Research and extension grants may be made under this section to study the development of forage sequences and combinations for cow-calf, heifer development, stocker, and finishing systems, to deliver optimal nutritive value for efficient production of cattle for pasture finishing, to optimize forage systems to improve marketability of pasture-finished beef, and to assess the effect of forage quality on reproductive fitness.

"(42) AGRICULTURAL PRACTICES RELATING TO CLIMATE CHANGE.—Research and extension grants may be made under this section for field and laboratory studies that examine the ecosystem from gross to minute scales and for projects that explore the relationship of agricultural practices to climate change.

"(43) BRUCELLOSIS CONTROL AND ERADICATION.—Research and extension grants may be made under this section to conduct research relating to the development of vaccines and vaccine delivery systems to effectively control and eliminate brucellosis in wildlife, and to assist with the controlling of the spread of brucellosis from wildlife to domestic animals.

"(44) BIGHORN AND DOMESTIC SHEEP DISEASE MECHANISMS.—Research and extension grants may be made under this section to conduct research relating to the health status of (including the presence of infectious diseases in) bighorn and domestic sheep under range conditions.

"(45) AGRICULTURAL DEVELOPMENT IN THE AMERICAN-PACIFIC REGION.—Research and extension grants may be made under this section to support food and agricultural science at a consortium of land-grant institutions in the American-Pacific region.

"(46) TROPICAL AND SUBTROPICAL AGRICULTURAL RESEARCH.—Research grants may be made under this section, in equal dollar amounts to the Caribbean and Pacific Basins, to support tropical and subtropical agricultural research, including pest and disease research, at the land-grant institutions in the Caribbean and Pacific regions.

"(47) VIRAL HEMORRHAGIC SEPTICEMIA.—Research and extension grants may be made under this section to study—

"(A) the effects of viral hemorrhagic septicemia (referred to in this paragraph as 'VHS') on freshwater fish throughout the natural and expanding range of VHS; and

"(B) methods for transmission and human-mediated transport of VHS among waterbodies.

"(48) FARM AND RANCH SAFETY.—Research and extension grants may be made under this section to carry out projects to decrease the incidence of injury and death on farms and ranches, including—

"(A) on-site farm or ranch safety reviews;

"(B) outreach and dissemination of farm safety research and interventions to agricultural employers, employees, youth, farm and ranch families, seasonal workers, or other individuals; and

"(C) agricultural safety education and training.

"(49) WOMEN AND MINORITIES IN STEM FIELDS.—Research and extension grants may be made under this section to increase participation by women and underrepresented minorities from rural areas in the fields of science, technology, engineering, and mathematics, with priority given to eligible institutions that carry out continuing programs funded by the Secretary.

"(50) ALFALFA AND FORAGE RESEARCH PROGRAM.—Research and extension grants may be made under this section for the purpose of studying improvements in alfalfa and forage yields, biomass and persistence, pest pressures, the bioenergy potential of alfalfa and other forages, and systems to reduce losses during harvest and storage.

"(51) FOOD SYSTEMS VETERINARY MEDICINE.—Research grants may be made under this section to address health issues that affect food-producing animals, food safety, and the environment, and to improve information resources, curriculum, and clinical education of students with respect to food animal veterinary medicine and food safety.

"(52) BIOCHAR RESEARCH.—Grants may be made under this section for research, extension, and integrated activities relating to the study of biochar production and use, including considerations of agronomic and economic impacts, synergies of coproduction with bioenergy, and the value of soil enhancements and soil carbon sequestration.";

(2) by redesignating subsection (h) as subsection (j);

(3) by inserting after subsection (g) the following:

"(h) POLLINATOR PROTECTION.—

"(1) RESEARCH AND EXTENSION.—

"(A) GRANTS.—Research and extension grants may be made under this section—

"(i) to survey and collect data on bee colony production and health;

"(ii) to investigate pollinator biology, immunology, ecology, genomics, and bioinformatics;

"(iii) to conduct research on various factors that may be contributing to or associated with colony collapse disorder, and other serious threats to the health of honey bees and other pollinators, including—

"(I) parasites and pathogens of pollinators; and

"(II) the sublethal effects of insecticides, herbicides, and fungicides on honey bees and native and managed pollinators;

"(iv) to develop mitigative and preventative measures to improve native and managed pollinator health; and

"(v) to promote the health of honey bees and native pollinators through habitat conservation and best management practices.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2008 through 2012.

"(2) DEPARTMENT OF AGRICULTURE CAPACITY AND INFRASTRUCTURE.—

"(A) IN GENERAL.—The Secretary shall, to the maximum extent practicable, increase the capacity and infrastructure of the Department—

"(i) to address colony collapse disorder and other long-term threats to pollinator health, including the hiring of additional personnel; and

"(ii) to conduct research on colony collapse disorder and other pollinator issues at the facilities of the Department.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $7,250,000 for each of fiscal years 2008 through 2012.

"(3) HONEY BEE PEST AND PATHOGEN SURVEILLANCE.—There is authorized to be appropriated to conduct a nationwide honey bee pest and pathogen surveillance program $2,750,000 for each of fiscal years 2008 through 2012.

"(4) ANNUAL REPORT ON RESPONSE TO HONEY BEE COLONY COLLAPSE DISORDER.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report describing the progress made by the Department of Agriculture in—

"(A) investigating the cause or causes of honey bee colony collapse; and

"(B) finding appropriate strategies to reduce colony loss.

"(i) REGIONAL CENTERS OF EXCELLENCE.—

"(1) ESTABLISHMENT.—The Secretary shall prioritize regional centers of excellence established for specific agricultural commodities for the receipt of funding under this section.

"(2) COMPOSITION.—A regional center of excellence shall be composed of 1 or more colleges and universities (including land-grant institutions, schools of forestry, schools of veterinary medicine, or NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103))) that provide financial support to the regional center of excellence.

"(3) CRITERIA FOR REGIONAL CENTERS OF EXCELLENCE.—The criteria for consideration to be a regional center of excellence shall include efforts—

"(A) to ensure coordination and cost-effectiveness by reducing unnecessarily duplicative efforts regarding research, teaching, and extension;

"(B) to leverage available resources by using public/private partnerships among agricultural industry groups, institutions of higher education, and the Federal Government;

"(C) to implement teaching initiatives to increase awareness and effectively disseminate solutions to target audiences through extension activities;

"(D) to increase the economic returns to rural communities by identifying, attracting, and directing funds to high-priority agricultural issues; and

"(E) to improve teaching capacity and infrastructure at colleges and universities (including land-grant institutions, schools of forestry, and schools of veterinary medicine)."; and

(4) in subsection (j) (as redesignated by paragraph (2)), by striking "2007" and inserting "2012".

(b) CONFORMING AMENDMENTS.—Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended—

(1) in the first sentence of subsection (a), by striking "(e), (f), and (g)" and inserting "(e) through (i)"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "paragraphs (1), (6), (7), and (11)" and inserting "paragraphs (4), (7), (8), and (11)(B)"; and

(B) in paragraph (2), by striking "subsection (e)" and inserting "subsections (e) through (i)".

SEC. 7205. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.";

(2) by striking subsection (d) and inserting the following:

"(d) PRIORITY.—Following the completion of a peer review process for grant proposals received under this section, the Secretary shall give priority to those grant proposals that involve—

"(1) the cooperation of multiple entities; and

"(2) States or regions with a high concentration of livestock, dairy, or poultry operations.";

(3) in subsection (e)—

(A) in paragraph (1)(B), by inserting "and dairy and beef cattle waste" after "swine waste"; and

(B) by striking paragraph (5) and inserting the following:

"(5) ALTERNATIVE USES AND RENEWABLE ENERGY.—Research and extension grants may be made under this section for the purpose of finding innovative methods and technologies to allow agricultural operators to make use of animal waste, such as use as fertilizer, methane digestion, composting, and other useful byproducts.";

(4) by redesignating subsection (g) as subsection (f); and

(5) in subsection (f) (as so redesignated), by striking "2007" and inserting "2012".

SEC. 7206. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

(a) IN GENERAL.—Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) (commonly known as the "Organic Agriculture Research and Extension Initiative") is amended—

(1) in subsection (a)—

(A) in paragraph (5), by striking "and" after the semicolon;

(B) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(7) examining optimal conservation and environmental outcomes relating to organically produced agricultural products; and

"(8) developing new and improved seed varieties that are particularly suited for organic agriculture."; and

(2) by adding at the end the following:

"(f) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(A) $18,000,000 for fiscal year 2009; and

"(B) $20,000,000 for each of fiscal years 2010 through 2012.

"(2) ADDITIONAL FUNDING.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.".

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7207. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

Title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801 et seq.) is amended by inserting after section 1672B (7 U.S.C. 5925b) the following:

"SEC. 1672C. AGRICULTURAL BIOENERGY FEEDSTOCK AND ENERGY EFFICIENCY RESEARCH AND EXTENSION INITIATIVE.

"(a) ESTABLISHMENT AND PURPOSE.—There is established within the Department of Agriculture an agricultural bioenergy feedstock and energy efficiency research and extension initiative (referred to in this section as the 'Initiative') for the purpose of enhancing the production of biomass energy crops and the energy efficiency of agricultural operations.

"(b) COMPETITIVE RESEARCH AND EXTENSION GRANTS AUTHORIZED.—In carrying out this section, the Secretary shall make competitive grants to support research and extension activities specified in subsections (c) and (d).

"(c) AGRICULTURAL BIOENERGY FEEDSTOCK RESEARCH AND EXTENSION AREAS.—

"(1) IN GENERAL.—Agricultural bioenergy feedstock research and extension activities funded under the Initiative shall focus on improving agricultural biomass production, biomass conversion in biorefineries, and biomass use by—

"(A) supporting on-farm research on crop species, nutrient requirements, management practices, environmental impacts, and economics;

"(B) supporting the development and operation of on-farm, integrated biomass feedstock production systems;

"(C) leveraging the broad scientific capabilities of the Department of Agriculture and other entities in—

"(i) plant genetics and breeding;

"(ii) crop production;

"(iii) soil and water science;

"(iv) use of agricultural waste; and

"(v) carbohydrate, lipid, protein, and lignin chemistry, enzyme development, and biochemistry; and

"(D) supporting the dissemination of any of the research conducted under this subsection that will assist in achieving the goals of this section.

"(2) SELECTION CRITERIA.—In selecting grant recipients for projects under paragraph (1), the Secretary shall consider—

"(A) the capabilities and experiences of the applicant, including—

"(i) research in actual field conditions; and

"(ii) engineering and research knowledge relating to biofuels or the production of inputs for biofuel production;

"(B) the range of species types and cropping practices proposed for study (including species types and practices studied using side-by-side comparisons of those types and practices);

"(C) the need for regional diversity among feedstocks;

"(D) the importance of developing multiyear data relevant to the production of biomass feedstock crops;

"(E) the extent to which the project involves direct participation of agricultural producers;

"(F) the extent to which the project proposal includes a plan or commitment to use the biomass produced as part of the project in commercial channels; and

"(G) such other factors as the Secretary may determine.

"(d) ENERGY-EFFICIENCY RESEARCH AND EXTENSION AREAS.—On-farm energy-efficiency research and extension activities funded under the Initiative shall focus on developing and demonstrating technologies and production practices relating to—

"(1) improving on-farm renewable energy production;

"(2) encouraging efficient on-farm energy use;

"(3) promoting on-farm energy conservation;

"(4) making a farm or ranch energy-neutral; and

"(5) enhancing on-farm usage of advanced technologies to promote energy efficiency.

"(e) BEST PRACTICES DATABASE.—The Secretary shall develop a best-practices database that includes information, to be available to the public, on—

"(1) the production potential of a variety of biomass crops; and

"(2) best practices for production, collection, harvesting, storage, and transportation of biomass crops to be used as a source of bioenergy.

"(f) ADMINISTRATION.—

"(1) IN GENERAL.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to making grants under this section.

"(2) CONSULTATION AND COORDINATION.—The Secretary shall—

"(A) make the grants in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board; and

"(B) coordinate projects and activities carried out under the Initiative with projects and activities under section 9008 of the Farm Security and Rural Investment Act of 2002 to ensure, to the maximum extent practicable, that—

"(i) unnecessary duplication of effort is eliminated or minimized; and

"(ii) the respective strengths of the Department of Agriculture and the Department of Energy are appropriately used.

"(3) GRANT PRIORITY.—The Secretary shall give priority to grant applications that integrate research and extension activities established under subsections (c) and (d), respectively.

"(4) MATCHING FUNDS REQUIRED.—As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

"(5) PARTNERSHIPS ENCOURAGED.—Following the completion of a peer review process for grant proposals received under this section, the Secretary may provide a priority to those grant proposals found as a result of the peer review process—

"(A) to be scientifically meritorious; and

"(B) that involve cooperation—

"(i) among multiple entities; and

"(ii) with agricultural producers.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.".

SEC. 7208. FARM BUSINESS MANAGEMENT AND BENCHMARKING.

The Food, Agriculture, Conservation and Trade Act of 1990 is amended by inserting after section 1672C (as added by section 7207) the following:

"SEC. 1672D. FARM BUSINESS MANAGEMENT.

"(a) IN GENERAL.—The Secretary may make competitive research and extension grants for the purpose of—

"(1) improving the farm management knowledge and skills of agricultural producers; and

"(2) establishing and maintaining a national, publicly available farm financial management database to support improved farm management.

"(b) SELECTION CRITERIA.—In allocating funds made available to carry out this section, the Secretary may give priority to grants that—

"(1) demonstrate an ability to work directly with agricultural producers;

"(2) collaborate with farm management and producer associations;

"(3) address the farm management needs of a variety of crops and regions of the United States; and

"(4) use and support the national farm financial management database.

"(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) shall apply with respect to the making of grants under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 7209. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926) is repealed.

SEC. 7210. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking "2007" and inserting "2012".

SEC. 7211. RESEARCH ON HONEY BEE DISEASES.

Section 1681 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5934) is repealed.

SEC. 7212. NATIONAL RURAL INFORMATION CENTER CLEARINGHOUSE.

Section 2381(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(e)) is amended by striking "2007" and inserting "2012".

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 7301. PEER AND MERIT REVIEW.

Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7

U.S.C. 7613(a)) is amended by adding at the end the following:

"(3) CONSIDERATION.—Peer and merit review procedures established under paragraphs (1) and (2) shall not take the offer or availability of matching funds into consideration.".

SEC. 7302. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622) is repealed.

SEC. 7303. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is repealed.

SEC. 7304. BIOBASED PRODUCTS.

(a) PILOT PROJECT.—Section 404(e)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(e)(2)) is amended by striking "2007" and inserting "2012".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 404(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624(h)) is amended by striking "2007" and inserting "2012".

SEC. 7305. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7625) is repealed.

SEC. 7306. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(f)) is amended by striking "2007" and inserting "2012".

SEC. 7307. FUSARIUM GRAMINEARUM GRANTS.

Section 408 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628) is amended—

(1) in subsection (a), in the subsection heading, by striking "GRANT" and inserting "GRANTS"; and

(2) in subsection (e), by striking "2007" and inserting "2012".

SEC. 7308. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Section 409(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7629(b)) is amended by striking "2007" and inserting "2012".

SEC. 7309. GRANTS FOR YOUTH ORGANIZATIONS.

Section 410 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630) is amended by striking subsections (b) and (c) and inserting the following:

"(b) FLEXIBILITY.—The Secretary shall provide maximum flexibility in content delivery to each organization receiving funds under this section so as to ensure that the unique goals of each organization, as well as the local community needs, are fully met.

"(c) REDISTRIBUTION OF FUNDING WITHIN ORGANIZATIONS AUTHORIZED.—Recipients of funds under this section may redistribute all or part of the funds received to individual councils or local chapters within the councils without further need of approval from the Secretary.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.".

SEC. 7310. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Section 411(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7631(c)) is amended by striking "2007" and inserting "2012".

SEC. 7311. SPECIALTY CROP RESEARCH INITIATIVE.

(a) IN GENERAL.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 412. SPECIALTY CROP RESEARCH INITIATIVE.

"(a) DEFINITIONS.—In this section:

"(1) INITIATIVE.—The term 'Initiative' means the specialty crop research and extension initiative established by subsection (b).

"(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given that term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

"(b) ESTABLISHMENT.—There is established within the Department a specialty crop research and extension initiative to address the critical needs of the specialty crop industry by developing and disseminating science-based tools to address needs of specific crops and their regions, including—

"(1) research in plant breeding, genetics, and genomics to improve crop characteristics, such as—

"(A) product, taste, quality, and appearance;

"(B) environmental responses and tolerances;

"(C) nutrient management, including plant nutrient uptake efficiency;

"(D) pest and disease management, including resistance to pests and diseases resulting in reduced application management strategies; and

"(E) enhanced phytonutrient content;

"(2) efforts to identify and address threats from pests and diseases, including threats to specialty crop pollinators;

"(3) efforts to improve production efficiency, productivity, and profitability over the long term (including specialty crop policy and marketing);

"(4) new innovations and technology, including improved mechanization and technologies that delay or inhibit ripening; and

"(5) methods to prevent, detect, monitor, control, and respond to potential food safety hazards in the production and processing of specialty crops, including fresh produce.

"(c) ELIGIBLE ENTITIES.—The Secretary may carry out the Initiative through—

"(1) Federal agencies;

"(2) national laboratories;

"(3) colleges and universities;

"(4) research institutions and organizations;

"(5) private organizations or corporations;

"(6) State agricultural experiment stations;

"(7) individuals; or

"(8) groups consisting of 2 or more entities described in paragraphs (1) through (7).

"(d) RESEARCH PROJECTS.—In carrying out this section, the Secretary shall award grants on a competitive basis.

"(e) ADMINISTRATION.—

"(1) IN GENERAL.—With respect to grants awarded under subsection (d), the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103; and

"(C) award grants on the basis of merit, quality, and relevance.

"(2) TERM.—The term of a grant under this section may not exceed 10 years.

"(3) MATCHING FUNDS REQUIRED.—The Secretary shall require the recipient of a grant under this section to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount provided by the Federal Government.

"(4) OTHER CONDITIONS.—The Secretary may set such other conditions on the award of a grant under this section as the Secretary determines to be appropriate.

"(f) PRIORITIES.—In making grants under this section, the Secretary shall provide a higher priority to projects that—

"(1) are multistate, multi-institutional, or multidisciplinary; and

"(2) include explicit mechanisms to communicate results to producers and the public.

"(g) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

"(h) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $30,000,000 for fiscal year 2008 and $50,000,000 for each of fiscal years 2009 through 2012, from which activities under each of paragraphs (1) through (5) of subsection (b) shall be allocated not less than 10 percent.

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2008 through 2012.

"(3) TRANSFER.—Of the funds made available to the Secretary under paragraph (1) for fiscal year 2008 and authorized for use for payment of administrative expenses under section 1469(a)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3315(a)(3)), the Secretary shall transfer, upon the date of enactment of this section, $200,000 to the Office of Prevention, Pesticides, and Toxic Substances of the Environmental Protection Agency for use in conducting a meta-analysis relating to methyl bromide.

"(4) AVAILABILITY.—Funds made available pursuant to this subsection for a fiscal year shall remain available until expended to pay for obligations incurred in that fiscal year.".

(b) COORDINATION.—In carrying out the amendment made by this section, the Secretary shall ensure that the Division Chief of the applicable Research, Education, and Extension Office established under section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) coordinates projects and activities under this section to ensure, to the maximum extent practicable, that unnecessary duplication of effort is eliminated or minimized.

SEC. 7312. FOOD ANIMAL RESIDUE AVOIDANCE DATABASE PROGRAM.

Section 604 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7642) is amended by adding at the end the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds available to carry out subsection (c), there is authorized to be appropriated to carry out this section $2,500,000 for each of fiscal years 2008 through 2012.".

SEC. 7313. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking "2007" and inserting "2012".

Subtitle D—Other Laws

SEC. 7401. CRITICAL AGRICULTURAL MATERIALS ACT.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "2007" and inserting "2012".

SEC. 7402. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) DEFINITION OF 1994 INSTITUTIONS.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by adding at the end the following:

"(34) Ilisagvik College.".

(b) ENDOWMENT FOR 1994 INSTITUTIONS.—Section 533 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) in subsection (a)(3), in the matter preceding subparagraph (A), by inserting "this section and" before "sections 534,"; and

(2) in the first sentence of subsection (b), by striking "2007" and inserting "2012".

(c) REDISTRIBUTION.—Section 534(a)(3) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended—

(1) by striking "The amounts" and inserting the following:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts"; and

(2) by adding at the end the following:

"(B) REDISTRIBUTION.—Funds that would be paid to a 1994 Institution under paragraph (2) shall be withheld from that 1994 Institution and redistributed among the other 1994 Institutions if that 1994 Institution—

"(i) declines to accept funds under paragraph (2); or

"(ii) fails to meet the accreditation requirements under section 533(a)(3).".

(d) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "2007" each place it appears and inserting "2012".

(e) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended in the first sentence by striking "2007" and inserting "2012".

(f) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7403. SMITH-LEVER ACT.

(a) PROGRAM.—Section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) is amended in the second sentence by striking "apply for and receive" and all that follows through paragraph (2) and inserting "compete for and receive funds directly from the Secretary of Agriculture.".

(b) ELIMINATION OF THE GOVERNOR'S REPORT REQUIREMENT FOR EXTENSION ACTIVITIES.—Section 5 of the Smith-Lever Act (7 U.S.C. 345) is amended by striking the third sentence.

(c) CONFORMING AMENDMENT.—Section 1444(a)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)(2)) is amended by striking "after September 30, 1995, under section 3(d) of that Act (7 U.S.C. 343(d))" and all that follows through the end of the sentence and inserting "under section 3(d) of that Act (7 U.S.C. 343(d)).".

SEC. 7404. HATCH ACT OF 1887.

(a) DISTRICT OF COLUMBIA.—Section 3(d)(4) of the Hatch Act of 1887 (7 U.S.C. 361c(d)(4)) is amended—

(1) in the paragraph heading, by inserting "AND THE DISTRICT OF COLUMBIA" after "AREAS";

(2) in subparagraph (A)—

(A) by inserting "and the District of Columbia" after "United States"; and

(B) by inserting "and the District of Columbia" after "respectively,"; and

(3) in subparagraph (B), by inserting "or the District of Columbia" after "area".

(b) ELIMINATION OF PENALTY MAIL AUTHORITIES.—

(1) IN GENERAL.—Section 6 of the Hatch Act of 1887 (7 U.S.C. 361f) is amended in the first sentence by striking "under penalty indicia:" and all that follows through the end of the sentence and inserting a period.

(2) CONFORMING AMENDMENTS IN OTHER LAWS.—

(A) NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT OF 1977.—

(i) Section 1444(f) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(f)) is amended by striking "under penalty indicia:" and all that follows through the end of the sentence and inserting a period.

(ii) Section 1445(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(e)) is amended by striking "under penalty indicia:" and all that follows through the end of the sentence and inserting a period.

(B) OTHER PROVISIONS.—Section 3202(a) of title 39, United States Code, is amended—

(i) in paragraph (1)—

(I) in subparagraph (D), by adding "and" at the end;

(II) in subparagraph (E), by striking "sections; and" and inserting "sections."; and

(III) by striking subparagraph (F);

(ii) in paragraph (2), by adding "and" at the end;

(iii) in paragraph (3) by striking "thereof; and" and inserting "thereof."; and

(iv) by striking paragraph (4).

SEC. 7405. AGRICULTURAL EXPERIMENT STATION RESEARCH FACILITIES ACT.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking "2007" and inserting "2012".

SEC. 7406. AGRICULTURE AND FOOD RESEARCH INITIATIVE.

(a) IN GENERAL.—Subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)) is amended to read as follows:

"(b) AGRICULTURE AND FOOD RESEARCH INITIATIVE.—

"(1) ESTABLISHMENT.—There is established in the Department of Agriculture an Agriculture and Food Research Initiative under which the Secretary of Agriculture (referred to in this subsection as 'the Secretary') may make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences (as defined under section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)).

"(2) PRIORITY AREAS.—The competitive grants program established under this subsection shall address the following areas:

"(A) PLANT HEALTH AND PRODUCTION AND PLANT PRODUCTS.—Plant systems, including—

"(i) plant genome structure and function;

"(ii) molecular and cellular genetics and plant biotechnology;

"(iii) conventional breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

"(iv) plant-pest interactions and biocontrol systems;

"(v) crop plant response to environmental stresses;

"(vi) unproved nutrient qualities of plant products; and

"(vii) new food and industrial uses of plant products.

"(B) ANIMAL HEALTH AND PRODUCTION AND ANIMAL PRODUCTS.—Animal systems, including—

"(i) aquaculture;

"(ii) cellular and molecular basis of animal reproduction, growth, disease, and health;

"(iii) animal biotechnology;

"(iv) conventional breeding, including breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

"(v) identification of genes responsible for improved production traits and resistance to disease;

"(vi) improved nutritional performance of animals;

"(vii) improved nutrient qualities of animal products and uses; and

"(viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture.

"(C) FOOD SAFETY, NUTRITION, AND HEALTH.—Nutrition, food safety and quality, and health, including—

"(i) microbial contaminants and pesticides residue relating to human health;

"(ii) links between diet and health;

"(iii) bioavailability of nutrients;

"(iv) postharvest physiology and practices; and

"(v) improved processing technologies.

"(D) RENEWABLE ENERGY, NATURAL RESOURCES, AND ENVIRONMENT.—Natural resources and the environment, including—

"(i) fundamental structures and functions of ecosystems;

"(ii) biological and physical bases of sustainable production systems;

"(iii) minimizing soil and water losses and sustaining surface water and ground water quality;

"(iv) global climate effects on agriculture;

"(v) forestry; and

"(vi) biological diversity.

"(E) AGRICULTURE SYSTEMS AND TECHNOLOGY.—Engineering, products, and processes, including—

"(i) new uses and new products from traditional and nontraditional crops, animals, byproducts, and natural resources;

"(ii) robotics, energy efficiency, computing, and expert systems;

"(iii) new hazard and risk assessment and mitigation measures; and

"(iv) water quality and management.

"(F) AGRICULTURE ECONOMICS AND RURAL COMMUNITIES.—Markets, trade, and policy, including—

"(i) strategies for entering into and being competitive in domestic and overseas markets;

"(ii) farm efficiency and profitability, including the viability and competitiveness of small and medium-sized dairy, livestock, crop and other commodity operations;

"(iii) new decision tools for farm and market systems;

"(iv) choices and applications of technology;

"(v) technology assessment; and

"(vi) new approaches to rural development, including rural entrepreneurship.

"(3) TERM.—The term of a competitive grant made under this subsection may not exceed 10 years.

"(4) GENERAL ADMINISTRATION.—In making grants under this subsection, the Secretary shall—

"(A) seek and accept proposals for grants;

"(B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613);

"(C) award grants on the basis of merit, quality, and relevance;

"(D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 102(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(b)); and

"(E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

"(5) ALLOCATION OF FUNDS.—In making grants under this subsection, the Secretary shall allocate funds to the Agriculture and Food Research Initiative to ensure that, of funds allocated for research activities—

"(A) not less than 60 percent is made available to make grants for fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)), of which—

"(i) not less than 30 percent is made available to make grants for research to be conducted by multidisciplinary teams; and

"(ii) not more than 2 percent is used for equipment grants under paragraph (6)(A); and

"(B) not less than 40 percent is made available to make grants for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971)).

"(6) SPECIAL CONSIDERATIONS.—In making grants under this subsection, the Secretary may assist in the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

"(A) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching, except that the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;

"(B) to a single investigator or coinvestigators who are beginning research careers and do not have an extensive research publication record, except that, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the beginning of the initial career track position of the individual;

"(C) to ensure that the faculty of small, midsized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

"(D) to improve research, extension, and education capabilities in States (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels.

"(7) ELIGIBLE ENTITIES.—The Secretary may make grants to carry out research, extension, and education under this subsection to—

"(A) State agricultural experiment stations;

"(B) colleges and universities;

"(C) university research foundations;

"(D) other research institutions and organizations;

"(E) Federal agencies;

"(F) national laboratories;

"(G) private organizations or corporations;

"(H) individuals; or

"(I) any group consisting of 2 or more of the entities described in subparagraphs (A) through (H).

"(8) CONSTRUCTION PROHIBITED.—Funds made available for grants under this subsection shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement, and architect fees).

"(9) MATCHING FUNDS.—

"(A) EQUIPMENT GRANTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired using funds from the grant.

"(ii) WAIVER.—The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest $1/3$ of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than $25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

"(B) APPLIED RESEARCH.—As a condition of making a grant under paragraph (5)(B), the Secretary shall require the funding of the grant to be matched with equal matching funds from a non-Federal source if the grant is for applied research that is—

"(i) commodity-specific; and

"(ii) not of national scope.

"(10) PROGRAM ADMINISTRATION.—To the maximum extent practicable, the Director of the National Institute of Food and Agriculture, in coordination with the Under Secretary for Research, Education, and Economics, shall allocate grants under this subsection to high-priority research, taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123)).

"(11) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection $700,000,000 for each of fiscal years 2008 through 2012, of which—

"(i) not less than 30 percent shall be made available for integrated research pursuant to section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626); and

"(ii) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

"(B) AVAILABILITY.—Funds made available under this paragraph shall—

"(i) be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are first made available; and

"(ii) remain available until expended to pay for obligations incurred during that 2-year period.".

(b) REPEALS.—

(1) Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is repealed.

(2) Subsection (d) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(d)) is repealed.

(c) EFFECT ON CURRENT SOLICITATIONS.—The amendments made by this section shall not apply to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before the date of enactment of this Act.

(d) CONFORMING AMENDMENTS.—

(1) Section 1473 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319) is amended in the first sentence by striking "and subsection (d)".

(2) Section 1671(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924(d) is amended by striking "Paragraphs (1), (6), (7), and (11)" and inserting "Paragraphs (4), (7), (8), and (11)(B)".

(3) Section 1672B(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b(b)) is amended by striking "Paragraphs (1), (6), (7), and (11)" and inserting "Paragraphs (4), (7), (8), and (11)(B)".

SEC. 7407. AGRICULTURAL RISK PROTECTION ACT OF 2000.

Section 221 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 6711(g)) is amended by striking subsection (g) and inserting the following:

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2007 through 2012.".

SEC. 7408. EXCHANGE OR SALE AUTHORITY.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103-354; 108 Stat. 3238) is amended by adding at the end the following:

"SEC. 307. EXCHANGE OR SALE AUTHORITY.

"(a) DEFINITION OF QUALIFIED ITEM OF PERSONAL PROPERTY.—In this section, the term 'qualified item of personal property' means—

"(1) an animal;

"(2) an animal product;

"(3) a plant; or

"(4) a plant product.

"(b) GENERAL AUTHORITY.—Except as provided in subsection (c), notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary, acting through the Under Secretary for Research, Education, and Economics, in managing personal property for the purpose of carrying out the research functions of the Department, may exchange, sell, or otherwise dispose of any qualified item of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation and without fiscal year limitation, in whole or in partial payment—

"(1) to acquire any qualified item of personal property; or

"(2) to offset costs related to the maintenance, care, or feeding of any qualified item of personal property.

"(c) EXCEPTION.—Subsection (b) does not apply to the free dissemination of new varieties of seeds and germplasm in accordance with section 520 of the Revised Statutes (commonly known as the 'Department of Agriculture Organic Act') (7 U.S.C. 2201).".

SEC. 7409. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

Title III of the Department of Agriculture Reorganization Act of 1994 (Public Law 103-354, 108 Stat. 3238) (as amended by section 7408) is amended by adding at the end the following:

"SEC. 308. ENHANCED USE LEASE AUTHORITY PILOT PROGRAM.

"(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a pilot program, in accordance with this section, at the Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease nonexcess property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

"(b) REQUIREMENTS.—

"(1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

"(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

"(B) will enhance the use of the property;

"(C) will not permit any portion of Department agency property or any facility of the Department to be used for the public retail or wholesale sale of merchandise or residential development;

"(D) will not permit the construction or modification of facilities financed by non-Federal sources to be used by an agency, except for incidental use; and

"(E) will not include any property or facility required for any Department agency purpose without prior consideration of the needs of the agency.

"(2) TERM.—The term of a lease under this section shall not exceed 30 years.

"(3) CONSIDERATION.—

"(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(i) in an amount equal to fair market value, as determined by the Secretary; and

"(ii) in the form of cash.

"(B) USE OF FUNDS.—

"(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

"(I) deposited in a capital asset account to be established by the Secretary; and

"(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities at the Beltsville Agricultural Research Center and National Agricultural Library.

"(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

"(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

"(A) the project to be carried out on property or at a facility covered by the lease;

"(B) provision and administration of the lease;

"(C) construction of any needed facilities;

"(D) provision of applicable utilities; and

"(E) any other facility cost normally associated with the operation of a leased facility.

"(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any space covered by a lease under this section.

"(6) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

"(A) on the date that is 5 years after the date of enactment of this section; or

"(B) with respect to any particular leased property, on the date of termination of the lease.

"(c) EFFECT OF OTHER LAWS.—

"(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

"(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329-417).

"(d) ADMINISTRATION.—

"(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes detailed management objectives and performance measurements by which the Secretary intends to evaluate the success of the program under this section.

"(2) REPORTS.—Not later than 1, 3, and 5 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of the program under this section, including—

"(A) a copy of each lease entered into pursuant to this section; and

"(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.".

SEC. 7410. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) GRANTS.—Section 7405(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f(c)) is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) MAXIMUM TERM AND SIZE OF GRANT.—

"(A) IN GENERAL.—A grant under this subsection shall—

"(i) have a term that is not more than 3 years; and

"(ii) be in an amount that is not more than $250,000 for each year.

"(B) CONSECUTIVE GRANTS.—An eligible recipient may receive consecutive grants under this subsection.";

(2) by redesignating paragraphs (5) through (7) as paragraphs (8) through (10), respectively;

(3) by inserting after paragraph (4) the following:

"(5) EVALUATION CRITERIA.—In making grants under this subsection, the Secretary shall evaluate—

"(A) relevancy;

"(B) technical merit;

"(C) achievability;

"(D) the expertise and track record of 1 or more applicants;

"(E) the adequacy of plans for the participatory evaluation process, outcome-based reporting, and the communication of findings and results beyond the immediate target audience; and

"(F) other appropriate factors, as determined by the Secretary.

"(6) REGIONAL BALANCE.—In making grants under this subsection, the Secretary shall, to the maximum extent practicable, ensure geographical diversity.

"(7) PRIORITY.—In making grants under this subsection, the Secretary shall give priority to partnerships and collaborations that are led by or include nongovernmental and community-based organizations with expertise in new agricultural producer training and outreach.".

(b) FUNDING.—Section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f) is amended by striking subsection (h) and inserting the following:

"(h) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(A) $18,000,000 for fiscal year 2009; and

"(B) $19,000,000 for each of fiscal years 2010 through 2012.

"(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds provided under paragraph (1), there is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2008 through 2012.".

SEC. 7411. PUBLIC EDUCATION REGARDING USE OF BIOTECHNOLOGY IN PRODUCING FOOD FOR HUMAN CONSUMPTION.

Section 10802 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5921a) is repealed.

SEC. 7412. MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT.

(a) IN GENERAL.—Section 2 of Public Law 87–788 (commonly known as the "McIntire-Stennis Cooperative Forestry Act") (16 U.S.C. 582a-1) is amended by inserting "and 1890 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601))," before "and (b)".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 2008.

SEC. 7413. RENEWABLE RESOURCES EXTENSION ACT OF 1978.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended in the first sentence by striking "2007" and inserting "2012".

(b) TERMINATION DATE.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking "2007" and inserting "2012".

SEC. 7414. NATIONAL AQUACULTURE ACT OF 1980.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking "2007" each place it appears and inserting "2012".

SEC. 7415. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

The Act of March 4, 1927 (20 U.S.C. 191 et seq.), is amended by adding at the end the following:

"SEC. 7. CONSTRUCTION OF CHINESE GARDEN AT THE NATIONAL ARBORETUM.

"A Chinese Garden may be constructed at the National Arboretum established under this Act with—

"(1) funds accepted under section 5;

"(2) authorities provided to the Secretary of Agriculture under section 6; and

"(3) appropriations provided for this purpose.".

SEC. 7416. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, AND TEACHING POLICY ACT AMENDMENTS OF 1985.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking "2007" and inserting "2012".

SEC. 7417. ELIGIBILITY OF UNIVERSITY OF THE DISTRICT OF COLUMBIA FOR CERTAIN LAND-GRANT UNIVERSITY ASSISTANCE.

(a) IN GENERAL.—Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93–471; 88 Stat. 1428) is amended—

(1) in subsection (b)(2), by striking ", except" and all that follows through the period and inserting a period; and

(2) in subsection (c)—

(A) by striking "section 3" each place it appears and inserting "section 3(c)"; and

(B) by striking "Such sums may be used to pay" and all that follows through "work.".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2008.

Subtitle E—Miscellaneous

PART I—GENERAL PROVISIONS

SEC. 7501. DEFINITIONS.

Except as otherwise provided in this subtitle, in this subtitle:

(1) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term "capacity and infrastructure program" has the meaning given the term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(2) CAPACITY AND INFRASTRUCTURE PROGRAM CRITICAL BASE FUNDING.—The term "capacity and infrastructure program critical base funding" means the aggregate amount of Federal funds made available for capacity and infrastructure programs for fiscal year 2006, as appropriate.

(3) COMPETITIVE PROGRAM.—The term "competitive program" has the meaning given the

term in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(4) COMPETITIVE PROGRAM CRITICAL BASE FUNDING.—The term "competitive program critical base funding" means the aggregate amount of Federal funds made available for competitive programs for fiscal year 2006, as appropriate.

(5) HISPANIC-SERVING AGRICULTURAL COLLEGES AND UNIVERSITIES.—The term "Hispanic-serving agricultural colleges and universities" has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(6) NLGCA INSTITUTION.—The term "NLGCA Institution" has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(7) 1862 INSTITUTION; 1890 INSTITUTION; 1994 INSTITUTION.—The terms "1862 Institution", "1890 Institution", and "1994 Institution" have the meanings given the terms in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

SEC. 7502. GRAZINGLANDS RESEARCH LABORATORY.

Except as otherwise specifically authorized by law and notwithstanding any other provision of law, the Federal land and facilities at El Reno, Oklahoma, administered by the Secretary (as of the date of enactment of this Act) as the Grazinglands Research Laboratory, shall not at any time, in whole or in part, be declared to be excess or surplus Federal property under chapter 5 of subtitle I of title 40, United States Code, or otherwise be conveyed or transferred in whole or in part, for the 5-year period beginning on the date of enactment of this Act.

SEC. 7503. FORT RENO SCIENCE PARK RESEARCH FACILITY.

The Secretary may lease land to the University of Oklahoma at the Grazinglands Research Laboratory at El Reno, Oklahoma, on such terms and conditions as the University and the Secretary may agree in furtherance of cooperative research and existing easement arrangements.

SEC. 7504. ROADMAP.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, acting through the Under Secretary of Research, Education, and Economics (referred to in this section as the "Under Secretary"), shall commence preparation of a roadmap for agricultural research, education, and extension that—

(1) identifies current trends and constraints;

(2) identifies major opportunities and gaps that no single entity within the Department of Agriculture would be able to address individually;

(3) involves—

(A) interested parties from the Federal Government and nongovernmental entities; and

(B) the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123);

(4) incorporates roadmaps for agricultural research, education, and extension made publicly available by other Federal entities, agencies, or offices; and

(5) describes recommended funding levels for areas of agricultural research, education, and extension, including—

(A) competitive programs;

(B) capacity and infrastructure programs, with attention to the future growth needs of—

(i) small 1862 Institutions, 1890 Institutions, and 1994 Institutions;

(ii) Hispanic-serving agricultural colleges and universities;

(iii) NLGCA Institutions; and

(iv) colleges of veterinary medicine; and

(C) intramural programs at agencies within the research, education, and economics mission area; and

(6) describes how organizational changes enacted by this Act have impacted agricultural research, extension, and education across the Department of Agriculture, including minimization of unnecessary programmatic and administrative duplication.

(b) REVIEWABILITY.—The roadmap described in this section shall not be subject to review by any officer or employee of the Federal Government other than the Secretary (or a designee of the Secretary).

(c) ROADMAP IMPLEMENTATION AND REPORT.—Not later than 1 year after the date on which the Secretary commences preparation of the roadmap under this section, the Secretary shall—

(1) implement and use the roadmap to set the research, education, and extension agenda of the Department of Agriculture; and

(2) make the roadmap available to the public.

SEC. 7505. REVIEW OF PLAN OF WORK REQUIREMENTS.

(a) REVIEW.—The Secretary shall work with university partners in extension and research to review and identify measures to streamline the submission, reporting under, and implementation of plan of work requirements, including those requirements under—

(1) sections 1444(d) and 1445(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(d) and 3222(c), respectively);

(2) section 7 of the Hatch Act of 1887 (7 U.S.C. 361g); and

(3) section 4 of the Smith-Lever Act (7 U.S.C. 344).

(b) CONSULTATION.—In carrying out the review and formulating and compiling the recommendations, the Secretary shall consult with the land-grant institutions.

SEC. 7506. BUDGET SUBMISSION AND FUNDING.

(a) DEFINITION OF COMPETITIVE PROGRAMS.—In this section, the term "competitive programs" includes only competitive programs for which annual appropriations are requested in the annual budget submission of the President.

(b) BUDGET REQUEST.—The President shall submit to Congress, together with the annual budget submission of the President, a single budget line item reflecting the total amount requested by the President for funding for research, education, and extension activities of the Research, Education, and Economics mission area of the Department for that fiscal year and for the preceding 5 fiscal years.

(c) CAPACITY AND INFRASTRUCTURE PROGRAM REQUEST.—Of the funds requested for capacity and infrastructure programs in excess of the capacity and infrastructure program critical base funding level, budgetary emphasis should be placed on enhancing funding for—

(1) 1890 Institutions;

(2) 1994 Institutions;

(3) NLGCA Institutions;

(4) Hispanic-serving agricultural colleges and universities; and

(5) small 1862 Institutions.

(d) COMPETITIVE PROGRAM REQUEST.—Of the funds requested for competitive programs in excess of the competitive program critical base funding level, budgetary emphasis should be placed on—

(1) enhancing funding for emerging problems; and

(2) finding solutions for those problems.

PART II—RESEARCH, EDUCATION, AND ECONOMICS

SEC. 7511. RESEARCH, EDUCATION, AND ECONOMICS.

(a) IN GENERAL.—Section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) is amended—

(1) in subsection (a), by inserting "(referred to in this section as the 'Under Secretary')" before the period at the end;

(2) by striking subsections (b) through (d);

(3) by redesignating subsection (e) as subsection (g); and

(4) by inserting after subsection (a) the following:

"(b) CONFIRMATION REQUIRED.—The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among distinguished scientists with specialized training or significant experience in agricultural research, education, and economics.

"(c) CHIEF SCIENTIST.—The Under Secretary shall—

"(1) hold the title of Chief Scientist of the Department; and

"(2) be responsible for the coordination of the research, education, and extension activities of the Department.

"(d) FUNCTIONS OF UNDER SECRETARY.—

"(1) PRINCIPAL FUNCTION.—The Secretary shall delegate to the Under Secretary those functions and duties under the jurisdiction of the Department that relate to research, education, and economics.

"(2) SPECIFIC FUNCTIONS AND DUTIES.—The Under Secretary shall—

"(A) identify, address, and prioritize current and emerging agricultural research, education, and extension needs (including funding);

"(B) ensure that agricultural research, education, and extension programs are effectively coordinated and integrated—

"(i) across disciplines, agencies, and institutions; and

"(ii) among applicable participants, grantees, and beneficiaries;

"(C) promote the collaborative use of all agricultural research, education, and extension resources from the local, State, tribal, regional, national, and international levels to address priority needs; and

"(D) foster communication among agricultural research, education, and extension beneficiaries, including the public, to ensure the delivery of agricultural research, education, and extension knowledge.

"(3) ADDITIONAL FUNCTIONS.—The Under Secretary shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

"(e) RESEARCH, EDUCATION, AND EXTENSION OFFICE.—

"(1) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 Divisions, to be known collectively as the 'Research, Education, and Extension Office', which shall coordinate the research programs and activities of the Department.

"(2) DIVISION DESIGNATIONS.—The Divisions within the Research, Education, and Extension Office shall be as follows:

"(A) Renewable energy, natural resources, and environment.

"(B) Food safety, nutrition, and health.

"(C) Plant health and production and plant products.

"(D) Animal health and production and animal products.

"(E) Agricultural systems and technology.

"(F) Agricultural economics and rural communities.

"(3) DIVISION CHIEFS.—

"(A) SELECTION.—The Under Secretary shall select a Division Chief for each Division using

available personnel authority under title 5, United States Code, including—

"(i) by term, temporary, or other appointment, without regard to—

"(I) the provisions of title 5, United States Code, governing appointments in the competitive service;

"(II) the provisions of subchapter I of chapter 35 of title 5, United States Code, relating to retention preference; and

"(III) the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates;

"(ii) by detail, notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, requiring reimbursement for those details unless the appropriation Act specifically refers to this subsection and specifically includes these details;

"(iii) by reassignment or transfer from any other civil service position; and

"(iv) by an assignment under subchapter VI of chapter 33 of title 5, United States Code.

"(B) SELECTION GUIDELINES.—To the maximum extent practicable, the Under Secretary shall select Division Chiefs under subparagraph (A) in a manner that—

"(i) promotes leadership and professional development;

"(ii) enables personnel to interact with other agencies of the Department; and

"(iii) maximizes the ability of the Under Secretary to allow for rotations of Department personnel into the position of Division Chief.

"(C) TERM OF SERVICE.—Notwithstanding title 5, United States Code, the maximum length of service for an individual selected as a Division Chief under subparagraph (A) shall not exceed 4 years.

"(D) QUALIFICATIONS.—To be eligible for selection as a Division Chief, an individual shall have—

"(i) conducted exemplary research, education, or extension in the field of agriculture or forestry; and

"(ii) earned an advanced degree at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

"(E) DUTIES OF DIVISION CHIEFS.—Except as otherwise provided in this Act, each Division Chief shall—

"(i) assist the Under Secretary in identifying and addressing emerging agricultural research, education, and extension needs;

"(ii) assist the Under Secretary in identifying and prioritizing Department-wide agricultural research, education, and extension needs, including funding;

"(iii) assess the strategic workforce needs of the research, education, and extension functions of the Department, and develop strategic workforce plans to ensure that existing and future workforce needs are met;

"(iv) communicate with research, education, and extension beneficiaries, including the public, and representatives of the research, education, and extension system, including the National Agricultural Research, Extension, Education, and Economics Advisory Board, to promote the benefits of agricultural research, education, and extension;

"(v) assist the Under Secretary in preparing and implementing the roadmap for agricultural research, education, and extension, as described in section 7504 of the Food, Conservation, and Energy Act of 2008; and

"(vi) perform such other duties as the Under Secretary may determine.

"(4) GENERAL ADMINISTRATION.—

"(A) FUNDING.—Notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph unless the appropriation Act specifically refers to this subsection and specifically includes the administration of funds under this section, the Secretary may transfer funds made available to an agency in the research, education, and economics mission area to fund the costs of Division personnel.

"(B) LIMITATION.—To the maximum extent practicable—

"(i) the Under Secretary shall minimize the number of full-time equivalent positions in the Divisions; and

"(ii) at no time shall the aggregate number of staff for all Divisions exceed 30 full-time equivalent positions.

"(C) ROTATION OF PERSONNEL.—To the maximum extent practicable, and using the authority described in paragraph (3)(A), the Under Secretary shall rotate personnel among the Divisions, and between the Divisions and agencies of the Department, in a manner that—

"(i) promotes leadership and professional development; and

"(ii) enables personnel to interact with other agencies of the Department.

"(5) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the Research, Education and Extension Office in such form as is required to ensure that administrative duplication does not occur.

"(f) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

"(1) DEFINITIONS.—In this subsection:

"(A) ADVISORY BOARD.—The term 'Advisory Board' means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

"(B) APPLIED RESEARCH.—The term 'applied research' means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.

"(C) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term 'capacity and infrastructure program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

"(i) Each program providing funding to any of the 1994 Institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382).

"(ii) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) providing research grants for 1994 Institutions.

"(iii) Each program established under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

"(iv) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

"(v) Each program established under section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)).

"(vi) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

"(vii) Each extension program available to 1890 Institutions established under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221).

"(viii) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222).

"(ix) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

"(x) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

"(xi) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

"(xii) Each research and development and related program established under Public Law 87–788 (commonly known as the 'McIntire-Stennis Cooperative Forestry Act') (16 U.S.C. 582a et seq.).

"(xiii) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

"(xiv) Each program providing funding to Hispanic-serving agricultural colleges and universities under section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

"(xv) The program providing capacity grants to NLGCA Institutions under section 1473F of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

"(xvi) Other programs that are capacity and infrastructure programs, as determined by the Secretary.

"(D) COMPETITIVE PROGRAM.—The term 'competitive program' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

"(i) The Agriculture and Food Research Initiative established under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)).

"(ii) The program providing competitive grants for risk management education established under section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)).

"(iii) The program providing community food project competitive grants established under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).

"(iv) The program providing grants for beginning farmer and rancher development established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

"(v) The program providing grants under section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)).

"(vi) The program providing grants for Hispanic-serving institutions established under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241).

"(vii) The program providing competitive grants for international agricultural science and education programs under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b).

"(viii) The research and extension projects carried out under section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811).

"(ix) The organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b).

"(x) The specialty crop research initiative under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998.

"(xi) The administration and management of the Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative carried out under section 1672C of the Food, Agriculture, Conservation, and Trade Act of 1990.

"(xii) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the competitiveness, viability and sustainability of small- and medium-sized dairy, livestock, and poultry operations.

"(xiii) Other programs that are competitive programs, as determined by the Secretary.

"(E) DIRECTOR.—The term 'Director' means the Director of the Institute.

"(F) FUNDAMENTAL RESEARCH.—The term 'fundamental research' means research that—

"(i) increases knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad application; and

"(ii) has an effect on agriculture, food, nutrition, or the environment.

"(G) INSTITUTE.—The term 'Institute' means the National Institute of Food and Agriculture established by paragraph (2)(A).

"(2) ESTABLISHMENT OF NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

"(A) ESTABLISHMENT.—The Secretary shall establish within the Department an agency to be known as the 'National Institute of Food and Agriculture'.

"(B) TRANSFER OF AUTHORITIES.—The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department under—

"(i) the capacity and infrastructure programs;

"(ii) the competitive programs;

"(iii) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and

"(iv) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

"(3) DIRECTOR.—

"(A) IN GENERAL.—The Institute shall be headed by a Director, who shall be an individual who is—

"(i) a distinguished scientist; and

"(ii) appointed by the President.

"(B) SUPERVISION.—The Director shall report directly to the Secretary, or the designee of the Secretary.

"(C) FUNCTIONS OF THE DIRECTOR.—The Director shall—

"(i) serve for a 6-year term, subject to reappointment for an additional 6-year term;

"(ii) periodically report to the Secretary, or the designee of the Secretary, with respect to activities carried out by the Institute; and

"(iii) consult regularly with the Secretary, or the designee of the Secretary, to ensure, to the maximum extent practicable, that—

"(I) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

"(II) the research of the Institute supplements and enhances, and does not supplant, research conducted or funded by other Federal agencies.

"(D) COMPENSATION.—The Director shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the Senior Executive Service under subsection (b) of section 5382 of title 5, United States Code, except that the certification requirement in that subsection shall not apply to the compensation of the Director.

"(E) AUTHORITY AND RESPONSIBILITIES OF DIRECTOR.—Except as otherwise specifically provided in this subsection, the Director shall—

"(i) exercise all of the authority provided to the Institute by this subsection;

"(ii) formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary;

"(iii) establish offices within the Institute;

"(iv) establish procedures for the provision and administration of grants by the Institute; and

"(v) consult regularly with the Advisory Board.

"(4) REGULATIONS.—The Institute shall have such authority as is necessary to carry out this subsection, including the authority to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel.

"(5) ADMINISTRATION.—

"(A) IN GENERAL.—The Director shall organize offices and functions within the Institute to administer fundamental and applied research and extension and education programs.

"(B) RESEARCH PRIORITIES.—The Director shall ensure the research priorities established by the Under Secretary through the Research, Education and Extension Office are carried out by the offices and functions of the Institute, where applicable.

"(C) FUNDAMENTAL AND APPLIED RESEARCH.—The Director shall—

"(i) determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met; and

"(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

"(D) COMPETITIVELY FUNDED AWARDS.—The Director shall—

"(i) promote the use and growth of grants awarded through a competitive process; and

"(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

"(E) COORDINATION.—The Director shall ensure that the offices and functions established under subparagraph (A) are effectively coordinated for maximum efficiency.

"(6) FUNDING.—

"(A) IN GENERAL.—In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this subsection for each fiscal year.

"(B) ALLOCATION.—Funding made available under subparagraph (A) shall be allocated according to recommendations contained in the roadmap described in section 7504 of the Food, Conservation, and Energy Act of 2008.".

(b) FUNCTIONS.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(6) the authority of the Secretary to establish in the Department, under section 251—

"(A) the position of Under Secretary of Agriculture for Research, Education, and Economics;

"(B) the Research, Education, and Extension Office; and

"(C) the National Institute of Food and Agriculture.".

(c) CONFORMING AMENDMENTS.—The following conforming amendments shall take effect on October 1, 2009:

(1) Section 522(d)(2) of the Federal Crop Insurance Act (7 U.S.C. 1522(d)(2)) is amended by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(2) Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended in each of paragraphs (1)(B) and (3)(A) by striking "the Cooperative State Research, Education, and Extension Service" each place it appears and inserting "the National Institute of Food and Agriculture".

(3) Section 306(a)(11)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(C)) is amended by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(4) Section 5(b)(2)(E) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102–554) is amended by striking "Cooperative Extension Service" and inserting "National Institute of Food and Agriculture".

(5) Section 11(f)(1) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(f)(1)) is amended by striking "Cooperative Extension Service" and inserting "National Institute of Food and Agriculture".

(6) Section 502(h) of the Rural Development Act of 1972 (7 U.S.C. 2662(h)) is amended—

(A) in paragraph (1), by striking "Extension Service" and inserting "National Institute of Food and Agriculture"; and

(B) in paragraph (4), by striking "Extension Service staff" and inserting "National Institute of Food and Agriculture staff".

(7) Section 7404(b)(1)(B) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3101 note; Public Law 107–171) is amended by striking clause (vi) and inserting the following:

"(vi) the National Institute of Food and Agriculture.".

(8) Section 1408(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(b)(4)) is amended by striking "the Administrator of the Cooperative State Research, Education, and Extension Service" and inserting "the Director of the National Institute of Food and Agriculture".

(9) Section 2381(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(10) The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended—

(A) in section 1424A(b) (7 U.S.C. 3174a(b)), by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture"; and

(B) in section 1458(a)(10) (7 U.S.C. 3291(a)(10)), by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(11) Section 1587(a) of the Food Security Act of 1985 (7 U.S.C. 3175d(a)) is amended by striking "Extension Service" each place it appears and inserting "National Institute of Food and Agriculture".

(12) Section 1444(b)(2)(A) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(b)(2)(A)) is amended by striking "Extension Service" and

inserting "National Institute of Food and Agriculture".

(13) Section 1473D(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(d)) is amended by striking "the Cooperative State Research Service, the Extension Service" and inserting "the National Institute of Food and Agriculture".

(14) Section 1499(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5506(c)) is amended by striking "the Cooperative State Research Service" and all that follows through "extension services;" and inserting "the National Institute of Food and Agriculture, in conjunction with the system of State agricultural experiment stations and State and county cooperative extension services; the Economic Research Service;".

(15) Section 1622 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5812) is amended—

(A) in subsection (a)(1), by striking "the Cooperative State Research Service in close cooperation with the Extension Service" and inserting "the National Institute of Food and Agriculture";

(B) in subsection (b)(1)—

(i) by striking subparagraphs (B) and (C) and inserting the following:

"(B) the National Institute of Food and Agriculture;"; and

(ii) by redesignating subparagraphs (D) through (L) as subparagraphs (C) through (K), respectively.

(16) Section 1627(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5821(d)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(17) Section 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5832) is amended—

(A) in subsection (b), in the first sentence, by striking "the Extension Service" and inserting "the National Institute of Food and Agriculture"; and

(B) in subsection (h), by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(18) Section 1638(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5852(b)) is amended—

(A) in paragraph (3), by striking "Cooperative State Research Service" and inserting "National Institute of Food and Agriculture"; and

(B) in paragraph (5), by striking "Cooperative State Research Service" and inserting "National Institute of Food and Agriculture".

(19) Section 1640(a)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5854(a)(2)) is amended by striking "the Administrator of the Extension Service, the Administrator of the Cooperative State Research Service" and inserting "the Director of the National Institute of Food and Agriculture".

(20) Section 1641(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5855(a)) is amended—

(A) in paragraph (2), by striking "Cooperative State Research Service" and inserting "National Institute of Food and Agriculture"; and

(B) in paragraph (4,) by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(21) Section 1668(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(b)) is amended by striking "Cooperative State Research, Education, and Extension Service" and inserting "National Institute of Food and Agriculture".

(22) Section 1670(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5923(a)(4)) is amended by striking "the Administrator of the Cooperative State Research, Education, and Extension Service" and inserting "the Director of the National Institute of Food and Agriculture".

(23) Section 1677(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5930(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(24) Section 2122(b)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6521(b)(1)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(25) Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended—

(A) in subsection (a), by striking "Extension Service" and inserting "National Institute of Food and Agriculture"; and

(B) in subsection (c)(3), by striking "Service" and inserting "System".

(26) Section 2377(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6615(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(27) Section 212(a)(2)(A) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(a)(2)(A)) is amended by striking "251(d)," and inserting "251(f),".

(28) Section 537 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7446) is amended in each of subsections (a)(2) and (b)(3)(B)(i) by striking "Cooperative State Research, Education, and Extension Service" and inserting "cooperative extension".

(29) Section 101(b)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7611(b)(2)) is amended by striking "Cooperative State Research, Education, and Extension Service" and inserting "National Institute of Food and Agriculture".

(30) Section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)) is amended—

(A) in the subsection heading, by striking "Cooperative State Research, Education, and Extension Service" and inserting "National Institute of Food and Agriculture"; and

(B) in each of paragraphs (1) and (2)(A), by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(31) Section 407(c) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627(c)) is amended by striking "the Cooperative State Research, Education, and Extension Service" and inserting "the National Institute of Food and Agriculture".

(32) Section 410(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7630(a)) is amended by striking "the Administrator of the Cooperative State Research, Education, and Extension Service" and inserting "the Director of the National Institute of Food and Agriculture".

(33) Section 307(g)(5) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 8606(g)(5)) is amended by striking "Administrator of the Cooperative State Research, Education, and Extension Service" and inserting "Director of the National Institute of Food and Agriculture".

(34) Section 5(a) of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1674a(a)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(35) Section 6(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b(b)) is amended by striking "the Cooperative State Research, Education, and Extension Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or Cooperative Extension officials" and inserting "the National Institute of Food and Agriculture, may provide technical, financial, and related assistance to State foresters, equivalent State officials, or cooperative extension officials".

(36) Section 9(g)(2)(A)(viii) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(g)(2)(A)(viii)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(37) Section 19(b)(1)(B)(i) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)(1)(B)(i)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(38) Section 1261(c)(4) of the Food Security Act of 1985 (16 U.S.C. 3861(c)(4)) is amended by striking "Extension Service" and inserting "National Institute of Food and Agriculture".

(39) Section 105(a) of the Africa: Seeds of Hope Act of 1998 (22 U.S.C. 2293 note; Public Law 105–385) is amended by striking "the Cooperative State, Research, Education, and Extension Service (CSREES)" and inserting "the National Institute of Food and Agriculture".

(40) Section 307(a)(4) of the National Aeronautic and Space Administration Authorization Act of 2005 (42 U.S.C. 16657(a)(4)) is amended by striking subparagraph (B) and inserting the following:

"(B) the program and structure of, peer review process of, management of conflicts of interest by, compensation of reviewers of, and the effects of compensation on reviewer efficiency and quality within, the National Institute of Food and Agriculture of the Department of Agriculture;".

PART III—NEW GRANT AND RESEARCH PROGRAMS

SEC. 7521. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA.

(a) IN GENERAL.—The Secretary shall provide research and education grants, on a competitive basis—

(1) to study the development of antibiotic-resistant bacteria, including—

(A) movement of antibiotic-resistant bacteria into groundwater and surface water; and

(B) the effect on antibiotic resistance from various drug use regimens; and

(2) to study and ensure the judicious use of antibiotics in veterinary and human medicine, including—

(A) methods and practices of animal husbandry;

(B) safe and effective alternatives to antibiotics;

(C) the development of better veterinary diagnostics to improve decisionmaking; and

(D) the identification of conditions or factors that affect antibiotic use on farms.

(b) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7522. FARM AND RANCH STRESS ASSISTANCE NETWORK.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Health and Human Services, shall make competitive grants to support cooperative programs between State cooperative extension services and nonprofit organizations to establish a Farm and Ranch Stress Assistance Network that provides stress assistance programs to individuals who are engaged in farming, ranching, and other agriculture-related occupations.

(b) ELIGIBLE PROGRAMS.—Grants awarded under subsection (a) may be used to initiate, expand, or sustain programs that provide professional agricultural behavioral health counseling and referral for other forms of assistance as necessary through—

(1) farm telephone helplines and websites;

(2) community education;

(3) support groups;

(4) outreach services and activities; and

(5) home delivery of assistance, in a case in which a farm resident is homebound.

(c) EXTENSION SERVICES.—Grants shall be awarded under this subsection directly to State cooperative extension services to enable the State cooperative extension services to enter into contracts, on a multiyear basis, with nonprofit, community-based, direct-service organizations to initiate, expand, or sustain cooperative programs described in subsections (a) and (b).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7523. SEED DISTRIBUTION.

(a) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to carry out a seed distribution program to administer and maintain the distribution of vegetable seeds donated by commercial seed companies.

(b) PURPOSES.—The purposes of this program include—

(1) the distribution of seeds donated by commercial seed companies free-of-charge to appropriate—

(A) individuals;

(B) groups;

(C) institutions;

(D) governmental and nongovernmental organizations; and

(E) such other entities as the Secretary may designate;

(2) distribution of seeds to underserved communities, such as communities that experience—

(A) limited access to affordable fresh vegetables;

(B) a high rate of hunger or food insecurity; or

(C) severe or persistent poverty.

(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) shall apply with respect to the making of grants under this section.

(d) SELECTION.—An eligible entity selected to receive a grant under subsection (a) shall have—

(1) expertise regarding the distribution of vegetable seeds donated by commercial seed companies; and

(2) the ability to achieve the purpose of the seed distribution program.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 7524. LIVE VIRUS FOOT AND MOUTH DISEASE RESEARCH.

(a) IN GENERAL.—The Secretary shall issue a permit required under section 12 of the Act of May 29, 1884 (21 U.S.C. 113a) to the Secretary of Homeland Security for work on the live virus of foot and mouth disease at any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases (referred to in this section as the "successor facility").

(b) LIMITATION TO SINGLE FACILITY.—Not more than 1 facility shall be issued a permit under subsection (a).

(c) LIMITATION ON VALIDITY.—The permit issued under this section shall be valid unless the Secretary determines that the study of live foot and mouth disease virus at the successor facility is not being carried out in accordance with the regulations promulgated by the Secretary pursuant to the Agricultural Bioterrorism Protection Act of 2002 (7 U.S.C. 8401 et seq.).

(d) AUTHORITY.—The suspension, revocation, or other impairment of the permit issued under this section—

(1) shall be made by the Secretary; and

(2) is a nondelegable function.

SEC. 7525. NATURAL PRODUCTS RESEARCH PROGRAM.

(a) IN GENERAL.—The Secretary shall establish within the Department a natural products research program.

(b) DUTIES.—In carrying out the program established under subsection (a), the Secretary shall coordinate research relating to natural products, including—

(1) research to improve human health and agricultural productivity through the discovery, development, and commercialization of products and agrichemicals from bioactive natural products, including products from plant, marine, and microbial sources;

(2) research to characterize the botanical sources, production, chemistry, and biological properties of plant-derived natural products; and

(3) other research priorities identified by the Secretary.

(c) PEER AND MERIT REVIEW.—The Secretary shall—

(1) determine the relevance and merit of research under this section through a system of peer review established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(2) approve funding for research on the basis of merit, quality, and relevance to advancing the purposes of this section.

(d) BUILDINGS AND FACILITIES.—Funds made available under this section shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 7526. SUN GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish and carry out a program to provide grants to the sun grant centers and subcenter specified in subsection (b)—

(1) to enhance national energy security through the development, distribution, and implementation of biobased energy technologies;

(2) to promote diversification in, and the environmental sustainability of, agricultural production in the United States through biobased energy and product technologies;

(3) to promote economic diversification in rural areas of the United States through biobased energy and product technologies; and

(4) to enhance the efficiency of bioenergy and biomass research and development programs through improved coordination and collaboration among—

(A) the Department of Agriculture;

(B) the Department of Energy; and

(C) land-grant colleges and universities.

(b) GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (g) to provide grants to each of the following:

(A) NORTH-CENTRAL CENTER.—A north-central sun grant center at South Dakota State University for the region composed of the States of Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

(B) SOUTHEASTERN CENTER.—A southeastern sun grant center at the University of Tennessee at Knoxville for the region composed of—

(i) the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia;

(ii) the Commonwealth of Puerto Rico; and

(iii) the United States Virgin Islands.

(C) SOUTH-CENTRAL CENTER.—A south-central sun grant center at Oklahoma State University for the region composed of the States of Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

(D) WESTERN CENTER.—A western sun grant center at Oregon State University for the region composed of—

(i) the States of Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington; and

(ii) insular areas (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103 (other than the insular areas referred to in clauses (ii) and (iii) of subparagraph (B))).

(E) NORTHEASTERN CENTER.—A northeastern sun grant center at Cornell University for the region composed of the States of Connecticut, Delaware, Massachusetts, Maryland, Maine, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

(F) WESTERN INSULAR PACIFIC SUBCENTER.—A western insular Pacific sun grant subcenter at the University of Hawaii for the region of Alaska, Hawaii, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(2) MANNER OF DISTRIBUTION.—

(A) CENTERS.—In providing any funds made available under subsection (g), the Secretary shall distribute the grants in equal amounts to the sun grant centers described in subparagraphs (A) through (E) of paragraph (1).

(B) SUBCENTER.—The sun grant center described in paragraph (1)(D) shall allocate a portion of the funds received under paragraph (1) to the subcenter described in paragraph (1)(F) pursuant to guidance issued by the Secretary.

(3) FAILURE TO COMPLY WITH REQUIREMENTS.—If the Secretary finds on the basis of a review of the annual report required under subsection (f) or on the basis of an audit of a sun grant center or subcenter conducted by the Secretary that the center or subcenter has not complied with the requirements of this section, the sun grant center or subcenter shall be ineligible to receive further grants under this section for such period of time as may be prescribed by the Secretary.

(c) USE OF FUNDS.—

(1) COMPETITIVE GRANTS.—

(A) IN GENERAL.—A sun grant center or subcenter shall use 75 percent of the funds described in subsection (b) to provide competitive grants to entities that are—

(i) eligible to receive grants under subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)(7)); and

(ii) located in the region covered by the sun grant center or subcenter.

(B) ACTIVITIES.—Grants described in subparagraph (A) shall be used by the grant recipient to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(i) research, extension, and education programs on technology development; and

(ii) integrated research, extension, and education programs on technology implementation.

(C) FUNDING ALLOCATION.—Of the amount of funds that is used to provide grants under subparagraph (A), the sun grant center or subcenter shall use—

(i) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(i); and

(ii) not less than 30 percent of the funds to carry out the programs described in subparagraph (B)(ii).

(D) ADMINISTRATION.—

(i) PEER AND MERIT REVIEW.—In making grants under this paragraph, a sun grant center or subcenter shall—

(I) seek and accept proposals for grants;

(II) determine the relevance and merit of proposals through a system of peer review similar to that established by the Secretary pursuant to section 103 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613); and

(III) award grants on the basis of merit, quality, and relevance to advancing the purposes of this section.

(ii) PRIORITY.—A sun grant center or subcenter shall give a higher priority to programs that are consistent with the plan approved by the Secretary under subsection (d).

(iii) TERM.—A grant awarded by a sun grant center or subcenter shall have a term that does not exceed 5 years.

(iv) MATCHING FUNDS REQUIRED.—

(I) IN GENERAL.—Except as provided in subclauses (II) and (III), as a condition of receiving a grant under this paragraph, the sun grant center or subcenter shall require that not less than 20 percent of the cost of an activity described in subparagraph (B) be matched with funds, including in-kind contributions, from a non-Federal source.

(II) EXCLUSION.—Subclause (I) shall not apply to fundamental research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)).

(III) REDUCTION.—The sun grant center or subcenter may reduce or eliminate the requirement for non-Federal funds under subclause (I) for applied research (as defined in subsection (f)(1) of section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) (as added by section 7511(a)(4)) if the sun grant center or subcenter determines that the reduction is necessary and appropriate pursuant to guidance issued by the Secretary.

(v) BUILDINGS AND FACILITIES.—Funds made available for grants shall not be used for the construction of a new building or facility or the acquisition, expansion, remodeling, or alteration of an existing building or facility (including site grading and improvement and architect fees).

(vi) LIMITATION ON INDIRECT COSTS.—A sun grant center or subcenter may not recover the indirect costs of making grants under subparagraph (A).

(2) ADMINISTRATIVE EXPENSES.—A sun grant center or subcenter may use up to 4 percent of the funds described in subsection (b) to pay administrative expenses incurred in carrying out paragraph (1).

(3) RESEARCH, EXTENSION AND EDUCATIONAL ACTIVITIES.—The sun grant centers and subcenter shall use the remainder of the funds described in subsection (b) to conduct, in a manner consistent with the purposes described in subsection (a), multi-institutional and multistate—

(A) research, extension, and educational programs on technology development; and

(B) integrated research, extension, and educational programs on technology implementation.

(d) PLAN FOR RESEARCH ACTIVITIES TO BE FUNDED.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (g), and in cooperation with land-grant colleges and universities and private industry in accordance with paragraph (2), the sun grant centers and subcenter shall jointly develop and submit to the Secretary for approval a plan for addressing the bioenergy, biomass, and gasification research priorities of the Department of Agriculture and the Department of Energy at the State and regional levels.

(2) GASIFICATION COORDINATION.—With respect to gasification research activity, the sun grant centers and subcenter shall coordinate planning with land-grant colleges and universities in their respective regions that have ongoing research activities in that area.

(3) FUNDING.—Funds described in subsection (c)(2) shall be available to carry out planning coordination under paragraph (1).

(4) USE OF PLAN.—The sun grant centers and subcenter shall use the plan described in paragraph (1) in making grants under subsection (c)(1).

(e) GRANT INFORMATION ANALYSIS CENTER.—The sun grant centers and subcenter shall maintain a Sun Grant Information Analysis Center at the sun grant center specified in subsection (b)(1)(A) to provide the sun grant centers and subcenter with analysis and data management support.

(f) ANNUAL REPORTS.—Not later than 90 days after the end of each fiscal year, a sun grant center or subcenter receiving a grant under this section shall submit to the Secretary a report that describes the policies, priorities, and operations of the program carried out by the center or subcenter during the fiscal year, including—

(1) the results of all peer and merit review procedures conducted pursuant to subsection (c)(1)(D)(i); and

(2) a description of progress made in facilitating the priorities described in subsection (d)(1).

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $75,000,000 for each of fiscal years 2008 through 2012, of which not more than $4,000,000 for each fiscal year shall be made available to carry out subsection (e).

SEC. 7527. STUDY AND REPORT ON FOOD DESERTS.

(a) DEFINITION OF FOOD DESERT.—In this section, the term "food desert" means an area in the United States with limited access to affordable and nutritious food, particularly such an area composed of predominantly lower-income neighborhoods and communities.

(b) STUDY AND REPORT.—The Secretary shall carry out a study of, and prepare a report on, food deserts.

(c) CONTENTS.—The study and report shall—

(1) assess the incidence and prevalence of food deserts;

(2) identify—

(A) characteristics and factors causing and influencing food deserts; and

(B) the effect on local populations of limited access to affordable and nutritious food; and

(3) provide recommendations for addressing the causes and effects of food deserts through measures that include—

(A) community and economic development initiatives;

(B) incentives for retail food market development, including supermarkets, small grocery stores, and farmers' markets; and

(C) improvements to Federal food assistance and nutrition education programs.

(d) COORDINATION WITH OTHER AGENCIES AND ORGANIZATIONS.—The Secretary shall conduct the study under this section in coordination and consultation with—

(1) the Secretary of Health and Human Services;

(2) the Administrator of the Small Business Administration;

(3) the Institute of Medicine; and

(4) representatives of appropriate businesses, academic institutions, and nonprofit and faith-based organizations.

(e) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the report prepared under this section, including the findings and recommendations described in subsection (c).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 7528. DEMONSTRATION PROJECT AUTHORITY FOR TEMPORARY POSITIONS.

Notwithstanding section 4703(d)(1) of title 5, United States Code, the amendment to the personnel management demonstration project established in the Department of Agriculture (67 Fed. Reg. 70776 (2002)), shall become effective upon the date of enactment of this Act and shall remain in effect unless modified by law.

SEC. 7529. AGRICULTURAL AND RURAL TRANSPORTATION RESEARCH AND EDUCATION.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall make competitive grants to institutions of higher education to carry out agricultural and rural transportation research and education activities.

(b) ACTIVITIES.—Research and education grants made under this section shall be used to address rural transportation and logistics needs of agricultural producers and related rural businesses, including—

(1) the transportation of biofuels; and

(2) the export of agricultural products.

(c) SELECTION CRITERIA.—

(1) IN GENERAL.—The Secretary shall award grants under this section on the basis of the transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

(2) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to institutions of higher education for use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

(d) DIVERSIFICATION OF RESEARCH.—The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural production and related transportation needs in the rural areas of the United States.

(e) MATCHING FUNDS REQUIREMENT.—The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, 50 percent of the cost of carrying out activities under the grant.

(f) GRANT REVIEW.—A grant shall be awarded under this section on a competitive, peer- and merit-reviewed basis in accordance with section 103(a) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(a)).

(g) NO DUPLICATION.—In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49, United States Code.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

TITLE VIII—FORESTRY

Subtitle A—Amendments to Cooperative Forestry Assistance Act of 1978

SEC. 8001. NATIONAL PRIORITIES FOR PRIVATE FOREST CONSERVATION.

Section 2 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsections:

"(c) PRIORITIES.—In allocating funds appropriated or otherwise made available under this Act, the Secretary shall focus on the following national private forest conservation priorities, notwithstanding other priorities specified elsewhere in this Act:

"(1) Conserving and managing working forest landscapes for multiple values and uses.

"(2) Protecting forests from threats, including catastrophic wildfires, hurricanes, tornados, windstorms, snow or ice storms, flooding, drought, invasive species, insect or disease outbreak, or development, and restoring appropriate forest types in response to such threats.

"(3) Enhancing public benefits from private forests, including air and water quality, soil conservation, biological diversity, carbon storage, forest products, forestry-related jobs, production of renewable energy, wildlife, wildlife corridors and wildlife habitat, and recreation.

"(d) REPORTING REQUIREMENT.—Not later than September 30, 2011, the Secretary shall submit to Congress a report describing how funds were used under this Act, and through other programs administered by the Secretary, to address the national priorities specified in subsection (c) and the outcomes achieved in meeting the national priorities.".

SEC. 8002. LONG-TERM STATE-WIDE ASSESSMENTS AND STRATEGIES FOR FOREST RESOURCES.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 2 (16 U.S.C. 2101) the following new section:

"SEC. 2A. STATE-WIDE ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.

"(a) ASSESSMENT AND STRATEGIES FOR FOREST RESOURCES.—For a State to be eligible to receive funds under the authorities of this Act, the State forester of that State or equivalent State official shall develop and submit to the Secretary, not later than two years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the following:

"(1) A State-wide assessment of forest resource conditions, including—

"(A) the conditions and trends of forest resources in that State;

"(B) the threats to forest lands and resources in that State consistent with the national priorities specified in section 2(c);

"(C) any areas or regions of that State that are a priority; and

"(D) any multi-State areas that are a regional priority.

"(2) A long-term State-wide forest resource strategy, including—

"(A) strategies for addressing threats to forest resources in the State outlined in the assessment required by paragraph (1); and

"(B) a description of the resources necessary for the State forester or equivalent State official from all sources to address the State-wide strategy.

"(b) UPDATING.—At such times as the Secretary determines to be necessary, the State forester or equivalent State official shall update and resubmit to the Secretary the State-wide assessment and State-wide strategy required by subsection (a).

"(c) COORDINATION.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State Forester or equivalent State official shall coordinate with—

"(1) the State Forest Stewardship Coordinating Committee established for the State under section 19(b);

"(2) the State wildlife agency, with respect to strategies contained in the State wildlife action plans;

"(3) the State Technical Committee;

"(4) applicable Federal land management agencies; and

"(5) for purposes of the Forest Legacy Program under section 7, the State lead agency designated by the Governor.

"(d) INCORPORATION OF OTHER PLANS.—In developing or updating the State-wide assessment and State-wide strategy required by subsection (a), the State forester or equivalent State official shall incorporate any forest management plan of the State, including community wildfire protection plans and State wildlife action plans.

"(e) SUFFICIENCY.—Once approved by the Secretary, a State-wide assessment and State-wide strategy developed under subsection (a) shall be deemed to be sufficient to satisfy all relevant State planning and assessment requirements under this Act.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section up to $10,000,000 for each of fiscal years 2008 through 2012.

"(2) ADDITIONAL FUNDING SOURCES.—In addition to the funds appropriated for a fiscal year pursuant to the authorization of appropriations in paragraph (1) to carry out this section, the Secretary may use any other funds made available for planning under this Act to carry out this section, except that the total amount of combined funding used to carry out this section may not exceed $10,000,000 in any fiscal year.

"(g) ANNUAL REPORT ON USE OF FUNDS.—The State forester or equivalent State official shall submit to the Secretary an annual report detailing how funds made available to the State under this Act are being used.".

SEC. 8003. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the Forest Service projects that, by calendar year 2030, approximately 44,000,000 acres of privately-owned forest land will be developed throughout the United States;

(2) public access to parcels of privately-owned forest land for outdoor recreational activities, including hunting, fishing, and trapping, has declined and, as a result, participation in those activities has also declined in cases in which public access is not secured;

(3) rising rates of obesity and other public health problems relating to the inactivity of the citizens of the United States have been shown to be ameliorated by improving public access to safe and attractive areas for outdoor recreation;

(4) in rapidly-growing communities of all sizes throughout the United States, remaining parcels of forest land play an essential role in protecting public water supplies;

(5) forest parcels owned by local governmental entities and nonprofit organizations are providing important demonstration sites for private landowners to learn forest management techniques;

(6) throughout the United States, communities of diverse types and sizes are deriving significant financial and community benefits from managing forest land owned by local governmental entities for timber and other forest products; and

(7) there is an urgent need for local governmental entities to be able to leverage financial resources in order to purchase important parcels of privately-owned forest land as the parcels are offered for sale.

(b) COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following new section:

"SEC. 7A. COMMUNITY FOREST AND OPEN SPACE CONSERVATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a local governmental entity, Indian tribe, or nonprofit organization that owns or acquires a parcel under the program.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) LOCAL GOVERNMENTAL ENTITY.—The term 'local governmental entity' includes any municipal government, county government, or other local government body with jurisdiction over local land use decisions.

"(4) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that—

"(A) is described in section 170(h)(3) of the Internal Revenue Code of 1986; and

"(B) operates in accordance with 1 or more of the purposes specified in section 170(h)(4)(A) of that Code.

"(5) PROGRAM.—The term 'Program' means the community forest and open space conservation program established under subsection (b).

"(6) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the 'community forest and open space conservation program'.

"(c) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary may award grants to eligible entities to acquire private forest land, to be owned in fee simple, that—

"(A) are threatened by conversion to nonforest uses; and

"(B) provide public benefits to communities, including—

"(i) economic benefits through sustainable forest management;

"(ii) environmental benefits, including clean water and wildlife habitat;

"(iii) benefits from forest-based educational programs, including vocational education programs in forestry;

"(iv) benefits from serving as models of effective forest stewardship for private landowners; and

"(v) recreational benefits, including hunting and fishing.

"(2) FEDERAL COST SHARE.—An eligible entity may receive a grant under the Program in an amount equal to not more than 50 percent of the cost of acquiring 1 or more parcels, as determined by the Secretary.

"(3) NON-FEDERAL SHARE.—As a condition of receipt of the grant, an eligible entity that receives a grant under the Program shall provide, in cash, donation, or in kind, a non-Federal matching share in an amount that is at least equal to the amount of the grant received.

"(4) APPRAISAL OF PARCELS.—To determine the non-Federal share of the cost of a parcel of privately-owned forest land under paragraph (2), an eligible entity shall require appraisals of the land that comply with the Uniform Appraisal Standards for Federal Land Acquisitions developed by the Interagency Land Acquisition Conference.

"(5) APPLICATION.—An eligible entity that seeks to receive a grant under the Program shall submit to the State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) an application that includes—

"(A) a description of the land to be acquired;

"(B) a forest plan that provides—

"(i) a description of community benefits to be achieved from the acquisition of the private forest land; and

"(ii) an explanation of the manner in which any private forest land to be acquired using funds from the grant will be managed; and

"(C) such other relevant information as the Secretary may require.

"(6) EFFECT ON TRUST LAND.—

"(A) INELIGIBILITY.—The Secretary shall not provide a grant under the Program for any project on land held in trust by the United States (including Indian reservations and allotment land).

"(B) ACQUIRED LAND.—No land acquired using a grant provided under the Program shall be converted to land held in trust by the United States on behalf of any Indian tribe.

"(7) APPLICATIONS TO SECRETARY.—The State forester or equivalent official (or in the case of an Indian tribe, an equivalent official of the Indian tribe) shall submit to the Secretary a list that includes a description of each project submitted by an eligible entity at such times and in such form as the Secretary shall prescribe.

"(d) DUTIES OF ELIGIBLE ENTITY.—An eligible entity shall provide public access to, and manage, forest land acquired with a grant under this section in a manner that is consistent with the purposes for which the land was acquired under the Program.

"(e) PROHIBITED USES.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), an eligible entity that acquires a parcel under the Program shall not sell the parcel or convert the parcel to nonforest use.

"(2) REIMBURSEMENT OF FUNDS.—An eligible entity that sells or converts to nonforest use a parcel acquired under the Program shall pay to the Federal Government an amount equal to the greater of the current sale price, or current appraised value, of the parcel.

"(3) LOSS OF ELIGIBILITY.—An eligible entity that sells or converts a parcel acquired under the Program shall not be eligible for additional grants under the Program.

"(f) STATE ADMINISTRATION AND TECHNICAL ASSISTANCE.—The Secretary may allocate not more than 10 percent of all funds made available to carry out the Program for each fiscal year to State foresters or equivalent officials (including equivalent officials of Indian tribes) for Program administration and technical assistance.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 8004. ASSISTANCE TO THE FEDERATED STATES OF MICRONESIA, THE REPUBLIC OF THE MARSHALL ISLANDS, AND THE REPUBLIC OF PALAU.

Section 13(d)(1) of the Cooperative Forestry Act of 1978 (16 U.S.C. 2109(d)(1)) is amended by striking "the Trust Territory of the Pacific Islands," and inserting "the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,".

SEC. 8005. CHANGES TO FOREST RESOURCE COORDINATING COMMITTEE.

Section 19 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113) is amended by striking subsection (a) and inserting the following new subsection:

"(a) FOREST RESOURCE COORDINATING COMMITTEE.—

"(1) ESTABLISHMENT.—The Secretary shall establish a committee, to be known as the 'Forest Resource Coordinating Committee' (in this section referred to as the 'Coordinating Committee'), to coordinate nonindustrial private forestry activities within the Department of Agriculture and with the private sector.

"(2) COMPOSITION.—The Coordinating Committee shall be composed of the following:

"(A) The Chief of the Forest Service.

"(B) The Chief of the Natural Resources Conservation Service.

"(C) The Director of the Farm Service Agency.

"(D) The Director of the National Institute of Food and Agriculture.

"(E) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the following persons:

"(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

"(ii) A representative of a State fish and wildlife agency.

"(iii) An owner of nonindustrial private forest land.

"(iv) A forest industry representative.

"(v) A conservation organization representative.

"(vi) A land-grant university or college representative.

"(vii) A private forestry consultant.

"(viii) A representative from a State Technical Committee established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861).

"(F) Such other persons as determined by the Secretary to be appropriate.

"(3) CHAIRPERSON.—The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

"(4) DUTIES.—The Coordinating Committee shall—

"(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2(c), with specific focus owners of nonindustrial private forest land;

"(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2(c), with specific focus on nonindustrial private forest land;

"(C) provide advice on the allocation of funds, including the competitive funds set-aside by sections 13A and 13B; and

"(D) assist the Secretary in developing and reviewing the report required by section 2(d).

"(5) MEETING.—The Coordinating Committee shall meet annually to discuss progress in addressing the national priorities specified in section 2(c) and issues regarding nonindustrial private forest land.

"(6) COMPENSATION.—

"(A) FEDERAL MEMBERS.—Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Coordinating Committee.

"(B) NON-FEDERAL MEMBERS.—Non-federal members of the Coordinating Committee shall serve without pay, but may be reimbursed for reasonable costs incurred while performing their duties on behalf of the Coordinating Committee.".

SEC. 8006. CHANGES TO STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(ii)—

(A) by striking "and" at the end of subclause (VII); and

(B) by adding at the end the following new subclause:

"(IX) the State Technical Committee.".

(2) in paragraph (2)(C), by striking "a Forest Stewardship Plan under paragraph (3)" and inserting "the State-wide assessment and strategy regarding forest resource conditions under section 2A";

(3) by striking paragraphs (3) and (4); and

(4) by redesignating paragraphs (5) and (6) as paragraphs (3) and (4), respectively.

SEC. 8007. COMPETITION IN PROGRAMS UNDER COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13 (16 U.S.C. 2109) the following new section:

"SEC. 13A. COMPETITIVE ALLOCATION OF FUNDS TO STATE FORESTERS OR EQUIVALENT STATE OFFICIALS.

"(a) COMPETITION.—Beginning not later than 3 years after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall competitively allocate a portion, to be determined by the Secretary, of the funds available under this Act to State foresters or equivalent State officials.

"(b) DETERMINATION.—In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 19(a).

"(c) PRIORITY.—The Secretary shall give priority for funding to States for which the long-term State-wide forest resource strategies submitted under section 2A(a)(2) will best promote the national priorities specified in section 2(c).".

SEC. 8008. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 13A, as added by section 8006, the following new section:

"SEC. 13B. COMPETITIVE ALLOCATION OF FUNDS FOR COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.

"(a) COOPERATIVE FOREST INNOVATION PARTNERSHIP PROJECTS.—The Secretary may competitively allocate not more than 5 percent of the funds made available under this Act to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2(c).

"(b) ELIGIBILITY.—Notwithstanding the eligibility limitations contained in this Act, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible to compete for funds to be competitively allocated under subsection (a).

"(c) COST-SHARE REQUIREMENT.—In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.".

Subtitle B—Cultural and Heritage Cooperation Authority

SEC. 8101. PURPOSES.

The purposes of this subtitle are—

(1) to authorize the reburial of human remains and cultural items on National Forest System land, including human remains and cultural items repatriated under the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

(2) to prevent the unauthorized disclosure of information regarding reburial sites, including the quantity and identity of human remains and cultural items on sites and the location of sites;

(3) to authorize the Secretary of Agriculture to ensure access to National Forest System land, to the maximum extent practicable, by Indians and Indian tribes for traditional and cultural purposes;

(4) to authorize the Secretary to provide forest products, without consideration, to Indian tribes for traditional and cultural purposes;

(5) to authorize the Secretary to protect the confidentiality of certain information, including information that is culturally sensitive to Indian tribes;

(6) to increase the availability of Forest Service programs and resources to Indian tribes in support of the policy of the United States to promote tribal sovereignty and self-determination; and

(7) to strengthen support for the policy of the United States of protecting and preserving the traditional, cultural, and ceremonial rites and practices of Indian tribes, in accordance with Public Law 95-341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8102. DEFINITIONS.

In this subtitle:

(1) ADJACENT SITE.—The term "adjacent site" means a site that borders a boundary line of National Forest System land.

(2) CULTURAL ITEMS.—The term "cultural items" has the meaning given the term in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), except that the term does not include human remains.

(3) HUMAN REMAINS.—The term "human remains" means the physical remains of the body of a person of Indian ancestry.

(4) INDIAN.—The term "Indian" means an individual who is a member of an Indian tribe.

(5) INDIAN TRIBE.—The term "Indian tribe" means any Indian or Alaska Native tribe, band, nation, pueblo, village, or other community the name of which is included on a list published by the Secretary of the Interior pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a-1).

(6) LINEAL DESCENDANT.—The term "lineal descendant" means an individual that can trace, directly and without interruption, the ancestry of the individual through the traditional kinship system of an Indian tribe, or through the common law system of descent, to a known Indian, the human remains, funerary objects, or other sacred objects of whom are claimed by the individual.

(7) NATIONAL FOREST SYSTEM.—The term "National Forest System" has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(8) REBURIAL SITE.—The term "reburial site" means a specific physical location at which cultural items or human remains are reburied.

(9) TRADITIONAL AND CULTURAL PURPOSE.—The term "traditional and cultural purpose", with respect to a definable use, area, or practice, means that the use, area, or practice is identified by an Indian tribe as traditional or cultural because of the long-established significance or ceremonial nature of the use, area, or practice to the Indian tribe.

SEC. 8103. REBURIAL OF HUMAN REMAINS AND CULTURAL ITEMS.

(a) REBURIAL SITES.—In consultation with an affected Indian tribe or lineal descendant, the Secretary may authorize the use of National Forest System land by the Indian tribe or lineal descendant for the reburial of human remains or cultural items in the possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or an adjacent site.

(b) REBURIAL.—With the consent of the affected Indian tribe or lineal descendent, the Secretary may recover and rebury, at Federal expense or using other available funds, human remains and cultural items described in subsection (a) at the National Forest System land identified under that subsection.

(c) AUTHORIZATION OF USE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may authorize such uses of reburial sites on National Forest System land, or on the National Forest System land immediately surrounding a reburial site, as the Secretary determines to be necessary for management of the National Forest System.

(2) AVOIDANCE OF ADVERSE IMPACTS.—In carrying out paragraph (1), the Secretary shall avoid adverse impacts to cultural items and human remains, to the maximum extent practicable.

SEC. 8104. TEMPORARY CLOSURE FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) RECOGNITION OF HISTORIC USE.—To the maximum extent practicable, the Secretary shall ensure access to National Forest System land by Indians for traditional and cultural purposes, in accordance with subsection (b), in recognition of the historic use by Indians of National Forest System land.

(b) CLOSING LAND FROM PUBLIC ACCESS.—

(1) AUTHORITY TO CLOSE.—Upon the approval by the Secretary of a request from an Indian tribe, the Secretary may temporarily close from public access specifically identified National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes.

(2) LIMITATION.—A closure of National Forest System land under paragraph (1) shall affect the smallest practicable area for the minimum period necessary for activities of the applicable Indian tribe.

(3) CONSISTENCY.—Access by Indian tribes to National Forest System land under this subsection shall be consistent with the purposes of Public Law 95-341 (commonly known as the American Indian Religious Freedom Act; 42 U.S.C. 1996).

SEC. 8105. FOREST PRODUCTS FOR TRADITIONAL AND CULTURAL PURPOSES.

(a) IN GENERAL.—Notwithstanding section 14 of the National Forest Management Act of 1976 (16 U.S.C. 472a), the Secretary may provide free of charge to Indian tribes any trees, portions of trees, or forest products from National Forest System land for traditional and cultural purposes.

(b) PROHIBITION.—Trees, portions of trees, or forest products provided under subsection (a) may not be used for commercial purposes.

SEC. 8106. PROHIBITION ON DISCLOSURE.

(a) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—The Secretary shall not disclose under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), information relating to—

(A) subject to subsection (b)(l), human remains or cultural items reburied on National Forest System land under section 8103; or

(B) subject to subsection (b)(2), resources, cultural items, uses, or activities that—

(i) have a traditional and cultural purpose; and

(ii) are provided to the Secretary by an Indian or Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out under the authority of the Forest Service.

(2) LIMITATIONS ON DISCLOSURE.—Subject to subsection (b)(2), the Secretary shall not be required to disclose information under section 552 of title 5, United States Code (commonly known as the "Freedom of Information Act"), concerning the identity, use, or specific location in the National Forest System of—

(A) a site or resource used for traditional and cultural purposes by an Indian tribe; or

(B) any cultural items not covered under section 8103.

(b) LIMITED RELEASE OF INFORMATION.—

(1) REBURIAL.—The Secretary may disclose information described in subsection (a)(l)(A) if, before the disclosure, the Secretary—

(A) consults with an affected Indian tribe or lineal descendent;

(B) determines that disclosure of the information—

(i) would advance the purposes of this subtitle; and

(ii) is necessary to protect the human remains or cultural items from harm, theft, or destruction; and

(C) attempts to mitigate any adverse impacts identified by an Indian tribe or lineal descendant that reasonably could be expected to result from disclosure of the information.

(2) OTHER INFORMATION.—The Secretary, in consultation with appropriate Indian tribes, may disclose information described under paragraph (1)(B) or (2) of subsection (a) if the Secretary determines that disclosure of the information to the public—

(A) would advance the purposes of this subtitle;

(B) would not create an unreasonable risk of harm, theft, or destruction of the resource, site, or object, including individual organic or inorganic specimens; and

(C) would be consistent with other applicable laws.

SEC. 8107. SEVERABILITY AND SAVINGS PROVISIONS.

(a) SEVERABILITY.—If any provision of this subtitle, or the application of any provision of this subtitle to any person or circumstance is held invalid, the application of such provision or circumstance and the remainder of this subtitle shall not be affected thereby.

(b) SAVINGS.—Nothing in this subtitle—

(1) diminishes or expands the trust responsibility of the United States to Indian tribes, or any legal obligation or remedy resulting from that responsibility;

(2) alters, abridges, repeals, or affects any valid agreement between the Forest Service and an Indian tribe;

(3) alters, abridges, diminishes, repeals, or affects any reserved or other right of an Indian tribe; or

(4) alters, abridges, diminishes, repeals, or affects any other valid existing right relating to National Forest System land or other public land.

Subtitle C—Amendments to Other Forestry-Related Laws

SEC. 8201. RURAL REVITALIZATION TECHNOLOGIES.

Section 2371(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601(d)(2)) is amended by striking "2004 through 2008" and inserting "2008 through 2012".

SEC. 8202. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Global Climate Change Prevention Act of 1990 (7 U.S.C. 6704(d)) is amended by striking "2007" and inserting "2012".

SEC. 8203. EMERGENCY FOREST RESTORATION PROGRAM.

(a) ESTABLISHMENT.—Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended by adding at the end the following new section:

"SEC. 407. EMERGENCY FOREST RESTORATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) EMERGENCY MEASURES.—The term 'emergency measures' means those measures that—

"(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

"(i) would impair or endanger the natural resources on the land; and

"(ii) would materially affect future use of the land; and

"(B) would restore forest health and forest-related resources on the land.

"(2) NATURAL DISASTER.—The term 'natural disaster' includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

"(3) NONINDUSTRIAL PRIVATE FOREST LAND.—The term 'nonindustrial private forest land' means rural land, as determined by the Secretary, that—

"(A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and

"(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) AVAILABILITY OF ASSISTANCE.—The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

"(c) ELIGIBILITY.—To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

"(d) COST SHARE REQUIREMENT.—Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section. Amounts so appropriated shall remain available until expended.".

(b) REGULATIONS.—Not later than one year after the date of the enactment of this Act, the Secretary of Agriculture shall issue regulations to carry out section 407 of the Agricultural Credit Act of 1978, as added by subsection (a).

SEC. 8204. PREVENTION OF ILLEGAL LOGGING PRACTICES.

(a) DEFINITIONS.—

(1) PLANT.—Subsection (f) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

"(f) PLANT.—

"(1) IN GENERAL.—The terms 'plant' and 'plants' mean any wild member of the plant kingdom, including roots, seeds, parts, or products thereof, and including trees from either natural or planted forest stands.

"(2) EXCLUSIONS.—The terms 'plant' and 'plants' exclude—

"(A) common cultivars, except trees, and common food crops (including roots, seeds, parts, or products thereof);

"(B) a scientific specimen of plant genetic material (including roots, seeds, germplasm, parts, or products thereof) that is to be used only for laboratory or field research; and

"(C) any plant that is to remain planted or to be planted or replanted.

"(3) EXCEPTIONS TO APPLICATION OF EXCLUSIONS.—The exclusions made by subparagraphs (B) and (C) of paragraph (2) do not apply if the plant is listed—

"(A) in an appendix to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

"(B) as an endangered or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); or

"(C) pursuant to any State law that provides for the conservation of species that are indigenous to the State and are threatened with extinction.".

(2) INCLUSION OF SECRETARY OF AGRICULTURE.—Section 2(h) of the Lacey Act Amendments of 1981 (16 U.S.C. 3371(h)) is amended by striking "plants the term means" and inserting "plants, the term also means".

(3) TAKEN AND TAKING.—Subsection (j) of section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended to read as follows:

"(j) TAKEN AND TAKING.—

"(1) TAKEN.—The term 'taken' means captured, killed, or collected and, with respect to a plant, also means harvested, cut, logged, or removed.

"(2) TAKING.—The term 'taking' means the act by which fish, wildlife, or plants are taken.".

(b) PROHIBITED ACTS.—

(1) OFFENSES OTHER THAN MARKING.—Section 3(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3372(a)) is amended—

(A) in paragraph (2), by striking subparagraph (B) and inserting the following new subparagraph:

"(B) any plant—

"(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or"; and

(B) in paragraph (3), by striking subparagraph (B) and inserting the following subparagraph:

"(B) to possess any plant—

"(i) taken, possessed, transported, or sold in violation of any law or regulation of any State, or any foreign law, that protects plants or that regulates—

"(I) the theft of plants;

"(II) the taking of plants from a park, forest reserve, or other officially protected area;

"(III) the taking of plants from an officially designated area; or

"(IV) the taking of plants without, or contrary to, required authorization;

"(ii) taken, possessed, transported, or sold without the payment of appropriate royalties, taxes, or stumpage fees required for the plant by any law or regulation of any State or any foreign law; or

"(iii) taken, possessed, transported, or sold in violation of any limitation under any law or regulation of any State, or under any foreign law, governing the export or transshipment of plants; or".

(2) PLANT DECLARATIONS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended by adding at the end the following new subsection:

"(f) PLANT DECLARATIONS.—

"(1) IMPORT DECLARATION.—Effective 180 days from the date of enactment of this subsection, and except as provided in paragraph (3), it shall be unlawful for any person to import any plant unless the person files upon importation a declaration that contains—

"(A) the scientific name of any plant (including the genus and species of the plant) contained in the importation;

"(B) a description of—

"(i) the value of the importation; and

"(ii) the quantity, including the unit of measure, of the plant; and

"(C) the name of the country from which the plant was taken.

"(2) DECLARATION RELATING TO PLANT PRODUCTS.—Until the date on which the Secretary promulgates a regulation under paragraph (6), a declaration relating to a plant product shall—

"(A) in the case in which the species of plant used to produce the plant product that is the subject of the importation varies, and the species used to produce the plant product is unknown, contain the name of each species of plant that may have been used to produce the plant product;

"(B) in the case in which the species of plant used to produce the plant product that is the subject of the importation is commonly taken from more than one country, and the country from which the plant was taken and used to produce the plant product is unknown, contain the name of each country from which the plant may have been taken; and

"(C) in the case in which a paper or paperboard plant product includes recycled plant product, contain the average percent recycled content without regard for the species or country of origin of the recycled plant product, in addition to the information for the non-recycled plant content otherwise required by this subsection.

"(3) EXCLUSIONS.—Paragraphs (1) and (2) shall not apply to plants used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported.

"(4) REVIEW.—Not later than two years after the date of enactment of this subsection, the Secretary shall review the implementation of each requirement imposed by paragraphs (1) and (2) and the effect of the exclusion provided by paragraph (3). In conducting the review, the Secretary shall provide public notice and an opportunity for comment.

"(5) REPORT.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary shall submit to the appropriate committees of Congress a report containing—

"(A) an evaluation of—

"(i) the effectiveness of each type of information required under paragraphs (1) and (2) in assisting enforcement of this section; and

"(ii) the potential to harmonize each requirement imposed by paragraphs (1) and (2) with other applicable import regulations in existence as of the date of the report;

"(B) recommendations for such legislation as the Secretary determines to be appropriate to assist in the identification of plants that are imported into the United States in violation of this section; and

"(C) an analysis of the effect of subsection (a) and this subsection on—

"(i) the cost of legal plant imports; and

"(ii) the extent and methodology of illegal logging practices and trafficking.

"(6) PROMULGATION OF REGULATIONS.—Not later than 180 days after the date on which the Secretary completes the review under paragraph (4), the Secretary may promulgate regulations—

"(A) to limit the applicability of any requirement imposed by paragraph (2) to specific plant products;

"(B) to make any other necessary modification to any requirement imposed by paragraph (2), as determined by the Secretary based on the review; and

"(C) to limit the scope of the exclusion provided by paragraph (3), if the limitations in scope are warranted as a result of the review.".

(c) CROSS-REFERENCES TO NEW REQUIREMENT.—Section 4 of the Lacey Act Amendments of 1981 (16 U.S.C. 3373) is amended—

(1) by striking "subsections (b) and (d)" each place it appears and inserting "subsections (b), (d), and (f)";

(2) by striking "section 3(d)" each place it appears and inserting "subsection (d) or (f) of section 3"; and

(3) in subsection (a)(2), by striking "subsection 3(b)" and inserting "subsection (b) or (f) of section 3, except as provided in paragraph (1),".

(d) CIVIL FORFEITURES.—Section 5 of the Lacey Act Amendments of 1981 (16 U.S.C. 3374) is amended by adding at the end the following new subsection:

"(d) CIVIL FORFEITURES.—Civil forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code.".

(e) ADMINISTRATION.—Section 7 of the Lacey Act Amendments of 1981 (16 U.S.C. 3376) is amended—

(1) in subsection (a)(1), by striking "section 4 and section" and inserting "sections 3(f), 4, and"; and

(2) by adding at the end the following new subsection:

"(c) CLARIFICATION OF EXCLUSIONS FROM DEFINITION OF PLANT.—The Secretary of Agriculture and the Secretary of the Interior, after consultation with the appropriate agencies, shall jointly promulgate regulations to define the terms used in section 2(f)(2)(A) for the purposes of enforcement under this Act.".

(f) TECHNICAL CORRECTION.—Effective as of November 14, 1988, and as if included therein as enacted, section 102(c) of Public Law 100–653 (102 Stat. 3825) is amended—

(1) by inserting "of the Lacey Act Amendments of 1981" after "Section 4"; and

(2) by striking "(other than section 3(b))" and inserting "(other than subsection 3(b))".

SEC. 8205. HEALTHY FORESTS RESERVE PROGRAM.

(a) ENROLLMENT.—Section 502 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6572(f)(1)) is amended—

(1) by striking subsections (e) and (f);

(2) by redesignating subsection (g) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) METHODS OF ENROLLMENT.—

"(1) AUTHORIZED METHODS.—Land may be enrolled in the healthy forests reserve program in accordance with—

"(A) a 10-year cost-share agreement;

"(B) a 30-year easement; or

"(C)(i) a permanent easement; or

"(ii) in a State that imposes a maximum duration for easements, an easement for the maximum duration allowed under State law.

"(2) LIMITATION ON USE OF COST-SHARE AGREEMENTS AND EASEMENTS.—

"(A) IN GENERAL.—Of the total amount of funds expended under the program for a fiscal year to acquire easements and enter into cost-share agreements described in paragraph (1)—

"(i) not more than 40 percent shall be used for cost-share agreements described in paragraph (1)(A); and

"(ii) not more than 60 percent shall be used for easements described in subparagraphs (B) and (C) of paragraph (1).

"(B) REPOOLING.—The Secretary may use any funds allocated under clause (i) or (ii) of subparagraph (A) that are not obligated by April 1 of the fiscal year for which the funds are made available to carry out a different method of enrollment during that fiscal year.

"(3) ACREAGE OWNED BY INDIAN TRIBES.—In the case of acreage owned by an Indian tribe, the Secretary may enroll acreage into the healthy forests reserve program through the use of—

"(A) a 30-year contract (the value of which shall be equivalent to the value of a 30-year easement);

"(B) a 10-year cost-share agreement; or

"(C) any combination of the options described in subparagraphs (A) and (B).".

(b) FINANCIAL ASSISTANCE.—Section 504(a) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6574(a)) is amended by striking "(a) EASEMENTS OF NOT MORE THAN 99 YEARS" and all that follows through "502(f)(1)(C)" and inserting the following:

"(a) PERMANENT EASEMENTS.—In the case of land enrolled in the healthy forests reserve program using a permanent easement (or an easement described in section 502(f)(1)(C)(ii))".

(c) FUNDING.—Section 508 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6578) is amended to read as follows:

"SEC. 508. FUNDING.

"(a) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $9,750,000 for each of fiscal years 2009 through 2012 to carry out this title.

"(b) DURATION OF AVAILABILITY.—The funds made available under subsection (a) shall remain available until expended.".

Subtitle D—Boundary Adjustments and Land Conveyance Provisions

SEC. 8301. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundary of the Green Mountain National Forest is modified to include the 13 designated expansion units as generally depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II" and dated February 20, 2002 (copies of which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia), and more particularly described according to the site specific maps and legal descriptions on file in the office of the Forest Supervisor, Green Mountain National Forest.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460 l–9), the boundaries of the Green Mountain National Forest, as adjusted by this section, shall be considered to be the boundaries of the national forest as of January 1, 1965.

SEC. 8302. LAND CONVEYANCES, CHIHUAHUAN DESERT NATURE PARK, NEW MEXICO, AND GEORGE WASHINGTON NATIONAL FOREST, VIRGINIA.

(a) CHIHUAHUAN DESERT NATURE PARK CONVEYANCE.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, subject to valid existing rights and subsection (b), the Secretary of Agriculture shall convey to the Chihuahuan Desert Nature Park, Inc., a nonprofit corporation in the State of New Mexico (in this section referred to as the "Nature Park"), by quitclaim deed and for no consideration, all right, title, and interest of the United States in and to the land described in paragraph (2)

(2) DESCRIPTION OF LAND.—

(A) IN GENERAL.—The parcel of land referred to in paragraph (1) consists of the approximately 935.62 acres of land in Dona Ana County, New Mexico, which is more particularly described—

(i) as sections 17, 20, and 21 of T. 21 S., R. 2 E., N.M.P.M.; and

(ii) in an easement deed dated May 14, 1998, from the Department of Agriculture to the Nature Park.

(B) MODIFICATIONS.—The Secretary may modify the description of the land under subparagraph (A) to—

(i) correct errors in the description; or

(ii) facilitate management of the land.

(b) CONDITIONS.—The conveyance of land under subsection (a) shall be subject to—

(1) the reservation by the United States of all mineral and subsurface rights to the land, including any geothermal resources;

(2) the condition that the Chihuahuan Desert Nature Park Board pay any costs relating to the conveyance;

(3) any rights-of-way reserved by the Secretary;

(4) a covenant or restriction in the deed to the land requiring that—

(A) the land may be used only for educational or scientific purposes; and

(B) if the land is no longer used for the purposes described in subparagraph (A), the land may, at the discretion of the Secretary, revert to the United States in accordance with subsection (c); and

(5) any other terms and conditions that the Secretary determines to be appropriate.

(c) REVERSION.—If the land conveyed under subsection (a) is no longer used for the purposes described in subsection (b)(4)(A), the land may, at the discretion of the Secretary, revert to the United States. If the Secretary chooses to have the land revert to the United States, the Secretary shall—

(1) determine whether the land is environmentally contaminated, including contamination from hazardous wastes, hazardous substances, pollutants, contaminants, petroleum, or petroleum by-products; and

(2) if the Secretary determines that the land is environmentally contaminated, the Nature Park, the successor to the Nature Park, or any other person responsible for the contamination shall be required to remediate the contamination.

(d) WITHDRAWAL.—All federally owned mineral and subsurface rights to the land to be conveyed under subsection (a) are withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) the operation of the mineral leasing laws, including the geothermal leasing laws.

(e) WATER RIGHTS.—Nothing in subsection (a) authorizes the conveyance of water rights to the Nature Park.

(f) GEORGE WASHINGTON NATIONAL FOREST CONVEYANCE, VIRGINIA.—

(1) CONVEYANCE REQUIRED.—The Secretary of Agriculture shall convey, without consideration, to the Central Advent Christian Church of Alleghany County, Virginia (in this subsection referred to as the "recipient"), all right, title, and interest of the United States in and to a parcel of real property in the George Washington National Forest, Alleghany County, Virginia, consisting of not more than 8 acres, including a cemetery encompassing approximately 6 acres designated as an area of special use for the recipient, and depicted on the Forest Service map showing tract G–2032c and dated August 20, 2002, and the Forest Service map showing the area of special use and dated March 14, 2001.

(2) CONDITION OF CONVEYANCE.—The conveyance under this subsection shall be subject to the condition that the recipient accept the real property described in paragraph (1) in its condition at the time of the conveyance, commonly known as conveyance "as is".

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this subsection shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8303. SALE AND EXCHANGE OF NATIONAL FOREST SYSTEM LAND, VERMONT.

(a) DEFINITIONS.—In this section:

(1) BROMLEY.—The term "Bromley" means Bromley Mountain Ski Resort, Inc.

(2) MAP.—The term "map" means the map entitled "Proposed Bromley Land Sale or Exchange" and dated April 7, 2004.

(3) STATE.—The term "State" means the State of Vermont.

(b) SALE OR EXCHANGE OF GREEN MOUNTAIN NATIONAL FOREST LAND.—

(1) IN GENERAL.—The Secretary of Agriculture may, under any terms and conditions that the Secretary may prescribe, sell or exchange any right, title, and interest of the United States in and to the parcels of National Forest System land described in paragraph (2).

(2) DESCRIPTION OF LAND.—The parcels of National Forest System land referred to in paragraph (1) are the 5 parcels of land in Bennington County in the State, as generally depicted on the map.

(3) MAP AND LEGAL DESCRIPTIONS.—

(A) IN GENERAL.—The map shall be on file and available for public inspection in—

(i) the office of the Chief of the Forest Service; and

(ii) the office of the Supervisor of the Green Mountain National Forest.

(B) MODIFICATIONS.—The Secretary may modify the map and legal descriptions to—

(i) correct technical errors; or

(ii) facilitate the conveyance under paragraph (1).

(4) CONSIDERATION.—Consideration for the sale or exchange of land described in paragraph (2)—

(A) shall be equal to an amount that is not less than the fair market value of the land sold or exchanged; and

(B) may be in the form of cash, land, or a combination of cash and land.

(5) APPRAISALS.—Any appraisal carried out to facilitate the sale or exchange of land under paragraph (1) shall conform with the Uniform Appraisal Standards for Federal Land Acquisitions.

(6) METHODS OF SALE.—

(A) CONVEYANCE TO BROMLEY.—

(i) IN GENERAL.—Before soliciting offers under subparagraph (B), the Secretary shall offer to convey to Bromley the land described in paragraph (2).

(ii) CONTRACT DEADLINE.—If Bromley accepts the offer under clause (i), the Secretary and Bromley shall have not more than 180 days after the date on which any environmental analyses with respect to the land are completed to enter into a contract for the sale or exchange of the land.

(B) PUBLIC OR PRIVATE SALE.—If the Secretary and Bromley do not enter into a contract for the sale or exchange of the land by the date specified in subparagraph (A)(ii), the Secretary may sell or exchange the land at public or private sale (including auction), in accordance with such terms, conditions, and procedures as the Secretary determines to be in the public interest.

(C) REJECTION OF OFFERS.—The Secretary may reject any offer received under this paragraph if the Secretary determines that the offer is not adequate or is not in the public interest.

(D) BROKERS.—In any sale or exchange of land under this subsection, the Secretary may—

(i) use a real estate broker or other third party; and

(ii) pay the real estate broker or third party a commission in an amount comparable to the amounts of commission generally paid for real estate transactions in the area.

(7) CASH EQUALIZATION.—Notwithstanding section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)), the Secretary may accept a cash equalization payment in excess of 25 percent of the value of any Federal land exchanged under this section.

(c) DISPOSITION OF PROCEEDS.—

(1) IN GENERAL.—The Secretary shall deposit the net proceeds from a sale or exchange under this section in the fund established under Public Law 90–171 (16 U.S.C. 484a) (commonly known as the "Sisk Act").

(2) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary until expended, without further appropriation, for—

(A) the location and relocation of the Appalachian National Scenic Trail and the Long National Recreation Trail in the State;

(B) the acquisition of land and interests in land by the Secretary for National Forest System purposes within the boundary of the Green Mountain National Forest, including land for and adjacent to the Appalachian National Scenic Trail and the Long National Recreation Trail;

(C) the acquisition of wetland or an interest in wetland within the boundary of the Green Mountain National Forest to offset the loss of wetland from the parcels sold or exchanged; and

(D) the payment of direct administrative costs incurred in carrying out this section.

(3) LIMITATION.—Amounts deposited under paragraph (1) shall not—

(A) be paid or distributed to the State or counties or towns in the State under any provision of law; or

(B) be considered to be money received from units of the National Forest System for purposes of—

(i) the Act of May 23, 1908 (16 U.S.C. 500); or

(ii) the Act of March 4, 1913 (16 U.S.C. 501).

(4) PROHIBITION OF TRANSFER OR REPROGRAMMING.—Amounts deposited under paragraph (1) shall not be subject to transfer or reprogramming for wildfire management or any other emergency purposes.

(d) ACQUISITION OF LAND.—The Secretary may acquire, using funds made available under subsection (c) or otherwise made available for acquisition, land or an interest in land for National Forest System purposes within the boundary of the Green Mountain National Forest.

(e) EXEMPTION FROM CERTAIN LAWS.—Subtitle I of title 40, United States Code, shall not apply to any sale or exchange of National Forest System land under this section.

Subtitle E—Miscellaneous Provisions

SEC. 8401. QUALIFYING TIMBER CONTRACT OPTIONS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED PRODUCER PRICE INDEX.—The term "authorized Producer Price Index" includes—

(A) the softwood commodity index (code number WPU 0811);

(B) the hardwood commodity index (code number WPU 0812);

(C) the wood chip index (code number PCU 3211133211135); and

(D) any other subsequent comparable index, as established by the Bureau of Labor Statistics of the Department of Labor and utilized by the Secretary of Agriculture.

(2) QUALIFYING CONTRACT.—The term "qualifying contract" means a contract for the sale of timber on National Forest System land—

(A) that was awarded during the period beginning on July 1, 2004, and ending on December 31, 2006;

(B) for which there is unharvested volume remaining;

(C) for which, not later than 90 days after the date of enactment of this Act, the timber purchaser makes a written request to the Secretary for one or more of the options described in subsection (b);

(D) that is not a salvage sale;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions that developed after the award of the contract; and

(F) that is not in breach or in default.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(b) OPTIONS FOR QUALIFYING CONTRACTS.—

(1) CANCELLATION OR RATE REDETERMINATION.—Notwithstanding any other provision of law, if the rate at which a qualifying contract would be advertised as of the date of enactment of this Act is at least 50 percent less than the sum of the original bid rates for all of the species of timber that are the subject of the qualifying contract, the Secretary may, at the sole discretion of the Secretary—

(A) cancel the qualifying contract if the timber purchaser—

(i) pays 30 percent of the total value of the timber remaining in the qualifying contract based on bid rates;

(ii) completes each contractual obligation (including the removal of downed timber, the completion of road work, and the completion of erosion control work) of the timber purchaser with respect to each unit on which harvest has begun to a logical stopping point, as determined by the Secretary after consultation with the timber purchaser; and

(iii) terminates its rights under the qualifying contract; or

(B) modify the qualifying contract to redetermine the current contract rate of the qualifying contract to equal the sum obtained by adding—

(i) 25 percent of the bid premium on the qualifying contract; and

(ii) the rate at which the qualifying contract would be advertised as of the date of enactment of this Act.

(2) SUBSTITUTION OF INDEX.—

(A) SUBSTITUTION.—Notwithstanding any other provision of law, the Secretary may, at the sole discretion of the Secretary, substitute the Producer Price Index specified in the qualifying contract of a timber purchaser if the timber purchaser identifies—

(i) the products the timber purchaser intends to produce from the timber harvested under the qualifying contract; and

(ii) a substitute index from an authorized Producer Price Index that more accurately represents the predominant product identified in clause (i) for which there is an index.

(B) RATE REDETERMINATION FOLLOWING SUBSTITUTION OF INDEX.—If the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract to provide for—

(i) an emergency rate redetermination under the terms of the contract; or

(ii) a rate redetermination under paragraph (1)(B).

(C) LIMITATION ON MARKET-RELATED CONTRACT TERM ADDITION; PERIODIC PAYMENTS.—Notwithstanding any other provision of law, if the Secretary substitutes the Producer Price Index of a qualifying contract under subparagraph (A), the Secretary may, at the sole discretion of the Secretary, modify the qualifying contract—

(i) to adjust the term in accordance with the market-related contract term addition provision in the qualifying contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the adjustment, but only if the drastic reduction criteria in such section are met for 2 or more consecutive calendar year quarters beginning with the calendar quarter in which the Secretary substitutes the Producer Price Index under subparagraph (A); and

(ii) to adjust the periodic payments required under the contract in accordance with applicable law and policies.

(3) CONTRACTS USING HARDWOOD LUMBER INDEX.—With respect to a qualifying contract

using the hardwood commodity index referred to in subsection (a)(1)(B) for which the Secretary does not substitute the Producer Price Index under paragraph (2), the Secretary may, at the sole discretion of the Secretary—

(A) extend the contract term for a 1-year period beginning on the current contract termination date; and

(B) adjust the periodic payments required under the contract in accordance with applicable law and policies.

(c) EXTENSION OF MARKET-RELATED CONTRACT TERM ADDITION TIME LIMIT FOR CERTAIN CONTRACTS.—Notwithstanding any other provision of law, upon the written request of a timber purchaser, the Secretary may, at the sole discretion of the Secretary, modify a timber sale contract (including a qualifying contract) awarded to the purchaser before January 1, 2007, to adjust the term of the contract in accordance with the market-related contract term addition provision in the contract and section 223.52 of title 36, Code of Federal Regulations, as in effect on the date of the modification, except that the Secretary may add no more than 4 years to the original contract length.

(d) EFFECT OF OPTIONS.—

(1) NO SURRENDER OF CLAIMS.—Operation of this section shall not have the effect of surrendering any claim by the United States against any timber purchaser that arose—

(A) under a qualifying contract before the date on which the Secretary cancels the contract or redetermines the rate under subsection (b)(1), substitutes a Producer Price Index under subsection (b)(2), or modifies the contract under subsection (b)(3); or

(B) under a timber sale contract, including a qualifying contract, before the date on which the Secretary adjusts the contract term under subsection (c).

(2) RELEASE OF LIABILITY.—In the written request for any option provided under subsections (b) and (c), a timber purchaser shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the cancellation of a qualifying contract of the purchaser or rate redetermination under subsection (b)(1), the substitution of a Producer Price Index under subsection (b)(2), the modification of the contract under subsection (b)(3) or a determination by the Secretary not to provide the cancellation, redetermination, substitution, or modification; or

(B) the modification of the term of a timber sale contract (including a qualifying contract) of the purchaser under subsection (c) or a determination by the Secretary not to provide the modification.

(3) LIMITATION.—Subject to subsection (b)(1)(A), the cancellation of a qualifying contract by the Secretary under subsection (b)(1) shall release the timber purchaser from further obligation under the canceled contract.

SEC. 8402. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

(a) DEFINITION OF HISPANIC-SERVING INSTITUTION.—In this section, the term "Hispanic-serving institution" has the meaning given that term in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5)).

(b) GRANT AUTHORITY.—The Secretary of Agriculture may make grants, on a competitive basis, to Hispanic-serving institutions for the purpose of establishing an undergraduate scholarship program to assist in the recruitment, retention, and training of Hispanics and other under-represented groups in forestry and related fields.

(c) USE OF GRANT FUNDS.—Grants made under this section shall be used to recruit, retain, train, and develop professionals to work in forestry and related fields with Federal agencies, such as the Forest Service, State agencies, and private-sector entities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

TITLE IX—ENERGY

SEC. 9001. ENERGY.

(a) IN GENERAL.—Title IX of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101 et seq.) is amended to read as follows:

"TITLE IX—ENERGY

"SEC. 9001. DEFINITIONS.

"Except as otherwise provided, in this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 9008(d)(1).

"(3) ADVANCED BIOFUEL.—

"(A) IN GENERAL.—The term 'advanced biofuel' means fuel derived from renewable biomass other than corn kernel starch.

"(B) INCLUSIONS.—Subject to subparagraph (A), the term 'advanced biofuel' includes—

"(i) biofuel derived from cellulose, hemicellulose, or lignin;

"(ii) biofuel derived from sugar and starch (other than ethanol derived from corn kernel starch);

"(iii) biofuel derived from waste material, including crop residue, other vegetative waste material, animal waste, food waste, and yard waste;

"(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

"(v) biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass;

"(vi) butanol or other alcohols produced through the conversion of organic matter from renewable biomass; and

"(vii) other fuel derived from cellulosic biomass.

"(4) BIOBASED PRODUCT.—The term 'biobased product' means a product determined by the Secretary to be a commercial or industrial product (other than food or feed) that is—

"(A) composed, in whole or in significant part, of biological products, including renewable domestic agricultural materials and forestry materials; or

"(B) an intermediate ingredient or feedstock.

"(5) BIOFUEL.—The term 'biofuel' means a fuel derived from renewable biomass.

"(6) BIOMASS CONVERSION FACILITY.—The term 'biomass conversion facility' means a facility that converts or proposes to convert renewable biomass into—

"(A) heat;

"(B) power;

"(C) biobased products; or

"(D) advanced biofuels.

"(7) BIOREFINERY.—The term 'biorefinery' means a facility (including equipment and processes) that—

"(A) converts renewable biomass into biofuels and biobased products; and

"(B) may produce electricity.

"(8) BOARD.—The term 'Board' means the Biomass Research and Development Board established by section 9008(c).

"(9) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(10) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)).

"(11) INTERMEDIATE INGREDIENT OR FEEDSTOCK.—The term 'intermediate ingredient or feedstock' means a material or compound made in whole or in significant part from biological products, including renewable agricultural materials (including plant, animal, and marine materials) or forestry materials, that are subsequently used to make a more complex compound or product.

"(12) RENEWABLE BIOMASS.—The term 'renewable biomass' means—

"(A) materials, pre-commercial thinnings, or invasive species from National Forest System land and public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) that—

"(i) are byproducts of preventive treatments that are removed—

"(I) to reduce hazardous fuels;

"(II) to reduce or contain disease or insect infestation; or

"(III) to restore ecosystem health;

"(ii) would not otherwise be used for higher-value products; and

"(iii) are harvested in accordance with—

"(I) applicable law and land management plans; and

"(II) the requirements for—

"(aa) old-growth maintenance, restoration, and management direction of paragraphs (2), (3), and (4) of subsection (e) of section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); and

"(bb) large-tree retention of subsection (f) of that section; or

"(B) any organic matter that is available on a renewable or recurring basis from non-Federal land or land belonging to an Indian or Indian tribe that is held in trust by the United States or subject to a restriction against alienation imposed by the United States, including—

"(i) renewable plant material, including—

"(I) feed grains;

"(II) other agricultural commodities;

"(III) other plants and trees; and

"(IV) algae; and

"(ii) waste material, including—

"(I) crop residue;

"(II) other vegetative waste material (including wood waste and wood residues);

"(III) animal waste and byproducts (including fats, oils, greases, and manure); and

"(IV) food waste and yard waste.

"(13) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from—

"(A) a wind, solar, renewable biomass, ocean (including tidal, wave, current, and thermal), geothermal, or hydroelectric source; or

"(B) hydrogen derived from renewable biomass or water using an energy source described in subparagraph (A).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"SEC. 9002. BIOBASED MARKETS PROGRAM.

"(a) FEDERAL PROCUREMENT OF BIOBASED PRODUCTS.—

"(1) DEFINITION OF PROCURING AGENCY.—In this subsection, the term 'procuring agency' means—

"(A) any Federal agency that is using Federal funds for procurement; or

"(B) a person that is a party to a contract with any Federal agency, with respect to work performed under such a contract.

"(2) PROCUREMENT PREFERENCE.—

"(A) IN GENERAL.—

"(i) PROCURING AGENCY DUTIES.—Except as provided in clause (ii) and subparagraph (B), after the date specified in applicable guidelines prepared pursuant to paragraph (3), each procuring agency shall—

"(I) establish a procurement program, develop procurement specifications, and procure biobased products identified under the guidelines described in paragraph (3) in accordance with this section; and

"(II) with respect to items described in the guidelines, give a procurement preference to those items that—

"(aa) are composed of the highest percentage of biobased products practicable; or

"(bb) comply with the regulations issued under section 103 of Public Law 100-556 (42 U.S.C. 6914b-1).

"(ii) EXCEPTION.—The requirements of clause (i)(I) to establish a procurement program and develop procurement specifications shall not apply to a person described in paragraph (1)(B).

"(B) FLEXIBILITY.—Notwithstanding subparagraph (A), a procuring agency may decide not to procure items described in that subparagraph if the procuring agency determines that the items—

"(i) are not reasonably available within a reasonable period of time;

"(ii) fail to meet—

"(I) the performance standards set forth in the applicable specifications; or

"(II) the reasonable performance standards of the procuring agencies; or

"(iii) are available only at an unreasonable price.

"(C) MINIMUM REQUIREMENTS.—Each procurement program required under this subsection shall, at a minimum—

"(i) be consistent with applicable provisions of Federal procurement law;

"(ii) ensure that items composed of biobased products will be purchased to the maximum extent practicable;

"(iii) include a component to promote the procurement program;

"(iv) provide for an annual review and monitoring of the effectiveness of the procurement program; and

"(v) adopt 1 of the 2 polices described in subparagraph (D) or (E), or a policy substantially equivalent to either of those policies.

"(D) CASE-BY-CASE POLICY.—

"(i) IN GENERAL.—Subject to subparagraph (B) and except as provided in clause (ii), a procuring agency adopting the case-by-case policy shall award a contract to the vendor offering an item composed of the highest percentage of biobased products practicable.

"(ii) EXCEPTION.—Subject to subparagraph (B), an agency adopting the policy described in clause (i) may make an award to a vendor offering items with less than the maximum biobased products content.

"(E) MINIMUM CONTENT STANDARDS.—Subject to subparagraph (B), a procuring agency adopting the minimum content standards policy shall establish minimum biobased products content specifications for awarding contracts in a manner that ensures that the biobased products content required is consistent with this subsection.

"(F) CERTIFICATION.—After the date specified in any applicable guidelines prepared pursuant to paragraph (3), contracting offices shall require that vendors certify that the biobased products to be used in the performance of the contract will comply with the applicable specifications or other contractual requirements.

"(3) GUIDELINES.—

"(A) IN GENERAL.—The Secretary, after consultation with the Administrator, the Administrator of General Services, and the Secretary of Commerce (acting through the Director of the National Institute of Standards and Technology), shall prepare, and from time to time revise, guidelines for the use of procuring agencies in complying with the requirements of this subsection.

"(B) REQUIREMENTS.—The guidelines under this paragraph shall—

"(i) designate those items (including finished products) that are or can be produced with biobased products (including biobased products for which there is only a single product or manufacturer in the category) that will be subject to the preference described in paragraph (2);

"(ii) designate those intermediate ingredients and feedstocks that are or can be used to produce items that will be subject to the preference described in paragraph (2);

"(iii) automatically designate items composed of intermediate ingredients and feedstocks designated under clause (ii), if the content of the designated intermediate ingredients and feedstocks exceeds 50 percent of the item (unless the Secretary determines a different composition percentage is appropriate);

"(iv) set forth recommended practices with respect to the procurement of biobased products and items containing such materials;

"(v) provide information as to the availability, relative price, performance, and environmental and public health benefits of such materials and items; and

"(vi) take effect on the date established in the guidelines, which may not exceed 1 year after publication.

"(C) INFORMATION PROVIDED.—Information provided pursuant to subparagraph (B)(v) with respect to a material or item shall be considered to be provided for another item made with the same material or item.

"(D) PROHIBITION.—Guidelines issued under this paragraph may not require a manufacturer or vendor of biobased products, as a condition of the purchase of biobased products from the manufacturer or vendor, to provide to procuring agencies more data than would be required to be provided by other manufacturers or vendors offering products for sale to a procuring agency, other than data confirming the biobased content of a product.

"(E) QUALIFYING PURCHASES.—The guidelines shall apply with respect to any purchase or acquisition of a procurement item for which—

"(i) the purchase price of the item exceeds $10,000; or

"(ii) the quantity of the items or of functionally-equivalent items purchased or acquired during the preceding fiscal year was at least $10,000.

"(4) ADMINISTRATION.—

"(A) OFFICE OF FEDERAL PROCUREMENT POLICY.—The Office of Federal Procurement Policy, in cooperation with the Secretary, shall—

"(i) coordinate the implementation of this subsection with other policies for Federal procurement;

"(ii) annually collect the information required to be reported under subparagraph (B) and make the information publicly available;

"(iii) take a leading role in informing Federal agencies concerning, and promoting the adoption of and compliance with, procurement requirements for biobased products by Federal agencies; and

"(iv) not less than once every 2 years, submit to Congress a report that—

"(I) describes the progress made in carrying out this subsection; and

"(II) contains a summary of the information reported pursuant to subparagraph (B).

"(B) OTHER AGENCIES.—To assist the Office of Federal Procurement Policy in carrying out subparagraph (A)—

"(i) each procuring agency shall submit each year to the Office of Federal Procurement Policy, to the maximum extent practicable, information concerning—

"(I) actions taken to implement paragraph (2);

"(II) the results of the annual review and monitoring program established under paragraph (2)(C)(iv);

"(III) the number and dollar value of contracts entered into during the year that include the direct procurement of biobased products;

"(IV) the number of service and construction (including renovations) contracts entered into during the year that include language on the use of biobased products; and

"(V) the types and dollar value of biobased products actually used by contractors in carrying out service and construction (including renovations) contracts during the previous year; and

"(ii) the General Services Administration and the Defense Logistics Agency shall submit each year to the Office of Federal Procurement Policy information concerning, to the maximum extent practicable, the types and dollar value of biobased products purchased by procuring agencies.

"(C) PROCUREMENT SUBJECT TO OTHER LAW.—Any procurement by any Federal agency that is subject to regulations of the Administrator under section 6002 of the Solid Waste Disposal Act (42 U.S.C. 6962) shall not be subject to the requirements of this section to the extent that the requirements are inconsistent with the regulations.

"(b) LABELING.—

"(1) IN GENERAL.—The Secretary, in consultation with the Administrator, shall establish a voluntary program under which the Secretary authorizes producers of biobased products to use the label 'USDA Certified Biobased Product'.

"(2) ELIGIBILITY CRITERIA.—

"(A) CRITERIA.—

"(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and except as provided in clause (ii), the Secretary, in consultation with the Administrator and representatives from small and large businesses, academia, other Federal agencies, and such other persons as the Secretary considers appropriate, shall issue criteria (as of the date of enactment of that Act) for determining which products may qualify to receive the label under paragraph (1).

"(ii) EXCEPTION.—Clause (i) shall not apply to final criteria that have been issued (as of the date of enactment of that Act) by the Secretary.

"(B) REQUIREMENTS.—Criteria issued under subparagraph (A) shall—

"(i) encourage the purchase of products with the maximum biobased content;

"(ii) provide that the Secretary may designate as biobased for the purposes of the voluntary program established under this subsection finished products that contain significant portions of biobased materials or components; and

"(iii) to the maximum extent practicable, be consistent with the guidelines issued under subsection (a)(3).

"(3) USE OF LABEL.—The Secretary shall ensure that the label referred to in paragraph (1) is used only on products that meet the criteria issued pursuant to paragraph (2).

"(c) RECOGNITION.—The Secretary shall—

"(1) establish a program to recognize Federal agencies and private entities that use a substantial amount of biobased products; and

"(2) encourage Federal agencies to establish incentives programs to recognize Federal employees or contractors that make exceptional contributions to the expanded use of biobased products.

"(d) LIMITATION.—Nothing in this section shall apply to the procurement of motor vehicle fuels, heating oil, or electricity.

"(e) INCLUSION.—Effective beginning on the date that is 90 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Chief Administrative Officer of the House of Representatives shall consider the biobased product designations made under this section in making procurement decisions for the Capitol Complex.

"(f) NATIONAL TESTING CENTER REGISTRY.—The Secretary shall establish a national registry

of testing centers for biobased products that will serve biobased product manufacturers.

"(g) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each year thereafter, the Secretary shall submit to Congress a report on the implementation of this section.

"(2) CONTENTS.—The report shall include—

"(A) a comprehensive management plan that establishes tasks, milestones, and timelines, organizational roles and responsibilities, and funding allocations for fully implementing this section; and

"(B) information on the status of implementation of—

"(i) item designations (including designation of intermediate ingredients and feedstocks); and

"(ii) the voluntary labeling program established under subsection (b).

"(h) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to provide mandatory funding for biobased products testing and labeling as required to carry out this section—

"(A) $1,000,000 for fiscal year 2008; and

"(B) $2,000,000 for each of fiscal years 2009 through 2012.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9003. BIOREFINERY ASSISTANCE.

"(a) PURPOSE.—The purpose of this section is to assist in the development of new and emerging technologies for the development of advanced biofuels, so as to—

"(1) increase the energy independence of the United States;

"(2) promote resource conservation, public health, and the environment;

"(3) diversify markets for agricultural and forestry products and agriculture waste material; and

"(4) create jobs and enhance the economic development of the rural economy.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an individual, entity, Indian tribe, or unit of State or local government, including a corporation, farm cooperative, farmer cooperative organization, association of agricultural producers, National Laboratory, institution of higher education, rural electric cooperative, public power entity, or consortium of any of those entities.

"(2) ELIGIBLE TECHNOLOGY.—The term 'eligible technology' means, as determined by the Secretary—

"(A) a technology that is being adopted in a viable commercial-scale operation of a biorefinery that produces an advanced biofuel; and

"(B) a technology not described in subparagraph (A) that has been demonstrated to have technical and economic potential for commercial application in a biorefinery that produces an advanced biofuel.

"(c) ASSISTANCE.—The Secretary shall make available to eligible entities—

"(1) grants to assist in paying the costs of the development and construction of demonstration-scale biorefineries to demonstrate the commercial viability of 1 or more processes for converting renewable biomass to advanced biofuels; and

"(2) guarantees for loans made to fund the development, construction, and retrofitting of commercial-scale biorefineries using eligible technology.

"(d) GRANTS.—

"(1) COMPETITIVE BASIS.—The Secretary shall award grants under subsection (c)(1) on a competitive basis.

"(2) SELECTION CRITERIA.—

"(A) IN GENERAL.—In approving grant applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

"(B) FEASIBILITY.—In approving a grant application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

"(C) SCORING SYSTEM.—In determining the priority scoring system, the Secretary shall consider—

"(i) the potential market for the advanced biofuel and the byproducts produced;

"(ii) the level of financial participation by the applicant, including support from non-Federal and private sources;

"(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

"(iv) whether the applicant is proposing to work with producer associations or cooperatives;

"(v) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

"(vi) the potential for rural economic development;

"(vii) whether the area in which the applicant proposes to locate the biorefinery has other similar facilities;

"(viii) whether the project can be replicated; and

"(ix) scalability for commercial use.

"(3) COST SHARING.—

"(A) LIMITS.—The amount of a grant awarded for development and construction of a biorefinery under subsection (c)(1) shall not exceed an amount equal to 30 percent of the cost of the project.

"(B) FORM OF GRANTEE SHARE.—

"(i) IN GENERAL.—The grantee share of the cost of a project may be made in the form of cash or material.

"(ii) LIMITATION.—The amount of the grantee share that is made in the form of material shall not exceed 15 percent of the amount of the grantee share determined under subparagraph (A).

"(e) LOAN GUARANTEES.—

"(1) SELECTION CRITERIA.—

"(A) IN GENERAL.—In approving loan guarantee applications, the Secretary shall establish a priority scoring system that assigns priority scores to each application and only approve applications that exceed a specified minimum, as determined by the Secretary.

"(B) FEASIBILITY.—In approving a loan guarantee application, the Secretary shall determine the technical and economic feasibility of the project based on a feasibility study of the project described in the application conducted by an independent third party.

"(C) SCORING SYSTEM.—In determining the priority scoring system for loan guarantees under subsection (c)(2), the Secretary shall consider—

"(i) whether the applicant has established a market for the advanced biofuel and the byproducts produced;

"(ii) whether the area in which the applicant proposes to place the biorefinery has other similar facilities;

"(iii) whether the applicant is proposing to use a feedstock not previously used in the production of advanced biofuels;

"(iv) whether the applicant is proposing to work with producer associations or cooperatives;

"(v) the level of financial participation by the applicant, including support from non-Federal and private sources;

"(vi) whether the applicant has established that the adoption of the process proposed in the application will have a positive impact on resource conservation, public health, and the environment;

"(vii) whether the applicant can establish that if adopted, the biofuels production technology proposed in the application will not have any significant negative impacts on existing manufacturing plants or other facilities that use similar feedstocks;

"(viii) the potential for rural economic development;

"(ix) the level of local ownership proposed in the application; and

"(x) whether the project can be replicated.

"(2) LIMITATIONS.—

"(A) MAXIMUM AMOUNT OF LOAN GUARANTEED.—The principal amount of a loan guaranteed under subsection (c)(2) may not exceed $250,000,000.

"(B) MAXIMUM PERCENTAGE OF LOAN GUARANTEED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a loan guaranteed under subsection (c)(2) shall be in an amount not to exceed 80 percent of the project costs, as determined by the Secretary.

"(ii) OTHER DIRECT FEDERAL FUNDING.—The amount of a loan guaranteed for a project under subsection (c)(2) shall be reduced by the amount of other direct Federal funding that the eligible entity receives for the same project.

"(iii) AUTHORITY TO GUARANTEE THE LOAN.—The Secretary may guarantee up to 90 percent of the principal and interest due on a loan guaranteed under subsection (c)(2).

"(C) LOAN GUARANTEE FUND DISTRIBUTION.—Of the funds made available for loan guarantees for a fiscal year under subsection (h), 50 percent of the funds shall be reserved for obligation during the second half of the fiscal year.

"(f) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

"(g) CONDITION ON PROVISION OF ASSISTANCE.—

"(1) IN GENERAL.—As a condition of receiving a grant or loan guarantee under this section, an eligible entity shall ensure that all laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed, in whole or in part, with the grant or loan guarantee, as the case may be, shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

"(2) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards described in paragraph (1), the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App and section 3145 of title 40, United States Code.

"(h) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use for the cost of loan guarantees under this section, to remain available until expended—

"(A) $75,000,000 for fiscal year 2009; and

"(B) $245,000,000 for fiscal year 2010.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $150,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9004. REPOWERING ASSISTANCE.

"(a) IN GENERAL.—The Secretary shall carry out a program to encourage biorefineries in existence on the date of enactment of the Food, Conservation, and Energy Act of 2008 to replace fossil fuels used to produce heat or power to operate the biorefineries by making payments for—

"(1) the installation of new systems that use renewable biomass; or

"(2) the new production of energy from renewable biomass.

"(b) PAYMENTS.—

"(1) IN GENERAL.—The Secretary may make payments under this section to any biorefinery that meets the requirements of this section for a period determined by the Secretary.

"(2) AMOUNT.—The Secretary shall determine the amount of payments to be made under this section to a biorefinery after considering—

"(A) the quantity of fossil fuels a renewable biomass system is replacing;

"(B) the percentage reduction in fossil fuel used by the biorefinery that will result from the installation of the renewable biomass system; and

"(C) the cost and cost effectiveness of the renewable biomass system.

"(c) ELIGIBILITY.—To be eligible to receive a payment under this section, a biorefinery shall demonstrate to the Secretary that the renewable biomass system of the biorefinery is feasible based on an independent feasibility study that takes into account the economic, technical and environmental aspects of the system.

"(d) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to make payments under this section $35,000,000 for fiscal year 2009, to remain available until expended.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9005. BIOENERGY PROGRAM FOR ADVANCED BIOFUELS.

"(a) DEFINITION OF ELIGIBLE PRODUCER.—In this section, the term 'eligible producer' means a producer of advanced biofuels.

"(b) PAYMENTS.—The Secretary shall make payments to eligible producers to support and ensure an expanding production of advanced biofuels.

"(c) CONTRACTS.—To receive a payment, an eligible producer shall—

"(1) enter into a contract with the Secretary for production of advanced biofuels; and

"(2) submit to the Secretary such records as the Secretary may require as evidence of the production of advanced biofuels.

"(d) BASIS FOR PAYMENTS.—The Secretary shall make payments under this section to eligible producers based on—

"(1) the quantity and duration of production by the eligible producer of an advanced biofuel;

"(2) the net nonrenewable energy content of the advanced biofuel, if sufficient data is available, as determined by the Secretary; and

"(3) other appropriate factors, as determined by the Secretary.

"(e) EQUITABLE DISTRIBUTION.—The Secretary may limit the amount of payments that may be received by a single eligible producer under this section in order to distribute the total amount of funding available in an equitable manner.

"(f) OTHER REQUIREMENTS.—To receive a payment under this section, an eligible producer shall meet any other requirements of Federal and State law (including regulations) applicable to the production of advanced biofuels.

"(g) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

"(A) $55,000,000 for fiscal year 2009;

"(B) $55,000,000 for fiscal year 2010;

"(C) $85,000,000 for fiscal year 2011; and

"(D) $105,000,000 for fiscal year 2012.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

"(3) LIMITATION.—Of the funds provided for each fiscal year, not more than 5 percent of the funds shall be made available to eligible producers for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year.

"SEC. 9006. BIODIESEL FUEL EDUCATION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall, under such terms and conditions as the Secretary determines to be appropriate, make competitive grants to eligible entities to educate governmental and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

"(b) ELIGIBLE ENTITIES.—To receive a grant under subsection (b), an entity shall—

"(1) be a nonprofit organization or institution of higher education;

"(2) have demonstrated knowledge of biodiesel fuel production, use, or distribution; and

"(3) have demonstrated the ability to conduct educational and technical support programs.

"(c) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Energy.

"(d) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for each of fiscal years 2008 through 2012.

"SEC. 9007. RURAL ENERGY FOR AMERICA PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in consultation with the Secretary of Energy, shall establish a Rural Energy for America Program to promote energy efficiency and renewable energy development for agricultural producers and rural small businesses through—

"(1) grants for energy audits and renewable energy development assistance; and

"(2) financial assistance for energy efficiency improvements and renewable energy systems.

"(b) ENERGY AUDITS AND RENEWABLE ENERGY DEVELOPMENT ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make competitive grants to eligible entities to provide assistance to agricultural producers and rural small businesses—

"(A) to become more energy efficient; and

"(B) to use renewable energy technologies and resources.

"(2) ELIGIBLE ENTITIES.—An eligible entity under this subsection is—

"(A) a unit of State, tribal, or local government;

"(B) a land-grant college or university or other institution of higher education;

"(C) a rural electric cooperative or public power entity; and

"(D) any other similar entity, as determined by the Secretary.

"(3) SELECTION CRITERIA.—In reviewing applications of eligible entities to receive grants under paragraph (1), the Secretary shall consider—

"(A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

"(B) the geographic scope of the program proposed by the eligible entity in relation to the identified need;

"(C) the number of agricultural producers and rural small businesses to be assisted by the program;

"(D) the potential of the proposed program to produce energy savings and environmental benefits;

"(E) the plan of the eligible entity for performing outreach and providing information and assistance to agricultural producers and rural small businesses on the benefits of energy efficiency and renewable energy development; and

"(F) the ability of the eligible entity to leverage other sources of funding.

"(4) USE OF GRANT FUNDS.—A recipient of a grant under paragraph (1) shall use the grant funds to assist agricultural producers and rural small businesses by—

"(A) conducting and promoting energy audits; and

"(B) providing recommendations and information on how—

"(i) to improve the energy efficiency of the operations of the agricultural producers and rural small businesses; and

"(ii) to use renewable energy technologies and resources in the operations.

"(5) LIMITATION.—Grant recipients may not use more than 5 percent of a grant for administrative expenses.

"(6) COST SHARING.—A recipient of a grant under paragraph (1) that conducts an energy audit for an agricultural producer or rural small business under paragraph (4) shall require that, as a condition of the energy audit, the agricultural producer or rural small business pay at least 25 percent of the cost of the energy audit, which shall be retained by the eligible entity for the cost of the energy audit.

"(c) FINANCIAL ASSISTANCE FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY SYSTEMS.—

"(1) IN GENERAL.—In addition to any similar authority, the Secretary shall provide loan guarantees and grants to agricultural producers and rural small businesses—

"(A) to purchase renewable energy systems, including systems that may be used to produce and sell electricity; and

"(B) to make energy efficiency improvements.

"(2) AWARD CONSIDERATIONS.—In determining the amount of a loan guarantee or grant provided under this section, the Secretary shall take into consideration, as applicable—

"(A) the type of renewable energy system to be purchased;

"(B) the estimated quantity of energy to be generated by the renewable energy system;

"(C) the expected environmental benefits of the renewable energy system;

"(D) the quantity of energy savings expected to be derived from the activity, as demonstrated by an energy audit;

"(E) the estimated period of time for the energy savings generated by the activity to equal the cost of the activity;

"(F) the expected energy efficiency of the renewable energy system; and

"(G) other appropriate factors.

"(3) FEASIBILITY STUDIES.—

"(A) IN GENERAL.—The Secretary may provide assistance in the form of grants to an agricultural producer or rural small business to conduct a feasibility study for a project for which assistance may be provided under this subsection.

"(B) LIMITATION.—The Secretary shall use not more than 10 percent of the funds made available to carry out this subsection to provide assistance described in subparagraph (A).

"(C) AVOIDANCE OF DUPLICATIVE ASSISTANCE.—An entity shall be ineligible to receive assistance to carry out a feasibility study for a project under this paragraph if the entity has received other Federal or State assistance for a feasibility study for the project.

"(4) LIMITS.—

"(A) GRANTS.—The amount of a grant under this subsection shall not exceed 25 percent of the cost of the activity carried out using funds from the grant.

"(B) MAXIMUM AMOUNT OF LOAN GUARANTEES.—The amount of a loan guaranteed under this subsection shall not exceed $25,000,000.

"(C) MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN GUARANTEE.—The combined amount of a grant and loan guaranteed under this subsection shall not exceed 75 percent of the cost of the activity funded under this subsection.

"(d) OUTREACH.—The Secretary shall ensure, to the maximum extent practicable, that adequate outreach relating to this section is being conducted at the State and local levels.

"(e) LOWER-COST ACTIVITIES.—

"(1) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (2), the Secretary shall use not less than 20 percent of the funds made available under subsection (g) to provide grants of $20,000 or less.

"(2) EXCEPTION.—Effective beginning on June 30 of each fiscal year, paragraph (1) shall not apply to funds made available under subsection (g) for the fiscal year.

"(f) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to Congress a report on the implementation of this section, including the outcomes achieved by projects funded under this section.

"(g) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended—

"(A) $55,000,000 for fiscal year 2009;

"(B) $60,000,000 for fiscal year 2010;

"(C) $70,000,000 for fiscal year 2011; and

"(D) $70,000,000 for fiscal year 2012.

"(2) AUDIT AND TECHNICAL ASSISTANCE FUNDING.—

"(A) IN GENERAL.—Subject to subparagraph (B), of the funds made available for each fiscal year under paragraph (1), 4 percent shall be available to carry out subsection (b).

"(B) OTHER USE.—Funds not obligated under subparagraph (A) by April 1 of each fiscal year to carry out subsection (b) shall become available to carry out subsection (c).

"(3) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9008. BIOMASS RESEARCH AND DEVELOPMENT.

"(a) DEFINITIONS.—In this section:

"(1) BIOBASED PRODUCT.—The term 'biobased product' means—

"(A) an industrial product (including chemicals, materials, and polymers) produced from biomass; or

"(B) a commercial or industrial product (including animal feed and electric power) derived in connection with the conversion of biomass to fuel.

"(2) DEMONSTRATION.—The term 'demonstration' means demonstration of technology in a pilot plant or semi-works scale facility, including a plant or facility located on a farm.

"(3) INITIATIVE.—The term 'Initiative' means the Biomass Research and Development Initiative established under subsection (e).

"(b) COOPERATION AND COORDINATION IN BIOMASS RESEARCH AND DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy shall coordinate policies and procedures that promote research and development regarding the production of biofuels and biobased products.

"(2) POINTS OF CONTACT.—To coordinate research and development programs and activities relating to biofuels and biobased products that are carried out by their respective departments—

"(A) the Secretary of Agriculture shall designate, as the point of contact for the Department of Agriculture, an officer of the Department of Agriculture appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate; and

"(B) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy appointed by the President to a position in the Department before the date of the designation, by and with the advice and consent of the Senate.

"(c) BIOMASS RESEARCH AND DEVELOPMENT BOARD.—

"(1) ESTABLISHMENT.—There is established the Biomass Research and Development Board to carry out the duties described in paragraph (3).

"(2) MEMBERSHIP.—The Board shall consist of—

"(A) the point of contacts of the Department of Energy and the Department of Agriculture, who shall serve as cochairpersons of the Board;

"(B) a senior officer of each of the Department of the Interior, the Environmental Protection Agency, the National Science Foundation, and the Office of Science and Technology Policy, each of whom shall have a rank that is equivalent to the rank of the points of contact; and

"(C) at the option of the Secretary of Agriculture and the Secretary of Energy, other members appointed by the Secretaries (after consultation with the Board).

"(3) DUTIES.—The Board shall—

"(A) coordinate research and development activities relating to biofuels and biobased products—

"(i) between the Department of Agriculture and the Department of Energy; and

"(ii) with other departments and agencies of the Federal Government;

"(B) provide recommendations to the points of contact concerning administration of this title;

"(C) ensure that—

"(i) solicitations are open and competitive with awards made annually; and

"(ii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest; and

"(D) ensure that the panel of scientific and technical peers assembled under subsection (e) to review proposals is composed predominantly of independent experts selected from outside the Departments of Agriculture and Energy.

"(4) FUNDING.—Each agency represented on the Board is encouraged to provide funds for any purpose under this section.

"(5) MEETINGS.—The Board shall meet at least quarterly.

"(d) BIOMASS RESEARCH AND DEVELOPMENT TECHNICAL ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—There is established the Biomass Research and Development Technical Advisory Committee to carry out the duties described in paragraph (3).

"(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Advisory Committee shall consist of—

"(i) an individual affiliated with the biofuels industry;

"(ii) an individual affiliated with the biobased industrial and commercial products industry;

"(iii) an individual affiliated with an institution of higher education who has expertise in biofuels and biobased products;

"(iv) 2 prominent engineers or scientists from government or academia who have expertise in biofuels and biobased products;

"(v) an individual affiliated with a commodity trade association;

"(vi) 2 individuals affiliated with environmental or conservation organizations;

"(vii) an individual associated with State government who has expertise in biofuels and biobased products;

"(viii) an individual with expertise in energy and environmental analysis;

"(ix) an individual with expertise in the economics of biofuels and biobased products;

"(x) an individual with expertise in agricultural economics;

"(xi) an individual with expertise in plant biology and biomass feedstock development;

"(xii) an individual with expertise in agronomy, crop science, or soil science; and

"(xiii) at the option of the points of contact, other members.

"(B) APPOINTMENT.—The members of the Advisory Committee shall be appointed by the points of contact.

"(3) DUTIES.—The Advisory Committee shall—

"(A) advise the points of contact with respect to the Initiative; and

"(B) evaluate and make recommendations in writing to the Board regarding whether—

"(i) funds authorized for the Initiative are distributed and used in a manner that is consistent with the objectives, purposes, and considerations of the Initiative;

"(ii) solicitations are open and competitive with awards made annually;

"(iii) objectives and evaluation criteria of the solicitations are clearly stated and minimally prescriptive, with no areas of special interest;

"(iv) the points of contact are funding proposals under this title that are selected on the basis of merit, as determined by an independent panel of scientific and technical peers predominantly from outside the Departments of Agriculture and Energy; and

"(v) activities under this title are carried out in accordance with this title.

"(4) COORDINATION.—To avoid duplication of effort, the Advisory Committee shall coordinate its activities with those of other Federal advisory committees working in related areas.

"(5) MEETINGS.—The Advisory Committee shall meet at least quarterly.

"(6) TERMS.—Members of the Advisory Committee shall be appointed for a term of 3 years.

"(e) BIOMASS RESEARCH AND DEVELOPMENT INITIATIVE.—

"(1) IN GENERAL.—The Secretary of Agriculture and the Secretary of Energy, acting through their respective points of contact and in consultation with the Board, shall establish and carry out a Biomass Research and Development Initiative under which competitively awarded grants, contracts, and financial assistance are provided to, or entered into with, eligible entities to carry out research on and development and demonstration of—

"(A) biofuels and biobased products; and

"(B) the methods, practices, and technologies, for the production of biofuels and biobased products.

"(2) OBJECTIVES.—The objectives of the Initiative are to develop—

"(A) technologies and processes necessary for abundant commercial production of biofuels at prices competitive with fossil fuels;

"(B) high-value biobased products—

"(i) to enhance the economic viability of biofuels and power;

"(ii) to serve as substitutes for petroleum-based feedstocks and products; and

"(iii) to enhance the value of coproducts produced using the technologies and processes; and

"(C) a diversity of economically and environmentally sustainable domestic sources of renewable biomass for conversion to biofuels, bioenergy, and biobased products.

"(3) TECHNICAL AREAS.—The Secretary of Agriculture and the Secretary of Energy, in consultation with the Administrator of the Environmental Protection Agency and heads of other appropriate departments and agencies (referred to in this subsection as the 'Secretaries'), shall direct the Initiative in the 3 following areas:

"(A) FEEDSTOCKS DEVELOPMENT.—Research, development, and demonstration activities regarding feedstocks and feedstock logistics (including the harvest, handling, transport,

preprocessing, and storage) relevant to production of raw materials for conversion to biofuels and biobased products.

"(B) BIOFUELS AND BIOBASED PRODUCTS DEVELOPMENT.—Research, development, and demonstration activities to support—

"(i) the development of diverse cost-effective technologies for the use of cellulosic biomass in the production of biofuels and biobased products; and

"(ii) product diversification through technologies relevant to production of a range of biobased products (including chemicals, animal feeds, and cogenerated power) that potentially can increase the feasibility of fuel production in a biorefinery.

"(C) BIOFUELS DEVELOPMENT ANALYSIS.—

"(i) STRATEGIC GUIDANCE.—The development of analysis that provides strategic guidance for the application of renewable biomass technologies to improve sustainability and environmental quality, cost effectiveness, security, and rural economic development.

"(ii) ENERGY AND ENVIRONMENTAL IMPACT.—Development of systematic evaluations of the impact of expanded biofuel production on the environment (including forest land) and on the food supply for humans and animals, including the improvement and development of tools for life cycle analysis of current and potential biofuels.

"(iii) ASSESSMENT OF FEDERAL LAND.—Assessments of the potential of Federal land resources to increase the production of feedstocks for biofuels and biobased products, consistent with the integrity of soil and water resources and with other environmental considerations.

"(4) ADDITIONAL CONSIDERATIONS.—Within the technical areas described in paragraph (3), the Secretaries shall support research and development—

"(A) to create continuously expanding opportunities for participants in existing biofuels production by seeking synergies and continuity with current technologies and practices;

"(B) to maximize the environmental, economic, and social benefits of production of biofuels and derived biobased products on a large scale; and

"(C) to facilitate small-scale production and local and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.

"(5) ELIGIBILITY.—To be eligible for a grant, contract, or assistance under this section, an applicant shall be—

"(A) an institution of higher education;

"(B) a National Laboratory;

"(C) a Federal research agency;

"(D) a State research agency;

"(E) a private sector entity;

"(F) a nonprofit organization; or

"(G) a consortium of 2 or more entities described in subparagraphs (A) through (F).

"(6) ADMINISTRATION.—

"(A) IN GENERAL.—After consultation with the Board, the points of contact shall—

"(i) publish annually 1 or more joint requests for proposals for grants, contracts, and assistance under this subsection;

"(ii) require that grants, contracts, and assistance under this section be awarded based on a scientific peer review by an independent panel of scientific and technical peers;

"(iii) give special consideration to applications that—

"(I) involve a consortia of experts from multiple institutions;

"(II) encourage the integration of disciplines and application of the best technical resources; and

"(III) increase the geographic diversity of demonstration projects; and

"(iv) require that the technical areas described in each of subparagraphs (A), (B), and (C) of paragraph (3) receive not less than 15 percent of funds made available to carry out this section.

"(B) COST SHARE.—

"(i) RESEARCH AND DEVELOPMENT PROJECTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), the non-Federal share of the cost of a research or development project under this section shall be not less than 20 percent.

"(II) REDUCTION.—The Secretary of Agriculture or the Secretary of Energy, as appropriate, may reduce the non-Federal share required under subclause (I) if the appropriate Secretary determines the reduction to be necessary and appropriate.

"(ii) DEMONSTRATION AND COMMERCIAL PROJECTS.—The non-Federal share of the cost of a demonstration or commercial project under this section shall be not less than 50 percent.

"(C) TECHNOLOGY AND INFORMATION TRANSFER.—The Secretary of Agriculture and the Secretary of Energy shall ensure that applicable research results and technologies from the Initiative are—

"(i) adapted, made available, and disseminated, as appropriate; and

"(ii) included in the best practices database established under section 1672C(e) of the Food, Agriculture, Conservation, and Trade Act of 1990.

"(f) ADMINISTRATIVE SUPPORT AND FUNDS.—

"(1) IN GENERAL.—The Secretary of Energy and the Secretary of Agriculture may provide such administrative support and funds of the Department of Energy and the Department of Agriculture to the Board and the Advisory Committee as are necessary to enable the Board and the Advisory Committee to carry out their duties under this section.

"(2) OTHER AGENCIES.—The heads of the agencies referred to in subsection (c)(2)(B), and the other members of the Board appointed under subsection (c)(2)(C), are encouraged to provide administrative support and funds of their respective agencies to the Board and the Advisory Committee.

"(3) LIMITATION.—Not more than 4 percent of the amount made available for each fiscal year under subsection (h) may be used to pay the administrative costs of carrying out this section.

"(g) REPORTS.—For each fiscal year for which funds are made available to carry out this section, the Secretary of Energy and the Secretary of Agriculture shall jointly submit to Congress a detailed report on—

"(1) the status and progress of the Initiative, including a report from the Advisory Committee on whether funds appropriated for the Initiative have been distributed and used in a manner that is consistent with the objectives and requirements of this section;

"(2) the general status of cooperation and research and development efforts carried out at each agency with respect to biofuels and biobased products; and

"(3) the plans of the Secretary of Energy and the Secretary of Agriculture for addressing concerns raised in the report, including concerns raised by the Advisory Committee.

"(h) FUNDING.—

"(1) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall use to carry out this section, to remain available until expended—

"(A) $20,000,000 for fiscal year 2009;

"(B) $28,000,000 for fiscal year 2010;

"(C) $30,000,000 for fiscal year 2011; and

"(D) $40,000,000 for fiscal year 2012.

"(2) DISCRETIONARY FUNDING.—In addition to any other funds made available to carry out this section, there is authorized to be appropriated to carry out this section $35,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9009. RURAL ENERGY SELF-SUFFICIENCY INITIATIVE.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means a community located in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A))).

"(2) INITIATIVE.—The term 'Initiative' means the Rural Energy Self-Sufficiency Initiative established under this section.

"(3) INTEGRATED RENEWABLE ENERGY SYSTEM.—The term 'integrated renewable energy system' means a community-wide energy system that—

"(A) reduces conventional energy use; and

"(B) increases the use of energy from renewable sources.

"(b) ESTABLISHMENT.—The Secretary shall establish a Rural Energy Self-Sufficiency Initiative to provide financial assistance for the purpose of enabling eligible rural communities to substantially increase the energy self-sufficiency of the eligible rural communities.

"(c) GRANT ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall make grants available under the Initiative to eligible rural communities to carry out an activity described in paragraph (2).

"(2) USE OF GRANT FUNDS.—An eligible rural community may use a grant—

"(A) to conduct an energy assessment that assesses the total energy use of all energy users in the eligible rural community;

"(B) to formulate and analyze ideas for reducing energy usage by the eligible rural community from conventional sources; and

"(C) to develop and install an integrated renewable energy system.

"(3) GRANT SELECTION.—

"(A) APPLICATION.—To be considered for a grant, an eligible rural community shall submit an application to the Secretary that describes the ways in which the community would use the grant to carry out an activity described in paragraph (2).

"(B) PREFERENCE.—The Secretary shall give preference to those applications that propose to carry out an activity in coordination with—

"(i) institutions of higher education or nonprofit foundations of institutions of higher education;

"(ii) Federal, State, or local government agencies;

"(iii) public or private power generation entities; or

"(iv) government entities with responsibility for water or natural resources.

"(4) REPORT.—An eligible rural community receiving a grant under the Initiative shall submit to the Secretary a report on the project of the eligible rural community.

"(5) COST-SHARING.—The amount of a grant under the Initiative shall not exceed 50 percent of the cost of the activities described in the application.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.

"SEC. 9010. FEEDSTOCK FLEXIBILITY PROGRAM FOR BIOENERGY PRODUCERS.

"(a) DEFINITIONS.—In this section:

"(1) BIOENERGY.—The term 'bioenergy' means fuel grade ethanol and other biofuel.

"(2) BIOENERGY PRODUCER.—The term 'bioenergy producer' means a producer of bioenergy that uses an eligible commodity to produce bioenergy under this section.

"(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means a form of raw or refined sugar or in-process sugar that is eligible to be marketed in the United States for human consumption or to be used for the extraction of sugar for human consumption.

"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity located in the United States that markets an eligible commodity in the United States.

"(b) FEEDSTOCK FLEXIBILITY PROGRAM.—

"(1) IN GENERAL.—

"(A) PURCHASES AND SALES.—For each of the 2008 through 2012 crops, the Secretary shall purchase eligible commodities from eligible entities and sell such commodities to bioenergy producers for the purpose of producing bioenergy in a manner that ensures that section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(B) COMPETITIVE PROCEDURES.—In carrying out the purchases and sales required under subparagraph (A), the Secretary shall, to the maximum extent practicable, use competitive procedures, including the receiving, offering, and accepting of bids, when entering into contracts with eligible entities and bioenergy producers, provided that such procedures are consistent with the purposes of subparagraph (A).

"(C) LIMITATION.—The purchase and sale of eligible commodities under subparagraph (A) shall only be made in crop years in which such purchases and sales are necessary to ensure that the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272) is operated at no cost to the Federal Government by avoiding forfeitures to the Commodity Credit Corporation.

"(2) NOTICE.—

"(A) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008 and each September 1 thereafter through September 1, 2012, the Secretary shall provide notice to eligible entities and bioenergy producers of the quantity of eligible commodities that shall be made available for purchase and sale for the crop year following the date of the notice under this section.

"(B) REESTIMATES.—Not later than the January 1, April 1, and July 1 of the calendar year following the date of a notice under subparagraph (A), the Secretary shall reestimate the quantity of eligible commodities determined under subparagraph (A), and provide notice and make purchases and sales based on such reestimates.

"(3) COMMODITY CREDIT CORPORATION INVENTORY.—

"(A) DISPOSITIONS.—

"(i) BIOENERGY AND GENERALLY.—Except as provided in clause (ii), to the extent that an eligible commodity is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)), the Secretary shall—

"(I) sell the eligible commodity to bioenergy producers under this section consistent with paragraph (1)(C);

"(II) dispose of the eligible commodity in accordance with section 156(f)(2) of that Act; or

"(III) otherwise dispose of the eligible commodity through the buyback of certificates of quota entry.

"(ii) PRESERVATION OF OTHER AUTHORITIES.—Nothing in this section limits the use of other authorities for the disposition of an eligible commodity held in the inventory of the Commodity Credit Corporation for nonfood use or otherwise in a manner that does not increase the net quantity of sugar available for human consumption in the United States market, consistent with section 156(f)(1) of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272(f)(1)).

"(B) EMERGENCY SHORTAGES.—Notwithstanding subparagraph (A), if there is an emergency shortage of sugar for human consumption in the United States market that is caused by a war, flood, hurricane, or other natural disaster, or other similar event, the Secretary may dispose of an eligible commodity that is owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)) through disposition as authorized under section 156(f) of that Act or through the use of any other authority of the Commodity Credit Corporation.

"(4) TRANSFER RULE; STORAGE FEES.—

"(A) GENERAL TRANSFER RULE.—Except with regard to emergency dispositions under paragraph (3)(B) and as provided in subparagraph (C), the Secretary shall ensure that bioenergy producers that purchase eligible commodities pursuant to this section take possession of the eligible commodities within 30 calendar days of the date of such purchase from the Commodity Credit Corporation.

"(B) PAYMENT OF STORAGE FEES PROHIBITED.—

"(i) IN GENERAL.—The Secretary shall, to the maximum extent practicable, carry out this section in a manner that ensures no storage fees are paid by the Commodity Credit Corporation in the administration of this section.

"(ii) EXCEPTION.—Clause (i) shall not apply with respect to any commodities owned and held in inventory by the Commodity Credit Corporation (accumulated pursuant to the program authorized under section 156 of the Federal Agriculture Improvement and Reform Act (7 U.S.C. 7272)).

"(C) OPTION TO PREVENT STORAGE FEES.—

"(i) IN GENERAL.—The Secretary may enter into contracts with bioenergy producers to sell eligible commodities to such producers prior in time to entering into contracts with eligible entities to purchase the eligible commodities to be used to satisfy the contracts entered into with the bioenergy producers.

"(ii) SPECIAL TRANSFER RULE.—If the Secretary makes a sale and purchase referred to in clause (i), the Secretary shall ensure that the bioenergy producer that purchased eligible commodities takes possession of such commodities within 30 calendar days of the date the Commodity Credit Corporation purchases the eligible commodities.

"(5) RELATION TO OTHER LAWS.—If sugar that is subject to a marketing allotment under part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa et seq.) is the subject of a payment under this section, the sugar shall be considered marketed and shall count against a processor's allocation of an allotment under such part, as applicable.

"(6) FUNDING.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation, including the use of such sums as are necessary, to carry out this section.

"SEC. 9011. BIOMASS CROP ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) BCAP.—The term 'BCAP' means the Biomass Crop Assistance Program established under this section.

"(2) BCAP PROJECT AREA.—The term 'BCAP project area' means an area that—

"(A) has specified boundaries that are submitted to the Secretary by the project sponsor and subsequently approved by the Secretary;

"(B) includes producers with contract acreage that will supply a portion of the renewable biomass needed by a biomass conversion facility; and

"(C) is physically located within an economically practicable distance from the biomass conversion facility.

"(3) CONTRACT ACREAGE.—The term 'contract acreage' means eligible land that is covered by a BCAP contract entered into with the Secretary.

"(4) ELIGIBLE CROP.—

"(A) IN GENERAL.—The term 'eligible crop' means a crop of renewable biomass.

"(B) EXCLUSIONS.—The term 'eligible crop' does not include—

"(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title; or

"(ii) any plant that is invasive or noxious or has the potential to become invasive or noxious, as determined by the Secretary, in consultation with other appropriate Federal or State departments and agencies.

"(5) ELIGIBLE LAND.—

"(A) IN GENERAL.—The term 'eligible land' includes agricultural and nonindustrial private forest lands (as defined in section 5(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103a(c))).

"(B) EXCLUSIONS.—The term 'eligible land' does not include—

"(i) Federal- or State-owned land;

"(ii) land that is native sod, as of the date of enactment of the Food, Conservation, and Energy Act of 2008;

"(iii) land enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.);

"(iv) land enrolled in the wetlands reserve program established under subchapter C of chapter 1 of subtitle D of title XII of that Act (16 U.S.C. 3837 et seq.); or

"(v) land enrolled in the grassland reserve program established under subchapter D of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838n et seq.).

"(6) ELIGIBLE MATERIAL.—

"(A) IN GENERAL.—The term 'eligible material' means renewable biomass.

"(B) EXCLUSIONS.—The term 'eligible material' does not include—

"(i) any crop that is eligible to receive payments under title I of the Food, Conservation, and Energy Act of 2008 or an amendment made by that title;

"(ii) animal waste and byproducts (including fats, oils, greases, and manure);

"(iii) food waste and yard waste; or

"(iv) algae.

"(7) PRODUCER.—The term 'producer' means an owner or operator of contract acreage that is physically located within a BCAP project area.

"(8) PROJECT SPONSOR.—The term 'project sponsor' means—

"(A) a group of producers; or

"(B) a biomass conversion facility.

"(b) ESTABLISHMENT AND PURPOSE.—The Secretary shall establish and administer a Biomass Crop Assistance Program to—

"(1) support the establishment and production of eligible crops for conversion to bioenergy in selected BCAP project areas; and

"(2) assist agricultural and forest land owners and operators with collection, harvest, storage, and transportation of eligible material for use in a biomass conversion facility.

"(c) BCAP PROJECT AREA.—

"(1) IN GENERAL.—The Secretary shall provide financial assistance to producers of eligible crops in a BCAP project area.

"(2) SELECTION OF PROJECT AREAS.—

"(A) IN GENERAL.—To be considered for selection as a BCAP project area, a project sponsor shall submit to the Secretary a proposal that includes, at a minimum—

"(i) a description of the eligible land and eligible crops of each producer that will participate in the proposed BCAP project area;

"(ii) a letter of commitment from a biomass conversion facility that the facility will use the

eligible crops intended to be produced in the proposed BCAP project area;

“(iii) evidence that the biomass conversion facility has sufficient equity available, as determined by the Secretary, if the biomass conversion facility is not operational at the time the proposal is submitted to the Secretary; and

“(iv) any other appropriate information about the biomass conversion facility or proposed biomass conversion facility that gives the Secretary a reasonable assurance that the plant will be in operation by the time that the eligible crops are ready for harvest.

“(B) BCAP PROJECT AREA SELECTION CRITERIA.—In selecting BCAP project areas, the Secretary shall consider—

“(i) the volume of the eligible crops proposed to be produced in the proposed BCAP project area and the probability that such crops will be used for the purposes of the BCAP;

“(ii) the volume of renewable biomass projected to be available from sources other than the eligible crops grown on contract acres;

“(iii) the anticipated economic impact in the proposed BCAP project area;

“(iv) the opportunity for producers and local investors to participate in the ownership of the biomass conversion facility in the proposed BCAP project area;

“(v) the participation rate by—

“(I) beginning farmers or ranchers (as defined in accordance with section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a))); or

“(II) socially disadvantaged farmers or ranchers (as defined in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)));

“(vi) the impact on soil, water, and related resources;

“(vii) the variety in biomass production approaches within a project area, including (as appropriate)—

“(I) agronomic conditions;

“(II) harvest and postharvest practices; and

“(III) monoculture and polyculture crop mixes;

“(viii) the range of eligible crops among project areas; and

“(ix) any additional information, as determined by the Secretary.

“(3) CONTRACT.—

“(A) IN GENERAL.—On approval of a BCAP project area by the Secretary, each producer in the BCAP project area shall enter into a contract directly with the Secretary.

“(B) MINIMUM TERMS.—At a minimum, contracts shall include terms that cover—

“(i) an agreement to make available to the Secretary, or to an institution of higher education or other entity designated by the Secretary, such information as the Secretary considers to be appropriate to promote the production of eligible crops and the development of biomass conversion technology;

“(ii) compliance with the highly erodible land conservation requirements of subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and the wetland conservation requirements of subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

“(iii) the implementation of (as determined by the Secretary)—

“(I) a conservation plan; or

“(II) a forest stewardship plan or an equivalent plan; and

“(iv) any additional requirements the Secretary considers appropriate.

“(C) DURATION.—A contract under this subsection shall have a term of up to—

“(i) 5 years for annual and perennial crops; or

“(ii) 15 years for woody biomass.

“(4) RELATIONSHIP TO OTHER PROGRAMS.—In carrying out this subsection, the Secretary shall provide for the preservation of cropland base and yield history applicable to the land enrolled in a BCAP contract.

“(5) PAYMENTS.—

“(A) IN GENERAL.—The Secretary shall make establishment and annual payments directly to producers to support the establishment and production of eligible crops on contract acreage.

“(B) AMOUNT OF ESTABLISHMENT PAYMENTS.—The amount of an establishment payment under this subsection shall be up to 75 percent of the costs of establishing an eligible perennial crop covered by the contract, including—

“(i) the cost of seeds and stock for perennials;

“(ii) the cost of planting the perennial crop, as determined by the Secretary; and

“(iii) in the case of nonindustrial private forestland, the costs of site preparation and tree planting.

“(C) AMOUNT OF ANNUAL PAYMENTS.—

“(i) IN GENERAL.—Subject to clause (ii), the amount of an annual payment under this subsection shall be determined by the Secretary.

“(ii) REDUCTION.—The Secretary shall reduce an annual payment by an amount determined to be appropriate by the Secretary, if—

“(I) an eligible crop is used for purposes other than the production of energy at the biomass conversion facility;

“(II) an eligible crop is delivered to the biomass conversion facility;

“(III) the producer receives a payment under subsection (d);

“(IV) the producer violates a term of the contract; or

“(V) there are such other circumstances, as determined by the Secretary to be necessary to carry out this section.

“(d) ASSISTANCE WITH COLLECTION, HARVEST, STORAGE, AND TRANSPORTATION.—

“(1) IN GENERAL.—The Secretary shall make a payment for the delivery of eligible material to a biomass conversion facility to—

“(A) a producer of an eligible crop that is produced on BCAP contract acreage; or

“(B) a person with the right to collect or harvest eligible material.

“(2) PAYMENTS.—

“(A) COSTS COVERED.—A payment under this subsection shall be in an amount described in subparagraph (B) for—

“(i) collection;

“(ii) harvest;

“(iii) storage; and

“(iv) transportation to a biomass conversion facility.

“(B) AMOUNT.—Subject to paragraph (3), the Secretary may provide matching payments at a rate of $1 for each $1 per ton provided by the biomass conversion facility, in an amount equal to not more than $45 per ton for a period of 2 years.

“(3) LIMITATION ON ASSISTANCE FOR BCAP CONTRACT ACREAGE.—As a condition of the receipt of annual payment under subsection (c), a producer receiving a payment under this subsection for collection, harvest, storage or transportation of an eligible crop produced on BCAP acreage shall agree to a reduction in the annual payment.

“(e) REPORT.—Not later than 4 years after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the dissemination by the Secretary of the best practice data and information gathered from participants receiving assistance under this section.

“(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

“SEC. 9012. FOREST BIOMASS FOR ENERGY.

“(a) IN GENERAL.—The Secretary, acting through the Forest Service, shall conduct a competitive research and development program to encourage use of forest biomass for energy.

“(b) ELIGIBLE ENTITIES.—Entities eligible to compete under the program under this section include—

“(1) the Forest Service (acting through Research and Development);

“(2) other Federal agencies;

“(3) State and local governments;

“(4) Indian tribes;

“(5) land-grant colleges and universities; and

“(6) private entities.

“(c) PRIORITY FOR PROJECT SELECTION.—In carrying out this section, the Secretary shall give priority to projects that—

“(1) develop technology and techniques to use low-value forest biomass, such as byproducts of forest health treatments and hazardous fuels reduction, for the production of energy;

“(2) develop processes that integrate production of energy from forest biomass into biorefineries or other existing manufacturing streams;

“(3) develop new transportation fuels from forest biomass; and

“(4) improve the growth and yield of trees intended for renewable energy production.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2009 through 2012.

“SEC. 9013. COMMUNITY WOOD ENERGY PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) COMMUNITY WOOD ENERGY PLAN.—The term ‘community wood energy plan’ means an assessment of—

“(A) available feedstocks necessary to supply a community wood energy system; and

“(B) the long-term feasibility of supplying and operating a community wood energy system.

“(2) COMMUNITY WOOD ENERGY SYSTEM.—

“(A) IN GENERAL.—The term ‘community wood energy system’ means an energy system that—

“(i) primarily services public facilities owned or operated by State or local governments, including schools, town halls, libraries, and other public buildings; and

“(ii) uses woody biomass as the primary fuel.

“(B) INCLUSIONS.—The term ‘community wood energy system’ includes single facility central heating, district heating, combined heat and energy systems, and other related biomass energy systems.

“(b) GRANT PROGRAM.—

“(1) IN GENERAL.—The Secretary, acting through the Chief of the Forest Service, shall establish a program to be known as the ‘Community Wood Energy Program’ to provide—

“(A) grants of up to $50,000 to State and local governments (or designees) to develop community wood energy plans; and

“(B) competitive grants to State and local governments to acquire or upgrade community wood energy systems.

“(2) CONSIDERATIONS.—In selecting applicants for grants under paragraph (1)(B), the Secretary shall consider—

“(A) the energy efficiency of the proposed system;

“(B) the cost effectiveness of the proposed system; and

“(C) other conservation and environmental criteria that the Secretary considers appropriate.

“(3) USE OF PLAN.—A State or local government applying to receive a competitive grant described in paragraph (1)(B) shall submit to the Secretary as part of the grant application the applicable community wood energy plan.

“(c) LIMITATION.—A community wood energy system acquired with grant funds provided *under subsection (b)(1)(B) shall not exceed an output of—*

"(1) 50,000,000 Btu per hour for heating; and

"(2) 2 megawatts for electric power production.

"(d) MATCHING FUNDS.—A State or local government that receives a grant under subsection (b) shall contribute an amount of non-Federal funds towards the development of the community wood energy plan, or acquisition of the community wood energy systems that is at least equal to the amount of grant funds received by the State or local government under that subsection.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2009 through 2012.".

(b) CONFORMING AMENDMENT.—The Biomass Research and Development Act of 2000 (7 U.S.C. 8601 et seq.) is repealed.

SEC. 9002. BIOFUELS INFRASTRUCTURE STUDY.

(a) IN GENERAL.—The Secretary of Agriculture, the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation (referred to in this section as the "Secretaries"), shall jointly conduct a study that includes—

(1) an assessment of the infrastructure needs for expanding the domestic production, transport, and distribution of biofuels given current and likely future market trends;

(2) recommendations for infrastructure needs and development approaches, taking into account cost and other associated factors; and

(3) a report that includes—

(A) a summary of infrastructure needs;

(B) an analysis of alternative development approaches to meeting the needs described in subparagraph (A), including cost, siting, and other regulatory issues; and

(C) recommendations for specific infrastructure development actions to be taken.

(b) SCOPE OF STUDY.—

(1) IN GENERAL.—In conducting the study described in subsection (a), the Secretaries shall address—

(A) current and likely future market trends for biofuels through calendar year 2025;

(B) current and future availability of feedstocks;

(C) water resource needs, including water requirements for biorefineries;

(D) shipping and storage needs for biomass feedstock and biofuels, including the adequacy of rural roads; and

(E) modes of transportation and delivery for biofuels (including shipment by rail, truck, pipeline or barge) and associated infrastructure issues.

(2) CONSIDERATIONS.—In addressing the issues described in paragraph (1), the Secretaries shall consider—

(A) the effects of increased tank truck, rail, and barge transport on existing infrastructure and safety;

(B) the feasibility of shipping biofuels through pipelines in existence as the date of enactment of this Act;

(C) the development of new biofuels pipelines, including siting, financing, timing, and other economic issues;

(D) the implications of various biofuel blend levels on infrastructure needs;

(E) the implications of various approaches to infrastructure development on resource use and conservation;

(F) regional differences in biofuels infrastructure needs; and

(G) other infrastructure issues, as determined by the Secretaries.

(c) IMPLEMENTATION.—In carrying out this section, the Secretaries —

(1) shall—

(A) consult with individuals and entities with interest or expertise in the areas described in subsection (b);

(B) to the extent available, use the information developed and results of the related studies authorized under sections 243 and 245 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1540, 1546)); and

(C) submit to Congress the report required under subsection (a)(3), including—

(i) in the Senate—

(I) the Committee on Agriculture, Nutrition, and Forestry ;

(II) the Committee on Commerce, Science, and Transportation;

(III) the Committee on Energy and Natural Resources; and

(IV) the Committee on Environment and Public Works; and

(ii) in the House of Representatives—

(I) the Committee on Agriculture;

(II) the Committee on Energy and Commerce;

(III) the Committee on Transportation and Infrastructure; and

(IV) the Committee on Science and Technology; and

(2) may issue a solicitation for a competition to select a contractor to support the Secretaries.

SEC. 9003. RENEWABLE FERTILIZER STUDY.

(a) IN GENERAL.—Not later than 1 year after the date of receipt of appropriations to carry out this section, the Secretary shall—

(1) conduct a study to assess the current state of knowledge regarding the potential for the production of fertilizer from renewable energy sources in rural areas, including—

(A) identification of the critical challenges to commercialization of rural production of nitrogen and phosphorus-based fertilizer from renewables;

(B) the most promising processes and technologies for renewable fertilizer production;

(C) the potential ·cost-competitiveness of renewable fertilizer; and

(D) the potential impacts of renewable fertilizer on fossil fuel use and the environment; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for fiscal year 2009.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

SEC. 10001. DEFINITIONS.

In this title:

(1) SPECIALTY CROP.—The term "specialty crop" has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

(2) STATE DEPARTMENT OF AGRICULTURE.—The term "State department of agriculture" means the agency, commission, or department of a State government responsible for protecting and promoting agriculture in the State.

Subtitle A—Horticulture Marketing and Information

SEC. 10101. INDEPENDENT EVALUATION OF DEPARTMENT OF AGRICULTURE COMMODITY PURCHASE PROCESS.

(a) EVALUATION REQUIRED.—The Secretary shall arrange to have performed an independent evaluation of the purchasing processes (including the budgetary, statutory, and regulatory authority underlying the processes) used by the Department of Agriculture to implement the requirement that funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be principally devoted to perishable agricultural commodities.

(b) SUBMISSION OF RESULTS.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the evaluation.

SEC. 10102. QUALITY REQUIREMENTS FOR CLEMENTINES.

Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the matter preceding the first proviso in the first sentence by inserting "clementines," after "nectarines,".

SEC. 10103. INCLUSION OF SPECIALTY CROPS IN CENSUS OF AGRICULTURE.

Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a)) is amended—

(1) by striking "In 1998" and inserting the following:

"(1) IN GENERAL.—In 1998"; and

(2) by adding at the end the following:

"(2) INCLUSION OF SPECIALTY CROPS.—Effective beginning with the census of agriculture required to be conducted in 2008, the Secretary shall conduct as part of each census of agriculture a census of specialty crops (as that term is defined in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108-465)).".

SEC. 10104. MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION.

(a) REGIONS AND MEMBERS.—Section 1925(b)(2) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(b)(2)) is amended—

(1) in subparagraph (B), by striking "4 regions" and inserting "3 regions";

(2) in subparagraph (D), by striking "35,000,000 pounds" and inserting "50,000,000 pounds"; and

(3) by striking subparagraph (E) and inserting the following:

"(E) ADDITIONAL MEMBERS.—In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limit of members on the Council provided in that paragraph, the Secretary shall appoint additional members to the council from a region that attains additional pounds of production as follows:

"(i) If the annual production of a region is greater than 110,000,000 pounds, but less than or equal to 180,000,000 pounds, the region shall be represented by 1 additional member.

"(ii) If the annual production of a region is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by 2 additional members.

"(iii) If the annual production of a region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.".

(b) POWERS AND DUTIES OF COUNCIL.—Section 1925(c) of the Mushroom Promotion, Research, and Consumer Information Act of 1990 (7 U.S.C. 6104(c)) is amended—

(1) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) to develop and propose to the Secretary programs for good agricultural and good handling practices and related activities for mushrooms;".

SEC. 10105. FOOD SAFETY EDUCATION INITIATIVES.

(a) INITIATIVE AUTHORIZED.—The Secretary may carry out a food safety education program to educate the public and persons in the fresh produce industry about—

(1) scientifically proven practices for reducing microbial pathogens on fresh produce; and

(2) methods of reducing the threat of cross-contamination of fresh produce through sanitary handling practices.

(b) COOPERATION.—The Secretary may carry out the education program in cooperation with public and private partners.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10106. FARMERS' MARKET PROMOTION PROGRAM.

Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(1) in subsection (a), by inserting "and to promote direct producer-to-consumer marketing" before the period at the end;

(2) in subsection (b)(1)—

(A) in subparagraph (A), by inserting "agri-tourism activities," after "programs,"; and

(B) in subparagraph (B)—

(i) by inserting "agri-tourism activities," after "programs," and

(ii) by striking "infrastructure" and inserting "marketing opportunities";

(3) in subsection (c)(1), by inserting "or a producer network or association" after "cooperative"; and

(4) by striking subsection (e) and inserting the following:

"(e) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section—

"(A) $3,000,000 for fiscal year 2008;

"(B) $5,000,000 for each of fiscal years 2009 through 2010; and

"(C) $10,000,000 for each of fiscal years 2011 and 2012.

"(2) USE OF FUNDS.—Not less than 10 percent of the funds used to carry out this section in a fiscal year under paragraph (1) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers' markets.

"(3) INTERDEPARTMENTAL COORDINATION.—In carrying out this subsection, the Secretary shall ensure coordination between the various agencies to the maximum extent practicable.

"(4) LIMITATION.—Funds described in paragraph (2)—

"(A) may not be used for the ongoing cost of carrying out any project; and

"(B) shall only be provided to eligible entities that demonstrate a plan to continue to provide EBT card access at 1 or more farmers' markets following the receipt of the grant.".

SEC. 10107. SPECIALTY CROPS MARKET NEWS ALLOCATION.

(a) IN GENERAL.—The Secretary shall—

(1) carry out market news activities to provide timely price and shipment information of specialty crops in the United States; and

(2) use funds made available under subsection (b) to increase the reporting levels for specialty crops in effect on the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds made available through annual appropriations for market news services, there is authorized to be appropriated to carry out this section $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 10108. EXPEDITED MARKETING ORDER FOR HASS AVOCADOS FOR GRADES AND STANDARDS AND OTHER PURPOSES.

(a) IN GENERAL.—The Secretary shall initiate procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to determine whether it would be appropriate to establish a Federal marketing order for Hass avocados relating to grades and standards and for other purposes under that Act.

(b) EXPEDITED PROCEDURES.—

(1) PROPOSAL FOR AN ORDER.—An organization of domestic avocado producers in existence on the date of enactment of this Act may request the issuance of, and submit to the Secretary a proposal for, an order described in subsection (a).

(2) PUBLICATION OF PROPOSAL.—Not later than 60 days after the date on which the Secretary receives a proposed order under paragraph (1), the Secretary shall initiate procedures described in subsection (a) to determine whether the proposed order should proceed.

(c) EFFECTIVE DATE.—Any order issued under this section shall become effective not later than 15 months after the date on which the Secretary initiates procedures under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

SEC. 10109. SPECIALTY CROP BLOCK GRANTS.

(a) DEFINITION OF SPECIALTY CROP.—Section 3(1) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by inserting "horticulture and" before "nursery".

(b) DEFINITION OF STATE.—Section 3(2) of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended by striking "and the Commonwealth of Puerto Rico" and inserting "the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands".

(c) SPECIALTY CROP BLOCK GRANTS.—Section 101 of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 7 U.S.C. 1621 note) is amended—

(1) in subsection (a)—

(A) by striking "Subject to the appropriation of funds to carry out this section" and inserting "Using the funds made available under subsection (j)"; and

(B) by striking "2009" and inserting "2012";

(2) in subsection (b), by striking "appropriated pursuant to the authorization of appropriations in subsection (i)" and inserting "made available under subsection (j)";

(3) by striking subsection (c) and inserting the following:

"(c) MINIMUM GRANT AMOUNT.—Notwithstanding subsection (b), each State shall receive a grant under this section for each fiscal year in an amount that is at least equal to the higher of—

"(1) $100,000; or

"(2) 1/3 of 1 percent of the total amount of funding made available to carry out this section for the fiscal year."; and

(4) by striking subsection (i) and inserting the following:

"(i) REALLOCATION.—

"(1) IN GENERAL.—The Secretary shall reallocate to other States in accordance with paragraph (2) any amounts made available for a fiscal year under this section that are not obligated or expended by a date during that fiscal year determined by the Secretary.

"(2) PRO RATA ALLOCATION.—The Secretary shall allocate funds described in paragraph (1) pro rata to the remaining States that applied during the specified grant application period.

"(3) USE OF REALLOCATED FUNDS.—Funds allocated to a State under this subsection shall be used by the State only to carry out projects that were previously approved in the State plan of the State.

"(j) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make grants under this section, using—

"(1) $10,000,000 for fiscal year 2008;

"(2) $49,000,000 for fiscal year 2009; and

"(3) $55,000,000 for each of fiscal years 2010 through 2012.".

Subtitle B—Pest and Disease Management

SEC. 10201. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

(a) IN GENERAL.—Subtitle A of the Plant Protection Act (7 U.S.C. 7711 et seq.) is amended by adding at the end the following:

"SEC. 420. PLANT PEST AND DISEASE MANAGEMENT AND DISASTER PREVENTION.

"(a) DEFINITIONS.—In this section:

"(1) EARLY PLANT PEST DETECTION AND SURVEILLANCE.—The term 'early plant pest detection and surveillance' means the full range of activities undertaken to find newly introduced plant pests, whether the plant pests are new to the United States or new to certain areas of the United States, before—

"(A) the plant pests become established; or

"(B) the plant pest infestations become too large and costly to eradicate or control.

"(2) SPECIALTY CROP.—The term 'specialty crop' has the meaning given the term in section 3 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note; Public Law 108–465).

"(3) STATE DEPARTMENT OF AGRICULTURE.—The term 'State department of agriculture' means an agency of a State that has a legal responsibility to perform early plant pest detection and surveillance activities.

"(b) EARLY PLANT PEST DETECTION AND SURVEILLANCE IMPROVEMENT PROGRAM.—

"(1) COOPERATIVE AGREEMENTS.—The Secretary shall enter into a cooperative agreement with each State department of agriculture that agrees to conduct early plant pest detection and surveillance activities.

"(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with—

"(A) the National Plant Board; and

"(B) other interested parties.

"(3) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations under this subsection.

"(4) APPLICATION.—

"(A) IN GENERAL.—A State department of agriculture seeking to enter into a cooperative agreement under this subsection shall submit to the Secretary an application containing such information as the Secretary may require.

"(B) NOTIFICATION.—The Secretary shall notify applicants of—

"(i) the requirements to be imposed on a State department of agriculture for auditing of, and reporting on, the use of any funds provided by the Secretary under the cooperative agreement;

"(ii) the criteria to be used to ensure that early pest detection and surveillance activities supported under the cooperative agreement are based on sound scientific data or thorough risk assessments; and

"(iii) the means of identifying pathways of pest introductions.

"(5) USE OF FUNDS.—

"(A) PLANT PEST DETECTION AND SURVEILLANCE ACTIVITIES.—A State department of agriculture that receives funds under this subsection shall use the funds to carry out early plant pest detection and surveillance activities approved by the Secretary to prevent the introduction or spread of a plant pest.

"(B) SUBAGREEMENTS.—Nothing in this subsection prevents a State department of agriculture from using funds received under paragraph (4) to enter into subagreements with political subdivisions of the State that have legal responsibilities relating to agricultural plant pest and disease surveillance.

"(C) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out a cooperative agreement under this section may be provided in-kind, including through provision of such indirect costs of the cooperative agreement as the Secretary considers to be appropriate.

"(D) ABILITY TO PROVIDE FUNDS.—The Secretary shall not take the ability to provide non-

Federal costs to carry out a cooperative agreement entered into under subparagraph (A) into consideration when deciding whether to enter into a cooperative agreement with a State department of agriculture.

"(6) SPECIAL FUNDING CONSIDERATIONS.—The Secretary shall provide funds to a State department of agriculture if the Secretary determines that—

"(A) the State department of agriculture is in a State that has a high risk of being affected by 1 or more plant pests or diseases, taking into consideration—

"(i) the number of international ports of entry in the State;

"(ii) the volume of international passenger and cargo entry into the State;

"(iii) the geographic location of the State and if the location or types of agricultural commodities produced in the State are conducive to agricultural pest and disease establishment due to the climate, crop diversity, or natural resources (including unique plant species) of the State; and

"(iv) whether the Secretary has determined that an agricultural pest or disease in the State is a Federal concern ; and

"(B) the early plant pest detection and surveillance activities supported with the funds will likely—

"(i) prevent the introduction and establishment of plant pests; and

"(ii) provide a comprehensive approach to compliment Federal detection efforts.

"(7) REPORTING REQUIREMENT.—Not later than 90 days after the date of completion of an early plant pest detection and surveillance activity conducted by a State department of agriculture using funds provided under this section, the State department of agriculture shall submit to the Secretary a report that describes the purposes and results of the activities.

"(c) THREAT IDENTIFICATION AND MITIGATION PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a threat identification and mitigation program to determine and address threats to the domestic production of crops.

"(2) REQUIREMENTS.—In conducting the program established under paragraph (1), the Secretary shall—

"(A) develop risk assessments of the potential threat to the agricultural industry of the United States from foreign sources;

"(B) collaborate with the National Plant Board; and

"(C) implement action plans for high consequence plant pest and diseases to assist in preventing the introduction and widespread dissemination of new plant pest and disease threats in the United States.

"(3) REPORTS.—Not later than 1 year after the date of enactment of this paragraph, and annually thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the action plans described in paragraph (2), including an accounting of funds expended on the action plans.

"(d) SPECIALTY CROP CERTIFICATION AND RISK MANAGEMENT SYSTEMS.—The Secretary shall provide funds and technical assistance to specialty crop growers, organizations representing specialty crop growers, and State and local agencies working with specialty crop growers and organizations for the development and implementation of—

"(1) audit-based certification systems, such as best management practices—

"(A) to address plant pests; and

"(B) to mitigate the risk of plant pests in the movement of plants and plant products; and

"(2) nursery plant pest risk management systems, in collaboration with the nursery industry, research institutions, and other appropriate entities—

"(A) to enable growers to identify and prioritize nursery plant pests and diseases of regulatory significance;

"(B) to prevent the introduction, establishment, and spread of those plant pests and diseases; and

"(C) to reduce the risk of and mitigate those plant pests and diseases.

"(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(1) $12,000,000 for fiscal year 2009;

"(2) $45,000,000 for fiscal year 2010;

"(3) $50,000,000 for fiscal year 2011; and

"(4) $50,000,000 for fiscal year 2012 and each fiscal year thereafter.".

(b) CONGRESSIONAL DISAPPROVAL.—Congress disapproves the rule submitted by the Secretary of Agriculture relating to cost-sharing for animal and plant health emergency programs (68 Fed. Reg. 40541 (2003)), and such rule shall have no force or effect.

SEC. 10202. NATIONAL CLEAN PLANT NETWORK.

(a) IN GENERAL.—The Secretary shall establish a program to be known as the "National Clean Plant Network" (referred to in this section as the "Program").

(b) REQUIREMENTS.—Under the Program, the Secretary shall establish a network of clean plant centers for diagnostic and pathogen elimination services to—

(1) produce clean propagative plant material; and

(2) maintain blocks of pathogen-tested plant material in sites located throughout the United States.

(c) AVAILABILITY OF CLEAN PLANT SOURCE MATERIAL.—Clean plant source material may be made available to—

(1) a State for a certified plant program of the State; and

(2) private nurseries and producers.

(d) CONSULTATION AND COLLABORATION.—In carrying out the Program, the Secretary shall—

(1) consult with State departments of agriculture, land grant universities, and NLGCA Institutions (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

(2) to the extent practicable and with input from the appropriate State officials and industry representatives, use existing Federal or State facilities to serve as clean plant centers.

(e) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out the Program $5,000,000 for each of fiscal years 2009 through 2012, to remain available until expended.

SEC. 10203. PLANT PROTECTION.

(a) REVIEW OF PAYMENT OF COMPENSATION.—Section 415(e) of the Plant Protection Act (7 U.S.C. 7715(e)) is amended in the second sentence by striking "of longer than 60 days".

(b) SECRETARIAL DISCRETION.—Section 442(c) of the Plant Protection Act (7 U.S.C. 7772(c)) is amended by striking "of longer than 60 days".

(c) SUBPOENA AUTHORITY.—Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) AUTHORITY TO ISSUE.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.";

(2) in subsection (b), by striking "documentary"; and

(3) in subsection (c)—

(A) in the first sentence, by striking "testimony of any witness and the production of documentary evidence" and inserting "testimony of any witness, the production of evidence, or the inspection of premises"; and

(B) in the second sentence, by striking "question or to produce documentary evidence" and inserting "question, produce evidence, or permit the inspection of premises".

(d) WILLFUL VIOLATIONS.—Section 424(b)(1)(A) of the Plant Protection Act (7 U.S.C. 7734(b)(1)(A)) is amended by striking "and $500,000 for all violations adjudicated in a single proceeding" and inserting "$500,000 for all violations adjudicated in a single proceeding if the violations do not include a willful violation, and $1,000,000 for all violations adjudicated in a single proceeding if the violations include a willful violation".

SEC. 10204. REGULATIONS TO IMPROVE MANAGEMENT AND OVERSIGHT OF CERTAIN REGULATED ARTICLES.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(1) take action on each issue identified in the document entitled "Lessons Learned and Revisions under Consideration for APHIS' Biotechnology Framework", dated October 4, 2007; and

(2) as the Secretary considers appropriate, promulgate regulations to improve the management and oversight of articles regulated under the Plant Protection Act (7 U.S.C. 7701 et seq.).

(b) INCLUSIONS.—In carrying out subsection (a), the Secretary shall take actions that are designed to enhance—

(1) the quality and completeness of records;

(2) the availability of representative samples;

(3) the maintenance of identity and control in the event of an unauthorized release;

(4) corrective actions in the event of an unauthorized release;

(5) protocols for conducting molecular forensics;

(6) clarity in contractual agreements;

(7) the use of the latest scientific techniques for isolation and confinement distances;

(8) standards for quality management systems and effective research; and

(9) the design of electronic permits to store documents and other information relating to the permit and notification processes.

(c) CONSIDERATION.—In carrying out subsection (a), the Secretary shall consider—

(1) establishing—

(A) a system of risk-based categories to classify each regulated article;

(B) a means to identify regulated articles (including the retention of seed samples); and

(C) standards for isolation and containment distances; and

(2) requiring permit holders—

(A) to maintain a positive chain of custody;

(B) to provide for the maintenance of records;

(C) to provide for the accounting of material;

(D) to conduct periodic audits;

(E) to establish an appropriate training program;

(F) to provide contingency and corrective action plans; and

(G) to submit reports as the Secretary considers to be appropriate.

SEC. 10205. PEST AND DISEASE REVOLVING LOAN FUND.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EQUIPMENT.—

(A) IN GENERAL.—The term "authorized equipment" means any equipment necessary for the management of forest land.

(B) INCLUSIONS.—The term "authorized equipment" includes—

(i) cherry pickers;

(ii) equipment necessary for—

(I) the construction of staging and marshalling areas;

(II) the planting of trees; and

(III) the surveying of forest land;

(iii) vehicles capable of transporting harvested trees;

(iv) wood chippers; and

(v) any other appropriate equipment, as determined by the Secretary.

(2) FUND.—The term "Fund" means the Pest and Disease Revolving Loan Fund established by subsection (b).

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture, acting through the Deputy Chief of the State and Private Forestry organization.

(b) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a revolving fund, to be known as the "Pest and Disease Revolving Loan Fund", consisting of such amounts as are appropriated to the Fund under subsection (f).

(c) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are necessary to provide loans under subsection (e).

(2) ADMINISTRATIVE EXPENSES.—An amount not exceeding 10 percent of the amounts in the Fund shall be available for each fiscal year to pay the administrative expenses necessary to carry out this section.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) USES OF FUND.—

(1) LOANS.—

(A) IN GENERAL.—The Secretary shall use amounts in the Fund to provide loans to eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees that are located—

(i) on land under the jurisdiction of the eligible units of local government; and

(ii) within the borders of quarantine areas infested by plant pests.

(B) MAXIMUM AMOUNT.—The maximum amount of a loan that may be provided by the Secretary to an eligible unit of local government under this subsection shall be the lesser of—

(i) the amount that the eligible unit of local government has appropriated to finance purchases of authorized equipment in accordance with subparagraph (A); or

(ii) $5,000,000.

(C) INTEREST RATE.—The interest rate on any loan made by the Secretary under this paragraph shall be a rate equal to 2 percent.

(D) REPORT.—Not later than 180 days after the date on which an eligible unit of local government receives a loan provided by the Secretary under subparagraph (A), the eligible unit of local government shall submit to the Secretary a report that describes each purchase made by the eligible unit of local government using assistance provided through the loan.

(2) LOAN REPAYMENT SCHEDULE.—

(A) IN GENERAL.—To be eligible to receive a loan from the Secretary under paragraph (1), in accordance with each requirement described in subparagraph (B), an eligible unit of local government shall enter into an agreement with the Secretary to establish a loan repayment schedule relating to the repayment of the loan.

(B) REQUIREMENTS RELATING TO LOAN REPAYMENT SCHEDULE.—A loan repayment schedule established under subparagraph (A) shall require the eligible unit of local government—

(i) to repay to the Secretary of the Treasury, not later than 1 year after the date on which the eligible unit of local government receives a loan under paragraph (1), and semiannually thereafter, an amount equal to the quotient obtained by dividing—

(I) the principal amount of the loan (including interest); by

(II) the total quantity of payments that the eligible unit of local government is required to make during the repayment period of the loan; and

(ii) not later than 20 years after the date on which the eligible unit of local government receives a loan under paragraph (1), to complete repayment to the Secretary of the Treasury of the loan made under this section (including interest).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 10206. COOPERATIVE AGREEMENTS RELATING TO PLANT PEST AND DISEASE PREVENTION ACTIVITIES.

Section 431 of the Plant Protection Act (7 U.S.C. 7751) is amended by adding at the end the following:

"(f) TRANSFER OF COOPERATIVE AGREEMENT FUND.—

"(1) IN GENERAL.—A State may provide to a unit of local government in the State described in paragraph (2) any cost-sharing assistance or financing mechanism provided to the State under a cooperative agreement entered into under this Act between the Secretary and the State relating to the eradication, prevention, control, or suppression of plant pests.

"(2) REQUIREMENTS.—To be eligible for assistance or financing under paragraph (1), a unit of local government shall be—

"(A) engaged in any activity relating to the eradication, prevention, control, or suppression of the plant pest infestation covered under the cooperative agreement between the Secretary and the State; and

"(B) capable of documenting each plant pest infestation eradication, prevention, control, or suppression activity generally carried out by—

"(i) the Department of Agriculture; or

"(ii) the State department of agriculture that has jurisdiction over the unit of local government.".

Subtitle C—Organic Agriculture

SEC. 10301. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

Section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) is amended—

(1) in subsection (a), by striking "$5,000,000 for fiscal year 2002" and inserting "$22,000,000 for fiscal year 2008";

(2) in subsection (b)(2), by striking "$500" and inserting "$750"; and

(3) by adding at the end the following:

"(c) REPORTING.—Not later than March 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the requests by, disbursements to, and expenditures for each State under the program during the current and previous fiscal year, including the number of producers and handlers served by the program in the previous fiscal year.".

SEC. 10302. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

Section 7407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 5925c) is amended to read as follows:

"SEC. 7407. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

"(a) IN GENERAL.—The Secretary shall collect and report data on the production and marketing of organic agricultural products.

"(b) REQUIREMENTS.—In carrying out subsection (a), the Secretary shall, at a minimum—

"(1) collect and distribute comprehensive reporting of prices relating to organically produced agricultural products;

"(2) conduct surveys and analysis and publish reports relating to organic production, handling, distribution, retail, and trend studies (including consumer purchasing patterns); and

"(3) develop surveys and report statistical analysis on organically produced agricultural products.

"(c) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

"(1) describes the progress that has been made in implementing this section; and

"(2) identifies any additional production and marketing data needs.

"(d) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $5,000,000, to remain available until expended.

"(2) ADDITIONAL FUNDING.—In addition to funds made available under paragraph (1), there are authorized to be appropriated to carry out this section not more than $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.".

SEC. 10303. NATIONAL ORGANIC PROGRAM.

Section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) is amended—

(1) by striking "There are" and inserting the following:

"(a) IN GENERAL.—There are"; and

(2) by adding at the end the following:

"(b) NATIONAL ORGANIC PROGRAM.—Notwithstanding any other provision of law, in order to carry out activities under the national organic program established under this title, there are authorized to be appropriated—

"(1) $5,000,000 for fiscal year 2008;

"(2) $6,500,000 for fiscal year 2009;

"(3) $8,000,000 for fiscal year 2010;

"(4) $9,500,000 for fiscal year 2011;

"(5) $11,000,000 for fiscal year 2012; and

"(6) in addition to those amounts, such additional sums as are necessary for fiscal year 2009 and each fiscal year thereafter.".

Subtitle D—Miscellaneous

SEC. 10401. NATIONAL HONEY BOARD.

Section 7(c) of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4606(c)) is amended by adding at the end the following:

"(12) REFERENDUM REQUIREMENT.—

"(A) DEFINITION OF EXISTING HONEY BOARD.—The term 'existing Honey Board' means the Honey Board in effect on the date of enactment of this paragraph.

"(B) CONDUCT OF REFERENDA.—Notwithstanding any other provision of law, subject to subparagraph (C), the order providing for the establishment and operation of the existing Honey Board shall continue in force, until the Secretary first conducts, at the earliest practicable date, but not later than 180 days after the date of enactment of this paragraph, referenda on orders to establish a honey packer-importer board or a United States honey producer board.

"(C) REQUIREMENTS.—In conducting referenda under subparagraph (B), and in exercising fiduciary responsibilities in any transition to any 1 or more successor boards, the Secretary shall—

"(i) conduct a referendum of eligible United States honey producers for the establishment of a marketing board solely for United States honey producers;

"(ii) conduct a referendum of eligible packers, importers, and handlers of honey for the establishment of a marketing board for packers, importers, and handlers of honey;

"(iii) notwithstanding the timing of the referenda required under clauses (i) and (ii) or of the establishment of any 1 or more successor boards pursuant to those referenda, ensure that the rights and interests of honey producers, importers, packers, and handlers of honey are equitably protected in any disposition of the assets, facilities, intellectual property, and programs of the existing Honey Board and in the transition to any 1 or more new successor marketing boards;

"(iv) ensure that the existing Honey Board continues in operation until such time as the Secretary determines that—

"(I) any 1 or more successor boards, if approved, are operational; and

"(II) the interests of producers, importers, packers, and handlers of honey can be equitably protected during any remaining period in which a referendum on a successor board or the establishment of such a board is pending; and

"(v) discontinue collection of assessments under the order establishing the existing Honey Board on the date the Secretary requires that collections commence pursuant to an order approved in a referendum by eligible producers or processors and importers of honey.

"(D) HONEY BOARD REFERENDUM.—If 1 or more orders are approved pursuant to paragraph (C)—

"(i) the Secretary shall not be required to conduct a continuation referendum on the order in existence on the date of enactment of this paragraph; and

"(ii) that order shall be terminated pursuant to the provisions of the order.".

SEC. 10402. IDENTIFICATION OF HONEY.

(a) IN GENERAL.—Section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) is amended—

(1) by designating the first through sixth sentences as paragraphs (1), (2)(A), (2)(B), (3), (4), and (5), respectively; and

(2) by adding at the end the following:

"(6) IDENTIFICATION OF HONEY.—

"(A) IN GENERAL.—The use of a label or advertising material on, or in conjunction with, packaged honey that bears any official certificate of quality, grade mark or statement, continuous inspection mark or statement, sampling mark or statement, or any combination of the certificates, marks, or statements of the Department of Agriculture is hereby prohibited under this Act unless there appears legibly and permanently in close proximity (such as on the same side(s) or surface(s)) to the certificate, mark, or statement, and in at least a comparable size, the 1 or more names of the 1 or more countries of origin of the lot or container of honey, preceded by the words 'Product of' or other words of similar meaning.

"(B) VIOLATION.—A violation of the requirements of subparagraph (A) may be deemed by the Secretary to be sufficient cause for debarment from the benefits of this Act only with respect to honey.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 10403. GRANT PROGRAM TO IMPROVE MOVEMENT OF SPECIALTY CROPS.

(a) GRANTS AUTHORIZED.—The Secretary may make grants under this section to an eligible entity described in subsection (b)—

(1) to improve the cost-effective movement of specialty crops to local, regional, national, and international markets; and

(2) to address regional intermodal transportation deficiencies that adversely affect the movement of specialty crops to markets inside or outside the United States.

(b) ELIGIBLE GRANT RECIPIENTS.—Grants may be made under this section to any of, or any combination of:

(1) State and local governments.

(2) Grower cooperatives.

(3) National, State, or regional organizations of producers, shippers, or carriers.

(4) Other entities as determined to be appropriate by the Secretary.

(c) MATCHING FUNDS.—The recipient of a grant under this section shall contribute an amount of non-Federal funds toward the project for which the grant is provided that is at least equal to the amount of grant funds received by the recipient under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2008 through 2012.

SEC. 10404. MARKET LOSS ASSISTANCE FOR ASPARAGUS PRODUCERS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall make payments to producers of the 2007 crop of asparagus for market loss resulting from imports during the 2004 through 2007 crop years.

(b) PAYMENT RATE.—The payment rate for a payment under this section shall be based on the reduction in revenue received by asparagus producers associated with imports during the 2004 through 2007 crop years.

(c) PAYMENT QUANTITY.—The payment quantity for asparagus for which the producers on a farm are eligible for payments under this section shall be equal to the average quantity of the 2003 crop of asparagus produced by producers on the farm.

(d) FUNDING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make available $15,000,000 of the funds of the Commodity Credit Corporation to carry out a program to provide market loss payments to producers of asparagus under this section.

(2) ALLOCATION.—Of the amount made available under paragraph (1), the Secretary shall use—

(A) $7,500,000 to make payments to producers of asparagus for the fresh market; and

(B) $7,500,000 to make payments to producers of asparagus for the processed or frozen market.

TITLE XI—LIVESTOCK

SEC. 11001. LIVESTOCK MANDATORY REPORTING.

(a) WEB SITE IMPROVEMENTS AND USER EDUCATION.—

(1) IN GENERAL.—Section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)) is amended to read as follows:

"(g) ELECTRONIC REPORTING AND PUBLISHING.—

"(1) IN GENERAL.—The Secretary shall, to the maximum extent practicable, provide for the reporting and publishing of the information required under this subtitle by electronic means.

"(2) IMPROVEMENTS AND EDUCATION.—

"(A) ENHANCED ELECTRONIC PUBLISHING.—The Secretary shall develop and implement an enhanced system of electronic publishing to disseminate information collected pursuant to this subtitle. Such system shall—

"(i) present information in a format that can be readily understood by producers, packers, and other market participants;

"(ii) adhere to the publication deadlines in this subtitle;

"(iii) present information in charts and graphs, as appropriate;

"(iv) present comparative information for prior reporting periods, as the Secretary considers appropriate; and

"(v) be updated as soon as practicable after information is reported to the Secretary.

"(B) EDUCATION.—The Secretary shall carry out a market news education program to educate the public and persons in the livestock and meat industries about—

"(i) usage of the system developed under subparagraph (A); and

"(ii) interpreting and understanding information collected and disseminated through such system.".

(2) APPLICABILITY.—

(A) ENHANCED REPORTING.—The Secretary of Agriculture shall develop and implement the system required under paragraph (2)(A) of section 251(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1636(g)), as amended by paragraph (1), not later than one year after the date on which the Secretary determines sufficient funds have been appropriated pursuant to subsection (c).

(B) CURRENT SYSTEM.—Notwithstanding the amendment made by paragraph (1), the Secretary shall continue to use the information format for disseminating information under subtitle B of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) in effect on the date of the enactment of this Act at least until the date that is two years after the date on which the Secretary makes the determination referred to in subparagraph (A).

(b) STUDY AND REPORT.—

(1) STUDY.—The Secretary shall conduct a study on the effects of requiring packer processing plants to report to the Secretary information on wholesale pork cuts (including price and volume information), including—

(A) the positive or negative economic effects on producers and consumers; and

(B) the effects of a confidentiality requirement on mandatory reporting.

(2) INFORMATION.—During the period preceding the submission of the report under paragraph (3), the Secretary may collect, and each packer processing plant shall provide, such information as is necessary to enable the Secretary to conduct the study required under paragraph (1).

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study conducted under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 11002. COUNTRY OF ORIGIN LABELING.

Subtitle D of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638 et seq.) is amended—

(1) in section 281(2)(A)—

(A) in clause (v), by striking "and";

(B) in clause (vi), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(vii) meat produced from goats;

"(viii) chicken, in whole and in part;

"(ix) ginseng;

"(x) pecans; and

"(xi) macadamia nuts.";

(2) in section 282—

(A) in subsection (a), by striking paragraphs (2) and (3) and inserting the following:

"(2) DESIGNATION OF COUNTRY OF ORIGIN FOR BEEF, LAMB, PORK, CHICKEN, AND GOAT MEAT.—

"(A) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat may designate the covered commodity as exclusively having a United States country of origin only if the covered commodity is derived from an animal that was—

"(i) exclusively born, raised, and slaughtered in the United States;

"(ii) born and raised in Alaska or Hawaii and transported for a period of not more than 60 days through Canada to the United States and slaughtered in the United States; or

"(iii) present in the United States on or before July 15, 2008, and once present in the United States, remained continuously in the United States.

"(B) MULTIPLE COUNTRIES OF ORIGIN.—

"(i) IN GENERAL.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is—

"(I) not exclusively born, raised, and slaughtered in the United States,

"(II) born, raised, or slaughtered in the United States, and

"(III) not imported into the United States for immediate slaughter,

may designate the country of origin of such covered commodity as all of the countries in which the animal may have been born, raised, or slaughtered.

"(ii) RELATION TO GENERAL REQUIREMENT.—Nothing in this subparagraph alters the mandatory requirement to inform consumers of the country of origin of covered commodities under paragraph (1).

"(C) IMPORTED FOR IMMEDIATE SLAUGHTER.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is imported into the United States for immediate slaughter shall designate the origin of such covered commodity as—

"(i) the country from which the animal was imported; and

"(ii) the United States.

"(D) FOREIGN COUNTRY OF ORIGIN.—A retailer of a covered commodity that is beef, lamb, pork, chicken, or goat meat that is derived from an animal that is not born, raised, or slaughtered in the United States shall designate a country other than the United States as the country of origin of such commodity.

"(E) GROUND BEEF, PORK, LAMB, CHICKEN, AND GOAT.—The notice of country of origin for ground beef, ground pork, ground lamb, ground chicken, or ground goat shall include—

"(i) a list of all countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat; or

"(ii) a list of all reasonably possible countries of origin of such ground beef, ground pork, ground lamb, ground chicken, or ground goat.

"(3) DESIGNATION OF COUNTRY OF ORIGIN FOR FISH.—

"(A) IN GENERAL.—A retailer of a covered commodity that is farm-raised fish or wild fish may designate the covered commodity as having a United States country of origin only if the covered commodity—

"(i) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States; and

"(ii) in the case of wild fish, is—

"(I) harvested in the United States, a territory of the United States, or a State, or by a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States; and

"(II) processed in the United States, a territory of the United States, or a State, including the waters thereof, or aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States.

"(B) DESIGNATION OF WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

"(4) DESIGNATION OF COUNTRY OF ORIGIN FOR PERISHABLE AGRICULTURAL COMMODITIES, GINSENG, PEANUTS, PECANS, AND MACADAMIA NUTS.—

"(A) IN GENERAL.—A retailer of a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut may designate the covered commodity as having a United States country of origin only if the covered commodity is exclusively produced in the United States.

"(B) STATE, REGION, LOCALITY OF THE UNITED STATES.—With respect to a covered commodity that is a perishable agricultural commodity, ginseng, peanut, pecan, or macadamia nut produced exclusively in the United States, designation by a retailer of the State, region, or locality of the United States where such commodity was produced shall be sufficient to identify the United States as the country of origin."; and

(B) by striking subsection (d) and inserting the following:

"(d) AUDIT VERIFICATION SYSTEM.—

"(1) IN GENERAL.—The Secretary may conduct an audit of any person that prepares, stores, handles, or distributes a covered commodity for retail sale to verify compliance with this subtitle (including the regulations promulgated under section 284(b)).

"(2) RECORD REQUIREMENTS.—

"(A) IN GENERAL.—A person subject to an audit under paragraph (1) shall provide the Secretary with verification of the country of origin of covered commodities. Records maintained in the course of the normal conduct of the business of such person, including animal health papers, import or customs documents, or producer affidavits, may serve as such verification.

"(B) PROHIBITION ON REQUIREMENT OF ADDITIONAL RECORDS.—The Secretary may not require a person that prepares, stores, handles, or distributes a covered commodity to maintain a record of the country of origin of a covered commodity other than those maintained in the course of the normal conduct of the business of such person."; and

(3) in section 283—

(A) by striking subsections (a) and (c);

(B) by redesignating subsection (b) as subsection (a);

(C) in subsection (a) (as so redesignated), by striking "retailer" and inserting "retailer or person engaged in the business of supplying a covered commodity to a retailer"; and

(D) by adding at the end the following new subsection:

"(b) FINES.—If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

"(1) not made a good faith effort to comply with section 282, and

"(2) continues to willfully violate section 282 with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or person in an amount of not more than $1,000 for each violation.".

SEC. 11003. AGRICULTURAL FAIR PRACTICES ACT OF 1967 DEFINITIONS.

Section 3 of the Agricultural Fair Practices Act of 1967 (7 U.S.C. 2302) is amended—

(1) by striking "When used in this Act—" and inserting "In this Act:";

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (4) as clauses (i) through (iv), respectively; and

(B) in clause (iv) (as so redesignated), by striking "clause (1), (2), or (3) of this paragraph" and inserting "clause (i), (ii), or (iii)";

(3) by striking subsection (d);

(4) by redesignating subsections (a), (b), (c), and (e) as paragraphs (3), (4), (2), (1), respectively, indenting appropriately, and moving those paragraphs so as to appear in numerical order;

(5) in each paragraph (as so redesignated) that does not have a heading, by inserting a heading, in the same style as the heading in the amendment made by paragraph (6), the text of which is comprised of the term defined in the paragraph;

(6) in paragraph (2) (as so redesignated)—

(A) by striking "The term 'association of producers' means" and inserting the following:

"(2) ASSOCIATION OF PRODUCERS.—

"(A) IN GENERAL.—The term 'association of producers' means"; and

(B) by adding at the end the following:

"(B) INCLUSION.—The term 'association of producers' includes an organization whose membership is exclusively limited to agricultural producers and dedicated to promoting the common interest and general welfare of producers of agricultural products."; and

(7) in paragraph (3) (as so redesignated)—

(A) by striking "The term" and inserting the following:

"(3) HANDLER.—

"(A) IN GENERAL.—The term"; and

(B) by inserting after clause (iv) of subparagraph (A) (as redesignated by subparagraph (A) and paragraph (2)) the following:

"(B) EXCLUSION.—The term 'handler' does not include a person, other than a packer (as defined in section 201 of the Packers and Stockyards Act, 1921 (7 U.S.C. 191)), that provides custom feeding services for a producer.".

SEC. 11004. ANNUAL REPORT.

(a) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended—

(1) by redesignating section 416 (7 U.S.C. 229) as section 417; and

(2) by inserting after section 415 (7 U.S.C. 228d) the following:

"SEC. 416. ANNUAL REPORT.

"(a) IN GENERAL.—Not later than March 1 of each year, the Secretary shall submit to Congress and make publicly available a report that—

"(1) states, for the preceding year, separately for livestock and poultry and separately by enforcement area category (financial, trade practice, or competitive acts and practices), with respect to investigations into possible violations of this Act—

"(A) the number of investigations opened;

"(B) the number of investigations that were closed or settled without a referral to the General Counsel of the Department of Agriculture;

"(C) for investigations described in subparagraph (B), the length of time from initiation of the investigation to when the investigation was closed or settled without the filing of an enforcement complaint;

"(D) the number of investigations that resulted in referral to the General Counsel of the Department of Agriculture for further action, the number of such referrals resolved without administrative enforcement action, and the number of enforcement actions filed by the General Counsel;

"(E) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from the referral to the filing of the administrative action;

"(F) for referrals to the General Counsel that resulted in an administrative enforcement action being filed, the length of time from filing to resolution of the administrative enforcement action;

"(G) the number of investigations that resulted in referral to the Department of Justice for further action, and the number of civil enforcement actions filed by the Department of

Justice on behalf of the Secretary pursuant to such a referral;

"(H) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the referral to the filing of the enforcement action;

"(I) for referrals that resulted in a civil enforcement action being filed by the Department of Justice, the length of time from the filing of the enforcement action to resolution; and

"(J) the average civil penalty imposed in administrative or civil enforcement actions for violations of this Act, and the total amount of civil penalties imposed in all such enforcement actions; and

"(2) includes any other additional information the Secretary considers important to include in the annual report.

"(b) FORMAT OF INFORMATION PROVIDED.—For subparagraphs (C), (E), (F), and (H) of subsection (a)(1), the Secretary may, if appropriate due to the number of complaints for a given category, provide summary statistics (including range, maximum, minimum, mean, and average times) and graphical representations.".

(b) SUNSET.—Effective September 30, 2012, section 416 of the Packers and Stockyards Act, 1921, as added by subsection (a)(2), is repealed.

SEC. 11005. PRODUCTION CONTRACTS.

Title II of the Packers and Stockyards Act, 1921 (7 U.S.C. 198 et seq.) is amended by adding at the end the following:

"SEC. 208. PRODUCTION CONTRACTS.

"(a) RIGHT OF CONTRACT PRODUCERS TO CANCEL PRODUCTION CONTRACTS.—

"(1) IN GENERAL.—A poultry grower or swine production contract grower may cancel a poultry growing arrangement or swine production contract by mailing a cancellation notice to the live poultry dealer or swine contractor not later than the later of—

"(A) the date that is 3 business days after the date on which the poultry growing arrangement or swine production contract is executed; or

"(B) any cancellation date specified in the poultry growing arrangement or swine production contract.

"(2) DISCLOSURE.—A poultry growing arrangement or swine production contract shall clearly disclose—

"(A) the right of the poultry grower or swine production contract grower to cancel the poultry growing arrangement or swine production contract;

"(B) the method by which the poultry grower or swine production contract grower may cancel the poultry growing arrangement or swine production contract; and

"(C) the deadline for canceling the poultry growing arrangement or swine production contract.

"(b) REQUIRED DISCLOSURE OF ADDITIONAL CAPITAL INVESTMENTS IN PRODUCTION CONTRACTS.—

"(1) IN GENERAL.—A poultry growing arrangement or swine production contract shall contain on the first page a statement identified as 'Additional Capital Investments Disclosure Statement', which shall conspicuously state that additional large capital investments may be required of the poultry grower or swine production contract grower during the term of the poultry growing arrangement or swine production contract.

"(2) APPLICATION.—Paragraph (1) shall apply to any poultry growing arrangement or swine production contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of this section.

"SEC. 209. CHOICE OF LAW AND VENUE.

"(a) LOCATION OF FORUM.—The forum for resolving any dispute among the parties to a poultry growing arrangement or swine production or marketing contract that arises out of the arrangement or contract shall be located in the Federal judicial district in which the principle part of the performance takes place under the arrangement or contract.

"(b) CHOICE OF LAW.—A poultry growing arrangement or swine production or marketing contract may specify which State's law is to apply to issues governed by State law in any dispute arising out of the arrangement or contract, except to the extent that doing so is prohibited by the law of the State in which the principal part of the performance takes place under the arrangement or contract.

"SEC. 210. ARBITRATION.

"(a) IN GENERAL.—Any livestock or poultry contract that contains a provision requiring the use of arbitration to resolve any controversy that may arise under the contract shall contain a provision that allows a producer or grower, prior to entering the contract to decline to be bound by the arbitration provision.

"(b) DISCLOSURE.—Any livestock or poultry contract that contains a provision requiring the use of arbitration shall contain terms that conspicuously disclose the right of the contract producer or grower, prior to entering the contract, to decline the requirement to use arbitration to resolve any controversy that may arise under the livestock or poultry contract.

"(c) DISPUTE RESOLUTION.—Any contract producer or grower that declines a requirement of arbitration pursuant to subsection (b) has the right, to nonetheless seek to resolve any controversy that may arise under the livestock or poultry contract, if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

"(d) APPLICATION.—Subsections (a) (b) and (c) shall apply to any contract entered into, amended, altered, modified, renewed, or extended after the date of the enactment of the Food, Conservation, and Energy Act of 2008.

"(e) UNLAWFUL PRACTICE.—Any action by or on behalf of a packer, swine contractor, or live poultry dealer that violates this section (including any action that has the intent or effect of limiting the ability of a producer or grower to freely make a choice described in subsection (b)) is an unlawful practice under this Act.

"(f) REGULATIONS.—The Secretary shall promulgate regulations to—

"(1) carry out this section; and

"(2) establish criteria that the Secretary will consider in determining whether the arbitration process provided in a contract provides a meaningful opportunity for the grower or producer to participate fully in the arbitration process.".

SEC. 11006. REGULATIONS.

As soon as practicable, but not later than 2 years after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate regulations with respect to the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) to establish criteria that the Secretary will consider in determining—

(1) whether an undue or unreasonable preference or advantage has occurred in violation of such Act;

(2) whether a live poultry dealer has provided reasonable notice to poultry growers of any suspension of the delivery of birds under a poultry growing arrangement;

(3) when a requirement of additional capital investments over the life of a poultry growing arrangement or swine production contract constitutes a violation of such Act; and

(4) if a live poultry dealer or swine contractor has provided a reasonable period of time for a poultry grower or a swine production contract grower to remedy a breach of contract that could lead to termination of the poultry growing arrangement or swine production contract.

SEC. 11007. SENSE OF CONGRESS REGARDING PSEUDORABIES ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the Secretary of Agriculture should recognize the threat feral swine pose to the domestic swine population and the entire livestock industry;

(2) keeping the United States commercial swine herd free of pseudorabies is essential to maintaining and growing pork export markets;

(3) the establishment and continued support of a swine surveillance system will assist the swine industry in the monitoring, surveillance, and eradication of pseudorabies; and

(4) pseudorabies eradication is a high priority that the Secretary should carry out under the authorities of the Animal Health Protection Act.

SEC. 11008. SENSE OF CONGRESS REGARDING THE CATTLE FEVER TICK ERADICATION PROGRAM.

It is the sense of Congress that—

(1) the cattle fever tick and the southern cattle tick are vectors of the causal agent of babesiosis, a severe and often fatal disease of cattle; and

(2) implementing a national strategic plan for the cattle fever tick eradication program is a high priority that the Secretary of Agriculture should carry out in order to—

(A) prevent the entry of cattle fever ticks into the United States;

(B) enhance and maintain an effective surveillance program to rapidly detect any cattle fever tick incursions; and

(C) research, identify, and procure the tools and knowledge necessary to prevent and eradicate cattle fever ticks in the United States.

SEC. 11009. NATIONAL SHEEP INDUSTRY IMPROVEMENT CENTER.

(a) FUNDING.—Section 375(e)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j(e)(6)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) MANDATORY FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section $1,000,000 for fiscal year 2008, to remain available until expended.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.".

(b) REPEAL OF REQUIREMENT TO PRIVATIZE REVOLVING FUND.—

(1) IN GENERAL.—Section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) is amended by striking subsection (j).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on May 1, 2007.

SEC. 11010. TRICHINAE CERTIFICATION PROGRAM.

(a) VOLUNTARY TRICHINAE CERTIFICATION.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture shall establish a voluntary trichinae certification program. Such program shall include the facilitation of the export of pork products and certification services related to such products.

(2) REGULATIONS.—The Secretary shall issue final regulations to implement the program under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(3) REPORT.—If final regulations are not published in accordance with paragraph (2) within 90 days of the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing—

(A) an explanation of why the final regulations have not been issued in accordance with paragraph (2); and

(B) the date on which the Secretary expects to issue such final regulations.

(b) FUNDING.—Subject to the availability of appropriations under subsection (d)(1)(A) of section 10405 of the Animal Health Protection Act (7 U.S.C. 8304), as added by subsection (c), the Secretary shall use not less than $6,200,000 of the funds made available under such subsection to carry out subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10405 of the Animal Health Protection Act (7 U.S.C. 8304) is amended by adding at the end the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated—

"(A) $1,500,000 for each of fiscal years 2008 through 2012 to carry out section 11010 of the Food, Conservation, and Energy Act of 2008; and

"(B) such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.

"(2) AVAILABILITY.—Funds appropriated under paragraph (1) shall remain available until expended.".

SEC. 11011. LOW PATHOGENIC DISEASES.

The Animal Health Protection Act (7 U.S.C. 8301 et seq.) is amended—

(1) in section 10407(d)(2)(C) (7 U.S.C. 8306(d)(2)(C)), by striking "of longer than 60 days";

(2) in section 10409(b) (7 U.S.C. 8308(b))—

(A) by redesignating paragraph (2) as paragraph (3);

(B) by inserting after paragraph (1) the following new paragraph:

"(2) SPECIFIC COOPERATIVE PROGRAMS.—The Secretary shall compensate industry participants and State agencies that cooperate with the Secretary in carrying out operations and measures under subsection (a) for 100 percent of eligible costs relating to cooperative programs involving Federal, State, and industry participants to control diseases of low pathogenicity in accordance with regulations issued by the Secretary."; and

(C) in paragraph (3) (as so redesignated), by striking "of longer than 60 days"; and

(3) in section 10417(b)(3) (7 U.S.C. 8316(b)(3)), by striking "of longer than 60 days".

SEC. 11012. ANIMAL PROTECTION.

(a) WILLFUL VIOLATIONS.—Section 10414(b)(1)(A) of the Animal Health Protection Act (7 U.S.C. 8316(b)(1)(A)) is amended by striking clause (iii) and inserting the following:

"(iii) for all violations adjudicated in a single proceeding—

"(I) $500,000 if the violations do not include a willful violation; or

"(II) $1,000,000 if the violations include 1 or more willful violations.".

(b) SUBPOENA AUTHORITY.—Section 10415(a)(2) of the Animal Health Protection Act (7 U.S.C. 8314) is amended

(1) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—The Secretary shall have the power to subpoena the attendance and testimony of any witness, the production of all evidence (including books, papers, documents, electronically stored information, and other tangible things that constitute or contain evidence), or to require the person to whom the subpoena is directed to permit the inspection of premises relating to the administration or enforcement of this title or any matter under investigation in connection with this title.";

(2) in subparagraph (B), by striking "documentary"; and

(3) in subparagraph (C)—

(A) in clause (i), by striking "testimony of any witness and the production of documentary evidence" and inserting "testimony of any witness, the production of evidence, or the inspection of premises"; and

(B) in clause (ii), by striking "question or to produce documentary evidence" and inserting "question, produce evidence, or permit the inspection of premises".

SEC. 11013. NATIONAL AQUATIC ANIMAL HEALTH PLAN.

(a) IN GENERAL.—The Secretary of Agriculture may enter into a cooperative agreement with an eligible entity to carry out a project under a national aquatic animal health plan under the authority of the Secretary under section 10411 of the Animal Health Protection Act (7 U.S.C. 8310) for the purpose of detecting, controlling, or eradicating diseases of aquaculture species and promoting species-specific best management practices.

(b) COOPERATIVE AGREEMENTS BETWEEN ELIGIBLE ENTITIES AND THE SECRETARY.—

(1) DUTIES.—As a condition of entering into a cooperative agreement with the Secretary under this section, an eligible entity shall agree to—

(A) assume responsibility for the non-Federal share of the cost of carrying out the project under the national aquatic health plan, as determined by the Secretary in accordance with paragraph (2); and

(B) act in accordance with applicable disease and species specific best management practices relating to activities to be carried out under such project.

(2) NON-FEDERAL SHARE.—The Secretary shall determine the non-Federal share of the cost of carrying out a project under the national aquatic health plan on a case-by-case basis for each such project. Such non-Federal share may be provided in cash or in-kind.

(c) APPLICABILITY OF OTHER LAWS.—In carrying out this section, the Secretary may make use of the authorities under the Animal Health Protection Act (7 U.S.C. 8301 et seq.), including the authority to carry out operations and measures to detect, control, and eradicate pests and diseases and the authority to pay claims arising out of the destruction of any animal, article, or means of conveyance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

(e) ELIGIBLE ENTITY DEFINED.—In this section, the term "eligible entity" means a State, a political subdivision of a State, Indian tribe, or other appropriate entity, as determined by the Secretary of Agriculture.

SEC. 11014. STUDY ON BIOENERGY OPERATIONS.

(a) STUDY.—The Secretary of Agriculture shall conduct a study to evaluate the role of animal manure as a source of fertilizer and its potential additional uses. Such study shall include—

(1) a determination of the extent to which animal manure is utilized as fertilizer in agricultural operations by type (including species and agronomic practices employed) and size;

(2) an evaluation of the potential impact on consumers and on agricultural operations (by size) resulting from limitations being placed on the utilization of animal manure as fertilizer; and

(3) an evaluation of the effects on agriculture production contributable to the increased competition for animal manure use due to bioenergy production, including as a feedstock or a replacement for fossil fuels.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the results of the study conducted under subsection (a).

SEC. 11015. INTERSTATE SHIPMENT OF MEAT AND POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

(a) MEAT AND MEAT PRODUCTS.—The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following:

"TITLE V—INSPECTIONS BY FEDERAL AND STATE AGENCIES

"SEC. 501. INTERSTATE SHIPMENT OF MEAT INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

"(a) DEFINITIONS.—

"(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 301(b).

"(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

"(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

"(A) the State inspection program of the State in which the establishment is located; and

"(B) this Act, including rules and regulations issued under this Act.

"(4) MEAT ITEM.—The term 'meat item' means—

"(A) a portion of meat; and

"(B) a meat food product.

"(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship carcasses, portions of carcasses, and meat items in interstate commerce.

"(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship carcasses, portions of carcasses, and meat items in interstate commerce, and place on each carcass, portion of a carcass, and meat item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

"(A) the carcass, portion of carcass, or meat item qualifies for the mark, stamp, tag, or label of inspection under the requirements of this Act;

"(B) the establishment is an eligible establishment; and

"(C) inspection services for the establishment are provided by designated personnel.

"(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

"(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

"(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or meat items that are inspected by the Secretary in accordance with this Act;

"(C)(i) is a Federal establishment;

"(ii) was a Federal establishment that was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

"(iii) was a State establishment as of the date of the enactment of this section that—

"(I) as of the date of the enactment of this section, employed more than 25 employees; and

"(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

"(D) is in violation of this Act;

"(E) is located in a State that does not have a State inspection program; or

"(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

"(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

"(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

"(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

"(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35 employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

"(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (j).

"(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

"(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

"(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

"(A) to provide oversight and enforcement of this title; and

"(B) to oversee the training and inspection activities of designated personnel of the State agency.

"(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

"(3) DUTIES OF STATE COORDINATOR.—

"(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

"(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

"(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

"(i) immediately notify the Secretary of the violation; and

"(ii) deselect the selected establishment or suspend inspection at the selected establishment.

"(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

"(e) AUDITS.—

"(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (j), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

"(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

"(A) the effectiveness of the implementation of this section; and

"(B) the number of selected establishments selected by the Secretary to ship carcasses, portions of carcasses, or meat items under this section.

"(f) TECHNICAL ASSISTANCE DIVISION.—

"(1) ESTABLISHMENT.—Not later than 180 days after the effective date described in subsection (j), the Secretary shall establish in the Food Safety and Inspection Service of the Department of Agriculture a technical assistance division to coordinate the initiatives of any other appropriate agency of the Department of Agriculture to provide—

"(A) outreach, education, and training to very small or certain small establishments (as defined by the Secretary); and

"(B) grants to appropriate State agencies to provide outreach, technical assistance, education, and training to very small or certain small establishments (as defined by the Secretary).

"(2) PERSONNEL.—The technical assistance division shall be comprised of individuals that, as determined by the Secretary—

"(A) are of a quantity sufficient to carry out the duties of the technical assistance division; and

"(B) possess appropriate qualifications and expertise relating to the duties of the technical assistance division.

"(g) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by title III to transition to selected establishments.

"(h) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

"(i) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of meat and meat products under this Act.

"(j) EFFECTIVE DATE.—

"(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

"(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).".

(b) POULTRY AND POULTRY PRODUCTS.—The Poultry Products Inspection Act (21 U.S.C. 451 et seq.) is amended by adding at the end the following:

"SEC. 31. INTERSTATE SHIPMENT OF POULTRY INSPECTED BY FEDERAL AND STATE AGENCIES FOR CERTAIN SMALL ESTABLISHMENTS.

"(a) DEFINITIONS.—

"(1) APPROPRIATE STATE AGENCY.—The term 'appropriate State agency' means a State agency described in section 5(a)(1).

"(2) DESIGNATED PERSONNEL.—The term 'designated personnel' means inspection personnel of a State agency that have undergone all necessary inspection training and certification to assist the Secretary in the administration and enforcement of this Act, including rules and regulations issued under this Act.

"(3) ELIGIBLE ESTABLISHMENT.—The term 'eligible establishment' means an establishment that is in compliance with—

"(A) the State inspection program of the State in which the establishment is located; and

"(B) this Act, including rules and regulations issued under this Act.

"(4) POULTRY ITEM.—The term 'poultry item' means—

"(A) a portion of poultry; and

"(B) a poultry product.

"(5) SELECTED ESTABLISHMENT.—The term 'selected establishment' means an eligible establishment that is selected by the Secretary, in coordination with the appropriate State agency of the State in which the eligible establishment is located, under subsection (b) to ship poultry items in interstate commerce.

"(b) AUTHORITY OF SECRETARY TO ALLOW SHIPMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary, in coordination with the appropriate State agency of the State in which an establishment is located, may select the establishment to ship poultry items in interstate commerce, and place on each poultry item shipped in interstate commerce a Federal mark, stamp, tag, or label of inspection, if—

"(A) the poultry item qualifies for the Federal mark, stamp, tag, or label of inspection under the requirements of this Act;

"(B) the establishment is an eligible establishment; and

"(C) inspection services for the establishment are provided by designated personnel.

"(2) PROHIBITED ESTABLISHMENTS.—In carrying out paragraph (1), the Secretary, in coordination with an appropriate State agency, shall not select an establishment that—

"(A) on average, employs more than 25 employees (including supervisory and nonsupervisory employees), as defined by the Secretary;

"(B) as of the date of the enactment of this section, ships in interstate commerce carcasses, portions of carcasses, or poultry items that are inspected by the Secretary in accordance with this Act;

"(C)(i) is a Federal establishment;

"(ii) was a Federal establishment as of the date of the enactment of this section, and was reorganized on a later date under the same name or a different name or person by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section; or

"(iii) was a State establishment as of the date of the enactment of this section that—

"(I) as of the date of the enactment of this section, employed more than 25 employees; and

"(II) was reorganized on a later date by the person, firm, or corporation that controlled the establishment as of the date of the enactment of this section;

"(D) is in violation of this Act;

"(E) is located in a State that does not have a State inspection program; or

"(F) is the subject of a transition carried out in accordance with a procedure developed by the Secretary under paragraph (3)(A).

"(3) ESTABLISHMENTS THAT EMPLOY MORE THAN 25 EMPLOYEES.—

"(A) DEVELOPMENT OF PROCEDURE.—The Secretary may develop a procedure to transition to a Federal establishment any establishment under this section that, on average, consistently employs more than 25 employees.

"(B) ELIGIBILITY OF CERTAIN ESTABLISHMENTS.—

"(i) IN GENERAL.—A State establishment that employs more than 25 employees but less than 35

employees as of the date of the enactment of this section may be selected as a selected establishment under this subsection.

"(ii) PROCEDURES.—A State establishment shall be subject to the procedures established under subparagraph (A) beginning on the date that is 3 years after the effective date described in subsection (i).

"(c) REIMBURSEMENT OF STATE COSTS.—The Secretary shall reimburse a State for costs related to the inspection of selected establishments in the State in accordance with Federal requirements in an amount of not less than 60 percent of eligible State costs.

"(d) COORDINATION BETWEEN FEDERAL AND STATE AGENCIES.—

"(1) IN GENERAL.—The Secretary shall designate an employee of the Federal Government as State coordinator for each appropriate State agency—

"(A) to provide oversight and enforcement of this section; and

"(B) to oversee the training and inspection activities of designated personnel of the State agency.

"(2) SUPERVISION.—A State coordinator shall be under the direct supervision of the Secretary.

"(3) DUTIES OF STATE COORDINATOR.—

"(A) IN GENERAL.—A State coordinator shall visit selected establishments with a frequency that is appropriate to ensure that selected establishments are operating in a manner that is consistent with this Act (including regulations and policies under this Act).

"(B) QUARTERLY REPORTS.—A State coordinator shall, on a quarterly basis, submit to the Secretary a report that describes the status of each selected establishment that is under the jurisdiction of the State coordinator with respect to the level of compliance of each selected establishment with the requirements of this Act.

"(C) IMMEDIATE NOTIFICATION REQUIREMENT.—If a State coordinator determines that any selected establishment that is under the jurisdiction of the State coordinator is in violation of any requirement of this Act, the State coordinator shall—

"(i) immediately notify the Secretary of the violation; and

"(ii) deselect the selected establishment or suspend inspection at the selected establishment.

"(4) PERFORMANCE EVALUATIONS.—Performance evaluations of State coordinators designated under this subsection shall be conducted by the Secretary as part of the Federal agency management control system.

"(e) AUDITS.—

"(1) PERIODIC AUDITS CONDUCTED BY INSPECTOR GENERAL OF THE DEPARTMENT OF AGRICULTURE.—Not later than 2 years after the effective date described in subsection (i), and not less often than every 3 years thereafter, the Inspector General of the Department of Agriculture shall conduct an audit of each activity taken by the Secretary under this section for the period covered by the audit to determine compliance with this section.

"(2) AUDIT CONDUCTED BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not earlier than 3 years, nor later than 5 years, after the date of the enactment of this section, the Comptroller General of the United States shall conduct an audit of the implementation of this section to determine—

"(A) the effectiveness of the implementation of this section; and

"(B) the number of selected establishments selected by the Secretary to ship poultry items under this section.

"(f) TRANSITION GRANTS.—The Secretary may provide grants to appropriate State agencies to assist the appropriate State agencies in helping establishments covered by this Act to transition to selected establishments.

"(g) VIOLATIONS.—Any selected establishment that the Secretary determines to be in violation of any requirement of this Act shall be transitioned to a Federal establishment in accordance with a procedure developed by the Secretary under subsection (b)(3)(A).

"(h) EFFECT.—Nothing in this section limits the jurisdiction of the Secretary with respect to the regulation of poultry and poultry products under this Act.

"(i) EFFECTIVE DATE.—

"(1) IN GENERAL.—This section takes effect on the date on which the Secretary, after providing a period of public comment (including through the conduct of public meetings or hearings), promulgates final regulations to carry out this section.

"(2) REQUIREMENT.—Not later than 18 months after the date of the enactment of this section, the Secretary shall promulgate final regulations in accordance with paragraph (1).".

SEC. 11016. INSPECTION AND GRADING.

(a) GRADING.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

"(n) GRADING PROGRAM.—To establish within the Department of Agriculture a voluntary fee based grading program for—

"(1) catfish (as defined by the Secretary under paragraph (2) of section 1(w) of the Federal Meat Inspection Act (21 U.S.C. 601(w))); and

"(2) any additional species of farm-raised fish or farm-raised shellfish—

"(A) for which the Secretary receives a petition requesting such voluntary fee based grading; and

"(B) that the Secretary considers appropriate.".

(b) INSPECTION.—

(1) IN GENERAL.—The Federal Meat Inspection Act is amended—

(A) in section 1(w) (21 U.S.C. 601(w)) —

(i) by striking "and" at the end of paragraph (1);

(ii) by redesignating paragraph (2) as paragraph (3); and

(iii) by inserting after paragraph (1) the following new paragraph:

"(2) catfish, as defined by the Secretary; and";

(B) by striking section 6 (21 U.S.C. 606) and inserting the following new section:

"SEC. 6. (a) IN GENERAL.—For the purposes hereinbefore set forth the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection and inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as 'Inspected and passed' all such products found to be not adulterated; and said inspectors shall label, mark, stamp, or tag as 'Inspected and condemned' all such products found adulterated, and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products: Provided, That subject to the rules and regulations of the Secretary the provisions of this section in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this chapter.

"(b) CATFISH.—In the case of an examination and inspection under subsection (a) of a meat food product derived from catfish, the Secretary shall take into account the conditions under which the catfish is raised and transported to a processing establishment."; and

(C) by adding at the end of title I the following new section:

"SEC. 25. Notwithstanding any other provision of this Act, the requirements of sections 3, 4, 5, 10(b), and 23 shall not apply to catfish.".

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—The amendments made by paragraph (1) shall not apply until the date on which the Secretary of Agriculture issues final regulations (after providing a period of public comment, including through the conduct of public meetings or hearings, in accordance with chapter 5 of title 5, United States Code) to carry out such amendments.

(B) REGULATIONS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture, in consultation with the Commissioner of Food and Drugs, shall issue final regulations to carry out the amendments made by paragraph (1).

(3) BUDGET REQUEST.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall submit to Congress an estimate of the costs of implementing the amendments made by paragraph (1), including the estimated—

(A) staff years;

(B) number of establishments;

(C) volume expected to be produced at such establishments; and

(D) any other information used in estimating the costs of implementing such amendments.

SEC. 11017. FOOD SAFETY IMPROVEMENT.

(a) FEDERAL MEAT INSPECTION ACT.—Title I of the Federal Meat Inspection Act is further amended by inserting after section 11 (21 U.S.C. 611) the following:

"SEC. 12. NOTIFICATION.

"Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded meat or meat food product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the meat or meat food product.

"SEC. 13. PLANS AND REASSESSMENTS.

"The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

"(1) prepare and maintain current procedures for the recall of all meat or meat food products produced and shipped by the establishment;

"(2) document each reassessment of the process control plans of the establishment; and

"(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.".

(b) POULTRY PRODUCTS INSPECTION ACT.—Section 10 of the Poultry Products Inspection Act (21 U.S.C. 459) is amended—

(1) by striking the section heading and all that follows through "sec. 10. No establishment" and inserting the following:

"SEC. 10. COMPLIANCE BY ALL ESTABLISHMENTS.

"(a) IN GENERAL.—No establishment"; and

(2) by adding at the end the following:

"(b) NOTIFICATION.—Any establishment subject to inspection under this Act that believes, or has reason to believe, that an adulterated or misbranded poultry or poultry product received by or originating from the establishment has entered into commerce shall promptly notify the Secretary with regard to the type, amount, origin, and destination of the poultry or poultry product.

"(c) PLANS AND REASSESSMENTS.—The Secretary shall require that each establishment subject to inspection under this Act shall, at a minimum—

"(1) prepare and maintain current procedures for the recall of all poultry or poultry products produced and shipped by the establishment;

"(2) document each reassessment of the process control plans of the establishment; and

"(3) upon request, make the procedures and reassessed process control plans available to inspectors appointed by the Secretary for review and copying.".

TITLE XII—CROP INSURANCE AND DISASTER ASSISTANCE PROGRAMS

Subtitle A—Crop Insurance and Agricultural Disaster Assistance

SEC. 12001. DEFINITION OF ORGANIC CROP.

Section 502(b) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)) is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (8) and (9), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) ORGANIC CROP.—The term 'organic crop' means an agricultural commodity that is organically produced consistent with section 2103 of the Organic Foods Production Act of 1990 (7 U.S.C. 6502).".

SEC. 12002. GENERAL POWERS.

(a) IN GENERAL.—Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended—

(1) in the first sentence of subsection (d), by striking "The Corporation" and inserting "Subject to section 508(j)(2)(A), the Corporation"; and

(2) by striking subsection (n).

(b) CONFORMING AMENDMENTS.—

(1) Section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) is amended by redesignating subsections (o), (p), and (q) as subsections (n), (o), and (p), respectively.

(2) Section 521 of the Federal Crop Insurance Act (7 U.S.C. 1521) is amended by striking the last sentence.

SEC. 12003. REDUCTION IN LOSS RATIO.

(a) PROJECTED LOSS RATIO.—Subsection (n)(2) of section 506 of the Federal Crop Insurance Act (7 U.S.C. 1506) (as redesignated by section 12002(b)(1)) is amended—

(1) in the paragraph heading, by striking "AS OF OCTOBER 1, 1998";

(2) by striking ", on and after October 1, 1998,"; and

(3) by striking "1.075" and inserting "1.0".

(b) PREMIUMS REQUIRED.—Section 508(d)(1) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)(1)) is amended by striking "not greater than 1.1" and all that follows and inserting "not greater than—

"(A) 1.1 through September 30, 1998;

"(B) 1.075 for the period beginning October 1, 1998, and ending on the day before the date of enactment of the Food, Conservation, and Energy Act of 2008; and

"(C) 1.0 on and after the date of enactment of that Act.".

SEC. 12004. PREMIUMS ADJUSTMENTS.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) is amended by adding at the end the following:

"(9) PREMIUM ADJUSTMENTS.—

"(A) PROHIBITION.—Except as provided in subparagraph (B), no person shall pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, either as an inducement to procure insurance or after insurance has been procured, any rebate, discount, abatement, credit, or reduction of the premium named in an insurance policy or any other valuable consideration or inducement not specified in the policy.

"(B) EXCEPTIONS.—Subparagraph (A) does not apply with respect to—

"(i) a payment authorized under subsection (b)(5)(B);

"(ii) a performance-based discount authorized under subsection (d)(3); or

"(iii) a patronage dividend, or similar payment, that is paid—

"(I) by an entity that was approved by the Corporation to make such payments for the 2005, 2006, or 2007 reinsurance year, in accordance with subsection (b)(5)(B) as in effect on the day before the date of enactment of this paragraph; and

"(II) in a manner consistent with the payment plan approved in accordance with that subsection for the entity by the Corporation for the applicable reinsurance year.".

SEC. 12005. CONTROLLED BUSINESS INSURANCE.

Section 508(a) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)) (as amended by section 12004) is amended by adding at the end the following:

"(10) COMMISSIONS.—

"(A) DEFINITION OF IMMEDIATE FAMILY.—In this paragraph, the term 'immediate family' means an individual's father, mother, stepfather, stepmother, brother, sister, stepbrother, stepsister, son, daughter, stepson, stepdaughter, grandparent, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, the spouse of the foregoing, and the individual's spouse.

"(B) PROHIBITION.—No individual (including a subagent) may receive directly, or indirectly through an entity, any compensation (including any commission, profit sharing, bonus, or any other direct or indirect benefit) for the sale or service of a policy or plan of insurance offered under this title if—

"(i) the individual has a substantial beneficial interest, or a member of the individual's immediate family has a substantial beneficial interest, in the policy or plan of insurance; and

"(ii) the total compensation to be paid to the individual with respect to the sale or service of the policies or plans of insurance that meet the condition described in clause (i) exceeds 30 percent or the percentage specified in State law, whichever is less, of the total of all compensation received directly or indirectly by the individual for the sale or service of all policies and plans of insurance offered under this title for the reinsurance year.

"(C) REPORTING.—Not later than 90 days after the annual settlement date of the reinsurance year, any individual that received directly or indirectly any compensation for the service or sale of any policy or plan of insurance offered under this title in the prior reinsurance year shall certify to applicable approved insurance providers that the compensation that the individual received was in compliance with this paragraph.

"(D) SANCTIONS.—The procedural requirements and sanctions prescribed in section 515(h) shall apply to the prosecution of a violation of this paragraph.

"(E) APPLICABILITY.—

"(i) IN GENERAL.—Sanctions for violations under this paragraph shall only apply to the individuals or entities directly responsible for the certification required under subparagraph (C) or the failure to comply with the requirements of this paragraph.

"(ii) PROHIBITION.—No sanctions shall apply with respect to the policy or plans of insurance upon which compensation is received, including the reinsurance for those policies or plans.".

SEC. 12006. ADMINISTRATIVE FEE.

(a) IN GENERAL.—Section 508(b)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(5)) is amended—

(1) by striking subparagraph (A) and inserting the following:

"(A) BASIC FEE.—Each producer shall pay an administrative fee for catastrophic risk protection in the amount of $300 per crop per county."; and

(2) in subparagraph (B)—

(A) by striking "**PAYMENT ON BEHALF OF PRODUCERS**" and inserting "**PAYMENT OF CATASTROPHIC RISK PROTECTION FEE ON BEHALF OF PRODUCERS**";

(B) in clause (i)—

(i) by striking "or other payment"; and

(ii) by striking "with catastrophic risk protection or additional coverage" and inserting "through the payment of catastrophic risk protection administrative fees";

(C) by striking clauses (ii) and (vi);

(D) by redesignating clauses (iii), (iv), and (v) as clauses (ii), (iii), and (iv), respectively;

(E) in clause (iii) (as so redesignated), by striking "A policy or plan of insurance" and inserting "Catastrophic risk protection coverage"; and

(F) in clause (iv) (as so redesignated)—

(i) by striking "or other arrangement under this subparagraph"; and

(ii) by striking "additional".

(b) REPEAL.—Section 748 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1508 note; Public Law 105-277) is repealed.

SEC. 12007. TIME FOR PAYMENT.

Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(1) in subsection (b)(5)(C), by striking "the date that premium" and inserting "the same date on which the premium";

(2) in subsection (c)(10), by adding at the end the following:

"(C) TIME FOR PAYMENT.—Subsection (b)(5)(C) shall apply with respect to the collection date for the administrative fee."; and

(3) in subsection (d), by adding at the end the following:

"(4) BILLING DATE FOR PREMIUMS.—Effective beginning with the 2012 reinsurance year, the Corporation shall establish August 15 as the billing date for premiums.".

SEC. 12008. CATASTROPHIC COVERAGE REIMBURSEMENT RATE.

Section 508(b)(11) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)(11)) is amended by striking "8 percent" and inserting "6 percent".

SEC. 12009. GRAIN SORGHUM PRICE ELECTION.

Section 508(c)(5) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)(5)) is amended by adding at the end the following:

"(D) GRAIN SORGHUM PRICE ELECTION.—

"(i) IN GENERAL.—The Corporation, in conjunction with the Secretary (referred to in this subparagraph as the 'Corporation'), shall—

"(I) not later than 60 days after the date of enactment of this subparagraph, make available all methods and data, including data from the Economic Research Service, used by the Corporation to develop the expected market prices for grain sorghum under the production and revenue-based plans of insurance of the Corporation; and

"(II) request applicable data from the grain sorghum industry.

"(ii) EXPERT REVIEWERS.—

"(I) IN GENERAL.—Not later than 120 days after the date of enactment of this subparagraph, the Corporation shall contract individually with 5 expert reviewers described in subclause (II) to develop and recommend a methodology for determining an expected market price for sorghum for both the production and revenue-based plans of insurance to more accurately reflect the actual price at harvest.

"(II) REQUIREMENTS.—The expert reviewers under subclause (I) shall be comprised of agricultural economists with experience in grain sorghum and corn markets, of whom—

"(aa) 2 shall be agricultural economists of institutions of higher education;

"(bb) 2 shall be economists from within the Department; and

"(cc) 1 shall be an economist nominated by the grain sorghum industry.

"(iii) RECOMMENDATIONS.—

"(I) IN GENERAL.—Not later than 90 days after the date of contracting with the expert reviewers under clause (ii), the expert reviewers shall submit, and the Corporation shall make available to the public, the recommendations of the expert reviewers.

"(II) CONSIDERATION.—The Corporation shall consider the recommendations under subclause (I) when determining the appropriate pricing methodology to determine the expected market price for grain sorghum under both the production and revenue-based plans of insurance.

"(III) PUBLICATION.—Not later than 60 days after the date on which the Corporation receives the recommendations of the expert reviewers, the Corporation shall publish the proposed pricing methodology for both the production and revenue-based plans of insurance for notice and comment and, during the comment period, conduct at least 1 public meeting to discuss the proposed pricing methodologies.

"(iv) APPROPRIATE PRICING METHODOLOGY.—

"(I) IN GENERAL.—Not later than 180 days after the close of the comment period in clause (iii)(III), but effective not later than the 2010 crop year, the Corporation shall implement a pricing methodology for grain sorghum under the production and revenue-based plans of insurance that is transparent and replicable.

"(II) INTERIM METHODOLOGY.—Until the date on which the new pricing methodology is implemented, the Corporation may continue to use the pricing methodology that the Corporation determines best establishes the expected market price.

"(III) AVAILABILITY.—On an annual basis, the Corporation shall make available the pricing methodology and data used to determine the expected market prices for grain sorghum under the production and revenue-based plans of insurance, including any changes to the methodology used to determine the expected market prices for grain sorghum from the previous year.".

SEC. 12010. PREMIUM REDUCTION AUTHORITY.

Subsection 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) is amended—

(1) in paragraph (2), by striking "paragraph (4)" and inserting "paragraph (3)";

(2) by striking paragraph (3); and

(3) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 12011. ENTERPRISE AND WHOLE FARM UNITS.

Section 508(e) of Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12010) is amended by adding at the end the following:

"(5) ENTERPRISE AND WHOLE FARM UNITS.—

"(A) IN GENERAL.—The Corporation may carry out a pilot program under which the Corporation pays a portion of the premiums for plans or policies of insurance for which the insurable unit is defined on a whole farm or enterprise unit basis that is higher than would otherwise be paid in accordance with paragraph (2).

"(B) AMOUNT.—The percentage of the premium paid by the Corporation to a policyholder for a policy with an enterprise or whole farm unit under this paragraph shall, to the maximum extent practicable, provide the same dollar amount of premium subsidy per acre that would otherwise have been paid by the Corporation under paragraph (2) if the policyholder had purchased a basic or optional unit for the crop for the crop year.

"(C) LIMITATION.—The amount of the premium paid by the Corporation under this paragraph may not exceed 80 percent of the total premium for the enterprise or whole farm unit policy.".

SEC. 12012. PAYMENT OF PORTION OF PREMIUM FOR AREA REVENUE PLANS.

Section 508(e) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)) (as amended by section 12011) is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (4)" and inserting "paragraphs (4), (6), and (7)"; and

(2) by adding at the end the following:

"(6) PREMIUM SUBSIDY FOR AREA REVENUE PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a reduction in revenue in an area, the amount of the premium paid by the Corporation shall be as follows:

"(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 75 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(B) In the case of additional area coverage equal to or greater than 75 percent, but less than 85 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional area coverage equal to or greater than 85 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 49 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(D) In the case of additional area coverage equal to or greater than 90 percent of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 44 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(7) PREMIUM SUBSIDY FOR AREA YIELD PLANS.—Subject to paragraph (4), in the case of a policy or plan of insurance that covers losses due to a loss of yield or prevented planting in an area, the amount of the premium paid by the Corporation shall be as follows:

"(A) In the case of additional area coverage equal to or greater than 70 percent, but less than 80 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 59 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(B) In the case of additional area coverage equal to or greater than 80 percent, but less than 90 percent, of the recorded county yield indemnified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 55 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.

"(C) In the case of additional area coverage equal to or greater than 90 percent, of the recorded county yield indennified at not greater than 100 percent of the expected market price, the amount shall be equal to the sum of—

"(i) 51 percent of the amount of the premium established under subsection (d)(2)(B)(i) for the coverage level selected; and

"(ii) the amount determined under subsection (d)(2)(B)(ii) for the coverage level selected to cover operating and administrative expenses.".

SEC. 12013. DENIAL OF CLAIMS.

Section 508(j)(2)(A) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)(2)(A)) is amended by inserting "on behalf of the Corporation" after "approved provider".

SEC. 12014. SETTLEMENT OF CROP INSURANCE CLAIMS ON FARM-STORED PRODUCTION.

(a) IN GENERAL.—Section 508(j) of the Federal Crop Insurance Act (7 U.S.C. 1508(j)) is amended by adding at the end the following:

"(5) SETTLEMENT OF CLAIMS ON FARM-STORED PRODUCTION.—A producer with farm-stored production may, at the option of the producer, delay settlement of a crop insurance claim relating to the farm-stored production for up to 4 months after the last date on which claims may be submitted under the policy of insurance.".

(b) STUDY ON THE EFFICACY OF PACK FACTORS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the efficacy and accuracy of the application of pack factors regarding the measurement of farm-stored production for purposes of providing policies or plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(2) CONSIDERATIONS.—The study shall consider—

(A) structural shape and size;

(B) time in storage;

(C) the impact of facility aeration systems; and

(D) any other factors the Secretary considers appropriate.

(3) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that includes the findings of the study and any related policy recommendations.

SEC. 12015. TIME FOR REIMBURSEMENT.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) is amended by adding at the end the following:

"(D) TIME FOR REIMBURSEMENT.—Effective beginning with the 2012 reinsurance year, the Corporation shall reimburse approved insurance providers and agents for the allowable administrative and operating costs of the providers and agents as soon as practicable after October 1 (but not later than October 31) after the reinsurance year for which reimbursements are earned.".

SEC. 12016. REIMBURSEMENT RATE.

Section 508(k)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)(4)) (as amended by section 12015) is amended—

(1) in subparagraph (A), by striking "Except as provided in subparagraph (B)" and inserting "Except as otherwise provided in this paragraph"; and

(2) by adding at the end the following:

"(E) REIMBURSEMENT RATE REDUCTION.—In the case of a policy of additional coverage that received a rate of reimbursement for administrative and operating costs for the 2008 reinsurance year, for each of the 2009 and subsequent reinsurance years, the reimbursement rate for administrative and operating costs shall be 2.3 percentage points below the rates in effect as of the date of enactment of the Food, Conservation, and Energy Act of 2008 for all crop insurance policies used to define loss ratio, except that only ½ of the reduction shall apply in a reinsurance year to the total premium written in a State in which the State loss ratio is greater than 1.2.

"(F) REIMBURSEMENT RATE FOR AREA POLICIES AND PLANS OF INSURANCE.—Notwithstanding subparagraphs (A) through (E), for each of the 2009 and subsequent reinsurance years, the reimbursement rate for area policies and plans of insurance widely available as of the date of enactment of this subparagraph shall be 12 percent of the premium used to define loss ratio for that reinsurance year.".

SEC. 12017. RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) is amended by adding at the end the following:

"(8) RENEGOTIATION OF STANDARD REINSURANCE AGREEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), notwithstanding section 536 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 1506 note; Public Law 105–185) and section 148 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1506 note; Public Law 106–224), the Corporation may renegotiate the financial terms and conditions of each Standard Reinsurance Agreement—

"(i) to be effective for the 2011 reinsurance year beginning July 1, 2010; and

"(ii) once during each period of 5 reinsurance years thereafter.

"(B) EXCEPTIONS.—

"(i) ADVERSE CIRCUMSTANCES.—Subject to clause (ii), subparagraph (A) shall not apply in any case in which the approved insurance providers, as a whole, experience unexpected adverse circumstances, as determined by the Secretary.

"(ii) EFFECT OF FEDERAL LAW CHANGES.—If Federal law is enacted after the date of enactment of this paragraph that requires revisions in the financial terms of the Standard Reinsurance Agreement, and changes in the Agreement are made on a mandatory basis by the Corporation, the changes shall not be considered to be a renegotiation of the Agreement for purposes of subparagraph (A).

"(C) NOTIFICATION REQUIREMENT.—If the Corporation renegotiates a Standard Reinsurance Agreement under subparagraph (A)(iii), the Corporation shall notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate of the renegotiation.

"(D) CONSULTATION.—The approved insurance providers may confer with each other and collectively with the Corporation during any renegotiation under subparagraph (A).

"(E) 2011 REINSURANCE YEAR.—

"(i) IN GENERAL.—As part of the Standard Reinsurance Agreement renegotiation authorized under subparagraph (A)(i), the Corporation shall consider alternative methods to determine reimbursement rates for administrative and operating costs.

"(ii) ALTERNATIVE METHODS.—Alternatives considered under clause (i) shall include—

"(I) methods that—

"(aa) are graduated and base reimbursement rates in a State on changes in premiums in that State;

"(bb) are graduated and base reimbursement rates in a State on the loss ratio for crop insurance for that State; and

"(cc) are graduated and base reimbursement rates on individual policies on the level of total premium for each policy; and

"(II) any other method that takes into account current financial conditions of the program and ensures continued availability of the program to producers on a nationwide basis.".

SEC. 12018. CHANGE IN DUE DATE FOR CORPORATION PAYMENTS FOR UNDERWRITING GAINS.

Section 508(k) of the Federal Crop Insurance Act (7 U.S.C. 1508(k)) (as amended by section 12017) is amended by adding at the end the following:

"(9) DUE DATE FOR PAYMENT OF UNDERWRITING GAINS.—Effective beginning with the 2011 reinsurance year, the Corporation shall make payments for underwriting gains under this title on—

"(A) for the 2011 reinsurance year, October 1, 2012; and

"(B) for each reinsurance year thereafter, October 1 of the following calendar year.".

SEC. 12019. MALTING BARLEY.

Section 508(m) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)) is amended by adding at the end the following:

"(5) SPECIAL PROVISIONS FOR MALTING BARLEY.—The Corporation shall promulgate special provisions under this subsection specific to malting barley, taking into consideration any changes in quality factors, as required by applicable market conditions.".

SEC. 12020. CROP PRODUCTION ON NATIVE SOD.

(a) FEDERAL CROP INSURANCE.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended by adding at the end the following:

"(o) CROP PRODUCTION ON NATIVE SOD.—

"(1) DEFINITION OF NATIVE SOD.—In this subsection, the term 'native sod' means land—

"(A) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(B) that has never been tilled for the production of an annual crop as of the date of enactment of this subsection.

"(2) INELIGIBILITY FOR BENEFITS.—

"(A) IN GENERAL.—Subject to subparagraph (B) and paragraph (3), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this subsection shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

"(i) this title; and

"(ii) section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(B) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from subparagraph (A).

"(3) APPLICATION.—Paragraph (2) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.".

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)) is amended by adding at the end the following:

"(4) PROGRAM INELIGIBILITY RELATING TO CROP PRODUCTION ON NATIVE SOD.—

"(A) DEFINITION OF NATIVE SOD.—In this paragraph, the term 'native sod' means land—

"(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and

"(ii) that has never been tilled for the production of an annual crop as of the date of enactment of this paragraph.

"(B) INELIGIBILITY FOR BENEFITS.—

"(i) IN GENERAL.—Subject to clause (ii) and subparagraph (C), native sod acreage that has been tilled for the production of an annual crop after the date of enactment of this paragraph shall be ineligible during the first 5 crop years of planting, as determined by the Secretary, for benefits under—

"(I) this section; and

"(II) the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(ii) DE MINIMIS ACREAGE EXEMPTION.—The Secretary shall exempt areas of 5 acres or less from clause (i).

"(C) APPLICATION.—Subparagraph (B) may apply to native sod acreage in the Prairie Pothole National Priority Area at the election of the Governor of the respective State.".

SEC. 12021. INFORMATION MANAGEMENT.

Section 515 of the Federal Crop Insurance Act (7 U.S.C. 1515) is amended—

(a) in subsection (j)(3), by adding before the period at the end the following: ", which shall be subject to competition on a periodic basis, as determined by the Secretary"; and

(b) by striking subsection (k) and inserting the following:

"(k) FUNDING.—

"(1) INFORMATION TECHNOLOGY.—To carry out subsection (j)(1), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $15,000,000 for each of fiscal years 2008 through 2011.

"(2) DATA MINING.—To carry out subsection (j)(2), the Corporation may use, from amounts made available from the insurance fund established under section 516(c), not more than $4,000,000 for fiscal year 2009 and each subsequent fiscal year.".

SEC. 12022. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) RESEARCH AND DEVELOPMENT PAYMENT.—

"(A) IN GENERAL.—The Corporation shall provide a payment to an applicant for research and development costs in accordance with this subsection.

"(B) REIMBURSEMENT.—An applicant who submits a policy under section 508(h) shall be eligible for the reimbursement of reasonable research and development costs directly related to the policy if the policy is approved by the Board for sale to producers.

"(2) ADVANCE PAYMENTS.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Board may approve the request of an applicant for advance payment of a portion of reasonable research and development costs prior to submission and approval of the policy by the Board under section 508(h).

"(B) PROCEDURES.—The Board shall establish procedures for approving advance payment of reasonable research and development costs to applicants.

"(C) CONCEPT PROPOSAL.—As a condition of eligibility for advance payments, an applicant shall submit a concept proposal for the policy that the applicant plans to submit to the Board under section 508(h), consistent with procedures established by the Board for submissions under subparagraph (B), including—

"(i) a summary of the qualifications of the applicant, including any prior concept proposals and submissions to the Board under section 508(h) and, if applicable, any work conducted under this section;

"(ii) a projection of total research and development costs that the applicant expects to incur;

"(iii) a description of the need for the policy, the marketability of and expected demand for the policy among affected producers, and the potential impact of the policy on producers and the crop insurance delivery system;

"(iv) a summary of data sources available to demonstrate that the policy can reasonably be developed and actuarially appropriate rates established; and

"(v) an identification of the risks the proposed policy will cover and an explanation of how the identified risks are insurable under this title.

"(D) REVIEW.—

"(i) EXPERTS.—If the requirements of subparagraph (B) and (C) are met, the Board may submit a concept proposal described in subparagraph (C) to not less than 2 independent expert reviewers, whose services are appropriate for the type of concept proposal submitted, to assess the likelihood that the proposed policy being developed will result in a viable and marketable policy, as determined by the Board.

"(ii) TIMING.—The time frames described in subparagraphs (C) and (D) of section 508(h)(4) shall apply to the review of concept proposals under this subparagraph.

"(E) APPROVAL.—The Board may approve up to 50 percent of the projected total research and development costs to be paid in advance to an applicant, in accordance with the procedures developed by the Board for the making of such payments, if, after consideration of the reviewer reports described in subparagraph (D) and such other information as the Board determines appropriate, the Board determines that—

"(i) the concept, in good faith, will likely result in a viable and marketable policy consistent with section 508(h);

"(ii) in the sole opinion of the Board, the concept, if developed into a policy and approved by the Board, would provide crop insurance coverage—

"(I) in a significantly improved form;

"(II) to a crop or region not traditionally served by the Federal crop insurance program; or

"(III) in a form that addresses a recognized flaw or problem in the program;

"(iii) the applicant agrees to provide such reports as the Corporation determines are necessary to monitor the development effort;

"(iv) the proposed budget and timetable are reasonable; and

"(v) the concept proposal meets any other requirements that the Board determines appropriate.

"(F) SUBMISSION OF POLICY.—If the Board approves an advanced payment under subparagraph (E), the Board shall establish a date by which the applicant shall present a submission in compliance with section 508(h) (including the procedures implemented under that section) to the Board for approval.

"(G) FINAL PAYMENT.—

"(i) APPROVED POLICIES.—If a policy is submitted under subparagraph (F) and approved by the Board under section 508(h) and the procedures established by the Board (including procedures established under subparagraph (B)), the applicant shall be eligible for a payment of reasonable research and development costs in the same manner as policies reimbursed under paragraph (1)(B), less any payments made pursuant to subparagraph (E).

"(ii) POLICIES NOT APPROVED.—If a policy is submitted under subparagraph (F) and is not approved by the Board under section 508(h), the Corporation shall—

"(I) not seek a refund of any payments made in accordance with this paragraph; and

"(II) not make any further research and development cost payments associated with the submission of the policy under this paragraph.

"(H) POLICY NOT SUBMITTED.—If an applicant receives an advance payment and fails to fulfill the obligation of the applicant to the Board by not submitting a completed submission without just cause and in accordance with the procedures established under subparagraph (B)), including notice and reasonable opportunity to respond, as determined by the Board, the applicant shall return to the Board the amount of the advance plus interest.

"(I) REPEATED SUBMISSIONS.—The Board may prohibit advance payments to applicants who have submitted—

"(i) a concept proposal or submission that did not result in a marketable product; or

"(ii) a concept proposal or submission of poor quality.

"(J) CONTINUED ELIGIBILITY.—A determination that an applicant is not eligible for advance payments under this paragraph shall not prevent an applicant from reimbursement under paragraph (1)(B).".

(b) CONFORMING AMENDMENTS.—Section 522(b) of the Federal Crop Insurance Act (7 U.S.C. 1522(b)) is amended—

(1) in paragraph (3), by striking "or (2)"; and

(2) in paragraph (4)(A), by striking "and (2)".".

SEC. 12023. CONTRACTS FOR ADDITIONAL POLICIES AND STUDIES.

Section 522(c) of the Federal Crop Insurance Act (7 U.S.C. 1522) is amended—

(1) by redesignating paragraph (10) as paragraph (17); and

(2) by inserting after paragraph (9) the following:

"(10) CONTRACTS FOR ORGANIC PRODUCTION COVERAGE IMPROVEMENTS.—

"(A) CONTRACTS REQUIRED.—Not later than 180 days after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall enter into 1 or more contracts for the development of improvements in Federal crop insurance policies covering crops produced in compliance with standards issued by the Department of Agriculture under the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

"(B) REVIEW OF UNDERWRITING RISK AND LOSS EXPERIENCE.—

"(i) REVIEW REQUIRED.—

"(I) IN GENERAL.—A contract under subparagraph (A) shall include a review of the underwriting, risk, and loss experience of organic crops covered by the Corporation, as compared with the same crops produced in the same counties and during the same crop years using nonorganic methods.

"(II) REQUIREMENTS.—The review shall—

"(aa) to the maximum extent practicable, be designed to allow the Corporation to determine whether significant, consistent, or systemic variations in loss history exist between organic and nonorganic production;

"(bb) include the widest available range of data collected by the Secretary and other outside sources of information; and

"(cc) not be limited to loss history under existing crop insurance policies.

"(ii) EFFECT ON PREMIUM SURCHARGE.—Unless the review under this subparagraph documents the existence of significant, consistent, and systemic variations in loss history between organic and nonorganic crops, either collectively or on an individual crop basis, the Corporation shall eliminate or reduce the premium surcharge that the Corporation charges for coverage for organic crops, as determined in accordance with the results.

"(iii) ANNUAL UPDATES.—Beginning with the 2009 crop year, the review under this subparagraph shall be updated on an annual basis as data is accumulated by the Secretary and other sources, so that the Corporation may make determinations regarding adjustments to the surcharge in a timely manner as quickly as evolving practices and data trends allow.

"(C) ADDITIONAL PRICE ELECTION.—

"(i) IN GENERAL.—A contract under subparagraph (A) shall include the development of a procedure, including any associated changes in policy terms or materials required for implementation of the procedure, to offer producers of organic crops an additional price election that reflects actual prices received by organic producers for crops from the field (including appropriate retail and wholesale prices), as established using data collected and maintained by the Secretary or from other sources.

"(ii) TIMING.—The development of the procedure shall be completed in a timely manner to allow the Corporation to begin offering the additional price election for organic crops with sufficient data for the 2010 crop year.

"(iii) EXPANSION.—The procedure shall be expanded as quickly as practicable as additional data on prices of organic crops collected by the Secretary and other sources of information becomes available, with a goal of applying this procedure to all organic crops not later than the fifth full crop year that begins after the date of enactment of Food, Conservation, and Energy Act of 2008.

"(D) REPORTING REQUIREMENTS.—

"(i) IN GENERAL.—The Corporation shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on progress made in developing and improving Federal crop insurance for organic crops, including—

"(I) the numbers and varieties of organic crops insured;

"(II) the development of new insurance approaches; and

"(III) the progress of implementing the initiatives required under this paragraph, including the rate at which additional price elections are adopted for organic crops.

"(ii) RECOMMENDATIONS.—The report shall include such recommendations as the Corporation considers appropriate to improve Federal crop insurance coverage for organic crops.

"(11) ENERGY CROP INSURANCE POLICY.—

"(A) DEFINITION OF DEDICATED ENERGY CROP.—In this subsection, the term 'dedicated energy crop' means an annual or perennial crop that—

"(i) is grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products; and

"(ii) is not typically used for food, feed, or fiber.

"(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure dedicated energy crops.

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of dedicated energy crops, including policies and plans of insurance that—

"(i) are based on market prices and yields;

"(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate the policies and plans of insurance based on the use of weather or rainfall indices to protect the interests of crop producers; and "(iii) provide protection for production or revenue losses, or both.

"(12) AQUACULTURE INSURANCE POLICY.—

"(A) DEFINITION OF AQUACULTURE.—In this subsection:

"(i) IN GENERAL.—The term 'aquaculture' means the propagation and rearing of aquatic species in controlled or selected environments, including shellfish cultivation on grants or leased bottom and ocean ranching.

"(ii) EXCLUSION.—The term 'aquaculture' does not include the private ocean ranching of Pacific salmon for profit in any State in which private ocean ranching of Pacific salmon is prohibited by any law (including regulations).

"(B) AUTHORITY.—

"(i) IN GENERAL.—As soon as practicable after the date of enactment of the Food, Conservation, and Energy Act of 2008, the Corporation shall offer to enter into 3 or more contracts with qualified entities to carry out research and development regarding a policy to insure the production of aquacultural species in aquaculture operations.

"(ii) BIVALVE SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of bivalve species, including—

"(I) American oysters (crassostrea virginica);

"(II) hard clams (mercenaria mercenaria);

"(III) Pacific oysters (crassostrea gigas);

"(IV) Manila clams (tapes phillipinnarium); or

"(V) blue mussels (mytilus edulis).

"(iii) FRESHWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of freshwater species, including—

"(I) catfish (icataluridae);

"(II) rainbow trout (oncorhynchus mykiss);

"(III) largemouth bass (micropterus salmoides);

"(IV) striped bass (morone saxatilis);

"(V) bream (abramis brama);

"(VI) shrimp (penaeus); or

"(VII) tilapia (oreochromis niloticus).

"(iv) SALTWATER SPECIES.—At least 1 of the contracts described in clause (i) shall address insurance of saltwater species, including—

"(I) Atlantic salmon (salmo salar); or

"(II) shrimp (penaeus).

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of policies and plans of insurance for the production of aquacultural species in aquaculture operations, including policies and plans of insurance that—

"(i) are based on market prices and yields;

"(ii) to the extent that insufficient data exist to develop a policy based on market prices and yields, evaluate how best to incorporate insuring of production of aquacultural species in aquaculture operations into existing policies covering adjusted gross revenue; and

"(iii) provide protection for production or revenue losses, or both.

"(13) POULTRY INSURANCE POLICY.—

"(A) DEFINITION OF POULTRY.—In this paragraph, the term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

"(B) AUTHORITY.—The Corporation shall offer to enter into 1 or more contracts with qualified entities to carry out research and development regarding a policy to insure commercial poultry production.

"(C) RESEARCH AND DEVELOPMENT.—Research and development described in subparagraph (B) shall evaluate the effectiveness of risk management tools for the production of poultry, including policies and plans of insurance that provide protection for production or revenue losses, or both, while the poultry is in production.

"(14) APIARY POLICIES.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development regarding insurance policies that cover loss of bees.

"(15) ADJUSTED GROSS REVENUE POLICIES FOR BEGINNING PRODUCERS.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research and development into needed modifications of adjusted gross revenue insurance policies, consistent with principles of actuarial sufficiency, to permit coverage for beginning producers with no previous production history, including permitting those producers to have production and premium rates based on information with similar farming operations.

"(16) SKIPROW CROPPING PRACTICES.—

"(A) IN GENERAL.—The Corporation shall offer to enter into a contract with a qualified entity to carry out research into needed modifications of policies to insure corn and sorghum produced in the Central Great Plains (as determined by the Agricultural Research Service) through use of skiprow cropping practices.

"(B) RESEARCH.—Research described in subparagraph (A) shall—

"(i) review existing research on skiprow cropping practices and actual production history of producers using skiprow cropping practices; and

"(ii) evaluate the effectiveness of risk management tools for producers using skiprow cropping practices, including—

"(I) the appropriateness of rules in existence as of the date of enactment of this paragraph relating to the determination of acreage planted in skiprow patterns; and

"(II) whether policies for crops produced through skiprow cropping practices reflect actual production capabilities.".

SEC. 12024. FUNDING FROM INSURANCE FUND.

Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended—

(1) in paragraph (1), by striking "$10,000,000" and all that follows through the end of the paragraph and inserting "$7,500,000 for fiscal year 2008 and each subsequent fiscal year";

(2) in paragraph (2)(A), by striking "$20,000,000 for" and all that follows through "year 2004" and inserting "$12,500,000 for fiscal year 2008"; and

(3) in paragraph (3), by striking "the Corporation may use" and all that follows through the end of the paragraph and inserting "the Corporation may use—

"(A) not more than $5,000,000 for each fiscal year to improve program integrity, including by—

"(i) increasing compliance-related training;

"(ii) improving analysis tools and technology regarding compliance;

"(iii) use of information technology, as determined by the Corporation; and

"(iv) identifying and using innovative compliance strategies; and

"(B) any excess amounts to carry out other activities authorized under this section.".

SEC. 12025. PILOT PROGRAMS.

(a) IN GENERAL.—Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

"(f) CAMELINA PILOT PROGRAM.—

"(1) IN GENERAL.—The Corporation shall establish a pilot program under which producers or processors of camelina may propose for approval by the Board policies or plans of insurance for camelina, in accordance with section 508(h).

"(2) DETERMINATION BY BOARD.—The Board shall approve a policy or plan of insurance proposed under paragraph (1) if, as determined by the Board, the policy or plan of insurance—

"(A) protects the interests of producers;

"(B) is actuarially sound; and

"(C) meets the requirements of this title.

"(3) TIMEFRAME.—The Corporation shall commence the camelina insurance pilot program as soon as practicable after the date of enactment of this subsection.

"(g) SESAME INSURANCE PILOT PROGRAM.—

"(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a pilot program under which a producer of nondehiscent sesame under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

"(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the sesame insurance pilot program shall—

"(A) be offered through reinsurance arrangements with private insurance companies;

"(B) be actuarially sound; and

"(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

"(3) LOCATION.—The sesame insurance pilot program shall be carried out only in the State of Texas.

"(4) DURATION.—The Corporation shall commence the sesame insurance pilot program as soon as practicable after the date of the enactment of this subsection.

"(h) GRASS SEED INSURANCE PILOT PROGRAM.—

"(1) IN GENERAL.—In addition to any other authority of the Corporation, the Corporation shall establish and carry out a grass seed pilot program under which a producer of Kentucky bluegrass or perennial rye grass under contract may elect to obtain multiperil crop insurance, as determined by the Corporation.

"(2) TERMS AND CONDITIONS.—The multiperil crop insurance offered under the grass seed insurance pilot program shall—

"(A) be offered through reinsurance arrangements with private insurance companies;

"(B) be actuarially sound; and

"(C) require the payment of premiums and administrative fees by a producer obtaining the insurance.

"(3) LOCATION.—The grass seed insurance pilot program shall be carried out only in each of the States of Minnesota and North Dakota.

"(4) DURATION.—The Corporation shall commence the grass seed insurance pilot program as soon as practicable after the date of the enactment of this subsection.".

(b) CONFORMING AMENDMENT.—Section 196(a)(2)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(a)(2)(B)) is amended by adding "camelina," after "sea oats,".

SEC. 12026. RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS OR RANCHERS.

Section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)) is amended—

(1) in paragraph (1), by striking "paragraph (4)" and inserting "paragraph (5)";

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) REQUIREMENTS.—In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management strategies, education, and outreach specifically targeted at—

"(A) beginning farmers or ranchers;

"(B) legal immigrant farmers or ranchers that are attempting to become established producers in the United States;

"(C) socially disadvantaged farmers or ranchers;

"(D) farmers or ranchers that—

"(i) are preparing to retire; and

"(ii) are using transition strategies to help new farmers or ranchers get started; and

"(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.".

SEC. 12027. COVERAGE FOR AQUACULTURE UNDER NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c)(2) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)(2)) is amended—

(1) by striking "On making" and inserting the following:

"(A) IN GENERAL.—On making"; and

(2) by adding at the end the following:

"(B) AQUACULTURE PRODUCERS.—On making a determination described in subsection (a)(3) for aquaculture producers, the Secretary shall provide assistance under this section to aquaculture producers from all losses related to drought.".

SEC. 12028. INCREASE IN SERVICE FEES FOR NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(k)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(k)(1)) is amended—

(1) in subparagraph (A), by striking "$100" and inserting "$250"; and

(2) in subparagraph (B)—

(A) by striking "$300" and inserting "$750"; and

(B) by striking "$900" and inserting "$1,875".

SEC. 12029. DETERMINATION OF CERTAIN SWEET POTATO PRODUCTION.

Section 9001(d) of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110-28; 121 Stat. 211) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) SWEET POTATOES.—

"(A) DATA.—In the case of sweet potatoes, any data obtained under a pilot program carried out by the Risk Management Agency shall not be considered for the purpose of determining the quantity of production under the crop disaster assistance program established under this section.

"(B) EXTENSION OF DEADLINE.—If this paragraph is not implemented before the sign-up deadline for the crop disaster assistance program established under this section, the Secretary shall extend the deadline for producers of sweet potatoes to permit sign-up for the program in accordance with this paragraph.".

SEC. 12030. DECLINING YIELD REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing details about activities and administrative options of the Federal Crop Insurance Corporation and Risk Management Agency that address issues relating to—

(1) declining yields on the actual production histories of producers; and

(2) declining and variable yields for perennial crops, including pecans.

SEC. 12031. DEFINITION OF BASIC UNIT.

The Secretary shall not modify the definition of "basic unit" in accordance with the proposed regulations entitled "Common Crop Insurance Regulations" (72 Fed. Reg. 28895; relating to common crop insurance regulations) or any successor regulation.

SEC. 12032. CROP INSURANCE MEDIATION.

Section 275 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6995) is amended—

(1) by striking "If an officer" and inserting the following:

"(a) IN GENERAL.—If an officer";

(2) by striking "With respect to" and inserting the following:

"(b) FARM SERVICE AGENCY.—With respect to";

(3) by striking "If a mediation"; and inserting the following:

"(c) MEDIATION.—If a mediation"; and

(4) in subsection (c) (as so designated)—

(A) by striking "participant shall be offered" and inserting "participant shall—

"(1) be offered"; and

(B) by striking the period at the end and inserting the following: "; and

"(2) to the maximum extent practicable, be allowed to use both informal agency review and mediation to resolve disputes under that title.".

SEC. 12033. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended by adding at the end the following:

"Subtitle B—Supplemental Agricultural Disaster Assistance

"SEC. 531. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under subtitle A or the noninsured crop disaster assistance program, respectively.

"(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B), the actual production history for the eligible producer without regard to any yields established under that section;

"(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B), the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B); and

"(C) in all other cases, the actual production history of the eligible producer on a farm.

"(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

"(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

"(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

"(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

"(5) DISASTER COUNTY.—

"(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

"(B) INCLUSION.—The term 'disaster county' includes—

"(i) a county contiguous to a county described in subparagraph (A); and

"(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

"(6) ELIGIBLE PRODUCER ON A FARM.—

"(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

"(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

"(i) a citizen of the United States;

"(ii) a resident alien;

"(iii) a partnership of citizens of the United States; or

"(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

"(7) FARM.—

"(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

"(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

"(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

"(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

"(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under subtitle A.

"(10) LIVESTOCK.—The term 'livestock' includes—

"(A) cattle (including dairy cattle);

"(B) bison;

"(C) poultry;

"(D) sheep;

"(E) swine;

"(F) horses; and

"(G) other livestock, as determined by the Secretary.

"(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

"(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

"(16) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902 of the Trade Act of 1974.

"(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

"(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

"(2) AMOUNT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

"(i) the disaster assistance program guarantee, as described in paragraph (3); and

"(ii) the total farm revenue for a farm, as described in paragraph (4).

"(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

"(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

"(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

"(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

"(aa) the adjusted actual production history yield; or

"(bb) the counter-cyclical program payment yield for each crop; and

"(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

"(III) the payment yield for the commodity that is equal to the higher of—

"(aa) the adjusted noninsured crop assistance program yield guarantee; or

"(bb) the counter-cyclical program payment yield for each crop.

"(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

"(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

"(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

"(4) FARM REVENUE.—

"(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

"(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

"(I) the actual crop acreage harvested by an eligible producer on a farm;

"(II) the estimated actual yield of the crop production; and

"(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

"(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

"(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

"(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

"(v) the amount of payments for prevented planting on a farm;

"(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

"(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

"(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

"(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

"(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

"(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

"(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

"(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

"(A) the product obtained by multiplying—

"(i) the greatest of—

"(I) the adjusted actual production history yield of the eligible producer on a farm; and

"(II) the counter-cyclical program payment yield;

"(ii) the acreage planted or prevented from being planted for each crop; and

"(iii) 100 percent of the insurance price guarantee; and

"(B) the product obtained by multiplying—

"(i) 100 percent of the adjusted noninsured crop assistance program yield; and

"(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

"(c) LIVESTOCK INDEMNITY PAYMENTS.—

"(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

"(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

"(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED LIVESTOCK.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

"(I) owned;

"(II) leased;

"(III) purchased;

"(IV) entered into a contract to purchase;

"(V) is a contract grower; or

"(VI) sold or otherwise disposed of due to qualifying drought conditions during—

"(aa) the current production year; or

"(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

"(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

"(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

"(C) ELIGIBLE LIVESTOCK PRODUCER.—

"(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

"(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

"(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

"(III) certifies grazing loss; and

"(IV) meets all other eligibility requirements established under this subsection.

"(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

"(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

"(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

"(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

"(A) a drought condition, as described in paragraph (3); or

"(B) fire, as described in paragraph (4).

"(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

"(A) ELIGIBLE LOSSES.—

"(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

"(I) is native or improved pastureland with permanent vegetative cover; or

"(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

"(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

"(B) MONTHLY PAYMENT RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

"(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

"(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

"(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

"(C) MONTHLY FEED COST.—

"(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

"(I) 30 days;

"(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

"(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

"(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

"(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

"(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

"(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

"(I) the higher of—

"(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or

"(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

"(II) 56.

"(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

"(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

"(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

"(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

"(ii) DROUGHT INTENSITY.—

"(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

"(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

"(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

"(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

"(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

"(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

"(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

"(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

"(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

"(C) PAYMENT DURATION.—

"(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

"(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

"(II) ending on the last day of the Federal lease of the eligible livestock producer.

"(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

"(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

"(i) obtained a policy or plan of insurance under subtitle A for the grazing land incurring the losses for which assistance is being requested; or

"(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

"(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

"(i) waive subparagraph (A); and

"(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(D) EQUITABLE RELIEF.—

"(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

"(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

"(6) NO DUPLICATIVE PAYMENTS.—

"(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

"(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

"(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

"(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

"(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

"(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

"(f) TREE ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

"(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

"(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

"(D) TREE.—The term 'tree' includes a tree, bush, and vine.

"(2) ELIGIBILITY.—

"(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

"(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

"(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

"(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

"(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

"(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

"(4) LIMITATIONS ON ASSISTANCE.—

"(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

"(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

"(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

"(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under subtitle A (excluding a crop insurance pilot program under that subtitle); or

"(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

"(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

"(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

"(A) waive paragraph (1); and

"(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(5) EQUITABLE RELIEF.—

"(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

"(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this subtitle after the closing date of sales periods for crop insurance under subtitle A and the noninsured crop assistance program.

"(h) PAYMENT LIMITATIONS.—

"(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

"(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308-3a) or any successor provision shall apply with respect to assistance provided under this section.

"(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

"(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

"(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under subtitle A and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

"(k) APPLICATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any provision of subtitle A, subtitle A shall not apply to this subtitle.

"(2) CROSS REFERENCES.—Paragraph (1) shall not apply to a specific reference in this subtitle to a provision of subtitle A.".

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 531 of the Federal Crop Insurance Act (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CONFORMING AMENDMENTS.—

(1) Section 501 of the Federal Crop Insurance Act (7 U.S.C. 1501) is amended by striking the section heading and enumerator and inserting the following:

"Subtitle A—Federal Crop Insurance Act

"SEC. 501. SHORT TITLE AND APPLICATION OF OTHER PROVISIONS.".

(2) Subtitle A of the Federal Crop Insurance Act (as designated under paragraph (1)) is amended—

(A) by striking "This title" each place it appears and inserting "This subtitle"; and

(B) by striking "this title" each place it appears and inserting "this subtitle".

SEC. 12034. FISHERIES DISASTER ASSISTANCE.

Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall transfer to the Secretary of Commerce $170,000,000 for fiscal year 2008 for the National Marine Fisheries Service to distribute to commercial and recreational members of the fishing communities affected by the salmon fishery failure in the States of California, Oregon, and Washington designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) on May 1, 2008, in accordance with that section.

Subtitle B—Small Business Disaster Loan Program

SEC. 12051. SHORT TITLE.

This subtitle may be cited as the "Small Business Disaster Response and Loan Improvements Act of 2008".

SEC. 12052. DEFINITIONS.

In this subtitle—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "disaster area" means an area affected by a natural or other disaster, as determined for purposes of paragraph (1) or (2) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), during the period of such declaration;

(3) the term "disaster loan program of the Administration" means assistance under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(4) the term "disaster update period" means the period beginning on the date on which the President declares a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act) and ending on the date on which such declaration terminates;

(5) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122);

(6) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632); and

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

PART I—DISASTER PLANNING AND RESPONSE

SEC. 12061. ECONOMIC INJURY DISASTER LOANS TO NONPROFITS.

(a) In General.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting after "small business concern" the following: ", private nonprofit organization,"; and

(B) by inserting after "the concern" the following: ", the organization,"; and

(2) in subparagraph (D) by inserting after "small business concerns" the following: ", private nonprofit organizations,".

(b) Conforming Amendment.—Section 7(c)(5)(C) of the Small Business Act (15 U.S.C. 636(c)(5)(C)) is amended by inserting after "business" the following: ", private nonprofit organization,".

SEC. 12062. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 44; and

(2) by inserting after section 36 the following:

"SEC. 37. COORDINATION OF DISASTER ASSISTANCE PROGRAMS WITH FEMA.

"(a) Coordination Required.—The Administrator shall ensure that the disaster assistance programs of the Administration are coordinated, to the maximum extent practicable, with the disaster assistance programs of the Federal Emergency Management Agency.

"(b) Regulations Required.—The Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall establish regulations to ensure that each application for disaster assistance is submitted as quickly as practicable to the Administration or directed to the appropriate agency under the circumstances.

"(c) Completion; Revision.—The initial regulations shall be completed not later than 270 days after the date of the enactment of the Small Business Disaster Response and Loan Improvements Act of 2008. Thereafter, the regulations shall be revised on an annual basis.

"(d) Report.—The Administrator shall include a report on the regulations whenever the Administration submits the report required by section 43.".

SEC. 12063. PUBLIC AWARENESS OF DISASTER DECLARATION AND APPLICATION PERIODS.

(a) In General.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (3), the following:

"(4) Coordination with FEMA.—

"(A) In general.—Notwithstanding any other provision of law, for any disaster declared under this subsection or major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall ensure, to the maximum extent practicable, that all application periods for disaster relief under this Act correspond with application deadlines established under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or as extended by the President.

"(B) Deadlines.—Notwithstanding any other provision of law, not later than 10 days before the closing date of an application period for a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—

"(i) the deadline for submitting applications for assistance under this Act relating to that major disaster;

"(ii) information regarding the number of loan applications and disbursements processed by the Administrator relating to that major disaster for each day during the period beginning on the date on which that major disaster was declared and ending on the date of that report; and

"(iii) an estimate of the number of potential applicants that have not submitted an application relating to that major disaster.

"(5) Public awareness of disasters.—If a disaster is declared under this subsection or the Administrator declares eligibility for additional disaster assistance under paragraph (9), the Administrator shall make every effort to communicate through radio, television, print, and web-based outlets, all relevant information needed by disaster loan applicants, including—

"(A) the date of such declaration;

"(B) cities and towns within the area of such declaration;

"(C) loan application deadlines related to such disaster;

"(D) all relevant contact information for victim services available through the Administration (including links to small business development center websites);

"(E) links to relevant Federal and State disaster assistance websites, including links to websites providing information regarding assistance available from the Federal Emergency Management Agency;

"(F) information on eligibility criteria for Administration loan programs, including where such applications can be found; and

"(G) application materials that clearly state the function of the Administration as the Federal source of disaster loans for homeowners and renters.".

(b) Marketing and Outreach.—Not later than 90 days after the date of enactment of this Act, the Administrator shall create a marketing and outreach plan that—

(1) encourages a proactive approach to the disaster relief efforts of the Administration;

(2) makes clear the services provided by the Administration, including contact information, application information, and timelines for submitting applications, the review of applications, and the disbursement of funds;

(3) describes the different disaster loan programs of the Administration, including how they are made available and the eligibility requirements for each loan program;

(4) provides for regional marketing, focusing on disasters occurring in each region before the date of enactment of this Act, and likely scenarios for disasters in each such region; and

(5) ensures that the marketing plan is made available at small business development centers and on the website of the Administration.

(c) Technical and Conforming Amendments.—

(1) In general.—Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(s) Major Disaster.—In this Act, the term 'major disaster' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).".

(2) Technical correction.—Section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) is amended by striking "Disaster Relief and Emergency Assistance Act" and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)".

SEC. 12064. CONSISTENCY BETWEEN ADMINISTRATION REGULATIONS AND STANDARD OPERATING PROCEDURES.

(a) In General.—The Administrator shall, promptly following the date of enactment of this Act, conduct a study of whether the standard operating procedures of the Administration for loans offered under section 7(b) of the Small Business Act (15 U.S.C. 636(b)) are consistent with the regulations of the Administration for administering the disaster loan program.

(b) Report.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing all findings and recommendations of the study conducted under subsection (a).

SEC. 12065. INCREASING COLLATERAL REQUIREMENTS.

Section 7(c)(6) of the Small Business Act (15 U.S.C. 636(c)(6)) is amended by striking "$10,000 or less" and inserting "$14,000 or less (or such higher amount as the Administrator determines appropriate in the event of a major disaster)".

SEC. 12066. PROCESSING DISASTER LOANS.

(a) Authority for Qualified Private Contractors to Process Disaster Loans.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (5), as added by this Act, the following:

"(6) Authority for qualified private contractors.—

"(A) Disaster loan processing.—The Administrator may enter into an agreement with a qualified private contractor, as determined by the Administrator, to process loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional *disaster assistance under paragraph (9)), under which the Administrator shall pay the contractor a fee for each loan processed.*

"(B) LOAN LOSS VERIFICATION SERVICES.—The Administrator may enter into an agreement with a qualified lender or loss verification professional, as determined by the Administrator, to verify losses for loans under this subsection in the event of a major disaster (including any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under paragraph (9)), under which the Administrator shall pay the lender or verification professional a fee for each loan for which such lender or verification professional verifies losses.".

(b) COORDINATION OF EFFORTS BETWEEN THE ADMINISTRATOR AND THE INTERNAL REVENUE SERVICE TO EXPEDITE LOAN PROCESSING.—The Administrator and the Commissioner of Internal Revenue shall, to the maximum extent practicable, ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner, upon request by the Administrator.

SEC. 12067. INFORMATION TRACKING AND FOLLOW-UP SYSTEM.

The Small Business Act is amended by inserting after section 37, as added by this Act, the following:

"SEC. 38. INFORMATION TRACKING AND FOLLOW-UP SYSTEM FOR DISASTER ASSISTANCE.

"(a) SYSTEM REQUIRED.—The Administrator shall develop, implement, or maintain a centralized information system to track communications between personnel of the Administration and applicants for disaster assistance. The system shall ensure that whenever an applicant for disaster assistance communicates with such personnel on a matter relating to the application, the following information is recorded:

"(1) The method of communication.

"(2) The date of communication.

"(3) The identity of the personnel.

"(4) A summary of the subject matter of the communication.

"(b) FOLLOW-UP REQUIRED.—The Administrator shall ensure that an applicant for disaster assistance receives, by telephone, mail, or electronic mail, follow-up communications from the Administration at all critical stages of the application process, including the following:

"(1) When the Administration determines that additional information or documentation is required to process the application.

"(2) When the Administration determines whether to approve or deny the loan.

"(3) When the primary contact person managing the loan application has changed.".

SEC. 12068. INCREASED DEFERMENT PERIOD.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (e), as so redesignated, the following:

"(f) ADDITIONAL REQUIREMENTS FOR 7(b) LOANS.—

"(1) INCREASED DEFERMENT AUTHORIZED.—

"(A) IN GENERAL.—In making loans under subsection (b), the Administrator may provide, to the person receiving the loan, an option to defer repayment on the loan.

"(B) PERIOD.—The period of a deferment under subparagraph (A) may not exceed 4 years.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) in section 4(c)—

(A) in paragraph (1), by striking "7(c)(2)" and inserting "7(d)(2)"; and

(B) in paragraph (2)—

(i) by striking "7(c)(2)" and inserting "7(d)(2)"; and

(ii) by striking "7(e),"; and

(2) in section 7(b), in the undesignated matter following paragraph (3)—

(A) by striking "That the provisions of paragraph (1) of subsection (c)" and inserting "That the provisions of paragraph (1) of subsection (d)"; and

(B) by striking "Notwithstanding the provisions of any other law the interest rate on the Administration's share of any loan made under subsection (b) except as provided in subsection (c)," and inserting "Notwithstanding any other provision of law, and except as provided in subsection (d), the interest rate on the Administration's share of any loan made under subsection (b)".

SEC. 12069. DISASTER PROCESSING REDUNDANCY.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 38, as added by this Act, the following:

"SEC. 39. DISASTER PROCESSING REDUNDANCY.

"(a) IN GENERAL.—The Administrator shall ensure that the Administration has in place a facility for disaster loan processing that, whenever the Administration's primary facility for disaster loan processing becomes unavailable, is able to take over all disaster loan processing from that primary facility within 2 days.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.".

SEC. 12070. NET EARNINGS CLAUSES PROHIBITED.

Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (f), as added by this Act, the following:

"(g) NET EARNINGS CLAUSES PROHIBITED FOR 7(b) LOANS.—In making loans under subsection (b), the Administrator shall not require the borrower to pay any non-amortized amount for the first five years after repayment begins.".

SEC. 12071. ECONOMIC INJURY DISASTER LOANS IN CASES OF ICE STORMS AND BLIZZARDS.

Section 3(k)(2) of the Small Business Act (15 U.S.C. 632(k)(2)) is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) ice storms and blizzards.".

SEC. 12072. DEVELOPMENT AND IMPLEMENTATION OF MAJOR DISASTER RESPONSE PLAN.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator shall—

(1) by rule, amend the 2006 Atlantic hurricane season disaster response plan of the Administration (in this section referred to as the "disaster response plan") to apply to major disasters; and

(2) submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing the amendments to the disaster response plan.

(b) CONTENTS.—The report required under subsection (a)(2) shall include—

(1) any updates or modifications made to the disaster response plan since the report regarding the disaster response plan submitted to Congress on July 14, 2006;

(2) a description of how the Administrator plans to use and integrate District Office personnel of the Administration in the response to a major disaster, including information on the use of personnel for loan processing and loan disbursement;

(3) a description of the disaster scalability model of the Administration and on what basis or function the plan is scaled;

(4) a description of how the agency-wide Disaster Oversight Council is structured, which offices comprise its membership, and whether the Associate Deputy Administrator for Entrepreneurial Development of the Administration is a member;

(5) a description of how the Administrator plans to coordinate the disaster efforts of the Administration with State and local government officials, including recommendations on how to better incorporate State initiatives or programs, such as State-administered bridge loan programs, into the disaster response of the Administration;

(6) recommendations, if any, on how the Administration can better coordinate its disaster response operations with the operations of other Federal, State, and local entities;

(7) any surge plan for the disaster loan program of the Administration in effect on or after August 29, 2005 (including surge plans for loss verification, loan processing, mailroom, customer service or call center operations, and a continuity of operations plan);

(8) the number of full-time equivalent employees and job descriptions for the planning and disaster response staff of the Administration;

(9) the in-service and preservice training procedures for disaster response staff of the Administration;

(10) information on the logistical support plans of the Administration (including equipment and staffing needs, and detailed information on how such plans will be scalable depending on the size and scope of the major disaster;

(11) a description of the findings and recommendations of the Administrator, if any, based on a review of the response of the Administration to Hurricane Katrina of 2005, Hurricane Rita of 2005, and Hurricane Wilma of 2005; and

(12) a plan for how the Administrator, in consultation with the Administrator of the Federal Emergency Management Agency, will coordinate the provision of accommodations and necessary resources for disaster assistance personnel to effectively perform their responsibilities in the aftermath of a major disaster.

(c) BIENNIAL DISASTER SIMULATION EXERCISE.—

(1) EXERCISE REQUIRED.—The Administrator shall conduct a disaster simulation exercise at least once every 2 fiscal years. The exercise shall include the participation of, at a minimum, not less than 50 percent of the individuals in the disaster reserve corps and shall test, at maximum capacity, all of the information technology and telecommunications systems of the Administration that are vital to the activities of the Administration during such a disaster.

(2) REPORT.—The Administrator shall include a report on the disaster simulation exercises conducted under paragraph (1) each time the Administration submits a report required under section 43 of the Small Business Act, as added by this Act.

SEC. 12073. DISASTER PLANNING RESPONSIBILITIES.

(a) ASSIGNMENT OF SMALL BUSINESS ADMINISTRATION DISASTER PLANNING RESPONSIBILITIES.—The disaster planning function of the Administration shall be assigned to an individual appointed by the Administrator who—

(1) is not an employee of the Office of Disaster Assistance of the Administration;

(2) has proven management ability;

(3) has substantial knowledge in the field of disaster readiness and emergency response; and

(4) has demonstrated significant experience in the area of disaster planning.

(b) RESPONSIBILITIES.—The individual assigned the disaster planning function of the Administration shall report directly and solely to the Administrator and shall be responsible for—

(1) creating, maintaining, and implementing the comprehensive disaster response plan of the Administration described in section 12072;

(2) ensuring there are in-service and pre-service training procedures for the disaster response staff of the Administration;

(3) coordinating and directing the training exercises of the Administration relating to disasters, including disaster simulation exercises and disaster exercises coordinated with other government departments and agencies; and

(4) other responsibilities relevant to disaster planning and readiness, as determined by the Administrator.

(c) COORDINATION.—In carrying out the responsibilities described in subsection (b), the individual assigned the disaster planning function of the Administration shall coordinate with—

(1) the Office of Disaster Assistance of the Administration;

(2) the Administrator of the Federal Emergency Management Agency; and

(3) other Federal, State, and local disaster planning offices, as necessary.

(d) RESOURCES.—The Administrator shall ensure that the individual assigned the disaster planning function of the Administration has adequate resources to carry out the duties under this section.

(e) REPORT.—Not later than 30 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing—

(1) a description of the actions of the Administrator to assign an individual the disaster planning function of the Administration;

(2) information detailing the background and expertise of the individual assigned; and

(3) information on the status of the implementation of the responsibilities described in subsection (b).

SEC. 12074. ASSIGNMENT OF EMPLOYEES OF THE OFFICE OF DISASTER ASSISTANCE AND DISASTER CADRE.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (6), as added by this Act, the following:

"(7) DISASTER ASSISTANCE EMPLOYEES.—

"(A) IN GENERAL.—In carrying out this section, the Administrator may, where practicable, ensure that the number of full-time equivalent employees—

"(i) in the Office of the Disaster Assistance is not fewer than 800; and

"(ii) in the Disaster Cadre of the Administration is not fewer than 1,000.

"(B) REPORT.—In carrying out this subsection, if the number of full-time employees for either the Office of Disaster Assistance or the Disaster Cadre of the Administration is below the level described in subparagraph (A) for that office, not later than 21 days after the date on which that staffing level decreased below the level described in subparagraph (A), the Administrator shall submit to the Committee on Appropriations and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Appropriations and Committee on Small Business of the House of Representatives, a report—

"(i) detailing staffing levels on that date;

"(ii) requesting, if practicable and determined appropriate by the Administrator, additional funds for additional employees; and

"(iii) containing such additional information, as determined appropriate by the Administrator.".

SEC. 12075. COMPREHENSIVE DISASTER RESPONSE PLAN.

The Small Business Act (15 U.S.C. 631 et seq.) is amended inserting after section 39, as added by this Act, the following:

"SEC. 40. COMPREHENSIVE DISASTER RESPONSE PLAN.

"(a) PLAN REQUIRED.—The Administrator shall develop, implement, or maintain a comprehensive written disaster response plan. The plan shall include the following:

"(1) For each region of the Administration, a description of the disasters most likely to occur in that region.

"(2) For each disaster described under paragraph (1)—

"(A) an assessment of the disaster;

"(B) an assessment of the demand for Administration assistance most likely to occur in response to the disaster;

"(C) an assessment of the needs of the Administration, with respect to such resources as information technology, telecommunications, human resources, and office space, to meet the demand referred to in subparagraph (B); and

"(D) guidelines pursuant to which the Administration will coordinate with other Federal agencies and with State and local authorities to best respond to the demand referred to in subparagraph (B) and to best use the resources referred to in that subparagraph.

"(b) COMPLETION; REVISION.—The first plan required by subsection (a) shall be completed not later than 180 days after the date of the enactment of this section. Thereafter, the Administrator shall update the plan on an annual basis and following any major disaster relating to which the Administrator declares eligibility for additional disaster assistance under section 7(b)(9).

"(c) KNOWLEDGE REQUIRED.—The Administrator shall carry out subsections (a) and (b) through an individual with substantial knowledge in the field of disaster readiness and emergency response.

"(d) REPORT.—The Administrator shall include a report on the plan whenever the Administration submits the report required by section 43.".

SEC. 12076. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

The Small Business Act is amended by inserting after section 40, as added by this Act, the following:

"SEC. 41. PLANS TO SECURE SUFFICIENT OFFICE SPACE.

"(a) PLANS REQUIRED.—The Administrator shall develop long-term plans to secure sufficient office space to accommodate an expanded workforce in times of disaster.

"(b) REPORT.—The Administrator shall include a report on the plans developed under subsection (a) each time the Administration submits a report required under section 43.".

SEC. 12077. APPLICANTS THAT HAVE BECOME A MAJOR SOURCE OF EMPLOYMENT DUE TO CHANGED ECONOMIC CIRCUMSTANCES.

Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by inserting after "constitutes" the following: ", or have become due to changed economic circumstances,".

SEC. 12078. DISASTER LOAN AMOUNTS.

(a) INCREASED LOAN CAPS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (7), as added by this Act, the following:

"(8) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and notwithstanding any other provision of law, the aggregate loan amount outstanding and committed to a borrower under this subsection may not exceed $2,000,000.

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, increase the aggregate loan amount under subparagraph (A) for loans relating to a disaster to a level established by the Administrator, based on appropriate economic indicators for the region in which that disaster occurred.".

(b) DISASTER MITIGATION.—

(1) IN GENERAL.—Section 7(b)(1)(A) of the Small Business Act (15 U.S.C. 636(b)(1)(A)) is amended by inserting "of the aggregate costs of such damage or destruction (whether or not compensated for by insurance or otherwise)" after "20 per centum".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to a loan or guarantee made after the date of enactment of this Act.

(c) TECHNICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended—

(1) in the matter preceding paragraph (1), by striking "the, Administration" and inserting "the Administration"; and

(2) in the undesignated matter at the end—

(A) by striking ", (2), and (4)" and inserting "and (2)"; and

(B) by striking ", (2), or (4)" and inserting "(2)".

SEC. 12079. SMALL BUSINESS BONDING THRESHOLD.

(a) IN GENERAL.—Except as provided in subsection (b), and notwithstanding any other provision of law, for any procurement related to a major disaster, the Administrator may, upon such terms and conditions as the Administrator may prescribe, guarantee and enter into commitments to guarantee any surety against loss resulting from a breach of the terms of a bid bond, payment bond, performance bond, or bonds ancillary thereto, by a principal on any total work order or contract amount at the time of bond execution that does not exceed $5,000,000.

(b) INCREASE OF AMOUNT.—Upon request of the head of any Federal agency other than the Administration involved in reconstruction efforts in response to a major disaster, the Administrator may guarantee and enter into a commitment to guarantee any security against loss under subsection (a) on any total work order or contract amount at the time of bond execution that does not exceed $10,000,000.

(c) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out this section only with amounts appropriated in advance specifically to carry out this section.

PART II—DISASTER LENDING

SEC. 12081. ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately after paragraph (8), as added by this Act, the following:

"(9) DECLARATION OF ELIGIBILITY FOR ADDITIONAL DISASTER ASSISTANCE.—

"(A) IN GENERAL.—If the President declares a major disaster, the Administrator may declare eligibility for additional disaster assistance in accordance with this paragraph.

"(B) THRESHOLD.—A major disaster for which the Administrator declares eligibility for additional disaster assistance under this paragraph shall—

"(i) have resulted in extraordinary levels of casualties or damage or disruption severely affecting the population (including mass evacuations), infrastructure, environment, economy, national morale, or government functions in an area;

"(ii) be comparable to the description of a catastrophic incident in the National Response Plan of the Administration, or any successor thereto, unless there is no successor to such plan, in which case this clause shall have no force or effect; and

"(iii) be of such size and scope that—

"(I) the disaster assistance programs under the other paragraphs under this subsection are incapable of providing adequate and timely assistance to individuals or business concerns located within the disaster area; or

"(II) a significant number of business concerns outside the disaster area have suffered disaster-related substantial economic injury as a result of the incident.".

SEC. 12082. ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.

Paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by section 12081, is amended by adding at the end the following:

"(C) ADDITIONAL ECONOMIC INJURY DISASTER LOAN ASSISTANCE.—

"(i) IN GENERAL.—If the Administrator declares eligibility for additional disaster assistance under this paragraph, the Administrator may make such loans under this subparagraph (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administrator determines appropriate to eligible small business concerns located anywhere in the United States.

"(ii) PROCESSING TIME.—

"(I) IN GENERAL.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 15 days, the Administrator shall give priority to the processing of such applications submitted by eligible small business concerns located inside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

"(II) SUSPENSION OF APPLICATIONS FROM OUTSIDE DISASTER AREA.—If the Administrator determines that the average processing time for applications for disaster loans under this subparagraph relating to a specific major disaster is more than 30 days, the Administrator shall suspend the processing of such applications submitted by eligible small business concerns located outside the disaster area, until the Administrator determines that the average processing time for such applications is not more than 15 days.

"(iii) LOAN TERMS.—A loan under this subparagraph shall be made on the same terms as a loan under paragraph (2).

"(D) DEFINITIONS.—In this paragraph—

"(i) the term 'disaster area' means the area for which the applicable major disaster was declared;

"(ii) the term 'disaster-related substantial economic injury' means economic harm to a business concern that results in the inability of the business concern to—

"(I) meet its obligations as it matures;

"(II) meet its ordinary and necessary operating expenses; or

"(III) market, produce, or provide a product or service ordinarily marketed, produced, or provided by the business concern because the business concern relies on materials from the disaster area or sells or markets in the disaster area; and

"(iii) the term 'eligible small business concern' means a small business concern—

"(I) that has suffered disaster-related substantial economic injury as a result of the applicable major disaster; and

"(II)(aa) for which not less than 25 percent of the market share of that small business concern is from business transacted in the disaster area;

"(bb) for which not less than 25 percent of an input into a production process of that small business concern is from the disaster area; or

"(cc) that relies on a provider located in the disaster area for a service that is not readily available elsewhere.".

SEC. 12083. PRIVATE DISASTER LOANS.

(a) IN GENERAL.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by inserting after subsection (b) the following:

"(c) PRIVATE DISASTER LOANS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'disaster area' means any area for which the President declared a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9), during the period of that major disaster declaration;

"(B) the term 'eligible individual' means an individual who is eligible for disaster assistance under subsection (b)(1) relating to a major disaster relating to which the Administrator declares eligibility for additional disaster assistance under subsection (b)(9);

"(C) the term 'eligible small business concern' means a business concern that is—

"(i) a small business concern, as defined under this Act; or

"(ii) a small business concern, as defined in section 103 of the Small Business Investment Act of 1958;

"(D) the term 'preferred lender' means a lender participating in the Preferred Lender Program;

"(E) the term 'Preferred Lender Program' has the meaning given that term in subsection (a)(2)(C)(ii); and

"(F) the term 'qualified private lender' means any privately-owned bank or other lending institution that—

"(i) is not a preferred lender; and

"(ii) the Administrator determines meets the criteria established under paragraph (10).

"(2) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Private Disaster Assistance program, under which the Administration may guarantee timely payment of principal and interest, as scheduled, on any loan made to an eligible small business concern located in a disaster area and to an eligible individual.

"(3) USE OF LOANS.—A loan guaranteed by the Administrator under this subsection may be used for any purpose authorized under subsection (b).

"(4) ONLINE APPLICATIONS.—

"(A) ESTABLISHMENT.—The Administrator may establish, directly or through an agreement with another entity, an online application process for loans guaranteed under this subsection.

"(B) OTHER FEDERAL ASSISTANCE.—The Administrator may coordinate with the head of any other appropriate Federal agency so that any application submitted through an online application process established under this paragraph may be considered for any other Federal assistance program for disaster relief.

"(C) CONSULTATION.—In establishing an online application process under this paragraph, the Administrator shall consult with appropriate persons from the public and private sectors, including private lenders.

"(5) MAXIMUM AMOUNTS.—

"(A) GUARANTEE PERCENTAGE.—The Administrator may guarantee not more than 85 percent of a loan under this subsection.

"(B) LOAN AMOUNT.—The maximum amount of a loan guaranteed under this subsection shall be $2,000,000.

"(6) TERMS AND CONDITIONS.—A loan guaranteed under this subsection shall be made under the same terms and conditions as a loan under subsection (b).

"(7) LENDERS.—

"(A) IN GENERAL.—A loan guaranteed under this subsection made to—

"(i) a qualified individual may be made by a preferred lender; and

"(ii) a qualified small business concern may be made by a qualified private lender or by a preferred lender that also makes loans to qualified individuals.

"(B) COMPLIANCE.—If the Administrator determines that a preferred lender knowingly failed to comply with the underwriting standards for loans guaranteed under this subsection or violated the terms of the standard operating procedure agreement between that preferred lender and the Administration, the Administrator shall do 1 or more of the following:

"(i) Exclude the preferred lender from participating in the program under this subsection.

"(ii) Exclude the preferred lender from participating in the Preferred Lender Program for a period of not more than 5 years.

"(8) FEES.—

"(A) IN GENERAL.—The Administrator may not collect a guarantee fee under this subsection.

"(B) ORIGINATION FEE.—The Administrator may pay a qualified private lender or preferred lender an origination fee for a loan guaranteed under this subsection in an amount agreed upon in advance between the qualified private lender or preferred lender and the Administrator.

"(9) DOCUMENTATION.—A qualified private lender or preferred lender may use its own loan documentation for a loan guaranteed by the Administrator under this subsection, to the extent authorized by the Administrator. The ability of a lender to use its own loan documentation for a loan guaranteed under this subsection shall not be considered part of the criteria for becoming a qualified private lender under the regulations promulgated under paragraph (10).

"(10) IMPLEMENTATION REGULATIONS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall issue final regulations establishing permanent criteria for qualified private lenders.

"(B) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of the Small Business Disaster Response and Loan Improvements Act of 2008, the Administrator shall submit a report on the progress of the regulations required by subparagraph (A) to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(11) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—Amounts necessary to carry out this subsection shall be made available from amounts appropriated to the Administration to carry out subsection (b).

"(B) AUTHORITY TO REDUCE INTEREST RATES AND OTHER TERMS AND CONDITIONS.—Funds appropriated to the Administration to carry out this subsection, may be used by the Administrator to meet the loan terms and conditions specified in paragraph (6).

"(12) PURCHASE OF LOANS.—The Administrator may enter into an agreement with a qualified private lender or preferred lender to purchase any loan guaranteed under this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any major disaster declared on or after the date of enactment of this Act.

SEC. 12084. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

The Small Business Act is amended by inserting after section 41, as added by this Act, the following:

"SEC. 42. IMMEDIATE DISASTER ASSISTANCE PROGRAM.

"(a) PROGRAM REQUIRED.—The Administrator shall carry out a program, to be known as the Immediate Disaster Assistance program, under which the Administration participates on a deferred (guaranteed) basis in 85 percent of the balance of the financing outstanding at the time of disbursement of the loan if such balance is less than or equal to $25,000 for businesses affected by a disaster.

"(b) ELIGIBILITY REQUIREMENT.—To receive a loan guaranteed under subsection (a), the applicant shall also apply for, and meet basic eligibility standards for, a loan under subsection (b) or (c) of section 7.

"(c) USE OF PROCEEDS.—A person who receives a loan under subsection (b) or (c) of section 7 shall use the proceeds of that loan to repay all loans guaranteed under subsection (a), if any, before using the proceeds for any other purpose.

"(d) LOAN TERMS.—

"(1) NO PREPAYMENT PENALTY.—There shall be no prepayment penalty on a loan guaranteed under subsection (a).

"(2) REPAYMENT.—A person who receives a loan guaranteed under subsection (a) and who is disapproved for a loan under subsection (b) or (c) of section 7, as the case may be, shall repay the loan guaranteed under subsection (a) not later than the date established by the Administrator, which may not be earlier than 10 years after the date on which the loan guaranteed under subsection is disbursed.

"(e) APPROVAL OR DISAPPROVAL.—The Administrator shall ensure that each applicant for a loan under the program receives a decision approving or disapproving of the application within 36 hours after the Administration receives the application.".

SEC. 12085. EXPEDITED DISASTER ASSISTANCE LOAN PROGRAM.

(a) DEFINITION.—In this section, the term "program" means the expedited disaster assistance business loan program established under subsection (b).

(b) CREATION OF PROGRAM.—The Administrator shall take such administrative action as is necessary to establish and implement an expedited disaster assistance business loan program under which the Administration may, on an expedited basis, guarantee timely payment of principal and interest, as scheduled on any loan made to an eligible small business concern under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as added by this Act.

(c) CONSULTATION REQUIRED.—In establishing the program, the Administrator shall consult with—

(1) appropriate personnel of the Administration (including District Office personnel of the Administration);

(2) appropriate technical assistance providers (including small business development centers);

(3) appropriate lenders and credit unions;

(4) the Committee on Small Business and Entrepreneurship of the Senate; and

(5) the Committee on Small Business of the House of Representatives.

(d) RULES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue rules in final form establishing and implementing the program in accordance with this section. Such rules shall apply as provided for in this section, beginning 90 days after their issuance in final form.

(2) CONTENTS.—The rules promulgated under paragraph (1) shall—

(A) identify whether appropriate uses of funds under the program may include—

(i) paying employees;

(ii) paying bills and other financial obligations;

(iii) making repairs;

(iv) purchasing inventory;

(v) restarting or operating a small business concern in the community in which it was conducting operations prior to the applicable major disaster, or to a neighboring area, county, or parish in the disaster area; or

(vi) covering additional costs until the small business concern is able to obtain funding through insurance claims, Federal assistance programs, or other sources; and

(B) set the terms and conditions of any loan made under the program, subject to paragraph (3).

(3) TERMS AND CONDITIONS.—A loan guaranteed by the Administration under this section—

(A) shall be for not more than $150,000;

(B) shall be a short-term loan, not to exceed 180 days, except that the Administrator may extend such term as the Administrator determines necessary or appropriate on a case-by-case basis;

(C) shall have an interest rate not to exceed 300 basis points above the interest rate established by the Board of Governors of the Federal Reserve System that 1 bank charges another for reserves that are lent on an overnight basis on the date the loan is made;

(D) shall have no prepayment penalty;

(E) may only be made to a borrower that meets the requirements for a loan under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(F) may be refinanced as part of any subsequent disaster assistance provided under section 7(b) of the Small Business Act (15 U.S.C. 636(b)), as amended by this Act;

(G) may receive expedited loss verification and loan processing, if the applicant is—

(i) a major source of employment in the disaster area (which shall be determined in the same manner as under section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B))); or

(ii) vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials); and

(H) shall be subject to such additional terms as the Administrator determines necessary or appropriate.

(e) REPORT TO CONGRESS.—Not later than 5 months after the date of enactment of this Act, the Administrator shall report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives on the progress of the Administrator in establishing the program.

(f) AUTHORIZATION.—There are authorized to be appropriated to the Administrator such sums as are necessary to carry out this section.

SEC. 12086. GULF COAST DISASTER LOAN REFINANCING PROGRAM.

(a) IN GENERAL.—The Administrator may carry out a program to refinance Gulf Coast disaster loans (in this section referred to as the "program").

(b) TERMS.—The terms of a Gulf Coast disaster loan refinanced under the program shall be identical to the terms of the original loan, except that the Administrator may provide an option to defer repayment on the loan. A deferment under the program shall end not later than 4 years after the date on which the initial disbursement under the original loan was made.

(c) AMOUNT.—The amount of a Gulf Coast disaster loan refinanced under the program shall not exceed the amount of the original loan.

(d) DISCLOSURE OF ACCRUED INTEREST.—If the Administrator provides an option to defer repayment under the program, the Administrator shall disclose the accrued interest that must be paid under the option.

(e) DEFINITION.—In this section, the term "Gulf Coast disaster loan" means a loan—

(1) made under section 7(b) of the Small Business Act (15 U.S.C. 636(b));

(2) in response to Hurricane Katrina of 2005, Hurricane Rita of 2005, or Hurricane Wilma of 2005; and

(3) to a small business concern located in a county or parish designated by the Administrator as a disaster area by reason of a hurricane described in paragraph (2) under disaster declaration 10176, 10177, 10178, 10179, 10180, 10181, 10203, 10204, 10205, 10206, 10222, or 10223.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

PART III—MISCELLANEOUS

SEC. 12091. REPORTS ON DISASTER ASSISTANCE.

(a) MONTHLY ACCOUNTING REPORT TO CONGRESS.—

(1) REPORTING REQUIREMENTS.—Not later than the fifth business day of each month during the applicable period for a major disaster, the Administrator shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Appropriations of the Senate and to the Committee on Small Business and the Committee on Appropriations of the House of Representatives a report on the operation of the disaster loan program authorized under section 7 of the Small Business Act (15 U.S.C. 636) for that major disaster during the preceding month.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the daily average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(B) the weekly average lending volume, in number of loans and dollars, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(C) the amount of funding spent over the month for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(D) the amount of funding available for loans, both in appropriations and program level, and the percent by which each category has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding;

(E) an estimate of how long the available funding for such loans will last, based on the spending rate;

(F) the amount of funding spent over the month for staff, along with the number of staff, and the percent by which each category has increased or decreased since the previous report under paragraph (1);

(G) the amount of funding spent over the month for administrative costs, and the percent by which such spending has increased or decreased since the previous report under paragraph (1);

(H) the amount of funding available for salaries and expenses combined, and the percent by which such funding has increased or decreased since the previous report under paragraph (1), noting the source of any additional funding; and

(I) an estimate of how long the available funding for salaries and expenses will last, based on the spending rate.

(b) WEEKLY DISASTER UPDATES TO CONGRESS FOR PRESIDENTIALLY DECLARED DISASTERS.—

(1) IN GENERAL.—Each week during a disaster update period, the Administration shall submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the operation of the disaster loan program of the Administration for the area in which the President declared a major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the number of Administration staff performing loan processing, field inspection, and other duties for the declared disaster, and the allocations of such staff in the disaster field offices, disaster recovery centers, workshops, and other Administration offices nationwide;

(B) the daily number of applications received from applicants in the relevant area, as well as a breakdown of such figures by State;

(C) the daily number of applications pending application entry from applicants in the relevant area, as well as a breakdown of such figures by State;

(D) the daily number of applications withdrawn by applicants in the relevant area, as well as a breakdown of such figures by State;

(E) the daily number of applications summarily declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(F) the daily number of applications declined by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(G) the daily number of applications in process from applicants in the relevant area, as well as a breakdown of such figures by State;

(H) the daily number of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(I) the daily dollar amount of applications approved by the Administration from applicants in the relevant area, as well as a breakdown of such figures by State;

(J) the daily amount of loans dispersed, both partially and fully, by the Administration to applicants in the relevant area, as well as a breakdown of such figures by State;

(K) the daily dollar amount of loans disbursed, both partially and fully, from the relevant area, as well as a breakdown of such figures by State;

(L) the number of applications approved, including dollar amount approved, as well as applications partially and fully disbursed, including dollar amounts, since the last report under paragraph (1); and

(M) the declaration date, physical damage closing date, economic injury closing date, and number of counties included in the declaration of a major disaster.

(c) PERIODS WHEN ADDITIONAL DISASTER ASSISTANCE IS MADE AVAILABLE.—

(1) IN GENERAL.—During any period for which the Administrator declares eligibility for additional disaster assistance under paragraph (9) of section 7(b) of the Small Business Act (15 U.S.C. 632(b)), as amended by this Act, the Administrator shall, on a monthly basis, submit to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration with respect to the applicable major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall specify—

(A) the number of applications for disaster assistance distributed;

(B) the number of applications for disaster assistance received;

(C) the average time for the Administration to approve or disapprove an application for disaster assistance;

(D) the amount of disaster loans approved;

(E) the average time for initial disbursement of disaster loan proceeds; and

(F) the amount of disaster loan proceeds disbursed.

(d) NOTICE OF THE NEED FOR SUPPLEMENTAL FUNDS.—On the same date that the Administrator notifies any committee of the Senate or the House of Representatives that supplemental funding is necessary for the disaster loan program of the Administration in any fiscal year, the Administrator shall notify in writing the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the need for supplemental funds for that loan program.

(e) REPORT ON CONTRACTING.—

(1) IN GENERAL.—Not later than 6 months after the date on which the President declares a major disaster, and every 6 months thereafter until the date that is 18 months after the date on which the major disaster was declared, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and to the Committee on Small Business of the House of Representatives regarding Federal contracts awarded as a result of that major disaster.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) the total number of contracts awarded as a result of that major disaster;

(B) the total number of contracts awarded to small business concerns as a result of that major disaster;

(C) the total number of contracts awarded to women and minority-owned businesses as a result of that major disaster; and

(D) the total number of contracts awarded to local businesses as a result of that major disaster.

(f) REPORT ON LOAN APPROVAL RATE.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives detailing how the Administration can improve the processing of applications under the disaster loan program of the Administration.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) recommendations, if any, regarding—

(i) staffing levels during a major disaster;

(ii) how to improve the process for processing, approving, and disbursing loans under the disaster loan program of the Administration, to ensure that the maximum assistance is provided to victims in a timely manner;

(iii) the viability of using alternative methods for assessing the ability of an applicant to repay a loan, including the credit score of the applicant on the day before the date on which the disaster for which the applicant is seeking assistance was declared;

(iv) methods, if any, for the Administration to expedite loss verification and loan processing of disaster loans during a major disaster for businesses affected by, and located in the area for which the President declared, the major disaster that are a major source of employment in the area or are vital to recovery efforts in the region (including providing debris removal services, manufactured housing, or building materials);

(v) legislative changes, if any, needed to implement findings from the Accelerated Disaster Response Initiative of the Administration; and

(vi) a description of how the Administration plans to integrate and coordinate the response to a major disaster with the technical assistance programs of the Administration; and

(B) the plans of the Administrator for implementing any recommendation made under subparagraph (A).

(g) REPORTS ON DISASTER ASSISTANCE.—The Small Business Act is amended by inserting after section 42, as added by this Act, the following:

"SEC. 43. ANNUAL REPORTS ON DISASTER ASSISTANCE.

"Not later than 45 days after the end of a fiscal year, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the disaster assistance operations of the Administration for that fiscal year. The report shall—

"(1) specify the number of Administration personnel involved in such operations;

"(2) describe any material changes to those operations, such as changes to technologies used or to personnel responsibilities;

"(3) describe and assess the effectiveness of the Administration in responding to disasters during that fiscal year, including a description of the number and amounts of loans made for damage and for economic injury; and

"(4) describe the plans of the Administration for preparing to respond to disasters during the next fiscal year.".

TITLE XIII—COMMODITY FUTURES

SEC. 13001. SHORT TITLE.

This title may be cited as the "CFTC Reauthorization Act of 2008".

Subtitle A—General Provisions

SEC. 13101. COMMISSION AUTHORITY OVER AGREEMENTS, CONTRACTS OR TRANSACTIONS IN FOREIGN CURRENCY.

(a) IN GENERAL.—Section 2(c)(2) of the Commodity Exchange Act (7 U.S.C. 2(c)(2)) is amended by striking subparagraphs (B) and (C) and inserting the following:

"(B) AGREEMENTS, CONTRACTS, AND TRANSACTIONS IN RETAIL FOREIGN CURRENCY.—

"(i) This Act applies to, and the Commission shall have jurisdiction over, an agreement, contract, or transaction in foreign currency that—

"(I) is a contract of sale of a commodity for future delivery (or an option on such a contract) or an option (other than an option executed or traded on a national securities exchange registered pursuant to section 6(a) of the Securities Exchange Act of 1934, (15 U.S.C. 78f(a))); and

"(II) is offered to, or entered into with, a person that is not an eligible contract participant, unless the counterparty, or the person offering to be the counterparty, of the person is—

"(aa) a financial institution;

"(bb)(AA) a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o–5); or

"(BB) an associated person of a broker or dealer registered under section 15(b) (except paragraph (11) thereof) or 15C of the Securities Exchange Act of 1934 (15 U.S.C. 78o(b), 78o-5) concerning the financial or securities activities of which the broker or dealer makes and keeps records under section 15C(b) or 17(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-5(b), 78q(h));

"(cc)(AA) a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, is not a person described in item (bb) of this subclause, and maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph; or

"(BB) an affiliated person of a futures commission merchant that is primarily or substantially engaged in the business activities described in section 1a(20) of this Act, is registered under this Act, and is not a person described in item (bb) of this subclause, if the affiliated person maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is not a person described in such item (bb), and the futures commission merchant makes and keeps records under section 4f(c)(2)(B) of this Act concerning the futures and other financial activities of the affiliated person;

"(dd) an insurance company described in section 1a(12)(A)(ii) of this Act, or a regulated subsidiary or affiliate of such an insurance company;

"(ee) a financial holding company (as defined in section 2 of the Bank Holding Company Act of 1956);

"(ff) an investment bank holding company (as defined in section 17(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78q(i))); or

"(gg) a retail foreign exchange dealer that maintains adjusted net capital equal to or in excess of the dollar amount that applies for purposes of clause (ii) of this subparagraph and is registered in such capacity with the Commission, subject to such terms and conditions as the Commission shall prescribe, and is a member of a futures association registered under section 17.

"(ii) The dollar amount that applies for purposes of this clause is—

"(I) $10,000,000, beginning 120 days after the date of the enactment of this clause;

"(II) $15,000,000, beginning 240 days after such date of enactment; and

"(III) $20,000,000, beginning 360 days after such date of enactment.

"(iii) Notwithstanding items (cc) and (gg) of clause (i)(II) of this subparagraph, agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b) if the agreements, contracts, or transactions are offered, or entered into, by a person that is registered as a futures commission merchant or retail foreign exchange dealer, or an affiliated person of a futures commission merchant registered under this Act that is not also a person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II) of this subparagraph.

"(iv)(I) Notwithstanding items (cc) and (gg) of clause (i)(II), a person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

"(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

"(bb) exercise discretionary trading authority or obtain written authorization to exercise discretionary trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II); or

"(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II).

"(II) Subclause (I) of this clause shall not apply to—

"(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of clause (i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(III) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

"(IV) Subclause (III) of this clause shall not apply to—

"(aa) any person described in any of item (aa) through (ff) of clause (i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(v) Notwithstanding items (cc) and (gg) of clause (i)(II), the Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with agreements, contracts, or transactions described in clause (i) which are offered, or entered into, by a person described in item (cc) or (gg) of clause (i)(II).

"(C)(i)(I) This subparagraph shall apply to any agreement, contract, or transaction in foreign currency that is—

"(aa) offered to, or entered into with, a person that is not an eligible contract participant (except that this subparagraph shall not apply if the counterparty, or the person offering to be the counterparty, of the person that is not an eligible contract participant is a person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II)); and

"(bb) offered, or entered into, on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty on a similar basis.

"(II) Subclause (I) of this clause shall not apply to—

"(aa) a security that is not a security futures product; or

"(bb) a contract of sale that—

"(AA) results in actual delivery within 2 days; or

"(BB) creates an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business.

"(ii)(I) Agreements, contracts, or transactions described in clause (i) of this subparagraph shall be subject to subsection (a)(1)(B) of this section and sections 4(b), 4b, 4c(b), 4o, 6(c) and 6(d) (except to the extent that sections 6(c) and 6(d) prohibit manipulation of the market price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any market), 6c, 6d, 8(a), 13(a), and 13(b).

"(II) Subclause (I) of this clause shall not apply to—

"(aa) any person described in any of item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(bb) any such person's associated persons.

"(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of or to accomplish any of the purposes of this Act in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph if the agreements, contracts, or transactions are offered, or entered into, by a person that is not described in item (aa) through (ff) of subparagraph (B)(i)(II).

"(iii)(I) A person, unless registered in such capacity as the Commission by rule, regulation, or order shall determine and a member of a futures association registered under section 17, shall not—

"(aa) solicit or accept orders from any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

"(bb) exercise discretionary trading authority or obtain written authorization to exercise written trading authority over any account for or on behalf of any person that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II); or

"(cc) operate or solicit funds, securities, or property for any pooled investment vehicle that is not an eligible contract participant in connection with agreements, contracts, or transactions described in clause (i) of this subparagraph entered into with or to be entered into with a person who is not described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II).

"(II) Subclause (I) of this clause shall not apply to—

"(aa) any person described in item (aa), (bb), (dd), (ee), or (ff) of subparagraph (B)(i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(III) The Commission may make, promulgate, and enforce such rules and regulations as, in the judgment of the Commission, are reasonably necessary to effectuate any of the provisions of, or to accomplish any of the purposes of, this Act in connection with the activities of persons subject to subclause (I).

"(IV) Subclause (III) of this clause shall not apply to—

"(aa) any person described in item (aa) through (ff) of subparagraph (B)(i)(II);

"(bb) any such person's associated persons; or

"(cc) any person who would be exempt from registration if engaging in the same activities in connection with transactions conducted on or subject to the rules of a contract market or a derivatives transaction execution facility.

"(iv) Sections 4(b) and 4b shall apply to any agreement, contract, or transaction described in clause (i) of this subparagraph as if the agreement, contract, or transaction were a contract of sale of a commodity for future delivery.

"(v) This subparagraph shall not be construed to limit any jurisdiction that the Commission may otherwise have under any other provision of this Act over an agreement, contract, or transaction that is a contract of sale of a commodity for future delivery.

"(vi) This subparagraph shall not be construed to limit any jurisdiction that the Commission or the Securities and Exchange Commission may otherwise have under any other provision of this Act with respect to security futures products and persons effecting transactions in security futures products.".

(b) EFFECTIVE DATE.—The following provisions of the Commodity Exchange Act, as amended by subsection (a) of this section, shall be effective 120 days after the date of the enactment of this Act or at such other time as the Commodity Futures Trading Commission shall determine:

(1) Subparagraphs (B)(i)(II)(gg), (B)(iv), and (C)(iii) of section 2(c)(2).

(2) The provisions of section 2(c)(2)(B)(i)(II)(cc) that set forth adjusted net capital requirements, and the provisions of such section that require a futures commission merchant to be primarily or substantially engaged in certain business activities.

SEC. 13102. ANTI-FRAUD AUTHORITY OVER PRINCIPAL-TO-PRINCIPAL TRANSACTIONS.

Section 4b of the Commodity Exchange Act (7 U.S.C. Section 6b) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by striking all through the end of subsection (a) and inserting the following:

"SEC. 4b. CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.

"(a) UNLAWFUL ACTIONS.—It shall be unlawful—

"(1) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce or for future delivery that is made, or to be made, on or subject to the rules of a designated contract market, for or on behalf of any other person; or

"(2) for any person, in or in connection with any order to make, or the making of, any contract of sale of any commodity for future delivery, or other agreement, contract, or transaction subject to paragraphs (1) and (2) of section 5a(g), that is made, or to be made, for or on behalf of, or with, any other person, other than on or subject to the rules of a designated contract market—

"(A) to cheat or defraud or attempt to cheat or defraud the other person;

"(B) willfully to make or cause to be made to the other person any false report or statement or willfully to enter or cause to be entered for the other person any false record;

"(C) willfully to deceive or attempt to deceive the other person by any means whatsoever in regard to any order or contract or the disposition or execution of any order or contract, or in regard to any act of agency performed, with respect to any order or contract for or, in the case of paragraph (2), with the other person; or

"(D)(i) to bucket an order if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market; or

"(ii) to fill an order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of the other person to become the buyer in respect to any selling order of the other person, or become the seller in respect to any buying order of the other person, if the order is either represented by the person as an order to be executed, or is required to be executed, on or subject to the rules of a designated contract market unless the order is executed in accordance with the rules of the designated contract market.

"(b) CLARIFICATION.—Subsection (a)(2) of this section shall not obligate any person, in or in connection with a transaction in a contract of sale of a commodity for future delivery, or other agreement, contract or transaction subject to paragraphs (1) and (2) of section 5a(g), with another person, to disclose to the other person nonpublic information that may be material to the market price, rate, or level of the commodity or transaction, except as necessary to make any statement made to the other person in or in connection with the transaction not misleading in any material respect.".

SEC. 13103. CRIMINAL AND CIVIL PENALTIES.

(a) ENFORCEMENT POWERS OF THE COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in clause (3) of the 10th sentence—

(1) by inserting "(A)" after "assess such person"; and

(2) by inserting after "each such violation" the following: ", or (B) in any case of manipulation or attempted manipulation in violation of this subsection, subsection (d) of this section, or section 9(a)(2), a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to the person for each such violation,".

(b) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of such Act (7 U.S.C. 13a) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", or, in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty of not more than $1,000,000 for each such violation"; and

(2) in the second sentence, by inserting before the period at the end the following: ", except that if the failure or refusal to obey or comply with the order involved any offense under section 9(a)(2), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(a)(2)".

(c) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of such Act (7 U.S.C. 13a-1(d)) is amended by striking all that precedes paragraph (2) and inserting the following:

"(d) CIVIL PENALTIES.—

"(1) IN GENERAL.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

"(A) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

"(B) in any case of manipulation or attempted manipulation in violation of section 6(c), 6(d), or 9(a)(2), a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.".

(d) VIOLATIONS GENERALLY.—Section 9(a) of such Act (7 U.S.C. 13(a)) is amended in the matter preceding paragraph (1)—

(1) by striking "(or $500,000 in the case of a person who is an individual)"; and

(2) by striking "five years" and inserting "10 years".

SEC. 13104. AUTHORIZATION OF APPROPRIATIONS.

Section 12(d) of the Commodity Exchange Act (7 U.S.C. 16(d)) is amended to read as follows:

"(d) There are authorized to be appropriated such sums as are necessary to carry out this Act for each of the fiscal years 2008 through 2013.".

SEC. 13105. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 4a(e) of the Commodity Exchange Act (7 U.S.C. 6a(e)) is amended—

(1) by inserting "or certified by a registered entity pursuant to section 5c(c)(1)" after "approved by the Commission" ; and

(2) by striking "section 9(c)" and inserting "section 9(a)(5)".

(b) Section 4f(c)(4)(B)(i) of such Act (7 U.S.C. 6f(c)(4)(B)(i)) is amended by striking "compiled" and inserting "complied".

(c) Section 4k of such Act (7 U.S.C. 6k) is amended by redesignating the second paragraph (5) as paragraph (6).

(d) The Commodity Exchange Act is amended—

(1) by redesignating the first section 4p (7 U.S.C. 6o-1), as added by section 121 of the Commodity Futures Modernization Act of 2000, as section 4q; and

(2) by moving such section to after the second section 4p, as added by section 206 of Public Law 93-446.

(e) Subsections (a)(1) and (d)(1) of section 5c of such Act (7 U.S.C. 7a-2(a)(1), (d)(1)) are each amended by striking "5b(d)(2)" and inserting "5b(c)(2)".

(f) Sections 5c(f) and 17(r) of such Act (7 U.S.C. 7a-2(f), 21(r)) are each amended by striking "4d(3)" and inserting "4d(c)".

(g) Section 8(a)(1) of such Act (7 U.S.C. 12(a)(1)) is amended in the matter following subparagraph (B)—

(1) by striking "commenced" in the 2nd place it appears; and

(2) by inserting "commenced" after "in a judicial proceeding".

(h) Section 9 of such Act (7 U.S.C. 13) is amended—

(1) in subsection (f)(1), by striking the period and inserting "; or"; and

(2) by redesignating subsection (f) as subsection (e).

(i) Section 22(a)(2) of such Act (7 U.S.C. 25(a)(2)) is amended by striking "5b(b)(1)(E)" and inserting "5b(c)(2)(H)".

(j) Section 1a(33)(A) of such Act (7 U.S.C. 1a(33)(A)) is amended by striking "transactions" and all that follows and inserting "transactions—

"(i) by accepting bids or offers made by other participants that are open to multiple partipants in the facility or system; or

"(ii) through the interaction of multiple bids or multiple offers within a system with a pre-determined non-discretionary automated trade matching and execution algorithm.".

(k) Section 14(d) of such Act (7 U.S.C. 18(d)) is amended—

(1) by inserting "(1)" before "If"; and

(2) by adding after and below the end the following:

"(2) A reparation award shall be directly enforceable in district court as if it were a judgment pursuant to section 1963 of title 28, United States Code. This paragraph shall operate retroactively from the effective date of its enactment, and shall apply to all reparation awards for which a proceeding described in paragraph (1) is commenced within 3 years of the date of the Commission's order.".

SEC. 13106. PORTFOLIO MARGINING AND SECURITY INDEX ISSUES.

(a) The Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission shall work to ensure that the Securities and Exchange Commission (SEC), the Commodity Futures Trading Commission (CFTC), or both, as appropriate, have taken the actions required under subsection (b).

(b) The SEC, the CFTC, or both, as appropriate, shall take action under their existing authorities to permit—

(1) by September 30, 2009, risk-based portfolio margining for security options and security futures products (as defined in section 1a(32) of the Commodity Exchange Act); and

(2) by June 30, 2009, the trading of futures on certain security indexes by resolving issues related to foreign security indexes.

Subtitle B—Significant Price Discovery Contracts on Exempt Commercial Markets

SEC. 13201. SIGNIFICANT PRICE DISCOVERY CONTRACTS.

(a) DEFINITIONS.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended—

(1) by redesignating paragraph (33) as paragraph (34); and

(2) by inserting after paragraph (32) the following:

"(33) SIGNIFICANT PRICE DISCOVERY CONTRACT.—The term 'significant price discovery contract' means an agreement, contract, or transaction subject to section 2(h)(7).".

(b) STANDARDS APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—Section 2(h) of such Act (7 U.S.C. 2(h)) is amended by adding at the end the following:

"(7) SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

"(A) IN GENERAL.—An agreement, contract, or transaction conducted in reliance on the exemption in paragraph (3) shall be subject to the provisions of subparagraphs (B) through (D), under *such rules and regulations as the Commission shall promulgate, provided that the Commission determines, in its discretion, that the agreement, contract, or transaction performs a significant price discovery function as described in subparagraph (B).*

"(B) SIGNIFICANT PRICE DISCOVERY DETERMINATION.—In making a determination whether an agreement, contract, or transaction performs a significant price discovery function, the Commission shall consider, as appropriate:

"(i) PRICE LINKAGE.—The extent to which the agreement, contract, or transaction uses or otherwise relies on a daily or final settlement price, or other major price parameter, of a contract or contracts listed for trading on or subject to the rules of a designated contract market or a derivatives transaction execution facility, or a significant price discovery contract traded on an electronic trading facility, to value a position, transfer or convert a position, cash or financially settle a position, or close out a position.

"(ii) ARBITRAGE.—The extent to which the price for the agreement, contract, or transaction is sufficiently related to the price of a contract or contracts listed for trading on or subject to the rules of a designated contract market or derivatives transaction execution facility, or a significant price discovery contract or contracts trading on or subject to the rules of an electronic trading facility, so as to permit market participants to effectively arbitrage between the markets by simultaneously maintaining positions or executing trades in the contracts on a frequent and recurring basis.

"(iii) MATERIAL PRICE REFERENCE.—The extent to which, on a frequent and recurring basis, bids, offers, or transactions in a commodity are directly based on, or are determined by referencing, the prices generated by agreements, contracts, or transactions being traded or executed on the electronic trading facility.

"(iv) MATERIAL LIQUIDITY.—The extent to which the volume of agreements, contracts, or transactions in the commodity being traded on the electronic trading facility is sufficient to have a material effect on other agreements, contracts, or transactions listed for trading on or subject to the rules of a designated contract market, a derivatives transaction execution facility, or an electronic trading facility operating in reliance on the exemption in paragraph (3).

"(v) OTHER MATERIAL FACTORS.—Such other material factors as the Commission specifies by rule as relevant to determine whether an agreement, contract, or transaction serves a significant price discovery function.

"(C) CORE PRINCIPLES APPLICABLE TO SIGNIFICANT PRICE DISCOVERY CONTRACTS.—

"(i) IN GENERAL.—An electronic trading facility on which significant price discovery contracts are traded or executed shall, with respect to those contracts, comply with the core principles specified in this subparagraph.

"(ii) CORE PRINCIPLES.—The electronic trading facility shall have reasonable discretion (including discretion to account for differences between cleared and uncleared significant price discovery contracts) in establishing the manner in which it complies with the following core principles:

"(I) CONTRACTS NOT READILY SUSCEPTIBLE TO MANIPULATION.—The electronic trading facility shall list only significant price discovery contracts that are not readily susceptible to manipulation.

"(II) MONITORING OF TRADING.—The electronic trading facility shall monitor trading in significant price discovery contracts to prevent market manipulation, price distortion, and disruptions of the delivery or cash-settlement process through market surveillance, compliance, and disciplinary practices and procedures, including methods for conducting real-time monitoring of trading and comprehensive and accurate trade reconstructions.

"(III) ABILITY TO OBTAIN INFORMATION.—The electronic trading facility shall—

"(aa) establish and enforce rules that will allow the electronic trading facility to obtain any necessary information to perform any of the functions described in this subparagraph;

"(bb) provide the information to the Commission upon request; and

"(cc) have the capacity to carry out such international information-sharing agreements as the Commission may require.

"(IV) POSITION LIMITATIONS OR ACCOUNTABILITY.—The electronic trading facility shall adopt, where necessary and appropriate, position limitations or position accountability for speculators in significant price discovery contracts, taking into account positions in other agreements, contracts, and transactions that are treated by a derivatives clearing organization, whether registered or not registered, as fungible with such significant price discovery contracts to reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month.

"(V) EMERGENCY AUTHORITY.—The electronic trading facility shall adopt rules to provide for the exercise of emergency authority, in consultation or cooperation with the Commission, where necessary and appropriate, including the authority—

"(aa) to liquidate open positions in a significant price discovery contract; and

"(bb) to suspend or curtail trading in a significant price discovery contract.

"(VI) DAILY PUBLICATION OF TRADING INFORMATION.—The electronic trading facility shall make public daily information on price, trading volume, and other trading data to the extent appropriate for significant price discovery contracts

"(VII) COMPLIANCE WITH RULES.—The electronic trading facility shall monitor and enforce compliance with any rules of the electronic trading facility applicable to significant price discovery contracts, including the terms and conditions of the contracts and any limitations on access to the electronic trading facility with respect to the contracts.

"(VIII) CONFLICT OF INTEREST.—The electronic trading facility, with respect to significant price discovery contracts, shall—

"(aa) establish and enforce rules to minimize conflicts of interest in its decision-making process; and

"(bb) establish a process for resolving the conflicts of interest.

"(IX) ANTITRUST CONSIDERATIONS.—Unless necessary or appropriate to achieve the purposes of this Act, the electronic trading facility, with respect to significant price discovery contracts, shall endeavor to avoid—

"(aa) adopting any rules or taking any actions that result in any unreasonable restraints of trade; or

"(bb) imposing any material anticompetitive burden on trading on the electronic trading facility.

"(D) IMPLEMENTATION.—

"(i) CLEARING.—The Commission shall take into consideration differences between cleared and uncleared significant price discovery contracts when reviewing the implementation of the core principles by an electronic trading facility.

"(ii) REVIEW.—As part of the Commission's continual monitoring and surveillance activities, the Commission shall, not less frequently than annually, evaluate, as appropriate, all the agreements, contracts, or transactions conducted on an electronic trading facility in reliance on the exemption provided in paragraph (3) to determine whether they serve a significant price discovery function as described in subparagraph (B) of this paragraph.".

SEC. 13202. LARGE TRADER REPORTING.

(a) REPORTING AND RECORDKEEPING.—Section 4g(a) of the Commodity Exchange Act (7 U.S.C. 6g(a)) is amended by inserting ", and in any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract" after "elsewhere".

(b) REPORTS OF POSITIONS EQUAL TO OR IN EXCESS OF TRADING LIMITS.—Section 4i of such Act (7 U.S.C. 6i) is amended—

(1) by inserting ", or any significant price discovery contract traded or executed on an electronic trading facility or any agreement, contract, or transaction that is treated by a derivatives clearing organization, whether registered or not registered, as fungible with a significant price discovery contract" after "subject to the rules of any contract market or derivatives transaction execution facility"; and

(2) in the matter following paragraph (2), by inserting "or electronic trading facility" after "subject to the rules of any other board of trade".

SEC. 13203. CONFORMING AMENDMENTS.

(a) Section 1a(12)(A)(x) of the Commodity Exchange Act (7 U.S.C. 1a(12)(A)(x)) is amended by inserting "(other than an electronic trading facility with respect to a significant price discovery contract)" after "registered entity".

(b) Section 1a(29) of such Act (7 U.S.C. 1a(29)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(E) with respect to a contract that the Commission determines is a significant price discovery contract, any electronic trading facility on which the contract is executed or traded.".

(c) Section 2(a)(1)(A) of such Act (7 U.S.C. 2(a)(1)(A)) is amended by inserting after "future delivery" the following: "(including significant price discovery contracts)".

(d) Section 2(h)(3) of such Act (7 U.S.C. 2(h)(3)) is amended by striking "paragraph (4)" and inserting "paragraphs (4) and (7)".

(e) Section 2(h)(4) of such Act (7 U.S.C. 2(h)(4)) is amended—

(1) in subparagraph (B), by inserting "and, for a significant price discovery contract, requiring large trader reporting," after "proscribing fraud";

(2) by striking "and" at the end of subparagraph (C); and

(3) by striking subparagraph (D) and inserting the following:

"(D) such rules, regulations, and orders as the Commission may issue to ensure timely compliance with any of the provisions of this Act applicable to a significant price discovery contract traded on or executed on any electronic trading facility; and

"(E) such other provisions of this Act as are applicable by their terms to significant price discovery contracts or to registered entities or electronic trading facilities with respect to significant price discovery contracts.".

(f) Section 2(h)(5)(B)(iii)(I) of such Act (7 U.S.C. 2(h)(5)(B)(iii)(I)) is amended by inserting "or to make the determination described in subparagraph (B) of paragraph (7)" after "paragraph (4)".

(g) Section 4a of such Act (7 U.S.C. 6a) is amended—

(1) in subsection (a)—

(A) in the first sentence, by inserting ", or on electronic trading facilities with respect to a significant price discovery contract" after "derivatives transaction execution facilities"; and

(B) in the second sentence, by inserting ", or on an electronic trading facility with respect to a significant price discovery contract," after "derivatives transaction execution facility"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "or electronic trading facility with respect to a significant price discovery contract" after "facility or facilities"; and

(B) in paragraph (2), by inserting "or electronic trading facility with respect to a significant price discovery contract" after "derivatives transaction execution facility"; and

(3) in subsection (e)—

(A) in the first sentence—

(i) by inserting "or by any electronic trading facility" after "registered by the Commission";

(ii) by inserting "or on an electronic trading facility" after "derivatives transaction execution facility" the second place it appears; and

(iii) by inserting "or electronic trading facility" before "or such board of trade" each place it appears; and

(B) in the second sentence, by inserting "or electronic trading facility with respect to a significant price discovery contract" after "registered by the Commission".

(h) Section 5a(d) of such Act (7 U.S.C. 7a(d)(1)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10); and

(2) by inserting after paragraph (3) the following:

"(4) POSITION LIMITATIONS OR ACCOUNTABILITY.—To reduce the potential threat of market manipulation or congestion, especially during trading in the delivery month, the derivatives transaction execution facility shall adopt position limits or position accountability for speculators, where necessary and appropriate for a contract, agreement or transaction with an underlying commodity that has a physically deliverable supply.".

(i) Section 5c(a) of such Act (7 U.S.C. 7a–2(a)) is amended in paragraph (1) by inserting ", and section 2(h)(7) with respect to significant price discovery contracts," after ", and 5b(d)(2)".

(j) Section 5c(b) of such Act (7 U.S.C. 7a–2(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—A contract market, derivatives transaction execution facility, or electronic trading facility with respect to a significant price discovery contract may comply with any applicable core principle through delegation of any relevant function to a registered futures association or a registered entity that is not an electronic trading facility.";

(2) in paragraph (2), by striking "contract market or derivatives transaction execution facility" and inserting "contract market, derivatives transaction execution facility, or electronic trading facility"; and

(3) in paragraph (3), by striking "contract market or derivatives transaction execution facility" each place it appears and inserting "contract market, derivatives transaction execution facility, or electronic trading facility".

(k) Section 5c(d)(1) of such Act (7 U.S.C. 7a–2(d)(1)) is amended by inserting "or 2(h)(7)(C) with respect to a significant price discovery contract traded or executed on an electronic trading facility," after "5b(d)(2)".

(l) Section 5e of such Act (7 U.S.C. 7b) is amended by inserting ", or revocation of the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract," after "revocation of designation as a registered entity".

(m) Section 6(b) of the Commodity Exchange Act (7 U.S.C. 8(b)) is amended by striking the first sentence and all that follows through "hearing on the record: Provided," and inserting the following:

"The Commission is authorized to suspend for a period not to exceed 6 months or to revoke the designation or registration of any contract market or derivatives transaction execution facility, or to revoke the right of an electronic trading facility to rely on the exemption set forth in section 2(h)(3) with respect to a significant price discovery contract, on a showing that the contract market or derivatives transaction execution facility is not enforcing or has not enforced its rules of government, made a condition of its designation or registration as set forth in sections 5 through 5b or section 5f, or that the contract market or derivatives transaction execution facility or electronic trading facility, or any director, officer, agent, or employee thereof, otherwise is violating or has violated any of the provisions of this Act or any of the rules, regulations, or orders of the Commission thereunder. Such suspension or revocation shall only be made after a notice to the officers of the contract market or derivatives transaction execution facility or electronic trading facility affected and upon a hearing on the record: Provided,".

(n) Section 22(b)(1) of such Act (7 U.S.C. 25(b)(1)) is amended by inserting "section 2(h)(7) or" before "sections 5".

SEC. 13204. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in this section, this subtitle shall become effective on the date of enactment of this Act.

(b) SIGNIFICANT PRICE DISCOVERY STANDARDS RULEMAKING.—

(1) The Commodity Futures Trading Commission shall—

(A) not later than 180 days after the date of the enactment of this Act, issue a proposed rule regarding the implementation of section 2(h)(7) of the Commodity Exchange Act; and

(B) not later than 270 days after the date of enactment of this Act, issue a final rule regarding the implementation.

(2) In its rulemaking pursuant to paragraph (1) of this subsection, the Commission shall include the standards, terms, and conditions under which an electronic trading facility will have the responsibility to notify the Commission that an agreement, contract, or transaction conducted in reliance on the exemption provided in section 2(h)(3) of the Commodity Exchange Act may perform a price discovery function.

(c) SIGNIFICANT PRICE DISCOVERY DETERMINATIONS.—With respect to any electronic trading facility operating on the effective date of the final rule issued pursuant to subsection (b)(1), the Commission shall complete a review of the agreements, contracts, and transactions of the facility not later than 180 days after that effective date to determine whether any such agreement, contract, or transaction performs a significant price discovery function.

TITLE XIV—MISCELLANEOUS

Subtitle A—Socially Disadvantaged Producers and Limited Resource Producers

SEC. 14001. IMPROVED PROGRAM DELIVERY BY DEPARTMENT OF AGRICULTURE ON INDIAN RESERVATIONS.

Section 2501(g)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(g)(1)) is amended—

(1) in the first sentence—

(A) by striking "Agricultural Stabilization and Conservation Service, Soil Conservation Service, and Farmers Home Administration offices" and inserting "Farm Service Agency and Natural Resources Conservation Service"; and

(B) by inserting "where there has been a need demonstrated" after "include"; and

(2) by striking the second sentence.

SEC. 14002. FORECLOSURE.

(a) IN GENERAL.—Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended:

(1) by inserting "(a)" after "SEC. 331A."; and

(2) by adding at the end the following:

"(b) MORATORIUM.—

"(1) IN GENERAL.—Subject to the other provisions of this subsection, effective beginning on the date of the enactment of this subsection, there shall be in effect a moratorium, with respect to farmer program loans made under subtitle A, B, or C, on all acceleration and foreclosure proceedings instituted by the Department of Agriculture against any farmer or rancher who—

"(A) has pending against the Department a claim of program discrimination that is accepted by the Department as valid; or

"(B) files a claim of program discrimination that is accepted by the Department as valid.

"(2) WAIVER OF INTEREST AND OFFSETS.—During the period of the moratorium, the Secretary shall waive the accrual of interest and offsets on all farmer program loans made under subtitle A, B, or C for which loan acceleration or foreclosure proceedings have been suspended under paragraph (1).

"(3) TERMINATION OF MORATORIUM.—The moratorium shall terminate with respect to a claim of discrimination by a farmer or rancher on the earlier of—

"(A) the date the Secretary resolves the claim; or

"(B) if the farmer or rancher appeals the decision of the Secretary on the claim to a court of competent jurisdiction, the date that the court renders a final decision on the claim.

"(4) FAILURE TO PREVAIL.—If a farmer or rancher does not prevail on a claim of discrimination described in paragraph (1), the farmer or rancher shall be liable for any interest and offsets that accrued during the period that loan acceleration or foreclosure proceedings have been suspended under paragraph (1).".

(b) FORECLOSURE REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Department of Agriculture (referred to in this subsection as the "Inspector General") shall determine whether decisions of the Department to implement foreclosure proceedings with respect to farmer program loans made under subtitle A, B, or C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) to socially disadvantaged farmers or ranchers during the 5-year period preceding the date of the enactment of this Act were consistent and in conformity with the applicable laws (including regulations) governing loan foreclosures.

(2) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the determination of the Inspector General under paragraph (1).

SEC. 14003. RECEIPT FOR SERVICE OR DENIAL OF SERVICE FROM CERTAIN DEPARTMENT OF AGRICULTURE AGENCIES.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by adding at the end the following new subsection:

"(e) RECEIPT FOR SERVICE OR DENIAL OF SERVICE.—In any case in which a current or prospective producer or landowner, in person or in writing, requests from the Farm Service Agency, the Natural Resources Conservation Service, or an agency of the Rural Development Mission Area any benefit or service offered by the Department to agricultural producers or landowners and, at the time of the request, also requests a receipt, the Secretary shall issue, on the

date of the request, a receipt to the producer or landowner that contains—

"(1) the date, place, and subject of the request; and

"(2) the action taken, not taken, or recommended to the producer or landowner.".

SEC. 14004. OUTREACH AND TECHNICAL ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

(a) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) PROGRAM REQUIREMENTS.—Paragraph (2) of section 2501(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)) is amended to read as follows:

"(2) REQUIREMENTS.—The outreach and technical assistance program under paragraph (1) shall be used exclusively—

"(A) to enhance coordination of the outreach, technical assistance, and education efforts authorized under agriculture programs; and

"(B) to assist the Secretary in—

"(i) reaching current and prospective socially disadvantaged farmers or ranchers in a linguistically appropriate manner; and

"(ii) improving the participation of those farmers and ranchers in Department programs, as reported under section 2501A.".

(2) GRANTS AND CONTRACTS UNDER PROGRAM.—Section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)) is amended—

(A) in subparagraph (A), by striking "entity to provide information" and inserting "entity that has demonstrated an ability to carry out the requirements described in paragraph (2) to provide outreach"; and

(B) by adding at the end the following new subparagraph:

"(D) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make publicly available, an annual report that includes a list of the following:

"(i) The recipients of funds made available under the program.

"(ii) The activities undertaken and services provided.

"(iii) The number of current and prospective socially disadvantaged farmers or ranchers served and outcomes of such service.

"(iv) The problems and barriers identified by entities in trying to increase participation by current and prospective socially disadvantaged farmers or ranchers.".

(3) FUNDING AND LIMITATION ON USE OF FUNDS.—Section 2501(a)(4) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(4)) is amended—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(i) $15,000,000 for fiscal year 2009; and

"(ii) $20,000,000 for each of fiscal years 2010 through 2012.".

(B) by adding at the end the following new subparagraph:

"(C) LIMITATION ON USE OF FUNDS FOR ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amounts made available under subparagraph (A) for a fiscal year may be used for expenses related to administering the program under this section.".

(b) ELIGIBLE ENTITY DEFINED.—Section 2501(e)(5)(A)(ii) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(5)(A)(ii)) is amended by striking "work with socially disadvantaged farmers or ranchers during the 2-year period" and inserting "work with, and on behalf of, socially disadvantaged farmers or ranchers during the 3-year period".

SEC. 14005. ACCURATE DOCUMENTATION IN THE CENSUS OF AGRICULTURE AND CERTAIN STUDIES.

Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by adding at the end the following:

"(h) ACCURATE DOCUMENTATION.—The Secretary shall ensure, to the maximum extent practicable, that the Census of Agriculture and studies carried out by the Economic Research Service accurately document the number, location, and economic contributions of socially disadvantaged farmers or ranchers in agricultural production.".

SEC. 14006. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1) is amended by striking subsection (c) and inserting the following new subsections:

"(c) COMPILATION OF PROGRAM PARTICIPATION DATA.—

"(1) ANNUAL REQUIREMENT.—For each county and State in the United States, the Secretary of Agriculture (referred to in this section as the 'Secretary') shall annually compile program application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners—

"(A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and

"(B) the application and participation rate, by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

"(2) AUTHORITY TO COLLECT DATA.—The heads of the agencies of the Department of Agriculture shall collect and transmit to the Secretary any data, including data on race, gender, and ethnicity, that the Secretary determines to be necessary to carry out paragraph (1).

"(3) REPORT.—Using the technologies and systems of the National Agricultural Statistics Service, the Secretary shall compile and present the data compiled under paragraph (1) for each program described in that paragraph in a manner that includes the raw numbers and participation rates for—

"(A) the entire United States;

"(B) each State; and

"(C) each county in each State.

"(4) PUBLIC AVAILABILITY OF REPORT.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, the report described in paragraph (3).

"(d) LIMITATIONS ON USE OF DATA.—

"(1) PRIVACY PROTECTIONS.—In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.

"(2) AUTHORIZED USES.—The data under this section shall be used exclusively for the purposes described in subsection (a).

"(3) LIMITATION.—Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.".

SEC. 14007. OVERSIGHT AND COMPLIANCE.

The Secretary, acting through the Assistant Secretary for Civil Rights of the Department of Agriculture, shall use the reports described in subsection (c) of section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1), as amended by section 14006, in the conduct of oversight and evaluation of civil rights compliance.

SEC. 14008. MINORITY FARMER ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Agriculture shall establish an advisory committee, to be known as the "Advisory Committee on Minority Farmers" (in this section referred to as the "Committee").

(b) DUTIES.—The Committee shall provide advice to the Secretary on—

(1) the implementation of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279);

(2) methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs; and

(3) civil rights activities within the Department as such activities relate to participants in such programs.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of not more than 15 members, who shall be appointed by the Secretary, and shall include—

(A) not less than four socially disadvantaged farmers or ranchers (as defined in section 2501(e)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(2)));

(B) not less than two representatives of nonprofit organizations with a history of working with minority farmers and ranchers;

(C) not less than two civil rights professionals;

(D) not less than two representatives of institutions of higher education with demonstrated experience working with minority farmers and ranchers; and

(E) such other persons as the Secretary considers appropriate.

(2) EX-OFFICIO MEMBERS.—The Secretary may appoint such employees of the Department of Agriculture as the Secretary considers appropriate to serve as ex-officio members of the Committee.

SEC. 14009. NATIONAL APPEALS DIVISION.

Section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000) is amended—

(1) by striking "On the return" and inserting the following:

"(a) IN GENERAL.—On the return"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

"(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

"(B) the status of implementation of each final determination; and

"(C) if the final determination has not been implemented—

"(i) the reason that the final determination has not been implemented; and

"(ii) the projected date of implementation of the final determination.

"(2) UPDATES.—Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).".

SEC. 14010. REPORT OF CIVIL RIGHTS COMPLAINTS, RESOLUTIONS, AND ACTIONS.

Each year, the Secretary shall—

(1) prepare a report that describes, for each agency of the Department of Agriculture—

(A) the number of civil rights complaints filed that relate to the agency, including whether a complaint is a program complaint or an employment complaint;

(B) the length of time the agency took to process each civil rights complaint;

(C) the number of proceedings brought against the agency, including the number of complaints described in paragraph (1) that were resolved with a finding of discrimination; and

(D) the number and type of personnel actions taken by the agency following resolution of civil rights complaints;

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a copy of the report; and

(3) make the report available to the public by posting the report on the website of the Department.

SEC. 14011. SENSE OF CONGRESS RELATING TO CLAIMS BROUGHT BY SOCIALLY DISADVANTAGED FARMERS OR RANCHERS.

It is the sense of Congress that all pending claims and class actions brought against the Department of Agriculture by socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)), including Native American, Hispanic, and female farmers or ranchers, based on racial, ethnic, or gender discrimination in farm program participation should be resolved in an expeditious and just manner.

SEC. 14012. DETERMINATION ON MERITS OF PIGFORD CLAIMS.

(a) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree" means the consent decree in the case of Pigford v. Glickman, approved by the United States District Court for the District of Columbia on April 14, 1999.

(2) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(3) PIGFORD CLAIM.—The term "Pigford claim" means a discrimination complaint, as defined by section 1(h) of the consent decree and documented under section 5(b) of the consent decree.

(4) PIGFORD CLAIMANT.—The term "Pigford claimant" means an individual who previously submitted a late-filing request under section 5(g) of the consent decree.

(b) DETERMINATION ON MERITS.—Any Pigford claimant who has not previously obtained a determination on the merits of a Pigford claim may, in a civil action brought in the United States District Court for the District of Columbia, obtain that determination.

(c) LIMITATION.—

(1) IN GENERAL.—Subject to paragraph (2), all payments or debt relief (including any limitation on foreclosure under subsection (h)) shall be made exclusively from funds made available under subsection (i).

(2) MAXIMUM AMOUNT.—The total amount of payments and debt relief pursuant to actions commenced under subsection (b) shall not exceed $100,000,000.

(d) INTENT OF CONGRESS AS TO REMEDIAL NATURE OF SECTION.—It is the intent of Congress that this section be liberally construed so as to effectuate its remedial purpose of giving a full determination on the merits for each Pigford claim previously denied that determination.

(e) LOAN DATA.—

(1) REPORT TO PERSON SUBMITTING PETITION.—

(A) IN GENERAL.—Not later than 120 days after the Secretary receives notice of a complaint filed by a claimant under subsection (b), the Secretary shall provide to the claimant a report on farm credit loans and noncredit benefits, as appropriate, made within the claimant's county (or if no documents are found, within an adjacent county as determined by the claimant), by the Department during the period beginning on January 1 of the year preceding the period covered by the complaint and ending on December 31 of the year following the period.

(B) REQUIREMENTS.—A report under subparagraph (A) shall contain information on all persons whose application for a loan or benefit was accepted, including—

(i) the race of the applicant;

(ii) the date of application;

(iii) the date of the loan or benefit decision, as appropriate;

(iv) the location of the office making the loan or benefit decision, as appropriate;

(v) all data relevant to the decisionmaking process for the loan or benefit, as appropriate; and

(vi) all data relevant to the servicing of the loan or benefit, as appropriate.

(2) NO PERSONALLY IDENTIFIABLE INFORMATION.—The reports provided pursuant to paragraph (1) shall not contain any information that would identify any person who applied for a loan from the Department.

(3) REPORTING DEADLINE.—

(A) IN GENERAL.—The Secretary shall—

(i) provide to claimants the reports required under paragraph (1) as quickly as practicable after the Secretary receives notice of a complaint filed by a claimant under subsection (b); and

(ii) devote such resources of the Department as are necessary to make providing the reports expeditiously a high priority of the Department.

(B) EXTENSION.—A court may extend the deadline for providing the report required in a particular case under paragraph (1) if the Secretary establishes that meeting the deadline is not feasible and demonstrates a continuing effort and commitment to provide the required report expeditiously.

(f) EXPEDITED RESOLUTIONS AUTHORIZED.—

(1) IN GENERAL.—Any person filing a complaint under this section for discrimination in the application for, or making or servicing of, a farm loan, at the discretion of the person, may seek liquidated damages of $50,000, discharge of the debt that was incurred under, or affected by, the 1 or more programs that were the subject of the 1 or more discrimination claims that are the subject of the person's complaint, and a tax payment in the amount equal to 25 percent of the liquidated damages and loan principal discharged, in which case—

(A) if only such damages, debt discharge, and tax payment are sought, the complainant shall be able to prove the case of the complainant by substantial evidence (as defined in section 1(l) of the consent decree); and

(B) the court shall decide the case based on a review of documents submitted by the complainant and defendant relevant to the issues of liability and damages.

(2) NONCREDIT CLAIMS.—

(A) STANDARD.—In any case in which a claimant asserts a noncredit claim under a benefit program of the Department, the court shall determine the merits of the claim in accordance with section 9(b)(i) of the consent decree.

(B) RELIEF.—A claimant who prevails on a claim of discrimination involving a noncredit benefit program of the Department shall be entitled to a payment by the Department in a total amount of $3,000, without regard to the number of such claims on which the claimant prevails.

(g) ACTUAL DAMAGES.—A claimant who files a claim under this section for discrimination under subsection (b) but not under subsection (f) and who prevails on the claim shall be entitled to actual damages sustained by the claimant.

(h) LIMITATION ON FORECLOSURES.—Notwithstanding any other provision of law, during the pendency of a Pigford claim, the Secretary may not begin acceleration on or foreclosure of a loan if—

(1) the borrower is a Pigford claimant; and

(2) makes a prima facie case in an appropriate administrative proceeding that the acceleration or foreclosure is related to a Pigford claim.

(i) FUNDING.—

(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available for payments and debt relief in satisfaction of claims against the United States under subsection (b) and for any actions under subsection (g) $100,000,000 for fiscal year 2008, to remain available until expended.

(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds made available under paragraph (1), there are authorized to be appropriated such sums as are necessary to carry out this section.

(j) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act and every 180 days thereafter until the funds made available under subsection (i) are depleted, the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that describes the status of available funds under subsection (i) and the number of pending claims under subsection (f).

(2) DEPLETION OF FUNDS REPORT.—In addition to the reports required under paragraph (1), the Secretary shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report that notifies the Committees when 75 percent of the funds made available under subsection (i)(1) have been depleted.

(k) TERMINATION OF AUTHORITY.—The authority to file a claim under this section terminates 2 years after the date of the enactment of this Act.

SEC. 14013. OFFICE OF ADVOCACY AND OUTREACH.

(a) IN GENERAL.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 226A (7 U.S.C. 6933) the following:

"SEC. 226B. OFFICE OF ADVOCACY AND OUTREACH.

"(a) DEFINITIONS.—In this section:

"(1) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

"(2) OFFICE.—The term 'Office' means the Office of Advocacy and Outreach established under this section.

"(3) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

"(b) ESTABLISHMENT AND PURPOSE.—

"(1) IN GENERAL.—The Secretary shall establish within the executive operations of the Department an office to be known as the 'Office of Advocacy and Outreach'—

"(A) to improve access to programs of the Department; and

"(B) to improve the viability and profitability of—

"(i) small farms and ranches;

"(ii) beginning farmers or ranchers; and

"(iii) socially disadvantaged farmers or ranchers.

"(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Secretary from among the competitive service.

"(c) DUTIES.—The duties of the Office shall be to ensure small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers access to, and equitable participation in, programs and services of the Department by—

"(1) establishing and monitoring the goals and objectives of the Department to increase participation in programs of the Department by *small, beginning, or socially disadvantaged farmers or ranchers;*

"(2) assessing the effectiveness of Department outreach programs;

"(3) developing and implementing a plan to coordinate outreach activities and services provided by the Department;

"(4) providing input to the agencies and offices on programmatic and policy decisions;

"(5) measuring outcomes of the programs and activities of the Department on small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers programs;

"(6) recommending new initiatives and programs to the Secretary; and

"(7) carrying out any other related duties that the Secretary determines to be appropriate.

"(d) SOCIALLY DISADVANTAGED FARMERS GROUP.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Socially Disadvantaged Farmers Group.

"(2) OUTREACH AND ASSISTANCE.—The Socially Disadvantaged Farmers Group—

"(A) shall carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

"(B) in the case of activities described in section 2501(a) of that Act, may conduct such activities through other agencies and offices of the Department.

"(3) SOCIALLY DISADVANTAGED FARMERS AND FARMWORKERS.—The Socially Disadvantaged Farmers Group shall oversee the operations of—

"(A) the Advisory Committee on Minority Farmers established under section 14009 of the Food, Conservation, and Energy Act of 2008; and

"(B) the position of Farmworker Coordinator established under subsection (f).

"(4) OTHER DUTIES.—

"(A) IN GENERAL.—The Socially Disadvantaged Farmers Group may carry out other duties to improve access to, and participation in, programs of the Department by socially disadvantaged farmers or ranchers, as determined by the Secretary.

"(B) OFFICE OF OUTREACH AND DIVERSITY.—The Office of Advocacy and Outreach shall carry out the functions and duties of the Office of Outreach and Diversity carried out by the Assistant Secretary for Civil Rights as such functions and duties existed immediately before the date of the enactment of this section.

"(e) SMALL FARMS AND BEGINNING FARMERS AND RANCHERS GROUP.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Small Farms and Beginning Farmers and Ranchers Group.

"(2) DUTIES.—

"(A) OVERSEE OFFICES.—The Small Farms and Beginning Farmers and Ranchers Group shall oversee the operations of the Office of Small Farms Coordination established by Departmental Regulation 9700-1 (August 3, 2006).

"(B) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—The Small Farms and Beginning Farmers and Ranchers Group shall consult with the National Institute for Food and Agriculture on the administration of the beginning farmer and rancher development program established under section 7405 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3319f).

"(C) ADVISORY COMMITTEE FOR BEGINNING FARMERS AND RANCHERS.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621 note; Public Law 102–554).

"(D) OTHER DUTIES.—The Small Farms and Beginning Farmers and Ranchers Group may carry out other duties to improve access to, and participation in, programs of the Department by small farms and ranches and beginning farmers or ranchers, as determined by the Secretary.

"(f) FARMWORKER COORDINATOR.—

"(1) ESTABLISHMENT.—The Secretary shall establish within the Office the position of Farmworker Coordinator (referred to in this subsection as the 'Coordinator').

"(2) DUTIES.—The Secretary shall delegate to the Coordinator responsibility for the following:

"(A) Assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

"(B) Serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers.

"(C) Coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are assessed and met during declared disasters and other emergencies.

"(D) Consulting within the Office and with other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

"(E) Consulting with appropriate institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

"(F) Assisting farmworkers in becoming agricultural producers or landowners.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2012.".

(b) CONFORMING AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)), as amended by section 7511(b), is further amended—

(1) in paragraph (5), by striking "; or" and inserting ";";

(2) in paragraph (6), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(7) the authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 226B.".

Subtitle B—Agricultural Security

SEC. 14101. SHORT TITLE.

This subtitle may be cited as the "Agricultural Security Improvement Act of 2008".

SEC. 14102. DEFINITIONS.

In this subtitle:

(1) AGENT.—The term "agent" means a nuclear, biological, chemical, or radiological substance that causes agricultural disease or the adulteration of products regulated by the Secretary of Agriculture under any provision of law.

(2) AGRICULTURAL BIOSECURITY.—The term "agricultural biosecurity" means protection from an agent that poses a threat to—

(A) plant or animal health;

(B) public health as it relates to the adulteration of products regulated by the Secretary of Agriculture under any provision of law that is caused by exposure to an agent; or

(C) the environment as it relates to agriculture facilities, farmland, and air and water within the immediate vicinity of an area associated with an agricultural disease or outbreak.

(3) AGRICULTURAL COUNTERMEASURE.—The term "agricultural countermeasure"—

(A) means a product, practice, or technology that is intended to enhance or maintain the agricultural biosecurity of the United States; and

(B) does not include a product, practice, or technology used solely in response to a human medical incident or public health emergency not related to agriculture.

(4) AGRICULTURAL DISEASE.—The term "agricultural disease" has the meaning given the term by the Secretary.

(5) AGRICULTURAL DISEASE EMERGENCY.—The term "agricultural disease emergency" means an incident of agricultural disease that requires prompt action to prevent significant damage to people, plants, or animals.

(6) AGROTERRORIST ACT.—The term "agroterrorist act" means an act that—

(A) causes or attempts to cause—

(i) damage to agriculture; or

(ii) injury to a person associated with agriculture; and

(B) is committed or appears to be committed with the intent to—

(i) intimidate or coerce a civilian population; or

(ii) disrupt the agricultural industry in order to influence the policy of a government by intimidation or coercion.

(7) ANIMAL.—The term "animal" has the meaning given the term in section 10403 of the Animal Health Protection Act of 2002 (7 U.S.C. 8302).

(8) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(9) DEVELOPMENT.—The term "development" means—

(A) research leading to the identification of products or technologies intended for use as agricultural countermeasures to protect animal health;

(B) the formulation, production, and subsequent modification of those products or technologies;

(C) the conduct of in vitro and in vivo studies;

(D) the conduct of field, efficacy, and safety studies;

(E) the preparation of an application for marketing approval for submission to an applicable agency; or

(F) other actions taken by an applicable agency in a case in which an agricultural countermeasure is procured or used prior to issuance of a license or other form of Federal Government approval.

(10) PLANT.—The term "plant" has the meaning given the term in section 411 of the Plant Protection Act of 2000 (7 U.S.C. 7702).

(11) QUALIFIED AGRICULTURAL COUNTERMEASURE.—The term "qualified agricultural countermeasure" means an agricultural countermeasure that the Secretary, in consultation with the Secretary of Homeland Security, determines to be a priority in order to address an agricultural biosecurity threat.

CHAPTER 1—AGRICULTURAL SECURITY

SEC. 14111. OFFICE OF HOMELAND SECURITY.

(a) ESTABLISHMENT.—There is established within the Department the Office of Homeland Security (in this section referred to as the "Office").

(b) DIRECTOR.—The Office shall be headed by a Director of Homeland Security, who shall be appointed by the Secretary.

(c) RESPONSIBILITIES.—The Director of Homeland Security shall—

(1) coordinate all homeland security activities of the Department, including integration and coordination of interagency emergency response plans for—

(A) agricultural disease emergencies;

(B) agroterrorist acts; and

(C) other threats to agricultural biosecurity;

(2) act as the primary liaison on behalf of the Department with other Federal departments and agencies on the coordination of efforts and interagency activities pertaining to agricultural biosecurity; and

(3) advise the Secretary on policies, regulations, processes, budget, and actions pertaining to homeland security.

SEC. 14112. AGRICULTURAL BIOSECURITY COMMUNICATION CENTER.

(a) ESTABLISHMENT.—The Secretary shall establish a communication center within the Department to—

(1) collect and disseminate information and prepare for an agricultural disease emergency, agroterrorist act, or other threat to agricultural biosecurity; and

(2) coordinate activities described in paragraph (1) among agencies and offices within the Department.

(b) RELATION TO EXISTING DHS COMMUNICATION SYSTEMS.—

(1) CONSISTENCY AND COORDINATION.—The communication center established under subsection (a) shall, to the maximum extent practicable, share and coordinate the dissemination of timely information with the Department of Homeland Security and other communication systems of appropriate Federal departments and agencies.

(2) AVOIDING REDUNDANCIES.—Paragraph (1) shall not be construed to impede, conflict with, or duplicate the communications activities performed by the Secretary of Homeland Security under any provision of law.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14113. ASSISTANCE TO BUILD LOCAL CAPACITY IN AGRICULTURAL BIOSECURITY PLANNING, PREPAREDNESS, AND RESPONSE.

(a) ADVANCED TRAINING PROGRAMS.—

(1) GRANT ASSISTANCE.—The Secretary shall establish a competitive grant program to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(b) ASSESSMENT OF RESPONSE CAPABILITY.—

(1) GRANT AND LOAN ASSISTANCE.—The Secretary shall establish a competitive grant and low-interest loan assistance program to assist States in assessing agricultural disease response capability.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2008 through 2012.

CHAPTER 2—OTHER PROVISIONS

SEC. 14121. RESEARCH AND DEVELOPMENT OF AGRICULTURAL COUNTERMEASURES.

(a) GRANT PROGRAM.—

(1) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to encourage basic and applied research and the development of qualified agricultural countermeasures.

(2) WAIVER IN EMERGENCIES.—The Secretary may waive the requirement under paragraph (1) that a grant be provided on a competitive basis if—

(A) the Secretary has declared a plant or animal disease emergency under the Plant Protection Act (7 U.S.C. 7701 et seq.) or the Animal Health Protection Act (7 U.S.C. 8301 et seq.); and

(B) waiving the requirement would lead to the rapid development of a qualified agricultural countermeasure, as determined by the Secretary.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2008 through 2012.

SEC. 14122. AGRICULTURAL BIOSECURITY GRANT PROGRAM.

(a) COMPETITIVE GRANT PROGRAM.—The Secretary shall establish a competitive grant program to promote the development of teaching programs in agriculture, veterinary medicine, and disciplines closely allied to the food and agriculture system to increase the number of trained individuals with an expertise in agricultural biosecurity.

(b) ELIGIBILITY.—The Secretary may award a grant under this section only to an entity that is—

(1) an accredited school of veterinary medicine; or

(2) a department of an institution of higher education with a primary focus on—

(A) comparative medicine;

(B) veterinary science; or

(C) agricultural biosecurity.

(c) PREFERENCE.—The Secretary shall give preference in awarding grants based on the ability of an applicant—

(1) to increase the number of veterinarians or individuals with advanced degrees in food and agriculture disciplines who are trained in agricultural biosecurity practice areas;

(2) to increase research capacity in areas of agricultural biosecurity; or

(3) to fill critical agricultural biosecurity shortage situations outside of the Federal Government.

(d) USE OF FUNDS..—

(1) IN GENERAL.—Amounts received under this section shall be used by a grantee to pay—

(A) costs associated with the acquisition of equipment and other capital costs relating to the expansion of food, agriculture, and veterinary medicine teaching programs in agricultural biosecurity;

(B) capital costs associated with the expansion of academic programs that offer postgraduate training for veterinarians or concurrent training for veterinary students in specific areas of specialization; or

(C) other capacity and infrastructure program costs that the Secretary considers appropriate.

(2) LIMITATION.—Funds received under this section may not be used for the construction, renovation, or rehabilitation of a building or facility.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums as are necessary to carry out this section for each of fiscal years 2008 through 2012, to remain available until expended.

Subtitle C—Other Miscellaneous Provisions

SEC. 14201. COTTON CLASSIFICATION SERVICES.

Section 3a of the Act of March 3, 1927 (7 U.S.C. 473a), is amended to read as follows:

"SEC. 3a. COTTON CLASSIFICATION SERVICES.

"(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the 'Secretary') shall—

"(1) make cotton classification services available to producers of cotton; and

"(2) provide for the collection of classification fees from participating producers or agents that voluntarily agree to collect and remit the fees on behalf of producers.

"(b) FEES.—

"(1) USE OF FEES.—Classification fees collected under subsection (a)(2) and the proceeds from the sales of samples submitted under this section shall, to the maximum extent practicable, be used to pay the cost of the services provided under this section, including administrative and supervisory costs.

"(2) ANNOUNCEMENT OF FEES.—The Secretary shall announce a uniform classification fee and any applicable surcharge for classification services not later than June 1 of the year in which the fee applies.

"(c) CONSULTATION.—

"(1) IN GENERAL.—In establishing the amount of fees under this section, the Secretary shall consult with representatives of the United States cotton industry.

"(2) EXEMPTION.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations with representatives of the United States cotton industry under this section.

"(d) CREDITING OF FEES.—Any fees collected under this section and under section 3d, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall—

"(1) be credited to the current appropriation account that incurs the cost of services provided under this section and section 3d; and

"(2) remain available without fiscal year limitation to pay the expenses of the Secretary in providing those services.

"(e) INVESTMENT OF FUNDS.—Funds described in subsection (d) may be invested—

"(1) by the Secretary in insured or fully collateralized, interest-bearing accounts; or

"(2) at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.

"(f) LEASE AGREEMENTS.—Notwithstanding any other provision of law, the Secretary may enter into long-term lease agreements that exceed 5 years or may take title to property (including through purchase agreements) for the purpose of obtaining offices to be used for the classification of cotton in accordance with this Act, if the Secretary determines that action would best effectuate the purposes of this Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—To the extent that financing is not available from fees and the proceeds from the sales of samples, there are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 14202. DESIGNATION OF STATES FOR COTTON RESEARCH AND PROMOTION.

Section 17(f) of the Cotton Research and Promotion Act (7 U.S.C. 2116(f)) is amended—

(1) by striking "(f) The term" and inserting the following:

"(f) COTTON-PRODUCING STATE.—

"(1) IN GENERAL.—The term";

(2) by striking "more, and the term" and all that follows through the end of the subsection and inserting the following: "more.

"(2) INCLUSIONS.—The term 'cotton-producing State' includes—

"(A) any combination of States described in paragraph (1); and

"(B) effective beginning with the 2008 crop of cotton, the States of Kansas, Virginia, and Florida.".

SEC. 14203. GRANTS TO REDUCE PRODUCTION OF METHAMPHETAMINES FROM ANHYDROUS AMMONIA.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a producer of agricultural commodities;

(B) a cooperative association, a majority of the members of which produce or process agricultural commodities; or

(C) a person in the trade or business of—

(i) selling an agricultural product (including an agricultural chemical) at retail, predominantly to farmers and ranchers; or

(ii) aerial and ground application of an agricultural chemical.

(2) NURSE TANK.—The term "nurse tank" shall be considered to be a cargo tank (within the meaning of section 173.315(m) of title 49, Code of Federal Regulations, as in effect as of the date of the enactment of this Act).

(b) GRANT AUTHORITY.—The Secretary may make a grant to an eligible entity to enable the eligible entity to obtain and add to an anhydrous ammonia fertilizer nurse tank a physical

lock or a substance to reduce the amount of methamphetamine that can be produced from any anhydrous ammonia removed from the nurse tank.

(c) GRANT AMOUNT.—The amount of a grant made under this section to an eligible entity shall be the product obtained by multiplying—

(1) an amount not less than $40 and not more than $60, as determined by the Secretary; and

(2) the number of fertilizer nurse tanks of the eligible entity.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants under this section $15,000,000 for the period of fiscal years 2008 through 2012.

SEC. 14204. GRANTS TO IMPROVE SUPPLY, STABILITY, SAFETY, AND TRAINING OF AGRICULTURAL LABOR FORCE.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means an entity described in section 379C(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008q(a)).

(b) GRANTS.—

(1) IN GENERAL.—To assist agricultural employers and farmworkers by improving the supply, stability, safety, and training of the agricultural labor force, the Secretary may provide grants to eligible entities for use in providing services to assist farmworkers who are citizens or otherwise legally present in the United States in securing, retaining, upgrading, or returning from agricultural jobs.

(2) ELIGIBLE SERVICES.—The services referred to in paragraph (1) include—

(A) agricultural labor skills development;

(B) the provision of agricultural labor market information;

(C) transportation;

(D) short-term housing while in transit to an agricultural worksite;

(E) workplace literacy and assistance with English as a second language;

(F) health and safety instruction, including ways of safeguarding the food supply of the United States; and

(G) such other services as the Secretary determines to be appropriate.

(c) LIMITATION ON ADMINISTRATIVE EXPENSES.—Not more than 15 percent of the funds made available to carry out this section for a fiscal year may be used to pay for administrative expenses.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 14205. AMENDMENT TO THE RIGHT TO FINANCIAL PRIVACY ACT OF 1978.

Section 1113(k) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3413(k)) is amended—

(1) by striking the subsection heading and inserting the following:

"(k) DISCLOSURE NECESSARY FOR PROPER ADMINISTRATION OF PROGRAMS OF CERTAIN GOVERNMENT AUTHORITIES.—"; and

(2) by striking paragraph (2) and inserting the following:

"(2) Nothing in this title shall apply to the disclosure by the financial institution of information contained in the financial records of any customer to any Government authority that certifies, disburses, or collects payments, where the disclosure of such information is necessary to, and such information is used solely for the purpose of—

"(A) verification of the identity of any person or proper routing and delivery of funds in connection with the issuance of a Federal payment or collection of funds by a Government authority; or

"(B) the investigation or recovery of an improper Federal payment or collection of funds or an improperly negotiated Treasury check.

"(3) Notwithstanding any other provision of law, a request authorized by paragraph (1) or (2) (and the information contained therein) may be used by the financial institution or its agents solely for the purpose of providing information contained in the financial records of the customer to the Government authority requesting the information, and the financial institution and its agents shall be barred from redisclosure of such information. Any Government authority receiving information pursuant to paragraph (1) or (2) may not disclose or use the information, except for the purposes set forth in such paragraph.".

SEC. 14206. REPORT ON STORED QUANTITIES OF PROPANE.

(a) REPORT.—

(1) IN GENERAL.—Not later than 240 days after the date of the enactment of this Act, the Secretary of Homeland Security (referred to in this section as the "Secretary") shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report describing the effect of interim or final regulations issued by the Secretary pursuant to section 550(a) of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note; Public Law 109–295), with respect to possession of quantities of propane that meet or exceed the screening threshold quantity for propane established in the final rule under that section.

(2) INCLUSIONS.—The report under paragraph (1) shall include a description of—

(A) the number of facilities that completed a top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(B) the number of agricultural facilities that completed the top screen consequence assessment due to possession of quantities of propane that meet or exceed the listed screening threshold quantity for propane;

(C) the number of propane facilities initially determined to be high risk by the Secretary;

(D) the number of propane facilities—

(i) required to complete a security vulnerability assessment or a site security plan; or

(ii) that submit to the Secretary an alternative security program;

(E) the number of propane facilities that file an appeal of a finding under the final rule described in paragraph (1); and

(F) to the extent available, the average cost of—

(i) completing a top screen consequence assessment requirement;

(ii) completing a security vulnerability assessment; and

(iii) completing and implementing a site security plan; and

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) EDUCATIONAL OUTREACH.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall conduct educational outreach activities for rural facilities that may be required to complete a top screen consequence assessment due to possession of propane in a quantity that meets or exceeds the listed screening threshold quantity for propane.

SEC. 14207. PROHIBITIONS ON DOG FIGHTING VENTURES.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ", if any animal in the venture was moved in interstate or foreign commerce"; and

(B) in the heading of paragraph (2), by striking "STATE" and inserting "STATE";

(2) in subsection (b)—

(A) by striking "(b) It shall be" and inserting the following:

"(b) BUYING, SELLING, DELIVERING, POSSESSING, TRAINING, OR TRANSPORTING ANIMALS FOR PARTICIPATION IN ANIMAL FIGHTING VENTURE.—It shall be"; and

(B) by striking "transport, deliver" and all that follows through "participate" and inserting "possess, train, transport, deliver, or receive any animal for purposes of having the animal participate";

(3) in subsection (c)—

(A) by striking "(c) It shall be" and inserting the following:

"(c) USE OF POSTAL SERVICE OR OTHER INTERSTATE INSTRUMENTALITY FOR PROMOTING OR FURTHERING ANIMAL FIGHTING VENTURE.—It shall be"; and

(B) by inserting "advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture," after "for purposes of";

(4) in subsection (d), by striking "(d) Notwithstanding" and inserting the following:

"(d) VIOLATION OF STATE LAW.—Notwithstanding";

(5) in subsection (e), by striking "(e) It shall be" and inserting the following:

"(e) BUYING, SELLING, DELIVERING, OR TRANSPORTING SHARP INSTRUMENTS FOR USE IN ANIMAL FIGHTING VENTURE.—It shall be";

(6) in subsection (f)—

(A) by striking "(f) The Secretary" and inserting the following:

"(f) INVESTIGATION OF VIOLATIONS BY SECRETARY; ASSISTANCE BY OTHER FEDERAL AGENCIES; ISSUANCE OF SEARCH WARRANT; FORFEITURE; COSTS RECOVERABLE IN FORFEITURE OR CIVIL ACTION.—The Secretary"; and

(B) in the last sentence—

(i) by striking "by the United States";

(ii) by inserting "(1)" after "owner of the animals"; and

(iii) by striking "proceeding or in" and inserting "proceeding, or (2) in";

(7) in subsection (g)—

(A) by striking "(g) For purposes of" and inserting the following:

"(g) DEFINITIONS.—In";

(B) in paragraph (1), by striking "any event" and all that follows through "entertainment" and inserting "any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment,";

(C) by striking paragraph (2);

(D) in paragraph (5)—

(i) by striking "dog or other"; and

(ii) by striking "; and" and inserting a period; and

(E) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(8) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(9) in subsection (i) (as so redesignated), by striking "(i)(1) The provisions" and inserting the following:

"(i) CONFLICT WITH STATE LAW.—

"(1) IN GENERAL.—The provisions";

(10) in subsection (j) (as so redesignated), by striking "(j) The criminal" and inserting the following:

"(j) CRIMINAL PENALTIES.—The criminal"; and

(11) in subsection (g)(6), by striking "(6) the conduct" and inserting the following:

"(h) RELATIONSHIP TO OTHER PROVISIONS.—The conduct".

(b) ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.—Section 49 of title 18, United States Code, is amended by striking "3 years" and inserting "5 years".

SEC. 14208. DEPARTMENT OF AGRICULTURE CONFERENCE TRANSPARENCY.

(a) REPORT.—

(1) Requirement.—Not later than September 30 of each year, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on conferences sponsored or held by the Department of Agriculture or attended by employees of the Department of Agriculture.

(2) Contents.—Each report under paragraph (1) shall contain—

(A) for each conference sponsored or held by the Department or attended by employees of the Department—

(i) the name of the conference;

(ii) the location of the conference;

(iii) the number of Department of Agriculture employees attending the conference; and

(iv) the costs (including travel expenses) relating to such conference; and

(B) for each conference sponsored or held by the Department of Agriculture for which the Department awarded a procurement contract, a description of the contracting procedures related to such conference.

(3) Exclusions.—The requirement in paragraph (1) shall not apply to any conference—

(A) for which the cost to the Federal Government was less than $10,000; or

(B) outside of the United States that is attended by the Secretary or the Secretary's designee as an official representative of the United States government.

(b) Availability of Report.—Each report submitted in accordance with subsection (a) shall be posted in a searchable format on a Department of Agriculture website that is available to the public.

(c) Definition of Conference.—In this section, the term "conference"—

(1) means a meeting that—

(A) is held for consultation, education, awareness, or discussion;

(B) includes participants from at least one agency of the Department of Agriculture;

(C) is held in whole or in part at a facility outside of an agency of the Department of Agriculture; and

(D) involves costs associated with travel and lodging for some participants; and

(2) does not include any training program that is continuing education or a curriculum-based educational program, provided that such training program is held independent of a conference of a non-governmental organization.

SEC. 14209. FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS.

(a) Payment of Expenses.—Section 17(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136o(d)) is amended—

(1) by striking "The Administrator" and inserting the following:

"(1) In general.—The Administrator"; and

(2) by adding at the end the following new paragraph:

"(2) Department of State Expenses.—Any expenses incurred by an employee of the Environmental Protection Agency who participates in any international technical, economic, or policy review board, committee, or other official body that is meeting in relation to an international treaty shall be paid by the Department of State.".

(b) Container Recycling.—Section 19(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136q(a)) is amended by adding at the end the following new paragraph:

"(4) Container recycling.—The Secretary may promulgate a regulation for the return and recycling of disposable pesticide containers used for the distribution or sale of registered pesticide products in interstate commerce. Any such regulation requiring recycling of disposable pesticide containers shall not apply to antimicrobial pesticides (as defined in section 2) or other pesticide products intended for non-agricultural uses.".

SEC. 14210. IMPORTATION OF LIVE DOGS.

(a) In General.—The Animal Welfare Act is amended by adding after section 17 (7 U.S.C. 2147) the following:

"SEC. 18. IMPORTATION OF LIVE DOGS.

"(a) Definitions.—In this section:

"(1) Importer.—The term 'importer' means any person who, for purposes of resale, transports into the United States puppies from a foreign country.

"(2) Resale.—The term 'resale' includes any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration.

"(b) Requirements.—

"(1) In general.—Except as provided in paragraph (2), no person shall import a dog into the United States for purposes of resale unless, as determined by the Secretary, the dog—

"(A) is in good health;

"(B) has received all necessary vaccinations; and

"(C) is at least 6 months of age, if imported for resale.

"(2) Exception.—

"(A) In general.—The Secretary, by regulation, shall provide an exception to any requirement under paragraph (1) in any case in which a dog is imported for—

"(i) research purposes; or

"(ii) veterinary treatment.

"(B) Lawful importation into Hawaii.—Paragraph (1)(C) shall not apply to the lawful importation of a dog into the State of Hawaii from the British Isles, Australia, Guam, or New Zealand in compliance with the applicable regulations of the State of Hawaii and the other requirements of this section, if the dog is not transported out of the State of Hawaii for purposes of resale at less than 6 months of age.

"(c) Implementation and Regulations.—The Secretary, the Secretary of Health and Human Services, the Secretary of Commerce, and the Secretary of Homeland Security shall promulgate such regulations as the Secretaries determine to be necessary to implement and enforce this section.

"(d) Enforcement.—An importer that fails to comply with this section shall—

"(1) be subject to penalties under section 19; and

"(2) provide for the care (including appropriate veterinary care), forfeiture, and adoption of each applicable dog, at the expense of the importer.".

(b) Effective Date.—The amendment made by subsection (a) takes effect on the date of the enactment of this Act.

SEC. 14211. PERMANENT DEBARMENT FROM PARTICIPATION IN DEPARTMENT OF AGRICULTURE PROGRAMS FOR FRAUD.

(a) In General.—Subject to subsection (b), the Secretary of Agriculture shall permanently debar an individual, organization, corporation, or other entity convicted of a felony for knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in Department of Agriculture programs.

(b) Exceptions.—

(1) Secretary determination.—The Secretary may reduce a debarment under subsection (a) to a period of not less than 10 years if the Secretary considers it appropriate.

(2) Food assistance.—A debarment under subsection (a) shall not apply with respect to participation in domestic food assistance programs (as defined by the Secretary).

SEC. 14212. PROHIBITION ON CLOSURE OR RELOCATION OF COUNTY OFFICES FOR THE FARM SERVICE AGENCY.

(a) Temporary Prohibition.—

(1) In general.—Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

(2) Exception.—Paragraph (1) shall not apply to—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) Limitation on Closure; Notice.—

(1) Limitation.—After the period referred to in subsection (a)(1), the Secretary shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of the Farm Service Agency, to the maximum extent practicable, first close any offices of the Farm Service Agency that—

(A) are located less than 20 miles from another office of the Farm Service Agency; and

(B) have two or fewer permanent full-time employees.

(2) Notice.—After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—

(A) not later than 30 days after the Secretary proposes to close such office, the Secretary holds a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, the Secretary notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the House of Representatives who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

SEC. 14213. USDA GRADUATE SCHOOL.

(a) In General.—Section 921 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2279b) is amended—

(1) in the heading, to read as follows:

"SEC. 921. DEPARTMENT OF AGRICULTURE EDUCATIONAL, TRAINING, AND PROFESSIONAL DEVELOPMENT ACTIVITIES."; and

(2) by striking subsection (b) and inserting the following new subsection:

"(b) Operation as Nonappropriated Fund Instrumentality.—

"(1) Cease operations.—Not later than October 1, 2009, the Secretary of Agriculture shall cease to maintain or operate a nonappropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees, non-profit organizations, other entities, and members of the general public.

"(2) Transition.—

"(A) In general.—The Secretary of Agriculture is authorized to use funds available to the Department of Agriculture and such resources of the Department as the Secretary considers appropriate (including the assignment of such employees of the Department as the Secretary considers appropriate) to assist the General Administrative Board of the Graduate School in the conversion of the Graduate School to an entity that is non-governmental and not a nonappropriated fund instrumentality of the United States, including such privatization activities not otherwise inconsistent with law or regulation.

"(B) TERMINATION OF AUTHORITY.—The authority under paragraph (1) shall terminate on the earlier of—

"(i) the completion of the transition of the Graduate School to an entity that is non-governmental and not a nonappropriated fund instrumentality of the United States, as determined by the Secretary; or

"(ii) September 30, 2009.".

(b) PROCUREMENT PROCEDURES.—Notwithstanding the amendments made by subsection (a), effective on the date of the enactment of this Act, the Graduate School of the Department of Agriculture shall be subject to Federal procurement laws and regulations in the same manner and subject to the same requirements as a private entity providing services to the Federal Government.

SEC. 14214. FINES FOR VIOLATIONS OF THE ANIMAL WELFARE ACT.

Section 19(b) of the Animal Welfare Act (7 U.S.C. 2149(b)) is amended in the first sentence by striking "not more than $2,500 for each such violation" and inserting "not more than $10,000 for each such violation".

SEC. 14215. DEFINITION OF CENTRAL FILING SYSTEM.

Section 1324(c)(2) of the Food Security Act of 1985 (7 U.S.C. 1631(c)(2)) is amended—

(1) in subparagraph (C)(ii)(II), by inserting after "such debtors" the following: ", except that the numerical list containing social security or taxpayer identification numbers may be encrypted for security purposes if the Secretary of State provides a method by which an effective search of the encrypted numbers may be conducted to determine whether the farm product at issue is subject to 1 or more liens"; and

(2) in subparagraph (E)—

(A) by striking "paragraph (C)" and inserting "subparagraph (C)"; and

(B) by inserting before the semicolon at the end the following: "except that—

"(i) the distribution of the portion of the master list may be in electronic, written, or printed form; and

"(ii) if social security or taxpayer identification numbers on the master list are encrypted, the Secretary of State may distribute the master list only—

"(I) by compact disc or other electronic media that contains—

"(aa) the recorded list of debtor names; and

"(bb) an encryption program that enables the buyer, commission merchant, and selling agent to enter a social security number for matching against the recorded list of encrypted social security or taxpayer identification numbers; and

"(II) on the written request of the buyer, commission merchant, or selling agent, by paper copy of the list to the requestor".

SEC. 14216. CONSIDERATION OF PROPOSED RECOMMENDATIONS OF STUDY ON USE OF CATS AND DOGS IN FEDERAL RESEARCH.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) review—

(A) any independent reviews conducted by a nationally recognized panel of experts of the use of Class B dogs and cats in federally supported research to determine how frequently such dogs and cats are used in research by the National Institutes of Health; and

(B) any recommendations proposed by such panel outlining the parameters of such use; and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on how recommendations referred to in paragraph (1)(B) can be applied within the Department of Agriculture to ensure such dogs and cats are treated in accordance with regulations of the Department of Agriculture.

(b) CLASS B DOGS AND CATS DEFINED.—In this section, the term "Class B dogs and cats" means dogs and cats obtained from a Class "B" licensee, as such term is defined in section 1.1 of title 9, Code of Federal Regulations.

SEC. 14217. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT.

(a) IN GENERAL.—Title 40, United States Code, is amended—

(1) by redesignating subtitle V as subtitle VI; and

(2) by inserting after subtitle IV the following:

"Subtitle V—Regional Economic and Infrastructure Development

"Chapter ....
"151. GENERAL PROVISIONS 15101
"153. REGIONAL COMMISSIONS 15301
"155. FINANCIAL ASSISTANCE 15501
"157. ADMINISTRATIVE PROVISIONS 15701

"CHAPTER 1—GENERAL PROVISIONS

"Sec.
"15101. Definitions.

"§ 15101. Definitions

"In this subtitle, the following definitions apply:

"(1) COMMISSION.—The term 'Commission' means a Commission established under section 15301.

"(2) LOCAL DEVELOPMENT DISTRICT.—The term 'local development district' means an entity that—

"(A)(i) is an economic development district that is—

"(I) in existence on the date of the enactment of this chapter; and

"(II) located in the region; or

"(ii) if an entity described in clause (i) does not exist—

"(I) is organized and operated in a manner that ensures broad-based community participation and an effective opportunity for local officials, community leaders, and the public to contribute to the development and implementation of programs in the region;

"(II) is governed by a policy board with at least a simple majority of members consisting of—

"(aa) elected officials; or

"(bb) designees or employees of a general purpose unit of local government that have been appointed to represent the unit of local government; and

"(III) is certified by the Governor or appropriate State officer as having a charter or authority that includes the economic development of counties, portions of counties, or other political subdivisions within the region; and

"(B) has not, as certified by the Federal Cochairperson—

"(i) inappropriately used Federal grant funds from any Federal source; or

"(ii) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(3) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in carrying out economic and community development activities.

"(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(5) NONPROFIT ENTITY.—The term 'nonprofit entity' means any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from taxation under 501(a) of that Code that has been formed for the purpose of economic development.

"(6) REGION.—The term 'region' means the area covered by a Commission as described in subchapter II of chapter 157.

"CHAPTER 2—REGIONAL COMMISSIONS

"Sec.
"15301. Establishment, membership, and employees.
"15302. Decisions.
"15303. Functions.
"15304. Administrative powers and expenses.
"15305. Meetings.
"15306. Personal financial interests.
"15307. Tribal participation.
"15308. Annual report.

"§ 15301. Establishment, membership, and employees

"(a) ESTABLISHMENT.—There are established the following regional Commissions:

"(1) The Southeast Crescent Regional Commission.

"(2) The Southwest Border Regional Commission.

"(3) The Northern Border Regional Commission.

"(b) MEMBERSHIP.—

"(1) FEDERAL AND STATE MEMBERS.—Each Commission shall be composed of the following members:

"(A) A Federal Cochairperson, to be appointed by the President, by and with the advice and consent of the Senate.

"(B) The Governor of each participating State in the region of the Commission.

"(2) ALTERNATE MEMBERS.—

"(A) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal Cochairperson for each Commission. The alternate Federal Cochairperson, when not actively serving as an alternate for the Federal Cochairperson, shall perform such functions and duties as are delegated by the Federal Cochairperson.

"(B) STATE ALTERNATES.—The State member of a participating State may have a single alternate, who shall be appointed by the Governor of the State from among the members of the Governor's cabinet or personal staff.

"(C) VOTING.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal or State member for which the alternate member is an alternate.

"(3) COCHAIRPERSONS.—A Commission shall be headed by—

"(A) the Federal Cochairperson, who shall serve as a liaison between the Federal Government and the Commission; and

"(B) a State Cochairperson, who shall be a Governor of a participating State in the region and shall be elected by the State members for a term of not less than 1 year.

"(4) CONSECUTIVE TERMS.—A State member may not be elected to serve as State Cochairperson for more than 2 consecutive terms.

"(c) COMPENSATION.—

"(1) FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5.

"(2) ALTERNATE FEDERAL COCHAIRPERSONS.—Each Federal Cochairperson's alternate shall be compensated by the Federal Government at level V of the Executive Schedule as set out in section 5316 of title 5.

"(3) STATE MEMBERS AND ALTERNATES.—Each State member and alternate shall be compensated by the State that they represent at the rate established by the laws of that State.

"(d) EXECUTIVE DIRECTOR AND STAFF.—

"(1) IN GENERAL.—A Commission shall appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Commission to carry out its duties. Compensation under this paragraph may not exceed the maximum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

"(2) EXECUTIVE DIRECTOR.—The executive director shall be responsible for carrying out the administrative duties of the Commission, directing the Commission staff, and such other duties as the Commission may assign.

"(e) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of a Commission (other than the Federal Cochairperson, the alternate Federal Cochairperson, staff of the Federal Cochairperson, and any Federal employee detailed to the Commission) shall be considered to be a Federal employee for any purpose.

"§ 15302. Decisions

"(a) REQUIREMENTS FOR APPROVAL.—Except as provided in section 15304(c)(3), decisions by the Commission shall require the affirmative vote of the Federal Cochairperson and a majority of the State members (exclusive of members representing States delinquent under section 15304(c)(3)(C)).

"(b) CONSULTATION.—In matters coming before the Commission, the Federal Cochairperson shall, to the extent practicable, consult with the Federal departments and agencies having an interest in the subject matter.

"(c) QUORUMS.—A Commission shall determine what constitutes a quorum for Commission meetings; except that—

"(1) any quorum shall include the Federal Cochairperson or the alternate Federal Cochairperson; and

"(2) a State alternate member shall not be counted toward the establishment of a quorum.

"(d) PROJECTS AND GRANT PROPOSALS.—The approval of project and grant proposals shall be a responsibility of each Commission and shall be carried out in accordance with section 15503.

"§ 15303. Functions

"A Commission shall—

"(1) assess the needs and assets of its region based on available research, demonstration projects, investigations, assessments, and evaluations of the region prepared by Federal, State, and local agencies, universities, local development districts, and other nonprofit groups;

"(2) develop, on a continuing basis, comprehensive and coordinated economic and infrastructure development strategies to establish priorities and approve grants for the economic development of its region, giving due consideration to other Federal, State, and local planning and development activities in the region;

"(3) not later than one year after the date of the enactment of this section, and after taking into account State plans developed under section 15502, establish priorities in an economic and infrastructure development plan for its region, including 5-year regional outcome targets;

"(4)(A) enhance the capacity of, and provide support for, local development districts in its region; or

"(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

"(5) encourage private investment in industrial, commercial, and other economic development projects in its region;

"(6) cooperate with and assist State governments with the preparation of economic and infrastructure development plans and programs for participating States;

"(7) formulate and recommend to the Governors and legislatures of States that participate in the Commission forms of interstate cooperation and, where appropriate, international cooperation; and

"(8) work with State and local agencies in developing appropriate model legislation to enhance local and regional economic development.

"§ 15304. Administrative powers and expenses

"(a) POWERS.—In carrying out its duties under this subtitle, a Commission may—

"(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Commission as the Commission considers appropriate;

"(2) authorize, through the Federal or State Cochairperson or any other member of the Commission designated by the Commission, the administration of oaths if the Commission determines that testimony should be taken or evidence received under oath;

"(3) request from any Federal, State, or local agency such information as may be available to or procurable by the agency that may be of use to the Commission in carrying out the duties of the Commission;

"(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties by the Commission;

"(5) request the head of any Federal agency, State agency, or local government to detail to the Commission such personnel as the Commission requires to carry out its duties, each such detail to be without loss of seniority, pay, or other employee status;

"(6) provide for coverage of Commission employees in a suitable retirement and employee benefit system by making arrangements or entering into contracts with any participating State government or otherwise providing retirement and other employee coverage;

"(7) accept, use, and dispose of gifts or donations or services or real, personal, tangible, or intangible property;

"(8) enter into and perform such contracts, cooperative agreements, or other transactions as are necessary to carry out Commission duties, including any contracts or cooperative agreements with a department, agency, or instrumentality of the United States, a State (including a political subdivision, agency, or instrumentality of the State), or a person, firm, association, or corporation; and

"(9) maintain a government relations office in the District of Columbia and establish and maintain a central office at such location in its region as the Commission may select.

"(b) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

"(1) cooperate with a Commission; and

"(2) provide, to the extent practicable, on request of the Federal Cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

"(c) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—Subject to paragraph (2), the administrative expenses of a Commission shall be paid—

"(A) by the Federal Government, in an amount equal to 50 percent of the administrative expenses of the Commission; and

"(B) by the States participating in the Commission, in an amount equal to 50 percent of the administrative expenses.

"(2) EXPENSES OF THE FEDERAL COCHAIRPERSON.—All expenses of the Federal Cochairperson, including expenses of the alternate and staff of the Federal Cochairperson, shall be paid by the Federal Government.

"(3) STATE SHARE.—

"(A) IN GENERAL.—Subject to subparagraph (B), the share of administrative expenses of a Commission to be paid by each State of the Commission shall be determined by a unanimous vote of the State members of the Commission.

"(B) NO FEDERAL PARTICIPATION.—The Federal Cochairperson shall not participate or vote in any decision under subparagraph (A).

"(C) DELINQUENT STATES.—During any period in which a State is more than 1 year delinquent in payment of the State's share of administrative expenses of the Commission under this subsection—

"(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State) for any project not approved as of the date of the commencement of the delinquency; and

"(ii) no member of the Commission from the State shall participate or vote in any action by the Commission.

"(4) EFFECT ON ASSISTANCE.—A State's share of administrative expenses of a Commission under this subsection shall not be taken into consideration when determining the amount of assistance provided to the State under this subtitle.

"§ 15305. Meetings

"(a) INITIAL MEETING.—Each Commission shall hold an initial meeting not later than 180 days after the date of the enactment of this section.

"(b) ANNUAL MEETING.—Each Commission shall conduct at least 1 meeting each year with the Federal Cochairperson and at least a majority of the State members present.

"(c) ADDITIONAL MEETINGS.—Each Commission shall conduct additional meetings at such times as it determines and may conduct such meetings by electronic means.

"§ 15306. Personal financial interests

"(a) CONFLICTS OF INTEREST.—

"(1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an individual who is a State member or alternate, or an officer or employee of a Commission, shall not participate personally and substantially as a member, alternate, officer, or employee of the Commission, through decision, approval, disapproval, recommendation, request for a ruling, or other determination, contract, claim, controversy, or other matter in which, to the individual's knowledge, any of the following has a financial interest:

"(A) The individual.

"(B) The individual's spouse, minor child, or partner.

"(C) An organization (except a State or political subdivision of a State) in which the individual is serving as an officer, director, trustee, partner, or employee.

"(D) Any person or organization with whom the individual is negotiating or has any arrangement concerning prospective employment.

"(2) EXCEPTION.—Paragraph (1) shall not apply if the individual, in advance of the proceeding, application, request for a ruling or other determination, contract, claim controversy, or other particular matter presenting a potential conflict of interest—

"(A) advises the Commission of the nature and circumstances of the matter presenting the conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) receives a written decision of the Commission that the interest is not so substantial as to be considered likely to affect the integrity of the services that the Commission may expect from the individual.

"(3) VIOLATION.—An individual violating this subsection shall be fined under title 18, imprisoned for not more than 1 year, or both.

"(b) STATE MEMBER OR ALTERNATE.—A State member or alternate member may not receive any salary, or any contribution to, or supplementation of, salary, for services on a Commission from a source other than the State of the member or alternate.

"(c) DETAILED EMPLOYEES.—

"(1) IN GENERAL.—No person detailed to serve a Commission shall receive any salary, or any contribution to, or supplementation of, salary, for services provided to the Commission from any source other than the State, local, or intergovernmental department or agency from which the person was detailed to the Commission.

"(2) VIOLATION.—Any person that violates this subsection shall be fined under title 18, imprisoned not more than 1 year, or both.

"(d) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the alternate to the Federal Cochairman, and any Federal officer or employee detailed to duty with the Commission are not subject to this section but remain subject to sections 202 through 209 of title 18.

"(e) RESCISSION.—A Commission may declare void any contract, loan, or grant of or by the Commission in relation to which the Commission determines that there has been a violation of any provision under subsection (a)(1), (b), or (c), or any of the provisions of sections 202 through 209 of title 18.

"§15307. Tribal participation

"Governments of Indian tribes in the region of the Southwest Border Regional Commission shall be allowed to participate in matters before that Commission in the same manner and to the same extent as State agencies and instrumentalities in the region.

"§15308. Annual report

"(a) IN GENERAL.—Not later than 90 days after the last day of each fiscal year, each Commission shall submit to the President and Congress a report on the activities carried out by the Commission under this subtitle in the fiscal year.

"(b) CONTENTS.—The report shall include—

"(1) a description of the criteria used by the Commission to designate counties under section 15702 and a list of the counties designated in each category;

"(2) an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan under section 15303 and State economic and infrastructure development plans under section 15502; and

"(3) any policy recommendations approved by the Commission.

"CHAPTER 3—FINANCIAL ASSISTANCE

"Sec.
"15501. Economic and infrastructure development grants.
"15502. Comprehensive economic and infrastructure development plans.
"15503. Approval of applications for assistance.
"15504. Program development criteria.
"15505. Local development districts and organizations.
"15506. Supplements to Federal grant programs.

"§15501. Economic and infrastructure development grants

"(a) IN GENERAL.—A Commission may make grants to States and local governments, Indian tribes, and public and nonprofit organizations for projects, approved in accordance with section 15503—

"(1) to develop the transportation infrastructure of its region;

"(2) to develop the basic public infrastructure of its region;

"(3) to develop the telecommunications infrastructure of its region;

"(4) to assist its region in obtaining job skills training, skills development and employment-related education, entrepreneurship, technology, and business development;

"(5) to provide assistance to severely economically distressed and underdeveloped areas of its region that lack financial resources for improving basic health care and other public services;

"(6) to promote resource conservation, tourism, recreation, and preservation of open space in a manner consistent with economic development goals;

"(7) to promote the development of renewable and alternative energy sources; and

"(8) to otherwise achieve the purposes of this subtitle.

"(b) ALLOCATION OF FUNDS.—A Commission shall allocate at least 40 percent of any grant amounts provided by the Commission in a fiscal year for projects described in paragraphs (1) through (3) of subsection (a).

"(c) SOURCES OF GRANTS.—Grant amounts may be provided entirely from appropriations to carry out this subtitle, in combination with amounts available under other Federal grant programs, or from any other source.

"(d) MAXIMUM COMMISSION CONTRIBUTIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), the Commission may contribute not more than 50 percent of a project or activity cost eligible for financial assistance under this section from amounts appropriated to carry out this subtitle.

"(2) DISTRESSED COUNTIES.—The maximum Commission contribution for a project or activity to be carried out in a county for which a distressed county designation is in effect under section 15702 may be increased to 80 percent.

"(3) SPECIAL RULE FOR REGIONAL PROJECTS.—A Commission may increase to 60 percent under paragraph (1) and 90 percent under paragraph (2) the maximum Commission contribution for a project or activity if—

"(A) the project or activity involves 3 or more counties or more than one State; and

"(B) the Commission determines in accordance with section 15302(a) that the project or activity will bring significant interstate or multicounty benefits to a region.

"(e) MAINTENANCE OF EFFORT.—Funds may be provided by a Commission for a program or project in a State under this section only if the Commission determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within region, will not be reduced as a result of funds made available by this subtitle.

"(f) NO RELOCATION ASSISTANCE.—Financial assistance authorized by this section may not be used to assist a person or entity in relocating from one area to another.

"§15502. Comprehensive economic and infrastructure development plans

"(a) STATE PLANS.—In accordance with policies established by a Commission, each State member of the Commission shall submit a comprehensive economic and infrastructure development plan for the area of the region represented by the State member.

"(b) CONTENT OF PLAN.—A State economic and infrastructure development plan shall reflect the goals, objectives, and priorities identified in any applicable economic and infrastructure development plan developed by a Commission under section 15303.

"(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State shall—

"(1) consult with local development districts, local units of government, and local colleges and universities; and

"(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

"(d) PUBLIC PARTICIPATION.—

"(1) IN GENERAL.—A Commission and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

"(2) GUIDELINES.—A Commission shall develop guidelines for providing public participation, including public hearings.

"§15503. Approval of applications for assistance

"(a) EVALUATION BY STATE MEMBER.—An application to a Commission for a grant or any other assistance for a project under this subtitle shall be made through, and evaluated for approval by, the State member of the Commission representing the applicant.

"(b) CERTIFICATION.—An application to a Commission for a grant or other assistance for a project under this subtitle shall be eligible for assistance only on certification by the State member of the Commission representing the applicant that the application for the project—

"(1) describes ways in which the project complies with any applicable State economic and infrastructure development plan;

"(2) meets applicable criteria under section 15504;

"(3) adequately ensures that the project will be properly administered, operated, and maintained; and

"(4) otherwise meets the requirements for assistance under this subtitle.

"(c) VOTES FOR DECISIONS.—On certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission under section 15302 shall be required for approval of the application.

"§15504. Program development criteria

"In considering programs and projects to be provided assistance by a Commission under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Commission, the Commission shall follow procedures that ensure, to the maximum extent practicable, consideration of—

"(1) the relationship of the project or class of projects to overall regional development;

"(2) the per capita income and poverty and unemployment and outmigration rates in an area;

"(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

"(4) the importance of the project or class of projects in relation to the other projects or classes of projects that may be in competition for the same funds;

"(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

"(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

"§15505. Local development districts and organizations

"(a) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—Subject to the requirements of this section, a Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses.

"(b) CONDITIONS FOR GRANTS.—

"(1) MAXIMUM AMOUNT.—The amount of a grant awarded under this section may not exceed 80 percent of the administrative and planning expenses of the local development district receiving the grant.

"(2) MAXIMUM PERIOD FOR STATE AGENCIES.—In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years.

"(3) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

"(1) operate as a lead organization serving multicounty areas in the region at the local level;

"(2) assist the Commission in carrying out outreach activities for local governments, community development groups, the business community, and the public;

"(3) serve as a liaison between State and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens; and

"(4) assist the individuals and entities described in paragraph (3) in identifying, assessing, and facilitating projects and programs to promote the economic development of the region.

"§ 15506. Supplements to Federal grant programs

"(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

"(1) they lack the economic resources to provide the required matching share; or

"(2) there are insufficient funds available under the applicable Federal law with respect to a project to be carried out in the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—A Commission, with the approval of the Federal Cochairperson, may use amounts made available to carry out this subtitle—

"(1) for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws; and

"(2) to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

"(c) CERTIFICATION REQUIRED.—For a program, project, or activity for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under subsection (b), the Federal contribution shall not be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity.

"(d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

"(e) FEDERAL SHARE.—The Federal share of the cost of a project or activity receiving assistance under this section shall not exceed 80 percent.

"(f) MAXIMUM COMMISSION CONTRIBUTION.—Section 15501(d), relating to limitations on Commission contributions, shall apply to a program, project, or activity receiving assistance under this section.

"CHAPTER 4—ADMINISTRATIVE PROVISIONS

"SUBCHAPTER I—GENERAL PROVISIONS

"Sec. 15701. Consent of States.
"Sec. 15702. Distressed counties and areas.
"Sec. 15703. Counties eligible for assistance in more than one region.
"Sec. 15704. Inspector General; records.
"Sec. 15705. Biannual meetings of representatives of all Commissions.

"SUBCHAPTER II—DESIGNATION OF REGIONS

"Sec. 15731. Southeast Crescent Regional Commission.
"Sec. 15732. Southwest Border Regional Commission.
"Sec. 15733. Northern Border Regional Commission.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"Sec. 15751. Authorization of appropriations.

"SUBCHAPTER I—GENERAL PROVISIONS

"§ 15701. Consent of States

"This subtitle does not require a State to engage in or accept a program under this subtitle without its consent.

"§ 15702. Distressed counties and areas

"(a) DESIGNATIONS.—Not later than 90 days after the date of the enactment of this section, and annually thereafter, each Commission shall make the following designations:

"(1) DISTRESSED COUNTIES.—The Commission shall designate as distressed counties those counties in its region that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration.

"(2) TRANSITIONAL COUNTIES.—The Commission shall designate as transitional counties those counties in its region that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or outmigration.

"(3) ATTAINMENT COUNTIES.—The Commission shall designate as attainment counties, those counties in its region that are not designated as distressed or transitional counties under this subsection.

"(4) ISOLATED AREAS OF DISTRESS.—The Commission shall designate as isolated areas of distress, areas located in counties designated as attainment counties under paragraph (3) that have high rates of poverty, unemployment, or outmigration.

"(b) ALLOCATION.—A Commission shall allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

"(c) ATTAINMENT COUNTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), funds may not be provided under this subtitle for a project located in a county designated as an attainment county under subsection (a).

"(2) EXCEPTIONS.—

"(A) ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 15505.

"(B) MULTICOUNTY AND OTHER PROJECTS.—A Commission may waive the application of the funding prohibition under paragraph (1) with respect to—

"(i) a multicounty project that includes participation by an attainment county; and

"(ii) any other type of project, if a Commission determines that the project could bring significant benefits to areas of the region outside an attainment county.

"(3) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress to be effective, the designation shall be supported—

"(A) by the most recent Federal data available; or

"(B) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

"§ 15703. Counties eligible for assistance in more than one region

"(a) LIMITATION.—A political subdivision of a State may not receive assistance under this subtitle in a fiscal year from more than one Commission.

"(b) SELECTION OF COMMISSION.—A political subdivision included in the region of more than one Commission shall select the Commission with which it will participate by notifying, in writing, the Federal Cochairperson and the appropriate State member of that Commission.

"(c) CHANGES IN SELECTIONS.—The selection of a Commission by a political subdivision shall apply in the fiscal year in which the selection is made, and shall apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies the Cochairpersons of another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Cochairpersons of the Commission in which the political subdivision is currently participating.

"(d) INCLUSION OF APPALACHIAN REGIONAL COMMISSION.—In this section, the term 'Commission' includes the Appalachian Regional Commission established under chapter 143.

"§ 15704. Inspector General; records

"(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be an Inspector General for the Commissions appointed in accordance with section 3(a) of the Inspector General Act of 1978 (5 U.S.C. App.). All of the Commissions shall be subject to a single Inspector General.

"(b) RECORDS OF A COMMISSION.—

"(1) IN GENERAL.—A Commission shall maintain accurate and complete records of all its transactions and activities.

"(2) AVAILABILITY.—All records of a Commission shall be available for audit and examination by the Inspector General (including authorized representatives of the Inspector General).

"(c) RECORDS OF RECIPIENTS OF COMMISSION ASSISTANCE.—

"(1) IN GENERAL.—A recipient of funds from a Commission under this subtitle shall maintain accurate and complete records of transactions and activities financed with the funds and report to the Commission on the transactions and activities.

"(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Commission and the Inspector General (including authorized representatives of the Commission and the Inspector General).

"(d) ANNUAL AUDIT.—The Inspector General shall audit the activities, transactions, and records of each Commission on an annual basis.

"§ 15705. Biannual meetings of representatives of all Commissions

"(a) IN GENERAL.—Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission shall meet biannually to discuss issues confronting regions suffering from chronic and contiguous distress and successful strategies for promoting regional development.

"(b) CHAIR OF MEETINGS.—The chair of each meeting shall rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

"SUBCHAPTER II—DESIGNATION OF REGIONS

"§ 15731. Southeast Crescent Regional Commission

"The region of the Southeast Crescent Regional Commission shall consist of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Authority.

"§15732. Southwest Border Regional Commission

"The region of the Southwest Border Regional Commission shall consist of the following political subdivisions:

"(1) ARIZONA.—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

"(2) CALIFORNIA.—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

"(3) NEW MEXICO.—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

"(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

"§15733. Northern Border Regional Commission

"The region of the Northern Border Regional Commission shall include the following counties:

"(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

"(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

"(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

"(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

"SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

"§15751. Authorization of appropriations

"(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle $30,000,000 for each of fiscal years 2008 through 2012.

"(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.".

(b) CLERICAL AMENDMENT TO TABLE OF SUBTITLES.—The table of subtitles for chapter 40, United States Code, is amended by striking the item relating to subtitle V and inserting the following:

"V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT 15101
"VI. MISCELLANEOUS .... 17101".

(c) CONFORMING AMENDMENTS TO INSPECTOR GENERAL ACT.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the President of the Export-Import Bank;" and inserting "the President of the Export-Import Bank; or the Federal Cochairpersons of the Commissions established under section 15301 of title 40, United States Code;"; and

(2) in paragraph (2), by striking "or the Export-Import Bank," and inserting "the Export-Import Bank, or the Commissions established under section 15301 of title 40, United States Code,".

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on the first day of the first fiscal year beginning after the date of the enactment of this Act.

SEC. 14218. COORDINATOR FOR CHRONICALLY UNDERSERVED RURAL AREAS.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas (in this section referred to as the "Coordinator"), to be located in the Rural Development Mission Area.

(b) MISSION.—The mission of the Coordinator shall be to direct Department of Agriculture resources to high need, high poverty rural areas.

(c) DUTIES.—The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

SEC. 14219. ELIMINATION OF STATUTE OF LIMITATIONS APPLICABLE TO COLLECTION OF DEBT BY ADMINISTRATIVE OFFSET.

(a) ELIMINATION.—Section 3716(e) of title 31, United States Code, is amended to read as follows:

"(e)(1) Notwithstanding any other provision of law, regulation, or administrative limitation, no limitation on the period within which an offset may be initiated or taken pursuant to this section shall be effective.

"(2) This section does not apply when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to any debt outstanding on or after the date of the enactment of this Act.

SEC. 14220. AVAILABILITY OF EXCESS AND SURPLUS COMPUTERS IN RURAL AREAS.

In addition to any other authority, the Secretary of Agriculture may make available to an organization excess or surplus computers or other technical equipment of the Department of Agriculture for the purposes of distribution to a city, town, or local government entity in a rural area (as defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act).

SEC. 14221. REPEAL OF SECTION 3068 OF THE WATER RESOURCES DEVELOPMENT ACT OF 2007.

Effective upon the date of enactment of this Act, section 3068 of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1123), and the item relating to section 3068 in the table of contents of that Act, are repealed.

SEC. 14222. DOMESTIC FOOD ASSISTANCE PROGRAMS.

(a) DEFINITION OF SECTION 32.—In this section, the term "section 32" means section 32 of the Act of August 24, 1935 (7 U.S.C. 612c).

(b) TRANSFER TO FOOD AND NUTRITION SERVICE.—

(1) IN GENERAL.—Amounts made available for a fiscal year to carry out section 32 in excess of the maximum amount calculated under paragraph (2) shall be transferred to the Secretary, acting through the Administrator of the Food and Nutrition Service, to be used to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) MAXIMUM AMOUNT.—The maximum amount calculated under this paragraph for a fiscal year is the sum of—

(A)(i) in the case of fiscal year 2009, $1,173,000,000;

(ii) in the case of fiscal year 2010, $1,199,000,000;

(iii) in the case of fiscal year 2011, $1,215,000,000;

(iv) in the case of fiscal year 2012, $1,231,000,000;

(v) in the case of fiscal year 2013, $1,248,000,000;

(vi) in the case of fiscal year 2014, $1,266,000,000;

(vii) in the case of fiscal year 2015, $1,284,000,000;

(viii) in the case of fiscal year 2016, $1,303,000,000;

(ix) in the case of fiscal year 2017, $1,322,000,000; and

(x) for fiscal year 2018 and each fiscal year thereafter, the amount made available for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending on the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor; and

(B) any transfers for the fiscal year from section 32 to the Department of Commerce under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.).

(c) FRESH FRUIT AND VEGETABLE PROGRAM.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall transfer for use to carry out the fresh fruit and vegetable program under section 19 of the Richard B. Russell National School Lunch Act the amounts specified in subsection (i) of that section.

(d) WHOLE GRAIN PRODUCTS.—Of amounts made available to carry out section 32 under subsection (b)(2)(A), the Secretary shall use to carry out section 4305 $4,000,000 for fiscal year 2009.

(e) MAINTENANCE OF FUNDING.—The funding provided under subsections (c) and (d) shall supplement (and not supplant) other Federal funding (including section 32 funding) for programs carried out under—

(1) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except for section 19 of that Act;

(2) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.); and

(3) section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036).

SEC. 14223. TECHNICAL CORRECTION.

Section 923(1)(B) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2206a(1)(B)) is amended by striking "as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b))" and inserting "as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5))".

TITLE XV—TRADE AND TAX PROVISIONS

SEC. 15001. SHORT TITLE; ETC.

(a) SHORT TITLE.—This title may be cited as the "Heartland, Habitat, Harvest, and Horticulture Act of 2008".

(b) AMENDMENTS TO 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Supplemental Agricultural Disaster Assistance From the Agricultural Disaster Relief Trust Fund

SEC. 15101. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

"SEC. 901. SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ACTUAL PRODUCTION HISTORY YIELD.—The term 'actual production history yield' means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the noninsured crop disaster assistance program, respectively.

"(2) ADJUSTED ACTUAL PRODUCTION HISTORY YIELD.—The term 'adjusted actual production history yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 508(g)(4)(B) of the Federal Crop Insurance Act (7 U.S.C. 1508(g)(4)(B)), the actual production history for the eligible producer without regard to any yields established under that section;

"(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 508(g)(4)(B) of that Act, the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 508(g)(4)(B) of that Act; and

"(C) in all other cases, the actual production history of the eligible producer on a farm.

"(3) ADJUSTED NONINSURED CROP DISASTER ASSISTANCE PROGRAM YIELD.—The term 'adjusted noninsured crop disaster assistance program yield' means—

"(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

"(B) in the case of an eligible producer on a farm that less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

"(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

"(4) COUNTER-CYCLICAL PROGRAM PAYMENT YIELD.—The term 'counter-cyclical program payment yield' means the weighted average payment yield established under section 1102 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7912), section 1102 of the Food, Conservation, and Energy Act of 2008, or a successor section.

"(5) DISASTER COUNTY.—

"(A) IN GENERAL.—The term 'disaster county' means a county included in the geographic area covered by a qualifying natural disaster declaration.

"(B) INCLUSION.—The term 'disaster county' includes—

"(i) a county contiguous to a county described in subparagraph (A); and

"(ii) any farm in which, during a calendar year, the total loss of production of the farm relating to weather is greater than 50 percent of the normal production of the farm, as determined by the Secretary.

"(6) ELIGIBLE PRODUCER ON A FARM.—

"(A) IN GENERAL.—The term 'eligible producer on a farm' means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

"(B) DESCRIPTION.—An individual or entity referred to in subparagraph (A) is—

"(i) a citizen of the United States;

"(ii) a resident alien;

"(iii) a partnership of citizens of the United States; or

"(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

"(7) FARM.—

"(A) IN GENERAL.—The term 'farm' means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest by the eligible producer.

"(B) AQUACULTURE.—In the case of aquaculture, the term 'farm' means, in relation to an eligible producer on a farm, all fish being produced in all counties that are intended to be harvested for sale by the eligible producer.

"(C) HONEY.—In the case of honey, the term 'farm' means, in relation to an eligible producer on a farm, all bees and beehives in all counties that are intended to be harvested for a honey crop by the eligible producer.

"(8) FARM-RAISED FISH.—The term 'farm-raised fish' means any aquatic species that is propagated and reared in a controlled environment.

"(9) INSURABLE COMMODITY.—The term 'insurable commodity' means an agricultural commodity (excluding livestock) for which the producer on a farm is eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

"(10) LIVESTOCK.—The term 'livestock' includes—

"(A) cattle (including dairy cattle);

"(B) bison;

"(C) poultry;

"(D) sheep;

"(E) swine;

"(F) horses; and

"(G) other livestock, as determined by the Secretary.

"(11) NONINSURABLE COMMODITY.—The term 'noninsurable commodity' means a crop for which the eligible producers on a farm are eligible to obtain assistance under the noninsured crop assistance program.

"(12) NONINSURED CROP ASSISTANCE PROGRAM.—The term 'noninsured crop assistance program' means the program carried out under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

"(13) QUALIFYING NATURAL DISASTER DECLARATION.—The term 'qualifying natural disaster declaration' means a natural disaster declared by the Secretary for production losses under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(15) SOCIALLY DISADVANTAGED FARMER OR RANCHER.—The term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

"(16) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(17) TRUST FUND.—The term 'Trust Fund' means the Agricultural Disaster Relief Trust Fund established under section 902.

"(18) UNITED STATES.—The term 'United States' when used in a geographical sense, means all of the States.

"(b) SUPPLEMENTAL REVENUE ASSISTANCE PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall use such sums as are necessary from the Trust Fund to make crop disaster assistance payments to eligible producers on farms in disaster counties that have incurred crop production losses or crop quality losses, or both, during the crop year.

"(2) AMOUNT.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide crop disaster assistance payments under this section to an eligible producer on a farm in an amount equal to 60 percent of the difference between—

"(i) the disaster assistance program guarantee, as described in paragraph (3); and

"(ii) the total farm revenue for a farm, as described in paragraph (4).

"(B) LIMITATION.—The disaster assistance program guarantee for a crop used to calculate the payments for a farm under subparagraph (A)(i) may not be greater than 90 percent of the sum of the expected revenue, as described in paragraph (5) for each of the crops on a farm, as determined by the Secretary.

"(3) SUPPLEMENTAL REVENUE ASSISTANCE PROGRAM GUARANTEE.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the supplemental assistance program guarantee shall be the sum obtained by adding—

"(i) for each insurable commodity on the farm, 115 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to the price election for the commodity elected by the eligible producer;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity;

"(III) the payment yield for the commodity that is equal to the percentage of the crop insurance yield elected by the producer of the higher of—

"(aa) the adjusted actual production history yield; or

"(bb) the counter-cyclical program payment yield for each crop; and

"(ii) for each noninsurable commodity on a farm, 120 percent of the product obtained by multiplying—

"(I) a payment rate for the commodity that is equal to 100 percent of the noninsured crop assistance program established price for the commodity;

"(II) the payment acres for the commodity that is equal to the number of acres planted, or prevented from being planted, to the commodity; and

"(III) the payment yield for the commodity that is equal to the higher of—

"(aa) the adjusted noninsured crop assistance program yield guarantee; or

"(bb) the counter-cyclical program payment yield for each crop.

"(B) ADJUSTMENT INSURANCE GUARANTEE.—Notwithstanding subparagraph (A), in the case of an insurable commodity for which a plan of insurance provides for an adjustment in the guarantee, such as in the case of prevented planting, the adjusted insurance guarantee shall be the basis for determining the disaster assistance program guarantee for the insurable commodity.

"(C) ADJUSTED ASSISTANCE LEVEL.—Notwithstanding subparagraph (A), in the case of a noninsurable commodity for which the noninsured crop assistance program provides for an adjustment in the level of assistance, such as in the case of unharvested crops, the adjusted assistance level shall be the basis for determining the disaster assistance program guarantee for the noninsurable commodity.

"(D) EQUITABLE TREATMENT FOR NON-YIELD BASED POLICIES.—The Secretary shall establish equitable treatment for non-yield based policies and plans of insurance, such as the Adjusted Gross Revenue Lite insurance program.

"(4) FARM REVENUE.—

"(A) IN GENERAL.—For purposes of this subsection, the total farm revenue for a farm, shall equal the sum obtained by adding—

"(i) the estimated actual value for each crop produced on a farm by using the product obtained by multiplying—

"(I) the actual crop acreage harvested by an eligible producer on a farm;

"(II) the estimated actual yield of the crop production; and

"(III) subject to subparagraphs (B) and (C), to the extent practicable, the national average market price received for the marketing year, as determined by the Secretary;

"(ii) 15 percent of amount of any direct payments made to the producer under sections 1103 and 1303 of the Food, Conservation, and Energy Act of 2008 or successor sections;

"(iii) the total amount of any counter-cyclical payments made to the producer under sections 1104 and 1304 of the Food, Conservation, and Energy Act of 2008 or successor sections or of any average crop revenue election payments made to the producer under section 1105 of that Act;

"(iv) the total amount of any loan deficiency payments, marketing loan gains, and marketing certificate gains made to the producer under subtitles B and C of the Food, Conservation, and Energy Act of 2008 or successor subtitles;

"(v) the amount of payments for prevented planting on a farm;

"(vi) the amount of crop insurance indemnities received by an eligible producer on a farm for each crop on a farm;

"(vii) the amount of payments an eligible producer on a farm received under the noninsured crop assistance program for each crop on a farm; and

"(viii) the value of any other natural disaster assistance payments provided by the Federal Government to an eligible producer on a farm for each crop on a farm for the same loss for which the eligible producer is seeking assistance.

"(B) ADJUSTMENT.—The Secretary shall adjust the average market price received by the eligible producer on a farm—

"(i) to reflect the average quality discounts applied to the local or regional market price of a crop or mechanically harvested forage due to a reduction in the intrinsic characteristics of the production resulting from adverse weather, as determined annually by the State office of the Farm Service Agency; and

"(ii) to account for a crop the value of which is reduced due to excess moisture resulting from a disaster-related condition.

"(C) MAXIMUM AMOUNT FOR CERTAIN CROPS.—With respect to a crop for which an eligible producer on a farm receives assistance under the noninsured crop assistance program, the national average market price received during the marketing year shall be an amount not more than 100 percent of the price of the crop established under the noninsured crop assistance program.

"(5) EXPECTED REVENUE.—The expected revenue for each crop on a farm shall equal the sum obtained by adding—

"(A) the product obtained by multiplying—

"(i) the greatest of—

"(I) the adjusted actual production history yield of the eligible producer on a farm; and

"(II) the counter-cyclical program payment yield;

"(ii) the acreage planted or prevented from being planted for each crop; and

"(iii) 100 percent of the insurance price guarantee; and

"(B) the product obtained by multiplying—

"(i) 100 percent of the adjusted noninsured crop assistance program yield; and

"(ii) 100 percent of the noninsured crop assistance program price for each of the crops on a farm.

"(c) LIVESTOCK INDEMNITY PAYMENTS.—

"(1) PAYMENTS.—The Secretary shall use such sums as are necessary from the Trust Fund to make livestock indemnity payments to eligible producers on farms that have incurred livestock death losses in excess of the normal mortality due to adverse weather, as determined by the Secretary, during the calendar year, including losses due to hurricanes, floods, blizzards, disease, wildfires, extreme heat, and extreme cold.

"(2) PAYMENT RATES.—Indemnity payments to an eligible producer on a farm under paragraph (1) shall be made at a rate of 75 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

"(d) LIVESTOCK FORAGE DISASTER PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) COVERED LIVESTOCK.—

"(i) IN GENERAL.—The term 'covered livestock' means livestock of an eligible livestock producer that, during the 60 days prior to the beginning date of a qualifying drought or fire condition, as determined by the Secretary, the eligible livestock producer—

"(I) owned;

"(II) leased;

"(III) purchased;

"(IV) entered into a contract to purchase;

"(V) is a contract grower; or

"(VI) sold or otherwise disposed of due to qualifying drought conditions during—

"(aa) the current production year; or

"(bb) subject to paragraph (3)(B)(ii), 1 or both of the 2 production years immediately preceding the current production year.

"(ii) EXCLUSION.—The term 'covered livestock' does not include livestock that were or would have been in a feedlot, on the beginning date of the qualifying drought or fire condition, as a part of the normal business operation of the eligible livestock producer, as determined by the Secretary.

"(B) DROUGHT MONITOR.—The term 'drought monitor' means a system for classifying drought severity according to a range of abnormally dry to exceptional drought, as defined by the Secretary.

"(C) ELIGIBLE LIVESTOCK PRODUCER.—

"(i) IN GENERAL.—The term 'eligible livestock producer' means an eligible producer on a farm that—

"(I) is an owner, cash or share lessee, or contract grower of covered livestock that provides the pastureland or grazing land, including cash-leased pastureland or grazing land, for the livestock;

"(II) provides the pastureland or grazing land for covered livestock, including cash-leased pastureland or grazing land that is physically located in a county affected by drought;

"(III) certifies grazing loss; and

"(IV) meets all other eligibility requirements established under this subsection.

"(ii) EXCLUSION.—The term 'eligible livestock producer' does not include an owner, cash or share lessee, or contract grower of livestock that rents or leases pastureland or grazing land owned by another person on a rate-of-gain basis.

"(D) NORMAL CARRYING CAPACITY.—The term 'normal carrying capacity', with respect to each type of grazing land or pastureland in a county, means the normal carrying capacity, as determined under paragraph (3)(D)(i), that would be expected from the grazing land or pastureland for livestock during the normal grazing period, in the absence of a drought or fire that diminishes the production of the grazing land or pastureland.

"(E) NORMAL GRAZING PERIOD.—The term 'normal grazing period', with respect to a county, means the normal grazing period during the calendar year for the county, as determined under paragraph (3)(D)(i).

"(2) PROGRAM.—The Secretary shall use such sums as are necessary from the Trust Fund to provide compensation for losses to eligible livestock producers due to grazing losses for covered livestock due to—

"(A) a drought condition, as described in paragraph (3); or

"(B) fire, as described in paragraph (4).

"(3) ASSISTANCE FOR LOSSES DUE TO DROUGHT CONDITIONS.—

"(A) ELIGIBLE LOSSES.—

"(i) IN GENERAL.—An eligible livestock producer may receive assistance under this subsection only for grazing losses for covered livestock that occur on land that—

"(I) is native or improved pastureland with permanent vegetative cover; or

"(II) is planted to a crop planted specifically for the purpose of providing grazing for covered livestock.

"(ii) EXCLUSIONS.—An eligible livestock producer may not receive assistance under this subsection for grazing losses that occur on land used for haying or grazing under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

"(B) MONTHLY PAYMENT RATE.—

"(i) IN GENERAL.—Except as provided in clause (ii), the payment rate for assistance under this paragraph for 1 month shall, in the case of drought, be equal to 60 percent of the lesser of—

"(I) the monthly feed cost for all covered livestock owned or leased by the eligible livestock producer, as determined under subparagraph (C); or

"(II) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer.

"(ii) PARTIAL COMPENSATION.—In the case of an eligible livestock producer that sold or otherwise disposed of covered livestock due to drought conditions in 1 or both of the 2 production years immediately preceding the current production year, as determined by the Secretary, the payment rate shall be 80 percent of the payment rate otherwise calculated in accordance with clause (i).

"(C) MONTHLY FEED COST.—

"(i) IN GENERAL.—The monthly feed cost shall equal the product obtained by multiplying—

"(I) 30 days;

"(II) a payment quantity that is equal to the feed grain equivalent, as determined under clause (ii); and

"(III) a payment rate that is equal to the corn price per pound, as determined under clause (iii).

"(ii) FEED GRAIN EQUIVALENT.—For purposes of clause (i)(I), the feed grain equivalent shall equal—

"(I) in the case of an adult beef cow, 15.7 pounds of corn per day; or

"(II) in the case of any other type of weight of livestock, an amount determined by the Secretary that represents the average number of pounds of corn per day necessary to feed the livestock.

"(iii) CORN PRICE PER POUND.—For purposes of clause (i)(II), the corn price per pound shall equal the quotient obtained by dividing—

"(I) the higher of—

"(aa) the national average corn price per bushel for the 12-month period immediately preceding March 1 of the year for which the disaster assistance is calculated; or "(bb) the national average corn price per bushel for the 24-month period immediately preceding that March 1; by

"(II) 56.

"(D) NORMAL GRAZING PERIOD AND DROUGHT MONITOR INTENSITY.—

"(i) FSA COUNTY COMMITTEE DETERMINATIONS.—

"(I) IN GENERAL.—The Secretary shall determine the normal carrying capacity and normal grazing period for each type of grazing land or pastureland in the county served by the applicable committee.

"(II) CHANGES.—No change to the normal carrying capacity or normal grazing period established for a county under subclause (I) shall be made unless the change is requested by the appropriate State and county Farm Service Agency committees.

"(ii) DROUGHT INTENSITY.—

"(I) D2.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having a D2 (severe drought) intensity in any area of the county for at least 8 consecutive weeks during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph in an amount equal to 1 monthly payment using the monthly payment rate determined under subparagraph (B).

"(II) D3.—An eligible livestock producer that owns or leases grazing land or pastureland that is physically located in a county that is rated by the U.S. Drought Monitor as having at least a D3 (extreme drought) intensity in any area of the county at any time during the normal grazing period for the county, as determined by the Secretary, shall be eligible to receive assistance under this paragraph—

"(aa) in an amount equal to 2 monthly payments using the monthly payment rate determined under subparagraph (B); or

"(bb) if the county is rated as having a D3 (extreme drought) intensity in any area of the county for at least 4 weeks during the normal grazing period for the county, or is rated as having a D4 (exceptional drought) intensity in any area of the county at any time during the normal grazing period, in an amount equal to 3 monthly payments using the monthly payment rate determined under subparagraph (B).

"(4) ASSISTANCE FOR LOSSES DUE TO FIRE ON PUBLIC MANAGED LAND.—

"(A) IN GENERAL.—An eligible livestock producer may receive assistance under this paragraph only if—

"(i) the grazing losses occur on rangeland that is managed by a Federal agency; and

"(ii) the eligible livestock producer is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland due to a fire.

"(B) PAYMENT RATE.—The payment rate for assistance under this paragraph shall be equal to 50 percent of the monthly feed cost for the total number of livestock covered by the Federal lease of the eligible livestock producer, as determined under paragraph (3)(C).

"(C) PAYMENT DURATION.—

"(i) IN GENERAL.—Subject to clause (ii), an eligible livestock producer shall be eligible to receive assistance under this paragraph for the period—

"(I) beginning on the date on which the Federal agency excludes the eligible livestock producer from using the managed rangeland for grazing; and

"(II) ending on the last day of the Federal lease of the eligible livestock producer.

"(ii) LIMITATION.—An eligible livestock producer may only receive assistance under this paragraph for losses that occur on not more than 180 days per year.

"(5) MINIMUM RISK MANAGEMENT PURCHASE REQUIREMENTS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, a livestock producer shall only be eligible for assistance under this subsection if the livestock producer—

"(i) obtained a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the grazing land incurring the losses for which assistance is being requested; or

"(ii) filed the required paperwork, and paid the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program for the grazing land incurring the losses for which assistance is being requested.

"(B) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, as determined by the Secretary, the Secretary may—

"(i) waive subparagraph (A); and

"(ii) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(C) WAIVER FOR 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year but does not meet the requirements of subparagraph (A), the Secretary shall waive subparagraph (A) if the eligible livestock producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under subparagraph (A) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(D) EQUITABLE RELIEF.—

"(i) IN GENERAL.—The Secretary may provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet the requirements of subparagraph (A) for the grazing land incurring the loss on a case-by-case basis, as determined by the Secretary.

"(ii) 2008 CALENDAR YEAR.—In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet the requirements of subparagraph (A) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

"(6) NO DUPLICATIVE PAYMENTS.—

"(A) IN GENERAL.—An eligible livestock producer may elect to receive assistance for grazing or pasture feed losses due to drought conditions under paragraph (3) or fire under paragraph (4), but not both for the same loss, as determined by the Secretary.

"(B) RELATIONSHIP TO SUPPLEMENTAL REVENUE ASSISTANCE.—An eligible livestock producer that receives assistance under this subsection may not also receive assistance for losses to crops on the same land with the same intended use under subsection (b).

"(e) EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEY BEES, AND FARM-RAISED FISH.—

"(1) IN GENERAL.—The Secretary shall use up to $50,000,000 per year from the Trust Fund to provide emergency relief to eligible producers of livestock, honey bees, and farm-raised fish to aid in the reduction of losses due to disease, adverse weather, or other conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under subsection (b), (c), or (d).

"(2) USE OF FUNDS.—Funds made available under this subsection shall be used to reduce losses caused by feed or water shortages, disease, or other factors as determined by the Secretary.

"(3) AVAILABILITY OF FUNDS.—Any funds made available under this subsection shall remain available until expended.

"(f) TREE ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes.

"(B) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, lightning, or other occurrence, as determined by the Secretary.

"(C) NURSERY TREE GROWER.—The term 'nursery tree grower' means a person who produces nursery, ornamental, fruit, nut, or Christmas trees for commercial sale, as determined by the Secretary.

"(D) TREE.—The term 'tree' includes a tree, bush, and vine.

"(2) ELIGIBILITY.—

"(A) LOSS.—Subject to subparagraph (B), the Secretary shall provide assistance—

"(i) under paragraph (3) to eligible orchardists and nursery tree growers that planted trees for commercial purposes but lost the trees as a result of a natural disaster, as determined by the Secretary; and

"(ii) under paragraph (3)(B) to eligible orchardists and nursery tree growers that have a production history for commercial purposes on planted or existing trees but lost the trees as a result of a natural disaster, as determined by the Secretary.

"(B) LIMITATION.—An eligible orchardist or nursery tree grower shall qualify for assistance under subparagraph (A) only if the tree mortality of the eligible orchardist or nursery tree grower, as a result of damaging weather or related condition, exceeds 15 percent (adjusted for normal mortality).

"(3) ASSISTANCE.—Subject to paragraph (4), the assistance provided by the Secretary to eligible orchardists and nursery tree growers for losses described in paragraph (2) shall consist of—

"(A)(i) reimbursement of 70 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(ii) at the option of the Secretary, sufficient seedlings to reestablish a stand; and

"(B) reimbursement of 50 percent of the cost of pruning, removal, and other costs incurred by an eligible orchardist or nursery tree grower to salvage existing trees or, in the case of tree mortality, to prepare the land to replant trees as a result of damage or tree mortality due to a natural disaster, as determined by the Secretary, in excess of 15 percent damage or mortality (adjusted for normal tree damage and mortality).

"(4) LIMITATIONS ON ASSISTANCE.—

"(A) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this paragraph, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(B) AMOUNT.—The total amount of payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this subsection may not exceed $100,000 for any crop year, or an equivalent value in tree seedlings.

"(C) ACRES.—The total quantity of acres planted to trees or tree seedlings for which a person or legal entity shall be entitled to receive payments under this subsection may not exceed 500 acres.

"(g) RISK MANAGEMENT PURCHASE REQUIREMENT.—

"(1) IN GENERAL.—Except as otherwise provided in this section, the eligible producers on a farm shall not be eligible for assistance under this section (other than subsection (c)) if the eligible producers on the farm—

"(A) in the case of each insurable commodity of the eligible producers on the farm, did not obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) (excluding a crop insurance pilot program under that Act); or

"(B) in the case of each noninsurable commodity of the eligible producers on the farm, did not file the required paperwork, and pay the administrative fee by the applicable State filing deadline, for the noninsured crop assistance program.

"(2) MINIMUM.—To be considered to have obtained insurance under paragraph (1)(A), an eligible producer on a farm shall have obtained a policy or plan of insurance with not less than 50 percent yield coverage at 55 percent of the insurable price for each crop grazed, planted, or intended to be planted for harvest on a whole farm.

"(3) WAIVER FOR SOCIALLY DISADVANTAGED, LIMITED RESOURCE, OR BEGINNING FARMER OR RANCHER.—With respect to eligible producers that are socially disadvantaged farmers or ranchers or limited resource or beginning farmers or ranchers, as determined by the Secretary, the Secretary may—

"(A) waive paragraph (1); and

"(B) provide disaster assistance under this section at a level that the Secretary determines to be equitable and appropriate.

"(4) WAIVER FOR 2008 CROP YEAR.—In the case of an eligible producer that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year but does not meet the requirements of paragraph (1), the Secretary shall waive paragraph (1) if the eligible producer pays a fee in an amount equal to the applicable noninsured crop assistance program fee or catastrophic risk protection plan fee required under paragraph (1) to the Secretary not later than 90 days after the date of enactment of this subtitle.

"(5) EQUITABLE RELIEF.—

"(A) IN GENERAL.—The Secretary may provide equitable relief to eligible producers on a farm that are otherwise ineligible or unintentionally fail to meet the requirements of paragraph (1) for 1 or more crops on a farm on a case-by-case basis, as determined by the Secretary.

"(B) 2008 CROP YEAR.—In the case of eligible producers on a farm that suffered losses in an insurable commodity or noninsurable commodity during the 2008 crop year, the Secretary shall take special consideration to provide equitable relief in cases in which the eligible producers failed to meet the requirements of paragraph (1) due to the enactment of this title after the closing date of sales periods for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) and the noninsured crop assistance program.

"(h) PAYMENT LIMITATIONS.—

"(1) DEFINITIONS OF LEGAL ENTITY AND PERSON.—In this subsection, the terms 'legal entity' and 'person' have the meaning given those terms in section 1001(a) of the Food Security Act of 1985 (7 U.S.C. 1308(a) (as amended by section 1603 of the Food, Conservation, and Energy Act of 2008).

"(2) AMOUNT.—The total amount of disaster assistance payments received, directly or indirectly, by a person or legal entity (excluding a joint venture or general partnership) under this section (excluding payments received under subsection (f)) may not exceed $100,000 for any crop year.

"(3) AGI LIMITATION.—Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a) or any successor provision shall apply with respect to assistance provided under this section.

"(4) DIRECT ATTRIBUTION.—Subsections (e) and (f) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provisions relating to direct attribution shall apply with respect to assistance provided under this section.

"(i) PERIOD OF EFFECTIVENESS.—This section shall be effective only for losses that are incurred as the result of a disaster, adverse weather, or other environmental condition that occurs on or before September 30, 2011, as determined by the Secretary.

"(j) NO DUPLICATIVE PAYMENTS.—In implementing any other program which makes disaster assistance payments (except for indemnities made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.)) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996), the Secretary shall prevent duplicative payments with respect to the same loss for which a person receives a payment under subsections (b), (c), (d), (e), or (f).

"SEC. 902. AGRICULTURAL DISASTER RELIEF TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Agricultural Disaster Relief Trust Fund', consisting of such amounts as may be appropriated or credited to such Trust Fund as provided in this section.

"(b) TRANSFER TO TRUST FUND.—

"(1) IN GENERAL.—There are appropriated to the Agricultural Disaster Relief Trust Fund amounts equivalent to 3.08 percent of the amounts received in the general fund of the Treasury of the United States during fiscal years 2008 through 2011 attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule of the United States.

"(2) AMOUNTS BASED ON ESTIMATES.—The amounts appropriated under this section shall be transferred at least monthly from the general fund of the Treasury of the United States to the Agricultural Disaster Relief Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(3) LIMITATION ON TRANSFERS TO AGRICULTURAL DISASTER RELIEF TRUST FUND.—No amount may be appropriated to the Agricultural Disaster Relief Trust Fund on and after the date of any expenditure from the Agricultural Disaster Relief Trust Fund which is not permitted by this section. The determination of whether an expenditure is so permitted shall be made without regard to—

"(A) any provision of law which is not contained or referenced in this title or in a revenue Act, and

"(B) whether such provision of law is a subsequently enacted provision or directly or indirectly seeks to waive the application of this paragraph.

"(c) ADMINISTRATION.—

"(1) REPORTS.—The Secretary of the Treasury shall be the trustee of the Agricultural Disaster Relief Trust Fund and shall submit an annual report to Congress each year on the financial condition and the results of the operations of such Trust Fund during the preceding fiscal year and on its expected condition and operations during the 4 fiscal years succeeding such fiscal year. Such report shall be printed as a House document of the session of Congress to which the report is made.

"(2) INVESTMENT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Agricultural Disaster Relief Trust Fund as is not in his judgment required to meet current withdrawals. Such investments may be made only in interest bearing obligations of the United States. For such purpose, such obligations may be acquired—

"(i) on original issue at the issue price, or

"(ii) by purchase of outstanding obligations at the market price.

"(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Agricultural Disaster Relief Trust Fund may be sold by the Secretary of the Treasury at the market price.

"(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Agricultural Disaster Relief Trust Fund shall be credited to and form a part of such Trust Fund.

"(d) EXPENDITURES FROM TRUST FUND.—Amounts in the Agricultural Disaster Relief Trust Fund shall be available for the purposes of making expenditures to meet those obligations of the United States incurred under section 901 or section 531 of the Federal Crop Insurance Act (as such sections are in effect on the date of the enactment of the Food, Conservation, and Energy Act of 2008).

"(e) AUTHORITY TO BORROW.—

"(1) IN GENERAL.—There are authorized to be appropriated, and are appropriated, to the Agricultural Disaster Relief Trust Fund, as repayable advances, such sums as may be necessary to carry out the purposes of such Trust Fund.

"(2) REPAYMENT OF ADVANCES.—

"(A) IN GENERAL.—Advances made to the Agricultural Disaster Relief Trust Fund shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in such Trust Fund.

"(B) RATE OF INTEREST.—Interest on advances made pursuant to this subsection shall be—

"(i) at a rate determined by the Secretary of the Treasury (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding, and

"(ii) compounded annually.

"SEC. 903. JURISDICTION.

"Legislation in the Senate of the United States amending section 901 or 902 shall be referred to the Committee on Finance of the Senate.".

(b) TRANSITION.—For purposes of the 2008 crop year, the Secretary shall carry out subsections (f)(4) and (h) of section 901 of the Trade Act of 1974 (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.

(c) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 (19 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"TITLE IX—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

"Sec. 901. Supplemental agricultural disaster assistance.
"Sec. 902. Agricultural Disaster Relief Trust Fund.
"Sec. 903. Jurisdiction.".

Subtitle B—Revenue Provisions for Agriculture Programs

SEC. 15201. CUSTOMS USER FEES.

(a) IN GENERAL.—Section 13031(j)(3)(A) of the Consolidated Omnibus Budget Reconciliation

Act of 1985 (19 U.S.C. 58c(j)(3)(A)) is amended by striking "December 27, 2014" and inserting "November 14, 2017".

(b) OTHER FEES.—Section 13031(j)(3)(B)(i) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)(B)(i)) is amended by striking "December 27, 2014" and inserting "September 30, 2017".

(c) TIME FOR REMITTING CERTAIN COBRA FEES.—Notwithstanding any other provision of law, any fees authorized under paragraphs (1) through (8) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (1) through (8)) with respect to customs services provided on or after July 1, 2017, and before September 20, 2017, shall be paid not later than September 25, 2017.

(d) TIME FOR REMITTING CERTAIN MERCHANDISE PROCESSING FEES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any fees authorized under paragraphs (9) and (10) of section 13031(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a) (9) and (10)) with respect to processing merchandise entered on or after October 1, 2017, and before November 15, 2017, shall be paid not later than September 25, 2017, in an amount equivalent to the amount of such fees paid by the person responsible for such fees with respect to merchandise entered on or after October 1, 2016, and before November 15, 2016, as determined by the Secretary of the Treasury.

(2) RECONCILIATION OF MERCHANDISE PROCESSING FEES.—Not later than December 15, 2017, the Secretary of the Treasury shall reconcile the fees paid pursuant to paragraph (1) with the fees for services actually provided on or after October 1, 2017, and before November 15, 2017, and shall refund with interest any overpayment of such fees and make proper adjustments with respect to any underpayment of such fees. No interest may be assessed with respect to any such underpayment that was based on the amount of fees paid for merchandise entered on or after October 1, 2016, and before November 15, 2016.

SEC. 15202. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 7.75 percentage points.

Subtitle C—Tax Provisions

PART I—CONSERVATION

Subpart A—Land and Species Preservation Provisions

SEC. 15301. EXCLUSION OF CONSERVATION RESERVE PROGRAM PAYMENTS FROM SECA TAX FOR CERTAIN INDIVIDUALS.

(a) INTERNAL REVENUE CODE.—Section 1402(a)(1) (defining net earnings from self-employment) is amended by inserting ", and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223 of the Social Security Act" after "crop shares".

(b) SOCIAL SECURITY ACT.—Section 211(a)(1) of the Social Security Act is amended by inserting ", and including payments under section 1233(2) of the Food Security Act of 1985 (16 U.S.C. 3833(2)) to individuals receiving benefits under section 202 or 223" after "crop shares".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2007.

SEC. 15302. TWO-YEAR EXTENSION OF SPECIAL RULE ENCOURAGING CONTRIBUTIONS OF CAPITAL GAIN REAL PROPERTY FOR CONSERVATION PURPOSES.

(a) IN GENERAL.—

(1) INDIVIDUALS.—Section 170(b)(1)(E)(vi) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(2) CORPORATIONS.—Section 170(b)(2)(B)(iii) (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2007.

SEC. 15303. DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.

(a) DEDUCTION FOR ENDANGERED SPECIES RECOVERY EXPENDITURES.—

(1) IN GENERAL.—Paragraph (1) of section 175(c) (relating to definitions) is amended by inserting after the first sentence the following new sentence: "Such term shall include expenditures paid or incurred for the purpose of achieving site-specific management actions recommended in recovery plans approved pursuant to the Endangered Species Act of 1973.".

(2) CONFORMING AMENDMENTS.—

(A) Section 175 is amended by inserting ", or for endangered species recovery" after "prevention of erosion of land used in farming" each place it appears in subsections (a) and (c).

(B) The heading of section 175 is amended by inserting "; **ENDANGERED SPECIES RECOVERY EXPENDITURES**" before the period.

(C) The item relating to section 175 in the table of sections for part VI of subchapter B of chapter 1 is amended by inserting "; endangered species recovery expenditures" before the period.

(b) LIMITATIONS.—Paragraph (3) of section 175(c) (relating to additional limitations) is amended—

(1) in the heading of subparagraph (A), by inserting "OR ENDANGERED SPECIES RECOVERY PLAN" after "CONSERVATION PLAN", and

(2) in subparagraph (A)(i), by inserting "or the recovery plan approved pursuant to the Endangered Species Act of 1973" after "Department of Agriculture".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures paid or incurred after December 31, 2008.

Subpart B—Timber Provisions

SEC. 15311. TEMPORARY REDUCTION IN RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.

(a) IN GENERAL.—Section 1201 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c) and by adding after subsection (a) the following new subsection:

"(b) SPECIAL RATE FOR QUALIFIED TIMBER GAINS.—

"(1) IN GENERAL.—If, for any taxable year ending after the date of the enactment of the Food, Conservation, and Energy Act of 2008 and beginning on or before the date which is 1 year after such date, a corporation has both a net capital gain and qualified timber gain—

"(A) subsection (a) shall apply to such corporation for the taxable year without regard to whether the applicable tax rate exceeds 35 percent, and

"(B) the tax computed under subsection (a)(2) shall be equal to the sum of—

"(i) 15 percent of the least of—

"(I) qualified timber gain,

"(II) net capital gain, or

"(III) taxable income, plus

"(ii) 35 percent of the excess (if any) of taxable income over the sum of the amounts for which a tax was determined under subsection (a)(1) and clause (i).

"(2) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(A) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(B) the sum of the taxpayer's losses described in such subsections for such year.

For purposes of subparagraphs (A) and (B), only timber held more than 15 years shall be taken into account.

"(3) COMPUTATION FOR TAXABLE YEARS IN WHICH RATE FIRST APPLIES OR ENDS.—In the case of any taxable year which includes either of the dates set forth in paragraph (1), the qualified timber gain for such year shall not exceed the qualified timber gain properly taken into account for—

"(A) in the case of the taxable year including the date of the enactment of the Food, Conservation, and Energy Act of 2008, the portion of the year after such date, and

"(B) in the case of the taxable year including the date which is 1 year after such date of enactment, the portion of the year on or before such later date.".

(b) MINIMUM TAX.—Subsection (b) of section 55 is amended by adding at the end the following paragraph:

"(4) MAXIMUM RATE OF TAX ON QUALIFIED TIMBER GAIN OF CORPORATIONS.—In the case of any taxable year to which section 1201(b) applies, the amount determined under clause (i) of subparagraph (B) shall not exceed the sum of—

"(A) 20 percent of so much of the taxable excess (if any) as exceeds the qualified timber gain (or, if less, the net capital gain), plus

"(B) 15 percent of the taxable excess in excess of the amount on which a tax is determined under subparagraph (A).

Any term used in this paragraph which is also used in section 1201 shall have the meaning given such term by such section, except to the extent such term is subject to adjustment under this part.".

(c) CONFORMING AMENDMENT.—Section 857(b)(3)(A)(ii) is amended by striking "rate" and inserting "rates".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of enactment.

SEC. 15312. TIMBER REIT MODERNIZATION.

(a) IN GENERAL.—Section 856(c)(5) is amended by adding after subparagraph (G) the following new subparagraph:

"(H) TREATMENT OF TIMBER GAINS.—

"(i) IN GENERAL.—Gain from the sale of real property described in paragraph (2)(D) and (3)(C) shall include gain which is—

"(I) recognized by an election under section 631(a) from timber owned by the real estate investment trust, the cutting of which is provided by a taxable REIT subsidiary of the real estate investment trust;

"(II) recognized under section 631(b); or

"(III) income which would constitute gain under subclause (I) or (II) but for the failure to meet the 1-year holding period requirement.

"(ii) SPECIAL RULES.—

"(I) For purposes of this subtitle, cut timber, the gain from which is recognized by a real estate investment trust pursuant to an election under section 631(a) described in clause (i)(I) or so much of clause (i)(III) as relates to clause (i)(I), shall be deemed to be sold to the taxable REIT subsidiary of the real estate investment trust on the first day of the taxable year.

"(II) For purposes of this subtitle, income described in this subparagraph shall not be treated as gain from the sale of property described in section 1221(a)(1).

"(iii) TERMINATION.—This subparagraph shall not apply to dispositions after the termination date.".

(b) TERMINATION DATE.—Subsection (c) of section 856 is amended by adding at the end the following new paragraph:

"(8) TERMINATION DATE.—For purposes of this subsection, the term 'termination date' means, with respect to any taxpayer, the last day of the taxpayer's first taxable year beginning after the date of the enactment of this paragraph and before the date that is 1 year after such date of enactment.".

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15313. MINERAL ROYALTY INCOME QUALIFYING INCOME FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(2) is amended by striking "and" at the end of subparagraph (G), by inserting "and" at the end of subparagraph (H), and by adding after subparagraph (H) the following new subparagraph:

"(I) mineral royalty income earned in the first taxable year beginning after the date of the enactment of this subparagraph from real property owned by a timber real estate investment trust and held, or once held, in connection with the trade or business of producing timber by such real estate investment trust;".

(b) TIMBER REAL ESTATE INVESTMENT TRUST.—Section 856(c)(5), as amended by this Act, is amended by adding after subparagraph (H) the following new subparagraph:

"(I) TIMBER REAL ESTATE INVESTMENT TRUST.—The term 'timber real estate investment trust' means a real estate investment trust in which more than 50 percent in value of its total assets consists of real property held in connection with the trade or business of producing timber.".

(c) EFFECTIVE DATE.—The amendments by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15314. MODIFICATION OF TAXABLE REIT SUBSIDIARY ASSET TEST FOR TIMBER REITS.

(a) IN GENERAL.—Section 856(c)(4)(B)(ii) is amended by inserting "(in the case of a quarter which closes on or before the termination date, 25 percent in the case of a timber real estate investment trust)" after "REIT subsidiaries".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 15315. SAFE HARBOR FOR TIMBER PROPERTY.

(a) IN GENERAL.—Section 857(b)(6) (relating to income from prohibited transactions) is amended by adding at the end the following new subparagraph:

"(G) SPECIAL RULES FOR SALES TO QUALIFIED ORGANIZATIONS.—

"(i) IN GENERAL.—In the case of the sale of a real estate asset (as defined in section 856(c)(5)(B)) to a qualified organization (as defined in section 170(h)(3)) exclusively for conservation purposes (within the meaning of section 170(h)(1)(C)), subparagraph (D) shall be applied—

"(I) by substituting '2 years' for '4 years' in clause (i), and

"(II) by substituting '2-year period' for '4-year period' in clauses (ii) and (iii).

"(ii) TERMINATION.—This subparagraph shall not apply to sales after the termination date.".

(b) PROHIBITED TRANSACTIONS.—Section 857(b)(6)(D)(v) is amended by inserting ", or, in the case of a sale on or before the termination date, a taxable REIT subsidiary" after "any income".

(c) SALES THAT ARE NOT PROHIBITED TRANSACTIONS.—Section 857(b)(6), as amended by subsection (a), is amended by adding at the end the following new subparagraph:

"(H) SALES OF PROPERTY THAT ARE NOT A PROHIBITED TRANSACTION.—In the case of a sale on or before the termination date, the sale of property which is not a prohibited transaction through the application of subparagraph (D) shall be considered property held for investment or for use in a trade or business and not property described in section 1221(a)(1) for all purposes of this subtitle.".

(d) TERMINATION DATE.—Section 857(b)(6), as amended by subsections (a) and (c), is amended by adding at the end the following new subparagraph:

"(I) TERMINATION DATE.—For purposes of this paragraph, the term 'termination date' has the meaning given such term by section 856(c)(8).".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to dispositions in taxable years beginning after the date of the enactment of this Act.

SEC. 15316. QUALIFIED FORESTRY CONSERVATION BONDS.

(a) IN GENERAL.—Part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new subpart:

"Subpart I—Qualified Tax Credit Bonds

"Sec. 54A. Credit to holders of qualified tax credit bonds.
"Sec. 54B. Qualified forestry conservation bonds.

"SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED TAX CREDIT BONDS.

"(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified tax credit bond on one or more credit allowance dates of the bond during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tax credit bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tax credit bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (2), the applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified tax credit bonds with a specified maturity or redemption date without discount and without interest cost to the qualified issuer. The applicable credit rate with respect to any qualified tax credit bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than subpart C and this subpart).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year (determined before the application of paragraph (1) for such succeeding taxable year).

"(d) QUALIFIED TAX CREDIT BOND.—For purposes of this section—

"(1) QUALIFIED TAX CREDIT BOND.—The term 'qualified tax credit bond' means a qualified forestry conservation bond which is part of an issue that meets the requirements of paragraphs (2), (3), (4), (5), and (6).

"(2) SPECIAL RULES RELATING TO EXPENDITURES.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if, as of the date of issuance, the issuer reasonably expects—

"(i) 100 percent or more of the available project proceeds to be spent for 1 or more qualified purposes within the 3-year period beginning on such date of issuance, and

"(ii) a binding commitment with a third party to spend at least 10 percent of such available project proceeds will be incurred within the 6-month period beginning on such date of issuance.

"(B) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 3 YEARS.—

"(i) IN GENERAL.—To the extent that less than 100 percent of the available project proceeds of the issue are expended by the close of the expenditure period for 1 or more qualified purposes, the issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

"(ii) EXPENDITURE PERIOD.—For purposes of this subpart, the term 'expenditure period' means, with respect to any issue, the 3-year period beginning on the date of issuance. Such term shall include any extension of such period under clause (iii).

"(iii) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the expenditure period (determined without regard to any extension under this clause), the Secretary may extend such period if the issuer establishes that the failure to expend the proceeds within the original expenditure period is due to reasonable cause and the expenditures for qualified purposes will continue to proceed with due diligence.

"(C) QUALIFIED PURPOSE.—For purposes of this paragraph, the term 'qualified purpose' means a purpose specified in section 54B(e).

"(D) REIMBURSEMENT.—For purposes of this subtitle, available project proceeds of an issue shall be treated as spent for a qualified purpose if such proceeds are used to reimburse the issuer for amounts paid for a qualified purpose after the date that the Secretary makes an allocation of bond limitation with respect to such issue, but only if—

"(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified tax credit bond,

"(ii) not later than 60 days after payment of the original expenditure, the issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

"(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

"(3) REPORTING.—An issue shall be treated as meeting the requirements of this paragraph if the issuer of qualified tax credit bonds submits reports similar to the reports required under section 149(e).

"(4) SPECIAL RULES RELATING TO ARBITRAGE.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if

the issuer satisfies the requirements of section 148 with respect to the proceeds of the issue.

"(B) SPECIAL RULE FOR INVESTMENTS DURING EXPENDITURE PERIOD.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any investment of available project proceeds during the expenditure period.

"(C) SPECIAL RULE FOR RESERVE FUNDS.—An issue shall not be treated as failing to meet the requirements of subparagraph (A) by reason of any fund which is expected to be used to repay such issue if—

"(i) such fund is funded at a rate not more rapid than equal annual installments,

"(ii) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue, and

"(iii) the yield on such fund is not greater than the discount rate determined under paragraph (5)(B) with respect to the issue.

"(5) MATURITY LIMITATION.—

"(A) IN GENERAL.—An issue shall be treated as meeting the requirements of this paragraph if the maturity of any bond which is part of such issue does not exceed the maximum term determined by the Secretary under subparagraph (B).

"(B) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

"(6) PROHIBITION ON FINANCIAL CONFLICTS OF INTEREST.—An issue shall be treated as meeting the requirements of this paragraph if the issuer certifies that—

"(A) applicable State and local law requirements governing conflicts of interest are satisfied with respect to such issue, and

"(B) if the Secretary prescribes additional conflicts of interest rules governing the appropriate Members of Congress, Federal, State, and local officials, and their spouses, such additional rules are satisfied with respect to such issue.

"(e) OTHER DEFINITIONS.—For purposes of this subchapter—

"(1) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(2) BOND.—The term 'bond' includes any obligation.

"(3) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

"(4) AVAILABLE PROJECT PROCEEDS.—The term 'available project proceeds' means—

"(A) the excess of—

"(i) the proceeds from the sale of an issue, over

"(ii) the issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds), and

"(B) the proceeds from any investment of the excess described in subparagraph (A).

"(f) CREDIT TREATED AS INTEREST.—For purposes of this subtitle, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

"(g) S CORPORATIONS AND PARTNERSHIPS.—In the case of a tax credit bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of such corporation or partners of such partnership shall be treated as a distribution.

"(h) BONDS HELD BY REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—If any qualified tax credit bond is held by a regulated investment company or a real estate investment trust, the credit determined under subsection (a) shall be allowed to shareholders of such company or beneficiaries of such trust (and any gross income included under subsection (f) with respect to such credit shall be treated as distributed to such shareholders or beneficiaries) under procedures prescribed by the Secretary.

"(i) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tax credit bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tax credit bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"SEC. 54B. QUALIFIED FORESTRY CONSERVATION BONDS.

"(a) QUALIFIED FORESTRY CONSERVATION BOND.—For purposes of this subchapter, the term 'qualified forestry conservation bond' means any bond issued as part of an issue if—

"(1) 100 percent of the available project proceeds of such issue are to be used for one or more qualified forestry conservation purposes,

"(2) the bond is issued by a qualified issuer, and

"(3) the issuer designates such bond for purposes of this section.

"(b) LIMITATION ON AMOUNT OF BONDS DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under subsection (a) by any issuer shall not exceed the limitation amount allocated to such issuer under subsection (d).

"(c) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified forestry conservation bond limitation of $500,000,000.

"(d) ALLOCATIONS.—

"(1) IN GENERAL.—The Secretary shall make allocations of the amount of the national qualified forestry conservation bond limitation described in subsection (c) among qualified forestry conservation purposes in such manner as the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date which is 24 months after the date of the enactment of this section.

"(2) SOLICITATION OF APPLICATIONS.—The Secretary shall solicit applications for allocations of the national qualified forestry conservation bond limitation described in subsection (c) not later than 90 days after the date of the enactment of this section.

"(e) QUALIFIED FORESTRY CONSERVATION PURPOSE.—For purposes of this section, the term 'qualified forestry conservation purpose' means the acquisition by a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)) from an unrelated person of forest and forest land that meets the following qualifications:

"(1) Some portion of the land acquired must be adjacent to United States Forest Service Land.

"(2) At least half of the land acquired must be transferred to the United States Forest Service at no net cost to the United States and not more than half of the land acquired may either remain with or be conveyed to a State.

"(3) All of the land must be subject to a native fish habitat conservation plan approved by the United States Fish and Wildlife Service.

"(4) The amount of acreage acquired must be at least 40,000 acres.

"(f) QUALIFIED ISSUER.—For purposes of this section, the term 'qualified issuer' means a State or any political subdivision or instrumentality thereof or a 501(c)(3) organization (as defined in section 150(a)(4)).

"(g) SPECIAL ARBITRAGE RULE.—In the case of any qualified forestry conservation bond issued as part of an issue, section 54A(d)(4)(C) shall be applied to such issue without regard to clause (i).

"(h) ELECTION TO TREAT 50 PERCENT OF BOND ALLOCATION AS PAYMENT OF TAX.—

"(1) IN GENERAL.—If—

"(A) a qualified issuer receives an allocation of any portion of the national qualified forestry conservation bond limitation described in subsection (c), and

"(B) the qualified issuer elects the application of this subsection with respect to such allocation,

then the qualified issuer (without regard to whether the issuer is subject to tax under this chapter) shall be treated as having made a payment against the tax imposed by this chapter, for the taxable year preceding the taxable year in which the allocation is received, in an amount equal to 50 percent of the amount of such allocation.

"(2) TREATMENT OF DEEMED PAYMENT.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, the Secretary shall not use the payment of tax described in paragraph (1) as an offset or credit against any tax liability of the qualified issuer but shall refund such payment to such issuer.

"(B) NO INTEREST.—Except as provided in paragraph (3)(A), the payment described in paragraph (1) shall not be taken into account in determining any amount of interest under this title.

"(3) REQUIREMENT FOR, AND EFFECT OF, ELECTION.—

"(A) REQUIREMENT.—No election under this subsection shall take effect unless the qualified issuer certifies to the Secretary that any payment of tax refunded to the issuer under this subsection will be used exclusively for 1 or more qualified forestry conservation purposes. If the qualified issuer fails to use any portion of such payment for such purpose, the issuer shall be liable to the United States in an amount equal to such portion, plus interest at the overpayment rate under section 6621 for the period from the date such portion was refunded to the date such amount is paid. Any such amount shall be assessed and collected in the same manner as tax imposed by this chapter, except that subchapter B of chapter 63 (relating to deficiency procedures) shall not apply in respect of such assessment or collection.

"(B) EFFECT OF ELECTION ON ALLOCATION.—If a qualified issuer makes the election under this subsection with respect to any allocation—

"(i) the issuer may issue no bonds pursuant to the allocation, and

"(ii) the Secretary may not reallocate such allocation for any other purpose.".

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

"(9) REPORTING OF CREDIT ON QUALIFIED TAX CREDIT BONDS.—

"(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(e)(1)).

"(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A) of this paragraph, subsection (b)(4) of this section shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i).

"(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.".

(c) CONFORMING AMENDMENTS.—

(1) Sections 54(c)(2) and 1400N(l)(3)(B) are each amended by striking "subpart C" and inserting "subparts C and I".

(2) Section 1397E(c)(2) is amended by striking "subpart H" and inserting "subparts H and I".

(3) Section 6401(b)(1) is amended by striking "and H" and inserting "H, and I".

(4) The heading of subpart H of part IV of subchapter A of chapter 1 is amended by striking "**Certain Bonds**" and inserting "**Clean Renewable Energy Bonds**".

(5) The table of subparts for part IV of subchapter A of chapter 1 is amended by striking the item relating to subpart H and inserting the following new items:

"SUBPART H. NONREFUNDABLE CREDIT TO HOLDERS OF CLEAN RENEWABLE ENERGY BONDS.

"SUBPART I. QUALIFIED TAX CREDIT BONDS.".

(6) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by striking "or 6428 or 53(e)" and inserting ", 53(e), 54B(h), or 6428".

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

PART II—ENERGY PROVISIONS

Subpart A—Cellulosic Biofuel

SEC. 15321. CREDIT FOR PRODUCTION OF CELLULOSIC BIOFUEL.

(a) IN GENERAL.—Subsection (a) of section 40 (relating to alcohol used as fuel) is amended by striking "plus" at the end of paragraph (1), by striking "plus" at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting ", plus", and by adding at the end the following new paragraph:

"(4) the cellulosic biofuel producer credit.".

(b) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

(1) IN GENERAL.—Subsection (b) of section 40 is amended by adding at the end the following new paragraph:

"(6) CELLULOSIC BIOFUEL PRODUCER CREDIT.—

"(A) IN GENERAL.—The cellulosic biofuel producer credit of any taxpayer is an amount equal to the applicable amount for each gallon of qualified cellulosic biofuel production.

"(B) APPLICABLE AMOUNT.—For purposes of subparagraph (A), the applicable amount means $1.01, except that such amount shall, in the case of cellulosic biofuel which is alcohol, be reduced by the sum of—

"(i) the amount of the credit in effect for such alcohol under subsection (b)(1) (without regard to subsection (b)(3)) at the time of the qualified cellulosic biofuel production, plus

"(ii) in the case of ethanol, the amount of the credit in effect under subsection (b)(4) at the time of such production.

"(C) QUALIFIED CELLULOSIC BIOFUEL PRODUCTION.—For purposes of this section, the term 'qualified cellulosic biofuel production' means any cellulosic biofuel which is produced by the taxpayer, and which during the taxable year—

"(i) is sold by the taxpayer to another person—

"(I) for use by such other person in the production of a qualified cellulosic biofuel mixture in such other person's trade or business (other than casual off-farm production),

"(II) for use by such other person as a fuel in a trade or business, or

"(III) who sells such cellulosic biofuel at retail to another person and places such cellulosic biofuel in the fuel tank of such other person, or

"(ii) is used or sold by the taxpayer for any purpose described in clause (i).

The qualified cellulosic biofuel production of any taxpayer for any taxable year shall not include any alcohol which is purchased by the taxpayer and with respect to which such producer increases the proof of the alcohol by additional distillation.

"(D) QUALIFIED CELLULOSIC BIOFUEL MIXTURE.—For purposes of this paragraph, the term 'qualified cellulosic biofuel mixture' means a mixture of cellulosic biofuel and gasoline or of cellulosic biofuel and a special fuel which—

"(i) is sold by the person producing such mixture to any person for use as a fuel, or

"(ii) is used as a fuel by the person producing such mixture.

"(E) CELLULOSIC BIOFUEL.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'cellulosic biofuel' means any liquid fuel which—

"(I) is produced from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, and

"(II) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545).

"(ii) EXCLUSION OF LOW-PROOF ALCOHOL.—Such term shall not include any alcohol with a proof of less than 150. The determination of the proof of any alcohol shall be made without regard to any added denaturants.

"(F) ALLOCATION OF CELLULOSIC BIOFUEL PRODUCER CREDIT TO PATRONS OF COOPERATIVE.—Rules similar to the rules under subsection (g)(6) shall apply for purposes of this paragraph.

"(G) REGISTRATION REQUIREMENT.—No credit shall be determined under this paragraph with respect to any taxpayer unless such taxpayer is registered with the Secretary as a producer of cellulosic biofuel under section 4101.

"(H) APPLICATION OF PARAGRAPH.—This paragraph shall apply with respect to qualified cellulosic biofuel production after December 31, 2008, and before January 1, 2013.".

(2) TERMINATION DATE NOT TO APPLY.—Subsection (e) of section 40 (relating to termination) is amended—

(A) by inserting "or subsection (b)(6)(H)" after "by reason of paragraph (1)" in paragraph (2), and

(B) by adding at the end the following new paragraph:

"(3) EXCEPTION FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—Paragraph (1) shall not apply to the portion of the credit allowed under this section by reason of subsection (a)(4).".

(3) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 4101(a) is amended—

(i) by striking "and every person" and inserting ", every person", and

(ii) by inserting ", and every person producing cellulosic biofuel (as defined in section 40(b)(6)(E))" after "section 6426(b)(4)(A))".

(B) The heading of section 40, and the item relating to such section in the table of sections for subpart D of part IV of subchapter A of chapter 1, are each amended by inserting ", etc.," after "Alcohol".

(c) BIOFUEL NOT USED AS A FUEL, ETC.—

(1) IN GENERAL.—Paragraph (3) of section 40(d) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) CELLULOSIC BIOFUEL PRODUCER CREDIT.—If—

"(i) any credit is allowed under subsection (a)(4), and

"(ii) any person does not use such fuel for a purpose described in subsection (b)(6)(C),

then there is hereby imposed on such person a tax equal to the applicable amount (as defined in subsection (b)(6)(B)) for each gallon of such cellulosic biofuel.".

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (C) of section 40(d)(3) is amended by striking "PRODUCER" in the heading and inserting "SMALL ETHANOL PRODUCER".

(B) Subparagraph (E) of section 40(d)(3), as redesignated by paragraph (1), is amended by striking "or (C)" and inserting "(C), or (D)".

(d) BIOFUEL PRODUCED IN THE UNITED STATES.—Section 40(d) is amended by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR CELLULOSIC BIOFUEL PRODUCER CREDIT.—No cellulosic biofuel producer credit shall be determined under subsection (a) with respect to any cellulosic biofuel unless such cellulosic biofuel is produced in the United States and used as a fuel in the United States. For purposes of this subsection, the term 'United States' includes any possession of the United States.".

(e) WAIVER OF CREDIT LIMIT FOR CELLULOSIC BIOFUEL PRODUCTION BY SMALL ETHANOL PRODUCERS.—Section 40(b)(4)(C) is amended by inserting "(determined without regard to any qualified cellulosic biofuel production)" after "15,000,000 gallons".

(f) DENIAL OF DOUBLE BENEFIT.—

(1) BIODIESEL.—Paragraph (1) of section 40A(d) is amended by adding at the end the following new flush sentence:

"Such term shall not include any liquid with respect to which a credit may be determined under section 40.".

(2) RENEWABLE DIESEL.—Paragraph (3) of section 40A(f) is amended by adding at the end the following new flush sentence:

"Such term shall not include any liquid with respect to which a credit may be determined under section 40.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel produced after December 31, 2008.

SEC. 15322. COMPREHENSIVE STUDY OF BIOFUELS.

(a) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Agriculture, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine—

(1) current biofuels production, as well as projections for future production,

(2) the maximum amount of biofuels production capable in United States forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels,

(3) the domestic effects of an increase in biofuels production levels, including the effects of such levels on—

(A) the price of fuel,

(B) the price of land in rural and suburban communities,

(C) crop acreage, forest acreage, and other land use,

(D) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors,

(E) the price of feed,

(F) the selling price of grain crops and forest products,

(G) exports and imports of grains and forest products,

(H) taxpayers, through cost or savings to commodity crop payments, and

(I) the expansion of refinery capacity,

(4) the ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel,

(5) a comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation,

(6) the impact of the tax credit established by this subpart on the regional agricultural and silvicultural capabilities of commercially available forest inventories, and

(7) the need for additional scientific inquiry, and specific areas of interest for future research.

(b) REPORT.—The Secretary of the Treasury shall submit an initial report of the findings of the study required under subsection (a) to Congress not later than 6 months after the date of the enactment of this Act (36 months after such date in the case of the information required by subsection (a)(6)), and a final report not later than 12 months after such date (42 months after such date in the case of the information required by subsection (a)(6)).

Subpart B—Revenue Provisions

SEC. 15331. MODIFICATION OF ALCOHOL CREDIT.

(a) INCOME TAX CREDIT.—

(1) IN GENERAL.—The table in paragraph (2) of section 40(h) is amended—

(A) by striking "through 2010" in the first column and inserting ", 2006, 2007, or 2008",

(B) by striking the period at the end of the third row, and

(C) by adding at the end the following new row:

"2009 through 2010 ... 45 cents ... 33.33 cents.".

(2) EXCEPTION.—Section 40(h) is amended by adding at the end the following new paragraph:

"(3) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—

"(A) IN GENERAL.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in subparagraph (B) with respect to all preceding calendar years beginning after 2007, the last row in the table in paragraph (2) shall be applied by substituting '51 cents' for '45 cents'.

"(B) DETERMINATION.—A determination described in this subparagraph with respect to any calendar year is a determination, in consultation with the Administrator of the Environmental Protection Agency, that an amount less than 7,500,000,000 gallons of ethanol (including cellulosic ethanol) has been produced in or imported into the United States in such year.".

(b) EXCISE TAX CREDIT.—

(1) IN GENERAL.—Subparagraph (A) of section 6426(b)(2) (relating to alcohol fuel mixture credit) is amended by striking "the applicable amount is 51 cents" and inserting "the applicable amount is—

"(i) in the case of calendar years beginning before 2009, 51 cents, and

"(ii) in the case of calendar years beginning after 2008, 45 cents.".

(2) EXCEPTION.—Paragraph (2) of section 6426(b) is amended by adding at the end the following new subparagraph:

"(C) REDUCTION DELAYED UNTIL ANNUAL PRODUCTION OR IMPORTATION OF 7,500,000,000 GALLONS.—In the case of any calendar year beginning after 2008, if the Secretary makes a determination described in section 40(h)(3)(B) with respect to all preceding calendar years beginning after 2007, subparagraph (A)(ii) shall be applied by substituting '51 cents' for '45 cents'."

(3) CONFORMING AMENDMENT.—Subparagraph (A) of section 6426(b)(2) is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 15332. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking "5 percent" and inserting "2 percent".

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 15333. ETHANOL TARIFF EXTENSION.

Headings 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States are each amended in the effective period column by striking "1/1/2009" and inserting "1/1/2011".

SEC. 15334. LIMITATIONS ON DUTY DRAWBACK ON CERTAIN IMPORTED ETHANOL.

(a) IN GENERAL.—Section 313(p) of the Tariff Act of 1930 (19 U.S.C. 1313(p)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULES FOR ETHYL ALCOHOL.—For purposes of this subsection, any duty paid under subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States on imports of ethyl alcohol or a mixture of ethyl alcohol may not be refunded if the exported article upon which a drawback claim is based does not contain ethyl alcohol or a mixture of ethyl alcohol.".

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to—

(1) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, on or after October 1, 2008; and

(2) imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, before October 1, 2008, if a duty drawback claim is filed with respect to such imports on or after October 1, 2010.

PART III—AGRICULTURAL PROVISIONS

SEC. 15341. INCREASE IN LOAN LIMITS ON AGRICULTURAL BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 147(c)(2) (relating to exception for first-time farmers) is amended by striking "$250,000" and inserting "$450,000".

(b) INFLATION ADJUSTMENT.—Section 147(c)(2) is amended by adding at the end the following new subparagraph:

"(H) ADJUSTMENTS FOR INFLATION.—In the case of any calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as increased under the preceding sentence is not a multiple of $100, such amount shall be rounded to the nearest multiple of $100.".

(c) MODIFICATION OF SUBSTANTIAL FARMLAND DEFINITION.—Section 147(c)(2)(E) (defining substantial farmland) is amended by striking "unless" and all that follows through the period and inserting "unless such parcel is smaller than 30 percent of the median size of a farm in the county in which such parcel is located.".

(d) CONFORMING AMENDMENT.—Section 147(c)(2)(C)(i)(II) is amended by striking "$250,000" and inserting "the amount in effect under subparagraph (A)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 15342. ALLOWANCE OF SECTION 1031 TREATMENT FOR EXCHANGES INVOLVING CERTAIN MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.

(a) IN GENERAL.—Section 1031 (relating to exchange of property held for productive use or investment) is amended by adding at the end the following new subsection:

"(i) SPECIAL RULES FOR MUTUAL DITCH, RESERVOIR, OR IRRIGATION COMPANY STOCK.—For purposes of subsection (a)(2)(B), the term 'stocks' shall not include shares in a mutual ditch, reservoir, or irrigation company if at the time of the exchange—

"(1) the mutual ditch, reservoir, or irrigation company is an organization described in section 501(c)(12)(A) (determined without regard to the percentage of its income that is collected from its members for the purpose of meeting losses and expenses), and

"(2) the shares in such company have been recognized by the highest court of the State in which such company was organized or by applicable State statute as constituting or representing real property or an interest in real property.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to exchanges completed after the date of the enactment of this Act.

SEC. 15343. AGRICULTURAL CHEMICALS SECURITY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits) is amended by adding at the end the following new section:

"SEC. 45O. AGRICULTURAL CHEMICALS SECURITY CREDIT.

"(a) IN GENERAL.—For purposes of section 38, in the case of an eligible agricultural business, the agricultural chemicals security credit determined under this section for the taxable year is 30 percent of the qualified security expenditures for the taxable year.

"(b) FACILITY LIMITATION.—The amount of the credit determined under subsection (a) with respect to any facility for any taxable year shall not exceed—

"(1) $100,000, reduced by

"(2) the aggregate amount of credits determined under subsection (a) with respect to such facility for the 5 prior taxable years.

"(c) ANNUAL LIMITATION.—The amount of the credit determined under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $2,000,000.

"(d) QUALIFIED CHEMICAL SECURITY EXPENDITURE.—For purposes of this section, the term 'qualified chemical security expenditure' means, with respect to any eligible agricultural business for any taxable year, any amount paid or incurred by such business during such taxable year for—

"(1) employee security training and background checks,

"(2) limitation and prevention of access to controls of specified agricultural chemicals stored at the facility,

"(3) tagging, locking tank valves, and chemical additives to prevent the theft of specified agricultural chemicals or to render such chemicals unfit for illegal use,

"(4) protection of the perimeter of specified agricultural chemicals,

"(5) installation of security lighting, cameras, recording equipment, and intrusion detection sensors,

"(6) implementation of measures to increase computer or computer network security,

"(7) conducting a security vulnerability assessment,

"(8) implementing a site security plan, and

"(9) such other measures for the protection of specified agricultural chemicals as the Secretary may identify in regulation.

Amounts described in the preceding sentence shall be taken into account only to the extent that such amounts are paid or incurred for the purpose of protecting specified agricultural chemicals.

"(e) ELIGIBLE AGRICULTURAL BUSINESS.—For purposes of this section, the term 'eligible agricultural business' means any person in the trade or business of—

"(1) selling agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers, or

"(2) manufacturing, formulating, distributing, or aerially applying specified agricultural chemicals.

"(f) SPECIFIED AGRICULTURAL CHEMICAL.—For purposes of this section, the term 'specified agricultural chemical' means—

"(1) any fertilizer commonly used in agricultural operations which is listed under—

"(A) section 302(a)(2) of the Emergency Planning and Community Right-to-Know Act of 1986,

"(B) section 101 of part 172 of title 49, Code of Federal Regulations, or

"(C) part 126, 127, or 154 of title 33, Code of Federal Regulations, and

"(2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act), including all active and inert ingredients thereof, which is customarily used on crops grown for food, feed, or fiber.

"(g) CONTROLLED GROUPS.—Rules similar to the rules of paragraphs (1) and (2) of section 41(f) shall apply for purposes of this section.

"(h) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations which—

"(1) provide for the proper treatment of amounts which are paid or incurred for purpose of protecting any specified agricultural chemical and for other purposes, and

"(2) provide for the treatment of related properties as one facility for purposes of subsection (b).

"(i) TERMINATION.—This section shall not apply to any amount paid or incurred after December 31, 2012.".

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end the following new paragraph:

"(32) in the case of an eligible agricultural business (as defined in section 45O(e)), the agricultural chemicals security credit determined under section 45O(a).".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C is amended by adding at the end the following new subsection:

"(f) CREDIT FOR SECURITY OF AGRICULTURAL CHEMICALS.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction taken into account in determining the credit under section 45O for the taxable year which is equal to the amount of the credit determined for such taxable year under section 45O(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45O. Agricultural chemicals security credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SEC. 15344. 3-YEAR DEPRECIATION FOR RACE HORSES THAT ARE 2-YEARS OLD OR YOUNGER.

(a) IN GENERAL.—Clause (i) of section 168(e)(3)(A) (relating to 3-year property) is amended to read as follows:

"(i) any race horse—

"(I) which is placed in service before January 1, 2014, and

"(II) which is placed in service after December 31, 2013, and which is more than 2 years old at the time such horse is placed in service by such purchaser,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after December 31, 2008.

SEC. 15345. TEMPORARY TAX RELIEF FOR KIOWA COUNTY, KANSAS AND SURROUNDING AREA.

(a) IN GENERAL.—Subject to the modifications described in this section, the following provisions of or relating to the Internal Revenue Code of 1986 shall apply to the Kansas disaster area in addition to the areas to which such provisions otherwise apply:

(1) Section 1400N(d) of such Code (relating to special allowance for certain property).

(2) Section 1400N(e) of such Code (relating to increase in expensing under section 179).

(3) Section 1400N(f) of such Code (relating to expensing for certain demolition and clean-up costs).

(4) Section 1400N(k) of such Code (relating to treatment of net operating losses attributable to storm losses).

(5) Section 1400N(n) of such Code (relating to treatment of representations regarding income eligibility for purposes of qualified rental project requirements).

(6) Section 1400N(o) of such Code (relating to treatment of public utility property disaster losses).

(7) Section 1400Q of such Code (relating to special rules for use of retirement funds).

(8) Section 1400R(a) of such Code (relating to employee retention credit for employers).

(9) Section 1400S(b) of such Code (relating to suspension of certain limitations on personal casualty losses).

(10) Section 405 of the Katrina Emergency Tax Relief Act of 2005 (relating to extension of replacement period for nonrecognition of gain).

(b) KANSAS DISASTER AREA.—For purposes of this section, the term "Kansas disaster area" means an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA–1699–DR, as in effect on the date of the enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to such storms and tornados.

(c) REFERENCES TO AREA OR LOSS.—

(1) AREA.—Any reference in such provisions to the Katrina disaster area or the Gulf Opportunity Zone shall be treated as a reference to the Kansas disaster area.

(2) LOSS.—Any reference in such provisions to any loss or damage attributable to Hurricane Katrina shall be treated as a reference to any loss or damage attributable to the May 4, 2007, storms and tornados.

(d) REFERENCES TO DATES, ETC.—

(1) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED ON OR AFTER MAY 5, 2007.—Section 1400N(d) of such Code—

(A) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" each place it appears,

(B) by substituting "May 5, 2007" for "August 28, 2005" each place it appears,

(C) by substituting "December 31, 2008" for "December 31, 2007" in paragraph (2)(A)(v),

(D) by substituting "December 31, 2009" for "December 31, 2008" in paragraph (2)(A)(v),

(E) by substituting "May 4, 2007" for "August 27, 2005" in paragraph (3)(A),

(F) by substituting "January 1, 2009" for "January 1, 2008" in paragraph (3)(B), and

(G) determined without regard to paragraph (6) thereof.

(2) INCREASE IN EXPENSING UNDER SECTION 179.—Section 1400N(e) of such Code, by substituting "qualified section 179 Recovery Assistance property" for "qualified section 179 Gulf Opportunity Zone property" each place it appears.

(3) EXPENSING FOR CERTAIN DEMOLITION AND CLEAN-UP COSTS.—Section 1400N(f) of such Code—

(A) by substituting "qualified Recovery Assistance clean-up cost" for "qualified Gulf Opportunity Zone clean-up cost" each place it appears, and

(B) by substituting "beginning on May 4, 2007, and ending on December 31, 2009" for "beginning on August 28, 2005, and ending on December 31, 2007" in paragraph (2) thereof.

(4) TREATMENT OF NET OPERATING LOSSES ATTRIBUTABLE TO STORM LOSSES.—Section 1400N(k) of such Code—

(A) by substituting "qualified Recovery Assistance loss" for "qualified Gulf Opportunity Zone loss" each place it appears,

(B) by substituting "after May 3, 2007, and before on January 1, 2010" for "after August 27, 2005, and before January 1, 2008" each place it appears,

(C) by substituting "May 4, 2007" for "August 28, 2005" in paragraph (2)(B)(ii)(I) thereof,

(D) by substituting "qualified Recovery Assistance property" for "qualified Gulf Opportunity Zone property" in paragraph (2)(B)(iv) thereof, and

(E) by substituting "qualified Recovery Assistance casualty loss" for "qualified Gulf Opportunity Zone casualty loss" each place it appears.

(5) SPECIAL RULES FOR USE OF RETIREMENT FUNDS.—Section 1400Q of such Code—

(A) by substituting "qualified Recovery Assistance distribution" for "qualified hurricane distribution" each place it appears,

(B) by substituting "on or after May 4, 2007, and before January 1, 2009" for "on or after August 25, 2005, and before January 1, 2007" in subsection (a)(4)(A)(i),

(C) by substituting "May 4, 2007" for "August 28, 2005" in subsections (a)(4)(A)(i) and (c)(3)(B),

(D) disregarding clauses (ii) and (iii) of subsection (a)(4)(A),

(E) by substituting "qualified storm distribution" for "qualified Katrina distribution" each place it appears,

(F) by substituting "after November 4, 2006, and before May 5, 2007" for "after February 28, 2005, and before August 29, 2005'' in subsection (b)(2)(B)(ii),

(G) by substituting ''the Kansas disaster area (as defined in section 15345(b) of the Food, Conservation, and Energy Act of 2008) but which was not so purchased or constructed on account of the May 4, 2007, storms and tornados'' for ''the Hurricane Katrina disaster area, but not so purchased or constructed on account of Hurricane Katrina'' in subsection (b)(2)(B)(iii),

(H) by substituting ''beginning on May 4, 2007, and ending on the date which is 5 months after the date of the enactment of the Heartland, Habitat, Harvest, and Horticulture Act of 2008'' for ''beginning on August 25, 2005, and ending on February 28, 2006'' in subsection (b)(3)(A),

(I) by substituting ''qualified storm individual'' for ''qualified Hurricane Katrina individual'' each place it appears,

(J) by substituting ''December 31, 2008'' for ''December 31, 2006'' in subsection (c)(2)(A),

(K) by substituting ''beginning on the date of the enactment of the Food, Conservation, and Energy Act of 2008 and ending on December 31, 2008'' for ''beginning on September 24, 2005, and ending on December 31, 2006'' in subsection (c)(4)(A)(i),

(L) by substituting ''May 4, 2007'' for ''August 25, 2005'' in subsection (c)(4)(A)(ii), and

(M) by substituting ''January 1, 2009'' for ''January 1, 2007'' in subsection (d)(2)(A)(ii).

(6) EMPLOYEE RETENTION CREDIT FOR EMPLOYERS AFFECTED BY MAY 4 STORMS AND TORNADOS.—Section 1400R(a) of the Internal Revenue Code of 1986—

(A) by substituting ''May 4, 2007'' for ''August 28, 2005'' each place it appears,

(B) by substituting ''January 1, 2008'' for ''January 1, 2006'' both places it appears, and

(C) only with respect to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

(7) SUSPENSION OF CERTAIN LIMITATIONS ON PERSONAL CASUALTY LOSSES.—Section 1400S(b)(1) of the Internal Revenue Code of 1986, by substituting ''May 4, 2007'' for ''August 25, 2005''.

(8) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Section 405 of the Katrina Emergency Tax Relief Act of 2005, by substituting ''on or after May 4, 2007'' for ''on or after August 25, 2005''.

SEC. 15346. COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.

(a) IN GENERAL.—Section 48A (relating to qualifying advanced coal project credit) is amended by adding at the end the following new subsection:

''(h) COMPETITIVE CERTIFICATION AWARDS MODIFICATION AUTHORITY.—In implementing this section or section 48B, the Secretary is directed to modify the terms of any competitive certification award and any associated closing agreement where such modification—

''(1) is consistent with the objectives of such section,

''(2) is requested by the recipient of the competitive certification award, and

''(3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base,

unless the Secretary determines that the dollar amount of tax credits available to the taxpayer under such section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary shall consult with other relevant Federal agencies, including the Department of Energy.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act and is applicable to all competitive certification awards entered into under section 48A or 48B of the Internal Revenue Code of 1986, whether such awards were issued before, on, or after such date of enactment.

PART IV—OTHER REVENUE PROVISIONS

SEC. 15351. LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.

(a) IN GENERAL.—Section 461 (relating to general rule for taxable year of deduction) is amended by adding at the end the following new subsection:

''(j) LIMITATION ON EXCESS FARM LOSSES OF CERTAIN TAXPAYERS.—

''(1) LIMITATION.—If a taxpayer other than a C corporation receives any applicable subsidy for any taxable year, any excess farm loss of the taxpayer for the taxable year shall not be allowed.

''(2) DISALLOWED LOSS CARRIED TO NEXT TAXABLE YEAR.—Any loss which is disallowed under paragraph (1) shall be treated as a deduction of the taxpayer attributable to farming businesses in the next taxable year.

''(3) APPLICABLE SUBSIDY.—For purposes of this subsection, the term 'applicable subsidy' means—

''(A) any direct or counter-cyclical payment under title I of the Food, Conservation, and Energy Act of 2008, or any payment elected to be received in lieu of any such payment, or

''(B) any Commodity Credit Corporation loan.

''(4) EXCESS FARM LOSS.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'excess farm loss' means the excess of—

''(i) the aggregate deductions of the taxpayer for the taxable year which are attributable to farming businesses of such taxpayer (determined without regard to whether or not such deductions are disallowed for such taxable year under paragraph (1)), over

''(ii) the sum of—

''(I) the aggregate gross income or gain of such taxpayer for the taxable year which is attributable to such farming businesses, plus

''(II) the threshold amount for the taxable year.

''(B) THRESHOLD AMOUNT.—

''(i) IN GENERAL.—The term 'threshold amount' means, with respect to any taxable year, the greater of—

''(I) $300,000 ($150,000 in the case of married individuals filing separately), or

''(II) the excess (if any) of the aggregate amounts described in subparagraph (A)(ii)(I) for the 5-consecutive taxable year period preceding the taxable year over the aggregate amounts described in subparagraph (A)(i) for such period.

''(ii) SPECIAL RULES FOR DETERMINING AGGREGATE AMOUNTS.—For purposes of clause (i)(II)—

''(I) notwithstanding the disregard in subparagraph (A)(i) of any disallowance under paragraph (1), in the case of any loss which is carried forward under paragraph (2) from any taxable year, such loss (or any portion thereof) shall be taken into account for the first taxable year in which a deduction for such loss (or portion) is not disallowed by reason of this subsection, and

''(II) the Secretary shall prescribe rules for the computation of the aggregate amounts described in such clause in cases where the filing status of the taxpayer is not the same for the taxable year and each of the taxable years in the period described in such clause.

''(C) FARMING BUSINESS.—

''(i) IN GENERAL.—The term 'farming business' has the meaning given such term in section 263A(e)(4).

''(ii) CERTAIN TRADES AND BUSINESSES INCLUDED.—If, without regard to this clause, a taxpayer is engaged in a farming business with respect to any agricultural or horticultural commodity—

''(I) the term 'farming business' shall include any trade or business of the taxpayer of the processing of such commodity (without regard to whether the processing is incidental to the growing, raising, or harvesting of such commodity), and

''(II) if the taxpayer is a member of a cooperative to which subchapter T applies, any trade or business of the cooperative described in subclause (I) shall be treated as the trade or business of the taxpayer.

''(D) CERTAIN LOSSES DISREGARDED.—For purposes of subparagraph (A)(i), there shall not be taken into account any deduction for any loss arising by reason of fire, storm, or other casualty, or by reason of disease or drought, involving any farming business.

''(5) APPLICATION OF SUBSECTION IN CASE OF PARTNERSHIPS AND S CORPORATIONS.—In the case of a partnership or S corporation—

''(A) this subsection shall be applied at the partner or shareholder level, and

''(B) each partner's or shareholder's proportionate share of the items of income, gain, or deduction of the partnership or S corporation for any taxable year from farming businesses attributable to the partnership or S corporation, and of any applicable subsidies received by the partnership or S corporation during the taxable year, shall be taken into account by the partner or shareholder in applying this subsection to the taxable year of such partner or shareholder with or within which the taxable year of the partnership or S corporation ends.

The Secretary may provide rules for the application of this paragraph to any other pass-thru entity to the extent necessary to carry out the provisions of this subsection.

''(6) ADDITIONAL REPORTING.—The Secretary may prescribe such additional reporting requirements as the Secretary determines appropriate to carry out the purposes of this subsection.

''(7) COORDINATION WITH SECTION 469.—This subsection shall be applied before the application of section 469.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2009.

SEC. 15352. MODIFICATION TO OPTIONAL METHOD OF COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) IN GENERAL.—The matter following paragraph (17) of section 1402(a) is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 1402 is amended by adding at the end the following new subsection:

''(l) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

''(1) LOWER LIMIT.—The lower limit for any taxable year is the sum of the amounts required under section 213(d) of the Social Security Act for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

''(2) UPPER LIMIT.—The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.''.

(b) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) IN GENERAL.—The matter following paragraph (16) of section 211(a) of the Social Security Act is amended—

(A) by striking ''$2,400'' each place it appears and inserting ''the upper limit'', and

(B) by striking ''$1,600'' each place it appears and inserting ''the lower limit''.

(2) DEFINITIONS.—Section 211 of such Act is amended by adding at the end the following new subsection:

"(k) UPPER AND LOWER LIMITS.—For purposes of subsection (a)—

"(1) The lower limit for any taxable year is the sum of the amounts required under section 213(d) for a quarter of coverage in effect with respect to each calendar quarter ending with or within such taxable year.

"(2) The upper limit for any taxable year is the amount equal to 150 percent of the lower limit for such taxable year.".

(3) CONFORMING AMENDMENT.—Section 212 of such Act is amended—

(A) in subsection (b), by striking "For" and inserting "Except as provided in subsection (c), for"; and

(B) by adding at the end the following new subsection:

"(c) For the purpose of determining average indexed monthly earnings, average monthly wage, and quarters of coverage in the case of any individual who elects the option described in clause (ii) or (iv) in the matter following section 211(a)(16) for any taxable year that does not begin with or during a particular calendar year and end with or during such year, the self-employment income of such individual deemed to be derived during such taxable year shall be allocated to the two calendar years, portions of which are included within such taxable year, in the same proportion to the total of such deemed self-employment income as the sum of the amounts applicable under section 213(d) for the calendar quarters ending with or within each such calendar year bears to the lower limit for such taxable year specified in section 211(k)(1).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 15353. INFORMATION REPORTING FOR COMMODITY CREDIT CORPORATION TRANSACTIONS.

(a) IN GENERAL.—Subpart A of part III of subchapter A of chapter 61 (relating to information concerning persons subject to special provisions) is amended by inserting after section 6039I the following new section:

"SEC. 6039J. INFORMATION REPORTING WITH RESPECT TO COMMODITY CREDIT CORPORATION TRANSACTIONS.

"(a) REQUIREMENT OF REPORTING.—The Commodity Credit Corporation, through the Secretary of Agriculture, shall make a return, according to the forms and regulations prescribed by the Secretary of the Treasury, setting forth any market gain realized by a taxpayer during the taxable year in relation to the repayment of a loan issued by the Commodity Credit Corporation, without regard to the manner in which such loan was repaid.

"(b) STATEMENTS TO BE FURNISHED TO PERSONS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—The Secretary of Agriculture shall furnish to each person whose name is required to be set forth in a return required under subsection (a) a written statement showing the amount of market gain reported in such return.".

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6039I the following new item:

"Sec. 6039J. Information reporting with respect to Commodity Credit Corporation transactions.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to loans repaid on or after January 1, 2007.

PART V—PROTECTION OF SOCIAL SECURITY

SEC. 15361. PROTECTION OF SOCIAL SECURITY.

To ensure that the assets of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401) are not reduced as a result of the enactment of this Act, the Secretary of the Treasury shall transfer annually from the general revenues of the Federal Government to those trust funds the following amounts:

(1) For fiscal year 2009, $5,000,000.
(2) For fiscal year 2010, $9,000,000.
(3) For fiscal year 2011, $8,000,000.
(4) For fiscal year 2012, $7,000,000.
(5) For fiscal year 2013, $8,000,000.
(6) For fiscal year 2014, $8,000,000.
(7) For fiscal year 2015, $8,000,000.
(8) For fiscal year 2016, $6,000,000.
(9) For fiscal year 2017, $7,000,000.

Subtitle D—Trade Provisions

PART I—EXTENSION OF CERTAIN TRADE BENEFITS

SEC. 15401. SHORT TITLE.

This part may be cited as the "Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008" or the "HOPE II Act".

SEC. 15402. BENEFITS FOR APPAREL AND OTHER TEXTILE ARTICLES.

(a) VALUE-ADDED RULE.—Section 213A(b) of the Carribean Basin Economic Recovery Act (19 U.S.C. 2703a(b)) is amended as follows:

(1) The subsection heading is amended to read as follows: "APPAREL AND OTHER TEXTILE ARTICLES".

(2) Paragraph (1) is amended to read as follows:

"(1) VALUE-ADDED RULE FOR APPAREL ARTICLES.—

"(A) IN GENERAL.—Apparel articles described in subparagraph (B) of a producer or entity controlling production that are imported directly from Haiti or the Dominican Republic shall enter the United States free of duty during an applicable 1-year period, subject to the limitations set forth in subparagraphs (B) and (C), and subject to subparagraph (D).".

(3) Paragraph (2) is amended—

(A) in subparagraph (A)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i), by striking "subparagraph (C)" and inserting "clause (iii)";

(iii) in clause (ii), by striking "subparagraph (C)" and inserting "clause (iii)";

(iv) in the matter following clause (ii), by striking "subparagraph (E)(I)" and inserting "clause (v)(I)";

(v) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(vi) by redesignating subparagraph (A) as clause (i);

(B) in subparagraph (B)—

(i) by moving such subparagraph 2 ems to the right;

(ii) by striking "subparagraph (A)(i)" each place it appears and inserting "clause (i)(I)";

(iii) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively; and

(iv) by redesignating subparagraph (B) as clause (ii);

(C) in subparagraph (C)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in the matter preceding clause (i), by striking "subparagraph (A)" and inserting "clause (i)";

(iii) in clause (ii), by striking "that enters into force" and all that follows through "et seq.)" and inserting "that enters into force thereafter";

(iv) by redesignating clauses (i) through (v) as subclauses (I) through (V), respectively; and

(v) by redesignating subparagraph (C) as clause (iii);

(D) in subparagraph (D)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking "subparagraph (A)" and inserting "clause (i)";

(II) in subclause (I), by striking "clause (i) of subparagraph (A)" and inserting "subclause (I) of clause (i)";

(III) in subclause (II), by striking "clause (ii) of subparagraph (A)" and inserting "subclause (II) of clause (i)";

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I), by striking "subparagraph (A)" and inserting "clause (i)";

(II) in subclause (I), by striking "clause (i) of subparagraph (A)" and inserting "subclause (I) of clause (i)";

(III) in subclause (II), by striking "clause (ii) of subparagraph (A)" and inserting "subclause (II) of clause (i)";

(IV) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(V) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) by striking "clause (i)(I) or (ii)(I)" each place it appears and inserting "subclause (I)(aa) or (II)(aa)";

(II) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(III) by redesignating clause (iii) as subclause (III);

(v) by amending clause (iv) to read as follows:

"(IV) INCLUSION IN CALCULATION OF OTHER ARTICLES RECEIVING PREFERENTIAL TREATMENT.—Entries of apparel articles that receive preferential treatment under any provision of law other than this subparagraph or are subject to the 'General' column 1 rate of duty under the HTS are not included in the annual aggregation under subclause (I) or (II) unless the producer or entity controlling production elects, at the time the annual aggregation calculation is made, to include such entries in such aggregation."; and

(vi) by redesignating subparagraph (D) as clause (iv);

(E) in subparagraph (E)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively; and

(II) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) by striking "subparagraph (C)" and inserting "clause (iii)"; and

(II) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (E) as clause (v);

(F) in subparagraph (F)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) by striking "The Bureau of Customs and Border Protection" and inserting "U.S. Customs and Border Protection";

(II) by striking "subparagraphs (A) and (D)" and inserting "clauses (i) and (iv)"; and

(III) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in the matter preceding subclause (I)—

(aa) by striking "the Bureau of Customs and Border Protection" and inserting "U.S. Customs and Border Protection";

(bb) by striking "subparagraph (A)" each place it appears and inserting "clause (i)"; and

(cc) by striking "subparagraph (D)" and inserting "clause (iv)";

(II) in subclause (I), by striking "clause (i) of subparagraph (A)" and inserting "subclause (I) of clause (i)";

(III) in subclause (II), by striking "clause (ii) of subparagraph (A)" and inserting "subclause (II) of clause (i)";

(IV) in the matter following subclause (II), by striking "subparagraph (E)(i)" and inserting "clause (v)(I)";

(V) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VI) by redesignating clause (ii) as subclause (II);

(iv) in clause (iii)—

(I) in subclause (I)—

(aa) by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(bb) by striking "subparagraph (A) or (D)" and inserting "clause (i) or (iv)";

(II) in subclause (II), by striking "clause (ii) of this subparagraph" and inserting "subclause (II) of this clause";

(III) in the matter following subclause (II)—

(aa) by striking "the Bureau of Customs and Border Protection" each place it appears and inserting "U.S. Customs and Border Protection"; and

(bb) by striking "subclause (II)" and inserting "item (bb)"; and

(IV) in item (bb)—

(aa) by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(bb) by striking "subparagraph (A) or (D)" and inserting "clause (i) or (iv)"; and

(V) in the matter following item (bb), by striking "paragraph (1)" and inserting "subparagraph (A)";

(VI) by redesignating items (aa) and (bb) as subitems (AA) and (BB), respectively;

(VII) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(VIII) by redesignating clause (iii) as subclause (III); and

(v) by redesignating subparagraph (F) as clause (vi);

(G) in subparagraph (G)—

(i) by moving such subparagraph 2 ems to the right;

(ii) in clause (i)—

(I) in the matter preceding subclause (I), by striking "subparagraph (A) or (D)" and inserting "clause (i) or (iv)";

(II) in subclause (II)—

(aa) in item (dd), by striking "under the Bipartisan Trade Promotion Authority Act of 2002" and inserting "with respect to the United States"; and

(bb) by redesignating items (aa) through (dd) as subitems (AA) through (DD), respectively;

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (i) as subclause (I);

(iii) in clause (ii)—

(I) in subclause (I), by striking "clause (i)(I)" and inserting "subclause (I)(aa)";

(II) in subclause (II), by striking "clause (i)(II)" and inserting "subclause (I)(bb)";

(III) by redesignating subclauses (I) and (II) as items (aa) and (bb), respectively; and

(IV) by redesignating clause (ii) as subclause (II); and

(iv) by redesignating subparagraph (G) as clause (vii); and

(H) by striking "(2) APPAREL ARTICLES DESCRIBED.—" and inserting the following:

"(B) APPAREL ARTICLES DESCRIBED.—".

(4) Paragraph (3) is amended—

(A) by redesignating such paragraph as subparagraph (C) and moving it 2 ems to the right;

(B) by striking "paragraph (1)" each place it appears and inserting "subparagraph (A)"; and

(C) in the table—

(i) by striking "1.5 percent" and inserting "1.25 percent";

(ii) by striking "1.75 percent" and inserting "1.25 percent"; and

(iii) by striking "2 percent" and inserting "1.25 percent".

(5) The following is added after subparagraph (C), as redesignated by paragraph (4)(A) of this subsection:

"(D) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATIONS.—Any apparel article that qualifies for preferential treatment under paragraph (2), (3), (4), or (5) or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitations under subparagraph (C).".

(b) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—Section 213A(b) of the Carribean Basin Economic Recovery Act is amended by striking paragraph (4) and inserting the following:

"(2) SPECIAL RULE FOR WOVEN ARTICLES AND CERTAIN KNIT ARTICLES.—

"(A) SPECIAL RULE FOR ARTICLES OF CHAPTER 62 OF THE HTS.—

"(i) GENERAL RULE.—Any apparel article classifiable under chapter 62 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii) and (iii), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(ii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

"(iii) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (B) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (ii).

"(B) SPECIAL RULE FOR CERTAIN ARTICLES OF CHAPTER 61 OF THE HTS.—

"(i) GENERAL RULE.—Any apparel article classifiable under chapter 61 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, subject to clauses (ii), (iii), and (iv), without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(ii) EXCLUSIONS.—The preferential treatment described in clause (i) shall not apply to the following:

"(I) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6109.10.00 of the HTS:

"(aa) All white T-shirts, with short hemmed sleeves and hemmed bottom, with crew or round neckline or with V-neck and with a mitered seam at the center of the V, and without pockets, trim, or embroidery.

"(bb) All white singlets, without pockets, trim, or embroidery.

"(cc) Other T-shirts, but not including thermal undershirts.

"(II) T-shirts for men or boys that are classifiable under subheading 6109.90.10.

"(III) The following apparel articles of cotton, for men or boys, that are classifiable under subheading 6110.20.20 of the HTS:

"(aa) Sweatshirts.

"(bb) Pullovers, other than sweaters, vests, or garments imported as part of playsuits.

"(IV) Sweatshirts for men or boys, of man-made fibers and containing less than 65 percent by weight of man-made fibers, that are classifiable under subheading 6110.30.30 of the HTS.

"(iii) LIMITATION.—The preferential treatment described in clause (i) shall be extended, in the 1-year period beginning October 1, 2008, and in each of the 9 succeeding 1-year periods, to not more than 70,000,000 square meter equivalents of apparel articles described in such clause.

"(iv) OTHER PREFERENTIAL TREATMENT NOT AFFECTED BY QUANTITATIVE LIMITATION.—Any apparel article that qualifies for preferential treatment under paragraph (1), (3), (4), or (5) or subparagraph (A) of this paragraph or any other provision of this title shall not be subject to, or included in the calculation of, the quantitative limitation under clause (iii).".

(c) SINGLE TRANSFORMATION RULES NOT SUBJECT TO QUANTITATIVE LIMITATIONS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by striking paragraph (5) and inserting the following:

"(3) APPAREL AND OTHER ARTICLES SUBJECT TO CERTAIN ASSEMBLY RULES.—

"(A) BRASSIERES.—Any apparel article classifiable under subheading 6212.10 of the HTS that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(B) OTHER APPAREL ARTICLES.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

"(i) Any apparel article that is of a type listed in chapter rule 3, 4, or 5 for chapter 61 of the HTS (as such chapter rules are contained in section A of the Annex to Proclamation 8213 of the President of December 20, 2007) as being excluded from the scope of such chapter rule, when such chapter rule is applied to determine whether an apparel article is an originating good for purposes of general note 29(n) to the HTS, except that, for purposes of this clause, reference in such chapter rules to '6104.12.00' shall be deemed to be a reference to '6104.19.60'.

"(ii)(I) Subject to subclause (II), any apparel article that is of a type listed in chapter rule 3(a), 4(a), or 5(a) for chapter 62 of the HTS, as such chapter rules are contained in paragraph 9 of section A of the Annex to Proclamation 8213 of the President of December 20, 2007.

"(II) Subclause (I) shall not include any apparel article to which subparagraph (A) of this paragraph applies.

"(C) LUGGAGE AND SIMILAR ITEMS.—Any article classifiable under subheading 4202.12, 4202.22, 4202.32 or 4202.92 of the HTS that is wholly assembled in Haiti and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, components, or materials from which the article is made.

"(D) HEADGEAR.—Any article classifiable under heading 6501, 6502, or 6504 of the HTS, or under subheading 6505.90 of the HTS, that is wholly assembled, knit-to-shape, or formed in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made.

"(E) CERTAIN SLEEPWEAR.—Any of the following apparel articles that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the article is made:

"(i) Pajama bottoms and other sleepwear for women and girls, of cotton, that are classifiable under subheading 6208.91.30, or of man-made fibers, that are classifiable under subheading 6208.92.00.

"(ii) Pajama bottoms and other sleepwear for girls, of other textile materials, that are classifiable under subheading 6208.99.20.".

(d) EARNED IMPORT ALLOWANCE RULES.—Section 231A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following new paragraph:

"(4) EARNED IMPORT ALLOWANCE RULE.—

"(A) IN GENERAL.—Apparel articles wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabric, fabric components, components knit-to-shape, or yarns from which the articles are made, if such apparel articles are accompanied by an earned import allowance certificate that reflects the amount of credits equal to the total square meter equivalents of such apparel articles, in accordance with the program established under subparagraph (B). For purposes of determining the quantity of square meter equivalents under this subparagraph, the conversion factors listed in 'Correlation: U.S. Textile and Apparel Industry Category System with the Harmonized Tariff Schedule of the United States of America, 2008', or its successor publications, of the United States Department of Commerce, shall apply.

"(B) EARNED IMPORT ALLOWANCE PROGRAM.—

"(i) ESTABLISHMENT.—The Secretary of Commerce shall establish a program to provide earned import allowance certificates to any producer or entity controlling production for purposes of subparagraph (A), based on the elements described in clause (ii).

"(ii) ELEMENTS.—The elements referred to in clause (i) are the following:

"(I) One credit shall be issued to a producer or an entity controlling production for every three square meter equivalents of qualifying woven fabric or qualifying knit fabric that the producer or entity controlling production can demonstrate that it purchased for the manufacture in Haiti of articles like or similar to any article eligible for preferential treatment under subparagraph (A). The Secretary of Commerce shall, if requested by a producer or entity controlling production, create and maintain an account for such producer or entity controlling production, into which such credits shall be deposited.

"(II) Such producer or entity controlling production may redeem credits issued under subclause (I) for earned import allowance certificates reflecting such number of earned credits as the producer or entity may request and has available.

"(III) The Secretary of Commerce may require any textile mill or other entity located in the United States that exports to Haiti qualifying woven fabric or qualifying knit fabric to submit, upon such export or upon request, documentation, such as a Shipper's Export Declaration, to the Secretary of Commerce—

"(aa) verifying that the qualifying woven fabric or qualifying knit fabric was exported to a producer in Haiti or to an entity controlling production; and

"(bb) identifying such producer or entity controlling production, and the quantity and description of qualifying woven fabric or qualifying knit fabric exported to such producer or entity controlling production.

"(IV) The Secretary of Commerce may require that a producer or entity controlling production submit documentation to verify purchases of qualifying woven fabric or qualifying knit fabric.

"(V) The Secretary of Commerce may make available to each person or entity identified in documentation submitted under subclause (III) or (IV) information contained in such documentation that relates to the purchase of qualifying woven fabric or qualifying knit fabric involving such person or entity.

"(VI) The program under this subparagraph shall be established so as to allow, to the extent feasible, the submission, storage, retrieval, and disclosure of information in electronic format, including information with respect to the earned import allowance certificates required under subparagraph (A)(i).

"(VII) The Secretary of Commerce may reconcile discrepancies in information provided under subclause (III) or (IV) and verify the accuracy of such information.

"(VIII) The Secretary of Commerce shall establish procedures to carry out the program under this subparagraph and may establish additional requirements to carry out this subparagraph. Such additional requirements may include—

"(aa) submissions by textile mills or other entities in the United States documenting exports of yarns wholly formed in the United States to countries described in paragraph (1)(B)(iii) for the manufacture of qualifying knit fabric; and

"(bb) procedures imposed on producers or entities controlling production to allow the Secretary of Commerce to obtain and verify information relating to the production of qualifying knit fabric.

"(iii) QUALIFYING WOVEN FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying woven fabric' means fabric wholly formed in the United States from yarns wholly formed in the United States, except that—

"(I) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying woven fabric because the fabric contains nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

"(II) fabric that would otherwise be ineligible as qualifying woven fabric because the fabric contains yarns not wholly formed in the United States shall not be ineligible as qualifying woven fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric; and

"(III) fabric otherwise eligible as qualifying woven fabric shall not be ineligible as qualifying fabric because the fabric contains yarns covered by clause (i) or (ii) of paragraph (5)(A).

"(iv) QUALIFYING KNIT FABRIC DEFINED.—For purposes of this subparagraph, the term 'qualifying knit fabric' means fabric or knit-to-shape components wholly formed or knit-to-shape in any country or any combination of countries described in paragraph (1)(B)(iii), from yarns wholly formed in the United States, except that—

"(I) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain nylon filament yarn to which section 213(b)(2)(A)(vii)(IV) applies;

"(II) fabric or knit-to-shape components that would otherwise be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns not wholly formed in the United States shall not be ineligible as qualifying knit fabric if the total weight of all such yarns is not more than 10 percent of the total weight of the fabric or knit-to-shape components; and

"(III) fabric or knit-to-shape components otherwise eligible as qualifying knit fabric shall not be ineligible as qualifying knit fabric because the fabric or knit-to-shape components contain yarns covered by clause (i) or (ii) of paragraph (5)(A).

"(C) REVIEW BY UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE.—The United States Government Accountability Office shall review the program established under subparagraph (B) annually for the purpose of evaluating the effectiveness of, and making recommendations for improvements in, the program.

"(D) ENFORCEMENT PROVISIONS.—

"(i) FRAUDULENT CLAIMS OF PREFERENCE.—Any person who makes a false claim for preference under the program established under subparagraph (B) shall be subject to any applicable civil or criminal penalty that may be imposed under the customs laws of the United States or under title 18, United States Code.

"(ii) PENALTIES FOR OTHER FRAUDULENT INFORMATION.—The Secretary of Commerce may establish and impose penalties for the submission to the Secretary of Commerce of fraudulent information under the program established under subparagraph (B), other than a claim described in clause (i).".

(e) SHORT SUPPLY RULES.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

"(5) SHORT SUPPLY PROVISION.—

"(A) IN GENERAL.—Any apparel article that is wholly assembled, or knit-to-shape, in Haiti from any combination of fabrics, fabric components, components knit-to-shape, or yarns and is imported directly from Haiti or the Dominican Republic shall enter the United States free of duty, without regard to the source of the fabrics, fabric components, components knit-to-shape, or yarns from which the article is made, if the fabrics, fabric components, components knit-to-shape, or yarns comprising the component that determines the tariff classification of the article are of any of the following:

"(i) Fabrics or yarns, to the extent that apparel articles of such fabrics or yarns would be eligible for preferential treatment, without regard to the source of the fabrics or yarns, under Annex 401 of the NAFTA.

"(ii) Fabrics or yarns, to the extent that such fabrics or yarns are designated as not being available in commercial quantities for purposes of—

"(I) section 213(b)(2)(A)(v) of this Act;

"(II) section 112(b)(5) of the African Growth and Opportunity Act;

"(III) clause (i)(III) or (ii) of section 204(b)(3)(B) of the Andean Trade Preference Act; or

"(IV) any other provision, relating to determining whether a textile or apparel article is an originating good eligible for preferential treatment, of a law that implements a free trade agreement entered into by the United States that is in effect at the time the claim for preferential treatment is made.

"(B) REMOVAL OF DESIGNATION OF FABRICS OR YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES.—If the President determines that—

"(i) any fabric or yarn described in clause (i) of subparagraph (A) was determined to be eligible for preferential treatment, or

"(ii) any fabric or yarn described in clause (ii) of subparagraph (A) was designated as not being available in commercial quantities,

on the basis of fraud, the President is authorized to remove the eligibility or designation (as the case may be) of that fabric or yarn with respect to articles entered after such removal.".

(f) MISCELLANEOUS PROVISIONS.—

(1) RELATIONSHIP TO OTHER PREFERENTIAL PROGRAMS.—Section 213A(b) of the Caribbean Basin Economic Recovery Act is amended by adding at the end the following:

"(6) OTHER PREFERENTIAL TREATMENT NOT AFFECTED.—The duty-free treatment provided under this subsection is in addition to any other preferential treatment under this title.".

(2) DEFINITIONS.—Section 213A(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(a)) is amended by adding at the end the following:

"(3) IMPORTED DIRECTLY FROM HAITI OR THE DOMINICAN REPUBLIC.—Articles are 'imported directly from Haiti or the Dominican Republic' if—

"(A) the articles are shipped directly from Haiti or the Dominican Republic into the United States without passing through the territory of any intermediate country; or

"(B) the articles are shipped from Haiti or the Dominican Republic into the United States through the territory of an intermediate country, and—

"(i) the articles in the shipment do not enter into the commerce of any intermediate country, and the invoices, bills of lading, and other shipping documents specify the United States as the final destination; or

"(ii) the invoices and other documents do not specify the United States as the final destination, but the articles in the shipment—

"(I) remain under the control of the customs authority in the intermediate country;

"(II) do not enter into the commerce of the intermediate country except for the purpose of a sale other than at retail; and

"(III) have not been subjected to operations in the intermediate country other than loading, unloading, or other activities necessary to preserve the articles in good condition.

"(4) KNIT-TO-SHAPE.—A good is 'knit-to-shape' if 50 percent or more of the exterior surface area of the good is formed by major parts that have been knitted or crocheted directly to the shape used in the good, with no consideration being given to patch pockets, appliqués, or the like. Minor cutting, trimming, or sewing of those major parts shall not affect the determination of whether a good is 'knit-to-shape.'

"(5) WHOLLY ASSEMBLED.—A good is 'wholly assembled' in Haiti if all components, of which there must be at least two, pre-existed in essentially the same condition as found in the finished good and were combined to form the finished good in Haiti. Minor attachments and minor embellishments (for example, appliqués, beads, spangles, embroidery, and buttons) not appreciably affecting the identity of the good, and minor subassemblies (for example, collars, cuffs, plackets, and pockets), shall not affect the determination of whether a good is 'wholly assembled' in Haiti.".

(g) TERMINATION.—Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a) is amended by adding at the end the following new subsection:

"(g) TERMINATION.—Except as provided in subsection (b)(1), the duty-free treatment provided under this section shall remain in effect until September 30, 2018.".

(h) CONFORMING AMENDMENTS.—Subsection (e)(1) of section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(e)(1)) is amended by striking "the Bureau of Customs and Border Protection" each place it appears and inserting "U.S. Customs and Border Protection".

SEC. 15403. LABOR OMBUDSMAN AND TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.

Section 213A of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a), as amended by section 15402 of this Act, is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (5) as paragraph (8);

(B) by redesignating paragraphs (2) through (4) as paragraphs (4) through (6), respectively;

(C) by inserting after paragraph (1) the following new paragraphs:

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—. The term "appropriate congressional committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

"(3) CORE LABOR STANDARDS.—The term "core labor standards" means—

"(A) freedom of association;

"(B) the effective recognition of the right to bargain collectively;

"(C) the elimination of all forms of compulsory or forced labor;

"(D) the effective abolition of child labor and a prohibition on the worst forms of child labor; and

"(E) the elimination of discrimination in respect of employment and occupation."; and

(D) by inserting after paragraph (6) (as redesignated) the following new paragraph:

"(7) TAICNAR PROGRAM.—The term 'TAICNAR Program' means the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program established pursuant to subsection (e).";

(2) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(3) by inserting after subsection (d) the following new subsection:

"(e) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

"(1) CONTINUED ELIGIBILITY FOR PREFERENCES.—

"(A) PRESIDENTIAL CERTIFICATION OF COMPLIANCE BY HAITI WITH REQUIREMENTS.—Upon the expiration of the 16-month period beginning on the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, Haiti shall continue to be eligible for the preferential treatment provided under subsection (b) only if the President determines and certifies to the Congress that—

"(i) Haiti has implemented the requirements set forth in paragraphs (2) and (3); and

"(ii) Haiti has agreed to require producers of articles for which duty-free treatment may be requested under subsection (b) to participate in the TAICNAR Program described in paragraph (3) and has developed a system to ensure participation in such program by such producers, including by developing and maintaining the registry described in paragraph (2)(B)(i).

"(B) EXTENSION.—The President may extend the period for compliance by Haiti under subparagraph (A) if the President—

"(i) determines that Haiti has made a good faith effort toward such compliance and has agreed to take additional steps to come into full compliance that are satisfactory to the President; and

"(ii) provides to the appropriate congressional committees, not later than 6 months after the last day of the 16-month period specified in subparagraph (A), and every 6 months thereafter, a report identifying the steps that Haiti has agreed to take to come into full compliance and the progress made over the preceding 6-month period in implementing such steps.

"(C) CONTINUING COMPLIANCE.—

"(i) TERMINATION OF PREFERENTIAL TREATMENT.—If, after making a certification under subparagraph (A), the President determines that Haiti is no longer meeting the requirements set forth in subparagraph (A), the President shall terminate the preferential treatment provided under subsection (b), unless the President determines, after consulting with the appropriate congressional committees, that meeting such requirements is not practicable because of extraordinary circumstances existing in Haiti when the determination is made.

"(ii) SUBSEQUENT COMPLIANCE.—If the President, after terminating preferential treatment under clause (i), determines that Haiti is meeting the requirements set forth in subparagraph (A), the President shall reinstate the application of preferential treatment under subsection (b).

"(2) LABOR OMBUDSMAN.—

"(A) IN GENERAL.—The requirement under this paragraph is that Haiti has established an independent Labor Ombudsman's Office within the national government that—

"(i) reports directly to the President of Haiti;

"(ii) is headed by a Labor Ombudsman chosen by the President of Haiti, in consultation with Haitian labor unions and industry associations; and

"(iii) is vested with the authority to perform the functions described in subparagraph (B).

"(B) FUNCTIONS.—The functions of the Labor Ombudsman's Office shall include—

"(i) developing and maintaining a registry of producers of articles for which duty-free treatment may be requested under subsection (b), and developing, in consultation and coordination with any other appropriate officials of the Government of Haiti, a system to ensure participation by such producers in the TAICNAR Program described in paragraph (3);

"(ii) overseeing the implementation of the TAICNAR Program described in paragraph (3);

"(iii) receiving and investigating comments from any interested party regarding the conditions described in paragraph (3)(B) in facilities of producers listed in the registry described in clause (i) and, where appropriate, referring such comments or the result of such investigations to the appropriate Haitian authorities, or to the entity operating the TAICNAR Program described in paragraph (3);

"(iv) assisting, in consultation and coordination with any other appropriate Haitian authorities, producers listed in the registry described in clause (i) in meeting the conditions set forth in paragraph (3)(B); and

"(v) coordinating, with the assistance of the entity operating the TAICNAR Program described in paragraph (3), a tripartite committee comprised of appropriate representatives of government agencies, employers, and workers, as well as other relevant interested parties, for the purposes of evaluating progress in implementing the TAICNAR Program described in paragraph (3), and consulting on improving core labor standards and working conditions in the textile and apparel sector in Haiti, and on other matters of common concern relating to such core labor standards and working conditions.

"(3) TECHNICAL ASSISTANCE IMPROVEMENT AND COMPLIANCE NEEDS ASSESSMENT AND REMEDIATION PROGRAM.—

"(A) IN GENERAL.—The requirement under this paragraph is that Haiti, in cooperation with the International Labor Organization, has established a Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program meeting the requirements under subparagraph (C)—

"(i) to assess compliance by producers listed in the registry described in paragraph (2)(B)(i)

with the conditions set forth in subparagraph (B) and to assist such producers in meeting such conditions; and

"(ii) to provide assistance to improve the capacity of the Government of Haiti—

"(I) to inspect facilities of producers listed in the registry described in paragraph (2)(B)(i); and

"(II) to enforce national labor laws and resolve labor disputes, including through measures described in subparagraph (E).

"(B) CONDITIONS DESCRIBED.—The conditions referred to in subparagraph (A) are—

"(i) compliance with core labor standards; and

"(ii) compliance with the labor laws of Haiti that relate directly to core labor standards and to ensuring acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety.

"(C) REQUIREMENTS.—The requirements for the TAICNAR Program are that the program—

"(i) be operated by the International Labor Organization (or any subdivision, instrumentality, or designee thereof), which prepares the biannual reports described in subparagraph (D);

"(ii) be developed through a participatory process that includes the Labor Ombudsman described in paragraph (2) and appropriate representatives of government agencies, employers, and workers;

"(iii) assess compliance by each producer listed in the registry described in paragraph (2)(B)(i) with the conditions set forth in subparagraph (B) and identify any deficiencies by such producer with respect to meeting such conditions, including by—

"(I) conducting unannounced site visits to manufacturing facilities of the producer;

"(II) conducting confidential interviews separately with workers and management of the facilities of the producer;

"(III) providing to management and workers, and where applicable, worker organizations in the facilities of the producer, on a confidential basis—

"(aa) the results of the assessment carried out under this clause; and

"(bb) specific suggestions for remediating any such deficiencies;

"(iv) assist the producer in remediating any deficiencies identified under clause (iii);

"(v) conduct prompt follow-up site visits to the facilities of the producer to assess progress on remediation of any deficiencies identified under clause (iii); and

"(vi) provide training to workers and management of the producer, and where appropriate, to other persons or entities, to promote compliance with subparagraph (B).

"(D) BIANNUAL REPORT.—The biannual reports referred to in subparagraph (C)(i) are a report, by the entity operating the TAICNAR Program, that is published (and available to the public in a readily accessible manner) on a biannual basis, beginning 6 months after Haiti implements the TAICNAR Program under this paragraph, covering the preceding 6-month period, and that includes the following:

"(i) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having met the conditions under subparagraph (B).

"(ii) The name of each producer listed in the registry described in paragraph (2)(B)(i) that has been identified as having deficiencies with respect to the conditions under subparagraph (B), and has failed to remedy such deficiencies.

"(iii) For each producer listed under clause (ii)—

"(I) a description of the deficiencies found to exist and the specific suggestions for remediating such deficiencies made by the entity operating the TAICNAR Program;

"(II) a description of the efforts by the producer to remediate the deficiencies, including a description of assistance provided by any entity to assist in such remediation; and

"(III) with respect to deficiencies that have not been remediated, the amount of time that has elapsed since the deficiencies were first identified in a report under this subparagraph.

"(iv) For each producer identified as having deficiencies with respect to the conditions described under subparagraph (B) in a prior report under this subparagraph, a description of the progress made in remediating such deficiencies since the submission of the prior report, and an assessment of whether any aspect of such deficiencies persists.

"(E) CAPACITY BUILDING.—The assistance to the Government of Haiti referred to in subparagraph (A)(ii) shall include programs—

"(i) to review the labor laws and regulations of Haiti and to develop and implement strategies for bringing the laws and regulations into conformity with core labor standards;

"(ii) to develop additional strategies for facilitating protection of core labor standards and providing acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health, including through legal, regulatory, and institutional reform;

"(iii) to increase awareness of worker rights, including under core labor standards and national labor laws;

"(iv) to promote consultation and cooperation between government representatives, employers, worker representatives, and United States importers on matters relating to core labor standards and national labor laws;

"(v) to assist the Labor Ombudsman appointed pursuant to paragraph (2) in establishing and coordinating operation of the committee described in paragraph (2)(B)(v);

"(vi) to assist worker representatives in more fully and effectively advocating on behalf of their members; and

"(vii) to provide on-the-job training and technical assistance to labor inspectors, judicial officers, and other relevant personnel to build their capacity to enforce national labor laws and resolve labor disputes.

"(4) COMPLIANCE WITH ELIGIBILITY CRITERIA.—

"(A) COUNTRY COMPLIANCE WITH WORKER RIGHTS ELIGIBILITY CRITERIA.—In making a determination of whether Haiti is meeting the requirement set forth in subsection (d)(1)(A)(vi) relating to internationally recognized worker rights, the President shall consider the reports produced under paragraph (3)(D).

"(B) PRODUCER ELIGIBILITY.—

"(i) IDENTIFICATION OF PRODUCERS.—Beginning in the second calendar year after the President makes the certification under paragraph (1)(A), the President shall identify on a biennial basis whether a producer listed in the registry described in paragraph (2)(B)(i) has failed to comply with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards.

"(ii) ASSISTANCE TO PRODUCERS; WITHDRAWAL, ETC., OF PREFERENTIAL TREATMENT.—For each producer that the President identifies under clause (i), the President shall seek to assist such producer in coming into compliance with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards. If such efforts fail, the President shall withdraw, suspend, or limit the application of preferential treatment under subsection (b) to articles of such producer.

"(iii) REINSTATING PREFERENTIAL TREATMENT.—If the President, after withdrawing, suspending, or limiting the application of preferential treatment under clause (ii) to articles of a producer, determines that such producer is complying with core labor standards and with the labor laws of Haiti that directly relate to and are consistent with core labor standards, the President shall reinstate the application of preferential treatment under subsection (b) to the articles of the producer.

"(iv) CONSIDERATION OF REPORTS.—In making the identification under clause (i) and the determination under clause (iii), the President shall consider the reports made available under paragraph (3)(D).

"(5) REPORTS BY THE PRESIDENT.—

"(A) IN GENERAL.—Not later than one year after the date of the enactment of the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008, and annually thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this subsection during the preceding 1-year period.

"(B) MATTERS TO BE INCLUDED.—Each report required by subparagraph (A) shall include the following:

"(i) An explanation of the efforts of Haiti, the President, and the International Labor Organization to carry out this subsection.

"(ii) A summary of each report produced under paragraph (3)(D) during the preceding 1-year period and a summary of the findings contained in such report.

"(iii) Identifications made under paragraph (4)(B)(i) and determinations made under paragraph (4)(B)(iii).

"(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection the sum of $10,000,000 for the period beginning on October 1, 2008, and ending on September 30, 2013.".

SEC. 15404. PETITION PROCESS.

Section 213A(d) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703A(d)) is amended by adding at the end the following new paragraph:

"(4) PETITION PROCESS.—Any interested party may file a request to have the status of Haiti reviewed with respect to the eligibility requirements listed in paragraph (1), and the President shall provide for this purpose the same procedures as those that are provided for reviewing the status of eligible beneficiary developing countries with respect to the designation criteria listed in subsections (b) and (c) of section 502 of the Trade Act of 1974 (19 U.S.C. 2642 (b) and (c)).".

SEC. 15405. CONDITIONS REGARDING ENFORCEMENT OF CIRCUMVENTION.

Section 213A(f) of the Caribbean Basin Economic Recovery Act, as redesignated by section 15403(2) of this Act, is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON GOODS SHIPPED FROM THE DOMINICAN REPUBLIC.—

"(A) LIMITATION.—Notwithstanding subsection (a)(5), relating to the definition of 'imported directly from Haiti or the Dominican Republic', articles described in subsection (b) that are shipped from the Dominican Republic, directly or through the territory of an intermediate country, whether or not such articles undergo processing in the Dominican Republic, shall not be considered to be 'imported directly from Haiti or the Dominican Republic' until the President certifies to the Congress that Haiti and the Dominican Republic have developed procedures to prevent unlawful transshipment of the articles and the use of counterfeit documents related to the importation of the articles into the United States.

"(B) TECHNICAL AND OTHER ASSISTANCE.—The Commissioner responsible for U.S. Customs and Border Protection shall provide technical and other assistance to Haiti and the Dominican Republic to develop expeditiously the procedures described in subparagraph (A).".

SEC. 15406. PRESIDENTIAL PROCLAMATION AUTHORITY.

The President may exercise the authority under section 604 of the Trade Act of 1974 to proclaim such modifications to the Harmonized Tariff Schedule of the United States as may be necessary to carry out this part and the amendments made by this part.

SEC. 15407. REGULATIONS AND PROCEDURES.

The President shall issue such regulations as may be necessary to carry out the amendments made by sections 15402, 15403, and 15404. Regulations to carry out the amendments made by section 15402 shall be issued not later than September 30, 2008. The Secretary of Commerce shall issue such procedures as may be necessary to carry out the amendment made by section 15402(d) not later than September 30, 2008.

SEC. 15408. EXTENSION OF CBTPA.

Section 213(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)) is amended—

(1) in paragraph (2)(A)—

(A) in clause (iii)—

(i) in subclause (II)(cc), by striking "2008" and inserting "2010"; and

(ii) in subclause (IV)(dd), by striking "2008" and inserting "2010"; and

(B) in clause (iv)(II), by striking "6" and inserting "8"; and

(2) in paragraph (5)(D)—

(A) in clause (i), by striking "2008" and inserting "2010"; and

(B) in clause (ii), by striking "108(b)(5)" and inserting "section 108(b)(5)".

SEC. 15409. SENSE OF CONGRESS ON INTERPRETATION OF TEXTILE AND APPAREL PROVISIONS FOR HAITI.

It is the sense of the Congress that the executive branch, particularly the Committee for the Implementation of Textile Agreements (CITA), U.S. Customs and Border Protection of the Department of Homeland Security, and the Department of Commerce, should interpret, implement, and enforce the provisions of section 213A(b) of the Caribbean Basin Economic Recovery Act, as amended by section 15402 of this Act, relating to preferential treatment of textile and apparel articles, broadly in order to expand trade by maximizing opportunities for imports of articles eligible for preferential treatment under such section 213A(b).

SEC. 15410. SENSE OF CONGRESS ON TRADE MISSION TO HAITI.

It is the sense of the Congress that the Secretary of Commerce, in coordination with the United States Trade Representative, the Secretary of State, and the Commissioner responsible for U.S. Customs and Border Protection of the Department of Homeland Security, should lead a trade mission to Haiti, within 6 months after the date of the enactment of this Act, to promote trade between the United States and Haiti, to promote new economic opportunities afforded under the amendments made by section 15402 of this Act, and to help educate United States and Haitian business concerns about such opportunities.

SEC. 15411. SENSE OF CONGRESS ON VISA SYSTEMS.

It is the sense of the Congress that Haiti, and other countries that receive preferences under trade preference programs of the United States that require effective visa systems to prevent transshipment, should ensure that monetary compensation for such visas is not required beyond the costs of processing the visa, including ensuring that such monetary compensation does not violate an applicable system to combat corruption and bribery.

SEC. 15412. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this part and the amendments made by this part shall take effect on the date of the enactment of this Act.

(b) EXCEPTION.—The amendments made by section 15402 shall take effect on October 1, 2008, and shall apply to articles entered, or withdrawn from warehouse for consumption, on or after that date.

PART II—MISCELLANEOUS TRADE PROVISIONS

SEC. 15421. UNUSED MERCHANDISE DRAWBACK.

(a) IN GENERAL.—Section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)) is amended by adding at the end the following: "For purposes of subparagraph (A) of this paragraph, wine of the same color having a price variation not to exceed 50 percent between the imported wine and the exported wine shall be deemed to be commercially interchangeable.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to claims filed for drawback under section 313(j)(2) of the Tariff Act of 1930 on or after the date of the enactment of this Act.

SEC. 15422. REQUIREMENTS RELATING TO DETERMINATION OF TRANSACTION VALUE OF IMPORTED MERCHANDISE.

(a) REQUIREMENT ON IMPORTERS.—

(1) IN GENERAL.—Pursuant to sections 484 and 485 of the Tariff Act of 1930 (19 U.S.C. 1484 and 1485), the Commissioner responsible for U.S. Customs and Border Protection shall require each importer of merchandise to provide to U.S. Customs and Border Protection at the time of entry of the merchandise the information described in paragraph (2).

(2) INFORMATION REQUIRED.—The information referred to in paragraph (1) is a declaration as to whether the transaction value of the imported merchandise is determined on the basis of the price paid by the buyer in the first or earlier sale occurring prior to introduction of the merchandise into the United States.

(3) EFFECTIVE DATE.—The requirement to provide information under this subsection shall be effective for the 1-year period beginning 90 days after the date of the enactment of this Act.

(b) REPORT TO INTERNATIONAL TRADE COMMISSION.—

(1) IN GENERAL.—The Commissioner responsible for U.S. Customs and Border Protection shall submit to the United States International Trade Commission on a monthly basis for the 1-year period specified in subsection (a)(3) a report on the information provided by importers under subsection (a)(2) during the preceding month. The report required under this paragraph shall be submitted in a form agreed upon between U.S. Customs and Border Protection and the United States International Trade Commission.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2);

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States; and

(C) the transaction value of such imported merchandise.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 90 days after the submission of the final report under subsection (b), the United States International Trade Commission shall submit to the appropriate congressional committees a report on the information contained in all reports submitted under subsection (b).

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include—

(A) the aggregate number of importers that declare the transaction value of the imported merchandise is determined on the basis of the method described in subsection (a)(2), including a description of the frequency of the use of such method;

(B) the tariff classification of such imported merchandise under the Harmonized Tariff Schedule of the United States on an aggregate basis, including an analysis of the tariff classification of such imported merchandise on a sectoral basis;

(C) the aggregate transaction value of such imported merchandise, including an analysis of the transaction value of such imported merchandise on a sectoral basis; and

(D) the aggregate transaction value of all merchandise imported into the United States during the 1-year period specified in subsection (a)(3).

(d) SENSE OF CONGRESS REGARDING PROHIBITION ON PROPOSED INTERPRETATION OF THE TERM "SOLD FOR EXPORTATION TO THE UNITED STATES".—

(1) IN GENERAL.—It is the sense of Congress that the Commissioner responsible for U.S. Customs and Border Protection should not implement a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term "sold for exportation to the United States", as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, before January 1, 2011.

(2) EXCEPTION.—It is the sense of Congress that beginning on January 1, 2011, the Commissioner responsible for U.S. Customs and Border Protection may propose to change or change U.S. Customs and Border Protection's interpretation of the term "sold for exportation to the United States", as described in paragraph (1), only if U.S. Customs and Border Protection—

(A) consults with, and provides notice to, the appropriate congressional committees—

(i) not less than 180 days prior to proposing a change; and

(ii) not less than 90 days prior to publishing a change;

(B) consults with, provides notice to, and takes into consideration views expressed by, the Commercial Operations Advisory Committee—

(i) not less than 120 days prior to proposing a change; and

(ii) not less than 60 days prior to publishing a change; and

(C) receives the explicit approval of the Secretary of the Treasury prior to publishing a change.

(3) CONSIDERATION OF INTERNATIONAL TRADE COMMISSION REPORT.—It is the sense of Congress that prior to publishing a change to U.S. Customs and Border Protection's interpretation (as such interpretation is in effect on the date of the enactment of this Act) of the term "sold for exportation to the United States", as described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)), for purposes of applying the transaction value of the imported merchandise in a series of sales, the Commissioner responsible for U.S. Customs and Border Protection should take into consideration the matters included in the report prepared by the United States International Trade Commission under subsection (c).

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(2) COMMERCIAL OPERATIONS ADVISORY COMMITTEE.—The term "Commercial Operations Advisory Committee" means the Advisory Committee established pursuant to section 9503(c) of the Omnibus Budget Reconciliation Act of 1987 (19 U.S.C. 2071 note) or any successor committee.

(3) IMPORTER.—The term "importer" means one of the parties qualifying as an "importer of record" under section 484(a)(2)(B) in the Tariff Act of 1930 (19 U.S.C. 1484(a)(2)(B)).

(4) TRANSACTION VALUE OF THE IMPORTED MERCHANDISE.—The term "transaction value of the imported merchandise" has the meaning described in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)).

And the Senate agree to the same.

From the Committee on Agriculture, for consideration of the House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference:

Collin C. Peterson,
Tim Holden,
Mike McIntyre,
Bob Etheridge,
Leonard L. Boswell,
Joe Baca,
Dennis L. Cardoza,
David Scott,
Bob Goodlatte,
Robin Hayes,
Marilyn Musgrave,
Randy Neugebauer,

From the Committee on Education and Labor, for consideration of secs. 4303 and 4304 of the House bill, and secs. 4901–4905, 4911, and 4912 of the Senate amendment, and modifications committed to conference:

George Miller,
Carolyn McCarthy,
Todd Platts,

From the Committee on Energy and Commerce, for consideration of secs. 6012, 6023, 6024, 6028, 6029, 9004, 9005, and 9017 of the House bill, and secs. 6006, 6012, 6110–6112, 6202, 6302, 7044, 7049, 7307, 7507, 9001, 11060, 11072, 11087, and 11101–11103 of the Senate amendment, and modifications committed to conference:

John D. Dingell,
Frank Pallone,

From the Committee on Financial Services, for consideration of sec. 11310 of the House bill, and secs. 6501–6505, 11068, and 13107 of the Senate amendment, and modifications committed to conference:

Paul E. Kanjorski,
Maxine Waters,

From the Committee on Foreign Affairs, for consideration of secs. 3001–3008, 3010–3014, and 3016 of the House bill, and secs. 3001–3022, 3101–3107, and 3201–3204 of the Senate amendment, and modifications committed to conference:

Howard L. Berman,
Brad Sherman,
Ileana Ros-Lehtinen,

From the Committee on Judiciary, for consideration of secs. 11102, 11312, and 11314 of the House bill, and secs. 5402, 10103, 10201, 10203, 10205, 11017, 11069, 11076, 13102, and 13104 of the Senate amendment, and modifications committed to conference:

John Conyers,
Bobby Scott,

From the Committee on Natural Resources, for consideration of secs. 2313, 2331, 2341, 2405, 2607, 2607A, 2611, 5401, 6020, 7033, 7311, 8101, 8112, 8121–8127, 8204, 8205, 11063, and 11075 of the Senate amendment, and modifications committed to conference:

Nick Rahall,
Madeleine Z. Bordallo,
Cathy McMorris
Rodgers,

From the Committee on Oversight and Government Reform, for consideration of secs. 1501 and 7109 of the House bill, and secs. 7020, 7313, 7314, 7316, 7502, 8126, 8205, and 10201 of the Senate amendment, and modifications committed to conference:

Edolphus Towns,

From the Committee on Science and Technology, for consideration of secs. 4403, 9003, 9006, 9010, 9015, 9019, and 9020 of the House bill, and secs. 7039, 7051, 7315, 7501, and 9001 of the Senate amendment, and modifications committed to conference:

Bart Gordon,
Michael T. McCaul,

From the Committee on Small Business, for consideration of subtitle D of title XI of the Senate amendment, and modifications committed to conference:

Nydia M. Velázquez,
Heath Shuler,

From the Committee on Transportation and Infrastructure, for consideration of secs. 2203, 2301, 6019, and 6020 of the House bill, and secs. 2604, 6029, 6030, and 11087 of the Senate amendment, and modifications committed to conference:

James L. Oberstar,
Eleanor H. Norton,
Sam Graves,

From the Committee on Ways and Means, for consideration of sec. 1303 and title XII of the House bill, and secs. 12001–12601, and 12701–12808 of the Senate amendment, and modifications committed to conference:

Charles B. Rangel,
Earl Pomeroy,

For consideration of House bill (except title XII) and the Senate amendment (except secs. 12001, 12201–12601, and 12701–12808), and modifications committed to conference:

Rosa L. DeLauro,
Adam H. Putnam,
Managers on the Part of the House.

Tom Harkin,
Patrick Leahy,
Kent Conrad,
Max Baucus,
Blanche L. Lincoln,
Debbie Stabenow,
Saxby Chambliss,
Thad Cochran,
Pat Roberts
(for purposes of title XV only),
Chuck Grassley,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The Managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE; TABLE OF CONTENTS

(1) Short title

The House bill refers to this Act as the "Farm, Nutrition, and Bioenergy Act of 2007". (Section 1)

The Senate amendment states that this Act may be cited as the "Food and Energy Security Act of 2007". (Section 1)

The Conference substitute cites this Act as the "Food, Conservation, and Energy Act of 2008". (Section 1)

TITLE I—COMMODITY PROGRAMS

(2) Definitions

The House bill defines various terms used in the bill; most terms are defined as they were in the 2002 farm bill. The definitions of "Far East price" and two definitions regarding the cotton quality and premiums, "United States Premium Factor" and "Comparable United States Quality" are added. (Section 1001)

The Senate amendment defines various terms used in the bill; most terms are defined as they were in the 2002 farm bill. The definitions of average crop revenue payment, medium grain rice, and pulse crop are added. (Section 1001) The definition of Secretary applies to the entire bill. (Section 2) The definitions that are relevant to the peanuts subtitle are found in that part. (Section 1301)

The Conference substitute defines terms necessary for implementation of this Act: Secretary, average crop revenue election payment, base acres, counter-cyclical payment, covered commodity, direct payment, effective price, extra long staple cotton, loan commodity, medium grain rice, other oilseed, payment acres, payment yield, producer, pulse crop, State, target price, United States, and United States premium factor. The Conference substitute adopts the Senate structure for the peanut program. (Sections 2, 1001, and 1301)

(3) Adjustments to base acres

The House bill provides that producers are generally not given a choice of updating base acres or payment yields under this bill. However, it requires the Secretary to provide base acre adjustments when a conservation reserve contract ends. Peanut base acres are no longer specified because peanuts are included as a covered commodity. (Section 1101)

The Senate amendment provides for an adjustment in base acres to include pulse crop, camelina, or newly designated oilseed acreage; applies the limit on acreage enrolled in a conservation program only to acreage enrolled in Federal conservation programs; references base acres for peanuts; and requires the Secretary to reduce base acres for land that is no longer used for farming, specifically land that has been developed for commercial or industrial use or has been subdivided and developed for multiple residential units or other nonfarming uses unless the producer demonstrates that the land remains devoted exclusively to agricultural production. Section 1302 applies the base acre provisions for covered commodities under Section 1101 to peanuts. (Sections 1101 and 1301)

The Conference substitute provides for the adjustment of base acres when a conservation reserve contract expires or is terminated; the producer has eligible pulse crop acreage or eligible oilseed acreage as a result of the designation of additional oilseeds; provides for base acres for peanuts in the determination of excess base acres; provides for the reduction of base acres for land that has been subdivided and developed for multiple residential units; provides that direct payments, counter-cyclical payments, or average crop revenue election payments are prohibited if the sum of the base acres of the farm is 10 acres or less unless the farm is owned by a socially disadvantaged or limited resource farmer or rancher; and includes authority for data collection and evaluation. The Conference substitute adopts the Senate structure for the peanut program. (Sections 1101 and 1302)

The Managers intend that the Department accommodate requests for adjustments in base acres for producers on different farms or tracts who have agreed on a voluntary basis to redistribute base acres between tracts, if base acreage was previously transferred to or from a tract because of participation in the Conservation Reserve Program.

The Managers expect Section 1101(b)(1) and Section 1302(b)(1) to be administered in the same manner as Section 1101(g)(1) and Section 1302(f)(1) of the Farm Security and Rural Investment Act of 2002 as implemented in 7 CFR 1412.204(a).

The Managers recognize the importance of assessing the impact of the suspension of payments for small base acres of covered commodities upon specialty crop producers. For greater efficiency, the Managers expect the Secretary to include the information and evaluations derived from Section 1101(d)(3) and Section 1302(d)(3) into the report required under Section 1107(d)(7)(C) prior to its submission to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate.

The Managers intend for the Department to allow for aggregation of farms for purposes of determining the suspension of payments on farms with 10 base acres or less. The Managers expect for the Department to review farms in this category on an annual basis rather than prohibiting payments to these farms for the life of the farm bill.

(3A) Payment yields

The Senate amendment provides for the establishment of a payment yield for any designated oilseed, camelina, or eligible pulse crop for the purpose of making direct payments and counter-cyclical payments. It also provides a formula for calculating payment yields that is similar to the provisions used in 2002. (Section 1102)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision, but deletes all references to camelina. (Section 1102)

(4) Availability of direct payments

The House bill reflects current law for the 2008–2012 crop years, except it includes peanuts; terminates advance direct payments starting with the 2012 crop year; and prohibits a direct payment if the payment for all covered commodities would be less than $25. (Section 1102)

The Senate amendment reflects current law for the 2008–2012 crop years, except it terminates advance direct payments starting with the 2012 crop year; specifies separate rates for long grain rice and medium grain rice; and excludes participants in the average crop revenue program. (Sections 1103 and 1303)

The Conference substitute provides direct payments at current rates with an exception for participants in the average crop revenue election program; specifies separate but identical rates for long grain rice and medium grain rice; and terminates advance direct payments starting with the 2012 crop year. The Conference substitute adopts the Senate structure for the peanut program. (Sections 1103 and 1303)

(5) Availability of counter-cyclical payments

The House bill extends current provisions to the 2008–2012 crop years with the following exceptions: Includes peanuts as a covered commodity; clarifies that the Secretary shall establish national average loan rates for all rice and all barley for the purpose of calculating counter-cyclical payments; rebalances target prices for wheat, barley, oats, upland cotton, soybeans, and other oilseeds; eliminates partial counter-cyclical payments beginning with the 2011 crop year; and prohibits a counter-cyclical payment if the total counter-cyclical payments for all covered commodities on the farm would be less than $25. (Section 1103)

The Senate amendment extends the counter-cyclical program for the 2008–2012 crop years, except for participants in average crop revenue program, and with the following modifications: For long grain rice and medium grain rice, the effective price is determined using the same calculation, but by the type or class of rice, as determined by the Secretary; rebalances target prices for wheat, grain sorghum, barley, oats, upland cotton, soybeans, and other oilseeds; establishes target prices for dry peas, lentils, small chickpeas, and large chickpeas; eliminates partial counter-cyclical payments beginning with the 2011 crop year; prohibits the Secretary from establishing a target price for a covered commodity that is different from the target price specified. (Sections 1104 and 1304)

The Conference substitute adopts the Senate provision regarding long grain rice and medium grain rice. The Conference substitute provides that the revised target price for upland cotton and counter-cyclical program payment by class of rice will be effective beginning with the 2008 crop year; establishes target prices for pulse crops beginning with the 2009 crop year; and rebalances target prices for wheat, grain sorghum, barley, oats, soybeans and other oilseeds effective for the 2010 crop year; and eliminates partial counter-cyclical payments beginning with the 2011 crop year. The Conference substitute adopts the Senate structure for the peanut program. (Sections 1104 and 1304)

(6) Availability of revenue-based counter-cyclical payments

The House bill requires the Secretary to offer producers the option to receive revenue-based counter-cyclical payments for the 2008–2012 crop years, as an alternative to receiving counter-cyclical payments under section 1103. Producers will have only one opportunity to elect to receive revenue-based counter-cyclical payments as soon as practicable after enactment. If a producer fails to make such election in a timely manner, the producer will receive counter-cyclical payments pursuant to section 1103. The Secretary is required to make revenue-based counter-cyclical payments to such producers if the Secretary determines that the national actual revenue per acre for the covered commodity is less than the national target revenue per acre for the covered commodity. The Secretary shall establish a national actual revenue per acre by multiplying the national average yield for the given year by the higher of: the national average market price received by producers during the 12-month marketing year; or the loan rate for the covered commodity under section 1202, except that for rice and barley, the Secretary shall establish national average all rice and all barley loan rates. The House bill establishes the national target revenue per acre as follows: wheat, $149.92; corn, $344.12; grain sorghum, $131.28; barley, $153.30; oats, $92.10; upland cotton, $496.93; rice, $548.06; soybeans, $231.87; other oilseeds, $129.18; and peanuts, $683.83. The House bill establishes the national payment yield for each covered commodity and the formula for the national payment rate. The House bill provides that if revenue-based counter-cyclical payments are required for any of the covered commodities, the amount of the payment shall be equal to the product of: the national payment rate; the payment acres; and the payment yield. (Section 1104)

The Senate amendment contains no comparable provision.

The Conference substitute provides an optional revenue-based counter-cyclical program that will be available beginning with the 2009 crop year. As an alternative to receiving counter-cyclical payments under section 1104, and with an agreement to forgo 20 percent of the direct payment rate and 30 percent of the marketing assistance loan rates for covered commodities and peanuts, producers on a farm can elect to participate in the average crop revenue election (ACRE) program for all covered commodities and peanuts on the farm. Once they elect to participate in ACRE, the producers on the farm will remain in the program for the duration of the farm bill. Participants in ACRE will be eligible for state-based coverage with a revenue guarantee equal to 90 percent of the 5-year state average yield per planted acre (excluding the years with the highest and lowest yields) times the 2-year national average price for the covered commodity. Once the ACRE guarantee is established, it cannot vary by more than 10 percent from the previous year's guarantee. If the actual State revenue (yield per planted acre times the national price) is less than the revenue guarantee, and if the producers suffer a loss on their farm, then they will receive an ACRE payment equal to the difference between the State revenue guarantee and the actual revenue for the crop year up to 25 percent of the revenue guarantee. ACRE revenue payments are made on 85 percent of the acreage planted or considered planted to the covered commodity or peanuts. For the 2009, 2010 and 2011 crop years, ACRE payment acres are reduced to 83.3 percent of planted or considered planted acres. (Section 1105)

(7) Producer agreement required as condition of provision of direct payments and counter-cyclical payments

The House bill is similar to current law, except it includes peanuts and omits the reference to noncultivation with regard to the control of noxious weeds. (Section 1105)

The Senate amendment is similar to current law, except it includes an additional provision that land cannot be used for a residential use (including land subdivided and developed into residential units or other nonfarming uses, or that is otherwise no longer intended to be used in conjunction with a farming operation) and provides that no penalty with respect to benefits can be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report. (Section 1105)

The Conference substitute adopts the Senate provision with an amendment that provides that participants in ACRE provide both acreage and production reports and that no penalty with respect to benefits can be assessed against the producers on a farm for an inaccurate report unless the producers on the farm knowingly and willfully falsified the report. The Conference substitute adopts the Senate structure for the peanut program. (Sections 1106 and 1305)

The Managers intend that if a transfer or change in interest of producers on a farm occurs, and the transferee or owner of the acres does not agree to assume all obligations under section 1106(a), then direct payments, counter-cyclical payments, and average crop revenue election payments will be terminated. However, the references to average crop revenue election payments in sections 1106(b)(1)(A) and 1305(b)(1)(A) refer only to the limitation described in section 1105(a)(2), not the actual payment acres for the average crop revenue election program.

(8) Planting flexibility

The House bill is the same as current law, but it includes peanuts and establishes a pilot Farm Flex project in Indiana for the 2008-2012 crop years, under which tomatoes for processing may be planted on up to 10,000 base acres. (Section 1106)

The Senate amendment is the same as current law, except provides an exception for mung beans and pulse crops and provides a pilot flexibility project in Indiana for the 2008 and 2009 crop years. (Section 1106)

The Conference substitute provides that mung beans and pulse crops can be planted on base acres, and provides a pilot project to allow the production of specified fruits or vegetables for processing for the 2009–2012 crop years on up to 9,000 base acre in the State of Illinois; 9,000 base acres in the State of Indiana; 1,000 base acres in the State of Iowa; 9,000 base acres in the State of Michigan; 34,000 base acres in the State of Minnesota; 4,000 base acres in the State of Ohio; and 9,000 base acres in the State of Wisconsin; that base acres will be protected; and that the Secretary will evaluate the effects of the pilot project on the supply and demand of fresh fruits and vegetables and fruits and vegetables for processing. The Conference substitute adopts the Senate structure for the peanut program. (Sections 1107 and 1306)

The Managers expect the Secretary to establish a process to ensure that the quantity of fruits or vegetables delivered for processing under the pilot project does not exceed the quantity reflected in the original contract between the producer and the processor. The Managers further expect the Secretary to seek evidence that the amount of fruits or vegetables planted for processing under this pilot project is delivered to the processing facility or in the case of crop loss is determined by the Secretary to have been destroyed.

In evaluating the effects of the program on the supply of and price of fresh fruits and vegetables and fruits and vegetables for processing, the Managers encourage the Secretary to examine the impact of the program on bonus buys under the authority of Section 46 of the Agricultural Act of 1949 and surplus removal under the authority of Section 32 of the Act of August 24, 1935.

The Managers recognize the importance of assessing the impact of the expansion of the planting flexibility pilot program upon specialty crop producers. For greater efficiency, the Managers expect the Secretary to include the information and evaluations derived from Section 1101(d)(3) and Section 1302(d)(3) into the report required under this Section prior to its submission the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate.

(8A) Special rule for long grain and medium grain rice

The Senate amendment provides that for the purposes of making counter-cyclical payments for long grain and medium grain rice, base acres on the farm shall be apportioned based on acreage planted to long grain rice and medium grain rice during the 2003–2006 crop years. The Senate amendment requires that base acres, payment acres, and payment yields established with respect to rice are maintained. (Section 1107)

The House bill does not contain a comparable provision.

The Conference substitute adopts the Senate provision. (Section 1108)

(9) Period of effectiveness

The House bill authorizes Subtitle A of Title I for the 2008–2012 crop years. (Section 1107)

The Senate amendment authorizes Part I of Subtitle A of Title I for each covered commodity for the 2008–2012 crop years. (Section 1108)

The Conference substitute adopts the Senate provision with an amendment. (Section 1109)

(10) Availability of nonrecourse marketing assistance loans for loan commodities

The House bill is similar to current law; but authorizes that, for peanuts, a marketing assistance loan or loan deficiency payments may be obtained through a marketing association or marketing cooperative of producers that is approved by the Secretary, or through the Farm Service Agency; stipulates that as a condition for an individual or entity to provide storage for peanuts for which a marketing assistance loan is made, the individual or entity shall agree to provide storage on a non-discriminatory basis and to comply with additional requirements as the Secretary deems appropriate in order to promote fairness in the administration of this section; and authorizes a marketing association or cooperative to market peanuts for which a loan is made under this section, including by separating peanuts by type and quality. (Section 1201)

The Senate amendment is the same as current law; except for participants in average crop revenue program. (Sections 1201 and 1307)

The Conference substitute adopts the Senate provision. (Sections 1201 and 1307)

(10A) Peanuts storage and handling costs

The Senate amendment replaces the payment of storage, handling and associated costs under the 2002 farm bill with a mechanism that ensures handling and associated costs are not deducted from a producer's marketing loan. USDA would advance the payment for handling and associate costs for peanuts placed under loan and the advanced costs would be repaid when the peanuts are redeemed. (Section 1307(a)(7))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to begin coverage for handling, and associated costs with the 2008 crop of peanuts. (Section 1307)

In order to provide adequate storage and handling for peanuts in the marketing loan program, FSRIA used funds of the Commodity Credit Corporation (CCC) to provide payments for storage, handling, and associated costs for peanuts in the loan. However, these payments expired before the 2007 crop year for peanuts. The budgetary constraints made it impossible to continue the storage and handling payments established under FSRIA in this bill. In order to continue to ensure the adequate storage and handling for peanuts in the loan program, this bill instructs the Secretary to pay any handling and associated costs incurred at the time the peanuts are placed under loan for the 2008 through 2012 peanut crop years. These payments would be repaid when the loan peanuts are redeemed. The Secretary would pay the storage, handling, and associated costs for peanuts under the loan that are forfeited. The purpose of this provision is to not only ensure proper and adequate storage and handling of peanuts in the loan but also to guarantee that these costs are not taken out of a producer's loan proceeds at the time the peanuts are placed in the loan.

(11) Loan rates for nonrecourse marketing assistance loans

The House bill establishes loan rates for marketing assistance loans, including two loan rates for rice (one for long grain rice; one for medium and short grain rice) and two for barley (one for feed barley; one for malt barley), as follows: wheat, $2.94 per bushel; corn, $1.95 per bushel; grain sorghum, $1.95 per bushel; malt barley, $2.50 per bushel; feed barley, $1.90 per bushel; oats, $1.46 per bushel; base quality upland cotton, $0.52 per pound; extra long staple cotton, $0.7977 per pound; long grain rice, $6.50 per hundredweight; medium grain rice and short grain rice, $6.50 per hundredweight; soybeans, $5.00 per bushel; other oilseeds, $0.1070 per pound for each of the following—sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, and other oilseeds designated by the Secretary; dry peas, $5.40 per hundredweight; lentils, $11.28 per hundredweight; small chickpeas, $8.54 per hundredweight; peanuts, $355.00 per ton; graded wool, $1.10 per pound; nongraded wool, $0.40 per pound; honey, $0.60 per pound; and mohair, $4.20 per pound. The House bill requires the Secretary to establish a single county loan rate for corn and grain sorghum in each county; and to administer the applicable loan, marketing loan, counter-cyclical and related programs using an identical loan rate for corn and grain sorghum in each county. (Section 1202)

The Senate amendment establishes loan rates for the 2008–2012 crop years; includes similar provisions to the House bill for corn and grain sorghum; and establishes grading basis for marketing loans for pulse crops using a grade not less than grade number 2 or other grade factors, including the fair and average quality of the crop in any year; and may be adjusted by the Secretary to reflect the normal market discounts for grades less than number 2 quality. (Sections 1202, 1210, and 1307)

The Conference substitute establishes loan rates for the 2008–2012 crop years. The Conference substitute adopts the Senate structure for the peanut program. (Sections 1202 and 1307)

The Managers have included in Section 1202 revisions to the marketing loan rates for dry peas, lentils, and small chickpeas and established a marketing loan program for large chickpeas, hereinafter referred to collectively as pulse crops. The Managers intend that the Secretary establish grade factors for pulse crop loan eligibility that reflects the established U.S. grades for #2 or better used in commercial domestic and export sales transactions and that the Secretary establish a commodity marketing loan grade discount schedule that is comparable to, and reflects the prevailing average grade discounts that apply to commercial pulse crop sales transactions.

(12) Terms of loans

The House bill provides the same loan term as current law. (Section 1203)

The Senate amendment provides the same loan term as current law, and it establishes the same loan term for peanuts as current law. (Sections 1203 and 1307)

The Conference substitute adopts the House provision and the Senate structure for the peanut program. (Sections 1203 and 1307)

(13) Repayment of loans

The House bill provides the same as current law, except it specifies long grain rice, medium grain rice, and short grain rice; includes peanuts; and for upland cotton, it specifies that USDA use price quotes from Far East market to determine the prevailing world market price for upland cotton; provides for adjustments to the prevailing world market price; and requires the prevailing world market price be adjusted to U.S. quality and location; and authorizes further adjustment in the prevailing world market price. The House bill requires repayment rates for dry peas, lentils and small chickpeas to be based on quality grades for those commodities. (Section 1204)

The Senate amendment is similar to current law, except it specifies long grain rice and medium grain rice, provides similar provisions for upland cotton, and requires the loan repayment rate for pulse crops to be based on the specified quality grades for the applicable commodity. (Sections 1204 and 1307)

The Conference substitute provides that the Secretary calculate a loan repayment rate for loan commodities (other than upland cotton, long grain rice, medium grain rice, extra long staple cotton, and confectionery and each other kind of sunflower seed (other than oil sunflower seed)) based on the average market prices for the loan commodity during the preceding 30-day period. The Conference substitute adopts the Senate provisions with respect to upland cotton with an amendment to provide an adjustment for average transportation costs and adjustments related to U.S. premium factor. (Section 1204)

The Managers have included section 1204(h) which grants authority to the Secretary to modify repayment rates under the marketing loan program in the event of a severe disruption to marketing, transportation, or related infrastructure. The purpose of this provision is to grant the Secretary the authority to manage the marketing loan program in a manner that protects the taxpayer in the event of a major market disruption similar to the disruption that followed Hurricane Katrina. The Managers intend for the actions taken under this provision to be used on a short-term and temporary basis that should not extend beyond the duration of the disruption that gives rise to the exercise of this authority. Further, the Secretary should not exercise this authority if the disruption can be foreseen, such as, routine or announced maintenance on infrastructure, but rather should reserve this authority for extraordinary circumstances.

The Managers authorize the Department of Agriculture to make significant adjustments in the marketing loan program for upland cotton in sections 1204 and 1210. The Managers recognize that the upland cotton marketing loan program will undergo another significant change in the next marketing year when the Department is expected to modify its determination of the adjusted world price (AWP) in the absence of a North European A index. The Managers understand from the Department that it has the authority to make appropriate adjustments for determining and calculating the AWP for upland cotton. The Managers request that the Department ensure that an accurate world price is discovered in the absence of a North European index and appreciate communication from the Department about any changes that may be made. The Managers encourage the Department to make any changes in a manner that ensures a seamless transition for the program, for the Department, and for the entire cotton industry. The Managers also encourage the Department to ensure that such AWP calculation achieves the statutory goal of allowing upland cotton produced in the United States to be competitive both domestically and internationally.

(14) Loan deficiency payments

The House bill provides the same as current law for 2008–2012 crop years and includes peanuts. (Section 1205)

The Senate amendment provides the same as current law for 2009–2012 crop years. For the 2008 crop year, the Senate amendment establishes the effective date for payment rate determination as the date on which the producers on the farm lost beneficial interest and requires the Secretary to establish procedures for consumption on the farm. (Sections 1205 and 1307)

The Conference substitute adopts the House provision and the Senate structure for the peanut program. (Sections 1205 and 1307)

(15) Payments in lieu of loan deficiency payments for grazed acreage

The House bill provides the same as current law. (Section 1206)

The Senate bill provides the same as current law. (Section 1206)

The Conference substitute adopts the House provision. (Section 1206)

(16) Special marketing loan provisions for upland cotton

The House bill requires the President to carry out a special import quota program for upland cotton whenever the Secretary determines that for a consecutive 4-week period, the price of American cotton exceeds the price of cotton delivered in the Far East markets. The term "special import quota" is defined as a quantity of imports that is not subject to the over-quota tariff rate of a tariff-rate quota. The House bill provides that the amount of cotton that can come into the U.S. under the special import quota during any marketing year is limited to the equivalent of 10 weeks' consumption of upland cotton by domestic mills. (Section 1207(a))

Subsection (b) of the House bill provides the same as current law. (Section 1207(b))

Subsection (c) of the House bill requires the Secretary, beginning on the date of enactment through July 31, 2013, to issue marketing certificates or cash payments to domestic users of upland cotton for uses of all cotton regardless of origin. The payments or certificates will equal 4 cents per pound. Assistance can only be used for acquisition, construction, installation, modernization, development, conversion, or expansion of land, plant, buildings, equipment, facilities, or machinery. No end date is specified. (Section 1207(c))

The Senate amendment provides the same as the House measure except it specifies the price of American cotton delivered to a definable and significant international market. (Section 1207(a))

Subsection (b) of the Senate amendment is the same as current law, except it provides additional discretion on the quantity of quota. (Section 1207(b))

Subsection (c) of the Senate amendment requires the Secretary, beginning August 1, 2008 through June 30, 2013, to provide economic adjustment assistance equal to 4 cents per pound to domestic users of upland cotton for all documented use of cotton during the previous month regardless of the origin of the cotton. The payment rate is reduced to 0 cents per pound on July 1, 2013, terminating the funding for the program. It specifies the same uses for the assistance as in the House bill. (Section 1207(c))

The Conference substitute adopts the Senate provision with an amendment in subsection (c) to provide assistance equal to 4 cents per pound during the period August 1, 2008, through July 31, 2012 and reduced to 3 cents per pound beginning on August 1, 2012. (Section 1207)

(17) Special competitive provisions for extra long staple cotton

The House bill provides the same as current law. (Section 1208)

The Senate amendment provides the same as current law, except that it does not specify the form of payments (cash or certificates). (Section 1208)

The Conference substitute adopts the Senate provision. (Section 1208)

(18) Availability of recourse loans for high moisture feed grains and seed cotton

The House bill provides the same as current law. (Section 1209)

The Senate amendment provides the same as current law. (Section 1209)

The Conference substitute adopts the Senate provision. (Section 1209)

(19) Deadline for repayment of marketing assistance loan for peanuts

The House bill requires that marketing assistance loans for peanuts be redeemed no later than June 30 of the year subsequent to the year in which the peanuts were harvested. Such loans not redeemed by the deadline shall be deemed forfeited to the Commodity Credit Corporation. (Section 1210)

The Senate amendment contains no comparable provision.

The Conference substitute drops this provision.

(19A) Reimbursable agreements and payments of administrative expenses

The Senate amendment provides that the Secretary may implement any reimbursable agreements or provide for the payment of administrative expenses for peanuts only in a manner that is consistent with such activities in regard to other commodities. (Section 1307)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 1307(g))

(19B) Adjustments of loans for peanuts

The Senate amendment provides authority to the Secretary to adjust loan rates for peanuts based on differences in grade, type, quality, location, and other factors. (Section 1308)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 1308)

(20) Commodity quality incentive payments for healthy oilseeds

The House bill, subject to the availability of funds, requires the Secretary to provide commodity quality incentive payments during the 2009–2013 crop years for the production of oilseeds with specialized traits that enhance human health. Requires the Secretary to issue a request for proposals for payments under this section. (Section 1211)

The Senate amendment is similar to House provision, except it has fewer requirements for proposals; does not specify multi-year contracts; provides protection for proprietary information; and authorizes $400 million for the period of fiscal years 2008–2012 subject to appropriations. (Section 1705)

The Conference substitute adopts the Senate provision with an amendment that provides, subject to the availability of funds, for a quality incentive program for oilseeds demonstrated to improve the health profile of the oilseed for use in human consumption for the period of fiscal years 2009–2012. The provision sets forth the requirements for proposals, protects proprietary information, and provides for program compliance and penalties. (Section 1605)

(20A) Availability of average crop revenue payments

The Senate amendment requires the Secretary to give producers the opportunity to make a one-time election to receive average crop revenue payments for the 2010, 2011, and 2012 crop years; the 2011 and 2012 crop years; or the 2012 crop year in lieu of participating in the direct and counter-cyclical program and the marketing assistance loan program. Producers who elect to participate in the average crop revenue program are eligible to receive fixed payments equal to not less than the product of $15 per acre and the quantity of base acres on the farm for all covered commodities and peanuts. The Secretary is required to make revenue payments available if the actual state revenue for a covered commodity or peanuts is less than the average crop revenue guarantee for that commodity. Average crop revenue payments are made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year (compared to direct payments, this provision delays fixed ACR payments by one year with no provision for advance payments). The Senate amendment establishes actual state revenue as the product of the actual state yield (the quantity of the covered commodity or peanuts produced in the State during the crop year divided by the number of planted acres) and the average crop revenue harvest price (the harvest price used to calculate revenue under revenue plans offered by the Federal Crop Insurance program). The average crop revenue program guarantee equals 90 percent of the product of the expected state yield per planted acre and the pre-planting price (the price used to calculate revenue under revenue coverage plans offered by the Federal Crop Insurance program) for the crop year and the preceding 2 crop years. The pre-planting price cannot decrease or increase more than 15 percent from the pre-planting price for the preceding year. The payment amount, in addition to the amount under section 1401(b)(2) is equal to the product of: the difference between the average crop revenue program guarantee and the actual state revenue; 85 percent of the base acres on the farm for the covered commodity; the ratio of APH on the farm to the expected state yield; and 90 percent. The Secretary is required to make recourse loans available to producers who participate in this program. (Section 1401)

The House bill contains no comparable provision.

The Conference substitute deletes this provision.

(21) Sugar program

The House bill maintains many provisions of current law as it relates to the sugar program. However, the loan rate for raw cane sugar is increased to 18.5 cents per pound and the loan rate for refined beet sugar is increased to 23.5 cents per pound. The House bill eliminates the authorization of the Secretary to reduce loan rates if there were negotiated reductions in export and domestic subsidies of other major sugar producing countries. (Section 1301)

The House bill extends current law with regard to the term of the loan and the nonrecourse nature of the loan. Processors are to make adequate assurances that payments to growers will be proportional to the loan values, and the Secretary is authorized to set minimums for such payments.

The Secretary is required to operate the sugar program, to the maximum extent practicable, at no cost to the Federal government. If the producer agrees to reduce production under an inventory disposition program, and such reduced production involves sugar beets or sugarcane already planted, the sugar beets or sugarcane produced on diverted acres may not be used for any commercial purpose other than as a bioenergy feedstock.

The House bill requires the Secretary to collect information on the production, consumption, stocks and trade of sugar in Mexico, including United States exports of sugar to Mexico; and publicly available information on Mexican production, consumption, and trade of high fructose corn syrups, including United States exports of high fructose corn syrups to Mexico.

The sugar program is extended through the 2012 crop year, and the program for the 2007 crop will be operated as under current law.

The Senate amendment also maintains many provisions of current law as it relates to the sugar program. However, the loan rate for raw cane sugar is increased to 18.25 cents per pound for 2009, 18.50 cents per pound for 2010, 18.75 cents per pound for 2011, and 19.00 cents per pound for 2012; and the loan rate for refined beet sugar is set at 128.5 percent of the loan rate for raw cane sugar. (Section 1501)

The Senate amendment requires that the Secretary collect information on the production, consumption, stocks and trade of sugar in Mexico, including United States exports of sugar to Mexico; and publicly available information on Mexican production, consumption, and trade of high fructose corn syrups.

All other provisions of the Senate amendment are the same as the House bill.

The Conference substitute adopts the Senate provision with a modification to the loan rate. The loan rate for raw cane sugar will increase to 18.25 cents per pound for 2009, 18.50 cents per pound for 2010, 18.75 cents per pound for 2011, and 18.75 cents per pound for 2012. The marketing loan rate for refined beet sugar is set equal to 128.5 percent of the loan rate for raw cane sugar beginning with the 2009 crop year.

The Conference amendment retains a requirement that the Secretary collect information on the production, consumption, stocks and trade of sugar in Mexico, including United States exports of sugar to Mexico; and publicly available information on Mexican production, consumption, and trade of high fructose corn syrups. The Managers expect such information on Mexican trade of high fructose corn syrups to include both imports and exports. (Section 1401)

(22) United States membership in the International Sugar Organization

The House bill requires the Secretary of Agriculture to work with the Secretary of State to restore U.S. membership within the International Sugar Organization within one year from date of enactment of this bill. (Section 1302)

The Senate amendment requires the Secretary of Agriculture to work with the Secretary of State to restore, to the maximum extent practicable, U.S. membership within the International Sugar Organization within one year from date of enactment of this bill. (Section 1504(1))

The Conference substitute adopts the House provision. (Section 1402)

(23) Flexible marketing allotments for sugar

The House bill extends and amends the provisions of the Agricultural Adjustment Act of 1938 requiring the Secretary to establish marketing allotments for the 2008 through 2012 crops of domestically produced sugar to balance supply and demand and avoid loan forfeitures. (Section 1303)

The House bill adds a definition of "human consumption" in the context of sugar for human consumption, as meaning sugar in human food, beverages, or similar products. The House bill defines the term "market" as meaning to sell or otherwise dispose of including the forfeiture of sugar under the loan program, the movement of raw cane sugar into the refining process, and the sale of sugar for the production of ethanol or other bioenergy product, if the disposition of the sugar is administered by the Secretary.

The Secretary is required to establish at the beginning of each crop year marketing allotments at a level to maintain raw and refined sugar prices above forfeiture levels. The overall allotment quantity is to be not less than 85 percent of the estimated quantity of sugar for domestic human consumption. The marketing allotments are to apply to the marketing by processors of sugar intended for domestic human consumption, with exceptions to facilitate the export of sugar, to enable another processor to fulfill an allocation established for that processor, or for uses other than domestic human consumption. Processors are prohibited from marketing for domestic human consumption a quantity in excess of the allocation, with the same exceptions as current law.

The House bill strikes the provision requiring the Secretary to suspend allotments when the level of imports will exceed 1.532 million short tons and retains the procedures for the Secretary to reassign allotments if processors cannot fulfill the allocations, and specifies that any resulting imports must be in the form of raw cane sugar.

The House bill includes the definition of "seed" for purposes of allotments in proportionate share States. The House bill authorizes the Secretary to transfer the acreage base history of a sugarcane farm to any other parcels of land of the applicant, in order to establish proportionate shares. Sugarcane base acreage that has been, or is, converted to non-agricultural use may be transferred to other land suitable for the production of sugarcane that can be delivered to a processor in a proportionate share State.

The House bill includes transfers of mill allocations under the procedures for appeals to the Secretary regarding allotments, and eliminates an obsolete special appeal procedure regarding beet sugar allocations.

The House bill extends the sugar allotments through the 2012 crop year. Current law shall apply to flexible marketing allotments for the 2007 crop year for sugar.

The Senate amendment is similar to the House bill, with technical changes with regard to definitions and a modification to indicate that the exception for uses other than domestic human consumption does not include the sale of sugar for the production of ethanol or other bioenergy under the Feedstock Flexibility Program. (Section 1504)

The Conference substitute adopts the Senate provision with a modification to clarify that should there be a sale of a factory possessing an allocation of beet sugar, then the Secretary is to transfer to the buyer the allocation that has been agreed upon by the buyer and seller, assuming such an agreement has been reached. Additionally, it clarifies that following a conversion of sugarcane base acreage to a nonagricultural use in a proportionate share state, the Secretary is to notify the affected landowners of the transferability of the applicable base not later than 90 days after the agency becomes aware of the conversion. (Section 1403)

(23A) Administration of tariff rate quotas

The House bill provides that the Secretary is to establish at the beginning of the quota year, the tariff-rate quotas for raw cane sugar and refined sugars at the minimum level necessary to comply with obligations under international trade agreements approved by Congress. The Secretary may take action to increase the supply of sugar on or after April 1 of each fiscal year, with certain constraints on that action. Before April 1, the Secretary is to take action to increase the supply of sugar only if there is an emergency shortage of sugar in the United States market that is caused by war, flood, hurricane, or other natural disaster or other similar event. The House bill would also require the Secretary to establish orderly shipping patterns for sugar imports. (Section 1303)

The Senate amendment is similar to the House bill except the Senate amendment does not contain the provision requiring the Secretary to establish shipping patterns. (Section 1504)

The Conference substitute adopts the Senate provision. (Section 1403)

(23B) Storage facility loans

The Senate amendment prohibits penalties for prepayment of sugar storage facility loans. (Section 1502)

The House contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 1404)

(23C) Commodity Credit Corporation storage payments

The Senate amendment establishes rates for the storage of forfeited sugar for each of the 2008 through 2011 crop years in an amount that is not less than 15 cents per hundredweight of refined sugar per month or 10 cents per hundredweight of raw cane sugar per month. For each of the 2012 and subsequent crop years, establishes storage payments at rates in effect at the time of enactment. (Section 1503)

The House contains no comparable provision.

The Conference substitute [adopts the Senate provision]. (Section 1405)

(23D) Sense of the Senate regarding NAFTA sugar coordination

The Senate amendment provides a sense of the Senate that the United States and Mexico should coordinate their respective sugar policies and that the United States should consult with Mexico on policies to maximize benefits for growers, processors and consumers. (Section 1505)

The House contains no comparable provision.

The Conference substitute deletes the Senate provision.

(24) Dairy Product Price Support Program

The House bill requires the Secretary to support the price of cheddar cheese, butter, and nonfat dry milk by purchasing such products at specified prices: cheddar cheese in blocks at not less than $1.13 per pound; cheddar cheese in barrels at not less than $1.10 per pound; butter at not less than $1.05 per pound; and nonfat dry milk at not less than $0.80 per pound. If net removals of cheese, butter or nonfat dry milk exceed specific limits for 12 consecutive months, the Secretary may reduce the purchase prices of that commodity during the month that immediately follows. The prices that the Secretary pays under this section for the commodities must be uniform across the country. The Secretary may sell cheese, butter, or nonfat dry milk for unrestricted use from inventories of the Commodity Credit Corporation at prevailing market prices, but not less than 110 percent of the prices specified in the Purchase Price subsection. (Section 1401)

The Senate amendment requires the Secretary to support the price of cheddar cheese, butter, and nonfat dry milk by purchasing such products at specified prices: cheddar cheese in blocks at not less than $1.13 per pound; cheddar cheese in barrels at not less than $1.10 per pound; butter at not less than $1.05 per pound; and nonfat dry milk at not less than $0.80 per pound. The prices that the Secretary pays under this section for the commodities must be uniform across the country. The Secretary may sell cheese, butter, or nonfat dry milk for unrestricted use from inventories of the Commodity Credit Corporation at prevailing market prices, but not less than 110 percent of the prices specified in the Purchase Price subsection. (Section 1601)

The Conference substitute adopts the House provision with an amendment to delete an unnecessary reference to Commodity Credit Corporation funding. (Section 1501)

(25) Dairy Forward Pricing Program

The House bill requires the Secretary to establish the Dairy Forward Pricing Program, which authorizes milk producers to voluntarily enter into forward price contracts with milk handlers for milk that is not Class I. Under such forward price contracts, prices received by milk producers and cooperatives will be deemed to satisfy all regulated minimum milk price requirements. Milk handlers will be prohibited from requiring participation in a forward price contract, and the Secretary is required to investigate complaints and to take appropriate action if evidence of coercion is found. No forward price contract can be entered into after September 30, 2012, or extend beyond September 30, 2015. (Section 1402)

The Senate amendment amends the former dairy forward pricing pilot program to establish a program that allows milk producers and cooperative associations to voluntarily enter into forward price contracts with milk handlers with protections for producers that are similar to the protections provided in the House bill. (Section 1606)

The Conference substitute adopts the House provision. (Section 1502)

(26) Dairy Export Incentive Program

The House bill reauthorizes the dairy export incentive program until December 31, 2012, and authorizes the Secretary to issue rules to ensure that each year the maximum volume of dairy product exports allowable within the United States' obligations under the Uruguay Round Agreements is exported. (Section 1403)

The Senate amendment reauthorizes the dairy export incentive program until December 31, 2012. (Section 1603)

The Conference amendment adopts the House provision.

(27) Revision of Federal marketing order amendment procedures

The House bill requires the Secretary, upon receiving a written request for a hearing to amend a milk marketing order, issue a denial of the request or issue a notice of the hearing, and stipulates the timeframe for a hearing. Notice for a hearing on a proposed amendment to a marketing order must be provided not less than three days before the date of the hearing. The Secretary is required to issue a recommended decision on a proposed amendment to a milk marketing order no more than 90 days after the date set for the submission of post-hearing findings, conclusions and written arguments. Further, the House provision requires the final decision to be issued no more than 60 days after the recommended decision was issued. If the Secretary receives a request for a hearing on a proposed amendment to a milk marketing order within 90 days after announcing a decision on a previously proposed amendment to the same order, and the two proposed amendments are essentially the same, the Secretary is not required to call a hearing. (Section 1404)

The Senate amendment requires the Secretary to issue supplemental rules of practice within 60 days of enactment and establishes 5 provisions to be included in the rules of practice. The Secretary, upon receiving a proposal for a hearing regarding a milk marketing order, is required to issue an action plan and expected timeframes for completion of the hearing not more than 180 days after the date of the notice; issue a request for additional information regarding the proposal; or issue a denial of the request. The Senate amendment establishes a time limit of 90 days after the deadline for submitting post-hearing briefs for USDA to issue a recommended decision on proposed amendments to milk marketing orders and to issue a final decision within 60 days after the deadline for submission of comments and exceptions to the recommended decision. The Senate amendment authorizes industry assessments to supplement appropriated funds if necessary to improve or expedite rulemaking; and authorizes the use of informal rulemaking to amend orders, other than provisions of orders that directly affect milk prices. The Secretary is required, as part of any hearing to adjust make allowances, to determine the average monthly prices of feed and fuel incurred by dairy producers in the relevant marketing area and to consider those prices in determining whether or not to adjust make allowances. (Section 1605)

The Conference substitute adopts the Senate provision with amendments to reduce the amount of time allowed for completion of a hearing to 120 days, provide a limit of up to 60 days for submission of post-hearing briefs, delete specific requirements related to the content of the hearing action plan; and adopt the House language designed to avoid duplicative hearings for similar petitions received within 90 days of the announcement of a decision on a previously proposed amendment. The conference substitute also sunsets the applicability of the Senate provision related to hearings involving adjustments to make-allowances coincident with the Food, Conservation, and Energy Act of 2008.

(28) Dairy Indemnity Program

The House bill reauthorizes the dairy indemnity program through September 30, 2012. (Section 1405)

The Senate amendment reauthorizes the dairy indemnity program through September 30, 2012. (Section 1603)

The Conference substitute adopts the House provision.

(29) Extension of Milk Income Loss Contract Program

The House bill reauthorizes the MILC program through 2012, under the same terms as current law. (Section 1406)

The Senate amendment amends the MILC program for tho period October 1, 2008 through August 31, 2012 by increasing the payment factor from 34 percent to 45 percent and by increasing the annual eligible payment quantity from 2.4 million pounds to 4.15 million pounds. (Section 1602)

The Conference substitute provides for the continuation of the program. For the period from October 1, 2008 through August 31, 2012, the payment factor is increased to 45 percent, the annual eligible payment quantity is increased to 2,985,000 pounds, and the $16.94 per hundredweight price is adjusted whenever the National Average Dairy Feed Ration Cost for a month is greater than $7.35 per hundredweight by 45 percent of the percentage increase in the feed ration cost. Beginning September 1, 2012, the trigger for the adjustment in the price used to determine the payment rate is set at $9.50 per hundredweight. (Section 1506)

FEED PRICE RATIOS: UNITED STATES, MARCH 2008 WITH COMPARISONS

Feed Price Ratio[1]	2007	2008	
	Mar	Feb	Mar
Broiler-Feed: Pounds of Broiler Grower Feed equal in value to 1 pound of broiler, live weight[2]	5.9	*3.9	3.8
Market Egg Feed: Pounds of Laying Feed equal in value to 1 dozen eggs[3]	9.1	*11.1	11.4
Hog-Corn: Bushels of Corn equal in value to 100 pounds of hog, live weight	13.1	*9.3	8.5
Milk-Feed: Pounds of 16% Mixed Dairy Feed equal in value to 1 pound of Whole Milk[4]	2.39	*2.24	2.05
Steer & Heifer-Corn: Bushels of Corn equal in value to 100 pounds of Steer & Heifers, live weight	28.5	*20.8	19.4

FEED PRICE RATIOS: UNITED STATES, MARCH 2008 WITH COMPARISONS—Continued

Feed Price Ratio[1]	2007	2008	
	Mar	Feb	Mar
Turkey-Feed: Pounds of Turkey Grower equal in value to 1 pound of Turkey, live weight[5]	5.5	*3.6	3.8

[1] Effective January 1995, prices of commercial prepared feeds are based on current U.S. prices received for corn, soybeans, alfalfa hay, and all wheat.

[2] The price of commercial prepared broiler feed is based on current U.S. prices received for corn and soybeans. The modeled feed uses 58 percent corn and 42 percent soybeans.

[3] The price of commercial prepared layer feed is based on current U.S. prices received for corn and soybeans. The modeled feed uses 75 percent corn and 25 percent soybeans.

[4] The price of commercial prepared dairy feed is based on current U.S. prices received for corn, soybeans, and alfalfa. The modeled feed uses 51 percent corn, 8 percent soybeans, and 41 percent alfalfa.

[5] The price of commercial prepared turkey feed is based on current U.S. prices received for corn, soybeans, and wheat. The modeled feed used 51 percent corn, 28 percent soybeans, and 21 percent wheat.

* Revised.

PRICES USED TO CALCULATE FEED PRICE RATIOS: UNITED STATES, MARCH 2008 WITH COMPARISONS

Commodity	Unit	Entire Month		Preliminary
		Mar 2007	Feb 2008	Mar 2008
Broilers, Live	Lb	0.500	0.500	0.510
Eggs, Market	Doz	0.681	1.220	1.300
Hogs, All	Cwt	44.90	42.20	41.20
Milk, All	Cwt	15.60	19.10	18.30
Steers and Heifers	Cwt	97.70	94.20	93.80
Turkeys, Live	Lb	0.443	0.475	0.529
Corn	Bu	3.43	4.53	4.83
Hay, Alfalfa, Baled	Ton	121.00	138.00	143.00
Soybeans	Bu	6.95	11.70	11.90
Wheat, All	Bu	4.75	9.98	11.70

FEEDER LIVESTOCK: PRICES PAID, UNITED STATES, MARCH 2008 WITH COMPARISONS

Commodity	Unit	2007	2008	
		Mar	Feb	Mar
Feeders and Stockers Cattle and Calves	Cwt	$105.40	*$103.90	$101.60
Feeder Pigs	Cwt	157.00	113.00	115.00

* Revised.

(30) Dairy Promotion and Research Program

The House bill extends the authority to expend funds to develop foreign markets through fiscal year 2012; amends the definition of "United States" to include Alaska, Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico for both promotion and research programs; and provides for a refund of assessments for importers on contracts in effect prior to July 26, 2007, for a period of one year after the date of enactment. (Section 1407)

The Senate amendment extends the authority to expend funds to develop foreign markets through fiscal year 2012. (Section 1604)

The Conference substitute adopts the House provision with an amendment to reduce the rate of assessment on imported dairy products to 7.5 cents per hundredweight. The substitute also amends the Dairy Promotion Stabilization Act of 1983 to authorize the Secretary to establish by regulation the time and method of importer payments under the Act. (Section 1507)

The Farm Security and Rural Investment Act of 2002 amended Section 112 of the Dairy Promotion Stabilization Act of 1983 (7 U.S.C. 4503(d)) to require that, "The Secretary, in consultation with the United States Trade Representative, shall ensure that the order is implemented in a manner consistent with the international trade obligations of the Federal Government." The Managers expect the Secretary to consult with the United States Trade Representative to ensure that any action taken pursuant to this section is consistent with the bilateral, regional and multilateral trade obligations of the Federal Government.

(31) Report on Department of Agriculture reporting procedures for nonfat dry milk

The House bill requires the Secretary to submit a report to Congress within 90 days of enactment of this Act regarding USDA's reporting procedures for nonfat dry milk and the impact of those procedures on Federal milk marketing order minimum prices during the period July 1, 2006, through the date of enactment of this Act. (Section 1408)

The Senate amendment is the same as the House provision except it requires the Secretary to submit the report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. (Section 1607)

The Conference substitute adopts the Senate provision. (Section 1508)

The Managers are encouraged by the corrective action agreed to by the Department in connection with a prior misreporting of nonfat dry milk prices and encourage the Secretary to submit periodic implementation progress reports to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry. While the Senate provision to require USDA to formally designate an official to be in charge of coordinating dairy oversight was not included in the conference report, the Managers intend that USDA continue with the steps to improve coordination of dairy oversight within the Department and with other relevant agencies as necessary to ensure accurate price determinations.

(32) Federal Milk Marketing Order Review Commission

The House bill, subject to the availability of funds, establishes the Federal Milk Marketing Order Review Commission to conduct a comprehensive review and evaluation of the current Federal milk marketing order system and non-Federal milk marketing order systems. The House bill provides for the appointment of 18 Commission members; requires the commission to issue a report to Congress and the Secretary of Agriculture with the results of the review and evaluation conducted under this section; and stipulates that the commission is wholly advisory in nature, and the recommendations it issues are non-binding. (Section 1608)

The Senate amendment is similar to the House provision except it provides additional areas for the Commission to evaluate and modifies the appointment of Commission members. (Section 1608)

The Conference substitute adopts the House provision except the objectives of the Commission are modified, the number of commission members is reduced to 14 and all Commission members will be appointed by the Secretary.

The Managers are aware of a number of dairy reform proposals being advocated at the State, regional and National level to simplify and improve the Federal milk marketing order system. The Managers intend that the Commission should evaluate as many of these proposals as practicable. Specifically, the Commission should analyze and report on the potential economic benefits of establishing a 2-class system of classified milk consisting of a fluid milk class and a manufacturing grade milk class with the price of both classes determined using similar component prices of butterfat, protein, and other solids. The Commission should also evaluate the economic impacts of proposals to eliminate advance pricing that is currently used to calculate the prices of Class I and Class II skim milk and instead use 4-week component prices that are used to calculate prices for Class III and Class IV milk.

(32A) Mandatory reporting of dairy commodities

The Senate amendment amends current law to require corporate officers or officially-designated representatives of each dairy processor (other than those that process less than 1 million pounds of dairy products a year) to report to the Secretary on each daily reporting day such price, quantity, and product characteristics as the Secretary determines appropriate with respect to those package sizes used to establish minimum prices for Class III or Class IV milk under Federal milk marketing orders. The Senate amendment requires the Secretary to make the information reported available to the public on the same day as the information is reported, and requires dairy manufacturers to report, at periodic intervals, the quantities of dairy products in storage. (Section 1609)

The House bill has no comparable provision.

The Conference substitute provides authority for the Secretary to establish an electronic reporting system, subject to the availability of funds; and requires the Secretary to increase the frequency of mandatory reporting of sales of dairy products once the electronic reporting system is in place. (Section 1510)

(32B) Additional mandatory dairy reporting

The Senate amendment amends current law as amended by section 1609 to require regular audits and comparisons with other related dairy market statistics on at least a quarterly basis. (Section 1610)

The House bill has no comparable provision.

The Conference substitute provides for quarterly audits of information submitted or reported and comparison of such information with related dairy market statistics, and incorporates this requirement in the previous section. (Section 1510)

(33) Administration generally

The House bill authorizes the use of the Commodity Credit Corporation in carrying out the provisions of title I, and, generally, continues other administrative provisions of the 2002 farm bill. (Section 1501)

The Senate amendment includes the same provisions as the House measure, and includes an additional provision to exempt producers who have an option to receive advance direct and partial counter-cyclical payments from constructive receipt of those payments. (Section 1701)

The Conference substitute adopts the Senate provision with an amendment to provide for interim regulations to implement the payment limitations and adjusted gross income provisions. (Section 1601)

Beginning with the 2009 crop, the Conference substitute includes significant reforms to payment limitation and adjusted gross income provisions. This is a complex and long-standing area of the law and regulations, many of which have been in effect for decades. The continuity and predictability of these regulations is important to the economic stability of farm operators, the lenders that finance them, the input suppliers who provide their seed, feed, fertilizer and other inputs, and indeed for the agricultural economy as a whole. In order to avoid undue disruption of all of these sectors of the agricultural economy, the Managers expect USDA to provide adequate notice and opportunity for comment, consistent with the interim rule process, for Sections 1603 and 1604, to ensure these changes are implemented in a manner that is least disruptive to producers and other stakeholders, and that allows the programs to continue to achieve their objectives.

The Managers further expect that in the rulemaking process, USDA will give priority to addressing matters within the scope of these legislative changes and guidance in this Statement in order to minimize program and regulatory disruption, to maximize continuity and predictability, and to focus the scarce resources of the Department of Agriculture on implementing these and other specific regulatory requirements in this bill.

The Managers also expect that during the interim rule process USDA will amend the regulations as necessary or appropriate to implement these statutory changes consistent with the intent and guidance provided by the Managers throughout this Statement. The Managers expect the notice and comment period regarding the implementation of the AGI and payment limitation provisions to include issues such as, family definitions, denial of program benefits, notification of interests in operation, changes in farming operations, actively engaged, schemes and devices, apportionment of income for joint filers, and spousal eligibility. The Managers expect the Secretary to implement the AGI provision in a manner that provides equitable treatment, to the maximum extent practicable, to all producers.

(34) Suspension of permanent price support authority

The House bill provides the same as current law for 2008–2012 crops and for milk through December 31, 2012. (Section 1502)

The Senate amendment provides the same as the House measure except does not include peanuts. (Section 1702)

The Conference substitute adopts the House provision. (Section 1602)

(35) Payment limitations

The House bill extends payment limitations in the 2002 farm bill, with revisions including the elimination of limitations on marketing loan benefits and loan deficiency payments. It amends the Food Security Act of 1985 to limit the total amount of direct payments that a person or legal entity may receive in a crop year to $60,000, excluding peanuts; and counter-cyclical payments that a person or legal entity may receive in a crop year to $65,000, excluding peanuts. For peanuts, a person or entity may not receive more than $60,000 for direct payments, and no more than $65,000 for counter-cyclical payments. The House bill defines the term "legal entity" as an entity that owns land or an agricultural commodity, or produces an agricultural commodity; and the term "person" as a natural person, and does not include a legal entity. The House bill provides for direct attribution for payments, by requiring the Secretary to promulgate regulations to ensure that the total amount of payments are attributed to a person, by taking into account the direct and indirect ownership interests of the person in a legal entity. It provides that every payment made directly to a person will be combined with the person's pro rata interests in payments received by a legal entity in which the person has an ownership interest. It further provides that for every payment made to a legal entity, the payment will be attributed to those persons with an ownership interest in the entity traced through four levels of ownership in the entities, and includes a framework for that attribution. (Section 1503)

The Senate amendment is similar to the House measure, except it establishes payment limitations under the new act at $40,000 for a combination of both traditional direct and average crop revenue fixed payments, and $60,000 for counter-cyclical payments and the revenue portion of average crop revenue payments. It strikes the definition of "loan commodity, thereby also terminating the limitations on marketing loan gains and loan deficiency payments," adds definitions for "family member", "legal entity", and "person," and includes spouses in the definition of family member. The Senate amendment provides similar direct attribution requirements, except payments made to a legal entity shall be reduced proportionately by an amount that represents the direct or indirect ownership in the legal entity that has otherwise exceeded the applicable payment limitation. (Section 1703)

The Conference substitute adopts the Senate provision with an amendment that provides a $65,000 payment limit for counter-cyclical payments, a reduced direct payment limit for participants in the ACRE program to reflect the amount the direct payment is cut as a condition to participate in ACRE, and a limit in the amount of counter-cyclical and ACRE payments that reflects the $65,000 limit plus the amount of that the direct payment limit is reduced. The counter-cyclical limits and ACRE limits are combined for those producers who participate in ACRE because producers would be eligible to participate in the counter-cyclical program on one farm and the average crop revenue election on a separate farm. (Section 1603)

The change in the administration of the payment limit provisions from one based on separate "person" determinations to one that attributes income among persons and entities, based upon their share of participation, is, by design, less susceptible to manipulation by changing the farming structure to introduce multiple farming entities. With this change, many farming operations that had been approved under current law, may wish to reorganize such operations for estate or tax purposes or for other reasons. It is the intent of the Managers that, consistent with the action taken by the Congress with the passage of the significant changes in farm program participation in 1987, that during the 2008 and 2009 program years, persons should not be penalized for changing their farming operation structure given such a significant change in the law administering payment limitations.

(35A) Special rules

The House bill amends section 1001 of the Food Security Act of 1985 by inserting a new subsection (e) to essentially continue current rules for minor children, marketing cooperatives, trusts and estates, cash rent tenants, and federal agencies. For state, local governments, and their political subdivisions, it prohibits them from receiving direct and counter-cyclical payments unless they are the producer of all crops on the farm and the proceeds of the production benefits a public school or they have an existing share crop lease. If the state, local government, or political subdivision is the producer, all such qualified entities in a state have a combined limit of one entity for the payments they receive. For share crop leases, if the land is used to maintain a public school, the state, local government, or political subdivision may continue to receive payments under current law until the lease expires. It provides for a 2–5 year denial of benefits for evasion of payment limits, including the failure to disclose material information, and that benefits be denied on a pro-rata basis according to ownership. In addition, the language provides that the addition of a family member under the provisions of section 1001A will be considered to be a bona fide and substantive change. This language encompasses the addition of a spouse to a farming operation, given the new provisions in section 1001A concerning spouses. (Section 1503)

The Senate amendment provides the same as the House measure, except it maintained current law with regard to production on land owned by state and local governments when the proceeds are used to maintain a public school. The Senate amendment expands the enforcement capability of the Secretary and provides for extended penalties for individuals or entities that perpetuate a fraud or a scheme or device in order to exceed the applicable limit on payments. Persons or entities that commit fraud or equally serious actions can be subjected to a five-year denial of program benefits. Any member of a legal entity that participates in a scheme or device to evade the limitations shall be jointly and severally liable for any amounts determined to be payable to the Secretary. The Secretary may partially or fully release from liability any person who cooperates with the Secretary in enforcing payment limitation provisions. (Section 1703)

The Conference amendment adopts the Senate provision with an amendment to provide a single, combined statewide payment limit of $500,000 upon all state and local governments and political subdivisions that receive farm program payments. This limit would not apply to states with populations less than 1.5 million. (Section 1603)

It is the intent of the Managers that the addition of a spouse (also a family member) will be considered to be bona fide and substantive—just as with the addition of any family member.

(35B) Three-entity rule; actively engaged in farming; denial of program benefits

The House bill amends the Food Security Act of 1985 to repeal the three-entity rule and to require notification of interests. Each entity or person receiving payments is to provide the Secretary the name and social security number of each individual, or the name and tax ID number of each entity, that holds or acquires an ownership interest; and for each person, provide such information for each entity in which the person holds an ownership interest. (Section 1503)

The Senate amendment provides the same as the House measure. (Section 1703)

The Conference amendment adopts the Senate provision with an amendment to replace "presented false information that was material" with "failed to disclose material information" and to specify that the provisions apply to any legal entity and any member of any legal entity. (Section 1603)

(35C) Actively engaged in farming

The House bill amends the Food Security Act of 1985 to essentially continue the provisions that recipients be "actively engaged" in farming. Existing special classes of actively engaged participants are continued, with the exception that as long as one spouse is determined to be actively engaged, the other spouse shall be determined to have met the requirements of personal labor or active personal management. (Section 1503)

The Senate amendment provides the same as the House measure. (Section 1703)

The Conference substitute adopts the Senate provision. (Section 1603)

Current law concerning spouses made it very difficult for a spouse to be considered to be a separate person for the purpose of the application of the payment limits. In adopting the provision that if one spouse has been determined to be "actively engaged," then the other spouse will be deemed to have made a significant contribution of active labor or active personal management to the operation as required by section 1001A(b)(2)(A)(i)(II), it is the intent of the Managers that this provision recognize the valuable contributions made by the spouse in a family farming operation as well as the significant value of these contributions to the overall success of family farming operations in America. It is further the intent of the Managers that in implementing this section, the Secretary shall consider such automatic "significant" contribution of active labor or active personal management to be commensurate with at least a 50% share in the profits and losses of the farming operation and to be at risk. It is the intent of the Managers to end the discrimination against spouses of farming families and reflect their true value to the farming operation. By assigning a "significant" level of contribution of labor or active management, the Conference Substitute requires the spouse only to make a significant contribution of capital, equipment, or land in order to be considered actively engaged.

(35D) Transition

The House bill provides that the current provisions of Section 1001 of the Food Security Act of 1985 will remain applicable to the 2007 crop. (Section 1503)

The Senate amendment provides the same as the House measure. (Section 1703)

The Conference substitute provides that the current provisions of sections 1001, 1001A, and 1001B of the Food Security Act of 1985 will remain applicable to the 2007 and 2008 crops. (Section 1603)

(36) Adjusted gross income limitation

The House bill extends the adjusted gross income limitation to programs under this Act and extends the effective period through the 2012 crop year. (Section 1504(a))

It also amends section 1001D of the Food Security Act of 1985, beginning with the 2008 crop year, to require that individuals or entities have an average adjusted gross income (AGI) not exceeding $1 million in order to receive program payments. Further provides that an individual or entity with an AGI in excess of $500,000 shall not be eligible for benefits, unless at least 66.66 percent of the AGI is derived from farming, ranching, or forestry operations, as determined by the Secretary. (Section 1504(b))

Modified AGI limits applicable to the 2008 through 2012 crop years. (Section 1504)

The Senate amendment extends the effective period through the 2012 crop year. (Section 1704(a))

It amends section 1001D of the Food Security Act of 1985 to lower the applicable average adjusted gross income (AGI) limit for recipients of direct or counter-cyclical payments, marketing loan gain or loan deficiency payments and average crop revenue payments from the current level of $2.5 million to $1,000,000 for the 2009 crop year and to $750,000 for the 2010 and subsequent crop years. Individuals or entities that receive 66.66% of their income from farming, ranching or forestry operations are exempted from this restriction. The Senate amendment establishes the income limitation for conservation programs at the current level of $2.5 million, unless not less than 75 percent of the AGI is derived from farming, ranching, or forestry operations. (Section 1704(c))

The Senate Amendment provides that existing adjusted gross income provisions of the Food Security Act shall continue to apply with respect to the 2007 and 2008 crops. (Section 1704(d))

Authorizes the allocation of adjusted gross income among the individuals filing joint returns provided the allocation is supported by a certified public accountant or attorney. (Section 1704(b))

The Conference substitute provides an average adjusted gross nonfarm income cap of $500,000. If the average AGI for nonfarm income of a person or legal entity exceeds $500,000, they become ineligible for a host of farm programs, including the non-insured assistance program and the new disaster program. The Substitute also provides for an average adjusted gross farm income cap of $750,000. If a person's or legal entity's average farm AGI exceeds $750,000, then they become ineligible for direct payments.

The Conference substitute provides an average adjusted gross nonfarm income cap of $1,000,000 for conservation programs unless two-thirds or more of the income of the person or legal entity is average adjusted gross farm income. The Secretary is authorized to waive the limitation on a case-by-case basis if the Secretary determines that environmentally sensitive land of special significance would be protected. (Section 1604)

New section 1001D(a)(3) provides that married couples filing joint returns may allocate appropriately their income among themselves for the purposes of applying both the new $750,000 adjusted gross farm income test and the new $500,000 nonfarm income test to each individual spouse. The section requires that to secure this allocation married couples must provide a professional third party certification of the method used to apportion the income, and the Secretary must determine that the submission is appropriate. The Managers expect the Secretary to apply this provision carefully and that its impact should be limited to the unique and special circumstances of each individual case.

The new provisions under section 1001D will take effect in 2009 and will be based on the 3 tax years preceding the most immediate preceding tax year. Since these tax years occur in the past and income decisions regarding them were based on past circumstances the Managers expect the Secretary to allow modifications to the allocation of income in these past years in order to implement the new income requirements in as least disruptive manner possible.

The Conference Substitute strengthens the certification requirements and ensures the Secretary can take appropriate action against a person or legal entity that fails to provide certifications concerning their average adjusted gross income, average adjusted gross farm income and average adjusted gross nonfarm income. Certifications are required to be provided at least once every 3 years. The Managers intend for the Secretary to deny program benefits to a person or legal entity that does not provide the certifications required in section 1001D, as amended, until such time as the certifications are actually provided. The Secretary is also to establish audit procedures that are designed to ensure that audits are directed toward those persons or legal entities that are most likely to exceed the adjusted gross income ceilings set out in section 1001D, but is not designed to authorize the Secretary to conduct repeated audits of operations based upon size alone.

(36A) Income derived from farming, ranching or forestry

The House bill amends section 1001D of the FSA by adding a new paragraph (3) to delineate income that is to be included in the portion of average adjusted gross income derived from farming, ranching, or forestry to include the following: The production of crops, livestock, or unfinished raw forestry products; the sale, including the sale of easements and development rights, of farm, ranch, or forestry land or water rights; the sale, but not as a dealer, of equipment purchased to conduct farm, ranch, or forestry operations when the equipment is otherwise subject to depreciation expense; the rental of land used for farming, ranching, or forestry operations; the provision of production inputs and services to farmers, ranchers, and foresters; the processing, storing, and transporting of farm, ranch, and forestry commodities; and the sale of land that has been used for agriculture. (Section 1504(b)(3))

The Senate amendment provides the same as the House measure, except the Senate does not limit the sale of equipment to those other than dealers and does not include the provision regarding equipment subject to depreciation; includes income from water or hunting rights; includes packing in processing and shedding in storage; and includes payment or other income attributable to benefits received under any Title I or Title II program. (Section 1704(c))

The Conference amendment adopts the Senate provision with an amendment to clarify and expand upon the items included in the Senate amendment. Newly specified categories of farm income include the feeding, rearing or finishing of livestock and payments received under the noninsured assistance program (NAP), and under the Federal Crop Insurance Act. Income received from the sale of farm equipment or production inputs or services to farmers can be considered farm income if two-thirds of a person's or legal entity's average adjusted gross income comes from the other sources of farm income. (Section 1604)

The Managers intend for the Secretary to create a method for determining a person's average adjusted gross farm income by including all income reported on IRS Schedule F (or other schedule for reporting farm or farm-related income), farming, ranching, or forestry related income specifically listed in the statute, and other income as determined by the Secretary to be income related to farming, ranching, or forestry activities. The items described in section 1001D(c) to be included in average adjusted gross farm income are intended to be illustrative and by no means an exclusive list. The Managers expect the Secretary to interpret, implement, and expand the sources of income derived from farming, ranching, or forestry to include the income or benefits from farming and farm-related activities and other activities that the Secretary determines are derived directly or indirectly from farm or farm-related activities. Many of these activities may be in addition to those items reported on IRS Schedule F, Form 4853 (farm rental income), farm partnership returns, or other schedules or forms. As farming practices, farming enterprises, and farm-related activities continue to evolve and modernize, the Managers intend that the Secretary will expand the sources of income derived from farming, ranching, or forestry for these purposes to reflect these developments.

(37) Adjustments of loans

The House bill amends section 162 of the 1996 farm bill by inserting "except for cotton and long grain, medium grain, and short grain rice" after "commodity"; extending the provisions; and adding provisions for cotton and rice.

The House bill authorizes the Secretary to make adjustments in the loan rate for cotton for differences in quality factors, and requires the Secretary to revise the marketing assistance loan program for cotton to better reflect market values for cotton. The House bill requires revisions, including: Eliminating or revising warehouse location differentials to reflect market conditions; changing the way premiums and discounts are calculated by using a 3-year weighted moving average of spot market data, weighted by each region's share of production; eliminating gaps between premium and discount differentials based on certain fiber lengths; and further capping premiums based on leaf and color considerations.

The House bill provides for discretionary revisions in—adjusting the loan rates schedule using non-spot market price data in addition to spot market data for cotton; and eliminating gaps between premium and discount differentials based on certain longer fiber lengths.

The House bill encourages USDA consultation with the private cotton industry when making the mandatory and discretionary adjustments.

The House bill amends section 162(e) of the 1996 farm bill to provide that "with respect to long grain rice and medium and short grain rice, the Secretary shall not make adjustments in the loan rates for such commodities, except for differences in grade and quality (including milling yields)".

The House bill provides the same as section 162(c) of the 1996 farm bill, which allows the Secretary to establish county loan rates in a manner that results in the lowest loan rate being 95% of the national average loan rate, if those loan rates do not result in an increase in outlays. Prohibits any adjustment resulting in an increase in the national average loan rate for any year.

The House bill provides the same as section 162 of the 1996 farm bill. (Section 1505)

The Senate amendment provides for adjustments in loan rates for loan commodities other than cotton for differences in grade, type, location, and other factors. (Section 1210(a))

Subsection (b) of the Senate amendment provides the same as current law. (Section 1210(b))

Subsection (d) of the Senate amendment provides the same as the House measure, except with respect to mandatory revisions, the Senate amendment eliminates warehouse location differentials.

With respect to discretionary revisions, the Senate amendment provides the same as the House measure.

With respect to consultation, the Senate amendment provides the same as the House provision, except that it requires consultation with the private cotton industry. (Section 1210(d))

With respect to rice, the Senate amendment prohibits the Secretary from making adjustments in the loan rates for long grain rice and medium grain rice, except for differences in grade and quality (including milling yields). (Section 1210(f))

Subsection (c) of the Senate amendment provides the same as current law. (Section 1210(c))

The Senate amendment provides the same as current law specifically for peanuts. (Section 1308)

The Conference substitute adopts the Senate provision with an amendment to simplify language related to the requirement to consult with the cotton industry. (Section 1210)

(38) Personal liability of producers for deficiencies

The House bill provides the same as current law. (Section 1506)

The Senate amendment provides the same as current law. (Section 1709)

The Conference substitute adopts the Senate provision. (Section 1606)

(39) Extension of existing administrative authority regarding loans

The House bill provides the same as current law. (Section 1507)

The Senate amendment provides the same as current law. (Section 1710).

The Conference adopts the Senate provision with an amendment. (Section 1607)

(40) Assignment of payments

The House bill provides the same as current law. (Section 1508)

The Senate amendment provides the same as current law. (Section 1711)

The Conference substitute adopts the House provision with an amendment. (Section 1608)

(41) Tracking of benefits

The House bill requires the Secretary to track the benefits provided under titles I and II directly or indirectly to individuals and entities. (Section 1509)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment to give the Secretary discretionary authority to track benefits. (Section 1609)

(42) Upland cotton storage payments

The House bill ends the practice of paying for upland cotton storage, handling and other costs associated with cotton going into the loan starting with the 2011 crop. (Section 1510)

The Senate amendment requires payment of cotton storage costs in the same manner and at the same rates as the Secretary provided for the 2006 crop of cotton effective for the 2008–2012 crop years. (Section 1204(h))

The Conference substitute adopts the Senate provision with an amendment to limit the payments to a percentage of the actual storage rates. (Section 1204(g))

(43) Government publication of cotton price forecasts

The House bill strikes the current prohibition on the publication of cotton price forecasts. (Section 1511)

The Senate amendment provides the same as the House measure. (Section 1714)

The Conference substitute adopts the Senate provision. (Section 1610)

(44) Prevention of deceased persons receiving payments under farm commodity programs

The House bill requires the Secretary to submit a report to Congress which identifies any estate of a deceased person that received payments under this title for more than two crop years following the death of the person. The Secretary is required to promulgate regulations specifying deadlines by which a legal entity that receives payments or other benefits under this title must notify the Secretary of any change in ownership of the entity, including the death of a person with direct ownership interest. Any entity that fails to comply may be denied such payments or benefits. The Secretary is required to recoup erroneous payments made on behalf of a deceased person, and to withhold payments that otherwise would be made to farming operations in which the deceased person was actively engaged until the funds have been recouped. The Secretary is required to biannually reconcile individual tax identification numbers with the Internal Revenue Service for recipients of payments under this title to determine recipients? living status. (Section 1512)

The Senate amendment prohibits the Secretary from providing any agricultural payment under this Act or Act amended by this Act to any deceased individual or estate of such individual after 2 program years after the date of death of the individual. The Secretary is required to submit reports to the respective committees on agriculture that describes the number of payments and the aggregate amount of payments to deceased individuals and estates of deceased individuals; and to specify for each such payment, the length of time the estate of the deceased individual has been open. (Section 11073)

The Conference substitute adopts the House provision with an amendment that provides for the Secretary to issue regulations to allow for the settlement of estates and to preclude payments on behalf of deceased individuals that were not eligible for payment. The Secretary is directed to reconcile Social Security numbers of program participants with the Social Security Administration at least twice annually. (Section 1611)

(45) Hard White Wheat Development Program

The Senate amendment creates a program to compensate producers of hard white wheat. It establishes acreage limitation and payment rates and provides $35 million for the period of fiscal years 2008–2012. (Section 1706)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to make the program subject to appropriations and to modify the period of effectiveness to fiscal years 2009–2012. (Section 1612)

(46) Durum Wheat Quality Program

The Senate amendment authorizes compensation to producers of durum wheat in an amount not to exceed 50% of the actual cost of fungicides applied to a crop of durum wheat of the producers to control wheat scab. It provides $10 million for each of fiscal years 2008 through 2012 subject to appropriations. (Section 1707)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to modify the period of effectiveness to fiscal years 2009–2012. (Section 1613)

(47) Storage facility loans

The Senate amendment establishes a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar) to construct or upgrade storage and handling facilities for the commodities. It provides the terms of loans, amounts, and security requirements. (Section 1708)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment. (Section 1614)

(48) State, county, and area committees

The Senate amendment provides for producer representation on county or area committees that are combined or consolidated. The provision requires that minority representation of socially disadvantaged farmers and ranchers is maintained. The Senate amendment provides that the producer is eligible to serve only as a member of the county or area committee that the producer elects to administer the farm records of the producer. (Section 1715)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to require the Secretary to develop procedures for the purpose of maintaining representation of socially disadvantaged farmers and ranchers on combined or consolidated committees. (Section 1615)

(49) Prohibition on charging certain fees

The Senate amendment prohibits the Secretary from charging fees or related costs for the collection of commodity assessments. (Section 1716)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 1616)

(50) Signature authority

The Senate amendment provides that if the Secretary approves a document containing signatures of program applicants, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any applicant signing the document on behalf of the applicant unless the applicant knowingly and willfully falsified the evidence of signature authority or a signature. (Section 1717)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment ensuring that the Secretary can still seek proper documentation despite the Senate provision and that third party producers who relied upon the prior approval of documents by the Secretary in good faith and substantially complied with farm program requirements are not denied benefits due to erroneous representations of authority. (Section 1617)

The Managers intend for the Secretary to continue to seek proper affirmation of signature authority from appropriate parties even as this section upholds prior document approval by the Secretary despite inadequate or invalid signature authority.

(51) Modernization of Farm Service Agency

The Senate amendment requires the Secretary to modernize the Farm Service Agency information technology and communication systems to ensure timely and efficient program delivery at national, state, and county offices. (Section 1718)

The House bill contains no comparable provision.

The Conference substitute provides for a report addressing the needs of the Department and a detailed plan to fulfill the Department's needs. (Section 1618)

(52) Geospatial systems

The Senate amendment requires the Secretary to ensure that all agencies of the Department of Agriculture consolidate the geospatial systems of the agencies into a single enterprise system that ensures that geospatial data are shareable, portable, and standardized. (Section 1719)

The House bill contains no comparable provision.

The Conference substitute provides that the Secretary shall ensure that all geospatial data of the agencies of the Department of Agriculture are portable and standardized. (Section 1619)

(53) Leasing of office space

The Senate amendment allows the Secretary to use Commodity Credit Corporation funds to lease space for use by agencies of the Department of Agriculture use provided the space is jointly occupied by the agencies. (Section 1720)

The House bill contains no comparable provision.

The Conference substitute provides for a report on the costs and time associated with complying with U.S. General Services Administration (GSA) leasing procedures. (Section 1620)

(53A) Geographically disadvantaged farmers and ranchers

The Senate amendment establishes a new program to provide geographically disadvantaged farmers and ranchers direct reimbursement payments to cover the cost to transport agricultural commodities or inputs used to produce agricultural commodities. The Secretary may spend up to $15,000,000 per fiscal year from funds appropriated to carry out this program. (Section 6021)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment. (Section 1621)

The Managers recognize the barriers to competition associated with the high transportation costs incurred by geographically disadvantaged farmers and ranchers. The Managers expect the Secretary to develop, in consultation with the eligible areas, an equitable allocation of the funds for such areas. The Managers also expect the Secretary to consult with eligible areas on administration of the program.

(53B) Implementation

The conference substitute provides $50,000,000 to the Farm Service Agency to implement title I. (Section 1622)

(54) Repeals

The Senate amendment repeals section 1605 of the 2002 farm bill authorizing a Commission on Application of Payment Limitations; repeals section 1617 of the 2002 farm bill renewing availability of market loss assistance and certain emergency assistance to persons that failed to receive assistance under earlier authorities. (Section 1721)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 1623)

TITLE II—CONSERVATION

(1) Definitions (Section 1201 of 1985 Food Security Act (FSA))

The Senate amendment adds definitions in the 1985 FSA for "beginning farmer or rancher", "Indian tribe", "socially disadvantaged farmer or rancher", "nonindustrial private forest land", and "technical assistance". The amendment authorizes the Secretary to employ a reasonable test of net worth or other measure to further qualify a beginning farmer or rancher. (Section 2001 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment that removes the test of net worth for a beginning farmer or rancher. The Conference substitute further adopts the definition of a socially disadvantaged farmer or rancher as defined in Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.

2279) and adds a definition of farm, integrated pest management, person and legal entity, and livestock. The definition of livestock is intended to include alpaca and bison. (Section 2001 of Conference substitute)

(2) Review of good faith determinations (Section 1212 of FSA)

The Senate amendment maintains the good faith exemption and provides for a second level review of highly erodible land compliance decisions by the Farm Service Agency State Executive Director with the technical concurrence of the Natural Resources Conservation Service State Conservationist or the Farm Service Agency District Director with the technical concurrence of the Natural Resources Conservation Service Area Conservationist or his or her equivalent. The amendment allows for graduated penalties for compliance violations. (Section 2101 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. Conservation compliance was created in the 1985 FSA. It requires that individuals who farm highly erodible land to develop and apply a conservation plan or lose eligibility for farm program benefits. It has resulted in reductions in soil erosion but has often been inconsistently applied. Under current law, even a small compliance infraction requires the complete denial of farm program benefits.

The Conference substitute creates a system of graduated penalties, to be based on the severity of the violation. The amendment also creates a process to ensure that the Farm Service Agency Area Director or the Farm Service Agency State Director will review local compliance decisions. The Natural Resources Conservation Service will be involved to provide concurrence on technical issues.

The Managers believe this approach resolves a long-standing problem and provides for increased oversight of the violation process. The Managers are aware however, that current market conditions are encouraging commodity production on additional land and also changing cropping patterns. In light of the increase in new crop production, as well as changes in cropping systems, the Managers expect that the Secretary will increase whatever technical assistance, planning, monitoring, investigation, and enforcement activities may prove necessary to ensure that producers receiving farm program benefits continue to meet the applicable conservation compliance requirements. (Section 2002 of Conference substitute)

(3) Review of good faith determinations (Section 1222 of FSA)

The Senate amendment maintains the good faith exemption and provides for a second level review of wetland compliance by the Farm Service Agency State Executive Director (with the technical concurrence of the NRCS State Conservationist) or the Farm Service Agency district director (with the technical concurrence of the Natural Resources Conservation Service area conservationist or his/her equivalent). (Section 2201 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. The Managers intend for this provision to provide for better review and enforcement of wetlands compliance provisions. It requires a second level of review of wetlands violations by the Farm Service Agency with the concurrence of the Natural Resources Conservation Service on technical issues. The Managers intend for the Farm Service Agency to continue its primary role in compliance determinations. (Section 2003 of Conference substitute)

(4) Comprehensive Conservation Enhancement Program (Section 1230 of FSA)

The Senate amendment extends the program through 2012 and adds the Healthy Forests Reserve Program. The Environmental Quality Incentives Program (EQIP) is moved to the Comprehensive Stewardship Incentives Program (CSIP). (Section 2341) It exempts land enrolled in the Conservation Reserve Enhancement Program (CREP), land affected by State or local regulations that prohibit water use for agricultural production, and land in the State of Washington where enrollment is essential to Federal or State plans for sustainable wildlife habitat from the 25 percent county acreage cap. (Section 2301 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute does not reauthorize the program. The Healthy Forest Reserve Program is retained in the Forestry Title, and the county acreage cap is addressed in "Administrative Requirements for Conservation Programs". (Section 1244 of the FSA). The Conference adopts a provision to exclude CREP acreage and continuous Conservation Reserve Program (CRP) acreage from the 25 percent cap if the county government concurs. This provision is separate and distinct from the existing waiver authority. As such, the Managers do not intend for the Secretary to survey producers, businesses, and other entities as is required by the existing waiver authority to implement this new provision.

The Managers recognize that a loss of access to water by agricultural producers can significantly impact conservation needs and local economies, and that producers need access to a wide range of conservation programs to help comply with a State or local law, order, or regulation prohibiting water use for agricultural production.

In making any determination on the applicability of the 25 percent county cropland CRP enrollment limitation, the Managers encourage the Secretary to maintain maximum flexibility for the enrollment of acreage in CRP that cannot be used for an agricultural purpose or is precluded from planting as a result of a State or local law, order, or regulation prohibiting water use for agricultural production.

(5) Conservation Reserve Program (Sections 1231, 1232, 1234, and 1235 of FSA)

(a) Conservation reserve (Section 1231 of FSA)

The House bill extends CRP until 2012 and gives the Secretary authority to address issues raised by State, regional, and national conservation initiatives. It amends the land eligibility provision to include land the Secretary determines had been planted for 4 of the 6 years preceding the enactment of the Farm, Nutrition, and Bio-energy Act of 2007 (except for land enrolled in CRP as of that date). It maintains the existing maximum enrollment of 39,200,000 acres. It strikes specific enumeration of Pennsylvania, Maryland and Virginia, but maintains the Chesapeake Bay Region as a Conservation Priority Area. The House bill also provides that alfalfa grown as part of a rotation practice is a commodity for cropping history criteria in determining whether land is eligible to be enrolled. It extends the Pilot Program for Enrollment of Wetland and Buffer Acreage in CRP to 2012. (Section 2101 of the House bill)

The Senate amendment extends CRP until 2012 and adds pollinator habitat to the resources to be conserved and improved through the program. The Senate amendment also expands eligible land to include marginal pastureland if native vegetation is grown and the land contributes to the restoration of the long-leaf pine forest or similar rare and declining forest ecosystem. The Senate amendment modifies eligibility of land that would facilitate a net savings in groundwater or surface water to apply only to alfalfa and other forage crops. The section expands eligible land to include land enrolled in the flooded farmland program. The Senate amendment maintains the existing maximum enrollment of 39,200,000 acres. The Senate amendment expands the Chesapeake Bay Priority Area to include all parts in the Chesapeake Bay Watershed and adds the Prairie Pothole Region, Grand Lake St. Mary's Watershed, and Eastern Snake Plain Aquifer region as Conservation Priority Areas.

The Senate amendment expands the lands eligible for the Pilot Program for Enrollment of Wetland and Buffer Acreage to include shallow water areas that were devoted to a commercial pond-raised aquaculture and agricultural drainage water treatment areas that provide nitrogen removal and other wetland functions. The Secretary, in consultation with the State technical committee, shall establish the maximum size of the buffer acreage to be enrolled along with eligible lands, taking into consideration the farming practices used with respect to the cropland that surrounds the wetland or shallow water area. The section increases the maximum wetland size to 40 contiguous acres and makes all acres eligible for payment. (Section 2311 of the Senate amendment)

The Conference substitute adopts the Senate provision with an amendment. The substitute extends CRP until 2012 and provides the Secretary authority to address issues raised by State, regional, and national conservation initiatives. These "State, regional and national conservation initiatives" may include such things as the North American Waterfowl Management Plan, the National Fish Habitat Action Plan, the Greater Sage-Grouse Conservation Strategy, the State Comprehensive Wildlife Conservation Strategies (also referred to as the State Wildlife Action Plans), the Northern Bobwhite Conservation Initiative, and State forest resource strategies. The Managers intend for the Secretary to consider the goals and objectives identified in relevant fish and wildlife conservation initiatives when establishing State and national program priorities, scoring criteria, focus areas, or other special initiatives. The Managers expect the Department to work with conservation partners and State and Federal agencies, to the extent practicable, to complement the goals and objectives of these additional plans through its programs.

Regarding pollinators, the Managers have placed a provision in "Administrative Requirements for Conservation Programs" (Section 1244 of the FSA), which applies to all applicable conservation programs and encourages the Secretary to give priority to applications that provide pollinator habitat.

The Conference substitute adopts the House provision on land eligibility and updates the provision to include land the Secretary determines has been planted for 4 of the 6 years preceding the enactment of the Food, Conservation, and Energy Act of 2008.

While the Managers agreed to an overall reduction in CRP enrollment to 32,000,000 acres, this should not serve as an indicator of declining or reduced support for CRP. The Managers intend that CRP be implemented at authorized levels, and that the program continue as one of USDA's key conservation programs. USDA shall update rental rates and use incentive payments for continuous CRP practices to make the program competitive with other programs and more economically viable for producers. The Managers support the use of partnership agreements with State wildlife agencies and nongovernmental organizations to assist in program promotion and implementation. Additionally, as general CRP contracts expire, the Managers encourage the enrollment of those acres in the Conservation Stewardship Program (CSP), Grassland Reserve Program (GRP) and the continuous CRP. The Managers expect that the Department will use incentive payments, promotional efforts, and agreements with the third parties mentioned above to ensure that the portions of general signup acreages that can be maintained in the program will be enrolled through continuous CRP.

The Conference substitute adopts the House language and makes a technical correction to include all States that make up the Chesapeake Bay Region as the Conservation Priority Area.

The substitute clarifies that alfalfa grown as part of a rotation practice is a commodity for cropping history purposes. The Managers encourage the Secretary to enroll irrigated alfalfa lands into ongoing CREP projects that address water quantity and quality issues. (Section 2101 of Conference substitute)

(b) Duties of owner and operators (Section 1232 of FSA)

The House bill maintains current law regarding managed haying and grazing outside of nesting seasons and expands the provision to allow a producer to conduct prescribed grazing for the control of invasive species on CRP lands. It allows for managed grazing and requires the Secretary to reduce the rental payment and require a management plan. It allows dryland crop production and grazing on CREP acres where CREP is initiated to address declining water resources. The Secretary is required to develop a conservation plan, determine eligibility of dryland crop production and grazing for crop insurance, reduce the rental payment, and renegotiate the agreement to allow for dryland crop production and grazing at the request of the State. Such lands shall be considered "noncropland" for crop insurance purposes. (Section 2101 of the House bill)

The Senate amendment adds that approved vegetative cover shall encourage the planting of native species and the restoration of biodiversity. It requires contract holders to actively manage the land throughout the term of the contract and clarifies that managed harvesting and grazing outside of nesting and brood rearing season is permitted if it is part of the conservation plan. The Senate amendment allows prescribed grazing for control of invasive species. The Senate amendment requires that the practices in the conservation plan be compatible with wildlife and wildlife habitat, clearly described and applicable through the duration of the contract, consistent with the Secretary's priorities for local conservation management priorities, and actively managed. (Section 2311 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment. The substitute allows routine grazing, including prescribed grazing for the control of invasive species, with appropriate restrictions. The Managers expect that routine grazing will be performed in a manner that is consistent with the underlying purposes of the program and conducted under a site-specific vegetation plan that provides for grazing frequency (duration of time throughout the year, when authorized, and the number of years during the life of the CRP contract). The Managers further expect that guidelines for the vegetation plan and grazing use be developed in consultation with the State technical committee.

The Managers understand that there has been some concern over the current rules related to haying and grazing on CRP land and insufficient flexibility for forage use across varied landscapes while still achieving the purposes of the program. The Managers expect USDA to review rules developed to implement routine grazing and to provide for appropriate flexibility in grazing periods consistent with the conservation goals of the program based on site-specific natural resource conditions.

The Managers understand that there has been some complication in local areas with restricting access to buffers while gleaning the crop residue in a field. The Managers intend that short-term access to buffers that are adjacent to fields be allowed post-harvest without a reduction in payment. While grazing of the buffer is not intended in this action, the proximity to the field crop residue makes restricting access difficult. Due to the short term nature of this activity (60 days maximum), it should not result in a reduced payment and should be done in accordance with the contract. (Section 2107 of Conference substitute)

(b) Payments (Section 1234 of FSA)

The House bill requires the National Agricultural Statistics Service to survey annually the per-acre estimates of county average market dryland and irrigated cash rental rates for all counties with 20,000 acres or more of crop and pastureland. These surveys will be kept on the Department?s website and made available to the public. (Section 2101 of the House bill)

The Senate amendment contains a similar provision. In accepting new enrollments, the section requires that if land provides equivalent environmental benefit to a competing offer then the Secretary shall, to the maximum extent practicable, accept an offer from an owner or operator who is a local resident. (Section 2311 of the Senate amendment)

The Conference substitute adopts the Senate provision regarding the NASS survey. In accepting contract offers (Section 1234(c)), the substitute adds a new requirement that the Secretary provide priority to offers from local residents if the offer provides equivalent conservation benefits when compared to other offers. (Section 2110 of Conference substitute)

(c) Contracts (Section 1235 of FSA)

The House bill allows the Secretary to modify a CRP contract to facilitate the transition of CRP land from a retiring owner to a beginning, socially disadvantaged, limited resource farmer or rancher in order to return some or all of the land to sustainable grazing or crop production. It allows the beginning, socially disadvantaged, or limited resource farmer or rancher to make land improvements and to begin the organic certification process one year before the CRP contract expires. The House bill: requires the retiring landowner to sell or lease the CRP land to the beginning, socially disadvantaged, or limited resource farmer for production purposes; requires a conservation plan; allows the farmer to enroll in the Conservation Security Program or EQIP upon taking ownership of the land; and provides CRP payments to the retiring owner/operator for an additional two years after the contract terminates. The House bill allows the beginning, socially disadvantaged, or limited resource farmer or rancher purchasing the CRP land to reenroll a partial field that is eligible for continuous sign-up and is part of a conservation plan.

The House bill requires the Secretary to allow an operator to terminate a contract that has been in effect for 5 years at any time. The section also provides that land enrolled in continuous sign-up is ineligible for early termination. (Section 2101 of the House bill)

The Senate amendment has no comparable provision to the House language on CRP transition options for beginning, socially disadvantaged, or limited resource farmers. The Senate amendment retains current language on early termination by an owner or operator but expands current law to permit contract termination if the participant is disabled or retired from farming and has endured financial hardship as a result of taxation from rental payments received. (Section 2311 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment regarding the transition of CRP land from a retiring farmer or rancher to a beginning or socially disadvantaged farmer or rancher. In implementing the CRP transition option, the Managers encourage the Department to publicize the availability of the transition option widely, including publicity aimed at CRP landowners who are not extending contracts or re-enrolling in the program and at beginning and socially disadvantaged farmers or ranchers. (Section 2111 of Conference substitute)

(6) Flooded Farmland Program (Section 1235B of FSA)

The Senate amendment adds a new flooded farmland program within CRP, which allows for the enrollment of flooded crop and grazing land or land rendered inaccessible because of flooding caused by the natural overflow of a closed basin in the Northern Great Plains region. The section requires that land enrolled must be at least 5 acres in size, flooded, and rendered incapable of production during the preceding three crop years and have no natural outlet. It provides for enrollment through the continuous sign-up process and requires that land enrolled have a consistent history of being used for the production of crops or used as grazing lands.

The Senate amendment allows enrollment of adjoining land that would enhance the conservation or wildlife value of the tract with reduction in rental payment. During participation in the program, owners are not eligible to participate in or receive federal crop insurance, noninsured crop disaster assistance, or any other federal agricultural crop disaster assistance program benefits for land included in the contract. The section also directs the Secretary to preserve the cropland base, allotment history, and payment yields applicable to the enrolled land and to adjust these values upon contract termination to ensure equitable treatment of the enrolled land relative to comparable land remaining in production in the county. The owner shall take actions as necessary to avoid degrading any wildlife habitat that has developed as a result of the natural overflow on the land covered by the contract. (Section 2312 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute deletes this section and makes modifications to CRP and the Wetlands Reserve Program (WRP) to accomplish the intent of the Senate amendment.

The pilot program for enrollment of wetland and buffer acreage in CRP is expanded to include land that had been cropped during 3 of 10 crop years prior to 2002 and after 1990 and is subject to a natural overflow of a prairie wetland. Wetlands and adjacent buffer areas are enrolled under the continuous signup process and are limited to no more than 40 acre tracts. The Managers expect the Secretary to require these enrollments in the CRP wetland pilot program to have ratios of at least two-to-one in upland buffer areas, or greater where practicable, in order to maximize wildlife benefits. Participants must agree to restore wetland hydrology, establish appropriate vegetation, and refrain from commercial use of the land, among other duties during the term of the contract. (Section 2101 of the Conference substitute)

Eligible land in WRP is expanded to include cropland or grassland that was used for agricultural production prior to flooding from the natural overflow of a closed basin lake or pothole. These wetland areas along with functionally dependent uplands, as practicable, are to be enrolled in 30-year easements. In determining the compensation, the Secretary is expected to base the value on the use of the land prior to flooding and the corresponding value of such land in the county where the eligible land is located. The Managers expect that enrolling these permanently and temporarily flooded lands in the program will provide long term benefits for wildlife habitat and water management. To ensure that enrollment opportunity exists for these lands, the Secretary is directed to conduct an annual survey of the demand for enrollment in the Prairie Pothole Region and adjust annual allocation of program funds in these interested States. The Managers intend the allocations made available through this adjustment process to be subject to any annual pooling and reallocation of funds that the Secretary applies to the entire program. (Section 2201 of the Conference substitute)

(7) Wildlife Habitat Program (Sec 1235C of FSA)

The Senate amendment creates, for the years 2008 through 2012, a Wildlife Habitat Program within the CRP. The program would be available to CRP contract holders who have established softwood pine stands. It provides for agreements that shall have management strategies and practices that benefit wildlife, such as thinning, establishing wildlife food plots, burning, and seeding. Contracts are up to 5-years in term. The Secretary shall encourage cooperative arrangements among program participants, State and local government entities, and nongovernmental organizations to achieve the purposes of the program. The section provides cost-sharing and technical assistance to carry out the program. The program terminates on September 30, 2011. (Section 2313 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute deletes this section and makes modification in CRP to accommodate the intent of the Senate amendment. In providing funding and clarifying the availability of cost-sharing payments related to trees, the Managers encourage the Department to take this opportunity to improve the condition of resources on land enrolled in CRP and planted to trees. The Managers are especially interested in improving wildlife habitat on land in the Southeast in CRP planted to softwood pines. The Managers expect the Department to work with partners to identify areas with the greatest need and potential for improvement. The Managers encourage the use of all appropriate forest-management practices, including thinning and prescribed fire, to achieve the purposes of the program.

(8) Wetland Reserve Program (Section 1237 of FSA)

(a) Establishment (Section 1237(a–f) of FSA)

The House bill authorizes WRP through fiscal year 2012. The section adds wetland creation to the purposes of WRP and authorizes the Secretary to purchase floodplain easements. The section increases the maximum enrollment to 3,605,000 acres; provides for an annual enrollment goal of 250,000 acres, of which up to 10,000 acres may be enrolled as floodplain easements; and changes the program to operate on fiscal year basis. The section amends eligible lands to include riparian areas and floodplains. Flood plain lands are eligible if the land has been damaged by flooding at least once in the preceding calendar year or has been damaged by flooding at least twice in the past 10 years or if the enrollment of other land within the floodplain would aid in flood storage, flow, or erosion control. (Section 2401(a) and Section 2102(a–c) of the House bill)

The Senate amendment authorizes WRP through fiscal year 2012. The section allows enrollment of 250,000 acres per fiscal year with no enrollments beginning in fiscal year 2013. Indian Tribes may enroll land through 30-year contracts, which shall be equivalent in value to a 30-year easement. The section includes riparian areas and riparian and adjacent areas that are linked to other parcels of wetlands protected under a wetlands reserve agreement or similar device. (Section 2321(1–3) of the Senate amendment)

The Conference substitute adopts the House language with an amendment. The substitute extends WRP to 2012, adds purposes to the establishment section, caps enrollment at 3,041,200, and focuses the program on private land. The substitute changes the program to a fiscal year basis. Enrollment conditions are modified to allow 30-year Tribal contracts. The substitute stipulates that values of such contracts shall be equivalent to 30-year easements.

The substitute does not include the expansion of riparian areas. The Managers recognize that riparian areas often provide extremely important habitat for wildlife, and that restored and protected riparian areas also help improve water quality, reduce sedimentation, and help manage floodwaters. Riparian areas are already eligible lands under WRP and may be enrolled either as uplands that are functionally dependent on a wetland or where they link wetlands that are otherwise protected by easements or a similar mechanism. (Section 2201 of Conference substitute)

(b) Easements and Agreements (Section 1237A of FSA)

The House bill states that compensation for easements shall be based on compensation formulas resulting in the lowest cost: percentage of fair market value according to the USPAP or a percentage of the market value determined by an area-wide survey; a geographic cap; or the landowners offer. Non-federal funds may be accepted to administer this program. (Section 2102(e) of the House bill)

The Senate amendment adds a requirement that spraying or mowing is allowed if necessary to meet habitat needs of specific wildlife species. The amendment requires that the Secretary pay the lowest compensation for an easement among several alternative valuation methods. The compensation for easements may be provided to landowners in up to 30 payments of equal or unequal size. The section also adds a Wetlands Reserve Enhancement Program with the authority to enter into unique wetlands reserve agreements that may include compatible uses as reserved rights in the warranty easement deed restriction. (Section 2322(a–c) of the Senate amendment)

The substitute adopts the House provision with an amendment. It revises the process for determining the value of easements and contracts by requiring the Secretary to provide the lowest amount of compensation based on a comparison of the fair market value of the land (as determined by either an appraisal based on the Uniform Standards for Professional Appraisals or an area-wide market survey), a geographic cap, or an offer made by the landowner.

The Managers intend for the Department to develop guidelines and provide direction for States regarding the method for determining the value of easements. The Managers do not intend for the Department to require States to use a specific appraisal process, such as the "Yellow Book" process or an appraisal rather than a market wide survey or analysis. The Department should grant flexibility to State conservationists who, in consultation with State technical committees, should determine the method that best fits the needs of their State.

The substitute provides the Secretary authority to accept non-Federal funds to assist in implementing the program but places this new authority in "Administrative Requirements for Conservation Programs" (Section 1244 of the FSA) so it applies to all conservation programs.

The substitute includes authority for a Wetlands Reserve Enhancement Program (WREP). The WREP authority is intended to allow the Secretary to enter into agreements with States similar to what is done under CREP. It is not intended as a way to enroll State-owned lands in the program. It is the intent of the Managers that the Secretary will implement WREP projects in order to provide focused, targeted resource benefits and to leverage federal funds.

The substitute provides authority for a Reserved Rights Pilot. The Managers intend for the Secretary to explore different warranty easement deeds consistent with the purposes of the program, while allowing a landowner to retain the right to use the land for grazing purposes. The Managers intend that any activities occurring under a reserved right easement be covered by a conservation plan developed and approved by the Secretary.

The substitute provides that easements with values less than $500,000 be paid out over 1 to 30 years. Easements with values greater than $500,000 are to be paid out over 5 to 30 years. The Secretary is granted authority to waive that requirement and make lump sum payments if necessary to carry out the purposes of the program. For land to be eligible for the WRP, the land must have remained under the same ownership for a minimum of 7 years. (Section 2208 of Conference substitute)

(c) Duties of Secretary (Section 1237C of FSA)

The House bill adds criteria for the Secretary to use when evaluating easement offers from landowners for wetlands or floodplains. The Secretary may consider the conservation benefits, the cost effectiveness, and whether the landowner or someone else is offering to contribute to the cost of the easement or other interest in the land to leverage Federal funds. In determining the acceptability of easement offers for flood plains, the Secretary may take into consideration the extent to which the purpose of the program would be achieved on the land, whether the land has flooded repeatedly in the past 10 years, whether the easement would contribute to restoration of surrounding lands, and other factors. (Section 2102(f) of the House bill)

The Senate has no comparable provision.

The Conference substitute adopts the House language for evaluating wetlands. (Section 2207 of Conference substitute)

(d) Payments (Section 1237D of FSA)

The House bill is the same as current law with technical changes. It also changes the paragraph heading "State wetland and environmental enhancement" to "Wetlands Reserve Enhancement". (Section 2102(g) of the House bill)

The Senate amendment makes a conforming change to allow payments for 30-year contracts. (Section 2323 of the Senate amendment)

The Conference substitute adopts the Senate amendment. (Section 2205 of Conference substitute)

(3) Reports (Section 1237G of FSA)

The Senate amendment directs the Secretary to evaluate and report to Congress on the implications of long-term easements on Department of Agriculture resources by January 1, 2010. (Section 2322(d))

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. The Managers are concerned with the long-term implications of managing and monitoring wetland easements. The substitute requires the Secretary to provide a report on the number and location of conservation easements acquired under the WRP and an assessment of the extent to which the oversight of conservation easement agreements impacts the availability of USDA resources, including technical assistance. (Section 2210 of Conference substitute)

(9) Comprehensive Stewardship Incentives Program

The Senate amendment creates a new CSIP to coordinate the two primary working lands programs: EQIP and the Conservation Stewardship Program (CSP). The section defines resources of concern and requires the Secretary to manage EQIP and CSP in a coordinated manner. The Secretary shall ensure that resources of concern are identified at the State level and shall identify not more than 5 resources of concern within a watershed or region within a State. The section directs the Secretary to issue regulations to implement the CSIP, CSP, and EQIP no later than 180 days after the date of enactment of the 2007 Farm bill. (Section 2341 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute does not include CSIP. The substitute includes a provision in "Administrative Requirements for Conservation Programs" (Section 1244 of the FSA) that requires the Secretary to ensure that there is a streamlined application process for all conservation programs.

(10) Conservation Security Program

(a) Conservation Security Program (Section 1238 FSA)

The House bill states that no new contracts may be entered into under the Conservation Security Program after October 1, 2007. However, payments and modifications to existing contracts may be continued to be made until those contracts expire. (Section 2103(b) of the House bill)

The Senate amendment reauthorizes the Conservation Security Program for existing contracts only. The section provides $2,317,000,000 for current contracts to remain available until expended and prohibits new contracts or renewals after enactment of the Farm Bill. (Section 2391 of the Senate amendment)

The Conference substitute adopts the Senate provision and provides such sums as necessary to carry out existing contracts.

(a) Definitions

The House bill defines conservation plan, conservation practice, management intensity, nondegradation standard, priority resource of concern, resource specific index, and socially disadvantaged farmer or rancher. (Section 2103(a) of the House bill)

The Senate amendment defines comprehensive conservation plan, stewardship contract, contract offer, enhancement payment, eligible land, livestock, management intensity, payment, practice, producer, program, resource conserving crop, resource conserving crop rotation, stewardship contract, and stewardship threshold. (Section 2391 of the Senate amendment)

The Conference substitute renames the program as the Conservation Stewardship Program (CSP) and defines conservation activities, conservation measurement tools, conservation stewardship plan, priority resource concern, resource concern, and stewardship threshold. (Section 1238D of the Conference substitute)

The Managers recognize that agricultural drainage systems are valuable conservation practices that can be carried out under the CSP and, in particular, that the installation of drainage management systems can provide benefits to water quality by reducing nitrogen loading from subsurface drainage as well as managing wildlife habitat. Thus, these practices are included as conservation activities.

The Conference substitute includes planning needed to address a resource concern as a conservation activity. Since CSP is intended to address multiple resource concerns in a coordinated manner, the Managers encourage the Secretary to implement the program in a manner that encourages comprehensive conservation planning through technical and financial assistance under this program. The Managers encourage the Secretary to use site-specific conservation planning as outlined in the National Planning Procedures Handbook and implement the program in a manner that encourages comprehensive conservation planning on all applicable resources through technical and financial assistance under the program.

The Managers are aware of the effort made by NRCS to develop resource-specific indices for implementing CSP and other conservation assistance programs and encourage this development. Where such indices are not available or practical, the Managers urge the Secretary to use substitute tools that measure the degree, scope, and range of conservation activities adopted by a producer to improve and sustain the condition of a resource.

The term stewardship threshold refers to the level of conservation and environmental management required to improve and conserve a resource. The Managers intend the Secretary to set the threshold at a level that ensures substantial and lasting conservation benefits.

(b) Conservation Security Program/Conservation Stewardship Program and duties of the producer

The House bill states that a new Conservation Security Program shall go into effect for fiscal years 2012 through 2017, and that the purpose of the Conservation Security Program is to assist producers in improving environmental quality by addressing priority resources of concern. To be eligible, a producer must already be addressing at least one priority resource of concern to the minimum level of management intensity and have an approved conservation offer. Eligible land includes private agricultural land, forest land, and land owned by Tribes. (Section 2103 of the House bill)

The Senate amendment identifies the purposes of the program as promoting agricultural production and environmental quality as compatible goals and to optimize environmental benefits by assisting producers to promote natural resource conservation. To be eligible, a producer must address priority resources of concern relating to both soil and water to at least the stewardship threshold, adequately address other resources of concern applicable to the operation, and meet or exceed the stewardship threshold for at least 1 additional priority resource of concern by the end of the contract.

The Senate amendment clarifies that eligible land includes cropland, pasture land, rangeland, other agricultural land used for the production of livestock, land used for agroforestry, land used for aquaculture, riparian areas adjacent to eligible land, Tribal lands, public land (if failure to enroll would defeat the purposes of the program), and State and school owned land. The Senate amendment states that all acres of all agricultural operations within a watershed or region that constitute a cohesive management unit shall be covered by the contract.

The Senate amendment includes provisions on contract offers, contract renewal, contract termination, and optimal crop rotations. (Section 2391 of the Senate amendment)

The Conference substitute establishes the program purpose of encouraging producers to address resource concerns in a comprehensive manner by installing and adopting new conservation activities, and by improving, maintaining and managing conservation activities in place at the operation. The Managers encourage the Secretary to place emphasis on improving and adding conservation activities.

The Conference substitute allows nonindustrial private forest land to be eligible with the limitation that not more than 10 percent of annual acres made available under the program can be forest land.

Under the program, land used for cropland that had not been planted, considered to be planted, or devoted to crop production for 4 of the 6 years prior to the date of enactment of this act shall not be the basis of any payment under the program, unless the reason the land did not meet the requirement is that: it had previously been enrolled in CRP; had been maintained in a long term crop rotation; or was incidental land needed for efficient operation, such as an area of a farm or ranch that had been used for structures that had been subsequently removed. The exceptions only apply if they were the direct cause of the producer's inability to meet the 4-of-6 year requirement.

The Managers want to clarify that the "additional criteria" authority provided in Section 1238F(b)(3) may not supersede or be more heavily weighted than the five required evaluation criteria in section 1238F(b)(1). Instead, the additional criteria may provide extra ranking points to help address specific priorities. Contracts shall permit all economic uses of the land that maintain the agricultural nature of the land and are consistent with the conservation purposes of the program. The Managers intend for this to apply to conservation buffers or any other partial field conservation practice that may be included in the contract.

A producer may renew a CSP contract for an additional five-year period, provided the terms of the existing contract have been achieved to the satisfaction of the Secretary and the producer agrees to adopt new conservation activities. The Secretary is provided authority to require new conservation activities as part of the contract renewal process. It is the intent of the Managers that this could include expanding the degree, scope, and comprehensiveness of conservation activities adopted by a producer to address the original priority resource concerns or addressing one or more additional priority resource concerns.

The Secretary may allow for contract modification if the Secretary determines that a modification is consistent with achieving the purposes of the program. Modifications envisioned by the Managers include instances in which a producer enrolls a portion of the farm in a land retirement or easement program, gains or loses a lease, or has a change in production due to market or weather conditions. The Managers also intend for the Secretary to issue guidance for cases in which a producer has a change in production that requires a change to scheduled conservation practices and activities. The Managers expect the Secretary to approve the contract modification only as long as net conservation benefits will be maintained or improved as a result.

Supplemental payments are authorized for producers who adopt a beneficial crop rotation. The Managers intend for the supplemental payment to encourage producers to adopt new, additional beneficial crop rotations that provide significant conservation benefits. The payments are to be available to producers across the country and should not be limited to a particular crop, cropping system, or region of the country. In the Southeast, peanuts are an example of a crop that responds well to increased rotation lengths. Increased rotation lengths help peanut producers conserve water, more effectively control disease, reduce inputs to control disease and increase productivity.

On-farm conservation research and demonstration activities and pilot-testing projects can be approved as part of contract offers under the program. The Managers expect the Secretary to establish and publicize design protocols and application and contract offer procedures for individual producer and collaborative on-farm research and demonstration activities and for pilot testing projects so producers have a clear understanding of how to participate in either of these two options.

The substitute requires the Secretary to provide a transparent means by which producer may initiate organic certification under the National Organic Program while also participating in CSP. The Managers expect the Secretary to coordinate this program and the organic certification process to the maximum extent practicable.

(c) Duties of the Secretary

Under the House bill, the Secretary shall identify not more than 5 priority resources of concern for a watershed or area within a State. The House bill states that the payment amount shall be based on a portion of the actual costs, income forgone, and resource specific indices. The payment limitation on the Conservation Security Program is $150,000 for the 5-year term of the contract.

Under the Senate amendment, an acreage allocation is specified, and contracts are limited to $240,000 for all contracts entered into during any 6-year period. The Senate amendment enrolls 13,273,000 acres annually at a national average cost of $19 per acre. (Section 2391 and 2341 of the Senate amendment)

The conference substitute provides that the allocation of acres to each State shall be based primarily on each State's proportion of eligible acres to the total number of eligible acres in all States. The Secretary shall also consider the extent and magnitude of conservation needs associated with agricultural production in each State, the degree to which implementation of the program is or will be effective in helping producers address those needs and other considerations in order to achieve equitable geographic distribution of funds.

In carrying out the program on a continuing enrollment basis, a producer can apply at any time during the year for the program, but the application will only be ranked at the time determined by the Secretary. The Managers intend for the program to be available nationwide to all agricultural producers, not only in specific watersheds or geographic regions within a State. The Managers specifically intend that the program not be restricted to particular watershed enrollments.

The Conference substitute requires the Secretary to undertake outreach activities and provide appropriate technical assistance to specialty crop and organic producers and to ensure they can effectively compete in the program. In providing outreach and technical assistance, the Managers encourage the Secretary to provide appropriate training to field staff to enable them to work with these producers and to utilize cooperative agreements and contracts with nongovernmental organizations with expertise in delivering organic educational and technical assistance to these producers.

Payments under the program are limited to $200,000 for all contracts entered into by a producer in any 5-year period. This provision requires direct attribution to real persons. The Managers emphasize that direct attribution is a mandatory requirement. The Managers do not intend for the Secretary to pay for no-till or other common practices that have no cost to the producer.

The Managers encourage the Secretary to conduct outreach to encourage producers who are transitioning land out of the conservation reserve program to protect conservation values by enrolling in CSP. As part of this transition from land retirement to working lands conservation, the Managers urge the Secretary to encourage producers to maintain the land in a grass-based production system with appropriate wildlife protections through CSP or to adopt advanced resource-conserving cropping systems through CSP in tandem with placing conservation buffers and other appropriate partial field conservation practices, farmed wetlands, or special wildlife habitat practices in the continuous CRP. (Section 2301 of Conference substitute)

(11) Grassland Reserve Program (Section 1238N-1238Q of FSA)

(a) Establishment and purpose (Section 1238N)

The House bill establishes an enrollment goal of 1,340,000 acres by 2012. It revises the enrollment process to be based on acreage rather than funding and requires that at least 60 percent of program acreage be in long term easements and agreements. It adds a priority for enrolling CRP acres, except that no more than 10 percent of the acreage enrolled in any year maybe from CRP; and prohibits duplicate payments for such land enrolled in GRP. It establishes that the method for determining the fair market value of enrolled land will be an appraisal, a market survey, a geographic cap, or the landowner offer; whichever results in the lowest amount of compensation to be paid. It authorizes the Secretary to enter into agreements with States and their subdivisions to advance the purposes of the program through a grassland reserve enhancement option. (Section 2104 of the House bill)

The Senate amendment eliminates short-term rental agreements and the requirement for enrollment of at least 40 contiguous acres. It provides for enrollment of land through 30-year contracts and easements and permanent easements. The 30-year contract option is included to encourage tribal participation in the program. A new authority is added for the Secretary to enter into cooperative agreements with eligible entities for the purpose of purchasing, holding, monitoring, and enforcing easements. The Senate amendment adds a definition of eligible entity, expands eligible land to include land that contains historical or archeological resources or would further goals of certain fish and wildlife plans or initiatives, and specifies that easements of the maximum duration by State law are equivalent to permanent easements. (Section 2381 of the Senate amendment)

The Conference substitute adopts an acreage enrollment goal of an additional 1,220,000 acres by 2012. The Conference substitute includes 10-, 15-, and 20-year rental contracts and permanent easements. Easements of the maximum duration allowed by State law are considered as permanent easements. The Managers expect that the 20-year rental contracts will be used to encourage tribal group participation in the program.

The Conference substitute strikes the House priority for 60 percent of acreage in long term contracts and retains current law that 60 percent of the funds would be dedicated to easements, while 40 percent of the funds would be dedicated to short term contracts. In addition, the Conference substitute adopts a priority for enrollment of CRP land with a modification to clarify that the priority applies upon expiration of the CRP contract.

The Conference substitute adopts the Senate additions to eligible land with technical corrections. It does not include a Grassland Reserve Enhancement provision. It adopts the Senate definition of eligible entity and authority for the Secretary to enter cooperative agreements with entities to purchase easements. It also adopts the House bill provision in regard to the method for determining fair market value with a technical correction.

(b) Requirements relating to easements and contracts (Section 1238O)

The Senate amendment modifies terms and conditions of easements and agreements to permit fire presuppression and addition of grazing-related activities, such as fencing and livestock watering. Criteria for evaluating applications for enrollment are expanded to provide additional flexibility to the Secretary, and in the case of agreements with eligible entities, to provide a priority to applications that include a cash contribution or leverage other resources toward the purchase price of easements.

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment. The Managers expect these additions to encourage improved management of enrolled acreage, particularly where breaking of the soil surface may be required to manage invasive species or improve grazing systems, and to leverage additional resources for the protection of grasslands.

The Conference substitute adds implementation of a grazing management plan as a new general requirement of landowners enrolling in the program. With the inclusion of a grazing management plan, the Managers emphasize the conservation purpose of the program, but further clarify that once established these plans are modified only by mutual agreement of the involved parties.

(c) Payments (Section 1238P)

The Senate amendment strikes rental agreement payments and modifies the rate of compensation for restoration agreements. Permanent easements will be paid at a rate of not less than 90 nor more than 100 percent of the eligible restoration costs. Thirty-year easements and contracts will be at the rate of not less than 50 nor more than 75 percent of the eligible restoration costs. The compensation schedule is lengthened to allow for up to 30 annual payments, corresponding to the newly established 30-year contract agreement.

The House bill has no comparable provision.

The Conference substitute adopts the cost-share rate for restoration agreements of not more than 50 percent of the costs of carrying out restoration activities.

(d) Delegation to private organizations (1238Q)

The House bill expands on the authority of the Secretary to transfer easement titles to private organizations and to also allow entities to own and write easements under this section, subject to periodic inspections by the Secretary.

The Senate amendment provides authority for the Secretary to enter into cooperative agreements with eligible entities for those entities to purchase, own, enforce, and monitor easements. Terms and conditions of cooperative agreements require entities to demonstrate qualifications, specify parcels to be enrolled, allow substitutions as agreed to by the parties, specify entity reporting on fund use, allow entities to use their own easement instruments, require appraisals using an industry approved method, allow a landowner contribution as a share of the purchase price, and specify a payment schedule. The Secretary shall require easements to contain a contingent right to protect the public investment.

The Conference substitute adopts the Senate amendment provision for cooperative agreements between the Secretary and eligible entities with a modification to the language specifying that eligible entities shall assume costs of administering and enforcing easements.

The Conference substitute adopts a requirement for a contingent right of enforcement. In selecting offers from eligible entities for funding, the Managers expect the Secretary to consider the sufficiency of the offer regarding effective monitoring and enforcement, reversionary interest, or other such factors that will affect the long-term integrity of easement being acquired under the program. The Conference establishes that eligible entities shall provide a share of the easement purchase price that is equal to the share provided by the Secretary. (Section 2403 of Conference substitute)

(12) Environmental Quality Incentives Program

(a) Purposes (Section 1240 of FSA)

The House bill adds forest management and organic transition as purposes of the program. It adds forest land and conserving energy to the list of purposes for installing conservation practices. Energy use, organic transition, and forest management are added to the list activities for which the Secretary will assist producers in making cost-effective changes. (Section 2105(a) of the House bill)

The Senate amendment adds forest management as a purpose of the program and adds forest land conservation and pollinators to the list of purposes for installing conservation practices. Fuels management and forest management are added to the list activities for which the Secretary will assist producers in making cost-effective changes. (Section 2351 of the Senate amendment)

The Conference substitute adopts the House bill with amendment. Forest management is added to the program purpose, and forest land and energy conservation are added to the resources to benefit from the installation of conservation practices. Fuels management and forest management are added to the list activities for which the Secretary will assist producers in making cost-effective changes. The Managers recognize the significance of the changes made to the program to reflect new needs and concerns. The Managers expect the Secretary to continue to help producers address conservation needs on their land while promoting agricultural production and environmental quality as compatible goals.

(b) Definitions (Section 1240A)

The House bill adds definitions for integrated pest management, socially disadvantaged farmer or rancher, and adds alpaca and bison to the definition of livestock. It also adds forest management and silviculture to land management practices for purposes of the program.

The Senate amendment adds a definition of producer that includes custom feeders and contract growers. It modifies eligible land to include private nonindustrial forest land and lands used for pond-raised aquaculture production. The amendment adds forest and fuels management and conservation planning to practices for purposes of the program.

The Conference substitute adopts the Senate amendment with an amendment to modify eligible land. The Managers intend for the Department to continue to provide assistance to custom feeders and contract growers through this program.

(c) Establishment (Section 1240B)

The House bill adds organic certification as a practice eligible for cost share payments; amends the exception to establish a 90-percent cost-share rate for beginning and socially disadvantaged farmers or ranchers and provides 90-percent cost-share for use of gasifier technology. It allows for the use of an approved third party for technical assistance. Energy efficient improvements and renewable energy systems are added to practices eligible for incentive payments. Promotion of pollinator habitat is added to the Special Rule for determining incentive payment rates. The Secretary is directed to reserve for 90 days not less than 5 percent of program financial assistance for each of beginning farmers or ranchers and socially disadvantaged farmers or ranchers. It makes market agencies and custom feeding businesses eligible for technical and financial assistance. (Section 2105(c) through (h) of the House bill)

The Senate amendment adds conservation plans to practices eligible for incentive payments, reduces the maximum contract term to 5 years, and strikes the provision on bidding down. The cost-share rate exception for beginning and socially disadvantaged farmers or ranchers is amended to allow variable payment, not to exceed 90 percent, and authority to provide advance payments up to 30 percent for the purchase of materials or contracting. A guaranteed loan eligibility provision is included for eligible applicants that are not accepted into the program. Predator deterrence practices are added to the Special Rule for determining incentive payment rates. The Senate amendment authorizes assistance for water conservation and irrigation efficiency practices, air quality improvement practices and establishes a minimum eligibility requirement for program participation. (Section 2353 of the Senate amendment)

The Conference substitute extends the program through 2012 and maintains the 60 percent livestock funding allocation through 2012. It deletes the Senate provision on contract terms (1240B(b)(2)(B)) and bidding down (1240B(c)).

The Conference substitute does not include the Senate provision on the Special Rule (1240B(e)(2)). The Managers recognize that proactive, non-lethal options to deter predators protected by the Endangered Species Act of 1973, as well as delisted populations of gray wolves, grizzly bears, and black bears, are consistent with the purposes of EQIP.

The Conference substitute deletes the House provision on cost-share for gasifier technology. The Managers recognize the merits of new technologies, including gasification, as a means of safely disposing animal carcasses, thereby minimizing environmental impacts and threat of disease. As such, the Managers encourage the Secretary to consider EQIP applications involving poultry gasification and offer cost-share assistance of up to 75 percent.

The Conference substitute adopts the Senate provision for advance payments for beginning, socially disadvantaged and limited resource farmers or ranchers and deletes the Senate provision for guaranteed loan eligibility. The Conference substitute adopts the Senate provision with an amendment for cost-share rates and advance payments for beginning, socially disadvantaged, and limited resource farmers or ranchers.

The Managers expect EQIP to be available to organic producers for conservation activities related to organic transition and production. The Managers expect EQIP to be available to producers who are transitioning their operations to certified organic production and organic producers who may be transitioning additional acres or animal herds. The Managers are aware that organic conversion is a management-intensive activity and therefore encourage the Secretary to provide levels of technical and educational assistance for organic conversion commensurate to the need.

(d) Evaluation of offers (Section 1240C)

The House bill adds criteria to prioritize applications more completely and to evaluate applications in logical groupings relative to similar crop, livestock, or operation types. The Secretary is directed to ensure that the evaluation process is streamlined for applicants that have an environmental management system in place or seek to complete an existing system. (Section 2105(i) of the House bill)

The Senate amendment adds a priority for applications that propose to improve existing practices or to complete a conservation system. (Section 2354 of the Senate amendment)

The Conference substitute adopts the House bill with an amendment on priority for applications. The Managers intend this evaluation process to prioritize State, regional, or local resource concerns, as well as allow for the grouping of applications of similar agriculture operations to allow for more equitable consideration.

(e) Duties of producers (Section 1240D)

The House bill and Senate amendment modify the duties of producers to prohibit owners of enrolled forest land from conducting practices that may defeat the program purposes. (Section 2105(j) of the House bill and Section 2355 of the Senate amendment)

The Conference substitute adopts the House bill provision.

(f) Environmental Quality Incentives Program plan (Section 1240E)

The House bill adds a forest provision to allow a forest management plan, forest stewardship plan, or similar plan to serve as a plan of operations. The House bill authorizes the Secretary to consider a permit required under a regulatory program to serve as a plan of operations in order to avoid duplication in planning. (Section 2105(k) of the House bill)

The Senate amendment allows a producer organization to act on behalf of its membership in submitting applications or conducting similar activities to facilitate program participation. The Senate amendment includes a provision for forest plans similar to the House bill. (Section 2356 of the Senate amendment)

The Senate amendment establishes a Chesapeake Bay Watershed Conservation Program under EQIP to assist producers in applying conservation practices on agricultural and nonindustrial private forestland in the Bay watershed to address natural resource concerns related to agriculture. (Section 2361 of the Senate amendment)

The Conference substitute adopts the House provision regarding forest land.

The Conference substitute strikes the Senate amendment provision on producer organizations. The Managers intend for the Secretary to allow producer associations and farmer cooperatives to act on behalf of their members in submitting applications, plans, or other program materials for their members to participate in this program. The Managers expect the Secretary to clarify this option in any rule or procedure related to this program.

The Conference substitute adopts a modification to the House bill provision to consider a permit required under a regulatory program to serve as a plan of operations. The Managers intend this addition to reduce duplication in planning but expect that the plan developed for a regulatory permit should contain the elements equivalent to those required in a Plan of Operations, including practices to be implemented, objectives of the plan, and any relevant terms and conditions to carry out the plan.

(g) Duties of the Secretary (Section 1240F)

The House bill requires the Secretary to provide assistance for a practice intended to conserve water if it will result in a reduction in consumptive water use, saved water remains in the source, and the practice will not result in increased consumptive use on the producer's operation. (Section 2105(l) of the House bill)

The Senate amendment has no comparable provision.

The Conference substitute retains current law. The Managers address the intent of the House bill under modifications made in Section 1240B to provide assistance for water conservation or irrigation efficiency improvements.

(h) Limitation on payments (Section 1240G)

The House bill moves the limitation on payments to Section 2409. (Section 2409(b) of the House bill)

The Senate amendment includes a provision to require direct attribution of payments. (Section 2357 of the Senate amendment)

The Conference substitute provides for a payment limit of $300,000 over 6 years. The Secretary is provided with the authority to waive that limit to $450,000 in cases of special environmental significance. Projects of special environmental significance include methane digesters, other innovative technologies, and projects that will result in significant environmental improvement. The Secretary is expected to utilize this waiver to achieve the purposes of the program. (Section 2508 of Conference substitute)

(12) Conservation Innovation Grants (Section 1240H of FSA)

The House bill adds forest resource management as an eligible grant activity and adds eligible projects to include those that ensure the efficient and effective transfer of technologies. The House bill provides mandatory funding for a comprehensive conservation planning project in the Chesapeake Bay Watershed, incentive and cost-share payments for air quality concerns, and increased benefits for specialty crop producers.

The Senate amendment clarifies the purpose of the grants are to develop and transfer innovative conservation technology. The amendment seeks to increase participation by specialty crop producers.

The Conference substitute adopts the House provisions related to forest resource management and air quality.

The Conference substitute provides $150,000,000 to help producers address air quality concerns. The Managers expect funds will be used to provide financial assistance to producers for air quality improvements that help them comply with Federal, State, or local air quality requirements associated with agricultural operations. The funds should be used for cost-effective methods in addressing air quality and to reduce emissions and pollutants from operations, including making improvements in mobile or stationary equipment such as engines.

The Managers believe conservation programs as implemented by USDA should recognize the use of innovative technology such as enhanced efficiency fertilizers. Enhanced efficiency fertilizers, which can protect water quality and reduce greenhouse emissions, include slow and controlled-release fertilizers (absorbed, coated, occluded or reacted) and stabilized nitrogen fertilizers (urease and nitrification inhibitors and nitrogen stabilizers) and are recognized by State regulators of fertilizers. (Section 2509 of Conference substitute)

(13) Ground and Surface Water Conservation (Section 1240I of FSA)

The House bill modifies the purpose of the existing Ground and Surface Water Conservation Program (GSWCP) to allow cooperative agreements between the Secretary, producers, government entities, and Tribes to achieve regional water quality or quantity goals in water quality priority areas. (Section 2106(a) of the House bill)

The House bill requires the Secretary to invite prospective partners to submit competitive grant proposals for a Regionai Water Enhancement Program. Proposals will be competitively awarded based on the inclusion of the most lands and producers; the most activities versus costs; contribution to sustaining or enhancing agricultural production or rural economic development; development of performance measures to measure long term effectiveness; the capture of surface water runoff; the participation of multiple interested persons in improving issues of concern; and the assistance provided to producers to meet regulatory requirements that reduce the economic scope of their operation.

The House bill provides $60,000,000 to be available for each of fiscal years 2008 through 2012.

The Senate amendment maintains the existing GSWCP and provides an increase in funding from $60,000,000 to $65,000,000 per year. The provision provides funding for each State that received funding under the program in previous years in an amount that is the simple average of funds provided for fiscal years 2002–2007 or the amount provided in 2007, whichever is greater. For States over the Ogallala Aquifer, not less than the greater of $3,000,000 or the average of funds provided for fiscal years 2002–2007 is provided.

The Conference substitute adopts the House provision with an amendment. The substitute creates the Agricultural Water Enhancement Program (AWEP) and provides an additional $40,000,000 in mandatory funding for the program.

The purpose of AWEP is to address water quality and water quantity concerns on agricultural land. The Managers expect the Department to balance its resources among the needs of producers in performing water quantity and quality activities. The Managers intend for producers to participate in the program directly or with other producers who have come together with a partner. The Managers intend for the Department to manage the program so that a producer who chooses to participate as an individual has the same opportunities as one who chooses to participate with a partner.

The purpose of authorizing partners in AWEP is to leverage federal funds and to encourage producers to collectively address specific water quality or quantity concerns. The Managers intend for the program to be delivered according to applicable program rules. Any federal funding must be delivered to producers; no federal funding may be used to cover the administrative expenses of partners.

The Managers expect the Department to require partners to clearly state their objectives and describe how they intend to leverage federal funds and the water quantity or water quality issues they intend to address. The Managers encourage the Department to require the measurement and quantification of actual resource outcomes as part of AWEP projects.

The Managers recognize that water quantity conservation is a significant nationwide concern. The Ogallala Aquifer is a critical source of groundwater for agricultural and municipal uses. Due to the scope and significance of the aquifer, there is a need for regional efforts to address groundwater management in the region. The Managers urge the Department to work with States and agricultural producers in the Ogallala region to coordinate Federal assistance with State programs and to encourage cooperation among States in implementing conservation programs and water reduction practices.

The Managers recognize that water use efficiency projects are an important means to encourage water conservation and expect the Department to continue to support such activities. The Managers intend that additional significance should be placed on water conservation practices that convert irrigated farming to dryland farming to encourage substantial water savings.

To ensure the effectiveness of proposals that convert irrigated farming to dryland farming, the Managers have included provisions to allow the Department to fund proposals for an extended period of five years. In setting the payment rate, the Secretary should take into account the change in the land value of converting an irrigated farming operation to a dryland farming operation.

The Managers intend for the Department to make the construction of small, on-farm reservoirs or irrigation ponds eligible for assistance through AWEP in drought-stricken areas. The Managers intend the Department to use the Drought Monitor as a guide to determine the areas eligible. Any area that has received a D4 drought designation for a month-long period during the previous two years should be eligible. The Managers intend the ponds to be no more than 40 acres in size.

The Managers believe these ponds and related activities will benefit wildlife and demonstrate the potential to capture on-farm surface water runoff in an environmentally beneficial manner. The Managers do not intend for any State water regulation or law to be waived.

In utilizing the authority to waive the eligibility provisions in Section 1001D, the Managers expect the Secretary to take into account the need to accomplish the purposes of the program by enrolling land that would be ineligible to participate in other conservation programs.

The Managers intend for the Secretary to give priority to producers in six priority areas: The Eastern Snake Plain Aquifer region, Puget Sound, the Ogallala Aquifer, the Sacramento River watershed, Upper Mississippi River Basin, the Red River of the North Basin, and the Everglades. (Section 2510 of Conference substitute)

(14) Grassroots Source Water Protection Program (Section 1240O of FSA)

The House bill increases the appropriations authorization from $5,000,000 each fiscal year to $20,000,000 each fiscal year through 2012. The provision provides a one-time infusion of $10,000,000 in mandatory funding to be available until expended. (Section 2107 of the House bill)

The Senate amendment is similar but does not include the one-time infusion of $10,000,000 in mandatory funding. (Section 2394 of the Senate amendment)

The Conference substitute adopts the Senate provision. (Section 2603 of Conference substitute)

(15) Conservation private grazing land (Section 1240M of FSA)

The House bill (Section 2108) and the Senate amendment (Section 2392) extend the program through 2012.

The Conference substitute adopts the Senate provision. (Section 2601 of Conference substitute)

(16) Great Lakes Basin Program for Soil Erosion and Sediment Control (Section 1240P of FSA)

The House bill extends the program through 2012. (Section 2109 of the House bill)

The Senate amendment extends the program through 2012 and clarifies that the purpose of the program is to assist in implementing the recommendations of the Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes. (Section 2395 of the Senate amendment)

The Conference substitute adopts the Senate provision with an amendment that includes using the recommendations of the Great Lakes Regional Collaboration Strategy as a basis for soil erosion and sediment control projects. (Section 2604 of Conference substitute)

(17) Discovery Watershed Demonstration Program (Section 1240Q of FSA)

The Senate amendment establishes that the Secretary shall carry out a demonstration program in not less than 30 small watersheds in States of the Upper Mississippi River basin to identify and promote the most cost effective and efficient ways of reducing nutrient loss to surface waters from agricultural lands. It allows for the Secretary to establish or identify appropriate partnerships to select the watersheds and to encourage cooperative efforts among the Secretary and State, local, and nongovernmental organizations. The amendment provides criteria for the selection of watersheds and prohibits the use of funds for administrative expenses. (Section 2397 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the House provision and does not include the program.

The Managers recognize that the loss of nitrogen and other nutrients from agricultural land impacts water quality in many parts of the nation. This is of particular concern in the States of the Upper Mississippi River basin.

The Discovery Watershed Demonstration Program was intended to address this loss of nutrients in these States through management projects operating on a watershed scale. The projects were to be based on agriculture-related water quality problems and include widespread participation from local producers in the selected watershed.

In Section 2707, the substitute provides for the Cooperative Conservation Partnership Initiative (CCPI), which is designed to encourage these types of activities. Given the cooperative nature of the proposed Discovery Watershed program, the Managers encourage the Secretary to consider locally developed projects for funding under CCPI.

(18) Emergency Landscape Restoration Program (Section 1240R of FSA)

The Senate amendment replaces the Emergency Conservation Program (ECP) and the Emergency Watershed Program (EWP) with a new Emergency Landscape Restoration Program. The purpose of the Emergency Landscape Restoration Program is to rehabilitate watersheds, nonindustrial private forest lands, and working agricultural lands adversely affected by natural catastrophic events.

The amendment authorizes such sums as necessary, provides for the temporary administration of ECP and EWP until final regulations are formulated, and repeals ECP and EWP. (Section 2398 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the House provision and does not include the program.

(19) Farm and Ranchland Protection Program (Section 1238I of FSA)

The House bill establishes a certification process for States. It allows grants to be made to certified States based on the demonstrated need for farm and ranch land protection. Up to 10 percent of those funds may be used for the costs of purchasing and enforcing easements. The bill states that the Secretary may also enter into agreements with eligible entities. The terms and conditions of the agreements must be consistent with the purposes of the program, as well as include a requirement consistent with agricultural activities regarding impervious surfaces. It also requires the use of a conservation plan for highly erodible cropland.

The House bill provides for the Federal Government to retain a Federal contingent right of enforcement or executory limitation in an easement to ensure its enforcement. This right is not considered an acquisition of property.

The House bill provides cost-share assistance for purchasing an easement, but the assistance may not exceed 50 percent of the appraised fair market value of the easement. The fair market value is determined by an appraisal using an industry-approved method. (Section 2110 of the House bill)

The Senate amendment modifies the definition of eligible forest land to include land that contributes to the economic viability of an operation or serves as a buffer. It also amends the definition to include land that is incidental to other eligible land to ensure efficient administration of the program. The provision requires the Secretary to enter into cooperative agreements with eligible entities as long as the terms and conditions of the cooperative agreement include: entity qualifications, specific projects, substitution of projects, use of funds, flexibility to use unique terms and conditions for easements, impervious surface limitation, appraisal method, and charitable contributions.

The Senate amendment requires the protection of Federal investment through an executory limitation, but specifies that the executory limitation is not a Federal acquisition of real property and will not trigger any Federal appraisal or other real property requirements.

The amendment limits the amount the Secretary can share in the costs of purchasing the easement to 50 percent of the appraised fair market value and establishes minimum amounts entities pay based on the amount of landowner contributions. The Senate amendment requires appraisals based on Uniform standards of Professional Appraisal Practice or any other industry-approved standard. (Section 2371 of the Senate amendment)

The Conference substitute adopts the House provision with amendment.

The Managers expect the changes to the Farmland Protection Program (FPP) will provide flexibility and certainty to program participants. The substitute makes changes to the administrative requirements, appraisal methodology, and terms and conditions of cooperative agreements which shall make the overall program more user-friendly.

The substitute clarifies the purpose of the program as protecting land for agricultural use by limiting nonagricultural uses of the land. The substitute adopts the Senate provision to modify the definition of eligible land to include forestland and other land that contributes to the economic viability of an operation.

The substitute establishes a certification process similar to the House bill for all eligible entities. To become certified, entities must have the authority and resources to enforce easements, policies in place that are consistent with the purposes of the program, and clear procedures to protect the integrity of the program.

The substitute adopts terms and conditions for cooperative agreements similar to the Senate amendment. The cooperative agreement sets forth the working relationship between the Department and the entity in carrying out the program. The terms and conditions will stipulate the length of the agreement; allow for the substitution of qualified projects; and maintain, at a minimum, that the agreement is consistent with the purpose of the program, provide for adequate enforcement of the easement, and include a limit on impervious surfaces. Once an entity is certified, it may enter into an agreement for a minimum of five years with the Department. Non-certified entities may enter into agreements of not less than 3, but not more than 5 years. In selecting offers from eligible entities for funding, the Managers expect the Secretary to consider the sufficiency of the offer regarding effective monitoring and enforcement, reversionary interest, or other such factors that will affect the long-term integrity of easement being acquired under the program.

The Managers intend any violation of the terms and conditions will result in a penalty to the eligible entity and the agreement will remain in place. It is the expectation that the violation and penalty terms will be outlined in all cooperative agreements between the eligible entity and the Secretary.

The substitute provides for the Federal Government to retain a Federal contingent right of enforcement in an easement to ensure its enforcement. The Managers do not intend this right to be considered to be an acquisition of real property, but in the event an easement cannot be enforced by the eligible entity the Federal Government shall ensure the easement remains in force. (Section 2401 of Conference substitute)

(20) Farm Viability Program (Section 1238J of FSA)

The House bill reauthorizes the program through 2012. (Section 2111 of the House bill)

The Senate amendment reauthorizes the program through 2012. (Section 2396 of the Senate amendment)

The Conference substitute adopts the House provision. (Section 2402 of Conference substitute)

(21) Wildlife Habitat Incentive Program (Section 1240N of FSA)

The House bill reauthorizes the program through 2012. The bill raises the cost-share limitation for long-term projects from 15 percent to 25 percent. It also increases the cost-share rate for long-term agreements and activities that assist producers in meeting a regulatory requirement that impacts the economic scope of their operation from 15 to 25 percent. (Section 2111 of the House bill)

The Senate amendment authorizes the Secretary to make incentive payments and increases the percentage of funds that can be used for projects longer than 15 years from 15 percent to 25 percent. The Senate amendment requires the Secretary to give priority to projects that would further the goals and objectives of State, regional, and national fish and wildlife conservation plans and initiatives. (Section 2393 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment. The substitute increases the limitation on cost-share payments for long-term projects to 25 percent and focuses the program on agricultural and nonindustrial private forest lands.

The substitute allows the Secretary to provide priority to projects that address issues raised by State, regional, and national conservation initiatives. These 'State, regional and national conservation initiatives' may include such things as the North American Waterfowl Management Plan, the National Fish Habitat Action Plan, the Greater Sage-Grouse Conservation Strategy, the State Comprehensive Wildlife Conservation Strategies (also referred to as the State Wildlife Action Plans), the Northern Bobwhite Conservation Initiative, and State forest resource strategies. The Managers intend for the Secretary to consider the goals and objectives identified in relevant fish and wildlife conservation initiatives when establishing State and national program priorities, scoring criteria, focus areas, or other special initiatives. The Managers expect the Department to work with conservation partners and State and Federal agencies, to the extent practicable, to complement the goals and objectives of these additional plans through USDA programs. (Section 2602 of Conference substitute)

(22) Agricultural Management Assistance Program (Section 524(b)(1) of Federal Crop Insurance Act)

The House bill adds Virginia and Hawaii as eligible States. It requires that 50 percent of available funds shall be used for construction or improvement of watershed management or irrigation structures, planting trees for windbreaks or improving water quality, and mitigating risk through diversification or various conservation practices; 40 percent may be used for any activity relating to risk management activities, including entering agriculture trade options, futures, or hedging; and 10 percent shall be used for organic certification cost-share assistance. (Section 2201 of the House bill)

The Senate adds Idaho as a participating State, extends the program through 2012, and provides an additional $10,000,000 per year to the program (Section 524(b)(4)(B)(ii)) through 2012. (Section 2601 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment and includes Hawaii as an eligible State. The Conference substitute provides an additional $25,000,000 in mandatory funding for fiscal years 2008 through 2012. (Section 2801 of Conference substitute)

(23) Resource Conservation and Development Program (Section 1528 of Agriculture and Food Act of 1981)

The House bill clarifies that an area plan must be developed through a locally led process, and that the planning process must be conducted by a local council. It also provides that the Secretary shall designate a coordinator to provide technical assistance to councils. (Section 2202 of the House bill)

The Senate amendment is comparable to the House. (Section 2605 of the Senate amendment)

The Conference substitute adopts the Senate provision. (Section 2805 of Conference substitute)

(24) Small watershed rehabilitation (Section 14 of the Watershed Protection and Flood Prevention Act)

The House bill provides $50,000,000 in mandatory funding for fiscal years 2009 through 2012. It authorizes appropriations for fiscal years 2007 through 2012 at the current funding level of $85,000,000 per year. (Section 2203 of the House bill)

The Senate amendment extends program to 2012 and authorizes appropriations for fiscal years 2008 through 2012 as such sums as necessary. (Section 2604 of the Senate amendment)

The Conference substitute adopts the House provision and provides $100,000,000 in mandatory funding for fiscal year 2009 to remain available until expended. (Section 2803 of Conference substitute)

(25) Chesapeake Bay Program for Nutrient Reduction and Sediment Control (Section 1240Q of FSA)

The House bill creates a new program at the Department to provide financial assistance to producers to minimize excess nutrients and sediments in order to restore, preserve, and protect the Chesapeake Bay. The program directs the Secretary to develop and implement a comprehensive plan to provide for innovative approaches to advance the improvement of water quality and enhance wildlife habitat. Critical projects include those in the Susquehanna, Shenandoah, Potomac and Patuxent River basins. The House bill includes a Sense of Congress that the Department is authorized and should be a member of the Chesapeake Bay Executive Council.

The Senate bill has no comparable provision.

The Conference substitute adopts the House provision with amendment.

The Chesapeake Bay is the nation's largest estuary. In 2000, Chesapeake Bay partners agreed to target water quality and habitat restoration as goals to improve the health of the Bay and its living resources. According to current estimates, the Bay will not meet the 2012 agreement without a better coordinated plan and greater targeting of resources.

Farmers in the Chesapeake Bay region are under some of the most stringent environmental regulations in the country. Despite the desire and demand that exists among farmers in the region to participate in conservation programs, current funding levels and program allocations leave many behind. While the reliance upon conservation programs and the need for funding may not be unique to the Chesapeake, it is nonetheless uniquely critical to the success of the Bay restoration strategy and the ability of farmers to meet regulatory requirements.

The Managers intend the Chesapeake Bay Watershed Program be carried out on agriculture and forestlands in the Chesapeake Bay through the use of all conservation programs available to producers in the region. It is the expectation this program will be carried out through existing program mechanisms in coordination with other relevant Federal agencies working in the Bay watershed, such as the Chesapeake Bay Program Office.

The special consideration given to the rivers under this section are areas of critical need to the overall health of the Chesapeake Bay. The Managers intend that the Secretary focus initial program resources in these key basins and build upon successful implementation elsewhere in the Chesapeake Bay Watershed, as appropriate. These funds should be used to install practices to help control erosion and nutrient loading before they reach the Bay, and that assessments will be made using existing models and information to evaluate the most cost-effective strategies for reducing nonpoint source nutrient inputs. This program provides $438,000,000 in mandatory funding for fiscal year 2009 through fiscal year 2012. (Section 2605 of Conference substitute)

(26) Voluntary Public Access and Habitat Incentive Program (Section 1240R [House] or 1240S [Senate] of FSA)

The House bill establishes a voluntary public access program under which States and Tribes may apply for grants to encourage owners and operators of privately held farm, ranch, and forest land to make that land available for wildlife-dependent recreation. The Secretary shall give priority to States and tribal governments that have consistent opening dates for migratory bird hunting for both residents and non-residents. The House bill authorizes $20,000,000 in discretionary funding for each of fiscal years 2008 through 2012. The program does not preempt a State or tribal government law, including liability law. (Section 2303 of the House bill)

The Senate amendment is comparable to the House bill. It includes a priority to States where the location of participating lands would be available to the public and provides $20,000,000 per year in mandatory funding for each of fiscal years 2008 through 2012. (Section 2399 of the Senate amendment)

The Conference substitute adopts the Senate provision with an amendment. The Conference substitute provides $50,000,000 in mandatory funds for this program. The Conference substitute includes a 25 percent reduction for the total grant amount if the opening dates for migratory bird hunting in the State are not consistent for residents and non-residents. (Section 2606 of Conference substitute)

(27) Muck soils conservation (Section 2303)

The House bill establishes a new program under which owners or operators of eligible land shall receive payments to conserve soil, water, and wildlife resources. Eligible land must be comprised of muck soil, be in agricultural production, have a spring cover crop, a winter crop, and year-round ditch banks seeded with grass. Payments are authorized for between $300 and $500 per acre per year. Appropriations are authorized at $50,000,000 for each of fiscal years 2008 through 2012. (Section 2303 of the House bill)

The Senate amendment has no comparable provision.

The Conference substitute adopts the Senate provision and the provision is deleted. The Managers recognize the unique soils throughout the Hudson Valley of New York that are classified as muck soils. These soils are former wetlands that have been drained with ditches years ago to allow for crop production. Due to the extensive networking of drainage ditches, normal buffer setback requirements associated with current conservation programs take a large percentage of these highly productive lands out of production. The Managers encourage the Secretary to work through the State Conservationist to address the needs of muck soil farmers in the Hudson Valley, using existing conservation programs to conserve soil, water, and wildlife resources on these lands.

(28) Funding for programs under the Food Security Act of 1985 (Section 1241 of FSA)

The House bill provides $1,454,000,000 for fiscal years 2007 through 2012 and $1,927,000,000 for fiscal years 2007 through 2017 for Conservation Security Program contracts entered into before Oct. 1, 2007. Conservation Security Program contracts entered into on or after Oct. 1, 2011, shall be funded in the amount of $5,01,000,000 for fiscal year 2012 and $4,646,000,000 for the period of fiscal years 2013 through 2017.

The Farm and Ranchland Protection Program is funded at $125,000,000 in fiscal year 2008; $150,000,000 in fiscal year 2009; $200,000,000 in fiscal year 2010; $240,000,000 in fiscal year 2011; and $280,000,000 in fiscal year 2012.

EQIP is funded at $1,250,000,000 in fiscal year 2008; $1,600,000,000 in fiscal year 2009; $1,700,000,000 in fiscal year 2010; $1,800,000,000 in fiscal year 2011; and $2,000,000,000 in fiscal year 2012.

WHIP is authorized at $85,000,000 each of fiscal years 2008 through 2012. (Section 2401 of the House bill)

The Senate amendment funds programs in title XII of the FSA for each of F 2008-2012 as follows:

Conservation Security Program—$2,317,000,000 for current contracts to remain available until expended;

Conservation Stewardship Program—13,273,000 acres for each of fiscal years 2008-2012;

FPP—$97,000,000 for each of fiscal years 2008-2012;

EQIP—for fiscal years 2008 and 2009: $1,270,000,000; for fiscal years 2010-2012: $1,300,000,000;

WHIP—Same as House;

Voluntary Public Access and Habitat Incentives Program—$20,000,000 for each of fiscal years 2008-2012; and

GRP—$240,000,000 for fiscal years 2008-2012. (Section 2401 of the Senate amendment)

The Conference substitute provides the following in additional new budget authority for these programs:

CSP—$1,100,000,000
EQIP—$3,393,000,000
FPP—$773,000,000
(Section 2701 of Conference substitute)

(29) Conservation access (Section 1241 of FSA)

The Senate amendment creates a new Conservation Access program. The provision requires 10 percent of conservation program funds and 10 percent of CRP and WRP acreage enrolled in any year be used to assist beginning and socially disadvantaged farmers and ranchers with annual gross sales of $15,000 or more. Any unused funds are to be re-pooled back to the original program and made available to all persons eligible for assistance.

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment. The Conference substitute provides that 5 percent of CSP acres and 5 percent of EQIP funds will be used to assist beginning farmers or ranchers, and an additional 5 percent of each to assist socially disadvantaged farmers or ranchers.

The Managers recognize the importance of providing intensive technical assistance to beginning and socially disadvantaged farmers or ranchers participating in farm bill conservation programs. The Managers encourage the Department to provide rates of technical assistance to beginning and socially disadvantaged farmers or ranchers commensurate with the special needs to ensure high participation levels and substantial and lasting conservation benefits.

In implementing the conservation access provisions, the Managers encourage the Secretary to develop, implement, and support cooperative agreements with entities, including community-based and nongovernmental organizations and educational institutions that have expertise in comprehensive conservation planning and assistance needs of beginning and socially disadvantaged farmers or ranchers.

The Managers recognize that off-farm employment is a necessity for most beginning farmers or ranchers, and that transition to a full-time agricultural occupation is a substantial challenge. The Managers also recognize the value that sound conservation can contribute to an enduring agricultural operation and a successful farming or ranching livelihood. The Managers intend for the Secretary to give priority to Conservation Access resources to beginning farmers or ranchers who are, or who are working toward, increasing their participation in the farming or ranching operation. (Section 2704 of Conference substitute)

(30) Improved provision of technical assistance under conservation programs (Section 1242 of FSA)

The House bill adds authority for contracting with third party providers to provide technical assistance to program participants, requires that the payment level for third party providers be established based on prevailing market rates where available, and directs the Secretary to consult with producers, extension and others in a review and revision of conservation practice standards to ensure that they are complete and relevant. (Section 2402 of the House bill)

The Senate amendment adds the purpose of technical assistance, provides authority for contracting with third party providers for technical assistance, and defines entities eligible to receive technical assistance under this title. The Secretary is directed to provide technical assistance to all conservation and Agriculture Management Assistance program participants. Where financial assistance is not required, the Secretary may enter technical services contracts with program participants. (Section 2404 of the Senate amendment)

The Conference substitute adopts the Senate amendment with modifications. The Conference substitute reflects the Managers' two priorities for improving the delivery of technical assistance: 1) Increasing the availability of technical assistance, and 2) ensuring that conservation technical standards and resources are locally relevant.

The demand for technical assistance exceeds the present supply of technical resources, and the private sector cadre envisioned in the 2002 Farm Bill has not developed. The modifications made in the substitute are intended to correct these deficiencies through authority for use of mandatory funds and multi-year contracts with third party providers, establishment of fair and reasonable payment rates, and a nationally consistent certification process. The requirement for approval of State-level certification criteria is intended to address the criticism that current requirements, particularly those added at the State level, result in a complicated and overly burdensome process that discourages participation.

The Managers expect that these changes will provide the certainty needed to encourage the development of a successful, skilled, and accountable third party provider sector, diminish the tension caused by tradeoffs between public and private sector resources, and make locally relevant conservation technical assistance from public and private sources increasingly available and accessible to producers. (Section 2706 of Conference substitute)

(31) Cooperative Conservation Partnership Initiative (Section 1243 of FSA)

The House bill requires the Secretary to enter into 2- to 5-year agreements with eligible entities to preferentially enroll producers in specified conservation programs. This will allow multiple producers and others to cooperate on improving specific resources of concern related to farming on a local, State or regional scale. Eligible partners are States, State agencies, State subdivisions including counties and conservation districts, Tribes, and nongovernmental organizations and associations with histories of working with farmers on agriculture conservation issues.

The Conservation Security Program, EQIP, and WHIP are the programs covered by the provision. Not less than 75 percent shall be used for State projects and not more than 25 percent for multi-State projects. It prohibits use of funds to pay for partner overhead or administrative costs. (Section 2403 of the House bill)

The Senate amendment includes "Special Rules Applicable to Regional Water Enhancement Projects" that adds a section to the Partnerships and Cooperation section for Regional Water Enhancement Projects. This section requires the Secretary to identify priority areas and names the following as priority areas: Chesapeake Bay, Upper Mississippi River basin, Everglades, Klamath River basin, Sacramento/San Joaquin River watershed, Mobile River basin, Puget Sound, Ogallala Aquifer, Illinois River watershed (of Arkansas and Oklahoma), Champlain Basin, Platte River watershed (note: drafting error, this should be the Platte River Basin), Republican River Watershed, Chattahoochee river watershed, and the Rio Grande watershed.

The Senate amendment requires proposals to describe geographical location, identification of issues, baseline assessment, activities to be undertaken, and performance measures. It requires competitive awards of multi-year contracts for proposals that have the highest likelihood of success, involve multiple stakeholders, highest percentage of working agricultural lands, highest percentage of on-the-ground activities, the greatest contribution to sustaining agriculture, and suitable performance measures. (Section 2405 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment and names the initiative the Cooperative Conservation Partnership Initiative (CCPI).

The Managers intend that resources made available under CCPI be delivered in accordance with the basic program rules and mechanisms relating to basic program functions, such as appeals, payment limitations, and conservation compliance. The Conference substitute allows the Secretary to make certain programmatic adjustments better fit the local circumstances and goals and objectives of the special project identified for funding under the initiative. Proposed adjustments may be part of the application from the conservation partnership and forwarded to the State Conservationist or the Secretary for consideration. The Conference substitute provides for adjustments to provide producers preferential enrollment in the applicable program as part of the special project.

The Managers include the following as an example of a CCPI partnership: A cannery has closed and near-by orchards are going out of business. A local watershed council pulls together several partners such as a State university, a wildlife organization, and an organic growers' cooperative. They agree to work together to improve water quality and wildlife habitat while working with interested local producers to transition their orchards to organic grass-based cattle operations.

The watershed council files an application with the Department proposing to conduct local producer outreach; provide training on transitioning to a new agricultural sector, including organic certification and cattle management workshops; assist with tree removal; and assist in implementing habitat diversity practices with workshops, labor, and seed. The council asks for designation of $10,000,000 in EQIP and $250,000 in WHIP.

The State Conservationist agrees with the proposal and sets aside the approved resources, which will go to producers participating in the project. When the producer applies for the programs, they certify that they are a project participant. If they are qualified, they bypass the regular program ranking processes and enter into a contract in the identified program(s). Each program in this example stands on its own and all program rules apply. The difference is the streamlined application and the process that works to make the programs seamless in application.

The Conference substitute applies to all of the Department's conservation programs except CRP, WRP, FPP and GRP. The Managers intend that applications may propose projects for consideration by the State Conservationist or the Secretary that include innovative combinations of covered initiative programs, if such combinations aid significantly in meeting the goals and objectives of the project. It is also the intent of the Managers that applicants may propose projects for consideration by the State conservationist or the Secretary that might work in tandem with the enhancement programs under CRP or WRP. (Section 2707 of Conference substitute)

(32) Regional equity and flexibility (Section 1241 of FSA)

The House bill raises the base amount of conservation funds that a State must receive in order to receive priority funding for conservation programs from $12,000,000 to $15,000,000. (Section 2404 of House bill)

The Senate amendment also increases the funding from $12,000,000 to $15,000,000 and adds CSP and the Agricultural Management Assistance Program to the programs considered in determining funding. It instructs the Secretary to conduct a review of conservation program allocation formulas to determine the sufficiency of the formulas in accounting for State-level economic factors, level of agricultural infrastructure, or related factors that affect conservation program costs. (Section 2402 of the Senate amendment)

The Conference substitute adopts the Senate provision with an amendment. (Section 2703 of Conference substitute)

(33) Administrative requirements for conservation programs (Section 1244 of FSA)

The House bill authorizes for socially disadvantaged farmers to be added as a group the Secretary must provide incentives for to encourage participation in conservation programs. The Secretary must establish a single, simplified application process for initial requests of assistance under the conservation programs administered by NRCS. Applicants should not be required to provide information that is already available to the Secretary, and the process itself must minimize complexity and redundancy. (Section 2405 of the House bill)

The Senate amendment requires the Secretary to develop a streamlined application process for conservation programs and provide written notification of completion to Congress not later than 1 year after enactment. It requires the Secretary, at the request of the landowner, to cooperate with the Secretary of the Interior and Secretary of Commerce to make Safe Harbor assurances available to the landowner under the Endangered Species Act. The provision allows producers to apply for conservation programs through a producer organization and that any applicable payment limits shall apply to individuals and not the organization.

The Senate amendment requires the Secretary to immediately implement policies and procedures to ensure proper payment to producers participating in conservation programs and correct other management deficiencies identified in the OIG report 50099-11-SF. It requires the Secretary to monitor and measure performance of conservation programs; to demonstrate the long-term benefits of the programs; and to coordinate program activities with the Soil and Water Resources Conservation Act. (Section 2405 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment to include a pollinator provision. Despite their value, native pollinators such as, bees, butterflies, moths, flies, beetles, bats, or hummingbirds often are under-appreciated in terms of their contributions to the U.S. agricultural sector. Insect-pollinated crops directly contributed $20,000,000,000 to the United States economy in 2000 alone. The Managers recognize that many native pollinator groups, particularly those important to agriculture, are facing a serious risk of decline as a result of habitat loss, degradation, and fragmentation, among other factors.

The Managers see conservation programs as an important tool for creating, restoring, and enhancing pollinator habitat quantity and quality. The Managers expect the Secretary to encourage, within appropriate conservation programs, measures to benefit pollinators and their habitat, such as using plant species mixes in conservation plantings to provide pollinator food and shelter; establishing field borders, hedgerows, and shelterbelts to provide habitat in proximity to crops; establishing corridors that can expand and connect important pollinator habitat patches; and encouraging related pollinator-friendly production practices. (Section 2708 of Conference substitute)

(34) Annual report on participation by specialty crop producers in conservation programs (Section 12512 of FSA)

The House bill requires the Secretary to submit a report to the House and Senate Agriculture Committees regarding specialty crop producer participation in conservation programs that tracks participation by crop and livestock type, includes a plan to improve access of specialty crop producers to conservation programs, and the describes the results of this plan. (Section 2406 of the House bill)

The Senate amendment had no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to modify the compliance and performance provisions of Section 1244 of FSA to accommodate the intent of the House bill. (Section 1244 of FSA)

(35) *Promotion of market based approaches to conservation/conservation programs in environmental service markets (Section 1245 of FSA)*

The House bill directs the Secretary to research, analyze and enter into contracts and agreements to promote the development of uniform standards for quantifying environmental benefits, promoting the establishment of credit registries and third party verification, and facilitating private sector market based approaches for agriculture and forest conservation activities. An Environmental Services Standards Board is established to develop uniform standards for quantifying environmental services in order to help develop credit markets agriculture and forest conservation activities. (Section 2407 of the House bill)

The Senate amendment directs the Secretary to establish a framework to develop uniform standards, design accounting procedures, and establish a protocol to report environmental services benefits. It also directed the Secretary to establish a registry to report and maintain the benefits and verify that a farmer, rancher or forest land owner has implemented the conservation or land management activity. The Secretary is directed to focus first on carbon markets. (Section 2406 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment. The Secretary is directed to establish technical guidelines, including a verification process that considers the role of third parties. The Secretary is instructed to consult with Federal and State agencies and nongovernmental interests, such as producers, academia, and financial institutions. The Secretary is directed to focus initially on carbon markets, as the Managers recognize that this is the most pressing emerging market in which agriculture may be involved. The Secretary is expected to fulfill the intent of this section with resources available to the Department.

The adoption of this provision recognizes the growing opportunities for agriculture to participate in emerging environmental services markets. The Managers observe that the largest barrier to participation is the lack of standards and accounting procedures that make transparent the benefits that are being produced and marketed. The Managers believe that the most appropriate Federal lead for developing these common standards is the Secretary and expect the Secretary to move expeditiously to accomplish this task. (Section 2709 of Conference substitute)

(36) *Establishment of state technical committees (Section 1261 of FSA)*

The House bill changes the existing composition of State technical committees to include at least 12 producers representing a variety of crops, livestock, or poultry grown in the State.

The House bill states that State technical committees shall convene subcommittees to provide technical guidance and implementation recommendations. The topics subcommittees must address include: establishing priorities and criteria for State initiatives; private forestland protection issues; water quality and quantity issues; air quality, wildlife habitat, wetland protection, and other issues. (Section 2408 of the House bill)

The Senate amendment requires the Secretary to develop standard operating procedures to be used by the State technical committee in the development of technical guidelines for the implementation of the conservation provisions of this title. It makes local work groups subcommittees of the State technical committee, which exempts them from the Federal Advisory Committee Act. (Section 2501 of the Senate amendment)

The Conference substitute adopts the House provision with an amendment. The substitute requires the Secretary to develop standard operating procedures for the committees, updates the names of participating agencies, and deletes the requirement for establishing specific issue-area subcommittees. The substitute requires that public notice be given for meetings of the State technical committee and adds local working groups as subcommittees. The Managers expect that other relevant Federal agencies will also be invited to participate as needed. (Section 2711 of Conference substitute)

(37) *Payment limitation (Section 1246(a-c), 1244(i), 1238C(d), and 1240G of FSA)*

The House bill imposes payment limitation of $60,000 per fiscal year for any single program; $125,000 for payments from more than one program. This limitation does not apply to WRP, FPP, or GRP. The House bill requires the Secretary to issue regulations ensuring direct attribution. Further, the Secretary shall issue such regulations as necessary to ensure that the total amount of payments are attributed to an individual by taking into account the individual's direct and indirect ownership interests in a legal entity that receives payments. Payments to individuals shall be combined with the individual's pro rata share of payments received by an entity in which the individual has a direct or indirect ownership interest. Likewise, payments made to an entity shall be attributed to those individuals with a direct or indirect ownership interest in the entity. (Section 2409 of the House bill)

The Senate amendment requires the Secretary to use direct attribution for all conservation programs. In the case of a producer organization, the limitation on payments on applicable programs shall apply to each participating producer and not to the entity. (Section 2405 and Section 2357 of the Senate amendment)

The Conference substitute moves the payment limitations into each individual program and deletes this Section.

(38) *Inclusion of income from affiliated packing and handling operations as income derived from farming for application of adjusted gross income limitation on eligibility for conservation programs (Section 1001D(b)(1) of FSA)*

The House bill allows income from packing and handling operations to be included as income derived from farming for purposes of payment eligibility. (Section 2501 of the House bill)

The Senate amendment has no comparable provision.

The Conference substitute adopts the Senate provision and deletes this section.

(39) *Encouragement of voluntary sustainability practices guidelines*

The House bill provides that the Secretary may encourage the development of voluntary sustainable practices guidelines for producers and processors of specialty crops. (Section 2502 of the House bill)

The Senate amendment has no comparable provision.

The Conference substitute adopts the Senate provision and does not include the provision.

(40) *Farmland resource information (Section 1544 of Agriculture and Food Act of 1981)*

The House bill provides that the Secretary shall design and implement educational programs emphasizing the importance of farming. One or more farmland information centers shall be designated to provide technical assistance and serve as central depositories for information on farmland issues. The centers shall be funded using no more than 0.05 percent of FPP funds per year but no less than $400,000 annually and must be matched with non-federal funds or in-kind contributions. (Section 2503 of the House bill)

The Senate amendment has no comparable provision.

The Conference substitute adopts the Senate provision and does not include the provision.

(41) *Pilot program for four-year crop rotation for peanuts*

The House bill directs the Secretary to enter into contracts with peanut producers to implement a four-year crop rotation for peanuts. Funding for this pilot shall not exceed $10,000,000 of mandatory funds for each of fiscal years 2008 through 2012. (Section 2504 of the House bill)

The Senate amendment provides that within CSP the Secretary shall provide additional payments to producers who agree to adopt resource-conserving crop rotations to achieve optimal crop rotations. (Section 2341 of the Senate amendment)

The Conference substitute adopts the Senate provision with an amendment.

(42) *Agriculture Conservation Experienced Services Program (Section 307(a) of the Department of Agriculture Reorganization Act of 1994)*

The Senate amendment authorizes the Secretary to enter into agreements with organizations to hire individuals 55 and older to provide assistance in administering conservation related programs. Funding for the program is authorized from EQIP, the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590a et seq), and the Older Americans Act (42 U.S.C. 3056). The provision stipulates that agreements may not displace individuals employed by the Department. It allows the Secretary to provide tools, including agency vehicles, necessary to carry out the program. (Section 2602 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment that limits individuals employed under this authority to providing only technical assistance. The Managers intend that the program be used solely for technical assistance and not for administrative tasks. (Section 2710 of Conference substitute)

(43) *Technical assistance (16 U.S.C 590(a) of Soil Conservation and Domestic Allotment Act and 16 U.S.C. 2001 of Soil and Water Resources Conservation Act)*

In the Soil Conservation and Domestic Allotment Act, the Senate amendment clarifies that it is the policy of the United States to preserve soil, water, and related resources and to promote soil and water quality. It defines technical assistance to mean technical expertise, information and tools necessary for the conservation of natural resources on land active in agricultural, forestry or related uses.

In the Soil and Water Resources Conservation Act of 1977, the Senate amendment expands on existing appraisal requirements to include data on conservation plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters. The national conservation program's evaluation of existing conservation programs is amended to emphasize monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards.

The House bill has no comparable provision.

The Conference substitute adopts the Senate amendment to the Soil Conservation and Domestic Allotment Act. The Managers intend to clarify that it is the role of USDA to provide technical assistance to farmers, ranchers, and other eligible entities to assist in the conservation of soil, water, and related resources. The Managers recognize that the natural resource concerns that producers face are dynamic and preclude an inclusive list as responsibilities for USDA.

The Conference substitute adopts the Senate amendment to Soil and Water Resources Conservation Act with an amendment. The Act is extended to 2018. The Managers expect the delivery of appraisals and programs to be tied more closely to the Farm bill cycle, with the intent that these evaluations will inform development of future farm policy. (Section 2802 of Conference substitute)

(44) National Natural Resources Conservation Foundation (Section 351 of Federal Agriculture Improvement and Reform Act of 1996)

The Senate amendment updates existing foundation language and expands granting authority of the foundation to include making grants to individuals, entering into agreements with the Federal government, and making gifts to the foundation tax exempt. (Section 2606 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the House provision and does not include the provision.

(45) Desert terminal lakes (Sec 2507 of the Farm Security and Rural Investment Act of 2002)

The Senate amendment extends and reauthorizes through 2012. It allows funds to be used to lease or to purchase land, water appurtenant to the land, and related interests in the Walker River Basin from willing sellers.

The section provides $200,000,000 in mandatory funds for fiscal years 2008 through fiscal year 2012. (Section 2607 in the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to provide $175,000,000 in mandatory funding. (Section 2807 of Conference substitute)

(46) High Plains water study

The Senate amendment requires that program benefits under the 2007 Farm bill will not be denied to eligible individuals solely on the basis of participation in a one-time study of aquifer recharge potential in the high plains of Texas. (Section 2609 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. The Managers recognize that the ongoing depletion of the Ogallala Aquifer is an acute concern for the eight States that depend on it for agricultural, domestic, industrial uses, and other uses. This provision will allow agricultural producers to participate in a one-time study of aquifer recharge potential that will help inform State and local water conservation investment and policy to aid in managing this critical aquifer. The study is narrowly focused on a small number of playa lakes situated on agricultural land over the Ogallala Aquifer.

Playas are temporary wetlands unique to the High Plains of North America, numbering more than 60,000. Playas not only serve as the primary source of recharge for the Ogallala Aquifer, they are the most important wetland type for wildlife in this region. The Managers encourages the Department to further recognize the importance of playas through increased communication to landowners of the benefits of playas and conservation programs available. The Managers encourage the Department to work with the Playa Lakes Joint Venture to enhance the use of such programs like CRP to help ensure the protection of playas. (Section 2901 of Conference substitute)

(47) Payment of expenses (Section 17(d) of the Federal Insecticide, Fungicide, and Rodenticide Act)

The Senate amendment amends the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) to require that the Department of State shall cover expenses incurred by Environmental Protection Agency staff participating on an international technical, economic, or policy review board, committee, or other official body with respect to a related international treaty. (Section 2610 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 14209 of Conference substitute)

(48) Use of funds for salinity control activities upstream of Imperial Dam (Sec. 202(a) of the Colorado River Basin Salinity Control Act)

The Senate amendment amends Section 202(a) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(a)) to create a Basin States Program to allow the Bureau of Reclamation, to carry out salinity control activities in the Colorado River basin. The provision requires the Secretary of Interior to consult with the Colorado River Basin Salinity Control Advisory Council when providing assistance in the form of grants, grant commitments, or the advancement of funds to Federal or non-Federal entities. It requires a planning report to Congress that describes the proposed implementation of the program and stipulates that no funds may be expended to implement the program until 30 days after the report is submitted to Congress. (Section 2611 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. The Managers intend for this provision to be fiscally neutral both as to appropriations and as to draws on the basin funds. It does not change the cost share ratios already established in Section 205(a) of the Act, nor does it change the percentage split between the two funds or the requirement that no more than 15 percent of the basin States cost share is to come from the Upper Colorado River Basin Fund. It is only intended to clarify the authority through which Reclamation expends the required cost share dollars. (Section 2806 of Conference substitute)

(49) Technical corrections to the Federal Insecticide Fungicide, and Rodenticide Act (Section 33 of FIFRA)

The Senate amendment makes technical corrections to the pesticide registration service fee program in the Federal Insecticide, Fungicide, and Rodenticide Act. (Section 2612 of the Senate amendment)

The House bill has no comparable provision.

The Conference substitute adopts the House provision and does not include the provision. However, the Conference substitute includes a container recycling provision. (Section 14109 of Conference substitute)

The Managers have received concerns from numerous agricultural interests concerning pest resistance to first generation anticoagulant rodenticide products and the importance of low-cost, widely available effective rodenticides. The Managers encourage the Administrator of the Environmental Protection Agency to continue to classify second-generation rodenticides as general use products so as to minimize the potential consequences of reclassifying these materials as restricted use on target species resistance to first-generation rodenticides, potential non-target species poisoning, and cost and availability of rodenticides to the general public.

TITLE III—TRADE

(1) Agricultural Trade Development and Assistance Act of 1954

(a) Short title (Section 1 of the Agricultural Trade Development and Assistance Act of 1954)

The Senate amendment changes the title of the underlying legislation to the Food for Peace Act. It also includes numerous conforming amendments. (Section 3001)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision on changing the title of the underlying legislation to the Food for Peace Act (Section 3001).

(b) United States policy (Section 2 of the Food for Peace Act)

The Senate amendment deletes a paragraph describing market development as one of the objectives of the programs under this Act. This modification is made to reflect the approach taken in operating the program in recent years. (Section 3002)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision that deletes a paragraph in Section 2 describing market development as one of the objectives of the programs under this Act (Section 3002).

(c) Food aid to developing countries (Section 3(b) of the Food for Peace Act)

The Senate amendment modifies the Sense of Congress in current law to (1) require the President to seek commitments from other donors; reinforces the need to keep recipient governments, non-governmental organizations, and private voluntary organizations involved in conducting needs assessment and implementing programs and ensure that a variety of options are available to provide needs-based emergency and non-emergency aid and (2) that the United States should increase food aid contributions consistent with the Uruguay Round Agreement on Agriculture. (Section 3003)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with a minor modification. (Section 3003).

(d) Trade and development assistance (Title I of the Food for Peace Act)

The Senate amendment renames Title I of the newly renamed Food for Peace Act from Development and Trade Assistance to Economic Assistance and Food Security. (Section 3004).

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision that renames Title I of the newly renamed Food for Peace Act from Development and Trade Assistance to Economic Assistance and Food Security (Section 3004).

(e) Agreements regarding eligible countries and private entities (Section 102 of the Food for Peace Act).

The Senate amendment strikes references to potential recipient countries becoming commercial markets and strikes a requirement that organizations seeking funding under the Act prepare and submit agricultural market development plans. (Section 3005).

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision that strikes references to potential recipient countries becoming commercial markets and strikes a requirement that organizations seeking funding under the Act prepare and submit agricultural market development plans (Section 3005).

(f) Use of local currency payments (Section 104 of the Food for Peace Act).

The Senate amendment adds the objective of improving trade capacity of the recipient country to the set of goals to be achieved under agricultural development. It removes authority for specific agricultural development activities such as business development loans, facilities loans, and private sector agricultural development. It also specifies that private voluntary organizations and cooperatives may implement agreements under this title. (Section 3006)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision on modifying language governing the use of local currencies, with the following changes: rather than striking paragraphs (3), (4), (5), and (6), the substitute modifies paragraphs (3), (4), and (5) to update obsolete references and leaves paragraph (6) intact (Section 3006).

(g) General authority (Section 201 of the Food for Peace Act)

The House bill amends the purposes of the Title II program to clarify that food deficits to be addressed include those resulting from man made and natural disasters. (Section 3001(a)).

The Senate amendment clarifies the objectives for assistance under Title II commodity donations. It adds the promotion of food security and support of sound environmental practices in paragraph (5); removes feeding programs as an objective in paragraph (6); and adds a new paragraph specifying the protection of livelihoods, provision of safety nets for food insecure populations and to encourage participation in educational, training, and other productive activities. (Section 3007)

The Conference substitute adopts both the House and Senate provisions, with a modification to paragraph (6) of the Senate provision to keep Section 201(6) intact and add a new paragraph (7) to reflect the need to promote economic and nutritional security for food insecure populations. (Section 3007).

The Managers recognize that humanitarian emergencies frequently occur due to a combination of factors, typically encompassing natural disasters, resource mismanagement and poor government policymaking. In most cases, the United States government ought to respond to such catastrophes with emergency assistance. However, if a disaster results mostly from poorly devised or discriminatory governmental policies in the recipient country, the Managers requests that the Administrator brief the relevant Congressional Committees before responding with assistance.

(h) Provision of agricultural commodities (Section 202 of the Food for Peace Act)

The House bill increases the percentage of Title II funding (currently at a range of 5 to 10 percent) that the Administrator may make available to eligible organizations for administrative and distribution costs to a range of 7 to 12 percent.

The House provision also expands the purposes for which such funds may be used to include developing monitoring systems for Title II programs. (Section 3001(b))

The Senate amendment revises current language to clarify that the fact that a project is being proposed in a country that does not have a U.S. Agency for International Development mission or is not part of an overall development plan for the country cannot be used as the sole rationale for denying the proposal.

It modifies the share of Title II funds which can be used to cover logistical expenses incurred by the eligible organizations that carry out Title II programs from between 5 and 10 percent to not less than 7.5 percent.

It clarifies that such funds can be used to cover management, personnel, programmatic, operational activities, internal transportation, and distribution costs for new and existing programs. These funds can also be used to cover the costs of needs assessment and monitoring and evaluation. (Section 3008).

It also strikes language on streamlining program management included in the 2002 farm bill. It also inserts new language which permits the Administrator to use Title II funds to address food aid quality issues, and requires that regular reports on progress on these quality issues be made to the relevant Congressional Committees.

The Conference substitute adopts Senate language on paragraph (1) and paragraph (3) with modifications, providing $4.5 million for fiscal years 2009 through 2011 to be used to study and improve food aid quality for fiscal 2009–2011 from funds made available under Section 3012. It adopts House language on paragraph (2) with the modifications that the range of Title II funding available for administrative and distributional expenses is increased to between 7.5 percent and 13 percent. (Section 3008).

The Managers urge the Administrator to explore the practicality of allowing Title II recipients to enrich or fortify Title II commodities overseas and produce high-value and processed products to support local manufacturing of food products in recipient countries. Such local products could include ready-to-use therapeutic and therapeutic and supplemental products and other fortified and processed foods that can be used successfully to treat severe and moderate malnutrition among children and provide nutritional support for people living with HIV/AIDS and other vulnerable groups.

(i) Generation and use of currencies by private voluntary organizations and cooperatives (Section 203 of the Food for Peace Act)

The House bill makes a technical correction. (Section 3001(c))

The Senate amendment adds activities involving micro-enterprises and village banking as a valid use of proceeds generated by monetization of commodities donated under Title II. (Section 3009)

The Conference substitute adopts the House provision (Section 3009).

The Managers recognize that microfinance and village banking, which relies on low dollar loans and collective responsibility, has flourished throughout the developing world for more than 30 years.

The Managers believe that similar activities such as micro-enterprise lending, village banking, and microfinance can be a valuable complement to development assistance projects under Title II of the Food for Peace Act, and encourages the Administrator to view micro-enterprise microfinance, and village banking projects as valid uses of local currency generated by monetization under this Act.

(j) Levels of assistance (Section 204 of the Food for Peace Act)

The House bill extends requirements on overall minimum tonnage and minimum tonnage for non-emergency assistance provided under Title II through 2012. (Section 3001(d))

The Senate amendment extends only the overall minimum tonnage requirement for Title II programs through 2012. (Section 3010).

The Conference substitute adopts the House provision (Section 3010).

(k) The Food Aid Consultative Group (Section 205 of the Food for Peace Act)

The House bill extends the authority for the Food Aid Consultative Group (FACG). (Section 3001(e))

The Senate amendment requires that a representative of the maritime transportation sector be included in the Group.

It also requires the Administrator to consult with the FACG in developing regulations for the pilot local cash purchase program established in Section 3014, and extends the authority for the FACG through 2012. (Section 3011)

The Conference substitute adopts the House provision, and paragraph (1) of the Senate provision. (Section 3011).

(l) Administration (Section 207 of the Food for Peace Act)

The House bill deletes a requirement that if the U.S. Agency for International Development denies a proposal for a Title II project, it must specify conditions that must be met for the approval of such proposal.

It also adds a new provision that requires the U.S. Agency for International Development to establish and report on systems to improve and evaluate Title II assistance, including early warning systems to prevent famines. (Section 3001(f) and (g)) The Senate amendment provides more flexibility to the Administrator in terms of the time available to evaluate and determine whether to accept a proposal for assistance under Title II, and clarifies the intent of the law with respect to notifying an applicant why their proposal was rejected.

It deletes a requirement for handbooks which are no longer used within the Title II program. Information previously contained in such handbooks is now available through other outlets, such as the U.S. Agency for International Development website.

It deletes a specific deadline for submitting commodity orders, which on occasion can have the effect of slowing down the process, and substitutes a requirement that orders should be provided on a timely basis and it pushes back the date from December 1 to June 1 for a report on the programs, countries, and commodities approved to date within a fiscal year under Title II.

It adds language that allows the Administrator to use Title II funds to pay for assessment, data collection and management, and monitoring activities, and to hire contract workers to undertake such work in recipient or neighboring countries, without limiting existing authority to hire contractors to help address emergency food needs.

The Senate amendment also adds language allowing the Administrator to pay the World Food Program of the United Nations for indirect support costs of the commodities donated under Title II, requiring that the Administrator report to relevant Congressional committees on such payments. It also clarifies the authority of the Administrator to pay indirect costs associated with funds received or generated for programs to PVO's and cooperatives. It also requires that project reports should be submitted in such a form as can be readily displayed for public use on the U.S. Agency for International Development website. (Section 3012)

The Conference substitute adopts House language to require specific oversight, monitoring, and assessment activities and provides up to $22 million annually of Title II funds for monitoring and assessment activities for non-emergency programs. It provides that no more than $8 million of these funds may be used for the Famine Early Warning Systems Network, but only if at least $8 million is provided for this system from accounts funded pursuant to the Foreign Assistance Act of 1961. It also provides up to $2.5 million of the $22 million to upgrade the information technology systems associated with the food aid program in fiscal year 2009, to enhance the monitoring of these programs.

The Conference substitute also adopts Senate language on paragraphs (2) and (3), and provides contracting authority for personal service in order to undertake monitoring and assessments for non-emergency programs, as part of paragraph (5). It does not provide for additional authority to pay indirect support costs to the World Food Program or to private voluntary organizations. (Section 3012).

The Managers recognize the use of handbooks in Title II is no longer an efficient method of providing information to foster development of programs under this title by eligible organizations. Realizing the need for clear communication of guidelines and regulations to eligible organizations, the Managers expect the Administrator to ensure the accessibility and clarity of information previously dispensed in the handbooks such as in an electronic form readily available to the public, in addition to other means as determined appropriate by the Administrator.

The Managers believe that the provision of commodities overseas must be carried out in a timely manner and in a manner that is consistent with planned delivery schedules.

The Managers are aware that the U.S. Agency for International Development has received significant cuts in operating expenses in the President's budget and in Congressional appropriations over the last several years to carry out their operating expense which increasingly affects the Agency's ability to monitor its programs. Although the Managers appreciate these constraints, it expects the Administrator to make every effort to improve the monitoring and evaluation of U.S. food assistance programs. Therefore, the Managers provide the Administrator with the authority to contract for personal services from persons not employed by the U.S. Government to carry out monitoring and oversight activities. The Managers have been concerned that, in the past, the U.S. Agency for International Development has not had the authority or the resources for monitors for non-emergency food aid programs. The April 2007 Government Accountability Office report on U.S. food assistance programs found that monitoring of food assistance programs in-country by the U.S. Agency for International Development has been insufficient due to various factors, including limited staff, competing priorities, and legal restrictions on the use of food assistance resources. The Managers are concerned about the significant gaps in monitoring and evaluation of U.S. international food assistance programs and expects the Administrator to address this problem immediately by establishing a system to monitor food assistance programs. The language in this new subsection will allow the Administrator to address this criticism by employing non-emergency food aid monitors.

The Managers expect the Administrator to continue to use existing authority to pay those expenses required and agreed upon to the World Food Program.

(m) Assistance for stockpiling and rapid transportation, delivery, and distribution of shelf-stable, prepackaged foods (Section 208 of the Food for Peace Act)

The House bill extends the authorization and increases annual funding for such grants from $3 million to $7 million. (Section 3001(h))

The Senate amendment reauthorizes this program and also increases the level that can be appropriated to assist in the development of shelf-stable, prepackaged foods for use in food aid programs from $3 million to $8 million. (Section 3013)

The Conference substitute adopts the Senate provision (Section 3013)

The Managers recognize the value added to U.S. food aid programs through cost sharing by implementing partners and recognize that preference is given to organizations that are able to provide such additional program funds. The Managers are supportive of the Administrator evaluating the inclusion of in-kind contributions when administering guidelines for cost sharing by non-profit organizations.

(n) General authorities and requirements (Section 401 of the Food for Peace Act)

The Senate amendment strikes the requirement that the Secretary make a determination about domestic supply of the commodity before releasing commodities for the food aid program. (Section 3015)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision (Section 3014).

(o) Definitions (Section 402 of the Food for Peace Act)

The Conference substitute consolidates several references to the appropriate committees of Congress with respect to reporting activities under the Food for Peace Act. (Section 3015).

(p) Use of Commodity Credit Corporation (Section 406 of the Food for Peace Act).

The Senate amendment clarifies that costs incurred to improve food aid quality to the list of activities and functions can be covered by the Commodity Credit Corporation through advance appropriations acts. (Section 3016)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision (Section 3016).

(q) Administrative provisions (Section 407 of the Food for Peace Act)

The House bill extends the authorization for prepositioning of commodities and increases the limit on funding available for prepositioning such commodities overseas from $2 million to $8 million. The bill also authorizes assessment and possible establishment of additional prepositioning sites. (Section 3001(i))

The Senate amendment reauthorizes prepositioning of U.S. commodities abroad and increases the limit on funding available for prepositioning in foreign countries from $2 million to $4 million. It also requires that resource requests for multi-year or ongoing non-emergency assistance agreements be approved by October 1 of the fiscal year when the commodities will be delivered.

It also pushes the completion date for an annual report concerning the programs and activities of this Act from January 15 to April 1, and requires the Administrator to make the report available to the public by electronic and other means. (Section 3017)

The Conference substitute adopts the Senate provision, but increases funding for prepositioning to $10 million, and adds the House language on studying the need for additional prepositioning sites (Sections 3017 and 3018(a)).

(r) Consolidation and modification of annual reports regarding agricultural trade issues (Section 407 of the Food for Peace Act)

The House bill amends requirements of the report the President must prepare on food aid programs that are carried out under the Act. (Section 3001(j))

The Senate amendment has no comparable provision.

The Conference substitute consolidates a number of reporting requirements and date changes for reports from both Senate and House bills (Section 3018).

(s) Expiration of assistance (Section 408 of the Food for Peace Act)

The House bill reauthorizes agreements under the Act through 2/31/12. (Section 3001(k))

The Senate amendment reauthorizes agreements under the Act through December 31, 2012. (Section 3018)

The Conference substitute adopts the House provision (Section 3019).

(t) Authorization of appropriations (Section 412 of the Food for Peace Act).

The House bill extends the Act through 2012, and sets authorization levels for Title II to $2.5 billion. (Section 3001(l))

The Senate amendment reauthorizes appropriations for the Act through 2012. It also strikes subsection (b) and removes the President's authority to transfer funds between the programs under this Act. (Section 3019)

The Conference substitute adopts the House provision, modifying it with technical changes. (Section 3020).

(u) Micronutrient Fortification Programs (Section 415 of the Food for Peace Act)

The House bill extends authorization for the program through 2012 and amends the purposes. (Section 3001(m))

The Senate amendment reauthorizes the Micronutrient Fortification Program from the Farm Security and Rural Investment Act of 2002 and adds new authority to assess and apply technologies and systems to improve food aid. It also strikes subsection (b), which limits the number of countries in which this program can be implemented. (Section 3020)

The Conference substitute adopts the Senate provision (Section 3023).

(v) John Ogonowski and Doug Bereuter Farmer-to-Farmer Program (Section 501 of the Food for Peace Act)

The House bill provides a floor level of funding for the Farmer-to-Farmer program of $10 million and extends the program through 2012. The House bill also increases authorization of appropriations for specific regions from $10 million to $15 million. (Section 3001(n))

The Senate bill reauthorizes the Farmer-to-Farmer program. (Section 3022)

The Conference substitute adopts the House provision (Section 3024).

The Managers recognize that organizations such as the Foods Resource Bank provide vital financial and technical assistance to agricultural production in developing countries in areas of financing, market access and knowledge, and development assistance. This assistance is generated through sale of crops grown in a cooperative effort between members of urban and rural churches and other organizations. These growing projects are an outstanding example of harnessing the grass-roots energy and generosity of Americans. Through use of these proceeds, these members of churches and organizations help to increase the technical knowledge and available capital, for farmers and others in targeted developing countries. These efforts enhance food security and increase productivity in these countries.

The Managers understand that in the recent years, the Foods Resource Bank has received matching funds through the Global Development Alliance established by the U.S. Agency for International Development. The Managers encourage the Administrator to continue this funding and consider entering into longer term agreements with these organizations to provide for more certainty in project planning.

The Managers believe that providing funds to match such contributions leverage the government's investment and provide an incentive to expand the effort of growing projects working in the United States to raise money. Such an action would also increase public awareness of the plight of farmers in developing countries.

(2) Export Credit Guarantee Program (Sections 203 and 211 of the Agricultural Trade Act of 1978)

The House bill reduces the tenor of the GSM-102 Export Credit Guarantee Program to six months beginning in fiscal year 2008. (Section 3002)

The House bill and the Senate amendment both repeal authority for the Supplier Credit program, which provides guarantees to buyers of U.S. commodities in foreign countries for a period of not more than 180 days.

Both bills repeal authority for the GSM-103 Intermediate Credit Guarantee Program which provides guarantees for loans to purchase U.S. agricultural commodities with duration of between three years and ten years, and repeal the one percent cap on loan origination fees for the GSM-102 export credit guarantee program.

The Senate amendment reduces the tenor of the GSM-102 export credit guarantee program to no more than six months beginning in fiscal year 2012. The Senate amendment also clarifies how the U.S. Department of Agriculture should conduct evaluations of the creditworthiness of countries participating in export credit guarantee programs, and reduces the minimum amount that can be allocated to the export credit programs from its current $5.5 billion to $5 billion. (Section 3101)

The Conference substitute adopts the Senate provision, with the following modification: in lieu of the reduction in tenor for the GSM-102 program beginning in fiscal year 2012, the conference amendment includes a cap on the credit subsidy for the program of $40 million annually (Section 3101).

The Managers eliminated proposals to limit the tenor of export credit guarantees to periods shorter than 3 years in length. In order to garner budget savings while preserving the 3 year tenor and effectiveness of the program to support U.S. agricultural exports, subsection (b) limits the available budget authority for the cost of the program, as determined on a net present value basis under the Federal Credit Reform Act of 1990.

Specifically, the Commodity Credit Corporation must make available each year GSM-102 guarantees in an amount not less than $5.5 billion, or the amount of guarantees that can be supported by $40 million in budget authority (plus any budget authority carried over from prior years)—whichever amount is less. It is expected that the U.S. Department of Agriculture can make available approximately $4 billion annually in export credit guarantees on $40 million in budget authority.

The Managers remain concerned that the U.S. Department of Agriculture has consistently failed to meet its statutory obligation to make available at least $5.5 billion in export credit guarantees, to the detriment of U.S. agricultural exports and the ability of food importing countries to meet their food, feed, and fiber needs.

The Managers expect the U.S. Department of Agriculture to use this authority to design and operate the export credit guarantee program to maximize the export sales of agricultural commodities and to assist food importing countries' efforts to meet their food, feed, and fiber needs, by making available and utilizing guarantees equal to at least the statutory minimum, and more as necessary to meet program demand.

Finally, the Managers believe that the changes in this section satisfy U.S. commitments to comply with the Brazil cotton case with regard to the export credit programs.

(3) Market Access Program (Sections 203 and 211 of the Agricultural Trade Act of 1978)

The House bill extends the program and makes organic commodities eligible for the program. It increases funding by $25 million annually. (Section 3003)

The Senate amendment makes organic commodities eligible for the program. It also increases funding for the program from its current level of $200 million for fiscal year 2007, raising it by $10 million annually until fiscal year 2011, when it returns to baseline levels. (Section 3102)

The Conference substitute adopts the Senate provision, without the increase in funding above baseline levels (Section 3102).

(4) Food for Progress Act of 1985

The House bill extends the Food for Progress Act (7 U.S.C. 1736o) through 2012. (Section 3004)

The Senate amendment reauthorizes the program through 2012, and makes recipient governments, intergovernmental organizations, and private entities ineligible for the program. It also increases the amount that can be spent transporting commodities under Food for Progress from $40 million to $48 million for fiscal years 2008 through 2010. This figure is the effective cap on this program. (Section 3106)

The Conference substitute adopts the House provision and adds a provision requiring the Secretary to establish a project in Malawi under this program (Section 3105).

(5) McGovern-Dole International Food for Education and Child Nutrition Program

The House bill extends the program through 2012, requires the Secretary of Agriculture to carry out the program, and provides mandatory funds of: $0 for fiscal year 2008; $140,000,000 for fiscal year 2009; $170,000,000 for fiscal year 2010; $230,000,000 for fiscal year 2011; $300,000,000 for fiscal year 2012; and $0 for fiscal year 2013. (Section 3005)

The Senate amendment establishes the U.S. Department of Agriculture as the permanent home for this program and reauthorizes the program through fiscal year 2012. Up to $300 million may be appropriated annually to fund this program. (Section 3107)

The Conference substitute adopts the Senate provision, except it provides $84 million in mandatory money for this program for fiscal year 2009, to be available until expended (Section 3106).

(6) Bill Emerson Humanitarian Trust

The House bill extends the Bill Emerson Humanitarian Trust through 2012. (Section 3006)

The Senate amendment specifies that the Trust can be held as a combination of commodities and cash, not to exceed the equivalent of 4 million metric tons and allows the commodities to be exchanged for funds available under Title II or the McGovern-Dole program. The Secretary may sell commodities in the Trust onto the market if such sales will not disrupt the domestic market. It permits the Secretary to manage the funds held under the Trust to maximize its value.

The Senate amendment further clarifies the rules under which commodities or funds can be released from the Trust, and defines the term "emergency" for the purpose of release. It also clarifies the rules by which the Trust is managed by the Secretary, including specifying that price risks must be managed and allowing the funds held in the Trust to be invested in low-risk short-term securities or instruments. Instructs the Secretary to maximize the value of the Trust and instructs the Secretary to transfer saved storage costs back to the Trust from the CCC. The Senate amendment replaces the word "replenish" with the word "reimburse" throughout the language, reinforcing the notion that resources can be held through cash as well as commodities under this program. The program is reauthorized through fiscal year 2012. (Section 3201)

The Conference substitute adopts the Senate provision, with the following modifications: it removes the 4 million ton cap entirely, and no longer allows the Secretary to engage in futures market transactions with funds in the Trust. It also does not allow the exchange of funds available under Title II or the McGovern-Dole International Food for Education and Child Nutrition program, nor require transfer of foregone storage charges into the Trust (Section 3201).

The Managers expect the Trust to be used in a manner that recognizes its unique availability as a resource for food emergencies worldwide. The sale of commodities in the Trust should be undertaken in such a way as to prevent market disruptions and dramatic price fluctuations in the domestic market.

(7) Technical assistance for specialty crops

The House bill extends the Technical Assistance for Specialty Crops through fiscal year 2012 and increases funding from $2 million annually to $4 million in 2008, ramping up to $10 million for fiscal years 2011 and 2012. (Section 3007)

The Senate amendment extends Technical Assistance for Specialty Crops through fiscal year 2012 and increases funding by $19 million over the baseline. (Section 1833)

The Conference substitute adopts the House provision with annual funding ramped up to $9 million in fiscal years 2011 and 2012, and adds a report (Section 3203).

(8) Representation by the United States at international standard-setting bodies

The House bill authorizes the Secretary to enhance U.S. Department of Agriculture staff support for international standard-setting bodies, such as the Codex Alimentarius, the International Plant Protection Convention, and the World Animal Health Organization. (Section 3009)

The Senate amendment has no comparable provision.

The Conference substitute strikes this provision.

(9) Foreign Market Development Cooperator Program (Section 702 of the Agricultural Trade Act of 1978)

The House bill extends the program through fiscal year 2012. (Section 3010)

The Senate amendment increases funding for the Foreign Market Development Program from its current level of $34.5 million annually for fiscal year 2007 by $5 million for fiscal years 2008 and 2009, by $10 million in fiscal year 2010, and returns to baseline levels in fiscal year 2011. (Section 3105)

The Conference substitute adopts the House provision (Section 3104).

(10) Emerging Markets and Facilities Loan Guarantee Program

The House bill extends the program through fiscal year 2012. (Section 3011)

The Senate amendment reauthorizes the Emerging Markets and Facilities Guarantee Loan Program through fiscal year 2012.

It permits the Secretary to waive requirements that U.S. goods be used in the construction of a facility under this program, if such goods are not available or their use is not practicable. It also permits the Secretary to provide a guarantee for this program for the term of the depreciation schedule for the facility, not to exceed 20 years. (Section 3202)

The Conference substitute adopts the Senate provision (Section 3204).

(11) Export Enhancement Program (Section 301 of the Agricultural Trade Act of 1978)

The House bill extends the program through fiscal year 2012. (Section 3012)

The Senate amendment repeals authority for the program. (Section 3103)

The Conference substitute adopts the Senate provision (Section 3103).

(12) Minimum level of nonemergency food assistance

The House bill provides that of Title II funds, the U.S. Agency for International Development must use at least $450 million for non-emergency programs unless Congress provides otherwise with new legislation. (Section 3014)

The Senate amendment establishes a "safe box" for non-emergency, development assistance projects under Title II of $600 million annually to be obligated and expended each fiscal year. (Section 3019)

The Conference substitute adopts the House provision, modified to reflect a phasing in of the safe box level beginning at $375 million in fiscal year 2009 and ending at $450 million in fiscal year 2012. It also provides an exception to the safe box designation, allowed to be exercised only if the President determines that an extraordinary food emergency exists and that resources available from the Bill Emerson Humanitarian Trust have been exhausted, and if the President has submitted a request for additional appropriations to Congress equal to the reduction in safe box and Emerson Trust levels (Section 3022).

(13) Global Crop Diversity Trust

The House bill requires the U.S. Agency for International Development to make a contribution on behalf of the United States to the Global Crop Diversity Trust of up to $60 million over 5 years. United States contributions be may not exceed one fourth of the total of funds contributed to the Trust from all sources. (Section 3014)

The Senate amendment requires the U.S. Agency for International Development to make contributions to the Global Crop Diversity Trust to assist in conservation of genetic diversity of key food crops around the world. Appropriations of $60 million are authorized for the period of the fiscal year 2008 through 2012 for this purpose, with a cap equal to 25 percent of all funds contributed to the Trust from all sources. (Section 3021)

The Conference substitute adopts the House provision, with a title change for the section (Section 3202).

(14) Report on efforts to improve procurement planning

The House bill requires that not later than 90 days after the date of the enactment the U.S. Agency for International Development and the U.S. Department of Agriculture shall submit to Congress a report on efforts taken to improve planning for food and transportation procurement, including efforts to eliminate bunching of food purchases. (Section 3015)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision (Section 3022).

(15) International disaster

The House bill requires that for each of fiscal year 2008 through 2012, $40 million of amounts made available to carry out Section 491 of the Foreign Assistance Act of 1961 shall be made available for famine prevention. (Section 3016)

The Senate amendment authorizes a pilot program for local/regional cash purchase. Subsection (a) provides several key definitions for the section. Subsection (b) establishes authority for the pilot program. Subsection (c) establishes the purposes for which the pilot program can be used. Subsection (d) establishes criteria for local or regional procurement. Subsection (e) requires the Administrator to initiate an external review of prior local/regional cash purchase activities by other donor countries, PVO's and intergovernmental organizations within 30 days of enactment. A report detailing the results of this review is also to be provided to the relevant Congressional Committees. This information would be used to assist in developing guidelines for the request for proposals. Subsection (f) authorizes the Administrator to request and approve applications for grants from eligible organizations under this section, and requires any projects authorized under this section to be completed by Sept. 30, 2011, to allow time to complete a study of pilot results before expiration of authorized appropriations in subsection (k). Subsection (g) establishes requirements for specific projects in selecting proposals for grants. Subsection (h) lists information that would need to be included in grant applications. Subsection (i) requires the Administrator to arrange for independent evaluation of the pilot program results, and a report to the relevant Congressional Committees. It also lays out the factors that would have to be examined in the report. Subsection (j) requires the Administrator to promulgate guidelines for the operation of this pilot program. Subsection (k) authorizes appropriations of $25 million for each year between fiscal 2009 and fiscal 2011 for this program, to be available until expended. (Section 3014)

The Conference substitute adopts the Senate provision, modified to provide that the project be conducted by the Secretary with $60 million in mandatory funding between fiscal 2009 and 2012. It establishes requirements for undertaking such activities and requires the Secretary to promulgate rules or guidelines in order to award grants or cooperative agreements to conduct field-based projects using local or regional procurement. It also requires entities receiving grants or entering into agreements under this section to provide data about market parameters and methodologies used to acquire eligible commodities locally or regionally, intended to be used to evaluate the effectiveness of local or regional procurement (Section 3206).

(16) Importation of agricultural products made with child labor

The Senate amendment requires the Secretary of Agriculture, in cooperation with the Secretary of Labor, to develop standards that importers of agricultural products into the United States could choose to use to certify that those products were not produced with the use of abusive forms of child labor. (Section 3104)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision, modified to establish a consultative group of interested stakeholders charged with developing recommendations on practices that would enable companies to monitor and verify whether the food products they import are made with the use of child or forced labor. Guidelines developed from these recommendations would be released after a public comment period (Section 3205).

The Managers strongly support efforts to reduce and eliminate the use of child and forced labor. The Managers expect the Secretary of Agriculture to work with the multi-stakeholder Consultative Group to develop the recommendations for best practices for the voluntary, third-party certification initiative that will provide producers, importers, retailers and consumers with reasonable assurances as to what measures have been taken to ensure that the products are not produced with child labor. After the Consultative Group has issued its recommendations, the Managers expect the Secretary to develop guidelines for such best practices and release the guidelines for public comment. The outcome expected by the Managers is a voluntary, third-party certification effort is designed to reduce the likelihood that products produced with forced labor or child labor are imported into the United States as directed in the Trafficking Victims Protection Act of 2005.

The Managers recommend that the Secretary select officials from the Foreign Agricultural Service and the Agricultural Marketing Service to serve on the consultative group as the representatives of the U.S. Department of Agriculture. Additionally, the Managers recommend that the Department of Labor be represented by an individual from the Bureau of International Labor Affairs, and that the Department of State be represented by the Director of the Office to Monitor and Combat Trafficking in Persons of the Department of State.

(17) Biotechnology and Agricultural Trade Program

The Senate amendment reauthorizes the Biotechnology and Agricultural Trade Program through 2012. (Section 3203)

The House bill has no comparable provision.

The Conference substitute does not include this provision.

(18) Technical assistance for international trade disputes

The House bill and the Senate amendment both authorize the Secretary to provide technical assistance for limited resource groups involved in trade disputes. This program is subject to appropriations. (House Section 3008 and Senate Section 3204)

The Conference substitute does not include this provision.

The Managers understand that the U.S. Department of Agriculture currently possesses the authority to provide technical advice, analytical support, and other assistance to help limited resource organizations and others involved in exporting U.S. agricultural commodities. The Managers encourage the U.S. Department of Agriculture to provide such assistance, particularly to entities that both face unfair trading practices and do not possess adequate internal resources to address these practices given the size of their domestic industry or membership. The Department is encouraged to seek appropriations for this purpose as needed.

(19) Importation of high protein food ingredients

The Senate amendment requires the Secretary of Health and Human Services to report to Congress on the importation and use of high protein food ingredients. (Section 3206)

The House bill contains no comparable provision.

The Conference substitute does not include this provision.

(20) U.S.-Canada Softwood Lumber Agreement

The Senate amendment expresses the Sense of the Senate with respect to ensuring that imports of Canadian softwood lumber are consistent with the Softwood Lumber Agreement with Canada. (Section 11093)

The House bill contains no comparable provision.

The Conference substitute includes a softwood lumber importer declaration program. The purpose of the program is to assist in the enforcement of any international obligations that the United States and our trading partners assume with respect to trade in softwood lumber and softwood lumber products.

The Managers are concerned that existing U.S. importer declaration requirements are not sufficient to ensure compliance with such obligations. If the issue is not addressed, imports of noncompliant softwood lumber and softwood lumber products can harm U.S. producers.

The section amends the Tariff Act of 1930 by adding a new Title VIII, the "Softwood Lumber Act of 2008". The Act directs the President to establish a softwood lumber importer declaration program. The program requires U.S. importers of softwood lumber and softwood lumber products to take certain steps to help the United States and its trading partners ensure that trade in these products is consistent with the terms of any relevant international agreement.

As part of the program, U.S. importers must provide certain information about each shipment of softwood lumber or softwood lumber products at the time the importer files the entry summary documentation. The importer must also declare that the importer has made appropriate inquiries about the shipment and that, to the best of the importer's knowledge and belief, the imports of softwood lumber are consistent with certain terms of any relevant international agreement entered into by the country of export and the United States. The Act requires the Secretary of the Treasury to reconcile the transaction-specific information provided by the U.S. importer with transaction-specific information provided by the country of export to the United States, if any. Such reconciliation is to include any revised transaction-specific export prices provided by the country of export. The Secretary of the Treasury must also periodically verify the accuracy of the importer declarations. The Act provides for the assessment of penalties against any person who knowingly violates the Act. The Act, however, holds harmless importers who have made appropriate inquiries and who maintain and produce substantiating documentation.

The Managers intend that the requirement for the importer to provide the estimated export charges, if any, is meant to apply to export charges estimated to be due at the time of shipment, recognizing that the exporter's final liability could increase or decrease at the time of final assessment.

The Managers intend that, in implementing the program, the President or his designee avoid placing an unnecessary burden on U.S. importers. In this respect, the Managers note that the statutory language creating the program neither includes nor references any authority for the President or his designee to establish user fees, processing fees, or any other fees of any kind. It is the intention of the Managers that any expenses associated with the administration of this program be covered with appropriated funds.

The Managers intend that this program meet all bilateral and multilateral obligations of the United States, including adherence to international rules and procedures regarding trade in softwood lumber. The Managers intend the program to be consistent with U.S. obligations under the Uruguay Round Agreements, including the General Agreement on Tariffs and Trade 1994, and any other bilateral or multilateral trade agreements to which the United States is a Party.

The Managers recognize the subject matter set forth in the Act falls under the jurisdiction of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

TITLE IV—NUTRITION PROGRAMS

(1) Renaming the Food Stamp Program

The House bill amends the Food Stamp Act of 1997 (FSA) by renaming the Food Stamp Program the Secure Supplemental Nutrition Assistance Program (SSNAP). Conforming amendments are made to other laws, documents, and records that reference either the Food Stamp Act or Food Stamp Program. (Section 4001)

The Senate amendment amends the short title of the FSA by renaming the Act the Food and Nutrition Act of 2007. It amends the renamed Food and Nutrition Act of 2007 to change the term "food stamp program" each place it appears to "food and nutrition program".

The Senate amendment also makes conforming amendments to other laws that reference the Food Stamp Act/program. (Section 4001, Section 4909)

The Conference substitute adopts the Senate provisions with an amendment to rename the Food Stamp Program as the "Supplemental Nutrition Assistance Program" and to incorporate these changes into section 4001; and to incorporate technical changes and conforming amendments necessary to reflect the new title of the program and Act into section 4002. (Section 4001; Section 4002)

(2) Definition of Drug Addition or Alcoholic Treatment and Rehabilitation Program

The House bill amends section 3(f) of the FSA by mandating that drug addiction or alcoholic treatment and rehabilitation programs meet the FSA's definition regarding such programs if the State Title XIX agency certifies that: the program is eligible to receive funds under Part B of Title XIX of the Public Health Service Act (even if no funds are being received); or is operating to further the purposes of Part B.

This section also provides that nothing in the FSA's definition of a drug addiction or alcoholic treatment and rehabilitation program is to be construed as requiring State or Federal licensure. (Section 4002)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision.

(3) Nutrition education

The House bill amends section 4(a) of the FSA by authorizing the Secretary, subject to appropriated funds, to administer the food stamp nutrition education program to eligible households.

Section 11(f) of the FSA is amended by specifically giving State agencies the discretion to implement nutrition education programs that promote healthy food choices that are consistent with the Dietary Guidelines for individuals who receive, or are eligible to receive program benefits.

States are given the discretion to deliver nutrition education directly to eligible recipients through agreements with the Cooperative State Research, Education and Extension Service and other State and community health and nutrition providers and organizations.

States wishing to provide nutrition education must submit a plan that identifies the uses of the funding for local projects and conforms to standards set forth by the Secretary in regulations or guidance.

States must, whenever practicable, notify applicants, participants, and eligible program participants of the availability of nutrition education.

The federal matching funds requirement is continued. (Section 4003)

The Senate amendment is the same as the House bill, with technical differences. (Section 4213)

The Conference substitute adopts the Senate provision. (Section 4111)

(4) Food distribution on Indian reservations

The House bill amends section 4 of the FSA by permitting the distribution of commodities, with or without the Secure Supplemental Nutrition Assistance Program, on Indian reservations whenever a request is made for concurrent or separate food program operations by a tribal organization.

Tribal organizations are permitted to be responsible for the commodity distribution, should the Secretary determine that they are capable of doing so. The prohibition from approving plans that permit households to simultaneously participate in the SSNAP and FDPIR programs is continued.

An appropriation of $5,000,000 is authorized for fiscal years 2008 through 2012 for a traditional and local foods fund to distribute traditional and locally-grown foods, designated by region, on Indian reservations. At least 50 percent of the food distributed through the fund must be produced by Native American farmers, ranchers, and producers.

The Secretary is required to submit a report to Congress on the FDPIR food package. The report is to include: a description of the process for determining the contents of the food package; the extent to which the package conforms to the 2005 Dietary Guidelines for Americans; the extent to which the food package addresses nutritional and health challenges specific to Native Americans and the nutritional needs of Native Americans; and plans to revise the food package (or any rationale for not revising it). (Section 4004)

The Senate amendment is similar to the House bill with technical differences but: (1) provides that, subject to the availability of appropriations, the Secretary may purchase bison meat for distribution through FDPIR, and (2) requires the Secretary to survey participants to determine which traditional foods are most desired. (Section 4501)

The Conference substitute adopts the Senate provision with amendments to require that, where practicable, at least 50 percent of the food distributed through the traditional and locally grown foods fund be produced by Native American farmers, ranchers, and producers, and to require a report describing the activities carried out under the traditional and locally grown foods fund. (Section 4211)

(5) Excluding combat related pay from countable income

The House bill amends section 5(d) of the FSA by specifically excluding combat-related military pay when determining income for program eligibility and benefits. (Section 4005)

The Senate amendment is the same as the House bill, with technical differences. (Section 4101)

The Conference substitute adopts the Senate provision with an amendment to specify that the exclusion of combat-related military pay becomes effective on October 1, 2008. (Section 4101)

(6) Increasing the standard deduction

The House bill amends section 5(e)(1) of the FSA by increasing the minimum standard deduction and indexing it for inflation as measured by the Consumer Price Index (CPI-U).

The minimum standard deduction is raised to:

$145 (for the 48 contiguous States and the District of Columbia);
$248 (for Alaska);
$205 (for Hawaii);
$128 (for the Virgin Islands); and
$291 (for Guam).

The alternative minimum of 8.31 percent of the poverty guidelines is not changed.

On October 1, 2008 (and each October thereafter) the minimum dollar-denominated standard deductions (noted above) would be adjusted by the CPI-U change (for all items other than food) over the 12 months ending the previous June 30th (and rounded down to the nearest whole dollar). (Section 4006)

The Senate amendment amends section 5(e)(1) to increase the minimum standard deduction and index it for inflation as measured by the CPI-U.

The minimum standard deduction is raised to:

$140 (for the 48 contiguous States and the District of Columbia);
$239 (for Alaska);
$197 (for Hawaii);
$123 (for the Virgin Islands); and
$281 (for Guam).

As in the House bill, the alternative minimum of 8.31% of the poverty guidelines is not changed, and the amounts specified for the standard deduction would be adjusted for annual changes in the CPI-U and rounded down. (Section 4102)

The Conference substitute adopts the Senate provision with an amendment to increase the minimum standard deduction to:

$144 (for the 48 contiguous States and the District of Columbia);
$246 (for Alaska);
$203 (for Hawaii);
$127 (for the Virgin Islands); and
$289 (for Guam).

The Conference substitute indexes these amounts for inflation as measured by the CPI-U, rounded down and specifies that these increases become effective on October 1, 2008. (Section 4102)

(7) Deducting dependent care expenses

The House bill amends section 5(e)(3) of the FSA by removing the caps on dependent care deductions. (Section 4007)

The Senate amendment is the same as the House bill.

The Conference substitute adopts the House provision with an amendment to make the removal of the caps on dependent care deductions effective on October 1, 2008. (Section 4103)

(8) Adjusting countable resources for inflation

The House bill amends section 5(g) of the FSA by requiring that the resource (asset) dollar limits for SSNAP households be indexed. Limits are to be indexed annually for inflation (measured by the CPI-U) and adjusted to the nearest $100. (Section 4008)

The Senate amendment amends section 5(g) by increasing the dollar limits on financial resources that an eligible household may own to $3,500 (or $4,500 for households with elderly or disabled members), and requiring that they be indexed annually for inflation (measured by the CPI-U) rounded down and adjusted down to the nearest $250. (Section 4101(a))

The Conference substitute adopts the Senate provision with amendments to specify that the existing asset dollar limits be indexed annually for inflation as measured by the CPI-U and adjusted down to the nearest $250, to specify that such policy become effective on October 1, 2008, and to make other technical changes. (Section 4104)

(9) Excluding education accounts from countable income

The House bill amends section 5(g) of the FSA by excluding tax-qualified education savings as countable financial resources. (Section 4009)

The Senate amendment is the same as the House bill, with technical differences. (Section 4104(c))

The Conference substitute adopts the Senate provision with an amendment to specify that such exclusions become effective on October 1, 2008, and to make other technical changes. (Section 4104)

(10) Excluding retirement accounts

The House bill amends section 5(g) of the FSA by excluding all tax-qualified retirement accounts/savings as countable financial resources. (Section 4010)

The Senate amendment is the same as the House bill with technical differences. (Section 4104(b))

The Conference substitute adopts the Senate provision with an amendment to specify that such exclusions become effective on October 1, 2008; and to make other technical changes. (Section 4104)

(11) Simplified reporting

The Senate amendment amends section 6(c)(1) to allow States to require periodic reporting of changes in household circumstances (as opposed to reporting changes when they occur) by households with elderly/disabled members, migrant/seasonal farmworker households, and households in which all members are homeless. This provision limits the frequency with which these households must report changes (other than changes whereby they exceed the program's gross monthly income eligibility limits). Elderly/disabled households with no earned income are required to report no more often than once a year; migrant/seasonal farmworker and homeless households could be required to report no more often than once every 4 months. (Section 4105)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to specify that the simplified reporting policy change becomes effective on October 1, 2008. (Section 4105)

(12) Deobligate food stamp coupons

The House bill amends the FSA by prohibiting States from issuing coupons, stamps, certificates or authorization cards, effective upon enactment of the Farm Bill.

The House bill provides that, effective one year after enactment of this Act, only Electronic Benefit Transfer (EBT) cards will be eligible for exchange at retail food stores that participate in the SSNAP.

The House bill also provides that coupons will no longer be an obligation of the Federal government, effective one year after enactment of the Farm Bill, thereby requiring that coupons be redeemed within that one-year period. (Section 4011)

The Senate amendment is similar to the House bill with technical differences but: (1) directs the Secretary to require a State agency to issue or deliver benefits using alternative methods if the Secretary determines, in consultation with the Inspector General, that it would improve the integrity of the food and nutrition program; and (2) provides that no interchange fees shall apply to electronic benefit transfer transactions under the food and nutrition program. It also makes necessary conforming amendments as in the House bill. (Section 4202, 4001)

The Conference substitute adopts the Senate provision with amendments to strike the study relating to the use of program benefits and to make other technical changes. While this provision does generally prohibit the use of coupons in the Supplemental Nutrition Assistance Program (SNAP), it is not the Managers' intention to prohibit States from issuing benefits in a form other than EBT cards as part of efforts through SNAP to provide food assistance to eligible individuals affected by a disaster. (Section 4115)

(13) Eligibility for single unemployed adults

The Senate amendment amends section 6(o) to lengthen the eligibility period for ABAWDs who are not working or in an employment/training or workfare program to 6 months in every 36-month period.

The Senate amendment eliminates the current provision of law under which an ABAWD who gains eligibility by meeting one of the 3 work-related tests, but subsequently fails to meet any of them, may remain eligible for an added 3 months. (Section 4107)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(14) Transitional benefits

The Senate amendment amends section 11(s) to permit States to provide transitional food assistance benefits to households with children that cease to receive cash assistance under a state-funded public assistance program. (Section 4108)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to make the transitional benefits policy change effective on October 1, 2008. (Section 4106)

(15) Allow for the accrual of benefits

The House bill amends section 7(i) of the FSA by authorizing States to establish procedures for recovering electronically issued benefits from a household due to inactivity in the household's EBT account.

The House bill provides States with the discretion to recover benefits if an EBT account has been inactive for: (1) 3 months during which it continuously had a balance greater than $1,000 (adjusted for inflation); or (2) 12 months, whichever is less.

The House bill also provides that a household whose benefits are recovered must receive notice, and have its benefits made available again, upon request not less than 12 months after the recovery of the benefits. (Section 4012)

The Senate amendment amends section 7(i) of the FSA to (1) require that States establish procedures for recovering electronically issued benefits from inactive benefit accounts and allow them to store recovered benefits off-line if the household has not accessed the account after 6 months and (2) require States to expunge benefits that have not been accessed by a household for 12 months.

States would also be required to notify households of stored benefits and make them available not later than 48 hours after a household's request. (Section 4106)

The Conference substitute adopts the Senate provision. (Section 4114)

(16) Increasing the minimum benefit

The House bill amends section 8(a) of the FSA by increasing the amount of the minimum benefit for 1 and 2-person households to 10 percent of the inflation-indexed "Thrifty Food Plan" for a 1-person household. (Section 4013)

The Senate amendment is the same as the House bill except that the effective date is stipulated as October 1, 2008.

The Conference substitute adopts the House provision with an amendment to specify that the minimum benefit shall be equal to 8 percent of the maximum benefit for a household of one, and to make the increase in the minimum benefit effective on October 1, 2008. The Managers understand that the Thrifty Food Plan changes on a monthly basis, and expect that the minimum benefit, as amended by this provision, will be calculated on an annual basis. (Section 4107)

(17) State option for telephonic signature

The House bill amends Section 11(e)(2)(C) of the FSA by authorizing State agencies to establish a system for applicant households to sign an application by providing a recorded, verbal assent over the telephone.

The system must record the applicant's verbal assent, as well as the information to which the assent was given. The State system is required to include safeguards against impersonation and identity theft.

The provision specifies that a household's right to apply for food stamps in writing not be precluded.

The provision further specifies that if there are any errors in the application, the applicant must return a copy of the application with instructions for correcting such errors.

Applicants must satisfy all the requirements associated with a written signature on an application to ensure that the verbal assent triggers the effective date of the submission of the application. (Section 4014)

The Senate amendment is the same as the House bill with technical differences.

The Conference substitute adopts the Senate provision. (Section 4119)

(18) Technical clarification regarding eligibility

The Senate amendment amends section 6(k) to require that the Secretary establish procedures to ensure that States use consistent procedures that disqualify individuals whom law enforcement authorities are actively seeking for the purpose of holding criminal proceedings. (Section 4201)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 4112)

(19) Split issuance

The Senate amendment amends section 7(h) to require that any method for staggering the issuance of benefits throughout a month not include splitting any household's monthly benefit into multiple issuances—unless a benefit correction is necessary. (Section 4203)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. The Managers recognize that there may be situations in which individuals that leave a group home before the end of the month will still be eligible to receive program benefits. The Managers intend that, in such a situation, the Secretary interpret the term "benefit correction" to allow a second issuance of program benefits in a month. (Section 4113)

(20) Privacy protection

The Senate amendment amends section 11(e)(8) to clarify rules pertaining to the disclosure of information obtained from applicant households. The provision bars use of this information by persons having access for any purpose other than program administration/enforcement activities, and also makes clear that applicants' information may be used to comply with requirements for certifying schoolchildren as eligible for free school meals based on their family's eligibility for food and nutrition assistance program benefits (Section 4205)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 4120)

(21) Civil rights compliance

The Senate amendment amends section 11(c) to specify in law that administration of the program must be consistent with the rights of households under the Age Discrimination Act, section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and title VI of the Civil Rights Act. (Section 4207)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 4117)

(22) Employment and training

The Senate amendment amends section 6(d)(4) to include—as an eligible employment and training program activity—job retention services provided (for up to 90 days after securing employment) to individuals who have received other employment/training services under the program.

The Senate amendment also modifies section 6(d)(4) to permit individuals voluntarily participating in employment and training programs to participate beyond the required maximum of 20 hours a week (or a number of hours based on their benefit divided by the minimum wage). (Section 4208)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to make the changes authorized by this provision effective on October 1, 2008. (Section 4108)

(23) Codification of access rules

The Senate amendment amends section 11(e)(1) to clarify that States must comply with the Secretary's regulations requiring the use of appropriate bilingual personnel and materials. (Section 4209)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 4118)

(24) Expanding the use of EBT at farmers markets

The Senate amendment requires the Secretary to make grants to carry out projects to expand the number of farmers' markets that accept Food and Nutrition program electronic benefit transfer (EBT) cards. Grants may not be made for ongoing costs and may only be provided to entities that demonstrate a plan to continue to provide EBT card access. Mandatory funding of $5 million is provided for these grants. (Section 4210)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision. Language incorporating the goals and objectives of the Senate provision appears in Section 10106 of the Horticulture and Organic Agriculture title.

(25) Review of major changes in program design

The House bill amends section 11(e)(6) of the FSA by specifying that only State agency Merit System employees are authorized to:

(1) represent the State in any communications with prospective food stamp applicants, food stamp applicants, or recipient households regarding their application or participation in the food stamp program;

(2) participate in making determinations regarding a household's compliance with the requirements of the FSA or its implementing regulations; or

(3) make any other determinations required under this section.

The provision specifies that non-profit agencies that assist low-income individuals and households in applying for SSNAP benefits by helping the individuals and households complete and submit applications are exempted. The non-profit exemption applies to general application assistance, which is currently allowed as a food stamp outreach activity, and specialized projects that are operating under a waiver of the FSA and its implementing regulations.

State agencies are not prohibited from contracting for automated systems or issuance services or for assistance in verifying an applicant's identity.

Funds from any appropriations act are prohibited from being used for implementing or continuing any contract that fails to meet the specifications regarding State Merit System employees.

State agencies are prohibited from using Federal funds to: (1) perform or carry out contracts that fail to comply with the specifications regarding Merit System employees; or (2) pay any cost associated with the termination, breach, or full or partial abrogation of any contact that does not comply with the specifications regarding State Merit System employees.

State agencies are prohibited from conducting projects that fail to comply with the specifications regarding State agency Merit System employees.

State agencies are prohibited from privatizing food stamp eligibility determinations via the simplified food stamp program.

The Secretary of Agriculture may authorize a State agency, on a temporary basis, to use non-Merit State employees to determine eligibility for a disaster SSNAP program.

States have 120 days to bring any activities inconsistent with this section into compliance. (Section 4015)

The Senate amendment amends section 11(a) to clarify State responsibility for program administration (including cases where the program is operated on a state or locally-administered basis) and to require that program records kept to determine whether the State is in compliance with the Act/regulations, that such records be available for review in any action filed by a household to enforce the Act/regulations, and to specify that inspection and audit requirements are subject to privacy requirements contained elsewhere in the Food and Nutrition Act.

The provision also amends section 11(a) to require the Secretary to develop standards for identifying major changes in State agency operations—such as substantial increases in reliance on automated systems, or potential increases in administrative burdens placed on applicant or recipient households. It further mandates that, if a State implements a major change in operations, it must notify the Secretary and collect any information the Secretary needs to identify and correct any adverse effects on program integrity or access. (Section 4211)

The Conference substitute adopts the Senate provision. (Section 4116)

(26) Preservation of access and payment accuracy

The Senate amendment amends section 16(g) of the FSA to require that computerized systems for State program operations receiving federal matching payments must (1) be tested adequately before and after implementation (including through pilot projects evaluated by the Secretary), and (2) be operated under a plan for continuous updating (to reflect changed policy and circumstances) and testing (for effects on households and payment accuracy). (Section 4212)

The House bill has no comparable provision.

The Conference substitute accepts the Senate provision. (Section 4121)

(27) Grants for simple application and eligibility determination systems and improved access to benefits

The House bill provides no changes to the Secretary's authority to make grants and amends section 11(t)(1) of the FSA by extending the grant program through Fiscal Year 2012.

The Senate amendment amends section 11(t) of the Food and Nutrition Act to permanently extend the authority provided under that section. (Section 4801)

The Conference substitute adopts the Senate provision with an amendment to make technical changes and to link the authority for grants for simple application and eligibility determination systems and improved access to benefits to the availability of appropriations provided through section 18(a) of the Supplemental Nutrition Assistance Program (SNAP). The language for this provision is incorporated into a single section reauthorizing SNAP and other domestic nutrition assistance programs. (Section 4406)

(28) Civil money penalties and disqualification of retail food stores and wholesale food concern

The House bill amends section 12 of the FSA by increasing the civil money penalties for retail stores and wholesale food concerns to $100,000 for each violation of the FSA or its regulations. The requirement that a determination as to the assessment of civil money penalties be based on whether there would be hardship for recipient households is removed.

The provision stipulates that the period of disqualification:

(1) for a first violation is not to exceed 5 years; and

(2) for a second violation is not to exceed 10 years.

The provision does not change the permanent disqualification rules, or other requirements, governing applications containing false information.

The House bill requires the Secretary, in consultation with USDA's Inspector General, to establish procedures whereby participating food concerns may be immediately suspended for "flagrant violations," pending administrative and judicial appeal. Unsettled benefit claims would be subject to forfeiture—or returned to the food concern if the disqualification action is not upheld (without interest). (Section 4017)

The Senate amendment is the same as the House bill, with technical differences. It also amends section 12 to generally ease the conditions under which bonds are required of violating food concerns wishing to be re-approved for participation. The Secretary would be permitted to require bonds from food concerns disqualified for 180+ days (or subjected to a civil money penalty in lieu of a 180+ day disqualification). Bonds could be required for a period of not more than 5 years. Where a food concern has been sanctioned and commits a subsequent violation, the Secretary may require a collateral bond or irrevocable letter of credit regardless of the length of the disqualification period. (Section 4303)

The Conference substitute adopts the Senate provision with an amendment to make technical changes. (Section 4132)

(29) Major systems failures

The House bill provides that no changes are made to the methods by which a State agency is authorized to collect overissuances of coupons.

The prohibition on the amount of the reduction in a household's monthly allotment that a State agency is allowed to collect in the instance where overissuance of coupons has occurred is continued.

Section 13(b) of the FSA is amended by providing the Secretary with the discretion to determine that a State agency has overissued benefits to a substantial number of households as the result of a "major systemic error" by the State.

A State agency is given the option to appeal the Secretary's determination. However, if the State agency fails to appeal the Secretary's determination, or, in the case of an appeal, if the State agency is held liable, the State agency is required to reimburse to the Secretary the amount for which the State agency is liable.

The Secretary is authorized to prohibit, upon making a determination that overissuances have occurred, the State agency from collecting the over-issuances from some or all of the affected households. (Section 4018)

The Senate amendment is the same as the House bill, with technical differences.

The Conference substitute adopts the House provision. The Managers have provided the Secretary with discretionary authority to determine when it is appropriate to prohibit a State agency from collecting overissuances from households that have been affected by a major system failure. In certain instances, it may be appropriate for the Secretary to allow the State to collect overissuances from households. The Managers expect that the Secretary will exercise this authority judiciously, and further expect that in circumstances where a major systems failure is attributable to a specific and deliberate action by the State, that states will not be allowed to pass along the costs associated with such systems failures to households. (Section 4133)

(30) Funding for employment and training programs

The House bill provides no program changes. The funding level remains the same and is extended for each of the fiscal years 2008 through 2012. (Section 4019)

The Senate amendment amends section 16(h)(1) to limit the time unspent unmatched federal funding for employment and training program expenses may remain available to 2 years (as opposed to until expended). Also rescinds unspent employment and training program funds for any fiscal year before fiscal year 2008. It also provides permanent authorization for funding of employment and training programs. (Section 4304; Section 4801)

The Conference substitute adopts the Senate provisions with amendments to allow funds to remain available for 15 months rather than two years, to strike the requirement that any unobligated employment and training funds be rescinded, and to link the authority for funding for employment and training programs to the availability of appropriations provided through section 18(a) of the Supplemental Nutrition Assistance Program (SNAP). The language from subsection (b) of section 4801 of the Senate amendment is incorporated into a single section reauthorizing SNAP and other domestic nutrition assistance programs. (Section 4122)

(31) Reductions in payments for administrative costs

The House bill amends section 16(k) of the FSA by extending the requirement to reduce State administrative cost payments through fiscal year 2012. (Section 4020)

The Senate amendment amends section 16(k) to permanently extend the requirement to reduce State administrative cost payments. (Section 4801)

The Conference substitute adopts the Senate provision with an amendment to make technical changes. The language for this provision is incorporated into a single section reauthorizing SNAP and other domestic nutrition assistance programs. (Section 4406)

(32) Performance standards for bio-metric identification technology

The Senate amendment amends section 16 of the FSA to establish the conditions under which the Secretary may pay States the federal share (50%) of costs associated with the acquisition and use of biometric identification technology (e.g., fingerprints, retinal scans). In order to gain federal cost-sharing, States must provide a statistically valid and otherwise appropriate analysis of the cost effectiveness of using biometric identification technology to detect program fraud, demonstrate that the proposed technology is cost effective in reducing fraud and that no other fraud-detection methods are at least as cost-effective, and demonstrate that the system will comply with privacy protection rules. (Section 4302)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(33) Cash payment pilot projects

The House bill amends section 17(b)(1)(B)(vi) of the FSA by extending the authority for cash-payment pilot projects through October 1, 2012. (Section 4021)

The Senate amendment amends section 17(b)(1)(B)(vi) by permanently extending existing authority for cash-payment pilot projects to households whose members are 65 years old or entitled to SSI benefits. (Section 4801)

The Conference substitute adopts the Senate provision with an amendment for technical changes. The language for this provision is incorporated into a single section reauthorizing SNAP and other domestic nutrition assistance programs. (Section 4406)

(34) Findings of Congress regarding Secure Supplemental Nutrition Assistance Program education

The House bill contains Congressional findings regarding the Food Stamp Program noting that the FSA "plays an essential role in improving the dietary and physical activity practices of low-income Americans, [by] helping to reduce food insecurity, prevent[ing] obesity, and reduc[ing] the risks of chronic disease."

The Secretary is encouraged to support the most effective interventions for nutrition education under the FSA, including public health approaches and traditional education, to increase the likelihood that recipients and potential recipients of benefits under the SSNAP program choose diets and physical activity practices that are consistent with the Dietary Guidelines for Americans. (Section 4022)

The Senate amendment is the same as the House bill with technical differences.

The Conference substitute deletes both the House and Senate provisions. The Managers recognize that nutrition education plays an essential role in improving the dietary and physical activity practices of low-income individuals in the United States, helping to reduce food insecurity, prevent obesity, and reduce the risks of chronic disease. Expert organizations, such as the Institute of Medicine, indicate that dietary and physical activity behavior change is more likely to result from the combined application of public health approaches and education than from education alone.

The Managers expect that the Secretary will support and encourage implementation of the most effective methods, informed by current science, for nutrition education under the Food and Nutrition Act, including those that are consistent with recommendations and actions of expert bodies to promote healthy eating and physical activity behavior change. Funds provided under the Food and Nutrition Act should be used for activities that promote the most effective implementation of programs to increase the likelihood that recipients of, and those potentially eligible for, supplemental nutrition assistance program benefits will choose diets and physical activity practices consistent with the Dietary Guidelines for Americans. The Managers recognize that state nutrition education activities under the Food and Nutrition Act work best when coordinated with other federally funded food assistance and public health programs and when policies are implemented to leverage public/private partnerships to maximize the resources and impact of the programs.

(35) Eligibility disqualification

The Senate amendment amends section 6 of the FSA to disqualify (for a period determined by the Secretary) persons found by a court or administrative agency to have intentionally obtained cash by misusing program benefits to obtain money for return of deposits on containers. It also modifies section 6 to disqualify (for a period determined by the Secretary) persons found by a court or administrative agency to have intentionally sold any food that was purchased using program benefits. (Section 4305)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. The Managers do not intend for this provision to include inadvertent de minimis actions such as an individual who purchases a brownie mix with program benefits, then makes brownies and sells them at a school bake sale. (Section 4131)

(36) Definition of staple foods

The Senate amendment amends section 3 to (1) add dietary supplements to the list of accessory food items that are not classified as staple foods for the purpose of approving the participation of food concerns in the program, and (2) require the Secretary to issue regulations to ensure that adequate stocks of staple foods are available on a continuous basis in approved food concerns. (Section 4401)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(37) Accessory food items

The Senate amendment amends section 9 of the FSA to require that, within 1 year of enactment, the Secretary issue proposed regulations defining dietary supplements: multivitamin-mineral supplements providing prescribed minimum amounts of essential vitamins and minerals that do not exceed prescribed daily upper limits and certain prescribed amounts of folic acid or calcium. Final regulations as to dietary supplements must be issued within 2 years of enactment. No dietary supplements may be purchased with program benefits until the earlier of (1) the date of final regulations with regard to dietary supplements, or (2) the date the Secretary certifies a voluntary system of labeling for identification of eligible dietary supplements. (Section 4402)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(38) Nutrition education and promotion initiative to address obesity

The House bill amends section 17 of the FSA by adding a new section that authorizes the Secretary to establish a demonstration program, to be known as the "Initiative to Address Obesity Among Low-Income Americans," to develop and implement strategies to reduce obesity among low-income Americans.

The Secretary is authorized to enter into competitively awarded contracts, cooperative agreements, or grants with public or private organizations or agencies.

Agencies are required to submit applications to the Secretary, and the Secretary is to evaluate demonstration proposals using a variety of criteria, including: (1) identifying a low-income target audience that corresponds to individuals living with incomes at or below 185 percent of the poverty level; (2) incorporating scientifically based strategies that are designed to improve diet quality through more healthful food purchases, preparation, or consumption; and (3) a commitment to a demonstration plan that allows for rigorous outcome evaluation, including data collection.

Projects that limit the use of SSNAP program benefits are prohibited from receiving funding. The Secretary is authorized to use funds to pay costs associated with monitoring, evaluating, and disseminating the Initiative's findings.

An appropriation of $10,000,000 is authorized for fiscal years 2008 through 2012. No new grants are to be made after September 30, 2012. (Section 4023)

The Senate amendment amends section 17 to require and fund pilot projects to develop and test methods of using the Food and Nutrition program to improve the dietary and health status of participants and to reduce overweight, obesity, and associated comorbidities. Among other initiatives, projects may include those providing increased program benefits, increased access to farmers' markets, incentives to participating vendors to increase the availability of healthy foods, adding vendor approval requirements with respect to carrying healthy foods, point-of-purchase incentives to encourage program participants to buy fruits, vegetables, and other healthy foods, and providing integrated communication and education programs (including school-based nutrition coordinators).

These pilot health and nutrition promotion projects would include independent evaluations and annual reports on their status.

Mandatory funding of $50 million is provided, and up to $25 million must be used for point-of-purchase incentive projects. (Section 4403)

The Conference substitute adopts the House provision with amendments to specify that the purpose of the section is to carry out pilot projects to develop and test methods for improving the dietary and health status of households in the Supplemental Nutrition Assistance Program, as well as to reduce obesity and other diet-related diseases in the United States; specify the types of pilot projects that the Secretary may consider; include a requirement relating to evaluations and reports of the pilot projects; specify mandatory funding amounts and require that the Secretary use not more than $20 million of that mandatory funding to carry out a point-of-purchase pilot project to encourage households to purchase fruits, vegetables, or other healthy foods. (Section 4141)

(39) Hunger free communities

The Senate amendment requires the Secretary to conduct and periodically update a study of major matters relating to hunger in the United States. The study would assess data on hunger and food insecurity and measures that have been carried out or could be carried out to achieve goals of reducing domestic hunger. It also would contain recommendations for removing obstacles to domestic hunger goals and otherwise reducing domestic hunger.

The Senate amendment authorizes grants to food program service providers and local nonprofit organizations (like emergency feeding organizations) for the federal share (up to 80%) of projects that assess community hunger problems and meet, or develop new resources/programs to meet, goals for achieving hunger-free communities.

The provision authorizes matching grants to emergency feeding organizations for infrastructure development.

Appropriations of $50 million a year (through fiscal year 2012) are authorized. (Section 4405)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with amendments to strike the definition of food security; strike the study and report relating to hunger; specify that not more than 50 percent of the funds made available under this section be used for the federal share of collaborative grants; strike requirements relating to the contents of collaborative grants and priority for eligible entities that meet certain criteria; and to make other technical changes. (Section 4405)

(40) State performance on enrolling children receiving program benefits for free school meals

The Senate amendment requires the Secretary to submit annual reports that assess the effectiveness and practices of each State in enrolling school-aged children in households receiving food stamp benefits for free school meals using "direct certification" (a current-law procedure allowing children in families receiving program benefits to be deemed automatically eligible for free school meals). (Section 4406)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to add the House Committee on Education and Labor to the list of recipients of the reports produced by the Secretary in accordance with this section. The Managers recognize the time and data constraints for developing the report scheduled to be provided on or before December 31, 2008, and expect that this report will include as much data as possible given such constraints. (Section 4301)

(41) Authorization of appropriations

The House bill amends section 18(a)(1) of the FSA by reauthorizing appropriations to carry out that Act through 2012. (Section 4024)

The Senate amendment amends section 18(a)(1) of the Food and Nutrition Act by permanently reauthorizing appropriations to carry out the Act. (Section 4801)

The Conference substitute adopts the Senate provision with an amendment to make technical changes and to extend authority for appropriations to carry out the Supplemental Nutrition Assistance Program (SNAP) through fiscal year 2012. The language for this provision is incorporated into a single section reauthorizing SNAP and other domestic nutrition assistance programs. (Section 4406)

(42) Consolidated block grants for Puerto Rico and American Samoa

The House bill amends section 19(a)(2)(A) of the FSA by extending to 2012 the Secretary's authority to provide funds to Puerto Rico and American Samoa to administer their nutrition assistance programs. (Section 4025)

The Senate amendment amends section 19(a)(2)(A)(ii) of the Food and Nutrition Act by permanently extending the Secretary's authority to provide funds to Puerto Rico and American Samoa to administer their nutrition assistance programs. (Section 4801)

The Conference substitute adopts the Senate provision with an amendment to make technical changes and to link the authority for consolidated block grants for Puerto Rico and American Samoa to the availability of appropriations provided through section 18(a) of the Supplemental Nutrition Assistance Program (SNAP). The language for this provision is incorporated into a single section reauthorizing SNAP and other domestic nutrition assistance programs. (Section 4406)

(43) Study on comparable access to nutrition assistance program benefits for Puerto Rico

The House bill amends section 19 of the FSA by authorizing the Secretary to conduct a study on the feasibility of including Commonwealth of Puerto Rico in the SSNAP program, in lieu of providing Puerto Rico with a block grant.

The study is to include, among other findings: (a) an assessment of the administrative, financial, and other changes that would be required for Puerto Rico to establish a comparable SSNAP program; (b) a discussion of the appropriate program rules under other sections of the FSA, such as benefit levels, income eligibility standards, and deduction levels for Puerto Rico to establish a comparable SSNAP program; (c) an estimate of the impact on Federal and Commonwealth benefit and administrative costs; and (d) an estimate on the impact of the SSNAP program on hunger and food insecurity among low-income Puerto Ricans. (Section 4026)

The Senate amendment is the same as the House bill (with technical differences), but provides mandatory funding of $1 million to conduct the study. (Section 4206)

The Conference substitute adopts the Senate provision. (Section 4142)

(44) Reauthorization of community food project competitive grants

The House bill continues the Secretary's authority to make grants. Section 25 of the FSA is amended by authorizing an appropriation of $30,000,000 a year through fiscal year 2012 for community food projects. The eligibility requirements remain unchanged.

Section 25 of the FSA is amended by expanding the list of preferences for selecting community food projects to include projects that are designed to serve special needs in the areas of: (1) emergency food service infrastructure; (2) retail access to underserved markets; (3) integration of urban and metro-area food production in food projects; and (4) technical assistance for youth, socially disadvantaged individuals, and limited resource groups.

The Federal share of the cost of establishing or carrying out a community food project is not to exceed 75 percent of the cost of the project during the time of the grant.

The maximum term of a grant is increased to 5 years.

No changes are made to the Secretary's authority.

The Secretary is required to allocate, for each of the fiscal years 2008 through 2012, out of the funds made available to carry out community food projects, $500,000 for the project to address common community problems.

The Senate amendment amends section 25 of the Food and Nutrition Act to provide $10 million a year in mandatory funding for community food projects, through fiscal year 2012.

The Conference substitute adopts the Senate provision with amendments to authorize the establishment of and provide a grant to the Healthy Food Urban Enterprise Development Center; to provide authority for the Center to provide subgrants to eligible entities for the purpose of carrying out feasibility studies, as well as to establish and facilitate enterprises that process, distribute, aggregate, store, and market healthy affordable foods; to provide mandatory funding of $1,000,000 a year for fiscal years 2009 through 2011 for the Center, and to incorporate these changes into section 4402. The Senate provision providing mandatory funding of $5 million a year for the Community Food Projects competitive grants appears in section 4406. (Section 4402; Section 4406)

(45) Emergency Food Assistance Program

The House bill amends section 27 of the FSA by increasing the Emergency Food Assistance Program (TEFAP) commodity purchase requirement. In fiscal year 2008, the Secretary is authorized to purchase a total of $250,000,000 in commodities; for fiscal years 2009 through 2012, the dollar amount is to be indexed annually for food-price inflation. (Section 4028)

The Senate amendment is substantially similar to the House bill with technical differences and without the requirement to index the base amount of $250 million per year. (Section 4110)

The Conference substitute adopts the Senate provision with amendments to increase mandatory funding to $190,000,000 in fiscal year 2008, $250,000,000 in fiscal year 2009 and subsequently indexed for food-price inflation during fiscal years 2010 through 2012. (Section 4201)

(46) Authorization of appropriations

The House bill amends section 204(a) of the Emergency Assistance Food Act of 1983 by increasing the authorization of appropriations to $100,000,000 a year, through fiscal year 2012. (Section 4201)

The Senate amendment amends section 204(a) of the Emergency Food Assistance Act by permanently increasing the authorization of appropriations to $100 million a year. It also requires that State TEFAP agencies submit operation and administrative plans every 3 years (as opposed to every 4 years under current law) and makes clear that funds may be applied to the cost of administering wild game donations. (Section 4802, 4601)

The Conference substitute adopts the Senate provisions with amendments to specify that amendments to State operation and administrative plans may be submitted as necessary; and to combine sections 4802 and 4601 into a single section. (Section 4201)

(47) Distribution of commodities special nutrition projects

The House bill provides that no changes are made to the mandate encouraging reprocessing agreements, with respect to surplus commodities.

Section 1114(a)(2)(A) of the Agriculture and Food Act (AFA) is amended by extending, through fiscal year 2012, the requirement for the Secretary to encourage reprocessing agreements. (Section 4202)

The Senate amendment is the same as House bill with technical differences. (Section 4802)

The Conference substitute adopts the Senate provision with an amendment for technical changes. The language for this provision is incorporated into a single section reauthorizing the Supplemental Nutrition Assistance Program and other domestic nutrition assistance programs. (Section 4406)

(48) Commodity distribution program

The House bill amends section 4(a) of the Agriculture and Consumer Protection Act of 1973 (ACPA) by extending the Secretary's authority through fiscal year 2012.

Section 5 of the ACPA is amended by extending through fiscal year 2012 the ACPA requirement concerning inflation-indexed caseload slot grants.

Section 5(d)(2) of the ACPA is amended by extending the requirement that the Commodity Credit Corporation (CCC) furnish cheese and nonfat dry milk for the Community Supplemental Food Program (CSFP) through fiscal year 2012.

Section 5(g) of the ACPA is amended by mandating that local agencies are to use funds made available under the CSFP to provide assistance to low-income elderly individuals, women, infants, and children in need for food assistance in accordance with any regulations the Secretary may prescribe. Conforming amendments are made stipulating that CSFP benefits are available to low-income elderly individuals.

Section 5 of the ACPA is further amended by requiring the Secretary to establish maximum income eligibility standards for the CSFP that are the same for all applicants. The standards are not to exceed the maximum income limits established for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)—i.e., 185 percent of the federal poverty income guidelines. (Section 4203)

The Senate amendment amends section 4(a) of the ACPA by permanently extending the Secretary's authority to purchase and distribute agricultural commodities for food assistance programs (including the Commodity Supplemental Food Program).

The Senate amendment permanently extends the ACPA requirement in section 5 for inflation-indexed caseload slot grants, and permits State to serve low-income elderly persons with income up to 185% of the federal poverty income guidelines, if the Secretary determines that annual appropriations have enabled every State seeking to participate in the CSFP to participate.

Section 4602 bars the Secretary from requiring any State or local CSFP program to prioritize assistance to a particular group of individuals that are low-income elderly persons or women, infants, and children. (Section 4802, 4602)

The Conference substitute adopts the Senate provisions with amendments to make technical changes to incorporate the reauthorization of the Commodity Supplemental Food Program into Section 4406; incorporate language relating to the prohibition on requiring State or local agencies to prioritize assistance to certain groups of individuals into section 4221. (Section 4406; Section 4221)

The Managers recognize the importance of the Commodity Supplemental Food Program (CSFP) as a critical nutrition program that serves primarily the vulnerable population of low-income elderly Americans. CSFP provides nutritious food, often in the form of food boxes for home delivery, that are designed to meet the dietary needs of seniors, women, and children in 32 states, two Indian tribal organizations, and the District of Columbia. In fiscal year 2007, 93 percent of the recipients were elderly individuals with an annual income at or below $13,273. CSFP serves a unique niche by providing nutritious commodities to homebound seniors who are at severe risk for hunger.

The Managers fully support the continued operation of this program and recognize the need for a substantial expansion of the CSFP. The Managers note that there are five states that have currently been approved by USDA for entry into CSFP (Arkansas, Delaware, Oklahoma, New Jersey and Utah) subject to the availability of appropriations. Provided that sufficient funds are appropriated by Congress, the Managers encourage the Secretary to approve all remaining states for expansion and to expand caseload in all participating states.

(49) Periodic surveys of foods purchased by school food authorities

The Senate amendment amends section 6 of the Richard B. Russell National School Lunch Act to require periodic nationally representative surveys of food purchased by schools participating in the school lunch program. It also provides funding of $3 million for each survey. (Section 4901)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to provide one-time funding of $3,000,000 to carry out the section. (Section 4307)

(50) Healthy Food Education and Program replicability

The Senate amendment amends section 18(i) to provide that sponsored projects may promote healthy food education and that the Secretary must give priority to projects that can be replicated in schools. It also authorizes a new pilot project (at $10 million) in not more than 5 States under which grants are made to "high-poverty" schools for initiatives with hands-on gardening. No cost-sharing is required. (Section 4903)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to strike the authorization of appropriations to carry out the provision. (Section 4303)

(51) Purchase of fresh fruits and vegetables for distribution to schools and service institutions

The House bill amends section 10603 of the Farm Security and Rural Investment Act of 2002 (FSRIA) by increasing the dollar amount of fresh fruits, vegetables and other specialty foods the Secretary must procure for schools and service institutions participating in programs under the National School Lunch Act to at least $50,000,000 a year for each of the fiscal years 2008 and 2009 and $75,000,000 a year for each of the fiscal years 2010 through 2012. As under current law, these amounts may be spent through the Department of Defense (DoD) Fresh Program. (Section 4301)

The Senate amendment provides that, in lieu of purchases required under Sec. 10603, the Secretary purchase fruits, vegetables, and nuts for use in domestic food assistance programs using Section 32 funds.

Purchase amounts are set at: $390 million for fiscal year 2008, $393 million for fiscal year 2009, $399 million for fiscal year 2010, $403 million for fiscal year 2011, and $406 million for fiscal year 2012 and each year thereafter.

Items purchased may be in frozen, canned, dried, or fresh form.

The Senate amendment also allows the Secretary to offer value-added products containing fruits, vegetables or nuts after taking into consideration whether demand exists for the value-added product and the interest of entities that receive fruits, vegetables and nuts under this program. (Section 4907)

The Conference substitute adopts the House language with an amendment to retain the current $50 million a year requirement to acquire fresh fruits and vegetables for distribution in accordance with section 6(a) of the Richard B. Russell National School Lunch Act. The Managers expect the purchases of fresh fruits and vegetables previously made through the Department of Defense Fresh Program will continue under an equivalent procurement mechanism. (Section 4404)

(52) Buy America requirements

The House bill includes Congressional findings that: (1) Federal law requires that commodities and products purchased with Federal funds be, to the extent practicable, of domestic origin; (2) Federal Buy American statutory requirements seek to ensure that purchases made with Federal funds benefit domestic producers; and (3) the School Lunch Act requires the use of domestic food products for all meals served under the program, including food products purchased with local funds. (Section 4302)

The Senate amendment is the same as the House bill, with technical differences. (Section 4906).

The Conference substitute adopts the House provision. (Section 4306)

(53) Expansion of Fresh Fruit and Vegetable Program

The House bill amends section 18(f) of the Richard B. Russell National School Lunch Act (NSLA) by expanding the fresh fruit and vegetable program in elementary and secondary schools. Mandatory funding is increased from $9,000,000 to $70,000,000 a year, and the program is to be available nationwide in: (A) 35 elementary and secondary schools in each State; and (B) additional elementary and secondary schools in each State in proportion to the student population of the State.

The Senate amendment replaces the current fresh fruit and vegetable program, beginning with the 2008–2009 school year. The new program would provide mandatory funding ($225 million in the first year, indexed for inflation in later years) and authorize additional appropriations for a program to make free fresh fruits and vegetables available in participating elementary schools nationwide.

Participating elementary schools would be selected by States with priority generally given to schools with the highest proportion of children eligible for free or reduced-price school meals, those that partner with entities that provide non-federal resources, and those that evidence efforts to integrate the program with other efforts to promote sound health and nutrition, reduce overweight and obesity, or promote physical activity.

Funding would be allocated among States under a formula distributing roughly half of the funds equally among States and apportioning the remainder based on State population. At least 100 schools chosen to participate must be operated on Indian reservations. Per-student grants would be determined by the State but could not be less than $50, or more than $75, annually.

An evaluation is required and provided funding of $3 million to remain available until expended.

The Senate amendment changes the final report's due date to December 31, 2012.

The Secretary is authorized, in selecting schools to participate in the program, to encourage plans for implementation that include locally grown foods.

The Secretary is required to establish requirements to be followed by States in administering the Fresh Fruit and Vegetable Program—the initial set of requirements must be established not later than 1 year after the enactment.

The Secretary is allowed to reserve up to 1% of program funding for administrative expenses related to the program. States may use up to 5% of program funding for administrative expenses. (Section 4904)

The Conference substitute adopts the Senate provision with several amendments. The substitute deletes Senate language allowing a consortia of schools to apply for funding. The substitute includes a new requirement that state agencies administering the program initiate special outreach to schools with significant numbers of children eligible for free or reduced price meals informing them of their eligibility for the program.

The substitute includes a new provision to ensure that states currently receiving funding under the program do not see a reduction in their funding as the program is phased in over time. The substitute includes an amendment which allows states to reserve funding for program administration, in accordance with regulations promulgated by the Secretary. And the substitute includes several provisions intended to aid the Secretary as the program transitions from the existing requirements of section 18(f) to the new requirements established by this section. Mandatory funding is provided through section 32 of the Act of August 24, 1935 in the amounts of $40,000,000 on October 1, 2008; $65,000,000 on July 1, 2009; $101,000,000 on July 1, 2010; $150,000,000 on July 1, 2011; $150,000,000 indexed for inflation according to the CPI-U on July 1, 2012. (Section 4304)

It is the intent of the Managers to specifically target available program funding to schools with the highest proportion of children who are eligible for free and reduced price meals, in accordance with (d)(1)(B). Accordingly, the Managers expect that, provided the rest of a school's application is acceptable, that a school with a higher proportion of children eligible for free and reduced-price meals will be selected to participate rather than a school with a lower proportion of children eligible for free and reduced-price meals.

As the name of the program makes clear, it is the intent of the program to provide children with free fresh fruits and vegetables. It is not the intent of the Managers to allow this program to provide other products, such as nuts, either on their own or comingled with other foods, such as in a trail mix. The Managers support the inclusion of all fruits and vegetables in the federal nutrition programs where supported by science and will continue to work with the Department on promoting access to all fruits and vegetables.

(54) Purchases of locally produced foods

The House bill amends section 9(j) of the NSLA by authorizing the Secretary to:

(1) encourage institutions that receive funds under the NSLA and the Child Nutrition Act (CNA) to purchase, to the maximum extent practicable and appropriate, locally-produced foods;

(2) advise institutions about the policy related to purchasing locally-produced foods and post information related to this policy on the website maintained by the Secretary; and

(3) allow institutions receiving funds under the NSLA and the CNA, including the DoD Fruit and Vegetable Program, to use geographic preference in their procurement of locally-produced foods. (Section 4304)

The Senate amendment is the same as the House bill, except that Senate amendment pertains to locally produced fruits and vegetables. (Section 4902)

The Conference substitute adopts the House provision with an amendment to specify that the Department of Agriculture is required to allow institutions to use a geographic preference for the procurement of unprocessed, locally grown and raised agricultural products. (Section 4302)

The Managers do not intend that the Food and Nutrition Service interpret the term "unprocessed" literally, but rather intend that it be logically implemented. In specifying the term "unprocessed," the Managers' use of the term intends to preclude the use of geographic preference for agricultural products that have significant value added components. The Managers do not intend to preclude de minimis handling and preparation such as may be necessary to present an agricultural product to a school food authority in a useable form, such as washing vegetables, bagging greens, butchering livestock and poultry, pasteurizing milk, and putting eggs in a carton.

(55) Seniors Farmers—Market Nutrition Program

The House bill amends section 4402 of FSRIA by: (1) extending mandatory funding of $15,000,000 for the Senior Farmers' Market Nutrition Program through fiscal year 2012; and (2) authorizing additional appropriations of $20,000,000 for fiscal year 2008, $30,000,000 for fiscal year 2009, $45,000,000 for fiscal year 2010, $60,000,000 for fiscal year 2011, and $75,000,000 for fiscal year 2012.

Honey is added to the list of items to be covered by program vouchers.

The value of benefits provided to eligible Senior Farmers' Market Nutrition Program recipients is prohibited from being considered income or resources for any purposes under any Federal, State or local law. State and local governments are also prohibited from collecting taxes on food purchased with vouchers distributed under the program. (Section 4401)

The Senate amendment amends section 4402 by permanently extending mandatory funding for the senior farmers' market nutrition program (at $15 million a year). It also mandates additional funding of $10 million a year.

Provisions regarding the treatment of senior farmers' market nutrition program benefits are the same as in the House bill. (Section (4701, 4702)

The Conference substitute adopts the House provision with an amendment to strike the authorization of additional appropriations to carry out the program, and to make other technical changes. The Senate provision requiring additional mandatory funds is adopted and appears in section 4405 with an amendment to increase current mandatory funding to $20,600,000 a year. (Section 4231)

(56) Congressional Hunger Center

The House bill amends section 4404 of FSRIA with provisions similar to those contained in current law. Provisions in this section differ from those in current law by authorizing annual appropriations of $3,000,000 a year, through fiscal year 2012, and by specifically naming the Congressional Hunger Center as the administering entity for Emerson and Leland fellowships. (Section 4402)

The Senate amendment is the same as the House bill, with technical differences and requires: (1) issuance of a grant from USDA to the Congressional Hunger Center to administer the program (as opposed to a contract in the House bill); and (2) an appropriations authorization set at "such sums as are necessary." (Section 4404)

The Conference substitute adopts the Senate provision with an amendment to strike language pertaining to congressional findings, and make other technical changes. (Section 4401)

(57) Joint Nutrition Monitoring

The House bill amends Subtitle D of Title IV of FSRIA by authorizing the Secretary of Agriculture, along with the Secretary of Health and Human Services, to continue to provide jointly for national nutrition monitoring and related research activities.

Among other duties, the two Secretaries are required to: (a) collect continuous dietary, health, physical activity, and diet and health knowledge data on a nationally representative sample; (b) periodically collect data on special at-risk populations as identified by the Secretaries; (c) distribute information on health, nutrition, the environment, and physical activity to the public in a timely fashion; (d) analyze new data that becomes available; (e) continuously update food composition tables; and (f) research and develop data collection methods and standards. (Section 4403)

The Senate amendment is the same as the House bill, with technical differences. Freestanding provision. (Section 7501)

The Conference substitute adopts the House provision with a technical amendment to structure the language as a freestanding provision. (Section 4403)

(58) Team Nutrition Network

The Senate amendment provides mandatory funding for Team Nutrition Network activities—$3 million a year through fiscal year 2012. (Section 4905)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(59) Agricultural policy and public health

The Senate amendment requires the Government Accountability Office (GAO) to assess whether the agricultural policies of the U.S. have an impact on health, nutrition, overweight and obesity, and diet-related chronic disease. (Section 4908)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(60) Sense of the Congress

The House bill expresses the sense of Congress that food items provided pursuant to the Federal School Meal Program should be selected so as to reduce the incidence of juvenile diabetes and to maximize nutritional value. (Section 4404)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision.

(61) Grain Pilot Program

The Senate amendment amends the Richard B. Russell National School Lunch Act to establish a pilot project to provide grain products in selected elementary and secondary schools. Funding of $4 million is provided—to be supplied from funds available for the senior farmers' market nutrition program and community food projects. (Section 4912)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with amendments to purchase whole grain products for distribution in the school lunch and breakfast programs; provide an evaluation of the pilot program; and to require that funding to carry out this program be utilized from funds made available under Section 32 of the Act of August 24, 1935. (Section 4305)

(62) Report on Federal hunger programs

The Senate amendment requires the Government Accountability Office (GAO) to submit a report that surveys all federal programs that seek to alleviate hunger or food insecurity or improve nutritional intake. (Section 4913)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(63) Food Employment Empowerment and Development Program

The Senate amendment authorizes a "food employment empowerment and development" program under which grants would be made to encourage the effective use of community resources to combat hunger and the causes of hunger through food recovery and job training initiatives. (Section 4914)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision. The Managers note that the activities authorized under the Senate provision are eligible for funding under the Community Food Projects (CFP) competitive grants program, and encourage organizations seeking federal assistance to carry out such activities to submit an application for funding through CFP.

The Managers recognize the Community Food Projects (CFP) program is designed to provide one-time grant funding for projects that meet the food needs of low-income people, increase the self-reliance of communities in providing for their own food needs, and plan for long-term solutions to address such needs. The Managers acknowledge that the Food Employment Empowerment and Development (FEED) Program meets the requisite eligibility standards for funding under the CFP program. The goal of the FEED Program is to encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery and job training. In general, eligible participants of the FEED Program, such as school based programs, will focus their efforts in the following areas:

(1) Recovery of donated food from area restaurants, caterers, hotels, cafeterias, farms, or other food service businesses and distribution of meals or recovered food to nonprofit organizations.

(2) Training of unemployed and underemployed adults for careers in the food service industry.

(3) Carrying out of a welfare-to-work job training.

The Managers expect USDA to give full consideration to CFP grant applications that meet the goals of the FEED program.

(64) Infrastructure and transportation grants to support rural food bank delivery of perishable foods

The Senate amendment authorizes competitive grants—totaling $10 million a year through fiscal year 2012—to expand the capacity and infrastructure of food banks to improve their ability to handle "time-sensitive" (perishable) food products, to improve identification of potential providers of donated food, and to support the procurement of locally-produced food from small and family farms and ranches. (Section 4915)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with amendments to structure the provision as an amendment to the Emergency Food Assistance Act of 1983; provide a requirement that the Secretary use not less than 50 percent of grant funds for rural areas; specify authorized levels of appropriations; and to make other technical changes. (Section 4202)

(65) Reauthorization and application

The House bill extends the various expiring authorities through fiscal year 2012 in sections 4016, 4019, 4020, 4021, 4024, 4025, 4027, 4028, 4201, 4202, and 4203 of this Act, except for the authorization of appropriations for the nutrition information and awareness program established by Section 4403 of FSRIA. (Section 4016, 4019, 4020, 4021, 4024, 4025, 4027, 4028, 4201, 4202 and 4203)

The Senate amendment extends most expiring authorities indefinitely. Community food projects, authority in section 1114(a)(2) of the AFA, and the nutrition information and awareness program are extended through FY2012.

The Senate amendment also stipulates that, except as otherwise provided, the amendments made in the Nutrition title take effect April 1, 2008. It also provides that States may implement amendments made in Sections 4101 through 4110 beginning on a date determined by the State during the period between April 1 and October 1, 2008. States are given the option to implement amendments made by sections 4103 and 4104 for a certification period that begins not earlier than an implementation date between April 1 and October 1, 2008 (as determined by the State).

This section provides that the amendments made in sections 4101–4104, 4107–4109, 4110(a)(2), 4208, 4701(a)(3), 4801(g), and 4903 terminate September 30, 2012. (Section 4801, 4802, 4803, 4910, 4911)

The Conference substitute adopts the Senate provision with amendments for technical changes, to extend various expiring authorities through fiscal year 2012, and to link various expiring authorities to the availability of appropriations provided through section 18(a) of the Supplemental Nutrition Assistance Program (SNAP). The language for this provision is incorporated into a single section reauthorizing SNAP and other domestic nutrition assistance programs. (Section 4406)

(66) Study on purchases of food with program benefits

The Senate amendment requires GAO to conduct a study of the effects of a rule requiring that food stamp benefits only be used to purchase food included in the most recent thrifty food plan market basket. (Section 4202)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

TITLE V—CREDIT

(1) Farming experience

The Senate amendment amends section 302(a)(2) of the Consolidated Farm and Rural Development Act (Con Act) by clarifying that the Secretary may take into consideration all farming experience of a loan applicant when considering eligibility for farm ownership loans. (Section 5001)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 5001)

(2) Refinancing of guaranteed farm ownership loans for beginning farmers or ranchers

The Senate amendment amends Section 303 of the Con Act by allowing beginning farmers or ranchers to refinance a delinquent guaranteed farm ownership loan with a direct farm ownership loan. (Section 5002)

The House bill as no comparable provision.

The Conference substitute deletes the Senate provision.

(3) Conservation loan guarantee program

The House bill amends section 304 of the Con Act by creating a conservation loan guarantee program. The Secretary is authorized to provide loan guarantees and interest subsidies, or both, to farmers, ranchers, and other entities that are controlled by farmers and ranchers and primarily and directly engaged in agricultural production to carry out qualified conservation projects.

The Secretary is required to give priority to: qualified beginning farmers or ranchers; socially disadvantaged farmers or ranchers; owners or tenants who use the loans to convert to sustainable or organic agricultural production systems; and producers who use the loans to build conservation structures or establish conservation practices to comply with section 1212 of the Food Security Act of 1985.

The term "qualified conservation loan" is defined as a loan in which: the proceeds are used to cover the costs of the borrower in carrying out a qualified conservation project; the principal amount of the loan is not more than $1 million; the loan repayment period is 10 years; and the total amount of all processing fees does not exceed an amount to be prescribed by the Secretary.

The term "qualified conservation project" is defined as conservation measures that address provisions of the borrower's conservation plan.

The term "conservation plan" is defined as a plan, approved by the Secretary, that for a farming or ranching operation, identifies the conservation activities that will be addressed with the conservation loan, including the installation of conservation structures; the establishment of forest cover for sustained yield timber management, erosion control, or shelter belt purposes; the installation of water conservation measures; the installation of waste management systems; and the establishment of improvement or permanent pasture; compliance with section 1212 of the Food Security Act of 1985; and any other emerging or existing conservation practices, techniques, or technologies approved by the Secretary.

The amount of the interest subsidies the Secretary may provide is limited to 500 basis points, if the principal amount of the loan is less than $100,000; 400 basis points, if the principal amount of the loan is not less than $100,000 and is less than $500,000; and 300 basis points in all other cases.

The Secretary is prohibited from approving any application for the program unless the Secretary determines that the loan sought by the applicant, as described in the application, would be a qualified conservation loan, and the project for which the loan is sought is likely to result in a net benefit to the environment.

Necessary appropriations are authorized for each of the fiscal years 2008 through 2012. (Section 5001)

The Senate amendment amends section 304 of the Con Act. The transition to organic and sustainable farming practices is to be an eligible loan purpose. The implementation of one or more practices under the Environmental Quality Incentives Program is also to be an eligible loan purpose.

Beginning farmers or ranchers and socially disadvantaged farmers or ranchers are to be given priority in this program.

The loan restriction of $50,000 is eliminated. (Section 5003)

The Managers agreed to include the House provision in the Conference substitute, with an amendment. The amendment establishes a conservation loan and loan guarantee program where eligible borrowers may get a loan or loan guarantee to carry out qualified conservation projects. The Secretary shall guarantee 75 percent of the principle loan amount guaranteed under this program. It is the intent of the Managers that the loan program established in the section should complement financial assistance offered in the conservation title of this Act. In addition to the priorities established under the program, the Secretary shall give strong consideration to loan applicants who are waiting funding under conservation programs authorized and established under title XII of the Food Security Act of 1985. (Section 5002)

Qualified conservation projects eligible to receive funding under this program must have a conservation plan that identifies the conservation activities that will be addressed by a loan made under this program. It is the Manager's view that conservation structures that address soil, water and related resources include sod waterways, permanently vegetated stream boarders and filter strips, wind breaks, shelterbelts, living snow fences, and other vegetative practices.

It is also the Managers intent that the Farm Service Agency operating loan limitations established in section 312 of the Con Act are to apply to a loan or loan guaranteed under this program.

(4) Limitations on amount of ownership loans

The House bill amends section 305(a)(2) of the Con Act by setting the farm ownership loan limit at $300,000.

The Secretary is required to establish a plan, in coordination with the activities under section 359, 360, 361, and 362 of the Con Act, to encourage borrowers to graduate to private commercial or other sources of credit. (Section 5002)

The Senate amendment is the same as the House bill but has no comparable provisions requiring the Secretary to establish graduation criteria. (Section 5004)

The Conference substitute adopts the Senate provision. (Section 5003)

(5) Down payment loan program

The House bill amends section 310E of the Con Act by: including socially disadvantaged farmers or ranchers in the down payment loan program; setting the Farm Services Administration (FSA) portion of the loan at 45 percent; fixing the interest rate for the program at 4 percent below the regular direct farm ownership interest rate or 1 percent, whichever is greater; setting the duration of the loan at 20 years; requiring a borrower down payment of 5 percent; and setting the maximum price for the farm or ranch at $500,000.

The Secretary is authorized to establish annual performance goals to promote the use of the down payment loan program and other joint financing participation loans as the preferred choice for direct real estate loans made by lenders to qualified beginning farmers or ranchers or socially disadvantaged farmers or ranchers. (Section 5003)

The Senate amendment amends section 310E of the Con Act by: allowing socially disadvantaged farmers or ranchers to be eligible for the down payment loan program; setting the FSA portion of the loan at 45 percent; and adjusting the interest rate for the down payment loan to the greater of 4 percent below the interest rate for the regular farm ownership loan or 2 percent.

The duration of the loan, the borrower payment, and the maximum price are the same as the House bill.

The Secretary is required to establish annual performance goals to promote the use of the down payment loan program and joint financing arrangements. (Section 5004)

The Conference substitute adopts the House provision with an amendment to adjust the interest rate to 4 percent below the regular direct farm ownership interest rate or 1.5 percent, whichever is greater. (Section 5004)

(6) Beginning farmer and rancher contract land sales program

The House bill amends section 310F of the Con Act by: expanding the beginning farmer and rancher contract land sales program to include socially disadvantaged farmers or ranchers; making the program permanent and expanding it nationwide; requiring program participants to provide a down payment of 5 percent of the purchase price of the farm or ranch; setting the maximum purchase price for the farm or ranch that is the subject of the contract land sale at $500,000; and setting the loan guarantee period, for a loan provided under this program, at 10 years.

The land seller is given the option of choosing either a prompt payment guarantee or a standard guarantee. A prompt payment guarantee consists or either three amortized annual installments or an amount equal to three annual installments (including an amount equal to the total cost of any tax and insurance incurred during the period covered by the annual installments. A standard guarantee plan covers an amount equal to 90 percent of the outstanding principal of the loan. (Section 5004)

The Senate amendment is the same as the House bill except socially disadvantaged farmers or ranchers are not added as eligible participants. In addition, the Senate amendment does have a standard guarantee plan. (Section 5006)

The Conference substitute adopts the House provision with amendment. The amendment clarifies that in order for a private seller to use the standard guarantee plan they must obtain a servicing agent who will be responsible for servicing activities associated with the contract land sale. Further, the amendment allows the Secretary to phase-in use of the standard guaranteed option. (Section 5005)

(7) Loans to purchase highly fractioned lands

The House bill amends section 1 of Public Law 91–229 (25 U.S.C. 488) by giving the Secretary of Agriculture the discretionary authority to make and insure loans, as provided in section 309 of the Con Act, to eligible purchasers of highly fractioned lands, pursuant to section 204(c) of the Indian Land Consolidation Act. (Section 5005)

The Senate amendment is the same as the House except it amends section 205(c) of the Indian Land Consolidation Act. (Section 5401)

The Conference substitute adopts the Senate provision. (Section 5501)

(8) Farming experience; direct operating loan term limitations

The Senate amendment amends section 311(a) of the Con Act by clarifying that the Secretary may take into consideration all farming experience of a loan applicant when considering eligibility for farm operating loans. The period that a participant is eligible for direct operating loan assistance is extended by 1 year. (Section 5105)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to delete the provision that extends the period of time a borrower is eligible for direct farm operating loan assistance. (Section 5101)

(9) Limitations on amount of operating loans

The House bill amends section 313(a)(1) of the Con Act by limiting the amount of an operating loan other than one guaranteed by the Secretary to $300,000. (Section 5012)

The Senate amendment includes the same provision as the House bill. (Section 5102)

The Conference substitute adopts the House provision. (Section 5102)

(10) Suspension of limitation on period for which borrowers are eligible for guaranteed assistance

The House bill amends section 5102 of the Farm Security and Rural Investment Act of 2002 (FSRIA) by suspending, until January 1, 2008, a limitation placed on the number of years that borrowers are eligible to receive guaranteed assistance on operating loans. (Section 5012)

The Senate amendment repeals section 319 of the Con Act. This section provides a limitation on the number of years a borrower is eligible to receive guaranteed assistance on operating loans. (Section 5103)

The Conference substitute adopts the Senate provision with amendment. The amendment extends the waiver on guaranteed operating loan term limits through December 31, 2010. (Section 5103)

(11) Beginning farmer and rancher individual development accounts

The Senate amendment amends the Con Act by adding after section that establishes the New Farmer Individual Development Account Pilot Program (IDA). Its purpose is to match the savings of beginning farmers or ranchers to help them establish a pattern of savings and build assets which will help their long term farm viability.

The terms demonstration program, eligible participant, individual development account, qualified entity are defined. Subsection (a) creates definitions that will be used throughout this section.

The Secretary is authorized to establish a pilot program to be administered by the FSA (FSA) in at least 15 states. Each qualified entity that receives a grant under the pilot program must provide a 25 percent non-Federal match of the grant awarded. An eligible participant will enter into a contract with a qualified entity that requires: a monthly deposit into a personal savings by the eligible participant; an agreement on the eligible expenditure for which the savings will be used when the contract is completed; and an agreed upon a match of not more than 3 to 1 for every dollar for saved by the eligible participant provided by the eligible entity. An eligible participant cannot receive more than $9,000 in matching funds for each fiscal year of the contract.

The Senate amendment establishes an application process in which eligible entities receive a grant to administer the IDA program. When considering applications for the program, the Secretary is to give a preference to qualified entities that have a track record of serving eligible participants and expertise in dealing with financial management aspects of farming. The maximum grant a qualified entity may receive is $300,000 to carry out the IDA program.

Qualified entities that receive a grant must submit, to the Secretary, an annual report that includes the following: an evaluation of the demonstration project's progress; the amounts in the reserve fund; the amounts deposited in each IDA; the amounts withdrawn from the IDA and the purpose for which the money was withdrawn; and information about the demonstration program and participants.

The Secretary is authorized to promulgate regulations that ensure the termination of pilot program and control of the reserve fund in case of early termination of a demonstration program.

An appropriation of $10,000,000 is authorized for each fiscal year 2008 through 2012.

The Secretary is prohibited from using more than 10 percent of the funds made available to administer the program and provide technical assistance to qualified entities. (Section 5201)

The House bill has no comparable provisions.

The Conference substitute adopts the Senate provision with amendment.

The amendment increases the non-Federal match of the grant amount from 25 percent to 50 percent. Federal grant money used for administrative costs is limited to 10 percent. The amendment caps the savings match a qualified entity may provide under the program at not more than 200 percent of the participant's savings. Furthermore, the amendment reduces the maximum federal grant amount to $250,000. (Section 5301)

The Managers are aware that farmers over the age of 65 outnumber those below the age of 35 by more than 2 to 1. Access to credit and land are two of the largest problems facing beginning farmers or ranchers today. The increased cost of farmland, equipment, and other farm inputs have created a significant barrier to farm entry. To ensure the future viability of U.S. farming, the Managers are aware of the need to develop public polices that address the unique challenges beginning farmers and ranchers face. The New Farmer Individual Development Accounts Pilot Program (IDA) is designed to help those with modest means save build assets and enter the financial mainstream. This pilot program would assist beginning farmers or ranchers by using matched savings accounts, the proceeds of which may be used toward capital expenditures for a farm or ranch operation, including expenses associated with the purchase of farmland, buildings, equipment, livestock, infrastructure, or the acquisition of training. The Managers intend that the IDA established by a qualified entity for an eligible participant will be separate from the personal savings of the eligible participant. The IDA account and funding shall be controlled by the qualified entity. Upon completion of an IDA contract by an eligible participant, the qualified entity shall supply funds from the IDA account directly toward the eligible purchase on behalf of the eligible participant.

It is the Managers' intent that eligible participants must also complete financial training established by the qualified entity establishing the IDA for the participant. Such training may involve education and technical assistance related to budgeting, business planning, recordkeeping, banking, farm credit management, cash flow management, market development, equity investment, land access and land tenure options, and other similar financial training needs. It is the intent of the Managers that eligible entities may create their own financial management training programs or utilize curricula and training events of other organizations, businesses, and institutions. The Managers encourage FSA to coordinate with eligible entities who may want to make use of the borrower financial and farm management training programs established under Section 359 of the Con Act as part of their financial management training offering. The Managers believe when considering applications to carry out eligible demonstrations the term "new farming opportunities" used in the application criteria means either starting a farm or converting to other production.

(12) Inventory sales preferences

The House bill amends section 335(c) of the Con Act by restoring the first priority given to socially disadvantaged farmers or ranchers whenever the Secretary sells or leases property. The Secretary is required to ensure that socially disadvantaged farmers or ranchers are included in the process whenever property is sold or leased. (Section 5021)

The Senate amendment amends section 335(c) of the Con Act by making socially disadvantaged farmers or ranchers eligible for inventory property in the first 135 days the Secretary is able to sell the inventory property. If one or more eligible socially disadvantaged or beginning farmers offer to purchase the same property in the first 135 days, the buyer is to be chosen randomly. (Section 5202)

The Conference substitute adopts the Senate provision. (Section 5302)

(13) Loan authorization levels

In section 346(b)(1) of the Con Act the Senate Amendment increases the loan authorization for FSA loan programs to $4,226,000,000.

Section 346(b)(2)(A) increases the loan authorization for direct loans to $1,200,000,000. The authorization for the direct farm ownership loan program is increased to $350,000,000, and the authorization for the direct operating loan program is increased to $850,000,000. (Section 5204)

The House bill has no comparable provisions.

The Conference substitute adopts the Senate provision. (Section 5303)

(14) Loan fund set-asides

The House bill amends section 346(b)(2)(A)(i)(I) of the Con Act by increasing the amount of direct farm ownership loans that the Secretary is to reserve for beginning farmers or ranchers to 75 percent. Of the funds reserved for beginning farmers or rancher in the direct farm ownership program, 66 percent of those funds are reserved for the down payment loan program and joint financing arrangements.

Section 346(b)(2)(A)(ii)(III) of the Con Act is amended by increasing the amount of direct operating loans the Secretary is to make available to beginning farmers or ranchers to 50 percent.

Section 346(b)(2)(B)(i) of the Con Act is amended by increasing the amount of guaranteed farm ownership loans that the Secretary is to reserve for beginning farmers or ranchers to 40 percent. (Section 5022)

The Senate amendment is the same as the House provision. (Section 5204)

The Conference substitute adopts the Senate provision. (Section 5302)

(15) Transition to private commercial or other sources of credit

The House bill amends section 344 of the Con Act by requiring the Secretary, when making or insuring a real estate or operating loan, to establish regulations that have as their goal transitioning borrowers to other sources of credit, including private commercial credit, in the shortest practicable period of time. (Section 5023)

The Senate amendment is the same as House provision.

The Conference substitute adopts the House provision. (Section 5304)

(16) Interest rate reduction program

The Senate amendment amends section 351(a) of the Con Act by clarifying that interest assistance is to be available for new guaranteed operating loans or restructured guaranteed operating loans. (Section 5205)

The House bill has no comparable provisions.

The Conference substitute deletes the Senate provision.

The Managers are aware that the Secretary has amended regulations under the guaranteed loan program to limit the availability of interest rate reduction authorized under section 351 of the Con Act to new guaranteed operating loans. The Managers believe that non-statutory limitations in the program's regulations will deter the immediate availability of funds that may be appropriated in the future for interest rate reductions for other categories of guaranteed loans. It is the Managers' expectation that the regulations and policies for the guaranteed loan program should clarify that interest rate reduction may be available for all new and restructured guaranteed loans.

(17) Extension of the right of first refusal to reacquire homestead property to immediate family member of borrower-owner

The House bill amends section 352(c)(4)(B) of the Con Act by extending, in the case of a socially disadvantaged farmer or rancher, the right of first refusal to reacquire a homestead property to members of the immediate family of the borrower.

It allows, in the case of a socially disadvantaged farmer or rancher, for an independent appraisal of the property by an appraiser selected by the immediate family member of the borrower. (Section 5024)

The Senate amendment has no comparable provisions.

The Conference substitute adopts the House provision. (Section 5305)

(18) Deferral of shared appreciation recapture amortization

The Senate amendment amends section 353(e)(7)(D) of the Con Act by clarifying that deferral is an available servicing tool and limits any deferral to 1 year. (Section 5206)

The House bill has no comparable provisions.

The Conference substitute deletes the Senate provision.

The Managers are aware that under subsection (e)(7)(D) of section 353 of the Con Act, the Secretary has permitted borrowers to seek only re-amortization of amortized Shared Appreciation recapture payments despite the reference in that section to all "loan service tools under section 343(b)(3) [7 USC §1991(b)(3)]." It is the Managers' expectation that the Secretary will amend program regulations and policies to clarify that the full range of loan service tools set out in subsection (b)(3) of section 343 of the Con Act is available for modification of amortized Shared Appreciation recapture payments.

(19) Rural development and farm loan program activities

The House bill amends Subtitle D of the Con Act by prohibiting the Secretary from completing a study or entering into a contract with any private party to carry out, without a specific authorization in an Act of Congress, a competitive source activity of the Secretary, including USDA support personnel, relating to rural development or farm loan programs. (Section 5025)

The Senate amendment amends the Con Act by adding a new section, 365, that prohibits the Secretary from completing or entering into a contract with a private party to carry out competitive sourcing activities relating to rural development, housing, and farm loan programs at the United States Department of Agriculture. (Section 5207)

The Conference substitute adopts the House provision. (Section 5306)

The managers intend this provision to cover USDA's Rural Development mission area, including rural cooperative, business, housing, and energy programs.

(20) Technical correction

The Senate amendment amends section 3.3(b) of the Farm Credit Act (FCA) of 1971 by making a technical correction. It strikes "per" in the first sentence and inserts "par". (Section 5302)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 5402)

(21) Banks for cooperatives voting stock

The House bill amends section 3.3(c) of the FCA by authorizing the board of a bank for cooperatives to determine the terms and conditions for the issuance and transfer of bank voting stock to bank for cooperatives customers and other Farm Credit System associations.

A conforming amendment is made to section 4.3A(c)(1)(D) of the FCA to add to the list of borrowers eligible to hold voting stock under the bylaws of the banks for cooperatives persons and entities eligible to borrow from banks for cooperatives. (Section 5031)

The Senate amendment has no comparable provisions.

The Conference substitute adopts the House provision. (Section 5403)

(22) Confirmation of the Farm Credit Administration chair

The Senate amendment amends section 5.8(a) of the FCA by requiring the advice and consent of the Senate for the confirmation of chairman of the Farm Credit Administration. (Section 5303)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(23) Rural utility loans

The House bill amends section 8.0(9) of the FCA to allow rural utility loans (loans, or interest in a loan, for electric and telephone facilities) to be considered as "qualified loans". (Section 5032)

The Senate amendment amends section 8.0(9) of the FCA by adding a new subparagraph to allow rural utility loans (loans, or interest in a loan, for electric and telephone facilities) to be considered as "qualified loans" for Federal Agricultural Mortgage Corporation financing.

Section 8.6(a)(1) of the FCA is amended by making conforming and technical changes to the standards established under section 8.8(a) of the FCA related to agricultural real estate loans and rural utility loans.

Section 8.8(a) of the FCA is amended by authorizing the creation of appropriate underwriting, security, and repayment standards for agricultural mortgage loans and rural utility loans.

Minimum criteria standards are set for agricultural real-estate loans focused on individual borrower traits (loan-to-value ratio, sufficient cash flow, documentation standards, appraisal process, actively engaged in farming, speculation in real estate, and consideration of real estate tax purposes). These standards do not apply to rural utility loans.

Loan amounts for agricultural production are established. The limitation does not apply to rural utilities loans. (Section 5306)

The Conference substitute adopts the Senate provision. (Section 5406)

(24) Farm Credit System Insurance Corporation

The House bill amends section 1.12(b) of the FCA to change the method that each Farm Credit System (FCS) bank must use to assess associations and other financing institutions to cover the costs of making Farm Credit System Insurance Corporation (FCSIC) premium payments under Part E of Title V of the FCA. FCS banks are required to compute the assessments on lenders in an "equitable manner."

Section 5.55(a) of the FCA is amended by mandating that the premiums due from System institutions will no longer be collected annually when the aggregate amount in the Farm Credit Insurance Fund does not exceed the secure base amount. The premium due from any insured System institution is to be based on the average outstanding insured debt.

Section 5.55(b) of the FCA is amended by allowing the FCSIC to collect premiums more frequently than annually.

Section 5.55(c) of the FCA is amended by authorizing FCS banks to deduct a percentage of investments guaranteed by the Federal government and a percentage of investments guaranteed by State governments when calculating the secure base amount.

Section 5.55(d) of the FCA is amended by authorizing the FSCIC to use the principal outstanding on all loans made by an insured FCS bank or the amount outstanding on all investments made by an insured system bank for purposes of premium calculations and secure base amount calculations.

Section 5.55(e) of the FCA is amended by requiring the FCSIC to use year-end numbers in calculating excess funds, with respect to the secure base amount. The formula concerning payments from the Farm Credit Insurance Fund Allocated Insurance Reserve Accounts is simplified.

Section 5.56(a) of the FCA is amended by authorizing FCS banks to file certified statements quarterly.

Section 5.58(10) of the FCA is amended by clarifying that FCSIC has the authority to adopt rules and regulations concerning section 1.12(b) of Title I of the FCA, the "Authority to Pass Along Cost of Insurance Premiums." (Section 5033)

The Senate amendment amends section 1.12(b) of the FCA to allow FCS banks to have flexibility in deciding how to pass along insurance premiums to their affiliates. This section specifies that premiums are to be computed in an equitable manner. (Section 5301)

The Senate amendment also amends section 5.55(a) of the FCA by allowing the total insured debt obligations on which premiums are assessed to be subtracted by 90 percent for investments guaranteed by the Federal government and 80 percent for investments guaranteed by State governments.

Section 5.55(b) of the FCA is amended by allowing the FCSIC to collect premiums more frequently than annually.

Section 5.55(c) of the FCA is amended by adjusting the outstanding insured obligations of all insured System banks by excluding an amount equal to the sum of 90 percent of federal government guaranteed loans and investments and 80 percent of state government-guaranteed loans and investments when calculating the "secure base amount".

Section 5.55(d) of the FCA is amended to determine the principal outstanding on all loans made by an insured System bank, or the amount outstanding on all investments made by an insured System bank, for the purpose of premium calculations and "secure base amount" collections.

Subsection 5.55(e) of the FCA is amended by allowing the Farm Credit System Insurance Fund to use year-end numbers rather than the average daily balance when calculating excess funds and simplifying the current formula concerning payments from the Allocated Insurance Reserve Accounts. (Section 5304)

Section 5.56(a) of the FCA is amended by allowing System banks to collect insurance premiums quarterly rather than annually. (Section 5305)

Section 5.58(10) of the FCA is amended to clarify that FCSIC has the authority to adopt rules and regulations concerning section 1.12(b) of the FCA. (Section 5301)

The Conference substitute adopts the Senate provision with technical amendments. (Sections 5401, 5404, and 5405)

(25) Risk-based capital levels

The House bill amends section 8.32(a)(1) of the FCA by allowing FSCIC to calculate risk-based capital levels for rural electric and telephone loans. (Section 5034)

Section 8.32(a)(1) of the FCA is amended by creating a new subparagraph (B) that directs the FCA to establish a risk-based capital standard for rural utility loans. (Section 5306)

The Conference substitute adopts the Senate provision. (Section 5406)

(26) Farm credit system equalization

The Senate amendment amends the FCA by establishing a new section, 7.7, which equalizes lending authorities among FCS associations in Alabama, Mississippi, and Louisiana.

The Federal Land Banks or Credit Associations are given the ability to make short- and intermediate-term loans, and Production Credit Associations are given the ability to make long-term loans. The new authorities can only be exercised if the board of directors of the association and a majority of voting stockholders approve.

The FCA is authorized to issue charter amendments to reflect the new lending authority. (Section 5307)

The House bill has no comparable provision.

The Conference substitution adopts the Senate provision. (Section 5407)

(27) Emergency loans for equine farmers and ranchers

The Senate amendment amends section 321(a) of the Con Act to allow equine farmers and ranchers to be eligible for FSA emergency loans. (Section 5404)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 5201)

The managers are aware that family farmers and ranchers who breed and raise horses are eligible for the FSA's emergency loan program. In order to be eligible for a loan under this section, the farmer or rancher must meet all of the relevant requirements of the Con Act, including the credit elsewhere test. The farmer or rancher must also be primarily engaged in the operation and must not have an operation larger than a family farm. Horse owners who use horses for racing, showing, recreation, or pleasure are not eligible for the emergency loan program. Further, the regulation that implements a specifically authorized equine disaster assistance program is not applicable to the change made by this provision.

(28) Operating loan assistance for commercial fisherman

The Senate amendment amends section 343(a)(1) of the Con Act by amending the definition of farmer and farming to include commercial fishing for the purposes of operating loans.

Section 343 of the Con Act is amended by adding a new subsection, (c) that defines farm to include a commercial fishing enterprise; the owner or operator of which is unable to obtain credit from a bank or other lender, as determined by the Secretary. (Section 6020)

The House bill has no comparable provision.

The conference substitute deletes the Senate provision.

TITLE VI—RURAL DEVELOPMENT

(1) Definition of rural

The House bill directs the Secretary to prepare and submit a report to the House and Senate Agriculture Committees that: (a) assesses the varying definitions of rural used by the U.S. Department of Agriculture (USDA); (b) describes what effect those varying definitions have on USDA programs; and (c) makes recommendations on ways to better target the funds provided through rural development programs. (Section 6001)

The Senate amendment amends section 343(a)(13) of the Consolidated Farm and Rural Development Act (Con Act) to provide a standard definition for "rural" and "rural area" to exclude: (1) cities of 50,000 or more; (2) any urbanized area contiguous and adjacent to a city of 50,000 or more, except for narrow strips of urbanized areas; and (3) any collection of contiguous census blocks with a housing density of 200 housing units per square mile that is adjacent to a city of 50,000 or adjacent to an urbanized area, except for narrow strips of such territory. An exception to this definition is provided for Honolulu and Puerto Rico where cities and counties are coterminous. An applicant may appeal the determination of the Secretary with regard to the housing density factor.

The Senate amendment retains the rural area eligibility in current law for the water and waste disposal loans and grants program, as a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants. For purposes of determining eligibility for Community Facility loans, the Senate amendment applies the standard definition's housing density requirement, thereby making the definition of rural for the purposes of eligibility for such loans any area that meets the standard definition's criteria and is less than 20,000 in population.

The Undersecretary for Rural Development may designate a place to be of rural character and include in that designation any cluster of census blocks that would otherwise be considered not in a rural area only because the cluster is adjacent to not more that 2 census blocks that are otherwise considered not in a rural area.

The Secretary is required to submit a report, once every 2 years, to the House and Senate Agriculture committees on the various definitions of "rural" and "rural area" that are used with respect to USDA programs, the effects the definitions have on those programs, and recommendations on how to better target funds provided through rural development programs.

The Senate amendment makes changes to other definitions. "Sustainable agriculture" is defined as a system of plant and animal production that will satisfy human food and fiber needs, enhance environmental quality and the natural resources, make efficient use of nonrenewable resources and integrate biological cycles and controls, sustain the viability of the farming operation, and enhance the quality of life for farmers and society. "Technical assistance" is defined as managerial, financial, operational, and scientific analysis and consultation. The definition of "farmer" and "farming" is amended to include commercial fishermen, and for the purpose of the Farm Service Agency operating loan program the definition of "farm" is amended to include a commercial fishing enterprise in which the owner or operator is unable to obtain commercial credit from a bank or other lender. (Section 6020)

The Conference substitute adopts the Senate amendment with several modifications. The housing density criterion in the Senate amendment is struck from the standard definition of "rural" and "rural area" and from Community Facilities Program eligibility. However, USDA is directed to conduct a rulemaking to develop additional restrictions on areas that consist of any collection of contiguous census blocks with a housing density of 200 housing units per square mile that is adjacent to a city of 50,000 or adjacent to an urbanized area. The exception for the standard definition of "rural area" for Honolulu and Puerto Rico is retained, as is the eligibility of isolated census blocks that would otherwise be considered non-rural simply because they are connected by not more that 2 census blocks to an urbanized area.

The eligibility for water and waste disposal loans and grants program and the community facility program are unchanged from current law.

To address urbanized area mapping complications, the Undersecretary for Rural Development is provided with the authority to determine a place to be of rural character if: (1) it is located in an urbanized area with localities at least 40 miles apart and not located next to a city of more than 150,000 people; or (2) is within one-quarter mile of a rural/non-rural boundary. This authority may not be delegated and must be done in consultation with State rural development directors and Governors. The consideration of a petition for such a determination must be made public and is subject to appeal. A report must be submitted to the Congress annually on the use of this authority.

The Conference substitute adopts the Senate provision requiring a report, once every 2 years, on the definitions of "rural" and "rural area" that are used with respect to USDA programs, the effects the definitions on those programs, and recommendations on how to better target funds provided through rural development programs.

The Conference substitute strikes the definitions of technical assistance, sustainable agriculture, and the modifications made to "farmer" and "farming". (Section 6018)

The Managers have authorized the Secretary of Agriculture to make areas of the Commonwealth of Puerto Rico and the County of Honolulu, Hawaii eligible for Rural Development programs because the unique governmental structure of those entities prevents Census Bureau maps from adequately capturing the demographics of these island areas. The Managers do not expect the Secretary to provide access to rural development programs to areas that are urban or do not meet other requirements of the applicable programs, but do expect the Secretary to recognize areas that meet the intent and spirit of the law.

(2) Water, waste disposal and wastewater facility grants

The House bill extends the authorization for appropriations in section 306(a)(2)(A) of the Con Act through 2012. (Section 6002)

The Senate amendment is the same as the House bill. (Section 6001)

The Conference substitute adopts the House provision. (Section 6001)

(3) Rural business opportunity grants

The House bill extends the authorization of appropriations for 306(a)(11)(a) of the Con Act through 2012. (Section 6003)

The Senate amendment is the same as the House bill. (Section 6002)

The Conference substitute adopts the Senate provision. (Section 6003)

(4) Rural water and wastewater circuit rider program

The House bill amends section 306(a)(22)(A) of the Con Act by increasing the authorization of appropriations for the rural water and wastewater circuit rider program to $25,000,000 for each of the fiscal years 2008 through 2012. (Section 6004)

The Senate amendment increases the authorization to $20,000,000. (Section 6004)

The Conference substitute adopts the House provision. (Section 6006)

(5) Tribal college and university essential community facilities

The House bill amends section 306(a)(25)(B) of the Con Act by prohibiting the Secretary from requiring non-Federal financial support in an amount that is greater than 5 percent of the total cost of developing essential community facilities at tribal colleges and universities. The authorization is extended to 2012. (Section 6005)

The Senate amendment provides that the maximum Federal grant tribal colleges and universities may receive for the cost of developing essential community facilities in rural areas is 95 percent. The authorization is extended through 2012. (Section 6007)

The Conference substitute adopts the House provision. (Section 6007)

(6) Child day care facility grants, loans, and loan guarantees

The Senate amendment amends section 306(a)(19) of the Con Act (the community facilities program) by providing $40,000,000 in mandatory funding, to remain available until expended, starting in 2008. The Secretary is authorized to make grants, loans and loan guarantees to pay the Federal share of the cost of developing and constructing day care facilities for children in rural areas. The mandatory funding provided under this section is to be in addition to any other funds and authorities relating to development and construction of rural day care facilities. (Section 6003)

The House contains no comparable provision.

The Conference substitute provides that the program will not receive mandatory funding, but the current set-aside for this purpose in the community facility program will be extended from April 1 to June 1. (Section 6004)

(7) Community facility loans and grants for freely associated States and outlying areas

The Senate amendment reserves 0.5 percent of community facility loans and grants for freely associated States and outlying areas. If, after 180 days within a fiscal year, an insufficient number of applications have been received to account for 0.5 percent then the unused funds are to be reallocated to make loans and grants to otherwise eligible entities located in the States. (Section 6008)

The House contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers note the higher infrastructure costs faced by those in the freely associated States and outlying areas of the United States due to the very considerable distances involved in transporting building materials and equipment necessary for infrastructure projects to these areas. In addition, severe storms that are common to these areas cause repeated damage to infrastructure. USDA resources from the community facilities program and from the Rural Utilities Service programs can be of tremendous help in alleviating these serious problems. The Managers expect the Secretary to fully take into account the higher costs that are involved in infrastructure projects in this region and to provide assistance to allow improvements to infrastructure that will be resilient to storms and less likely to be damaged by them even though those costs of construction are higher.

(8) Priority for community facility loan and grant projects with high non-Federal share

The Senate amendment provides that priority will be given to community facility projects with non-Federal funding that is substantially greater than the minimum requirement. (Section 6009)

The House contains no comparable provision.

The Conference substitute deletes the Senate provision.

(9) Emergency and Imminent Community Water Assistance Grant Program

The House bill is the same as section 306A of the Con Act, which authorizes the Secretary to provide grants to assist residents in rural areas and small communities comply with the Water Pollution Control Act or the Safe Drinking Water Act. The authorization of appropriations remains the same and is extended through 2012. (Section 6006)

The Senate amendment provides the same as the House bill. (Section 6011)

The Conference substitute adopts the House provision. (Section 6008)

(10) Water systems for rural and native villages in Alaska

The House bill amends section 306D(d)(1)(a) of the Con Act by extending the authorization of appropriations through 2012. (Section 6007)

The Senate amendment provides that the Denali Commission may be eligible for grants to improve solid waste disposal sites that are contaminating or threatening to contaminate rural drinking water in the State of Alaska. The program is extended through 2013. (Section 6012)

The Conference substitute includes the House provision, with an amendment to provide a $1,500,000 authorization for each of the fiscal years 2008 through 2012 under the Solid Waste Disposal Act for the Denali Commission to provide assistance to municipalities in Alaska. (Section 6009)

(11) Grants to finance water well systems in rural areas

The House bill provides for an extension of the authorization of the program through 2012 and provides that the level of matching funds is not to be taken into account when determining priority in awarding grants. The payment by a grant recipient of audit fees, business insurance, salary, wages, employee benefits, printing costs, and legal fees associated with the purpose of the grant program is to be considered as the providing of matching funds by the grant recipient. (Section 6008)

The Senate amendment extends the program through 2012. (Section 6013)

The Conference substitute adopts the House provision with a modification to strike the change with respect to consideration of the matching fund levels, and to increase the limitation on the amount that can be expended on each well from $8,000 to $11,000. (Section 6010)

(12) Grants to develop wells in isolated areas

The Senate amendment amends section 306F of the Con Act by authorizing $10,000,000 for a new program for each of the fiscal years 2008 through 2012. The new program allows the Secretary to make grants to nonprofit organizations to develop and construct household, shared, and community wells in isolated areas when a traditional water system is not practical due to distance, geography and limited number of households present. Priority is given to applicants that have experience in developing similar types of wells in rural areas. As a condition of receipt of a grant, the water from the well is to be tested annually for quality and the results made available to well users and the appropriate State agency. The grant amount is limited to an amount not to exceed the lesser of $50,000 and the amount that is 75 percent of the costs of a single well and associated system. Grants are prohibited in areas where a majority of users' household incomes exceed the nonmetropolitan median household income. (Section 6013)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(13) Rural Cooperative Development Grants

The House bill amends section 310B(e)(5)of the Con Act by authorizing the Secretary to give preference to grant applications that—

(A) demonstrate a proven track record in administering activities to promote and assist in the development of cooperatively and mutually owned businesses;

(B) demonstrate previous expertise in providing technical assistance in rural areas to promote and assist in the development of cooperatively and mutually owned businesses;

(C) demonstrate the ability to assist in the retention of businesses, facilitate the establishment of cooperative and new cooperative approaches, and generate employment opportunities that will improve the economic conditions in rural areas;

(D) commit to providing technical assistance and other services to underserved and economically distressed areas in rural areas of the U.S.;

(E) demonstrate a commitment to—

(i) networking with and sharing the results of its efforts with other cooperative development centers and other organizations involved in rural economic development efforts; and

(ii) developing multi-organization and multi-State approaches to address the cooperative and economic development needs of rural areas; and

(F) commit to provide a 25-percent matching contribution with private funds and inkind contributions, except that the Secretary is prohibited from requiring non-Federal financial support in an amount that is greater than 5 percent in the case of a 1994 institution.

The Secretary is authorized to award 1-year grants to centers that have not received prior funding and evaluate programs that receive grant funding. The Secretary is given the discretion to award grants for a period of more than 1 year, but not more than 3 years, to programs that the Secretary determines are meeting the criteria of the program. The Secretary is also given the discretion to extend for only 1 additional 12-month period the period in which a grantee may use a grant made under this section. The Secretary is authorized to enter into a cooperative research agreement with one or more qualified academic institutions for the purpose of conducting research on the national economic effects of all types of cooperatives.

The Secretary is authorized to reserve 20 percent of appropriated funds for grants for cooperative development centers, individual cooperatives, or groups of cooperatives serving socially disadvantaged communities when the appropriated funds for a fiscal year exceed $7,500,000. If the Secretary determines the number of applications received for this purpose is insufficient, the Secretary is authorized to use the funds for the purposes outlined in this section.

The current law authorization is retained and extended through 2012. (Section 6009)

The Senate amendment is the same as the House bill except that it requires the Secretary to award multi-year grants to programs that the Secretary determines meet the parameters of the program and provides a definition for the term socially disadvantaged. (Section 6015)

The Conference substitute adopts the Senate provision with minor changes. (Section 6013)

(14) Criteria to be applied in providing loans and loan guarantees under the business and industry loan program

The House bill amends section 310B(g) of the Con Act by authorizing the Secretary, in providing loans and loan guarantees under the Business and Industry Loan Program, to consider applications more favorably—when compared to other applications—when the project described in the application supports community development and farm and ranch income by marketing, distributing, storing, aggregating, or processing locally or regionally produced agricultural product.

A "locally or regionally produced product" is defined to mean an agricultural product: (1) which is produced and distributed in the locality or region where the finished product is marketed; (2) which has been shipped a total of distance of 400 or fewer miles, as determined by the Secretary; and (3) about which the distributor has conveyed to the end-use consumers information regarding the origin of the product or production practices, or other valuable information. (Section 6010)

The Senate amendment authorizes the Secretary to make loans and loan guarantees to individuals, cooperatives, businesses, and other entities to establish and facilitate enterprises that process, distribute, aggregate, store, and market locally-produced agricultural food products.

The term "locally-produced agricultural food product" is to mean an agricultural product that is raised, produced, and distributed within the locality or region and that is transported less than 300 miles from the origin of the agricultural product or the State in which the agricultural product is produced.

The term "underserved community" is to mean an urban, rural, or Indian tribal community that has, as determined by the Secretary: (i) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets or a high incidence of diet-related disease as compared to the national average, including obesity; and (ii) a high rate of food insecurity or a high poverty rate.

The priorities for awarding loans and loan guarantees under this program are for projects that support community development and farm and ranch income by marketing, distributing, storing, aggregating, or processing a locally produced agricultural product; or for projects that have components benefiting underserved communities, as defined in this section.

The recipients of loans and loan guarantees may use up to $250,000 in loan or loan guarantee funds per retail or institutional facility to modify and update facilities to accommodate locally-produced agricultural food products and to provide outreach to consumers about the sale of locally-produced agricultural food products.

The Secretary is required to submit an annual report to the House and Senate Agriculture Committees that describes the projects carried out using loans and loan guarantees provided under this program. The report is to include the characteristics of the communities served and benefits of the projects. (Section 6017)

The Conference substitute adopts the Senate provision with modifications. The distance for which a product can travel and still be considered for the program is extended to 400 miles. "Underserved community" is defined as an urban, rural, or Indian tribal community that has, as determined by the Secretary: (i) limited access to affordable, healthy foods, including fresh fruits and vegetables, in grocery retail stores or farmer-to-consumer direct markets; and (ii) a high rate of food insecurity or a high poverty rate. Priority for the program is given to entities proposing to provide product to underserved communities.

The Conference substitute does not include the Senate provision allowing recipients to redistribute loan or loan guarantee proceeds to retail or institutional facilities. However, the Managers expect recipients of business and industry loans and loan guarantees under this section to include applicants who propose to work with retail establishments in underserved communities to supply items to promote and ensure the salability of the locally-produced agricultural food product. (Section 6015)

The Managers expect the Administrator of the Rural Business Cooperative Service to work in coordination with the Administrator of the Agricultural Marketing Service on implementation of this program.

The Managers are aware of the increased demand for locally and regionally produced foods. Although demand exists for locally and regionally produced foods, producers in many parts of the country have difficulties finding markets and processing facilities as well as establishing distribution channels. In many instances, retail outlets are not interested in buying from smaller volume producers because they cannot provide sufficient and consistent supply of food products. The Managers expect this section to help bridge the gap between the production of locally and regionally produced agricultural food products and the processing and distribution of those products. A distributor could work with several farmers in an area and build the necessary relationships with small, medium or large retail outlets, schools, hospitals or other institutions to provide a marketing channel for locally and regionally produced foods.

(15) Cooperative equity security guarantee

The Senate amendment amends section 310B of the Con Act to allow Business and Industry guarantees for loans made for the purchase of preferred stock or similar equity issued by a cooperative organization or a fund that invests primarily in cooperative organizations. (Section 6014)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with technical changes. (Section 6012)

(16) Appropriate technology transfer for rural areas

The House bill provides for the establishment of a national technology transfer program for rural areas to assist agricultural producers that are seeking information to help them: (1) reduce their input costs; (2) conserve their energy costs; (3) diversify their operations through new energy crops and energy generation facilities; and (4) expand markets for their agricultural commodities through the use of sustainable farming practices. The Secretary is authorized to carry out the program by making a grant or entering into a cooperative agreement with a national non-profit agricultural assistance organization. A grant or cooperative agreement entered into is to provide 100 percent of the cost of providing information. The program is authorized at $5,000,000. (Section 6011)

The Senate amendment is substantially similar to the House bill. (Section 6018)

The Conference substitute adopts the Senate provision with minor changes to elaborate on the purpose of the program. (Section 6016)

(17) Grants to improve technical infrastructure and improve quality of rural health care facilities

The House bill authorizes a grant program for rural health facilities to assist such facilities in: purchasing health information technology to improve quality health care and patient safety or, improving health care quality and patient safety, including the development of: (a) quality improvement support structures to assist rural health systems and professionals; and (b) innovative approaches to financing and delivery of health services to achieve rural health quality goals. (Section 6012)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(18) Rural hospital loans and loan guarantees

The Senate amendment provides $50,000,000 in mandatory funding in fiscal year 2008, to remain available until expended, for loans and loan guarantees for rehabilitating and improving hospitals with not more than 100 acute beds in rural areas. Not less than $25,000,000 is to be allocated to hospitals with fewer than 50 beds. (Section 6006)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(19) Rural Entrepreneur and Microloan Assistance Program

The House bill provides for the establishment of a rural entrepreneurship and microenterprise grant and loan program, authorized for $20,000,000 per year for each of the fiscal years 2008 through 2012. Grants may be made to qualified organizations to: (i) provide training, operations support, or rural capacity-building services to qualified organizations to assist them in developing microenterprise training, technical assistance, market development assistance, and other related services; (ii) assist in researching and developing best practices in delivering training, technical assistance, and microcredit to rural entrepreneurs; and (iii) carry out other projects that the Secretary deems to be consistent with the purposes of the program. As a condition of receiving a grant, the qualified organization is required to match not less than 25 percent of the total amount of the grant. In addition to cash from non-Federal sources, the matching share may include indirect costs or in-kind contributions funded under non-Federal programs.

A rural microloan program is established to: (i) make loans to qualified organizations for the purpose of making short-term, fixed interest rate microloans to startup, newly established, and growing rural microbusiness concerns; and (ii), in conjunction with the loans provide grants for the purpose of providing intensive marketing, management, and technical assistance to small businesses. The term of the loan is to be 20 years and the loan is to bear an annual interest rate of at least 1 percent. The Secretary has the discretion to defer payments, both principal and interest, for 2 years beginning on the date the loan is made. The amount of a grant given in connection with the loan program is not to be more than 25 percent of the total outstanding balance of the loan the organization received and, as a condition of receiving a grant, the qualified organization is required to match not less than 15 percent of the total amount of the grant.

No more than 10 percent of the assistance received by a qualified organization is to be used to pay administrative expenses. An organization that receives either a rural entrepreneurship and microenterprise grant or a rural microloan has to provide the Secretary any information that the Secretary requires to ensure that the grant or loan is being used for its intended purposes. (Section 6013)

The Senate amendment amends Subtitle D of the Con Act by authorizing the Secretary to establish a Rural Microenterprise Program to provide low-or-moderate income individuals with the skills necessary to establish a new rural microenterprise and to continue technical and financial assistance to rural microenterprises. The Senate and House sections are substantially similar; however, the Senate section requires the Secretary to ensure that grant recipients include microenterprise development organizations of varying sizes and that serve racially and ethnically diverse populations.

Mandatory funding of $40,000,000, to remain available until expended, is provided starting in fiscal year 2008. Not less than $25,000,000 of the funds provided are to be used to carry out grants for the Rural Microenterprise Program. Not less than $15,000,000 of the funds provided are to be used to carry out the Rural Microloan Program; of that amount, not more than $7,000,000 is to be used to support direct loans. In addition to mandatory funding, an authorization of appropriations is provided for each of fiscal years 2009 through 2012 to carry out this program. (Section 6022)

The Conference substitute adopts the House provision with modifications. The Conference substitute strikes as an eligible use of program funding research and development of best practices in delivering training, technical assistance and microcredit to rural microenterprises. Additionally, the Conference substitute provides $15,000,000 in mandatory funding, to remain available until expended, in the following years: fiscal year 2009 ($4,000,000); fiscal year 2010 ($4,000,000); fiscal year 2011 ($4,000,000); and fiscal year 2012 ($3,000,000). (Section 6022)

The Managers intend that the Microentrepreneur Assistance Program will be used to assist microenterprises located in rural areas. However, a microenterprise development organization receiving assistance under the program need not be located in a rural area to be eligible to participate. A microenterprise development organization is eligible so long as the organization provides assistance to microentrepreneurs located in rural areas, facilitates access to capital for a microenterprise in a rural area, or has a demonstrated record of delivering services to microentrepreneurs located in a rural area.

In addition, in making grants available to microenterprise development organizations to support microenterprise development, the Managers intend that the Secretary shall not require an organization to have received a loan in order to receive a grant under subsection (b)(4)(a).

(20) Criteria to be applied in considering applications for rural development projects.

The House bill amends subtitle D of the Con Act by authorizing the Secretary to review the income demographics, population density, and seasonal population increases, and other factors as determined by the Secretary, for eligible communities that submit applications for rural development programs authorized or modified by title VI of the 2007 Farm Bill, or section 306, 306A, 306C, 306D, 306E, 310(c), 310(e), 310B(b), 310B(c), 310B(e), or 370B, or subtitles F, G, H, or I, of the Con Act.

The Secretary is authorized to issue regulations to establish the limitation that a rural area cannot exceed in order to remain eligible for rural development funds. (Section 6014)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(21) National sheep industry improvement center

The House bill provides for the continuation of the National Sheep Industry revolving fund to promote strategic development activities and collaborative efforts to strengthen and enhance the production and marketing of sheep or goat products in the United States; by optimizing the use of available human capital and resources within the sheep and goat industries, and adopting flexible and innovate approaches to solving the long-term needs of the U.S. sheep or goat industry.

The House bill eliminates the requirement that the National Sheep Industry Improvement Center be required to privatize its revolving fund and authorizes appropriations of $10,000,000 for each of the fiscal years 2008 through 2012. (Section 6015)

The Senate amendment renames the program as the National Sheep and Goat Industry Improvement Center. The Senate amendment also eliminates the requirement that the National Sheep Industry Improvement Center be required to privatize its revolving fund. The Senate amendment provides for new mandatory funding of $1,000,000 for fiscal year 2008, to be available until expended, and authorizes $10,000,000 for each of the fiscal years 2008 through 2012 for infrastructure development, business planning, production, resource development and market and environmental research. (Section 11009)

The Conference substitute adopts the Senate provision with modifications. It retains the existing name of the Center and provides $1,000,000 in mandatory funds for the Center. (Section 11009 of the Livestock Title)

(22) National rural development partnership

The House bill extends authorization through 2012. (Section 6016)

The Senate amendment extends the authorization to 2012 and amends subsection (h) of section 378 of the Con Act by establishing the termination date for this authority as September 30, 2012. (Section 6024)

The Conference substitute adopts the House provision. (Section 6019)

(23) Historic barn preservation

The House bill amends section 379A(c) of the Con Act by extending the authorization for this program through 2012 and providing that the Secretary, in making grants, is to give the highest priority to funding projects that identify, document, and conduct research on historic barns and that develop and evaluate appropriate techniques or best practices for protecting historic barns. (Section 6017)

The Senate amendment establishes that a grant may be made to an eligible applicant for "eligible projects" that rehabilitate or repair historic barns; preserve historic barns; and identify, document, survey, and conduct research on historic barns or farm structures and that evaluate techniques or best practices for protecting these structures. (Section 6025)

The Conference substitute adopts the House provision with technical changes. (Section 6020)

(24) NOAA weather transmitters

The House bill is the same as section 379B of the Con Act. The authorization remains the same and is extended through 2012. (Section 6018)

The Senate amendment is identical to the House bill. (Section 6026)

The Conference substitute adopts the House provision. (Section 6021)

(25) Delta Regional Authority

The House bill provides for the extension of the Delta Regional Authority (DRA) to 2012. (Section 6019)

The Senate amendment provides for the extension of the (DRA) and also authorizes the Secretary to award grants to the Delta Health Alliance (DHA) for the development of health care services, health educational programs, health care job training, and for public health facilities in the Delta region. The DHA must solicit input from local governments, public health care providers and other entities in the Mississippi Delta region. (Section 6029)

The Conference substitute adopts the House provision with modifications to add counties to the eligible region for the DRA. (Section 6025) In addition, the Conference substitute establishes a separate section called Health Care Services, which authorizes $3,000,000 annually for each of fiscal years 2008 through 2012 for healthcare services in the Delta Region to be provided by a consortium of regional institutions. (Section 6024)

The Managers note that, for the purposes of the Delta Health Care Services provision, the term "Delta region" refers to the Mississippi River Delta region. The Managers recognize the serious unmet health needs in this region and authorize this program with the goal of promoting collaboration among entities that are working in the region to provide access to quality health care.

(26) Northern Great Plains Regional Authority

The House bill provides for an extension of the Northern Great Plains Regional Authority (NGPRA), which provides funding for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the States of Iowa, Minnesota, Nebraska, North Dakota and South Dakota. The House bill broadens the Authority's support for resource conservation districts.

The House bill makes several modifications to the authority by: (1) changing the formula for the Federal share of the NGPRA's administrative expenses—the formula is: for fiscal year 2007, 100 percent; for fiscal year 2008, 75 percent; and for fiscal year 2009, 50 percent; (2) eliminating the order of priority, with respect to funding for economic and community development projects, and the prohibition on providing funds for projects located in nondistressed counties; (3) and reducing to 25 percent, the minimum amount of funds that the authority is to allocate to transportation, telecommunication, and public infrastructure projects.

The House bill also adds "renewable energy projects" among the projects that are eligible to receive funds. (Section 6020)

The Senate amendment provides for an extension of the NGPRA and makes changes similar to the House, with respect to renewable energy investments and the proportion of funds made available to distressed counties. The Senate amendment allows the NGPRA to organize and operate without a Federal member if such a member has not been confirmed by the Senate 180 days after enactment. With respect to the tribal chairperson, the Senate amendment allows the leaders of the Indian tribes in the region to select a member if a tribal chairperson has not been confirmed by the Senate within 180 days of enactment.

The Senate amendment provides that, among other duties, the NGPRA is to develop comprehensive and coordinated plans and programs for multistate cooperation to advance the economic and social well-being of the region and approve grants for the economic development of the Northern Great Plains region. Additionally, the assessment of needs and assets of the region should include available research, demonstrations, investigations, assessments, and evaluations from the regional boards established under the Rural Collaborative Investment Program (RCIP).

The Senate amendment provides that the NGPRA should enhance the capacity of, and provide support for, multistate development and research organizations, local development organizations and districts, and resource conservation districts in the region.

The Senate amendment amends section 383B(g)(1) of the Con Act by providing a 100 percent Federal cost-share for fiscal years 2008 and 2009, a 75 percent Federal cost-share for fiscal year 2010, and a 50 percent Federal cost-share for fiscal year 2011 and beyond.

The Senate amendment adds a new provision to provide assistance to States in developing plans to address multistate economic issues, including plans to: develop a regional transmission system for the movement of renewable energy; assist in the harmonization of transportation policies and regulations that impact the interstate movement of goods and individuals; encourage and support interstate collaboration on federally-funded research of national interest; and establish regional working groups on agriculture development and transportation concerns.

Multistate economic issues are to include: renewable energy development and transmission, transportations planning and economic development, information technology, movement of freight and persons in the region; conservation land management, and federally funded research.

The Senate amendment would allow grants to be awarded to multistate, local or regional development district organizations for administrative expenses. Grants may not exceed 80 percent of the administrative expenses of the local development district and no grant may exceed 3 years in duration. The contribution of the grantee may be in cash or in-kind, fairly evaluated, and can include equipment, space and services.

The Senate amendment removes the requirement for local development districts to serve as lead organizations and liaison between State, tribal, and local governments, nonprofit groups, the business community, and citizens. (Section 6030)

The Conference substitute adopts the Senate amendment, but modifies it to require that the NGPRA consult and coordinate, as appropriate, with tribal leaders in the region should a Federal or tribal chairperson not be appointed and confirmed. Generally, a local development district will operate as the lead organization serving a multicounty area in the region. However, the Federal cochairperson, or the Secretary, if no person has been confirmed, may designate an Indian tribe or an alternative organization to serve in that capacity. Organizations that are suitable to serve in such a capacity include rural conservation and development districts, a Rural Economic Area Partnership (REAP) zone organizations, or regional organizations established under RCIP. (Section 6026)

(27) Rural Collaborative Investment Program/ Rural Strategic Investment Program

The House bill provides for the extension of the rural strategic investment program (RSIP) in section 385E of the Con Act with an authorization of appropriations of $25,000,000 for fiscal years 2008 through 2012. The preservation and promotion of "rural heritage," as defined in this section, are added to the criteria for regional plans, for the purpose of making regional strategic planning grants—which are competitive grants awarded to Regional Boards for the purpose of developing, maintaining, and evaluating regional plans.

In awarding innovation grants, the National Board is to give priority to Regional Boards that, among other criteria, demonstrate a plan to protect and promote rural heritage. (Section 6021)

The Senate amendment amends section 385A of the Con Act by establishing a Regional Rural Collaborative Investment Program (RCIP) to provide rural regions with a flexible investment vehicle to develop and implement locally prioritized, comprehensive strategies for achieving regional competitiveness, innovation and prosperity.

The Senate amendment requires the Secretary to appoint a National Rural Investment Board and establish a National Institute on Regional Rural Competitiveness and Entrepreneurship. The National Institute on Regional Rural Competitiveness and Entrepreneurship will work with the Secretary to create a National Rural Investment Plan and a Rural Philanthropic Initiative, certify Regional Rural Investment Boards, and make Regional Innovation Grants to Regional Boards to implement approved regional strategies. These Regional Boards are to be multijurisdictional, multisectoral, regional entities which are broadly representative of the long-term economic, community and cultural interests of a region, and are comprised of public, private and non-profit organizations and residents of the region. A region must include a population of at least 25,000 individuals or in regions with a population density of less than 2 persons per square mile, a population of at least 10,000 individuals. The Regional Board designs a Regional Investment Strategy and competes for Regional Innovation Grants.

Grants of not more than $150,000 are to be provided on a competitive basis to certified Regional Boards to develop, implement and maintain Regional Investment Strategies, developed through a collaborative and inclusive public process. Regional Investment Strategies are to provide an assessment of the region's competitive advantage, an analysis of the region's economic and community development challenges, opportunities, and resources, a plan of action to implement the goals of the strategies identified, and performance measures by which to evaluate implementation.

Regional Innovation Grants shall be provided on a competitive basis to certified Regional Boards, to implement projects and programs identified in funded Regional Investment Strategy Grants. The Secretary is to give priority to strategies that demonstrate significant leverage of capital, quality job creation, and asset-based development. A Regional Board may not receive more than $6,000,000 in Regional Innovation Grants during any 5-year period.

Long-term loans may be provided to eligible community foundations to assist in the implementation of funded Regional Investment Strategies. The eligible community foundation must be located in the covered region, provide a 25 percent match, and use the funds to implement priorities within the Regional Investment Strategy.

The Senate amendment provides $135,000,000 in mandatory funding to remain available until expended. Of the amounts made available, the Secretary is to use $15,000,000 for Regional Investment Strategy Grants, $110,000,000 for Regional Innovation Grants, $5,000,000 to administer the National Board, and $5,000,000 to administer the National Institute. (Section 6032)

The Conference substitute adopts the Senate provision, with modifications to incorporate rural heritage as a goal of the program. An appropriation of $135,000,000 is authorized for fiscal years 2009 through 2012 to carry out this program. (Section 6028)

(28) Northern Border Economic Development Commission

The Senate amendment adds a new subtitle to the Con Act that establishes the Northern Border Economic Development Commission (NBEDC) made up of a Federal member appointed by the President with the advice and consent of the Senate. The membership of the Commission includes the Governors of each State in the region that elects to participate in the Commission. The State cochairperson is a Governor of a participating State in the region. The State cochairperson will serve for a term of not less than a year. Each State member may have a single alternate, who is appointed by the Governor of the State from among the Governor's cabinet. Each Commission may appoint and fix the compensation of an executive director to carryout the duties of the Commission.

Although the Commission has the authority to determine what constitutes a quorum of the Commission, the Federal cochairperson must be present to reach a quorum. Alternate members cannot be counted toward the quorum. Decisions, such as approval of State, regional, or subregional development plans or strategy statements, allocations to States, and modifications to the Commission's code, may not be made without a quorum.

The Senate amendment establishes the duties and administrative actions of the Commission. The amendment specifies that the Commission is required to submit an annual report to Congress. In addition, Federal agencies are required to work with the Commission.

Any State member, alternate, official, or employee of the Commission, their immediate family, organization, or organization for which the employee has an arrangement concerning prospective employment, are prohibited from participating personally or substantially in a matter in which the employee has a financial interest. A conflict of interest can be overcome by full disclosure to the Commission and a subsequent determination by the Commission that the matter will not substantially affect the integrity of the work of the Commission.

The Senate amendment confers upon the Commission the authority to approve grants to improve economic development of the region. Grants may be provided from Federal appropriations, other Federal and State grant funds, or any other sources. The Federal cochairperson is permitted to use funds made available to the program to fund any portion of the basic Federal contribution to a project of activity under a Federal grant program in the region in an amount not to exceed 80 percent of the project cost. The Commission is also permitted to make grants to local development districts for administrative expenses as long as the grant does not exceed 80 percent of the administrative expense of the local development district receiving the grant.

States participating in the Commission are required to submit a development plan for the area of the region represented by the State member. In developing the plan, the State must consult with the appropriate organizations. The Commission is to encourage public participation in developing such plans. Any State or regional development plan or any multistate subregional plan that is proposed must be reviewed by the Commission.

An appropriation of $30,000,000 is authorized for each of fiscal years 2008 through 2012; not more than 5 percent of the appropriated amount is to be used for administrative expenses. The authority of the Commission is terminated on October 1, 2012. (Section 6034)

The House contains no comparable provision.

The Conference substitute adopts the Senate provision with modifications to establish the Northern Border Regional Commission, the Southeast Crescent Regional Commission, and the Southwest Border Regional Commission in a new subtitle "Regional Economic and Infrastructure Development" in Title 40 of the U.S. Code. (Section 14217 of the Miscellaneous Title)

The Conference substitute establishes commission membership, voting structure, and staffing; outlines conditions for financial assistance; authorizes grants to local development districts; establishes an Inspector General for the commissions; and includes other provisions designed to produce a standard administrative framework.

Each Commission includes a Federal cochairperson, appointed by the President and confirmed by the Senate. The Federal Cochairperson will appoint an alternate Federal cochairperson. The membership of the Commission also includes the Governors of each State in the region that elects to participate in the Commission. The State cochairperson is a Governor of a participating State in the region. The State cochairperson will serve for a term of not less than a year. Each State member may have a single alternate, who is appointed by the Governor of the State from among the Governor's cabinet. Each Commission may appoint and fix the compensation of an executive director to carryout the duties of the Commission.

Each State member is required to submit a development plan for the area of the region represented by the State member. In carrying out the development planning process, a State will consult with local development districts, local units of government, and universities and take into account the goals, objectives, and recommendations of these entities. Each Commission is to establish priorities in an economic and infrastructure development plan for its region, including 5-

year regional outcome targets. The Commission will, to the extent practicable, encourage and assist public participation in the plans and programs of the Commission.

The Commission is authorized to hold hearings, take testimony under oath, and request information from State and Federal agencies; adopt, amend, and repeal bylaws and rules governing the conduct of Commission; request the head of any Federal department or of any State agency or local government to detail to the Commission personnel needed to carry out the duties of the Commission; provide Commission employees with retirement and other benefits; accept, use, and dispose of gifts; enter into contracts to carry out Commission duties; establish a central office and field offices for the Commission; and provide an appropriate level of representation in Washington, DC.

The Federal Government will pay 50 percent of the administrative expenses of the Commission and the States participating in the Commission will pay 50 percent of such expenses. Each Commission is required to hold an initial meeting no later than 180 days after the date of enactment of this Act.

Any State member, alternate, official, or employee of the Commission, their immediate family, organization, or organization for which the employee has an arrangement concerning prospective employment, are prohibited from participating personally or substantially in a matter in which the employee has a financial interest. A conflict of interest can be overcome by full disclosure to the Commission and a subsequent determination by the Commission that the matter will not substantially affect the integrity of the work of the Commission.

Governments of Indian tribes in the region of the Southwest Border Regional Commission are allowed to participate in matters in the same manner and to the same extent as State agencies and instrumentalities in the region.

Not less than 90 days after the last day of each fiscal year, each Commission will submit to the President and Congress a report on the activities carried out by the Commission in the past fiscal year. The report will include a description of the criteria used by the Commission to designate counties, a list of the counties designated in each category, an evaluation of the progress of the Commission in meeting the goals identified in the Commission's economic and infrastructure development plan, and any policy recommendations approved by the Commission.

Each Commission may make grants to State and local governments, Indian tribes, and public or nonprofit organizations for projects to develop infrastructure in the region, including transportation, public, and telecommunications infrastructure; assist the region in obtaining job skills training; provide assistance to severely economically distressed and underdeveloped areas that lack financial resources for improving basic health care and other public services; promote resource conservation; promote the development of renewable and alternative energy sources; and other measures to achieve the purposes of this subtitle.

The Commission will allocate at least 40 percent of any grant amounts provided for transportation, public, or telecommunications infrastructure for the region. The Commission may use amounts appropriated to carry out this subtitle to fund a project or activity under a Federal grant program in the region in an amount that is above the fixed maximum portion of the cost of the project otherwise authorized by applicable law, but may not exceed 50 percent of the costs of the project, except for distressed counties or regional projects. The maximum contribution for a project or activity to be carried out in a distressed county may be increased to 80 percent. A Commission may increase the maximum grant for a project from 50 percent to 60 percent under the normal criteria of section 15501 and from 80 percent to 90 percent for a distressed county if the project or activity involves three or more counties or more than one State and the Commission determines that the project or activity will bring significant inter-state or multi-county benefits to a region.

An application to a Commission for a grant or any other assistance for a project is to be made through, and evaluated for approval by, the State member of the Commission representing the applicant. Upon certification by a State member of a Commission of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Commission shall be required for approval of the application.

Each Commission is required, in considering programs and projects to be provided assistance and in establishing a priority ranking of the requests for assistance, to consider: the relationship of the project or class of projects to overall regional development; the per capita income and poverty and unemployment and out migration rates in an area; the financial resources available to the applicants for assistance seeking to carry out the project; the importance of the project in relation to the other projects that may be in competition for the same funds; the prospects that the project will improve opportunities for employment, the average level of income, or the economic development of the area on a continuing basis; and the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

The Commission may make grants to a local development district to assist in the payment of development planning and administrative expenses. In the case of a State agency certified as a local development district, a grant may not be awarded to the agency under this section for more than 3 fiscal years. The contributions of a local development district for administrative expenses may be in cash or in-kind services including space, equipment, and services.

A local development district is to operate as a lead organization serving multi-county areas in the region at the local level and serve as a liaison between the State and local governments, nonprofit organizations, the business community, and citizens that are involved in multi-jurisdictional planning; provide technical assistance; and provide leadership and civic development assistance.

Supplements to Federal grant programs may be made because certain States and local communities, including local development districts, may be unable to take maximum advantage of Federal grant programs for which they are eligible because they lack the economic resources to provide the required State or local matching share. Supplemental funds may also provide necessary funding for a project to be carried out in the region when there are insufficient funds available under applicable Federal law.

A Commission, with the approval of the Federal cochairperson, may use amounts made available to carry out this subtitle for any part of the basic Federal contribution to projects or activities under the Federal grant programs authorized by Federal laws and to increase the Federal contribution to projects and activities under the programs above the fixed maximum part of the cost of the projects or activities otherwise authorized by the applicable law.

For a project for which any part of the basic Federal contribution to the project or activity under a Federal grant program is proposed to be made under this subtitle, the Federal contribution is not to be made until the responsible Federal official administering the Federal law authorizing the Federal contribution certifies that the program, project, or activity meets the applicable requirements of the Federal law and could be approved for Federal contribution under that law if amounts were available under the law for the program, project, or activity. Amounts provided pursuant to this subtitle are available without regard to any limitations on areas eligible for assistance or authorizations for appropriation in any other law.

The Federal share of the cost of a project or activity receiving assistance under this subtitle shall not exceed 80 percent.

A State is not required to engage in or accept a program under this subtitle without its consent.

The Conference substitute establishes the designation of distressed, transitional, and attainment counties and isolated areas of distress in the region. Not later than 90 days after the date of enactment of this Act, and annually thereafter, each Commission is required to designate counties under 4 categories. The categories will include: (1) distressed counties, defined as counties that are the most severely and persistently economically distressed and underdeveloped and have high rates of poverty, unemployment, or out migration; (2) transitional counties, defined as counties that are economically distressed and underdeveloped or have recently suffered high rates of poverty, unemployment, or out migration; (3) attainment counties, which are counties that are not designated as distressed or transitional counties; and (4) isolated areas of distress, defined as areas, located in counties designated as attainment counties, that have high rates of poverty, unemployment, or out migration.

A Commission is to allocate at least 50 percent of the appropriations made available to the Commission to carry out this subtitle for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

No funds may be provided to a county designated as an attainment county except for funding the administrative expenses of local development districts, a multi-county project that includes participation of the attainment county, and other projects if a Commission determines that the project could bring significant benefits to areas of the region outside the attainment county.

For the isolated area of distress designation to be effective, the designation must be supported by the most recent Federal data available or if no recent Federal data are available, by the most recent data available.

Counties are not eligible for assistance in more than 1 region. A political subdivision included in the region of more than 1 Commission will select the Commission with which it will participate by notifying, in writing, the Federal cochairperson and the appropriate State member of the Commission. The selection of a Commission by a political subdivision will apply in the fiscal year in which the selection is made and will apply in each subsequent fiscal year unless the political subdivision, at least 90 days before the first day of the fiscal year, notifies another Commission in writing that the political subdivision will participate in that Commission and also transmits a copy of such notification to the Commission in which the political subdivision is currently participating. In this section, the term "Commission" includes the Appalachian Regional Commission.

An Inspector General for Commissions, appointed in accordance with the Inspector General Act of 1978, is established for each Commission. All of the Commissions are to be subject to a single Inspector General. Each Commission is to maintain accurate and complete records of all transactions and activities of the Commission and make them available to the Inspector General for audit and examination. The Inspector General will audit the activities, transactions, and records of each Commission annually.

Representatives of each Commission, the Appalachian Regional Commission, and the Denali Commission will meet biannually to discuss issues confronting regions suffering from chronic and continuous distress as well as successful strategies for promoting regional development. The chair of each meeting will rotate among the Commissions, with the Appalachian Regional Commission to host the first meeting.

The region of the Southeast Crescent Regional Commission is defined as consisting of all counties of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida not already served by the Appalachian Regional Commission or the Delta Regional Authority.

The region of the Southwest Border Regional Commission is defined as consisting of the following political subdivisions:

(1) ARIZONA—The counties of Cochise, Gila, Graham, Greenlee, La Paz, Maricopa, Pima, Pinal, Santa Cruz, and Yuma in the State of Arizona.

(2) CALIFORNIA—The counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura in the State of California.

(3) NEW MEXICO—The counties of Catron, Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lincoln, Luna, Otero, Sierra, and Socorro in the State of New Mexico.

(4) TEXAS—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

The region of the Northern Border Regional Commission is defined to include the following counties:

(1) MAINE—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

(2) NEW HAMPSHIRE—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

(3) NEW YORK—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

(4) VERMONT—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

An authorization of $30,000,000 is provided for each of fiscal years 2008 through 2012 for each Commission to carry out this subtitle; not more than 10 percent of the funds made available to a Commission in a fiscal year may be used for administrative expenses.

The Managers note that within the Southeastern region of the United States—defined for the purposes here to include the coastal and central portions of the seven Southeastern States from Virginia to Mississippi—approximately 40 percent of the counties have had 20 percent or more of their citizens living in poverty, on average, during the last 30 years. Additionally, this region has experienced natural disasters at a rate of 2 to 3 times greater than any other region of the U.S. The Southeastern United States is one of the last areas of the country without a Federal authority dedicated to ending poverty and strengthening communities. The Southeast Crescent Authority will be a valuable tool to assist State and local officials, county development organizations, and many others in providing resources and leveraging additional funds to assist communities with the greatest need.

With regards to the Southwest border, an Interagency Task Force on the Economic Development of the Southwest Border found that 20 percent of the residents in this region live below the poverty level. Unemployment rates often reach as high as 5 times the national unemployment rate and a lack of adequate access to capital has created economic disparities that have made it difficult for businesses to start up in the region. Border communities have long endured a depressed economy and low-paying jobs. The Southwest Border Regional Commission will help foster planning to encourage infrastructure development, technology development and deployment, education and workforce development, and community development through entrepreneurship.

Finally, the Northern Border region, while abundant in natural resources and rich in potential, lags behind much of the nation in its economic growth. In this region, 12.5 percent of the population lives in poverty. Furthermore, the median household income in this region is more than $6,500 below the national average. Due to this region's historic reliance on a few basic industries and agriculture, unemployment through layoffs in traditional manufacturing industries is persistent. In addition, the population growth in this region increased by only 0.6 percent between 1990 and 2000, while the U.S. population rose by 13.2 percent during that same period. The Northern Border Regional Commission will assist in supporting traditional industries while fostering new industry in the region.

(29) Multijurisdictional regional planning organizations

The Senate amendment reauthorizes section 306(a) of the Con Act through fiscal year 2012. (Section 6005)

The House bill contains no comparable provision.

The conference substitute deletes the Senate provision.

(30) Rural Economic area partnership zones

The Senate amendment amends section 310B of the Con Act by requiring the Secretary to continue to carry out the existing rural economic area partnerships in New York, North Dakota, and Vermont in accordance with terms and conditions contained in the memorandums of agreement entered into by the Secretary through 2012. (Section 6019)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with modifications to ensure that only those rural economic area partnership zones in effect on date of enactment are to be extended to 2012. (Section 6017)

(31) SEARCH grants

The Senate amendment amends section 306(a) of the Con Act by authorizing the Secretary to make grants to eligible communities for feasibility study, design, and technical assistance under the water and waste disposal and wastewater facilities grant program. The grants are to fund up to 100 percent of the eligible project cost and are to be subjected to the least documentation requirements practicable.

An "eligible community," for the purposes of this section, is defined as a community that has a population of 2,500 or fewer inhabitants and is financially distressed. Not more than 4 percent of funds available for water, waste disposal and essential community facilities are to be used to carry out this program. (Section 6010)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with modifications to ensure that the program is modeled after the existing pre-development planning grants. (Section 6002)

The Managers expect that a community will meet the definition of "financially distressed" if the median household income of the probable area to be served by the proposed project is either below the poverty line or below 80 percent of the statewide nonmetropolitan median household income based on available historic statistical information going back to the last decennial census if no more recent data is available. It is the Managers' intent that the latest data on income be used without the taking of an income survey that would escalate the cost.

(32) Grants to broadcasting systems

The Senate amendment reauthorizes current law through fiscal year 2012. (Section 6016)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 6014)

(33) Geographically disadvantaged farmers and ranchers.

The Senate amendment establishes a new program to provide geographically disadvantaged farmers and ranchers direct reimbursement payments to transport agricultural commodities, or inputs used to produce the commodities.

To be eligible for direct reimbursement payments the farmer or rancher must provide the Secretary proof that transportation or agricultural commodity or inputs occurred over the distance of more than 30 miles. The total amount of direct reimbursement payments provided by the Secretary is not to exceed $15,000,000 for each fiscal year. Necessary sums are authorized to be appropriated to carry out this program. (Section 6021)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with technical changes. (Section 1620 of the Commodity Title)

The Managers recognize the barriers to competition associated with the high transportation costs incurred by geographically disadvantaged farmers and ranchers. The Managers expect the Secretary to develop, in consultation with the eligible areas, an equitable allocation of the funds for such areas. The Managers also expect the Secretary to consult with eligible areas on administration of the program.

(34) Artisanal cheese centers

The Senate amendment amends Subtitle D of the Con Act by requiring the Secretary to establish artisanal cheese centers for education and technical assistance for the manufacturing and marketing of artisanal cheese by small and medium-sized producers and businesses. Necessary sums are authorized to be appropriated for each of the fiscal years 2008 through 2012 . (Section 6023)

The House bill contains no provision.

The Conference substitute deletes the Senate provision.

(35) Grants to train farmworkers in new technologies and to train farm workers in specialized skills necessary for higher value crops.

The Senate amendment extends section 379(c) of the Con Act through fiscal year 2012. (Section 6027)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(36) Grants for expansion of employment opportunities for individuals with disabilities in rural areas

The Senate amendment amends the Con Act by adding a new section, 379E, which authorizes a new grant program to nonprofit organizations to expand employment opportunities for individuals with disabilities in rural areas.

To be eligible to receive a grant under this section the eligible entity must have: a significant focus on serving the needs of individuals with disabilities; demonstrated knowledge and expertise in employment of and advising on accessibility issues for individuals with disabilities; expertise in removing barriers to employment for individuals with disabilities; existing relationships with national organizations focused on the needs of rural areas; affiliates in a majority of the States; and a working relationship with USDA.

Grants are to be used to expand or enhance employment opportunities, or self-employment and entrepreneurship opportunities, of people with disabilities. An appropriation of $2,000,000 for each of the fiscal years 2008 through 2012 is authorized. (Section 6028)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with minor modifications that strike the requirements that the entity have affiliates in a majority of States and a working relationship with USDA. (Section 6023)

(37) Rural Business Investment Program

The Senate amendment extends the Rural Business Investment Program authorization through 2012 with the following modifications: debentures may be prepaid at any time, distributions may be made to cover tax liability, USDA fees are limited to a $500 application fee and USDA will not be required to operate the program with other Federal agencies. (Section 6031)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision, but removes the provision allowing distributions to be made to cover tax liability. The limitation on funding from certain financial institutions is maintained and raised 25 percent. (Section 6027)

(38) Funding of pending rural development loan and grant applications

The Senate amendment provides $135,000,000 in mandatory funding to fund applications that are pending for water systems, waste disposal systems and emergency community water assistance grants. (Section 6033)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with a modification to provide $120,000,000 in mandatory funds for this purpose. (Section 6029)

(39) Expansion of 911 areas

The House bill extends through 2012 section 315(a) of the Rural Electrification Act (REA), which authorizes the Secretary to make telephone loans to State or local governments, Indian tribes, or other public entities for the expansion of rural 911 access and integrated emergency communication in rural areas. (Section 6022)

The Senate amendment also amends section 315 of the REA by expanding eligibility to emergency communications providers, State or local governments, Indian tribes, or other public entities for facilities and equipment to expand or improve 911 access, interoperable emergency communications, homeland security communications, transportation safety communication and location technologies used outside urbanized areas. Funds made available for telephone or broadband loans are authorized to be used for the program for each of the fiscal years 2008 through 2012. Government-imposed fees to emergency communications providers are allowed as security for a loan. (Section 6107)

The Conference substitute adopts the Senate provision with modifications to allow emergency communications equipment providers to apply for loans on behalf of municipalities where they serve when those municipalities are unable to incur such debt. The Conference substitute also adds clarifying language to ensure that the program operates only in rural areas. (Section 6107)

(40) Access to broadband telecommunications services in rural areas

The House bill provides for several modifications of section 601 of the REA, which authorizes the Secretary to provide loans and loan guarantees for the costs of construction, improvement, and acquisition of facilities and equipment for broadband service in eligible rural communities.

The House bill changes the definition of an "eligible rural community" to include any area in the United States that is not: included within the boundaries of any city, town, borough, or village, whether incorporated or unincorporated, with a population of more than 20,000 inhabitants; and the urbanized area contiguous and adjacent to such a city or town. The term "incumbent service provider" is defined to mean an entity that is providing broadband service to at least 5 percent of the service area proposed in the application.

The House bill requires priority to be given to applications proposing to serve communities in the following order: (1) no incumbent service provider; (2) 1 incumbent service provider; or (3) 2 incumbent service providers who, together, serve not more than 25 percent of the households in the service area proposed in the application.

This section prohibits the Secretary from making a loan under 2 conditions: (1) the loan is to any community where there are more than 3 incumbent service providers, unless;

(a) the loan is to an incumbent service provider of the community;

(b) the other providers in that community are notified of the application before approval by the Secretary, and have sufficient time to comment on the application; and

(c) the application includes substantially increasing the quality of broadband service in the community and the provision of broadband service to unserved households inside and outside the community; or

(2) the loan is for new construction (i.e. the construction or acquisition of broadband facilities and equipment by a new entrant into the community) in any community in which more than 75 percent of the households may obtain affordable broadband service, on request, from at least 1 incumbent service provider.

The House bill authorizes the Secretary to take steps to reduce the costs and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants, particularly those who are smaller and start-up Internet providers. It also mandates that not more than 25 percent of loans are to be made available, in a single fiscal year, to entities that serve more than 2 percent of the telephone subscriber lines in the United States.

The House bill provides that the period of a loan or loan guarantee cannot exceed 35 years, as the borrower may request, so long as the Secretary determines that the loan is adequately secured; the Secretary is to consider whether the recipient is, or would be, serving an area that is not receiving broadband services.

This section also requires the Secretary to ensure that the type, amount, and method of security used to secure a loan or loan guarantee is commensurate to the risk involved with the loan or loan guarantee, particularly when the loan or loan guarantee is issued to a financially healthy, strong, and stable entity. The Secretary is also required, in determining the amount and method of security, to consider reducing the security in areas that do not have broadband service.

The Secretary must annually report to Congress by December 1 of each fiscal year on the rural broadband loan and loan guarantee program. The annual report is to include information pertaining to the loans made, communities served, speed of broadband service offered, and types of services offered by applicants and recipients, length of time taken to approve applications submitted, and outreach efforts undertaken by USDA.

The House bill establishes a "National Center for Rural Telecommunications Assessment" to assess the effectiveness of the rural broadband loan and loan guarantee program, increase broadband penetration and purchase in rural areas; and develop assessments of broadband availability in rural areas. An appropriation of $1,000,000 is authorized for each of the fiscal years 2008 through 2012 for the Center.

The House bill mandates that the Secretary is required to set aside 10 percent of appropriated funds for eligible tribal communities. Unobligated amounts contained in the reserve for tribal communities will be released by June 30 of each fiscal year. (Section 6023)

The Senate amendment maintains current law, with respect to the purposes for which loans and loan guarantees may be made, but provides that they should be provided to "rural areas," as defined in section 6105 of this Act. All references to eligible rural communities have been changed to rural areas.

The Senate amendment defines the term "mobile broadband" to mean any "broadband service" that is provided over a licensed spectrum through the use of a mobile station or receiver communicating with a land station or other mobile stations communicating among themselves.

Under the Senate amendment, highest priority is to be given to applicants that offer to provide broadband service to the greatest proportion of households currently without broadband service. A provider is considered to offer broadband service to a rural area if the provider makes the service available to households in the rural area at not more than average prices as compared to the prices at which similar services are made available in the nearest urban area, as determined by the Secretary. Eligible entities are required to: submit a proposal to the Secretary that meets the requirements for a project to offer to provide service to a rural area; offer to provide broadband service to at least 25 percent of households in a specified rural area that do not currently have such service offered to them; and agree to complete buildout of the broadband service within 3 years.

The Senate amendment prohibits the Secretary from making or guaranteeing loans for projects in areas where 3 or more existing providers already offer to provide comparable service.

The Secretary is given the discretion to require an entity to provide a cost-share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee. The Secretary is also given the discretion to require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband market in a rural area to submit a market survey. However, the Secretary is prohibited from requiring a market survey from an entity that projects to have less than 20 percent of the broadband market.

State, local governments, and Indian tribes are eligible to receive loans or loan guarantees available under this section.

No entity may acquire more than 20 percent of the resources of the program outlined under this section in a fiscal year.

The Senate amendment requires the Secretary to include a notice of applications on the Secretary's website for 90 days, post information relating to the broadband proposal on the website, establish a timeline on the website to track applications, and establish procedures for processing loan and loan guarantee applications (including requests for additional information). Not later than 45 days after the date on which the Secretary approves an application the documents necessary for closing the loan or loan guarantee are to be provided to the applicant. Not later than 10 business days after the date of receipt of a valid documentation requesting disbursement of the approved, closed loan, the disbursement of the loan funds is to occur.

The Senate amendment requires the Secretary to establish an optional pre-application process under which an applicant may apply to RUS for a binding determination of whether the area proposed to be served is eligible prior to preparing a full loan application.

An application for a loan or a loan guarantee under this section, or a petition for reconsideration of a decision on such an application, is to be considered under eligibility and feasibility criteria that are no less favorable to the applicant than the criteria in effect on the original date of submission of the application.

The Senate amendment establishes the annual rate of interest as the lower of: (i) the cost of borrowing to the Treasury Department for comparable obligations; or (ii) 4 percent. The loan or loan guarantee may not exceed 30 years. The type, amount, and method of security used to secure a loan or loan guarantee is commensurate to the risk involved with the loan or loan guarantee, particularly when the loan or loan guarantee is issued to a financially healthy, strong, and stable entity.

Similar to the House bill, the Senate amendment provides for a National Center for Rural Telecommunications Assessment. The authorization of appropriations for the Center is the same as the House bill. The Center is required to submit an annual report that describes its activities, the results of the research it has carried, and any additional information that the Secretary may request.

The Senate amendment allows the Secretary to provide the proceeds of any loan made or guaranteed under the REA for the purpose of refinancing another telecommunications-related loan made under REA.

An appropriation of $25,000,000 is authorized for each of the fiscal years 2008 through 2012. (Section 6110)

The Conference substitute adopts the Senate amendment with modifications. The definition of incumbent service provider is retained from the House bill.

The Conference substitute maintains the definition of rural area from the Senate amendment. The Conference substitute prohibits the Secretary from making a loan in any area where there are more than 3 incumbent service providers unless the loan meets all of the following requirements: (1) the loan is to an incumbent service provider that is upgrading service in that provider's existing territory; (2) the loan proposes to serve an area where not less than 25 percent of the households are offered service by not more than 1 provider; and (3) the applicant is not eligible for funding under another provision of the REA.

The Conference substitute also prohibits the Secretary from making a loan in any area where not less than 25 percent of the households are offered broadband service by not more than 1 provider unless a prior loan has been made in the same area under this section.

The Conference substitute provides that the highest priority is to be given to applicants that offer to provide broadband service to the greatest proportion of households currently without broadband service. Eligible entities are required to submit a proposal to the Secretary that meets the requirements for a project to offer to provide service to a rural area and agree to complete buildout of the broadband service within 3 years.

The Conference substitute prohibits any eligible entity that provides telecommunications or broadband service to at least 20 percent of the households in the United States from receiving an amount of funds under this section for a fiscal year in excess of 15 percent of the funds authorized and appropriated for the broadband loan program.

The Conference substitute allows the Secretary to require an entity to provide a cost-share in an amount not to exceed 10 percent of the amount of the loan or loan guarantee. The Secretary is also allowed to require an entity that proposes to have a subscriber projection of more than 20 percent of the broadband service market in a rural area to submit a market survey. However, the Secretary is prohibited from requiring a market survey from an entity that projects to have less than 20 percent of the broadband market.

The Conference substitute requires public notice of each application submitted, including the identity of the applicant, the proposed area to be served, and the estimated number of households in the application without terrestrial-based broadband. The Conference substitute authorizes the Secretary to take steps to reduce the costs and paperwork associated with applying for a loan or loan guarantee under this section by first-time applicants, particularly those who are smaller and start-up Internet providers.

The Conference substitute allows the Secretary to establish a pre-application process under which a prospective applicant may seek a determination of area eligibility.

The Conference substitute provides that an application, or a petition for reconsideration of a decision on such an application, that was pending on the date 45 days before enactment of this Act and that remains pending on the date of enactment of this Act is to be considered under eligibility and feasibility criteria in effect on the original date of submission of the application.

The current law rate of interest for direct loans—which is the rate equivalent to the cost of borrowing to the Department of Treasury for obligations of comparable maturity or 4 percent—is retained. The Secretary is to consider existing recurring revenues at the time of application in determining an adequate level of credit support.

The Conference substitute requires the Secretary to ensure that the type, amount, and method of security used to secure a loan or loan guarantee is commensurate to the risk involved with the loan or loan guarantee, particularly when the loan or loan guarantee is issued to a financially healthy, strong, and stable entity. The Secretary is also required, in determining the amount and method of security, to consider reducing the security in areas that do not have broadband service.

The Conference substitute requires that the Secretary report to Congress by December 1 of each fiscal year on the rural broadband loan and loan guarantee program. The annual report is to include information pertaining to the loans made, communities served and proposed to be served, speed of broadband service offered, types of services offered by the applicants and recipients, length of time to approve applications submitted, and outreach efforts undertaken by USDA.

The Conference substitute authorizes the program at $25,000,000 to be appropriated for each of fiscal years 2008 through 2012. (Section 6110)

The Conference substitute provides for a National Center for Rural Telecommunications Assessment and criteria for the Center. The Center is to assess the effectiveness of programs carried out under this section, work with existing rural development centers to identify appropriate policy initiatives, and provide an annual report that describes the activities of the Center, the results of research carried out by the Center, and any additional information that the Secretary may request. An appropriation of $1,000,000 is authorized for each of the fiscal years 2008 through 2012. (Section 6111)

The Managers expect the Secretary to consider the unique way of life in rural America and to be mindful that mobile broadband technologies are applicable to farmers, ranchers, and small rural business owners. Fixed broadband service will continue to be important in rural homes and offices, but mobile technologies also may have a role to play in expanding broadband access to rural residents. The Managers expect the Secretary to weigh all appropriate technologies, including the unique characteristics of mobile broadband service and technologies, during consideration of applications.

With respect to applications not described in Section 601(c)(2) of the REA, as amended by this section, the Managers expect the Secretary to incorporate the new criteria as soon as practicable, taking into consideration the need to act upon pending applications within a reasonable time.

The Managers expect the Secretary to provide the necessary resources to expedite the processing of applications under this section. The Managers also expect that the notice of applications will be posted on the Agency's website in a manner that will be easy for interested members of the public to find the information described and would be posted in a manner consistent to the way similar notices are currently posted on the Agency's website. It is intended that such notices shall not contain any proprietary information as defined by section 552(b)(4) of title 5 of the United States Code. Finally, the Managers also intend that in addition to the notice, the Agency will also post on its website with respect to each loan and loan guarantee application the status of the Agency's consideration of the application and an estimate of when the Agency's consideration will be concluded which shall be regularly updated.

(41) Study of Federal Assistance for Broadband Infrastructure

The Senate amendment instructs the Comptroller General of the U.S. to conduct a study and review of the Rural Utilities Service (RUS) administration of Federal broadband programs with recommendations for changes. (Section 6113)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(42) Comprehensive rural broadband strategy

The House bill requires the Secretary to submit to the President and the Congress a report describing a comprehensive rural broadband strategy that includes:

(1) recommendations to:

(A) promote interagency coordination of Federal agencies and improve and streamline policies, programs, and services;

(B) coordinate among Federal agencies regarding existing broadband or rural initiatives that could be of value to rural broadband development;

(C) address both short- and long-term solutions and needs for a rapid buildout of rural broadband solutions and applications for Federal, State, regional, and local government policy makers;

(D) identify how specific Federal agency programs and resources can best respond and overcome obstacles that currently impede rural broadband deployment; and

(E) promote successful model deployments and appropriate technologies being used in rural areas so that State, regional, and local governments can benefit from the success of other State, regional, and local governments; and

(2) a description of goals and timeframes to achieve the strategic plans and visions identified in the report. (Section 6031)

The Senate amendment requires the Secretary of Agriculture and the Chairman of the Federal Communications Commission (FCC) to submit a report to the Committees on Energy and Commerce and Agriculture of the House and the Committees on Commerce, Science, and Transportation and Agriculture, Nutrition and Forestry of the Senate describing a comprehensive rural broadband strategy with recommendations for improvement.

The Senate amendment includes recommendations to: (A) promote interagency coordination of Federal agencies and improve and streamline policies, programs, and services; (B) coordinate among Federal agencies regarding existing broadband or rural initiatives that could be of value to rural broadband development; (C) address both short- and long-term solutions and needs for a rapid buildout of rural broadband solutions and applications for Federal, State, regional, and local government policy makers; (D) identify how specific Federal agency programs and resources can best respond and overcome obstacles that currently impede rural broadband deployment.

This Senate amendment stipulates that the Chairman of the FCC, in coordination with the Secretary of Agriculture, is to update and evaluate the report required under this section on an annual basis.

The Senate amendment modifies section 306(a)(20)(E) of the Con Act by striking the reference to dial-up Internet access. (Section 6111)

The Conference substitute adopts the Senate provision to require a report on Federal broadband strategy with technical changes and a modification to require the update of the report required under this section in the third year following enactment. (Section 6112)

The Conference substitute adopts the Senate provision striking an obsolete reference to dial-up Internet and places the provision in a separate section. (Section 6005).

(43) Community connect grant program

The House bill amends the REA by authorizing the Secretary to provide financial assistance to eligible applicants for the provision of broadband transmission service that fosters economic growth and delivers enhanced services. The Secretary is authorized to prioritize grants that will enhance community access to telemedicine and distance learning. Grant applicants are required to provide a matching contribution of at least 15 percent of the grant amount requested.

An appropriation of $25,000,000 is authorized for fiscal years 2008 through 2012. (Section 6024)

The Senate amendment contains no comparable provision.

The Conference substitute strikes the House provision

(44) Connect the Nation

The Senate amendment provides that the subtitle of this section is to be cited as the "Connect the Nation Act." (Section 6201)

The Senate amendment also creates a competitive, matching grant program (80 federal/20 state) called the "Connect the Nation Act of 2007" to be housed at Department of Commerce for eligible statewide public-private partnerships to benchmark current access and use, build detailed GIS maps of service, and create demand through grassroots teams. Eligible entities would be limited to 4 years of participation. Grant applications would be reviewed through a peer review process. Collaboration is required between State agencies, service providers, and relevant labor organizations, and community organizations to be considered eligible. An appropriation of $40,000,000 for each of the fiscal years 2008 though 2012 is authorized. (Section 6202)

The House contains no comparable provision.

The Conference substitute deletes the Senate provision.

(45) Distance Learning and Telemedicine

The House bill amends the Food, Agriculture, Conservation, and Trade Act (FACT Act) by authorizing the Secretary to provide grants to noncommercial education television broadcast stations that serve rural areas for the purposes of developing digital facilities, equipment, and infrastructure to enhance digital services to rural areas. (Section 6028)

The House bill amends section 2335A of the FACT Act by extending the authorization of appropriations to fiscal year 2012. (Section 6029)

The Senate amendment permits as allowable purposes for receiving financial assistance library connectivity and public television station digital conversion. The Secretary is required to establish, by notice, the amount of financial assistance available to applicants in the form of grants, costs of money loans, combinations of grants and loans, or other financial assistance. Libraries or library support organizations, public television stations and parent organizations of public television stations, and schools, libraries, and other facilities operated by the Bureau of Indian Affairs or Indian Health Service are added as eligible for assistance. In prioritizing financial assistance the Secretary may also consider the cost and availability of high-speed network access.

The Senate amendment allows the following as eligible purposes under this section: the development, acquisition, and digital distribution of instructional programming to rural users; the development and acquisition of computer hardware and software, audio and visual equipment, computer network components, telecommunications transmission facilities, date terminal equipment, or interactive video equipment, teleconferencing equipment, or other facilities that would further telemedicine services, library connectivity, or distance learning services; the provision of technical assistance and instruction for the development or use of the programming, equipment, or facilities; the acquisition of high-speed network transmission equipment or services that would not otherwise be available or affordable to the applicant; costs relating to the coordination and collaboration among and between libraries on connectivity and universal service initiatives, or the development of multi-library connectivity plans that benefit rural users; and competitive grants, for public television stations or a consortium of public television stations, to provide education, outreach, and assistance, in cooperation with community groups, to rural communities and vulnerable populations with respect to the digital television transition, and particularly the acquisition, delivery, and installation of the digital-to-analog converter boxes.

The Senate amendment reauthorizes appropriations through 2012. (Section 6302)

The Conference substitute adopts the Senate provision with modifications to provide that only libraries are added as eligible entities, clarifying current law. No additional uses are added. However, the Managers direct that public television entities are eligible to receive assistance under this section for high-speed telecommunication services in rural areas to provide educational programming for schools and communities in rural areas. (Section 6201)

(46) Agricultural innovation center demonstration grants

The House bill provides for an extension of section 6402 of the Farm Security and Rural Investment Act of 2002 (FSRIA) by authorizing an appropriation of $6,000,000 for each of the fiscal years 2008 through 2012. (Section 6025)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 6203)

(47) Rural firefighters and emergency services assistance program

The House bill amends section 6405 of the FSRIA by authorizing the Secretary to award grants to eligible entities to enable such entities to provide for improved emergency medical services (EMS) in rural areas. Grants may be used to pay the cost of training firefighters and emergency medical personnel in firefighting and emergency medical practices in rural areas.

Eligible entities must be: a State EMS office or association; a State office of rural health; a local government entity; an Indian tribe; or any other entity determined appropriate by the Secretary. To receive a grant under this section the eligible entity must prepare and submit an application to the Secretary that includes: a description of the activities to be carried out under the grant and an assurance that the applicant will comply with the grant program's matching fund requirement.

Under the House bill, eligible entities are to use grant funds only in rural areas to: (1) hire, recruit or train EMS personnel; (2) recruit or retrain emergency EMS personnel; (3) fund training to meet State or Federal certification requirements; (4) provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, and personnel; (5) develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods; (6) acquire EMS vehicles and equipment; (7) acquire personal protective equipment for EMS personnel as required by the Occupational Safety and Health Administration (OSHA); (8) educate the public concerning CPR, first aid, injury prevention, safety awareness, illness prevention, and other emergency preparedness topics. Preference is to be given to applications that reflect a collaborative effort by 2 or more eligible entities and are submitted by eligible entities who intend to use grant funds to: hire, recruit, or train EMS personnel; recruit or retrain volunteer EMS personnel; fund training to meet State or Federal certification requirements; or develop new ways to educate emergency health care providers through the use of technology-enhanced educational methods. Appropriations of not more than $30,000,000 are authorized for each of the fiscal years 2008 through 2012; no more than 10 percent of appropriated funds in a fiscal year may be used for administrative expenses. (Section 6026)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with minor changes. The funds made available under this section are not to go to entities operating on a for-profit basis. Additionally, the amount allowed for administrative expenses is decreased to 5 percent. (Section 6204)

(48) Value-added agricultural product market development grants

The House bill extends the program through fiscal year 2012 and provides $30,000,000 in mandatory funding for each fiscal year. Of the mandatory funds, 10 percent is to be set aside for projects benefiting beginning farmers and ranchers or socially disadvantaged farmers or ranchers and 10 percent is to be set aside for applications that propose to develop mid-tier value chains, which are defined in this section as local and regional supply networks that link independent producers with business and cooperatives that market value-added agricultural products. Should viable applications for these 2 purposes not meet the full 10 percent set-aside, amounts unobligated by June 30 may be reallocated. The House bill requires the Secretary, in awarding grants under this section, to consider applications more favorably, when compared to other applications, to the extent that the project proposed in the application contributes to increasing opportunities for operators of small and medium-sized farms and ranches structured as "family farms"—as defined in the regulations prescribed under section 302 of the Con Act. (Section 6027)

The Senate amendment provides for an extension of the program through 2012 and updates the definitions of "assisting organization," "technical assistance," and "value-added agricultural product." Under the Senate amendment, a grant recipient can receive no more than $300,000 in the case of grants including working capital or $100,000 in the case of all other grants. The amount of grant funds provided to an assisting organization for research, training, technical assistance, and outreach for a fiscal year may not exceed 10 percent of the total funds that are used to make grants.

The Senate amendment requires that grants made under this section be limited to a 3-year term. The Secretary is authorized to offer a simplified application form and process for project proposals that request less than $50,000. The Secretary is also authorized, to the maximum extent practicable, to provide grants to projects that provide training and outreach activities in areas that have received relatively fewer grants. The Senate amendment adds a priority for projects that contribute to increasing opportunities for beginning farmers or ranches, socially disadvantaged farmers or ranchers, and operators of small and medium-sized farms and ranches that are not larger than family farms and support new ventures that do not have well-established markets or product development staffs and budgets, including the development of local food systems and the development of infrastructure to support local food systems. (Section 6401)

The Conference substitute adopts the Senate provision with modifications. The Secretary is required to reserve 10 percent of funds for projects that benefit beginning farmers or ranchers or socially disadvantaged farmers or ranchers and 10 percent of funds for projects proposing to develop mid-tier value-chains. Priority in awarding grants should go for projects that contribute to increasing opportunities for beginning farmers and ranchers, socially disadvantaged farmers or ranchers, and operators of small and medium-sized farms and ranches that are structured as family farms. Mandatory funding of $15,000,000, to remain available until expended, is to be provided in fiscal year 2009. The authorization of appropriations for the program is extended through 2012. (Section 6202)

The Managers are aware of the increasing producer interest in mid-tier value chains that are strategic alliances between small and mid-sized farms and ranches and other supply chain partners that deal in significant volumes of high-quality, differentiated food products and distribute rewards equitably across the supply chain. The Managers expect that awards under this new mid-tier value chain component of the program will support strategic alliances in which the producer, producer group, farmer cooperative, or majority-controlled producer based venture participate in developing the overall framework and specific rules for the alliance.

(49) Guarantees for bonds and notes

The House bill extends guarantees for bonds and notes issued for electrification or telephone purposes through 2012. (Section 6030)

The Senate amendment extends eligibility for guarantees for telephone installation purposes; expands the funds available for guarantees to $1,000,000,000; requires the annual fee paid for the guarantee of a bond or note to be equal to 30 basis points of the amount of the unpaid principal; and requires a lender to pay fees required on a semi-annual basis on a schedule structured by the Secretary.

The Senate amendment also extends the Secretary's authority to guarantee payments to September 30, 2012. (Section 6106)

The Conference substitute adopts the Senate provision, with a modification to allow the provision expanding the funds available for guarantees to apply immediately upon enactment. (Section 6106)

(50) Study of rural transportation issues

The House bill authorizes the Secretary of Agriculture, in coordination with the Secretary of Transportation, to conduct a study, and submit a report to Congress on the results of the study within 9 months of the date of enactment of this Act, on railroad issues, with respect to the movement of agricultural products, domestically produced renewable fuels and domestically produced resources for the production of electricity in rural America.

The study includes an examination of the importance of freight railroads to: the delivery of equipment, seed, fertilizer, and other products important to the development of agricultural commodities and products; the movement of agricultural commodities and products to market; the delivery of ethanol and other renewable fuels; the delivery of domestically produced resources for use in the generation of electricity in rural America; the location of grain elevators, ethanol plants, and other facilities; the development of manufacturing facilities; the vitality and economic development of rural communities; the sufficiency in rural America of railroad capacity, the sufficiency of rail competition, the reliability of rail service, and the reasonableness of rail prices; and the accessibility to rail customers in rural America of Federal processes for the resolution of rail customer grievances with the railroad. (Section 6032)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment expanding the study to include other modes of transportation, including truck and barge. (Section 6206)

(51) Energy efficiency programs

The Senate amendment amends sections 2(a) and 4 in the REA by authorizing the Secretary to extend loans to energy efficiency programs. (Section 6101)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 6101)

The Managers note that assistance is authorized under this section for renewable energy, including geo-thermal ground loops, under sections 2 and 4 of the REA as amended. The Managers expect that applications for such assistance will be properly considered and when meritorious, that they should be funded.

(52) Loans and grants for electric generation and transmission

The Senate amendment amends section 4 of the REA by requiring the Secretary to make loans and grants for the purpose of financing the construction and operation of generating plants, electric transmission and distribution lines or systems for the furnishing and improving of electric services to persons in rural areas if appropriated funds are made available. (Section 6102)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

If funds are appropriated for Section 4 of the REA, the Managers expect the Secretary to make funds available for baseload generation.

(53) Fees for electrification baseload generation loan guarantees

The Senate amendment amends the REA by adding a new section, 5, which allows the Secretary to charge an upfront fee to cover the cost of loan guarantees. The fee is to be at least equal to the costs of the loan guarantee. The Secretary is given the authority to establish a separate fee for each loan. (Section 6103)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision, but adopts an amendment to require a study on the electric power generation needs in rural areas. (Section 6113)

(54) Deferment of payments to allow loans for improved energy efficiency and demand reduction

The Senate amendment amends section 12 of the REA by requiring the Secretary to allow borrowers to defer payment of principal and interest on any direct loan to enable the borrower to make loans to residential, commercial, and industrial consumers to install energy efficient measures or devices that reduce the demand on electric systems for 60 months. (Section 6104)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with modifications to allow energy efficiency and use audits as an eligible purpose under the program. (Section 6103)

The Conference substitute also makes technical changes to allow for direct lending from the U.S. Department of Treasury for RUS financing. Under the authority conferred to it under section 4 of the REA, RUS has the ability to guarantee loans made by the Federal Financing Bank (FFB), an agency of the U.S. Department of the Treasury (Treasury), to rural electric providers. Through approval of both the Office of Management and Budget and the appropriations process, direct loans from the Treasury have been used in addition to the FFB loan guarantees for several years. Language is included in a new section authorizing the loan rate program through Treasury with a requirement that cost of money loans be made with 1/8 of 1 percent added to the interest rate. This will effectively take the place of the FFB program. The loans should continue to be scored at a negative subsidy. (Section 6102)

The Managers expect that this language will enable the loans to be processed more efficiently and still protect the taxpayer investment in a strong, modern infrastructure in rural America.

(55) Rural electrification assistance

The Senate bill amends the definition of "rural area" to mean an area that excludes: (1) cities of 50,000 or more; (2) any urbanized area contiguous and adjacent to a city of 50,000 or more, except for narrow strips of urbanized areas; and (3) any collection of contiguous census blocks with a housing density of 200 housing units per square mile that is adjacent to a city of 50,000 or adjacent to an urbanized area, except for narrow strips of such territory. The definition is also amended to include any area within the service area of a borrower for which a borrower has an outstanding loan made under titles I through V of the REA. (Section 6105)

With respect to loans and loan guarantees made under the rural broadband program, the term rural area also excludes a city, town, or unincorporated area that has a population of greater than 20,000 inhabitants.

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with modifications. Rural area is defined to mean an area that excludes a city or town of 20,000 or more, or is an area within the service area of a borrower for which a borrower has an outstanding loan made under titles I through V of the REA. (Section 6104)

(56) Electric loans for renewable energy

The Senate amendment amends Title III of the REA by adding a new section, 317, which allows the Secretary to make loans to rural electric cooperatives for purposes of electric generation and transmission of renewable energy. Renewable energy source is defined as a qualified energy resource under section 45(c)(1) of the Internal Revenue Code of 1986. (Section 6108)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with modifications. The provision to allow transmission under this section is deleted with the understanding that the agency currently possesses authorization to make loans for such transmission. Additionally, the definition of renewable energy source is redefined to mean "an energy conversion system fueled from a solar, wind, hydropower, biomass, or geothermal source of energy." (Section 6108)

The Managers expect the Secretary to make electric loans under this title for electric generation from renewable energy resources to rural and nonrural residents.

(57) Bonding requirements

The Senate amendment amends Title III of the REA by adding agency procedures for loans or grants under this Act. The amendment: (1) requires that loan applicants are contacted at least once each month by RUS regarding the status of any pending loan applications; (2) requires the Secretary to ensure that applicants for any RUS grants have the opportunity to present a case for financial need and that these special economic circumstances are considered in determining the grant status of the applicant; (3) allows the Secretary to adjust population limitations related to digital mobile wireless service; and (4) requires the Secretary to review bonding requirements for all programs administered by RUS. (Section 6109)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision to require the Secretary to review bonding requirements for all programs administered by RUS, but strikes the other provisions in the Senate amendment. (Section 6109)

The Managers are aware of significant annual increases in the cost of labor and materials in major electric generation and transmission projects resulting in parallel increases in cost for Surety and Performance Bonds. The cost of Surety and Performance Bonds precludes some contractors from bidding on projects successfully. The Managers therefore request the Secretary give consideration to other measures that will ensure more contractors can bid on projects and simultaneously protect the government's investment in these projects. Suggestions have been made that lines of credit or parent company guarantees are examples of methods that could provide such protection for both the borrowers and the government.

(58) Substantially underserved trust areas

The Senate amendment provides that Native American trust lands, where more than 20 percent of the population does not have electric, telecommunications, broadband or water service, are to be considered substantially underserved trust areas. The Secretary may make programs administered by RUS available to such areas at lower loan rates and may waive non-duplication requirements. (Section 6112)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with modifications to ensure that only the restrictions and requirements specified under this section are waived with this authority. The authority of the Secretary to waive non-duplication restrictions, matching fund requirements, or credit support requirements from any loan or grant program administered by RUS to facilitate the construction, acquisition, or improvement of infrastructure is not to affect any loan or grant program administered by the U.S. Environmental Protection Agency. In addition, the language in this section is not intended to amend, alter, or affect any statutory provisions contained in the Safe Drinking Water Act or any regulations promulgated under that Act, including any orders or guidance issued pursuant to that authority. (Section 6105)

(59) Rural electronic commerce extension

The Senate amendment reauthorizes section 1670(e) of the FACT Act through 2012. (Section 6301)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(60) Insurance of loans for housing and related facilities for domestic farm labor

The Senate amendment amends section 514 (f)(3) of the Housing Act of 1949, by extending the definition of "domestic farm labor" to include any person who receives a substantial portion of their income from the processing of agricultural or aquaculture commodities. (Section 6402)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 6205)

(61) Housing Assistance Council

The Senate amendment provides for the "Housing Assistance Council Authorization Act of 2007." (Section 6501)

This section authorizes the Secretary of Housing and Urban Development (HUD) to provide financial assistance to the Housing Assistance Council (HAC) for the purpose of supporting community-based housing development organizations' community development and affordable housing projects and programs in rural areas. (Section 6502)

The Senate amendment requires the Comptroller General to audit any institution receiving funds from HAC and a GAO report on the use of any funds appropriated to HAC over the past 10 years. (Section 6503)

The Senate amendment prohibits funds from subtitle D of this Act from being used to provide housing assistance to persons not lawfully present in the United States. (Section 6504)

The Senate amendment prohibits funds from being used to lobby or retain a lobbyist. (Section 6505)

The House bill contains no comparable provisions.

The Conference substitute adopts the Senate amendment, with modifications to allow the GAO to use private, independent audits for the review of HAC. (Sections 6301, 6302, 6303, 6304, and 6305)

(62) Interest rates for water and waste disposal

The Senate amendment amends section 307(a)(3) of the Con Act to ensure that interest rates for intermediate and poverty rate loans are tied to the current market rate. The poverty rate is set at 60 percent of the market rate and the intermediate rate is set at 80 percent of the market rate. (Section 12602)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment, with modifications to exclude from the interest rate change, those loans that have been approved prior to the enactment of this Act. (Section 6011)

TITLE VII—RESEARCH

(1) Definitions

The House bill defines terms necessary to implement this Act: capacity program, competitive program, capacity program critical base funding, competitive program critical base funding, ASCARR Institution, Secretary, Directors, Under Secretary, and Hispanic-serving agricultural college and university. (Section 7101)

The Senate amendment amends the Department of Agriculture Reorganization Act of 1994 to define the terms: advisory board, competitive program, director, infrastructure program, and institute (Section 7401). The Senate amendment amends Section 1404 of the National Agricultural Research, Extension and Teaching Policy Act of 1977 (NARETPA) to define the terms Hispanic-serving agricultural colleges and universities, and Hispanic-serving institution, and to expand 'college' and 'university' to include research foundations maintained by a college or university. (Section 7001)

The Conference substitute adopts the House provision with an amendment to include the terms defined in the House bill and the Senate amendment.

The Conference substitute defines the following terms necessary to implement this Act: capacity and infrastructure program, capacity and infrastructure program critical base funding, competitive program, competitive program critical base funding, Hispanic-serving agricultural colleges and universities, NLGCA Institution (non-land-grant colleges of agriculture), 1862 Institution, 1890 Institution, and 1994 Institution. (Section 7501)

The Conference substitute amends section 1404 of the NARETPA to define Hispanic-serving agricultural colleges and universities, Hispanic-serving institutions, and NLGCA Institutions (non-land-grant colleges of agriculture), and to expand the definition of "college" and "university" to include research foundations maintained by a college or university. (Section 7101)

The Conference substitute amends section 251 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6971) to define the terms "capacity and infrastructure program" and "competitive program". (Section 7511)

(2) Budget submission and funding

The House bill requires the President to submit with the annual budget request a single line item reflecting the total funding requested for competitive programs for the fiscal year and the previous five fiscal years. The capacity program critical base funding request should be apportioned among programs based on priorities established by the Under Secretary of Research, Education, and Economics, and the Directors of the National Agricultural Research Program Office (NARPO). Additional funds requested should enhance 1890 institutions, 1994 institutions, small 1862 institutions, ASCARR institutions, and Hispanic-serving agricultural colleges and universities. The competitive program critical base funding request should be apportioned among programs based on priorities established by the Under Secretary and Directors of NARPO. Additional funds requested should support the study of emerging problems and their solutions. Necessary funds are authorized to be appropriated. Competitive programs under this section include only those requested by the President for funding. (Section 7102)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment to include the total amount requested by the President for the research, extension, and education activities of the Research, Education, and Economics (REE) mission area of the Department in a single budget line item. The Conference substitute recommends that out of funds above the capacity and infrastructure critical base funding level, budgetary emphasis should be placed on certain institutions; and out of funds above the competitive program critical base funding level, budgetary emphasis should be placed on emerging problems. (Section 7506)

The Managers recognize the numerous benefits of competitive research programs and have supported the expansion of funding for these programs. The Managers encourage the Department to make every effort to increase support for competitive programs while maintaining the needs of capacity and infrastructure programs when making budgetary decisions.

The Managers expect the Secretary to review, in conjunction with the consultative panel on the Extension Indian Reservation Program (also known as the Federally Recognized Tribes Extension Programs), the demand for and status of extension services on Indian reservations and reflect that need in their budget submission.

(3) Additional purposes of agricultural research and extension

The House bill amends section 1403 of the NARETPA to add the following to the purposes of agricultural research and extension: integrating and organizing agricultural research, extension, education, and related programs to respond to 21st century challenges; continuing to meet the needs of society from a local, tribal, State, national, and international perspective; minimizing duplication and maximizing coordination of the program at all levels; positioning the research, extension, education, and related programs to expand the portfolio to increase its contribution to society. (Section 7103)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision.

(4) National Agriculture Research Program Office

The House bill establishes six research Program Offices, collectively known as the "National Agricultural Research Program Office" (NARPO) within the office of the Under Secretary of Agriculture for Research, Education, and Economics. The NARPO will coordinate the programs and activities of the research agencies within the mission area to the maximum extent practicable. The NARPO will include the following offices:

(1) Renewable energy, resources, and environment;

(2) Food safety, nutrition, and health;

(3) Plant health and production and plant products;

(4) Animal health and production and animal products;

(5) Agriculture systems and technology; and

(6) Agriculture economics and rural communities.

Each research program office will have a director appointed by the Under Secretary. The requirements to qualify for one of the director positions include performance of outstanding research, extension, or education in agriculture or forestry, a doctoral-level degree, and other standards as required for appointment to a senior level of the competitive service.

The Directors will formulate programs, assess workforce needs, cooperate with the National Agricultural Research, Extension, Education, and Economics Advisory Board (NAREEE Advisory Board) in planning for personnel needs, develop strategic planning and priorities for Department-wide research, extension, education, and related activities, and communicate with program beneficiaries.

The Under Secretary, along with the Directors, and in consultation with the NAREEE Advisory Board, will direct and coordinate programs within relevant departmental agencies to focus on understanding program problems and opportunities, and addressing those problems along with national, regional, and local priorities.

The Under Secretary will coordinate with the Directors and receive the advice of the NAREEE Advisory Board to ensure that programs are integrated and coordinated.

The Under Secretary will fund each Program Office with appropriated funds made available to the agencies within the mission area. The total number of staff for all Program Offices will not exceed 30 full time positions and will have to be filled by current positions.

The Under Secretary will integrate leadership functions from existing program offices to ensure that program offices are the primary program leaders.

The Under Secretary will develop and implement specialty crop research activities, facilitate information delivery, and ensure coordination among research initiatives related to specialty crops. (Section 7104)

The Senate amendment requires coordination between the Agricultural Research Service (ARS) and the National Institute of

Food and Agriculture (NIFA)—formerly the Cooperative State Research, Education, and Extension Service (CSREES). The Under Secretary for Research, Education, and Economics will coordinate the programs under the authority of the Administrator of ARS and the Director of NIFA. The staff of the Administrator and the Director, including national program leaders, are required to meet on a regular basis to: increase coordination and integration of research programs at ARS and the research, extension, and education programs of NIFA; coordinate responses to emerging issues; minimize unnecessary duplication of work and resources at the staff level of each agency; use the extension and education program to deliver knowledge to stakeholders; address critical needs facing agriculture; and focus the research, extension, and education funding strategy of the Department. An annual report to Congress is required on efforts to increase coordination between ARS and NIFA.

The Undersecretary for Research, Education, and Economics is charged with undertaking a roadmap to identify major opportunities and gaps in agricultural research, extension, and education and to use this roadmap to set the research agenda and recommend funding levels for programs in this mission area of the Department.

Such sums necessary for activities undertaken to develop the roadmap are authorized. (Section 7402)

The Conference substitute adopts the House provision with an amendment to change the name of the office to the Research, Extension, and Education Office (REEO) and to integrate it into the office of the Under Secretary for Research, Education, and Economics. The Conference substitute also captures the roadmap from the Senate amendment.

The Conference substitute requires the Under Secretary for Research, Education, and Economics to have specialized training or significant experience in agricultural research, education, and economics. The Under Secretary is designated as the chief scientist of the Department and is tasked with the coordination of the research, education, and extension activities of the Department.

The Conference substitute organizes the REEO into six Divisions:

(1) Renewable energy, natural resources, and environment;

(2) Food safety, nutrition, and health;

(3) Plant health and production and plant products;

(4) Animal health and production and animal products;

(5) Agriculture systems and technology; and

(6) Agriculture economics and rural communities.

Each Division will be led by a Division Chief. The Division Chiefs are to be selected by the Under Secretary to promote leadership and professional development, to enable personnel to interact with other agencies of the Department, and to allow for the rotation of Department personnel into the position of Division Chief. Each Division Chief is required to have conducted exemplary research, extension, or education in the field of agriculture or forestry and is required to have earned an advanced degree at an institution of higher education. Each Division Chief is limited to a four-year term of service. The duties of each Division Chief include addressing the agricultural research, extension, and education needs and priorities within the Department and communicating with stakeholders, as well as the development of the roadmap as described in section 7504 of this Act. (Section 7511 and Section 7504)

The Managers expect the REEO to be staffed and funded from appropriations made available to the agencies within the REE mission area. There is concern that the REEO will evolve into a new layer of bureaucracy. To address this, the Managers have included language to limit the number of staff positions for the REEO to 30 full-time current positions.

The Managers expect the REEO Divisions to coordinate the research, extension, and education activities across the Department. The Managers expect the Division Chiefs of each office to: coordinate the functions of intramural and extramural research, extension, and education programs to ensure the maximum integration of activities; and to formulate programs, assess workforce needs, and cooperate with the agencies of the REE mission area and the NAREEE Advisory Board in developing strategic planning and priorities for the Department.

The Managers expect that once REEO is operational, the Division Chiefs will be able to track, report, and identify research gaps, unnecessary duplication among programs, and assess the needs for immediate, emerging, and future needs for research, extension, and education programs.

(5) Establishment of competitive grant programs under the National Institute for Food and Agriculture

The House bill establishes the NIFA within CSREES to administer all competitive programs as defined in section 7101 of this Act. (Section 7105)

The Senate amendment transfers all authorities under CSREES to NIFA, and all programs currently under CSREES will continue under NIFA. NIFA will be headed by a Director, who is required to report to and consult with the Secretary on the research, extension, and education activities of NIFA. The Director will work with the Under Secretary for Research, Education, and Economics to ensure proper coordination and integration of all research programs that are within the responsibility of the Department.

The Senate amendment establishes four offices at NIFA to increase competitive grant opportunities and re-establish the importance of the land-grant college and university system. First, the Office of the Agricultural Research, Extension, and Education Network administers all infrastructure programs (also known as capacity programs) such as those funded by formula funds at state agricultural experiment stations and the extension service. Second, the Office of Competitive Programs for Fundamental Research administers competitive programs that fund fundamental (basic) food and agricultural research, such as the National Research Initiative's basic research projects. Third, the Office of Competitive Programs for Applied Research administers competitive programs for applied food and agricultural research. Fourth, the Office of Competitive Programs for Education and Other Purposes administers competitive programs for education and other fellowships. The Director of NIFA has the discretion to divide programs that intersect more than one competitive program office.

The Senate amendment authorizes appropriations for NIFA, above the authorizations of individual programs, to be allocated according to recommendations in the roadmap to be developed by the Under Secretary of Research, Education and Economics under section 7402 of this Act.

The Senate amendment includes a series of conforming amendments to modify each place in current law to reflect the change from "Cooperative State Research, Education, and Extension Service" to "National Institute of Food and Agriculture". (Section 7401)

The Conference substitute adopts the Senate provision to modify the appointment, supervision, compensation, and authorities of the Director of NIFA and to modify the organization of offices under NIFA. It also modifies the programs under the definition of "capacity and infrastructure program" and "competitive program";

The Conference substitute provides that NIFA will be established by October 1, 2009. The Director of NIFA is required to be a distinguished scientist and will be appointed by the President. The Director is required to report to the Secretary or the designee of the Secretary and will serve a six-year term, subject to reappointment for an additional six-year term.

The Conference substitute also provides the Director with discretion to organize NIFA into offices and functions to administer fundamental and applied research and extension and education programs. The NIFA Director is required to ensure an appropriate balance between fundamental and applied research programs, and is required to promote the use and growth of competitively awarded grants.

The Conference substitute provides an authorization of appropriations for NIFA without fiscal year limitation, in addition to funds appropriated to each program administered by the Institute. The appropriated funding is required to be allocated according to recommendations in the roadmap described in section 7504 of this Act.

The Managers are concerned about the visibility of competitive research grants, the increasing demands placed on the land-grant system, and the weakening financial support of both competitive grants and formula funds. By restructuring CSREES, the Managers intend for NIFA to raise the profile of agricultural research, extension, and education. The Managers believe that NIFA will be commensurate in stature with other grant-making agencies across the Federal government, such as the National Institutes of Health and the National Science Foundation. The Managers intend for NIFA to be an independent, scientific, policy-setting agency for the food and agricultural sciences, which will reinvigorate our nation's investment in agricultural research, extension, and education.

The Managers are concerned about the balance between fundamental and applied research at the Department. The Managers note that the Conference substitute gives the Director of NIFA discretion to establish offices, to set appropriate policy, and to address problems that agricultural research, extension, and education can help solve. In particular, the Managers intend that the Director place emphasis on fundamental research because this type of research is the engine and cornerstone for all other types of research. Although fundamental research across the sciences is funded by the National Science Foundation, the Managers expect NIFA to play a larger role in funding this type of research. However, the Managers recognize that without applied research, the fruits of fundamental research would never be used to solve the pressing needs of the public. Therefore, the Managers intend for the Director to carefully analyze the needs of the agricultural research, extension, and education system and address them accordingly by allocating appropriate staff and resources within NIFA. (Section 7511)

(6) Merging of IFAFS and NRI

The House bill combines the Initiative for Future Agriculture and Food Systems (IFAFS) with the National Research Initiative (NRI) by repealing section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998, except for section 401(b)(3) of that Act which will remain in effect, and incorporating the priorities under section 401 into subsection (b) of the Competitive, Special, and Facilities Research Grant Act.

This section states that competitive grants authorized under the new program are to be available to State agricultural experiment stations, all colleges, universities, university research foundations, research institutions and organizations, Federal agencies, national laboratories, private organizations, corporations, and individuals.

The term of any grant received under this program will not exceed 10 years. All grant awards are to be made on the basis of peer and merit review. Funds may not be used for construction.

Within the combined program, there will be two separate programs for basic and applied research, to be referred to as NRI and IFAFS respectively. Out of the funds made available to the combined program, 60 percent will fund NRI and 40 percent will fund IFAFS.

Within the NRI allocation, funding will be allocated as follows: 30 percent for multidisciplinary teams; 20 percent for mission-linked systems research; not less than 10 percent for education and research opportunities. The offer or availability of matching funds shall not be taken into account when making a grant. The match requirement may be waived in certain cases.

Matching funds will be required for IFAFS grants if the grant is for applied, commodity-specific research and not national in scope.

In addition to NRI grants, the Secretary may conduct a program in agricultural, food, and environmental sciences in a variety of specified categories. Funding made available under current law for IFAFS will be transferred to this new combined program. The House bill authorizes $500,000,000 to be appropriated and to remain available until expended for obligations incurred in that fiscal year.

This section repeals the authority for construction of non-Federal agricultural research facilities with appropriated Federal funds. (Section 7106)

The Senate amendment amends Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 to add sustainable and renewable agriculture-based energy production, ecosystem services, and beginning farmers and ranchers to the purposes of IFAFS.

This section strikes a provision allocating $200,000,000 per year in mandatory funds for IFAFS and provides $45,000,000 in mandatory funds for IFAFS to be obligated 30 days after the enactment of the farm bill. This section requires 32 percent of appropriated funds for the NRI to go towards IFAFS grants if funds are not appropriated or obligated for IFAFS. (Section 7201)

The Senate amendment amends the Competitive, Special, and Facilities Research Grant Act to add research on agricultural genomics and biotechnology, classical animal and plant breeding, beginning farmers and ranchers, and the judicious use of antibiotics to the research priorities of the NRI.

This section modifies the availability of grant funds for classical plant and animal breeding to ten years and establishes National Research Support Project-7 for research on drugs for use in minor animal species. (Section 7307)

The Conference substitute adopts the House provision with an amendment to replace subsection (b) of the Competitive, Special, and Facilities Research Grant Act to create a new program, titled the "Agriculture and Food Research Initiative" (AFRI), to award competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences. The program combines the priority areas of the NRI with the purposes and priority areas of IFAFS. There are six priority areas in AFRI:

(1) Plant health and production and plant products;

(2) Animal health and production and animal products;

(3) Food safety, nutrition, and health;

(4) Renewable energy, natural resources, and environment;

(5) Agriculture systems and technology; and

(6) Agriculture economics and rural communities.

The term of competitive grants awarded under AFRI may not exceed 10 years.

Under AFRI, the Secretary will seek proposals to conduct research, extension, or education activities in a specific priority area, determine the relevance and merit of proposals, and award grants on the basis of merit, quality, and relevance as determined by experts in the specific subject area.

AFRI funds are to be allocated in the following manner: 60 percent will be made available for fundamental research and 40 percent will be made available for applied research. Of the allocation for fundamental research, not less than 30 percent will be made available for multidisciplinary research and not more than two percent will be made available for equipment grants.

Grants awarded through AFRI may also be used to assist in the development of capabilities in the agricultural, food, and environmental sciences to certain institutions, investigators, and faculty members where such development is necessary.

Eligible entities that may receive grants through AFRI include State agricultural experiment stations, colleges and universities, university research foundations, other research institutions and organizations, Federal agencies, national laboratories, private organizations or corporations, individuals, or groups thereof.

AFRI funds are prohibited from being used for the construction, acquisition, remodeling, or alteration of a facility or building.

For equipment grants funded through AFRI, the cost of the equipment required may not exceed 50 percent of the Federal funds. The Secretary may waive this matching requirement under specified conditions. For grants awarded to conduct applied research that is commodity-specific and not of national scope, the grant is required to be matched with equal matching funds from a non-Federal source.

The authorization level for AFRI is set at $700,000,000 from fiscal year 2008 through fiscal year 2012, of which not less than 30 percent is required to be made available for integrated research. (Section 7406)

The Managers expect that in providing an annual authorization of appropriations of $700,000,000 that AFRI will receive substantial funding to carry out its purposes in the annual appropriations process. NRI and IFAFS have been consistently underfunded despite the growing list of identified needs in agricultural research, extension, and education.

The Managers created AFRI to enhance the work funded by NRI and IFAFS. As such, AFRI should receive the combined level of authorized and mandatory funding that NRI and IFAFS, respectively, were to receive in previous fiscal years. The Managers expect that AFRI be funded at increasing levels each fiscal year to meet identified priority agriculture research, extension and education demands.

The Managers are aware of the importance of supporting public sector conventional plant and animal breeding, as evidenced by the specific mention of this priority under the "plant health and production and plant products" and "animal health and production and animal products" priorities in AFRI. The Managers intend that the term "conventional breeding," also known as "classical breeding," refer to breeding techniques which rely on creating an organism with desirable traits through controlled mating and selection. Because conventional breeding is critical to the development of seeds and breeds that are well adapted to local conditions and changing environmental constraints, these efforts are important to the food and agriculture sector. The Managers are aware that participatory breeding programs, where producers are involved in the process of developing new plant varieties and animal breeds, yield varieties and breeds that are better adapted to local environments. The Managers encourage an emphasis on funding of conventional plant and animal breeding as part of the new AFRI.

The Managers are aware of the need for integrated research, extension, and education activities to stimulate entrepreneurship across rural America to support business development, improve skills of current and emerging entrepreneurs, expand access to capital, and build entrepreneurial networks. Under the priority area of "agriculture economics and rural communities," AFRI includes "rural entrepreneurship" to increase competitive funding for integrated entrepreneurship activities. The Managers intend for this priority area to include both agricultural and rural development ventures, including strengthening non-farm, self-employment for farm and rural populations.

The Managers intend that most program areas within AFRI would have grant terms of short duration. However, the Managers are aware that there are areas of research where longer-term grants are needed, such as conventional plant and animal breeding, environmental research, and nutrition research. The Managers expect the Secretary to use 10-year grant terms only when it is critical for long-term systems research.

The Managers encourage the Director of NIFA to continue to support National Research Support Project-7 and to work cooperatively with the Center for Veterinary Medicine of the Food and Drug Administration to facilitate the development and approval of drugs for minor species and minor uses for major species. (Section 7406)

In order to improve the Department's capacity to develop programs designed to address critical and emerging issues, leverage Federal resources, and promote public and private sector participation, Congress created an Integrated Research, Education, and Extension Competitive Grants Program in 1998. The Managers continue to support this important competitive grants program and have extended the authorization for these activities in section 7306 of this Act. To further expand on these activities, the Managers have included a provision in this section which directs that not less than 30 percent of the funds made available to AFRI be used for integrated research, extension, and education competitive grants. It is the intent of the Managers that with these additional funds, the Department will be able to expand the number and scope of programs supported under this authority.

(7) Capacity building grants for ASCARR Institutions

The House bill establishes a competitive grant program for ASCARR Institutions to maintain and expand education, outreach, and research capacity relating to agriculture, renewable resources, and other similar fields. Necessary sums are authorized to be appropriated. (Section 7107)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment to add a new section, 1473F, to NARETPA, and to replace the term "ASCARR" with the term "NLGCA," an abbreviation for "non-land-grant colleges of agriculture." (Section 7138)

(8) Establishment of research laboratories for animal disease

The House bill authorizes the Secretary to establish animal disease research laboratories, and to the extent that an animal disease constitutes a threat to the livestock industry, authorizes the Secretary to conduct research, diagnostics, and other activities. This section prohibits a person, State, or Federal agency from importing, transporting, or storing at a research facility a live virus that the Secretary determines to be a threat to livestock, such as Foot and Mouth Disease. The Secretary may, however, import, transport, or store such a live virus and may also allow for a person, State, or Federal agency to do the same if it is in the public interest. Necessary sums are authorized to be appropriated. (Section 7108)

The Senate amendment requires the Secretary to issue a permit to the Department of Homeland Security for work on live Foot and Mouth Disease virus at the National Bio- and Agro-Defense Laboratory. This section allows the Secretary to invalidate the permit if research is not conducted in accordance with its regulations. This section clarifies that the suspension, revocation, or impairment of the permit is only to be made by the Secretary of Agriculture and is a non-delegable function. (Section 11016)

The Conference substitute adopts the Senate provision with an amendment to replace the term "National Bio- and Agro-Defense Laboratory" with "any facility that is a successor to the Plum Island Animal Disease Center and charged with researching high-consequence biological threats involving zoonotic and foreign animal diseases." (Section 7524)

(9) Grazinglands Research Laboratory

The House bill requires that Federal land and facilities currently administered by the Department as the Grazinglands Research Laboratory shall not be declared excess or surplus property. (Section 7109)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment to sunset the provision at the end of fiscal year 2012. (Section 7502)

(10) Research training

The House bill requires plant genetic researchers that receive certain federal funds to complete an approved training program. (Section 7110)

The Senate has no comparable provision.

The Conference substitute deletes the House provision.

(11) Fort Reno Science Park Research Facility

The House bill allows the Secretary to lease land at the Grazinglands Research Laboratory to the University of Oklahoma. (Section 7111)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 7503)

(12) Assessing the nutritional composition of beef products

The House bill allows the Secretary to award a grant, contract, or other agreement to a land-grant university to update the Nutrient Composition Handbook for Beef. Necessary sums are authorized to be appropriated. (Section 7112)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision.

(13) Sense of Congress regarding funding for human nutrition research

The House bill states that it is the sense of Congress that human nutrition research has the potential for improving the health of Americans. (Section 7113)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision.

(14) Advisory Board

The House bill amends Section 1408(g)(1) of NARETPA by increasing the maximum annual appropriations for the NAREEE Advisory Board to $500,000. (Section 7201)

The Senate amendment amends Section 1408 of NARETPA by increasing the maximum annual appropriations for the NAREEE Advisory Board to $500,000 and to change the membership of the board from 31 to 24 members. The Senate amendment mandates that members representing the following organizations are no longer to be members of the board: a national animal commodity organization; a national crop commodity organization; a national aquaculture association; a non-land grant college or university with a historic commitment to research in the food and agricultural sciences; the portion of the scientific community not closely associated with agriculture; an agency within the Department that lacks research capabilities; a research agency of the Federal Government other than the Department; and national organizations directly involved in agricultural research, extension, and education. One member actively engaged in aquaculture is added to compensate for the loss of a representative from a national aquaculture association. (Section 7002 and Section 7401)

The Conference substitute adopts the Senate provision with an amendment to include a member representing NLGCA institutions; a member actively engaged in the production of a food animal commodity recommended by a coalition of national livestock organizations; a member actively engaged in the production of a plant commodity recommended by a coalition of national crop organizations; and a member actively engaged in aquaculture recommended by a coalition of national aquaculture organizations. (Section 7102)

(15) Advisory Board termination

The House bill (section 7202) and the Senate amendment (section 7002) extend section 1408(h) of NARETPA through 2012.

The Conference substitute adopts the Senate provision. (Section 7102)

(16) Renewable Energy Committee

The House bill adds a new section, 1408B, to NARETPA that requires the executive committee of the NAREEE Advisory Board to establish and appoint initial members to a permanent renewable energy subcommittee responsible for studying the research, extension, and economics programs affecting the renewable energy industry. The renewable energy committee will submit annual reports to the Board with the committee's findings and recommendations.

This section states that the Renewable Energy Subcommittee shall coordinate with the Biomass Research and Development Act Technical Advisory Committee.

This section states also that when preparing the annual budget recommendations for the Department, the Secretary shall take into account the recommendations made by the committee and adopted by the NAREEE Advisory Board. (Section 7203)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment to make technical changes in the Renewable Energy Committee. (Section 7104)

(17) Specialty Crop Committee Report

The House bill amends section 1408A(c) of NARETPA by expanding the list of recommendations the Specialty Crops Subcommittee must make annually to the NAREEE Advisory Board to include economic analyses of the specialty crops sector and data that provides applied information useful to specialty crop growers. (Section 7204)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment to make technical changes. (Section 7103)

(18) Inclusion of UDC grants and fellowships for food and agricultural sciences education

The House bill amends section 1417 of NARETPA by adding the University of the District of Columbia (UDC) as an eligible university to compete for food and agricultural sciences education grants and fellowships. (Section 7205)

The Senate amendment is the same as the House provision with technical differences. (Section 7004)

The Conference substitute adopts the Senate provision. (Section 7106)

(19) Grants and fellowships for food and agricultural sciences education

The House bill amends section 1417(j) of NARETPA by adding agriculture programs for grades K–12 to the purposes of these grants. The current authorization of appropriations of $60,000,000 for each fiscal year is extended through 2012. This section requires a report on the distribution of funds to teaching programs. (Section 7206)

The Senate amendment is the same as House provision with technical differences. (Section 7007)

The Conference substitute adopts the House provision with an amendment to require a biennial report. (Section 7109)

(20) Grants for research on production and marketing of alcohols and industrial hydrocarbons from agricultural commodities and forest products

The House bill (section 7207) and the Senate amendment (section 7008) extend section 1419(d) of NARETPA through 2012.

The Conference substitute adopts the Senate provision with an amendment to repeal this section from current law. (Section 7110)

(21) Policy research centers

The House bill amends section 1419A of NARETPA by including the Food Agricultural Policy Research Institute (FAPRI) and the Agricultural and Food Policy Center (AFPC) as eligible to receive grants under the policy research center authorization and extending the authorization of appropriations through 2012. (Section 7208)

The Senate amendment amends section 1419A of NARETPA by including FAPRI, the AFPC, the Rural Policy Research Institute, and the Community Vitality Center as eligible to receive grants under the policy research center authorization and extending the authorization of appropriations through 2012. (Section 7009)

The Conference substitute adopts the Senate provision with an amendment to remove the Community Vitality Center, add the Drought Mitigation Center, and clarify that the specialty crops sector should be covered by the centers. (Section 7111)

The Managers recognize specialty crops are a vital component of agriculture in the Midwestern region of the United States and encourage the development of a collaborative research program at a land-grant university to support specialty crop research focused on genetic resource development, sustainable production practices, and improved marketing systems. The Managers recognize the resources and expertise available among the Midwestern land-grant universities, such as Purdue University, and encourage the Secretary to support continued expansion of the specialty crop research, extension, and education capabilities of these institutions.

(22) Human Nutrition Intervention and Health Promotion Research Program

The House bill (section 7209) and the Senate amendment (Section 7010) extend section 1424(d) of NARETPA through 2012.

The Conference substitute adopts the House provision. (Section 7114)

(23) Pilot Research Program to combine medical and agricultural research

The House bill (section 7210) and the Senate amendment (section 7011) extend section 1424A(d) of NARETPA through 2012.

The Conference substitute adopts the Senate provision. (Section 7115)

The Managers recognize the potential for the development of pharmaceuticals for human use through the use of bovine blood products.8e usefulness of bovine blood products has resulted from a number of technical advances. These advances ensure the proper and necessary level of control of the animal-based raw materials so that they can now meet or exceed the requirements to develop safe and efficacious pharmaceuticals for human use. The Managers encourage the Secretary to fund pilot projects through this authorization to accelerate the development of pharmaceuticals for human use from bovine blood products.

(24) Nutrition Education Program

The House bill authorizes appropriations of $90,000,000 for each fiscal year through 2012 to carry out the food and nutrition education program. (Section 7211)

The Senate amendment has no comparable provision. (Section 7012)

The Conference substitute deletes the House provision.

(25) Continuing animal health and disease research programs

The House bill (section 7212) and the Senate amendment (section 7014) extend section 1433(a) of NARETPA through 2012.

The Conference substitute adopts the House provision. (Section 7117)

(26) Cooperation among eligible institutions

The House bill requires the Secretary to encourage cooperation among institutions eligible for funding under continuing animal health and disease research programs in setting research priorities. (Section 7213)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 7118)

(27) Appropriations for research on national or regional problems

The House bill (section 7214) and the Senate amendment (section 7015) extend section 1434(a) of NARETPA through 2012.

The Conference substitute adopts the Senate provision. (Section 7119)

(28) Authorization level of extension at 1890 land-grant colleges

The House bill (section 7215) and the Senate amendment (section 7017) modify section 1444(a)(2) of NARETPA by increasing from 15 to 20 percent the Smith-Lever (extension) formula funding allocated to 1890 institutions.

The Conference substitute adopts the House provision. (Section 7121)

(29) Authorization level for agricultural research at 1890 land-grant colleges

The House bill (section 7216) and the Senate amendment (section 7018) modify section 1445(a)(2) of NARETPA by increasing from 25 to 30 percent the Hatch Act (research) formula funding that is allocated to 1890 institutions.

The Conference substitute adopts the Senate provision. (Section 7122)

(30) Grants to upgrade agriculture food sciences facilities at the District of Columbia Land-Grant University

The House bill (section 7217) and the Senate amendment (section 7020) amend NARETPA by adding an authorization of $750,000 in annual appropriations for grants to be made to UDC to acquire, alter, or repair facilities or relevant equipment necessary for conducting agricultural research.

The Conference substitute adopts the Senate provision. (Section 7124)

(31) Grants to upgrade agricultural and food sciences facilities at 1890 land-grant colleges, including Tuskegee University.

The House bill (section 7218) and the Senate amendment (section 7019) extend section 1447(b) of NARETPA through 2012.

The Conference substitute adopts the House provision. (Section 7123)

(32) National research and training virtual centers.

The House bill (section 7219) and the Senate amendment (section 7021) extend section 1448 of NARETPA through 2012.

The Conference substitute adopts the Senate provision. (Section 7126)

(33) Matching funds requirement for research and extension activities of 1890 institutions

The House bill (section 7220) and the Senate amendment (section 7022) extend section 1455 of NARETPA through 2012.

The Conference substitute adopts the House provision with an amendment to update current law and clarify the current requirement of providing equal matching funds from non-Federal sources. (Section 7127)

(34) Hispanic-serving institutions

The House bill extends section 1455(c) of NARETPA through 2012. (Section 7221)

The Senate amendment amends section 1455 of NARETPA by removing the ability to receive a grant without a competitive application process. The modification also allows single institutions to receive grants. The annual appropriation is increased from $20,000,000 to $40,000,000 and the authorization of appropriations is extended through 2012. (Section 7023)

The Conference substitute adopts the Senate provision with an amendment to make technical changes. (Section 7128)

(35) Hispanic-serving agricultural colleges and universities

The House bill adds a new section, 1456, to NARETPA which establishes an endowment fund, an institutional capacity building grant program, and a competitive grant program to benefit Hispanic-serving agricultural colleges and universities (HSACUs).

This section defines Hispanic-serving agricultural colleges and institutions as institutions that qualify as Hispanic-serving institutions under the Higher Education Act and offer an associate, bachelor, or other accredited degree in agricultural fields of study.

This section authorizes necessary funds to be appropriated for the endowment fund, extension, and institutional capacity building, and competitive grants through 2012. A formula for the distribution of appropriations is authorized for the endowment and maintenance of Hispanic-serving agricultural colleges and universities in the same manner prescribed under the Second Morrill Act. (Section 7222)

The Senate amendment is similar to the House provision with technical differences. (Section 7024)

The Conference substitute adopts the Senate provision with an amendment to make technical changes. (Section 7129)

(36) International agricultural research, extension, and education

The House bill (section 7223) and the Senate amendment (section 7025) modify section 1458(a) of NARETPA by allowing the Secretary to give priority under this program to institutions with existing memoranda of understanding or agreements with U.S. institutions or State or Federal agencies. This section includes HSACUs as organizations the Secretary may enter into agreements with to help develop a sustainable global agricultural system. This section adds HSACUs to the list of universities eligible for support to do collaborative research with other countries on U.S. agricultural competitiveness. This section also adds HSACUs to the list of colleges and universities where Federal scientists are involved with research conducted internationally. This section establishes a program to provide fellowships to U.S. or foreign students to study at foreign agricultural colleges.

The Conference substitute adopts the Senate provision with an amendment to add anti-hunger and nutrition efforts and increased quantity, quality, and availability of food to the purposes of agreements between eligible institutions or organizations and the Department. (Section 7130)

(37) Competitive grants for international agricultural science and education programs

The House bill (section 7224) and the Senate amendment (section 7026) extend section 1459A(c) of the NARETPA through 2012.

The Conference substitute adopts the House provision. (Section 7131)

(38) Limitation on indirect costs for agricultural research, education, and extension programs

The House bill amends section 1462(a) of NARETPA to allow a recipient of any grant administered under the REE mission area, excluding those administered under the Small Business Act, to use up to 19 percent of Federal funds for indirect costs. (Section 7225)

The Senate amendment amends section 1462(a) of NARETPA by raising from 19 to 30 percent the allowance of indirect costs a recipient institution can use from a competitive grant awarded by the Department. (Section 7027)

The Conference substitute adopts the House provision with an amendment to increase the indirect cost limitation to 22 percent. (Section 7132)

(39) Research equipment grants

The House bill (section 7226) and the Senate amendment (section 7028) extend section 1462A(e) of NARETPA through 2012.

The Conference substitute adopts the Senate provision. (Section 7133)

(40) University research

The House bill (section 7227) and the Senate amendment (section 7029) extend section 1463 of NARETPA through 2012. (Section 7227)

The Conference substitute adopts the House provision. (Section 7134)

(41) Extension service

The House bill (section 7228) and the Senate amendment (section 7030) extend section 1464 of NARETPA through 2012.

The Conference substitute adopts the Senate provision. (Section 7135)

(42) Supplemental and alternative crops

The House bill (section 7229) and the Senate amendment (section 7032) extend section 1473D(a) of NARETPA through 2012.

The Conference substitute adopts the House provision. (Section 7136)

(43) Aquaculture assistance programs

The House bill extends section 1477 of NARETPA through 2012. (Section 7230)

The Senate amendment extends section 1477 of NARETPA through 2012 and amends section 1475(f) of the Act to prioritize the study and management of Viral Hemorrhagic Septicemia (VHS). (Section 7033)

The Conference substitute adopts the House provision and adds VHS research as a high-priority item in section 7203 of this Act.

The Managers are aware of the devastating impacts that VHS is having on freshwater fish populations in the United States. The Managers encourage the Department's Animal and Plant Health Inspection Service to coordinate its VHS management activities with State natural resource management agencies and tribes to research, develop, and implement a comprehensive set of priorities for managing VHS, including providing funds for research into the spread of the disease, surveillance, monitoring, risk evaluation, enforcement, screening, and management. (Section 7140)

(44) Rangeland research

The House bill extends section 1483(a) of NARETPA through 2012. (Section 7231)

The Senate amendment extends section 1483(a) of NARETPA through 2012 and amends section 1480(a) of the Act by authorizing pilot programs to address natural resources management issues and facilitate the collection of information and analysis to provide information for improved management of public and private rangeland. (Section 7034)

The Conference substitute adopts the House provision. (Section 7141)

(45) Special authorization for biosecurity planning and response

The House bill (section 7232) and the Senate amendment (section 7035) extend section 1484(a) of NARETPA through 2012.

The Conference substitute adopts the Senate provision. (Section 7142)

(46) Resident Instruction and Distance Education Grants Program for Insular Area Institutions of Higher Education

The House bill (section 7233) and the Senate amendment (section 7036) extend sections 1490(f) and 1491 of NARETPA through 2012.

The Conference substitute adopts the House provision. (Section 7143)

(47) Hispanic-serving institutions

The House bill (section 7234) and the Senate amendment (section 7001) modify section 1404 of NARETPA to give the term "Hispanic-Serving Institution" The same definition as section 502(a) of the Higher Education Act of 1965.

The Conference substitute adopts the House provision with an amendment to move it into the definitions section of this Act. (Section 7101)

(48) Specialty Crop Policy Research Institute

The House bill amends section 1419A of NARETPA by establishing a Specialty Crop Policy Research Institute within FAPRI. The objectives are to produce and disseminate analyses of the specialty crop sector and an annual review on the state of the specialty crop industry. Necessary sums are authorized to be appropriated. (Section 7235)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment to incorporate the purposes of this section into subsection (a)(1) of section 1419A of NARETPA. (Section 7111)

(49) Emphasis of Human Nutrition Initiative

The House bill amends section 1424(b) of NARETPA (7 U.S.C. 3174(b)) to add a new emphasis to the Human Nutrition Intervention and Health Promotion Research Program to examine the efficacy of agricultural programs in promoting the health of disadvantaged populations. (Section 7236)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 7113)

(50) Grants to upgrade agriculture and food sciences facilities at insular area land-grant institutions

The House bill amends NARETPA by authorizing assistance to insular land-grant institutions to acquire, alter, or repair facilities or equipment for agricultural research. An appropriation of $8,000,000 is authorized for each fiscal year through 2012. (Section 7237)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 7125)

(51) Veterinary medicine loan repayment

The Senate amendment amends section 1415A of NARETPA by setting a deadline for rulemaking to implement the National Veterinary Medical Services Act (NVMSA). This section amends NVMSA to prioritize large and mixed animal practitioner shortages in rural communities and prohibits funds to be used for the existing Federal employee loan repayment program under 5 U.S.C. 5379. (Section 7003)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to clarify the priorities within NVMSA and to disapprove of the transfer of funds from CSREES to the Food Safety and Inspection Service (FSIS). The funds are required to be transferred back CSREES from FSIS. (Section 7105)

The Managers continue to be frustrated by the lack of progress by the Department in implementing NVMSA. When developing this legislation, the House Committee on Agriculture worked closely with the various agencies of the Department to ensure that the legislation was drafted in a manner in which it could be implemented and administered. During Committee consideration, amendments were included at the Department's request to ensure quick and efficient implementation. In a legislative report submitted by the Secretary of Agriculture, with the consent of the Office of Management and Budget, the Department reiterated its support and recommended that the legislation be enacted. More than $2,000,000 has been appropriated for this program, yet the Department has not taken steps to develop regulations to implement it. Instead, the Managers note that CSREES, to which authority to administer NVMSA had been delegated, chose to transfer funds appropriated for this important program to another agency of the Department to assist in loan repayment for Federal employees. While this funding transfer was technically within the authority of the NVMSA legislation, it was not in line with the intent of Congress in developing this legislation. The Managers disapprove of this funding transfer and expect the full amount of funds that were transferred to be returned. Likewise, amendments have been included in NVMSA to prevent further funding transfers.

In a hearing held before the House Subcommittee on Livestock, Dairy, and Poultry on February 7, 2008, representatives of the Department were asked repeatedly if the Administration intended to propose legislation to amend NVMSA to speed its implementation. To date, no proposed legislation has been submitted, leading the Managers to conclude that the Department has sufficient funding and capability to implement and administer this law. The Managers have therefore included a deadline for the Department to propose regulations for NVMSA and expect the Department to meet this deadline without further delay.

(52) Expansion of Food and Agricultural Sciences Award

The Senate amendment amends section 1417(i) of NARETPA by expanding the current National Agricultural Teaching Award to include research and extension. (Section 7006)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 7108)

(53) Purposes and findings relating to animal health and disease research

The Senate amendment amends Section 1429 of NARETPA to add a purpose supporting research on the judicious use of antibiotics. (Section 7013)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(54) Animal Health and Disease Research Program

The Senate amendment amends section 1434(b) of NARETPA by clarifying that 1890 institutions are eligible for animal health and disease research grants under this section. (Section 7015)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 7120)

The Managers are concerned about arthropod-borne diseases that increasingly affect the U.S. livestock industry and wildlife. Consequently, the Managers expect the Agricultural Research Service to update the March 2005 feasibility study on the modernization of the arthropod-borne animal disease research laboratory.

(55) Farm management training and public farm benchmarking database

The Senate amendment adds a new section, 1468, to NARETPA that establishes a National Farm Management Center to improve farm management knowledge and the skills of agriculture producers through an education program. It also authorizes the creation of a database that will allow for the comparison of farm management data among producers. This section authorizes annual appropriations for the center and database through 2012. (Section 7037)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to modify the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act) and to allow the Secretary to make competitive research and extension grants for the purposes of the program. (Section 7208)

The Managers recognize that the Center for Farm Financial Management at the University of Minnesota has a proven record of providing farm financial planning, marketing, and credit analysis and encourage the Department to continue to support its benchmarking efforts.

(56) Tropical and subtropical agricultural research

The Senate amendment adds a new section, 1473E, to NARETPA that establishes a competitive program for research on tropical and subtropical agriculture. Annual appropriations for the program are authorized through 2012. (Section 7038)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision and adds tropical and subtropical research as a high priority item in Section 7203 of this Act.

(57) Regional centers of excellence

The Senate amendment adds a new section, 1473F, to NARETPA that establishes regional centers of excellence, including a Poultry Sustainability Center of Excellence, funded by Federal, State, and industry funds to research a specific commodity. Annual appropriations are authorized for the centers through 2012. (Section 7039)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision and gives priority to regional centers of excellence that leverage funds from Federal, State, and private sector sources to research a specific agricultural commodity or concern under Section 7203 of this Act.

(58) National Drought Mitigation Center

The Senate amendment adds a new section, 1473G, to NARETPA that authorizes the Secretary to enter into an agreement with the National Drought Mitigation Center. Annual appropriations are authorized for the Center through 2012. (Section 7040)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision and adds the National Drought Mitigation Center as one of the research institutions and organizations that is eligible to receive funding through the policy research center authorization in section 7111 of this Act.

(59) Agricultural development in the American-Pacific region

The Senate amendment adds a new section, 1473H, to NARETPA that establishes consortia of institutions in the American-Pacific region to carry out integrated research, extension, and instruction programs in support of food and agricultural sciences. Annual appropriations are authorized for the consortia through 2012. (Section 7041)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision and adds agricultural development in the American-Pacific region as a high priority item in Section 7203 of this Act.

(60) Farm and ranch stress assistance network

The Senate amendment adds a new section, 1473K, to NARETPA that establishes a farm and ranch stress assistance network to provide behavioral programs to participants in the U.S. agricultural sector. Annual appropriations are authorized for the network through 2012. (Section 7044)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to clarify the activities covered under this authorization and to make technical changes. (Section 7522)

(61) Rural entrepreneurship and enterprise facilitation

The Senate amendment adds a new section, 1473L, to NARETPA to establish a program for the promotion of rural entrepreneurship, rural business development, and collaboration among rural entrepreneurs, local business communities, nonprofit organizations, and K-12 and higher education institutions. The program also provides rural entrepreneurs with technical assistance and access to capital, and it determines the best methods of entrepreneurial training. Annual appropriations for the program are authorized. (Section 7045)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(62) Seed distribution

The Senate amendment adds a new section, 1473M, to NARETPA that establishes a program to distribute vegetable seeds to underserved communities free-of-charge. Annual appropriations are authorized for the program through 2012. (Section 7046)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to award grants on a competitive basis and to make technical changes. (Section 7523)

(63) Farm and ranch safety

The Senate amendment adds a new section, 1473N, to NARETPA that establishes a grant program to determine how to decrease the incidence of injury and death on farms and ranches. Annual appropriations for the program are authorized through 2012. (Section 7047)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision and adds farm and ranch safety as a high priority item in section 7203 of this Act.

(64) Women and minorities in STEM fields

The Senate amendment adds a new section, 1473O, to NARETPA that establishes a grant program to increase participation by women and underrepresented minorities from rural areas in science, technology, engineering, and mathematics fields (STEM fields). Annual appropriations for the program are authorized through 2012. (Section 7048)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision and adds women and minorities in STEM fields as a high priority item in section 7203 of this Act.

(65) Natural Products Research Program

The Senate amendment adds a new section, 1473P, to NARETPA that establishes a research program for the discovery, development, and commercialization of pharmaceuticals and agrichemicals from natural products, including those from plant, marine, and microbial sources. Annual appropriations are authorized for the program. (Section 7049)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to make technical changes. (Section 7525)

(66) International Anti-Hunger and Nutrition Program

The Senate amendment adds a new section, 1473Q, to NARETPA that authorizes the Secretary to support nonprofit organizations that focus on promoting research concerning anti-hunger and improved nutrition efforts internationally and increased quantity, quality, and availability of food. (Section 7050)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision and adds the purposes of the Senate amendment to section 7130 of this Act.

(67) Consortium for Agricultural and Rural Transportation Research and Education

The Senate amendment adds a new section, 1473R, to NARETPA that establishes a research program focusing on critical rural and agricultural transportation and logistics issues facing agricultural producers and other rural businesses. Annual appropriations of $19,000,000 are authorized for each fiscal year through 2012. (Section 7051)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to give priority to institutions that apply as a group and to make technical changes. (Section 7529)

(68) Regional Centers of Excellence in Food Systems Veterinary Medicine

The Senate amendment adds a new section, 1473S, to NARETPA that establishes a grant program for veterinary schools to support centers of emphasis in food systems veterinary medicine. Annual appropriations for the centers are authorized through 2012. (Section 7052)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision, adds food systems veterinary medicine as a high priority item in Section 7203 of this Act, and captures the purposes of the Senate amendment in the regional centers of excellence provision under section 7203 of this Act.

(69) National Genetics Resources Program

The House bill extends section 1635(b) of the FACT Act through 2012. (Section 7301)

The Senate amendment extends section 1635(b) of the FACT Act through 2012 and adds research on plant and animal breeding to the purposes and functions of this program as listed in section 1632 of the FACT Act. (Section 7101)

The Conference substitute adopts the House provision. (Section 7201)

(70) National Agricultural Weather Information System

The House bill extends section 1641(c) of the FACT Act through 2012. (Section 7302)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 7202)

The Managers recognize the importance of creating a southern mesonetwork of weather stations to support applied research in solar and wind energy production. The Managers are aware of the capabilities and experience of the Center for Earth and Environmental Studies at Texas A&M International University in this area and believe this institution could prove to be a valuable resource in the Rio Grande Valley.

(71) Partnerships

The House bill amends section 1672(d) of the FACT Act by requiring that grant proposals received must be scientifically meritorious and involve cooperation of multiple entities in order to receive priority consideration under the High Priority Research and Extension Initiative. (Section 7303)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 7203)

(72) Aflatoxin Research and Extension

The House bill amends section 1672(e)(3) of the FACT Act by changing the existing grant description contained in current law to improve and commercialize aflatoxin control in corn and other crops. (Section 7304)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision. (Section 7203)

(73) High Priority Research and Extension Areas

The House bill amends section 1672 of the FACT Act by adding the following to the High Priority Research and Extension Area Initiatives: farmed and wild cervid disease and genetic research; air emissions from livestock operations; swine genome project; cattle fever tick program; colony collapse disorder program; synthetic gypsum from power plants research; cranberry research program; sorghum research initiative; and a bean health research program. (Section 7305)

The Senate amendment amends section 1672 of the FACT Act by adding the following to the High Priority Research and Extension Area Initiatives: Colony Collapse Disorder and Pollinator Research Program; Marine Shrimp Farming Program; Cranberry Research Program; Turfgrass Research Initiative; Pesticide Safety Research Initiative; Swine Genome Project; High Plains Aquifer Region; Cellulosic Feedstock Transportation and Delivery Initiative; Deer Initiative; Pasture-Based Beef Systems; Sustainable Agricultural Production for the Environment; Biomass-Derived Energy Resources; Brucellosis Control and Eradication; and Bighorn and Domestic Sheep Disease Mechanisms. (Section 7102)

The Conference substitute adopts the Senate provision with an amendment to add the following to the list of high-priority research and extension initiatives: Air Emissions from Livestock Operations; Swine Genome Project; Cattle Fever Tick Program; Synthetic Gypsum; Cranberry Research Program; Sorghum Research Initiative; Marine Shrimp Farming Program; Turfgrass Research Initiative; Agricultural Worker Safety Research Initiative; High Plains Aquifer Region; Deer Initiative; Pasture-Based Beef Systems Research Initiative; Agricultural Practices Relating to Climate Change; Brucellosis Control and Eradication; Bighorn and Domestic Sheep Disease Mechanisms; Agricultural Development in the American-Pacific Region; Tropical and Subtropical Agricultural Research; Viral Hemorrhagic Septicemia; Farm and Ranch Safety; Women and Minorities in STEM Fields; Alfalfa and Forage Research Program; Food Systems Veterinary Medicine; Biochar Research.

The Conference substitute also strikes the following from section 1672 of the FACT Act: Brown citrus aphid and citrus tristeza virus research and extension; Mesquite research and extension; Red meat safety research and extension; Grain sorghum ergot research and extension; Low-bush blueberry research and extension; Wild pampas grass control, management, and eradication research and extension; Sheep scrapie research and extension; Forestry research and extension; Wind erosion research and extension; Crop loss research and extension; Harvesting productivity for fruits and vegetables; Agricultural marketing; Beef cattle genetics; Dairy pipeline cleaner; Development of publicly held plants and animal varieties; and Specialty crop research. (Section 7204)

The Managers encourage the Secretary to support collaborative research focusing on the development of viable strategies for the prevention, diagnosis and treatment of infectious, parasitic, and toxic diseases of farmed deer and the mapping of the deer genome. This initiative may be carried out by a consortium that can include land-grant universities and veterinary schools with appropriate facilities and experience in husbandry and care of captive cervidae. The consortium may carry out research dedicated to developing vaccines for epizootic hemorrhagic disease and blue tongue disease in farmed deer and may work to map the deer genome with emphasis on the identification of genes that confer resistance or susceptibility to disease relevant to the production of farmed deer.

The Managers recognize the unique needs of the Appalachian region for the Pasture-Based Beef Systems Initiative.

The Managers intend that the term "Caribbean and Pacific basins" refers to the States of Hawaii and Florida, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

The Managers intend that the term "American-Pacific region" refers to the States of Hawaii and Alaska, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

(74) High priority research and extension initiative

The House bill extends Section 1672(h) of the FACT Act through 2012. (Section 7306)

The Senate amendment extends section 1672(h) of the FACT Act through 2012 and authorizes an annual appropriation of $20,000,000 for the Colony Collapse Disorder and Pollinator Research Program. (Section 7102)

The Conference substitute adopts the House provision. (Section 7204)

(75) Nutrient management research and extension initiative

The House bill amends section 1672A of the FACT Act by giving a priority to grant proposals that address unique regional concerns as eligible for priority treatment. The House bill also adds dairy cattle waste as a type of waste to be studied to develop new methods of managing air and water quality. The authorization of appropriations is extended through 2012. (Section 7307)

The Senate amendment: establishes a consortium of land grant colleges in the northeast region to perform research on dairy nutrient management and energy production (Section 9023); establishes a Southwest regional dairy, environment, and private land program for the research, development, and implementation of solutions for issues faced by the dairy industry (Section 11092); and extends section 1672A of the FACT Act through 2012. (Section 7103)

The Conference substitute adopts the House provision with an amendment to include the production of renewable energy from animal waste as an eligible activity to receive grants under this section. (Section 7205)

The Managers recognize that different regions of the country have varying needs for both energy development and nutrient management, and that cooperative efforts by institutions and States will leverage available resources to address problems and identify solutions. The Managers therefore encourage the development of regional consortia in which partners would work together to accomplish the goals of developing viable nutrient management systems, energy products from manure, and to assess these systems for cost, performance, and function among dairy, poultry, and swine operations.

(76) Agricultural Telecommunications Program

The House bill (section 7308) and the Senate amendment (section 7105) extend section 1673(h) of the FACT Act through 2012.

The Conference substitute adopts the House provision with an amendment to repeal section 1673 of the FACT Act. (Section 7209)

(77) Assistive Technology Program for Farmers with Disabilities

The House bill (section 7309) and the Senate amendment (section 7106) extend section 1680(c)(1) of the FACT Act through 2012.

The Conference substitute adopts the Senate provision. (Section 7210)

(78) Organic research

The House bill amends section 1672B of the FACT Act by expanding the Organic Agriculture Research and Extension Initiative to examine optimal conservation and environmental outcomes for organically produced agricultural products and to develop new and improved seed varieties that are particularly suited for organic agriculture. This section authorizes $25,000,000 in mandatory funding for each of fiscal years 2008 through 2012. Appropriations of $25,000,000 are authorized for each of fiscal years 2009 through 2012. The Director of NARPO is to coordinate this program to avoid duplication. (Section 7310)

The Senate amendment amends Section 1672B of the FACT Act by authorizing mandatory funds of $16,000,000 per year for fiscal years 2008 through 2012 for the Organic Agriculture Research and Extension Initiative. (Section 7104)

The Conference substitute adopts the House provision with an amendment to provide the initiative with a total of $78,000,000 in mandatory funds for fiscal year 2009 through fiscal year 2012. (Section 7206)

Organic farming has the potential to capture atmospheric carbon and store it in the soil in the form of soil organic matter. The Managers encourage continued support of the research at the Rodale Institute regarding this research as it relates to certified organic standards.

(79) National Rural Information Center Clearinghouse

The House bill (section 7311) and the Senate amendment (section 7107) extend section 2381(e) of the FACT Act through 2012.

The Conference substitute adopts the House provision. (Section 7212)

(80) New Era Rural Technology Program

The House bill establishes a grant program for community colleges to develop an agriculture-based renewable energy and timber industry workforce. Annual appropriations are authorized for the program through 2012. (Section 7312)

The Senate amendment adds a new section, 1473J, to NARETPA to establish a grant program for community colleges to develop an agriculture-based renewable energy and timber industry workforce and provides the definition of rural community college. Annual appropriations are authorized for the program through 2012. (Section 7043)

The Conference substitute adopts the House provision with an amendment to make technical changes and to add a new section, 1473E, to NARETPA. (Section 7137)

The Managers recognize the importance of developing a workforce to support the fields of bioenergy, agriculture-based renewable energy resources, and pulp and paper manufacturing. The Managers recognize that Alabama Southern Community College, Northeast Iowa Community College, Eastern Iowa Community College District, Hawkeye Community College, Neosho County Community College, Kennebec Valley Community College, Itasca Community College, York Technical College, Midstate Technical College, Jones County Junior College, Minnesota West Technical and Community College, Orangeburg-Calhoun Technical College, Horry-Georgetown Technical College, and Central Carolina Technical College are among the rural community colleges that have a proven record and the ability to develop and implement programs to supply certified technicians. The Managers encourage the Secretary to work with these community colleges to establish the New Era Rural Technology Program.

(81) Partnerships for high-value agricultural product quality research

The House bill (section 7401) and the Senate amendment (section 7202) extend section 402(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) through 2012.

The Conference substitute adopts the Senate provision with an amendment to repeal section 402 of AREERA. (Section 7302)

(82) Precision agriculture

The House bill (section 7402) and the Senate amendment (section 7203) extend section 403(i)(1) of AREERA through 2012.

The Conference substitute adopts the House provision with an amendment to repeal section 403 of AREERA. (Section 7303)

(83) Biobased products

The House bill (section 7403) and the Senate amendment (section 7204) extend section 404(e)(2) of AREERA through 2012.

The Conference substitute adopts the House provision. (Section 7304)

(84) Thomas Jefferson Initiative for Crop Diversification

The House bill (section 7404) and the Senate amendment (section 7205) extend section 405(h) of AREERA through 2012.

The Conference substitute adopts the Senate provision with an amendment to repeal section 405 of AREERA. (Section 7305)

(85) Integrated Research, Education, and Extension Competitive Grants Program

The House bill (section 7405) and the Senate amendment (section 7206) extend section 406(f) of AREERA through 2012.

The Conference substitute adopts the Senate provision. (Section 7306)

(86) Fusarium graminearum grants

The House bill amends section 408 of AREERA to provide a technical correction and extends the authorization of appropriations through 2012. (Section 7406)

The Senate amendment extends section 408(e) of AREERA through 2012. (Section 7207)

The Conference substitute adopts the House provision. (Section 7307)

(87) Bovine Johne's Disease Control Program

The House bill (section 7407) and the Senate amendment (section 7208) extend section 409(b) of AREERA through 2012.

The Conference substitute adopts the Senate provision. (Section 7308)

(88) Grants for youth organizations

The House bill amends section 410 of AREERA to provide additional flexibility in content delivery and management of grant funds to recipient organizations under this section. The authorization of appropriations is extended through 2012. (Section 7408)

The Senate amendment extends section 410(c) of AREERA through 2012. (Section 7209)

The Conference substitute adopts the House provision. (Section 7309)

(89) Agricultural research and development for developing countries

The House bill (section 7409) and the Senate amendment (section 7210) extend section 411(c) of AREERA through 2012. (Section 7409)

The Conference substitute adopts the House provision. (Section 7310)

(90) Agricultural bioenergy and biobased products research initiative

The House bill adds a new section, 412, to AREERA that establishes a bioenergy and biobased products research initiative to enhance the production, sustainability, and conversion of biomass to renewable fuels and related products. The research initiative will be supported by a bioenergy and biobased product laboratory network that will focus research on improving biomass production and sustainability and improving biomass conversion in biorefineries. The Director of NARPO, established under section 7410 of the House bill, will coordinate projects and activities under the Biomass Research and Development Act of 2000 to coordinate and maximize the strengths of the Department and the Department of Energy. The Secretary is authorized to carry out research and award grants on a competitive basis. Appropriations are authorized at $50,000,000 for each of fiscal years 2008 through 2012. The Director of NARPO is to coordinate this program to avoid duplication of projects carried out under the Biomass Research and Development Act. (Section 7410)

The Senate amendment has no comparable provision.

The Conference substitute adopts the House provision with an amendment to incorporate the purposes of sections 9010 and 9020 of the House bill, and sections 9010, 9011, 9022, and 9025 of the Senate amendment.

The Conference substitute, titled the "Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative," establishes a program to award competitive grants for projects with a focus on supporting on-farm biomass crop research and the dissemination of results to enhance the production of biomass energy crops and the integration of such production with the production of bioenergy. The Conference substitute directs the Secretary to establish a best-practices database on the production of various biomass crops and on the harvesting, transport, and storage of biomass crops.

The Conference substitute authorizes competitive grants for on-farm energy efficiency research and extension projects aimed at improving the energy efficiency of agricultural operations. (Section 7207)

The Managers encourage the Secretary to consider the approach of the New Century Farm at Iowa State University as a model for integrated research in the areas of biomass crop research and the production of bioenergy and to use its established capabilities.

The Managers encourage the Secretary to consider the Future Farmsteads program at the University of Georgia as a model for on-farm energy efficiency research and to use its established capabilities.

Additionally, the Managers encourage the Secretary to use the capabilities of the Colorado Renewable Energy Collaboratory in carrying out this section.

The Managers recognize the significant work Arkansas State University is conducting in the area of plant cell wall structure and function and encourages the Secretary to continue to recognize the value of plant-produced, biotechnology-derived, enzymatic-developed products.

The Managers are aware of the work being done at the Pennsylvania State University on all aspects of biofuels development from plant transformation to production, harvest, and storage to fuel formulation and engine testing.

(91) Specialty crop research initiative

The House bill adds a new section, 413, to AREERA that establishes the Specialty Crop Research Initiative to develop and disseminate science-based tools to address the needs of specific crops and their regions, including work in plant breeding and genetics, safety, quality, and yield; efforts to identify and address threats posed by invasive species; marketing; pollination; and efforts to improve production. The Secretary is authorized to award competitive grants through this program. Appropriations are authorized at $100,000,000 for each of fiscal years 2008 through 2012. Additionally, $215,000,000 in mandatory funds is to be provided in fiscal year 2008 to remain available until expended. The Director of NARPO shall coordinate this program to avoid duplication. (Section 7411)

The Senate amendment adds a new section, 412, to AREERA that establishes a Specialty Crop Research Initiative. This section is similar to the House provision and has additional language to include in the purposes of the program the optimization of organic specialty crop production and research on methods to prevent, control, and respond to pathogen contamination of specialty crops, including fresh-cut produce. Mandatory funding is provided at $16,000,000 per year for fiscal years 2008 through 2012 for the initiative. (Section 7211)

The Conference substitute adopts the House provision with an amendment that adds a new section, 412, to AREERA. It expands the initiative to a research and extension initiative; incorporates the prevention, detection, monitoring, control, and response to food safety hazards in the production and processing of specialty crops, including fresh products; allocates 10 percent of the funds obligated through this initiative to each of the research and extension activities described in this section; and provides $230,000,000 in mandatory funds for fiscal years 2008 through 2012. (Section 7311)

The Managers intend that most activities funded by the initiative would have grant terms of short duration. However, the Managers are aware that there are areas of research where longer term grants are needed, such as research related to tree fruits. The Managers expect the Secretary to use 10-year grant terms only when it is critical for long-term systems research.

The Managers recognize the critical importance of research directed at food safety hazards in the production and processing of specialty crops including fresh fruits and vegetables. The Managers encourage the Secretary to select projects for funding this area at focus on applied research and technology transfer.

(92) Office of Pest Management Policy

The House bill extends section 614(f) of AREERA through 2012. (Section 7412)

The Senate amendment amends section 614 of AREERA by placing the Office of Pest Management Policy within the Office of the Chief Economist and extending the authorization of appropriations through 2012. (Section 7212)

The Conference substitute adopts the House provision. (Section 7313)

(93) Food Animal Residue Avoidance Database Program

The Senate amendment amends section 604 of AREERA by authorizing annual appropriations of $2,500,000 for the Food Animal Residue Avoidance Database program. (Section 7213)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment that clarifies that the authorized funds are in addition to other funds available as specified in section 604(c) of AREERA. (Section 7312)

(94) Critical Agricultural Materials Act

The House bill (section 7501) and the Senate amendment (section 7301) extend section 16(a) of the Critical Agricultural Materials Act through 2012.

The Conference substitute adopts the Senate provision. (Section 7401)

(95) Equity in Educational Land-Grant Status Act of 1994

The House bill extends sections 533(b), 535, and 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (EELGSA) through 2012. (Section 7502)

The Senate amendment extends sections 533(b), 535, and 536(c) of EELGSA through 2012 and amends section 532 of the EELGSA to add Ilisagvik College in Alaska to the list of land-grant tribal colleges. (Section 7302)

The Conference substitute adopts the Senate provision with an amendment to redistribute endowment funds that would be paid to a 1994 Institution among other 1994 Institutions if that 1994 Institution declines to accept funds or fails to meet existing accreditation requirements. (Section 7402)

(96) Agricultural Experiment Station Research Facilities Act

The House bill (section 7503) and the Senate amendment (section 7305) extend section 6(a) of the Research Facilities Act through 2012.

The Conference substitute adopts the House provision. (Section 7405)

(97) National Agricultural Research, Extension and Teaching Policy Act Amendments of 1985

The House bill (section 7306) and the Senate amendment (section 7306) extend section 1431 of the NARETPA Amendments of 1985 through 2012.

The Conference substitute adopts the Senate provision. (Section 7416)

(98) Competitive, Special and Facilities Research Grant Act (National Research Initiative)

The House bill amends section 2 of the Competitive, Special, and Facilities Research Grant Act (CSFRGA) to extend the authorization of appropriations through 2012 and to repeal the authority to limit allowable overhead costs. (Section 7505)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision but reauthorizes section 2 of the CSFRGA in section 7406 of this Act.

(99) Agricultural Risk Protection Act of 2000 (Carbon Cycle Research)

The House bill extends the section 221of the Agricultural Risk Protection Act of 2000 (ARPA) through 2012. (Section 7506)

The Senate amendment extends the section 221 of ARPA through 2012 and transfers authority for this program from that Act to the Farm and Energy Security Act of 2007. (Section 7315)

The Conference substitute adopts the House provision. (Section 7407)

(100) Renewable Resources Extension Act of 1978

The House bill (section 7507) and the Senate amendment (section 8201) extend section 6 of the Renewable Resources Extension Act of 1978 (RREA) and section 8 of RREA through 2012. (Section 7507)

The Conference substitute adopts the House provision. (Section 7413)

The Managers are aware of the U.S. Forest Service's (USFS) work one Fire Research and Management Exchange System, an Internet-based, centralized national portal for access to and exchange of science-based data, analysis tools, training materials, and other information related to interagency wildland fire management. The Managers recognize that the system can make a major contribution to science-based understanding and response to wildland fires, which continue to threaten many areas of our nation. The Managers expect the USFS to continue to work with its partners to develop a plan for nationwide implementation by 2011.

(101) National Aquaculture Act of 1980

The House bill (section 7508) and the Senate amendment (section 7311) extend section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) through 2012. (Section 7508)

The Conference substitute adopts the Senate provision. (Section 7414)

(102) Construction of a Chinese Garden at the National Arboretum

The House bill amends the Act of March 4, 1927, (20 U.S.C. 191 et seq.) by authorizing the construction of a Chinese garden at the National Arboretum. (Section 7509)

The Senate amendment amends the Act of March 4, 1927, (20 U.S.C. 191 et seq.) by authorizing the construction of a Chinese garden at the National Arboretum, prohibiting federal funds from being used for the construction of the Chinese Garden, and requiring an annual report to Congress on the budget and expenditures of the National Arboretum. (Section 7312)

The Conference substitute adopts the House provision. (Section 7415)

(103) Public Education Regarding Use of Biotechnology in Producing Food for Human Consumption

The House bill extends section 10802 of the Farm Security and Rural Investment Act of 2002 (FSRIA) through 2012. (Section 7510)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision and repeals section 10802 of FSRIA. (Section 7411)

(104) Fresh Cut Produce Safety Grants

The House bill authorizes the Secretary to award competitive research and extension grants to improve and enhance the safety of fresh cut produce. Universities, colleges, and other entities that have relationships with producers of fresh cut produce are eligible. Grant recipients must provide an equal amount of matching funds or in-kind support from non-federal sources. The Director of NARPO is to coordinate this program to avoid duplication. Mandatory funding of $25,000,000 is provided for each of fiscal years 2008 through 2012. Additionally, an appropriation for necessary funds is authorized from fiscal year 2008 through fiscal year 2012. (Section 7511)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision and incorporates the purposes and priorities of this program and funding into section 7311 of this Act.

(105) UDC/EFNEP eligibility

The House bill (section 7512) and the Senate amendment (section 7313) amend Section 208 of the District of Columbia Public Postsecondary Education Reorganization Act (Public Law 93-471; 88 Stat. 1428) to make the UDC eligible for the Expanded Food and Nutrition Education Program.

The Conference substitute adopts the Senate provision. (Section 7417)

(106) Hatch Act of 1887

The House bill amends Section 3(d)(4) of the Hatch Act of 1887 by requiring a 50 percent match of funds from the District of Columbia in order for UDC to receive formula funds for agricultural research. The Secretary is allowed to waive the matching requirement if necessary. (Section 7513)

The Senate amendment amends Section 3(d)(4) of the Hatch Act of 1887 by requiring a 50 percent match of funds from the District of Columbia in order for UDC to receive formula funds for agricultural research. The Secretary is allowed to waive the matching requirement if necessary. This section also amends Section 6 of the Hatch Act of 1887 by eliminating Penalty Mail Authorities for State agricultural experiment stations and the extension service and making conforming amendments to NARETPA and to 39 U.S.C. 3202(a). (Section 7304)

The Conference substitute adopts the Senate provision. (Section 7404)

(107) Smith-Lever Act

The Senate amendment amends Section 3 of the Act of May 8, 1914 (7 U.S.C. 343) to allow 1890 institutions to participate in the Children, Youth, and Families Education and Research Network Program. This section also amends section 5 of the Act of May 8, 1914 (7 U.S.C. 345) to eliminate the Governor's Report requirement for the extension service. (Section 7304)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change programs authorized under section 3(d) of the Smith-Lever Act (7 U.S.C. 343(d)) into programs that award competitive grants and to add a conforming amendment to section 1444(a)(2) of NARETPA. (Section 7403)

(108) Education grants to Alaska Native Serving Institutions and Native Hawaiian Serving Institutions

The Senate amendment amends section 759 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 by permitting consortia of Alaska Native and Native Hawaiian Serving Institutions to designate fiscal agents and allocate funds for their members. (Section 7308)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to add this provision as a new section, 1419B, to NARETPA. (Section 7112)

(109) McIntire-Stennis Cooperative Forestry Act

The Senate amendment amends Section 2 of the McIntire-Stennis Cooperative Forestry Act (16 U.S.C. 582a–1) by authorizing the participation of 1890 institutions to participate in the McIntire-Stennis cooperative forestry program. (Section 7310)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 7412)

(110) Exchange or sale authority

The Senate amendment adds Section 307 to Title III of the Federal Crop Insurance and Department of Agriculture Reorganization Act of 1994 by authorizing USDA to exchange, sell, or otherwise dispose of any qualified items of personal property and to retain and apply the sale or other proceeds to acquire any qualified items of personal property or to offset costs related to the maintenance, care, or feeding of any qualified items of personal property. (Section 7314)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 7408)

(111) Enhanced Use Lease Authority Pilot Program

The Senate amendment adds a new section, 308, to Title III of the Federal Crop Insurance and the Department of Agriculture Reorganization Act of 1994 by establishing a pilot program that allows non-Federal entities to use and invest in capital improvements at the Beltsville Agricultural Research Center and the National Agricultural Library by leasing non-excess property of the Center or the Library. (Section 7316)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to limit the terms of leases established under this authority to 30 years, sunset this authority five years after the date of enactment of this Act, and make technical changes. (Section 7409)

(112) Research and education grants for the study of antibiotic-resistant bacteria in livestock

The Senate amendment establishes a competitive grant program for research and education on antibiotic-resistant bacteria in livestock. (Section 7317)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to modify the purposes of this research program. (Section 7521)

The Managers are aware that resistance to antibiotics is a serious and growing public health concern in the United States and around the world. The Managers intend that section 7521 of this Act provide the necessary research and information for livestock producers as well as the general public to minimize the use of such drugs while still ensuring healthy animals and people. The Managers encourage the Secretary to fund research that can minimize the development and spread of antibiotic-resistant bacteria and to make this a priority research area within relevant competitive research programs, including national programs related to animal production and water quality.

(113) Merit review of extension and educational grants

The House bill amends subsection (a)(2)(A) of section 103 of AREERA by inserting NIFA as the administering body for which merit review procedures must be established. (Section 7601)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision.

(114) Review of plan of work requirements

The House bill (section 7602) and the Senate amendment (section 7503) require a review of the Plan of Work requirements under NARETPA, the Hatch Act, and the Smith-Lever Act. They also require a report to Congress identifying measures to streamline the plan of work requirements.

The Conference substitute adopts the House provision with an amendment to remove the reporting requirement. (Section 7505)

(115) Multistate and integration funding

The House bill amends section 3 of the Hatch Act of 1887 and section 3 of the Smith-Lever Act by requiring that, of the federal formula funds States receive under these Acts, 25 percent must be spent on the integration of cooperative research and extension activities. (Section 7603)

The Senate amendment has no comparable provision.

The Conference substitute deletes the House provision.

(116) Expanded Food and Nutrition Education Program

The House bill amends section 1425 of NARETPA by changing the allocation of funds in excess of the amount appropriated in fiscal year 1981. Funds in the amount of $100,000 are to be distributed to each land-grant college and university. The authorization of appropriations is increased to $90,000,000 through 2014. (Section 7604)

The Senate amendment is the same as House provision with technical differences. (Section 7012)

The Conference substitute adopts the Senate provision with an amendment to make technical changes. (Section 7116)

(117) Grants to 1890 schools to expand extension capacity

The House bill (section 7605) and the Senate amendment (section 7005) amend section 1417(b)(4) of NARETPA to add extension as one of the purposes for which grants may be made through this program.

The Conference substitute adopts the House provision. (Section 7107)

(118) Borlaug International Agricultural Science and Technology Fellowship Program

The House bill establishes a fellowship program that provides scientific training to individuals from eligible countries that specialize in agricultural research, extension, and education. Necessary sums are authorized to be appropriated without fiscal year limitation. (Section 7606)

The Senate amendment adds a new section, 1473I, to NARETPA that authorizes annual appropriations for the Borlaug International Agricultural Science and Technology Fellowship Program. The fellowship program brings scientists from developing countries to U.S. land-grant institutions to learn about improving agricultural productivity. (Section 7042)

The Conference substitute adopts the Senate provision. (Section 7139)

(119) Cost recovery

The House bill amends Section 1473A of NARETPA by raising the indirect cost cap for cost reimbursable agreements between the Secretary and State cooperative institutions or colleges and universities from 10 percent to 19 percent. (Section 7607)

The Senate amendment amends Section 1473A of NARETPA by raising the indirect cost cap for cost reimbursable agreements between the Secretary and State cooperative institutions or colleges and universities from 10 percent to 30 percent. (Section 7031)

The Conference substitute deletes both the House and Senate provisions.

(120) Organic food and agricultural systems funding

The House bill expresses a sense of Congress that a portion of the annual funding provided for ARS should support research specific to organic food and agricultural systems. (Section 7608)

The Senate amendment expresses a sense of the Senate that recognizes the need to increase funding at USDA for research specific to organic agriculture to keep pace with the expansion of the organic sector of U.S. agriculture. (Section 7505)

The Conference substitute deletes the House and Senate provisions.

(121) Demonstration project authority for temporary positions

The Senate amendment authorizes the demonstration project authority for temporary positions indefinitely. (Section 7502)

The House bill has no comparable provision.

The Conference substitute adopts the Senate provision. (Section 7528)

(122) Modifications to information technology service

The Senate amendment prohibits the Secretary from implementing any modification that reduces the availability or provision of information technology service, or administrative management control of that service, including data or center service agency, functions, and personnel at the National Finance Center and the National Information Technology Center service locations until a notification is received by Congress from the Department. This section requires the Secretary to report to Congress and the Government Accountability Office on specified administrative modifications made to the National Finance Center and National Technology Center service locations. (Section 7506)

The House bill has no comparable provision.

The Conference substitute deletes the Senate provision.

(123) Studies and reports by the Department of Agriculture, the Department of Health and Human Services, and the National Academy of Sciences on food products from cloned animals.

The Senate amendment requires studies on the safety and the impact on trade of allowing food products from cloned animals and their offspring into the food supply. The Secretary of Health and Human Services (HHS) is prohibited from issuing the final draft risk assessment on food from cloned animals and their offspring. The Secretary of HHS is also prohibited from lifting the voluntary moratorium on allowing food from cloned animals and their offspring from entering the food supply until after the studies are completed. (Section 7507)

The House bill has no comparable provision.

The Conference substitute deletes the Senate amendment.

(124) Animal bioscience facility in Bozeman, Montana

The Senate amendment authorizes appropriations of $16,000,000 for the construction of an animal bioscience facility in Bozeman, Montana. (Section 7508)

The House bill has no comparable provision.

The Conference substitute deletes the Senate amendment.

TITLE VIII—FORESTRY

(1) National priorities for private forest conservation

The House bill amends section 2 of the Cooperative Forestry Assistance Act of 1978 (CFAA) by requiring the Secretary to focus on a set of three national private forest conservation priorities when allocating appropriated CFAA funds: (1) conserving and managing working forest landscapes; (2) protecting forests from threats, including wildfire, hurricane, tornado, windstorm, snow or ice storm, flooding, drought, invasive species, or insect or disease outbreak, and restoring appropriate forest types in response to such threat [included because paragraphs (1) & (3) contain full list of items]; and (3) enhancing public benefits from private forests, including air and water quality, forest products, forestry-related jobs, production of renewable energy, wildlife and wildlife habitat, and recreation. The House bill requires the Secretary to submit a report to Congress describing how funding has been used under the CFAA, and through other programs administered by the Secretary, to address the three national priorities. (Section 8001)

The Senate amendment amends section 2 of the CFAA by adding a new subsection which requires the Secretary to focus on a set of three national private forest conservation priorities when allocating appropriated CFAA funds. The national priorities are: (1) conserving and managing working forest landscapes for multiple values and uses; (2) protecting forests from threats to forest and forest health including unnaturally large wildfires, hurricanes, tornadoes, windstorms, snow and ice storms, flooding, drought, invasive species, insect or disease outbreak, development, and restoring appropriate forest structures and ecological processes in response to such threats; and (3) enhancing public benefits from private forests including air and water quality, forest products, forest-related jobs, production of renewable energy, wildlife, enhancing biodiversity, the establishment of wildlife corridors and habitat, and recreation. The Senate amendment amends section 2 of the CFAA by adding a new subsection that requires the Secretary to submit a report to Congress describing how CFAA funds were used to address the three national priorities and the outcomes achieved in meeting the national priorities. (Section 8001)

The Conference substitute adopts the House provision with minor changes. (Section 8001)

(2) Long-term, state-wide assessments and strategies for forest resources

The House bill amends section 2 of the CFAA by adding a new section that requires, for a State to be eligible to receive CFAA funds, that the State forester—or equivalent State official—develop and submit a State-wide assessment of forest resource conditions and a State-wide forest resource strategy. The State-wide assessment of forest conditions is to encompass a number of factors, including: the conditions and trends of forest resources in the State; the threats to forest lands and resources in the State, consistent with the three national priorities; any priority areas or regions in a State that are of priority; and any areas that are of priority to more than just that State. The State-wide forest resource strategy is to encompass a number of factors, including: strategies for addressing threats to forest resources in the State outlined in the State-wide assessment of forest conditions; and a description of the resources available to the State forester—or equivalent State official—from all sources to implement the State-wide forest resource strategy. The State forester—or equivalent State official—is required to submit the State-wide forest resource strategy on an annual basis. The State-wide assessment of forest resource conditions is to be updated as the Secretary or State forester—or equivalent State official—determines to be necessary. The State forester—or equivalent State official—is required in developing the State-wide assessment and annual strategy, to coordinate with the State Forest Stewardship Committee established for the State, the State wildlife agency, and the State Technical Committee. The Secretary is prohibited from using more than $10 million in a fiscal year to implement this section. (Section 8002)

The Senate amendment amends the CFAA by inserting after section 19 a new section entitled "Comprehensive State-wide Forest Planning" under which requires the Secretary to provide financial and technical assistance to States for use in the development and implementation of State-wide forest resource assessments and plans. For a State to be eligible for CFAA funding, the State forester or equivalent State official must develop a State-wide forest resource assessment and plan. At a minimum, the State-wide forest resource assessment and plan should identify each critical forest resource in the State consistent with national priorities; incorporate any current forest management plan in the State; address the needs of the region without regard to State borders; provide a comprehensive statewide plan for managing forestland that achieves the three national priorities; and include a multiyear forest management strategy for forest management. The State-wide forest resource and plan should include a multiyear integrated forest management strategy. The State Forester—or equivalent State official—is required to coordinate with the State Forest Stewardship Coordination Committee, State wildlife agencies, the State Technical Committee and other applicable Federal land management agencies in developing State-wide assessments and plans. Subsection (b)(3) requires the Secretary to review the state-wide assessments and plans established under this section. Subsection (d) authorizes $10,000,000 to be appropriated to carryout this section. (Section 8004)

The Managers adopt the House provision in the Conference substitute with amendment. The amendment allows the Secretary to require the long term State-wide assessment and strategy to be updated and resubmitted as the Secretary or State Forester or equivalent State official determines necessary. The Managers expect that the assessments and strategies will guide the annual allocation of Federal resources available under the authorities of the CFAA, to focus such resources on national priorities. In developing and updating the State-wide assessments and strategies, applicable Federal land management agencies are added to the list of organizations with which the State forester or equivalent State official is expected to coordinate. Existing forest management plans of the State are to be incorporated when developing State-wide assessments and strategies. The Conference amendment authorizes up to $10,000,000 to provide States financial and technical assistance needed for the development of the assessments and strategies under this section. The Conference amendment requires the State forester—or equivalent State official—to submit an annual report to the Secretary demonstrating how Federal resources under the CFAA were used to implement the State-wide strategy. (Section 8002)

The Managers intend that Multi-State areas that are a regional priority should reflect areas identified at both the national and State level through assessment and mapping efforts. The Managers recognize that there is a national assessment and mapping effort underway and encourage consideration be given to multi-State areas identified in this effort.

(3) Community forest and open space program

The Senate amendment amends the CFAA by adding a new section, 7A, entitled "Community Forest and Open Space Conservation Program." The program provides Federal matching grants to help county or local governments, Indian tribes, or non-profit organizations acquire private forests that are threatened by conversion to non-forest uses and are economically, environmentally and culturally important to communities. The terms "eligible entity," "Indian tribe," "local governmental entity," "non-profit organization," "program" and "Secretary" are defined. The Federal cost share of a grant provided under the program is to equal not more than 50-percent of the cost to acquire one or more parcels of land. Eligible entities are permitted to provide a non-Federal match in cash, donation, or in kind equal to the outstanding amount. An application process is established whereby an eligible entity is required to submit to the State forester or equivalent official (or in the case of an eligible entity that is an Indian tribe an equivalent official of the Indian tribe) an application that includes a description of land to be acquired and a forest plan that includes a description of community benefits achieved from acquisition. Eligible entities must provide public access for recreational use consistent with the purposes of the program and are prohibited from converting the property to other uses. Eligible entities that sell or convert land acquired under this program to non-forest use must reimburse the Federal government in an amount equal to the greater of the sale price or current appraisal value of the land. Eligible entities that either sell or convert the land are prohibited from being eligible for additional grants under the program. The Secretary is authorized to allocate 10-percent of funds made available for the program to State foresters—or equivalent officials (or in the case of an eligible entity that is an Indian tribe an equivalent official of the Indian tribe)—for program administration and technical assistance. An appropriation of such sums as necessary is authorized to carryout the program. (Section 8002)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 8003) The Managers strongly encourage eligible entities acquiring forestland with resources under this program to manage the forestland as "working forests," generating economic benefits and providing jobs and economic stability to communities. The Managers encourage the Secretary to provide a level of oversight over these acquired forests, to see that these goals are met and maintained. The authorities in this program allow non-profit organizations to use funds to acquire properties under this program. The Managers intend such authorities to be used only when a non-profit organization's acquisition of forestland results in a clear benefit to the community, and where there is not a significant loss in the property-tax base for the community. Where a local government entity can perform the same functions as the non-profit, the Managers encourage the Secretary to work with the local government entity. Additionally, revenues generated by the non-profit in the management of forestland acquired under the program should be used for the direct benefit of the local community.

(4) Assistance to the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau

The House bill amends section 13(d)(1) of the CFAA to specify that the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic are Palau are to be included in the terms "United States" or "States" for purposes of the CFAA. (Section 8003)

The Senate amendment is the same as the House bill. (Section 8005)

The Conference substitute adopts the House provision. (Section 8004)

(5) Changes to Forest Resource Coordinating Committee

The House bill amends section 19(a) of the CFAA by revising the Forest Resource Coordinating Committee (FRCC).

The House bill states the FRCC is to be composed of the following: the Chief of the Forest Service, the Chief of the Natural Resources Conservation Service, the Director of the Farm Service Agency; and the Administrator of the Cooperative State Research, Education, and Extension Service.

The House bill states the FRCC is to be composed of the following persons: at least three State foresters or equivalent State officials from geographically diverse regions of the United States; a representative of a State fish, a private nonindustrial forest landowner, a forest industry representative, a conservation organization representative, a land grant university or college representative, a representative of a State Technical Committees, and such other persons as the Secretary determines appropriate.

The House bill states the FRCC is to perform a number of duties, including: (1) providing direction to the United States Department of Agriculture (USDA) and enabling coordination with State agencies and the private sector to address the three national priorities; (2) clarifying individual agency responsibilities for each agency represented on the FRCC regarding the three national priorities; (3) providing advice on the allocation of funds, including competitive funds; and (4) assisting in developing a report on efforts to address the three national priorities.

The House bill requires the FRCC to meet twice a year to discuss the national priorities and issues regarding nonindustrial private forest land. (Section 8004)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with minor changes. (Section 8005)

(6) Changes to State Forest Stewardship Coordinating Committees

The House bill amends section 19(b)(1)(B)(ii) of the CFAA by specifying that a representative from a State Technical Committee is to be on the State Forest Stewardship Coordinating Committee (SFSCC). It also amends section 19(b)(2)(C) of the CFAA by mandating that the SFSCC is to make recommendations for the Statewide assessments and strategies. The House bill strikes section 19(b)(3) and 19(b)(4) of the CFAA. (Section 8005)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 8006)

(7) Forest legacy applications

The House bill maintains current law.

The Senate amendment amends section 19(b)(2)(D) of the CF AA by stating that applications submitted by Indian tribes do not have to pass through the State Coordinating Committee. (Section 8003)

The Conference substitute deletes the Senate provision.

(8) Competition in programs under Cooperative Forestry Assistance Act of 1978

The House bill authorizes the Secretary to competitively allocate a portion of CFAA funds to State foresters or equivalent State officials. The Secretary is required to consult with the FRCC when determining the allocation of funds. The Secretary is also required to give priority for funding to States in which the strategies listed in the Statewide assessments best promote the three national priorities. (Section 8006)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 8007)

(9) Cooperative forest innovation partnership projects

The House bill states the Secretary is authorized to competitively allocate not more than 5 percent of CFAA funds to support innovative national, regional, or local education, outreach, or technology projects that the Secretary determines would increase the ability of USDA to address the national priorities outlined in section 8001. State or local governments, Indian tribes, land-grant colleges or universities, or private entities are authorized to compete for the funds. The House bill states the Secretary is prohibited from covering more than 50 percent of the total cost of a project. The Secretary is required, in calculating the total cost of a project and the contributions made with regard to the project, to include in-kind contributions. (Section 8007)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 8008)

(10) Healthy forest reserve program

The House bill amends section 508(2) of the Healthy Forests Restoration Act by extending the Healthy Forests Reserve Program to 2012, and providing $10 million in mandatory funding for each of the fiscal years 2008 through 2012. (Section 8101)

The Senate amendment moves the Healthy Forests Reserve Program into the Food and Security Act of 1985. An authorization of such sums as necessary are authorized for fiscal years 2008 through 2012 to carry out the program. The 99-year easement option is eliminated and replaced with a permanent easement option. Indian tribes are encouraged to participate in the program by being allowed to enroll in 30-year contracts. The Senate amendment strikes section 502(e) of the Healthy Forests Restoration Act, which limits the amount of acreage that can be enrolled in the program to 2 million acres. (Section 2331)

The Managers agree to adopt the House provision in the Conference substitute, with amendment. The current 99-year easement option is replaced with a permanent easement option. Indian tribes are allowed to enter into 10-year cost-share agreements or 30-year contracts that are equivalent to the value of a 30-year easement. Of the funds expended in a fiscal year, not more than 40 percent of the funding can be used for cost-share agreements while not more than 60 percent can be used for easements. A repooling date of April 1 is put in place to address potential high demand for a particular enrollment method. The Managers provide $9.75 million each of fiscal years 2009 through 2012, in mandatory funding for the program. The Managers adopted the changes in the Senate amendment regarding Indian tribes, to ensure tribes can participate in the program. The Managers intend that tribal land enrolled in the program should be land held in private ownership by a tribe or an individual tribal member. Tribal lands held in trust or reserved by the U.S. government or restricted fee lands should not be enrolled in the program, regardless of ownership. (Section 8205)

(11) Emergency forest restoration program

The House bill amends title VI of the Agricultural Credit Act (ACA) by authorizing the Secretary to provide financial and technical assistance to owners of nonindustrial private forest lands who have suffered a loss due to a number of events, including wildfires, hurricanes, drought, and windstorms, to assist with the development and implementation of plans that: (1) provide for the restoration and the rehabilitation of the nonindustrial private forest land; (2) restores the land and its related natural resources; (3) use best management practices on the forest land; and (4) incorporate good stewardship and conservation practices on the land.

The House bill provides for a cost share of up to 75 percent, and limits the amount that an owner of nonindustrial forest lands may receive to $50,000 per year. Nonindustrial private landowners are eligible under the House bill if the Secretary determines that their lands are under an imminent threat of loss or damage by insect or disease and immediate action would help them avoid loss or damage.

The House bill defines nonindustrial private forest land to mean rural lands, as determined by the Secretary that: (1) have existing tree cover or had tree cover within the preceding 10 years; and (2) are owned by any nonindustrial private individual, group, association, corporation, Indian tribe, or other private legal entity so long as the individual, group, association, corporation, tribe or entity has definitive decision-making authority over the lands.

The House bill requires the Secretary of Agriculture to issue regulations to carry out the section within one year of enactment. (Section 8102)

The Senate amendment establishes a new emergency landscape restoration program to rehabilitate cropland, grasslands, and private nonindustrial forest lands adversely affected by natural catastrophic events such as fire, drought, flood, excessive wind, ice, or other natural events. Entities eligible for assistance are community-based associations and city, county or regional governments, including watershed councils and conservation districts. Individuals eligible for assistance include producers, ranchers, operators, private nonindustrial forest landowners, and landlords on working agricultural land.

The Senate amendment provides a source of financial assistance for restoring and protecting natural resources and preventing further impairment of land and water, allows the Secretary to purchase floodplain easements, prioritizes applications that protect human health and safety, and provides technical assistance and cost-share payments up to 75 percent of the cost of remedial activities to rehabilitate watersheds.

The Senate amendment defines "remedial activities" to include debris removal, stream bank stabilization, establishment of cover, restoration of fences, construction of conservation structures, providing livestock water in drought situations, restoring nonindustrial private forestland. Discretionary funding is authorized.

The Senate amendment provides for the temporary administration of current emergency programs until final regulations are formulated. (Section 2398)

The Conference substitute adopts the House provision with amendment. The amendment clarifies that Secretary is authorized to make payments to owners of nonindustrial private forest land to carry out specific emergency measures on their land following natural disasters. To receive assistance owners will be required to demonstrate that their land had tree cover prior to the natural disaster. The amendment includes a separate authorization of appropriations, at such sums as necessary.

The Managers include a definition of natural disasters, with an allowance for Secretarial discretion in determining if other resource-impacting events other than those specifically mentioned, constitute a natural disaster. The Managers intend the discretion to be used to help forest owners recover from events such as catastrophic insect or disease infestations, if the Secretary determines that such events are far outside normal ranges and did not result from a lack of forest management. Infestations can include outbreaks of non native forest pests including Emerald Ash Borer, Hemlock Woolly Adelgid, and Sudden Oak Death. (Section 8203)

The Managers recognize that the Forest Service has significant experience in responding to natural disasters including assessment of resource damage and responding to a wide range of incidents and emergencies. The Managers encourage the Secretary of Agriculture to utilize this expertise in implementing this section, where appropriate.

(12) Office of International Forestry

The House bill maintains current law, and extends the authorization of appropriation to 2012. (Section 8103)

The Senate amendment is the same as the House bill. (Section 8203)

The Conference substitute adopts the House provision. (Section 8202)

(13) Rural revitalization technologies

The House bill maintains current law, and extends the authorization through 2012. (Section 8014)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 8201)

(14) Renewable Resources Extension Act

The House bill extends authorization through fiscal year 2012 and makes provisions of the Renewable Resources Extension Act effective through September 30, 2012. (Section 7507)

The Senate amendment is the same as the House bill. (Section 8201)

The Conference substitute adopts the House provision. (Section 7413)

(15) Definitions

The Senate amendment provides definitions for "Indian", "Indian Tribe" and "National Forestry System" that will be used under Subtitle B of this bill—Tribal-Forest Service Cooperative Relations. (Section 8101)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(16) Indian Tribes participation in the Forest Legacy Program

The Senate amendment amends section 7(a) of the CF AA by including Indian tribes as direct participants in the Forest Legacy Program. Section 7(l) of the CFAA is amended to allow Indian tribes to receive grants from the Secretary to carry out the Forest Legacy Program. The Secretary is prohibited from providing grant for any project on land held in trust by the United States. Additionally, land acquired using grant funds cannot be converted to land held in trust by the United States on behalf of any Indian tribe. (Section 8111)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(17) Indian Tribes assistance

The Senate amendment authorizes the Secretary to provide financial, technical, educational and related assistance to Indian tribes for consultation and coordination with the U.S. Forest Service on issues relating to: (1) access to Forest Service land by members of a tribe for traditional, religious and cultural purposes; (2) coordinated or cooperative management of resources shared by the tribe and the Forest Service; (3) the provision of expertise or knowledge; (4) projects and activities for conservation education and awareness with respect to forestland and grassland that is eligible Indian land; and (5) technical assistance for forest resources planning, management, and conservation on eligible Indian land. Indian tribes are only allowed to participate in one approved activity that receives assistance under this section or the Forest Stewardship Program under section 5 of the CFAA. The Secretary is required to promulgate regulations relating to assistance under this section within 180 days of enactment, including rules for determining the distribution of assistance. The Secretary is also required to coordinate with the Secretary of the Interior to ensure that activities authorized under this section do not conflict with Indian tribal programs at the Department of the Interior and achieve the goals established by affected Indian tribes. (Section 8112)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(18) Purposes of cultural and heritage cooperative authorities

The Senate amendment: permits the reburial of human remains and cultural items, including items repatriated under the Native American Graves Protection and Repatriation Act, on National Forest System land; prevents the unauthorized disclosure of information regarding burial sites; authorizes the Secretary to allow Indians and Indian tribes to access National Forest System land for traditional and cultural purposes; and authorizes the Secretary to protect the confidentiality of certain information that is culturally sensitive to Indian tribes. (Section 8121)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 8101)

(19) Definitions

The Senate amendment provides definitions for "adjacent site," "cultural items," "human remains," "lineal descendant," "reburial site," and "traditional and cultural purpose." (Section 8122)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 8102)

(20) Authorization for reburial of human remains and cultural items on National Forest System land

The Senate amendment provides that the Secretary may allow the use of National Forest System land for reburial of human remains or cultural items in possession of the Indian tribe or lineal descendant that have been disinterred from National Forest System land or adjacent site. The Senate amendment allows the Secretary to recover or rebury human remains and cultural items on National Forest System land at Federal expense when done with the consent of the affected Indian tribe or lineal descendent. It also allows the Secretary to authorize such uses on reburial sites, or the area immediately surrounding the reburial sites, as the Secretary determines necessary for management of the National Forest System land. The Secretary is required to avoid adverse impacts to cultural items and human remains to the maximum extent practicable. (Section 8123)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with minor changes. (Section 8103)

(21) Temporary closure of National Forest System land for traditional and cultural purposes

The Senate amendment requires the Secretary to ensure, to the maximum extent practicable, that Indian tribes have access to National Forest System land for traditional and cultural purposes. It provides that the Secretary may temporarily close from public access specifically identified National Forest System land to protect the privacy of tribal activities for traditional and cultural purposes on the smallest practicable area for a minimal period of time. (Section 8124)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 8104)

(22) Forest products for traditional and cultural purposes

The Senate amendment allows the Secretary to provide Indian tribes with forest products from National Forest System land if the forest products are for traditional and cultural purposes and are not used for commercial purposes. (Section 8125)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 8105)

(23) Disclosure

The Senate prohibits the Secretary from disclosing information under the Freedom of Information Act relating to: human or cultural items reburied on National Forest System land or a site used for traditional and cultural purposes by an Indian tribe; and resources, cultural items, uses or activities that have a traditional and cultural purpose and are provided to the Secretary by an Indian tribe under an express expectation of confidentiality in the context of forest and rangeland research activities carried out by the Forest Service. The Secretary is not required to disclose information concerning the identity, use or specific location of a site or resource used for traditional and cultural purposes by an Indian tribe; or certain cultural items. The Secretary may disclose information about the location of human remains or cultural items if the Secretary consults with an affected Indian tribe or lineal descendant before disclosure and determines that the disclosure is necessary to protect human remains or cultural items from harm, theft, or destruction and mitigates any adverse impacts that may result from disclosure. The Secretary may disclose information regarding human remains or cultural items if the Secretary determines that disclosing the information to the public would not create an unreasonable risk of harm, theft or destruction of the resource, site or object; and would be consistent with other applicable laws. (Section 8126)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with minor changes. (Section 8106)

(24) Severability and savings provisions

The Senate amendment provides that if any provision in Subtitle B of the amendment is deemed invalid it will not affect the remainder of the subtitle. It also provides a savings clause that covers trust responsibility, agreements between the Forest Service and Indian tribes, rights of an Indian tribe, and rights relating to National Forest System land or other public land. (Section 8127)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 8107)

(25) Hispanic-Serving Institution Agricultural Land National Resources Leadership Program

The House bill authorizes the Secretary to establish an undergraduate scholarship program to assist Hispanic-serving institutions in the retention, recruitment, and training of Hispanics and other under-represented groups in forestry and related fields. An appropriation of such sums as necessary is authorized for fiscal years 2008 through 2012 to carry out the program. (Section 8201)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 8402)

(26) Green Mountain boundary adjustment

The Senate amendment authorizes modification of the boundary of the Green Mountain National Forest in Vermont to include 13 designated expansion units depicted on forest maps Green Mountain Expansion Area Map I and Green Mountain Expansion Area Map II, which is on file with the Chief of the Forest Service. (Section 8203)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 8301)

(27) Illegal logging

The Senate amendment amends section 2(f) of the Lacey Act Amendments of 1981 to change the definition of "plant." Section 2(j) of the Lacey Act is amended to define the terms taken and taking. Section 3(a)(2)(B) of the Lacey Act is amended to make it illegal for any plant: to be taken, possessed, transported or sold in violation of any State or foreign law that protects plants or regulates the theft of plants; to be taken from a park or forest reserve, or other officially protected area; and to be taken from an officially designated area or without, or contrary to, required authorization. The Senate amendment also makes it illegal to take, possess, transport or sell plants without the payment of royalties, taxes, or stumpage fees or in violation of any limitation under any State or any foreign law. Section 3(a)(3) of the Lacey Act is amended to make it illegal, within the special maritime and territorial jurisdiction of the United States, for any plant to be taken, possessed, transported or sold in violation of any state or foreign law that regulates the theft of plants. The taking of plants from a park or forest reserve, or other officially protected area and the taking of plants from an officially designated area or without, or contrary to, required authorization are also made illegal. Additionally, the amendment makes it illegal to take, possess, transport or sell plants without the payment of royalties, taxes, or stumpage fees or in violation of any limitation under any State or any foreign law, governing the export or transshipment of plants.

A new subsection (f) is created in the Lacey Act to require a plant declaration to be filed upon importation of a plant. The plant declaration must include the scientific name of any plant, a description of the value, quantity (including the unit of measure) of the plant, and the name of the country from where the plant was taken. If a plant species or country of origin cannot be determined, the plant declaration is to include a list of possible plant species that could be found in the product or a list of possible countries from which the plant originated. An exclusion is provided for plants used exclusively as packing material unless the packing materials are the items being brought in. The Secretary is required to review the plant declaration. The Secretary is also required to review the exclusion for wood and paper packing and to limit the scope of the exclusion if the Secretary determines that such a limitation in scope is warranted. The Secretary is required to issue a report with analyses and recommendations on the affects of these new requirements.

Section 4 of the Lacey Act is amended by making conforming technical changes to the penalties and sanctions section of the Act. The forfeiture provisions in Section 5 of the Lacey Act are amended by adding a new subsection (d) which reaffirms, as has been the case since 2002, that civil forfeitures under this section shall are to be governed by chapter 46 of title 18, United States Code. (Section 8204)

The House bill contains no comparable provision.

The Managers agree to include the Senate provision in the Conference substitute, with an amendment to modify the definition of plant, exclude recycled material from the plant declaration, clarify the application of section 3 paragraph (B)(iii) of the Lacey Act to regulations or laws pertaining to the export or transshipment of plants, and to require the Secretaries of Agriculture and the Interior to develop regulations to further define the term "plant."

The Managers understand illegal logging undermines responsible forest enterprises by distorting timber markets with unfair competition and price undercutting. Illegal logging also threatens the conservation of forest resources, wildlife, and biodiversity, by facilitating forest conversion to non-forest uses and depleting or completely eliminating certain forest ecosystems or the habitat of certain forest dependent wildlife. Finally, illegal logging results in a loss of revenue when taxes or royalties are not paid that could otherwise be invested in sustainable forest management or economic development.

There are several relevant multilateral and international agreements intended to address illegal logging and the illegal timber trade, ranging from voluntary to legally binding multilateral agreements that enable signatory governments to seize illegal products. Yet, despite these many efforts, the problems of illegal logging continue to persist, driven by the demand for products that are developed from illegally harvested wood and the lack of adequate regulatory mechanisms in both exporting and consumer countries.

According to the Department of Justice there is no legal mechanism that currently exists in U.S. law to preclude the importation of wood and wood products known to be illegally harvested in other countries. Currently under the Lacey Act, it is unlawful for any person to: (1) import, export, sell, acquire, or purchase any fish, wildlife or plants taken, possessed, transported, or sold in violation of U.S. law or regulation or in violation of any Indian tribal law; or (2) to import, export, sell, receive, acquire, or purchase in interstate or foreign commerce any fish or wildlife, taken, possessed, transported, or sold in violation of State or foreign law or any plant taken, possessed, transported or sold in violation of any State law. There are misdemeanor felony criminal and civil penalties for violations of the Act, and strict liability is established for forfeiture of illegal fish, wildlife or plants.

Current law applies to all fish and wildlife and their parts, but is much narrower in its application of plants. The Lacey Act currently only applies to species of plants that are native to the United States and that are specifically protected either under State law or the Convention on International Trade in Endangered Species of Wild Fauna and Flora. It currently does not apply to plants that are protected under foreign laws.

Because the Lacey Act does not extend to plants that are taken, transported, or sold in violation of foreign laws, the U.S. government is not able to use the criminal and civil penalties of the Act to preclude the importation of wood and wood products or other plants and plant products harvested in violation of the laws of foreign governments designed to protect such plants, or to seize such illegally harvested plants and products when they enter the United States. According to Justice Department enforcement officials, changes to the Lacey Act that would extend its coverage to plants taken in violation of foreign laws would allow law enforcement officers to initiate actions similar to those they now use for fish and wildlife taken in violation of foreign laws.

Section 8204 of the Senate amendment amends the prohibited acts section of the Lacey Act by making it unlawful to import any plant or plant product taken in violation of foreign laws related to the harvest, taking and protection of plants or fees or taxes applicable to the plants.

The Conference substitute amends the Senate amendment to clarify the definition of the term "plant." This definition clarifies that "wild" members of the plant kingdom include trees, whether they are naturally or artificially regenerated. The inclusion of trees, whether in natural or planted forest stands, is consistent with the longstanding interpretation of the Lacey Act to cover wild species whether the specimens are taken from the wild or captive bred.

The exclusions to the term "plant" in section 2, subsection (f)(2), of the Lacey Act are meant to maintain the exclusions in current law with respect to cultivars and food crops.

The exclusion to the definition of "plant" in the new subsection (f)(2)(C) of section 2 of the Lacey Act applies to plants (as that term is defined in new subsection (f)(1)) that are to remain planted or to be planted or replanted, and should include related or preparatory uses such as grafting or plant breeding. Thus, consistent with subsection (f)(1) of the Act, any member of the plant kingdom, including roots, seeds, germplasm, cuttings, parts, or products thereof, and including trees from either natural or planted forest stands, that is to remain planted or to be planted or replanted is covered under the exclusion.

The Conference substitute adds a new section 7(c) to the Lacey Act which authorizes the Secretaries of Agriculture and the Interior to promulgate regulations to define the terms used in section 2(f)(2)(A). The Managers added this new section to clarify the scope of what constitutes common cultivars and common food crops. The Managers are aware that some plant species produced in agricultural settings as cultivars or for food, food supplements, or medicines, also continue to be taken from the wild in volumes that threaten the conservation of these species. For example, the Court in United States v. McCullough, 891 F. Supp. 422 (N.D. Ohio 1995) read the current Lacey Act exclusion from the definition of plant for "common food crops and cultivars" as applying to American ginseng, a species that is artificially produced but also threatened in the wild by unsustainable exploitation. Therefore, the Managers added section 7(c) to the Act to help clarify the terms of this exclusion such that trade in cultivars and common food crops is not unduly burdened, while wild plant species threatened with extinction (which may also be artificially produced) are adequately protected from illegal and unsustainable exploitation.

The Managers are aware that the exclusion to the definition of "plant" in section 2, subsection (f)(2)(A), could capture some commonly cultivated trees, grown on very short rotation, in a farm or nursery and not in a forest stand, that are harvested (as compared with those that are replanted) but do not typically face problems with illegal logging. Such trees could include conifers grown and harvested for Christmas trees or trees not typically grown in forest stands grown and harvested for floral arrangements. It is the intention of the Managers to allow the Secretaries of Agriculture and the Interior, through the promulgations of regulations as provided in section 7(c), to clarify the application of this Act and minimize the burden on growers of Christmas trees and other flowering trees, for which the Secretaries have determined there is little risk of illegal harvesting.

It is the Managers' intention that in developing any regulations pursuant to this Act, the Secretaries of Agriculture and the Interior minimize the cost and regulatory burden placed on importers and consumers of plants and plant products covered by this Act. The Managers note in particular that the statutory language creating the requirement for a plant declaration does not include, or reference any authority to impose user fees to administer this provision. The Managers intend that the administration of the plant declaration requirement be carried out using appropriated funds and urge caution on the part of the Administration in seeking to interpret other laws to enable the taxation of importers of plants and plant products for this purpose. Additionally, the Managers urge the Secretaries of Agriculture and the Interior to develop a system to allow electronic filing of plant declarations required under this Act.

It is the Managers' intention that with regards to "plants," in this Act, the term "Secretary," as clarified in paragraph (a), subparagraph (2), means primarily the Secretary of Agriculture. The addition of the term "also" is meant to ensure that the Secretary of Agriculture consults with the Secretary of the Interior and the Secretary of Commerce in the implementation of this Act. This modification should not be interpreted to remove the Secretary of Agriculture as the lead authority with respect to plants. (Section 8204)

(28) Green Mountain land exchange/sale

The Senate amendment authorizes the Secretary to sell or exchange a few specific parcels in the Green Mountain National Forest designated on the map entitled "Proposed Bromley Land Sale or Exchange" dated April 7, 2004. Funds from the sale of this land are to be used to relocate small portions of the Appalachian Trail or purchase additional land within the boundary of the Green Mountain National Forest. (Section 8205)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 8303)

(29) Timber contracts

The Senate amendment authorizes the Secretary to cancel or re-determine rates of qualifying timber contracts if the rate at which a qualifying contract would be advertised on the date of enactment of this language is at least 50 percent less than the original purchased rate of the contract. The Secretary is also authorized to substitute the Producer Price Index for other authorized producer price indexes for a qualifying contract. The Secretary is authorized to extend re-determined contracts by one year. The provision is to have the effect of surrendering any claim by the United States against any timber purchaser that arose under a qualifying timber contract before the date of enactment of the provision. (Section 8301)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to allow the Secretary to adjust the terms of certain hardwood lumber contracts, if the Secretary does not substitute the Producer Price Index. The Secretary is also allowed to apply market-related contract term additions, consistent with regulations, to contracts awarded before January 1, 2007. (Section 8401)

The Managers appreciate the efforts of the Forest Service to provide certain contractual relief to timber sale purchasers within their legal abilities under the timber sale contract and through existing regulations during these times of difficult markets. In that context, the provisions within this section provide additional help to timber sale purchasers. The Forest Service is encouraged to implement this section as quickly as possible. Because the provision in paragraph (c) is limited in scope, i.e. contracts awarded prior to January 1, 2007, the Managers encourage the Forest Service to revise the existing regulations within 90 days of enactment of this Act to reflect provisions of this section for future market problems. The Forest Service should modify existing contracts upon the request of the purchaser to include these revised regulations so that purchasers will not have similar problems with Market Related Contract Term Adjustments in the future.

(30) Land conveyances, New Mexico and Virginia

The Senate amendment authorizes the conveyance, without consideration, of certain lands in New Mexico, to the Chihuahuan Desert Nature Park. (Section 11075)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to authorize the conveyance, without consideration, of certain lands in the George Washington National Forest. (Section 8302)

TITLE IX—ENERGY

(1) Table of contents

The House bill provides a table of contents. (Section 9001)

The Senate amendment provides a substitute amendment to title IX of FSRIA of 2002. The amendment makes the new section 9001 the definitions section and includes definitions for: Administrator, Advisory Committee, advanced biofuel, biobased product, biofuel, biomass conversion facility, biorefinery, board, Indian Tribe, Institute of Higher Education, intermediate ingredient or feedstock, renewable biomass, renewable energy, rural area and Secretary. (Section 9001)

The Conference substitute adopts the Senate approach of amending title IX of the FSRIA of 2002 and accepts the Senate definitions with amendments. (Section 9001, new section 9001 of FSRIA)

The Managers intend that the term "advanced biofuel" includes home heating fuels and aviation and jet fuels made from cellulosic biomass.

(2) Federal procurement of biobased products

The House bill clarifies that products with at least 5 percent of intermediate ingredients and feedstocks, that are biobased, should be considered for a procurement preference. (Section 9002(a))

The Senate amendment changes the name of this section to Biobased Markets Program and clarifies that products to be considered for procurement preference should be composed of at least 5 percent of biobased intermediate ingredients and feedstocks, or a lesser percentage that the Secretary determines to be appropriate. (Section 9001)

The Conference substitute deletes both of these provisions.

(3) Designation and information provided

The Senate amendment provides for designation of items for which there is only one product or manufacturer in the category and automatic designation of items composed of at least 50 percent biobased intermediate ingredients or feedstocks. It also specifies that information provided for a biobased intermediate ingredient or feedstock shall be considered to be provided for an item composed of that ingredient or feedstock. This subsection also specifies that the Secretary may not require more information from manufacturers or vendors of biobased products than is required from other vendors or manufacturers. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendments. (Section 9001, new Section 9002 of FSRIA)

The Managers recognize that USDA and its contractors have developed considerable capabilities in the designation of biobased products and have established an extensive network of biobased industry contacts. The Managers encourage USDA to continue to utilize those capabilities and resources in carrying out the biobased products procurement and labeling programs.

(4) State procurement models

The Senate amendment directs the Secretary to offer models for States for procurement of biobased products within 180 days of enactment. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision. The Managers encourage the Secretary to make models for the procurement of biobased products available to States upon request.

(5) Procurement guideline considerations

The House bill clarifies that the Secretary should consider life cycle costs only to the extent that information on life cycle costs is appropriate and available. (Section 9002(b))

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(6) Labeling requirement and revised deadline

The House bill requires the Secretary to issue new regulations for the program within 90 days of enactment with criteria for finished products and intermediate ingredients and feedstocks. It also requires the Secretary to consult with other Federal agencies and non-governmental groups with an interest in biobased products, including small and large producers of biobased materials and products, industry, trade organizations, academia, consumer organizations, and environmental organizations. (Section 9002(c))

The Senate amendment is the same as the House bill, except consultation is with the Administrator and representatives from small and large businesses, academia, other Federal agencies and such other persons as the Secretary considers appropriate. (Section 9001)

The Conference substitute adopts the Senate provision. (Section 9001, new Section 9002 of FSRIA)

(7) Biobased Markets Program—Establishment

The Senate amendment establishes a voluntary program under which the Secretary is directed to recognize agencies, contractors and persons that use significant amounts of biobased products. (Section 9002(b)(4))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 9001, new Section 9002 of FSRIA)

(8) Biobased Markets Program—Applicability

The Senate amendment requires that Capitol Complex procurement shall comply with the biobased product mandate within 90 days of enactment. The Senate amendment also requires the secretary to sponsor or support a biobased products showcase annually. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute does not require that the Capitol Complex procurement comply with the biobased product mandate, but encourages the Capitol procurement agencies to consider products designated under this program when making their procurement decisions. (Section 9001, new Section 9002 of FSRIA)

The Managers also encourage the Secretary to continue outreach activities to the applicable agencies that may include an annual showcase of biobased products to meet the requirements of this section.

(9) Biobased Markets Program—Testing centers

The Senate amendment permits the Secretary to establish one or more national testing centers for biobased products, giving preference to entities with established biobased testing capabilities. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute directs the Secretary to create a national registry of biobased product testing centers. (Section 9001 new Section 9002 of FSRIA)

The Managers intend that the registry should include entities with expertise in performance testing, verifying conformance with long-term performance standards, establishing biobased contents, evaluating uniformity of product quality, and other biobased product characteristics that producers may require. The Managers believe that the University of Northern Iowa is an example of an appropriate entity for listing in the national registry because of its biobased product testing activities.

(10) Biobased Markets Program—Education and awareness

The Senate amendment establishes a new Education and Awareness campaign for bioenergy (other than biodiesel) and biobased products, which is to be carried out through competitive grants to eligible entities. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(11) Authorization of appropriations; Federal procurement

The House bill caps the currently unlimited authorization at $1,000,000 annually for 2008–13 to implement the section (other than the labeling provisions). (Section 9002(d))

The Senate amendment provides for mandatory funding of $3,000,000 annually for 2008 through 2012 to carry out mandatory testing and implement the bioenergy education and awareness campaign. Any additional sums, as necessary, are authorized. (Section 9001)

The Conference substitute provides for mandatory funding $1,000,000 in fiscal year 2008 and $2,000,000 annually for 2009 through 2012 to carry out mandatory testing and labeling. The Conference substitute authorizes an additional $2,000,000 per year for fiscal year 2009 through fiscal year 2012. (Section 9001, new Section 9002 of FSRIA)

(12) Authorization of appropriations—Labeling

The House bill authorizes $1,000,000 annually for 2008–2013 for labeling. (Section 9001)

The Senate bill contains no comparable provision.

The Conference substitute deletes the House provision.

(13) Report requirements—Report by agencies to administrator for Federal procurement policy

The House bill requires procurement agencies to assist the Administrator for Federal Procurement by submitting annual reports and requires the Secretary of Agriculture to submit a report to Congress on implementation 6 months after enactment and annually thereafter. (Section 9002 (e))

The Senate amendment provides that the Office of Federal Procurement Policy submit a report to Congress every 2 years describing implementation progress, including information provided by the Agencies with specific data related to the biobased procurement requirement. It requires the Secretary to report to Congress on program implementation within 180 days and each year thereafter. (Section 9001)

The Conference substitute adopts the Senate provision with amendments. The substitute requires a report on program implementation progress and program details once every 2 years, and deletes the requirement to report to Congress after the first 180 days. (Section 9001, new Section 9002 of FSRIA)

(14) Grants and loan guarantees for biorefineries and biofuel production plants.

The House bill provides for loan guarantees to help pay for development and construction of biorefineries and biofuel production plants and retrofitting of other facilities to demonstrate the commercial viability of converting biomass to fuels or chemicals. (Section 9003(3))

The Senate amendment renamed this section as the Biorefinery and Repowering Assistance Program. It establishes grants for pilot or demonstration scale biorefineries, for repowering projects, and for repowering feasibility studies. It establishes loan guarantees for commercial scale biorefineries and repowering projects. Biorefineries are limited to advanced biofuels production. Repowering projects replace fossil fuel energy systems with renewable energy systems for biorefineries (including corn ethanol plants), power plants, or manufacturing facilities. (Section 9001)

The Conference substitutes a provision entitled "Biorefinery Assistance," which provides for grants and loan guarantees for construction and retrofitting of biorefineries for the production of advanced biofuels. The substitute provides for grants for constructing demonstration-scale biorefineries, and loan guarantees for the development and construction of commercial-scale biorefineries that use technologies that are either precommercial or commercially available. (Section 9001, new section 9003 of FSRIA)

The Managers believe that it is in the nation's interest to accelerate the commercialization of the production of advanced biofuels. The Managers also are aware that several commercial biorefinery projects are at the advanced planning stages and are ready for construction as soon as loan guarantees can become available through this program.

Therefore, the Managers expect the Secretary to implement this program as soon as possible in fiscal year 2009. The Managers have provided specific funding for this program for fiscal year 2009 to emphasize the need to implement this program as soon as possible. To enable expedited implementation of this program, the Managers expect that the Secretary consider issuing a Notice of Funds Availability (NOFA) to initiate the program as was done in the case of the section 9006 grants program after passage of the Farm Security and Rural Investment Act of 2002. The Managers expect that the NOFA will comply with, and be consistent with the spirit of, the provisions contained in section 9003 of this Act. At the same time of the release of the NOFA, the Managers expect the Secretary will issue an Advanced Notice of Proposed Rulemaking (ANPR) to offer the public an opportunity to provide comments regarding the development of an Interim Rule for this program. Specifically, the Managers expect the ANPR will solicit comments with respect to critical issues regarding the implementation of section 9003, such as whether the program loan guarantee will cover construction of the facility or be limited to post construction financing. It is expected that comments received will be included in the record of subsequent rulemaking regarding this program and will be considered by the Secretary during the development of such regulations. To further facilitate the rapid implementation of this program, the Managers expect that the Secretary consider using the processes and aspects developed for existing USDA loan guarantee programs including the Business and Industry Program and the Rural Energy for America Program (including its predecessor the section 9006 program), in the initial development of this program, especially if the Secretary intends to initiate implementation through the use of a NOFA.

To ensure that proposals that are not yet in their final development stage can be considered, the Managers expect the Secretary to reserve funds for the second half of each fiscal year and reserve a portion of funds to be made available over the life of the Farm Bill.

The Managers also expect the Secretary to take steps to evaluate the credit worthiness and the technical merit of proposals to make decisions regarding the responsible use of funds.

It is the intent of the Managers that the Secretary use the approach for defining precommercial and commercially available technologies that were adopted in the regulations for Section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) prior to the date of enactment of this Act.

It is the intent of the Managers that, to the maximum extent practicable, preference be given to applicants seeking assistance for development and construction of biorefineries planning to convert cellulosic biomass feedstocks into advanced biofuels. It is also the intent of the Managers that for the purpose of ranking applications under the Biorefinery Program, the level of financial participation by the applicant from non-federal sources could include direct financial support, technical support, and contributions of in-kind resources, including such kinds of support from state governments.

The Managers expect that demonstration or pilot-scale facilities will demonstrate the potential of a technology for commercial application at a biorefinery, including operational characteristics such as throughput rates and process yields.

It is the intent of the Managers that the Secretary use the approach for defining precommercial and commercially available technologies that were adopted in the regulations for Section 9006 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8106) prior to the date of enactment of this Act.

The Managers understand that over the life of this Act, it is likely that mandatory funding provided for loan guarantees will be awarded to commercial projects that are first-of-a-kind. This may include the commercial application of a technology that is: expanded to new regions, modified to utilize different feedstocks, or substantially improved such that it represents a significant technological risk.

It is the intent of the Managers that existing facilities including wood products facilities and sugar mills seeking to retrofit the facility with technologies to produce advanced biofuels be eligible for assistance under this section.

The Conference substitute establishes a new section to support the repowering of existing biorefineries by making payments for the installation of new systems that use renewable biomass or for the new production of energy from renewable biomass. (Section 9001, new section 9004 of FSRIA)

It is the intent of the Managers that this repowering program should focus on biorefineries whose primary product is liquid transportation biofuels. The Managers encourage the Secretary to consider providing payments over time to help to ensure that repowering projects are operated as intended and produce the reduction in fossil fuels projected. The Managers also intend that new energy production need not come from a new energy system in order to be eligible for new production payments. The Managers also intend that no support should be given for installation or operation of repowering facilities that use feed grains that receive Title I payments, such as corn, as their energy source.

(15) Grants—Limitations

The Senate amendment provides for grants for pilot or demonstration scale biorefineries limited to 50 percent of project costs, grants for repowering projects limited to 20 percent of project costs and grants for repowering feasibility studies limited to the lesser of 50 percent of study costs and $150,000. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute authorizes grants for pilot or demonstration scale biorefineries for up to 30 percent of project costs. (Section 9001, new section 9003 of FSRIA)

(16) Loan guarantees—Limitations

The House bill requires that loan guarantees not exceed 90 percent of the principal and interest due on the loan. It provides that the total amount of principal and interest guaranteed may not exceed $1,000,000,000 for relatively small plants (up to $100,000,000) and may not exceed $1,000,000,000 for larger plants ($100,000,000—$250,000,000). The Secretary determines the maximum loan term. (Section 9003(3))

The Senate amendment authorizes the Secretary to guarantee up to 100 percent of the principal and interest on such loans. The principal amount of a loan guaranteed for commercial biorefineries is limited to $250,000,000. The principal amount of a loan guaranteed for repowering projects is limited to $70,000,000. A loan guaranteed for a commercial biorefinery or repowering a biomass conversion facility shall not exceed 80 percent of project costs. (Section 9001)

The Conference substitute limits guarantees to 90 percent of the principal and interest on loans. The maximum principal amount of a loan guaranteed may not exceed $250,000,000 or 80 percent of project costs. The substitute requires that the amount of the loan guaranteed by the Department be reduced by the amount of other direct Federal funding going toward the project. (Section 9001, new section 9003 of FSRIA)

(17) Loan guarantees (and grants)—Priority

The House bill provides selection criteria for loans which follow those for the existing grants program in section 9003 of FSRIA. Two new selection criteria are added to address the level of local ownership and the impact on other users of feedstocks. (Section 9003(4))

The Senate amendment's selection criteria for grants follow those for the existing grant program in Section 9003 of FSRIA. One new selection criterion is added: whether the distribution of funds would have minimal impact on existing manufacturing and other facilities that use similar feedstocks. Selection criteria for grants for repowering projects include the change in energy efficiency, the reduction in fossil fuel use, and the volume of biomass feedstock within a proximity to make local sourcing economically practicable. Preference for grants and loan guarantees is to be given to projects that receive financial support from the State in which they are located and priority is given to projects with significant local ownership. (Section 9001)

The Conference substitute requires a feasibility study conducted by a third party be submitted as part of any application. Ranking criteria for grants include: the potential market for the biofuel and by-products; the level of financial participation by the applicant including other non-Federal and private sources; whether the applicant is proposing to use a feedstock not previously used in advanced biofuel production; whether the applicant is proposing to work with producer associations or cooperatives; whether the process will have a positive impact on resource conservation, public health and the environment; the potential for rural economic development; whether the area where the proposed facility will be located has other similar facilities; whether the project can be replicated; and the scalability of the proposed technology to commercial production.

Ranking criteria for the loan guarantees include the same criteria as for the grants, with several changes and additions, including: whether the applicant has an established market for the biofuels and by-products; whether the applicant can establish that, if adopted, the biofuels production technology proposed in the application will not have any significant negative impacts on existing manufacturing and other facilities that use similar feedstocks; and the level of local ownership proposed in the application. The scalability of the project is not included in the loan guarantee criteria. (Section 9001, new section 9003 of FSRIA)

In considering the level of financial participation by the applicant from non-federal sources, it is the intent of the Managers that such support could include direct financial support, technical support, and contributions of in-kind resources, including such kinds of support from state governments.

(18) Loan guarantees (and grants) condition of assistance

The House bill requires prevailing wages for workers on projects financed under the section. (Section 9003(5))

The Senate bill contains no comparable provision.

The Conference substitute adopts the House provision. (Section 9001, new section 9003 of FSRIA)

(19) Requirement for commitment

The Senate amendment states conditions for assistance in the form of a loan guarantee include a binding commitment to cover at least 20 percent of project costs from non-Federal funds, demonstration of technology readiness, and demonstration that investment opportunities have been offered to local investors. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(20) Loan guarantees (and grants) funding

The House bill extends the grant program in section 9003 of FSRIA through fiscal year 2012 and specifies mandatory funding levels for loan guarantees that total $800,000,000 over the period fiscal year 2008 through fiscal year 2012. (Section 9003 (6)(7))

The Senate amendment provides mandatory funding of $300,000,000 for fiscal year 2008 to remain available until expended. (Section 9001)

The Conference substitute provides mandatory funding of $75,000,000 for fiscal year 2009 to remain available until expended and $245,000,000 for fiscal year 2010 to remain available until expended for loan guarantees. It also authorizes $150,000,000 annually for fiscal year 2009 through fiscal year 2012. (Section 9001, new section 9003 of FSRIA)

(21) Energy audit and renewable energy development program

The House bill extends the energy audit and renewable energy development program through 2012. (Section 9004)

The Senate amendment folds the energy audit program into the new REAP program. (Section 9001)

The Conference substitute adopts the Senate provision with amendments as presented below. (Section 9001, new Section 9007 of FSRIA)

(22) Rural Energy for America Program—Name

The House bill renames program under section 9006 the "Rural Energy for America Program." (Section 9005(2)(3))

The Senate amendment is the same as the House bill, except that section 9006 is renumbered to become section 9007. (Section 9001)

The Conference substitute adopts the House provision. (Section 9001, new Section 9007 of FSRIA)

(23) Rural Energy for America Program—Eligible participants—Grants, loans and loan guarantees

The House bill expands program eligibility, which currently extends to farmers, ranchers, and rural small businesses, to also include "other agricultural producers". (Section 9005(2)(3))

The Senate amendment provides for grants or loan guarantees for renewable energy systems and energy efficiency improvements for agricultural producers and rural small businesses. The Senate amendment excludes direct loans. (Section 9001)

The Conference substitute adopts the Senate provision. (Section 9001, new Section 9007 of FSRIA)

(24) Rural Energy for America Program—Eligible participants—Energy audit and renewable energy development assistance

The Senate amendment adds State agencies and public power entities to eligible participants in the Energy Audit and Renewable Energy Assistance Program. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendments to make units of State, tribal, or local governments eligible. (Section 9001, new section 9007 of FSRIA)

The Managers expect the definition for the term public power entity used in this section to be the same as the definition of state utility as defined in section 217(a)(4) of the Federal Power Act (16 U.S.C. 824q(a)). The Committee intends that in carrying out subsection 9007(b), the Secretary may conduct a merit review process through the solicitation of input regarding applications from qualified experts either individually or collectively.

(25) Rural Energy for America Program—Eligible participants—Energy from animal manure

The Senate amendment specifies the following as eligible participants: Agricultural producers; rural small businesses; rural cooperatives; and other similar entities. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision. It is the intent of the Managers that the Rural Energy for America Program continue to provide significant support for projects that convert animal manure to energy, including both on-farm and community projects.

(26) Rural Energy for America Program—Eligible activities—Grants, loans and loan guarantees

The House bill expands to include sale of electricity generated by new renewable energy systems. (Section 9005(2))

The Senate amendment adds production-based incentives for renewable energy to eligible activities, eliminates direct loans and renewable energy systems. (Section 9001)

The Conference substitute deletes both provisions.

(27) Rural Energy for America Program—Eligible activities—Energy from animal manure

The Senate amendment provides for grants and loan guarantees for facilities to convert animal manure to energy, including associated feedstock gathering systems and gas pipelines, as well as first-year operating costs. For new technologies, the first 2 years of operation are eligible. This section also directs extension of the Energy Star program to address equipment and facilities for the agricultural sector. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers encourage the Secretary to compile and submit a list of equipment commonly used by agricultural producers to the Environmental Protection Agency and the Department of Energy for consideration in the existing Energy Star program.

(28) Rural Energy for America Program—Criteria and preferences—grants, loans and loan guarantees

The award considerations in the Senate amendment for energy efficiency improvements and renewable energy systems (section 9007(c)(2)) include: The type of renewable energy system; estimated quantity of renewable energy to be produced; expected environmental benefits; quantity of energy savings expected; expected energy savings payback time; and expected system's energy efficiency. Preferences for grants and loan guarantees under section 9007 are to be given to projects that receive financial support from the state in which they are located. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate award considerations, but deletes the Senate provision that gives preference to projects receiving state funds. (Section 9001, new Section 9007 of FSRIA)

The Managers encourage the Secretary to continue funding animal manure digester projects. The Managers believe these projects have and will continue to be an important tool to produce renewable energy in rural areas, create value for agricultural producers, and address environmental concerns surrounding manure management.

It is the Managers' intent that funding under this section may be used for the construction of infrastructure for collection and transportation of feedstocks and biogas for manure digesters, including community digesters. The Managers also intend that bioenergy production and utilization projects that also produce useful byproducts, such as fertilizer or biochar to be used as a soil conditioner, are eligible for support under the Rural Energy for America program.

The Managers encourage the Secretary to use the references to energy efficiency and renewable energy sources in this section to include geothermal heat pump systems using ground loops and that small hydroelectric systems (as determined by the Secretary) be considered renewable energy systems for the purpose of receiving financial assistance under this program.

(29) Rural Energy for America Program—Criteria and preferences—energy from animal manure

The Senate amendment states selection considerations for energy from animal manure projects include quality of energy produced, net energy conversion efficiency, environmental issues, net impact on greenhouse gas emissions, diversity factors, and proposed costs. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(30) Rural Energy for America Program—Cost sharing

The House bill increases the limit on the maximum amount of the combined loan and grant from 50 percent to 75 percent of the funded activity. It limits the maximum amount of loan guaranteed to 75 percent of the funded activity and not more than $25,000,000. (Section 9005(4))

The Senate amendment states that for energy from animal manure projects: Grants are limited to 50 percent of project costs for smaller systems costing less than $500,000; for larger projects, grants are limited to the greater of $250,000 or 25 percent of project costs, with a cap of $2,000,000; loan guarantees are limited to loans not exceeding $25,000,000 and 80 percent of developer's project costs. (Section 9001)

The Conference substitute adopts the House provision. (Section 9001, new section 9007 of FSRIA)

(31) Rural Energy for America Program—Feasibility studies

The House bill allows the Secretary to use up to 10 percent of funds available under the section to provide assistance to eligible participants to conduct feasibility studies for eligible projects, but provides that if such assistance is provided, the participant is ineligible for assistance under other laws for such assistance. (Section 9005(6))

The Senate amendment is the same as the House provision. (Section 9001)

The Conference substitute adopts the House provision. (Section 9001, new section 9007 of FSRIA)

(32) Rural Energy for America Program—Reserve

The House bill reserves 15 percent of funds for projects costing $50,000 or less. (Section 9005(6))

The Senate amendment directs the Secretary to develop a streamlined process for projects seeking less than $20,000, and it directs that not less than 20 percent of the funds for this section be made available for such projects. (Section 9001)

The Conference substitute sets aside not less than 20 percent of the funds for this section for grants of less than $20,000, with any remaining funds reverting to the general pool of funding on June 30 of each fiscal year. The substitute directs the Secretary to perform outreach at the State and local levels. This outreach should include local Rural Development, Farm Service Agency, Natural Resources Conservation Service and Extension offices. (Section 9001, new Section 9007 of FSRIA)

(33) Rural Energy for America Program—Funding

The House bill reauthorizes the program and provides mandatory funding of $50,000,000 in fiscal year 2008; $75,000,000 in fiscal year 2009; $100,000,000 in fiscal year 2010; $125,000,000 in fiscal year 2011; and $150,000,000 in fiscal year 2012. (Section 9005(7))

The Senate amendment provides mandatory funding of $230,000,000 in fiscal year 2008, to remain available until expended, for audits, loan guarantees and grants for energy efficiency improvements and renewable energy systems and loan guarantees and grants for animal manure facilities. It specifies that not less than 5 percent of the funding is to be used for Energy Audit and Renewable Energy Development Program and not less than 15 percent is to be used for animal manure facilities. It also authorizes additional funds as necessary to carry out this section from fiscal year 2008 through fiscal year 2012. (Section 9001)

The Conference substitute provides mandatory funding of $50,000,000 in fiscal year 2009, $60,000,000 in fiscal year 2010, and $70,000,000 annually in fiscal year 2011 and fiscal year 2012. It also specifies that 4 percent is to be used for the Energy Audit and Renewable Energy Development Assistance portion of the program. The Conference substitute authorizes an additional $25,000,000 annually from fiscal year 2009 through fiscal year 2012. (Section 9001, new section 9007 of FSRIA)

(34) Biomass Research and Development Act of 2000

The House bill modifies findings to include biodiesel. It increases the number of individuals affiliated with an environmental or conservation organization on the Advisory Committee from 1 to 2. It adds an individual with expertise in agronomy, crop science, or soil science to the Advisory Committee. The provision includes language to improve dried distillers grain quality and clarifies the role of commercial applications in the objectives of the Biomass Research and Development Initiative. It requires the Secretary to submit a management plan to Congress every five years evaluating the success of the Initiative. It also provides mandatory funding of $35,000,000 for fiscal year 2008; $60,000,000 for fiscal year 2009; $75,000,000 for fiscal year 2010; $100,000,000 for fiscal year 2011; and $150,000,000 for fiscal year 2012. The House bill does not change the current law provision that authorizes an additional annual appropriation of $200,000,000 through fiscal year 2015. It amends technical study areas to clarify that research areas include sugar processing and refining plants and self-processing crops that express enzymes capable of degrading cellulosic biomass. (Section 9006)

The Senate amendment removes findings from the language. It changes "biobased fuel" to "biofuel" and "biomass" to "renewable biomass" for consistency across the Title. It also adds an individual with expertise in plant biology and biomass feedstock development. The provision adds language to emphasize research on harvest, collection, transport and storage of renewable biomass feedstocks. It removes specific funding allocations to the different technical areas and instead requires that at least 15 percent of funds go to each technical area. The Senate language requires the Secretary to submit a management plan to Congress every five years evaluating the success of the Initiative. It provides mandatory funding of $15,000,000 for fiscal year 2008; $25,000,000 for fiscal year 2009; and $35,000,000 for fiscal year 2010. The Senate amendment authorizes an additional annual appropriation of $85,000,000 through fiscal year 2012. (Section 9001)

The Conference substitute moves the Initiative in statute to Title IX of the FSRIA of 2002. It removes findings from the language and changes "biobased fuel" to "biofuel" and "biomass" to "renewable biomass" for consistency across the Title. The substitute increases the number of individuals affiliated with an environmental or conservation organization on the Advisory Committee from 1 to 2, adds an individual with expertise in plant biology and biomass feedstock development and adds an individual with expertise in agronomy, crop science, or soil science to the Advisory Committee. The substitute reduces the number of technical areas from 6 to 3 and streamlines considerations for grant selection. The new technical areas include feedstock development, biofuels and biobased products development, and biofuels development analysis. At least 15 percent of the available funding is required to be allocated to each of the three technical areas. The substitute also increases the minimum cost-share requirements for demonstration projects from 20 percent to 50 percent and for research projects from 0 percent to 20 percent, with a provision that allows the Secretary to waive the matching requirement for research if a waiver is determined to be necessary and appropriate.

The substitute provides mandatory funding of $20,000,000 in fiscal year 2009, $28,000,000 in fiscal year 2010, $30,000,000 in fiscal year 2011, and $40,000,000 in fiscal year 2012. It authorizes $35,000,000 per year for fiscal year 2009 through fiscal year 2012. (Section 9001, new section 9008 of FSRIA)

The substitute replaced language that was included in the Energy Independence and Security Act of 2007 (P.L. 110-140) (EISA) at amended Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(d)). In order to ensure the sustainable production of biofuels, the Managers want to clarify that intention of Sec. 9008(e)(3)(C)(ii) is to improve and develop analytical tools to facilitate the analysis of life-cycle energy and greenhouse gas emissions, including emissions related to resource management, associated with all potential biofuel feedstocks and production processes.

The Managers encourage the Board to consider funding projects that address the critical need for integrated research and technology development in the area of biofuels. Funded projects should consider an integrated approach along the full biofuels and biobased products value chain and should serve as a platform for both technology transfer and workforce development. The Managers recognize that the New Century Farm project at Iowa State University specifically includes integrated research and development activities ranging from cropping practices and feedstock production, to biomass harvest and handling, and including biorefinery conversion processes. The Managers also are aware that Pennsylvania State University is working on all aspects of biofuels development from plant transformation to production, harvest, and storage; and from biomass pretreatment to fuel formulation and engine testing in collaboration with private industry and the government. The Managers are aware that Claflin University has been undertaking work in the area of biofuels and biobutanol and hope they can continue that work. The Managers recognize that these are viable models which can provide invaluable feedback and systematic improvement to development of a national biofuels infrastructure.

The Managers recognize the tremendous potential market that exists in this country for renewable aviation and jet fuel, and acknowledges that while much research and development has been directed toward the development of biofuels for ground transportation, the development of renewable aviation fuels has lagged far behind. For this reason, the Managers encourage the Secretary of Agriculture and the Secretary of Energy to give equal consideration to projects under this initiative that would perform innovative and beneficial research and commercial development of renewable aviation fuels.

The Managers are aware of the use of algae to create biodiesel fuels, and believe this technology will contribute to relieving the U.S. of its dependence on fossil fuels. The Managers understand that algal-based oil yields are 2–3 times that of the highest yielding land plants and that algae can be cultured on land unfit for traditional commercial crops. The Managers encourage the Department to support existing algaculture laboratories that have the ability to develop algal-based feedstocks for the biodiesel industry. The Managers request the Department to report back within 90 days, or as soon as practicable on the status of this effort.

The Managers hope that scientists and students at minority serving institutions, such as the Nation's historically black colleges and universities and Hispanic-serving institutions will utilize this program and other research and development programs in this title to continue the development of biofuels and biobased products in all regions of the country.

The Managers also believe that this program plays a critical role in bridging the funding gap that many promising technologies face after university basic research is completed and before becoming attractive to venture capitalists and commercialized in the market. The Managers believe that support between basic research and commercialization is important for quickly bringing new technologies to market, and the Managers urge the Secretary to make sufficient funds available to address this issue.

The Managers encourage consideration of collaborative research on corn and cellulosic genomics to support improved biofuels conversion processes.

The Managers recognize the need for research and development to convert forest biomass to advanced biofuels and encourage

USDA and DOE, in implementing the authorities in this section, work in partnership with the Forest Service to develop new techniques, technologies and methods toward this goal. The Managers do not intend the additional authority in section 9012 to preclude these activities under this section.

(35) Adjustments to the bioenergy program—Eligibility

The House bill clarifies that the term "bioenergy" also includes the production of heat and power at a biofuels plant, biomass gasification, hydrogen made from cellulosic commodities for fuel cells, and renewable diesel. The provision excludes corn starch from the list of eligible feedstock under the program. (Section 9007)

The Senate amendment clarifies that this program is intended to support increased production of advanced biofuels, which includes fuels derived from renewable biomass excluding those derived from corn starch. (Section 9001)

The Conference substitute directs the Secretary to make payments to producers of advanced biofuels to support a stable and expanding production base. The payments are to be based on the quantity and duration of production, the net non-renewable energy content of the advanced biofuel, and other factors as determined by the Secretary. (Section 9001, new section 9005 of FSRIA)

It is the intent of the Managers that the Secretary support existing advanced biofuel production, as well as encourage new production. The Managers recognize that, with respect to forest biomass, the feedstock for the production of advanced biofuels is often the same feedstock used by forest products facilities, include pulp and paper mills. The Managers encourage the Secretary to consider competing market outlets when establishing the payment rate for such feedstocks.

(36) Adjustments to the bioenergy program—Renewable diesel

The House bill defines renewable diesel. (Section 9007)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(37) Adjustments to the bioenergy program—Payment rate and priority

The House bill provides for a priority based on factors listed in section 9003(e)(2)(B) of FSRIA. (Section 9007(2))

The Senate amendment directs the Secretary to base payments on: level of production; price of feedstock; net nonrenewable energy content; and other appropriate factors. It restricts the payment to producers that do not receive the small producer tax credits and to production from facilities with capacity of less than 150,000,000 gallons per year. (Section 9001)

The Conference substitute directs the Secretary to base payments on the quantity and duration of production, the net non-renewable energy content of the advanced biofuel, and other appropriate factors as determined by the Secretary. (Section 9001, new Section 9005 of FSRIA)

(38) Adjustments to the bioenergy program—Project viability

The House bill requires Secretary to review project viability before renewing contracts. (Section 9007(2))

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(39) Adjustments to the bioenergy program—Funding

The House bill provides mandatory funds of $225,000,000 for fiscal year 2008; $250,000,000 for fiscal year 2009; $275,000,000 for fiscal year 2010; $300,000,000 for fiscal year 2011; and $350,000,000 for fiscal year 2012. (Section 9007(3))

The Senate amendment provides mandatory funds of $245,000,000 for fiscal year 2008 to remain available until expended. (Section 9001)

The Conference substitute provides mandatory funding of $55,000,000 in fiscal year 2009, $55,000,000 in fiscal year 2010, $85,000,000 in fiscal year 2011, and $105,000,000 in fiscal year 2012. It authorizes $25,000,000 per year for fiscal year 2009 through fiscal year 2012. It stipulates that no more than 5 percent of each year's funding may be for production at facilities with a total refining capacity exceeding 150,000,000 gallons per year. (Section 9001)

(40) Research, extension and educational programs on biobased energy technologies and products

The House bill extends current authorization for appropriations at a level of $75,000,000 through 2012. It provides a research focus for insular and Pacific areas. (Section 9008)

The Senate amendment provides for mandatory funding of $5,000,000 for fiscal year 2008; and $10,000,000 for fiscal year 2009 and fiscal year 2010 and provides for authorization for appropriations at an annual level of $70,000,000 from fiscal year 2008 through fiscal year 2012. It provides for a "subcenter" at the University of Hawaii with a research focus for insular and Pacific areas. (Section 9001)

The Conference substitute adopts the Senate provision with amendments and moves the provision in statute to the Research Title of this Act. No mandatory funding is provided. The Conference substitute authorizes $75,000,000 per year for fiscal year 2008 through fiscal year 2010. (Section 7526)

(41) Regional biomass crop experiments

The Senate amendment establishes a program of regional biomass crop experiments at 10 geographically dispersed and competitively selected land-grant universities. Crop experiments are to include all appropriate biomass species, including perennials, annuals, and woody biomass species. Selection criteria include crop experiment capabilities and experience, species and cropping practices proposed, crop experiment plan, and commitment of adequate acreage and resources. The provision calls for coordination among participants, with the Biomass Research and Development Board and with the Sun Grant Centers, and the establishment of a "best practices" database on all aspects of biomass crop production. It provides mandatory funding of $40,000,000 over the life of the bill, to be allocated as $1,000,000, $2,000,000, and $1,000,000 per institution for years fiscal year 2008, fiscal year 2009, and fiscal year 2010, respectively. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers believe that the agricultural bioenergy feedstock and energy efficiency research and extension program included in section 7207 of the Research title will accomplish the purposes of this section.

(42) USDA Energy Council

The House bill creates an Energy Council in the Office of the Secretary at USDA to coordinate energy policy at the Department and consult with other agencies. (The existing Office of Energy Policy and New Uses will support the activities of the Council.) (Section 9009)

The Senate amendment directs the Secretary to assign coordination of projects and information, liaison work with other agencies and public outreach on USDA's energy programs to one entity within the Department. (Section 9001)

The Conference substitute deletes both provisions.

It is the intent of the Managers that the Department should implement the actions outlined in the Senate bill using existing authorities. It is also the Managers' intent that a single entity in the Department be responsible for coordinating energy policy activities in the Department and with other agencies.

(43) Farm energy production pilot program

The House bill establishes a pilot program to provide grants to farmers for the purpose of demonstrating the feasibility of making a farm energy neutral using existing technologies. It authorizes $5,000,000 for fiscal years 2008 through 2012. (Section 9010)

The Senate amendment contains no comparable provisions.

The Conference substitute deletes the House provision.

The Managers believe that the purposes of this Section can be carried out through Section 7207 of the Research title.

(44) Rural energy self-sufficiency initiative and rural energy systems renewal

The House bill authorizes the Secretary to make cost-share grants to enable eligible rural communities to develop renewable energy systems to increase their energy self-sufficiency. The provision authorizes appropriations of $5,000,000 in fiscal year 2008 and such sums as necessary in fiscal year 2009 through fiscal year 2012. (Section 9011)

The Senate amendment: (1) establishes a program of competitive cost-shared grants for rural communities to assess their energy systems, and to formulate and implement strategies for improvements; (2) specifies appropriate activities; (3) requires a 50 percent cost share; (4) directs the USDA in consultation with DOE to provide technical assistance; and (5) authorizes $5,000,000 per year for fiscal year 2008 through fiscal year 2012. (Section 9001)

The Conference substitute authorizes $5,000,000 per year for fiscal year 2009 through fiscal year 2012 for a program of cost-shared grants to enable rural communities to assess their energy usage, formulate strategies for improvements and install and utilize integrated renewable energy systems. (Section 9001, new Section 9009 of FSRIA)

It is the intent of the Managers that energy assessments will include total energy usage by all members and activities of the community, including an assessment of energy used in community facilities, energy for heating, cooling, lighting, and energy for all other building and facility uses; energy used in transportation by community members; current sources and types of energy used; energy embedded in other materials and products; and the major impacts of the energy usage, including the impact on the quantity of oil imported, total costs, the environment, and greenhouse gas emissions.

Energy system improvement strategies are intended to reduce conventional energy usage and greenhouse gas emissions by the community through adoption or use of measures such as building insulation, automatic controls on lighting and electronics, zone energy usage, and building energy conservation practices; transportation alternatives, vehicle options, transit options, transportation conservation, and walk- and bike-to-school programs; community configuration alternatives to provide pedestrian access to regular services; and community options for alternative energy systems, including alternative fuels, photovoltaic electricity, wind energy, geothermal heat pump systems, and combined heat and power.

(45) Agricultural biofuels from biomass internship pilot program

The House bill authorizes an internship program to encourage students to pursue employment in renewable energy related jobs. (Section 9012)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(46) Feedstock flexibility program for bioenergy producers.

The House bill amends the energy title of FSRIA to require the Secretary to purchase sugar to produce bioenergy if necessary to avoid forfeitures of sugar to the Commodity Credit Corporation, and to ensure that the sugar loan program operates at no cost to the Federal government. (Section 9012)

The Senate amendment is the same as the House bill. (Section 1501(f))

The Conference substitute adopts the House provision with amendments. (Section 9001, new Section 9010 of FSRIA)

Since the Feedstock Flexibility Program is a new program involving many interests, the Managers expect the program to be implemented following a public notice and comment period, providing an opportunity for all parties affected by the program to have input into its operations.

(47) Biomass inventory report

The House bill requires the Secretary to conduct an inventory of biomass resources on a county by county basis and report to Congress within 1 year of enactment. (Section 9014)

The Senate amendment requires the Secretary to conduct an assessment of the growth potential for cellulosic material on a state-by-state basis, and to report to Congress within 18 months. (Section 9001)

The Conference substitute deletes both provisions.

The Managers believe that adequate biomass resource assessments are underway or planned. The Economic Research Service (ERS) in the Department is working on a biomass resource inventory and the Managers encourage the Secretary to continue this important work.

(48) Future farmsteads program

The House bill establishes a program to advance farm energy use efficiencies and on farm production of renewable energies. (Section 9015)

The Senate amendment is the same as the House bill. (Section 9001)

The Conference substitute deletes both provisions.

The Managers believe that the agricultural bioenergy feedstock and energy efficiency research and extension program included in section 7207 of the Research title will accomplish the purposes of this section.

(49) Sense of Congress on renewable energy

The House bill provides a sense of Congress on renewable energy. (Section 9016)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

(50) Biodiesel fuel education program

The House bill doubles funding to $2,000,000 annually for fiscal year 2008 through fiscal year 2012. (Section 9017)

The Senate amendment is the same as the House bill except it adds oil refiners, automotive companies and owners and operators of watercraft fleets to the list of entities targeted for education about biodiesel. (Section 9001)

The Conference substitute adopts the House provision except that it funds the program at $1,000,000 annually for fiscal year 2008 through fiscal year 2012. (Section 9001, new Section 9006)

(51) Biomass energy reserve

The House bill establishes a biomass energy reserve (BER) and provides financial and technical assistance to landowners and operators to produce energy crops and harvest, store, and transport cellulosic material. BER project areas must be within a 50 mile radius of an existing bioenergy facility.

Under the House provision, BER eligible crop land must have been tilled in the current or immediately preceding crop year, and does not include Federal land, certain forest land, or land enrolled in specified conservation programs (unless biomass harvest occurs in accordance with a conservation plan outside of nesting and rearing season, and payments under the conservation program are reduced—subsection (h)). (Forest land is covered in subsection (e), which provides $5,000,000 for grants to help owners develop plans for sustainable management of biomass from forest land.)

Groups of owners and operators, energy and agricultural companies, and Agricultural Innovation Centers (AICs) are all "Eligible Applicants" that may submit proposals for BER project areas. AICs have a dual role in the program, and may also serve as "Qualified Organizations", which assist other Eligible Applicants in developing proposals for approval by USDA.

Under the House provision, the Secretary selects 10 qualified organizations across the country. Qualified organizations, which may also be colleges and universities, help eligible applicants structure projects that will advance the goal of sustainable production of dedicated energy crops. Specifically, a qualified organization will help eligible applicants to identify suitable land and crop mixtures and get a commitment from a bioenergy facility. Program crops and invasive or noxious species are ineligible. Qualified organizations then rate the various project area applications according to a ranking system established by the Secretary, based on criteria set out in subsection (d)(5). The Secretary selects at least one project area in each of the 10 qualified organizations, which are regionally dispersed.

Under the House provision, the Secretary enters into 5-year contracts with owners and operators (Eligible Participants) in the BER project area. Such contracts must comply with certain conservation requirements and provide for information sharing. The Secretary makes Establishment Payments to eligible participants to cover seeds, stock, and the cost of planting, and annual Rental Payments in an amount to be determined by the Secretary.

Under the House provision, the Secretary may also provide Matching Payments of not more than $45 per ton for collecting, harvesting, storing, and transporting biomass. (Matching Payments are at a rate of $1 for every $1 per ton paid by the bioenergy facility for the biomass. The Secretary must reduce Rental Payments if making a Matching Payment to an eligible participant.) Forest land owners are eligible for this Matching Payment if acting under a forest stewardship plan. (Section 9018)

The Senate amendment establishes a Biomass Crop Transition Assistance Program (BCTAP) to provide transitional assistance (including grants) for the establishment and production of eligible crops to be used in the production of advanced biofuels. The program includes assistance for the harvesting, transportation and storage of renewable biomass. Producers are not eligible to receive assistance for the establishment and production of crops eligible to receive benefits under Title I and that are invasive or noxious. Eligible land is defined as private agriculture or forest land planted or considered to be planted for at least 4 of the 6 years preceding enactment.

The Senate amendment provides that contract requirements include adherence to conservation compliance and implementation of a conservation plan approved by the local soil conservation district. The conservation plans should advance the goals and objectives of fish and wildlife conservation plans and initiatives and comply with mandatory environmental requirements for a producer under Federal, State and local law.

Eligible participants under the Senate amendment include individual agricultural producers, forest land owners or other individuals holding the right to collect or harvest the crop. Farmer-owned cooperatives, agricultural trade associations (or similar entitles on behalf of producer members) may serve as aggregators and enter into contracts as eligible participants. The Secretary is directed to provide planning grants of up to $50,000 (with a required 100 percent match) to assist in assessing the viability for, or assembling of, a regional supply.

Under the Senate amendment, the Secretary will enter into contracts for perennial crops, covering the cost of establishing the crop/s during the first year and each subsequent year the Secretary will make an incentive payment determined by the Secretary to encourage the participant to produce renewable biomass. All participants in this Section are required to keep records determined by the Secretary to allow for best practices to be studied and shared.

Assistance under the Senate amendment is restricted to crops for use in the production of advanced biofuels, other biobased products, heat or power from a biomass conversion facility. Participants must have a letter of intent or proof of financial commitment from a biomass conversion facility and the production operation must be located in proximity of a biomass conversion facility to make delivery to the location economically practicable. Eligibility is also conditioned on the impact on wildlife, air, soil and water quality and availability and the local and regional economic impacts/benefits.

The Senate amendment allows the Secretary to provide technical assistance and establishment cost-sharing for eligible participants planting annual biomass crops. The crop shall not be eligible for benefits under Title I and assistance is conditioned on adherence to conservation compliance requirements.

The Senate amendment also creates a program that provides fixed-rate payments to eligible participants for the estimated cost of collection, harvest, storage and transport of renewable biomass. It also provides for forest biomass planning grants to help forest landowners sustainably harvest woody biomass for heat, energy or biobased products for use in a biomass conversion facility.

The Senate amendment included $130,000,000 in mandatory funding for fiscal year 2008, to remain available until expended, for transition assistance for biomass crops. Of this amount, no more than $5,000,000 was to be used for biomass planning grants and no more than 5 percent expended for forest biomass planning grants. The payments for collection, harvest, storage and transportation were appropriated mandatory funding of $10,000,000 per year for each of fiscal year 2009, fiscal year 2010, and fiscal year 2011, to remain available until expended. (Section 9001)

The Conference substitute establishes a Biomass Crop Assistance Program (BCAP). Under this Section, the Secretary will select BCAP project areas from applications consisting of a group of producers willing to commit to biomass crop production or a biomass conversion facility.

Biomass crop producers within these BCAP project areas will enter into contracts directly with the Secretary which will enable producers to receive financial assistance for crop establishment costs as well as annual payments to support biomass production. Contracts include resource conservation requirements.

The Secretary is directed to reduce annual payments when the biomass crops are sold to the conversion facility, used for other allowed purposes or if the producer violates the BCAP contract. This section also authorizes cost-sharing support for biomass harvest, transport, storage, and delivery to biomass user facilities, both within BCAP project areas and elsewhere. The Conference substitute provides mandatory funding of such sums as necessary to carry out this section for each of fiscal year 2008 through fiscal year 2012. (Section 9001, new Section 9011 of FSRIA)

The Managers expect the Secretary to determine if a producer is within an economically practicable distance from a facility based on the expected cost of transporting a feedstock to the facility. The Managers understand that this distance may vary depending on several factors including the density of the feedstock and the producer's plan for preprocessing the biomass including chopping, pelletizing or other techniques that make the biomass more easily transportable.

The Managers intend that nonindustrial private forestland be included as "eligible land" in a BCAP area and also be eligible for establishment and annual payments. Prior to entering into a contract with an owner of nonindustrial private forestland with existing tree cover, the Managers encourage the Secretary to consider the most suitable use of the land and encourage the maintenance of native forests and late successional forest stands and discourage conversion of native forests to non-forest use. The Managers understand that woody biomass feedstocks may require varying management practices including: establishment (natural or artificial regeneration), site preparation, and management of competing vegetation. The Managers recognize that in some cases, biomass from forests established or enhanced under this program may not be available for harvest within the timeframe of the contract, but may provide a long-term source of feedstock for a biomass conversion facility.

It is the intent of the Managers that in determining the amount of an annual payment, the Secretary shall consider the costs of the activity being funded and the need for the involved biomass conversion facility to bear some costs of producing the feedstock.

The Managers intend that the use of "soil, water and related resources" under this section includes wildlife-related concerns.

The Managers also intend that the primary focus of the BCAP will b be promoting the cultivation of perennial bioenergy crops and annual bioenergy crops that show exceptional promise for producing highly energy-efficient bioenergy or biofuels, that preserve natural resources, and that are not primarily grown for food or animal feed. In making BCAP project area selections, the Managers expect that the Secretary will consider the economic viability of the proposed biomass crop. The Managers do not intend that BCAP contract acreage provide all the feedstock necessary to supply a biomass conversion facility.

It is the Managers' intent that if the establishment or annual payment to a producer is reduced under this section, that the Secretary may vary the amount of payment reduction based on the reason for reducing the payment. It is also the intent of the Managers that establishment and annual payments are to be reduced by an appropriate amount in the case where a portion of an eligible crop is not sold or intended to be sold to the biomass conversion facility.

The Managers direct the Secretary to provide a report to Congress on how information gathered under this Section was disseminated. The Managers urge the Secretary to utilize the Best Practices database created in Section 7207 of this Act and to utilize the expertise of institutions of higher education and Agriculture Innovation Centers to collect such information.

(52) Forest biomass for energy

The House bill requires the Secretary of Agriculture, through the Forest Service, to conduct a competitive research and development program to encourage use of forest biomass for energy. The House bill provides $15,000,000 per year for fiscal year 2008–2012 in mandatory funding. (Section 9019) Note that there are 2 sections numbered 9019 in the House bill.

The Senate amendment is similar to the House bill but does not provide mandatory funding for the program. (Section 9001)

The Conference substitute adopts the House provision with amendments. It authorizes $15,000,000 per year for fiscal year 2009 through fiscal year 2012. (Section 9001, new Section 9012 of FSRIA)

As part of this program, the Managers encourage the Secretary to work closely with the Pine Genome Initiative (PGI), which would promote healthy forests and the development of new biofuels technology.

(53) Community wood energy program.

The House bill provides grants for community wood energy systems. (Section 9019) Note that there are 2 sections numbered 9019 in the House bill.

The Senate amendment is similar to the House provision. (Section 9001)

The Conference substitute adopts the Senate provision with amendments. It authorizes $5,000,000 per year for fiscal year 2009 through fiscal year 2012. (Section 9001, new Section 9013)

(54) Supplementing corn as an ethanol feedstock

The House bill requires the Secretary of Agriculture to establish a program to make grants of not to exceed $1,000,000 each to no more than 20 universities for a 3-year program of demonstration of supplementing corn as an ethanol feedstock with sweet sorghum and switchgrass. (Section 9020)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The Managers believe that the agricultural bioenergy feedstock and energy efficiency research and extension program included in section 7207 of the Research title will accomplish the purposes of this section.

(55) New Century Farm Project

The Senate amendment authorizes support for the development and operation of an integrated and sustainable biomass, feedstock, and biofuels production system to serve as a model for a new century farm. It authorizes $15,000,000 for fiscal year 2008 through fiscal year 2012, to remain available until expended. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers believe that the agricultural bioenergy feedstock and energy efficiency research and extension program included in section 7207 of the Research title will accomplish the purposes of this section.

(56) Biochar research, development and demonstration

The Senate amendment establishes a program of competitive grants for research and demonstration of the production and use of biochar in the agricultural sector. Activity areas include biochar production and use, agronomic effects, biochar characterization, soil carbon and greenhouse gas emission effects, integration with renewable energy systems, and economics. The provision authorizes $3,000,000 for each year of fiscal year 2008 through fiscal year 2012. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision. Research on biochar production and use is included as a high-priority research and extension area in section 7203 of the Research title.

(57) Voluntary renewable biomass certification

The Senate amendment establishes a voluntary certification program for renewable biomass that is grown using sustainable practices, in consultation with EPA. Standards are to be designed to reduce greenhouse gases and improve soil carbon, protect wildlife habitat, and protect air, soil, and water quality. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(58) Biofuels infrastructure study

The Senate amendment directs USDA, in collaboration with the Secretaries of Energy and Transportation and the Administrator of the Environmental Protection Agency, to conduct a study of the infrastructure needs associated with a significant expansion in biofuel production and use. The amendment specifically includes dedicated ethanol pipeline feasibility studies and examination of water resource needs. The provision requires a report to Congress including recommendations. It also authorizes $1,000,000 in each of fiscal year 2008 and fiscal year 2009. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute directs USDA to jointly conduct a study with DOE, DOT and EPA on the infrastructure needs associated with significant expansion in biofuels production and use. (Section 9002)

It is the intent of the Managers that this study should include an assessment of appropriate planning and development timelines associated with infrastructure development. The Managers suggest that the Biomass Research and Development Board established under the Biomass Research and Development Initiative may be an appropriate entity for coordination and oversight of this multiagency study. While this study is to use the information and results from the two related studies authorized in sections 243 and 245 of the Energy Independence and Security Act of 2007 (P.L.110–140), it is the intent of the Managers that the Secretary should not wait on the execution or completion of those related studies before undertaking this study.

(59) Nitrogen fertilizer study

The Senate amendment directs USDA to assess the feasibility of producing nitrogen fertilizer from renewable energy, including formulation of recommendations for an R&D program. It authorizes $1,000,000 for fiscal year 2008. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendments. It authorizes $1,000,000 in fiscal year 2009. (Section 9003)

(60) Study of life-cycle analysis of biofuels

The Senate amendment directs USDA in consultation with the Secretary of Energy and the Administrator of the EPA to conduct a study of methods for evaluating the life-cycle greenhouse gas emissions of conventional fuels and biofuels, and to provide recommendations for a streamlined, simplified method for evaluating the lifecycle greenhouse gas emissions of fuels. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(61) E–85 fuel program

The Senate amendment authorizes $20,000,000 for the period fiscal year 2008 through fiscal year 2012 for the USDA to award grants to ethanol production facilities where a majority of ownership is comprised of agricultural producers, to install blending and retail fueling infrastructure. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(62) Research and development of renewable energy

The Senate amendment directs the Secretary to carry out a program of biomass and other renewable energy research in coordination with the Colorado Renewable Energy Collaboratory and authorizes funding to USDA and DOE for this purpose. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision. The Managers believe that the agricultural bioenergy feedstock and energy efficiency research and extension program included in section 7207 of the Research title will accomplish the purposes of this section.

(63) Northeast Dairy Nutrient Management and Energy Development Program

The Senate amendment provides for nutrient management and research extension. (Section 9001)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers believe that the nutrient management research and extension initiative included in section 7204 of the Research title will accomplish the purposes of this section.

(64) Sense of the Senate concerning higher levels of ethanol blended gasoline

The Senate amendment provides a Sense of the Senate encouraging the federal government to investigate and authorize the use of higher blends of ethanol in gasoline. (Section 9002)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(65) Conforming amendments

The Senate amendment makes conforming amendments. (Section 9003)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(66) Sense of Senate concerning regional bioenergy consortia

The Senate amendment directs the Secretary to continue to allow and support regional consortia of public institutions to support the bioeconomy. (Section 9004)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers encourage the Secretary to continue to allow and support efforts of regional consortiums of public institutions, including land grant universities and State departments of agriculture, to jointly support the bio-economy through research, extension and education activities.

TITLE X—HORTICULTURE AND ORGANIC AGRICULTURE

(1) Annual report on response to honey bee colony collapse disorder

The House bill requires the Secretary to submit a report to Congress on the investigation of honey bee colony collapse and strategies to reduce colony loss. (Section 10001)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision. Language incorporating the goals and objectives of this provision appears in section 7203 of the research title.

(2) National Honey Board

The Senate amendment amends section 7(c) of the Honey Research, Promotion and Consumer Information Act (& U.S.C. 4606(c)) to ensure that the Honey Board continues and that the Secretary cannot conduct any referendum on the continuation or termination of the order without first conducting a concurrent referendum for approval of orders to establish a successor marketing board. (Section 1854)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to discontinue the current Honey Board after the Secretary has conducted a referendum for honey producers or honey packers, importers and handlers. The Secretary is also required to act as a fiduciary in the conducting of referenda for new marketing boards to ensure that the rights and interests of producers, importers, packers, and handlers of honey are equitably protected in the transition to any 1 or more new successor marketing boards. (Section 10401)

(3) Identification of Honey

The Senate amendment amends section 203(h) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(h)) to require the grading mark, statement, inspection mark of the Department of Agriculture to be located in close proximity of the country of origin label on packaged honey. (Section 1855)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to specify that violations of the labeling requirements of this section, with respect to honey, may be deemed by the Secretary to be sufficient cause for debarment from the benefits of the Agricultural Marketing Act of 1946. (Section 10402)

(4) Tree assistance program

The House bill: (1) amends subtitle C of the Farm and Rural Investment Act of 2002, (2) makes nursery tree growers eligible under the Tree Assistance Program and future disaster assistance programs for which assistance is provided under that program, (3) changes the $75,000 limitation on assistance to $150,000 per year, and (4) maintains current discretionary authorization. (Section 10101)

The Senate amendment: (1) amends the Trade Act of 1974 by creating a Tree Assistance Program to compensate eligible growers for losses suffered due to natural disasters, (2) makes nursery tree growers eligible under the Tree Assistance Program, (3) changes the $75,000 limitation on assistance to $100,000 per year, (4) adds reimbursement for 50 percent of the cost of pruning, removal and other costs to salvage existing trees or prepare the land to replant trees, and (5) provides necessary mandatory funding to carry out the program over the next five years. (Section 12101(e))

The Conference substitute adopts the Senate provision with amendments to modify the reimbursement of the cost of replanting trees lost due to a natural disaster; amend the Federal Crop Insurance Act with a provision identical to that which appears in the Trade Act of 1974; incorporate these changes into sections 12033 and 15101 of this Act; and to make other technical changes. (Section 12033; Section 15101)

The Managers wish to clarify that the insurance requirement for eligibility in the Tree Assistance Program applies only to insurance on crops and not on the underlying vines or trees.

(5) Specialty crop block grants

The House bill amends section 101 of the Specialty Crops Competitiveness Act by continuing the Specialty Crop Block Grant Program through 2012, and increasing the mandatory levels of funding to:

$60,000,000 in FY'08
$65,000,000 in FY'09
$70,000,000 in FY'10
$75,000,000 in FY'11
$95,000,000 in FY'12.

The House provision changes the definition of "specialty crop" under the Specialty Crops Competitiveness Act of 2004 to include "horticulture," and the definition of "State" to include Guam, American Samoa, the U.S. Virgin Islands and the Northern Mariana Islands. (Section 10102)

The Senate amendment is the same as the House bill, except funding is discontinued after FY'11. The Senate definitions are the same as in the House bill, but also includes "turfgrass sod" and "herbal crops" in the definition of "specialty crop".

The Senate amendment modifies section 101(e) to require that states, to the maximum extent practicable and appropriate, develop plans that take into consideration the views of beginning and socially disadvantaged farmers and ranchers who produce specialty crops. It also changes the minimum grant amount from $100,000 to one-half of one percent of the overall funding allocated to the program in a given fiscal year. (Section 1841)

The Conference substitute adopts the House provision with amendments to specify that any funds made available for a fiscal year under the program that are not expended by certain date, to be determined by the Secretary, will be reallocated to other States; change the minimum grant amount to $100,000 or one-third of one percent of the overall funding allocated to the program in a given fiscal year (whichever is higher); provide mandatory levels of funding in the amounts of:

$10 million for fiscal year 2008;
$49 million for fiscal year 2009; and
$55 million for each of fiscal years 2010 through 2012. (Section 10109)

The Managers expect that the Secretary will encourage each state making applications for funding under the Specialty Crop Block Grant Program to provide a written plan detailing the affirmative steps it will take to perform outreach to specialty crop producers in the development of the State's overall grant plan, including outreach to socially disadvantaged and beginning farmers of specialty crops. The Managers also note that herbal crops fall within the statutory definition of eligible specialty crops under the Specialty Crop Block Grant Program, and direct the Agricultural Marketing Service to include a comprehensive list of specific categories of eligible specialty crops in all relevant promotional materials distributed in connection to the program. The Managers expect the Secretary to continue to consider the cultivation of turfgrass sod as horticulture, and therefore included as part of the definition of specialty crop under the Specialty Crop Competitiveness Act of 2004, and as a specialty crop for any other purposes in this or any other Act.

The Managers urge the Secretary to encourage state departments of agriculture to develop their grant plans through a competitive process in order to ensure maximum public input and benefit. The Managers expect the Secretary to ensure that States conduct extensive outreach to interested parties through a transparent process of receiving and considering public comment so that grant applications are developed with proven and justified public support, particularly when developing applications for multi-state projects. Further, the Managers expect the Secretary to carefully review requests that extend existing projects to ensure that support remains across the broad array of public-private partnerships unique to the structure of the specialty crop industry.

The Managers note that since 2006 many states have used specialty crop block grant funding for marketing programs, some of which promote state grown products. The Managers expect the Secretary to carefully monitor the use of funds under grant awards to ensure that funds are promoting specialty crops as defined under the Specialty Crop Competitiveness Act of 2004 and are not being used in generically cross-marketing other commodities which fall under state marketing programs but are outside the scope of the Act's definition.

The Managers recognize the ability of States to submit multi-state projects under current program regulations. The Managers also recognize the growing need for solutions to problems that cross state boundaries and may therefore be addressed more effectively by multi-state projects. These problems include addressing good agricultural practices, research on crop productivity or quality, enhancing access to federal nutrition programs, pest and disease management, or commodity-specific projects addressing common issues in multi-state regions. The Managers therefore request that the Secretary encourage state departments of agriculture to submit grant plans that include multi-state and regional project proposals. The Managers also request that the Secretary give strong consideration to multi-state projects when reallocating unobligated block grant funding.

(6) Additional section 32 funds for purchase of fruits, vegetables and nuts to support domestic nutrition assistance programs

The House bill provides funding in addition to amounts available under section 32. Additional amounts of section 32 funds dedicated to fruit, vegetable and nut purchases are:

$190,000,000 in FY'08
$193,000,000 in FY'09
$199,000,000 in FY'10
$203,000,000 in FY'11
$206,000,000 in FY 2012 and each FY thereafter.

The House provision expands the Secretary's purchase discretion to include value-added fruit, vegetable and nut products. (Section 10103)

The Senate amendment is the same as the House bill, with technical differences. (Section 4907)

The Conference substitute adopts the House provision with an amendment to require that, for each of fiscal years 2008 through 2012, the Secretary shall use not less than $50,000,000 of the funds dedicated to fruit, vegetable and nut purchases under section 32 to purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the National School Lunch Act. This provision appears in section 4404 of this Act. (Section 4404)

(7) Additional section 32 funds to provide grants for the purchase and operation of urban gardens growing organic fruits and vegetables for the local population

The House bill provides grants to individuals or cooperatives composed of residents of urban neighborhoods where urban gardens or greenhouses are located to assist in purchasing and operating organic fruit and vegetable gardens and greenhouses. Provides that grants may not exceed $25,000 per year; $20,000,000 in discretionary funds are appropriated for fiscal year 2008 and each fiscal year thereafter. (Section 10103A)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The Managers recognize the importance of urban gardens in providing opportunities for individuals and groups to produce food, beautify their neighborhoods, and educate themselves about food production systems. The Managers also recognize with the growing consumer awareness of organically produced food many communities may wish to operate organic gardens and greenhouses. The Managers further recognize the role of the Community Food Projects program in satisfying the need for these projects and strongly encourage the Secretary to increase the program's outreach to urban areas in order to increase the submission of grant applications for urban gardens and greenhouses.

(8) Independent evaluation of Department of Agriculture commodity purchase process

The House bill requires an independent evaluation of the commodity purchasing processes and the importance of increasing purchases of specialty crops. (Section 10104)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment to require the Secretary to arrange to have performed an independent evaluation of the purchasing processes used by the Department of Agriculture to implement the requirement that funds available under section 32 of the Act of August 24, 1935 be principally devoted to perishable agricultural commodities. (Section 10101)

(9) Quality requirement for clementines

The House bill amends section 8e(a) of the Agricultural Adjustment Act by adding clementines to the list of commodities. (Section 10105)

The Senate amendment is the same as the House bill. (Section 3207)

The Conference substitute adopts the Senate provision. (Section 10102)

(10) Implementation of food safety programs under marketing orders

The House bill amends section 8c of the Agricultural Adjustment Act by authorizing the implementation of quality-related food safety programs under specialty crop marketing orders. (Section 10106)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The managers are aware that the Secretary has issued marketing orders which include quality-related provisions intended to enhance the safety of the commodities to which they are applicable. Therefore, the managers recognize that statutory language is unnecessary. It is not the manager's intention to alter the Secretary's authority to incorporate practices to improve the safety of commodities in marketing orders, but rather, to encourage the development of programs of quality-related good agricultural, manufacturing and handling practices with full industry and public participation and in consultation with the Food and Drug Administration.

(11) Inclusion of specialty crops in census of agriculture

The House bill amends section 2(a) of the Census of Agriculture Act to include a census of specialty crops as part of the general census of agriculture. (Section 10107)

The Senate amendment contains a free-standing provision which requires the Secretary to conduct a census of specialty crops not later than September 30, 2008 and each 5 years thereafter. It also allows the Secretary to include the census of specialty crops in the census on agriculture. (Section 1814)

The Conference substitute adopts the House provision. (Section 10103)

(12) Maturity requirements for Hass avocados

The House bill: (1) amends subtitle A of the Agricultural Marketing Act of 1946 by adding at the end of the title a new section, (2) requires the Secretary to issue regulations requiring all Hass avocados sold in the U.S. to meet a minimum maturity requirement, (3) allows for exceptions from this requirement for avocadoes intended for charities, relief agencies or processing, (4) uses existing inspectors that already inspect avocadoes under other orders, and allows the Secretary to collect fees to pay for inspection activities, (5) imposes civil penalties between $50 and $5,000 for each violation, (6) allows for the diversion of avocados that don't meet the maturity requirements, and (7) authorizes appropriations for necessary sums. (Section 10108)

The Senate amendment contains a free-standing provision which authorizes an organization of domestic avocado producers to submit to the Secretary a proposal for a grades and standards marketing order for Hass avocados. Once that proposal is received, the Secretary is required to initiate established procedures under the normal marketing order process for the purpose of determining whether there is sufficient industry support for the proposal submitted by the organization. If the Secretary deems it appropriate to establish a marketing order, the language also requires the Secretary to complete that order within 15 months. (Section 1856)

The Conference substitute adopts the Senate provision. (Section 10108)

(13) Mushroom promotion research and consumer information

The House bill: (1) amends the Mushroom Promotion, Research and Consumer Information Act of 1990, (2) reflects the changed geographic distribution of mushroom growers and their productivity by combining the regions that are represented on the Board, and increasing the number of pounds required for representation in the region, and (3) allows the development of good agricultural practices and good handling practices under the mushroom research and promotion order. (Section 10109)

The Senate amendment is the same as the House bill, except also allows the development of food safety programs under the promotion order. (Section 1853)

The Conference substitute adopts the House provision with an amendment to clarify that the mushroom council may develop and propose to the Secretary programs for good agricultural and good handling practices and related activities for mushrooms. (Section 10104)

(14) Fresh produce education initiative

The House bill authorizes a program to educate persons involved in the fresh produce industry and the public about ways to reduce pathogens in fresh produce and sanitary handling practices. It authorizes necessary sums for each FY 2008 through 2012. (Section 10110)

The Senate amendment is the same as the House, except authorizes $1,000,000 in discretionary funding to carry out the section. (Section 1813)

The Conference substitute adopts the Senate provision with an amendment to specify that there are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 through 2012, to remain available until expended. (Section 10105)

(15) Pest and disease program

The House bill establishes a new program to conduct early pest detection and surveillance activities in coordination with state departments of agriculture, to prioritize and create action plans to address pest and disease threats to specialty crops, and to create an audit-based certification approach to protect against the spread of plant pests. It provides mandatory funding in the amount of:

(1) $10,000,000 in FY 2008;
(2) $25,000,000 in FY 2009;
(3) $40,000,000 in FY 2010;
(4) $55,000,000 in FY 2011; and
(5) $70,000,000 in FY 2012. (Section 10201)

The Senate amendment is the same as the House, except for technical differences and provides mandatory funds in the amounts of:

(1) $10,000,000 for FY 2008;
(2) $25,000,000 for FY 2009;
(3) $40,000,000 for FY 2010;
(4) $50,000,000 for FY 2011;
(5) $64,000,000 for FY 2012. (Section 12101(f))

The Conference substitute adopts the Senate provision with an amendment to: describe the application procedure for the program; prohibit the Department of Agriculture from considering the availability of nonfederal funds in determining whether to enter into a cooperative agreement with a State department of agriculture; direct the Secretary to consider various risk factors when considering an application for a cooperative agreement; express Congressional disapproval of a cost-sharing rule for animal and health emergency programs and; specify mandatory funding in the amounts of:

(1) $12,000,000 for fiscal year 2009;
(2) $45,000,000 for fiscal year 2010;
(3) $50,000,000 for fiscal year 2011; and
(4) $50,000,000 for fiscal year 2012. (Section 10201)

The Managers believe that the nursery plant pest risk management systems established under this section will provide the nursery industry with assistance and flexibility in developing programs that meet its needs to determine and manage plant pest and disease risks

The Managers note that the U.S. Department of Agriculture has taken specific steps to promote new methods of inspection and regulation based on new approaches to nursery pest risk management, sometimes referred to as the "systems approach." These steps include a technical agreement under the auspices of the North American Plant Protection Organization (Regional Standards for Phytosanitary Measures Number 24), and the development of the U.S. Nursery Certification Program, a limited test-pilot program developed by Animal and Plant Health Inspection Service Plant Protection and Quarantine to promote U.S. nursery shipments to Canada.

The Managers are aware of the U.S. Department of Agriculture's efforts to promote the systems approach for the nursery industry. The development of effective systems of pest risk management and the industry adoption of such systems will be hastened and made more effective through an initiative based on collaboration among key agencies, Departmental personnel, industry organizations, and research institutions. To implement the nursery plant pest risk management systems under this section, U.S. Department of Agriculture policies and regulations must have a sound foundation in research and experience through pilot programs of nursery plant pest risk management systems. In addition, there must be collaboration among industry and state and federal regulators to improve programs of inspection, certification and regulation using such systems.

The Managers recognize that systems of pest risk management developed by the nursery industry must satisfy prevailing regulatory requirements if they are to be useful and effective. The Managers encourage the U.S. Department of Agriculture to provide guidance and technical assistance to the nursery industry, and to promote and coordinate related programs of research in the implementation of nursery plant pest risk management systems under this section.

(16) Multi-species fruit fly research and sterile fly production

The House bill authorizes the construction of a warehouse and irradiation containment facility for fruit fly rearing and sterilization in Waimanalo, Hawaii. It also authorizes the appropriation of $15,000,000 for construction and $1,000,000 for 2008 and each subsequent fiscal year for facility maintenance. (Section 10202)

The Senate amendment contains no comparable provision.

The Conference substitute deletes the House provision.

The Managers recognize that fruit flies are among the most destructive pests of fruits and vegetables in the world and pose a significant risk to U.S. agriculture. Further, the Managers recognize the importance of the Animal and Plant Health Inspection Service's (APHIS) Fruit Fly Control Programs in controlling fruit flies. Given the need for a backup sterile fruit fly facility for Mediterranean, Melon, Oriental, and Solanaceaous fruit flies, the Managers strongly encourage the Secretary to fully consider Waimanalo, Hawaii, when determining where such a multi-species facility will be located. In examining Waimanalo, Hawaii, and other locations, APHIS should consider whether the locations will support the establishment of the species of fruit flies being produced, existing researcher expertise and experience, whether the area is already infested with the species of fruit flies being produced, and cost effectiveness. The Managers strongly encourage APHIS to request appropriated funding as authorized by 7 U.S.C. 428a to provide for the costs of building, maintaining, and operating a backup sterile multi-species fruit fly facility at the location deemed most suitable.

(17) National organic certification cost-share program

The House bill amends section 10606 of the Farm Security and Rural Investment Act to provide $22,000,000 for the national organic certification cost-share program, to be available until expended. It provides that the federal share may not exceed 75 percent of the cost of certification, and the maximum amount a producer may receive is raised from $500 to $750. (Section 10301)

The Senate amendment amends section 10606 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 6523) to reauthorize the National Organic Certification Cost-Share program, which provides funds for the Secretary to assist producers and handlers of agricultural products in obtaining certification under the Organic Foods Production Act of 1990. Payments to producers or handlers are limited to $750, and the federal share of the certification cost will be no more than 75 percent of the total certification cost incurred. The Senate provision adds language to require the Secretary to submit to Congress, reports that describes the expenditures for each state under the program during the previous fiscal year. It also provides $22,000,000 in mandatory funding. (Section 1823)

The Conference substitute adopts the Senate provision with an amendment to delete the federal share requirements as well as the federal and state recordkeeping requirements, and to require the Secretary to submit to the House and Senate Agriculture Committees a report containing certain program information. (Section 10301)

The Managers encourage the Secretary to keep accurate and current records of requests by and disbursements to States under the program, and require accurate and consistent recordkeeping from each State and entity that receives program payments. The Managers also recognize the importance of distributing cost-share funds to the States in a timely manner, and request that the Secretary distribute such funds at the soonest date practicable following the deadline for submission of funding requests under the program. The Managers are aware that there have been discussions between the Department of Agriculture and the States regarding administrative fees for the program and encourage the Department to review administrative fees to ensure optimal performance in serving the needs of organic producers and handlers.

(18) Organic production and market data

The House bill: (1) amends section 7407 of the Farm Security and Rural Investment Act to add pricing of organic products as new data to be included in the ongoing collection of data on agriculture production and marketing, (2) provides that the data on organics under this section shall be collected to analyze crop loss risk of organic methods of production, (3) provides $3,000,000 in mandatory funds to be available until expended, and (4) includes a free-standing provision that requires the Secretary of Agriculture to submit to Congress a report regarding the progress made in implementing this amendment. (Section 10302)

The Senate amendment amends section 2104 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) by granting the Secretary authority to segregate data as it relates to the organic industry by publishing organic production and marketing information and surveys. The language is intended to remedy the lack of price and yield information for organic producers.

Senate expands upon House language by requiring detailed data collection for: organic production and market data initiatives and surveys; expand, collect, and publish organic census data analysis, fund comprehensive reporting of prices relating to organically-produced agricultural products; conduct analysis relating to organic production, handling, distribution, retail, and trend studies; study and perform periodic updates on the effects of organic standards on consumer behavior; conduct analysis for organic agriculture using the national crop table.

The Senate provision provides $5,000,000 in mandatory funding. (Section 1821) The Conference substitute adopts the Senate provision with an amendment to clarify the data collection, analysis, and survey development requirements for the Secretary, as well as to further specify the contents of the report that the Secretary shall submit to the House and Senate Agriculture Committees. (Section 10302)

The Managers have provided $5,000,000 in mandatory funding in an effort to jump-start organic data collection efforts at the Department of Agriculture, but recognize that remedying the unmet data collection needs of the organic sector will require further investment, and therefore, have provided an additional authorization of appropriations of $25,000,000 for the period of fiscal years 2008 through 2012 to carry out the program. The Managers intend that $3.5 million of the funding provided for this section be allocated to the Agricultural Market Service to collect and distribute comprehensive reporting of prices relating to organically produced agricultural products. The Managers also note the critical importance of collecting data related to crop loss risk, and farm-gate prices, in order to determine appropriate products and premiums for crop insurance policies offered to organic producers. The Managers further intend that $1.5 million of the funding provided for this section be used by the Economic Research Service and National Agricultural Statistics Service to carry out the specified requirements of the initiative that are appropriate to each agency.

(19) Organic conversion, technical and educational assistance

The House bill authorizes $50,000,000 over five years to provide technical assistance and cost-sharing grants to farmers trying to transition to organic farming. (Section 10303)

The Senate amendment contains a comparable provision in the conservation title (EQIP).

The Conference substitute deletes the House provision. Language addressing the goal of providing technical assistance to farmers trying to transition to organic farming appears in section 2501 of the conservation title.

(20) Exemption of certified organic products from assessments

The Senate amendment amends section 501(e) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401 (e)) to allow farmers who have some or part of their farm certified organic to receive the exemption. Only producers that are USDA organically certified may receive the exemption for that portion of land they produce organically. (Section 1822)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(21) National organic program

The Senate amendment amends section 2123 of the Organic Foods Production Act of 1990 (7 U.S.C. 6522) to provide increased authorized incremental funding levels for the National Organic Program to ensure proper compliance and oversight of the National Organic Program. It also authorizes $5,000,000 for fiscal year 2008; $6,500,000 for fiscal year 2009; $8,000,000 for fiscal year 2010; $9,500,000 for fiscal year 2011; and $11,000,000 for fiscal year 2012. (Section 1824)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to provide such additional sums as are necessary to carry out the program. (Section 10303)

The National Organic Program (NOP) is the first line of defense in assuring consumers that organic products certified under the program consistently meet the program's standards. The Managers are aware of concerns raised by numerous organic agriculture interests concerning the level of resources devoted to the NOP. While the program's funding level has increased over time, the Managers view the current level of funding as inadequate to permit the NOP to properly address the world-wide scope of accreditation oversight and certifier training. The Managers strongly encourage the Secretary to prepare NOP budget requests at least equal to the appropriations levels authorized in this Act.

(22) Grant program to improve the movement of specialty crops

The House bill: (1) authorizes the Secretary to make grants to State and local governments, grower cooperatives, and producer and shipper organizations to improve the cost-effective movement of specialty crops, (2) provides that the grant recipient must match the amount of funds received under this program, and (3) authorizes appropriations for necessary sums to carry out the section. (Section 10401)

The Senate amendment is the same as the House bill, except Senate language amends title II of the Specialty Crops Competitiveness Act of 2004 (Public Law 108–465; 118 Stat. 3884), and clarifies that non-profit trucking associations and their research entities are eligible to receive grants. (Section 1842)

The Conference substitute adopts the House provision with an amendment to allow national, state, or regional organizations of producers, shippers or carriers to be eligible for grants under the program. (Section 10403)

(23) Authorization of appropriations for market news activities regarding specialty crops

The House bill authorizes necessary funds for each of fiscal years 2008 through 2012 to support market news activities regarding specialty crops. (Section 10402)

The Senate amendment authorizes $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended for market news activities to provide timely price information on fruits and vegetables. (Section 1811)

The Conference substitute adopts the Senate provision with an amendment to specify that in addition to any other funds made available through annual appropriations for market news services, there is authorized to be appropriated $9,000,000 for each of fiscal years 2008 through 2012, to remain available until expended. (Section 10107)

(24) Farmer marketing assistance program

The House bill: (1) amends section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 and provides findings, (2) renames the Farmers' Market Promotion Program the "Farmer Marketing Assistance Program", (3) specifies categories of farmer-to-consumer direct marketing activities eligible for funding under the program, (4) provides mandatory funds in the amounts of $5,000,000 for fiscal years 2008 through 2010; and $10,000,000 for fiscal years 2011 through 2012, and (5) provides that 10 percent of these funds shall be used to support the use of electronic benefit transfers at farmer's markets. (Section 10403)

The Senate amendment: (1) amends section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) to reauthorize the Farmers Market Promotion Program, (2) adds language to include producer networks or associations, and (3) provides mandatory funds in the amounts of $5,000,000 for each of fiscal years 2008 through 2011; and $10,000,000 for fiscal year 2012. (Section 1812)

The Conference substitute adopts the Senate provision with an amendment to specify that 10 percent of the funds available to carry out the Farmers' Market Promotion Program be used to implement electronic benefit transfer systems at farmers' markets; and to specify mandatory funding in the amounts of:

$3,000,000 for fiscal year 2008;

$5,000,000 for each of fiscal years 2009 and 2010;

$10,000,000 for each of fiscal years 2011 and 2012. (Section 10106)

The Managers recognize that farmer-to-consumer direct marketing activities offer significant economic opportunities for farmers and ranchers seeking to increase profit retention. The Farmers' Market Promotion Program is intended to support the development and expansion of farmers' markets, and all other forms of direct marketing, through the provision of grants to assist in organizing, marketing, training, business plan development, community outreach and education, and other associated activities designed to establish or improve direct marketing opportunities for farmers and ranchers and the consumers they serve.

The Managers recognize that the growth of farmers' markets and other direct marketing ventures has been limited in some communities and regions, and therefore encourage the Department to determine the underlying reasons for this uneven distribution, with the goal of addressing this disparity through the support of meritorious projects in these locations.

The Managers are aware of the growing role that the more than 4,300 farmers markets and 1,200 community supported agriculture enterprises across the country play in providing access to fresh, healthy, and local foods, to all Americans, including those who participate in federal food assistance programs. As of 2006, the USDA estimated that only 6 percent of farmers' markets nationwide have electronic benefit transfer (EBT) systems in place to accept food stamp benefits. To increase the use of food stamp benefits at farmers' markets and community supported agriculture enterprises, the Managers have required a minimum of ten percent of the Farmers' Market Promotion Program funds be devoted to projects designed to implement EBT systems. The Managers also encourage the Secretary to examine and implement more systemic administrative approaches to increase the nationwide access of EBT technology suitable for farmers' markets and community supported agriculture enterprises, including possible ways to improve the administration of EBT service provider contracts to achieve this goal.

(25) National clean plant network

The House bill creates a funding source for clean planting stock and authorizes the Secretary to enter into cooperative agreements to produce, maintain and distribute healthy planting stock. It authorizes the appropriation of necessary funds through 2012 in addition to $20,000,000 in mandatory funds for the period of fiscal years 2008 through 2012. (Section 10404)

The Senate amendment is the same as the House bill, with technical differences. (Section 1851)

The Conference substitute adopts the Senate provision with an amendment to add NLGCA institutions to the list of entities the Secretary shall consult with in carrying out the program, and to specify mandatory funding in the amounts of $5,000,000 for each of fiscal years 2009 through 2012. (Section 10202)

(26) Healthy food urban enterprise development program

The House bill: (1) provides competitive grants to eligible entities to conduct studies on improving access of underserved communities to affordable, locally produced food, (2) provides that the maximum grant amount shall not exceed $250,000, and (3) authorizes the appropriation of necessary funds for each of fiscal years 2008 through 2012. (Section 10405)

The Senate amendment requires the Secretary of Agriculture to establish, through a competitive grant process, the Healthy Enterprise Development Center, the mission of which is to increase access to healthy, affordable foods to underserved communities. The Healthy Food Enterprise Development Center will be required to collect, develop, and provide technical assistance to agricultural producers, food wholesalers and retailers, schools, and other entities regarding best practices for aggregating, storing, processing, and marketing local agricultural products and increasing the availability of such products in underserved communities. The Healthy Food Enterprise Development Center is also provided with the authority to subgrant funds to carry out feasibility studies to carry out the purposes of the Center. The provision provides $7,000,000 in mandatory money. (Section 1843)

The Conference substitute adopts the Senate provision with amendments to place language for the Healthy Urban Food Enterprise Development Center within the Community Food Projects statute; clarify that subgrants may be used to establish and facilitate enterprises that process, distribute, aggregate, store, and market healthy affordable foods; limit the amount allocated for administrative expenses; provide $1,000,000 in funding for each of fiscal years 2009 through 2011; and authorize $2,000,000 for fiscal year 2012. (Section 4402)

The Managers expect that sub-grants be provided for activities in underserved areas that assist appropriate institutions in modifying and upgrading facilities through the purchase of refrigeration units, coolers or other equipment appropriate to accommodate healthy and locally produced agricultural food products.

(27) Definitions

The Senate amendment sets out definitions to apply throughout subtitle F for the terms "specialty crop", "state", and "state department of agriculture." (Section 1801)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to remove the definition of the term "State." (Section 10001)

(28) Foreign market access study and strategy plan

The Senate amendment requires the Comptroller General of the United States to carry out a study regarding the extent to which United States specialty crops have or have not benefited from the reduction of foreign trade barriers under the Uruguay Round. (Section 1831)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(29) Consultations on sanitary and phytosanitary restrictions for fruits and vegetables

The Senate amendment requires the Secretary to consult with interested persons and conduct annual briefings on sanitary and phytosanitary trade issues, included the development of a strategic risk management framework and as appropriate implementation of a peer review for risk analysis. (Section 1833)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(30) Market loss assistance for asparagus producers

The Senate amendment establishes a program to pay those producers currently growing asparagus for revenue losses during the 2004–2007 crop years due to imports. The language provides $15,000,000 in mandatory funding ($7,500,000 for producers of fresh asparagus and $7,500,000 for producers of processed or frozen asparagus). (Section 1852)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 10404)

TITLE XI—LIVESTOCK

(1) Livestock mandatory price reporting

The Senate amendment amends the Livestock Mandatory Reporting Act in subsection (a). It amends section 232(c)(3) to change the time of the afternoon swine report from 2:00 p.m. to 3:00 p.m. (Central Time). It also changes the time that USDA will publish the afternoon swine report from 3:00 p.m. to 4:00 p.m. (Central Time). Subsection (b) directs USDA to study the economic impacts of including wholesale pork product sales reporting on producers and consumers, including the effects of a confidentiality requirement on mandatory reporting. Upon completion of that study, USDA may establish mandatory packer reporting of wholesale pork product sales (such as pork cuts and retail-ready pork products), requiring each packer processing plant to report to USDA price and volume information at least twice each reporting day. Subsection (c) ensures that USDA continues to publish retail scanner data. (Section 10001)

The House bill contains no comparable provision.

The Conference substitute deletes subsection (a) of the Senate provision to amend the afternoon swine report. The conference substitute adopts subsection (b) of the Senate provision with an amendment to restrict the focus of the wholesale pork study to only pork cuts. Additionally, the Secretary of Agriculture will be provided 1 year to complete the study upon enactment of this Act. The substitute also clarifies that the Secretary is only authorized to collect the data necessary to complete the study during the period preceding the completion of the report. An authorization of such sums as necessary is provided to complete the study. The Conference substitute deletes subsection (c) of the Senate provision.

The conference substitute also provides enhancements to improve readability and understanding of information published under the Livestock Mandatory Reporting Act through electronic reporting.

The Managers expect the website improvements to be presented in a user friendly format that can be readily understood by producers, packers and other market participants. The website should include charts and graphs that provide real time data, including comparable data from previous days so that producers and other industry participants can track market changes. (Section 11001)

(2) Grading and inspection

The Senate amendment amends section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) to provide USDA authority to establish a voluntary grading program at USDA for catfish. The provision requires USDA to provide inspection activities under the Federal Meat Inspection Act for farm raised catfish, by adding catfish to the list of "amenable species." The Secretary, while establishing the grading and inspection program for catfish, is required to ensure that nothing duplicates, impedes, or undermines any of the food safety or product grading activities conducted by the Department of Commerce or the Food and Drug Administration. (Section 10002)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to authorize a voluntary fee-based grading program at USDA for catfish. Additional species of farm-raised fish or farm-raised shellfish may be added to the grading program through a petition process to the Secretary of Agriculture. The conference substitute also provides that catfish shall be an amenable species under the Federal Meat Inspection Act, and therefore will be subject to examination and inspection by USDA's Food Safety and Inspection Service (FSIS) when processed for use as human food. In conducting such inspections, FSIS is authorized to take into account the conditions under which the catfish are raised and transported to a processing establishment. Additional species of fish and shellfish are not addressed in this amendment; however, the Managers note that the Secretary has underlying authority within the Federal Meat Inspection Act to amend the definition of amenable species as he considers necessary and appropriate.

Additionally, the conference substitute requires the Secretary, in promulgating regulations for inspection activities, to consult with the Commissioner of the Food and Drug Administration. Final regulations for grading and inspection activities shall be promulgated not later than 18 months after the date of enactment of this section. The Conference substitute also requires the Secretary of Agriculture to submit an estimate of the costs of implementing the program. (Section 11016)

It is the intent of Congress that catfish be subject to continuous inspection and that imported catfish inspection programs be found to be equivalent under USDA regulations before foreign catfish may be imported into the United States.

The Managers intend that nothing in this section be interpreted to reduce funding or the level of inspection for meat, poultry and egg products. The Managers expect the Secretary to budget accordingly each year for catfish inspection. The Managers expect the Secretary, in approving any petition for voluntary, fee-based grading services for any additional farm-raised fish or farm-raised shellfish species, to make any resulting service available only on a facility by facility basis.

(3) Country of origin labeling

The House bill amends the Agricultural Marketing Act of 1946 to provide new country of origin labeling requirements for beef, lamb, pork and goat. It amends the list of covered commodities to include goat meat. The provision specifies labeling requirements for products that are of United States country of origin, multiple countries of origin, imported for immediate slaughter, and from a foreign country of origin. To be eligible for U.S. country of origin, the product must be derived from an animal that was exclusively born, raised, and slaughtered in the U.S. (with a narrow exception for animals from Alaska or Hawaii and transported through Canada), or present in the U.S. on or before January 1, 2008. The House provision authorizes the Secretary to conduct audits to verify compliance with this section. It prohibits the Secretary from requiring a person or entity to maintain a record of the country of origin of covered commodities, other than those maintained in the course of the normal conduct of business of such person or entity. The House bill amends section 283 to clarify that a retailer or person engaged in the business of supplying a covered commodity to a retailer notified of a violation will be provided 30 days to come into compliance with the law. It provides that if such person does not make a good faith effort to comply, and continues to willfully violate the law, the Secretary may fine the person in an amount up to $1,000 for each violation. (Section 11104)

The Senate amendment is similar to the House language but has several modifications. It amends the list of covered commodities to include goat meat, macadamia nuts and chicken. In addition to House language, Senate adds language to U.S. country of origin labeling category to require that animals present in the United States on or before January 1, 2008, and once present in the United States, must have remained continuously in the United States. In addition to House language regarding multiple countries of origin, Senate adds disclaimer under subsection (B) to clarify that labeling for multiple countries of origin is a mandatory requirement. (Section 10003)

The Conference substitute adopts the Senate provision with an amendment to add ginseng and pecans as covered commodities. Covered commodities, such as beef, lamb, pork, chicken, or goat present in the United States on or before July 15, 2008 will be labeled as product of the United States. The Managers reinstate current law regarding the labeling of processed wild fish to include locations such as aboard a vessel that is documented under chapter 121 of title 46, United States Code, or registered in the United States. (Section 11002)

(4) Definitions

The Senate amendment: (1) amends the definitions of terms provided for the purposes of the Agricultural Fair Practices Act of 1967, (2) expands the definition of "association of producers" to also include general livestock, poultry and farm groups, and (3) clarifies that a handler is not a producer, nor a person that provides custom feeding services. (Section 10101)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to define the term associations of producers to include organizations with a membership exclusively limited to agricultural producers and dedicated to promoting the common interest and general welfare of agricultural products. Additionally, the conference substitute deletes the Senate provision that excluded the term "producer" from the definition of "handler." The conference substitute also removes the provision defining the Secretary of Agriculture under the Agricultural Fair Practices Act of 1967. (Section 11003)

It is the intent of the Managers that custom feeding services should be interpreted to mean a producer or business that feeds livestock for other producers, but does not own the livestock they are feeding and raising for those producers.

(5) Prohibited practices

The Senate amendment: (1) amends section 4 of the Agricultural Fair Practices Act to expand the list of prohibited practices, (2) amends the first category to add that it shall also be unlawful for any handler to knowingly engage or permit any employee or agent to coerce any producer in the exercise of his right to form an association of producers, and (3) adds that it shall be unlawful to "fail to bargain in good faith with an association of producers." (Section 10102)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(6) Enforcement

The Senate amendment amends the enforcement provisions by striking section 5 and replacing it with a directive for the Secretary to conduct rulemaking to clarify what constitutes normal and fair dealing per section 10104. It also strikes section 6 of the current law to provide the Secretary of Agriculture the authority to bring a civil action in United States District Court by filing a complaint requesting preventative relief, including an application for a permanent or temporary injunction, restraining order or other order, against the handler. Under the Senate provision, handlers found to have violated the Act are liable for the amount of damages including the costs of litigation and reasonable attorneys' fees. The Senate provision changes the statute of limitations from 2 years to 4 years and provides for an additional penalty of not more than $1,000 per violation. (Section 10103)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(7) Rules and regulations

The House bill amends the Agricultural Fair Practices Act by adding provisions for the promulgation of new rules and regulations. It directs USDA to promulgate rules and regulations, including rules or regulations necessary to clarify what constitutes fair and normal dealing for purposes of the selection of customers by handlers. Please note section 5 (7 U.S.C. 2304) was struck pursuant to section 10103. (Section 10104)

The Senate amendment

The Conference substitute deletes the Senate provision.

(8) Special counsel for agricultural competition

The Senate amendment amends the Packers and Stockyards Act by adding a new subtitle that provides for the appointment of a special counsel at USDA to investigate and also prosecute violations of Packers and Stockyards Act and Agricultural Fair Practices Act. The Special Counsel will oversee the Office of Special Counsel and will have the responsibility for all duties and functions of the Packers and Stockyards programs at USDA. Employees within GIPSA's Packers and Stockyards programs will report to the Special Counsel. Grain inspection activities currently carried out by GIPSA would continue to report to the Administrator for GIPSA as a separate agency or as determined by the Secretary upon implementing this section. The Administrator for GIPSA would no longer oversee activities of the Packers and Stockyards programs. The Senate provision provides that the Special Counsel will report to the Secretary of Agriculture. The Special Counsel shall be free from the direction and control of any person in the Department of Agriculture other than the Secretary. The Special Counsel shall be appointed by the President with the advice and consent of the Senate. The Senate provision provides that the Special Counsel shall report twice each year to Congress that details the number of complaints received and closed, number of investigations and civil and administrative actions initiated, carried out and completed, number and type of decisions agreed to and number of stipulation agreements, the number of investigations and civil and administrative actions that the Secretary objected to or prohibited from being carried out, and the stated purpose of the Secretary for each objection or prohibition. The Special Counsel, prior to commencing, defending, or intervening in any civil action under the Packers and Stockyards Act or the Agricultural Fair Practices Act, shall give written notification to the Attorney General. Should the Attorney General fail to commence, defend, or intervene in the proposed action, the Special Counsel may commence, defend or intervene and supervise the litigation in the name of the Special Counsel. Nothing prevents the Attorney General from intervening on behalf of the United States in any civil action under the Packers and Stockyards Act or the Agricultural Fair Practices Act. (Section 10201)

The House bill contains no comparable provision.

The Conference substitute provides that the Secretary shall submit an annual report by the Grain Inspection, Packers and Stockyards Administration at the Department of Agriculture to detail the number of investigations into possible violations of the Packers and Stockyards Act, 1921. The annual report will detail the length of time that investigations are pending with the Grain Inspection, Packers and Stockyards Administration, the General Counsel of the Department of Agriculture and the Department of Justice. The annual report requirement will expire with the expiration of this Act. (Section 11004)

It is the intent of the Managers that the annual report provide ranges into the length of time investigations may be pending with the Grain Inspection, Packers and Stockyards Administration, the Office of General Counsel, or the Department of Justice. The Managers have provided flexibility for the Secretary to conduct the report using various summary statistics such as range, maximum, minimum, mean and average times. However, at a minimum, the Managers request charts to be provided in the annual report denoting the ranges in 6 month intervals.

(9) Investigation of live poultry dealers

The Senate amendment: (1) amends section 2 of the Packers and Stockyards Act to remove the poultry slaughter requirement from the existing definitions, (2) amends title II of the Packers and Stockyards Act to give the USDA administrative enforcement authority over live poultry dealers under the Act, (3) defines "poultry grower" as any person engaged in the business of raising or caring for live poultry under a poultry growing arrangement, regardless of whether the poultry is owned by the person or by another person, (4) amends section 408 of the Packers and Stockyards Act to provide authority for the Secretary to request a temporary injunction or restraining order if a person subject to the Act fails to pay a poultry grower what is due the poultry grower for poultry care, (5) increases the penalty for violations under the Act from $10,000 to $22,000, and (6) repeals sections regarding poultry enforcement under sections 411, 412, and 413. (Section 10202)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(10) Definition of capital investment

The Senate amendment amends title I of the Packers and Stockyards Act to add the definition of a capital investment. Capital investment is defined as an investment in a structure, such as a building or manure storage structure; or machinery or equipment associated with producing livestock or poultry that has a useful life of more than 1 year. (Section 10203(a))

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(11) Definition of contractor

The Senate amendment amends title I of the Packers and Stockyards Act to add the definition of a contractor. Contractor is defined as a person that obtains livestock or poultry from a contract producer in accordance with a production contract. (Section 10203(a))

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(12) Definition of contract producer

The Senate amendment amends title I of the Packers and Stockyards Act to add the definition of a contract producer. Contract producer is defined as a producer that produces livestock or poultry under a production contract. (Section 10203(a))

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(13) Definition of investment requirement

The Senate amendment amends title I of the Packers and Stockyards Act to add the definition of an investment requirement. Investment requirement is defined as an investment that requires a contract producer to make a capital investment that, but for the production contract, the producer would not have made; or a representation by a contractor that results in the contract producer making a capital investment. (Section 10203(a))

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(14) Definition of production contract

The Senate amendment amends title I of the Packers and Stockyards Act to add the definition of a production contract. A production contract is defined as a written agreement that provides for the production of livestock or poultry by a contract producer or the provision of a management service relating to the production of livestock or poultry by a contract producer. (Section 10203(a))

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(15) Right to cancel production contracts

The Senate amendment amends title II of the Packers and Stockyards Act to add a new section (section 208) governing production contracts. It allows contract producers to cancel a production contract within three business days after the contract execution date. The contract shall disclose the right of the producer to cancel a production contract and the method by which the contract producer may cancel the production contract, including the deadline for canceling the production contract. (Section 10203(b))

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to provide that poultry growers and swine production contract growers may cancel their contract up to three business days after the date on which the contract was signed. (Section 11005)

(16) Production contracts requiring large capital investments

The Senate amendment amends title II of the Packers and Stockyards Act to add a new section (section 208) governing production contracts that require large capital investments. The provision allows contract producers who have made an investment of $100,000 or more for purposes of securing the production contract with a packer, live poultry dealer, or swine contractor, to be given at least 90 days to correct an alleged breach before a contractor can terminate a contract. The contractor may terminate or cancel a production contract without notice for voluntary abandonment by the contract producer, conviction of the contract producer of an offense or fraud or theft committed against the contractor, the natural end of the production contract, or if the well-being of the livestock or poultry would be in jeopardy once under the care of the contract producer. If not later than 90 days, a producer remedies the cause of breach under the contract, the contractor may not terminate or cancel a production contract. (Section 10203(b))

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

In Section 11006 of the conference substitute, the Managers require the Secretary to promulgate rules regarding what constitutes a reasonable period of time for a live poultry dealer or swine production contract grower to remedy a breach of contract that could lead to termination of the poultry growing arrangement or swine production contract.

(17) Additional capital investments

The Senate amendment amends title II of the Packers and Stockyards Act to add a new section (section 208) to prohibit a contractor from requiring additional investments of the contract producer during the term of the contract unless the additional investments are offset by reasonable additional consideration, including compensation or a modification of the terms of the contract; and the contract producer agrees in writing that there is acceptable and satisfactory consideration for the additional capital investment; or without the additional capital investments the well-being of the livestock or poultry subject to the contract are in jeopardy. (Section 10203(b))

The House bill contains no comparable provision.

The Conference substitute provides that a poultry growing arrangement or swine production contract contain a conspicuous statement that additional large capital investments may be required of the poultry grower or swine production contract grower during the term of the poultry growing arrangement or swine production contract. The provision will apply to any poultry growing arrangement or swine production contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this section. (Section 11005)

(18) Choice of law, jurisdiction and venue

The Senate amendment: (1) amends title II of the Packers and Stockyards Act to add a new section (section 209) governing the settlement of disputes arising under production or marketing contracts governed by the Packers and Stockyards Act, (2) provides that any provision of a livestock or poultry contract shall be subject to the jurisdiction, venue of the state in which the production occurs, and (3) designates that the choice of law, jurisdiction and venue requirements shall apply to any production or marketing contract entered into, amended, altered, modified, renewed, or extended after the date of enactment. (Section 10203)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to require that the forum for resolving any dispute among the parties to a poultry growing arrangement or swine production or marketing contract shall be the Federal judicial district in which the principal part of the performance takes place under the arrangement or contract. A poultry growing arrangement or swine production or marketing contract may specify which State's law is to apply to issues governed by State law in any dispute arising out of the arrangement or contract, except to the extent that doing so is prohibited by the law of the State in which the principal part of the performance takes place under the arrangement or contract. (Section 11005)

(19) Arbitration of livestock and poultry contracts

The Senate amendment amends title II of the Packers and Stockyards Act to add a new section (section 210) governing the settlement of disputes arising under contracts governed by the Packers and Stockyards Act. The Senate provision provides that arbitration may be used to settle a controversy arising from a livestock or poultry contract only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy. (Section 10203(b))

The House bill amended the Packers and Stockyards Act to instruct the Secretary to promulgate regulations to establish standards related to arbitration provisions in livestock and poultry contracts. The provision directs the Secretary to promulgate regulations addressing venue, costs, number and appointment of arbitrators, and other elements of arbitration, as necessary. The provision requires that any person appointed as arbitrator disclose any circumstances that could raise doubt as to impartiality.

The Conference substitute provides a producer or grower the ability to decline arbitration prior to entering the contract. Any livestock or poultry contract that contains a provision requiring the use of arbitration shall conspicuously disclose the right of the contract producer or grower, prior to entering the contract, to decline the requirement to use arbitration to resolve any controversy that may arise under the livestock or poultry contract. Any contract producer or grower that declines arbitration prior to entering the contract has the right to still seek the use of arbitration after a controversy arises, if both parties consent in writing to use arbitration to settle the controversy. The conference substitute provides that it shall be an unlawful practice under the Packers and Stockyards Act for a packer, swine contractor, or live poultry dealer to violate this section including any action that has the intent or effect of limiting the ability of a producer or grower to freely make a choice to decline the use of arbitration. The Secretary is also required to promulgate regulations to establish criteria to be used in determining whether the arbitration process provided in a contract provides a meaningful opportunity for the grower or producer to participate fully in the arbitration process. (Section 11005)

When used in this section, the Managers intend that the term "contract" means at a minimum, poultry growing arrangements, livestock production, marketing and forward contracts.

The Managers expect that this section be implemented in such a manner that producers and growers have a choice and the ability to decline arbitration prior to entering the contract. Additionally, it is the intent of the Managers that the Secretary of Agriculture develop regulations which provide producers and growers a reasonable period of time in which to decide whether or not to decline arbitration prior to entering the contract.

(20) Right to discuss terms of contracts

The Senate amendment amends section 10503 of the Farm Security and Rural Investment Act of 2002 to add to the list in current law. It would allow contract growers to also discuss contract terms with business associates, neighbors, and other producers. (Section 10204)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(21) Attorneys' fees

The Senate amendment amends section 308 to allow producers to attempt to recover the costs of the litigation, including reasonable attorneys' fees, (in addition to damages) in an action arising under the Packers and Stockyards Act. (Section 10205)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(22) Appointment of outside counsel

The Senate amendment amends section 407 to provide the Secretary with the authority to obtain the services of attorneys who are not federal employees to aid in investigations and civil cases. (Section 10206)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(23) Prohibition on packers owning, feeding, or controlling livestock

The Senate amendment amends section 202 of the Packers and Stockyards Act (7 U.S.C. 192) to add to the list of prohibited practices. It prohibits most major packers from owning, feeding, or controlling livestock directly, or through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over livestock or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the livestock operation. The prohibition does not apply to: packers who enter into arrangements within 14 days before slaughter; cooperatives where the majority of ownership interest is held by active cooperative members; packers not required to report to USDA under section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a); or a packer that only owns one livestock processing plant. The provision provides that a packer of swine would be in violation of this provision if it owns, feeds or controls swine later than 18 months after the enactment of this Act. It provides that a packer of livestock, other than swine, would be in violation of this provision if it owns, feeds or controls livestock later than 180 days after enactment of this Act. (Section 10207)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(24) Regulations

The Senate amendment directs USDA to promulgate rules and regulations, including regulations dealing with discrimination against smaller volume producers. It provides that regulations shall also be promulgated to require that live poultry dealers provide written notice to poultry growers if the live poultry dealer imposes an extended layout period in excess of 30 days prior to removal of the previous flock. (Section 10208)

The House bill contains no comparable provision.

The Conference substitute provides for the promulgation of regulations under the Packers and Stockyards Act, 1921 not later than two years after enactment, to establish criteria that the Secretary of Agriculture will consider when developing the regulations enumerated in this section (Section 11006)

(25) Sense of Congress regarding pseudorabies eradication program

The House bill expresses the sense of Congress that the eradication of pseudorabies is a high priority that should be carried out under the authorities of the Animal Health Protection Act. (Section 11101)

The Senate amendment is similar to House provision but expands upon the House language to recognize the threat that feral swine pose to not only swine, but also the entire livestock industry. Senate language also details the importance of pseudorabies surveillance funding to assist the swine industry in monitoring, surveillance, and eradication of pseudorabies, including the monitoring and surveillance of other diseases effecting swine production and trade. (Section 10301)

The Conference substitute adopts the House provision with an amendment to recognize the threat that feral swine pose to not only the domestic swine population but also the entire livestock industry. (Section 11007)

(26) Sense of Congress regarding the cattle fever tick eradication program

The House bill expresses the sense of Congress that implementing a national strategic plan for the cattle fever tick eradication program is a high priority in order to identify and procure the necessary tools to prevent and eradicate fever ticks in the United States. (Section 11106)

The Senate amendment is the same as the House bill. (Section 10302)

The Conference substitute adopts the House provision. (Section 11008)

(27) National Sheep and Goat Industry Improvement Center

The House bill amends section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j by eliminating the requirement that the National Sheep Industry Improvement Center privatize its revolving fund. An authorization of appropriations of $10 million is authorized for each of the fiscal years 2008 through 2012. (Section 6015)

The Senate amendment: (1) amends section 375 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008j) by eliminating the requirement that the National Sheep Industry Improvement Center privatize its revolving fund, (2) renames the Center as the National Sheep and Goat Industry Improvement Center, and (3) provides for new mandatory funding of $1,000,000 for FY2008, to be available until expended, and authorizes $10,000,000 for each FY2008–2012. (Section 10303)

The Conference substitute adopts the Senate provision with an amendment to delete the renaming of the Center. (Section 11009)

(28) Trichinae certification program

The Senate amendment amends section 10409 of the Animal Health Protection Act, to direct the USDA to establish and implement a trichinae certification program to certify farm operations that are trichinae free to be eligible for export or other market opportunities. It authorizes appropriations of $1.25 million for each of fiscal years 2008 through 2012. (Section 10304)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to require the Secretary of Agriculture to provide an explanation should the final rule not be promulgated within 90 days of enactment of this Act. Subject to appropriation of funds, the Secretary is authorized to use $6,200,000 to carry out the certification program (Section 11010)

(29) Protection of information in the animal identification program

The Senate amendment directs the Secretary of Agriculture to promulgate regulations consistent with the Freedom of Information Act regarding the disclosure of information submitted by farmers and ranchers who participate in the national animal identification system. The regulations promulgated are subject to public comment and should address the protection of trade secrets and other proprietary and or confidential business information. (Section 10305)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(30) Sense of Congress regarding the voluntary control program for low pathogenic avian influenza

The House bill expresses the sense of Congress that the voluntary control program for low pathogenic avian influenza is a critical component of the animal health protection system, and that the Secretary should continue to provide 100 percent compensation for eligible costs to owners of poultry and cooperating States. (Section 11105)

The Senate amendment amends section 10407(d)(2) of the Animal Health Protection Act. It defines "eligible costs" for the purpose of low pathogenic avian influenza indemnification as "costs determined eligible for indemnity under part 56 of title 9, Code of Federal Regulations, as in effect on the date of enactment of this clause." The Senate provision also provides that, subject to subparagraphs (B) and (D), with respect to compensation provided to an owner of an animal required to be destroyed under section 10407 of the Animal Health Protection Act, the compensation to any owner or contract grower of poultry participating in the voluntary control program for low pathogenic avian influenza under the National Poultry Improvement Plan, and payments to cooperating State agencies, shall be made in an amount equal to 100 percent of the eligible costs. (Section 10306)

The Conference substitute provides that the Secretary compensate industry participants and States that cooperate with the Secretary in conducting livestock pest or disease detection, control or eradication measures for 100 percent of eligible costs. .

It is the intent of the Managers that compensation under this section go to any owner or contract grower of poultry participating in the voluntary control program for low pathogenic avian influenza under the National Poultry Improvement Plan, and payments to cooperating state agencies in an amount equal to 100 percent of the eligible costs. Eligible costs are defined in accordance with part 56 of title 9, Code of Federal Regulations, as in effect on the date of enactment of this section. (Section 11011)

CHRONIC WASTING DISEASE

The Managers expect the Secretary to promulgate, as soon as practicable, a final rule to establish a herd certification program to combat chronic wasting disease in farmed and captive deer, elk and moose.8e Managers expect the rule to include appropriate certification procedures to allow for the interstate movement of participating deer, elk, and moose.

(31) Study on bioenergy operations

The Senate amendment directs USDA to submit to the House and Senate Agriculture Committees a report describing the potential economic issues (including potential costs) associated with animal manure used in normal agricultural operations and as a feedstock in bioenergy production. (Section 10307)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to require the study to evaluate the extent to which animal manure is utilized as fertilizer in agricultural operations, the potential impact on consumers and on agricultural operations resulting from limitations being placed on the utilization of animal manure as a fertilizer, and the effects on agriculture production contributable to the increased competition for animal manure use due to bioenergy production, including as a feedstock or a replacement for fossil fuels. The study is to be submitted to the respective House and Senate Committees within 1 year of enactment of this Act. (Section 11014)

(32) Sense of the Senate on indemnification of livestock producers

The Senate amendment expresses the sense of the Senate that the USDA should "partner with the private insurance industry to implement an approach for expediting the indemnification of livestock producers in the case of catastrophic disease outbreaks." (Section 10308)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(33) State-inspected meat and poultry

The House bill requires the Secretary to submit a report to Congress with the results of a review of each State meat and/or poultry inspection program in section 11103(a). Such review will include a determination of the effectiveness of the program, and an identification of the changes necessary for the program to meet and enforce Federal inspection standards. Subsections (b) and (c) of section 11103 amend the Federal Meat Inspection Act (FMIA) and the Poultry Products Inspection Act (PPIA), respectively, with regard to State inspection programs. Authorizes the Secretary to approve a State to ship product inspected under such State's inspection program in interstate commerce, if such State inspection program has implemented identical requirements to those contained in the FMIA and/or PPIA and Federal regulations under such statutes. The House bill provides requirements for new State inspection programs, including that the Secretary shall review all new State inspection programs within one year after such State inspection program was approved. Upon such review, the State inspection program must implement all recommendations from the review. The provision provides that a State inspection program will operate subject to a cooperative agreement with the Secretary, and establishes the terms of such cooperative agreement, including: State must adopt requirements identical to Federal inspection requirements; State mark of inspection will be deemed an official mark; State will comply with labeling requirements issued by the Secretary; Secretary will have authority to detain and seize products under the State program; Secretary will have access to facilities and records of State program; and other provisions as determined by the Secretary. The provision also provides that the Secretary shall reimburse a State for not more than 50 percent of the State's costs for the State meat inspection program, and not more than 60 percent of the State's costs for the State poultry inspection program. The House bill requires the Secretary to take action if the Secretary determines that a State inspection program is not in compliance with the cooperative agreement, including suspending or revoking the approval of the State inspection program. Authorizes the Secretary to institute Federal inspection at a State-inspected plant if the Secretary determines that such State plant is not operating in accordance with the cooperative agreement and requirements herein. It also requires the Secretary to conduct annual review of each State inspection program. It provides that no State may prohibit or restrict the movement or sale of meat or poultry products that have been inspected and passed in accordance with this section. (Section 11103)

The Senate amendment amends the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) create an option for state inspected plants that are 25 employees or less to ship in interstate commerce. This will not replace the existing state inspection programs. Plants that are selected by the Secretary to ship in interstate commerce using this option must follow the Federal Meat Inspection Act and Poultry Products Inspection Act in the same manner as expected of a federally inspected establishment. Establishments that are larger than 25 employees but less than 35 employees are eligible for this option, but must transition to a federal establishment three years after promulgation of the final rule. Establishments that are currently under Federal inspection are not eligible for this option. The Secretary shall reimburse a state for costs related to the inspection of selected establishments in the state at an amount not less than 60 percent of eligible state costs. The Secretary may also reimburse a state for 100 percent of the eligible state costs if the selected establishment provides additional verification microbiological testing in excess of typical Federal establishments. The Secretary shall designate a Federal employee as a state coordinator for each state agency that has a state inspection program. The state coordinator will be under direct supervision of the Secretary. The state coordinator will visit selected establishments with a frequency appropriate to ensure that these establishments are operating in a manner consistent with the Federal Meat Inspection Act and Poultry Products Inspection Act. The state coordinator shall provide on a quarterly basis a report that describes the status of each selected state establishment in regard to compliance with the Federal Meat Inspection Act and Poultry Products Inspection Act. If a state coordinator finds any selected establishment in violation of the Federal Meat Inspection Act or Poultry Products Inspection Act, the state coordinator shall notify the Secretary of the violation and deselect the selected establishment or suspend inspection. The Senate provision requires USDA's Inspector General not later than two years after the effective date of enactment, and not less than every two years, conduct an audit of each activity taken by the Secretary to determine compliance of this program with the law. The Government Accountability Office shall also conduct an audit of the implementation of this program. It also authorizes the Secretary of Agriculture to establish within the Food Safety Inspection Service (FSIS) at USDA an inspection training division to coordinate outreach, education, training and technical assistance of very small and certain small establishments. The Senate language allows the Secretary to provide grants to appropriate state agencies to help establishments covered by intrastate inspection under title III of the Federal Meat Inspection Act to transition to the new program under title V. (Section 11067)

The Conference substitute adopts the Senate provision with an amendment to strike section (c)(2) of the Senate amendment regarding microbiological verification testing. Periodic audits required of the Inspector General under Senate section (e)(1) was changed from two years to not less often than every three years. (Section 11015)

(34) Food Safety Commission

The Senate amendment establishes a Congressional Bipartisan Food Safety Commission to review the food safety system of the United States and to prepare a report that makes recommendations on ways to: modernize the U.S. food safety system; harmonize and update food safety statutes; improve Federal, State, local, and interagency coordination of food safety personnel, activities, budgets, and leadership; allocate scarce resources according to risk; ensure that regulations directives, guidance, and other standards and requirements are based on best-available science and technology; emphasize preventative strategies; provide to Federal agencies funding mechanisms necessary to effectively carry out food safety responsibilities; and to draft specific statutory language that would implement recommendations of the Commission. The Commission is required to review and consider statutes, studies and reports as listed in legislative language to understand the U.S. food safety system. The initial meeting is required to take place 30 days after the final Commission member is appointed. One year after its initial meeting, the Commission is required to publish a report on its findings, upon which the Commission will dissolve. The members of the Commission will be appointed 60 days after the enactment of this legislation. Members are required to have training, education or experience in food safety research, food safety law and policy, or program design and implementation. Members must consist of the Secretary of Agriculture (or a designee), the Secretary of Health and Human Services (or a designee), one Member of the House of Representatives, one Member of the Senate, and 15 members that represent consumer organizations, agricultural and livestock production, public health professionals, State regulators, Federal employees, and the livestock and food manufacturing and processing industry. Two members of the Commission are appointed by the President, 13 are appointed by Congress. The Commission is required to hold at least five stakeholder meetings, and can hold hearings and secure information from Federal agencies to carry out its work. Commission members who are not officers or employees of the Federal Government can be compensated for serving on the Commission. Commission members are allowed travel expenses while away from home or place of business. The Chairperson of the Commission can appoint an executive director and additional personnel to carry out the work of the commission. Federal Government employees can be detailed to the Commission without reimbursement. This provision authorizes appropriations to carry out this section. (Section 11060)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(35) Action by President and Congress based on report

The Senate amendment states: (1) the President is required to review the report from the Congressional Bipartisan Food Safety Commission established by the Senate amendment, and is required to submit to Congress proposed legislation based on the recommendations for statutory language contained in the Commission's report and proposed legislation, and (2) Congress may hold hearings and other activities for consideration of the statutory language from the Commission and the President. At also contains a Sense of the Senate expressing: the need for additional resources and direction for the food safety agencies of the Federal Government; the need for additional food safety inspectors; the need for food safety agreements between the United States and its trading partners; the need for Congress to work on comprehensive food safety legislation. (Section 11072)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(36) Food safety improvement

The Senate amendment modifies the FMIA and PPIA to create a reporting requirement for establishments regulated by USDA-FSIS to provide information to the Secretary upon determining that a meat and/or poultry product it manufactured had entered the stream of commerce and was reasonably likely to cause serious adverse health events or death (the Class I recall standard). Reports are not required if products are under the control of the establishment and corrective actions are taken to ensure that the product is no longer adulterated, or if the product never enters into the stream of commerce. Upon receipt of a report, the Secretary would be able to use existing authority to request additional information related to the incident, issue a public health alert, and work with the establishment to notify relevant members of the supply chain and pursue a corrective action plan. The language encourages USDA to coordinate such efforts with State and local public health officials. The provision: (1) requires all establishments regulated by USDA-FSIS to have in place a recall plan per USDA Directive 8080.1, Revision 4, (2) requires all beef establishments regulated by USDA-FSIS to have in place an E. coli reassessment as described in 67 Federal Register 62325 (October 7, 2002), (3) directs the Secretaries of Agriculture and HHS to promulgate sanitary food transportation regulations, as described in section 416(b) of the Federal Food, Drug, and Cosmetics Act, and (4) directs USDA, HHS, and DOT to enter into a Memorandum of Understanding related to sanitary food transportation. (Section 11087)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to add a new section 12 to the Federal Meat Inspection Act (21 U.S.C. 611) to require immediate notification of the Secretary if an establishment believes or has reason to believe that an adulterated or misbranded meat or meat food product has entered commerce; add a new section 13 to the Federal Meat Inspection Act (21 U.S.C. 611) to require establishments to prepare and maintain, in writing, a recall plan and any reassessments of their hazard analysis and critical control point plans, and to have those plans and reassessments available to USDA inspectors. Identical changes were made to the Poultry Products Inspection Act (21 U.S.C. 459) by modifying section 10 of the PPIA. (Section 11017)

(37) Oversight of national aquatic animal health plan

The Senate amendment establishes a General advisory Committee for Oversight of National Aquatic Animal Health (composed of not more than 20 members). The advisory committee is to make recommendations to the Secretary on:

- the establishment and membership of appropriate experts to efficiently implement the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force
- disease and species-specific best management practices related to activities carried out under the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force
- the establishment and administration of an indemnification fund (see below)

The Senate amendment requires the Secretary to promulgate regulations establishing the national aquatic animal health improvement program, in accordance with the Animal Health Protection Act. The provision allows for participation by State and Tribal Governments and the Private Sector who upon election to participate will enter into agreements with the Secretary to assume responsibility for a portion of the non-Federal share of the costs of carrying out the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force. It establishes an indemnification fund to compensate aquatic farmers for specified purposes. It also requires a report not later than 2 years after the date of enactment to describe:

- activities carried out under the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force
- activities carried out by the advisory committee
- recommendations for subsequent years' funding

The Senate amendment authorizes appropriations of $15,000,000 for fiscal years 2008 and 2009, of which not less than 50 percent is to be deposed into the indemnification fund and not more than 50 percent shall be used to carry out the national aquatic animal health plan developed by the National Aquatic Animal Health Task Force. (Section 11086)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment. (Section 11013)

The Managers are conscious of the need for an aquatic animal health plan. The United States is facing a seafood trade deficit of over $9 billion, and faces loss of export markets in Europe, partially due to the lack of a coordinated industry health program. Without an effective control program in place, the United States faces difficulty in safeguarding against pest and disease incursions. The Managers therefore encourage the Animal and Plant Health Inspection Service to implement a National Aquatic Animal Health Plan (NAAHP) within 18 months of enactment of this Act. It is further expected that NAAHP should be based on the existing plan developed by the National Aquatic Animal Health Task Force, and to be refined with extensive consultation of cooperators, including state agencies, tribal governments, industry, and fish health professionals.

The Managers note the potential benefits of an advisory board to ensure the success of such a Plan; such a board should have a balanced representation of state and tribal governments and commercial aquaculture interests. The Managers likewise recognize the potential benefits of an appropriate number of representative expert committees. Such expert committees would be charged with recommending disease- and species- specific plans, taking into account any existing aquaculture-related projects undertaken under the aegis of the Plan as of the date of enactment of this legislation.

TITLE XII—CROP INSURANCE

(1) Premiums and reinsurance requirements

(a) Premium Adjustments (Section 508(a) of the Federal Crop Insurance Act)

The House bill: prohibits paying premiums, offering rebates for premiums, or making other inducements to purchase crop insurance or after crop insurance has been purchased, except for administrative fees pursuant to section 508(b)(5)(B) of the Federal Crop Insurance Act or performance-based discounts under section 508(d)(3) of the same Act. (Section 11001(a))

The Conference substitute adopts the House provision, with the following modification—the rebating rules are modified so as to permit certain cooperatives that were authorized to offer payments in accordance with section (b)(5)(B) as in effect the day before the date of enactment by the Risk Management Agency (RMA) in the 2005, 2006, and 2007 reinsurance years to continue to do so (Section 12004).

The Managers' intent in including clause (9)(B)(iii) is to "grandfather in" entities that have previously been approved by the Federal Crop Insurance Corporation (Corporation) to make payments in accordance with subsection (b)(5)(B) as in effect on the day before the date of enactment. These entities must provide payments or patronage dividends in a consistent manner with the payment plan previously approved in accordance with such subsection for the entity by the Corporation. The Managers expect the Corporation to notify, in writing and on an annual basis, entities covered under the grandfather clause as well as 508(b)(5)(B) as amended of their ability to provide such payments and the scope of providing such payments. The Managers expect the Corporation to exercise strict oversight to ensure that these entities are operating consistent with federal and state law and the payment plan submitted and approved. The Managers understand through discussions with RMA that the parties covered by the grandfather clause represent the universe of parties engaged in this activity. The Managers also understand from RMA that, while two submissions are still under review, no further requests are pending or expected from additional parties seeking to engage in the activities of those parties covered by the grandfather clause.

(b) Administrative Fee (Section 508(b) of the Federal Crop Insurance Act)

Section 11001(b) of the House bill amends the Federal Crop Insurance Act to limit the ability of an insurance provider, cooperative association, or trade association to pay for only catastrophic risk protection administrative fees on behalf of a producer. The Senate amendment clarifies language that permits cooperatives or trade associations to pay premiums on behalf of farmer-members to make it clear that the provision applies only to fees for catastrophic coverage. It also strikes clause (ii) which requires that licensing fees in connection with the issuance of catastrophic risk protection or additional coverage to be paid to cooperatives or trade associations from insurance providers shall be subject to laws regarding rebates in the various states in which the fee or other payment is made. (Section 1905)

The Conference substitute adopts the Senate provision (Section 12006).

(c) Time for Payment (Section 508(d) of the Federal Crop Insurance Act)

Section 11001(c) of the House bill requires that beginning with the 2012 reinsurance year, the Corporation must establish August 1 as the billing date for crop insurance premiums.

Paragraph (1) of section 1906 of the Senate amendment establishes the date when policyholder premiums must be paid, beginning in the 2012 reinsurance year, to no later than September 30. (Section 1906)

The Conference substitute adopts the House provision, with a date change to August 15. (Section 12007)

(d) Reimbursement rate (Section 508(k) of the Federal Crop Insurance Act)

Paragraph (1) of Section 11001(d) of the House bill amends section 508(k)(4)(A) of the Federal Crop Insurance Act to provide that beginning with the 2009 reinsurance year, the Corporation shall reimburse insurance providers and agents for administrative and operating (A&O) expenses at a rate 2.9 percentage points below the rates in effect on the day of enactment of this Act.

Section 1912 of the Senate amendment reduces the reimbursement rate for existing plans of insurance by 2 percentage points below the rates in effect at the time of enactment of this Act, except that the reduction shall not be applied in any reinsurance year for a state in which the loss ratio exceeds 1.2, beginning in the 2009 reinsurance year. It also reduces the reimbursement rate for area policies (such as Group Risk Plan (GRP) and Group Risk Income Protection (GRIP)) to 17 percent of premiums because delivery costs are not as high relative to delivery costs for other products. (Section 1912)

The Conference substitute adopts the Senate provision, with the following modification—it provides for a 2.3 percentage point reduction from current levels for the overall A&O reduction, with a snapback that restores one half of the reduction to states in years in which their overall loss ratio exceeds 1.2. In addition, it includes the reduction to the reimbursement rate for area policies from the Senate provision, with the rate lowered to 12 percent of total premiums. (Section 12016)

The Managers intend for the limitation in paragraph (F) to apply only to plans of insurance that are established and widely available at the time of enactment, and not apply to area plans such as the Pasture, Rangeland, and Forage program that have higher delivery costs than policies such as GRIP and GRP.

(e) Renegotiation of the Standard Reinsurance Agreement (Section 508(k) of the Federal Crop Insurance Act)

Paragraph (2) of Section 11001(d) of the House bill provides that during the year following the reinsurance year ending June 30, 2012, the Corporation may renegotiate the financial terms of the Standard Reinsurance Agreement (SRA), and subsequently conduct such renegotiations once during each period of five reinsurance years thereafter and stipulates that changes in Federal law that require the Corporation to revise the financial terms of the SRA will not be considered to be a renegotiation of the agreement. It also provides that approved insurance providers may confer with each other during the renegotiation process.

The Senate amendment allows the Federal Crop Insurance Corporation to renegotiate the SRA, which contains the contractual obligations and financial terms of the relationship between RMA and the crop insurance companies, every five years, the first occurring not sooner than the end of the 2012 reinsurance year. It provides an exception to allow the SRA to be renegotiated more frequently if necessary to address unexpected adverse circumstances experienced by the companies. The Secretary is required to notify the relevant Congressional Committees before invoking this exception. This section also allows crop insurance companies to confer with each other in the course of the renegotiation process, as well as collectively with RMA. (Section 1913)

The Conference substitute adopts the Senate provision with modifications, incorporating the House language on treatment of changes in the SRA due to changes in Federal law. It moves up the time when the next SRA can be negotiated, to be effective for the 2011 reinsurance year. It also requires the RMA to consider certain alternative mechanisms for compensating companies for delivery expenses, when negotiating the SRA. (Section 12017)

(f) Time for Reimbursement (Section 508(k) of the Federal Crop Insurance Act)

Section 11001(e) of the House bill requires that beginning with the 2012 reinsurance year, the Corporation make administrative and operating expense payments during October 2012, and every October thereafter.

Paragraph (2) of section 1906 of the Senate amendment establishes the date when the Federal Crop Insurance Corporation makes payments to crop insurance companies to reimburse them for administrative and operating expenses, beginning in the 2012 reinsurance year, allowing payments to be made as soon as practicable after October 1 of the year following the reinsurance year, but not later than October 30.

The Conference substitute adopts the Senate provision. (Section 12015)

(g) Premium Reduction Authority (Section 508(e) of the Federal Crop Insurance Act)

Paragraph (1) of Section 11001(f) of the House bill strikes the authority for the Premium Reduction Plan (PRP) and the Premium Rate Reduction Pilot. The Senate amendment repeals the authority for the Premium Reduction Plan (PRP) and requires RMA to commission an independent study of the feasibility of offering a discount to farmers in the Federal crop insurance program. This study is to be completed within 18 months of enactment of the farm bill. (Section 1908)

The Conference substitute adopts the House provision, but drops the elimination of the Premium Rate Reduction Pilot language. (Section 12010)

The Managers repeal the authority for the Premium Reduction Plan. The Managers believe it would serve a useful purpose for the Risk Management Agency to evaluate the process that led to the promulgation of the regulations under which PRP has been operated, to try to determine where mistakes might have been made, in either concept or execution.

(2) Catastrophic risk protection administrative fee

The House bill amends section 508(b)(5)(A) of the Federal Crop Insurance Act to provide for a $200 catastrophic risk protection administrative fee. (Section 11002)

The Senate amendment increases the fee for catastrophic risk protection coverage from its current $100 per crop per county to $200 per crop per county, and strikes language allowing a higher fee to be charged as a function of imputed premium. (Section 1905(a))

The Conference substitute adopts the Senate provision, with modifications—it increases the fee to $300 per crop per county, and repeals an annual appropriations rider barring charges fees based on imputed premium levels. (Section 12006)

(3) Funding for reimbursement, contracting, risk management education, and information technology

The House bill amends section 516 of the Federal Crop Insurance Act to provide that the Corporation use not more than $30 million in each fiscal year for costs associated with: research and development and partnerships for risk management in section 522 of such Act; education and information programs in section 524 of such Act; and information technology. Further, it provides that the Corporation use no more than $5 million to carry out contracting for research and development for underserved states, pursuant to section 522(c)(1)(A) of such Act. It also prohibits the Corporation from conducting research and development for any new policy for a commodity under this title. (Section 11003)

The Senate amendment reduces mandatory funding available to reimburse research and development of new crop insurance products from its current $15 million annually to $7.5 million annually in paragraph (1). Paragraph (2) reduces mandatory funding availability for contracting and partnerships from its current $25 million annually to $12.5 million annually. Paragraph (3) permits the Corporation to use up to $5 million of otherwise unused funds available for reimbursement, contracting, or partnership payments to strengthen crop insurance compliance oversight activities, including information technology and data mining. (Section 1919)

The Conference substitute adopts the Senate provision. (Section 12024)

(4) Reimbursement of research and development costs related to new crop insurance products

The House bill authorizes the Corporation to reimburse an applicant for research and development costs related to a policy that is submitted pursuant to a Federal Crop Insurance Corporation (FCIC) Reimbursement Grant or is submitted to the FCIC Board and approved in section 11004(a).

Section 11004(b) authorizes the Corporation to provide FCIC Reimbursement Grants to persons proposing to prepare crop insurance policies for submission to the Board, and who have applied and been approved for such grants. The provision stipulates the required materials for a grant application, including: a concept paper; an explanation of the need for the product, including the product's marketability, the projected impact of the product, and that no similar product is offered by the private sector; and an identification of the risks the product will cover and that the risks are insurable under the Federal Crop Insurance Act. Approval of a grant is by majority vote of the Board, and the Board shall approve an application only if: the proposal establishes the need for the policy; the applicant has the qualifications to successfully complete the project; the proposal can reasonably be expected to be actuarially appropriate; the Board has sufficient funding; and the proposed budget and timeline are reasonable.

The provision requires payment for work performed under this section to be based on rates determined by the Corporation. Either the Corporation or applicant may terminate any grant for just cause. (Section 11004)

The Senate amendment authorizes the reimbursement of development costs related to a policy through a Federal Crop Insurance Reimbursement Grant or is submitted to the FCIC Board and is approved in subsection (a). Subsection (b) provides an alternative process for policy development, by establishing a grant-making mechanism (called FCIC Reimbursement Grants). This mechanism permits eligible applicants to submit a concept proposal, to be reviewed by crop insurance experts, for consideration by the Board of the Federal Crop Insurance Corporation. If the grant request is approved, the development work is ensured of funding and when completed, submitted to the Board for approval. The Board can require an interim feasibility study before allowing development work to proceed. Rates for work performed shall be based on rates determined by the Corporation for products submitted under section 508(h) or research contracted for under section 522(c). The grant can be terminated at any time for just cause. Subsection (c) eliminates language in section 523(b)(10) of the FCIA that provides an exception for research and development costs in livestock program funding caps. (Section 1918)

The Conference substitute adopts the House provision, with significant modifications. The provision as adopted provides an opportunity for applicants with approved concept papers to receive up to 50 percent of their estimated expenses in advance. If their proposed crop insurance product is subsequently approved by the Board, they then are reimbursed for the remainder of their expenses. If they submit a proposed product to the Board and it is rejected, they receive no additional funds but are not required to repay the advance. Only if they fail to submit a completed submission without just cause would they be required to repay the advance. Applicants with poor track records on submissions may be prohibited from receiving advance payments, but would still be eligible to develop crop insurance products under 508(h) procedures in current law. (Section 12022)

The Managers intend for the Corporation to develop the procedures to implement this section as soon as practicable so that the Corporation may start accepting applications for advanced reimbursement of research and development costs 180 days after this section's enactment. Since under current law, crop insurance products approved under 508(h) procedures are eligible, at the Corporation's discretion under appropriate circumstances, for reimbursement at U.S. General Services Administration competitive rates, the Managers intend for reimbursements made under this section to be equally eligible for such rates, still subject to the Corporation's discretion.

(5) Research and development contract for organic production coverage improvements

The House bill mandates that the Corporation enter into one or more contracts for the development of improvements in Federal crop insurance policies for organically raised crops. Any such contracts must review the underwriting, risk, and loss experience of organic crops in order for the Corporation to determine variation in loss history between organic and non-organic production. The Corporation shall eliminate or reduce the premium surcharge for coverage of organic crops, unless the Corporation's review documents significant, consistent, and systemic variations in loss history between organic and non-organic crops. The House provision provides that a contract include the development of a procedure to offer producers of organic crops an additional price election reflecting actual retail or wholesale prices received by organic producers, and requires that the Corporation submit an annual report to Congress on the progress made in developing and improving Federal crop insurance for organic crops. (Section 11005)

The Senate amendment adds a new paragraph (12) which requires the Federal Crop Insurance Corporation to offer to enter into one or more contracts to improve crop insurance coverage for organic crops. New paragraph (10) requires the Federal Crop Insurance Corporation to offer to enter into one or more contracts to develop policies to insure dedicated energy crops such as switchgrass. New paragraph (11) requires the Federal Crop Insurance Corporation to offer to enter into one or more contracts to develop policies to insure aquaculture operations. New paragraph (13) requires the Federal Crop Insurance Corporation to offer to enter into a contract to study how to incorporate the use of skiprow cropping practices to grow corn and sorghum in the Central Great Plains into existing policies and plans of insurance offered in the Federal crop insurance program. (Section 1917)

Section 1907 prohibits the Federal Crop Insurance Corporation from charging a surcharge on premiums paid to insure organic crops. It allows surcharges to be required only when consistent evidence of greater loss variability is validated on a crop by crop basis. (Section 1907)

The Conference substitute adopts the House provision, with the inclusion of Senate provisions requiring contracts regarding dedicated energy crops, aquaculture, skiprow cropping practices, and the following additions: the Corporation is also required to offer to enter into contracts for developing a poultry policy, a policy for bee-keepers, and a study on what modifications might be needed for Adjusted Gross Revenue policies to make them more useful for beginning farmers. In the subsection addressing development of aquaculture policies, more details are provided about what species should be considered. (Section 12023)

The Managers are concerned that producers in the Central Great Plains seeking to utilize skip row planting patterns are being offered crop insurance coverage for less than 100% of the planted fields despite ongoing research showing that skip row planting results in no loss in overall yields. In including this provision in paragraph (16), the Managers are seeking to have RMA review existing and soon-to-be completed skip row research and production histories, develop crop insurance rules and policies that adequately reflect this research, and thus better capture the actual productive capability of skip row planting patterns.

The Managers are also concerned how recent natural disasters in the Southeastern United States have revealed that existing crop insurance products and programs are not well-tailored to the unique horticultural practices of the nursery industry across the country. The Managers urge the Risk Management Agency (RMA) to work with the nursery industry on crop insurance policies specifically designed for nursery growers and encourage the Administrator of RMA, under his existing authority, to consider initiating a pilot program or programs with nursery growers in affected regions to ensure that crop insurance programs avoid in the future the issues that arose in the aftermath of these natural disasters.

(6) Targeting risk management education for beginning farmers and ranchers and certain other farmers and ranchers

The House bill requires the Secretary to include a special emphasis on risk management strategies and education and outreach to beginning farmers and ranchers, immigrant farmers and ranchers attempting to become established producers in the United States, socially disadvantaged farmers and ranchers, farmers and ranchers who are preparing to retire and are trying to help new farmers and ranchers get started, and farmers and ranchers who are converting production and marketing systems to new markets. (Section 11006)

The Senate amendment requires the Secretary to place special emphasis in utilizing funds available to address the needs of farmers in underserved states to assist in risk management strategies of beginning farmers and ranchers, immigrant farmers and ranchers, socially disadvantaged farmers and ranchers, farmers and ranchers preparing to retire and engaged in transition strategies to help beginning farmers get established, and established farmers and ranchers seeking to shift practices and marketing to pursue new markets. (Section 1922)

The Conference substitute adopts the Senate provision, with one minor language change. (Section 12026)

(7) Crop insurance ineligibility related to crop production on noncropland

The House bill defines "noncropland" as native grassland and pasture the Secretary determines has never been used for crop production. It also provides that noncropland acreage planted with an agricultural commodity for which insurance is available under this title is not eligible for crop insurance under this title for the first four years of planting. In the fifth year of planting, the producer may purchase crop insurance for the commodity. The yield for such insurance shall be determined by using actual production history for the farm and, for years without actual production history, using the average actual production history for the commodity in the county. (Section 11007)

The Senate amendment denies crop insurance and noninsured crop disaster assistance program benefits (NAP) on lands converted from native sod after passage of this farm bill. In section 2608(a)(1), native sod is defined as land on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing, and which has never been used for production of an agricultural commodity. Section 2608(a)(2)(B) establishes de minimus exception of 5 acres. Section 2608(c) directs the Secretary to provide a report to Congress on the extent of conversion of noncropland to cropland since 1995 within 180 days of the passage of the Farm Bill, and to provide annual updates by January 1st of each year. (Section 2608)

The Conference substitute adopts the House bill with modification. At the election of the Governor of a State in the Prairie Pothole Region National Priority Area, native sod acreage that is tilled for the production of an annual crop will be ineligible for crop insurance and noninsured crop disaster assistance benefits during the first 5 crop years of planting. Native sod is defined as land on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and that has not been tilled for the production of an annual crop at the date of enactment. The Secretary may exempt conversions of 5 acres or less from the terms of the provision. (Section 12020).

The Managers adopted this modification in recognition of the significant interest in conserving native tall-, mixed-, and shortgrass prairie in the Prairie Pothole Region (PPR). Several recent reports have analyzed grassland conversion and potential drivers in certain areas of the PPR over the past two decades. The analysis by the Government Accountability Office (GAO) found that crop insurance program payments may serve as an incentive for conversion, but that many other factors such as crop prices and new farming technologies also play a role in producer decisions. GAO also identified a general lack of current and comprehensive data on land conversions, precluding reliable trend analysis. Correspondingly, GAO's final recommendations were that USDA should: (1) track annual conversion and provide current data to policymakers, and (2) conduct a study of the relationship between farm program payments and land conversion and report findings to Congress.

The Managers determined that existing information is insufficient to apply a broad-sweeping national policy to address what may be a localized concern. However, where states determine that grassland conversion is a present threat and want to create disincentives for conversion, the Managers are making a "sodsaver" program option available at the request of the State. The Managers further expect USDA to address the GAO recommendations order to inform future policy decisions on this issue. In addition, the Managers reauthorized a number of conservation programs, such as the grassland reserve program and the environmental quality incentives program, which provide incentives for grassland protection and conservation. The Managers encourage States to leverage these programs to provide further incentives to their grassland protection objectives.

The Managers intend for the Secretary to undertake a study on the influence of the crop insurance program on the conversion of native sod to crop production. The study should consider as part of the review, added land provisions, yield plugs, written agreements, and county T yields. The study should also consider the sufficiency of grazing coverage available through crop insurance or the non-insurance assistance program as compared to the economics of crops planted on converted grazing land. The managers expect the Secretary to address specific actions that may be taken by the Department or recommended to Congress to mitigate any identified conversion influences of the crop insurance program. The managers expect the Secretary to present the results of the study to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture in early 2009.

(8) Funds for data mining

The House bill authorizes the Corporation to use not more than $11 million during fiscal year 2008, and not more than $7 million during fiscal year 2009 and each subsequent fiscal year, for crop insurance program compliance and integrity, including data mining, for a total of $73 million in outlays over ten years. (Section 11008)

The Senate amendment allows RMA to charge a fee to crop insurance companies for access to company-relevant results of data-mining analysis, and would require that these funds are used for improvements in the crop insurance data mining system. If RMA were to require companies to access the data-mining results for purposes of compliance, including quality assurance requirements under the terms of the SRA, they could not be charged a fee under those circumstances. (Section 1915)

The Conference substitute adopts the House provision, except it provides a total of $36 million over ten years for this purpose, and it requires periodic competition for these funds. A new subsection provides $60 million for upgrading computer technology at the Risk Management Agency. (Section 12021)

(9) Noninsured crop assistance program

The House bill amends the Agricultural Market Transition Act to provide that service fees producers must pay for the Noninsured Crop Insurance Program shall be $200 per crop per county; or $600 per producer per county, with a limit of $1,800 per producer. (Section 11009)

The Senate amendment doubles the service fee charged for participation in the NAP program from its current $100 to $200, or $600 per producer per county, with a limit of $1,500 per producer. (Section 1926)

The Senate amendment also clarifies that losses from aquacultural activities resulting from drought should be indemnified if the farmer has NAP coverage for that production. (Section 1925)

The conference substitute adopts the Senate language from Section 1925, changing the new fee to $250 per crop per county, or $750 per producer per county, with a limit of $1,875 per producer. (Section 12028).

The Conference substitute also adopts the Senate provision on eligibility for indemnification for drought losses for aquaculture. (Section 12027)

(10) Change in due date for corporation payments for underwriting gains

The House bill directs the Corporation to make payments for underwriting gains on October 1, 2012, and for each subsequent reinsurance year, on October 1 of the next calendar year, beginning with the 2011 reinsurance year. (Section 11010)

The Senate amendment establishes the date as October 1 that the Federal Crop Insurance Corporation makes payments for underwriting gains to crop insurance companies, beginning in the 2011 reinsurance year. (Section 1914)

The Conference substitute adopts the Senate provision. (Section 12018)

(11) Sesame Insurance Pilot Program

The House bill requires the Secretary to establish a pilot program under which sesame producers in the State of Texas may obtain crop insurance. Under the pilot program, producers obtaining the insurance shall pay premiums and administrative fees. (Section 11011)

The Senate amendment is the same as the House bill. (Section 1921)

The Conference substitute adopts the Senate provision with an amendment to strike the end date, and adds the camelina pilot program from Senate Section 1920 and adds a new pilot program for grass seed. (Section 12025)

(12) National Drought Council and drought preparedness plans

The House bill establishes a National Drought Council within the office of the Secretary of Agriculture that will develop a National Drought Policy Action Plan for integrating and coordinating drought activities of the Federal government and States, including drought preparedness, mitigation, risk management and emergency relief. Additional Council duties include reviewing and evaluating existing drought programs, making recommendations to the President and Congress, and developing public awareness activities on drought.

The House bill establishes the Drought Assistance Fund within the Department of Agriculture to, in part, pay the costs of providing technical and financial assistance to States, Indian Tribes, local governments and other groups for the development and implementation of drought preparedness plans, and for the cost of mitigating the risk and impact of droughts. The language provides requirements for the guidelines associated with the distribution of funds from the Drought Assistance Fund, including requiring that States and/or Indian tribes developing plans for interstate watersheds coordinate with other States and/or Indian tribes in the development of said plans.

The House bill requires the Secretary, with concurrence of the Council, to develop guidelines for administering a national program to provide assistance to States, Indian tribes, local governments and others for the development, maintenance, and implementation of drought preparedness plans. The provision requires the Secretary to develop Federal drought preparedness plans, which will integrate with drought plans of State, tribal, local government, and others. The provision stipulates the elements for such drought preparedness plans.

The House bill authorizes appropriations of $2 million for fiscal year 2008 and each of the subsequent seven fiscal years for the Council; authorizes the appropriation of such sums as necessary to carry out the Drought Assistance Fund. (Section 11012)

The Senate amendment contains no comparable provision.

The Conference substitute drops the House provision.

(13) Payment of portion of premium for area revenue plans

The House bill establishes the premium subsidy amount for area revenue insurance plans, based on (1) the percentage of the recorded county yield indemnified, and (2) the sum of a percentage of the premium established for additional catastrophic risk protection and the amount determined to cover operating and administrative expenses for additional catastrophic risk protection.

The House bill establishes the premium subsidy amount for area yield insurance plans, based on (1) the percentage of the recorded country yield indemnified, and (2) the sum of a percentage of premium established for additional catastrophic risk protection and the amount determined to cover operating and administrative expenses for additional catastrophic risk protection. (Section 11013)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision. (Section 12012)

(14) Share of risk

The House bill amends the Federal Crop Insurance Act to require that companies that are being reinsured by the Corporation share the risk of loss, such that the underwriting gain or loss and the associated premium and losses ceded to the Corporation under any reinsurance agreement be not less than 12.5 percent. The provision further requires the Corporation to pay a ceding commission to such companies of 2 percent of the premium used to define the loss ratio for the approved insurance provider's book of business. (Section 11014)

The Senate amendment contains no comparable provision.

The Conference substitute drops the House provision.

(15) Livestock assistance

The House bill stipulates that the purchase of a Non-insured Assistance Program policy is not a requirement to receive any Federal livestock disaster assistance. (Section 11015)

The Senate amendment contains no comparable provision.

The Conference substitute drops the House provision.

(16) Determination of certain sweet potato production

The House bill excludes Risk Management Agency Pilot Program data for determining the 2005–2006 Farm Service Agency Crop Disaster Program for sweet potatoes. (Section 11016)

The Senate amendment amends section 9001 of the U.S. Troop Readiness, Veterans Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (P.L. 100–28, 121 Stat. 211). It prohibits the Farm Service Agency from utilizing yield data collected from a sweet potato crop insurance pilot program to determine losses for the crop disaster assistance program recently enacted for the 2005 and 2006 crop years. If sign-up for that program is completed before the 2007 farm bill is enacted, then the sign-up period would have to be re-opened for producers of sweet potatoes. (Section 1927)

The Conference substitute adopts the Senate provision. (Section 12029)

(16A) Report on funds; rate of Federal crop insurance

The House bill gives the Secretary of the Interior the authority to further cuts the expense reimbursement rate for crop insurance companies if the actual revenue from offshore oil leases fails to meet projections beginning in 2012. (Section 13011)

The Senate amendment contains no comparable provision.

The Conference substitute drops the House provision.

(17) Definition of organic crop

The Senate amendment defines organic crops for the purposes of the Federal crop insurance program. (Section 1901)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12001)

(18) General powers

The Senate amendment clarifies in subsection (a)(1) that the provision added in the Agricultural Risk Protection Act of 2000 (section 508(j)(2)(A)), which allows farmers to sue the Corporation over a denied claim only in the U.S. District Court for the district where the insured farm is located, takes precedent over the more general provision in section 506(d).

Subsection (a)(2) of the Senate amendment strikes subsection (n) of the Federal Crop Insurance Act (7 U.S.C. 1506), in order to clarify that it is superseded by Section 515(h) added in the Agricultural Risk Protection Act which specifically establishes sanctions for producers, agents, and loss adjusters for program noncompliance and fraud. (Section 1902)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12002)

(19) Reduction in loss ratio

The Senate amendment reduces the statutory national loss ratio for the Federal crop insurance program to 1.0. (Section 1903)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12003)

(20) Controlled business insurance

The Senate amendment prohibits farmers from collecting commissions as crop insurance agents on policies in which they or members of their immediate family have a substantial beneficial interest if more than 30 percent of their total commissions are derived from policies sold on operations that they or their immediate family have beneficial interest in. This prohibition is applied on a calendar year basis. (Section 1904)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision, with modifications to the definitions of immediate family and compensation to clarify the intent of Congress. (Section 12005)

For individuals meeting the tests in clauses (B)(i) and (B)(ii), the Managers' intent is to prohibit compensation on policies or plans of insurance in which they or members of their immediate family have a substantial beneficial interest, rather than all policies or plans of insurance that they service.

The Managers expect the Risk Management Agency (RMA) to enforce this section through an effective system of statistical sampling and spot checks rather than through the imposition of blanket new reporting requirements on agents, subagents, or approved insurance providers. The Managers further expect that the RMA will enforce this section in a manner that does not affect bona fide customer service representatives or other such employees of an agent who work in a capacity other than as an agent or subagent and whose employment with an agent is not intended to merely circumvent the prohibitions under this section.

(21) Enterprise and whole farm unit pilot program

The Senate amendment establishes a pilot program to allow farmers to convert the value of their crop insurance coverage under optional and basic units to higher levels of coverage for enterprise or whole farm units. (Section 1909)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision, with modifications, so as to allow any farmer to participate in this pilot, whether or not they had purchased coverage with optional or basic units in previous crop years. It also requires that the farmer-paid share of premium under this program be no less than 20 percent. (Section 12011)

(22) Denial of claims

The Senate amendment clarifies that approved insurance providers are only liable for lawsuits in Federal District courts for denial of claims if that claim is denied at the behest of the Federal Crop Insurance Corporation, not if they deny such claims themselves. (Section 1910)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12013)

(23) Measurement of farm-stored commodities

The Senate amendment allows farmers the option to elect to have the Farm Service Agency measure the quantity of crops stored on farms for the purpose of providing evidence on their level of losses, at their own expense. (Section 1911)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision, with modifications. It allows farmers basing their crop insurance loss claim on measurement of farm-stored commodities to defer settlement of that claim for up to 4 months to allow stored grain to settle in the bin. (Section 12014)

(24) Malting barley

The Senate amendment allows RMA to modify the quality endorsement for malting barley to take into account changing market conditions. (Section 1929)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12019)

(25) Producer eligibility

The Senate amendment makes producers who raise livestock under contract eligible to purchase coverage, as long as those livestock are not covered by other policies reinsured under the Federal crop insurance program. (Section 1916)

The House bill contains no comparable provision.

The Conference substitute drops the Senate provision, but includes a requirement that the Risk Management Agency offer to enter into a contract to develop an insurance policy for poultry production elsewhere in the title.

(26) Camelina pilot program

The Senate amendment requires the Federal Crop Insurance Corporation to develop a pilot program under which producers or processors of camelina (an oilseed suitable for use as a feedstock for biodiesel) may propose for approval by the Board policies or plans of insurance in accordance with existing procedures under Section 508(h). Camelina producers would be made eligible for the Noninsured Crop Assistance Program (NAP) until a crop insurance policy is made available. (Section 1920)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with slight modification to simply list camelina as a NAP eligible crop. (Section 12025)

(27) Agricultural management assistance

The Senate amendment permits the Secretary to utilize funds available for agricultural management assistance to provide matching funds to states providing additional discounts on farmer-paid premiums in underserved states. (Section 1923)

The House bill contains no comparable provision.

The Conference substitute drops the Senate provision.

(28) Crop insurance mediation

The Senate amendment allows producers involved in a dispute over a crop insurance claim to utilize both informal agency review and mediation to reach a resolution, so the producer would not necessarily have to choose between the two paths. (Section 1924)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12032)

(29) Perennial crop report

The Senate amendment requires the Secretary to submit a report within 180 days of enactment to the Senate Committee on Agriculture, Nutrition and Forestry and the House Committee on Agriculture that addresses issues relating to declining yields in producers—actual production histories (APH), and declining and variable yields for perennial crops, including pecans. (Section 1928)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision, with a title change. (Section 12030)

The Managers recognize risk management challenges faced by producers, especially with respect to declining yields in light of increases in premiums. The Managers also understand that there are unique issues with yield variability for perennial crops, such as pecans. The Managers are interested in the Department of Agriculture's activities to address these issues and options that the Department has to address these issues administratively.

(30) Definition of basic unit

The Senate amendment maintains definition of basic unit in crop insurance for producers of tobacco. (Section 1930)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12031)

SUBTITLE B

(31) Short Title and Definitions (12051 and 12052)

(32) Disaster Loans to Nonprofits

The Senate amendment provides the Small Business Administration (SBA) Administrator with the discretion to make loans to non-profit organizations located or operating in a declared disaster area, and to provide services to persons evacuated from any disaster area. (Section 11121)

The House bill contains no comparable provision.

The Conference substitute amends the Senate provision and renames the provision "Economic Injury Disaster Loans to Nonprofits", with alternate language that will permit private nonprofit organizations to qualify for disaster assistance within the disaster area. (Section 12061)

The Managers do not, however, intend for this amendment to extend SBA disaster assistance to private nonprofit organizations located outside designated disaster areas.

The Conference substitute also adds a section titled "Applicants That Have Become a Major Source of Employment Due to Changed Economic Circumstances". This provision permits small businesses that were not a major source of employment prior to the disaster, but which subsequently are a major source of employment following the disaster, to qualify for disaster loans beyond the current statutory limit. (Section 12077)

The Managers intend for this provision to authorize the SBA to administer the disaster loan program with reference to the borrower's circumstances relative to the local area's economic conditions when the loan application is made and not rely solely upon the loan applicant's status as a major source of employment prior to the disaster.

(33) Disaster loan amounts

The Senate amendment raises the maximum outstanding loan amounts available to borrowers from the current level of $1,500,000, capping it at $2,000,000 subject to the discretion of the SBA based upon the economic conditions in the affected disaster region. (Section 11122)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 12078)

The Conference substitute adds a provision titled, "Increased Deferment Period", which will provide disaster victims with an option of receiving a four year deferment period for disaster loans. (Section 12068)

The Managers intend for this provision to provide the SBA with authority to provide disaster victims with a deferment beyond the current two-year deferment authority so that they may rebuild homes and businesses and reestablish income streams before beginning repayment of their SBA disaster loan. The Managers intend for extended deferment periods to be implemented at the discretion of the Administrator. Additionally, while the Managers do not intend for loan repayments to occur during deferments, interest should continue to accrue on loans during the deferment period.

The Conference substitute also adds a provision titled, "Net Earnings Clauses Prohibited", which will preclude the imposition of loan terms that require supplemental repayment amounts on disaster assistance loans during the first five years of repayment. (Section 12070)

The Managers believe that this provision will benefit capital-intensive businesses that receive SBA disaster assistance loans and require earnings for reinvestment in the business to remain profitable. The Managers do not, however, intend for this provision to completely prohibit the SBA from imposing a net earnings clause, it simply precludes imposing these terms within the first five years of loan repayment.

And the Conference substitute adds a provision called, "Gulf Coast Disaster Loan Refinancing Program", which enables the SBA, at their discretion, to institute a program to refinance Gulf Coast disaster loans resulting from Hurricanes Katrina, Rita, or Wilma up to an amount no greater than the original loan. (Section 12086)

(34) Small Business Development Center portability grants

The Senate amendment grants the SBA the ability to make an award to a Small Business Development Center (SBDC) greater than $100,000 due to extraordinary circumstances after a catastrophic disaster. (Section 11123)

The House bill contains no comparable provision.

The Conference substitute adopts the House provision.

(35) Assistance to out-of-state businesses

The Senate amendment authorizes SBDCs outside of the geographic region of a disaster area to provide assistance to small businesses located within a declared disaster area at the discretion of the Administrator. (Section 11124)

The House bill contains no comparable provision.

The Conference substitute adopts the House provision.

(36) Outreach programs

The Senate amendment establishes a procurement outreach and technical assistance program at the discretion of the Administrator following a disaster declaration. (Section 11125)

The House bill contains no comparable provision.

The Conference substitute adopts the House provision.

(37) Small business bonding threshold

The Senate permits the Administrator to guarantee any surety against loss on a bid bond, payment bond, or performance bond that does not exceed $5,000,000.

Additionally, the provision would authorize the Administrator to guarantee bonds related to reconstruction efforts following a major disaster in amounts of up to $10,000,000 upon the request by the head of any Federal Agency involved in reconstruction efforts (Section 11126)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment but requires that these initiatives only be carried out with amounts appropriated in advance specifically for their purpose. (Section 12079)

(38) Termination of program

The Senate amendment terminates the Small Business Competitive Demonstration Program Act of 1988. (Section 11127)

The House bill contains no comparable provision.

The Conference substitute adopts the House provision.

(39) Increasing collateral requirements

The Senate amendment increases the loan amount under which collateral is not required from $10,000 to $14,000 (or higher as deemed appropriate by the Administrator). (Section 11128)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12065)

(40) Public awareness of disaster declaration and application periods

The Senate amendment enhances coordination between the SBA and Federal Emergency Management Agency (FEMA) disaster assistance application periods, and outlines a Congressional reporting requirement on information relating to SBA and FEMA disaster assistance applications. The provision also requires that the SBA communicate information on disaster assistance availability to the public through all available channels of communication. The section also requires that the SBA create a marketing and outreach plan to convey disaster assistance eligibility and application requirements. (Section 11129)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision (Section 12063).

The Conference substitute adds a provision titled, "Coordination of Disaster Assistance Programs with FEMA" that will require the SBA to establish uniform guidelines in consultation with the director of the FEMA to provide for the coordination of their assistance programs. Specifically, the provision requires the SBA to establish regulations to ensure that applications for disaster assistance are submitted to the appropriate agency as quickly as is practicable.

The Managers intend for these regulations to remedy problems that arise when the SBA's disaster loan program is used as a screening mechanism for FEMA's disaster assistance grants. Additionally, the Managers intend for these regulations to limit the need for the SBA to first consider disaster loan applications from victims who are patently ineligible for SBA assistance as a precondition to consideration for FEMA assistance. (Section 12062)

The Conference substitute also adds a provision titled, "Information Tracking and Follow-up System", which will require the SBA to develop, implement, or maintain a centralized information system to track all communications (written, e-mail and phone) between disaster victims and SBA personnel concerning the status of their application. At a minimum, this system must record the method and date of communication and the identity of the SBA employee involved and a summary of the communication. It also requires the SBA to provide follow-up communications to disaster victims as their disaster loan proceeds through critical stages of the origination, approval and disbursement process.

The Managers intend for this section to address deficiencies in the SBA's current systems for tracking and organizing information that result in lost documentation, repeated status updates from applicants, and misinformed SBA personnel. (Section 12067)

The Conference substitute also adds a provision titled, "Economic Injury Disaster Loans in Cases of Ice Storms and Blizzards", which will add ice storms and blizzards to the list of enumerated disasters for which a small business disaster may be declared. (Section 12071)

(41) Consistency between administration regulations and standard operating procedures

The Senate amendment contains a provision requiring the SBA to conduct a study of whether the standard operating procedures for administering disaster loan assistance are consistent with the Administration's regulations for administering the disaster loan program. (Section 11130)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12064)

(42) Processing disaster loans

The Senate amendment authorizes the SBA to enter into agreements to pay qualified private contractors a fee for processing SBA disaster loan applications during any major disaster declaration. This provision would also authorize the Administrator to enter into agreements to pay qualified lenders or loss verification professionals a fee for performing loan loss verification services. Additionally, this section would require the SBA Administrator and the Internal Revenue Service Commissioner to ensure that all relevant and allowable tax records for loan approval are shared with loan processors in an expedited manner upon request by the Administrator.

The Managers do not intend for this provision to authorize the SBA to delegate all their disaster loan disbursement or servicing functions with private contractors. Nor do the Managers intend for this provision to abrogate the SBA's authority to approve or disapprove disaster loan applications. (Section 11131)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 12066)

The Conference substitute adds a provision titled, "Disaster Processing Redundancy", which will require the SBA to maintain a backup disaster processing operation in a separate geographic location from the primary processing operation. The backup facility must be capable of taking over all disaster loan processing from the SBA's primary facility within two days following a disaster, which renders the primary facility inoperable. (Section 12069)

The Managers intend for this provision to mitigate the risk associated with the practice of maintaining a single primary disaster processing facility.

The Conference substitute also adds a provision titled, "Plans to Secure Additional Office Space", which requires the SBA to develop long-term plans to secure sufficient space to accommodate an expanded workforce in times of disaster. (Section 12076)

(43) Development and implementation of major disaster response plan

The Senate amendment contains a provision that would require the SBA to amend the 2006 Atlantic Hurricane Season Disaster Response Plan to apply to all major disasters, and report to Congress on its progress. Additionally, this provision would require the SBA to develop and execute simulation exercises within six months of submitting its report to Congress to demonstrate the effectiveness of the updated response plan. (Section 11132)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment and requires the SBA to conduct a disaster simulation exercise at least once every two fiscal years that includes, at a minimum, the participation of not less than half of the agency's disaster reserve corps. Additionally, the biennial disaster simulation exercise should include stress-testing of the agency's vital information technology and telecommunications system, including various aspects of the SBA's current loan processing and call support systems, the DCMS system, the core application functions, and additional components such as loss verification and scanning systems. This stress-testing should simulate an increased number of concurrent users to determine whether the complete system, operating at maximum capacity will meet the agency's needs for effective and accurate operations in a major disaster. Additionally, the biennial disaster simulation exercise should be based upon the most serious disaster scenarios that the agency has identified in the comprehensive disaster response plan and the agency should change the disaster scenario and the geographic region upon which each disaster simulation is predicated. (Section 12072)

The Conference substitute adds a provision titled "Comprehensive Disaster Response Plan", which requires the SBA to develop, implement, or maintain a comprehensive written disaster response plan. The plan should include a risk-based assessment of the various types of disasters likely to occur in each of the agency's 10 districts. Each assessment should include an analysis of the SBA's needs for an effective response to each disaster scenario, with emphasis on strategies to meet rapidly expanding demand for information technology, telecommunications, human resources, and office space needs. Additionally, the comprehensive plan should include appropriate guidelines for coordination with other federal agencies as well as with State and local authorities to effectively respond to each disaster and best utilize agency resources. In developing the comprehensive plan, the SBA should integrate the results of disaster simulation exercises and catastrophe modeling programs to generate its disaster risk assessments and estimate the demand on agency resources. Additionally, the agency must include a report on the status of the disaster plan, highlighting any changes and developments from previous years, in its annual report to Congress as required by this Act. (Section 12075)

(44) Disaster planning responsibilities

The Senate amendment requires the SBA to assign disaster planning responsibilities to a qualified employee who is not an employee of the Office of Disaster Assistance. (Section 11133)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with changes. The SBA must create a new position within the agency that is solely and exclusively dedicated to the function of disaster planning and readiness. The individual appointed to this position will be appointed by the Administrator and will report directly and solely to the Administrator. The individual must have substantial expertise in the field of disaster readiness and emergency response and should have proven management ability. (Section 12073)

The Managers intend for this individual to serve as a high-level administration official who operates independently from all of the agency's existing offices and who has exclusive authority over the disaster planning function. Additionally, this provision mandates that the Administrator ensure that the individual assigned the disaster planning function has adequate resources to carry out their enumerated duties. .

(45) Additional authority for the district offices of the Administration

The Senate amendment gives the SBA the ability to grant district offices permission to process disaster loans and requires the SBA to designate an employee in each district office to act as a disaster loan liaison between the processing center and the applicants. (Section 11134)

The House bill contains no comparable provision.

The Conference substitute adopts the House provision.

(46) Assignment of employees of the Office of Disaster Assistance and Disaster Cadre

The Senate amendment requires that the Administrator may, where practicable, ensure that the number of full-time equivalent employees be maintained at 800 for the Office of Disaster Assistance and at 750 for the SBA's Disaster Cadre. If the staffing level for either of those offices falls below the statutorily mandated limit, the Administrator is required to submit a report to Congress and request additional funds if necessary. (Section 11135)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision, but raises the minimum staffing levels for the Disaster Cadre to 1,000. (Section 12074)

(47) Small Business Act Catastrophic National Disaster Declaration

The Senate amendment establishes a new Presidential disaster declaration that would have existed solely within the Small Business Act known as a "Small Business Act Catastrophic National Disaster Declaration." The Senate amendment would also give the Administrator the authority to make economic injury disaster to loans to businesses located outside the designated disaster area. (Section 11141)

The House bill contains no comparable provision.

The Conference substitute amends the Catastrophic Disaster Declaration and entitles it "Eligibility for Additional Disaster Assistance," which authorizes the Administrator to declare eligibility for additional disaster assistance following a Presidential major disaster declaration that rises to the level of a catastrophic incident. The Managers do not intend for every major disaster to give rise to a declaration of eligibility for additional disaster assistance, but intend that the SBA authorize this additional disaster assistance only in the most extraordinary and devastating of catastrophic incidents that render the SBA's conventional disaster assistance programs inadequate or ineffective. The Managers intend that, when determining whether additional disaster assistance is to be made available, the SBA should ensure that the eligible disaster must be similar in size or scope to the terrorist attacks that occurred on September 11, 2001 or hurricanes "Katrina" or "Rita" that struck the U.S. Gulf Coast in 2005. (Section 12081)

The Conference substitute adopts a portion of this Senate provision and adds a section titled, "Additional Economic Injury Disaster Loan Assistance," which authorizes the Administrator to make economic injury disaster loans to small businesses located outside the disaster area that have suffered identifiable economic injury as a direct result of a major disaster for which the Administrator has declared eligibility for additional disaster assistance.

The Managers intend that businesses receiving assistance under this provision have suffered damage that was proximately caused by the disaster. Additionally, the Managers do not intend for this provision to displace the timely processing and disbursement of disaster assistance applications for businesses that are actually located within the designated disaster area. This provision further details eligibility requirements for affected businesses and provides for the suspension of the program if it has a significant negative impact on normal SBA loan processing times. (Section 12082)

(48) Private disaster loans

The Senate amendment provides definitions of key terms and defines the parameters for authorization and use of Private Disaster Loans. The provision allows the SBA to guarantee timely payment of principal and interest on private loans issued to eligible small businesses and homeowners within an eligible disaster area, and the provision establishes an online application. The SBA may guarantee no more than 85 percent of a loan, worth a maximum amount of $2 million. Within one year the SBA must issue permanent regulations and criteria. The SBA is also given the authority to reduce the interest rate on any loan. (Section 11142)

The House bill contains no comparable provision.

The Conference substitute adopts a portion of the Senate provision and further requires the SBA to implement a Private Disaster Assistance program, whereby the SBA may guarantee timely payment of principal and interest of up to 85 percent of disaster loans made to eligible small businesses and homeowners within an eligible disaster area following a major disaster for which the Administrator declares eligibility for additional assistance. The SBA is also given authority to establish an online application process for private disaster loans and may permit lenders to use their own documentation. Loans administered under the program, however, must carry the same interest rate and be made on the same terms and conditions as SBA disaster loans made under the existing 7(b) disaster assistance program, and the SBA may use funds appropriated to the 7(b) program to fulfill this requirement. Private disaster loans for homeowners, however, may only be made by lenders who participate in the SBA's Preferred Lender Program. By contrast, loans for small businesses may be made by any lender who meets the agency's qualification requirements, or by a Preferred Lender who also makes loans to homeowners. (Section 12083)

(49) Technical and conforming amendments

(Section 11143)

(50) Expedited Disaster Assistance Loan Program

The Senate amendment requires the Administrator to set up an Expedited Disaster Assistance Loan program in consultation with Congress, appropriate lenders and creditors, SBDCs, and appropriate offices within the Small Business Administration. The loans, made to borrowers otherwise eligible for loans under the Small Business Act, shall not exceed $150,000, exceed 180 days in length, and be more then one percent over the prime rate. (Section 11144)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment and requires that the loans only be made by private institutions and the Administrator may guarantee timely payments of principal and interest. (Section 12085)

The Conference substitute also adds a provision titled "Immediate Disaster Assistance Program," which will establish an SBA disaster loan program to provide small businesses with immediate, small-dollar loans administered through private sector lenders after any disaster. Loans made under the program would carry an 85 percent guarantee on amounts up to $25,000. Loans made under this program would also be contingent upon the business applying for and meeting basic criteria for a subsequent SBA disaster loan, and the outstanding loan balance must be repaid with the proceeds of the conventional SBA loan. (Section 12084)

The Managers intend for both the Immediate Disaster Assistance Program and the Expedited Disaster program to function as bridge financing programs for businesses that are awaiting approval or disbursement of funds under the SBA's conventional disaster loan program. The Immediate Disaster assistance program is intended to provide eligible small business concerns with emergency, small-dollar financing within 36 hours following a disaster pending the victim's receipt of a conventional disaster loan. This contrasts the SBA's current loan program which has a target approval timeframe of 21 days and is intended to provide the disaster victim with long-term, low-interest assistance. The Expedited Disaster program is intended to provide bridge loans to disaster victims eligible for the 7(b) program who need a greater amount of funding. The loans are also intended to be disbursed more quickly than a standard SBA disaster loan.

(51) HUBZones

The Senate amendment makes any area designated as a Catastrophic National Disaster Area a HUBZone, as well as all disaster areas designated as a result of Hurricane Katrina or Rita. This designation shall persist for the two-year period beginning on the date of the designation of the area as a Small Business catastrophic national disaster area, or longer at the discretion of the SBA. (Section 11145)

The House bill contains no comparable provision.

The Conference substitute adopts the House provision.

(52) Congressional oversight

The Senate amendment requires the submission of monthly reports on disaster loan programs to Congress detailing lending volume and activity, as well as daily updates during a Presidential disaster declaration. The SBA would also be required to submit a report to Congress every six months (for up to 18 months after the President declares a major disaster), detailing the numbers of contracts awarded to various types of small businesses in the area, as well as a report that details how the SBA can improve the processing of applications under the Disaster Loan Program. (Section 11161)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment and requires the SBA to submit to Congress a report on the Disaster Assistance Program performance during the previous fiscal year. This report will cover changes in staffing, technology, and a review of challenges encountered and overall results. Additionally, during any period for which the Administrator has declared eligibility for additional assistance, the SBA is required to make monthly reports to Congress with basic information on their disaster response. During a Presidential disaster declaration period, the SBA must submit weekly updates to Congress, as opposed to daily updates in the original Senate amendment. The Conference substitute changes the name to "Reports on Disaster Assistance" (Section 12091)

TITLE XIII—AMENDMENTS TO COMMODITY EXCHANGE ACT

(1) Short title

The Senate amendment cites this title as the "CFTC Reauthorization Act of 2008". (Section 13001)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 13001)

(2) Commission authority over off-exchange retail foreign currency transactions

The Senate amendment amends section 2(c)(2) of the Commodity Exchange Act (CEA) (7 U.S.C. 2(c)(2)) by clarifying that the Commodity Futures Trading Commission's (Commission) anti-fraud authority applies to retail off-exchange foreign currency (forex) transactions that are: (i) offered to, or entered into with, a person that is not an eligible contract participant (i.e., a retail customer); and (ii) offered or entered into on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty, on a similar basis.

If the test in new section 2(c)(2)(C) is met, courts will no longer have to decide whether forex transactions that meet these requirements are futures contracts in order to permit the Commission to pursue an action for fraud. But since CEA section 4b remains limited by its terms to futures, a new provision (section 2(c)(2)(C)(iv)) is added to ensure that section 4b applies to all covered forex transactions (e.g., "rolling spot" or other futures look-alike products) "as if" they were futures contracts. Under this provision, the Commission need not prove that such transactions are futures in order to establish a fraud violation. However, this provision is not intended to suggest, nor does it create a negative inference, that such contracts are not futures contracts.

The phrase "leveraged or margined basis" is not limited to the same type of leverage or margin that exists for trading in on-exchange markets. The fact that off-exchange transactions are at issue means that they are likely to operate differently from exchange-traded instruments in this regard.

Excluded from new section 2(c)(2)(C) are: (i) transactions offered or entered into by certain otherwise-regulated entities, such as financial institutions, broker-dealers, and insurance companies; (ii) securities that are not security futures products; and (iii) transactions that create an enforceable obligation to deliver between a seller and buyer that have the ability to deliver and accept delivery, respectively, in connection with their line of business. The term "line of business" in new section 2(c)(2)(C)(i)(II)(bb)(BB) refers to any legitimate line of business, not just a foreign exchange business. The reference to "an enforceable obligation to deliver" in connection with a "line of business" emphasizes the commercial nature of this exclusion.

The Senate amendment explicitly reserves CEA sections 2(a)(1)(B) (principal-agent liability); 4(b) (foreign markets); 4o (fraud by commodity pool operators and commodity trading advisors); 13(a) (aiding and abetting liability); and 13(b) (controlling person liability) with respect to fraudulent forex activities.

While the secondary liability provisions of principal-agent, aiding-abetting, and controlling-person liability were implied in the Commodity Futures Modernization Act of 2000 (CFMA), these amendments make that reservation of Commission anti-fraud authority explicit. The amendments are not intended to suggest, nor do they create a negative inference, that these secondary liability provisions are not available in actions brought under other sections of the CEA where Commission anti-fraud or anti-manipulation authority is reserved, such as CEA sections 2(h)(2), 2(h)(4), and 5d(c).

The Senate amendment also provides authority to the Commission to issue rules proscribing fraud in connection with any agreement, contract or transaction in an exempt or agricultural commodity that is (i) offered to, or entered into with, a person that is not an eligible contract participant (i.e., a retail customer); and (ii) offered or entered into on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty, on a similar basis. (Section 13101)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment.

With the amendment, the managers intend to address several additional problems currently resulting in consumers being the victims of fraud related to off-exchange foreign currency transactions. The CFMA permitted registered Futures Commission Merchants (FCM) to offer foreign currency trading to the public without requiring that they be substantially or primarily engaged in the business of exchange-traded futures.

Since passage of the CFMA, the Managers note that an inordinate number of fraudulent schemes are currently implemented through shell FCMs and their unregistered affiliates. These shell FCMs meet minimal requirements for FCMs and typically conduct little, if any, traditional on-exchange business of an FCM. Their purpose instead is to serve as the parent company for their unregistered affiliates. It is the unregistered affiliates that will typically conduct the retail sale of foreign currency contracts. Unregistered affiliates of a shell FCM are subject to little if any regulatory oversight, making them harbors for fraudulent schemes.

The amendment addresses the problem of shell FCMs and unregistered affiliates by providing that only FCMs that are primarily or substantially engaged in the buying and/or selling of futures contracts on a Designated Contract Market or Derivatives Transaction Execution Facility, or a material affiliate of such an FCM are lawful FCM or FCM-affiliate counterparties for a retail transaction in foreign currency.

The Managers intend that the Commission will utilize the rulemaking authority provided in this section to define when a registered futures commission merchant is primarily or substantially engaged in the buying and/or selling of futures contracts as described in CEA section 1a(20) for the purposes of new provisions 2(c)(2)(B)(i)(II)(cc)(AA) and (BB).

A material affiliate is an affiliate for which an FCM is required to keep records relating to an affiliate's futures and financial activities under CEA section 4f(c)(2)(B). The amendment provides that FCMs and FCM-affiliates must maintain minimum net capital of $20 million to be a lawful counterparty. This capital requirement is phased in over a period of one year.

The amendment provides for a new category of dealer known as a "retail foreign exchange dealer" (RFED). The amendment provides that RFEDs also must maintain a minimum of $20 million in net capital to be a lawful counterparty for a retail off-exchange foreign transaction. This capital requirement is phased in over a period of one year.

The purpose of imposing a $20 million minimum capital requirement on FCMs, FCM-affiliates, and RFEDs is to ensure that forex dealers utilizing these classifications to conduct retail foreign currency business are sufficiently capitalized to ensure their financial soundness—especially given that many entities in this area run what are essentially off-exchange, retail forex markets.

In addition to maintaining a minimum of $20 million in adjusted net capital, the managers expect the Commission to use the rulemaking authority provided under this section to promulgate any other requirements necessary to ensure the financial soundness of RFEDs.

The rules and regulations issued under this section should appropriately address the level of financial risk posed by RFEDs and their operations. To the extent their risk profiles are similar, the managers intend for FCMs and RFEDs to be regulated substantially equivalently in terms of their off-exchange retail foreign currency business. The managers do not intend for the Commission to provide either FCMs or RFEDs with a more favorable regulatory environment over the other or create two significantly different regulatory regimes for similar business models—to the extent the financial risks posed by such operations are similar.

In addition to regulatory authority over FCMs and RFEDs, the amendment provides the Commission with greater authority over participants in the off-exchange foreign currency trading industry who are not the actual counterparty to the transaction to ensure that the Commission has authority needed over these industry participants to take action to address fraudulent or deceptive practices.

The amendment strikes the Senate provision to provide authority to the Commission to issue rules proscribing fraud in connection with any agreement, contract or transaction in an exempt or agricultural commodity that is (i) offered to, or entered into with, a person that is not an eligible contract participant (i.e., a retail customer); and (ii) offered or entered into on a leveraged or margined basis, or financed by the offeror, the counterparty, or a person acting in concert with the offeror or counterparty, on a similar basis. (Section 13101)

(3) Liaison with Department of Justice

The Senate amendment requires the Attorney General to designate a liaison between the Department of Justice and the Commission to coordinate civil and criminal investigations and prosecutions of violations of the CEA. (Section 13102)

The House bill contains no comparable provision.

The Senate recedes.

(4) Anti-fraud authority over principal-to-principal transactions

The Senate amendment amends section 4b of the CEA (7 U.S.C. section 6b) to clarify that the CEA gives the Commission the authority to bring fraud actions in off-exchange "principal-to-principal" futures transactions. Subsection 4b(a)(2) is amended by adding the words "or with" to address principal-to-principal transactions on the new markets and trading venues permitted under the CFMA. This new language clarifies that the Commission has the authority to bring anti-fraud actions in off-exchange principal-to-principal futures transactions, including exempt commodity transactions in energy under section 2(h), as well as transactions conducted on derivatives transaction execution facilities. The prohibitions in subparagraphs (A) through (D) of the new section 4b(a) would apply to all transactions covered by paragraphs (1) and (2).

Derivatives clearing organizations are not subject to fraud actions under section 4b in connection with their clearing activities.

The amendments to CEA section 4b(a) regarding transactions currently prohibited under subparagraph (iv) (found in new subparagraph (D)) are not intended to affect in any way the Commission's historical ability to prosecute cases of indirect bucketing of orders executed on designated contract markets. (See, e.g., Reddy v. CFTC, 191 F.3d 109 (2nd Cir. 1999); In re DeFrancesco, et al., CFTC Docket No. 02-09 (CFTC May 22, 2003) (Order Making Findings and Imposing Remedial Sanctions as to Respondent Brian Thornton)).

These amendments should not be interpreted or understood as calling into question the Commission's historical use of section 4b to address principal-to-principal trading in the retail context on regulated futures exchanges. (Section 13103)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 13102)

(5) Criminal and civil penalties

The Senate amendment amends the CEA to double the civil and criminal penalties available for certain violations of the CEA such as manipulation, attempted manipulation, and false reporting. The increased civil monetary penalties in the Reauthorization Act are intended to render the CEA's penalty provisions comparable to the penalty provisions that Congress enacted in the Energy Policy Act of 2005 for manipulation cases brought by the Federal Energy Regulatory Commission with respect to physical energy markets. (Section 13104)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment. The amendment addresses technical drafting issues. (Section 13103)

(6) Authorization of appropriations

The Senate amendment authorizes such sums as may be necessary to carry out the Act for fiscal years 2008 through 2013. (Section 13105)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision. (Section 13104)

(7) Technical and conforming amendments

The Senate amendment contains various amendments to correct statutory errors and other conforming changes. (Section 13106)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment. The amendment makes additional technical and conforming changes to the CEA.

The amendment amends section 1(a)(33) of the CEA (7 U.S.C. 1). The definition of "trading facility" under the CEA is a key criterion for defining a number of categories of regulated markets (e.g., designated contract markets, derivatives transaction execution facilities), exempt markets (e.g., exempt commercial markets, exempt boards of trade) and excluded markets (e.g., CEA section 2(d)(2)). By amending the definition of trading facility, the Managers address a concern where the Commission's jurisdiction could be compromised if novel auction systems which aggregate the market sentiments of multiple participants to derive a market price according to a pre-determined algorithm were to fall outside the agency's regulatory ambit. The definition of "trading facility" has been amended to anticipate and include, prospectively, markets which utilize automated trade matching and execution algorithms.

Section 4a(e) of the CEA provides, among other things, that it is a violation of the CEA, for any person to violate a speculative limit rule of a designated contract market, derivatives transaction execution facility, or other board of trade if that rule has been approved by the Commission. section 5c(c) of the CEA, though, permits exchanges to certify such rules rather than submit them for prior Commission approval. The Managers amend section 4a(e) to bring it into harmony with the CEA provisions regarding certification of exchange rules. Specifically, the Managers amend section 4a(e) to provide that it is a violation of the CEA, for which the Commission may bring an enforcement action, for any person to violate a speculative limit rule that has been certified by a registered entity.

The Managers are concerned that complainants seeking to enforce an award received through the Commission's reparations process are facing difficulties in obtaining relief from Federal District courts. Accordingly, the Managers include language in this amendment amending section 14(d) of the Commodity Exchange Act (7 U.S.C. 18) to provide that Commission reparations awards are directly enforceable in Federal District courts as if they were local judgments pursuant to 29 U.S.C. 1963. The Managers also provide that the amendment shall operate retroactively. (Section 13105)

(8) Portfolio margining and security index issues

Following enactment of the CFMA, the Commission and Securities and Exchange Commission (SEC) jointly promulgated rules relating to the margining of security futures products (SFP). Under those rules, SFPs have been subject to the same fixed-rate strategy-based margining scheme applicable to security options customer accounts, rather than the risk-based portfolio margining system typical in the futures industry. Many have argued that this has contributed to the low volume of trading in SFPs which, by contrast, have been successful in Europe. The Senate amendment directs the Commission and SEC to use their existing authorities by September 30, 2008, to allow customers to benefit from the use of a risk-based portfolio margining system for both security options and SFPs.

The detailed statutory test of a narrow-based security index was tailored to fit the U.S. equity markets, which are by far the largest, deepest and most liquid securities markets in the world. The amendment provides clarity in this area by requiring the Commission and the SEC to take action under their existing authorities to promulgate, by June 30, 2008, final rules providing criteria that will exclude broad-based indexes on foreign equities from the definition of narrow-based security index as appropriate. (Section 13107)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to extend the deadlines to September 30, 2009 for implementing portfolio margining and June 30, 2009 for promulgating criteria for excluding broad-based indexes on foreign equities from the definition of narrow-based security index as appropriate. (Section 13106)

(9) Significant price discovery contracts

The Senate amendment provided for greater regulation of contracts traded on exempt commercial markets (ECM) that fulfill a price discovery function. It sets forth criteria for the Commission to consider in determining whether an ECM contract qualifies as a significant price discovery contract (SPDC). These criteria include: (i) price linkage; (ii) arbitrage; (iii) material price reference; and (iv) material liquidity and other such material factors as the Commission specifies by rule.

The amendment applies core principles to ECM contracts that are determined to perform a significant price discovery function by the Commission. These Core Principles are derived from selected DCM core principles and designation criteria set forth in CEA section 5. These core principles include those relating to: contracts not being readily susceptible to manipulation; monitoring of trading, the ability of the Commission to obtain information, position limitations or accountability limitations, emergency authority, daily publication of trading information, compliance with rules, and conflict of interest.

The amendment gives the electronic trading facility the explicit discretion to take into account differences between cleared and uncleared SPDCs only in applying the emergency authority and the position limits or accountability core principles and directs the Commission to take such differences into consideration when reviewing implementation of such principles by the electronic trading facility in (7)(D);

The amendment requires an electronic trading facility to notify the Commission whenever it has reason to believe that an agreement, contract or transaction conducted in reliance on the exemption provided in 2(h)(3) displays any of the factors relating to a significant price discovery function described in subparagraph (7)(B); and directs the Commission to conduct an evaluation at least once a year to determine whether any agreement, contract or transaction conducted on an electronic trading facility in reliance on the exemption in 2(h)(3) performs a significant price discovery function in (7)(E). (Section 13201)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment. With the amendment the Managers make several changes to the Senate provision.

The Managers provide that the Commission shall promulgate rules and regulations to implement the authorities provided by this Act regarding significant price discovery contracts. The Senate provision had originally made such promulgation discretionary. The Managers also allow the Commission to consider the potential for arbitrage between a potential SPDC and an existing SPDC in making a determination whether a contract is a SPDC.

The Managers amend the Senate provision to make clear that an electronic trading facility shall have reasonable discretion to account for differences between cleared and uncleared contracts in complying with all the core principles applicable under this Act to SPDCs.

The Managers amend the Senate provision to make clear that in determining appropriate position limits or position accountability limits under this Act, an electronic trading facility shall consider cleared swaps transactions that are treated by a derivatives clearing organization as fungible with significant price discovery contracts. The Managers also amend the Senate language to apply the conflict of interest and antitrust considerations core principles to electronic trading facilities only with respect to SPDCs traded on such facilities.

Not all the listed factors must be present to make a determination that a contract performs a significant price discovery function. However, the Managers intend that the Commission should not make a determination that an agreement, contract or transaction performs a significant price discovery function on the basis of the price linkage factor unless the agreement, contract or transaction has sufficient volume to impact other regulated contracts or to become an independent price reference or benchmark that is regularly utilized by the public.

The core principles that apply to SPDCs are derived from selected DCM core principles and designation criteria set forth in CEA section 5, and the Managers intend that they will be construed in like manner as the DCM core principles.

The Managers do not intend that the Commission conduct an exhaustive annual examination of every contract traded on an electronic trading facility pursuant to the section 2(h)(3) exemption, but instead to concentrate on those contracts that are most likely to meet the criteria for performing a significant price discovery function.

The Managers further intend that the Commission should conduct such examinations in the course of its normal monitoring of ECM contracts and surveillance of designated contract market and derivatives transaction execution facility contracts when considering the potential for arbitrage or price linkage as the basis for an SPDC determination. (Section 13201)

(10) Large trader reporting

The Senate amendment amends CEA section 4g to require reporting and recordkeeping of every person registered with the Commission regarding the transactions and positions of such person in any SPDC traded or executed on an electronic trading facility. It also amends CEA section 4i to make any person buying or selling SPDCs on an electronic trading facility subject to reporting requirements set by the Commission and to require such person to report and keep records on transactions or positions equal to or in excess of any reporting threshold the Commission has set. (Section 13202)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate Provision with amendment. The amendment provides that large trader reporting requirements imposed by this Act for SPDCs shall include contracts, transactions, or agreements that are treated by a derivatives clearing organization as fungible with SPDCs. (Section 13202)

(11) Conforming amendments

The Senate amendment provides various amendments to conform other areas of current law based on changes made in sections 13201 and 13202. The amendment provides that an electronic trading facility shall be considered as a registered entity for the purposes of the CEA and provides that the Commission shall have exclusive jurisdiction over significant price discovery contracts. (Section 13203)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment.

The amendment included by the managers clarifies that the CEA's grant of exclusive jurisdiction to the Commission in CEA section 2(a)(1)(A) applies to significant price discovery contracts traded on ECMs. The amendment further clarifies that the provisions of the CEA made applicable to SPDCs traded on ECMs by this Act are not precluded by CEA section 2(h)(3).

The Managers note that in creating the new authorities contained in this Act, it is the intent of the Managers to enhance the Commission's authority over (2)(h)(3) markets under the CEA. It is the Managers' intent that this provision not affect FERC authority over the activities of regional transmission organizations or independent system operators because such activities are not conducted in reliance on section 2(h)(3). (Section 13203)

(12) Effective date

The Senate amendment: (1) provides that this subtitle shall become effective on the date of enactment of this Act, (2) requires the Commission to issue a proposed rule regarding the significant price discovery standards in section 13201(b) within 180 days of the date of enactment of this Act and a final rule within 270 days, and (3) requires the Commission to complete a review of the agreements, contracts and transactions of any electronic trading facility operating on the effective date of the final rule described in 13204(b) within 180 days after that effective date to determine whether such agreement, contract or transaction performs a significant price discovery function. (Section 13204)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment.

The amendment directs the Commission to conduct a rulemaking to implement a process for determining whether ECM contracts are SPDCs.

The managers note that although status as a registered entity would attach to an ECM upon the Commission's determination that a particular ECM contract serves a significant price discovery function, the managers intend that the Commission rulemaking include a grace period after a significant price discovery determination to enable the ECM to come into compliance with its newly-applicable core principles. Such a grace period, which need only be made available to ECMs that have been determined to have a SPDC for the first time, should ensure that such ECMs have sufficient time to implement the necessary regulatory requirements and operations. (Section 13204)

TITLE XIV—MISCELLANEOUS

*For items 1 through 52 of the House bill and Senate amendment, see title XII—Crop Insurance.

*For items 53 through 79 and item 120 of the House bill and Senate amendment, see title XI—Livestock.

(1) Prohibition on use of live animals for marketing of medical devices; fines under the Animal Welfare Act

The House bill amends the Animal Welfare Act to prohibit using a live animal to demonstrate a medical device or product for marketing purposes or to train a sales representative to use such product. The prohibition does not apply to the training of medical personnel for a purpose other than marketing. The House language amends the Animal Welfare Act to set a cap for violations at not more than $10,000 for each violation. It specifies that each violation, each day that a violation continues, and each animal that is subject to each violation, shall be a separate offense. The House language also amends the Animal Welfare Act to require that the report to Congress also identify all research facilities, intermediate handlers, carriers, and exhibitors registered under section 6 of the Act. It strikes the provision requiring information and recommendations related to the Horse Protection Act. (Section 11316)

The Senate amendment contains no comparable provision.

The Conference substitute provides that fines under the Animal Welfare Act are increased from $2500 to $10,000. (Section 14214)

(2) Protection of pets

The House bill amends the Animal Welfare Act by replacing section 7. The new section provides a definition for person to be used only in this section. Person includes any individual, partnership, firm, joint stock company, corporation, association, trust, estate, pound, shelter, or other legal entity. This section prohibits research facilities or Federal research facilities from using a cat or dog for educational or research purposes if it was obtained from a permissible source. Also, no person may donate, sell, or offer a dog or cat to any research facility or Federal research facility unless it came from a permissible source. A permissible source is defined to mean a dealer licensed under AWA; a publicly owned pound registered with the Secretary and in compliance with the protection of pet standards outlines in the Act and has obtained the cat or dog from a legal owner, other than a pound or shelter; or a person that is donating the dog or cat that bred and raised it and owned it for not less than one year preceding donation; a research facility or Federal research facility licensed by the Secretary. In addition to existing penalties for violating the Animal Welfare Act this provision establishes an additional fine of $1,000 for each violation of this section. Nothing in this section requires a pound or shelter to donate, sell, or offer a dog or cat to a research facility. (Section 11317)

The Senate amendment is the same as the House bill. It adds a provision that would phase out the use of random source dogs and cats from class B dealers within five years after enactment of this act. (Section 11079)

The Conference substitute adopts the House provision with an amendment that defines Class B dogs and cats and requires the

Secretary to review any independent reviews and recommendations by a nationally recognized panel on the use of Class B dogs and cats in federal research.

The Managers are aware of the concerns relating to the use of random source animals from Class-B dealers for medical research. As part of the Consolidated Appropriations Act, 2008 (P.L. 110–161), Congress requested an independent review by a nationally recognized panel of experts of the use of Class B dogs and cats in federally supported research. The National Academy of Science is in the process of conducting this review. Results from the review are expected to be finalized in the spring of 2009. The results of this study will help provide Congress information regarding the value of Class B dogs and cats in medical research. It is the Managers view upon completion of the review the House Committee on Agriculture and United States Senate Committee on Agriculture, Nutrition and Forestry should address whether to continue Class B dealers as a legitimate vendor of random source animals for medical research.

The Managers are also aware of concerns relating to how Class B dealers acquire random source animals. Under 9 CFR 2.132(d) dealers are prohibited from obtaining a dog or cat from any person who is not licensed (other than a pound or shelter), unless they obtain a certification (source record) that the animals were born and raised on that person's premises and, if the animals are for research purposes, that the person has sold fewer than 25 dogs and/or cats that year. The Animal and Plant Health Inspection Service (APHIS) conducts four unannounced inspections of each Class B dealer on an annual basis. During these inspections, APHIS conducts random trace back of source records. In addition, every 2 to 3 years APHIS does 100 percent trace back of every source record of all Class B dealers. APHIS data indicates a 95 percent trace back of these records. Understanding concerns raised about the validity of these source records, the Managers intend to ask the Government Accountability Office to review APHIS regulations to ensure they are sufficiently assuring the source of random source animals.

The Managers are also concerned with the humane handling and treatment of all animals. In section 14114, fines for violating the Animal Welfare Act are increased for the first time since 1985. (Section 14216)

(3) Sense of the Senate on the U.S. Department of Agriculture's wildlife services competing against private industry for nuisance bird control work

The Senate amendment contains a Sense of the Senate that USDA Wildlife Services should not compete nor condone competition with the private sector for business regarding the management of nuisance wildlife problems in urban areas where private sector services are available. Wildlife Services should inform cooperators of the availability of and their right to acquire services from private service providers prior to entering into any cooperative agreement for wildlife damage management activities. The Secretary of Agriculture should ensure that Wildlife Services does not aggressively compete with private pest management industry for European starling, house sparrow, and pigeon control work in urban areas where private sector services are available. The Secretary of Agriculture should rely on the scientific and widely excepted definitions to define the term urban rodent in order to clarify the express restrictions in law on Wildlife Services activities. Finally, the Secretary should direct Wildlife Service to work with private industry, through a Memorandum of Understanding, to delineate common areas of cooperation so that issue of competition are addresses, taking into account the interests of the wildlife resources and the need to manage damage caused by that resource. (Section 11085)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers expect the Secretary to continue and strictly enforce the current Wildlife Service Directive 3.101, "Interfacing with Business and Establishing Cooperatives Programs," dated May 25, 2005. The Managers intend that the Secretary, consistent with this Directive, shall inform service requesters of the availability of other private service providers and their right to choose. The Managers strongly encourage the Secretary to ensure that Wildlife Services does not compete with professional pest management companies which manage nuisance birds such as European starlings, house sparrows, and pigeons in urban areas. The Managers strongly encourage the Secretary to enter into a Memorandum of Understanding with industry to address issues of competition for service, taking into account the ability of private entities to respond to requests for wildlife damage management and the common goal of both the Department and the private sector to meet the increasing need of managing damages caused by pests in urban areas.

(4) Prohibitions on dog fighting ventures

The Senate amendment amends section 26 of the Animal Welfare Act to strengthen penalties for dog fighting. Section 26(a)(1) of the AWA is amended to make it unlawful to knowingly sponsor or exhibit an animal in a dog fighting venture as defined later in this section. Section 26(b) of the AWA is amended to add it is illegal to knowingly sell, buy, posses, train, transport, deliver or receive any dog, other animal or offspring of the dog or other animal for the purpose of having them participate in a dog fighting venture. Section 26(f) of the AWA is amended to allow costs incurred for the care of animals seized or forfeited under this section to be recoverable from the owner. Subsection (g) is amended to include a definition for a dog fighting venture to mean any event that involves a fight between at least two animals, one being a dog, which is conducted for purposes of sport, wagering, or entertainment. An exclusion for hunting is also added. Section 49 of title 18, United States Code, is also amended to increase the penalty for violations of section 26 of the Animal Welfare Act to not more than five years imprisonment. (Section 11076)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with a minor amendment. (Section 14207)

(5) Domestic pet turtle market access; review, report and action on the sale of baby turtles

The Senate amendment requires the Secretary of Health and Human Services, acting though the Commissioner of Food and Drugs, to determine the prevalence of salmonella in each species of reptile and amphibian sold legally in the United States to determine whether or not the prevalence of salmonella in these animals is not more than 10 percent less than the percentage of salmonella in pet turtles. If the prevalence is not more than 10 percent less than the percentage of salmonella in pet turtles the Secretary of Agriculture shall conduct a study of how pet turtles can be sold safely as pets in the United States. In conducting the study the Secretary shall consult with all relevant stakeholders. (Sections 11101, 11102, and 11103)

If the prevalence of salmonella in other amphibians and reptiles is greater than that of salmonella in pet turtles the Secretary shall prohibit the sale of those amphibians and reptiles.

The House bill contains no comparable provision.

The Conference substitute strikes this provision.

(6) Importation of live dogs

The Senate amendment adds a new section to the Animal Welfare Act (7 U.S.C. 2147) to restrict the importation of certain dogs for resale. This provision defines "importer" as any person who, for purposes of resale, transports into the United States puppies from a foreign country. Resale is defined to mean any transfer of ownership or control of an imported dog of less than 6 months of age to another person, for more than de minimis consideration. No dog shall be imported into the United States for purposes of resale unless the Secretary of Agriculture determines the dog is in good health; has received all necessary vaccinations; and is at least 6 months of age, if imported for resale. Exemptions are provided for dogs imported for research purposes or veterinary treatment. The Secretaries of Agriculture, Health and Human Services, Commerce, and Homeland Security will promulgate regulations necessary to implement this section. Failure to comply by an importer will result in the importer being subject to fines under section 19 of the Animal Welfare Act and providing for the care, forfeiture, and adoption of each applicable dog at the expense of the importer. (Section 3205)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendment. The Managers recognizes that Hawaii may have a unique situation arising out of Hawaii's current quarantine regulations. In the case of Hawaii, so long as the state continues to quarantine dogs imported from the mainland United States, the Secretary may permit an exception to allow the import of dogs under the age of 6 months from jurisdictions currently exempt from the Hawaii quarantine (i.e. Guam, Australia, New Zealand, and the British Isles) for resale in Hawaii, provided all other regulations of the Secretary, and of the State of Hawaii, are complied with. Any dogs imported into Hawaii pursuant to this exception shall not be shipped to any other jurisdiction within the United States for resale at less than 6 months of age.

The Managers do not intend for the exception for veterinary treatment to be used for routine veterinary care. This exemption is in place for emergency situations where the dogs in question are in need of immediate veterinary treatment and may not have the required vaccinations. Congress expects that such dogs would also be properly quarantined until the dogs are determined to be in good health as defined by regulations promulgated by the Secretary. Further, it is not the intent of Managers to prevent organizations from importing dogs under the age of 6 months in the event of an emergency, and transferring ownership or control of such dogs under the age of 6 months, provided such organization does not receive more than de minimus consideration for such adopted or transferred dogs. (Section 14210)

(7) Outreach and technical assistance for socially disadvantaged farmers and ranchers and limited resource farmers and ranchers

The House bill amends section 2501 of the Food, Agriculture, Conservation, and Trade Act (FACT Act) to specify that the 2501 Technical and Outreach Assistance Program is to be used to enhance the coordination, outreach, technical assistance, and education efforts authorized under USDA programs.

The House bill authorizes agencies within USDA to make grants and enter into contracts and cooperative agreements with a community-based organization in order to utilize the community-based organization to provide outreach and technical assistance. It requires the Secretary to submit to the House and Senate Agriculture Committees an annual report that includes the following: the recipients of funds made available under the 2501 Outreach and Technical Assistance Program; the activities undertaken and services provided; the number of producers served and the outcomes of such service; and the problems and barriers identified by entities in trying to increase participation by socially disadvantaged farmers and ranchers.

Section 11201(1)(C) provides mandatory funding in the amount of $15 million for each of the fiscal years 2008 through 2012. No more than 5 percent of the funds made available in each fiscal year are to be used for administrative expenses related to administering the 2501 Program.

Eligible entities are defined as any community-based organizations, networks, or coalition of community based organizations that have demonstrated experience in providing agricultural education or other agriculturally related services to and on behalf of socially disadvantaged farmers and ranchers and have provided to the Secretary documentary evidence of work with socially disadvantaged farmers and ranchers. (Section 11201)

The Senate amendment amends section 2501 of the Food, Agriculture, Conservation, and Trade Act (FACT Act) to specify that the 2501 Technical and Outreach Assistance Program is to be used to enhance the coordination, outreach, technical assistance, and education efforts authorized under USDA programs. The 2501 Program is to assist the Secretary in reaching socially disadvantaged farmers and ranchers and prospective socially disadvantaged farmers and ranchers, and improving the participation of those farmers and ranchers in USDA programs. The Secretary is required to submit and make publicly available a report that describes: (A) the accomplishments of the 2501 program, and (B) any gaps or problems in program service delivery, as reported by program grantees. Appropriations of up to $50,000,000 annually are authorized for fiscal years 2008–2012. No more than 5 percent of the funds made available in each fiscal year are to be used for administrative expenses related to administering The 2501 Outreach and Technical Assistance Program. The provision changes eligibility guidelines for potential grantees by extending from 2 to 3 years the period of time for which documentary evidence of work with socially-disadvantaged farmers must be provided. The Secretary is authorized to provide for the renewal of a grant, contract, or other agreement under this section to an entity that: (A) has previously received 2501 funding; (B) has demonstrated an ability to reach socially disadvantaged farmers and increase the participation of such farmers in USDA programs; and (C) demonstrates to the satisfaction of the Secretary that an entity will continue to fulfill the purposes of the 2501 Program. This section requires the Secretary to promulgate regulations establishing criteria for grants under this program. This section requires the Secretary, following consultation with entities eligible for the 2501 Program to co-locate the 2501 Program and the Office of Outreach within 18 months of enactment. (Section 11052)

The Conference substitute adopts the Senate amendment with modifications to delete language from the Senate amendment pertaining to renewal of contracts, review of proposals, and coordination with the Office of Outreach of the Department of Agriculture, which is now addressed in Section 14013, Office of Advocacy and Outreach. The Conference substitute also provides $75 million in mandatory funding for the 2501 Program. (Section 14004)

(8) Improved program delivery by Department of Agriculture on Indian reservations

The House bill amends section 2501(g) of the FACT Act by authorizing the Secretary to require the Agricultural Stabilization and Conservation Service, the Soil Conservation Service, the Farmers Home Administration offices, and any such offices and functions that the Secretary chooses to include, establish a consolidated suboffice at tribal headquarters on Indian reservations, where there is a demonstrated need. (Section 11202)

The Senate amendment is the same as the House bill, with technical differences. (Section 11054)

The Conference substitute adopts the House provision with a technical change to correct the agency names in the statute. (Section 14001)

(9) Transparency and accountability for socially disadvantaged farmers and ranchers

The House bill amends section 2501A of the FACT Act by requiring the Secretary to annually compile, for each county and State in the United States, program application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each USDA program that serves agricultural producers and landowners: (A) raw numbers of applicants and participants by race, ethnicity, and gender; and (B) the application and participation rate by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

The Secretary, using the technologies and systems of the National Agricultural Statistics Service, is authorized to compile and present application and participation rate data regarding socially disadvantaged farmers or ranchers in a manner that includes the raw numbers and participation rates for: the entire United States; each State; and, each county in each State. The Secretary is required to make the data (i.e., report) available to the public, via a website and otherwise in electronic and paper form. (Section 11203)

The Senate amendment amends section 2501A of the FACT Act by requiring the Secretary to annually compile, for each county and State in the United States, program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each USDA program that serves agricultural producers and landowners: (A) raw numbers of applicants and participants by race, ethnicity, and gender; and (B) the application and participation rate by race, ethnicity, and gender, as a percentage of the total participation rate of all agricultural producers and landowners.

The Secretary, using the technologies and systems of the National Agricultural Statistics Service, is authorized to compile and present application and participation rate data regarding socially disadvantaged farmers or ranchers in a manner that includes the raw numbers and participation rates for: the entire United States; each State; and each county in each State. (Section 11056)

The Conference substitute adopts the House provision. (Section 14006)

(10) Beginning farmer and rancher development program

The House bill provides that mandatory funding in the amount of $15 million is to be provided for each of the fiscal years 2008 through 2012 to carry out the program. (Section 11204)

The Senate amendment incorporates energy conservation efficiency and transition to organic farming into the programs and services eligible to receive competitive grants under this program. It limits grants under this program to $250,000. The provision adds a set of evaluation criteria the Secretary shall consider when awarding grants under this program. The Secretary is also required to ensure, to the maximum extent practicable, geographic diversity of grantees under this program. Organizations that work with refugee or immigrant beginning farmers or ranchers are added to be eligible to receive grants. This provision authorizes $30,000,000 in annual appropriations for the BFRDP. (Section 7309)

The Conference substitute adopts the Senate provision with an amendment to move the program into the research title of this Act, to delete the incorporation of energy conservation efficiency and transition to organic farming into the program, to delete the clarification on organizations that work with refugee or immigrant beginning farmers, and to add $15,000,000 in mandatory funding for each fiscal year from 2009 and $20 million for each of fiscal years 2010 through 2012.

The Managers encourage the Secretary to include asset-based farming opportunity strategies in the grant categories of the Beginning Farmer and Rancher Development Program (BFRDP) in order to aid with the overall purposes of the program, which include financial management training, the acquisition and management of agricultural credit, and innovative farm and ranch transfer strategies.

The Managers expect the panels that will review the grant applications through the BFRDP to include a broad range of individuals with appropriate expertise and experience in delivering beginning farmer and rancher programs.

The Managers intend for the BFRDP to include immigrant beginning farmers and ranchers in the funding set-aside for socially disadvantaged and limited resource farmers and ranchers.

The Managers are aware of and fully support the goals of the National Young Farmers Education Association National Forum on Identifying Issues and Enhancing Success for America's Young and Beginning Agricultural Producers. To the extent practicable, the Managers encourage the Secretary to provide support to this important forum. (Section 7410)

(11) Provision of receipt for service or denial of service

The House bill authorizes the Secretary to provide a receipt for service to a producer or landowner, or prospective producer or landowner, in any case where the producer or landowner, or prospective producer or landowner, requests any benefit or service offered by USDA to agricultural producers or landowners. The receipt for service is to be issued on the date the request is made and must contain the date, place, and subject of the request, as well as the action taken, not taken, or recommendations made in response to the request. (Section 11205)

The Senate amendment differs from the House version in that it: (1) specifies that Farm Service Agency and Natural Resources Conservation Service are the agencies subject to this provision, and (2) requires the receipt upon request. Section 11057 amends Section 2501A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279–1)(as amended by section 11056). This section requires the Secretary of Agriculture to issue to farmers and ranchers seeking a benefit or service offered by the Farm Service Agency or the Natural Resources Conservation Services of USDA, a receipt upon request that contains the date, place, and subject of the request as well as the action taken, not taken, or recommended to the farmer or rancher. (Section 11057)

The Conference substitute adopts the Senate amendment but modifies the language to include "current or prospective producer or landowner" and adds Rural Development to the agencies that are subject to the provision. (Section 14003)

(12) Tracking of socially disadvantaged farmers or ranchers and limited resource farmers or ranchers in Census of Agriculture and certain studies

The House bill requires the Secretary to ensure, to the maximum extent possible, that the Census of Agriculture accurately documents the number, location, and economic contributions of socially disadvantaged and limited resource farmers or ranchers. (Section 11206)

The Senate amendment amends section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279). The Secretary is required to ensure, to the maximum extent possible, that the Census of Agriculture accurately documents the number, location, and economic contributions of socially disadvantaged and limited resource farmers or ranchers. (Section 11055)

The Conference substitute adopts the Senate amendment. (Section 14005)

(13) Farmworker coordinator

The House bill authorizes the Secretary to establish the position of Farmworker Coordinator, to be located in USDA's Office of Outreach. The Farmworker Coordinator is to have a number of duties, including: serving as a liaison to community-based, non-profit organizations that represent low-income migrant and seasonal farmworkers; coordinating with USDA and State and local governments to assure that farmworker needs are met during declared disasters and emergencies; and assuring that farmworkers have access to services and support that will assist them in entering agriculture as producers. An appropriation of such sums as necessary is authorized for fiscal years 2008 through 2012. (Section 11207)

The Senate amendment is the same as the House bill, with technical differences. The Senate provision amends section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)). (Section 11059)

The Conference substitute adopts the Senate provision with an amendment to specify that the Farmworker Coordinator shall have responsibility for assisting farmworkers in becoming agricultural producers or landowners, and to make other technical changes. The Farmworker Coordinator has been relocated into the Office of Advocacy and Outreach as described in (93) of this document. (Section 14013)

(14) Office of Outreach relocation

The House bill authorizes the Secretary to develop a proposal to relocate USDA's Office of Outreach. The Office of Outreach is to be responsible for the 2501 Outreach and Technical Assistance Program and the Beginning Farmer and Rancher Development Program. (Section 11208)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House amendment with modification. The substitute establishes a new Office of Advocacy and Outreach, the purpose of which is to improve the viability and profitability of small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers, as well as to improve access to programs of the Department of Agriculture.

The Office of Advocacy and Outreach is to be overseen by a director appointed by the Secretary from among the competitive service and to have two distinct groups, a Socially Disadvantaged Farmer Group and a Small Farms and Beginning Farmers and Ranchers Group. The Socially Disadvantaged Farmers Group is to carry out the 2501 Program, oversee the Minority Farmer Advisory Committee, oversee the Farmworker Coordinator, and carry out the functions of the Office of Outreach and Diversity previously carried out by the Office of the Assistant Secretary for Civil Rights. The Small Farms and Beginning Farmers and Ranchers Group is to oversee the Office of Small Farms Coordination, consult with the National Institute for Food and Agriculture on the administration of the Beginning Farmer and Rancher Development Program, coordinate with the Advisory Committee for Beginning Farmers and Ranchers, and carry out other such duties as determined appropriate by the Secretary of Agriculture. (Section 14013)

(15) Minority farmer advisory committee

The House bill authorizes the Secretary to establish a minority advisory committee, to be overseen by USDA's Office of Outreach. The committee is to have a number of duties, including: reviewing civil rights cases to ensure that they are processed in a timely manner; reporting quarterly to the Secretary on civil rights enforcement and outreach; recommending to the Secretary corrective actions to prevent civil rights violations; and reviewing the operations of the 2501 Outreach and Technical Assistance Program.

The Committee is to be composed of the following:

(A) 3 members appointed by the Secretary;

(B) 2 members appointed by the chairman of the Committee on Agriculture, Nutrition, and Forestry, of the Senate—in consultation with the ranking member;

(C) 2 members appointed by the chairman of the House Agriculture Committee—in consultation with the Ranking member;

(D) a civil rights professional;

(E) a socially disadvantaged farmer or rancher; and

(F) such other persons or professionals that the Secretary determines to be appropriate. (Section 11209)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with amendment. The substitute specifies that the duty of the committee is to provide advice to the Secretary on implementation of the 2501 Program, methods of maximizing the participation of minority farmers and ranchers in Department of Agriculture programs, and civil rights activities at the Department of Agriculture. The substitute deletes components of the House bill pertaining to review of civil rights cases, the processing of civil rights cases, quarterly reporting to the Secretary on civil rights enforcement, annual reporting to the Secretary on civil rights compliance, recommendations to the Secretary regarding corrective actions to prevent civil rights violations, review of operations of the 2501 Program, and review of outreach efforts in the agencies and programs of the Department.

The substitute also revises the membership of the committee, specifying not less than four socially disadvantaged farmers and ranchers, not less than two representatives of nonprofit organizations, not less than two civil rights professionals, not less than two representatives of higher education, and other such persons as deemed appropriate by the Secretary. The substitute also provides the Secretary of Agriculture with authority to appoint employees of the Department of Agriculture as ex-officio members. (Section 14008)

(16) Coordinator for chronically underserved rural areas

The House bill authorizes the Secretary to establish a Coordinator for Chronically Underserved Rural Areas, to be located in USDA's Office of Outreach. The mission of the Coordinator is to direct USDA's resources to high need, high poverty rural areas. The Coordinator's duties are to include consulting with other USDA offices in directing technical assistance, strategic planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations. An appropriation of such sums as necessary is authorized for each of the fiscal years 2008 through 2012. (Section 11210)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment to locate the Coordinator in Rural Development instead of the Office of Outreach. (Section 14118)

(17) Foreclosure

The Senate amendment states that currently there is a USDA guidance that prohibits loan foreclosures when there is a pending claim of racial discrimination against the Department. This provision amends section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) to put into law what is already in place in a guidance at USDA.

Subsection (a) *Moratorium.* This section mandates a moratorium on all loan acceleration and foreclosure proceedings where there is a pending claim of discrimination against the Department related to a loan acceleration or foreclosure. This section also waives any interest and offsets that might accrue on all loans under this title for which loan and foreclosure proceedings have been instituted for the period of the moratorium. If a farmer or rancher does not prevail on his claim of discrimination, then the farmer or rancher will be liable for any interest and offsets that accrued during the period that the loan was in abeyance. The moratorium will terminate on either the date the Secretary resolves the discrimination claim or the court renders a final decision on the claim, whichever is earlier.

Subsection (b) *Report.* This section requires the Inspector General of USDA to determine whether loan foreclosure proceedings of socially disadvantaged farmers have been implemented according to applicable laws and regulations. The Inspector General shall submit a report of its determination to the Senate and House Committees on Agriculture not later than a year after this legislation's enactment. (Section 11051)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with an amendment that the farmer or rancher is required to have a program discrimination claim and that the Department makes a procedural determination to accept the claim as a valid one. The determination to accept the claim by the Department is intended to be procedural and not a statement as to the merits of the claim. The Conference substitute amends Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) and specifies that the provision applies to farmer program loans made under subtitle A, B, or C. (Section 14002)

(18) Additional contracting authority

The Senate amendment amends section 2501(a)(3) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(a)(3)). This section clarifies that the agencies and programs of the Department of Agriculture are authorized to enter into contracts and cooperative agreements with community-based organizations to provide service to socially-disadvantaged farmers and ranchers, clarifies that the Secretary is not required to require matching funds for such agreements, and allows federal agencies to contribute to grants or cooperative agreements made under the 2501 Program as the agency determines that contributing funds for such purpose will further the authorized programs of the contributing agency. (Section 11053)

The House bill contains a similar provision in section 11201.

The Conference substitute deletes both House and Senate provisions.

(19) Emergency grants to assist low-income migrant and seasonal farmworkers

The Senate amendment amends Section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a). This section requires the Secretary to maintain a disaster fund of $2,000,000, and authorizes discretionary funding to maintain it. This section further requires that public or private entities eligible to receive funding under this section must have at least five years demonstrated experience in representing and providing emergency services to low-income migrant or seasonal farmworkers. Types of allowable assistance are specified, in addition to such other priorities that the Secretary determines to be appropriate. (Section 11061)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate amendment.

(20) National appeals division

The Senate amendment amends section 280 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7000). This section establishes a reporting requirement that states the head of each agency shall report to the House and Senate Agriculture Committees, and post on the Department's website information that includes a description of all cases returned to the agency by the National Appeals Division, the status of implementation of each final determination and if the final determination has not been implemented then the reason and the projected date of implementation. The reporting requirement to Congress should be every 180 days and the website should be updated not less than monthly. (Section 11058)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 14009)

(21) Oversight and compliance

The Senate amendment requires the Secretary of Agriculture to use the reports required under section 2501 of the FACT Act in the conduct of program oversight regarding the participation of socially disadvantaged farmers in USDA programs as well as in the evaluation of civil rights performance. (Section 11064)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. (Section 14007)

(22) Report of civil rights complaints, resolutions, and actions

The Senate amendment requires the Secretary of Agriculture to issue an annual report on program and employment civil rights complaints, including the number of complaints filed, the length of time required to process complaints, the number of complaints resolved with a finding of discrimination, and the personnel actions taken by the agency following resolution of civil rights complaints. (Section 11065)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment. The Managers intend that if the Secretary, in compiling determines the aggregate data does not accurately reflect the scope of complaints, then the Secretary may note in the report that multiple complaints came from a single individual, in order to provide a clear picture of the scope of the complaints. (Section 14010)

(23) Grants to improve supply, stability, safety, and training of agricultural labor force

The Senate amendment directs the Secretary to make grants to nonprofit organizations to assist agricultural employers and farmworkers with services that help improve the quality of the agricultural labor force through job training, short-term housing, workplace literacy and ESL training, and health and safety instruction, among other purposes. Discretionary funding is authorized to carry out this section. (Section 11066)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with amendments to clarify the eligible services that may be provided with grant funds through the program; to specify that assistance may be provided to farmworkers who are citizens or otherwise legally present in the United States; and to establish a 15 percent limit on administrative expenses for the program. (Section 14204)

(24) Office of small farms and beginning farmers and ranchers

The Senate amendment establishes an office at USDA to be known as the Office of Small Farms and Beginning Farmers and Ranchers. Section (b) outlines the purposes of the office including ensuring coordination across all agencies; ensuring small, beginning, and socially disadvantaged farmers and ranchers access to all USDA programs; ensuring the number and economic contributions of small, limited resource, beginning and socially disadvantaged farmers and ranchers are accurately reflected in the Census of Agriculture; and assessing and enhancing the effectiveness of outreach programs at the department. Subsection (c) establishes the office should be headed by a director. Subsection (d) outlines the duties of the office including to establish cross-cutting and strategic departmental goals and objectives for small, beginning, and socially disadvantaged farmer and rancher programs. Subsection (e) requires the office to maintain a website to share information with interested producers and to collect and respond to comments from small and beginning farmers and ranchers. Subsection (f) requires the Secretary to provide the office human and capital resources sufficient to allow the office to carry out its duties using funds made available to the Secretary through appropriations acts. Subsection (g) requires an annual report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry in the Senate. (Section 11088)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment that Section 14013 subsumes this office into the Office of Advocacy and Outreach. (Section 14013)

(25) Designation of separate cotton-producing States under Cotton Research and Promotion Act

The House bill amends the definition of "cotton-producing State" in the Cotton Research and Promotion Act to include Kansas, Virginia, and Florida as each being considered separate cotton-producing States under the Act, beginning with the 2008 crop of cotton. (Section 11301)

The Senate amendment designates Kansas, Virginia, and Florida as each being considered separate cotton-producing States effective beginning with the 2008 crop of cotton for purposes of the Cotton Research and Promotion Act. (Section 1713)

The Conference substitute adopts the Senate provision. (Section 14202)

(26) Cotton classification services

The House bill extends the authority of the Secretary to make cotton classification services available to producers of cotton and to collect classification fees from participating producers through FY 2012. The provision authorizes the Secretary to enter into long-term lease agreements that exceed five years or take title to property in order to obtain offices used for the classification of cotton. (Section 11302)

The Senate amendment authorizes cotton classing services without any fiscal year restrictions. Similar to the House bill, the Senate amendment authorizes the Secretary to enter into long-term lease agreements that exceed five years or take title to property in order to obtain offices used for the classification of cotton. The provision requires the Secretary to consult with the cotton industry in establishing the fees. It ensures that the Federal Advisory Committee Act requirements do not apply to consultations with the US Cotton industry. It also provides greater discretion to the Secretary in establishing the fees. (Section 1712)

The Conference substitute adopts the Senate provision with an amendment to ensure that the Secretary announces the classification fee and any applicable surcharge for classification services not later than June 1 of the year in which the fee applies.

The Managers expect the cotton classification fee to be established in the same manner as was applied during the 1992 through

2007 fiscal years. The classification fee should continue to be a basic, uniform per bale fee as determined necessary to maintain cost-effective cotton classification service. In consulting with the cotton industry, the Secretary should demonstrate the level of fees necessary to maintain effective cotton classification services and provide the Department of Agriculture with an adequate operating reserve, while also working to limit adjustments in the year-to-year fee. (Section 14201)

(27) Availability of excess and surplus computers in rural areas

The House bill provides that the Secretary may make surplus USDA computers or technical equipment available to any city or town in a rural area. (Section 11303)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment to ensure that the activities authorized under this section are in addition to, and would not replace, activities conducted under other existing authorities of the Secretary with regard to property disposal.

The Managers expect the Secretary to use this authority to continue to make available excess or surplus computers to city or towns located in rural areas through organizations that are able to refurbish such equipment and supply it to rural schools, libraries, and city halls in need.

The intent of the conferees is that local governments include independent school districts. (Section 14220)

(28) Permanent debarment from participation in Department of Agriculture programs for fraud

The House bill authorizes the Secretary to permanently debar an individual or entity convicted of knowingly defrauding the United States in connection with any program administered by the Department of Agriculture from any subsequent participation in such programs. (Section 11304)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment. The amendment provides the Secretary the authority to limit the debarment to not less than ten years. The amendment further provides that debarment shall not have any effect on the receipt of domestic food assistance. (Section 14211)

(29) No discrimination against use of registered pesticide products or classes of pesticide products

The House bill prohibits the Secretary from discriminating against the use of specified registered pesticide products or classes of pesticide products in establishing priorities and evaluation criteria for approval of plants, contracts and agreements under the conservation title of this Act. (Section 11305)

The Senate amendment contains no comparable provision.

The Conference substitute strikes this provision. Insomuch as the underlying House provision was a restatement of long-standing policy of the Natural Resources Conservation Service (NRCS), the managers recognize that statutory language is unnecessary.

The House provision referred to pesticides registered by the Environmental Protection Agency (EPA) in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Food Quality Protection Act (FQPA). A FIFRA registration implies that uses of pesticides have been deemed by EPA to have met established standards of safety to human health and the environment when used in accordance with the label.

Under various conservation programs authorized in Title II, the managers have directed the Secretary to establish priorities and evaluation criteria to ensure the efficient and effective use of resources.

However, it is not the intent of the managers to undermine the regulatory framework for the legal use of registered pesticides while implementing various conservation programs in this Title.

Therefore, in establishing priorities and evaluation criteria for the approval of plans, contracts and agreements under Title II of this Act, it is the expectation of the managers that the NRCS shall neither prohibit the use of specific registered pesticides or classes of pesticides, nor advocate for the use of alternatives to registered pesticides or classes of pesticides.

The managers intend for NRCS to assist farmers wishing to adopt new technologies and specific pest management strategies that contribute to agricultural production and environmental quality. For example, programs that assist farmers in developing risk mitigation measures regarding pesticide use are entirely consistent with the current regulatory program administered by EPA and would not be in conflict with Congressional intent.

(30) Prohibition on closure or relocation of county offices for the Farm Service Agency, Rural Development Agency, and Natural Resources Conservation Service

The House bill prohibits the Secretary from closing or relocating a county or field office of the Farm Service Agency, Rural Development Agency, or Natural Resources Conservation Service for one year following the date of enactment of this Act. (Section 11306)

The Senate amendment defines "critical access county FSA office" in subsection (a) as an office of the Farm Service Agency proposed to be closed during the period beginning on November 10, 2005 and ending on December 31, 2007; proposed to be closed with the closing delayed until after January 1, 2008; or included on a list of critical access county FSA offices. FSA offices that are located not more than 20 miles from another FSA office or that employ no full-time equivalent employees are excepted from the definition of critical access county FSA office. Subsection (b) prohibits the Secretary from using any funds to pay the salaries or expenses of any USDA officer or employee to close any critical access county FSA office during the period from the date of enactment through September 30, 2012. The Secretary is required to maintain a staff of not less than 3 full-time equivalent employees in each critical access county FSA office although the staff may be located in any other county office of the FSA in that State. However, a critical access county FSA office must have at least 1 full-time equivalent employee.

Subsection (c) allows the Secretary to close a critical access county FSA office only on concurrence by Congress and the applicable State Farm Service Agency committee. (Section 11071)

The Conference substitute adopts the House provision with an amendment.

The Managers have provided the exception paragraph to allow the Secretary to review offices meeting the criteria and close those offices if justified; the language in the exception paragraph does not require the Secretary to close offices meeting the criteria. The Managers expect that the Department will communicate with Congressional delegations about proposed closures and respond to concerns about such closures. (Section 14212)

(31) Regulation of exports of plants, plant products, biological control organisms, and noxious weeds

The House bill amends the Agricultural Risk Protection Act of 2000 to require the Secretary to coordinate fruit and vegetable market analyses with the private sector and Foreign Agricultural Service. Further requires the Secretary to list on an Internet website the status of export petitions, an explanation of associated sanitary or phytosanitary issues, and information on the import requirements of foreign countries for fruits and vegetables. (Section 11307)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment to strike the original language and insert a provision in the Technical Assistance for Specialty Crops program requiring the Secretary to submit an annual report on sanitary and phytosanitary trade barriers.(Section 3203)

(32) Grants to reduce production of methamphetamines from anhydrous ammonia

The House bill authorizes the Secretary to make grants to eligible entities to enable such entities to obtain and add to an anhydrous ammonia fertilizer nurse tank a substance that will reduce the amount of methamphetamine that can be produced from such tank. It provides that the grant amount be between $40 and $60, multiplied by the number of nurse tanks for each eligible entity. The provision also authorizes appropriations of not more than $15 million for each of fiscal years 2008 through 2012. (Section 11308)

The Senate amendment is the same as the House bill, except it provides that a grant can be used either for a physical lock or a chemical substance. (Section 11062)

The Conference substitute adopts the Senate amendment. (Section 14203)

(33) USDA Graduate School

The House bill amends the Federal Agriculture Improvement and Reform Act of 1996 to prohibit the Department of Agriculture from establishing, maintaining, or operating a non-appropriated fund instrumentality of the United States to develop, administer, or provide educational training and professional development activities, including educational activities for Federal agencies, Federal employees and other entities, effective October 1, 2008. (Section 11309)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment.

The modification keeps the House language but extends the deadline for the General Administrative Board of the Graduate School to transition the Graduate School into a non-governmental nonappropriated fund instrumentality to October 1, 2009. It further authorizes the Secretary to use available appropriated funds and other resources to assist in the Graduate School's transition. Effective immediately, the Graduate School shall be subject to Federal procurementrocedures in the same manner and subject to the same requirements as a commercial entity. (Section 14213)

(34) Prevention and investigation of payment and fraud and error

The House bill amends the Right to Financial Privacy Act of 1978 to allow financial institutions to disclosure an individual's financial records to any Government entity that certifies, disburses or collects payments, when such disclosure is necessary for the proper administration of programs. The provision expands the permitted use of the disclosed financial information to include the verification of the identity of any person in connection with Federal payment or collection of funds, or the investigation or recovery of improper Federal payments, improperly collected funds, or an improperly negotiated Treasury check. (Section 11310)

The Senate amendment is the same as the House bill except:

(1) The provision does not change paragraph (k)(1) of the existing exception in the Right to Financial Privacy Act of 1978, which allows disclosure of the name and address of any financial institution customer if the disclosure is necessary for the proper administration of section 1441 of Title 26, title II of the Social Security Act, or the Railroad Retirement Act.

(2) New paragraph (2) allows disclosure of a customer's financial records, rather than just a customer's name and address as permitted under paragraph (1), to reflect the fact that electronic payments are not directed to customers by means of a name and address, in contrast to paper checks.

(3) Information may be disclosed under the new paragraph (2)(A) not only to the extent that the information is necessary to verify the identity of any person making or receiving a Federal payment, but also to verify the proper routing and delivery of funds.

(4) New paragraph (3) applies to a request authorized by paragraph (k)(1) or (2). Similar to the House version, the provision does not allow for the disclosure by a financial institution of the customer's financial records in their entirety, but only the information contained in the records that are relevant to the purpose of the request. (Section 11068)

The Conference substitute adopts the Senate provision. (Section 14205)

(35) Sense of Congress regarding food deserts, geographically isolated neighborhoods and communities with limited or no access to major chain grocery stores

The House bill expresses the sense of Congress that the Secretary of Agriculture, in conjunction with the National Institutes of Health, Centers for Disease Control and Prevention, Institute of Medicine, and faith-based organizations, should assess "food deserts" in the United States (geographically isolated neighborhoods and communities with limited or no access to major-chain grocery stores), and develop recommendations for eliminating them. (Section 11311)

The Senate amendment requires the Secretary to study and report on areas in the United States with limited access to affordable and nutritious food, with a focus on predominantly lower-income neighborhoods and communities. (Section 7504)

The Conference substitute adopts the Senate provision with an amendment to move this provision to the Research Title of this Act, to include and define the term "food desert," and to include an authorization of appropriations for the study. (Section 7527)

(36) Pigford claims

The House bill provides that Pigford claimants who have not had their cases determined on the merits may, in a civil action, obtain such a determination. Payments or debt relief are to be exclusively made from mandatory funds provided to carry out this section. The total amount of payments and debt relief are prohibited from exceeding $100 million; additionally, payments and debt relief provided under this section are not to be made from Judgment Fund established by 31 U.S.C. 1304. The intent of Congress is to have this section liberally construed. Not later than 60 days after the Secretary receives notice that a Pigford claimant desires to have a determination made on the merits of a claim, the Secretary is to provide the claimant with a report on farm credit loans made within the claimant's county, or adjacent county, by USDA for a period beginning on Jan. 1 of the year or years covered by the complaint and ending on Dec. 31 of the following year or years.

The report is to contain information on all persons whose loans were accepted, including:

(a) the race of the applicant;

(b) the date of the application;

(c) the date of the loan decision;

(d) the location of the office making the loan decision; and

(e) all data relevant to the process of deciding the loan.

The reports provided by USDA are not to contain identifying information regarding the person that applied for a USDA loan. Claimants who allege discrimination in the application for, or making or servicing of, a farm loan are permitted to seek liquidated damages of $50,000, or a discharge of the debt that was incurred under, or affected by, the alleged discrimination that is the subject of the complaint, and a tax payment in an amount of the liquidated damages and loan principal discharged only if:

(1) the claimant is able to prove his or her case by substantial evidence; and

(2) the court decides the case based on documents, submitted by the claimant, that are relevant to the issue of liability and damages.

The Secretary is prohibited from beginning acceleration on or foreclosure of a loan if the borrower is a Pigford claimant and, during an administrative proceeding, the claimant makes a prima facie case that the foreclosure is related to a Pigford claim. A "Pigford claimant" is defined as an individual who previously submitted a late-filing request under section 5(f) of the Pigford consent decree, in the case of Pigford v. Glickman, approved by the U.S. District Court for DC on April 14, 1999. A "Pigford claim" is defined as a discrimination complaint, as defined by section 1(h) of the Pigford consent decree and documented under section 5(b) of the decree.

Mandatory funding of $100 million is to be made for fiscal year 2008. The funding is to remain available until it has been expended for payments and debt relief in satisfaction of claims against the U.S., with respect to a Pigford claimants who have their claims determined on the merits, and for any actions made related to the prohibition regarding foreclosures related to Pigford claims. (Section 11312)

The Senate amendment is the same as the House bill except:

(1) Subsection (a)(1) requires all claimants to file in United States District Court for the District of Columbia.

(2) Subsection (a)(2) connects the definition of "substantial" evidence to the one used in the original consent decree.

(3) Authorizes appropriate funds as necessary beyond the $100 million in mandatory funding. (Section 5402)

The Conference substitute adopts the Senate amendment with modifications. The Secretary will have 120 days to provide the claimant a report, or may petition the court for an extension. The modification requires the Secretary to retrieve data from within the claimant's county, or, if no documents are found then within an adjacent county as determined by the claimant.

The modification provides for those who are filing a claim for discrimination involving a noncredit benefit to be able to obtain a report from the Secretary. It also provides for those claimants to receive a maximum of $3,000 irrespective of the number of noncredit claims on which the claimant prevails.

The modification provides for those filers who chose not to go through the expedited resolutions process, to be entitled to actual damages if the claimant prevails.

The modification also provides a requirement for the Secretary to report once every six months to both the House and Senate Committees on the Judiciary the status of available funds and the number of pending claims under the expedited resolutions process. It further requires the Secretary to notify those Committees once 75% of the funds have been depleted. It further provides for a 2-year statute of limitations to file a claim under this section. (Section 14012)

(37) Sense of Congress relating to claims brought by socially disadvantaged farmers or ranchers

The Senate amendment contains a sense of Congress that the Secretary should resolve all claims and class actions brought against the United States Department of Agriculture by socially disadvantaged farmers or ranchers including Native Americans, Hispanics, and female farmers regarding discrimination in farm loan program participation. (Section 5403)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate amendment with a modification that all pending claims should be resolved expeditiously. (Section 14011)

(38) Comptroller general study of wastewater infrastructure near United States-Mexico border

The House bill mandates that the Comptroller General study wastewater infrastructure in rural communities within 150 miles of the United States-Mexico border to determine how the Government can assist these communities in updating the wastewater infrastructure. (Section 11313)

The Senate amendment contains no comparable provision.

The Conference substitute deletes this provision.

(39) Elimination of statute of limitations applicable to collection of debt by administrative offset

The House bill amends 31 U.S.C. 3716(e) to eliminate the statute of limitations within which a government agency can initiate the collection of an outstanding claim by administrative offset. (Section 11314)

The Senate amendment is the same as the House bill. (Section 11069)

The Conference substitute adopts the House provision. (Section 14219)

(40) Pollinator protection

The House bill cites this section as the "Pollinator Protection Act of 2007". It states Congress' findings regarding the importance of bee pollination to agriculture and the concerns related to colony collapse disorder in the bee population. The provision authorizes appropriations, as follows:

- For the Agricultural Research Service at USDA—$3 million for each of fiscal years 2008 through 2012 for new personnel, facilities improvement, and additional research at the

USDA Bee Research Laboratories; $2.5 million for each of fiscal years 2008 and 2009 for research on honey and native bee physiology, and other research; and $1.75 million for each of fiscal years 2008 through 2010 for an area-wide research program to identify causes and solutions for colony collapse disorder.

- For the Cooperative State Research, Education, and Extension Service—$10 million to fund grants to investigate honey bee biology, immunology, ecology, genomics, bioinformatics, crop pollination and habitat conservation, the effects of insecticides, herbicides and fungicides, and other research.
- For the Animal and Plant Health Inspection Service—$2.25 million for each of fiscal years 2008 through 2012 to conduct a honey bee pest and pathogen surveillance program.

The House bill requires the Secretary to submit a report to Congress on the status and progress of bee research projects. It amends the Food Security Act of 1985 to require the Secretary, when carrying out a conservation program other than the farmland protection program, to establish a priority and provide incentives for increasing habitat for pollinators and to establish practices to protect native and managed pollinators. (Section 11315)

The Senate amendment contains no comparable provision.

The Conference substitute adopts the House provision with an amendment to move the research-related items of this provision to the research title of this Act to amend section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925), and to move the conservation-related item of this provision to the conservation title of this Act. (Section 7204)

(41) Exemption from AQI user fees

The Senate amendment exempts commercial trucks from payment of agricultural quarantine and inspection user fees if it originates in Alaska and reenters the United States directly from Canada or if it originates in the United States and transits through Canada before entering Alaska. Commercial trucks exempt from user fees are required to remain sealed during transit through Canada. (Section 11080)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(42) Regulations to improve management and oversight of certain regulated articles

The Senate amendment requires the Secretary to promulgate regulations for improved management and oversight of articles regulated under the Plant Protection Act. (Section 11077)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to change the timeframe for the promulgation of regulations and to make technical changes. This provision can be found in the horticulture and organic agriculture title. (Section 10204)

(43) Invasive pest and disease emergency response funding clarification

The Senate amendment clarifies that the Secretary may provide emergency funding to States to combat invasive pest and disease outbreaks for any appropriate period after initial detection of the pest or disease, as determined by the Secretary. (Section 11078)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(44) Invasive species management, Hawaii

The Senate amendment requires cooperation among the Federal agencies involved in preventing the introduction of and controlling invasive species in the State of Hawaii; requires the development of collaborative Federal and State procedures to minimize the introduction of invasive species into Hawaii, and requires a report to Congress on the development of those procedures; establishes a process for Hawaii to seek approval from the Federal Government to impose restrictions on the introduction or movement of invasive species or disease into the State that are in addition to Federal restrictions; in the event of an emergency or imminent invasive species threat, allows Hawaii to impose restrictions of up to 2 years to prevent introduction of the threat upon approval by the Federal Government. (Section 11063)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision. The Managers remain concerned about the serious and growing invasive species problem in the State of Hawaii. The Managers are aware of the threats that invasive species present to Hawaii's unique ecosystem, which is highly susceptible to invasive species because of the combination of isolation of the Hawaiian islands and high passenger, baggage and cargo traffic to the islands. The Managers encourage the Secretaries of the Department of Agriculture, Interior and Homeland Security to work together in close cooperation with the State of Hawaii to effectively reduce the number of invasive species in Hawaii. The Managers emphasize this collaboration is critical at Hawaiian ports of entry.

(45) Invasive species revolving loan fund

The Senate amendment establishes an invasive species revolving loan fund. This loan fund allows eligible units of local government to finance purchases of authorized equipment to monitor, remove, dispose of, and replace infested trees on land under the jurisdiction of the eligible local government and within the boarders of a quarantine area infested by an invasive pest. These loans can be no more than $5,000,000 and shall have an interest rate of two percent. An eligible unit of local government shall work with the Secretary to establish a loan repayment schedule. This schedule requires that not later than one year after the eligible unit of local government received a loan they must repay the loan. The payments can be scheduled semiannually after. (Section 11090)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to move this provision to the horticulture and organic title of this Act, to replace all references to "invasive species" with the term "pest and disease," and to strike the provision allowing the unit of local government to use the financing of contracts with individuals and entities as part of the matching requirement in this program. (Section 10205)

(46) Cooperative agreements relating to invasive species prevention activities

The Senate amendment allows States to provide cost-sharing assistance or financing mechanism to a unit of local of the State through any cooperative agreement entered into between the Secretary and a State relating to the prevention of invasive species infestation.(Section 11091)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to move this section to the horticulture and organic title of this Act, to amend section 431 of the Plant Protection Act (7 U.S.C. 7751), and to make technical changes. (Section 10206)

(47) Report relating to the ending of childhood hunger in the United States

The Senate amendment includes a sense of Congress regarding childhood hunger in the United States. This section specifies that, not later than one year after the date of enactment of the Act, the Secretary shall submit to Congress a report that describes the best and most cost-effective manner by which the federal government could allocate funds to achieve the goal of abolishing childhood hunger and food insecurity by 2013. (Section 11082)

The House bill contains no comparable provision.

The Conference substitute deletes this provision.

(48) GAO report on access to health care for farmers

The Senate amendment provides that the GAO shall provide a report on rural Americans access to health care with a focus on farmers by November 30, 2008. (Section 11074)

The House bill contains no comparable provision.

The Conference substitute deletes this provision.

(49) Conveyance of land to Chihuahuan Desert Natural Park

The Senate amendment conveys 935.62 acres of land in Dona Ana County New Mexico to the Chihuahuan Desert Nature Park, Inc., a non-profit organization in New Mexico. The land is to be conveyed within one year after enactment of this Act. Subsection (c) outlines the conditions for the land conveyance. The United States reserves all mineral and subsurface rights of the land. The Chihuahuan Desert Nature Board must pay any costs associated relating to the conveyance. Also this subsection requires the land to be used for only educational or scientific purposes. Subsection (d) states if the land is not used for educational or scientific purposes the land may revert to the United States. If the land is environmentally contaminated, the Chihuahuan Desert Nature Park, Inc. or successor is responsible for the contamination and shall be required to remediate the contamination. (Section 11075)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to authorize the conveyance, without consideration, of certain lands in the George Washington National Forest. (Section 8302)

(50) Department of Agriculture conference transparency

The Senate amendment requires the Secretary to quarterly report to the Inspector General costs and contracting procedures relating to conferences held by USDA for which the cost to the Federal Government was over $10,000. Subsection (c) requires the Secretary to annually report to the Senate and House Agriculture Committees a detailed report about each conference where the USDA paid travel expenses. (Section 11081)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment. The modification provides reporting guidelines for conferences that are held by the Department or attended by employees of the Department. For conferences held by the Department, the Secretary will have to include a description of the contracting procedures related to the conference. The provision is not intended to apply to any training program for employees of the Department, or to conferences held outside the United States and attended by the Secretary or a designee as an official representative of the U.S. Government. Travel under (c)(1)(d) does not apply to local travel for conferences. (Section 14208)

(51) National emergency grant to address effects of Greensburg, Kansas tornado

The Senate amendment states the Department of Labor awarded Greensburg, KS a $20 million grant to assist with cleanup from a F5 tornado that hit the town in May of 2007. The language allows the planning process to begin and allow federal funds that have already been awarded to flow more smoothly and efficiently. (Section 11083)

The House bill contains no comparable provision.

The Conference substitute deletes this provision.

(52) Report on program results

The Senate amendment requires the Secretary to report information regarding programs that have received a Program Assessment Rating Tool score of "results not demonstrated" and for each program provide reasons that the program has not been able to demonstrate results, steps taken to demonstrate results and what might be necessary to facilitate the demonstration of results. (Section 11084)

The House bill contains no comparable provision.

The Conference substitute deletes this section. The Managers recognize that the reporting requirements in the Senate amendment may duplicate actions already taken by the Secretary in regards to the Program Assessment Rating Tool and that information on Program Assessment Rating Tool scores is publicly available. However, in order to raise greater awareness about such evaluation, the Managers encourage the Secretary to provide progress reports to Congress on the programs that have received a Program Assessment Rating Tool of "results not demonstrated".

(53) Study of impacts of local food systems and commerce

The Senate amendment requires the Secretary of Agriculture to evaluate the potential community, economic, health and nutrition, environmental, food safety, and food security impacts of advancing local food systems and commerce, the challenges that prevent local foods from comprising a larger share of the per capita food consumption in the United States, and existing and potential strategies, policies, and programs to address those challenges. (Section 11089)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate amendment.

USDA's Economic Research Service (ERS) has indicated that the Agency is in the process of conducting a study of local food systems, thereby mitigating the need for a statutory mandate in this conference agreement. The ERS study will address issues raised in the Senate amendment including an evaluation of the effects of local food systems on economic activity, nutrition, and environmental resources. ERS has likewise indicated that the study will consider possible reasons for government policies to support local food markets and reduce barriers to growth of that sector.

The Managers are aware of the budgetary constraints ERS is operating under. In order to minimize costs and maximize the utility of the study being undertaken, the Managers encourage ERS to leverage available resources through collaboration with other appropriate Federal agencies, farm operators serving local markets, institutions of higher education, non-governmental organizations, and state and local agencies. To the extent resources and data are available, the Managers also encourage ERS to examine regional market trends and production, processing and distribution needs and evaluate the role and successes of relevant Federal, State, and local policies in areas where the production, processing and consumption of locally grown produce, meat, dairy, and other agricultural products is above normative levels.

(54) Disclosure of country of harvest for ginseng

The Senate amendment amends the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) It requires persons that sell ginseng at retail to provide the country of harvest by means of a label, stamp, mark, placard, or other easily legible and visible sign on the ginseng or on the package, display, holding unit, or bin containing the ginseng. The Secretary may levy fines for not more than $1,000 for willful violations of this provision. (Section 10004)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

The Managers have included ginseng in section 11002 of the Livestock Title.

(55) Definitions

The Senate amendment defines the following terms used in the subtitle: agent; agricultural biosecurity; agricultural countermeasure; agricultural disease; agriculture; agroterrorist act; animal; department; development; plant; and qualified agricultural countermeasure. (Section 11011)

The House has no comparable provision.

The Conference substitute adopts the Senate provision with technical amendments to the definitions and incorporates this provision into the Agricultural Security Improvement Act of 2008. (Section 14102)

The Managers have serious concerns regarding the efforts of the Department of Homeland Security (DHS) to absorb the critical agricultural security functions of the USDA, and DHS' ability to successfully incorporate and manage functions previously housed within the USDA. The USDA is best equipped to handle routine agricultural disease emergencies and emergency response activities in the agricultural sector. While the Managers fully appreciate the vital importance of the broad DHS mandate, DHS has ignored critical expertise within USDA and of the agriculture sector in managing agricultural disease response activities. In doing so, DHS has ignored and failed to incorporate the concerns of the agriculture sector. For example, independent investigations carried out by the House Committee on Agriculture and the Government Accountability Office, as well as a joint audit by the Inspector's General of USDA and DHS, have revealed numerous deficiencies in the agricultural port inspection program. Under DHS leadership, this program has suffered a marked decline in its capability to prevent and detect the movement of agricultural pests and diseases into the United States. This decline in mission capabilities is primarily due to an exodus of experienced staff after the transfer of agricultural inspections from USDA to DHS, declining morale and resources, and the lack of importance placed on the program's mission by DHS management. The Managers believe if this trend continues unabated, the security of the U.S. agriculture sector will be seriously, perhaps irreversibly, jeopardized. In addition, DHS is currently increasing their role in routine agricultural disease response activities and has claimed Federal jurisdiction as the lead agency for these activities traditionally managed by the USDA. Rather than attempt to duplicate the existing functions and capacities of USDA in this critical area, DHS would be better served, and scarce financial resources could be better allocated, if USDA and DHS effectively partnered in securing the Nation's agriculture sector. The Department of Agriculture has over 146 years of valuable experience in preventing the introduction of agricultural pests and diseases and effectively managing agricultural disease outbreaks when they occur. To ignore this history is to do a disservice to the agriculture sector, and the Nation at large.

The Managers are concerned about efforts to reorganize USDA in an attempt to heighten the Department's response and management capabilities regarding threats to agricultural biosecurity. The Managers recognize that the existing structure at USDA to address such threats is adequate, and will continue to successfully prevent, control, and eradicate agricultural diseases. However, the Managers have codified the Office of Homeland Security at USDA in this Act in response to the concerns of other Committees. All homeland security-related activities at USDA will be coordinated by this office, ensuring that USDA will maintain its long tradition of protecting the U.S. agriculture sector from foreign and domestic agricultural pests and diseases. In addition, the Director of the Office of Homeland Security will serve as the primary liaison with other Federal agencies on homeland security coordination efforts, providing USDA with a unified voice on agricultural security matters of Federal concern.

The Managers expect the Secretary, in establishing the Agricultural Biosecurity Communications Center, to use, to the maximum extent practicable, the existing resources and infrastructure of the Emergency Operations Center of the Animal and Plant Health Inspection Service located in Riverdale, Maryland. In addition, the Managers expect the Secretary to share and coordinate the dissemination of information with the National Operations Center, the National Biosurveillance Integration Center, the National Response Coordination Center, and the National Infrastructure Coordination Center of DHS, as appropriate. The Managers recognize that existing communication activities at DHS will not be hampered by the creation of the Agricultural Biosecurity Communications Center. However, the Managers also recognize the critical need for USDA to maintain and govern its own communication system given the subject matter expertise of USDA officials and their close ties to the domestic agriculture sector and international trading partners who trust their guidance and input.

The Managers understand that any successful agricultural disease interdiction, prevention, or mitigation effort is largely dependent on local response capabilities. State and regional entities play a critical role in any agricultural disease emergency; however, the Federal government must provide them with the necessary expertise and information to establish successful local programs. The Managers recognize that no Federal agency is better equipped to assist in this endeavor than the Department of Agriculture. USDA enjoys an established network of local veterinarians, plant health professionals, producers, farmers and ranchers who view the Department as a partner in agricultural disease response activities. These long-established relationships will be buttressed by the Agricultural Biosecurity Task Force and will strengthen the Nation's disease response capabilities at the local and regional level. The Managers encourage the Secretary to collaborate with DHS in the provision of agricultural biosecurity best practices to State and tribal regulatory authorities. In doing so, DHS will be afforded the opportunity to benefit from the expertise of USDA in this area of national security.

The Managers are especially concerned with the degradation of the AQI program following its transfer from USDA to DHS in 2002, and are aware that the agriculture sector continues to raise serious concerns about the ability and willingness of DHS to prioritize agricultural quarantine and inspection activities at ports of entry. In light of the broad mandate given to DHS, the Managers understand that limiting the introduction of agricultural pests and diseases into the United States is not a top priority for DHS. While some observers have concluded that the scientific nature of the AQI program does not fit well with the police function of the Customs and Border Protection Program, the Managers have nevertheless chosen to maintain the program within the Department of Homeland Security. As such, the Managers encourage the Secretary to increase USDA's oversight regarding this vitally important program to ensure that the concerns of the agricultural sector are given a priority status commensurate with the threat that these diseases pose to the U.S. economy. To do so, the Managers encourage the Secretary to establish a comprehensive activity reporting mechanism detailing how DHS uses funds transferred by USDA to carry out the AQI program. In order to keep Congress and the public informed about the use of these funds, the Managers encourage the Secretary to provide a detailed accounting to the Senate and House Agriculture Committees on how DHS uses these funds. The Managers strongly encourage the Secretary of Agriculture and the Secretary of Homeland Security to revise the transfer agreement mandated under section 421(e) of the Homeland Security Act of 2002 so that the financial information requested is provided in a timely manner. The Managers intend that any information provided to the Secretary on the use of funds by DHS be scrutinized not only by Congress, but also by the senior leadership of the USDA and DHS to ensure expedient and comprehensive improvements in this program.

The Managers also encourage the Secretary to seek detailed information to track the promotion of CBP field officers, import specialists, and agricultural specialists into supervisorial and managerial grades since the transfer of function in 2003. The information provided should break out, by fiscal year and by series, the number of employees who have been permanently promoted into supervisor, chief, program manager, assistant port director, and port director positions at ports of entry throughout the country. The information provided should also cite whether the affected employees were legacy customs, immigration, or agriculture personnel.

(56) National plant disease recovery system and national veterinary stockpile

The Senate amendment establishes the National Plant Disease Recovery System (NPDRS) in subsection (a). The NPDRS will include agricultural countermeasures, available within a single growing season, to respond to an outbreak of plant disease that poses a significant biosecurity threat. Subsection (b) establishes the National Veterinary Stockpile (NVS). The NVS will include agricultural countermeasures, available to any State veterinarian not later than 24 hours after an official request, to leverage the infrastructure of the strategic national stockpile. (Section 11012)

The House bill contains no comparable provision.

The Conference substitute deletes the Senate provision.

(57) Research and development of agricultural countermeasures

The Senate amendment establishes a competitive grant program at USDA to stimulate research and development activity for qualified agricultural countermeasures. It provides for a waiver of the competitive grant process in the case of emergencies and permits the use of foreign animal and plant diseases in research and development activities. USDA will provide information to DHS on each grant funded through this authorization. The provision authorizes appropriations of $50,000,000 for each fiscal year from 2008 through 2012. (Section 11013)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to make technical changes. (Section 14121)

(58) Veterinary workforce grant program

The Senate amendment establishes a veterinary workforce grant program at USDA to increase the number of veterinarians trained in biosecurity. It authorizes such sums as necessary for each fiscal year from 2008 through 2012. (Section 11014)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to establish a program of competitive grants to veterinarians and food science professionals to increase agricultural biosecurity capacity. (Section 14122)

(59) Assistance to build local capacity in biosecurity planning, preparedness, and response

The Senate amendment requires USDA to provide grants to support the development and expansion of advanced training programs in agricultural biosecurity planning and response for food science professionals and veterinarians. The Section also requires USDA to provide grant and low-interest loan assistance to States for use in assessing agricultural disease response capability for food science and veterinary biosecurity planning. (Section 11015)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision and incorporates this section into the Agricultural Security Improvement Act of 2008 (Section 14113).

(60) Plant protection

The Senate amendment modifies penalties in the Plant Protection Act (PPA) as follows: $500,000 for each violation adjudicated in a single proceeding; $1,000,000 for each violation adjudicated in a single proceeding involving a genetically modified organism. The provision requires an action, suit or proceeding regarding a violation of the PPA to be considered no later than 5 years after the date the violation is initially discovered by the Secretary. (Section 11017)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to strike the change to the statute of limitations, to expand the penalties to cover any willful violation of the PPA, and to clarify subpoena authorities of the Department under the PPA. The Conference substitute also modifies the ability of the executive branch to delay the provision of compensation for economic losses under this section. This provision can be found in the horticulture and organic agriculture title of this Act. (Section 10203) Identical amendments were made to the Animal Health Protection Act, and this provision can be found in the livestock title of this Act. (Section 11012)

The Managers intend for the Secretary or the Secretary's designee to continue to possess the ability to review actions of officers, employees, and agents of the Secretary with regards to the payment of compensation under the Plant Protection Act.

Further, the Managers expect the additional subpoena authority provided in this section to be used to assist the Secretary in compiling such information, assembling such evidence, and conducting such investigations as the Secretary determines is necessary and proper for the administration and enforcement of this Title.

(61) Report on stored quantities of propane

The Senate amendment requires the Secretary of Homeland Security to submit to Congress a report of the effects DHS interim or final regulations regarding possession of quantities of propane that exceed the screening threshold set by the DHS rules. The provision includes number of agricultural facilities and total number of facilities affected, numbers of facilities filing security assessments, alternative security programs, and appeals, as well as costs of compliance. (Section 11070)

The House bill contains no comparable provision.

The Conference substitute adopts the Senate provision with an amendment to limit the report to the Committees on Agriculture of the House and Senate, and to strike the subparagraph on the use of the Food and Agricultural Sector Coordinating Council. (Section 14206)

I. DISASTER ASSISTANCE TRUST FUND[1]

(Sec. 12101 of the Senate amendment, sec. 901 of the Trade Act of 1974 and sec. 15101 of the conference agreement)

PRESENT LAW

The Farm Service Agency ("FSA") of the United States Department of Agriculture ("USDA") offers various ongoing programs for agricultural producers to facilitate recovery from losses caused by natural events. Ongoing programs include the Emergency Conservation Program ("ECP"), the Noninsured Crop Disaster Assistance Program ("NAP"), the Disaster Debt Set-Aside Program ("DSA"), and the Emergency Loan Program ("EM").

ECP is a discretionary program funded through annual appropriations that provides funding for farmers and ranchers to rehabilitate farmland damaged by natural disaster and for carrying out emergency water conservation measures during severe drought. The natural disaster must create new conservation problems that if untreated would

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[1] The statement of managers does not contain descriptions of the provisions in the House bill and Senate amendment that were not agreed to by the conferees.

1) impair or endanger the land; 2) materially affect the productive capacity of the land; 3) represent unusual damage which, except for wind erosion, is not the type likely to recur frequently in the same area; and 4) be so costly to repair that federal assistance is, or will be required, to return the land to productive agricultural use.

NAP provides a low level of insurance to producers who grow otherwise noninsurable crops. NAP provides coverage for crop losses and planting prevented by disasters. Landowners, tenants, or sharecroppers who share in the risk of producing an eligible crop may qualify for this program. Before payments can be issued, applications must first be received and approved, generally before the crop is planted, and the crop must have suffered a minimum of 50 percent loss in yield. Payments are 55 percent of the commodities' average market price on crop losses beyond 50 percent. Eligible crops include commercial crops and other agricultural commodities produced for food, including livestock feed or fiber for which the catastrophic level of crop insurance is unavailable. Also eligible for NAP coverage are controlled-environment crops (mushroom and floriculture), specialty crops (honey and maple sap), and value loss crops (aquaculture, Christmas trees, ginseng, ornamental nursery, and turfgrass sod).

DSA is available to those producers who are borrowers from the Farm Service Agency in primary or contiguous counties that have been declared by the President or designated by the Secretary of Agriculture ("Secretary") as a disaster area. When borrowers affected by natural disasters are unable to make their scheduled payments on any debt, FSA is authorized to consider the set-aside of some payments to allow the farming operation to continue. After a disaster designation is made, FSA will notify borrowers of the availability of the DSA. Borrowers who are notified have eight months from the date of designation to apply. FSA borrowers may also request a release of income proceeds to meet current operating and family living expenses or may request special servicing provisions from their local FSA county offices to explore other options.

EM provides emergency loans to help producers recover from production and physical losses due to drought, flooding, other natural disasters, or quarantine. Emergency loans may be made to farmers and ranchers who own or operate land located in a county declared by the President as a disaster area or designated by the Secretary as a disaster area or quarantine area (for physical losses only, the FSA administrator may authorize emergency loan assistance). EM funds may be used to: (1) restore or replace essential property; (2) pay all or part of production costs associated with the disaster year; (3) pay essential family expenses; (4) reorganize the farming operation; and (5) refinance certain debts.

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

The provision amends the Trade Act of 1974 to create a permanent Agriculture Disaster Relief Trust Fund ("PADTF") that would provide payments to farmers and ranchers who suffer losses in areas that are declared disaster areas by the USDA. The trust fund will be funded by an amount equal to 3.34 percent of the amounts received in the general fund of the Treasury that are attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule. The PADTF could make payments under four new disaster assistance programs: the permanent crop disaster assistance program, the permanent livestock indemnity program, the tree assistance program, and the emergency assistance program for livestock, honey bees, and farm raised fish. In addition, the PADTF will also fund a new pest and disease management and disaster prevention program. Amounts not required to meet current withdrawals may be invested in U.S. Treasury obligations with interest credited to the PADTF. The PADTF may also borrow, with interest, as repayable advances sums necessary to carry out the purposes of the fund.

Permanent Crop Disaster Assistance Program ("PCDP")

Generally, PCDP payments will be paid to producers located in disaster counties on 52 percent of the difference between the disaster program guarantee and the sum of total farm revenue. Disaster counties include counties receiving disaster declarations by the Secretary due to production losses resulting directly or indirectly from adverse weather, counties contiguous to such counties, and any farm whose production due to weather was less than 50 percent of normal production. To be eligible for PCDP payments, the producer must have purchased or enrolled in both crop insurance for insurable crops at a minimum of 50 percent of yield at 55 percent of price and NAP for uninsurable crops. The Secretary may waive this requirement under certain conditions.

The disaster program guarantee for insurable crops is equal to the product of a measure of crop yield, the percentage of crop insurance yield guarantee, the percentage of crop insurance price elected by the producer, the crop insurance price, and 115 percent. The disaster program guarantee for noninsured crops is equal to the product of the yield as determined by NAP for each crop, 100 percent of the NAP established price, and 115 percent. The disaster program guarantee is the sum of the disaster program guarantee for insurable and noninsured crops.

Total farm revenue includes the sum of the estimated value of crops and grazing, crop insurance and NAP indemnities accruing to the farm, the value of prevented planting payments, the amount of other natural disaster assistance payments provided by the federal government to a farm for the same loss, and an amount equal to 20 percent of any direct payments made to the producer under section 1103 of the Farm Security and Rural Investment Act of 2002. The estimated value of crops is generally the product of actual crop acreage grazed or harvested, estimated actual yields of grazing land or crop production, and the average market price during the first five months of the marketing year in which a farm or portion of a farm is located.

Permanent Livestock Indemnity Program

The PADTF may also make payments under the permanent livestock indemnity program to eligible producers on farms that have incurred livestock death losses in excess of normal mortality rates during the calendar year due to adverse weather, as determined by the Secretary. Indemnity payments are made at a rate of 75 percent of the fair market value of the livestock on the day before the date of death of the livestock as determined by the Secretary.

Tree Assistance Program

The Secretary shall make payments to eligible orchardists as follows. Assistance is in the form of 1) 75 percent reimbursement for the cost of replanting trees lost due to a natural disaster if tree mortality is in excess of 15 percent, adjusted for normal mortality, or sufficient seedlings to reestablish a stand; and 2) 50 percent reimbursement of the cost of pruning, removal, and other costs incurred to salvage existing trees or to prepare land to replant trees lost due to a natural disaster in excess of 15 percent damage and/or mortality adjusted for normal tree damage and/or mortality.

Buy-up NAP coverage

Under NAP, FSA compensates eligible producers for losses of noninsurable crops exceeding 50 percent of the expected yield based on 55 percent of the average market price of the commodity. This provision permits producers to buy additional NAP coverage. Producers could purchase additional coverage guarantee up to 60 or 65 percent, as elected by the producers, of expected yield, and up to 100 percent of the average market price of the commodity. Fees would be established and collected by the Secretary to fully offset the cost of supplemental NAP coverage.

Emergency assistance for livestock, honey bees, and farm-raised fish

The Secretary shall use up to $35,000,000 annually from the trust fund to provide emergency relief to producers of livestock (including horses), honey bees, and farm-raised fish due to losses from adverse weather or other environmental conditions, such as blizzards and wildfires, as determined by the Secretary, that are not covered under the authority of the Secretary to make qualifying natural disaster declarations. For purposes of the provision, farm-raised fish includes the propagation and rearing of aquatic species (including any species of finfish, mollusk, crustacean, or other aquatic invertebrate, amphibian, reptile, or aquatic plant) in controlled or semi-controlled environments.

Limitations

No eligible producer may receive more than $100,000 annually in total disaster assistance under this Act. A producer is not eligible for benefits under the provision if, as determined by the Secretary, such producer's adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 or any successor provision) exceeds $2.5 million, unless not less than 75 percent of the average adjusted gross income of such producer is derived from farming, ranching or forestry operations.

Pest and disease management and disaster prevention

The provision also establishes a new program under which USDA will conduct early pest detection and surveillance activities in coordination with State departments of agriculture, will prioritize and create action plans to address pest and disease threats to specialty crops, and will create an audit-based certification approach to protect against the spread of plant pests.

Sunset of provision

The authority provided by the provision expires at the same time as the 2007 Farm Bill.

CONFERENCE AGREEMENT

Supplemental Agricultural Disaster Assistance Program description and provisions (For crop years 2008-2011)

The provision amends the Trade Act of 1974 to create a Supplemental Agricultural Disaster Assistance trust fund ("Trust Fund") that would provide payments to farmers and ranchers who suffer losses in areas that are designated disaster areas by the USDA. The Trust Fund could make payments under five new disaster assistance programs: the Supplemental Revenue Program (“SURE”), the Livestock Forage Disaster Program (“LFP”), the Livestock Indemnity Program (“LIP”), the Tree Assistance Program (“TAP”), and the Emergency Assistance Program for Livestock, Honey bees, and Farm raised fish.

Supplemental Revenue Assistance Payments (SURE)

Section 901(b) SURE Assistance will be available to eligible producers on farms in disaster determined and contiguous counties that have incurred crop production losses and/or crop quality losses.

901(a)(5) For purposes of the supplemental revenue assistance program, disaster counties are counties that received Secretarial Disaster declarations due to production losses resulting directly or indirectly from adverse weather. However, Secretarial designations are waived for farms with greater than 50% production losses.

901(b)(2)(A) SURE Assistance payments will be issued on 60% of the difference between the disaster assistance program guarantee AND total farm revenue (as defined).

The conferees expect that when payments are calculated, USDA will not discount any final payments for any activity that has already been deducted as an adjustment to a crop insurance indemnity or noninsured assistance payment such as harvest costs, packing, or transportation.

901(b)(3) The SURE Assistance Program Guarantee is the sum obtained by adding:

For each insurable commodity, the product obtained by multiplying: the higher of the Adjusted APH yield, or the counter-cyclical program payment yield the percentage of crop insurance yield guarantee, the crop insurance price election, the acres planted or prevented from being planted, and 115%, AND for each non-insurable commodity on the farm, the product obtained by multiplying: the higher of the adjusted noninsured assistance program yield guarantee or the counter-cyclical program payment yield, 100% of the NAP established price, the acres planted or prevented from being planted, and 120%.

The conferees intend the price election for revenue products to be the price the crop insurance indemnity would be calculated for the plan of insurance obtained by the producer.

901(a)(2) The Adjusted APH Yield and Section 901(a)(3) the Adjusted Noninsured Crop Disaster Assistance Yield are determined by dropping replacement yields for producers with at least four years of actual production history. For producers with four years or less, one replacement yield may be dropped from the calculation.

The SURE Assistance guarantee will be adjusted in the following manners. 901(b)(2)(B) The guarantee may not exceed 90% of the expected revenue for the whole farm. 901(b)(3)(B)&(C) Where crop insurance or the NAP makes adjustments for prevented planting or un-harvested production, the adjusted guarantee will be the basis for calculating the SURE Assistance guarantee.

901(b)(3)(D) The Secretary is also charged with the responsibility to establish equitable treatment for non-standard crop insurance products like AgriLite.

901(b)(4) The total Farm Revenue for the farm shall be equal to the sum obtained by adding: the estimated actual value of the production for each crop produced by multiplying the actual crop acreage harvested; the estimated actual yield; the national average market price for the marketing year for each commodity, as determined by the Secretary; the crop insurance or NAP indemnities accruing to the farm; the value of any other natural disaster assistance payments provided by the federal government on a farm for the same loss; 15% of direct payments accruing to the farm; all marketing loan proceeds (including certificate gains); and all counter-cyclical or average crop revenue payments.

The conferees encourage the Secretary to accept Loss Adjustment yields to determine estimated actual yield when available with the understanding that all of the units for the crop on the farm would need to be adjusted to arrive at total farm production.

When loss adjusted yields are not available, the conferees expect the Secretary to obtain APH certified yields submitted to the Risk Management Agency through participating crop insurance companies.

901(b)(4)(B) The Secretary shall adjust the average market price received to reflect average quality discounts applied to the local or regional market price of the crop during the year of production. The Secretary shall also account for crop value reduced due to excess moisture resulting from a disaster related condition.

The conferees expect the Secretary, assisted by Farm Service Agency State and County committees, will determine local or regional discounts for the marketing year in a manner similar to what has been used to administer recent ad hoc quality loss programs.

The conferees encourage the Secretary to consider salvage values when quality factors prevent the commodity from being marketed for its originally intended purpose.

901(b)(5) Expected crop revenue is used to calculate the 90% limit of the SURE Assistance Guarantee and is equal to the sum obtained by adding:

For each insured commodity, the product obtained by multiplying: the higher of the Actual Production History (APH) yield, the Adjusted APH yield, or the counter-cyclical program payment yield; the acreage planted or prevented from being planted; and the insurance price guarantee, AND for each non-insured crop, the product obtained by multiplying: the adjusted non-insurable assistance program (NAP) yield, the adjusted Actual Production History (APH) NAP yield; the acreage planted or prevented from being planted; and 100% of the NAP protection price.

The entire farm constitutes unit structure for this program including all crops in all counties in the farming operation and shared production.

Livestock Indemnity Program (LIP)

901(c)(1) The Trust Fund may also make payments under the Livestock Indemnity Program (LIP) to eligible producers on farms that have incurred livestock death losses in excess of normal mortality rates during the calendar year due to adverse weather, as determined by the Secretary.

901(c)(2) Indemnity payments are made at a rate of 75 percent of the fair market value of the livestock on the day before the date of death of the livestock as determined by the Secretary.

It is the intent of the conferees that the Secretary shall make LIP payments based upon individual producers' eligible losses. No state, county, or other trigger shall be used by the Secretary to define an eligible LIP area.

It is expected that the Secretary, through the State Farm Service Agency Committee will obtain recommendations from applicable state livestock organizations, state Cooperative Extension Service, and other knowledgeable and credible sources to establish the normal mortality rate for each type of livestock on a state-by-state basis.

When determining the market value of applicable livestock in order to determine payment rates for LIP, the Secretary shall establish market values for each type of livestock from credible livestock markets. Credible livestock markets include sale barns, local sales as well as terminal market centers or slaughtering facilities.

Livestock Forage Disaster Program (LFP)

901(d) The Livestock Forage Program provides ranchers assistance for forage losses due to drought. Ranchers in counties with droughts designated by the Drought Monitor as severe, extreme or exceptional qualify for assistance. Producers in a severe drought will receive one month's payment. Producers experiencing extreme drought will get two month's payment and producers in a county with an exceptional drought will receive three month's payment. The payment is 60 percent of either 1) the monthly feed cost for the total number of livestock covered or, 2) the monthly feed cost calculated by using the normal carrying capacity of the eligible grazing land, whichever is smaller.

901(d)(4) LFP also covers losses to ranchers whose livestock utilize federal grazing permits. Payments are available to eligible livestock producers whose livestock are prohibited by a Federal agency from grazing due to fire. Payments will be made for the time period beginning on the date the Federal Agency excludes the eligible livestock producer and ending on the last day of the eligible producer's Federal lease. The payment rate is 50 percent of the monthly feed costs for the total number of livestock covered by the Federal lease.

The conferees intend this section to also apply to trust property and range units managed under the authority of the Department of Interior through the Bureau of Indian Affairs.

901(d)(1)(D) In order to disallow excessive payments to livestock producers who overgraze pasture and grazing lands the Secretary shall calculate the normal carrying capacity of the eligible livestock producer's grazing and pasture land and issue payments based on the lesser of the actual number of the livestock producer's eligible livestock or the maximum carrying capacity of the eligible livestock producer's pasture and grazing land for the type and weight of the eligible producer's livestock.

901(d)(5) One of the eligibility requirements for the LFP is that a livestock producer shall have timely applied for and obtained, if available, either crop insurance, including pilot programs implemented by the Risk Management Agency such as the Pastureland Rangeland Forage Program; or coverage under the NAP on the pasture or grazing land which suffered an eligible loss. Producers are not required to purchase any pilot program if they purchase NAP.

901(d)(5)(C) For the 2008 crop year only, if a livestock producer had not timely obtained either crop insurance or NAP coverage, if it was available, the Secretary shall waive this requirement if the livestock producer pays any fee that would have been required to enroll in either crop insurance or NAP.

901(d)(5)(D) For any year after 2008, the Secretary may on a case-by-case basis provide equitable relief for producers who the county Farm Service Agency Committee determines unintentionally failed to obtain crop insurance or NAP coverage on applicable grazing and pasture land.

The conferees recommend that for LFP applications for which payment would be less than $25,000, the State Farm Service Agency Committee may provide equitable relief; and that for LFP applications for which payments exceed $25,000 the Secretary or designee shall review a recommendation from the county and state Farm Service Agency committees and determine whether equitable relief applies.

Emergency assistance for livestock, honey bees, and farm-raised fish

901(e)(1) The Secretary shall use up to $50,000,000 annually from the Trust Fund to provide emergency relief to producers of livestock (including horses), honey bees, and farm-raised fish due to losses from adverse weather or other conditions, such as blizzards and wildfires, as determined by the Secretary.

The conferees wish to clarify that program is intended to cover disasters that are not adequately covered by any other disaster program.

Tree Assistance Program (TAP)

901(f) The Secretary shall make payments to eligible orchardists and nursery tree growers as follows. Assistance is in the form of 1) 70 percent reimbursement for the cost of replanting trees lost due to a natural disaster if tree mortality is in excess of 15 percent, adjusted for normal mortality, or sufficient seedlings to reestablish a stand; and 2) 50 percent reimbursement of the cost of pruning, removal, and other costs incurred to salvage existing trees or to prepare land to replant trees lost due to a natural disaster in excess of 15 percent damage and/or mortality adjusted for normal tree damage and/or mortality.

The conferees wish to clarify that the insurance requirement for TAP eligibility refers to insurance on the crop and not on the underlying vines or trees.

Risk management purchase requirements

901(g) To be eligible for SURE Assistance, the producer must have purchased or be enrolled in (at a minimum) the Catastrophic crop insurance (CAT) for insurable crops and the Noninsured Assistance Program (NAP) for uninsurable crops.

901(g)(4) For the 2008 crop year, the Secretary will waive the purchase requirement if producers pay a fee equal to the administrative fees for CAT and NAP on crops for which no coverage has been purchased within 90 days after the enactment of this subtitle.

The conferees intend that participation in pilot crop insurance programs may establish linkage, but pilot participation would not be necessary to establish linkage if CAT or NAP coverage is secured.

901(g)(5) The Secretary may provide equitable relief to producers who unintentionally fail to meet the crop insurance or NAP purchase requirements for one or more crops on a farm on a case-by-case basis. For 2008, the Secretary will have additional authority for producers who failed purchase requirements of this subtitle.

The conferees intend that the Secretary will use equitable relief provisions in circumstances where severe weather events result in revised planting intentions for crops for which the producer had not obtained a minimum CAT or NAP coverage.

901(g)(3) The Secretary may waive the crop insurance purchase requirement for limited resource, minority and/or beginning farmers and provide disaster assistance benefits at a level deemed appropriate by the Secretary.

The conferees do not expect the Secretary to conduct an annual signup to participate in the SURE Assistance program. The conferees anticipate an effective public information effort will be conducted by USDA with the cooperation of the Farm Service Agency, the Natural Resources Conservation Service, the Risk Management Agency (including crop insurance companies), the Cooperative State Research, Education, and Extension Service, and State Departments of Agriculture.

Limitations

901(h) No eligible producer may receive more than $100,000 annually in total disaster assistance under this section, excluding subsection 901(f). A producer is not eligible for benefits under the provision if, as determined by the Secretary, such producer's adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 or any successor provision). Direct attribution of benefits as described in subsection (e) and (f) of Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) or any successor provision shall apply.

The conferees anticipate that the AGI limit would be consistent with limitations for the noninsured assistance program.

The conferees note that the Tree Assistance Program (TAP) has a separate $100,000 annual limitation.

Period of effectiveness

Section 901(i) states that the Supplemental Agricultural Disaster Assistance program shall cover disaster related losses occurring on or before September 30, 2011.

The conferees expect the Secretary to cover all losses for which disaster conditions were evident on or before September 30, 2011.

Duplicate payments

Section 901(j) instructs the Secretary to prevent duplicative payments.

The conferees expect Emergency Conservation Programs (ECP), or any other similar program not directed to production or revenue losses of the farm, are not intended to be covered by this section.

Agricultural Disaster Relief Trust Fund (Trust Fund)

902(b) The Trust Fund will be funded by an amount equal to 3.08 percent of the amounts received in the general fund of the Treasury that are attributable to the duties collected on articles entered, or withdrawn from warehouse, for consumption under the Harmonized Tariff Schedule. Amounts not required to meet current withdrawals may be invested in U.S. Treasury obligations with interest credited to the trust fund. The Trust Fund may also borrow, with interest, as repayable advances sums necessary to carry out the purposes of the fund.

902(b)(3) Funds will not be appropriated to the Trust Fund if any changes are made to the operation of the programs within the Trust Fund that are not permitted by the Trust Fund.

Jurisdiction

Section 903 requires legislation in the Senate of the United States that amends section 901 or section 902 be referred to the Committee on Finance of the Senate.

II. REVENUE PROVISIONS FOR AGRICULTURE PROGRAMS

A. EXTENSION OF CUSTOM USER FEES

(Sec. 15201 of the conference agreement)

PRESENT LAW

Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c) ("COBRA") authorizes the Secretary of the Treasury to collect certain customs services fees. Section 412 of the Homeland Security Act of 2002 authorizes the Secretary of the Treasury to delegate such authority to the Secretary of Homeland Security. Customs user fees include passenger and conveyance processing fees (e.g., fees for processing air and sea passengers, commercial trucks, rail cars, private aircraft and vessels, commercial vessels, dutiable mail packages, barges and bulk carriers, cargo, and Customs broker permits) and merchandise processing fees. Congress has authorized collection of the passenger and conveyance processing fees through December 27, 2014. The current authorization for the collection of the merchandise processing fees is through December 27, 2014.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement amends Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 to extend the passenger and conveyance processing fees through September 30, 2017, and extend the merchandise processing fees through November 14, 2017. The conference agreement would require remittance, by no later than September 25, 2017, of passenger and conveyance fees for the period July 1, 2017 though September 20, 2017. It would also require an estimated prepayment of the merchandise processing fees no later than September 25, 2017 for merchandise entered on or after October 1, 2017 and before November 15, 2017. The estimated prepayment will be based on the amount paid in the equivalent period of the previous year, as determined by the Secretary of the Treasury. The conference agreement also holds service users harmless for overpayments or underpayments of merchandise processing fees by requiring the Secretary of Treasury to reconcile the fees paid with the actual fees incurred for services rendered. The Secretary of Treasury must then refund any overpayments with interest, and make adjustments for any underpayments of such merchandise processing fees.

EFFECTIVE DATE

The provision is effective on the date of enactment.

B. MODIFICATIONS TO CORPORATE ESTIMATED TAX PAYMENTS (SEC. 15202 OF THE CONFERENCE AGREEMENT)

PRESENT LAW

In general

In general, corporations are required to make quarterly estimated tax payments of their income tax liability. For a corporation whose taxable year is a calendar year, these estimated tax payments must be made by April 15, June 15, September 15, and December 15.

Tax Increase Prevention and Reconciliation Act of 2005 ("TIPRA")

TIPRA provided the following special rules:

In case of a corporation with assets of at least $1 billion, the payments due in July, August, and September 2012, shall be increased to 106.25 percent of the payment otherwise due and the next required payment shall be reduced accordingly.

In case of a corporation with assets of at least $1 billion, the payments due in July, August, and September 2013, shall be increased to 100.75 percent of the payment otherwise due and the next required payment shall be reduced accordingly.

Subsequent legislation

Several public laws have been enacted since TIPRA which further increase the percentage of payments due under each of the two special rules enacted by TIPRA described above.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The provision makes a modification to the corporate estimated tax payment rules.

In case of a corporation with assets of at least $1 billion, the payments due in July, August, and September 2012, are increased by 7¾ percentage points of the payment otherwise due and the next required payment shall be reduced accordingly.

EFFECTIVE DATE

The provision is effective on the date of enactment.

III. TAX PROVISIONS

A. CONSERVATION

1. Exclusion of Conservation Reserve Program Payments from SECA tax for individuals receiving Social Security retirement or disability payments (Sec. 12202 of the Senate amendment, sec. 15301 of the conference agreement and sec. 1402(a) of the Code)

PRESENT LAW

Generally, the Self-Employment Contributions Act ("SECA") tax is imposed on an individual's net earnings from self-employment income within the Social Security wage base. Net earnings from self-employment generally mean gross income (including the individual's net distributive share of partnership income) derived by an individual from any trade or business carried on by the individual less applicable deductions.[2]

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision excludes conservation reserve program payments from self-employment income for purposes of the SECA tax in the case of individuals who are receiving Social Security retirement or disability benefits. The treatment of conservation reserve program payments received by other taxpayers is not changed.

Effective date.—The provision is effective for payments made after December 31, 2007.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

2. Make permanent the special rule encouraging contributions of capital gain real property for conservation purposes (Sec. 12203 of the Senate amendment, sec. 15302 of the conference agreement and sec. 170 of the Code)

PRESENT LAW

Charitable contributions generally

In general, a deduction is permitted for charitable contributions, subject to certain limitations that depend on the type of taxpayer, the property contributed, and the donee organization. The amount of deduction generally equals the fair market value of the contributed property on the date of the contribution. Charitable deductions are provided for income, estate, and gift tax purposes.[3]

In general, in any taxable year, charitable contributions by a corporation are not deductible to the extent the aggregate contributions exceed 10 percent of the corporation's taxable income computed without regard to net operating or capital loss carrybacks. For individuals, the amount deductible is a percentage of the taxpayer's contribution base, (i.e., taxpayer's adjusted gross income computed without regard to any net operating loss carryback). The applicable percentage of the contribution base varies depending on the type of donee organization and property contributed. Cash contributions of an individual taxpayer to public charities, private operating foundations, and certain types of private nonoperating foundations may not exceed 50 percent of the taxpayer's contribution base. Cash contributions to private foundations and certain other organizations generally may be deducted up to 30 percent of the taxpayer's contribution base.

In general, a charitable deduction is not allowed for income, estate, or gift tax purposes if the donor transfers an interest in property to a charity while also either retaining an interest in that property or transferring an interest in that property to a noncharity for less than full and adequate consideration. Exceptions to this general rule are provided for, among other interests, remainder interests in charitable remainder annuity trusts, charitable remainder unitrusts, and pooled income funds, present interests in the form of a guaranteed annuity or a fixed percentage of the annual value of the property, and qualified conservation contributions.

Capital gain property

Capital gain property means any capital asset or property used in the taxpayer's trade or business the sale of which at its fair market value, at the time of contribution, would have resulted in gain that would have been long-term capital gain. Contributions of capital gain property to a qualified charity are deductible at fair market value within certain limitations. Contributions of capital gain property to charitable organizations described in section 170(b)(1)(A) (e.g., public charities, private foundations other than private non-operating foundations, and certain governmental units) generally are deductible up to 30 percent of the taxpayer's contribution base. An individual may elect, however, to bring all these contributions of capital gain property for a taxable year within the 50-percent limitation category by reducing the amount of the contribution deduction by the amount of the appreciation in the capital gain property. Contributions of capital gain property to charitable organizations described in section 170(b)(1)(B) (e.g., private non-operating foundations) are deductible up to 20 percent of the taxpayer's contribution base.

For purposes of determining whether a taxpayer's aggregate charitable contributions in a taxable year exceed the applicable percentage limitation, contributions of capital gain property are taken into account after other charitable contributions. Contributions of capital gain property that exceed the percentage limitation may be carried forward for five years.

Qualified conservation contributions

Qualified conservation contributions are not subject to the "partial interest" rule, which generally bars deductions for charitable contributions of partial interests in property. A qualified conservation contribution is a contribution of a qualified real property interest to a qualified organization exclusively for conservation purposes. A qualified real property interest is defined as: (1) the entire interest of the donor other than a qualified mineral interest; (2) a remainder interest; or (3) a restriction (granted in perpetuity) on the use that may be made of the real property. Qualified organizations include certain governmental units, public charities that meet certain public support tests, and certain supporting organizations. Conservation purposes include: (1) the preservation of land areas for outdoor recreation by, or for the education of, the general public; (2) the protection of a relatively natural habitat of fish, wildlife, or plants, or similar ecosystem; (3) the preservation of open space (including farmland and forest land) where such preservation will yield a significant public benefit and is either for the scenic enjoyment of the general public or pursuant to a clearly delineated Federal, State, or local governmental conservation policy; and (4) the preservation of an historically important land area or a certified historic structure.

Qualified conservation contributions of capital gain property are subject to the same limitations and carryover rules of other charitable contributions of capital gain property.

Special rule regarding contributions of capital gain real property for conservation purposes

In general

Under a temporary provision that is effective for contributions made in taxable years beginning after December 31, 2005,[4] the 30-percent contribution base limitation on contributions of capital gain property by individuals does not apply to qualified conservation contributions (as defined under present law). Instead, individuals may deduct the fair market value of any qualified conservation contribution to an organization described in section 170(b)(1)(A) to the extent of the excess of 50 percent of the contribution base over the amount of all other allowable charitable contributions. These contributions are not taken into account in determining the amount of other allowable charitable contributions.

Individuals are allowed to carryover any qualified conservation contributions that exceed the 50-percent limitation for up to 15 years.

For example, assume an individual with a contribution base of $100 makes a qualified conservation contribution of property with a fair market value of $80 and makes other charitable contributions subject to the 50-percent limitation of $60. The individual is allowed a deduction of $50 in the current taxable year for the non-conservation contributions (50 percent of the $100 contribution base) and is allowed to carryover the excess $10 for up to 5 years. No current deduction is allowed for the qualified conservation contribution, but the entire $80 qualified conservation contribution may be carried forward for up to 15 years.

Farmers and ranchers

In the case of an individual who is a qualified farmer or rancher for the taxable year in which the contribution is made, a qualified conservation contribution is allowable up to 100 percent of the excess of the taxpayer's contribution base over the amount of all other allowable charitable contributions.

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[2] Sec. 1402.

[3] Secs. 170, 2055, and 2522, respectively. Unless otherwise provided, all section references are to the Internal Revenue Code of 1986, as amended (the "Code").

[4] Sec. 170(b)(1)(E).

In the above example, if the individual is a qualified farmer or rancher, in addition to the $50 deduction for non-conservation contributions, an additional $50 for the qualified conservation contribution is allowed and $30 may be carried forward for up to 15 years as a contribution subject to the 100-percent limitation.

In the case of a corporation (other than a publicly traded corporation) that is a qualified farmer or rancher for the taxable year in which the contribution is made, any qualified conservation contribution is allowable up to 100 percent of the excess of the corporation's taxable income (as computed under section 170(b)(2)) over the amount of all other allowable charitable contributions. Any excess may be carried forward for up to 15 years as a contribution subject to the 100-percent limitation.[5]

As an additional condition of eligibility for the 100 percent limitation, with respect to any contribution of property in agriculture or livestock production, or that is available for such production, by a qualified farmer or rancher, the qualified real property interest must include a restriction that the property remain generally available for such production. (There is no requirement as to any specific use in agriculture or farming, or necessarily that the property be used for such purposes, merely that the property remain available for such purposes.) Such additional condition does not apply to contributions made on or before August 17, 2006.

A qualified farmer or rancher means a taxpayer whose gross income from the trade or business of farming (within the meaning of section 2032A(e)(5)) is greater than 50 percent of the taxpayer's gross income for the taxable year.

Termination

The special rule regarding contributions of capital gain real property for conservation purposes does not apply to contributions made in taxable years beginning after December 31, 2007.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment makes permanent the special rule regarding contributions of capital gain real property for conservation purposes.

Effective date.—The provision is effective for contributions made in taxable years beginning after December 31, 2007.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment by extending the special rule regarding contributions of capital gain real property for conservation purposes. However, under the conference agreement, the special rule does not apply for contributions made in taxable years beginning after December 31, 2009.

3. Deduction for endangered species recovery expenditures (Sec. 12205 of the Senate amendment, sec. 15303 of the conference agreement and sec. 175 of the Code)

PRESENT LAW

Under present law, a taxpayer engaged in the business of farming may treat expenditures that are paid or incurred by him during the taxable year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion loss of land used in farming, as expenses that are not chargeable to capital account. Such expenditures are allowed as a deduction, not to exceed 25 percent of the gross income derived from farming during the taxable year.[6] Any excess above such percentage is deductible for succeeding taxable years, not to exceed 25 percent of the gross income derived from farming during such succeeding taxable year.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that expenditures paid or incurred by a taxpayer engaged in the business of farming for the purpose of achieving site-specific management actions pursuant to the Endangered Species Act of 1973[7] are to be treated the same as expenditures for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming, i.e., such expenditures are treated as not chargeable to capital account and are deductible subject to the limitation that the deduction may not exceed 25 percent of the farmer's gross income derived from farming during the taxable year.

Effective date.—The provision is effective for expenditures paid or incurred after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except that the conference agreement provision is effective for expenditures paid or incurred after December 31, 2008.

4. Temporary reduction in corporate tax rate for qualified timber gain; timber REIT provisions (Secs. 12212-12217 of the Senate amendment, secs. 15311-15315 of the conference agreement and secs. 856, 857, and 1201 of the Code)

PRESENT LAW

Treatment of certain timber gain

Under present law, if a taxpayer cuts standing timber, the taxpayer may elect to treat the cutting as a sale or exchange eligible for capital gains treatment (sec. 631(a)). The fair market value of the timber on the first day of the taxable year in which the timber is cut is used to determine the gain attributable to such cutting. Such fair market value is also considered the taxpayer's cost of the cut timber for all purposes, such as to determine the taxpayer's income from later sales of the timber or timber products. Also, if a taxpayer disposes of the timber with a retained economic interest or makes an outright sale of the timber, the gain is eligible for capital gain treatment (sec. 631(b)). This treatment under either section 631(a) or (b) requires that the taxpayer has owned the timber or held the contract right for a period of more than one year.

Under present law, for taxable years beginning before January 1, 2011, the maximum rate of tax on long term capital gain ("net capital gain")[8] of an individual, estate, or trust is 15 percent. Any net capital gain that otherwise would be taxed at a 10- or 15-percent rate is taxed at a zero-percent rate. These rates apply for purposes of both the regular tax and the alternative minimum tax.[9]

For taxable years beginning after December 31, 2010, the maximum rate of tax on the net capital gain of an individual is 20 percent. Any net capital gain that otherwise would be taxed at a 10- or 15-percent rate is taxed at a 10-percent rate. In addition, any gain from the sale or exchange of property held more than five years that would otherwise have been taxed at the 10-percent rate is taxed at an eight-percent rate. Any gain from the sale or exchange of property held more than five years and the holding period for which began after December 31, 2000, which would otherwise have been taxed at a 20-percent rate, is taxed at an 18-percent rate.

The net capital gain of a corporation is taxed at the same rates as ordinary income, up to a maximum rate of 35 percent.[10]

Real estate investment trusts ("REITs") are subject to a special taxation regime. Under this regime, a REIT is allowed a deduction for dividends paid to its shareholders.[11] As a result, REITs generally do not pay tax on distributed income, but the income is taxed to the REIT shareholders. A REIT that has long-term capital gain can declare a dividend that shareholders are entitled to treat as long-term capital gain.

REITs generally are required to distribute 90 percent of their taxable income (other than net capital gain). A REIT generally must pay tax at regular corporate rates on any undistributed income. However, a REIT that has net capital gain can retain that gain without distributing it, and the shareholders can report the net capital gain as if it were distributed to them. In that case the REIT pays a C corporation tax on the retained gain, but the shareholders who report the income are entitled to a credit or refund for the difference between the tax that would be due if the income had been distributed and the 35-percent rate paid by the REIT.[12] In effect, net capital gain of a REIT (including but not limited to timber gain) can be taxed as net capital gain of the shareholders, whether or not the gain is distributed.

Other REIT provisions

A REIT is also subject to a four-percent excise tax to the extent it does not distribute specified percentages of its income within any calendar year. The required distributed percentage is 85 percent in the case of the REIT ordinary income, and 95 percent in the case of the REIT capital gain net income (as defined).[13] The amount of the excess of the required distribution over the actual distribution is subject to the 4-percent tax.

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[5] Sec. 170(b)(2)(B).

[6] Sec.175.

[7] 16 U.S.C. 1533(f)(B).

[8] Net capital gain is defined as the excess of net long-term capital gain over net short-term capital gain for the taxable year. Sec. 1222(11).

[9] Because the entire amount of the capital gain is included in alternative minimum taxable income ("AMTI"), for taxpayers subject to the alternative minimum tax with AMTI in excess of $112,500 ($150,000 in the case of a joint return), the gain may cause a reduction in the minimum tax exemption amount and thus effectively tax the gain at rates of 21.5 or 22 percent. Also the gain may cause the phase-out of certain benefits in computing the regular tax.

[10] Secs. 11 and 1201.

[11] A distribution to a corporate shareholder out of current or accumulated earnings and profits of the corporation is a dividend, unless the distribution is a redemption that terminates the shareholder's stock interest or reduces the shareholder's interest in the distributing corporation to an extent considered to result in treatment as a sale or exchange of the shareholder's stock. Secs. 301 and 302. A distribution in excess of corporate earnings and profits is treated by shareholders as first a recovery of their stock basis and then, to the extent the distribution exceeds a shareholder's stock basis, as a sale or exchange of the stock. Sec. 301. These rules generally apply to REITs.

[12] Sec. 857(b)(3)(D). The shareholders also obtain a basis increase in their REIT stock for the gross amount of the deemed distribution that is included in their income less the amount of corporate tax deemed paid by them that was paid by the REIT on the retained gain. Sec. 857(b)(3)(D)(iii).

A REIT generally is restricted to earning certain types of passive income. Among other requirements, at least 75 percent of the gross income of a REIT in a taxable year must consist of certain types of real estate related income, including rents from real property, income from the sale or exchange of real property (including interests in real property) that is not stock in trade, inventory, or held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business, and interest on mortgages secured by real property or interests in real property.[14] Interests in real property are specifically defined to exclude mineral, oil, or gas royalty interests.[15] A REIT will not qualify as a REIT, and will be taxable as a C corporation, for any taxable year if it does not meet this income test.

Some REITs have been formed to hold land on which trees are grown. Upon maturity of the trees, the standing trees are sold by the REIT. The Internal Revenue Service has issued private letter rulings in particular instances stating that the income from the sale of the trees under section 631(b) can qualify as REIT real property income because the uncut timber and the timberland on which the timber grew is considered real property and the sale of uncut trees can qualify as capital gain derived from the sale of real property.[16]

A REIT is subject to a 100-percent excise tax on gain from any sale that is a "prohibited transaction," defined as a sale of property that is stock in trade, inventory, or property held by the taxpayer primarily for sale to customers in the ordinary course of its trade or business.[17] This determination is based on facts and circumstances. However, a safe-harbor provides that no excise tax is imposed if certain requirements are met. In the case of timber property, the safe harbor is met, regardless of the number of sales that occur during the taxable year, if (i) the REIT has held the property for not less than four years in connection with the trade or business of producing timber; (ii) the aggregate adjusted bases of the property sold (other than foreclosure property) during the taxable year does not exceed 10 percent of the aggregate bases of all the assets of the REIT as of the beginning of the taxable year, and if certain other requirements are met. These include requirements that limit the amount of expenditures the REIT can make during the 4-year period prior to the sale that are includible in the adjusted basis of the property,[18] that require marketing to be done by an independent contractor, and that forbid a sales price that is based on the income or profits of any person.[19] There is a similar but separate safe harbor for sales of non-timber property, with similar rules, including a 4-year holding period requirement and a limit on the percentage of the aggregate adjusted basis of property that can be sold in one taxable year.[20]

A REIT is not generally permitted to hold securities representing more than 10 percent of the voting power or value of the securities of any one issuer; nor may more than 5 percent of the fair market value of REIT assets be securities of any one issuer.[21] However, under an exception, a REIT may hold any amount of securities of one or more "taxable REIT subsidiary" (TRS) corporations, provided that such TRS securities do not represent more than 20 percent of the fair market value of REIT assets at the end of any quarter. A TRS is a C corporation that is subject to regular corporate tax on its income and that meets certain other requirements. A taxable REIT subsidiary may conduct activities that would produce disqualified non-passive or non-real estate income that could disqualify the REIT if conducted by a REIT itself. Such business could include business relating to processing timber, or holding timber products or other assets for sale to customers in the ordinary course of business. Such income would be subject to regular corporate rates of tax as income of the TRS.[22]

HOUSE BILL

No provision.

SENATE AMENDMENT

Elective deduction for 60 percent of qualified timber gain

The Senate amendment allows a taxpayer to elect to deduct an amount equal to 60 percent of the taxpayer's qualified timber gain (or, if less, the net capital gain) for a taxable year. In the case of an individual, the deduction reduces adjusted gross income. Qualified timber gain means the net gain described in section 631(a) and (b) for the taxable year.

The deduction is allowed in computing the regular tax and the alternative minimum tax (including the adjusted current earnings of a corporation).

If a taxpayer elects the deduction, the 40 percent of the gain subject to tax is taxed at ordinary income tax rates.[23]

In the case of a pass-thru entity other than a REIT, the election may be made separately by each taxpayer subject to tax on the gain. The Treasury Department may prescribe rules appropriate to apply this provision to gain taken into account by a pass-thru entity.

In the case of a REIT, the election to take the 60-percent deduction is made by the REIT. If a REIT makes the election, then the timber gain is excluded from the computation of capital gain or loss of the REIT and can no longer be designated as a capital gain dividend to shareholders. Instead, the gain is treated as ordinary income for purposes of applying the REIT income distribution requirements, but for this purpose 60-percent of the amount of the gain is deductible by the REIT in computing its income. REIT earnings and profits also exclude the portion of the timber gain that is deductible. Thus, 40 percent of the gain is subject to the REIT distribution requirements,[24] and 40 percent of the gain increases REIT earnings and profits. Accordingly, because REIT earnings and profits have been increased by the 40-percent amount, there is sufficient earnings and profits that a distribution of that 40-percent amount that otherwise qualifies as a dividend would be treated as an ordinary dividend distribution to shareholders. Since this dividend is from a REIT and is not derived from an entity that was taxed as a C corporation, it would not qualify for the current 15-percent qualified dividend rates and would be taxed at the ordinary income rates of the shareholders.

REIT shareholders obtain an upward basis adjustment in their REIT interests, equal to the 60 percent of the timber gain that is deductible by the electing REIT. Because the 60 percent of timber gain that was deductible by the REIT does not increase REIT earnings and profits, a distribution of such 60 percent to the shareholder generally will not be treated as a dividend (in the absence of other retained earnings) but as a return of basis under the general rules of section 301(c). Because the shareholders' basis has been increased by this 60 percent, this distribution would not exceed the shareholders' basis and thus would be nontaxable return of basis, rather than capital gain in excess of basis. However, if a REIT shareholder has obtained such an upward basis adjustment for a REIT interest and disposes of the interest before having held the interest for at least 6 months, then any loss on disposition of the interest is disallowed to the extent of such upward basis adjustment.

Additional REIT provisions

Timber gain qualified REIT income without regard to 1 year holding period

The Senate amendment specifically includes timber gain under section 631(a) as a category of statutorily recognized qualified real estate income of a REIT if the cutting is provided by a taxable REIT subsidiary, and also includes gain recognized under section 631(b). For purposes of such qualified income treatment under those provisions, the requirement of a one-year holding period is removed. Thus, for example, a REIT can acquire timber property and harvest the timber on the property within one year of the acquisition, with the resulting income being qualified real estate income for REIT qualification purposes, even though such income is not eligible for long-term capital gain treatment under sections 631(a) or (b). The provision specifically provides, however, that for all purposes of the Code, such income shall not be considered to be gain described in section 1221(a)(1), that is, it shall not be treated as income from the sale of stock in trade, inventory, or property held by the REIT primarily for sale to customers in the ordinary course of the REITs trade or business.

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[13] Section 4981. The definition is the excess of gains from sales or exchanges of capital assets over losses from such sales or exchanges for the calendar year, reduced by any net ordinary loss.

[14] Section 856(c) and section 1221(a). Income from sales that are not prohibited transactions solely by virtue of section 857(b)(6) is also qualified REIT income.

[15] Section 856(c)(5)(C).

[16] Timber income under section 631(b) has also been held to be qualified real estate income even if the one year holding period is not met. See, e.g., PLR 200052021, see also PLR 199945055, PLR 199927021, PLR 8838016. A private letter ruling may be relied upon only by the taxpayer to which the ruling is issued. However, such rulings provide an indication of administrative practice.

[17] Sections 857(b)(6) and 1221(a)(1). There is an exception for certain foreclosure property.

[18] Aggregate expenditures (other than timberland acquisition expenditures) during such period made by the REIT or a partner of the REIT, which are includible in basis, may not exceed 30 percent of the net selling price in the case of expenditures that are directly related to operation of the property for the production of timber or the preservation of the property for use as timberland, and may not exceed 5 percent of the net selling price in the case of expenditures that are not directly related to those purposes.

[19] Section 857(b)(6)(D).

[20] Section 857(b)(6)(C).

[21] Section 856(c)(4)(B)(ii) and (iii). Certain interests are not treated as "securities" for purposes of the rule forbidding the REIT to hold securities representing more than 10 percent of the value of securities of any one issuer. Sec. 856(m).

[22] A 100-percent excise tax is imposed on the amount of certain transactions involving a TRS and a REIT, to the extent such amount would exceed an arm's length amount under section 482. Sec. 857(b)(7).

[23] Under the provision, because only 40 percent of the gain is included in adjusted gross income and AMTI, only that amount of gain would result in the phase-out of tax benefits.

[24] For purposes of the section 4981 excise tax on undistributed REIT income, the amount treated as subject to the 95 percent distribution requirement is the 40 percent of timber gain income that remains after allowing the deduction.

For purposes of determining REIT income, if the cutting is done by a taxable REIT subsidiary, the cut timber is deemed sold on the first day of the taxable year to the taxable REIT subsidiary (with subsequent gain, if any, attributable to the taxable REIT subsidiary).

REIT prohibited transaction safe harbor for timber property

For sales to a qualified organization for conservation purposes, as defined in section 170(h), the provision reduces to two years the present law four-year holding period requirement under section 857(b)(6)(D), which provides a safe harbor from "prohibited transaction" treatment for certain timber property sales. Also, in the case of such sales, the safe-harbor limitations on how much may be added, within the four-year period prior to the date of sale, to the aggregate adjusted basis of the property, are changed to refer to the two-year period prior to the date of sale.

The Senate amendment also removes the safe-harbor requirement that marketing of the property must be done by an independent contractor, and permits a taxable REIT subsidiary of the REIT to perform the marketing.

The Senate amendment states that any gain that is eligible for the timber property safe harbor is considered for all purposes of the Code not to be described in section 1221(a)(1), that is, it shall not be treated as income from the sale of stock in trade, inventory, or property held by the REIT primarily for sale to customers in the ordinary course of the REITs trade or business.

Special rules for timber REITs

The Senate amendment contains several provisions applicable only to a "timber REIT," defined as a REIT in which more than 50 percent of the value of its total assets consists of real property held in connection with the trade or business of producing timber.

First, mineral royalty income from real property owned by a timber REIT and held, or once held, in connection with the trade or business of producing timber by such REIT, is included as qualifying real estate income for purposes of the REIT income tests.

Second, a timber REIT is permitted to hold TRS securities with a value up to 25 percent, (rather than 20 percent) of the value of the total assets of the REIT.

Effective date

The provision applies to taxable years beginning after the date of enactment, but does not apply after the last day of the first taxable year beginning after the date of enactment.

CONFERENCE AGREEMENT

Corporate rate reduction for qualified timber gain

The conference agreement provides a 15-percent alternative tax rate for corporations on the portion of a corporation's taxable income that consists of qualified timber gain (or, if less, the net capital gain) for a taxable year.[25]

The alternative 15-percent tax rate applies to both the regular tax and the alternative minimum tax.

Qualified timber gain means the net gain described in section 631(a) and (b) for the taxable year, determined by taking into account only trees held more than 15 years.

Effective date.—The provision applies to taxable years ending after the date of enactment and beginning on or before the date which is one year after the date of enactment. In the case of a taxable year that includes the date of enactment, qualified timber gain may not exceed the qualified timber gain properly taken into account for the portion of the year after that date. In the case of a taxable year that includes the date that is one year after the date of enactment, qualified timber gain may not exceed the qualified timber gain properly taken into account for the portion of the year on or before that date.

Additional REIT provisions

The conference agreement follows the additional REIT provisions in the Senate amendment.

Effective date.—The additional REIT provisions apply only for the first taxable year of the REIT that begins after the date of enactment and before the date that is one year after the date of enactment. The provisions terminate after that time.

5. Qualified forestry conservation bonds (Sec. 12808 of the Senate amendment, and sec. 15316 of the conference agreement and new secs. 54A and 54B of the Code)

PRESENT LAW

Tax-exempt bonds

In general

Subject to certain Code restrictions, interest on bonds issued by State and local government generally is excluded from gross income for Federal income tax purposes. Bonds issued by State and local governments may be classified as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental functions or which are repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing to nongovernmental persons. For this purpose, the term "nongovernmental person" generally includes the Federal Government and all other individuals and entities other than States or local governments. The exclusion from income for interest on State and local bonds does not apply to private activity bonds, unless the bonds are issued for certain permitted purposes ("qualified private activity bonds") and other Code requirements are met.

Private activity bond tests

Present law provides two tests for determining whether a State or local bond is in substance a private activity bond, the private business test and the private loan test.[26]

Private business tests

Private business use and private payments result in State and local bonds being private activity bonds if both parts of the two-part private business test are satisfied—

1. More than 10 percent of the bond proceeds is to be used (directly or indirectly) by a private business (the "private business use test"); and

2. More than 10 percent of the debt service on the bonds is secured by an interest in property to be used in a private business use or to be derived from payments in respect of such property (the "private payment test").[27]

Private business use generally includes any use by a business entity (including the Federal Government), which occurs pursuant to terms not generally available to the general public. For example, if bond-financed property is leased to a private business (other than pursuant to certain short-term leases for which safe harbors are provided under Treasury regulations), bond proceeds used to finance the property are treated as used in a private business use, and rental payments are treated as securing the payment of the bonds. Private business use also can arise when a governmental entity contracts for the operation of a governmental facility by a private business under a management contract that does not satisfy Treasury regulatory safe harbors regarding the types of payments made to the private operator and the length of the contract.[28]

Private loan test

The second standard for determining whether a State or local bond is a private activity bond is whether an amount exceeding the lesser of (1) five percent of the bond proceeds or (2) $5 million is used (directly or indirectly) to finance loans to private persons. Private loans include both business and other (e.g., personal) uses and payments by private persons; however, in the case of business uses and payments, all private loans also constitute private business uses and payments subject to the private business test. Present law provides that the substance of a transaction governs in determining whether the transaction gives rise to a private loan. In general, any transaction which transfers tax ownership of property to a private person is treated as a loan.

Qualified private activity bonds

As stated, interest on private activity bonds is taxable unless the bonds meet the requirements for qualified private activity bonds. Qualified private activity bonds permit States or local governments to act as conduits providing tax-exempt financing for certain private activities. The definition of qualified private activity bonds includes an exempt facility bond, or qualified mortgage, veterans' mortgage, small issue, redevelopment, 501(c)(3), or student loan bond (sec. 141(e)). The definition of exempt facility bond includes bonds issued to finance certain transportation facilities (airports, ports, mass commuting, and high-speed intercity rail facilities); qualified residential rental projects; privately owned and/or operated utility facilities (sewage, water, solid waste disposal, and local district heating and cooling facilities, certain private electric and gas facilities, and hydroelectric dam enhancements); public/private educational facilities; qualified green building and sustainable design projects; and qualified highway or surface freight transfer facilities (sec. 142(a)).

In most cases, the aggregate volume of these tax-exempt private activity bonds is restricted by annual aggregate volume limits imposed on bonds issued by issuers within each State. For calendar year 2007, the State volume cap, which is indexed for inflation, equals $85 per resident of the State, or $256.24 million, if greater.

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[25] The conference agreement does not contain the 60 percent deduction for qualified timber income that was contained in the Senate amendment, nor does it make any change to section 4981.

[26] Sec. 141(b) and (c).

[27] The 10-percent private business use and payment threshold is reduced to five percent for private business uses that are unrelated to a governmental purpose also being financed with proceeds of the bond issue. In addition, as described more fully below, the 10-percent private business use and private payment thresholds are phased-down for larger bond issues for the financing of certain "output" facilities. The term output facility includes electric generation, transmission, and distribution facilities.

[28] See Treas. Reg. sec. 1.141-3(b)(4) and Rev. Proc. 97-13, 1997-1 C.B. 632.

Arbitrage restrictions

The tax exemption for State and local bonds also does not apply to any arbitrage bond.[29] An arbitrage bond is defined as any bond that is part of an issue if any proceeds of the issue are reasonably expected to be used (or intentionally are used) to acquire higher yielding investments or to replace funds that are used to acquire higher yielding investments.[30] In general, arbitrage profits may be earned only during specified periods (e.g., defined "temporary periods") before funds are needed for the purpose of the borrowing or on specified types of investments (e.g., "reasonably required reserve or replacement funds"). Subject to limited exceptions, investment profits that are earned during these periods or on such investments must be rebated to the Federal Government.

Indian tribal governments

Indian tribal governments are provided with a tax status similar to State and local governments for specified purposes under the Code.[31] Among the purposes for which a tribal government is treated as a State is the issuance of tax-exempt bonds. However, bonds issued by tribal governments are subject to limitations not imposed on State and local government issuers. Tribal governments are authorized to issue tax-exempt bonds only if substantially all of the proceeds are used for essential governmental functions or certain manufacturing facilities.[32]

Clean renewable energy bonds

As an alternative to traditional tax-exempt bonds, States and local governments may issue clean renewable energy bonds ("CREBs"). CREBs are defined as any bond issued by a qualified issuer if, in addition to the requirements discussed below, 95 percent or more of the proceeds of such bonds are used to finance capital expenditures incurred by qualified borrowers for qualified projects. "Qualified projects" are facilities that qualify for the tax credit under section 45 (other than Indian coal production facilities), without regard to the placed-in-service date requirements of that section.[33] The term "qualified issuers" includes (1) governmental bodies (including Indian tribal governments); (2) mutual or cooperative electric companies (described in section 501(c)(12) or section 1381(a)(2)(C), or a not-for-profit electric utility which has received a loan or guarantee under the Rural Electrification Act); and (3) clean renewable energy bond lenders. The term "qualified borrower" includes a governmental body (including an Indian tribal government) and a mutual or cooperative electric company. A clean renewable energy bond lender means a cooperative which is owned by, or has outstanding loans to, 100 or more cooperative electric companies and is in existence on February 1, 2002.

Unlike tax-exempt bonds, CREBs are not interest-bearing obligations. Rather, the taxpayer holding CREBs on a credit allowance date is entitled to a tax credit. The amount of the credit is determined by multiplying the bond's credit rate by the face amount on the holder's bond. The credit rate on the bonds is determined by the Secretary and is to be a rate that permits issuance of CREBs without discount and interest cost to the qualified issuer. The credit accrues quarterly and is includible in gross income (as if it were an interest payment on the bond), and can be claimed against regular income tax liability and alternative minimum tax liability.

CREBs are subject to a maximum maturity limitation. The maximum maturity is the term which the Secretary estimates will result in the present value of the obligation to repay the principal on a CREBs being equal to 50 percent of the face amount of such bond. In addition, the Code requires level amortization of CREBs during the period such bonds are outstanding.

CREBs also are subject to the arbitrage requirements of section 148 that apply to traditional tax-exempt bonds. Principles under section 148 and the regulations thereunder apply for purposes of determining the yield restriction and arbitrage rebate requirements applicable to CREBs.

In addition to the above requirements, at least 95 percent of the proceeds of CREBs must be spent on qualified projects within the five-year period that begins on the date of issuance. To the extent less than 95 percent of the proceeds are used to finance qualified projects during the five-year spending period, bonds will continue to qualify as CREBs if unspent proceeds are used within 90 days from the end of such five-year period to redeem any "nonqualified bonds." The five-year spending period may be extended by the Secretary upon the qualified issuer's request demonstrating that the failure to satisfy the five-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence.

Issuers of CREBs are required to report issuance to the IRS in a manner similar to the information returns required for tax-exempt bonds. There is a national CREB limitation of $1.2 billion. The maximum amount of CREBs that may be allocated to qualified projects of governmental bodies is $750 million. CREBs must be issued before January 1, 2009.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment creates a new category of tax-credit bonds, qualified forestry conservation bonds. Qualified forestry conservation bonds are bonds issued by qualified issuers to finance qualified forestry conservation projects. The term "qualified issuer" means a State or a section 501(c)(3) organization. The term "qualified forestry conservation project" means the acquisition by a State or section 501(c)(3) organization from an unrelated person of forest and forest land that meets the following qualifications: (1) some portion of the land acquired must be adjacent to United States Forest Service Land; (2) at least half of the land acquired must be transferred to the United States Forest Service at no net cost and not more than half of the land acquired may either remain with or be donated to a State; (3) all of the land must be subject to a habitat conservation plan for native fish approved by the United States Fish and Wildlife Service; and (4) the amount of acreage acquired must be at least 40,000 acres.

There is a national limitation on qualified forestry conservation bonds of $500 million. Allocations of qualified forestry conservation bonds are among qualified forestry conservation projects in the manner the Secretary determines appropriate so as to ensure that all of such limitation is allocated before the date that is 24 months after the date of enactment. The Senate amendment also requires the Secretary to solicit applications for allocations of qualified forestry conservation bonds no later than 90 days after the date of enactment.

The Senate amendment requires 100 percent of the available project proceeds of qualified forestry conservation bonds to be used within the three-year period that begins on the date of issuance. The Senate amendment defines available project proceeds as proceeds from the sale of the issue less issuance costs (not to exceed two percent) and any investment earnings on such sale proceeds. To the extent less than 100 percent of the available project proceeds are used to finance qualified forestry conservation purposes during the three-year spending period, bonds will continue to qualify as qualified forestry conservation bonds if unspent proceeds are used within 90 days from the end of such three-year period to redeem bonds. The three-year spending period may be extended by the Secretary upon the issuer's request demonstrating that the failure to satisfy the three-year requirement is due to reasonable cause and the projects will continue to proceed with due diligence.

Qualified forestry conservation bonds generally are subject to the arbitrage requirements of section 148. However, available project proceeds invested during the three-year spending period are not subject to the arbitrage restrictions (i.e., yield restriction and rebate requirements). In addition, amounts invested in a reserve fund are not subject to the arbitrage restrictions to the extent: (1) such fund is funded in a manner reasonably expected to result in an amount not greater than an amount necessary to repay the issue; and (2) the yield on such fund is not greater than the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified forestry conservation bonds are issued.

The maturity of qualified forestry conservation bonds is the term that the Secretary estimates will result in the present value of the obligation to repay the principal on such bonds being equal to 50 percent of the face amount of such bonds, using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more that are issued during the month the qualified forestry conservation bonds are issued.

As with present-law tax credit bonds, the taxpayer holding qualified forestry conservation bonds on a credit allowance date is entitled to a tax credit. The credit rate is set by the Secretary at 70 percent of the rate that would permit issuance of qualified forestry conservation bonds without discount and interest cost to the issuer. The amount of the tax credit to the holder is determined by multiplying the bond's credit rate by the face amount on the holder's bond. The credit accrues quarterly, is includible in gross income (as if it were an interest payment on the bond), and can be claimed against regular income tax liability and alternative minimum tax liability. Unused credits in one year may be carried forward to succeeding taxable years. In addition, credits may be separated from the ownership of the underlying bond similar to how interest coupons can be stripped for interest-bearing bonds.

Issuers of qualified forestry conservation bonds are required to certify that the financial disclosure requirements that apply to State and local bonds offered for sale to the general public are satisfied with respect to any Federal, State, or local government official directly involved with the issuance of such bonds. The Senate amendment authorizes the Secretary to impose additional financial reporting requirements by regulation.

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[29] Sec. 103(a) and (b)(2).

[30] Sec. 148.

[31] Sec. 7871.

[32] Sec. 7871(c).

[33] In addition, Notice 2006-7 provides that qualified projects include any facility owned by a qualified borrower that is functionally related and subordinate to any facility described in section 45(d)(1) through (d)(9) and owned by such qualified borrower.

Effective date.—The provision is effective for bonds issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement includes the Senate amendment with modifications. Under the conference agreement, the credit rate on qualified forestry conservation bonds is determined by the Secretary at the rate that permits issuance of such bonds without discount and interest cost to the qualified issuer.

The conference agreement also provides that a qualified issuer receiving an allocation to issue qualified forestry conservation bonds may, in lieu of issuing bonds, elect to treat such allocation as a deemed payment of tax (regardless of whether the issuer is subject to tax under chapter 1 of the Code) that is equal to 50 percent of the amount of such allocation. An election to treat an allocation of qualified forestry conservation bonds as a deemed payment is not valid unless the qualified issuer certifies to the Secretary that any payment of tax refunded to the issuer will be used exclusively for one or more qualified forestry conservation purposes. The deemed tax payment may not be used as an offset or credit against any other tax and shall not accrue interest. In addition, if the qualified issuer fails to use any portion of the overpayment for qualified forestry conservation purposes, the issuer shall be liable to the United States in an amount equal to such portion, plus interest, for the period from the date such portion was refunded to the date such amount is paid.

Effective date.—The provision is effective for bonds issued after the date of enactment.

B. ENERGY PROVISIONS

1. Credit for production of cellulosic biofuel (Sec. 12312 of the Senate amendment, sec. 15321 of the conference agreement and sec. 40 of the Code)

PRESENT LAW

In the case of ethanol, the Code provides a separate 10-cents-per-gallon credit for up to 15 million gallons per year for small producers, defined generally as persons whose production capacity does not exceed 60 million gallons per year. The ethanol must (1) be sold by such producer to another person (a) for use by such other person in the production of a qualified alcohol fuel mixture in such person's trade or business (other than casual off-farm production), (b) for use by such other person as a fuel in a trade or business, or, (c) who sells such ethanol at retail to another person and places such ethanol in the fuel tank of such other person; or (2) used by the producer for any purpose described in (a), (b), or (c). A cooperative may pass through the small ethanol producer credit to its patrons. The credit is includible in income and is treated as a general business credit, subject to the ordering rules and carryforward/carryback rules that apply to business credits generally. The alcohol fuels tax credit, of which the small producer credit is a part, is scheduled to expire after December 31, 2010.

Under the Renewable Fuels Standard Program all renewable fuel produced or imported on or after September 1, 2007 must have a renewable identification number (RIN) associated with it. Producers and importers must generate RINs to represent all the renewable fuel they produce or import and provide those RINs to the EPA. For cellulosic ethanol, 2.5 RINs are generated for every gallon produced.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides an income tax credit for each gallon of qualified cellulosic fuel production of the producer for the taxable year. The amount of the credit per gallon is $1.25 less the credit amount for alcohol fuel and the credit amount for small ethanol producers as of the date the cellulosic biofuel fuel is produced. This credit is in addition to any credit that may be available under section 40 of the Code.

Qualified cellulosic biofuel production is any cellulosic biofuel which is produced by the taxpayer and which is sold by such producer to another person (a) for use by such other person in the production of a qualified biofuel fuel mixture in such person's trade or business (other than casual off-farm production), (b) for use by such other person as a fuel in a trade or business, or, (c) who sells such biofuel at retail to another person and places such biofuel in the fuel tank of such other person; or (2) used by the producer for any purpose described in (a), (b), or (c).

Cellulosic biofuel means any alcohol, ether, ester, or hydrocarbon that is produced in the United States and is derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis. However, it does not include any alcohol with a proof of less than 150. Examples of lignocellulosic or hemicellulosic matter that is available of a renewable or recurring basis include dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste. A qualified cellulosic biofuel mixture is a mixture of cellulosic biofuel and any petroleum fuel product which is sold by the person producing such mixture to any person for use as a fuel, or is used as a fuel by the person producing such mixture.

The credit terminates on April 1, 2015.

The Senate amendment waives the 15 million gallon limitation of the small ethanol producer credit for cellulosic biofuel that is ethanol.

Effective date.—The provision is effective for fuel produced after December 31, 2007.

CONFERENCE AGREEMENT

The conference agreement adds a new component to section 40 of the Code, the "cellulosic biofuel producer credit." This credit is a nonrefundable income tax credit for each gallon of qualified cellulosic fuel production of the producer for the taxable year. The amount of the credit per gallon is $1.01, except in the case of cellulosic biofuel that is alcohol. In the case of cellulosic biofuel that is alcohol, the $1.01 credit amount is reduced by (1) the credit amount applicable for such alcohol under the alcohol mixture credit as in effect at the time cellulosic biofuel is produced and (2) in the case of cellulosic biofuel that is ethanol, the credit amount for small ethanol producers as in effect at the time the cellulosic biofuel fuel is produced. The reduction applies regardless of whether the producer claims the alcohol mixture credit or small ethanol producer credit with respect to the cellulosic alcohol. When the alcohol mixture credit and small ethanol producer credit expire after December 31, 2010, cellulosic biofuel will receive the $1.01 without reduction.

"Qualified cellulosic biofuel production" is any cellulosic biofuel which is produced by the taxpayer and which is sold by the taxpayer to another person (a) for use by such other person in the production of a qualified biofuel fuel mixture in such person's trade or business (other than casual off-farm production), (b) for use by such other person as a fuel in a trade or business, or, (c) who sells such biofuel at retail to another person and places such biofuel in the fuel tank of such other person; or (2) used by the producer for any purpose described in (a), (b), or (c).

"Cellulosic biofuel" means any liquid fuel that (1) is produced in the United States and used as fuel in the United States,[34] (2) is derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis and (3) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act. Thus, to qualify for the credit the fuel must be approved by the Environmental Protection Agency. Cellulosic biofuel does not include any alcohol with a proof of less than 150. Examples of lignocellulosic or hemicellulosic matter that is available of a renewable or recurring basis include dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

A "qualified cellulosic biofuel mixture" is a mixture of cellulosic biofuel and a special fuel or of cellulosic biofuel and gasoline, which is sold by the person producing such mixture to any person for use as a fuel, or is used as a fuel by the person producing such mixture. The term "special fuel" includes any liquid fuel (other than gasoline) which is suitable for use in an internal combustion engine.

The cellulosic biofuel producer credit terminates on December 31, 2012. The conference agreement requires cellulosic biofuel producers to be registered with the IRS. The cellulosic biofuel producer credit cannot be claimed unless the taxpayer is registered with the IRS as a producer of cellulosic biofuel.

With respect to the small ethanol producer credit, the conference agreement also waives the 15 million gallon limitation for cellulosic biofuel that is ethanol. Thus the small ethanol producer credit may be claimed for cellulosic ethanol in excess of 15 million gallons. The other requirements for the small ethanol producer credit continue to apply for ethanol other than cellulosic ethanol, including the 15 million gallon limitation.

Under the conference agreement, cellulosic biofuel and alcohols cannot qualify as biodiesel, renewable diesel, or alternative fuel for purposes of the credit and payment provisions relating to those fuels.

Effective date.—The provision is effective for fuel produced after December 31, 2008.

2. Comprehensive study of biofuels (Sec. 15322 of the conference agreement)

PRESENT LAW

The National Academy of Sciences serves to investigate, examine, experiment and report upon any subject of science whenever called upon to do so by any department of the government. The National Research Council is part of the National Academies. The National Research Council was organized by the National Academy of Sciences in 1916 and is its principal operating agency for conducting science policy and technical work.

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[34] For this purpose, "United States" includes any possession of the United States.

HOUSE BILL

No provision.[35]

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement requires the Secretary, in consultation with the Department of Energy and the Department of Agriculture and the Environmental Protection Agency, to enter into an agreement with the National Academy of Sciences to produce an analysis of current scientific findings to determine:

1. Current biofuels production, as well as projections for future production;
2. The maximum amount of biofuels production capable on U.S. forests and farmlands, including the current quantities and character of the feedstocks and including such information as regional forest inventories that are commercially available, used in the production of biofuels;
3. The domestic effects of a increase in biofuels production on, for example, (a) the price of fuel, (b) the price of land in rural and suburban communities, (c) crop acreage and other land use, (d) the environment, due to changes in crop acreage, fertilizer use, runoff, water use, emissions from vehicles utilizing biofuels, and other factors, (e) the price of feed, (f) the selling price of grain crops, and forest products, (g) exports and imports of grains and forest products, (h) taxpayers, through cost or savings to commodity crop payments, and (i) the expansion of refinery capacity;
4. The ability to convert corn ethanol plants for other uses, such as cellulosic ethanol or biodiesel;
5. A comparative analysis of corn ethanol versus other biofuels and renewable energy sources, considering cost, energy output, and ease of implementation;
6. The impact of the credit for production of cellulosic biofuel (as established by this Act) on the regional agricultural and silvicultural capabilities of commercially available forest inventories; and
7. The need for additional scientific inquiry, and specific areas of interest for future research.

The Secretary shall submit an initial report of the findings to the Congress not later than six months after the date of enactment, and a final report not later than 12 months after the date of enactment. In the case of information relating to the impact of the tax credits established by the Act on the regional agricultural and silvicultural capabilities of commercially available forest inventories, the initial report is due 36 months after the date of enactment and the final report is due 42 months after the date of enactment.

Effective date.—The provision is effective on the date of enactment.

3. Modification of alcohol credit (Sec. 12315 of the Senate amendment, and sec. 15331 of the conference agreement and secs. 40 and 6426 of the Code)

PRESENT LAW

Income tax credit

The alcohol fuels credit is the sum of three credits: the alcohol mixture credit, the alcohol credit, and the small ethanol producer credit. Generally, the alcohol fuels credit expires after December 31, 2010.[36]

Taxpayers are eligible for an income tax credit of 51 cents per gallon of ethanol (60 cents in the case of alcohol other than ethanol) used in the production of a qualified mixture (the "alcohol mixture credit"). A "qualified mixture" means a mixture of alcohol and gasoline, (or of alcohol and a special fuel) sold by the taxpayer as fuel, or used as fuel by the taxpayer producing such mixture. The term "alcohol" includes methanol and ethanol but does not include (1) alcohol produced from petroleum, natural gas, or coal (including peat), or (2) alcohol with a proof of less than 150.

Taxpayers may reduce their income taxes by 51 cents for each gallon of ethanol, which is not in a mixture with gasoline or other special fuel, that they sell at the retail level as vehicle fuel or use themselves as a fuel in their trade or business ("the alcohol credit"). For alcohol other than ethanol, the rate is 60 cents per gallon.[37]

In the case of ethanol, the Code provides an additional 10–cents-per-gallon credit for up to 15 million gallons per year for small producers. Small producer is defined generally as persons whose production capacity does not exceed 60 million gallons per year. The ethanol must (1) be sold by such producer to another person (a) for use by such other person in the production of a qualified alcohol fuel mixture in such person's trade or business (other than casual off-farm production), (b) for use by such other person as a fuel in a trade or business, or, (c) who sells such ethanol at retail to another person and places such ethanol in the fuel tank of such other person; or (2) used by the producer for any purpose described in (a), (b), or (c). A cooperative may pass through the small ethanol producer credit to its patrons.

The alcohol fuels credit is includible in income and is treated as a general business credit, subject to the ordering rules and carryforward/carryback rules that apply to business credits generally. The credit is allowable against the alternative minimum tax.

Excise tax credit and payment provision for alcohol fuel mixtures

The Code also provides an excise tax credit and payment provision for alcohol fuel mixtures. Like the income tax credit, the amount of the credit is 60 cents per gallon of alcohol used as part of a qualified mixture (51 cents in the case of ethanol). For purposes of the excise tax credit and payment provisions, alcohol includes methanol and ethanol but does not include (1) alcohol produced from petroleum, natural gas, or coal (including peat), or (2) alcohol with a proof of less than 190. Such term also includes an alcohol gallon equivalent of ethyl tertiary butyl ether or other ethers produced from alcohol. In lieu of a tax credit, a person making a qualified mixture eligible for the credit may seek a payment from the Secretary in the amount of the credit. The payment provisions and credits are coordinated such that the incentive is not claimed more than once for each gallon of alcohol used as part of qualified mixture.

Renewable Fuels Standard Program

Under the Renewable Fuels Standard Program all renewable fuel produced or imported on or after September 1, 2007 must have a renewable identification number (RIN) associated with it. Producers and importers must generate RINs to represent all the renewable fuel they produce or import and provide those RINs to the Environmental Protection Agency. For cellulosic ethanol, 2.5 RINs are generated for every gallon produced.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the Senate amendment, the 51-cent-per-gallon incentive for ethanol is adjusted to 46 cents per gallon beginning with the first calendar year after the year in which 7.5 billion gallons of ethanol (including cellulosic ethanol) have been produced in or imported into the United States after the date of enactment, as certified by the Secretary in consultation with the Administrator of the Environmental Protection Agency.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

Under the conference agreement, the 51-cent-per-gallon incentive for ethanol is adjusted to 45 cents per gallon for the calendar year 2009 and thereafter.[38] If the Secretary makes a determination, in consultation with the Administrator of the Environmental Protection Agency, that 7,500,000,000 gallons of ethanol (including cellulosic ethanol) were not produced in or imported into the United States in 2008, the reduction in the credit amount will be delayed. If a determination is made that the threshold was not reached in 2008, the reduction for 2010 also will be delayed if the Secretary determines 7,500,000,000 gallons were not produced or imported in 2009. In the absence of a determination, the reduction remains in effect. In the event the determination is made subsequent to the start of a calendar year, those persons claiming the reduced amount prior to the Secretary's determination will be entitled to the difference between the correct credit amount for that year and the credit amount claimed, e.g. between 51 cents per gallon and 45 cents per gallon.

Effective date.—The provision is effective on the date of enactment.

4. Calculation of volume of alcohol for fuel credits (Sec. 12316 of the Senate amendment, and sec. 15332 of the conference agreement and sec. 40 of the Code)

PRESENT LAW

The Code provides a per-gallon credit for the volume of alcohol used as a fuel or in a qualified mixture. For purposes of determining the number of gallons of alcohol with respect to which the credit is allowable, the volume of alcohol includes any denaturant, including gasoline.[39] The denaturant must be added under a formula approved by the Secretary and the denaturant cannot exceed five percent of the volume of such alcohol (including denaturants).

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment reduces the amount of allowable denaturants to two percent of the volume of the alcohol.

Effective date.—The provision is effective for fuel sold or used after December 31, 2007.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

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[35] A provision requiring a comprehensive study on biofuels was included in section 402 of H.R. 5351, passed by the House on February 27, 2008.

[36] The alcohol fuels credit is unavailable when, for any period before January 1, 2011, the tax rates for gasoline and diesel fuels drop to 4.3 cents per gallon.

[37] In the case of any alcohol (other than ethanol) with a proof that is at least 150 but less than 190, the credit is 45 cents per gallon (the "low-proof blender amount"). For ethanol with a proof that is at least 150 but less than 190, the low-proof blender amount is 37.78 cents.

[38] The low-proof blender amount is adjusted accordingly to 33.33 cents.

[39] Sec. 40(d)(4).

Effective date.—The provision is effective for fuel sold or used after December 31, 2008.

5. Ethanol tariff extension (Sec. 12317 of the Senate amendment and sec. 15333 of the conference agreement)

PRESENT LAW

Heading 9901.00.50 of the Harmonized Tariff Schedule of the United States imposes a cumulative general duty of 14.27 cents per liter (approximately 54 cents per gallon) to imports of ethyl alcohol, and any mixture containing ethyl alcohol, if used as a fuel or in producing a mixture to be used as a fuel, that are entered into the United States prior to January 1, 2009.

Taxpayers who blend ethanol with gasoline are eligible to claim an alcohol fuels tax credit of 51 cents per gallon, irrespective of whether the ethanol used is produced domestically or imported. Heading 9901.00.50 applies a temporary duty to ethanol imports that offsets the benefit of the alcohol fuels tax credit to imported ethanol.

Heading 9901.00.52 of the Harmonized Tariff Schedule of the United States imposes a general duty of 5.99 cents per liter to imports of ethyl tertiary-butyl ether, and any mixture containing ethyl tertiary-butyl ether, that are entered into the United States prior to January 1, 2009.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment modifies the existing effective period for ethyl alcohol as classified under heading 9901.00.50 and 9901.00.52 of the Harmonized Tariff Schedule of the United States from before January 1, 2009 to before January 1, 2011.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

Effective date.—The provision is effective on the date of enactment.

6. Limitations on duty drawback on certain imported ethanol (Sec. 12318 of the Senate amendment and sec. 15334 of the conference agreement)

PRESENT LAW

Subheading 9901.00.50 of the Harmonized Tariff Schedule of the United States ("HTSUS"), imposes an additional duty on ethanol that is used as fuel or used to make fuel. Subsection (b) of Section 313 of the Tariff Act of 1930 permits the refund of duty if the duty-paid good, or a substitute good, is used to make an article that is exported. Subsection (j)(2) of Section 313 permits the refund of duty if the duty-paid good, or a substitute good, is exported. Subsection (p) of section 313 permits the substitution on exportation for drawback eligibility of one motor fuel for another motor fuel. A person who manufactures or acquires gasoline with ethanol subject to the duty imposed by subheading 9901.00.50, HTSUS, can export jet fuel (which does not involve the use of ethanol) and obtain a refund of the duty paid under subheading 9901.00.50, HTSUS.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment eliminates the ability to obtain a refund of the duty imposed by subheading 9901.00.50, HTSUS, by substitution of ethanol not subject to the duty under 9901.00.50 of the HTSUS for ethanol subject to the duty imposed under subheading 9901.00.50, HTSUS, for drawback purposes. Also, under the provision, an exported article that does not contain ethyl alcohol or a mixture of ethyl alcohol shall not be treated as the same kind and quality as a qualified article that does contain ethyl alcohol or a mixture of ethyl alcohol, for substitution duty drawback purposes under section 313(p) of the Tariff Act of 1930. In particular, this eliminates the ability to export jet fuel as a substitute for motor fuel made with imports of ethyl alcohol or a mixture of ethyl alcohol, and receive duty drawback based upon the import duty paid under subheading 9901.00.50, HTSUS.

Effective date.—Effective for articles exported on or after the date that is 15 days after the date of enactment.

CONFERENCE AGREEMENT

Under the conference agreement, any duty paid under subheading 9901.00.50, HTSUS, on imports of ethyl alcohol or a mixture of ethyl alcohol may not be refunded if the exported article upon which a drawback claim is based does not contain ethyl alcohol or a mixture of ethyl alcohol. In particular, the provision eliminates the ability to export jet fuel as a substitute for motor fuel made with imports of ethyl alcohol or a mixture of ethyl alcohol, and then receive duty drawback based upon the import duty paid on the ethyl alcohol or the mixture of ethyl alcohol under subheading 9901.00.50, HTSUS.

Effective date.—The provision applies to imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, on or after October 1, 2008. With respect to claims for substitution duty drawback that are based upon imports of ethyl alcohol or a mixture of ethyl alcohol entered for consumption, or withdrawn from warehouse for consumption, before October 1, 2008, such claims must be filed not later than September 30, 2010; otherwise, such claims are disallowed.

C. AGRICULTURAL PROVISIONS

1. Qualified small issue bonds for farming (Sec. 12401 of the Senate amendment, sec. 15341 of the conference agreement and sec. 144 of the Code)

PRESENT LAW

Qualified small issue bonds are tax-exempt bonds issued by State and local governments to finance private business manufacturing facilities (including certain directly related and ancillary facilities) or the acquisition of land and equipment by certain first-time farmers. A first-time farmer means any individual who has not at any time had any direct ownership interest in substantial farmland in the operation of which such individual materially participated. In addition, an individual does not qualify as a first-time farmer if such individual has received more than $250,000 in qualified small issue bond financing. Substantial farmland means any parcel of land unless (1) such parcel is smaller than 30 percent of the median size of a farm in the county in which such parcel is located and (2) the fair market value of the land does not at any time while held by the individual exceed $125,000.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the maximum amount of qualified small issue bond proceeds available to first-time farmers to $450,000 and indexes this amount for inflation. The provision also eliminates the fair market value test from the definition of substantial farmland.

Effective date.—The provision is effective for bonds issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

2. Allowance of section 1031 for exchanges involving certain mutual ditch, reservoir, or irrigation company stock (Sec. 12403 of the Senate amendment, sec. 15342 of the conference agreement and sec. 1031 of the Code)

PRESENT LAW

An exchange of property, like a sale, generally is a taxable event. However, no gain or loss is recognized if property held for productive use in a trade or business or for investment is exchanged for property of a "like-kind" which is to be held for productive use in a trade or business or for investment.[40] If section 1031 applies to an exchange of properties, the basis of the property received in the exchange is equal to the basis of the property transferred, decreased by any money received by the taxpayer, and further adjusted for any gain or loss recognized on the exchange. In general, section 1031 does not apply to any exchange of stock in trade or other property held primarily for sale; stocks, bonds or notes; other securities or evidences of indebtedness or interest; interests in a partnership; certificates of trust or beneficial interests; or choses in action.[41]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides that the general exclusion from section 1031 treatment for stocks shall not apply to shares in a mutual ditch, reservoir, or irrigation company, if at the time of the exchange: (1) the company is an organization described in section 501(c)(12)(A) (determined without regard to the percentage of its income that is collected from its members for the purpose of meeting losses and expenses); and (2) the shares in the company have been recognized by the highest court of the State in which such company was organized or by applicable State statute as constituting or representing real property or an interest in real property.

Effective date.—The provision is effective for transfers after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

3. Agricultural chemicals security tax credit (Sec. 12405 of the Senate amendment, sec. 15343 of the conference agreement and new sec. 45O of the Code)

PRESENT LAW

Present law does not provide a credit for agricultural chemicals security.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment establishes a 30 percent credit for qualified chemical security expenditures for the taxable year with respect to eligible agricultural businesses. The credit is a component of the general business credit.[42]

The credit is limited to $100,000 per facility, this amount is reduced by the aggregate amount of the credits allowed for the facility in the prior five years. In addition, each taxpayer's annual credit is limited to

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[40] Sec. 1031(a)(1).

[41] Sec. 1031(a)(2).

[42] Sec. 38(b)(1).

$2,000,000.[43] The credit only applies to expenditures paid or incurred before December 31, 2012. The taxpayer's deductible expense is reduced by the amount of the credit claimed.

Qualified chemical security expenditures are amounts paid for: (1) employee security training and background checks; (2) limitation and prevention of access to controls of specific agricultural chemicals stored at a facility; (3) tagging, locking tank valves, and chemical additives to prevent the theft of specific agricultural chemicals or to render such chemicals unfit for illegal use; (4) protection of the perimeter of areas where specified agricultural chemicals are stored; (5) installation of security lighting, cameras, recording equipment and intrusion detection sensors; (6) implementation of measures to increase computer or computer network security; (7) conducting security vulnerability assessments; (8) implementing a site security plan; and (9) other measures provided for by regulation. Amounts described in the preceding sentences are only eligible to the extent they are incurred by an eligible agricultural business for protecting specified agricultural chemicals.

Eligible agricultural businesses are businesses that: (1) sell agricultural products, including specified agricultural chemicals, at retail predominantly to farmers and ranchers; or (2) manufacture, formulate, distribute, or aerially apply specified agricultural chemicals.

Specified agricultural chemicals means: (1) fertilizer commonly used in agricultural operations which is listed under section 302(a)(2) of the Emergency Planning and Community Right-to know Act of 1986, section 101 or part 172 of title 49, Code of Federal Regulations, or part 126, 127 or 154 of title 33, Code of Federal Regulations; and (2) any pesticide (as defined in section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act) including all active and inert ingredients which are used on crops grown for food, feed or fiber.

Effective date.—The provision is effective for expenses paid or incurred after date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

4. Three-year depreciation for all race horses (Sec. 12509(a) of the Senate amendment, and sec. 15344 of the conference agreement and sec. 168 of the Code)

PRESENT LAW

A taxpayer is allowed to recover, through annual depreciation deductions, the cost of certain property used in a trade or business or for the production of income. The amount of the depreciation deduction allowed with respect to tangible property for a taxable year is determined under the modified accelerated cost recovery system ("MACRS").[44] The class lives of assets placed in service after 1986 are generally set forth in Revenue Procedure 87-56.[45] Any race horse that is more than two years old at the time it is placed in service is assigned a three-year recovery period.[46] A seven-year recovery period is assigned to any race horse that is two years old or younger at the time it is placed in service.[47]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides a three-year recovery period for any race horse.

Effective date.—The provision applies to property placed in service on or after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, except that the provision applies to any race horse that is two years old or younger at the time that it is placed in service after December 31, 2008 and before January 1, 2014.

5. Temporary relief for Kiowa County, Kansas and surrounding area[48]

(a) Suspension of certain limitations on personal casualty losses (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400S(b) of the Code)

PRESENT LAW

Under present law, a taxpayer may generally claim a deduction for any loss sustained during the taxable year and not compensated by insurance or otherwise (sec. 165). For individual taxpayers, deductible losses must be incurred in a trade or business or other profit-seeking activity or consist of property losses arising from fire, storm, shipwreck, or other casualty, or from theft. Personal casualty or theft losses are deductible only if they exceed $100 per casualty or theft (the "$100 limitation") (sec. 165(h)). In addition, aggregate net casualty and theft losses are deductible only to the extent they exceed 10 percent of an individual taxpayer's adjusted gross income (the "AGI limitation") (sec. 165(h)).

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment removes two limitations on personal casualty or theft losses to the extent those losses arose from such events in the Kansas disaster area after May 4, 2007, and are attributable to the disaster occurring at that time. For purposes of the provisions of this Act, the term "Kansas disaster area" means an area with respect to which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (FEMA-1699-DR, as in effect on the date of enactment of this Act) by reason of severe storms and tornados beginning on May 4, 2007, and determined by the President to warrant individual or individual and public assistance from the Federal Government under such Act with respect to damages attributable to storms and tornados. These personal casualty or theft losses are deductible without regard to either the $100 limitation or the AGI limitation. For purposes of applying the AGI limitation to other personal casualty or theft losses, losses deductible under this provision are disregarded. Thus, the provision has the effect of treating personal casualty or theft losses from the disaster separate from all other casualty losses.

Effective date.—The provision is effective for losses arising on or after May 4, 2007.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(b) Extension of replacement period for nonrecognition of gain (Sec. 12701 of the Senate amendment, and sec. 15345 of the conference agreement)

PRESENT LAW

Generally, a taxpayer realizes gain to the extent the sales price (and any other consideration received) exceeds the taxpayer's basis in the property. The realized gain is subject to current income tax unless the gain is deferred or not recognized under a special tax provision.

Under section 1033, gain realized by a taxpayer from an involuntary conversion of property is deferred to the extent the taxpayer purchases property similar or related in service or use to the converted property within the applicable period. The taxpayer's basis in the replacement property generally is the cost of such property, reduced by the amount of gain not recognized.

The applicable period for the taxpayer to replace the converted property begins with the date of the disposition of the converted property (or if earlier, the earliest date of the threat or imminence of requisition or condemnation of the converted property) and ends two years after the close of the first taxable year in which any part of the gain upon conversion is realized (the "replacement period").

Special rules extend the replacement period for certain real property[49] and principal residences damaged by a Presidentially declared disaster[50] to three years and four years, respectively, after the close of the first taxable year in which gain is realized. Similarly, the replacement period for livestock sold on account of drought, flood, or other weather-related conditions is extended from two years to four years after the close of the first taxable year in which any part of the gain on conversion is realized.[51]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment extends from two to five years the replacement period in which a taxpayer may replace converted property, in the case of property that is in the Kansas disaster area and that is compulsorily or involuntarily converted on or after May 4, 2007, by reason of the May 4, 2007, storms and tornados. Substantially all of the use of the replacement property must be in this area.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(c) Employee retention credit (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400R(a) of the Code)

PRESENT LAW

For employers affected by Hurricanes Katrina, Rita, or Wilma, section 1400R provides a credit of 40 percent of the qualified wages (up to a maximum of $6,000 in qualified wages per employee) paid by an eligible employer to an eligible employee.

Hurricane Katrina

An eligible employer is any employer (1) that conducted an active trade or business on August 28, 2005, in the GO Zone and (2) with respect to which the trade or business described in (1) is inoperable on any day after August 28, 2005, and before January 1, 2006, as a result of damage sustained by reason of Hurricane Katrina.

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[43] The term taxpayer includes controlled groups under rules similar to the rules set out in section 41(f)(1) and (2).

[44] Sec. 168.

[45] 1987-2 C.B. 674 (as clarified and modified by Rev. Proc. 88-22, 1988-1 C.B. 785).

[46] Sec. 168(e)(3)(A)(i).

[47] Rev. Proc. 87-56, 1987-2 C.B. 674, asset class 01.225.

[48] The provisions of this Act generally provide tax relief similar to certain other disaster areas. They do not modify the otherwise applicable tax relief to those other disaster areas.

[49] Sec. 1033(g)(4).

[50] Sec. 1033(h)(1)(B).

[51] Sec. 1033(e)(2).

An eligible employee is, with respect to an eligible employer, an employee whose principal place of employment on August 28, 2005, with such eligible employer was in the GO Zone. An employee may not be treated as an eligible employee for any period with respect to an employer if such employer is allowed a credit under section 51 with respect to the employee for the period.

Qualified wages are wages (as defined in section 51(c)(1) of the Code, but without regard to section 3306(b)(2)(B) of the Code) paid or incurred by an eligible employer with respect to an eligible employee on any day after August 28, 2005, and before January 1, 2006, during the period (1) beginning on the date on which the trade or business first became inoperable at the principal place of employment of the employee immediately before Hurricane Katrina, and (2) ending on the date on which such trade or business has resumed significant operations at such principal place of employment. Qualified wages include wages paid without regard to whether the employee performs no services, performs services at a different place of employment than such principal place of employment, or performs services at such principal place of employment before significant operations have resumed.

The credit is a part of the current year business credit under section 38(b) and therefore is subject to the tax liability limitations of section 38(c). Rules similar to sections 51(i)(1) and 52 apply to the credit.

Hurricane Rita and Wilma

The credit for employers affected by Hurricanes Rita and Wilma is subject to the same rules as Katrina, except the reference dates for affected employers, comparable to the August 28, 2005 date for Katrina, are September 23, 2005, and October 23, 2005, respectively.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment extends the retention credit, as modified to include an employer size limitation, for employers affected by the Kansas storms and tornados. The reference dates for these employers, comparable to the August 28, 2005 and January 1, 2006 dates of present law for employers affected by Hurricane Katrina, are May 4, 2007, and January 1, 2008, respectively.

The retention credit for employers affected by the Kansas storms and tornados includes an employer size limitation. The credit only applies to eligible employers who employed an average of not more than 200 employees on business days during the taxable year before May 4, 2007.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(d) Special depreciation allowance (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400N(d) of the Code)

PRESENT LAW

A taxpayer is allowed to recover, through annual depreciation deductions, the cost of certain property used in a trade or business or for the production of income. The amount of the depreciation deduction allowed with respect to tangible property for a taxable year is determined under the modified accelerated cost recovery system ("MACRS").[52] Under MACRS, different types of property generally are assigned applicable recovery periods and depreciation methods. The recovery periods applicable to most tangible personal property (generally tangible property other than residential rental property and nonresidential real property) range from 3 to 20 years. The depreciation methods generally applicable to tangible personal property are the 200-percent and 150-percent declining balance methods, switching to the straight-line method for the taxable year in which the depreciation deduction would be maximized.

For qualified Gulf Opportunity Zone property, the Code provides an additional first-year depreciation deduction equal to 50 percent of the adjusted basis.[53] In order to qualify, property generally must be placed in service on or before December 31, 2007 (December 31, 2008 in the case of nonresidential real property and residential rental property).

The additional first-year depreciation deduction is allowed for both regular tax and alternative minimum tax purposes for the taxable year in which the property is placed in service. The additional first-year depreciation deduction is subject to the general rules regarding whether an item is deductible under section 162 or subject to capitalization under section 263 or section 263A. The basis of the property and the depreciation allowances in the year of purchase and later years are appropriately adjusted to reflect the additional first-year depreciation deduction. In addition, the provision provides that there is no adjustment to the allowable amount of depreciation for purposes of computing a taxpayer's alternative minimum taxable income with respect to property to which the provision applies. A taxpayer is allowed to elect out of the additional first-year depreciation for any class of property for any taxable year.

In order for property to qualify for the additional first-year depreciation deduction, it must meet all of the following requirements. First, the property must be property to which the general rules of the Modified Accelerated Cost Recovery System ("MACRS") apply with (1) an applicable recovery period of 20 years or less, (2) computer software other than computer software covered by section 197, (3) water utility property (as defined in section 168(e)(5)), (4) certain leasehold improvement property, or (5) certain nonresidential real property and residential rental property. Second, substantially all of the use of such property must be in the Gulf Opportunity Zone and in the active conduct of a trade or business by the taxpayer in the Gulf Opportunity Zone. Third, the original use of the property in the Gulf Opportunity Zone must commence with the taxpayer on or after August 28, 2005.[54] Finally, the property must be acquired by purchase (as defined under section 179(d)) by the taxpayer on or after August 28, 2005 and placed in service on or before December 31, 2007 (December 31, 2008, for qualifying nonresidential real property and residential rental property).

Property does not qualify if a binding written contract for the acquisition of such property was in effect before August 28, 2005. However, property is not precluded from qualifying for the additional first-year depreciation merely because a binding written contract to acquire a component of the property is in effect prior to August 28, 2005.

Property that is manufactured, constructed, or produced by the taxpayer for use by the taxpayer qualifies if the taxpayer begins the manufacture, construction, or production of the property after August 27, 2005, and before January 1, 2008, and the property is placed in service on or before December 31, 2007 (and all other requirements are met). In the case of qualified nonresidential real property and residential rental property, the property must be placed in service on or before December 31, 2008. Property that is manufactured, constructed, or produced for the taxpayer by another person under a contract that is entered into prior to the manufacture, construction, or production of the property is considered to be manufactured, constructed, or produced by the taxpayer.

The special allowance for Gulf Opportunity Zone property was extended for certain nonresidential real property and residential rental property, and certain personal property if substantially all of the use of such property is in such building,[55] placed in service in specified portions of the GO Zone by the taxpayer on or before December 31, 2010.[56] The extension only applies to nonresidential real property and residential rental property to the extent of the adjusted basis attributable to manufacture, construction, or production before January 1, 2010.[57]

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides an additional first-year depreciation deduction equal to 50 percent of the adjusted basis for qualified Recovery Assistance property. In order for property to qualify for the additional first-year depreciation deduction, it must meet all of the following requirements: (1) The property must be property to which the general rules of the MACRS apply with (a) an applicable recovery period of 20 years or less, (b) computer software other than computer software covered by section 197, (c) water utility property (as defined in section 168(e)(5)), (d) certain leasehold improvement property, or (e) certain nonresidential real property and residential rental property; (2) substantially all of the use of such property must be in the Kansas Disaster Zone and in the active conduct of a trade or business by the taxpayer in the Kansas Disaster Zone. Third, the original use of the property in the Kansas Disaster Zone must commence with the taxpayer on or after May 5, 2007.[58] Finally, the property must be acquired by purchase (as defined under section 179(d)) by the taxpayer on or after May 5, 2007 and placed in service on or before December 31, 2008 (December 31, 2009, for qualifying nonresidential real property and residential rental property). Property does not qualify if a binding written contract for the acquisition of such property was in effect before May 5, 2007. However, property is not precluded from qualifying for the additional first-year depreciation merely because a binding written contract to acquire a component of the property is in effect prior to May 5, 2007.

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[52] Sec. 168.

[53] Sec. 1400N(d).

[54] Used property may constitute qualified property so long as it has not previously been used within the Gulf Opportunity Zone. In addition, it is intended that additional capital expenditures incurred to recondition or rebuild property the original use of which in the Gulf Opportunity Zone began with the taxpayer would satisfy the "original use" requirement. See Treasury Regulation sec. 1.48-2, Example 5.

[55] Such personal property must be placed in service by the taxpayer not later than 90 days after such building is placed in service.

[56] Sec. 1400N(d)(6).

[57] Sec. 1400N(d)(6)(D).

[58] Used property may constitute qualified property so long as it has not previously been used within the Kansas Disaster Zone. In addition, it is intended that additional capital expenditures incurred to recondition or rebuild property the original use of which in the Kansas Disaster Zone began with the taxpayer would satisfy the "original use" requirement. See Treasury Regulation sec. 1.48–2, Example 5.

Property that is manufactured, constructed, or produced by the taxpayer for use by the taxpayer qualifies if the taxpayer begins the manufacture, construction, or production of the property after May 4, 2007, and before January 1, 2009, and the property is placed in service on or before December 31, 2008 (and all other requirements are met). In the case of qualified nonresidential real property and residential rental property, the property must be placed in service on or before December 31, 2009. Property that is manufactured, constructed, or produced for the taxpayer by another person under a contract that is entered into prior to the manufacture, construction, or production of the property is considered to be manufactured, constructed, or produced by the taxpayer.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(e) Increase in expensing under section 179 (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400N(e) of the Code)

PRESENT LAW

In lieu of depreciation, a taxpayer with a sufficiently small amount of annual investment may elect to deduct (or "expense") such costs under section 179. Present law provides that the maximum amount a taxpayer may expense, for taxable years beginning in 2007 through 2010, is $125,000 of the cost of qualifying property placed in service for the taxable year.[59] In general, qualifying property is defined as depreciable tangible personal property that is purchased for use in the active conduct of a trade or business. Off-the-shelf computer software placed in service in taxable years beginning before 2010 is treated as qualifying property. The $125,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds $500,000. The $125,000 and $500,000 amounts are indexed for inflation in taxable years beginning after 2007 and before 2011.

The amount eligible to be expensed for a taxable year may not exceed the taxable income for a taxable year that is derived from the active conduct of a trade or business (determined without regard to this provision). Any amount that is not allowed as a deduction because of the taxable income limitation may be carried forward to succeeding taxable years (subject to similar limitations). No general business credit under section 38 is allowed with respect to any amount for which a deduction is allowed under section 179. An expensing election is made under rules prescribed by the Secretary.[60]

For taxable years beginning in 2011 and thereafter (or before 2003), the following rules apply. A taxpayer with a sufficiently small amount of annual investment may elect to deduct up to $25,000 of the cost of qualifying property placed in service for the taxable year. The $25,000 amount is reduced (but not below zero) by the amount by which the cost of qualifying property placed in service during the taxable year exceeds $200,000. The $25,000 and $200,000 amounts are not indexed. In general, qualifying property is defined as depreciable tangible personal property that is purchased for use in the active conduct of a trade or business (not including off-the-shelf computer software). An expensing election may be revoked only with consent of the Commissioner.[61]

For qualified section 179 Gulf Opportunity Zone property, the maximum amount that a taxpayer may elect to deduct is increased by the lesser of $100,000 or the cost of qualified section 179 Gulf Opportunity Zone property for the taxable year.[62] The provision applies with respect to qualified section 179 Gulf Opportunity Zone property acquired on or after August 28, 2005, and placed in service on or before December 31, 2007. This placed in service date was extended to December 31, 2008 for property substantially all of the use of which is in one or more specified portions of the GO Zone. The threshold for reducing the amount expensed is computed by increasing the $500,000 present-law amount by the lesser of (1) $600,000, or (2) the cost of qualified section 179 Gulf Opportunity Zone property placed in service during the taxable year. Neither the $100,000 nor $600,000 amounts are indexed for inflation.

Qualified section 179 Gulf Opportunity Zone property means section 179 property (as defined in section 179(d)) that also meets the following requirements: (1) The property must be property to which the general rules of the MACRS apply with (a) an applicable recovery period of 20 years or less, (b) computer software other than computer software covered by section 197, (c) water utility property (as defined in section 168(e)(5)), (d) certain leasehold improvement property; (2) substantially all of the use of which is in the Gulf Opportunity Zone and is in the active conduct of a trade or business by the taxpayer in that Zone; (3) the original use of which commences with the taxpayer on or after August 28, 2005; (4) which is acquired by the taxpayer by purchase on or after August 28, 2005, but only if no written binding contract for the acquisition was in effect before August 28, 2005; and (5) which is placed in service by the taxpayer on or before December 31, 2007.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment increases the amount that a taxpayer may elect for qualified section 179 Recovery Assistance property. The maximum amount that a taxpayer may elect to deduct under section 179 is increased by the lesser of $100,000 or the cost of qualified section 179 Recovery Assistance property for the taxable year. The provision applies with respect to qualified section 179 Recovery Assistance property acquired on or after May 5, 2007, and placed in service on or before December 31, 2008. The threshold for reducing the amount expensed is computed by increasing the $500,000 present-law amount by the lesser of (1) $600,000, or (2) the cost of qualified section 179 Recovery Assistance property placed in service during the taxable year. Neither the $100,000 nor $600,000 amounts are indexed for inflation.

Qualified section 179 Recovery Assistance property means section 179 property (as defined in section 179(d)) that also meets the following requirements: (1) The property must be property to which the general rules of the MACRS apply with (a) an applicable recovery period of 20 years or less, (b) computer software other than computer software covered by section 197, (c) water utility property (as defined in section 168(e)(5)), or (d) certain leasehold improvement property; (2) substantially all of the use of which is in the Kansas Disaster Zone and is in the active conduct of a trade or business by the taxpayer in that Zone; (3) the original use of which commences with the taxpayer on or after May 5, 2007; (4) which is acquired by the taxpayer by purchase on or after May 5, 2007, but only if no written binding contract for the acquisition was in effect before May 5, 2007; and (5) which is placed in service by the taxpayer on or before December 31, 2008.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(f) Expensing for certain demolition and clean-up costs (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400N(f) of the Code)

PRESENT LAW

Under present law, the cost of demolition of a structure is capitalized into the taxpayer's basis in the land on which the structure is located.[63] Land is not subject to an allowance for depreciation or amortization.

The treatment of the cost of debris removal depends on the nature of the costs incurred. For example, the cost of debris removal after a storm may in some cases constitute an ordinary and necessary business expense which is deductible in the year paid or incurred. In other cases, debris removal costs may be in the nature of replacement of part of the property that was damaged. In such cases, the costs are capitalized and added to the taxpayer's basis in the property. For example, Revenue Ruling 71-161[64] permits the use of clean-up costs as a measure of casualty loss but requires that such costs be added to the post-casualty basis of the property.

Under section 1400N(f), a taxpayer is permitted a deduction for 50 percent of any qualified Gulf Opportunity Zone clean-up cost paid or incurred during the period beginning on August 28, 2005, and ending on December 31, 2007. The remaining 50 percent is capitalized and treated as described above. A qualified Gulf Opportunity Zone clean-up cost is an amount paid or incurred for the removal of debris from, or the demolition of structures on, real property located in the Gulf Opportunity Zone to the extent that the amount would otherwise be capitalized. In order to qualify, the property must be held for use in a trade or business, for the production of income, or as inventory.

HOUSE BILL

No provision.

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[59] Additional section 179 incentives are provided with respect to qualified property meeting applicable requirements that is used by a business in an empowerment zone (sec. 1397A), a renewal community (sec. 1400J), or the Gulf Opportunity Zone (sec. 1400N(e)).

[60] Sec. 179(c)(1). Under Treas. Reg. sec. 1.179-5, applicable to property placed in service in taxable years beginning after 2002 and before 2008, a taxpayer is permitted to make or revoke an election under section 179 without the consent of the Commissioner on an amended Federal tax return for that taxable year. This amended return must be filed within the time prescribed by law for filing an amended return for the taxable year. T.D. 9209, July 12, 2005.

[61] Sec. 179(c)(2).

[62] Sec. 1400N(e).

[63] Sec. 280B.

[64] 1971-1 C.B. 76.

SENATE AMENDMENT

Under the Senate amendment, a taxpayer is permitted a deduction for 50 percent of any qualified Recovery Assistance clean-up cost paid or incurred during the period beginning on May 4, 2007, and ending on December 31, 2009. The remaining 50 percent is treated as under present law. A qualified Recovery Assistance clean-up cost is an amount paid or incurred for the removal of debris from, or the demolition of structures on, real property located in the Kansas disaster area to the extent that the amount would otherwise be capitalized. In order to qualify, the property must be held for use in a trade or business, for the production of income, or as inventory.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(g) Treatment of public utility property disaster losses (Sec. 12701 of the Senate amendment, Sec. 15345 of the conference agreement and sec. 1400N(o) of the Code)

PRESENT LAW

Under section 165(i), certain losses attributable to a disaster occurring in a Presidentially declared disaster area may, at the election of the taxpayer, be taken into account for the taxable year immediately preceding the taxable year in which the disaster occurred.

Section 6411 provides a procedure under which taxpayers may apply for tentative carryback and refund adjustments with respect to net operating losses, net capital losses, and unused business credits.

Section 1400N(o) provides an election for taxpayers who incurred casualty losses attributable to Hurricane Katrina with respect to public utility property located in the Gulf Opportunity Zone. Under the election, such losses may be taken into account in the fifth taxable year (rather than the 1st taxable year) immediately preceding the taxable year in which the loss occurred. If the application of this provision results in the creation or increase of a net operating loss for the year in which the casualty loss is taken into account, the net operating loss may be carried back or carried over as under present law applicable to net operating losses for such year.

For purposes of section 1400N(o), public utility property is property used predominantly in the trade or business of the furnishing or sale of electrical energy, water, or sewage disposal services; gas or steam through a local distribution system; telephone services, or other communication services if furnished or sold by the Communications Satellite Corporation for purposes authorized by the Communications Satellite Act of 1962; or transportation of gas or steam by pipeline. Such property is eligible regardless of whether the taxpayer's rates are established or approved by any regulatory body.

A taxpayer making the election under the provision is eligible to file an application for a tentative carryback adjustment of the tax for any prior taxable year affected by the election. As under present law with respect to tentative carryback and refund adjustments, the IRS generally has 90 days to act on the refund claim. Under the provision, the statute of limitations with respect to such a claim can not expire earlier than one year after the date of enactment. Also, a taxpayer making the election with respect to a loss is not entitled to interest with respect to any overpayment attributable to the loss.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides an election for taxpayers who incurred casualty losses attributable to the Kansas storms and tornados with respect to public utility property located in the Kansas Disaster Zone. Under the election, such losses may be taken into account in the fifth taxable year (rather than the 1st taxable year) immediately preceding the taxable year in which the loss occurred. If the application of this provision results in the creation or increase of a net operating loss for the year in which the casualty loss is taken into account, the net operating loss may be carried back or carried over as under present law applicable to net operating losses for such year. The other definitions and rules that apply under section 1400N(o) shall apply to the losses claimed in the Kansas Disaster Zone.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(h) Treatment of net operating losses attributable to storm losses (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400N(k) of the Code)

PRESENT LAW

Under present law, a net operating loss ("NOL") is, generally, the amount by which a taxpayer's business deductions exceed its gross income. In general, an NOL may be carried back two years and carried over 20 years to offset taxable income in such years.[65] NOLs offset taxable income in the order of the taxable years to which the NOL may be carried.[66]

Different rules apply with respect to NOLs arising in certain circumstances. A three-year carryback applies with respect to NOLs (1) arising from casualty or theft losses of individuals, or (2) attributable to Presidentially declared disasters for taxpayers engaged in a farming business or a small business. A five-year carryback applies to NOLs (1) arising from a farming loss (regardless of whether the loss was incurred in a Presidentially declared disaster area), or (2) certain amounts related to Hurricane Katrina and the Gulf Opportunity Zone. Special rules also apply to real estate investment trusts (no carryback), specified liability losses (10-year carryback), and excess interest losses (no carryback to any year preceding a corporate equity reduction transaction). Additionally, a special rule applies to certain electric utility companies.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides rules in connection with certain net operating losses similar to the rules provided for Gulf Opportunity Zone losses under section 1400N(k). The rules, as applied to qualified Recovery Assistance losses, are as follows:

In general

The provision provides a special five-year carryback period for NOLs to the extent of certain specified amounts related to the Kansas storms and tornados. The amount of the NOL which is eligible for the five year carryback ("eligible NOL") is limited to the aggregate amount of the following deductions: (i) qualified Recovery Assistance casualty losses; (ii) certain moving expenses; (iii) certain temporary housing expenses; (iv) depreciation deductions with respect to qualified Recovery Assistance property for the taxable year the property is placed in service; and (v) deductions for certain repair expenses resulting from the Kansas storms and tornados. The provision applies for losses paid or incurred after May 3, 2007, and before January 1, 2010; however, an irrevocable election not to apply the five-year carryback under the provision may be made with respect to any taxable year.

Qualified Recovery Assistance casualty losses

The amount of qualified Gulf Opportunity Zone casualty losses which may be included in the eligible NOL is the amount of the taxpayer's casualty losses with respect to (1) property used in a trade or business, and (2) capital assets held for more than one year in connection with either a trade or business or a transaction entered into for profit. In order for a casualty loss to qualify, the property must be located in the Kansas Disaster Zone and the loss must be attributable to Kansas storms or tornados. As under present law, the amount of any casualty loss includes only the amount not compensated for by insurance or otherwise. In addition, the total amount of the casualty loss which may be included in the eligible NOL is reduced by the amount of any gain recognized by the taxpayer from involuntary conversions of property located in the Kansas Disaster Zone caused by the Kansas storms or tornados.

To the extent that a casualty loss is included in the eligible NOL and carried back under the provision, the taxpayer is not eligible to also treat the loss as having occurred in the prior taxable year under section 165(i). Similarly, the five year carryback under the provision does not apply to any loss taken into account for purposes of the ten-year carryback of public utility casualty losses which is provided under another provision in the Act.

Moving expenses

Certain employee moving expenses of an employer may be included in the eligible NOL. In order to qualify, an amount must be paid or incurred after May 3, 2007, and before January 1, 2010 with respect to an employee who (i) lived in the Kansas Disaster Zone before May 4, 2007, (ii) was displaced from their home either temporarily or permanently as a result of the Kansas storms or tornados, and (iii) is employed in the Kansas Disaster Zone by the taxpayer after the expense is paid or incurred.

For this purpose, moving expenses are defined as under present law to include only the reasonable expenses of moving household goods and personal effects from the former residence to the new residence, and of traveling (including lodging) from the former residence to the new place of residence. However, for purposes of the provision, the former residence and the new residence may be the same residence if the employee initially vacated the residence as a result of the Kansas storms or tornados. It is not necessary for the individual with respect to whom the moving expenses are incurred to have been an employee of the taxpayer at the time the expenses were incurred. Thus, assuming the other requirements are met, a taxpayer who pays the moving expenses of a prospective employee and subsequently employs the individual in the Kansas Disaster Zone may include such expenses in the eligible NOL.

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[65] Sec. 172(b)(1)(A).

[66] Sec. 172(b)(2).

Temporary housing expenses

Any deduction for expenses of an employer to temporarily house employees who are employed in the Kansas Disaster Zone may be included in the eligible NOL. It is not necessary for the temporary housing to be located in the Kansas Disaster Zone in order for such expenses to be included in the eligible NOL; however, the employee's principal place of employment with the taxpayer must be in the Kansas Disaster Zone. So, for example, if a taxpayer temporarily houses an employee at a location outside of the Kansas Disaster Zone, and the employee commutes into the Kansas Disaster Zone to the employee's principal place of employment, such temporary housing costs will be included in the eligible NOL (assuming all other requirements are met).

Depreciation of Gulf Opportunity Zone property

The eligible NOL includes the depreciation deduction (or amortization deduction in lieu of depreciation) with respect to qualified Recovery Assistance property placed in service during the year. The special carryback period applies to the entire allowable depreciation deduction for such property for the year in which it is placed in service, including both the regular depreciation deduction and the additional first-year depreciation deduction, if any. An election out of the additional first-year depreciation deduction for qualified Recovery Assistance property does not preclude eligibility for the five-year carryback.

Repair expenses

The eligible NOL includes deductions for repair expenses (including the cost of removal of debris) with respect to damage caused by the Kansas storms or tornados. In order to qualify, the amount must be paid or incurred after May 3, 2007 and before January 1, 2010, and the property must be located in the Kansas Disaster Zone.

Other rules

The amount of the NOL to which the five-year carryback period applies is limited to the amount of the corporation's overall NOL for the taxable year. Any remaining portion of the taxpayer's NOL is subject to the general two-year carryback period. Ordering rules similar to those for specified liability losses apply to losses carried back under the provision.

In addition, the general rule which limits a taxpayer's NOL deduction to 90 percent of AMTI does not apply to any NOL to which the five-year carryback period applies under the provision. Instead, a taxpayer may apply such NOL carrybacks to offset up to 100 percent of AMTI.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

(i) Representations regarding income eligibility for purposes of qualified residential rental project requirements (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400N(n) of the Code)

PRESENT LAW

In general

Under present law, gross income does not include interest on State or local bonds (sec. 103). State and local bonds are classified generally as either governmental bonds or private activity bonds. Governmental bonds are bonds which are primarily used to finance governmental functions or are repaid with governmental funds. Private activity bonds are bonds with respect to which the State or local government serves as a conduit providing financing to nongovernmental persons (e.g., private businesses or individuals). The exclusion from income for State and local bonds does not apply to private activity bonds, unless the bonds are issued for certain permitted purposes ("qualified private activity bonds").

Qualified private activity bonds

The definition of a qualified private activity bond includes an exempt facility bond, or qualified mortgage, veterans' mortgage, small issue, redevelopment, 501(c)(3), or student loan bond. The definition of exempt facility bond includes bonds issued to finance certain transportation facilities (airports, ports, mass commuting, and high-speed intercity rail facilities); qualified residential rental projects; privately owned and/or operated utility facilities (sewage, water, solid waste disposal, and local district heating and cooling facilities, certain private electric and gas facilities, and hydroelectric dam enhancements); public/private educational facilities; qualified green building and sustainable design projects; and qualified highway or surface freight transfer facilities.

Subject to certain requirements, qualified private activity bonds may be issued to finance residential rental property or owner-occupied housing. Residential rental property may be financed with exempt facility bonds if the financed project is a "qualified residential rental project." A project is a qualified residential rental project if 20 percent or more of the residential units in such project are occupied by individuals whose income is 50 percent or less of area median gross income (the "20–50 test"). Alternatively, a project is a qualified residential rental project if 40 percent or more of the residential units in such project are occupied by individuals whose income is 60 percent or less of area median gross income (the "40–60 test"). The issuer must elect to apply either the 20–50 test or the 40–60 test. Operators of qualified residential rental projects must annually certify that such project meets the requirements for qualification, including meeting the 20–50 test or the 40–60 test.

HOUSE BILL

No provision

SENATE AMENDMENT

Under the provision, the operator of a qualified residential rental project may rely on the representations of prospective tenants displaced by reason of the severe storms and tornados in the Kansas disaster area beginning on May 4, 2007 for purposes of determining whether such individual satisfies the income limitations for qualified residential rental projects and, thus, the project is in compliance with the 20–50 test or the 40–60 test. This rule only applies if the individual's tenancy begins during the six-month period beginning on the date when such individual was displaced.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement includes the Senate amendment provision.

(j) Use of retirement funds from retirement plans relating to the Kansas Disaster Zone (Sec. 12701 of the Senate amendment, sec. 15345 of the conference agreement and sec. 1400Q of the Code)

PRESENT LAW

In general

WITHDRAWALS FROM RETIREMENT PLANS

Under present law, a distribution from a qualified retirement plan under section 401(a), a qualified annuity plan under section 403(a), a tax-sheltered annuity under section 403(b) (a "403(b) annuity"), an eligible deferred compensation plan maintained by a State or local government under section 457 (a "governmental 457 plan"), or an individual retirement arrangement under section 408 (an "IRA") generally is included in income for the year distributed (secs. 402(a), 403(a), 403(b), 408(d), and 457(a)). (These plans are referred to collectively as "eligible retirement plans".) In addition, a distribution from a qualified retirement or annuity plan, a 403(b) annuity, or an IRA received before age 59½, death, or disability generally is subject to a 10-percent early withdrawal tax on the amount includible in income, unless an exception applies (sec. 72(t)).

An eligible rollover distribution from a qualified retirement or annuity plan, a 403(b) annuity, or a governmental 457 plan, or a distribution from an IRA, generally can be rolled over within 60 days to another plan, annuity, or IRA. The IRS has the authority to waive the 60-day requirement if failure to waive the requirement would be against equity or good conscience, including cases of casualty, disaster, or other events beyond the reasonable control of the individual. Any amount rolled over is not includible in income (and thus also not subject to the 10-percent early withdrawal tax).

Distributions from a qualified retirement or annuity plan, 403(b) annuity, a governmental 457 plan, or an IRA are generally subject to income tax withholding unless the recipient elects otherwise. An eligible rollover distribution from a qualified retirement or annuity plan, 403(b) annuity, or governmental 457 plan is subject to income tax withholding at a 20-percent rate unless the distribution is rolled over to another plan, annuity or IRA by means of a direct transfer. Any distribution is an eligible rollover distribution unless specifically excepted. Exceptions include a distribution that is part of a series of substantially equal periodic payments made at least annually for the life of the employee.

Certain amounts held in a qualified retirement plan that includes a qualified cash-or deferred arrangement (a "401(k) plan") or in a 403(b) annuity may not be distributed before severance from employment, age 59½, death, disability, or financial hardship of the employee. Amounts deferred under a governmental 457 plan may not be distributed before severance from employment, age 70½, or an unforeseeable emergency of the employee.

Loans from retirement plans

An individual is permitted to borrow from a qualified plan in which the individual participates (and to use his or her accrued benefit as security for the loan) provided the loan bears a reasonable rate of interest, is adequately secured, provides a reasonable repayment schedule, and is not made available on a basis that discriminates in favor of employees who are officers, shareholders, or highly compensated.

Subject to certain exceptions, a loan from a qualified employer plan to a plan participant is treated as a taxable distribution of plan benefits. A qualified employer plan includes a qualified retirement plan under section 401(a), a qualified annuity plan under section 403(a), a tax-deferred annuity under section 403(b), and any plan that was (or was determined to be) a qualified employer plan or a governmental plan.

An exception to this general rule of income inclusion is provided to the extent that the loan (when added to the outstanding balance of all other loans to the participant from all plans maintained by the employer) does not exceed the lesser of (1) $50,000 reduced by the excess of the highest outstanding balance of loans from such plans during the one-year period ending on the day before the date the loan is made over the outstanding balance of loans from the plan on the date the loan is made or (2) the greater of $10,000 or one-half of the participant's accrued benefit under the plan (sec. 72(p)). This exception applies only if the loan is required, by its terms, to be repaid within five years. An extended repayment period is permitted for the purchase of the principal residence of the participant. Plan loan repayments (principal and interest) must be amortized in level payments and made not less frequently than quarterly, over the term of the loan.

Plan amendments

Present law provides a remedial amendment period during which, under certain circumstances, a plan may be amended retroactively in order to comply with the qualification requirements (sec. 401(b)). In general, plan amendments required to reflect changes in the law generally must be made by the time prescribed by law for filing the income tax return of the employer for the employer's taxable year in which the change in law occurs. The Secretary of the Treasury may extend the time by which plan amendments need to be made.

Use of retirement funds related to disaster relief for Hurricanes Katrina, Rita, and Wilma

In general

Section 1400Q provides exceptions to certain rules regarding distributions from retirement plans, for loans from retirement plans, and for plan amendments to retirement plans.[67]

Tax favored withdrawals from retirement plans

Section 1400Q(a) provides an exception to the 10-percent early withdrawal tax in the case of a qualified hurricane distribution from a qualified retirement or annuity plan, a 403(b) annuity, or an IRA. In addition, as discussed more fully below, income attributable to a qualified hurricane distribution may be included in income ratably over three years, and the amount of a qualified hurricane distribution may be recontributed to an eligible retirement plan within three years.

A qualified hurricane distribution includes certain distributions from an eligible retirement plan related to Hurricanes Katrina, Wilma, and Rita. Specifically, qualified hurricane distributions include the following distributions from an eligible retirement plan: Any distribution made on or after August 25, 2005, and before January 1, 2007, to an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina; any distribution made on or after September 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on September 23, 2005, is located in the Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita; and any distribution made on or after October 23, 2005, and before January 1, 2007, to an individual whose principal place of abode on October 23, 2005, is located in the Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma.

The total amount of qualified hurricane distributions that an individual can receive from all plans, annuities, or IRAs is $100,000. Thus, any distributions in excess of $100,000 during the applicable periods are not qualified hurricane distributions.

Any amount required to be included in income as a result of a qualified hurricane distribution is included in income ratably over the three-year period beginning with the year of distribution unless the individual elects not to have ratable inclusion apply.

Any portion of a qualified hurricane distribution may, at any time during the three-year period beginning the day after the date on which the distribution was received, be recontributed to an eligible retirement plan to which a rollover can be made. Any amount recontributed within the three-year period is treated as a rollover and thus is not includible in income. For example, if an individual receives a qualified hurricane distribution in 2005, that amount is included in income, generally ratably over the year of the distribution and the following two years, but is not subject to the 10-percent early withdrawal tax. If, in 2007, the amount of the qualified hurricane distribution is recontributed to an eligible retirement plan, the individual may file an amended return (or returns) to claim a refund of the tax attributable to the amount previously included in income. In addition, if, under the ratable inclusion provision, a portion of the distribution has not yet been included in income at the time of the contribution, the remaining amount is not includible in income.

A qualified hurricane distribution is a permissible distribution from a 401(k) plan, 403(b) annuity, or governmental 457 plan, regardless of whether a distribution would otherwise be permissible. A plan is not treated as violating any Code requirement merely because it treats a distribution as a qualified hurricane distribution, provided that the aggregate amount of such distributions from plans maintained by the employer and members of the employer's controlled group does not exceed $100,000. A plan is not treated as violating any Code requirement merely because an individual might receive total distributions in excess of $100,000, taking into account distributions from plans of other employers or IRAs.

Qualified hurricane distributions are subject to the income tax withholding rules applicable to distributions other than eligible rollover distributions. Thus, 20-percent mandatory withholding does not apply.

Recontributions of withdrawals for home purchases

Section 1400Q(b) generally provides that a distribution received from a 401(k) plan, 403(b) annuity, or IRA in order to purchase a home in the Hurricane Katrina, Rita, or Wilma disaster areas may be recontributed to such a plan, annuity, or IRA in certain circumstances.

The ability to recontribute applies to an individual who receives a qualified distribution. A qualified distribution is a hardship distribution from a 401(k) plan or 403(b) annuity, or a qualified first-time homebuyer distribution from an IRA, that is a qualified Katrina distribution, a qualified Rita distribution, or a qualified Wilma distribution.

A qualified Katrina distribution is a distribution: (1) that is received after February 28, 2005, and before August 29, 2005; and (2) that was to be used to purchase or construct a principal residence in the Hurricane Katrina disaster area, but the residence is not purchased or constructed on account of Hurricane Katrina. Any portion of a qualified Katrina distribution may, during the period beginning on August 25, 2005, and ending on February 28, 2006, be recontributed to a plan, annuity or IRA to which a rollover is permitted.

A qualified Hurricane Rita distribution is a distribution: (1) that is received after February 28, 2005, and before September 24, 2005; and (2) that was to be used to purchase or construct a principal residence in the Hurricane Rita disaster area, but the residence is not purchased or constructed on account of Hurricane Rita. Any portion of a qualified Hurricane Rita distribution may, during the period beginning on September 23, 2005, and ending on February 28, 2006, be recontributed to a plan, annuity or IRA to which a rollover is permitted.

A qualified Hurricane Wilma distribution is a distribution: (1) that is received after February 28, 2005, and before October 24, 2005; and (2) that was to be used to purchase or construct a principal residence in the Hurricane Wilma disaster area, but the residence is not purchased or constructed on account of Hurricane Wilma. Any portion of a qualified Hurricane Wilma distribution may, during the period beginning on October 23, 2005, and ending on February 28, 2006, be recontributed to a plan, annuity or IRA to which a rollover is permitted.

Any amount recontributed is treated as a rollover. Thus, that portion of the qualified distribution is not includible in income (and also is not subject to the 10-percent early withdrawal tax).

Loans from qualified plans to individuals sustaining an economic loss

Section 1400Q(c) provides an exception to the income inclusion rule for loans from a qualified employer plan related to Hurricanes Katrina, Rita, and Wilma made to a qualified individual during an applicable period and provides a repayment delay for loans that are outstanding on or after a qualified beginning date if the due date for any repayment with respect to such loan occurs after the qualified beginning date and December 31, 2006.

The exception to the general rule of income inclusion is provided to the extent that the loan (when added to the outstanding balance of all other loans to the participant from all plans maintained by the employer) does not exceed the lesser of (1) $100,000 reduced by the excess of the highest outstanding balance of loans from such plans during the one-year period ending on the day before the date the loan is made over the outstanding balance of loans from the plan on the date the loan is made or (2) the greater of $10,000 or the participant's accrued benefit under the plan.

In the case of a qualified individual with an outstanding loan on or after the qualified beginning date from a qualified employer plan, if the due date for any repayment with respect to such loan occurs during the period beginning on the qualified beginning date, and ending on December 31, 2006, such due date is delayed for one year. Any subsequent repayments with respect to such loan shall be appropriately adjusted to reflect the delay in the due date and any interest accruing during such delay. The period during which required repayment is delayed is disregarded in complying with the requirements that the loan be repaid within five years and that level amortization payments be made.

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[67] The relief with respect to Hurricane Katrina was initially provided in the Katrina Emergency Relief Act of 2005 (Pub. L. No. 109–73). The IRS provided guidance on those relief provisions in Notice 2005–92, 2005–2 CB 1165. The relief was codified in section 1400Q and was expanded to the Hurricanes Rita and Wilma Disaster areas in the Gulf Opportunity Zone Act of 2005 (Pub. L. No. 109–135).

A qualified individual entitled to this plan loan relief includes a qualified Katrina individual, a qualified Rita individual, or a qualified Wilma individual. A qualified Hurricane Katrina individual is an individual whose principal place of abode on August 28, 2005, is located in the Hurricane Katrina disaster area and who has sustained an economic loss by reason of Hurricane Katrina. The qualified beginning date for a qualified Katrina individual is August 25, 2005 and the applicable period is the period beginning on September 24, 2005, and ending December 31, 2006.

A qualified Hurricane Rita individual is an individual whose principal place of abode on September 23, 2005, is located in a Hurricane Rita disaster area and who has sustained an economic loss by reason of Hurricane Rita. The qualified beginning date for a qualified Hurricane Rita individual is September 23, 2005, and the applicable period is the period beginning on September 23, 2005, and ending on December 31, 2006.

A qualified Hurricane Wilma individual is an individual whose principal place of abode on October 23, 2005, is located in a Hurricane Wilma disaster area and who has sustained an economic loss by reason of Hurricane Wilma. The qualified beginning date for a qualified Hurricane Wilma individual is October 23, 2005, and the applicable period is the period beginning on October 23, 2005, and ending on December 31, 2006.

An individual cannot be a qualified individual with respect to more than one hurricane.

Plan amendments relating to Hurricanes Katrina, Rita, and Wilma

Section 1400Q(d) permits certain plan amendments made pursuant to any provision in section 1400Q, or regulations issued thereunder, to be retroactively effective. If the plan amendment meets the requirements of section 1400Q, then the plan will be treated as being operated in accordance with its terms. In order for this treatment to apply, the plan amendment is required to be made on or before the last day of the first plan year beginning on or after January 1, 2007, or such later date as provided by the Secretary of the Treasury. Governmental plans are given an additional two years in which to make required plan amendments. If the amendment is required to be made to retain qualified status as a result of the changes made by section 1400Q (or regulations), the amendment is required to be made retroactively effective as of the date on which the change became effective with respect to the plan, and the plan is required to be operated in compliance until the amendment is made. Amendments that are not required to retain qualified status but that are made pursuant to section 1400Q may be made retroactively effective as of the first day the plan is operated in accordance with the amendment. A plan amendment will not be considered to be pursuant to section 1400Q (or regulations) if it has an effective date before the effective date of the provision (or regulations) to which it relates.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides relief similar to the relief provided in section 1400Q with respect to use of retirement funds in connection with the tornadoes and storms that occurred in the Kansas disaster area.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

6. Modification of the advanced coal project credit and the gasification project credit (Sec. 15346 of the conference agreement and secs. 48A and 48B of the Code)

PRESENT LAW

Advanced coal project credit

An investment tax credit is available for power generation projects that use integrated gasification combined cycle ("IGCC") or other advanced coal-based electricity generation technologies.[68] The credit amount is 20 percent for investments in qualifying IGCC projects and 15 percent for investments in qualifying projects that use other advanced coal-based electricity generation technologies.

To qualify, an advanced coal project must be located in the United States and use an advanced coal-based generation technology to power a new electric generation unit or to retrofit or repower an existing unit. Generally, an electric generation unit using an advanced coal-based technology must be designed to achieve a 99 percent reduction in sulfur dioxide and a 90 percent reduction in mercury, as well as to limit emissions of nitrous oxide and particulate matter.[69]

The fuel input for a qualifying project, when completed, must use at least 75 percent coal. The project, consisting of one or more electric generation units at one site, must have a nameplate generating capacity of at least 400 megawatts, and the taxpayer must provide evidence that a majority of the output of the project is reasonably expected to be acquired or utilized.

Credits are available only for projects certified by the Secretary of Treasury, in consultation with the Secretary of Energy. Certifications are issued using a competitive bidding process. The Secretary of Treasury must establish a certification program no later than 180 days after August 8, 2005,[70] and each project application must be submitted during the three-year period beginning on the date such certification program is established. An applicant for certification has two years from the date the Secretary accepts the application to provide the Secretary with evidence that the requirements for certification have been met. Upon certification, the applicant has five years from the date of issuance of the certification to place the project in service.

The Secretary of Treasury may allocate $800 million of credits to IGCC projects and $500 million to projects using other advanced coal-based electricity generation technologies. Qualified projects must be economically feasible and use the appropriate clean coal technologies. With respect to IGCC projects, credit-eligible investments include only investments in property associated with the gasification of coal, including any coal handling and gas separation equipment. Thus, investments in equipment that could operate by drawing fuel directly from a natural gas pipeline do not qualify for the credit.

In determining which projects to certify that use IGCC technology, the Secretary must allocate power generation capacity in relatively equal amounts to projects that use bituminous coal, subbituminous coal, and lignite as primary feedstock. In addition, the Secretary must give high priority to projects which include greenhouse gas capture capability, increased by-product utilization, and other benefits.

Gasification project credit

A 20-percent investment tax credit is also available for investments in certain qualifying coal gasification projects.[71] Only property which is part of a qualifying gasification project and necessary for the gasification technology of such project is eligible for the gasification credit.

Qualified gasification projects convert coal, petroleum residue, biomass, or other materials recovered for their energy or feedstock value into a synthesis gas composed primarily of carbon monoxide and hydrogen for direct use or subsequent chemical or physical conversion. Qualified projects must be carried out by an eligible entity, defined as any person whose application for certification is principally intended for use in a domestic project which employs domestic gasification applications related to (1) chemicals, (2) fertilizers, (3) glass, (4) steel, (5) petroleum residues, (6) forest products, and (7) agriculture, including feedlots and dairy operations.

Credits are available only for projects certified by the Secretary of Treasury, in consultation with the Secretary of Energy. Certifications are issued using a competitive bidding process. The Secretary of Treasury must establish a certification program no later than 180 days after August 8, 2005,[72] and each project application must be submitted during the three-year period beginning on the date such certification program is established. The Secretary of Treasury may not allocate more than $350 million in credits. In addition, the Secretary may certify a maximum of $650 million in qualified investment as eligible for credit with respect to any single project.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

In implementing either section 48A (relating to the credit described above) or section 48B (relating to the coal gasification credit), the provision directs the Secretary to modify the terms of any competitive certification award and any associated closing agreements in certain cases. Specifically, modification is required when it (1) is consistent with the objectives of such section, (2) is requested by the recipient of the award, and (3) involves moving the project site to improve the potential to capture and sequester carbon dioxide emissions, reduce costs of transporting feedstock, and serve a broader customer base. However, no modification is required if the Secretary determines that the dollar amount of tax credits available to the taxpayer under the applicable section would increase as a result of the modification or such modification would result in such project not being originally certified. In considering any such modification, the Secretary must consult with other relevant Federal agencies, including the Department of Energy.

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[68] Sec. 48A.

[69] For advanced coal project certification applications submitted after October 2, 2006, an electric generation unit using advanced coal-based generation technology designed to use subbituminous coal can meet the performance requirement relating to the removal of sulfur dioxide if it is designed either to remove 99 percent of the sulfur dioxide or to achieve an emission limit of 0.04 pounds of sulfur dioxide per million British thermal units on a 30-day average.

[70] The Secretary issued guidance establishing the certification program on February 21, 2006 (IRS Notice 2006–24).

[71] Sec. 48B.

[72] The Secretary issued guidance establishing the certification program on February 21, 2006 (IRS Notice 2006–25).

EFFECTIVE DATE

The provision is effective for credit allocation awards issued before, on, or after the date of enactment.

D. OTHER REVENUE PROVISIONS

1. Limitation on farming losses of certain taxpayers (Sec. 12501 of the Senate amendment, sec. 15351 of the conference agreement and sec. 461 of the Code)

PRESENT LAW

For taxpayers who materially participate (as defined in section 469(h)) in a farming activity, net farming losses are reported in full as a reduction to income from both passive and nonpassive sources. For taxpayers who do not materially participate in a farming activity, the passive activity rules of section 469 limit the ability to use such losses to reduce income from nonpassive sources.

Farming income generally includes sales of livestock, produce, grains, and other products; cooperative distributions; Agricultural Program Payments; certain Commodity Credit Corporation ("CCC") loans (if an election is made to include loan proceeds in income in the year received); certain crop insurance proceeds and federal crop disaster payments; and other income. Farm expenses generally include feed, fertilizers, gasoline, fuel, and oil; insurance; interest; hired labor; rent and lease payments; repairs and maintenance; taxes; utilities; depreciation; and other business-related expenses. Living expenses and other personal expenses are not deductible farming expenses.

Present law (section 263A(e)(4))[73] defines a farming business as the trade or business of farming, including the trade or business of operating a nursery or sod farm, or the raising or harvesting of trees bearing fruit, nuts, or other crops, or ornamental trees (excluding evergreen trees that are more than six years old at the time severed from the roots). Treasury regulation section 1.263A–4(a)(4) further provides that a farming business generally means a trade or business involving the cultivation of land or the raising or harvesting of any agricultural or horticultural commodity. The raising, shearing, feeding, caring for, training, and management of animals are included in this definition. For example, the raising of cattle for sale is considered a farming business. However, the mere buying and reselling of plants or animals grown or raised entirely by another is not considered to be raising an agricultural or horticultural commodity. While a farming business does include processing activities that are normally incident to the growing, raising, or harvesting of agricultural or horticultural products (e.g., harvesting, washing, inspecting, and packing fruits and vegetables for sale), it does not include the processing of commodities or products beyond those activities that are normally incident to the growing, raising, or harvesting of such products.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment limits the amount of losses that can be claimed by an individual, estate, trust, or partnership on Schedule F to $200,000 in cases where the taxpayer has received Agricultural Program Payments or CCC loans. Losses that are limited in a particular year may be carried forward to subsequent years.

Effective date.—The provision is effective for taxable years beginning after December 31, 2007.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with modifications. The conference agreement limits the farming loss of a taxpayer, other than a C corporation, for any taxable year in which any applicable subsidies are received to the greater of (1) $300,000 ($150,000 in the case of a married person filing a separate return), or (2) the taxpayer's total net farm income for the prior five taxable years. For purposes of the provision, applicable subsidies are (1) any direct or counter-cyclical payments under title I of the Food, Conservation, and Energy Act of 2008 (or any payment elected in lieu of any such payment), or (2) any CCC loan. Total net farm income is an aggregation of all income and loss from farming businesses for the prior five taxable years.

The following examples illustrate the operation of this provision:

Example 1.—Assume an individual taxpayer has $1 million of net income from a farming business in each taxable year 2010 to 2014, and incurs a $5 million farming loss in 2015. For purposes of this provision, the farming loss in 2015 is limited to the greater of (1) $300,000 or (2) $5 million (total net farm income for the prior five taxable years). Thus, the farming loss is allowable in full in 2015. Assuming the taxpayer had no other income or deductions in any of the taxable years 2010 to 2015, the $5 million net operating loss for 2015 is carried back to the prior five taxable years under the present-law net operating loss carryback rules and reduces the taxpayer's taxable income in each of those years to zero.[74]

Example 2.—Assume an individual taxpayer has $300,000 of net farm income and $700,000 of non-farm income in 2010, and $1 million of net farm income in each taxable year 2011 to 2014. In 2015, the taxpayer incurs a $7 million farming loss. For purposes of this provision, the farming loss in 2015 is limited to the greater of (1) $300,000 or (2) $4.3 million (total net farm income for the prior five taxable years). Thus, $2.7 million of the farming loss is disallowed under the provision and will be treated as a deduction attributable to a farming business in 2016. The $4.3 million farming loss allowed for 2015 is carried back to the prior five taxable years and allowed as a deduction under present-law rules. The taxpayer's taxable income in each of the years 2010[75] to 2013 is reduced to zero and taxable income in 2014 is reduced by the remaining farm loss of $300,000 to $700,000.

For purposes of calculating total net farm income for the prior five years, losses that are limited under the provision are taken into account in the year in which they are allowed as a deduction. For example, if a taxpayer has a $500,000 excess farm loss in 2010 that is not allowed as a deduction until 2012, the calculation in 2011 of total net farm income for the prior five years does not take into account the $500,000 as a farm loss. Instead, the $500,000 loss would be included in the calculation of prior year's total net farm income for taxable years 2013 through 2017. In the case where the filing status of the taxpayer is not the same for the taxable year and each of the taxable years in the five-year period, the Treasury Department is authorized to provide guidance for the computation of total net farm income.

In the case of a partnership or S corporation, the limit is applied at the partner or shareholder level.[76] Therefore, each partner or shareholder takes into account its proportionate share of income, gain, or deduction from farming businesses of a partnership or S corporation, and any applicable subsidies received by a partnership or S corporation during the taxable year (regardless of whether such items are treated as income for Federal tax purposes).

For purposes of the provision, the term "farming business" has the meaning provided in present-law section 263A(e)(4), with a modification for certain processing activities. Thus, for purposes of this provision, the conference agreement broadens the definition of "farming business" to include the processing of commodities, without regard to whether such activity is incidental, by a taxpayer otherwise engaged in a farming business with respect to such commodities. The farming activities of a cooperative are attributed to each member for purposes of this rule. Thus, a member of a cooperative who raises a commodity and sells it to the cooperative for processing is considered to be the processor of such commodity. In this case, patronage dividends received from a cooperative that is engaged in a farming business are considered to be income from a farming business for purposes of this provision.

As under the Senate amendment, any loss that is disallowed under the provision in a particular year is carried forward to the next taxable year and treated as a deduction attributable to farming businesses in that year.

Farming losses arising by reason of fire, storm, or other casualty, or by reason of disease or drought, are disregarded for purposes of calculating the limitation.

Treasury regulatory authority is provided to prescribe such additional reporting requirements as appropriate to carry out the purposes of this provision.

Effective date.—The provision is effective for taxable years beginning after December 31, 2009.

2. INCREASE AND INDEX DOLLAR THRESHOLDS FOR FARM OPTIONAL METHOD AND NONFARM OPTIONAL METHOD FOR COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT (SEC. 12502 OF THE SENATE AMENDMENT, SEC. 15352 OF THE CONFERENCE AGREEMENT AND SEC. 1402(A) OF THE CODE)

PRESENT LAW

In general

Generally, tax under the Self-Employment Contributions Act (SECA) is imposed on the self-employment income of an individual. SECA tax has two components. Under the old-age, survivors, and disability insurance component, the rate of tax is 12.40 percent on self-employment income up to the Social Security wage base ($97,500 for 2007). Under the hospital insurance component, the rate is 2.90 percent of all self-employment income (without regard to the Social Security wage base).

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[73] This is the same definition of "farming business" used for averaging of farm income under section 1301.

[74] Under section 172(b)(1)(G), farming losses may be carried back to each of the five taxable years preceding the taxable year of the loss.

[75] The loss carryback to 2010 reduces both the $300,000 of net farm income and $700,000 of non-farm income to zero.

[76] The Treasury Department may provide guidance for the application of this provision to any other pass-thru entity to the extent necessary to carry out the purposes of this provision. In the case of tiered partnership or pass-thru entity structures, the Treasury Department may provide guidance as necessary to carry out the purposes of this provision.

Self-employment income subject to the SECA tax is determined as the net earnings from self-employment. An individual may use one of three methods to calculate net earnings from self-employment. Under the generally applicable rule, net earnings from self-employment means gross income (including the individual's net distributive share of partnership income) derived by an individual from any trade or business carried on by the individual, less the deductions attributable to the trade or business that are allowed under the SECA tax rules. Alternatively, an individual may elect to use one of two optional methods for calculating net earnings from self-employment. These methods are: (1) the farm optional method; and (2) the nonfarm optional method. The farm optional method allows individuals to pay SECA taxes (and secure Social Security benefit coverage) when they have low net income or losses from farming. The nonfarm optional method is similar to the farm optional method.

Farm optional method

If an individual is engaged in a farming trade or business, either as a sole proprietor or as a partner, the individual may elect to use the farm optional method in one of two instances. The first instance is an individual engaged in a farming business who has gross farm income of $2,400 or less for the taxable year. In this instance, the individual may elect to report two-thirds of gross farm income as net earnings from self-employment. In the second instance, an individual engaged in a farming business may elect the farm optional method even though gross farm income exceeds $2,400 for the taxable year but only if the net farm income is less than $1,733 for the taxable year. In this second instance, the individual may elect to report $1,600 as net earnings from self-employment for the taxable year. In all other instances (i.e., more than $2,400 of gross farm income and net farm income of at least $1,733) a person engaged in a farming business must compute net earnings from self-employment under the generally applicable rule. There is no limit on the number of years that an individual may elect the farm optional method during such individual's lifetime.

The dollar limits in the farm optional method are not indexed for inflation.

Nonfarm optional method

The nonfarm optional method is available only to individuals who have been self-employed for at least two of the three years before the year in which they seek to elect the nonfarm optional method and who meet certain other requirements. Specifically, an individual may elect the nonfarm optional method if the individual's: (1) net nonfarm income for the taxable year is less than $1,733; and (2) net nonfarm income for the taxable year is less than 72.189 percent of gross nonfarm income. If a qualified individual engaged in a nonfarming business who elects the nonfarm optional method has gross nonfarm income of $2,400 or less for the taxable year, then the individual may elect to report two-thirds of gross nonfarm income as net earnings from self-employment. If the electing individual engaged in a nonfarming business has gross nonfarm income of at least $2,400 for the taxable year, then the individual may elect to report $1,600 as net earnings from self-employment for the taxable year. In all other instances, a person engaged in a nonfarming business must compute net earnings from self-employment under the generally applicable rule. An individual may elect to use the nonfarm optional method for no more than five years in the course of the individual's lifetime.

The dollar limits in the nonfarm optional method are not indexed for inflation.

Other rules applicable to farm optional and nonfarm optional methods

In the case of a cash method trade or business, gross income is defined as the gross receipts from such trade or business less the cost or other basis of property sold in carrying out such trade or business with certain adjustments. In the case of an accrual method trade or business, gross income is defined as the gross income from the trade or business with certain adjustments. If an individual (including a member of a partnership) derives gross income from more than one trade or business then such gross income (including the individual's distributive share of the gross income of any partnership) is treated as derived from a single trade or business.

Social Security benefit eligibility

Generally, Social Security benefits can be paid to an individual (and dependents or survivors) only if that individual has worked long enough in covered employment to be insured. Insured status is measured in terms of "credits," previously called "quarters of coverage." For this purpose, Social Security uses the lifetime record of earnings reported for that individual. In the case of a self-employed individual, net earnings from self-employment is used to calculate Social Security benefit eligibility.

Up to four quarters of coverage can be earned for a year, depending on covered wages for the year and the amount needed to earn each quarter of coverage. For 2007, credit for a quarter of coverage is provided for each $1,000 of wages.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment modifies the farm optional method so that electing taxpayers may be eligible to secure four credits of Social Security benefit coverage each taxable year by increasing and indexing the thresholds. The provision makes a similar modification to the nonfarm optional method.

Effective date.—The provision is effective for taxable years beginning after December 31, 2007.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

3. Information reporting for commodity credit corporation transactions (Sec. 12503 of the Senate amendment, sec. 15353 of the conference agreement and new sec. 6039J of the Code)

PRESENT LAW

The Farm Security and Rural Investment Act of 2002[77] authorizes a marketing assistance loan program through the Commodity Credit Corporation ("CCC"). Under such program, the CCC may make loans for eligible commodities at a specified rate per unit of commodity (the original loan rate). The repayment amount for such a loan secured by an eligible commodity generally is based on the lower of the original loan rate or the alternative repayment rate, as determined by the CCC, as of the date of repayment. The alternative repayment rate may be adjusted to reflect quality and location for each type of commodity. A taxpayer receiving a CCC loan can use cash to repay such a loan, purchase CCC certificates for use in repayment of the loan, or deliver the pledged collateral as full payment for the loan at maturity.

If a taxpayer uses cash or CCC certificates to repay a CCC loan, and the loan is repaid at a time when the repayment rate is less than the original loan rate, the difference between the original loan amount and the lesser repayment amount is market gain. Regardless of whether a taxpayer repays a CCC loan in cash or uses CCC certificates in repayment of the loan, the market gain is taken into account either as income or as an adjustment to the basis of the commodity (if the taxpayer has made an election under section 77).

If a farmer uses cash instead of certificates, the farmer will receive a Form CCC-1099–G Information Return showing the market gain realized. For transactions prior to January 1, 2007, however, if a farmer uses CCC certificates to facilitate repayment of a CCC loan, the farmer will not receive an information return. For loans repaid on or after January 1, 2007, IRS Notice 2007–63 provides that the CCC reports market gain associated with the repayment of a CCC loan whether the taxpayer repays the loan with cash or uses CCC certificates in repayment of the loan.[78] The CCC reports the market gain on Form 1099–G, Certain Government Payments.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment codifies the requirements of IRS Notice 2007–63 providing that the CCC reports market gain associated with the repayment of a CCC loan, regardless of whether the taxpayer repays the loan with cash or uses CCC certificates in repayment of the loan.

Effective date.—The provision is effective for loans repaid on or after January 1, 2007.

CONFERENCE AGREEMENT

The conference agreement includes the Senate amendment provision.

E. PROTECTION OF SOCIAL SECURITY (SEC. 15361 OF THE CONFERENCE AGREEMENT)

To ensure that the assets of the trust funds established under section 201 of the Social Security Act are not reduced as the result of the enactment of this Act, the Secretary of the Treasury shall transfer certain amounts annually from the general revenues of the Federal Government to those trust funds.

IV. TRADE PROVISIONS

A. EXTENSION OF CERTAIN TRADE BENEFITS

(Secs. 15401–15407 and 15410–15411 of the conference agreement)

PRESENT LAW

Sec. 213A of the Caribbean Basin Recovery Act (19 U.S.C. 2703a) establishes the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 ("HOPE I"). HOPE I extended preferences to Haiti for apparel meeting certain rules of origin, and for certain automotive wire harnesses.

With respect to apparel, HOPE I extended preferential treatment to three categories of apparel: (1) apparel meeting a value-added rule of origin; (2) limited quantities of woven apparel wholly assembled in Haiti; and (3) brassieres meeting a cut and sew requirement.

HOPE I (in section 213A(d)) conditions Haiti's eligibility for these preferences on the President determining and certifying that

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[77] Pub. L. No. 107–171.

[78] 2007–33 IRB.

Haiti has either established, or is making continual progress towards establishing, protection of internationally recognized worker rights. These rights include the right of association, the right to organize and bargain collectively, a prohibition on the use of any form of forced or compulsory labor, a minimum age of employment of children, and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

The use of the HOPE I preference program has been very limited to date.

In fact, just 1.6% of Haiti's apparel exports in 2007 were under the HOPE I program. The Conferees believe that the limited use of the program is largely attributable to HOPE I's complex value-added rule of origin. As a result, the economic benefits — namely, new investment and significant new job creation — that the preference program was intended to spread widely to foster stability and security in Haiti have not been forthcoming.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

To address the deficiencies in HOPE I, the conference report includes the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2008 (HOPE II), which provides additional ways (under simplified rules) that Haitian apparel can qualify for duty-free treatment, as well as authorizing a new apparel sector labor capacity building and monitoring program (the Technical Assistance Improvement and Compliance Needs Assessment and Remediation Program or "TAICNAR program") to ensure the benefits of the new preferences are spread widely. The Conferees intend HOPE II to help Haitian industry attract new investment and create immediate jobs, generate income for workers to cover increased food costs and pay for other necessities, and continue to provide incentives to encourage the use of inputs manufactured by U.S. companies.

Key aspects of the HOPE II apparel provisions are outlined below. The Conferees note that HOPE II creates six discrete stand alone rules for apparel (and some textile) products to qualify for preferential treatment: (1) the value-added rule (as provided for in HOPE I, subject to a change in the cap); (2) a capped benefit for woven apparel meeting a wholly assembled/knit-to-shape rule; (3) a capped benefit for certain knit apparel meeting a wholly assembled/knit-to-shape rule; (4) an uncapped benefit for certain types of apparel meeting a wholly assembled/knit-to-shape rule; (5) an uncapped benefit for apparel meeting a wholly assembled/knit-to-shape rule under the "3 for 1" Earned Import Allowance Program; and (6) an uncapped benefit for apparel meeting a wholly assembled/knit-to-shape rule, where the apparel is made from "short supply" yarns or fabrics. The Conferees note that if a capped benefit is filled in a given year, an importer can still use one or more of the other rules. In addition, apparel from Haiti may also qualify for preferential access to the U.S. market under the United States—Caribbean Basin Trade Partnership Act (Title II of Public Law 106–200) (CBTPA).

Ten Year Duration.—The conference report extends most apparel preferences, including all apparel preferences created under HOPE II, for 10 years, until September 30, 2018. The ten year duration is aimed at fostering a more stable investment climate for businesses seeking to use HOPE I or II preferences.

Expanded Preferences for Woven Apparel.—The conference report expands the HOPE I "woven apparel cap" to 70 million square meters equivalents ("SMEs"), and extends the benefit for 10 years. Apparel exported under this provision can qualify for preferences if the apparel is "wholly assembled" or knit-to-shape, or both, in Haiti, without regard to the origin of the fabric (or fabric components, or components knit to shape, or yarn) comprising the apparel article. The definition of "wholly assembled" is taken from existing Customs regulations.

New Knit Apparel Cap.—HOPE II creates a new "knit apparel cap" of 70 million SMEs, with exclusions for men's/boys' cotton t-shirts, men's/boys' mmf t-shirts, certain men's/boys' sweatshirts/pullovers, and certain men's/boy's cotton-blend sweatshirts. Apparel exported under this provision can qualify for preferences if the apparel is "wholly assembled" or knit-to-shape, or both, in Haiti, without regard to the origin of the fabric (or fabric components, or components knit to shape, or yarn) comprising the apparel article.

Modified Single Transformation Rule for Certain Apparel and Certain Luggage.—HOPE II extends preferential treatment to certain apparel articles wholly assembled, or knit to shape, or both, in Haiti, without regard to the origin of the fabric (or fabric components, or components knit to shape, or yarn) comprising the apparel article. The apparel articles covered by this provision are: (1) brassieres; (2) those apparel articles covered by the Central America-Dominican Republic-United States Free Trade Agreement (CAFTA–DR) "single transformation" rule; (3) headgear; and (4) certain sleepwear.

With regard to covered sleepwear, HOPE II extends preferences to women's and girls' pajama bottoms (*i.e.*, sleep pants), regardless of whether such bottoms are a separate garment or are part of a set.

HOPE II also extends preferential treatment to luggage and handbags wholly assembled in Haiti, without regard to the source of the fabric, materials or components. The Conferees did not include the concept of knit-to-shape in this provision, because such processing does not typically occur for such luggage/handbags.

"3 for 1" EIA Program for Knit or Woven Apparel.—HOPE II creates a "3 for 1" earned import allowance program (EIA) to be developed and administered by the Secretary of Commerce. Under the "3 for 1" EIA, Haitian producers or entities controlling production that purchase qualifying fabric for apparel production in Haiti may export other apparel to the United States duty-free, and not subject to quantitative limitations, regardless of the origin of the fabric (or fabric components, components knit to shape, or yarns) from which the apparel product is made. Specifically, for every 3 SMEs of qualifying fabric purchased, a producer or entity controlling production receives a "credit" for 1 SME that can be used in the manufacture of apparel using non-qualifying fabric (*e.g.*, Taiwanese fabric). The Secretary of Commerce is to establish electronic "accounts" for producers or entities controlling production where such "credits" can be deposited. A producer or entity controlling production can then withdraw these credits for an "earned import allowance certificate" that reflects the requested number of credits. Apparel wholly assembled, or knit to shape, or both, in Haiti using non-qualifying fabric may enter the United States duty-free, if the apparel is accompanied by such an "earned import allowance certificate" that reflects the number of credits equal to the SMEs of the apparel for which preferential treatment is sought.

An example may help illustrate the process: Producer A in Haiti purchases 300 SMEs of denim fabric woven in the United States using U.S. yarns in order to manufacture jeans in Haiti. Producer A, upon submission of documentation supporting the purchase of the U.S. denim (such documentation can include information submitted by the U.S. textile mill that exported the fabric), will receive 100 credits in Producer A's Commerce Department account. If Producer A subsequently wants to export jeans that are wholly assembled in Haiti to the United States duty-free and such jeans are wholly assembled in Haiti from Italian denim, Producer A would redeem all or part of the accrued 100 credits for the requisite earned import allowance certificate. For instance, if the jeans made with the Italian fabric account for 50 SMEs, Producer A would request a certificate that equaled 50 credits.

In HOPE II, the Conferees have established principles for the "3 for 1" EIA program. The Conferees expect and intend the Secretary of Commerce to establish additional requirements in order to make the program efficient, workable, and administrable, and have provided the Secretary with the authority to promulgate and enforce such requirements. In addition, the Conferees urge the Secretary of Commerce to establish the "3 for 1" EIA program as an electronic program, including with respect to the EIA certificate.

The Conferees note that woven and knit fabrics are treated differently under the HOPE II-created EIA program. Specifically, qualifying woven fabric must be wholly formed in the United States, from U.S. yarns (subject to some limited exceptions). Qualifying knit fabric may be wholly formed or knit to shape in the United States, U.S. free trade agreement (FTA) partner country or U.S. preference partner country (*e.g.*, a beneficiary country under the African Growth and Opportunity Act), or any combination, from U.S. yarns (subject to some limited exceptions).

Modified Single Transformation Rule for Apparel Made from "Short Supply" Fabrics/Yarns.—HOPE II also includes a provision to extend duty-free treatment to any apparel article wholly assembled or knit to shape, or both, in Haiti where the apparel article is made from fabrics or yarns designated as not being available in commercial quantities under any U.S. preference program or FTA, or is covered by certain provisions of Annex 401 of the NAFTA (*i.e.*, those provisions which extend duty-free treatment to apparel notwithstanding the origin of fabric or yarns). The Conferees note that the entire apparel article need not be made from a "short supply" fabric or yarn—only the fabric, fabric components, components knit to shape, or yarns that make up the component that determines the tariff classification of the article need be made of "short supply" fabrics or yarns for entry under this rule.

Transition Value-Added Rule.—HOPE II preserves the existing value-added rule of origin from HOPE I, but freezes the cap for exports qualifying for this rule at the 2008 level (*i.e.*, 1.25% of U.S. apparel imports). Under HOPE II, the value-added rule retains the termination date provided for in HOPE I (five years from enactment of HOPE I). The Conferees chose to sunset this provision as provided for in HOPE I and not extend the rule for an additional ten years, because Haitian exports under the value-added rule have been minimal, reflecting the complexity of the rule. The conferee notes that more flexible value-added rules applied to apparel in other preferential trade arrangements (*e.g.*, the United States-Jordan Free Trade Agreement) have been effective in increasing trade.

Allow Direct Shipment from and Co-production in the Dominican Republic.—HOPE II recognizes the unique situation of Haiti and the Dominican Republic, the two sovereign nations that share the Caribbean island of Hispaniola, and the ties between the textile and apparel industries of both countries. The Conferees believe that existing ties between the textiles and apparel industries of both countries should be maintained and strengthened. Toward that end, HOPE II allows direct shipment from the Dominican Republic of apparel qualifying under section 213A, as amended by HOPE II. The direct shipment provision will minimize transit times and costs when apparel wholly assembled or knit to shape in Haiti is sent to the Dominican Republic for packaging or post-assembly operations.

The Conferees have included direction to the Commissioner responsible for U.S. Customs and Border Protection to provide technical and other assistance to Haiti and the Dominican Republic to develop procedures to prevent unlawful transshipment and use of counterfeit documents. The Conferees intend that assistance to be provided expeditiously and in a manner that facilitates trade, and to include assisting Haiti and the Dominican Republic in developing a secure, electronic system to combat unlawful transshipment and use of counterfeit documents.

The Conferees also expect the processing requirement necessary for an apparel article to qualify under HOPE II—that is, that apparel be wholly assembled or knit to shape, or both, in Haiti—to facilitate co-production between Haiti and the Dominican Republic. The HOPE II processing requirement does not preclude assembly or other operations from occurring outside Haiti. Co-production operations performed in the Dominican Republic could include, but are not limited to, activities such as minor assembly, repair, embellishment, and finishing.

Clarifications on Administration of Caps.—HOPE II clarifies that exports qualifying for preferences under apparel provisions not subject to quantitative limitations (*e.g.*, the apparel qualifying under the rules contained in section 213A(b)(3), as amended by HOPE II) should not be included in the calculation of any quantitative limitations contained in HOPE II. In addition, apparel qualifying under a rule subject to a particular cap (*e.g.*, the woven or knit apparel caps in section 213A(b)(2), as amended by HOPE II), should not be counted against another cap (*e.g.*, the value—added cap, included in section 213A(b)(1), as amended by HOPE II). Finally, the legislation clarifies that HOPE II benefits are in addition to preferences extended to Haitian exports under the Caribbean Basin Economic Recovery Act (CBERA), including apparel preferences under section 213(b)(2) of the CBERA, as amended, and that apparel exports qualifying for preferences under 213(b)(2) should not be counted against the quantitative limitations established in HOPE II.

Labor Provisions. The conference agreement amends Section 213A of the Caribbean Basin Recovery Act to include new provisions to promote compliance with core labor standards, as enumerated in the legislation, and to improve working conditions, in particular in the textile and apparel sector. The Conferees recognize that the core labor standards defined in the legislation refer to the rights as listed in the 1998 International Labor Organization Declaration on Fundamental Principles and Rights at Work and its Follow Up. Specifically, HOPE II requires that the President certify, within 16 months of enactment, that Haiti has created an independent Labor Ombudsman's Office responsible for performing the functions set forth in the conference agreement and established, with the assistance of the International Labor Organization ("ILO"), the TAICNAR Program. Unless the President extends the period for meeting these requirements, which is permitted under certain limited conditions set out in the conference agreement, the President is required to terminate Haiti's eligibility for preferential treatment under the section.

The functions of the Labor Ombudsman include overseeing the implementation of the TAICNAR Program, maintaining a registry of the textile and apparel producers that may seek preferential treatment and coordinating a committee comprised of representatives of government agencies, employers, and workers to consult on the implementation of the TAICNAR Program and other matters of common concern. The Labor Ombudsman is also responsible for receiving comments from interested parties about the labor conditions in the facilities of the registered producers and, where such comments are submitted in good faith and supported with evidence, directing the comments to the ILO or the appropriate Haitian government official. Further, where registered producers are found to have deficiencies, the Labor Ombudsman also shares responsibility for assisting them in complying with core labor standards and national labor laws directly relating to the standards and acceptable conditions of work with respect to minimum wages, hours of work, and occupational health and safety. In performing its functions, the Labor Ombudsman is expected to coordinate and consult with other appropriate Haitian government officials (*e.g.*, in the Ministry of Labor).

The TAICNAR Program is comprised of two elements. The first element of the program is technical assistance from the ILO to build Haiti's own capacity to inspect the facilities of 80 registered textile and apparel producers, enforce its labor laws, and resolve labor disputes. The scope of such assistance is broad, including ILO assistance in reviewing national labor laws and regulations and bringing them into compliance with core labor standards, increasing awareness of worker rights, and on-the-job training for labor inspectors, judicial officers, and other government officials.

The second element of the TAICNAR Program is ILO assessment of compliance with core labor standards and national labor laws in the facilities of the producers registered with the Labor Ombudsman and, where necessary, assistance with remediating deficiencies. Consistent with existing practice under its Better Factories Cambodia and Better Works programs, the ILO has a number of tools to perform such assessments, including unannounced site visits and confidential interviews with management and workers. The results of the assessment are reported, confidentially in the first instance, to the management and workers (or, where there is union representation, worker representatives) together with suggestions for remediation of deficiencies. Under the program, the ILO then aids the producer in remediating any deficiencies, with assistance, if necessary, from the Labor Ombudsman or other parties. Every six months, following implementation of the TAICNAR Program by Haiti, the ILO is expected to publish a public report on the assessments it has conducted during the preceding six-months. Such reports will identify the specific factories assessed and the conditions in these factories.

To encourage compliance with core labor standards and national labor laws directly related to core labor standards, the conference agreement provides for preferential treatment to be denied in certain circumstances. Specifically, the conference agreement directs the President to identify (on a biennial basis, beginning in the second year after implementation) producers who are failing to comply with these compliance conditions. The President is directed to offer assistance to any such producers in meeting the compliance conditions and, if the assistance is refused or if the producer otherwise fails to come into compliance, to withdraw, suspend, or limit preferential treatment to articles of the producer. The preferential treatment may be reinstated if the President later determines that the producer has come into compliance with core labor standards and national labor laws directly related to core labor standards. In making both the initial identification of non-compliant producers and any later reinstatement determination, the President is to consider the reports of the ILO.

B. EXTENSION OF CBTPA

(Sec. 15408–15409 of the conference agreement)

PRESENT LAW

The Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)), as amended by the United States–Caribbean Basin Trade Partnership Act (Title II of Public Law 106-200) (CBTPA), provides that eligible textile and apparel articles of a designated CBTPA beneficiary country shall enter the United States free of duty and free of quantitative limitations, provided that the President determines that the country has implemented the necessary procedures and requirements. These preference program provisions expire on September 30, 2008.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement amends section 213(b) of the Caribbean Basin Economic Recovery Act to extend the Caribbean Basin Trade Partnership Act, including the textile and apparel preference program provisions, through September 30, 2010.

C. UNUSED MERCHANDISE DRAWBACK

(Sec. 15421 of the conference agreement)

PRESENT LAW

Section 313(j) of the Tariff Act of 1930 (19 U.S.C. 1313(j)) currently provides for unused merchandise drawback. Unused drawback is permitted if imported merchandise is exported or destroyed within 3 years of import without being used in the United States. Pursuant to section 313(j)(2) of the Tariff Act of 1930 (19 U.S.C. 1313(j)(2)), domestic or imported merchandise that is commercially interchangeable with the imported merchandise may be substituted for the imported merchandise and drawback granted on the export or destruction of the substituted merchandise within the 3-year period beginning on the date of importation. The drawback is limited to 99% of the duty, tax and fee imposed under Federal law on the imported merchandise upon entry or importation.

Section 313(j)(2) of the Tariff Act of 1930 does not contain a definition of "commercially interchangeable." From late 2001 to May 2007, U.S. Customs and Border Protection (CBP) paid drawback claims on wine based on white domestic and imported table wine being commercially interchangeable with relatively valued imported white table wine. Red domestic and imported table wine was also considered to be commercially interchangeable with relatively valued imported red table wine. Relatively valued wine was considered to be wine within a price range of 50%.

CBP informed wine drawback claimants in May 2007 that, effective immediately, the above standard for commercial interchangeability was no longer applicable. CBP did not provide a definitive new standard but stated that the criterion of the varietal wine should have been a determining factor in determining commercial interchangeability.

The new provision carries forward the standard used for commercial interchangeability from 2001 to May 2007, and provides certainty for the filing and processing of unused drawback claims for imported and exported wine.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement amends section 313(j)(2) of the Tariff Act of 1930, to provide a standard for what is considered to be "commercially interchangeable" for purposes of unused merchandise drawback for wine. The provision is effective for claims filed for drawback on or after the date of enactment.

D. REQUIREMENTS RELATING TO DETERMINATION OF TRANSACTION VALUE OF IMPORTED MERCHANDISE

(Sec. 15422 of the conference agreement)

PRESENT LAW

No provision.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The Conference agreement includes an importer declaration requirement for one year to assist in gathering information on the valuation of goods imported into the United States.

The value of merchandise imported into the United States is determined primarily under transaction value. Transaction value is defined in section 402(b) of the Tariff Act of 1930 (19 U.S.C. 1401a(b)(1)) as the price actually paid or payable for the merchandise when sold for exportation to the United States. Import transactions can involve one sale of the imported goods prior to importation or a series of sales. In the multiple sale scenario, Customs and Border Protection ("CBP") currently permits importers to base transaction value on the price paid by the buyer in the first or earlier sale (*e.g.* the sale between the manufacturer and the intermediary), provided the importer can establish by sufficient evidence that the sale was at arm's length and that at the time of such sale, the merchandise was clearly destined for exportation to the United States.

On January 24, 2008, CBP published in the Federal Register a proposed interpretation of the expression "sold for exportation to the United States." 73 Fed. Reg. 4254 (Jan. 24, 2008). In the publication, CBP proposed that when imported merchandise has been subject to a series of sales prior to importation, the price actually paid or payable for the imported goods when sold for exportation is the price paid in the last sale occurring prior to the introduction of the goods into the United States.

Congress has serious concerns that CBP did not provide Congress or the importing community with any notice about its proposed interpretation. Congress also has serious concerns that CBP proposed its new interpretation without conducting adequate analysis of the proposed impact of such interpretation. Moreover, Congress has received several concerns and questions about CBP's proposed interpretation, including questions of the number and value of importations that would be impacted by the change. CBP informed Congress that it does not keep records indicating which importers are basing transaction value on the price paid by the buyer in the first or earlier sale. Therefore, there is no information available to assess which sectors are using this provision, the extent of its use, and probable impact on the United States.

The Conferees through section (a) require Customs to collect adequate information regarding the impact of such proposal by requiring that importers declare whether the transaction value of the imported merchandise is determined on the basis of the price paid in the first or earlier sale occurring prior to introduction of the merchandise into the United States. The term "first or earlier sale" as used in subsection (a)(2) is intended to refer to the current CBP interpretation expressed in the January 24, 2008 Federal Register Notice.

Subsection (b) requires CBP to provide the collected information to the United States International Trade Commission ("ITC") on a monthly basis. The Conferees intend for CBP and ITC to mutually agree on the format in which CBP will submit the data for ITC use. Subsection (c) requires the ITC to submit a report to the House Ways and Means Committee and the Senate Finance Committee within ninety days of receipt of CBP's last monthly report.

In subsection (d), the Conferees express a sense of Congress that CBP should not before January 1, 2011, implement a change of interpretation of the expression "sold for exportation to the United States" for purposes of applying the transaction value of the imported merchandise in a series of sales. It is the sense of Congress that after January 1, 2011, CBP may propose to change or change its interpretation only if CBP: (1) consults with and provides notice to the appropriate committees not less than 180 days prior to proposing a change and not less than 90 days prior to publishing a change; (2) consults with, provides notice to, and takes into consideration views expressed by the Commercial Operations Advisory Committee not less than 120 days prior to proposing a change and not less than 60 days prior to publishing a change; and (3) receives the explicit approval of the Secretary of Treasury prior to publishing a change. The term "publishing", as used in subsection (d), includes any notice CBP may provide to the regulated community through a public notice.

Through subsection (d)(3), the Conferees express a sense of Congress that CBP should take into consideration the ITC report as referenced in subsection (b) before publishing any change to the expression "sold for exportation to the United States."

V. TAX COMPLEXITY ANALYSIS

Section 4022(b) of the Internal Revenue Service Restructuring and Reform Act of 1998 (the "IRS Reform Act") requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code (the "Code") and has widespread applicability to individuals or small businesses.

The staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that have "widespread applicability" to individuals or small businesses.

COMPLIANCE WITH RULE XXI, CL.9 (HOUSE) AND WITH RULE XLIV (SENATE)

The following list is submitted in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, which require publication of a list of congressionally directed spending items (Senate), congressional earmarks (House), limited tax benefits, and limited tariff benefits included in the conference report, or in the joint statement of managers accompanying the conference report, including the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Congressionally directed spending items (as defined in the Senate rule) and congressional earmarks (as defined in the House rule) in this division of the conference report or joint statement of managers are listed below. Neither the conference report nor the statement of managers contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

Member	Program description	Funding level
Baucus	National Sheep and Goat Industry Improvement Center	$1 million
Baucus	Appropriate Technology Transfer to Rural Areas	Authorized for appropriation
Baucus	Camelina Pilot Program	$9 million
Biden	Chesapeake Bay Watershed Conservation Program	$382 million
Cardin	Chesapeake Bay Watershed Conservation Program	$382 million
Casey	Chesapeake Bay Watershed Conservation Program	$382 million
Chambliss	Cost Share Assistance for Wildlife Corridors	Up to $100 million
Cochran	Natural Products Research Laboratory	Authorized for appropriation
Conrad	Grants to Broadcasting Systems	Authorized for appropriation
Harkin	Congressional Hunger Center	Authorized for appropriation
Harkin	Appropriate Technology Transfer to Rural Areas	Authorized for appropriation
Harkin	Policy Research Centers	Authorized for appropriation

Member	Program description	Funding level
Hinojosa	Housing Assistance Council	Authorized for appropriation.
Inouye	Insular Pacific Sun Grant Sub-Center	Authorized for appropriation.
Inouye	Education Grants to Alaska Native Serving Institutions and Native Hawaiian Serving Institutions	Authorized for appropriation.
Kohl	Housing Assistance Council	Authorized for appropriation.
Nelson	Drought Mitigation Center/University of Nebraska	Authorized for appropriation.
Reid	Desert Terminal Lakes/Nevada	$175 million FY 08-12.
Roberts	Consortium for Agricultural Soils Mitigation of Greenhouse Gases/Kansas State University	Authorized for appropriation.
Stevens	Education Grants to Alaska Native Serving Institutions and Native Hawaiian Serving Institutions	Authorized for appropriation.
Stevens	Water Systems for Rural and Native Villages in Alaska	Authorized for appropriation.

From the Committee on Agriculture, for consideration of the House bill (except title XII) and the Senate amendment (except secs. 12001, 12201-12601, and 12701-12808), and modifications committed to conference:

Collin C. Peterson,
Tim Holden,
Mike McIntyre,
Bob Etheridge,
Leonard L. Boswell,
Joe Baca,
Dennis L. Cardoza,
David Scott,
Bob Goodlatte,
Robin Hayes,
Marilyn Musgrave,
Randy Neugebauer,

From the Committee on Education and Labor, for consideration of secs. 4303 and 4304 of the House bill, and secs. 4901-4905, 4911, and 4912 of the Senate amendment, and modifications committed to conference:

George Miller,
Carolyn McCarthy,
Todd R. Platts,

From the Committee on Energy and Commerce, for consideration of secs. 6012, 6023, 6024, 6028, 6029, 9004, 9005, and 9017 of the House bill, and secs. 6006, 6012, 6110-6112, 6202, 6302, 7044, 7049, 7307, 7507, 9001, 11060, 11072, 11087, and 11101-11103 of the Senate amendment, and modifications committed to conference:

John D. Dingell,
Frank Pallone,

From the Committee on Financial Services, for consideration of sec. 11310 of the House bill, and secs. 6501-6505, 11068, and 13107 of the Senate amendment, and modifications committed to conference:

Paul E. Kanjorski,
Maxine Waters,

From the Committee on Foreign Affairs, for consideration of secs. 3001-3008, 3010-3014, and 3016 of the House bill, and secs. 3001-3022, 3101-3107, and 3201-3204 of the Senate amendment, and modifications committed to conference:

Howard L. Berman,
Brad Sherman,
Ileana Ros-Lehtinen,

From the Committee on Judiciary, for consideration of secs. 11102, 11312, and 11314 of the House bill, and secs. 5402, 10103, 10201, 10203, 10205, 11017, 11069, 11076, 13102, and 13104 of the Senate amendment, and modifications committed to conference:

John Conyers,
Bobby Scott,

From the Committee on Natural Resources, for consideration of secs. 2313, 2331, 2341, 2405, 2607, 2607A, 2611, 5401, 6020, 7033, 7311, 8101, 8112, 8121-8127, 8204, 8205, 11063, and 11075 of the Senate amendment, and modifications committed to conference:

Nick Rahall,
Madeleine Z. Bordallo,
Cathy McMorris Rodgers,

From the Committee on Oversight and Government Reform, for consideration of secs. 1501 and 7109 of the House bill, and secs. 7020, 7313, 7314, 7316, 7502, 8126, 8205, and 10201 of the Senate amendment, and modifications committed to conference:

Edolphus Towns,

From the Committee on Science and Technology, for consideration of secs. 4403, 9003, 9006, 9010, 9015, 9019, and 9020 of the House bill, and secs. 7039, 7051, 7315, 7501, and 9001 of the Senate amendment, and modifications committed to conference:

Bart Gordon,
Michael T. McCaul,

From the Committee on Small Business, for consideration of subtitle D of title XI of the Senate amendment, and modifications committed to conference:

Nydia M. Velázquez,
Heath Shuler,

From the Committee on Transportation and Infrastructure, for consideration of secs. 2203, 2301, 6019, and 6020 of the House bill, and secs. 2604, 6029, 6030, and 11087 of the Senate amendment, and modifications committed to conference:

James L. Oberstar,
Eleanor H. Norton,

From the Committee on Ways and Means, for consideration of sec. 1303 and title XII of the House bill, and secs. 12001-12601, and 12701-12808 of the Senate amendment, and modifications committed to conference:

Charles B. Rangel,
Earl Pomeroy,

For consideration of House bill (except title XII) and the Senate amendment (except secs. 12001, 12201-12601, and 12701-12808), and modifications committed to conference:

Rosa L. DeLauro,
Adam H. Putnam,
Managers on the Part of the House.

Tom Harkin,
Patrick Leahy,
Kent Conrad,
Max Baucus,
Blanche L. Lincoln,
Debbie Stabenow,
Saxby Chambliss,
Thad Cochran,
Pat Roberts
(For purposes of Title XV only),
Chuck Grassley,
Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 7(c) of rule XXII, the filing of the conference report on H.R. 2419 has vitiated the following two motions to instruct conferees on that measure:

The motion to instruct offered by the gentleman from Michigan (Mr. Upton) which was debated on May 8 and on which further proceedings were postponed under clause 8 of rule XX; and

The motion to instruct offered by the gentleman from Illinois (Mr. Shimkus) which was debated on May 8 and on which further proceedings were postponed under clause 8 of rule XX.

PENTAGON SPIN MACHINE

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN of Virginia. Mr. Speaker, a report released today by the nonprofit research organization Media Matters has found that military analysts secretly cultivated by the Pentagon's communications apparatus appeared over 4,500 times on major TV and radio networks since 2002 in segments covering the Iraq War, Guantanamo Bay, Abu Ghraib and other foreign policy and national security issues.

The New York Times exposed this extensive, coordinated campaign by the Pentagon and the Bush administration to influence the commentary of what viewers rightfully believed were independent television military analysts. It is an unethical, possibly illegal propaganda machine, a media Trojan horse designed to shape war coverage from inside the major TV and radio networks.

It was also apparent that the motivation on the part of many was the extraordinary access they were granted to the Pentagon for their defense contractor employers.

One particularly disturbing example is when troops in Iraq were dying because of inadequate body armor, a senior Pentagon official wrote to his colleagues, "I think our analysts . . . can push back in that arena." The analysts, of course, were 75 retired military officers.

This is conduct unbefitting of our military officers and our Nation, Mr. Speaker.

FARM BILL

(Mr. NEUGEBAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Speaker, I rise today to encourage my colleagues to support the final conference report that was just brought to this House of the Food, Conservation, and Energy Act of 2008.

As a conferee, I participated in many hours of bipartisan and bicameral negotiations at which point we reached a bill that will be good for American agriculture, and it will be good for the American consumer.

Mr. Speaker, it is important that we have a strong agricultural industry in this country today. We've already seen the implications of having other countries furnish our energy needs on a daily basis, and the last thing in the world that we need to happen is to rely on other countries to feed and clothe the American people.

That's the reason, Mr. Speaker, it is so important that we get this important piece of legislation passed, sooner rather than later. Many producers all across America, farmers and ranchers, have already planted crops, and they do not have any policy to operate under.

And so I urge my colleagues, when this bill comes to the floor this week, to vote positively for American agriculture and the American people.

WAR SUPPLEMENTAL FUNDING

(Mr. CULBERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Mr. Speaker, it is approximately 2:10 p.m. on the east coast, and in less than 24 hours, the Speaker of the House has announced that she is going to drop on this House floor a $250 billion spending bill for the United States war against terror.

It has always been the policy of this Nation that party labels end at the water's edge. Until today, it has always been the policy of this House that the Members of this House were given the privilege and opportunity of debating in committee and offering amendments.

On legislation as important as funding a war for the survival of the American people and a war against barbarians from the Dark Ages, this House of Representatives has been shut out. It's appalling, it's embarrassing, it's outrageous, it's unacceptable for the Speaker of the House and the chairman of the Appropriations Committee to be the only two people in this institution allowed to see the bill. No one has seen the bill.

All 300 million Americans have been shut out of this appropriations process to fund our soldiers. To ensure their protection and survival in the field, to ensure the survival of this Nation, this entire House of Representatives needs to be involved, and the country needs to know that this Speaker is running this House like the Supreme Soviet.

PROPOSED AGREEMENT WITH RUSSIAN FEDERATION FOR COOPERATION IN THE FIELD OF PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–112)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the "Act"), the text of a proposed Agreement Between the Government of the United States of America and the Government of the Russian Federation for Cooperation in the Field of Peaceful Uses of Nuclear Energy. I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement, and a Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement (in accordance with section 123 of the Act, as amended by title XII of the Foreign Affairs Reform and Restructuring Act of 1998 (Public Law 105–277), a classified annex to the NPAS, prepared by the Secretary of State in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately). The joint memorandum submitted to me by the Secretary of State and the Secretary of Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed.

The proposed Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Russia based on a mutual commitment to nuclear non-proliferation. It has a term of 30 years, and permits the transfer of technology, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, and permits transfers of sensitive nuclear technology, sensitive nuclear facilities, and major critical components of such facilities by amendment to the Agreement. In the event of termination, key non-proliferation conditions and controls continue with respect to material and equipment subject to the Agreement.

The Russian Federation is a nuclear weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Like the United States, it has a "voluntary offer" safeguards agreement with the International Atomic Energy Agency (IAEA). That agreement gives the IAEA the right to apply safeguards on all source or special fissionable material at peaceful nuclear facilities on a Russia-provided list. The Russian Federation is also a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material. It is also a member of the Nuclear Suppliers Group, whose non-legally binding Guidelines set forth standards for the responsible export of nuclear commodities for peaceful use. A more detailed discussion of Russia's domestic civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in the classified annex to the NPAS submitted to the Congress separately.

I have considered the views and recommendations of the interested agencies in reviewing the proposed Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both sections 123b. and 123d. of the Atomic Energy Act. My Administration is prepared to begin immediately the consultations with the Senate Foreign Relations Committee and House Foreign Affairs Committee as provided in section 123b. Upon completion of the 30-day continuous session period provided for in section 123b., the 60-day continuous session period provided for in section 123d. shall commence.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 12, 2008.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

☐ 1415

STRATEGIC PETROLEUM RESERVE FILL SUSPENSION AND CONSUMER PROTECTION ACT OF 2008

Mr. DINGELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6022) to suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008".

SEC. 2. SUSPENSION OF PETROLEUM ACQUISITION FOR STRATEGIC PETROLEUM RESERVE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, during the period beginning on the date of enactment of this Act and ending on December 31, 2008—

(1) the Secretary of the Interior shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy shall suspend acquisition of petroleum for the Strategic Petroleum Reserve through any acquisition method.

(b) RESUMPTION IN CALENDAR YEAR 2008.—During the period specified in subsection (a) but not earlier than 30 days after the date on which the President notifies Congress that the President has determined that the weighted average price of petroleum in the United States for the most recent 90-day period is $75 or less per barrel—

(1) the Secretary of the Interior may resume acquisition of petroleum for the Strategic Petroleum Reserve through the royalty-in-kind program; and

(2) the Secretary of Energy may resume acquisition of petroleum for the Strategic Petroleum Reserve through any acquisition method.

(c) EXISTING CONTRACTS.—

(1) DEPARTMENT OF THE INTERIOR CONTRACTS.—In the case of any royalty-in-kind oil scheduled to be delivered to the Department of Energy for the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Interior prior to, and in effect on, the date of enactment of this Act, the Secretary of Energy shall accept delivery of such oil.

(2) DEPARTMENT OF ENERGY CONTRACTS.—In the case of any oil scheduled to be delivered to the Strategic Petroleum Reserve pursuant to a contract entered into by the Secretary of Energy prior to, and in effect on, the date of enactment of this Act, the Secretary shall, to the maximum extent practicable, negotiate a deferral of the delivery of the oil in accordance with procedures of the Department of Energy in effect on the date of enactment of this Act for deferrals of oil.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, as you know, I have long supported filling the Strategic Petroleum Reserve and strongly support the Energy Policy Act of 2005 provision that directed the Secretary of Energy to fill the reserve "as expeditiously as practicable" to the full 1 billion barrel capacity authorized by the Energy Policy and Conservation Act. The Energy Policy Act of 2005, however, also requires that the Secretary time SPR acquisitions in a manner that does not incur excessive costs or do not appreciably affect the consumer price of petroleum products.

On May 8, I wrote the President urging him to direct the Secretary of Energy not to enter into any new contracts to fill the SPR during calendar year 2008. This, regrettably, is what the Department of Energy has proposed to do under an April 4 solicitation for royalty-in-kind oil to be delivered between August and December of this year. In light of the record cost of oil and resulting hardship for average Americans, businesses, farmers, and the general economy, I believe it would be imprudent for DOE to take these barrels off the market.

While there is no guarantee that putting this oil onto the market rather than into the SPR will lower prices, even such a modest step could potentially prick the speculative bubble now characterizing oil markets. In 2006, DOE suspended filling SPR during the summer driving season, and that is what is appropriate for it to do now.

While it is in the discretion of DOE whether or not to enter into new contracts at this time, the administration seems determined to forge ahead. Common sense would say to us not to take the oil off the market at a time of record high prices. Given the administration's apparent determination to pursue this course, the Congress must act and I support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the bill and recognize myself for such time as I may consume.

Mr. Speaker, let me say at the beginning that I speak for myself, I don't necessarily speak for the House Republican leadership. I have asked if we had a minority position on the bill, and as of 30 minutes ago we did not. So I am speaking for myself as the ranking member of the committee of jurisdiction, the Energy and Commerce Committee.

And let me say at the beginning that I think it is good to have a piece of energy legislation on the floor at this point in time. I think the American people are fed up with high gasoline prices, they're fed up with increasing imports, they're fed up with rising food prices that are caused, at least in part, by higher energy prices. So I think it's a good thing that we are beginning to debate energy legislation on the floor of the House of Representatives. I think it is a good thing that the chairman of the committee with primary jurisdiction, my good friend, JOHN DINGELL, is leading that debate on the majority side.

Having said that, I don't think it's a good thing that we bring a bill on the Strategic Petroleum Reserve to the floor with no process at all. Chairman DINGELL and Subcommittee Chairman BOUCHER and I have spoken informally in the last 2 weeks about doing something on the Strategic Petroleum Reserve. And I am very open to having a full vetting of the issue of the Strategic Petroleum Reserve.

I am fully supportive of the underlying policy in this bill, which is to suspend taking shipments into the Strategic Petroleum Reserve when oil prices are at record levels. I am not supportive of doing that in a way that there is absolutely no input from the minority side. We've had no legislative hearing, no committee hearing, no markup, no nothing. We were notified late yesterday afternoon that the bill would be on the floor this morning, and as far as I can tell the bill wasn't printed until some time this morning. So one reason I'm opposed to the bill is because of process.

Now I want to talk about the substance of the bill. Again, the Strategic Petroleum Reserve was created in the 1970s in response to a coordinated Arab Oil Embargo against the United States of America when shipments of oil were suspended by the OPEC cartel for political reasons. We created the Strategic Petroleum Reserve. And my guess is, although I wasn't in Congress at that time, that JOHN DINGELL, who was a member of the committee—I don't believe he was chairman in the seventies—probably had a very positive influence on creating the Strategic Petroleum Reserve. It was a good idea then and it's a good idea now. So that's a good thing.

Now, we have been filling the Strategic Petroleum Reserve since the late seventies. Most of the oil was put in under President Reagan's tenure from 1980 to 1988, but even since then we have continued to fill the Reserve. There have been little appropriated funds appropriated to fill it, and in the last 5 or 6 years most of the increase has been by taking what this bill would suspend, which is the royalty-in-kind oil, and putting that into the Reserve. Royalty-in-kind oil is oil that, instead of the oil companies that produce on Federal lands and the Federal OCS, instead of giving money to the Federal Government and to the taxpayer, they give royalty-in-kind oil. And that right now is about 62,000 barrels a day. So it is not a bad idea to suspend taking the royalty-in-kind oil.

Where I have a policy difference with this bill is that the bill is either silent or ambiguous on what happens to the royalties that continue to accrue. The fact that you're not taking oil doesn't mean that the Federal Government doesn't have a royalty that should be paid.

So one of the questions I would have is, do we receive the money, which 62,000 barrels of oil at $120 a barrel is, over the life of this bill, over a billion dollars. What happens to that billion dollars? Does it just go to the general revenue? Does it just go to the general treasury?

If I were drafting the bill, I would direct that some of that royalty, in terms of cash, go into a LIHEAP fund for low-income heating and cooling assistance. I would direct that some of the funds go into a reserve to buy oil for the Strategic Petroleum Reserve when oil falls below the target price in this bill, which I believe is $75 a barrel. I would direct that some of the funds go to an alternative energy fund. Those are things that we would have discussed in committee. Those were the things that we would have had amendments on. And those are the things that we're not allowed to do because this bill is being considered under suspension.

As Chairman DINGELL has pointed out, the fact that we're not going to take royalty-in-kind oil and put it in the Strategic Petroleum Reserve is probably not going to affect the price much on the world market. I think we would have as much impact on prices, if that's our goal, if all the Members on both sides of the aisle went out on the steps of the Capitol and we all clapped our hands three times and said, "Down prices. Down prices. Down prices." That would probably have as much impact as passing this bill. It would be a lot more fun, too. We would all get a little exercise. And it would be a pretty good photo op, the united Congress, you know, dictating that oil prices go down. But it would have about the same impact that this bill does.

So, Mr. Speaker, again, I don't quarrel with the fact that we are directing to suspend shipments of the Strategic Petroleum Reserve. We need to do a lot more than that, however, if we really want to bring oil prices down. And even in doing something on the SPR, I think we should go through committee, we should have a legislative hearing, we should have a markup, and we should really rethink the strategy of the Strategic Petroleum Reserve.

In the 1970s, the oil markets and the U.S. economy were significantly different than they are today. And the size of the Reserve, the uses of the Reserve are at least subject to a real debate today. And what we're getting is a bill that apparently was drafted in Majority Leader HOYER's office late last night or early this morning that several Members have put their names on. And we're on a suspension calendar that we have no ability to amend it or do anything about it except vote "yes" or "no," so I'm going to encourage Members to vote "no." If we were somehow to get 146 "no" votes, then we could have the debate and have the markup process that I've asked about and we could come back next week sometime and do it the right way.

Mr. Speaker, I rise in opposition to H.R. 6022, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008. I am opposed to this bill for two reasons: process and substance.

First, let's talk about process: I found out that this bill was going to be on the floor today less than 24 hours ago. I am the ranking member of the Energy and Commerce Committee, which has jurisdiction over energy in general and the Strategic Petroleum Reserve, SPR, in particular. While there has been a lot of talk and press recently about the SPR, it has not been the subject of any committee briefings, hearings, or markups at all. I am not even aware of any discussions about this SPR bill at the staff level, except for Chairman DINGELL's staff notifying my staff yesterday afternoon that this bill would be on the suspension calendar today.

And now we are on the suspension calendar, where we get an up or down vote, with no chance for any amendments. It seems that, once again, the majority leadership of the House is shamelessly dictating the legislative process of the House in a way that demeans the jurisdiction of the Energy & Commerce Committee in order to make us vote on a bill before Memorial Day so the Democrats can send out press releases about how they are addressing the Pelosi Premium.

Which leads me to my second point—the substance of this bill. When it comes to dealing with high energy prices, there are two groups in Congress. Those who want to say they are doing something, and those who want to do something. Today's bill is for those who want to say they are doing something.

This bill tells the President, as long as oil prices stay above $75 a barrel, to quit filling the SPR for the rest of calendar year 2008, but do it in a way that does not affect current contracts. So, if this bill is signed into law, the real world effect will be to prevent about 11.4 million barrels of oil from going into the SPR between August 1 and December 31 of this year—or about 76 thousand barrels a day for the rest of the year.

Will this help with gas prices? We could probably have more effect on lowering gas prices if we stood on the steps of the Capitol and clapped our hands three times and shouted, "Lower, lower, lower." It certainly won't do anything for prices for Memorial Day weekend because it will not start having any effect until August 1st. If the Majority wanted to have an immediate effect, they should have considered a provision to direct the Department of Energy to sell the SPR oil it is currently receiving into the open market.

The title of this bill also indicates that it somehow protects consumers, but I cannot find anything in the bill that actually does that. The bill says to quit filling the SPR which would happen in August, but the bill is silent about a number of things: What happens to the Royalty-in-Kind oil that the Departments of Interior and Energy are currently getting? Do these departments sell it? Do the lessees sell it and give the proceeds to the Departments? I assume the lessees still owe the government the royalty payments, so I assume any cash would go into the general treasury. How does this help protect consumers?

A better way to protect consumers, or at least help consumers by offsetting the current record energy prices would have been to do something useful with the revenue generated with the SPR oil. Perhaps we could have dedicated a portion of it to low income heating assistance. Or perhaps we could have dedicated a portion of it to developing alternative energy sources. Or, we even could have reserved a portion of it to start replenishing the SPR again sometime in the future when oil prices are not at $125 a barrel.

But, since we had no process for this bill, we will never know what could have been. We're faced with an up or down vote, with no chance to discuss the policy of either this bill, or the policy of the SPR generally.

I, for one, am in favor of having a policy discussion on the entire Strategic Petroleum Reserve. I think the circumstances of today's energy markets are much different than they were when we created the SPR, and therefore I think it would be a good idea to have a policy debate about the future of the SPR. Ultimately I may end up wanting to continue to have a billion barrel SPR, but I think the policy discussion would be a good thing to have. Unfortunately, the process for this bill does not foster such a debate.

So where does this leave those of who want to not just say we're doing something about energy costs, but actually want to do something?

In 1985 we produced 9 million barrels of oil per day and imported another 3 million per day. Since 1995 we've cut our domestic production in half and tripled our imports. Why? Because we continue to lock up our domestic resources, particularly in Alaska and in the OCS.

Two of the most unstable foreign sources of oil today are Nigeria and Venezuela. That instability is a big factor in high oil prices because of the risk of supply cut-off. ANWR alone could be replacing all our imports from Venezuela or all our imports from Nigeria and only use a few thousand acres of a vast tundra.

Better legislation comes from the deliberative process, a process that's inclusive. No sooner will this bill become law than people will be either calling for its repeal or wondering why we bothered at all. But that was true of the 2007 no-energy bill, as well.

Let's go back to Committee and do the job we are capable of doing with SPR. Let it do some good for somebody. And let's let Congress turn to the real energy issue facing this country, domestic production.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent at this time that the gentleman from Vermont (Mr. WELCH) be permitted to control the remainder of the time on this side.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank Chairman DINGELL for his leadership on energy issues and for assisting in bringing this legislation to the floor for consideration by the full House.

I want to address a couple of observations by my friend from Texas. Number one, the revenues that would be generated from drilling on Federal lands would go into the Treasury. And there are many uses and debates that can be had about whether that money ultimately should go into alternative energy, whether it should go into LIHEAP, and those will all be had in due course as part of other legislation.

The question that we have before us today is whether or not taking a small step that in the past has been taken by this President Bush, by his father, by President Clinton, that when it has been taken has proven to actually have a direct and immediate impact on lowering the price of gas at the pump from 5 cents to 25 cents a gallon.

All of us know, we're going home every weekend and we're hearing from our constituents. It doesn't matter what district we're in, it doesn't matter what part of the country we're from, folks are really feeling burdened by these ever-escalating home energy heating bills and the cost of filling up their pick-up truck and their car. And basically the question for us is whether or not, even as we have to proceed with long-term debates about our future energy policy, this Congress is going to be willing to take a short-term step that has the potential to bring down energy prices.

You know, we could go out and clap, but I actually think this would be more effective. History tells us that, in fact, when we've used this Strategic Petroleum Reserve as an asset belonging to the American people and suspended purchases—and incidentally, this Strategic Petroleum Reserve is nearly full, we're talking about topping it off, it's very expensive to do so now with $126 per barrel oil—that when we've done it in the past, it has actually reduced that pump price. And just two examples of what it would mean in my small State of Vermont. I talked to a trucker from Barre, Vermont; they've got a company and drive a lot. It would put $300,000 on his bottom line if the price of gas went down 25 cents. A school district in a rural area, it would be $30,000 off their bottom line if we could get the price down 25 cents.

No one here is suggesting that this is an answer to our energy situation. What we are suggesting—and, really, recommendations on a bipartisan basis—is that the tool that's within our reach we should use and do all we can on a short-term basis even as we debate long-term energy policies.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, if it's possible, I'd like to enter into a dialogue with any of the three sponsors of the bill. Mr. MARKEY is on the floor. Mr. LAMPSON is on the floor. Mr. WELCH is on the floor. I'd like to ask them some questions if one of them would like to try to respond on my time. I'm not going to use their time. So Mr. MARKEY, Mr. WELCH or Mr. LAMPSON. I just want to ask some questions about the bill to the main sponsors.

□ 1430

My question, Mr. Speaker, and this is on my time, if either of those three gentlemen would like to respond. I'm not trying to be cute. I'm way too old to be cute.

The bill is silent on whether or not the money that is the equivalent cash of the royalty in kind to oil is what's done with it. So my first question I would like one of the sponsors to answer is, instead of getting 62,000 barrels of oil a day, if this bill becomes law, does the general treasury get the equivalent of 62,000 barrels of oil times whatever the market price of oil that day is, which right now is over $120 a barrel? Is that revenue generated, and does it come to the Federal treasury, or do the oil companies keep it? That's my first question.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield to my good friend from Massachusetts.

Mr. MARKEY. Thank you very much for yielding.

The money actually goes back to the general Treasury.

Mr. BARTON of Texas. It goes back to the general Treasury. All right.

And my next question is the bill's effective date is upon termination of the contract. I think it goes into effect on July 31 and it runs through December 31 of 2008; is that correct?

Mr. MARKEY. That is correct, yes.

Mr. BARTON of Texas. What happens after December 31, 2008?

Mr. MARKEY. Well, at that point we return to operations as they exist today.

Mr. BARTON of Texas. My next question is, if this bill were to become law, does the Secretary of Energy or the Secretary of the Interior have any discretion about accepting royalty in kind to oil or the cash equivalent, or is it a flat suspension with no exceptions?

Mr. MARKEY. It is a flat suspension.

Mr. BARTON of Texas. I thank my good friend from Massachusetts for those answers.

Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, just in response, as a clarification for my friend from Texas, my understanding of the bill is we will continue to accept and will honor contracts during that 45-day period for royalty in kind.

Mr. Speaker, at this time I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman very much for yielding.

This is an historic debate. The history is quite clear. At the point of which President Bush was sworn in as President in January of 2001, as a renowned oil industry veteran, the price of a barrel of oil was $30. Today, as we are now in the eighth year of the President's term of office, it is $126 a barrel, an historic high, nearly a quadrupling of the price of a barrel of oil.

Other interesting facts: On the day that the President was sworn in, again, as President, gas was $1.45 a gallon, the good old days when the Bush administration was sworn into office. Today it has hit a record high of $3.72, on average, for self serve regular. So that is something else that is quite dramatically negative in terms of the impact on American consumers.

Now, here's what has happened over the years with the Strategic Petroleum Reserve. Back in 1991 President Bush's father actually deployed the Strategic Petroleum Reserve, and the price of a barrel of oil dropped 33 percent. In 2000 President Clinton deployed the Strategic Petroleum Reserve, and the price of a barrel of oil went down 18 percent. In fact, President Bush himself deployed the Strategic Petroleum Reserve in 2005, which led to a 5.6 percent drop in the price of a barrel of oil.

Now, this is an interesting U-turn that the President has taken because what he said in 2006 was——

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WELCH of Vermont. Mr. Speaker, I yield an additional 1½ minutes to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman.

What the President said, President Bush said, in April 25, 2006, was, "I have directed the Department of Energy to defer filling the Strategic Petroleum Reserve this summer. So by deferring deposits until the fall, we will leave a little more oil on the market. Every little bit helps." The price of a barrel of oil when President Bush said that in 2006: $67 a barrel.

Now here's what the President said as of April 29, just 2 weeks ago, in 2008. He said: "In this case, I have analyzed the Strategic Petroleum Reserve issue, and I don't think it would affect the price."

Well, that's a surprising change of economic analysis by the President in just 2 years. And as we debate this out here on the House floor, he seems to find himself in the minority because, in fact, what the President has at his disposal is the ability to be able to do something about this issue.

As consumers get the shakedown at the pump, this Friday President Bush is going to meet with the sheiks in Saudi Arabia to ask for more oil. And while the President sent troops to the Middle East to look for weapons of mass destruction, he's avoiding using a weapon of price reduction here at home. The President has said he does not have a magic wand to wave away high gas prices, but he does carry a big stick. It's called the Strategic Petroleum Reserve.

The SPEAKER pro tempore. The gentleman's time has again expired.

Mr. WELCH of Vermont. Mr. Speaker, I yield the gentleman another 15 seconds.

Mr. MARKEY. I thank the gentleman.

So here is the checklist right now to turn on the spigot of the Strategic Petroleum Reserve: OBAMA, yes; CLINTON, yes; McCAIN, yes; George Bush, no. He's saying "no" to the American consumer, "no" to the American economy. It is a dangerous economic position for our country to be in.

Mr. BARTON of Texas. Mr. Speaker, I am going to recognize Mr. SHIMKUS, a member of the committee.

But before I do that, I just want the record to show that the last day that I was chairman of the Energy and Commerce Committee, the price of gasoline in my district was $2 a gallon.

Mr. Speaker, I recognize the gentleman from Illinois (Mr. SHIMKUS) for 3 minutes, a member of the committee.

Mr. SHIMKUS. Battling charge, that's what I like. Finally we get to talk about supply.

Mr. Speaker, for 18 months I have been coming to the floor to talk about the importance of bringing more supply to our economy so that prices would go down.

Finally we have it, and I want to thank you for making the point. If you want to lower the cost, you've got to bring on supply.

It was $58 a barrel when your majority came into power, $58. What is it today? It's $126.

What has it done? I'm glad my friend talked about gas prices. It wasn't George Bush who promised to lower gas prices. It was Speaker PELOSI in 2006, STENY HOYER in 2006, JIM CLYBURN in 2006, who said, "We have a plan to lower gas prices." That's their quote. I have said it here 20 times here on this floor. "We have a plan."

They've got a plan all right. It's not to lower gas prices; it's to raise gas prices.

What has happened to a gallon of gas? It was $2.33 when this majority came in. What is it today? It is $3.77. Now my colleague from Massachusetts brings on climate change for a 50 cent additional tax per gallon of gas, per the chairman of the Commerce Committee. We would be paying $4.27 for a gallon of gas. That's not the type of change we need. We need to bring on supply.

I thank you for finally coming to the floor and recognizing that if we bring on just some barrels more supply, you guys say we're going to lower prices 5 cents to 25 cents. Well, let's multiply that by bringing on a million barrels of crude oil into our supply. Where do we get that? We can get billions of barrels of crude oil from coal-to-liquid technologies right in the heartland, right in Southern Illinois, Fischer-Tropsch Technology, established in the World War II generation, currently developed by a South African oil company.

And one of my personal favorites is the Outer Continental Shelf. Billions of barrels of oil on the eastern seaboard, on the western seaboard, on the eastern gulf coast. Trillions of cubic feet of natural gas.

What's your policy? Let's don't go there. Oh, yes, let's settle for a little bit of oil out of the SPR and claim great victory for lowering prices when we could have billions of barrels of oil, trillions of cubic feet of natural gas if we just went to the Outer Continental Shelf, if we just went to the eastern gulf, if we just used coal-to-liquid technologies, a bipartisan bill Congressman BOUCHER and I would like to take.

We are the number one coal country in the world. So let's don't settle for a half step. This is good. We can do much better.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. I thank the gentleman for yielding.

Mr. Speaker, I first want to thank the leadership of both Chairman DINGELL and Ranking Member BARTON on what is being done and has been done for a long time with the Strategic Petroleum Reserve in making sure that it stays strong and effective for us at a time that we do need it and will need it. And I think that if we keep cool heads and look for simple ways that we can reach and try to find commonsense solutions to some of the problems that we face, then we're going to have a good solution to those problems.

And we are taking one step today. That's all. One of hopefully many to try to curb the price of gasoline for the American consumer and invest in alternative energy research to provide for the long-term energy solutions that we're going to need. Many of these things are going to be required for us to get the price of gasoline down to the point where we're going to be comfortable again, and let's hope that we accomplish it.

This bill directs the President to suspend shipments to the Strategic Petroleum Reserve through the end of the year or until prices drop below $75 a barrel.

High oil prices are straining family budgets at the pump, and we know that they're driving prices up on groceries and other household goods. And families are starting to rethink even summer vacations, and it's going to have a negative impact on so many of our communities that depend on tourism. This ripple effect, well, from the high price of gasoline and diesel, there's going to be a touch to every family, to every industry, to every person, to every business in the United States and even around the globe.

Not realizing the urgency of this situation is naive. Consumers need lower prices now, not later. This bill provides a quick first step, maybe not much, but at least it's an action on the part of our Congress.

When I first introduced similar legislation affecting the Strategic Petroleum Reserve back in January, gas was $3.11 a gallon. Now it's $3.73 a gallon. It has gone up 11 cents in the last week. And if the President turns a blind eye to the needs of the American people, we may see gasoline go to $5, $6, or $7 a gallon.

Consider this: The Strategic Petroleum Reserve has been tapped and suspended four times by the last three Presidents.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. WELCH of Vermont. Mr. Speaker, I yield another 30 seconds to the gentleman from Texas.

Mr. LAMPSON. In 2000, as we have already heard, the prices fell by one-third, and they stayed low. Suspending the SPR will put an additional 70,000 barrels of oil on the market each day. It could help reduce prices at a critical time for us in our economy.

This action has widespread bipartisan support. It was supported by a near unanimous support by the Senate this morning. I got a letter a few minutes ago from the American Trucking Association saying that the additional $391 million that truckers are having to pay for diesel cannot be handled by them for long.

So I'm pleased that we are taking at least the first step. And I am looking forward to introducing other legislation later this week that's going to provide additional relief to consumers to provide and invest in our energy independence through research and development.

□ 1445

Mr. BARTON of Texas. Mr. Speaker, I am going to yield myself 1 minute.

I want to just comment on what I think is the goal of the legislation, and that would be to lower prices for the American consumer. At least I think that is what I think the goal is.

Having said that, 62,000 barrels a day in an 85-million-barrel-a-day oil market is about one twelve hundredth of 1 percent. So if you assume that oil markets are linear, the additional 62,000 barrels on an 85-million-barrel-per-day oil market is going to lower the price perhaps two cents. Maybe.

Again, if we just go outside and clap our hands, we would probably have a 2 percent chance of lowering the price of oil by two cents a barrel. Just by clapping our hands. So I don't think this bill does anything except show the American people that we want to do something, but we still don't know exactly what it is we can do that makes any sense.

And I reserve the balance of my time.

Mr. WELCH. I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the gentleman.

Mr. Speaker, we get criticized a lot in this Congress for not taking a proactive approach to issues that we see facing the country. And here is an example of something where we are working together in a bipartisan way. The comments from my friend from Texas notwithstanding, this is an issue that has bipartisan support. And we can argue about how much is this going to save the American people. How much is this going to take off of a gallon of gas? And Goldman Sachs, a group that knows something about the market certainly and the impact that the Strategic Petroleum Reserve will have on the market, says it can be upwards of 25 cents a gallon that this saves.

Now that is not a long-term solution. We understand that. And we can have the argument about whether we should drill off the coast or drill in ANWR and increase supplies in other ways or build more refineries. That is a long-term argument. What we are doing today is taking a short-term approach that is going to help families today.

We cannot continue to do nothing. This Congress has to act. And we are going to act today. And we are going to save the American people a quarter on the gallon.

Mr. BARTON of Texas. I yield myself 1 additional minute.

I would like to ask the speaker who just spoke if he can show me the economic study by Goldman Sachs that says that suspending shipments is going to lower prices 25 cents a gallon. It won't even lower prices a penny a barrel. Is there a study?

I believe that there is no study. And I guarantee you, this just won't lower prices 25 cents.

Mr. LAMPSON. Would the gentleman yield?

Mr. BARTON of Texas. I would be happy to yield to my good friend from Texas.

Mr. LAMPSON. I don't know if we have a specific study that can show it, but I can tell you the people that we have been working with over the last several months from places like MIT who have come and asked us to consider this legislation, they are saying that historically we have seen prices drop when actions like this have been taken. If we can try, at least we are doing something that may put it in the right direction. We have additional legislation that is going to be proposed.

Mr. BARTON of Texas. I sure hope so.

Mr. LAMPSON. And I hope you will join me as a cosponsor of that legislation.

Mr. BARTON of Texas. I yield myself 30 additional seconds just to respond to my good friend, Mr. LAMPSON.

I do not oppose suspension of oil shipments into the Strategic Petroleum Reserve. But to say that that, by itself, is going to lower prices 25 cents a gallon in an 85-million-barrel-a-day oil market is ludicrous.

I sure hope that there is additional legislation besides this feel-good legislation. I hope it is bipartisan. I hope it is substantive. And I hope it has a supply component to it.

Mr. WELCH of Vermont. I recognize the gentleman from Colorado (Mr. PERLMUTTER) for 1 minute.

Mr. PERLMUTTER. Thank you, Mr. WELCH.

To the gentleman from Texas, I don't think there could be anything simpler than deciding during this busy driving season to stop buying oil or placing oil in the Strategic Petroleum Reserve. And I quote your Senator from Texas, Senator KAY BAILEY HUTCHISON, a month ago said, "I support an immediate halt in deposits of domestic crude into the SPR as we enter the busiest driving season of the year."

So I agree with Mr. SHIMKUS. This is just one of many things that has to be done. And we have done a number of those already. We have added mileage so we have better fuel economy. We passed a law against price gouging. We are pushing other sources of energy through biomass and a whole variety of things. This is going to take a lot of work across the board. But this is a very simple and very direct action we are taking. We need to take it today. This is simple. H.R. 6022 should be passed.

And I ask for an "aye" vote.

Mr. BARTON of Texas. I want to yield 2 minutes to the distinguished Congressman from the great State of Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank the gentleman very much. When I hear how partisan some of my colleagues have gotten on the other side of the aisle, it really astonishes me that somehow it is the President's fault. The clear fact is that we had better find a way to work together, because in my judgment, we have a challenge because we are not working together, Republicans or Democrats. We all have our fingers on this. And we need to deal with it.

It seems to me we need to conserve and not use so much energy to reduce demand. We also need to increase production. It is going to include alternative fuels, renewable fuel. It is going to include mining the outer slope of the continental shelf. It may include nuclear power. It is going to require increasing production and reducing demand.

I think this legislation, while it is a drop in the bucket, it is a step that we need to take. But it will have minimal impact. But in the end, we can fight as much as we want to about this issue, and we are going to fool no one.

There are basic laws of supply and demand that are coming into play here. And we don't seem to want to address it. When I vote not to mine ANWR, I know I am not adding to production. I am not voting to do that for a variety of reasons because I want us to conserve more. But when we conserve more, then we are going to have to look at other ways to increase the supply. T. Boone Pickens is saying we basically consume about 86 million barrels, and we are producing just about that level. We are going to have to produce more and consume less.

So I would just make this concluding point. My Democratic colleagues won this Congress. And you are in charge. And I have seen prices continue to climb. It is not necessarily your fault. But you have your fingers on this as much as anyone else.

Mr. WELCH of Vermont. Mr. Speaker, I yield to the gentleman from Illinois (Mr. EMANUEL) for 2 minutes.

Mr. EMANUEL. Mr. Speaker, picking up on what my colleague from Connecticut said, which is nobody says this is a panacea, but all experience shows, both the Harvard study and the Department of Energy study, shows that about 20 percent, which would be about $25 a barrel drop in price, would occur because of this.

There is plenty of blame to go around. Nobody is suggesting this is going to resolve the energy crisis. It is a short-term alleviation of high prices that would, in fact, allow us to take the steps that we have not taken for 20 years.

And also in the last 5 or 6 years, when the Vice President derided conservation, you acknowledged on the floor the importance of conservation. It was dismissed as part of our arsenal in our energy policy. When those of us who talked about investing in new alternative energy, wind, solar, thermal, it was also dismissed, and continues to not only be dismissed, but vetoed. That, too, is unilateral disarmament by the United States.

So you are right. There is plenty of blame to go around. But there are plenty of solutions to also be picked up. Conservation was denied as a national policy. And we have paid the price as a country. Alternative energy was denied and denied for years and issued veto threats by the President of the United States. And we pay the price because of that policy.

This is a short-term solution, $25, which means a lot to Americans, a barrel, but it gives us the breathing space to do what we need to also do and take care of America's energy independence.

Now no one is going to claim that in 2005 when you all did pass your energy bill, let me quote your minority leader, "the Energy Policy Act of 2005 is a balanced, bipartisan bill that will lower energy prices to consumers and spur our economy." Nobody is claiming that. This gives a short-term alleviation to allow us to tackle a problem that has been festering for 25 years and denying what all of us should have done in Washington, invest in long-term, alternative energy and technologies that will give America its leg of independence, as well as adopt an energy policy of conservation, it would also save.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. WELCH of Vermont. I yield the gentleman 30 additional seconds.

Mr. EMANUEL. That is the strategy we are talking about. This is the right thing to do. It has been proven that when we have instrumented this tool, that is to stop purchasing from the Strategic Petroleum Reserve, that in fact there will be immediate reduction in the prices at the pump and also a barrel of energy. That is the right thing to do.

But let there be no mistake. In every step of the way for the last 6 years, the President of the United States has either issued veto threats or leaned on only one side of the policy, and that policy was dig, dig, dig. In fact, there are 9,300 licenses to drill here in the United States that the energy companies are not using.

Mr. BARTON of Texas. Mr. Speaker, could I inquire how much time is remaining in the debate?

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining. The gentleman from Vermont has 3¾ minutes remaining.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 30 seconds.

To the extent we have an historical record on what this would do, on April 25, 2006, President Bush announced suspension of 67,000-barrels-a-day acquisition for the SPR for the summer driving season. The day before he made that announcement, the price of oil was $70.19. The day he made the announcement, it fell to $67.43 per barrel. And the day after he made the announcement, it went back up to $71.71 per barrel, which was a net increase of 62 cents a barrel. So to say that this is going to lower the price based on the historical record would be inaccurate.

Mr. WELCH of Vermont. I yield 1 minute to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman.

So here is where we are. There is something that President Bush can do right now to give relief to consumers at the pump after being shaken upside down and have money shaken out of their pockets as they refill their tank. President Bush said in 2006 that every little bit helps. We know it is not a panacea, but every little bit helps. Today he is saying, I am sorry. I am just going to go over and meet with sheiks in Saudi Arabia and ask them to please give us more oil that we can buy from them.

We should be more aggressive. One, stop filling at 70,000 barrels a day; two, stop drilling 70,000 barrels a day and you will see a huge change on the open market.

OBAMA says "yes." CLINTON says "yes." McCAIN says "yes." President Bush still says "no." Vote "yes" on the Welch resolution to ensure that the American consumer is protected at the pump.

Mr. BARTON of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 1-½ minutes remaining.

Mr. BARTON of Texas. I am going to yield myself 1 minute.

I want my friends on the majority side to listen, because at the end of this, I am going to ask for a unanimous consent request. And this is language that we have shared with the majority staff.

I am going to offer a unanimous consent request that at the end of the bill, insert the following new section:

Section 3. Use of Funds.

The Secretary of the Interior shall transfer to the Secretary of Energy an amount equal to the value of the petroleum that would have been deposited in the Strategic Petroleum Reserve from royalty-in-kind payments but for the suspension required under section 2(a)(1). Such amount shall be available for obligation by the Secretary of Energy without further appropriation as follows:

(1) 50 percent shall be retained for future acquisition of petroleum products for the Strategic Petroleum Reserve during any period when the price of oil is less than $75 per barrel.

(2) 25 percent shall be transferred to the Secretary of Health and Human Services as an additional amount for use in carrying out the Low-Income Home Energy Assistance Act of 1981.

(3) 25 percent shall be available for use by the Secretary of Energy to carry out alternative energy projects the Secretary is authorized by law to carry out.

Mr. Speaker, I would ask unanimous consent that this be added to the bill. And if it is, I will vote for the bill.

The SPEAKER pro tempore. The Chair will entertain that request from the manager of the motion.

□ 1500

Mr. WELCH of Vermont. Mr. Speaker, my understanding is that we can't amend the bill at this stage, and that this is a question for the Speaker.

Mr. BARTON of Texas. Mr. Speaker, it's a unanimous consent request, and the body can work its will by unanimous consent at any time.

The SPEAKER pro tempore. The proper manner in which to amend a motion to suspend the rules would be to withdraw the motion and resubmit it in amended form.

Mr. BARTON of Texas. Mr. Speaker, I am not asking that we withdraw the bill. I am just asking unanimous consent to add this to the bill, and we shared the language with the majority staff.

The SPEAKER pro tempore. The Chair will entertain such a request only from the manager.

Mr. WELCH of Vermont. Mr. Speaker, not having had an opportunity to review this, only hearing the recitation of it from my friend from Texas, not having any awareness as to whether this has been scored by the CBO, as has the underlying bill, I am not prepared to give unanimous consent to the gentleman's offer and would object at this time.

The SPEAKER pro tempore. The manager does not enter such a request.

Mr. BARTON of Texas. Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. WELCH of Vermont. A point of inquiry. The ruling of the Chair is that that proposed amendment was not in order?

The SPEAKER pro tempore. The Chair would entertain a request for unanimous consent request to amend only from a manager of the motion.

Mr. WELCH of Vermont. I am not making a request for unanimous consent.

The SPEAKER pro tempore. That disposes of the matter.

Mr. WELCH of Vermont. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Texas has 30 seconds.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to reiterate once more, I am not opposed to the generic policy of suspending shipments in the Strategic Petroleum Reserve. I am opposed to doing it with no input from the minority and absolutely no process and no alternatives made in order to amend the specific language, which we just tried to do, which wasn't allowed.

I do hope that this is the start of a serious effort to look at our strategic energy policy for this country. But for this bill, I would ask for a "no" vote.

Mr. WELCH of Vermont. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore. The gentleman from Vermont has 2¾ minutes remaining.

Mr. WELCH of Vermont. Mr. Speaker, I want to answer a few questions that were raised by my friend from Texas. First of all, the question is how, when it's such a small amount of oil, 70,000 barrels a day, can suspending purchases have an impact on the price?

There are two things, number one, history has shown that when the Federal Government, on behalf of the consumers of this country and the small businesses, have used this Strategic Petroleum Reserve to help alleviate market pressures. It's worked, and the previous speakers have recited how it happened with this President Bush, the prior President Bush and President Clinton. We have history as a guide that says taking this action does work.

Second, the reason it works is that one of the problems we have in the oil market is speculation. There was legislation passed in 2002 by Congress that included a loophole that allowed the deregulation of the energy futures trading market, and there is enormous evidence, that that has allowed hedge funds and arbitrageurs and speculators to impose a premium in the cost of each barrel of oil and in the cost of a gallon of gas.

The fact is, if the Federal Government is showing, particularly on a bipartisan basis, that we are going to use the levers that we have, even in a short-term way, to protect the consumer against the speculator, then that has a chastening impact on speculation and helps bring the price down.

Third, the process. My friend from Texas is the distinguished ranking member of that committee, but this issue about the Strategic Petroleum Reserve is well worn. In fact, it's been used before, as I mentioned, so it's not all that complicated. We are doing it only for the period of 2008 in respect to the wishes of the chairman.

The Senate has passed the Reid-Dorgan amendment by 97–1, essentially the very same proposal that we are considering today. The bottom line is this, will we take the short-term actions that it's within our reach to take that have a proven capacity to help the consumer?

I urge a "yes" vote on the bill.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of H.R. 6022, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008, which will temporarily suspend filling the Nation's Strategic Petroleum Reserve, SPR.

Paying top dollar to fill the SPR is a poor use of precious taxpayer dollars, particularly when there's no pressing need to add additional petroleum to the reserve at this time.

What's more, experts say that temporarily suspending the fill of the SPR is something that can be done right now to immediately lower gas prices for American families.

As oil and gas prices continue to climb to new record highs and with the summer driving season approaching, consumers are in dire need of immediate relief from skyrocketing prices at the pump.

Over the last 6 years, the price of oil has risen by nearly $100 and gas prices have more than tripled.

According to recent projections by the Energy Department, consumers are likely to face even higher prices at the pump this summer. They project that gas prices could rise to above $4.00 per gallon during the summer driving season.

Despite these record energy prices, the U.S. is currently taking 70,000 barrels of oil a day off the market to continue filling the SPR. Moreover, the Energy Department recently announced plans to increase this SPR fill rate to 76,000 barrels per day before the end of the summer.

Mr. Speaker, this just doesn't make any sense.

Even President Bush has suspended SPR purchases in order to lower fuel prices. In April 2006, President Bush said:

> I've directed the Department of Energy to defer filling the reserve this summer. Our strategic reserve is sufficiently large enough to guard against any major supply disruption over the next few months. So by deferring deposits until the fall, we'll leave a little more oil on the market. Every little bit helps.

Well, the President was right about something: every little bit does help. It's time to halt filling the SPR.

What's surprising is that now President Bush is rejecting bipartisan calls from Congress to once again suspend filling the SPR. It's curious that the President would now reject a sound proposal that he once embraced even though gas prices are now at record highs. In the absence of the President's leadership, the Democratic Congress is stepping in to force the administration to do the right thing and suspend filling the SPR.

Allowing more oil to reach the market will send a signal to oil speculators and will provide the type of immediate, targeted relief that we need right now.

I urge all of my colleagues to support H.R. 6022, to help American families with skyrocketing gas prices.

Mr. RAHALL. Mr. Speaker, I rise in support of H.R. 6022, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act of 2008.

At a time when crude oil is over $120 a barrel, it makes absolutely no sense for the Federal Government to continue purchasing massive quantities of oil in order to stick it in a hole in the ground for safe-keeping.

Under the current situation, the Federal Government is buying oil at record-high prices to fill the Strategic Petroleum Reserve at the rate of 70,000 barrels a day. These daily purchases create additional pressure on demand and further inflate prices at the pump. The Strategic Petroleum Reserve is roughly 97 percent full right now. We do not need to pay a premium to the oil companies just to top it off.

In addition to the obvious economic reasons to suspend filling the Reserve now, the Federal Government should not use oil taken as a "Royalty-In-Kind", RIK, from oil and gas production in the Federal waters of the Gulf of Mexico to fill the Reserve. By way of background, RIK is one of two methods used by the Government to collect the taxpayer's share of production from the Nation's substantial oil and gas mineral assets. The other method is good old-fashioned cash.

I have been arguing for years that the Royalty-in-Kind program is a bad idea. Under the pretense of "enhanced transparency" and "reduced litigation," the oil industry, with a little help from its Republican friends in Congress and the Administration, snookered folks into believing that taxpayers would get a better deal if Federal oil and gas royalty payments were made "in-kind" instead of paying in cash. Despite report after report, investigations and potentially even criminal indictments, the Minerals Management Service, MMS, has forged ahead with this misbegotten program. Today, the RIK Program is selling over 800 million cubic feet of natural gas per day and over 150,000 barrels of crude oil per day on the open market.

The MMS reports that revenues from sales of RIK oil and gas in fiscal year 2006 were approximately $4.1 billion. However, we have no way of knowing if it got the best price or even broke even. Even the MMS itself estimates that the Royalty-in-Kind program only increased royalty revenues by a meager 0.3 percent—which according to the Government Accountability Office, GAO, during a recent Natural Resources Committee hearing, could not be confirmed.

As further evidence of the problems with RIK, earlier this year, the Inspector General for the Department of Energy found chronic mismanagement in the transfer of oil between the Department of the Interior and the Department of Energy. During a brief 4-month period of oil transfers between the two agencies, approximately 32,000 barrels of oil were lost or could not be accounted for—that is almost $4 million worth of oil that is simply gone. The GAO also concluded that the current method for filling the Reserve is not cost-effective.

The bottom line—the Royalty-in-Kind program should not be used to fill the Strategic Petroleum Reserve. Not now, not ever.

Mr. Speaker, this bill is an important first step in reducing the pain Americans are feeling at the pump. It cuts off the flow of Royalty-in-Kind oil to the Strategic Petroleum Reserve at a time when that flow is neither necessary nor prudent. I believe we need to pass this bill and then take a closer look at the Royalty-in-Kind program overall to see if that, too, is costing the American taxpayer more that it is worth.

Mr. GENE GREEN of Texas. Mr. Speaker, I stand in strong support of H.R. 6022, Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act, introduced by my good friend from Texas, Representative NICK LAMPSON, and Representative PETER WELCH.

Today's rising petroleum and gasoline prices are set by a complex mix of factors, including global crude prices, increased world and U.S. demand, refinery capacity and maintenance schedules, gasoline imports, prescriptive fuel mandates, and geopolitical events. Most of these factors are out of our effective control. For those that aren't, like the proper management of fuel supplies in the Strategic Petroleum Reserve, SPR, I believe Congress should do all we can to help reduce the cost of energy to American consumers.

H.R. 6022 requires the Interior and Energy Departments to discontinue the acquisition of oil and shipments to the SPR until the end of this year, and permits fill to resume if the average price of oil does not exceed $75 a barrel. The bill also allows petroleum shipments ordered under existing Interior Department contracts to be shipped to the reserve.

This legislation is strongly needed because the current administration has also not been properly managing the SPR for American consumers. The SPR exists to protect us during an energy crisis, and is almost full to its 727 million barrels of oil capacity. But while the cost per barrel of oil continues to skyrocket, the administration continues to purchase high-priced oil off the market to put into the SPR, limiting the amount of oil available.

When oil prices are very high, we should release SPR oil into the market to increase supply, as the Department of Energy did in response to Hurricane Katrina. While not expected to significantly reduce prices, some studies suggest suspending the purchase of oil for the reserve could reduce gas prices anywhere between 5 to 24 cents a gallon. Every cent helps.

While there is no quick fix for gasoline prices, I hope Congress will also address America's need to produce additional domestic energy, both conventional and renewable, to ensure the reliability and affordability of our Nation's critical energy supplies.

Mr. UDALL of Colorado. Mr. Speaker, I am a cosponsor of this legislation and I urge its approval.

The bill would direct the President to temporarily suspend putting oil into the Strategic Petroleum Reserve through the end of the year, unless before that time the price of oil should drop below $75 per barrel.

This is the quickest step we can take to increase the supply of oil on the open market, and so to bring some relief to consumers suffering from the high price of gasoline and other petroleum products.

Currently, the Federal Government is putting some 70,000 barrels of oil into the strategic reserve each day, even though the reserve is 97 percent full. While there are no guarantees, economists estimate that suspending that action could reduce gas prices by 5 to 24 cents a gallon.

It should not have been necessary for Congress to be considering this legislation. Current law gives the president authority to suspend diversion of oil into the strategic reserve.

That authority has been used in the past, by the first President Bush, by President Clinton, and by the current President Bush, who did so in 2006. And history shows using that authority can help consumers—in 2000, after such action, the price of oil dropped by one-third, from $30 to $20 per barrel.

That's why last November, with other Members of Congress from both sides of the aisle, I sent a letter asking President Bush to again suspend putting oil into the strategic reserve.

Regrettably, the president did not agree to that request, or to a second similar request that many of us made last month. So now Congress must act to require what the president has declined to do on his own.

That is what this bill does and why I support its passage. But I think we should not stop there. There are at least five other steps to reduce the extent to which American consumers are paying the price for our flawed energy policies.

Specifically, we should—

(1) Crack Down on price gouging—Speculators have contributed to oil prices increasing 82 percent in the last year. While these have been regulated markets in the past, more and more new investment tools are outside of regulation by the Commodity Futures Trading Commission (CFTC) or any other Federal Government oversight. That's why I am backing a bill (H.R. 594) to give the CFTC oversight over additional energy commodities trading and to establish civil and civil and criminal penalties for price gouging.

(2) Consider Suspension of the tariff on ethanol imports—Suspending the 54-cent-per-gallon ethanol import tariff would mean more ethanol coming into the country, which would increase fuel supplies and lessen the pressure on prices.

(3) Stop subsidizing the oil and gas industry—The Republican Congress passed an energy bill in 2005 that included about $2.6 billion in tax cuts for the oil and gas industry—an industry that has seen record profits in the last few years. I strongly support removing some of the unneeded tax credits for this industry, specifically the tax credit for taxes paid to foreign governments and the deduction for domestic manufacturing activities for major oil and gas producers.

(4) Increase oil and gas drilling in certain areas—I support expanding exploration and development in appropriate areas both onshore and offshore, as long as it is done in a sustainable and environmentally sound manner. I also have proposed legislation (H.R. 3182), with the support of Representative JEFF FLAKE and other Members from both sides of the aisle, to relax the current embargo that prevents U.S. oil companies from competing to develop oil offshore from Cuba, where companies from other countries are currently drilling.

(5) Push renewable energy alternatives—promote cellulosic ethanol and the Production Tax Credit—Increasing America's use of renewable energy sources will also help address supply in future years by providing a more diverse energy portfolio. Cellulosic ethanol has great potential to not only lower our gas prices, but also our food prices as we move away from corn-based ethanol.

Mr. COURTNEY. Mr. Speaker, I rise in support of the Strategic Petroleum Fill Suspension and Consumer Protection Act and I am pleased to be a cosponsor of H.R. 6022.

As I travel around eastern Connecticut, I am confronted with families, business owners, truckers, farmers and fishermen who are struggling to maintain their lives and livelihoods.

Rising oil and gasoline prices are choking our economy. Food and consumer goods are rising as fuel prices rise, bringing additional pain to many people across our country.

In my hometown of Vernon, CT, the price of a gallon of gasoline hit $3.99. I am now hearing that some older gasoline pumps throughout the country are not even programmed to go above $3.99.

The bill before us today is simple, straightforward and effective. Instead of continuing to add 70,000 barrels of oil per day to fill an already stocked Strategic Petroleum Reserve, SPR, H.R. 6022 would instead, put that oil on the market to ease supply and price. And we should absolutely not increase the fill rate to 76,000 barrels per day like what the Administration has planned for later this summer.

Petroleum economists expect that gasoline prices could decline by as much as 24 cents if we stopped filling the SPR now. The SPR is 97 percent full with over 700 million barrels of oil; in March 2003, when we went to war in Iraq, the SPR stood at 599 million barrels.

Diverting oil from the SPR is something that the President has done in the past. When he directed the Secretary to stop filling the SPR during the summer of 2006, he did so by saying, "every little bit helps." At that time he further stipulated that the SPR was at a level that could weather any supply disruption during that summer. In 2006, the SPR stood at approximately 688 million barrels, less that what is there today.

I have written to President Bush several times asking him to divert oil from the SPR, but as yet, he has refused to heed my and my colleague's requests.

Our constituents need relief from rising oil prices and diverting oil from the SPR will achieve that goal. I urge my colleagues to support H.R. 6022.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 6200, To suspend the acquisition of petroleum for the Strategic Petroleum Reserve, and for other purposes, introduced by my distinguished colleague from Vermont, Representative WELCH. This legislation suspends the filling of the Strategic Petroleum Reserve for the rest of the year, as long as the price of crude oil remains above $75 per barrel, and is an important first step in addressing America's current energy crisis.

Mr. Speaker, we are all painfully aware of the devastation high energy prices have had on American families. This New Direction Congress, of which I am proud to be a part, is fighting to reduce our dependence on foreign oil and bring down record gas prices, and launch a cleaner, smarter energy future for America that lowers costs and creates hundreds of thousands of green jobs. In addition to being a representative from Houston, Texas, the energy capital of the world, for the past 12 years, I have been the Chair of the Energy Braintrust of the Congressional Black Caucus. As such, I recognize that energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security.

Today, as the national average of gas has reached a record high of $3.72 a gallon, this legislation is an imperative step in addressing a burgeoning crisis. Each day, it takes 70,000 barrels of oil off the market to fill the Strategic Petroleum Reserve, which at 97 percent full is at it highest level ever. While the President last week stated that he did not believe suspending filling the reserve would affect prices, in 2006 when he was about to apply the same strategy we seek today, he stated, "One way to ease price is to increase supply . . . . I've directed the Department of Energy to defer filling the reserve this summer. . . . So by deferring deposits until the fall, we'll leave a little more oil on the market." Despite calls from both sides of the aisle and both bodies of this Congress, President Bush has failed to listen to the will of the American people. As such, today the Senate passed a similar provision by a vote of 97–1, and this House intends to do the same.

Not only will suspending the fill of the SPR work this time, it has in the past when it was utilized by President George W. Bush, President Clinton, and President George H.W.

Bush. By temporarily diverting the 70,000 barrels of oil that go into the SPR a day, this legislation could reduce gas prices from 5 to 24 cents a gallon, helping American families, businesses, and the economy as a whole.

In 2006, when President George W. Bush deferred deliveries from the SPR, he stated, "Our Strategic Reserve is sufficiently large enough to guard against any major supply disruption over the next few months." Today, we have 702 million barrels of oil in the SPR, which is 14 million more barrels of oil than the 688 million in the SPR when President Bush suspended deliveries two years ago. I also believe we should put a moratorium on gas taxes through payment by energy company profits.

The President has the legal authority to suspend the fill of the SPR and help already suffering American families during this period of economic downturn. Because the President has ignored our requests to address this crisis, it is our duty to support this legislation and help the families, businesses, and economy of the United States. As such, I strongly support this legislation and urge my colleagues to join me and do the same.

Mr. ETHERIDGE. Mr. Speaker, this week gas prices have hit yet another new high. Today, gas prices are higher than they have ever been in the history of our country, and rural Americans are getting hit particularly hard.

Yet while most Americans are struggling to make ends meet, oil companies are making record profits. H.R. 6022, the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act, will suspend the acquisition of petroleum for the Strategic Petroleum Reserve to provide relief to the American consumer.

Mr. Speaker, everyone from farmers, commuters, employers, and senior citizens have been hit hard by the rise in gas prices. This is affecting the rural economy of the people of the Second District of North Carolina, and indeed rural areas across the country where people must travel long distances to make sure they have the basic necessities of life, from school and jobs, to church and the grocery store.

This legislation will suspend the purchase of as much as 70,000 barrels of oil per day, and could have the effect of lowering our gas prices. While I believe that it is our duty to find alternatives to our reliance on foreign oil, right now we need to take this step to suspend deposits into the Strategic Petroleum Reserve.

I urge my colleagues to vote for passage of H.R. 6022.

Mr. CASTLE. Mr. Speaker, I rise today in support of the Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act, H.R. 6022, which suspends the acquisition of oil for the Strategic Petroleum Reserve for the rest of this year, unless the average price of oil over a 90-day period drops below $75 a barrel. Earlier the Senate adopted an identical amendment, by a vote of 97–1.

As Memorial Day approaches and the summer driving season begins, there is little relief in sight for Americans from high prices at the pump, as gasoline prices quickly climb close to $4 a gallon and diesel fuel prices reach over $4 a gallon. Suspending acquisitions to the SPR, presently at 96 percent capacity, will free up 70,000 barrels of oil per day for supply and could reduce gasoline prices by 2–5 cents per gallon. Last month I was pleased to join Republican colleagues in calling on House leadership to temporarily suspend acquisitions to the SPR, and while such action will only free up a fraction of world oil supplies, I am pleased to lend my support to this first step in easing the financial pinch for families and truck drivers across the country.

The laws of supply and demand are real and high gas prices are one aspect of the bigger picture, and the fact remains that oil dependence affects our economy, security, and environment. In my view technology will take us to the next level in clean and alternative transportation fuels, and this requires robust investments now. Congress should address the cost-crunch today and act to ensure we have a comprehensive, clean, and secure energy policy for tomorrow.

In addition to the temporary suspension of acquisitions to the SPR, I believe we should also consider increasing refining capacity in the United States, without compromising environmental permitting, as well as ask transparency from oil producing countries to help verify available oil reserves and production capacity. Individual consumers too can take action by driving 55 miles per hour or less and proper tire inflation, which will slow gas consumption and save money. Looking forward, long-term extensions for renewable energy and energy efficiency tax credits are paramount; I have repeatedly supported efforts in the House to extend these important incentives and believe solutions to the present logjam over oil and gas subsidies are long overdue. I recently joined colleagues in the House as a supporter of the Clean Energy Tax Stimulus Act of 2008, which would provide for the limited continuation of clean energy production incentives and incentives to improve energy efficiency that would otherwise lapse under current tax law legislation.

There will be ongoing discussions about energy policies in Congress, and proposals will range from domestic drilling to lowering demand. As demand for world oil continues to climb, supply concerns are real. I support looking for alternatives before drilling in some of our most sensitive coastal areas, however Congress did open an additional 8.3 million acres in the eastern Gulf of Mexico, "Lease 181," to new oil and gas leases in December 2006, and I read with interest the oil discovery in the deep waters of the Gulf of Mexico that was just announced by Chevron.

Last year, Congress worked in a bipartisan manner to reduce our demand for oil by increasing the fuel economy standards for cars and trucks. It is my great hope that members on both sides of the aisle will continue to work on policies to reduce consumption, encourage innovative technology development, and promote energy self-sufficiency. I am pleased to support this temporary suspension to the SPR and hope it begins a meaningful dialogue about energy policy in this country, which is so important not only for national security but also for tackling global warming.

Mr. BISHOP of New York. Mr. Speaker, I rise in support of H.R. 6022, at a time when oil prices are reaching record highs, suspending the Federal Government's oil purchases is a win for consumers and for the Federal budget.

Regular gas now costs over $3.73 a gallon, compared to only $1.47 in 2001 before the President began implementing his disastrous policies. Families and businesses on eastern Long Island and across the country are calling on Congress to take action to lower these soaring gas prices and reduce our Nation's unsustainable addiction to oil.

In response, I am pleased to cosponsor this bill, which takes a good, first step. Economists and government agencies agree that suspending the filling of the Strategic Petroleum Reserve would directly impact gas prices this summer by making more oil available. In contrast, it would take at least a decade for consumers to benefit from Republican plans to hand over America's wilderness areas to big oil.

Moreover, it is not fiscally prudent for the Federal Government to continue to pay such high premiums to stockpile oil when we currently have sufficient reserves.

In the 108th and 109th Congresses, as Bush administration policies drove the price of gas to record highs, I introduced similar legislation to halt the filling of the Petroleum Reserve.

Today the need for such action is even greater, Mr. Speaker. Therefore I call on my colleagues to join me in support of H.R. 6022.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Strategic Petroleum Reserve Fill Suspension and Consumer Protect Act of 2008.

With gas prices at record highs and fast-approaching $4 per gallon, our constituents are suffering. There are many factors contributing to the rise in prices—ranging from increased global demand, to wild speculation in the futures market, to the weakening dollar. Unfortunately Congress does not have the power to control all these factors. We do, however, have a responsibility to take what steps we can to lessen the burden that the price of gas has on our constituents. That is why I support suspending shipments of oil to the SPR.

The SPR is almost entirely full, and certainly full enough to be used in an emergency. By stopping shipments of oil to the reserve, we can add 70,000 barrels of oil per day to the global market. There is evidence to show that this could lower at-the-pump prices by about a quarter per gallon. This action is a much needed first step for American families, businesses and the economy.

The supply of oil is finite, and as countries like China and India industrialize, and incomes in such countries enable people to afford cars, the demand on this limited commodity will drive prices upward in the long run. If our economy is to make a full recovery, we must reduce our dependence on ever more expensive and environmentally detrimental fossil fuels. That is why the Democratic 110th Congress raised CAFE standards for the first time in a generation and the House has time and again voted to remove subsidies for oil companies making the highest corporate profits in history and reinvest the money in the energy sources of tomorrow. What America really needs is a wholesale shift in energy policy.

I would like to thank the House leadership for bringing this important legislation to the floor, and I urge my colleagues to join me in supporting it.

Mr. WELCH of Vermont. Mr. Speaker, I thank Chairman DINGELL for his leadership and commitment to getting gas prices under control.

Mr. Speaker, I would like to submit this letter from Congressman RON KIND for the CONGRESSIONAL RECORD. Mr. KIND has been a leader on this issue starting in January when he sent this letter to the President urging him to take action in suspending shipments to the SPR.

Mr. Speaker, in the face of skyrocketing fuel costs and growing economic concerns, Congress must take action.

Today we take the small but important step of temporarily suspending the fill of the Strategic Petroleum Reserve. Taking this action sends a strong message to the market that will lower fuel prices and provide immediate relief to consumers.

With the price of gas today at nearly $4 a gallon and crude oil trading at a record high of $126 a barrel, we cannot continue the outdated policy of topping off a full SPR.

Since 2002, the price of oil has risen a staggering $100 a barrel, and prices at the pump have more than tripled. We must stop taking 70,000 barrels of oil off the market every day while hard working Americans are struggling to fill their gas tanks.

By continuing to top off our oil reserve, consumers are paying not once, but twice.

Taxpayer dollars are being used to pay record high prices for SPR oil, while the act of buying that oil is actually driving gas prices higher.

The reserve is currently 97 percent full and maintains a stockpile of over 700 million barrels of oil. By taking this action today, we can offer short term economic relief to the market and to all consumers.

This is a short term solution, and by no means a replacement for the long term energy policy we need to end our dangerous and costly addiction to oil. Last year this Congress made real progress by increasing CAFE standards for the first time in 2 decades by committing to combat oil and market manipulation, promoting the use of more affordable American biofuels, and making large investments in renewable energy development.

The U.S. consumes nearly 20 million barrels of oil a day. Prices are high in part because supply has not kept up with demand. The Department of Energy recently reported that suspension of shipments to the SPR could reduce prices by about $2 a barrel of oil and 5 cents per gallon of gasoline. Other experts have estimated that the suspension could diminish speculation in the market, and lower the price by anywhere from 5 to 25 cents a gallon.

This action would provide real and immediate benefits. Twenty-five cents would add $300,000 to the bottom line of a local trucking company in my district. A rural school district in E. Montpelier, Vermont would save $30,000 in taxpayer financed busing costs. Families, workers, seniors and students need this relief.

Over the last 8 months, the Bush administration has purchased over 10 million barrels of oil to top off the SPR. In that same period of time the price of oil went from $40 a barrel to over $120.

In 2006, facing record high oil prices President Bush said ". . . by deferring deposits until the fall, we'll leave a little more oil on the market. Every little bit helps." Every little bit does help, and I urge my colleagues on both sides of the aisle to take this opportunity to provide them immediate relief.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 22, 2008.

Hon. GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I write to urge the U.S. Department of Energy to suspend oil shipments to the Strategic Petroleum Reserve (SPR) to allow more oil to remain on the market and available to consumers. This action is necessary to address record prices and stimulate a precarious economy.

While the escalating cost of crude oil has made headlines for the past several years, never before have we seen as dire a situation for consumers as the one we are experiencing now. Even the price spikes following Hurricane Katrina did not come close to the $100 per barrel oil we saw last month, yet your Administration wisely responded to that crisis by temporarily suspending purchases for the SPR. That action was successful in providing the type of immediate, targeted relief we need now.

The writing is on the wall: our country is clearly in danger of recession. Unemployment is up, retail sales are slowing, housing prices continue to slide, and consumers and lenders alike continue to suffer the fallout from the sub-prime mortgage crisis. Average families are feeling the effects more painfully than ever as they experience the worst inflation in 17 years, largely because of escalating food and fuel prices.

Suspending the 12.3 million barrels of oil scheduled to be delivered to the SPR over the next six months is a simple step your Administration can take immediately to lower gas prices, put money directly into the wallets of Americans, and save taxpayer dollars. Congressional investigations and independent experts have found that purchasing oil for the SPR drives up gas prices, and costs taxpayers billions. This is money that working men and women cannot put into other parts of the economy, harming American families and businesses alike.

While I recognize this action should not be taken as a means of reducing prices in the long run, it can have temporary benefits that could go a long way to helping American families who are being squeezed, and to stimulate the economy. I urge you to take this important step.

Sincerely,

RON KIND,
Member of Congress.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 6022.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WELCH of Vermont. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MENTAL HEALTH MONTH

Mrs. NAPOLITANO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1134) supporting the goals and ideals of Mental Health Month.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1134

Whereas the mental health and well-being of Americans is a critical issue that affects not only the quality of life, but also the health of our communities and our economic stability;

Whereas the stigma associated with mental health persists;

Whereas more than 57,000,000 Americans suffer from a mental illness;

Whereas approximately 1 in 5 children has a diagnosable mental disorder;

Whereas more than 1 in 5 of our troops suffer from major depression or post traumatic stress disorder;

Whereas more than half of all prison and jail inmates suffer from mental illness;

Whereas mental illness is the most common disability in our Nation;

Whereas untreated mental illness costs businesses and the American economy over $150,000,000,000 annually;

Whereas untreated mental illness is a leading cause of absenteeism and lost productivity in the workplace;

Whereas in 2004, over 32,000 individuals committed suicide in the United States, at twice the rate of homicides;

Whereas suicide is the third leading cause of death among people between the ages of 10 and 24;

Whereas in 2004, individuals aged 65 and older made up only 12.4 percent of the population, but accounted for 16 percent of all suicides, and the rate of suicide among older Americans is higher than for any other age group;

Whereas 1 in 4 Latina adolescents report seriously contemplating suicide, a rate higher than any other demographic;

Whereas studies report that persons with serious mental illness die, on average, 25 years earlier than the general population; and

Whereas it would be appropriate to designate May 2008 as Mental Health Month: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Mental Health Month in order to emphasize scientific facts and findings regarding mental health and to remove the stigma associated therewith;

(2) recognizes that mental well-being is equally as important as physical well-being for our citizens, our communities, our businesses, our economy, and our Nation;

(3) applauds the coalescing of national and community organizations in working to promote public awareness of mental health, and providing critical information and support to the people and families affected by mental illness;

(4) supports the findings of the President's Commission on Mental Health that the Nation's failure to prioritize mental health is a national tragedy; and

(5) encourages all organizations and health practitioners to use Mental Health Month as an opportunity to promote mental well-being and awareness, ensure access to appropriate

services, and support overall quality of life for those with mental illness.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Mrs. NAPOLITANO) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Mrs. NAPOLITANO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on this resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, for far too long the topic of mental health has been pushed aside and swept under the rug. You don't see it, you don't talk about it, and you don't hear about it. It connotes people are crazy.

However, we cannot continue to ignore that mental illness does not discriminate. It touches all regardless of race, of gender, of class or of religion. It is time we address this issue at the forefront honestly and openly. Too many of our family members of our friends, our coworkers and especially our veterans and soldiers have had to suffer with mental illnesses in silence.

According to the U.S. Surgeon General, 57 million Americans suffer from some form of mental illness. Despite findings that most mental illnesses are highly treatable, only one in three individuals suffering from these illnesses seek and or receive any treatment.

This low treatment can be attributed to the strong stigma associated with mental health issue that is still pervade and persist. Twenty percent of our United States population suffers from a diagnosable, treatable mental disorder, making the mental illness the leading cause of disability in our Nation, affecting our businesses and our economy.

The mental health and well-being of Americans are critical issues that affect not only the health of our communities, the quality of life, and, as importantly, our economic stability. A new report by the National Institute of Mental Health found that serious mental illnesses cost Americans at least $193 billion a year in lost earnings alone.

Our action is far overdue. We have had tests, screening for breast cancer, for heart attacks, for strokes and a myriad of other diseases and conditions. We have not yet woken up to the fact that the brain functions are vital to our body's health and survival.

It is critical that we will destigmatize mental illness so that our children, our families, our veterans receive the necessary help they need to lead productive lives with support from their families and their communities.

I respectfully encourage all of my colleagues to support this resolution to recognize May as Mental Health Month. We must all come together on this critical issue. It is vital that we recognize the scientific facts and real findings regarding mental health and work to remove the stigma associated therewith.

By increasing awareness of mental health issues we can insure that individuals have access to services including early detection and early prevention, and, most of all, to assure parity in our medical delivery systems.

This will allow us to improve the lives of those suffering from mental illness and their loved ones while reversing the negative impact that mental illness has had on our economy, on our families, and on our Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1134, acknowledging the month of May as National Mental Health Month. Mental Health Month has been recognized by Congress for over 50 years and has continued to raise awareness in our communities and to lower the stigma associated with mental disorders.

I would like to express my gratitude to the national and community organizations working to promote public awareness of mental health, providing the proper information for families affected by mental illness. Your work is critical to increasing the quality of life for those with mental illnesses.

I would also like to thank the author of the resolution, Congresswoman GRACE NAPOLITANO of California, for her leadership in helping Americans' well-being and addressing mental disorders.

I would encourage all of my colleagues to vote in favor of this resolution.

With that, I would ask if Congressman MIKE CASTLE of the great State of Delaware could be the minority floor manager for the balance of this bill.

I reserve the balance of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. NAPOLITANO. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. I want to thank the gentlewoman from California for yielding time, but I also want to commend her for the tremendous leadership that she continues to provide on this critical issue of mental health, mental illness. I am pleased to join with her in support of H. Res. 1134, recognizing and acknowledging Mental Health Awareness Month during the month of May.

I agree with Representative NAPOLITANO that mental health is one of the major health issues facing our society, and yet it does not get the kind of attention that it needs and deserves.

When we think of all of the individuals who will suffer from substance abuse, all of the individuals who find themselves perplexed and not quite knowing how to navigate the society in which we live, and when we consider the fact that we have not reached the point of providing parity consideration nor parity treatment for mental illness, it's appropriate that we recognize May as Mental Health Awareness Month.

Again, I congratulate the gentlewoman from California for her leadership.

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Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I also rise in strong support of the legislation. I think mental health is something that needs awareness in this country. What this resolution does in dedicating the month to it is very significant, and I would encourage support of all Members here.

I reserve the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I really am grateful to my colleagues on the other side for their support. This has been a bipartisan effort, both with Representative MURPHY, myself, and members of the Mental Health Caucus.

It has been quite important to us to continue working in airing the issue for this Nation's ability to be able to understand that we need to have more focus on how mental health affects our daily lives, our children in school, our seniors, mental health depression, our veterans, our soldiers in war after several deployments, all of those are parts of the whole that we need to understand in how it affects our lives.

The Army recently issued a memorandum to train the chain of command on mental health issues. They are encouraging their servicemembers to talk to their commanders on these issues openly and without fear of retribution in certain areas where they have already been deployed.

Parity was passed in February in the House, and it is a good first step and must be signed into law and it will help not only families but business as well.

Mr. Speaker, I can't tell you how much I appreciate the time my colleagues have put into this. It is an issue that is very pervasive and we need to encourage more effort into it, not only in funding for research, but also in assistance to be able to render services so that individuals who suffer from these illnesses can continue good, productive lives.

I reserve the balance of my time, and I have no other speakers, Mr. Speaker.

Mr. CASTLE. Mr. Speaker, I don't believe we have any other speakers at this time, so I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Speaker, I have just one more word of thanks to my colleagues on both sides and I ask for continued support of this bill by a "yes" vote.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1134, supporting the goals and ideals of Mental Health Month. I would first like to thank my distinguished colleague, Representative GRACE NAPOLITANO of California, for introducing this important legislation. This legislation designates the month of May to raise awareness about mental health conditions and the importance of mental wellness for all. The mental health and well-being of Americans is a critical issue that affects not only the quality of life, but also the health of our communities and our economic stability.

Since the turn of this century, thanks in large measure to research-based public health innovations, the lifespan of the average American has nearly doubled. Today, our Nation's physical health has never been better. Moreover, illnesses of the body once shrouded in fear—such as cancer, epilepsy, and HIV/AIDS to name a few—increasingly are seen as treatable, survivable, even curable ailments. Yet, despite unprecedented knowledge gained in just the past three decades about the brain and human behavior, mental health is often an afterthought and illnesses of the mind remain shrouded in fear and misunderstanding.

Much remains to be learned about the causes, treatment, and prevention of mental and behavioral disorders. Obstacles that may limit the availability or accessibility of mental health services for some Americans are being dismantled, but disparities persist. Still, thanks to research and the experiences of millions of individuals who have a mental disorder, their family members, and other advocates, the Nation has the power today to tear down the most formidable obstacle to future progress in the arena of mental illness and health. That obstacle is stigma. Stigmatization of mental illness is an excuse for inaction and discrimination that is inexcusably outmoded in 1999.

The burden of mental illness on health and productivity in the United States and throughout the world has long been profoundly underestimated. Data developed by the massive Global Burden of Disease study, conducted by the World Health Organization, the World Bank, and Harvard University, reveal that mental illness, including suicide, ranks second in the burden of disease in established market economies, such as the United States. Mental illness emerged from the Global Burden of Disease study as a surprisingly significant contributor to the burden of disease.

Mental illness is the term that refers collectively to all diagnosable mental disorders. Mental disorders are health conditions that are characterized by alterations in thinking, mood, or behavior—or some combination thereof—associated with distress and/or impaired functioning. Alzheimer's disease exemplifies a mental disorder largely marked by alterations in thinking, especially forgetting. Depression exemplifies a mental disorder largely marked by alterations in mood. Attention-deficit/hyperactivity disorder exemplifies a mental disorder largely marked by alterations in behavior, over activity, and/or thinking, inability to concentrate. Alterations in thinking, mood, or behavior contribute to a host of problems—patient distress, impaired functioning, or heightened risk of death, pain, disability, or loss of freedom.

Suicide is a major, preventable public health problem. In 2004, it was the eleventh leading cause of death in the U.S., accounting for 32,439 deaths. The overall rate was 10.9 suicide deaths per 100,000 people. An estimated eight to 25 attempted suicides occur per every suicide death. Suicidal behavior is complex. Some risk factors vary with age, gender, or ethnic group and may occur in combination or change over time. Older Americans are disproportionately likely to die by suicide. Of every 100,000 people ages 65 and older, 14.3 died by suicide in 2004. This figure is higher than the national average of 10.9 suicides per 100,000 people in the general population. Non-Hispanic white men age 85 or older had an even higher rate, with 17.8 suicide deaths per 100,000.

Depression and post-traumatic stress disorder are very high among veterans from wars in Iraq and Afghanistan, leading to suicide rates even higher than combat deaths. Since October 2001 in Iraq and Afghanistan wars fought about 1.6 million U.S. soldiers, about 4500 of them died, according to Defense Department. The Rand study has found that 20 percent of returning U.S. soldiers suffer from post-traumatic stress disorder or depression, but only half of them get treatment. Comparing these figures it becomes clear that troops suffer from post-traumatic stress disorder complications more than from actual war. Soldiers with combat traumas are more likely to suffer from post-traumatic stress disorder. Of these troops 53 percent have received mental care during the last few years, but Rand report says that half of them did not receive adequate care. This is one of leading causes leading to depression development in veterans. There are currently 300,000 soldiers suffering from mental illnesses and they need new innovative treatment for depression or PTSD treatment.

Mr. Speaker, I support the goals and ideals of Mental Health Month in order to emphasize scientific facts and findings regarding mental health and to remove the stigma associated. I recognize that mental well-being is equally as important as physical well-being for our citizens, our communities, our businesses, our economy, and our Nation. I encourage all organizations and health practitioners to use Mental Health Month as an opportunity to promote mental well-being and awareness, ensure access to appropriate services, and support overall quality of life for those with mental illness.

Mr. KENNEDY. Mr. Speaker, I rise in support of H. Res. 1134, legislation to support the goals and ideals of Mental Health Month. I would like to thank my colleagues and co-chairs of the Mental Health Caucus, Representative NAPOLITANO and Representative MURPHY, for their continued dedication to educating Congress on this most important issue.

It is critical for Congress to recognize May as Mental Health Month because we have the leadership role and the responsibility to transform mental health care in America. We are working to change the access, the delivery system and the outcomes of care. But we are also working to bring down the barriers to action that exist because of stigma, ignorance and misunderstanding of mental illness and substance use.

Congress must work to increase public awareness and understanding of mental illness and substance use by funding research in genetics and functional medicine and developing and translating this research into effective treatments. We have the evidence to show how the brain suffers from the effects of mental illness and substance use. We know also that people who suffer the long term effects of mental illness die at an earlier age, suffer from untreated diabetes, hypertension and other chronic disease, because it is so difficult to get the care they need to protect their health and functioning.

Several years ago, our Nation did not talk about cancer because of our fears, our poor understanding and our dread of losing our loved ones. Now mental illness is emerging from that same silence and neglect. As President Kennedy said, "This neglect must end, if our Nation is to live up to its own standards of compassion and dignity."

For all our citizens bearing the burdens of mental illness and substance use, and their families, especially their children, we are working to improve the awareness, understanding and effective treatment of mental illness. We owe it to our veterans to fully treat the damaging psychological wounds of war as well as their physical injuries. We owe it to their children to return them well and sound to be the parents and spouses they deserve to be.

This leadership is a shared responsibility with Federal agencies, State and local governments, employers, businesses, churches, law enforcement, schools, sports, the entertainment industry, and every part of our community. I thank my colleagues for bringing this resolution to the floor and join them in their support recognizing May as Mental Health Month.

Mr. BACA. Mr. Speaker, I rise today in support of H. Res 1134, supporting the goals and ideals of Mental Health Month.

Mental Health Month helps to educate our communities that mental health is a fundamental and humane priority for America's well-being.

The quiet suffering of the afflicted, the familial pain shared by their loved ones, and the societal stigma associated with mental illness all make mental health very important to all Americans.

We must realize the toll mental illness has taken on the young. One in five children has a mental disorder. Furthermore, suicide is the third leading cause of death among teenagers, and every one in four Latina teens report seriously contemplating suicide, a rate higher than any other demographic.

Mental illness continues to be a silent illness for our veterans and soldiers returning from serving overseas. More than one in five of our troops suffer from major depression or post traumatic stress disorder. No longer should these conditions be swept under the rug, these are difficult situations that a lot of military families are facing every day.

Today senior citizens compose 12 percent of the population, but account for 16 percent of all suicides, higher than for any other age group. Our seniors are the foundation of this country and their mental health needs are underserved.

These are alarming and concerning statistics. Yet, many of us still don't know the extent of the mental health problems America is suffering from. Untreated mental illness costs the American economy over $150 billion annually.

I urge my colleagues to vote in favor of this resolution and educate our communities that mental health is a fundamental and humane priority for America.

Mrs. JONES of Ohio. Mr. Speaker, today I rise in strong support of H. Res. 1134, a bill which supports the goals and ideals of Mental Health Month. I support this legislation because I believe that Congress should seek to raise awareness about mental health conditions and the importance of mental wellness for all.

The plight of families suffering from mental illness is immense and can often be linked to an absence of adequate social services available coupled with the unwarranted stigma surrounding mental health issues. Due to the unwarranted social stigma associated with mental illness and a systemic failure to provide health care coverage, over two-thirds of the people who suffer from mental illness go untreated according to the Department of Health and Human Services.

According to the National Institute on Mental Health, 20 percent of our children and 26.2 percent of American adults suffer from a diagnosable mental disorder in a given year. As the leading cause of disability in the U.S., many people suffer from more than one mental disorder at a given time. According to the Centers for Disease Control, one in two Americans has a diagnosable mental disorder each year.

Within minority communities, there is an increased need for mental health services. For example, according to the Centers for Disease Control, African Americans are more likely to experience a mental disorder and less likely to seek treatment than Caucasian Americans. When African Americans do seek treatment, they are more likely to use the emergency room for mental health care, and they are also more likely than whites to receive inpatient care.

In 2004, the House Government Reform Committee estimated $100 million of taxpayers' money was spent on detention of youth awaiting community mental health services. I am alarmed by this number and therefore support H. Res. 1134 because it recognizes the dual need for preventative mental and physical healthcare.

Last year, I introduced H. Con. Res. 86 to express the sense of Congress that an appropriate month should be recognized as Bebe Moore Campbell National Minority Mental Health Awareness Month. Bebe Moore Campbell was a premier journalist who, before her untimely death, authored a children's book titled, Sometimes My Mommy Gets Angry, winner of the National Alliance for the Mentally Ill Outstanding Literature Award. Through this story of how a little girl copes with being reared by her mentally ill mother, Moore Campbell was able to raise public awareness on mental health issues and heighten the consciousness of this topic within minority communities.

We must strive to accomplish the goals and ideals associated with Mental Health Month in order to alleviate the obstacles and burdens many people and families who are affected by mental illness face on a daily basis. Again, I would like to affirm my support of H. Res. 1134.

Mr. CONYERS. Mr. Speaker, I rise to voice my strong support for H. Res. 1134, supporting the goals and ideals of Mental Health Month. This legislation applauds the hard work of practitioners and national and community organizations in promoting mental health awareness, and supports improving the overall quality of life for those with mental illness. H. Res. 1134 also supports the findings of the President's Commission on Mental Health that the nation's failure to prioritize mental health is a national tragedy.

Mr. Speaker, mental health is no less important than physical health. In fact, as science is proving, mental health and physical health are intertwined in complex ways that are only beginning to be understood. The relationship between depression and heart disease is just one example of the inherent symbiosis of psychiatric and somatic illnesses.

Just as the heart is the organ upon which heart disease preys, the brain is the organ plagued by diseases of the mind. Likewise, death as a result of suicide is no less tragic than death secondary to a heart attack. Those suffering from severe psychiatric illness should not be held to a lesser standard of care than those suffering from physical illnesses.

Ensuring access to appropriate services is central to improving the quality of life for those with mental illness. The issue of mental health insurance parity, in my opinion, is a civil rights issue. Inequity of coverage with regard to mental health and substance abuse treatment benefits is tantamount to discrimination against the mentally ill, and it reinforces the strategy of insurance companies to deny care rather than provide care.

The mental health community scored a victory for its patients earlier this year when the House voted to pass H.R. 1424, the "Paul Wellstone Mental Health and Addiction Equity Act of 2007."

It has taken courage on the part of Congressmen like my colleague PATRICK KENNEDY to stand up to special interests and "do the right thing" when it comes to ending discrimination against the mentally ill and standing up to health insurance companies. There is still work to be done before a mental health insurance parity bill is signed into law. Hopefully, the bill will soon be reconciled into a form which will benefit psychiatric patients and end discrimination against the mentally ill.

Mr. Speaker, let us applaud the tireless work and unending determination of those fighting to improve the lives of the mentally ill. Let us also be reminded that there is much work to be done before the stigma associated with mental illness is ended, and the lives of those suffering from mental illness are valued as much as those suffering from other medical illnesses.

Mrs. NAPOLITANO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Mrs. NAPOLITANO) that the House suspend the rules and agree to the resolution, H. Res. 1134.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL TRAIN DAY

Ms. CORRINE BROWN of Florida. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1176) supporting the goals and ideals of National Train Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1176

Whereas, on May 10, 1869, the "golden spike" was driven into the final tie at Promontory Summit, Utah, to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, in highly populated regions, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option, reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas passenger rail provides a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;

Whereas passenger railroads emit only 0.2 percent of the travel industry's total greenhouse gases;

Whereas Amtrak annually provides intercity passenger rail travel to over 25,000,000 Americans residing in 46 States;

Whereas an increasing number of people are using trains for travel purposes beyond commuting to and from work;

Whereas our railroad stations are a source of civic pride, a gateway to our communities, and a tool for economic growth; and

Whereas Amtrak has designated May 10, 2008, as National Train Day to celebrate the way trains connect people and places: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the contribution trains make to the national transportation system;

(2) urges the people of the United States to recognize such a day as an opportunity to learn more about trains; and

(3) supports the goals and ideals of National Train Day as designated by Amtrak.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. CORRINE BROWN) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. CORRINE BROWN of Florida. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. Res. 1176.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise in support of this resolution, and I yield myself such time as I may consume.

National Train Day celebrates the 139th anniversary of the "golden spike," which was driven into the final tie in Utah and marked the completion of our Nation's first transcontinental railroad in 1869.

This weekend I celebrated National Train Day by holding events throughout my district, including press conferences and events in Jacksonville, Winter Park, and Sanford Auto Train station. We had a great turnout at every event, and I heard firsthand from people who use Amtrak every day to go to work and visit friends and family all over the country.

As Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, I have had the privilege to see firsthand passenger rail systems in other countries. I have taken high-speed trains from Brussels to Paris, 200 miles, 1¼ hours; and from Barcelona to Madrid, 300 miles, 2½ hours; and the advantage for travelers and for business are tremendous. We need to catch up with the world, and with gas prices edging toward $4 a gallon, some places $5 and $6, now is the perfect time for us to begin to make serious investment in passenger rail.

Indeed, Amtrak ridership and revenue has never been stronger. In 2007, Amtrak set a new record for ridership, exceeding 25.8 million passengers. In the same year, ticket revenues increased by 11 percent, to more than $1.5 billion. For my State of Florida, Amtrak expenditures for goods and services in the State soared to nearly $40 million last year, and Amtrak currently employs over 700 Florida residents.

I have traveled all over the country and have conducted many transportation roundtable events that feature rail and its importance, and the people I have talked to love Amtrak. It is a great way to commute to work, takes cars off our congested highways, and improves the environment. In many areas of the country, it is the only means of public transportation available.

Now what I can't understand is why the Bush administration, again, in the midst of sharp increases in gas prices, continues in its efforts to destroy passenger rail in this country. Every industrialized country in the world is investing heavily in rail infrastructure because they realize that this is the future of transportation. But sadly, as their systems get bigger and better, our system gets less and less money.

While the administration has spent nearly a trillion dollars on the war in Iraq, it continues to decrease their requests for Amtrak. This year they only requested $800 million for Amtrak's 25.8 million passengers. Well, that is an improvement from zero. For Amtrak, just one week's investment in Iraq would significantly improve passenger rail across the country for an entire year. This is another perfect example of how out of touch this administration is because I can assure the President that there is a whole lot more support for Amtrak in this country than there is for the war in Iraq.

Unfortunately, there is a lot of misinformation about Amtrak, and it is important for people to know the facts. Ridership numbers and ticket revenue are at a record level. Outstanding debt has been reduced by $600 million over the past 6 years, and many major infrastructure projects have been completed. And this has been achieved with a workforce that has been reduced by over 4,000 employees. We still have a lot of work ahead of us when it comes to Amtrak, and it took a major step forward last week when we introduced legislation reauthorizing Amtrak at a level that would allow it to grow and prosper. The legislation developed by the chairman of the Transportation and Infrastructure Committee, Mr. JAMES OBERSTAR and myself, and introduced with Congressmen MICA and SHUSTER, provides over $2 billion a year for capital and operating grants, $500 million per year for developing State passenger corridors, $345 million per year to pay down debt, $345 million per year for high-speed rail programs, $600 million to start working on constructing a new tunnel through Baltimore, and requires a plan for restoring service to the Sunset Limited, one of my top priorities.

Major infrastructure improvements are also necessary to improve the safety and security of the system and its passengers and workers. Amtrak has and will continue to play a critical role in evacuating and transporting citizens during national emergencies. Unfortunately, it is also a prime target for those who wish to harm us and we must provide resources to make the system less vulnerable.

Fifty years ago, President Eisenhower created the national highway system that changed the way we travel in this country. Today we need to do the same thing with our rail system, and with Amtrak reauthorization we are doing just that.

The United States used to have a first class passenger rail system. However, after years of neglect, we are now the caboose, and they don't even use cabooses anymore. The American people deserve better, and I believe our Amtrak reauthorization bill will go a long way to restoring the American passenger system.

I encourage my colleagues to show their support for our Nation's rail system and its employees by holding events at our local commuter train stations any time during the year, and I would also encourage Members to cosponsor H.R. 6003, the Amtrak reauthorization bill.

I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield myself such time as I may consume.

I enthusiastically support this resolution recognizing National Train Day. The ceremonial golden spike hammered on May 10, 1869, marked the completion of one of this Nation's greatest engineering masterpieces, and marked the birth of what would become the greatest rail network in the world.

The United States now has 140,000 miles of railroads, making up the transportation backbone of this Nation. These railroads are environmentally friendly, producing significantly less pollution than competing modes of transit. In fact, a train can haul one ton of freight 436 miles on one gallon of diesel fuel, and is three times cleaner than a truck. Furthermore, trains help alleviate congestion on our crowded highways. One train can take 280 trucks off the road.

The recently introduced Amtrak reauthorization, H.R. 6003, will make significant enhancements to Amtrak's growing business. The legislation will give Amtrak the funding it needs to continue improving its service while also creating innovative programs to enhance passenger rail service.

The State grants provision in the bill will give a greater say in how Federal funding is utilized for capital projects, and a private operator pilot program will increase innovation and competition in passenger rail service.

Additionally, H.R. 6003 includes a plan to create public-private partnerships to construct true high speed rail corridors all over the Nation. High-speed rail promises safe, fast and convenient service, all the while helping to alleviate aviation and highway congestion. I urge passage of H. Res. 1176.

I reserve the balance of my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentlewoman from Florida has 13½ minutes remaining.

Ms. CORRINE BROWN of Florida. I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the distinguished chairwoman of the House Railroads Subcommittee for yielding me this time.

We have heard many words of accolade for our railroads. I would like to second some of that. This marks the 139th anniversary of the completion of the transcontinental railroad, indeed a very strong engineering feat in our country's history.

Today, with gas prices soaring, which we have had a debate already on this floor, congestion building on our highways, and concern about greenhouse gases on the rise, we need to address this. The I–95 corridor is in difficult shape with respect to all of these issues.

□ 1530

Highway congestion has become a critical problem, costing Americans 4.2 billion hours and 2.9 billion gallons of fuel, sitting in traffic delays.

In contrast, passenger railroads are one of the cleanest forms of transportation. It emits only 0.2 percent of transportation industry's greenhouse gases.

Between Boston and Washington, D.C., ridership on Amtrak has surged by 20 percent, representing enough new passengers to fill 2000 757 jetliners.

As a co-chair of the House Passenger Rail Caucus, and as one who takes Amtrak on a regular basis, and I've seen the increase in the crowds on it and talked to many people on it, I realize that this truly the future, and something that Congress should be paying a lot of attention to in terms of supporting the need for future legislation in dealing with the issues of Amtrak and rail travel in our country.

I thank Chairwoman BROWN for her strong leadership, and encourage all the Members of the House to support this legislation.

I'd just like to point out, as I often have in speaking about Amtrak, Mr. Speaker, we really need to look at our highways and our airports as well. This is one way of relieving a good number of those burdens. And hopefully we can pass this legislation and pay a lot more attention to what we're dealing with on rail travel in this country in the future.

Mr. BOOZMAN. I will continue to reserve my time.

Ms. CORRINE BROWN of Florida. I yield 3 minutes to the Congresswoman from California, my friend, Mrs. GRACE NAPOLITANO.

Mrs. NAPOLITANO. Mr. Speaker, I rise in strong support of House Resolution 1176, supporting the goals and ideals of National Train Day. And I do congratulate the hard work that's gone into transportation on rail, because I sit on the subcommittee, I see the great need and the great movement that is happening.

The National Train Day recognizes the day when Central Pacific and Union Pacific railroads were joined in a golden spike Promontory Summit, Utah on May 10, 1869. Union Pacific Railroad and BNSF both run through my cities. One has 90 freight and passenger trains, and BNSF has 75 freight and passenger trains daily, carrying over $400 billion in annual trade for this Nation.

We must continue to work to relieve the public problems caused by railroads, the traffic delays at great crossings, the air quality concerns from pollution, the noise from the whistles and the rail cars and the safety concerns over derailments and other accidents.

I know that we have been able to understand a lot more of what the railroads need from us here in Congress, but, by the same token, I think they continue to try to be good citizens.

This House has passed H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. That bill takes a major step forward in addressing safety concerns with our railroads. We urge the Senate to pass this bill quickly.

H.R. 6003, the Passenger Rail Investments and Improvement Act of 2008 was introduced by the Transportation Committee this week. This will be a much needed investment as was recognized in Amtrak in our passenger rail system.

Earlier we heard from speakers talking about the price of gas. Well, the more people get on trains and Amtrak, the better off that we're going to be able to meet those demands.

The Railroad Subcommittee will hold a hearing on this bill tomorrow.

I thank Chairwoman BROWN for authorizing this resolution and Chairman OBERSTAR for his leadership on this issue.

Mr. BOOZMAN. I will continue to reserve my time.

Ms. CORRINE BROWN of Florida. Mr. Speaker, let me reiterate that 50 years ago, Eisenhower created a national highway system that changed America. Today we need to do the same thing with our rail system; and with this Amtrak reauthorization, we're doing just that.

The United States of America used to be the first as far as passenger rail was concerned. And I say it over and over again, now we are the caboose. And we don't use cabooses anymore. The American people need and deserve better.

Let me also mention that joining us on celebrating Amtrak National Train Day were 150 ladies from the Hope Chapel Church who rode from Jacksonville to Winter Park. And also, we had over 60 activities throughout the country. Participating in those activities were the Harlem Globetrotters and many Members of Congress.

I, in closing, am very excited about moving this country forward as far as making sure that we are no longer the caboose.

I yield back the balance of my time.

Mr. BOOZMAN. Mr. Speaker, in closing, I also want to urge adoption of this resolution. I want to thank the gentlewoman from Florida and the ranking member, Mr. SHUSTER, for bringing it forward. I also want to compliment them and their staffs for the hard work that they are pursuing now on the Amtrak reauthorization.

Again, I urge adoption.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of House Resolution 1176, which supports the goals and ideals of National Train Day.

National Train Day marks the 139th anniversary of the "golden spike" being driven into the ground at Promontory Summit, Utah, in 1869. The golden spike bound the last tie connecting the last rail that united the Central Pacific Railroad with the Union Pacific Railroad, connecting the United States by rail from coast to coast.

The transcontinental railroad was born thanks to the support of President Abraham Lincoln. He, along with Civil War leaders, envisioned and planned the creation of the railroad. Not only did the completion of the railroad result in the ability to deliver goods and people across the country, it ultimately bound the East with the West, further unifying the country as the divide between the North and the South was beginning to mend.

The transcontinental railroad was the first of its kind. It was an engineering marvel completed with great precision and speed. The railroad was an engineering wonder and it set the example for how transcontinental railroads would be built across Canada and Russia some 20 to 25 years later.

Completion of the transcontinental railroad created a new sense of wonder and enthusiasm for discovery and entrepreneurship across the country. It set the stage for a great migration of businessmen, created a new frontier for those seeking a new way of life, enabled faster movement of people and goods, and provided the country with a great opportunity to expand the economy.

Today, we are witnessing a rebirth of passenger rail in America. In the same way that the transcontinental railroad was critical to our Nation in the late 19th century, a strong national passenger rail system is vital today. To strengthen intercity passenger rail in this country, I have introduced H.R. 6003, the "Passenger Rail Investment and Improvement Act of 2008." The bill authorizes $14.4 billion for Amtrak over the next 5 years. The Committee on Transportation and Infrastructure will mark up the bill next week.

The National Railroad Passenger Corporation, more commonly known as Amtrak, operates a nationwide rail network, serving more than 500 destinations in 46 states over 21,000 miles of routes, with nearly 19,000 employees. Amtrak recently marked the beginning of its 38th year of operation. Our passenger rail service has come a long way since its beginnings in 1971, and has faced many challenges since, but continues to grow stronger with each passing year. Despite uneven Federal investment over the years, Amtrak has persevered, achieving many successes in improved operating efficiency, increased ridership, and higher revenue.

In fact, in FY 2007, Amtrak set a new ridership record for the fifth year in a row, exceeding 25.8 million passengers. At the same time, Amtrak increased ticket revenues by 11 percent to more than $1.5 billion, a figure that increased for the third straight year. These successes are being enjoyed across Amtrak's entire network. In fiscal year 2007, Amtrak held 56 percent of the air/rail market between New York and Washington and 41 percent of the market share between New York and Boston. This shows that where Amtrak is provided the resources to succeed, it provides a trip-time competitive alternative to air and automobile.

America needs to look toward Amtrak as we address our growing transportation needs. The Department of Transportation describes the problem of congestion on our highways and in the air as "chronic." Amtrak removes almost 8 million cars from the road annually. Airports are experiencing significant delays too, with more than 400,000 flights departing or arriving late in 2006. Amtrak eases air congestion by eliminating the need for 50,000 fully loaded airplanes each year.

Amtrak is also a substantially more environmentally friendly mode of transportation than automobiles or airplanes. According to the World Resources Institute, rail transportation produces 57 percent less carbon emissions than airplanes, and 40 percent less carbon emissions than cars.

Mr. Speaker, I lend my strong support to the commemoration of National Train Day on May 10, 2008, and encourage all of my colleagues to use this excellent opportunity to reflect on the benefits that Amtrak and intercity passenger rail provide to our Nation.

Mr. RANGEL. Mr. Speaker, I rise today to express my support of H. Res. 1176, Supporting the goals and ideals of National Train Day, as a Member who appreciates and recognizes the vital role of trains in our economy and as a passenger who commutes between New York and Washington, DC, on the Amtrak Acela. I find my commute by train a convenient, efficient and relaxing way to travel that enables me to read and work in comfort and arrive refreshed, usually on time, and downtown, closer to my destination. I praise the efforts of visionary leaders who over the years have advocated the preservation and modernization of passenger rail service.

Trains have played a vital and historic role in this country, transporting cargo and passengers since the early 19th century, when the first steam locomotive was built by engineer George Stephenson. Without the creation of the steam engine, the Industrial Revolution would not have occurred and our great country would not have been able to prosper as much as it has. In 1869, the first transcontinental railroad was completed. Known as the 'golden pike,' it connected both the east and west coast of the United States, linking our Nation and bridging the geographical divide like never before.

Although there are a greater number of modes of transportation—planes, cars, buses—than there were in the early 1800s, trains are still relied on to transport large amounts of freight and millions of people everyday. They have reduced congestion in major cities, helping to reduce pollution connecting people in rural areas to urban centers.

The history of trains has come a long way, from burning coal and going only 130 km/h to high-speed trains that can go from 200 km/h to 350 km/h and are electrically driven by overhead cables. Trains are constantly changing and improving. Due to global warming and greenhouse effects, trains now run more fuel efficiently, emitting only 0.2 percent of the travel industry's total greenhouse gases.

I support National Train Day because the train industry has been an important part of America's story and its economic development, as well as a large part of Americans' day-to-day lives.

Mr. BOOZMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. CORRINE BROWN) that the House suspend the rules and agree to the resolution, H. Res. 1176.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CONGRATULATING WINONA STATE UNIVERSITY ON WINNING THE 2008 DIVISION II MEN'S BASKETBALL CHAMPIONSHIP

Mr. WALZ of Minnesota. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1133) congratulating Winona State University on winning the 2008 Division II men's basketball championships, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1133

Whereas on March 29, 2008, the Winona State University Warriors of Winona, Minnesota, won the 2008 National Collegiate Athletic Association (NCAA) Division II National Basketball Championship with a victory over Georgia's Augusta State University, with a score of 87–76 in Springfield, Massachusetts;

Whereas Jonte Flowers was named the 2008 NCAA Division II Elite Eight Tournament's Most Outstanding Player for his performance throughout the tournament;

Whereas Jonte Flowers also holds the NCAA Division II record for player career steals, with 414;

Whereas the Warriors finished the 2008 season with a record of 38–1, an NCAA Division II record for most victories in a season by an NCAA men's basketball team;

Whereas over the past 3 years, the team's overall record is an impressive 105–6;

Whereas the senior class, which includes John Smith, Jonte Flowers, Quincy Henderson, Shane Neiss, and Brent Riese, accrued a record of 129–17 in their 4 years of play together at Winona State University;

Whereas John Smith was named the NCAA Division II Player of the Year by four separate organizations, which include 2 consecutive years of recognition from Basketball Times and DII Bulletin, as well as the National Association of Basketball Coaches, for his outstanding performance throughout the year;

Whereas John Smith also holds the NCAA Division II record for consecutive starts, with 146;

Whereas the Winona State University Warriors men's basketball team boasts two national titles from 2006 and 2008, three straight North Central Region titles from 2006, 2007, and 2008, four straight regular season championships, and three straight conference tournament championships;

Whereas head coach Mike Leaf has been named the Northern Sun Intercollegiate Conference Coach of the Year four times and National Coach of the Year two times; and

Whereas in 2006 and 2007, the team broke the NCAA Division II consecutive win record by winning 57 straight games: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the Winona State University Warriors for winning the 2008 National Collegiate Athletic Association Division II Basketball National Championship; and

(2) recognizes Bryce Welch, Brad Meyer, Travis Whipple, Quincy Henderson, Curtrel Robinson, Ben Fischer, Brent Riese, Jonte Flowers, David Johnson, Jon Walburg, Luke Doedens, Max Hintz, Josh Korth, Matt Smith, Shane Neiss, Ryan Gargaro, John Smith, Mike Muller, head coach Mike Leaf, and all other coaches and support staff who were instrumental in this achievement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. WALZ) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. WALZ of Minnesota. I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and to include any extraneous material on House Resolution 1133.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WALZ of Minnesota. Mr. Speaker, I yield myself as much time as I may consume.

Today we're here to congratulate a basketball team at Winona State University, but I think it's important to put it into the greater context of what our young people are doing here.

I'll talk a little bit in just a minute about the great accomplishments of what this team did, but I think it's equally important to understand the institution that they're coming from. Winona State University is in the town of Winona, Minnesota. That's on the western bank of the Mississippi River.

Winona State University was founded at the same time as the State of Minnesota was founded. We're celebrating our sesquicentennial in the North Star State this year. And Winona State University was the first teachers college west of the Mississippi River. That institution, that public institution of higher learning has fulfilled its calling and its mission for the last 150 years, at the highest quality of achievement that we could ask for. I congratulate President Judith Ramaley for her work. I also congratulate Vice President Jim Schmidt. He's the Vice President of Advancement.

There are some things going on at Winona State University, like the National Child Protection Training Center, the work they're doing educating our teachers, nurses, law enforcement officials that I think are equally as important.

But I think it's important to understand that in a well-balanced education like our student athletes are getting at Winona State University, stressing the extra-curriculars and the teamwork that goes to that, and the striving for excellence is important, so I'd like to talk just a bit about this time.

A little over a month ago, during our own March Madness in Minnesota, Winona State defeated Augusta State 87–76. This was the second national championship in the last 3 years, and three straight trips to the national championship. We're really proud of this dynasty that's being developed amongst these student athletes.

In addition to their national championship, they've won nine conference titles in a row. They've also won three straight Northern Sun Intercollegiate Conference titles.

In 2006 and 2007 they broke the Division II record of 57 straight victories. In 2008 the Warriors finished with a record of 38–1, an NCAA Division II record. Over the past 3 years, their record is 105–6.

Five seniors have been together throughout this entire run, and they should be congratulated. They'll all be graduating this year, and I'd like to congratulate each one of them individually. John Smith, Jonte Flowers, Quincy Henderson, Shane Neiss and Brent Riese. Together, those five individuals compiled a 129–17 record in 4 years.

Of course all of this wouldn't be possible without the leadership of coach Mike Leaf, who's done an outstanding job of working with the character as well as the accomplishments of these fine young athletes. I'm extremely proud to have Winona State University in the district that I represent; extremely proud of the student athletes that represent Southern Minnesota so well.

I ask today for, hopefully, unanimous consent from my colleagues to recognize them on this great achievement.

I would also make, as a side note, Winona State boasts some famous alumnas. One of them is my colleague on the minority side, Mrs. BACHMANN, and we're very proud to have her here, and Winona State for producing our Congresswoman from up in the Sixth District.

I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I thank and congratulate the gentleman from Minnesota with respect to Winona State University's great year and great record over the last 3 years.

By sort of coincidence, I happened to watch part of this game on television, I think the last half of the game, and they had a remarkable comeback as they beat the Augusta State University team. They are really a superb basketball team.

I had the pleasure of playing a little bit of Division III basketball many years ago. And either basketball's improved tremendously in those intervening years, or Division II is a heck of a lot better than Division III. These guys could really play basketball, and they were extremely impressive in terms of what they did.

I also congratulate the young men for their academic prowess. This is a college of some distinction. For that, they and all administrators deserve congratulations as well. We congratulate the head coach, Mike Leaf, who was named the Northern Sun Intercollegiate Conference coach of the year four times, and national coach of the year two times.

This is a team which has won two national titles and three straight North Central Region titles from 2006, 2007 and 2008, and four straight regular season championships and three straight conference tournament championships. Not many teams at any level of sports can make claims such as that.

The college, as the sponsor has indicated, is a significant institution in Minnesota, and does a wonderful job in its programs preparing young people for the rest of their lives.

We congratulate the President, Judith Ramaley, and the Athletic Director, Larry Holstad, the head coach, as I've indicated, and all the friends and supporters of a fine university which had a tremendous year this year in basketball. But just recognizing the tremendous school which they are and for which they deserve great credit.

I urge everybody to support the resolution, and I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. WALZ) that the House suspend the rules and agree to the resolution, H. Res. 1133, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

AMERICORPS WEEK

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1173) recognizing AmeriCorps Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1173

Whereas the AmeriCorps national service program, since its inception in 1994, has proven to be a highly effective way to engage Americans in meeting a wide range of local needs, national response directives, and promote the ethic of service and volunteering;

Whereas over $5,000,000,000 in AmeriCorps funds invested in nonprofit, community, educational, and faith-based community groups since 1994 have leveraged hundreds of millions of dollars in additional funds and in-kind donations from other sources;

Whereas each year, AmeriCorps provides opportunities for 75,000 citizens across the Nation to give back in an intensive way to our districts, our States, and our Nation;

Whereas a total of 542,000 citizens since 1994 across the Nation haven taken the AmeriCorps pledge to "get things done for America" by becoming AmeriCorps members;

Whereas those same individuals have served a total of more than 705,000,000 hours nationwide, helping to improve the lives of our Nation's most vulnerable citizens, protect our environment, contribute to our public safety, respond to disasters, and strengthen our educational system;

Whereas AmeriCorps members last year recruited and supervised more than 1,700,000 community volunteers, demonstrating AmeriCorps value as a powerful volunteer catalyst and force multiplier;

Whereas AmeriCorps members nationwide, in return for their service, have earned nearly $1,430,000,000 to use to further their own educational advancement at our Nation's colleges and universities;

Whereas AmeriCorps members, after their terms of service end, remain engaged in our communities as volunteers, teachers, and nonprofit professional in disproportionately high levels;

Whereas AmeriCorps members served 4,100 nonprofit organizations, schools, and faith-based and community organizations last year; and

Whereas 2008's AmeriCorps Week, observed May 11 through May 18, is an opportune time for the people of the United States to salute current and former AmeriCorps members for their powerful impact, thank all of

AmeriCorps' community partners in our Nation who make the program possible and bring more Americans into service: Now, therefore, be it

Resolved, That the House of Representatives—

(1) encourages all citizens to join in a national effort to salute AmeriCorps members and alumni, and raise awareness about the importance of national and community service;

(2) acknowledges the significant accomplishments of the AmeriCorps members, alumni, and community partners;

(3) recognizes the important contributions to the lives of our citizens by AmeriCorps members; and

(4) encourages citizens of all ages to consider serving in AmeriCorps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks and insert relevant material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today in full support of H. Res. 1173, which recognizes the contributions of the national service program known as AmeriCorps. Since 1994, AmeriCorps has engaged over 500,000 citizens of all ages in national service programs, giving 705 million hours of service to our Nation and their fellow citizens. AmeriCorps, which is composed of AmeriCorps State and national programs, the National Civilian Community Corps, or NCCC, and the Volunteers in Service to America, or VISTA programs, engages 75,000 people each year in intensive, results-driven service to help communities tackle the toughest problems of education, poverty, illiteracy and the relief and recovery efforts after disasters.

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AmeriCorps participants improve the lives of millions of our most vulnerable citizens by implementing critical health services, building low-income housing, making neighborhoods safer, and protecting the environment.

AmeriCorps VISTA participants are America's poverty fighters, 6,000 strong, and fulfill their service term in low-income communities by creating businesses, expanding access to technology, recruiting literacy volunteers, strengthening anti-poverty groups, and creating sustainable programs that help people rise out of poverty.

AmeriCorps NCCC participants serve as first responder in times of national need and have responded to every nationally declared disaster since 1994: floods, fires, tornadoes, and storms, and helped communities prepare for the next emergency. In fact, 10,000-plus AmeriCorps members have served millions of Katrina survivors in the gulf and managed a quarter million other Katrina volunteers.

The impact of AmeriCorps goes beyond the community in which a participant serves; it impacts the AmeriCorps member who is doing the service. The alums of AmeriCorps programs are significantly more likely to go into public-service careers in government and the nonprofit sectors, especially minorities and people from low-income backgrounds.

So, Mr. Speaker, this week is AmeriCorps Week. This is a week in which we as a Nation should thank those who have given of themselves and who served our Nation through AmeriCorps to improve the lives of our Nation's vulnerable and disadvantaged citizens and improve communities across the country. We salute AmeriCorps members and alums for giving of themselves to benefit others and their powerful impact on our Nation's communities and the lives of our citizens and thank all involved in making AmeriCorps a successful program.

I ask that my colleagues join me in full support of H. Res. 1173 and salute those current and former AmeriCorps members through passage of H. Res. 1173.

I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise today in support of House Resolution 1173, recognizing AmeriCorps Week.

Throughout the history of the United States, Americans have valued an ethic of service. As Alexis de Tocqueville wrote over a century and a half ago, this ethic of service "prompts Americans to assist one another and inclines them willingly to sacrifice a portion of their time and property to the welfare of the State." AmeriCorps gives Americans an opportunity to make a difference in their own lives and in the lives of others by meeting critical needs in the community.

In 1990, President George Herbert Walker Bush signed the National Service Act, a network of national service programs that engage Americans in intensive service to meet the Nation's vital needs in education, public safety, health, and the environment. In 1993, President Bill Clinton signed the National and Community Service Trust Act which established the Corporation for National and Community Service and brought the full range of domestic community service programs under the umbrella of one central organization.

In September of 1994, the first class of AmeriCorps members, 20,000 strong, began serving in more than 1,000 communities. Today, AmeriCorps offers 75,000 opportunities for adults of all ages and background to address a myriad of needs in communities all across America such as tutoring and mentoring disadvantaged youth, fighting illiteracy, improving health services, building affordable housing, and managing after-school programs, just to name a few.

This year's theme for AmeriCorps Week is "Getting Things Done." This organization is doing just that. Since its inception, 542,000 citizens have taken the AmeriCorps pledge and have served a total of more than 705 million hours in 4,100 nonprofits throughout the country. Last year, AmeriCorps members recruited and supervised more than 1.7 million community volunteers demonstrating AmeriCorps value as a volunteer channel. In return for their service, members have earned $1.4 billion to further their educational advancement in our Nation's colleges and universities and our communities.

Volunteerism is a way for Americans to connect to their communities, learn more about the problems facing their communities, and to simply make a difference. This week, we salute current and former AmeriCorps members for their powerful impact, and we thank all community partners who make the AmeriCorps program possible and bring more Americans into service.

I want to take this opportunity to thank my colleagues, Ms. MATSUI, Mr. SHAYS, Mr. PLATTS, and Mr. PRICE for introducing this resolution and ask my colleagues to support the resolution.

I reserve the balance of our time.

Mr. DAVIS of Illinois. Mr. Speaker, I am pleased to yield such time as she might consume to the distinguished lady from California and the sponsor of this resolution, Representative MATSUI.

Ms. MATSUI. Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. DAVIS) for yielding me this time.

I rise today to offer the "Recognizing AmeriCorps Week" resolution and give special thanks to AmeriCorps volunteers and organizations.

This week marks AmeriCorps Week, a nationwide acknowledgment and celebration of all that America volunteers have done for our country. The AmeriCorps program is vital to the growth and prosperity of our Nation. AmeriCorps members can be found in our small towns and in our big cities. They're motivated young men and women from every background imaginable.

For the past 15 years, more than 540,000 men and women have given over 705 million hours of service to our country and the citizens. Equally valuable, these men and women are experts in mobilizing local volunteers, allowing millions more to serve their communities in an organized and effectual way.

Like AmeriCorps volunteers, AmeriCorps Week is important because it inspires others to become involved. By recognizing the program and its accomplishments, we motivate individuals to become engaged and add one more person to the growing list of those offering optimism and aid.

Throughout this week, AmeriCorps organizations across this country are hosting hundreds of special events, making it even easier to become involved. In the gulf coast, for example, Habitat for Humanity and the Jimmy and Rosalynn Carter Work Project will build tens of homes in a single week. This single event will involve 700 AmeriCorps members and thousands of other volunteers.

Additionally, this year's AmeriCorps Week pays special attention to the lifelong contribution of AmeriCorps alumni. A recent study of AmeriCorps show that alumni of the program are much more likely to remain involved in the community long after their service has ended. Nearly 87 percent of former AmeriCorps members will go on to work in public service. They become our future leaders, public servants, government employees, and nonprofit organizers. Simply put, AmeriCorps members learn to give for the rest of their lives.

AmeriCorps Week also provides a platform to highlight the valuable community organizations that deserve our support. Earlier this week, critical new AmeriCorps grants were announced. This funding provides necessary resources to some of America's most innovative and effective community organizations.

Those who support this resolution and AmeriCorps Week will be in good company. Dozens of State governors have issued AmeriCorps Week proclamations from local leaders to professional baseball teams. Thousands of diverse Americans are expressing their support for the AmeriCorps programs and its volunteers. These supporters recognize that AmeriCorps members do more than volunteer their time. They are ambassadors of hope, good will, and personal initiatives.

Mr. Speaker, I ask my colleagues to join with me, my fellow National Service Caucus cochairs, and the 40 bipartisan cosponsors of this resolution in support of AmeriCorps Week and these amazing volunteers.

Mr. CASTLE. Mr. Speaker, I yield to the gentleman from Connecticut (Mr. SHAYS) such time as he may consume.

Mr. SHAYS. I thank the gentleman for yielding.

Mr. Speaker, when there were the great debates on TV between Vice President Nixon and then-Senator John F. Kennedy, while my family were Republicans and, as a young person in 8th grade, John F. Kennedy spoke to me when he talked about serving our country and the world by being a Peace Corps volunteer. I thought, wouldn't it be amazing to go to college and afterwards join the Peace Corps; and that's what I did with my wife. And that experience changed my life. That experience had a tremendous impact on my life. In fact, Peace Corps volunteers will tell you it was the greatest time of their life, not that the rest of our lives hasn't been good.

And when President Clinton, building on what President Bush 41 had done on national service, said, We need to create AmeriCorps, his administration reached out to Republicans; and it was an amazing experience to work with President Clinton and his administration because they said they wanted this to be a bipartisan effort, and they listened to Republicans.

Instead of a one-size-fits-all national program, they did something Republicans really like, and that is they made it a local and State effort. And the problem with that is that you could not only have really great programs, you might have some that weren't so good. And it would give people an opportunity to criticize AmeriCorps, as some critics did, because there were literally hundreds and hundreds of various programs meeting local and State needs.

But to President Clinton's credit and to his people who were bringing this program forward, in spite of the fact a majority of Republicans did not support it, they still allowed us to have significant input.

I have nothing but respect for AmeriCorps, nothing but respect for the fact that we are talking, in some cases, young people who have never had a work experience, and we're giving them experience with individuals who can tutor them, in nongovernment organizations. What a wonderful way for these young people to begin to become adults and experience the incredible fulfillment that comes from being of service to others.

I have never understood why some Republicans have criticized AmeriCorps because they said you get paid. Well, Peace Corps volunteers had a living wage. We were able to feed ourselves and we were provided housing. It's something that you don't have under AmeriCorps. There it's a minimum wage, but no housing. They have a stipend for education. Republicans tend to think that you should earn what you get, and this is a program where you earn what you get. You can't pocket the money. You have to put it into bettering yourself with education, which is a very logical thing to do. Frankly, it's something that most Republicans would have argued for: not being given something; earning it.

So these AmeriCorps individuals, which we call volunteers, are getting the best of the best. They are growing up with a meaningful job, not a long-term job, they're earning educational credits, they're getting an education, and they're, for the rest of their lives, going to have that incredible memory of service that I think only strengthens individuals and our country.

So I'm really grateful that we can recognize AmeriCorps for what it is, an outstanding program initiated by President Clinton to his credit, and to his credit, still working with Republicans in spite of the fact they didn't deliver a majority of the votes.

Mr. DAVIS of Illinois. Mr. Speaker, I reserve the balance of our time.

Mr. CASTLE. Mr. Speaker, at this time I yield back the balance of our time and encourage everybody to support the resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I would urge passage of this resolution. I, too, agree that when we give of ourselves, we give the very best.

Mr. FARR. Mr. Speaker, in the Peace Corps we say, "Once a volunteer, always a volunteer." There was a time when I thought that those words were just a slogan. However, over the years I've watched the friends I made in the Peace Corps in Colombia continue to volunteer in their communities and around the world. And this continuity of volunteerism is not unique to the Peace Corps.

In fact, it has become clear to people who understand public service and volunteerism, that to "give back" is a habit. And you can get more of it, if you open up more opportunities to people involved in volunteer service. There is a virtuous cycle in volunteerism and it is a cycle that we do well to encourage.

AmeriCorps is one of the great innovations in public policy that has created opportunities for Americans all across the country to volunteer. From working in inner city schools to working in food back in small towns, AmeriCorps opens the doors for people to volunteer and in so doing provides a stepping stone to a life of service.

I commend AmeriCorps for all it does and for all the doors to service it has opened. So, today as the House of Representatives recognizes AmeriCorps, I encourage all those who can do so to find a way to volunteer in their community and to give back.

Mr. DAVIS of Illinois. I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1173.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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HONORING PUBLIC CHILD WELFARE AGENCIES

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 789) honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 789

Whereas over 500,000 children in the United States are currently in foster care which is twice as many as 15 years ago;

Whereas the majority of these children and youth have been removed from their homes because of abuse or neglect;

Whereas foster children experience a number of unique challenges based on instability in their home and school environments;

Whereas just over half of all foster children complete high school, 30 percent continue to rely on public assistance into adulthood and 25 percent will experience homelessness at one point in their lives;

Whereas numerous public child welfare agencies, nonprofit organizations and private entities work tirelessly to recruit loving foster families and improve the lives of foster children;

Whereas these groups strive to consider the best interest of each child and focus on keeping families together when possible;

Whereas they provide invaluable resources to foster families as well as teachers, counselors, physicians, clergy, and others who work closely with children in the foster care system;

Whereas these groups are dedicated to changing public policy and raising awareness related to the special needs of foster children; and

Whereas they continue to sponsor research, develop best practices, and offer assistance to youth transitioning out of the system to ensure they receive adequate support as they reach adulthood: Now, therefore, be it

Resolved, That the House of Representatives honors the contributions of public child welfare agencies, nonprofit organizations and private entities dedicated to finding homes for foster children and assisting foster families in securing the future success of their foster children.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and insert material relevant to H. Res. 789 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise today to honor the public welfare agencies, nonprofit organizations, private entities and compassionate individuals that work tirelessly to support foster children.

Since May is National Foster Care Month, it is appropriate that today we salute the many individuals and organizations that provide foster care services to over 500,000 children currently in foster care nationwide.

National Foster Care Month originated in 1988 and has served to heighten awareness for the issue since that time. By increasing visibility of this important issue, organizations are better able to reach out to the community and recruit individuals to support children throughout the year. By connecting foster youth with caring adults we can ensure that children do not face life's challenges alone.

Child welfare issues are present in families of all races, ethnicities and cultures. However, children of color make up a disproportionate number of children in foster care. Without a stable home, these young people confront many challenges. Although some of these young people are able to overcome the challenges of abuse and neglect, others continue to deal with their effects long into adulthood.

Research finds that just 54 percent of foster care youth complete high school and 25 percent will face homelessness at some point in their lives. Additionally, research has shown that children in foster care are more likely than their peers to deal with poverty, unemployment, incarceration, poor health and other hardships.

We must do what we can to support these young Americans and help them cultivate the necessary skills to live successfully and independently. More than 20,000 young people age out of foster care each year, and today we recognize the many individuals, families, neighborhoods, communities and organizations that work collectively together to ensure that all children can grow up with the support they need to be healthy and safe.

So, Mr. Speaker, once again I express my support for H. Res. 789 and recognize the hard work so many put in on a daily basis to help children in foster care reunite with their parents, be cared for by relatives or to be adopted by loving families. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, at this time, I yield to the distinguished Congresswoman from Minnesota (Mrs. BACHMANN) such time as she may consume. She is the sponsor of the resolution.

Mrs. BACHMANN. I thank the gentleman for yielding.

Mr. Speaker, as this resolution's author, I rise to support H. Res. 789. It is vital that the organizations that are committed to improving the lives of foster care children be commended for their hard work and for their sacrifices.

Today, there are over 500,000 children, that's over a half million children, in foster care across the United States of America, many of whom come from troubled homes and many of whom have been moved from family to family several times. My husband and I have been privileged to have 23 foster children live in our home, and we know from experience that these wonderful organizations that work with our foster children played a critical role in ensuring that they were matched with loving families and they grew up to achieve successful lives. These organizations are to be commended, Mr. Speaker.

Dedicated to changing public policy and also to raising awareness related to the very special and individual needs of foster children, these groups sponsor research, they develop best practices, and they offer assistance to youth who are transitioning out of the system to ensure that they receive adequate support as they reach adulthood. They provide invaluable resources to foster families as well as to teachers, to counselors, physicians, clergy and other people who work closely with children who are being helped by the foster care system.

These men and women and agencies are striving to consider the best interests of every child, and they work to keep families together whenever possible. Today, more Americans are beginning to understand the very real and very special needs of foster care children due to their dedicated public awareness efforts, and I am proud to honor these organizations that have touched the lives of so many of America's children and improved their lives and put them steadily on a path to success.

To complement this resolution, it is my hope that the House will soon have the opportunity to consider H.R. 4311, the School Choice for Foster Kids Act, because this Act will allow foster children of all ages to stay at the school that they've grown comfortable with, even when they change foster homes, which all too frequently seems to happen in the lives of foster children. It will provide them with some stability in their own tumultuous lives.

Mr. Speaker, I hope that you and our fellow colleagues will join us in honoring the contributions of all public child welfare agencies, nonprofit organizations and private entities who are sincerely dedicated to finding homes for foster children and to assisting foster families in securing the success of our future children.

Mr. DAVIS of Illinois. Mr. Speaker, I would reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

I am also a strong believer in what we are doing here in honoring foster care with this month. This is an opportunity to give these children a sense of well-being, a home, a stability, nurturing adults.

We've seen it work time and again, as the gentlewoman from Minnesota has explained. There are currently over 500,000 children in foster care in the United States, and the majority of these children have been removed from their homes because of abuse or neglect. So those who welcome these children in, give them that opportunity, deserve our plaudits in terms of what they've done to help in our society.

Just over half of all foster children complete high school, 30 percent continue to rely on public assistance into adulthood, and 25 percent will experience homelessness at one point in their lives. So we're dealing with circumstances, in many instances, in which we have to try to intervene and to make a difference.

We should pay tribute to the public child welfare agencies, the nonprofits and the private entities that provide these services for these children because, indeed, they are reaching out and making a difference in the lives of many of these individuals.

The groups we honor today provide invaluable resources to foster families, teachers, counselors, physicians, clergy and others who work closely with the children in the foster care system. They sponsor research, develop best practices, and offer assistance to youth transitioning out of the system to ensure they receive adequate support as they reach adulthood. There are an estimated 12 million foster care alumni in the United States representing all walks of life.

We pay tribute to those individuals in this resolution, and I would hope that all of our colleagues would be supportive of the resolution.

I thank the gentlewoman for her sponsorship and all those who brought it to the floor today.

Mr. Speaker, I rise today in support of House Resolution 789, honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children.

May is National Foster Care Month. We take this time to bring awareness to the many sides of foster care. Children are placed in foster care when their parents are no longer able to ensure their essential well being. These children need stable, loving care until they can either safely reunite with their families or cultivate other lasting relationships with nurturing adults.

Foster care is essential to protecting abused and neglected children. There are currently over 500,000 children in foster care in the United States. The majority of these children have been removed from their homes because of abuse or neglect.

During this month we recognize the unique challenges foster children experience based on the instability in their home and school environments. Just over half of all foster children complete high school, 30 percent continue to rely on public assistance into adulthood, and 25 percent will experience homelessness at one point in their lives.

Today, we pay tribute to the public child welfare agencies, nonprofit organizations and private entities that provide services for foster children. These organizations work tirelessly to improve the lives of foster children by considering the best interest of each child, focusing on keeping families together when possible, and recruiting loving foster families.

The groups we honor today provide invaluable resources to foster families, teachers, counselors, physicians, clergy, and others who work closely with children in the foster care system. They sponsor research, develop best practices, and offer assistance to youth transitioning out of the system to ensure they receive adequate support as they reach adulthood. There are an estimated 12 million foster care alumni in the United States representing all walks of life.

Today, we honor the contributions of public child welfare agencies, nonprofit organizations and private entities dedicated to finding homes for foster children and assisting foster families in securing the future success of their foster children. These groups are committed to raising awareness related to the special needs of foster children.

That is why I stand in support of this resolution and I ask for my colleagues' support.

I yield back the balance of our time.

Mr. DAVIS of Illinois. Mr. Speaker, in closing, I just want to be associated with the comments of Mr. CASTLE, and I also want to commend Mrs. BACHMANN and her family, her husband, for the outstanding role modeling which they display. I was taught that you can't lead where you don't go and you can't teach what you don't know, and they demonstrate the very best of what it means to be associated and involved with caring for children who are not necessarily your own. And so I certainly commend them for the outstanding service they provide.

I urge passage of this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 789, honoring public child welfare agencies, nonprofit organizations and private entities providing services for foster children. I first would like to thank my distinguished colleague, Representative MICHELE BACHMANN of Minnesota, for introducing this important legislation. This resolution acknowledges the importance of foster parents and other community partners who care for hurting children.

Children are placed in foster care because of society's concern for their well-being. Any time spent by a child in temporary care should be therapeutic but may be harmful to the child's growth, development, and well-being. Interruptions in the continuity of a child's caregiver are often detrimental. Repeated moves from home to home compound the adverse consequences that stress and inadequate parenting have on the child's development and ability to cope. Adults cope with impermanence by building on an accrued sense of self-reliance and by anticipating and planning for a time of greater constancy. Children, however, especially when young, have limited life experience on which to establish their sense of self. In addition, their sense of time focuses exclusively on the present and precludes meaningful understanding of "temporary" versus "permanent" or anticipation of the future. For young children, periods of weeks or months are not comprehensible. Disruption in either place or with a caregiver for even 1 day may be stressful. The younger the child and the more extended the period of uncertainty or separation, the more detrimental it will be to the child's well-being.

The observance brings sharply into focus the critical needs of foster children and the importance of our foster parents who respond so faithfully and selflessly to the children's needs. Some children are placed in foster care briefly while a family crisis is resolved. Others remain in care for longer periods of time, depending upon the circumstances that led to their removal from their family's home. Over 500,000 children in the United States are currently in foster care which is twice as many as 20 years ago. The majority of these children and youth have been removed from their homes because of abuse or neglect. Our foster parents deserve special praise because they open their homes and their hearts to foster children and love them unconditionally. They understand that a safe, secure home is very important to the healthy development of a child.

An increasing number of young children are being placed in foster care because of parental neglect. Neglect has very profound and long-lasting consequences on all aspects of child development—poor attachment formation, understimulation, development delay, poor physical development, and antisocial behavior. Being in an environment in which child-directed support and communication is limited makes it more difficult for a child to develop the brain connections that facilitate language and vocabulary development, and therefore may impair communication skills. Recent findings in infant mental health show how development can be facilitated, how treatment can enhance brain development and psychological health, and how prevention strategies can lessen the ill effects of neglect.

Adoption by foster families has the potential to benefit not only the child being adopted, but also the foster family and the child welfare agency. There are a number of reasons that a child's foster parents may be the best adoptive parents for that child. Foster parents have a greater knowledge of a child's experiences prior to placement and know what behaviors to expect from the child. If they have sufficient background information about what happened to a child before this placement, some knowledge of how children generally respond to such experiences, and extensive information about this child's specific behavior patterns, the foster family is better able to understand and respond to the child's needs in a positive and appropriate way. Foster parents usually have fewer fantasies and fears about the child's birth family, because they often have met and know them as real people with real problems. Foster parents have a better understanding of their role and relationship with the agency—and perhaps a relationship with their worker.

Foster children experience a number of unique challenges based on instability in their home and school environments. Just over half of all foster children complete high school, 40 percent continue to rely on public assistance into adulthood and 25 percent will experience homelessness at one point in their lives. Numerous public child welfare agencies, nonprofit organizations and private entities work tirelessly to recruit loving foster families and improve the lives of foster children. These groups strive to consider the best interest of each child and focus on keeping families together when possible. They provide invaluable resources to foster families as well as teachers, counselors, physicians, clergy, and others who work closely with children in the foster care system.

Mr. Speaker, I recognize and honor the contributions of all public child welfare agencies, nonprofit organizations and private entities dedicated to finding homes for foster children and assisting foster families in securing their future success.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 789, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ORIGINAL SAINT-GAUDENS DOUBLE EAGLE ULTRA-HIGH RELIEF PALLADIUM BULLION COIN ACT

Mr. GUTIERREZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5614) to authorize the production of Saint-Gaudens Double Eagle ultra-high relief bullion coins in palladium to provide affordable opportunities for investments in precious metals, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act shall be known as the "Original Saint-Gaudens Double Eagle Ultra-High Relief Palladium Bullion Coin Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Augustus Saint-Gaudens $20 gold pieces of 1907 with ultra-high relief are considered by many in the numismatic community to be the most beautiful coins ever produced;

(2) two separate "pattern" versions of the ultra-high relief Double Eagle were produced in 1907;

(3) a 34-millimeter version was hand-struck on a standard Double Eagle planchet using a medal press and, because manufacturing and technical limitations prevented mass production of these pieces, this production resulted in low mintage, with fewer than two dozen specimens of the 34-millimeter version known to be in existence today;

(4) a second, 27-millimeter, version was struck using two stacked $10 Eagle planchets;

(5) these experimental "pattern" 27-millimeter pieces were deemed to be illegal to produce and all specimens were destroyed except for 2 that reside in the Smithsonian's National Numismatic Collection;

(6) the 27-millimeter pattern pieces are ranked by numismatists as among the most beautiful coins ever produced, but none are in private hands and none have ever come up for sale;

(7) the ultra-high relief Double Eagles are representative of the greatest period of American coinage, the so-called "Golden Age of Coinage" in the United States, initiated by President Theodore Roosevelt, with the assistance of noted sculptors and medallic artists James Earle Fraser and Augustus Saint-Gaudens;

(8) the introduction of this famous piece as a numismatic proof coin would not only give collectors an opportunity to own a version of a legendary coin that has never before been available for private ownership, but also inaugurate a neo-renaissance in United States coin design and demonstrate the technological advances that the United States has achieved over the last century;

(9) the modern coin version of the $20 gold piece would be updated with the addition of the inscription "In God We Trust" and would include the date of minting or issuance, to distinguish it from the originals and prevent counterfeiting;

(10) palladium is a rare silver-white metal, and is considered a precious metal because of its scarcity;

(11) palladium is one of 6 platinum group metals that include ruthenium, rhodium, osmium, iridium, and platinum; it is the least dense and has the lowest melting point of the platinum group metals;

(12) the major nations mining palladium are in order of volume: Russia, South Africa, United States of America, and Canada;

(13) the major mine producing palladium in the United States is located in Montana;

(14) palladium is fabricated into a wide range of applications that includes its extensive use as an industrial catalyst and a key component in the manufacturing of automotive catalytic converters;

(15) palladium is also used in dentistry, jewelry, and in the production of surgical instruments and electrical contacts;

(16) the demand for precious metals is driven not only by their practical use, but also by their role as a store of value;

(17) a variety of investment options are available to palladium investors that includes coins, bars, and exchange-traded funds;

(18) palladium coins have been issued by several countries, mainly as commemorative coins, but also as bullion investment coins (bullion is the form of palladium traded for investment purposes and is a reference to its purity);

(19) Tonga commenced issuing palladium coins in 1967 and other issuing countries have included Canada, the Soviet Union, France, Russia, China, Australia, and Slovakia;

(20) today, only Canada mints palladium bullion coins;

(21) during the period 2003 through 2007, the price of palladium ranged between $148 and $404 per troy ounce, and the average price in 2007 was $355 per troy ounce;

(22) by contrast, during the same period, the price of platinum ranged between a low of $603 and a high $1,544, and the average price in 2007 was $1,303 per troy ounce;

(23) thus, platinum bullion coins have become too expensive for the average investor;

(24) The Royal Canadian Mint minted platinum bullion coins for 14 years (between 1988 and 2001), but ceased production in the face of high metal prices and declining sales;

(25) when the United States Mint's American Eagle Platinum Bullion Coin was launched in 1997, the average price for the metal that year was $395 per troy ounce; and

(26) over the past decade, the price has more than tripled, which has caused a dramatic decline in demand for these coins, from 80,050 ounces sold in 1997 to 9,050 in 2007.

SEC. 3. ORIGINAL SAINT-GAUDENS DOUBLE EAGLE ULTRA-HIGH RELIEF BULLION COIN.

Section 5112 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(12) A $20 coin that—

"(A) is 27 millimeters in diameter;

"(B) weighs 1 ounce;

"(C) is of an appropriate thickness, as determined by the Secretary; and

"(D) bears, on the obverse and reverse, the designs of the famous 27-millimeter version of the 1907 Augustus Saint-Gaudens Double Eagle gold piece, as described in subsection (t)."; and

(2) by adding at the end, the following new subsection:

"(t) ORIGINAL SAINT-GAUDENS DOUBLE EAGLE ULTRA-HIGH RELIEF NUMISMATIC COINS AND BULLION INVESTMENT COINS.—

"(1) IN GENERAL.—Beginning January 1, 2009, the Secretary shall commence minting and issuing for sale—

"(A) such number of $20 bullion investment coins as the Secretary may determine to be appropriate, that bear the design described in paragraph (2); and

"(B) not more than 15,000 of the numismatic $20 coins that bear the design and meet the requirements of paragraph (3).

"(2) DESIGN AND REQUIREMENTS FOR BULLION INVESTMENT COINS.—

"(A) IN GENERAL.—Except as provided under subparagraph (B), the obverse and reverse of the coins minted and issued pursuant to paragraph (1)(A) shall bear a close approximation of the original obverse and reverse designs by Augustus Saint-Gaudens which appear on the famous 27-millimeter version of the 1907 Double Eagle ultra-high relief gold piece.

"(B) VARIATIONS.—The coins referred to in subparagraph (A) shall—

"(i) have inscriptions of the weight of the coin and the purity of the alloy in the coin raised on the edge of the coin;

"(ii) bear the nominal denomination of the coin;

"(iii) bear the date of issue of the coin on the obverse, expressed as a Roman numeral as in the original design; and "(iv) bear such other inscriptions, including 'In God We Trust', as the Secretary determines to be appropriate and in keeping with the original design.

"(C) MINT FACILITY.—Any facility of the United States Mint may be used to strike coins minted pursuant to paragraph (1)(A) other than the United States mint at West Point, New York.

"(3) DESIGN AND REQUIREMENTS FOR ULTRA-HIGH RELIEF NUMISMATIC COINS.—

"(A) IN GENERAL.—Subject to subparagraph (B), the obverse and reverse of the coins minted and issued pursuant to paragraph (1)(B) shall bear exact replicas of the original obverse and reverse designs by Augustus Saint-Gaudens which appear on the famous 27-millimeter version of the 1907 Double Eagle ultra-high relief gold piece and the edge of the coin shall have all appropriate raised lettering in the same manner as the original coin.

"(B) VARIATIONS.—The coins referred to in subparagraph (A) shall—

"(i) bear a single finish that most closely approximate the finish of the original gold 1907 ultra-high relief gold piece as is practicable;

"(ii) bear the nominal denomination of the coin;

"(iii) bear the date of issue of the coin on the obverse, expressed as a Roman numeral as in the original design; and

"(iv) bear such other inscriptions, including 'In God We Trust', as the Secretary determines to be appropriate and in keeping with the original design.

"(C) MINT FACILITY.—Coins minted pursuant to paragraph (1)(B) may only be struck at the United States mint at West Point, New York.

"(D) FRACTIONAL COINS PROHIBITED.—No coins issued pursuant to paragraph (1)(B), shall be made available as so-called 'fractional' coins.

"(4) DISTRIBUTION IN SETS AND OTHER COORDINATION REQUIREMENTS.—If the Secretary chooses, in accordance with subsection (i), to mint and issue a gold bullion coin that bears the same design as the ultra-high relief numismatic coins described in paragraph (1)(B)—

"(A) each palladium coin issued under paragraph (1)(B) may only be issued in a set containing 1 of each such coins;

"(B) each set of coins described in subparagraph (A) shall be provided in a presentation case of appropriate design;

"(C) the set described in subparagraph (A) may only be issued and sold in 2009;

"(D) gold coins issued in any set described in subparagraph (A) may only be struck at the United States mint at West Point, New York and no other gold coin issued by the Secretary that bears the same design as the ultra-high relief numismatic coins described in paragraph (1)(B) may be struck at such mint at West Point; and

"(E) no gold coin that bears the same design as the ultra-high relief numismatic coins described in paragraph (1)(B) shall be made available as so-called 'fractional' coins.

"(5) COMPOSITION.—

"(A) IN GENERAL.—The coins minted under this subsection shall contain .995 pure palladium.

"(B) SOURCE OF BULLION.—

"(i) IN GENERAL.—The Secretary shall acquire bullion for the palladium coins issued under this subsection by purchase of palladium mined from natural deposits in the United States, or in a territory or possession of the United States, within 1 year after the month in which the ore from which it is derived was mined.

"(ii) PRICE OF BULLION.—The Secretary shall pay not more than the average world price for the palladium under subparagraph (A).

"(6) SALE OF COINS.—Each coin issued under this subsection shall be sold for an amount the Secretary determines to be appropriate, but not less than the sum of—

"(A) the nominal denomination of the coin;

"(B) the market value of the bullion at the time of sale; and

"(C) the cost of designing and issuing the coins, including labor, materials, dies, use of machinery, overhead expenses, marketing, distribution, and shipping.

"(7) LEGAL TENDER.—The coins minted under this title shall be legal tender, as provided in section 5103.

"(8) TREATMENT AS NUMISMATIC ITEMS.—For purposes of section 5134 and 5136, all coins minted under this subsection shall be considered to be numismatic items.

"(9) QUALITY.—The Secretary may issue the coins described in paragraph (1)(A) in both proof and uncirculated versions.

"(10) PROTECTIVE AND ANTI-COUNTERFEITING COVER.—

"(A) IN GENERAL.—The Secretary shall give strong consideration to making the coins described in this subsection available only in protective covers that preserve the coins in the condition in which they are issued, allow clear and easy viewing of the obverse, reverse, and sides of the coin and protect it from movement within the holder, and also protect against counterfeiting of such coins or of the container.

"(B) ACQUISITION.—The Secretary may elect to comply with subparagraph (A) by producing and assembling such protective covers within the United States Mint or by contracting for the installation of such covers.

"(11) FURTHER ANTI-COUNTERFEITING MEASURES.—

"(A) REPORT REQUIRED.—In an attempt to forestall the counterfeiting or marketing of the coins described in this section, including this subsection, and of collectible, numismatic and rare coins in general, the Comptroller General shall, after consulting with the Director of the United States Secret Service and the Federal Trade Commission, and in consultation with hobbyists, numismatists, law enforcement agencies, and the Citizens Coinage Advisory Committee, shall submit to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, before the end of the 9-month period beginning on the date of the enactment of the Original Saint-Gaudens Double Eagle Ultra-High Relief Bullion Coin Act, a report detailing the extent of counterfeiting of rare, collectible or numismatic coins made available for sale in the United States, regardless of the country where the original of such coin was produced or of the country in which the counterfeiting takes place, or sales overseas if such counterfeit coins are unauthorized copies of coins originally produced by the United States Mint.

"(B) CONTENTS OF REPORT.—The report submitted under subparagraph (A) shall describe the following:

"(i) The extent of such counterfeiting of coins and numismatic items.

"(ii) The source of such counterfeiting, if known, including which countries may be the origin of such counterfeits if they are produced outside the United States.

"(iii) The distribution and marketing channels for such counterfeits within and without the United States.

"(iv) The effect of any such counterfeiting on hobbyists, numismatists and on the investment opportunities for bullion or numismatic coins produced by the United States Mint.

"(v) Whether such counterfeiting extends to the counterfeiting of coin-grading or protective materials in such a way that might imply that the counterfeit inside had been examined and authenticated by a reputable coin-grading firm.

"(vi) Such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate to curtail or forestall any such counterfeiting.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. GUTIERREZ) and the gentleman from Delaware (Mr. CASTLE) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GUTIERREZ. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, today I rise in strong support of H.R. 5614, the Original Saint-Gaudens Double Eagle Ultra-High Relief Palladium Bullion Coin Act, of which I am an original cosponsor.

H.R. 5614 instructs the Secretary of the Treasury to mint and issue $20 coins in memory of Augustus Saint-Gauden Double Eagle gold pieces of 1907. The issuing of this coin will begin on January 1, 2009.

The introduction of this famous piece as a collectors' proof coin would not only give collectors an opportunity to own a version of a legendary coin that has never before been available for private ownership but also inaugurate a neo-renaissance in United States coin design. The coin will also demonstrate the technological advances in engraving and minting the U.S. has achieved over the last century.

I congratulate my friend from the Financial Services Committee, Mr. CASTLE, for introducing this bill and urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, this is simple legislation, as Mr. GUTIERREZ has said, that directs the creation of an investment-grade coin of palladium made available to those who seek to invest in precious metals as a hedge against inflation.

I'm happy to be a sponsor of this bill, along with Mr. GUTIERREZ, the chairman of the Domestic and International Monetary Policy, Trade, and Technology Subcommittee that I once chaired.

With the spike in value of precious metals, investors who recently may have bought gold to put in IRAs have nothing in the standard 1-ounce size investor coin between $18 or so and about $1,000, with gold having jumped in the last couple of years from maybe $400 an ounce to more than $900.

Palladium, known as the fourth precious metal and approved as an investment vehicle by Congress a decade ago, along with gold, silver and platinum, would fill that gap.

☐ 1615

Yesterday it was trading at about $422 an ounce. Palladium is also mined in quantity in the United States. I'm told that more than 400 people work in the palladium mine in Montana.

Mr. Speaker, investors do want a choice in their precious metals. And while gold may always be king, if the Mint is going to have a bullion program, it needs to present alternatives. Unfortunately, for many investors, platinum, once valued at nearly the same as palladium, has leapt to nearly $2,000 an ounce, and once-healthy sales of platinum bullion coins shrank to a mere 9,000 ounces last year.

Creating a palladium bullion coin will offer investors another option. Additionally, Mr. Speaker, this legislation calls for a limited number of the palladium coins to be made with the exact design as the famous gold 1907 Saint-Gaudens Double Eagle Ultra-High Relief coin, of which only about a dozen were made because of technical limitations at the time. I understand Mint Director Moy plans to make gold replicas of that coin, and if so, this bill provides that a limited number be sold in a special presentation case with numismatic versions of the palladium coin.

Mr. Speaker, I want to call Members' attention to a report required at the end of the bill. For some time now we've been hearing of the import and sale into the United States of high-quality fakes of both collectible and investor coins, and more recently of counterfeiting of the special containers that certify a coin's quality as set by an independent grading firm. Mr. Speaker, counterfeiting must be stopped, whether it's of U.S. $100 bills, ancient Greek coins, or high-quality fashion ware.

The report required in this bill will, I hope, focus the various parts of the government with jurisdiction over this crime so we can determine the scope and source of the problem and begin taking appropriate action to stop it.

I urge quick passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Speaker, I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I ask support of the legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 5614, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

STAR-SPANGLED BANNER AND WAR OF 1812 BICENTENNIAL COMMEMORATIVE COIN ACT

Mr. GUTIERREZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2894) to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the writing of the "Star Spangled Banner" and the War of 1812, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Star-Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) During the War of 1812, on September 13, 1814, Francis Scott Key visited the British fleet in Chesapeake Bay to secure the release of Dr. William Beanes, who had been captured after the burning of Washington, DC.

(2) The release was completed, but Key was held by the British overnight during the shelling of Fort McHenry, one of the forts defending Baltimore.

(3) In the morning, Key peered through clearing smoke to see an enormous American flag flying proudly after a 25-hour British bombardment of Fort McHenry.

(4) He was so delighted to see the flag still flying over the fort that he began a poem to commemorate the occasion, with a note that it should be sung to the popular British melody "To Anacreon in Heaven".

(5) In 1916, President Woodrow Wilson ordered that it be played at military and naval occasions.

(6) In 1931, the "Star-Spangled Banner" became our National Anthem.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 350,000 $1 coins in commemoration of the bicentennial of the writing of the Star-Spangled Banner and the War of 1812, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the War of 1812 and particularly the Battle for Fort McHenry that formed the basis for the "Star-Spangled Banner".

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2012"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Star-Spangled Banner and War of 1812 Bicentennial Commission and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only one facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only during the calendar year beginning on January 1, 2012.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the Maryland War of 1812 Bicentennial Commission for the purpose of supporting bicentennial activities in collaboration with and aiding the Star-Spangled Banner and War of 1812 Bicentennial Commission as it provides coordination, advice, and assistance to Federal agencies, States, localities, and other organizations for such bicentennial activities, educational outreach activities (including supporting scholarly research and the development of exhibits), and preservation and improvement activities relating to the sites and structures relating to the War of 1812.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the Maryland War of 1812 Bicentennial Commission as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

General Leave

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GUTIERREZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 2894, the Star-Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act, and applaud my colleague, Mr. RUPPERSBERGER, for bringing this bill to the floor.

The Star-Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act instructs the Secretary of the Treasury to mint and issue $1 silver coins in commemoration of the bicentennial of the writing of "The Star-Spangled Banner" and the War of 1812. The issuing of this coin will begin during the 2012 calendar year.

"The Star-Spangled Banner" was taken from the poem titled "In Defense of Fort McHenry" written in 1814 by Francis Scott Key, a 35-year-old amateur poet and distant cousin of F. Scott Fitzgerald. Key wrote the poem after seeing the bombardment of Fort McHenry at Baltimore, Maryland by the Royal ships in the Chesapeake Bay during the War of 1812.

The American victory and the sight of the large American flag graciously above the fort came to be known as the Star-Spangled Banner Flag. The Star-Spangled Banner, throughout the course of American history, has played a significant role in the democracy and freedom of this country. It symbolizes our strength and respect for those who have fallen to preserve the future of our nation. That is why, Mr. Speaker, commemorating the bicentennial of the Star-Spangled Banner and the War of 1812 is important. I urge all Members to support its passage.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 4, 2008.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 2894, the Star-Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 2894 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2894, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 4, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN RANGEL: I am writing in response to your letter regarding H.R. 2894, the "Star-Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on June 28, 2007. It is my understanding that this bill will be scheduled for floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego committee action on H.R. 2894 in order to allow the bill to come to the floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise in support of H.R. 2894, the Star-Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act. It is a great honor to be speaking on this bill brought to the floor by the efforts of my friend and colleague from Maryland, Congressman RUPPERSBERGER. I commend the gentleman for his work on this act.

Mr. Speaker, over 200 years ago, a fateful night gave birth to what is now our national anthem, "The Star-Spangled Banner." As it is widely known today, Francis Scott Key penned the piece during the War of 1812 after he witnessed the American flag flying resiliently over Fort McHenry after it sustained 25 hours of British bombardment.

However, Mr. Speaker, what is often overlooked is the original title of the poem that Key wrote. The piece was entitled, "In Defense of Fort McHenry." I bring this up because I believe it reveals a larger lesson about our Nation. We are, above all things, Americans, bound to serve and protect one another. What affects one citizen, community, or State affects the entire Nation.

When Fort McHenry came under attack, the brave patriots there fought for its survival, knowing that a nation depends on their efforts. Significantly, the failure of the British navy to take Fort McHenry proved to be the end of the British naval portion of the war. The attack launched from the great navy base on Bermuda had failed, and at nearly the same time a British land attack towards Baltimore faltered as well.

I cannot imagine a more inspiring sight than what Mr. Key saw that morning as the smoke from the British rockets cleared. After witnessing the fearsome and seemingly endless barrage, he must have imagined the worse. Yet, when he set his eyes upon the land, he saw the American flag, symbolizing the resolve of a nation and preserving the freedoms and ideals in the face of any threat.

Mr. Speaker, this Nation has endured many trials during its history. From its nascent moments of independence, through the sacking of the Capitol and the White House during the War of 1812, to Pearl Harbor and the attacks of 9/11, the United States has not only survived these tests, but has emerged a stronger union because of such adversity.

No matter how overwhelming the odds, men and women have put country above all and weathered each storm. And what has always been true is what was true that fateful morning when Francis Scott Key peered through the clearing smoke: This Nation's flag stands proud, a symbol of strength and spirit.

As far as the coin is concerned, surcharges on the sale of the $1 coins will be used to support bicentennial activities, including education and outreach activities, and preservation and improvements to the sites and structures relating to the War of 1812.

This event was a proud moment in the Nation's history, Mr. Speaker, and H.R. 2894 recognizes that fact. I urge immediate passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GUTIERREZ. Mr. Speaker, I yield the gentleman from Maryland as much time as he may consume.

Mr. RUPPERSBERGER. I want to thank Congressman GUTIERREZ and also the gentlewoman from Illinois, Congressman BIGGERT, for your support of this bill. I would also like to thank Chairman FRANK for his support, and Congressman SNYDER of Arkansas for his tremendous help in gathering support of other Members for this bill.

Mr. Speaker, I rise today to ask my colleagues to support this legislation to create the Star-Spangled Banner commemorative coin.

From VFW and American Legion halls across the country, to Little League baseball games, to presidential inaugurations, we play the national anthem to bring Americans together and honor our Nation.

My hometown of Baltimore is proud to be the home of America's national anthem. In September 1814, Francis Scott Key was held captive aboard a British ship in the Chesapeake Bay during the attack on Baltimore by British forces. The morning after the bombardment by the British navy, he looked out his window and saw a large American flag flying proudly over Fort McHenry. He knew the American forces had successfully defended the city of Baltimore. The next day he penned his famous poem in honor of that flag.

His brother-in-law, Judge Joseph H. Nicholson, set the poem to the tune of a popular British melody. A few days later it was printed in Baltimore and quickly spread to newspapers from New Hampshire to Georgia. The song gained popularity and was often played at public events and 4th of July celebrations. However, it was many years before "The Star-Spangled Banner" became our national anthem.

In 1916, President Woodrow Wilson ordered that the song be played at military events and other official occasions. By the late 1920s, a consensus formed across the country that America needed a national anthem. John Philip Sousa argued in favor of "The Star-Spangled Banner," and in 1931, President Hoover signed legislation adopting it as the national anthem.

Even though it has been our anthem for more than 75 years, many Americans still don't know the lyrics to this wonderful song of our national anthem. A 2005 survey revealed that only 39 percent of Americans knew all of the words to our national anthem.

The National Anthem Project has worked to educate Americans about our national anthem. Last year, they brought more than 5,000 school children to Washington to sing the anthem at the Washington Monument with the United States Marine Band.

This legislation will create a commemorative coin to honor America's national anthem. This $1 silver coin will be minted for the 200th anniversary of the War of 1812 and will help fund the War of 1812 Bicentennial Commission. It is my hope that this collectible coin will inspire more Americans to learn the lyrics of "The Star-Spangled Banner" and learn more about the War of 1812 and the history of our national anthem, as well as the role Baltimore played in the history of our national anthem.

The U.S. Mint only creates two commemorative silver coins each year. And I hope that my colleagues will join me in honoring Francis Scott Key and "The Star-Spangled Banner" with a vote for this bill today.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to speak in support of H.R. 2894, the Star Spangled Banner and War of 1812 Bicentennial Commemorative Coin Act.

Let me start off by thanking the gentleman from Maryland, Mr. RUPERSBERGER for introducing this bill.

As school children we all learn about the War of 1812 as a turning point in our Nation's history that confirmed that the United States would remain a free and sovereign nation.

We also learn in school that, while being held by the British during the attack on Fort McHenry, just a few short miles from this building, Francis Scott Key was inspired after getting a glimpse at that tattered, but triumphant flag of our young Nation to compose a poem, which later became known as "The Star Spangled Banner," our national anthem.

The symbol of the flag served as an inspiration to Francis Scott Key that night and has continued to inspire all Americans ever since.

Our flag was still there and is there still.

It is important that this Congress take this opportunity to recognize the historic significance of our national anthem and the battle from which it was born.

The Star Spangled Banner has inspired millions of patriotic Americans to take up the causes of our Nation in times of war and peace.

I know that many of my colleagues share the same sentiment with me when I say that every time I hear the opening notes of the Star Spangled Banner, I am personally nearly moved to tears.

That is why it is so important for us to commemorate the War of 1812 and the Star Spangled Banner by issuing a coin that will stand the test of time, much the same as the national anthem has.

I am in full support of this bill and ask that every Member of this Congress support it as well.

We can never be too patriotic.

We can never love our country too much.

And we can never do enough to commemorate the sacrifice that so many have given to protect our freedom.

This coin is one small gesture that we can offer to show our commitment to the values that are spoken about in our Nation's anthem: strength, honor, justice, patriotism, and courage.

Again, I encourage all my colleagues to support this resolution.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

Mr. GUTIERREZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 2894, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

BOY SCOUTS OF AMERICA CENTENNIAL COMMEMORATIVE COIN ACT

Mr. GUTIERREZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5872) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boy Scouts of America Centennial Commemorative Coin Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) The Boy Scouts of America will celebrate its centennial on February 8, 2010.

(2) The Boy Scouts of America is the largest youth organization in the United States,

with 3,000,000 youth members and 1,000,000 adult leaders in the traditional programs of Cub Scouts, Boy Scouts, and Venturing.

(3) Since 1910, more than 111,000,000 youth have participated in Scouting's traditional programs.

(4) The Boy Scouts of America was granted a Federal charter in 1916 by an Act of the 64th Congress which was signed into law by President Woodrow Wilson.

(5) In the 110th Congress, 248 members of the House of Representative and the Senate have participated in Boy Scouts of America as Scouts or adult leaders.

(6) The mission of the Boy Scouts of America is "to prepare young people to make ethical and moral choices over their lifetimes by instilling in them the values of the Scout Oath and Law".

(7) Every day across our Nation, Scouts and their leaders pledge to live up the promise in the Scout Oath—"On my honor I will do my best, To do my duty to God and my country and to obey the Scout Law; To help other people at all times; To keep myself physically strong, mentally awake, and morally straight"—and the Scout Law, according to which a Scout is "Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent".

(8) In the past 4 years alone, Scouting youth and their leaders have volunteered more than 6,500,000 hours of service to their communities through more than 75,000 service projects, benefiting food banks, local schools, and civic organizations.

SEC. 3. COIN SPECIFICATIONS.

(a) $1 SILVER COINS.—The Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue not more than 350,000 $1 coins in commemoration of the centennial of the founding of the Boy Scouts of America, each of which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the 100 years of the largest youth organization in United States, the Boy Scouts of America.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2010"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary, after consultation with the Chief Scout Executive of the Boy Scouts of America and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coinage Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins under this Act only on or after February 8, 2010, and before January 1, 2011.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7 with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins issued under this Act shall include a surcharge of $10 per coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be paid to the National Boy Scouts of America Foundation, which funds will be made available to local councils in the form of grants for the extension of Scouting in hard to serve areas.

(c) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the National Boy Scouts of America Foundation as may be related to the expenditures of amounts paid under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. GUTIERREZ) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. GUTIERREZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GUTIERREZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5872, the Boy Scouts of America Centennial Commemorative Coin Act.

The Boy Scouts of America Centennial Commemorative Coin Act instructs the Secretary of the Treasury to mint and issue $1 silver coins in celebration of the 100 years of the largest youth organization in the United States. The issuing of this coin will begin on or after February 8, 2010, and before January 1, 2011.

Over the last 100 years, the Boy Scouts of America have accumulated over 5 million members, which include many influential Americans like Neil Armstrong and former President Gerald Ford.

□ 1630

The bill recognizes the achievements of its members and their overwhelming dedication to public service. I urge all Members to support its passage.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, May 5, 2008.

Hon. BARNEY FRANK,
Chairman, Financial Services Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN FRANK: I am writing regarding H.R. 5872, the Boy Scouts of America Centennial Commemorative Coin Act.

As you know, the Committee on Ways and Means maintains jurisdiction over bills that raise revenue. H.R. 5872 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means.

However, as part of our ongoing understanding regarding commemorative coin bills and in order to expedite this bill for Floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of Conferees or its jurisdictional prerogatives on this bill or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 5872, and would ask that a copy of our exchange of letters on this matter be included in the record.

Sincerely,

CHARLES B. RANGEL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, May 5, 2008.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in response to your letter regarding H.R. 5872, the "Boy Scouts of America Centennial Commemorative Coin Act," which was introduced in the House and referred to the Committee on Financial Services on April 22, 2008. It is my understanding that this bill will be scheduled for Floor consideration shortly.

I wish to confirm our mutual understanding on this bill. As you know, section 7 of the bill establishes a surcharge for the sale of commemorative coins that are minted under the bill. I acknowledge your Committee's jurisdictional interest in such surcharges as revenue matters. However, I appreciate your willingness to forego Committee action on H.R. 5872 in order to allow the bill to come to the Floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include this exchange of letters in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

BARNEY FRANK,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of H.R. 5872, the Boy Scouts of America Centennial Commemorative Coin Act, introduced by the gentleman from Texas (Mr. SESSIONS), which would authorize the minting and sale of silver dollars commemorating the founding of the Boy Scouts of America.

Mr. Speaker, at this time I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. I would like to thank the gentlewoman, one of the original cosponsors of this important bill, H.R. 5872, the Boy Scouts of America Centennial Commemorative Coin Act. The gentlewoman from Illinois (Mrs. BIGGERT) is 1 of some 297 cosponsors of this very important bill.

Mr. Speaker, back in 1909, Chicago publisher W.D. Boyce was visiting London and got lost on a foggy street in London when a Scout came to his aid and guided him back to his destination. The Scout refused Boyce's tip, saying that he was simply doing his duty as a Boy Scout. So, inspired by this young man, Boyce met with Lord Baden-Powell, the founder of Scouting in England, who was the head of the Boy Scouts Association at that time. Shortly after his return, Boyce founded the Boy Scouts of America.

Mr. Speaker, we are now headed to the 100th anniversary of the Boy Scouts of America, and this simple act of kindness that was shown in London, England became the forerunner of the Boy Scouts of America today. Founded on February 8, 1910, the Boy Scouts have become an integral part of the American society and culture. The Boy Scouts of America is the largest youth organization in the United States with over 3 million youth members and 1 million adult leaders in traditional programs that include Cub Scouting, Boy Scouting, and Venturing. Since 1910 more than 111 million youth have participated in Scouting's traditional programs.

The Boy Scouts of America was granted a Federal charter in 1916 by an act of the 64th Congress signed into law by President Woodrow Wilson. Here in the 110th Congress, there are 248 Members of the House of Representatives and Senate that have participated in Boy Scouts of America as Scouts or adult leaders.

The mission of the Boy Scouts of America is to prepare young people to make ethical and moral choices over their lifetime by instilling in them the values of the Scout Oath and the Scout Law. Every day, including for myself last night at Troop 890, Circle 10 Council, Boy Scouts of America, Dallas, Texas, I joined my troop in reciting what would be the Scout Oath:

"On my honor I will do my best,
to do my duty to God and my country
and to obey the Scout Law;
to help other people at all times;
to keep myself physically strong,
mentally awake, and morally straight."

I joined in then with the Scout Law: A scout is "trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean, and reverent." The Scout motto, "Be prepared"; and the Scout slogan, "Do a good turn daily."

In the past 4 years alone, Scouting youth and their leaders have volunteered for more than 6.5 million hours of service to their communities through more than 75,000 service projects, benefiting food banks, local schools, charities, and many organizations that support disabled Americans.

H.R. 5872, the Boy Scouts of America Centennial Commemorative Coin Act, has vast bipartisan support with over 297 original cosponsors. We will celebrate and make this coincide with the celebration of the 100th birthday of Boy Scouting on February 8, 2010. This bill will create 350,000 $1 silver coins. At no cost to the American taxpayer, this coin raises also $3.5 million for the Boy Scouts of America Foundation for the purpose of serving Scouts in hard-to-serve areas. Boy Scouts of America will match this $3.5 million for the cause, totaling $7 million of nontaxpayer contributions to the Boy Scouts of America to help serve underserved areas.

I am confident that a commemorative coin would once again be a meaningful and well-liked gesture among Scouts young and old and would raise awareness of the importance of participating in the Scouting program for future generations. I am asking Members of this body to please join me in the recognition of the 100th anniversary of the Boy Scouts of America with this 2010 commemorative coin.

I would like to thank the following people for their support of this bill in addition to the 297 cosponsors: Bob Mazzuca, the Chief Executive Scout; James Terry, the Assistant Chief Scout Executive and Chief Financial Officer; my good friend John Green, the National Director of Programs for the Boy Scouts of America; Chris Frech, the White House Legislative Affairs Office; Marty McGuinness, the White House Legislative Affairs Office; Eagle Scout and Congressman GREG WALDEN, who serves in this body from Oregon; and Eagle Scout Jim Silliman, who works within my office.

Mr. Speaker, this opportunity for us to pass this bill today will lend not only support to the Boy Scouts of America but will help many underserved areas as they try to provide the same level of support that was provided to Mr. Boyce on that cold and foggy night in London, England.

We appreciate the time that the Speaker of the House has given for us to hear this bill, and I want to thank the gentlewoman for extending the time to me.

Mr. GUTIERREZ. Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

As Mr. SESSIONS said, after coming back to London, the Chicago publisher William Boyce founded the Boy Scouts of America, and the Scouting movement became so successfully transplanted in the United States that within a few short years, in 1916, the House of Representatives recognized that Boy Scouts of America "tends to conserve the moral, intellectual, and physical life of the coming generation."

Those words have remained true generation after generation. And today Boy Scouts of America strives through its Scout outreach program to provide an opportunity for young people to join Scouting regardless of their circumstances, neighborhood, or ethnic background. Boy Scouts of America partners with other charitable organizations such as the Habitat For Humanity, the American Red Cross, and the Salvation Army to help countless citizens across our country as part of the "Good Turn for America." And Boy Scouts reaches beyond its traditional programs to help schools and community organizations build character and enhance self-confidence of all of our youth through Learning for Life.

Mr. Speaker, I urge all Members to join in recognizing the Boy Scouts of America's 100-year anniversary with a commemorative coin in 2010.

Mr. ETHERIDGE. Mr. Speaker, I rise today in strong support of H.R. 5872, the Boy Scouts of America Centennial Commemorative Coin Act. This bill directs the Secretary of the Treasury to mint and issue up to 350,000 $1 silver coins in 2010 to commemorate the centennial of the founding of the Boy Scouts of America. The $10 surcharge required for each coin will be paid to the National Boy Scouts of America Foundation.

Mr. Speaker, I have long been honored to be associated with the Boy Scouts of America. I am the proud father of an Eagle Scout and I have been proud to support the

Occoneechee Council of the Boy Scouts in North Carolina through volunteer work and vital fundraising. I have been honored to receive the Silver Beaver, the Scouts' highest award for volunteering, and I received a new award for my congressional support for Scouting.

Scouting has contributed to the fabric of American life for nearly 100 years. The Boy Scouts of America was incorporated on February 8, 1910, and chartered by Congress in 1916. The Boy Scouts of America's original mission was to provide an educational program for boys and young men to build character, to train in the responsibilities of participating in citizenship, and to develop personal fitness.

You know, North Carolina and America and indeed the entire world have changed a great deal since 1910. Yet the Boy Scouts endure. The Boy Scouts remain a mainstay of American life because the message of this organization is timeless: developing American citizens who are physically, mentally and emotionally fit.

The leadership and service skills learned as a Boy Scout have enabled men to become leaders in all walks of life: government, business, sports, science and the arts. These include such distinguished individuals as: President Gerald R. Ford, our first Eagle Scout to become President; Secretary of Defense Robert M. Gates; and my friend, Richard Gephardt, the former majority leader of the U.S. House of Representatives, and Supreme Court Justice Stephen Breyer. Closer to my home, former North Carolina Governor and Senator Terry Sanford was an Eagle Scout.

The Boy Scouts of America is an institution that contributes so much to the strength of our social fabric. The activities of the Boy Scouts reinforce our moral core and help sustain our American values, generation after generation.

I support the issuance of this commemorative Centennial Coin, and I urge my colleagues to join me in support of this bill.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

Mr. GUTIERREZ. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. GUTIERREZ) that the House suspend the rules and pass the bill, H.R. 5872, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

ALICE PAUL WOMEN'S SUFFRAGE CONGRESSIONAL GOLD MEDAL ACT

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 406) to posthumously award a Congressional Gold Medal to Alice Paul in recognition of her role in the women's suffrage movement and in advancing equal rights for women, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Alice Paul Women's Suffrage Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Alice Paul was born on January, 11, 1885, in Moorestown New Jersey, and died on July 9, 1977.

(2) Alice Paul dedicated her life to securing suffrage and equal rights for all women and, as founder of the National Woman's Party, she was instrumental in the passage of the 19th Amendment to the United States Constitution.

(3) Alice Paul and the National Woman's Party were the first group ever to picket the White House.

(4) While President Woodrow Wilson trumpeted America's values of democracy abroad during World War I, Alice Paul was dedicated to reminding the President that not all Americans enjoyed democracy at home.

(5) Alice Paul used nonviolent civil disobedience to bring national attention to the women's suffrage movement, such as the 3-week hunger strike she undertook when she was sentenced to jail in October, 1917, for her demonstrations.

(6) Alice Paul's courage inspired thousands of women to join the women's suffrage movement.

(7) Instead of patiently waiting for States to grant women suffrage, Alice Paul mobilized an entire generation of women to pressure the United States Congress and the President to give all women in America the right to vote.

(8) Alice Paul did not stop her fight after the 19th Amendment was ratified; she drafted the Equal Rights Amendment to the United States Constitution in 1923 and fought tirelessly for its passage until her death 54 years later.

(9) Alice Paul lobbied Congress to include gender in civil rights bills and was successful in including sex discrimination in Title VII of the Civil Rights Act of 1964.

(10) Alice Paul sought equal rights for women all over the world, not just Americans and, as a means of pursuing this goal, founded the World Party for Equal Rights for Women in the 1930's.

(11) Alice Paul was instrumental in the placement of a passage on gender equality in the preamble of the United Nations Charter.

(12) Few people have played a greater role in shaping the history of the United States than Alice Paul.

(13) Alice Paul is an example to all Americans of what one person can do to make a difference for millions of people.

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design in commemoration of Alice Paul, in recognition of her role in the women's suffrage movement and in advancing equal rights for women.

(b) PRESENTATION AND DISPLAY.—The medal referred to in subsection (a) shall be presented jointly to representatives of the Alice Paul Institute and the Sewall-Belmont House, to be shared equally and displayed as appropriate.

(c) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this legislation and to insert extraneous materials thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to thank Chairman FRANK; Ranking Member SPENCER BACHUS, the minority member; and I'd also like to thank Representative JUDY BIGGERT, who is also a cosponsor of the legislation and who is managing this on the floor this morning. I also want to take time to thank all of my colleagues in the House of Representatives for their support.

This is bipartisan legislation that has 406 cosponsors out of the 435 Members. The title of the bill is H.R. 406, and there are 406 cosponsors.

I also want to thank my staff for their hard work and dedication to the passage of this legislation.

I rise today in strong support of H.R. 406, the Alice Paul Women's Suffrage Congressional Gold Medal Act, a bill to honor Alice Paul, a woman who dedicated her life to equality. This legislation is supported by the National Council of Women's Organizations, the Alice Paul Institute, the Sewall-Belmont House and Museum, the League of Women Voters, MANA, the 4 E-R-A, and the National Organization of Women.

This legislation awards Alice Paul and the movement she spearheaded the Congressional Gold Medal, to recognize her role in the women's suffrage movement and in advancing equal rights, and I state equal rights, for women.

Many people do not know about Alice Paul, but today they will. It is my hope that this legislation will ratify that fact.

Because of Alice Paul and the work of other suffragists, we have the 19th amendment to the United States Constitution that guarantees that women have the right to vote. Women have the right to be Members of Congress, State officials, and to participate in local policies and the ability to run for public office. That's why here in Congress, we currently have 87 women in Congress. Because of Alice Paul, Speaker PELOSI can be the Democratic leader right here in the 110th Congress. Because of Alice Paul, Senator CLINTON can run for the highest office in the Nation and maybe be the President of the United States of America.

Alice Paul was a remarkable person who made America more democratic by fighting for equal rights and creating opportunities for women. She advocated for women in our country as well as in the Americas, within the confines of the United Nations. Alice Paul helped draft the equal rights amendment in 1923. In 1923. Alice Paul lobbied to ensure that sex discrimination was included in title VII of the Civil Rights Act of 1964.

I want to stress the blood, sweat, and tears that went hand in hand with the women's suffrage movement. Alice Paul truly gave of herself. She motivated, she empowered women to fight, to have courage, and to challenge the status quo.

Alice Paul's leadership was unyielding, tenacious, and never self-serving. She suffered imprisonment, solitary confinement, and force feeding when officials tried sabotage her hunger strike. She dedicated her life for women's rights. A true American. A true champion. An American worthy of our gratitude and never-ending respect.

Her work must be honored and preserved by congressional acknowledgment. The Congressional Gold Medal is only a small token in comparison to the legacy that Alice Paul gave us all. Alice Paul's contribution to America cannot be understated. For this reason I urge all Members to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of H.R. 406, the Alice Paul Women's Suffrage Congressional Gold Medal Act. This legislation will recognize Alice Paul's role in the women's suffrage movement with the award of the Congressional Gold Medal, Congress's highest civilian honor.

It's a great honor to be speaking on this bill authored by my friend and colleague from California, Congressman BACA. I commend the gentleman for his work on this act.

Mr. Speaker, this bill celebrates the 72-year struggle towards women's suffrage and the woman who devoted her life to that movement, Alice Paul.

□ 1645

To many, Alice Paul symbolizes the very spirit of determination and resilience of the suffrage movement.

She was born in 1885 to Quaker parents. Alice Paul's childhood was somewhat of an anomaly for the time, because she was raised with the belief of gender equality. In this way, her childhood reflected the vision of the larger society she would work to forge until her death.

A graduate of Swarthmore College, a recipient of a Ph.D. from the University of Pennsylvania, and a believer in working towards the betterment of society, Alice Paul became an ardent proponent of women's suffrage in 1907 while in London.

Upon her return to the United States in 1910, Ms. Paul brought the determination of the English movement to bear on the American campaign. She joined the National American Women's Suffrage Association and was quickly charged with heading the drive for a Federal suffrage amendment.

Recognizing that boldness was needed to accomplish her task, Alice Paul organized a parade comprised of woman to coincide with the inauguration of President Woodrow Wilson. The participating women were attacked with both insults and physical violence. However, the news made headlines and suffrage became a popular topic throughout the Nation.

Because of differences on tactics, Alice Paul left Women Suffrage Association and formed the National Woman's Party. Paul and her newly formed party were more aggressively than ever, picketing a war-time President and staging hunger strikes. Such methods were met with vehement opposition from authorities who arrested Paul and members of her group, subjecting them to horrific prison conditions and even attempted to have Paul declared insane. Yet nothing deterred her. Paul continued the march towards enfranchisement.

The suffragist's imprisonment and abuse caused a public outcry so strong that President Wilson reversed his position on a suffrage amendment, supporting it as a necessary "war-time" measure. It passed the House and Senate in 1919, and was ratified by the necessary three-fourths of States in 1920. In August of 1920 American women gained the right to vote.

However, Alice Paul's advocacy did not end with that triumph. In 1923, Alice Paul began her work on the Equal Rights Amendment, the ERA. The amendment was introduced in every session of Congress from 1923 until its passage in 1972. To date, the amendment has never been become part of the U.S. Constitution. It has been ratified by 35 of the necessary 38 States needed to ratify the Constitution. Alice Paul fought for its passage each time. And we continue to fight for it to become an amendment to the U.S. Constitution in honor of Alice Paul.

Today, two prominent institutions work to memorialize Paul's life and the progress of the women's movement: The Alice Paul Institute and the Sewall-Belmont House and Museum in Washington. This Congressional Gold Medal will be displayed in an alternating fashion at these two establishments, further honoring Ms. Paul and her legacy.

This historic movement and this historic woman gave this Nation so much. H.R. 406 acknowledges this fact, commemorating Alice Paul. I urge its immediate passage.

I reserve the balance of my time.

Mr. BACA. Mr. Speaker, I would like to yield such time as she might consume to the gentlewoman from California, my good friend, GRACE NAPOLITANO.

Mrs. NAPOLITANO. I thank my good friend and colleague, JOE BACA, from California for authoring this important legislation and thank JUDY BIGGERT for supporting H.R. 406, the Alice Paul Congressional Gold Medal Act that would honor a true pioneer, one of the original suffragettes, as the progress of women's rights and equality continues to be such a strong need in our country.

In the early 20th century, she followed Susan B. Anthony and Elizabeth Cady Stanton. She recognized the disenfranchisement of women from political and public sectors and made it her passion to reconcile these injustices.

Alice Stokes Paul was a Quaker from Mount Laurel, New Jersey. She went to

Swarthmore College and got her B.A. in 1905, which was unheard of in that time period. As was said before, she went to the New York School of Philanthropy, the University of Pennsylvania where she got her M.A. in Sociology, the University of Birmingham, the London School of Economics in 1907, and then the University of Pennsylvania where she got a Ph.D. in political science. Her dissertation at the time was the legal position of women in Pennsylvania.

Then in 1927, she received an LL.M. followed by a doctor of civil law degree in 1928 from the American University's Washington College of Law. As was mentioned, she joined the National American Women Suffrage Association in 1912, had done remarkable work with Lucy Burns, formed the Congressional Union, as was also mentioned. She actually laid the groundwork for the continuing of women to be able to have parity and equal rights.

She employed nonviolent civil disobedience campaigns, the hunger strike for which she was put into a prison psychiatric ward and force fed. She made it her passion to be able to continue fighting for the rights of women.

She energized a movement that produced a formal voice for women in politics through the voting rights. My female colleagues here in Washington and in Congress would not be standing before you today had it not been for those sacrifices made by Alice Paul and the suffragists. Her tireless efforts help provide women with the legal right to vote. That movement also fueled the social and cultural progress that has allowed me and others like me to participate at an elevated level of political progress.

She deserves a Congressional Medal of Honor, Mr. Speaker, because her actions have not only given women a voice in our country but provided inspiration for all disenfranchised women's groups to break that proverbial glass ceiling.

I want to thank my House colleagues, JOE BACA and JUDY BIGGERT, that moved this bill forward. I urge the Senate to follow the House lead and support this legislation.

Mrs. BIGGERT. Mr. Speaker, at this time, I would like to yield such time as she may consume to the gentlewoman from Minnesota who is also a member of the Financial Services Committee, Mrs. BACHMANN.

Mrs. BACHMANN. Mr. Speaker, I thank Mr. BACA of California for sponsoring this legislation that is very important. Thank you for being so persistent in seeking 406 cosponsors of your legislation. And I also thank Mrs. BIGGERT, as well, for her timely remarks.

Mr. Speaker, I rise with regard to H.R. 406 honoring the early suffragist Alice Paul who worked hard to provide better treatment for American women in our legal and in our political system.

As the congressional chairman of the National American Woman Suffrage Association in Washington, D.C., Alice Paul performed a critical role in persuading Congress to pass the 19th amendment which guaranteed American women the right to vote. She later stated that her work in passing this amendment was "the greatest thing I have I ever did."

Alice Paul is rightly venerated by American feminists. But few recall her work to also expose the effects of legalized abortion as "the ultimate exploitation of women."

In fact, toward the end of her great career, Alice Paul grew frustrated with America's women's rights movement as it drifted away from its original mission of advocating for a better life for American women and in favor of legislation for abortion. Alice Paul was highly critical of this shift, and she harbored grave reservations about abortion on demand.

Mr. Speaker, I encourage you and my colleagues to join me in honoring this courageous women's career in its entirety. May this deliberative body take to heart her views on women's rights and its incompatibility with legalized abortion.

I thank both Mr. BACA and Mrs. BIGGERT for sponsoring this legislation.

Mr. BACA. Does the gentlewoman from Illinois have additional speakers?

Mrs. BIGGERT. I have no additional speakers and would yield back the balance of my time.

Mr. BACA. First of all, I would like to thank the gentlewoman Mrs. BACHMANN and, of course, Congresswoman GRACE NAPOLITANO for their compassionate speech about H.R. 406. A true hero, a woman who will leave a legacy not only for our country, for our Nation, but for our children and others, and especially I say for my daughters, I have two daughters, to know that they now have the right to vote.

And I was inspired by a movie that I saw entitled Iron Jawed Angels. That is how I happened to find out about Alice Paul and her history and contributions. I think too much time has passed and she should have been recognized some time ago. Were it not for she had done, many of us would not be in office right now because it also impacted many of us minorities. Not only did women gain the right to vote, but many minorities now have the ability to vote under the 19th amendment because of women's suffrage. So I congratulate her.

I ask my colleagues on both sides of the aisle to vote "aye" for H.R. 406.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong to support of H.R. 406, which awards a Congressional Gold Medal to Alice Paul.

Every American woman is indebted to Alice Paul for her lifelong dedication to women's suffrage. I am living proof of the advancements she has made for women. I am personally gratified that Congress is recognizing Alice Paul's contribution to American history. Alice Paul was the first cousin to my husband's grandmother. In fact, I named my oldest daughter after her.

Alice Paul passionately devoted her entire life to the advancement of women's rights. She was an extraordinary leader, ingenious fundraiser, and a brilliant politician. Wholeheartedly focused on suffrage, she lived in a cold room so she would not be tempted to sit up late and read novels.

Alice Paul truly revolutionized the suffragist movement. In 1913, Alice Paul and fellow suffragist Lucy Burns organized an impressive suffrage parade on the day before Woodrow Wilson's inauguration. In 1916, Paul founded the National Women's Party with the guiding philosophy of "holding the party in power responsible." Paul adamantly believed that women should never expect to be given the vote, but that they must take it through their own accord.

Under Paul's leadership, the National Women's Party was the first political organization in the United States to peacefully picket the White House. This political strategy is still widely used today. Originally the White House protests were tolerated by President Wilson. But as the women persistently picketed during the war, suffragist protestors were attacked by angry mobs and frequently arrested.

The suffragist prisoners demanded to be treated as political prisoners and staged hunger strikes. Their demands were met with brutality as suffragists, including older women, were beaten, pushed and thrown into cold, unsanitary, rat-infested cells. Women were even force-fed against their will. Thanks to the countless sacrifices made by suffrage activists, American women were finally granted the right to vote in 1920.

Yet, Alice Paul firmly believed that true fulfillment of women's rights was only advanced, not completely satisfied, by the achievement of suffrage. Paul drafted the Equal Rights Amendment for the United States Constitution in 1923. She devoted the rest of her life to this goal of constitutional protection for women's equality and today, feminists continue this pursuit. I have proudly continued her legacy by introducing the ERA every Congress since 1997.

Alice Paul's lifelong efforts achieved great strides not only for American women, but for all women of the world. She founded the World Woman's Party in 1938. Paul and the World Woman's Party successfully fought for the inclusion of gender equality into the United Nations Charter. Their efforts also led to the establishment of the United Nations Commission on the Status of Women. This Commission continues to be a principal global policy-making body for women's advancement.

Let us finally grant Alice Paul her rightful place in history. She is most deserving of the Congressional Medal of Honor. Her legacy opened the door for women's full participation in society and for that, we are forever grateful.

Mr. BACA. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the bill, H.R. 406, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

CREDIT AND DEBIT CARD RECEIPT CLARIFICATION ACT OF 2007

Mr. MAHONEY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4008) to amend the Fair Credit Reporting Act to make technical corrections to the definition of willful noncompliance with respect to violations involving the printing of an expiration date on certain credit and debit card receipts before the date of the enactment of this Act.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Credit and Debit Card Receipt Clarification Act of 2007".

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The Fair and Accurate Credit Transactions Act (commonly referred to as "FACTA") was enacted into law in 2003 and 1 of the purposes of such Act is to prevent criminals from obtaining access to consumers' private financial and credit information in order to reduce identity theft and credit card fraud.

(2) As part of that law, the Congress enacted a requirement, through an amendment to the Fair Credit Reporting Act, that no person that accepts credit cards or debit cards for the transaction of business shall print more than the last 5 digits of the card number or the expiration date upon any receipt provided to the card holder at the point of the sale or transaction.

(3) Many merchants understood that this requirement would be satisfied by truncating the account number down to the last 5 digits based in part on the language of the provision as well as the publicity in the aftermath of the passage of the law.

(4) Almost immediately after the deadline for compliance passed, hundreds of lawsuits were filed alleging that the failure to remove the expiration date was a willful violation of the Fair Credit Reporting Act even where the account number was properly truncated.

(5) None of these lawsuits contained an allegation of harm to any consumer's identity.

(6) Experts in the field agree that proper truncation of the card number, by itself as required by the amendment made by the Fair and Accurate Credit Transactions Act, regardless of the inclusion of the expiration date, prevents a potential fraudster from perpetrating identity theft or credit card fraud.

(7) Despite repeatedly being denied class certification, the continued appealing and filing of these lawsuits represents a significant burden on the hundreds of companies that have been sued and could well raise prices to consumers without corresponding consumer protection benefit.

(b) PURPOSE.—The purpose of this Act is to ensure that consumers suffering from any actual harm to their credit or identity are protected while simultaneously limiting abusive lawsuits that do not protect consumers but only result in increased cost to business and potentially increased prices to consumers.

SEC. 3. CLARIFICATION OF WILLFUL NONCOMPLIANCE FOR ACTIONS BEFORE THE DATE OF THE ENACTMENT OF THIS ACT.

(a) IN GENERAL.—Section 616 of the Fair Credit Reporting Act (15 U.S.C. 1681n) is amended by adding at the end the following new subsection:

"(d) CLARIFICATION OF WILLFUL NONCOMPLIANCE.—For the purposes of this section, any person who printed an expiration date on any receipt provided to a consumer cardholder at a point of sale or transaction between December 4, 2004, and the date of the enactment of this subsection but otherwise complied with the requirements of section 605(g) for such receipt shall not be in willful noncompliance with section 605(g) by reason of printing such expiration date on the receipt.".

(b) SCOPE OF APPLICATION.—The amendment made by subsection (a) shall apply to any action, other than an action which has become final, that is brought for a violation of 605(g) of the Fair Credit Reporting Act to which such amendment applies without regard to whether such action is brought before or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Florida (Mr. MAHONEY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MAHONEY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MAHONEY of Florida. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4008, the Credit and Debit Card Receipt Clarification Act.

I would like to begin by thanking Members of both sides of the aisle for helping bring this commonsense legislation to the floor, including Ranking Member BACHUS, Representative MELISSA BEAN, MICHELE BACHMANN and many others. I would also like to thank my chairman, Representative BARNEY FRANK, and his staff for their efforts in bringing this important piece of legislation to the floor.

Mr. Speaker, in 2003 Congress passed the Fair and Accurate Credit Transactions Act, the FACT Act, to ensure that Americans could continue to rely on the efficiencies of the 21st century financial and credit system while being protected from identity theft, credit card fraud and other financial crimes.

This important law has given consumers new and important rights. For example, the FACT Act provides consumers with the right to obtain one free copy of their credit record from each of the three major credit bureaus every 12 months. In addition, this legislation created the Financial Literacy and Education Commission to better help Americans understand and manage their finances.

One provision in the FACT Act was intended to enhance consumer protection from credit card fraud by limiting the amount of information printed on receipts from a credit card or debit card transaction. Today, when consumers go into a convenience store, restaurant or retailer, they will notice that their credit card receipt does not contain the full credit card number. This small but important change to their credit card receipts helps prevent criminals from obtaining the receipt and using it to make fraudulent purchases.

□ 1700

Unfortunately, this provision, as drafted, has caused a great deal of confusion and is now at the center of hundreds of lawsuits all over the country. Specifically, it required that "no person that accepts credit cards or debit cards for the transaction of business shall print more than the last five digits of the card number or the expiration date upon any receipt provided to the cardholder at the point of the sale or transaction." The overwhelming majority of businesses believed that they were in compliance with this provision of the law by truncating the card number and printing the expiration date of the credit card.

Furthermore, the publicity surrounding the passage of the act, whether it was press accounts of the President's statement at the signing of the subsequent Federal Trade Commission press release describing the new requirements of the bill, pointed entirely to the truncation of the credit card number.

I would like point out that experts agree that the truncation of the card number, by itself, regardless of whether or not the expiration date was redacted from the receipt, removes the single most crucial piece of information that a criminal would need to perpetrate account fraud.

I can understand the shock that many of these businesses must have felt when, thinking that they had taken all the steps necessary to protect their customers and comply with the law, they were later served notice of a pending class action lawsuit against them accusing them of violating the FACT Act because they had failed to redact the expiration date in addition to truncating the credit card number.

When you consider that the law levies between a $100 and $1,000 fine for each credit card receipt, the amount of liability threatens to bankrupt healthy, successful businesses.

While most, if not all these companies, have quickly resolved the issue by instructing their point-of-sale vendors to also redact the expiration date, they continue to face these lawsuits. Not only have these lawsuits been filed against large corporations, they have been filed against small businesses.

Last month I was contacted by Arthur Cullen. Mr. Cullen and his wife, Nieves, are the owners of Havana Harry's Restaurant in south Florida. Mr. Cullen states in his letter that he and his wife began his business with a dream and some savings.

Today, Havana Harry's employs 75 people and serves more than 4,000 people on a weekly basis. Like so many others, Mr. Cullen believed he was complying with the FACT Act by truncating the credit card number. Unfortunately, a lawsuit was filed against his business because he also failed to delete the expiration date. As a result of the lawsuit, Mr. Cullen is concerned about the future of Havana Harry's.

My legislation is designed to provide relief to people like Mr. Cullen, proud entrepreneurs and small business owners, who did everything they thought was necessary to comply with the FACT Act.

H.R. 4008 makes a technical correction to the FACT Act to free hundreds of businesses from potential exposure to statutory damages that could total hundreds of millions or even billions of dollars solely because of their past harmless failure to redact the expiration date from an otherwise FACT Act complaint receipt.

Let me be clear, not one of these suits has alleged any harm to the consumer. In the event that a consumer does experience identity theft, account fraud, or some other harm, my legislation preserves a consumer's right to sue.

Finally, H.R. 4008 does not eliminate a business' obligation to properly truncate the account number or to redact the expiration date from its receipts, and it does not protect merchants who printed more than the account number permitted by the FACT Act.

With a struggling economy in Florida and across America, the last thing businesses and consumers need are lawsuits that needlessly drive up costs. These abusive lawsuits will likely result in higher prices to the public and could even result in bankruptcies and more job losses.

I urge all of my colleagues to join me in voting "yes" for this commonsense fix to a problem that has the potential to put out of business thousands of successful businesses which will ultimately hurt, rather than protect, consumers.

Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I would like to thank the gentleman from Florida (Mr. MAHONEY) for his work on this bill. I am pleased to be a cosponsor of the bill and urge my colleagues to support it.

In short, the bill makes a technical correction to a law Congress passed in 2003, The Fair and Accurate Credit Transactions Act, or FACTA. FACTA currently requires businesses to truncate a customer's credit or debit card number to five numbers. Many businesses complying with this requirement truncated the credit card number, but kept the expiration date of a customer's credit card on the receipt.

Very shortly after the FACTA was enacted, hundreds of lawsuits were filed against businesses because the plaintiffs claimed that expiration date should count as part of a customer's credit card number.

One such business is Home Run Inn, a family-owned business that makes "Chicago's Finest Pizza," located in Woodridge, Illinois. It was not the intention of Congress to include the expiration date as part of the credit card number and caused this confusion. To my knowledge, no consumer has been harmed or been a victim of identity theft or fraud as a result of his or her credit card expiration date being printed on a receipt.

Therefore, this bill clears up the matter. If this bill becomes law, attorneys will no longer be tempted to file lawsuits against businesses, but consumers harmed by a business who was violating FACTA can still file a lawsuit.

Again, I urge my colleagues to support the bill and reserve the balance of my time.

Mr. MAHONEY of Florida. Mr. Speaker, I yield to my distinguished colleague and friend from Illinois (Ms. BEAN) as much time as she may consume.

Ms. BEAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H.R. 4008, The Credit and Debit Card Receipt Clarification Act, which makes a technical correction to The Fair and Accurate Transactions Act, FACTA.

As a strong advocate for increased security of individuals' personal financial data, I support the provisions to fight ID theft included in FACTA, which was signed into law in 2003. The bill sought to protect the privacy of the information and the consumers' credit report, assist victims of identity theft and prevent fraudulent credit transactions.

In particular, section 133 of FACTA, which went into effect in December of 2006, prohibits merchants from printing more than the last five digits of a consumer's credit and debit card numbers or the expiration date on printed receipts. Some interpreted this to mean don't print either/or, others said print neither.

While I support the general intent of this section, it is noted by many identity theft experts that individuals who commit fraud by stealing consumers' credit and debit card numbers cannot do so without having the entire correct account number.

Section 113 eliminates one avenue for these criminals to steal account numbers by prohibiting the printing of full account numbers on paper receipts. Due to the vagueness of section 113 and lack of guidance from the FTC, the agency responsible for enacting the section, many businesses only truncated a consumer's credit or debit card number, and now hundreds of businesses across the country are facing lawsuits for failing to redact the expiration date from an otherwise FACTA compliant receipt.

In my home State of Illinois, over 20 businesses, large and small, are facing millions of dollars of unnecessary lawsuits that could put them out of business.

Since the lawsuits have been filed, most businesses have updated their cash registers to ensure they are in full compliance with either interpretation of FACTA. Unfortunately, they still face pending lawsuits that will exacerbate the economic pressures these businesses are already facing in today's market.

I met a local restaurateur who was so adamant about fighting these predatory class action lawsuits that he is also paying the legal fees for a small coffee shop owner who could not possibly afford the legal bills.

To ensure that our small businesses are not unjustly targeted, I was proud to cosponsor this bill and join my colleague from Florida, TIM MAHONEY, in introducing H.R. 4008. This bill provides a technical correction to make businesses compliant with section 113 of FACTA if they had properly truncated a consumer's credit or debit card number but failed to redact the expiration date up to the point of enactment of this bill.

It does not protect businesses who failed to truncate a customer's account number. While H.R. 4008 preserves a consumer's right to sue in the event of actual harm or account fraud, it is important to note that of the over 500 lawsuits already filed, none have made any allegation of consumer harm.

This bill is a commonsense solution to a significant problem many of our local businesses are facing, particularly in these challenging economic conditions. I urge my colleagues to support H.R. 4008.

Mrs. BIGGERT. Mr. Speaker, I yield such time as she may consume to another member of the Financial Services Committee, Mrs. BACHMANN from Minnesota.

Mrs. BACHMANN. Mr. Speaker, I rise as the chief cosponsor of H.R. 4008 to support this important bill, and I want to associate myself strongly with the remarks from the gentleman from Florida (Mr. MAHONEY) and thank him for the important work that he brought to bear on this bill, also Ms. BEAN for her work on the bill and also for Mrs. BIGGERT, as well, for working with me to help protect American business and consumers from frivolous lawsuits.

Millions of consumers across America will experience a little extra pain in the pocketbook unless Congress passes The Credit and Debit Card Receipt Clarification Act and businesses across America, both large and small, from Main Street to Wall Street will be hurt as well.

They are watching Congress this week to see if we care; and, second, to see if we are paying attention to them. They are watching us to see if we can work across the aisle, which I am happy to say we are working across the aisle, to pass a simple but critical update to The Fair and Accurate Credit Transaction Act, otherwise known as FACTA. In an effort to prevent theft and fraud, Congress required through FACTA that businesses print, as was stated earlier in our testimony, only the last five digits or less of a person's credit card or just the expiration date on transaction receipts.

Many companies made sure that they printed no more than five digits of the receipt, but they also printed the expiration date. Many simply just weren't clear on the new requirement.

Unfortunately, trial lawyers in America saw opportunity knocking, and they found a way to take advantage of this situation. Lawyers' eyes lit up with dollar signs, and they began filing suits against companies across the United States. Any company that kept printing the expiration date, along with a few of the cards' digits, instead of just one or the other, became a potential litigation target.

However, identity theft prevention experts say that five digits of a credit card, plus an expiration date printed out on a receipt, are not enough to steal someone's account. All of these people, however, are being sued on a technicality that poses no threat to people's credit or their debit accounts.

Take, for example, in my district, the Rockler Companies, Inc., one of the many family-owned businesses in my district. Rockler sells and distributes products to the woodworking community, and, unfortunately, they became a fallen victim to just such a frivolous lawsuit. Unfortunately, they have already had to pay out over $30,000 in legal expenses for this wonderful small business in Minnesota, not because they did anything wrong, but because Congress, because this body, accidently left open a legal loophole. That's $30,000, something that can mean life or death for one of America's small businesses.

This bill on the floor today is very important. It may not seem like much, but H.R. 4008, The Credit and Debit Card Receipt Clarification Act, closes that loophole. It liberates American businesses, usually small businesses, from frivolous lawsuits.

They still have to update their receipts. They still have to comply with FACTA, but they can't be dragged through years of lawsuits because they printed a credit card expiration date.

If they print enough information to give thieves a toe-hold, they still can be sued. If they print over five digits of the card number, they still can be sued. If they do anything that puts customers' accounts in real jeopardy, they can be sued. They cannot be sued for this remote congressional technicality. That's only right.

With H.R. 4008, consumers will be protected on both ends of the transaction. After all, who will pay the real price for this? Businesses across America will have to offset the cost of these lawsuits by raising their prices, if they can, and American consumers will be left holding the short end of the stick, or the business will suffer.

At a time when Americans are already squeezed by the rising cost of living, by outrageous prices of gasoline at the pump, this is the last thing we need right now in our American economy. I am so happy that we are working together hand-in-hand across the aisle to show the American people that Congress is actually listening to them today, listening to their concerns and acting wisely on their behalf.

The Credit and Debit Card Receipt Clarification Act is pretty simple, it's no nonsense, it's fair, it's necessary, and it's bipartisan. That is good for businesses, it's good for consumers, and I thank and urge all of my colleagues in the House and ask them to join both Congressman MAHONEY and myself in supporting this wonderful bill.

Mr. MAHONEY of Florida. Mr. Speaker, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

Mr. MAHONEY of Florida. Mr. Speaker, I would like to thank Chairman FRANK, Ranking Member BACHUS and my cosponsors, Congresswomen BACHMANN, BIGGERT and BEAN, who helped me with this legislation, and 48 others who stood up for small businesses who are, right now, concerned about their viability as they are faced with the specter of a frivolous lawsuit.

☐ 1715

I would just say that time is running out. I also would like to thank Senator SCHUMER for dropping the corresponding legislation in the Senate and I ask my Senate colleagues to act quickly because small businesses need relief immediately.

Mr. BACHUS. Mr. Speaker, I support H.R. 4008 and commend the primary sponsors of the legislation, the gentleman from Florida, Mr. MAHONEY, and the gentlewoman from Minnesota, Mrs. BACHMANN, for bringing it forward.

In 2003, Congress passed the Fair and Accurate Credit Transactions Act, FACT Act, to improve our nationwide credit reporting system and provide consumers with important new protections against identity theft, including the right to a free annual credit report. As the principal House author of the FACT Act, I can personally attest that when Congress passed that landmark legislation, it was never our intent to create opportunities for frivolous litigation. Because H.R. 4008 helps to clarify and underscore that intent, I am proud to cosponsor it.

One of the many consumer protections we included in the FACT Act was a provision that prohibited merchants from printing "more than the last 5 digits of the card number or the expiration date upon any receipt provided to the card holder at the point of the sale or transaction." Unfortunately, enterprising trial lawyers have sought to exploit this provision by bringing hundreds of lawsuits against businesses, large and small, for failing to redact the expiration date from credit and debit card receipts. The suits allege that this failure constitutes a willful violation of the FACT Act, even though many retailers believed they complied with the law by truncating account numbers on receipts. And a "willful violation" can put a company out of business: penalties for such violations under the Fair Credit Reporting Act are statutory damages of not less than $100 and not more than $1000 dollars per consumer, as well as punitive damages and attorney's fees.

Thankfully, we can fix this problem, and it is fair and reasonable for us to do so. Truncating the account number is sufficient in almost every instance to protect consumers against identity theft and credit card fraud, and there are no reported cases of consumers suffering harm from the appearance of account expiration dates on their receipts. Common sense alone should tell us that there are no grounds for these punitive suits, but common sense is sometimes not enough. Representatives BACHMANN and MAHONEY have offered a simple, technical fix that will address this problem where common sense has failed. Mr. Speaker, I strongly support their legislative solution and urge its adoption.

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support for H.R. 4008, the Credit and Debit Card Receipt Clarification Act. This is common sense legislation that will free hundreds of businesses, from large corporations to "mom & pop" operations from legal damages that could total hundreds of millions or even billions of dollars for their harmless failure to redact expiration dates from their credit and debit card receipts.

This bill only provides relief to companies that otherwise complied with the Fair and Accurate Credit Transaction Act, also known as FACTA, it preserves the right for a customer to sue if real harm or fraud has occurred and it does not eliminate a business's obligation to properly truncate the account number or to redact the expiration date from its receipts.

I think it is important to point out that we are talking about businesses that did everything they thought they were required to do to comply with the new standards set forth by FACTA. These are businesses that purchased new machines, installed new hardware and incurred the expense of producing what they thought or were told was a compliant credit or debit card receipt. These are businesses that when they were told that they had to truncate the account numbers of credit and debit cards, they did so.

One of my constituents, Steven Hanson, is such a business owner. He is the founder and President of B.R. Guest Restaurants. After FACTA was enacted into law, Steve tells me that he and his company spent more than $300,000 switching out credit card terminals in his restaurant to comply with the new law, only to find out that each and every new receipt he processed could result in a $100 to $1,000 fine. Steve tells me that B.R. Guest has a pending lawsuit against his company that could result in a $100 million liability. This is not a liability that B.R. Guest or many businesses could absorb. Without this relief, B.R. Guest and hundreds of other businesses could be forced to close up shop.

In addition to B.R. Guest Restaurants, Zabars, Fairway Markets, Scholastic Books, Barneys/Jones Apparel Group, Estee Lauder, The Knot.com, Bally's North America, Buy Buy Baby and Ross Stores are among the New York Businesses named in similar lawsuits.

It is also important to note that while the lawsuits filed against these companies are seeking damages totaling in the hundreds of millions, if not billions of dollars, none of the 500 lawsuits that have been filed, make any allegation of consumer harm. Identity theft prevention experts have testified that the truncation of the credit card numbers accomplishes the intent of the statute because a potential fraudster would not be able to perpetrate account fraud without having the entire correct credit card number. The real harm to the consumer would come if Congress does not act. Consumers will be forced to pay higher prices to help these businesses absorb the cost of these lawsuits or will be faced with fewer options as businesses are forced out of business because they can not afford their cost.

This legislation enjoys wide bipartisan support and has been endorsed by The U.S. Chamber of Commerce, the National Restaurant Association, Retail Industry Leaders Association, The National Association of Theater Owners, The International Franchise Association, The National Council of Chain Restaurants and the Food Marketing Institute.

Mr. Speaker, as I said, this is common sense legislation and I urge its adoption.

Mr. MAHONEY of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from Florida (Mr. MAHONEY) that the House suspend the rules and pass the bill, H.R. 4008.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MAHONEY of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING CONDOLENCES AND SYMPATHY TO PEOPLE OF BURMA FOR LOSS OF LIFE AND DESTRUCTION CAUSED BY CYCLONE NARGIS

Mr. FALEOMAVAEGA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1181) expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1181

Whereas on the night of May 2, 2008, through the morning of May 3, 2008, Cyclone Nargis, the first tropical cyclone to make landfall on Burma since Cyclone Mala in 2006, struck the coast of Burma;

Whereas Cyclone Nargis caused more destruction in Burma than the Indian Ocean tsunami of December 2004;

Whereas Cyclone Nargis has caused the death of tens of thousands of people, displaced hundreds of thousands, and is anticipated to affect over a million people;

Whereas Cyclone Nargis has caused significant damage to Burma's rice crop, likely worsening the global food crisis and affecting the supply of rice in Burma and worldwide;

Whereas on May 7, 2008, news media reported that the death toll, as accounted by a United States envoy, could reach over 100,000;

Whereas tens of thousands of people remain missing in the storm's wake;

Whereas Cyclone Nargis has devastated major parts of Burma, including extensive damage to Burma's largest city of Rangoon and throughout the Irrawaddy Delta region, Bago (Pegu) division, Karen State, and Mon State;

Whereas initially 5 regions in Burma were declared disaster zones;

Whereas 2 Irrawaddy Division townships, Kyait Lat and Latputda, were almost completely destroyed, leaving several hundred thousand people without homes or shelters;

Whereas fallen trees, demolished homes, downed power and telephone lines, and debris have blocked roads and blanketed the affected area;

Whereas hundreds of thousands of people are in dire need of emergency shelter and clean drinking water;

Whereas Burma's military regime did little to warn the people and is not providing adequate humanitarian assistance to address basic needs and prevent further loss of life;

Whereas despite the devastation, the military regime has announced plans to go ahead with its May 10, 2008, referendum on a sham constitution, delaying voting only in portions of the affected Irrawaddy region and Rangoon;

Whereas the military regime has failed to provide life-protecting and life-sustaining services to its people;

Whereas more than 30 disaster assessment teams from 18 different Nations and the United Nations have been denied permission to enter Burma by the junta;

Whereas the United States, through its Government, the Burma-American community, and its people as a whole, has already extended significant support to the people of Burma during this difficult time, including a $250,000 emergency contribution authorized by the United States Embassy in Burma to be released immediately, and $3,000,000 in additional aid relief announced on May 6, 2008, by the White House; and

Whereas a United States Agency for International Development disaster response team is positioned in neighboring Thailand: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis;

(2) vows its full support of and solidarity with the people of Burma;

(3) calls on Americans to provide immediate emergency assistance to cyclone victims in Burma through humanitarian agencies;

(4) expresses confidence that the people of Burma will succeed in overcoming the hardships incurred because of this tragedy;

(5) calls for the Burmese military junta to consider the well-being of its people and accept broad international assistance; and

(6) demands that the referendum to entrench military rule be called off, allowing all resources to be focused on disaster relief to ease the pain and suffering of the Burmese people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from American Samoa (Mr. FALEOMAVAEGA) and gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from American Samoa.

GENERAL LEAVE

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise in strong support of this resolution, and I yield myself such time as I may consume.

First of all, Mr. Speaker, I would like to thank the distinguished gentlemen of this committee of the House, the Foreign Affairs Committee, Mr. BERMAN, and our senior ranking member, Ms. ROS-LEHTINEN, for their leadership and support of this legislation. I would also like to thank our distinguished colleague, a member of the House Foreign Affairs Committee, the gentleman from New York (Mr. CROWLEY) for being the lead sponsor of this proposed resolution.

Mr. Speaker, the long-suffering people of Myanmar are once again gripped by tragedy. On May 2, Cyclone Nargis slammed into Myanmar, ripping through the southern part of the country and leaving a path of enormous devastation.

The United Nations reports that so far the cyclone has killed between 60,000 to 100,000 people and affected well over one million. Hundreds of thousands of people are without food, fuel, clean water and shelter. As high as the death toll is now, the greater fear, Mr. Speaker, is that disease, like cholera, will spread in the affected areas, taking many more lives. Aid agencies claim that one million people could die if measures are not taken to stem the effect of diseases.

Such a large-scale tragedy demands a large-scale relief effort, and the international community is ready to assist the people of Myanmar. But sadly, it is Myanmar's own government that is slowing the delivery of aid.

As we stand here today, Myanmar's military rulers are refusing to allow the necessary number of foreign assistance teams and programs and aid groups to enter the country. Only yesterday was the first U.S. airplane allowed to deliver aid. This relatively small shipment is a fraction of the overall effort that the United States is ready to provide. We have airplanes, we have helicopters, ships, ready to deliver goods and relief teams, but Myanmar's military rulers have refused even as their people continue to suffer.

Mr. Speaker, the United States is not being singled out. Dozens of governments and nongovernmental aid groups from other countries are likewise prohibited from traveling to Myanmar. As a result, only a small fraction of the affected areas are receiving any assistance at all. And with each hour of delay, the people of Myanmar continue to suffer.

In the midst of this tragedy, the Myanmar military rulers decided to make an even greater display of their total disregard for the health and safety of the people of Myanmar. Last week, sadly, the Myanmar Government went ahead and conducted a scheduled referendum on a proposed constitution in the nonaffected areas. Then they plan to hold another referendum in the affected areas some time later this month. Mr. Speaker, I submit the constitution and the referendum are a sham, and the process is another effort on the part of the military rulers to continue their control over the people and their government.

But even if the constitution was legitimate, the decision to go forward with the referendum as millions of the people of Myanmar are fighting for survival totally defies any sense of logic and is a denial of human dignity.

Mr. Speaker, the spectacle of the referendum was chilling, even by the low standards the military leaders have set. State-run television showed clips of generals at the ballot box as corpses continued to pile high along the banks and the river beds in the south region of the country.

With this resolution, the House of Representatives calls upon Myanmar to put the needs of its people first and call off the constitutional referendum and accept international assistance.

H. Res. 1181 also expresses our deepest condolences and sympathy to the people of Myanmar for the great loss of life and their continued suffering, and offers our full support and solidarity.

Mr. Speaker, this resolution also expresses confidence in the people of Myanmar that they will overcome this terrible tragedy. May I say, Mr. Speaker, I would like to make this special appeal, a special appeal to the president of the People's Republic of China to bear the strongest possible influence upon the military leaders of Myanmar to stop this insanity and let these governments and aid agencies come forth and to give assistance to the people of Myanmar.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand also in support of House Resolution 1181 authored by my good friend from New York (Mr. CROWLEY), and which I am proud to cosponsor, that addresses the tragic loss of life in Burma due to the devastation of the recent cyclone.

The suffering caused there is heart wrenching, with the number of estimated dead nearing 100,000, and with at least 1 million people left homeless.

The secretive and corrupt military junta in Burma has made a determination of exact figures on the loss of life and of those in desperate need of assistance nearly impossible to estimate. Millions are reportedly at immediate risk of disease or hunger.

Many have publicly criticized the Burmese regime in the cyclone's aftermath, pointing out that Burma's state-run radio failed to issue a timely warning to its citizens in the storm's path, despite information it received from neighboring countries.

United Nations agencies temporarily suspended relief flights last week after reports that the junta had impounded two plane loads of supplies and that the Burmese troops were pilfering the assistance already on the ground. What kind of regime steals the food literally out of the mouths of starving babies? The answer is the one in Burma today.

The first U.S. relief aircraft, loaded with 28,000 pounds of supplies, including water, mosquito netting and blankets, was allowed to land in Burma on Monday. This is in keeping with the wide-hearted generosity of the American people to those who are in need anywhere in the globe. It is in keeping with Ronald Reagan's famous dictum that "a hungry child knows no politics."

Disaster relief experts from the United States and other countries are ready to head to Burma to prevent what could become an even greater calamity affecting millions of people. The Burmese regime, however, is still refusing to issue them visas.

The insistence by the junta that it will distribute all supplies itself raises grave concerns, given the regime's past track record of thievery and indifference to the welfare of its own people. It is time for Burma to let the relief workers and journalists inside. The generals must put aside, for once, their own selfish ambitions and must start thinking of the good of their own people. The prospects for this, however, remain grim. This is, after all, the same regime that callously shot monks and other peaceful demonstrators on the streets of Burma's cities last fall during the Saffron Revolution. The generals, unfortunately, are likely to turn a deaf ear to the cries of their own people.

This Congress, however, should not and must not be deaf to the cries of the suffering men, women and children in Burma. It is essential that the House speak today in a strong and unified voice and pass Mr. CROWLEY's important resolution. The American people would expect no less, and the Burmese people will be forever grateful.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. MANZULLO) be allowed to manage the remainder of our time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. FALEOMAVAEGA. Mr. Speaker, it is with pleasure that I yield 6 minutes to the distinguished gentleman from New York (Mr. CROWLEY), the chief sponsor of this proposed legislation.

Mr. CROWLEY. Mr. Speaker, I want to thank my good friend, Representative FALEOMAVAEGA, for not only yielding me the time but for working with us on this important resolution. I also want to thank his staff who has worked with my staff in an expeditious way to get this resolution to the floor as soon as possible. I want to thank the chairman of the House Foreign Affairs Committee as well, Congressman BERMAN, and Ranking Member ROS-LEHTINEN, and the other members of the committee for their quick movement on this resolution.

Mr. Speaker, I rise today to express my deepest condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis.

Burma was hit by the cyclone more than 10 days ago, and its impact has been nothing but devastating. To date, it has claimed an estimated 100,000 lives. It has robbed more than a million people of their homes, and tens of thousands of people are still missing and unaccounted for, while millions are struggling to survive without access to clean water, food, or shelter.

Shamefully, the military junta of Burma, showing no regard for the lives of their fellow Burmese, did little to warn the people in the cyclone's path that the cyclone was coming, and they have done little to help their own people in the aftermath of this natural disaster.

Instead of providing much-needed emergency humanitarian aid to its people, the junta pushed forward with an election to pass their sham constitutional referendum. At a time when all resources should have been focused on saving the lives of survivors struggling to find food and clean water to stave off starvation, disease and death, the regime deployed personnel to campaign in favor of the referendum, man polling stations, and fill state television with images of dancing girls urging people to vote in favor of their referendum.

Aside from failing to use their own resources to help the people, the junta would not even accept outside resources to aid the devastated communities in the aftermath of the cyclone.

Immediately after the cyclone hit, the United States embassy in Burma authorized $250,000 in emergency assistance, as it does whenever such an emergency takes place around the world.

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President Bush also swiftly followed by pledging an additional $3 million, the assistance of the U.S. Navy assets in the region, a disaster assessment team and any additional aid that would be needed. And the United States Agency For International Development Administrator Henrietta H. Fore announced an additional $13 million in aid to Burma, bringing the total value of U.S. Government assistance to more than $16.3 million.

Yet most of those funds and offers have gone unaccepted. To date the junta has allowed only one plane load of U.S. emergency aid to enter the country, and it is unclear if that reached the survivors at all.

While estimates from the international humanitarian organization in Burma reveal that more than 1.5 million people are on the brink of death unless aid reaches them immediately, the Burmese military regime continues to deny international aid workers entry in the country.

Yesterday, at a meeting in Rangoon, a Burmese cabinet minister told relief agencies that foreign aid workers are prohibited from entering the disaster zone, and must present all of their supplies to the military for distribution.

The regime does not have the capacity or skills to handle this major humanitarian crisis, yet it continues to deny visas to disaster assessment teams that can help. It has allowed only the smallest trickle of international aid into the country. At this point, in the post-tsunami relief operation, the hard hit region of Aceh was receiving one aid flight every single hour. In Burma, the regime is only allowing three or four flights a day, after not allowing any in the first five days after the cyclone hit.

Efforts to ensure aid reaches the survivors of the cyclone are continually hampered by military officials who will not allow aid workers, foreigners, diplomats or journalists, or even ordinary Burmese who want to help their fellow citizens access to the hardest hit areas. Many of the affected communities have received no aid from the regime or any aid agency.

To make matters worse, it is being reported that the junta is also selling aid supplies to local markets. Mr. Speaker, that is simply unacceptable.

Just yesterday, China experienced its own natural disaster, a massive earthquake measuring 7.8 on the Richter scale, and our hearts go out to the victims of that disaster. But China, unlike the junta in Burma, immediately acted to help the victims and the citizens of its country.

Countries that have the capacity to react to a natural disaster and provide aid to its citizens have a moral obligation to do so. China's actions in the United Nations Security Council to prevent efforts to invoke the responsibility to protect in Burma is appalling.

It is truly saddening, but not surprising, to see the Burmese junta turn a blind eye to its own people. The United States, along with the international community, understands the gravity of the situation, even if the military regime in Burma does not. Even in the wake of one of the most deadly natural disasters they refused to provide the proper humanitarian assistance needed to ensure the health and survival of their own citizens.

Mr. Speaker, the bill before us is about making clear to the people of Burma that we stand with them, and that we will continue push the junta to accept our assistance to help those in need.

Mr. MANZULLO. I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. I thank my good friend for yielding and I rise in very strong support of H. Res. 1181 regarding the heartbreaking situation in Burma. I thank my friend from New York for sponsoring it following the devastating cyclone that hit that country earlier this month.

The United Nations, Mr. Speaker, has suggested that the death toll from the cyclone is likely to number more than 100,000. Many people already living in poverty saw their homes swept away, and some two million survivors are now struggling to stay alive, threatened by disease and starvation. The water is contaminated, medicine is hard to come by, and much of the land in the affected regions is still under water. Bodies of victims are floating in the waters with those of drowned animals. Our thoughts and prayers go out to the victims of this terrible tragedy and to their families.

This body has addressed the plight of the Burmese people many times in the past as they have struggled for the most basic freedoms under the repressive military junta that rules them. It is tragic that a people that has already suffered so much now faces this devastation.

The resolution we are considering expresses support for the Burmese people and confidence that they will overcome the hardships they now face. It calls on Americans to give generously to humanitarian agencies that are addressing the crisis. I am pleased that the U.S. government has pledged more than $16 million in relief for Burmese cyclone victims. And if our relief is allowed to get there, I'm sure that number will skyrocket.

But the military regime has thwarted the efforts of relief agencies and personnel to enter the country and distribute aid. There have been reports that the government has also appropriated supplies, withholding them from the victims.

Our aim here, Mr. Speaker, is not to score points on the Burmese question. My feelings and those of my colleagues are well known. At this point, we all just want to see humanitarian aid get to the people as soon as possible to save lives and mitigate suffering.

Right now paranoia reigns among about Burma's military strongmen, and innocent people, as a result, are dying. But I plead with Burma's leaders to facilitate relief efforts, allow the international community to help. I ask them to heed H. Res. 1181's call to put the welfare of the Burmese people first.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. BERMAN), chairman of our House Foreign Affairs Committee.

Mr. BERMAN. Mr. Speaker, I rise in support of this resolution.

One cannot help but be deeply saddened by the harrowing reports and images coming from Burma in the wake of Cyclone Nargis.

Television clips show bloated, dead bodies floating among scared and starving Burmese, desperate for assistance. Entire villages are destroyed, some with survivors in the single digits, others with no survivors at all. Because of the escalating cost of fuel, it is too expensive to burn the corpses of the dead.

As horrific as the current destruction is in Burma, there is the eerie fear that we are on the precipice of the situation becoming much worse. The threat from disease could raise the number of dead from the tens of thousands to over one million.

It seems unthinkable that in this modern age, 1 million people can be left to die as the result of a single natural disaster. Yet, that is what we face if we are not able to provide aid and assistance to the people of Burma.

And, if it is horrific to hear reports of the humanitarian crisis in Burma, it is nauseating to hear reports of the lack of humanity on the part of the Burmese regime.

The Burmese junta seems committed to preventing the full-scale relief operations necessary to respond to the current crisis. Instead of welcoming the outpouring of assistance from around the world, Burma's generals are letting aid groups and governments languish as they wait for visas.

The United States stands ready with so many other countries, international organizations and NGOs, to do what it can to prevent further loss of life and to help Burma begin to recover from this devastating storm. But the military leaders continue to rebuff our help and our pleading on behalf of the Burmese people.

Most governments would be strained by the demands of responding to such devastation, and Burma lacks a fraction of the capacity necessary to deal with this crisis. To make matters worse, there are reports of corruption inside Burma eroding the efforts that are allowed to take place. We hear that supplies that were provided by donors are being confiscated by the government and resold back to aid groups. This is sinister profiteering at its most extreme.

That the junta went ahead with its scheduled constitutional referendum on Saturday in the unaffected areas is sickening and surreal.

The constitution under question is intended to legitimize the current ruling government. But despite its many, many crimes, this government has done few things that have so de-legitimized its claim to govern over the Burmese people.

It is time for the Burmese government to do what Secretary General Ban Ki Moon said it should do, and "put its people's lives first."

We hope and pray that, for the sake of the people of Burma, the junta does so as soon as possible.

Mr. FALEOMAVAEGA. I reserve the balance of my time.

Mr. MANZULLO. Mr. Speaker, it's not without irony that just this past week Congressman JOE CROWLEY and I, representing the House, and Senators FEINSTEIN and MCCONNELL, representing the Senate, the other body, were at the White House for the signing of the bill that awarded the Congressional gold medal to Aung San Suu Kyi, and it was a very interesting moment there. The First Lady joined the President at the bill signing, which was quite unusual. And the First Lady, the day before, had actually conducted a press conference, which is quite unusual for her, talking about the untold suffering that is occurring in this country.

And while we discussed the issue, it was apparent the intensity with which the President and the First Lady, and indeed the entire Nation is viewing the impact of the fact that the junta in Burma simply would not allow humanitarian aid to flow into that country. And so at the time, when we honor somebody with the Congressional Gold Medal, somebody who represents a bulwark of freedom and democracy, the country gets hit with this horrible tragedy.

Our purpose here today is simply to encourage the junta to follow the humanitarian strain which is written in the soul of every individual, and that is to set aside the politics, to allow the American aid that is available and, indeed, world aid that is available, in order to alleviate the suffering.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1181, expressing condolences and sympathy to the people of Burma for the grave loss of life and vast destruction caused by Cyclone Nargis. I would like to thank my colleague Representative CROWLEY of New York for introducing this important legislation that reaffirms the commitment of the United States to the people of Burma who have been victims of the natural disaster caused by Cyclone Nargis.

Mr. Speaker, Burma has been a region of serious political unrest and economic changes. As my colleagues may know, in the evening of May 2, 2008, Cyclone Nargis struck the coast of Burma leaving in its wake catastrophic destruction. It was reported that an estimated 1.5 million people were severely affected by the cyclone. With winds reaching 190 kilometers per hour and an 11.5 foot storm surge that swept across affected areas, the world could only fathom the damage that was inflicted in horror. It has been projected that the damage caused by the cyclone significantly exceeds the government's ability to provide full relief for the victims and it has indicated its acceptance of assistance from the international community.

It is my sincere hope that the military-backed caretaker government currently in power in Burma will promptly lift the state of emergency in the remaining regions and move expeditiously to allow foreigners to administer vital care and aid to the people. At this dire state, our deepest concerns in supplying aid to all the people affected should be directed to Burma's willingness to openly allow international efforts.

In this key period of political change, one that will hopefully allow for a more free and fair democratic Burma, the nation has been hit by an unthinkable natural disaster that has affected the country. The country's infrastructure is in shambles and it is estimated that there are 22,000 dead with 41,000 missing. In the midst of the rice shortages that South Asia is experiencing, the most productive agricultural lands and crops of Burma have also been destroyed. It will take an estimated two years for Burma to be able to produce food for its people and will need continued assistance and support throughout that time.

As a member of the international community, it is in the best interest to provide humanitarian services and aid to those in need in Burma. The United States must offer its full support and continued aid in restoring the country's self-sufficient agricultural sector to reduce the strain on food shortages in the entire region. It is imperative to cultivate harmonious relations between the United States government and that of Burma to help facilitate the mission of international peace.

I believe that it is crucial that the United States government express its heartfelt sympathy and support to the people of Burma in the wake of this terrible disaster. I urge my colleagues to join me in supporting this legislation and to further their efforts to ensuring the complete restoration of the well-being of Burma.

Mr. MANZULLO. I have no further speakers. I yield back the balance of my time.

Mr. FALEOMAVAEGA. I also yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 1181.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SECURITY ASSISTANCE AND ARMS EXPORT CONTROL REFORM ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5916) to reform the administration of the Arms Export Control Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Security Assistance and Arms Export Control Reform Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REFORM OF ARMS EXPORT CONTROL PROCEDURES

Subtitle A—Defense Trade Controls Performance Improvement Act of 2008

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Strategic review and assessment of the United States export controls system.
Sec. 104. Performance goals for processing of applications for licenses to export items on USML.
Sec. 105. Requirement to ensure adequate staff and resources for DDTC of the Department of State.
Sec. 106. Audit by Inspector General of the Department of State.
Sec. 107. Increased flexibility for use of defense trade controls registration fees.
Sec. 108. Review of ITAR and USML.
Sec. 109. Special licensing authorization for certain exports to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea.
Sec. 110. Availability of information on the status of license applications under chapter 3 of the Arms Export Control Act.
Sec. 111. Sense of Congress.
Sec. 112. Definitions.
Sec. 113. Authorization of appropriations.

Subtitle B—Miscellaneous Provisions

Sec. 121. Report on self-financing options for export licensing functions of DDTC of the Department of State.
Sec. 122. Expediting congressional defense export review period for South Korea and Israel.
Sec. 123. Availability to Congress of Presidential directives regarding United States arms export policies, practices, and regulations.
Sec. 124. Increase in congressional notification thresholds and expediting congressional review for South Korea and Israel.
Sec. 125. Diplomatic efforts to strengthen national and international arms export controls.
Sec. 126. Reporting requirement for unlicensed exports.
Sec. 127. Report on value of major defense equipment and defense articles exported under section 38 of the Arms Export Control Act.
Sec. 128. Report on satellite export controls.
Sec. 129. Definition.

TITLE II—SECURITY ASSISTANCE AND RELATED SUPPORT FOR ISRAEL

Sec. 201. Assessment of Israel's qualitative military edge over military threats.
Sec. 202. Report on United States' commitments to the security of Israel.
Sec. 203. War Reserves Stockpile.
Sec. 204. Implementation of Memorandum of Understanding with Israel.
Sec. 205. Definitions.

TITLE III—WAIVER OF CERTAIN SANCTIONS TO FACILITATE DENUCLEARIZATION ACTIVITIES IN NORTH KOREA

Sec. 301. Waiver authority and exceptions.
Sec. 302. Certification regarding waiver of certain sanctions.
Sec. 303. Congressional notification and report.
Sec. 304. Termination of waiver authority.
Sec. 305. Expiration of waiver authority.
Sec. 306. Continuation of restrictions against the Government of North Korea.
Sec. 307. Report on verification measures relating to North Korea's nuclear programs.
Sec. 308. Definitions.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authority to build the capacity of foreign military forces.
Sec. 402. Maintenance of European Union arms embargo against China.
Sec. 403. Reimbursement of salaries of members of the reserve components in support of security cooperation missions.
Sec. 404. Foreign Military Sales Stockpile Fund.
Sec. 405. Sense of Congress.

TITLE V—AUTHORITY TO TRANSFER NAVAL VESSELS

Sec. 501. Authority to transfer naval vessels to certain foreign recipients.

TITLE I—REFORM OF ARMS EXPORT CONTROL PROCEDURES

Subtitle A—Defense Trade Controls Performance Improvement Act of 2008

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Defense Trade Controls Performance Improvement Act of 2008".

SEC. 102. FINDINGS.

Congress finds the following:

(1) In a time of international terrorist threats and a dynamic global economic and security environment, United States policy with regard to export controls is in urgent need of a comprehensive review in order to ensure such controls are protecting the national security and foreign policy interests of the United States.

(2) In January 2007, the Government Accountability Office designated the effective identification and protection of critical technologies as a government-wide, high-risk area, warranting a strategic reexamination of existing programs, including programs relating to arms export controls.

(3) Federal Government agencies must review licenses for export of munitions in a thorough and timely manner to ensure that the United States is able to assist United States allies and to prevent nuclear and conventional weapons from getting into the hands of enemies of the United States.

(4) Both staffing and funding that relate to the Department of State's arms export control responsibilities have not kept pace with the increased workload relating to such responsibilities, especially over the last five years.

(5) Outsourcing and off-shoring of defense production and the policy of many United States trading partners to require offsets for major sales of defense and aerospace articles present a potential threat to United States national security and economic well-being and serve to weaken the defense industrial base.

(6) Export control policies can have a negative impact on United States employment, nonproliferation goals, and the health of the defense industrial base, particularly when facilitating the overseas transfer of technology or production and other forms of outsourcing, such as offsets (direct and indirect), co-production, subcontracts, overseas investment and joint ventures in defense and commercial industries. Federal Government agencies must develop new and effective procedures for ensuring that export control systems address these problems and the threat they pose to national security.

(7) In the report to Congress required by the Conference Report (Report 109-272) accompanying the bill, H.R. 2862 (the Science, State, Justice, Commerce and Related Agencies Appropriations Act, 2006; Public Law 109-108), the Department of State concluded that—

(A) defense trade licensing has become much more complex in recent years as a consequence of the increasing globalization of the defense industry;

(B) the most important challenge to the Department of State's licensing process has been the sheer growth in volume of applicants for licenses and agreements, without the corresponding increase in licensing officers;

(C) fiscal year 2005 marked the third straight year of roughly 8 percent annual increases in licensing volume;

(D) although an 8 percent increase in workload equates to a requirement for three additional licensing officers per year, there has been no increase in licensing officers during this period; and

(E) the increase in licensing volume without a corresponding increase in trained and experienced personnel has resulted in delays and increased processing times.

(8) In 2006, the Department of State processed over three times as many licensing applications as the Department of Commerce with about a fifth of the staff of the Department of Commerce.

(9) On July 27, 2007, in testimony delivered to the Subcommittee on Terrorism, Nonproliferation and Trade of the House Committee on Foreign Affairs to examine the effectiveness of the United States export control regime, the Government Accountability Office found that—

(A) the United States Government needs to conduct assessments to determine its overall effectiveness in the area of arms export control; and

(B) the processing times of the Department of State doubled over the period from 2002 to 2006.

(10) Although the current number of unprocessed applications for licenses to export defense items is less than 3,800 applications, due to the extraordinary efforts of the personnel and management of the Department of State's Directorate of Defense Trade Controls, at the end of 2006, the Department of State's backlog of such unprocessed applications reached its highest level at more than 10,000 unprocessed applications. This resulted in major management and personnel challenges for the Directorate of Defense Trade Controls.

(11)(A) Allowing a continuation of the status quo in resources for defense trade licensing could ultimately harm the United States defense industrial base. The 2007 Institute for Defense Analysis report entitled "Export Controls and the U.S. Defense Industrial Base" found that the large backlog and long processing times by the Department of State for applications for licenses to export defense items led to an impairment of United States firms in some sectors to conduct global business relative to foreign competitors.

(B) Additionally, the report found that United States commercial firms have been reluctant to engage in research and development activities for the Department of Defense because this raises the future prospects that the products based on this research and development, even if intrinsically commercial, will be saddled by Department of State munitions controls due to the link to that research.

(12) According to the Department of State's fiscal year 2008 budget justification to Congress, commercial exports licensed or approved under the Arms Export Control Act exceeded $30,000,000,000, with nearly eighty percent of these items exported to United States NATO allies and other major non-NATO allies.

(13) A Government Accountability Office report of October 9, 2001 (GAO–02–120), documented ambiguous export control jurisdiction affecting 25 percent of the items that the United States Government agreed to control as part of its commitments to the Missile Technology Control Regime. The United States Government has not clearly determined which department has jurisdiction over these items, which increases the risk that these items will fall into the wrong hands. During both the 108th and 109th Congresses, the House of Representatives passed legislation mandating that the Administration clarify this issue.

SEC. 103. STRATEGIC REVIEW AND ASSESSMENT OF THE UNITED STATES EXPORT CONTROLS SYSTEM.

(a) REVIEW AND ASSESSMENT.—

(1) IN GENERAL.—Not later than March 31, 2009, the President shall conduct a comprehensive and systematic review and assessment of the United States arms export controls system in the context of the national security interests and strategic foreign policy objectives of the United States.

(2) ELEMENTS.—The review and assessment required under paragraph (1) shall—

(A) determine the overall effectiveness of the United States arms export controls system in order to, where appropriate, strengthen controls, improve efficiency, and reduce unnecessary redundancies across Federal Government agencies, through administrative actions, including regulations, and to formulate legislative proposals for new authorities that are needed;

(B) develop processes to ensure better coordination of arms export control activities of the Department of State with activities of other departments and agencies of the United States that are responsible for enforcing United States arms export control laws;

(C) ensure that weapons-related nuclear technology, other technology related to weapons of mass destruction, and all items on the Missile Technology Control Regime Annex are subject to stringent control by the United States Government;

(D) determine the overall effect of arms export controls on counterterrorism, law enforcement, and infrastructure protection missions of the Department of Homeland Security;

(E) contain a detailed summary of known attempts by unauthorized end-users (such as international arms traffickers, foreign intelligence agencies, and foreign terrorist organizations) to acquire items on the United States Munitions List and related technical data, including—

(i) data on—

(I) commodities sought, such as M–4 rifles, night vision devices, F–14 spare parts;

(II) parties involved, such as the intended end-users, brokers, consignees, and shippers;

(III) attempted acquisition of technology and technical data critical to manufacture items on the United States Munitions List;

(IV) destination countries and transit countries;

(V) modes of transport;

(VI) trafficking methods, such as use of false documentation and front companies registered under flags of convenience;

(VII) whether the attempted illicit transfer was successful; and

(VIII) any administrative or criminal enforcement actions taken by the United States and any other government in relation to the attempted illicit transfer;

(ii) a thorough evaluation of the Blue Lantern Program, including the adequacy of current staffing and funding levels;

(iii) a detailed analysis of licensing exemptions and their successful exploitation by unauthorized end-users; and

(iv) an examination of the extent to which the increased tendency toward outsourcing and off-shoring of defense production harm United States national security and weaken the defense industrial base, including direct and indirect impact on employment, and formulate policies to address these trends as well as the policy of some United States trading partners to require offsets for major sales of defense articles; and

(F) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights.

(b) CONGRESSIONAL BRIEFINGS.—The President shall provide periodic briefings to the appropriate congressional committees on the progress of the review and assessment conducted under subsection (a). The requirement to provide congressional briefings under this subsection shall terminate on the date on which the President transmits to the appropriate congressional committees the report required under subsection (c).

(c) REPORT.—Not later than 18 months after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report that contains the results of the review and assessment conducted under subsection (a). The report required by this subsection shall contain a certification that the requirement of subsection (a)(2)(C) has been met, or if the requirement has not been met, the reasons therefor. The report required by this subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 104. PERFORMANCE GOALS FOR PROCESSING OF APPLICATIONS FOR LICENSES TO EXPORT ITEMS ON USML.

(a) IN GENERAL.—The Secretary of State, acting through the head of the Directorate of Defense Trade Controls of the Department of State, shall establish the following goals:

(1) The processing time for review of each application for a license to export items on the United States Munitions List (other than applications for approval of agreements under part 124 of title 22, Code of Federal Regulations (or successor regulations)) shall be not more than 60 days from the date of receipt of the application.

(2) The processing time for review of each application for a commodity jurisdiction determination shall be not more than 60 days from the date of receipt of the application.

(3) The total number of applications described in paragraph (1) that are unprocessed shall be not more than 7 percent of the total number of such applications submitted in the preceding calendar year.

(b) ADDITIONAL REVIEW.—(1) If an application described in paragraph (1) or (2) of subsection (a) is not processed within the time period described in the respective paragraph of such subsection, then the Managing Director of the Directorate of Defense Trade Controls or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall review the status of the application to determine if further action is required to process the application.

(2) If an application described in paragraph (1) or (2) of subsection (a) is not processed within 90 days from the date of receipt of the application, then the Assistant Secretary for Political-Military Affairs of the Department of State shall—

(A) review the status of the application to determine if further action is required to process the application; and

(B) submit to the appropriate congressional committees a notification of the review conducted under subparagraph (A), including a description of the application, the reason for delay in processing the application, and a proposal for further action to process the application.

(3) For each calendar year, the Managing Director of the Directorate of Defense Trade Controls shall review not less than 2 percent of the total number of applications described in paragraphs (1) and (2) of subsection (a) to ensure that the processing of such applications, including decisions to approve, deny, or return without action, is consistent with both policy and regulatory requirements of the Department of State.

(c) UNITED STATES ALLIES.—Congress states that—

(1) it shall be the policy of the Directorate of Defense Trade Controls of the Department of State to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36(b) or (c) of the Arms Export Control Act (22 U.S.C. 2776(b) or (c)) to United States allies in direct support of combat operations or peacekeeping or humanitarian operations with United States Armed Forces is not more than 7 days from the date of receipt of the application; and

(2) it shall be the goal, as appropriate, of the Directorate of Defense Trade Controls to ensure that, to the maximum extent practicable, the processing time for review of applications described in subsection (a)(1) to export items that are not subject to the requirements of section 36(b) or (c) of the Arms Export Control Act to government security agencies of United States NATO allies, Australia, New Zealand, Japan, South Korea, Israel, and, as appropriate, other major non-NATO allies for any purpose other than the purpose described in paragraph (1) is not more than 30 days from the date of receipt of the application.

(d) REPORT.—Not later than December 31, 2010, and December 31, 2011, the Secretary of State shall submit to the appropriate congressional committees a report that contains a detailed description of—

(1)(A) the average processing time for and number of applications described in subsection (a)(1) to—

(i) United States NATO allies, Australia, New Zealand, Japan, South Korea, and Israel;

(ii) other major non-NATO allies; and

(iii) all other countries; and

(B) to the extent practicable, the average processing time for and number of applications described in subsection (b)(1) by item category;

(2) the average processing time for and number of applications described in subsection (a)(2);

(3) the average processing time for and number of applications for agreements described in part 124 of title 22, Code of Federal Regulations (relating to the International Traffic in Arms Regulations);

(4) any management decisions of the Directorate of Defense Trade Controls of the Department of State that have been made in response to data contained in paragraphs (1) through (3); and

(5) any advances in technology that will allow the time-frames described in subsection (a)(1) to be substantially reduced.

(e) CONGRESSIONAL BRIEFINGS.—If, at the end of any month beginning after the date of the enactment of this Act, the total number of applications described in subsection (a)(1) that are unprocessed is more than 7 percent of the total number of such applications submitted in the preceding calendar year, then the Secretary of State, acting through the Under Secretary for Arms Control and International Security, the Assistant Secretary for Political-Military Affairs, or the Deputy Assistant Secretary for Defense Trade and Regional Security of the Department of State, as appropriate, shall brief the appropriate congressional committees on such matters and the corrective measures that the Directorate of Defense Trade Controls will take to comply with the requirements of subsection (a).

(f) TRANSPARENCY OF COMMODITY JURISDICTION DETERMINATIONS.—

(1) DECLARATION OF POLICY.—Congress declares that the complete confidentiality surrounding several hundred commodity jurisdiction determinations made each year by the Department of State pursuant to the International Traffic in Arms Regulations is not necessary to protect legitimate proprietary interests of persons or their prices and customers, is not in the best security and foreign policy interests of the United States, is inconsistent with the need to ensure a level playing field for United States exporters, and detracts from United States efforts to promote greater transparency and responsibility by other countries in their export control systems.

(2) PUBLICATION ON INTERNET WEBSITE.—The Secretary of State shall—

(A) upon making a commodity jurisdiction determination referred to in paragraph (1) publish on the Internet website of the Department of State not later than 30 days after the date of the determination—

(i) the name of the manufacturer of the item;

(ii) a brief general description of the item;

(iii) the model or part number of the item; and

(iv) the United States Munitions List designation under which the item has been designated, except that—

(I) the name of the person or business organization that sought the commodity jurisdiction determination shall not be published if the person or business organization is not the manufacturer of the item; and

(II) the names of the customers, the price of the item, and any proprietary information relating to the item indicated by the person or business organization that sought the commodity jurisdiction determination shall not be published; and

(B) maintain on the Internet website of the Department of State an archive, that is accessible to the general public and other departments and agencies of the United States, of the information published under subparagraph (A).

(g) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the President or Congress from undertaking a thorough review of the national security and foreign policy implications of a proposed export of items on the United States Munitions List.

SEC. 105. REQUIREMENT TO ENSURE ADEQUATE STAFF AND RESOURCES FOR DDTC OF THE DEPARTMENT OF STATE.

(a) REQUIREMENT.—The Secretary of State shall ensure that the Directorate of Defense Trade Controls of the Department of State has the necessary staff and resources to carry out this subtitle and the amendments made by this subtitle.

(b) MINIMUM NUMBER OF LICENSING OFFICERS.—For fiscal year 2010 and each subsequent fiscal year, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has at least 1 licensing officer for every 1,250 applications for licenses and other authorizations to export items on the United States Munitions List by not later than the third quarter of such fiscal year, based on the number of licenses and other authorizations expected to be received during such fiscal year. The Secretary shall ensure that in meeting the requirement of this subsection, the performance of other functions of the Directorate of Defense Trade Controls is maintained and adequate staff is provided for those functions.

(c) MINIMUM NUMBER OF STAFF FOR COMMODITY JURISDICTION DETERMINATIONS.—For each of the fiscal years 2009 through 2011, the Secretary of State shall ensure that the Directorate of Defense Trade Controls has, to the extent practicable, not less than three individuals assigned to review applications for commodity jurisdiction determinations.

(d) ENFORCEMENT RESOURCES.—In accordance with section 127.4 of title 22, Code of Federal Regulations, U.S. Immigration and Customs Enforcement is authorized to investigate violations of the International Traffic in Arms Regulations on behalf of the Directorate of Defense Trade Controls of the Department of State. The Secretary of State shall ensure that the Directorate of Defense Trade Controls has adequate staffing for enforcement of the International Traffic in Arms Regulations.

SEC. 106. AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.

(a) AUDIT.—Not later than the end of each of the fiscal years 2010 and 2011, the Inspector General of the Department of State shall conduct an independent audit to determine the extent to which the Department of State is meeting the requirements of sections 104 and 105 of this Act.

(b) REPORT.—The Inspector General shall submit to the appropriate congressional committees a report that contains the result of each audit conducted under subsection (a).

SEC. 107. INCREASED FLEXIBILITY FOR USE OF DEFENSE TRADE CONTROLS REGISTRATION FEES.

(a) IN GENERAL.—Section 45 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2717) is amended—

(1) in the first sentence—

(A) by striking "For" and inserting "(a) IN GENERAL.—For"; and

(B) by striking "Office" and inserting "Directorate";

(2) by amending the second sentence to read as follows:

"(b) AVAILABILITY OF FEES.—Fees credited to the account referred to in subsection (a) shall be available only for payment of expenses incurred for—

"(1) management,

"(2) licensing (in order to meet the requirements of section 105 of the Defense Trade Controls Performance Improvement Act of 2008 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

"(3) compliance,

"(4) policy activities, and

"(5) facilities,

of defense trade controls functions."; and

(3) by adding at the end the following:

"(c) ALLOCATION OF FEES.—In allocating fees for payment of expenses described in subsection (b), the Secretary of State shall accord the highest priority to payment of expenses incurred for personnel and equipment of the Directorate of Defense Trade Controls, including payment of expenses incurred to meet the requirements of section 105 of the Defense Trade Controls Performance Improvement Act of 2008.".

(b) CONFORMING AMENDMENT.—Section 38(b)(3)(A) of the Arms Export Control Act (22 U.S.C. 2778(b)(3)(A)) is amended to read as follows:

"(3)(A) For each fiscal year, 100 percent of registration fees collected pursuant to paragraph (1) shall be credited to a Department of State account, to be available without fiscal year limitation. Fees credited to that account shall be available only for the payment of expenses incurred for—

"(i) management,

"(ii) licensing (in order to meet the requirements of section 105 of the Defense Trade Controls Performance Improvement Act of 2008 (relating to adequate staff and resources of the Directorate of Defense Trade Controls)),

"(iii) compliance,

"(iv) policy activities, and

"(v) facilities,

of defense trade controls functions.".

SEC. 108. REVIEW OF ITAR AND USML.

(a) IN GENERAL.—The Secretary of State, in coordination with the heads of other relevant departments and agencies of the United States Government, shall review, with the assistance of United States manufacturers and other interested parties described in section 111(2) of this Act, the International Traffic in Arms Regulations and the United States Munitions List to determine those technologies and goods that warrant different or additional controls.

(b) CONDUCT OF REVIEW.—In carrying out the review required under subsection (a), the Secretary of State shall review not less than 20 percent of the technologies and goods on the International Traffic in Arms Regulations and the United States Munitions List in each calendar year so that for the 5-year period beginning with calendar year 2009, and for each subsequent 5-year period, the International Traffic in Arms Regulations and the United States Munitions List will be reviewed in their entirety.

(c) REPORT.—The Secretary of State shall submit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate an annual report on the results of the review carried out under this section.

SEC. 109. SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.

(a) IN GENERAL.—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(k) SPECIAL LICENSING AUTHORIZATION FOR CERTAIN EXPORTS TO NATO MEMBER STATES, AUSTRALIA, JAPAN, NEW ZEALAND, ISRAEL, AND SOUTH KOREA.—

"(1) AUTHORIZATION.—(A) The President may provide for special licensing authorization for exports of United States-manufactured spare and replacement parts or components listed in an application for such special licensing authorization in connection with defense items previously exported to NATO member states, Australia, Japan, New Zealand, Israel, and South Korea. A special licensing authorization issued pursuant to this clause shall be effective for a period not to exceed 5 years.

"(B) An authorization may be issued under subparagraph (A) only if the applicable government of the country described in subparagraph (A), acting through the applicant for the authorization, certifies that—

"(i) the export of spare and replacement parts or components supports a defense item previously lawfully exported;

"(ii) the spare and replacement parts or components will be transferred to a defense agency of a country described in subparagraph (A) that is a previously approved end-user of the defense items and not to a distributor or a foreign consignee of such defense items;

"(iii) the spare and replacement parts or components will not to be used to materially enhance, optimize, or otherwise modify or upgrade the capability of the defense items;

"(iv) the spare and replacement parts or components relate to a defense item that is owned, operated, and in the inventory of the armed forces a country described in subparagraph (A);

"(v) the export of spare and replacement parts or components will be effected using the freight forwarder designated by the purchasing country's diplomatic mission as responsible for handling transfers under chapter 2 of this Act as required under regulations; and

"(vi) the spare and replacement parts or components to be exported under the special licensing authorization are specifically identified in the application.

"(C) An authorization may not be issued under subparagraph (A) for purposes of establishing offshore procurement arrangements or producing defense articles offshore.

"(D)(i) For purposes of this subsection, the term 'United States-manufactured spare and replacement parts or components' means spare and replacement parts or components—

"(I) with respect to which—

"(aa) United States-origin content costs constitute at least 85 percent of the total content costs;

"(bb) United States manufacturing costs constitute at least 85 percent of the total manufacturing costs; and

"(cc) foreign content, if any, is limited to content from countries eligible to receive exports of items on the United States Munitions List under the International Traffic in Arms Regulations (other than de minimis foreign content);

"(II) that were last substantially transformed in the United States; and

"(III) that are not—

"(aa) classified as significant military equipment; or

"(bb) listed on the Missile Technology Control Regime Annex.

"(ii) For purposes of clause (i)(I)(aa) and (bb), the costs of non-United States-origin content shall be determined using the final price or final cost associated with the non-United States-origin content.

"(2) INAPPLICABILITY PROVISIONS.—(A) The provisions of this subsection shall not apply with respect to re-exports or re-transfers of spare and replacement parts or components and related services of defense items described in paragraph (1).

"(B) The congressional notification requirements contained in section 36(c) of this Act shall not apply with respect to an authorization issued under paragraph (1).".

(b) EFFECTIVE DATE.—The President shall issue regulations to implement amendments made by subsection (a) not later than 180 days after the date of the enactment of this Act.

SEC. 110. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER CHAPTER 3 OF THE ARMS EXPORT CONTROL ACT.

Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771 et seq.) is amended by inserting after section 38 the following new section:

"SEC. 38A. AVAILABILITY OF INFORMATION ON THE STATUS OF LICENSE APPLICATIONS UNDER THIS CHAPTER.

"(a) AVAILABILITY OF INFORMATION.—Not later than one year after the date of the enactment of the Defense Trade Controls Performance Improvement Act of 2008, the President shall make available to persons who have pending license applications under this chapter and the committees of jurisdiction the ability to access electronically current information on the status of each license application required to be submitted under this chapter.

"(b) MATTERS TO BE INCLUDED.—The information referred to in subsection (a) shall be limited to the following:

"(1) The case number of the license application.

"(2) The date on which the license application is received by the Department of State and becomes an 'open application'.

"(3) The date on which the Directorate of Defense Trade Controls makes a determination with respect to the license application or transmits it for interagency review, if required.

"(4) The date on which the interagency review process for the license application is completed, if such a review process is required.

"(5) The date on which the Department of State begins consultations with the congressional committees of jurisdiction with respect to the license application.

"(6) The date on which the license application is sent to the congressional committees of jurisdiction.".

SEC. 111. SENSE OF CONGRESS.

It is the sense of Congress that—

(1)(A) the advice provided to the Secretary of State by the Defense Trade Advisory Group (DTAG) supports the regulation of defense trade and helps ensure that United States national security and foreign policy interests continue to be protected and advanced while helping to reduce unnecessary impediments to legitimate exports in order to support the defense requirements of United States friends and allies; and

(B) therefore, the Secretary of State should share significant planned rules and policy shifts with DTAG for comment; and

(2) recognizing the constraints imposed on the Department of State by the nature of a voluntary organization such as DTAG, the Secretary of State is encouraged to ensure that members of DTAG are drawn from a representative cross-section of subject matter experts from the United States defense industry, relevant trade and labor associations, academic, and foundation personnel.

SEC. 112. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS; ITAR.—The term "International Traffic in Arms Regulations" or "ITAR" means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(3) MAJOR NON-NATO ALLY.—The term "major non-NATO ally" means a country that is designated in accordance with section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k) as a major non-NATO ally for purposes of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) and the Arms Export Control Act (22 U.S.C. 2751 et seq.).

(4) MISSILE TECHNOLOGY CONTROL REGIME; MTCR.—The term "Missile Technology Control Regime" or "MTCR" has the meaning given the term in section 11B(c)(2) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(2)).

(5) MISSILE TECHNOLOGY CONTROL REGIME ANNEX; MTCR ANNEX.—The term "Missile Technology Control Regime Annex" or "MTCR Annex" has the meaning given the term in section 11B(c)(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2401b(c)(4)).

(6) OFFSETS.—The term "offsets" includes compensation practices required of purchase in either government-to-government or commercial sales of defense articles or defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) and the International Traffic in Arms Regulations.

(7) UNITED STATES MUNITIONS LIST; USML.—The term "United States Munitions List" or "USML" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for fiscal year 2009 and each subsequent fiscal year to carry out this subtitle and the amendments made by this subtitle.

Subtitle B—Miscellaneous Provisions

SEC. 121. REPORT ON SELF-FINANCING OPTIONS FOR EXPORT LICENSING FUNCTIONS OF DDTC OF THE DEPARTMENT OF STATE.

Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on possible mechanisms to place the export licensing functions of the Directorate of Defense Trade Controls of the Department of State on a 100 percent self-financing basis.

SEC. 122. EXPEDITING CONGRESSIONAL DEFENSE EXPORT REVIEW PERIOD FOR SOUTH KOREA AND ISRAEL.

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b)(2), 36(c)(2)(A), 36(d)(2)(A), 62(c)(1), and 63(a)(2) by inserting "the Republic of Korea, Israel," before "or New Zealand";

(2) in section 3(b)(2), by inserting "the Government of the Republic of Korea," before "or the Government of New Zealand"; and

(3) in section 21(h)(1)(A), by inserting "the Republic of Korea," before "or Israel".

SEC. 123. AVAILABILITY TO CONGRESS OF PRESIDENTIAL DIRECTIVES REGARDING UNITED STATES ARMS EXPORT POLICIES, PRACTICES, AND REGULATIONS.

(a) IN GENERAL.—The President shall make available to the appropriate congressional committees the text of each Presidential directive regarding United States export policies, practices, and regulations relating to the implementation of the Arms Export Control Act (22 U.S.C. 2751 et seq.) not later than 15 days after the date on which the directive has been signed or authorized by the President.

(b) TRANSITION PROVISION.—Any Presidential directive described in subsection (a) that is signed or authorized by the President on or after January 1, 2008, and before the date of the enactment of this Act shall be made available to the appropriate congressional committees not later than 90 days after the date of the enactment of this Act.

(c) FORM.—To the maximum extent practicable, the Presidential directives required to be made available to the appropriate congressional committees under this section shall be made available on an unclassified basis.

SEC. 124. INCREASE IN CONGRESSIONAL NOTIFICATION THRESHOLDS AND EXPEDITING CONGRESSIONAL REVIEW FOR SOUTH KOREA AND ISRAEL.

(a) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Subsection (b) of section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(A) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

(B) by striking "The letter of offer shall not be issued" and all that follows through "enacts a joint resolution" and inserting the following:

"(2) The letter of offer shall not be issued—

"(A) with respect to a proposed sale of any defense articles or defense services under this Act for $200,000,000 or more, any design and construction services for $300,000,000 or more, or any major defense equipment for $75,000,000 or more, to the North Atlantic Treaty Organization (NATO), any member country of NATO, Japan, Australia, the Republic of Korea, Israel, or New Zealand, if Congress, within 15 calendar days after receiving such certification, or

"(B) with respect to a proposed sale of any defense articles or services under this Act for $100,000,000 or more, any design and construction services for $200,000,000 or more, or any major defense equipment for $50,000,000 or more, to any other country or organization, if Congress, within 30 calendar days after receiving such certification,

enacts a joint resolution".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b)—

(i) in paragraph (6)(C), as redesignated, by striking "Subject to paragraph (6), if" and inserting "If"; and

(ii) by striking paragraph (7), as redesignated; and

(B) in subsection (c)(4), by striking "subsection (b)(5)" each place it appears and inserting "subsection (b)(6)".

(b) COMMERCIAL SALES.—Subsection (c) of such section is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting after "for an export" the following: "of any major defense equipment sold under a contract in the amount of $75,000,000 or more or of defense articles or defense services sold under a contract in the amount of $200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)"; and

(ii) by striking "Organization," and inserting "Organization (NATO)," and by further striking "that Organization" and inserting "NATO"; and

(B) in subparagraph (C), by inserting after "license" the following: "for an export of any major defense equipment sold under a contract in the amount of $50,000,000 or more or of defense articles or defense services sold under a contract in the amount of $100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, $1,000,000 or more)"; and

(2) by striking paragraph (5).

SEC. 125. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should redouble United States diplomatic efforts to strengthen national and international arms export controls by establishing a senior-level initiative to ensure that such arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

(b) REPORT.—No later than one year after the date of the enactment of this Act, and annually thereafter for four years, the President shall transmit to the appropriate committees of Congress a report on United States diplomatic efforts described in subsection (a).

SEC. 126. REPORTING REQUIREMENT FOR UNLICENSED EXPORTS.

Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) were exported without a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption provision in the regulation under which the export was made.".

SEC. 127. REPORT ON VALUE OF MAJOR DEFENSE EQUIPMENT AND DEFENSE ARTICLES EXPORTED UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

"(1) REPORT.—

"(1) IN GENERAL.—The President shall transmit to the appropriate congressional committees a report that contains a detailed listing, by country and by international organization, of the total dollar value of major defense equipment and defense articles exported pursuant to licenses authorized under this section for the previous fiscal year.

"(2) INCLUSION IN ANNUAL BUDGET.—The report required by this subsection shall be included in the supporting information of the annual budget of the United States Government required to be submitted to Congress under section 1105 of title 31, United States Code.

"(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term 'appropriate congressional committees' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.".

SEC. 128. REPORT ON SATELLITE EXPORT CONTROLS.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees and the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report regarding—

(1) the extent to which current United States export controls on satellites and related items under the Arms Export Control Act are successfully preventing the transfer of militarily-sensitive technologies to countries of concern, especially the People's Republic of China;

(2) the extent to which comparable satellites and related items are available from foreign sources without comparable export controls; and

(3) whether the current export controls on satellites and related items should be altered and in what manner, including whether other incentives or disincentives should also be employed to discourage exports of satellites and related items to the People's Republic of China by any country.

(b) DEFINITIONS.—In this section, the terms "satellite" and "related items" mean satellites and all specifically designed or modified systems or subsystems, components, parts, accessories, attachments, and associated equipment for satellites as covered under category XV of the International Traffic in Arms Regulations (as in effect on the date of the enactment of this Act).

SEC. 129. DEFINITION.

In this subtitle, the term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE II—SECURITY ASSISTANCE AND RELATED SUPPORT FOR ISRAEL

SEC. 201. ASSESSMENT OF ISRAEL'S QUALITATIVE MILITARY EDGE OVER MILITARY THREATS.

(a) ASSESSMENT REQUIRED.—The President shall carry out an empirical and qualitative assessment on an ongoing basis of the extent to which Israel possesses a qualitative military edge over military threats to Israel. The assessment required under this subsection shall be sufficiently robust so as to facilitate comparability of data over concurrent years.

(b) USE OF ASSESSMENT.—The President shall ensure that the assessment required under subsection (a) is used to inform the review by the United States of applications to sell defense articles and defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to countries in the Middle East.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the initial assessment required under subsection (a).

(2) QUADRENNIAL REPORT.—Not later than four years after the date on which the President transmits the initial report under paragraph (1), and every four years thereafter, the President shall transmit to the appropriate congressional committees a report on

the most recent assessment required under subsection (a).

(d) CERTIFICATION.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

"(h) CERTIFICATION REQUIREMENT RELATING ISRAEL'S QUALITATIVE MILITARY EDGE.—

"(1) IN GENERAL.—Any certification relating to a proposed sale or export of defense articles or defense services under this section to any country in the Middle East other than Israel shall include a determination that the sale or export of the defense articles or defense services will not adversely affect Israel's qualitative military edge over military threats to Israel.

"(2) DEFINITION.—In this subsection, the term 'qualitative military edge' has the meaning given the term in section 205 of the Security Assistance and Arms Export Control Reform Act of 2008.".

SEC. 202. REPORT ON UNITED STATES' COMMITMENTS TO THE SECURITY OF ISRAEL.

(a) INITIAL REPORT.—Not later than 30 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report that contains—

(1) a complete, unedited, and unredacted copy of each assurance made by United States Government officials to officials of the Government of Israel regarding Israel's security and maintenance of Israel's qualitative military edge, as well as any other assurance regarding Israel's security and maintenance of Israel's qualitative military edge provided in conjunction with exports under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the period beginning on January 1, 1975, and ending on the date of the enactment of this Act; and

(2) an analysis of the extent to which, and by what means, each such assurance has been and is continuing to be fulfilled.

(b) SUBSEQUENT REPORTS.—

(1) NEW ASSURANCES AND REVISIONS.—The President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to—

(A) each assurance described in subsection (a) made on or after the date of the enactment of this Act, or

(B) revisions to any assurance described in subsection (a) or subparagraph (A) of this paragraph,

within 15 days of the new assurance or revision being conveyed.

(2) 5-YEAR REPORTS.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the President shall transmit to the appropriate congressional committees a report that contains the information required under subsection (a) with respect to each assurance described in subsection (a) or paragraph (1)(A) of this subsection and revisions to any assurance described in subsection (a) or paragraph (1)(A) of this subsection during the preceding 5-year period.

(c) FORM.—Each report required by this section shall be transmitted in unclassified form, but may contain a classified annex, if necessary.

SEC. 203. WAR RESERVES STOCKPILE.

(a) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011), is amended by striking "4" and inserting "6".

(b) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking "fiscal years 2007 and 2008" and inserting "fiscal years 2009 and 2010".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on August 5, 2008.

SEC. 204. IMPLEMENTATION OF MEMORANDUM OF UNDERSTANDING WITH ISRAEL.

(a) IN GENERAL.—Of the amount made available for fiscal year 2009 for assistance under the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763) (commonly referred to as the "Foreign Military Financing Program"), the amount specified in subsection (b) is authorized to be made available on a grant basis for Israel.

(b) COMPUTATION OF AMOUNT.—The amount referred to in subsection (a) is the amount equal to—

(1) the amount specified under the heading "Foreign Military Financing Program" for Israel for fiscal year 2008; plus

(2) $150,000,000.

(c) OTHER AUTHORITIES.—

(1) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests the United States to provide assistance for fiscal year 2009 for the procurement of advanced weapons systems, amounts authorized to be made available for Israel under this section shall, as agreed to by Israel and the United States, be available for such purposes, of which not less than $670,650,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(2) DISBURSEMENT OF FUNDS.—Amounts authorized to be made available for Israel under this section shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2009, or October 31, 2008, whichever occurs later.

SEC. 205. DEFINITIONS.

In this subtitle—

(1) the term "appropriate congressional committees" means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate; and

(2) the term "qualitative military edge" means the ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors.

TITLE III—WAIVER OF CERTAIN SANCTIONS TO FACILITATE DENUCLEARIZATION ACTIVITIES IN NORTH KOREA

SEC. 301. WAIVER AUTHORITY AND EXCEPTIONS.

(a) WAIVER AUTHORITY.—Except as provided in subsection (b), the President may waive, in whole or in part, the application of any sanction contained in subparagraph (A), (B), (D), or (G) of section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)) with respect to North Korea in order to provide material, direct, and necessary assistance for disablement, dismantlement, verification, and physical removal activities in the implementation of the commitment of North Korea, undertaken in the Joint Statement of September 19, 2005, "to abandoning all nuclear weapons and existing nuclear programs" as part of the verifiable denuclearization of the Korean Peninsula.

(b) EXCEPTIONS.—The waiver authority under subsection (a) may not be exercised with respect to the following:

(1) Any export of lethal defense articles that would be prevented by the application of section 102(b)(2)(B) of the Arms Export Control Act.

(2) Any sanction relating to credit or credit guarantees contained in section 102(b)(2)(D) of the Arms Export Control Act.

SEC. 302. CERTIFICATION REGARDING WAIVER OF CERTAIN SANCTIONS.

Assistance described in subparagraph (B) or (G) of section 102(b)(2) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)) may be provided with respect to North Korea by reason of the exercise of the waiver authority under section 301 only if the President first determines and certifies to the appropriate congressional committees that—

(1) all necessary steps will be taken to ensure that the assistance will not be used to improve the military capabilities of the armed forces of North Korea; and

(2) the exercise of the waiver authority is in the national security interests of the United States.

SEC. 303. CONGRESSIONAL NOTIFICATION AND REPORT.

(a) NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under section 301.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for such time during which the exercise of the waiver authority under section 301 remains in effect, the President shall transmit to the appropriate congressional committees a report that—

(1) describes in detail the progress that is being made in the implementation of the commitment of North Korea described in section 301, including all United States and international activities to verify compliance with such commitment;

(2) describes in detail any failures, shortcomings, or obstruction by North Korea with respect to the implementation of the commitment of North Korea described in section 301;

(3) describes in detail the progress or lack thereof in the preceding 12-month period of all other programs promoting the elimination of North Korea's capability to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems;

(4) describes in detail all United States assistance, regardless of the source, provided to North Korea by reason of the exercise of the waiver authority under section 301 and any assistance provided under any other authority if such assistance is provided for the same or similar purposes; and

(5) beginning with the second report required by this subsection, a justification for the continuation of the waiver exercised under section 301 and, if applicable, section 302, for the fiscal year in which the report is submitted.

SEC. 304. TERMINATION OF WAIVER AUTHORITY.

Any waiver in effect by reason of the exercise of the waiver authority under section 301 shall terminate if the President determines that North Korea—

(1)(A) on or after September 19, 2005, transferred to a non-nuclear-weapon state, or received, a nuclear explosive device; or

(B) on or after October 10, 2006, detonated a nuclear explosive device; or

(2) on or after September 19, 2005—

(A) transferred to a non-nuclear-weapon state any design information or component which is determined by the President to be important to, and known by North Korea to be intended by the recipient state for use in, the development or manufacture of any nuclear explosive device, or

(B) sought and received any design information or component which is determined by the President to be important to, and intended by North Korea for use in, the development or manufacture of any nuclear explosive device,

unless the President determines and certifies to the appropriate congressional committees that such waiver is vital to the national security interests of the United States.

SEC. 305. EXPIRATION OF WAIVER AUTHORITY.

Any waiver in effect by reason of the exercise of the waiver authority under section 301 shall terminate on the date that is 4 years after the date of the enactment of this Act. The waiver authority under section 301 may not be exercised beginning on the date that is 3 years after the date of the enactment of this Act.

SEC. 306. CONTINUATION OF RESTRICTIONS AGAINST THE GOVERNMENT OF NORTH KOREA.

(a) IN GENERAL.—Except as provided in section 301(a), restrictions against the Government of North Korea that were imposed by reason of a determination of the Secretary of State that North Korea is a state sponsor of terrorism shall remain in effect, and shall not be lifted pursuant to the provisions of law under which the determination was made, unless the President certifies to the appropriate congressional committees that—

(1) the Government of North Korea is no longer engaged in the transfer of technology related to the acquisition or development of nuclear weapons, particularly to the Governments of Iran, Syria, or any other country that is a state sponsor of terrorism;

(2) in accordance with the Six-Party Talks Agreement of February 13, 2007, the Government of North Korea has "provided a complete and correct declaration of all its nuclear programs," and there are measures to effectively verify this declaration by the United States which, "[a]t the request of the other Parties," is leading "disablement activities" and "provid[ing] the funding for those activities"; and

(3) the Government of North Korea has agreed to the participation of the International Atomic Energy Agency in the monitoring and verification of the shutdown and sealing of the Yongbyon nuclear facility.

(b) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term "state sponsor of terrorism" means a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect pursuant to the International Emergency Economic Powers Act), section 40 of the Arms Export Control Act, section 620A of the Foreign Assistance Act of 1961, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

SEC. 307. REPORT ON VERIFICATION MEASURES RELATING TO NORTH KOREA'S NUCLEAR PROGRAMS.

(a) IN GENERAL.—Not later than 15 days after the date of enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement of February 13, 2007, with specific focus on how such verification measures are defined under the Six-Party Talks Agreement and understood by the United States Government.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include, among other elements, a detailed description of—

(1) the methods to be utilized to confirm that North Korea has "provided a complete and correct declaration of all of its nuclear programs";

(2) the specific actions to be taken in North Korea and elsewhere to ensure a high and ongoing level of confidence that North Korea has fully met the terms of the Six-Party Talks Agreement relating to its nuclear programs;

(3) any formal or informal agreement with North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement; and

(4) any disagreement expressed by North Korea regarding verification measures relating to North Korea's nuclear programs under the Six-Party Talks Agreement.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 308. DEFINITIONS.

In this title—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services of the Senate;

(2) the terms "non-nuclear-weapon state", "design information", and "component" have the meanings given such terms in section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1); and

(3) the term "Six-Party Talks Agreement of February 13, 2007" or "Six-Party Talks Agreement" means the action plan released on February 13, 2007, of the Third Session of the Fifth Round of the Six-Party Talks held in Beijing among the People's Republic of China, the Democratic People's Republic of Korea (North Korea), Japan, the Republic of Korea (South Korea), the Russian Federation, and the United States relating to the denuclearization of the Korean Peninsula, normalization of relations between the North Korea and the United States, normalization of relations between North Korea and Japan, economy and energy cooperation, and matters relating to the Northeast Asia Peace and Security Mechanism.

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORITY.—The Secretary of State is authorized to conduct a program to respond to contingencies in foreign countries or regions by providing training, procurement, and capacity-building of a foreign country's national military forces and dedicated counter-terrorism forces in order for that country to—

(1) conduct counterterrorist operations; or

(2) participate in or support military and stability operations in which the United States is a participant.

(b) TYPES OF CAPACITY-BUILDING.—The program authorized under subsection (a) may include the provision of equipment, supplies, and training.

(c) LIMITATIONS.—

(1) ANNUAL FUNDING LIMITATION.—The Secretary of State may use up to $25,000,000 of funds available under the Foreign Military Financing program for each of the fiscal years 2009 and 2010 to conduct the program authorized under subsection (a).

(2) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of State may not use the authority in subsection (a) to provide any type of assistance described in subsection (b) that is otherwise prohibited by any provision of law.

(3) LIMITATION ON ELIGIBLE COUNTRIES.—The Secretary of State may not use the authority in subsection (a) to provide assistance described in subsection (b) to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

(d) FORMULATION AND EXECUTION OF ACTIVITIES.—The Secretary of State shall consult with the head of any other appropriate department or agency in the formulation and execution of the program authorized under subsection (a).

(e) CONGRESSIONAL NOTIFICATION.—

(1) ACTIVITIES IN A COUNTRY.—Not less than 15 days before obligating funds for activities in any country under the program authorized under subsection (a), the Secretary of State shall submit to the congressional committees specified in paragraph (3) a notice of the following:

(A) The country whose capacity to engage in activities in subsection (a) will be assisted.

(B) The budget, implementation timeline with milestones, and completion date for completing the activities.

(2) SPECIFIED CONGRESSIONAL COMMITTEES.—The congressional committees specified in this paragraph are the following:

(A) The Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

(B) The Committee on Foreign Relations and the Committee on Appropriations of the Senate.

SEC. 402. MAINTENANCE OF EUROPEAN UNION ARMS EMBARGO AGAINST CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) Congress has previously expressed its strong concerns in House Resolution 57 of February 2, 2005, and Senate Resolution 91 of March 17, 2005, with the transfer of armaments and related technology to the People's Republic of China by member states of the European Union, which increased eightfold from 2001 to 2003, and with plans to terminate in the near future the arms embargo they imposed in 1989 following the Tiananmen Square massacre.

(2) The deferral of a decision by the European Council to terminate its arms embargo following adoption of the resolutions specified in paragraph (1), the visit by the President of the United States to Europe, and growing concern among countries in the regions and the general public on both sides of the Atlantic, was welcomed by the Congress.

(3) The decision by the European Parliament on April 14, 2005, by a vote of 421 to 85, to oppose the lifting of the European Union's arms embargo on the People's Republic of China, and resolutions issued by a number of elected parliamentary bodies in Europe also opposing the lifting of the arms embargo, was also welcomed by the Congress as a reassurance that its European friends and allies understood the gravity of prematurely lifting the embargo.

(4) The onset of a strategic dialogue between the European Commission and the Government of the United States on the security situation in East Asia holds out the

hope that a greater understanding will emerge of the consequences of European assistance to the military buildup of the People's Republic of China for peace and stability in that region, to the security interests of the United States and its friends and allies in the region, and, in particular, to the safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II.

(5) A more intensive dialogue with Europe on this matter will clarify for United States' friends and allies in Europe how their "nonlethal" arms transfers improve the force projection of the People's Republic of China, are far from benign, and enhance the prospects for the threat or use of force in resolving the status of Taiwan.

(6) This dialogue may result in an important new consensus between the United States and its European partners on the need for coordinated policies that encourage the development of democracy in the People's Republic of China and which discourage, not assist, China's unjustified military buildup and pursuit of weapons that threaten its neighbors.

(7) However, the statement by the President of France in Beijing in November 2007 that the European Union arms embargo should be lifted is troubling, especially since France will assume the six-month presidency of the European Union in July 2008.

(8) There continues to be wide-spread concerns regarding the lack of any significant progress by the Government of the People's Republic of China in respecting the civil and political rights of the Chinese people.

(b) STATEMENT OF POLICY.—It shall be the policy of the United States Government to oppose any diminution or termination of the arms embargo that was established by the Declaration of the European Council of June 26, 1989, and to take whatever diplomatic and other measures that are appropriate to convince the Member States of the European Union, individually and collectively, to continue to observe this embargo in principle and in practice. Appropriate measures should include prohibitions on entering into defense procurement contracts or defense-related research and development arrangements with European Union Member States that do not observe such an embargo in practice.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every six months thereafter until December 31, 2010, the President shall transmit to the Committee on Foreign Affairs and Committee on Armed Services of the House of Representatives and the Committee on Foreign Relations and the Committee on Armed Services of the Senate a report on all efforts and activities of the United States Government to ensure the success of the policy declared in subsection (b).

SEC. 403. REIMBURSEMENT OF SALARIES OF MEMBERS OF THE RESERVE COMPONENTS IN SUPPORT OF SECURITY COOPERATION MISSIONS.

Section 632(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2392(d)) is amended—

(1) by striking "(d) Except as otherwise provided" and inserting "(d)(1) Except as otherwise provided"; and

(2) by adding at the end the following:

"(2) Notwithstanding provisions concerning the exclusion of the costs of salaries of members of the Armed Forces in section 503(a) of this Act and paragraph (1) of this subsection, the full cost of salaries of members of the reserve components of the Armed Forces (specified in section 10101 of title 10, United States Code) may, during each of fiscal years 2009 and 2010, be included in calculating pricing or value for reimbursement charged under section 503(a) of this Act and paragraph (1) of this subsection, respectively.".

SEC. 404. FOREIGN MILITARY SALES STOCKPILE FUND.

(a) IN GENERAL.—Subsection (a) of section 51 of the Arms Export Control Act (22 U.S.C. 2795) is amended—

(1) in paragraph (1), by striking "Special Defense Acquisition Fund" and inserting "Foreign Military Sales Stockpile Fund"; and

(2) in paragraph (4), by inserting "building the capacity of recipient countries and" before "narcotics control purposes".

(b) CONTENTS OF FUND.—Subsection (b) of such section is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by inserting "and" at the end; and

(3) by inserting after paragraph (3) the following:

"(4) collections from leases made pursuant to section 61 of this Act,".

(c) CONFORMING AMENDMENTS.—(1) The heading of such section is amended by striking "SPECIAL DEFENSE ACQUISITION FUND" and inserting "FOREIGN MILITARY SALES STOCKPILE FUND".

(2) The heading of chapter 5 of the Arms Export Control Act is amended by striking "**SPECIAL DEFENSE ACQUISITION FUND**" and inserting "**FOREIGN MILITARY SALES STOCKPILE FUND**".

SEC. 405. SENSE OF CONGRESS.

It is the sense of Congress that the United States should not provide security assistance or arms exports to nations contributing to massive, widespread, and systematic violations of human rights or acts of genocide, particularly with respect to Darfur, Sudan.

TITLE V—AUTHORITY TO TRANSFER NAVAL VESSELS

SEC. 501. AUTHORITY TO TRANSFER NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) PAKISTAN.—To the Government of Pakistan, the OLIVER HAZARD PERRY class guided missile frigate MCINERNEY (FFG–8).

(2) GREECE.—To the Government of Greece, the OSPREY class minehunter coastal ships OSPREY (MHC–51) and ROBIN (MHC–54).

(3) CHILE.—To the Government of Chile, the KAISER class oiler ANDREW J. HIGGINS (AO–190).

(4) PERU.—To the Government of Peru, the NEWPORT class amphibious tank landing ships FRESNO (LST–1182) and RACINE (LST–1191).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this bill and yield myself as much time as I may consume.

Mr. Speaker, the United States has a wide variety of foreign policy tools to promote the national security of the United States. While these tools are often referred to as "soft power," they represent such diverse mechanisms as enhancing ties with friendly countries, ensuring that U.S. exports are regarded positively by prospective customers, ensuring that our policies reflect our values, and using U.S. assistance to stem the wave of proliferation of weapons of mass destruction that threaten our very homeland.

The bipartisan legislation before the House today, cosponsored by the distinguished ranking member of the Committee on Foreign Affairs, represents a new and important initiative to accomplish all these missions.

Title I of H.R. 5916 reforms the Arms Export Control process, based on proposals made by Mr. SHERMAN and Mr. MANZULLO as introduced in H.R. 4246, the Defense Trade Controls Performance Improvement Act of 2007 to create consistency in our export policy. It also provides for a strategic review of U.S. export control policies to help ensure they promote the protection of human rights.

It also amends the Arms Export Control Act to ensure that our close allies, South Korea and Israel, get the same expedited licensing review that our NATO allies, Australia, New Zealand and Japan currently enjoy. In this regard, the bill partially draws from H.R. 5443, the United States-Republic of Korea Cooperation Act of 2008, which was introduced by our colleagues, Mr. ROYCE and Mrs. TAUSCHER of California.

In addition, in order to address recent major sales of defense articles and services to countries in the Middle East, the bill insures that Israel will maintain its qualitative military edge against whatever security threats it may face, codifying this important principle into law for the first time. It also authorizes the security assistance to Israel, including implementing the recent U.S.-Israel Memorandum of Understanding Regarding Security Assistance.

It's only fitting that as Israel commemorates the 60th anniversary of its founding, the United States renews and strengthens its relationship with our most important friend in the region. Israel is a democratic island of stability in a sea of chaos, chaos which we continue to see just this week this neighboring Lebanon. It deserves all the support we can muster.

Finally, title III of this legislation provides for a limited waiver of current sanctions to support and accelerate U.S. efforts to eliminate North Korea's nuclear program. The waiver would apply to portions of what is commonly called the Glenn Amendment.

Glenn Amendment sanctions keep the Department of Energy from funding its own ongoing work on disabling and dismantling North Korea's nuclear program, including removing plutonium in the next phase of this process, as well as verifying that Pyongyang is living up to its commitments.

Until now, a flexible but limited fund at the Department of State has paid for this work. Continued exclusive use of this State Department mechanism will undermine the ability of the United States to urgently respond to unexpected opportunities to stop the proliferation of nuclear weapons elsewhere in the world.

Title III of our bill allows for more rational funding and planning of these activities without giving the administration a blank check. It provides a narrow, carefully tailored authority. It also requires the administration to document for Congress each year the need for keeping this authority in place.

Title III also includes a provision authored by ranking member ILEANA ROS-LEHTINEN that reinforces U.S. policy regarding removing North Korea from the State Department's list of countries supporting terrorism.

□ 1745

The conditions laid out in that provision include certification that North Korea no longer is engaged in transferring to other countries any technology that enables the development or acquisition of nuclear weapons. The provision also underscores the importance of keeping the agreement laid out in the Six-Party talks, and it states that North Korea must agree to allow participation of the International Atomic Energy Agency in ensuring that the Yongbyon nuclear reactor is shut down and stays that way.

I pledge to this House that the Committee on Foreign Affairs will continue to keep a close eye on the implementation of the Six-Party Denuclearization Agreement. It is entirely possible that North Korea's own actions may sour the deal. However, in the interest of U.S. and global security, we need to forge ahead and accomplish what we can now.

Mr. Speaker, this is a good bill. I urge all of my colleagues in joining me in supporting this important legislation.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 2008.

Hon. HOWARD L. BERMAN,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I write to confirm our mutual understanding regarding H.R. 5916, "To reform the administration of the Arms Export Control Act, and for other purposes." This legislation contains subject matter within the jurisdiction of the House Committee on Armed Services.

Our Committee recognizes the importance of H.R. 5916 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over this legislation, the Committee on Armed Services will waive further consideration of H.R. 5916. I do so with the understanding that by waiving further consideration of the bill, the Committee does not waive any future jurisdictional claims over similar measures. In the event of a conference with the Senate on this bill, the Committee on Armed Services reserves the right to seek the appointment of conferees.

I would appreciate the inclusion of this letter and a copy of the response in your Committee's report on H.R. 5916 and in the Congressional Record during consideration of the measure on the House floor.

Very truly yours,

IKE SKELTON,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 12, 2008.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008.

I appreciate your willingness to work cooperatively on this legislation. I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Armed Services. I agree that the inaction of your Committee with respect to the bill does not in any way prejudice the Armed Services Committee's jurisdictional interests and prerogatives regarding this bill or similar legislation.

Further, as to any House-Senate conference on the bill, I understand that your Committee reserves the right to seek the appointment of conferees for consideration of portions of the bill that are within the Committee's jurisdiction.

I will ensure that our exchange of letters is included in my Committee's report on the bill and in the Congressional Record during consideration on the House floor. I look forward to working with you on this important legislation. If you wish to discuss this matter further, please contact me or have your staff contact my staff.

Cordially,

HOWARD L. BERMAN,
Chairman.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I also rise in strong support of H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008. Among this legislation's provisions is language I offered which was incorporated into the original text regarding North Korea's nuclear programs and the ongoing Six-Party talks.

We have heard in recent days about North Korea's hand-over of 18,000 pages of so-called logs concerning its plutonium extraction activity at the Yongbyon nuclear reactor. However, let's not be fooled yet again by North Korea or by those seeking an agreement with this regime at any and all costs.

These logs, according to many regional and nonproliferation experts, do not mark any substantive progress towards nuclear disarmament. For starters, the reporting is limited to North Korea's plutonium-based nuclear facilities and not the totality of its nuclear weapons program as called for under the February 2007 Six-Party agreement whereby North Korea commits to completely disarming itself in exchange for certain concessions from the West.

To address these important issues, the language I drafted, which was incorporated into title III of the bill before us, clarifies and reinforces the conditions that North Korea must meet before it can be removed from the list of state sponsors of terrorism and before related sanctions can be removed. No new conditions have been added. However, this bill does specify that North Korea must take verifiable actions regarding all of its nuclear activities before such an important concession is granted to this duplicitous regime.

These requirements, Mr. Speaker, include ceasing to provide nuclear assistance to countries such as Syria and Iran, providing a complete and correct declaration of all of its nuclear programs, and in addition to U.S. verification, agreeing to the participation of the International Atomic Energy Agency in monitoring and verifying the shutdown and sealing of the nuclear facility at Yongbyon.

Given North Korea's abysmal record in keeping its promises, verification of its declarations and actions is of central importance to any agreement. For that reason, this bill also contains language in title III that requires the State Department to submit a report to the committee describing the methods and actions that the U.S. will use to verify North Korea's declarations regarding its nuclear facilities, describing all formal and informal agreements regarding verification, and documenting any objections regarding these measures that have been expressed by North Korea.

This bill also strengthens U.S. national security interests and assistance to our strong ally, Israel. It requires the administration to perform an ongoing assessment of Israel's qualitative military edge and authorizes an increase in U.S. Foreign Military Financing that is consistent with the August 2007 U.S.-Israel memorandum on military assistance.

These provisions are of vital importance because, as we all know, Israel is surrounded by a multitude of threats which threatens its very survival. Radical Islamic jihadists in Gaza are continuing to launch large numbers of powerful, accurate, and deadly rockets at Israel civilians and have smuggled weapons, cash, and armed militants from Egypt through underground tunnels. Palestinian extremists continue to carry out attacks inside Israel itself, including the murder of eight people at a yeshiva in Jerusalem this past March, which included one American.

In the aftermath of the summer 2006 war launched by Hezbollah against Israel, this Islamic militant group continues its reign of terror made possible by aid from Iran and Syria, both sworn enemies of Israel, both state sponsors of terrorism, both seeking a nuclear capability, and both receiving support from the regime in North Korea.

According to a Congressional Research Service report finalized just last week and prepared at my request, North Korea's relationship with the Iranian Revolutionary Guard, an entity involved in proliferation activities and in supporting Islamic extremists, appears to be in two areas: One, coordination and support of Hezbollah; and two, cooperation in ballistic missile development.

And turning to Syria, Mr. Speaker, CIA Director Michael Hayden was recently quoted as saying that the nuclear reactor the Syrian regime was building with assistance from North Korea could have produced enough plutonium for one or two nuclear weapons within 1 year of beginning operations.

Then there is the growing menace from Iran's radical Islamist regime. Defense Secretary Robert Gates recently reminded us that Iran "is hellbent on acquiring nuclear weapons." As it aggressively pursues the nuclear option, the regime in Tehran still continues to call for Israel to be wiped off the map.

Thus, the provisions in this bill enhancing our relationship with Israel are critical to Israel's security and to our own vital interests in the region. This bill also advances U.S. national security and economic competitiveness by including language derived from legislation introduced by Mr. SHERMAN of California and Mr. MANZULLO promoting long-overdue reforms in the licensing of defense exports by the State Department. It also significantly strengthens congressional oversight over a range of issues requiring the Executive Branch to fully consult with our committee before undertaking any actions covered by this legislation.

Lastly, drawing upon an initiative led by Mr. ROYCE of California and strongly supported by Secretary of State Rice, it upgrades the foreign military sales, FMS, status of our staunch ally, the Republic of Korea. The bill also appropriately affords the same status to our close defense relationship with Israel.

Mr. Speaker, this bill is a strong, bipartisan effort unanimously adopted by our Committee on Foreign Affairs. It is the appropriate vehicle to address the significant policy changes on North Korea that the administration is requesting. It is my hope and expectation that we allow the legislative process to take its appropriate course and that we will not seek to circumvent the authority of the Committee on Foreign Affairs or to undermine this bill by attaching broad waiver language regarding North Korea to either the pending supplemental appropriations bill or the national defense authorization bill.

I urge my colleagues to support this carefully crafted, much needed, and bipartisan legislation.

I reserve the balance of our time.

Mr. BERMAN. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California, the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade, Mr. SHERMAN of California.

Mr. SHERMAN. I thank the gentleman from California.

Mr. Speaker, this legislation includes the text of H.R. 4246, the Defense Trade Controls Improvement Act of 2008, which was introduced by myself and Mr. MANZULLO, and it is Title I, subtitle A of this bill.

This subtitle grew out of hearings in our subcommittee, the Subcommittee on Terrorism Nonproliferation and Trade, which were held last July. I want to thank Chairman BERMAN for including the revised text of H.R. 4246 into this larger piece of legislation. I want to thank Mr. MANZULLO for his efforts in crafting our original legislation, and I want to thank Mr. ED ROYCE, ranking member of the Subcommittee on Terrorism Nonproliferation and Trade, for his work as well.

The Defense Trade Controls Improvement Act, which is part of this larger legislation, seeks to address past performance failings and, most importantly, understaffing of the Directorate of Defense Trade Controls, the State Department agency responsible for adjudicating licenses for commercial arms sales. This agency was found to have more than 10,000 open cases at the end of 2006. Only an unsustainable winter offensive where leaves were canceled and overtime was made mandatory and people were moved in from other areas allowed this agency to reduce this huge backlog. Licenses had languished for months, not because they raised significant national security or foreign policy concerns in most cases, but because they simply sat in someone's in box unattended.

Why has the State Department consistently underfunded and understaffed the Directorate of Defense Trade Controls? I believe that there is simply an institutional bias in the State Department toward work that is more highbrow, more likely to be the subject of a seminar at the Woodrow Wilson's School of Diplomacy. But this work, the work of licensing munitions exports, is of critical importance; arguably there is nothing more important done by the State Department. And Congress provides typically over $1 billion to the relevant account which can be used by the State Department for a whole variety of staffing, yet they have consistently understaffed this very important function.

What the bill will do is basically add a couple of dozen licensing officers and avoid this tendency of the State Department to understaff the portion of the State Department which licenses munitions exports.

Why is this licensing process so important? Well, if we say "yes" and issue a license and make the wrong decision, the harm is obvious. We have sent the wrong technology to the wrong country which may hurt our military or the military of our allies in the future. But there is also enormous harm if we unduly delay or wrongfully deny an application. It means we lose jobs in the United States; it means our interoperability with our allies is diminished because they won't have American munitions and therefore, won't be able to operate as effectively with our military as they could; it can rupture or hurt our relationship with allies if we wrongfully do not export or unduly delay their request to purchase American munitions, and perhaps most importantly, when we don't act quickly and people in other countries buy their munitions elsewhere, we are building the munitions industry of other countries.

And what is the effect of that? More lost jobs for the United States, more losses on interoperability, and most of all, an undercutting of our policy objectives because once those munitions industries are well established in other countries, they will not be subject to any U.S.-State Department oversight and they may export to third countries things that we would not.

So right now the relevant State Department agency has roughly 40 licensing officers available to adjudicate

85,000 cases expected to be received this year. This bill will beef up the staffing by the third quarter of fiscal year 2010 so that there will be one licensing officer for every 1,250 applications that are based on what we anticipate to be the workload that year.

□ 1800

That is to say, we will go from roughly 40 licensing officers to roughly 68 licensing officers. This is hardly overstaffing.

The Department of Commerce performs a similar function with regard, not to munitions, but rather, dual-use exports. The relevant part of the Department of Commerce deals with one-third as many applications that has five times the staffing. Clearly, we need those 68 licensing officers at the State Department.

This bill also requires a complete strategic review of our arms export control system, a policy review that has not occurred since 9/11.

The bill codifies the administration directives with respect to processing times for licenses with respect to export of hardware to our allies. Our exporters will have reasonable assurance that licenses will be adjudicated, not necessarily approved, but adjudicated within 60 days unless there are extenuating circumstances.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BERMAN. Mr. Speaker, I extend an additional minute to the gentleman from California.

Mr. SHERMAN. This bill does not include any provisions clarifying the jurisdiction over civilian aircraft parts since the State Department has issued a proposed rule, designed to provide a bright line for those decisions.

Finally, I would like to note that improvement in the operations of the State Department office have already occurred, in part in response to the hearings we held in July of 2007.

I hope this bill will further improve our licensing process. It is not for us to tell the State Department that they need to have one licensing officer for every 1,250 applications is not being overly assertive. When we provide over $1 billion to the relevant account, we ought to provide some guidance as to how that money should be spent.

I thank the gentleman for including our provisions in the larger bill.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I might consume.

This measure before us addresses a number of objectives, I think all of them related to security assistance, and one of those is reform of the State Department's export control office. I think all of us know that it's been far too long that this office has been antiquated. It's been incapable of functioning well in a world of rapidly evolving technology, and what we need to do is a better job facilitating exports by focusing on those items that pose a true risk to our national security. This measure attempts to do that. It prevents those exports, while allowing U.S.-made exports to markets overseas.

I'd also like to thank Chairman BERMAN for including the key elements of H.R. 5443, which is the United States-Republic of Korea Defense Cooperation Improvement Act, in this underlying legislation. And this bill, which was authored by myself and Representative TAUSCHER, upgrades South Korea's military procurement status. It streamlines defense sales to South Korea. It puts Seoul basically on the same plane as members of NATO and Australia and New Zealand and Japan, and thus, it improves our defense cooperation. I think it's interesting that our top commander in Korea called it "bizarre and strange" to use his words that South Korea doesn't already enjoy this status.

Mr. Speaker, the U.S.-South Korean alliance I think is quite distinct. With a Mutual Defense Treaty that dates back to 1953, Korea and the U.S. form the most integrated alliance I think of interoperable forces. On the Korean Peninsula, interoperability by the way is not just a buzz word for the military forces there. It's a real life practice, and passage of this legislation would help cement that interoperability.

I'd also like to recognize the ranking member of the committee, Ms. ROS-LEHTINEN, for the inclusion in this bill of important language regarding North Korea and its nuclear program. The language in the underlying bill smoothes the way for dismantlement activities in North Korea, but it makes it clear that Congress expects a complete declaration on North Korean activities. This includes not just its plutonium program but its uranium program as well and proliferation business as well as the uranium. The intelligence community assesses that this activity, by the way, continues to this day, and indeed, North Korea is helping to fuel an arms race in the Middle East.

So this bill includes important language on verification, which despite the rhetoric has not been taken seriously by the administration to date.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Mr. ROYCE. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO), the ranking member of the Subcommittee on Asia, the Pacific and Global Environment.

Mr. MANZULLO. Mr. Speaker, we have a unique opportunity today to improve national security, support our foreign policy interests, and help American manufacturers.

H.R. 5916 is a product of nearly 18 months of work. We closely worked with the executive branch, the business community and non-proliferation nongovernment organizations. Without this legislation, foreign customers will continue to search out products that are ITAR-free to avoid being entangled in U.S. export control laws. The process improvements in this bill will make U.S. manufacturers more competitive in the international marketplace, creating and retaining American jobs, and supporting economic growth here in the United States.

This legislation permits the State Department's Directorate of Defense Trade Controls to hire more staff, reducing the backlog of defense trade license applications and improving our scrutiny of the most sensitive technologies.

The bill creates a special licensing authorization for American-made spare and replacement parts. It also establishes some goals for licensing processing, including a 7-day deadline for defense trade licenses for those countries who support our combat, peacekeeping or humanitarian operations.

I appreciate the Foreign Affairs Committee's efforts, particularly the outstanding leadership of my good friend from California, Mr. SHERMAN, on this very delicate issue. I urge my colleagues to support this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008, introduced by my colleague Mr. Berman. I would like to thank the chairman for his leadership on this important legislation, which will make important reforms to U.S. arms exports.

I would also like to thank the chairman and the committee staff for working with me to incorporate two important amendments that I offered to this bill, both of which will encourage respect of basic standards of human rights in countries receiving security assistance and arms exports. I believe that these two amendments improve this legislation by taking steps to ensure that U.S. taxpayer dollars are not being used to arm governments contributing to or engaging in massive violations of human rights, including genocide.

My first amendment, which will be inserted as section 406 of this legislation, states that

"It is the sense of Congress that the United States should not provide security assistance or arms exports to nations contributing to massive, widespread, and systematic violations of human rights or acts of genocide, particularly with respect to Darfur, Sudan."

This Congress has already taken remarkable strides to condemn the genocide in Sudan, now entering its fifth year, and to work to ensure that the people of this Nation are not unwittingly supporting these human rights abuses. My amendment reaffirms that it is the sense of Congress that violations of this nature, which are gross, widespread, and systematic, are a serious issue, and that the United States should not be providing security assistance to countries that are contributing to such abuses.

In addition, I offered a second amendment, which would also serve to reinforce the respect for basic human rights under this act.

Section 103 of this legislation requires a "comprehensive and systematic review and assessment" of the U.S. arms export controls system by the President, to be completed not later than March 31, 2009, and sets forth a number of elements that such a review must contain. My second amendment adds an additional element to this report. It states that the President's report must also:

"(F) assess the extent to which export control policies and practices under the Arms Export Control Act promote the protection of basic human rights."

This language will ensure that Congress will remain apprised of the implications of U.S. security assistance and arms exports on basic human rights. Through the inclusion of this amendment, we will ensure that Congress has all the information it needs to fully understand the impact of our security assistance. Because this amendment only requires an assessment of current human rights practices, it does not run the risk of restricting assistance to nations that, like Liberia, have a poor history of human rights but now, under new leadership, have made important strides toward respect of basic human freedoms.

Mr. Speaker, I believe that a nation's human rights record should be one element that the United States uses when determining whether security assistance or arms trade will be extended to that nation. My two amendments to this legislation seek to ensure that the United States is not arming governments that are contributing to or committing the grossest violations of human rights, like genocide, and to collect information on how our security assistance policies are affecting human rights in nations to which we are providing arms.

Mr. Speaker, the legislation, H.R. 5916, we are considering today includes a number of important provisions which will strengthen and reform U.S. security assistance and the defense trade licensing and review process. Congress has jurisdiction over oversight of both the U.S. arms export control process and individual sales, under the Arms Export Control Act, while the Department of State has primary responsibility to ensure that arms exports are in line with U.S. foreign policy and security objectives. Unfortunately, the State Department arms export process has broken down, and there is now an accumulated backlog of approximately 10,000 unprocessed applications for arms export license. Due to mismanagement and an underallocation of resources, the State Department process has proven dysfunctional.

This legislation contains a number of important provisions which will alleviate this serious and ongoing problem. It sets up a strategic review, to be conducted by the President, to determine the effectiveness of the current export control regime, and to make improvements where necessary, including in the efficiency in export licensing. Further, it establishes performance goals for the export licensing process, ensuring adequate staffing, flexibility in use of exporter annual registration fees for administrative purposes, regular Inspector General audits, and regular review of items for inclusion/deletion from the U.S. Munitions List. Finally, this legislation authorizes a special upfront licensing regime for spares and components for weapons systems previously sold to U.S. allies, and increasing licensing process transparency measures to facilitate Congressional oversight.

In addition to these important provisions, this legislation will strengthen vital security relationships with a number of U.S. allies. It adds South Korea to a list of countries already receiving expedited Congressional review, including NATO nations, Australia, New Zealand, and Japan. This move recognizes the critical importance of South Korea to U.S. security and regional stability, and it is a significant symbolic move.

This legislation also extends the same recognition to Israel, and it authorizes the initial phase-in of the Foreign Military Financing formula agreed on by the United States and Israel last year. Further, this legislation requires the administration to empirically assess, on an ongoing basis, the State of Israel's Qualitative Military Edge against conventional or non-conventional security threats. This provision codifies a principle that has been stated by every President since Lyndon Johnson, and requires the administration to provide an assessment to Congress every 4 years, to be used in reviewing arms exports to other Middle Eastern countries. These provisions continue U.S. assistance to Israel, and they provide for increased congressional oversight of this assistance.

Mr. Speaker, this legislation also allows for a waiver of Section 102 (b) of the Arms Export Control Act, commonly known as the Glenn Amendment, in the case of the North Korea nuclear program. The Glenn amendment, adopted in 1994, prohibits all U.S. economic and military assistance to any state that carries out a nuclear explosion and that is, under the nuclear non-proliferation treaty, defined as a non-nuclear weapon state. In light of the nuclear disablement and dismantlement activities agreed to in the Six-Party Talks, this waiver will grant the administration the ability to request appropriations directly to the Department of Energy for these activities, rather than its current practice of channeling such assistance through the State Department's Nonproliferation and Disarmament Fund, which has other high-priority demands on its funding and personnel. I support this provision because I believe that it is in the vital national security interest of the United States to continue to disable and hopefully remove North Korea's means to make more nuclear weapons, weapons or material that may be used against our interests or even transferred to other states.

Finally, Mr. Speaker, I support a provision in Title V of this legislation, which will grant to the government of Pakistan naval vessels, including the *Oliver Hazard Perry* class guided missile frigate *McInerney* (FFG–8). I believe that the continuation of U.S. assistance to Pakistan is particularly vital at this moment, following the February 2008 Pakistani elections in which two main opposition parties won a majority of seats. At this crucial time for the new Pakistani Government, I believe that the continuation of U.S. assistance is vital if we are to see crucial reforms and ongoing strides in the global fight against terrorism.

Mr. Speaker, this legislation will strengthen and reform the process of U.S. security assistance and arms exports. I strongly urge my colleagues to join me in supporting this legislation.

Mr. MANZULLO. Mr. Speaker, today is a great day. When others talk about a dysfunctional Congress or claim that members of different political parties can't work together, they ought to look at this bill. Today, the House votes on the Security Assistance and Arms Export Control Reform Act of 2008 (H.R. 5916) that we debated on Tuesday. Subtitle A of Title I of H.R. 5916 has been in the making for the past 18 months when I first learned of the complaints from industry regarding the immense backlog of defense export license applications at the State Department. The Executive Branch, both sides of the House Foreign Affairs Committee, industry, and Non-Governmental Organizations, NGOs, interested in non-proliferation all had input into this legislation.

Last year, I joined with Representatives JOE CROWLEY of New York and EARL BLUMENAUER of Oregon to establish the Congressional Export Control Working Group. We educated Members of Congress and their staff on the importance of export control modernization efforts to both our national and economic security.

Export control modernization is extremely important to the constituents I am proud to represent in the 16th District of Illinois. This area of the country is one of the most heavily industrialized Congressional districts in the Nation. We make everything from nuts and bolts to the advanced electrical system for the new Boeing 787, the Dreamliner. Many of the products and technologies produced by the manufacturers I am so proud to represent are regulated under U.S. export control law.

When I was first elected to Congress almost 16 years ago, a manufacturer from northern Illinois came to me for assistance in navigating the regulatory process for selling their product overseas. Ever since that first experience, I have been dedicated to modernizing our Nation's export control system. I am continuing to work on policies that will enhance U.S. national security, strengthen our defense industrial base, and boost U.S. competitiveness.

One piece of that puzzle is being considered here today. The Security Assistance and Arms Export Control Reform Act of 2008—which I am proud to have co-sponsored—contains legislation (Subtitle A of Title I entitled the Defense Trade Controls Performance Improvement Act of 2008) I co-wrote along with my good friend and colleague from California, Representative BRAD SHERMAN who is the Chairman of the Terrorism, Non-proliferation, and Trade Subcommittee. This legislation will reduce defense trade license processing times, create a spare part waiver for our closest allies, and make licensing of defense items more transparent and predictable. These process improvements will make U.S. defense manufacturers in every category, including space, more competitive in the international marketplace. No longer will they have to fear being shut out of foreign markets or products because of a taint from the International Traffic in Arms Regulations, ITAR.

The bill will modernize the Federal Government's inefficient export control policy while strengthening national security and helping

American companies sell more defense-related goods and services overseas to our allies.

H.R. 5916 requires the Directorate of Defense Trade Controls, DDTC, at the State Department to hire more staff to reduce the backlog of license applications that impedes legitimate trade with our allies without compromising national security. The last time I checked, the State Department has only 42 licensing officers. By 2010, this legislation requires adequate staff and resources at the State Department to review and process defense trade licenses in a timely manner. This legislation creates a ratio of at least one DDTC officer for ever 1,250 applications by 2010. The independent Congressional Budget Office, CBO, estimated that this provision would require the hiring of 35 additional licensing officers.

H.R. 5916 also requires DDTC to assign no less than 3 individuals by fiscal year 2009 to review applications for commodity jurisdiction determinations. This is one area of export controls that is extremely complex and time consuming—determining whether or not a particular widget is a commercial dual-use item or a munition. Having specialized personnel dedicated to this task will be extremely helpful in improving the processing of these determinations. The legislation also increasing the transparency of commodity jurisdiction determinations with the publication of those decisions on the Internet. This will help companies know in advance whether or not their particular product would fall into a commercial or munitions category.

The legislation also creates a series of performance goals for DDTC: No longer than 60 days to process a defense trade license; 30 days to process a defense trade license for close allies; and 7 days to process a defense trade license from our close allies in support of combat operations or peacekeeping or humanitarian operations with U.S. Armed Forces. This in no way implies forcing a premature decision—these are simply goals to achieve that have already been vetted with the Executive Branch. All tolled, CBO scored these personnel enhancement as costing $6 million in 2009 and $31 million over the next 5 years, which is a relatively modest price to pay to insure a vibrant and growing U.S. aerospace export industry. In 2007, the U.S. exported nearly $97 billion worth of aerospace products, producing a $60 billion positive trade balance in an otherwise grim trade picture. Nevertheless, H.R. 5916 also requires a report within 90 days on possible means for DDTC to achieve 100 percent self-financing.

H.R. 5916 creates a special licensing authorization for U.S. manufactured spare and replacement parts or components in connection with defense items previously lawfully exported to our closest friends and allies. This will help free up time of DDTC employees to go after more significant threats to our national security. Finally, the bill augments the input of the private sector Defense Trade Advisory Group, DTAG, into the State Department's defense trade agenda.

In conclusion, the Security Assistance and Arms Export Control Reform Act of 2008 streamlines the export control process, reduces the application backlog, and allows greater scrutiny on sensitive exports that could harm our country. It will better protect our Nation while helping U.S. companies sell more goods and services to our allies, creating more jobs for Americans. I appreciate the Foreign Affairs Committee's bipartisan efforts on this issue, particularly Chairmen BERMAN and SHERMAN and their respective staffs, and I urge my colleagues to support H.R. 5916.

Mr. ROYCE. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 5916, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NORTH KOREAN HUMAN RIGHTS REAUTHORIZATION ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5834) to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5834

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "North Korean Human Rights Reauthorization Act of 2008".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) (in this section referred to as "the Act") was the product of broad, bipartisan consensus in Congress regarding the promotion of human rights, transparency in the delivery of humanitarian assistance, and refugee protection.

(2) In addition to the longstanding commitment of the United States to refugee and human rights advocacy, the United States is home to the largest Korean population outside of northeast Asia, and many in the two-million strong Korean-American community have family ties to North Korea.

(3) Human rights and humanitarian conditions inside North Korea are deplorable, North Korean refugees remain acutely vulnerable, and the findings in section 3 of the Act remain accurate today.

(4) The Government of China is conducting an increasingly aggressive campaign to locate and forcibly return border-crossers to North Korea, where they routinely face torture and imprisonment, and sometimes execution. According to recent reports, the Chinese Government is shutting down Christian churches and imprisoning people who help North Korean defectors, and has increased the bounty paid for turning in a North Korean refugee by a factor of sixteen, to an amount roughly equivalent to the average annual income in China.

(5) In an attempt to deter escape attempts, the Government of North Korea has reportedly stepped up its public execution of border-crossers and those who help others cross into China, including the February 20, 2008, shooting of 13 women and 2 men in Onsung County, and the March 30, 2008, execution of three residents in Hyesan. As is commonly the case, employees and residents of nearby institutions, enterprises, and neighborhoods were required to attend and observe those killings.

(6) In spite of the requirement of the Act that the Special Envoy on Human Rights in North Korea (the "Special Envoy") report to the Congress no later than April 16, 2005, a Special Envoy was not appointed until August 19, 2005, more than four months after the reporting deadline.

(7) The Special Envoy appointed by the President has filled that position on a part-time basis only.

(8) On February 21, 2006, a bipartisan group of senior Members of the House and Senate wrote Secretary of State Condoleezza Rice "to express [their] deep concern for the lack of progress in funding and implementing the key provisions of the North Korean Human Rights Act", particularly the lack of North Korean refugee admissions to the United States.

(9) Although the United States refugee resettlement program remains the largest in the world by far, the United States has resettled only 37 North Koreans in the period from 2004 through 2007.

(10) From the end of 2004 through 2007, the Republic of Korea resettled 5,961 North Koreans.

(11) Extensive delays in assessment and processing at overseas posts have led numerous North Korean refugees to abandon their quest for United States resettlement, and long waits (of more than a year in some cases) have been the source of considerable discouragement and frustration among refugees, many of whom are awaiting United States resettlement in circumstances that are unsafe and insecure.

(12) From 2000 through 2006, the United States granted asylum to 15 North Koreans, as compared to 60 North Korean asylum grantees in the United Kingdom, and 135 in Germany during that same period.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should make it a priority to seek broader permission and greater cooperation from foreign governments to allow the United States to process North Korean refugees overseas for resettlement in the United States, through persistent diplomacy by senior officials of the United States, including United States ambassadors to Asia-Pacific nations;

(2) at the same time that careful screening of intending refugees is important, the United States also should make every effort to ensure that its screening, processing, and resettlement of North Korean refugees are as efficient and expeditious as possible;

(3) the Special Envoy for North Korean Human Rights Issues should be a full-time position within the Department of State in order to properly promote and coordinate North Korean human rights, humanitarian, and refugee issues, as intended by the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.);

(4) in an effort to more efficiently and actively participate in humanitarian burden-sharing, the United States should approach our ally, the Republic of Korea, to revisit and explore new opportunities for coordinating efforts to screen and resettle North Koreans who have expressed a wish to pursue resettlement in the United States and have not yet availed themselves of any right to citizenship they may enjoy under the Constitution of the Republic of Korea; and

(5) because there are genuine refugees among North Koreans fleeing into China who face severe punishments upon their forcible return, the United States should urge the Government of China to—

(A) immediately halt its forcible repatriation of North Koreans;

(B) fulfill its obligations pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China; and

(C) allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether they are refugees and whether they require assistance.

SEC. 4. DEFINITIONS.

Section 5(1)(A) of the North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7803(1)(A)) is amended by striking "International Relations" and inserting "Foreign Affairs".

SEC. 5. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

Section 102(b)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended by inserting after "2008" the following: "and $4,000,000 for each of fiscal years 2009 through 2012".

SEC. 6. RADIO BROADCASTING TO NORTH KOREA.

Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors (BBG) shall submit to the appropriate congressional committees, as defined in section 5(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report that describes the status and content of current United States broadcasting to North Korea and the extent to which the BBG has achieved the goal of 12-hour-per-day broadcasting to North Korea pursuant to section 103 of such Act (22 U.S.C. 7813).

SEC. 7. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended—

(1) in subsection (b)(1), by striking "2008" and inserting "2012"; and

(2) in subsection (c), by striking "in each of the 3 years thereafter" and inserting "annually through 2012".

SEC. 8. SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.

Section 107 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817) is amended—

(1) in the section heading, by striking "**HUMAN RIGHTS IN NORTH KOREA**" *and inserting* "**NORTH KOREAN HUMAN RIGHTS ISSUES**";

(2) in subsection (a)—

(A) in the first sentence—

(i) by striking "human rights in North Korea" and inserting "North Korean human rights issues"; and

(ii) by inserting before the period at the end the following: ", by and with the advice and consent of the Senate";

(B) in the second sentence, by inserting before the period at the end the following: "who shall have the rank of ambassador and shall hold the office at the pleasure of the President";

(3) in subsection (b), by inserting before the period at the end the following: ", including the protection of those people who have fled as refugees";

(4) in subsection (c)—

(A) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following new paragraph:

"(1) coordinate the implementation of activities carried out pursuant to this Act;"; and

(C) in paragraph (5), as so redesignated, by striking "section 102" and inserting "sections 102 and 104"; and

(5) in subsection (d), by striking "for the subsequent 5 year-period" and inserting "thereafter through 2012".

SEC. 9. REPORT ON UNITED STATES HUMANITARIAN ASSISTANCE.

Section 201(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7831(a)) is amended, in the matter preceding paragraph (1), by striking "in each of the 2 years thereafter" and inserting "annually thereafter through 2012".

SEC. 10. ASSISTANCE PROVIDED OUTSIDE OF NORTH KOREA.

Section 203(c)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7833(c)(1)) is amended by striking "2008" and inserting "2012".

SEC. 11. ANNUAL REPORTS.

Section 305(a) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7845(a)) is amended—

(1) in the subsection heading, by inserting "AND REFUGEE" before "INFORMATION";

(2) in the matter preceding paragraph (1)—

(A) by striking "for each of the following 5 years" and inserting "through 2012"; and

(B) by striking "which shall include—" and inserting "which shall include the following:";

(3) in paragraph (1)—

(A) by striking "the number of aliens" and inserting "The number of aliens"; and

(B) by striking "; and" at the end and inserting a period;

(4) in paragraph (2), by striking "the number of aliens" and inserting "The number of aliens"; and

(5) by adding at the end the following new paragraphs:

"(3) The number of aliens who are nationals or citizens of North Korea who contacted United States personnel overseas and expressed an interest in pursuing resettlement in the United States, irrespective of whether such aliens pursued the resettlement process to its conclusion.

"(4) A detailed description of the measures undertaken by the Secretary of State to carry out section 303, including country-specific information with respect to United States efforts to secure the cooperation and permission of the governments of countries in East and Southeast Asia to facilitate United States processing of North Koreans seeking protection as refugees. The information required under this paragraph may be provided in a classified format, if necessary.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I rise in strong support of this bill and yield myself as much time as I may consume.

I want to first thank our colleague, Mr. Speaker, and our ranking member of the Committee on Foreign Affairs, Ms. ILEANA ROS-LEHTINEN of Florida, for introducing this important legislation.

The human rights situation in North Korea remains one of the bleakest on the planet. As we speak, millions of North Koreans live in desperate conditions. Political, economic and religious freedoms are nonexistent. Many are starving and undernourished and live in fear of arbitrary arrests where they know they may be tortured or executed.

The North Korean government knows that access to information outside the country is a threat to the regime's control. So it maintains an absolute grip over all legal media, using it to manipulate the population into believing that life is no better anywhere else.

Those who manage to leave the country face further danger, denial of rights and threats to their lives. China stubbornly refuses to categorize North Koreans who flee horrific living conditions and persecution as refugees, instead labeling them economic migrants. This disingenuous, semantic trick relieves Beijing of its obligation to assist the North Koreans who escape into China in accordance with international conventions on refugees to which Beijing is a signatory.

North Koreans are routinely arrested and abused by the Chinese authorities and sent back to North Korea where they are considered traitors. Upon return, they are arrested, likely tortured, and sometimes killed.

Earlier this year, Pyongyang reminded the world how it treats those who desperately seek a better life by leaving North Korea when it executed 13 women and 2 men at the Chinese border. In response to the incident, a local North Korean official is reported to have said plainly, "We shot them to send a warning to people."

The suffering people of North Korea need assistance, and in 2004, Congress passed with overwhelming bipartisan support the North Korea Human Rights Act in an effort to focus U.S. attention on their plight. The Act provided new resources to assist North Korean refugees, support democracy and human rights programs, and improve access to information through radio broadcasts and other activities. It also required the President to appoint a special envoy on North Korean human rights.

H.R. 5834, which we're considering today, reauthorizes this vitally important legislation. The current bill extends the North Korean Human Rights

Act through fiscal year 2012, doubles the original funding authorization for human rights and democracy programs, and enhances the role of the special envoy by making it an ambassadorial rank and requiring it be a full-time position.

I'm proud to be an original cosponsor of this legislation, which I strongly support and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I'm pleased that we're taking up H.R. 5834, the North Korean Human Rights Reauthorization Act that I introduced last month with my dear friend and partner, Congressman BERMAN of California.

Informed by the experience of the past 4 years, this bill reauthorizes and makes minor revisions to the North Korea Human Rights Act of 2004. That law captured the strong, bipartisan consensus in favor of promoting human rights, transparent humanitarian assistance, and refugee protections for the people of North Korea.

The people of North Korea continue to suffer some of the worst conditions imaginable. The totalitarian regime does not permit meaningful political freedom, nor religious liberty, and requires cult-like devotion to the Kim dynasty. It crushes any who dare to dissent.

The vast North Korean gulag holds an estimated 200,000 men, women and children in brutal, sub-human conditions where entire families are tortured, abused and worked to death.

The centrally directed economy that exacerbated the North Korean famine of the 1990s, which killed somewhere between 1 and 3 million people, continues to threaten the basic welfare of the population.

The scores of North Korean women and girls who flee into China are vulnerable to repeated trafficking, sexual abuse, and exploitation. If they are pregnant when repatriated, they are routinely subjected to forced abortions by North Korean officials, often by vicious, physical beatings.

Trying to sweep the refugee problem under the rug before the 2008 Olympics, China has dramatically raised the bounty that it pays for North Korean border crossers, and routinely repatriates refugees to North Korea where they are sure to face prison, torture, and sometimes even execution.

In an attempt to deter escape, the North Korean regime has been stepping up its executions of people involved in border crossings. They execute them at public gatherings, where attendance by the local population, including children, is required.

□ 1815

On February 20 of this year, North Korean officials in Onsung County made their point by shooting and killing 13 women in front of the assembled community. Tragically, these atrocities are common in North Korea. We should, therefore, not be surprised when a dictatorship so willing to brutalize its own people is proven untrustworthy and dangerous in its dealings with the outside world.

Whether the issue is human rights, missiles or nuclear proliferation, the only consistent interest of the current North Korean regime is the continuation of the current North Korean regime. It holds no value and no regard for human life or the welfare of humanity as a whole.

In an effort to help address the grim situation endured by the North Korean people, this bill extends key authorities of the original North Korean Human Rights Act for an additional 4 years, such as funding for humanitarian assistance to North Korean refugees and trafficking victims, efforts to increase freedom of information inside North Korea, support for democracy and human rights activities, and reporting requirements regarding implementation of this act.

It also attempts to energize the United States' anemic North Korean refugee admissions, and clarifies and strengthens the role of the Special Envoy, which Congress intended to be a full-time position within the Department of State to champion better policy making on North Korean human rights, humanitarian, and refugee issues.

The United States is home to the largest ethnic Korean community outside of the Korean Peninsula, and many of our 2 million Korean-American constituents have family ties to North Korea. Our Nation also has the largest refugee resettlement program in the world by far and has resettled approximately 150,000 refugees from around the world since the year 2004, when the act became law. But over the past 4 years, Mr. Speaker, the United States has settled fewer than 50 North Koreans, notwithstanding the clear mandate of section 303 of the act directing the Secretary of State to facilitate North Korean refugee applications. This is an embarrassment, and it is not in keeping with the intent of Congress in passing the North Korean Human Rights Act.

More North Koreans have approached the United States seeking resettlement, but many have been deterred or have abandoned their pursuit because of extended delays that sometimes continue even after they have passed U.S. security screening. A group of increasingly desperate North Korean refugees, some of whom have been awaiting U.S. resettlement for over 2 years, recently carried out a hunger strike to draw attention to their extended limbo. This situation, which continues despite the good work from our regional refugee coordinators, requires persistent, high-level diplomacy by senior executive branch officials to secure permission from more foreign countries to allow us to process refugees, and prompt exit visas when those North Koreans are ready to leave for the United States.

I want to thank my good friend, Chairman BERMAN, and our original cosponsors from both sides of the aisle for their commitment to this important issue, including my friend, Congresswoman SHEILA JACKSON-LEE, whose language on North Korean refugees in China was added to section 3 of the bill.

I urge unanimous consent for this measure. And I hope that we can work together to get this bill through to the other body and onto the President's desk.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to yield such time as he may consume to my friend from California (Mr. ROYCE), the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Mr. Speaker, I rise again in support of this North Korean Human Rights Act.

I think it's very difficult to communicate the conditions of North Korea to those who have not seen those who have survived the torture, have not seen the malnourished children from North Korea. But 2 weeks ago was North Korean Human Rights—North Korean Freedom Week is what we call it now, and I had the opportunity to meet with Shin Dong Hyuk, who was a North Korean defector. And this particular young man was actually born in the prison camp. He was raised in that prison camp. He talked about the torture that was done to him when his parents were executed for trying to escape. And he told me how, after he escaped from the North Korean gulag, he couldn't believe the colors of life outside the prison walls because people in North Korea actually had clothes that were colorful. That's something he had never seen throughout his life living in that gulag.

And that's some statement about the North Korean prison system considering what life itself in North Korea means. It is a total denial of political, civil and religious liberties; no dissent or criticism of Kim Jong-il. The media, of course, is tightly controlled by the regime. There is severe physical abuse dolled out to citizens who violate any restriction. There are, of course, food shortages as the regime distributes food based on perceived loyalty. And in the "no go" areas, they don't get the food. The food goes to the ruling elite and the military.

The North Korean Human Rights Act will be an important tool to bring about change in North Korea because this bill places an emphasis, among other things, on broadcasting into North Korea, setting forth a plan to bring 12 hours per day of broadcasting. And the reason I think, Mr. Speaker, that those broadcasts are going to be helpful, those expanded broadcasts, is because of the role they play in bringing objective news and the truth to a closed society.

Fifty years ago, we had the experience with RFE/RL starting its broadcast into the Eastern Bloc, presenting objective news and the democratic ideal over the airwaves. And today we have a situation where Vaclav Havel and Lech Walesa both say that those radio broadcasts were essential to Poland and the Czech Republic's freedom struggle.

North Korea is the world's most secluded society, but this is changing. We do a little bit of broadcasting there now. And now, 30 percent of those who escape tell us they're listening to the broadcast; that includes civil servants and military officers. But there are also the cell phones and the DVDs that are making their way over from China. And these broadcasts will be key in shattering the state-sponsored lies that people are listening to.

Lastly, let me mention that we are in the midst of Six-Party Talks here with North Korea trying to end North Korea's nuclear weapons program. A key part of any agreement is verification. There are different standards of verification, and I'm concerned that the administration will settle, frankly, for a low standard.

In deciding what's acceptable in a deal, it's useful to understand the nature of the other party. And I'd just like to close with this thought: A regime that massively abuses its own people, as North Korea does, puts no value on paper agreements. Andrei Sakharov made this point some years ago about the nature of a regime and the way it treats its own citizens, and how, therefore, in dealing with that kind of a regime you better get verification. And we'd better understand that.

Mr. BERMAN. Mr. Speaker, I yield myself 30 seconds.

The gentleman's ending quote was a very powerful one. And then there was a President here who said, that's why, with those kinds of regimes, you must verify.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in support of H.R. 5834, the North Korean Human Rights Reauthorization Act of 2008, introduced by my colleague Congresswoman ROS-LEHTINEN. I believe that this legislation makes important improvements to the North Korean Human Rights Act, passed in 2004.

Mr. Speaker, between 1994 and 1998, about 2.5 million people died during a period of famine in North Korea. During this period, large numbers of North Koreans began crossing the border to China in search of refuge. At current count, the U.S. State Department estimates some 30,000–50,000 North Korean refugees currently live in China, while some non-governmental organizations put this figure as high as 300,000. Also according to the State Department, those North Koreans who are repatriated face harsh punishments, ranging from forced labor to execution.

Despite China's obligations under international refugee law, China continues to view North Koreans resident in China as economic migrants rather than political refugees, and, on this basis, refuses to grant U.N. agencies, including the U.N. Refugee Agency (UNHCR), access to these populations. Also because of its refusal to recognize North Koreans as refugees, China has argued that, under a bilateral 1986 repatriation agreement with North Korea, it must return all border crossers. While at times this bilateral agreement has, in practice, been ignored, The government of China is actively locating and deporting border-crossers back to North Korea.

The practice of returning North Koreans who have fled to China is particularly worrisome, because, under the North Korean judicial system, to leave the country without state permission is considered as an act of treason. North Koreans who flee to neighboring nations, including China, face a high risk of execution should they ever return.

Mr. Speaker, North Korea is an extremely closed society, and millions of North Koreans live in desperate conditions. The regime is classified by Human Rights Watch as being "among the world's most repressive." The government controls virtually all aspects of life, and political, economic, and religious freedoms are nonexistent. Without guarantees of due process and fair trials, citizens live in fear of arbitrary arrest, and of torture and execution by the state. The state controls all access to information, utilizing their control of the media to manipulate the population. Following the famine of 1994–1998, food shortages persist, and many residents are to this day suffering from hunger.

Large numbers of North Koreans have fled these conditions, a significant percentage of which would likely fit the legal definition of refugees. The percentage of these refugees who are women is strikingly high, with recent estimates putting the figure potentially as high as 75%, an enormous increase from an estimated 20% only four to five years ago, though the reasons for this trend are unclear. Female refugees throughout the world face specific challenges, and, in China, any children born to North Korean women face an extremely uncertain future.

In 2004, Congress passed the North Korea Human Rights Act with overwhelming bipartisan support, in an effort to refocus U.S. attention on the people of North Korea. This legislation provided humanitarian assistance to the North Korean people, as well as improved access to information through radio broadcasts and other activities and resources to help refugees fleeing the oppressive regime. This legislation also required the President to appoint a special envoy on North Korea.

This legislation that we are considering reauthorizes this important bill, extending the North Korean Human Rights Act through fiscal year 2012. This doubles the original funding authorization for human rights and democracy programs enhancing the role of the special envoy position, making it a full-time ambassadorial rank post.

I believe that this bill makes necessary improvements upon the original North Korean Human Rights Act of 2004. I am a tireless advocate for human rights worldwide as my continual involvement in promoting human rights for countries such as Syria, Iran, Sudan, and Vietnam is a testament of my dedication towards human rights. I believe those fleeing North Korea should be provided with vital support and aid by the United States Government.

Mr. Speaker, this legislation makes an important statement about Congress's commitment in addressing violations of human rights, wherever they occur. I urge my colleagues to join me in support of this legislation in giving these people hope in humanity.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 5834, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIMPSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 25 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1835

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. ROYBAL-ALLARD) at 6 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 1181, de novo;

H.R. 6022, by the yeas and nays;

H.R. 4008, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING CONDOLENCES AND SYMPATHY TO PEOPLE OF BURMA FOR LOSS OF LIFE AND DESTRUCTION CAUSED BY CYCLONE NARGIS

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 1181.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA) that the House suspend the rules and agree to the resolution, H. Res. 1181.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CROWLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 1, not voting 22, as follows:

[Roll No. 306]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—22

Andrews
Bonner
Bono Mack
Carney
Crenshaw
Ferguson
Gerlach
Hinojosa
Hulshof
Mack
Mollohan
Myrick
Peterson (PA)
Richardson
Rohrabacher
Roskam
Rush
Sires
Udall (NM)
Watson
Weller
Wynn

□ 1901

Messrs. YOUNG of Alaska and KINGSTON changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE FOR THE PEOPLE OF BURMA

(Mr. CROWLEY asked and was given permission to address the House for 1 minute.)

Mr. CROWLEY. Madam Speaker, my colleagues, we just passed a resolution expressing the condolences and sympathy of the House of Representatives to the people of Burma, who are suffering incredible loss of life and destruction, mass destruction, within Burma because of the effects of Cyclone Nargis.

I would ask, if we could, on behalf of the suffering people of Burma, the millions of people who are without clean water, without proper sanitary conditions, without food, who are suffering incredibly, if we could stand for a moment of silence in their memory and on behalf of all the people of Burma today.

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

STRATEGIC PETROLEUM RESERVE FILL SUSPENSION AND CONSUMER PROTECTION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6022, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 6022.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 385, nays 25, not voting 23, as follows:

[Roll No. 307]

YEAS—385

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NAYS—25

Akin
Barton (TX)
Campbell (CA)
Cole (OK)
Conaway
Cubin
Doolittle
Ehlers
Foxx
Franks (AZ)
Hensarling
Herger
Inglis (SC)
King (IA)
Lamborn
Linder
Lucas
Mica
Neugebauer
Pickering
Radanovich
Scalise
Weldon (FL)
Westmoreland
Wilson (SC)

NOT VOTING—23

Andrews
Bonner
Bono Mack
Carney
Clay
Crenshaw
Ferguson
Gerlach
Hinojosa
Hulshof
Larson (CT)
Mack
Mollohan
Myrick
Peterson (PA)
Richardson
Rohrabacher
Roskam
Rush
Udall (NM)
Watson
Weller
Wynn

☐ 1913

Mr. KIRK, Mrs. BIGGERT and Ms. FALLIN changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE FOR THE PEOPLE OF SICHUAN PROVINCE, CHINA

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Madam Speaker, yesterday, at 2:28 p.m. local time, a massive earthquake measuring 7.9 on the Richter scale struck Sichuan Province in southwest China. Tragically, the death toll is now estimated in excess of 12,000 people, and it may rise.

There are thousands of people injured and thousands more remain trapped beneath rubble. Especially tragic are the hundreds, and, perhaps over 1,000, school children who are trapped beneath their collapsed schools.

I ask my colleagues to join me in observing a moment of silence to express our deep sympathy for those affected by yesterday's earthquake in China.

The SPEAKER pro tempore. Members will rise for a moment of silence.

☐ 1915

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

CREDIT AND DEBIT CARD RECEIPT CLARIFICATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4008, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MAHONEY) that the House suspend the rules and pass the bill, H.R. 4008.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 308]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Filner
Flake
Forbes
Fortenberry

Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—26

Andrews
Bilbray
Bonner
Bono Mack
Carney
Crenshaw
Diaz-Balart, L.
Ferguson
Gerlach
Higgins
Hinojosa
Hulshof
Mack
Miller, George
Mollohan
Myrick
Peterson (PA)
Richardson
Rohrabacher
Roskam
Rush
Stark
Udall (NM)
Watson
Weller
Wynn

☐ 1923

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2419, FOOD, CONSERVATION, AND ENERGY ACT OF 2008

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–629) on the resolution (H. Res. 1189) providing for consideration of the conference report to accompany the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR ADOPTION OF S. CON. RES. 70, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. McGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–630) on the resolution (H. Res. 1190) providing for the adoption of the Senate concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2054

Ms. WASSERMAN SCHULTZ. Madam Speaker, I seek unanimous consent to remove my name as a cosponsor of H.R. 2054, the Universal Service Reform Act of 2007. My name was listed due to a clerical error.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

SYMPATHY EXTENDED TO PEOPLE'S REPUBLIC OF CHINA

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to join my colleagues in offering my deepest sympathy and that of the constituents of the 18th Congressional District to the people of Mainland China, the People's Republic of China, for the enormous tragedy that they are now facing. There are 12,000 expected dead and more, some 19,000 still buried. And what has been the singular tragedy is innocent children sitting in their classroom seats and having a building collapse upon them.

We are told that if this earthquake had occurred in the United States, it would range from Maine to Arizona. We can imagine the enormity of this tragic situation. I would hope that the United States is moving quickly to be of assistance and that we will keep the people of China, the People's Republic of China, in our thoughts.

And as we offer them our prayers and thoughts, let us be reminded of those in the United States who suffered through the terrible tornadoes that our country has been experiencing over a period of time. I hope we will keep all in our prayers.

RON STONE, TEXAS NEWSMAN

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the Eyes of Texas are shining tonight on the life and legacy of Houston news legend Ron Stone. Stone died today at the age of 72.

For 30 years, Ron Stone was a fixture on Houston television and the host of one of my favorite shows, the Eyes of Texas, featuring the real-life stories about unique people and places of our great State.

Though he had countless awards to mark his contributions in the media industry, it was his down to earth, folksy style that endeared him to audiences all across the Houston area.

He was born in Oklahoma, but Stone came to Houston in the 1960s, and his love for Texas took root then. He said he wasn't born in Texas, but he got there as fast as he could. After retiring from KPRC in 1992, he continued to leave his mark on the industry. He was a recognized filmmaker, author of several books on Texas history and continued his dedication to our community.

I met Ron many years ago while I was a judge in Houston. It was his personal approach to news that set him apart from others, and captivated audiences for more than 30 years. Ron Stone leaves a unique mark on Houston's history. May the Eyes of Texas forever shine on him and his family.

And that's just the way it is.

□ 1930

LET'S LOWER GAS PRICES

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Madam Speaker, tonight we had a bipartisan vote to suspend deposits in the Strategic Petroleum Reserve. It's a great bipartisan vote. I join with my Democrat colleagues in supporting this legislation. The reason why it works is because it decreases the amount of consumption of oil here in the United States, thereby bringing prices down because it's the control of supply and demand.

Well, likewise, I would ask my Democrat colleagues to join with me in increasing domestic production and refining capacity here in the United States, which is another way to bring prices down for our consumers. We can do this in a bipartisan way.

Madam Speaker, I ask that we join together in a bipartisan vote so we can lower gas prices for the short term and for the long term.

NATIONAL TRAUMA CENTER STABILIZATION ACT

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, tonight I come to the floor of the House to talk about the bipartisan health care bill introduced by Mr. TOWNS, Ms. BLACKBURN and Mr. WAXMAN. This bill, the National Trauma Center Stabilization Act, is particularly timely, given that this is National Hospital Week.

While it seems like there's a special observance for everything these days, National Hospital Week celebrates the vital role hospitals play in our communities. From delivering our babies to treating traumatic injuries, to caring for our sick and elderly, our Nation's 6,000 hospitals are a critical component of the American health care system, and the American health care system is the best in the world, in part, due to the quality of our Nation's hospitals.

Because of my background treating patients, one of my top priorities in Congress is ensuring that the Federal Government does its part to maintain and improve health care in this country. This includes strong support for our hospitals.

To this end, the National Trauma Center Stabilization Act will help give the 500 trauma centers around the country the support they need to do the critical work they do, 24 hours a day, 365 days a year.

Madam Speaker, I took an oath as a physician and as a policy maker to serve patients and people to the best of my abilities. It's wonderful when these two pledges intersect to make productive policy. The bipartisan National Trauma Center Stabilization Act meets both of these criteria. There's no better time to sign on than today, during National Hospital Week.

COAL TO LIQUID TECHNOLOGIES

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Madam Speaker, we just took an interesting vote on the floor a few minutes ago, and that was to stop filling the SPR and make sure there's 70,000 barrels on the market. The projections by my friends on the other side is that this will affect the cost from 5 cents to 25 cents per gallon.

Just think what putting a million barrels of crude oil into the market—and we can do that by bringing on more supply.

I've been on the floor numerous times to talk about coal to liquid technologies. We have 250 years worth of coal in the Illinois coal basin alone. Turning that into liquid fuel.

Of as great importance is the Outer Continental Shelf, billions of barrels of oil, trillions of cubic feet of natural gas, off-limits based upon policies enacted here in this House. And if 70,000 barrels will do 5 to 25 cents a gallon, just think what a million barrels of crude oil.

We have one problem. We haven't built a refinery in 32 years.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING THE CITY OF GREENSBORO, NORTH CAROLINA'S BICENTENNIAL CELEBRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Madam Speaker, I rise today to honor the City of Greensboro's Bicentennial Celebration.

Since 1808, the citizens of Greensboro have been pioneers in manufacturing, education and civil rights for North Carolina, for the South and for the Nation. Greensboro has been and remains a leader in economic and cultural development within North Carolina.

Greensboro became the "Gate City" at the turn of the last century as North Carolina's rail trade and manufacturing center. Greensboro soon became a leader in North Carolina's textile industry. Henry Humphreys opened the State's first steam-powered cotton mill, and by the 1940s, Greensboro businesses were flourishing. Rayon weaving from Burlington Industries, denim from Cone Mills, and overalls from Blue Bell dominated world markets for their products. In the late 1980s, the Piedmont Triad International Airport again established Greensboro's place as a regional travel and transportation hub.

Greensboro's always been at the forefront of education in North Carolina. Greensboro College, the first State-chartered college for women opened its doors in 1833.

In 1837, Quakers founded the first coeducational school in the State, Greensboro's "New Garden Boarding School," today known as Guilford College, my wife's alma matter.

Greensboro Technical Community College has provided training and an adult education since 1958.

What began as Women's College, and is now the University of North Carolina at Greensboro, and North Carolina Agriculture and Technical College, A & T, is a historical black land grant institution, are leaders in university research, development and art.

With such a strong concentration of academic institutions, Greensboro has obviously developed a thriving cultural scene, particularly renowned for theater, for music and film. In the last few decades there's been an expanded public library system, a children's museum, work in historic preservation, including an effort to save the Woolworth's where the sit-in movement began, as well as the Greensboro Coliseum Complex, which is known for the arts, as well as for college basketball. It's frequently the host of the Atlantic Coast Conference's Men's Basketball Tournament.

Greensboro has also played an important role for racial equality. Greensboro was a stop on the Underground Railroad, as citizens, both black and white, helped slaves escape to the North.

In 1873, Greensboro founded Bennett College for Women to provide education for newly emancipated slaves.

On February 1, 1960, four North Carolina A & T students sat down at the Woolworth's white only lunch counter. Ezell Blair, now Jibreel Khazan, Franklin McCain, Joseph McNeil and David Richmond remained seated until the store was closed, and returned the next day and the next day and the next day, joined each day by more and more who were protesting segregation. The "Greensboro Four" or the "A & T Four" inspired similar civil rights protests across the South. The sit-in protest that began in Greensboro was the moment the civil rights struggle became a movement.

Later, Greensboro's peaceful public school integration was a model for other communities all over the nation. And today, Greensboro celebrates a diverse population, with citizens from

Southeast Asia, Eastern Europe, Latin America, as well as Africa.

In the tradition of the Underground Railroad, the tradition begun with Greensboro's participation in the Underground Railroad, Greensboro now welcome refugees from conflicts around the world, the Sudan, Liberia, Myanmar and on and on.

I am proud to honor the Bicentennial Celebrations of the City of Greensboro, and I'm honored to represent Greensboro in Congress.

TURN OUT THE LIGHTS—THE PARTY'S OVER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Madam Speaker, Congress passed an energy bill which should have been called the Anti-American non Energy Bill, because it punishes Americans for using energy, rather than finding new sources of affordable energy. But the bill does one thing, Madam Speaker, it controls the type of light bulbs that all Americans must use throughout our fruited plains.

Congress's energy bill bans incandescent light bulbs by 2014, and requires Americans to buy compact fluorescent bulbs. Those are called CFLs. Now we can say goodbye to Thomas Edison's incandescent bulb and his invention.

Madam Speaker, I have a Constitution here and, like most Members of Congress, I carry it with me. I've read it through and through, but I don't see anywhere in the U.S. Constitution that it gives the government the power to control the type of light bulbs used in Dime Box, Texas or any other place in the United States. Besides the lack of constitutional authority, let me discuss these light bulbs further.

Nothing in Congress seems to be easy, and that phrase is certainly true with these CFL light bulbs. These light bulbs contain mercury, so they have to be disposed of in a certain way. According to EPA rules, you're supposed to take them to a local recycling center. Thanks to Congress, nothing is easy.

If you throw them out at home, you're supposed to seal the bulb in two plastic bags and place them in the outside trash; otherwise, the bulb may break and pollute the landfill, of all things.

CFLs are made of glass, so they're fragile. If one breaks it or drops it, you have to follow simple rules, thanks to Congress. And according to the EPA, here's what do you if you break one of these light bulbs, and I quote. "Have people and pets leave the room, and don't let anyone walk through the area." We must evacuate the room, Madam Speaker.

I continue. "Open a window and leave the room for 15 minutes or more. Shut off the central heating and air conditioning system. Carefully scoop up glass fragments and powder using stiff paper or cardboard and place them in a glass jar with a metal lid." Obviously, that's readily available.

I continue. "Use sticky tape, such as duct tape, to pick up any remaining small grass fragments and powder." Of course we do have lots of duct tape in Texas, so that's no problem. But we're not through yet.

I continue to quote. "Wipe the area clean with a damp paper towel or disposable wet wipes and place them in the glass jar or plastic bag. Do not use a vacuum or a broom."

And, Madam Speaker, I ask unanimous consent to file this 3-page, single space requirements the EPA has made all Americans follow on disposing of one of these broken light bulbs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. POE. If you break a light bulb in a high rise where the windows don't open, will the EPA light bulb police haul us off to jail because of improper disposal procedures?

If I dropped this light bulb, we would have to evacuate the House of Representatives, according to the EPA light bulb law. Have we gone a bit too far with this nonsense?

Thanks to Congress, we're making what is simple very difficult. And besides, these light bulbs, are expensive, and using them may fade photographs on the wall.

Now, Madam Speaker, I'm going to carefully remove one of these light bulbs from a box that contains all these warnings on the outside. And this is one of those CFL light bulbs that Congress is requiring all Americans to use by 2014.

There's more to the requirements of using these. It says here, and I quote, "these light bulbs may cause interference to radios, televisions, wireless telephones and remote controls." Now we're in trouble for Monday night football because we're going to have to turn out the lights so there's no interference with our TV.

We can also thank Congress for giving more money to China. This light bulb, it says right here, with all the warnings on it, is made in China. And Madam Speaker, they are only made in China. They're not made in the United States. We import every one of these things.

You know, over the past year we've seen Chinese pet food kill our dogs and cats; Chinese lead paint is poisoning our children, and now Chinese light bulbs that contain mercury can be harmful to our health. Doesn't this bother anybody?

Meanwhile, gasoline nears $4 a gallon, and Congress still has no energy plan except turn on these light bulbs.

□ 1945

Oh, I yearn for the day when America took care of Americans by developing our own abundant natural resources like coal and natural gas and crude oil to provide affordable energy to America. But those days have gone the way of Edison's incandescent light bulb. We might as well turn out the lights, the party's over.

And that's just the way it is.

WHAT TO DO IF A FLUORESCENT LIGHT BULB BREAKS

Compact fluorescent lights (CFLs) are lighting more homes than ever before, and EPA is encouraging Americans to use and recycle them safely. Carefully recycling CFLs prevents the release of mercury into the environment and allows for the reuse of glass, metals and other materials that make up fluorescent lights.

EPA is continually reviewing its clean-up and disposal recommendations for CFLs to ensure that the Agency presents the most up-to-date information for consumers and businesses. Maine's Department of Environmental Protection released a CFL breakage study report on February 25, 2008. EPA has conducted an initial review of this study and, as a result of this review, we have updated the CFL cleanup instructions below.

Pending the completion of a full review of the Maine study, EPA will determine whether additional changes to the cleanup recommendations are warranted. The agency plans to conduct its own study on CFLs after thorough review of the Maine study.

Fluorescent light bulbs contain a very small amount of mercury sealed within the glass tubing. EPA recommends the following clean-up and disposal guidelines:

Before clean-up: ventilate the room

1. Have people and pets leave the room, and don't let anyone walk through the breakage area on their way out.

2. Open a window and leave the room for 15 minutes or more.

3. Shut off the central forced-air heating/air conditioning system, if you have one.

Clean-up steps for hard surfaces

4. Carefully scoop up glass fragments and powder using stiff paper or cardboard and place them in a glass jar with metal lid (such as a canning jar) or in a sealed plastic bag.

5. Use sticky tape, such as duct tape, to pick up any remaining small glass fragments and powder.

6. Wipe the area clean with damp paper towels or disposable wet wipes and place them in the glass jar or plastic bag.

7. Do not use a vacuum or broom to clean up the broken bulb on hard surfaces.

Clean-up steps for carpeting or rug

4. Carefully pick up glass fragments and place them in a glass jar with metal lid (such as a canning jar) or in a sealed plastic bag.

5. Use sticky tape, such as duct tape, to pick up any remaining small glass fragments and powder.

6. If vacuuming is needed after all visible materials are removed, vacuum the area where the bulb was broken.

7. Remove the vacuum bag (or empty and wipe the canister), and put the bag or vacuum debris in a sealed plastic bag.

Disposal of clean-up materials

8. Immediately place all cleanup materials outside the building in a trash container or outdoor protected area for the next normal trash.

9. Wash your hands after disposing of the jars or plastic bags containing clean-up materials.

10. Check with your local or state government about disposal requirements in your specific area. Some states prohibit such trash disposal and require that broken and unbroken mercury-containing bulbs be taken to a local recycling center.

Future cleaning of carpeting or rug: ventilate the room during and after vacuuming

11. The next several times you vacuum, shut off the central forced-air heating/air conditioning system and open a window prior to vacuuming.

12. Keep the central heating/air conditioning system shut off and the window open for at least 15 minutes after vacuuming is completed.

LET'S LEAVE NO VETERAN BEHIND

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, the civil war in Iraq has devastated the colleges and the universities in that country. It is estimated that thousands of students and professors have been forced to flee the violence, cutting short their studies and their academic careers.

A humanitarian organization called the Iraqi Student Project is trying to help. It's working with 15 American universities to identify quality Iraqi students and provide them with a tuition-free education here in the United States. The project, which was created by two Americans based in the Middle East, is modeled on the Bosnian Student Project of the 1990s, a project that brought approximately 150 Bosnian students to American colleges.

This Friday, Madam Speaker, I will have the honor of delivering the commencement address at the graduation ceremonies for Dominican University's graduate students. I'm proud to say that Dominican University in my district is one of the institutions working with the Iraqi Student Project. Dominican anticipates admitting two Iraqi students in September and waiving their tuition. Upon graduation, it is hoped that the students will return to Iraq to help that devastated country rebuild.

In the coming days, this House will have the chance to show that we, too, have the right priorities. We will be considering the 21st Century GI Bill. This is a bipartisan proposal that would provide a college education to our brave troops when they return from the fighting in Iraq and Afghanistan.

After World War II, Madam Speaker, the GI Bill sent millions of veterans to college. Everyone agrees it was one of the best investments our country has ever made. It fueled the post-war economic boom, vastly expanded our country's middle class, and made good of our Nation's solemn promise to care for our veterans.

But today, the GI Bill covers just half of the average cost of a college education. The proposed legislation would provide coverage for the full costs of going to a public university, and it would help with the cost of attending private university.

The need for this bill is great. It will help make the transition back to civilian life easier for our veterans and for their families. Many of those who have already returned home are unemployed or underemployed. They need a college education to help them succeed in the workplace, and our Nation, we need them to succeed to keep our economy strong.

But surprise, surprise. The administration doesn't share this view. Secretary of Defense Gates has expressed opposition to expanding education benefits. He has said that it would cause retention problems in the military because it would encourage troops to leave the service. I believe, Madam Speaker, that our troops have already done quite enough to help the military achieve its retention goals. Many of our troops have served two, three, and four tours of duty, and the number of troops who have been forced to stay in the service involuntarily through the Pentagon's Stop-Loss policies is actually rising in spite of the Army's promise to cut the number.

Our troops have done all that we have asked of them. They've done it again and again and again. It is true that the occupation of Iraq has stretched our military to the breaking point, but the solution to the problem is to end the occupation, not to ask our brave troops to give up their futures and not to ask them to give up a chance to get a college education.

The 21st Century GI Bill is the right thing to do for our veterans and the smart thing to do for our country. It's a win-win, and it has strong bipartisan support, and it will leave no veteran behind.

END THE UNJUST IMPRISONMENT OF U.S. BORDER PATROL AGENTS COMPEAN AND RAMOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today is day 482 of a terrible injustice in America. Two U.S. Border Patrol agents have been in Federal prison in solitary confinement since January 17 of 2007. Agents Compean and Ramos were convicted in March of 2006 for shooting an illegal alien drug smuggler from Mexico. The smuggler brought $1 million worth of marijuana across our borders into Texas.

The prosecution's star witness, the illegal alien drug smuggler, recently pled guilty to four felony counts for smuggling drugs while under immunity to testify against the border agents. Ramos and Compean were doing their job to protect America and to protect our border. Yet through a questionable prosecution, the agents were convicted and sentenced to 11 and 12 years in prison, respectively.

Despite the efforts of the American people and Members of Congress in both parties, nothing has been done to reverse this injustice. Members of Congress and outside groups have filed court briefs to support these agents, and on December 3, 2007, the Fifth Circuit Court of Appeals in New Orleans heard oral arguments for their appeals. The only glimmer of hope for these agents and their families rest with the Fifth Circuit Court's decision.

The American people have not forgotten Ramos and Compean. The more time these men spend behind bars, the longer it takes for a decision on their appeal, the more frustrated the American people become, Madam Speaker, as millions of Americans eagerly await a ruling by the Fifth Circuit Court. My prayers are with the agents and their families. I hope that the judges' decision will rectify this gross miscarriage of justice and faith in our judicial system may be restored.

I thank Congressman ROHRABACHER for calling for a national day of prayer last Sunday on behalf of these two decorated U.S. Border Patrol agents. In addition to Mother's Day, this past Sunday marked the beginning of National Police Week. This week is a fitting time for the American people to join in prayer not only for agents Ramos and Compean, but for all men and women in uniform who risk their lives each day to protect our communities. Agents Ramos and Compean were willing to risk their lives to defend our border and protect America from illegal drug smugglers.

Madam Speaker, before I close, again, we call on this White House to please listen to the pleas of the American people and the Congress to say let these men go for doing their job to protect the American people from a drug smuggler. I pray that justice will finally prevail for these men and their families.

And with that, Madam Speaker, again, I call on this White House to listen to the American people.

REQUIRING A VOTER'S PHOTO ID WILL DENY MANY AMERICAN CITIZENS FROM THEIR RIGHT TO VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Madam Speaker, it was on May 7, the day of the Indiana primary election just last Tuesday, I believe that was May 5, excuse me, May 5, that 12 nuns came to the voting booth to cast a ballot in the election. These nuns, women of the cloth, women who have dedicated their lives to prayer and service, only wanted to vote but were barred from doing so by Indiana's photographic identification law. This law, which is the most stringent in the United States, the most stringent of any State, requires that before you can cast a ballot, you must present a government-issued photographic identification card. This 98-year-old nun, American citizen, devoted to her country and her faith, was denied along with 11 of her colleagues.

I'm disappointed to tell you, Madam Speaker, that this problem didn't have to happen. Only a few days before this Indiana photographic ID law was put in place, the United States Supreme Court reviewed this law and found that it was reasonable for Indiana to force citizens to provide such identification.

Now, Madam Speaker, you might say, well, isn't this designed to just stop voter fraud? The answer is "no," Madam Speaker. In the United States Supreme Court decision, the Justice that wrote the majority opinion admitted and acknowledged that there was no evidence of voter impersonation. And in fact, Madam Speaker, this bill was a bill to solve a problem that simply did not exist at all. This bill was confronting a mythical voter fraud that worked only to stop 12 nuns and many others from voting.

The bill that required the photographic ID clearly would disenfranchise people who were low-income and didn't have a photographic ID. It clearly would, and did, disenfranchise older Americans who may not have an ID or maybe were born at home and can't even find a birth certificate, which is what they would need to get such a photographic ID. It would clearly bar college students, who maybe haven't gotten a driver's license yet, from voting.

In effect, this bill prohibited people from voting who need a change in America. It stopped seniors who are against the donut hole of the prescription drug, Prescription Medicare Part D that is hurting our seniors. It's barring their way to the ballot box. It's barring our students' way to the ballot box as they struggle to confront galloping tuition increases and mounting debt. It's barring the rights of our citizens who cry for greater civil and human rights in our country. And it's basically standing in the way of voters who need a fairer, more equal, more just society.

The fact is, Madam Speaker, I wish those people who pushed this law forward would have simply admitted that they don't want to debate the ideas, they just want to stop voters from getting to the ballot box. They don't want to debate whether or not it makes sense to help rich people get even richer, to help big corporations get even bigger. They don't want to debate that. They just want to stop the people who would be opposed to their ideas from them ever being able to cast a ballot.

Madam Speaker, I want to commend the New York Times which, on May 13, submitted this editorial: The Myth of Voter Fraud. And what this editorial shows is it is not just Indiana but many other States which are requiring this absolutely unneeded, unneeded photographic ID requirement. States like Missouri, Kansas, Florida, South Carolina, and now others are considering these bills. They must and should be stopped. They're not intended to stop fraud. In fact, if there's any fraud going on, Madam Speaker, it is that people in the category that I mentioned, the senior citizens, communities of color, low-income people, students, those people are being defrauded because actively in almost every election, we've seen schemes and devises reminiscent of Jim Crow to bar them from the ballot box.

And so, Madam Speaker, I ask you and all of the Members of this House to consider a bill that will preempt the Supreme Court's decision in the decision that upheld the Indiana voter law. It's what we need. It would improve the quality of democracy in our country.

And as I close, Madam Speaker, I just want to say our country is a great one not because of bombs and guns and a huge economy, it's a great country because this country has been advancing liberty ever since its inception.

In the beginning of this country, Madam Speaker, you and I know that only white men of property were able to vote. Just being a white male would not get you the vote. But then we saw the Jacksonian Revolution, and people without property could vote; and then we saw the Civil War come, and then black men could vote; and then we saw the 19th amendment, and then women could vote. And then we saw the barring of the 24th amendment which said that no more poll taxes could stand in the way of people voting. And then we saw the amendment that allowed people 18 years old to vote. Every generation we've seen increases in the right to vote except for this one. It's a sad day, Madam Speaker.

I yield back, and I call on this Congress to keep the doors to the voting booth open for all Americans.

☐ 2000

OPPOSE THE FARM BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Madam Speaker, tomorrow we're going to be voting on a very important piece of legislation. This is the farm bill, something that we reauthorize every 5 years or so, and I would have hoped that we could have a good debate tomorrow. But I just learned a few minutes ago that the bill will come to the floor under a structured rule which will not allow anybody opposed to the bill to claim time in opposition.

So, if you can believe this, this is one of the most expensive, most important pieces of legislation to come before this body in years, and it will come to the floor under a structured rule that does not allow those opposed to the rule to claim time in opposition. This is a bill that the President has said that he will veto. This is a bill that has opposition. But those who favor this farm bill do not want those who oppose the bill to be heard. Imagine that.

There is time under the rule, as with any bill that comes to the floor, for what's called general debate. If you can think of this, general debate tomorrow will mean that time will simply be split between the majority party, which favors the bill, and those on the minority party who also favor the bill. If you oppose the bill, you cannot claim time in opposition, and you must go and get time, which you may or may not be able to get from your respective party officials or those who are controlling the time.

That is simply wrong. We shouldn't run the House this way, under Republicans or Democrats. A bill of this importance should be debated, should be debated fully.

Let me explain a few parts of the bill that I think led to the decision to make this a structured rule where those opposed to the bill cannot claim time in opposition.

We have said we had heard that we were going to have some reform in this farm bill. Those who are on farms making millions of dollars on farms in the past have been able to claim massive subsidies. We were told that this was going to change. In fact, what the President said is that we should have a limit of $200,000 adjusted gross income, or AGI. Anything above that and you should not be able to receive subsidies. That sounds reasonable.

But instead, in this piece of legislation, you can make in farm income $750,000 in adjusted gross income. As an individual, a single farmer can make that. Remember, that's adjusted gross income. That's your income minus expenses. That's after all expenses are taken out. You can still make as a single farmer $750,000 and receive subsidies. If you're married and you structure it properly, your spouse can also make $750,000. That means you can have adjusted gross income as a couple of $1.5 million and still receive thousands and thousands and hundreds of thousands of dollars in subsidy payments from your government.

What's more, if you're a farmer and the farmer's spouse making up to $1.5

million in adjusted gross income, if you have non-farm income, that can amount to $500,000 in addition, and then if your spouse has non-farm income, that's another $500,000. So you can have a couple making $2.5 million in adjusted gross income. Again, adjusted gross income is your income minus your expenses.

People will point out farming's an expensive venture. There are a lot of expenses, but those are taken out, and you can still have adjusted gross income of $2.5 million and collect subsidies under this bill. Is it any wonder that those who favor this farm bill didn't want anybody to be able to claim time in opposition to the bill tomorrow when we debate it?

A few other things that should be discussed here. I should mention that over the past couple of years, since we passed the last farm bill, farm incomes have shattered all kinds of records. We have net farm income that will reach $92.3 billion in 2008. That's a 56 percent increase over 2006.

Average household farm income significantly exceeds the national average. In fact, average household income for farmers is $89,434. Why do we have these kind of subsidies for those who are far better off than the average American? It simply doesn't make sense.

There are also some pretty severe budget gimmicks in this bill to make it look like it's coming in under budget when it really isn't. The Congressional Budget Office, or CBO, identified numerous gimmicks in both the House and the Senate versions of the bill that, for example, they shift costs outside the 10-year window and unrealistically assume that some of these programs will be ended in 5 years, and we know that they won't, just to fit them under the budget window.

Also under this legislation, for the first time that I've seen this, those writing the bill were able to go baseline shopping where you basically say I don't like this year's baseline funding or baseline limit so I'm going to go off last year's baseline limit; that will allow me to spend more. It's like if I were filling out my taxes and I said, well, you know, I could pay less if I claimed last year's income instead of this year's and I would be able to choose that.

That's what the sponsors of this legislation have done. They've shopped for a cheaper baseline so they could fit more spending. That gimmick should be exposed, and it's no wonder they didn't want anybody to claim time in opposition.

Madam Speaker, I don't know how anybody in America thinks that we're going to be serious enough to address the entitlement problem we have in this country with Social Security and Medicare if we can't say no to millionaire farmers. How will we ever address entitlements if we can't say no to millionaire farmers?

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 13, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,895 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Madam Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Madam Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, "The care of human life and its happiness and not its destruction is the chief and only object of good government." The phrase in the 14th Amendment capsulizes our entire Constitution, it says, "No State shall deprive any person of life, liberty or property without due process of law." Madam Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Madam Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Madam Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,895 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Madam Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 13, 2008, 12,895 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

ENERGY INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Madam Speaker, just a little while ago, we voted to suspend the acquisition of petroleum for the Strategic Petroleum Reserve and for other purposes, a bill, H.R. 6022, which is going to take about 70,000 barrels of oil a day that would be going into the petroleum reserve and put it into the market for Americans to use in gasoline and other products.

It sounded very good and I voted for it because it is one small step, if you can call it a small step, in the right direction, but it's really not going to solve the problem.

The problem we have is that the United States is not energy independent. We have been talking about energy independence for the last 35 to 40 years, and we haven't done anything about it.

This House, and primarily the Democrat party, is being held hostage by the environmental lobby that won't allow us to drill in places like the ANWR in Alaska. Alaska is three-and-a-half times the size of Texas. It's huge. I've been up to Alaska. Drilling up there in the ANWR isn't going to hurt anybody or anything. And I cannot understand why we can't get 1 million to 2 million barrels of oil a day out of there that would help the American people see the price of their gasoline and other fuel products reduced dramatically.

We can't drill off the continental shelf, even 100 miles out, because of the environmental lobby, and yet Fidel Castro, and his brother Raul Castro, 90 miles off of the Florida shore, can drill within 45 miles or 50 miles of the United States of America and actually drill into oil reserves that we have down in that area. In other words, taking our oil reserves and pumping them out of that area and into their coffers, and they're selling that under contract to China, our oil reserves that we could drill for down in the area between us and Cuba.

We also have such dependency on the Middle East it isn't even funny. We have dependency on Venezuela. One of our chief adversaries now is the President of Venezuela, and he controls in large part the price of oil and gasoline in this country, as do the people in the Middle East that have great oil reserves and are pumping it.

And it's extremely important, in my opinion, that we do something about becoming energy independent. We talk about it all the time. We talk about moving toward other forms of energy and I'm for that, but it's going to take time for that transition to take place. And in the meantime, the environmental lobby is blocking us from drilling in the ANWR, drilling offshore on the continental shelf, and allowing our enemies to make a huge profit at our expense.

The gasoline prices that the American people are paying today is a direct result of us caving in this country to the environmental lobby year after year after year. We could move dramatically toward energy independence if we could just pass an energy bill that would allow us to use our resources.

And we come to this floor and talk about it all the time, and the American people are getting a steady diet that President Bush is responsible for the high gas prices. That's absolutely absurd. The reason the gas prices are as high as they are today is because we can't drill the oil out of our country and get our reserves to the market so that the gas prices can be reduced.

We can't do it because the Democratic party primarily is caving in after year after year to the environmental lobby, and we can extract oil out of the ANWR and off the continental shelf in an environmentally safe way. So, if the people of this country are really concerned about gas prices, they ought to find where the fault really lies, and that is with this Congress and the liberals who are controlled by the environmental lobby and will not allow us to drill to get the oil reserves that we have in our country and off the continental shelf.

It's a tragic shame, and I just wish the American people could get the information and the drive-by media, as Mr. Limbaugh calls it, would report the facts as they are. We have the ability to move toward energy independence, and we don't do it year after year after year, and we continue to be dependent on foreign oil. That's one of the main reasons why the price of gasoline is approaching $4 a gallon.

ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Madam Speaker, earlier a gentleman who addressed the House talked about the issue of voter fraud, and he was concerned about the fact that there were States that were actually trying to do something about it using voter IDs in order to make sure that the person who is at the polls is, in fact, who they say they are.

Now, we may think that there is no such thing as voter fraud. The fact is that unfortunately there's an enormous amount of voter fraud. I recalled as I was listening to the gentleman speak on this issue, and I cannot remember now the county, but I remember hearing about a county that sent out a notice to all of its citizens with regard to being empaneled as jurors. And of course, one of the questions they asked on this is whether or not you were a citizen, and if you checked that, then you were not eligible to sit on a jury.

Well, they then went and took the information apparently and looked at the voter information rolls, and there were hundreds of people that had identified themselves as not citizens for the purpose of serving on a jury because they didn't want to do that, because they were not citizens and they were willing to say so, and on the other hand, they had registered to vote because they also wanted to do that. That was okay with them.

Of course, this is in just one particular county, and as I say, I can't recall it now, but I just was thinking about that as I heard him because there are all kinds of things that are happening throughout this country and have been happening for a long time that attack the whole concept of citizenship.

We keep taking things away from that idea of what it means to be a citizen, bestowing these same privileges on anyone who happens to be here. Simply a resident, that's all it takes anymore.

There are cities, of course, that call themselves sanctuary cities and allow people who are not even legally present in this country the ability to have all kinds of services, to stay essentially hidden from the authorities because they have broken the law by entering this country without our permission, but they are given this special sanctuary status, and they were given not only that but a lot of other kinds of benefits.

Recently, just as sort of the, I don't know, one of these I can't believe it's true stories that I hear almost every single day, something happened in Los Angeles that really points out again the fact that we are moving ever more closely to making the term "citizenship" meaningless.

Madam Speaker, the L.A. Times ran a story about the illegal immigration epidemic in this country and how much it was putting pressure on our most vulnerable citizens, in this case, those awaiting organ transplants. And they picked out one particular individual, a lady by the name of Ana Puente who was here illegally.

☐ 2015

She had already undergone three liver transplants, two in 1989, and a third in 1998, each paid for by taxpayers, in this case, by the taxpayers of California under a program that allows for any individual in California to be eligible for this kind of medical service up until the time that they are 21 years old. And if they are unable to pay for it, the State pays for it.

Well, when Ms. Puente turned 21 last June, she aged out of her taxpayer-funded health insurance in California. So what did she do? She found out something very interesting. She found out that if she was here illegally, which she was, and notified U.S. Immigration and Customs of that fact, then at that point in time she would be eligible for the service, a free service. She would be eligible for the medical service that she wanted. Why? Because illegal aliens in this country are entitled to benefits under the Medi-Cal system. So when she admitted her illegal status in the country, her benefits were restored, and she is now awaiting her fourth transplant at taxpayer expense.

Madam Speaker, what this means is that in California, if you're an illegal alien, you're entitled to taxpayer-funded health care for complex procedures like organ transplants. If you're an American, you may be out of luck. How much money are we talking about? Well, the average cost of a liver transplant and the first year of follow up runs about $500,000; anti-rejection medications alone can run about $30,000 annually. As we all know well, liver donors are also in scarce supply. In California alone, 4,000 people are awaiting livers.

It is amazing. We all know that the health care system is a triage system. Some things are allowed, some things are available. One of the things that should be considered is legal status in this country.

NATIONAL POLICE WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Washington (Mr. REICHERT) is recognized for 60 minutes as the designee of the minority leader.

Mr. REICHERT. Madam Speaker, it's an honor and a privilege for me to be a servant of the people in the House of Representatives.

I came to this office through a rather unusual route. My first career was in law enforcement. And we are here tonight to recognize National Police Week, and especially National Police Memorial Day on Thursday.

My 33-year career in law enforcement started in 1972. I was a 21-year-old police officer, a sheriff's deputy with the King County Sheriff's Office. I worked patrol for 5 years. I worked as a property crimes detective. I worked as a homicide detective. And I've worked as a lead detective on a serial murder case. I've worked as a patrol sergeant, SWAT commander, a hostage negotiator—just about every aspect of law enforcement that you can think of I've been fortunate enough to experience—and finally, my last 8 years as first elected Sheriff in King County in almost 30 years. And here I stand today, in my second term in the House of Representatives, to talk about law enforcement.

I feel I have, as you might guess, some knowledge about what police officers do and what dangers they might face. And this week especially is an important week to stop and think about what police officers across this Nation do. I think that sometimes we take them for granted, the brave men and women who serve all across this Nation to protect us each and every day.

If you think about your life, think about my life and what we do each day by getting up in the morning, preparing breakfast, going to work, going to school, feeling safe, coming home from work, picking up your children from school, we sort of take those police cars for granted that we see patrolling our neighborhood. And Sunday, this past Sunday we celebrated Mother's Day, an opportunity for families to get together with their children and grandchildren, as I did on Sunday with my three—actually, two of my children showed up, and some of my grandchildren were there, but an opportunity for us to come together and celebrate the contribution that mothers make to this Nation. And we did it safely in our home.

But at the same time, I remember, as I was sitting there this Sunday, and most holidays, really, reflect back on my career and think about those days I was in a police car, as I drove around the neighborhoods that I was patrolling and recognizing that all of these families were together on this special day, Thanksgiving, New Year's, Christmas, Mother's Day, Father's Day, all those days that bring families together that I was driving around in my patrol car in those communities, all the cars parked at these homes, it was my job, and my partner's job on either side of me in the districts that they patrolled, to keep them safe while they enjoyed that day. We take that for granted. I think we take our freedom for granted.

I once spoke at the University of Washington not too long after taking this office and I was talking to a group of students, 400, 500 students or so, and really was emphasizing the importance of freedom and how much that we need to embrace our freedom and recognize that freedom isn't free, not just the men and women who are serving here as police officers in our country, protecting us each day here at home, but those men and women who are protecting our freedom all around the world in our armed services.

And as I was a little bit passionate about freedom and about how important it is for us to recognize that if we don't guard freedom it will slip through our fingertips, a young lady in the class raised her hand and said—and they still call me Sheriff, by the way—Sheriff, I don't understand why you're talking about freedom so much. We have been a free country for years, and we're going to continue to be free. That really struck me, that one comment by that young college student, because she really pointed out what I had believed for a long time, that people in this country are taking our freedom for granted.

Success in our world today, success in our communities today, it really depends upon what our police officers do. Remember your police officers out there who are balancing, protecting your neighborhoods every day. I was the sheriff during WTO. We had 40 to 50 thousand people who were rioting in the streets of Seattle in 1999.

Now, there is a great balance that had to take place there as we tried to bring peace to the city of Seattle during those riots. Before the riots began, people were saying, let's go to Seattle and listen to people speak and express their freedom of speech. And then as people arrived and some decided to create havoc, people were a little bit nervous because crimes were being committed, the rights of other people were being trampled upon by those who felt that their freedom of speech was more important than others who were trying to express their freedom by going to work, coming home, leaving and going and moving and shopping and doing the things that we do every day.

So at one point what we had to do in WTO during those days was to shut the city down. Certain segments of the city of Seattle were cordoned off. There was a curfew placed on the city of Seattle on the citizens. So freedom was lost. If you think about freedom on a continuum, you have the "freedom to" and the "freedom from." "Freedom to" is the police officers that raise their right hand and say, I swear that I will uphold the Constitution of the United States, that I will protect your rights provided to each and every citizen of the United States of America. And on the other end of the continuum you have the "freedom from." We promise that we will do our best to keep you from becoming victims of crime. Well, in WTO you saw that balance sway. Freedom was being expressed, people were expressing their freedom more vocally than they should have. It got out of control. Chaos ensued. Police came in. Freedom was taken away. The balance in the continuum of freedom was unbalanced.

But in America and in Seattle, as peace was restored to the city, the curfew was removed and certain areas of the city that were closed off were now open once again for people to move about the city. This is America, where we recognize that we can't keep people from moving where they want to move and go where they want to go. It's a free country.

So the police have a tough job. Imagine being a police officer, 50,000 people rioting in the streets and you're one of the police officers standing in line trying to protect America, protect the citizens of Seattle. And I saw this happen. One of the police officers, the sheriff's deputies standing his post shoulder to shoulder with the rest, as I was standing behind him, was standing stoically in the face of thousands of people screaming and yelling and protesting. And one had a stick in his hand and reached over and hit the police officer, the sheriff's deputy over the head with that stick. And the sheriff's deputy didn't move, just stood there. And they moved the crowd along. It's a tough job to balance freedom and protection of America, but our police officers do it every day.

Let's take a moment to talk about and think about National Police Week. This is a week where we celebrate and appreciate and remember the efforts that all of our police officers put forth each and every day. And boy, I could tell you some stories, I would be here all night, about my experiences on patrol and some of the things that police officers see and the dangers that they face.

More than 56,000 police officers are assaulted every year. Every 53 hours a police officer is killed in the line of duty here in the United States. I've lost some friends over my 33-year career. I want to share their stories briefly. And as you can tell, it's emotional, memories that come bubbling up as I remember those days.

My best friend by the name of Sam Hicks, he and I were working homicide together. We were tracking down a killer. He went out one night with another friend of mine because they got a tip on where this killer was. And as they went out in search of this killer, they found him. They began to follow him. And the killer and his brother ambushed my partner and shot him in the chest with a .308 Winchester rifle and took his life. He left behind a wife and five children. That was June 1982.

Two years later, a good friend of mine who was a classmate in the academy—in fact, we rode together every day to the police academy in 1973—Mike Rayburn, a great public servant, excellent police officer, dedicated, committed to his job and his family and his community, was working a special unit in Seattle. He knocked on a door, the door opened, the man opened the door and thrust a World War II sword through the crack of the door and into Detective Rayburn's body. He fell and died.

These are only two stories of two special friends. There are many people who are touched by the loss of a police officer, mothers and fathers, sisters, brothers, spouses, sons and daughters, grandparents, neighbors and friends. It's a job we should respect, we should thank them for, praise them for, not take for granted, and always remember them.

I'd like to pause in my presentation for a moment and yield some time to my good friend who is a judge from Texas, Congressman TED POE.

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Mr. POE. I want to thank the gentleman for yielding.

I appreciate your service in the House but also in your other career as a sheriff. I'm sure, based upon the information we know about you, Sheriff, when you left the State of Washington and came to the House of Representatives, the criminals were probably cheering that you had left town and you were coming to Washington, DC. But I want to thank you and the other several individuals in the House of Representatives who served in law enforcement prior to coming to the House of Representatives.

This week is Police Week, May 11 through the 17th. I am proud to be the author of House Resolution 1132 to designate May 15 of this year as Peace Officers Memorial Day so that we can honor all Federal, State, and local peace officers killed in the line of duty or disabled in the line of duty.

As you have mentioned, Sheriff, thousands of local, State, and Federal law enforcement officers across the country are injured every year. Almost 60,000 a year are injured in the line of duty. Many others are also killed in the line of duty.

Peace officers selflessly protect our communities and our property regardless of the dangers they face. Every day when they get up, they pin that badge or star on, and they go on patrol throughout this country, they always put their life on the line for the rest of us. There are almost 1 million sworn peace officers in the United States today.

When I came to Congress, I was the author and founder of the Victims' Rights Caucus. This bipartisan group advocates not only on behalf of crime victims but peace officers as well, to give bipartisan support for the work that peace officers do because many of them also become victims of crime.

You mentioned that you spent 33 years in law enforcement. I saw it probably from the other position. You used to catch them and I used to prosecute them, so to speak. I spent 8 years prosecuting criminals in Houston, Texas, and left the District Attorney's office and became a judge in Houston for 22 more years, hearing only criminal cases, hearing some 25,000 cases during that period of time. And I saw firsthand how police officers became victims of crime. During my years as a prosecutor, I knew several peace officers that were injured or killed in the line of duty. And since the first recorded police death in 1792, there have been almost 20,000 officers killed in the line of duty in the United States. Of course, the deadliest day in law enforcement history was September 11, 2001, when 72 officers were killed responding to international criminal attacks against the United States. Last year 181 officers were killed. That's 30 more than in 2006.

Law enforcement officers are also frequently the victims of assault. They continue to be assaulted day in and day out. And it's not part of their duty and job to be victims of assault. But as you mentioned, many times they take it because that's what they do.

Here in Washington, DC., we have the National Law Enforcement Officers Memorial. This memorial lists the names of brave men and women who have died in the line of duty, and every year more names are added to that memorial, and every year more families suffer the rest of their lives for being a victim of crime and the loss of their loved one.

This year, in 2008, Texas has the highest number of law enforcement officers that have been killed, with Georgia being second. Ranking in the States, California has lost the most, Texas the second most, and New York the third most since we have been recording the number of officers killed. This week allows us an opportunity to pay tribute to these brave men and women who are no longer with us because they protected our communities.

Texas has a high number of officers who have been killed because of the unique problem we have with illegal trespassers and that epidemic that is occurring on our southern border. You can open a newspaper almost every week in Texas and read about some illegal trespasser committing a crime, and too often that crime is against a peace officer. Right now, as we are here tonight, down in Houston, Texas, an illegal trespasser by the name of Juan Leonardo Quintero-Perez, who had already been deported from this country once for child molesting, came back into the United States and was arrested by Houston Police Officer Rodney Johnson for a routine traffic stop. But Officer Johnson was the victim of a crime because this illegal criminal shot Officer Johnson four times in the back of the head. His wife was also a Houston police officer. Now they mourn his loss while the killer is on trial for capital murder, too often a scenario that occurs here in the United States.

This week also there is another group that is meeting, and the name of this organization is Concerns of Police Survivors, or COPS, as it's called. They have their National Police Survivors' Conference this week, and it's an organization of 15,000 families of law enforcement officers that were killed in the line of duty, and they are meeting this week to honor the loss of their loved ones and peace officers throughout the United States.

It is important that we in Congress recognize the work that peace officers throughout the United States do on a daily basis. They don't get much recognition, and it's our responsibility to make sure that we are their advocate and we're their voice.

When I was growing up in Texas, before we moved to Houston, we lived in a small town called Heidenheimer. You've never heard of it, Sheriff. But occasionally we would go to the biggest town in our area, Temple, Texas. And once I was there with my dad watching a parade, and I noticed that there was an individual standing on the side at the curb not involved in the parade, just watching the parade. And, of course, that was a local Temple police officer. And back in those days, they didn't wear uniforms. They just wore a cowboy hat and a white shirt and a star, as some of them still do. And I was 5 or 6 years of age. And I remember my father told me, because he noticed I was watching this individual, he said, "If you are ever in trouble, if you ever need help, go to the person who wears the badge because they are a cut above the rest of us."

Now, those words were true many, many years ago when I was a kid, but they are true today as well. People still, when they're in trouble, when they need someone to help them, they go to peace officers, those individuals who wear the badge, because they are the last strand of wire between the law and the lawless, and they protect us from those who wish to commit crimes against our community. They are all that separate us from the barbarians, if you will. And we honor them for wearing the badge of an American peace officer.

When September 11, 2001, occurred, all Americans remember what they were doing that morning. I was driving my jeep to the courthouse, and I was listening to the radio, and it was interrupted, and we heard about an airplane that crashed into the World Trade Center. And as I continued driving to the courthouse, we heard about a second plane that crashed into the World Trade Center, the second tower. And then another plane crashing in Pennsylvania because of some heroes on that plane, and the fourth plane crashing not far from here, into the Pentagon.

And later that evening, as most Americans were watching television, as I was, while peace officers like yourself, Sheriff, were out doing your duty on patrol, I noticed that there were thousands and thousands of people. When those planes hit the World Trade Center, thousands of people were running as hard as they could to get away from that crime in the skies.

But there was another group, not near as many, but they were there anyway, a small group, that when those planes hit the World Trade Center, they were running as hard as they could to get to that crime scene. Who were they? Emergency medical technicians, firefighters, and peace officers. And 72 of those peace officers gave their lives that day.

And while it's important that we remember the 3,000 that were killed on 9/11, it's equally important we remember those that lived because peace officers and other first responders gave their lives so they could live and are living today.

So it's important that we honor our peace officers because they are, as my dad said many, many years ago, "a cut above the rest of us."

And that's just the way it is.

Mr. REICHERT. I thank my good friend from Texas, and it's good to have others in Congress who understand the role that law enforcement officers across this country play and the important work that they do to keep us all safe. And the judges were a great partner for us in keeping our communities and neighborhoods safe.

I want to thank you for your years of service in law enforcement and thank you for being here tonight to share some of your thoughts with us on National Police Week.

Some of the things that you mentioned I want to touch on.

We, as Americans, cannot really talk about success and freedom in America and being free in America until we know our children are safe and we know our children and family are secure. One of the things that I think is important is to have people in Congress who understand law enforcement. And for those police officers out there listening, I assure you that there are people here who understand and appreciate so much what you do. Some of us have been there.

The judge touched on a number of police officers injured in the line of duty. I was one of those in a domestic violence call in the mid-1970s, back when I was much younger and had dark brown hair. But in the middle of trying to save the wife of a deranged person, her husband, I was in the battle for my life. This man had a butcher knife and was trying to slit the throat of his wife, and I was able to grab her and push her out a bedroom window but suffered butcher knife wounds to the side of my neck.

I also understand the need for support, for the community to come around us and support us and be there for us when we need them to stand up and tell elected officials: We need more police officers. We need technology. We need more help. We need you to be there for us and support us with budget increases, not budget cuts. We need you to make strong laws in your local communities, your cities, and your States and your counties that help us do our job, that help us protect American citizens from criminals, from being victims, and also to protect our rights.

The United States has some serious problems that we need to address, and I don't think they're being addressed the way they should be. People know that we have a gang problem. People know that we have a drug problem. People know that we have child predators on the Internet, sexual predators on the Internet, preying on our children.

I want to share a few facts with you. Gangs are increasing. We used to think about gang problems, drug problems, and those sorts of things as inner-city problems, inner-city crimes. These crime activities now are spread across the Nation, as you can see by this map. This is an indication of the gang problem across our country. The white dots you see are where gang activity exists today, and it's pretty much maintained the same level over a number of years. The red dots indicate increases in gang activity. The blue dots, which you don't see many of, indicate a decrease. Now, if you can't see this fully on your TV screen at home, please feel free to go to our Web site and check your neighborhood, check your city, check your State to see what condition your neighborhood is in as far as increase in gang activity and drug activity.

Today there are 25,000 gangs operating in more than 3,000 jurisdictions in the United States. Gang membership has escalated to 850,000 members.

Even more alarming, gangs are increasingly targeting our young kids. They're not recruiting kids from college, young men and women from college. Yes, they are, but this isn't their target age. They're not just recruiting kids from high school. They're not just recruiting kids from junior high school or middle schools. But they're also targeting our kids who are in elementary schools. The average age of a gang recruit today is seventh grade. That's an 11- or 12-year-old child being recruited into a gang in some city across the United States of America now, today, tomorrow, and the day after.

□ 2045

What are we doing? According to a 2001 Department of Justice survey, 20 percent of students age 12 through 18 reported that street gangs had been present at their school during the previous 6 months. More than one-quarter of the students in urban schools reported a street gang presence. Eighteen percent of students in suburban schools and 13 percent in rural schools reported the presence of street gangs. This is not just an inner city problem. This is a problem that is spread across this country. It is in suburban schools. And it is in the suburban neighborhood that I live in in Washington State.

Gangs threaten the freedom and security of our communities in many ways. They are directly linked to the narcotics trade, human trafficking, ID theft, assault, murder and a host of other crimes. There were over 631 gang-related homicides in the United States in 2001. Gangs readily employ violence to control and expand their drug trade.

Now I have personal experience too, of course, with that but more on a personal level rather than a professional level as a police officer. I want to talk about the impact of drugs on children and families. I am the proud grandfather of six grandchildren. Two of my grandchildren are adopted. They were foster grandchildren, foster children of my daughter and her husband, who were drug-addicted babies. They came into my daughter's home and her husband's home when they were about 2½ months old. Little Briar is 6 years old and doing fine. He was 2½ pounds when he was born, a little meth-addicted baby. Little Emma is 5 years old. She was a crack cocaine, heroin, meth and alcohol-addicted baby.

Think about that for a minute. Drug-addicted babies. Gang members who are promoting drugs and selling drugs to young teenage girls on our streets who then become pregnant and give birth to drug-addicted babies.

I hope that everyone watching understands the impact of what I just said. Do you know what happens when a meth baby is born? Have you ever thought about the pain they go through? When they are born, they have no idea they are hungry. In fact, they don't know how to eat. They don't know how to suck on a bottle. The poison from the meth escapes through their bottom. So they put the babies on their belly in a fetal position with a warming light over the top of them. The poison, as I said, escapes through their bottom. But you can't put any ointment on them because it holds the poison against the skin. You can't use baby powder. It does the same thing. It creates more pain.

So what do you do with a meth-addicted baby? You let the baby suffer for

2 or 3 weeks and let the drug escape through the bottom while the baby feels intense burning and pain during that period of time. Briar went through that. Emma, as a crack cocaine, heroin and meth-addicted baby had additional issues to deal with. Today these children are in a good home. They have a chance at a good life and to be productive citizens in this country.

But ladies and gentlemen, those are the kids that we need to protect. Those are the kids that our police officers are out there every day trying to prevent them from becoming drug-addicted babies, trying to prevent those young girls that we see out there from becoming mothers of drug-addicted babies, trying to prevent those young men out there from becoming fathers of drug-addicted babies and then disappearing into the streets.

So we have to say enough is enough. We have a crisis on our hands. Gangs, drugs, sexual predators, Internet sexual predators, gangs on the rise, organized gangs, 850,000 gang members. Congress needs to stop talking about these issues and needs to act. We need to act today. And during this Congress, the majority has been silent on this issue. And as I said, I understand as a sheriff, as a police officer in a uniform driving a police car, and as a detective, I needed the tools then to do my job. I know there was a fight in the battle in the budget arena at the county council level, at the State level and at the Federal level to find us the tools that we needed. But every day we went out and we did our job with the tools that we had.

One of the things I wanted to point out today is that we have, as Republicans, presented over 103 pieces of legislation to help police officers get the job done. I have to tell you that as a cop, because I still see myself as a cop trying to be a legislator, trying to find the way to stop the craziness and the violence in this country, where are the people of the United States who need to push their representative, who need to call their representative, who need to e-mail their representative, who need to be pounding on the front door and demanding that we do something about gang violence in this country, that we do something about stopping the recruitment of our grade school kids and junior high school kids into gangs?

Of the only six bills that we have out of the 103 that the Democrats have agreed to accept, and they have actually passed, three of those are resolutions. While we support resolutions and the statements that they make in support of police officers, in support of stopping crime and protecting our citizens, we need real action.

To address the gang epidemic in our suburban communities, I have introduced legislation, H.R. 367, the Gang Elimination Act, that would identify and target the three international gangs that present the greatest threat to the United States and create a gang most-wanted list and develop a national strategy to eliminate the gang epidemic plaguing our neighborhood. This bill has not seen the light of day. I even testified in front of the committee. That bill has not even seen the light of day.

Why not? Is it because it is a Republican bill? Is it because the majority doesn't support the job that police officers are out there trying to do every day? Why are we not providing the tools that our cops need? I ask that question every day when I come to work in this body.

Crime is on the increase. Violent crime is on the increase. Gang activity is on the increase. Drug addiction is on the increase. More drug-addicted babies are being born. The pediatric interim care center that Briar and Emma were taken to and treated and foster cared out and finally adopted by my family has increased their capacity to now nearly 45 babies that they can hold within that facility. And it's not enough. They need more space.

So I would ask the majority, please consider the other 103 bills. Let's bring the Gang Elimination Act to the floor. Let's bring these other 103 bills to the floor. Let's act on these today. Let's help the police officers out there in our country that need our help today. Let's not wait another minute. I demand that we have action here in Congress in helping our police officers.

Madam Speaker, I yield back the balance of my time.

THE PRICE OF GASOLINE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it is an honor to be recognized to address you here on the floor of the United States House of Representatives. And of all the issues that are before this country today, tonight, yesterday, last week, last month and tomorrow, energy is the number one issue that is on the minds of the American people.

And as the American people pull into the gas pump and pay $3.60 or $3.70 for a gallon of gasoline, and if they are buying diesel fuel for their truck or maybe for their diesel automobile, they are up there at $4.17 and $4.20 a gallon, and that inflation of the fuel cost is on the minds of all Americans. And it costs us all in a number of different ways.

I have a group of constituents, and a lot of them use something like a gallon, gallon and a half of gas to go to work every day. We don't all live in a compressed place in the inner city like millions of Americans do. Some of us live 25, 30 or 40 miles from our work. Even if we get a car that gets 20 or 25 miles to the gallon, we might still drive, if it's 25 miles to the gallon, 25 miles. That's a gallon of gas to get to work. And it's a gallon of gas to get home. And that gallon of gas at $3.60 adds up over the week, an extra gallon going to work, and an extra gallon coming from work. And if you do that Monday through Friday and sometimes for half a day on Saturday, that means that over the week, let's just say that gas is up $1.50 a gallon from where it was not that long ago, that's $1.50 extra going to work and $1.50 extra coming home from work. That's $3 a day, $20 a week, perhaps $18 to $20 a week, and that's $80 or more a month. That $80 more a month is a significant amount out of the paycheck of the American people, Madam Speaker.

We can deal with that, Madam Speaker, if we adjust. We can make these adjustments as we go. We can squeeze our budgets down. We can carpool a little bit. We might go to the auto dealer and buy ourselves a car that gets a little better mileage. And that's happening. Those dealers that are selling high-mileage vehicles are doing okay right now.

Some of the American people can't afford to trade up in their vehicles. And some of them have to drive the vehicles that don't get as good mileage. And some of them have to go to work every day. And when they pull into the gas pump, and they stick the nozzle in the tank and fill that tank up, they know that they're paying in most States a State tax, as well. Certainly where I come from in Iowa there is a State gas tax. And that goes to build our roads. And there is 18.4 cents of Federal tax on the gasoline that goes to build our roads. And when they stick that nozzle in the tank, squeeze that nozzle and fill the tank up or put in $20 or whatever it is they can afford, they don't mind paying that 18.4 cents because they want to drive, Madam Speaker, on a good road.

And yet that 18.4 cents doesn't all go to road construction, road improvement and road maintenance. A lot of that 18.4 cents is broken up into a number of different categories. Seventeen percent goes to mass transit. Three percent goes to trails. About 28 percent, according to the Transportation Committee a few years ago, goes to archeological and environmental compliance.

And if you add up the pieces of that gas tax, of that 18.4 cents, it comes up to the point where maybe one-third of the 18.4 cents in Federal gas tax actually goes to build and maintain the road that these cars that are paying the tax are driving on. So it's one thing to have a gas tax. And it's another to apply the gas tax to the place where it's used. If this is a user's fee, if we are taxing the gas because cars wear out roads, and trucks that use diesel and pay diesel tax wear out roads and we need to rebuild them, refurbish them and resurface them, then it doesn't make sense that such a high percentage of that gas tax dollar goes to something other than the roads that are being driven on.

□ 2100

Now, the rationale is we need trails because that's where we put our bicycles, and that takes them off of the highway. Well, it does to some degree, but it's not a user's fee for the bicycles.

If we take the position that mass transit takes people off of the roads and puts them into, say, the subway system, for example, the "L" in Chicago, the Metro here in Washington, DC, then if it takes them off the roads and it slows down the congestion in our highways and it frees up our roads, if you put people in the subway, under the tunnel, in the city, it does do that. But the people that are riding under the city that don't own a car, that don't buy any gas, that are going back and forth cheaply from job to job, those people are getting a discount at the expense of the people that are paying the gas tax.

For example, and I will just pick a number, if you go down to the South Capitol stop, here in Washington, DC, and you decide you want to go out to Falls Church on the Metro, I think that's about a buck and a quarter to take that ride out to Falls Church. Well, you can't get a taxi ride out there for that, and you can't drive out there for that, but you can take Metro out there for a buck and a quarter. Now, that's nice, a lot of folks do that. They take that ride out there to Falls Church or points beyond. Travel around within our cities and Washington, DC, and most of the major cities in America are on the subway, and they do that very subsidized with the 17 percent of that gas tax that's paid for by people that are driving cars and buying gasoline.

I wonder, why is it that the majority in this Congress, headed up by Speaker of the House, NANCY PELOSI, and the San Francisco approach to energy, coupled with the Massachusetts approach to finances, how can the Democrat administration that's here, the Democrat leadership that's here in this Congress, how can they continue to bring education or bring energy bills to this Congress that constantly reduce the supply of energy, tax the energy more, regulate the energy more, seek to impose windfall profit taxes on our energy producers, do all of that, which reduces the amount of energy that's on our market, which drives up the cost of gasoline. Why do not the constituents of the people that are in this majority, the ones who hold the gavels to chair the committees, why don't their constituents rise up and say that's enough, I want cheaper gas. I don't want to pay $3.60, I don't want to pay $3.70, I don't want $4 gas and I sure don't want to buy $129 crude oil by the barrel.

My constituents rise up and say let's do something. Why don't theirs? Why is it the red zones in America want less expensive energy and always—and why is it the people in the blue zones in America are willing to tolerate higher energy costs?

That question is one that actually has an answer. When one examines it, I come up with this conclusion. If you are driving on the roads of America, and, especially, if you live a long way from your work, that gallon or gallon and a half of gas that you have to burn to get to work and that much to get home again and do it every day, if you are in that kind of an environment, and you are paying for the gas, it matters to you right now, $3.60 gas matters right now, and you don't maintain the tax so much because you need a good road to drive on.

But if you go out every day and you don't own a car, if you don't own an automobile, and you go down into the subway and you get your season ticket or your daily ticket, and you run it through there and you get on the subway, you get on the Metro and you take your subsidized ride, you are not thinking, thank you, gas-buying America for helping to fund my ride on this subway today. You are just thinking this is the way the expenses are in my life, they aren't so bad, I can deal with that. I don't know what's wrong with those people that think we should not—and the people that are riding the subways in America don't understand why it is that those of us that are buying gas want to drill in ANWR, want to drill the Outer Continental Shelf, want to drill the nonnational park public lands in America and provide a distribution system, including pipelines, including collector pipelines, including access roads, so that we can pull this energy that's underneath this continent and bring it into the marketplace.

They don't understand that because it doesn't matter to them, because the gas price is paying for their ticket on the Metro, their ticket on the subway, their ticket on the "L," their ticket on the trolley cars in San Francisco. That's the problem.

There's a political imbalance here. Alexander Titler said at one point, and I will paraphrase his statement, that when a majority of American people figure out that they can vote themselves benefits from the public treasury, on that day democracy ceases to exist. That is from Alexander Titler, more than 100 years ago.

He understood what would happen within this great constitutional republic that we have if we are going to let people go to the polls and vote, and if they elect representatives to come here to this Congress and go to the State legislatures and the county supervisors and the city councils in America and vote themselves benefits from the public treasury when there is a disproportionate share of tax that is being paid by a smaller percentage of the people. When a majority of the people in the United States of America, if they are to this point, where a majority of the people are not paying taxes, and yet they go to the polls and vote themselves benefits from the public treasury, look what happens.

They don't care how much tax there is on the rich, because there is no tax on the poor, at least so to speak, and the people that are riding the subsidized mass transit, they don't care how much tax there is on gasoline and they don't care how expensive it gets. After all, they are not paying the price for that.

But if we would index the price of a ticket from South Capitol to Falls Church to the price of gasoline, and if we would tax that ticket for the equivalent amount of gasoline so that they could help fund the construction of their mass transit and their construction and the maintenance of our roads, it would be a far more expensive ticket to take that ride on the Metro. The people that are paying the price would be demanding something entirely different of their Members of Congress.

This reflexion that we have here, this apathy about high gas prices, this apathy about short energy supplies, this reverence, this love, this almost irrational religion about opposing drilling in ANWR, a place that I can't imagine that oil could be in a more logical and better place for humanity to access it than ANWR. Now, having heard a lot of arguments against drilling in ANWR, I thought it was important for me to go up there and visit. I did do that.

As one who was signed up to go on the original pipeline back in 1970 that opened up the oil fields in the north slope of Alaska, I was signed up to go up there, and the court injunctions stopped the exploration and the development of that pipeline in 1970. I got married in 1972, the court injunctions were finally lifted later on that year. That was the year that my wife convinced me that I should stay home in Iowa, and I think it might have been very good advice. But, in any case, we began the right-of-way construction for the pipeline in 1972 or early 1973 and opened up the oil fields up there in the north slope of Alaska about that same period of time.

As we move forward till 1983, 1993, 2003, 35 years, in 35 years we have developed a lot of oil, we have pumped a lot of crude oil down through that pipeline to Valdez and put it on our oil tankers and headed them to points south and to oil refineries south of Valdez, Alaska. In all that time, despite of the fact that there have been some very minor leaks on the pipeline, and without regard to where the tanker did run ashore there in, I believe, it's Prince William Sound, those events will happen occasionally.

The cleanups took place immediately along the pipeline. The very minor leaks that they have had, they have been very minor spills. They have been cleaned up immediately. The impact on the environment has been either zero or negligible, depending on whether you want to make the environmentalist argument or the oil producers' argument.

But zero environmental impact or negligible environmental impact in any case does not remove the argument that it was the right thing to do. To drill the north slope, it was the right thing to do to build the Alaska pipeline. It's absolutely the right thing to do to move to the east and develop the oil fields in ANWR and pull that oil up out of the ground and pump it into the Alaska pipeline and send it south. That needs to happen. The oil is there.

I read an article in one of my local Iowa newspapers here over the weekend that said, so, why would you want to drill ANWR if there is a guarantee that the oil that's there would eliminate the United States' dependency on foreign oil for 5 years? The criticism was, what are you going to do in the sixth year?

Well, if somebody has got a 5-year solution for $3.60 gas, I want to take it. I want to take it right now. I want to punch those holes in the ground. I want to connect those pipelines up, and I want to get that oil coming south.

If we had done that 5 years ago, we would have that north slope connected to ANWR, and that oil would be coming out of the ground today. It would be holding down the increase in energy prices. It wouldn't have changed the world supply on such a point that it would be utterly dramatic, but it would be holding down the increase in costs and, in fact, it would be cheaper today if we had put that ANWR oil on the market 5 or 10 years ago.

If we go then to the Outer Continental Shelf, offshore to Florida in particular, natural gas prices have been volatile. They have been way up, they have come back down a ways. They are back up a little bit again.

High natural gas prices have almost destroyed the domestic production of fertilizer in the United States because natural gas is the feedstock. The cost factor of 90 percent of the cost of producing nitrogen fertilizer is the cost of natural gas when you go through the process of conversion of natural gas and anhydrous ammonia.

Because of high natural gas prices, that fertilizer business has gone offshore. We are sitting here with 406 trillion cubic feet of natural gas on the Outer Continental Shelf, and we can't go offshore to Florida and drill some natural gas wells 199.9 miles offshore? That's the 200-mile mineral rights that were declared by Ronald Reagan back in about 1983.

We can't punch a well out at 199.9 miles to bring up the natural gas that we know is there and put it into the marketplace by the trillions of cubic feet, 406 trillion cubic feet? We are blocked from doing that because environmentalists say don't drill, don't drill in ANWR, don't drill the Outer Continental Shelf, don't drill 200 miles offshore in Florida because, well, maybe we would pollute the environment with a natural gas well, when there is not a single historical example of a natural gas well that's polluted the environment.

Natural gas comes up out of the ocean floor every day by the millions of cubic feet, and it bubbles to the surface just like we saw it bubbling to the surface during Katrina in the hurricane in the aftermath in the floods of New Orleans when there was a natural gas pipeline break. I actually saw two of those myself, alive, for real, bubbling up out of the water that had flooded New Orleans.

It wasn't a pollution into the environment, it had bubbled up into the atmosphere and was dissipated in the atmosphere. That's the worst thing that happens in a natural gas well is if you get a natural gas leak. It goes into the atmosphere, it does what it does, it bubbles out of the ocean floor every day all across the globe.

The environmentalists are opposed though. They are opposed because they are opposed to producing energy. They are opposed to having energy on our market. They team up with the tourism industry in places like Florida that is concerned that we will set up a drill rig out there at 199.9 miles offshore, way beyond our ability to be able to see it.

Let me think about this. Christopher Columbus figured out the world was round by watching the ships come into port, and he could see the top of the masts first. The closer the ship got, the more he saw the ship because he figured out the curvature of the earth put that ship a little over the horizon as it came forward. He could see the top of the mast, more of the mast. After a while he could see the hull, then he could see the whole ship. He surmised, correctly, well, the earth is round. That's why you don't just happen to see that ship materialize when it comes forward to you across the ocean.

For the same reason you can't see an oil rig, I am advised, about 12 miles out. You can argue that, and whether it's 12 more or less, but you don't see that oil rig at 199.9 miles.

Imagine a place on the surface of this earth that's 200 miles away from you. I think for me, roughly 200 miles would be if I were standing on the Missouri border, the southern border of Iowa. If I went down to Lineville and maybe Pleasanton and stood there, and I looked north about 200 miles to Minnesota, if there is a drill rig on the Minnesota border, I am not going to see it from the southern border of Iowa and Missouri, it's too far.

But we still can't put a drill rig out at 200 miles offshore in Florida because they are afraid that somebody might be concerned that they can see it from the beach of Florida, they might not drive down there and sit on the beach and it will diminish tourism? Yet the Chinese can bring in drill rigs within 45 miles of Key West and be punching oil wells down into the open sea north of Havana 45 miles south of Key West. Forty-five miles in the middle, the Chinese are there drilling oil for the Cubans, and we can't drill 200 miles offshore, and why?

☐ 2115

A vote went up in the Senate today that failed to open up ANWR. It failed to open up the Outer Continental Shelf, and it failed to open up the energy supply here in the United States of America. And yet 60 or so Senators voted no.

Here on this floor, if this vote comes up tonight, Mr. Speaker, or tomorrow, Mr. Speaker, I am confident that the votes don't exist in this Chamber for the responsible thing to take place, for us to step up and say let's tap into our energy supply. Let's drill into ANWR, let's drill the Outer Continental Shelf, let's go to the nonnational park public lands in the United States and drill the places where we have the oil.

There was some data that came out about 4 years ago that identified that if we would drill the nonnational park public lands in America for natural gas, we know there is enough natural gas there to heat every home in America for the next 150 years.

So what nation in its right mind would sit here and twiddle its thumbs and agonize over $3.60 a gallon gas, what Nation would set a policy that brought energy bills to this floor, over and over again, energy bills that diminish the supply of energy on the marketplace, tightened up regulations and made it more difficult to develop energy, imposed windfall profit taxes on energy producers. This is the Pelosi Congress that had a plan, had a strategy for energy? We had a new energy policy, what is it? It is at least $1.60 a gallon higher gasoline, that is what the energy policy is. There is no strategy to solve the problem. There isn't a strategy.

And so their constituents, Speaker PELOSI's constituents, give her a pass because they have the San Francisco trolley car subsidized by the gas buyers in America.

And the constituents coming out of New York, they give their congressmen and congresswomen a pass because they are riding on the subway subsidized by the gas buyers in America.

Seventeen percent of the gas tax goes to mass transit.

And the people riding on the Metro here in Washington, D.C., they're riding around on transportation subsidized by the gas buyers in America.

There is no outrage over here because the folks on this side of the aisle have figured out how to tax the folks on this side of the aisle for their energy. There is no outrage over here because the folks on this side of the aisle don't believe we ought to have cheaper energy. And even if they did believe that, they don't believe in the law of supply and demand. This law of supply and demand which says if you increase the supply and decrease the demand, the prices will fall because the producers have to lower their price in order to sell their product. If you reduce the supply and increase the demand, the prices will go up because sellers will know there is a high demand for their product. Those consumers will be searching to buy that product, and the price will go up.

This Congress has reduced the supply of energy, all kinds of energy. The demand for energy is going up and the price is going high.

I mean, this is not a complicated equation, Mr. Speaker. The drug dealers in America figured it out a long time ago. If there are a lot of illegal drugs on the market and not many buyers, illegal drugs get cheap. If there is only a little bit of illegal drugs on the market, if our law enforcement people are successful and they interdict those illegal drugs at our southern border, for example, then if the supply has been shut down by an aggressive law enforcement effort, we know a couple of things happen: The price of illegal drugs goes up, and probably the quality goes down. That happens. The drug pushers have it figured out. Why is it that the majority in this Congress doesn't have it figured out? I think they do have it figured out, actually, Mr. Speaker. But my question is why do their constituents not have it figured out?

So the supply is down. The demand is up. The price for energy is up, and what is really going on, what is behind this all is not just a, I will say a lack of concern about the high cost of energy, but a belief, Mr. Speaker, that high energy prices will cause people to use less energy, drive less, maybe buy less, and shut down and diminish the consumption of energy in this country. And it is a belief on the part of the majority party that if you can start to slow down the consumption of energy, you are doing something really good because in their mind we are saving the planet.

If we use less energy because the cost is high, we will use less energy consumption. Less energy consumption means fewer greenhouse gases, fewer greenhouse gases escaping into the atmosphere means the abysmal energy policy that drives up the cost, the higher energy gets, the more you save the planet. That's what is going on in the minds of the people in San Francisco, in Massachusetts, in the inner cities of America, those people who are not faced with having to put the nozzle in the tank and pay 18.4 cents a gallon in tax and pay $3.60 or $3.70 for that gasoline, and be subsidizing the mass transit, the people in the city that are supporting their Members of Congress that are driving up energy prices, cutting down on supply.

You cannot suspend the laws of nature and nature's God. They cannot be suspended. What goes up must come down, that's gravity. That was Newton's law. The law of economics is that if you have a lot of supply and little bit of demand, the price goes down. If you have a little bit of supply and a lot of demand, the price goes up.

The sun comes up in the east, not the west. It doesn't rise over San Francisco and San Francisco values; and if you think you can suspend the law of supply and demand, then you're out there in Pe-la-la-losi-land if that's what you think.

So our solution, Mr. Speaker, is this: And it is a Republican solution. It is a rational solution, and it is a commonsense American solution. It recognizes this: We have an overall energy pie chart, this circle, this 360-degree circle. In it are these slices of this energy pie. The slices are our consumption of energy, gasoline, diesel fuel, coal, natural gas, hydroelectric, nuclear, wind, ethanol, biodiesel, and the list goes on. Energy conservation is another slice of this overall energy pie.

You put that all together out there and what we need to do for our solution is grow the size of the energy pie. We need that pie chart of all of the Btus that are consumed in America. That energy that is consumed, we need a lot more on the marketplace. If we do that, if we increase the amount of Btus that are in this marketplace, then we will push the price down. And as we push our price of energy down, that means then that there will be more of that energy available. There has more energy available, more in proportion to the consumption we have. We push the price of energy down, and that means the cost of American goods get cheaper, not higher. That's the equation. That is not suspending the law of nature and nature's God. That is recognizing the laws of the economic dynamics of supply and demand.

And so, Mr. Speaker, this is simple commonsense, simple commonsense that the American people will understand once we convey the message to them, and this Congress needs a debate on energy. There is another debate that is going on on energy right now, and it is one that has been constantly harped at and chipped away at by the Wall Street Journal, the New York Times, and the Washington Post. The list of critics goes on. Generally it is critics that look around and they think that somebody is making some money and it is not them, and so they should figure out how to undermine that effort to make money.

About 10 or 11 months ago I had people come to me, Mr. Speaker, and say what do you think is going to happen? Can we lose the blenders' credit for ethanol? Can that be reduced or eliminated? How strong is the support for ethanol in the Congress? I would say to them, no problem, I don't think there is any problem. I am not finding a logical, cogent argument that says we should not be building ethanol plants and producing ethanol from corn. That was maybe 10 months ago, Mr. Speaker.

And yet as these 10 months have unfolded, I have seen more and more arguments, and some have come to the floor of this Congress, and they made some arguments. They were arguments of convenience, but not necessarily arguments of logic. In fact, I don't believe they could sustain themselves in the face of laboratory facts and a logical analysis.

So here's what we have done. I have shaken the hand that squeezed the nozzle that pumped the first gallon of ethanol into a tank. That was back in about 1977. That was a State senator from Corwith, Iowa, named Senator Thurman Gaskill. He squeezed the nozzle that pumped the first gallon. I think we ought to bronze that hand. Maybe we should have bronzed the nozzle. That was a dream and a vision back in 1977 when crops weren't worth much and they needed a way to expand the markets for the commodities that we were producing. They were looking for different ways to provide that marketing of our commodities, and so they began developing an ethanol industry.

The first thing that happened is they went to ADM and Cargill and said you are the people producing ethanol. You have the skill and the technology and the talent and the infrastructure to do this. Those companies were not that interested. So they set about producing their own ethanol. I visited some of those farms where they got out the torch and the welder and the band saw and they put together a still that looked like it could have been, oh, in the mountains of Tennessee a couple of generations earlier. Sorry, Mr. Speaker, the metaphor just came to mind. It could have been a still anywhere down there in that moonshine country. And yet what it was, it was an ethanol production plant on farms in Iowa. As they built these plants, they would get their efficiency that they could get. They would reach a level, and then they would go back and take the torch and cut it up and start all over again. They finally built an industry. Minnesota led very well. I want to give them credit for that. They passed legislation in the Minnesota legislature that provided a tax benefit, and I don't remember exactly the structure, but it was up to 15 million gallons of ethanol for a plant that size. So it was a subsidy to get this jump started. And then they mandated that a blend of ethanol be in all gallons of gasoline sold in Minnesota, and that worked pretty good.

Some of those Minnesota farm boys went to work and put together their engineering degrees, and a couple of really good companies grew out of that. And other companies will grow out of it. And today, they are producing millions and millions of gallons of ethanol out of corn. This all grew because we needed to figure out how to market our products. It didn't grow necessarily because gas was high, but it sure fit into the situation we are in today.

Then here I am, Mr. Speaker, and people are coming to me and saying, What are we going to do about the high cost of food? Somebody told me the other day that food prices have gone up 64 percent. I reject that. I haven't seen a number like that. I don't believe a number like that, Mr. Speaker. I look back at the numbers for food inflation for 2007, and the ones I see are food that has gone up 4.9 percent; not 64 percent, but 4.9 percent. And they blame that all on ethanol because we are taking corn and converting it into energy. Food versus fuel. If you would Google "food versus fuel," you will find all kinds of hits because that seems to be the argument du jour, food versus fuel.

I will argue that is not what should be debated here. But if it is, if food is up 4.9 percent over 2007, energy is up 18 percent over 2007. Why are energy prices higher, because we have a diminished supply and an increased demand. The law of supply and demand says energy costs went up 18 percent. Food went up 4.9 percent, but we dumped and produced 9 billion gallons of ethanol into that marketplace. And because we did that, into about a 142 billion gallon consumption of gasoline, because we did that we held down the price of gasoline with our ethanol.

I would submit to you, Mr. Speaker, that the food inflation, that 4.9 percent in food inflation, was driven up more by energy costs, high energy costs, than it was because there was corn taken off the market.

□ 2130

In the first place, Mr. Speaker, the corn that goes into ethanol is not initially there for human consumption. I mean, it gets produced into some 300 different products, including high grade corn sweeteners. And that's a smaller percentage of the crop that goes into those things, Mr. Speaker. But what it does go to is primarily into animal feed and to livestock feed, cattle and hogs and poultry, primarily.

And so here's how the equation works. And I say this into the CONGRESSIONAL RECORD for that purpose, Mr. Speaker. We don't have less corn on the market for the 2007 production year. We've got more. We produced more corn than we've ever produced before. The law of supply and demand works. So using corn to produce ethanol would have to have taken corn off the market in order for the price of food to go up.

Well, here's the equation. We produced 13.1 billion bushels of corn in 2007. That's more than ever before. And we exported 2.5 billion bushels of corn for 2007. That's more than ever before. You can take your math and subtract that down. And then, from that we also converted 3.2 billion bushels of corn into ethanol, 3.2 billion bushels. But out of that 3.2 billion, we add back in half of that, because we didn't convert the corn into ethanol; we converted the starch into ethanol. We preserved the protein, rolled that back into the feed stock, and so that's worth 1.6 billion added back into that equation.

The net result is this: You take 13.1 billion bushels and you subtract 2.5 billion for export, you subtract another 3.2 billion bushels that went to ethanol, but you add back half of that, which is 1.6 billion bushels because that's back into the feed supply and dry distillers grain. You end up with 9 billion bushels of corn available for domestic consumption.

The average throughout the balance of the decade was 7.4 billion bushels of corn available for domestic consumption. Last year was 9. So we increased by 1.6 billion bushels the amount of corn that's available for domestic consumption.

And yet I've got economic and financial gurus around America that say ethanol has driven up the commodity prices and driven up the food cost prices. What's their math based on, Mr. Speaker? I've given the math for this. If you produce more corn than ever before and you put more into the domestic market than ever before, what's the argument that ethanol drove up the price?

I'd argue instead that the cheap dollar has driven up the price of food, and the cheap dollar has been a big reason why energy has cost us more. And so if we would shore up the value of our dollar and bring that dollar up to where it was in more traditional levels within the last couple to 3 years, we would see about 35 percent reduction in gas prices, diesel fuel prices, crude oil prices to the American dollar.

We'd also see a little reduction in our grain prices, corn, soybeans, soybean oil, those things that go into energy. And it would slow down some of our exports. And that's true, and it would shift our balance of trade back the other way.

On balance, I think it's the right thing to do, Mr. Speaker, shore up the value of the dollar, grow the size of the energy pie, put more Btus on the market in every way we can, continue and accelerate the construction of the nuclear generating plant in South Carolina, first one since 1975.

We'll see what the voters of South Dakota say about building the Hyperion oil refinery in Union County, South Dakota. If they say yes, then that means that the pipeline down from Alberta in the tar sands in the northern part of Alberta comes down into that region and we refine gasoline there and send the gas and diesel fuel and the other petroleum products and send that to the points across the North American continent. That's a good thing for us. That means more gas and diesel fuel and more oil into the marketplace coming out of Canada.

I'd lot rather do business with the Canadians than I would the Middle Easterners. We're awful close to the same kind of people when you go up there and visit the Albertans, and I'd very much like to see that happen.

If we can continue to do that, if we can drill the Outer Continental Shelf, if we can drill in ANWR we can put that crude oil on the marketplace. We can expand the ethanol production from corn.

And we'll see how this cellulosic goes. I think it's five to 10 years away before we have an effective cellulosic production of ethanol.

We do all of those things, and we continue to put coal out here, which is one of the cheapest alternatives that we have, and develop nuclear, I would do hydro electric if we can figure out how to get it done, and to the extent that wind and solar will work, yes, we should do those things. All of those pieces of the energy pie need to be expanded so that there's more and more Btus on the market.

That, Mr. Speaker, is our solution. And yes, conservation is a part of that. And cars that can be more fuel efficient are a good thing. But to mandate that at 75 miles to the gallon says that there's lots of folks that would have to park their Harley. A lot of motorcycles don't get that kind of mileage, Mr. Speaker.

That's some of the energy piece that we're dealing with here. Another one is, another myth that needs to be blasted out of the water, Mr. Speaker, is the myth that it takes more energy to produce ethanol out of corn than you get out of it. It's simply not true. It can't be held up in a laboratory experiment, and it cannot be held up when you do that experiment in the ethanol production plant.

But according to Argon Labs, Chicago, here's the analysis, the argument that it takes more energy to produce ethanol than you get out of the ethanol. Here's what it actually takes.

If you set a bushel of corn at the gates of an ethanol plant, let's just say in Iowa, Mr. Speaker. It could be anywhere. It takes .67, two-thirds of a BTU in energy of input into that plant to get 1 BTU of energy out in the form of ethanol from corn. Two-thirds of a BTU input, 1 BTU coming back out in the form of ethanol from corn.

But if you have a barrel of crude oil sitting outside the gates of the refinery in Texas, and you need to refine that crude oil and refine the gasoline out of the crude oil, it takes 1.3 BTUs in energy to refine 1 BTU out of the crude oil.

So remember that equation, Mr. Speaker. .67 BTUs to get the 1 BTU of energy out of corn in the form of ethanol. 1.3 BTUs to get 1 BTU of energy in the form of gasoline out of crude oil, almost twice as much energy to extract gas from crude as it takes to convert corn to ethanol, 1 BTU matched up against 1 BTU. That, Mr. Speaker, is the real analytical answer on where we are with this energy.

And as one of the gentlemen here and I have debated many times, his argument that it takes energy to produce a tractor, energy to produce the combine to farm the fields; it takes energy to pump the water and water to produce ethanol. This list goes on and on.

And as I look at this and I read the studies, and I read one of those studies. It was about a 63-page long study that supposedly concluded that it takes a lot more energy to produce ethanol than you get out of it. And I read through there and it's so much energy to produce the combine, so much energy for the tractor, seven trips across the field, so much fuel used in each one of those trips, allowing 4,000 calories for the farm worker per day, charged against the production of corn that we're convert to go ethanol. That, Mr. Speaker, is a, I will call it an obscene stretch of science, and it never should have been taken seriously, and would not have been if the people were quoting that "scientific report," and I put that in quotes, that scientific report, if they were serious, if they were intellectually honest, they would have had to say this study doesn't hold water; it doesn't hold ethanol, and this study doesn't hold crude oil.

But my argument against that is that if you want to calculate seven trips across the field, the energy it takes to produce the tractor and the combine, 4,000 calories a day for the farmer, then you also have to calculate the energy that it takes to drill the oil well, produce the oil rig, set the workover rig up there, manufacture the pumps and the pump jacks and the piping and the casings and all of that equipment that it takes to complete the old field and do the collector lines that come in and set up the refinery and all of the energy that it takes to refine, including the 1.3 BTUs in energy for every BTU you get out of crude oil; and if that doesn't match up against the corn, from an energy standpoint, you still have to go calculate the energy that it takes to produce the battleship and cast the anchor for the battleship and produce the M-16s and the F-16s, and all of the equipment that it takes and all the manpower that it takes to defend our interests in the Middle East, including the bulletproof vests. And then there's the price of blood on top of that, Mr. Speaker.

No, there's not a comparison. It takes a lot less energy to produce ethanol out of corn than it does to produce gasoline out of crude oil, and that is an important part of this.

And we have a farm bill coming up, Mr. Speaker. This farm bill may be on this floor tomorrow. And as the people sat in the conference committee and brought their amendments forth and the process, you know, it's not a perfect process, and it's not one that if the public saw it all happen would be very comfortable with it, Mr. Speaker.

But they've done some things such as reduce the blenders credit on ethanol from 51 cents a gallon down to 45 cents, 6 cents dinged out of that. Some of that's rolled back up to cellulosic ethanol at $1.01 in blenders credit, under the hope that there'll be a cellulosic industry that would be built. It may be built, Mr. Speaker, with that kind of a subsidy. I don't know.

But I know this, that $1.01 in blenders credit for cellulosic ethanol sets that ethanol up as a separate kind of product that would be indistinguishable from corn-based ethanol or any other kind. And if food versus fuel is the argument, then with the food versus fuel argument, one day somebody's going to look out and decide, there's so much subsidy out here for my cellulosic, my switchgrass base ethanol that I think I'm going to take that field that's been corn rotated every other year, and I think I'm just going to put it into permanent switchgrass. Imagine how that works if that turns out to be millions of acres year after year after year in permanent switchgrass, because there's a subsidy, a cellulosic-based ethanol, that land will come out of food production and it will go into fuel production. Then we truly have a debate. We truly have a debate about food versus fuel, and that imbalance in cellulosic ethanol subsidy sets the stage for just that kind of a problem, Mr. Speaker.

And if I look at some of the other components of this farm bill, one of the components that I am very concerned about is the kind of veiled insertion of the Pigford Farms issue into the farm bill. Now, Pigford Farms, we might remember, goes back to pre-1995. 1995, then Secretary of Agriculture Dan Glickman stepped up in a press conference and he said to America, the United States Department of Agriculture has discriminated against black farmers. And in that confession it started a class action lawsuit. That class action lawsuit moved forward. There was negotiation on it, and finally they reached a consent decree. And that consent decree set up a way by which those black farmers that had been discriminated against could go file a claim, and that claim would be resolved.

Now, the claims were often $50,000 or the settlement was often $50,000. The applications that came forward, they estimated there would be 2,500 applications, maybe as many as 3,000 applications that came from farmers that alleged that they were discriminated against, perhaps because they'd been denied a loan, for example. And I don't doubt, Mr. Speaker, that this happened, that we had black farmers that were discriminated against. And I don't doubt that there were some that deserved to be compensated for that discrimination.

But I question, Mr. Speaker, the numbers that have unfolded since then. We spent $1 billion in settlements to the black farmers that were going to be about 2,500. And this, by the way, is their attorneys that put this number on at about 2,500 claimants.

Well, those numbers of claimants have grown and grown and grown. The consent decree was resolved. There was a statute of limitations, a sunset on the time by which they could file a claim. And that sunset period of time has long since passed.

And then there was an effort to bring this forward before the Judiciary Committee and open up Pigford Farms again, Mr. Speaker. And I sit on the Ag Committee and on the Judiciary Committee. There are two of us that sit on both of those positions. And I look back at the numbers and I listened to the testimony, and I saw what was going on.

And the President of the black farmers testified that there were less than 29,000 black farmers. The number that was produced as the best estimate came at perhaps 18,000 black farmers. Now, the number that was estimated of those that might file claims, not the number discriminated against, but those that might file claims, came to 2,500, Mr. Speaker.

□ 2145

So we're working with 2,500 that might have been discriminated against, that might have filed claims out of a universe of 18,000 black farmers. And today, we're looking at 96,000 claims on something that's been closed and settled all in and all up and all done, $1 billion for presumably 2,500 now grown to 96,000 claims, or potential claims, which is another $3 billion written into this Farm Bill in a nice little subtle way where you would hardly notice that it's there. And not very much of America knows what this is about.

I have talked to people who have administered these accounts and claims in the USDA. They had to reach out across the country and pull people in, bring many to Washington, set them down and deal with the claims and deal with the claimants one-on-one. And they went to the South to do that, too.

And I looked through some of these applications, and some of them are just ludicrous and ridiculous. And some of our FSA, at the time ASCS, directors, who sat there and day after day dealt with those claims, simply sat down and they poured their heart out to me, and said I cannot believe it. I can't believe my country is doing this. I can't believe my country carries such a guilt complex that they would open up the checkbook of American taxpayers for something that has this high a level of fraud.

And they tell me, Mr. Speaker, 75 percent minimum fraud rate in these claims. 75 percent. Now that may or may not be right, but I sat down with the administrator of these claims, had that discussion with this individual, and of the 96,000 claims, I asked, Have there been people discriminated against? Have black farmers been discriminated against? And the answer was, Yes, I believe there are. And I accept that answer on face value, Mr. Speaker.

Then I asked the question, Of the 96,000 claims, how many actually suffered discrimination? And the answer was, Mr. Speaker, 50. And when my staff asked the question while he was taking notes, 50,000? The answer came back, No, 50. Five-zero. Now that may or may not be the actual number, but I will submit, Mr. Speaker, that's a lot closer to the real number than the 96,000 that we're looking at in claims.

And this account, this slot that's written into the Farm Bill for Pickford Farms, the line that's in there at $100 million I will guarantee will be a lot higher than that. But this Congress cannot be in the business of taking taxpayer dollars from the hardworking Americans and putting them in the hands of people that decide they want to defraud the Federal Government when there is a consent decree and a resolution of a class-action lawsuit and the court wraps this up and says, Any claims that are not filed after this date are not valid.

We have no business in this Congress opening that back up again, because what we're doing is opening up the checkbook of the American taxpayer and handing a blank check to anybody, anybody that will come forward that's of color and say, Well, I wanted to farm; or, I would have liked to have filed for a loan; or, I did ask for one but nobody answered me; or, I went to the door and shook it but it was locked and it was or wasn't business hours. I may not know where the Farm Service Administration office is, but by golly, I wanted a farm and I was just so intimidated by their attitude I never tried.

All of these claims are rolling out here at us, and it's the taxpayers that will end up paying it, Mr. Speaker, $3 billion. Not $100 million. $3 billion wrapped up in the Farm Bill.

Another thing, Mr. Speaker, is the language that's in the Farm Bill that sets up and requires the Davis-Bacon wage scale for ethanol-production facilities and biodiesel-production facilities. Davis-Bacon wage scale. That, Mr. Speaker, is this: federally mandated union scale for construction workers out there in the rural areas of America in the corn belt, in the soybean belt, in the farm areas where we have merit shop employees, good employees, highly skilled employees. We pay them what they're worth. Some of us bring them in and we give them a full year-round job and we give them health insurance, retirement benefits. We want to keep them. We set up the scenario by which we can keep our employees.

But if we're compelled, when we're working on ethanol-production facilities or biodiesel-production facilities, to pay a federally mandated union scale, that means there will be fewer trainees, there will be fewer vocations, there will be fewer that learn the skills; and we'll have to go into the union hall and hire people out there and put them into the job.

And I can tell you how that works: If you got somebody out there that's worth $16 an hour and the Federal Government mandates said you pay them $26 an hour, then you bring them out and you put them to work and you set them in the seat of the machine and you work them hard for all 60 minutes of every hour, and the instant you don't need them again, boom, they're gone. You send them back off the job site. And then you put your salaried employees in, and they've got to grease the machines and scoop the dirt out of the tracks and fuel them, and you may or may not do the maintenance; and the next day they come again. And you drive them. You drive them. You use them like machines because you can't afford to bring them along and train them. They have to be there. They have to know.

But if we allow merit-shop employees and let the employers do the hiring and the employers make the deal with the employees, what business is it of the Federal Government to tell an employer and an employee, We won't let you two make a deal on what you're worth? If the employer thinks you're worth $14 an hour and the employee thinks that's a pretty good paycheck, the Federal Government might step in and say, No, you have to pay that man $18.50 because the lack of wisdom of this Federal Government somehow is that the employer is a victimizer and the employee is a victim.

I met with an employer last weekend—I guess it's two weekends ago now, Mr. Speaker—who said, Here's how it is. It was last weekend. If we are paying too low of wages, nobody shows up and wants the job, and we can't recruit people to come in here and go to work. If we're paying too much in wages, there's a lineup outside that door, people that want to come to work for the company that's paying too much money.

There's a happy medium in the middle. We provide that happy medium. We pay the wages we need to pay to get good employees to go to work, and it is supply and demand that determines what wages are, wages and benefit packages, including health insurance and retirement benefits. Those are the things that come with a labor market.

We don't need the Federal Government to mandate a union scale and call a prevailing wage. And by the way, Davis-Bacon wage scale is not and has not in my judgment ever been a prevailing wage. It's always been an imposed union scale, and it is, as far as I can remember. I can't think of another one. So I'm going to say I believe, Mr. Speaker, it is the last vestige of Jim Crow laws here in America because Davis-Bacon was designed to keep black construction workers out of the trade unions in New York City. That's a fact of history. It's a Jim Crow law designed to discriminate against black construction workers in the trade unions in New York City that happened in 1931.

It still has a process—I don't allege today that it's actively race-based, but we do know that the unions kind of sort who comes and who goes within their unions, and it's different from place to place and locale to locale across the country. But it is a union scale, not a prevailing wage; and if we're to go out and do the survey, there are States that impose mini Davis-Bacon, they call it, which distorts the pay scale, too.

If supply and demand sets the price for oil and for gas and for ethanol and for biodiesel, it also sets the price for crude oil, for corn and beans and gold, and all of those commodities. Supply and demand, Mr. Speaker, needs to set the price for labor as well. It will do that without the Federal Government's help, and we will not build the renewable energy infrastructure that we could have built with Davis-Bacon requirements in this Farm Bill that's coming up.

We will not, and in fact, the Davis-Bacon scale drives the price up someplace between 8 and 35 percent of the cost of the project. I use 20 percent because that's the most common when you look at it. And I have worked in this all of my life. Nobody else in this Congress has the experience I have with the Davis-Bacon wage scale.

So 8 to 35 percent increase in the cost, averaging at 20 percent. That just tells you this: If you want to build five ethanol plants, strike the Davis-Bacon provision. If you only want to build four ethanol plants to save money, ride the thing out. If you want to build an apprenticeship program, a job skill that comes from within, something that emerges from companies that are training employees and building up this knowledge base, if you want to build that, don't have Davis-Bacon in there. You have to have a merit shop to get that done.

If you want the knowledge base in the Midwest where the renewable energy is so when we build out all of our energy plants and we get that done, we can export that knowledge and go around the world, you've got to strike Davis-Bacon, Mr. Speaker. If you want the Midwest to be to renewable energy what Texas is today to the expertise on oil, you've got to strike Davis-Bacon. You can't have that provision in there.

We need to grow the size of the energy pie, Mr. Speaker, and we cannot suspend the laws of nature and nature's God. You can't suspend the laws of gravity. The sun comes up in the east around Maryland and the eastern shore. It doesn't come up around San Francisco, and if you believe otherwise, you're out there in Pe-la-la-losi-land.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. Cohen). The Chair would remind Members to refrain from improper remarks concerning the Speaker.

VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute special order entered in favor of the gentleman from Maryland (Mr. GILCHREST) is vacated.

There was no objection.

UNDERSTANDING THE MIDDLE EAST

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. GILCHREST) is recognized for 60 minutes.

Mr. GILCHREST. Mr. Speaker, I would like to talk tonight about Iraq and the Middle East in general, but specifically about the present crisis in Iraq. And what I would like to do is to explain the present crisis based on recent history and from my perspective, Mr. Speaker, what is the way forward. Is there a solution to the war in Iraq.

And the other thing I would like to discuss is this: Do the American people have a role to play in the conflict? And to discuss this tonight, I would like to frame the picture of the present crisis in Iraq by a couple of quotes from a book called "Human Options" written about, oh, I would say 30 years ago by the former editor of the Saturday Evening Post, a man named Norman Cousins. Two extraordinary quotes in this book. One is, Knowledge is the solvent for danger. The other quote is, History is a vast early warning system.

And so what I will do tonight is attempt to convey to the Speaker, the Members, and the American people the importance of knowledge in a conflict to find a solution and a reconciliation to the warring factions.

The other is history's advanced early warning system. Many people will say that 20 years from now we'll have hindsight to the present crisis. Twenty years after the war in Vietnam ended, former Secretary of Defense Robert McNamara said, If I only knew then what I know now. Well, if the former Secretary of Defense Robert McNamara read history in the fifties and the early sixties, he would have had a better understanding of the conflict in Southeast Asia, Indochina, the conflict between the French and the Vietnamese who were trying to seek sovereignty and get rid of Colonial rule. In other words, Mr. McNamara would have understood, with hindsight, the conflict in the war in Indochina before it started if he had a better understanding of its history.

And what I'm going to try to do tonight is give a better frame of reference for the present crisis from the historical point of view so we don't have to worry 20 years from now whether this policy was a good policy or not. We can't let the troops fight that long if it is not necessary. And so a history of the region of the Middle East will give us a better sense of the conflict and how to resolve and reconcile the vast, intricate, violent conflicts that exist there now.

I also want to quote a British author, Rudyard Kipling, who had to face the tragedy of his son being killed in northern France during World War I. This literary giant at the time made this comment soon after his son's death, but he spoke to all the young men who were dying in Europe during that tragic event of World War I, and Rudyard Kipling said this: Why did young men die because old men lied?

□ 2200

I'd like to paraphrase that quote in the present crisis today. I'd like to paraphrase that quote for foreign policy for the 21st century. Old men should talk before they send young men to die or old people should talk before they send young people to die. A country does not become strong by filling up its cemeteries.

Our role as legislators, as policymakers and the role of the American people, what is it? What is our role? What is the role of the American people? How do we support the troops in the Middle East and Afghanistan and Iraq? How do policy-makers, how does the administration, and equally as important, how do the American people support the troops in Iraq?

First of all, we recognize their stunning competence. The soldiers in Iraq and Afghanistan and around the world from around the United States are stunningly competent. Why? Because they're well-trained. They're well-informed. They take the time to know what they're doing, to be competent at their job, to use technology, to be aware of the soldiers next to them. They work hard to be knowledgeable as soldiers.

Do we take the initiative to be informed and knowledgeable? The soldiers take the initiative. They volunteered. They go through boot camp. They go through very skillful training of the technology, of the weaponry, of troop movements, of how to protect each other, of how to move through villages at night, of how to find the enemy. The troops are competent because they take the initiative.

Now, do we take the initiative as legislators to be competent and informed about the conflict that we send them to? Do the American people take the initiative to become knowledgeable about all of the issues? Are we knowledgeable about the present crisis and past crises that have brought us to where we are today?

I want to tell you that I've been to many meetings around my district. I've talked to many, many people about the conflict. I've done my best to explain that the troops are competent, but in a certain measure, the policy is flawed.

And like many people, we often hear Americans say that we need to pray for the troops, for their safe return, for the end of the conflict. I will say that that's a very important thing to do, to pray for the troops.

I remember when I was in Vietnam in 1966 standing, what we called, lines where we were in bunkers and barbwire, and at night we had to stand the lines and make sure the enemy didn't sneak into the camp. And a chaplain came up and he would come up to the lines very often. His name was Chaplain Doffin, D-O-F-F-I-N. He's now a retired Baptist minister in Charleston, South Carolina. At the time, he was a young navy chaplain who often went on patrols with us.

And he came up to me while standing lines one night. We were having a wonderful conversation that became very philosophical. It was philosophical in 1966 about the present crisis at that time in Vietnam, and I asked the chaplain if he believed in prayer. And I asked the chaplain if he believed in prayer because we prayed mightily for the conflict to end as young soldiers, young Marines. We prayed mightily for the butchery to stop because that's what war is. It's brutal and it's tragic.

I said, "Chaplain, do you believe in prayer?" And he said, "Yes, but when I cross the lines to go out on a patrol," which he would occasionally, "I make sure I have my helmet, my flak jacket and my rifle."

That means the soldier needs to be prepared. Believe in prayer, but that the soldier needed to be competent, the soldier needed to be informed, the soldier needed to be prepared.

Now, Mr. Speaker, what I'm going to do tonight is suggest to my colleagues and the American people that they should be prepared as the soldier is prepared. They should be knowledgeable and competent about this crisis. So I'm going to give you, Mr. Speaker, and the American people a reading list, and I want you to consider that this reading list is your helmet, your flak jacket and your rifle, and you are to stand shoulder-to-shoulder with the servicemen and -women who are now in harm's way. They are counting on you, like the soldiers when I went across the line. When I went on patrol or operations, I was a squad leader, then a platoon sergeant, and the soldiers and the Marines standing right next to me wanted me to be prepared, wanted me to know what I was doing. They wanted me to be competent. They wanted to make sure I had my helmet, my flak jacket, my rifle, and I knew what I was doing.

So these soldiers in Iraq, they want us to stand shoulder-to-shoulder with them. They want us to be competent.

Now, the soldiers in Iraq are competent. They are sacrificing their time every day to serve this Nation. They don't watch television at night. They don't saunter around the malls looking for things. They don't pass their days idly. They pass their days with horrific, vicious, violent incidents. They serve this Nation. Are we willing to serve our Nation? Are we willing to serve those young men and women? And how can we do it? Well, by being competent.

I'm going to give a list of 10 books. I will say the 10 books at the end of this address as well.

The first is a very easy read, "A Letter to America," just written by the former senator from Oklahoma, David Boren. "A Letter to America." What should America be like in the 21st century? It's an extraordinary read. It's a view of how we would like America to be.

The second book is—you've heard it before—"The Iraq Study Group Report." Iraq Study Group. It's by James Baker and Lee Hamilton. And it has a strategy for dealing with the conflict that I think the American people should read and become informed of.

The third book is a book called "Fiasco." It's a harsh word. It describes the present crisis in Iraq. "Fiasco." If you want to know the problems we've seen in Iraq and what went wrong from the very beginning, read the book "Fiasco" by Thomas Ricks.

The fourth book is "A Struggle For Peace," General Tony Zinni. Actually, I think it's called "The Battle for Peace" by Tony Zinni, and it's a book describing how we can find peace in the volatile areas of the world through dialogue, through consensus. We need a strong military, we need good intelligence, but the third thing Tony Zinni talks about is understanding the nature of the culture and having a dialogue.

The fifth book is "Violent Politics" by William Polk. He worked for President Kennedy and President Johnson. "Violent Politics" is a discussion from the American Revolution in which we were the insurgents, all the way to the present crisis in Iraq, and also talks, interestingly enough, about the 6-day war and how it was won between Israel and the Arab Nations. The war was won in 6 days, mission accomplished, but the horrific struggle continues. There is no end to the violence. "Violent Politics" is a discussion about insurgencies when diplomacy goes wrong.

Number six is called "Treacherous Alliance" by Trita Parsi. Interestingly enough, it's a relationship between the Israelis and the Iranians, or the Jews and the Persians from 1948, the inception of Israel, till today, the present crisis. But what it showed through most of the Cold War, Israel and Iran, who seem to be bitter enemies today, were quiet, secret allies from 1948 to 1991 because they had the same enemies. They were both bitter enemies of Russia, the Soviet Union. They were bitter enemies of Iraq and many of the Arab countries, especially Saddam Hussein. And so what the Iranians and the Israelis did was trade oil for technology. They were strong quiet allies.

Number 7 is "All the Shah's Men" by Stephen Kinzer, K-I-N-Z-E-R, "All the Shah's Men." It showed a problem that we created, the United States, in our relationship with Iran, starting in 1953. We lit a slow fuse in 1953 because the United States, with the significant help of the grandson of Teddy Roosevelt, Kermit Roosevelt, planned in the American embassy in Tehran to violently overthrow the duly elected prime minister, Mohammed Mossadeq, of the Iranian people, with the help of the British. We kicked him out of office violently. Thousands of people were killed, and then we put in the person now known as the Shah, Mohammad Reza Pahlavi, who did not believe in democracy, who was a harsh, dictatorial monarch. And that slow fuse was lit in 1953, and it blew up in 1979.

Number eight, "The Silence of the Rational Center" by Messrs. Halper and Clark. Basically, what they say, there are many people around this country, universities, former diplomats, diplomats who have a better understanding of the cultural, religious, historic facts of many regions of the world, especially the Middle East, but what they say in this book is it's not just enough to know. You have to take the initiative, use your ingenuity and your intellect and your courage, and begin discussing with the American people, with the Congress, with the administration what is wrong with our policy in the Middle East.

Number nine is a historic book, interesting though. It's called "Why Vietnam?" by Archimedes Patti, who was in the OSS, the Office of Strategic Services, a forerunner of the CIA, who was with the first Americans to meet Ho Chi Minh in 1945, who found that Ho Chi Minh wanted to work with the Americans to get the wording right in his Declaration of Independence from French colonial rule and be sure that he used the words, "We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness."

And Ho Chi Minh put that in his Declaration of Independence, those words, and Archimedes Patti, the author of this book, "Why Vietnam?" helped Ho Chi Minh do that.

The reason I suggest "Why Vietnam?" is because years later people had no historic understanding of Ho Chi Minh, that he, in fact, Ho Chi Minh, back in 1919 at the Treaty of Versailles in France at the end of World War I, was knocking at the door of America to ask for their help to gain his independence from the French. He didn't go to Russia to help gain his independence. He did not go to China to help gain his independence. He came to the United States, and because of not enough knowledge, not enough information, not enough inquiring politicians, did we have the war in Vietnam where 58,000 Americans died.

The last book, "Human Options" by Norman Cousins. "Human Options." What are your options when you have a situation? What do you base your decision on, your opinion on? Is it good information? Is it a broad array of knowledge that you have or do you let somebody on the radio or the TV filter out and distort the information so you only get a small piece of it?

Knowledge makes you more informed, more competent and gives you hindsight in the present crisis. The military does it all the time. They're knowledgeable and they're competent and they're doing it now.

Mr. Speaker, what I would like to go through very briefly now is recent history that can help us in this war in Iraq to show what other leaders did in our recent past to resolve conflicts.

☐ 2215

And I want to start with the Cold War, which ended at the end of World War II.

World War II was a war where you could bomb munition factories, you could bomb huge armies, you could bomb supply lines, you could bomb convoys. World War II was not an insurgency like we see in Iraq and Afghanistan. World War II is probably something of the past. We are now faced with an insurgency with violent politics, not a standing war.

And right after World War II, Winston Churchill coined the phrase "An iron curtain has descended around eastern Europe and the Soviet Union." We were engaged in what was called the Cold War. We know that in the 1950s, Nikita Khrushchev said on a number of occasions, pointing to western diplomats in foreign countries and in the United Nations, he would say, "We will bury you." "We will bury you." And he had thousands of deployable nuclear weapons.

The point here, Mr. Speaker, is: What was President Eisenhower's response to that violent rhetoric? President Eisenhower's response was to invite Nikita Khrushchev to the United States to tour our cities, to tour our suburbs, and to travel through the beautiful farming regions of the United States. President Eisenhower's response to his violent rhetoric was dialogue. Let's sit down and discuss the issue.

1962, President Kennedy; what did he do when he found out there were deployable nuclear weapons minutes away from the United States in Fidel Castro's Cuba? The military said we need to attack, we need to bomb, we need to get rid of those nuclear weapons. What was President Kennedy's response? Let's work through channels. Let's talk to Khrushchev. Let's have a dialogue. And the crisis passed.

Communist China said throughout the sixties that it would be worth half the population of China dying if the United States was wiped off the face of the Earth. And what was Richard Nixon's response to Mao Tse-tung's violent rhetoric? Richard Nixon's response? Dialogue. Nixon went to China.

Is China the flower of human rights today? Is there religious freedom in China? Is there freedom of thought, freedom of conscience? No. Are they better today than they were 30 years ago? They are, but they still do not have a country that is democratic. There is no democracy there. And there are human rights violations every day. But we have a dialogue with China. We don't have violent rhetoric about an evil empire. We have trade wars with China. China is better. Richard Nixon went to China.

I want to briefly mention Ho Chi Minh, Vietnam. Ho Chi Minh in 1945 wanted independence from the French. He wanted freedom for his people. In 1949, he would have never known that he was going to have to wait 30 years; it was 1975 before Vietnam was fully united and had complete independence. We did not have a dialogue with Ho Chi Minh during that same period of time that we were pursuing dialogue with Khrushchev, with Cuba, and with Red China. And as a result of not having dialogue, 58,000 Americans died, hundreds of thousands were wounded, and several million Vietnamese were dead.

Throughout that same period of time of the Cold War there was a wall dividing Berlin, east and west, and many people were killed trying to cross that wall. And Kennedy went to that wall and said, "I am a Berliner," meaning there is freedom for the people in the city of Berlin because we believe in freedom. Ronald Reagan went to the Berlin Wall and said, Mr. Gorbachev, tear down that wall.

And when the wall was finally being torn down, there was a moment when no one knew what Gorbachev was going to do. Was Gorbachev going to bring in more Soviet troops and repair the wall and keep the Iron Curtain the way it was? Was it going to be like the Hungarian revolution in 1956, when the Hungarians revolted and wanted to be free, wanted their independence? What was going to happen? Was Gorbachev going to do the same thing that Khrushchev did in 1956? Well, what did President Bush do at that moment? He showed Mikhail Gorbachev that President Brezhnev signed the Helsinki Accords. And the Helsinki Accords talked about sovereignty, human dignity, and respect for international law.

President Bush, 1990, did not resort to violent rhetoric, threatening Mikhail Gorbachev. He quietly, deliberately, but effectively, showed Mr. Gorbachev that there was agreement with all European countries, including the Soviet Union, called the Helsinki Accords; that there was to be respect for human thought, human consciousness, freedom of religion, sovereignty, and international law. And what happened? The Berlin Wall came down, Eastern Europe became free.

Let's take a look at the same period of time, but concentrate just in the Middle East. Same period of time, 1948. The Cold War has basically just started. Israel becomes a nation, and it is, this week, celebrating its 60th anniversary, the independent country of Israel. It was carved out of an area known as Palestine in 1948. But when Israel was formed in 1948, it threw the entire region into what some people in the region said would be a 100-year war. That war between Israel, the Arabs and the Palestinians is now 60 years old. Must we wait 40 more years for peace?

I mentioned "All the Shah's Men" by Stephen Kinzer. 1953, the height of the Cold War, Kermit Roosevelt, the grandson of Teddy Roosevelt, unfortunately with the blessings of John Foster Dulles, the Secretary of State of the United States, staged a very violent coup in support of the British independent Anglo-Iranian Oil Company, today known as BP, because that Anglo-Iranian Oil Company, not a British company, but an independent oil company headquartered in Britain, wanted to extract as much oil as they could from Iran without sharing the proceeds, without sharing the profits.

And so Mohammad Mosaddeq came into power in 1950, and he nationalized the Iranian Oil Company because it was Iranian oil, and he wanted the Iranian people to have some of the benefits of that natural resource. And the British didn't like that. The British tried to get President Truman to stage a coup, and Truman refused to do it. Eisenhower, with much trepidation, allowed it to go forward. And what happened from 1953, when we staged the coup in Iran? In the embassy in Tehran we lit a slow fuse, and that slow fuse burned until 1979 when the Islamic Revolution was staged in Tehran in 1979 and our embassy was taken over.

The Soviet Union in the Middle East during the Cold War was like a roller coaster ride. Sometimes they were a friend of certain Arab countries and sometimes they were an enemy of certain Arab countries, depending on what the Soviet policy was.

Israel and Iran, we talked about that in the book "Treacherous Alliance." They both shared a common interest. Neither country, Israel nor Iran, are Arab countries, obviously; the Israelis are Jews, the Iranians are Persians. The Israelis speak Hebrew, the Iranians speak Farsi. They had strategic interests that were similar. They had enemies that were similar. They had ideological differences, but they resolved those ideological differences and began quietly trading with each other. Those ideological differences were resolved because geopolitical realities trumped those ideological fantasies. Let me say that again. Israel and Iran, from 1948 to 1991, they had many ideological differences, but the geopolitical realities—that means, because of where they lived, because of the region—the geopolitical realities trumped their ideological fantasies, and they were quiet, but strong, allies.

We know during the period of the Cold War—the end of the Cold War anyway—in the Middle East there was a war between Russia and Afghanistan, 1979 to 1989. When that war was over, the Soviet Union declined precipitously as a super power. It lost significant influence in the Middle East and it limped home defeated by Islamic fundamentalists. Those same Islamic fundamentalists that we helped, the mujahidin, that we helped in the war against the Soviet Union, they then turned around and focused their attention on the western world.

But let me show you something that's interesting. During the war in Afghanistan, the Soviet Union, who was their enemy? The mujahidin was their enemy, but gradually turned into the Taliban and al Qaeda. Pakistan fought with the mujahidin. And who was the third ally against the Soviet Union? The United States. The United States, Pakistan, and the mujahidin fought with the Afghan and foreign fighters against the Soviet Union. Things are a little different today. Over one million deaths just in Afghanistan.

What happened at the same period of time in the Middle East just a few short years ago? Iraq and Iran went to war from 1980 to 1988. This was over border disputes, oil, and so on. 1,500,000 deaths. Not 1,500,000 casualties; 1,500,000 deaths. That's more deaths than all the Americans that died in World War I, World War II, Korea and Vietnam combined.

We are in a huge violent region today where these people, the Middle East people, are very used to violent politics and violent death. Can you resolve these conflicts with more violence? I think the answer is no.

What happened back in 1978 and 1979, a period of time when the Iranian Revolution took place, the Afghan war with Russia was about to take place, and the war between Iran and Iraq was about to take place, what happened when Jimmy Carter got Anwar Sadat and Menachem Begin together for a period of time in the United States? What happened? There was peace on the edge of conflict between Egypt and Israel. They reconciled their differences.

The last piece of conflict that I want to discuss in the Middle East during the Cold War, right at the end of the Cold War, was the Persian Gulf War when Iraq invaded Kuwait over border disputes. They felt that Kuwait was actually a part of Iraq historically.

When we went into the Persian Gulf War in 1991, there were very clear, defined objectives. And when those objectives were met, we came home. There was truly an international coalition; I mean, an international coalition that was so good the United States spent no money on the Persian Gulf War because those countries that did not contribute troops contributed large financial assistance. International financial assistance helped resolve that conflict. We had greater integrated diplomatic initiatives by the international community. And so the Persian Gulf War came, it was violent, and then it was resolved in a very short period of time.

The present crisis, Iraq, right now in the Middle East; what is it like in Iraq?

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There are three great religions there, Judaism, Christianity, and Islam, that at times throughout history have had violent interactions. But there are also many, many examples over the centuries where these three great religions have lived together in peace. Faith is a very important part. Religion is a very important part of the Middle East.

Oil exports are vital to the economic viability of the region. Oil exports are very important.

The geopolitical balance of power in the Middle East today is fractured. There are no more super powers. There is not a conflict between the Soviet Union and the United States. Saddam Hussein, who was one of the more powerful dictatorial leaders in the region, is gone. Who will have more influence there? No one knows. The geopolitical balance of power is fractured. So what direction will the Middle East take, and how can we be a part of the solution?

The Shiites and the Sunnis, these are both Muslim. They are both of the Islamic faith. But there are differences. But their differences are much greater than the differences between the different denominations in the Christian church. They are much different from Catholicism and the Protestants. They're different from the Baptists and the Methodists and the Episcopalians and the Lutherans and so on. And one of the major differences between the Shiites and the Sunnis is who has authority over the religion of Islam. There was a shift, a break, between the descendants of Muhammad. So authority creates significant differences in how religion works. And there are differences between the hierarchy of Shiites and the Sunnis; hence we see sectarian violence and we see intrasectarian violence. But I can tell you the vast majority of Arabs who are Muslim, who are Sunni, and who are Shia, especially in Iraq, have lived peacefully for centuries, have intermarried for centuries. And for the most part, there is not sectarian violence between the two religious groups. There is not intrasectarian violence within the Shias or within the Sunnis. This conflict has separated the two. But more importantly, the differences between the Shias and the Sunnis can be reconciled.

But make no mistake, there is a difference, a fundamental difference, between an al Qaeda member and a Sunni or a Shia. There is a significant difference between someone who is a Taliban and someone who is a Shia and a Sunni. And it is the same difference, if we go back 30 some years, to a group of people called the Khmer Rouge in Thailand led by a fanatical maniac called Pol Pot. He was a Thai. He was Southeast Asian. But to compare Pol Pot with the Khmer Rouge with any average Buddhist in Thailand would be completely out of the question, completely false.

So trying to lump all the Muslims together into one picture is a stereotype. That's a big mistake. Al Qaeda are terrorists. They are the enemy. The Taliban are very strict, ancient, primitive. They have a very primitive, ancient interpretation of Islam. But if you're a Sunni or a Shia and you're living in Iraq, you want your country to be at peace and you want to be modernized. We need to understand this culture a little bit better.

The war in Iraq has now more than 34,000 casualties. What does that mean, 34,000 casualties? That means more than 4,000 Americans dead that will never come home. That means more than 30,000 Americans wounded, hospitalized, disabled that will never be the same; $600 billion and counting, about $12 billion a month; global dissent; soldiers on their third and fourth tour in Iraq and Afghanistan; posttraumatic syndrome.

Now let me say something about posttraumatic stress syndrome. It's when you have a violent incident in your life and it doesn't go away if you're a soldier from Iraq when you go home. You just can't put it aside. Posttraumatic stress syndrome is nothing more than remembering your past, a year ago, 10 years ago, 6 months ago. You remember these incidents. You remember what a land mine in the middle of the road did to your Humvee or your tank or your jeep or your buddy. You remember that. The violent incident that occurred does not get forgotten any more than you remember what you did in high school or what you did in a picnic last week or whom you spoke to in a church last week or a birthday party that you had. Posttraumatic stress syndrome is basically 100 percent for anyone who has been in combat, 100 percent. Now, some people are able to deal with it, they digest it, and they move on with their life, and they're normal and they're successful. But for some, depending on their physiological capacity, they cannot forget that incident where they saw children blown to pieces, where they may have pressed the barrel of their rifle against another man's chest and pulled the trigger. Do you forget that? Children burned with napalm, violent conflict, do you forget it? You don't. You deal with it. But posttraumatic stress is a problem.

The troops are stunningly competent. Are we policymakers informed enough to deal with these issues in a way that we can bring the conflict to an end?

Does that mean, then, because of these casualties, because of this conflict, that we should leave Iraq right away? Let's talk about that for a second. We left Mogadishu, Somalia. And what did we leave behind in the early 1990s? We left behind chaos. So we can't leave right away without any consequences. What happened to the Russians when they left Afghanistan? We wanted them to leave Afghanistan, but who took care to look at the diplomatic effort to build up Afghanistan? Nobody. And look what happened to Afghanistan after the Russians left. It turned into a haven for al Qaeda and the Taliban.

But how many troops should we leave behind or leave in Iraq? That's a consideration. If we go back to 1954, the French were leaving Vietnam, and they left a group of soldiers at Dien Bien Phu, and they were all killed or captured. So we don't want another Mogadishu. We don't want another Afghanistan. We don't want another Dien Bien Phu in Vietnam in 1954.

General Petraeus says there is no military solution. Under the present situation, it doesn't look like there is a political solution. So what do we do? Well, we look beyond Iraq. If we just look at Iraq alone, there is no political or military solution. But to understand the way forward, we need to frame a regional strategy. So what does it look like?

Right now the U.S. military is a skeletal structure upon which Iraqi society rests. You pull the military out, it may collapse. We are the skeletal structure. So we need to be strategic about what we're doing there now, and being strategic means we look at the region.

First, the Palestinian-Israeli issue, unsettled since 1948. What has that caused? It is the biggest advertising recruitment tool for violent, radical al Qaeda. We need to begin to seriously resolve that conflict between the Palestinians and the Israelis.

Saudi Arabia, they live in a fractured Middle East. Saudi Arabia fears, a natural fear, that Iraq will be an Iranian satellite; so we need to deal with the fears of Saudi Arabia.

Syria, a secular Islamic country, not a fundamentalist Islamic country, still has concerns about its role in Lebanon and the Golan Heights that were taken from them in the 1967 war. We need to engage the Syrians at the highest levels.

Iran, they have historic fears of Iraq and Russia, now China. They are Persian. They speak farsi. They are not Arab. We need to engage the Iranians with no preconditions. We didn't put conditions on Khrushchev when we engaged him. We didn't have any preconditions against Mao Se Tung when we engaged them.

Turkey, what of the Kurdish question? We need to bring Turkey into the process of reconciliation.

The problems of the Middle East are centuries old. It is an interconnected, integrated region that must be brought together. An integrated region needs to be brought together with an integrated set of diplomatic efforts.

And by the way, the countries that I just mentioned, Palestine, Israel, Saudi Arabia, Syria, Iran, Turkey, Iraq, those countries in and of themselves without U.S. aid could deal and take care of al Qaeda.

It would be wise to remember Eisenhower's words: A country like the United States needs a strong military, strong intelligence, but it also needs consensus and dialogue. The third leg of the three legged stool, consensus and dialogue, is also a part of America's arsenal. And it includes exquisite diplomacy, which means trading, education, science, technology, cultural, social, and religious exchanges. That's what the third leg of that stool does. That is what diplomacy is. Eisenhower spoke to Khrushchev. Kennedy spoke to Khrushchev. Nixon spoke to Mao Tsetung. Knowledge is the solvent for danger, said Norman Cousins. The troops know that. The troops know the smarter they are, the better prepared they are, the better their day is going to be. Do the policymakers know that? Do the policymakers know what their role is in this war? Standing shoulder to shoulder with the troops means more than just praying for the troops. It means you also wear a helmet, a flak jacket, and a rifle. And what is that helmet, flak jacket, and rifle? That's knowledge. That's knowing something about the issue.

History is a vast early warning system. The Arabs, the Persians, the Israelis know the history of the last centuries of the Middle East. Do we? Sam Rayburn, former Speaker of the House, said, "Any mule can kick a barn door down, but it takes a carpenter to build one." We need carpenters. A lot of them. Remember what Rudyard Kipling said when his son tragically died in northern France during World War I: "Why did young men die? Because old men lied." And to paraphrase that today, old people should talk before they send young people to die.

The landscape of human tragedy since the dawn of time, who has been our enemy? Ignorance, arrogance, dogma. It leads to monstrous certainty, monstrous dictators, monstrous violence. Ignorance, arrogance, dogma. What's the antidote? More violence? Filling up our cemeteries?

The answer is knowledge replaces ignorance, humility replaces arrogance, and tolerance replaces dogma. Consensus and dialogue. A diplomatic initiative with the region. A full diplomatic initiative with the region. That comes out of the intelligence and the ingenuity of our arsenal. Certainly we need a strong military. Certainly we need a strong intelligence community. But we need the other leg of that arsenal, a regional diplomacy policy.

An international support structure, do we have it in the middle East? Do we have it with the Palestinian and Israelis? Are we working with an international support structure in Iraq and Afghanistan? Not enough.

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Integrated security alliance. We had it with NATO. We had it with SEATO. We have it with OAS. The U.S. has it, and many countries want to join it. The integrated economic alliance. It is with the European Union. All of the Eastern European countries and the Balkans want to get into that integrated security alliance and that integrated economic alliance.

We can do that in the Middle East. We should continue the current military draw down strategically and responsibly, a reconciliation among the different factions to reduce the sectarian violence, an effort that is ongoing. And we should continue it.

Let's take a walk down Memory Lane going back to 1941 just at the very early stages of World War II. A number of countries signed what was called the Atlantic Charter. And the Atlantic Charter was to deal with sovereignty, freedom and independence. The Atlantic Charter led to the organization now known as NATO. That integrated security alliance kept the peace in Europe basically as a result of that from 1948 to the present.

I will say a little side remark. The Atlantic Charter, which talked about sovereignty and human rights, when Ho Chi Minh read it shortly after it was signed, he wondered if it would apply to Asians. That is what he said. And apparently it didn't for some time to come.

The Helsinki Accords, which we mentioned earlier, which President Bush reminded Mikhail Gorbachev of and so there was a peaceful solution to the tearing down of the Berlin Wall, the Helsinki Accords was signed in 1975 by a number of European countries, including the Soviet Union. And that Accord said the following, there should be territorial integrity, peaceful settlements of disputes, freedom of thought, conscience, religion and belief, equal rights and respect for international law. That is what the Helsinki Accord said.

The Helsinki Accord gave people under the Soviet domination courage to strive for a better life. Look at Eastern Europe and many of the former Soviet Republics. They read the Helsinki Accords. It gave them hope to put aside their fear and their despair and dream for a better life to come and then make it happen.

The Geneva Convention, 1949, talked about the treatment of prisoners, all prisoners, not just certain types, but that all prisoners should be treated humanely. And I would suggest that my colleagues and those who are listening read the Geneva Convention. It is only 59 pages. You ought to have some understanding of who is a prisoner of war, who is an enemy combatant, is there some kind of difference between someone that doesn't come from a state or a country or wear a uniform? Read the Geneva Convention. It's 59 pages.

Mr. Speaker, I want to conclude my remarks tonight with a quote from a book, that was not on the list, written by Jacob Bronowski. It's called "The Ascent of Man." It is about 30 years old. It is an interesting book because it talks about the evolution of science in human civilization. But there is a chapter in this book about World War II and the Holocaust. The author of the book had most of his relatives die in Auschwitz. But here is what Bronowski says about war, which is still applicable in the present crisis: There are two parts to the human dilemma. One is the belief that the end justifies the means, that push-button philosophy, that deliberate deafness to suffering that has become the monster in the war machine. The other is the betrayal of the human spirit where a nation becomes a nation of ghosts, obedient ghosts or tortured ghosts.

Where do we fit into that equation?

Mr. Speaker, before I finish, I did tell the listeners that I would reread the list of books that I call your helmet, your flak jacket and your rifle. So now are you ready to cross the line to stand shoulder to shoulder with the troops who are knowledgable and competent about what they do? And so we as policy makers, are we knowledgable? And what is the role of the American people?

The first book is "A Letter to America" by David Boren.

"Iraq Study Group Report" by James Baker and Lee Hamilton.

"Fiasco" by Thomas Ricks.

"The Struggle for Peace" by General Tony Zinni.

"Violent Politics" by William Polk.

"Treacherous Alliance" by Trita Parsi.

"All the Shah's Men" by Stephen Kinzer.

"The Silence of the Rational Center" by Stefan Halper and Jonathan Clarke.

"Why Viet Nam?" by Archimedes Patti.

And the last book, number 10, "Human Options" by Norman Cousins.

One more quote from Norman Cousins and the book, "Human Options." This is us. Man is not imprisoned by habit. Great changes in him can be wrought by crisis once that crisis can be recognized and understood. And so if we have recognized the present crisis, great changes can take place.

Thank you very much, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. BONO MACK (at the request of Mr. BOEHNER) for today and the balance of the week on account of the death of her father.

Mr. GERLACH (at the request of Mr. BOEHNER) for today and the balance of the week on account of a serious family illness.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLER of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of North Carolina, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 19 and 20.

Mr. JONES of North Carolina, for 5 minutes, May 19 and 20.

Mr. FLAKE, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today, May 14 and 15.

Mr. HULSHOF, for 5 minutes, May 14.

Mr. MORAN of Kansas, for 5 minutes, today and May 14.

Mr. DENT, for 5 minutes, May 14.

Mr. GILCHREST, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, May 14 and 15.

Mr. BURGESS, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. ELLISON, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2929. To temporarily extend the programs under the Higher Education Act of 1965.

ADJOURNMENT

Mr. GILCHREST. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 14, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6518. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting a copy of two Bureau publications entitled, "Consolidated Federal Funds for Fiscal Year 2006 (State and County Areas)" and "Federal Aid to States for Fiscal Year 2006"; to the Committee on Oversight and Government Reform.

6519. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

6520. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6521. A letter from the Presidential Apppointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6522. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6523. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6524. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6525. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6526. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6527. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6528. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1996; to the Committee on Oversight and Government Reform.

6529. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6530. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6531. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6532. A letter from the Human Resources Management Office, Federal Trade Commission, transmitting the Commission's report on the use of the Category Rating System for calendar year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

6533. A letter from the Administrator, Office of Management and Budget, transmitting the Office's report on competitive sourcing activities for FY 2007, in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, Fiscal Year

2004, Pub. L. 108-199; to the Committee on Oversight and Government Reform.

6534. A letter from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting a copy of the Balance Sheet of Potomac Electric Power Company as of December 31, 2007, pursuant to D.C. Code section 43-513; to the Committee on Oversight and Government Reform.

6535. A letter from the Inspector General, Railroad Retirement Board, transmitting statement of concern regarding the effectiveness of oversight for the National Railroad Retirement Investment Trust; to the Committee on Oversight and Government Reform.

6536. A letter from the Director, U.S. Trade and Development Agency, transmitting the Agency's Federal Entity Annual Report for FY 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6537. A letter from the Chief of Police, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period October 1, 2007 through March 31, 2008, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 110–111); to the Committee on House Administration and ordered to be printed.

6538. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting a designation pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

6539. A letter from the Chief Counsel, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Determination of Availability of Coastwise-Qualified Launch Barges [Docket No. MARAD-2005-XXXXX] (RIN: 2133-AB67) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6540. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments [Docket No. PHMSA-RSPA-2004-18730] (RIN: 2137-AE02) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6541. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30597; Amdt. No. 3260] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6542. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30596; Amdt. No. 3259] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6543. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30594; Amdt. No. 3257] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6544. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30591; Amdt. No. 3254] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6545. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30593; Amdt. No. 3256] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6546. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30587; Amdt. No. 3251] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6547. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30605; Amdt. 3267] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6548. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Using Agencies for Restricted Areas R-5303A, B, C; R-5304A, B, C; and R-5306A, C, D, E; NC [Docket No. FAA-2008-0050; Airspace Docket No. 07-ASO-28] (RIN: 2120-AA66) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6549. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6550. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Rumford, ME. [Docket No. FAA-2008-0063; Airspace Docket No. 08-ANE-94] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6551. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Tucson, AZ [Docket No. FAA-2007-28529; Airspace Docket No. 07-ANM-12] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6552. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Farmington, ME [Docket No. FAA-2007-0243] Airspace Docket No. 07-ANE-93] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6553. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Przedsiebiorstwo Doswiadczalno-Produkcyjne Szybownictwa "PZL-Bielsko" Model SZD-50-3 "Puchacz" Gliders [Docket No. FAA-2008-0045; Directorate Identifier 2007-CE-100-AD; Amendment 39-15339; AD 2008-02-09] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6554. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter Model AS 332 L2 Helicopters [Docket No. FAA-2008-0100; Directorate Identifier 2007-SW-41-AD; Amendment 39-15356; AD 2008-03-07] (RIN: 2120-AA64) received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6555. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30590; Amdt. No. 472] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6556. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30588; Amdt. No. 3252] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6557. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30589; Amdt. No. 3253] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6558. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30595; Amdt. No. 3258] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6559. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No. 30598; Amdt. No. 3261] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6560. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30599; Amdt. No. 473] received May 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6561. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2009, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

6562. A letter from the Director of Legislative Affairs, Railroad Retirement Board, transmitting the budget justification for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2009, prepared in compliance with OMB Circular No. A-11; jointly to the Committees on Appropriations, Transportation and Infrastructure, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PETERSON of Minnesota; Committee of Conference. Conference report on H.R. 2419. A bill to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes (Rept. 110–627). Ordered to be printed.

Mr. BERMAN. Committee on Foreign Affairs. H.R. 5834. A bill to amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes; with an amendment (Rept. 110–628). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARDOZA: Committee on Rules. House Resolution 1189. Resolution providing for consideration of the conference report to accompany the bill (H.R. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes (Rept. 110–629). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1190. Resolution providing for the adoption of the concurrent resolution (S. Con. Res. 70) setting forth the congressional budget for the United States Government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013 (Rept. 110–630). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 3323. A bill to authorize the Secretary of the Interior to convey a water distribution system to the Goleta Water District, and for other purposes; with an amendment (Rept. 110–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3930. A bill to provide for a land exchange involving State land and Bureau of Land Management land in Chavez and Dona Ana Counties, New Mexico, and to establish the Lesser Prairie Chicken National Habitat Preservation Area, and for other purposes; with an amendment (Rept. 110–632). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 4074. A bill to authorize the implementation of the San Joaquin River Restoration Settlement, and for other purposes (Rept. 110–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2649. A bill to make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; with an amendment (Rept. 110–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1771. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries and activities of which directly or indirectly affect cranes and the ecosystems of cranes; with an amendment (Rept. 110–635). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. MCMORRIS RODGERS (for herself, Mr. CANTOR, Ms. GRANGER, Mr. MCKEON, Mr. FRANKS of Arizona, Mr. PAUL, Mrs. BONO MACK, Mr. KLINE of Minnesota, Mr. WILSON of South Carolina, Ms. PRYCE of Ohio, Mr. MCHENRY, and Mrs. BLACKBURN):

H.R. 6025. A bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector; to the Committee on Education and Labor.

By Mr. LEWIS of California (for himself, Mr. BOEHNER, Mr. BLUNT, Mr. SIMPSON, Mr. CULBERSON, Mr. WALSH of New York, Mr. CARTER, Ms. GRANGER, Mr. TIAHRT, Mr. LAHOOD, Mr. ROGERS of Kentucky, Mr. WAMP, Mr. BONNER, Mr. WOLF, Mrs. EMERSON, Mr. CRENSHAW, Mr. KINGSTON, Mr. YOUNG of Florida, Mr. ALEXANDER, Mr. KIRK, Mr. ADERHOLT, Mr. KNOLLENBERG, Mr. REGULA, Mr. LATHAM, Mr. GOODE, Mr. CALVERT, Mr. FRELINGHUYSEN, Mr. REHBERG, and Mr. WELDON of Florida):

H.R. 6026. A bill making emergency supplemental appropriations for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHADEGG:

H.R. 6027. A bill to provide highest preference in the use of foreclosed housing acquired using Federal loan or grant funds made available under the Neighborhood Stabilization Act of 2008 for providing housing for disabled veterans and to prohibit the purchase or lease of such housing by any individual convicted under Federal or State law of a drug-dealing offense, a sex offense, or mortgage fraud; to the Committee on Financial Services.

By Mr. BERMAN (for himself, Mr. ENGEL, Mr. REYES, and Mr. CUELLAR):

H.R. 6028. A bill to authorize law enforcement and security assistance, and assistance to enhance the rule of law and strengthen civilian institutions, for Mexico and the countries of Central America, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mr. ELLISON, Mr. KILDEE, Mr. HASTINGS of Florida, Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. LEWIS of Georgia, Mr. COHEN, Ms. MOORE of Wisconsin, Mr. GRIJALVA, Mrs. MALONEY of New York, Mr. FRANK of Massachusetts, Mr. WYNN, Mr. KUCINICH, and Mr. MCGOVERN):

H.R. 6029. A bill to amend the Family and Medical Leave Act of 1993 to eliminate an hours of service requirement for benefits under that Act; to the Committee on Education and Labor, and in addition to the Committees on Oversight and Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mrs. BIGGERT, Mr. ROSKAM, and Mr. SHAYS):

H.R. 6030. A bill to amend the Internal Revenue Code of 1986 to allow employers a refundable credit against income tax for 50 percent of the employer's cost of providing tax-free transit passes to employees; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 6031. A bill to direct the Director of the United States Fish and Wildlife Service to conduct a study of the feasibility of a variety of approaches to eradicating Asian carp from the Great Lakes and their tributary and connecting waters; to the Committee on Natural Resources.

By Mr. FILNER:

H.R. 6032. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide wartime disability compensation for certain veterans with Parkinson's Disease; to the Committee on Veterans' Affairs.

By Ms. VELÁZQUEZ:

H.R. 6033. A bill to promote training and employment for public housing residents in home-based health services so such residents can provide Medicaid covered home-based health services to elderly and disabled persons receiving public housing assistance from the Department of Housing and Urban Development; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself, Mr. MARKEY, Ms. BORDALLO, Mr. LEWIS of Georgia, Mr. DANIEL E. LUNGREN of California, Mr. MORAN of Virginia, Mr. SIRES, Mr. GRIJALVA, Mrs. NAPOLITANO, Mr. FATTAH, Mr. REYES, Mr. GENE GREEN of Texas, Mr. NADLER, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. ABERCROMBIE, Mr. SERRANO, and Mr. UDALL of Colorado):

H.R. 6034. A bill to amend the Immigration and Nationality Act to provide for relief to surviving spouses and children; to the Committee on the Judiciary.

By Mr. COURTNEY:

H.R. 6035. A bill to authorize the Secretary of Energy to exchange light crude oil in the Strategic Petroleum Reserve for heavy crude oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. EMANUEL (for himself and Mr. RAMSTAD):

H.R. 6036. A bill to amend the Internal Revenue Code of 1986 to establish lifelong learning accounts to provide an incentive to save for education; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Ms. SHEA-PORTER, and Mr. JOHNSON of Georgia):

H.R. 6037. A bill to amend titles 10 and 37, United States Code, to create the position of Assistant Secretary of Defense for Irregular Warfare, Cultural Training, and Social Science Initiatives and to authorize a new skill incentive pay and proficiency bonus to encourage members of the Armed Forces to train in critical foreign languages and foreign cultural studies; to the Committee on Armed Services.

By Mr. GRAVES (for himself and Ms. NORTON):

H.R. 6038. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to direct the President to modernize the integrated public alert and warning system of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. ZOE LOFGREN of California (for herself, Mr. CANNON, Mr. CONYERS, Mr. CARTER, Mr. GEORGE MILLER of California, Mr. SHADEGG, Mr. HONDA, Mr. TOM DAVIS of Virginia, Ms. ESHOO, Mr. GILCHREST, Mr. KENNEDY, Mr. REICHERT, Mr. CAPUANO, Mrs. MALONEY of New York, Mr. CROWLEY, Mrs. TAUSCHER, Mr. SMITH of Washington, Mr. MCDERMOTT, Ms. LORETTA SANCHEZ of California, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 6039. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a master's or higher degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence; to the Committee on the Judiciary.

By Mr. MICA (for himself and Mr. BOOZMAN):

H.R. 6040. A bill to amend the Water Resources Development Act of 2007 to clarify the authority of the Secretary of the Army to provide reimbursement for travel expenses incurred by members of the Committee on Levee Safety; to the Committee on Transportation and Infrastructure.

By Mr. REYES (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HINOJOSA, Mr. CUELLAR, Mr. HALL of Texas, Mr. EDWARDS, Ms. JACKSON-LEE of Texas, Mr. SMITH of Texas, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. DOGGETT, Mr. ORTIZ, Mr. CARTER, Mr. BRADY of Texas, Mr. SESSIONS, Mr. MARCHANT, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. POE, Mr. CONAWAY, and Mr. SAM JOHNSON of Texas):

H.R. 6041. A bill to redesignate the Rio Grande American Canal in El Paso, Texas, as the "Travis C. Johnson Canal"; to the Committee on Natural Resources.

By Mr. SAXTON:

H.R. 6042. A bill to mandate price stability as the primary goal of the monetary policy of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee; to the Committee on Financial Services.

By Mr. SKELTON:

H.R. 6043. A bill to provide for an evaluation factor for defense contractors employing or subcontracting with recipients of certain special immigrant visas; to the Committee on Armed Services, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. WHITFIELD of Kentucky):

H.R. 6044. A bill to authorize appropriations for the Federal Trade Commission for certain international technical assistance activities; to the Committee on Energy and Commerce.

By Mr. VISCLOSKY (for himself, Mr. LOBIONDO, Mr. STUPAK, Mr. RAMSTAD, Mr. CRENSHAW, Mr. BACA, Mr. BISHOP of Georgia, Mr. UDALL of Colorado, Ms. JACKSON-LEE of Texas, Mr. BRADY of Pennsylvania, Mr. NEAL of Massachusetts, Mr. GONZALEZ, Ms. SUTTON, Mr. MORAN of Virginia, Ms. CORRINE BROWN of Florida, Mr. HOLDEN, Mr. HOLT, Mr. KILDEE, Mr. ACKERMAN, Mr. GERLACH, Mr. KING of New York, Mr. MCHUGH, Ms. SCHWARTZ, Mr. ROTHMAN, Mr. MICHAUD, Mr. GRIJALVA, Mr. COSTELLO, Mrs. NAPOLITANO, Mr. ETHERIDGE, Mr. YOUNG of Alaska, Mr. SHAYS, Mr. HINOJOSA, Mr. FARR, Mr. ENGEL, Mr. HALL of Texas, Mr. NADLER, Mr. PASCRELL, Mr. ABERCROMBIE, Mr. ELLSWORTH, Mr. HILL, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. ALLEN, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. DONNELLY, Mr. MCNULTY, Mr. GENE GREEN of Texas, Mr. UDALL of New Mexico, Mr. CARNEY, Mrs. LOWEY, Mr. LIPINSKI, Mr. SAXTON, Mr. PATRICK MURPHY of Pennsylvania, Mr. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OBERSTAR, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. LARSEN of Washington, Mr. TURNER, Mr. HAYES, Ms. DELAURO, Mr. FILNER, Mr. DICKS, Mr. LANGEVIN, Mr. KUHL of New York, Mr. MICA, Mr. EDWARDS, Mr. CUELLAR, Mr. KUCINICH, Mr. RAHALL, Mr. JACKSON of Illinois, Mr. BUTTERFIELD, Mr. BILIRAKIS, Mr. LEWIS of Georgia, Mr. SIRES, Mrs. BOYDA of Kansas, Mr. BOSWELL, Ms. GIFFORDS, Mr. ORTIZ, Mr. EMANUEL, Mr. ALTMIRE, Mr. SNYDER, Ms. SHEA-PORTER, Ms. SCHAKOWSKY, Mr. HIGGINS, Mr. SESTAK, Mrs. CAPPS, Mr. OLVER, Mr. HINCHEY, Mr. TIAHRT, Mr. COBLE, Mr. DINGELL, Ms. MATSUI, Mr. WALZ of Minnesota, Mr. COURTNEY, Ms. ZOE LOFGREN of California, Mr. BERRY, Mr. LINCOLN DAVIS of Tennessee, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. PALLONE, Mr. RYAN of Ohio, Mr. SCOTT of Virginia, Mr. FATTAH, and Mr. MITCHELL):

H.R. 6045. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2012; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. SCHIFF, and Mrs. BOYDA of Kansas):

H.R. 6046. A bill to extend the authorization provided in the Act titled "An Act to preserve the cultural resources of the Route 66 corridor and to authorize the Secretary of the Interior to provide assistance"; to the Committee on Natural Resources.

By Mr. DAVIS of Kentucky (for himself and Mr. HUNTER):

H. Con. Res. 348. Concurrent resolution urging the President to designate a National Airborne Day in recognition of persons who are serving or have served in the airborne forces of the Armed Services; to the Committee on Oversight and Government Reform.

By Mr. SHUSTER (for himself and Mr. ORTIZ):

H. Res. 1187. A resolution promoting global energy supply security through increased cooperation among the United States, Turkey, Azerbaijan, and Georgia, by diversifying sources of energy, and implementing certain oil and natural gas pipeline projects for the safe and secure transportation of Eurasian hydrocarbon resources to world markets; to the Committee on Foreign Affairs.

By Mr. MARKEY:

H. Res. 1188. A resolution encouraging recognition, and supporting the goals and ideals, of National Aphasia Awareness Month; to the Committee on Energy and Commerce.

By Ms. CASTOR (for herself and Mr. REICHERT):

H. Res. 1191. A resolution expressing support for designation of May as "National Asthma and Allergy Awareness Month"; to the Committee on Energy and Commerce.

By Mr. HONDA (for himself, Ms. LEE, Mr. TOWNS, Mr. PAYNE, Mr. MCNULTY, and Mr. DENT):

H. Res. 1192. A resolution supporting the goals and ideals of World Hepatitis Awareness Month; to the Committee on Energy and Commerce.

By Mr. UDALL of New Mexico:

H. Res. 1193. A resolution expressing the sense of the House of Representatives that there is a critical need to increase research, awareness, and education about cerebral cavernous malformations; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. BURTON of Indiana and Mr. JONES of North Carolina.

H.R. 154: Ms. BERKLEY, Mr. DAVIS of Alabama, and Mr. BISHOP of New York.

H.R. 303: Mr. MCNERNEY.

H.R. 333: Mr. MCNERNEY.

H.R. 402: Mr. VAN HOLLEN.

H.R. 642: Mr. SHAYS.

H.R. 643: Mr. ROGERS of Alabama.

H.R. 697: Mr. HASTINGS of Washington.

H.R. 741: Mr. MICHAUD.

H.R. 826: Mrs. BLACKBURN.

H.R. 971: Mr. DONNELLY.

H.R. 992: Mr. GUTIERREZ.

H.R. 1014: Ms. RICHARDSON.

H.R. 1032: Mr. JACKSON of Illinois, Mr. JOHNSON of Georgia, Mr. ANDREWS, and Ms. CASTOR.

H.R. 1092: Mr. CLEAVER.

H.R. 1194: Mr. CANTOR.

H.R. 1228: Mr. WU.

H.R. 1279: Mr. SIRES.

H.R. 1395: Mr. BOOZMAN.

H.R. 1509: Ms. FOXX.

H.R. 1524: Mr. WALZ of Minnesota.

H.R. 1532: Mr. WELCH of Vermont.

H.R. 1540: Ms. BERKLEY.

H.R. 1553: Ms. DELAURO.

H.R. 1554: Mr. ADERHOLT and Mr. LAHOOD.

H.R. 1606: Mr. MCNERNEY.

H.R. 1619: Mr. CLEAVER and Mr. MCHUGH.

H.R. 1621: Ms. LEE.

H.R. 1665: Ms. SUTTON.

H.R. 1746: Mr. CONYERS.

H.R. 2049: Ms. BERKLEY.

H.R. 2131: Mr. ORTIZ.

H.R. 2188: Mr. MELANCON, Mr. SIRES, Mr. TAYLOR, Mr. JEFFERSON, Mr. SCOTT of Georgia, Mr. KANJORSKI, Mr. TIBERI, Ms. DEGETTE, and Mr. HILL.

H.R. 2236: Mr. STARK.

H.R. 2268: Mr. SPRATT, Mr. KANJORSKI, Mr. CARNEY, Mr. SMITH of Washington, Mr.

SESTAK, Mr. OBERSTAR, Mr. ALLEN, Mr. DELAHUNT, and Mr. LINDER.

H.R. 2526: Mr. WEINER.

H.R. 2552: Mr. JEFFERSON.

H.R. 2580: Mr. ROYCE.

H.R. 2702: Ms. KAPTUR.

H.R. 2744: Mr. HILL.

H.R. 2832: Mr. TURNER.

H.R. 2914: Mr. KENNEDY.

H.R. 2915: Mr. GUTIERREZ.

H.R. 2933: Mr. DAVIS of Illinois.

H.R. 3014: Mr. LARSON of Connecticut.

H.R. 3098: Mr. FRANKS of Arizona.

H.R. 3167: Ms. BALDWIN.

H.R. 3186: Ms. WATERS, Mr. BOSWELL, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SCOTT of Georgia.

H.R. 3234: Mr. FEENEY, Mr. BOUSTANY, Mr. RAMSTAD, Mr. LEWIS of Kentucky, and Mr. NUNES.

H.R. 3245: Mr. CARTER, Mr. HONDA, and Mr. DOYLE.

H.R. 3257: Mr. PASTOR and Mr. HINOJOSA.

H.R. 3314: Mr. THOMPSON of California.

H.R. 3329: Ms. WATERS, Mr. HODES, and Mr. CLAY.

H.R. 3402: Ms. TSONGAS.

H.R. 3457: Mr. ABERCROMBIE, Mr. BOYD of Florida, Mrs. MYRICK, and Mr. CARNEY.

H.R. 3544: Ms. SCHAKOWSKY, Mr. HARE, and Mr. MCNERNEY.

H.R. 3652: Mr. BOUCHER.

H.R. 3769: Mr. WITTMAN of Virginia.

H.R. 3770: Mr. PASCRELL and Mr. SAM JOHNSON of Texas.

H.R. 3819: Mr. VAN HOLLEN.

H.R. 3874: Mr. BUTTERFIELD.

H.R. 3944: Ms. SOLIS, Ms. LEE, and Mr. BACA.

H.R. 3980: Mr. STARK.

H.R. 4026: Ms. SOLIS and Ms. KILPATRICK.

H.R. 4044: Mr. GUTIERREZ.

H.R. 4048: Mr. SCOTT of Virginia.

H.R. 4061: Mr. ADERHOLT.

H.R. 4063: Mr. SERRANO.

H.R. 4105: Mr. SNYDER, Mr. DAVIS of Alabama, and Mr. FERGUSON.

H.R. 4173: Mr. AL GREEN of Texas.

H.R. 4206: Mr. MCGOVERN.

H.R. 4273: Mr. DINGELL and Mr. EHLERS.

H.R. 4318: Mr. ALTMIRE.

H.R. 4344: Ms. GRANGER.

H.R. 4449: Mrs. CHRISTENSEN.

H.R. 4450: Ms. NORTON, Mr. GENE GREEN of Texas, Mr. SESTAK, and Ms. SUTTON.

H.R. 4458: Mr. SHAYS.

H.R. 4544: Mr. HINCHEY and Mr. CONYERS.

H.R. 4611: Mr. STARK.

H.R. 4651: Mr. FATTAH.

H.R. 4884: Mr. LOBIONDO.

H.R. 4900: Mr. CALVERT and Mr. TURNER.

H.R. 4990: Ms. HERSETH SANDLIN.

H.R. 5056: Mr. DEFAZIO.

H.R. 5057: Mr. GRIJALVA.

H.R. 5109: Mr. CAMP of Michigan.

H.R. 5155: Mr. TIERNEY, Mr. HINCHEY, Mr. SESTAK, Mr. GRIJALVA, and Mr. KUCINICH.

H.R. 5180: Mr. ARCURI.

H.R. 5244: Mr. BACA, Mr. KANJORSKI, Mr. HINOJOSA, Mr. CLEAVER, and Mr. MCNERNEY.

H.R. 5401: Mr. CLEAVER.

H.R. 5437: Mr. SALI.

H.R. 5447: Ms. HIRONO.

H.R. 5467: Mr. PLATTS.

H.R. 5473: Mrs. MCCARTHY of New York, Mr. CHANDLER, Mr. BLUMENAUER, Mr. DEFAZIO, Mr. CLEAVER, Mrs. MALONEY of New York, Ms. CASTOR, Mr. CAPUANO, Mr. KUCINICH, Mr. UDALL of New Mexico, Mr. FARR, Mr. PLATTS, Mr. GEORGE MILLER of California, Mr. JONES of North Carolina, and Ms. SPEIER.

H.R. 5481: Mr. MCNERNEY.

H.R. 5488: Mr. COHEN, Mr. GRIJALVA, and Mr. CONYERS.

H.R. 5519: Mr. CARNAHAN.

H.R. 5534: Mr. CLEAVER.

H.R. 5546: Mr. GONZALEZ and Mr. MCNERNEY.

H.R. 5573: Ms. WASSERMAN SCHULTZ and Mr. WALZ of Minnesota.

H.R. 5591: Mr. SMITH of Nebraska.

H.R. 5596: Mr. MILLER of Florida.

H.R. 5602: Mr. DELAHUNT, Mr. ALLEN, and Mr. MCNERNEY.

H.R. 5615: Mr. BRALEY of Iowa.

H.R. 5635: Mr. SMITH of Washington.

H.R. 5642: Mr. ISSA.

H.R. 5669: Ms. BEAN and Mr. RAHALL.

H.R. 5684: Mr. GOODLATTE.

H.R. 5689: Ms. SCHWARTZ.

H.R. 5696: Mr. BLUMENAUER.

H.R. 5722: Mr. FALEOMAVAEGA and Mr. BURTON of Indiana.

H.R. 5734: Mr. JEFFERSON, Ms. WASSERMAN SCHULTZ, Mrs. MALONEY of New York, and Mr. FILNER.

H.R. 5740: Mr. HALL of Texas.

H.R. 5761: Mr. WOLF.

H.R. 5785: Mr. WALZ of Minnesota and Mr. KAGEN.

H.R. 5791: Mr. KUHL of New York.

H.R. 5794: Mrs. MCMORRIS RODGERS.

H.R. 5798: Mr. WALZ of Minnesota and Mr. KAGEN.

H.R. 5823: Mr. HINCHEY, Mr. MEEKS of New York, and Mr. ARCURI.

H.R. 5825: Ms. MCCOLLUM of Minnesota and Mr. LEVIN.

H.R. 5833: Mr. POMEROY.

H.R. 5838: Mr. ENGEL and Mr. NADLER.

H.R. 5852: Mrs. MALONEY of New York.

H.R. 5854: Mr. EDWARDS and Mr. REYES.

H.R. 5869: Mr. DAVIS of Illinois and Mr. HONDA.

H.R. 5874: Mr. TERRY, Mr. PUTNAM, Mr. BOOZMAN, Mr. RAMSTAD, Mrs. EMERSON, and Mr. YOUNG of Florida.

H.R. 5875: Mr. SNYDER.

H.R. 5881: Ms. CLARKE.

H.R. 5882: Mr. CARTER, Mr. SHADEGG, Mr. GILCHREST, Mr. ABERCROMBIE, Mr. CAPUANO, Mr. HONDA, and Ms. JACKSON-LEE of Texas.

H.R. 5892: Mr. CROWLEY, Mr. SERRANO, Mr. MURTHA, Ms. SUTTON, Mr. GRIJALVA, Ms. HERSETH SANDLIN, and Mr. ALTMIRE.

H.R. 5894: Mr. MCDERMOTT.

H.R. 5898: Mr. BOOZMAN, Ms. WATSON, and Mr. MCCOTTER.

H.R. 5902: Mr. GRIJALVA.

H.R. 5917: Mr. SOUDER and Mrs. MYRICK.

H.R. 5921: Mr. CARTER, Mr. TOM DAVIS of Virginia, Mr. SHADEGG, Mr. GILCHREST, Mr. CAPUANO, Mr. HONDA, and Ms. JACKSON-LEE of Texas.

H.R. 5925: Mr. FARR and Ms. WATERS.

H.R. 5944: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 5958: Mr. CAMPBELL of California.

H.R. 5960: Mr. FORTENBERRY, Mr. PLATTS, Mr. DOYLE, Mr. JONES of North Carolina, and Mr. BILIRAKIS.

H.R. 5961: Mr. FRANKS of Arizona.

H.R. 5971: Mr. JONES of North Carolina, Mrs. MYRICK, Mr. COBLE, Ms. GINNY BROWN-WAITE of Florida, and Mr. BOOZMAN.

H.R. 5974: Mrs. MUSGRAVE, Mr. DENT, Mr. CULBERSON, and Mr. GERLACH.

H.R. 5976: Mr. DUNCAN.

H.R. 5984: Mr. TERRY, Mrs. MUSGRAVE, and Mr. PAUL.

H.R. 5995: Mr. SHADEGG, Mr. MCCAUL of Texas, Mr. KLINE of Minnesota, Mr. JONES of North Carolina, and Mr. WILSON of South Carolina.

H.R. 6018: Mr. MCCOTTER and Mr. SESTAK.

H.R. 6022: Ms. ESHOO, Mr. HILL, Mr. STUPAK, Ms. SUTTON, Mr. FOSTER, Mr. ELLSWORTH, Mr. SHERMAN, Mr. HIGGINS, Ms. SHEA-PORTER, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MURPHY of Connecticut, Mr. VAN HOLLEN, Mr. KILDEE, Mr. WU, Mr. KUCINICH, Mrs. TAUSCHER, Ms. GIFFORDS, Mr. GEORGE MILLER of California, Mr. SHULER, Ms. SPEIER, Mr. LANGEVIN, Mr. ALTMIRE, Mr. MORAN of Virginia, Mr. COURTNEY, Mr. DONNELLY, Mr. HALL of New York, Mr. LARSON of Connecticut, Mr. LEWIS of Georgia, Mr. OLVER, Mr. YARMUTH, Mr. DOGGETT, Mrs. CAPPS, Ms. SLAUGHTER, Mr. UDALL of Colorado, Mr. HINCHEY, Mr. ARCURI, Mr. MICHAUD, Mr. DOYLE, Mrs. BOYDA of Kansas, Mr. KENNEDY, Mr. HODES, Mr. EMANUEL, Mr. KIND, Ms. DELAURO, Mr. BARTLETT of Maryland, Mr. HOLT, Ms. SCHAKOWSKY, Mr. REYES, Mr. KAGEN, Ms. BALDWIN, Mr. BISHOP of New York, Mr. RYAN of Ohio, Mr. WALZ of Minnesota, Mr. ALLEN, Mr. JONES of North Carolina, Mr. SPACE, Mr. PERLMUTTER, Mr. RODRIGUEZ, Mr. JOHNSON of Georgia, and Mr. PLATTS.

H.J. Res. 39: Mr. KANJORSKI and Mr. SHAYS.

H.J. Res. 40: Ms. TSONGAS.

H.J. Res. 64: Mr. CONYERS.

H.J. Res. 80: Mr. GRIJALVA.

H. Con. Res. 134: Mr. SESTAK.

H. Con. Res. 223: Mrs. CUBIN.

H. Con. Res. 257: Ms. GIFFORDS and Mr. KLEIN of Florida.

H. Con. Res. 294: Mr. HARE.

H. Con. Res. 297: Mr. BRADY of Pennsylvania, Mr. HAYES, and Mr. JOHNSON of Georgia.

H. Con. Res. 299: Mr. BOREN.

H. Con. Res. 332: Mrs. LOWEY.

H. Con. Res. 334: Mr. GERLACH and Mr. WITTMAN of Virginia.

H. Con. Res. 336: Mr. REYES, Mr. DELAHUNT, Mr. TANNER, Mr. DAVID DAVIS of Tennessee, Mr. LEVIN, Mr. ROGERS of Alabama, and Mr. OBERSTAR.

H. Con. Res. 338: Mr. CLAY.

H. Res. 258: Ms. MCCOLLUM of Minnesota and Mr. LARSON of Connecticut.

H. Res. 373: Mr. DAVIS of Illinois and Mr. SCHIFF.

H. Res. 389: Mr. MCCOTTER and Mr. LEWIS of Georgia.

H. Res. 672: Mr. BISHOP of Georgia and Mr. ORTIZ.

H. Res. 757: Mr. DAVIS of Illinois, Mr. GRIJALVA, and Mr. GEORGE MILLER of California.

H. Res. 896: Mr. RUSH and Ms. HARMAN.

H. Res. 977: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WATT, Mr. BOREN, Mr. LYNCH, Mr. PETERSON of Minnesota, and Mr. GENE GREEN of Texas.

H. Res. 985: Mr. RAMSTAD.

H. Res. 1008: Mr. HINCHEY.

H. Res. 1017: Mr. BOYD of Florida, Ms. CLARKE, Ms. CORRINE BROWN of Florida, Mr. BRADY of Pennsylvania, and Mr. CHANDLER.

H. Res. 1019: Mr. CLAY and Mr. DEFAZIO.

H. Res. 1026: Mr. MANZULLO, Mr. FORTENBERRY, and Mr. LATTA.

H. Res. 1042: Mr. HILL and Mr. FORTENBERRY.

H. Res. 1076: Mrs. MCMORRIS RODGERS, Mr. ISSA, Mr. NUNES, Mr. RADANOVICH, and Mr. GALLEGLY.

H. Res. 1104: Ms. SPEIER.

H. Res. 1110: Mr. ROGERS of Michigan.

H. Res. 1131: Mr. MEEKS of New York.

H. Res. 1132: Mr. TERRY.

H. Res. 1133: Mrs. BOYDA of Kansas, Mr. COURTNEY, Ms. TSONGAS, Ms. SUTTON, Mr. RODRIGUEZ, Mr. MCCARTHY of California, Mr. HILL, Mr. BRALEY of Iowa, Ms. HIRONO, Mr. HARE, Mr. MICHAUD, Mr. KILDE, Mr. ROSKAM, and Mr. ABERCROMBIE.

H. Res. 1134: Mr. PASTOR.

H. Res. 1135: Mr. YOUNG of Alaska and Mr. BURTON of Indiana.

H. Res. 1139: Mr. HAYES, Mr. SMITH of Washington, Mrs. BOYDA of Kansas, Ms. TSONGAS, and Mr. SMITH of New Jersey.

H. Res. 1140: Mr. BRADY of Pennsylvania.

H. Res. 1173: Mr. HONDA, Mr. ETHERIDGE, Mr. BISHOP of New York, Mr. INSLEE, Mr. MCINTYRE, Mr. BRALEY of Iowa, Mr. SERRANO, Mr. VAN HOLLEN, and Mrs. LOWEY.

H. Res. 1180: Mr. NEUGEBAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, and Mr. MCNERNEY.

H. Res. 1181: Mr. SHERMAN, Ms. ESHOO, Ms. LEE, Ms. DELAURO, Mr. WOLF, Mr. SHAYS, Mr. ENGEL, Mr. AL GREEN of Texas, and Mr. WU.

H. Res. 1182: Mr. JONES of North Carolina.

DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2054: Ms. WASSERMAN SCHULTZ.

EXTENSIONS OF REMARKS

HONORING THE BALTIMORE BLAST

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the team members of the Baltimore Blast, who recently defeated the Monterey La Raza to win the Major Indoor Soccer League, MISL, 2008 Championship.

The Major Indoor Soccer League was formed in 2001 and consists of anywhere between 10 and 15 teams from across the Nation each season. Since the formation of the MISL, the Baltimore Blast has captured four championship titles—in 2003, 2004, 2006, and now 2008.

The Baltimore Blast's winning philosophy is their famous defense. The team has every player defend, and throughout the regular season, the Blast gave up the fewest points in the League. Players on the team are proud to play for the number one organization in the league.

During the off-season, the championship-winning team members of the Baltimore Blast hold summer soccer camps for young soccer players between the ages of 5 and 13 throughout the Baltimore metropolitan area. The young players are taught individual skills as well as teamwork.

Madam Speaker, I ask that you join with me today to honor the Baltimore Blast. Their winning records and multiple championship titles ensure their legacy as a team to be dealt with. It is with great pride that I congratulate the team members of the Baltimore Blast on their fourth MISL Championship win.

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HONORING OUTSTANDING PROVIDENCE HOSPITAL DOCTORS

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Ms. NORTON. Madam Speaker, I rise today to congratulate the outstanding doctors of Providence Hospital right here in our Nation's Capital for the recognition they received from the Washingtonian Magazine this April in its annual issue listing the Washington area region's top doctors. I particularly want to thank Providence Hospital for assisting the most medically underserved and vulnerable members in our metropolitan area with a full range of inpatient and outpatient services. These services range from women's obstetrics and gynecological health, which cater to the health and wellness of mothers and babies, to assisting our elderly community via Carroll Manor Nursing and Rehabilitation Center and the three Senior Wellness Centers the Hospital operates.

Providence's concern for all human life and dignity of each person leads the organization to provide medical services to all people regardless of creed, national origin, economic status, or their ability to pay. As a community hospital that serves the entire community, I am proud to recognize these outstanding physicians including Earl M. Armstrong (pulmonology); Michael E. Batipps (neurology); Kathy S. Brennerman (geriatrics); Kenneth M. Brown (gastroenterology); Inder M. Chawla (rehabilitation); Ramville S. Clark (psychiatry); Pamela W. Coleman (urology); Cameron Ghafouri (ophthalmology); Mary G. Hall (plastic surgery); Steven Blair Hopping (plastic surgery); Beverly Johnson (dermatology); Leslie W. Kingslow (pulmonology); Neal W. Kurzok (neurology); Lewis W. Marshall (infectious diseases); John E. McKnight (oncology/hematology); David G. Moore (neurology); William E Morris (opththalmology); Abbas Motazedi (endocrinology); James A. Mutcheson, Jr. (allergy/immunology); Thomas Pinder (cardiology); Octavius D. Polk (pulmonology); Joseph A. Quash (cardiology); E. Anthony Rankin (orthopedics); James C. Robertson II (rheumatology) and Kirk D. Williams (otolaryngology).

I am particularly proud that earlier this year, the American Academy of Orthopedic Surgeons elected its first African American President. A graduate of Lincoln University in Jefferson City, Missouri and the Meharry Medical College in Nashville, Tennessee, Dr. Rankin completed his internship and residency at Walter Reed Army Medical Center, and is currently Chief of Orthopedic Service at Providence Hospital. As a five-time recipient of a certificate of commendation from the government of the District of Columbia, Dr. Rankin has received many more honors and awards including the prestigious Bronze Star Award and the Army Commendation Medal.

* * *

IN REMEMBRANCE OF RICHARD M. HERMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Richard M. Herman, and to honor a life spent in service to his community and family.

Richard Herman earned his degree in engineering and was an innovative and dedicated worker. He spent eighteen years at General Electric Company as a mechanical engineer and later founded his own company, Valley Automation, Inc, in 1987. Valley Automation, Inc. is a custom equipment design company and he served as President until his passing.

Mr. Herman had a love of the outdoors and in 1998, he semi-retired to pursue his passions and hobbies. He especially enjoyed fly-fishing, hiking and kayaking. Mr. Herman is survived by his high school sweetheart, Sally, to whom he was married for forty-four years and his three children; Richard Herman, Ronald Herman, and Donna Riviera. He will be fondly remembered by his four beautiful grandchildren, Nathaniel and Isabel Herman and Ryan and Christopher Riviera.

Madam Speaker and colleagues, please join me in celebrating the life of Richard M. Herman, and to honor his commitment to his passions, work and family. May his exemplary life serve as an example for us all to follow.

* * *

CONGRATULATING NEW ULM, MINNESOTA ON BEING NAMED MINNESOTA'S HONORARY CAPITAL FOR A DAY

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. WALZ of Minnesota. Madam Speaker, it is with great pleasure that I congratulate the city of New Ulm on being selected to serve as the Honorary Capital of Minnesota on May 15th, 2008.

This year, Minnesota celebrates 150 years of statehood. Over 10,000 Minnesotans participated in selecting cities to serve as Capital for a Day throughout the week of May 11th–18th to commemorate Minnesota's Sesquicentennial.

I am very pleased that the city of New Ulm was selected for this honor.

New Ulm was settled by German immigrants in the 1850's and throughout its early history served as an important trading center for steamboats carrying goods up the Minnesota River.

New Ulm was once considered the Polka Capital of the Nation and is home to the Minnesota Music Hall of Fame, where visitors can view the music memorabilia of national and local artists.

The city is also home to the famous Hermann Monument, a monument to German-Americans and the cultural influence German immigrants have had on the region. The monument, which was dedicated in 1897, overlooks New Ulm from Hermann Heights Park.

Today. New Ulm is a center for agriculture and business and enjoys a thriving tourism industry. Throughout its history, New Ulm has undergone many changes, but it has not lost the historical roots that make it such a wonderful city.

I am pleased to join the State of Minnesota in congratulating New Ulm, Minnesota on this occasion. And I wish them continued growth and success for the next 150 years.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

IN HONOR OF PHILIP G. BARDOS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. DREIER. Madam Speaker, I rise today to recognize and celebrate the remarkable career and accomplishments of Philip G. Bardos, born into a Greek immigrant family on March 14, 1927. His life has been one of service to our nation, to the State of California and to every community in which he has lived. He deserves our honor for his military service, contributions to our space program and defense technologies, entrepreneurial success, work as an educational leader and untiring efforts as a volunteer for innumerable organizations and worthy programs.

Born in Pennsylvania to George and Victoria Bardos, an immigrant couple from the island of Rhodes, Phil is the eldest of their six children. Toward the close of the Second World War, Phil was drafted into the United States Army and at the end of the war, was appointed to the United States Military Academy by Congressman Thomas F. Morgan, former chairman of the House Foreign Affairs Committee.

On June 24, 1950, after graduation from West Point with a bachelor of science degree, the new second lieutenant of infantry married the beautiful Sandra Mitchell, the lady who has been his support and inspiration ever since. But the call to duty came early in their marriage. From late 1951 to 1953, Phil saw combat and was wounded in the Korean War.

After recovery from his wounds, Phil served as an aide-de-camp to LTG William Lawton, Chief of Staff of the Far East Command. On his return to the United States, he served in the President's Honor Guard, 3rd Infantry Regiment at Fort Myer, Washington DC., from 1956 to 1958. During these years he was one of the officers assigned to duties in President Eisenhower's office and as an aide at State dinners.

Although Phil resigned from the Army in January 1960, he continued to serve in the Army Reserves and retired after thirty five years of service as a lieutenant colonel. Long after Phil and others of his West Point class had retired, he authored Cold War Warriors, a book published in 2000 that chronicles the accomplishments and achievements of the Class of 1950.

In the 1960s, Phil put his West Point science and engineering training to work in the burgeoning field of space and defense technology. From 1960 to 1963, he was employed by Bendix Corporation in North Hollywood, California as an assistant chief engineer for the Mercury program, the first man-in-space program. From 1963 to 1965, he was employed by Northrop Corporation as manager of the Tactical Analysis group for drones. And then, from 1965 to 1967, he worked at the Bell & Howell subsidiary, Consolidated Electrodynamics Corporation, in Pasadena, California.

In the next stage of his career, Phil became an entrepreneur, forming a highly successful management consulting business, Bardos & Associates, in 1967. Later, he purchased a small high technology company, Torr Vacuum Products, built it up and then sold it to a large conglomerate in 1986.

Despite the intense pressures of business life, Phil has always found time for involvement in public affairs. After an unsuccessful run for Congress in 1964, he threw himself into volunteer activities for the GOP. Working closely with the indomitable Margaret Brock, he served as president of a Republican volunteer organization for Los Angeles County and as chairman of various fundraising events, including a dinner for Ronald Reagan in Los Angeles in 1965.

In 1971, Phil was elected to the Los Angeles Unified School District Board and re-elected in 1975. He twice served as president of the board and is credited by many with steering L.A. schools through one of their most difficult periods. Those who worked with him on the Board remember his calming influence and his ability to develop balanced solutions when emotions were running high.

Phil served as president of the Great Western Council of the Boy Scouts of America from 1974 to 1979, and was honored with the prestigious Silver Beaver award. He was appointed by Governor George Deukmejian to the Board of Trustees of the California Community Colleges in 1987. Appointed by Governor Pete Wilson to the Committee of Bar Examiners in 1989, he was elected to serve as chairman of the body, the only non-lawyer ever to do so. In 1992, he was Vice President for planning of the organizing committee for the United States World Cup Soccer. And, most recently, he has served as a volunteer member of the Operation First Response for assisting U.S. wounded military personnel.

Phil's career is a chronicle of accomplishment and success, but it is his family that has always been closest to his heart. He is immensely proud of the two sons, Tom and Paul, whom he and Sandy raised, and right to be so, for they have followed in his footsteps. Both were Eagle Scouts and both are successful entrepreneurs and owners of their own businesses. And now, Phil has the pleasure of seeing his grandchildren launch their careers.

Madam Speaker, this country will always be great so long as we have individuals of the caliber of Phil Bardos to dedicate themselves to a life of service to their Nation, state and community.

ST. PETERSBURG, FLORIDA, AIRMAN EXCEEDS 10,000 FLIGHT HOURS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. YOUNG of Florida. Madam Speaker, Air Force SMSgt Robert Fisher of St. Petersburg, Florida, achieved a milestone on March 29 when he surpassed his 10,000 flight hour.

Sergeant Fisher is a flight engineer with the 380th Air Expeditionary Wing's 908th Expeditionary Air Refueling Squadron at McGuire Air Force Base, New Jersey. He achieved this milestone while flying a KC–10 Extender mission.

Madam Speaker, following my remarks I will include for my colleagues a story from The Pinellas News, one of Sergeant Fisher's hometown newspapers, about this great achievement and about his dedicated service to our Nation in uniform.

Sergeant Fisher enlisted in the Air Force in 1981 and has been flying tanker aircraft since 1986. He has served in Operations Desert Storm, Enduring Freedom and Iraqi Freedom.

LTC Tim White, the commanding officer of the 908th Squadron, paid Sergeant Fisher the highest compliment when he said, "For Sergeant Fisher to eclipse 10,000 hours is a reflection of great dedication to the mission and the art of flying. Sergeant Fisher is one of the greatest assets in the KC–10 community, and his work ethic speaks for itself."

Madam Speaker, please join me in commending Sergeant Fisher for this great flying achievement and in thanking him for his service to our Nation and to the cause of freedom throughout the world.

[From the Pinellas News, Apr. 25, 2008]

10,000 FLIGHT HOURS

(By Sr. Airmn. Ross M. Tweten, American Forces Press Service)

SOUTHWEST ASIA.—A flight engineer with the 380th Air Expeditionary Wing's 908th Expeditionary Air Refueling Squadron surpassed 10,000 flight hours during a KC–10 Extender mission on March 29. Senior Master Sgt. Robert Fisher, a St. Petersburg native home-stationed at McGuire Air Force Base, N.J., ended his landmark flight with 10,003 flight hours.

"The most difficult part about achieving this milestone is just being around long enough to do it," he said with a chuckle. "It feels excellent to be among such a rarified group of people."

The 10,000-flight-hour community is small, and achieving this milestone is all about longevity, he said.

Fisher has been flying the line since 1986. He has been in the air as a flight engineer on the C–141 Starlifter and the KC–10 Extender, and has served in operations Desert Storm, Enduring Freedom and Iraqi Freedom.

"When I first came into the Air Force, there were a lot of 10,000-hour crew members around, and I thought, "Wow, I'd like to do that," Fisher said. "But as the years went by, I felt like I'd never get there because, well, our airplanes fly much faster. So I figured 5,000 would be nice. Then, after I reached that, I figured I could probably do about 7,500."

Fisher continued to exceed his goals and reset them. "So when I passed 8,500, it finally hit me that I was really close to my goal of 10,000, and that maybe I could do this, so here I am."

Lt. Col. Tim White, who commands the 908th, said most flyers accumulate 3,000 to 5,000 hours in the span of a career.

"For Sgt. Fisher to eclipse 10,000 hours is a reflection of great dedication to the mission and the art of flying," he said. "If one were to fly around the world for 10,000 hours, he or she would circle the planet over 300 times, or go back and forth to the moon nine times. Sgt. Fisher is one of the greatest assets in the KC–10 community, and his work ethic speaks for itself."

Fisher has had a long bird's-eye view of much of the globe, and he gives most of that credit to the Air Force.

"I've been really lucky in my life, in that the Air Force has given me the opportunities to see a lot of really excellent places and travel the world," he said. "When I enlisted in '81, the recruiter said, 'Hey, join the Air Force, see the world,' and the Air Force has kept up its end of the bargain on that one."

"I'd like to say that I've given the Air Force all these wonderful things," he continued, "but to be honest, the Air Force has given Bob Fisher way more than Bob Fisher has given the Air Force."

A TRIBUTE TO THE SONS OF THE REVOLUTION IN THE STATE OF CALIFORNIA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. SCHIFF. Madam Speaker, I rise today to congratulate the Sons of the Revolution in the State of California for 115 years of outstanding service to the people of the State of California and this great Nation.

For more than a century, the American Heritage Library and Museum has been operated for the purpose of acquisition, conservation, study, exhibition, and educational interpretation of historical artifacts of the colonial and early periods of America's history. The American Heritage Library and Museum has preserved precious documents by focusing on historic figures who contributed to the history of the State of California, including but not limited to archival records, histories, books, rolls, documents, artifacts and works of art that increase and diffuse knowledge into these periods of history for the enrichment of the citizens of California.

The preservation of our Nation's military heritage has always been of a primary concern of the Sons of the Revolution. When the Sons of the Revolution was formed, a National Archive did not exist. Originally, each branch and agency of the U.S. Government was responsible for maintaining its own documents, which often resulted in the loss and destruction of records. For almost 150 years, the Federal Government had virtually no method or place to safeguard historically important records. As a result, on November 8, 1810, fire destroyed most of the records of the American Army and Navy of the American Revolution in the custody of the War Department.

As part of a national organization, composed solely of the posterity of those venerable men who, by their acts or counsel between April 19, 1775, when the Revolutionary War commenced, and April 19, 1783, when that conflict ceased, in the military, naval or marine service of the United States, or in the service of the Continental Congress or the congress of any of the original 13 Colonies, helped achieve America's independence, these members of the Sons of the Revolution lobbied Congress for the passage of a law that directed the War Department to establish a national collection of both American Revolution and War of 1812 records.

Today, the main National Archives Building holds the original copies of the three main formative documents of the United States and its Government: The Declaration of Independence, the Constitution, and the Bill of Rights, as well as Magna Carta. These are displayed to the public in the main chamber, called the Rotunda for the Charters of Freedom. The National Archives Building also exhibits other important American historical documents such as the Louisiana Purchase and the Emancipation Proclamation, as well as other historically and culturally significant American artifacts.

The Sons of the Revolution's national efforts to preserve America's priceless heritage was not limited to the establishment of the National Archives. In the intervening years since the establishment of the National Archives, the Sons of the Revolution in the State of California and its members continued their efforts to preserve the records of both National and State significance and have assembled a collection of some 35,000 volumes of books and manuscripts which have been described as one of the best in its field. And, in keeping with the purpose of the Society, "to collect and secure for preservation the rolls, records and other documents relating to that period," for over a century, the members of the Sons of the Revolution, through their patriotic spirit, love of country, and devotion to the principles on which our Nation was founded, have operated and maintained the American Heritage Library and Museum for the benefit and enjoyment of the people of California.

It is because of these numerous accomplishments I rise today to recognize the Sons of the Revolution in the State of California for its 115 years of service to the people of the State and I ask all Members of Congress to join me in congratulating the Sons of the Revolution for its outstanding service to the city of Glendale and surrounding communities.

HONORING SERGEANT MERLIN GERMAN

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mrs. LOWEY. Madam Speaker, I rise today to pay tribute to Marine SGT Merlin German, who passed away on April 11, more than 3 years after surviving a roadside blast in Iraq.

Merlin, a graduate of Woodlands High School, was a dedicated friend, son, brother, and citizen. Those who met him could not deny his big heart, entrepreneurial spirit, and great sense of humor. The youngest of eight children born to Dominican immigrants, he and his siblings were not allowed to play with toy guns in the house. Yet this did not prevent him from realizing his childhood goal of serving in the military, and he enlisted in the Marines in September 2003.

Merlin German became part of a weapons platoon for convoy security in Iraq in the fall of 2004 and was charged with spotting improvised explosive devices. On February 20, 2005, a bomb exploded next to his vehicle. Merlin survived the blast, but began his own battle for survival.

Over 97 percent of his body was burned in the explosion, and he was given just a 3 percent chance of survival. Merlin proved to be a true fighter who, despite undergoing more than 100 operations over the next three years, maintained his positive outlook. He cracked jokes and mentored new patients at the Brooke Army Medical Center, where he was an inpatient. While recovering, he started a charitable foundation, Merlin's Miracles, to help burned children.

Sergeant German passed away last month, more than 3 years after returning from Iraq. Only 22 years old, Merlin was a true patriot and inspiration to all. A recipient of the Purple Heart, he fought valiantly on behalf of our country. He continued his fight to improve the lives of others, in his efforts to assist burn victims, upon his return to the U.S. Our Nation is blessed to have dedicated, talented men and women like Merlin German serving in our armed services.

Madam Speaker, I ask my colleagues to join me in honoring the memory of SGT Merlin German, along with all of our Nations' other fallen heroes.

INTRODUCTION OF THE RECOGNITION OF THE PEARL HARBOR NAVAL SHIPYARD'S 100TH ANNIVERSARY

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. ABERCROMBIE. Madam Speaker, I rise today to recognize the Pearl Harbor Naval Shipyard on its 100th anniversary. On this important centennial, I would like to commemorate the men and women who have served and continue to serve in the shipyard. In their honor, I have introduced H. Res. 1193.

Congress established the Pearl Harbor Naval Shipyard on May 13, 1908, and it has grown from a "coaling and repair station" to being known as the "No Ka Oi Shipyard" and a national treasure that is strategically important to our Nation and equally vital to Hawaii. During World War II, shipyard workers earned the motto, "We keep them fit to fight", by resurrecting the United States Pacific Fleet from the bottom of Pearl Harbor, helping turn the tide of the war at Midway, and maintaining the ships that would ultimately win victory at sea and sail triumphantly into Tokyo Bay.

Throughout the decades, the shipyard has demonstrated its diverse capabilities by supporting America's space exploration, Antarctic expeditions, and national missile defense. It continues to support the United States Pacific Fleet as the largest ship repair facility between the western coast of the United States and the Far East, providing full-service maintenance for Pacific Fleet ships and submarines throughout the Asia-Pacific theater.

The shipyard has become the largest single industrial employer in Hawaii and is the largest fully integrated military-civilian workforce involved in full-service shipyard work in the United States. The shipyard has a direct annual economic impact of more than $600,000,000 in Hawaii, and through its apprentice, engineer co-op, and other student-hire programs, provides extraordinary training, employment, and career opportunities for residents. Moreover, the shipyard has earned multiple national awards for its dedicated environmental stewardship and excellent safety programs, such as the prestigious Occupational Safety and Health Administration's Star award in May 2007.

On this historic day, I would like to recognize the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulate the men and women who provide exceptional service to our military and keep our Pacific Fleet "fit to fight."

PAYING TRIBUTE TO BILL O'NEILL

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. LARSON of Connecticut. Madam Speaker, I rise today to pay great honor to William A. O'Neil, who passed away on November 24, 2007. Bill O'Neill was Governor of the State of Connecticut from 1980 until 1991. Before he held Connecticut's highest office, during his Governorship, and after, he was a mentor and friend.

I had the great honor to serve in Connecticut's General Assembly with Bill O'Neill when he was Governor of the State of Connecticut. Bill and Nikki O'Neill were long time friends of East Hartford. Nikki was an educator in my hometown of East Hartford and Bill and I shared a longstanding political friendship from his time in the House of Representatives, where he rose to majority leader, to State party chairman, Lieutenant Governor, and then, of course, Governor of the State.

He was the embodiment of decency and humility. When my father passed away in 1988, Governor and Nikki O'Neill stood in line for more than 2 hours to pay their respects. Though offered countless times to come to the front of the line, he said politely, "I'll stand here with others who are waiting to pay their final respects." His actions made him forever revered in the Larson family and were legendary in East Hartford.

It is a great honor for me to submit for the Congressional Record the words spoken at the funeral services of Connecticut's Governor who, like the sweater he wore in his television ads, made us feel comfortable and at home with a man who understood the everyday problems of the citizens he served so nobly.

The eloquence of the funeral remarks captures the sentiment in St. Patrick's Church that day in East Hampton and all across Connecticut. I submit them as a tribute to Governor O'Neill and his loving wife Nikki. The following are the eulogies of Governor Jodi Rell, James Wade, George Hannon, and the lyrics to the song "We'll Meet Again," during which the entire congregation joined Nikki in a final goodbye:

IN MEMORY OF GOVERNOR WILLIAM A. O'NEILL

To Nikki and to all of Governor O'Neill's family and friends, on behalf of the State of Connecticut I certainly want to offer our deepest condolences.

Nikki, you and Bill were truly a team, a real team. It was always Bill and Nikki, Nikki and Bill. You shared an incredible love; you shared so much, including the ups and downs of life and politics. You shared laughter, memories and friends, and a beloved hideaway home right here. You were fortunate to have each other, and to share your lives with each other. And you were blessed with a great many friends, true friends, real friends—not just acquaintances—that became a family.

The Governor's Irish Gang, including Wade and Hannon is legendary. In fact, some of those tales told at the Capitol of their exploits have become bigger and bigger. A lot of them were told this week, like fish stories, they do keep getting bigger and bigger with each retelling. But like all of us we continue to laugh at the end of each, as if we had never heard them before.

And that's how many of us will remember Bill O'Neill, with a fond smile and a little wry laughter. We will also remember his humanity, his common touch, and his uncommon leadership. He steadied the state at a time when its heart was broken. He led us through difficult financial times and he blazed many a path for equity and advancement. He made a lasting contribution to our education system, our transportation infrastructure, healthcare and veterans issues.

His accomplishments were many and they were far reaching and they were lasting. And he never lost himself in the glare of being Governor.

He was simply Bill O'Neill, he was someone who loved politics and loved public service. A guy from East Hampton who was honored to be elected to office by his friends and neighbors. A guy who fiercely protected that public trust throughout his entire career. He was a man of his word and he was a man of integrity. Someone who too often was underestimated and frankly too often underappreciated. Someone who never ever dreamed of being Lieutenant Governor or Governor of this great state of Connecticut, but was both and was darned good at it.

His legacy will last for generations and his successes and contributions will last for longer, much longer than that. I received a card this morning in my mail and it really just kind of hit me and it was someone who knew Bill O'Neill briefly; I just wanted to share a couple of points with you. He said dear Governor Rell, I was greatly saddened with the passing of Governor O'Neill this past weekend. I will never forget how gracious and passionate he was during my ten years as a summer tourism supervisor for the Dept. of Economic Development. I remember especially an August day in 1990 when I had a photo session with him, saluting my ten years with the State of Connecticut as just a part timer. I remember he had unusually large hands as he squeezed my right hand, the bond we shared during those ten years was both real and present at that moment. I only hope that I am so gracious as the Governor was to me in his retiring year, just as his loss is huge I salute both him and the Office of the Governor on this day.

Many people talk about Bill O'Neill just the common man, here's a man who met him just once for a photo-op, shook his hand, had his picture taken with him and remembers it this many years later. That's the kind of man Bill O'Neill was.

I'm just going to tell you one quick story, and I promise I will never try to compete with Wade and Hannon. I had the occasion to meet Governor O'Neill at an event after I was sworn in as Governor; and I said to him, Nikki was there, I said,"Governor, I just want to tell you, I want to apologize for anything I ever said bad about you, or to you, because you don't know what it's like being Governor until you're on that side of the desk, and he looked at me and said, Jodi, you never said anything bad about me, that I can remember. And I know that you never said anything bad to me. Good luck." And I thanked him.

I want to say thank you to you Nikki, for sharing him with us, he absolutely adored you and that is evident in his life and love of you.—Governor M. Jodi Rell

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Bill O'Neill was not a proud person. Modest, humble, self-effacing—now those are words you would associate with Bill O'Neill. But never proud.

During his years as governor, his pollster, Al Unger, would periodically take the pulse of the electorate to see how he was doing with them. He would ask the voter, "If you could describe Bill O'Neill in a single word, what would it be?" Year after year the unsuggested responses came back: "Honest," "Reliable," "Trustworthy".As Al said,"Not a bad set of words to describe how you are perceived by your fellow citizens."

Not a proud man, but what I call a "proud of" man. By that, I mean he was proud of the people, the institutions and the places he served that molded his character.

For example, Bill O'Neill was proud of being Irish. As you know, his mother was born in Ireland. On some of his trips there he would visit his mother's home town of Port Laiose and spend time with the locals just to absorb the atmosphere that helped shape his mother, her thoughts and ideas. On one trip, he went to a rugby match and wound up the evening in a rugby club in Limerick full of rowdy, laughing, singing rugby players.O'Neill broke into a ballad called "Til We Meet Again" in a pure tenor voice. He brought the place to silence with not a dry eye in the house. Now there was a side of BillO'Neill that the Connecticut public never saw.

He was proud of being Catholic. It was a quiet, ingrained faith that he did not wear on his sleeve or drag out in an election year to pick up a few votes. Rather, it gave him an abiding moral code which impacted his entire life and decision-making process.

And, of course, he was proud of being a Democrat. He directed that every single piece of political material that bore his name should also bear the title—Democrat. He saw himself as being cut from the Roosevelt, Truman, Kennedy, Ribicoff, Grasso line of Democrats. He was fiscally conservative, yet had a social conscience that led him to believe the little guy should enjoy the same opportunity to get ahead in life as he had. As Democratic State Chairman, following the death of John M. Bailey, he personally held the party together as it went through a spasm of rule changes and reapportionment. And, of course, it was the climactic vote before the Democratic State Central Committee whereby he was re-elected State Chairman that solidified his role as a political figure in his own right.

He was proud of the state of Connecticut. He saw his fellow Nutmeggers as hard-working and industrious people who would follow his lead. On the campaign trail, he would repeat his mantra that "I am not a show horse, I am a work horse." The people of Connecticut believed that because it was true and returned him to office twice.

He was proud of the Office of Governor. He believed it was a mantle of trust, given to him by the people of his state and that he was duty bound not only to wear that mantle with distinction but to return it in as good a condition as he received it. So, he was forever conscious of how his conduct would reflect on that office, a consciousness that stood him in good stead.

He was proud of his accomplishments as Governor, not as much for what these accomplishments said about him, but because of what they meant in the daily lives of the people he was elected to serve. Shelter for the homeless. A job for the unemployed. Safe roads and bridges for the traveler. Care for the elderly and infirm. Education for a child. A hand up. Not a hand-out.

He was proud of being a politician. He saw it as a calling from which he did not shrink. For him, a politician's word was his bond. He recognized that in America the people who built our nation and our states were politicians. Thomas Jefferson, Abe Lincoln, FDR, the people whom we revere, were all politicians. And, he loved the hurly burly of politics. Whether he was counting votes to gain the nomination at a state convention or challenging attacks on him as a candidate, O'Neill had no peer. His political instincts and street savvy were dead on. And, oh, did he love a parade. George Hannon used to say that a lot of men relax by playing golf or watching a ball game, but, give O'Neill a parade and he was happy as a clam—especially if the parade fell on March 17th.

He was proud of East Hampton. If you wanted to find the tap root of Bill O'Neill, you need to look no further than this community where he grew up, was educated, lived and died. His little house on Lake Pocotopaug was Shangri-La as far as Bill was concerned. Old Home Day was an event not to be missed, regardless of his gubernatorial duties. And, of course, O'Neill's Tavern was the spot where old friends gathered and new friends were made.

He was proud of the people he appointed who formed part of the O'Neill administration. He did not seek to be surrounded by yes men or women, but rather by people who had the confidence to carry out their tasks with the knowledge that they were fulfilling the O'Neill goal of providing a better place for the people of Connecticut. Tony Milano, who guided him through the budgetary process in good financial times and bad. Bill Burns who carried out the largest highway infrastructure program in the country. Jay Jackson, his peerless and trusted attorney. Chad McCollam who provided years of good counsel as his Chief of Staff, followed by his successor, David McQuade. His loyal secretary, Anne DeNoia, and the woman who ran the scheduling for the governor's mansion, Ruth Sharaf, all helped shape the O'Neill years. And, Tim Bannon, Tax Commissioner, speech writer, advisor and office wit—all roles that Bill O'Neill relied on. So many others.

He also was proud of the prominent roles in government that he filled for the first time with members of ethnic and minority groups and women. Bill O'Neill appointed the first female State Treasurer, the first female Attorney General, the first African-American Associate Justice and the first female Chief Justice to serve on the Connecticut State Supreme Court. He also appointed the first Chief Justices of the Supreme Court of Polish and Italian extraction. He opened the door to strong and capable individuals and the doors he opened will never be closed again.

I'm not sure he was proud of George Hannon, Jack Mahaney and me, but we made him laugh so he kept us around. And, every now and then, we managed to get in a word of advice that he actually followed. As a result of the several political battles that we fought together, it can be said with confidence, that the four of us became: "We few, we happy few, we band of brothers."

He was proud of the Troopers who drove him and protected him—Rick Perdue, Jim Gaylord and Al Lane. They were the sons he never had. In his final days at the Nursing Home when he could not help himself, Al and Jim were there feeding him. What does tell you about friendship and loyalty?

And, finally, he was proud of his wife, Natalie—known to all of us as Nikki. What a team! In every election in which he ran, she was there plotting strategy, rounding up votes, thanking donors and workers. Like Bill, her political sonar was dead on. He listened to her, to her counsel and followed her advice. He was proud of the grace and charm that she shared with the people of Connecticut as its First Lady. The two were a pair that couldn't be beaten—and, by the way, never were.

So, there you have it. Bill O'Neill—Reliable, Honest and Trustworthy.

And, Old Pal, because you lived your life and ran your administration by that code, the people of Connecticut were proud of you.

And, if I can indulge myself in a little hubris, I am proud I was able to call you my friend.—James Wade

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Governor Rell, Senators, Representatives, I haven't seen this many politicians under one roof since an O'Neill fundraiser in 1986. I'll not speak to you about the many accomplishments of Bill O'Neill; they are well documented in Connecticut history. I'll tell you about the Bill O'Neill I met in 1967 and beyond. I refer to them as recollections and reflections; 41 years ago this month Bill O'Neill was elected to the Connecticut General Assembly, you couldn't miss him, his tight dark curly red hair, trimmed perfectly, his cadet-like erectness, neat and natty of dress, except for what turned out to be his favorite trademark, a hounds-tooth sports jacket that contained at least 19 colors. We found out over a period of years the jacket would just not wear out. Some of us asked, no begged, Nikki, his wife of then four years, to have the jacket burned. She just wouldn't or couldn't do the deed.

The jacket was a staple at the Capital from 1967 to 1970, but as fate would have it, O'Neill and his jacket appeared in a campaign photo with Gubernatorial Candidate Emilio Daddario in 1970, the good news was, that 0 'Neill won reelection, the bad news was that Mim didn't. Now I'm not saying that the jacket had anything to do with Mim's loss, but you never know.

Bill was not a culinary trail blazer. What he wanted, Nikki cooked. When asked by a few of us if he would join a small group for dinner, he demurred saying, Nikki's cooking a pot roast. Secretly, we kept track of his subsequent refusals. They added up in one year to 87 pot roasts, 32 meatloafs, and 19 hot dog dinners. In 1991, after Bill and his lovely wife Nikki retired to the lake, he would often call during the summer and ask what Sue and I were doing for dinner. The four of us would meet at the Governor's Tavern, the successor to O'Neill's tavern. Now dinner and cocktails for four is not very complicated, Bill made it even less complicated. When menus were handed out, Nikki turned and whispered to Sue and me, "I don't know why they're giving him a menu, he orders the same thing every time. A half order of tenderloin tips and a side of mashed potato." Nikki was right, over the next four years, every time we gathered, Bill would take his menu and look at it from cover to cover. And then order a half order of tenderloin tips and a side of mashed potatoes.

Back in '82 during the gubernatorial campaign we hired what we considered to be the best pollster and the best media guru. We launched a massive number of cocktail parties, many at the homes of his ardent supporters. It was an undertaking that would push Bill and Nikki into multiple appearances in an evening and weekends. I was asked and I won't say by whom, I was asked, late in the campaign, why we needed so many cocktail parties, my response was, "because we are in an aggressive and people oriented campaign". The person shook his or her head and said, "Well, we may win the election, but I hope Bill and Nikki will outlast that." They did and O'Neill won.

Bill has a church full of relatives, friends, admirers honoring him today. I see faces in the crowd today of people who served with him, those who worked for him and of course his beloved people from East Hampton, who he never forgot. As I express my feelings towards him, I know they are also yours. He was my dear friend before he was governor, he was my dear friend when he was my governor, he was my dear friend after he became retired. I remember the phone would ring when it was his turn to call me in Naples, and when I answered, when it was him, I knew what he was going to say, "how are you old pal?"

Men are not usually known for their long friendships with other men, women do a much better job with long term friendships. But I am now, and will be forever grateful and touched by the relationship between Bill and me. Like all celebrations, this one will end soon. Nikki, asked me to tell you a brief story about Bill's favourite chanteuse, now Irish kids don't get a chance to use that word, chanteuse, very often. Well if you got your dictionary handy, chanteuse is a singer of folk narratives with simple stanzas. Bill's chanteuse of choice was a Brit, circa 1940's, her name was Vera Lynn. She's best known for her rendition of "White Cliff's of Dover" during World War II. But lesser known, and Bill's favourite, was her rendition of "We'll Meet Again". Soon, we leave this church today, remember well the simple and true words of Vera Lynn, "we'll meet again, goodbye for now Bill."—George Hannon

WE'LL MEET AGAIN

(By Vera Lynn)

We'll meet again,
Don't know where,
Don't know when
But I know we'll meet again some sunny day.
Keep smiling through,
Just like you always do
Till the blue skies drive the dark clouds far away

So will you please say "Hello"
To the folks that I know
Tell them I won't be long
They'll be happy to know
That as you saw me go
I was singing this song

We'll meet again,
Don't know where
Don't know when.
But I know we'll meet again some sunny day.
We'll meet again,
Don't know where,
Don't know when
But I know we'll meet again some sunny day.

Keep smiling through
Just like you always do,
'Til the blue skies
Drive the dark clouds far away
So will you please say "Hello"
To the folks that I know.
Tell them it won't be long.
They'll be happy to know
That as you saw me go,

I was singin' this song.
We'll meet again,
Don't know where,
Don't know when
But I know we'll meet again some sunny day.

IN HONOR OF PRESIDENT IADAROLA

HON. JOE SESTAK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. SESTAK. Madam Speaker, I rise today to honor the career of Dr. Antoinette "Toni" Iadarola, president of Cabrini College in Delaware County in Radnor, Pennsylvania. On June 30th of this year, Dr. Iadarola will retire after 16 years as president of the College.

During a tenure which comprises more than 30 percent of the College's 50-year history, Dr. Iadarola has led Cabrini to expand academic offerings, construct state-of-the-art facilities, and raise its regional and national profile. The College's academic standing was enhanced, SAT scores and grade-point-averages of incoming students increased, and full-time undergraduate enrollment grew from 763 in 1992 to 1,650 in 2008.

Under her leadership, the College completed $100 million in capital improvements, and the endowment and reserves increased from $3 million to $30 million. During her tenure, Cabrini's annual operating budget went from $12.3 million to more than $60 million.

With a history of preparing students for engaged citizenship, Cabrini was among the first institutions of higher learning nationally to implement community service into its core curriculum, and was the first in Pennsylvania to require community service of all its students. For the second year in a row, the College was named to the President's Higher Education Community Honor Roll with Distinction for General Community Service. In 2005, Cabrini became the first college in the country to sign an agreement with Catholic Relief Services to support the organization's global outreach program.

As a founding member of the Southeastern Pennsylvania Consortium for Higher Education (SEPCHE), Dr. Iadarola helped procure more than $20 million from private and government sources for the eight-school consortium.

Dr. Iadarola serves on the U.N. Commission on Disarmament Education, Conflict and Peace; on the board of the Association of Independent Colleges and Universities; and on the board of Pennsylvania Campus Compact. In 2001, she was named "One of the 30 Most Powerful People on the Main Line" by Main Line Life Magazine, and in 2006, she was named a Woman of Distinction by the Philadelphia Business Journal and the National Association of Women Business Owners.

Her extraordinary tenure as president is more than double the national average for private-college presidents, as measured by the American Council on Education.

HONORING CARROLL HIGH SCHOOL FOR WINNING THE GIRLS UIL 5A STATE SOCCER CHAMPIONSHIP

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations to the 2008 Carroll High School girls' soccer team. On Saturday, April 12, 2008 they earned the UIL 5A State Championship title and finished their season with an impressive 24–4–4 record.

On the afternoon of April 12, 2008, in Round Rock, Texas, the Carroll High School girls soccer team was determined not to let the past few years of history repeat itself. Under Head Coach Matt Colvin and his staff, the Lady Dragons posted an amazing 24 shutouts during the season. In the playoff opener the Lady Dragons shutout the 2005 state champions in regulation before winning in overtime with a score of 2–1. Utilizing the amazing strength of the Carroll defense, the Lady Dragons went on to shut out their next five opponents in the playoffs by an 8–0 margin.

Leadership, discipline, and accountability were the driving forces that took the Lady Dragons to the pitch every match. The team's resilience, fortitude, and determination to overcome challenges helped propel the Lady Dragons to an amazing season capped off with 2–1 victory in the state title match.

The Lady Dragons have proven themselves to be gifted not only on the soccer field but in the classroom. The team exemplifies the enthusiasm and determination it takes to succeed in academics and athletics.

It is a distinct honor to represent Carroll High School in Congress, and I congratulate the players, coaches, fans and family members who made the 2008 season such a memorable one.

CELEBRATING ISRAEL'S 60TH ANNIVERSARY AND THE STRONG TEXAS-ISRAEL RELATIONSHIP

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. SESSIONS. Madam Speaker, I rise today to celebrate Israel's 60th Anniversary and to recognize the strong partnership between my home State of Texas and Israel. Israel has made tremendous strides since its establishment in 1948—and today it is a strong security and trading partner with the United States. Israel's growing business sector has benefited the United States as a whole and the State of Texas.

Because of this growing partnership, the Texas-Israel Chamber of Commerce was established in Richardson, Texas. Texas is Israel's third largest U.S. trading partner—exporting over $1 billion in goods in 2007. The State's low taxes, affordability and strategic trade location make Texas is a great place for Israeli companies to do business. Additionally, Texas's reputation as a leader in telecommunications, energy and security technologies make the State very attractive to Israel. With the second highest number of companies on NASDAQ and strong investment incentives, Israel is equally attractive to U.S. investment. Israel boasts an extremely high level of skilled engineers and is the world leader in medical device patents.

Through the State's Department of Agriculture, the Texas-Israel Exchange program has encouraged the development of business relationships and joint technology research for agriculture and natural resources.

The strong ties Texas shares with Israel are reflective of our Nation's valued friendship with the Jewish community. I am grateful for the bonds our two countries share and I will continue to work to strengthen our relationship for the next generation.

INTRODUCING NATIONAL APHASIA AWARENESS MONTH RESOLUTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. MARKEY. Madam Speaker, I rise to reintroduce legislation to designate June as National Aphasia Awareness Month. Aphasia is a disease that causes the loss of the ability to produce and/or comprehend language. It can also impair a person's ability to read and write. Each case is different depending on the severity of the stroke or brain trauma. This condition is a result of damage to the left hemisphere of the brain. The main cause of aphasia is stroke, but other causes of aphasia include blows to the head, gunshot wounds, and brain tumors. Strokes are the third leading cause of death and disability in the United States today, and the effects of aphasia are borne not only by the victim but also by the victim's family and friends.

Currently there is research being done on how to help people with aphasia enjoy a better quality of life. Aphasia does not cause any kind of disability in thinking or learning but can affect expressive and receptive language, as well as impair a person's ability to read and write. People who suffer from aphasia are able to function in everyday life, but they need assistance and attention. Moreover, further research is needed to improve our understanding of how to identify the risk factors that cause aphasia, prevent the occurrence of aphasia and improve the ability to function of those with the disease.

There are currently about one million cases of aphasia in the United States, and about 80,000 people are afflicted with the disease every year. By working with vocational specialists, speech-language pathologists and family and friends, many of those with aphasia may be able to obtain some sense of normalcy and regain some of their skills.

I am introducing this resolution as I did last year to support the goals of National Aphasia Awareness Month with the hope that it will bring more attention to this disease and give a voice to those who suffer from aphasia who often cannot speak for themselves. Last year when we honored June as National Aphasia Awareness Month it meant a great deal to the groups and doctors working on preventative measures and conducting new research for this disease.

This resolution recognizes June 2008 as National Aphasia Awareness Month in hopes of drawing more attention to this illness and in hopes that more recognition will highlight the importance of research and compassion for the daily struggle faced by those affected by aphasia.

HONORING THE HARFORD DAY SCHOOL DESTINATION IMAGINATION TEAM

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Harford Day School's Destination ImagiNation, DI, team, who recently won first place in the "Chorific Improv" competition at the statewide Destination ImagiNation competition and is headed to the national finals this month in Tennessee.

Destination ImagiNation is a place where kids take what they know and what they excel at and learn to apply it to solve challenges, working cooperatively with a team and pushing the limits of imagination. Destination ImagiNation is a community-based, school-friendly program that builds the participants' creativity, problem-solving, and teamwork in enjoyable and meaningful ways. Teams of five to seven members work together to apply critical thinking and their particular talents to solve a Team Challenge. A Destination ImagiaNation Team Challenge is a challenge that is solved over a period of 8 weeks. Each Team Challenge is designed to be open-ended and solvable in many ways and on many levels.

The Harford Day School DI team participated in the Chorific Improv Problem this year. The criteria for the Team Challenge focused on improvisational acting, story development, theater arts, team work, and sound design. Their challenge was to create a 6-minute improvisational skit about an ordinary, randomly selected chore in just 30 minutes at the Tournament. In addition, they had to integrate a randomly selected famous person into their skit.

The Team's chore was to brush the dog. They created a cardboard dog on a leash, and their setting was a train on which they were riding to a dog show. In their skit, they had to overcome two randomly selected obstacles, which in their case meant the only brush they had was their mother's brush, and the bristles were falling out. Erasmus Darwin was the famous person the Team needed to incorporate into their skit. As he was a poet and a scientist, the team member playing Darwin's character made up a poem to recite. As the scientist, they had their mother's brush evolve into a dog brush and they used the fire from the train engine to melt the bristles in place.

Harford Day School is a private school located in Bel Air, Maryland, which serves students from pre-kindergarten through the eighth grade. The school's team members include Ally Wright, Drew Devanney, Tommy Oursler, Charlotte Molali, Livy Ayd, Sammy Bowen, and Will Bolton. The team is led by managers Donna Peck and Marcy Sparks.

Madam Speaker, I ask that you join with me today to honor Harford Day School's Destination ImagiNation team. Their high scores at the Maryland statewide competition ensure their reputation as a team to be reckoned with in the national finals. It is with great pride that I congratulate the members of the Harford Day School DI team on their success in the statewide competition, and wish the team luck as they progress to the national finals.

HONORING SAINT AUGUSTINE FOR THEIR 140TH ANNIVERSARY

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Ms. NORTON. Madam Speaker, I ask my colleagues to join me today in recognizing the 140th Anniversary of Saint Augustine.

Saint Augustine Church is the oldest Black Catholic church in the Nation's Capital. As the Mother Church of Black Catholics, Saint Augustine Church continues in the tradition, in which it was founded, as a strong Black Catholic institution which witnesses in faith the Living God, His Son and the Holy Spirit. Saint Augustine will continue to be a center which recognizes, proclaims and preserves our Black Roman Catholic Heritage. It will expand and improve activities to advance the education of our children; to continue work in evangelization, liturgy, music, ecumenism and in efforts towards the achievement of a spiritual, economic and social development of all people.

Saint Augustine Parish traces its heritage to 1858 and the efforts of a group of dedicated emancipated Black Catholics. Faced with a society that was not yet willing to put off the last vestiges of slavery and a church that, at best, tolerated the presence of Black people in its congregation, these men and women founded a Catholic school and chapel on 15th Street under the patronage of Blessed Martin de Porres. In what is perhaps a touch of historical irony, this school was operating 4 years before mandatory free public education of Black children became law in the Nation's Capital.

After operations were briefly interrupted by the Civil War, a new church was built and dedicated to Saint Augustine in 1876. From its beginning, Saint Augustine was the parish of Black Catholics in Washington, DC.

From its earliest years the school was staffed by the Oblate Sisters of Providence, the oldest religious order of Black women in the United States.

The parish continued to grow and flourish with a strong commitment to education and good liturgy. In February 1928, under the pastorship of Father Alonzo alds, the parish purchased the site of the Washington Home for Children at 1715 15th Street, NW., intending it to be the new home of Saint Augustine Parochial School. The school, a rectory and a convent were soon built and the construction of a new church begun. Most of the parish activities and operations were moved to the 15th and S Streets location, while the original church building at 15th and M Streets was maintained and used until 1946, when it was sold by the Archdiocese of Washington.

One of Saint Augustine's neighbors was a large Catholic parish, Saint Paul, whose original membership was primarily of Irish and German descent. With the rise of integration and shifting urban demographics, membership at Saint Paul dwindled steadily until 1961, when Archbishop Patrick O'Boyle decreed that the parishes of Saint Paul and Saint Augustine would be united.

In 1979, the Saints Paul and Augustine parish, through the parish pastoral council, staff and the Archbishop of Washington, made a decision to sell the Saint Augustine property at 15th and S Street. The old Saint Paul buildings at 15th and V Streets would be renovated to house the consolidated schools and other ministries of the parish.

On November 12, 1982, Archbishop James Hickey decreed that the parish of Saints Paul and Augustine, served by the Church at 15th and V Streets NW, would again be called the parish of Saint Augustine. With 2,000 registered members and 3,000 who call it their home church, Saint Augustine is now one of the largest parishes in Washington, DC.

Saint Augustine's proud history continues. In November 1989, Father John F. Payne, OSA, was ordained and named as the first African American associate pastor assigned to the Saint Augustine Parish. In January 1991, Father Russell L. Dillard was installed as the first African American pastor in Saint Augustine's history. Father Dillard was elevated to Reverend Monsignor in May 1991. Father Lowell Case, SSJ, was appointed Pastoral Administrator in February 2003. On February 5, 2005, Father Patrick Smith was installed as Pastor of Saint Augustine Parish.

Now in its 147th year, Saint Augustine Roman Catholic Church and its parish continue to grow, learn, and rejoice in God's love.

IN REMEMBRANCE OF DONALD "ACE" HANNA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. KUCINICH. Madam Speaker, I rise today in remembrance of Donald "Ace" Hanna, and to honor a life spent in service to his country, his community, and his family.

Donald Hanna, son of Elmer and Margaret Hanna was a U.S. army veteran and dedicated community member. He is survived by his wife, Trish and was a loving husband, brother, father, uncle, and friend to many in the community, with whom he shared his love, stories, guidance and care. Mr. Hanna enjoyed a close and unique bond with each of his eleven siblings, Francis, Ken, Gil, Marge, Diane, Jerry, Marilyn, Ralph, Karen, Ray and Elmer. He was a dedicated family man and spent much of his time with his wife and only daughter, Christine Zeh-Coyne, whom he will be affectionately remembered by.

Madam Speaker and colleagues, please join me in remembering and honoring the life of Donald "Ace" Hanna, for his dedication to his country, family and friends.

CONGRATULATING WINONA, MINNESOTA ON BEING NAMED MINNESOTA'S HONORARY CAPITAL FOR A DAY

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. WALZ of Minnesota. Madam Speaker, it is with great pleasure that I congratulate the City of Winona on being selected to serve as the Honorary Capital of Minnesota on May 16, 2008.

This year, Minnesota celebrates 150 years of statehood. Over 10,000 Minnesotans participated in selecting cities to serve as Capital for a Day throughout the week of May 11–18 to commemorate Minnesota's Sesquicentennial.

I am very pleased that Winona was chosen for this honor. A river city located in the beautiful bluff country along the Mississippi, Winona was settled in the early 1850s and throughout its early history served as a major port, shipping wheat from southern Minnesota and products from its thriving lumber industry.

Downtown Winona is rich in history, with over 100 buildings listed with the National Register of Historic Places that contribute to the culture of the downtown district.

A number of institutions of higher education also have their home in Winona, including St. Mary's University, Minnesota State College Southeast Technical, and Winona State University, the first public teacher training college located west of the Mississippi.

Today, from the heights of Sugarloaf to the Mississippi River, Winona is a vibrant community in which many local events honor its history.

I am pleased to join the State of Minnesota in congratulating Winona, Minnesota on this occasion. And I wish them continued growth and success for the next 150 years.

RECOGNIZING MISSISSIPPI SENATE CONCURRENT RESOLUTION NO. 667

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. PICKERING. Madam Speaker, today I submit into the RECORD Concurrent Resolution No. 667 adopted by the Mississippi Senate and House of Representatives. The resolution urges the United States Congress to accept the decision of the United States Air Force concerning the award of the jet tanker contract to Northrop Grumman Corporation and EADS North America. Each day we delay approving this contract, we prevent the Air Force men and women from receiving the equipment necessary to ensure our national security. I encourage my colleagues to review this resolution.

DEBT CANCELLATION OP-ED

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Ms. MOORE of Wisconsin. Madam Speaker, this op-ed, written by Archbishop Desmond Tutu, appeared in the Baltimore Sun last week. Archbishop Tutu's words bring attention to our efforts to promote debt relief here in the House, such as passage of the Jubilee Act last month, and underscore the need for this bill to be passed into law.

[From the Baltimore Sun, May 7, 2008]

DEBT CANCELLATION A VICTORY FOR THE WORLD

(By Desmond Tutu)

Last month, the House of Representatives showed leadership in the fight against global poverty by passing the Jubilee Act for Responsible Lending and Expanded Debt Cancellation, which would extend lifesaving debt cancellation to more poor nations around the globe.

Too many of the world's poor children needlessly starve or go without education because too many impoverished nations—even after the laudable debt relief provided to date—are still funneling scarce resources to multilateral banks instead of paying for needs at home.

The world community has found crushing debt to be akin to a modern-day apartheid, and has responded with debt cancellation. Unjust debt leaves developing nations at the behest of the powerful. Shall we let the children of Africa and Asia die of curable disease, prevent them from going to school and limit their opportunities for meaningful work—all to payoff unjust and illegitimate loans made to their forefathers?

When I think of the crisis of international debt, I think of my African neighbor, Lesotho. Many of Lesotho's people cannot afford basic nourishment. The AIDS epidemic has plagued the nation, but needed medicine is out of reach for too many.

Lesotho's situation shows how debt and extreme poverty create a crisis for children. Children's wards in that nation's hospitals are filled with anxious mothers 24 hours a day, administering medicine and caring for their children as a nurse or doctor might do in my country of South Africa. They have no choice. Lesotho has only 6 pediatricians looking after its 800,000 children.

One-third of Lesotho's children are not in school. Meanwhile, Lesotho's debt repayments equal its entire education budget. Instead of investing in its people, health and development, Lesotho—a nation of 2 million people with external debt of $647 million—sends debt payments to the developed world.

Millions of the world's poorest people suffer hunger and illness as desperately needed resources flow out of their countries in the form of debt payments. Yet many countries, like Lesotho, are not eligible for debt relief because current initiatives are not based on a country's level of poverty or need.

Much of this debt originates from loans made to corrupt and oppressive regimes that did not benefit the population. As a South African, I know firsthand the injustice of this situation as our country continues to repay money that was used to sustain the apartheid system and suppress the movement for racial justice. The Jubilee Act calls for an audit of the odious debts of countries such as South Africa so that the question of whether this money is truly "owed" can finally be addressed.

The movement to cancel debt is an ongoing moral campaign that joins religious leaders around the globe under the biblical principle of Jubilee, which says that everything belongs to God. My own Anglican communion has long supported debt relief, calling the continued burden of debt upon the poorest people of the world "a moral scandal."

Christian evangelical organizations, including Baptist World Alliance and the Salvation Army, have called on President Bush to support the Jubilee Act. Pope Benedict XVI, who made his first visit to the United States last month as Congress voted on the Jubilee Act, has called for debt cancellation for the poorest countries to be "continued and accelerated."

As the Senate now considers the Jubilee Act, it can do its part to help ensure that Africans and Asians are able to use their own resources for their own development. When success comes on expanded debt cancellation, as it did with an end to apartheid, this victory will not be ours alone but will belong to the whole world.

Desmond Tutu is archbishop emeritus of Cape Town, South Africa.

HONORING METROPOLITAN WASHINGTON YMCA

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. WYNN. Madam Speaker, I rise today to honor one of America's outstanding organizations and one of the Washington Metropolitan area's greatest gifts, specifically in the areas that I represent in Prince Georges and Montgomery Counties, the Metropolitan Washington YMCA.

The mission of the YMCA is to "foster the spiritual, mental and physical development of individuals, families and communities according to the ideals of inclusiveness, equality and respect for all." To that end, Madam Speaker:

The YMCA provides child care, before- and after-school care, summer day camp, resident overnight camp, teen camps, youth and adult sports leagues, health and wellness programs, teen activities, community service programs, swim lessons, aquatic wellness programs, youth and family intervention programs, youth leadership clubs, senior health and wellness programs, senior social activities and much more.

Specifically Madam Speaker, I want to honor the YMCA and Camp Letts, a 219-acre retreat center founded in 1906 on the majestic Chesapeake Bay.

With children and campers from all over the country and counselors from all over the world, YMCA Camp Letts is truly a global community promoting tolerance, inclusion and diversity among all its visitors and staff members while providing a safe environment for children to make friends, participate in activities, and have a great time.

Madam Speaker, Camp Letts specializes in the field of recreation with an emphasis on youth development. The diverse staff representing over 20 countries model and teach the YMCA's core values of "Honesty, Caring, Respect and Responsibility."

It all began in 1906, when YMCA Boys Work Director Albert M. Chesley pitched camp on five acres along the South River, initiating what is now the oldest organized resident camp in the Washington area. The camp moved in 1922 to its present location, thanks to the generosity of John Cowen Letts, and today youngsters from the Baltimore-Washington area and beyond flock to this secure and exciting environment to kindle friendships and master new skills—all the while learning more about themselves, their peers and the world in which they live.

This 219–acre peninsula has miles of wooded trails for hiking, horseback riding, and nature discovery; vast green fields for a variety of team sports; tennis courts; an olympic-sized swimming pool, sailboats and small craft; certified nets, balls, racquets, hoops and targets for various sports; and much more to enjoy a broad selection of aquatic, land-based and waterfront activities.

In addition to providing numerous recreational activities for youth and families, the YMCA of Metropolitan Washington, under the steadfast leadership of Angie L. Reese-Hawkins, is the leading human service organization and the largest provider of child care in the greater Washington area, serving over 30,000 children each year.

Under Mrs. Reese-Hawkins's leadership, the YMCA of Metropolitan Washington is the 17th largest YMCA association in North America, with operating revenue of $46 million, and 84,000 individual and family members in a service area of 4 million people.

Today, the Metropolitan Washington YMCA has 17 branches and program centers that touch close to 250,000 lives a year in the District of Columbia, northern Virginia and suburban Maryland. Almost 3,400 volunteers—an increase of 10 percent over 2005—served the YMCA of Metropolitan Washington in 2006.

During 2006 the YMCA of Metropolitan Washington raised $1.1 million in its annual sustaining Building Bridges Campaign and gave out over $2.13 million in financial assistance to more than 12,500 families and individuals, enabling them to participate in child care, after-school and camp programs, membership, wellness, therapeutic and senior services throughout the metropolitan area.

Madam Speaker, how lucky we are to have the YMCA and its committed staff working to improve opportunities for all children, but particularly those in the Metropolitan Washington area.

INTRODUCTION OF A RESOLUTION EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THERE IS A CRITICAL NEED TO INCREASE RESEARCH, AWARENESS, AND EDUCATION ABOUT CEREBRAL CAVERNOUS MALFORMATIONS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. UDALL of New Mexico. Madam Speaker, medical science has made great strides in unlocking the mystery of illnesses that have plagued humanity for centuries. Medical breakthroughs have helped control and eliminate diseases that once threatened the life and health of millions. Yet for all our progress, we still face threats that we do not understand and therefore cannot stop.

One of the lesser known—but no less devastating—diseases is Cerebral Cavernous Malformation, also known as CCM, or Cavernous Angiomas. CCM's are caused by abnormal blood vessels that form clusters, known as angiomas, in the brain or spinal cord. If the angiomas bleed or press up against structures in the central nervous system, they can cause seizures, neurological deficits, hemorrhages, or headaches.

In the general population, 1 in approximately 200 people has a cavernous angioma and about one-third of these affected individuals become symptomatic at some point in their lives. In some Hispanic families, however, the rate of prevalence is significantly higher. It is what is known as an autosomal dominant disease, which means that each child of an affected parent has a 50 percent chance of inheriting it.

And Madam Speaker, tragically, for generations of these Hispanic families, that is exactly what has happened throughout the country, and especially in New Mexico. In New Mexico, this genetic mutation has been traced back to the original Spanish settlers of the 1580's and has now spread down and across at least 17 generations, resulting in what could be tens of thousands of cases of the illness in the state. In fact, New Mexico has the highest population density of this illness in the world.

Unfortunately, and in some cases tragically, many of the carriers of the gene and even the disease are unaware. To make matters worse, New Mexico, and the nation, face a shortage of physicians who are familiar with this illness. This makes it dangerously difficult to receive timely diagnosis and appropriate care and puts potentially thousands of individuals at risk of a stroke, seizures, or even sudden death.

One New Mexico resident, Joyce Gonzales, was diagnosed with an angioma in her cervical spinal cord and had it surgically removed three years ago. But this success story followed 15 years of pain and misdiagnosis. Tragically, Mrs. Gonzales's 9-year-old second cousin was not as fortunate, recently suffering a cerebral hemorrhagic death caused by CCM.

Madam Speaker, much of the misdiagnosis of CCM, the inexact figures, and lack of knowledge in the medical community is attributable to a lack of research of the disease. NIH funds only eight projects on CCM. This, despite recent indications that staff at the National Institute of Neurological Disorders and Stroke believes CCM to be a "paradigm illness," meaning research findings on CCM could apply to other illnesses that have similar characteristics.

It is clear, Madam Speaker, that more education, awareness, and research is necessary on this disease. That is why I am introducing this resolution today to express the sense of the House of Representatives that there is a critical need to do exactly that; expand education, awareness and research of CCM. This is only a preliminary step in the fight against this disease. I believe a Center of Excellence is needed to provide the highest quality medical and surgical care for families with CCM. An expansion of the existing DNA/Tissue and Clinical Database is also needed. The current database is underfunded, which means that they cannot accept all the samples that are offered. I will be working to establish both of those.

In the meantime, Joyce Gonzales, Dr. Leslie Morrison of the University of New Mexico, and Connie Lee, the President of the Angioma Alliance, are on the forefront of the fight against CCM. It is my honor to join them in this fight by introducing this resolution today and I urge my colleagues to help raise awareness of this devastating disease. There is too much at stake to ignore it.

TRIBUTE TO CELEBRATE THE 60TH BIRTHDAY OF THE STATE OF ISRAEL

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. SALI. Madam Speaker, the 60th birthday of the State of Israel is a time of joyous celebration for all who honor hope, dignity and liberty.

Since even before the First World War, Jewish people from all over the globe have traveled back to their historic homeland. The hope of a secure Jewish homeland was a dream worked for by so many for so long. From dispersion and oppression to bitter pogroms and on through the murderous horror of the Holocaust, the Jewish people have endured more than can be put into words.

Still, through it all, they have persisted and persevered, maintaining their identity, traditions and faith.

On that great day some 60 years ago, the State of Israel declared its independence. Only eleven minutes after Israel did so, President Harry Truman declared America's recognition of the new Jewish State. Since this time, all the leaders of the United States have expressed their support for the State of Israel, and the people of both countries have continually nurtured, promoted and developed their shared values and interests.

President Bush recently made a public statement which summarizes my own views on Israel: "The United States will never abandon its commitment to the security of Israel as a Jewish state and homeland for the Jewish people."

I am an uncompromising advocate for Israel's security and freedom. Anything which infringes upon the rights and welfare of the State of Israel is not in America's interests and must never be tolerated. I have served and will continue to serve proudly on the Congressional Israel Allies Caucus. I have co-sponsored legislation to protect this great nation through condemning ongoing Palestinian rocket attacks on innocent Israel civilians, anti-Semitic rhetoric and the glorification of terrorism.

Support for Israel must remain central to American foreign policy. This support is especially essential given the threats Israel continues to face. The brutal terrorist organization Hamas is an ongoing threat to Israel's wellbeing. Iran continues to shake its potential nuclear sword against Israel, and Al-Qaeda fights for a foothold in Pakistan in order to spread its viral cruelty all the way to Jerusalem. Syria proudly maintains its hostility to the Jewish State, seeming only to be waiting for an opportune moment to pounce.

We must always help Israel keep a well-armed guard up. To do less would be to breach our national interest and our national honor.

For 60 years, the Israelis have strained and endured in their desert home, overcoming in several major wars, endless attacks and terrorism. Amazingly, out of all of this turmoil, pain, and violence, a home has bloomed out of the Middle Eastern sands for these wonderful individuals who only seek a home for themselves and their families.

Sixty years is an anniversary well worth celebrating. While the pain of the past cannot be eradicated, nor can the courage, fortitude and hope of a people who have endured and triumphed, again and again.

May we all join in the prayer of the 122nd Psalm:

Pray for the peace of Jerusalem:
They that love thee shall prosper.
Peace be within thy walls, and prosperity within thy palaces.
For my brethren and companions' sakes, I will say now, peace be within thee.
For the sake of the House of the Lord our God I will seek thy good.

I trust that all my colleagues will join me in saying "amen" to this prayer.

INTRODUCTION OF THE FAMILY-FRIENDLY WORKPLACE ACT

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mrs. McMORRIS RODGERS. Madam Speaker, I have tried to come up with legislation that would give us more than 24 hours in a day—but I have not figured out how to do that. So for the time being, I am introducing the Family-Friendly Workplace Act that aims to give working people the opportunity to spend more time with their families.

Time is one of our most precious resources. We all want more of it and yet we only have 24 hours in a day. That means we have to figure out how to work a full day, run errands, pack lunches, make dinner and spend quality time with our kids, spouse, or elderly parent.

One of the biggest struggles parents face is how to balance work and family. Being a new mom, I struggle with it every day. This bill will give people more flexibility so you can put in the time you need to get the job done, but also make sure you can make the school play, stay home with a sick child or care for an elderly parent.

The perception is that working mothers and parents have a greater desire for workplace flexibility than other workers; the reality is that men and women, parents and non-parents, young and older workers alike place a high priority on increased flexibility at work. We all want more time.

A study by the Employment Family Foundation found that 75 percent of workers prefer time off instead of overtime and 81 percent of women prefer to have that benefit.

For many employers, flexible work arrangements are necessary to attract and retain quality employees. In return for offering employees alternative work arrangements and greater flexibility in work schedules, employers gain a workforce that is more productive, committed and focused. For example an insurance company in my home State of Washington saw per-employee revenue increase 70 percent over 5 years after implementing flexible work options.

In talking with Wayne Williams who runs Telect in Spokane, Washington, he told me that they are doing more to give their employees greater flexibility including personal days and technology to give them the flexibility to work from home.

This isn't just a workforce issue, it is also a community and family issue.

The bill I am introducing would allow private sector employers to offer their employees additional time off in lieu of overtime pay. One of the greatest obstacles to flexibility in the workplace is the 1938 Fair Labor Standards Act (known as the "FLSA"), which governs the work schedules and pay of millions of hourly workers. While the law may have been a good fit for the workforce of 70 years ago, it is simply not relevant to the needs of modern families.

Our labor force isn't what it used to be. Between 1950 and 2000, the labor force participation rate of women between 25 and 55 years of age more than doubled. Today, more than 75 percent of these women are in the labor market. Less than 12 percent of mothers with children under the age of 6 were in the labor force in 1950. Today, more than 50 percent work outside the home.

The FLSA fails to address the needs and preferences of employees in the area of flexible work schedules. Although salaried employees typically have greater flexibility in their day-to-day schedules, hourly employees are much more restricted—due in large part to the outdated FLSA—in their ability to gain greater flexibility in their work schedules.

The goal of the Family-Friendly Workplace Act is simple: to reconcile the overtime requirements under the FLSA with employee demands for increased workplace flexibility. Specifically, the bill would give private sector employers the option of allowing their employees to voluntarily choose paid compensatory time off (known as "comp time") in lieu of overtime pay. Since 1985, public sector employees have been able to bank comp time hours in order to have additional time off for vacation or other family needs. There is no justification for denying private sector employees an option under the FLSA which, by most accounts, has been successful and immensely popular with public sector hourly employees for over 20 years.

To be clear, the Family-Friendly Workplace Act would not change the employer's obligation under the FLSA to pay overtime at the rate of one-and-one-halftimes an employee's regular rate of pay for any hours worked over 40 in a seven-day period. The bill would simply allow overtime compensation to be given—at the employee's request—as paid comp time off, at the rate of one-and-one-half hours of comp time for each hour of overtime worked, provided the employee and the employer agree on that form of overtime compensation. The bill contains numerous protections to ensure that the choice and use of comp time is a decision made by the employee.

Since we can't do anything about adding more hours to the day, I hope my colleagues will join me in supporting something that gives us a little more flexibility in how we spend that time—the Family-Friendly Workplace Act. We need to respond to the growing needs of workers who want to better integrate work and family. Let's allow working women and men to decide for themselves whether paid time off or extra pay best fits their needs and that of their families.

IN REMEMBRANCE OF DANNY FEDERICI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. KUCINICH. Madam Speaker, I rise today to honor the life long achievements of musician Danny Federici, long-time organ and accordion player for the E Street Band, a band that has become a staple of modern day American culture. Over his four-decade long career, Mr. Federici's signature style of playing has affected and inspired the lives of innumerable musicians and fans around the world.

Born in Flemington, New Jersey, Danny Federici began teaching himself how to play the accordion at the age of seven. His talents quickly earned him many local radio gigs, where he performed classical and polka music. A truly natural musician, it was he and original E Street Band drummer Vini Lopez, who invited Bruce Springsteen to join their band as they began conquering the music scene on the colorful boardwalk of Asbury Park, New Jersey. Often introduced by Springsteen as "Phantom Dan", he spent forty years lending his spontaneous and soulful playing to the countless performances of the E Street Band. Mr. Federici was one of the pillars of their signature sound and his playing evoked the boardwalk at Asbury Park, where he and his fellow band mates spent their childhood together. His accordion playing is most memorable in E Street Band hits such as "Fourth of July" and "Asbury Park".

During the time he spent away from the E Street Band, he recorded two solo albums, both jazz instrumentals. He had an unbreakable dedication to his music and his band mates but even more so to his wife Maya, and his three children, Jason, Harley and Madison. During his battle with Melanoma, he set up the Danny Federici Melanoma Fund, in the hopes that he could help others who were facing the same challenges that he was. His talents will forever be remembered by his family, friends, fans and band mates. In the words of Bruce Springsteen, "Those you are with, in the presence of miracles, you never forget. Life does not does separate you. Death does not separate you. Those you are with who create miracles for you, like Danny did for me every night."

Madam Speaker and colleagues, please join me in honoring the life of Danny Federici, whose inspiration and musical genius will continue to touch the lives of generations to come.

TRIBUTE TO NAPLES HIGH SCHOOL SOFTBALL TEAM

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. MACK. Madam Speaker, I rise today to honor the Naples High School Softball Team for winning this year's Class 4A Florida State Championship last week.

Thanks to the pitching of sophomore Jaclyn Traina, who had 10 strikeouts in seven innings, and the hitting of senior Ashley Pinkerton, who had a batting average over .400 for the season, the Golden Eagles beat Pembroke Pines 5–2 and cinched their 12th overall state championship title.

With fierce determination and spirit, the Golden Eagles Softball Team worked together to defeat the No. 1 ranked school in the country.

Any of us who have played competitive sports understands the valuable lessons of hard work, teamwork and commitment. These memories and lessons will stay with these players for the rest of their lives and are made all the sweeter by their incredible win.

Madam Speaker, I know the people of Southwest Florida join me in offering our heartiest congratulations to the Naples High School Softball Team, their coaches, students and fans. We couldn't be more proud of their accomplishments this season.

TRIBUTE TO MS. BARBARA TAYLOR

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. CANTOR. Madam Speaker, I rise today to honor Barbara "BT" Taylor of Culpeper, Virginia on the occasion of her upcoming retirement from my Congressional staff and to thank her for her many years of service to the 7th Congressional District of Virginia.

BT is an active member of the Culpeper community, and as Outreach Director in my Culpeper District Office, she provides outstanding service to the citizens of the 7th District. She is a respected voice in the community with a true dedication to public service. BT plays an important role in developing relationships with constituents, local elected officials, businesses, schools, organizations, and community leaders. I know they will all miss her steady counsel and passionate advocacy.

As Members of Congress, we come to Washington with a passion for helping the people we represent. I can assure you that I am greatly aided in accomplishing that goal due to the tireless work and counsel of Barbara Taylor.

BT's passion and zeal for this country and for our Commonwealth is refreshing and unwavering. We would all do well to emulate her patriotic fervor and her passion for serving those around her.

While I will surely miss having BT as part of our official team, I am comforted in knowing that she will still be serving her community in many other ways. I am greatly privileged to have worked with BT over the years, but most importantly, I am honored to call her a friend.

Madam Speaker, I hope you will join me and my family in wishing BT, Charlie and the entire Taylor family all the best and in thanking BT for her contributions to the people of the Seventh District of Virginia.

HONORING DAVEY HUNT

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. WESTMORELAND. Madam Speaker, I rise today to honor Davey Hunt, the 2008 Heard County High School STAR student.

In Georgia, Madam Speaker, the Student Teacher Achievement Recognition program honors the top senior in each of the State's 400 high schools and a teacher chosen by that student.

For Davey, the STAR student award squeezes in one more line to a resume already teeming with superlatives.

"Davey is simply the most brilliant student I have ever had the honor to teach," said Paul Mixon, the Heard County High educator whom Davey named as STAR Teacher. "His academic performance and mastery of complex material highlights an intellect that is both creative and constantly expanding. Davey demands that his teachers go beyond the basic concept of each course, as he quickly becomes an expert in each subject. Unlike so many of his generation, Davey is excited about learning."

Academic excellence and intellectual curiosity came early to Davey. After fifth grade, he attended Junior University summer camp where he had to build a bridge out of toothpicks. In what appears to be one of his few life lessons in disappointment, Davey's bridge didn't win the competition for holding the most weight without breaking. Nevertheless, a longheld fascination with design and construction took root.

Davey graduated over the years from toothpick engineering to aeronautical engineering, which he will study at the Nation's preeminent engineering school, the Massachusetts Institute of Technology.

In addition to winning the STAR student award, Davey will reign as the valedictorian of Heard County's Class of 2008 and he received the Georgia Certificate of Merit, which goes to the State's best and brightest high school students.

Davey's record of academic excellence could stand alone, but his record shows him to be much more than a one-dimensional whiz kid. He served as editor of his school newspaper, The Warcry, won the 2007 Most Valuable Player Award for the track team, and made the 2007 All-Region Football Team and the 2007 All-State Academic Football Team.

Of course, a good high school experience isn't all work. He earned the friendship of his peers not with his good grades and athletic prowess, but with what his teacher Paul Mixon called his "warmth and wit." Those qualities led his classmates to tap him for homecoming king and Mr. Heard High.

Madam Speaker, the future of our Nation rests on the shoulders of today's young leaders. I'm proud that one of those young leaders, Davey Hunt, hails from Georgia's 3rd Congressional District. I pay tribute today to his outstanding record of achievements and wish him continued success as he begins the next phase of his life.

TRIBUTE TO SERGEANT ISAAC PALOMAREZ

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the memory of Sergeant Isaac Palomarez.

Mr. Palomarez served in the United States Army as a Sergeant and was assigned to the A Company, 1st Battalion, 506th Infantry Regiment, 101st Airborne Division, Fort Campbell, Kentucky.

Mr. Palomarez courageously died in combat May 9, 2008 in Kapisa Province, Afghanistan in support of Operation Enduring Freedom. I believe his service and commitment to our country most worthy of being preserved in the CONGRESSIONAL RECORD.

Isaac Palomarez was born April 14, 1982 and graduated from Loveland High School in 2001. Mr. Palomarez joined the Army in 2004, following in his father Candido's footsteps, who served in the Army in the 1960's.

Palomarez is survived by his parents Candido and Elma Palomarez and will be remembered as a loving son and loyal friend to many.

Madam Speaker, I am grateful for Mr. Palomarez's selfless service to our Nation. I urge my colleagues to join me in recognizing a man worthy of our honor, Mr. Isaac Palomarez.

HONORING THE DEEDS OF SERGEANT MIGUEL HINOJOSA AND MICHAELA SULLIVAN

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. McNERNEY. Madam Speaker, it gives me great pleasure today to honor U.S. Marine Sergeant Miguel Hinojosa and 15-year-old Michaela Sullivan, both of Brentwood, California.

Sergeant Hinojosa and Ms. Sullivan are an example to us all because they acted quickly to save a young child's life. They do not view their deeds as heroic, which is exactly why we need to recognize their selflessness.

On a hot day last month, Ms. Sullivan noticed that a 5-year-old friend and neighbor, who was swimming at their apartment complex, was struggling to stay afloat in the deep water and she rushed into the pool to pull the young girl out.

When Sergeant Hinojosa saw the unconscious child who had just been pulled out of a swimming pool, his instincts took over, and he immediately began mouth-to-mouth resuscitation and chest compressions. By the time an oxygen tank arrived on the scene, the girl was breathing.

Thanks to the alertness and quick actions of the high school sophomore and the well-trained 13-year Marine veteran, a young child's life was saved. Had it not been for the quick thinking of Sergeant Hinojosa and Ms. Sullivan, a parent's worst nightmare might have come true for one Brentwood family.

These two citizens have demonstrated what it means to be a true American hero, and I wish to express my sincere gratitude.

RECOGNIZING GRACE THORPE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Ms. SOLIS. Madam Speaker, I rise today to recognize the achievements of Grace Thorpe, an environmental justice activist who fought to protect the Native American community who passed away on April l, 2008 at the Claremore Veterans Center.

Ms. Thorpe dedicated herself to the improvement of health and the environment for the Native American community. As a result of her efforts to prevent the Sac and Fox leaders from accepting grants for storage of nuclear waste in nation territory, many Native American tribes were able to establish Nuclear Free Zones. Ms. Thorpe later served as the Director for the National Environmental Coalition of Native Americans, as well as on the advisory council for Native American affairs at Greenpeace. She authored "Our Homes Are Not Dumps: Creating Nuclear Free Zones" and brought awareness about the environmental injustices in the Native American community.

Ms. Thorpe was also a dedicated public servant. She served in the Women's Army Corps during World War II in New Guinea, the Philippines and Japan, and was awarded a Bronze star for her performance in the battle of New Guinea. She further served as a Tribal District Court Judge and was a Congressional Liaison to the American Indian Policy Review Commission in the U.S. House of Representatives. She earned her Bachelors degree from the University of Tennessee in Knoxville, obtained a paralegal degree from the Antioch School of Law while in Washington, DC, and was an Urban Fellow at the Massachusetts Institute of Technology.

I applaud Grace Thorpe's achievements and important contributions in bringing environmental justice and awareness to the Native American community. These contributions will not be forgotten.

HONORING CHIEF FRANCISCO ORTIZ ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Ms. DELAURO. Madam Speaker, it is my privilege to rise today to pay tribute to an outstanding member of our community and a dear friend as he retires after 30 years of dedicated service to the New Haven Police Department—Chief Francisco Ortiz. Chief Ortiz, or Cisco as he is affectionately known throughout the community, has dedicated a lifetime to public service and his presence at the department will most certainly be missed.

In a career that has spanned over four decades. Cisco has demonstrated what can only be described as an unparalleled commitment to public service and law enforcement. Joining the New Haven Police Department as a patrolman in 1978, he quickly rose through the ranks and gained invaluable experience in every major unit within the Department. Cisco went on to earn a master's degree in law enforcement from the University of New Haven and is a proud graduate of the 170th Session of the Federal Bureau of Investigation's National Academy in Quantico. He was invited to attend the prestigious Senior Management Institute for Police at Boston University and attended the inaugural class of the Management Training Institute, a joint initiative between Yale University and the City of New Haven.

A long time advocate of the community policing philosophy, Cisco is also a senior fellow and one of the founders of the Yale Child Study Center's Child Development/Community Policing Program—a program designed to provide police personnel with the special psychological expertise which is needed when dealing with children and families who are witness to, or victims of, violent crime. I have had the privilege of working directly with Cisco on this program and today it stands as a national model for communities across the country.

Cisco's involvement with the community goes far beyond his professional contributions. He also serves on a number of local civic and service organizations including Easter Seals/Goodwill, the Connecticut Puerto Rican Parade Committee, the Connecticut Special Olympics, and the Juvenile Justice Advisory Committee. Cisco has also been an invaluable resource to myself and my staff. I would be remiss if I did not take this opportunity to extend a special note of thanks to him for his participation as a member of the recommendation panel for the Maria Baez Perez Scholarships—a program which I sponsor in memory of one of my former staff members who we lost only a few years ago.

With all of his experience in the Department and in the community, it was no surprise when Cisco was named Chief in 2003—becoming the first Latino in Connecticut to attain the highest rank in a law enforcement agency. It was a very proud day for him, his family, and our community. I have no doubt that Cisco will continue to be involved in our community. His desire and commitment to making New Haven a better place to live, work, and grow will not fade with his departure from the department. Every community should be so fortunate.

Today, as family, friends, and colleagues gather to celebrate his retirement, I am so pleased to extend my very best wishes to Chief Francisco Ortiz, his wife, Myra, his children, Jennifer, Francisco, and Mariah, as well as his granddaughter Mariah, for many more years of health and happiness.

TRIBUTE TO FLINT CENTRAL HIGH SCHOOL ALUMNI ASSOCIATION HONOREES

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. KILDEE. Madam Speaker, I rise today to pay tribute to the 2008 Flint Central High School Alumni Association honorees. The eight honorees will be recognized at a dinner to be held on May 15 in Flint, Michigan. This year the Alumni Association is honoring Henry Hatter, Lynn Chandnois, Dr. Catrise Austin, Lawrence R. Gustin, Judge Robert E. Weiss, Dean Ludwig, James Beaubien and posthumously Gracie Field.

The distinguished alumni are: Henry Hatter is a member of the class of 1954. Henry worked for Buick Motor Division for 38 years, responsible for the plant-wide waste water environmental program. Active in the Republican Party, Henry served in the Electoral College and will be a 2008 Alternate Delegate at the National Republican Convention.

Lynn Chandnois is a member of the class of 1944. He played professional football for the Pittsburgh Steelers and was named "NFL Player of the Year" by the Washington Touchdown Club. He has been given the title of "The Greatest Football Player Flint Ever Produced."

Dr. Catrise Austin graduated from Central High School in 1988. Through her medical practice, VIP SMILES, she specializes in treating entertainers and persons in the public eye. She has been named as one of America's top dentists by Consumers Research Council of America.

Lawrence R. Gustin graduated in 1955. Larry worked for the Flint Journal for 23 years. He published three award winning books and created the Flint Journal Picture History of Flint. During his time working for Buick public relations he started the magazine, "Inside Buick."

Judge Robert E. Weiss is a member of the class of 1956. Judge Weiss served as Special Litigation Counsel in the Watergate Civil Proceedings. He went on to be elected as Genesee County Prosecuting Attorney from 1979 to 1993. He was a Genesee County Probate Judge in the Family Division when he was appointed the Chief Judge in 2006.

The distinguished educators are: Dean Ludwig was Flint Central High School's principal from 1984 to 1995. He began his career at Flint Central High School teaching Social Studies. He was Assistant Principal at Flint Central High School before taking the helm at Whittier Junior High School. He assumed the position of Principal at Flint Central in 1984.

Jim Beaubien began his career with the Flint Schools in 1963. He served as the Flint Central Community School Director for many years, organizing after school activities for students and the community at large. He served as the school's Principal from 1998 to 2002.

Gracie Field is being honored posthumously. She was the school's English Literature teacher for approximately 50 years. She sponsored the English Club, the Shakespeare Club and was a troop leader for the Boy Scouts. She devoted her life to bringing the words of great English writers to her students.

Madam Speaker, I ask the House of Representatives to join me in congratulating these distinguished alumni and educators. May their lives and dedication be an inspiration to the current and future students of Flint Central High School.

IN HONOR AND CELEBRATION OF GEORGE AND ANN MARIE LAZAR IN CELEBRATION OF THEIR 50TH WEDDING ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. KUCINICH. Madam Speaker, I rise today in honor and recognition of George and Ann Marie Lazar, as they celebrate fifty years of devotion to each other, to their family and many close friends. Their unbreakable union represents a deep and enduring love, not only for each other, but also for their children, grandchildren and for their community.

George Lazar and Ann Marie Seaman wed on May 10, 1958 at St. Bonafice Church in Cleveland, Ohio. Shortly after their wedding, they moved to Parma, where they have grown together, raised a family and become an integral part of the community. They have lived on the same street in Parma since their move from Cleveland; raising, guiding and nurturing their three children: Georgeanne, George, and Suzanne. They are the proud grandparents of seven talented and beautiful grandchildren; Sean, Christopher, Alex, Emily, Vincent, Derek, and Valerie, to whom they provide much comfort and love.

Throughout their lives together, both George and Ann Marie have dedicated their time and talents within the community that they have been a part of for so long. George, a veteran of the Korean War, is a long-standing member of the Honor Guard with American Legion Post 703. Ann Marie is also an active member of the same Post and served as a precinct committee member for the Democratic Party in Parma. Their dedication to helping others is evidenced at Holy Family Church where George sings in the choir and where Anne Marie volunteers in several different capacities. Anne Marie also volunteers for Meals on Wheels in Parma. Their legacy will be one of dedication to their family, to their church, and to their community.

Madam Speaker and colleagues, please join me in honor and celebration of George and Ann Marie Lazar, as they celebrate this momentous occasion—their 50th wedding anniversary. May their commitment to each other, their family and their community continue to inspire us to follow our dreams, to give back to our community, and to hold family closest in our hearts.

PRAISING THE ACHIEVEMENTS OF THE ENLOE HIGH SCHOOL CHORUS

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. MILLER of North Carolina. Madam Speaker, I rise today in honor of a talented high school choir in my district, Enloe High School Chorus of Raleigh, NC, which was chosen to perform at New York City's world-renowned Carnegie Hall on March 10, 2008.

The Enloe High School Chorus was selected out of dozens of high school choruses from across the country to perform in this concert. The event featured 200 students from four States, and was the capstone of Carnegie Hall's yearlong National High School Choral Festival. The concert was conducted by Dr. Craig Jessop, esteemed Music Director of the Mormon Tabernacle Choir, who has been working with the choirs and their conductors throughout the year. I am thrilled that these Enloe High School students have been given such a remarkable opportunity to showcase their talent.

Led by Ann Johnson-Huff, the Enloe High School Singers is made up of the Chamber Choir and the Advanced Women's Ensemble, two of the five choirs of the William G. Enloe High School Choral Department. The Chamber Choir and the Advanced Women's Ensemble study a wide array of repertoire and perform at numerous local and national events throughout the school year. Past tours included performances at the Olympics in Barcelona, the Vatican, Carnegie Hall, the Cathedral of St. John the Divine, and St. Patrick's Cathedral in New York. In 2006, the Chamber Choir and Advanced Women's Ensemble were chosen to perform for a special event at the North Carolina Music Educators' Association Conference. Both ensembles also represented the State of North Carolina at the Founding of Jamestown Settlement Celebration in May of 2007, featuring guest speakers Justice Sandra Day O'Connor and President George W. Bush.

I am privileged to have in my district one of the four schools in the Nation chosen for the Carnegie Hall National High School Choral Festival. I commend these students and their leaders for their accomplishment.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. ANDREWS. Madam Speaker, I was not present on May 6, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 246; rollcall 248; rollcall 249; rollcall 250; rollcall 251; rollcall 252; rollcall 253; rollcall 254; rollcall 256; rollcall 257; rollcall 258; rollcall 259; rollcall 263; rollcall 264; rollcall 265; and rollcall 266.

I would have voted "nay" on the following rollcall votes: rollcall 245; rollcall 247; rollcall 255; rollcall 260; rollcall 261; and rollcall 262.

INTRODUCTION OF THE CREATING OPPORTUNITIES TO MOTIVATE MASS-TRANSIT UTILIZATION TO ENCOURAGE RIDERSHIP (COMMUTER) ACT OF 2008, H.R. 6030

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. KIRK. Madam Speaker, as gas prices continue to rise, the most immediate and cost-effective way to offer relief to consumers is to provide incentives for mass transit use. According to a study published by the American Public Transportation Association, public transportation use in the U.S. saves an annual 1.4 billion gallons of gasoline. This represents almost 4 million gallons of gas per day. Factoring in the current average gasoline price in Chicagoland of $3.95, public transit in the region saves consumers more than $1 billion in gas costs in my area alone.

Current law allows businesses, governments, non-profits and employees to purchase tax-free transit benefits. However, there is no tax incentive for employers to directly subsidize their workers' transportation costs. The Creating Opportunities to Motivate Mass-transit Utilization To Encourage Ridership (COMMUTER) Act of 2008 offers employers a 50 percent tax credit for all transit benefits provided to employees, up to $115 per employee per month. Current law allows businesses, governments, non-profits and employees to purchase tax-free transit benefits. Under the COMMUTER Act, employees could receive up to $1,380 in free mass transit funds each year, with the employer receiving $690 in tax credits per employee. This legislation is supported by the American Public Transit Association and all of Chicagoland's public transportation service boards—the Regional Transportation Authority, the Chicago Transit Authority, Metra and Pace.

Forbes recently estimated the average commuter's gasoline cost in the Chicago metro area to be $6.23 per day. Should businesses take advantage of the tax incentive and provide transit benefits, they would save each of their participating employees an average of roughly $1,620 per year. As family budgets continue to tighten, an extra $1,600 to $3,200 could help ease the burdens of health care and education or help bolster retirement savings.

A new study by BusinessWeek Research Services estimates that 53 percent of employees in Chicago, San Francisco and New York would take public transportation if their employer provided access to current transit benefits. Out of the respondents, 60 percent said their company doesn't provide tax-free commuter benefits.

I believe we must also work to provide long-term solutions to our energy crisis, such as passing long-term tax incentives for research and development of renewable and alternative energy, fuels and vehicles; eliminating the so-called boutique fuels and offering the nation one clean burning fuel; financing energy development projects in China, central Asia and the Gulf to meet Chinese energy needs apart from oil; and increasing fuel economy standards.

But Americans cannot wait ten, twenty or thirty years for the entire restructuring of our energy policy—they need relief at the pumps now. I am proud to offer the COMMUTER Act with Representatives JUDY BIGGERT (R–IL) and PETER ROSKAM (R–IL) and CHRIS SHAYS (R–CT) to help provide that immediate relief. I hope Congress will act swifly and in a bipartisan manner to pass this important legislation.

REMARKS IN RECOGNITION OF JAMES IKEDA

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Ms. SPEIER. Madam Speaker, I come to the floor today to honor and praise one of America's truly fine teachers, James (Jimmy) Ikeda. Mr. Ikeda teaches Biotechnology at San Mateo High School and today was awarded one of six Amgen Awards for Science Teaching Excellence.

Mr. Ikeda has dedicated himself to his students and has led the San Mateo Biotechnology Career Pathway since 2003. Under his leadership, the program has become one of the finest in the Nation. Educators from across the country visit Jimmy's program with hopes of duplicating his success in their communities.

Jimmy Ikeda has a wonderful rapport with students, teachers and parents alike. His enthusiasm for science is infectious and his patience with the young people in his program inspires confidence and encourages them to take on further academic challenges.

The Amgen Award comes with a $5000 grant for Mr. Ikeda, plus an additional $5000 for San Mateo High School to use for the expansion of their science program, additional science resources, or professional development of science teachers.

Madam Speaker, our country has a tremendous need for more scientists. Teachers like Jimmy Ikeda are a valuable national resource. Our Nation owes him a debt of gratitude and our highest hopes for his continued success.

HONORING DR. NGUYEN QUOC QUAN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today to honor Dr. Nguyen Quoc Quan, an American citizen who was arrested and detained by the Government of Vietnam on November 17, 2007 while preparing to distribute pro-democracy leaflets. Earlier today, Dr. Nguyen and two others were convicted in a Vietnamese court under the catchall charge of "terrorism" in a trial lasting less than 6 hours. Dr. Nguyen has received a sentence of 6 months time served and will be allowed to return to the United States within 4 days.

I commend Dr. Nguyen Quoc Quan for his courage and dedication to the peaceful cause of spreading democracy to Vietnam, a country in which the government believes that all those who dare to peacefully speak out against it deserve to be classified as "terrorists." His courage and dedication should be an inspiration to others pursuing the same peaceful goals.

CONGRATULATING THE STATE CHAMPION ARGYLE HIGH SCHOOL UIL TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. BURGESS. Madam Speaker, I rise today to congratulate the Argyle High School UIL Team for winning the overall state championship among 3A schools in Texas. In addition to the great team effort put forth by Argyle High School, there were many outstanding individual scores that deserve equal recognition.

The science team took first place while the calculator team finished second overall. Nick Strelke, Erik Katzen, and Thomas Quintana placed second, fourth, and fifth, respectively, in math, while the math team won first place overall. The number sense team also took top honors, with individuals Quintana in first place and Strelke in second. Robbie Ehlers placed second in calculator, and Strelke took fifth. David Graf came in first in biology and third in science, and Kristen Gill took third in computer applications. Quintana rounded out the team's brilliant showing with a second place finish in both the science competition and the chemistry and physics event.

Argyle High School is well known for having a strong showing in UIL academic competition. This is the second time in three years that Argyle High School has triumphed in its quest for the Texas 3A state championship. Additionally, Argyle High School sent nine students with their team this year, the most they have ever sent to the UIL state academic competition. Before the state competition, Argyle High School placed first overall at both their district and regional meets.

Madam Speaker, it is truly an honor to rise today and commend these students—their commitment to education and competition is apparent. I would also like to thank Argyle High School's teachers and UIL coaches for ensuring that these students have every resource possible to succeed. I am proud to represent these students and teachers in the 26th District of Texas.

THE AMERICAN RED CROSS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. POE. Madam Speaker, on May 21, 1881, the American Red Cross was founded by Clara Barton. Ms. Barton was a former schoolteacher, clerk in the U.S. Patent Office, and hero during the Civil War where she was nicknamed the "Angel of the Battlefield" for her service to wounded troops.

After successfully lobbying Congress to join and found the American chapter of the International Red Cross and to sign the Geneva Convention, Barton became the organization's first President. She led the American Red Cross for 23 years.

Just over three months after its founding, the Red Cross was called into action. The first major disaster relief operation occurred on August 22, 1881, when the American Red Cross responded to devastation caused by major forest fires in Michigan.

On June 6, 1900, the American Red Cross was given a Congressional charter that mandated the organization to fulfill the provisions of the Geneva Convention, by rendering aid to those wounded during war, providing communication between family members and members of the U.S. military, and administering relief to those affected by disasters during peacetime. The charter also reserves the Red Cross emblem for use only by the Red Cross.

Even though the organization has a Congressional mandate, it is not a federally funded organization. It is a non-profit, charitable organization that receives its funding from public donations.

Today, the American Red Cross is more important than ever in helping Americans who are in need of aid and who are affected by disasters. The organization has six major areas of work that it focuses on today: Disaster relief, community services that assist the needy, communications services and comfort for military members and their family members, collection processing and distribution of blood and blood products, educational programs on health and safety, and international relief and development programs.

Each year, more than a million volunteers and 30,000 Red Cross employees mobilize relief efforts to the victims of more than 63,000 disasters nationwide through a network of more than 700 chapters.

One of the most important and successful roles of the Red Cross has been the organization's role as the primary supplier of lifesaving blood for more than 50 years. As a leader in blood collecting and screening techniques, the Red Cross has helped to develop new techniques that have assisted in providing safer blood to those who need it which helps to lessen complications and transmittable illnesses.

As the Red Cross moved into the 21st century, it has begun to spread out into other lifesaving areas. It has concentrated training and public awareness in the fields of First Aid, Cardio Pulmonary Resuscitation (CPR), the use of Automated External Defibrillators (AED), and water safety training.

Although I hope I shall never need the American Red Cross's emergency services and aid, it is good to know that we have such an outstanding organization there if such as situation should arise. The vision of Ms. Barton has come to fruition to the benefit of all Americans, and for this I want to recognize both Clara Barton and the organization that she founded, The American Red Cross.

RECOGNIZING THE LIFE OF MARJORIE L. POSEY PFAFF

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. CLEAVER. Madam Speaker, I proudly rise today in recognition of the honorable, compassionate, and influential life of the late Marjorie L. Posey Pfaff of Missouri's Fifth Congressional District which I proudly represent. Marge leaves behind a legacy of a life dutifully fulfilled and a state proudly served. Throughout Marge's lifetime, her love of living, enthusiasm for her relationships with the many friends she held so dear, and unwavering devotion to not only her career in real-estate, but also to Missouri politics revealed Marge as an unequaled, exemplary leader in this great state.

Born to Clyde O. and Crystal V. Alexander, Marge began what became an honorable, dignified life on October 10, 1926 in Chillicothe, Missouri. Married to the late Francis Leon (Toby) Pfaff on December 19, 1977, Marge began a family that would go with her from Chillicothe to Independence, Missouri, the hometown of President Harry S. Truman and Marge's hallowed resting place. Her son, Robert Posey and his wife Dana remain in Independence, continuing to share the gift of geniality which their mother so dearly possessed.

Marge began her long career in real-estate in Chillicothe, where she owned the Gaslight-Pfaff Realty Company. From this small operation in Chillicothe, Marge would later work for ReMax and finally Reece and Nichols in Independence. Marge began her long career as nearly one in a million women who would later come to compose a much larger contingent of our real-estate industry. Marge let her light of experience and charm shine, earning the Missouri Association of Realtors salesperson of the year in 1997 and as the Kansas City Association of Realtors salesperson of the year in 1996. As a female pioneer in her craft, Marge tirelessly sought to make possible the success and equality of opportunity for women in not only the real-estate industry, but also in politics.

Serving as a president of the Independence Young Matrons and the Independence Sanitarium and Hospital Auxiliary, Marge found a voice amongst equals who would come to herald her as a leader not only for her deep connectivity to influential individuals in her state, connections she earned through her sharp wit and unforgettable personality, but also because of her steadfast dedication to the success of her ideals. She forged ahead in all of the many political activities in which she was involved, never for personal gain, but for the greater potential of providing equal opportunity for all. Her service as the president of the Women's Council of Realtors and beloved participation in the Real Estate Political Action Committee afforded not only the great state of Missouri, but also our Nation an opportunity to share in the historical breakthrough of a unique and powerful woman to the apex of both respect and heroism in whose likes few before her have been held. As Federal political coordinator for the Fifth Congressional District, Marge proved only what I knew to expect from her since the first time she and I met, nothing but excellence and caring commitment.

We rejoice in the life of Marge today not only because she, like so many, sought to share in the American dream of the equality of opportunity for all of our neighbors, but because she tirelessly endeavored to make it a reality. Overcoming the adversity that once lay before her, a woman whose very heart and soul worked to shake the male-dominated establishment around her, Marge creates for not only all women, but all those held behind by the oppression of myopia, a bastion of hope and a model of success to guide them all to a promise of equality that we too often find neglected.

Madam Speaker, please join me in expressing our appreciation to my dearly departed friend, Marjorie L. Posey Pfaff, for her loving devotion and limitless dedication to serving the residents of Kansas City, the State of Missouri, and our Nation. Strong, sustainable societies are built upon a foundation of goodness and dedication. It is our hometown heroes, like Marge, the well revered and benevolent, who ensure the longevity of, and strengthen, our free and democratic way of life. May God continue to bless Marge as she lives on forever in our memories.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. BARROW. Madam Speaker, on May 8, 2008, I was unavoidably detained and missed Roll No. 295, on agreeing to the Hensarling amendment to H.R. 5818. Had I been present, I would have voted "no."

IN RECOGNITION OF DR. JERRY BEASLEY'S SERVICE TO CONCORD UNIVERSITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. RAHALL. Madam Speaker, I rise today to pay tribute to Dr. Jerry L. Beasley and his 23 years of service to the students and faculty of Concord University. Concord University is home to over 2700 of West Virginia's best and brightest students and one of the finest public universities in the Nation. Since 1985, Jerry has led the faculty and staff of Concord University as President of this great institution and is now set to retire on June 30, 2008.

Born and raised in Hinton, West Virginia, Jerry has devoted his life to improving our State's educational opportunities. He earned his bachelor's degree from Harvard College in 1966 and his master's in education degree in 1969. He worked at Harvard as an assistant to the admissions committee for the college before joining the West Virginia Commission of Higher Education. In 1972, he came to Concord College as a special assistant to the President before being hired by Waynesburg College as Vice President for Planning and Development from 1974–1982 where his efforts more than tripled gifts and grants for operations.

In 1979, he was awarded a Ph.D. from Stanford University where his doctoral research focused on innovations in State government. His last stop before returning to Concord was at West Virginia Wesleyan, where Jerry served as Vice President for Planning and Development. In 1985, Jerry became President at Concord, and in what would be the first of many signs of his lifelong dedication to the institution of higher learning, he decided to forgo the traditional inauguration and instead devoted the funds and efforts for the ceremony to the support of student scholarships.

During his tenure, Jerry has been a godsend to Concord University, helping it to expand and flourish, and has played a powerful role in developing one of the largest endowments of any West Virginia public college. At close to $23 million, the Concord University Foundation is number one among small public colleges and universities in the state. He also oversaw major changes and improvements to the campus from the physical plant, Marsh Hall, the science building and new technology centers on campus. From special assistant to the President to being installed as President himself, Jerry has left his mark on virtually every aspect of the University and touched countless lives around him.

Jerry's list of accomplishments far exceeds his years of service. He has nurtured generations of young minds and helped shape the higher education system in West Virginia. His dedication to his work and commitment to helping others are examples for us all.

I again congratulate Jerry on his 23 years of dedicated service to Concord University and wish his wife Jean and himself continued success in all their future endeavors here in Athens.

TAIWAN

HON. JOHN ABNEY CULBERSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. CULBERSON. Madam Speaker, on March 22nd, the people of Taiwan elected a new President with an impressive voter turnout of 76 percent. Outgoing President Chen Shui-bian and his administration pledged to transfer power peacefully to the new administration. This free and democratic transition could never have happened on the other side of the Taiwan Strait, which is why we must stand with Taiwan and guarantee its survival against threats from communist China.

Today Taiwan is a prosperous democracy that serves as a model for countries throughout the region and the developing world. Unfortunately, Taiwan faces a constant threat from the Chinese mainland. Right now there are over a thousand Chinese missiles aimed at Taiwan. The Chinese government has threatened to use force against Taiwan by passing the provocative Anti-Secession Law in 2005. The Chinese military buildup along the Taiwan Strait and the Anti-Secession Law threaten peace and democracy in the region. Madame Speaker, I hope you will join me in commending the Taiwanese people for their strength and refusal to allow mainland China to determine their future by force.

The Taiwan Relations Act forms the bedrock of our Taiwan policy and affirms that the future of Taiwan should be determined by peaceful means. The United States should continue to preserve and enhance the human rights of the people of Taiwan. As we bid farewell to President Chen and his administration this month, I know my colleagues will join me in reaffirming our commitment to preserve the peace, prosperity and liberty of the free people of Taiwan.

HONORING THE CITY OF GREENSBORO'S BICENTENNIAL CELEBRATION

HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. MILLER of North Carolina. Madam Speaker, I rise today to honor the City of Greensboro's Bicentennial Celebration.

Since 1808, the citizens of Greensboro have been pioneers in manufacturing, education, and civil rights for North Carolina and our Nation. Greensboro has been and remains a leader in economic and cultural development within North Carolina.

Greensboro became the "Gate City" at the turn of the last century, as North Carolina's rail trade and manufacturing center. Greensboro soon became a leader in North Carolina's textile industry. Henry Humphreys opened the state's first steam-powered cotton mill, and by the 1940s, Greensboro businesses were flourishing. Rayon weaving from Burlington Industries, denim from Cone Mills, and overalls from Blue Bell became some of the biggest manufacturers in the world for their products. In the late 1980s, the Piedmont Triad International Airport reestablished Greensboro's place as a travel and transportation hub for North Carolina.

Greensboro has always been at the forefront of education in North Carolina. Greensboro College, the first state-chartered college for women, opened its doors in 1833. In 1837, Quakers founded the first co-educational school in the state: Greensboro's "New Garden Boarding School," known today as Guilford College. Greensboro Technical Community College has provided training and education since 1958. What began as Women's College and is now The University of North Carolina at Greensboro, and North Carolina Agricultural and Technical State University, a historically black land grant institution, are state leaders in university research, development, and art. With such a strong concentration of academia, Greensboro has naturally developed a thriving cultural scene, particularly renowned for theater, music, and film. The last few decades have seen an expanded public library system, a children's museum, the Greensboro Coliseum Complex, and work in historic preservation.

Greensboro has played a pivotal role in the struggle for racial equality. Greensboro was a stop for the Underground Railroad, as citizens both black and white helped slaves escape to the North. In 1873, Greensboro founded the Bennett College for Women to provide education to newly emancipated slaves. On February 1, 1960, four North Carolina A & T students sat down at the Woolworth's white-only lunch counter. Ezell Blair, Jr., now Jibreel Khazan, Franklin McCain, Joseph McNeil, and David Richmond remained seated until the store closed, and returned the next day. The "Greensboro Four" inspired similar civil rights protests all over the South. The sit-in protest in Greensboro was the moment the civil rights struggle became a movement. Later, Greensboro's peaceful public school integration was a model for other communities all over the Nation. Today, Greensboro celebrates a diverse population, with citizens from Southeast Asian, Eastern European, Latin American, and African communities. Honoring the tradition begun with the Underground Railroad, Greensboro welcomes refugees from conflicts around the world in Sudan, Myanmar, Liberia, and on and on.

I am proud to honor the Bicentennial Celebrations of the City of Greensboro. And honored to represent its people in the United States Congress.

FRIEDREICH'S ATAXIA AWARENESS DAY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. ANDREWS. Madam Speaker, I rise today in support of Friedreich's Ataxia Awareness Day, which is recognized each year on the third Saturday in May. Friedreich's ataxia is a life-shortening neurological disorder that is usually diagnosed in childhood. It causes muscle weakness and loss of coordination in the arms and legs; impairment of vision, hearing and speech; scoliosis, diabetes; and a life-threatening heart condition. Most patients need a wheelchair full-time by their twenties. Life expectancy is reduced to early adulthood. There is currently no effective treatment or cure for Friedreich's ataxia.

Although there is no effective treatment or cure available, Friedreich's ataxia patients and families have more and more reason for real hope. In fact, that hope has been translated into increasing confidence that treatment and a cure for Friedreich's ataxia will be achieved. An extraordinary explosion of research insights has followed the identification of the Friedreich's ataxia gene in 1996. Since that discovery, research scientists have learned a great deal about the disorder. We now know what defects in the gene cause the disease, what protein the gene is supposed to produce, what that protein is supposed to accomplish, and why a shortage of the protein results in the cell death that leads to the disease symptoms. Investigators are increasingly optimistic that they are drawing closer to understanding more fully the causes of Friedreich's ataxia and to developing effective treatments. In fact, they have recently declared that, "in Friedreich's ataxia, we have entered the treatment era." That treatment era is being characterized by the two clinical trials already underway and four additional trials to be initiated over the next 12 months. These investigators and our patient families believe very strongly that these clinical trials will result in the first approved treatments for Friedreich's ataxia.

At the National Institutes of Health across the country and around the world, clinical trials for Friedreich's ataxia are being conducted on drugs that hold real promise. Growing cooperation among organizations supporting the research and the multidisciplinary efforts of thousands of scientists and health care professionals provide powerful evidence of the increasing hope and determination to conquer Friedreich's ataxia. There is also a growing conviction that treatments can and will be developed for this disease and that the resulting insights will be broadly applicable across a wide range of neurological disorders such as Parkinson's, Huntington's and Alzheimer's.

On the third Saturday of May, events will be held across our country to increase public awareness of Friedreich's ataxia and to raise funds to support the research that promises treatments for this disease. I applaud the Friedreich's Ataxia Research Alliance, FARA, for its contributions to these efforts and ask my colleagues to join me in recognizing May 17, 2008, as Friedreich's Ataxia Awareness Day to show our concern for all those families affected by this disorder and to express our support and encouragement for their efforts to achieve treatments and a cure.

INTRODUCING LEGISLATION TO STUDY METHODS OF ERADICATING ASIAN CARP FROM THE GREAT LAKES ECOSYSTEM, H.R. 6031

HON. MARK STEVEN KIRK
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 13, 2008

Mr. KIRK. Madam Speaker, I am proud to stand here today to introduce legislation which provides for the exploration of methods to eradicate the dangerous Asian carp from the Great Lakes.

Each year, invasive species in the Great Lakes cause more than $5 billion in economic damage and irreparable harm to an ecosystem that provides more than forty million people with jobs, water, food, and recreation. A new invader, the Asian carp, threatens to further destroy the region's ecosystem and economy, and it is imperative that we act to prevent this catastrophe.

A single barrier in the Chicago Sanitary and Ship Canal, built as a temporary demonstration project five years ago, is the only thing preventing these invaders from entering Lake Michigan and drastically altering the entire region's ecosystem. While Congress recently provided full authorization and funding for this critical barrier, it may not be enough to prevent the Asian carp from infiltrating the Great Lakes and the devastating consequences that would follow.

It is therefore critical that we also explore alternatives and supplements to the carp barrier. My legislation would direct the Fish and Wildlife Service in conjunction with the National Atmospheric and Oceanic Administration and Great Lakes States to conduct a study on the feasibility of a variety of approaches to eradicating Asian carp from the Great Lakes. The legislation specifically directs the agencies to study the feasibility of temporarily harvesting Asian carp as a means to eradicate the invasive species in an environmentally responsible manner.

I urge my colleagues to support this legislation to explore all possibilities to effectively eliminate the threat this dangerous species poses to our Nation's most precious natural resource.

IN HONOR OF THE 75TH ANNIVERSARY OF DOLE VETERANS MEDICAL CENTER IN WICHITA, KANSAS

HON. NANCY E. BOYDA
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 13, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I rise today to congratulate the staff and administrators of the Robert J. Dole Department of Veterans Affairs Medical Center, past, present and future.

For 75 years, the Dole Veterans Medical Center in Wichita, Kansas has improved the health and overall well-being of all veterans who visited. The capable and trusted staff has provided care, comfort and answers to multitudes of difficult questions. When our brave service men and women return home to the State of Kansas, they know, and they have known for three quarters of a century, that their wounds, whether physical or psychological, will not go untreated. They have encountered care, compassion and wisdom from the staff here at Dole Veterans Medical Center. With our support, that level of care will only increase.

In my first 2 years in office, this House has voted to add almost $18 billion more in veterans funding. Many of those dollars are directed specifically to health care needs which had, in the past, been grossly underfunded.

I will continue to fight for increases in funding directed toward veterans' health care programs, in order to help preserve the legacy of quality health care and fuel improvements for the future.

The Dole Veterans Medical Center, with its 75 years of success and unparalleled performance, is an absolute godsend. The State of Kansas thanks everyone involved in making that true and I ask that my colleagues join me in thanking them for their service and the service of all our Nation's veterans.

CHINA'S EARTHQUAKE

HON. JIM McDERMOTT
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 13, 2008

Mr. McDERMOTT. Madam Speaker, for the people in and around the city of Seattle, home to my Seventh Congressional District, the devastating earthquake in China is very personal and very painful.

For over a quarter century, Seattle and Chongqing, in the Sichuan province, hardest hit by the quake, have been sister cities. I'm proud that I was a member of the 1982 delegation which established the relationship with the people of Chongqing.

It is always difficult to see devastation on a scale like this, but it's especially hard when there are direct and personal ties, as there are with the people in Sichuan province, where the death toll keeps climbing.

The magnitude of this tragedy is hard to comprehend, and we want to help any way we can.

Seattle has a significant Chinese community and people are making every effort to obtain news about family members and friends.

And, as a community, we are involved in relief efforts.

Constituents in the Seventh Congressional District are donating money and supplies to international relief organizations.

Companies and organizations in and around Seattle are helping.

And, people across Washington are involved as well.

I applaud them all for their generosity and willingness to get involved.

I want the Chinese government and Chinese people to know that they are not alone in this time of tragedy.

Geography may separate us, but humanity unites us.

If you want to get involved, world renowned organizations like World Vision and Mercy Corps are leading relief efforts. All that we do will help.

SGT. LUKE SHIRLEY AND SPECIALIST JOSHUA SHIRLEY

HON. TIM MAHONEY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 13, 2008

Mr. MAHONEY of Florida. Madam Speaker, I rise today to honor two soldiers and brothers, Sgt. Luke Shirley and Specialist Joshua Shirley of LaBelle, Florida.

Sgt. Luke Shirley and Specialist Joshua Shirley bravely served their country in Iraq when Luke was severely injured by a land mine in December 2007. Upon returning home, Joshua received orders to return to Iraq. Joshua felt he could best serve his brother and his country by helping his brother and fellow soldier, Luke, recover and petitioned to stay in the United States.

The Department of the Army reassigned Specialist Joshua Shirley to a post in the Washington, DC area to allow him to be close to his recovering brother. Sgt. Luke Shirley's courage in battle and Specialist Joshua Shirley's devotion to his brother and his country exemplify what it is to be true American heroes. These brave young men put their lives on the line to serve our country. America owes them a debt of gratitude.

On behalf of LaBelle, the 16th District, and the United States, I would like to express my immense gratitude to Sgt. Luke Shirley and Specialist Joshua Shirley. Madam Speaker, please join me in honoring these remarkable young men.

Below is a poem written by Bert Caswell to honor the Shirley Brothers.

THE BOOK OF LUKE

The Book of Luke . . .
Written by a fine young Man, of Character. Courage, Honor and Truth!
Who went off to war, as had all his fine family of patriots . . . so many times as before.

It's all about a family. . . .
Who but for, God and Country. . . . so much pain and heartache endured! All for Our Freedom to ensure, as what they have given. . . . all in their living, they bore!

Luke, an Army Man. . . .
Who as one fine warrior, of strength in honor . . . and character does stand!
As him and his brother Josh too, both were on their third tours. . . . as together they would band!

When, in The
Face of Death!
With, only but an arm and leg so left . . . he would stand . . . all in this his most heroic quest!
To rebuild, as his heart to all so instills . . . of what is good, is great . . . of what is best!

For in him, there are no regrets!
Not looking back, for in life it's only about what you do in your short time . . . in those pages you have left!
As he has our Nation so blessed, as his soul to our's does so caress!

As this book he so writes . . .
To all hearts so invites, for us to look into our own live's . . . between what's wrong, and is right!
To so find in this world, what it is which burns bright . . . and what really counts, on this very night!

Chapter and Verse!
What have the words, of our lives so versed?
What have we so written, which so comes first?
For it's only the few, who have so who . . . have written and so shined so too . . . that for Heaven does search!
For we write the words, that our Lord and his Angels have read and so heard . . . which burn bright!
Found in all of our lives of courage, faith and sacrifice . . . are inspiration, touching all souls here tonight.
When, all is said and done . . . in what's really to be won when we leave this light!
Could we but write?
With our hearts and our souls, such a courageous fight . . . to march off into the dark, to leave the light!
To go off to war, for your country . . . such heartache and burdens bore . . . and rebuild, with no hope in sight!
In The Book of Luke, he has spoken . . .
Of chapters of faith he's invoking, of character and courage spoken . . . all in his actions invoking . . .
Of an American Hero, A Tale of Hope then . . . and Inspiration, To Teach our children, worth quoting!
The Heart!
The greatest of all things, which can not so be stopped nor so broken!
Which pound's, with his words of faith, courage and hope then, in The Book of Luke he has spoken!

In honor of Luke Shirley, and his brother Josh both in The United States Army . . . who came home with him to help him heal, and their family of generations who have fought for our country and given so much throughout the generations so we could live free. . . . Their uncles, Dwight Harris Williams Jr., Kenneth Wayne Williams, John Dennis Williams were all Marines and did tours in Vietnam.

THE DAILY 45: HELDER TOMAR

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 13, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. We have become too numb to the continued violence that plays out daily. On April 26, in Pawtucket, Rhode Island, 19-year-old Helder Tomar was shot and killed in Jenks Park in Central Falls. Unfortunately, this set off a cycle of teenage violence in Pawtucket and Central Falls.

According to a local newspaper, a young man said the obvious: "Death is part of life, but it's supposed to be natural, not by violence, not by strife."

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will Americans say, "Enough is enough, stop the killing."